

**In The Matter Of:**

*City of Doraville*

*State of Georgia*

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*City Council Meeting*

*October 15, 2012*

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*American Court Reporting Company, Inc.*

*52 Executive Park South*

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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 October 15,  
2012.

\* \* \*

1 PROCEEDINGS  
2 MAYOR PITTMAN: Meeting come to order.  
3 Would you all stand for the Pledge, please.  
4 ---  
5 (Pledge of Allegiance)  
6 ---  
7 MAYOR PITTMAN: Tonight we have two very  
8 special guests. One of them has not made it in yet.  
9 I'm assuming that they are looking for a place to  
10 park. It's rather crowded out there.  
11 We'd like to introduce Deedee Trotter.  
12 Deedee, if you'd like to come up.  
13 ---  
14 (Applause)  
15 ---  
16 MAYOR PITTMAN: Deedee is a model and an  
17 Olympic track star, and once upon a time she lived  
18 here and participated in Doraville youth sports. I  
19 actually remember Deedee when she was about this big,  
20 so she's no longer this big anymore.  
21 So she is a three-time Olympic medalist.  
22 Deedee is fresh off the second Olympic games where she  
23 brought home a bronze medal in the 400 meter and her  
24 second gold in the 4400 relay.  
25 ---

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 Scott C. Robichaux, Esquire  
15 Riley McLendon, LLC  
16 315 Washington Avenue  
17 Marietta, GA 30060  
18 (770) 590-5900  
19  
20  
21  
22  
23  
24  
25

1 (Applause)  
2 ---  
3 MAYOR PITTMAN: She is also very active in  
4 the community. In fact, she is the founder of the  
5 Test Me, I'm Clean, which is a charity dedicated to  
6 combatting the abuse of steroids and other  
7 performance-enhancing drugs.  
8 So in recognition tonight of all of her  
9 achievements, it is my honor to present to her the  
10 proclamation declaring today as Deedee Trotter Day in  
11 Doraville.  
12 ---  
13 (Applause)  
14 ---  
15 MAYOR PITTMAN: So Deedee, we would like to  
16 present this to you tonight. We are so proud of you,  
17 and we are just really glad that you took the time to  
18 come out tonight.  
19 Would you like to say a few words?  
20 MS. TROTTER: Okay. So today was a big  
21 surprise for me. I did know it was a party. Yay. I  
22 love parties. And I didn't know it was Deedee Trotter  
23 Day. I'm just -- I'm actually overwhelmed at this  
24 point now.  
25 Doraville is where I first started playing

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1 sports. When I moved from Phoenix, Arizona, I hadn't  
 2 really played any sports. I was basically a majorette  
 3 in a parade. That was the extent of my physical  
 4 activities. I used to run, though, now. Don't get it  
 5 twisted. I would run from the south side to the  
 6 mailbox quite often and I left a lot of people in my  
 7 dust, so I knew I could run.

8 But I came into playing basketball. Where  
 9 is Karen? There she is. Basketball was my first love  
 10 and my first sport, and it turned into cheerleading  
 11 and later on, as I went to high school, I got into  
 12 track. But it basically all started here in Doraville  
 13 Recreation Center, North Dekalb.

14 Go Chargers. Where are you all at? Go  
 15 Chargers.

16 It has been quite a journey, and it's  
 17 interesting to think far back how it all even began.

18 And there's -- I see Mary. She used to  
 19 cheerlead with me. It's surreal today to come in and  
 20 actually see so many faces from so many years ago and  
 21 to know that the beginning of where I am now started  
 22 with just something that was fun and that was, you  
 23 know, youthful, and that was people giving their time  
 24 and their effort just for nothing more than the  
 25 enjoyment of having a kid have a good time.

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1 So thank you all in the city of Doraville,  
 2 thank you all for Deedee Trotter Day, and thank you  
 3 all for supporting young athletes and young kids.  
 4 They're just dreamers and want nothing more than to  
 5 have fun. So thank you.

6 - - -  
 7 (Applause)  
 8 - - -

9 COUNCILMEMBER FLEMING: Deedee's real  
 10 special to me for sure, her and her mom both, Deborah.  
 11 And I just wanted to share her with all of you this  
 12 evening to congratulate her on both her academic as  
 13 well as her athletic achievements.

14 I heard her testimony at the Dekalb  
 15 presentation, and it was an absolutely wonderful  
 16 ceremony, and it touched my heart because she said  
 17 when you were 10 years old, when Miss Carol and Miss  
 18 Tracy took you to University of Tennessee, she knew  
 19 then that's where she wanted to go --

20 MS. TROTTER: Right.

21 COUNCILMEMBER FLEMING: -- and she put her  
 22 sights on it. And through perseverance and faith  
 23 and -- She just did it. Perseverance got her there.

24 So on behalf of those that love you, have  
 25 known you, and those that are present on Council and

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1 everyone, I want to give you this small gift of  
 2 appreciation of being --

3 MS. TROTTER: Thank you.

4 COUNCILMEMBER FLEMING: -- an example for  
 5 children to come.

6 MS. TROTTER: Oh, it's beautiful. Thank  
 7 you.

8 Oh. And you can guarantee I'll be up here  
 9 mentoring these kids too. I don't live in Atlanta any  
 10 more, which is a little bit difficult, but I promise  
 11 you and everyone else here that I will make sure that  
 12 these kids are going to go get the Deedee Trotter  
 13 experience. Okay?

14 - - -  
 15 (Applause)  
 16 - - -

17 MAYOR PITTMAN: And Deedee, again we just  
 18 want to tell you how proud Doraville is of you, and  
 19 thank you for being here tonight.

20 We are going to do one more presentation and  
 21 then we're going to take a few minutes break. Those  
 22 of you that would like to speak or make pictures, I'm  
 23 going to open my office because we do have to continue  
 24 our meeting, but you're welcome to step in there and  
 25 talk as long as you need.

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1 Next I'd like to start by thanking everyone  
 2 who remembered to wear pink tonight, which leads me to  
 3 our next guest. It is my pleasure to introduce Ms.  
 4 Justine Boyd.

5 And Ms. Sinclair, I want to thank you for  
 6 making the ribbons for us tonight. We really  
 7 appreciate that.

8 - - -  
 9 (Applause)  
 10 - - -

11 MAYOR PITTMAN: Justine is the Executive  
 12 Director for the Susan G. Komen for the Cure  
 13 Foundation of Greater Atlanta. As a tribute to  
 14 National Breast Cancer month, I would like to present  
 15 a proclamation to Justine declaring this week as Susan  
 16 G. Komen for the Cure Week in Doraville.

17 Over 30 years ago, Nancy Brinker promised  
 18 her dying sister, Susan G. Komen, she would do  
 19 everything in her power to end breast cancer forever.  
 20 In 1982, that promise became Susan G. Komen for the  
 21 Cure which officially launched the global breast  
 22 cancer movement.

23 Since then, Komen has been responsible for  
 24 raising nearly two billion for ground-breaking  
 25 research, community health outreach, advocacy and

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1 programs throughout the U.S. and in more than 50  
 2 countries. Today, more than 70 percent of women over  
 3 40 receive annual mammograms, and the mortality rate  
 4 associated with breast cancer has declined 33 percent  
 5 since Komen was founded.  
 6 Before Komen came along, the five-year  
 7 relative survival rate for women diagnosed with early  
 8 stage breast cancer was about 74 percent. Today that  
 9 number is 99 percent.  
 10 ---  
 11 (Applause)  
 12 ---  
 13 MAYOR PITTMAN: So to honor their work, I'd  
 14 like to present Justine with this proclamation, and we  
 15 have the pink ribbons on it as well.  
 16 ---  
 17 (Applause)  
 18 ---  
 19 MS. JUSTINE BOYD: Thank you so much, Mayor,  
 20 and to the City Council, thank you so much for having  
 21 me. I was simply delighted when I received a call  
 22 that you-all wanted to recognize October as Breast  
 23 Cancer Awareness Month.  
 24 I have been serving in the capacity of  
 25 Executive Director for about six weeks now, and every

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1 day I hear so many stories from women who have  
 2 received the services of Susan G. Komen and how much  
 3 we have really helped them in terms of making sure  
 4 that they get their mammograms.  
 5 And you know, we're in the business of  
 6 saving lives. Our mission here at Susan G. Komen -  
 7 Atlanta is to help women detect and survive breast  
 8 cancer, and I am just happy to be in that role and to  
 9 be able to help.  
 10 On the local level, we have actually been  
 11 able to raise 35 million dollars since our inception  
 12 in 1991, and I know that many of you are participating  
 13 in our walk that is in May, and I hope -- I encourage  
 14 you to do that again this year. We are truly making a  
 15 difference, but it is because of people like you who  
 16 partner with us who believe in our mission that we are  
 17 able to save lives.  
 18 Thank you for wearing your pink ribbons and  
 19 your beautiful pink. I just enjoy so much going  
 20 throughout the city and seeing the pink and how  
 21 everybody has embraced our breast cancer awareness.  
 22 Thank you so much for your leadership and I  
 23 hope you enjoy the rest of your meeting.  
 24 ---  
 25 (Applause)

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1 ---  
 2 MAYOR PITTMAN: We're going to take a few  
 3 minutes break, but we had received several e-mails  
 4 from various citizens wanting us to recognize this,  
 5 and I appreciate everyone that sent an e-mail.  
 6 We also are going to be honoring National  
 7 Heart Month in February, so everybody get their red  
 8 ready.  
 9 We're going to take a few minutes break, and  
 10 then if anyone wants to visit with a guest, I'll open  
 11 up my office and you can stay as long, and then we'll  
 12 resume our meeting. Thank you.  
 13 ---  
 14 (Brief recess.)  
 15 ---  
 16 MAYOR PITTMAN: Meeting come back to order.  
 17 Call the roll, please.  
 18 CLERK BRYANT: Councilmember Alexander?  
 19 COUNCILMEMBER ALEXANDER: Here.  
 20 CLERK BRYANT: Councilmember Bates?  
 21 COUNCILMEMBER BATES: Here.  
 22 CLERK BRYANT: Councilmember Dean?  
 23 MAYOR PITTMAN: Here.  
 24 CLERK BRYANT: Councilmember Fleming?  
 25 COUNCILMEMBER FLEMING: Here.

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1 CLERK BRYANT: Councilmember Pachuta?  
 2 COUNCILMEMBER PACHUTA: Here.  
 3 CLERK BRYANT: Councilmember Patrick?  
 4 COUNCILMEMBER PATRICK: Here.  
 5 MAYOR PITTMAN: Okay. Thank you.  
 6 Need approval of minutes for September 4th,  
 7 2012.  
 8 COUNCILMEMBER ALEXANDER: So moved.  
 9 MAYOR PITTMAN: Second?  
 10 COUNCILMEMBER DEAN: Second.  
 11 MAYOR PITTMAN: Discussion?  
 12 ---  
 13 (No response)  
 14 ---  
 15 MAYOR PITTMAN: Call the roll, please.  
 16 CLERK BRYANT: Councilmember Alexander?  
 17 COUNCILMEMBER ALEXANDER: Yes.  
 18 CLERK BRYANT: Councilmember Bates?  
 19 COUNCILMEMBER BATES: Yes.  
 20 CLERK BRYANT: Councilmember Dean?  
 21 COUNCILMEMBER DEAN: Yes.  
 22 CLERK BRYANT: Councilmember Fleming?  
 23 COUNCILMEMBER FLEMING: Yes.  
 24 CLERK BRYANT: Councilmember Pachuta?  
 25 COUNCILMEMBER PACHUTA: Yes.

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1 CLERK BRYANT: Councilmember Patrick?  
2 COUNCILMEMBER PATRICK: Yes.  
3 MAYOR PITTMAN: Thank you. I need approval  
4 of minutes for the September 17th, 2012.  
5 COUNCILMEMBER ALEXANDER: So moved.  
6 MAYOR PITTMAN: Second?  
7 COUNCILMEMBER PACHUTA: Second.  
8 MAYOR PITTMAN: Okay. Discussion?  
9 - - -  
10 (No response)  
11 - - -  
12 MAYOR PITTMAN: Call the roll, please.  
13 CLERK BRYANT: Councilmember Alexander?  
14 COUNCILMEMBER ALEXANDER: Yes.  
15 CLERK BRYANT: Councilmember Bates?  
16 COUNCILMEMBER BATES: Yes.  
17 CLERK BRYANT: Councilmember Dean?  
18 COUNCILMEMBER DEAN: Yes.  
19 CLERK BRYANT: Councilmember Fleming?  
20 COUNCILMEMBER FLEMING: Yes.  
21 CLERK BRYANT: Councilmember Pachuta?  
22 COUNCILMEMBER PACHUTA: Yes.  
23 CLERK BRYANT: Councilmember Patrick?  
24 COUNCILMEMBER PATRICK: Yes.  
25 MAYOR PITTMAN: We will be removing under

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1 number 7(i) the Resolution for Buford Highway/  
2 Peachtree Boulevard Connector. Mr. Howe will be  
3 putting that on the next agenda. He wanted to do some  
4 updates to that, so we'll move that off there.  
5 Just a couple of announcements.  
6 This coming weekend is Movies Under the  
7 Stars. There's going to be a concert, movie. It will  
8 be a great evening; hope everyone can come out. We're  
9 going to be showing The Lorax, which is a great movie.  
10 Also the Library book sale. Is there  
11 anybody here that wants to talk about that?  
12 Well, there's going to be --  
13 UNIDENTIFIED SPEAKER: What do you want to  
14 know about it?  
15 MAYOR PITTMAN: Just tell us what time it  
16 starts and a little bit about it would be great.  
17 UNIDENTIFIED SPEAKER: It's this Saturday  
18 from 11:00 to 3:00 at the Library. We have a special  
19 children's area and then we have adults also. The  
20 books will go from 25 cents to a dollar unless it's a  
21 very special book.  
22 So everybody is welcome. Please come and  
23 buy some books please.  
24 MAYOR PITTMAN: Thank you very much.  
25 And also Saturday morning is the 5K Road

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1 Race. If everybody could just come out and make a day  
2 of it. It's going to be several wonderful events.  
3 Next is going to be Public Comments on  
4 Agenda Items Only. Public comments on agenda items  
5 only.  
6 If you wish to speak, if I could get you to  
7 line up at the podium and please state your name for  
8 the court reporter. If you wish to speak, please --  
9 UNIDENTIFIED SPEAKER: Could you be  
10 invisible so --  
11 MAYOR PITTMAN: Sandra.  
12 UNIDENTIFIED SPEAKER: Which item?  
13 MAYOR PITTMAN: Public comments on any items  
14 on the agenda. Any item on the agenda, please line up  
15 so you can speak. Limit your comments to three  
16 minutes.  
17 And I'm going to ask everyone respectfully  
18 to please keep the chit-chat down. It's very hard for  
19 the court reporter to hear. So if you need to speak,  
20 please step outside.  
21 MS. GINNY CALVERT: Ginny Calvert. Under  
22 number 10, New Business (c) Hire an Administrative  
23 Assistant/Secretary.  
24 MAYOR PITTMAN: Would you speak up just a  
25 little bit?

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1 MS. CALVERT: Under 10, New Business (c)  
2 Hire an Administrative Assistant/Secretary.  
3 MR. THOM ABBOTT: Good evening. Thom  
4 Abbott, Haviland Lane in Northwoods. Several items on  
5 the agenda I wanted to point out.  
6 The first one that I'd like to mention is  
7 the rezoning of the property at 2001 Clearview Avenue.  
8 I've reviewed the information that's here, and,  
9 unfortunately, it just kind of has a lot of -- like a  
10 piece of Swiss cheese with a lot of holes.  
11 It talks about ensuring redevelopment of  
12 existing city housing including provisions for  
13 retaining current residents. From what I heard, it's  
14 going to be so expensive that I don't think any of us  
15 could afford to live in it.  
16 Secondly, it talks about -- and I don't know  
17 that for sure, so don't quote me 100 percent on that -  
18 - the condition about the conditional use permit, that  
19 it remain in existence for three -- for 36 months. I  
20 don't understand why this business needs a conditional  
21 use permit for 36 months.  
22 They go on further to state in their  
23 application that the hotel is no longer economically  
24 viable, yet they're asking to be able to continue to  
25 operate it as a hotel while they convert it to a

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1 assisted living facility.  
2       Secondly, I'd like to know if they even have  
3 any of the required licenses in place, any of the  
4 staff already that know how to plan a facility like  
5 this and do architectural drawings, understand that  
6 sizes of elevators, etc.  
7       So I have a lot of concerns about that,  
8 quite simply. I think my e-mail box has been flooded  
9 today with no, no, no, no, no, and I think we're  
10 sending a message to the City Council, no, we don't  
11 want this.  
12       Lastly, the other thing I'd like to bring up  
13 is there is an amendment for our budget regarding the  
14 budget in the city. And in reviewing this, I just  
15 found it rather interesting that we've added almost  
16 \$30,000 onto the amount that we're forecasting to  
17 spend for our new City Manager, their salary beginning  
18 February 13th -- February 1st, 2013, yet I've yet to  
19 see anything in this amendment that shows the Mayor's  
20 salary being reduced as was agreed upon when we voted  
21 to hire a City Manager. I've also yet to see the  
22 necessary change to our Charter that's been drafted  
23 and sent to the legislature. That has happened as  
24 well.  
25       So those are some items I have some real

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1 concern with. Thank you.  
2       MR. JOHN MALONEY: John Maloney, 3522  
3 Stewart Road.  
4       I'm speaking against the rezoning of the  
5 Clearview property. I'm not against assisted living  
6 facilities. I visit a good many of them periodically.  
7       I do not feel like some of y'all that the  
8 hotel has been marketed properly. They don't even  
9 have a sign on their Clearview Avenue, tall sign. I  
10 walk by there twice every morning. When it was a  
11 Holiday Inn, I saw a good many cars. Then it went to  
12 a Metro and it just dropped off.  
13       You've got to have a good name in there. I  
14 don't feel like that they're marketing it properly.  
15       I'm concerned about the -- about the 36  
16 months. I feel like that's just way too long. I  
17 don't know how they're going to survive 36 months  
18 during this period.  
19       At the last meeting, the owner stated that  
20 he would not be going into this business if he didn't  
21 have to. That is not a good reason to go into an  
22 assisted living business.  
23       And I would also be concerned about the size  
24 of it. To fill up 231 or -32 rooms, that's just --  
25 and can they financially get it filled to make it? I

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1 just don't have a good feeling about it overall.  
2       I would like to address one of Mr. Patrick's  
3 responses to one of the e-mails that he sent a  
4 resident with a concern of them putting a fence around  
5 it. We do not need to be concerned about putting  
6 fences around properties or being so threatened by  
7 people doing that.  
8       You're probably not aware that we've lived  
9 with two empty buildings on Stewart Road for seven  
10 years, and the City has done nothing about it. We've  
11 got buildings empty all over the city. We just  
12 annexed the empty shopping center in.  
13       So I would not let that be a concern of how  
14 you voted tonight, and I ask you to vote no, please.  
15 Thank you.  
16       MR. STUART ANDERSON: Stuart Anderson.  
17       This is as close as I've got in my wardrobe  
18 to pink, so that's what you get.  
19       First off, I want to congratulate and thank  
20 Ms. Trotter for her perseverance -- she is out talking  
21 to folks -- and her performance, obviously, and  
22 certainly also for shining a positive light on our  
23 city, and I thank her for that.  
24       From yin to yang, I'm afraid. I have to say  
25 I'm disappointed. My parents never said to me in

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1 criticism anything that struck home more than when I  
2 disappointed them.  
3       The replacement of Dorothy, a clerk that  
4 knows the City, its rules and systems, with a more  
5 costly administrator that Lisa will have to juggle or  
6 find funds for, particularly in light of going from a  
7 \$66,000 surplus to a hundred-plus thousand dollar loss  
8 of occupational revenues -- occupational tax revenues  
9 from the Tower Liquor Store not in Doraville is hasty.  
10       Do we owe these tax revenues incorrectly  
11 received, back?  
12       What would appear to be an effort to strip a  
13 department head of support staff that is needed to  
14 properly do the City's business, that department head  
15 being the Mayor.  
16       The firing of a person that would be at  
17 least beneficial in the City Manager transition and  
18 the harassing of our Deputy Clerk to a point of tears  
19 in a public meeting is not good.  
20       The City manager, when hired, will have  
21 their own management requirements and should be left  
22 to it. Meddling by the Council at this time would  
23 seem improper and premature.  
24       The Council has and will have the ability to  
25 write the job description for the manager through our

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1 interviews and work sessions with Malcolm and proven  
2 criteria provided.  
3 The hiring of Malcolm for \$25,000 to find a  
4 city manager that we'll -- that we'll fund off the  
5 money saved from the rude firing from Flex HR and the  
6 perceived revenues from the annexation appear not well  
7 thought out.  
8 The implementation of the City Manager a  
9 year or so before H.B. 544 specifies, is, in my  
10 opinion, poor H.R. and poor planning. Thank you.  
11 MR. CLINT HOWARD: My name is Clint Howard.  
12 I live in the Oakcliff area.  
13 I would like to speak about New Business (c)  
14 hiring of administrator/secretary for City Hall  
15 replacing the receptionist position.  
16 Now, I didn't -- I don't know a lot about --  
17 I realize what I'm reading right here, when you get  
18 rid of this receptionist position, you have an  
19 employee that's been there over 10 years that has  
20 tenure here. Now, if you decide just to get rid of  
21 the position and let an employee go that has spent a  
22 whole lot of time with the City and put a lot into it,  
23 and you're hiring somebody that's a little costly or  
24 whatever, but, you know, from what I understand is  
25 this employee's going to be let go. And if you let go

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1 of this employee, then you're going to pay  
2 unemployment for this employee as well as you're  
3 taking the morale in this City -- you have people  
4 that's been here for years that have put a lot of time  
5 into the City.  
6 Most of you up here don't have the years  
7 that this person has that spent with the City. So  
8 when you decide to get rid of a position or whatever  
9 for whatever reason, then you have an employee that  
10 you're going to get rid of because now you have  
11 nowhere to put them, an employee that has spent  
12 10/12 -- I don't know how many years that this person  
13 has spent. I know it's over 10, okay. And just to  
14 say, hey, we're doing away with your position, see you  
15 later; to me, that's wrong.  
16 Now, if you have a position for this person,  
17 that's fine. If this position needs to go and you're  
18 able to put this employee somewhere else with the  
19 City, then that's okay. But when you're just deciding  
20 that you don't need this position or whatever and you  
21 have employees that have spent that much time and have  
22 that much of their life invested in the City, okay,  
23 that's when I have a problem with it personally  
24 because I've worked for the City. And that's when all  
25 the rest of the employees that work for the City now,

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1 especially the ones that have over 10 years of tenure,  
2 they're wondering, am I going to have a job next week?  
3 is somebody going to get rid of my position and put me  
4 out of a job, especially in the economic times that we  
5 have now?  
6 That's not the answer to saving money here.  
7 I mean that's -- that's the way I'm looking at it. So  
8 I would say if you're changing the position and  
9 getting rid of this employee, I'd say no. Thank you.  
10 MS. SUSAN CRAWFORD: Susan Crawford, real  
11 quick.  
12 Yeah, I actually agree with Clint. I think  
13 it's -- I think loyalty has to come into play here at  
14 some point and I think this is the point at which it  
15 has to come in play, and I think that if you need to  
16 augment the position, then at least offer the person  
17 who's in that position the ability to train for  
18 whatever it is that you need to add to her job, and  
19 don't just cavalierly let her go.  
20 Speaking of cavalierly, I would also like to  
21 mention something about the rezoning of the Clearview  
22 property, because I was very disturbed by, well, the  
23 concept for one thing. I mean this is our only hotel.  
24 It used to be a really nice. As my e-mail pointed  
25 out, people used to come here from all over the

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1 Atlanta area. We did when we first moved to Atlanta,  
2 we were brought here by somebody who didn't even live  
3 in Doraville, to eat at that hotel. It was always  
4 booked. It was -- I think the marketing could be  
5 stepped up quite a bit.  
6 We had an art show there not too many years  
7 ago and it was in pretty good shape then. It was a  
8 Holiday Inn, I think.  
9 I mean I'm sorry that this gentleman is  
10 losing money, but do we really want to have somebody  
11 who can't continue with a really, really good hotel?  
12 Do we want to entrust him to start something new here?  
13 Why take the chance?  
14 I also thought he was -- he was very  
15 flippant about people with dementia. I mean that  
16 bothered me, what kind of facility is it going to be?  
17 And just the bottom line is that's not what  
18 we want. You know, the people, I think you've heard  
19 from enough of us to know that the residents here --  
20 although I would love to have a nice assisted living  
21 place and I think all of us would, but a nice one, one  
22 that we could actually not be locked up so that we  
23 couldn't get off a floor, and why take the one place  
24 that has potential for being a draw? Thanks.  
25 MAYOR PITTMAN: I just wanted to remind

1 everyone to please be respectful of everyone that's  
2 speaking, to hold your applause, and, again, any  
3 comments that you might have, if you need to speak,  
4 please step outside. Thank you.

