

**In The Matter Of:**

*City of Doraville*

*State of Georgia*

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*City Council Meeting*

*November 5, 2012*

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*American Court Reporting Company, Inc.*

*52 Executive Park South*

*Suite 5201*

*Atlanta, Georgia 30329-2217*

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CITY COUNCIL MEETING  
CITY OF DORAVILLE  
STATE OF GEORGIA

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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 November 5,  
2012.

\* \* \*

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

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P R O C E E D I N G S

1 MAYOR PITTMAN: Meeting come to order.  
2 Welcome to everyone; if we could please  
3 rise for the Pledge.  
4  
5 - - -  
6 (Pledge of Allegiance)  
7 - - -  
8 MAYOR PITTMAN: Thank you.  
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 COUNCILMEMBER PACHUTA: Here.  
20 CLERK BRYANT: Councilmember Patrick?  
21 COUNCILMEMBER PATRICK: Here.  
22 MAYOR PITTMAN: Okay. And if everybody  
23 could please remember to go out and vote tomorrow if  
24 you have not already. Please vote, vote, vote.  
25 UNIDENTIFIED SPEAKER: Three times?

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1 MAYOR PITTMAN: No, just vote once. Just  
2 vote.  
3 And keep your ears and eyes open for the  
4 Christmas tree lighting. We are searching for a date,  
5 but it will be coming soon, so trying to coordinate  
6 our dates.  
7 And I guess we need approval of minutes  
8 for October 15th, 2012.  
9 COUNCILMEMBER ALEXANDER: So moved.  
10 MAYOR PITTMAN: Second?  
11 COUNCILMEMBER PACHUTA: 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 Pachuta?

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1 COUNCILMEMBER PACHUTA: Yes.  
2 CLERK BRYANT: Councilmember Patrick?  
3 COUNCILMEMBER PATRICK: Yes.  
4 MAYOR PITTMAN: Okay. Thank you.  
5 First on the agenda is Christmas Eve.  
6 COUNCILMEMBER FLEMING: *Public Comments.*  
7 MAYOR PITTMAN: Excuse me. I'm sorry.  
8 *Public Comments.* Anyone wishing to make comments,  
9 please limit your comments to three minutes on agenda  
10 items only and state your name for the court reporter,  
11 please.  
12 MS. BONITA HOFFMEISTER: Bonita  
13 Hoffmeister. I'm just here to announce that the  
14 Kiwanis Club will have our fifth Veterans Day Ceremony  
15 at the Sequoyah Middle School on Thursday at 6  
16 o'clock.  
17 MAYOR PITTMAN: Thank you.  
18 COUNCILMEMBER FLEMING: Thank you.  
19 MS. CAROL GILMAN: Good evening. Carol  
20 Gilman, Northwoods. I would like to comment on  
21 several of the agenda items if I may.  
22 And first I have a question. I expect  
23 this is for the Clerk. I'm wondering, because some of  
24 the agenda items refer to ordinances and text amend-  
25 ments, would it be possible for you or someone to

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1 access the codes online and display them on the screen  
2 so that we could all see what the item being discussed  
3 looks like, reads like?  
4 CLERK BRYANT: We attached everything that  
5 is on the agenda, the back of documents.  
6 MS. GILMAN: No. I'm talking about the  
7 actual code. It's on MuniCode.  
8 CLERK BRYANT: Oh, yeah, yeah. They're on  
9 MuniCode, anything.  
10 MS. GILMAN: I'm wondering if technically  
11 that we could just -- we could call that up and  
12 display it on the screen?  
13 COUNCILMEMBER PATRICK: *You mean while the*  
14 *meeting's going?*  
15 MAYOR PITTMAN: She's talking about --  
16 Yes.  
17 MS. GILMAN: Yes. Do we have that capa-  
18 bility? I was about to print them out before I came  
19 over, and thought better of it.  
20 MAYOR PITTMAN: I don't know if we could  
21 do it right this minute but it might be something to  
22 look at in the future.  
23 If we can't do it by that, we could -- we  
24 could certainly put something together.  
25 MS. GILMAN: I'm sorry we can't do it this

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1 evening.  
2 Under Old Business, I'm glad that we're  
3 looking at the ordinance language regarding the five  
4 thousand spending allowance. I did refer to it in  
5 MuniCode, and I'm wondering if the intent is really in  
6 agreement with the application and so I'm looking  
7 forward to the discussion this evening.  
8 The Planning Commission, under Old  
9 Business 9 b), we talked about signs and sign  
10 ordinances and maintenance, proper maintenance of  
11 signs, and we were somewhat dismayed that we were  
12 sitting there discussing old signs, vacated signs,  
13 dilapidated signs when some of our own signs are in  
14 disrepair.  
15 I know that some folks in my own  
16 neighborhood got out a pail of soap and water and went  
17 around with a rag and cleaned off some of the signs.  
18 But I think it does behoove us and you may  
19 agree to take care of our own business as we discuss  
20 other business.  
21 Also, I also believe that under 10 d) I'd  
22 like to comment, removal of all salary references in  
23 MuniCode would be appropriate. I noticed that in  
24 addition to the Mayor's salary being referenced there,  
25 that Council's salary is referenced there, and so I

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1 think that might be worthy of discussion too.  
2 And here we are, if I may -- and this  
3 applies to I guess all of the items on the agenda --  
4 that we're approaching the season of Thanksgiving, and  
5 knowing that we're thankful for all the represen-  
6 tatives who work on our behalf, I hope that in the  
7 spirit of that, of Thanksgiving, that we can really  
8 have a healthy dialogue, respectful dialogue of the  
9 agenda items tonight and the rest of the season.  
10 Thank you.  
11 MAYOR PITTMAN: Thank you.  
12 MS. CINDY BRADFORD: Cindy Bradford,  
13 Northwoods.  
14 My first issue is with New Business b),  
15 Resolution to Revise SOB License Fee. Dropping it  
16 from \$5,000 to \$350.00, that's a \$4,650 decrease, and  
17 it sounds to me like we're encouraging this type of  
18 business to come to Doraville.  
19 Under d), Removal of Mayor's Salary from  
20 the Charter, I'm with Carol: All salary references as  
21 far as specific amounts should be removed from there.  
22 I spoke to Elena Parent about two weeks  
23 ago. She said we have until January to get this  
24 resolution to the legislature or we'll have to wait  
25 until 2014 to do this.

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1 I've asked repeatedly where we are with  
2 that and have yet to get an answer, and I would  
3 appreciate an e-mail or some kind of a response  
4 eventually on where we are with that because we've  
5 got, what? seven weeks to get it done at this point?  
6 I'd just like an update.  
7 Thank you very much.  
8 MAYOR PITTMAN: Thank you.  
9 COUNCILMEMBER PATRICK: Cindy, what was  
10 that date again?  
11 MS. BRADFORD: January.  
12 COUNCILMEMBER ALEXANDER: It's January,  
13 when the session starts.  
14 MR. BEN CRAWFORD: Ben Crawford, Oakcliff  
15 Estates.  
16 On New Business item b), maybe it would be  
17 nice when we get into a discussion about that to find  
18 reasons for the fees being lowered and why they're  
19 being lowered so much.  
20 And then also I'd like to mention -- I  
21 don't know if it's possible if we could possibly put  
22 something on the City Web site suggesting that people  
23 donate to the Red Cross for people that are less  
24 fortunate than us in the New England States.  
25 Thank you.

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1 MAYOR PITTMAN: Okay. Thank you.  
2 Anyone else? Mr. Hart? Ms. Calvert?  
3 MS. GINNY CALVERT: Ginny Calvert,  
4 Oakcliff.  
5 I don't think removing or lowering the  
6 Mayor's salary would be a benefit. To me, that's an  
7 embarrassment to our city.  
8 I also think that if you really want to  
9 cut, you could cut your salaries down to six hundred  
10 like it used to be. When Donna first came, it was six  
11 hundred bucks. That would be (counting) two, four,  
12 six, eight, ten, twelve hundred bucks; right? That  
13 would be a big help right there.  
14 Thank you.  
15 MAYOR PITTMAN: Thank you.  
16 Mr. Hart?  
17 MR. TOM HART: I'm glad to see that the  
18 bridge project is on the discussion tonight. It's a  
19 -- it's a project that I put on the LCI. When we  
20 worked on this project, I had to argue with them; they  
21 were going to bore a hole under the MARTA station  
22 where there's a water aquifer that connected City Hall  
23 with the middle of nowhere.  
24 Okay. So we put this bridge project on  
25 there, and this bridge project was supposed to cost

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1 \$640,000. Somehow, it got to the T-SPLOST and it  
2 became 25 million. So if it's going to be 25 million,  
3 I'm going to send you-all a bill for putting it on the  
4 map. Second thing is --  
5 And I'm serious about that. I mean we're  
6 going to make up numbers, I mean this is ridiculous.  
7 All right. The \$5,000, I'm glad you're  
8 going to bring that up tonight. That was for emergen-  
9 cies only, and it was not supposed to be making out  
10 checks for forty-nine ninety-five to put up the wall  
11 behind the CliniCare building for \$35,000. Okay.  
12 This is just -- in the last two years,  
13 this is -- This is the reason why the budget got  
14 broken: five grand at a time; forty grand here, twenty  
15 grand here. All the departments including the Mayor  
16 just started cutting checks for forty-nine ninety-  
17 five.  
18 The mayor's pay for the City of Dunwoody I  
19 think is between eight and ten thousand dollars for a  
20 part-time mayor. That's for a city of 55,000 people.  
21 A city of less than 8,000 people, needs to  
22 get paid between eight and thousand dollars as part-  
23 time mayor. So if you're going to have a city  
24 manager, then the mayor doesn't -- it's -- it's -- it  
25 kind of works one way or the other.

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1 This is not on this agenda, but traffic on  
2 these roads like Oakcliff and Chestnut --  
3 MAYOR PITTMAN: Mr. Hart --  
4 MR. HART: -- where trucks --  
5 MAYOR PITTMAN: -- I shared that with the  
6 Chief today --  
7 MR. HART: We need to send it --  
8 MAYOR PITTMAN: -- and it's not on the  
9 agenda. If you want to save it to the end, that'd be  
10 great. Thank you.  
11 MR. HART: And the last thing is Quality  
12 of Life. Quality of Life in the city has only got --  
13 they've only got basically one person doing the job,  
14 and they're doing an important job of handing out  
15 tickets to people like building buildings where  
16 they're not supposed to be, etc.  
17 And they're just like the Police  
18 Department. It needs to be resolved in the courtroom.  
19 And it's kind of hard when the prosecutor in the  
20 courtroom also works for the City Attorney's office,  
21 okay, who works for the Mayor. It's just --  
22 It's this unholy alliance. I don't want  
23 to call it fixing tickets, but we've got a serious  
24 problem here, and the City Council needs to look into  
25 this. I mean each one of you, I mean you've all had

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1 traffic --  
2 MAYOR PITTMAN: Thank you, Mr. Hart.  
3 MR. HART: Okay. Thank you.  
4 MAYOR PITTMAN: Anyone else?  
5 ---  
6 (No response)  
7 ---  
8 MAYOR PITTMAN: Okay. Thank you.  
9 Next is Christmas Eve. Christmas falls on  
10 Tuesday this year. Christmas Eve obviously is on  
11 Monday, and the handbook does give the option if the  
12 Council would like to give the employees Christmas Eve  
13 off.  
14 And I would respectfully request that you  
15 guys give them that consideration, please. And we  
16 need to get a motion if you would consider allowing  
17 them to have Christmas Eve off.  
18 COUNCILMEMBER FLEMING: I'd like to make a  
19 motion to allow the employees to receive Christmas Eve  
20 off.  
21 COUNCILMEMBER PACHUTA: Is this an extra  
22 paid holiday?  
23 MAYOR PITTMAN: It is, yes. It gives you  
24 that option in the handbook.  
25 COUNCILMEMBER PACHUTA: Do we know what

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1 the budget impact is? I don't want to vote on it  
2 without a budget impact number.  
3 MAYOR PITTMAN: We can move it. We got  
4 time. We can move it to the next agenda. If you'll  
5 just send that out to the Council, that'll be good.  
6 COUNCILMEMBER FLEMING: Motion on the  
7 table.  
8 MAYOR PITTMAN: Do you want to continue  
9 with your motion?  
10 COUNCILMEMBER FLEMING: Uh-huh.  
11 MAYOR PITTMAN: Oh, okay.  
12 Do I get a second?  
13 ---  
14 (No response)  
15 ---  
16 MAYOR PITTMAN: Okay. Thank you.  
17 Chief, I believe you have a couple of  
18 things you want to discuss with us.  
19 CHIEF JOHN KING: Mayor, I got a couple  
20 items. Good evening.  
21 I got a couple items that I kind of want  
22 to make sure that -- that I can get resolved so we can  
23 get a couple -- because I've got a lot of things just  
24 kind of pending out there floating around, before I  
25 get to the Quality of Life, if that's okay with you,

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1 Mayor.  
2 MAYOR PITTMAN: Absolutely.  
3 CHIEF KING: First of all, I respectfully  
4 request that the City Council give us some guidance on  
5 the water heater. It's been almost a year we've been  
6 trying to deal with getting a water heater.  
7 I know that we got -- the bids were opened  
8 last time at the last Council meeting. If I could get  
9 a decision from the City Council, I would appreciate  
10 it.  
11 MAYOR PITTMAN: We had asked staff to look  
12 at that. Do you know if they came back with any kind  
13 of recommendation?  
14 CHIEF KING: No, Mayor. I mean I --  
15 COUNCILMEMBER ALEXANDER: It's on the  
16 agenda sheet.  
17 CHIEF KING: I just -- I don't have  
18 anybody to -- I mean the only thing, we received it  
19 but we just don't have the expertise to decide, which  
20 I mean all I can tell you is one price looks better  
21 than the other.  
22 COUNCILMEMBER PACHUTA: Well, who wrote  
23 this that says to approve Greater Dekalb Plumbing?  
24 CHIEF KING: Because we went with the  
25 lowest, we went with the lowest bidder. But I mean as

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1 far as an analysis, I hope you -- hope you expect me  
2 to be a good policeman and not a --  
3 MAYOR PITTMAN: What did you say, Sandra?  
4 CLERK BRYANT: Captain Brinkley.  
5 CHIEF KING: -- plumbing expert, because  
6 I'm not. We picked the lowest bidder. But as far as  
7 analysis, that -- that was the analysis is they're the  
8 lowest bidder.  
9 CLERK BRYANT: Captain Brinkley.  
10 CHIEF KING: Yeah. Captain Brinkley, I  
11 mean he --  
12 MAYOR PITTMAN: I thought he had looked at  
13 it, yeah.  
14 CHIEF KING: Mayor, he's a policeman, I  
15 mean he's not a plumber, so he picked the lowest  
16 bidder.  
17 MAYOR PITTMAN: Okay.  
18 CHIEF KING: So I would -- at this point,  
19 Mayor, I just -- we'd really like to get a decision.  
20 COUNCILMEMBER PACHUTA: Well, and the only  
21 reason it was delayed is because it didn't go out for  
22 bid the first time. That was the first time I'd ever  
23 even heard about it. And so it just went out for bid,  
24 and we just got the bids back, so, and that was the  
25 only delay was that --

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1 CHIEF KING: Well, this --  
2 COUNCILMEMBER PACHUTA: -- we needed it to  
3 -- because it was over five thousand, we needed it to  
4 go out for bid.  
5 CHIEF KING: I understand.  
6 COUNCILMEMBER PACHUTA: So if that is  
7 after the receipt of the bids, the department's  
8 recommendation is to go with the lowest bid, then I  
9 mean I really don't think there's been a delay. We've  
10 just followed the correct process.  
11 CHIEF KING: I just need a decision at  
12 this point, ma'am. I mean that's -- that's -- I just  
13 need some help, because we're paying to heat 2,000  
14 gallons worth of water every day and I'd like to get  
15 that project off -- off our -- off our list so we can  
16 move on to other items.  
17 COUNCILMEMBER FLEMING: Chief, the last  
18 time this was on the agenda, there was a  
19 recommendation. So did Captain Brinkley evaluate the  
20 previous one?  
21 CHIEF KING: Ma'am, I mean --  
22 COUNCILMEMBER FLEMING: I just need to  
23 know, I mean.  
24 CHIEF KING: Yeah, we -- the one that --  
25 the one that we recommended did not respond to the

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1 RFP, so.  
2 COUNCILMEMBER FLEMING: Okay. But the  
3 evaluation process that you're commenting about, now  
4 that you have no one or that you don't feel you have  
5 anyone in the department to evaluate the bids to  
6 determine if those are your needs, there was a recom-  
7 mendation on the previous three.  
8 CHIEF KING: We -- we went with that  
9 recommendation on the previous because we got three  
10 bids, we submitted them. We understand, clearly  
11 understand that you-all wish to have RFPs. No problem  
12 with that.  
13 COUNCILMEMBER BATES: It's not --  
14 CHIEF KING: But the person that --  
15 COUNCILMEMBER BATES: It's not a matter of  
16 us wishing, Chief. It's a matter of that's the  
17 ordinance. It requires for anything over \$5,000 to go  
18 out for bid.  
19 CHIEF KING: I understand.  
20 COUNCILMEMBER BATES: So we can wish and  
21 want, but that's the process that we have to go  
22 through.  
23 CHIEF KING: And Mr. Bates, we will comply  
24 absolutely with that from now on even if people tell  
25 us not to do that.

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1 So I -- I don't want to drag this issue  
2 any longer, but I run a police department. I can pick  
3 the lowest bid, but as far as analysis, I don't --  
4 COUNCILMEMBER PACHUTA: Well, I don't  
5 think any of us are plumbers either, so. I mean if  
6 staff -- you don't feel like you have the staff, then  
7 I don't know if you can ask public works or someone to  
8 assist you, but I mean we have to have --  
9 I mean if you don't feel comfortable  
10 evaluating a bid, then do you have a solution for who  
11 should evaluate your bids? I don't think City Council  
12 is really in a place to evaluate water heater bids,  
13 either.  
14 I mean as a department head having a  
15 suggestion or you don't feel comfortable evaluating  
16 plumbing bids, who do you think should evaluate it?  
17 CHIEF KING: Ma'am, I don't have that  
18 level of expertise. I can tell you what the lowest  
19 bid was.  
20 It's one of those situations where, you  
21 know, every time I get out of my role as chief of  
22 police, I have to kind of remind myself, "Hey, stick  
23 to what your job is," and that's what I'm trying to  
24 do.  
25 COUNCILMEMBER PACHUTA: But, see, then

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1 what I'm hearing is that you're not comfortable with  
2 the decisionmaking process in the bidding process, and  
3 I don't know --  
4 CHIEF KING: In all --  
5 COUNCILMEMBER PACHUTA: -- what you're  
6 suggesting.  
7 CHIEF KING: In all fairness, ma'am, I'm  
8 just -- I just want a decision. I mean it's the  
9 lowest bid. I expect that the people that, the two  
10 companies that submitted for the RFP, I expect them to  
11 be competent, qualified plumbers and that their  
12 product is going to be guaranteed.  
13 I'm sure that the attorneys have looked at  
14 the -- I'm sure that both bids have warranties, and if  
15 something does not work, then we will go and seek, you  
16 know, legal recourse to have them --  
17 I don't know if anybody in public works  
18 would have the capabilities to analyze that either.  
19 And I know I'm not giving you a straight  
20 answer but I'm just -- I'm kind of stuck, and then  
21 basically I'm asking for help.  
22 COUNCILMEMBER FLEMING: Well, my point was  
23 at the previous meeting, not previous when it first  
24 came up --  
25 CHIEF KING: The one before.

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1 COUNCILMEMBER FLEMING: -- was that there  
2 were three --  
3 CHIEF KING: Three bids.  
4 COUNCILMEMBER FLEMING: -- people that  
5 actually gave us quotations, let's call them.  
6 CHIEF KING: Yes, ma'am.  
7 COUNCILMEMBER FLEMING: And Captain  
8 Brinkley was making a recommendation based on what  
9 evidently -- an evaluation that had been made to  
10 determine what was needed over there.  
11 So my point is that if he made that  
12 recommendation the first go-round, can he not make a  
13 recommendation between the two of these?  
14 CHIEF KING: Ma'am, but his recommen-ation  
15 was based on the price --  
16 COUNCILMEMBER FLEMING: Okay.  
17 CHIEF KING: -- because it was the lowest  
18 bid. I have to have faith that people that submit a  
19 bid or an RFP are qualified to do their work and that  
20 their work and equipment will be guaranteed.  
21 I'm scared when -- when I get, you know, a  
22 package to evaluate. I need to kind of -- you know,  
23 this is kind of a reminder to myself that I need to  
24 stay in my lane.  
25 COUNCILMEMBER BATES: This is a really

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1 good example of why facility maintenance and upgrades  
2 need to be handled through public works: because that  
3 is their expertise, that is their department.  
4 It wouldn't be responsible for Ms. Henry  
5 at the library to put out a bid for a tankless water  
6 heater or toilet repairs or anything along that  
7 nature. It's not responsible for the chief of police  
8 to be putting out an RFP for a water heater. That  
9 squarely falls within the realm of the Pubic Works  
10 Department.  
11 So all that being said, I'll make a motion  
12 to approve Greater Dekalb Plumbing for the tankless  
13 water heater.  
14 CHIEF KING: Thank you, Mr. Bates.  
15 MAYOR PITTMAN: Second?  
16 COUNCILMEMBER FLEMING: Second.  
17 MAYOR PITTMAN: Discussion?  
18 COUNCILMEMBER ALEXANDER: And I assume  
19 that we're going to have Mr. Pierce do all the  
20 required inspections.  
21 COUNCILMEMBER FLEMING: And I'm fine with  
22 that.  
23 COUNCILMEMBER ALEXANDER: He'll ensure  
24 that the job's done correctly and within code?  
25 MAYOR PITTMAN: Yes.

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1 Call the roll, please.  
2 CLERK BRYANT: Councilmember Alexander?  
3 COUNCILMEMBER ALEXANDER: Yes.  
4 CLERK BRYANT: Councilmember Bates?  
5 COUNCILMEMBER BATES: Yes.  
6 CLERK BRYANT: Councilmember Dean?  
7 COUNCILMEMBER DEAN: Yes.  
8 CLERK BRYANT: Councilmember Fleming?  
9 COUNCILMEMBER FLEMING: Yes.  
10 CLERK BRYANT: Councilmember Pachuta?  
11 COUNCILMEMBER PACHUTA: Yes.  
12 CLERK BRYANT: Councilmember Patrick?  
13 COUNCILMEMBER PATRICK: Yes.  
14 CHIEF KING: Thank you all very much.  
15 The next item that I would like to bring  
16 to the City Council's attention, in this year's  
17 budget, you-all authorized the Police Department to  
18 purchase a patrol car. It has now come to the time  
19 where I would like to have the permission of the City  
20 Council, since obviously it exceeds \$5,000, to go and  
21 use the State contract price that the State of Georgia  
22 has negotiated with the patrol car providers for us  
23 to purchase a patrol car.  
24 Normally in the past, we get it budgeted,  
25 and then the assumption is that you-all would approve

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1 it. But I want to be especially careful that we make  
2 sure that we cross every "t" and every "i," that I get  
3 the authorization to go and negotiate for the purchase  
4 of another patrol car using the State contract price  
5 provided by the Government Services Administration.  
6 COUNCILMEMBER DEAN: And it's been  
7 budgeted --  
8 CHIEF KING: Yes, ma'am.  
9 COUNCILMEMBER DEAN: -- for?  
10 COUNCILMEMBER ALEXANDER: And there is an  
11 exclusion for State contracts in Section 2.90.  
12 ATTORNEY McLENDON: Generally if you buy  
13 off the State contract, it's gone through a State  
14 process, and it's amazingly common to piggyback off of  
15 State contracts.  
16 COUNCILMEMBER ALEXANDER: Would you like a  
17 motion?  
18 MAYOR PITTMAN: Please.  
19 CHIEF KING: Yes, please.  
20 COUNCILMEMBER ALEXANDER: I make a motion  
21 to use --  
22 CHIEF KING: Sorry.  
23 COUNCILMEMBER ALEXANDER: -- the budgeted  
24 funds to purchase a patrol car utilizing the State-  
25 approved contract.

