

In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

February 19, 2013

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

Transcript of the 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, commencing
at approximately 6:30 p.m. on Tuesday,
February 19, 2013.

* * *

1 PROCEEDINGS
2 MAYOR PITTMAN: Meeting come to order.
3 Please rise for the Pledge.
4 ---
5 (Pledge of Allegiance)
6 ---
7 MAYOR PITTMAN: Thank you, and welcome to
8 everyone.
9 Call the roll, please.
10 CLERK BRYANT: Councilmember Alexander?
11 COUNCILMEMBER ALEXANDER: Here.
12 CLERK BRYANT: Councilmember Bates?
13 COUNCILMEMBER BATES: Here.
14 CLERK BRYANT: Councilmember Dean?
15 COUNCILMEMBER DEAN: Here.
16 CLERK BRYANT: Councilmember Fleming?
17 COUNCILMEMBER FLEMING: Here.
18 CLERK BRYANT: Councilmember Pachuta?
19 ---
20 (No response)
21 ---
22 CLERK BRYANT: Councilmember Patrick?
23 COUNCILMEMBER PATRICK: Here.
24 MAYOR PITTMAN: Thank you. Ms. Pachuta has
25 a work conflict tonight and may not be able to be

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 Robert Patrick
9
10 Sandra Bryant, Acting City Clerk
11 Cecil G. McClendon, Jr., City Attorney
12 Leonid Felgin, Associate City Attorney
13 Riley McLendon, LLC
14 315 Washington Avenue
15 Marietta, GA 30060
16 (770) 590-5900
17
18
19
20
21
22
23
24
25

1 here.
2 No approval of minutes.
3 We are going to be removing under City Hall
4 letter i) the Resolution Supporting Downtown
5 Development. Mr. Howe is not feeling well, so we will
6 be putting that on another agenda.
7 And the Urban Redevelopment Plan, a Council
8 member has that on the agenda, so we will be picking
9 that up at that time.
10 If we could put the first item on the next
11 agenda, please.
12 Also I would like to ask the Council for a
13 motion to add Building Inspector. We will be losing
14 our building inspector. He is going to be taking
15 another position, and we need to add that to the
16 agenda to discuss. If I could get a motion, please.
17 COUNCILMEMBER ALEXANDER: So moved.
18 MAYOR PITTMAN: Second?
19 COUNCILMEMBER BATES: Second.
20 MAYOR PITTMAN: Discussion?
21 ---
22 (No response)
23 ---
24 MAYOR PITTMAN: Call the roll, please.
25 CLERK BRYANT: Councilmember Alexander?

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1 COUNCILMEMBER ALEXANDER: Yes.
 2 CLERK BRYANT: Councilmember Bates?
 3 COUNCILMEMBER BATES: Yes.
 4 CLERK BRYANT: Councilmember Dean?
 5 COUNCILMEMBER DEAN: Yes.
 6 CLERK BRYANT: Councilmember Fleming?
 7 COUNCILMEMBER FLEMING: Yes.
 8 CLERK BRYANT: Councilmember Patrick?
 9 COUNCILMEMBER PATRICK: Yes.
 10 MAYOR PITTMAN: Thank you. And we will be
 11 adding that under Department Heads-Mayor, to discuss.
 12 Should be a very short item.
 13 Okay. Next is going to be Public Comments
 14 on Agenda Items Only. Public Comments on Agenda Items
 15 Only. Please limit your comments to three minutes,
 16 state your name for the court clerk.
 17 If you'd like to speak, if you could please
 18 help expedite and line up at the podium, please.
 19 MR. THOM ABBOTT: Good evening. Thom
 20 Abbott, Northwoods.
 21 I had a comment regarding the Urban
 22 Redevelopment Plan for Peachtree Pavilion. It is on
 23 the agenda for this evening. Is it still here?
 24 MAYOR PITTMAN: No, sir. It's been removed.
 25 MR. ABBOTT: Okay, great. Thank you.

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1 COUNCILMEMBER FLEMING: No. It's going to
 2 be with Mr. Patrick.
 3 MAYOR PITTMAN: But the one -- Mr. Patrick
 4 is still talking about his, but I don't know if it's
 5 specifically about the Peachtree Pavilion. That has
 6 been removed on the Peachtree Pavilion.
 7 If you want to speak about it generally,
 8 then, Mr. Patrick has that on there.
 9 MR. ABBOTT: No.
 10 MAYOR PITTMAN: Okay.
 11 MR. TOM HART: I think Thom was -- they were
 12 going to talk about Urban Redevelopment. That has not
 13 been taken off the agenda.
 14 MR. ABBOTT: Right, but I wanted to talk
 15 about specifically.
 16 MR. HART: Okay. There is a couple things.
 17 One is the pool contract, extending the pool
 18 contract. Normally, contracts are made for two years
 19 so they don't -- they don't -- they don't encumber the
 20 next administration, the next elected officials, so
 21 that's why they limit those to two years.
 22 Now, just before the city manager comes to
 23 the City three weeks or four weeks from now, they're
 24 trying to cram all these development plans and
 25 contracts through before the sheriff shows up in town,

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1 basically.
 2 So they're trying to extend the pool
 3 contract for three years as I understand it, which
 4 will encumber the next administration, which is
 5 basically -- as I see it, it's not legal in the state
 6 of Georgia, so that should be taken back off the
 7 agenda.
 8 Urban Redevelopment. The only urban
 9 redevelopment or condemnation of property in the city
 10 of Doraville I think should take place at 3475 Park
 11 Avenue, which is this building. The only blighting in
 12 the city of Doraville has come directly from the Mayor
 13 and the City Council. There's buildings built in
 14 flood plains. You've got a jail sitting in the middle
 15 of the city park. They plowed the city under and put
 16 a MARTA station in. They've got townhouses in the
 17 middle of flood plains where they're half built
 18 because the EPD shut it down. You've got all kind of
 19 problems.
 20 And they are not created by the citizens,
 21 they are not created by the businesses here; they're a
 22 direct result of actions over the last four years of
 23 the Mayor and the Council.
 24 They've lost your savings. They spent six
 25 million dollars of your savings and squandered it,

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1 they spent 1.2 million dollars on a one-acre park,
 2 and somehow it's your fault and they're going to
 3 blight 66 percent of the land area of the city because
 4 they're going to quote, "hire somebody."
 5 What is it? The G.M. plant going to open
 6 back up? Are we going to move the Mitsubishi plant in
 7 here that we need to give a tax credit for 5,000
 8 people? Do we have to raise people's commercial
 9 insurance rates, deprecate land values, lower tax
 10 revenues because of somebody's hairbrained scheme to
 11 redevelop the area by blighting the city?
 12 This is -- There is supposed to be a public
 13 hearing tonight. The businesses and land owners that
 14 are being blighted are not present. They haven't been
 15 notified. We even have a law in Doraville to notify
 16 people when rezoning their property. That has not
 17 been done.
 18 This is arguably one of the most corrupt,
 19 mismanaged governments in the state of Georgia.
 20 We've got a zoning application tonight where
 21 the land wasn't publicly posted for a rezoning.
 22 Thank you.
 23 MAYOR PITTMAN: Thank you.
 24 MS. SUSAN CRAWFORD: Susan Crawford,
 25 Oakcliff.

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1 On another note, I think you did a wonderful
2 job on the news tonight, and I was so happy to see you
3 or hear you say what you did about the Falcons
4 stadium. So thank you.
5 MAYOR PITTMAN: Thank you.
6 MS. CRAWFORD: Is the comp time an issue
7 tonight? because I would like to say something.
8 And I guess this isn't a popular position,
9 but, to me, if somebody works five hours of overtime,
10 they should be paid time-and-a-half. I mean they're
11 working over time, and especially with something like
12 911.
13 And I don't know. Unless they're making a
14 lot of money already and they don't need that extra, I
15 would suggest that you reconsider paying them. That's
16 generally what happens with overtime: they're paid;
17 they're compensated duly.
18 Also, I was sorry to hear that the inspector
19 is leaving. He was just at our house when we had a
20 trauma in the front yard with the sewer pipe breaking.
21 And he came. Even though his mother had died, he came
22 in between her death and her funeral to come and
23 inspect our yard so we didn't have a gaping maw for
24 the next week with the rain and everything, so.
25 And he was just very, very polite, very

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1 attentive and very professional. And I don't know. I
2 mean I guess it's not up to you to make him stay, but
3 maybe you could offer him a little more money or
4 something. I mean if we want professional people --
5 Is that somebody's chair squeaking or is
6 that the timer?
7 MAYOR PITTMAN: It's outside.
8 MS. CRAWFORD: Oh, okay, so I have more
9 time.
10 As far as what is on the agenda for the
11 opportunity zones, I believe it is, I would suggest
12 that if people in one area really are opposed to it,
13 then maybe you could pick another area to do it, like
14 the Burlington area. I don't know that you'd get
15 quite as much opposition there.
16 I do know that I don't like the blighting,
17 but it seems to me that you can't declare, you know, a
18 rose by any other name. If it's blighted, it's
19 blighted.
20 When I called -- I heard some alarming news
21 that my property values would go down and that the
22 insurance rates would go up for my house, so I called
23 State Farm and they said, "No, that's not at all true.
24 They said, "Your taxes go up if -- your insurance
25 rates go up if you have a fire station near your house

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1 and it suddenly goes away. Otherwise, no."
2 So thank you.
3 MS. CAROL GILMAN: Mayor, Council, Carol
4 Gilman, Northwoods.
5 My comment is on Item 8 h), the Pool
6 Contract Extension. I don't know the sense of urgency
7 with the contract extension, but as a business
8 consultant and as a resident here, I'd really like to
9 see us have a formal contract administration function.
10 And I think this is the type of function
11 that the new city manager could establish wherein we
12 have contracts that go through the approval process
13 that includes the user department -- in this case, it
14 would be recreation -- it would include legal, it
15 would include even economic development, planning and
16 zoning but all the key players sitting around the
17 table at one time.
18 And also as part of that process, we would
19 have ongoing analysis of the contracts looking for
20 opportunities to renegotiate or enhance our position.
21 We'd also be looking for other vendors that might
22 better serve us. I like to say everything is open to
23 negotiation except our integrity, and in that light,
24 to perhaps if we could delay this business until the
25 city manager arrives, someone who should be well

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1 versed in contract management.
2 Secondly, if I may, continually I hear
3 comments about the townhomes built in a flood zone and
4 shut down by the EPD. I think that might come under
5 planning and zoning, it might come under Opportunity
6 Zone. There's no telling. There are several places
7 on the agenda, if you will.
8 Construction was interrupted at the
9 townhomes where I reside on Chestnut Place. The only
10 shutdown was that the builder, their loan was called
11 by the bank.
12 We now have some good news in that a new
13 builder/developer is interested in those 12 pads that
14 remain. He purchased them; the closing was today.
15 And I want to correct any misinformation.
16 If there was a flood plain, then I look to the city
17 government to have dealt with that issue before I
18 moved into those particular townhomes on Chestnut
19 Drive.
20 The only issue with the EPD, I spoke
21 directly to that department several years ago, got a
22 letter of clearance about the one issue that is
23 continually raised. And I certainly hope that my city
24 council and I are on the same page in that regard with
25 those townhomes.

1 Thank you.
 2 MAYOR PITTMAN: Thank you, Ms. Gilman.
 3 MR. BEN CRAWFORD: Ben Crawford, Oakcliff
 4 Estates.
 5 I only want to speak on one item tonight,
 6 and that's the Opportunity Zone. And it's very easy
 7 for everybody to be throwing around rhetoric in
 8 talking about opportunity zones, but what I suggest is
 9 they get on the Department of Community Affairs' web
 10 site and read about opportunity zones before they talk
 11 about the blighting of the city and everything else.
 12 It's actually a tool that's developed by the
 13 state government to help areas that are under -- that
 14 are having economic issues, but it doesn't necessarily
 15 mean that you are living in a slum. We're in a
 16 blighted area.
 17 And it's something that I think is good for
 18 the City to be investigating. It could be a tool
 19 that'll help the city if it's handled properly and for
 20 future development in a certain zone.
 21 But anyhow, I suggest reading that
 22 information on the web site first. Thank you.
 23 MAYOR PITTMAN: Thank you, Mr. Crawford.
 24 MS. LINDY ORR: Lindy Orr, 3576 Raymond
 25 Drive.

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1 I just have two comments. One is on the
 2 renewal of the pool contract. Did this go out as an
 3 RFP? Because I'm going to tell you honestly, as
 4 somebody who uses that pool and uses it regularly,
 5 this pool company is not the pool company we need to
 6 be extending a contract on.
 7 So if we haven't put it out for RFP to bid
 8 for who's available, I think we're making an
 9 assumption that it's a good thing to automatically
 10 renew it. These people are not where they need to be
 11 to run this pool and make money at doing this for the
 12 city.
 13 The second comment that I have is regarding
 14 the overtime issue. From what I could read, what I'm
 15 seeing is that they have the option if they've
 16 accumulated overtime of either being paid, taking it
 17 as comp time or accumulating it and accruing up to 80
 18 hours, which is basically two weeks.
 19 I do not see any parameters around who makes
 20 those decisions. Is it the employee who says, "I'd
 21 rather be paid?" Who's going to monitor this? And if
 22 they are accruing this time and choose to use it at a
 23 later time so they can accrue up to 80 hours, at what
 24 point are they needing to use that? Does it need to
 25 be used within the year they've accrued it or is this

1 something that they can accrue and tack onto when they
 2 leave the City and then get paid out for that time?
 3 You don't want to leave accrued time out
 4 there forever and ever. There should be an end time
 5 on it so that if they've accrued it, it's completed
 6 and they've taken it within the year that they've
 7 accrued it so that it stops and they're not accruing
 8 year after year after year.
 9 Thank you.
 10 MAYOR PITTMAN: Thank you.
 11 MS. SUSAN FRAYSSE: Susan Fraysse, Spanish
 12 Oak.
 13 I want to speak in support of the discussion
 14 that we're initiating for the Opportunity Zones under
 15 New Business Section 11. I think it's a good idea for
 16 all the commercial areas in our city, and I think
 17 people get carried away with the idea of blighting is
 18 a negative slant on our city, a slap in our face, an
 19 insult. And basically I think, though, if we think
 20 about it, we all understand our commercial areas are
 21 blighted -- they meet all the criteria -- if you go to
 22 the web site they've been talking about, if you read
 23 more about how other cities have been able to use it.
 24 We have the criteria met here, and we could make the
 25 whole commercial area an opportunity zone which might

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1 lead to some redevelopment.
 2 And I'll make the point: one of my favorite
 3 and maybe my very favorite business in the city is the
 4 Buford Highway Farmers Market. It is not a blighted
 5 business. But at the corner, at the end of that
 6 building that he shares is a business that has been
 7 derelict. I mean it's empty, it's abandoned; it's
 8 blighted. And there's K-Mart across the street.
 9 So that's what I want to do is help to
 10 empower the City to remedy some of those ailing areas,
 11 and I hope that we give it a full hearing and that
 12 people will be supportive.
 13 Thank you.
 14 MAYOR PITTMAN: Thank you.
 15 MS. CINDY BRADFORD: Cindy Bradford,
 16 Northwoods.
 17 I know all about opportunity zones. I also
 18 know that ours are based on the Urban Redevelopment
 19 Act. And I had a 30- to 45-minute conversation with
 20 Luke Howe about it back when they -- when he first
 21 wanted to make the whole city an opportunity zone, and
 22 he said, absolutely, adjoining properties are
 23 considered blighted slums.
 24 And if you read just on the first page of
 25 the Urban Redevelopment Act, I believe "blight" and

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1 "slum" are used about a dozen times.
2 We spoke back in June or July about this,
3 and I believe then that we said our concern was our
4 zoning, and, to date, we still don't have a good
5 definition of "wholesale" and "retail" passed. So I
6 feel like making the city an opportunity zone will
7 only serve to attract more undesirable businesses.
8 We made it very clear when we packed the
9 house almost a year ago that we wanted tighter zoning,
10 better definitions and to start seeing some progress
11 with cleaning up our city.
12 And that, unfortunately, has not happened
13 yet. When that happens, then I'll be all for OZes.
14 Till then, I'm against them.
15 Thank you.
16 MAYOR PITTMAN: Thank you.
17 MR. STUART ANDERSON: Stuart Anderson.
18 One is I'm hoping that during the Charter
19 Changes discussion you can clarify something for me.
20 I might have misread it and/or clarified. It's about
21 the prosecuting officer in the courts being the same
22 as our city attorney and is there a conflict of
23 interest with Riley McLendon, or have I misread some
24 things?
25 Another thing is the rezoning for the

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1 church. I might have misread, but it didn't look like
2 it had been to the Planning Commission. I haven't
3 been to all the Planning Commission meetings so I'm
4 not really sure if it has or not.
5 And the last thing is the sanitation
6 responsibilities was a big long list of who's going to
7 do what on the web site. But since our new group,
8 whoever it is, is picking up our garbage, they keep
9 throwing it in the streets, I think the best thing I
10 can say about responsibilities is when they dump the
11 stuff and it ends up in the street, to stop and pick
12 it back up and put it in the truck.
13 Thank you.
14 MAYOR PITTMAN: Thank you.
15 Okay. Next on the agenda is under Mayor's
16 Comments. We are losing our building inspector. He
17 has taken a position in another city. And I think
18 we're going to find competition. As different cities
19 open up around us, they may be getting employees from
20 the various cities.
21 So he has done a very good job for us, but
22 since we are losing him --
23 Mr. Cooley, if you want to come up, this is
24 your department.
25 -- we need to make sure that we are covered

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1 during the time lapse whether this Council decides to
2 do a job posting or go out for a contract, or
3 obviously, I think some of them had mentioned wanting
4 to wait till Mr. Gillen gets here, which is fine,
5 but in the meantime, we cannot have a lapse. His last
6 day is Friday.
7 So I think we have put together some ideas,
8 and Mr. Cooley, would you share those, please?
9 MR. JOE COOLEY: I think what we need really
10 tonight is two things: One is the hiring freeze has
11 to be lifted so we can advertise. That is the primary
12 thing, because until we do that, we really can't be
13 contacting anyone.
14 The second thing is we really -- as the
15 Mayor said, we've got an issue where that's going to
16 take time. We have to advertise; we need to advertise
17 as quickly as possible.
18 We have the opportunity. Mr. Pierce knows
19 several people that might be interested in the job.
20 They're well-experienced. He can't really contact
21 them to any great depth until we lift the hiring
22 freeze, but he wants to do that and would like to talk
23 to them. He recommends one guy in particular that
24 he's interested in. He used to work for him in -- in
25 a building official someplace else, but these are the

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1 type of people.
2 What we want to try to do is advertise, go
3 ahead and then get the applications, you know, get it
4 in, try to identify some of these people like Tony has
5 identified, see if they're interested in applying, get
6 them to apply, and then go through the process.
7 But as the Mayor said, in the interim, we've
8 got a problem that we cannot shut down. You know,
9 without a building inspector to go out and do
10 inspections and to do plan review, we are in a
11 situation where everything comes to a halt.
12 In fact, with the new ordinance or the new
13 process that Dekalb County's put in place, it's going
14 to affect our occupational tax certificate. They're
15 requiring that plan specs, current specs, and either
16 an as-built drawing signed and sealed by an architect/
17 engineer, or they're saying a draftsman also. I
18 believe it's a draftsman, but they have to have a
19 current as-built.
20 We have to have those before we can accept
21 the occupational tax certificate, because our building
22 inspector has to approve it. Then it goes to Dekalb
23 County through the permitting processes and back
24 through.
25 So we're not just going to affect building

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1 projects; we're going to affect everything that's
2 happening within the city from occupational tax
3 placards.
4 The couple of options we've got: One, we
5 can look at a part-time. And what I'm hoping is that
6 Council will allow staff to go ahead and use a
7 temporary contract to hire someone on an hourly basis
8 to fill in purely as a temporary and maintain it
9 within the budget that we have left for the position,
10 but so we can just work forward.
11 To that end, we've talked to several people.
12 I've contacted several of the firms that do that
13 around here. I've contacted Clark Patterson & Lee
14 which is currently our contract for commercial plan
15 review, so we can give them the plan review -- but the
16 problem is we don't have anybody to inspect -- because
17 we are under contract with that. They've done
18 Dunwoody, Brookhaven's, others. A preliminary quote I
19 got from them was \$93.75 for a building inspector.
20 I contacted SAFEbuilt. They do Chamblee and
21 others. They have multiple approaches. They were
22 very nice and they actually sent over an emergency
23 contract if we needed it. But they were looking at
24 doing construction inspection services for \$50.00 per
25 hour, no travel charges and no other additional costs

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1 that they typically do, because of our situation.
2 They also have buildingofficial services -- which is
3 what Tom actually is; he does the review and that --
4 for \$75.00 an hour.
5 I've previously discussed this with someone
6 that filled in in a gap area before, John Calcaterra.
7 John made it clear that he's retired and that he's not
8 interested in any -- He's happy to if he needs to fill
9 in for an hour or two here and there, but if it's
10 anything that involves through the administrative
11 process and going through the Council and all that
12 process, that he was not interested.
13 So that's where we are right now. The two
14 things I say I would like to get from Council is:
15 one, lifting of the hiring freeze; and second, allow
16 administration to go ahead and see if we can find
17 somebody.
18 And talking -- and the response I got from
19 SAFEbuilt, I was very impressed, and their rate's
20 about half what the other one was, too. We can check
21 more out, but that's the process. I don't think we're
22 going to be able to get anybody in, having to go
23 through advertising in a time frame. So we've got to
24 have something to keep this thing rolling so we don't
25 shut the city down.

