

In The Matter Of:

*City Council Meeting
City of Doraville*

*Before Mayor Ray Jenkins
July 7, 2008*

*American Court Reporting Company, Inc.
52 Executive Park S, Suite 5201
Atlanta, Georgia 30329
800-445-2842
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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 7:05 p.m. on Monday, July 7, 2008.
* * *

[1] PROCEEDINGS
[2] **MAYOR JENKINS:** Meeting come to order.
[3] Can everybody hear me?
[4] Call the roll, please.
[5] **CLERK BLACKMON:** Councilmember
[6] Alexander?
[7] **COUNCILMEMBER ALEXANDER:** Here.
[8] **CLERK BLACKMON:** Councilmember Bates?
[9] **COUNCILMEMBER BATES:** Here.
[10] **CLERK BLACKMON:** Councilmember Fleming?
[11] **COUNCILMEMBER FLEMING:** Here.
[12] **CLERK BLACKMON:** Councilmember Pittman?
[13] **COUNCILMEMBER PITTMAN:** Here.
[14] **CLERK BLACKMON:** Councilmember Roche?
[15] **COUNCILMEMBER ROCHE:** Here.
[16] **CLERK BLACKMON:** Councilmember
[17] Spangler?
[18] **COUNCILMEMBER SPANGLER:** Yes.
[19] **MAYOR JENKINS:** We have Mr. Oliver
[20] Spurgeon from Hank Johnson's office, and he just
[21] wants to say a few words in lieu of Mr. Johnson.
[22] **MR. SPURGEON:** Thank you all for having
[23] me here. It's great to be here.
[24] Again, my name is Oliver Spurgeon,
[25] Special Assistant to Congressman Hank Johnson.

[1] **APPEARANCES:**
[2] Doraville City Council:
[3] Hon. Ray Jenkins, Mayor
[4] Councilmember Maria Alexander
[5] Councilmember Brian Bates
[6] Councilmember Robert Spangler
[7] Councilmember Donna Pittman
[8] Councilmember Bob Roche
[9] Councilmember Pam Fleming
[10] Murray J. Weed, City Attorney
[11] Ms. Rhonda Blackmon, City Clerk
[12] Ms. Priscilla Murphy, Consultant

[1] That's spelled S-P-U-R-G-E-O-N.
[2] Thank you all for having me here. I
[3] apologize that Congressman Johnson couldn't be
[4] here today. He's actually out of town on
[5] vacation. But he sent me here and he asked that
[6] I take a full report and get back to him on
[7] Saturday and let him know what the concerns of
[8] the city are.
[9] **UNIDENTIFIED SPEAKER:** That's not
[10] working or something.
[11] **MR. SPURGEON:** I'm very soft-spoken.
[12] Excuse me. Can you hear me now?
[13] **UNIDENTIFIED SPEAKER:** Yes.
[14] **MR. SPURGEON:** Okay. I'll start over.
[15] Good evening. Thank you for having me. Once
[16] again, my name is Oliver Spurgeon, Special
[17] Assistant to Congressman Hank Johnson.
[18] I do apologize that he couldn't be
[19] here, but he's actually out of town on vacation.
[20] He asked that I give him a full report this
[21] weekend when I speak with him and that I take
[22] notes and give him a report on what the needs of
[23] the city are. Thank you.
[24] **UNIDENTIFIED SPEAKER:** Thank you.
[25] **MAYOR JENKINS:** Thank you.

[1] I'd like a motion that we cancel the
 [2] mid-month meeting for July, August and
 [3] September. We do that every year for the
 [4] vacation time.
 [5] **COUNCILMEMBER SPANGLER:** I make a
 [6] motion.
 [7] **MAYOR JENKINS:** Second?
 [8] **COUNCILMEMBER ALEXANDER:** When would w
 [9] have the work sessions that we would?
 [10] **MAYOR JENKINS:** We'll just have the --
 [11] before the regular meeting on the first of the
 [12] month, we'll have the Thursday before the
 [13] regular meeting.
 [14] **COUNCILMEMBER ALEXANDER:** And we would
 [15] have the work session before the regular
 [16] meeting?
 [17] **MAYOR JENKINS:** We don't usually do it
 [18] that way. We just go ahead with the meeting.
 [19] **COUNCILMEMBER ROCHE:** There will be no
 [20] work session, and we only meet once a month.
 [21] **MAYOR JENKINS:** And we'll continue that
 [22] in October, the work session, the mid-month
 [23] meeting in October.
 [24] **COUNCILMEMBER SPANGLER:** But in the
 [25] meantime, Mayor, I think if something special

[1] second --
 [2] Do I get a second?
 [3] - - -
 [4] (No response)
 [5] - - -
 [6] **MAYOR JENKINS:** Okay. We'll continue
 [7] the meetings right on through July, August and
 [8] September as we're doing now. We'll have a work
 [9] session the mid-month meeting and the regular
 [10] meeting on the first of the month -- first
 [11] Monday of each month.
 [12] Okay. Mr. Weed, I'd asked you to
 [13] research a contract for the -- I don't remember
 [14] the name. The hot dog stand.
 [15] **ATTORNEY WEED:** Yes, Mr. Mayor. The
 [16] City had been presented a draft commercial lease
 [17] agreement between the City, of course, and a --
 [18] not necessarily a legal entity but a group that
 [19] identified itself as Dog Days Hot Dogs.
 [20] The purpose of the lease or the
 [21] proposed lease was to operate a hot dog stand
 [22] out of what I believe was a former food vending
 [23] facility near what is now the pool and what I
 [24] understand used to be a ball field area.
 [25] I have looked at this lease. This is

[1] come up, that we could have a special called
 [2] meeting.
 [3] **MAYOR JENKINS:** Oh, yeah.
 [4] Is that all right, Maria?
 [5] **COUNCILMEMBER ALEXANDER:** I guess my
 [6] concern would be if an item came up for a vote
 [7] and we weren't prepared to vote on it because we
 [8] hadn't had ample time to do research, we could
 [9] just defer it and table the item?
 [10] **MAYOR JENKINS:** Yes.
 [11] **COUNCILMEMBER ROCHE:** For a month.
 [12] **MAYOR JENKINS:** Well, what would it --
 [13] are you saying have a work session before the
 [14] regular meeting?
 [15] **COUNCILMEMBER ALEXANDER:** I don't know.
 [16] I'm asking, sir. That still wouldn't give us
 [17] time to research items.
 [18] **MAYOR JENKINS:** Well, I would say in
 [19] those three months we could defer it if we had
 [20] to just for the three months.
 [21] **COUNCILMEMBER ROCHE:** I'm concerned
 [22] that, you know, with the GM property and
 [23] everything going on, you know, just --
 [24] **MAYOR JENKINS:** We have a motion,
 [25] and I didn't get a second, so if I don't get a

[1] what I would call a sweat equity lease. And by
 [2] that, I mean to say there's a stated amount of
 [3] money which the tenant proposes that they would
 [4] pay; however, that stated amount of money is
 [5] offset every month by the amount of sweat equity
 [6] you put into the project. I've dealt with these
 [7] kind of leases before, particularly with
 [8] development authorities; however, I think there
 [9] are a number of terms that would need to be
 [10] modified in this proposal.
 [11] And what I would suggest to the Council
 [12] would be first and foremost to make a decision
 [13] or at least a study to look into whether you
 [14] want to reactivate that facility because the
 [15] current proposed lease does have a number of
 [16] commitments on behalf of the City. For example,
 [17] you have to maintain the parking lot; you're
 [18] going to have some up-front expense with regard
 [19] to after the redevelopment effort goes into
 [20] effect, keeping it up.
 [21] The particular proposed lease indicates
 [22] that at the end of the lease term the new
 [23] fixtures that would be added could be removed by
 [24] the tenant. That's not usually how these things
 [25] are done. In sweat equity leases, the guarantee

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[1] that the landlord gets usually is at the end of
[2] the day, if everything fails, the tenant leaves.
[3] Then the landlord has given up the rent that he
[4] or she could have gotten, but what they gave it
[5] up in exchange for was a better building. The
[6] way this lease is drafted some of the things
[7] that would go into the building would leave with
[8] the tenant. So I wouldn't recommend that.
[9] But having said that, job number one,
[10] in my opinion, to the Council is to decide if
[11] that's something you want to even remotely
[12] consider, and then I can always draft a decent
[13] lease later on.
[14] **MAYOR JENKINS:** Comments?
[15] - - -
[16] (No response)
[17] - - -
[18] **MAYOR JENKINS:** Everybody understand
[19] where we're referring to? Next to the pool.
[20] Do we need to follow this any further
[21] or just shut it down?
[22] **COUNCILMEMBER SPANGLER:** I would like
[23] to see us follow through with it. I think it
[24] would be a good -- a good potential money-maker
[25] for the City rather than just sitting there

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[1] being vacant. If Mr. Weed makes the proper
[2] adjustments to the contract, I don't see any
[3] reason why we couldn't do it.
[4] **MAYOR JENKINS:** Have you looked at the
[5] facility?
[6] **COUNCILMEMBER SPANGLER:** Not for
[7] awhile.
[8] **COUNCILMEMBER PITTMAN:** So work would
[9] have to be done on that building that we would
[10] have to do?
[11] **MAYOR JENKINS:** They propose to do it
[12] and then it would be paid off within the lease
[13] in a certain amount of time. They figure it'll
[14] take \$10,000 to get it in shape. I believe
[15] that's what the --
[16] The building is completely -- it'll
[17] have to have a new roof. It's got no facilities
[18] there. There is facilities next to it that was
[19] used years ago. And it would have to be fenced
[20] off from the pool to this area so the people
[21] from the pool could go in there and not go on
[22] the outside.
[23] Do you feel like you could draw up
[24] something that we might could live with on that?
[25] **ATTORNEY WEED:** Well, Mr. Mayor, you

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[1] know, I'm -- I'm pretty good at what I do. I
[2] mean, you know, if I draw up a lease, it's going
[3] to be a lease that benefits the City.
[4] **MAYOR JENKINS:** Right.
[5] **ATTORNEY WEED:** And the other side at
[6] the end of the day may not like it and they may
[7] not sign it. But you know, I don't work for
[8] them; I work for you.
[9] So I can draw a legal lease. No doubt
[10] about that.
[11] **COUNCILMEMBER ALEXANDER:** I guess I
[12] have concerns because I -- I could be mistaken,
[13] but in speaking with Recreation Director
[14] Ms. Stephens, I think she was concerned about it
[15] competing with the City's existing concessions
[16] at the swimming pool.
[17] And also, we have a P.O. box describing
[18] this company. We have no business plan, no
[19] references. Are they in business now? Do they
[20] have the proper health certificates? Basically
[21] I just have a name and a P.O. box and that's it,
[22] so I have concerns about the building -- I mean
[23] the future tenant also.
[24] **ATTORNEY WEED:** And I would -- I would
[25] say that in my opinion, right now the draft

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[1] lease is in the name of a business, which that's
[2] not a good way of doing it. Either the business
[3] would need to incorporate or we need to have an
[4] identifiable legal entity -- a human being or a
[5] corporation or some clearly identifiable legal
[6] creature -- to actually have a lease with. So
[7] there are a number of issues with this, but
[8] before we get into that, in my mind, it's up to
[9] the Council to decide if we want to pursue it or
[10] not.
[11] **COUNCILMEMBER FLEMING:** The only two
[12] questions that I had regarding the operation
[13] itself was was it just going to be a May-to-
[14] September business? If so, I can't see where
[15] that's going to offset the -- the lease
[16] requirements that we may put on them.
[17] And secondly, we have a study going on
[18] for that wall in that area, and so I would be
[19] concerned about the renovation of the building
[20] while we're trying to do something with the --
[21] with the wall there are my comments.
[22] **MAYOR JENKINS:** You want to make a
[23] motion?
[24] **COUNCILMEMBER SPANGLER:** No, not at
[25] this time. I think this is probably -- you

[1] know, he wanted to start this, according to the
[2] contract that he had, like July 1st. So it's
[3] something we may want to look at for next year
[4] after we've addressed the wall and after we've
[5] addressed some of the other concerns about the
[6] contract.

[7] But I think it's definitely something
[8] that would help the pool. I don't think that
[9] the company that's taking care of the pool right
[10] now have adequate fixtures for food, adequate
[11] food.

[12] **MAYOR JENKINS:** Okay. I got one other
[13] item before we approve the minutes.

[14] Bob, do you want to bring up the
[15] contract that you was referring to on LEED?

[16] **COUNCILMEMBER ROCHE:** Yes, just
[17] briefly. I was going to have this on the agenda
[18] for the work session.

[19] As everyone knows, we're going to
[20] probably be doing a lot of development in
[21] Doraville over the next, you know, few years and
[22] even for the next 10 years. And there's a thing
[23] called LEED which is -- I always get it wrong;
[24] I'll get it right here.

[25] **COUNCILMEMBER FLEMING:** Right here.

[1] various levels: there's gold and platinum,
[2] et cetera. And I think that we -- I would like
[3] to see us pass this because it's good for the
[4] environment, it's -- economically it makes sense
[5] and it sets an example, because, again, we're
[6] going to be doing a lot of building here in the
[7] next 10 years or so. And we can either let this
[8] slip away like we've let other things slip away
[9] or we can bring this in.

[10] And if we bring it in now, the people -
[11] - you know, the GM property and all the other
[12] developers, they know what to expect. They know
[13] what we expect from them at the beginning.

[14] A lot of people talk about quality
[15] development or what is quality development and
[16] how do you get quality development and where you
[17] get quality developers.

[18] Quality developers understand that this
[19] works. Quality developers understand, okay, I
[20] may have to spend an extra five percent but, in
[21] the long run, it's a better product, it's a
[22] better building; it's better for Doraville. And
[23] that's what quality development's about.

[24] So quality development's not just
[25] words. There are ways to do it, and I think

[1] Leadership in Energy and Environmental Design.

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

[3] Leadership in Energy and Environmental Design.

[4] And I got the idea -- I got an e-mail
[5] from a city councilman from our sister city here
[6] because they were the first town in Georgia to
[7] pass this.

[8] What it amounts to is basically you set
[9] up some building standards so that when you
[10] build a building, it's energy efficient, it's
[11] environmentally friendly, it's well designed,
[12] it's designed for people, et cetera, et cetera.

[13] And he sent me a few figures. He said
[14] that typically it does add between four and six
[15] percent to the cost of the building, but on the
[16] other hand, it saves between 12 and 20 percent
[17] of energy.

[18] And if anyone's bought a tank of gas
[19] lately, you know, it seems like kind of a no-
[20] brainer. You know, why support people in the
[21] Middle East when we can be building buildings
[22] and set an example for everything else?

[23] I think now is the time to pass this.
[24] Essentially, it's an ordinance saying that you
[25] have to meet a certain level. And there's

[1] that this is one tool and a way of doing that.
[2] And again, we'll bring it up the next meeting.

[3] **MAYOR JENKINS:** Sounds good.

[4] **ATTORNEY WEED:** Mayor, at the request
[5] of City Hall, we did some research with regard
[6] to this and we went ahead and did a draft
[7] ordinance --

[8] **COUNCILMEMBER ROCHE:** Yeah, I saw that.

[9] **ATTORNEY WEED:** -- which is in your
[10] packet.

[11] **MAYOR JENKINS:** Okay. That'll be on
[12] the agenda for the work session.

[13] I want to approve the minutes for the
[14] June 2nd, 2008, Council meeting. Do I get a
[15] motion?

[16] **COUNCILMEMBER BATES:** So moved.

[17] **MAYOR JENKINS:** Second?

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

[19] **MAYOR JENKINS:** Discussion?

[20] Call the roll, please.

[21] **CLERK BLACKMON:** Councilmember
[22] Alexander?

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

[24] **CLERK BLACKMON:** Councilmember Bates?

[25] **COUNCILMEMBER BATES:** Yes.

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[1] **CLERK BLACKMON:** Councilmember Fleming?
 [2] **COUNCILMEMBER FLEMING:** Yes.
 [3] **CLERK BLACKMON:** Councilmember Pittman?
 [4] **COUNCILMEMBER PITTMAN:** Yes.
 [5] **CLERK BLACKMON:** Councilmember Roche?
 [6] **COUNCILMEMBER ROCHE:** Yes.
 [7] **CLERK BLACKMON:** Councilmember
 [8] Spangler?
 [9] **COUNCILMEMBER SPANGLER:** I'll have to
 [10] abstain. I didn't stay for that meeting.
 [11] **MAYOR JENKINS:** The music's not on, but
 [12] we're going to bring up the Doraville Days and
 [13] Pam's going to take care of that.
 [14] **COUNCILMEMBER FLEMING:** Yes, I am.
 [15] Something exciting for the city.
 [16] First thing I want to show you about
 [17] Doraville Days fall festival is the site plan
 [18] that we have, and I do have some smaller copies
 [19] around. But right here in the center what all
 [20] these little boxes are, Mr. Bates has determined
 [21] that we can put 50 food vendors in there, so
 [22] we're looking to have a lot of food on October
 [23] the 18th. Now, it's not necessarily that we
 [24] will have 50 food vendors. We may have other --
 [25] like the Pan Asian community or the extension

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[1] services or other services may have tables there
 [2] also and tents. However, that's going to be the
 [3] bulk of the Park Avenue area.
 [4] Down in this area where the Police
 [5] Department is and parking lot area is where our
 [6] inflatable fun and child advocacy area will be,
 [7] and that's going to be handled by Chief John
 [8] King and Kari Lopez, I believe.
 [9] Up here where the library is we're
 [10] going to have a book fair and sale.
 [11] We're also going to have -- right in
 [12] this area here, we believe -- this is a
 [13] temporary, sort of a mock-up site plan, but
 [14] we're going to have the children's garden that
 [15] went over real well with the kids planting
 [16] things and so forth at child advocacy.
 [17] We're also going to have a student art
 [18] show in this area and also face painting.
 [19] And of course we've got over here on
 [20] New Peachtree -- we've got the road race.
 [21] In this area here, if we're able to
 [22] have the adult show [sic] on that weekend, it
 [23] will be at the civic center.
 [24] **MS. FENG:** Adult show?
 [25] **COUNCILMEMBER FLEMING:** I'm sorry?

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[1] **COUNCILMEMBER ALEXANDER:** Adult art
 [2] show.
 [3] **COUNCILMEMBER FLEMING:** Adult art show,
 [4] right.
 [5] ---
 [6] (Laughter)
 [7] ---
 [8] **CHIEF KING:** Thank you, Charlene.
 [9] **COUNCILMEMBER FLEMING:** Adult art show.
 [10] Sorry.
 [11] ---
 [12] (Overspeaking)
 [13] ---
 [14] **COUNCILMEMBER FLEMING:** We're working
 [15] very hard to get a petting zoo, and that'll be
 [16] in the library area.
 [17] We're working very hard on a car show
 [18] and a silent auction. So we've got a lot of
 [19] things going.
 [20] I want to go to what we need most, and
 [21] that's volunteers, and we need a lot of
 [22] volunteers. If you were involved with the
 [23] Citizen Police Academy, I'm hoping that you'll
 [24] get in touch with all of the other members and
 [25] so forth and your neighbors too.

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[1] Right here on this table are all the
 [2] sign-up sheets. The Mayor said I could only
 [3] have two minutes, and I'm probably already --
 [4] no, he actually said three, but I've already
 [5] taken up two of it.
 [6] But Mayor Jenkins is in charge of
 [7] sponsorship and also with the Fraternal Order of
 [8] Eagles Committee. And with them, he will be
 [9] asking the Eagles to help us with clowns and
 [10] balloons for Doraville Days and also
 [11] refreshments for the road race. And we've got
 [12] an actual list right over here to help Mayor
 [13] Lively [sic] with in-kind donations, also with
 [14] contacting local businesses.
 [15] ---
 [16] (Laughter)
 [17] ---
 [18] **COUNCILMEMBER FLEMING:** What did I say?
 [19] **COUNCILMEMBER FLEMING:** Mayor Lively.
 [20] **COUNCILMEMBER FLEMING:** I'm going way
 [21] back. Terri, just follow my sheet, will you?
 [22] Ms. Alexander, do you want to talk
 [23] about the adult show?
 [24] ---
 [25] (Laughter)

[1] ---

[2] **COUNCILMEMBER ALEXANDER:** About the

[3] student art show.

[4] Ms. Crawford and I -- and I've gotten

[5] some input from citizens -- we were thinking

[6] about -- well, we're going to approach high

[7] schools, elementary schools and middle schools

[8] and we're going to encourage the art teachers to

[9] have a competition -- and we haven't narrowed it

[10] down if we're going to do one from each grade or

[11] exactly what we're going to do -- and then have

[12] the art show here as being their final

[13] competition. And we haven't talked yet about if

[14] we'll have a panel of judges or if we'll have

[15] the citizens vote, but we're going to make sure

[16] that everybody gets a ribbon of participation at

[17] least.

[18] So that's -- that's our plan on that.

[19] And if you have -- want to volunteer to help us

[20] contact the schools, please sign up.

[21] **COUNCILMEMBER FLEMING:** Every one of

[22] these has a special item that you could be

[23] involved in as well as your coordinator on

[24] there. Be sure and put your name as well as

[25] your phone number on here.

[1] nonprofits.

[2] **COUNCILMEMBER FLEMING:** And Mr. Bates

[3] is in charge of our specialty vendors and

[4] sponsors committee. He's doing a great job for

[5] contacting corporate sponsorships right now. We

[6] are trying desperately not to cost the City any

[7] money by trying to go out and get corporate

[8] sponsors. He's also contacting specialty

[9] vendors to sell booth space.

[10] So go ahead, Brian; take it.

[11] **COUNCILMEMBER BATES:** Well, woohoo!

[12] As Pam said, we're really looking at

[13] doing this as a zero cost to the City, and

[14] that's going to require corporate sponsors

[15] including presenting sponsors and things along

[16] that nature.