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1 MAYOR PITTMAN: Second?  
 2 COUNCILMEMBER BATES: Second.  
 3 MAYOR PITTMAN: Discussion?  
 4 COUNCILMEMBER FLEMING: Will that, the  
 5 budgeted amount that you have to purchase the  
 6 automobile, it includes it complete with the proper  
 7 insides that you need?  
 8 CHIEF KING: No, ma'am. We refurbish  
 9 parts from the old patrol cars that we -- we take out  
 10 of -- out of the inventory, you know, old cars that we  
 11 -- we take and refit. We can't afford to buy all the  
 12 insides, so we recycle the old stuff.  
 13 COUNCILMEMBER FLEMING: Okay. Thank you.  
 14 MAYOR PITTMAN: Call the roll, please.  
 15 CLERK BRYANT: Councilmember Alexander?  
 16 COUNCILMEMBER ALEXANDER: Yes.  
 17 CLERK BRYANT: Councilmember Bates?  
 18 COUNCILMEMBER BATES: Yes.  
 19 CLERK BRYANT: Councilmember Dean?  
 20 COUNCILMEMBER DEAN: Yes.  
 21 CLERK BRYANT: Councilmember Fleming?  
 22 COUNCILMEMBER FLEMING: Yes.  
 23 CLERK BRYANT: Councilmember Pachuta?  
 24 COUNCILMEMBER PACHUTA: Yes.  
 25 CLERK BRYANT: Councilmember Patrick?

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1 COUNCILMEMBER PATRICK: Yes.  
 2 CHIEF KING: And the last item I would  
 3 like to bring to City Council's attention and some  
 4 assistance is permission to lift the hiring freeze for  
 5 a radio operator. The radio operator we just hired  
 6 resigned, and now because we have a hiring freeze, I  
 7 would like permission to go and try to find another  
 8 radio operator.  
 9 COUNCILMEMBER PACHUTA: How long did they  
 10 work?  
 11 CHIEF KING: Chuck? Two months?  
 12 MAJOR ATKINSON: I guess.  
 13 CHIEF KING: About two months.  
 14 COUNCILMEMBER ALEXANDER: Motion to lift  
 15 the hiring freeze to hire an E-911 operator.  
 16 COUNCILMEMBER BATES: Second.  
 17 MAYOR PITTMAN: Discussion?  
 18 ---  
 19 (No response)  
 20 ---  
 21 MAYOR PITTMAN: Call the roll, please.  
 22 CLERK BRYANT: Councilmember Alexander?  
 23 COUNCILMEMBER ALEXANDER: Yes.  
 24 CLERK BRYANT: Councilmember Bates?  
 25 COUNCILMEMBER BATES: Yes.

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1 CLERK BRYANT: Councilmember Dean?  
 2 COUNCILMEMBER DEAN: Yes.  
 3 CLERK BRYANT: Councilmember Fleming?  
 4 COUNCILMEMBER FLEMING: Yes.  
 5 CLERK BRYANT: Councilmember Pachuta?  
 6 COUNCILMEMBER PACHUTA: Yes.  
 7 CLERK BRYANT: Councilmember Patrick?  
 8 COUNCILMEMBER PATRICK: Yes.  
 9 CHIEF KING: Thank you all very much, and  
 10 now to the main event: Quality of Life. I had to  
 11 dangle something in front of you guys. Sorry, but I  
 12 appreciate -- Chuck, if you can go ahead and blow that  
 13 one up.  
 14 Just kind of want to go over, you know,  
 15 the Mayor asked me about a week and a half/two weeks  
 16 ago to kind of give you all a Quality of Life update  
 17 of their activities. Kind of want to put out some,  
 18 you know, information that might not have been too  
 19 clear.  
 20 We have not abandoned the city. We still  
 21 go and answer complaints of Quality of Life  
 22 violations. We have not -- We have covered all the  
 23 city. You know, we're trying to focus their free time  
 24 or their time that they have available into that  
 25 30/30/30 strategy.

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1 Mr. Bates, you had asked me if we had done  
 2 an inventory the first time. We have not been able to  
 3 accomplish that, sir, because of the load of work.  
 4 The work has been so -- They've been pretty busy,  
 5 and -- clearly -- and I had one of my employees was  
 6 sick. She's back on the job, she's -- she's working  
 7 hard; she's got a strong recovery.  
 8 I'm very happy with the amount of work. I  
 9 mean for two employees, they've got a full load. This  
 10 town is pretty busy, you know, and I kind of wanted to  
 11 encourage the community that, you know, Quality of  
 12 Life is not a life-and-property emergency, so please -  
 13 - I guess I want to encourage people to call us and  
 14 leave us a message but please don't put a stopwatch on  
 15 how long it will take Quality of Life to go.  
 16 If it's an emergency, dial 455-1000 and we  
 17 will dispatch a patrol car. The patrol officer will  
 18 handle the case.  
 19 But if it's something that's Quality of  
 20 Life that can wait a day or two, maybe three or two,  
 21 with two employees on, I do not have 24-hour coverage,  
 22 and that's just the realities of the way we have to  
 23 operate.  
 24 And basically I'm going to go through --  
 25 Oakcliff residential was the -- was one of our focus

1 areas; as you can see, pretty busy. But other  
2 neighborhoods have been just as busy, as you can see  
3 by the -- you know. We've actually written more  
4 warnings and citations in other areas than Oakcliff  
5 than the focus area that we had for -- for -- And  
6 that's because we're still answering calls of people  
7 come in and -- you know, and calling us and sending us  
8 messages to go and deal with problem areas.

9 So as you can see, we're still very busy  
10 in the rest of the city. We have not abandoned  
11 anybody, any city -- any part of the city.

12 The commercial areas, we've worked with  
13 Mr. Cooley to work on that, on the Buford Highway  
14 corridor south of I-285. Doing a lot of work, a lot  
15 of visits in the area basically trying to educate  
16 our -- our businesses and working with them, but we're  
17 still issuing a bunch of, you know, warnings.

18 And you know, when we exhaust the warning  
19 or the education process, then we turn it in to the  
20 court system and we -- we carry those. And I have a  
21 more detailed background if you -- if you want us to  
22 submit. I think those are being submitted through the  
23 Mayor's office and I think you have access to detail  
24 of who's getting what citations, but I just wanted to  
25 give you an update that we're staying busy.

1 Some of the businesses sometimes have a  
2 lot because they put a lot of inventory on those  
3 windows, and an ongoing process. I think we're not  
4 going to -- I think it would be unrealistic for us  
5 even to build the expectation that we're going to  
6 resolve this in a matter of a month or two. I think  
7 it's going to take probably years, because there's  
8 some very ingrained businesses who have been doing  
9 business like this for quite some time.

10 And I think once we sit down with them and  
11 they -- you know, the ones that we've sat down and  
12 explained to them the reasons, have worked with us and  
13 started removing it, but there's a lot of businesses  
14 that we still have to go.

15 COUNCILMEMBER DEAN: Okay, Chief --  
16 CHIEF KING: Yes, ma'am.

17 COUNCILMEMBER DEAN: -- I have a question  
18 for you if you don't mind.

19 My concern, which is one of the reasons  
20 why I voted against this when it was originally  
21 brought before us was that if it's 30 percent  
22 residential, 30 percent apartment and 30 percent  
23 business, then it seems a little outweighed in terms  
24 of the total amount of residents and the businesses.

25 Now, with this, we have 630 site warnings

1 COUNCILMEMBER DEAN: Excuse me. Could we  
2 see the last slide one more time, please.

3 CHIEF KING: Yes. And we will provide  
4 this PowerPoint to the Clerk so she can e-mail it to  
5 you so we can save a tree.

6 All right. Next slide. As you can see  
7 the -- Any questions about the previous slide or this  
8 one?

9 COUNCILMEMBER BATES: Is there any kind of  
10 typical citation or warnings that are being  
11 issued --

12 CHIEF KING: Property.

13 COUNCILMEMBER BATES: -- on windows?

14 CHIEF KING: Property cleanliness and --

15 MAJOR ATKINSON: Cleanliness of property,  
16 general maintenance.

17 CHIEF KING: General maintenance.

18 COUNCILMEMBER PACHUTA: I know one concern  
19 was the window coverage.

20 CHIEF KING: Yes. We're working through  
21 that. That's actually taking a lot of education  
22 because some of our businesspeople don't understand.  
23 One we tell them the reason for it is safety and it's  
24 not just capricious why we're doing this; it's to  
25 protect them, and they understand it.

1 for residential places and 52 citations, whereas the  
2 businesses only have 221 and 18, and it just seems a  
3 bit unbalanced.

4 CHIEF KING: Because people are complying.  
5 I mean people get the -- When we go and visit and we  
6 tell them, Hey, we're giving you a warning, businesses  
7 tend to be pretty quick about it. They don't want a  
8 ticket; they don't want to go to court.

9 There are some people in this community  
10 and you can probably -- you could probably, you know,  
11 get some reports from some of the members in the  
12 audience that will tell you that they're going to  
13 court no matter what and they're going to fight it to  
14 the end. So we've got to work on our delivery  
15 technique on our residential folks. There's a lot of  
16 folks that just really, really object to somebody  
17 telling them what to do with their property.

18 COUNCILMEMBER DEAN: Right, right. But,  
19 see, even the businesses -- and again, it's the --  
20 it's the total. I mean even 221 warnings. If you  
21 drive around some of these -- some of these shopping  
22 centers, strip malls, and you see some things that are  
23 really -- Like if I took some pictures, I drove around  
24 the city and took some pictures for a meeting we had  
25 months ago, a couple months ago, and I didn't use

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1 those photographs, but you could see things. For  
2 example, a couch was by a Dumpster in the back of the  
3 buildings --  
4 CHIEF KING: Yes.  
5 COUNCILMEMBER DEAN: -- and things like  
6 that, that just aesthetically makes our city look very  
7 trashy.  
8 CHIEF KING: Right now, ma'am, with two  
9 employees, my ability to go patrolling and looking for  
10 violations is very, very limited.  
11 COUNCILMEMBER DEAN: Right. I'm --  
12 CHIEF KING: I just don't have the  
13 personnel, so a lot of this activity is driven off of  
14 complaints.  
15 COUNCILMEMBER DEAN: Okay.  
16 CHIEF KING: It's complaint driven --  
17 COUNCILMEMBER DEAN: Right.  
18 CHIEF KING: -- and focus driven. So you  
19 know, there's an apartment complex inside 285 that  
20 I've been very concerned, especially with the amount  
21 of children operating in there. That is a broken-  
22 windows issue to me that I want to be able to resolve.  
23 That one there is taking a lot of work. I could have  
24 both the Building Inspector and both Quality of Life  
25 employees work there for months and we would still

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1 be -- we would be pretty busy. But I can't afford to  
2 just neglect the rest of the city.  
3 COUNCILMEMBER DEAN: Sure, no. And I  
4 don't think that would be a good idea anyway.  
5 But in terms of how we are doing this, we  
6 got a report today that was really excellent. Thank  
7 you, Luke. I mean it was really well done, and it  
8 talked about some of the things that we're not  
9 tracking or getting, and in terms of business licenses  
10 being kept up to date and etc.  
11 If we used a percentage of this time, for  
12 example, going business to business to make sure that  
13 people are in compliance, that would also bring  
14 revenue in to the City, which might help, you know. I  
15 mean help clean up things on the inside which will  
16 help the City in terms of revenue building and --  
17 CHIEF KING: And we have done that as  
18 well, ma'am. But remember every time we do that --  
19 for example, we delivered -- we assisted City Hall in  
20 the delivery of notices to the new prospective  
21 businesses and stuff like that. That's time away from  
22 the force.  
23 If we start doing that, then I will have  
24 to shut down all their enforcement activity --  
25 COUNCILMEMBER DEAN: Right.

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1 CHIEF KING: -- to go and do that. And we  
2 can. We have focused. But just it's one of those  
3 situations where I'm not in the capacity of, say,  
4 doing more with less. I am --  
5 COUNCILMEMBER DEAN: Right.  
6 CHIEF KING: -- I am -- I'm as good as  
7 it's going to get. I can turn off activities if I get  
8 guidance that I need to shut down, you know, and at  
9 the end of the day, I mean, I understand you didn't  
10 support the strategy. I just wanted some kind of  
11 strategy --  
12 COUNCILMEMBER DEAN: Right, right, right.  
13 CHIEF KING: -- because without the lack  
14 of at least a plan, all we were doing is answering  
15 complaints and just going out there.  
16 So if the intent is for us to go focus  
17 strictly on the businesses and make sure they're all  
18 -- then I will have to stop other activity to be able  
19 to do this and do it in a timely fashion.  
20 COUNCILMEMBER DEAN: But even in terms of  
21 going and delivering letters or notices to people, if  
22 you did it by certified mail, you say, Okay, this is  
23 going to be office time and we're going to send out  
24 this notification and require these people to respond  
25 within 10 days with appropriate documentation, I mean

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1 that -- that would seem a bit more doable and it would  
2 be -- it would be efficient in terms of time.  
3 CHIEF KING: Ma'am, everything is a trade-  
4 off. All I'm asking you is that -- Everything's a  
5 trade-off. If my employees are sitting in an office  
6 licking stamps or whatever, you know, doing all this,  
7 they're not doing -- they're not answering calls.  
8 COUNCILMEMBER DEAN: Okay. I'm sorry.  
9 CHIEF KING: So that -- and I'm not saying  
10 no but it just -- I need some guidance what to turn  
11 off so I can do this if this is a focus area that you  
12 all want me to focus.  
13 All I was trying to do with the 30/30 plan  
14 is have a strategy. We can call it anything. We can  
15 modify the strategy, but I just -- you know, before,  
16 we were just answering, you know, complaints and  
17 trying to, you know, so we were not focused and we  
18 couldn't tell the difference when we were actually  
19 making a difference in a particular neighborhood.  
20 COUNCILMEMBER DEAN: Right.  
21 CHIEF KING: And I just need -- That is  
22 the only way we -- you know.  
23 I'm hesitant to put a lot of  
24 administrative requirements on the Quality of Life  
25 because if they're sitting around calculating and

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1 collecting all this data, they're also not out there,  
2 you know --  
3 COUNCILMEMBER DEAN: Right.  
4 CHIEF KING: -- and, you know, Major  
5 Atkinson, you know, I mean, he's got other stuff that  
6 I need him also to help me with, you know. So it's a  
7 trade-off. That's all I'm telling you. I know it's  
8 not the perfect answer, but we're trying to do some  
9 kind of strategy; hope y'all understand that.  
10 Any questions or comments about this slide  
11 before I go to the next one?  
12 ---  
13 (No response)  
14 ---  
15 CHIEF KING: Oh. A still-continuing  
16 challenge in our city. I know there's been a lot of  
17 discussion lately. But clearly multi-family dwellings  
18 is just -- with all the property values and people  
19 going and buying, you know, houses, and a lot of the  
20 times, you'll see where they try to turn around and  
21 make them into -- into rooming houses.  
22 And we get a lot of calls. As you can see  
23 the number of visits, it is a significant amount of  
24 time checking those out. And there's some people just  
25 dig in their heels, I mean. And a lot of times,

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1 problem houses that we've had, you know, they will  
2 comply for a little while and then, before you know  
3 it, you start seeing the number of cars parking,  
4 taxicabs stopping and going, and then you start seeing  
5 indicators there that this is a multi-family dwelling,  
6 and it requires a lot of . . .  
7 And a lot of times, the owners of these  
8 properties are telling the residents not to cooperate  
9 with us, not to talk to us, not to -- you know. And  
10 so it becomes more difficult to be able to make a good  
11 case for a multi-family dwelling citation, and I have  
12 to be able to prove that in court very -- I mean, with  
13 a very high standard.  
14 It is not like it used to be where if you  
15 just went to court and said, Hey, I saw eight cars or  
16 ten cars. That's not good enough. I will have to be  
17 able to show where the bedrooms were -- had individual  
18 locks, and so we're working, trying to work with the  
19 Building Inspector so when there's modifications made  
20 to the house or we go into a house for another  
21 purpose, then we can -- you know, if there's not a  
22 construction permit where they submitted, you know, a  
23 document so we can tell what kind of modifications  
24 were made to the house.  
25 COUNCILMEMBER PATRICK: Chief, are you

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1 saying that you had 449 single-family residential?  
2 CHIEF KING: We responded to 449 visits  
3 investigating multi-family dwellings. These are the  
4 number of calls that we received that we had to  
5 answer.  
6 COUNCILMEMBER PATRICK: Okay. And again,  
7 this is existing multi-family structures or is this  
8 single-family residential?  
9 CHIEF KING: Single-family dwellings.  
10 COUNCILMEMBER PATRICK: Wow.  
11 CHIEF KING: And it includes apartments  
12 too.  
13 COUNCILMEMBER PATRICK: Okay.  
14 CHIEF KING: But we get a call that, Hey,  
15 there's a rooming house here, go check it out.  
16 COUNCILMEMBER PATRICK: Got you.  
17 CHIEF KING: -- and that qualifies as a  
18 visit --  
19 COUNCILMEMBER PATRICK: Yeah. Okay.  
20 CHIEF KING: Basically it's --  
21 COUNCILMEMBER FLEMING: So --  
22 CHIEF KING: Consider it like a 911 call  
23 that we get dispatched.  
24 COUNCILMEMBER PATRICK: Right.  
25 COUNCILMEMBER FLEMING: So based on the

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1 449 and you gave out nine citations, unfortunately,  
2 our QOL ladies went out 308 times to a point where --  
3 CHIEF KING: We are --  
4 COUNCILMEMBER FLEMING: -- they may not  
5 have seen anything --  
6 CHIEF KING: We are beating --  
7 COUNCILMEMBER FLEMING: -- or --  
8 CHIEF KING: -- these places down.  
9 COUNCILMEMBER FLEMING: -- or --  
10 CHIEF KING: We can't make a case.  
11 COUNCILMEMBER FLEMING: -- whatever.  
12 CHIEF KING: If the case cannot be made or  
13 the people says, Yeah, you know, I've got a large  
14 family, or, you know, Yeah, I'm renting a room. But  
15 if it's --  
16 COUNCILMEMBER FLEMING: So in your -- in  
17 your estimation, 308 visits did not produce positive  
18 results one way or another, so I appreciate the girls'  
19 efforts, but could they not have been better utilized  
20 in another area?  
21 CHIEF KING: Ma'am, this is a very hot  
22 topic in this community and I'm hesitant to just say  
23 we're not going to go check 'em out.  
24 I think until we can feel as a community,  
25 until we can get together and say, All right, we have

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1 tackled and defeated this dragon, let's move on to  
2 another area, I'm not ready to declare victory on this  
3 because I still think we have some problems,  
4 especially with the -- with the movement of properties  
5 going on not so much in Northwoods, although, you  
6 know, we get a lot of reports.  
7 But a lot of the stuff -- You know, I mean  
8 I think we've made a big difference in Oakcliff.  
9 Oakcliff is -- is -- But there's a lot of properties  
10 moving, you know, changing hands, and we've got to be  
11 very mindful that when somebody comes and buys a  
12 property that's depressed, it has been -- you know,  
13 somebody's come and bought it as an investment  
14 property, we have to keep an eye on, especially on the  
15 building permits, what kind of modifications are being  
16 made to the house, and that is our first tell-tale  
17 sign that the house is being converted into a rooming  
18 house.  
19 This has been a big problem in Doraville  
20 for many, many years. So as sensitive as our  
21 community is, I'm not ready to declare victory, but I  
22 think we're making a big dent. I think the investment  
23 companies understand that we're watching this, and I  
24 think we need to probably keep our eye on the ball.  
25 But you're right. That's a lot of visits

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1 and not a lot of warrants. In a way, that -- because  
2 I tend to be the eternal optimist, I think this is  
3 good. The fact that we're going, and people are  
4 calling us, and we're checking them out and they're in  
5 compliance, to me is a good thing.  
6 But you're right; it's a lot of time being  
7 used. Sorry it took me about 15 minutes to make that  
8 point.  
9 And the next side, please. And this is  
10 kind of the compliance piece. Most of them, we  
11 resolve through warnings, we resolve through educating  
12 the person, providing them with a copy of the  
13 ordinance, and -- and following up.  
14 You know, this is also in a way, too, to  
15 be able to train our staff to kind of get ready for  
16 the new areas that's going to be annexed at the  
17 beginning of next year. You know, they know what now  
18 to look for, and that's kind of helpful because I  
19 wanted to train our staff to stay focused. I'm trying  
20 to give them a little bit less, you know, idea -- just  
21 going out there and just driving down and looking for  
22 something. I want them to look for particular things  
23 which are incredibly important to our community  
24 instead of just out there, you know, trying to figure  
25 out on their own.

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1 And you know, the laws are changing. Now  
2 there's interpretations taking place all the time,  
3 that we have to turn around and educate our employees  
4 and make sure that they're applying the law correctly.  
5 That's always a challenge, obviously.  
6 And Mayor, Members of the Council, that  
7 concludes my briefing unless you all have any  
8 questions or comments.  
9 MAYOR PITTMAN: Ms. Alexander, any  
10 questions?  
11 COUNCILMEMBER ALEXANDER: Huh-uh.  
12 MAYOR PITTMAN: Mr. Bates?  
13 COUNCILMEMBER BATES: (Shakes head)  
14 MAYOR PITTMAN: Ms. Pachuta?  
15 COUNCILMEMBER PACHUTA: Are you now  
16 changing the focus of the areas?  
17 CHIEF KING: We were not going to change  
18 it until we got through six months. Then if we would  
19 -- I would ask that before we get to that period, you  
20 know -- and obviously with one employee being out,  
21 that kind of took us out of whack -- what I would ask  
22 as we're going through this first update, as we start  
23 looking at the next period, probably obviously we're  
24 going to have to squeeze that period a little bit  
25 shorter.

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1 But I'll ask to get some -- you know, if  
2 you all could provide the Mayor input on what areas to  
3 focus, and that way, she gets your input and then she  
4 will transmit that input to us so we can, you know,  
5 first of all, train our employees, work with Mr.  
6 Cooley to make sure that we have the the method of  
7 being able to assess are we being effective or not.  
8 So if y'all could provide your input to the Mayor,  
9 then they will consolidate your visions of what needs  
10 to be focused on and then we will then, you know, give  
11 our marching orders.  
12 And probably since we -- we spent a lot of  
13 time -- I think it was 14 weeks, Chuck, or the status?  
14 Yeah, it's about 14 weeks. So obviously the next  
15 period will not be an additional 14 weeks. We  
16 probably need to squeeze it because we need to then  
17 focus a little bit on the new annexation area.  
18 But if y'all can provide your input to the  
19 Mayor, she'll turn around and give it to us and we'll  
20 kind of cobble it together. If I can keep it to three  
21 priorities -- I like to keep things a little more in  
22 hand, because, you know, if everything is a priority  
23 then nothing becomes really the priority -- so if we  
24 can keep it to three to four priorities, I would  
25 appreciate that very much, and then that will help us

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1 focus on our employees.  
2 Or at the end of this period, if you just  
3 say, Chief, you're all messed up, we want to get back  
4 to the old way, You know, obviously I will salute  
5 smartly and carry the Council's wishes forward. But  
6 if you want to just, you know, go back to the way we  
7 were doing it, you know, I think it will be then, you  
8 know, considered a noble experiment and we will go  
9 back to the way we were doing business.  
10 MAYOR PITTMAN: All right. Ms. Pachuta?  
11 COUNCILMEMBER PACHUTA: No.  
12 MAYOR PITTMAN: Mr. Patrick?  
13 COUNCILMEMBER PATRICK: (Shakes head)  
14 MAYOR PITTMAN: Ms. Fleming?  
15 COUNCILMEMBER FLEMING: I'm fine.  
16 MAYOR PITTMAN: Ms. Dean?  
17 COUNCILMEMBER DEAN: So you think the area  
18 -- it's better to focus on area rather than  
19 infraction?  
20 CHIEF KING: Yes, ma'am, because I think  
21 then Mr. Cooley -- and I'm sorry, I didn't mean if you  
22 -- Sorry, Joe, I didn't mean to --  
23 But it's a way for us to be able to  
24 assess, are we being effective? because the risk is  
25 very easy to say, Oh, you're issuing 20 tickets; you

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1 must be being effective.  
2 I don't know if issuing citations is a  
3 method of measuring effectiveness or not, and I  
4 think -- you know, an area, your focused area, I think  
5 you can either tell, hey, this is working. And we've  
6 got some positive comments especially from Oakcliff, I  
7 mean, and I think we're -- you know. And of course I  
8 grab on to any positive news I can get, I mean.  
9 That's just my nature.  
10 But if we can, you know, I like focused  
11 areas because then I can measure effectiveness and  
12 then I can put -- try to get as many resources as I  
13 can to be able to focus there.  
14 But infraction? If you focus on  
15 infraction, my feeling is that we're doing the whack-  
16 a-mole, you know. You're whacking -- that game where  
17 you whack something but then something else is popping  
18 up, and I don't know if -- if --  
19 COUNCILMEMBER DEAN: Well, the thing is  
20 the city's so small, just geographically it's so  
21 small, that it would seem -- Okay, well, today we're  
22 going to go look for debris in yards, for example,  
23 furniture in yards, because I see that a lot, you  
24 know. And because it is such a small area, it seems  
25 that it would be something that would be doable in

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1 terms of that.  
2 CHIEF KING: That would be doable. But if  
3 we're going to do that, we don't need to just put it  
4 on the backs of Qualify of Life. That needs to be a  
5 focus for --  
6 COUNCILMEMBER DEAN: Right.  
7 CHIEF KING: -- all the departments in all  
8 the City, you know --  
9 COUNCILMEMBER DEAN: Right.  
10 CHIEF KING: -- because it's not just the  
11 police department driving around in the community.  
12 COUNCILMEMBER DEAN: Right, right, right,  
13 right, right; sure.  
14 CHIEF KING: If that becomes --  
15 COUNCILMEMBER DEAN: Sure.  
16 CHIEF KING: If that becomes a focus area,  
17 then --  
18 COUNCILMEMBER DEAN: Right, right.  
19 CHIEF KING: -- you know, our brothers in  
20 the maintenance department --  
21 COUNCILMEMBER DEAN: Right, right.  
22 CHIEF KING: -- members of the Council  
23 driving, when you see something that you know that  
24 that's a hot button that we need to call in, then that  
25 becomes a focus area.