Page 23

1 MAYOR PITTMAN: Then again, that's just to
2 fill the gap. We also --
3 MR. COOLEY: It's just to --
4 MAYOR PITTMAN: -- reached out --
5 MR. COOLEY: -- fill the gap.
6 MAYOR PITTMAN: -- to Dekalb County, and
7 Dekalb is okay for hit-and-miss if someone was out, to
8 come in and help out like Mr. Calcaterra, but to -- to
9 do this --
10 MR. COOLEY: Right, and --
11 MAYOR PITTMAN: -- in the meantime till we
12 come up with something. We just can't have a gap.
13 MR. COOLEY: Right. And my suggestion is,
14 you know, let's fill the gap with this.
15 When the new city manager comes in, he may
16 want to look at whether we want to do an analysis, do
17 we want to go to a contract position? do we want to
18 hire somebody at the firm?
19 But at least carry this over with a
20 temporary thing until he gets here I think would be a
21 good idea.
22 MAYOR PITTMAN: Ms. Alexander?
23 COUNCILMEMBER ALEXANDER: We went to
24 SAFEbuilt earlier, and I think it would be good to
25 establish a relationship with them just like, you

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1 know, we had an emergency come up with Mr. Pierce, and
2 it would be good to have a backup, you know. It's a
3 one-man show, as you know. And they're going to
4 take -- we want them to take vacations. I think it
5 would be good to have an established relationship.
6 MR. COOLEY: And the nice thing about it on
7 this hourly basis, it's when we need it.
8 COUNCILMEMBER ALEXANDER: Right.
9 MR. COOLEY: And they do have something he
10 discussed. It's a software program that they provide
11 to the City that coordinates all that. You know, you
12 do the permit; it coordinates the reviews, it contacts
13 them directly when inspections.
14 I don't know all the details because it was
15 just a phone conversation, but I thought that was a
16 great idea, I mean, to be able to coordinate all that
17 and just utilize the time that we need.
18 Not saying -- I mean Tony works -- he could
19 work a lot more hours than he does, and he does
20 sometimes, but off the -- you know, just a little bit
21 off. But you know, we need a full-time person to do
22 both things, but, you know, in the interim, it might
23 take care of us.
24 MAYOR PITTMAN: Mr. Bates?
25 COUNCILMEMBER BATES: I'm fine with

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1 SAFEbuilt as an interim and let the city manager do an
 2 evaluation on time and experience and needs and those
 3 assessments.
 4 MAYOR PITTMAN: Absolutely.
 5 COUNCILMEMBER PATRICK: I've actually worked
 6 with SAFEbuilt and so I'm going to be neutral on this.
 7 Abstain.
 8 MAYOR PITTMAN: Ms. Fleming?
 9 COUNCILMEMBER FLEMING: SAFEbuilt is fine
 10 with me.
 11 And can you check to see if the knob on your
 12 microphone is on?
 13 MR. COOLEY: I think I just -- and I got to
 14 drive through it. I think I'm talking a little --
 15 COUNCILMEMBER FLEMING: I'm just not --
 16 MR. COOLEY: -- bit lower.
 17 COUNCILMEMBER FLEMING: -- hearing you very
 18 well.
 19 MR. COOLEY: Sorry.
 20 MAYOR PITTMAN: Ms. Dean?
 21 COUNCILMEMBER DEAN: Going with SAFEbuilt, I
 22 mean are we under any obligation to give them X-number
 23 of hours or --
 24 MR. COOLEY: No, ma'am. It's purely on the
 25 hours we need it --

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1 COUNCILMEMBER DEAN: Sure.
 2 MR. COOLEY: -- which is nice.
 3 MAYOR PITTMAN: Okay. So the hiring freeze,
 4 did you . . .
 5 MR. COOLEY: You know, I don't know what
 6 that requires.
 7 MAYOR PITTMAN: Well, we have to lift the
 8 hiring freeze if we want to go ahead and progress with
 9 that or, as some of them said, wait till Mr. Gillen
 10 gets here --
 11 MR. COOLEY: Well --
 12 MAYOR PITTMAN: -- to move forward, but we
 13 could be taking applications.
 14 MR. COOLEY: My recommendation is go ahead
 15 and let's open it up, get it posted where we need to
 16 get it posted, take applications, and then it can be
 17 discussed. We can set the timing for when he gets
 18 here, but --
 19 MAYOR PITTMAN: I think that --
 20 MR. COOLEY: -- just --
 21 MAYOR PITTMAN: I think that's a --
 22 MR. COOLEY: -- I would --
 23 MAYOR PITTMAN: -- good idea.
 24 MR. COOLEY: -- rather be ahead of the game
 25 then behind the 8-ball.

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1 MAYOR PITTMAN: Absolutely.
 2 So I would need a motion to lift the hiring
 3 freeze and then I also need a motion to work with
 4 SAFEbuilt. So if I could get a motion?
 5 COUNCILMEMBER ALEXANDER: Make a motion to
 6 lift the hiring freeze to hire or to place ads and
 7 start receiving resumes for a building inspector and
 8 also to contract pending legal review for interim
 9 services with SAFEbuilt.
 10 MAYOR PITTMAN: Second?
 11 COUNCILMEMBER BATES: Second.
 12 MAYOR PITTMAN: Discussion?
 13 ---
 14 (No response)
 15 ---
 16 MAYOR PITTMAN: Call the roll, please.
 17 CLERK BRYANT: Councilmember Alexander?
 18 COUNCILMEMBER ALEXANDER: Yes.
 19 CLERK BRYANT: Councilmember Bates?
 20 COUNCILMEMBER BATES: Yes.
 21 CLERK BRYANT: Councilmember Dean?
 22 COUNCILMEMBER DEAN: Yes.
 23 CLERK BRYANT: Councilmember Fleming?
 24 COUNCILMEMBER FLEMING: Yes.
 25 CLERK BRYANT: Councilmember Patrick?

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1 COUNCILMEMBER PATRICK: Abstain.
 2 MAYOR PITTMAN: Okay. Thank you.
 3 MR. COOLEY: Thank you. We'll get on this
 4 immediately.
 5 MAYOR PITTMAN: Okay. Thank you.
 6 Next on the agenda is Mr. Strickland and
 7 it's for Green Infrastructure Ordinance update.
 8 MR. STEVE STRICKLAND: Evening, Mayor and
 9 Council.
 10 As y'all know, we're actually looking at two
 11 different ordinances because one is zoning and one is
 12 non-zoning.
 13 So the first one after review, it's been
 14 suggested that on page 14, this will be under Section
 15 5 and then Section 17.5-201 Improvements, item number
 16 C would actually remain the same: four-foot wide
 17 sidewalks along both sides of all streets.
 18 COUNCILMEMBER BATES: You're actually
 19 talking about the building requirements.
 20 COUNCILMEMBER FLEMING: I don't have a page
 21 14.
 22 COUNCILMEMBER DEAN: I don't have --
 23 COUNCILMEMBER ALEXANDER: It's not in --
 24 COUNCILMEMBER DEAN: -- page 14 either.
 25 COUNCILMEMBER ALEXANDER: It's not what was

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1 given in our agenda packet.
2 MR. STRICKLAND: This is the -- this is the
3 first one that was carried over from last . . .
4 COUNCILMEMBER BATES: This is the section
5 that's under the building requirements under
6 Article 14; right?
7 MR. STRICKLAND: It is exactly -- let me
8 pull it up specifically -- 17.5 Subdivision, Article
9 5(1) Streets.
10 COUNCILMEMBER BATES: We don't have that
11 item on our agenda tonight.
12 COUNCILMEMBER FLEMING: Okay. The one that
13 was in the previous package, which I do have with me,
14 only goes to 13.
15 MR. STRICKLAND: It was the -- it was really
16 the only question that came up was were we going to do
17 four-foot sidewalks along at least one side or both
18 sides?
19 COUNCILMEMBER FLEMING: Oh, I'm sorry. 14
20 of 17. Okay.
21 COUNCILMEMBER BATES: That was the
22 subdivision regulations --
23 COUNCILMEMBER FLEMING: Right.
24 COUNCILMEMBER BATES: -- requirement.
25 Unfortunately, Mr. Strickland, we don't have

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1 that in our agenda tonight, so we --
2 MR. STRICKLAND: It was carried over from
3 the 4th.
4 COUNCILMEMBER BATES: It's not on the agenda
5 or in the agenda packet, so.
6 COUNCILMEMBER DEAN: I haven't reviewed it
7 so I would like this to come back, I mean even if it's
8 supposed to be here. I didn't see it on the agenda.
9 I had the revised Chapter 23, but that's all that I
10 have.
11 COUNCILMEMBER BATES: All we've got is
12 zoning tonight. Sorry.
13 COUNCILMEMBER ALEXANDER: It was supposed to
14 be carried over because Councilmember Bates and
15 Councilmember Pachuta were not here, and we knew that
16 Councilmember Bates had questions. So the four that
17 were here --
18 MAYOR PITTMAN: They did carry it over.
19 COUNCILMEMBER ALEXANDER: -- we asked that
20 it be carried over, and evidently it wasn't.
21 MAYOR PITTMAN: Can you --
22 COUNCILMEMBER ALEXANDER: I'm sorry.
23 COUNCILMEMBER BATES: Can we put it on March
24 4th?
25 MAYOR PITTMAN: Can you bring it back to us

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1 on March 4th?
2 MR. STRICKLAND: Sure.
3 MAYOR PITTMAN: Make sure everybody has the
4 information from previous.
5 MR. STRICKLAND: Yeah. It's -- there's
6 nothing new. It's the same one.
7 COUNCILMEMBER BATES: And I'm good with
8 the --
9 MR. STRICKLAND: Yeah, it's --
10 COUNCILMEMBER BATES: -- change. We just
11 need to have it on the right agenda.
12 MR. STRICKLAND: Okay. So just so
13 everyone's clear, again, it'll be Section 5, 17.5,
14 that's C. It would not be changed. It would remain,
15 "four-foot wide sidewalks along both sides of all
16 streets," and that would be for a newly platted
17 subdivision.
18 MAYOR PITTMAN: Just put this on the next
19 agenda, please.
20 COUNCILMEMBER BATES: Not the zoning. The
21 building.
22 MAYOR PITTMAN: Building.
23 MR. STRICKLAND: Or non-zoning.
24 ATTORNEY FELGIN: Then we'll have both
25 versions.

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1 COUNCILMEMBER BATES: This version's got to
2 go to the P.C.
3 ATTORNEY FELGIN: I know. We were bringing
4 this to y'all for the initial discussion before we
5 sent it through the Planning Commission process. But
6 we'll have the one that will need to be voted on as
7 well as this one just for discussion next time.
8 MAYOR PITTMAN: Yes.
9 MR. COOLEY: If I may, for the zoning one, I
10 think one of the things here is that what needs to
11 happen is for the Planning Commission to hear it,
12 because this is -- it needs work about the amount of
13 parking and things of that sort.
14 If y'all could direct the Planning
15 Commission -- this is a procedural thing, but ask
16 them, direct them to review it -- we can take it
17 directly to the Planning Commission because there's
18 work that needs to be done -- let them do their work
19 and then bring it back to y'all. I think it would
20 save both time on the zoning portion, not the other.
21 MR. STRICKLAND: Right. So the zoning
22 portion, the Council will direct it to go to the
23 Planning Commission to start the whole process.
24 COUNCILMEMBER DEAN: Well, I have a couple
25 of comments that I would like to share.

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1 MR. STRICKLAND: That's fine.
 2 COUNCILMEMBER DEAN: And maybe this is a
 3 typo. On page 4 of 13, it says, "The following table
 4 depicts," and "minimum" is marked out and it just
 5 says, "maximum number of concrete parking spaces," and
 6 then it has the listing.
 7 So there will be no minimum number of
 8 parking spaces?
 9 MR. STRICKLAND: Actually, that's one of the
 10 things we -- we've already discussed. We actually
 11 need a -- a minimum and a maximum --
 12 COUNCILMEMBER DEAN: Right, right.
 13 MR. STRICKLAND: -- for parking.
 14 COUNCILMEMBER DEAN: Good. Good, good,
 15 good.
 16 Okay. And the other thing is on -- it
 17 starts on page 7 of 13, and this is -- this is stated
 18 throughout: you take out the concrete curbing on the
 19 landscaping and parking lots, and I think that it's
 20 necessary that it's there, just because you have drawn
 21 up -- I mean how will you border? how will you
 22 contain that if there's no concrete curbing?
 23 MR. STRICKLAND: They actually don't want us
 24 to contain it. They want the -- the sheet flow of
 25 water to go directly into a landscape swale or a bio-

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1 swale. So the curbing would direct it into a pipe
 2 system.
 3 COUNCILMEMBER DEAN: Who is "they?"
 4 MR. STRICKLAND: This is all coming from the
 5 EPD as part of the suggestions for the green
 6 infrastructure. They're just trying to get less
 7 impervious and more groundwater recharge.
 8 COUNCILMEMBER PATRICK: And again, if we
 9 don't agree with one of their recommendations, that's
 10 our prerogative?
 11 MR. STRICKLAND: Absolutely, yeah. They're
 12 not giving very specifics; it's just kind of broad
 13 base. But there are tools out there that the review's
 14 kind of governed by --
 15 COUNCILMEMBER DEAN: Is this --
 16 MR. STRICKLAND: -- but the whole --
 17 COUNCILMEMBER DEAN: -- one of them, like
 18 the concrete curb? I mean this --
 19 MR. STRICKLAND: Absolutely.
 20 COUNCILMEMBER DEAN: -- this is a big deal
 21 for me, I mean just -- And just me. I'm just one of
 22 six, but this is a big deal for me.
 23 MR. STRICKLAND: Yeah. They want the water
 24 to go back into -- to stay on site and go back into
 25 the ground. If it goes into a pipe system, it's going

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1 to leave the site.
 2 COUNCILMEMBER FLEMING: But this is all for
 3 new -- new construction; is that correct?
 4 MR. STRICKLAND: New construction, or if
 5 somebody wanted to retrofit something or if they did
 6 want to go in there and take anything out.
 7 COUNCILMEMBER DEAN: Okay. So just
 8 hypothetically, I have a parking lot.
 9 MR. STRICKLAND: Uh-huh.
 10 COUNCILMEMBER DEAN: And I'm going to plant
 11 this tree in the parking. There's just going to be a
 12 tree, a hole in the pavement or in the asphalt and
 13 then nothing around it. Right?
 14 MR. STRICKLAND: Usually the islands are
 15 actually curbed. This would be at the end of the
 16 parking lot.
 17 COUNCILMEMBER DEAN: Okay. But this -- I
 18 think this is talking about the islands, though.
 19 MR. STRICKLAND: The one I'm looking at
 20 is . . .
 21 COUNCILMEMBER DEAN: There are several of
 22 them; correct?
 23 MR. STRICKLAND: Right. Landscape --
 24 COUNCILMEMBER DEAN: And it says --
 25 MR. STRICKLAND: -- islands.

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1 COUNCILMEMBER DEAN: It says here, for
 2 example, at the bottom of page 713 -- and there are
 3 two on this page -- one space for every 300 square
 4 feet of gross floor area provided concrete curb
 5 landscaped islands and the concrete curb is taken out.
 6 MR. STRICKLAND: Right.
 7 COUNCILMEMBER DEAN: So it's just provided
 8 landscaped islands. But if there's no curbing, then
 9 what is to keep that from washing away?
 10 And I understand you're saying that they
 11 want it to wash away, but I can't see that being a
 12 beneficial thing either aesthetically or for a plant.
 13 MR. STRICKLAND: What you could put in would
 14 be the curb stops --
 15 COUNCILMEMBER DEAN: What are curb stops?
 16 MR. STRICKLAND: -- that are not contiguous.
 17 COUNCILMEMBER BATES: Wheel stops.
 18 MR. STRICKLAND: Wheel stops.
 19 COUNCILMEMBER BATES: The blocks.
 20 COUNCILMEMBER DEAN: Not the -- not the --
 21 MR. STRICKLAND: It's not --
 22 COUNCILMEMBER DEAN: -- railroad ties;
 23 right?
 24 MR. STRICKLAND: -- contiguous. It's just a
 25 -- it's a wheel stop that the water could -- could go

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1 around if there was concern about, you know, running
2 into the tree, and that is a concern. But they do
3 just want to do away with all of the curbing, because
4 that -- would be a way to get the water into the
5 island.
6 COUNCILMEMBER DEAN: Uh-huh.
7 COUNCILMEMBER PATRICK: In developments that
8 have landscaping, wood chips or something like that or
9 pine straw, and it rains, what's containing all of
10 that so that it doesn't sheet down into --
11 MR. STRICKLAND: Nothing.
12 COUNCILMEMBER BATES: Nothing.
13 COUNCILMEMBER PATRICK: -- the rest of the
14 -- And that's -- that's the concerns that I have.
15 COUNCILMEMBER DEAN: Right.
16 MR. STRICKLAND: Yeah. And I'm not saying
17 this all makes perfect sense.
18 COUNCILMEMBER BATES: From an anesthetic
19 standpoint, I'm not in favor of --
20 COUNCILMEMBER DEAN: Okay, good.
21 COUNCILMEMBER BATES: -- of this.
22 COUNCILMEMBER FLEMING: Curbed.
23 COUNCILMEMBER DEAN: Right.
24 COUNCILMEMBER FLEMING: Curbed landscape,
25 absolutely.

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1 COUNCILMEMBER BATES: This is to me a non-
2 starter, so.
3 COUNCILMEMBER DEAN: All right. Good.
4 Okay. So this is going to go before the
5 Planning Commission and come back to us; right?
6 COUNCILMEMBER BATES: Are they scheduled to
7 hear this March 6th?
8 MAYOR PITTMAN: Yes.
9 MR. COOLEY: Yes, they are.
10 COUNCILMEMBER PATRICK: If we have concerns
11 after reviewing this, is it appropriate to forward it
12 to Joe, who puts it to the Planning Commission, or do
13 we have to listen -- it originates with them and comes
14 to us?
15 MR. COOLEY: I'm sure they will be happy
16 getting comments that you want, They really need to
17 look at it. And one of the things I have is just I'm
18 saying about the minimums/maximums, you know, they
19 need to work on it. So I think any comments that you-
20 all would have forwarded to the Planning Commission
21 probably would be well received.
22 MAYOR PITTMAN: Okay. Mr. Strickland, thank
23 you.
24 MR. STRICKLAND: Okay. Thank y'all.
25 MAYOR PITTMAN: Okay. I believe Ms. Henry

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1 has something she wanted to say this evening --
2 MS. TAMMY HENRY: I do, just briefly.
3 MAYOR PITTMAN: -- from the library, our
4 library director. Welcome.
5 MS. HENRY: Thank you. Good evening.
6 Mayor and Council, every year we have to
7 present to --
8 MAYOR PITTMAN: Could you speak up just a
9 little bit or maybe speak into the microphone.
10 MS. HENRY: Okay. Good evening.
11 Every year, we have to present to the
12 Georgia library board our existence. We have to give
13 them an annual report of what our library has done, so
14 I just want to give you the annual report that I have
15 presented to the state department to establish our
16 existence.
17 They basically want to know how many people
18 are employed in the library, how many items we have
19 circulated, how much money we have collected. So I
20 just put this so that you can have a copy of what was
21 presented to the State for our existence.
22 And also, all of the numbers come from
23 Dekalb County. Most people are not aware that when
24 one walks into the library, it's an automatic clicker
25 on the door that keeps up with the door count, and

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1 they subtract how many employees work in the library,
2 us coming in and out, us going in and out for lunch
3 day to day. So that's where the numbers come from.
4 Dekalb County keeps up with our circulation
5 based on how many books or items we check out every
6 month, so that's where those numbers come from.
7 So I just want you to know that it's
8 required by the State to submit this information. So
9 this is my second year of doing this so I just want
10 you to know before I give them out to the public.
11 This is the annual report for the Doraville library.
12 And just want to let you know what we're
13 doing. Great things are going on at the library.
14 We're having fun. I just left the library. All the
15 seats are taken. It's not one empty seat up there.
16 It's busy.
17 So just keep the library in mind with
18 upcoming -- Lisa -- expansions and business, that we
19 really need to consider one day updates to the
20 library.
21 MAYOR PITTMAN: And Tammy, I just want to
22 say you and your staff are doing an outstanding job
23 and we very much appreciate you.
24 MS. HENRY: Thank you. We're having fun.
25 COUNCILMEMBER BATES: This looks great.

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1 Thank you very much.
 2 Would you give us a 2011 comparison to 2012
 3 just to kind of see where the numbers -- Not right now
 4 but --
 5 MS. HENRY: Oh.
 6 COUNCILMEMBER BATES: -- send us kind of a
 7 comparative analysis of --
 8 MS. HENRY: I can do that.
 9 COUNCILMEMBER BATES: -- the numbers,
 10 because my belief is that the numbers have increased
 11 just because of the programs that you guys are
 12 offering, and the feedback from the community has
 13 always been great, so I'm just curious as to how the
 14 numbers . . .
 15 MS. HENRY: I will. I will be more than
 16 glad to give it to you, but one note is that something
 17 has decreased, and I'll tell you what it is.
 18 Of course the total hours of library
 19 operation, because, remember, we close -- we're now 40
 20 hours a week instead of 52 -- and that affected the
 21 number of visitors because we shut down Fridays and
 22 one night.
 23 COUNCILMEMBER BATES: Sure.
 24 MS. HENRY: So sure; but I'll get it to you.
 25 COUNCILMEMBER BATES: Thank you.

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1 And if you're not a Friend of the Library,
 2 please become one.
 3 MS. HENRY: And if you don't have a library
 4 card, please come and get one. It's the only free
 5 card in your wallet.
 6 MAYOR PITTMAN: Thank you so much.
 7 Next on the agenda is Parks & Recreation,
 8 Mr. Robertson.
 9 I believe you have two things to discuss. I
 10 believe you're losing one of the part-time employees;
 11 they are taking another full-time position somewhere,
 12 and --
 13 MR. ROBERTSON: Yes, ma'am.
 14 MAYOR PITTMAN: -- then you're going to
 15 speak about the pool contract.
 16 MR. ROBERTSON: Yes, ma'am.
 17 I am asking that the Council lift the hiring
 18 freeze to allow me to hire -- replace an existing
 19 annual part-time employee that has found full-time --
 20 a full-time position elsewhere. This is a fully-
 21 funded existing position. It's not new; it's just
 22 replacing somebody that's leaving.
 23 MAYOR PITTMAN: Okay. Any questions?
 24 COUNCILMEMBER BATES: Make a motion to lift
 25 the hiring freeze for the part-time Parks & Rec

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1 employee.
 2 MAYOR PITTMAN: Do I get a second?
 3 COUNCILMEMBER ALEXANDER: Second.
 4 MAYOR PITTMAN: Discussion?
 5 - - -
 6 (No response)
 7 - - -
 8 MAYOR PITTMAN: Call the roll, please.
 9 CLERK BRYANT: Councilmember Alexander?
 10 COUNCILMEMBER ALEXANDER: Yes.
 11 CLERK BRYANT: Councilmember Bates?
 12 COUNCILMEMBER BATES: Yes.
 13 CLERK BRYANT: Councilmember Dean?
 14 COUNCILMEMBER DEAN: Yes.
 15 CLERK BRYANT: Councilmember Fleming?
 16 COUNCILMEMBER FLEMING: Yes.
 17 CLERK BRYANT: Councilmember Patrick?
 18 COUNCILMEMBER PATRICK: Yes.
 19 MAYOR PITTMAN: Okay. Thank you.
 20 MR. ROBERTSON: Second agenda item is the
 21 pool contract extension. I am suggesting the three-
 22 year extension. This is simply a three-year
 23 extension. It's the cheapest version of any of the
 24 extensions that are provided to the contract that was
 25 sent out for RFP last year. The contract was awarded

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1 prior to my arrival here.
 2 I know that there were some issues last year
 3 with the pool. I know we did not open on time and
 4 there was some -- some rushing that happened.
 5 What I'm asking is that this be extended.
 6 It's the cheapest. Like I said, it's the cheapest
 7 version. It does, however, require that it be
 8 approved by Council each of those -- the three
 9 extended years.
 10 Now, we do retain the right for cancellation
 11 with -- with notification to the pool company. If for
 12 some reason we decide to terminate the contract, we
 13 can actually terminate it at any time. But I was just
 14 looking at the cheapest version for our situation.
 15 This will also allow us ample time to get
 16 ready for the pool opening, for us to have sufficient
 17 input into who the manager is, who the guards are. It
 18 will also allow us ample time to hire somebody.
 19 We do have a seasonal position that's up
 20 there every day, and we were kind of rushed in hiring
 21 that individual last year as well. And I believe by
 22 having this extended period, we'll alleviate some of
 23 the issues that we experienced up there last year.
 24 MAYOR PITTMAN: Thank you.
 25 Ms. Alexander?