5 MR. TOM HART: This is about several items  
6 on the agenda.

7 One is the white goods fees and the need to  
8 put out the waste disposal services out for bid.  
9 We've had a big problem with trash services and they  
10 did away with the white goods pickup which resulted in  
11 people dumping their goods on the side of the road  
12 instead of being picked up by the City. So we need to  
13 reintegrate the system of recycling, white goods  
14 services and trash pickup and put this thing out for  
15 bid so we can, you know, get out of this problem.

16 The administrative assistant/secretary for  
17 City Hall is a symptom of a problem in the City where  
18 we have people working for the City and then we've  
19 hired outside consultants to do the actual job for the  
20 people that are working in the City. For instance, we  
21 have a City Clerk but they don't really do the City  
22 Clerk's job because we have someone that does the  
23 billing and we have somebody that does the tax  
24 collecting and we have the people who keep the minutes  
25 for the meeting. So what does the Clerk do?

1 This same hotel rented out an entire floor  
2 to an Atlanta sex club. They had an entire floor with  
3 sex machines that you could operate, and they have  
4 another one scheduled for December. I don't think  
5 this does the city of Doraville -- you're talking  
6 about blighted areas.

7 You know, it's not our responsibility to  
8 market this person's hotel. They have no -- there is  
9 no -- It doesn't meet the Comp Plan.

10 Public housing along with a drug rehab and  
11 alcohol rehab across the street with a probation --  
12 with jail probation services across the street are big  
13 negatives for this neighborhood.

14 MAYOR PITTMAN: Mr. Hart, thank you.

15 MR. HART: I have 15 more points.

16 MS. CALVERT: I didn't know I was supposed  
17 to speak right at that time, but I am going to talk  
18 about the administrative assistant. Gosh, that's a  
19 mouthful.

20 Is this another way to spend money? Where  
21 is the City Clerk which is in the budget for over a  
22 year? Even when we had a City Clerk, which put three  
23 people in the office, the two had very little time to  
24 help Dorothy answer phones, file, make copies and do  
25 some of their work and to talk to customers at the

1 So everyone has -- the Mayor has an  
2 assistant to do her job. If everybody had their own  
3 person, you know, like a surrogate. So it's just a  
4 symptom of a problem, and we're trying to fix it by  
5 getting rid of someone that answers the phone, etc.,  
6 to bring another assistant in for someone we're going  
7 to hire that can't quite do their job so we have to  
8 get an assistant.

9 Okay. This is about the rezoning. The  
10 advertisement for the rezoning of O&I and a CUP for  
11 assisted living on Clearview, they mention three years  
12 to operate this transitioning to assisted living or  
13 public housing; they could go either way. This  
14 rezoning is not exactly earmarked for assisted living.  
15 It could go -- it's a HUD funded project. It could  
16 also be public housing.

17 It would require a variance to the code for  
18 this three-year, but that wasn't advertised on the  
19 sign. I only saw two things on the sign. So the  
20 third thing is a variance for the years we can have it  
21 both, okay.

22 We're not responsible for the marketing of  
23 this hotel. If they do a bad job of marketing a  
24 business, it's not the City or the public's  
25 responsibility.

1 front desk.

2 Dorothy has been with us for 10 years and  
3 knows many people by name, and that means an awful lot  
4 to the people.

5 Even the Mayor helps in the office when she  
6 has time, and someone comes over from the Court and  
7 helps when needed.

8 I know times are hard, but everyone in the  
9 City working knows how to work their position. So I  
10 think you need to use your many, many talents,  
11 Council, for the business of Doraville and leave the  
12 office business to the department heads in charge.  
13 They have full-time jobs and should not live in  
14 constant fear of losing their job when it is so hard  
15 to get another one. And believe me, it is.

16 MR. BEN CRAWFORD: Ben Crawford, Oakcliff  
17 Estates.

18 First thing I'd like to do is cover (c) on  
19 Number 10 on New Business. I think perhaps the better  
20 part of valor on the City's part would perhaps open up  
21 the position for bid for the employee that's been here  
22 10 years to apply for the position and see what they  
23 can do to work with the employee, see if she has the  
24 necessary skills to fill that position and perhaps try  
25 to work with that employee to fill that newly-created

1 position. That's what I have to say on that.  
2 The other thing is on Item 8, Public  
3 Hearing, Rezoning of Property/Conditional Use at 2001  
4 Clearview Avenue. On this property here, from what I  
5 understand, a large amount of the money or all the  
6 money for the funding of this project's going to be  
7 HUD.

8 I've actually over the last 15 years have  
9 dealt with a lot of HUD projects throughout the  
10 Atlanta metropolitan area, and I see a lot of them  
11 that have not had any money put back in for various  
12 reasons.

13 I, like Susan, enjoyed that restaurant when  
14 it was there. I had a brother that works for an  
15 insurance company, and they used to all come in from  
16 Perimeter Mall to eat lunch there with clients. It  
17 was a draw to the area.

18 We need to have a hotel in our city. People  
19 have people that come in from out of town. It would  
20 be nice to have a nice hotel.

21 I believe the present owner could take a  
22 little more effort on his part and market the hotel a  
23 little better, maybe fix it up a little better, maybe  
24 get a loan to fix it up as a hotel; do better  
25 advertising, maybe put a sign that let's people know

1 that it's off of Buford Highway, that we have a nice  
2 hotel there.

3 I believe that's a property that can make  
4 money. We had an art show, to key on another point,  
5 but we could -- You know, it could become a nice  
6 place.

7 I'm opposed to having HUD housing whether  
8 it's assisted living or other HUD housing over there.  
9 I think it's, you know, not fair to the adjoining  
10 neighborhoods, ours included. And there was some  
11 point made that there was some neighborhood meeting  
12 where, you know, interested parties got together to  
13 talk with the owner about it.

14 And as far as the DCA amendments to the  
15 International Building Code, there's an amendment in  
16 there about spending -- how much gets put into the  
17 building where it has to meet all new current codes,  
18 electrical system, plumbing system, heating and air  
19 systems, elevators, all systems and all subsystems  
20 from the building. So it would be incumbent upon the  
21 owner and his general contractor to make sure that  
22 gets done.

23 And also the stewardship of that would be on  
24 the City, and I'm kind of curious if that would  
25 actually happen.

1 Thank you for your time.

2 MS. NORMA GENTRY: As you can see, I have no  
3 planned agenda, and I'm going to try not to ramble too  
4 much.

5 My name is Norma Gentry, and I live at 2556  
6 Addison Drive, Doraville.

7 I am particularly --

8 MAYOR PITTMAN: Ms. Gentry, would you mind  
9 moving just a little closer, please?

10 MS. GENTRY: How is that?

11 MAYOR PITTMAN: That's good. Thank you.

12 MS. GENTRY: I am particularly interested in  
13 the rezoning of the motel/hotel. When I first heard  
14 about it, I thought, oh, we're going to have -- is it  
15 an assisted low income to assist people to move in  
16 there, or is it going to be an assisted living  
17 facility that I have quite a bit of experience with?

18 My master's degree in nursing is in  
19 gerontology and science, and I have worked in  
20 geriatric facilities taking care of what you call  
21 dementia, which is a broad, broad term, everywhere  
22 from autism to full-blown Alzheimer's.

23 Where do you cut off what kind of patients  
24 are going to be there? Who's going to be  
25 administering this care?

1 that it's off of Buford Highway, that we have a nice  
2 hotel there.

3 I believe that's a property that can make  
4 money. We had an art show, to key on another point,  
5 but we could -- You know, it could become a nice  
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16 there about spending -- how much gets put into the  
17 building where it has to meet all new current codes,  
18 electrical system, plumbing system, heating and air  
19 systems, elevators, all systems and all subsystems  
20 from the building. So it would be incumbent upon the  
21 owner and his general contractor to make sure that  
22 gets done.

23 And also the stewardship of that would be on  
24 the City, and I'm kind of curious if that would  
25 actually happen.

1 Out in Colorado -- I worked out there -- I  
2 brought my aunt back from Colorado with me for two  
3 months to live with me because she has dementia. I  
4 just about went crazy. You know, it is a full-time  
5 job. It's not a place you can park someone and put  
6 them there and hope they have a safe place. My house  
7 is safe. She fell twice.

8 And you know, bathroom facilities, their  
9 learning disabilities, their comprehension abilities.  
10 Fourth floor certainly would not be a good place if he  
11 had one.

12 I would love to see a true assisted living  
13 facility. There are six levels of assisted living  
14 facilities. Are they going to incorporate all six  
15 where if this person requires medications, do they get  
16 medications, or, like one facility, if you want your  
17 family to get medications, you can come and do it or  
18 we'll charge you \$400.00 a week more to give them  
19 their pill.

20 I'd like to know the cost or the cost to the  
21 patients and who's paying for it. And by the way,  
22 Medicare doesn't pay for all of these facilities.  
23 Don't think they do. It's coming out of your family's  
24 pocket and it's coming out of your pocket, and I want  
25 someone -- I would love to have it. If we had it

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1 where I could see the work on it and see exactly what  
2 their plans are, I would be in favor of it, but I'm  
3 very dubious as to where this is going. Is it going  
4 to be a low income thing?  
5 And you can have mixed facilities. You  
6 better define do you have avenues for the patient or  
7 the patron to move from one facility to another  
8 facility within the building and what are going to be  
9 the flow processes?  
10 Thank you.  
11 MAYOR PITTMAN: Okay. Thank all of you.  
12 Next on the agenda is going to be Mr.  
13 Bryant. He's going to be giving us -- and also  
14 welcome to both of you -- give us an insurance update.  
15 MR. TODD BRYANT: Thank you. Thank you,  
16 Mayor; thank you, Council. I think we can work  
17 through what we have in about 10 minutes or less,  
18 maybe 15, and there are two topics that we wanted to  
19 broach with you guys tonight. One is the renewal  
20 process that we had this year and the results from  
21 that process, and I also want to talk with you briefly  
22 about healthcare reform and the impact on the City.  
23 And we've thought through it and we have an action  
24 plan but we want to spend a few minutes discussing it  
25 with you guys.

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1 So as I begin, I'd like to take just a  
2 second and thank you, Mayor, for your stewardship  
3 throughout this process. I appreciate it very much.  
4 You gave us access to, you know, employees, department  
5 heads. That was a great recommendation.  
6 And I want to say thanks to the Council for  
7 supporting us as we went through this process and some  
8 good ideas that were surfaced by the Council which  
9 were implemented and used to the City's advantage, to  
10 the employees' advantage.  
11 And I also want to say thanks to the  
12 department heads because they bought into the story,  
13 so to speak, and they were also supportive of actually  
14 paying more in the cost -- I'm sorry -- as it relates  
15 to implementing a smoking cessation program. So  
16 usually when you implement these kind of problems  
17 which make a lot of sense, you get pushed back, but  
18 that wasn't the case here at the City. So department  
19 heads should be credited, and specifically the Police  
20 Chief which bought into the idea immediately and  
21 supported it.  
22 So we started this year with Blue Cross/Blue  
23 Shield with a pretty significant increase. 22 percent  
24 was what we received. And to sort of cut to the  
25 chase, we ended up spending a little less than what

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1 we're spending now for a total savings of \$209,000.  
2 We were able to maintain our medical plan coverage of  
3 Blue Cross/Blue Shield which we thought was highly  
4 desirable because of disruption to the employees. We  
5 had a good track record with Blue Cross/Blue Shield,  
6 and it was -- it was the thought among many, including  
7 our team, that Blue Cross/Blue Shield was the right  
8 landing place if they could make the financials work,  
9 which they ended up doing. We actually lowered our  
10 cost, and that's pretty unusual on a per-head basis,  
11 not only per eligible employee but per person on the  
12 plan.  
13 And that's very atypical in this  
14 environment, you know. Most of the surrounding cities  
15 and most of our country is experiencing increase in  
16 healthcare costs. On a per capita basis, that's not  
17 what we experienced this year, so. And again, that's  
18 to y'all's benefit and to Blue Cross/Blue Shield's  
19 benefit as well or tribute.  
20 We changed the rate structure from a two-  
21 tiered rate to a four-tiered rate this year. You guys  
22 remember thinking through that. We had single and  
23 family, and we went to a four-tier rate structure to  
24 make it more fair. That was a result that was  
25 accomplished this year.

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1 We added a low-cost HMO to our plan. I was  
2 asked earlier about migration. The migration was  
3 12-1/2 percent. I thought it was a little higher than  
4 that, but still, it was substantive.  
5 Let's see. We unbundled the dental and  
6 vision. We introduced a non-tobacco user discount of  
7 \$50.00 per month. And we had an affidavit process.  
8 The affidavit completion rate was 100 percent. You  
9 can't get better than that. And we have about nine  
10 people who decided they still want to be tobacco  
11 users, so they're going to pay into the City \$5,400  
12 more for the -- you know, for the privilege of I guess  
13 being a tobacco user in their minds, but paying extra  
14 for being a tobacco user.  
15 We changed our dental program. We had some  
16 problems with it, so we moved Blue Cross/Blue Shield  
17 out and we moved MetLife in. We implemented four-  
18 tiered rates.  
19 Let's see. We added a or reinstated a life  
20 insurance benefit, which I think puts the City on  
21 competitive standing with surrounding cities and  
22 surrounding municipalities, public sector business.  
23 So I thought that was a very good outcome.  
24 We added a flexible spending account this  
25 year. We have a lot of participation in the FSA. We

1 added a debit card. We've already heard many good  
 2 comments from people that are using the flexible  
 3 spending account.  
 4 And then lastly, we unbundled vision and we  
 5 made it a voluntary benefit.  
 6 We conducted I guess maybe for the first  
 7 time rigorous open enrollment meetings. We met with  
 8 almost every employee.  
 9 And Melissa, do you have any comments on the  
 10 open enrollment meetings other than we heard a lot of  
 11 good comments in the process?  
 12 MELISSA: I think that the employees just  
 13 appreciated the extra education.  
 14 MAYOR PITTMAN: And we did a luncheon one.  
 15 That was great.  
 16 MR. BRYANT: Right. We've recently done --  
 17 conducted a Nutrition Lunch and Learn with Chick  
 18 Fil-A supporting that lunch.  
 19 We added Cobra. Let's see. We maintained  
 20 Aflac and we had one-on-one meetings with a new  
 21 Aflac representative, and then we left New York Life  
 22 benefits in play and we had one-on-one meetings  
 23 scheduled with Janet who manages the New York Life  
 24 piece. So we left that unchanged.  
 25 I was asked about migration to the low HMO,

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1 and here it is. This is where we've started. We got  
 2 81 people on the plan, two tiers, single and family.  
 3 We now have 80 people on the plan. We have 10 people  
 4 who decided to joint the low-cost HMO. Then we did  
 5 the year-over-year enrollment by tier down below and  
 6 year-over-year enrollment by plan.  
 7 You could see with the two new tiers we've  
 8 added, the employee and spouse, employee/child/  
 9 children, we have a number of people that are in that  
 10 space. And all those folks are more paying a more  
 11 equitable share for health insurance and they're  
 12 paying less than they were paying before, so a really  
 13 good result for those folks.  
 14 This is just a quick slide on tobacco use.  
 15 I mentioned it earlier. We have nine tobacco users  
 16 here who are paying \$5,400 more per year into the plan  
 17 because of their desire to stay as a tobacco user.  
 18 Overall, this is pretty interesting. Pre-  
 19 renewal, the City was spending almost \$760,000 on  
 20 benefits. Post-renewal, the City is spending \$750,000  
 21 on benefits, so we're actually spending \$10,000 less  
 22 than we did last year.  
 23 Any questions?  
 24 ---  
 25 (No response)

1 ---  
 2 MR. BRYANT: Healthcare reform, we're all  
 3 trying to think through this, especially employers who  
 4 have 50 or more full-time employees, and I wanted just  
 5 to go through it quickly with you to sort of eliminate  
 6 the angst that you might be having about what the cost  
 7 of healthcare reform might be to the City.  
 8 Let's actually go to the next slide if you  
 9 don't mind, Melissa.  
 10 So there are new benchmarks and rules around  
 11 how healthcare reform is going to be delivered and  
 12 what -- what employers must observe, and here they  
 13 are.  
 14 You have to offer health insurance. This is  
 15 effective January 1st, 2014, by the way. You have to  
 16 offer insurance to employees who work 30 hours or  
 17 more. You have to offer them acceptable health  
 18 coverage, which is 60 percent actuarial value or  
 19 greater. The City exceeds that now by a fair margin.  
 20 You have to offer affordable employee  
 21 coverage, so, and that's defined by healthcare reform  
 22 as not more than 9-1/2 of an individual's household  
 23 income. The City meets that measure, too, so we can  
 24 check that box.  
 25 And what most people don't understand is the

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1 new healthcare form rules allow people to go to  
 2 exchanges, and when they go to exchanges, they're  
 3 going to be looking at programs that are a function of  
 4 their federal poverty line. Excuse me. The federal  
 5 poverty line forms the basis for what they might pay  
 6 when they get to the exchange. Just for example, 100  
 7 percent of federal poverty today is \$11,170, but for  
 8 every dependent you add to the plan, it's \$3,900. So  
 9 you can quickly get up to \$20,000 family of four for  
 10 federal poverty.  
 11 And if you're at the exchange, you will  
 12 receive a subsidy and you'll receive better benefits  
 13 if you qualify. The issue for the City if someone  
 14 were to go to the exchange would be that we would  
 15 incur -- the City would incur a \$3,000 penalty for  
 16 every employee that went to the exchange.  
 17 So a lot of employers are thinking, well, I  
 18 want to make sure that I have a plan that meets or  
 19 exceeds healthcare reform guidelines so I don't have  
 20 to pay a \$3,000 penalty. And the way that exchange is  
 21 set up or the decision tree that we put together to  
 22 make sure someone can't get to the exchange, so to  
 23 speak, is demonstrated here or illustrated here.  
 24 Are you employed? Of course all of your  
 25 employees are employed, so we check that box and we

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1 move to the next box.  
2 Do you have access to acceptable coverage?  
3 And that's the 60 percent actuarial value or greater.  
4 And everyone -- or all of our plans are 60 percent or  
5 greater actuarial value.  
6 And do you have access to affordable  
7 coverage? And again, affordable coverage is 9-1/2  
8 percent of one's household income. So our low cost  
9 plan option here means that I think our number is  
10 four-and-a-half percent for our lowest paid employee  
11 as a function of his household income. It's around 4  
12 percent, but it's nowhere near 9-1/2 percent.  
13 So we don't run the risk yet of having  
14 someone go to the exchange and having us incur a  
15 \$3,000 penalty, so we are compliant as it stands  
16 today. I assume we're going to stay that way without  
17 any, you know, big change in the way we deliver  
18 benefits here, and we won't be incurring a \$3,000  
19 penalty.  
20 I talked about exchanges a minute ago.  
21 That's the slide that you just looked over, the  
22 federal poverty line.  
23 But what we did, and we had a brief meeting  
24 with the Mayor about the different ideas that I've  
25 discussed, for example, the 30 hours. Right now, the

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1 City of Doraville covers all full-time employees  
2 working more than 31 hours. That's going to go down  
3 to 30 hours. So we need to be cognizant of that as we  
4 work through healthcare reform, right?  
5 Do you recall how many people were in that  
6 30 to 31 hour?  
7 MELISSA: I don't think it's many.  
8 MR. BRYANT: What I've noticed some of our  
9 clients doing, both public and private, is that they  
10 have changed their job descriptions to move someone  
11 from 31, 32, 33 hours down to 25 hours. In fact,  
12 you'll hear a lot about this probably over the next  
13 few months.  
14 In fact, Applebee's I noticed just had a  
15 national article came out about Applebee's where  
16 they're going to ask their employees to work less than  
17 30 hours so they don't have to comply with healthcare  
18 reform.  
19 Secondly, 90 days is the new benchmark for  
20 when someone can be eligible for the plan, but you  
21 guys exceed that by a wide margin. One of the  
22 outcomes that we believe is appropriate to deal with  
23 healthcare reform is to consider conducting a  
24 dependent audit.  
25 Are you familiar with dependent audits?

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1 That's when you look at the number of dependents on  
2 your plan. You look at the definition of dependent  
3 for your plans, and across the country, somewhere  
4 between 4 and 8 percent of dependents that are on  
5 plans actually shouldn't be on plans. And so we go  
6 through an adjudication of, you know, are you an  
7 eligible dependent on the plan?  
8 We've done it for a number of cities  
9 locally, and it would be I guess a forward-leaning  
10 idea that Melissa and I support, and so that's a  
11 recommendation. And we talked to the Mayor briefly  
12 about conducting that and I'm sure we'll talk about  
13 that some more.  
14 I guess you can go to the next page.  
15 I talked about actuarial value being 60  
16 percent as the minimum. Our plans are 80, 88 and 78,  
17 so we're well above actuarial value for what  
18 healthcare reform requires.  
19 And lastly, the exchanges are going to be  
20 set up with tobacco user surcharges, so we believe  
21 that it makes sense to have a tobacco user difference  
22 in the plans, and you guys did that this year. Y'all  
23 implemented this new tobacco surcharge.  
24 So I guess overall we are on the right track  
25 for, you know, meeting all the new rules, provision

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1 for healthcare reform.  
2 I think the only sort of open item for us,  
3 the main open item for us is do we conduct a dependent  
4 audit? And we need to recalibrate our plans to  
5 accommodate 30 hours, which I assume we'll do that  
6 maybe next July, although we actually have until  
7 1/1/14 to make that change.  
8 And I guess lastly it depends maybe a little  
9 bit on the election, but we actually think it might  
10 not depend too much on the election because we think  
11 that whomever's -- well, I guess if, you know, one  
12 side wins, they talk about maybe repealing healthcare  
13 reform, but we think it's going to be harder than the  
14 way it's positioned in the media to repeal healthcare  
15 reform.  
16 Okay. I went through a lot of material  
17 there pretty quickly. Any questions?  
18 MAYOR PITTMAN: Council, questions?  
19 Ms. Alexander?  
20 COUNCILMEMBER ALEXANDER: <sup>I was reviewing</sup>  
21 your 2012/2013 planning service schedule. When would  
22 be an opportune time for you to do a dependent audit?  
23 MR. BRYANT: We can do it contemporaneously  
24 with the renewal or we can do it prior to renewal. So  
25 Q1 would be a really good time to do it right at the

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1 first of the year. It takes about three months to do  
2 it.  
3 Just so you know, the way that process works  
4 is it's a third-party vendor and they're going to send  
5 out an attestation form to anybody who has dependents  
6 here, and those employees are going to have to prove  
7 to our third-party vendor that those dependents are  
8 eligible.  
9 And I think prior to doing that, too, we  
10 definitely want to message it correctly because I've  
11 seen it where people get their feelings hurt in the  
12 process, so we need to make sure that we do it in a  
13 professional way.  
14 MAYOR PITTMAN: Mr. Bates? Ms. Pachuta?  
15 COUNCILMEMBER PACHUTA: Yeah. I think that  
16 would be a good idea for the first of the year. It's  
17 probably been quite awhile, especially because we had  
18 domestic -- we have a domestic partner benefit and  
19 everything, and it's been awhile since probably anyone  
20 looked at the dependents to make --  
21 MR. BRYANT: Page 26.  
22 COUNCILMEMBER PACHUTA: And I know that it's  
23 changed, too, how long you keep your child, if they're  
24 in school, staying as a dependent. I know that's one  
25 area that's used a lot.

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1 MR. BRYANT: It's a good stewardship idea.  
2 MAYOR PITTMAN: Mr. Patrick?  
3 COUNCILMEMBER PATRICK: No.  
4 MAYOR PITTMAN: Ms. Dean?  
5 COUNCILMEMBER DEAN: Oh, I just have one.  
6 What is the current hour requirement for eligibility,  
7 do you know?  
8 MR. BRYANT: Great question. 31 hours.  
9 COUNCILMEMBER DEAN: Okay. All right.  
10 MR. BRYANT: So we're really, really close.  
11 COUNCILMEMBER DEAN: Right, right. Okay.  
12 MR. BRYANT: Thank you-all.  
13 MAYOR PITTMAN: Mr. Bryant, thank you very  
14 much. We appreciate everything.  
15 COUNCILMEMBER FLEMING: Thank you very much.  
16 MAYOR PITTMAN: Melissa, thank you so much.  
17 Okay. Next on the agenda is the City  
18 Ordinance Property Maintenance Code. Chief?  
19 The Chief will explain this, but I've been  
20 asked by a couple of people so I do want to say for  
21 the record this does not mean that we're moving  
22 Quality of Life anywhere. They are staying where they  
23 are. This is something totally different, so I just  
24 wanted to get that on the record.  
25 Okay, Chief.