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1 COUNCILMEMBER DEAN: Oh, yeah. Like  
2 signs. That's a great one. We see illegal signs all  
3 over the place and they just look so messy. But  
4 anyway, that's my only comment.  
5 MAYOR PITTMAN: Okay. Thank you, Chief.  
6 CHIEF KING: Thank you, ma'am.  
7 MAYOR PITTMAN: Thank you very much.  
8 Okay. Next on the agenda is the  
9 Resolution-Buford Highway/Peachtree Boulevard. Luke?  
10 MR. LUKE HOWE: I'll be real brief. I  
11 have a handout here. I don't know if you all got it.  
12 This project was originally identified in  
13 our 2010 LCI as the most feasible concept for  
14 establishing connectivity from the existing city to  
15 the GM site and supporting medium to high density.  
16 About a month after we adopted the LCI in  
17 March 2011, they started accepting proposals for the  
18 Transportation Investment Act or the T-SPLOST list.  
19 So we asked Council -- I believe it was the same  
20 meeting that we adopted the LCI we asked Council to  
21 adopt a resolution of support for this project.  
22 We submitted it to the DOT. Later that  
23 year, the regional roundtable included the project in  
24 their investment list. Of course the T-SPLOST failed,  
25 so we've come full circle.

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1 The governor has announced that he will be  
 2 taking a look at the projects that were on the  
 3 T-SPLOST list and he will be selecting a handful to  
 4 make as part of a statewide plan.  
 5 So I believe most of the information that  
 6 we have is in front of you. If you have any  
 7 questions, I'll entertain those.  
 8 MAYOR PITTMAN: Okay. Ms. Alexander?  
 9 COUNCILMEMBER ALEXANDER: I just want to  
 10 confirm that the example in the TIA-DK-057 is the same  
 11 as the figure 4.9 that's in the LCI.  
 12 MR. HOWE: Yes, ma'am.  
 13 COUNCILMEMBER ALEXANDER: Okay. I'm just  
 14 trying to get oriented.  
 15 MAYOR PITTMAN: Okay.  
 16 MR. HOWE: Yes, ma'am. That's the exact  
 17 language that was used in the LCI.  
 18 MAYOR PITTMAN: Mr. Bates? Ms. Pachuta?  
 19 Mr. Patrick? Ms. Fleming?  
 20 COUNCILMEMBER FLEMING: I noticed that  
 21 Clyde Drive is indicated on Chamblee's resolution and  
 22 was wondering whether that should also be included on  
 23 our new resolution, because it's starting at the, it  
 24 appears, Clyde Drive area.  
 25 MR. HOWE: Clyde -- Clyde Drive is in

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1 Chamblee. They did support this with a resolution of  
 2 their own. They participated in the LCI, we sent them  
 3 a package today, so we're operating under the  
 4 assumption that they're going to continue to support  
 5 this project along with Dunwoody. Dunwoody supported  
 6 it as well.  
 7 Yeah, we can add Clyde Drive. We can --  
 8 we can chart the exact path. But the resolution was  
 9 meant to tell a story and to communicate how critical  
 10 this is to not only repairing the fabric of this town  
 11 but for serving as a catalyst for economic development  
 12 and job growth.  
 13 We can't support any kind of development  
 14 other than more strip malls if we -- if we don't have  
 15 the infrastructure in place, we can't get the people  
 16 in and out efficiently, so.  
 17 COUNCILMEMBER FLEMING: I don't think it's  
 18 necessary. I was just curious.  
 19 MR. HOWE: Yes, ma'am.  
 20 COUNCILMEMBER FLEMING: And since Clyde  
 21 Drive's in Chamblee, that's the reason why it's in  
 22 there, so that's fine.  
 23 The only other comment I'd make is that  
 24 the date on our resolution needs to be corrected --  
 25 MR. HOWE: Okay.

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1 COUNCILMEMBER FLEMING: -- to today's  
 2 date.  
 3 MR. HOWE: Yes, ma'am.  
 4 MAYOR PITTMAN: Ms. Dean?  
 5 Ms. Alexander, did you have anything else?  
 6 You looked like you had a question.  
 7 COUNCILMEMBER ALEXANDER: No. I'm good.  
 8 MAYOR PITTMAN: So you need a motion to  
 9 approve the adoption of the resolution?  
 10 MR. HOWE: Yes, ma'am.  
 11 COUNCILMEMBER ALEXANDER: Make a motion to  
 12 approve the resolution with the correction of the  
 13 adopted and effective date, I guess reaffirming our  
 14 support of the proposed Buford Highway/Peachtree  
 15 Boulevard Connector as outlined in the 2010 Doraville  
 16 LCI plan.  
 17 COUNCILMEMBER FLEMING: Second.  
 18 MAYOR PITTMAN: Discussion?  
 19 - - -  
 20 (No response)  
 21 - - -  
 22 MAYOR PITTMAN: Call the roll, please.  
 23 CLERK BRYANT: Councilmember Alexander?  
 24 COUNCILMEMBER ALEXANDER: Yes.  
 25 CLERK BRYANT: Councilmember Bates?

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1 COUNCILMEMBER BATES: Yes.  
 2 CLERK BRYANT: Councilmember Dean?  
 3 COUNCILMEMBER DEAN: Yes.  
 4 CLERK BRYANT: Councilmember Fleming?  
 5 COUNCILMEMBER FLEMING: Yes.  
 6 CLERK BRYANT: Councilmember Pachuta?  
 7 COUNCILMEMBER PACHUTA: Yes.  
 8 CLERK BRYANT: Councilmember Patrick?  
 9 COUNCILMEMBER PATRICK: Yes.  
 10 MAYOR PITTMAN: Thank you.  
 11 Thank you, Mr. Howe, very much.  
 12 Next under Old Business, finally, the  
 13 Ordinance Language Regarding \$5,000 spending  
 14 allowance.  
 15 COUNCILMEMBER DEAN: Okay. I would like  
 16 to basically clean up the language that we currently  
 17 have in our ordinance regarding the \$5,000 spending  
 18 limit.  
 19 I have seen in the past that this has been  
 20 used to bring in, for example, contract employees that  
 21 have been then signed on to work with the City, and I  
 22 don't think that that was how this was intended to be  
 23 used. I think that it should be a \$5,000 or under a  
 24 \$5,000 fee solely without any kind of aggregate  
 25 services or -- or any kind of long-term contracts. I

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1 think that it's important that we clarify and we  
2 understand that that is what this is for.  
3       MAYOR PITTMAN: And I believe they wrote  
4 something?  
5       COUNCILMEMBER DEAN: And I have a question  
6 about -- about the language.  
7       MAYOR PITTMAN: I'm sorry. "They" meaning  
8 Legal. Sorry.  
9       COUNCILMEMBER DEAN: Right.  
10       All such emergencies and expenditures  
11 relating thereto if anything over the authority of the  
12 Mayor in this section shall be immediately reported to  
13 the City Council, and, if requested by at least two  
14 members of the City Council, authorized retroactively  
15 by a vote at the next regularly scheduled Council  
16 meeting.  
17       So what is that?  
18       ATTORNEY McLENDON: This is language that  
19 basically we went out and found some other cities that  
20 had similar provisions on it.  
21       And what you've done in this section --  
22 this is the first section and limits it to the \$5,000  
23 for budgeted items. It states that it is not an  
24 aggregate spending in any calendar of over \$5,000, and  
25 then states: No more. There is no more.

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1       What I think Subsection (b) is is the  
2 failsafe that if you have an item that is not budgeted  
3 but it is impacting health, safety, welfare --  
4       COUNCILMEMBER DEAN: Right.  
5       ATTORNEY McLENDON: -- property, it gives  
6 that authority to be able to come in and -- and I was  
7 thinking through one of the issues that -- you know,  
8 coming up with an example would be if for some reason  
9 all the glass got broken out of the front of City  
10 Hall,  
11 and it wasn't budgeted, and we had to go repair it all  
12 immediately or else the building would be open. And  
13 we had no budgeted line item for that; there was no  
14 other authority, that's the kind of thing, you know,  
15 we can't wait to call a meeting; we got to fix it.  
16       And that's what I think this language is  
17 the catch-all fail-safe to do. As I said, I didn't  
18 come up with this. This is sort of borrowed.  
19       COUNCILMEMBER DEAN: And so when you  
20 borrowed, do you know how many people were on the  
21 council of the language from this ordinance? I mean  
22 that would --  
23       ATTORNEY McLENDON: I think it was on  
24 surrounding cities, but I think most of the councils  
25 in the surrounding cities are similar size, so I

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1 mean --  
2       COUNCILMEMBER DEAN: So can we change that  
3 number? I mean instead of two, because that's not  
4 even half of the Council, I mean, like I said, we  
5 think that an effort would be made to contact everyone  
6 on Council, so maybe we can change that number from  
7 two to four?  
8       ATTORNEY McLENDON: We can change it to  
9 anything. But I think if you made it four, that would  
10 be more restrictive because the less number of members  
11 that can say, I want to put this on the next agenda,  
12 the more likely it is it comes to the next agenda.  
13       So you could change it to four, but that  
14 just means you got to get more people to decide you  
15 want to put it on the next agenda.  
16       COUNCILMEMBER DEAN: Right.  
17       COUNCILMEMBER PATRICK: But the way you  
18 have it right now is a minority on the Council --  
19       COUNCILMEMBER DEAN: Right.  
20       COUNCILMEMBER PATRICK: -- could say this  
21 is urgent enough that we want to talk about it at a  
22 Council meeting versus having --  
23       COUNCILMEMBER BATES: No.  
24       ATTORNEY McLENDON: You could put any --  
25       COUNCILMEMBER BATES: That's not --

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1       ATTORNEY McLENDON: -- number in here --  
2       COUNCILMEMBER BATES: That's not what it  
3 reads.  
4       ATTORNEY McLENDON: -- that we want.  
5       COUNCILMEMBER BATES: -- reads. It reads  
6 that if two Council members request it, it comes to us  
7 to vote to authorize what has already happened.  
8       ATTORNEY McLENDON: Right.  
9       COUNCILMEMBER BATES: So the expenditure  
10 under Mr. McLendon's example using the glass gets  
11 broken out at City Hall, the expenditure's already  
12 made. If Ms. Pachuta and Ms. Alexander want to affirm  
13 that, they can request it be on the next agenda and it  
14 be then voted and affirmed. But it doesn't -- this  
15 doesn't say two Council members can call a special  
16 emergency 11 o'clock-in-the-morning meeting.  
17       ATTORNEY McLENDON: You're exactly right.  
18 This is saying it can be put on the next agenda. This  
19 is not calling a --  
20       COUNCILMEMBER DEAN: After the fact.  
21       COUNCILMEMBER BATES: Right.  
22       COUNCILMEMBER PACHUTA: I'm also assuming,  
23 too, if they -- myself and Ms. Alexander put it on the  
24 agenda even though we couldn't go back and --  
25       COUNCILMEMBER BATES: Unspend it?

1 COUNCILMEMBER PACHUTA: -- you know,  
 2 unspend it, we could at that time come out with a we-  
 3 don't feel-this-was-an-emergency and we object to this  
 4 having occurred, not that that --  
 5 COUNCILMEMBER ALEXANDER: Well, I would  
 6 think, too, at that time that you -- You would also at  
 7 that time know what budget bucket the emergency funds  
 8 had to come out of and things of that nature.  
 9 ATTORNEY McLENDON: It's sort of a  
 10 balancing. I mean it gives you an emergency power but  
 11 then it sort of gives also just two members can come  
 12 in and say, We want to review that power that was  
 13 exercised.  
 14 Like I said, you can't unspend it; you're  
 15 exactly right. You could either decide where it went  
 16 in the budget if it wasn't budgeted or you could come  
 17 in and say, We don't think that was an emergency, and  
 18 then address it in that way. So all of it's sort of  
 19 trying to balance the powers moving forward on it. I  
 20 think that's what the intent of that language is.  
 21 COUNCILMEMBER DEAN: Okay. So walk me  
 22 through the complete scenario.  
 23 ATTORNEY McLENDON: Okay.  
 24 COUNCILMEMBER DEAN: Some storm smashes  
 25 out all the windows.

1 got smashed. You know, we went out; this is the  
 2 process we went through, and we expended this to be  
 3 able to secure the building.  
 4 COUNCILMEMBER DEAN: Uh-huh.  
 5 ATTORNEY McLENDON: Under this scenario,  
 6 any two people could say, I'd like to put that on the  
 7 next agenda so we can either -- you know, the options  
 8 we talked about.  
 9 We can either affirm the expenditure and  
 10 put it into a budget item, figure out where it goes  
 11 into the budget. That could go in a lot of different  
 12 directions.  
 13 COUNCILMEMBER DEAN: Right.  
 14 ATTORNEY McLENDON: Under that scenario, I  
 15 think it would be hard for somebody to come in and  
 16 say, Oh, you know, we shouldn't have.  
 17 COUNCILMEMBER DEAN: Right.  
 18 ATTORNEY McLENDON: Shouldn't have put  
 19 something in front of City Hall for a week. And so  
 20 that would be how it would play out.  
 21 COUNCILMEMBER DEAN: Okay. And the  
 22 alternatives are what? Say the city manager, for  
 23 example. The city manager comes in and we say, Well,  
 24 you know, why'd you do that because it wasn't the  
 25 window smashing, it was something else that he or she

1 ATTORNEY McLENDON: They smash out all the  
 2 windows. There's no budget, there's no line item for  
 3 it and it costs -- just to repair it that day costs  
 4 \$5,000 emergency, \$6,000; get people in, mobilize  
 5 them, get them to come out, buy all the materials, get  
 6 it all installed.  
 7 You can't leave that open --  
 8 COUNCILMEMBER DEAN: Right.  
 9 ATTORNEY McLENDON: -- till tomorrow or  
 10 until the next meeting. So we say, Yep, you got to do  
 11 it; bang, go out. You'd probably get three quotes if  
 12 you could, if you had time.  
 13 COUNCILMEMBER DEAN: Okay. So let's say  
 14 the city manager or the Mayor, whomever, would go out  
 15 and then get three quotes.  
 16 ATTORNEY McLENDON: You know, you call up  
 17 procurement and say, See if you can three quotes --  
 18 COUNCILMEMBER DEAN: Right.  
 19 ATTORNEY McLENDON: -- on this, but we got  
 20 to get somebody out here --  
 21 COUNCILMEMBER DEAN: Right.  
 22 ATTORNEY McLENDON: -- to fix this.  
 23 \$6,000, it gets fixed on that date. Okay?  
 24 Gets spent. It is reported to the -- to the Council.  
 25 You'll say, you know, By the way, the front windows

1 felt was an emergency; but two people can say, Wait a  
 2 minute. That wasn't an emergency; we're going to come  
 3 back and --  
 4 ATTORNEY McLENDON: No. They could bring  
 5 it into --  
 6 COUNCILMEMBER DEAN: (Imperceptible)  
 7 ATTORNEY McLENDON: -- this meeting. Two  
 8 people can bring it into a meeting --  
 9 COUNCILMEMBER DEAN: Okay.  
 10 ATTORNEY McLENDON: -- for the discussion.  
 11 Those two people can't act unilaterally.  
 12 COUNCILMEMBER DEAN: Right, right, right,  
 13 right, right.  
 14 ATTORNEY McLENDON: What that's all about  
 15 is being able to bring it up to the table. That's --  
 16 COUNCILMEMBER PACHUTA: And, okay,  
 17 thinking ahead to city manager, is there a way, since  
 18 we're moving in that direction, to start fashioning  
 19 our ordinances with an either/or type of thing or a  
 20 full-time mayor or city manager or something so that  
 21 we don't have to go back and rewrite and reapprove  
 22 ordinances?  
 23 MAYOR PITTMAN: That sounds good.  
 24 ATTORNEY McLENDON: Yeah, that's a good  
 25 suggestion. A lot of times you'll use the "or

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1 designee" type language.  
2 Lenny's been helping on that, looking at  
3 it, and he seems like he wants to say something so I  
4 will defer.  
5 ATTORNEY FELGIN: I have been spending the  
6 last however many months with that as I had a chance.  
7 I went through the entire Code. Wherever it says  
8 "mayor," I looked at the provision, and if it's  
9 something that would be transferred to the city  
10 manager, I drafted an ordinance which does that.  
11 So I have quite a long ordinance already  
12 written up --  
13 COUNCILMEMBER PACHUTA: Okay.  
14 ATTORNEY FELGIN: -- with all of these  
15 changes already made, so when we are ready to do that,  
16 we can just do it at that time.  
17 COUNCILMEMBER FLEMING: I thought we were  
18 going to discuss going this way. But anyway, that's  
19 the way I feel on the Mayor's salary.  
20 Anything -- this item as well -- anything  
21 that is potentially needing to be changed due to a new  
22 form of government coming on, needs to be done as far  
23 as I'm concerned as a package, and it's --  
24 And Lenny has already indicated that he's  
25 already been working on all of this, and we received

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1 just this past weekend the redline items of the first  
2 volume, if you want to call it that, of the proposed  
3 changes to the Charter. And I think it's necessary  
4 for us to have work sessions on this so that we can  
5 indeed look at it in its entirety, not piecemeal  
6 stuff, and then all of a sudden in January, we've got,  
7 Well, this is the way it is in MuniCode but yeah, we  
8 just passed something in December, and I have problems  
9 with that. I have a lot of concerns.  
10 The other concern I have really, not just  
11 regarding this item, but it does entail this, is that  
12 our Charter is so old, and speaking to Mr. McLendon  
13 this weekend, it needs a complete overhaul, and that  
14 would take quite a bit of time.  
15 So I'm ready to get started on this as a  
16 work session regarding all of the items and what Mr.  
17 Felgin has already evidently gotten ready for us, so  
18 that needs to happen.  
19 COUNCILMEMBER DEAN: Well, in terms of  
20 work sessions, our meetings are the same thing in  
21 terms of application, as work sessions, because we  
22 vote at all of them. So I don't see what the  
23 difference is between a work session and a regularly  
24 scheduled meeting in terms of what we do, because  
25 there's no -- every time we have a work session, we

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1 have, several times since I've been on Council, voted  
2 during work sessions.  
3 So if we're going to do it in that  
4 direction in terms of the works sessions, because  
5 there was a question about that, we need to define  
6 what's going to happen at a work session and what's  
7 not going to happen at a work session.  
8 And in terms of doing things piecemeal, I  
9 had the same comment last meeting about the Sign Code,  
10 and that was -- that was exactly. If we're going to  
11 look at the Sign Code, let's look at it in one big  
12 picture, and we've talked about that before, but  
13 clearly that's not the way this is happening.  
14 So I don't think that the meetings are  
15 ever long enough to encompass everything that we have  
16 to do. So right now, I feel pretty good about going  
17 forward with changing the small things, the small  
18 things that I perceive could use adjustments or  
19 corrections, and then moving forward that way.  
20 MAYOR PITTMAN: Okay. The \$5,000  
21 spending, what are your wishes? And let me see if  
22 there's comments from Council first.  
23 Ms. Alexander?  
24 COUNCILMEMBER ALEXANDER: So you did not  
25 include the "or designee" language in this ordinance

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1 that we are looking at. Are you going to add it to  
2 your list?  
3 ATTORNEY FELGIN: Yes. If this ordinance  
4 passes, I will go back to the ordinance of the over-  
5 arching code changes I have drafted and stick this in  
6 there.  
7 COUNCILMEMBER ALEXANDER: Because that was  
8 the only question I had was the city manager language.  
9 MAYOR PITTMAN: Mr. Bates?  
10 COUNCILMEMBER BATES: No. I supported the  
11 aggregate piece when you brought it up two or three  
12 years ago. I think it's a good thing to have in there  
13 for not only the Mayor but, you know, any manager that  
14 comes in. So on this particular one, I'm fine with  
15 moving forward.  
16 MAYOR PITTMAN: Okay. Ms. Pachuta? Mr.  
17 Patrick? Ms. Fleming, anything else?  
18 Ms. Dean? It's your item. Do you want  
19 to --  
20 COUNCILMEMBER DEAN: Okay. Do we want to  
21 change the language or should I just go ahead and make  
22 a motion?  
23 ATTORNEY McLENDON: Just make a motion  
24 unless you want to change it.  
25 COUNCILMEMBER DEAN: I would like to make

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1 a motion to change the five thousand --  
 2 MAYOR PITTMAN: Is it -- ? Wait.  
 3 ATTORNEY McLENDON: Oh.  
 4 MAYOR PITTMAN: First reading.  
 5 COUNCILMEMBER PACHUTA: Is this the first  
 6 reading?  
 7 COUNCILMEMBER DEAN: Oh, first reading.  
 8 Okay. Okay.  
 9 MAYOR PITTMAN: You can waive the first  
 10 reading or you can make the corrections and come back  
 11 next time. We can -- It's up to --  
 12 ATTORNEY McLENDON: I think we're good  
 13 with the language, right? There were no corrections?  
 14 COUNCILMEMBER FLEMING: Yes, there are.  
 15 MAYOR PITTMAN: There was --  
 16 COUNCILMEMBER FLEMING: He has to change  
 17 it to "and/or designee."  
 18 ATTORNEY McLENDON: We talked about that  
 19 what we would do is pass it like this, and then once  
 20 we pass this, we would put that when we changed it  
 21 over to the "or designee" would go into the big sort  
 22 of omnibus ordinance we were going to bring to you  
 23 later that changed it all through the Code.  
 24 But we can do it either way.  
 25 COUNCILMEMBER FLEMING: Okay. And your I

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1 don't mean to interrupt you for your motion.  
 2 But in your experience with other city  
 3 managers since we are not, and you deal with two or  
 4 three cities that have city managers, what is their  
 5 spending cap?  
 6 ATTORNEY McLENDON: They vary, and it's  
 7 usually sort of proportional to the overarching  
 8 budget. You know, I've seen them, you know, with a  
 9 hundred million dollar budget, \$250,000, down to --  
 10 What was --? Peachtree Corners was --?  
 11 ATTORNEY FELGIN: Twenty-five.  
 12 ATTORNEY McLENDON: Twenty-five? Twenty-  
 13 five?  
 14 COUNCILMEMBER FLEMING: Thousand.  
 15 ATTORNEY McLENDON: Twenty-five thousand  
 16 in Peachtree Corners, and their budget's a few  
 17 million, but they have a different form of government.  
 18 They have a government like Dunwoody is fifty -- fifty  
 19 thousand.  
 20 COUNCILMEMBER FLEMING: But is their  
 21 language "aggregate" or "yearly" or "monthly" or --  
 22 ATTORNEY McLENDON: The aggregate concept  
 23 is usually because that's something that usually they  
 24 don't allow that segmentation of it.  
 25 COUNCILMEMBER PACHUTA: Yeah. To me,

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1 that's the most important part. I know Dekalb got in  
 2 trouble for that, some of their contracts years ago.  
 3 But to me, it's, for the most part, not to have your  
 4 vendors submit invoices slightly below the limit so  
 5 you can -- you know.  
 6 ATTORNEY McLENDON: Typically that would  
 7 be -- This is pretty similar language than what you  
 8 would find in those places.  
 9 MAYOR PITTMAN: So Ms. Dean, are your  
 10 wishes to make a motion to waive the first reading or  
 11 do you want to --  
 12 COUNCILMEMBER DEAN: I would like to make  
 13 a motion to waive the first reading.  
 14 MAYOR PITTMAN: Second?  
 15 COUNCILMEMBER DEAN: I mean waive the  
 16 second reading?  
 17 MAYOR PITTMAN: I'm sorry?  
 18 COUNCILMEMBER DEAN: Waive the second  
 19 reading, right?  
 20 COUNCILMEMBER PACHUTA: No. First  
 21 reading.  
 22 COUNCILMEMBER BATES: No.  
 23 MAYOR PITTMAN: First reading.  
 24 COUNCILMEMBER BATES: I'm just generally  
 25 not comfortable unless there's something really

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1 pressing on waiving first reading.  
 2 COUNCILMEMBER DEAN: Okay.  
 3 COUNCILMEMBER BATES: So if you don't mind  
 4 --  
 5 COUNCILMEMBER DEAN: No, no.  
 6 COUNCILMEMBER BATES: -- we've got a good  
 7 clean ordinance.  
 8 COUNCILMEMBER DEAN: I'm just glad it's  
 9 here.  
 10 COUNCILMEMBER BATES: And it'll be first  
 11 on the agenda next.  
 12 MAYOR PITTMAN: Okay. All righty. Thank  
 13 you, Ms. Dean.  
 14 Mr. Cooley, Text Amendment to Address  
 15 Signs for Vacant Properties.  
 16 MR. JOE COOLEY: Council addressed this  
 17 originally back in the work sessions regarding signs  
 18 back in June. We pretty much went through the  
 19 criteria. This format and information was developed  
 20 off another -- I believe it was Sandy Springs', if I'm  
 21 not mistaken, ordinance.  
 22 But what the problem is, the issue was  
 23 that there were no allowances within the Sign  
 24 Ordinance to accommodate additional signs for  
 25 properties that have either vacant -- that are vacant

1 of themselves, buildings, or if they have a certain  
2 amount of units within it vacant.