[17] The Mayor and I are going to sit down

[18] this week and kind of identify who are targeted

[19] businesses are and go after them to come up with

[20] the presenting sponsor dollars, and we'll go

[21] from there.

[22] The other thing that's on my list is a

[23] petting zoo. And I actually talked with Zoo

[24] Atlanta, and they do not have a petting zoo

[25] anymore, but what they will do is do animal

[1] Yes, ma'am.

[2] **MS. FENG:** The booths has a number on

[3] it or what?

[4] **COUNCILMEMBER FLEMING:** We will have,

[5] yes.

[6] **MS. FENG:** Will we have to pick up our

[7] own number or you'll reserve?

[8] **COUNCILMEMBER FLEMING:** It's going to

[9] be first-come/first-serve. So I would think

[10] that that would be the first person that signs

[11] up for restaurants would get the best prime

[12] location in that group. Okay.

[13] **MS. FENG:** You say the booths, that

[14] they have to be restaurant only; right? They

[15] might have (inaudible)?

[16] **COUNCILMEMBER BATES:** Yeah. It's going

[17] to be in addition to the food vendors, it's also

[18] going to be nonprofit organizations who want to

[19] make the community aware of the services that

[20] they offer.

[21] **MS. FENG:** Are all the same line or

[22] they have like a --

[23] **COUNCILMEMBER BATES:** There'll be a

[24] section. There will be a specific section for

[25] the food vendors and a specific section for the

[1] demonstrations. So we're working on

[2] coordinating that for a specific time at the

[3] event as well.

[4] **COUNCILMEMBER FLEMING:** Good, good.

[5] Mr. Spangler, he is going to be in

[6] charge of the souvenir shop and the ticket booth

[7] committee, and I think he'll do extremely well

[8] with the souvenir shop. And the City

[9] representatives on that that are going to be

[10] helping you with that are Rhonda Blackmon -- and

[11] I haven't had a chance to talk to Corally yet,

[12] but Rhonda said she was going to try to get in

[13] touch with her. But the court people really

[14] wanted to help out with this, so I thought that

[15] would be a great place to put them, and that's

[16] setting up the souvenir shop and working with

[17] providing workers to sell the tee shirts and so

[18] forth.

[19] **COUNCILMEMBER SPANGLER:** Thank you,

[20] Ms. Fleming.

[21] **COUNCILMEMBER FLEMING:** I think you can

[22] handle that, Mr. Spangler. I really do.

[23] Ms. Pittman is in charge of the enter-

[24] tainment commitment committee along with Josh

[25] Sellers from the Police Department. And Donna,

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[1] do you want to say a little bit about that?

[2] **COUNCILMEMBER PITTMAN:** Well, we're

[3] going to be contacting the local schools when

[4] school reopens, and their chorus and their

[5] bands. But also we'll be looking for local

[6] musicians, so if any of you know any local

[7] musicians that would like to do this or bands,

[8] we would love to get that information and --

[9] **COUNCILMEMBER ALEXANDER:** I have one

[10] that volunteered.

[11] **COUNCILMEMBER PITTMAN:** I'm sorry?

[12] **COUNCILMEMBER ALEXANDER:** I have a band

[13] that volunteered.

[14] **COUNCILMEMBER PITTMAN:** Oh, good.

[15] Okay. Great.

[16] And you know, we'd like to have a

[17] mariachi band; Charlene, maybe the dragon boat

[18] dancers? We'd love to have each culture

[19] involved; so any of you that have any ideas that

[20] would like to help.

[21] Eleanor gave me some great ideas from

[22] Cary Reynolds, so I'm going to be contacting

[23] them just as soon as school opens and then all

[24] the other local schools as well.

[25] **COUNCILMEMBER FLEMING:** Good. And

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[1] Ms. Virginia goes to the Chamblee Seniors Club.

[2] And they do line dancing over there. And

[3] they'll be performing their line dancing for us,

[4] so that's going to be a special treat.

[5] We're going to have the arena

[6] activities -- you know, the children's ballet

[7] and the children's tap, and I think it's the --

[8] and everybody can correct me on this one, too,

[9] the Kwai Yung Do (pronouncing).

[10] **COUNCILMEMBER PITTMAN:** Karate.

[11] **UNIDENTIFIED SPEAKER:** It's not Tae

[12] Kwon Do, is it?

[13] **COUNCILMEMBER FLEMING:** No, it wasn't

[14] Tae Kwon Do.

[15] **COUNCILMEMBER PITTMAN:** It's a little

[16] bit different.

[17] **COUNCILMEMBER FLEMING:** It's a Korean

[18] form of demonstrating their martial arts area.

[19] So they'll be doing demonstrations also.

[20] So it's going to be -- the enter-

[21] tainment area is going to be not just music.

[22] It's going to be demonstrations from our own

[23] children that go the arena and are involved

[24] there.

[25] Mr. Roche is going to be in charge of

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[1] the car show and silent auction committee. And

[2] as I understand it, the chairperson is going to

[3] be Steve Koontz with you, that's being provided

[4] by the Kiwanis Club. And the car show is going

[5] to be going around City Hall, and they are also

[6] going to be asking for donations for their

[7] silent auction.

[8] **COUNCILMEMBER ROCHE:** I'm being the

[9] silent auction. I'm hoping that we'll see a

[10] shiny new Harley Davidson painted up with

[11] Doraville Police colors, and I'm hoping we'll

[12] also see a soap box derby car there, too. And

[13] again, Mr. Koontz knows a lot of people with

[14] cars, so I think it's going to be lots of fun.

[15] **COUNCILMEMBER FLEMING:** I think so too.

[16] The next is mine, and it's the Flavor

[17] of Doraville. We decided everybody got tired of

[18] "taste ofs," so it's the Flavor of Doraville.

[19] And my chairpersons are Jenny Calvert and also

[20] Charlene Fang, and they'll be going around to

[21] various restaurants. And if you want to be on

[22] that committee -- actually they've taken on the

[23] responsibility; they'll hand-carry the

[24] applications to each of the food vendors. We

[25] are charging the food vendors \$200 for the day.

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[1] The way that we're going to recoup some money --

[2] that \$200, by the way, will go toward their tent

[3] and all of the supplies that the City has

[4] offered, that they're going to get in their

[5] package.

[6] But we will be selling food tickets,

[7] eight for \$10. And the way they get their

[8] monies back at the end of the day is they

[9] present us with a ticket, and that's where

[10] Mr. Spangler's group comes in. They will be

[11] reimbursing each vendor the food ticket.

[12] **MS. FENG:** Only vendor the ticket or

[13] the people also?

[14] **COUNCILMEMBER FLEMING:** No, no, no. We

[15] ourselves will buy a group of eight tickets for

[16] \$10. With the eight tickets, you can go to the

[17] different various food vendors. And each vendor

[18] will be told that their item is going to be

[19] either worth one ticket or it's going to be

[20] worth two tickets. And then you'll present your

[21] tickets to whatever foods that you want to do.

[22] And then at the evening, then they'll present

[23] the tickets back to the ticket booth and they'll

[24] get reimbursed for that ticket.

[25] **MS. FENG:** A vendor only can accept a

[1] ticket, right? No cash?
[2] **COUNCILMEMBER BATES:** No cash.
[3] **COUNCILMEMBER FLEMING:** That is
[4] correct; no cash.

[5] Now, there will be in the concessions
[6] area -- and I haven't gotten to Chief King's
[7] area yet -- but there will be a concessions area
[8] that should be right here at the top of Park
[9] going into the children's area, basically. And
[10] the company that we are contacted, which is Jump
[11] and Slide, they have snow cones, pop corn and
[12] cotton candy. So that might be a money-
[13] exchanging thing, because we are not having to
[14] be involved with that.

[15] The road race. Carol is not here this
[16] evening. She works so hard from 6:30 in the
[17] morning until way at night for the pool. But
[18] she did want me to tell everyone that she really
[19] does need at least 10 people to help her on the
[20] road race committee. It'll be starting up here
[21] at 6:30 in the morning; basically, set-up.
[22] We'll actually start the race at 8:00. The race
[23] will go from probably 8:00 to 10:00. But she'll
[24] need people to pass out tee shirts, she'll need
[25] people to pass out the ribbons and refreshments

[1] a lot of participants.
[2] **MR. ANDERSON:** Run from where to where?
[3] **COUNCILMEMBER FLEMING:** It is a 5K, and
[4] 5K as I understand it is City Hall, down New
[5] Peachtree, all the way to Buford Highway on New
[6] Peachtree and back again to City Hall.

[7] **MAYOR JENKINS:** Starts on New Peachtree
[8] and ends at City Hall.

[9] **COUNCILMEMBER FLEMING:** Okay. Okay.
[10] It starts at New Peachtree and goes all the way
[11] down New Peachtree to Buford and back again and
[12] into City Hall.

[13] I should have this also. We're going
[14] to have a 1K Fun Run. That's anybody that just
[15] wants to do the 1K. You could walk it or you
[16] could run.

[17] We're also going to have a little Tot
[18] Trot. The Tot Trot is for children that are
[19] five and under that really want to do something
[20] but, you know, really can't get out there and do
[21] a 1K. And we're not sure yet but it may be
[22] going around City Hall, but we just need to be
[23] more on a flat surface, like Bonita had
[24] mentioned to me before. It really needs to be
[25] more on a flat surface.

[1] and so forth. So she really needs at least 10
[2] people to help her.

[3] Lynn Wantanabe is going to handle the
[4] book fair and sale, and it's actually sponsored
[5] by the Friends of the Doraville Library. And in
[6] that area also I just made the comment that they
[7] would probably be overseeing, not necessarily be
[8] in charge of but overseeing because that's where
[9] that area is going to be, of the children's
[10] garden, face painting and now the animal
[11] demonstration or evaluation of the animals or
[12] something.

[13] Chief John King and Kari Lopez, they're
[14] going to be in charge of our inflatable fun, the
[15] child advocacy, and Chief King already has been
[16] working very diligently on the parking
[17] logistics. The only thing that we have not
[18] secured yet is be AT&T parking deck which we
[19] would secure it all the way around. So he's
[20] still working on that.

[21] The road race, by the way -- let me go
[22] back to that -- is a Run and See Georgia Tour
[23] road race, so we do expect a lot of
[24] participants. It's already going to be on that
[25] particular web site, and so we will be expecting

[1] Just a couple more seconds, people, and
[2] then I'll be done for sure.

[3] Mr. Howe, Luke Howe, is in charge of
[4] our advertisement committee, and he's doing a
[5] great job about already contacting the
[6] newspapers. And he'll also be contacting radio
[7] stations for a possible remote broadcast, and
[8] he's helping out with flyers and so forth. So
[9] there's even a thing here for him, a sign-up
[10] sheet.

[11] Bobby Pittman is in charge of setup and
[12] decorations committee, which Jackie Beyer is the
[13] chairperson. So ladies, if you've got an idea
[14] of how we can decorate, please get with Jackie
[15] and also put your name on here because she's
[16] going to be the chairperson of the decorations.
[17] But Bobby's going to need some help setting up
[18] tables, overseeing the tent vendors.

[19] So any of you that may have some time,
[20] please sign up to help him and also with Chuck.
[21] And Rhonda, you're going to be helping with him
[22] with all the permitting that may be going on
[23] that we may have left out whether it be fire
[24] permits or tent permits or whatever.

[25] So that's my presentation. Would you

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[1] please excuse some of my errors, but I want
[2] everybody to get excited about Doraville Days.
[3] - - -
[4] (Applause)
[5] - - -
[6] **MAYOR JENKINS:** Thank you, Pam.
[7] Is anybody here from CLM Investments?
[8] **MR. BRACKBILL:** Yes, sir.
[9] **MAYOR JENKINS:** Planning Board?
[10] Anybody from the Planning Board?
[11] I don't know who's supposed to present
[12] this, but you come on up to the microphone. Did
[13] you get a variance?
[14] **MR. BRACKBILL:** I got approval, I
[15] believe, by the Planning Commission
[16] recommendation to the board.
[17] **MAYOR JENKINS:** To give you the
[18] variance.
[19] **MR. BRACKBILL:** Yes, with condition.
[20] My name's Bill Brackbill, (spelling)
[21] B-R-A-C-K-B-I-L-L, with CLM Investments.
[22] **MR. AMBROSE:** James Ambrose with the
[23] Planning Commission.
[24] **MAYOR JENKINS:** You said with some --
[25] **MR. AMBROSE:** We had a hearing on it.

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[1] In fact, we had two hearings on it. And he
[2] revised some of his plans that we suggested
[3] would help out, and on our last meeting we had,
[4] we approved it five/zero.
[5] **MAYOR JENKINS:** Approved his -- his
[6] variance.
[7] **MR. AMBROSE:** Yes.
[8] **MAYOR JENKINS:** Can you explain what
[9] that variance was, please.
[10] **MR. AMBROSE:** He was putting five
[11] houses over at Tilly Mill and Turner Road, and
[12] on his original one, there was too many, in our
[13] opinion, driveways coming out on Tilly Mill Road
[14] and Turner. And some people in that area didn't
[15] like it because people around there know Turner
[16] road is nothing but an alley.
[17] And so he revised it and got one or two
[18] major driveways coming out on Tilly Mill and
[19] Flowers, but nothing on Turner Road, and he's
[20] going to have a sidewalk curving around the
[21] trees. He's going to have a sidewalk curving
[22] amongst the trees instead of cutting them all
[23] down and just being a straight.
[24] **COUNCILMEMBER PITTMAN:** Is that the
[25] only two guidelines that you put on it? What

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[1] are the guidelines?
[2] **MR. AMBROSE:** So that was on the first,
[3] and he revised the first one to meet what we
[4] suggestions.
[5] **COUNCILMEMBER PITTMAN:** What were your
[6] suggestions?
[7] **MR. AMBROSE:** Just about the sidewalks,
[8] the driveways and some minor lighting, which he
[9] had approved all of them to do.
[10] **COUNCILMEMBER ROCHE:** Sir, I'm looking
[11] at three driveway drawing. I'm showing three
[12] driveways going up into Turner.
[13] **MR. AMBROSE:** Is that the new one? We
[14] -- he eliminated the ones on Turner Road.
[15] **MR. BRACKBILL:** The one that I
[16] submitted the second time, do you-all have that
[17] here?
[18] **CLERK BLACKMON:** I don't think there
[19] were extra copies made. The Planning Commission
[20] got them.
[21] **MR. BRACKBILL:** Basically if you see
[22] the two houses that face Tilly Mill, of the
[23] five, we put an alley that comes between those
[24] two, that comes behind the three that are on
[25] Turner, and all the driveways would rear-load.

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[1] The houses would stay exactly like they
[2] are. We just rear-load the garages.
[3] **COUNCILMEMBER ALEXANDER:** So we don't
[4] have one copy to look at?
[5] **CLERK BLACKMON:** We gave them all to
[6] the Planning Commission.
[7] - - -
[8] (Messrs. Brackbill and Ambrose approach Council
[9] table.)
[10] - - -
[11] (Inaudible, off-record discussion at Council table.)
[12] - - -
[13] **COUNCILMEMBER ROCHE:** So there'll be
[14] one --
[15] **MR. BRACKBILL:** One driveway coming out
[16] on Tilly Mill Road.
[17] **MAYOR JENKINS:** And Turner.
[18] **MR. BRACKBILL:** No Turner.
[19] **MR. AMBROSE:** No Turner.
[20] **COUNCILMEMBER BATES:** So who will be
[21] responsible for the one driveway?
[22] **MR. BRACKBILL:** It'll be a -- it'll be
[23] a homeowners' association that would be
[24] responsible for the driveway. It would be an 18
[25] foot wide concrete driveway.

[1] Actually, it's -- they -- the recommen-
[2] dations they made are what I would have liked to
[3] have asked for but I didn't think they would go
[4] for it. And so, you know, I thought, well, this
[5] is great, because that's really what I'd like to
[6] do is have a front-porch community with the
[7] garages in the back, the picket fence around the
[8] front and a sidewalk around the community.

[9] The only -- you'd have sidewalk from
[10] the front of the houses out to the road, and the
[11] that's where you could go put your trash, but
[12] you wouldn't have open garages on the streets.
[13] And the way we located the houses, we're taking
[14] almost no trees down. I won't say we're not
[15] taking any trees, but if you're familiar with
[16] the site, it's almost like a park with the
[17] number of large oaks. And with none of the
[18] driveways coming off of Turner, all those big
[19] trees that are on Turner and on Tilly Mill will
[20] be able to stay as well as most of the ones on
[21] the interior of the property.

[22] The reason the variance is required is
[23] a little bit of a misunderstanding between
[24] Doraville code and Dekalb County code. Dekalb
[25] County, when they say 85 feet width, they mean

[1] **MR. BRACKBILL:** Well, because there's a
[2] common driveway, there'll have --

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

[4] **MR. BRACKBILL:** -- to be covenants and
[5] restrictions that -- that dictate the mainte-
[6] nance of the concrete driveway.

[7] **COUNCILMEMBER PITTMAN:** And how do you
[8] make that happen?

[9] **MR. BRACKBILL:** You create basically a
[10] corporation that would be -- I think, remanded
[11] the preserve at Tilly Mill. Would be to
[12] preserve at Tilly Mill Homeowner's asso- -- it
[13] is preserved because all the trees are.

[14] **COUNCILMEMBER ROCHE:** I'm sorry?

[15] **MR. BRACKBILL:** At -- at -- the
[16] preserve at Tilly Mill Homeowners' Association,
[17] it would be incorporated as a non- -- not not
[18] for profit, but it's under -- there's a special
[19] category with the Department of State, and just
[20] like any other homeowners' association, they
[21] would have their -- it would be set what their
[22] annual fees were.

[23] **COUNCILMEMBER PITTMAN:** So this is a
[24] stipulation when they buy?

[25] **MR. BRACKBILL:** Yes. They would have

[1] it at the street. And the way Doraville's code
[2] reads -- and believe me, I've learned to read
[3] the code now -- it's 85 foot at the front yard
[4] setback line, which is 35 or 40 feet back into
[5] the property. So if you've got a pie-shaped
[6] lot, it doesn't matter that you've got 85 or
[7] more at the road; it's how wide it is at the
[8] back.

[9] And we still meet the 10,200 square
[10] foot for the R-1 zoning, so the density is not
[11] any denser than it would be without the
[12] variance. The variance just allows us to say
[13] that -- well, the variance we're requesting is
[14] what the minimum width we're going to need at
[15] the front building line.

[16] If you'll look at some of the widths on
[17] the lots, some of them are in excess of 85. So
[18] I think from the street, it's going to have a
[19] good -- a good open look. And we're not talking
[20] about doing very large homes. They're probably
[21] a little smaller than what we're doing now over
[22] in the Valley Stream area.

[23] **COUNCILMEMBER PITTMAN:** I have a
[24] question about the -- would you tell me again
[25] about the upkeep of the homeowners' association?

[1] to sign that they received the documents. It's
[2] in the real estate contracts. It says, I
[3] received a copy of the covenants and
[4] restrictions.

[5] And most people, when they're living in
[6] close proximity, want some type of regulations
[7] that say, okay, my neighbor can't park a camper
[8] in his yard. And then there's a -- there's a
[9] means to enforce that without going to code
[10] enforcement.

[11] **COUNCILMEMBER PITTMAN:** And in the
[12] event that does not occur or they decide to rent
[13] the home, what happens?

[14] **MR. BRACKBILL:** Well, I mean the owners
[15] are -- are still going to be interested in the
[16] upkeep of the property whether they rent it out
[17] or not.

[18] **MAYOR JENKINS:** They'll be responsible.

[19] **MR. AMBROSE:** They're still going to be
[20] responsible.

[21] **COUNCILMEMBER ROCHE:** What did the
[22] building inspector say about this? What was his
[23] yes-or-no on the variance?

[24] **COUNCILMEMBER PITTMAN:** And I just --
[25] you know, the houses that you build are very

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[1] nice. That's just a big concern of how that
[2] works and --

[3] **MR. BRACKBILL:** Well, it's like the
[4] townhomes that are over on Flowers. That's a
[5] private street in there, and they have an
[6] association. It's just more units. I think
[7] there's 14 or 18 there. It's the same legal
[8] construct.

[9] But I mean the concrete driveway, I
[10] mean more than likely it's going to last, you
[11] know, because you have to put it down thicker
[12] than four inches. When it's a common drive, it
[13] would probably be at least six inches. And you
[14] know, you're not going to garbage trucks going
[15] back there because they're going to stay on the
[16] County roads and you're not going to have school
[17] buses and --

[18] **COUNCILMEMBER ALEXANDER:** Does that
[19] meet the fire codes, though, for the fire
[20] trucks?

[21] **MR. BRACKBILL:** Well, the fire trucks
[22] have access. Just because the driveways aren't
[23] there -- you've got access from Turner or Tilly
[24] Mill to the front of each house. So that's how
[25] the fire code works on that. The fire truck can

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[1] pull right up in front of the house, and there's
[2] fire hydrants there.

[3] We're probably going to have to add one
[4] more fire hydrant. And all that'll go through
[5] development review as far as, you know, there
[6] are certain codes and restrictions of how many
[7] fire hydrants you have to have, street lighting
[8] that you have to add and -- but we just haven't
[9] gone that far with it.

[10] The main reason that I'm having to do
[11] this is the closest -- right now, it's platted
[12] as two half-acre or six-tenths of an acre
[13] septic-tank lots, which -- I mean that would be
[14] nice to put two -- one house on six-tenths of an
[15] acre on septic, but the rest of that area is a
[16] lot smaller even in the R-1 current zoning. I
[17] would have to run sewer from the corner of the
[18] property down to Flowers and all the way down to
[19] Doral Court. So I would be upgrading the sewer
[20] in that area, the houses between me and Flowers
[21] and from Flowers all the way down to Doral, that
[22] don't have sewer. When you run sewer, Dekalb
[23] County makes you add taps at each property so in
[24] the future those homeowners, if they wanted to
[25] tap in, it would be there. So we'd actually be

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[1] providing future redevelopment infrastructure.