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1 CHIEF JOHN KING: Mayor, members of Council  
2 and residents, after consulting with the Planning  
3 Department and the Building Inspector, we discovered  
4 that the current Property Maintenance Code, the  
5 impression was is it precluded the Building Inspector  
6 from being able to declare a house, you know,  
7 nonhabitable.  
8 So we went to the City Attorneys so we could  
9 adjust the wording in this Property Maintenance Code  
10 to make it very clear that the Building Inspector has  
11 full authority to go and declare a home, a house or a  
12 structure not -- not -- you know, nonhabitable.  
13 Basically what our attempt is is to include  
14 the authority of the Building Inspector to be able to  
15 do his job and not us getting away with that.  
16 MAYOR PITTMAN: Ms. Alexander, any  
17 questions?  
18 COUNCILMEMBER ALEXANDER: No.  
19 MAYOR PITTMAN: Mr. Bates?  
20 COUNCILMEMBER BATES: No.  
21 MAYOR PITTMAN: Ms. Pachuta? Mr. Patrick?  
22 Ms. Fleming?  
23 COUNCILMEMBER FLEMING: No.  
24 COUNCILMEMBER DEAN: Since we're on this,  
25 because it would be, I think, kind of confusing to

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1 have two Quality of Life departments, how would  
2 everyone feel about changing the Quality of Life under  
3 the Police Department to Code Enforcement, which I  
4 think is more applicable to what they --  
5 CHIEF KING: Ma'am, we could call them --  
6 I'm not in love with the name. I mean, to me, it's --  
7 The name originated as to be able to maintain, you  
8 know, or improve the Quality of Life, and by looking  
9 at that unit as a precursor for us to be able to --  
10 basically using the broken-windows theory of going and  
11 looking at properties who have become derelict and  
12 being able to change it.  
13 But ma'am, as long as you adjust the budget  
14 so we can change the letters on the cars, we will do  
15 whatever -- we'll call it whatever the Council wishes  
16 to call it.  
17 MAYOR PITTMAN: All right, so we --  
18 COUNCILMEMBER PACHUTA: Yeah. I think at  
19 this point it's written so much throughout the Code,  
20 that just logistically I don't know that that's really  
21 where we should concentrate our energy just having to  
22 change it everywhere in the Code and everything else.  
23 But unfortunately, I hate that we have to  
24 make this change, because there were concerns. I mean  
25 the structures that weren't necessarily just merely

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1 Quality of Life that needed a building inspector to  
2 inspect. And I don't now why the confusion came about  
3 that he felt like he couldn't condemn property.  
4 CHIEF KING: I rather enjoy signing the big  
5 red placards in the case of our derelict buildings, so  
6 I -- it's a lot of fun.  
7 MAYOR PITTMAN: So do we need a motion, I  
8 guess, to --  
9 COUNCILMEMBER ALEXANDER: Motion to approve  
10 the ordinance changing the Code Section 103.1 to  
11 include the wording as presented in the revised  
12 ordinance dated October 11, 2012.  
13 COUNCILMEMBER PACHUTA: Second.  
14 MAYOR PITTMAN: Discussion?  
15 COUNCILMEMBER DEAN: Just to be clear, the  
16 Quality of Life is the Quality of Life. Quality of  
17 Life is still under the Police Department, right? And  
18 the Building --  
19 CHIEF KING: Absolutely.  
20 COUNCILMEMBER DEAN: -- Inspector is --  
21 CHIEF KING: There has been no change.  
22 COUNCILMEMBER DEAN: Okay.  
23 CHIEF KING: All the changes is to help, you  
24 know, the Building Inspector being able to go and  
25 condemn a house if he sees fit. That is the only

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1 intent of this change.  
2 COUNCILMEMBER DEAN: Okay.  
3 MAYOR PITTMAN: Call the roll, please.  
4 CLERK BRYANT: Councilmember Alexander?  
5 COUNCILMEMBER ALEXANDER: Yes.  
6 CLERK BRYANT: Councilmember Bates?  
7 COUNCILMEMBER BATES: Yes.  
8 CLERK BRYANT: Councilmember Dean?  
9 COUNCILMEMBER DEAN: Yes.  
10 CLERK BRYANT: Councilmember Fleming?  
11 COUNCILMEMBER FLEMING: Yes.  
12 CLERK BRYANT: Councilmember Pachuta?  
13 COUNCILMEMBER PACHUTA: Yes.  
14 CLERK BRYANT: Councilmember Patrick?  
15 COUNCILMEMBER PATRICK: Yes.  
16 MAYOR PITTMAN: Thank you.  
17 Thank you, Chief.  
18 Next on the agenda is our Finance Director  
19 who's going to do Second Read on the Ordinance to  
20 Revise the 2013 Adopted Budget.  
21 MS. LISA FERGUSON: The only thing that we  
22 have changed is to take the education out for the City  
23 Council. The \$600.00 for the Planning Commission is  
24 still there and --  
25 UNIDENTIFIED SPEAKER: We can't hear back

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1 here.  
2 MS. FERGUSON: The only thing that we have  
3 changed is to take the \$10,000 out for the City  
4 Council training. The \$600.00 for the Planning  
5 Commission is still there.  
6 And you had asked that I get some  
7 information on upgrading the InterGov software, and  
8 according to the IT Department, they are doing a  
9 software upgrade now. It will not expand the software  
10 any but it will get it up to speed to where they're on  
11 a more current version.  
12 I also talked to Chris Wragg who is the I.T.  
13 Department, and he says that the upgraded expanded  
14 software, we don't have the bandwidth on our network  
15 to deal with that right now, so we really need to get  
16 the network and telephone system upgraded before we  
17 head down that road.  
18 I do have the information on the pricing for  
19 that software. There's a licensing fee of \$3,000 per  
20 user. We would need five users for a total of  
21 \$15,000, or there is an online version that would cost  
22 us about \$9,000 per year with probably \$5,000 worth of  
23 training. But I really think that we're looking at  
24 next spring or early summer before we can  
25 realistically look at doing that.

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1 MAYOR PITTMAN: I know that there was some  
2 Council members that said that they wanted to pay for  
3 their training if they chose to do that. I do have  
4 some Council members that did want to attend training  
5 especially next year.  
6 Is there any way to put just a little bit  
7 for those that might want to receive that training?  
8 COUNCILMEMBER FLEMING: Well, we have the  
9 option of taking it out of the contingency as I had  
10 before.  
11 What I heard from the Council last time was  
12 that we wanted to take it out, so I took it out. But  
13 we can add back however much you think is appropriate.  
14 COUNCILMEMBER PACHUTA: The training for  
15 Robert will require --  
16 MS. FERGUSON: The training for Robert is  
17 still there.  
18 COUNCILMEMBER PACHUTA: Okay. Now,  
19 personally, I thought we were going to leave training  
20 in for Ms. Dean and Mr. Patrick because they have not  
21 had any before.  
22 COUNCILMEMBER DEAN: I went to the required  
23 course in February.  
24 But I do think that Council should have more  
25 training because it's education.

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1 COUNCILMEMBER PACHUTA: And I'll pay for my  
2 own. But I know especially Mayor's Day if some  
3 Council members want to attend.  
4 MS. FERGUSON: Well, all I need to know at  
5 this point is how you want to change the budget.  
6 COUNCILMEMBER PACHUTA: What was the Mayor's  
7 Day fee again? Do you have that?  
8 MS. FERGUSON: I don't think I have that  
9 with me.  
10 COUNCILMEMBER ALEXANDER: It's \$400.00 per  
11 person.  
12 MS. FERGUSON: I think it was about \$400.00  
13 per person, yeah.  
14 MAYOR PITTMAN: I know that some people  
15 didn't want to attend the convention, some Council  
16 members.  
17 COUNCILMEMBER PACHUTA: Right now, I'm  
18 inclined to include the two new Council members for  
19 Mayor's Day to take the class --  
20 MS. FERGUSON: So you're saying --  
21 COUNCILMEMBER PACHUTA: -- adding in \$1,000.  
22 COUNCILMEMBER PATRICK: For Mayor's Day,  
23 I'll offer to pay that myself as opposed to take it  
24 from reserves.  
25 COUNCILMEMBER DEAN: I think there was a

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1 vote, actually, the last, wasn't there? Didn't we  
2 vote not to --  
3 MAYOR PITTMAN: To just --  
4 COUNCILMEMBER DEAN: -- add? Just to --  
5 MAYOR PITTMAN: Just for Robert.  
6 COUNCILMEMBER DEAN: -- add his required?  
7 MS. FERGUSON: So what I need to know now is  
8 do you want to add \$500 for Trudy or what do you want  
9 to do?  
10 COUNCILMEMBER DEAN: I'll go with the group.  
11 I mean if I -- I'm not going to be the only one taking  
12 the City's money, although I think I would vote that  
13 we all do it because I think it is so important. But  
14 I'm not going to be the only one to take taxpayers'  
15 money to educate myself.  
16 MS. FERGUSON: Okay. So, then, I guess we  
17 need a vote to approve the ordinance as it is.  
18 COUNCILMEMBER DEAN: Well, there's another  
19 discussion, and I feel compelled to say this because I  
20 received so many e-mails suggesting the Mayor decrease  
21 her salary from \$70,000 to \$50,000, and so that's my  
22 obligation.  
23 Would you like to comment, Mayor?  
24 MAYOR PITTMAN: No.  
25 When the time comes and I am no longer the

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1 full-time Mayor, I will be a part-time Mayor, or even  
2 when the duties are reduced, then I think that Council  
3 will act appropriately and it will go into the  
4 legislation to review and include the changing of the  
5 structure.  
6 COUNCILMEMBER DEAN: Okay. And that's  
7 something we -- We do need to change the Charter,  
8 right?  
9 MAYOR PITTMAN: Absolutely, and we're  
10 working on that. Cecil and Legal was putting that  
11 together and hopefully soon we'll be able to get that  
12 out.  
13 COUNCILMEMBER DEAN: Okay.  
14 MAYOR PITTMAN: And do I get a motion to  
15 approve?  
16 COUNCILMEMBER BATES: So moved.  
17 MAYOR PITTMAN: Second?  
18 COUNCILMEMBER ALEXANDER: 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: No.  
7 CLERK BRYANT: Councilmember Pachuta?  
8 COUNCILMEMBER PACHUTA: Yes.  
9 CLERK BRYANT: Councilmember Patrick?  
10 COUNCILMEMBER PATRICK: Yes.  
11 MAYOR PITTMAN: Thank you.  
12 Thank you, Lisa.  
13 MS. FERGUSON: Thank you.  
14 MAYOR PITTMAN: Okay. We've had a request  
15 for a two minute break so we're going to take a two  
16 minute break.  
17 ---  
18 (Brief recess)  
19 ---  
20 MAYOR PITTMAN: Okay. Next on the agenda is  
21 going to be -- This is not a public hearing, just for  
22 clarification. This is the text amendment to delete  
23 Section 14-12 Wall and Awning Signs to correct the  
24 conflicts.  
25 MR. JOE COOLEY: Good evening, Mayor and

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1 Council.  
2 You're correct. This -- the public hearing  
3 was held at the last meeting and closed. There were  
4 some additional comments by Council, one in particular  
5 by Councilman Jones Dean about putting a cap also on  
6 top of for the square footage, not just the 10  
7 percent. But just in case there was this huge wall,  
8 it wouldn't be 10 percent, it could be 500 square feet  
9 or whatever the case may be.  
10 What I did is I went back and looked through  
11 the City, measured some of the signs, looked at the  
12 applications that we had, tried to find the largest  
13 ones. Probably the best example was the Burlington  
14 sign. It's probably about the largest. It is roughly  
15 200, I think, and 46 square feet, something like that.  
16 Also reviewed codes to find out what kind of  
17 the standard was around the area, and surprisingly  
18 they jumped anywhere from being 70 square feet up to  
19 400 square feet and more towards the 400 square foot.  
20 That seemed a little bit large in my opinion  
21 so what I'm recommending is a 250 square foot maximum.  
22 So what that did is on item under Wall and Awning  
23 Signs,(f)(3), it changed the wording, and we added the  
24 words each "each tenant's building facade" because  
25 Council had a very good point, just to clarify that,

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1 and then saying, "or two hundred-fifty square feet,  
2 whichever is less."  
3 So basically the max that you will have will  
4 be 250 square foot which is the size of the existing  
5 Burlington sign. Everything else is the same.  
6 MAYOR PITTMAN: Questions from the Council?  
7 We'll start from this end this time. Ms. Dean?  
8 COUNCILMEMBER DEAN: Yes. I'm concerned  
9 because when we had the work session, we never  
10 completed the work session we had regarding the signs.  
11 We never finished it. We stopped because it was 9  
12 o'clock. There was a motion to extend the meeting,  
13 it was voted down and so it was to be continued.  
14 And I thought that the purpose of doing this  
15 was to look at the code as a whole so that we would be  
16 able to -- We seem to piecemeal a lot of things. And  
17 to prevent from doing that with the Sign Code because  
18 it is so important, I thought that the plan was to  
19 talk about it, have the work session, and we never  
20 completed even the first work session.  
21 MR. COOLEY: Actually, we did have a second  
22 work session that followed up on the one that closed  
23 at nine. We had the second one. I don't know if you  
24 were available that night or not, but we did have a  
25 second one. And we came down through that, and there

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1 were three items basically in the work session. Two  
2 were time related. One was this. I'm sorry. One was  
3 the LED signs. The other one was the -- and we'll  
4 have later tonight -- is the vacant property signs,  
5 and then this was also something that was a clean-up  
6 and it was going through the process at the same time.  
7 But you're absolutely right. I hate piece-  
8 mealing it. With the Smart Code and some of the  
9 things we're going to do, I'm trying to work on that.  
10 COUNCILMEMBER DEAN: Right.  
11 MR. COOLEY: I just have not had time --  
12 COUNCILMEMBER DEAN: I was at these  
13 meetings.  
14 MR. COOLEY: -- to begin on that.  
15 COUNCILMEMBER DEAN: I was there.  
16 MR. COOLEY: But you're right. That's the  
17 intent, and not just piecemeal one by one; go through,  
18 make sure it's all consistent. And we do have  
19 language from Council, that Council gave us, that is  
20 consistent, which would be constitutionally  
21 upholdable.  
22 Some of the things in ours now are  
23 questionable. It's just because of the change of case  
24 law over a matter of time.  
25 So what they presented to us basically will

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1 cover us, and then we'll be current with all the  
2 supreme court decisions as far as constitutionality of  
3 the thing.  
4 So working on it, but we do have three  
5 different pieces. Two are time sensitive.  
6 This one was an issue primarily because we  
7 keep getting sign requests in. And the way our code  
8 is written, everything that's been granted over the  
9 years is illegal, and it's important to clean that up  
10 so we don't keep doing that.  
11 COUNCILMEMBER DEAN: Was it this ordinance  
12 that Council voted to waive enforcement on part of?  
13 MR. COOLEY: No, ma'am.  
14 That is the occupa- -- or excuse me -- the  
15 vacant property one. That'll be later on the agenda  
16 tonight --  
17 COUNCILMEMBER DEAN: Okay.  
18 MR. COOLEY: -- under Old Business, I  
19 believe.  
20 COUNCILMEMBER DEAN: Okay. And with 250  
21 square feet, I still think that that seems very large.  
22 250 square feet for a sign?  
23 MR. COOLEY: Again, based upon what we had  
24 out there, I looked at different ones around. It's  
25 kind of surprising. It's really a function of how far

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1 back it is. It doesn't look bigger than some of the  
2 ones that are up closer. But ones that are 70 square  
3 feet, from the road, look about the same size as  
4 Burlington, but Burlington is so far back, you know.  
5 So unless you get into trying to set it --  
6 which we've done a little bit on the occupational --  
7 or excuse me -- on the vacant --  
8 COUNCILMEMBER DEAN: Distance from the road?  
9 MR. COOLEY: Yeah. Distance-from-the-road  
10 approach  
11 This was just a very clean way of cleaning  
12 up this ordinance and get what we got and then  
13 hopefully we can address all this where it's not so  
14 scattered around.  
15 COUNCILMEMBER DEAN: Well, I like the  
16 distance-from-the-road approach on this as well,  
17 particularly if we're talking about 250 square feet.  
18 MR. COOLEY: Well, a lot of it's a function,  
19 too. I mean that's a maximum. It's 10 percent of the  
20 facade of the tenant space, so the majority of them  
21 are not going to be -- It's going to take something  
22 the size of Burlington to even get up to that size.  
23 I think what I gathered from this concern  
24 was -- and we talked about it a little bit -- was the  
25 idea of a very large warehouse, something in M

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1 whatever, you know, in one of these really, really  
2 large places. And if you let them have 10 percent,  
3 you know, what? say 5,000 square feet, you got a 500  
4 square foot sign, which is huge.  
5 COUNCILMEMBER DEAN: Right.  
6 MR. COOLEY: And I think that's what we were  
7 trying to eliminate.  
8 COUNCILMEMBER DEAN: Well, the other thing  
9 is if you have a 250 square foot sign and it's right  
10 up on the road, it's going to look really huge.  
11 And I think that like Buford Highway, it's  
12 just so cluttered with signs.  
13 MR. COOLEY: And that -- that's right,  
14 because, you know, that's a function also of the new  
15 design standards that we're talking about where it  
16 breaks up a facade, because one of the things that  
17 you're trying to do with commercial design standards  
18 is to break up that huge mass so it breaks it up so  
19 that, you know, again, starts to address it in that.  
20 I think you'll see that when we get into that.  
21 COUNCILMEMBER DEAN: Okay. That's it for  
22 me.  
23 MAYOR PITTMAN: Ms. Fleming?  
24 COUNCILMEMBER FLEMING: I have no questions.  
25 MAYOR PITTMAN: Mr. Patrick?

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1 COUNCILMEMBER PATRICK: Just a quick  
2 question, Joe. When you're calculating the 10 percent  
3 of the facade, you're taking obviously the width and  
4 the height of that structure.  
5 MR. COOLEY: But not including the roof.  
6 COUNCILMEMBER PATRICK: Not including the  
7 roof. Thank you.  
8 COUNCILMEMBER DEAN: Well, you're talking  
9 about the facade, right? Just the facade.  
10 MR. COOLEY: Exactly. But we've had it in  
11 the past where people have tried to include the roof  
12 as part of the percentage to get a bigger sign.  
13 MAYOR PITTMAN: Okay. Ms. Pachuta?  
14 Mr. Bates? Ms. Alexander?  
15 COUNCILMEMBER ALEXANDER: No questions.  
16 MAYOR PITTMAN: Need a motion to -- Do I get  
17 a motion?  
18 COUNCILMEMBER PACHUTA: I make a motion to  
19 approve the amendments to Section 14-12 (f) Wall and  
20 Awning Signs.  
21 COUNCILMEMBER PATRICK: Second.  
22 COUNCILMEMBER ALEXANDER: I guess to make  
23 sure it includes -- because we have two drafts for the  
24 same date, so we want to make sure we're approving the  
25 draft that has the size requirement.

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1 MR. COOLEY: Correct. That's the one that's  
2 the blue lines. But you're correct. It is dated the  
3 same. It's the one everyone was given tonight. There  
4 were some typos also.  
5 MAYOR PITTMAN: Discussion?  
6 - - -  
7 (No response)  
8 - - -  
9 MAYOR PITTMAN: Call the roll, please.  
10 CLERK BRYANT: Councilmember Alexander?  
11 COUNCILMEMBER ALEXANDER: Yes.  
12 CLERK BRYANT: Councilmember Bates?  
13 COUNCILMEMBER BATES: Yes.  
14 CLERK BRYANT: Councilmember Dean?  
15 COUNCILMEMBER DEAN: I would feel better  
16 with the distance from the road, so I will vote no.  
17 CLERK BRYANT: Councilmember Fleming?  
18 COUNCILMEMBER FLEMING: Yes.  
19 CLERK BRYANT: Councilmember Pachuta?  
20 COUNCILMEMBER PACHUTA: Yes.  
21 CLERK BRYANT: Councilmember Patrick?  
22 COUNCILMEMBER PATRICK: Yes.  
23 MAYOR PITTMAN: Okay. Thank you. Motion  
24 carries.  
25 Next on the agenda is the Rezoning of

1 Property and Conditional Use Permit at 2001 Clearview  
 2 Avenue. This is a public hearing, so we will hear  
 3 from Mr. Cooley, we will hear from Mr. Ney, and then  
 4 we'll hear from the Council and then we'll open the  
 5 public hearing.  
 6 MR. COOLEY: Just as a reminder, this is a  
 7 rezone of property and conditional use permit at 2001  
 8 Clearview Avenue. Just for the record, it's Parcels  
 9 18-311-21-001 and 18-311-21-002.  
 10 This was open -- the pubic hearing was  
 11 opened at the last meeting and continued. There are  
 12 two items here. You've got both a rezone and you've  
 13 got a conditional use permit.  
 14 The rezoning is a legislative while the  
 15 conditional use permit is quasijudicial. Sso if  
 16 there's any questions, quasijudicial as you know is  
 17 based upon the evidence, whereas legislative is not so  
 18 strict.  
 19 MAYOR PITTMAN: Two different?  
 20 ATTORNEY McLENDON: There are two actions.  
 21 One on the zoning case for the public hearing and then  
 22 one on the use permit with a public hearing on that as  
 23 well.  
 24 MR. COOLEY: And the correct order would be  
 25 the rezoning and the conditional use permit.

1 The applicant is here. There's been a  
 2 number of conditions that have been proposed and back  
 3 and forth a little bit, so I will turn it over to the  
 4 applicant at this point and be glad to answer any  
 5 questions.  
 6 MAYOR PITTMAN: Hello, Mr. Ney.  
 7 MR. NEY: Thank you. Could we have just a  
 8 moment, please, just to organize our material and  
 9 bring it to the -- bring it up --  
 10 MAYOR PITTMAN: Sure.  
 11 ATTORNEY JAMES NEY: -- Mayor, if we could,  
 12 please. Thank you very much. Thank you for your  
 13 valuable time.  
 14 I want to make sure everyone can see it both  
 15 in the audience and from the Council's point of view.  
 16 MAYOR PITTMAN: I thought -- We did not do  
 17 any public hearings on this last time?  
 18 UNIDENTIFIED SPEAKER: Yes, we did.  
 19 MAYOR PITTMAN: I thought we did one.  
 20 MR. COOLEY: And it was one -- my  
 21 understanding I got with Sandra regarding that, and it  
 22 was continued because there was no point in going  
 23 forward any more. I don't know if you closed the  
 24 public hearing or not, but it was no use -- the point  
 25 was there was no vote required because it was so tied

1 together that y'all wanted to handle it all at this  
 2 meeting.  
 3 I thought that the public hearing had not  
 4 been closed.  
 5 ATTORNEY McLENDON: And that's my mistake, I  
 6 apologize, because I did not recall we went through a  
 7 public hearing on this. I thought we had gotten  
 8 through the presentation. But if we've taken the  
 9 public hearing on the zoning action --  
 10 MAYOR PITTMAN: I believe we did one on the  
 11 conditional use.  
 12 COUNCILMEMBER PACHUTA: I think the issue  
 13 was we wanted to see the updated feasibility report.  
 14 They have an updated 2011. That's why we continued to  
 15 this meeting to give counsel time to provide it.  
 16 ATTORNEY McLENDON: I'm sorry, guys. I  
 17 apologize.  
 18 MAYOR PITTMAN: So we're just doing one  
 19 public hearing, correct? Correct? The one on the  
 20 conditional use permit. So we will do just one public  
 21 hearing. The rezoning public hearing I believe was  
 22 done last time, so tonight we will be doing the  
 23 conditional use permit public hearing only. Is that  
 24 correct?  
 25 MR. COOLEY: Right, but there was -- they

1 are finishing the presentation --  
 2 MAYOR PITTMAN: Right.  
 3 MR. COOLEY: -- and y'all --  
 4 MAYOR PITTMAN: Correct. Okay. Thank you.  
 5 ATTORNEY NEY: Ms. Mayor, my material  
 6 probably will address both. I hope you don't mind.  
 7 But fronts remain with the conditional use permit if  
 8 you will.  
 9 Mayor and Council, I'm Jim Ney and I'm here  
 10 this evening representing the application in this  
 11 matter that was deferred on October 1st by this fine  
 12 body, and I appreciate your doing so.  
 13 We would propose this evening to do the  
 14 following things: To simply respond to several  
 15 previously raised issues because we want to make sure  
 16 we're trying to respond to each issue that we heard  
 17 and to reiterate several key points.  
 18 In doing so, we're seeking the same as we  
 19 were before: the downzoning from C-2 to O&I for this  
 20 large tract of land and also seeking a conditional use  
 21 permit for an assisted living facility. This will  
 22 enable us to build an attractive and wholesome  
 23 assisted living facility to replace what is a  
 24 completely failed hotel.  
 25 And I won't go into that and the massive

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1 debt that I did before, but I will try to paint you a  
2 clear picture of exactly where it is.  
3       It's far better to have this facility as an  
4 assisted living facility than to have a closed  
5 building that's encircled by a fence, and we  
6 desperately want to try to stop that from happening as  
7 a matter of fact.  
8       We manage some 15 other successful hotels.  
9 This is the only one that has failed. We have a great  
10 road record, we're doing very well, but we need your  
11 help in regard to this specific site if you would.  
12       I will not repeat all the details, as I said  
13 to you in regard to our financial trauma but I do want  
14 to say the hotel is losing impossible amounts of  
15 money. I have those financial statements, I have  
16 those income tax returns to show that we're losing  
17 approximately a million dollars a year in two of the  
18 last three years and \$685,000 in the third year. So  
19 we're just awash with absolutely getting destroyed.  
20       The occupancy rate is fatally low. It's  
21 absolutely out of sight. It ranges between 11 and 14  
22 percent and we need it to range in about the 65  
23 percent in order to break even.  
24       We have tried solution after solution, and  
25 nothing seems to help. We're in desperate shape and

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1 we're running out of alternatives to look at.  
2       We have supplied you with a copy of our most  
3 recent market feasibility study which is dated  
4 December 4th, 2011. It gives you a number of  
5 conclusions, but probably the most general one and the  
6 one I want us to focus on, it clearly indicates and  
7 concludes that there's ample demand for the creation  
8 of a retirement community in Doraville. This is the  
9 response to that feasibility request. It's clear,  
10 it's ample, and most of the people who would occupy  
11 this facility would come from the five-mile radius  
12 right around where this site is which would encompass  
13 most of Doraville, if you would.  
14       Let me pass up if I might, please, and have  
15 them pass up to you letters dated September 28th, 2012  
16 and October 5th, 2012. You've already seen the letter  
17 of the 28th. I won't go back through it. It contains  
18 some eight conditions which we went over in fairly  
19 significant terms the other time and previously  
20 reviewed.  
21       The letter of October 5th is a letter that  
22 agrees to install a four-foot wide sidewalk all along  
23 Clearview Avenue. One of the Councilpersons asked us  
24 to do so. We thought about it, and we think it's in  
25 the best interests of everybody involved to do so.