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1 COUNCILMEMBER ALEXANDER: I think that was
2 one of the greatest complaints that I had heard is not
3 having enough lifeguards or them not being prompt.
4 MR. ROBERTSON: Yes, ma'am.
5 COUNCILMEMBER ALEXANDER: And safety is
6 always a great concern --
7 MR. ROBERTSON: Absolutely.
8 COUNCILMEMBER ALEXANDER: -- of mine,
9 especially when you have children around water.
10 And I know you inherited that, I think, like
11 before you even started, and you still had to come in
12 and handle that on the weekend.
13 But we all have learned how important the
14 pool is to our citizens.
15 MR. ROBERTSON: Yes, ma'am. And one of the
16 things that we will do this year is the person that we
17 hire as our part-time seasonal employee will be a
18 certified lifeguard.
19 COUNCILMEMBER ALEXANDER: Are you still --
20 When were you thinking of opening? On May 27? Is
21 that what you were thinking? I think that would be
22 Memorial Day.
23 MR. ROBERTSON: I had May 25th, which is the
24 Saturday of --
25 COUNCILMEMBER ALEXANDER: Oh, the --

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1 MR. ROBERTSON: -- Memorial Day weekend.
2 COUNCILMEMBER ALEXANDER: -- Saturday
3 before. Okay.
4 MAYOR PITTMAN: Okay. Mr. Bates?
5 COUNCILMEMBER BATES: You've worked with USA
6 Pools previously; correct?
7 MR. ROBERTSON: Yes, sir.
8 COUNCILMEMBER BATES: Based upon your
9 working with them in the past and the feedback that
10 you got on the performance of them last year, are you
11 comfortable moving forward with them if you've got
12 control over who they put at that pool?
13 MR. ROBERTSON: Yes, sir. I have personally
14 spoken with the owner of USA Pool and informed him
15 that we will have some input into who goes into our --
16 COUNCILMEMBER BATES: Because I want --
17 MR. ROBERTSON: -- community pool.
18 COUNCILMEMBER BATES: -- to echo what
19 Ms. Alexander said, that the feedback and complaints
20 that I received was, you know, lifeguards not paying
21 attention, lifeguards playing in the pool versus, you
22 know, lifeguarding the pool.
23 MR. ROBERTSON: Yes, sir.
24 COUNCILMEMBER BATES: If you're comfortable,
25 I'm not going to second-guess your knowledge of this

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1 area.
2 MR. ROBERTSON: Yes, sir. I've actually
3 worked with USA Pool for over 15 years, I mean had an
4 ongoing relationship with them.
5 COUNCILMEMBER BATES: Thank you.
6 MAYOR PITTMAN: Thank you.
7 Mr. Patrick?
8 COUNCILMEMBER PATRICK: No general questions
9 about that, but just to confirm from last year, Maria
10 had mentioned the installation of the lift. And that
11 is going to happen?
12 MR. ROBERTSON: Yes, sir, it will. It is
13 required to be in prior to our opening.
14 COUNCILMEMBER PATRICK: Okay. Thank you.
15 COUNCILMEMBER FLEMING: Could you tell me
16 when the original contract expiration date is?
17 MR. ROBERTSON: I believe it's June 1st.
18 COUNCILMEMBER FLEMING: And just as a
19 comment, I think the delay in opening was partly our
20 fault because we never got around to making a decision
21 as to who we were going to use. So that's part of it.
22 Once we decided, then it was a hurry-up type
23 thing, and so I don't think that was USA Pool's
24 problem. I think, you know, it was one of those
25 things.

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1 Also, they have been servicing it throughout
2 the winter months, whereas the year before, it had not
3 been.
4 MR. ROBERTSON: Yes, ma'am.
5 COUNCILMEMBER FLEMING: So the initial
6 start-up, do you have any idea how long that would
7 take?
8 MR. ROBERTSON: Just a matter of a few days.
9 COUNCILMEMBER FLEMING: Okay.
10 MR. ROBERTSON: The biggest thing we need to
11 do is get the handicap access installed.
12 COUNCILMEMBER FLEMING: Have they given you
13 any indication how long that would take, number one,
14 to purchase or to bring in?
15 MR. ROBERTSON: No, ma'am.
16 COUNCILMEMBER FLEMING: Are they --
17 MR. ROBERTSON: I'm actually --
18 COUNCILMEMBER FLEMING: -- going to --
19 MR. ROBERTSON: -- meeting --
20 COUNCILMEMBER FLEMING: -- have to order it?
21 MR. ROBERTSON: -- with them Monday.
22 COUNCILMEMBER FLEMING: Okay.
23 MR. ROBERTSON: And I'll have some confirmed
24 dates on that.
25 COUNCILMEMBER FLEMING: Okay. Thank you.

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1 MAYOR PITTMAN: Ms. Dean?
2 COUNCILMEMBER DEAN: State law --
3 And Lenny, please correct me if I'm wrong.
4 I have a call in to Cecil; I've not yet heard from
5 him.
6 But State law dictates that we can only have
7 a contract for one year, not to exceed one year. Is
8 that correct?
9 ATTORNEY FELGIN: Yes.
10 COUNCILMEMBER DEAN: Okay. So I am --
11 ATTORNEY FELGIN: You can also have a
12 termination --
13 COUNCILMEMBER DEAN: Right, okay.
14 ATTORNEY FELGIN: -- condition.
15 COUNCILMEMBER DEAN: And we had this
16 discussion when we were talking about the Advanced
17 Waste issue.
18 I am absolutely not in favor of offering
19 anyone an extended contract -- three years, two
20 years -- because the law I think is set up to allow
21 competition. I think that companies change,
22 businesses change, business plans change, and I think
23 that we would be short-sighted if we say, "Oh, great.
24 You're okay now, and forget about what's out there.
25 We're not even going to look, because we're okay with

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1 these people."
2 Last year, right, we had a problem with this
3 contract last year because we received bids but it
4 wasn't made known to Council, and so there was a huge
5 issue with the bidding process last year.
6 I think that we should go out for a bid the
7 way we always go out for bids. I think it's only fair
8 to the businesses, I think it's fair to our citizens.
9 And I have received a number of complaints from this
10 company, so I would be not in favor of this at all.
11 MAYOR PITTMAN: Okay. Thank you.
12 Anyone else?
13 COUNCILMEMBER ALEXANDER: I have a question
14 for Ms. Ferguson.
15 Can we use a portion of our HOST funds to
16 pay for the ADA lift? because it's bolted down, and
17 that was the criteria you gave me.
18 MS. LISA FERGUSON: I don't feel comfortable
19 answering that right now.
20 COUNCILMEMBER ALEXANDER: Okay.
21 MS. FERGUSON: Let me check on it.
22 COUNCILMEMBER ALEXANDER: Okay. Because I
23 think it was what? like 11 or 12 thousand? It was a
24 good bit of money.
25 MR. ROBERTSON: I think it's seven thousand.

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1 COUNCILMEMBER ALEXANDER: Seven thousand?
2 MR. ROBERTSON: Yes, ma'am.
3 COUNCILMEMBER ALEXANDER: Okay.
4 COUNCILMEMBER FLEMING: Well, that was last
5 year.
6 MAYOR PITTMAN: So do I get a motion?
7 COUNCILMEMBER BATES: Well, I'm not in favor
8 of a multi-year on this one just because of the issues
9 that we had last year. I want another year under
10 their belt just to kind of iron those out and make
11 sure that it's a smooth process.
12 And I agree with Ms. Dean that I'm much more
13 in favor of putting things out for bid on a more
14 regular occurrence, but I'll make a motion to renew
15 for 2013 only.
16 MR. ROBERTSON: Can I just make a statement
17 about that?
18 If we extend it for one year, it's a three
19 percent increase versus if we do it -- if we say we're
20 going to do it for three years, we can always come
21 back in January of next year and say, "We're going to
22 send it out for bid" --
23 COUNCILMEMBER BATES: But --
24 MR. ROBERTSON: -- and send them a
25 cancellation letter.

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1 COUNCILMEMBER BATES: But without -- And so
2 with that being said, I'm withdrawing the motion but
3 I'm going to ask that we then table this because I
4 want to look at the paragraph 30 of the original
5 contract, which is the "out" clause.
6 Because if we've got the ability of doing
7 that, I'm fine with the three-year if we can get out
8 without cause.
9 And Lenny, I'm looking at you, because, you
10 know, I'm going to look to you guys to review that and
11 provide us with information back on what the rules are
12 for canceling.
13 ATTORNEY FELGIN: We have a 30-day
14 cancellation of the contract.
15 COUNCILMEMBER BATES: But is it with or
16 without cause?
17 COUNCILMEMBER FLEMING: Without cause. It's
18 a 30-day blanket cancellation.
19 COUNCILMEMBER BATES: So if I'm under-
20 standing this correctly, we can go into a three-year
21 contract knowing that we're planning on canceling it
22 in January of next year, get the --
23 ATTORNEY FELGIN: Yes.
24 COUNCILMEMBER BATES: -- two percent
25 reduction rate.

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1 ATTORNEY FELGIN: Yes.
2 COUNCILMEMBER BATES: That just --
3 ATTORNEY FELGIN: That's the same thing we
4 did with Advanced Disposal, actually. We did it for
5 two years even though we could cancel at the end of
6 this year and you still get the two-year rate.
7 COUNCILMEMBER DEAN: But with Advanced, we
8 only have a one-year contract; right?
9 ATTORNEY FELGIN: Yeah.
10 For example, they had offered like a two- or
11 three-year rate, and if they had chose that, we still
12 could have canceled the first year and kept the lower
13 rate.
14 COUNCILMEMBER BATES: This is me being a
15 naive business owner now: What's the incentive for
16 the business to offer us a multi-year agreement
17 knowing that we can get out of it at any time?
18 ATTORNEY FELGIN: Well, I guess -- I'm not a
19 businessman so I can only guess that in customer
20 relations they want to get something at the front end
21 in the hopes that they will retain the customer on the
22 back end.
23 COUNCILMEMBER FLEMING: There's not a buy-
24 out to that contract --
25 ATTORNEY FELGIN: There is no --

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1 COUNCILMEMBER FLEMING: -- even though --
2 ATTORNEY FELGIN: -- buy-out. There's no
3 buy-out in this agreement. There's no by-out that I
4 see listed in here in the extension, and there was no
5 buy-out in the Advanced Disposal agreement.
6 COUNCILMEMBER DEAN: Is there anything in
7 the law that says we have to send this contract out
8 for bid?
9 ATTORNEY FELGIN: No.
10 COUNCILMEMBER DEAN: No?
11 COUNCILMEMBER FLEMING: Nothing. It's only
12 our purchasing rules or policy, and that's changed by
13 the Council, the opportunity to extend it.
14 If you already have a contract, our
15 purchasing policies don't require you to go out for
16 RFP again, so it's up to the Council.
17 The only thing required to be RFP by State
18 law are public works contracts over a hundred thousand
19 dollars.
20 COUNCILMEMBER FLEMING: Mr. Bates, even
21 though you've made excellent points, I am not
22 comfortable for a three-year contract because it's
23 going to . . . We've got elections coming up this
24 year, and I don't want to --
25 COUNCILMEMBER DEAN: That's the purpose for

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1 the law; right?
2 COUNCILMEMBER ALEXANDER: So it could --
3 COUNCILMEMBER DEAN: You can't impede --
4 COUNCILMEMBER ALEXANDER: -- save us money.
5 COUNCILMEMBER DEAN: -- the next admini-
6 stration.
7 COUNCILMEMBER ALEXANDER: So it could save
8 us money.
9 ATTORNEY FELGIN: It's not just the next
10 administration; it's --
11 COUNCILMEMBER FLEMING: I know.
12 ATTORNEY FELGIN: -- the next Council.
13 MAYOR PITTMAN: One at a time, please.
14 COUNCILMEMBER BATES: What's the dollar
15 amount on the contract?
16 MR. ROBERTSON: With the one percent
17 increase, it's \$37,000.
18 COUNCILMEMBER BATES: I'm not making a
19 motion. I made and withdrew, so I'll leave it to
20 somebody else.
21 MAYOR PITTMAN: Anyone willing to make a
22 motion of any kind?
23 COUNCILMEMBER PATRICK: I'll make a motion
24 for a three-year extension --
25 Do I understand that correctly?

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1 MR. ROBERTSON: Yes, sir.
2 COUNCILMEMBER PATRICK: -- which entitles us
3 to the one percent increase. So I think we've capped
4 it out at \$37,085 or something like that?
5 MR. ROBERTSON: Twenty-six sixty.
6 MAYOR PITTMAN: Do I get a second?
7 - - -
8 (No response)
9 - - -
10 MAYOR PITTMAN: Do I get a second?
11 COUNCILMEMBER ALEXANDER: And you're
12 positive there is no cancellation fees, no --
13 ATTORNEY FELGIN: There's no cancellation
14 fees in the agreement that we signed last year. I
15 don't see any cancellation fees in this one-page
16 extension.
17 COUNCILMEMBER ALEXANDER: So if we get a
18 bill, we can deduct it from your pay?
19 Second.
20 MAYOR PITTMAN: Any discussion?
21 - - -
22 (No response)
23 - - -
24 MAYOR PITTMAN: Call the roll, please.
25 CLERK BRYANT: Councilmember Alexander?

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1 COUNCILMEMBER ALEXANDER: Yes.
 2 CLERK BRYANT: Councilmember Bates?
 3 COUNCILMEMBER BATES: No.
 4 CLERK BRYANT: Councilmember Dean?
 5 COUNCILMEMBER DEAN: No.
 6 CLERK BRYANT: Councilmember Fleming?
 7 COUNCILMEMBER FLEMING: Did you ask for
 8 discussion?
 9 MAYOR PITTMAN: Uh-huh.
 10 COUNCILMEMBER FLEMING: Sorry. I was
 11 reading. It says "the owner," Us, I guess. I'm
 12 sorry. This is my vote. "Owner may cancel the
 13 extension of the swimming pool management agreement
 14 for nonperformance by the company." Doesn't say
 15 anything about for no cause.
 16 ATTORNEY FELGIN: The original contract
 17 which this refers to, which it doesn't amend, the rest
 18 of the contract allows for a 30-day extension -- a 30-
 19 day termination for no reason at all. I know that,
 20 because I wrote it in it. I wrote it in there last
 21 year.
 22 COUNCILMEMBER BATES: I really would like to
 23 take a look and get a copy of paragraph 30 of the
 24 original contract, so I would request that we postpone
 25 this to March 4th.

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1 COUNCILMEMBER ALEXANDER: Because if this is
 2 signed, then it is going to supersede the contract
 3 language.
 4 ATTORNEY FELGIN: Only in provisions that
 5 are being superseded explicitly. Everything else --
 6 COUNCILMEMBER ALEXANDER: -- because it does
 7 say nonperformance.
 8 ATTORNEY FELGIN: Nonperformance provisions
 9 in the original contract, but there's also termination
 10 for convenience.
 11 COUNCILMEMBER BATES: I would be more
 12 comfortable with taking a look at paragraph 30 because
 13 that's specifically referenced in the extension. That
 14 would be my preference.
 15 MAYOR PITTMAN: Do you want to withdraw the
 16 one before?
 17 COUNCILMEMBER ALEXANDER: Well, if Pam votes
 18 no, it dies and then you can put it on the next
 19 agenda.
 20 MAYOR PITTMAN: Well, she hasn't voted yet.
 21 We have a motion and a second.
 22 COUNCILMEMBER FLEMING: Okay. Sandra, could
 23 you give me the voting, since I was reading? I'm
 24 sorry.
 25 CLERK BRYANT: Ms. Alexander said yes,

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1 Mr. Bates said no. Ms. Dean said no.
 2 COUNCILMEMBER FLEMING: No.
 3 MAYOR PITTMAN: Okay.
 4 COUNCILMEMBER ALEXANDER: Put it on the next
 5 agenda.
 6 MAYOR PITTMAN: Motion dies. Put it on
 7 March 4th.
 8 COUNCILMEMBER BATES: Thank you.
 9 MAYOR PITTMAN: Thank you.
 10 Well, that's not going to bring
 11 interference?
 12 MR. ROBERTSON: No. No.
 13 MAYOR PITTMAN: Okay. Thank you very much.
 14 MR. ROBERTSON: Thank you.
 15 MAYOR PITTMAN: Next on the agenda is
 16 Ms. Ferguson.
 17 And Chief, welcome. Before we start with
 18 her, did you have anything you wanted to say --
 19 CHIEF JOHN KING: No, ma'am.
 20 MAYOR PITTMAN: Okay. Thank you.
 21 MS. FERGUSON: Okay. The first thing I have
 22 is the first read on the proposed budget amendment
 23 ordinance, and I just provided you a brief overview of
 24 the changes that we're proposing that we make for the
 25 budget.

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1 The big thing is to realign the city
 2 manager's budget so that we can comply with the terms
 3 of his contract.
 4 MAYOR PITTMAN: Would you speak up just a
 5 little bit? I'm sorry.
 6 MS. FERGUSON: Okay. Is that better?
 7 The second thing is we put in money to pay
 8 the Dekalb Municipal Association dues of \$10,536.25.
 9 We're making an adjustment from the police
 10 department to the 911 department to deal with their
 11 comp time and overtime overages.
 12 We're doing a couple of little cleanup items
 13 that have to do with Special Events and the Medic Unit
 14 budgets.
 15 We're increasing the Hotel/Motel fund
 16 because we're getting funds from a lawsuit and also
 17 from a bed and breakfast that we have not captured.
 18 We're changing the description on the Hotel/
 19 Motel Revenue in the General Fund. It will not show
 20 as Hotel/Motel Revenue; it will show as an operating
 21 transfer.
 22 We got the final number for the HOST for
 23 this year. It was \$144,097, so we are adjusting the
 24 budget for that.
 25 We're making a small adjustment in interest

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1 so that we don't have to budget any fund balance to
2 take care of the changes in the Special Events and
3 Medic Unit budgets.
4 And when we did the mid-year budget review,
5 we had talked about possibly setting aside some money
6 to pay for a paving project, and we've confirmed with
7 GDOT and Dekalb County that we can use our LMIG
8 allocation by using Dekalb's labor cost under our
9 service delivery strategy to pay for that, so we have
10 not included any funding in this budget amendment.
11 MAYOR PITTMAN: And again, this is a first
12 read so no action will be taken tonight unless Council
13 wishes. But it's a first read just to present
14 questions, and between now and the next meeting, if
15 you also have questions you failed to ask tonight, you
16 can submit those to Ms. Ferguson.
17 COUNCILMEMBER ALEXANDER: This is not really
18 for Ms. Ferguson but it was brought up at the mid-year
19 budget review. I believe Ms. Fleming brought it up.
20 We've requested a listing of the streets and
21 their priorities, and we've never received that. If
22 we could get that, because I've received multiple
23 complaints for an item in our neighborhood, and I know
24 Ms. Fleming and Mr. Patrick have some concerns there.
25 And we used to get that when we had the LARP, and we

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1 would -- you know, basically they would take a census
2 of the Council members, saying, "What do you need done
3 in your neighborhood?"
4 If we could just follow up with that.
5 Sorry, Ms. Ferguson.
6 MAYOR PITTMAN: Okay.
7 COUNCILMEMBER FLEMING: And that's item
8 number 9. I had that highlighted as well.
9 MAYOR PITTMAN: Okay. Thank you.
10 Mr. Bates?
11 COUNCILMEMBER BATES: I'm good. Thank you.
12 MAYOR PITTMAN: Mr. Patrick?
13 COUNCILMEMBER PATRICK: Just a general
14 question.
15 I think last year Brian had brought this
16 issue up, RFPs for the retaining walls. Did we ever
17 have an update on that? Were we ever given additional
18 information and are we going to anything on this, this
19 topic?
20 MS. FERGUSON: I have not --
21 COUNCILMEMBER PATRICK: That's not all for
22 you to answer.
23 MS. FERGUSON: Right. And the only thing
24 that I'm addressing at this point is to be able to
25 have money available should you decide you want to

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1 move forward with some of these projects, but I don't
2 know that any --
3 MAYOR PITTMAN: Mr. Robertson has something
4 out on that. I'll try to find that and send it to
5 you.
6 COUNCILMEMBER PATRICK: Okay.
7 MAYOR PITTMAN: Okay. Ms. Fleming?
8 COUNCILMEMBER FLEMING: Same comment as Ms.
9 Alexander.
10 MAYOR PITTMAN: Okay. Ms. Dean?
11 COUNCILMEMBER DEAN: I just have a couple of
12 questions.
13 What is Miscellaneous Revenue?
14 MS. FERGUSON: Miscellaneous Revenue is the
15 stuff that's not categorized in other places. We have
16 a lot of miscellaneous revenue this year because we
17 sold a lot of surplus property.
18 COUNCILMEMBER DEAN: Okay. And so what is
19 that? The last year, it was \$79,000 and this year
20 it's \$48,000?
21 MS. FERGUSON: It -- it's just budgeted as
22 part of the General Fund revenue. It's not set aside
23 for any particular expense.
24 I can give you more detail on what's in
25 there if you would like but I can't do it right off

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1 the top of my head.
2 COUNCILMEMBER DEAN: And we had last year
3 interest earnings of almost \$14,000 and there are none
4 this year?
5 MS. FERGUSON: There are not none. It's
6 just that I didn't budget those because it's not a
7 large amount of money and it was not something that
8 was needed to balance the budget.
9 I don't usually budget those because it's
10 very difficult to say what interest rates are going to
11 do and whether we're going to have money in the bank,
12 and so it's just something we're filling in with at
13 this point.
14 COUNCILMEMBER DEAN: Okay. And I've asked
15 about this in the past, but Contributions and
16 Donations from Private Sources. So for 2012 it was
17 over \$16,000, and then it's been budgeted again in
18 2013 for \$2,500.
19 Who is privately donating to the city? What
20 is that?
21 MS. FERGUSON: Last year we had a one-time
22 \$16,000 donation to the park and we used that for a
23 project at the park. I don't remember exactly what it
24 was, but it was specifically for a specific upgrade to
25 one of the parks.