[2] And I've heard -- one person asked me,
[3] "Why not four lots? Why not five lots?" Well,
[4] when you start running the numbers of how
[5] expensive it is to run the sewer through the
[6] street all the way down there, you know, you're
[7] talking a hundred thousand dollars, you know,
[8] and that -- the price of asphalt and ductile
[9] steel keeps going up every day, so I'm hoping it
[10] stays at that price.

[11] Plus the experience that I've had in
[12] developing is that people are willing to pay
[13] just a little more than what it costs me to
[14] build these houses because they're taking a risk
[15] buying a house here or a house there in the high
[16] 300's, but I think -- and I mentioned this
[17] before when I tried to do the six and didn't get
[18] that, but I do appreciate what I did get: once
[19] there's five houses together, people feel a
[20] little bit more comfortable investing knowing
[21] that they're not going to be the only one right
[22] there.

[23] **COUNCILMEMBER ROCHE:** Again, do we have
[24] a recommendation from our . . .

[25] **MAYOR JENKINS:** Did you talk to Chuck

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[1] about this?

[2] **MR. BRACKBILL:** Well, he's the one that
[3] told me to apply for the variance. He didn't
[4] have any problem with the layout. He said, "All
[5] you need is the variance and you're good to go."

[6] **COUNCILMEMBER ALEXANDER:** I guess I'm
[7] not comfortable on voting on a drawing that we
[8] don't have.

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

[10] **COUNCILMEMBER ALEXANDER:** And I
[11] appreciate your patience, and we value you a
[12] great deal.

[13] **MR. BRACKBILL:** I'm sorry. I didn't
[14] find out until late Thursday, and my engineer is
[15] out of town this week so I wasn't able to get a
[16] large copy from him.

[17] **COUNCILMEMBER ROCHE:** Is there anyone
[18] here that lives in the area?

[19] What do you think, Ms. Champ?

[20] **MS. CHAMP:** Claudia Champ. I really
[21] like the plan.

[22] **ATTORNEY WEED:** Ms. Champ, before you
[23] begin, Mayor and Council, it's my understanding
[24] that this is actually -- this is a public
[25] hearing on a variance. It's also my

[1] understanding with your variance section in your
[2] zoning code, this meeting's been duly
[3] advertised, which means that those who wish to
[4] speak in favor of the variance may do so; those
[5] wishing to speak in opposition may do so. And I
[6] recommend that you handle your comments in that
[7] nature.

[8] Sorry. Go ahead.

[9] **MR. AMBROSE:** I have one more thing to
[10] say, that we had two hearings on it, and either
[11] one or two Planning Commission members went and
[12] talked to at least 10 families that live on
[13] either Turner Road or Doral Drive. And with the
[14] corrections that he made, it was almost
[15] unanimously approved by them also before we even
[16] took our vote.

[17] **MAYOR JENKINS:** Thank you. You're
[18] speaking for the -- you're speaking for the plan
[19] now?

[20] **MS. CHAMP:** Uh-huh.

[21] **MAYOR JENKINS:** Go ahead.

[22] **MS. CHAMP:** Yeah. I saw the new plans
[23] at the variance meeting, and we did, you know,
[24] agree that the back driveways would be a nice
[25] thing because Turner is an alley.

[1] something.

[2] **MR. BRACKBILL:** No. I mean that would
[3] be a plat condition. It would say on it no
[4] access to Tilly Mill -- I mean to Turner. In
[5] other words, they couldn't come in later and put
[6] a driveway there because on the plat it would
[7] say no access to Turner. Their only access
[8] would be through their alley.

[9] Now, like I said, they're going to have
[10] the sidewalks out front and they'll put their
[11] garbage out there because you don't want the --
[12] you don't want five cans down at the end of an
[13] alley. That would just look trashy to have all
[14] the trash for five houses at one spot.

[15] **COUNCILMEMBER BATES:** On the new
[16] drawing, do you have sidewalks on Turner?

[17] **MR. BRACKBILL:** Yes.

[18] **COUNCILMEMBER BATES:** Okay.

[19] **MR. BRACKBILL:** And we kind of put a
[20] note, to be site located so that you're kind of
[21] going around the trees, you know. Trying to sit
[22] there and say we're going to just put a straight
[23] sidewalk down was a little tough.

[24] **COUNCILMEMBER BATES:** Can you do the
[25] same on Tilly Mill?

[1] Other than that, I really don't have a
[2] lot to say about it. I think he's going to
[3] build a nice little community right there, nice
[4] houses. He's working with everybody in the
[5] neighborhood. So I think it's a good thing.

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

[7] **COUNCILMEMBER ROCHE:** Are you going to
[8] make any improvements to Turner Street itself, I
[9] mean? because I notice that there's not much
[10] traffic down there obviously but there's --

[11] **MR. BRACKBILL:** Well, the --

[12] **COUNCILMEMBER ROCHE:** Not you-you, but
[13] . . .

[14] **MR. BRACKBILL:** The two scenarios were
[15] either make an improvement to Turner and keep
[16] the three driveways coming out on Turner or
[17] don't have the driveways come out on Turner.

[18] And in order to make improvements to
[19] Turner, I would have to take out all the trees
[20] down my side of the property in order to widen
[21] the road, and so that was the -- the preference
[22] was to go stay on Tilly Mill.

[23] **COUNCILMEMBER ROCHE:** So there's no way
[24] that these houses would have access to Turner
[25] Street like to bring in a moving van or

[1] **MR. BRACKBILL:** There's already a
[2] sidewalk.

[3] We would be probably -- we would
[4] probably have to upgrade a major portion of it
[5] because when we're bringing the sewer through
[6] we're going to have to take out a good portion
[7] of it. I mean obviously in a new development, I
[8] wouldn't want to have one little section of a
[9] sidewalk that didn't look good, so we'll try to
[10] make it all look the same.

[11] **COUNCILMEMBER ROCHE:** I guess my
[12] concern would be the width of the alleyway
[13] between these two houses here. It doesn't look
[14] like there's a lot of room.

[15] **MR. BRACKBILL:** The revised plan does
[16] show a slight -- a shifting of the left to the
[17] -- to the second house [sic] to create more
[18] room. I wish we had the second plan here.

[19] **COUNCILMEMBER PITTMAN:** Who had that,
[20] Rhonda?

[21] **CLERK BLACKMON:** They were dropped off
[22] by -- I guess Mr. Abbott --

[23] **MR. BRACKBILL:** Right.

[24] **CLERK BLACKMON:** -- dropped them off
[25] for the Planning Commission, and the large

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[1] scale, they just provided enough for the
[2] Planning Commission. So I never got a copy, and
[3] I would have had to have taken them to Triple A
[4] because they were --
[5] **MR. BRACKBILL:** I think one of the
[6] things to remember is -- is right now, I still
[7] have to go through the permitting process
[8] through Chuck. And I mean even if you approved
[9] the drawing that I had, tonight, you're still
[10] basically approving the variance. You're not
[11] saying that house is going to go here or that
[12] house is going to go there. I still have to
[13] meet setback requirements, fire code
[14] requirements, upgrading the sewer and the water.
[15] We just through a series of events just missed
[16] several meetings and just -- just trying to get
[17] moving forward.
[18] **MAYOR JENKINS:** Well, would the first
[19] of next month hurt you or do you need to get
[20] started?
[21] **MR. BRACKBILL:** Well, we've done a lot
[22] of the -- we did a lot of work cost-wise,
[23] because Chuck did initial -- an initial review
[24] that we thought we had the green light;
[25] everything looked good. And then, you know,

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[1] I've done all the survey work, a lot of the
[2] engineering and drawings and design, ready to go
[3] to Dekalb County to start the sewer and water
[4] permitting. And then when we resubmitted them
[5] to Chuck, he's like, oh, this is 85 feet at the
[6] building line, not 85 feet at the -- at the
[7] street, so. And we've got to considerable cash
[8] outlay right now, so, and then just the cost of
[9] the land just sitting there.
[10] So I mean would it be the end of the
[11] world if I waited a month? No.
[12] **MAYOR JENKINS:** Is there any way we
[13] could go ahead and continue with seeing the
[14] plan?
[15] **COUNCILMEMBER SPANGLER:** I would rather
[16] --
[17] **MAYOR JENKINS:** Would it slow it up in
[18] any way?
[19] **COUNCILMEMBER SPANGLER:** I would rather
[20] see the plans before I would commit, make a
[21] commitment.
[22] **COUNCILMEMBER ALEXANDER:** If you can
[23] get in touch with him by e-mail and he could
[24] e-mail me the drawings, I'll be glad to plot
[25] full size.

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[1] **MR. BRACKBILL:** Oh, I'll bring more. I
[2] just -- I thought they were -- I thought they
[3] were in the package for tonight, to tell you the
[4] truth.
[5] **CLERK BLACKMON:** Mr. Abbott only gave
[6] me five.
[7] **MR. BRACKBILL:** Right. Okay. Sorry.
[8] That's why I'm here tonight, not Abbott.
[9] **COUNCILMEMBER ROCHE:** How long have you
[10] been involved in this process for this
[11] particular piece of land?
[12] **MR. BRACKBILL:** One of the former
[13] commissioners contacted me because there was an
[14] ongoing zoning issue about the house had been
[15] dilapidated for about five years. It was a junk
[16] yard. We brought -- I don't know how many
[17] dumpsters of trash we hauled off the grounds
[18] before we started tearing the building down.
[19] I want to say it's been about three
[20] years, two or three years. I was just kind of
[21] waiting to see if the concept was going to take
[22] off before I went through the effort of trying
[23] to get five houses versus just doing two on
[24] septic.
[25] But when she contacted me, I contacted

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[1] the owner and we came to a price on the land.
[2] And rather than just letting the house sit
[3] there, you know, I spent I think it was about
[4] \$25,000 just to tear the house down. It had
[5] asbestos. It all had to be remediated. It was
[6] quite a --
[7] **COUNCILMEMBER ROCHE:** So we're talking
[8] over a year, two years?
[9] **MR. BRACKBILL:** Two and a half years.
[10] **COUNCILMEMBER ROCHE:** Two and a half
[11] years?
[12] **COUNCILMEMBER SPANGLER:** Hasn't been
[13] that long ago, has it? Didn't seem like it's
[14] two and a half, three years ago.
[15] **MR. BRACKBILL:** I've gotten two tax
[16] bills, I know. Maybe not calendar years. I'm
[17] talking tax years, so. I'm not -- I'm not
[18] certain on the time period.
[19] **MAYOR JENKINS:** We've got a special
[20] call meeting on Monday. If you can get those
[21] plans to us by then --
[22] **MR. BRACKBILL:** Okay.
[23] **COUNCILMEMBER ALEXANDER:** Like I said,
[24] if he can -- if it will help you, if he could
[25] e-mail them to me, I can plot them and give each

[1] member of Council a full-size drawing if that
 [2] will help you.
 [3] **MAYOR JENKINS:** And then we can vote on
 [4] it Monday night.
 [5] **MR. BRACKBILL:** Okay. I appreciate
 [6] that.
 [7] **MAYOR JENKINS:** All right. Thank you.
 [8] **ATTORNEY WEED:** Mr. Mayor, since you're
 [9] technically in a public hearing, and you're
 [10] probably just about to do this, but you can
 [11] either do one of two things: one, you can
 [12] continue on with any comments for or against, or
 [13] you can close this out and you can reset it with
 [14] a motion and second to a date certain, which
 [15] will be Monday, and then you can continue the
 [16] rest of the public portion of the hearing. So
 [17] those are the two options you've got
 [18] procedurally.
 [19] **MAYOR JENKINS:** Well, is there any
 [20] opposition in the audience?
 [21] I need a motion.
 [22] **COUNCILMEMBER ROCHE:** You've got two
 [23] hands.
 [24] **COUNCILMEMBER PITTMAN:** You've got two.
 [25] **MAYOR JENKINS:** Oh, excuse me.

[1] -- it basically would be an R60, which is a
 [2] cluster home, and so we'd end up with a spot
 [3] zone in that area.
 [4] So if the City wants to -- like Mr.
 [5] Roche referred to, quality development, green
 [6] development in the city where it holds it
 [7] standards, then I suggest that it holds the
 [8] standards of R1 in that area. No private
 [9] driveways, no R60.
 [10] And also this private driveway dumps
 [11] out right near the intersection of Tilly Mill
 [12] and Flowers Road, which there's going to be
 [13] another problem. It's already a problem inter-
 [14] section.
 [15] So that's just a few of the things that
 [16] I've seen that -- I haven't seen the final plan,
 [17] so I can't make comment. Thank you.
 [18] **COUNCILMEMBER PITTMAN:** Chief, do you
 [19] foresee that being a problem?
 [20] **CHIEF KING:** Without seeing the plans,
 [21] ma'am, it's just --
 [22] **COUNCILMEMBER PITTMAN:** The private --
 [23] I mean back alley, whatever?
 [24] **CHIEF KING:** Without seeing the plans,
 [25] ma'am, I'm hesitant.

[1] **MR. HART:** Tom Hart. I think I'm the
 [2] one that called Bill about this piece of
 [3] property. It used to be a farm house that
 [4] belonged to a relative of John Maloney's. And
 [5] we met out on the piece of property, and at the
 [6] time, we met with Bill Blass, the downtown
 [7] developer -- remember Bill? -- and the recommen-
 [8] dation was three houses on the piece of
 [9] property, which would retain all the trees and
 [10] sort of key off the house of the Galloways which
 [11] is across the street, key off that architecture.
 [12] And the plan at that time was to build several
 [13] hundred houses over there on Tilly Mill because
 [14] it's part of the Dunwoody school system and
 [15] probably the first area of Doraville to
 [16] redevelop.
 [17] And so I support an R1 decision in that
 [18] area, but when I talked to John King about
 [19] private alleys in the city -- we have several
 [20] that I can cite -- they're all problem areas
 [21] because they're hard to police, they're hard for
 [22] -- the fire department find them hard to deal
 [23] with.
 [24] And so we're looking for R1 with a
 [25] standard frontage, not a private alley, not an R

[1] **MAYOR JENKINS:** Anybody else?
 [2] **MS. HOFFMEISTER:** Bonita Hoffmeister.
 [3] My objection has already been stated.
 [4] I'm unfamiliar with this development,
 [5] but I know from experience with working with the
 [6] Dekalb Community Planning Commission that you do
 [7] not want a road that is a private drive,
 [8] especially one that is going to be supported by
 [9] so few residents. It's going to be very hard
 [10] for them to maintain their dues and get that
 [11] repaired, and it's going to end up being the
 [12] City's problem.
 [13] **MR. ANDERSON:** Bill Brackbill's
 [14] building buildings, houses, nice houses in my
 [15] neighborhood. He does a good job.
 [16] I guess my only concern also is the
 [17] zoning thing. A private road is a private road,
 [18] and it makes that section into a planned unit
 [19] development, a PUD, quite honestly, because if
 [20] you read the definitions of a PUD, it's the
 [21] first place that you find a private drive or not
 [22] a private drive -- they keep saying that -- but
 [23] a private road, as it were, and that creates a
 [24] different zoning. So if you're going to do
 [25] this, which is up to you, you need to change the

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[1] zoning as far as I'm concerned.
[2] **MAYOR JENKINS:** Anyone else for or
[3] against?
[4] **COUNCILMEMBER PITTMAN:** Okay. I'd like
[5] to make a motion to bring this back up at our
[6] meeting Monday night with the information,
[7] correct information provided to us -- additional
[8] information.
[9] **MAYOR JENKINS:** Second?
[10] **COUNCILMEMBER BATES:** Second.
[11] **MAYOR JENKINS:** Anymore discussion?
[12] Call the roll, please.
[13] **CLERK BLACKMON:** Councilmember
[14] Alexander?
[15] **COUNCILMEMBER ALEXANDER:** Yes.
[16] **CLERK BLACKMON:** Councilmember Bates?
[17] **COUNCILMEMBER BATES:** Yes.
[18] **CLERK BLACKMON:** Councilmember Fleming?
[19] **COUNCILMEMBER FLEMING:** Yes.
[20] **CLERK BLACKMON:** Councilmember Pittman?
[21] **COUNCILMEMBER PITTMAN:** Yes.
[22] **CLERK BLACKMON:** Councilmember Roche?
[23] **COUNCILMEMBER ROCHE:** Yes.
[24] **CLERK BLACKMON:** Councilmember
[25] Spangler?

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[1] **COUNCILMEMBER SPANGLER:** Yes.
[2] **MAYOR JENKINS:** Brian?
[3] **COUNCILMEMBER BATES:** I just today
[4] received a date from Steve Labovitz, who's the
[5] attorney that specializes in TADs for the
[6] presentation. I will get those to Council via
[7] e-mail tonight or tomorrow so that we can move
[8] forward with that presentation.
[9] **MAYOR JENKINS:** Did you get a date to
[10] set a meeting?
[11] **COUNCILMEMBER BATES:** I -- I -- they
[12] gave me some options, and I'm going to e-mail
[13] Council with those options tonight or tomorrow.
[14] **MAYOR JENKINS:** Okay, good.
[15] **COUNCILMEMBER ROCHE:** I have a couple
[16] questions. Could we also get a workshop on
[17] impact fees?
[18] **COUNCILMEMBER BATES:** Sure. I'll ask
[19] him if they can add that in. Yeah. It's not a
[20] problem.
[21] **COUNCILMEMBER ROCHE:** I think we need
[22] to look at both ends of the spectrum there.
[23] **COUNCILMEMBER BATES:** City planner
[24] resumes. We've interviewed now eight
[25] candidates. We are bringing two back for a

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[1] second interview, and that's going to be next
[2] Monday. That will be a public meeting. So
[3] assuming that those two are agreeable to being
[4] grilled in front of the public, it will be next
[5] Monday, the 14th.
[6] Item number 7, landscaping. I have
[7] nothing to report. The extension service did
[8] not get back to me.
[9] **MAYOR JENKINS:** Item number 8 has been
[10] taken care of.
[11] Brian?
[12] **COUNCILMEMBER BATES:** Not me, sir.
[13] **COUNCILMEMBER PITTMAN:** That's me.
[14] **MAYOR JENKINS:** Go ahead.
[15] **COUNCILMEMBER PITTMAN:** Okay. Really
[16] the only thing I need to talk about is the
[17] recycling follow-up. Those of you that signed
[18] up, the deadline was July 1st, but we had a
[19] little bit of detail that we had to finalize
[20] tonight before we could proceed with that.
[21] And Mr. Weed, if you would like to take
[22] it for a moment for me, please?
[23] **ATTORNEY WEED:** With regard to
[24] recycling --
[25] **COUNCILMEMBER PITTMAN:** Yes. Well --

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[1] **ATTORNEY WEED:** -- contract?
[2] **COUNCILMEMBER PITTMAN:** No. Well, to
[3] the contract in general which pertains to this.
[4] **ATTORNEY WEED:** Well, there are -- I
[5] think there are two relevant contracts with
[6] regard to the issue that are tied together
[7] essentially.
[8] The contracts, there's one that exists
[9] with Advanced Disposal, who's the city contract
[10] trash hauler and pickup entity, and the proposed
[11] contract with regard to the recycling program.
[12] Neither contract currently has what I call the
[13] multi-year contract clauses that are found in
[14] Title 36 of the Georgia Code.
[15] With regard to that, it's my official
[16] opinion that those clauses are required and the
[17] position of Advanced Disposal is that the
[18] clauses are not required. To argue for them,
[19] their position is that this is essentially a
[20] pass-through contract and their argument is that
[21] the City in fact is not only paying for the
[22] collection service -- I think that's a bit of a
[23] misnomer because the City government and the
[24] administrative offices are actually in charge of
[25] sending out bills and dealing with customers

[1] with regard to the collection aspect of it.
[2] So with regard to those two positions,
[3] obviously it's always the client's choice. The
[4] contract with the -- the general collection
[5] contract is a five-year contract, and they feel
[6] it's enforceable. I do not. But of course
[7] that's not my decision to make at the end. It's
[8] the position of Council as to whether or not you
[9] want to proceed.

[10] And the only other caveat, Mr. Steve
[11] Edwards, who is the representative of Advanced,
[12] hasn't said this to me directly but it's my
[13] understanding they did tell Councilman Pittman
[14] this: that if there's any dramatic change to
[15] the base contract, then the recycling program
[16] would not occur and they wouldn't be interested
[17] in pursuing that.

[18] I haven't heard that from their legal
[19] counsel nor have I heard that directly from him,
[20] but that is my understanding from the councilman
[21] that that's their current position.

[22] **COUNCILMEMBER PITTMAN:** And that --

[23] **COUNCILMEMBER BATES:** Is --
[24] I'm sorry. Go ahead.

[25] **COUNCILMEMBER PITTMAN:** No. I was just

[1] and many attorneys do city government law part-
[2] time. It's what I do full-time. So I'm not at
[3] all surprised, you know, other communities, you
[4] know, made those agreements without the multi-
[5] year contract clauses in them. But it's always
[6] -- it's always a client choice. It's not the
[7] choice of the lawyer; it's the choice of the
[8] client.

[9] **COUNCILMEMBER PITTMAN:** Now, are we
[10] breaking any laws if we continue with this
[11] contract and revisit at the end of the contract
[12] on the next go-round with whomever?

[13] **ATTORNEY WEED:** In my opinion, the
[14] contract is null and void at the outset.

[15] The good news is that that is
[16] ordinarily to our advantage, meaning that if the
[17] government -- you -- wanted to void the contract
[18] out tomorrow, my opinion is you could.

[19] So this is one of the situations where
[20] the fact that the contract is arguably void is
[21] to the benefit of my client, the City of
[22] Doraville. So I'm, you know, not pulling my
[23] hair out about it, but my job of course is to
[24] try to write what I think is a valid contract.
[25] And since you've asked me, I would want you to

[1] -- I'm sorry. I was just going to say that
[2] would be correct, and I think that was based on
[3] information from corporate because they were
[4] going to be purchasing the recycling bins, and
[5] if at the end of the year we choose not to use
[6] them any longer, then I think it would not be
[7] cost effective for the company and we would be
[8] responsible, therefore, for the recycling bin.

