

In The Matter Of:

*City Council Meeting
City of Doraville*

*Before Mayor Ray Jenkins
December 1, 2008*

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CITY COUNCIL MEETING
CITY OF DORAVILLE
STATE OF GEORGIA
* * *

Transcript of the proceedings held in
the City Council Room at Doraville City
Hall, 3725 Park Avenue, Doraville, Georgia,
Mayor Ray Jenkins presiding, before
Theresa Bretch, Certified Court Reporter,
commencing at 7:00 p.m. on Monday, December

[1] 2008.

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[1] P R O C E E D I N G S
[2] **MAYOR JENKINS:** Meeting come to order.
[3] Call the roll, please.
[4] **CLERK BLACKMON:** Councilmember
[5] Alexander?
[6] **COUNCILMEMBER ALEXANDER:** Here.
[7] **CLERK BLACKMON:** Councilmember Bates is
[8] not present.
[9] Councilmember Fleming?
[10] **COUNCILMEMBER FLEMING:** Here.

NCES:
le City Council:
n. Ray Jenkins, Mayor
uncilmember Maria Alexander
uncilmember Robert Spangler
uncilmember Donna Pittman
uncilmember Bob Roche
uncilmember Pam Fleming
rray J. Weed, City Attorney
. Rhonda Blackmon, City Clerk
ott Haeberlin, Planning Department
. Priscilla Murphy, Consultant

[1] Alexander?
[2] **COUNCILMEMBER ALEXANDER:** Yes.
[3] **CLERK BLACKMON:** Councilmember Fleming?
[4] **COUNCILMEMBER FLEMING:** Yes.
[5] **CLERK BLACKMON:** Councilmember Pittman?
[6] **COUNCILMEMBER PITTMAN:** Yes.
[7] **CLERK BLACKMON:** Councilmember Roche?
[8] **COUNCILMEMBER ROCHE:** Yes.
[9] **CLERK BLACKMON:** Councilmember
[10] Spangler?
[11] **COUNCILMEMBER SPANGLER:** No. Only the
[12] 17th because I didn't attend the other meetings.
[13] **MAYOR JENKINS:** Okay. Our annual what
[14] I call bonus for the City employees, did you get
[15] that information for me, Priscilla?
[16] **MS. MURPHY:** (Imperceptible)
[17] **MAYOR JENKINS:** Last year, we gave \$200
[18] clear, and I'd like to get a motion that we
[19] either do the same or whatever you want to do.
[20] **COUNCILMEMBER ROCHE:** I'll make that
[21] motion.
[22] **COUNCILMEMBER PITTMAN:** Well --
[23] **COUNCILMEMBER SPANGLER:** We might want
[24] -- I think Ms. Pittman wanted to ask for a
[25] little bit more.

[1] **COUNCILMEMBER PITTMAN:** Possibly we can
[2] ask -- I mean I'm open for ideas, but I think we
[3] need to give them a little bit more because
[4] times are kind of hard and it would be nice to
[5] be able to give them a little more this year.

[6] **COUNCILMEMBER ALEXANDER:** What is the
[7] total number of employees?

[8] **MAYOR JENKINS:** I believe it's 108. I
[9] may be wrong.

[10] **MS. MURPHY:** 114.

[11] **MAYOR JENKINS:** 114. Okay.

[12] **COUNCILMEMBER SPANGLER:** Ms. Pittman,
[13] what did you have in mind, another twenty-five?

[14] **COUNCILMEMBER PITTMAN:** I was thinking
[15] more along the line of two fifty.

[16] **COUNCILMEMBER SPANGLER:** Two fifty?

[17] **COUNCILMEMBER ROCHE:** Two fifty. But
[18] it's grossed out, so there would be taxes.

[19] **COUNCILMEMBER PITTMAN:** I was thinking
[20] two fifty.

[21] **COUNCILMEMBER SPANGLER:** Okay. I'll
[22] second two fifty.

[23] **COUNCILMEMBER PITTMAN:** Did you put it
[24] in there? I mean did you --

[25] **COUNCILMEMBER ROCHE:** That's just two

[1] Alexander?

[2] **COUNCILMEMBER ALEXANDER:** Yes.

[3] **CLERK BLACKMON:** Councilmember Fleming?

[4] **COUNCILMEMBER FLEMING:** Yes.

[5] **CLERK BLACKMON:** Councilmember Pittman?

[6] **COUNCILMEMBER PITTMAN:** Yes.

[7] **CLERK BLACKMON:** Councilmember Roche?

[8] **COUNCILMEMBER ROCHE:** Yes.

[9] **CLERK BLACKMON:** Councilmember

[10] Spangler?

[11] **COUNCILMEMBER ALEXANDER:** Yes.

[12] **MAYOR JENKINS:** Street lights on Buford
[13] Highway, pedestrian lights that I'm referring
[14] to, was put in by the County and DOT. They have
[15] come up with a situation that they're asking us
[16] to assume you might say a document saying that
[17] we will pay for those plus pay for the lighting.

[18] And I have talked to the City of
[19] Chamblee, and they're not going along with it.
[20] And of course the situation is we did not ask
[21] for them, but it's going to cost us \$2500 a
[22] month addition to what with the upper lighting
[23] that we have.

[24] So I'm just bringing you a report on
[25] this. I'll be checking more on this. I'm going

[1] fifty. No. I'll withdraw whatever I said.

[2] **COUNCILMEMBER PITTMAN:** Okay.

[3] **COUNCILMEMBER ROCHE:** You got that.

[4] **COUNCILMEMBER PITTMAN:** Then, I make a
[5] motion that we increase to give the Christmas
[6] bonus or the bonus -- sorry -- to two fifty.

[7] **COUNCILMEMBER ALEXANDER:** Is that gross
[8] or net?

[9] **COUNCILMEMBER SPANGLER:** That would be
[10] net.

[11] **COUNCILMEMBER ROCHE:** That's grossed

[12] up, so --

[13] **COUNCILMEMBER SPANGLER:** I second that.

[14] **MAYOR JENKINS:** Okay. Anymore

[15] discussion?

[16] **COUNCILMEMBER FLEMING:** Have we
[17] increased it over years past?

[18] **COUNCILMEMBER SPANGLER:** Yes, ma'am, we
[19] did last year.

[20] **COUNCILMEMBER PITTMAN:** We did last
[21] year. We did more than once in the past.

[22] **COUNCILMEMBER FLEMING:** Okay. Thank
[23] you.

[24] **MAYOR JENKINS:** Call the roll.

[25] **CLERK BLACKMON:** Councilmember

[1] to check with Senator Johnson and see what he
[2] says.

[3] There was a commitment made back when
[4] Cynthia McKinney was in office to put these
[5] lights in and they pay for them. So they're
[6] trying to get us to pay for them now, so we're
[7] going to do everything we can so we don't have
[8] to.

[9] This may work out and it may not, but
[10] I'll be talking to Council a little more after I
[11] talk to the senator about it.

[12] Okay. The collection agency GMA, I
[13] could not get in touch with Pam Helton so I will
[14] table this one until the next Council meeting.
[15] I believe I can get her to give us an update on
[16] and talk to us about how it works out. I
[17] believe it's 19 percent. But I will have her
[18] attend the next meeting, I hope.

[19] The 911 building rental, we haven't
[20] figured out yet how much it's going to cost to
[21] put a handicap bathroom and all in it, but I'll
[22] give a report on that a little bit later, not
[23] necessarily at a council meeting but before
[24] then, I hope.

[25] **COUNCILMEMBER SPANGLER:** Well, may I

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[1] comment on that, Mayor?
[2] **MAYOR JENKINS:** Yes, sir.
[3] **COUNCILMEMBER SPANGLER:** We're going to
[4] have to do that anyway.
[5] **MAYOR JENKINS:** Do what?
[6] **COUNCILMEMBER SPANGLER:** Do the
[7] handicap.
[8] **MAYOR JENKINS:** Yes, I know that. I
[9] just haven't had time to get an estimate.
[10] **COUNCILMEMBER SPANGLER:** Okay. Before
[11] we can rent it to anybody, though, we have to
[12] have that done.
[13] **MAYOR JENKINS:** Exactly.
[14] **COUNCILMEMBER SPANGLER:** Okay. I'm
[15] finished.
[16] **MAYOR JENKINS:** Okay.
[17] We had on the agenda City Clerk
[18] discussion, and we're going to wait till the
[19] mid-year review on that so all the Council can
[20] decide and we can look at the mid-year budget
[21] before we get into that.
[22] And the next one I think -- City-
[23] initiated rezoning, Brian is not here.
[24] Can you comment on this, Scott?
[25] **COUNCILMEMBER ROCHE:** Excuse me. Could

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[1] you remind me what the City Clerk discussion was
[2] all about?
[3] **MAYOR JENKINS:** Raise --
[4] **COUNCILMEMBER ROCHE:** Okay.
[5] **MAYOR JENKINS:** -- for the City Clerk.
[6] **COUNCILMEMBER ROCHE:** It just didn't
[7] say. Thank you.
[8] **MR. HAEBERLIN:** Yeah. At the last
[9] Council meeting, we received a perfect direction
[10] from the Council. This is just corrective
[11] zoning for some property that's developed as
[12] warehouses, and it's actually zoned R-1 on our
[13] current map.
[14] So we received the appropriate
[15] direction and we'll be proceeding with that as
[16] soon as we have a set schedule for next year.
[17] So it will probably be sometime in the latter
[18] part of January of next year.
[19] **COUNCILMEMBER SPANGLER:** And what are
[20] the businesses that are currently in these
[21] locations?
[22] **MR. HAEBERLIN:** They are various
[23] industrial-style uses, primarily combined with
[24] offices. So what was directed to us is that the
[25] item be looked at as O/W, Office/Warehouse.

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[1] So there's really -- there's no further
[2] action required from the Council at this time.
[3] Your staff will notify you and you'll receive
[4] the appropriate reports on it when we're ready
[5] for -- obviously, for an advertised public
[6] hearing.
[7] **COUNCILMEMBER FLEMING:** Thank you.
[8] **MAYOR JENKINS:** Okay.
[9] **COUNCILMEMBER PITTMAN:** Thank you.
[10] **MAYOR JENKINS:** Doraville Distinction
[11] Awards.
[12] Rhonda, do you have any information?
[13] Have you got any people that have --
[14] **CLERK BLACKMON:** No one has turned
[15] anything in. Brian was going to remind everyone
[16] that it ends the end of this month.
[17] **MAYOR JENKINS:** Deadline is the end of
[18] December.
[19] **CLERK BLACKMON:** Yes, to turn them in.
[20] **MAYOR JENKINS:** Okay. Anybody who has
[21] anybody they want to bring up for the Doraville
[22] Distinction Award, go ahead and get them in
[23] before December the 31st.
[24] Pam?
[25] **COUNCILMEMBER FLEMING:** Two weeks ago,

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[1] I made a proposal for the traffic route for
[2] District 1 for the M1 and M2 businesses, and
[3] actually, I had it routed so that they would be
[4] going in one way and out -- in one way and just
[5] making a circle.
[6] And a map was attached, and there may
[7] be some more over there. But as the citizens
[8] and Ms. Alexander pointed out, I had them coming
[9] out at Oakcliff Road and Buford Highway, and the
[10] temptation to continue down Oakcliff Road might
[11] be more than is desired.
[12] So this is premature. I wasn't
[13] expecting a vote on it. But it's something that
[14] we need to look into because in District 1 we
[15] have Hightower Elementary School right in the
[16] middle of the tank farm, and Woodwin Road comes
[17] right out within probably less than 50 feet in
[18] front of the school. And generally, a lot of
[19] the tankers do go that way, and then of course
[20] they do go down Longmire.
[21] So though this was premature, we are
[22] looking into -- the Mayor and I discussed it; it
[23] was a little premature -- but we are looking
[24] into what we can do about affixing signs for
[25] trucks 30 feet and under -- 30 feet and over,

[1] I'm sorry, not in any residential district
[2] regardless of time, because over in District 1
[3] we do have that problem where we've got some
[4] signs that say 7:00 a.m. to 9:00 a.m. only is
[5] when they're not supposed to be there and then
[6] we have others where it's in evening hours. So
[7] I think that we need to be consistent so that we
[8] would be able to ticket the violators properly.

[9] And I believe we also discussed a
[10] discussion on raising the fines for the
[11] violators, so I wasn't sure how we can move
[12] forward on that.

[13] **COUNCILMEMBER ALEXANDER:** I think that
[14] was -- this relates back to one of the questions
[15] I had for Mr. Weed is that actually in our code
[16] it lists the times that are on those signs. And
[17] as we discussed, the hours of schools have
[18] changed, and that particular sign reads 7:00
[19] a.m. to 7:00 p.m., and that's when the kids are
[20] going to school is 7:00 a.m.

[21] So if there's something that we can
[22] look at to change those hours. The problem at
[23] Woodwin is part of it's ours and part of it's
[24] the county's, because the same sign I believe is
[25] on Winters Chapel going up the hill and it has

[1] **ATTORNEY WEED:** The maximum you could
[2] do is a thousand dollars, so I mean up until
[3] that range. That's your upper limit. So
[4] anything up to there, you can do.

[5] **COUNCILMEMBER FLEMING:** All right.

[6] **COUNCILMEMBER SPANGLER:** And in talking
[7] with the Chief, he's told me too that it's
[8] pretty hard to --

[9] Didn't you say, Chief, that all the
[10] violators had been thrown out -- the fines?

[11] **CHIEF KING:** We have not been
[12] successful, sir. We have not been very
[13] successful in prosecuting those cases because of
[14] the confusion between the lights, blinking
[15] lights, the signage, and the jurisdictional
[16] issues between us and Dekalb County.

[17] **COUNCILMEMBER SPANGLER:** So if we get -
[18] - get the signs?

[19] **CHIEF KING:** We can -- I think if we
[20] can make the inroads, first clearing up our
[21] ordinance, clearing up the signs, and perhaps
[22] dealing with the blinking light, because at one
[23] time, those blinking lights were controlled by
[24] the principal of the school. And I think Ms.
[25] Pittman might have some additional information.

[1] those same hour restrictions. So that's
[2] definitely something we need to look at.

[3] **COUNCILMEMBER SPANGLER:** Couldn't we
[4] handle that? Even though part of that is the
[5] county, they still have to pass through our city
[6] limits.

[7] **ATTORNEY WEED:** We can do whatever. As
[8] long as it's our street, we can do whatever we
[9] want to with our sign.

[10] The ordinance has got to go first, then
[11] you change the signage. But you can certainly
[12] do that.

[13] **COUNCILMEMBER SPANGLER:** Well, what I'm
[14] saying is if the County wants to let them come
[15] through to a point, then we can stop them at
[16] that point. They'd either have to turn around
[17] or not come in the first place.

[18] **ATTORNEY WEED:** That is correct.

[19] **COUNCILMEMBER ROCHE:** I'm just very
[20] glad that we're finally beginning to address
[21] this. I know there's a lot of issues in this
[22] complex situation, but --

[23] **COUNCILMEMBER FLEMING:** In regards to
[24] the fines, is there something that we can also
[25] address on that as well?

[1] **COUNCILMEMBER PITTMAN:** I do, actually.
[2] I just gave Captain Brown a letter tonight that
[3] -- you can just hang onto it unless they want to
[4] see it.

[5] I finally got clearance from Dekalb
[6] County Board of Education to allow the principal
[7] to do a letter stating the new school times.
[8] And if we could present that to the traffic
[9] engineers, which is a really good letter, then
[10] they will change it.

[11] So I've given it to him, so that should
[12] be addressed like really soon.

[13] **CHIEF KING:** We have a number of
[14] entities involved, and I think we just -- I
[15] think with Council's, you know, giving us clear
[16] intent, then we can carry this vision to Dekalb
[17] County School Board, traffic engineers, get
[18] Dekalb County Police on board. I think if we
[19] get to that direction, I think we can proceed
[20] forward.

[21] **COUNCILMEMBER PITTMAN:** It took two
[22] years to get a letter, but we finally got one
[23] after passing the buck and -- you know. But we
[24] got one, so I think that will do the job with
[25] the light.