3 You know, typically we have wall signs  
4 that are allowed and then we have the additional pole  
5 signs or monument signs that are allowed, and there's  
6 an aggregate total on everything other than the wall  
7 signs. So this was addressing that issue.

8 Two things that, I mean, this basically  
9 came out of. Originally when we discussed it in the  
10 Council workshop, we discussed -- I had set it up  
11 where the wall banners were based upon the size of the  
12 parcel.

13 As we were going forward and moving to the  
14 Planning Commission, the more I thought about that,  
15 and what we were trying to accomplish, it didn't make  
16 sense. So we did convert that over to a distance from  
17 the road as opposed to the size of the parcel, because  
18 that's what you're really talking about is the  
19 distance and how you see it.

20 I've got several things in front of me.  
21 You got the original memo. I won't go through that.

22 The second page is the draft language for  
23 signs during vacancy, staff revisions. That's what  
24 was presented to the Planning Commission. You can see  
25 the changes that were made in there.

1 with that.

2 Wall banner signs, it was a reduction all  
3 the way down.

4 And then one issue that -- originally, I  
5 think I had submitted the 95 percent on item (4) when  
6 it talked about the occupancy rate. I think the  
7 Council has said let's bring that down to 90, and then  
8 you see in the blue where the Planning Commission  
9 recommends to go down to 75.

10 COUNCILMEMBER DEAN: At our work session,  
11 Mr. Patrick and I both talked about eliminating the  
12 banners and having them supported in some way.

13 MR. COOLEY: Yes, ma'am.

14 COUNCILMEMBER DEAN: And you were going to  
15 come back with that?

16 MR. COOLEY: Yes. Looked at it and talked  
17 to different people about it. And the problem that  
18 you get especially with wall banners that are away  
19 from and the larger ones that are away from the road,  
20 you're talking about a massive structure to put on a  
21 wall. It doesn't make economical or physical sense to  
22 try to attach something like that. Then it becomes  
23 almost a permanent sign. And thought that was over-  
24 bearing and too costly.

25 COUNCILMEMBER DEAN: Well, what about

1 And then the last page that you've got on  
2 here, the language based upon Planning Commission  
3 recommendations, you will see the strike-outs, and  
4 then the blue portions of it are what the  
5 recommendations of the Planning Commission were.

6 Basically this involved not changing the  
7 concept of the ordinance but it was more discussion  
8 about the size of the signs that was of concern.

9 Other than the one thing that was in the fifth item is  
10 originally we were suggesting that there be no fee to  
11 be assessed, and this is something that the Planning  
12 Commission thought that there should be a fee assessed  
13 with it.

14 Be glad to answer any questions that you  
15 might have on it or go through it item by item.

16 COUNCILMEMBER ALEXANDER: So the draft  
17 that we are working off of is the one dated October 4;  
18 correct?

19 MR. COOLEY: Yes, ma'am. That is the  
20 updated version that shows what the Planning  
21 Commission had recommended, the changes.

22 And as you'll see, decrease the size of  
23 the free-standing signs, actually increase the height  
24 of it to basically get on a -- the size of a sheet of  
25 plywood, make the dimensions pretty much consistent

1 having a size limitation? For example, if you have --  
2 Because the banners really look bad in the city,  
3 especially after they've been weathered and worn and  
4 are kind of hanging very sadly on some of the  
5 buildings.

6 MR. COOLEY: Yeah, and that's what item  
7 (3) was about. One way to address it is making sure  
8 that we require that they be maintained in good  
9 condition, which really gives Quality of Life the  
10 opportunity, if they look bad, you know, they got to  
11 be replaced. These are renewed --

12 COUNCILMEMBER DEAN: But here's --

13 MR. COOLEY: These are renewed on a yearly  
14 basis, so there's that opportunity also. But also  
15 what you're talking about, the sizes, is basically  
16 what is under (2) a, b and c.

17 COUNCILMEMBER DEAN: Right.

18 MR. COOLEY: It's based upon the footage.  
19 Size gets larger with the footage, which was a  
20 reduction from the original 80.

21 COUNCILMEMBER DEAN: Well, I think that we  
22 could use some work in our definitions, too. For  
23 example, I found: A dilapidated sign shall mean any  
24 sign that contains or exhibits broken panels, visible  
25 rust, visible rot, damaged support structures; holes

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1 on or in the sign structure; broken, missing, loose or  
 2 bent parts; faded or flaking paint, nonoperative or  
 3 partially nonoperative illumination or mechanical  
 4 devices, or which is otherwise dilapidated, unsightly  
 5 or unkempt.  
 6 And that's got it, you know. That's good  
 7 because you could say right here, That sign, hm, flaky  
 8 paint, you need to fix that. Right?  
 9 And this is very -- not -- This just  
 10 doesn't seem like -- I mean I can see --  
 11 MR. COOLEY: It's tough to control every  
 12 little aspect of every ordinance. And I would suggest  
 13 that some of this, you know, needs to be left to the  
 14 Quality of Life to make decisions on whether they  
 15 think it's -- You know, there's got to be some  
 16 discretion involved, in my opinion.  
 17 COUNCILMEMBER FLEMING: So we're dealing  
 18 with signs during vacancy. We're not talking about  
 19 the business logo or their business sign.  
 20 MR. COOLEY: Well --  
 21 COUNCILMEMBER FLEMING: We're talking  
 22 about for-lease/for-sale signs.  
 23 MR. COOLEY: But that's the intent, but as  
 24 you know, we have to be content-neutral, so that's --  
 25 that's the situation we get into.

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1 ATTORNEY McLENDON: Well, that's --  
 2 MR. COOLEY: You can explain it better  
 3 probably.  
 4 ATTORNEY McLENDON: This is basically, as  
 5 I understand it, additional signage allowed to someone  
 6 who has vacancies.  
 7 COUNCILMEMBER DEAN: Right.  
 8 ATTORNEY McLENDON: So they could -- as  
 9 I've always said, they could write on that sign, "I  
 10 like my dog," whatever they wanted to write on that  
 11 sign.  
 12 COUNCILMEMBER DEAN: But this -- but what  
 13 I just said --  
 14 MR. COOLEY: But they'd get square  
 15 footage.  
 16 COUNCILMEMBER DEAN: Right, but this has  
 17 nothing to do with the content. This say the quality.  
 18 And on vacant property, I mean that's when you really  
 19 have to pay closer attention to it because they're not  
 20 there every day. They don't walk in the front door  
 21 and say, Wow, this sign could really use some work.  
 22 I mean some people, they don't even see  
 23 what the sign looks like any more because it  
 24 deteriorates over a period of time, and soon it looks  
 25 horrible and then we have Buford Highway.

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1 So that's -- I mean that's kind of the  
 2 direction that I'm -- that I'm kind of going towards.  
 3 MR. COOLEY: Yeah, and that gets into the  
 4 larger issue I think the Chief was talking before, and  
 5 we've talked to Quality of Life about it and offered  
 6 to go ride with them to say these are the things, the  
 7 type of things that we need to address as far as from  
 8 a visual aspect of it.  
 9 You're absolutely right. I mean, you  
 10 know, if you leave it to their own purposes, people --  
 11 some people will leave it out there until it drops,  
 12 and that's not good for the city.  
 13 COUNCILMEMBER DEAN: No.  
 14 MAYOR PITTMAN: Okay. Ms. Alexander, any  
 15 questions?  
 16 COUNCILMEMBER ALEXANDER: On number 4 as  
 17 far as the occupancy, that's based on the entire  
 18 parcel?  
 19 MR. COOLEY: Yes, ma'am, that would be  
 20 based upon the entire parcel.  
 21 MAYOR PITTMAN: Mr. Bates?  
 22 COUNCILMEMBER BATES: Yeah. I just think  
 23 that that number might be a little -- a little low.  
 24 If you've got a building where there's only three  
 25 units and one of them is empty, you're below the 75

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1 percent threshold, and I just -- I think it needs to  
 2 be a little bit higher but not -- not much. I don't  
 3 know. I got to --  
 4 MS. GILMAN: I'll speak up for the  
 5 Planning Commission -- we put that number in there --  
 6 if I may.  
 7 COUNCILMEMBER ALEXANDER: Well, I mean,  
 8 I'm just thinking we have got one shopping center  
 9 right now that has three suites and one is empty. I  
 10 don't know if he'd be allowed to have a sign.  
 11 MAYOR PITTMAN: If you would like to say  
 12 something on behalf of the Planning Commission, you  
 13 can come up. I don't have a problem with that.  
 14 MS. GILMAN: I think Ms. Alexander and  
 15 Mr. Bates make a very good point. If you've got --  
 16 actually, when we discussed it at the Planning  
 17 Commission, we did not even reference three units. We  
 18 were thinking of larger units. But I like nego-  
 19 tiations. You want to bump it up to 80?  
 20 COUNCILMEMBER BATES: Yeah. I'm not  
 21 looking -- I don't -- It shouldn't be 90 as was  
 22 originally drafted.  
 23 COUNCILMEMBER DEAN: In terms of the  
 24 occupancy, like how do we determine that? because if  
 25 you have two 500-square-foot facilities and then one

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1 100-foot, does that one 100-foot -- would it qualify  
2 as a space?  
3 COUNCILMEMBER BATES: I'm reading this as  
4 number of units that are occupied and not based upon  
5 square footage.  
6 COUNCILMEMBER DEAN: Okay.  
7 MS. GILMAN: Number of units.  
8 COUNCILMEMBER PATRICK: For what it's  
9 worth, my preference would be that we don't get  
10 involved in that aspect of it.  
11 COUNCILMEMBER BATES: Yeah, but the  
12 problem with not getting involved with that is that we  
13 will have tenants that will leave up a for-rent sign,  
14 even if their building is a hundred percent, just to  
15 try to stock their pipeline for future vacancies.  
16 MS. GILMAN: And Mr. Bates is exactly  
17 correct. We talked about that at length at the  
18 Planning Commission. He's exactly correct.  
19 COUNCILMEMBER BATES: I'm good with 80.  
20 MS. GILMAN: I'm good with 80.  
21 COUNCILMEMBER BATES: But I do think that  
22 we need to clarify the language that it should be  
23 based upon tenant spaces, not overall percentage.  
24 Does that make sense?  
25 MR. COOLEY: Yes. That needs to be clari-

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1 fied. I would suggest saying 80 percent occupancy of  
2 total number of units.  
3 COUNCILMEMBER BATES: Yeah, because if we  
4 get into --  
5 MS. GILMAN: That's actually how we looked  
6 at it.  
7 COUNCILMEMBER BATES: -- because --  
8 MR. COOLEY: Change was made in here.  
9 COUNCILMEMBER BATES: -- if we get into  
10 the overall percentage, Ms. Dean is correct: you  
11 could have one tenant take up -- there'd be -- I'm a  
12 little leery about basing it upon total square  
13 footage. I'm more comfortable with it being based  
14 upon percentages of vacant tenant spaces.  
15 MS. GILMAN: Yes.  
16 MAYOR PITTMAN: Ms. Gilman, did you have  
17 anything else --  
18 MS. GILMAN: Yes.  
19 MAYOR PITTMAN: -- you wanted to say on  
20 behalf of --  
21 MS. GILMAN: Yes, I did.  
22 MAYOR PITTMAN: -- the Planning  
23 Commission?  
24 MS. GILMAN: On item number (3), "All such  
25 signs shall be maintained in good condition," we

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1 vetted that around a pretty good bit because it became  
2 qualitative as opposed to quantitative. And I liked  
3 what Ms. Dean spoke to a few a minutes ago is tight --  
4 tight is good in this situation, so I would suggest  
5 tightness.  
6 Also, please, number (5). I believe in  
7 our ordinances, certain of our ordinances -- and this  
8 is a good example -- we need to start including admin  
9 and enforcement costs. We need to look at what it  
10 takes to enforce a code, and we also at the same  
11 time -- and we discussed this at length at the  
12 Planning Commission -- we started where we pass an  
13 ordinance, we go to enforcement.  
14 We need to follow that through citation,  
15 the court system, collection, and come full course  
16 where we have a database, if you will; we have a pool  
17 of analysis where we can monitor and see if our  
18 ordinance is effective or if we need to tweak it.  
19 And we need to look at what the court  
20 system is doing for consistency. I don't -- I'm not  
21 saying one size fits all, but we certainly need to  
22 capture that data -- it's relative -- and bring that  
23 process full circle.  
24 And that would conclude my comments.  
25 Thank you.

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1 MAYOR PITTMAN: Thank you very much.  
2 Mr. Cooley, anything else you wanted to  
3 add before I bring it back to the Council?  
4 MR. COOLEY: No, other than, again, any  
5 fees will be incorporated by resolution by the  
6 Council, and typically they're supposed to be based  
7 upon what it costs to both enforce and go through the  
8 application.  
9 MAYOR PITTMAN: Mr. Bates?  
10 COUNCILMEMBER BATES: I'm glad this is in  
11 there, because I was not excited about waiving the  
12 fees on these temporary banners.  
13 MR. COOLEY: And one of the suggestions  
14 that we will need -- or at some point, and I would  
15 suggest doing it at the same time -- is actually  
16 giving us some idea of what fees that you would like  
17 to see in that. You know, are you talking about a  
18 one-time fee basis? We could base it upon their  
19 existing, for changes of the insets for the signs or  
20 whatever, keep it, or, you know, we'll do it on a cost  
21 basis but --  
22 COUNCILMEMBER BATES: What's the 14-day  
23 temporary banner fee?  
24 MR. COOLEY: A hundred dollars, is it not?  
25 I believe it's \$100.00. I'd have to check

1 on the fee schedule.  
 2 COUNCILMEMBER BATES: And they can renew  
 3 that twice in a --  
 4 MR. COOLEY: The temporary, this will be  
 5 on a yearly basis.  
 6 COUNCILMEMBER BATES: Right, I understand.  
 7 I'm just trying to get a basis on --  
 8 That's --  
 9 MR. COOLEY: Okay.  
 10 COUNCILMEMBER BATES: -- irrelevant right  
 11 now.  
 12 MR. COOLEY: Just think about it if you  
 13 would, I mean, whether you want to keep it minimal or  
 14 as suggested and which has been the commission's  
 15 standard is trying to make it revenue-neutral, which  
 16 is probably the best approach.  
 17 COUNCILMEMBER DEAN: And what about the  
 18 registry, the sign registry? Have we looked into that  
 19 any more? I know we talked about it during our work  
 20 session.  
 21 MR. COOLEY: No, ma'am, other than  
 22 discussing the fact that the only way we have to be  
 23 able to do that is we talked about the InterGov  
 24 software that would do that.  
 25 COUNCILMEMBER DEAN: Yeah, but we could

1 also use a spreadsheet, right? and just have a  
 2 spreadsheet; have people come in when they register  
 3 their sign, so that when they leave, we can keep  
 4 better track of.  
 5 MR. COOLEY: Well, that's true. That's  
 6 one way of doing it. The files are kept. The permit  
 7 clerk keeps all those files.  
 8 The one thing that I think -- and again  
 9 I'm putting a plug in for having a cohesive type of  
 10 approach to it -- is when we've got something like  
 11 that in a system, and Qualify of Life can see -- just  
 12 look on the computer on the site and say, that expired  
 13 10 days ago or that expired a year ago or whatever the  
 14 case might be.  
 15 We don't get caught up in this going back  
 16 and forth between having to come in and having to pull  
 17 the records, pull the file, pull the spread sheet,  
 18 whatever. They've got that data there.  
 19 But yes, it could be -- I'm not sure if  
 20 Ruby keeps a record like that. As you see in the  
 21 printouts that you get every week, you get the  
 22 application, a list of people who applied. My guess  
 23 is that it's probably in there, that they could be  
 24 pulled out also as a list. I don't know if that's a  
 25 built-in spread sheet or what it is within the system.

1 I'm not that familiar with the software.  
 2 MAYOR PITTMAN: Ms. Pachuta?  
 3 COUNCILMEMBER PACHUTA: No, I just as far  
 4 as the fee would like to see an estimate of staff time  
 5 to process them and everything, you know, to come up  
 6 with the fee.  
 7 MR. COOLEY: If it's acceptable with  
 8 Council, let me do that tomorrow and I'll shoot it out  
 9 to y'all in e-mail.  
 10 MAYOR PITTMAN: Okay. Mr. Patrick?  
 11 COUNCILMEMBER PATRICK: Just would make a  
 12 comment that according to our Web site, a banner fee  
 13 is \$125.00.  
 14 MR. COOLEY: Thank you.  
 15 COUNCILMEMBER PATRICK: For whatever that  
 16 -- 14-day time period, I think you said.  
 17 MAYOR PITTMAN: Ms. Fleming?  
 18 COUNCILMEMBER FLEMING: I'm not  
 19 comfortable with this. As a matter of fact, I am  
 20 totally against what's written in this ordinance. I  
 21 think we're trying to restrict, be so restrictive that  
 22 our businesses are going to look at moving.  
 23 What was written originally by you,  
 24 Mr. Cooley, is what I would approve in regards to  
 25 signs being removed at 95 percent vacancy. Right now

1 they could go ahead -- right now -- and get a  
 2 permanent sign, pay for a permanent sign, not have an  
 3 annual fee, okay, and they could have that sign up  
 4 forever and not have an annual fee. Okay.  
 5 So regardless of whether they're a hundred  
 6 percent vacant or a hundred percent, you know, total  
 7 filled, they could still have that sign up if they  
 8 paid for a permanent sign. Correct?  
 9 MR. COOLEY: That's correct. In fact,  
 10 we've had --  
 11 COUNCILMEMBER FLEMING: Okay.  
 12 MR. COOLEY: -- some people come in  
 13 shopping centers where they wanted to put their for-  
 14 lease sign up and came up with their total square  
 15 footage that they were allowed, aggregate area. They  
 16 still had so many square foot so they put up a  
 17 permanent sign that was legal and according to code --  
 18 COUNCILMEMBER FLEMING: So --  
 19 MR. COOLEY: -- to do that. But the thing  
 20 is there's a lot of places that are at their max, and  
 21 typically they max them out. This was a very small  
 22 shopping center, but.  
 23 So yeah; yeah, you're absolutely right:  
 24 It could be done that way.  
 25 COUNCILMEMBER FLEMING: So as far as

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1 permitting is concerned, I think that needs to be  
2 waived. We need to try to help our businesses rent  
3 their locations.  
4 And as far as the square footage for wall  
5 banners and so forth, I -- I truly believe that it  
6 needs to be what you originally wrote and not this  
7 particular ordinance that we're looking at.  
8 MAYOR PITTMAN: Ms. Dean?  
9 COUNCILMEMBER DEAN: I very much  
10 appreciate the changes that have been made on here.  
11 And I think that if we start waiving fees in one area,  
12 then to make it fair to everyone, we have to start  
13 waiving fees to all the residents, and so I think that  
14 if we get into that, where we start waiving fees --  
15 And I think these changes are a great  
16 start.  
17 COUNCILMEMBER FLEMING: And in  
18 residential, we have an ordinance written into our  
19 code right now that we do not require them to be  
20 permitted at all and no fee, and so for-lease or for-  
21 sale, rental, I mean, in residential is allowed.  
22 MAYOR PITTMAN: Anyone else have any  
23 comments?  
24 MR. COOLEY: Again, there's two options.  
25 This is a new ordinance or amendment to an ordinance

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1 so it has to go through the public hearing process.  
2 Two options: You-all can either put this off, and  
3 I've already got it advertised for upcoming, I think,  
4 but I can check on that. We can advertise and you can  
5 have another go-around on this. Or if you'd like to,  
6 I guess the second time, you could always waive first  
7 reading if you want. However you-all want to proceed.  
8 We'd like to get it off the agenda,  
9 though, and --  
10 COUNCILMEMBER ALEXANDER: Do we need to  
11 make a motion to change the occupancy to 80 percent to  
12 get the --  
13 MR. COOLEY: I would suggest from what  
14 I've heard is that you amend item (4) to say: All  
15 such signs shall be removed -- I can't read this --  
16 upon the development obtaining eighty percent  
17 occupancy of total number of units.  
18 COUNCILMEMBER BATES: So moved.  
19 COUNCILMEMBER ALEXANDER: Second.  
20 ATTORNEY McLENDON: Joe, can I make sure  
21 where we are right now in this process?  
22 We have a public hearing -- Because this  
23 will go back through the public hearing; is that  
24 correct?  
25 MR. COOLEY: This will go back through a

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1 public hearing, yes.  
2 ATTORNEY McLENDON: Okay.  
3 MR. COOLEY: It's like this, the LED, you  
4 know. This could be the first reading because it's,  
5 you know, when he wrote it up in the ordinance  
6 accordingly but with this amendment.  
7 ATTORNEY McLENDON: My only question is  
8 should we amend now or should we amend at the next  
9 meeting?  
10 MR. COOLEY: Well, if it's first -- I  
11 don't know. You tell me. This is first reading on  
12 it.  
13 ATTORNEY McLENDON: Okay. All right. I'm  
14 sorry. I apologize. I wanted to make sure where I  
15 was in the process.  
16 MAYOR PITTMAN: That's fine.  
17 We have a motion and a second.  
18 Discussion?  
19 COUNCILMEMBER FLEMING: I have a question  
20 for legal counsel, please.  
21 In regards to the occupancy rate and us  
22 requiring the signs to come down at that point, are we  
23 then not violating personal property rights for  
24 businesses by not allowing them to advertise their  
25 property?