[9] **COUNCILMEMBER BATES:** Is there any case
[10] law one way or the other that supports their
[11] position or refutes it?

[12] **ATTORNEY WEED:** Well, yes. And I think
[13] the case law and the statute on the space
[14] support my position or else I wouldn't have
[15] reached that conclusion.

[16] With regard to am I saying to you that
[17] their position is completely groundless, I think
[18] it's a stretch, frankly. But you know, what
[19] they have in their favor, to argue the other
[20] guy's point, is that they don't -- they have not
[21] -- they allege they have not included these
[22] clauses in over 20 of their contracts that
[23] they've got with local governments.

[24] Frankly, I'm not surprised by that.
[25] What I do for a living is city government law,

[1] put those clauses in it and I'd advise that, but
[2] that's not my decision to make.

[3] **COUNCILMEMBER ROCHE:** When the contract
[4] was drawn up there was never any talk or
[5] consideration of potential annexation. And is
[6] it possible if we're going to -- much as I hate
[7] the idea of having had a five-year contract, I
[8] still think that if we do stick with our word
[9] and make it a five-year contract, that the
[10] annexed area should not be included because
[11] that's a whole 'nother story.

[12] I don't know how that works legally.
[13] I'm just saying that contract initially was for
[14] what we have today. We don't know the -- we
[15] don't know how many senior citizens wouldn't
[16] have to pay. We don't know a whole lot of stuff
[17] as far as annexation and the effect on the
[18] annexation sanitation, so lots and lots of
[19] things could go not to our advantage.

[20] So if we're going to fix this and add
[21] those clauses to make it a five-year contract,
[22] could we also restrict the contract to the
[23] current city limits of Doraville?

[24] **ATTORNEY WEED:** We can always offer
[25] anything. Whether Advanced would accept the

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[1] offer and we can negotiate it out, I don't know.
[2] But we certainly can -- we could add terms that
[3] reflected a territorial limitation to the
[4] existing city limits. That would be easy enough
[5] to do. It always comes down to what the other
[6] guy will agree to.

[7] **COUNCILMEMBER PITTMAN:** So you're
[8] saying that if they were annexed in, that they
[9] would continue on with their sanitation service?
[10] Is that what you're saying?

[11] **COUNCILMEMBER ROCHE:** I'm just saying
[12] we would have -- we could -- we would have the
[13] ability to renegotiate that. I don't want to
[14] give away our advantage and just say, "Well, if
[15] annexation happens, you know, lucky you. Now
[16] you've got all these new customers." I'd want
[17] to be able to renegotiate the contract or
[18] something, so, because it -- you know, frankly,
[19] the County gives a better deal on sanitation as
[20] far as I'm concerned than the City does. So if
[21] I'm someone who wants to be annexed, I'm
[22] probably not going to vote for annexation based
[23] on that.

[24] I just want to leave it so that we have
[25] some options if and when annexation does occur

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[1] instead of just giving away any advantage we
[2] already have at this point.

[3] But on the other hand, if the City
[4] agreed to a five-year contract, we should be
[5] good with our word and put that in there, so.

[6] **ATTORNEY WEED:** That is an argument
[7] that they make -- it's called the estoppel
[8] argument -- that at the time Council made an
[9] agreement and therefore you're estopped to
[10] complain about it later. But of course that
[11] flies in the face of the one-council-can't-bind
[12] another-council rule and also flies in the face
[13] of the multi-year contract provisions.

[14] Had those provisions been in the
[15] contract, then I would now be advising you that
[16] that's the deal and there's not much you can do
[17] about it until the end of the calendar year when
[18] you could exercise your option to get out of it;
[19] however, those terms aren't in there.

[20] **COUNCILMEMBER BATES:** For other muni-
[21] cipalities who have a multiple-year clause, the
[22] argument I would say from the vendor is an
[23] increased cost because of higher risk on their
[24] part of materials. How does that affect, from
[25] your experience, the cost factor?

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[1] **ATTORNEY WEED:** Well, there is no
[2] actual increased cost because of you agree to --
[3] most of the time, the -- a vendor is smart
[4] enough to know when council members get elected.
[5] They -- they've looked at how long you're in
[6] office, frankly. So they know that if they've
[7] got an agreement with the majority of any given
[8] council, they've got a very clear idea about how
[9] long they can pretty much count on that current
[10] council politically being in office, at least
[11] till the end of the term.

[12] Those are things that most vendors
[13] actually consider and calculate in making these
[14] type of deals. I mention that because there is
[15] no real additional cost. However, a vendor --
[16] and I've certainly heard this before -- might
[17] want to increase cost under the theory that
[18] they've increased risk. But it's the same risk
[19] that they had, anyway. The state law is the
[20] state law. The risk hasn't changed.

[21] They -- they might -- they're going to
[22] try to argue that it's an increased cost to them
[23] because there's more risk, but that's the price
[24] of doing business with the government.

[25] **COUNCILMEMBER PITTMAN:** So is it

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[1] appropriate that I make a, I guess --
[2] I'd like to make a motion to leave the
[3] contract as-is and then revisit -- putting the
[4] multi-clause in the next time around, revisit
[5] that.

[6] And I'm not really sure how to address
[7] the annexation. I wouldn't know how.

[8] **ATTORNEY WEED:** What I would -- what I
[9] would advise you to do would be if you are
[10] interested in leaving the existing collection
[11] contract in place, as is, then not make any
[12] motion at all with regard to that.

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

[14] **ATTORNEY WEED:** And then you're only
[15] really focusing on the recycling contract and
[16] whether or not you want to pursue the five-year
[17] clauses in that or not.

[18] With regard to the annexation element
[19] of it, you know, that's entirely -- that's a
[20] separate but parallel issue that, you know,
[21] Council would have to decide whether or not they
[22] want to pursue that.

[23] **COUNCILMEMBER ROCHE:** But currently we
[24] don't have a contract that's legal. So if we do
[25] nothing, we'll still have a contract that's not

[1] legal. So if annexation happens and we want to
[2] reopen negotiations, then we're reopening nego-
[3] tiations and there's no contract.

[4] **ATTORNEY WEED:** That's my opinion.

[5] **COUNCILMEMBER ROCHE:** So we can start
[6] from scratch, basically.

[7] **ATTORNEY WEED:** That's my opinion.

[8] **COUNCILMEMBER ROCHE:** I can live with
[9] that.

[10] **COUNCILMEMBER PITTMAN:** Okay, then.

[11] **COUNCILMEMBER SPANGLER:** My question,
[12] what did you say about the containers? If the
[13] people decide --

[14] **COUNCILMEMBER PITTMAN:** It was said at
[15] the very beginning that if at the end of, say,
[16] for instance, the end of the contract year, one
[17] year, we have started recycling and we have --
[18] they purchased -- they will purchase the bins
[19] for the 112 people that have signed up. And if
[20] we void that contract, then the City would be
[21] responsible for those 112 bins or however many
[22] at that time have signed up.

[23] **COUNCILMEMBER ROCHE:** How much do they
[24] cost?

[25] **COUNCILMEMBER PITTMAN:** I knew that at

[1] **ATTORNEY WEED:** That's correct. That's
[2] paragraph 6 of the contract.

[3] **COUNCILMEMBER ROCHE:** They're made out
[4] of plastic, right?, so we could recycle them.

[5] **COUNCILMEMBER PITTMAN:** We have one
[6] somewhere in here.

[7] **ATTORNEY WEED:** They're plastic bins.

[8] **COUNCILMEMBER PITTMAN:** Okay. So I
[9] would like to talk about recycling, then, if we
[10] have moved past the other. Is everybody okay
[11] with that?

[12] **MAYOR JENKINS:** We're going to leave it
[13] like it is.

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

[15] **MAYOR JENKINS:** Is that correct?

[16] **COUNCILMEMBER PITTMAN:** I believe
[17] that's --

[18] **UNIDENTIFIED SPEAKER:** May I chime in
[19] real quick? How many people do you have signed
[20] up for the plan?

[21] **COUNCILMEMBER PITTMAN:** 112 right now.

[22] **UNIDENTIFIED SPEAKER:** That's great.

[23] **COUNCILMEMBER PITTMAN:** And I think
[24] more once it kicks off.

[25] **MAYOR JENKINS:** Tom. Come on up to the

[1] one time, but I do not know right off the top of
[2] my head. I'm sorry.

[3] **COUNCILMEMBER ROCHE:** Is it more than
[4] 10 bucks?

[5] **COUNCILMEMBER PITTMAN:** I mean it
[6] wasn't some huge amount. I remember us saying
[7] at least, it wasn't a huge amount.

[8] **MAYOR JENKINS:** Five to six dollars.

[9] **COUNCILMEMBER PITTMAN:** Yeah. It
[10] wasn't a lot. It wasn't a lot. But I don't
[11] recall the exact amount.

[12] **COUNCILMEMBER FLEMING:** But at the end
[13] of the two-year period, for instance --

[14] **COUNCILMEMBER ROCHE:** (Overspeaking)

[15] **COUNCILMEMBER PITTMAN:** Well, if we
[16] continue on through the end of the five years,
[17] then of course we don't owe them anything for
[18] the --

[19] **COUNCILMEMBER FLEMING:** Nor do we have
[20] to give them back the bins.

[21] **COUNCILMEMBER PITTMAN:** That is
[22] correct. That was my under- --

[23] **COUNCILMEMBER ROCHE:** (Overspeaking)

[24] **COUNCILMEMBER PITTMAN:** -- that is my
[25] understanding.

[1] podium, Tom. Now, Tom, we're past the contract.
[2] Tom, we're past the contract, okay?

[3] **MR. HART:** Well, I had my hand up at
[4] the start of the discussion.

[5] This contract was signed not with this
[6] council, not with the previous council but the
[7] last minute of the council before that.

[8] When we went to the Trash Expo, we
[9] talked to all the vendors. And every vendor
[10] there said that trash contracts in the state of
[11] Georgia are usually one or two years. They were
[12] staggered that we had some five-year contract.

[13] It was passed at the last minute. The
[14] trash pickup used to be twice a week with Waste
[15] Management. The other vendor only picked up
[16] once a week, and Waste Management was not told
[17] that they were bidding on one day a week versus
[18] two a week. We were told when we were on the
[19] city council by the previous attorney, that --
[20] that it was a legal five-year deal, that we
[21] couldn't do anything about it.

[22] We came into office, Bob Spangler, we
[23] objected to it before we got into office, and it
[24] was a leftover from the previous administration
[25] the last meeting before the election. So we're

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[1] really passing this on to three separate
[2] councils, the same contract, and we learned
[3] tonight that we should have only signed a two-
[4] year deal.
[5] So as far as I'm concerned, the trash
[6] contract and the recycling should go out for
[7] bid. Thank you.
[8] **COUNCILMEMBER PITTMAN:** Okay. 112
[9] people have signed up, and we will be getting --
[10] those 112 people can either come to City Hall
[11] and pick up their bins, and I will finalize that
[12] -- what is today? Monday -- by the end of the
[13] week.
[14] Those of you that cannot come and pick
[15] it up, we will make sure that it is dropped off
[16] to you. So you need to let -- I suppose Rhonda
[17] would be your contact person here. And I'll
[18] have an exact date for you when they can do
[19] that.
[20] And the billing based on 112 people at
[21] this time, Mr. Weed -- you have that in front of
[22] you -- is four-something?
[23] **ATTORNEY WEED:** Yes. Let's see. Fees.
[24] Fees for curbside recycling program are under
[25] the following rates: The base number of a total

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[1] single-family household is 2095. For -- that's
[2] two thousand ninety-five -- for 5 percent or
[3] less of the single-family households in the city
[4] limits is \$4.50 per month per unit, and then it
[5] goes down from there.
[6] **COUNCILMEMBER PITTMAN:** And as it
[7] increases, which I know that it will, the price
[8] will go down.
[9] **ATTORNEY WEED:** So the more people
[10] involved, the price goes down.
[11] **COUNCILMEMBER PITTMAN:** Exactly.
[12] And I also wanted to -- and those
[13] people that currently have not signed up that
[14] want to sign up can go ahead and sign up any
[15] time. Your service may not start until the next
[16] billing cycle. I think that might be the
[17] easiest way to do that.
[18] But also we -- Mr. Bates found out some
[19] really interesting information, good
[20] information. I believe it's Chamblee takes
[21] their recycles to someplace that's new in East
[22] Point, and they give them \$25 to \$30 a ton.
[23] Mr. Edwards has spoken to myself and Mr. Bates
[24] about this and will be doing that, so we will be
[25] getting a check every month based on \$25 to \$30

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[1] a ton. It's not that much but it's something,
[2] and it's the only place right now that offers --
[3] offers that, so.
[4] **COUNCILMEMBER SPANGLER:** Is there any
[5] kind of a guarantee that we're going to get this
[6] money, Ms. Pittman? Because I believe what
[7] Mr. Hart was talking about -- I attended that
[8] same meeting when they said that we would get so
[9] much money for some of the materials that were
[10] picked up throughout the neighborhoods, and
[11] we've not received the first check.
[12] **COUNCILMEMBER PITTMAN:** Well, this is
[13] not -- we haven't been utilizing that. It's
[14] going to a place that does not pay. And we are
[15] going to be using a place that is a new place in
[16] East Point that Chamblee has started using.
[17] Am I correct, Mr. Bates?
[18] And that's something new, and it's just
[19] going to be starting this month, and so they
[20] said -- they actually had been given our name
[21] and address, and when we turn it in, they said
[22] they would be mailing us a check.
[23] **COUNCILMEMBER SPANGLER:** Well, I
[24] remember the presentation they made, and they
[25] said the first so many feet of a flatbed

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[1] tractor-trailer, all the moneys would go to
[2] Advanced -- Advanced would keep the monies, the
[3] profits, from the recyclable materials -- and
[4] then the next so many feet would come back to
[5] the City.
[6] **COUNCILMEMBER PITTMAN:** I don't recall
[7] that being said, but maybe I missed it.
[8] **ATTORNEY WEED:** It's not in the current
[9] contract.
[10] **COUNCILMEMBER PITTMAN:** I don't recall
[11] that being said, Mr. Spangler. I'm sorry.
[12] **COUNCILMEMBER SPANGLER:** Well, I
[13] remember the presentation. I don't remember --
[14] again, I was not a city councilperson. We could
[15] go back and look at the minutes. But the City
[16] was supposed to start getting money from all the
[17] materials that were picked up. Not the garbage
[18] but the washers, the dryers, the refrigerators,
[19] the whatever. And -- and I forget -- I forget
[20] the -- the amount that we were going to get.
[21] - - -
[22] (Overspeaking)
[23] - - -
[24] **COUNCILMEMBER SPANGLER:** It may have
[25] been the last 40 feet.

[1] **COUNCILMEMBER PITTMAN:** Don't the City
[2] pick up the washers and dryers? The City picks
[3] up the washers and dryers.

[4] **CLERK BLACKMON:** No.

[5] **COUNCILMEMBER PITTMAN:** We don't do
[6] that any longer?

[7] **CLERK BLACKMON:** (Shakes head
[8] negatively.)

[9] **COUNCILMEMBER ROCHE:** What does the
[10] City pick up? Oh, wood; right?

[11] **CLERK BLACKMON:** We pick up the
[12] construction debris because --

[13] **COUNCILMEMBER ROCHE:** (Overspeaking)

[14] **CLERK BLACKMON:** -- they will not pick
[15] up. Advanced does their large bulk item one day
[16] a week, and they pick up furniture, appliances.

[17] **COUNCILMEMBER PITTMAN:** Well, we can
[18] certainly ask about that again.

[19] But in the meantime, this is a step
[20] forward, I think, that, you know, even if it's
[21] only \$25 to \$30 per ton, it's a little bit
[22] coming in, and I think it's a positive thing and
[23] I think the recycling's a positive thing.

[24] There have been some other ideas that
[25] have been given to us by some citizens, which

[1] **COUNCILMEMBER BATES:** It's two fifty a
[2] haul.

[3] **COUNCILMEMBER SPANGLER:** That's about a
[4] thousand dollars a month.

[5] **COUNCILMEMBER ALEXANDER:** Is he going
[6] to include those in our --

[7] **COUNCILMEMBER BATES:** Yeah.

[8] **COUNCILMEMBER ALEXANDER:** -- funds?

[9] **COUNCILMEMBER BATES:** The submarines
[10] that are the recycle tubs up at Honeysuckle Park
[11] are now going to be diverted to the new company
[12] in East Point, and that will be part of the \$20.
[13] It's actually \$20 per ton.

[14] **COUNCILMEMBER PITTMAN:** Okay. Thank
[15] you.

[16] **COUNCILMEMBER ALEXANDER:** Should we
[17] include that in our contract?

[18] **COUNCILMEMBER BATES:** Well, the
[19] contract -- the existing --

[20] **COUNCILMEMBER PITTMAN:** Actually --

[21] **COUNCILMEMBER BATES:** -- sanitation
[22] contract --

[23] **COUNCILMEMBER PITTMAN:** -- it does say
[24] that.

[25] **COUNCILMEMBER BATES:** -- does stipulate

[1] are really good ideas. We will be entertaining
[2] that in the future. Since this is baby steps on
[3] this, we can't really feasibly do it because
[4] it's not a full-subscription city; it's just a
[5] part-subscription, so they're not too interested
[6] in dealing with this.

[7] And one of those ideas is bins with a
[8] microchip, and every time you put recyclables
[9] into the bin you will get points and points that
[10] could be turned in for not cash dollars but
[11] coupons or whatever for various businesses.
[12] It's going to be a pilot program in the city of
[13] Atlanta coming up, and, again, we're looking
[14] into that for something in the future.

[15] But right now, we're at 112, and I'm
[16] really excited because it took us two years to
[17] get to that point, and I hope those of you that
[18] do not maybe consider it at some point and give
[19] it a try at least.

[20] **COUNCILMEMBER ROCHE:** Do we have any
[21] follow-up on the Honeysuckle Park, hauling away
[22] those containers?

[23] **COUNCILMEMBER SPANGLER:** We're actually
[24] paying I think it was a thousand dollars a
[25] month; am I correct?

[1] that --

[2] **COUNCILMEMBER PITTMAN:** It does say
[3] that.

[4] **COUNCILMEMBER BATES:** -- the City gets
[5] revenues from the sale if there was any revenue
[6] to be had. And my understanding is the current
[7] facility that they were taking the recycling
[8] materials to didn't offset with any revenue
[9] back, so this will be new.

[10] **COUNCILMEMBER PITTMAN:** Yeah. But it
[11] is in the contract that if they were going to be
[12] money back, that we would get it.

[13] So you might want to recheck that just
[14] to be sure.

[15] **ATTORNEY WEED:** It may be in the main
[16] contract. I know it's not in the --

[17] **COUNCILMEMBER PITTMAN:** No.

[18] **ATTORNEY WEED:** -- recycling contract.

[19] **COUNCILMEMBER PITTMAN:** It would be in
[20] the main contract.

[21] **COUNCILMEMBER FLEMING:** You know, the
[22] last time that Mr. Edwards was here he made the
[23] comment that the bins that we have at
[24] Honeysuckle, there wasn't any value on them as
[25] far as recycling is concerned because people

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[1] were using it for wet garbage and so then the
 [2] recyclables became contaminated. So I don't
 [3] know what's going to prevent that over there
 [4] with new bins.
 [5] **COUNCILMEMBER SPANGLER:** Well, there
 [6] was another meeting that we had, if you would
 [7] recall, that he said -- Mr. Edwards said that
 [8] there was not that much contamination in those
 [9] bins, so --
 [10] **COUNCILMEMBER BATES:** The contamination
 [11] as -- the company is Pratt Industries in East
 [12] Point, and they indicated to me that
 [13] contamination is part of the process. They're a
 [14] single-stream sort facility, and that's what
 [15] they do is they sort out the good stuff from the
 [16] bad stuff and basically cut us a check for 20
 [17] bucks a ton for every ton that comes through on
 [18] a monthly basis.
 [19] **COUNCILMEMBER SPANGLER:** And how much
 [20] -- how much -- what is the additional charge?
 [21] **COUNCILMEMBER BATES:** There is no --
 [22] **COUNCILMEMBER PITTMAN:** There is none.
 [23] **COUNCILMEMBER BATES:** -- additional
 [24] charge.
 [25] **COUNCILMEMBER SPANGLER:** So we'll be

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[1] paying the thousand -- roughly a thousand
 [2] dollars a month if we continue the same amount
 [3] of recyclables.
 [4] **COUNCILMEMBER BATES:** That's correct.
 [5] **COUNCILMEMBER ROCHE:** Do we pay
 [6] anything for the County to -- for their bins up
 [7] there?
 [8] **COUNCILMEMBER SPANGLER:** I don't think
 [9] we pay anything to the County.
 [10] **COUNCILMEMBER ROCHE:** I was going to
 [11] say, couldn't we replace those bins with the
 [12] County bins if it's free? Free is better than a
 [13] thousand dollars.
 [14] **COUNCILMEMBER SPANGLER:** And what's --
 [15] what's -- how much a ton?
 [16] **COUNCILMEMBER BATES:** Twenty.
 [17] **COUNCILMEMBER SPANGLER:** Twenty dollars
 [18] a ton?
 [19] **MAYOR JENKINS:** Twenty dollars.
 [20] **COUNCILMEMBER SPANGLER:** So who's going
 [21] to keep track of the tonnage?
 [22] **COUNCILMEMBER BATES:** They weigh in and
 [23] weigh out.
 [24] **COUNCILMEMBER PITTMAN:** The company at
 [25] East Point.