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[1] **CHIEF KING:** This is a beginning.
[2] **COUNCILMEMBER PITTMAN:** That's right.
[3] That'll do the job on the light.
[4] **CHIEF KING:** I think that clear
[5] direction from the City Council will go a long
[6] way.
[7] **COUNCILMEMBER PITTMAN:** Yes.
[8] **COUNCILMEMBER FLEMING:** But I think one
[9] of the main issues that I am concerned with is
[10] if we put a time on there at all, then it opens
[11] them up to violating it even moreso.
[12] My preference would be even Oakcliff
[13] Road or Chestnut or anywhere in the City, that
[14] we should not have trucks 30 feet or more in
[15] residential areas.
[16] **COUNCILMEMBER ALEXANDER:** Well,
[17] Oakcliff and Chestnut are specified not to
[18] allow.
[19] The only one that has a time is at
[20] Woodwin. That's the only one that has a time
[21] associated with it.
[22] **COUNCILMEMBER PITTMAN:** I just had a
[23] question. Do you know the answer to this: did
[24] DOT do those truck routes? Are they the ones
[25] that --

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[1] **CHIEF KING:** Ma'am, it was a
[2] combination of State DOT, Dekalb County DOT.
[3] And it was basically presented years and years
[4] ago. This was a long time ago when this got
[5] sorted out.
[6] It probably ought to get updated,
[7] probably with a traffic study from the State
[8] Department of Transportation. It's been a long
[9] time in coming. It needs to be updated.
[10] And I understand, I think, the intent
[11] of Commissioner Fleming. But I think, you know,
[12] the key is getting the clear direction from the
[13] Council based on that. Then we could carry this
[14] forward and say, "Hey, guys. This is what our
[15] Council wants."
[16] **COUNCILMEMBER PITTMAN:** I like the no
[17] time, I mean, period.
[18] **COUNCILMEMBER ROCHE:** Well, at the same
[19] time, I think that, as Councilwoman Fleming
[20] mentioned before, I mean if we could standardize
[21] and clean up our ordinances to make them a
[22] little more enforceable and make a fine that
[23] actually means something so that we can actually
[24] get convictions and it's enough to stop, to
[25] deter people from riding through there, driving

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[1] through there, I think that would be a good
[2] thing.
[3] **COUNCILMEMBER FLEMING:** So at this
[4] point, we're asking Mr. Weed to address the
[5] signs in that ordinance to correct them to none
[6] 30 feet and over in residential areas rather
[7] than having --
[8] **ATTORNEY WEED:** Without times.
[9] **COUNCILMEMBER FLEMING:** I'm sorry?
[10] **ATTORNEY WEED:** Without designated
[11] times.
[12] **COUNCILMEMBER FLEMING:** Without
[13] designated times.
[14] **COUNCILMEMBER ALEXANDER:** Well, as I
[15] was saying --
[16] **COUNCILMEMBER ROCHE:** I'll second that
[17] motion.
[18] **COUNCILMEMBER FLEMING:** Should that be
[19] a motion?
[20] **COUNCILMEMBER ALEXANDER:** At the same
[21] time, we were supposed to -- the Mayor was
[22] supposed to find out where these new signs had
[23] been posted so we include the streets that have
[24] the new signs in the same ordinance.
[25] We don't want to update the ordinance

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[1] multiple times. Like to get it with one shot.
[2] That's Section 19-12.
[3] **ATTORNEY WEED:** It sounds to me like
[4] this is kind of a more universal project.
[5] **COUNCILMEMBER ALEXANDER:** Uh-huh.
[6] **ATTORNEY WEED:** And I think I've got
[7] clear direction about where we can go with it.
[8] **COUNCILMEMBER ALEXANDER:** But I think
[9] it's important that we need to communicate with
[10] Dekalb County since they have the other half of
[11] that street, at least now.
[12] **COUNCILMEMBER SPANGLER:** Do they have
[13] the whole half? Do they have half of it?
[14] **COUNCILMEMBER ALEXANDER:** Do you --
[15] **COUNCILMEMBER SPANGLER:** They just had
[16] a small portion of it, I thought.
[17] **COUNCILMEMBER ALEXANDER:** Do you know
[18] where (imperceptible) ends at Woodwin?
[19] **COUNCILMEMBER SPANGLER:** Chief, do you
[20] know where Dekalb County ends on Woodwin?
[21] **CHIEF KING:** Right there at Johnny's
[22] Lane, sir, is --
[23] **COUNCILMEMBER ALEXANDER:** That's where
[24] they pick up.
[25] **CHIEF KING:** -- the line. And then on

[1] Tilly Mill, it's right across Tilly Mill and
[2] Woodwin. The house on the right is a commercial
[3] property. The house on the left is a commercial
[4] property. The left side of Woodwin and Tilly
[5] Mill is in the county. The school is actually
[6] the first property on the right side of Tilly
[7] Mill that's in the city.

[8] The house that's burned down?
[9] **COUNCILMEMBER PITTMAN:** The big green
[10] house.

[11] **CHIEF KING:** The big green house --

[12] **COUNCILMEMBER PITTMAN:** Yeah.

[13] **CHIEF KING:** -- that burned down there.

[14] **COUNCILMEMBER PITTMAN:** That's the
[15] county.

[16] **CHIEF KING:** That's the county.

[17] **COUNCILMEMBER SPANGLER:** But what I'm
[18] saying, Ms. Alexander, and I think Mr. Weed said
[19] we could do, is stop truck traffic on Woodwin.

[20] **CHIEF KING:** Potentially, Mr. Spangler,
[21] a lot of this is going to be resolved,
[22] hopefully, fingers crossed, with the annexation
[23] provision because that would clean our city
[24] limits. Then the City Council can direct no
[25] traffic on Tilly Mill, period.

[1] already have the signs -- have the ordinance
[2] already in play --

[3] **COUNCILMEMBER ROCHE:** Right.

[4] **COUNCILMEMBER FLEMING:** -- and also
[5] determine the verbiage on the signs prior to the
[6] vote of annexation?

[7] **ATTORNEY WEED:** Yes, ma'am. I think I
[8] can word the ordinance where it won't matter if
[9] it's pre or post annexation. I think where
[10] you're going with that is correct.

[11] So I think it's still a worthwhile
[12] project. And if we get the annexation, great;
[13] and if we don't get it, then it'll end up being
[14] -- the way it'll be interpreted by the Police
[15] Department and by my office will be that one
[16] lane with regard to that one situation on
[17] Woodwin.

[18] But that would be okay, too. I mean
[19] what it would say would be something to the
[20] effect of, you know, the truck traffic's not
[21] allowed on Woodwin and then whatever portion of
[22] Woodwin is ours, that's what it would mean.

[23] **COUNCILMEMBER ROCHE:** But at the same
[24] time, we can clean up the ordinance so that the
[25] truck traffic on Oakcliff Road could also be

[1] **COUNCILMEMBER SPANGLER:** If -- if the
[2] annexation goes through.

[3] **CHIEF KING:** That is correct.

[4] **COUNCILMEMBER SPANGLER:** If it does
[5] not, we need to be prepared also, Chief, to take
[6] care of the problem.

[7] **CHIEF KING:** But sir, the problem is I
[8] can't keep them off Tilly Mill right now, and if
[9] the annexation does not go through, we will be
[10] prevented from doing it.

[11] **COUNCILMEMBER SPANGLER:** But we can
[12] still, according to Mr. Weed -- I just asked --
[13] we can still do this ordinance in a way that we
[14] can keep them off our portion of Woodwin.

[15] **CHIEF KING:** One lane of Woodwin Road,
[16] sir.

[17] **COUNCILMEMBER SPANGLER:** So that's
[18] something we need to maybe look at.

[19] **COUNCILMEMBER ALEXANDER:** So they could
[20] go out but they couldn't go in. So to me, you
[21] wouldn't be accomplishing the task that you want
[22] to accomplish.

[23] **COUNCILMEMBER SPANGLER:** Well, you
[24] would be accomplishing part of the task.

[25] **COUNCILMEMBER FLEMING:** Would we not

[1] easier to prosecute and --

[2] **COUNCILMEMBER PITTMAN:** I think that
[3] would be a nightmare in court. It could be a
[4] nightmare in court trying to prosecute that, I
[5] would think, without it being -- I don't --

[6] **COUNCILMEMBER FLEMING:** Well, at this
[7] point, it would not be prosecuted in court prior
[8] to the vote for annexation anyway because it's
[9] going to take us until January to even get this
[10] off the floor.

[11] **COUNCILMEMBER ROCHE:** Right.

[12] **ATTORNEY WEED:** Yes, ma'am.

[13] In order to do it right -- this is my
[14] opinion -- we would need to have the
[15] representation from the Police Department or
[16] whoever is going to do it, to do a survey of all
[17] the existing signs, traffic signs, to figure out
[18] what all the language is on all the existing
[19] signs and where they're located.

[20] After we determine where they're
[21] located and map them out, we need to determine
[22] whose right-of-way they're in, whether it's our
[23] right-of-way or somebody else's right of way,
[24] and find out if we've got control of them.

[25] Then we've got to compare the signs

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[1] with the actual streets to make sure that
 [2] they're our streets or somebody else's street.
 [3] Once you know they're our street, we can do
 [4] whatever we want to with them.
 [5] Our signs, our right-of-way, our
 [6] streets.
 [7] And then the third thing after that
 [8] would be then we would change the language of
 [9] the ordinance to make all of that mesh.
 [10] So that's how we should do it.
 [11] And in a perfect world, we'd do some
 [12] sort of traffic study as well to try to address
 [13] some of the bigger issues that you tried to
 [14] address directly: what is the best traffic
 [15] flow? And frankly, we probably need to seek
 [16] some outside expertise with regard to that, I
 [17] would imagine, unless there's somebody in the
 [18] P.D. who could do it.
 [19] I mean I think we can keep trying to do
 [20] that part of the project too or we can hire
 [21] somebody who knows traffic like the back of
 [22] their hand.
 [23] But what we can do in the short term is
 [24] what I've suggested: the sign survey, the
 [25] location survey, which roads are our roads, and

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[1] then fix the language of the ordinance so that
 [2] at least we can start looking at changing the
 [3] signs or at a minimum make them consistent.
 [4] That's how I would suggest we do it if we do it.
 [5] **COUNCILMEMBER FLEMING:** Mayor, I'd like
 [6] to make a motion to start the sign survey, allow
 [7] our attorney to draft a sign survey to correct
 [8] the signs, to correct the -- and have them
 [9] consistent throughout the city rather than
 [10] having them sporadic around so that no resident
 [11] -- so no 30-feet-and-over trucks are going
 [12] through residential areas.
 [13] **COUNCILMEMBER ROCHE:** I'll second that.
 [14] **MAYOR JENKINS:** More discussion?
 [15] ---
 [16] (No response)
 [17] ---
 [18] **MAYOR JENKINS:** Call the roll.
 [19] **CLERK BLACKMON:** Councilmember
 [20] Alexander?
 [21] **COUNCILMEMBER ALEXANDER:** Yes.
 [22] **CLERK BLACKMON:** Councilmember Fleming?
 [23] **COUNCILMEMBER FLEMING:** Yes.
 [24] **CLERK BLACKMON:** Councilmember Pittman?
 [25] **COUNCILMEMBER PITTMAN:** Yes.

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[1] **CLERK BLACKMON:** Councilmember Roche?
 [2] **COUNCILMEMBER ROCHE:** Yes.
 [3] **CLERK BLACKMON:** Councilmember
 [4] Spangler?
 [5] **COUNCILMEMBER SPANGLER:** Yes.
 [6] **MAYOR JENKINS:** Item number 7.
 [7] **COUNCILMEMBER ROCHE:** Building Permit
 [8] Clerk. As a lot of people here probably already
 [9] know, Rhonda was our Building Permit Clerk
 [10] for --
 [11] How many years?
 [12] **CLERK BLACKMON:** Three.
 [13] **COUNCILMEMBER ROCHE:** -- three years.
 [14] She did a great job, but now she's doing a
 [15] really great job as our City Clerk. The problem
 [16] is that she's also still being the City Permits
 [17] Clerk.
 [18] So I discussed this with a couple of
 [19] people and I requested a job description for a
 [20] Permit Clerk/Customer Service Associate that
 [21] would report to the City Planner, and thereby,
 [22] once that person comes on and is trained, then
 [23] the City Clerk and the Assistant City Clerk can
 [24] spend their time doing "clerk things" instead of
 [25] "building permit things." There's a lot of

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[1] things that we need to get done here in the
 [2] city.
 [3] So there is budget money in the -- it
 [4] used to come out of the City Inspector budget.
 [5] Since we don't have a full-time City Inspector,
 [6] there's money there that we can use at least
 [7] initially until we can do our mid-year budget
 [8] review.
 [9] So I would like to go ahead and make a
 [10] motion that we create the opening -- we create a
 [11] new job position. I'll get it out in a minute.
 [12] We create a new position reporting directly to
 [13] the City Planner, of the Permit Clerk/Customer
 [14] Service Associate with a beginning salary range
 [15] of I think we said somewhere between twenty-five
 [16] and thirty-seven/five hundred depending on who
 [17] we can find and whether or not they have
 [18] certification, et cetera, et cetera.
 [19] Do I need to add anything else?
 [20] **COUNCILMEMBER PITTMAN:** So what -- when
 [21] you say "Customer Service Associate," what do
 [22] you mean?
 [23] **MR. HAEBERLIN:** Well, I actually
 [24] drafted the item at the request of the Mayor Pro
 [25] Tem, and I'm looking at this more broadly.

[1] Anybody who works at City Hall that
[2] performs clerk-style functions needs to be
[3] customer-service oriented, and obviously they're
[4] going to receive a lot of inquiries about where
[5] to go, how to do this, et cetera. So I
[6] broadened it to Customer Service Associate so
[7] that not only would they, at some point, would
[8] be cross trained with some other functions such
[9] as occupational tax or the front desk,
[10] et cetera, they could provide some relief. So
[11] it's broadened just to let that person know.
[12] And in the job description, it says that they
[13] may be called upon to perform other functions as
[14] needed, especially with our small staff that we
[15] have.

[16] **COUNCILMEMBER ROCHE:** Yeah. That means
[17] if someone's not at the window wanting a permit,
[18] you know, they don't sit around and play
[19] solitaire or something.

[20] **COUNCILMEMBER SPANGLER:** What was that
[21] salary range again?

[22] **COUNCILMEMBER ROCHE:** I think we said
[23] twenty-five to thirty-seven thousand/five
[24] hundred.

[25] **COUNCILMEMBER ALEXANDER:** This says

[1] already has Intergov on it, which is the
[2] software that we use for building permits.

[3] **COUNCILMEMBER SPANGLER:** I'd like to
[4] second the motion.

[5] **MAYOR JENKINS:** I'd like to comment on
[6] that. I have a little trial set up for the 8th
[7] starting on -- to train for this Intergov. Not
[8] that it won't affect what you're referring to.

[9] So I just wanted you to know that he is
[10] set up for training as we speak, and he can fill
[11] in also.

[12] And one other thing that I would like
[13] to mention that I've always said that when we do
[14] not have a full Council, I would appreciate it
[15] if some of these very important items would be
[16] kindly -- wait till we have a full Council.
[17] Let's put it that way.

[18] But I mean I'm not saying that this is
[19] -- well, this is pretty important, too, when
[20] we're hiring a new person.

[21] Yes, sir. Is that all right with you,
[22] sir?

[23] **COUNCILMEMBER ROCHE:** Well, I have a --
[24] there were a couple of meetings that I couldn't
[25] attend, and the Council passed several things.

[1] twenty-two/five.

[2] **COUNCILMEMBER ROCHE:** That's twenty-
[3] two/five?

[4] **MR. HAEBERLIN:** Actually, I did have
[5] twenty-two/five to thirty-seven/five.

[6] **COUNCILMEMBER ROCHE:** I missed that.
[7] I'm sorry.

[8] **MR. HAEBERLIN:** And then remember again
[9] that you're looking at a broad -- a broad amount
[10] based on what you're getting as far as
[11] applicants. So you have the ability, based on
[12] experience and skills, to pay up to 37,500.

[13] **COUNCILMEMBER ALEXANDER:** And
[14] physically where would this person be?

[15] **MR. HAEBERLIN:** That has not been
[16] revolved yet. We do have some space needs that
[17] need to be addressed.

[18] **COUNCILMEMBER ROCHE:** You know, I think
[19] initially they could just use that other desk
[20] behind the glass because they're going to be
[21] getting trained, anyway, until such time as we
[22] found someplace more appropriate. So initially,
[23] there's plenty of room right there. There's a
[24] desk waiting for them.

[25] **CLERK BLACKMON:** That computer also

[1] In fact, I had called you --

[2] **MAYOR JENKINS:** Such as what?

[3] **COUNCILMEMBER ROCHE:** It was -- oh,
[4] God, here we go. It was all the stuff having to
[5] do with the city planning and the zoning
[6] ordinance, and I could not attend the meeting
[7] and I called you up in advance and said, please
[8] don't do any votes on this.

[9] And I wasn't there, and y'all certainly
[10] didn't hesitate to put things on the agenda.

[11] **MAYOR JENKINS:** Bob, I don't believe
[12] everything you say.

[13] **COUNCILMEMBER SPANGLER:** Mayor, I
[14] believe --

[15] **MAYOR JENKINS:** I want to apologize.

[16] **COUNCILMEMBER SPANGLER:** -- he's right.

[17] **MAYOR JENKINS:** I've got the floor.

[18] **COUNCILMEMBER SPANGLER:** Well, you got
[19] the floor, but I'm saying he's right.

[20] **MAYOR JENKINS:** Stuart, I want to
[21] apologize to you. You're on the sign-up sheet.

[22] **MR. ANDERSON:** That's not a problem.

[23] **MAYOR JENKINS:** And I really thought it
[24] was for the other, C1/C2, and I apologize to
[25] you.

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[1] **MR. ANDERSON:** Thank you. I appreciate
[2] it.
[3] **MAYOR JENKINS:** I have a right to state
[4] my opinion, and I did.
[5] **COUNCILMEMBER SPANGLER:** And I have a
[6] right to state mine, Mayor. I do know --
[7] **MAYOR JENKINS:** Go right ahead.
[8] **COUNCILMEMBER SPANGLER:** -- what
[9] Mr. Roche is saying is true: that while he was
[10] not able to attend, there was some important
[11] issues that were voted on.
[12] **MAYOR JENKINS:** You can't tell me what
[13] they are either.
[14] **COUNCILMEMBER SPANGLER:** Well, yeah, I
[15] can, but I shouldn't have to.
[16] **COUNCILMEMBER ROCHE:** Yeah. It had to
[17] do with the map, it had to do with the
[18] requirement for -- overall, it was --
[19] It was during a special meeting, and I
[20] called you in advance, so --
[21] **MAYOR JENKINS:** I simply made a
[22] statement on discussion.
[23] **COUNCILMEMBER ROCHE:** Okay.
[24] **MAYOR JENKINS:** Are you finished?
[25] Will you call the roll, please.