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1 The \$2,500 that's in there this year is for
2 the sponsorships for either the basketball or the
3 baseball. It gets included as Contributions and
4 Donations.
5 COUNCILMEMBER DEAN: Okay. The expenses for
6 the City Administrative, that's just \$50,000?
7 I mean it just seems low, but I don't know
8 really what . . .
9 MS. FERGUSON: Are you talking about the
10 city manager?
11 COUNCILMEMBER DEAN: Well, city
12 administrator.
13 MS. FERGUSON: The budget for that
14 department is \$80,000. I didn't change the total
15 dollar amount allocated; I just rearranged it. And we
16 actually have extra money in there because he's not
17 starting until April, and so we allocated \$10,000 to
18 the DMA dues.
19 MS. FERGUSON: Okay. And Contingency. What
20 exactly is a contingency expense?
21 MS. FERGUSON: That's money that we have in
22 reserve in case something comes up where we need to
23 spend \$60,000 on something. It's not budgeted; it's
24 just . . .
25 COUNCILMEMBER DEAN: \$66,000, is that

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1 normal? I mean that seems like . . .
2 MS. FERGUSON: It's not as much as I would
3 like to have sitting there, but . . .
4 COUNCILMEMBER DEAN: But what's an example?
5 MS. FERGUSON: Most places do a percentage.
6 COUNCILMEMBER DEAN: Uh-huh. I mean what
7 would be an example of a situation when you would use
8 that money?
9 COUNCILMEMBER BATES: HVAC equipment over at
10 the police department goes out.
11 COUNCILMEMBER FLEMING: Yeah, emergencies.
12 MS. FERGUSON: Yeah. It's basically for
13 emergencies.
14 COUNCILMEMBER DEAN: Okay. But there was
15 none in 2012. Is this something that's new?
16 COUNCILMEMBER BATES: And that's a bad
17 thing.
18 MS. FERGUSON: Yes, it's a bad thing not to
19 have any contingency money.
20 COUNCILMEMBER DEAN: Okay.
21 COUNCILMEMBER BATES: Correct me if I'm
22 wrong, but moneys in the contingency, if not used,
23 roll over into our fund balance --
24 MS. FERGUSON: Fund balance, yes.
25 COUNCILMEMBER BATES: -- which we really

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1 need to be moving up into the, you know 25 percent-
2 plus range. So the more that we can put in the
3 contingency fund, just-in-case fund --
4 COUNCILMEMBER DEAN: Right.
5 COUNCILMEMBER BATES: -- the better off we
6 are.
7 COUNCILMEMBER DEAN: Okay.
8 COUNCILMEMBER BATES: Because as we all
9 know, based upon the capital improvement list that we
10 looked at, we've got a lot of unfunded maintenance and
11 repair issues in the city --
12 MS. FERGUSON: And if the --
13 COUNCILMEMBER BATES: -- and --
14 MS. FERGUSON: And if one of the retaining
15 walls becomes critical, then we would throw some of
16 this money at it.
17 COUNCILMEMBER BATES: So we've got to keep
18 the contingency moneys moving up.
19 COUNCILMEMBER DEAN: And the other thing is
20 the Special Event fund. In 2012 there's an
21 expenditure for \$330,000. What is this?
22 MS. FERGUSON: No. The Special Events fund
23 was \$15,000, and we spent about ten of that. All
24 we're doing is moving it from a fund by itself to
25 within the General Fund based on the recommendations

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1 of the auditor. We're just --
2 COUNCILMEMBER DEAN: Based on that?
3 MS. FERGUSON: We're just --
4 COUNCILMEMBER DEAN: Just because money
5 needed to be moved somewhere?
6 MS. FERGUSON: Because it was not
7 appropriate for it to be in a fund by itself, and the
8 same with the Medic Unit money. The auditor suggested
9 that we didn't need to keep that in a separate fund,
10 so we're just folding it into the General Fund.
11 COUNCILMEMBER DEAN: Okay. And I guess this
12 would be the time we talk about the comp time, I mean,
13 because it says on here, it says -- it's listed as
14 overtime. But in fact, it's comp time payout; right?
15 MS. FERGUSON: No. The comp time has been
16 paid out.
17 COUNCILMEMBER DEAN: Okay.
18 MS. FERGUSON: This is to deal with the
19 overage in the 911 budget --
20 COUNCILMEMBER DEAN: Uh-huh.
21 MS. FERGUSON: -- because they have not been
22 fully staffed and so they're having to fill in from
23 other departments.
24 And somewhere around the middle of October
25 we fixed the payroll system so that we could assign --

1 if somebody from the police department works in 911,
 2 we can then charge their time to that department.
 3 So they are in fact over their budget right
 4 now and will continue to be over their budget until
 5 the end of the year. They're short two people right
 6 now. They're in the process of trying to hire people.
 7 But there is a training kind of ramp-up that they are
 8 going to have to go through when they get these people
 9 in, so there's still going to be -- you know, there's
 10 still going to be staff issues.
 11 COUNCILMEMBER DEAN: Well, these positions
 12 -- and maybe I should be talking to Chief King.
 13 These positions have been open and available
 14 for two years now; right? One part-time and one full-
 15 time --
 16 MAYOR PITTMAN: Chief?
 17 COUNCILMEMBER DEAN: -- for two years. And
 18 that's why I'm not -- I mean why?
 19 And my concern here is that the 911 call
 20 center is being staffed at time and a half by officers
 21 who are paid high rates of pay anyway.
 22 So maybe there's a way you can have
 23 mandatory, you know, when you have people coming in at
 24 the ground level, you can say, "For the first year,"
 25 for example," you will be required to work X-number of

1 COUNCILMEMBER DEAN: Uh-huh.
 2 CHIEF KING: -- and then do the training
 3 pipeline.
 4 COUNCILMEMBER DEAN: Well, here's my -- I
 5 mean, because when I asked at the last meeting,
 6 captains and majors were working time and a half at
 7 the 911 center. And that's -- I mean that seems --
 8 that seems kind of . . .
 9 CHIEF KING: Well, it's not like I can -- I
 10 can't just put anybody in there.
 11 COUNCILMEMBER DEAN: Right.
 12 CHIEF KING: They have to be qualified to
 13 be.
 14 And the issue here is that the people that
 15 we were putting in there were folks that used to be
 16 dispatchers --
 17 COUNCILMEMBER DEAN: Uh-huh.
 18 CHIEF KING: -- in years past.
 19 COUNCILMEMBER DEAN: Right.
 20 CHIEF KING: So I can't just . . .
 21 Like I'm not qualified to work in the radio
 22 dispatch. You don't want me dispatching your calls if
 23 you call 911.
 24 COUNCILMEMBER DEAN: Well, here -- here --
 25 there's an increase here of \$70,000 for the overtime

1 overtime hours until we can fill these positions."
 2 But for two years, to have those positions
 3 available, it seems like a lot of time.
 4 MS. FERGUSON: I don't know it has been two
 5 years because we --
 6 COUNCILMEMBER DEAN: Well, this is based on
 7 what Major Atkinson --
 8 MS. FERGUSON: We've --
 9 COUNCILMEMBER DEAN: -- said last week.
 10 MS. FERGUSON: We've hired people and had to
 11 let them go and hired people --
 12 CHIEF KING: Different people, ma'am.
 13 MS. FERGUSON: -- and hired people and --
 14 and --
 15 CHIEF KING: It hasn't been the same.
 16 Every time I have any movement inside one of
 17 those, I have to come and ask for permission to hire
 18 that vacancy. So it's not like the same two
 19 vacancies. There's been different vacancies.
 20 I hire somebody; somebody else either quits
 21 or, you know, there's turnover here, and I have to
 22 start the process again of, you know, coming and
 23 asking the City Council for permission to hire
 24 somebody, get the training -- you know, get the hiring
 25 process going --

1 for the 911 center. I mean that's --
 2 And I'm not sure, because I haven't been on
 3 Council for that long, and I know that an issue came
 4 up a couple years ago before I was really involved.
 5 But is the 911 center something that is
 6 viable for the city? I mean is this something
 7 that . . .
 8 CHIEF KING: Every communication that I've
 9 had from this City Council, previous city councils, I
 10 mean obviously there's been some dissenting votes in
 11 there, but it's been pretty overwhelming the instruc-
 12 tions that I've gotten from the City that you want me
 13 to continue operating the 911.
 14 If that is a change, I need to hear that.
 15 COUNCILMEMBER DEAN: Right.
 16 COUNCILMEMBER BATES: The last time I called
 17 Dekalb 911, I was on hold for eight and a half
 18 minutes.
 19 MAYOR PITTMAN: Yes. And I can tell you the
 20 citizens spoke loud and clear. This is not something
 21 that they're willing to compromise. They want their
 22 911 system.
 23 COUNCILMEMBER DEAN: Okay. Then, can there
 24 be some kind of management system put in place so that
 25 we can remedy?

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1 I mean I'm asking this because I've looked
2 at the numbers in the -- in the past years.
3 COUNCILMEMBER BATES: I just want everybody
4 to remember that on October of 2011 we rified a
5 significant number of people in that department, so
6 we're in this swing of trying to catch up to decisions
7 that we made in 2011 --
8 COUNCILMEMBER DEAN: Right.
9 COUNCILMEMBER BATES: -- that we're -- we're
10 still trying to catch up with.
11 I'm fully confident that Chief is going to
12 get those positions filled. But we've dealt the
13 entire police department a pretty significant blow,
14 you know, along with several other departments when we
15 decided to rife personnel in 2011, and that was a
16 difficult decision but we knew that it was coming.
17 COUNCILMEMBER DEAN: Right. Well, I mean in
18 two years. I mean I'm just basing this on the
19 information I'm getting. To have those positions open
20 off and on for two years, I mean that seems --
21 CHIEF KING: They're not the same positions,
22 ma'am. No single position at the police department
23 has been empty for two years.
24 COUNCILMEMBER DEAN: Well, I'm talking about
25 the two positions at 911 call center.

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1 CHIEF KING: They're inside the 911 call
2 center different positions.
3 COUNCILMEMBER DEAN: Right.
4 CHIEF KING: And because we have a hiring
5 freeze --
6 COUNCILMEMBER DEAN: Right.
7 CHIEF KING: -- every time we hire somebody
8 and we have a vacancy, I have to start the whole
9 process all over again.
10 COUNCILMEMBER DEAN: Right.
11 CHIEF KING: You know, I assure you that
12 I'm working very closely with Lisa. We are looking at
13 this.
14 The only thing that I would ask, really, is
15 give us the flexibility that if I lose somebody out of
16 the 911 center --
17 COUNCILMEMBER DEAN: Uh-huh.
18 CHIEF KING: -- that I can replace them.
19 Not adding additional staff but replacing them within
20 the budget constraints with the approval of not only
21 the Mayor, city manager and the finance director.
22 COUNCILMEMBER DEAN: Well, you have the
23 approval now, right, for those --
24 CHIEF KING: No.
25 COUNCILMEMBER DEAN: -- two positions?

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1 CHIEF KING: I mean we got the approval now,
2 yes.
3 COUNCILMEMBER DEAN: Okay.
4 MAYOR PITTMAN: But every time one comes
5 open, they have to come before the Council to lift
6 that hiring freeze to hire that position although it's
7 a budgeted position --
8 COUNCILMEMBER DEAN: Right.
9 MAYOR PITTMAN: -- and it takes additional
10 time, whereas before --
11 I can understand the hiring freeze being
12 lifted for someone that is brand new to the City. But
13 when we have someone that's already a budgeted
14 essential position like 911, they have to come to
15 Council to get that hiring --
16 COUNCILMEMBER DEAN: But they currently
17 have --
18 MAYOR PITTMAN: -- freeze lifted.
19 COUNCILMEMBER DEAN: They currently have
20 permission, right, to hire those two?
21 CHIEF KING: Yes. And recently the City
22 Council approved us to hire part-time employees, which
23 will also help us manage that with low pay, you know,
24 part-time employees who are certified, who also we
25 don't have to pay benefits.

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1 That was just a recent approval that you-all
2 made not too long ago. That has given us additional
3 flexibility to manage the process as Mr. Bates has
4 described of getting back into the full staffing.
5 COUNCILMEMBER DEAN: Okay. And the other
6 thing is the carryover of 80 hours. I mean I think --
7 and I believe it was Ms. Orr who came up with the
8 idea, and I think it's excellent and I said something
9 to this effect the last time we talked about this.
10 But you have -- you know, when you take comp
11 time, it's not meant to be paid out, you can -- you
12 can have -- It's comp time, so you can take that time
13 either within the 30 days following the date that you
14 took it. But it's not supposed -- at the end of the
15 year, you either use it or you lose it. I mean I
16 think that that --
17 CHIEF KING: That is not accurate.
18 COUNCILMEMBER DEAN: I mean it's not --
19 But can we set a parameter during which that
20 time is either used or lost?
21 MS. FERGUSON: FLSA does not allow us to set
22 that parameter.
23 COUNCILMEMBER DEAN: Okay.
24 MS. FERGUSON: We have paid out the comp
25 time.

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1 COUNCILMEMBER DEAN: Uh-huh.
2 MS. FERGUSON: We are no longer auto-
3 matically giving people comp time. We are paying them
4 the overtime.
5 COUNCILMEMBER DEAN: Uh-huh.
6 MS. FERGUSON: Our ordinance does have a
7 provision in it where the employee can request --
8 COUNCILMEMBER DEAN: Uh-huh.
9 MS. FERGUSON: -- that their time be
10 converted from overtime to comp time, but the
11 employees have to request that each and every payday.
12 So we will not be increasing the comp time
13 automatically like we have been for the past year and
14 a half.
15 COUNCILMEMBER DEAN: Okay.
16 COUNCILMEMBER FLEMING: In regards to
17 Ms. Dean's comments about comp time, I was going to
18 bring it up during the ordinance for the personnel
19 manual, because even though you have a liability on
20 the books of 80 hours for specific people, there are
21 no parameters as to how long or how soon those
22 employees have to use those 80 hours. They just stay
23 in a bucket.
24 MS. FERGUSON: Yes, they --
25 COUNCILMEMBER FLEMING: Okay?

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1 MS. FERGUSON: -- stay in a bucket.
2 COUNCILMEMBER FLEMING: So five years from
3 now or 10 years from now when they've either had a
4 promotion -- and using the example of a promoted
5 person that was in E911 making, for instance, \$12.00
6 an hour is now promoted to patrolman --
7 MS. FERGUSON: Uh-huh.
8 COUNCILMEMBER FLEMING: -- that person's
9 E911 hours that were \$12.00 are now -- and this is
10 hypothetical -- \$20.00 at time and a half, and so that
11 would make it \$30.00.
12 MS. FERGUSON: At the end --
13 COUNCILMEMBER FLEMING: So I definitely have
14 issues with comp time but I'll discuss it in the
15 personnel manual section. Okay?
16 MS. FERGUSON: We revalue that liability at
17 the end of every year. So if somebody gets a raise,
18 then at the end of the year we calculate how much comp
19 time is out there, and we make an adjustment every
20 year so it's recognized as the comp time every year.
21 COUNCILMEMBER FLEMING: Okay.
22 MS. FERGUSON: So it's not going to jump
23 from \$15.00 to \$30.00 because it's been sitting there.
24 It's going to incrementally go up --
25 COUNCILMEMBER FLEMING: Okay.

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1 MS. FERGUSON: -- every year and we're going
2 to recognize that expense at the end of the year.
3 COUNCILMEMBER DEAN: Well, and again, the
4 concern is when I asked you some of the hourly rates
5 of the people who are getting comp time, some people
6 were making almost \$35.00 an hour, and that's a lot.
7 If you take time and a half at \$35.00 an hour, that's
8 fairly significant to be calling -- or answering.
9 MS. FERGUSON: Well, we're doing everything
10 that we can to get those positions filled and to get
11 those more highly-paid people out, but it's going to
12 take some time because you can't just pull somebody
13 off the street and say, "Okay. Now you're a 911
14 operator."
15 COUNCILMEMBER DEAN: Well, I know, because
16 this is now the second time I've been through this
17 process. The first time, I was very . . . And that's
18 why I said, "Wow. This again?"
19 So are we just putting Band-Aids on this
20 without really coming up with solutions?
21 MS. FERGUSON: I think that when we approved
22 the part-time positions, that was part of the solu-
23 tion.
24 I think that actually paying the overtime as
25 opposed to giving people comp time is part of the

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1 solution, because in my opinion, one of the reasons
2 that we can't hire anybody is because they knew they
3 weren't going to get paid. So now if we're paying
4 like everybody else does, then that is going to take
5 away one of the marks that we have against us.
6 COUNCILMEMBER DEAN: Right.
7 MS. FERGUSON: So I think that we're headed
8 in the right direction but we just need to keep going
9 and get everybody hired and get people that we can
10 keep.
11 COUNCILMEMBER FLEMING: Mayor, I have one
12 other comment.
13 I believe you made a comment about the
14 Special Events fund, and maybe you didn't catch it but
15 she said \$330,000.
16 MS. FERGUSON: That's not in the Special
17 Events fund. That's something else. I'm not . . .
18 COUNCILMEMBER FLEMING: I didn't want people
19 to . . .
20 COUNCILMEMBER DEAN: Okay, okay, okay;
21 right. My bad.
22 COUNCILMEMBER ALEXANDER: I had one
23 additional question.
24 Is there existing money in parks and rec's
25 budget to handle the increase in the pool contract?

1 MS. FERGUSON: There should be, because that
 2 contract actually splits a fiscal year. So we'll pay
 3 for June out of this year and then we'll pay July,
 4 September, the rest of the year out of the following
 5 fiscal year, so that if it's significantly short, we
 6 will deal with it in the --
 7 COUNCILMEMBER ALEXANDER: Okay.
 8 MS. FERGUSON: -- 2014 budget.
 9 COUNCILMEMBER FLEMING: But even at three
 10 percent of thirty-seven, isn't that \$1,110? I mean
 11 that's getting, to me . . .
 12 COUNCILMEMBER BATES: Yes.
 13 MAYOR PITTMAN: Okay. Again, this is a
 14 first read. If you have any additional questions, it
 15 really helps when Council submits their questions
 16 ahead of time before the meeting. It helps us to be
 17 better prepared. So if you have anything additional
 18 before the next meeting, please submit it to us so we
 19 can get that answered and have the answers ready for
 20 you at the meeting.
 21 Thank you.
 22 MS. FERGUSON: Okay. The second item I have
 23 is the second read on the Ordinance to Revise Section
 24 4 of the Doraville Employee Manual.
 25 What I'm trying to do here is make a few

1 ATTORNEY McLENDON: -- to be consistent with
 2 the ordinance.
 3 ATTORNEY FELGIN: Yes.
 4 ATTORNEY McLENDON: Okay. If that's one
 5 change we want to make, what we can do is if we get to
 6 the point of making a motion, we'll read those and we
 7 can put those in as the form of a substitute.
 8 COUNCILMEMBER FLEMING: Personally, I would
 9 like to see a clean copy before we vote, because
 10 there's been several changes to it.
 11 ATTORNEY McLENDON: And I'd be happy to do
 12 that as well if y'all wanted us to revise that and
 13 bring it back.
 14 It's really the will of the Council. We
 15 will go whichever direction y'all want to go with
 16 that.
 17 MAYOR PITTMAN: Mr. Bates?
 18 COUNCILMEMBER BATES: I'm not comfortable
 19 making changes on the fly.
 20 MAYOR PITTMAN: So we can . . .
 21 Any other comments that you --
 22 COUNCILMEMBER FLEMING: Yes --
 23 MAYOR PITTMAN: -- need to add?
 24 COUNCILMEMBER FLEMING: -- I do.
 25 MAYOR PITTMAN: Okay.

1 corrections because we are using a different system
 2 than we were using when the ordinance was first passed
 3 and there are some things in there that need to be
 4 changed that relate to paper time sheets and what the
 5 pay period is.
 6 And I actually did take out the -- any
 7 reference to changing the comp time cap, so we're
 8 leaving that at 80 hours and we're leaving the
 9 ordinance as it relates to comp time as-is.
 10 MAYOR PITTMAN: Ms. Alexander?
 11 COUNCILMEMBER ALEXANDER: I spoke with legal
 12 counsel before the meeting and I just had some
 13 concerns on page one, the three "whereases" that speak
 14 of the comp time, because we're not going to pay it on
 15 a monthly basis and we're not raising the cap, and so
 16 do we just need to remove those three "whereases?"
 17 MAYOR PITTMAN: Lenny?
 18 ATTORNEY FELGIN: I'm just sitting here and
 19 re-writing them, so I actually have redlined
 20 "whereases."
 21 COUNCILMEMBER ALEXANDER: Okay.
 22 ATTORNEY FELGIN: They're just . . .
 23 ATTORNEY McLENDON: So what you've done is
 24 you've made a revision to those --
 25 ATTORNEY FELGIN: Yes.

1 COUNCILMEMBER FLEMING: Because I realize
 2 the reasoning for changing it from, you know, hard-
 3 copy time sheets to what we're proposing, the term
 4 "using the online attendance system," my preference
 5 would be they begin and end work each day using the
 6 accepted method authorized by the City, and then we
 7 don't have to change this each time, you know,
 8 we are --
 9 Like we said, we're getting in a new city
 10 manager. That person may have other ideas other than
 11 an online system, and so that would be my suggestion
 12 in regards to all of those listed where it says online
 13 attendance.
 14 I don't know what Council feels on that,
 15 but . . .
 16 COUNCILMEMBER DEAN: Well, there was another
 17 issue that came up regarding where the employees sign
 18 in. I think they should sign in at their station or
 19 wherever it is. I mean I think that that's pretty
 20 important.
 21 I've worked at several locations, several
 22 companies that have used this system.
 23 MS. FERGUSON: Do they have police?
 24 COUNCILMEMBER DEAN: No, they have not had
 25 police.

1 MS. FERGUSON: Do you want your on-call
 2 detective to go to the police precinct to clock in
 3 before he goes to --
 4 COUNCILMEMBER DEAN: Well --
 5 MS. FERGUSON: -- investigate --
 6 COUNCILMEMBER DEAN: -- perhaps --
 7 MS. FERGUSON: -- an accident?
 8 COUNCILMEMBER DEAN: Well, perhaps they
 9 could -- they could do it from their car or some --
 10 I'm not saying it would have to be at a
 11 terminal in a building, but some designated place. If
 12 it's a car, then, a car, but some place where we could
 13 keep track, better track of our employees.
 14 MS. FERGUSON: If they clock in in their
 15 car, we still don't have any way of knowing where they
 16 are.
 17 COUNCILMEMBER DEAN: Well, just some way of
 18 tracking it better, because I think --
 19 MS. FERGUSON: We can --
 20 COUNCILMEMBER DEAN: -- that that's --
 21 MS. FERGUSON: We can run reports out of the
 22 payroll system that tell us what I.P. address the
 23 employees are using.
 24 COUNCILMEMBER DEAN: Uh-huh.
 25 MS. FERGUSON: I spoke to the payroll

1 should be "they," the word inserted.
 2 And in regards to comp time, I was never in
 3 favor of comp time to begin with and only paying time
 4 and a half overtime when it was -- when it was needed,
 5 and pay it on the same paycheck, and then we don't
 6 have issues of having liabilities on our books.
 7 MAYOR PITTMAN: Ms. Alexander, anything
 8 else?
 9 COUNCILMEMBER ALEXANDER: No. I'm good.
 10 Thank you.
 11 MAYOR PITTMAN: Mr. Bates?
 12 COUNCILMEMBER BATES: I'm good. Thank you.
 13 MAYOR PITTMAN: Mr. Patrick?
 14 COUNCILMEMBER PATRICK: I think that's it.
 15 MAYOR PITTMAN: Ms. Fleming?
 16 COUNCILMEMBER FLEMING: That's it.
 17 MAYOR PITTMAN: Ms. Dean?
 18 COUNCILMEMBER DEAN: Well, and the other
 19 thing about the comp time, on the first page -- and
 20 again this is one of these "whereases" -- but this is
 21 kind of what I was talking about in terms of setting a
 22 parameter: It's best accounting practices for comp
 23 time to be paid out on a monthly basis and for comp
 24 time to be -- comp time cap to be raised in order to
 25 maintain budgetary responsibility.