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[1] **COUNCILMEMBER BATES:** Yep.
 [2] **COUNCILMEMBER FLEMING:** But we are
 [3] paying for each pickup service.
 [4] **COUNCILMEMBER ROCHE:** Two fifty per.
 [5] **COUNCILMEMBER BATES:** We're paying
 [6] right now with no revenue coming in.
 [7] **COUNCILMEMBER ALEXANDER:** And we've
 [8] gone from three to two containers over there.
 [9] **MAYOR JENKINS:** Did you say it's going
 [10] to two containers?
 [11] **COUNCILMEMBER ALEXANDER:** I think there
 [12] was only two when I went this weekend.
 [13] **MAYOR JENKINS:** Well, I'll see if I can
 [14] find out about what Dekalb County has on those
 [15] other three bins. Why those other three bins
 [16] are up there from Dekalb County, we don't really
 [17] know, so we'll have to check.
 [18] **COUNCILMEMBER PITTMAN:** They may not
 [19] even know they're there.
 [20] - - -
 [21] (Multiple overspeaking)
 [22] - - -
 [23] **MAYOR JENKINS:** I don't know when
 [24] Dekalb County put those bins up there. I'll
 [25] have to check and see if they're supposed to be

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[1] there or they're not supposed to be there.
 [2] They've been there for years.
 [3] **MS. FRAYSSE:** They're doing it for
 [4] free. Let's don't tell them about it.
 [5] **COUNCILMEMBER PITTMAN:** That's what I
 [6] said. That's exactly what I said.
 [7] **COUNCILMEMBER SPANGLER:** We could offer
 [8] to pay them a thousand dollars a month to pick
 [9] them up.
 [10] **COUNCILMEMBER ROCHE:** Yeah, don't take
 [11] them away.
 [12] **COUNCILMEMBER PITTMAN:** Okay. Well,
 [13] that's the end of my discussion on recycling.
 [14] Again, I'm just really excited that we
 [15] at least are to that point, so we're moving
 [16] forward on something good and positive, and we
 [17] will have to work on a contract and fine tune
 [18] it.
 [19] **MAYOR JENKINS:** Does that --
 [20] **ATTORNEY WEED:** One day.
 [21] **COUNCILMEMBER PITTMAN:** Some day. Next
 [22] time around.
 [23] **ATTORNEY WEED:** With regard to the --
 [24] **MAYOR JENKINS:** Excuse just a minute.
 [25] **ATTORNEY WEED:** Oh, sorry, Mayor.

[1] **MAYOR JENKINS:** Does that include paper
[2] also?

[3] **COUNCILMEMBER PITTMAN:** Uh-huh.

[4] **COUNCILMEMBER BATES:** No.

[5] **MAYOR JENKINS:** Why do we want Dekalb
[6] County to pick up our paper?

[7] **COUNCILMEMBER BATES:** No, that --

[8] **COUNCILMEMBER ROCHE:** They do pick up
[9] the paper.

[10] **MAYOR JENKINS:** I know that.

[11] **COUNCILMEMBER BATES:** The County -- the
[12] County picks up the paper. The bins from
[13] Advanced do not.

[14] **MAYOR JENKINS:** Okay. In other words,
[15] we can't take those paper bins that they put out
[16] there and get money out of them at this Pratt
[17] Industries.

[18] **COUNCILMEMBER BATES:** Not right now.

[19] **MAYOR JENKINS:** Okay. Well, then, I
[20] won't bother Dekalb County. Thank you.
[21] I apologize.

[22] **ATTORNEY WEED:** No problem. I'm sorry
[23] I interrupted.

[24] I have a question for the Councilmen
[25] and the Council with regard to the recycling

[1] do we recycle.

[2] **COUNCILMEMBER PITTMAN:** Did we offer
[3] recycling, yes.

[4] **MS. CALVERT:** Yes. And I think if that
[5] goes through, we should have a lot of people
[6] interested in it.

[7] **COUNCILMEMBER PITTMAN:** I think it's
[8] going to be on the increase. And once people
[9] see it, too, it's going to increase. And we're
[10] doing a little bit more of an educational --
[11] once the schools start back. I think the key to
[12] it is education, so --

[13] Well, that's all I got to say on
[14] recycling.

[15] **MAYOR JENKINS:** Okay.

[16] **ATTORNEY WEED:** There seems to be
[17] consensus not to pursue the multi-year clauses
[18] for the majority of you, so that's what I'm --
[19] I'm not going to pursue that, just to let you
[20] know.

[21] **COUNCILMEMBER PITTMAN:** Thank you.

[22] **MAYOR JENKINS:** You don't need a vote
[23] on that.

[24] **ATTORNEY WEED:** No, sir, you don't need
[25] to vote. You never have to vote to tell me no.

[1] contract alone. Do you want me to pursue the
[2] multi clauses on that? Obviously, Advanced is
[3] going to make the same arguments: they don't
[4] think they're relevant. I disagree. That's
[5] fine. You can't get two lawyers to agree on
[6] much of anything. Or do we just let that go?

[7] **COUNCILMEMBER SPANGLER:** I really would
[8] like to see these contracts put back out for
[9] bid.

[10] I'm all for the recycling if we want to
[11] go ahead with Advanced since they're going to do
[12] the first month free. That's great.

[13] **COUNCILMEMBER PITTMAN:** That was only
[14] the full --

[15] **COUNCILMEMBER SPANGLER:** I can't see --

[16] **COUNCILMEMBER PITTMAN:** Excuse me.
[17] That was only the full subscription.

[18] **COUNCILMEMBER SPANGLER:** I can't see
[19] making a commitment and not getting any more
[20] than 112 people to sign up for it.

[21] **MS. CALVERT:** If I remember right, when
[22] we had those three meetings with the different
[23] people that were annexing --

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

[25] **MS. CALVERT:** -- their main concern was

[1] **MS. MURPHY:** Mayor, I just wanted to
[2] ask Councilmember Pittman a question.

[3] So we're not going to give one month
[4] free because we don't have full --

[5] **COUNCILMEMBER PITTMAN:** If we had went
[6] with full subscription, we were going to get two
[7] months free, actually, but we did not go because
[8] there was a lot of people that did not want to
[9] utilize that -- I won't say a lot, but some --
[10] and they did not want to pay if they weren't
[11] going to utilize it, so --

[12] **MS. MURPHY:** And I want to point out we
[13] don't have a full commitment from the 112 people
[14] because a lot of them signed up because they're
[15] interested in it but they can't make up their
[16] mind until we give them the cost. So we got to
[17] get back in touch with them and let them know
[18] that it's going to be \$4.50 a month before
[19] they'll give --

[20] **COUNCILMEMBER PITTMAN:** And that's --

[21] **MS. MURPHY:** -- us a definite whether
[22] they want to.

[23] **COUNCILMEMBER PITTMAN:** -- right. Just
[24] let us know.

[25] **MAYOR JENKINS:** All right, Tom. Come

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[1] on up to the microphone.

[2] **MR. HART:** Well, a couple of questions.

[3] When we started the recycling program, there's -

[4] - there's some information tonight that's -- I

[5] don't know where to start.

[6] Pratt Industries will provide dumpsters

[7] so that we can ship the stuff directly to Pratt.

[8] Okay. Caraustar over here is a paper recycler

[9] and Pratt's a recycler. Pratt Industries,

[10] Atlanta Journal, S&P, Caraustar, they're all

[11] paper recyclers. Generally, they pay for paper

[12] and cardboard about \$110 to \$120 a ton.

[13] We're giving it -- the reason why

[14] Dekalb County has the paper and cardboard

[15] dumpsters over at Honeysuckle Park, they're

[16] making money from Doraville. That's why they're

[17] there.

[18] There are four cash crops. There's

[19] paper, there's cardboard, there's aluminum and

[20] there's plastics. Glass is a wash. Okay. And

[21] if you research this, you could find out that

[22] right now you're getting screwed. Okay? Forget

[23] the free dumpster stuff. They ought to give you

[24] a check every time they pick up one of those

[25] rollbacks full of that cash drop, particularly

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[1] if it's aluminum because that's about -- I think

[2] it's like \$105 a pound [sic]. I don't know the

[3] exact number on that.

[4] But when we put those dumpsters -- when

[5] the City Council voted to move half the

[6] dumpsters downtown for recycling, we found out

[7] that all those dumpsters over there that we

[8] thought belonged to Advanced Disposal did not

[9] belong to Advanced Disposal. We found that half

[10] of them belong to Dekalb County. The reason why

[11] we knew that is because one of the dumpster

[12] operators that was bidding on the city's

[13] business found out that information because he

[14] was trying to determine what are the costs of

[15] moving the dumpsters in and out. They were

[16] going to put the dumpsters out there and haul

[17] the cash crop directly to Caraustar, S&P, Pratt

[18] Industries, Alcoa Aluminum. Okay. So those are

[19] some of the answers about Honeysuckle Park

[20] dumpsters.

[21] I don't know why we're paying Advanced

[22] Disposal and getting \$20 a ton when we could get

[23] \$120 a ton. So I think we need to rethink the

[24] whole thing and do a little homework here before

[25] we start voting on things. Thank you.

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[1] **MAYOR JENKINS:** Okay, Tom.

[2] **COUNCILMEMBER PITTMAN:** I'm through.

[3] **MAYOR JENKINS:** I believe you want to

[4] move English Oak down to --

[5] **COUNCILMEMBER ALEXANDER:** To Mr. Weed.

[6] **MAYOR JENKINS:** Okay.

[7] **COUNCILMEMBER ROCHE:** Excuse me. Did

[8] we skip number 8?

[9] **COUNCILMEMBER PITTMAN:** Yes. She took

[10] it off.

[11] **COUNCILMEMBER ROCHE:** She took it off?

[12] **COUNCILMEMBER FLEMING:** I didn't take

[13] it off.

[14] - - -

[15] (Multiple inaudible overspeaking)

[16] - - -

[17] **COUNCILMEMBER ROCHE:** She didn't take

[18] it off.

[19] **COUNCILMEMBER PITTMAN:** She did not.

[20] **MAYOR JENKINS:** Okay. You want to

[21] discuss it?

[22] **COUNCILMEMBER FLEMING:** I just -- we

[23] don't have to discuss it right this second. Are

[24] we going to go on to 10 or you want to jump back

[25] to 8?

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[1] **MAYOR JENKINS:** Jump back to 8.

[2] **COUNCILMEMBER FLEMING:** Back to 8 was

[3] the Police 10-step program. And we discussed at

[4] our budget meetings that the whole city needed

[5] to do a job description and wage-and-salary

[6] survey and that we are making a concerted effort

[7] to do that for the entire citywide and have that

[8] done no later than January.

[9] That's it.

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

[11] **COUNCILMEMBER FLEMING:** You're welcome.

[12] **MAYOR JENKINS:** Bob?

[13] **COUNCILMEMBER ROCHE:** Oh, I'm sorry. I

[14] thought we were down on English Oak Park.

[15] **COUNCILMEMBER BATES:** English Oak,

[16] Mr. Mayor.

[17] **MAYOR JENKINS:** English Oak goes down

[18] to item number 16.

[19] **COUNCILMEMBER FLEMING:** It's Mr. Weed.

[20] **COUNCILMEMBER BATES:** Thank you, sir.

[21] **ATTORNEY WEED:** With regard to English

[22] Oak Park, where the City is at with that

[23] project, we were -- we received the report from

[24] internal staff out of the Building Inspections

[25] office they didn't feel that they were competent

[1] to manage that project on a day-to-day basis,
[2] they didn't have the background and the training
[3] necessary to adequately do that.

[4] After we had that report, we revisited
[5] with MacTech, the designer. They also provide
[6] day-to-day management on these large
[7] construction projects. We revisited that with
[8] them to see if they wanted to offer a proposal.

[9] They did offer a proposal. They amount
[10] of the proposal I believe was \$12,000. I'm
[11] sorry. Fifteen. \$15,000; that's correct. And
[12] I looked at their proposal after it came in.
[13] With the proposal, attached to it is a standard
[14] form contract that's -- it's on a preprinted
[15] form that MacTech apparently has used in the
[16] past.

[17] A couple of the clauses don't apply to
[18] local government. For example, there's an
[19] indemnity clause. A city can't indemnify some
[20] third party. It's not legal. That's one
[21] example.

[22] But to me, the most troubling aspect of
[23] the contract was paragraph 8, because paragraph
[24] 8 of the preprinted form said that they didn't
[25] have the duty to issue a stop-work order nor did

[1] to do it, no doubt.

[2] I do think that they do offer these
[3] services, they can do it. The fact is they gave
[4] us a preprinted form and the left hand didn't
[5] know what the right hand was doing.

[6] Now, if that says something negative
[7] about them as a company, maybe it does, but
[8] that's something they're willing to change, at
[9] least according to Marla Brown.

[10] **COUNCILMEMBER ROCHE:** But what happens
[11] if something else happens and the guy we need to
[12] talk to is in Egypt?

[13] **ATTORNEY WEED:** I assume and hope that
[14] they would assign particular personnel that we
[15] would, I guess, quote/unquote, "approve." They
[16] would have to tell us the exact personnel
[17] they're going to assign to us. I think that's a
[18] reasonable request.

[19] And I'm not advocating for them. It
[20] doesn't matter to me who we get to manage the
[21] contract. But I think that's something we can
[22] certainly insist upon and they -- they'd give to
[23] us.

[24] **COUNCILMEMBER ROCHE:** Because I want to
[25] see this happen too. I mean it's just --

[1] they have a duty to manage the project. And it
[2] seemed to me that the entire point of the
[3] exercise was for them to manage the project.

[4] So with that, I identified that. I
[5] pointed it out to their contract representative,
[6] Marla Brown. Marla referred me to the person
[7] who's really in charge, which is Mr. Lee Walton.
[8] Mr. Walton, I've tried to contact him for two
[9] weeks, and we just haven't had any luck because
[10] he's managing a project in Egypt, and today he
[11] was in a layover in New York going back to
[12] Egypt.

[13] So I have an e-mail to him. I'm
[14] waiting for a response. We've acted as timely
[15] as we could. As soon as we can get something
[16] back from them, we'll try to move the thing
[17] forward. So that's where it is.

[18] **COUNCILMEMBER ROCHE:** So this is just a
[19] contract just to manage the project.

[20] **ATTORNEY WEED:** Yes, sir.

[21] **COUNCILMEMBER ROCHE:** If they can't
[22] fulfill their -- if they can't do it, why can't
[23] we get someone else?

[24] **ATTORNEY WEED:** I think that they can.
[25] We could -- we could get somebody else

[1] **ATTORNEY WEED:** I understand.

[2] **COUNCILMEMBER ROCHE:** -- one thing
[3] after another.

[4] **ATTORNEY WEED:** I'll probably have an
[5] e-mail from him back in my office right now, but
[6] by the time I left at 5:30, it hadn't come in.

[7] That's it, Mr. Mayor.

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

[9] Bob?

[10] **COUNCILMEMBER ROCHE:** Yeah. The next
[11] one was notify Council members of official City
[12] business meetings.

[13] I sat in the audience all last year,
[14] and one of the things I noticed occasionally
[15] were meetings that -- Council people would
[16] complain that they didn't know about other
[17] meetings and meetings that happened, and it was
[18] always just "So-and-so's having a secret
[19] meeting" or whatever. And it would be good if
[20] we could find a way to notify all Councilmembers
[21] whenever we have meetings. For instance, when
[22] there's a meeting with MacTech or whatever, so
[23] that if we decide we want to attend, we can
[24] attend; and if we don't, that's fine too.

[25] Now, I think with the new system some

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[1] day we are probably going to get like online
[2] access to e-mail, you know, with the web site or
[3] whatever, and I'm thinking that there should be
[4] no reason why we couldn't do the same thing with
[5] some kind of a calendaring system whether it's
[6] Outlook, web-based Outlook, or Yahoo Calendar or
[7] whatever. I mean it's not rocket science.
[8] So what I would like to ask the City
[9] Clerk, to maybe explore possibilities, some way
[10] we could do that.
[11] I don't think we need a motion for
[12] that, do we?
[13] The second thing, Hugo Arango Memorial
[14] Motorcycle Ride. Captain Brown's not here
[15] tonight, but I'm told the last few years they've
[16] had like a -- just a motorcycle ride to
[17] commemorate Hugo Arango, and I think it was a --
[18] it's a charity ride, and September 6th.
[19] And I'm not sure if we need anything
[20] more than an announcement, and I'm not sure that
[21] we need a motion to do anything up here other
[22] than to make sure that, you know, we're not
[23] running afoul of the law with charitable
[24] contributions or anything, and I can't think of
[25] anything, so --

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[1] But it's tentatively scheduled for
[2] September 6th. I think Captain Brown's going to
[3] be basically managing it.
[4] Number 13, Change M1 and M2 zoning
[5] ordinance to prevent undesirable uses.
[6] Some people may remember a month or so
[7] ago, we had a little company come in and they
[8] were doing something that there was a lot of
[9] concern about it over at the tank farm. And we
[10] realized that the zoning ordinance --
[11] I mean like I said, I'm not an
[12] attorney. I don't speak legal language. I mean
[13] I read the zoning ordinance, and it was pretty
[14] clear to me these people can't do this. But
[15] they could, after all.
[16] So what I'm looking for is to make a
[17] motion is that we explore changing these two
[18] designations to tighten them up so that if we
[19] have some company that wants to come in and
[20] they're somehow fitting between the cracks of
[21] what's already allowed, that we would -- they
[22] would at least come to the Council and at least
[23] give the citizens a chance to have a say in it
[24] before it happens.
[25] Don't everybody jump at once.

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[1] So that would be my motion is to --
[2] whatever the next step in this process is. We
[3] don't really have a process, either, but --
[4] **COUNCILMEMBER ALEXANDER:** I guess that
[5] we have already sort of discussed doing that in
[6] the work session in that we had spoken to -- I
[7] don't know if Mr. Crawford was here that evening
[8] or not, and we were going to task them, if you
[9] would, to look at improving the language in the
[10] exceptions and --
[11] **ATTORNEY WEED:** Right. That's my
[12] memory of the event.
[13] **COUNCILMEMBER ALEXANDER:** And I gave
[14] Mrs. Crawford a memo to give you, Mr. Crawford
[15] -- I don't know if you got it -- that was some
[16] language that I had gotten from Norcross codes
[17] that was a little bit more specific than what
[18] ours is.
[19] **COUNCILMEMBER ROCHE:** I haven't seen
[20] that, but I mean I just want to make a mo- --
[21] The work session was so long ago, I forgot what
[22] we talked about. I'd like to make a motion that
[23] we proceed with this.
[24] And I'd like to get a copy of that, by
[25] the way, too.

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[1] **COUNCILMEMBER ALEXANDER:** It's paper.
[2] **COUNCILMEMBER ROCHE:** E-mail is fine.
[3] **MR. CRAWFORD:** Maria, I did get a copy
[4] of this.
[5] **COUNCILMEMBER ROCHE:** And my question
[6] on this, wouldn't it just be simpler to say
[7] what's allowed instead of saying what's not
[8] allowed, and just say whatever's allowed is
[9] whatever's there now, and then if it's not
[10] whatever's there now, you don't --
[11] I don't know. I don't know how to do
[12] that.
[13] **ATTORNEY WEED:** Yes. I mean that is an
[14] option.
[15] There are lots of different ways of
[16] doing it. I'm sure between the Planning
[17] Commission and your input and my input, we'll
[18] hopefully come up with the best way of doing it,
[19] but there's lots of different ways to craft that
[20] ordinance.
[21] **COUNCILMEMBER ROCHE:** I just want as
[22] simple as possible in some way so that the
[23] citizens of Doraville have a say as to what
[24] happens in these areas of town.
[25] **COUNCILMEMBER PITTMAN:** So what is your

[1] motion?

[2] **COUNCILMEMBER ALEXANDER:** I guess that

[3] was a thing, too. Even though we're just

[4] changing language, you said we still had to

[5] advertise public hearings and go through --

[6] **COUNCILMEMBER ROCHE:** Exactly.

[7] **COUNCILMEMBER ALEXANDER:** -- the

[8] formality.

[9] **ATTORNEY WEED:** Absolutely.

[10] This level where you're at is just

[11] assigning the matter to a workshop at the

[12] Planning Commission level which is -- that's

[13] what they're there for is to gatekeep those

[14] ordinances and make suggestions and --

[15] **COUNCILMEMBER ROCHE:** I make a motion

[16] that we assign this to the Planning Commission.

[17] **COUNCILMEMBER SPANGLER:** Second.

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

[19] Call the roll.

[20] **CLERK BLACKMON:** Councilmember

[21] Alexander?

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

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

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

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

[1] Anyway, Chestnut to get to Central, and

[2] usually by the time -- I usually have to make a

[3] right turn and then a U-turn and then another

[4] left turn, and then I'm usually carrying some

[5] speed and I'm heading up, and it's all I can do

[6] not to run over the day laborers at the other

[7] end.

[8] Now, one option is to make day laborers

[9] illegal, but, you know, that's probably not a

[10] good one.

[11] We really need a sidewalk up Central

[12] Avenue. I mean it's been years and years and

[13] years, and we really need a sidewalk up Central

[14] Avenue. We can build a sidewalk I think on the

[15] City side of the street.

[16] While we're at it, we've got all those

[17] utility poles up there that are pretty

[18] unsightly, which, you know, if we're going to

[19] build the sidewalk, I think we also need to bury

[20] the utilities.

[21] In the new budget, there's 1.25 million

[22] dollars available for infrastructure improve-

[23] ments. Mostly, it's for the parks. I would

[24] like to take -- I would like to make a motion

[25] that we spend no more than \$150,000 of that

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

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

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

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

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

[6] **CLERK BLACKMON:** Councilmember

[7] Spangler?