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[1] **CLERK BLACKMON:** Councilmember
[2] Alexander?
[3] **COUNCILMEMBER ALEXANDER:** Yes.
[4] **CLERK BLACKMON:** Councilmember Fleming?
[5] **COUNCILMEMBER FLEMING:** Yes.
[6] **CLERK BLACKMON:** Councilmember Pittman?
[7] **COUNCILMEMBER PITTMAN:** Yes.
[8] **CLERK BLACKMON:** Councilmember Roche?
[9] **COUNCILMEMBER ROCHE:** Yes.
[10] **CLERK BLACKMON:** Councilmember
[11] Spangler?
[12] **COUNCILMEMBER SPANGLER:** Yes.
[13] **COUNCILMEMBER ROCHE:** Code Enforcement,
[14] QOL, I'm going to go ahead and skip that one.
[15] I'm going to table that till a different -- I
[16] think that's going to be handled a different
[17] way.
[18] Thank you. That's all I have.
[19] **MAYOR JENKINS:** Donna?
[20] **COUNCILMEMBER PITTMAN:** Halpern Park.
[21] We're having a difficult time because Ms.
[22] Stephens is extremely, extremely busy, so we're
[23] probably going to defer this to the first of the
[24] year, and she's -- We really need to get with
[25] her. And I would feel more comfortable and I'm

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[1] sure you would too if we could talk to her
[2] first.
[3] So I'm going to defer this to probably
[4] January.
[5] **COUNCILMEMBER ALEXANDER:** On the U.S.
[6] Communities stuff, there are items now that are
[7] under that contract that she's already reviewing
[8] for use in that park.
[9] **COUNCILMEMBER PITTMAN:** Yeah. So we'll
[10] wait till we can all get with her. Probably put
[11] it in January.
[12] **CLERK BLACKMON:** I'll put January '09.
[13] **COUNCILMEMBER PITTMAN:** Right.
[14] **CLERK BLACKMON:** First meeting.
[15] **COUNCILMEMBER PITTMAN:** Defining the
[16] RFP ordinance. This is definitely something we
[17] need to discuss, although I'm going to defer
[18] this to our next Council meeting. There seems
[19] to be quite a bit of confusion on how that's
[20] supposed to be handled, and I really would like
[21] to, with Mr. Weed's assistance, define that so
[22] there is no question.
[23] In my opinion, if we're going to go out
[24] for RFP's, we need to go out for everybody or
[25] nobody. None of this maybe this one, maybe that

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[1] one. So we need to get some definitions and
[2] clear that up so the employees will know what to
[3] expect as well as the Council.
[4] But I'm going to defer this because I
[5] would prefer -- this is the whole Council that
[6] needs to talk about this. I'm going to defer
[7] till the next meeting.
[8] Okay?
[9] **MAYOR JENKINS:** Okay.
[10] Mr. Livingston, would you come up to
[11] the microphone?
[12] Mr. Livingston has asked me to -- he
[13] was on here for ethics. He's asked me -- he
[14] would like to talk about annexation because this
[15] is coming up pretty quick.
[16] And I'm asking the Council, is it all
[17] right that Mr. Livingston change his item? Yes
[18] or no?
[19] **COUNCILMEMBER SPANGLER:** Yes.
[20] **COUNCILMEMBER PITTMAN:** That's fine
[21] with me.
[22] **COUNCILMEMBER FLEMING:** Yes.
[23] **MR. LIVINGSTON:** Thank you very much.
[24] Actually, since I got on the agenda,
[25] I've talked to a number of people throughout the

[1] city about the annexation issue. There's some
[2] concerns and questions about this, so I just
[3] wanted to come and go over a little bit of this
[4] tonight if we could.

[5] It kind of seems like -- I've missed a
[6] few meetings every now and then, but not very
[7] many, and seems like this annexation thing just
[8] kind of hatched and everybody was on board with
[9] it and, you know, it kind of went forward
[10] without everybody, especially us out here, being
[11] told exactly how it was going to work and what
[12] it was going to cost and all this kind of stuff.
[13] And so I wanted to just kind of go through a few
[14] of these concerns and questions tonight.

[15] One of them is, you know, there's --
[16] this is no reflection on the Police Department,
[17] but we're going -- we're going from I understand
[18] about 11,000 people and we're going to increase
[19] it by 60 percent to something just a little over
[20] 17,600, somewhere in there. And right now,
[21] we've got about 32 officers. And you know,
[22] we're -- with what we've got, we're -- like I
[23] say, this is no reflection on the Police
[24] Department at all because you only can do what
[25] you can do.

[1] But you know, we're not getting the
[2] coverage in the neighborhoods that we feel like
[3] we need to have. Crime is up. We're having
[4] daytime robberies. We've got shots in the night
[5] going up and down Oakcliff Road and English Oak
[6] and different places, and I don't know about the
[7] rest of the city. And you know, we're -- like I
[8] say, it's no reflection on anybody, but we're
[9] thinking about, okay, what's going to happen if
[10] we increase the population by 60 percent and
[11] we've got another roughly 7,000 people that
[12] they've got to take care of?

[13] And granted, they're going to --
[14] they're going to add some officers, but you
[15] can't do that right away. It takes time. And
[16] in the meantime, you know, it's going to --
[17] we're going to have reduced services, probably.
[18] And it's not only the police officers but the
[19] code enforcement. With 60 percent more people,
[20] there'll have to be at least one more code
[21] officer, ordinance people.

[22] And I don't know. There's probably a
[23] lot of expenses that I don't even know about.
[24] But just thinking about adding eight officers,
[25] we're increasing -- I've heard that. That's a

[1] number that's been used, eight to twelve. We
[2] just figured eight. The cost involved -- and
[3] there's probably a lot of other costs besides
[4] this, but I -- you know, we -- I remember seeing
[5] on the budget, we had a budget of about \$250,000
[6] for two code people. That's 125,000 apiece.
[7] Well, say that the police officer is going to
[8] cost a little more than this. Let's just say
[9] for salaries and benefits and car and equipment
[10] and everything, let's just say 140,000. At
[11] eight officers, that's \$1,120,000.

[12] **COUNCILMEMBER ROCHE:** Uh-huh.
[13] **MR. LIVINGSTON:** And another \$125,000
[14] for another code officer. That comes up to a
[15] million two forty-five.

[16] And then last year -- or this year, we
[17] had a \$670,000 budget deficit. If we have
[18] something like that this coming year, you add
[19] that onto the million two forty-five and you
[20] come up to almost \$2 million. \$1,915,000.

[21] And like I say, this is just a stab at
[22] it. I don't know. There may be more. I really
[23] don't know.

[24] But with all this in mind, I've got
[25] five questions for all of you. I'm going to

[1] read these. I'm going to pass them out. I
[2] don't know if you've got time to read half of
[3] them tonight. I won't put you on the spot. It
[4] could be that maybe you could see your way clear
[5] to look at some of these and come back the next
[6] Council meeting and answer these questions
[7] because there's people -- this is stuff that
[8] people are asking. This is not just me. I've
[9] talked to a lot of people.

[10] One of them -- well, the first question
[11] I've got is, you know, really, why are we doing
[12] this? Other than squaring up the boundaries and
[13] making it easier to police, what are the
[14] advantages of annexation to the city?

[15] Now, we talked about some of this
[16] tonight about, you know, stuff over there on
[17] Woodwin. I can understand a little bit of that.
[18] I mean that's -- that's some pretty important
[19] stuff.

[20] But anyway, I kind of want to know, you
[21] know, why are we doing this? This is kind of a
[22] several-pronged question, like who's pushing it
[23] and why? Just like to know where it's coming
[24] from. You know, we never -- we never got into
[25] all this.

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[1] Next thing --

[2] **COUNCILMEMBER ALEXANDER:** We started

[3] this in 2006.

[4] **MR. LIVINGSTON:** Next thing is what

[5] will the annexation cost the City over and above

[6] the present budget items? What I gave you was

[7] just some idea of mine about what it might cost

[8] just for the police, you know, and code people.

[9] Third thing is in view of the loss of

[10] revenue caused by the closing of the GM plant

[11] and the current economic situation in general

[12] with expected reduction of revenues from all

[13] sources, can we really afford this?

[14] Number four, is it likely that all

[15] homeowners in Doraville will be taxed in order

[16] to fund additional expenses that will result

[17] from annexation? You know, I don't know if

[18] that's ever really been in -- ever been in the

[19] pipeline or whatever, but it's a question that a

[20] lot of us are asking.

[21] And number five is a six-word question,

[22] but in order for it to make sense, I have to

[23] make a statement. The statement is: It seems

[24] likely that homeowners within the existing

[25] boundaries of Doraville will experience a

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[1] reduction in services -- re police protection,

[2] et cetera -- for some time, and possibly

[3] additional taxes, as we talked about just above,

[4] yet the people currently have no vote on the

[5] annexation issue. And what can be done about

[6] this?

[7] Those are my questions. I'm going to

[8] pass them out. If any of you feel like making a

[9] stab at any of these just real quickly, fine. I

[10] won't hold you to the wire. I'm springing this

[11] on you real quickly, but I would like to see,

[12] you know, a reply to this.

[13] And this is just meant in the best

[14] interest of all of us here. This is not

[15] derogatory to anybody. These are things that I

[16] think really need to be answered.

[17] There should be an extra one for both

[18] the lawyer, Murray, and Rhonda. Are there two

[19] more left?

[20] **COUNCILMEMBER ALEXANDER:** Uh-huh.

[21] **COUNCILMEMBER SPANGLER:** Save one for

[22] Brian.

[23] **MR. LIVINGSTON:** With that, that's

[24] really all I have unless there's any of you feel

[25] like just answering any of these, just maybe one

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[1] in a little time. I don't want to run over time

[2] here, but --

[3] **COUNCILMEMBER ROCHE:** Just for

[4] clarification, number four says, Is it likely

[5] that all homeowners --?

[6] You're referring to the homestead

[7] exemption for people over a certain age?

[8] **MR. LIVINGSTON:** Well, I'm just

[9] referring to any extra taxes of any kind that

[10] might be levied against the homeowners in

[11] Doraville as a result of this to -- to help --

[12] **COUNCILMEMBER ROCHE:** Okay. I under-

[13] stand.

[14] **MR. LIVINGSTON:** -- fund some of this

[15] business, without any real --

[16] **COUNCILMEMBER ROCHE:** Right.

[17] **MR. LIVINGSTON:** -- information as to,

[18] you know, that sort of thing.

[19] **COUNCILMEMBER ROCHE:** Uh-huh.

[20] **MR. LIVINGSTON:** Well, I'll leave it

[21] with you there unless you -- like I say, if any

[22] of you want to try answering any of these right

[23] now, and I don't see anybody really going

[24] forward, so I'll --

[25] **COUNCILMEMBER FLEMING:** You brought up

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[1] some excellent questions.

[2] **COUNCILMEMBER ROCHE:** Yes. Thank you

[3] very much.

[4] **COUNCILMEMBER FLEMING:** Excellent

[5] questions that need to be addressed, and we

[6] appreciate your candid dissertation on your

[7] thoughts --

[8] **MR. LIVINGSTON:** Okay. Thank you very

[9] much.

[10] **COUNCILMEMBER FLEMING:** -- and those of

[11] others. Thank you.

[12] **COUNCILMEMBER ROCHE:** And I'm looking

[13] forward to hearing about ethics next meeting.

[14] **MR. LIVINGSTON:** All right. You will.

[15] **COUNCILMEMBER ROCHE:** Thank you.

[16] **MAYOR JENKINS:** Murray? C1/C2, that's

[17] Scott and Murray.

[18] **COUNCILMEMBER ALEXANDER:** So Item No.

[19] 12 is not on the agenda any longer?

[20] **MAYOR JENKINS:** Excuse me?

[21] **COUNCILMEMBER ALEXANDER:** Item No. 12,

[22] the taxi?

[23] **CLERK BLACKMON:** I don't see the

[24] gentleman.

[25] **MAYOR JENKINS:** Linares? Is that the

[1] way you pronounce it?
[2] **CLERK BLACKMON:** Yes, sir, and I don't
[3] -- I don't believe he's here.

[4] **MAYOR JENKINS:** Okay, Scott.
[5] **MR. HAEBERLIN:** You guys have received
[6] tonight a revised copy of C1/C2 from City
[7] Attorney.

[8] As you recall, we actually have been
[9] working on this, Mr. Weed and myself, a little
[10] over five weeks now, and myself individually
[11] probably almost seven weeks.

[12] This is kind of a supplement to what
[13] you guys received approximately three weeks ago.
[14] The substance of it has not really changed.
[15] Ninety-eight percent of it is the same as you
[16] received three weeks ago. But there was some
[17] additional tweaking because we did receive some
[18] input both from the Councilpeople and from
[19] staff.

[20] This does include a rewrite or an
[21] inclusion of new definitions that we do
[22] typically when we do a code amendment. We'll be
[23] doing that again on December 15th with O/I and
[24] O/W.

[25] So if you looking at the document that

[1] excluding the sale of drug paraphernalia and
[2] drug-related objects as defined under O.C.G.A.
[3] Again, that's a minor clarification that
[4] Mr. Weed has provided us, page 17.

[5] On page 19, acupuncture, provided that
[6] State licensing requirements are complied with.
[7] There is, again, another change on page 19 that
[8] I will tender as Exhibit Z, Z as in zebra.

[9] Coin-operated car wash, I would like to
[10] strike that item. It is already included as a
[11] conditional use, and that's already been
[12] provided for. Please strike coin-operated car
[13] wash, page 19, Exhibit Z.

[14] Please turn to page 21. Again,
[15] miniature golf facility has been struck by the
[16] text provided to you by the attorney because it
[17] is listed elsewhere as a conditional use.

[18] Page 22, there has been a strike-
[19] through regarding veterinary clinics. We
[20] certainly were not precluding those folks from
[21] having a dumpster. The wording there is kind of
[22] ambiguous, and we felt on page 22 it was
[23] appropriate to strike that.

[24] **COUNCILMEMBER FLEMING:** So we're
[25] striking veterinary clinics?

[1] is in place in front of you tonight -- and
[2] please do discard all other documents -- you
[3] will notice that there are some bold items, for
[4] example, on page 9, and there are some strike
[5] items, and those are the things to pay attention
[6] to that we have actually changed in the
[7] presentation to you tonight.

[8] And again, they're very minor: on page
[9] 9, nightclub, a minor change to that definition;
[10] page 11, a minor change to the setback for pumps
[11] and canopies for gasoline stations just to make
[12] sure, again, that there's not an automobile
[13] crash that involves pumps at gasoline stations.
[14] On page 13, candy, nut and confectionery stores
[15] including on-premise production. Again, allow
[16] them to produce the candy, nuts, et cetera, in
[17] some fashion, the same as a restaurant.

[18] There is a minor change I would like to
[19] make, and I will tender this as an exhibit, as
[20] Exhibit Y: Cellular telephone sales selling new
[21] merchandise. A clarification again: cellular
[22] telephone sales selling new merchandise. That
[23] is page 13.

[24] Go through the rest of the items. Turn
[25] to page 17, newsstands and tobacco shops

[1] **MR. HAEBERLIN:** We are -- excuse me --
[2] we are striking the verbiage -- I apologize. I
[3] was very brief on that. We are striking the
[4] verbiage "without any outside storage bins or
[5] other containers" --

[6] **COUNCILMEMBER FLEMING:** Okay. Thank
[7] you.

[8] **MR. HAEBERLIN:** -- but we were leaving
[9] the use as it is.

[10] And on page 26, general retail stores
[11] selling new merchandise but excluding the sale
[12] of drug paraphernalia and drug-related objects
[13] again is defined -- another good recommendation
[14] by the City Attorney -- to provide for these
[15] very broad uses like Target, places like that,
[16] or just really general -- general sales type
[17] stores.

[18] On page 27, with respect to night
[19] clubs, we added verbiage regarding a distance
[20] requirement from residentially-zoned areas. And
[21] that is in accord with some of the work that's
[22] been done by Dekalb County recently.

[23] On page 29, we clarified "transit
[24] terminals for human transport," which is a MARTA
[25] station. And we did strike variety and notions

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[1] stores selling new merchandise. We felt that
 [2] was perhaps too broad, and it's covered under
 [3] the general merchandise that we just discussed.
 [4] That is the context of the changes that
 [5] were listed for tonight.
 [6] This item has been duly advertised in
 [7] accordance with Georgia law. It ran in The
 [8] Champion, and we have reviewed that ad and made
 [9] sure it's correct.
 [10] Tonight does constitute a public
 [11] hearing, so after you're through, obviously,
 [12] with the staff, then you have the opportunity
 [13] and you need to open the public hearing, hear
 [14] for and against, close the public hearing,
 [15] discussion, vote, if you would so consider.
 [16] If there's any specific questions,
 [17] please direct them to me at this time. If not,
 [18] I will tender those pages as exhibits to the
 [19] City Clerk.
 [20] **MAYOR JENKINS:** Okay. We'll open the
 [21] public hearing. Do we have anybody to speak?
 [22] Murray, first, before or against?
 [23] **ATTORNEY WEED:** Mr. Mayor, you can do
 [24] it either way as long as the minimum time frames
 [25] are set out. Usually it's done those in favor

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[1] and then those opposed.
 [2] **MAYOR JENKINS:** Okay. Those in favor
 [3] what, now?
 [4] **ATTORNEY WEED:** Usually you open up for
 [5] those in favor --
 [6] **MAYOR JENKINS:** Yeah.
 [7] **ATTORNEY WEED:** -- and then those
 [8] opposed.
 [9] **MAYOR JENKINS:** Okay. All in favor of
 [10] this, would you speak now or hold your peace.
 [11] Do you want to speak?
 [12] **MS. HOFFMEISTER:** I just have a
 [13] question.
 [14] Bonita Hoffmeister, resident, Oakcliff
 [15] Estates.
 [16] I have a question directed to Scott,
 [17] and I think working on this is an excellent
 [18] idea. In the past, we have tried several times
 [19] to write ordinances that would curtail some of
 [20] the expansion along Buford Highway of the
 [21] wholesale type of businesses.
 [22] Is this addressed, and how is this
 [23] addressed in this?
 [24] **MR. HAEBERLIN:** Under your new C1/C2
 [25] ordinance, wholesaling is not a permitted use.