1 company today, and we're just looking into how
 2 feasible it would be to restrict where people can --
 3 COUNCILMEMBER DEAN: Uh-huh, uh-huh, uh-huh.
 4 MS. FERGUSON: -- clock in and out.
 5 COUNCILMEMBER DEAN: Uh-huh. Okay.
 6 MS. FERGUSON: So I'm really not comfortable
 7 with making any changes to that right now, because our
 8 network topology's a little quirky, and so I don't
 9 want to say, "Yes, we can do that," or "No, we can't,"
 10 until I know for certain.
 11 MAYOR PITTMAN: And actually that was
 12 answered and sent to Council today.
 13 COUNCILMEMBER DEAN: And the other thing is
 14 "mayor" needs to be changed to "city manager"
 15 throughout this document or at least in appropriate
 16 places.
 17 ATTORNEY FELGIN: I have a document that
 18 would -- an ordinance that will be coming to y'all as
 19 soon as the city manager gets in --
 20 COUNCILMEMBER DEAN: Okay.
 21 ATTORNEY FELGIN: -- which does all of that.
 22 COUNCILMEMBER DEAN: Okay.
 23 COUNCILMEMBER FLEMING: And on page nine,
 24 4.4.2, you need to insert "they" between "that" and
 25 "have" on the second line. I'm assuming that it

1 So if it's paid out on a monthly basis, I
 2 mean is that possibly a way to keep better track of
 3 what's going on with it?
 4 MS. FERGUSON: I don't think it was our
 5 intent to pay it out on a monthly basis. It would --
 6 COUNCILMEMBER DEAN: That's what it says.
 7 MS. FERGUSON: If you were going to pay it
 8 out on a regular basis, it would make more sense to
 9 pay it out on the same schedule as the payroll.
 10 COUNCILMEMBER DEAN: Okay. Okay. But you
 11 see that, right, on page --
 12 MS. FERGUSON: Yes.
 13 COUNCILMEMBER DEAN: -- one?
 14 MS. FERGUSON: Yes.
 15 MAYOR PITTMAN: Okay. We're going to put
 16 this on the next agenda with a clean copy.
 17 Again, any additional comments you might
 18 have, please submit those prior to the meeting.
 19 Ms. Ferguson, thank you very much.
 20 COUNCILMEMBER BATES: Thank you.
 21 MS. FERGUSON: Thank you.
 22 MAYOR PITTMAN: We're going to take a five-
 23 minute break before we go into the public hearing, so
 24 we'll return at 8 o'clock.
 25 - - -

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1 (Brief recess)
 2 - - -
 3 MAYOR PITTMAN: Meeting come back to order.
 4 Okay. Next we have a series of public
 5 hearings. We will hear from Mr. Cooley, our planning
 6 director. We will hear from -- if someone is here
 7 representing the property, we will hear from him. We
 8 will take questions from the Council and then we will
 9 open the public hearing portion and then bring it back
 10 to the table.
 11 MR. COOLEY: Good evening, Mayor and
 12 Council. This is the application for a conditional
 13 use permit for a church in the O/I zoning district --
 14 the address is 2000 Clearview Avenue, Unit 116, Parcel
 15 No. 18-311-04-025 -- submitted by Omar Garcia Zamudio.
 16 This is, again, a conditional use permit. This is an
 17 allowed use by a conditional use permit within the O/I
 18 zoning district as per Section 23-907.
 19 This is an existing multi-building office
 20 complex. You may be familiar with it. It's at the
 21 corner of Stewart Road and Clearview Avenue.
 22 One of the concerns that I had when first
 23 reviewing this, which was relieved, was based upon the
 24 requirement of one parking space per 2,000 square foot
 25 of area dedicated to the public use for assembly

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1 without fixed seating and the requirement for one
 2 parking space per 300 square foot of gross floor area.
 3 So basically what we've got is a no net increase of
 4 required parking for this use based upon its size.
 5 Adjacent properties to the west and south
 6 are zoned O/I. The property east was recently rezoned
 7 from C-2 to O/I with a conditional use permit for an
 8 assisted living facility on Clearview Avenue, and
 9 directly across from that to the north is I-285
 10 corridor.
 11 As you know, there are standards set for the
 12 review of conditional use permits. You'll see them in
 13 your packet there. There's the eight different
 14 categories. For brevity of time, unless you have
 15 questions, I won't go through and read each one of
 16 those.
 17 But the Planning Commission heard this; they
 18 recommended approval. Planning Commissioner Gilman is
 19 still here, so if you have any questions, I'm sure
 20 she'll be glad to answer any questions that they may
 21 have had.
 22 Staff's recommendation is for approval of
 23 the CUP or approval of the CUP with conditions to
 24 address any concerns that the Council might have.
 25 MAYOR PITTMAN: Yes, and I did want to add

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1 that Ms. Gilman is here to represent the Planning
 2 Commission, and if Council has questions or if she
 3 just wants to say anything, just please let me know.
 4 Is someone here from the church? If you-all
 5 would like to come forward if you have anything you'd
 6 like to say.
 7 MR. OMAR GARCIA ZAMUDIO: My name is Omar
 8 Garcia. Good evening, ladies and gentlemen.
 9 We represent our church, my pastor here.
 10 We're just trying to thank you guys for your time, and
 11 all we want is just -- you know, just to have a
 12 permit. That's why we came all the way here, that's
 13 why we are today standing here: to get, you know,
 14 whatever -- whatever we need to to have a church.
 15 And just if you got any questions, I'll be
 16 pleased to answer them.
 17 MAYOR PITTMAN: Okay. Thank you. I'm going
 18 to bring it up to the table.
 19 Ms. Alexander, do you have any questions?
 20 COUNCILMEMBER ALEXANDER: No.
 21 MAYOR PITTMAN: Mr. Bates?
 22 COUNCILMEMBER BATES: No.
 23 MAYOR PITTMAN: Mr. Patrick?
 24 COUNCILMEMBER PATRICK: No.
 25 MAYOR PITTMAN: Ms. Fleming?

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1 COUNCILMEMBER FLEMING: No.
 2 MAYOR PITTMAN: Ms. Dean?
 3 COUNCILMEMBER DEAN: I actually have
 4 questions about the Planning Commission recommen-
 5 ation. It says "to be submitted" on what I have.
 6 MR. COOLEY: Yes, ma'am. With the change of
 7 the schedule, the date we had to have it to the
 8 Clerk's office was prior to the meeting of the
 9 Planning Commission. It was that night. So we did
 10 not get that to you. That's --
 11 COUNCILMEMBER DEAN: Okay.
 12 MR. COOLEY: If you have any questions --
 13 COUNCILMEMBER DEAN: Do you have any
 14 comments, Ms. Gilman?
 15 MS. GILMAN: We did hear this and discuss it
 16 at the Planning Commission. We had two concerns, and
 17 the city planner can address how we resolved those
 18 concerns.
 19 One is our thinking that perhaps the
 20 application was premature. As we did our site
 21 visitation, we saw there was a stop order on the suite
 22 where this organization is going to be leasing. The
 23 stop order is still there today.
 24 So why I say the application may be
 25 premature is that the place where they'll be holding

1 business is not available, and it's kind of a "catch
2 22," and I'd like Mr. Cooley to address that.

3 The other is the organization is described
4 as a church, and that is fine; however, in checking
5 with the Secretary of State's office, we saw where the
6 process to become a nonprofit corporation was
7 interrupted.

8 Now, that may not relate to land use;
9 however, it does relate to the application being
10 submitted by a church. They do not have to
11 incorporate to be a study group or a prayer group. At
12 the same time, the description of the entity is
13 "church," and that's how it was presented to us.

14 So Mr. Cooley can address those, those two
15 concern and how we resolved them.

16 COUNCILMEMBER DEAN: Thank you.

17 MAYOR PITTMAN: Thank you, Ms. Gilman.

18 MR. COOLEY: The stop work order, what had
19 happened is they had started work in the building
20 itself not realizing that the church needed to get a
21 conditional use permit. Quality of Life issued a stop
22 work order on it.

23 They were doing some construction inside.
24 They removed that construction. So that's the stop
25 work order that was referred to when they were -- it

1 was explained them that they had to get a conditional
2 use permit and they had to get a building permit, etc.

3 So the first step is for them to go through
4 to get the conditional use permit, which is what
5 they're doing now.

6 As far as whether it's a church or whether
7 it is a classification, I'll leave that to legal
8 counsel. Hopefully, you can help me out here as far
9 as what's required. Any entity like that --

10 ATTORNEY McLENDON: It would be typical to
11 have someone come in and incorporate as a 501(c)(3).
12 I mean it would be a typical thing to do.

13 However, I'm not sure that if you have not
14 done that, you could say, "Well, you're not a church."

15 MS. GILMAN: Well, the incorporation is
16 through the State. The 501(c)(3) comes from the IRS.

17 ATTORNEY McLENDON: Yeah. I would be --

18 COUNCILMEMBER BATES: But that's --

19 ATTORNEY McLENDON: -- hesitant to --

20 COUNCILMEMBER BATES: That's --

21 ATTORNEY McLENDON: -- make that call.

22 COUNCILMEMBER BATES: That's not relevant to
23 hearing a conditional use permit, their entity, is it?

24 ATTORNEY McLENDON: I would not want to make
25 that the basis of a decision on this.

1 COUNCILMEMBER DEAN: What about --

2 MR. COOLEY: Once --

3 COUNCILMEMBER DEAN: -- the building permit?

4 MR. COOLEY: Once they get that, they will

5 have to apply for occupational tax certificate --

6 COUNCILMEMBER DEAN: Right.

7 MR. COOLEY: -- and then also the building

8 permit.

9 With the change that Dekalb County has gone

10 through now with their process and with the fire

11 marshall, as part of their occupational tax placard,

12 they have to submit these plans that goes through it.

13 So that has to be done before they can get the

14 building permit, so.

15 But yes, they do have to get occupational

16 tax certificate and the building permit.

17 COUNCILMEMBER DEAN: Okay. And the order of

18 things is they get the conditional use permit first?

19 MR. COOLEY: They would need to do that to

20 be able to use that building for that use. After

21 that, they would have to go through the proper

22 process, making sure that any construction they do is

23 up to building code. They would have to get their

24 occupational tax certificate also. It's almost really

25 more of a simultaneous, the way it's coming together

1 now.
 2 COUNCILMEMBER DEAN: Okay. But the stop
 3 work order is still there; right?
 4 MR. COOLEY: That's correct. They cannot do
 5 any work, and the work that they had done they
 6 basically took back out is my understanding.
 7 COUNCILMEMBER DEAN: And on this, just as a
 8 side note -- I think I've asked about this before --
 9 the signs, the notices that are put on the properties,
 10 I got a couple of calls on this. It's not on the
 11 agenda, but they did not see the notice because the
 12 signs are not perpendicular street. So if you're
 13 going by it, you see, you know, an inch-thick placard
 14 without -- you know, unless you're looking this way
 15 (gesturing), and people who are driving or walking are
 16 usually looking in front of them.
 17 Is there a way we can make these signs
 18 perpendicular to the street?
 19 MR. COOLEY: Yes, ma'am, it is. And when I
 20 get the staff and money, I would love to do it.
 21 But right now it takes two people to go out
 22 or it took a public works crew to go out and install
 23 the signs that we were using. And the expense was
 24 such it was discussed with Council and it was agreed
 25 to go to this, to try this out to see if it works.

1 grant this, what --
 2 MR. COOLEY: The staff is not recommending
 3 any conditions. It meets the conditions based upon
 4 what the eight standards are. Staff's recommendation
 5 is for approval.
 6 If you-all have concerns, you know, you
 7 certainly can put conditions on there to address those
 8 concerns.
 9 COUNCILMEMBER DEAN: Okay.
 10 COUNCILMEMBER PATRICK: Do we have the
 11 ability to tie this to a specific user, the specific
 12 church or this specific religious organization?
 13 MR. COOLEY: It runs with the land.
 14 COUNCILMEMBER PATRICK: So once we grant
 15 this, it goes in perpetuity? There will always be a
 16 church there without having to come back to us or
 17 there will be --
 18 MR. COOLEY: There may not --
 19 COUNCILMEMBER PATRICK: -- an assembly.
 20 MR. COOLEY: -- be always a church there.
 21 Again, if, you know, they move out and move
 22 on to something larger or bigger, something like that,
 23 that's still going to be a use on that. Correct me if
 24 I'm wrong, but that runs with the land and it's a use
 25 that will stay with that Unit 116, I believe.

1 COUNCILMEMBER DEAN: Even if you placed it
 2 this way (gesturing); right?
 3 MR. COOLEY: Put it where -- I try to place
 4 them where they will be seen the most. If you put it
 5 one way, it's not going to be seen the other way.
 6 We tried to put it back far enough where it
 7 can be visibly seen. That's the best --
 8 COUNCILMEMBER DEAN: I drove past --
 9 MR. COOLEY: -- we can do at the moment.
 10 COUNCILMEMBER DEAN: -- it as well. I went
 11 and I checked it out and I drove past it, so that's
 12 something that I think that we need to work on.
 13 MR. COOLEY: Like I said, when we get the
 14 crew and the money and the staff to do all this, I
 15 would love to have it. It's a much better approach
 16 even if you could have a triangular-based sign where
 17 you could see it from two different directions or
 18 something like that, or, for that matter, putting
 19 multiple signs out there.
 20 But again, functionally, from a budget
 21 standpoint, we used as much as we could. And I'm out
 22 of those signs now so we're going to have to try to
 23 start recycling them somehow.
 24 COUNCILMEMBER DEAN: Okay. And have any
 25 conditions been requested, I mean in terms of if we

1 COUNCILMEMBER PATRICK: So again, this
 2 organization moves on and another organization moves
 3 in, that organization would not have to come back to
 4 this Council for approval.
 5 MR. COOLEY: Not for a conditional use
 6 permit.
 7 They'd still have to through occupational
 8 tax and building, whatever they were going to do.
 9 COUNCILMEMBER PATRICK: Okay.
 10 MAYOR PITTMAN: Okay. Anything else?
 11 COUNCILMEMBER DEAN: I'm good.
 12 MAYOR PITTMAN: Okay. At this time, we are
 13 going to open the public hearing portion.
 14 I'm going to ask for those that are willing
 15 to speak for to come forward. Please limit your
 16 comments to 10 minutes. That's 10 minutes altogether,
 17 not 10 minutes a person, so if one person speaks for
 18 10 minutes, no one else gets to speak.
 19 So those wishing to speak for, please come
 20 forward and state your name for the court clerk.
 21 Anyone wishing to speak for?
 22 ---
 23 (No response)
 24 ---
 25 MAYOR PITTMAN: Anyone wishing to speak

1 against, please come forward.

2 MR. HART: And I'm not specifically against
3 this specific church. I'm against how it's been
4 handled.

5 So the process -- and Councilman Patrick
6 brought up an excellent point -- is that one of the
7 conditions could be if it's unoccupied for six months,
8 it reverts back to its original zoning and usage.
9 That's one of the conditions of the passage.

10 I think that the paperwork needs to be in
11 order as to what entity you're dealing with, and the
12 fact that all the conditions of parking, a proper C.O.
13 for the building and a proper review. In light of the
14 fact that we don't have a building inspector right now
15 and we're using an outside source, I might add that
16 that particular vendor has not done a good job for the
17 City in the past.

18 And all the other problems with the toilet
19 factory and everything else and all the other problems
20 we've had recently, I'm not feeling warm and fuzzy
21 about how this is being handled, so that's what I'm
22 against.

23 I'm not against this church or what they're
24 trying to do. It's the fact that this needs to go
25 back and be rehatched correctly and brought back to

1 it's about -- Suite 116, if I'm reading this
2 correctly, is about . . .

3 Or is it the building that's 8,600 square
4 feet? Is it the building or is it just that
5 particular suite?

6 MR. COOLEY: There's actually a floor plan
7 of the suite in your packet.

8 COUNCILMEMBER PATRICK: Okay. The suite
9 says it's 30 x 60, so that --

10 MR. COOLEY: That is correct.

11 COUNCILMEMBER PATRICK: -- would be about
12 2,000 square.

13 Just to hear it again, the conditional use,
14 if we approve it, would be tied to the property, not
15 necessarily to the tenant space.

16 MAYOR PITTMAN: Mr. McLendon?

17 ATTORNEY McLENDON: Joe, if you don't mind,
18 I'd be happy to address that.

19 MR. COOLEY: Please.

20 ATTORNEY McLENDON: One of the issues is
21 when we issue a conditional use permit, we're actually
22 taking a zoning action. It is a zoning action. And
23 by virtue of it being a zoning action, you really
24 can't put a fuse on it that says it suddenly unwraps
25 itself, because the only way to zone property is to

1 the City Council when they have all their ducks in a
2 row.

3 And Mr. Patrick brought up an excellent
4 point, you know. What happens when these people move
5 and you've got somebody else and it never sees the
6 light of day and the neighborhood doesn't like it?

7 Thank you.

8 MAYOR PITTMAN: Anyone else wishing to speak
9 against?

10 - - -
11 (No response)

12 - - -
13 MAYOR PITTMAN: Okay. At this time, we're
14 going to close the public hearing portion and bring it
15 back up to Mr. Cooley.

16 And I guess we'll take any additional
17 questions or comments from the Council at this time.

18 Ms. Alexander?

19 COUNCILMEMBER ALEXANDER: No, I'm good.

20 MAYOR PITTMAN: Mr. Bates?

21 COUNCILMEMBER BATES: No questions.

22 MAYOR PITTMAN: Mr. Patrick?

23 COUNCILMEMBER PATRICK: Just a follow-up
24 question.

25 So the site plan here provided says that

1 have gone through the steps of the Zoning Procedures
2 Act.

3 What I would tell you, though, is that the
4 use permit, while it would run with the land, it runs
5 with the land while it is consistent with this use,
6 because you have said this use, a church use, would be
7 appropriate.

8 I think if they came in and said, "Okay.

9 Well, we would like to expand this and have the entire
10 building become a church," that's going to be a
11 different use permit, because what's going to happen
12 there is it's not substantially similar to this. You
13 could have a whole lot of new factors come into play.

14 However, if someone came in in the same
15 tenant space on basically the same parameters, this is
16 a use that is allowable. You have already looked at
17 these factors and said -- as a matter of, you know,
18 the discretion you are vested with, you said, "Based
19 upon this set of circumstances, this is an appropriate
20 use for this location."

21 So if they're doing it consistent with this
22 application, sure, anyone could come through. There
23 would be basis to say, well, some factor has changed
24 and it's not appropriate; whereas, if there is a
25 substantial change, then that's a new use permit.

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1 Does that make sense to you?
2 COUNCILMEMBER PATRICK: What is the
3 threshold of "substantial change," though?
4 ATTORNEY McLENDON: I would say if they
5 exceed basically the parameter of the space require-
6 ments. I think if you deviated from since your
7 parking is tied to the square footage of the worship
8 area and change that square footage, you could have
9 new parking requirements that came into play.
10 And suddenly, to me, that would say, "Well,
11 in this perimeter, you can have it, but if you want to
12 suddenly double the space of your worship area, that's
13 a new use permit," because, suddenly, all of the
14 factors you looked at to determine it was appropriate
15 in this case, it's not the same any more, and that
16 would require a new zoning action to approve that.
17 COUNCILMEMBER PATRICK: Okay.
18 ATTORNEY McLENDON: Does that make sense?
19 COUNCILMEMBER PATRICK: It does. So
20 essentially, I think I heard you just say this will be
21 targeted to --
22 ATTORNEY McLENDON: This runs with the land
23 as long as it's operated --
24 COUNCILMEMBER PATRICK: -- within that --
25 ATTORNEY McLENDON: -- this way.

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1 COUNCILMEMBER PATRICK: -- within that
2 listed square footage.
3 ATTORNEY McLENDON: Pretty much square
4 footage, yeah. and even within the square footage.
5 This one's so small, it probably wouldn't
6 change, but if you have a larger square footage --
7 COUNCILMEMBER PATRICK: Right.
8 ATTORNEY McLENDON: -- and suddenly somebody
9 came in and changed their worship area, that might
10 engender a new application as well.
11 MR. COOLEY: And it would, because it would
12 potentially -- I mean this is a one-to-one parking
13 swap-out because it's so small. You know, if it was
14 larger, it would have an effect, and that would
15 require a new conditional use permit, a new review.
16 COUNCILMEMBER PATRICK: Okay. And then just
17 a couple quick more questions.
18 Standard process, I think you just said, is
19 going to be go through Dekalb County fire marshall,
20 get a C.O. They're going to confirm the occupancy
21 load for the square footage.
22 MR. COOLEY: Right. They will establish the
23 occupancy level.
24 COUNCILMEMBER PATRICK: As this was a
25 commercial use before and it's going to an assembly

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1 occupancy so it's got higher building code safety
2 requirements, that's going to be addressed because
3 they're going through the permitting process?
4 MR. COOLEY: Correct.
5 COUNCILMEMBER PATRICK: Okay. Thank you.
6 MAYOR PITTMAN: Ms. Fleming?
7 COUNCILMEMBER FLEMING: I need clarification
8 from legal.
9 Because I'm getting way too old, I don't
10 remember a lot of things, but I believe recently we
11 had a change in zoning in that particular
12 area on Clearview, if I'm not mistaken, for the hotel,
13 and that was a zoning change.
14 ATTORNEY McLENDON: Uh-huh.
15 COUNCILMEMBER FLEMING: And we put
16 conditions on that zoning change that if they did not
17 comply with what they said they were going to do
18 within three years' time, it would revert back to --
19 COUNCILMEMBER BATES: That's not correct.
20 ATTORNEY McLENDON: I made them take that
21 out.
22 COUNCILMEMBER FLEMING: I'm sorry?
23 ATTORNEY McLENDON: We took that out. And I
24 forget how we --
25 I mean I don't have the case in front of me,

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1 but we said it wasn't an automatic reversal
2 because --
3 COUNCILMEMBER PATRICK: They stipulated they
4 wouldn't --
5 COUNCILMEMBER BATES: The language --
6 COUNCILMEMBER PATRICK: -- resist --
7 COUNCILMEMBER BATES: The language that we
8 put in that was that they wouldn't object to the City-
9 initiated rezoning of that property from O/I back to
10 C-1. It was not an automatic reversal.
11 COUNCILMEMBER PATRICK: Right.
12 COUNCILMEMBER DEAN: Because you can't have
13 an automatic reversal.
14 COUNCILMEMBER PATRICK: Correct.
15 ATTORNEY McLENDON: They did initially
16 propose it, and that was their initial letter -- if
17 I'm correct, their initial letter.
18 And then subsequently, we came to the, "If
19 that's not done, the City may rezone and you will not,
20 you know, be heard to object."
21 COUNCILMEMBER FLEMING: So if this tenant
22 moved out, that we're discussing this evening, and the
23 parcel is empty, we could take a City-initiated
24 rezoning, is that correct? rezoning it back to O/I
25 without a CUP?

1 ATTORNEY McLENDON: And take the use permit
2 off of it?

3 COUNCILMEMBER FLEMING: Uh-huh.

4 ATTORNEY McLENDON: You probably could.

5 Here's the issue you would run into with
6 that: If you did that and someone came back in and
7 said, "I want to put the exact same use back in this
8 location," it would be hard for us to find the
9 distinction not to let somebody go back to this same
10 use unless the facts had changed -- unless it's a
11 year, two years, ten years from now and the traffic's
12 not the same or the adjacent uses have changed.

13 Do you follow me?

14 COUNCILMEMBER PATRICK: But --

15 ATTORNEY McLENDON: You're right. You would
16 have that option to initiate the undo of the church
17 use. And then if somebody came back in, it would be
18 subject to an analysis at the time that they came back
19 in and asked for it.

20 COUNCILMEMBER FLEMING: So we could not put
21 conditions on a conditional use?

22 ATTORNEY McLENDON: You can put conditions
23 on a conditional use. The only conditions that are
24 problematic are ones that say, "And three years from
25 now, there will be a zoning action," because you can't

1 say that.