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

[9] **COUNCILMEMBER ROCHE:** Number 14,

[10] sidewalks. When I first saw the budget, I think

[11] there was \$5,000 allocated to build sidewalks in

[12] Doraville, and we managed to make it up to

[13] \$15,000, which I think the \$15,000 if we're

[14] careful will just about finish off the piece of

[15] sidewalk here at Park Avenue and maybe some of

[16] the corner -- it'll buy some bricks maybe over

[17] at a corner of Clairmont [sic] and Buford.

[18] Every morning, I drive -- I cross

[19] Clairmont Road, and if I survive -- and so far,

[20] I've been able to survive -- I get across to

[21] Chestnut.

[22] **UNIDENTIFIED SPEAKER:** Chestnut?

[23] **UNIDENTIFIED SPEAKER:** Chestnut?

[24] **COUNCILMEMBER ROCHE:** Sorry. Chestnut.

[25] I used to live down on Clairmont.

[1] money to build -- to bury the -- I'll get this

[2] right. Spend no more than \$150,000 of that

[3] capital improvement money to bury the utilities

[4] and build a sidewalk from Buford Highway to New

[5] Peachtree on Central.

[6] **COUNCILMEMBER SPANGLER:** Do you think

[7] \$150,000 would cover a sidewalk?

[8] **COUNCILMEMBER ROCHE:** I'm thinking it

[9] would be less than that. I'm hoping.

[10] **COUNCILMEMBER ALEXANDER:** Bury the

[11] utilities also?

[12] **COUNCILMEMBER SPANGLER:** I wouldn't

[13] think that it would be that much of a fee from

[14] the power company and phone company on burying

[15] the cable. It would be to their advantage.

[16] **COUNCILMEMBER ROCHE:** I guess the way

[17] I'd want to put it, then -- and maybe I need to

[18] restructure the motion -- is that if it goes

[19] over \$150,000, I think that we would bring it

[20] back so we would know that it was going to over

[21] \$150,000. But I'm just saying, for now, approve

[22] \$150,000; if it goes beyond -- hopefully, it

[23] goes less than that.

[24] But this is an issue of safety. It's

[25] an issue of -- I mean how long are we going to

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[1] wait? Are we going to go another couple years
[2] without a sidewalk? I mean at some point
[3] someone's going to have to do something, and,
[4] you know, we could all go on record as to
[5] whether or not the safety of the people of
[6] Doraville is something that's valid or not.
[7] **MAYOR JENKINS:** We're working on the
[8] one on Park Avenue now. So if you get this
[9] through, we'll add that to that.
[10] **COUNCILMEMBER ROCHE:** That's fine.
[11] **MS. CALVERT:** Shouldn't we find out how
[12] much everything's going to be before we decide
[13] to take the \$150,000?
[14] **MAYOR JENKINS:** We're not going to take
[15] anything out until we need the money.
[16] **COUNCILMEMBER ROCHE:** Right.
[17] **MS. CALVERT:** We need to find out how
[18] much everybody -- electric, gas, we don't know
[19] what they'll charge. They may charge.
[20] **COUNCILMEMBER ROCHE:** And I'm sure they
[21] will. That's what I'm saying is that at least
[22] allocate \$150,000 towards burying the utilities
[23] and building sidewalks. If it turns out to be
[24] more, they've got to come back, but at least
[25] we've allocated \$150,000 to get the thing built.

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[1] And with those poles gone, it'll improve the --
[2] not just the safety but it'll definitely improve
[3] the appearance.
[4] **MS. CALVERT:** It would my neighborhood
[5] too.
[6] **COUNCILMEMBER ROCHE:** Exactly, so --
[7] **MAYOR JENKINS:** Yes, ma'am.
[8] **MS. BAILEY:** Vera Bailey. I live on
[9] Pontiac Circle in the vicinity of the waste
[10] management place.
[11] Donna and the Mayor was at a meeting
[12] that some of the neighbors went to when we was
[13] trying to keep that place from coming in out
[14] there because it was about to dust us to death.
[15] And I do distinctly remember them promising if
[16] it passed, to put a sidewalk from Flowers Road
[17] to connect with the sidewalk that's existing now
[18] for the children to walk to school at Hightower.
[19] What happened to that? They did get
[20] the contract.
[21] **COUNCILMEMBER PITTMAN:** That is
[22] correct. But there was a stipulation there.
[23] Honestly, right now, off the top of my head, I
[24] don't remember. We didn't meet that
[25] stipulation. I don't know what it was.

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[1] **MS. BAILEY:** Well, I understood if they
[2] got the contract.
[3] **COUNCILMEMBER PITTMAN:** But Dekalb
[4] County has it from the school up to the Galloway
[5] property, and they have it on their priority
[6] list to put it in as an emergency sidewalk.
[7] Although it's the City of Doraville, Dekalb
[8] County has agreed to put this in last year. But
[9] all of a sudden, their fundings and all of their
[10] amounts went toward public safety.
[11] And it's still there. In fact, I made
[12] contact -- and I think Ms. Alexander, as well --
[13] to the people. So it's there, and hopefully
[14] will be coming in.
[15] And as far as the other, I can get an
[16] answer for that and let you know. I don't have
[17] one right now.
[18] **MS. BAILEY:** All right.
[19] **MAYOR JENKINS:** Thank you.
[20] **COUNCILMEMBER ROCHE:** Okay. Do I need
[21] to restate it? I make a motion that we use
[22] \$150,000 or less to bury the utilities and build
[23] a sidewalk on the City side of Central Avenue.
[24] **MAYOR JENKINS:** Do I get a second?
[25] **COUNCILMEMBER SPANGLER:** I'm going to

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[1] second and hope that we can do it for less than
[2] \$150,000.
[3] I think it's something that you can't
[4] really put a price on because of the safety. I
[5] mean anybody that's driven up or down Central
[6] Avenue can see the traffic, the pedestrians.
[7] And I think the sidewalk would be a huge help
[8] and I think it would -- by burying the
[9] underground -- having the underground cables
[10] would also be a safety issue.
[11] **MAYOR JENKINS:** Anymore discussion?
[12] **COUNCILMEMBER ALEXANDER:** Yes. I'm all
[13] in favor of improving that and things. I would
[14] rather see some cost analysis done prior to
[15] allocating this money because one of the
[16] concerns I have would be the layout of that
[17] road. I believe there's going to be some ADA
[18] safety nets that are going to have to be
[19] included in that sidewalk because of its
[20] incline. You can't just put a sidewalk there
[21] and have someone that's not in a motorized
[22] wheelchair and have their safety ensured. So I
[23] think there are some other things, and I would
[24] really like to know how much the utilities would
[25] charge to bury those lines and remove those

[1] poles.
[2] So I'm not -- I'm not against this
[3] project at all, but I don't really want to
[4] reallocate some of our park funds that we just
[5] approved in the budget until we have good cost
[6] analysis on this.

[7] **COUNCILMEMBER ROCHE:** Well, like I
[8] said, the \$150,000 is just the beginning to just
[9] say yes, we're serious about doing this.

[10] And as far as the ADA thing, I think
[11] that any sidewalk would be somewhat safer than
[12] wheelchairs going down the road itself like they
[13] do over on Park Avenue today, so --

[14] **COUNCILMEMBER FLEMING:** I agree with
[15] the need for the sidewalk, sidewalk done on
[16] Central Avenue, but I am against paying it out
[17] of the park fund. And the reason why I am
[18] against that is that just as soon as we say,
[19] "Okay. Well, let's take this much money out of
[20] the Park & Rec fund," then another issue we may
[21] have, "Well, oh, well, there's another. We can
[22] take some more." So I think we'd be setting a
[23] precedent out of the Park & Rec fund, and I
[24] don't want to do that.

[25] **COUNCILMEMBER BATES:** I actually agree

[1] **COUNCILMEMBER FLEMING:** Susan Fraysse.
[2] This is a very worthwhile project which
[3] has been considered and costed out quite a bit.
[4] It was part of the LCI plan. It was revisited
[5] in the Comp plan. It is the number one
[6] priority.

[7] I think it would be wonderful for us to
[8] address it because it would show that we meant
[9] we were going to do some of the project that we,
[10] you know, committed to do when the LCI project
[11] was finished.

[12] I think it would be a good thing to
[13] look at that analysis and see what it was going
[14] to cost. I remember there was discussion about
[15] problems of burying some utilities near MARTA or
[16] whatever. I mean I think that was addressed at
[17] that time and it's in the body of that report,
[18] and the ADA.

[19] And I also, as a citizen, hope that we
[20] will not take park monies out and allocate them
[21] differently until we've taken care of the parks.

[22] - - -
[23] (Applause)
[24] - - -

[25] **COUNCILMEMBER ROCHE:** So do you want to

[1] with Ms. Fleming on that. I would like to see
[2] Georgia Power and AT&T come in with an estimate
[3] on how much it's going to cost us, and at that
[4] point in time, then we can look at moving into
[5] the surplus to do an additional line item at
[6] mid-year or whatever and reallocate with some
[7] firm numbers.

[8] But to reallocate from a specific parks
[9] fund, I'm not inclined to do that at this time.

[10] **COUNCILMEMBER ROCHE:** With surplus?

[11] **COUNCILMEMBER BATES:** Yes, sir.

[12] **COUNCILMEMBER ROCHE:** Surplus or
[13] savings?

[14] **COUNCILMEMBER BATES:** Surplus.

[15] **COUNCILMEMBER ROCHE:** There's not going
[16] to be a surplus.

[17] **COUNCILMEMBER BATES:** We have a surplus
[18] fund in a bank account that is done from
[19] revenues that were collected that weren't spent.
[20] So it is a surplus fund, not a savings.

[21] It's where the 1.2 million is coming
[22] from. It's coming out of surplus from previous
[23] years.

[24] **MS. FRAYSSE:** May I make a comment?

[25] **MAYOR JENKINS:** Come on up, ma'am.

[1] spend the money out of the --

[2] **COUNCILMEMBER SPANGLER:** Surplus?

[3] **COUNCILMEMBER ROCHE:** -- surplus?

[4] **COUNCILMEMBER SPANGLER:** Why don't
[5] you --

[6] **COUNCILMEMBER ROCHE:** I'll modify the
[7] motion to say that we allocate up to \$150,000
[8] out of surplus to pay for this. And if it goes
[9] above that, then they would have to come and get
[10] more.

[11] It's time we did something. I didn't
[12] get elected to sit here and talk about stuff.
[13] We want to -- I want to see a sidewalk on
[14] Central Avenue.

[15] **COUNCILMEMBER SPANGLER:** I have a
[16] question for Ms. Fraysse. Do you remember --
[17] it's been a while back -- that there was some
[18] grant monies also?

[19] **MS. FRAYSSE:** Yes, sir.

[20] **COUNCILMEMBER SPANGLER:** Do you
[21] remember how much on that project?

[22] **MS. FRAYSSE:** No. I don't know all the
[23] details, but there --

[24] **COUNCILMEMBER SPANGLER:** It was
[25] considerable.

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[1] **MS. FRAYSSE:** -- there is funding. You
 [2] can go back through the Atlanta Regional
 [3] Commission for pots of money, especially for
 [4] things you've already targeted and projects you
 [5] said you were going to take care of when you did
 [6] your first study.
 [7] So yeah, we did apply for money a year
 [8] ago, I think, and we just didn't get it.
 [9] **COUNCILMEMBER SPANGLER:** Yeah.
 [10] **MS. FRAYSSE:** But there are other ways
 [11] to get that money together, and we'd be very
 [12] well justified. That was our number one
 [13] consensus project for the whole city.
 [14] **COUNCILMEMBER ROCHE:** I'd heard it
 [15] rumored that there were already some drawings on
 [16] place or existence?
 [17] **MS. FRAYSSE:** I'm 57 years old. My
 [18] memory's old.
 [19] - - -
 [20] (Laughter)
 [21] - - -
 [22] **MS. FRAYSSE:** I'm sorry. There may
 [23] have been. I mean there was a lot of
 [24] discussion.
 [25] **COUNCILMEMBER ROCHE:** Is there anyone

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[1] else that knows of any?
 [2] - - -
 [3] (Overspeaking)
 [4] - - -
 [5] **MR. HART:** I'm wearing my hat, Chief.
 [6] He comes by every day. You're going to get
 [7] suntanned. You're getting a burn and have to
 [8] wear a hat.
 [9] We made drawings for Chestnut to go to
 [10] the MARTA station and over to Tommy Galloway
 [11] Hardware Store. And so we were given bids by
 [12] Hayes James and -- and I think it was Keck &
 [13] Wood. I think the total cost of them doing the
 [14] drawings were about -- somewhere around 30/35
 [15] thousand dollars, and so what we did is we made
 [16] our own drawings from those sketches.
 [17] And that part of Central Avenue, a lot
 [18] the powers is communications and low power. The
 [19] stuff on New Peachtree could be buried, to
 [20] answer your que- -- you know, you made a
 [21] statement -- because Georgia Power wouldn't put
 [22] the high tension lines underground. With the
 [23] low power stuff, it's okay. I think all the
 [24] high power stuff is on the other side of the
 [25] street on Central. So it would be fairly

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[1] inexpensive compared to other streets to put the
 [2] underground power on that street.
 [3] **COUNCILMEMBER SPANGLER:** Mr. Hart,
 [4] didn't you have some lines underground on the
 [5] project on Chestnut?
 [6] **MR. HART:** Well, yeah, but what is the
 [7] GDOT project, they put those street lamps up
 [8] there and they ran the power -- surprised us
 [9] that the conduit was actually laid underneath
 [10] the sidewalk, and they poured the concrete on
 [11] top of the conduit. I mean it was a big
 [12] surprise. It's usually located off the
 [13] sidewalk, I think it's two or three feet down.
 [14] So we had to move the box because we weren't
 [15] going to put the pole back and just had stuff
 [16] done.
 [17] But Central Avenue, you know, to answer
 [18] the other question about ADA ramps and park
 [19] benches and that sort of thing for wheelchairs,
 [20] they -- it has to take sort of a circuitous
 [21] route down the hill for wheelchairs, and there
 [22] has to be a park bench I think every 200 feet
 [23] for people to stop and rest.
 [24] But there's some already-sketched
 [25] drawings for that, and I think the drawing for

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[1] that hill is about -- probably about \$2500.
 [2] **COUNCILMEMBER SPANGLER:** Where are the
 [3] drawings?
 [4] **MR. HART:** What we made -- when we did
 [5] the sidewalks, what we do is they do a
 [6] preliminary vellum drawings, which is sort of a
 [7] sketch and it locates everything. And then that
 [8] is taken to a civil engineer for a wet stamp
 [9] drawing, and the wet stamp drawing's about \$2500
 [10] for that project.
 [11] **ATTORNEY WEED:** Mr. Mayor -- I'm sorry.
 [12] I'll wait. I was just going to remind you about
 [13] where you were.
 [14] You had a -- Councilman Roche wanted to
 [15] amend his motion. He needs a second to that,
 [16] technically, for further discussion.
 [17] **COUNCILMEMBER ROCHE:** Yeah. I amended
 [18] the motion to take the money out of savings --
 [19] surplus instead of the park fund.
 [20] **MAYOR JENKINS:** Comment on that,
 [21] Priscilla.
 [22] **MS. MURPHY:** Mayor, I wanted to point
 [23] out this may also improve our stormwater
 [24] management, or we should at least check into
 [25] that, I think. It may be that we could use some

[1] of the stormwater fees to help pay for it if we
 [2] are going to improve any of the stormwater --
 [3] **COUNCILMEMBER ROCHE:** Right.
 [4] **MS. MURPHY:** -- flow. We could check
 [5] into that, and it may not have to come out of
 [6] surplus.
 [7] **MAYOR JENKINS:** Okay. Thank you.
 [8] **COUNCILMEMBER ROCHE:** So I need a
 [9] second to the -- take it out of surplus.
 [10] **COUNCILMEMBER SPANGLER:** I did second,
 [11] but at the same time, we are going to check on
 [12] the grant monies and any additional areas where
 [13] we could get the money from. But it's
 [14] definitely something that doesn't need to wait.
 [15] **COUNCILMEMBER ROCHE:** Absolutely.
 [16] **COUNCILMEMBER SPANGLER:** It's like the
 [17] pool. You know, we talked about that last
 [18] budgetary meeting and, you know, we don't need
 [19] to wait a couple years to resurface the pool.
 [20] We need to go ahead and do it as soon as it
 [21] closes this year, and I think -- I hope that the
 [22] rest of the Council will agree to that.
 [23] Anything that we can do to improve
 [24] safety to our residents and visitors to the
 [25] city, we need to do. Cost is irrelevant.

[1] **MR. SHINN:** My name is Harold Shinn,
 [2] (spelling) H-A-R-O-L-D S-H-I-N-N.
 [3] **MAYOR JENKINS:** Everybody remembers
 [4] Mr. Shinn. He's trying to refurbish this
 [5] building up here that is a -- I think it's a
 [6] flea market.
 [7] **MR. SHINN:** Yes, sir.
 [8] **MAYOR JENKINS:** Go ahead, Mr. Shinn,
 [9] with your proposal.
 [10] **MR. SHINN:** Yes, sir. Thank you, Mayor
 [11] and City Council members.
 [12] My name is Harold Shinn. I'm the owner
 [13] and operator of the Buford Highway Farmers
 [14] Market. I also own the lease at 5660 Buford
 [15] Highway, the old former Lionel Playworld
 [16] building for those of you who remember that far
 [17] back.
 [18] I met with you at the workshop on the
 [19] 16th for a proposal to sublease the building for
 [20] a business called the Atlanta Eagles Sports
 [21] Center.
 [22] And first of all, I want to apologize.
 [23] Actually I was not aware that I was on the
 [24] agenda for this evening until about three days
 [25] ago, so I'll be very brief and just give you an

[1] **COUNCILMEMBER BATES:** I will second
 [2] your amendment, Mr. Roche.
 [3] **MAYOR JENKINS:** Call the roll.
 [4] **COUNCILMEMBER ROCHE:** Thank you.
 [5] **CLERK BLACKMON:** Councilmember
 [6] Alexander?
 [7] **COUNCILMEMBER ALEXANDER:** Yes.
 [8] **CLERK BLACKMON:** Councilmember Bates?
 [9] **COUNCILMEMBER BATES:** Yes.
 [10] **CLERK BLACKMON:** Councilmember Fleming?
 [11] **COUNCILMEMBER FLEMING:** Yes.
 [12] **CLERK BLACKMON:** Councilmember Pittman?
 [13] **COUNCILMEMBER PITTMAN:** Yes.
 [14] **CLERK BLACKMON:** Councilmember Roche?
 [15] **COUNCILMEMBER ROCHE:** Yes.
 [16] **CLERK BLACKMON:** Councilmember
 [17] Spangler?
 [18] **COUNCILMEMBER SPANGLER:** Yes.
 [19] **MAYOR JENKINS:** Thank you. I think we
 [20] should take a little break, ten-minute break.
 [21] No more than ten minutes.
 [22] ---
 [23] (Recess)
 [24] ---
 [25] **MAYOR JENKINS:** Mr. Shinn?

[1] update on what our -- our process.
 [2] I am in the process of applying for a
 [3] hearing with the Planning Commission to get a
 [4] variance on the parking spaces that would be --
 [5] be required by putting the field in the parking
 [6] lot outside. I hope to have that submitted very
 [7] quickly so I can make the hearing, which I
 [8] believe would be scheduled for the first
 [9] Thursday of the following month.
 [10] Also, we are going over several
 [11] proposals for some of the concerns brought up by
 [12] some of the City Council members as far as how
 [13] the outdoor field would appear. And we want to
 [14] make it as visually appealing as possible,
 [15] almost park-like in appearance, allowing for how
 [16] much budget we can afford, and to make it a very
 [17] -- almost green-like facility, both in keeping
 [18] for the type of activity that would be there and
 [19] for the sensitivities of the citizens of the
 [20] Doraville.
 [21] So hopefully, that will be reviewed by
 [22] the Planning Commission by that time, and the
 [23] next time that I meet with the City Council,
 [24] they'll have their recommendation and then we'll
 [25] go from there.

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[1] And otherwise, if there are any
 [2] questions, I'd be glad to answer them.
 [3] **MAYOR JENKINS:** Okay. You're going
 [4] before the Planning Board.
 [5] **MR. SHINN:** Yes, sir.
 [6] **MAYOR JENKINS:** When?
 [7] **MR. SHINN:** Probably submit it probably
 [8] before Tuesday of next week, so I'm hoping
 [9] that'll allow sufficient time to have a hearing
 [10] by the Thursday of August -- first Thursday of
 [11] August.
 [12] **MR. AMBROSE:** Planning Commission will
 [13] be the first Thursday after the Council meeting.
 [14] **MAYOR JENKINS:** Yeah. Well, we can't
 [15] vote on it until August the 4th, anyway.
 [16] **MR. SHINN:** Thank you.
 [17] **MAYOR JENKINS:** All right.
 [18] Mr. Weed.
 [19] **ATTORNEY WEED:** Mr. Mayor, members of
 [20] the Council, I will be mercifully brief.
 [21] We worked on the bond and fee
 [22] schedules, myself and Ms. Rivera of the Police
 [23] Department, and I think we've been very active
 [24] in keeping everybody abreast of what's going on
 [25] with those.