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1       These two condition letters are absolutely  
2 essential to the restriction and governing of this  
3 particular rezoning and the conditional use permit.  
4 Please be sure that we include these sets of  
5 conditions along with any approval of this request  
6 that is achieved.  
7       Your fine Planning staff undertook an  
8 absolutely in-depth analysis of the requests that were  
9 being made. They studied them, they studied the  
10 surrounding areas with particular focus upon the  
11 commercial redevelopment corridor and the highway  
12 corridor -- commercial corridor in which the property  
13 is located, and concluded several things: It's  
14 needed, it is permitted, it's flexible and meets the  
15 standards that these areas already provide for.  
16       Certainly this six-page analysis clearly  
17 addresses all the key issues and comes down very  
18 favorably recommending in each and every instance the  
19 favorable passage of this matter.  
20       Also you'll find the Planning Commission  
21 voted after hearing about a one-and-a-half hour  
22 hearing 4 and 0 in favor of the request and added  
23 three additional conditions. We're happy to comply  
24 with the conditions which they are requesting.  
25       One of the most exciting features of what

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1 we're doing in building this assisted living facility  
2 will be a very large number of new employment  
3 opportunities will be created. It's a significant  
4 benefit to your fine city, and we're delighted to  
5 bring it about.  
6       There will be between five and seven times  
7 as many employees hired that are presently employed at  
8 this facility right now. There will be perhaps as  
9 many as a hundred employees altogether when you take  
10 into consideration the three shifts and the part-time  
11 employees that will have to come in and take care of  
12 our patients from time to time and our guests from  
13 time to time. These employees will make a good deal  
14 higher salary because they're experienced, they're  
15 seasoned, they have to be trained more than hotel  
16 personnel do. In essence, it will be a dynamic plus  
17 for Doraville and we're delighted to bring that about.  
18       Let us pass up to you now, please, two items  
19 in series. The first item is a chart that shows you  
20 an example of the management structure and the role of  
21 the management company in an assisted living facility.  
22 I'd like to simply take you through that very quickly,  
23 and we'll have some for the audience as well so that  
24 they won't be left out.  
25       This is a very simple picture and it's an

1 example, but it's an example that will follow  
2 generally the one we will follow.

3 As you see at the top of the page, there's  
4 the owner. The owner owns the building and facility  
5 in which it's to be located. He will enter into or it  
6 will enter into a contract with a management company.

7 That management company manages these  
8 facilities all over the country. They're seasoned,  
9 they're veterans; they do this with a great degree of  
10 skill and expertise. They're skilled in training,  
11 skilled in hiring and in managing professionals for  
12 the facility.

13 In turn, if you follow the chart down the  
14 page, they will in turn bring about the assisted  
15 living facility and the people who will be moving into  
16 our facility if you would.

17 If you move over to the right, you will see  
18 that we clearly want you to understand this will be a  
19 first-rate facility, private-pay customers.

20 It will not be subsidized in any way. It is  
21 not Section 8, it is not rental in any sense whatso-  
22 ever. There will be a HUD guaranty but that is the  
23 only relationship we have. It is not in any sense  
24 subsidized.

25 Now, while we've not entered into a contract

1 I didn't want to overbear you with that, but  
2 I wanted to give you a good, clear picture of  
3 exactly -- and I hope a picture that simplified the  
4 management structure.

5 Now let me pass up to you a second chart, if  
6 I might, please. And again, I do this to help explain  
7 my failings last time. I want to make sure I'm doing  
8 it clearly.

9 This is an example of the loan process, and  
10 in this -- I'll let you each one get a copy before  
11 you, please -- Again, an example. It's not the final  
12 form, if you would, but it's an example of what's to  
13 take place. When everybody has one, I will begin.

14 Again, in the left-hand side, you have the  
15 owner, and it shows the manager relationship just as  
16 we've talked about in outline.

17 We will be seeking funds for the renovation  
18 and repair of this facility. We will be doing so,  
19 normally takes about 90 days or about three months to  
20 do so. It will be a conventional loan from a bank  
21 that you are probably familiar with. It will be a  
22 Bank America, a Wells Fargo, you name the bank. It  
23 needs to be someone who is fairly large in order to  
24 accommodate this kind of complex thinking, if you  
25 would.

1 with a management company at this point, we intend to  
2 do so and we're considering and conferring with two  
3 companies. I gave Mr. Patrick the name Bristol Court  
4 company, and in fact it's also known as the Liberty  
5 Group out of St. Petersburg, Florida. They are the  
6 people who we are primarily talking to. By the same  
7 token, we are talking to Senior Solutions, if you  
8 will, out of Suwanee, Georgia, and both of those  
9 people are in the running to become our manager, if  
10 you will.

11 Now, we will contract with a seasoned  
12 professional management company. They will carry out  
13 the day-to-day functions. And I want you to then  
14 focus you back up to the some seven characteristics  
15 that are set forth besides the management company.  
16 They manage the day-to-day operation. They have  
17 expertise in assisted living facilities. They will  
18 consult with the architect so that we make sure that  
19 we're building a facility that fits the need of the  
20 people who are going to live there.

21 By that same token, it sets admission  
22 guidelines so that we don't take on people who have  
23 too great a needs or too small a needs. They are  
24 people who fit our categories very nicely. We are  
25 making great strides to make sure that's done.

1 In turn, we would make that loan with the  
2 clear understanding that it would be followed by a HUD  
3 guaranty, guaranty alone. Our real lender is in fact  
4 the first-rate bank that would be lending the money on  
5 a bank loan, if you would.

6 Normally because of the technical  
7 requirements required by HUD, it would take about 16  
8 to 18 months to obtain that HUD guaranty. That HUD  
9 guaranty would then -- when it's in place, we would be  
10 ready to move forward. And that's about the time we  
11 would be pulling our building permit with the City of  
12 Doraville and making our conversion over to an  
13 assisted living facility.

14 Three or four things that I would like to  
15 call to your attention. This is not subsidized  
16 housing, it's not poor rental housing, it's not  
17 Section 8 housing. It's full-pay occupancy at a  
18 first-rate facility. It contemplates perhaps as much  
19 as 21 to 26 months to get this job done.

20 We cannot apply for the HUD loan until you  
21 have the zoning in place. It's an absolute lock-out.  
22 We can't do anything but have the zoning in order to  
23 get it, and the HUD is only a guaranty.

24 Now, someone asked awhile ago why we're  
25 asking for the 36 months. Because, as you can see

1 from this picture, it's going to take us  
2 approximately, oh, 21 to 26 months to get our  
3 financing in place. There's no way to expedite that  
4 any more, and we're asking for a little bit of extra  
5 period of time, and that was why we're doing so,  
6 Are there any questions that I could respond  
7 to in regard to the loan process?  
8 COUNCILMEMBER DEAN: I have a question.  
9 ATTORNEY NEY: Yes.  
10 COUNCILMEMBER DEAN: You asked for a delay  
11 almost a year ago for this same reason: to give you  
12 time to get your financing together. So in all,  
13 you're asking for four years to get the financing  
14 approved.  
15 ATTORNEY NEY: Let me say what slowed us  
16 down last time, as I mentioned this to you on other  
17 occasions, I had three -- I didn't -- we had three  
18 management companies in line that we were interviewing  
19 and were looking at. We had a different architect.  
20 We became unhappy with our management  
21 companies particularly and let each of them go,  
22 brought in an entirely different team, if you would.  
23 Brought in a group of architects who specialize in  
24 this area, came in with a new construction consultant,  
25 Mr. John Brice -- and I have John with me this evening

1 as a matter off fact -- so that we would be able to do  
2 this with care, grace and appropriateness if you  
3 would, Mrs. Dean, and that's what we have done.  
4 Now, I grant you it took us that six-month  
5 period to do that. But we hope the drawings and  
6 materials we have here this evening and some of the  
7 things I hope I will suggest to you will reflect that  
8 we've done a good job of bringing those about.  
9 COUNCILMEMBER DEAN: Okay. With the  
10 management team, do you mean the management team that  
11 will actually manage the facility, the assisted living  
12 facility? And if that's the case --  
13 Is that the case?  
14 ATTORNEY NEY: The management company will  
15 actually manage the facility, that is correct.  
16 COUNCILMEMBER DEAN: And so is this the  
17 management company that you had to fire during that  
18 time?  
19 ATTORNEY NEY: We never had signed one up.  
20 We were talking to three of them, Mrs. Dean. We never  
21 hired any one of the three. We got -- we just learned  
22 that we were not satisfied with any of the three and  
23 their accomplishments, which put us back to looking  
24 again.  
25 COUNCILMEMBER DEAN: And you still have not

1 signed on anyone; right?  
2 ATTORNEY NEY: We have not, but we're in the  
3 process of interviewing. I have related to one or  
4 more of you, our front runner is the group out of  
5 St. Petersburg, but we thought it would be nice to  
6 consider somebody for the local -- the Suwanee,  
7 Georgia, company as well, so they're in the  
8 consideration, Mrs. Dean.  
9 COUNCILMEMBER DEAN: So what's the  
10 difference now and then in terms of why do you now  
11 feel comfortable in pursuing this even though you  
12 still do not have a management company in place?  
13 ATTORNEY NEY: Sure. Let me say that your  
14 fine Planning Commission gave us a directive to do a  
15 certain number of things that they wanted us to do.  
16 They wanted us to reduce parking, create more green  
17 space, put in some walking areas, do some things that  
18 they thought were appropriate. That was a part of  
19 their conditions.  
20 We took some time and did those, hired a new  
21 architect who did it specifically, Mrs. Dean, so that  
22 we were responding to those issues that were raised.  
23 That's been done.  
24 And I won't go into great depth because I've  
25 been into a reasonable depth before, but I would be

1 glad to walk you through where the walks are, where  
2 the trails are.  
3 COUNCILMEMBER DEAN: That won't be  
4 necessary. Right. That won't be necessary.  
5 ATTORNEY NEY: But that's what we've done.  
6 And I won't go in great depth with you about what  
7 we've done to increase the green space, reduce the  
8 parking, reduce the activity if you will.  
9 As you can see from the --  
10 I don't want to cut you off. Is that --  
11 COUNCILMEMBER DEAN: That's okay.  
12 ATTORNEY NEY: Thank you.  
13 As you can see from our site plans and our  
14 renderings, this will be a first-class attractive  
15 facility. It will in no form be subsidized or have  
16 reduced rental in any sense, and that's a feature of  
17 one of the conditions that we put in to assure you  
18 that that won't be -- will not be the circumstance.  
19 We'll have more of an image of being an  
20 attractive resort type of facility, and our efforts  
21 are to make sure that it helps improve and appreciate  
22 the value not only of our product but of everybody  
23 around us. We'd like to improve the community at the  
24 same time and uplift the community.  
25 The assisted living facility will be held to

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1 rigorous standards and regulations as it will be  
2 supervised and frequently inspected by a Georgia  
3 agency of the State of Georgia. It will be the  
4 Georgia Department of Community Health, Healthcare  
5 Facility, Regulatory Division that will be  
6 professionally reviewed. It will be professionally  
7 planned, designed and operated.

8 But most importantly, we want to become a  
9 part of the community. We want to try to do some  
10 things that will draw us closer to the community and  
11 engage us more in the community and do things that  
12 will work with the community and help us to better --  
13 and I'll try to amplify a few more of those things in  
14 just a minute.

15 As we went down this track, we learned that  
16 the City of Doraville was seeking or at least  
17 considering the prospect of a senior adult community  
18 facility. We would like to explore the possibility of  
19 this facility serving as that role. That would save  
20 the city a great deal of money, and we think it would  
21 be the things that we could -- where we can offer some  
22 unique help in that regard.

23 In the single-story portion of this facility  
24 which we're showing to you this evening, the  
25 applicants have included the following facilities: a

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1 small theater, a community and private dining room,  
2 concierge desk and services so that we can take orders  
3 and let people travel around Doraville as they see  
4 fit; an informal bistro area, a barber/beauty shop, an  
5 arts room, a chapel and a seating parlor. All those  
6 are shown on our first floor diagram.

7 But the point I'm trying to make to you, we  
8 already have those facilities there. They will be  
9 dressed up as a feature of this refinancing, and we'd  
10 like to share them. And I'm not being -- I'm not  
11 being wholly giving to you. We would like to think  
12 that some of the people who visit our community will  
13 stay in our community ultimately, that they are  
14 ultimate clientele or customers. But in the meantime,  
15 we intend to try to make them feel comfortable.

16 Some of the things that we have talked about  
17 doing and propose doing is having a bingo night,  
18 having dances, having functions, having things that  
19 will bring members of the community in and closer to  
20 us and engage the community. We think it's an  
21 important quality to try to do this.

22 At the same time, we're not totally  
23 unselfish. We'd like to think that we are having  
24 people who are coming in and looking at our facility,  
25 getting comfortable with it and can think that they're

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1 in a better position to live in and enjoy being in an  
2 assisted living facility of this type. So we'll ask  
3 you to help us engage and be closer to the community  
4 if you will, please.

5 Also it is our intent to run a shuttle  
6 service. That shuttle service would leave from our  
7 facility; you sign up at the concierge desk. It would  
8 take our guests to any number of facilities all across  
9 Doraville -- to shop, to visit, take care of their  
10 personal needs all in Doraville, if you would.

11 We want to work with the community. We want  
12 to do everything we can to engage. We think that will  
13 help us succeed and we think it'll help the project  
14 succeed in every sense whatsoever.

15 A question has been raised about the size of  
16 the elevators -- and I don't want to skip over that,  
17 by any means -- particularly its capacity to handle  
18 stretchers, and I want to chat with you about that a  
19 bit. We have looked at it from any different numbers  
20 of issues but mostly have concluded -- and I want to  
21 give you the perfect answer if I can -- we will comply  
22 with all applicable codes, period. We will do  
23 everything that's necessary in order to be assured  
24 that we're in complete compliance with the code. If  
25 it means changing elevators, we'll do it; if it means

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1 not changing elevators, we won't do it. But I want  
2 you to understand we're going to follow the law in  
3 that regard.

4 We'll have an architect and a manager for  
5 our facility, the management company in place. They  
6 will be the ones designing and preparing for what's  
7 being done here. All of that will be carefully  
8 thought out and worked on if you will. Its design  
9 will be truly a perfect assurance nothing can escape  
10 any of us in that instance, if you will.

11 This will be a first-class, professionally  
12 operated full-pay facility that will beautify the  
13 area. It's not Section 8 subsidized or housing for  
14 the poor.

15 Let me call your attention if I can again to  
16 our site plan, particularly the one that shows the  
17 lovely buildings -- and they are mostly aimed at the  
18 audience but you've seen them before -- that shows the  
19 lovely buildings and particularly shows the monument  
20 sign when you enter and get near our facility. They  
21 are particularly attractive. We think they're just  
22 exceptional and will be a great addition to the  
23 community.

24 We've designed this to be attractive and  
25 helpful to the entire community. It has been designed

1 to add to the property values of the community rather  
2 than having a closed hotel. We'd give anything not to  
3 have a closed hotel, and we don't want to do that.  
4 We're trying to succeed and we're trying to succeed in  
5 a way that'll help you and us, if you will.

6 It involves a number of things: more open  
7 space, more greenery, less parking space and less  
8 activity. We are required to have 20 percent open  
9 space. We are providing 30.5 percent open space.

10 We're required to have approximately 160 trees and  
11 planting units -- and that's defined in a way that I  
12 can't define them for you, but they're units -- and in  
13 turn, we're providing almost 500 units, so we're  
14 vastly over-landscaped.

15 We're reducing the parking spaces from 258  
16 to 185. This is a reduction of some 73 parking  
17 spaces, and they've been particularly reduced around  
18 the building so that it helps the look and texture of  
19 the building itself.

20 This is a 230-room hotel. As someone raised  
21 in their comments, how can you possibly change it to a  
22 230-room facility? We are not. It will be reduced to  
23 120 assisted living units, if you will. Some of them  
24 will be duplicate or will be twins, but they will be  
25 all reduced.

1 by asking you to approve this matter, approve the  
2 zoning and the conditional use permit.

3 I know you have to consider them separately,  
4 but, please, it's imperative that be done with the  
5 zoning conditions of the 28th of September and of  
6 October 5th and along with the three conditions that  
7 you'll find the Planning Commission brought forward.

8 We are receptive to all of those conditions  
9 and would like to -- it's important that they govern  
10 and restrict what we're doing.

11 Thank you for your valuable time.

12 MAYOR PITTMAN: Mr. Ney, thank you for the  
13 information. I do appreciate you presenting that.

14 Respectfully, I don't have a vote but I do  
15 want to say you know how I feel. You and I have  
16 talked. And this is our only hotel, and I just really  
17 wish that there was some way that you could find to  
18 make -- I truly believe that this could be successful.

19 Today I received a letter from another hotel  
20 advertising Mayor's Day next year and inviting  
21 everyone to utilize that. And I don't know what  
22 marketing or marketing company --

23 You guys have done a wonderful job  
24 presenting this, and I just somehow wish that you  
25 would put all that effort into the marketing and

1 As I mentioned earlier, there'll be trails  
2 and walks that will go throughout the entire 5.4  
3 acres, but most importantly, there will be some five  
4 or seven times as many employees as we presently have  
5 employed at this facility right now.

6 We'll be doing much to reduce the activity,  
7 the parking and the cars in a first-rate, attractive  
8 professional manner that we think will be a great  
9 addition to the community.

10 We find ourselves in a very desperate  
11 position and we're spending great amounts of effort  
12 and energy to create a first-rate, attractive and  
13 successful assisted living facility. We're not trying  
14 to walk away. I think that's the easy answer. I  
15 think lots of our neighbors have walked away and left  
16 projects. I have listed those in a letter which I  
17 sent to you, and I don't want us to do that. We're  
18 not going to do that in any sense whatsoever.

19 We're trying to do something that will  
20 succeed and improve the area. We hope and think this  
21 will do so. Please help us move down this track and  
22 do something that makes logical and good sense, if you  
23 would.

24 I'm going to be available to answer any  
25 questions that you may have, but we would simply close

1 trying --

2 And I know you say you have, but I just  
3 really believe the location -- and I wish that you  
4 could put more effort into making this a wonderful  
5 hotel. It was at one time, and I truly believe that  
6 it could be again.

7 ATTORNEY NEY: We have done about -- we've  
8 tried over and over again alternative after alterna-  
9 tive, if you will, looking.

10 As you know I think probably as well as  
11 others, we have been under at least five brands or  
12 flags in the recent past -- Holiday Inn, Holiday Inn  
13 Express, Comfort Inn, Metro Hotel. Each of them had  
14 their own benefits by way of selling, by way of  
15 sponsoring, by way of bringing people to our hotel.

16 Each one has in series failed, and over the  
17 last two or three years, it's just been a dismal,  
18 dismal picture. We're losing about \$45,000 a month.  
19 We just can't continue that hemorrhaging. We've got  
20 to find a way to stop doing that, and we ask you to  
21 please help us in doing so.

22 MAYOR PITTMAN: Ms. Alexander?

23 COUNCILMEMBER ALEXANDER: On your September  
24 28th letter, on page two, condition number four,  
25 you're specific in attaching a name to the rezoning,

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1 and I just wondered, because there are already Silver  
2 Leaf assisted livings in the metro Atlanta area, and I  
3 wondered if you had checked with them before this name  
4 was selected. Are you going to be affiliated with  
5 them?  
6 ATTORNEY NEY: We're not going to be  
7 affiliated with them, but I think it's one that our  
8 previous architect that helped us, come up with, if  
9 you will, Mrs. Alexander.  
10 No, no. Let me say we're not trying to  
11 commit to a name right now for the facility. We're  
12 probably receptive to --  
13 I'm not sure that we shouldn't have a  
14 contest here in Doraville to name the facility and  
15 make it make sense, if you would.  
16 But no, we're not trying to commit to a --  
17 What I am trying to commit to in number four, if I can  
18 find my own site plan, we certainly are committing to  
19 and want you to know it is this site plan that we're  
20 agreeing to, we will comply with in every particular.  
21 Your Planning Commission asked for us to do so. We're  
22 committed; it's one of the conditions.  
23 COUNCILMEMBER ALEXANDER: *Okay. But you're*  
24 not tied to the name as --  
25 ATTORNEY NEY: We're not tied to the name.

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1 I have to tell you that.  
2 COUNCILMEMBER ALEXANDER: *Okay. The Senior*  
3 Solutions in Suwanee --  
4 ATTORNEY NEY: Yes.  
5 COUNCILMEMBER ALEXANDER: *-- what other*  
6 Atlanta area locations do they have?  
7 ATTORNEY NEY: I don't know. The ones, the  
8 folks from St. Petersburg, this will be the first one  
9 they're moving to Atlanta. But Senior Solutions has  
10 others in Atlanta. I don't know of them particularly.  
11 I'm not in charge of signing them up, Mrs. Alexander.  
12 They're a much broader base and have a number of other  
13 places here in Atlanta in hand.  
14 MAYOR PITTMAN: Mr. Bates?  
15 COUNCILMEMBER BATES: I reserve my  
16 questions.  
17 MAYOR PITTMAN: Ms. Pachuta?  
18 COUNCILMEMBER PACHUTA: *I don't have any.*  
19 MAYOR PITTMAN: Mr. Patrick?  
20 COUNCILMEMBER PATRICK: *Just so I'm clear on*  
21 the time frame, your intent is is if you get this  
22 approved tonight, that for the next 16 to 18 months  
23 you're going to be operating as a hotel?  
24 ATTORNEY NEY: We would operate as a hotel  
25 as a nonconforming use. That's exactly what we would

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1 try to do.  
2 And you say why we would do that? We will  
3 try to at least minimize the number -- or the losses  
4 that we were suffering.  
5 MAYOR PITTMAN: Can we move these, please?  
6 ATTORNEY NEY: Yes, please.  
7 MAYOR PITTMAN: Thank you.  
8 COUNCILMEMBER PATRICK: *And your intent in*  
9 that time frame is not to do any construction to --  
10 ATTORNEY NEY: We won't be able to get a  
11 building permit because we won't have the loan,  
12 Mr. Patrick. Simply will not have it.  
13 COUNCILMEMBER PATRICK: *And you're saying*  
14 that whoever it is you're looking for financing from  
15 requires not just the correct zoning but also the  
16 conditional use permit in place?  
17 ATTORNEY NEY: Certainly they would require  
18 both because we're moving to an assisted living  
19 facility. Having the correct zoning wouldn't help us  
20 if we don't have the conditional use permit,  
21 Mr. Patrick.  
22 COUNCILMEMBER PATRICK: *Okay. That's it for*  
23 now.  
24 ATTORNEY NEY: Surely.  
25 MAYOR PITTMAN: Ms. Fleming?