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1 ATTORNEY McLENDON: And again, this is  
2 only sort of a secondary set of signage, so they still  
3 have their primary signage in place.  
4 COUNCILMEMBER FLEMING: Not -- not the  
5 words that say for lease or sale.  
6 ATTORNEY McLENDON: Well, and remember,  
7 these can't -- we don't know what they'll do, what  
8 they want to say with this additional signage. So I  
9 think that I would be comfortable with that from the  
10 standpoint that we allow a certain amount of signage.  
11 They will still have that signage. This  
12 is something that comes during certain circumstances  
13 and goes during certain circumstances, and I believe  
14 it would be okay.  
15 COUNCILMEMBER FLEMING: But the ordinance  
16 that has been written -- and you prefaced it with  
17 vacant property signage.  
18 ATTORNEY McLENDON: It is Signage, Signs  
19 During Vacancy.  
20 So what happens is the vacancies are a  
21 condition precedent to us giving them additional  
22 square footage of signage. And that's -- it's an  
23 ability to somebody that's having the occupancy issues  
24 would be able to put more message out there and  
25 whatever they choose to put out there.

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1 COUNCILMEMBER FLEMING: So you're telling  
2 me yes, you feel comfortable in litigating that.  
3 Okay.  
4 ATTORNEY McLENDON: I feel comfortable. I  
5 think it would be okay.  
6 MAYOR PITTMAN: Ms. Dean?  
7 Okay. Call the roll, please.  
8 CLERK BRYANT: Councilmember Alexander?  
9 COUNCILMEMBER ALEXANDER: Yes.  
10 CLERK BRYANT: Councilmember Bates?  
11 COUNCILMEMBER BATES: Yes.  
12 CLERK BRYANT: Councilmember Dean?  
13 COUNCILMEMBER DEAN: Yes.  
14 CLERK BRYANT: Councilmember Fleming?  
15 COUNCILMEMBER FLEMING: No.  
16 CLERK BRYANT: Councilmember Pachuta?  
17 COUNCILMEMBER PACHUTA: Yes.  
18 CLERK BRYANT: Councilmember Patrick?  
19 COUNCILMEMBER PATRICK: No.  
20 MAYOR PITTMAN: Okay. Thank you.  
21 MR. COOLEY: Thank you. We'll schedule  
22 that for public hearing.  
23 MAYOR PITTMAN: Okay. Thank you.  
24 We've going to take a five-minute break by  
25 request.

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1 - - -  
2 (Brief recess)  
3 - - -  
4 MAYOR PITTMAN: Meeting come back to  
5 order.  
6 I just wanted to one more time give a  
7 friendly reminder to please keep the chitchat down.  
8 It is very difficult for her to hear sometimes with  
9 the background, and it echoes through the equipment.  
10 So if we could please keep the chitchat down, I would  
11 appreciate it.  
12 Next on the agenda is going to be the  
13 Foreclosure Registry, Ms. Dean.  
14 COUNCILMEMBER DEAN: Basically I just  
15 wanted to talk about this foreclosure registry to  
16 explore whether or not it's something we want to go  
17 forward with. We discussed this during the retreat,  
18 and I said that I would have something by October 1st.  
19 So basically I spoke with Dekalb County  
20 about this, about their -- they've already implemented  
21 a registry; it's been incredibly successful.  
22 They have -- I'm just going to read this,  
23 okay, because I've held onto this for so long:  
24 (Reading) The foreclosure registry was established as  
25 a means to protect neighborhoods from becoming

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1 blighted through lack of adequate maintenance and  
2 security as a result of properties that are fore-  
3 closed or ownership has been transferred after fore-  
4 closure.  
5 Creditors or mortgagees -- mortgages who  
6 foreclosed on property are required by law to register  
7 the property with a particular county and pay a fee of  
8 a hundred dollars or face fines up to a thousand  
9 dollars. Creditors or mortgagees must designate a  
10 local property agent located within the state of  
11 Georgia.  
12 In our case, I've talked with Dekalb  
13 County, and we can actually use the system that they  
14 already have in place. It will be a cost; we'll have  
15 to have an IGA with them. And I don't know what the  
16 cost of that would be to us, because she said in order  
17 to do that, she would have to quote -- in order to  
18 give us a quote analysis, she would have to have a  
19 meeting with us, determine exactly what our needs  
20 would be, etc.  
21 But she said that it's been a huge success  
22 with them. They had one glitch when the House Bill  
23 110 was -- was passed, but they have 80 percent  
24 accountability, and it's -- in fact, the system now is  
25 paying for itself, and they have -- they -- she said

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1 the only negative that they have is that it's  
2 unpopular with the banks and they sometimes file the  
3 security deed and foreclosure deed at the same time to  
4 delay the responsibilities that are incurred with  
5 foreclosures.  
6 So if this is something that -- I think  
7 it's a great idea; I think it's a way for us to keep a  
8 record of what --  
9 We have so many vacancies in our  
10 community, we have so many rentals, we have so many  
11 foreclosures in our neighborhood, that I think that  
12 this might be something to at least explore further,  
13 but I didn't want to waste their time or --  
14 And because it will be determining the  
15 cost analysis and the number of people that we have,  
16 the area that we have, before we go forward, I want to  
17 see if it's something that the rest of Council is  
18 interested in pursuing or having me pursue.  
19 MAYOR PITTMAN: Okay. Ms. Alexander?  
20 COUNCILMEMBER ALEXANDER: <sup>When they say</sup>  
21 they have 80 percent accountability, does that mean  
22 that they feel they have 80 percent of the foreclosed  
23 homes in unincorporated Dekalb registered?  
24 COUNCILMEMBER DEAN: Yes.  
25 If you would like to speak to -- if any of

1 you would like to speak to the woman at Dekalb County,  
2 then I'll be more than happy to provide her name and  
3 information.

4 COUNCILMEMBER ALEXANDER: Because I just -  
5 - I mean in the unincorporated area of Dekalb and  
6 Oakcliff, they don't have an 80 percent success rate.  
7 I mean I've got four problem homes now that are in  
8 disrepair, and I e-mailed the -- we were e-mailing the  
9 quality or of the code enforcement of Dekalb County  
10 and I've even had to e-mail Councilmember --  
11 Commissioner Boyer to try to get assistance.

12 So I just haven't had good experience on  
13 my own with the registry working in Oakcliff. So if  
14 they have 80 percent success rate somewhere else,  
15 that's great.

16 COUNCILMEMBER DEAN: Well, they have --  
17 she told me the number of homes that they have, and  
18 it's a huge, huge, huge number.

19 She also said that Stone Mountain had one,  
20 it dissolved, but they are now -- they're now moving  
21 towards reopening that.

22 MAYOR PITTMAN: Is that Tonza Clark --

23 COUNCILMEMBER DEAN: Yeah, uh-huh.

24 MAYOR PITTMAN: -- you are speaking of?  
25 Tonza?

1 COUNCILMEMBER DEAN: Yeah.

2 MAYOR PITTMAN: Mr. Bates?

3 COUNCILMEMBER BATES: Yeah. I'm curious.  
4 The reason why we didn't pursue it previously was some  
5 of the issues that Dekalb is facing as far as, you  
6 know, some legal issues in the registry process that  
7 was going to be resolved by H.B. 110.

8 COUNCILMEMBER DEAN: Right.

9 COUNCILMEMBER BATES: So I'm curious. I  
10 think it -- depending on what the cost is, it would be  
11 another tool for us to have in our arsenal.

12 COUNCILMEMBER DEAN: Right.

13 Well, she said -- she said that when they  
14 started it, they started it before H.B. 110 was  
15 passed, and so that caused some glitches because they  
16 had to change some of the things that they had  
17 originally.

18 COUNCILMEMBER BATES: Well, H.B. 110 was  
19 put in place because of registries and to try to get a  
20 unified standard --

21 COUNCILMEMBER DEAN: Right.

22 COUNCILMEMBER BATES: -- statewide  
23 process, and we didn't want to reinvent the wheel --

24 COUNCILMEMBER DEAN: Right.

25 COUNCILMEMBER BATES: -- again, knowing

1 that all of this was happening out there.

2 COUNCILMEMBER DEAN: Well, see, their  
3 system will be very convenient because they already  
4 hold our tax records, our property records, and so  
5 that's something that -- I mean they -- and we talked  
6 about that a lot, and she said, it's not -- she said,  
7 There would be no reason why you wouldn't be able to  
8 use it.

9 COUNCILMEMBER PACHUTA: Do you know, do  
10 they somehow reconcile the property tax records with  
11 what's coming up on the courthouse auctions they have  
12 every first Tuesday? Like how are they reconciling  
13 what's foreclosed to know whether it needs to be  
14 registered?

15 You know, I know they have the auctions  
16 every first Tuesday of the month on the courthouse  
17 steps, so I don't know. I'd be curious as to where  
18 they're getting that success rate from, and if they're  
19 actually tracking that with the courthouse auctions  
20 that are occurring in Dekalb.

21 I think from a staffing perspective, we do  
22 not have the staff currently that would be able to  
23 keep it up, but I would be interested in learning how  
24 much it would cost to piggyback onto Dekalb's.

25 COUNCILMEMBER BATES: And the other thing

1 I would be curious about is if we would get a portion

2 of the registration fees or if they would keep that at  
3 a hundred percent, because if -- if we're paying them  
4 through an IGA --

5 COUNCILMEMBER DEAN: Right.

6 COUNCILMEMBER BATES: -- and they're  
7 keeping the registration fees, I wouldn't be in favor  
8 of that, but if we could get it revenue neutral --

9 COUNCILMEMBER DEAN: Right.

10 COUNCILMEMBER BATES: -- or even some  
11 addition in.

12 COUNCILMEMBER DEAN: Well, I think that  
13 was part of the thing. I think that would be part of  
14 a discussion that if we wanted to go forward, we would  
15 meet with them to discuss what our options are. But I  
16 would think that they would, because they are actually  
17 making -- they're taking the money there and putting  
18 it back into the program and increasing the size, so  
19 they have a department now specifically for that.

20 COUNCILMEMBER BATES: I think in that  
21 conversation, we'd have to address, you know, what Ms.  
22 Alexander brought up, and that would be accountability  
23 and success rate. You know, actually --

24 COUNCILMEMBER DEAN: Right.

25 COUNCILMEMBER BATES: -- the projects, the

1 houses that are being done in the city.  
 2 MAYOR PITTMAN: How do you -- how do they  
 3 enforce it? How do you enforce that?  
 4 COUNCILMEMBER ALEXANDER: We would just  
 5 basically be getting a list from them of the houses  
 6 registered and turning it over to QOL, because they --  
 7 Dekalb County will not do the code enforcement.  
 8 MAYOR PITTMAN: Cecil, what is the --  
 9 Go ahead. I know you're --  
 10 COUNCILMEMBER DEAN: Well -- I'm sorry --  
 11 she said that the way that they -- the only way that  
 12 they can go for this, that they can get this, is by  
 13 the last owner of record, and that's why she was  
 14 saying that the banks sometimes filed a security deed  
 15 and a foreclosure deed at the same time: because it  
 16 delays the whole process.  
 17 MAYOR PITTMAN: Could I ask someone --  
 18 COUNCILMEMBER DEAN: And there is no  
 19 record.  
 20 MAYOR PITTMAN: -- in the audience to be  
 21 so kind and close that door, please. Thank you. The  
 22 outside door; it's cold.  
 23 COUNCILMEMBER BATES: No, Susan --  
 24 MAYOR PITTMAN: No, no, the outside door.  
 25 COUNCILMEMBER BATES: Outside door.

1 MS. CRAWFORD: Oh.  
 2 MAYOR PITTMAN: Thank you.  
 3 MS. CRAWFORD: You're welcome.  
 4 COUNCILMEMBER DEAN: And the revenue fund  
 5 stays with the registry, and they have a planning  
 6 committee where -- they have a planning committee for  
 7 this, and also HUD funds can cover the program for a  
 8 year.  
 9 MAYOR PITTMAN: Cecil, what were you going  
 10 to say? I'm sorry.  
 11 ATTORNEY McLENDON: Just that if y'all  
 12 wanted, I did look at the House Bill 110. And it  
 13 seems the purpose of the registry is basically to  
 14 require accountability of whoever acquires the  
 15 property, and what it does is it gives you the name  
 16 and registered agent of, who is part of the acquiring  
 17 company.  
 18 They did state that if the deed was filed  
 19 within 90 days and it contained all that information,  
 20 that there is no requirement of registry. So what  
 21 they're basically saying with that is, Well, you could  
 22 go run the title, and it's right there, telling you  
 23 who the registered agent is, etc.  
 24 This is all about code enforcement and  
 25 knowing who to find to hold accountable for a house

1 that's been in foreclosure and the bank's not taking  
 2 care of it, whoever it is.  
 3 COUNCILMEMBER DEAN: Right. And I think  
 4 that is very applicable to our neighborhood, to our  
 5 community, because we do have so many properties, so  
 6 many rentals.  
 7 MAYOR PITTMAN: Did you have anything  
 8 else?  
 9 COUNCILMEMBER PACHUTA: Huh-uh.  
 10 MAYOR PITTMAN: Mr. Patrick?  
 11 COUNCILMEMBER PATRICK: I would say we  
 12 should take a look at it. Over on Doral, there is a  
 13 vacant property that has got a pool in the back yard,  
 14 grass out of control again. And I've tried contacting  
 15 the telephone number for the person who's responsible  
 16 for the property, and I get nowhere. So if Code  
 17 Enforcement's having better success, that's -- that's  
 18 great for them, but perhaps this might be another tool  
 19 to speed things along.  
 20 COUNCILMEMBER PACHUTA: Is that -- Sorry,  
 21 I'm about to sidetrack. Is the pool locked up?  
 22 COUNCILMEMBER PATRICK: No.  
 23 COUNCILMEMBER PACHUTA: Isn't that a  
 24 public safety attractive nuisance issue?  
 25 COUNCILMEMBER PATRICK: There's a notice

1 from Dekalb that there's mosquito -- conditions for  
 2 mosquitoes.  
 3 COUNCILMEMBER PACHUTA: Well, I'm thinking  
 4 about children wandering in with the water in it. Can  
 5 we do anything about that?  
 6 ATTORNEY McLENDON: What you do is any  
 7 pool like that should have basic fencing around it.  
 8 COUNCILMEMBER PACHUTA: Well, I know we  
 9 require fencing --  
 10 ATTORNEY McLENDON: Yeah.  
 11 COUNCILMEMBER PACHUTA: -- but is there  
 12 anything to do if the house is vacant and that's more  
 13 immediate to -- I don't know.  
 14 ATTORNEY McLENDON: You can, yes, if you  
 15 have a public safety -- public safety issue. You can  
 16 come in under police powers to sort of take remedial  
 17 steps on it if you can't otherwise find the owners.  
 18 If it's more substantial, you know, going  
 19 through an actual abatement process where you would,  
 20 depending upon the cost, be able to perfect, it takes  
 21 a lot longer, you know. A remediation action, that  
 22 would be something your code enforcement could look at  
 23 and assess the danger and then come back and have an  
 24 action plan. At minimum, you'd have the required  
 25 fencing if the required fencing was not in place, you

1 know, to whatever steps, after you inspected the  
2 property, made sense.  
3 MAYOR PITTMAN: Mr. Patrick, could you  
4 just -- if they have not already, Quality of Life may  
5 already have it, but could you be sure and give them  
6 the address?  
7 COUNCILMEMBER PATRICK: I will. They've  
8 left their calling card on the doorstep, so, but I'll  
9 send it.  
10 MAYOR PITTMAN: My only concern -- I think  
11 it's great -- is just staffing would be the big  
12 concern. It's just staffing to do the work.  
13 Ms. Fleming?  
14 COUNCILMEMBER FLEMING: Well, this has  
15 been on the agenda since August -- October the 1st,  
16 and it's 11/5 and I haven't seen any backup research  
17 as far as paperwork is concerned that's been supplied.  
18 What I'd like to see is the actual -- what  
19 the registry actually looks like, the paperwork that  
20 is required from the owner or the bank. Do they have  
21 to come in and apply and so forth?  
22 Also, would the City of Doraville have to  
23 submit to Dekalb County all of their vacant  
24 properties, or would they be getting that off of --?  
25 I mean I don't know how they would get our

1 MAYOR PITTMAN: Okay. Thank you.  
2 CLERK BRYANT: (Imperceptible)  
3 MAYOR PITTMAN: I'm sorry?  
4 CLERK BRYANT: Do you want that on the  
5 next agenda or --  
6 MAYOR PITTMAN: Do you think you'll be  
7 able to get that by the next agenda or do you want the  
8 next one, next one?  
9 COUNCILMEMBER DEAN: Not this coming but  
10 the one after that. So that is the --  
11 MAYOR PITTMAN: Okay. Next on the agenda  
12 is the White Goods fees. I do want to mention that  
13 Advanced Disposal has agreed to pick it up. We  
14 haven't done anything with that because it's on the  
15 agenda. And that is whether we went out for RFPs or  
16 whatever, they will do it no matter until they're no  
17 longer a contract with us, so just --  
18 COUNCILMEMBER DEAN: Well, with the white  
19 goods -- because that's part of the RFP that went out,  
20 right?  
21 MAYOR PITTMAN: Yes.  
22 COUNCILMEMBER DEAN: Okay.  
23 MAYOR PITTMAN: Yes. So it's your item.  
24 You want them to move forward with just starting to  
25 pick that up and educate? Is that what --

1 vacant properties without us telling them. So if  
2 we're going to be doing all of the work to begin with,  
3 I would think that we would be getting some portion of  
4 their fee. So those are some things that I'd like to  
5 see.  
6 COUNCILMEMBER DEAN: Okay. And if you  
7 have any -- if you want to see what it looks like or  
8 get some more information that is on the Dekalb County  
9 Web site, I'll forward you the links.  
10 In terms of they already -- their court in  
11 Dekalb County already holds our property taxes, our  
12 property information, so they have most of that  
13 information there, which is why it would be fairly  
14 easy for them just to put us onto the system.  
15 And there will be some work that we will  
16 have to do, of course, because it's our city. But the  
17 system already being in place I think would be a huge  
18 benefit; we're not reinventing the wheel.  
19 MAYOR PITTMAN: So it sounds like the  
20 Council would just like some additional research and  
21 information --  
22 COUNCILMEMBER DEAN: Okay.  
23 MAYOR PITTMAN: -- if you could provide  
24 that.  
25 COUNCILMEMBER DEAN: Yes.

1 COUNCILMEMBER DEAN: Well, there's no --  
2 if they have not started --  
3 Well, I'm ready for the RFPs, and my  
4 concern with having it put on -- on Advanced Waste is  
5 that if they put it on their -- on their list of  
6 things to do, then how is that going to affect the  
7 contract? And I still haven't seen anything either  
8 way with that. So I'm good just waiting on the RFP to  
9 see what's going on.  
10 But I think right now, it's -- I mean  
11 having the -- having the fee for white good pickups --  
12 white goods pickup isn't working very well, because  
13 people are dumping a lot of stuff, and I've seen them  
14 dumping a lot of stuff. So we can just wait for the  
15 RFP; that's good.  
16 COUNCILMEMBER PACHUTA: So just continue  
17 with the fee. Is that what you're saying?  
18 COUNCILMEMBER DEAN: Yes, continue with  
19 the fee, and then we could pick it up, because I'm not  
20 sure -- I didn't see anything in terms of Advanced  
21 that -- I mean you said that: that they would just go  
22 ahead --  
23 MAYOR PITTMAN: Well, he said --  
24 COUNCILMEMBER DEAN: -- and start doing  
25 that.

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1 MAYOR PITTMAN: -- that here as well, but  
 2 I didn't want to do anything until you guys discussed  
 3 it, and this was your agenda item.  
 4 They're willing to do that till the time  
 5 they either continue or don't continue. They will  
 6 pick up the items, is what he's saying, no matter.  
 7 COUNCILMEMBER DEAN: Well, here's --  
 8 here's -- I think that we definitely send out an RFP  
 9 for new waste pickup --  
 10 MAYOR PITTMAN: Been done.  
 11 COUNCILMEMBER DEAN: -- and that's my --  
 12 that's my biggest thing. Right now, I'm not in charge  
 13 of the contract that's currently underway. So if you  
 14 have to make any changes on that contract, then, no,  
 15 don't make any changes.  
 16 MAYOR PITTMAN: No, there's not.  
 17 COUNCILMEMBER DEAN: Okay.  
 18 MAYOR PITTMAN: What were you going to  
 19 say?  
 20 COUNCILMEMBER FLEMING: The RFP's already  
 21 gone out is --  
 22 MAYOR PITTMAN: Yes.  
 23 COUNCILMEMBER FLEMING: -- what I  
 24 understand.  
 25 MAYOR PITTMAN: Yes.

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1 Mr. Patrick, anything? Anybody?  
 2 Mr. Bates?  
 3 COUNCILMEMBER BATES: No.  
 4 MAYOR PITTMAN: Okay. Wow, new business.  
 5 Got to new business tonight. First reading of LED  
 6 Sign Ordinance, Mr. Cooley.  
 7 MR. COOLEY: Good evening. You have  
 8 before you for first reading only -- the public  
 9 hearing will be at the next Council meeting -- this  
 10 was regarding the moratorium that was put on LED  
 11 signs. It was extended by Council at the end of  
 12 November. That's why we're going through the first  
 13 reading tonight.  
 14 Basically this was to do several things:  
 15 one, to add definitions to the ordinance for animated  
 16 signs, LED signs and window signs, and then also  
 17 restrict the use of LED signs.  
 18 You should have in your copy a redline  
 19 copy where changes that were made at the last  
 20 discussion. Pretty simple. Basically, we expanded  
 21 animated signs to include that anything of the  
 22 following: action, motion, changing colors, or  
 23 messages which changes more often than sixty minutes.  
 24 Sixty minutes was a topic of discussion  
 25 with the Planning Council -- Commission -- excuse me

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1 -- about what constitutes a sign change. Right now we  
 2 allow LED signs but, you know, how often can it  
 3 change?  
 4 We had the discussion about what the time  
 5 link should be because the possibility in a shopping  
 6 center where they could time it to make it one sign  
 7 like that. So the recommendation that came out of the  
 8 Planning Commission was the time frame of you can  
 9 change it once every sixty minutes.  
 10 LED signs defined as electronic controlled  
 11 sign utilizing light-emitting diodes to some form or  
 12 in the -- to form some or the entire sign message. So  
 13 it's part of the sign itself.  
 14 We also made a modification to window sign  
 15 to basically define it as being on the interior of the  
 16 window, either flush with the window or otherwise set  
 17 back to the point where it's intended to be read from  
 18 the outside.  
 19 The problem we were having with this is a  
 20 lot of the signs that you'll see window signs were  
 21 being put up additional -- basically, signs on the  
 22 outside just on the window -- applied sticker signs,  
 23 things of this sort -- which really is a wall sign but  
 24 was not going towards the 10 percent of the sign.  
 25 So this changes that. If anything, any

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1 type of vinyl stickers, lettering, things like that,  
 2 that is applied to the windows on the outside, that  
 3 becomes part of the wall sign; anything on the inside  
 4 has to be maintained to the 30 percent.  
 5 Goes on in Section 2 to prohibit all LED  
 6 signs, which included the billboards and any monument  
 7 signs or anything of that sort, except for signs,  
 8 window signs, which would, again, mean being on the  
 9 inside, of less than four square feet in area.  
 10 Went around through the city and pretty  
 11 much looked at all the different ones that they use.  
 12 The 2 x 2 fits pretty much all the signs that are out  
 13 there that are -- they open, that type of thing, and  
 14 that was something Council asked for.  
 15 And those are the changes to it.  
 16 COUNCILMEMBER BATES: Just out of  
 17 curiosity, and if I open up a can of worms, my  
 18 apologies to everybody in advance, the new Tostones  
 19 sign, is that an LED sign?  
 20 COUNCILMEMBER FLEMING: The new what?  
 21 COUNCILMEMBER BATES: Tostones, the new  
 22 restaurant, (spelling) T-o-s-t-o-n-e-s.  
 23 MR. COOLEY: I haven't seen it tonight.  
 24 I'm not sure.  
 25 COUNCILMEMBER BATES: Okay. Drive by