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[1] With regard to most of these items, I
 [2] inherited them from the -- from previous
 [3] counsel, and we hope to bring them for final
 [4] conclusion at the August meeting with regard --
 [5] so I'm going to move quickly down the list to
 [6] some of the items that -- that I've been
 [7] directly involved with from the beginning and
 [8] try to -- try to finish those up.
 [9] Can we go down to Precision Planning,
 [10] Inc.? I'd like to address that now. The other
 [11] items before that, we'll talk about in August
 [12] and hopefully we can bring it to a final vote.
 [13] Precision Planning, where we left that
 [14] was there was a proposal to the tune of about I
 [15] think \$6800 with regard to the management
 [16] services of Precision Planning, Inc., on the
 [17] Autumn Park contract. That's the only aspect of
 [18] Autumn Park that we're waiting on.
 [19] We've got the same situation that we do
 [20] with the MacTech proposal for English Oak Park.
 [21] It's been reported to us that we don't have any
 [22] internal staff with the training and expertise
 [23] available at hand to deal with the management of
 [24] those -- of that project as well.
 [25] So tonight, I'm hoping to get

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[1] authorization from the Council, first off, as a
 [2] sole-source vendor, to either approve or put it
 [3] out to regular bid, the proposal from Precision
 [4] Planning.
 [5] You will recall that they actually made
 [6] their first proposal on January the 16th of 2008
 [7] and they did it in three phases. The Council at
 [8] that time approved the bid management phase;
 [9] however, you decided or the Council at that time
 [10] decided not to include the construction
 [11] observation phase at \$3600 nor the construction
 [12] administration phase at \$3100.
 [13] So what is before you tonight is
 [14] whether you want to approve that as a sole-
 [15] source vendor or if you want to bid it out. And
 [16] that's the only thing we're waiting on. After
 [17] you decide that, we'll be able to move forward
 [18] on the -- on the contract actually to get the
 [19] park going.
 [20] **COUNCILMEMBER BATES:** I move that we
 [21] accept Precision Planning's bid as a sole-source
 [22] provider at the bid amounts stipulated.
 [23] **MAYOR JENKINS:** \$6800.
 [24] **COUNCILMEMBER ROCHE:** I'll second that.
 [25] **MAYOR JENKINS:** Anymore discussion?

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[1] Call the roll, please.
 [2] **CLERK BLACKMON:** Councilmember
 [3] Alexander?
 [4] **COUNCILMEMBER ALEXANDER:** Yes.
 [5] **CLERK BLACKMON:** Councilmember Bates?
 [6] **COUNCILMEMBER BATES:** Yes.
 [7] **CLERK BLACKMON:** Councilmember Fleming?
 [8] **COUNCILMEMBER FLEMING:** Yes.
 [9] **CLERK BLACKMON:** Councilmember Pittman?
 [10] **COUNCILMEMBER PITTMAN:** Yes.
 [11] **CLERK BLACKMON:** Councilmember Roche?
 [12] **COUNCILMEMBER ROCHE:** Yes.
 [13] **CLERK BLACKMON:** Councilmember
 [14] Spangler?
 [15] **COUNCILMEMBER SPANGLER:** Yes.
 [16] **ATTORNEY WEED:** With that, I would like
 [17] you to skip down to the last item on that list
 [18] because I think there's something that's
 [19] related, and that is I have finished reviewing
 [20] the Autumn Park contract.
 [21] You will recall that you've awarded
 [22] that contract already to JaTech and we were --
 [23] and Precision Planning did the basic draft of
 [24] that contract.
 [25] I reviewed that agreement, made a few

[1] changes to it, and they've been already added to
[2] the contract and JaTech has already approved
[3] them. I'd like to get final approval to proceed
[4] on with the actual construction phase and put
[5] it in the record by the Mayor and Council.

[6] **COUNCILMEMBER BATES:** So moved.

[7] **COUNCILMEMBER ALEXANDER:** Second.

[8] **MAYOR JENKINS:** Any more discussion?
[9] Call the roll.

[10] **CLERK BLACKMON:** Councilmember
[11] Alexander?

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

[13] **CLERK BLACKMON:** Councilmember Bates?

[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] **ATTORNEY WEED:** I have three other
[24] items.

[25] With regard to the low-flow plumbing

[1] There were some suggested changes in
[2] the ordinance based upon the first draft. I
[3] have made those changes based upon those
[4] suggestions. You can either take this before
[5] you for a first reading tonight and approve it
[6] in August, or, if you're interested, we could go
[7] ahead and move it forward if you want to waive
[8] first reading, or if you have additional changes
[9] and want to think about it some more, we can do
[10] that too.

[11] **MAYOR JENKINS:** Do I have a motion?

[12] **COUNCILMEMBER SPANGLER:** I make a
[13] motion that we do some more checking.

[14] Mr. Weed, they did come -- the County
[15] did come by a few years ago and required all the
[16] homeowners in Doraville to put in a valve that
[17] cut down the water flow into the homes. So I'd
[18] like to -- I'd like to check into this low-flow
[19] plumbing just a little bit more.

[20] **ATTORNEY WEED:** Sure.

[21] **COUNCILMEMBER SPANGLER:** Something we
[22] need to do.

[23] **ATTORNEY WEED:** Absolutely no rush from
[24] my end. It's there whenever you want to look at
[25] it.

[1] ordinance, you've had that for a few weeks now.
[2] This ordinance came out of the building
[3] inspector's office. As you recall, Dekalb
[4] County has adopted the basic ordinance that
[5] we've looked at and we've modified to make it
[6] applicable to Doraville.

[7] The purpose of the ordinance is to
[8] retrofit homes that meet the standards requiring
[9] retrofitting, particularly at point of sale to
[10] some third party.

[11] There are exemptions. If you are in a
[12] home and you're not planning on moving or
[13] leaving from that home, then this ordinance
[14] would not necessarily apply to you until it is
[15] at point of sale, and then the home would be
[16] retrofitted if it was constructed before January
[17] 1993.

[18] After January 1993, the state law with
[19] regard to buildings changed and new construction
[20] to already include the low-flow provisions with
[21] regard to plumbing and water fixtures, so homes
[22] built after that time already meet these
[23] standards. Once again, the purpose of this
[24] ordinance is to retrofit homes that were in
[25] existence before that date.

[1] **MAYOR JENKINS:** Will we make that a
[2] motion or just --

[3] **ATTORNEY WEED:** You don't have to.

[4] **COUNCILMEMBER SPANGLER:** We don't have
[5] to.

[6] **MAYOR JENKINS:** Okay.

[7] **COUNCILMEMBER BATES:** So this will go
[8] as the first reading, then, and then there will
[9] be a vote in August?

[10] **ATTORNEY WEED:** If that would give
[11] everyone a comfort level that all their
[12] questions can be answered between now and then,
[13] that would be -- that would be my preference,
[14] but I can't speak for building inspections.
[15] They're not here.

[16] **MAYOR JENKINS:** (Inaudible)

[17] **COUNCILMEMBER SPANGLER:** No, that's not
[18] the way I asked for it. I asked for a little
[19] more time.

[20] **MAYOR JENKINS:** In other words, he
[21] already wanted a first reading on it, so does he
[22] need a motion or we just --

[23] **ATTORNEY WEED:** If the Council -- if I
[24] can -- if you give me consensus that you're not
[25] interested in treating this meeting as first

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[1] reading, then we'll just -- we'll take it off
[2] the table until such time as I'm told to put it
[3] back on.
[4] **COUNCILMEMBER SPANGLER:** You've got a
[5] question.
[6] **MAYOR JENKINS:** Yes, sir. Come on up.
[7] **MR. CRAWFORD:** Ben Crawford.
[8] What is the cost of this going to be to
[9] the homeowner? I assume it's when you sell your
[10] home, you'd have to do upgrades, perhaps change
[11] the toilets and stuff like that.
[12] Is there any way to find out and
[13] present it back to the community what the costs
[14] would be to the average homeowner? Because it
[15] makes a difference at time of sale. It's good
[16] to be --
[17] **UNIDENTIFIED SPEAKER:** -- do that
[18] anyway.
[19] **MR. CRAWFORD:** I mean if it's not
[20] something that we have to do and it's something
[21] we're going to have to do now [sic] --
[22] **MAYOR JENKINS:** Ben, you don't have to
[23] do it now but if you sell your home.
[24] **MR. CRAWFORD:** No. I know. That's
[25] what I'm saying.

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[1] **MAYOR JENKINS:** You're required to do
[2] it if you sell your home.
[3] **MR. CRAWFORD:** Yeah, I know. But right
[4] now, we're not required to do it; right? This
[5] is what the discussion's about
[6] **MAYOR JENKINS:** That's right.
[7] **MR. CRAWFORD:** -- is to be required to
[8] do it.
[9] And I'm asking what the cost would be
[10] per home, you know, to come up with some kind of
[11] average cost of what it would cost, because
[12] somebody's going to pay. Either the seller's
[13] going to pay or the buyer's going to have to
[14] pay.
[15] **COUNCILMEMBER PITTMAN:** It's not that
[16] much. We just did it to our home, so I mean.
[17] **MR. CRAWFORD:** How much was it?
[18] **COUNCILMEMBER PITTMAN:** Gosh, I would
[19] say less than a few hundred dollars.
[20] **MR. CRAWFORD:** Really?
[21] **COUNCILMEMBER PITTMAN:** Uh-huh.
[22] **MR. CRAWFORD:** Is that all it was?
[23] Okay. Thank you.
[24] **COUNCILMEMBER PITTMAN:** Because we did
[25] shower heads and the --

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[1] **MR. CRAWFORD:** Okay. Toilets and
[2] everything else.
[3] **COUNCILMEMBER PITTMAN:** Yeah,
[4] **MR. CRAWFORD:** All right. Thanks.
[5] **MAYOR JENKINS:** Thank you, Ben.
[6] **COUNCILMEMBER ALEXANDER:** Isn't there a
[7] dollar amount in here?
[8] **COUNCILMEMBER SPANGLER:** I think it was
[9] just provisions.
[10] **ATTORNEY WEED:** There's an exemption
[11] that if it costs beyond a certain amount --
[12] **COUNCILMEMBER SPANGLER:** More than a
[13] thousand for a resident and more than two
[14] thousand for commercial.
[15] **ATTORNEY WEED:** -- then you don't have
[16] to comply.
[17] **MAYOR JENKINS:** For right now.
[18] **ATTORNEY WEED:** All right. Well, with
[19] that, I take it, then, that there is a consensus
[20] for me to remove this from future agendas until
[21] such time as I hear differently?
[22] And I need someone to tell me what
[23] you'd like done.
[24] **COUNCILMEMBER SPANGLER:** Let's revisit
[25] it at the next work session.

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[1] **ATTORNEY WEED:** Okay.
[2] **COUNCILMEMBER SPANGLER:** And then the
[3] next Council meeting after that, we could pass
[4] the first reading.
[5] **ATTORNEY WEED:** All right. I'll leave
[6] it on the agenda.
[7] **COUNCILMEMBER SPANGLER:** Okay.
[8] **ATTORNEY WEED:** With regard to the
[9] labor pool ordinance, actually when my law firm
[10] and I interviewed for this position, I was told
[11] during one of our interview sessions that there
[12] seemed to be a recurring problem with day
[13] laborers gathering at different locations in the
[14] city limits. And I am familiar with having to
[15] deal with those problems in other jurisdictions.
[16] What this ordinance is designed to do
[17] is deal with day laborers that are gathering at
[18] or near actual labor pool establishments.
[19] This ordinance does not reach the
[20] problem of day laborers that are across town at
[21] a mini-market and that's become an informal or
[22] de facto place for day laborers to gather. This
[23] ordinance doesn't address that.
[24] It does address actual businesses that
[25] are in the day-laborer market, and essentially

[1] what this does is offers what we believe are
 [2] reasonable regulations with regard to that.
 [3] The primarily regulatory function is
 [4] that the day laborers are not allowed to change
 [5] clothes outside; they're not allowed to urinate;
 [6] they're not allowed to gamble; they're not
 [7] allowed to loiter or ask for money; that if they
 [8] need to change clothes, that there are lockers,
 [9] facilities and restrooms available inside of the
 [10] buildings adequate to provide areas for them to
 [11] change while they're waiting for assignments.
 [12] So we think it's a reasonable or clearly
 [13] objective regulatory mechanism to combat some of
 [14] the negative secondary impacts of that market.
 [15] **COUNCILMEMBER ROCHE:** Now, as far as
 [16] facilities that they may not have in place
 [17] today, would that be grandfathered in or would
 [18] they have to go out and build in those locker
 [19] rooms?
 [20] **ATTORNEY WEED:** No, they'd have -- it
 [21] would be required to build them.
 [22] This is what is called a police powers
 [23] ordinance which essentially would be -- you
 [24] know, basically unless you provided some sort of
 [25] sunset provision, then there would be no

[1] with.
 [2] **MAYOR JENKINS:** I have a second.
 [3] Okay. Discussion?
 [4] **COUNCILMEMBER BATES:** How do we go
 [5] about -- part of this question is going to be to
 [6] Chief. How do we go about addressing the
 [7] nonlabor pool, the loiterers that aren't
 [8] associated with a labor pool, and do we have a
 [9] problem with the existing labor pool facilities
 [10] that want this? Chief, I'll let you go first.
 [11] **CHIEF KING:** John King, Chief of
 [12] Police.
 [13] Years ago, the City Council passed an
 [14] ordination -- a ordinance to try to address this
 [15] problem as we started getting labor pools
 [16] opening.
 [17] The concern that we have, they're
 [18] pretty -- they're regulated relatively tightly.
 [19] We have to go and remind them every once in a
 [20] while to do those things about getting the
 [21] people inside and waiting for their job assign-
 [22] ments there.
 [23] The idea of putting the locker rooms
 [24] and the facilities in there, I think is a very
 [25] noble, you know, novel idea to try to cut down

[1] de facto grandfathering. The only time that
 [2] applies would be in the case of zoning. You
 [3] could build that into the ordinance, but
 [4] ordinarily it's treated like a general police
 [5] powers ordinance which means that one day it's
 [6] legal to drive 55 and then the next day the
 [7] government changes the sign down to 45 and
 [8] you're not grandfathered to drive 55.
 [9] **COUNCILMEMBER ROCHE:** No. That's okay.
 [10] That's okay. That's a good answer. That's the
 [11] answer I was looking for.
 [12] I make a motion that we waive first
 [13] reading. I read this. I like it.
 [14] I'd like to pass this tonight if
 [15] possible.
 [16] **COUNCILMEMBER BATES:** I have a question
 [17] for Mr. Weed, but do we need a second in order
 [18] to discuss?
 [19] **ATTORNEY WEED:** Technically, that's how
 [20] it ought to be done but it's --
 [21] **MAYOR JENKINS:** Do I get a second?
 [22] **ATTORNEY WEED:** -- never stopped
 [23] anybody --
 [24] **COUNCILMEMBER SPANGLER:** Second.
 [25] **ATTORNEY WEED:** -- I've ever worked

[1] on some of those behaviors. And the key is is
 [2] we have to be very careful of what we're trying
 [3] to address. We're trying to address the
 [4] problem, not the specific individuals who are
 [5] the workers. And with that in mind, I think
 [6] you're -- you're in good shape.
 [7] The one thing that I wanted to see if
 [8] it was possible to do -- and I don't know the
 [9] legal ground to do it -- is the sheer number of
 [10] labor pools.
 [11] **COUNCILMEMBER SPANGLER:** How many do w
 [12] e
 [13] have?
 [14] **CHIEF KING:** We now have got -- I think
 [15] we have four, three or four. And it's like
 [16] massage parlors. How many massage parlors or
 [17] labor pools does our community need?
 [18] The problem is that now we have people
 [19] coming from outside of our city, and they ride
 [20] or come to the city because they know that
 [21] these, you know, labor pools --
 [22] And the impact. Today I spoke to folks
 [23] at metro -- you know, the Metro Plaza here, and
 [24] the ladies at the cosmetics/nail salon place are
 [25] complaining about getting harassed by the day
 laborers waiting for assignments.

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[1] And clearly we can address it through
 [2] an ordinance. But it's just the sheer number of
 [3] these facilities not only have an impact but
 [4] also have an impact on the businesses around
 [5] them and also the quality of life because what
 [6] we're discovering is that the employees of these
 [7] places don't go home at night. Their home is at
 [8] "kudzu manor," you know, the kudzu patch behind
 [9] the labor pools. And it's very difficult for us
 [10] to the control the -- you know, because I can't
 [11] hold the business responsible for what these
 [12] temporary workers are doing.

[13] So if you could look at it, there's an
 [14] opportunity to cut down the sheer -- putting a
 [15] number of businesses that can operate of that
 [16] type in the city, that would be very helpful
 [17] because, if we're not careful, we will become
 [18] overwhelmed because we're at the end of the line
 [19] of MARTA, we're the most convenient location for
 [20] that kind of market.

[21] So if you can -- if y'all could give
 [22] some thought to that and maybe have the
 [23] ordinance where it could address those issues,
 [24] it would be helpful for us.

[25] **COUNCILMEMBER SPANGLER:** Mr. Weed, can

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[1] we do that?

[2] **ATTORNEY WEED:** Absolutely.

[3] We have to have an objective standard
 [4] that it's based on. The best one is usually
 [5] just the decennial U.S. Bureau of Census Digest,
 [6] and that, based upon the number of people in
 [7] Doraville, logically dictates that you need
 [8] X-number of labor pools per population base, and
 [9] you get to decide what "X-number" is, and we'll
 [10] tie it to that standard.

[11] And I'd go ahead and include a little
 [12] proviso that if the annexation passes, then
 [13] whatever the numbers are, we'll adjust for that
 [14] in the context of one ordinance and we'll have
 [15] to amend it later.

[16] **COUNCILMEMBER BATES:** How will --

[17] **ATTORNEY WEED:** What -- I'm sorry.

[18] **COUNCILMEMBER BATES:** I'm sorry.

[19] How do we go about addressing those
 [20] individuals who are loitering and looking for
 [21] labor, that are not associated with the labor
 [22] pool?

[23] **ATTORNEY WEED:** With regard to that,
 [24] you've still got loitering ordinances. You've
 [25] still got the general police powers ordinances

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[1] to combat those situations.

[2] What is good about this ordinance is
 [3] that it doesn't target individuals. It puts the
 [4] burden of the regulation on the companies that
 [5] benefit from it. And that's who ought to pay;
 [6] not the citizenry but the company who's making
 [7] the company from -- that's their work; they
 [8] should pay the freight.

[9] But with regard to the people who are
 [10] hanging out at the convenience store across
 [11] town, other than standard loitering and other
 [12] ordinances of that nature, it's much -- it's a
 [13] much more difficult situation to combat than
 [14] this situation.

[15] **COUNCILMEMBER BATES:** If I may, I have
 [16] one more follow-up.

[17] Do we run the risk hypothetically of --
 [18] going to be very careful in how I phrase this
 [19] because I don't want to come across that I'm
 [20] against this. Do we run the risk hypothetically
 [21] of putting the labor pools out of business with
 [22] additional regulations and then we end up with
 [23] unregulated labor pools on the corners of the
 [24] streets?

[25] **ATTORNEY WEED:** It's -- it's a good

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[1] question because every time you write a piece of
 [2] legislation, there are always unintended conse-
 [3] quences. It's inevitable. No -- no car that's
 [4] ever been built is perfect right off the --
 [5] right off the block.

[6] But how you counter that is for the
 [7] population of Doraville are probably plenty and
 [8] there probably is not -- I think we'll be able
 [9] to objectively determine that that would be the
 [10] appropriate number. And therefore, would you be
 [11] putting future locations -- would they not be
 [12] able to locate here? Yes. But would that
 [13] negatively impact the ones that are already
 [14] here, no.

[15] So I don't think we'll be putting more
 [16] day laborers out on the streets, although that's
 [17] a very good question.

[18] **COUNCILMEMBER BATES:** Well, I guess the
 [19] question is based upon the requirements of
 [20] building lockers and the facilities that are
 [21] needed to enact this ordinance through the
 [22] police powers as you indicated, do we run the
 [23] risk of those businesses then closing, saying,
 [24] we're not going to comply with these
 [25] regulations, or is there enough incentive for

[1] them on -- on utilizing the workforce and the
[2] revenues coming in to realize that this is a
[3] good thing to be in compliance?

[4] **ATTORNEY WEED:** Having seen ordinances
[5] like this and having drafted them for other
[6] communities, I've never known a single labor
[7] pool that closed down. However, all of them
[8] will tell you that they are going to. That's --

[9] **COUNCILMEMBER BATES:** Sure.

[10] **COUNCILMEMBER PITTMAN:** And part of our
[11] issue over off of Tilly Mill, that we have, some
[12] of that was solved by the businesses putting up
[13] "no trespassing" signs, but then they have to
[14] enforce their no-trespassing and call us or
[15] whatever.

[16] The other problem we have is -- across
[17] the street is Dekalb County, and --

[18] **CHIEF KING:** And that is our biggest --
[19] and that is our biggest problem we have.

[20] If you notice, if you go to Buford and
[21] Shallowford, they congregate on the adjoining
[22] city. What we do is -- the way we enforce it is
[23] the vagrancy law. We have a good vagrancy law,
[24] and basically we don't let them hang out, you
[25] know. But you've got to be very careful about,

[1] The idea is no, we can't simply put
[2] them out of business. But personally, my vision
[3] or our vision, I think, of Doraville in five
[4] years or ten years is that it's a very different
[5] place where we don't necessarily have day
[6] laborers. We can't make them illegal but we can
[7] not encourage them to come here, for instance,
[8] and we can make sure that they take care of the
[9] impact that their business has on the
[10] surrounding community.

[11] This is not an atomic bomb. It's just
[12] a step in the right direction, I think, to move
[13] us towards that vision.

[14] **COUNCILMEMBER BATES:** Just one final
[15] question. The maximum capacity of the number of
[16] businesses, is that addressed in this ordinance
[17] or is that addressed in --

[18] **ATTORNEY WEED:** Well, it wouldn't need
[19] to be addressed in this ordinance because every
[20] facility has already got a maximum occupancy
[21] load established by the building and the life
[22] safety codes. So that's the number effective --

[23] **COUNCILMEMBER BATES:** Number of
[24] businesses. Let me rephrase.

[25] **ATTORNEY WEED:** Oh, I'm sorry. Pardon

[1] you know, freedom of assembly and those --

[2] But, you know, you give them notice,
[3] "Hey, you're hanging out here. You know, you're
[4] not waiting for a bus," because that business
[5] they're usually standing in front of is being
[6] affected. People will not use that business.
[7] We've known -- many times, our residents have
[8] complained bitterly about the B.P. station,
[9] about being afraid to go and get gas at the B.P.
[10] station, because of all those people hanging
[11] out. We're quick to tell them that it's not in
[12] our city.