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1 COUNCILMEMBER FLEMING: I believe I made  
2 myself perfectly clear at the last meeting, Mr. Ney.  
3 MAYOR PITTMAN: Ms. Dean?  
4 COUNCILMEMBER DEAN: I am still trying,  
5 because you have asked for a lot of conditions, and  
6 I'm not sure -- Cecil, maybe you can help -- and we  
7 talked a little bit about this.  
8 Okay. So there are no expressed or implied  
9 variances by way of the rezoning or conditional use  
10 actions?  
11 ATTORNEY McLENDON: *As to the variance, what*  
12 would happen is I think the intimation was that you  
13 would need a variance to continue operating. But in  
14 essence, the property would continue operating as a  
15 nonconforming use during that period.  
16 That's relatively common and how this would  
17 be handled. And they would be subject to the same  
18 nonconforming rules, which is if you cease and desist  
19 for over six months.  
20 COUNCILMEMBER DEAN: *Here's something, just*  
21 looking in the code. Here's an excerpt from our Code.  
22 Section 23-1605 Conditions to Rezoning. Okay.  
23 (Reading) If substantial progress as  
24 defined above has not been made within the 12-month  
25 period, then a material condition to the initial

1 approval of the rezoning shall be deemed to have  
2 failed. The approval shall be revoked and the zoning  
3 classification of the property shall revert to its  
4 original classification prior to the initial approval.

5 And it goes on. (Reading) After an  
6 applicant determined that substantial progress toward  
7 the development of the property cannot be made within  
8 the 12-month period, he may make written application  
9 to the City Council no later than 60 days before the  
10 expiration of the 12-month period.

11 It goes on and ends that (reading) the City  
12 Council, upon finding of just cause and substantial  
13 hardship to the applicant may extend the 12-month  
14 period for a period of time not to exceed six months.

15 ATTORNEY McLENDON: I will tell you that is  
16 a provision that is absolutely in our code. It's also  
17 actually a concept that's in one of the zoning  
18 conditions that I think we would probably need to look  
19 at, because it is I believe relatively well founded  
20 under the law that you cannot have a zoning action  
21 take place unless you have gone through the Zoning  
22 Procedures Act.

23 So to the extent our code says, if you  
24 haven't done this, it magically rezones itself back to  
25 something else, that is not okay, because the law is

1 clear: it must go through the steps of the Zoning  
2 Procedures Act.

3 So that code section, our Zoning Code also  
4 has a savings provision that says anything that is not  
5 appropriate is not enforceable. That is not an  
6 enforceable provision.

7 COUNCILMEMBER DEAN: All right. So this is  
8 scratched out, right? of the Code?

9 ATTORNEY McLENDON: I can see why somebody  
10 put that in, but once you have a zoning action it  
11 takes another zoning action to undo it.

12 I think that is a relatively conservative  
13 concept in zoning law.

14 COUNCILMEMBER PACHUTA: I have a quick  
15 question.

16 Currently, the operation is a nonconforming  
17 use; is that correct?

18 ATTORNEY NEY: It is indeed.

19 COUNCILMEMBER PACHUTA: Okay. So even  
20 though they're rezoning by their choice, the  
21 nonconforming use continues; is that correct?

22 ATTORNEY McLENDON: That is correct. That  
23 is correct, that is correct. This gives a property  
24 right to continue the business.

25 ATTORNEY NEY: We could not expand it.

1 Mr. McLendon is right. We couldn't expand it, we  
2 couldn't -- There are a number of things. We can't  
3 change it, expand it, etc. But our intent would be to  
4 try to hobble along and not -- lose as little money as  
5 we can as we prepare ourselves to move to an assisted  
6 living facility.

7 COUNCILMEMBER BATES: Why is it  
8 nonconforming?

9 ATTORNEY McLENDON: Right now? No use  
10 permit. It requires a use permit if you are going to  
11 bring it into existence today.

12 COUNCILMEMBER BATES: Got it. Thank you.

13 MAYOR PITTMAN: You said you were going to  
14 remain a hotel during this transition?

15 ATTORNEY NEY: Yes.

16 MAYOR PITTMAN: So what happens if all of a  
17 sudden you become very successful with the hotel?

18 ATTORNEY NEY: Let me stop and say we still  
19 think the assisted living facility is far, far better  
20 than the hotel operation, of far more value to both  
21 our community, to us and everything that we're  
22 thinking in terms of. And I'm sorry. We think it --  
23 It's not something where we're wavering about what we  
24 want to do. It's a -- it's a determination.

25 Let me give you the answer to the other side

1 of that. If for some reason we can't get the HUD  
2 loan, we have no choice but to continue trying to  
3 operate in some format. Probably we'll have to close  
4 down if that's the circumstance. But our energy  
5 is to try to hobble through for the period of time,  
6 that 26-month period, Mayor, that's outlined in that  
7 loan process.

8 MAYOR PITTMAN: So if you don't get the  
9 loan, you're saying you're going to close down?

10 ATTORNEY NEY: I don't want to say we're  
11 going to commit to anything. But there's a very great  
12 -- If we don't get the loan or if we don't get the  
13 zoning, there's a pretty good chance we're going to  
14 have to close down.

15 I'm sorry. I'm not saying that as a threat.  
16 Wait. Who do we know that's losing \$45,000 a month  
17 and staying in business? It's just not doable.

18 COUNCILMEMBER DEAN: I have a couple more  
19 things.

20 So the condition that you will have it for  
21 three years -- you're asking for these three years --  
22 Cecil -- so if they do not get the funding, then it  
23 will revert back to -- to a hotel, and that's not --  
24 that doesn't exist either because we would have to  
25 then go through the process of changing it back;

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1 right?

2 ATTORNEY McLENDON: Let's talk about that,

3 because Joe and I had discussed this concept when it

4 came up, and I hate to say this on the fly, but --

5 And this is referring to the condition in

6 your letter, Mr. Ney, where it talks about in three

7 years it would revert back automatically.

8 And I believe what we probably need to do is

9 modify that condition to say that they would not

10 object either -- They would either initiate rezoning

11 or would not object to a City-initiated rezoning to

12 return it, and I think that would be --

13 ATTORNEY NEY: And we would not. The answer

14 is we are trying to be as cooperative as we possibly

15 can be. We would not object to such.

16 ATTORNEY McLENDON: So I think we could take

17 that condition and still keep the intent in place and

18 just change it around a little bit to make it

19 something that would work, because if they commit to

20 their conditions, that they would make no objection to

21 the City-initiated rezoning, they would not at that

22 time be able to come in and say, no, how dare you? you

23 know.

24 ATTORNEY NEY: The concept is perfectly

25 workable from our perspective. It gets us roughly to

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1 the same spot.

2 We're simply trying to make sure we are

3 given time to get our HUD guaranty in time, Mrs. Dean.

4 COUNCILMEMBER DEAN: Well, here's the other

5 concern. I received a number of phone calls and

6 e-mails about this variance or this CUP, rezoning, and

7 the biggest concern seems to be the quality of care

8 that the management company will provide to its

9 patients.

10 And so as a result, I did some research on

11 my own to find out. And I've asked you what kind of

12 healthcare professionals you will have, and you said

13 paramedical professionals. And I asked whether LPNs

14 or RPNs, because you said nurse-type staff, and you

15 weren't sure.

16 Well, I called the facility, and they have a

17 lot of CNAs. They said they have CNAs. And CNAs are

18 certified nursing assistants, and that takes about 17

19 days for that certification. So that could be a

20 concern. And the lead director in that program is an

21 LPN, which is a nurse that has a two-year degree. And

22 so that -- that might be, especially in terms of

23 talking about dementia patients, that doesn't seem

24 very professional in terms of the care they will need.

25 ATTORNEY NEY: Let me try to answer in two

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1 different directions if I can, Mrs. Dean.

2 For the regular floor -- floors -- and there

3 will be three regular floors -- we think that the

4 nursing care needs to be skilled but not super-

5 skilled. Is that a terrible thing for me to tell you?

6 We need to be able to help people carry on

7 some of their day-to-day lives, their functions, their

8 activities, if you would, but we don't need to be

9 giving them extraordinary care and attention. It will

10 be more like senior housing.

11 And unfortunately, I've got to go ahead and

12 conclude. If people become more ill, more out of the

13 ability to take care of themselves, we've simply got

14 to ask them to move to a nursing home. We think it's

15 just not what we aim to do.

16 Secondly, the classification for dementia

17 care. While we don't intend to have any doctors on

18 hand, we certainly intend to have the appropriate care

19 level to take care of people who are suffering from

20 low dementia needs, if you would. It will be a

21 secured floor.

22 And someone raised with me today whether it

23 should be the fourth floor or the second floor.

24 That's still up in the air, and we'll let our

25 management company try to help direct us in that

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1 regard so we're doing it professionally.

2 But it will be -- certainly the dementia

3 care will be a great deal more care and attention, but

4 there will not be generally any physicians on hand.

5 Again, if we get to the level where our

6 dementia care is not able to handle someone other than

7 sort of directing them to their room and helping them

8 with their food, their bodily functions if you would,

9 we've got to start trying to help that person find

10 another location. We're simply not going to be

11 designed to take extraordinary and acute care of

12 people in our facility.

13 COUNCILMEMBER DEAN: Okay. And this -- and

14 this -- And first let me say this facility, this hotel

15 has done an excellent job in finding representation

16 because you guys have all done a fantastic job -- and

17 I take my hat off to you because this -- I have been

18 so torn with this whole thing, mostly because of the

19 presentations and the work that you guys have put into

20 presenting this. And I'm still trying to get to the

21 product and trying to make myself feel good about

22 that.

23 And this is my question, and excuse the

24 harshness or the seeming harshness of this.

25 ATTORNEY NEY: You go right ahead.

1 COUNCILMEMBER DEAN: But why would we say  
2 okay, they were not successful in operating a hotel,  
3 and even then, with management services available for  
4 hotels, why should we believe that in an assisted care  
5 facility they will have better luck?

6 ATTORNEY NEY: Let me give you -- These are  
7 clearly professional hotel people. They manage some  
8 15 -- successfully manage and own part of some 15  
9 additional hotels. Each and every one of them are  
10 operating successfully. This is our only failure, the  
11 one that we're talking in terms of and dealing with  
12 tonight.

13 Certainly we have an incredible road record.  
14 But for those, we would not be able to afford carrying  
15 this. Certainly, somebody's coming out of their  
16 pocket \$45,000 a month in order to carry it if you  
17 would. So it's important that we try to find an  
18 answer.

19 We have done some evaluations, we have  
20 gotten our marketing feasibility study in hand, but  
21 our evaluations mostly indicated that the value in  
22 this day and time, it's more in need, it's more in  
23 prime where people are using the facility more, and  
24 it's valued much greater. So we have the capacity  
25 with a capital contribution where you can borrow the

1 money to do what we need to do.  
2 If we were going to renovate a hotel, they  
3 would -- a bank would tell us no. Economically  
4 speaking, this is a stressful and difficult time for  
5 hotels. We would not be able to generally borrow any  
6 funds.

7 For an assisted living facility, the answer  
8 is, come right ahead, that's a great upswing in our  
9 economy, and yes, we would like to have you doing it.

10 How will we do it more successfully? We  
11 will be there operating and reviewing. But I do want  
12 you to understand the day-to-day operation will be  
13 under the control of a management company who is  
14 seasoned and does this all over the place.

15 We're obviously not going to hand it over to  
16 somebody who is not competent. We must hand it to  
17 someone who knows what they're doing, who has  
18 expertise, Mrs. Dean.

19 COUNCILMEMBER DEAN: Okay. And just out of  
20 curiosity, in doing that, is Prem Shah related to the  
21 owner?

22 ATTORNEY NEY: No, he's not.

23 COUNCILMEMBER DEAN: Okay. Just curious.

24 ATTORNEY NEY: He's not.

25 COUNCILMEMBER DEAN: Okay.

1 ATTORNEY NEY: And again, they may not be  
2 the prime choice as a matter of fact but they're at  
3 least under consideration.

4 COUNCILMEMBER DEAN: Well, that's just the  
5 concern that I'm hearing, and that was also one of my  
6 concerns, and that's -- you know, I --

7 ATTORNEY NEY: I appreciate your letting me  
8 try to respond to that. I hope that was a decent  
9 answer for that. Thank you.

10 MAYOR PITTMAN: And Mr. Ney, if I might take  
11 just a moment, it is fast approaching 9 o'clock, we  
12 have quite a bit of agenda left. I need to find out  
13 what the Council --

14 Obviously we're going to have to finish  
15 this, and I need to find out what the wishes of the  
16 Council. I do respectfully ask that the Council, if  
17 they hear nothing else other than public comments,  
18 that they hear under New Business Item C. I think  
19 that's very important that we hear that tonight before  
20 we leave.

21 But I'd like to hear what the wishes of the  
22 Council would be.

23 COUNCILMEMBER PACHUTA: For now, I only want  
24 to continue to the end of this topic and then  
25 reevaluate, find out what time it is at that point.

1 So I make that motion to continue currently  
2 to the end of this item and then reevaluate.

3 MAYOR PITTMAN: Okay. Do I get a second?

4 COUNCILMEMBER DEAN: Second.

5 MAYOR PITTMAN: Discussion?

6 COUNCILMEMBER FLEMING: Personally, I think  
7 we need to push on through it, all the way through.

8 COUNCILMEMBER DEAN: Finish everything?

9 COUNCILMEMBER FLEMING: Absolutely.

10 COUNCILMEMBER DEAN: I've had a --

11 COUNCILMEMBER PACHUTA: I don't know that I  
12 can stay that late this evening, so.

13 We've had some very poor meeting planning  
14 lately and not being able to get through, but it  
15 doesn't benefit us to stay late.

16 MAYOR PITTMAN: Well, I don't know what's  
17 poor about this plan, but it was a nice agenda, it was  
18 a long agenda, and again, I respectfully ask that if  
19 we hear nothing else, that we hear --

20 COUNCILMEMBER PACHUTA: That's not the  
21 most important --

22 MAYOR PITTMAN: -- Item (c).

23 COUNCILMEMBER PACHUTA: -- thing on the  
24 agenda.

25 MAYOR PITTMAN: It is not the most important

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1 thing, but I do feel that --  
 2 COUNCILMEMBER PACHUTA: The RFP --  
 3 MAYOR PITTMAN: Excuse me. Thank you. I  
 4 have a motion and I have a second.  
 5 Call the roll, please.  
 6 CLERK BRYANT: Councilmember Alexander?  
 7 COUNCILMEMBER ALEXANDER: Yes.  
 8 CLERK BRYANT: Councilmember Bates?  
 9 COUNCILMEMBER BATES: Yes.  
 10 CLERK BRYANT: Councilmember Dean?  
 11 COUNCILMEMBER DEAN: Yes.  
 12 CLERK BRYANT: Councilmember Fleming?  
 13 COUNCILMEMBER FLEMING: Yes.  
 14 CLERK BRYANT: Councilmember Pachuta?  
 15 COUNCILMEMBER PACHUTA: Yes.  
 16 CLERK BRYANT: Councilmember Patrick?  
 17 COUNCILMEMBER PATRICK: Yes.  
 18 MAYOR PITTMAN: Thank you.  
 19 Excuse me, Mr. Ney. Go ahead. Thank you.  
 20 ATTORNEY NEY: All right. Let me stop and  
 21 say I have given the portion that I would like to have  
 22 shared with you this evening. If there's anything  
 23 else you have by way of questions that I could respond  
 24 to, we'll be more than pleased to do so.  
 25 MAYOR PITTMAN: I believe, Mr. Bates, did

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1 you have something?  
 2 ATTORNEY NEY: Yes, of course.  
 3 COUNCILMEMBER BATES: No, I'm still in  
 4 reserve. Thank you.  
 5 MAYOR PITTMAN: Okay.  
 6 COUNCILMEMBER PACHUTA: And I do want --  
 7 MAYOR PITTMAN: Mr. Patrick?  
 8 COUNCILMEMBER PACHUTA: -- to clarify --  
 9 MAYOR PITTMAN: Excuse me just a minute.  
 10 Mr. Patrick?  
 11 COUNCILMEMBER PATRICK: Just a final  
 12 question on the construction process. Again, if you  
 13 get the loans within 18 months or whatever time frame  
 14 you get the loans, is your intent to operate the hotel  
 15 while under construction or stop the hotel functions  
 16 in order to do the renovations?  
 17 ATTORNEY NEY: We would continue to operate  
 18 the hotel function but we would never, never -- and I  
 19 want you to hear that word never -- operate both  
 20 functions in duplicate times.  
 21 We would like to -- we will start, we'll do  
 22 our construction, Mr. Robert, and we'll through our  
 23 construction alone, we will never occupy the assisted  
 24 living facility.  
 25 The sign-up time and enlistment time is

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1 usually a fairly long period of time, so we would be  
 2 trying to sign people up, Mr. Patrick, but I want you  
 3 to understand we will never operate -- have a dual  
 4 operation with a hotel and an assisted living. Never,  
 5 never going to do that.  
 6 COUNCILMEMBER BATES: But the -- I'm  
 7 remembering from the last meeting, the plan is -- if  
 8 approved and the financing goes through, to do it in a  
 9 phased program where you do the back side of the hotel  
 10 first, operating the -- renovate the back side of the  
 11 hotel first while you're continuing to operate the  
 12 front side of the hotel as the Comfort Inn or whatever  
 13 flag you happen to. And when you're done with the  
 14 back side of the hotel, make that conversion and then  
 15 renovate the front side of the hotel. That --  
 16 ATTORNEY NEY: But we will never occupy --  
 17 COUNCILMEMBER BATES: I understand that.  
 18 ATTORNEY NEY: -- the back side.  
 19 COUNCILMEMBER BATES: I'm just trying to get  
 20 a sense of --  
 21 ATTORNEY NEY: Oh, yes. Oh, no, no.  
 22 COUNCILMEMBER BATES: -- that it's a phased  
 23 construction?  
 24 ATTORNEY NEY: We want to be able to --  
 25 without harming the hotel operation to the least

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1 possible means, we will op --  
 2 And you're right. We will do probably floor  
 3 by floor or building by building, segment of building.  
 4 As a matter of fact, Mr. Bates, that's exactly what we  
 5 will do.  
 6 COUNCILMEMBER BATES: Okay. Thank you.  
 7 MAYOR PITTMAN: Ms. Pachuta?  
 8 COUNCILMEMBER PACHUTA: I just wanted to  
 9 clarify that Capital -- both Castlestone and Imperial  
 10 Investments donated \$1,500 to Ms. Pittman's campaign  
 11 last year.  
 12 ATTORNEY NEY: Let me -- let me clarify  
 13 that. I should have answered this the other evening  
 14 when someone raised it.  
 15 We made a political -- We didn't. The three  
 16 individuals made a political contribution that has  
 17 been disclosed from the inception. It's been in the  
 18 original application, Mr. -- I don't see it,  
 19 Mr. Cooley, but Mr. Cooley --  
 20 Oh, I beg your pardon -- can verify that  
 21 it's in there, the exact amount. We're in a state  
 22 where all you have to do is disclose the amount of  
 23 that gift. It was disclosed. It was given some time  
 24 in mid to late 2011. It's a long, long time ago, way  
 25 off the chart.

1 COUNCILMEMBER PACHUTA: Okay. I just wanted  
2 to clarify because it was not included in Ms.  
3 Pittman's reports to the State and in her campaign  
4 disclosures, so that \$3,000 is not --  
5 ATTORNEY NEY: It's only fifteen. It's only  
6 \$1500.  
7 COUNCILMEMBER PACHUTA: -- in her State  
8 ethics --  
9 ATTORNEY NEY: It's only \$1,500.  
10 COUNCILMEMBER DEAN: Well, here are two  
11 forms. It says \$3,000. \$1,500 from Imperial  
12 Investments and then \$1,500 from Castlestone.  
13 ATTORNEY NEY: I don't think that's correct.  
14 We have checked our books again today, as a matter of  
15 fact.  
16 COUNCILMEMBER PACHUTA: Okay.  
17 COUNCILMEMBER DEAN: Okay. All right. It  
18 says -- over here is where it says --  
19 - - -  
20 (Multiple speakers)  
21 - - -  
22 MAYOR PITTMAN: It was disclosed at one  
23 time, Ms. Pachuta, so I don't know. I will look at  
24 that again.  
25

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1 clarify, because I did not see it on those records.  
2 MAYOR PITTMAN: I certainly will.  
3 ATTORNEY NEY: Pardon me. Let me be  
4 defensive of the Mayor and say certainly everybody --  
5 each one of you has a right to receive and accept  
6 gifts that are made to people for your political  
7 purposes, and I want you to do so. It's perfectly  
8 legal and rightful, as a matter of fact. Disclose  
9 them once you've done it, but that's all you have to  
10 do.  
11 MAYOR PITTMAN: Thank you.  
12 ATTORNEY NEY: Any other questions?  
13 COUNCILMEMBER PACHUTA: No, sir.  
14 ATTORNEY NEY: We thank you for your very  
15 valuable time and we ask for your favorable vote,  
16 please. Thank you.  
17 MAYOR PITTMAN: So do we now open -- Or do  
18 we need a vote, I guess, because the second one will  
19 be irrelevant? What do we do?  
20 ATTORNEY McLENDON: Well, we completed the  
21 public hearing in the last meeting for the zoning  
22 action, because if we had closed that public hearing,  
23 this has come to the Mayor and Council for a decision.  
24 COUNCILMEMBER PACHUTA: And so could you  
25

1 conditions and how some of them applied to the zoning  
2 actions and then some applied to --  
3 MR. COOLEY: Correct. That was one thing I  
4 did want to point out again. Based upon the September  
5 28th letter where there are eight conditions plus the  
6 additional condition they agreed to regarding the  
7 four-foot sidewalk along Clearview Avenue.  
8 The way I see this -- and correct me if you  
9 think it should go differently, Cecil -- that some of  
10 them belong actually as part of the zoning and some  
11 belong as part of the conditional use permit.  
12 Conditions 1 and 2 of that list belong under  
13 the conditional use permit. So for the zoning, we've  
14 got Item 3, Item 4, Item 5, Item 6. Item 7, I would  
15 like to come back to that with some clarification on  
16 that. And then Item 9, which would be the four-foot  
17 sidewalk along Clearview Avenue.  
18 Number 7 is the one that Cecil was  
19 discussing, which actually it has constitutional  
20 issues and the Zoning Procedures Act.  
21 What we would suggest is -- what I would  
22 suggest -- and again, chime in on this if you like,  
23 Cecil -- to state number 7, (reading) In the event the  
24 property which is the subject of the rezoning  
25

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1 facility due to lack of financing, then and in the  
2 event the property which is the subject of this  
3 rezoning -- the rest of that is scratched saying to  
4 continue, the owner would either initiate rezonings,  
5 or not object to a City-initiated rezonings to one,  
6 return the property to the C-2 zoning, and, number  
7 two, to revoke the conditional use permit for an  
8 assisted living facility.  
9 ATTORNEY McLENDON: And Mr. Ney, is that --  
10 ATTORNEY NEY: We would find that  
11 satisfactory. My client indicates it's fine and it's  
12 well done.  
13 MAYOR PITTMAN: Okay.  
14 MR. COOLEY: Council, any other questions?  
15 COUNCILMEMBER ALEXANDER: Condition 8?  
16 MR. COOLEY: Condition 8's conditional use  
17 permit. Number 9 would be zoning.  
18 COUNCILMEMBER PACHUTA: The Planning  
19 Condition recommendation?  
20 MR. COOLEY: Planning recommendations were  
21 use only as a assisted living facility, reduction of  
22 the impervious surface and parking, and then landscape  
23 plan and preservation of the existing open space,  
24 primarily the nice large oaks and everything to be  
25