1 tonight.  
2 MR. COOLEY: Okay.  
3 COUNCILMEMBER BATES: If it is Tostones --  
4 MR. COOLEY: This spells out Tostones.  
5 COUNCILMEMBER BATES: -- uh-huh -- because  
6 if it is, it's very tastefully done and it looks very  
7 nice.  
8 MR. COOLEY: Yeah. That's interesting,  
9 because I hadn't noticed it being something out of  
10 line.  
11 COUNCILMEMBER BATES: It looks very  
12 different than -- to me, it looks very different than  
13 a typical.  
14 MR. COOLEY: Not neon.  
15 COUNCILMEMBER BATES: That's not neon.  
16 MR. COOLEY: I'll take a look.  
17 MAYOR PITTMAN: Ms. Alexander?  
18 COUNCILMEMBER ALEXANDER: I don't have any  
19 questions.  
20 MAYOR PITTMAN: Okay. Ms. Pachuta?  
21 COUNCILMEMBER PACHUTA: No.  
22 MAYOR PITTMAN: Mr. Patrick?  
23 COUNCILMEMBER PATRICK: I do have a  
24 question.  
25 I've noticed some signs in some businesses

1 work session or -- has that passed? I'm trying to  
2 figure out whether we've passed billboards right now  
3 and --  
4 MR. COOLEY: We have --  
5 COUNCILMEMBER FLEMING: -- whether we  
6 have --  
7 MR. COOLEY: -- a billboard ordinance now.  
8 COUNCILMEMBER FLEMING: -- got a distance  
9 requirement.  
10 MR. COOLEY: Distance requirement, we have  
11 a distance requirement, and if it's on the interstate,  
12 it's controlled by DOT.  
13 I was wrong. I think originally I said it  
14 was 1500 feet. It's 5,000 feet between the digital  
15 ones, so it's much larger.  
16 COUNCILMEMBER FLEMING: Okay. And so  
17 internally for billboards, what do we have?  
18 MR. COOLEY: I'd have to go back and look  
19 at the ordinance.  
20 Lenny, do you have it?  
21 ATTORNEY FELGIN: I could pull it up.  
22 MR. COOLEY: There's distance  
23 requirements.  
24 COUNCILMEMBER FLEMING: But have --  
25 MR. COOLEY: They're only allowed --

1 wrap their windows or wrap their existing sign with  
2 LED rope light. How would this ordinance affect that?  
3 MR. COOLEY: If it's attached or part of  
4 the sign -- for example, if it was around the sign  
5 itself or however the shape may be -- it would be  
6 considered part of the sign and not allowed. The Code  
7 does not address lighting on buildings whether it be  
8 neon or LED string lighting --  
9 COUNCILMEMBER PATRICK: Okay.  
10 MR. COOLEY: -- any of that type of stuff.  
11 As you may recall in the proposed architectural design  
12 standards, that is addressed, but we currently do not.  
13 MAYOR PITTMAN: Ms. Fleming?  
14 COUNCILMEMBER FLEMING: Yes.  
15 First of all, forgive my ignorance if it  
16 is such. Have we finished the discussion on  
17 billboards?  
18 MR. COOLEY: Yes, ma'am, we pretty much  
19 went through that, and basically it was decided that  
20 billboards, LED billboards, should not be allowed and  
21 LED signs on either pole signs or monument signs  
22 should not be allowed.  
23 COUNCILMEMBER FLEMING: Okay. But  
24 billboards, did we not have a footage distance between  
25 them? Did we not make some type of comment during

1 COUNCILMEMBER FLEMING: But did we pass it  
2 or are we --  
3 MR. COOLEY: -- on state or federal  
4 highways.  
5 COUNCILMEMBER FLEMING: -- still in a work  
6 session?  
7 MR. COOLEY: No, ma'am. That's been in  
8 the ordinance for a long time.  
9 COUNCILMEMBER BATES: Are you talking  
10 about LEDs?  
11 COUNCILMEMBER FLEMING: No. I'm talking  
12 about billboards right this second.  
13 MR. COOLEY: No. Billboards in general  
14 have been in the ordinance for quite some time.  
15 COUNCILMEMBER FLEMING: Okay, but what is  
16 the distance?  
17 ATTORNEY FELGIN: 1,000 feet between bill-  
18 boards. 500 feet from residential zone; 500 feet from  
19 public parks, playgrounds.  
20 COUNCILMEMBER FLEMING: Okay. Thank you  
21 for reading that to me.  
22 In regards to complete prohibition to LED  
23 signs, I am not in favor of prohibiting them. I think  
24 there is an application that is needed to move forward  
25 with technology, so, but what I am in favor of is

1 additional measures that need to be taken in regards  
 2 to the requirements, such as: If an applicant comes  
 3 to you and says, We want to have an LED sign, we have  
 4 to know what the face distance from residential would  
 5 be, because the billboards that are on 285 right now  
 6 are not facing, nor do their -- they are facing 285,  
 7 you, know, the traffic itself.  
 8 MR. COOLEY: Uh-huh.  
 9 COUNCILMEMBER FLEMING: The are not --  
 10 they appear to be in commercial or O&I areas and are  
 11 not affecting residential windows is what I'm trying  
 12 to get at.  
 13 But I think that we need to have a  
 14 regulation on LED that we require a face distance from  
 15 residential. We have to know how close that billboard  
 16 is going to be to a residential district.  
 17 MR. COOLEY: The -- I don't agree or  
 18 disagree, that's -- but what the Council in the work  
 19 session -- this was the direction we were given to go.  
 20 This was what Council instructed staff to develop.  
 21 COUNCILMEMBER FLEMING: Okay. I am making  
 22 my comments --  
 23 MR. COOLEY: Yes, ma'am.  
 24 COUNCILMEMBER FLEMING: -- on that.  
 25 MR. COOLEY: I understand.

1 MR. COOLEY: Yeah.  
 2 COUNCILMEMBER DEAN: -- inside or out-  
 3 side --  
 4 MR. COOLEY: Right.  
 5 COUNCILMEMBER DEAN: -- and being visible  
 6 throughout. So I'm sorry. I should have --  
 7 MR. COOLEY: I'm sorry I misunderstood.  
 8 So your question is about --  
 9 COUNCILMEMBER DEAN: Is there a difference  
 10 between the illuminating inside, internal sign, and  
 11 external sign? Or the window sign, is that going to  
 12 be solely internal?  
 13 MR. COOLEY: Solely internal, yes, ma'am.  
 14 That's why the change in the definition. Before, it  
 15 could have been on the outside of the window and be 30  
 16 percent. Now it comes back under -- if it's on the  
 17 outside, it's going to have to be part of the 10  
 18 percent of the overall signage.  
 19 It's one of those things that was a  
 20 problem for Quality of Life and enforcement, because,  
 21 you know, they say, Oh, no, it's a window sign.  
 22 Yeah, by the definition, I guess you're  
 23 right, so.  
 24 MAYOR PITTMAN: I mean all LED signs are  
 25 obviously not the same. You've got some that are

1 COUNCILMEMBER FLEMING: I am not in favor  
 2 of total prohibition to LED signs.  
 3 MAYOR PITTMAN: Okay.  
 4 COUNCILMEMBER DEAN: I have a question  
 5 about the -- the window signs. The only way I can  
 6 know how to do this is by comparing, by reading other  
 7 ordinances and comparing and seeing what makes sense.  
 8 And I saw that an illuminated sign, there's a  
 9 definition for external as well as an illuminated sign  
 10 internal, and they're slightly --  
 11 Do we have to define them? Do we have to  
 12 differentiate between internal and external?  
 13 MR. COOLEY: Not when it's being used as a  
 14 light source. I mean you can use anything for a light  
 15 source, you know, whatever.  
 16 The LED is the -- the bright light that is  
 17 part of the sign, is not as luminous behind the sign.  
 18 It is not used for front lighting. That takes a flood  
 19 or a --  
 20 COUNCILMEMBER DEAN: I'm sorry. I'm  
 21 talking about the window sign, not the LED --  
 22 MR. COOLEY: Oh, oh, I'm sorry.  
 23 COUNCILMEMBER DEAN: The windows, because  
 24 that's what we were talking about: the window sign  
 25 being --

1 nice. Is there any way to --  
 2 MR. COOLEY: Well --  
 3 MAYOR PITTMAN: I don't know. I'm just  
 4 asking.  
 5 MR. COOLEY: Yeah. I mean that is tough.  
 6 You can limit the size of it. But as I showed in that  
 7 slide presentation, there's some really good large  
 8 ones, there's some really good small ones; there's  
 9 some really garbage ones. It gets almost to whether  
 10 you're trying to add it as additional cells or whether  
 11 you're trying to do it as part of the sign itself.  
 12 With all those signs that I looked and I  
 13 showed y'all, the ones that I thought looked tacky  
 14 were where they would stick on the side or something,  
 15 you know, a special of the day. Now, that's just  
 16 personal. Some people don't mind that.  
 17 MAYOR PITTMAN: Yeah, I mean, because I  
 18 drove around some other cities and you see them but --  
 19 MR. COOLEY: They're pretty common.  
 20 MAYOR PITTMAN: Yeah, they look very  
 21 tastefully done, and then you see some, and you're  
 22 like, Oh, my goodness. So I just wondered.  
 23 MR. COOLEY: Well --  
 24 COUNCILMEMBER DEAN: Well, the other thing  
 25 is --

1 MR. COOLEY: -- content? I don't know.  
2 COUNCILMEMBER DEAN: -- with Doraville,  
3 right now we are ugly; we are an ugly city. And part  
4 of that is because of all of the signs.  
5 MR. COOLEY: Yep.  
6 COUNCILMEMBER DEAN: So if we want to look  
7 at this later, the last thing in the world I think we  
8 have to do is light it up, right?  
9 When I was going down 400, I pulled off at  
10 an exit and I saw a huge QT but it had really nice  
11 monument signs.  
12 MR. COOLEY: Yeah.  
13 COUNCILMEMBER DEAN: It looked really,  
14 really nice. So I think that that -- I think that it  
15 would be a good idea for us to get what we have kind  
16 of under control and then maybe add as we --  
17 MR. COOLEY: And we discussed that in the  
18 work session, too, you know, because monument signs  
19 are good. The problem is right now, the way  
20 Doraville's been developed, everything's -- But maybe  
21 we give incentives that say, Okay, you can have -- we  
22 can reduce your parking space by two; you can put a  
23 monument sign out or some other incentive, you know,  
24 where we don't have to pay for the signs to be taken  
25 down but we can make it worth their while to change

1 portion of the sign.  
2 COUNCILMEMBER PATRICK: Okay.  
3 MR. COOLEY: Which is interesting, again,  
4 because we allow neon.  
5 COUNCILMEMBER FLEMING: We what?  
6 MR. COOLEY: Allow neon.  
7 So I mean it's a tough call, it really is,  
8 but I think a comprehensive look is a good approach.  
9 COUNCILMEMBER BATES: Yeah. If you  
10 could --  
11 MR. COOLEY: I will.  
12 COUNCILMEMBER BATES: Just for my own  
13 personal knowledge, if you could take a look at the  
14 signage, because I think they've got some on the  
15 building itself, and let me know, based upon what --  
16 what Robert just said, if this ordinance would  
17 prohibit that --  
18 MR. COOLEY: Okay.  
19 COUNCILMEMBER BATES: -- or if it would be  
20 allowed.  
21 MR. COOLEY: I'll do that and e-mail you  
22 tomorrow one or the other.  
23 COUNCILMEMBER BATES: That would be great.  
24 COUNCILMEMBER FLEMING: Could you e-mail  
25 all of us, please.

1 out.  
2 And another thing I think is important is  
3 either a pole sign or monument sign, not both. Right  
4 now we've got both.  
5 MAYOR PITTMAN: So if what he's referring  
6 to is the new restaurant down here --  
7 MR. COOLEY: Yeah.  
8 MAYOR PITTMAN: -- that is LED, and if  
9 this passes, does that mean they have -- that has to  
10 go away?  
11 COUNCILMEMBER PACHUTA: No.  
12 MR. COOLEY: No, that would -- that would  
13 --  
14 MAYOR PITTMAN: They stay in?  
15 MR. COOLEY: -- that would be a legal --  
16 MAYOR PITTMAN: Because it is a nice sign.  
17 MR. COOLEY: It would be a legal  
18 nonconforming sign just like --  
19 COUNCILMEMBER PATRICK: So the code we  
20 have before us right now, to use an LED as a backlit  
21 light source, this would prohibit that?  
22 MR. COOLEY: No, no. It uses --  
23 COUNCILMEMBER PATRICK: So you could  
24 have --  
25 MR. COOLEY: -- LED as part of the display

1 MR. COOLEY: Yes, I'll mail it to all  
2 Council.  
3 MAYOR PITTMAN: Okay. This is the --  
4 Go ahead. I'm sorry.  
5 COUNCILMEMBER PATRICK: As someone who  
6 lives across the street from a billboard, I see the  
7 light at nighttime, so I don't like it. Thank you.  
8 COUNCILMEMBER FLEMING: Is it neon?  
9 COUNCILMEMBER PATRICK: It's standard.  
10 COUNCILMEMBER FLEMING: I mean is it LED?  
11 COUNCILMEMBER PATRICK: It's not LED.  
12 COUNCILMEMBER FLEMING: Well, that's what  
13 we're trying to get at. We've got these monstrous --  
14 COUNCILMEMBER PATRICK: Yeah, it's --  
15 COUNCILMEMBER FLEMING: -- monstrous  
16 lights that are  
17 COUNCILMEMBER PATRICK: -- still not  
18 liked.  
19 COUNCILMEMBER FLEMING: -- emitting  
20 upward.  
21 COUNCILMEMBER PATRICK: Still not liked is  
22 I guess my ultimate point.  
23 MAYOR PITTMAN: Okay. Thank you very  
24 much.  
25 Okay. Next is going to be the Resolution

1 to Revise the --  
 2 MR. COOLEY: Excuse me, Mayor.  
 3 MAYOR PITTMAN: I'm sorry?  
 4 MR. COOLEY: Did y'all want to take this  
 5 as a first reading? because, again, we've got the  
 6 mora-torium. The other option is to extend the  
 7 moratorium.  
 8 COUNCILMEMBER BATES: Based upon tonight,  
 9 I've got no changes to this, so I'm -- I'm fine with  
 10 the first reading and then the public hearing on the  
 11 19th.  
 12 MR. COOLEY: And you'll have all that  
 13 information at that point.  
 14 COUNCILMEMBER BATES: But I'm just one  
 15 of --  
 16 COUNCILMEMBER PACHUTA: Yeah.  
 17 COUNCILMEMBER PATRICK: I agree.  
 18 MR. COOLEY: Just for time's sake in order  
 19 to get through the moratorium time, this really should  
 20 be a first reading; needs to be.  
 21 COUNCILMEMBER BATES: Thank you.  
 22 MAYOR PITTMAN: I think everybody seems to  
 23 be --  
 24 MR. COOLEY: So y'all --  
 25 MAYOR PITTMAN: Thank you.

1 Ultimately, the amount we are going to  
 2 suggest is \$350.00 based upon the staff time. That  
 3 has a lot to do with the analysis of how many  
 4 businesses we have, how many potential locations we  
 5 have, and the potential burden from that. And this is  
 6 an area that you want to be very certain that the  
 7 dollars and the fees you're putting in place are such  
 8 that you sort of take pains to make sure you're not  
 9 infringing on someone's First Amendment Rights.  
 10 And we would definitely recommend the  
 11 passage of this ordinance, and I'll let Joe present  
 12 this information.  
 13 MR. COOLEY: Cecil asked me to take a look  
 14 at what the actual time involved in the process, and  
 15 as you know, this is primarily a function of the  
 16 Clerk's office; they're the ones that process that.  
 17 So I sat down with Sandra, kind of went through item  
 18 by item about how we go through this.  
 19 And just for the record, I'll go ahead and  
 20 say this: We looked at it, and initial discussion, we  
 21 have a half an hour working with the people to talk  
 22 about it, what has to do, the process, etc. Review  
 23 the application for completeness, .25 hours; setting  
 24 up the files and incorporating that, another .25;  
 25 request additional info as needed to make sure that

1 Okay. Resolution to revise the SOB  
 2 license fee. Sexually Oriented Business, just in case  
 3 you didn't know.  
 4 ATTORNEY McLENDON: Mayor and Council, as  
 5 you know, we've taken a look at our -- our ordinances  
 6 regarding sexually oriented businesses. We passed a  
 7 new ordinance recently. Another area we had been  
 8 reviewing regarding these types of businesses is  
 9 looking at the fees that we have in place in the fee  
 10 structure.  
 11 With this type of a use, it is important  
 12 that our fees are revenue-neutral. With First  
 13 Amendment activities, the courts are very zealous of  
 14 making sure that the fees are really to maintain costs  
 15 and not actually pretextual to address the activity  
 16 which may or may not be approved of.  
 17 As a result, we looked at the current fee  
 18 we have for the application for a sexually oriented  
 19 business, and it is \$5,000. That is a very high fee.  
 20 And we need to have a fee that we can look at the  
 21 actual expenses that are associated with that and have  
 22 one that, again, will stand the scrutiny of the court  
 23 in looking at that and saying, This is a reasonable  
 24 dollar amount. I think staff has looked into this and  
 25 Joe has some information on it.

1 it's complete and copy it, had a half hour; accept  
 2 payment, issue the receipt, half hour or -- excuse  
 3 me -- 25 -- .25; forward to the planning department  
 4 and to the police department, they have -- the police  
 5 department has to run the background checks, planning  
 6 department looks at the distances and reviews the  
 7 survey, .25 for that. This is, again, all clerk time.  
 8 Receiving back from planning and development, .25;  
 9 final review that they go through, .5; and then the  
 10 issuance of a City license, .5, which totals up to  
 11 3.25 amount of time that the City Clerk actually would  
 12 be involved.  
 13 Planning department is pretty minimal.  
 14 All we do is review the survey, the distances and the  
 15 survey, and then sign off and make sure the other  
 16 aspects of it meet the distance requirements and the  
 17 use within the Code. We've got a half an hour on  
 18 that. All told, when we ran through the hourly rate  
 19 of the people involved -- and we are talking somewhere  
 20 probably in between \$125 to \$150 for that portion of  
 21 it. However, you've also got the administrative fees  
 22 associated with the background search in the police  
 23 department, but you've also got associated enforcement  
 24 costs with the police department that any alcohol  
 25 license is typically going to bring.

1 So Chief, I'll let you address that.  
2 ATTORNEY McLENDON: Joe --  
3 MR. COOLEY: Yeah.  
4 ATTORNEY McLENDON: -- this is not  
5 alcohol. You said alcohol license.  
6 MR. COOLEY: Oh, I'm sorry. Excuse me.  
7 CHIEF KING: SOB license.  
8 MR. COOLEY: SOB. I've got to get the  
9 terminology right.  
10 COUNCILMEMBER FLEMING: Are we calling  
11 that the same as adult entertainment?  
12 ATTORNEY McLENDON: It is. It is the  
13 sexually oriented business, which is -- it is defined  
14 in our ordinance as a sexually oriented business  
15 because it goes beyond what I think would be  
16 traditionally just the adult entertainment, but yes.  
17 COUNCILMEMBER FLEMING: Total  
18 clarification, because on our fee schedule right now,  
19 we have adult entertainment at \$5,000.  
20 ATTORNEY McLENDON: Okay.  
21 ATTORNEY FELGIN: This resolution will  
22 change that wording as well.  
23 COUNCILMEMBER FLEMING: Go ahead.  
24 CHIEF KING: We talked to Joe and I've  
25 spoken with Cecil about the processes. This is very

1 defend very easily.  
2 COUNCILMEMBER PACHUTA: Can I ask? because  
3 we went through this process with the massage  
4 licenses, and I know y'all did an analysis of how much  
5 time it would to take to administer a massage license.  
6 And I can't remember. Is that a thousand dollars?  
7 COUNCILMEMBER FLEMING: Massage parlors,  
8 \$1500 and soft tissue is a thousand, plus \$50.00  
9 employee I.D., \$50.00 fingerprints and \$50.00  
10 administration costs.  
11 COUNCILMEMBER PACHUTA: So what is the  
12 difference? Like why is this taking less time?  
13 ATTORNEY McLENDON: A couple of distinc-  
14 tions I might make on that issue.  
15 COUNCILMEMBER FLEMING: And can I throw in  
16 also, just escort/dating service, okay, is \$1500 plus  
17 \$50.00 for the employee I.D. card, \$50.00 for the  
18 fingerprints, and \$50.00 for the administrative fee.  
19 ATTORNEY McLENDON: And I think one of the  
20 issues -- distinctions I would make on it is that you  
21 would have more of those locations potentially in the  
22 city than we do with the adult entertainment clubs.  
23 In addition, those are not First Amendment  
24 issues. The massage is not protected by the First  
25 Amendment. And I think it's very important that you

1 similar to many of the other processes that we conduct  
2 at the police department in doing background checks.  
3 These will not be fingerprint checks.  
4 These will be just straight name, date-of-birth  
5 checks.  
6 But the administrative costs and the time  
7 involved and also paying for the actual access to the  
8 GCI system, because we have to pay a fee for that  
9 continued access, and maintaining the files and the  
10 accountability of who we ran and why we ran them with  
11 the purpose codes, it's consistent with \$350.00. It's  
12 something that I would be very comfortable justifying  
13 the amount of effort that we put into it.  
14 COUNCILMEMBER BATES: But is that \$350.00  
15 for you?  
16 CHIEF KING: No, no. \$350.00 for the  
17 whole -- us, our work effort --  
18 COUNCILMEMBER BATES: So your portion --  
19 CHIEF KING: -- plus.  
20 COUNCILMEMBER BATES: -- is \$200.00, and  
21 City Hall's portion is \$150.00.  
22 CHIEF KING: By the time you do the  
23 administrative costs plus paying for the actual access  
24 to GCIC -- we pay a monthly fee just to have access to  
25 the network -- that's something that I think I can

1 be very cautious in this area, err to the side of  
2 being more cautious, because you don't want to impinge  
3 on any of that speech by virtue of this fee; whereas,  
4 in other areas, you may be able to justify that fee,  
5 and you don't have the same potential --  
6 COUNCILMEMBER PACHUTA: Well, I --  
7 ATTORNEY McLENDON: -- scrutiny.  
8 COUNCILMEMBER PACHUTA: -- understand you  
9 don't have the strict scrutiny, you know, with the  
10 massage parlors -- it's not a First Amendment issue --  
11 but it's still supposed to be revenue neutral, so I'm  
12 just trying to understand where the revenue or where  
13 the expense is different between the two.  
14 ATTORNEY McLENDON: I'm not sure I was  
15 here for that debate about the massage.  
16 COUNCILMEMBER FLEMING: Well, if I'm -- I  
17 don't mean to interrupt Ms. Pachuta, but if I'm not  
18 mistaken, those ordinances, whether it be escort or  
19 massage or the others with a high amount, is because  
20 we are requesting all of that information on the  
21 application -- verification of criminal history, you  
22 know, we go back 10 years or some such -- and so  
23 there's an awful lot of -- you know, whether they've  
24 been in racketeering before, etc., etc. So the costs  
25 we're applying are --

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1 COUNCILMEMBER PACHUTA: Well, that's what  
 2 I'm trying to understand. I'm trying to understand --  
 3 COUNCILMEMBER FLEMING: -- applicable to  
 4 this.  
 5 ATTORNEY McLENDON: What I would really --  
 6 COUNCILMEMBER FLEMING: -- application as  
 7 well.  
 8 ATTORNEY McLENDON: In this situation,  
 9 what I would recommend is let's revisit those other  
 10 ordinances and take a look at those, because this is  
 11 one that, you know, we could all potentially come up  
 12 with a chain of reasoning. But with the level of  
 13 review that this is under, I think you would be wise  
 14 to err on the side of caution, and I would say if we  
 15 have other fees, those might be the ones that I would  
 16 subject to this type of review as opposed to, say --  
 17 CHIEF KING: I have some --  
 18 COUNCILMEMBER FLEMING: But legally --  
 19 CHIEF KING: I have a comment.  
 20 COUNCILMEMBER FLEMING: -- legally you  
 21 could -- an escort/dating service, okay, much similar  
 22 to a sexually oriented business, okay, could you not  
 23 defend that, Mr. McLendon, the First Amendment  
 24 scenario? Could you not defend the fact that we're  
 25 going to charge them \$1500 plus the \$50.00/\$50.00/

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1 \$50.00 since we already have that for escort dating  
 2 service?  
 3 ATTORNEY McLENDON: I'm -- I'm very strong  
 4 in my recommendation of the \$350.00 fee.  
 5 COUNCILMEMBER DEAN: May I ask, what's the  
 6 difference between a sexually oriented business and  
 7 adult entertainment?  
 8 ATTORNEY McLENDON: They are terms that,  
 9 depending upon how you drafted your ordinance, are  
 10 probably interchangeable. In our ordinance we have  
 11 called it a sexually oriented business, and there is a  
 12 definition that sort of goes back to our previous  
 13 conversation about our ordinance. But if certain  
 14 activities take place in your business, it is a  
 15 sexually oriented business. A lot of that has to do  
 16 with exposure of areas of the body and different --  
 17 different things like that.  
 18 COUNCILMEMBER DEAN: Well, if certain  
 19 activities occur in that establishment that shouldn't  
 20 be occurring, is there a greater cost in terms of  
 21 officers' time and all of that? I mean is that  
 22 something that could be weighed in? because it would  
 23 seem that those kinds of establishments sometimes do  
 24 offer other services, and that might be an increase in  
 25 the -- in the administration of.