2 COUNCILMEMBER FLEMING: Okay. All right.
3 Thank you.

4 MAYOR PITTMAN: Ms. Dean?

5 COUNCILMEMBER DEAN: Would it be possible?
6 I mean I think that everything seems fine except that
7 nothing is done, I mean the filing of the 501(c)(3),
8 the building . . .

9 You know, I mean if everything were done, I
10 wouldn't have an issue, right? But now it's all of
11 these loose ends and it's just like, "Let us do this,"
12 but it's --

13 MR. COOLEY: Well, actually, this is the
14 first step that they have to do. They tried to build
15 some things and do other things and occupy prior, and
16 it's not allowed by ordinance. They have to get their
17 conditional use permit to say that, yeah, that space
18 can be used for a church.

19 Then they've got to through the process of
20 getting their occupational tax certificate and their
21 building permits. But until they get the conditional
22 use permit for it, they can't even think about it,
23 because they can't apply for that because it would
24 automatically be turned down because it would not be
25 an allowed use.

1 COUNCILMEMBER DEAN: But for example, a
2 building permit. I mean I thought that the
3 conditional use would be the use of the property.

4 They can't fix it up without using it? I mean
5 there's a stop work order that --

6 MR. COOLEY: Well, the reason the stop work
7 order was done, they did not apply for a building
8 permit of any sort under any type of use.

9 COUNCILMEMBER DEAN: Right.

10 MR. COOLEY: So they did not have a building
11 permit to do that work, That's why the stop work
12 order --

13 COUNCILMEMBER DEAN: So could --

14 MR. COOLEY: -- was put on --

15 COUNCILMEMBER DEAN: -- they get --

16 MR. COOLEY: -- by Quality of Life.

17 COUNCILMEMBER DEAN: -- the building permit
18 and then go do the work? And then at least have the
19 stop work order taken off of the building, so they
20 could say, "Look, this is it, and we're going to be a
21 good business in this community. There is no stop
22 work order on the property, and look at this. We have
23 our 501(c)(3) and we're ready to go. We just need
24 this conditional use permit."

25 MR. COOLEY: I guess in theory they could

1 get a building permit for doing whatever they wanted
2 to do in there, but they could not use it as a church.

3 COUNCILMEMBER DEAN: Right, exactly.

4 MR. COOLEY: Yeah. I mean, you know, in
5 theory, they could do that.

6 COUNCILMEMBER BATES: There's inherent risk
7 in doing that if --

8 MR. COOLEY: True.

9 COUNCILMEMBER BATES: -- they're going --

10 COUNCILMEMBER DEAN: If they don't get it,
11 yeah.

12 COUNCILMEMBER BATES: -- they're going to
13 spend the money in renovating and building it out --

14 COUNCILMEMBER DEAN: Right.

15 COUNCILMEMBER BATES: -- under the hope that
16 we grant a conditional use permit.

17 COUNCILMEMBER DEAN: Right.

18 COUNCILMEMBER BATES: So that's the reason
19 why this is first is to make sure that they can move
20 forward with it before they started spending --

21 COUNCILMEMBER DEAN: Right.

22 COUNCILMEMBER BATES: -- the money.

23 COUNCILMEMBER DEAN: That's good. They did
24 not use the other model that was used for that very
25 big facility that I won't mention.

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1 COUNCILMEMBER BATES: Yes.
 2 MAYOR PITTMAN: Okay. Anything else?
 3 Anyone?
 4 - - -
 5 (No response)
 6 - - -
 7 MAYOR PITTMAN: Okay. At this point, you
 8 need a motion to --
 9 MR. COOLEY: Yeah. It's up to the Council.
 10 MAYOR PITTMAN: -- approve the conditional
 11 use permit if anyone wishes to make that motion.
 12 COUNCILMEMBER PATRICK: Motion to approve
 13 conditional use permit for 2000 Clearview Avenue,
 14 Suite 116, plus or minus 2,000 square feet, for a
 15 church occupancy use.
 16 MAYOR PITTMAN: Do I get a second?
 17 COUNCILMEMBER FLEMING: Second.
 18 MAYOR PITTMAN: Discussion?
 19 COUNCILMEMBER DEAN: I would like to add
 20 some conditions. I mean we're giving them this. I
 21 would like to get something back even if it is -- We
 22 can't put it like if it's empty for six months, it
 23 reverts back or the use permit is taken away or
 24 something?
 25 ATTORNEY McLENDON: You can't have it be

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1 automatic.
 2 Certainly you have the ability to put
 3 conditions on a use permit. They generally need to be
 4 supported by some facts that are in the record. You
 5 know, that would be . . . But yes, you can put
 6 conditions on a use permit to tailor it to something
 7 that would be an appropriate condition to make the
 8 right use for that location.
 9 COUNCILMEMBER DEAN: Right. Right, right.
 10 Okay. All right.
 11 MS. GILMAN: Mayor, one comment, please?
 12 MAYOR PITTMAN: Yes.
 13 MS. GILMAN: I think we've successfully
 14 addressed the physical location and the "catch 22," if
 15 you will.
 16 Perhaps the condition might be associated
 17 with the business organization being defined as a
 18 church. It does not have to be a 501(c)(3).
 19 Nonprofits obtain that tax-exempt status so that they
 20 may attract donations and contributions and the donors
 21 and the contributors get the tax benefit.
 22 But it was never demonstrated that perhaps -
 23 - Is this a stand-alone church organization? Is it
 24 part of an umbrella organization? Perhaps that -- I'm
 25 not talking about religion.

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1 COUNCILMEMBER DEAN: Uh-huh, right, right.
 2 MS. GILMAN: Is that where you might be
 3 going in terms of a condition: that a church wants
 4 this space?
 5 ATTORNEY McLENDON: It would be -- let me
 6 tell you a condition that I could see -- I don't think
 7 it's relevant to this but it's more or less to talk
 8 about conditions -- would be if I had a use that
 9 parked, overparked, it was too much parking but you
 10 still thought it was an appropriate use, and they came
 11 in with a parking plan and said, "Here will be our
 12 parking plan. On this day, we'll use this parking
 13 plan."
 14 You could say, "We approve this use;
 15 however, we are incorporating this parking plan and it
 16 is a condition if you use this," right? because that's
 17 the only way it becomes an appropriate use. And it's
 18 tied to the land and it's tied to those type of
 19 factors you can consider, which is use-oriented
 20 things.
 21 I'm a little concerned organizationally,
 22 especially in this context --
 23 MS. GILMAN: Sure.
 24 ATTORNEY McLENDON: -- because it's really
 25 not a use issue.

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1 MS. GILMAN: Okay.
 2 ATTORNEY McLENDON: It's not a physical is
 3 this the right place for this?
 4 It's more of an administrative issue for
 5 them, and I would say, you know, there are things that
 6 they probably would want to do, but I'm not sure it
 7 would be the type of issue we would take on as a
 8 zoning, you know, land use type.
 9 MS. GILMAN: I understand. I think it's
 10 good to dialogue that through.
 11 And it was demonstrated or it certainly was
 12 affirmed that activity would take place inside the
 13 building, not outside the building, because we
 14 considered the noise factor, we considered the impact
 15 on the adjacent areas, which is criteria we must
 16 consider.
 17 So would conditions --
 18 ATTORNEY McLENDON: Yeah. If you had some -
 19 - That would be the type of condition I don't know we
 20 flushed that all out, but yes, the condition where --
 21 Yes. If you said, "This is a relatively sensitive
 22 location, the activity should take place in this
 23 manner due to the proximity of adjacent parcels," that
 24 would be an appropriate condition to put on that.
 25 Don't know the facts around it, and that's really

1 y'all's purview, but that's the type of condition that
2 you would be able to put on a use permit.
3 MS. GILMAN: We thought so.
4 And so the conditions would be certainly to
5 be defined by Council.
6 COUNCILMEMBER DEAN: I'm sorry I keep asking
7 these questions, but I live a stone's throw from that
8 facility, so it would -- that's my -- that's my
9 neighborhood.
10 How frequently? I mean what would -- what
11 changes might occur to the traffic pattern in that
12 neighborhood on any given day?
13 MR. COOLEY: Our analysis basically saw no
14 significant change in pedestrian, with given their
15 hours and things, an increase in traffic. Certainly
16 not to a level that would affect any type of traffic
17 control devices being needed.
18 You know, hours will be a little different
19 because depending on when they have their services,
20 and I believe that was discussed at the Planning
21 Commission but I don't recall off the top of my head
22 what --
23 MS. GILMAN: Thursday and Sunday.
24 MR. COOLEY: Thursday and Sunday? Thank
25 you.

1 CLERK BRYANT: Councilmember Dean?
2 COUNCILMEMBER DEAN: I'm sorry. No.
3 CLERK BRYANT: Councilmember Fleming?
4 COUNCILMEMBER FLEMING: Yes.
5 CLERK BRYANT: Councilmember Patrick?
6 COUNCILMEMBER PATRICK: Yes.
7 MAYOR PITTMAN: Okay. Thank you. Motion
8 carried.
9 [To the applicant] Thank you. It was
10 approved.
11 Okay. Next on the agenda is going to be
12 another public hearing, for City-initiated rezone of
13 Parcel No. 18 at 4363 Tilly Mill Road. I believe this
14 is the Goodyear Tire?
15 MR. COOLEY: That's correct. This is --
16 Actually, the next two that you have are related to
17 the same parcel.
18 This is a City-initiated rezoning. It came
19 in the city identified -- Based upon tax records at
20 the time, the County had shown it as O & I, so as part
21 of the annexation back in September or -- excuse me --
22 December 31st, it came in as O & I.
23 That was brought to our attention by the
24 owner that that was not the correct zoning. And in
25 your packet you will see all the documents from Dekalb

1 So you know, with --
2 COUNCILMEMBER DEAN: And do we know --
3 MR. COOLEY: -- the small --
4 COUNCILMEMBER DEAN: -- how many people?
5 MR. COOLEY: -- the small --
6 The size it is?
7 COUNCILMEMBER DEAN: Uh-huh.
8 MR. COOLEY: It's to the point where there
9 will be no additional cars there than would have been
10 allowed as an O/I use.
11 COUNCILMEMBER DEAN: Right.
12 MR. COOLEY: So that was my initial, first
13 concern when I heard about congregating, you know, a
14 lot of cars and things like that, but it's really
15 pretty small.
16 MAYOR PITTMAN: Okay. We have a motion and
17 a second. Additional 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.

1 County showing that it was actually rezoned to C-2.
2 It's two parcels together, and they were rezoned.
3 So two ways of looking at it. You know, one
4 was a scrivener's error. But talking to legal
5 counsel, the best approach on this would be just to go
6 through the ZPA process on it and make sure that it's
7 gone through the process properly. And that's why
8 it's City-initiated rezoning: because it was an
9 error when we did the mass rezoning.
10 So far, it's the only one we've found, but I
11 would not be surprised if there are others just based
12 upon some of the data.
13 MAYOR PITTMAN: Okay. And I believe someone
14 is here. You are with --?
15 MR. PAVLOPOULOS: (Nods head)
16 MAYOR PITTMAN: Okay. All right. At this
17 time, I'm going to bring it back up to the table.
18 Ms. Alexander, did you have questions?
19 COUNCILMEMBER ALEXANDER: No. So our
20 understanding is we basically inherited Dekalb's
21 error.
22 MR. COOLEY: Correct.
23 COUNCILMEMBER ALEXANDER: And we have proof
24 that they passed the rezoning, and we're just
25 basically correcting.

1 MR. COOLEY: Correcting, yeah. It's really
 2 an administrative correction to get it done right.
 3 MAYOR PITTMAN: Mr. Bates?
 4 COUNCILMEMBER BATES: No questions.
 5 MAYOR PITTMAN: Mr. Patrick?
 6 COUNCILMEMBER PATRICK: I realize we are
 7 correcting an error that's been made.
 8 If we wanted to put conditions on this, is
 9 it appropriate to put it under the rezoning or put it
 10 under the conditional use permit?
 11 ATTORNEY McLENDON: Use permit. If we are
 12 basically correcting an error that took place in
 13 Dekalb as far as the underlying zoning, I would pretty
 14 much stick with consistent with that underlying
 15 zoning.
 16 Now, if there's a use permit that's being
 17 applied for contemporaneously with that for a new use,
 18 that would be an area that you could probably have
 19 a -- You know, again, that's a new analysis about
 20 whether that use is appropriate for this parcel. And
 21 if there were some factors that you thought needed to
 22 be considered in that, that would be the best
 23 location.
 24 COUNCILMEMBER PATRICK: So if we had
 25 transportation concerns about crossing over -- making

1 COUNCILMEMBER FLEMING: This is involving
 2 just one of the parcels; is that correct?
 3 MR. COOLEY: That is correct. It's actually
 4 two parcels under the same ownership, the one parcel
 5 that was correctly re- -- I mean shown was the
 6 existing -- I think it was State Farm. It's an office
 7 building there, red brick office building, and this is
 8 the parcel adjacent to it.
 9 This was all part of a master plan. And if
 10 you read back through the Dekalb where they were
 11 developing this, even back then, it was a Goodyear,
 12 and it was all approved by the County. But the
 13 problem was that they didn't financially have the
 14 wherewithal to do the next step. They built the
 15 office building, held off on the Goodyear portion.
 16 So this is consistent with what was
 17 previously approved, also.
 18 And just for the record, if I may, I don't
 19 know if I put it in, but this is at 4363 Tilly Mill
 20 Road and it's Parcel No. 18-342-04-010. It was
 21 advertised in the paper and it was also posted on site
 22 according to the ZPA regulations.
 23 MAYOR PITTMAN: Okay. Ms. Fleming, anything
 24 else?
 25 COUNCILMEMBER FLEMING: No. Since it's

1 a left-hand turn over Tilly Mill, save it for?
 2 ATTORNEY McLENDON: I would save it for --
 3 That would be one I'd want to hear about from the
 4 standpoint of incorporating a traffic issue --
 5 COUNCILMEMBER PATRICK: Okay.
 6 ATTORNEY McLENDON: -- into that, because,
 7 you know, we have pretty much control over traffic in
 8 our own purview. I'm not sure that's required to be
 9 put into zoning as much as our own exercise of our
 10 dominion over the rules of the road.
 11 What could be discussed is the existing
 12 traffic patterns and future traffic patterns could
 13 certainly be discussed in the context of whether it's
 14 an appropriate use and the impact that use would have
 15 on the traffic patterns.
 16 In many cases in zoning cases, traffic is
 17 considered, and there are traffic plans that are
 18 incorporated. And that would be appropriate in a use
 19 permit; absolutely. Make sense?
 20 COUNCILMEMBER PATRICK: No --
 21 ATTORNEY McLENDON: Maybe? No?
 22 COUNCILMEMBER PATRICK: -- but we'll go for
 23 it.
 24 ATTORNEY McLENDON: Okay.
 25 MAYOR PITTMAN: Ms. Fleming?

1 City-initiated rezoning, we're not going to have
 2 commentary from the owner of the property?
 3 MAYOR PITTMAN: We can, absolutely.
 4 COUNCILMEMBER FLEMING: I mean I wasn't
 5 sure.
 6 ATTORNEY McLENDON: I think you would.
 7 MAYOR PITTMAN: Yeah.
 8 COUNCILMEMBER FLEMING: And though going
 9 along with Mr. Patrick's comment about the rezoning
 10 would be on the CUP or the rezoning?
 11 ATTORNEY McLENDON: It would be appropriate
 12 at the zoning, I believe, if the owner chose to speak.
 13 COUNCILMEMBER FLEMING: Then I want to
 14 comment something about since the office building at
 15 4353 Tilly Mill Road, which is not in discussion right
 16 now but it is the State Farm and Affinity building
 17 entrances from the Home Depot driveway I am in favor
 18 of the parcel -011 being 4363 to also be entered from
 19 the Home Depot parking lot.
 20 So I'm not sure what I'm trying to ask here
 21 or question, or is that what's going to happen or --
 22 MR. COOLEY: I think you're probably hitting
 23 at the same thing that Councilman Patrick was talking
 24 about, and I think probably on this it would be
 25 conditional use permit.

1 We cannot go back and put a condition on
2 existing property, a built property that came into the
3 city. So they do have an ingress/egress easement, I
4 believe, with Home Depot, but we could not -- we can't
5 put something -- conditions on something, on something
6 that's not before us.

7 COUNCILMEMBER ALEXANDER: That was a
8 condition of Dekalb's approval, so it's an existing
9 condition.

10 MR. COOLEY: It is existing condition that
11 they do have the ingress/egress.

12 COUNCILMEMBER ALEXANDER: It says provide
13 access to the subject property, provide interparcel
14 access.

15 MR. COOLEY: Right.

16 ATTORNEY McLENDON: But interparcel access
17 does not necessarily require that to be the access.
18 Interparcel access just means you have that, the
19 connectivity between the parcels.

20 What I am -- sorry, I'm not -- I don't have
21 all my facts, but what I'm hearing is we are wanting
22 to say, "We like this alternate access."

23 COUNCILMEMBER FLEMING: Well, no. I want
24 the two -- personally, I mean, I want to see both of
25 the parcels, you know, either combined or accessed

1 purpose, you know, they would probably have been
2 having to pay taxes on -- if it was combined, on the
3 entire parcel as a developed parcel --

4 COUNCILMEMBER DEAN: Right.

5 MR. COOLEY: -- versus the small -- a small
6 parcel developed and the other . . . and that's purely
7 speculation, but, from a business perspective, it
8 makes a lot of sense. That was my comment about that.
9 I was trying to figure a rationale why it wasn't.

10 COUNCILMEMBER FLEMING: I don't have
11 anything else.

12 MAYOR PITTMAN: Okay. Ms. Dean?

13 COUNCILMEMBER DEAN: I just wanted to
14 confirm that all the notification, etc., was done the
15 way it was supposed to in terms of the rezoning.

16 MR. COOLEY: Yes.

17 COUNCILMEMBER DEAN: Okay.

18 MAYOR PITTMAN: Okay. Sir, did you have
19 anything you wanted to say?

20 MR. JOHN PAVLOPOULOS: Well, the --

21 MAYOR PITTMAN: You can come up.

22 MR. PAVLOPOULOS: Yeah.

23 MAYOR PITTMAN: And give your name to the
24 court reporter, please.

25 MR. PAVLOPOULOS: My name is John

1 from one to the other, which then gives the Goodyear,
2 you know, the people that are going there, the oppor-
3 tunity to go out the Home Depot or come out Tilly Mill
4 Road.

5 ATTORNEY McLENDON: Typically, you would --

6 COUNCILMEMBER BATES: They would have that
7 if I'm -- and you can correct me if I'm wrong, but
8 according to the site plan that they provided to us,
9 there's an entrance off of Tilly Mill but there's a
10 connective --

11 COUNCILMEMBER PATRICK: Yeah.

12 COUNCILMEMBER BATES: -- road to the parking
13 deck that is there where the State Farm building is.
14 So the people would have the ability to exit out onto
15 Tilly Mill or to exit out through the Home Depot --

16 COUNCILMEMBER FLEMING: Okay.

17 COUNCILMEMBER BATES: -- lot.

18 COUNCILMEMBER DEAN: And if it were the
19 same, if the parcels were combined, didn't I read
20 today that it would be a detriment to -- it would be
21 to the detriment of their taxes?

22 MR. COOLEY: Oh, what I was talking about
23 originally was why they probably -- and this is pure
24 speculation on my part -- why they wouldn't want to
25 have combined them at the time: because from a tax

1 Pavlopoulos. I'm the owner. P as in Paul, A, V as in
2 Victor, L-O-P-O-U-L-O-S.

3 About three years ago when I first bought
4 the property next to the Home Depot, my goal was to
5 start the Goodyear store, and things didn't happen
6 that way. I changed a little bit and I built the
7 building you see right now, which the Infinity
8 building.

9 I bought -- before I finished building, the
10 next-door property came along for sale, and right
11 there I said, "Here's the Goodyear store."

12 I changed the plans, I changed everything;
13 back to Dekalb County, back again on the drawing
14 table, and I got the approval for Goodyear store.

15 I bought the little house. I'm sure some of
16 you remember that little yellow house used to be
17 there, some kind of strange business.

18 MS. FLEMING: Yes. Strange, yes.

19 MR. PAVLOPOULOS: Second day I bought the
20 property, I let the people go. I demolished the house
21 about 15 days later and then I filed the permit to
22 rezone.

23 The first lot, the one next door to Home
24 Depot used to be C-2. They want to vote it was
25 O & I. So I filed the application and I did the

1 rezoning. It became C-2. I got all the plans
 2 approved.
 3 I was ready to start, but the money was not
 4 there. I have a hard time to get the loan. If I had
 5 started back then, today it would be a Goodyear store
 6 operate there. That didn't happen. It took me about
 7 three years, one disappointment after the other.
 8 Finally, I got the loan, that's an SBA loan,
 9 from the owner/operator. I want to start the
 10 business, I want to build a building. I'm going to
 11 work there. Family business. I'm going to have a few
 12 employees as well.
 13 Everything's been approved far as I could
 14 tell. My plans are correct. I don't ask for anything
 15 extra. I got enough parking space. I have everything
 16 whatever the County requires or the City requires. I
 17 just want to get started. It took me three years, and
 18 that's a very long time.
 19 It's a nice building. You see the other,
 20 and I'm still doing improvements. It's not more -- no
 21 more yellow house. It's just nice building with a
 22 family-operated business.
 23 Thank you.
 24 MAYOR PITTMAN: Does anyone have any
 25 questions up here for the gentleman?

1 portion of this.
 2 I'm going to ask for those wishing to speak
 3 for to come forward. Again, it's 10 minutes; it's 10
 4 minutes altogether. If you speak for 10 minutes, no
 5 one else will get to speak.
 6 Anyone wishing to come forward for those
 7 wishing to speak for?
 8 MR. CRAWFORD: Ben Crawford, Oakcliff
 9 Estates.
 10 I think it would be a good thing for the
 11 Council to move forward with, and I think this
 12 gentleman will be bringing a few jobs to Doraville
 13 that would be good quality jobs. Thank you.
 14 MAYOR PITTMAN: Okay. Anyone else wishing
 15 to speak for?
 16 MR. ANDERSON: Stuart Anderson.
 17 I was in a meeting with Mr. --
 18 MR. PAVLOPOULOS: Yeah. Pavlopoulos, John.
 19 MR. ANDERSON: Uh-huh -- some years ago, and
 20 I approved of it then or I thought it was a good idea
 21 then.
 22 My only question is kind of relative to
 23 Mr. Patrick's: a decel lane. That's a fast turn
 24 coming down that hill. I don't know. And as long as
 25 there's access from the Home Depot, that's good, but

1 COUNCILMEMBER DEAN: I would like to hear
 2 from the Planning Commission since we have --
 3 MAYOR PITTMAN: All right. I was going to
 4 ask her in just a minute.
 5 COUNCILMEMBER DEAN: Okay.
 6 MAYOR PITTMAN: Does anyone have any
 7 questions for the gentleman?
 8 COUNCILMEMBER PATRICK: No.
 9 MAYOR PITTMAN: Anyone down here?
 10 Did you have something you wanted to add?
 11 MR. COOLEY: Yes. And this is something
 12 Council brought up, and I think it's an excellent idea
 13 on the rezoning: that because we're bringing it again
 14 as it was, that it should be brought in with the
 15 conditions previously put on it by Dekalb County as
 16 part of that, and that was to be a recommendation
 17 included in the motion if you make one.
 18 MAYOR PITTMAN: Okay. Thank you.
 19 And Ms. Gilman, did you have anything you
 20 wanted to add?
 21 MS. GILMAN: No. I think everything
 22 relevant has been spoken. Thank you.
 23 MAYOR PITTMAN: Thank you very much.
 24 Sir, if you don't mind having a seat for
 25 just a moment, we are going to open the public hearing

1 that is a -- it's a tricky, tricky turn.
 2 MAYOR PITTMAN: Okay. Anyone else wishing
 3 to speak for?
 4 Okay. Anyone wishing to --
 5 Oh, I'm sorry.
 6 MS. CRAWFORD: Okay.
 7 MAYOR PITTMAN: Come on.
 8 MS. CRAWFORD: Susan Crawford, Oakcliff.
 9 I just think it sounds like a good business
 10 and it's going to be in the right place for such a
 11 business, so I'm for it.
 12 MAYOR PITTMAN: Okay. Anyone else wishing
 13 to speak for?
 14 - - -
 15 (No response)
 16 - - -
 17 MAYOR PITTMAN: Okay. Anyone wishing to
 18 speak against please come forward.
 19 MR. HART: I attended the Planning
 20 Commission meeting and I brought up the fact that it
 21 was not zoned correctly, and I was told by the -- by
 22 our counsel here that it was -- it was split zone, it
 23 was zoned correctly; that I was full of stuff; that,
 24 you know, they didn't have to do any of that. It's
 25 all in the records of the Planning Commission meeting.