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[1] The existing lawful businesses that continue the
 [2] business license obviously will continue in
 [3] their existence until they close, obviously.
 [4] But wholesaling and warehousing have been
 [5] eliminated fully from C1 and C2.
 [6] ---
 [7] (Applause)
 [8] ---
 [9] **MAYOR JENKINS:** Anybody else for?
 [10] Excuse me. Anybody else for?
 [11] ---
 [12] (No response)
 [13] ---
 [14] **MAYOR JENKINS:** Okay. I'm going to
 [15] open it up for against. Anybody against this
 [16] ordinance?
 [17] ---
 [18] (No response)
 [19] ---
 [20] **MAYOR JENKINS:** Okay. We need to put
 [21] into a motion.
 [22] Is there any more discussion at the
 [23] table?
 [24] **COUNCILMEMBER FLEMING:** Discussion.
 [25] **COUNCILMEMBER ALEXANDER:** Dare I ask my

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[1] question again about the dentist office?
 [2] **ATTORNEY WEED:** Well, we have closed
 [3] the public hearing; correct?
 [4] Sir, have we closed the public hearing?
 [5] **MAYOR JENKINS:** Yes.
 [6] **MR. HAEBERLIN:** Okay.
 [7] **MAYOR JENKINS:** There was no more for
 [8] or against, so we closed the public hearing and
 [9] come to the table.
 [10] **MR. HAEBERLIN:** Okay. The issue of the
 [11] dentist office, there are different feelings on
 [12] this, obviously. Most of the medical-style uses
 [13] that are more invasive-style uses are --
 [14] actually are providing for in the O/I district,
 [15] your Office/Institutional district. That's
 [16] where I'm also going to provide for assisted
 [17] living and things of that nature. They're like
 [18] assistant-style functions. So we did not
 [19] include dentists or orthodontists on C1/C2
 [20] districts; however, we did have some provisions
 [21] for some physicians' offices. So that is the
 [22] clarification that Councilperson Alexander has
 [23] requested of us.
 [24] Mr. Weed and I are pretty much of the
 [25] same opinion that we feel that the dentist and

[1] orthodontist is best reserved for O/I -- excuse
 [2] me the Office/Institutional district and not C1/
 [3] C2 district. But it is semantics, I mean.
 [4] Again, it's your preference as to whether you
 [5] would like to put it or not.
 [6] **MAYOR JENKINS:** Any more discussion at
 [7] the table?
 [8] **COUNCILMEMBER ROCHE:** Obviously, this
 [9] will be a rewrite, and if there is -- if we
 [10] decide later that we do want to allow dentists
 [11] or, you know, other uses, we can certainly tweak
 [12] it later.
 [13] **MR. HAEBERLIN:** Absolutely. And I'm
 [14] sure at some point in time, there will be some
 [15] business that will come forward that will
 [16] generate a discussion of the existing ordinances
 [17] and you'll of course have the opportunity to
 [18] rewrite an amendment to ordinance. But this is
 [19] a complete -- I would say this is a complete and
 [20] exhaustive C1 and C2 because, really, it's from
 [21] page A to page Z --
 [22] **COUNCILMEMBER ROCHE:** Right.
 [23] **MR. HAEBERLIN:** -- and including
 [24] dimensional setbacks and every other item. So
 [25] we have not just done a piecemeal approach; it

[1] over as a permitted use in C2 as well.
 [2] **COUNCILMEMBER ALEXANDER:** Physicians as
 [3] permitted or conditional?
 [4] **ATTORNEY WEED:** Physicians are
 [5] permitted.
 [6] **COUNCILMEMBER ALEXANDER:** In C1 and C2?
 [7] **ATTORNEY WEED:** It's definitely in C2.
 [8] **MR. HAEBERLIN:** Permitted by way of the
 [9] permitted uses in C1.
 [10] **ATTORNEY WEED:** And then it would be
 [11] permitted by the way of the absorption in C1 and
 [12] C2. It's not set out directly in C2.
 [13] **COUNCILMEMBER ALEXANDER:** I understand.
 [14] **COUNCILMEMBER ROCHE:** Well, do we want
 [15] to pass this ordinance and then have a separate
 [16] motion to modify it or do we need to -- what
 [17] would be best?
 [18] **ATTORNEY WEED:** The way -- the way I --
 [19] legally, how I feel about this is that the
 [20] colloquy which is being recorded by the court
 [21] reporter between Council and the planner and
 [22] myself, there will be a clear understanding of
 [23] what the ordinance will entail.
 [24] Right now, you've made one change,
 [25] which is the addition of dentist's office. If

[1] is exhaustive. It is a complete, new C1/C2.
 [2] **COUNCILMEMBER ALEXANDER:** Right now, he
 [3] would be a legal, nonconforming use; correct?
 [4] **MR. HAEBERLIN:** As long as he continues
 [5] his --
 [6] **COUNCILMEMBER ALEXANDER:** And a dentist
 [7] --
 [8] **MR. HAEBERLIN:** -- occupational tax.
 [9] **COUNCILMEMBER ALEXANDER:** -- dentist
 [10] office that is there would still be allowed to
 [11] be there even if the dentist changed, because it
 [12] would never cease operation.
 [13] If it ceases operations for six months
 [14] --
 [15] **MR. HAEBERLIN:** Yes.
 [16] **COUNCILMEMBER ALEXANDER:** -- then it
 [17] cannot go back in there as what it was; correct?
 [18] **ATTORNEY WEED:** Yes and yes.
 [19] **COUNCILMEMBER FLEMING:** I agree with
 [20] Ms. Alexander. Since we are allowing clinics,
 [21] we're allowing medical outpatient care, that
 [22] there should be no reason that we could not
 [23] offer dentist's office in C1/C2.
 [24] **MR. HAEBERLIN:** Okay. You would like
 [25] it as a permitted use in C1 and then carry it

[1] it's going to be I'd say five or less changes,
 [2] just doing this is enough, and you can make one
 [3] motion to pass. And then I will generate a
 [4] clean copy of the ordinance, and I think
 [5] there'll be plenty of agreement --
 [6] **COUNCILMEMBER ROCHE:** Right.
 [7] **ATTORNEY WEED:** -- as to what it
 [8] includes.
 [9] If we start changing, you know, whole
 [10] pages, then I'd probably suggest we take longer
 [11] to do that, but . . .
 [12] **COUNCILMEMBER ROCHE:** Right.
 [13] We don't need a public hearing on
 [14] dentists, though, or anything like that?
 [15] **ATTORNEY WEED:** No, sir.
 [16] **MR. HAEBERLIN:** You've already included
 [17] that in your general public hearing just now.
 [18] **MAYOR JENKINS:** All right. Anymore
 [19] discussion?
 [20] **COUNCILMEMBER ROCHE:** Well, we need to
 [21] make a motion.
 [22] **MAYOR JENKINS:** Anymore discussion?
 [23] **COUNCILMEMBER FLEMING:** No, sir.
 [24] I'd like to make a motion to adopt the
 [25] C1 --

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[1] **COUNCILMEMBER ALEXANDER:** We need to
 [2] waive the first reading.
 [3] **COUNCILMEMBER FLEMING:** I'm sorry.
 [4] I make a motion to waive the first
 [5] reading for the C1/C2 ordinance.
 [6] **COUNCILMEMBER ROCHE:** I'll second that.
 [7] **MAYOR JENKINS:** Call the roll on
 [8] waiving the first reading.
 [9] **CLERK BLACKMON:** Councilmember
 [10] Alexander?
 [11] **COUNCILMEMBER ALEXANDER:** Yes.
 [12] **CLERK BLACKMON:** Councilmember Fleming?
 [13] **COUNCILMEMBER FLEMING:** Yes.
 [14] **CLERK BLACKMON:** Councilmember Pittman?
 [15] **COUNCILMEMBER PITTMAN:** Yes.
 [16] **CLERK BLACKMON:** Councilmember Roche?
 [17] **COUNCILMEMBER ROCHE:** Yes.
 [18] **CLERK BLACKMON:** Councilmember
 [19] Spangler?
 [20] **COUNCILMEMBER SPANGLER:** Yes.
 [21] **MAYOR JENKINS:** Motion?
 [22] **COUNCILMEMBER FLEMING:** I'd like to
 [23] make a motion to adopt the ordinance for the C1/
 [24] C2 districts, the definitions stated herein in
 [25] the 32 pages with the exceptions notated by

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[1] request of Senator Dan Weber. And as you are
 [2] aware, the annexation vote at the end of the
 [3] count failed. I believe it failed by 34 votes.
 [4] However, a qualified elector in the
 [5] area to be annexed filed an action against the
 [6] Board of Elections office. It appears that
 [7] settlement of that action is imminent. The
 [8] result of that settlement will be a legal
 [9] consent order which would be signed by the
 [10] County, by the elector and by the judge.
 [11] My understanding from Senator Weber,
 [12] who in his private capacity is representing the
 [13] elector in that case, the settlement details
 [14] will essentially include another vote on the
 [15] annexation issue -- another referendum.
 [16] Dekalb County is in agreement that
 [17] there -- without admitting any fault, that there
 [18] may have been problems with the first election
 [19] and they think that allowing another vote on the
 [20] issue would be appropriate.
 [21] The senator has approached the City
 [22] that he would like to go armed with a resolution
 [23] seeking the election, the second election,
 [24] adopted by the Mayor and Council. I have
 [25] generated a draft resolution to that effect.

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[1] Mr. Haeberlin and to include dentists' offices
 [2] in the permitted uses.
 [3] **MAYOR JENKINS:** Second?
 [4] **COUNCILMEMBER ALEXANDER:** Second.
 [5] **MAYOR JENKINS:** More discussion?
 [6] - - -
 [7] (No response)
 [8] - - -
 [9] **MAYOR JENKINS:** Call the roll, please.
 [10] **CLERK BLACKMON:** Councilmember
 [11] Alexander?
 [12] **COUNCILMEMBER ALEXANDER:** Yes.
 [13] **CLERK BLACKMON:** Councilmember Fleming?
 [14] **COUNCILMEMBER FLEMING:** Yes.
 [15] **CLERK BLACKMON:** Councilmember Pittman?
 [16] **COUNCILMEMBER PITTMAN:** Yes.
 [17] **CLERK BLACKMON:** Councilmember Roche?
 [18] **COUNCILMEMBER ROCHE:** Yes.
 [19] **CLERK BLACKMON:** Councilmember
 [20] Spangler?
 [21] **COUNCILMEMBER SPANGLER:** Yes.
 [22] **MAYOR JENKINS:** Thank you.
 [23] Murray, Number 14.
 [24] **ATTORNEY WEED:** Yes, Mr. Mayor. What
 [25] Item 14 is, that has come to the Council at the

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[1] The other thing that the senator asked
 [2] was that an analysis for the City be prepared
 [3] bringing forth different transitional items as
 [4] compared to if the annexation passed -- how
 [5] would taxes, services, items of that nature be
 [6] dealt with? -- and then a draft analysis has
 [7] been prepared and sent to you. That draft
 [8] analysis was revised and resent.
 [9] With that, obviously the soonest that
 [10] the resolution could come before Council is
 [11] tonight. There's absolutely no requirement that
 [12] you adopt the resolution. That's entirely up to
 [13] you.
 [14] But that's the reasoning behind the
 [15] resolution, and I'll answer any particular
 [16] questions you have to the degree that I can.
 [17] **COUNCILMEMBER SPANGLER:** What is the
 [18] cost of this election?
 [19] **MAYOR JENKINS:** Three -- about \$2,000.
 [20] **COUNCILMEMBER SPANGLER:** And who's
 [21] going to pay for that? The City?
 [22] **ATTORNEY WEED:** That is an excellent
 [23] question, Councilman, and I don't know.
 [24] It seems to me, because we're not a
 [25] direct party to the action, we need to find out,

[1] and I'll be glad to inquire of the senator. And
[2] I do think it would be appropriate that that
[3] cost be shouldered by Dekalb County. Now,
[4] whether that issue has actually come up in their
[5] litigation or not, I have no idea.

[6] **COUNCILMEMBER SPANGLER:** And these
[7] questions certainly would need to be addressed
[8] that Mr. Livingston is asking of us.

[9] **ATTORNEY WEED:** And that's fine with
[10] me, too, sir. Who would you like to address
[11] those questions? I mean would you like me to
[12] work on answering those questions or me and
[13] staff or staff alone or Senator Weber?

[14] **COUNCILMEMBER SPANGLER:** Well, I don't
[15] think Senator Weber can answer some of these
[16] questions.

[17] **ATTORNEY WEED:** Probably not.

[18] **COUNCILMEMBER SPANGLER:** These are
[19] going to have to be answered by probably you,
[20] us, and staff, because what is it going to cost
[21] the property owners? How much are we going to
[22] raise taxes, you know, to cover the additional
[23] cost?

[24] And like I say, all the questions I
[25] think that Mr. Livingston just gave us need to

[1] least one of the electors who are in the area --
[2] who claimed that there was voter issues in
[3] Dekalb County.

[4] So please bear that in mind: that at
[5] the end of the day, the judge could say, Well,
[6] you're going to have another election, and
[7] somebody is going to pay for it. And the judge
[8] may order us to pay for it, may order Dekalb
[9] County to pay for it. I don't know.

[10] **MAYOR JENKINS:** Murray, I got a
[11] question. Didn't we already make a resolution?

[12] **COUNCILMEMBER ALEXANDER:** Yes, sir, we
[13] did.

[14] **ATTORNEY WEED:** You did. That was --
[15] that was a resolution essentially to support
[16] pursuing the annexation.

[17] **MAYOR JENKINS:** Now we need one
[18] to . . . ?

[19] **ATTORNEY WEED:** We have been asked to
[20] provide one essentially saying that we would
[21] like to seek a second referendum.

[22] Now, bear in mind there's more than one
[23] way to annex. The legislature could do a pure
[24] legislative annexation and not put it to any
[25] vote at all. That's entirely possible, and I've

[1] be answered before we go forward with the
[2] resolution.

[3] **ATTORNEY WEED:** I'm certainly happy to
[4] work on that if that's the will of the Council.

[5] **COUNCILMEMBER ROCHE:** Well, providing
[6] -- sorry -- providing the analysis that you
[7] wrote up, to Mr. Livingston, may go a long way
[8] towards answering some of those questions.

[9] **ATTORNEY WEED:** It may.

[10] **COUNCILMEMBER ROCHE:** I mean,
[11] personally, I think we could argue all night
[12] long about some of the numbers in the analysis,
[13] but, you know, it's probably close enough for --
[14] close enough for government work at least for
[15] now, so --

[16] But I mean we personally don't have to
[17] make a vote of resolu- -- I mean that analysis
[18] doesn't have the force of law or anything like
[19] that. We're not necessarily --

[20] **ATTORNEY WEED:** Now, I will -- an
[21] interesting side note would be that the judge of
[22] course could order the election anyway, and you
[23] need to bear that in mind, because we're not
[24] actually a party to the case. The party is one
[25] of the electors or more of them -- well, at

[1] had clients pursue that. Whether that's a
[2] realistic possibility in this case, my under-
[3] standing is that it is not. So I report that to
[4] you.

[5] Another way of doing it, of course, is
[6] the way that it's been done now whether the
[7] legislature adopts a piece of legislation
[8] calling for a referendum and then the voters
[9] ultimately decide if they want to do it, but the
[10] law's already in effect. All the -- the voters
[11] are essentially rubber-stamping a law that's
[12] already on the books if you want to look at it
[13] like that.

[14] The third way of annexing property is
[15] the old-fashioned way, which would be, you know,
[16] a hundred percent method, 60 percent method, or
[17] annexing land that you've got the largest
[18] contiguous boundary.

[19] So there's essentially three ways of
[20] going about doing it, and I think what the
[21] senator was hoping to achieve was an
[22] acknowledgment from the Council that you did
[23] actually want to have another election.

[24] And if you're not interested in having
[25] another election, that could be communicated to

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[1] the senator as well. That doesn't mean to say
 [2] that the judge wouldn't go ahead and do it
 [3] anyway, but the judge would then know that the
 [4] City Council wasn't interested in pursuing it
 [5] further.
 [6] **COUNCILMEMBER SPANGLER:** In speaking to
 [7] Senator Weber a week or so ago, I guess a couple
 [8] weeks ago, he did say that if we did not go
 [9] through or follow through with the procedures
 [10] for the referendum, that we could also do it at
 [11] a later date.
 [12] **ATTORNEY WEED:** Yes, sir. That is a
 [13] possibility.
 [14] The information I've gathered is that
 [15] there may not be the legislative will
 [16] immediately to do that. However, you know,
 [17] memories are short in politics. Four or five
 [18] years from now, you know, there might be more
 [19] stomach for it. And that's just what I've been
 [20] told. I mean I don't know that myself
 [21] individually.
 [22] **COUNCILMEMBER ROCHE:** I think for me
 [23] the main issue is that this -- I mean
 [24] effectively we have -- "we" -- they have
 [25] effectively disenfranchised some voters. I mean

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[1] whether you're for or against the annexation or
 [2] whatever, I mean the whole way that the election
 [3] was carried out, you know, where they gave
 [4] people little file folders and they didn't put
 [5] the question on some of the ballots, and some
 [6] people may have wanted to vote for it and never
 [7] got the ballots in or they -- you know,
 [8] everything I've read is that it was just a big
 [9] mess.
 [10] You know, I think that people who are
 [11] going to -- I think voters have a right to be
 [12] able to vote one way or another and have a nice
 [13] clean vote. You know, whether for or against
 [14] the annexation, to me it's a question of the
 [15] election itself.
 [16] I mean if an election to elect the
 [17] Mayor or the City Council had been this messed
 [18] up, I think that we would have definitely said
 [19] we need to do it over again. So you know,
 [20] regardless of where I stand or where anyone
 [21] stands on annexation, I do think that the voters
 [22] have a right -- and we're given that right by
 [23] the legislature -- to make this decision, and
 [24] they need to be given the right to make that
 [25] decision up or down. And that's, to me, what

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[1] this resolution's all about is saying we need to
 [2] give the voters the right to make that decision.
 [3] **ATTORNEY WEED:** And for what it's
 [4] worth, I have worded the resolution as gently
 [5] and as generically as possible.
 [6] **COUNCILMEMBER ROCHE:** Yeah, I saw that.
 [7] **ATTORNEY WEED:** And that's quite
 [8] intentional.
 [9] **COUNCILMEMBER ROCHE:** Well, based on
 [10] what I just said, I'd like to make a motion that
 [11] Council pass this resolution.
 [12] **COUNCILMEMBER PITTMAN:** Second.
 [13] **MAYOR JENKINS:** Anymore discussion?
 [14] - - -
 [15] (No response)
 [16] - - -
 [17] **MAYOR JENKINS:** Call the roll.
 [18] **CLERK BLACKMON:** Councilmember
 [19] Alexander?
 [20] **COUNCILMEMBER ALEXANDER:** Yes.
 [21] **CLERK BLACKMON:** Councilmember Fleming?
 [22] **COUNCILMEMBER FLEMING:** Yes.
 [23] **CLERK BLACKMON:** Councilmember Pittman?
 [24] **COUNCILMEMBER PITTMAN:** Yes.
 [25] **CLERK BLACKMON:** Councilmember Roche?