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1 COUNCILMEMBER BATES: Before you answer  
 2 that, because I -- I need clarification on the  
 3 "revenue neutral."  
 4 Is the revenue neutral only in the annual  
 5 application or is it looking at the year in totality  
 6 on any services that the City needs to provide in  
 7 order to maintain the safety, well-being, enforcement?  
 8 ATTORNEY McLENDON: The revenue neutral  
 9 would be based upon the time between the issuance of  
 10 the permits. So generally if it's annual permit, it  
 11 would be a revenue neutral fee for that annual period.  
 12 COUNCILMEMBER BATES: But couldn't -- what  
 13 I'm trying to get an understanding of is, in  
 14 construction, you have impact fees because there's an  
 15 impact to the City, to the municipality, to the  
 16 government itself.  
 17 Over the course of a year on business that  
 18 does sexual oriented behavior, there is an impact to  
 19 the community, there is an impact in services that  
 20 need to be rendered in order to ensure the safety of  
 21 the patrons and the surrounding businesses and  
 22 residences. At what point can we evaluate that impact  
 23 in assessing appropriate and fair and reasonable fees?  
 24 ATTORNEY McLENDON: Yeah. So the  
 25 comparison to an impact-fee ordinance, have you ever

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1 seen the study they've had to do to pass an impact-fee  
 2 ordinance?  
 3 COUNCILMEMBER BATES: That -- that --  
 4 ATTORNEY McLENDON: I mean it's -- it is -  
 5 - it is something that takes months, experts. It is  
 6 something that really you have to flush it out in very  
 7 fine detail.  
 8 COUNCILMEMBER DEAN: Well, here is  
 9 something that I got, the document that was sent to us  
 10 by the specialist. It says, Overwhelmingly respondent  
 11 said that an adult business within 200 to 500 feet of  
 12 a residential or commercial property --  
 13 COUNCILMEMBER PACHUTA: Well, excuse me.  
 14 I think that's attorney-client privilege. We would  
 15 need to waive --  
 16 COUNCILMEMBER DEAN: Is this?  
 17 COUNCILMEMBER PACHUTA: -- privilege  
 18 before we read it. Yes.  
 19 COUNCILMEMBER DEAN: Okay. Okay. I could  
 20 scratch all that.  
 21 There are documents that state that a  
 22 sexually oriented business within a certain amount of  
 23 space from residential property greatly depreciates  
 24 the value of that surrounding property.  
 25 ATTORNEY McLENDON: What that's all about

1 is we've already made a finding of secondary effects  
2 occur from these type of uses. That was the basis on  
3 which we passed our ordinance.  
4 So yes, we have already made that finding.  
5 These type of businesses have secondary effects. You  
6 all reviewed the studies, and we looked at the  
7 studies, so --  
8 MAYOR PITTMAN: I hate to interrupt, but  
9 it is almost 9 o'clock and we need to make a decision  
10 if -- obviously, we've got to finish this agenda item.  
11 We only have two other items. It would be  
12 great to get through a whole agenda. So I don't know  
13 if the Council -- somebody needs to make a motion to  
14 continue and finish the agenda.  
15 COUNCILMEMBER PACHUTA: Yeah. I'll make a  
16 motion to extend the time period to continue the  
17 agenda.  
18 MAYOR PITTMAN: Do I get a second?  
19 COUNCILMEMBER PATRICK: Second.  
20 MAYOR PITTMAN: Discussion?  
21 ---  
22 (No response)  
23 ---  
24 MAYOR PITTMAN: Call the roll, please.  
25 CLERK BRYANT: Councilmember Alexander?

1 ---  
2 MAYOR PITTMAN: Call the roll, please.  
3 CLERK BRYANT: Councilmember Alexander?  
4 COUNCILMEMBER ALEXANDER: Yes.  
5 CLERK BRYANT: Councilmember Bates?  
6 COUNCILMEMBER BATES: Yes.  
7 CLERK BRYANT: Councilmember Dean?  
8 COUNCILMEMBER DEAN: Yes.  
9 CLERK BRYANT: Councilmember Fleming?  
10 COUNCILMEMBER FLEMING: Yes.  
11 CLERK BRYANT: Councilmember Pachuta?  
12 COUNCILMEMBER PACHUTA: Yes.  
13 CLERK BRYANT: Councilmember Patrick?  
14 COUNCILMEMBER PATRICK: Yes.  
15 MAYOR PITTMAN: Thank you.  
16 I'm sorry, Cecil. Go ahead.  
17 ATTORNEY McLENDON: I'm open for  
18 questions.  
19 COUNCILMEMBER FLEMING: But the State has  
20 given us the power as a body here to regulate specific  
21 businesses, and they identified those businesses to  
22 say it's going to take more law enforcement, it's  
23 going to take more time from our City. So I mean we  
24 are able to regulate them. And that's why the figures  
25 for escort/dating service is \$1500 plus the \$50/\$50/

1 COUNCILMEMBER ALEXANDER: I don't want to  
2 go past 9:30, so I'd be willing to extend it for 30  
3 minutes but that's it. I guess I'll vote no unless  
4 you want to change your motion.  
5 COUNCILMEMBER PACHUTA: What were you --  
6 I'm sorry.  
7 COUNCILMEMBER PATRICK: I was going to  
8 say, I'll go for the 9:30 if that --  
9 COUNCILMEMBER PACHUTA: Okay. I'll amend  
10 the motion we go till 9:30.  
11 MAYOR PITTMAN: Okay. Call the roll,  
12 please.  
13 CLERK BRYANT: Councilmember Alexander?  
14 COUNCILMEMBER PATRICK: And we need a  
15 second for that.  
16 MAYOR PITTMAN: Is that a second?  
17 COUNCILMEMBER FLEMING: You amended the  
18 second.  
19 MAYOR PITTMAN: I thought you -- she  
20 amended the second.  
21 COUNCILMEMBER PACHUTA: Second.  
22 COUNCILMEMBER PATRICK: Who's on first?  
23 MAYOR PITTMAN: Discussion?  
24 ---  
25 (No response)

1 \$50.  
2 And to me, I -- and I know what you're  
3 suggesting for us to do. I'm not in favor of reducing  
4 it to \$350.00. I will, you know, make a comment that  
5 from \$5,000 to the \$1500 and coincide with what our  
6 massage parlor is, because I imagine there's going to  
7 be some massaging going on. So \$1500, \$50, \$50 and  
8 \$50.  
9 ATTORNEY McLENDON: I would --  
10 COUNCILMEMBER FLEMING: So that's what --  
11 ATTORNEY McLENDON: -- strongly recommend  
12 the \$350.00.  
13 COUNCILMEMBER FLEMING: I would be more  
14 comfortable doing that than the \$350.00.  
15 MAYOR PITTMAN: Ms. Alexander --  
16 ATTORNEY McLENDON: I would strongly  
17 recommend --  
18 MAYOR PITTMAN: -- any comments?  
19 COUNCILMEMBER ALEXANDER: I already got  
20 into this debate about the additional law enforcement  
21 and the constitutionality of the First Amendment.  
22 I'd rather -- I think I'd rather us be  
23 challenged. I mean I do understand your reasoning  
24 that they could throw out the whole thing, but if we  
25 show that similar type businesses have the same fee, I

1 mean I don't understand how they could challenge that.  
 2 ATTORNEY McLENDON: Similar type  
 3 businesses that we've adopted those fees?  
 4 COUNCILMEMBER FLEMING: Yes.  
 5 COUNCILMEMBER ALEXANDER: Yes.  
 6 ATTORNEY McLENDON: I would tell you that  
 7 we probably need to examine those fees.  
 8 MAYOR PITTMAN: Okay. Mr. Bates?  
 9 COUNCILMEMBER BATES: We went through a  
 10 very thorough, detailed discussion on those massage  
 11 fees.  
 12 ATTORNEY McLENDON: It's the decision of  
 13 the Council. I would strongly recommend the \$350.00  
 14 fee.  
 15 COUNCILMEMBER PACHUTA: I mean I under-  
 16 stand needing to reduce it if it's not matching our  
 17 staff time, but, you know, at one point we had \$5,000  
 18 for the massage parlors and we were told to reduce it  
 19 to our actual staff time, and I know the police  
 20 department and City Clerk really sat down and came up  
 21 with that \$1,500 figure.  
 22 So I guess I need more clarification on  
 23 why that staff time is \$1,500 but the sexually  
 24 oriented businesses are only \$350.00, because I'm not  
 25 under-standing the difference and I need more of an

1 There's some of them that we going --  
 2 probably there are some good -- there are some good  
 3 processes out there that we're looking at copying.  
 4 I'm not trying to reinvent the wheel. I think it's  
 5 kind of risky for us to reinvent the wheel. We were  
 6 out there on a limb and we all discussed this on the -  
 7 - on the massage ordinance. We were asking some  
 8 questions that we had to modify the process. I hope  
 9 y'all remember the very heated discussion that took  
 10 place here on some of the things that we were asking  
 11 folks, because it was hard for me to use that  
 12 information for a true criminal background, and I --  
 13 and I remember you discussed, you know, bringing those  
 14 points, you know, on the first -- the first-born child  
 15 -- I mean it almost got to the point where we were  
 16 asking for a DNA sample -- did not serve any real law  
 17 enforcement purpose.  
 18 On this, I'm playing it very safe because  
 19 I want to be able to defend whatever -- whatever  
 20 processes we do, and that's why I'm looking really  
 21 hard at the other jurisdictions and how they're doing  
 22 business, because they've been tried and tested, and I  
 23 don't know if we want to really stick our neck out too  
 24 far out.  
 25 COUNCILMEMBER PATRICK: How are other

1 explanation of that before I approve \$350.00.  
 2 MAYOR PITTMAN: Mr. Patrick?  
 3 COUNCILMEMBER PATRICK: I agree with  
 4 Karen.  
 5 COUNCILMEMBER FLEMING: Have we even  
 6 worked on the application process? because if the  
 7 application process has not even been reviewed as to  
 8 what we're going to require, I think we should be as  
 9 tight as we possibly can, like we were on the massage  
 10 parlors, the escort/dating services, the other  
 11 regulated businesses that we had.  
 12 And if I'm not mistaken, we did require a  
 13 criminal background check, fingerprinting and so forth  
 14 to determine whether they had had any racketeering and  
 15 so forth going on. I know we had a list of --  
 16 Don't you remember that list of like 20  
 17 different offenses that they had and they wouldn't be  
 18 able to apply? And so I truly believe that maybe our  
 19 application process needs to be reviewed, but I'm not  
 20 sure whether we've even attempted it.  
 21 Chief? I'm sorry.  
 22 CHIEF KING: We have reviewed. We've  
 23 taken a couple of the other jurisdictions around the  
 24 area that have experience, and looked at their forms,  
 25 looked at their processes.

1 jurisdictions or what are other jurisdictions  
 2 charging?  
 3 CHIEF KING: They are consistent with the  
 4 \$350.00, you know, process. They're pretty consistent  
 5 with that.  
 6 ATTORNEY McLENDON: Sandy Springs is  
 7 \$350.00, Johns Creek is \$100.00.  
 8 COUNCILMEMBER PACHUTA: Dekalb, I think it  
 9 was either \$300.00 or \$350.00.  
 10 COUNCILMEMBER DEAN: Peachtree Corners --  
 11 ATTORNEY McLENDON: Dunwoody.  
 12 COUNCILMEMBER DEAN: -- is one fifty, I  
 13 think.  
 14 ATTORNEY McLENDON: One fifty?  
 15 COUNCILMEMBER PACHUTA: And I guess I'm  
 16 just trying to understand the difference why --  
 17 CHIEF KING: The massage parlor, ma'am --  
 18 COUNCILMEMBER PACHUTA: -- we're requiring  
 19 --  
 20 CHIEF KING: -- required, still requires a  
 21 whole lot of information that serves not just law  
 22 enforcement purposes but it served a lot of the  
 23 management information that you-all wanted to have to  
 24 manage that -- that business.  
 25 Because remember, Doraville was one of the

1 first jurisdictions that ever came up with the, you  
2 know, foot massage ordinance and we asked for a lot of  
3 information. Me and the former clerk went through  
4 round and round and the former city attorney.

5 COUNCILMEMBER PACHUTA: Are we not asking  
6 for that detail of information of the sexually  
7 oriented businesses?

8 CHIEF KING: It's not required for my  
9 purposes.

10 MR. COOLEY: If I may, on the massage  
11 parlors, though, that's -- also the difference is from  
12 our position, that's something that takes more than  
13 just review of the maps. That requires a conditional  
14 use permit and it has to go through that whole  
15 process, so that's a significant step that would add  
16 into it from the planning aspect.

17 COUNCILMEMBER PACHUTA: Okay.

18 CHIEF KING: Hopefully that will help.  
19 Do y'all have any questions of me?

20 MAYOR PITTMAN: Thank you, Chief.

21 All right. At this point, Council, what  
22 are your wishes?

23 COUNCILMEMBER DEAN: Well, I can't -- I  
24 received some information this evening that I have not  
25 had time to process, and I don't feel comfortable

1 just say as my duty, I would recommend we move forward  
2 with passing this at this time, and then I will be --  
3 I will defer to anything y'all tell me to do, and I  
4 will help.

5 COUNCILMEMBER FLEMING: You want us to  
6 pass it tonight --

7 ATTORNEY McLENDON: That would be --

8 COUNCILMEMBER FLEMING: -- as much as the  
9 --

10 ATTORNEY McLENDON: -- my recommendation.  
11 But I will absolutely work with -- it is the Mayor and  
12 Council's decision, and I will do whatever I need to  
13 do to provide you what information you need.

14 MAYOR PITTMAN: Okay. So is anyone  
15 willing to make a motion?

16 COUNCILMEMBER DEAN: Is there a reason why  
17 we were provided information tonight?

18 ATTORNEY McLENDON: Any information I  
19 provided I think was given several weeks ago,  
20 potentially; I gave some information on this issue.

21 COUNCILMEMBER FLEMING: I have a question  
22 for Mr. Cooley.

23 Is the sexually oriented business a  
24 conditional use?

25 MR. COOLEY: My understanding of the new

1 making any kind of vote right now because I -- I need  
2 to do more research based on information that was  
3 provided to me, and so if a vote is taken tonight, I  
4 am afraid I will have to abstain.

5 COUNCILMEMBER PATRICK: Could we ask, or  
6 could I -- since I am the male on the Council, can I  
7 ask for some kind of explanation on the other piece  
8 for massage that we've come up with? and then you show  
9 me what we're --

10 ATTORNEY McLENDON: Okay.

11 COUNCILMEMBER PATRICK: -- what we're  
12 doing.

13 COUNCILMEMBER PACHUTA: Yeah. I would --

14 ATTORNEY McLENDON: I'm happy to get you  
15 whatever --

16 COUNCILMEMBER PACHUTA: -- like that too.

17 ATTORNEY McLENDON: -- whatever  
18 information you'd like to have.

19 COUNCILMEMBER PACHUTA: I would like to  
20 maybe kind of have a comparison with some of the other  
21 regulated businesses so that we can see -- like the  
22 conditional use permit, so I can visually see what  
23 different steps there are with each one so I can  
24 understand the difference.

25 ATTORNEY McLENDON: I feel like I have to

1 ordinance, it is an allowed use in M-2.

2 COUNCILMEMBER FLEMING: Allowed in M-2.

3 MR. COOLEY: Permitted uses.

4 COUNCILMEMBER FLEMING: Thank you.

5 MAYOR PITTMAN: So is anyone willing to  
6 make that motion?

7 - - -

8 (No response)

9 - - -

10 MAYOR PITTMAN: Mr. McLendon, looks like  
11 it's going to be put on another agenda --

12 ATTORNEY McLENDON: Okay.

13 MAYOR PITTMAN: -- do some research.

14 Thank you.

15 CLERK BRYANT: The next one?

16 MAYOR PITTMAN: Yes, please.

17 COUNCILMEMBER FLEMING: Can I ask a  
18 question before we move forward? I'm so sorry.

19 So Mr. McLendon, the adult entertainment  
20 that we presently have here was prior to us defining  
21 sexually oriented business. Isn't that correct?

22 ATTORNEY McLENDON: When we adopted the  
23 new ordinance, we changed the terminology to sexually  
24 oriented business, and I suspect our fee schedule  
25 reflects adult entertainment from our previous -- the

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1 nomenclature of our previous code.  
2 COUNCILMEMBER FLEMING: Okay. So we would  
3 be -- we're not going to create a fee for SOB because  
4 it's already in here.  
5 ATTORNEY McLENDON: I would -- you have a  
6 fee that's set out as adult entertainment. In our fee  
7 schedule, I think that it would be -- it's not a  
8 stretch to say that that is the fee that would apply  
9 to sexually oriented businesses at this time.  
10 COUNCILMEMBER FLEMING: Okay. Thank you.  
11 MAYOR PITTMAN: Thank you.  
12 Okay, Sandra, just be sure that gets on  
13 the next agenda, please.  
14 And next is Ms. Dean.  
15 COUNCILMEMBER DEAN: Yes. Quality of  
16 Life. I have some concerns about -- about the chain  
17 of command regarding the Quality of Life, and I just  
18 want to make sure for the record that it's made clear.  
19 If we have an employee who is called in to  
20 someone's office for questioning on his or her job  
21 duties, then I think that -- I think that the  
22 supervisor -- I think that that should be done by the  
23 direct supervisor of that employee rather than someone  
24 else. And I think that sometimes these matters are a  
25 bit unclear not only to staff but also to the

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1 employees who are called into questioning.  
2 So I would just like it stated. In this  
3 issue, the Quality of Life, who are their supervisors?  
4 who do they report to and who authorizes them or  
5 directs them in writing tickets?  
6 MAYOR PITTMAN: Lieutenant Deyette, Major  
7 Atkinson and then the Chief is the chain of command.  
8 She goes to the lieutenant and the major.  
9 And no one directs them in writing any  
10 tickets.  
11 COUNCILMEMBER DEAN: Okay.  
12 MAYOR PITTMAN: They write tickets on  
13 their own when they go out and see that there is  
14 something that needs to be written, and, based on  
15 their training, that's what they do.  
16 COUNCILMEMBER DEAN: Okay. And for the  
17 record, no one has suggested that they -- that they  
18 get rid of a ticket.  
19 MAYOR PITTMAN: Absolutely not.  
20 COUNCILMEMBER DEAN: Okay. All right.  
21 So with the Quality of Life, just to be  
22 clear, it is Major Atkinson --  
23 MAYOR PITTMAN: Lieutenant Deyette first.  
24 COUNCILMEMBER DEAN: Okay. All right.  
25 MAYOR PITTMAN: The chain of command would

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1 be the lieutenant, then the major --  
2 COUNCILMEMBER DEAN: Okay.  
3 MAYOR PITTMAN: -- and then the chief.  
4 COUNCILMEMBER DEAN: So when there's a  
5 question about the performance of a Quality of Life  
6 employee, then they should go to one of those three  
7 people in that order; right?  
8 MAYOR PITTMAN: I'm not understanding what  
9 you're saying.  
10 COUNCILMEMBER FLEMING: The performance of  
11 the individual itself, not a question about an item.  
12 MAYOR PITTMAN: If there's a performance  
13 question, yes, we would speak with the supervisors.  
14 If there's questions such as fact finding or  
15 information that you might need, no, not necessarily.  
16 COUNCILMEMBER DEAN: Okay. But it might  
17 be a good idea if they are called into an office with  
18 the City Attorney, that their supervisor might be  
19 present just for propriety.  
20 MAYOR PITTMAN: That could be your  
21 opinion.  
22 COUNCILMEMBER DEAN: Okay. Okay. I just  
23 wanted that for the record.  
24 MAYOR PITTMAN: Okay. Next agenda?  
25 COUNCILMEMBER DEAN: I would -- I think

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1 that it is important that we have the Mayor's salary,  
2 and, as pointed out, the Council members' salary taken  
3 out of the Charter. I think that based on the  
4 changing economic environment, I don't think that it  
5 should be there anyway.  
6 But now, I mean, I understand that there  
7 are changes being made to our Charter regarding  
8 language, but I think that we need to get on this now,  
9 get this removed, and that will enable us to: number  
10 one, ensure that nothing will impede our progress in  
11 getting a city manager and being able to pay a city  
12 manager on a timely basis whenever one is hired; we  
13 won't miss the deadline. And I think that that's  
14 something that needs to be looked at.  
15 I don't think it belongs in the City -- I  
16 don't think it belongs in the Charter. I don't think  
17 that our Employee Manual should be in the Charter. So  
18 I think that -- I think that that's -- I think having  
19 that removed now will set a lot of people's minds at  
20 ease, and I think that the suggestions made during the  
21 public comments section earlier is an excellent one.  
22 I didn't know that the Council's salary was also in  
23 the Charter, but I think that all of that should be  
24 removed.  
25 MAYOR PITTMAN: Lenny? Cecil? I believe

1 your legal department is already working on that, and  
2 I know that this will be accomplished and ready to go  
3 before the deadline. Am I stating that correctly?

4 ATTORNEY McLENDON: No. We have begun  
5 drafting, and I think provided some drafts of the  
6 changes that would be --

7 MAYOR PITTMAN: That came out this  
8 weekend.

9 COUNCILMEMBER PACHUTA: And that was the  
10 second draft we've received, and I think it -- I did  
11 just skim it, and I do have some questions but I was  
12 just skimming so I will --

13 ATTORNEY McLENDON: It's a draft document  
14 for discussion.

15 COUNCILMEMBER PACHUTA: It does remove  
16 everyone's salary from the Charter.

17 ATTORNEY FELGIN: That's the current draft  
18 does.

19 COUNCILMEMBER PACHUTA: The current draft  
20 does.

21 But I do want clarification on what can be  
22 accomplished to be a home rule versus has to go to the  
23 legislature.

24 ATTORNEY FELGIN: Everything in that draft  
25 --

1 I think the State law still requires, even if it's by  
2 ordinance, you can't give yourself a raise; it takes  
3 effect the next election even if it's -- it doesn't  
4 matter if it's the Charter. I think you can't make an  
5 ordinance raising your salary; it wouldn't take -- Or  
6 you could, but it wouldn't take effect until after the  
7 next election.

8 So it doesn't matter if that's in the  
9 Charter or not. It's actual State law, and I don't  
10 know the Code section offhand.

11 ATTORNEY McLENDON: That is correct. Only  
12 difference between passing something via ordinance,  
13 resolution or home rule is the level of -- the level  
14 of review, the level of the sort of process that is  
15 involved, because the Home Rule Act requires numerous  
16 readings and it has a more significant process on  
17 making that pass. That's the difference.

18 COUNCILMEMBER DEAN: Well, I think that is  
19 because it only happens once a year. If something  
20 should happen and it doesn't happen for whatever  
21 reason, then it's not going to happen until 2014,  
22 which is going to put great inconvenience on the City  
23 in terms of hiring a city manager.