1 All this could have been avoided if our
2 planning office had done their homework and found out.
3 The City had to rezone this in a midnight rezoning to
4 O & I. It went from O & I to O & I. It was not zoned
5 correctly.

6 And then they came back and gave it a
7 conditional use in C-2 when it wasn't zoned C-2. Then
8 there were no conditions.

9 I have in my possession two sets of plans
10 from other cities that are putting Goodyear tire
11 stores in. The other cities turned them down because
12 they didn't have enough brick, they had a lot of EIFS
13 panels and they were metal buildings.

14 And here we are, we have restrictions in C-2
15 for automotive businesses such as a gas station, and
16 the restriction on their building materials in our
17 zoning ordinance. Okay?

18 We also have room, since this is a
19 conditional use, to put sidewalks in, decel lanes.

20 Have the plans been reviewed by GDOT? It is
21 too close to the GDOT intersection, and they're going
22 to have a say-so on what you do with that driveway.

23 So the plans, have they been reviewed by
24 GDOT? Do we have a set of plans that meet the highest
25 standards of what a Goodyear tire store is, which, in

1 That's the actual facts. That's why one property was
2 C-2 and the other one remained O & I: because it was
3 O & I when John Noonan owned it. They were not
4 purchased at the same time.

5 So I think there are some problems in the
6 fact that there are no conditions, no quality
7 development plans, GDOT has not approved the traffic
8 pattern for this, and so it needs to be put aside
9 until you get all your facts straight.

10 Thank you.

11 MAYOR PITTMAN: Anyone else wishing to speak
12 against?

13 - - -

14 (No response)

15 - - -

16 MAYOR PITTMAN: Okay. At this time, we're
17 going to close the public hearing portion and bring it
18 back up here.

19 Sir, did you have something you wanted to
20 say?

21 MR. PAVLOPOULOS: Yes. About the type of
22 the building, first of all, it is full brick-side
23 building, except the garage doors' service. I can't
24 make garage doors open and close as brick.

25 Secondly, I didn't know i will buy that

1 the other communities, they wanted all brick
2 buildings?

3 COUNCILMEMBER DEAN: I'm sorry, I can't hear
4 you. Could you please repeat what you said?

5 MR. HART: Yes, if the Council could be
6 quiet for a second.

7 COUNCILMEMBER PATRICK: I apologize, sir.

8 MR. HART: Thank you.

9 The conditions could be that it be an all
10 brick building like they are in the other communities.
11 And I have copies of those drawings which are half
12 EIFS and half not or metal buildings that they've
13 turned down.

14 So the set of conditions must be important.
15 The Planning Commission put no conditions at all.
16 They had it zoned wrong, so what the Planning
17 Commission passed and the planner passed are
18 problematic.

19 The previous property owner of this property
20 was John Noonan, who you all know. Okay. Before
21 that, it was a house of some different usage. And the
22 property owner built the garage too close to John
23 Noonan's property, and John Noonan required them
24 either remove the parking garage or buy his property,
25 and this property owner then bought the property.

1 building or that property when I was doing my first
2 building. It came for sale. It was O & I. I can't
3 help it. I bought it as an O & I and I went and
4 change it, I change it to C-2.

5 And then all these plans, the entrance, the
6 driveway through Home Depot, through Tilly Mill, has
7 been approved by DOT and by Dekalb County.

8 If I have the money back then, today will be
9 a Goodyear store there. This happened because of the
10 money.

11 But the building is about a one-and-a-half
12 million dollar building. It is not metal. I mean
13 obviously the roof is metal, but it's a good looking
14 building like the other one next door. Red brick,
15 blue roof. Everything is in there. I am not missing
16 anything. My driveway, my parking, my landscaping,
17 they were intention.

18 I have two entrances, and it's easier. The
19 reason I'm using the entrance of the office building,
20 it's easier for people to come through the traffic
21 light to the property, but I still have my entrance
22 through Tilly Mill. It used to be there, it's been
23 there, and it's there.

24 MAYOR PITTMAN: Okay, sir. Thank you.

25 MR. PAVLOPOULOS: Thank you, ma'am.

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1 MAYOR PITTMAN: If you don't mind, I need to
 2 bring to the attention of Council it is ten till 9:00.
 3 I would suggest -- I don't know where you
 4 want to go with this, but I do suggest that we at
 5 least get through the old business. If you want to
 6 continue on, that's up to Council, but I do think we
 7 need to get through No. 10.
 8 So I need a motion to extend, and you can
 9 let me know how long you want to go, please.
 10 COUNCILMEMBER BATES: Motion to extend
 11 through No. 10 Old Business and Citizen Comments.
 12 MAYOR PITTMAN: Okay. Do I get a second?
 13 COUNCILMEMBER ALEXANDER: 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?

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1 COUNCILMEMBER FLEMING: Yes.
 2 CLERK BRYANT: Councilmember Patrick?
 3 COUNCILMEMBER PATRICK: Yes.
 4 MAYOR PITTMAN: Okay. Thank you.
 5 All right. And at this time, I'll bring it
 6 back up to the table.
 7 Ms. Alexander, do you have questions?
 8 COUNCILMEMBER ALEXANDER: No, ma'am. I'm
 9 good.
 10 MAYOR PITTMAN: Mr. Bates?
 11 COUNCILMEMBER BATES: When Dekalb County
 12 heard this, they approved with seven conditions.
 13 If we move forward -- and this is going to
 14 be in Council's packet; it's on page two but it's
 15 more like page 10 or 12 -- we can adopt those same
 16 conditions; correct?
 17 ATTORNEY McLENDON: What you would do is
 18 make a motion to zone it C-2 incorporating the
 19 conditions as set out.
 20 COUNCILMEMBER BATES: My concern is only
 21 with the first of the conditions, and that's
 22 referencing a site plan that we're not in possession
 23 of. It was a site plan from 2008, but we're now on a
 24 site plan that's dated 2012.
 25 Can we modify --

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1 ATTORNEY McLENDON: Uh-huh.
 2 COUNCILMEMBER BATES: -- any of those?
 3 And I think the applicant would probably consent to
 4 that.
 5 MR. PAVLOPOULOS: Yeah. Well, you have the
 6 new plan.
 7 MR. COOLEY: Actually, we have copies of the
 8 plans now. He's --
 9 COUNCILMEMBER BATES: Of the '08 plans?
 10 MR. COOLEY: No, the new.
 11 COUNCILMEMBER BATES: Right, but -- but the
 12 conditions from the County that I want to adopt
 13 reference a 2008 site plan. That's not correct. We
 14 can't --
 15 ATTORNEY McLENDON: If there is an updated
 16 site plan and that site plan meets y'all's
 17 satisfaction, I think you can change that 2008 to
 18 2012, incorporating the current plan version.
 19 COUNCILMEMBER BATES: Okay, but just to be
 20 clear for the rest of Council, if we move forward with
 21 this, I want to adopt Items 2 through 7 of the Dekalb
 22 County conditions as set out in their approval for
 23 this, which stipulates uses, access, four-sided brick,
 24 which --
 25 Real quick question, sir. The brick is

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1 going to match the existing building?
 2 MR. PAVLOPOULOS: Correct.
 3 COUNCILMEMBER BATES: Okay.
 4 MAYOR PITTMAN: Okay.
 5 COUNCILMEMBER BATES: And it requires a
 6 sidewalk and those types of things.
 7 ATTORNEY McLENDON: And anyone who builds
 8 has to meet all the development regulations. That's
 9 just part of having a building permit.
 10 MAYOR PITTMAN: Mr. Patrick?
 11 COUNCILMEMBER PATRICK: Would it be
 12 appropriate now to mention or bring up the idea of
 13 combining those two properties?
 14 ATTORNEY McLENDON: I think you can bring it
 15 up and it can be something that can certainly be
 16 discussed.
 17 COUNCILMEMBER PATRICK: If the Council would
 18 like, a suggestion I would have is just to combine
 19 these two parcels into one.
 20 The other thing is is if the applicant
 21 doesn't have a problem with maybe changing from beeper
 22 sales to maybe cell phone sales.
 23 I know you already have an existing cell
 24 phone store there, but.
 25 MR. PAVLOPOULOS: No, it's not any more.

1 COUNCILMEMBER PATRICK: Oh, they're gone.
 2 Okay.
 3 COUNCILMEMBER BATES: But that's
 4 specifically denied.
 5 COUNCILMEMBER PATRICK: Yeah, but I don't
 6 know of anybody that sells beepers these days. I
 7 think they sell cell phones instead.
 8 COUNCILMEMBER BATES: Got you.
 9 COUNCILMEMBER PATRICK: So that would be the
 10 only thing is is change "beepers" to "cell phones."
 11 MR. COOLEY: That's not going to affect the
 12 existing building, though, you understand.
 13 COUNCILMEMBER PATRICK: I understand that.
 14 MR. COOLEY: Okay.
 15 MAYOR PITTMAN: Okay. Ms. Fleming?
 16 COUNCILMEMBER FLEMING: Well, Item No. 6 of
 17 these conditions indicate that there's going to be
 18 "Sidewalks shall be constructed along the street
 19 frontage of Tilly Mill Road as required by the
 20 Transportation Division."
 21 COUNCILMEMBER BATES: It's -- it's --
 22 COUNCILMEMBER FLEMING: So are we --
 23 COUNCILMEMBER BATES: It's shown on the site
 24 plan to be constructed.
 25 COUNCILMEMBER FLEMING: I'm sorry?

1 with that several.
 2 MAYOR PITTMAN: Good.
 3 COUNCILMEMBER ALEXANDER: I think that we
 4 were informed before that we could not legally make
 5 someone combine parcels.
 6 ATTORNEY McLENDON: It would be -- and I
 7 don't know if we're moving forward with that or not.
 8 You can do a zoning across multiple parcels.
 9 There would be circumstances where that
 10 might affect your willingness to rezone.
 11 I don't know it would be something you could
 12 force them to. If a zoning case lies across multiple
 13 parcels, they operate within that one zoning case even
 14 if it's separate parcels.
 15 The biggest thing about joining parcels is
 16 you don't have the setbacks. I mean if you combine
 17 parcels, you get some development benefits from it.
 18 But it's also a relatively sophisticated thing to say,
 19 "Hey, let's do this" without having a full analysis of
 20 the impact of that. So that would be one.
 21 And if we really were going down that road,
 22 I would say, "I want to know what is my real impact of
 23 that if I chose to make that a condition," and that
 24 might take some more analysis.
 25 But if it's multiple parcels within one

1 COUNCILMEMBER BATES: It's shown on the site
 2 plan to be constructed.
 3 COUNCILMEMBER FLEMING: I was just going to
 4 ask about how many feet that would be. But that's
 5 quite all right. I'll pull out my map and look at it.
 6 Thank you, Mr. Bates.
 7 COUNCILMEMBER BATES: You're quite welcome.
 8 MR. COOLEY: Actually, looking at the plat
 9 here, it looks like it's about a hundred feet if I'm
 10 not mistaken, on that parcel. It's 105 on the other
 11 parcel.
 12 COUNCILMEMBER FLEMING: Say again?
 13 MR. COOLEY: 105 on the existing parcel
 14 where the -- I don't know if that was built or not at
 15 this point, but the parcel we're talking about is a
 16 hundred feet.
 17 COUNCILMEMBER FLEMING: Thank you.
 18 MAYOR PITTMAN: Ms. Dean?
 19 COUNCILMEMBER DEAN: I'm good.
 20 - - -
 21 (Brief discussion off the record between Messrs.
 22 Pavlopoulos and Cooley.)
 23 - - -
 24 MR. COOLEY: He was just commenting, it's
 25 going to go all the way to the Waffle House to connect

1 zoning case, they are in essence tied together
 2 forever, anyhow, or at least until they are separately
 3 zoned out of that case.
 4 MR. COOLEY: Actually, there is no setback
 5 requirements between C-2 properties so it wouldn't
 6 affect that whatsoever.
 7 ATTORNEY McLENDON: So even that is --
 8 MR. COOLEY: Yeah.
 9 ATTORNEY McLENDON: -- not a big issue.
 10 MR. COOLEY: I believe the applicant would
 11 like . . .
 12 COUNCILMEMBER DEAN: And may I just ask, why
 13 did you want to -- why did you say that? Why do you
 14 want to join the parcels? just out of curiosity.
 15 COUNCILMEMBER PATRICK: Well, I wanted to
 16 make sure that there was no questions for the
 17 interparcel connectivity from the Infinity building
 18 down to the Goodyear. So if people were being routed
 19 through the Home Depot parking lot at that traffic
 20 light and through the Infinity building down the ramp,
 21 there wouldn't be -- there wouldn't be an issue.
 22 Obviously, it's the same owner, but if at some point
 23 down the line --
 24 ATTORNEY McLENDON: And I can say that if
 25 the case says there shall be interparcel access and if

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1 the plans show it that are adopted plans --
2 COUNCILMEMBER PATRICK: That's --
3 ATTORNEY McLENDON: -- I have enforced those
4 plans --
5 COUNCILMEMBER PATRICK: I got you.
6 ATTORNEY McLENDON: -- in the past
7 between --
8 MAYOR PITTMAN: (To the audience) Sssh.
9 COUNCILMEMBER PATRICK: Okay.
10 MAYOR PITTMAN: Anything else from Council?
11 ---
12 (No response)
13 ---
14 MAYOR PITTMAN: Okay. At this time, does
15 anyone want to entertain a motion?
16 COUNCILMEMBER BATES: I'll make a motion to
17 approve the rezoning from O/I to C-2, adding in the
18 Dekalb County conditions 2 through 7 as referenced on
19 their zoning analysis report case number C as in
20 Charlie Z as in zebra, 0815147.
21 MAYOR PITTMAN: Okay. Do I get a second?
22 COUNCILMEMBER ALEXANDER: With the comment
23 that we're going to replace the 2008 drawing with the
24 2012 drawing.
25 COUNCILMEMBER BATES: That's correct. Thank

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1 you.
2 COUNCILMEMBER ALEXANDER: Second.
3 MAYOR PITTMAN: Discussion?
4 ---
5 (Brief discussion off the record between Attorney
6 McLendon and Councilmember Patrick.)
7 ---
8 COUNCILMEMBER PATRICK: Would you mind
9 pulling that map up?
10 ATTORNEY McLENDON: And what I asked Robert,
11 I just wanted to make -- clarify from him where we
12 were going to his earlier comment about the traffic or
13 when would be the appropriate time to address that.
14 And if it's a traffic pattern that is engendered by
15 the use itself, you know, it doesn't matter if it's a
16 car place or a 10 different type of C-2 uses.
17 COUNCILMEMBER PATRICK: Right.
18 ATTORNEY McLENDON: Actually, the zoning
19 case is probably the correct location to deal with
20 that.
21 We have a certain set of conditions that
22 were approved by Dekalb County.
23 COUNCILMEMBER PATRICK: Right.
24 ATTORNEY McLENDON: That puts us in a
25 certain place.

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1 COUNCILMEMBER PATRICK: Right.
2 ATTORNEY McLENDON: And you know, I would
3 say that this is where we would talk about it.
4 COUNCILMEMBER PATRICK: Okay.
5 ATTORNEY McLENDON: So that dawned on me.
6 But I think this would be the time to have that
7 conversation.
8 COUNCILMEMBER PATRICK: If it's possible, if
9 someone could click on the Internet Explorer back
10 there, there's two maps. One is of Tilly Mill at that
11 intersection.
12 Go to the next map, please.
13 Okay. So that's the intersection right
14 there. Nobody has a problem with me getting up?
15 If you're coming from PIB northbound, you've
16 got your turn lane right here, and then you would end
17 up crossing the turn lane and then two dedicated lanes
18 to come over to the property, where if you're coming
19 from Dunwoody, again you're crossing over here.
20 In the mornings, that's a very difficult
21 intersection. I see people trying to cross into the
22 gas station, I see people trying to cross out of the
23 gas station to go, I guess, southbound on Tilly Mill,
24 and it's dangerous. There's tanker trucks that go up
25 and down that street.

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1 So my idea was -- if you could go to the
2 other map -- it's in Norcross. I apologize.
3 They have a right turn in only and a right
4 turn out only, so that would prohibit someone from
5 trying to cross across several lanes of traffic.
6 Instead, they'd be routed back up to the
7 Home Depot through the traffic light. You've got your
8 interparcel access, come down the ramp, and you still
9 have access to the location.
10 That's something I would like to put forth
11 to Council to see where they would stand on that idea
12 just from a safety aspect.
13 MR. COOLEY: If I may, I was just handed a
14 copy of a traffic report study that was done by a
15 traffic engineer back in October 31st, 2008, and it
16 specifically addresses that. Why Dekalb did not
17 incorporate that . . .
18 But I will just read the last two sentences
19 of it or the last sentence of the conclusions and
20 recommendations Item 2. It says, "In light of the
21 fact that the site will have connection to the
22 signalized full movement Home Depot access, it is
23 recommended that the Tilly Mill Professional Center
24 driveway be restricted to right in and right out."
25 So you're thinking like an engineer.

1 COUNCILMEMBER BATES: Are you amenable to
2 that?

3 MR. PAVLOPOULOS: Yes.

4 COUNCILMEMBER FLEMING: Though he might
5 provide that, they're going to ram into the people
6 that are coming out of Waffle House that are going to
7 go over the three lanes to get into the left turn lane
8 to go southbound on PIB, I mean, so --

9 COUNCILMEMBER PATRICK: We can only fix one
10 issue at a time. That would be my response.

11 COUNCILMEMBER FLEMING: So these people are
12 going to come out and do an immediate right and do a
13 U-turn in the middle of the road to go toward Tilly
14 Mill.

15 I'm not opposed to in doing what you're
16 doing. I'm just saying that I mean just like we did
17 with this restaurant, we can say that you must make it
18 where you're turning right only at Jess Norman like we
19 did. But you told us that we couldn't delineate the
20 path of traffic is what you told us on the Jess Norman
21 situation for that restaurant.

22 COUNCILMEMBER PATRICK: That might be
23 because of the --

24 COUNCILMEMBER ALEXANDER: That's a federal
25 highway.

1 COUNCILMEMBER FLEMING: I'm sorry?

2 MAYOR PITTMAN: Federal highway.

3 COUNCILMEMBER ALEXANDER: It's a federal
4 highway.

5 COUNCILMEMBER PATRICK: We can't regulate
6 that right-of-way.

7 But Tilly Mill has a definite begin and
8 ending point, termination point, in the city, so if
9 I'm correct, we have a little more latitude. I
10 believe since Tilly Mill starts in our city limits and
11 it has a clear ending point, that we have a little
12 more control over that.

13 ATTORNEY McLENDON: And usually with traffic
14 issues, it's one that you would look to some expert
15 analysis, traffic engineering analysis, to make a
16 determination of the best method of ingress and egress
17 on the property.

18 I could tell you if you have a right
19 in/right out and somebody comes out and wants to do
20 U-turns, that's really more of an enforcement issue
21 and just making sure people begin to understand,
22 through enforcement, how it has to operate.

23 And if you have the interparcel access,
24 what's going to -- I think you'll see what happens is
25 if it's a pretty easy access up to a signalized

1 location exit, I haven't looked at the traffic report,
2 but I would guess that's sort of where they're talking
3 about is those type of factors.

4 And what we have is the applicant's
5 indicated the willingness to agree to that right in/
6 right out.

7 COUNCILMEMBER PATRICK: Yes.

8 COUNCILMEMBER DEAN: Does that need to be
9 added to the motion?

10 ATTORNEY McLENDON: Yes. That would be a
11 condition.

12 COUNCILMEMBER PATRICK: If I could make an
13 amendment to Mr. Bates' motion to have a right in/
14 right out, and then also --

15 MR. COOLEY: On Tilly Mill.

16 COUNCILMEMBER PATRICK: On Tilly Mill. And
17 then a stipulation or an agreement to have interparcel
18 connectivity between 4353 and 4363?

19 COUNCILMEMBER BATES: That's covered in
20 the -- Yeah, that's number 3 of the Dekalb conditions.

21 COUNCILMEMBER PATRICK: I just wanted to
22 make sure that wasn't only Home Depot to --

23 COUNCILMEMBER BATES: No. It's the
24 interconnectivity between the two, Tilly Mill
25 Professional Center.

1 COUNCILMEMBER PATRICK: Okay.

2 COUNCILMEMBER BATES: And I'll amend my

3 motion.