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[1] **COUNCILMEMBER ROCHE:** Yes.
 [2] **CLERK BLACKMON:** Councilmember
 [3] Spangler?
 [4] **COUNCILMEMBER SPANGLER:** No.
 [5] **MAYOR JENKINS:** Thank you, Bob.
 [6] **COUNCILMEMBER FLEMING:** But we're not
 [7] going to be held to the fire on the annexation
 [8] analysis, are we?
 [9] **COUNCILMEMBER SPANGLER:** Ma'am?
 [10] **COUNCILMEMBER FLEMING:** Are we going to
 [11] be held to the fire on the annexation analysis?
 [12] **COUNCILMEMBER ROCHE:** Yeah. If we're
 [13] going to talk about that, just briefly, the only
 [14] comment I have: I believe we budgeted for four
 [15] additional police officers in anticipation of
 [16] the annexation, didn't we, Priscilla?
 [17] **MS. MURPHY:** We budgeted for at least
 [18] six months' worth of salary for four.
 [19] **COUNCILMEMBER ROCHE:** For four
 [20] additional; right, okay. So four of those slots
 [21] that were in the back of the -- you know, at the
 [22] bottom when you talked about it -- four of those
 [23] are already in our budget for this fiscal year.
 [24] **ATTORNEY WEED:** And let me --
 [25] **COUNCILMEMBER ROCHE:** I don't know if

[1] that's worth adding to it or not.
[2] **ATTORNEY WEED:** What I attempted to do
[3] by virtue of the analysis was just give you the
[4] main problems that were out there and offer some
[5] possible solutions.

[6] I think we've done a good job of
[7] identifying all the main problems that might
[8] happen, and now that we know what the problems
[9] are, we can avoid the potholes in the road. And
[10] how we'd fix the potholes, there are multiple
[11] ways of doing that, and we'll get to that.

[12] **COUNCILMEMBER FLEMING:** Thank you.

[13] **ATTORNEY WEED:** So Councilman Fleming,
[14] the answer to your question is no, we're not
[15] held to that analysis --

[16] **COUNCILMEMBER FLEMING:** Thank you --

[17] **ATTORNEY WEED:** -- by any stretch --

[18] **COUNCILMEMBER FLEMING:** -- very much.

[19] **ATTORNEY WEED:** -- of the imagination.

[20] **MAYOR JENKINS:** Okay. Murray, Number
[21] 15.

[22] **ATTORNEY WEED:** Mr. Mayor and members
[23] of the Council, the other item that I've got
[24] would be: I have reworked at your request the
[25] building identification placard ordinance.

[1] building regulation and focusing it on the real
[2] purpose.

[3] The real purpose of it is not to
[4] encourage nor prevent advertising or any other
[5] messages in signage. That is not the intention.
[6] The only intention of the building placard
[7] ordinance is to allow public safety officers --
[8] help them with identification of buildings and
[9] addresses so they can respond to emergencies as
[10] quickly as humanly possible, and that is the --
[11] that is the purpose of the ordinance.

[12] And underneath those purposes, it is
[13] legal to have an English language requirement
[14] and a requirement for the use of Arabic
[15] numerals, so that is in here.

[16] Focusing on the major changes between
[17] this ordinance and the last one, I would refer
[18] you to Section 4, which is new language.
[19] Essentially it gives a list of what the
[20] identifying placards can be made of. Please
[21] note that I've added the language that says they
[22] would be constructed or treated to be made
[23] suitable for long-term outdoor use and exposure.
[24] Some acceptable materials are -- or the only
[25] acceptable materials are: steel, aluminum,

[1] The main concern that was addressed
[2] with me previously was that there was some
[3] concern about the type of materials and their
[4] longevity with regard to the placards and to
[5] make sure that merely applying paint to a wall
[6] would not satisfy the requirements of the
[7] ordinance.

[8] Let me talk briefly about how this came
[9] about. You have very, very similar language
[10] already in your sign ordinance in Title 14. We
[11] have done an analysis of your sign ordinance to
[12] try to identify problem areas.

[13] One thing that has been recommended is
[14] that we remove the section in Title 14 that
[15] deals with building identification signs and
[16] make that a building regulation and take it out
[17] of your sign ordinance.

[18] What your sign ordinance currently has
[19] -- as I've said, it's very similar language, but
[20] it essentially mandates the use of English with
[21] regard to signage. And I think there are a
[22] number of court cases that deal with that issue,
[23] and that could be very problematic, in my
[24] opinion, long-term. That's why we recommend
[25] moving it from one section and making it a

[1] brass, hardy plank-type cement products -- Hardy
[2] Plank is actually term of art like Xerox;
[3] however, it's become so commonly used, it's lost
[4] its copyrighted meaning -- wood, not including
[5] pressboard or wood products mixed with glue;
[6] stucco, not including foam stucco products; that
[7] would prohibit EFIS -- iron, plastic, and
[8] fiberglass.

[9] Such materials and design of the
[10] placard will be in keeping with the
[11] architectural design of the main facility. The
[12] placards would be three-dimensional, meaning you
[13] could not simply apply paint to a surface. That
[14] would not cover it.

[15] And then the identifier placard can be
[16] removed if the establishment's no longer in
[17] business, and then designs for the
[18] identification placards will be submitted to the
[19] planning office for review and comment prior to
[20] construction.

[21] You will note in number 7, I didn't put
[22] review and approval, because right now we don't
[23] have an architectural design ordinance. When we
[24] get to the point where we have an architectural
[25] design ordinance, the restrictions would be

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[1] probably even more enhanced, and there would be
 [2] a formal approval process.
 [3] However, my opinion is because of the
 [4] public-safety nature of this and because of the
 [5] language in your existing sign ordinance, I'd
 [6] like to go ahead and put this in place now
 [7] because I'm not sure we're going to be able to
 [8] get our architectural design ordinance done
 [9] until probably February, maybe even early March.
 [10] That's going to be a very big project in and of
 [11] itself.
 [12] So those are the major changes, and I
 [13] will certainly answer any questions you may
 [14] have.
 [15] **COUNCILMEMBER ALEXANDER:** I have
 [16] several concerns. I guess I want clarification.
 [17] In the sign ordinance, it does not
 [18] include the requirement to be translated into
 [19] English because you see that -- that requirement
 [20] could be unconstitutional?
 [21] **ATTORNEY WEED:** Yes.
 [22] **COUNCILMEMBER ALEXANDER:** But you're
 [23] saying just because we place it in a different
 [24] location, it makes it constitutional?
 [25] **ATTORNEY WEED:** No. No, ma'am.

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[1] What I'm saying is moving it to another
 [2] location and then adding clarifying language
 [3] that states that the only purpose of the
 [4] identifier placard is to identify the building
 [5] and its address as opposed to right now your
 [6] sign ordinance is a one-for-one translation
 [7] requirement.
 [8] There's no prohibition about using
 [9] languages other than English; however,
 [10] currently, Title 14 says there's got to be a
 [11] one-to-one translation requirement, and I think
 [12] that has some legal problems.
 [13] This ordinance doesn't do any of that.
 [14] What this ordinance does is say that for City
 [15] Hall, the identifier would be City Hall and it
 [16] would be 123 Main Street. You could make up
 [17] whatever you want to. But it identifies the
 [18] building by name, whatever name you want, and
 [19] then the numeric address for it.
 [20] **COUNCILMEMBER ALEXANDER:** I've reviewed
 [21] seven other identifier placards, and none of
 [22] them require the business name in English. It
 [23] is only the street number and the suite number
 [24] is required for the public safety concerns in
 [25] these other municipalities and counties.

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[1] I'm extremely concerned, and I don't
 [2] know that the benefit would outweigh the cost to
 [3] include that language. I came across some
 [4] correspondence from the ACLU to Sterling
 [5] Heights, Michigan, that strongly discouraged
 [6] them for putting the English requirement in
 [7] their sign ordinance.
 [8] **ATTORNEY WEED:** I've read all of those
 [9] cases and I've read the case out of the federal
 [10] circuit where the ruling came forth, which I
 [11] believe that was Kwan -- Kwan Mercantile v. a
 [12] city in California, and, essentially, what we're
 [13] proposing is legal in my opinion. And because
 [14] other jurisdictions have done it that way, I
 [15] can't speak to that.
 [16] **COUNCILMEMBER ALEXANDER:** What would b
 [17] e
 [17] the cost of defending a suit of this nature?
 [18] **ATTORNEY WEED:** Oh, there's -- there's
 [19] always cost. I mean the average cost of the
 [20] average lawsuit in Georgia at this time is about
 [21] \$30,000.
 [22] But what you're relying upon in part is
 [23] me to tell you what I think the law is, and I've
 [24] read all those cases, I've read all those
 [25] opinions, and I think that this complies with

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[1] the law.
 [2] What I can tell you is that your
 [3] current ordinance in my opinion does not, and I
 [4] think this is a marked improvement over that.
 [5] **COUNCILMEMBER ROCHE:** Yeah. I think
 [6] the overall intent is that when you have a
 [7] business and all it has is Chinese characters or
 [8] Korean characters, at least there's something in
 [9] English so that if someone calls you up and
 [10] says, "I'm at the Ling Ling Chinese restaurant,"
 [11] that they have something that they can have an
 [12] idea that they're in the right place.
 [13] **COUNCILMEMBER ALEXANDER:** Which,
 [14] according to the research I've done, it's the
 [15] numbers. The numbers are allowed and cannot be
 [16] seen as discriminatory.
 [17] **ATTORNEY WEED:** And that -- and I don't
 [18] disagree with you. The real problem is when you
 [19] get into larger complexes and you're trying to
 [20] figure out which suite or which subunit in a
 [21] complex. Maybe you've got a two-sided or four-
 [22] sided complex with multiple offices and you
 [23] don't know which one's really on fire.
 [24] And yes, it is good to have 123 Main
 [25] Street, Suite A. That's what's on fire. But it

[1] is better to have the Smith office or the Smith
[2] Building, 123 Main Street, Suite A. That's
[3] better.

[4] So I don't agree with anything -- I
[5] don't disagree with the Councilman in any way.
[6] The safer thing to do is simply have a street
[7] address, but I think a better way that's still
[8] legal to approach it is using English for the
[9] building identifier as well.

[10] **COUNCILMEMBER SPANGLER:** I agree,
[11] Mr. Weed.

[12] **COUNCILMEMBER ALEXANDER:** There's also
[13] nothing in here regarding a requirement to be
[14] reflective or visible at night, which is often a
[15] requirement in these other jurisdictions.

[16] **ATTORNEY WEED:** And that's -- we can
[17] certainly -- I think that enhances the quality
[18] of the public-safety aspect of it.

[19] I'm a little worried about balancing
[20] that with the aesthetic part of it; however,
[21] well, certainly, you know, that bolsters the
[22] ordinance.

[23] **COUNCILMEMBER ALEXANDER:** And your
[24] definition of 3D would disallow them to have
[25] reflective sticky numbers on their suite?

[1] addressed again in part of the architectural
[2] standards? Would that be part of this or --

[3] **ATTORNEY WEED:** Yes, sir, sign -- well,
[4] some forms of signage will be addressed. The
[5] main example would be awnings. That's a good
[6] example of the type of thing that, while it's an
[7] architectural feature, is oftentimes signage as
[8] well in dealing with that.

[9] Signage in windowpanes, signage that
[10] completely makes opaque an entire windowpane so
[11] you could no longer look in the facility, those
[12] things need to be addressed as well.

[13] **MAYOR JENKINS:** Anymore discussion?

[14] **COUNCILMEMBER FLEMING:** A quick one.

[15] You're using the placard term for the
[16] sign that's affixed to the building -- is that
[17] correct? -- or you're using the term placard for
[18] the individual letters?

[19] **ATTORNEY WEED:** For the individual
[20] letters, which is not necessarily -- this does
[21] not affect advertising or any other
[22] communication messaging device. If the building
[23] in question had underneath the sign ordinance a
[24] 10-foot-tall sign with the McDonald's symbol, a
[25] traditional McDonald's sign, this ordinance does

[1] **ATTORNEY WEED:** If the numbers were
[2] three-dimensional and not painted on, that would
[3] be fine. In other words, if you had the brass
[4] numbers 123 Main Street or 123 to attempt to
[5] identify the location and they were treated with
[6] some reflective material, they would constitute
[7] three-dimensional characters. That would be
[8] fine.

[9] **COUNCILMEMBER ALEXANDER:** You didn't
[10] answer my question.

[11] **ATTORNEY WEED:** I'm sorry.

[12] **COUNCILMEMBER ALEXANDER:** A sticker, a
[13] reflective sticker in the same -- in the size
[14] requirements would not be construed as 3-D.

[15] **ATTORNEY WEED:** Yeah. If the sticker
[16] were flat, no, it would not.

[17] If the sticker stood out from the
[18] facility, yes, it would.

[19] The purpose of that is, once again, to
[20] have some sort of aesthetic relationship to its
[21] location on the building and also to avoid
[22] someone just simply spray painting in reflective
[23] material the numbers 123 flat against the
[24] surface of the building.

[25] **COUNCILMEMBER ROCHE:** Won't this be

[1] not affect that in any way. And whatever
[2] language was on that McDonald's sign would be on
[3] that McDonald's sign.

[4] What this does is just identify --
[5] there will be some characters on the building or
[6] near enough to the building to constitute being
[7] on the building, that identify that building.
[8] That's the purpose.

[9] **COUNCILMEMBER ALEXANDER:** Another one
[10] that the other municipalities have is that they
[11] locate it directly above the primary building
[12] entrance. You have no location requirement on
[13] this.

[14] **ATTORNEY WEED:** No, I do not. I
[15] thought that would be -- I don't --

[16] That would be fine above the primary
[17] entrance. I don't have a legal issue with that.
[18] I certainly don't. But I wanted to leave this a
[19] bit more open because there's -- a subpart of
[20] this, too, is what does public safety mandate,
[21] and what will still be aesthetically pleasing?

[22] You know, the safest thing you can do
[23] is have, you know, uniformity of buildings and
[24] wide streets with no trees so public vehicles --
[25] you know, public-access vehicles and, you know,

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[1] fire department vehicles could -- you know,
 [2] could get to everything. But there is no
 [3] perfect world, and having total efficiency has
 [4] got to be weighed against some aesthetic
 [5] considerations as well. However, I'm happy to
 [6] make that modification if the majority agrees.
 [7] But the intention was to leave that a
 [8] little bit more vague and open so that the
 [9] architect of a building, the operators of the
 [10] building the business is located in would not
 [11] feel completely dictated to with regard to
 [12] either building material type nor location.
 [13] There is plenty of language about it's
 [14] got to be, you know, easily accessible to public
 [15] safety officers, preferably on the street
 [16] frontage, and I've left it at that.
 [17] **COUNCILMEMBER ROCHE:** I think this
 [18] represents a great -- you know, it's a lot
 [19] better than what we have today.
 [20] In the classes that we've taken, the
 [21] one thing I've heard over and over again is the
 [22] worst thing they have to mess with is sign
 [23] ordinances. So obviously we'll be tweaking this
 [24] after we pass it or whatever, but --
 [25] **COUNCILMEMBER FLEMING:** If we are

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[1] already requiring them to manufacture a sign to
 [2] -- because we are, because the materials that
 [3] you're suggesting that they use for, quote/
 [4] unquote, the placard, which is really the sign
 [5] that's going to be going on their building, you
 [6] know, Ms. Alexander brought up an excellent
 [7] statement about the three-dimensional letters
 [8] that would then have to appear on the sign.
 [9] I don't think it -- to me, I don't
 [10] think it's necessary to have a three-dimensional
 [11] letter on there.
 [12] **ATTORNEY WEED:** That's fine.
 [13] The problem that you then have would be
 [14] if you utilize the materials -- if you make it
 [15] flat, then you are risking. Then the problem is
 [16] trying to figure out a way to not allow simply
 [17] having paint on the building unless you want to
 [18] have paint on the building. And that's flat in
 [19] one dimension. So the three-dimensional
 [20] requirement was an effort to not just have
 [21] people put paint on the building.
 [22] **COUNCILMEMBER FLEMING:** And the
 [23] materials that you're listing above that in
 [24] Section 4 are materials designed for a three-
 [25] dimensional sign to be affixed to the

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[1] building --
 [2] **ATTORNEY WEED:** That is correct.
 [3] **COUNCILMEMBER FLEMING:** -- before you
 [4] put the address and name of the company on
 [5] there; is that correct?
 [6] **ATTORNEY WEED:** No, ma'am.
 [7] The materials that I've got listed are
 [8] all in the third dimension purposefully and
 [9] really in an effort to -- because raised
 [10] lettering, it's easier to see that than
 [11] lettering on a flat surface, most studies
 [12] indicate. And in an emergency situation, what
 [13] you want to do is have the most easy way of
 [14] accessing the location you're trying to find as
 [15] quickly as possible while whoever is trying to
 [16] get there is filled with adrenalin. So that's
 [17] part of the requirement of the third dimension.
 [18] But that -- but it's not the signage.
 [19] There may be lots of signage about, you know,
 [20] advertising the whopper special or whatever the
 [21] food of the day is or the color of the day. All
 [22] this does is identify the location of the
 [23] building and what they want to call the building
 [24] for public-safety purposes, meaning whoever is
 [25] in control of the building or suite or office.