24 COUNCILMEMBER PACHUTA: But you're saying  
25 we can do it by home rule, so it doesn't -- so we're

1 COUNCILMEMBER PACHUTA: Yes.

2 ATTORNEY FELGIN: -- was drafted  
3 specifically to be able to be accomplished by home  
4 rule.

5 COUNCILMEMBER PACHUTA: Okay. So it  
6 doesn't have to go to the legislature; we can do it  
7 via home rule.

8 ATTORNEY FELGIN: And all that's in that  
9 draft.

10 COUNCILMEMBER PACHUTA: Okay.

11 ATTORNEY FELGIN: But if we were to do an  
12 overarching Charter revision as Councilmember Fleming  
13 suggested, a lot of that will have to go to the  
14 legislature so we might as well --

15 COUNCILMEMBER FLEMING: I am opposed to  
16 taking the salaries, whether it be part-time, full-  
17 time Council salaries or what, out of the Charter.

18 And the reason why I am opposed to it is  
19 it's a safeguard. I feel that's a safeguard where we  
20 cannot either give ourselves a raise or lower our  
21 salaries without some type of legislative endeavor.  
22 So I am totally against removing that safeguard --

23 COUNCILMEMBER PACHUTA: I don't --

24 COUNCILMEMBER FLEMING: -- from --

25 COUNCILMEMBER PACHUTA: -- think it would.

1 not going to miss anything. If it's by home rule --

2 ATTORNEY McLENDON: We can do --

3 COUNCILMEMBER PACHUTA: -- it just has to  
4 be advertised three weeks in a row, and what? two  
5 public hearings?

6 ATTORNEY McLENDON: Yeah. I've forgotten  
7 the exact, but it's --

8 COUNCILMEMBER FLEMING: Well, that would  
9 be good for you to write it all down so that we know  
10 what the Home Rule is too. Okay?

11 ATTORNEY McLENDON: Sure.

12 COUNCILMEMBER FLEMING: Thank you.

13 MAYOR PITTMAN: Okay. Does that answer  
14 your question pretty much?

15 COUNCILMEMBER DEAN: I would still like to  
16 have it removed from the -- from the Charter, but I'm  
17 being told that it will be done by January. Right?

18 Is that --

19 COUNCILMEMBER ALEXANDER: No. I think we  
20 need to --

21 ATTORNEY McLENDON: That is the way --

22 COUNCILMEMBER ALEXANDER: -- have a  
23 consensus on --

24 ATTORNEY McLENDON: -- our current draft -

25 -

1 COUNCILMEMBER ALEXANDER: -- whether to  
2 remove it or not.  
3 ATTORNEY McLENDON: Yeah, the current  
4 draft --  
5 COUNCILMEMBER ALEXANDER: <sup>i would like to</sup>  
6 have a consensus because I don't want us to be Bell,  
7 California where we give ourselves a raise and we're  
8 making \$250,000 a year while there's people unemployed  
9 in the city square.  
10 I think it is a safeguard, and we have got  
11 to get on board. This was going to be my agenda item  
12 for next meeting, because after tomorrow we will know  
13 who is going to be our representative, whether it's  
14 going to be Mr. Bodiker or Mr. Holcomb in addition to  
15 Mr. Taylor and Senator Miller.  
16 So we have got to have a package ready to  
17 go, in my opinion, the first meeting in January, all  
18 unanimous, all approved, to take down to the Capitol  
19 and get this done. And that's why if we're going to  
20 remove the salaries, then we need to decide it, we  
21 need to decide what the salary is going to be set at;  
22 we need to get the ball rolling.  
23 And so we've been given -- I don't know  
24 how many documents we've been given, how many  
25 versions. Some people say the salary is not in there;

1 was a cover e-mail. Something did say -- talked about  
2 removing it from the Charter. But I did read that  
3 somewhere, and it may not have been in the actual  
4 thing, so --  
5 ATTORNEY FELGIN: It's a version Mr.  
6 Baesinger sent on --  
7 COUNCILMEMBER PACHUTA: <sup>The first version,</sup>  
8 maybe?  
9 ATTORNEY FELGIN: The latest version has  
10 the words "shall be established by resolution of the  
11 City Council."  
12 COUNCILMEMBER PACHUTA: <sup>Okay. Maybe</sup>  
13 that's what I was thinking, yeah.  
14 COUNCILMEMBER BATES: <sup>Okay. Well, I agree</sup>  
15 with Maria that we need to get everything ironed out  
16 and on the table and have it ready to pass it for  
17 January 1.  
18 COUNCILMEMBER ALEXANDER: <sup>When we do that,</sup>  
19 the entire Charter has challenges and needs to be  
20 changed.  
21 But my whole thing was to get what we had  
22 to have fixed right now to incorporate the new change  
23 to the form of government, and then that be -- that  
24 can be one of the list of the things to do for the  
25 city manager is to go through with legal and say, Hey,

1 the copy I have has a blank for the salary. And we  
2 need to hammer this out and get it taken care of and  
3 get it done.  
4 MAYOR PITTMAN: So this is kind of a work  
5 session kind of a workshop.  
6 ATTORNEY McLENDON: Changing the Charter  
7 is huge. It's something, you're exactly right, you  
8 have to develop a consensus of your Council; it's a  
9 very difficult thing to do.  
10 And I would agree with it, absolutely.  
11 Y'all need to take these drafts and make them yours.  
12 MAYOR PITTMAN: So perhaps -- Go ahead.  
13 COUNCILMEMBER BATES: When was the --  
14 Lenny, when was the draft that you sent, sent out?  
15 COUNCILMEMBER DEAN: Last week?  
16 COUNCILMEMBER FLEMING: This second  
17 version was sent out by Mr. Baesinger on Friday.  
18 COUNCILMEMBER BATES: Okay. So you guys  
19 were working in tandem, trying to get us one document.  
20 ATTORNEY FELGIN: Yes.  
21 COUNCILMEMBER BATES: Okay, because the  
22 document that Ms. Alexander's looking at that was  
23 printed out from Saturday still has the salaries in  
24 it.  
25 COUNCILMEMBER PACHUTA: <sup>I guess maybe it</sup>

1 we need to fix these items --  
2 ATTORNEY McLENDON: And I think that's --  
3 COUNCILMEMBER ALEXANDER: -- I mean,  
4 because we --  
5 ATTORNEY McLENDON: I think that is -- the  
6 drafts that we've given you are exactly that charge.  
7 COUNCILMEMBER ALEXANDER: <sup>It's just to fix</sup>  
8 the city manager part --  
9 ATTORNEY McLENDON: Yes, ma'am.  
10 COUNCILMEMBER ALEXANDER: -- because we  
11 even had some -- I don't think we ever got the mayor  
12 pro tem thing right.  
13 MAYOR PITTMAN: No.  
14 COUNCILMEMBER ALEXANDER: <sup>I think it still</sup>  
15 says May, you know. And that's not right; it's  
16 January.  
17 COUNCILMEMBER FLEMING: We've got a  
18 document and Mr. Baesinger has a document?  
19 ATTORNEY FELGIN: No, it's all this -- we  
20 worked together on it. That document Mr. Baesinger  
21 sent over the weekend, last draft, was the draft we  
22 had finished working on together. The last time I  
23 discussed it with him was Friday afternoon. So what  
24 was sent by Mr. Baesinger, I got in my e-mail on  
25 Saturday. It had four different documents. One of

1 them had clean copy, one of them had my red lines in  
2 it just so you could see what changes to his  
3 suggestions I suggested. We worked on that together,  
4 and we had it to you--all to see what changes in terms  
5 of substantive changes to the city manager's duties,  
6 to the Mayor's ceremonial duties, to whatever  
7 provisions we suggest changing that we can change by  
8 Home Rule without having to go legislative can be done  
9 at this time.

10 MAYOR PITTMAN: So would it behoove us to  
11 have a workshop and this be the sole focus of  
12 discussion I think is appropriate.

13 ATTORNEY FELGIN: Yes. As you move  
14 towards having a city manager, I think it's a good  
15 idea to have a workshop to discuss the substantive  
16 provisions of the Charter that will need to be changed  
17 for the city manager.

18 MAYOR PITTMAN: And we do need to be sure  
19 that it's not in there, just an FYI just in case it  
20 gets overlooked, is that I can take additional  
21 employment if I choose to, because right now, I can't.

22 ATTORNEY FELGIN: And that draft -- that  
23 provision has been struck out, that provision  
24 preventing the Mayor from having additional employment  
25 that we had drafted.

1 allow the city manager to sit down and decide how best  
2 to suggest the Charter to look.

3 COUNCILMEMBER FLEMING: So Ms. Alexander,  
4 does that clarify? Maria? He's saying that every-  
5 thing that we've received can be done by Home Rule and  
6 doesn't have to go to the legislature.

7 COUNCILMEMBER ALEXANDER: So what you're  
8 saying, we don't want to ask anybody at the Capital to  
9 do anything for us this session?

10 MAYOR PITTMAN: I thought we were going to  
11 put it all together --

12 COUNCILMEMBER FLEMING: I thought so too.

13 MAYOR PITTMAN: -- in one package and have  
14 it ready to go to them --

15 ATTORNEY McLENDON: You can.

16 MAYOR PITTMAN: -- January 1st.

17 ATTORNEY FELGIN: We can. We can ask them  
18 to do it.

19 MAYOR PITTMAN: I mean related to making  
20 sure that everything's in place for the transition.

21 COUNCILMEMBER PACHUTA: Well, and I guess  
22 but, then, the risk of that too is: one, we know how  
23 long it took when we had Jill Chambers as our repre-  
24 sentative, and she didn't fight for the city manager  
25 referendum -- it could sit there; two, it won't take

1 COUNCILMEMBER FLEMING: Okay. Let me  
2 reiterate just so that I thoroughly understand this.

3 The document that we received on Saturday  
4 can be adopted by Home Rule; is that correct?

5 ATTORNEY FELGIN: Yes. All of those  
6 changes can be adopted by Home Rule.

7 COUNCILMEMBER FLEMING: Is there anything  
8 that has to be changed through the legislature? As  
9 Ms. Alexander said, what about those items that have  
10 to be changed? Have we been working on those? Have  
11 those been identified?

12 ATTORNEY FELGIN: Nothing that is required  
13 for the transition to the city manager will need to be  
14 done legislatively, and the legislature has already  
15 done the work that was necessary to be done by the  
16 legislature to do this by passing H.B. 544 a year ago.  
17 Everything else that we need to change in the Charter  
18 has now been authorized by the legislative act a year  
19 ago to be done by Home Rule.

20 Now, there are other provisions of the  
21 Charter that are not required for the transition to  
22 the city manager, which it would at some point behoove  
23 us to change, that have to be done legislatively, but  
24 they don't have to be done for the transition to the  
25 city manager. In fact, it probably would be best to

1 effect until the governor signs it, which many times  
2 isn't until May. Versus doing it by Home Rule, it's  
3 at least --

4 COUNCILMEMBER BATES: Well --

5 COUNCILMEMBER PACHUTA: -- three weeks  
6 advertising and two public hearings, and then it takes  
7 effect.

8 COUNCILMEMBER BATES: To me, there's two  
9 separate issues: one is what we can do by Home Rule,  
10 and what we need to do legislatively, and I don't want  
11 those to commingle.

12 If we can address and do things via Home  
13 Rule, then let's do that and be done with it. But  
14 there are items in the Charter that need to be dealt  
15 with and addressed legislatively. I don't want to sit  
16 on some of those. We've been talking about them for  
17 three and four years. Let's move that horse down the  
18 path, the cart down the path, the car down the path,  
19 ove something down the path --

20 MAYOR PITTMAN: Okay.

21 COUNCILMEMBER BATES: -- because we do  
22 need that.

23 MAYOR PITTMAN: Yeah. We're running out  
24 of time. But I think that you've taken what everyone  
25 has said, and I think that we need to look at the

1 calendar in the near future on a Monday and us do a  
 2 work session to iron out.  
 3 COUNCILMEMBER ALEXANDER: November 26th,  
 4 we had theoretically talked about.  
 5 MAYOR PITTMAN: I'm sorry?  
 6 COUNCILMEMBER ALEXANDER: November 26th,  
 7 we had theoretically talked about.  
 8 MAYOR PITTMAN: Okay.  
 9 COUNCILMEMBER DEAN: And what is the  
 10 difference between a work session and a regular  
 11 Council meeting?  
 12 COUNCILMEMBER ALEXANDER: This is the only  
 13 -- going to be the only thing on the agenda.  
 14 COUNCILMEMBER FLEMING: And we're going to  
 15 hammer it out, and we'll stay here until we get it  
 16 done.  
 17 COUNCILMEMBER BATES: Last time we did  
 18 that, we ordered pizza.  
 19 COUNCILMEMBER PACHUTA: And actually I  
 20 still prefer when we do the work session --  
 21 COUNCILMEMBER BATES: To be down there.  
 22 COUNCILMEMBER PACHUTA: -- that we have  
 23 our table down there and we're all in like a circle,  
 24 because I think it's much more effective.  
 25 COUNCILMEMBER FLEMING: It's more

1 this evening is Oakcliff, 411 calls. If they're  
 2 anything like what happens on my street, somebody left  
 3 a Coke can on the stoop, somebody died in the family,  
 4 and we cannot let family members come visit. I'd like  
 5 to know of those 411 visits, how many of them were  
 6 just harassment calls instigated by another neighbor  
 7 who wants to harass their neighbor, and maybe we  
 8 should keep a list of this so we stop having 411 calls  
 9 to make sure that, ah, somebody left their Coke can on  
 10 the stoop or somebody died and, God forbid, somebody  
 11 come visit them.  
 12 Number two, I would like to work for the  
 13 firm that can do something for only \$350.00 and you  
 14 don't count the hours of research, the hours of  
 15 overhead and all of that. To me, it's unimaginable  
 16 that you can do anything like this for \$350.00.  
 17 Number three, sexually oriented business.  
 18 Does that mean I can sell pornography? I would think  
 19 you would want to have as detailed as a research on  
 20 somebody conducting this type of business as you would  
 21 on your massage parlors, if not more.  
 22 Thank you.  
 23 MAYOR PITTMAN: Ms. Greenway?  
 24 MS. RUTH GREENWAY: My name is Ruth  
 25 Greenway and I live in the city of Doraville.

1 conducive.  
 2 MAYOR PITTMAN: Absolutely. I agree. All  
 3 right. Thank you.  
 4 Public comments. Please limit your  
 5 comments to three minutes and state your name. If you  
 6 wish to speak, please, please line up at the podium.  
 7 Do not stay in your seat if you want to speak. Please  
 8 come up.  
 9 MS. GINNY CALVERT: We have a house that's  
 10 boarded up on Darlington Oak. I don't know that  
 11 there's anything we can do about that.  
 12 I wish we could get in touch with the real  
 13 estate agents and let them know for sure what our  
 14 rules and regulations in our area is, somehow.  
 15 I'm more concerned with Section 8  
 16 residents or people moving into our area. I think  
 17 everyone should be more concerned with this.  
 18 Oh. And by the way, I've come up with a  
 19 solution to the broken windows: board the darn things  
 20 up, put out your RFPs. In two to four weeks, you  
 21 could take the boards down and put windows in. Right?  
 22 MAYOR PITTMAN: Thank you, Ms. Calvert.  
 23 MS. BONITA HOFFMEISTER: Bonita  
 24 Hoffmeister, Oakcliff Estates.  
 25 One thing that I found very disturbing

1 Dogs that bark all day long and into the  
 2 night hours and occasionally all night long are a  
 3 nuisance to our neighborhood as well as to the City of  
 4 Doraville. In my experience, calling the police  
 5 department for help has not stopped any of the  
 6 constant barking.  
 7 Let Chief King. He's already read this.  
 8 I was told by one officer that the police  
 9 said that I would need to take that person or persons  
 10 who owns the dog to court. And I said, Are you crazy?  
 11 I am not going to do that. Potentially dangerous  
 12 people; no way, Jose. I will not drive on the street  
 13 that's causing me most of the problem, and it is  
 14 Woodwin Way, by the way. I live on Pontiac Circle,  
 15 and whether or not I would do any of it anyway,  
 16 because I have had experiences before that has caused  
 17 me problems, of unhappy neighbors.  
 18 But anyway, the City of Doraville needs to  
 19 put in place an ordinance that prevents this sort of  
 20 aggravation and enforceable with a serious nuisance.  
 21 If people get one warning or two, and the third time.  
 22 Or they should be able to tell -- the police -- when  
 23 they go over there, they may buy a bark collar, which  
 24 would be a lot less than what a fine would be.  
 25 If people are renters, after the fine is

1 issued, and should a bark collar still -- the barking  
2 still continues, I then would go to the owners of the  
3 property, for it is the responsibility of their  
4 concern for their renters.

5 Thank you for addressing this problem and  
6 enforcing an ordinance for the City of Doraville that  
7 is not the first issue -- the first time this issue  
8 has been a concern.

9 And by the way, some child was bitten over  
10 there on Woodwin Court. And let me tell you, my  
11 mother was bitten on Woodwin also many years ago. And  
12 it puts them in shock, puts them in the hospital. And  
13 I do think that somehow an ordinance needs to be  
14 written that is enforceable and not constantly letting  
15 these nuisance, because I have high blood pressure and  
16 it is definitely a nuisance to me when my blood  
17 pressure goes up and I'm sitting out on my porch.

18 Thank you.

19 MAYOR PITTMAN: Thank you.

20 Ms. Crawford?

21 MS. GREENWAY: Right when I want to talk.  
22 Hear that dog barking?

23 It's really time to take my pill.

24 MAYOR PITTMAN: Susan Crawford.

25 MS. SUSAN CRAWFORD: Okay. I thought that

1 how offensive they can be to a neighborhood, just look  
2 at the round bank at 285 and 85 that lights up the  
3 entire northern corridor with its blue sign on top of  
4 the building. I mean what you don't understand is  
5 that Buford High is ugly because of the signage.

6 And the City of Doraville, through  
7 relationship with, not this current mayor but former  
8 mayors, made all these deals with these road sign  
9 vendors. And every two feet, you got a highway sign  
10 on Buford Highway, in the neighborhoods, in the  
11 shopping centers and every place they could stuff them  
12 even after the State of Georgia wanted them to stop  
13 doing it. Okay?

14 So the whole thing is when you look at  
15 these sign ordinances, less is more. You're talking  
16 about the monument sign at the Quick Trip. That's  
17 what we should see on Buford Highway. We had that in  
18 our sign ordinance, but we choose not to follow these  
19 things or not do something about it; we just talk  
20 about it.

21 So no LED lights, no flashing lights. And  
22 just go look at the round hotel at 285 if you want to  
23 see what LED lighting can do for your neighborhood.

24 Code enforcement is doing a good job if  
25 they were allowed to do their job; just occasionally,

1 I was just real imaginative and suggestible. There  
2 really was a dog barking.

3 I want to suggest that -- and you probably  
4 are already working on this, but with the sexually  
5 oriented businesses, which have such interesting  
6 initials in the agenda, that they try very hard to  
7 work on zoning these businesses out. I know we -- we  
8 just annexed, you know, so maybe stop it before it  
9 becomes a problem.

10 I also want to congratulate you on  
11 finishing tonight and to remind everybody to vote.  
12 And when you are voting, keep in mind what just  
13 happened up North and the fact that hurricanes form  
14 over warm bodies of water, and the warming and all of  
15 that, as the leaders in New York and New Jersey are  
16 now realizing.

17 Thanks.

18 MR. TOM HART: This is about the LED  
19 signs.

20 And Robert, I feel for you because that  
21 sign was -- it was a court order to remove that sign,  
22 and the Council voted to put it in there. Okay? And  
23 then they cut all the trees down, and it's a big  
24 nuisance to the neighborhood.

25 If you want to know about LED and how --

1 let somebody. Usually politicians hooking somebody  
2 up. I was in the courtroom the other day, and I'm  
3 telling you, what went on in that courtroom was -- I  
4 mean I've been to court cases in Gwinnett County and  
5 they're never this bad. I mean it was pretty obvious  
6 somebody got the hookup. This guy obviously was  
7 running a boarding house, obviously subletting and  
8 subdividing his property, obviously doing the wrong  
9 thing and got a little hookup.

10 Okay. If you ever want to clean up the  
11 city, you're going to have to stop doing that and stop  
12 hooking up these businesses on Buford Highway for the  
13 same reason. Somebody starts whining, and then -- and  
14 the people that suffer are the citizens here, and they  
15 can never figure out what's going on. It's because --  
16 it's not because the police aren't doing their job or  
17 that code enforcement isn't doing their job; there's a  
18 little hookup at City Hall.

19 Thank you.

20 MR. JAMES AMBROSE: James Ambrose,  
21 Homeland.

22 We have got empty stores, warehouses on  
23 all four sides of this county or city and, yet,  
24 tonight we had three people get up here and want to  
25 reduce a fee -- not a little bit but 70 percent.

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1 They've already cut back the distances on these things  
 2 a third, and now they want to do this.  
 3 Are they thinking about anything but  
 4 money? We have got decent families in this area; we  
 5 have got two schools that are loaded with -- grammar  
 6 school. And if you let all these businesses in these  
 7 empty places, what kind of effect is it going to have  
 8 on the common decent citizens of Doraville?  
 9 MAYOR PITTMAN: Thank you, Mr, Ambrose.  
 10 Stuart?  
 11 MR. STUART ANDERSON: Stuart Anderson.  
 12 A lot of what's been discussed tonight has  
 13 been the furtherance of the City. Ms. Greenway has a  
 14 really good point. She presented what she was saying  
 15 somewhat of a humorous way, and it was taken that way.  
 16 But quite honestly, we're talking about signs, we're  
 17 talking about the betterment of the city. Having  
 18 barking dogs and not having a good nuisance ordinance  
 19 in place to deal with that is -- it's an annoyance in  
 20 neighborhoods; it really is. So that, it's a valid  
 21 point that she brought up.  
 22 The other thing is a question, and I know  
 23 this is not a situation for questions, but how does a  
 24 foreclosure registry make money? How do you make  
 25 money off of that? Can you quickly tell me that,

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1 Trudy?  
 2 COUNCILMEMBER DEAN: How do you make  
 3 money? You're asking --  
 4 MR. ANDERSON: I guess I'm asking you  
 5 because you are --  
 6 MAYOR PITTMAN: Could you talk to him  
 7 after?  
 8 MR. ANDERSON: -- the one driving this,  
 9 but.  
 10 COUNCILMEMBER DEAN: You know what?  
 11 E-mail me or call me tomorrow --  
 12 MR. ANDERSON: Okay. Thanks.  
 13 COUNCILMEMBER DEAN: Yeah, sure.  
 14 MR. ANDERSON: Yeah. I just -- thanks.  
 15 MAYOR PITTMAN: Okay. Motion to adjourn?  
 16 COUNCILMEMBER ALEXANDER: So moved.  
 17 MAYOR PITTMAN: Second?  
 18 COUNCILMEMBER PACHUTA: Second.  
 19 MAYOR PITTMAN: Discussion?  
 20 ---  
 21 (No response)  
 22 ---  
 23 MAYOR PITTMAN: Call the roll, please.  
 24 CLERK BRYANT: Councilmember Alexander?  
 25 COUNCILMEMBER ALEXANDER: Yes.

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1 CLERK BRYANT: Councilmember Bates?  
 2 COUNCILMEMBER BATES: Yes.  
 3 CLERK BRYANT: Councilmember Dean?  
 4 COUNCILMEMBER DEAN: Yes.  
 5 CLERK BRYANT: Councilmember Fleming?  
 6 COUNCILMEMBER FLEMING: Yes.  
 7 CLERK BRYANT: Councilmember Pachuta?  
 8 COUNCILMEMBER PACHUTA: Yes.  
 9 CLERK BRYANT: Councilmember Patrick?  
 10 COUNCILMEMBER PATRICK: Yes.  
 11 MAYOR PITTMAN: Meeting adjourned.  
 12 ---  
 13 Meeting adjourned at approximately 9:40 pm.)  
 14 -o0o-

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C E R T I F I C A T E

1 STATE OF GEORGIA]  
 2 COUNTY OF DEKALB]  
 3 I hereby certify that the foregoing transcript  
 4 was taken down, as stated in the caption, and the  
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 7 I further certify that the transcript is a true  
 8 and correct record of the evidence given at the said  
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 10 I further certify that I am neither a relative  
 11 or employee or attorney or counsel to any of the  
 12 parties, nor financially or otherwise interested in  
 13 this matter.  
 14 This the 27th day of November 2011.  
 15  
 16  
 17  
 18 Theresa Bretch, CCR  
 19 Permit No. B-755  
 20  
 21 [SEAL]  
 22  
 23  
 24  
 25

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