1 COUNCILMEMBER PACHUTA: So do we need to  
 2 incorporate those conditions into --  
 3 MR. COOLEY: They're incorporated in. They  
 4 actually incorporated that into their site plan, so  
 5 it's covered. The site plan reflects all that.  
 6 COUNCILMEMBER PACHUTA: Okay.  
 7 MAYOR PITTMAN: Any additional questions?  
 8 COUNCILMEMBER DEAN: With the assisted  
 9 living and senior housing facility, why did you have  
 10 to add "and senior housing facility?" because that  
 11 down here could be -- could be perceived as an  
 12 apartment kind of facility.  
 13 MR. COOLEY: I'm sorry, I'm not --  
 14 COUNCILMEMBER DEAN: I'm sorry. On 2, on  
 15 condition 2. You want the terms to be assisted living  
 16 and senior housing facility, although you will follow:  
 17 (Reading) It's expressly acknowledged that the  
 18 conditional use permit to be granted hereunder is for  
 19 an assisted living facility as spelled out in the  
 20 Doraville City Code. However, the federal government  
 21 has defined this facility as being an assisted living  
 22 and senior housing facility.  
 23 And so that's what you would like to be  
 24 called: assisted living and senior housing facility.  
 25

1 ATTORNEY NEY: Thank you. I will be  
 2 available.  
 3 MAYOR PITTMAN: Anything else from the  
 4 table? Ms. Alexander?  
 5 COUNCILMEMBER ALEXANDER: I'd like a five-  
 6 minute break before we make a motion, to research an  
 7 item.  
 8 MAYOR PITTMAN: Okay. Take a five-minute  
 9 break.  
 10 ---  
 11 (Brief recess)  
 12 ---  
 13 MAYOR PITTMAN: Meeting come back to order.  
 14 Mr. Cooley, anything you want to add?  
 15 MR. COOLEY: No, ma'am.  
 16 MAYOR PITTMAN: Ms. Alexander?  
 17 COUNCILMEMBER ALEXANDER: No.  
 18 COUNCILMEMBER BATES: No.  
 19 COUNCILMEMBER PACHUTA: No.  
 20 MAYOR PITTMAN: Well --  
 21 COUNCILMEMBER PACHUTA: I --  
 22 MAYOR PITTMAN: Go ahead.  
 23 COUNCILMEMBER PACHUTA: I was going to say I  
 24 know it's sometimes confusing for not just us, the  
 25 audience, that there's two portions. So the first

1 MR. COOLEY: Just want -- I'll let the  
 2 applicant do that, but --  
 3 ATTORNEY NEY: No, please. Go ahead and  
 4 answer.  
 5 MR. COOLEY: No, that's all right. I'll let  
 6 you have your input.  
 7 But that is something that really should be  
 8 addressed under the conditional use permit public  
 9 hearing and discussion.  
 10 That's not part of the zoning that we're  
 11 doing right now.  
 12 COUNCILMEMBER DEAN: Okay, okay.  
 13 MR. COOLEY: Go ahead.  
 14 ATTORNEY NEY: Mrs. Dean, may I answer your  
 15 question, please? Was that Mrs. --  
 16 COUNCILMEMBER DEAN: Well, that -- I think  
 17 that we -- It's the next hearing, right? That's when  
 18 it should be addressed?  
 19 MR. COOLEY: Yes.  
 20 ATTORNEY NEY: You do it where -- I'd like  
 21 you to do it whenever you're available --  
 22 COUNCILMEMBER DEAN: Okay.  
 23 ATTORNEY NEY: -- whenever you want to.  
 24 COUNCILMEMBER DEAN: The next time, we'll  
 25 do --

1 portion is whether the site is appropriate for Office  
 2 Industrial, to be zoned Office Industrial.  
 3 MR. COOLEY: Office Institutional.  
 4 COUNCILMEMBER PACHUTA: Office  
 5 Institutional. I'm sorry.  
 6 And I do want to point out that to the west  
 7 of the property is office -- O/I, going to the south  
 8 is O/I and to the east is M-1. So as far as rezoning  
 9 to Office Institutional at that location I think is  
 10 appropriate.  
 11 And then the conditional use for assisted  
 12 living is separate, which we'll open the public  
 13 hearing for that.  
 14 So to that portion as far as the zoning to  
 15 O/I, I'll go ahead and make the motion with the  
 16 conditions as specified on the letter of September 28,  
 17 2012, Numbers 3, 4, 5, 6, and 7 as amended by  
 18 Mr. Cooley's suggestions regarding rezoning in three  
 19 years as far as not objecting to City-initiated  
 20 rezoning.  
 21 And then also Condition Number 1, which is  
 22 the sidewalk as specified on the October 5th, 2012  
 23 letter.  
 24 MAYOR PITTMAN: Do I get a second?  
 25 COUNCILMEMBER BATES: Second.

1 MAYOR PITTMAN: Discussion?  
2 COUNCILMEMBER DEAN: I have a couple of  
3 concerns. The biggest is that I don't see it as being  
4 on our Comp Plan. I know that we have a need for an  
5 assisted living facility but not there.  
6 And the biggest -- my biggest concern is  
7 that I have heard from so many people opposed to this  
8 idea, and I am a representative, and their voice has  
9 said no across the board without exception, and that's  
10 -- that's my concern.  
11 If you guys have heard from anyone in favor  
12 of it, I -- I did not get those e-mails, but I think  
13 that that's important that we pay attention to that  
14 and also the management company. They asked for a  
15 delay because they had to fire the management company.  
16 I don't feel comfortable with the answer that was  
17 provided, because they still don't have a management  
18 company, and so I would think that they would want to  
19 come with us after they had a management company in  
20 place, bring the management company here, have the  
21 management company talk to talk to the people in the  
22 community, make the people in the community feel  
23 better about it, and then I would feel okay voting  
24 yes.  
25 MAYOR PITTMAN: Additional comments?

1 but I believe a --  
2 COUNCILMEMBER BATES: Well, hypothetically,  
3 if the motion to rezone the property to O&I passes and  
4 the CUP fails, then we really have a legal  
5 nonconforming.  
6 ATTORNEY McLENDON: But it is a legal  
7 nonconforming use. It continues --  
8 COUNCILMEMBER BATES: Right.  
9 ATTORNEY McLENDON: -- as long as the use  
10 continues, really the same as it is today without a  
11 use permit on the property.  
12 COUNCILMEMBER BATES: Thank you.  
13 MAYOR PITTMAN: Anything additional?  
14 ---  
15 (No response)  
16 ---  
17 MAYOR PITTMAN: Call the roll, please.  
18 CLERK BRYANT: Councilmember Alexander?  
19 COUNCILMEMBER ALEXANDER: Yes.  
20 CLERK BRYANT: Councilmember Bates?  
21 COUNCILMEMBER BATES: Yes.  
22 CLERK BRYANT: Councilmember Dean?  
23 COUNCILMEMBER DEAN: No.  
24 CLERK BRYANT: Councilmember Fleming?  
25 COUNCILMEMBER FLEMING: No.

1 COUNCILMEMBER BATES: I have a procedural  
2 question for Mr. Cooley, Mr. McLendon.  
3 If the zoning change passes but the  
4 conditional use does not, can we then immediately  
5 nullify the zoning change?  
6 ATTORNEY McLENDON: In the same meeting, you  
7 can do a motion to reconsider. As it applies to a  
8 zoning, I believe in the same meeting you can do a  
9 motion to reconsider as it applies to anything on the  
10 agenda, so I would tell you yes.  
11 COUNCILMEMBER FLEMING: I have a question to  
12 the response you just gave.  
13 I was under the impression, though I'm not  
14 contradicting you, that motion to reconsider was for  
15 the immediate consideration, so it would be the motion  
16 of accepting the conditional use, not of the rezoning  
17 to O&I.  
18 ATTORNEY McLENDON: Robert's Rules, not my  
19 favorite subject, but I will tell you that my under-  
20 standing of a motion to reconsider is if you were in  
21 the same meeting, you can reconsider a vote from that  
22 meeting but that's it. Once the meeting is gone, you  
23 have to bring it back by a different vehicle, but if  
24 it is in the same term of the meeting, it can be.  
25 So would you? I don't know if you would,

1 CLERK BRYANT: Councilmember Pachuta?  
2 COUNCILMEMBER PACHUTA: Yes.  
3 CLERK BRYANT: Councilmember Patrick?  
4 COUNCILMEMBER PATRICK: Yes.  
5 MAYOR PITTMAN: Motion carried.  
6 Okay. So now we move into the Conditional  
7 Use Permit.  
8 MR. COOLEY: This is a conditional use  
9 permit for property which would allow an assisted  
10 living facility, and beyond that, I don't need  
11 anything else. If y'all have questions --  
12 MAYOR PITTMAN: Have questions?  
13 MR. COOLEY: -- and then go into the public  
14 hearing or -- or --  
15 MAYOR PITTMAN: Well, let's see if the  
16 Council has anything. We'll come back to that, but  
17 let me ask them right off the bat if they have  
18 anything right now.  
19 Ms. Alexander?  
20 COUNCILMEMBER ALEXANDER: No, ma'am.  
21 MAYOR PITTMAN: Mr. Bates? Ms. Pachuta?  
22 COUNCILMEMBER PACHUTA: No.  
23 COUNCILMEMBER PATRICK: I do have one  
24 question to Trudy's question, which is a good  
25 question. Does the Comp Plan support this?

1 MR. COOLEY: Actually, it does. If you look  
2 at it, the Comp Plan, we got two things, we got the --  
3 it's within the Commercial Redevelopment Corridor,  
4 which is the CRC, of the Comprehensive Plan, and the  
5 LCI, and it's shown as a Highway Commercial Corridor  
6 in future development map. They're two things but  
7 they're interrelated.

8 The proposed use of -- it's recommendation  
9 under the RCR includes commercial, limited office,  
10 professional, public and institutional. So my under-  
11 standing of the definitions and the way it's laid out  
12 in the Comprehensive Plan, that it is an allowed use  
13 under the Comprehensive Plan.

14 In addition, it goes on to be -- and this is  
15 in the facts of -- history, facts and issue is it's  
16 supported by four of the housing policies as part of  
17 the Comp Plan. I won't read those unless you want  
18 them. But four of the specific policies do support  
19 the project.

20 MAYOR PITTMAN: Ms. Fleming?

21 COUNCILMEMBER FLEMING: I don't have any  
22 questions.

23 MAYOR PITTMAN: Ms. Dean?

24 COUNCILMEMBER DEAN: Huh-uh.

25 MAYOR PITTMAN: Okay. At this time, we're

1 that, so I hope we can find a way to get that done. I  
2 do hope we can find a way to get all -- and I know Ms.  
3 Pachuta was being very careful. And I want to make  
4 sure we get all the conditions carried forward because  
5 they're all pertinent. Many of them are very much in  
6 favor of the City, and a couple having --

7 Your intent is to carry every one of them  
8 forward?

9 COUNCILMEMBER PACHUTA: Yes.

10 ATTORNEY NEY: Thank you. That said, I  
11 believe I'll just pass at this point. Thank you for  
12 your valuable time.

13 MAYOR PITTMAN: Thank you, Mr. Ney.

14 Okay. Those wishing to speak against,  
15 please come forward. Those wishing to speak against,  
16 please come forward. If you're wanting to speak  
17 against, please line up; that would help.

18 MR. THOM ABBOTT: Tom Abbott, Northwoods  
19 again.

20 I think I can speak relatively informed on a  
21 subject like this. I have 20-plus years in hotel  
22 management. I no longer work in a hotel, but I've  
23 worked in hotels for 20-some years.

24 When a hotel loses a flag, it loses it for  
25 one reason. It's because of the condition of the

1 going to open the public hearing portion. It's going  
2 to be 10 minutes total, so if you speak for 10  
3 minutes, then no one else will get to speak.

4 If you wish to speak against, please -- No,  
5 Excuse me. If you wish to speak for, please come  
6 forward. If you wish to speak for, come forward.  
7 Anyone wishing to speak for?

8 ATTORNEY NEY: Madam Chairperson, I think we  
9 have spoken as much as we could in that regard. I  
10 don't want to take up your valuable evening as a  
11 matter of fact. If there are any questions, we'll be  
12 glad to respond but we deem -- I just hope we are  
13 taking --

14 MAYOR PITTMAN: This is actually the public  
15 hearing portion.

16 Can he speak during that?

17 ATTORNEY McLENDON: I think that if Mr. Ney,  
18 if he would like to present on the use permit it would  
19 be appropriate but it would not run the time of the  
20 public hearing.

21 ATTORNEY NEY: I'm not trying to take up  
22 anyone's. I beg your pardon.

23 All I wanted to do is to say in regard to  
24 the conditional use permit, the thing that is keynote  
25 here, once it's passed, it would be worthless without

1 property. It's because it no longer meets the  
2 standard, and that company no longer wants their flag  
3 associated with that building. So that's why this  
4 hotel has gone through numerous flags.

5 I have not been in there recently, but the  
6 last time I was in there, which was years ago, the  
7 condition of it was questionable. So if there's not  
8 been any type of renovations done to it, it's no  
9 wonder that they're losing money.

10 But that being said, if I'm running 15  
11 profitable hotels, I must be doing something right  
12 somewhere, so why can't I do it right here? There's  
13 far too many opportunities to make that building  
14 profitable. You've got a soccer field on the other  
15 side of the freeway over there with teams that are  
16 coming there. You've got a MARTA station here.

17 I'll give a quick example. There was a  
18 family murdered in Liberty City, which is a suburb of  
19 Miami -- it's very similar to Vine City, if any of you  
20 know where Vine City is here in Atlanta -- and they  
21 were murdered because they pulled off the freeway to  
22 sleep overnight and had no idea what kind of  
23 neighborhood they were in.

24 You can market this hotel in a very safe,  
25 central location. If you're coming to Atlanta to

1 conduct business, you're a salesperson, you can be  
2 here and be at the perimeter in five minutes; you can  
3 be downtown in 10 minutes. It has marketable  
4 opportunity if it's managed and run properly.

5 If it becomes a senior living facility and  
6 HUD is involved, there will be HUD stuff, and it'll be  
7 requirements that we're going to have to live with.  
8 It's just not right.

9 MS. SUSAN CRAWFORD: I agree, and I won't go  
10 back over what Thom just said, but I think some of  
11 your ideas are wonderful as far as marketing this  
12 place. I suggest that you apply them to the hotel,  
13 you know. We could do with a place to have dances and  
14 movies and all these nice things that you mention, and  
15 -- and maybe you could start out by putting a sign up  
16 that's visible so people actually know where the hotel  
17 is and that it even exists.

18 I remember when it was an Admiral Benbow,  
19 there was a huge sign, and the Holiday Inn was quite  
20 large as well.

21 But the bottom line is this is not what the  
22 community wants. You're representing the community.

23 MR. BEN CRAWFORD: Ben Crawford, Oakcliff  
24 Estates.

25 First of all, I'd like to point out if this

1 market this other than a place for sex club meetings,  
2 we might have more of a success story in Doraville for  
3 a hotel.

4 One of the top businesses you need to  
5 operate a successful city is a quality hotel/motel in  
6 the city. It's one of the key ingredients like a  
7 coffee shop. It's the building blocks of a city.

8 Using this valuable real estate on 285 to  
9 market a housing project is the same as putting  
10 housing project on the GM site facing 285. You're  
11 using valuable face time with consumers and end users  
12 with something that could be put off the highway, so  
13 to speak. So we've giving up a valuable piece of real  
14 estate.

15 It does not meet the Comp Plan, as one of  
16 the people that wrote that Comp Plan. Public housing  
17 along with the drug rehab facilities across the street  
18 are causing that neighborhood to be deprecated.  
19 Public housing along with the drug rehab center, and  
20 I'm in the adjacent neighborhood, which is Gordon  
21 Heights, the building is being used for a public  
22 housing warehouse without proper medical services or  
23 it's going to be a HUD apartment building.

24 The building should be brought up to current  
25 codes, electric, plumbing, elevators, et cetera, and I

1 is such a great business model, then why not go and  
2 get a conventional loan that you back with some of  
3 your other property or your own money, and then you  
4 could get the money in a hurry and then make it into  
5 something you wouldn't need this conditional use.

6 And also why not put the condition that they  
7 come back after 12 months and ask for an extension? I  
8 think that should be there, that they come back and  
9 show the progress they made.

10 The other thing you said, that it was a  
11 million dollars, million dollars, and I think -- and  
12 I'm not sure I'm quoting this right, but I thought you  
13 said \$289,000 was lost last year, now \$45,000 a month.  
14 But if there were -- I think you said 15 or 19 other  
15 hotels involved in the project, and if you take the  
16 45,000 bucks, let's just say there were 300, you know,  
17 hotel guests, that would be just an additional 5 bucks  
18 per person. So a kind of net loss here and you make  
19 it up over there.

20 But I'd like to see them take their own  
21 money -- and you know, I know they can say HUD doesn't  
22 mean anything, but it actually means my money. Thank  
23 you.

24 MR. TOM HART: Doraville, if it has nothing  
25 else, is location, location, location. If we try to

1 have seen no indication that's going to happen, and  
2 the Alzheimer's patients instead of being warehoused,  
3 would receive proper nursing care is questionable.

4 Again, the City's left without a motel or  
5 hotel or a convention site for the City, which is so  
6 important to the revitalization of the GM property.

7 A budget is negligibly affected by \$35,000  
8 plus, and why aren't we using that \$35,000 of hotel/  
9 motel tax along with Dekalb County to market this  
10 hotel? That's what that money is for, not to spend it  
11 on the City's budget.

12 This high visibility site sees 600,000-plus  
13 cars a day passing 285 at Buford Highway. Why would  
14 you use that for a common piece of housing? It's so  
15 important to this city and its future.

16 It's going to impact the local neighborhood  
17 that's already suffering from the rehab center and the  
18 jail site that's across the street that shouldn't be  
19 there. It's going to be a noise problem with  
20 ambulance and emergency vehicles coming and going on  
21 the site. There is no undue hardship on this piece of  
22 property that won't be undue hardship to the  
23 surrounding area.

24 The variance from the Code will not be in  
25 harmony with the existing residential neighborhood and

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1 has potential to be injurious to the neighborhood and  
 2 the general welfare of the surrounding community.  
 3 The variance of the property is conferring  
 4 rights of a multiple uses time to this individual  
 5 where the property owners do not enjoy those rights.  
 6 This is not equal protection of the law.  
 7 There are -- Okay. Thank you.  
 8 MS. GENTRY: I'd like to say something,  
 9 please. Maybe I misunderstood something. I thought I  
 10 asked the question the first time I was up here. Is  
 11 this going to be a public housing project? Has  
 12 anybody else heard that?  
 13 COUNCILMEMBER PACHUTA: It is not.  
 14 MS. GENTRY: It is not. It will not.  
 15 You don't know the Georgia Code --  
 16 MAYOR PITTMAN: Excuse me. Sh, sh.  
 17 MS. GENTRY: -- for, you don't know the  
 18 codes of inspections that will be done by the  
 19 Department of Human Resources, JCAHO OSHA. This is  
 20 not going to be a mud trap that's going to be built.  
 21 It is a living facility for elderly people, and who  
 22 knows? I may be there. We may have a lot of us there  
 23 whether you believe it or not. You know, I'm not in  
 24 good health right now and I'm a single person.  
 25 MAYOR PITTMAN: I'm sorry, Ms. Gentry, are

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1 you speaking against?  
 2 MS. GENTRY: I'm speaking for it.  
 3 MAYOR PITTMAN: Okay, because I --  
 4 MS. GENTRY: If you haven't called for it,  
 5 I'll wait till you call for it.  
 6 MAYOR PITTMAN: Okay. Thank you.  
 7 Okay. At this time, we're going to close  
 8 the public hearing portion, bring it back up to the  
 9 Council for additional questions if you have any.  
 10 COUNCILMEMBER BATES: I do for Mr. Ney.  
 11 ATTORNEY NEY: Yes, Mr. Bates.  
 12 COUNCILMEMBER BATES: Ms. Dean raised a  
 13 question, and I want to use your example of management  
 14 structure handout that --  
 15 ATTORNEY NEY: Please.  
 16 COUNCILMEMBER BATES: -- you provided to us.  
 17 ATTORNEY NEY: Go ahead. It is an example  
 18 but I want you to be able to use it.  
 19 COUNCILMEMBER BATES: Sure. Under the  
 20 Management Company Section, Number 3, it says  
 21 (reading) the management company will consult with  
 22 architects in the planning for all features of the  
 23 assisted living facility.  
 24 ATTORNEY NEY: Yes.  
 25 COUNCILMEMBER BATES: We've got draft floor

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1 plans.  
 2 ATTORNEY NEY: And I meant that would be  
 3 internal in nature. Certainly we're not asking our  
 4 management company to design the exterior of our  
 5 building and tell us how much landscaping we need.  
 6 COUNCILMEMBER BATES: But we've got floor  
 7 plans.  
 8 ATTORNEY NEY: We are showing -- those are  
 9 only tentative. We are not committing to the floor  
 10 plans, Mr. Bates.  
 11 COUNCILMEMBER BATES: So I'm just trying to  
 12 get a handle on process because I think that the  
 13 question that Ms. Dean asked was fair in why not have  
 14 a management firm secured and help them as part of the  
 15 presentation team versus the process that we're going  
 16 through now?  
 17 ATTORNEY NEY: It might have been helpful,  
 18 more helpful to do that. Let me admit that to you,  
 19 number one. But number two, it's not an absolutely  
 20 essential ingredient. That is having to do with the  
 21 interior operation of our facility.  
 22 What we're trying to do is to rezone a piece  
 23 of property where the exterior considerations are  
 24 much, much more important. Is it more attractive? Is  
 25 it well done? Will it fit and mesh with the community

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1 if you will? And indeed it will and does if you  
 2 would.  
 3 So yes. And we didn't intentionally do it.  
 4 I want you to understand that. It was merely a  
 5 program of we wanted to have -- comply with what the  
 6 Planning Commission had asked us to do: reduce the  
 7 green -- increase the green space, reduce the parking,  
 8 provide additional trees, and we have done each and  
 9 every one of those things trying to do so in the site  
 10 plan I believe that is right here to my right as a  
 11 matter of fact. We've done that.  
 12 Now, why didn't we do it? Perhaps we should  
 13 have in some respect, but we didn't think it was  
 14 absolutely essential because that has to do more with  
 15 the interior design. And certainly, as Mrs. Dean  
 16 said, when we get down to the time of planning our  
 17 elevators, we will have our management company  
 18 consulting with our architect, putting that together.  
 19 Unfortunately, we are probably 90 days away from that  
 20 being the case, though, Mr. Bates.  
 21 COUNCILMEMBER BATES: This has been an  
 22 incredible deliberation. The e-mails that we have  
 23 received have been very clear in their general  
 24 opposition. The individual conversations that I have  
 25 had have been very clear in their support.

1 The feasibility study is very clear that  
2 this is a viable product.

3 ATTORNEY NEY: Yes.

4 COUNCILMEMBER BATES: That property, to me  
5 it's very clear that it should and needs to remain a  
6 hotel for the long-term benefit of the city.

7 This is by far in four years, the worst,  
8 most difficult decision that I have had to make.

9 ATTORNEY NEY: I am going to try to make it  
10 a little easier, and I don't mean this, by any way,  
11 to -- You are undertaking considerations of the value  
12 to the city when in fact we're to consider zoning  
13 considerations. Does the property deserve to be and  
14 is it right to be rezoned in this instance? If it  
15 deserves to be and meets the criteria for rezoning, I  
16 think it needs to be rezoned.

17 COUNCILMEMBER BATES: We've already  
18 addressed that. We're now in the conditional use.

19 ATTORNEY NEY: All right. I think the same  
20 thing is equally true because we all knew when we  
21 rezoned it that it was to be used as an assisted  
22 living facility.

23 I'm not trying to be harsh. Just wanted to  
24 say certainly we have -- and I want to be fully  
25 cooperative. We've looked into any number of in-depth

1 cohorts are on this. I think I have a general sense  
2 of where they are.

3 I'm still -- I'm still working on it.

4 COUNCILMEMBER FLEMING: Mr. Ney, I got very  
5 heated just a moment ago when you spoke to Mr. Bates  
6 and said our responsibility is to just look at the use  
7 of the land. And, sir -- don't interrupt me -- that  
8 is not just our responsibility.

9 Our responsibility is to indeed look at the  
10 vision for our city and see what is the best thing for  
11 our city whether it be an assisted living or a hotel  
12 or a garbage dump for that matter. We cannot go in  
13 with blinders on and just say, okay, an assisted  
14 living can go there. I mean is that truly what is  
15 best for the city for that piece of property? And so  
16 I took offense to your remark to Mr. Bates.

17 ATTORNEY NEY: Please. I apologize. I did  
18 not mean to offend you in any way in that regard.

19 COUNCILMEMBER FLEMING: So we have a greater  
20 responsibility other than just looking at a piece of  
21 land and saying that's the best use for it.