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[1] So they are -- there's a different
 [2] thing. There's a difference between the signage
 [3] there and the building identification placard.
 [4] And the other thing to think about,
 [5] too, would be it would be entirely possible if
 [6] we don't use the third-dimensional language --
 [7] and I'm not saying we have to -- that you could
 [8] use the brass, the iron, the wood, et cetera,
 [9] but it would still be a completely flat surface
 [10] and have no third dimension. That would be --
 [11] that's why the third-dimensional language is on
 [12] there because the idea was to have attached to
 [13] that stood out from as opposed to something that
 [14] was a part of.
 [15] **COUNCILMEMBER ALEXANDER:** So under this
 [16] ordinance, the markings out here above the
 [17] entrance door to City Hall would not be allowed?
 [18] **ATTORNEY WEED:** If they were on a flat
 [19] surface, no, they would not. They would need to
 [20] be three-dimensional. However, the government
 [21] is exempt from its own ordinances.
 [22] **COUNCILMEMBER ALEXANDER:** Understood.
 [23] Example only. Those are not offensive to me,
 [24] and they look fine.
 [25] Someone as obvious as McDonald's would

[1] still have to have a name on the building even
[2] though it's obvious with the golden arches out
[3] on Buford Highway.

[4] **ATTORNEY WEED:** Certainly, because the
[5] name of the building might not necessarily be
[6] the name of the business.

[7] What the purpose of this is is not to
[8] worry about -- is to worry about what is the
[9] building, what is the -- what is the identifier
[10] for the building itself.

[11] **COUNCILMEMBER ALEXANDER:** Which, again,
[12] I see that being the street number and the
[13] suite.

[14] **ATTORNEY WEED:** And that is possible
[15] and that is an extremely conservative legal
[16] approach. That's why the ACLU is recommending
[17] that, and I certainly respect their point of
[18] view.

[19] But on the other side, a lot of -- it's
[20] very easy to mistake 1205-B with 1205-A. So you
[21] know, that's I think one higher level to home in
[22] on the identification is to actually name the
[23] building.

[24] I don't disagree with you that that is
[25] a safer approach. That is the most safe

[1] basically just spray painted some stuff on their
[2] wall; and it does, it looks horrible.

[3] But on the other hand, having to make
[4] everybody in town go out and buy 3-D letters,
[5] you know, I'm not sure that's the best thing to
[6] do, either. It might make a lot of people
[7] annoyed at us. Not that I have a problem with
[8] that, necessarily, but, you know, having to go
[9] out and spend money on that, you know.

[10] **ATTORNEY WEED:** Well, Councilman, my
[11] philosophy about these things is always this:
[12] you have what you have today, and then you have
[13] universally, as Council -- what do you want
[14] Doraville to be? And if you are happy with what
[15] you have now, that's what you have. You
[16] legislate for the now and/or you can legislate
[17] for what you want. So that's what I would say.

[18] **COUNCILMEMBER ROCHE:** I think it just
[19] kind of crosses the line from -- I mean I'm all
[20] for the idea, if a 911 call comes in, the police
[21] and the fire department need to be able to
[22] figure out where it came from, especially if
[23] someone on the other end either doesn't speak
[24] English or doesn't respond. I mean I'm all over
[25] that.

[1] approach, just having the Arabic numerals on the
[2] building. But I think we can do better, and I
[3] think doing better is legal in this context.

[4] **COUNCILMEMBER ROCHE:** What was the
[5] genesis of this ordinance? I mean who brought
[6] it up or where did it come from originally?

[7] **ATTORNEY WEED:** Well, we had been asked
[8] to take a look at the sign ordinance as part of
[9] the whole zoning aspect of the city development
[10] to see what the sign ordinance -- see what was
[11] going on in the sign ordinance currently, and
[12] that's how it came up.

[13] Well, originally, we can blame Rhonda.
[14] And we had a problem with banners and temporary-
[15] use banners. People were never getting real
[16] signage. They were simply coming in time and
[17] time for years to renew temporary banners. So
[18] in order to fix the banner part of it, that made
[19] us look at the entire sign ordinance, and we had
[20] a few moments of, well, we think we might be
[21] able to do better. But it's Rhonda's fault.

[22] **CLERK BLACKMON:** Yeah.

[23] **COUNCILMEMBER ROCHE:** I mean I see both
[24] sides. I mean when I look at -- every day, I
[25] ride by Angler's Corner and I see where they

[1] But I am a little concerned, as
[2] Councilwoman Alexander and Councilwoman Fleming
[3] mentioned, having to make people to go out and
[4] buy three digit -- three-dimensional sign
[5] letters to do that. That would change all the
[6] existing signs, basically, or not all of them
[7] but a large number of them.

[8] **ATTORNEY WEED:** Well, I would -- I'd
[9] ask everybody to think again. You're not -- you
[10] won't be changing any of the existing signage at
[11] all. You will be perhaps adding signage that
[12] doesn't exist now or what you might want to call
[13] signage. You're going to be adding building
[14] identification placards, which are not the same
[15] thing as signs. In this context, they genuinely
[16] are not. It would be in addition to rather than
[17] instead of.

[18] **COUNCILMEMBER ROCHE:** So something that
[19] says "The Jones Building," you know, "5500
[20] Buford Highway," then they would not be affected
[21] by this? They don't have to get 5500 three-
[22] dimensional numbers?

[23] **ATTORNEY WEED:** They might very well
[24] meet all the standards. For example, if it was
[25] what I call a 1930's up to 1962 building that

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[1] had raised lettering on posts and usually in
[2] aluminum or steel, that said "The Jones
[3] Building, 123 Main Street," they'd be in
[4] compliance.
[5] **COUNCILMEMBER ROCHE:** Right.
[6] **ATTORNEY WEED:** They'd already be in
[7] compliance.
[8] **COUNCILMEMBER ROCHE:** But the people
[9] that currently have stick-on numbers would have
[10] to go out and buy new numbers.
[11] **ATTORNEY WEED:** That is correct.
[12] **COUNCILMEMBER ROCHE:** And I guess
[13] that's where my concern would be. I would be --
[14] obviously, if you can't identify the building,
[15] yes, we got to fix that. I'm just not sure if
[16] we want to go with the three-dimensional part,
[17] so I think that would be more appropriately
[18] addressed in architectural standards.
[19] **ATTORNEY WEED:** I respect that, and you
[20] will -- at some point, you can either -- you can
[21] continue to de facto grandfather the existing
[22] buildings that you've got and utilize an
[23] effective date from here going forward. That
[24] would be possible too.
[25] You have correctly identified the fact

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[1] that this is a police-powers ordinance rather
[2] than a standard zoning ordinance, so there would
[3] be no literal grandfathering in.
[4] What I have found in my experience with
[5] design ordinances, a lot of times people will
[6] forgive what's there now and begin the
[7] application at a certain point going forward, so
[8] that's -- that is an option. It's not required
[9] but it's an option.
[10] **COUNCILMEMBER ROCHE:** I would feel
[11] better doing that. I mean how are we going to
[12] enforce this? Are we going to send QOL to every
[13] single building in town?
[14] **ATTORNEY WEED:** You could.
[15] **COUNCILMEMBER ROCHE:** Well, I
[16] understand that. I'm just saying, you know,
[17] that's not how to cheer people up to go and say,
[18] "By the way, your stick-on numbers are no good
[19] anymore. You have to go . . ."
[20] So maybe we should either grandfather
[21] the existing ones or remove the requirement for
[22] three-dimensional numbers and letters. But then
[23] again we run into the spray-painted Angler's
[24] Corner where it's spray painted on stucco.
[25] **MAYOR JENKINS:** I'll look at it

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[1] tomorrow.
[2] **COUNCILMEMBER ALEXANDER:** I think
[3] Mr. Haeberlin wants to speak.
[4] **COUNCILMEMBER ROCHE:** Sure.
[5] **MR. HAEBERLIN:** Since I might be
[6] saddled with this item.
[7] **ATTORNEY WEED:** I did call him and warn
[8] him in advance.
[9] **MR. HAEBERLIN:** I think we need to add
[10] some language on page 2 regarding the address
[11] having been assigned and approved for use by
[12] Dekalb County and the City of Doraville.
[13] We have a lot of businesses that are
[14] using mystery addresses. Don't ask me where
[15] they got them from, but that is a problem. So
[16] some language to address that, that the address
[17] has been assigned and approved for use by Dekalb
[18] County and the City of Doraville.
[19] **COUNCILMEMBER FLEMING:** Where are you
[20] inserting that, please?
[21] **MR. HAEBERLIN:** I guess under Number 1,
[22] right before, "If a business or nonresidential
[23] establishment. . ."
[24] I did have a question for Murray. I
[25] think your foreseeing that these can either be

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[1] mounted on a wall or they can actually be stand-
[2] alone fixtures like a ground placard? Okay.
[3] **ATTORNEY WEED:** Yes.
[4] **MR. HAEBERLIN:** With that in mind,
[5] because of us being subject to the ICC, I think
[6] that we need to say that if this is ground-
[7] mounted, that it be less than four feet in
[8] height. That will not require us to have
[9] structural drawings.
[10] So if we -- obviously, it's going to be
[11] cheaper for the individual to do. It's not
[12] going to require the structural drawings if it's
[13] less than four feet in height.
[14] And I am slightly concerned about a
[15] restriction on overall size, how big the item
[16] could be. Could it be a hundred square feet?
[17] Could it be 500 square feet? I think a
[18] reasonable size in my opinion is 32 square feet.
[19] I don't know what the recommendation from the
[20] attorney would be on that.
[21] I'm going to move down and look at --
[22] **ATTORNEY WEED:** For a standalone ground
[23] placard?
[24] **MR. HAEBERLIN:** Correct.
[25] **ATTORNEY WEED:** Right. Okay.

[1] **MR. HAEBERLIN:** I just think that we
[2] need to put some sort of restriction on overall
[3] size. Obviously, we want to be careful with the
[4] ICC.

[5] Under the materials, again with respect
[6] to these possibly being ground signs -- ground
[7] placards, excuse me -- D, the hardy-plank
[8] cement-type products, while I'm comfortable with
[9] those in residential construction, I'm not
[10] particularly comfortable with those being the
[11] placard design or the wood product, and we have
[12] unfortunately not provided any provision in here
[13] for stone. So if we're going to have brick and
[14] stucco, there's no provision for stone. And
[15] again, I think that would be entirely
[16] appropriate in many situations.

[17] And lastly, I think this will resolve
[18] maybe your 3-D discussion, is that you could put
[19] some language in there requiring a contrasting
[20] background. In other words, so let's say your
[21] letters are orange, for some reason, if your
[22] background is white or whatever, make the item
[23] stand out. So I think that would address your
[24] concerns regarding the 3-D concept: perhaps
[25] some language to the effect of contrasting

[1] qualified, which one is correct, because we have
[2] no clue what talking about, different kind of
[3] material. And a lot of people, they don't want
[4] to use expensive 3-D/5D/6D to do it. So I
[5] prefer we have a good picture to let a citizen
[6] know and everybody can understand which one is
[7] qualified, which one is not qualified.

[8] Thank you.
[9] **MAYOR JENKINS:** Thank you, Charlene.
[10] Anymore comments at the table?

[11] **COUNCILMEMBER ROCHE:** Well, it just
[12] seems like we probably want to just go back to
[13] the drawing board on some of this stuff because
[14] it's . . .

[15] **COUNCILMEMBER FLEMING:** With the
[16] inclusions that Mr. Haeberlin added, I would
[17] prefer us waiting until the next meeting, and
[18] also that gives Mr. Bates an opportunity to look
[19] at the revisions as well.

[20] **COUNCILMEMBER ROCHE:** I mean maybe we
[21] need to focus on what's the problem we're trying
[22] to resolve in that apparently there are
[23] buildings in the town that don't have a way to
[24] identify them.

[25] **COUNCILMEMBER PITTMAN:** Chief, do you-

[1] background.
[2] Those were the concerns I had.
[3] On the wall signage, if it is mounted
[4] on a wall, again, I think we need an overall
[5] square-footage limitation or these things could
[6] get out of hand. I would hate to see a 500-
[7] square-foot building placard. So again, if 32
[8] square feet is acceptable to the Council, I
[9] think that's more than sufficient area, so that
[10] both ground and wall placards would be no
[11] greater than a 32-square-foot area.

[12] And those were the comments that I had,
[13] and of course those are in agreement with the
[14] comments by Councilperson Alexander.

[15] Again, in light of possibly having to
[16] implement this, I'm just saying how I view it.

[17] **MS. FENG:** Can I have a small
[18] suggestion? I think there --

[19] **MAYOR JENKINS:** Wait just a minute.
[20] Come up to the microphone.

[21] **MS. FENG:** Charlene Feng.

[22] And I think we've spent almost 20
[23] minutes talking about the signs. I think I'm
[24] going to volunteer to take several pictures, the
[25] signs, and enlarge to which ones is not

[1] all have a problem?
[2] **CHIEF KING:** No, ma'am.
[3] **COUNCILMEMBER ROCHE:** Well, there's at
[4] least one buil- -- I think, well, like the Apex,
[5] I don't think they have any kind of signage at
[6] all.

[7] **CHIEF KING:** We usually operate off an
[8] address, sir. I mean just a placard, the
[9] address, for example, 5250 Buford Highway, Suite
[10] 810. Because there's so many languages involved
[11] in Doraville --

[12] **COUNCILMEMBER ROCHE:** No, I understand.

[13] **CHIEF KING:** -- even the ones that have
[14] English, a lot of times, the language, like
[15] you've mentioned a couple times, are very
[16] complicated. So we train our officers to focus
[17] on the actual street address and the suite
[18] number so we can locate the call for emergency.

[19] **ATTORNEY WEED:** But right now, there's
[20] no requirement to actually do that. The
[21] requirement that you have is you've got some
[22] serious problems.

[23] **COUNCILMEMBER ROCHE:** No, I understand,
[24] but there is a requirement that you have to have
[25] some kind of a sign for your business.

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[1] **COUNCILMEMBER FLEMING:** No, that's --

[2] **COUNCILMEMBER ROCHE:** No?

[3] **COUNCILMEMBER ALEXANDER:** An

[4] identifier.

[5] **COUNCILMEMBER FLEMING:** That was the

[6] whole thing with the Apex.

[7] **COUNCILMEMBER ROCHE:** Okay. They have

[8] none. Okay.

[9] **COUNCILMEMBER ALEXANDER:** So you're

[10] saying that the H Identifier Sign does not exist

[11] that says you have to have a number posted?

[12] **ATTORNEY WEED:** What I'm saying is that

[13] the -- yes, this language does exist, but what's

[14] in --

[15] **COUNCILMEMBER ALEXANDER:** Okay.

[16] **ATTORNEY WEED:** -- the ordinance

[17] currently is a one-to-one translation English

[18] which is probably not the best way of writing

[19] it.

[20] **COUNCILMEMBER FLEMING:** So . . .

[21] **ATTORNEY WEED:** At a minimum, you need

[22] to modify your sign ordinance to get rid of that

[23] part if you do nothing else.

[24] **COUNCILMEMBER FLEMING:** The ordinance

[25] presently, though, requires a sign -- a business

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[1] to have a sign with an address posted; is that

[2] not correct?

[3] **ATTORNEY WEED:** Yes, in English -- in

[4] English translation.

[5] **COUNCILMEMBER FLEMING:** So, then --

[6] **COUNCILMEMBER ALEXANDER:** Where do you

[7] see that?

[8] **COUNCILMEMBER FLEMING:** -- Mr. Roche is

[9] correct in that Apex has neither identified

[10] their building with their name nor their

[11] address.

[12] **COUNCILMEMBER ROCHE:** Right.

[13] **COUNCILMEMBER FLEMING:** Nor do I --

[14] **COUNCILMEMBER ROCHE:** So it would --

[15] **COUNCILMEMBER FLEMING:** -- think --

[16] **COUNCILMEMBER ROCHE:** -- be a QOL

[17] thing.

[18] **COUNCILMEMBER FLEMING:** -- they have

[19] added --

[20] **COUNCILMEMBER ROCHE:** If we can get QOL

[21] on that.

[22] **COUNCILMEMBER FLEMING:** -- that

[23] million-dollar . . .

[24] **ATTORNEY WEED:** No, they haven't done

[25] any of that.

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[1] **COUNCILMEMBER FLEMING:** No.

[2] **COUNCILMEMBER ALEXANDER:** Okay. I

[3] guess I'm trying to figure out under H,

[4] Identifier Signs, where you were telling me it

[5] says English one-for-one translation, unless

[6] what I got off the muni code is incorrect, which

[7] that could be. I don't know when this was

[8] updated.

[9] **ATTORNEY WEED:** In subsection H(1),

[10] "All business establishments located in the

[11] corporate limits of the city shall maintain an

[12] identifier sign. Such sign shall set forth in

[13] the Roman alphabet the name of the establishment

[14] and, in Arabic numerals, the numeric address of

[15] the establishment," and then et cetera.

[16] **COUNCILMEMBER ALEXANDER:** It doesn't

[17] specify English.