4 MAYOR PITTMAN: And second to the amendment?

5 COUNCILMEMBER ALEXANDER: Is that me? Okay.

6 I'll second again. I can't remember, it's been so
7 long.

8 MAYOR PITTMAN: Additional discussion?

9 - - -

10 (No response)

11 - - -

12 MAYOR PITTMAN: 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 Patrick?

22 COUNCILMEMBER PATRICK: Yes.

23 MAYOR PITTMAN: And thank you. So that's

24 Tilly Mill.

25 COUNCILMEMBER BATES: No, that's just the

1 COUNCILMEMBER PATRICK: Okay.

2 COUNCILMEMBER BATES: And I'll amend my
3 motion.

4 MAYOR PITTMAN: And second to the amendment?

5 COUNCILMEMBER ALEXANDER: Is that me? Okay.

6 I'll second again. I can't remember, it's been so
7 long.

8 MAYOR PITTMAN: Additional discussion?

9 - - -

10 (No response)

11 - - -

12 MAYOR PITTMAN: 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 Patrick?

22 COUNCILMEMBER PATRICK: Yes.

23 MAYOR PITTMAN: And thank you. So that's

24 Tilly Mill.

25 COUNCILMEMBER BATES: No, that's just the

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1 zoning.
2 COUNCILMEMBER PATRICK: Just the zoning.
3 MAYOR PITTMAN: I mean but you're going to
4 do the conditional?
5 MR. COOLEY: That's the zoning. The
6 conditional use permit is next.
7 Okay. Next is the conditional use permit to
8 allow automotive service facility, the Goodyear, on
9 parcel 18-342-04-010 located at 4363 Tilly Mill Road.
10 Again, we've discussed this quite a bit, but
11 automotive service center is a conditional use permit
12 in this zoning district. It does meet the require-
13 ments. One of the requirements under the conditional
14 use permit currently is that these type of facilities
15 be all brick or all stone and have a pitched roof,
16 which this does, so it does meet the condition within
17 our zoning conditional use permit section very well.
18 Again, I won't go through all the standards
19 used for a conditional use permit. If you have
20 questions . . .
21 But again, we have a recommendation from the
22 Planning Commission of approval. It was a 3-0 vote on
23 12/9/12. And staff recommends approval and with any
24 additional conditions that you may have.
25 I think the right in/right out has been

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1 taken care of, and that was the biggest concern, I
2 suppose.
3 MAYOR PITTMAN: Okay. Thank you.
4 Sir, did you have anything you wanted to
5 add?
6 MR. PAVLOPOULOS: (Shakes head)
7 MAYOR PITTMAN: Ms. Gilman, did you have
8 anything you wanted to add?
9 MS. GILMAN: No thank you.
10 COUNCILMEMBER ALEXANDER: Ms. Alexander,
11 questions?
12 COUNCILMEMBER ALEXANDER: No.
13 MAYOR PITTMAN: Mr. Bates?
14 COUNCILMEMBER BATES: No questions.
15 MAYOR PITTMAN: Mr. Patrick?
16 COUNCILMEMBER PATRICK: I do have a
17 question. If if you're inside the Infinity building
18 on the second floor and you look out towards Peachtree
19 Industrial, are we going to see a mansard flat roof or
20 are we doing to the see the --
21 What are we going to see?
22 MR. PAVLOPOULOS: You're going to see a
23 canopy with a flat roof if you're on the second
24 floor -- there's a flat roof behind -- with a slope of
25 course, if you're on the second floor of Infinity.

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1 COUNCILMEMBER PATRICK: Yeah.
2 MR. PAVLOPOULOS: If you're on the third
3 floor, you cannot see pretty much --
4 COUNCILMEMBER PATRICK: You're not going to
5 see that. Okay.
6 MR. PAVLOPOULOS: -- anything.
7 COUNCILMEMBER PATRICK: All right.
8 And then the other question is is from
9 Peachtree Industrial Boulevard, if someone were to
10 look over, are they going to see all of those bays
11 from the Waffle House? So that top elevation that you
12 have, is that going to be visible from --
13 MR. PAVLOPOULOS: Yeah.
14 COUNCILMEMBER PATRICK: -- Peachtree
15 Industrial?
16 MR. PAVLOPOULOS: Yes, it will, sir.
17 COUNCILMEMBER PATRICK: Okay.
18 MR. PAVLOPOULOS: That's the entrance for
19 the garage.
20 COUNCILMEMBER PATRICK: And do you have any
21 kind of landscaping plan to kind of screen that?
22 MR. PAVLOPOULOS: Yes, we have landscaping
23 plans all the way around (indicating).
24 MR. COOLEY: This is Waffle House here --
25 COUNCILMEMBER PATRICK: Yes.

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1 MR. COOLEY: -- and he's putting trees along
2 this parking edge (indicating).
3 I guess these are existing (indicating).
4 MAYOR PITTMAN: Okay. Ms. Fleming?
5 COUNCILMEMBER FLEMING: Yes. Could you go
6 to Ms. Dean first, please?
7 MAYOR PITTMAN: Sure.
8 Ms. Dean?
9 COUNCILMEMBER DEAN: I'm good.
10 MAYOR PITTMAN: Okay.
11 COUNCILMEMBER FLEMING: Well, that didn't
12 help me.
13 Mr. Cooley --
14 COUNCILMEMBER BATES: Way to go, Ms. Dean.
15 MR. COOLEY: Yes, ma'am.
16 COUNCILMEMBER FLEMING: -- could you tell me
17 if an automotive service facility is actually listed
18 in the conditional uses?
19 MR. COOLEY: It talks about -- there's two
20 aspects of it that combine if I'm not mistaken. One
21 was talking about installing tires and the other one
22 was --
23 COUNCILMEMBER FLEMING: Well, I want to be
24 able to give this gentleman the proper usage of what
25 we have in our code, and I'm not trying to . . .

1 MR. COOLEY: The way it's proposed is
2 automotive service facility covers the combination of
3 the two.

4 There's two -- there's a number of uses in
5 there that are actually --

6 COUNCILMEMBER FLEMING: Wouldn't it be nice
7 if Council got around to correcting all the automotive
8 in C-1/C-2?

9 I don't see that one in here.

10 The conditional use that I see that best
11 fits his description -- and I'm not trying to
12 contradict you at all -- is for a tire, brake,
13 battery, muffler store, and that does indeed
14 indicate --

15 Of course, then we've got oil, and of course
16 they may be doing oil changes there, too. So --

17 MR. COOLEY: Right.

18 COUNCILMEMBER FLEMING: -- we might have to
19 throw that in there as well.

20 MR. COOLEY: Well, if I may, it combines
21 two. There's the one, oil filter/change facility
22 provided no other automotive repair service is
23 provided and all business operations are conducted
24 inside, no portable, etc. Has a pitched roof, stone
25 or brick.

1 Sssh. I need everyone to please be quiet.

2 MR. HART: Now that we've addressed the
3 concerns of conditional use, which the Planning
4 Commission gave no conditions, fortunately we have
5 Dekalb County.

6 Thank you, Brian, and thank you, Robert, for
7 bringing that, and Trudy. Okay.

8 Side setbacks in C-2. According to the
9 planner, we don't have any. But I'd like to inform
10 him we have a three-foot setback in C-2 between
11 parcels, so the buildings would be six feet apart.

12 You might want to look into that when you
13 look at the Nail Mall next time.

14 Combining the properties is an excellent
15 choice because if they build a shopping center or if
16 you wanted to have it on one lot, how do you address
17 all these zoning issues if you've got two different
18 lots side by side?

19 We've already had a problem because this
20 building is actually built right on the lot line,
21 which is a violation of C-2 zoning.

22 So combining the lot, you know, apparently
23 the attorney thinks that's difficult, so maybe we need
24 another attorney, but the other attorney didn't --

25 MAYOR PITTMAN: Sir, are you wishing to

1 And also tire store selling new merchandise
2 without service or installation. So that's an allowed
3 use. And combining that with the conditional use,
4 you've got what it covers.

5 COUNCILMEMBER FLEMING: But as far as the
6 tire, brake, batter, muffler stores, even though he's
7 outlined in the O/I to C-2 City-initiated rezoning, we
8 do indeed have that description of brick or stone in
9 the description of the conditional use for that
10 particular item as well as a pitched roof style, so we
11 have covered our bases as far as using the proper
12 building materials.

13 MR. COOLEY: Yes, ma'am.

14 COUNCILMEMBER FLEMING: That's all I needed
15 to say.

16 MAYOR PITTMAN: Okay. All right. If you
17 gentlemen don't mind having a seat for just a moment,
18 we are going to open the public hearing portion of
19 this.

20 I repeat, it is 10 minutes, 10 minutes
21 total. If you speak for 10 minutes, that's all you
22 get; no one else gets to speak.

23 I'm going to open this for those wishing to
24 speak for. Please come forward, those wishing to
25 speak for.

1 speak for?

2 MR. HART: I'm talking about -- yes, I'm
3 for it.

4 MAYOR PITTMAN: Okay. Thank you.

5 MR. HART: But what Robert was talking
6 about, combining the lots should be a condition of the
7 passage. It should be on one lot.

8 And also, there's a stream buffer on the
9 back side of this lot, whether that's been addressed
10 or not.

11 So I'm for the building. I'm glad it's
12 being built properly. I'm concerned about the GDOT
13 traffic problem because that is a huge problem at that
14 intersection.

15 And there's a road right-of-way that's in
16 the Home Depot parking lot that's never been
17 discontinued from Dekalb County. There's an actual
18 road right-of-way that runs through the Home Depot
19 parking lot.

20 So think long and hard. It needs to be on
21 one lot of record, setbacks need to be adhered to,
22 and if there's any stormwater -- Because now the State
23 of Georgia requires -- they've changed that. The
24 stormwater for this side lot included has to go
25 through Georgia Soil & Water because they've just

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1 changed the law.
 2 You might want to look that up, too.
 3 Okay. Thank you.
 4 MAYOR PITTMAN: Anyone else wishing to speak
 5 for?
 6 MR. ANDERSON: Stuart Anderson.
 7 I think it is appropriate use for the lot. I
 8 think the traffic has been discussed infinitum, and
 9 that's why I brought it up: so it would be a non-
 10 problem later on.
 11 Thank you.
 12 MAYOR PITTMAN: Anyone else wishing to speak
 13 for?
 14 ---
 15 (No response)
 16 ---
 17 MAYOR PITTMAN: Okay. Anyone wishing to
 18 speak against, please come forward.
 19 ---
 20 (No response)
 21 ---
 22 MAYOR PITTMAN: Okay. At this time, we're
 23 going to close the public hearing portion and bring it
 24 back up to the table.
 25 Council, does anyone have additional

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1 questions? Ms. Alexander?
 2 COUNCILMEMBER ALEXANDER: No, ma'am.
 3 MAYOR PITTMAN: Mr. Bates?
 4 COUNCILMEMBER BATES: No.
 5 MAYOR PITTMAN: Mr. Patrick?
 6 COUNCILMEMBER PATRICK: No.
 7 MAYOR PITTMAN: Ms. Fleming?
 8 COUNCILMEMBER FLEMING: No.
 9 MAYOR PITTMAN: Ms. Dean?
 10 COUNCILMEMBER DEAN: Are you good for the
 11 parcels? I mean that is -- I mean I don't know a lot
 12 about that, the benefits, or not joining the parcels,
 13 but if you're good with it . . .
 14 COUNCILMEMBER PATRICK: I think the time to
 15 address it would have been under the rezoning and not
 16 the conditional use permit.
 17 COUNCILMEMBER DEAN: Okay.
 18 MAYOR PITTMAN: Okay. So would anyone like
 19 to entertain a motion?
 20 Yes, sir?
 21 MR. COOLEY: There was concern about the
 22 landscaping. So I would suggest that you incorporate
 23 as a condition the trees shown on this, on the site
 24 plan, to make it as a condition that tree plantings be
 25 along the parcel between Waffle House and this parcel.

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1 They are showing -- (counting) one, two,
 2 three, four, five, six, seven -- eight along that
 3 portion if you want to use that.
 4 This is not labeled with a date or anything
 5 is the only reason I hesitate to use that plan, but,
 6 or whatever number you think, I would just suggest you
 7 incorporate that.
 8 COUNCILMEMBER PATRICK: Motion to approve
 9 the conditional use permit for the Goodyear to move
 10 into 4363 Tilly Mill Road with the condition of the
 11 landscape plan that has been presented here in Council
 12 and that they are struggling with.
 13 MAYOR PITTMAN: So do I get a second?
 14 COUNCILMEMBER ALEXANDER: Second.
 15 ATTORNEY McLENDON: And Joe, do we need to
 16 incorporate the elevations as well or is that going to
 17 be covered elsewhere?
 18 MR. COOLEY: No, it's required --
 19 ATTORNEY McLENDON: Okay.
 20 MR. COOLEY: -- under the Code.
 21 MAYOR PITTMAN: Okay. Discussion?
 22 ---
 23 (No response)
 24 ---
 25 CLERK BRYANT: Councilmember Alexander?

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1 COUNCILMEMBER ALEXANDER: Yes.
 2 CLERK BRYANT: Councilmember Bates?
 3 COUNCILMEMBER BATES: Yes.
 4 CLERK BRYANT: Councilmember Dean?
 5 COUNCILMEMBER DEAN: Yes.
 6 CLERK BRYANT: Councilmember Fleming?
 7 COUNCILMEMBER FLEMING: Yes.
 8 CLERK BRYANT: Councilmember Patrick?
 9 COUNCILMEMBER PATRICK: Yes.
 10 MAYOR PITTMAN: Thank you.
 11 Welcome, sir.
 12 MR. PAVLOPOULOS: Thank you.
 13 COUNCILMEMBER PATRICK: Yes.
 14 MAYOR PITTMAN: Thank you.
 15 COUNCILMEMBER PATRICK: Thank you.
 16 MAYOR PITTMAN: And last but not least, on
 17 the agenda, we have old business. I believe this is
 18 Mr. McLendon, Second Read for First Adoption
 19 Ordinance to Revise City Charter for City Manager
 20 Transition.
 21 ATTORNEY McLENDON: All right. And Mayor
 22 and Council, what we're doing here is pursuant to the
 23 Home Rule process to adopt these modifications to the
 24 City Charter. This would be the first adoption that
 25 the Mayor and Council did.

1 There would be, I believe, two more weeks,
2 and then a second adoption is also required of this
3 same action.

4 We've discussed this in the past. I'm happy
5 to go through it again. But, you know, this is the
6 document that sort of was flushed out after several
7 meetings and the policy of the Council being put into
8 it. It remains consistent with those discussions.

9 MAYOR PITTMAN: Okay. Ms. Alexander,
10 questions?

11 COUNCILMEMBER ALEXANDER: No.

12 MAYOR PITTMAN: Mr. Bates?

13 COUNCILMEMBER BATES: No.

14 MAYOR PITTMAN: Mr. Patrick?

15 COUNCILMEMBER PATRICK: No.

16 MAYOR PITTMAN: Ms. Fleming?

17 COUNCILMEMBER FLEMING: Comment again, the
18 only reason I'm opposed to this is that I'm opposed to
19 anything that we're using the Home Rule on regardless
20 of whether it's a year after the approved legislation
21 or not, because we had it set in stone and now we're
22 going to use Home Rule to change it.

23 MAYOR PITTMAN: Ms. Dean?

24 COUNCILMEMBER DEAN: On page 11 of 19,
25 paragraph 3 at the bottom, it says, "The City Council

1 may adopt a final resolution for removal," and I don't
2 know whether or not -- I mean this is splitting hairs,
3 but should it read "after said hearing?"

4 COUNCILMEMBER PATRICK: Paragraph 2?

5 COUNCILMEMBER DEAN: It's at --

6 ATTORNEY McLENDON: Well --

7 COUNCILMEMBER DEAN: -- paragraph 3, bottom
8 of the page.

9 ATTORNEY McLENDON: In paragraph 3 it's
10 contemplating that no hearing was requested, if the
11 manager has not requested a hearing within the time
12 specified.

13 So if I'm correct, that paragraph is dealing
14 with the fact that you . . .

15 COUNCILMEMBER DEAN: But it says, "if the
16 manager has requested a hearing."

17 ATTORNEY McLENDON: Oh, I'm sorry.

18 COUNCILMEMBER ALEXANDER: It says has not.

19 COUNCILMEMBER BATES: Number 3 starts with
20 "has not."

21 COUNCILMEMBER DEAN: No.

22 Okay. If you go to the third sentence under
23 the third line from the bottom, it says, "If the
24 manager has requested a hearing, the City Council may
25 adopt a final resolution for removal."

1 COUNCILMEMBER ALEXANDER: Second.
2 MAYOR PITTMAN: Discussion?

3 - - -

4 (No response)

5 - - -

6 MAYOR PITTMAN: Call the roll, please.

7 CLERK BRYANT: Councilmember Alexander?

8 COUNCILMEMBER ALEXANDER: Yes.

9 CLERK BRYANT: Councilmember Bates?

10 COUNCILMEMBER BATES: Yes.

11 CLERK BRYANT: Councilmember Dean?

12 COUNCILMEMBER DEAN: Yes.

13 CLERK BRYANT: Councilmember Fleming?

14 COUNCILMEMBER FLEMING: No.

15 CLERK BRYANT: Councilmember Patrick?

16 COUNCILMEMBER PATRICK: Yes.

17 MAYOR PITTMAN: Thank you. Motion carries.

18 Next on the agenda is going to be Public
19 Comments, and I can tell already we have someone
20 anxious to make a public comment.

21 Please limit your comments to three minutes
22 and state your name.

23 MR. ABBOTT: Thom Abbott from Northwoods.

24 For those people who may or may not actually
25 look at Council agendas and what comes out, I just

1 And I'm saying or asking, should we add the
2 language "after said hearing which may be made
3 effective immediately by affirmative vote?"

4 ATTORNEY McLENDON: I would agree with that.

5 COUNCILMEMBER DEAN: Okay.

6 ATTORNEY McLENDON: I would absolutely say
7 that between "hearing" and "the City Council may," you
8 would say "following said hearing, the City Council
9 may . . ."

10 COUNCILMEMBER DEAN: All right. And then a
11 very, very minor, page 14 of 19, paragraph A. This is
12 just a typo. City manager, the "M" on manager should
13 be capitalized.

14 ATTORNEY McLENDON: Thank you.

15 COUNCILMEMBER BATES: These changes aren't
16 going to affect effective dates or the next hearing?

17 ATTORNEY FELGIN: So long as you vote for
18 the same thing next time.

19 MAYOR PITTMAN: So you need a motion?

20 Okay. Anyone --

21 ATTORNEY McLENDON: Need a motion to adopt.

22 MAYOR PITTMAN: -- wishing to make a motion?

23 COUNCILMEMBER BATES: Make a motion to adopt
24 the Ordinance as modified this evening.

25 MAYOR PITTMAN: Okay. Second?

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1 wanted to let you know that all I did was print out
2 the pages that I was particularly interested in and
3 that I used to draft an e-mail to the Council today
4 with some questions. But tonight's agenda was --
5 actually, the packet was about 167 pages minus some
6 blank ones I don't think should have been in there.
7 I just wanted to compliment the City Council
8 members. That's a heck of a lot of stuff that you-all
9 have to read for no more than you get paid. And if
10 you spent nearly half as much time as I spent reading
11 all that, I just want to compliment you-all, because
12 that really takes a lot of time to understand all that
13 stuff, and I appreciate it.
14 Secondly --
15 Oh. I do want to make a comment even
16 thought it was taken off the agenda, but some public
17 comments were made at the beginning regarding the OZes
18 that we keep talking about.
19 And in particular with those, all I want to
20 say is while we're forced to deal with the wording
21 that's in there about slum and blight and things like
22 that, I do understand what an opportunity zone is and
23 can possibly do for the city or for particular
24 landowners. I get that.
25 However, my concern is that until we clean

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1 up some ordinances that involve wholesale and retail
2 and until we get some good quality architectural
3 standards in place, I don't want a floodgate.
4 Now, if we want opportunity zones, that's
5 fine. Let's get these other things done and in place
6 so we have some controls to not just let the masses
7 come.
8 It is time for Doraville to stop accepting
9 second best. There's just no reason. It's time to
10 accept only the best. Thank you.
11 MAYOR PITTMAN: Thank you, Mr. Abbott.
12 MR. CRAWFORD: Ben Crawford, Oakcliff
13 Estates.
14 I just caution everybody again not to think
15 about urban renewal back in 1950-something but
16 actually go onto the state DCA web site and read the
17 language on there about opportunity zones and what
18 they actually do and how cities may use them.
19 Thank you.
20 MAYOR PITTMAN: Thank you.
21 MR. HART: I can't agree with Thom Abbott
22 more. I think it's Wadsworth said that, you know, it
23 takes a lot less time to do it right to begin with
24 than spend the rest of your life explaining why you
25 screwed up. Okay?

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1 Doraville has a long history. It is
2 probably hundreds of decisions that the bottom line,
3 after they do it, it's always the same response: "We
4 didn't know that was going to happen. Can't do
5 nothing about it now. We're just Doraville." Okay?
6 The city is nationally and internationally
7 known for being a screw-up, and yet we come to -- we
8 come to these -- like for example, this rezoning
9 tonight. Dekalb County did their homework, their
10 planning commission did their homework, thank God,
11 because our group didn't do it. And all those
12 conditions you read off tonight, they were done by
13 Dekalb County. It wasn't this group.
14 We couldn't even get the midnight zoning
15 okay, and now you want to blight the city so we can
16 redevelop something? Are you crazy?
17 This city put a jail in the middle of the
18 kids' park across the street, for God sakes. They are
19 incapable of operating without adult supervision. So
20 at least you can wait till the city manager gets here
21 so we even have a slight chance that you guys may get
22 it right.
23 And what about the Mayor's pay? We're going
24 to pay the new guy \$117,000/\$120,000 a year. Mike
25 Davis over in Dunwoody makes 8 or 10 thousand dollars

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1 a year with a city of 55,000 people. Why are we
2 paying this Mayor 70 grand to hang out?
3 When the new guy comes in, the new mayor
4 needs to make 10 percent or less what the city manager
5 makes. In other words, 8 to 10 thousand dollars, no
6 car, no expense. Why should you get paid more than
7 the Council members that have to work just as hard if
8 not harder?
9 And they don't need a separate building for
10 an office. Lamar Lang was the vice mayor and he had a
11 little telephone on an end table.
12 Thank you.
13 MS. CRAWFORD: Susan Crawford. I think this
14 opportunity zone is an opportunity, but I agree with
15 what's been said.
16 I think that, you know, it has to be
17 implemented correctly. I think that other cities have
18 used it to their benefit. And if we can be classified
19 as a blighted area, which I didn't actually see in the
20 literature -- perhaps I overlooked it -- well, then,
21 we are. If that's what we are, then we want to take
22 the opportunities we can to stop being considered
23 that.
24 Again, that's why we're getting the city
25 manager, I assume: to help us implement things that

1 might come our way.
 2 I want to beat the dead horse about the 911
 3 system. I suggest strongly that we pay well for such
 4 a thing. I mean anybody with children or hearts that
 5 can go out at any time -- and in this city, who knows?
 6 -- I think we -- you know, we want a quick response.
 7 We want people who know what they're doing. We want
 8 professionalism in every aspect of the city.
 9 And to pay a Mayor \$8,000 and give her a
 10 cubbyhole doesn't do it for me. I'm sorry. I mean I
 11 understand that of course there'll be a cut in pay,
 12 but unless she's working the same hours as the City
 13 Council, which I doubt, she should be getting part-
 14 time salary and benefits, of course benefits.
 15 Thank you.
 16 MAYOR PITTMAN: Anyone else?
 17 ---
 18 (No response)
 19 ---
 20 MAYOR PITTMAN: Okay. Motion to adjourn?
 21 COUNCILMEMBER ALEXANDER: So moved.
 22 MAYOR PITTMAN: Second?
 23 COUNCILMEMBER BATES: Second.
 24 MAYOR PITTMAN: Discussion?
 25 ---

1 (No response)
 2 ---
 3 MAYOR PITTMAN: Call the roll, please.
 4 CLERK BRYANT: Councilmember Alexander?
 5 COUNCILMEMBER ALEXANDER: Yes.
 6 CLERK BRYANT: Councilmember Bates?
 7 COUNCILMEMBER BATES: Yes.
 8 CLERK BRYANT: Councilmember Dean?
 9 COUNCILMEMBER DEAN: Yes.
 10 CLERK BRYANT: Councilmember Fleming?
 11 COUNCILMEMBER FLEMING: Yes.
 12 CLERK BRYANT: Councilmember Patrick?
 13 COUNCILMEMBER PATRICK: Yes.
 14 MAYOR PITTMAN: Thank you. Meeting
 15 adjourned.
 16 ---
 17 (Meeting adjourned at 9:25 p.m.)
 18 -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 26th day of February 2013.
 16
 17 _____
 18 Theresa Bretch, CCR
 19 Permit No. B-755
 20
 21 [SEAL]
 22
 23
 24
 25

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