22 COUNCILMEMBER PACHUTA: I've received  
23 e-mails and phone calls from both sides, and it's very  
24 hard for the public to understand, you know, the  
25 zoning is legislative, the conditional use permit is

1 features of this facility which probably don't have  
2 very much to do with the zoning itself. But we are  
3 happy to do so because we want you to be fully  
4 convinced and understand what's going on, and we're  
5 happy to try to provide you with all the information  
6 we can.

7 But from a sheer zoning perspective, is this  
8 the best use and is this use appropriate and does it  
9 fit within the Highway Commercial Corridor and does it  
10 follow what the Planning staff recommendation says,  
11 Mr. Bates?

12 COUNCILMEMBER BATES: Sure, and I understand  
13 and appreciate all that.

14 We have a responsibility not just for the  
15 short term but the long term of the city and take into  
16 consideration what may be down the road versus what is  
17 down the road and what's in front of us today.

18 With the pending, hopefully, redevelopment  
19 of GM, there is going to absolutely be a need for  
20 hotel property, and will it be on the property, will  
21 it be off the property? Is that five years down the  
22 road? Is it 10 years down the road? You know, nobody  
23 knows.

24 What I can tell you is that this is a very  
25 challenging decision for me, and I don't know where my

1 quasijudicial.

2 In the public's eyes, that's all merged. So  
3 you know, your e-mails, your phone calls don't  
4 separate the two probably like they should, but that's  
5 just, you know, the nature of, you know, a lot of  
6 people not understanding, you know, zoning law.

7 But I received, you know, comments on both  
8 sides or a lot of comments from people who weren't  
9 sure. I do know that some of our planning documents  
10 that we don't have any assisted living facility and we  
11 do have a significant senior population, and even in  
12 that -- this campaign, that was an issue: you know,  
13 we need more senior -- either senior living or even  
14 senior activity.

15 So it has been very mixed. I think it would  
16 be a good asset to the community. I think there's a  
17 lot of misinformation out there about is it going to  
18 be subsidized, things like that. But based in the  
19 same kind of a quasijudicial on the information that  
20 I've received, that's what I, you know, need to base  
21 it on, so. I mean I'm in favor.

22 ATTORNEY NEY: I hope our assurances tonight  
23 have helped you along the lines that it will not be  
24 subsidized; it will be first class. Our rendering of  
25 what we are planning to do, hope that gives you

1 assurance. And please, we specifically put some  
2 conditions in to make sure it had to stay an assisted  
3 living facility once it's there. Our number 8  
4 specifically does that, if you would, at the request  
5 of a number of people trying to be assured that it  
6 never would be, under this zoning, used for any other  
7 purpose.

8 COUNCILMEMBER DEAN: Well, I think that an  
9 assisted living facility would be a great thing for  
10 the city, just not there. I mean I think that when  
11 you have that kind of facility, you have a lot of  
12 emergency vehicles. It's a neighborhood; it's my  
13 neighborhood. And I just don't -- again, if you would  
14 have had the management company in place, if you would  
15 have brought them in, sat down, because I'm really  
16 concerned, I'm very concerned that you actually asked  
17 us for a delay, for an extension, before coming before  
18 us because you fired three companies. And now, for  
19 some reason, you believe you might have a couple of  
20 possibilities, but still, they're not here. And so  
21 you see, I don't feel any -- any warmer or fuzzier  
22 towards that concept just the same way you felt when  
23 you asked us for the extension because you wanted to  
24 find a management company. But that hasn't happened,  
25 so I don't even know what that delay was about. Does

1 pretty bad consequences.

2 MAYOR PITTMAN: Mr. McLendon, did you have  
3 something to say?

4 ATTORNEY McLENDON: And I don't want to  
5 interrupt this. I would like -- Let me let this  
6 conversation go. There is one thing I want to talk  
7 about, just the standards for the use permit, at the  
8 appropriate time, but I think --

9 I can now if you all would not take that  
10 wrong. And I would just want to direct us to the  
11 issue at hand, which we are in a quasijudicial  
12 capacity, which means under our Code, we look to  
13 certain factors and take the facts as they've been  
14 presented an apply these factors to make your  
15 decision. So whatever your decision is needs to be  
16 tied to these factors that are set out in the Code.  
17 Little bit different than a zoning case, and it's in  
18 Section 1501. I can read them, but it really -- the  
19 decision right here needs to be tied into those  
20 considerations. I think they are in your pocket and  
21 were discussed as part of the packet, because for the  
22 purposes of approval or denial of a use permit we need  
23 to look to those factors and base the decision on  
24 whether it's appropriate or not under those factors.

25 MAYOR PITTMAN: Okay. Ms. Alexander?

1 that sense?

2 ATTORNEY NEY: I think I understand, yes.

3 COUNCILMEMBER DEAN: Okay. So that's what -  
4 that's where I am. I mean the thing is you said that  
5 you asked us for a delay because you fired three  
6 management companies, and you still don't have a  
7 management company. So what conditions have changed?

8 ATTORNEY NEY: Let me stop and say when we  
9 did that, that wasn't the sole reason for our pulling  
10 back. We'd been asked by the Planning Commission to  
11 come up with some specifics, and we started working on  
12 achieving those specifics, namely what's principally  
13 shown right here on this site plan, to answer and  
14 respond to each and every one of those, and I believe  
15 we have done that carefully.

16 Now, the fact we didn't, if we had known it  
17 was absolutely more essential from your point of view  
18 that we have a management company, we would have done  
19 so, but we didn't think that was an ingredient that  
20 was absolutely essential for bringing this zoning  
21 application.

22 COUNCILMEMBER DEAN: Sure. Well, no. It's  
23 just that the business, I'm concerned because the  
24 business is not doing well, and if an assisted living  
25 business does not do well, then that could lead to

1 COUNCILMEMBER ALEXANDER: <sup>1</sup> I mean this is an  
2 extremely tough decision. We look at both sides of  
3 the coin. Again, like the other Council members, I  
4 heard for and against. But you look at the news and  
5 there's an abandoned hotel in the city of Marietta at  
6 75 and Delk Road. It's been closed down and boarded  
7 up for six years, and I don't want --

8 It's like there but for the grace of God go  
9 I. I don't want a gateway to our city, no offense to  
10 the city of Marietta, to look like that.

11 Also I'm probably the member of Council that  
12 has the most eldest -- don't tell her I said that --  
13 parent, and she of course is the one person I did not  
14 discuss this with today. But having relatives that  
15 have been into assisted living and specifically  
16 Alzheimer's care, I like other Council members know  
17 how extremely important the care levels are. I  
18 researched for weeks before my aunt was placed into a  
19 home. When my mom had to go into a rehab center, I  
20 researched for weeks regarding the level of care and  
21 the facilities available.

22 There are increasing needs for facilities of  
23 this nature. I had to make basically reservations to  
24 get my mom into a rehab center. It was over eight  
25 weeks before she had her surgery.

1 But I do understand this is our only hotel,  
2 and again, I understand also that the closing of the  
3 General Motors plant has affected this business like  
4 it has our other businesses along Buford Highway.

5 So I along with the rest of the Council  
6 members, this is an extremely tough decision. It's  
7 extremely just like a double-edge sword.

8 COUNCILMEMBER DEAN: Well, my grandmother  
9 actually had Alzheimer's and she died in a facility,  
10 but they had highly trained medical staff because  
11 a certified nursing assistant would not be able to  
12 handle that.

13 But to touch on the abandoned hotel concept,  
14 they're not going to move anywhere. As I told  
15 Mr. Patrick, all the homeless, all the vagabonds, all  
16 of the drug addicts, all of the undesirables are  
17 living comfortably at the corner of Stewart Road and  
18 Jess Norman. They're not going to move to the hotel  
19 because they're quite happy where they are.

20 We've had that abandoned building now for  
21 seven years. We call the police regularly. They're  
22 good. I don't think that should be a concern because  
23 they're good where they are. Plenty more room.

24 COUNCILMEMBER ALEXANDER: So you're fine  
25 with your district getting more abandoned, vacant

1 But that is I think that there are things  
2 that they could do other than this assisted living  
3 program, and that's my point.

4 MAYOR PITTMAN: Mr. Bates?

5 COUNCILMEMBER BATES: I'm good for right  
6 now.

7 MAYOR PITTMAN: Ms. Pachuta?

8 COUNCILMEMBER PACHUTA: For now I'm fine.

9 COUNCILMEMBER PATRICK: Mr. Ney, I think you  
10 might have noticed that we don't have a good consensus  
11 here right now.

12 Is there any chance that you would be happy  
13 this evening with the rezoning and perhaps come back  
14 to us once you have settled on your management company  
15 and then let us take up that issue after you've had an  
16 opportunity to perhaps have a town hall meeting where  
17 you meet with the residents and put their concerns  
18 aside or try and allay them? Is that a possibility?

19 ATTORNEY NEY: We are --

20 COUNCILMEMBER PATRICK: And I ask you with  
21 that in mind, that you have come to us twice before I  
22 got here, one of them for an extension of time, and we  
23 did grant that, and I was wondering if there was a way  
24 that you would be willing to work with us here.

25 ATTORNEY NEY: I'd like to take just a

1 buildings?

2 COUNCILMEMBER DEAN: Well, it's not -- I am  
3 not going to make a decision based on the future of  
4 our community --

5 COUNCILMEMBER ALEXANDER: I'm just asking if  
6 you're okay with that.

7 COUNCILMEMBER DEAN: I'm good with my  
8 decision. I'm very good with my decision, yes,  
9 because I don't think that that is -- especially based  
10 on what may happen in our city, I don't think that  
11 that -- if marketing and those plans are in line, I  
12 think that it's something that --

13 One. One thing. With the Comfort Inn, I  
14 don't think that you guys met the standards for a  
15 Comfort Inn, right? Didn't you tell me at our meeting  
16 that they wanted you to bring it up to date and you  
17 couldn't afford to do that?

18 ATTORNEY NEY: No, no. It has not already -  
19 - it is not already occurred by any means, but there  
20 will be a time in our future, in order to upgrade,  
21 we'll have to do some things to continue the flag of  
22 the Comfort Inn. They may be waived, but we'll have  
23 to consider that as a possibility, yes.

24 COUNCILMEMBER DEAN: Okay. All right.  
25 Well, forgive me; my mistake.

1 moment and talk to the owners, if you would, about  
2 that, if I might, one, Mr. Patrick. Number two, we  
3 are burning money like crazy, and in my presentation I  
4 talked about we're expending great energy and efforts  
5 in doing our plans and gathering our materials and  
6 getting ready to go forward as quickly as we can.

7 Had we known the management company was  
8 going to be more of a criteria -- We thought it was  
9 our criteria, not one that you-all would have imposed  
10 upon us, a matter of fact.

11 But having said that --

12 COUNCILMEMBER PATRICK: In fairness, I too  
13 have spoke with plenty of people in the community,  
14 I've gotten e-mails from a lot of the residents here  
15 this evening. And when I speak with people directly,  
16 there is the desire for an assisted living; they  
17 recognize that there is a need.

18 In fairness, when I talk with them, I try  
19 and put both sides of the argument to people, and the  
20 flip side of the argument is by the way, the hotel has  
21 been operating and it has had sex parties and other  
22 things that have not made it something that the  
23 residents can all be proud of.

24 So there is a need, but then there is the  
25 concern that this is going to be done the right way,

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1 and I think that's what a lot of people are expressing  
 2 is will this be done the right way. And I --  
 3 ATTORNEY NEY: Let me --  
 4 COUNCILMEMBER PATRICK: -- think that by  
 5 saying -- Sorry. I think by saying if you could pull  
 6 back, settle on your management company, I think that  
 7 that might help, that might help the community a lot.  
 8 ATTORNEY NEY: Pardon me and let me speak to  
 9 the owners for just one moment, please.  
 10 MAYOR PITTMAN: And can I just say one more  
 11 time I truly have faith with the right marketing and  
 12 management company that this could be a great hotel.  
 13 I really -- I really believe that. I believe that  
 14 applies.  
 15 ATTORNEY NEY: I'm so sorry, but I've got to  
 16 give you our conclusion: that if we thought there was  
 17 any chance in the world of that, we would be doing it.  
 18 Please. We're successfully operating other  
 19 hotels and we know the business. It's not some --  
 20 We've been doing this for 25 and 30 years. It's not  
 21 something that's new to us. We simply can't make it  
 22 succeed.  
 23 I was there today, and there may have been  
 24 five or six people staying in the hotel. It is just  
 25 pathetic on a weekday. You could blow off a cannon in

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1 there and nobody would get hurt, and we simply can't  
 2 find ourselves on a continuing basis like that.  
 3 And let me chat with the owners. Pardon me  
 4 if you would.  
 5 MAYOR PITTMAN: We're going to take a five-  
 6 minute break.  
 7 ---  
 8 (Brief recess)  
 9 ---  
 10 ATTORNEY NEY: When we left, there was an  
 11 inquiry on the table, and that inquiry would be  
 12 answered. Tell me when you're ready, Mayor.  
 13 MAYOR PITTMAN: Okay. I'm just waiting on  
 14 the Council.  
 15 ATTORNEY NEY: Surely.  
 16 If we can do these things: if we could get  
 17 an extension through December 17th -- and we're doing  
 18 that consciously trying to make sure -- I hope that's  
 19 the date when you-all meet; that's a Monday -- so that  
 20 we can do two things:  
 21 We would like to try to have a community  
 22 meeting, and number two, we'd like to have a manager  
 23 in place so when we come back to you on the 17th.  
 24 We think it'll take us that much time to  
 25 assure ourselves that that can be done, and I hope

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1 that will help many of you have a better understanding  
 2 of exactly how we intend to manage the company --  
 3 manage the operation, and you can look at that  
 4 manager, see, feel and touch him.  
 5 MAYOR PITTMAN: Okay.  
 6 COUNCILMEMBER PACHUTA: I'll make a motion  
 7 to --  
 8 ATTORNEY McLENDON: We're --  
 9 COUNCILMEMBER PACHUTA: Okay.  
 10 ATTORNEY McLENDON: -- trying to find the  
 11 meeting date.  
 12 COUNCILMEMBER ALEXANDER: The 17th.  
 13 COUNCILMEMBER PATRICK: Monday the 17th.  
 14 ATTORNEY McLENDON: Okay. So we would just  
 15 make a motion --  
 16 COUNCILMEMBER PACHUTA: Make a motion to  
 17 continue, defer -- to defer this.  
 18 ATTORNEY McLENDON: -- to continue to a date  
 19 certain.  
 20 COUNCILMEMBER PACHUTA: -- the matter of  
 21 conditional use permit application at 2001 Clearview  
 22 Avenue, to a date certain of December 17th to allow  
 23 the applicant to hire the management company and hold  
 24 a public neighborhood type meeting.  
 25 ATTORNEY NEY: We will try to do the very

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1 same thing we did before. We handed out some 68  
 2 invitations in the mail boxes. Basically somewhat  
 3 south -- I guess it would be south and southeast of  
 4 our facilities where we did that as a matter of fact.  
 5 COUNCILMEMBER PATRICK: Before the next  
 6 meeting, if you would forward it to City Hall or to  
 7 the Mayor's office so that it can be put on the City  
 8 Web site perhaps.  
 9 ATTORNEY NEY: The notice itself?  
 10 COUNCILMEMBER PATRICK: Yes.  
 11 ATTORNEY NEY: Of course. We'll be  
 12 delighted. I didn't know to do that, but we'd be  
 13 delighted to do so. Okay. I was going to try to keep  
 14 it relatively simple, but yes, that's right.  
 15 MAYOR PITTMAN: So is that your motion?  
 16 COUNCILMEMBER PACHUTA: That's my motion.  
 17 MAYOR PITTMAN: Do I get a second?  
 18 COUNCILMEMBER PATRICK: 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.

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: No.  
7 CLERK BRYANT: Councilmember Pachuta?  
8 COUNCILMEMBER PACHUTA: Yes.  
9 CLERK BRYANT: Councilmember Patrick?  
10 COUNCILMEMBER PATRICK: Yes.  
11 MAYOR PITTMAN: Okay. Thank you.  
12 ATTORNEY NEY: Thank you.  
13 COUNCILMEMBER PACHUTA: I just wanted to  
14 make a motion if we could -- I don't want to go  
15 through the entire agenda. I know when I spoke to  
16 Trudy yesterday, she said some of her items were not  
17 as important, but I would like to at least take up  
18 10(b) because it was timely and 10(c).  
19 COUNCILMEMBER DEAN: Uh-huh.  
20 MAYOR PITTMAN: Is that a motion and second?  
21 MAYOR PITTMAN: I need everyone to be real  
22 quiet a few more minutes, please.  
23 COUNCILMEMBER DEAN: Before I second it,  
24 what was this motion?  
25 COUNCILMEMBER FLEMING: 10(b) and 10(c).

1 CLERK BRYANT: Councilmember Pachuta?  
2 COUNCILMEMBER PACHUTA: Yes.  
3 CLERK BRYANT: Councilmember Patrick?  
4 COUNCILMEMBER PATRICK: Yes.  
5 MAYOR PITTMAN: And thank you.  
6 Okay. Next on the agenda, and Sandra, if we  
7 could move all the other items to the next agenda, the  
8 next Council meeting.  
9 COUNCILMEMBER DEAN: I'm sorry. Can I say  
10 one thing about -- I mean because we didn't get the  
11 sheet, the sheet regarding one of the items was not  
12 handed out. I got it here. That was in the mailbox.  
13 MAYOR PITTMAN: Sandra, she had a question?  
14 COUNCILMEMBER DEAN: Yeah. The sheet  
15 regarding the administrative assistant, I had no idea  
16 it had anything to do with a current employee. I  
17 thought that we were carrying over from the city  
18 clerk's discussion that we had when we were talking  
19 about support and --  
20 COUNCILMEMBER PACHUTA: We're not talking  
21 about a specific employee. We're talking about  
22 position.  
23 COUNCILMEMBER DEAN: Okay. The City Clerk  
24 discussion, right? Okay.  
25 COUNCILMEMBER FLEMING: No, not City Clerk.

1 COUNCILMEMBER PACHUTA: To extend the  
2 meeting -- well, we extended it earlier till the end  
3 of this item, to extend it to hear only items 10(b)  
4 and 10(c) for timing purposes.  
5 MAYOR PITTMAN: Okay. Second?  
6 COUNCILMEMBER DEAN: And what about the  
7 other items?  
8 MAYOR PITTMAN: To the next agenda.  
9 COUNCILMEMBER DEAN: My poor little \$5,000  
10 spending allowance since August 20th.  
11 MAYOR PITTMAN: Do I get a second?  
12 COUNCILMEMBER PATRICK: Second.  
13 MAYOR PITTMAN: Discussion?  
14 ---  
15 (No response)  
16 ---  
17 MAYOR PITTMAN: Call the roll, please.  
18 CLERK BRYANT: Councilmember Alexander?  
19 COUNCILMEMBER ALEXANDER: Yes.  
20 CLERK BRYANT: Councilmember Bates?  
21 COUNCILMEMBER BATES: Yes.  
22 CLERK BRYANT: Councilmember Dean?  
23 COUNCILMEMBER DEAN: Yes.  
24 CLERK BRYANT: Councilmember Fleming?  
25 COUNCILMEMBER FLEMING: Yes.

1 MAYOR PITTMAN: We have a motion and we have  
2 a second. Additional discussion?  
3 COUNCILMEMBER PACHUTA: We've already voted.  
4 MAYOR PITTMAN: We did vote?  
5 CLERK BRYANT: Yes.  
6 MAYOR PITTMAN: Well, then we need to --  
7 Sorry. You confused me, Trudy.  
8 All right. The discussion is going to be  
9 the RFP for new waste disposal service. That's Ms.  
10 Dean.  
11 COUNCILMEMBER DEAN: Yes. I think we should  
12 send out an RFP for a new waste disposal company and  
13 see what's available to us, and another one of my  
14 items is the white goods pickup. You sent an e-mail  
15 saying that Advanced agreed to pick up the white  
16 goods, but I think that we could send out an RFP  
17 requesting services picking up trash as well as the  
18 white goods and just see what's out there, because I  
19 think that it's foolish to not at least see what's  
20 available to us.  
21 COUNCILMEMBER PACHUTA: And I like the RFP  
22 that we did the last time because we had various  
23 options, like Option A included these services, Option  
24 B included Option A plus additional. I forget how  
25 many service options we had.

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1 I think we could also request white goods  
2 pickup as an additional service. I can't remember if  
3 we included that.  
4 We need to get one out relatively soon. The  
5 contract runs out at the end of the year.  
6 MAYOR PITTMAN: We can certainly go out for  
7 the waste disposal service although I know everybody  
8 hears different things but I have heard really  
9 positive feedback about this company.  
10 I think that the white goods, no matter.  
11 They were going to pick that up even if we went out  
12 for RFP. So just to add to what you said, Trudy.  
13 COUNCILMEMBER DEAN: And with absolutely no  
14 change to the contract?  
15 MAYOR PITTMAN: That's correct.  
16 Well, I don't know if someone's here.  
17 But Mr. Harrell, would you like to address  
18 that?  
19 MR. HARRELL: Thank you, Mayor. Brett  
20 Harrell (spelling) B-r-e-t-t H-a-r-r-e-l-l, Advanced  
21 Disposal Services.  
22 I know it's late so I'll try to be very  
23 quick, but I brought a timeline of what has occurred  
24 with regard to the sanitation program in the city that  
25 I'd like to share with each of you.