[18] **ATTORNEY WEED:** No, it doesn't specify

[19] English; that is correct. So technically, you

[20] could have a Russian name with purely Roman

[21] numerals; that's correct.

[22] **COUNCILMEMBER ROCHE:** I guess --

[23] **ATTORNEY WEED:** I stand corrected.

[24] **COUNCILMEMBER ROCHE:** I mean, you know,

[25] in management, they have this thing called

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[1] "scope creep" where you say, "Well, here's a

[2] little problem we fix. Oh. And by the way,

[3] since we're here . . ." And the next thing you

[4] know, it turns into this big, big thing.

[5] And it sounds like we need to go back

[6] to the drawing board and just focus exactly on

[7] what the issue is we're trying to solve first.

[8] And then as far as things like 3D letters or

[9] whatever, we resolve them later or resolve them

[10] as far as the architectural standards or in a

[11] different way.

[12] It just seems like this thing has just

[13] grown into this big, complicated, time-consuming

[14] thing when all we need to do, I think, is

[15] correct a couple of technical problems with our

[16] ordinance to make sure that we can . . . that

[17] first of all, the police can find the building

[18] and, second of all, that we're not violating any

[19] constitutional laws or whatever.

[20] So if we could go back to the drawing

[21] board, I think maybe that's the best thing to do

[22] and work the other.

[23] **ATTORNEY WEED:** One thing we learn in

[24] management school is doing nothing is always an

[25] option and sometimes that's the right option.

[1] **COUNCILMEMBER ROCHE:** You know, I think
[2] we need to do some things but we don't -- I
[3] think we should just limit it to what we
[4] absolutely need to do to solve today's problem
[5] and leave it at that and not add a bunch of
[6] other stuff at this point.

[7] **COUNCILMEMBER FLEMING:** In regards to
[8] the building identification placard, I would
[9] like to make a motion to postpone this one until
[10] the next meeting. Possibly that'll give us time
[11] to address some of the additions that
[12] Mr. Haeberlin has added and some of the
[13] questions that we have also brought up.

[14] **COUNCILMEMBER PITTMAN:** Second.

[15] **MAYOR JENKINS:** Call the roll.

[16] **CLERK BLACKMON:** Councilmember
[17] Alexander?

[18] **COUNCILMEMBER ALEXANDER:** Yes.

[19] **CLERK BLACKMON:** Councilmember Fleming?

[20] **COUNCILMEMBER FLEMING:** Yes.

[21] **CLERK BLACKMON:** Councilmember Pittman?

[22] **COUNCILMEMBER PITTMAN:** Yes.

[23] **CLERK BLACKMON:** Councilmember Roche?

[24] **COUNCILMEMBER ROCHE:** Yes.

[25] **CLERK BLACKMON:** Councilmember

[1] I spoke to Mr. Murphy today, and we're
[2] in the process, as we mentioned last meeting,
[3] that I would purchase or I would help purchase
[4] some of the items that he came up, out of the
[5] asset forfeiture accounts. So far, he's given
[6] me a -- he's going to be filing for a purchase
[7] order for about \$103,000 that we will cover out
[8] of asset forfeiture for some of the essential
[9] items that he needs.

[10] He's obviously going to come to the
[11] City, to you-all, and ask for some of the other
[12] -- the other portion that we talked about, but
[13] the lion's share will be taken out of asset
[14] forfeiture.

[15] Mr. Roche, you covered the other item,
[16] the four officers. They were budgeted, as
[17] Priscilla mentioned. And those, you know, we
[18] are identifying and we are looking. We're
[19] identifying the potential candidates, but we are
[20] not in the process of hiring anybody until we
[21] get the approval from the City Council to move
[22] forward --

[23] **COUNCILMEMBER ROCHE:** Good.

[24] **CHIEF KING:** -- depending, you know,
[25] where -- what direction this goes. But no funds

[1] Spangler?

[2] **COUNCILMEMBER SPANGLER:** Yes.

[3] **MAYOR JENKINS:** John, you got anything
[4] today?

[5] **CHIEF KING:** Good evening, members of
[6] the City Council and citizens. I'm going to go
[7] over some of the items relatively quickly just
[8] to give an update from some previous questions
[9] that were asked of my office.

[10] We have purchased the hybrid vehicle
[11] for the Quality of Life unit and in turn we have
[12] turned the pickup truck that they were using
[13] over to the canine control officer. We're in
[14] the process of getting it lettered up.

[15] And we looked. We have some options to
[16] purchasing vehicles, and we're going to be
[17] looking really strongly at purchasing in the
[18] future vehicles of that type -- you know,
[19] hybrid, for nonessential office-type vehicles
[20] that are not involved in emergency.

[21] Yes, Mr. Spangler?

[22] **COUNCILMEMBER SPANGLER:** You said
[23] canine. Did you mean animal control?

[24] **CHIEF KING:** Animal control. I
[25] apologize, sir. I misspoke.

[1] have been -- nobody has been hired into those
[2] positions.

[3] **COUNCILMEMBER ROCHE:** Good.

[4] **CHIEF KING:** Mr. Spangler, you asked me
[5] last time how many days the video of the in-
[6] house, and that's 40 days, sir, is what it's
[7] being retained.

[8] **COUNCILMEMBER SPANGLER:** So, now, is
[9] that a state law, federal law or --

[10] **CHIEF KING:** There's no law covering
[11] that, sir.

[12] **COUNCILMEMBER SPANGLER:** No law? So
[13] it's just --

[14] **CHIEF KING:** Forty days is what our
[15] network has the capacity, and then before it
[16] re- -- it writes over the oldest date. Like I
[17] guess today will be written --

[18] What is today, Chuck?

[19] **UNIDENTIFIED SPEAKER:** The 22nd.

[20] **CHIEF KING:** October 22nd will be --
[21] this is being taped over for today's activities
[22] on the video.

[23] Our detectives have apprehended an
[24] individual that was connected -- apparently this
[25] individual was casing a couple of our jewelry

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[1] stores in the Asian shopping centers. This
 [2] individual was connected with a million-dollar
 [3] theft in John's Creek of a jewelry store there.
 [4] So this is a ring of individuals that
 [5] basically surveil jewelry stores and then follow
 [6] the wholesalers or customers and rob them at
 [7] either their homes or follow them.
 [8] So good word from Detective Henao who
 [9] identified this individual casing this jewelry
 [10] store and was able to bring our uniform officers
 [11] to apprehend them.
 [12] We've also -- I've arrested an
 [13] individual, one of our local residents, for
 [14] doing a -- calling in a terroristic threat
 [15] against one of our Quality of Life employees
 [16] because, you know, a citation had -- a warning
 [17] had been provided to the individual and the
 [18] individual then gave a threat against the safety
 [19] of our employee, so he was arrested.
 [20] To keep things, you know, completely
 [21] separate, that case has been transferred to
 [22] Dekalb County so the case can be heard by a
 [23] completely impartial judge and jury.
 [24] And you know, it's an unfortunate
 [25] event. It was -- you know, clearly our employee

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[1] was doing their job. They don't deserve to be
 [2] threatened against their lives.
 [3] This is the second time that our
 [4] employees have been threatened for just doing
 [5] code enforcement work, so it's kind of
 [6] unfortunate.
 [7] Mr. Roche, I got the tasking to look
 [8] into the Apex on Winters Chapel, and we'll make
 [9] sure that if they are not in compliance that
 [10] they are provided with either a copy of the
 [11] ordinance tomorrow -- so we will move on that
 [12] and get that corrected.
 [13] **COUNCILMEMBER ROCHE:** Good.
 [14] **CHIEF KING:** Tomorrow we'll be turning
 [15] in to the City Clerk a little bit over \$2,000
 [16] for the surcharge of -- fuel surcharge for the
 [17] officers using patrol cars for the use of
 [18] off-duty -- for extra jobs.
 [19] **COUNCILMEMBER SPANGLER:** And for what
 [20] period of time is that, Chief?
 [21] **CHIEF KING:** That's for a one-month
 [22] period, sir.
 [23] **COUNCILMEMBER SPANGLER:** The month of
 [24] October?
 [25] **CHIEF KING:** November, sir.

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[1] **COUNCILMEMBER SPANGLER:** The month of
 [2] November.
 [3] **CHIEF KING:** Obviously, as the price of
 [4] fuel drops, you know, obviously that amount will
 [5] drop, but we're still, you know, standing on
 [6] that policy.
 [7] We got a couple of individuals that are
 [8] going through the process to -- and we're almost
 [9] full staff in our -- in our radio room for our
 [10] 911 operators, and we are having a couple of
 [11] individuals going through the background checks
 [12] to fill us out for our current open positions.
 [13] But we should be -- for the first time
 [14] in a very long time, we will -- we're almost at
 [15] full staff.
 [16] We got a couple of officers injured, so
 [17] those are on light -- you know, some of them are
 [18] on light duty so they're not fully available.
 [19] But as far as manpower available, we're
 [20] getting up to par on the manpower, and that
 [21] gives us some flexibility if that decision comes
 [22] on the annexation.
 [23] Pending any questions of the members of
 [24] the City Council and the Mayor . . .
 [25] **COUNCILMEMBER ROCHE:** Did you want to

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[1] bring us up to date on what happened at Star
 [2] Towers?
 [3] **CHIEF KING:** Yes, sir. I think, as you
 [4] mentioned on your message, that I think
 [5] yourself, the Mayor, Councilmember Bates and a
 [6] couple members of my staff went and checked the
 [7] property of Star Towers, and they have made some
 [8] improvements based on our warning.
 [9] At this point, they've secured all the
 [10] doors, there's no power, and the rest of -- I do
 [11] not -- I've tried not to get involved in the
 [12] demolitions portions of it, but as far as the
 [13] safety and as far as the security of the
 [14] facility, it appears to be in compliance with
 [15] being secure.
 [16] We are checking the property twice a
 [17] day, at nighttime and in the daytime, and we're
 [18] running our -- actually we're running our
 [19] canines through the property to discourage
 [20] anybody from trying to use the building to move
 [21] into, especially homeless folks, especially as
 [22] bad weather comes in.
 [23] Mr. Spangler, I saw you raising your
 [24] hand, sir. I apologize.
 [25] **COUNCILMEMBER SPANGLER:** Yes, sir. I

[1] e-mailed you about some gunshots over on
 [2] Oakcliff --
 [3] **CHIEF KING:** Yes, sir.
 [4] **COUNCILMEMBER SPANGLER:** -- and going
 [5] down toward 85. I guess that --
 [6] **CHIEF KING:** Yes, sir.
 [7] **COUNCILMEMBER SPANGLER:** -- would be in
 [8] the county. Did you do any checking on that?
 [9] **CHIEF KING:** Sir, I checked. I
 [10] answered your e-mail and then I tried to do some
 [11] follow-up.
 [12] Dekalb County has not been very
 [13] forthcoming. They basically -- our officers
 [14] have now gotten to the point where we're
 [15] scanning their frequency. So when anything
 [16] that's coming -- as a result of the shooting and
 [17] robbery of our employee's husband, anything
 [18] that's going to be close, we're going to have
 [19] our officers responding because it's too -- it
 [20] could be very easily one of our residents.
 [21] Our officers did monitor the call prior
 [22] to it being called, and we did respond. You
 [23] know, we responded. We actually got there
 [24] before the county officer got there. And this
 [25] happened in the area of Marilyn (ph) Drive and

[1] could encourage people to use 911, especially
 [2] from the home lines, then there's not going to
 [3] be a delay.
 [4] We're still working with Dekalb County
 [5] and especially with the new CEO, that we should
 [6] have this 911 business cleared up probably with
 [7] the next administration. I think they're a lot
 [8] more receptive to working with the City of
 [9] Doraville.
 [10] But I appreciate you bringing it to my
 [11] attention, sir. It needed something. It needed
 [12] to be looked into.
 [13] Mayor, pending any other comments or
 [14] questions, sir, that concludes my comments.
 [15] **MAYOR JENKINS:** Okay. Thank you, John.
 [16] **CHIEF KING:** All right, sir.
 [17] **COUNCILMEMBER FLEMING:** I want to thank
 [18] you very much for your recovery efforts on the
 [19] fuel surcharge. Thank you very much.
 [20] **MAYOR JENKINS:** I'd like for Luke to
 [21] bring you up to date on the general assembly and
 [22] when it convenes and what we need to do if we
 [23] have anything to bring up for the general
 [24] assembly right quick.
 [25] **MR. HOWE:** Yes, sir. Very quickly, I

[1] back towards McElroy Road. Several people there
 [2] called the county on shots fired in the area.
 [3] We actually spoke to the caller. Nobody was --
 [4] they checked the area with several of our cars.
 [5] Dekalb County arrived later and they also
 [6] checked. But there was nothing that nobody
 [7] reported had been shot, or it was just shots
 [8] fired in the general vicinity.
 [9] That's all I could get from the county,
 [10] sir, and I apologize for not having any -- much
 [11] more information, but that's all we had
 [12] available. I appreciate you bringing it to our
 [13] attention, sir.
 [14] I would recommend, sir, that even -- a
 [15] lot of people are very hesitant to call our 911
 [16] center, and I would encourage them that if they
 [17] hear something like that --
 [18] We're building delays into it when we
 [19] don't call the emergency line. And I ask the
 [20] people to err on the side of caution, to dial
 [21] 911 and have our officers respond there as
 [22] quickly as possible because it could be somebody
 [23] injured.
 [24] Luckily, we heard a call come up over
 [25] the county and then we got the call. But if we

[1] just wanted to remind the Council that we have
 [2] two Council meetings before the general assembly
 [3] and the new congress convenes. So you know,
 [4] I've stressed the need that we need a
 [5] legislative agenda. So any law ideas, any
 [6] funding requests or housekeeping measures like
 [7] redevelopment powers and charter -- charter
 [8] revisions, get with me, and we can formulate
 [9] them into a legislative format.
 [10] And I also got to feeling, the way
 [11] things have been going, whatever we request
 [12] we're going to have to do so in a resolution, in
 [13] the form of a resolution, and I would really
 [14] recommend the redevelopment powers as top of the
 [15] list.
 [16] But anything, it doesn't matter --
 [17] laws, funding or just housekeeping stuff -- just
 [18] get with me and we'll get them together. Thank
 [19] you.
 [20] **MAYOR JENKINS:** Thank you, Luke.
 [21] Citizens' comments?
 [22] **ATTORNEY WEED:** I don't have a report.
 [23] All of my items are on the agenda. Thank you.
 [24] **CLERK BLACKMON:** You skipped Murray,
 [25] but that's okay.

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[1] **ATTORNEY WEED:** That's quite all right.
 [2] I am not shy about interjecting where needed.
 [3] **MAYOR JENKINS:** We can come back to
 [4] you.
 [5] **ATTORNEY WEED:** I'm good, Mayor.
 [6] **COUNCILMEMBER SPANGLER:** I do want to
 [7] come back to him on one thing, Mayor, after
 [8] citizens' comments.
 [9] **MS. HOFFMEISTER:** My concern tonight
 [10] was the M1/M2 traffic routing. Definitely the
 [11] intersection that the tankers go through is a
 [12] bad one.
 [13] I have a recommendation to the City
 [14] Council, and that is traffic going on Peachtree
 [15] -- New Peachtree towards downtown, if you make a
 [16] right-hand turn, you cannot see. There's a rise
 [17] on --
 [18] What is it? Longmere Road?
 [19] **UNIDENTIFIED SPEAKER:** Longmire.
 [20] **MS. HOFFMEISTER:** -- Longmire Road.
 [21] There's a rise, so you cannot see traffic
 [22] coming. So if you make a right-hand turn at a
 [23] red light, you can be stuck in the middle of
 [24] there with trucks and everything coming.
 [25] I would make a recommendation to the

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[1] City that you put a no-right-hand turn on that,
 [2] you know, on the red light.
 [3] **COUNCILMEMBER ROCHE:** No right on red.
 [4] **MS. HOFFMEISTER:** No, no right on red.
 [5] Also, rerouting the truck traffic was
 [6] not entirely acceptable to me and my community,
 [7] but I would say there is the possibility of
 [8] getting engineering done and reengineering that
 [9] intersection, especially when those trucks go
 [10] under that railroad. They have to gear up, make
 [11] that right-hand turn, go down, and then they
 [12] have to step on the gas and go up.
 [13] I'm a rancher's daughter. I've had to
 [14] carry horses behind me. And I can't imagine
 [15] what those trucks are doing with gasoline behind
 [16] them, because that just looks like something I
 [17] would avoid if I had a bunch -- you know, six
 [18] horses behind me.
 [19] And I cannot imagine a trucker having
 [20] to go down there, make that turn, speed up to
 [21] get up there, stop.
 [22] You can't see over the other side of
 [23] the hill so you have no idea what's coming that
 [24] way, and you're allowing traffic to go every
 [25] which way in that intersection, like I said. I

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[1] can make a right-hand turn, and I've gotten
 [2] caught a couple of times starting to make it
 [3] because I can't see the traffic coming from the
 [4] south.
 [5] And I would hope there is government
 [6] money available to reengineer that road so at
 [7] least you can see and those truckers do not have
 [8] to accelerate to get -- you know, once they stop
 [9] again, they've got to accelerate to get up the
 [10] hill. And once they get up there, now they can
 [11] see everything, and they either have to stop or
 [12] keep going and make, you know, another 90-degree
 [13] angle.
 [14] Like I said, I'd hate to do that with a
 [15] bunch of horses or cattle behind me. I have no
 [16] idea how these truckers continue to do this
 [17] safely.
 [18] **COUNCILMEMBER FLEMING:** Thank you.
 [19] **MAYOR JENKINS:** Thank you.
 [20] **COUNCILMEMBER ROCHE:** Thank you.
 [21] **MAYOR JENKINS:** Okay. Let's go ahead
 [22] and get Murray first. I apologize for
 [23] forgetting Murray.
 [24] You said you had a question to ask.
 [25] **COUNCILMEMBER SPANGLER:** I'll ask