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1 Advance was first contracted in December '05  
2 for a five-year contract, and I just wanted to remind  
3 the Council, at that time, our contract included one-  
4 time-a-week garbage collection and if the garbage  
5 overflowed the container, we would actually pick up  
6 unlimited amounts of additional bagged garbage; one  
7 time a week curbside yard debris with no limit on the  
8 amount of yard debris we would collect, included  
9 Christmas trees the first two weeks of January;  
10 on-call recyclables only at Honeysuckle Park. So at  
11 that point, there was no recyclables at home; it was  
12 only at Honeysuckle; once a week bulk collection with  
13 no limit and no call-in and once a month white goods,  
14 and you just called in advance but it was unlimited  
15 amount for \$14.75 a month.  
16 That was all part of the service. We  
17 provided many of those things some of your citizens  
18 are asking for again now.  
19 In 2008, the City requested that we  
20 implement a voluntary recycling program at curbside,  
21 which, again, prior to that it was only at Honeysuckle  
22 Park. So we delivered additional, at our cost, 18-  
23 gallon bins and put in a approximately \$4.00 a month  
24 charge.  
25 But over a 24-month period, only 180 or 184

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1 citizens took advantage of that voluntary curbside  
2 recycling out of over 2,000 homes. So it just  
3 wasn't -- you know, it was less than, you know, 10  
4 percent participation, so that program was  
5 discontinued.  
6 The City did go out for an RFP in 2010, but  
7 the City revised the services you were requesting in  
8 that RFP. The City's new requirements were once a  
9 week curbside garbage, the 18-gallon recycling at  
10 every home, all 2000-plus homes as part of the  
11 program. Yard debris was limited at that point to no  
12 more than eight bags where it was unlimited in  
13 advance. The City wanted to try to get recycling on  
14 the green waste or the yard waste and so limited to  
15 that. We still did the recycling at Honeysuckle  
16 Park. Bulk items and white goods was now provided by  
17 the City, not the hauler any more, in that our bulk  
18 items was now picked up by your Public Works  
19 Department, and the price came down slightly to \$13.45  
20 a month.  
21 In April of this year, I had a meeting with  
22 Councilmember Pittman [sic] Councilmember Bates and  
23 the Mayor, and the City was asking us to make changes  
24 to the yard waste and bulk items program because many  
25 citizens were asking for that, and we agreed to once a

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1 week unlimited amounts of containerized yard waste, to  
2 do unlimited bulk as long as you called in advance.  
3 COUNCILMEMBER DEAN: Okay. I'm sorry. I  
4 don't mean to interrupt, but my item was just to send  
5 out an RFP for new --  
6 MAYOR PITTMAN: I just want to ask you about  
7 the white goods.  
8 COUNCILMEMBER DEAN: Well, and are we --  
9 MR. HARRELL: And most recently --  
10 COUNCILMEMBER DEAN: -- on the white goods  
11 yet?  
12 MR. HARRELL: -- to pick up the white goods.  
13 Yeah, and I guess my point is --  
14 MAYOR PITTMAN: No, but you brought it up.  
15 COUNCILMEMBER DEAN: Right.  
16 MR. HARRELL: I'm sorry. I guess my point  
17 is as Councilmember Pachuta just mentioned, in that  
18 RFP it's fine to have options but, you know, I would  
19 just say be careful in crafting that RFP, because  
20 we've -- as a company, as your hauler, we've heard  
21 pretty much what I think your citizens are looking  
22 for. And quite frankly, it's much closer to what our  
23 original contract was rather than our amended  
24 contract. And as a company, you know, we'll do  
25 whatever the City wants. We're not adverse to picking

1 up white goods.  
2 So as the Mayor called me in just the other  
3 week and said, hey, we've got another question now on  
4 white goods pickup, and I said, we'll start a pilot  
5 program, and what we would like is to run a white  
6 goods truck every Wednesday, once a week, in the city.  
7 It's a flatbed truck because we're putting sofas and  
8 stoves and so forth on it. But we would need the  
9 citizens to call in no later than close of business on  
10 Monday to get that picked up on the Wednesday. So if  
11 they happen to miss one day --  
12 COUNCILMEMBER DEAN: I'm sorry. One more  
13 time. I'm sorry.  
14 MR. HARRELL: -- they get it the next day.  
15 MAYOR PITTMAN: I think the question was --  
16 COUNCILMEMBER DEAN: But this is --  
17 MAYOR PITTMAN: -- is that going to  
18 interfere if we -- and they are going to go out for an  
19 RFP, I would assume. Does that change the fact that  
20 you would still do the pilot program? I think that --  
21 MR. HARRELL: No, ma'am. I mean every time  
22 the City has --  
23 COUNCILMEMBER DEAN: Okay.  
24 MR. HARRELL: -- asked us to make a modifi-  
25 cation, we've been willing to do that. We'll continue

1 question you have.  
2 COUNCILMEMBER DEAN: All right. Great.  
3 MAYOR PITTMAN: Thank you.  
4 MR. HARRELL: Thank you.  
5 COUNCILMEMBER PACHUTA: Personally, I would  
6 like to send out an RFP because this is a large  
7 expense to the City and it's one that runs at a  
8 deficit.  
9 COUNCILMEMBER DEAN: Yes.  
10 COUNCILMEMBER PACHUTA: <sup>What I would like to</sup>  
11 have happen is to have the Mayor's office, based on  
12 the last RFP, draft something to go to Council to  
13 review.  
14 COUNCILMEMBER BATES: I just want to make  
15 sure that everybody understands why the scope of  
16 services changed. It changed to match the ordinance  
17 that is in our Code on what we require based upon the  
18 Sanitation Code. So it wasn't out of a whim. It  
19 was --  
20 MR. HARRELL: Right.  
21 COUNCILMEMBER BATES: -- we either had to  
22 rewrite the entire Sanitation ordinance or change the  
23 RFP to match what we require.  
24 So if we want to change what's in there,  
25 that's fine. Just understand that those two didn't

1 to do that.  
2 I mean we want to do whatever we need to to  
3 make your citizens happy, so, you know, we'll do  
4 whatever the City would like us to do. We'd be glad  
5 to do that.  
6 COUNCILMEMBER DEAN: And I'm sorry. It's  
7 just so late and --  
8 MR. HARRELL: Understood.  
9 COUNCILMEMBER DEAN: -- you know, I just  
10 want to -- because -- yeah, it's just very, very late.  
11 And I would like to also make a motion to talk about  
12 the administrative assistant position just because  
13 people have come here and they've sat --  
14 MAYOR PITTMAN: We are.  
15 COUNCILMEMBER DEAN: Okay. Good. Perfect.  
16 MAYOR PITTMAN: That was part of the motion.  
17 COUNCILMEMBER DEAN: All right. Perfect.  
18 Yes. Okay. And really no -- I mean it's a great job.  
19 And this would have been great to get before the  
20 meeting so we could look at it and then like have any  
21 questions or mark down the questions.  
22 But right now, it's just do you guys want to  
23 send out an RFP?  
24 MR. HARRELL: My cell and e-mail's on the  
25 bottom, so you call me any time; I'll answer any

1 match.  
2 MR. HARRELL: Well, I think in drafting that  
3 RFP, as your current hauler, without unduly  
4 influencing the RFP in any way, we certainly have  
5 information I think you would find important that  
6 your, you know, citizens are asking us for that you  
7 might want to consider in what you put in that RFP.  
8 COUNCILMEMBER DEAN: Thank you.  
9 MR. HARRELL: Thank you.  
10 MAYOR PITTMAN: It's your item, Ms. Dean.  
11 COUNCILMEMBER DEAN: All right. Yes. So I  
12 would like to make a motion to put out an RFP or have  
13 an RFP --  
14 Oh, do I have a make a motion on this? Can  
15 you guys just --  
16 Okay. I'd like to make a motion to put out  
17 an R- --  
18 ATTORNEY McLENDON: If you make a motion, it  
19 will leave no doubt.  
20 COUNCILMEMBER DEAN: It will happen.  
21 COUNCILMEMBER FLEMING: To draft an RFP.  
22 COUNCILMEMBER DEAN: Okay. I would like to  
23 make a motion to draft an RFP to send out for new  
24 services for waste disposal including white good.  
25 MAYOR PITTMAN: Okay. Second?

1 COUNCILMEMBER PATRICK: Second.  
 2 MAYOR PITTMAN: Discussion?  
 3 COUNCILMEMBER ALEXANDER: Council and City  
 4 Hall received a copy of the previous RFP, so it just  
 5 needs modification.  
 6 COUNCILMEMBER DEAN: Okay.  
 7 MAYOR PITTMAN: 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: Yes.  
 16 CLERK BRYANT: Councilmember Pachuta?  
 17 COUNCILMEMBER PACHUTA: Yes.  
 18 CLERK BRYANT: Councilmember Patrick?  
 19 COUNCILMEMBER PATRICK: Yes.  
 20 MAYOR PITTMAN: Okay. Thank you.  
 21 All right. Next is Ms. Pachuta.  
 22 COUNCILMEMBER PACHUTA: This is not having  
 23 to do with a particular employee; it's about expanding  
 24 services at City Hall. There have been a lot of  
 25 issues where things are not getting done

1 fall on clerks, and even recently when Sandra was out  
 2 for training, our Finance Director had to type up the  
 3 agenda and to send the minutes to Council, which  
 4 should never have happened.  
 5 MS. FERGUSON: I'm here to help.  
 6 COUNCILMEMBER PACHUTA: Because their -- and  
 7 that was a complaint that I heard from prior City  
 8 Clerk, you know, because she wanted to create some new  
 9 forms, she wanted to create some list, and she was  
 10 like I could really use an administrative assistant.  
 11 I don't care who the administrative  
 12 assistant is. I just think we need to expand that  
 13 position and, as Donna said right now it was just  
 14 receptionist position.  
 15 And there are administrative tasks that  
 16 aren't happening. And for example, we have no idea if  
 17 any alcohol businesses are submitting reports. We  
 18 don't know.  
 19 My understanding is, you know, there's still  
 20 a lot of filing, and I know part of that is because  
 21 Sandra is having to do two jobs at once. The current  
 22 salary for the position is already at an  
 23 administrative assistant level.  
 24 COUNCILMEMBER PACHUTA: I do see a lot of  
 25 tasks that the City could really benefit from having

1 administratively because we are short-staffed or  
 2 there's not enough assistance.  
 3 It has become apparent in a lot of our City  
 4 Clerk interviews, not just the last one, but the ones  
 5 before, we were asking clerks, have you done this?  
 6 have you done that?  
 7 Well, I don't do that currently. And I  
 8 think a lot of those tasks are more administrative.  
 9 If anyone here has had a good administrative  
 10 assistant, they can do a lot. I've had good  
 11 administrative assistants, I've had one bad  
 12 administrative assistant, but they're -- and I use the  
 13 example, I think, in my e-mail to Council of the  
 14 alcohol reports. That's just one example where, you  
 15 know, a clerk might evaluate them and say okay, so-  
 16 and-so is not submitting, we may need to revoke the  
 17 alcohol permit, but the clerk doesn't need to use  
 18 their time to as they're coming in put them on a chart  
 19 or put them in a spreadsheet. That's an  
 20 administrative task. And I think we're burdening our  
 21 clerks with a lot of administrative tasks, and what  
 22 Donna has expressed to me in the past is we have a  
 23 receptionist, it's just a receptionist position, not  
 24 administrative, not a position for administrative  
 25 tasks, and I think a lot of the administrative tasks

1 the extra assistance at City Hall.  
 2 COUNCILMEMBER FLEMING: Can I speak first?  
 3 MAYOR PITTMAN: Yes, ma'am.  
 4 COUNCILMEMBER FLEMING: I'm totally opposed  
 5 to this agenda item, number one, and I don't know why  
 6 you would not think that replacing the receptionist  
 7 position wouldn't suggest a specific person on staff.  
 8 So I don't know what your reasoning is behind that  
 9 statement, number one.  
 10 And number two, the comment you just made  
 11 about the salary, the present salary is considered an  
 12 administrative assistant's salary, that person has  
 13 been with our city for 10 years, so I would guess that  
 14 that salary has been elevated from the period of time  
 15 that the person was initially hired.  
 16 And thirdly, I cannot believe that we're  
 17 going to consider hiring more people and we can't even  
 18 hire a city clerk, okay? I mean we can't make a  
 19 decision or we haven't --  
 20 I think we're black-balled, first of all.  
 21 It's been 10 and a half months. It's been  
 22 10 months at least, and we haven't been able to hire a  
 23 city clerk.  
 24 We are supposed to be hiring by February per  
 25 Council majority, a new city manager, and we're trying

1 to make funds available for that, and here we are. I  
2 mean we aren't even three months into the new year,  
3 new 2012-2013 year, and we're getting ready to spend  
4 more money. So I am totally opposed to this agenda  
5 item.

6 MAYOR PITTMAN: I just want to say something  
7 because I think that we will have a city manager soon,  
8 and it's almost like cutting off your nose to spite  
9 your face. I think that's the saying where you get  
10 rid of someone to bring someone else in, and we can't  
11 even hire a clerk within it's been months and months  
12 and months. So what are we going to do? Have nobody  
13 in the office?

14 COUNCILMEMBER PACHUTA: I'm not saying -- I  
15 don't -- I'm not saying we need to replace the person.  
16 I'm just saying that position needs to be expanded to  
17 be a full administrative assistant position, whoever's  
18 qualified for that position. I'm not commenting on  
19 any particular employee, but in an e-mail you sent us  
20 July 25th, I mean you said I do not have the staff to  
21 maintain spreadsheets or maintaining records in City  
22 Hall.

23 MAYOR PITTMAN: And we have just -- Mr. Howe  
24 has taken on some of those duties. His other duties  
25 have lightened up, and he is taking on many of the

1 duties.

2 COUNCILMEMBER DEAN: Luke Howe used to be a  
3 clerk, right, for Elberton? Didn't he do some work in  
4 Elberton or something?

5 MAYOR PITTMAN: I think he acted as an  
6 acting clerk or something.

7 COUNCILMEMBER PACHUTA: Whatever Council  
8 wants to do. But I have been very frustrated at not  
9 having information from City Hall, not knowing -- I  
10 can't even get a printout of who has alcohol licenses  
11 from the City.

12 COUNCILMEMBER DEAN: Right. Huge frustra-  
13 tion.

14 COUNCILMEMBER PACHUTA: Not knowing, you  
15 know, last year we sent letters -- we changed our  
16 ordinance to require all the reporting dates for  
17 alcohol businesses to be on the same date. We sent  
18 letters to everyone reminding them of their duties.  
19 They complained. We haven't had to do this in the  
20 past. Well, now you do.

21 We're in October and we don't know if anyone  
22 is complying with that, and we're coming up on  
23 renewals and we don't know that because we have not  
24 had staff to assist us with that. That's what Donna's  
25 e-mail, you know, July 25th stated, and here it is

1 duties. We met this week. He's going to be assisting  
2 with that as well as we bring weekly someone over from  
3 Court Services to help.

4 COUNCILMEMBER DEAN: Well, that -- and  
5 that's -- because we didn't get the sheet until  
6 tonight so I didn't know what exactly this was about.

7 But it was my understanding we were talking  
8 about based on our last interviews, that we were going  
9 to bring someone in in the interim to help in the  
10 Clerk's office because Sandra is overburdened, and it  
11 could be just in an administrative capacity because --  
12 because she needs help doing that while we look for a  
13 city clerk, for a full-time city clerk.

14 MAYOR PITTMAN: No. That's under Old  
15 Business under (d), the City Clerk position.

16 COUNCILMEMBER PACHUTA: Well, I think it's  
17 both. I mean I think it's become clear in Clerk  
18 interviews and in discussions, you know, when Melissa  
19 was here, that she needed administrative help,  
20 especially with the volume of Open Records requests  
21 that we get and the amount of monthly reporting that  
22 we require or even keeping track of the different  
23 regulatory permits, that there were administrative  
24 backup work that she could have used assistance with  
25 to clear up some of her time for more city clerk

1 October.

2 MAYOR PITTMAN: What would you --

3 COUNCILMEMBER PACHUTA: I don't even know  
4 why we have rules.

5 COUNCILMEMBER DEAN: Well, no. And I want  
6 to say one thing.

7 MAYOR PITTMAN: Hold on one second. What  
8 were you going to say?

9 CLERK BRYANT: I was just going to say when  
10 you requested those for alcohol, it's not that we  
11 don't want to give it, it's not that I don't want to  
12 give it to you. The system provides a list of  
13 everybody that at one point had alcohol, and I think I  
14 sent that to you or the Mayor. And I have no problem  
15 stopping everything that I'm --

16 COUNCILMEMBER PACHUTA: Right, but I --  
17 CLERK BRYANT: -- doing and --

18 COUNCILMEMBER PACHUTA: -- too. I know our  
19 software is outdated and I mean I can use an example,  
20 Mr. Hart's Open Records request that was going to take  
21 forever because we don't keep any kind of  
22 spreadsheets, we don't -- our filing system is not up  
23 to date, and these things don't have to happen in  
24 InterGov software.

25 COUNCILMEMBER DEAN: Well, I had --

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1 COUNCILMEMBER PACHUTA: It can just -- just  
 2 keeping a list in Excel. Here's the permit we  
 3 received, here's the address. And --  
 4 COUNCILMEMBER DEAN: Here's something  
 5 simple.  
 6 COUNCILMEMBER PACHUTA: -- a good  
 7 administrative assistant can just do --  
 8 COUNCILMEMBER DEAN: I'm next.  
 9 COUNCILMEMBER PACHUTA: -- wonders in an  
 10 office.  
 11 COUNCILMEMBER DEAN: All right. No. But I  
 12 had -- I had an Open Records request regarding an  
 13 application for a business. It took me eight days to  
 14 get that. Eight days. And it was important because  
 15 seven days after my request, we had a hearing on that  
 16 matter and I did not get that information until the  
 17 day after the hearing. That's a huge problem for me.  
 18 Huge problem.  
 19 I need the information. I need it when I  
 20 need it, and that's -- Eight days, that's not --  
 21 that's not excusable.  
 22 MAYOR PITTMAN: I would respectfully ask  
 23 that the Council give Mr. Howe and Ms. Ferguson and  
 24 Sandra time to work together to accomplish some of  
 25 these tasks.

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1 Again, we will have a city manager, and to  
 2 me, it makes a whole lot of nonsense to start hiring  
 3 people now.  
 4 COUNCILMEMBER PACHUTA: Well, for example, I  
 5 never want to have Ms. Ferguson have to handle City  
 6 Hall administrative tasks.  
 7 COUNCILMEMBER DEAN: I agree.  
 8 COUNCILMEMBER PACHUTA: I just think that's  
 9 inappropriate --  
 10 MAYOR PITTMAN: We all help when we have to  
 11 help around here.  
 12 COUNCILMEMBER PACHUTA: That should be City  
 13 Hall staff. We should have, you know, crossover. It  
 14 just should not have been a department director.  
 15 COUNCILMEMBER DEAN: Well, and that's just  
 16 for financial reasons. I mean if you look at the time  
 17 that we -- that we --  
 18 Number one, I don't want you to quit, okay,  
 19 and number two, I mean that just -- If we have someone  
 20 like Luke who is able to do this, he's your assistant,  
 21 so that's --  
 22 MAYOR PITTMAN: He is taking on tasks --  
 23 COUNCILMEMBER DEAN: Okay.  
 24 MAYOR PITTMAN: -- and so I would respect-  
 25 fully ask that the Council give him an opportunity,

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1 please.  
 2 COUNCILMEMBER PACHUTA: I would like to see  
 3 those alcohol reports within the next couple weeks.  
 4 MAYOR PITTMAN: Lisa, can you --  
 5 COUNCILMEMBER PACHUTA: Well, not the excise  
 6 reports. Not the excise reports, the other reports.  
 7 MAYOR PITTMAN: I understand that. You and  
 8 Luke have been working together, and I believe that he  
 9 is going to start reviewing and auditing those as  
 10 well.  
 11 And you had something to say?  
 12 CLERK BRYANT: I just wanted to ask what  
 13 reports.  
 14 COUNCILMEMBER PACHUTA: I think there's  
 15 three different reports, and I have to go back to the  
 16 ordinance, but one report, for example, they are  
 17 supposed to submit monthly reports on their  
 18 employees -- who has been hired, who's been terminated  
 19 -- so that we can keep track of the permits, the  
 20 employee permits. That's one of them.  
 21 I think there's another report having to do  
 22 with a percentage of food to alcohol sales. I have no  
 23 idea if anyone's submitting that.  
 24 COUNCILMEMBER FLEMING: Well, they're all  
 25 going to put down 60/40 anyway, so what difference

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1 does it make?  
 2 COUNCILMEMBER PACHUTA: Well, then, why even  
 3 bother having a rule if we're not going to -- you  
 4 know.  
 5 COUNCILMEMBER DEAN: Follow up with taxes,  
 6 right?  
 7 COUNCILMEMBER PACHUTA: Because I think we  
 8 have a problem, and this is the problem with GMA. You  
 9 know, GMA has an auditing service. Well, they will go  
 10 into a business and look at all their receipts, but  
 11 the problem is we weren't collecting all of those  
 12 reports so they're like we have nothing to --  
 13 COUNCILMEMBER DEAN: To audit.  
 14 COUNCILMEMBER PACHUTA: -- base it on.  
 15 We need a history of these reports being  
 16 submitted and we don't have -- we didn't have that,  
 17 and I don't know that we have it now. So I'm just  
 18 like why do we even have rules?  
 19 MAYOR PITTMAN: And I appreciate all that,  
 20 and we will work toward that goal if the Council --  
 21 Again, I would like for them to give Mr.  
 22 Howe the opportunity to work with everyone together to  
 23 accomplish this.  
 24 COUNCILMEMBER FLEMING: I realize that we  
 25 are understaffed, and I'm sure that the -- I mean even

1 the firm that we've selected to try to get a city  
2 manager is even commenting that we are understaffed.

3 So that person that's coming in is going to  
4 be able to evaluate the needs but they're also going  
5 to come up with a brick wall just like we are right  
6 now in the fact that we don't have the money to go out  
7 and staff or get the proper software to be able to,  
8 you know, run the City perfectly functional.

9 And to even suggest phasing out the  
10 receptionist position, I felt that that was an  
11 unnecessary burden on the employee that it was -- that  
12 the only receptionist position that we have for that  
13 employee.

14 COUNCILMEMBER DEAN: I'd just like to say  
15 for that employee that is unnamed, my husband said  
16 she's very personable and helpful.

17 MS. DOROTHY VENABLE: Absolutely.

18 MR. DEAN: Thank you.

19 COUNCILMEMBER PACHUTA: All right. We'll  
20 see how Mr. Howe does, but I expect --

21 MAYOR PITTMAN: And I don't --

22 COUNCILMEMBER PACHUTA: -- to actually have  
23 tasks done.

24 COUNCILMEMBER DEAN: No. We need to --

25 MAYOR PITTMAN: And having a receptionist is

1 So I'm here for the City, I'm here for my  
2 citizens and I'm here to do my job. And it hurt my  
3 feelings that, you know, I was asked -- you know, that  
4 I've had to be tormented for two -- I didn't know  
5 until Thursday morning and other people knew Tuesday.  
6 So that -- you know, that was kind of hard on me, too.

7 But anyway, thank you very much. I  
8 appreciate it.

9 MAYOR PITTMAN: Any additional public  
10 comments?

11 COUNCILMEMBER ALEXANDER: *Motion to adjourn.*

12 COUNCILMEMBER FLEMING: Oh, wait. Ben.

13 MAYOR PITTMAN: We have one person.

14 MR. CRAWFORD: One thing about that property

15 over there, I wondered if anybody ever got with the  
16 police chief or local fire officials and police

17 departments if they ever had an emergency situation

18 over there and you had a whole floor full of

19 Alzheimer's patients, are they going to be able to get

20 them off the floors? Might be a little complicated.

21 Thank you.

22 MAYOR PITTMAN: Mr. Hart.

23 MR. HART: I'll keep it short.

24 I think the matter of City Hall not being

25 able to get Open Records requests out or looking at

1 a very vital, vital part of helping in that office  
2 right now. I cannot even begin to tell you. The  
3 phone rings constantly.

4 COUNCILMEMBER PACHUTA: Okay.

5 MS. VENABLE: Excuse me. I do other things,  
6 though.

7 MAYOR PITTMAN: Okay. And thank you.

8 All right.

9 COUNCILMEMBER PACHUTA: We'll see how Mr.  
10 Howe does.

11 MAYOR PITTMAN: Okay. Thank you.

12 Motion to adjourn?

13 Oh, no. Excuse me. Public comments. I'm  
14 sorry. Public Comments. Please limit your comments  
15 to three minutes.

16 COUNCILMEMBER DEAN: We almost got out.

17 MS. VENABLE: Hello, everyone. I want to  
18 thank everyone that came out in support of me tonight.

19 I really, really appreciate it. Y'all are my  
20 citizens, and if there's anything ever I can do for  
21 you, I will.

22 And for the Council, if there's anything I can do for  
23 y'all also, I will. And Mayor, you know that all you  
24 have to do is ask. And the same with you, Sandra, and  
25 everybody else.

1 the alcohol permits and information, a lot of things  
2 are going on in the city right now. It's pretty  
3 apparent to the people in the audience that people are  
4 concerned with this city that things are not being  
5 done correctly.

6 There used to be a point in time, you know,  
7 when we -- we were on the Council, we had a lot of

8 really qualified people that were working in the city

9 that wore several hats and they could do several jobs

10 really well, from the building inspector to our city

11 clerk and -- and our accountant at the time, and we're

12 just not seeing that, and we're seeing errors in

13 judgment being made where buildings are being built

14 and permits being issued that are obviously incorrect.

15 And it brings on a level of frustration that you see

16 in the audience, and I don't know if the Council just

17 wants to put it off, but it also carries over to the

18 City Hall. You've got a lot of people doing a lot of

19 things but not producing a lot. And that is a --

20 you're in a budgetary crisis, you're overpaying some

21 staff members and you're not getting the job done.

22 So you need to take and -- My favorite movie is called

23 Money Ball. Okay? You ever seen that movie? It

24 wasn't paying a lot of money for a player but it was

25 getting a player that could get the job done. May be

1 a little weird, but they got the job done.  
 2 We need to start playing Money Ball here  
 3 because we're not doing that. We're losing money,  
 4 we're cutting services, and at a cost -- you're  
 5 putting the City out of business, and that's what  
 6 we're concerned about. Thank you.  
 7 MAYOR PITTMAN: Motion to adjourn?  
 8 COUNCILMEMBER PACHUTA: So moved.  
 9 MAYOR PITTMAN: Second?  
 10 COUNCILMEMBER DEAN: Second.  
 11 MAYOR PITTMAN: Discussion?  
 12 ---  
 13 (No response)  
 14 ---  
 15 MAYOR PITTMAN: Call the roll, please.  
 16 CLERK BRYANT: Councilmember Alexander?  
 17 COUNCILMEMBER ALEXANDER: Yes.  
 18 CLERK BRYANT: Councilmember Bates?  
 19 COUNCILMEMBER BATES: Yes.  
 20 CLERK BRYANT: Councilmember Dean?  
 21 COUNCILMEMBER DEAN: Yes.  
 22 CLERK BRYANT: Councilmember Fleming?  
 23 COUNCILMEMBER FLEMING: Yes.  
 24 CLERK BRYANT: Councilmember Pachuta?  
 25 COUNCILMEMBER PACHUTA: Yes.

1 CLERK BRYANT: Councilmember Patrick?  
 2 COUNCILMEMBER PATRICK: Yeah, I guess.  
 3 MAYOR PITTMAN: Meeting adjourned.  
 4 -o0o-  
 5 (Meeting adjourned at approximately 10:40  
 6 p.m.)  
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