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[1] Murray after the meeting.
 [2] **MAYOR JENKINS:** Okay. What was your --
 [3] what did you have, Murray?
 [4] **ATTORNEY WEED:** I didn't have a report,
 [5] Mr. Mayor. I try to put my items on the agenda.
 [6] I don't have an additional report.
 [7] **MAYOR JENKINS:** Very good.
 [8] **COUNCILMEMBER FLEMING:** Did Stuart have
 [9] something, sir?
 [10] **MAYOR JENKINS:** Sir?
 [11] **COUNCILMEMBER FLEMING:** Did Stuart have
 [12] something earlier and that you just --
 [13] **MAYOR JENKINS:** He can get it on
 [14] citizens' comments.
 [15] **COUNCILMEMBER FLEMING:** Oh, okay.
 [16] **MS. CRAWFORD:** Susan Crawford. I have
 [17] a couple of quick things.
 [18] The concern about the increase in
 [19] taxation of the residents if we did the
 [20] annexation. Wouldn't we be getting the tax
 [21] revenue from the businesses we'd be annexing?
 [22] **MAYOR JENKINS:** After a certain period
 [23] of time, yes.
 [24] **MS. CRAWFORD:** Which might be . . . ?
 [25] **MAYOR JENKINS:** I think a year. Is

[1] that correct?
 [2] I don't think we get anything for about
 [3] a year.
 [4] **MS. CRAWFORD:** But when we did,
 [5] wouldn't that really outweigh the --
 [6] **COUNCILMEMBER ROCHE:** Far as I can
 [7] tell, it would.
 [8] **COUNCILMEMBER SPANGLER:** How many of
 [9] those businesses presently that are in business
 [10] will be in business six months from now with the
 [11] economy the way it is?
 [12] **MS. CRAWFORD:** How long have they been
 [13] in business?
 [14] **COUNCILMEMBER SPANGLER:** How long do
 [15] these banks --
 [16] **MS. CRAWFORD:** Well, I mean I'm not an
 [17] economist, but I just wondered about the balance
 [18] there.
 [19] Also, I live in Oakcliff, and there is
 [20] a problem with truck traffic, and I missed -- I
 [21] meant to sign up for the agenda but I got here
 [22] too late to do that. But I was just wondering.
 [23] It crossed my mind that if we have a police
 [24] person that was maybe just for a week giving
 [25] tickets all day, because there is a lot of truck

[1] basically a lot of our problems we have is with
 [2] Dekalb County government vehicles, the large
 [3] trucks that they use.
 [4] **MS. CRAWFORD:** I know. I was almost
 [5] mowed down by one running a red light.
 [6] **CHIEF KING:** We issue -- we issue those
 [7] citations, and of course that doesn't endear us
 [8] to our friends in Dekalb County.
 [9] So to do it -- to do it right -- we
 [10] will continue doing it and we address it, but
 [11] it's hard for me to be able to dedicate one
 [12] person to do it during all daytime hours. I
 [13] just don't have that kind of manpower.
 [14] **MS. CRAWFORD:** Not even for four days?
 [15] **CHIEF KING:** I can do it --
 [16] **MS. CRAWFORD:** If they got the idea --
 [17] **CHIEF KING:** I can do it for two/three
 [18] days depending on the volume of the call
 [19] traffic. But as far as you said, a week, I
 [20] don't have that manpower because obviously we
 [21] have -- they require off days, and people get
 [22] sick.
 [23] **MS. CRAWFORD:** Yes. I meant -- just
 [24] meant maybe even two or three consecutive days
 [25] so that they would say, oh, this isn't just a

[1] traffic there, wouldn't they even after a few
 [2] days kind of get the idea? Wouldn't they
 [3] Breaker-Breaker-19 each other and let the other
 [4] truckers know that it's more of a hassle than
 [5] it's worth to cut through Oakcliff?
 [6] Just a thought.
 [7] **CHIEF KING:** We have conducted traffic
 [8] studies. If you see our road sign, what we're
 [9] doing is we lay out small, little hoses on the
 [10] road. That's for us to determine when the peak
 [11] traffic is. And we have set up -- Sergeant
 [12] Siegler is my specialist there, and we have
 [13] written a number of tickets.
 [14] But I don't have the freedom to be able
 [15] to dedicate one person there every day for a
 [16] week. We do it for two/three days and as time
 [17] allows. But the problem is that I can correct
 [18] the -- I can correct it for about a week or two,
 [19] but then the next time there's a jam up on 85,
 [20] or like an accident this weekend that basically
 [21] totally paralyzed 285 and 85, then they start
 [22] looking at alternatives.
 [23] I get into trouble a lot of times when
 [24] we write citations to Dekalb County, the large
 [25] construction, Dekalb County Roads & Streets. So

[1] sporadic thing.
 [2] **CHIEF KING:** We have done that. But as
 [3] far as getting the message out to the truck,
 [4] they don't communicate that way.
 [5] We get new customers. We don't get the
 [6] same guys.
 [7] **MS. CRAWFORD:** Oh.
 [8] **CHIEF KING:** But we can make a
 [9] difference.
 [10] **MS. CRAWFORD:** Thank you.
 [11] **MAYOR JENKINS:** Thank you, Susan.
 [12] **COUNCILMEMBER SPANGLER:** I'm going to
 [13] ask the Chief something.
 [14] Have we sent out letters to the
 [15] trucking companies like we said we were going to
 [16] do?
 [17] **CHIEF KING:** Sir, we've actually called
 [18] and gone to the trucking companies when we start
 [19] seeing a pattern of a company.
 [20] The problem is that a lot of people
 [21] identify the trucks but it's actually leased
 [22] trucks. And the problem is is that these are
 [23] long-term leases and I can't lo- --
 [24] You know, we go through the leasing
 [25] company, and they tell me, "Well, I can't give

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[1] you that information because that is protected
[2] information unless you have a warrant." That's
[3] the challenge that we get, what we get into.
[4] **A** lot of them are deliveries into the
[5] industrial park area, and because they see the
[6] traffic backed up on 85 and on 285, they start
[7] looking for alternatives.
[8] **COUNCILMEMBER SPANGLER:** Yeah. But all
[9] of them that I've seen go through there, Chief,
[10] have gone straight from Buford Highway and cross
[11] through Buford Highway all the way over to the -
[12] - you know, through that industrial section.
[13] **CHIEF KING:** Yes, sir.
[14] **COUNCILMEMBER SPANGLER:** Because I've
[15] followed some of them -- and I'm not going to
[16] stop them or anything -- just to see where they
[17] were stopping if they in fact were.
[18] **CHIEF KING:** Yes, sir.
[19] **COUNCILMEMBER SPANGLER:** And another
[20] question I wanted to ask is when we do write
[21] tickets to these truckers, are those tickets
[22] being thrown out of court or are we actually
[23] collecting?
[24] **CHIEF KING:** No. We've actually been -
[25] - in the past, we had trouble prosecuting those,

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[1] but they're being prosecuted. In the last
[2] couple months, they're being prosecuted and
[3] they're paying their fine. And a lot of them
[4] don't even bother coming to court because our
[5] fines are relatively low.
[6] **COUNCILMEMBER ROCHE:** What is the fine
[7] on that? I'm sorry.
[8] **COUNCILMEMBER SPANGLER:** How much are
[9] the fines on those?
[10] **CHIEF KING:** I am not a hundred
[11] percent, sir. I don't want to guess. I can ask
[12] Ms. Corally. She's got the accurate information
[13] on that.
[14] **COUNCILMEMBER SPANGLER:** Okay. And I
[15] think Mr. Weed said we could raise the fines --
[16] **CHIEF KING:** You could raise --
[17] **COUNCILMEMBER SPANGLER:** -- up to a
[18] thousand.
[19] **CHIEF KING:** It might be that that
[20] might be an alternative since this is such a hot
[21] issue. Perhaps, you know, looking to see where
[22] the current fine is. Maybe at the next Council
[23] meeting if you want to, we can -- you know.
[24] I would recommend that unless the fine
[25] is up in the couple hundred dollars, I don't

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[1] think you're going to make a big inroad with the
[2] truckers.
[3] **COUNCILMEMBER SPANGLER:** Right. And if
[4] we put it up to a thousand dollars, I guarantee
[5] you --
[6] **CHIEF KING:** Oh, you'll get people's
[7] attention then, sir. I'm sure you will.
[8] **COUNCILMEMBER ALEXANDER:** Is that a
[9] moving violation that shows up on their CDL?
[10] **CHIEF KING:** It does not show up on a
[11] CDL, ma'am, because it's a local-ordinance
[12] violation. It's not a Title 40 code section.
[13] **COUNCILMEMBER FLEMING:** Yeah. But
[14] since we're permitting them to drive within
[15] Doraville and they have violated a Doraville
[16] ordinance . . .
[17] **CHIEF KING:** Ma'am, we can't -- I know
[18] which direction I think that you're . . .
[19] We cannot keep them -- we cannot
[20] exclude them from driving in Doraville if they
[21] are driving anywhere else in the state.
[22] We had a mayor of a city next to us,
[23] that they had local driver's licenses, and he
[24] was issuing them a couple -- several years ago,
[25] and that got thrown out. He was allowing people

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[1] to drive even though their license was suspended
[2] everywhere else in the state.
[3] So I think that the fine, then --
[4] increasing the fine might be a better direction
[5] to go, but I understand exactly where you're
[6] coming from, ma'am.
[7] **MAYOR JENKINS:** Mr. Noonan?
[8] **MR. NOONAN:** John Noonan, 4316 Winters
[9] Chapel Road.
[10] In regard to this annexation, before we
[11] pursue this, there was a study done by the Carl
[12] Vinson Institute you should have filed here at
[13] City Hall. And yes, we would lose some money
[14] within the first year, but that would be offset
[15] by the business-license revenues for every year
[16] thereafter. So in a sense, that would be an
[17] increase to revenues after the first year --
[18] **COUNCILMEMBER SPANGLER:** But in --
[19] **MR. NOONAN:** -- according to the study.
[20] **COUNCILMEMBER SPANGLER:** But if I
[21] remember correctly, that first year -- you're
[22] not going to recoup the money for the first
[23] year.
[24] **MR. NOONAN:** No, not in the first year
[25] because you can't collect the business-license

[1] revenues --

[2] **COUNCILMEMBER SPANGLER:** I understand.

[3] **MR. NOONAN:** -- the first year.

[4] **COUNCILMEMBER SPANGLER:** I understand

[5] that. But in the second year, you're not going

[6] to recoup the money that you spent for the first

[7] year.

[8] **MR. NOONAN:** Oh, I believe you will,

[9] and the study should be on file here. And then

[10] you would be able to collect that additional

[11] revenue from every year thereon.

[12] **MAYOR JENKINS:** Thank you.

[13] **COUNCILMEMBER SPANGLER:** Mr. Hart has a

[14] question.

[15] **MAYOR JENKINS:** Stuart, do you want to

[16] do it before Mr. Hart or --

[17] **MR. ANDERSON:** Go ahead. Go ahead.

[18] **MAYOR JENKINS:** All right. Tom, come

[19] on up. You look sharp tonight, buddy.

[20] **MR. HART:** 30 seconds?

[21] **MAYOR JENKINS:** You have 30 seconds.

[22] **COUNCILMEMBER FLEMING:** No. You look

[23] sharp tonight. He complimented you.

[24] **MR. HART:** Oh.

[25] **COUNCILMEMBER ROCHE:** Time out. Thank

[1] Mayor's comment to me in the middle of the

[2] meeting. I appreciate the sign-in. I think

[3] that's a good idea.

[4] **MAYOR JENKINS:** The reason I made the

[5] mistake, I thought you wanted to talk on the

[6] later C1 and C2, and I apologize on that.

[7] **MR. ANDERSON:** Yeah. I was at the M2-P

[8] traffic thing. But anyway, I think it's a good

[9] idea.

[10] And so the quick item was when we have

[11] long nights, a lot of people -- we have a break

[12] at 9 o'clock -- a lot of people go home without

[13] ever having gotten to citizens' comments. So if

[14] we have a break on long nights, I think it would

[15] be a good idea to at that point have a citizens'

[16] comment for the citizens that both left last

[17] week and other people that can't -- don't want

[18] to stay, or old people who don't want to stay --

[19] like me -- don't want to stay past 9 o'clock.

[20] So that's -- that's just a suggestion,

[21] and I'm complimenting the sign-in thing, and I

[22] think that would be a good interim thing.

[23] The thing that I wanted to say about

[24] the M2 traffic, to more paraphrase Murray, we

[25] can legislate for what we want. And of course I

[1] you, Tom.

[2] **MR. HART:** Thank you, Mayor.

[3] Just a question about did we fix the

[4] lights on Buford Highway that were burnt out?

[5] **MAYOR JENKINS:** We're working on it.

[6] **MR. HART:** Okay. The second thing was

[7] on the traffic queue on Buford Highway where you

[8] get to the 285 bridge and all the trucks are

[9] lined up.

[10] The big problem is that the traffic

[11] cutting across Buford Highway going into the

[12] shopping center where the bus station and the

[13] new Waffle House is located, that entrance right

[14] there breaks up that traffic queue getting on

[15] eastbound and westbound 285.

[16] And if we were to put an island there

[17] and cut that off, it will allow the -- increase

[18] the traffic queue on Buford Highway, as well as

[19] the accidents that people cutting across in

[20] front and going in that shopping center.

[21] Thank you.

[22] **MAYOR JENKINS:** Come on up, Stuart.

[23] **MR. ANDERSON:** Stuart Anderson. A

[24] couple of things.

[25] A quick one, in reference to the

[1] don't think there needs to be a discussion about

[2] M2 traffic because we shouldn't have M2 between

[3] those two neighborhoods. I think most of you

[4] know my position on that.

[5] If we did Councilman Fleming's idea

[6] about the route, the joke that I made the last

[7] time about a sign hanging over Oakcliff Road,

[8] I'd like to know if that's a feasible thing, you

[9] could actually do that. If you adopted her

[10] route, you could put signs like that at the

[11] beginning and the end, both ends of Oakcliff. I

[12] don't know if that's legal or not.

[13] **COUNCILMEMBER ALEXANDER:** The truck is

[14] its length and weight, not height.

[15] **MR. ANDERSON:** True, but those 30-

[16] footers, my dear, are 10 foot high. And if a

[17] legal truck, what you sent out was seven feet --

[18] and I think it's eight feet. But if we had a

[19] sign at 10 feet, we would pick up 18-wheelers

[20] whether we had a legislation there or not.

[21] The other two things -- we digressed

[22] into signs at the point Ms. Fleming said we

[23] should reconsider that -- since we're thinking

[24] about things, would be the Beacon/Johnny's Lane

[25] if we're thinking about shortcuts into the M2

[1] area.

[2] The other one would be the Tilly Mill

[3] exit that we closed off or the DOT closed off.

[4] We could request that to be opened up. Opens it

[5] up onto my Tilly Mill Road, as it were.

[6] I would suggest at that point the same

[7] kind of sign that I'm suggesting for Oakcliff,

[8] at the end of Tilly Mill. You come up that exit

[9] off of Tilly Mill and be forced to turn right as

[10] a tanker and go right into the tank farm. It

[11] would be none of this Longmire, none of the

[12] past-the-school, none of that stuff. You can

[13] come up that exit. Reestablish that exit, make

[14] them turn right, and they would go directly into

[15] the tank farm at that point.

[16] So if you want to think about getting

[17] out of the box that way, first, I don't think

[18] there should be M2 traffic there at all because

[19] there shouldn't be M2. But if you want to try

[20] to figure out how to fix this rather than drive

[21] all over the place, those are a couple

[22] suggestions. Thanks.

[23] **COUNCILMEMBER FLEMING:** Thank you.

[24] **MAYOR JENKINS:** Thank you, Stuart.

[25] Anybody else?

[1] - - -

[2] (No response)

[3] - - -

[4] **MAYOR JENKINS:** Adjourn the meeting?

[5] Motion?

[6] **COUNCILMEMBER SPANGLER:** Motion to

[7] adjourn.

[8] **COUNCILMEMBER ROCHE:** Second.

[9] **COUNCILMEMBER PITTMAN:** Second.

[10] **MAYOR JENKINS:** Call the roll.

[11] **CLERK BLACKMON:** Councilmember

[12] Alexander?

[13] **COUNCILMEMBER ALEXANDER:** Yes.

[14] **CLERK BLACKMON:** Councilmember Fleming?

[15] **COUNCILMEMBER FLEMING:** Yes.

[16] **CLERK BLACKMON:** Councilmember Pittman?

[17] **COUNCILMEMBER PITTMAN:** Yes.

[18] **CLERK BLACKMON:** Councilmember Roche?

[19] **COUNCILMEMBER ROCHE:** Yes.

[20] **CLERK BLACKMON:** Councilmember

[21] Spangler?

[22] **COUNCILMEMBER SPANGLER:** Yes.

[23] (Whereupon, the meeting was adjourned at

[24] 9:15 p.m. the same day.)

[25] -o0o-

[1] C E R T I F I C A T E

[2] STATE OF GEORGIA]

[3] COUNTY OF DEKALB]

[4] I hereby certify that the foregoing transcript

[5] was taken down, as stated in the caption, and the

[6] proceedings were reduced to typewriting under my

[7] direction and control.

[8] I further certify that the transcript is a true

[9] and correct record of the evidence given at the said

[10] proceedings.

[11] I further certify that I am neither a relative

[12] or employee or attorney or counsel to any of the

[13] parties, nor financially or otherwise interested in

[14] this matter.

[15] This the 9th day of December, 2008.

[16]

[17] _____

[18] Theresa Bretch, CCR

[19] Permit No. B-755

[20]

[21]

[22] [SEAL]

[23]

[24]

[25]

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