[13] So what we do is we enforce the
[14] vagrancy law and we don't allow them to hang
[15] out, and that's why they hang out just barely
[16] outside of our city limits.

[17] **COUNCILMEMBER BATES:** Thank you.

[18] **CHIEF KING:** Anything you can do, sir,
[19] to cut down, it would be -- I think would be
[20] helpful.

[21] **COUNCILMEMBER ROCHE:** Yeah. And I
[22] guess the thing I liked about the ordinance --
[23] and I actually think of it in terms of like we
[24] -- of the wholesalers' ordinance that we passed
[25] I think last month.

[1] me. I thought you meant number of people in the
[2] building.

[3] Currently, this one doesn't set up
[4] that; however, I've written similar ordinances
[5] that have done that.

[6] So do I think it's legal to do that?
[7] Absolutely.

[8] **COUNCILMEMBER BATES:** Can that be
[9] addressed in this ordinance or does that need to
[10] be a separate --

[11] **ATTORNEY WEED:** No, no. I would -- I
[12] would change this ordinance to do it here.
[13] That's the best place to put it in my opinion.

[14] **COUNCILMEMBER ROCHE:** At this point,
[15] just pass this one and have a new ordinance next
[16] week?

[17] **ATTORNEY WEED:** Or you can just, you
[18] know, you can do first reading and then --

[19] **COUNCILMEMBER ROCHE:** I'm okay either
[20] way.

[21] **ATTORNEY WEED:** -- tell me you would
[22] like to change, and I'll --

[23] **MAYOR JENKINS:** Can you add it?

[24] **COUNCILMEMBER BATES:** I would like if
[25] you would accept a friendly motion -- a friendly

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[1] amendment to your motion to include the maximum
 [2] number of day labor pools in this ordinance.
 [3] **COUNCILMEMBER ROCHE:** That's fine.
 [4] But we couldn't pass it tonight; right?
 [5] **COUNCILMEMBER BATES:** We can.
 [6] **ATTORNEY WEED:** Well, --
 [7] **COUNCILMEMBER ROCHE:** Or can we pass it
 [8] tonight?
 [9] **MAYOR JENKINS:** Yeah.
 [10] **ATTORNEY WEED:** -- my opinion is you
 [11] could.
 [12] You have to waive first reading. But
 [13] you also just need to bear in mind that you've
 [14] given me, I think, clear instructions on the
 [15] record as to what the final version of the
 [16] ordinance should say. Therefore, it's my
 [17] opinion that you've complied.
 [18] Now, there might be some folks who say
 [19] you need to adopt the exact same -- and before
 [20] you tonight, you need to have X-document that's
 [21] got every single word in it that you're going to
 [22] -- that you mean to adopt. And that's a
 [23] perfectly legitimate philosophy as well.
 [24] But I think as long as you put on the
 [25] record what changes you want me to make, my

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[1] opinion is that's -- that's fine.
 [2] **COUNCILMEMBER ROCHE:** Well, I'm still
 [3] -- my motion is to waive first reading, and it
 [4] was seconded.
 [5] And I'll second your amendment to add
 [6] the -- was it four per --
 [7] **COUNCILMEMBER BATES:** Based upon the
 [8] census.
 [9] **ATTORNEY WEED:** Yeah, based upon
 [10] current population.
 [11] **COUNCILMEMBER FLEMING:** Then, I still
 [12] want to make the comment about the dressing room
 [13] requirement. Though I don't know this
 [14] factually, but even some of the larger, more
 [15] reputable firms such as Randstadt or Snelling &
 [16] Snelling, I don't know whether they factually
 [17] have dressing rooms or not in their buildings.
 [18] **ATTORNEY WEED:** The ordinance
 [19] contemplates -- most of those companies that are
 [20] staffing agencies don't deal with -- they're
 [21] exempt from the terms of this ordinance because
 [22] most of them don't deal with the day labor
 [23] population.
 [24] You'll notice that if you are required
 [25] to take certain tests or have a high school

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[1] diploma or its equivalency to get work through a
 [2] staffing agency, those establishments are exempt
 [3] from the terms of this ordinance.
 [4] **COUNCILMEMBER ROCHE:** Right.
 [5] Mayor, someone's raising.
 [6] **MAYOR JENKINS:** Are we finished at the
 [7] table?
 [8] **COUNCILMEMBER ALEXANDER:** They have a
 [9] question.
 [10] **MAYOR JENKINS:** Well, we're at the
 [11] table right now.
 [12] **COUNCILMEMBER ROCHE:** Do we need to
 [13] restate the motion?
 [14] **MAYOR JENKINS:** Yeah. You need to
 [15] waive the first reading.
 [16] **COUNCILMEMBER ROCHE:** Okay. Well, I'm
 [17] waiving the first reading but from something
 [18] different.
 [19] **ATTORNEY WEED:** I think where we were
 [20] was that you were looking for -- you wanted to
 [21] make a friendly amendment to your motion to
 [22] approve --
 [23] **COUNCILMEMBER ROCHE:** Yeah, he --
 [24] right.
 [25] **ATTORNEY WEED:** -- which was seconded,

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[1] I believe.
 [2] **COUNCILMEMBER ROCHE:** Actually, the
 [3] other way around, but --
 [4] **ATTORNEY WEED:** Okay. I'm sorry.
 [5] **COUNCILMEMBER ROCHE:** He made the
 [6] motion and I seconded.
 [7] **ATTORNEY WEED:** Okay. All right.
 [8] So where you are now is that you've
 [9] made a friendly amendment to modify the
 [10] ordinance before you to include a maximum for
 [11] labor pool establishments if that is based upon
 [12] the sale digest and that study which I will
 [13] perform works out as far as the appropriate
 [14] number, which we don't know yet but that's
 [15] probably going to be fine.
 [16] Does that accurately restate what you
 [17] wanted -- where you wanted to go --
 [18] **COUNCILMEMBER BATES:** Yes.
 [19] **ATTORNEY WEED:** -- Councilmen?
 [20] Okay. Does that accurately reflect
 [21] what you wanted to second?
 [22] **COUNCILMEMBER ROCHE:** The only thing
 [23] missing was the first reading, waiving the first
 [24] reading.
 [25] **ATTORNEY WEED:** I'd like to do that in

[1] a separate --

[2] **COUNCILMEMBER ROCHE:** That's fine.

[3] I withdraw my motion to waive the first

[4] reading.

[5] **ATTORNEY WEED:** And with that, we've

[6] got the motion, we've got the second.

[7] Mayor, work your magic, sir.

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

[9] **MS. HOFFMEISTER:** Bonita Hoffmeister.

[10] I have this question, I've not seen this, but I

[11] do want to ask you if you would want to consider

[12] having inspections before you give a license for

[13] this type of business to make sure.

[14] I mean is that -- I don't know if

[15] that's included in this.

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

[17] **MS. HOFFMEISTER:** And the other thing I

[18] ask if is included is if you can have investiga-

[19] tive undercover audits to make sure that they're

[20] in compliance because a lot of times they'll

[21] have all the facilities but they'll locked and

[22] unavailable to the workers. So I want to make

[23] sure both of those are in this ordinance.

[24] **ATTORNEY WEED:** I -- I think those are

[25] great ideas.

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

[2] **MAYOR JENKINS:** All right.

[3] **ATTORNEY WEED:** First reading.

[4] **MAYOR JENKINS:** Waive the first

[5] reading?

[6] **COUNCILMEMBER ROCHE:** I make a motion

[7] to waive the first reading.

[8] **MAYOR JENKINS:** Second?

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

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

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

[12] **CLERK BLACKMON:** Councilmember

[13] Alexander?

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

[15] **CLERK BLACKMON:** Councilmember Bates?

[16] **COUNCILMEMBER BATES:** Yes.

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

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

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

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

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

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

[23] **CLERK BLACKMON:** Councilmember

[24] Spangler?

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

[1] The first item is included. And as far

[2] as the enforcement aspect, I wouldn't -- I

[3] wouldn't recommend that you actually put in --

[4] build in to the ordinance we're going to have

[5] secret audits. I would just have secret audits.

[6] That's --

[7] - - -

[8] (Laughter)

[9] - - -

[10] **ATTORNEY WEED:** Well, I'm all in favor

[11] of that, though.

[12] **MAYOR JENKINS:** Okay. Call the roll.

[13] **CLERK BLACKMON:** Councilmember

[14] Alexander?

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

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

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

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

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

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

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

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

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

[24] **CLERK BLACKMON:** Councilmember

[25] Spangler?

[1] **MAYOR JENKINS:** Okay. Now do we have

[2] to do another one?

[3] **COUNCILMEMBER BATES:** Motion to

[4] approve?

[5] **COUNCILMEMBER ROCHE:** Motion to

[6] approve. Right?

[7] **MAYOR JENKINS:** Yeah.

[8] **ATTORNEY WEED:** Yes, yes. Thank you.

[9] **MAYOR JENKINS:** Second?

[10] **COUNCILMEMBER ALEXANDER:** Second.

[11] **MAYOR JENKINS:** Okay. Call the roll,

[12] please.

[13] **CLERK BLACKMON:** Councilmember

[14] Alexander?

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

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

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

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

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

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

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

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

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

[24] **CLERK BLACKMON:** Councilmember

[25] Spangler?

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

[2] **ATTORNEY WEED:** Mr. Mayor, I have one

[3] last item and it doesn't actually appear on the

[4] agenda but we were talking about it previously.

[5] I received an e-mail today requesting

[6] research and the possibility of drafting an LEED

[7] ordinance which essentially is a green ordinance

[8] which provides that buildings of 50,000 square

[9] foot or more would be subject to -- or public

[10] buildings would be subject to green building

[11] standards.

[12] The ordinance is set out in detail. It

[13] is based upon an ordinance that the City of

[14] Chamblee recently adopted. Before they did it,

[15] City of Boston, they adopted a similar ordinance

[16] which didn't adopt LEED directly but it adopted

[17] similar programming. City of New York has done

[18] the same thing and a number of cities in

[19] Connecticut, et cetera.

[20] I was asked to do a draft ordinance and

[21] perform some research, which I have done. So

[22] that's before you tonight and you've got a copy

[23] of the draft ordinance.

[24] **MAYOR JENKINS:** Okay. Who brought this

[25] up earlier? And we're going to bring that up at

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[1] Buford Highway, are we going to step up some

[2] enforcement there? Is there any report on that?

[3] **CHIEF KING:** Yes, sir, we have stepped

[4] up some enforcement there, but with the current

[5] call volume we have, we haven't been able to put

[6] somebody there full-time.

[7] **COUNCILMEMBER ROCHE:** Well, have you

[8] given out any more tickets or anything?

[9] **CHIEF KING:** Yes, sir. I don't have a

[10] current ticket count for that area but we have

[11] given more tickets.

[12] I wasn't aware that you wanted that

[13] information tonight, sir.

[14] **COUNCILMEMBER ROCHE:** Well, yeah. I

[15] mean it's really important. Matter of fact, a

[16] lot of people are calling and --

[17] **CHIEF KING:** Oh, I'm sure.

[18] **COUNCILMEMBER ROCHE:** -- wanting to

[19] know this information, so --

[20] **CHIEF KING:** Sir, if I can be asked

[21] items or bits of information that are going to

[22] be needed for the Council, I'll get prepared for

[23] them, but --

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

[25] **CHIEF KING:** -- I can't -- I can't do

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[1] the next meeting; is that correct?

[2] **COUNCILMEMBER ROCHE:** Well, I mean

[3] since we already have it. I didn't realize

[4] anyone was going to ask for a draft ordinance to

[5] be done tonight, but here we are. It's sitting

[6] here. I mean I don't know if there's any

[7] interest in going ahead and trying to pass this

[8] tonight or not.

[9] **MAYOR JENKINS:** Is everybody ready to

[10] vote on it?

[11] **COUNCILMEMBER PITTMAN:** No, I --

[12] **COUNCILMEMBER ROCHE:** Because

[13] basically, I mean I read through it and it

[14] compares very closely with what Chamblee has, so

[15] it's like all the heavy lifting's been done.

[16] **MAYOR JENKINS:** Put that on the agenda

[17] for August 4.

[18] **ATTORNEY WEED:** With that, Mr. Mayor,

[19] that concludes my report.

[20] **MAYOR JENKINS:** Very good.

[21] John?

[22] **CHIEF KING:** Sir, I have nothing for

[23] the Council.

[24] **COUNCILMEMBER ROCHE:** I have a

[25] question. The intersection of Longmire and

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[1] this off the cuff, sir.

[2] **COUNCILMEMBER ROCHE:** Okay. Well, I'm

[3] not asking for --

[4] A couple of meetings ago, about a

[5] couple of months ago, we asked for this

[6] information, and you were able to tell us, and I

[7] just want to make sure that --

[8] **CHIEF KING:** Yes, sir.

[9] **COUNCILMEMBER ROCHE:** -- I get -- I get

[10] a lot of calls and I just didn't know every

[11] month how we're doing with that. And what I'm

[12] hoping is to see the number of --

[13] **CHIEF KING:** Sir, if I -- if I know

[14] ahead of time that you're going to need that

[15] information, sir, I can provide it.

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

[17] **CHIEF KING:** I just didn't know you

[18] wanted that tonight.

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

[20] **CHIEF KING:** Understand, sir --

[21] **COUNCILMEMBER ROCHE:** Well, can I ask

[22] for one for next time, then?

[23] **CHIEF KING:** Absolutely, sir.

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

[25] **CHIEF KING:** Just I'm going to caveat

[1] that report, sir, by understanding that our call
[2] volume is extremely high so I have not been able
[3] to dedicate an officer to work that neighborhood
[4] -- that intersection exclusively.

[5] **COUNCILMEMBER ROCHE:** No, I wouldn't
[6] expect that.

[7] **CHIEF KING:** Okay.

[8] **COUNCILMEMBER ROCHE:** I would just
[9] expect that, you know, we have more coverage
[10] there. That's all.

[11] **CHIEF KING:** I agree, sir.

[12] **MAYOR JENKINS:** Is that all you have?
[13] Citizens comments?

[14] Come on up, sir.

[15] **MR. CRAWFORD:** Ben Crawford. This has
[16] to do with the Planning Commission.

[17] Ben Crawford. Tonight I heard that we
[18] were going to have the ordinance for M1 and M2
[19] tasked to the Planning Commission. I guess that
[20] was what was going to happen. And I'd like to
[21] see if we could get that in writing and also
[22] from the City or City Council and also get some
[23] kind of time frame so we know what the time
[24] frame is expected of us to get something back to
[25] City Council.

[1] development, which was the majority of the
[2] people who attended the Planning Commission
[3] meetings -- a few people sort of floated in and
[4] out that are opposed to it. Some of the people
[5] who are opposed to it tonight weren't there,
[6] and they should be at City Council meeting if
[7] they're opposed to it. But the thing was is
[8] that -- good thing about it is that we had
[9] community input.

[10] The other thing was is that there were
[11] questions that the people in the neighborhood
[12] that weren't able to attend the Planning
[13] Commission meetings asked, you know, if they
[14] could be addressed, and I brought those back to
[15] the meeting.

[16] When I addressed the people in the
[17] surrounding neighborhood, it wasn't on a pro or
[18] a con basis; it was just to get their feelings
[19] on the development in their neighborhood. And
[20] they were -- the majority of the people there
[21] were all for it. They saw it as a good
[22] development. They had some changes that they'd
[23] like to have made.

[24] I realize you guys didn't get the map
[25] yet, but some changes were made. Their main

[1] And also there was a gentleman that
[2] came up and made a presentation, and there's yet
[3] to be something in our box.

[4] We'd also like to get some direction
[5] from City Council on what kind of time frame
[6] you're expecting on the work that's given to us,
[7] so -- so you know, we may have to have more than
[8] one hearing on some issues. So when something's
[9] presented to us, if City Council is, you know,
[10] asking us to look at things, it would be nice to
[11] have some kind of schedule from them saying, you
[12] know, what you expect of us: you expect it,
[13] you know, one meeting, or can we have two
[14] meetings on it, that type of thing there.

[15] And then the other thing is I'd like a
[16] -- you know, I was not feeling real great, so
[17] that's why I was late coming in. But as far as
[18] the Brackbill on Tilly Mill, I was under the
[19] understanding that the other side was heard from
[20] tonight.

[21] And I would like to just reiterate
[22] tonight that I spent about three and a half
[23] hours in the neighborhood over there talking to
[24] the residents that surround that property, and
[25] they attended -- both people who are for the

[1] concern was dumping it onto an 18 and a half
[2] foot side street over there, and it was changed.
[3] And the variance that the guy was asking for,
[4] the Planning Commission thought about it, had
[5] multiple meetings on it, and we felt like we
[6] gave back to you a good decision for a good
[7] developer to come into the neighborhood and help
[8] bring Doraville to the future.

[9] But I just thought I'd like to mention
[10] that tonight because I wasn't here earlier.

[11] **COUNCILMEMBER PITTMAN:** I didn't think
[12] it was necessarily changing from M1 to M2. I
[13] thought it was just doing the research possibly
[14] on other --

[15] **MR. CRAWFORD:** Well, yeah. Tightening
[16] it up.

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

[18] **MR. CRAWFORD:** No. I understand that.

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

[20] **MR. CRAWFORD:** But I mean to -- I guess
[21] what I'm -- I guess on that part there, I was
[22] asking if you would be specific in what you want
[23] from us, I guess is what I was trying to say,
[24] because you are tasking us to do something, and
[25] there should be some guidelines of what it is

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[1] you want us to look at, because it was obviously
[2] a problem with the Apex thing. Hate to bring
[3] that up again, but I will. It was obviously a
[4] problem with that, how it got channeled into the
[5] Planning Commission when it was supposed to be
[6] just a black-and-white issue; you know, it was
[7] supposed to be either a yes or no vote, from
[8] what my understanding was from the attorney.
[9] It's supposed to be something that the City
[10] Inspector dealt with. It was something the City
[11] Inspector was supposed to have dealt with one
[12] way or the other was my understanding.
[13] But anyhow, that would solve that
[14] problem from things even though I disagree with
[15] that, but that's my opinion. But that, you
[16] know, helps us in our ability to do our job with
[17] the community. Thanks.
[18] **MAYOR JENKINS:** Thank you.
[19] **COUNCILMEMBER ROCHE:** And I guess that
[20] I would say that, you know, the City Inspector
[21] basically made a decision based on the current
[22] state of the zoning ordinance.
[23] And maybe we could have Attorney Weed
[24] help us.
[25] I think you understand kind of what's

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[1] in our minds, what we're trying to accomplish.
[2] I don't know how to put it in legal --
[3] **ATTORNEY WEED:** Well, I'll be happy to
[4] draft up some bullet points, send them to the
[5] Council and then you can --
[6] **COUNCILMEMBER ROCHE:** Or send them to
[7] the --
[8] **ATTORNEY WEED:** Well, you know, I would
[9] like you to comment on them first and then --
[10] **COUNCILMEMBER ROCHE:** Okay.
[11] **ATTORNEY WEED:** -- we could filter them
[12] over to the Planning Commission.
[13] **COUNCILMEMBER ROCHE:** That would be the
[14] way to proceed because I would like to get that
[15] going.
[16] **MS. HOFFMEISTER:** Bonita Hoffmeister.
[17] I'm reminding the people in Northwoods
[18] Home Association and the association that is
[19] right next to the In Touch Ministries, they have
[20] applied for rezoning from commercial to M1.
[21] They're perfectly within their rights.
[22] David Bearse signed off on it. He is the
[23] homeowners' association -- president of the
[24] homeowners' association that's closest to the In
[25] Touch Ministries.

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[1] He will be unable to attend the Dekalb
[2] County Planning Commission on the 10th at 6:30,
[3] the Manuel Maloof Auditorium. I do not have his
[4] written concessions that he wanted the developer
[5] to make but I would appreciate it if somebody is
[6] available who knows what these are to attend
[7] with me so that we can make sure that what David
[8] Bearse negotiated for is put into place.
[9] **COUNCILMEMBER ROCHE:** Do we know what
[10] they want to do there?
[11] **MS. HOFFMEISTER:** They want to put a
[12] video manufacturing for -- they want to put a
[13] warehouse there and they want to put a video
[14] manufacturing plant there for ministry videos.
[15] And he had a list of things they
[16] supposedly have agreed to. I don't know what
[17] they are. I have not seen his list. He was
[18] supposed to work this out with the County.
[19] I just would appreciate it if somebody
[20] from Northwood would attend with me, and whether
[21] from that homeowners' association or from the
[22] Northwoods Homeowners' Association, that is
[23] aware of what has been negotiated. Thank you.
[24] **COUNCILMEMBER ROCHE:** Can you give us
[25] the date again? Sorry.

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[1] **MS. HOFFMEISTER:** Pardon?
[2] **COUNCILMEMBER ROCHE:** Can you give us
[3] the date again?
[4] **MS. HOFFMEISTER:** It's the 10th, this
[5] Thursday, 6:30.
[6] **MAYOR JENKINS:** Where is it at?
[7] **MS. HOFFMEISTER:** And it's the Manuel
[8] Maloof Auditorium in Decatur, 6:30, and it's
[9] M13, so it'll be towards -- they have them
[10] split, so it'll be kind of towards the --
[11] I'm going to go and sit because a lot
[12] of times I go down and sit and then go to eat,
[13] and then when I come back, it's all over. So I
[14] will sit through the whole thing this time until
[15] it's addressed.
[16] But I do know he wants them to limit
[17] what they're doing to just warehousing and video
[18] production was one of the things he discussed at
[19] the community planning commission.
[20] **MS. CALVERT:** Can we do that if they're
[21] not in the city limits?
[22] **MS. HOFFMEISTER:** Yes. You're in
[23] Dekalb.
[24] **COUNCILMEMBER ROCHE:** No. We don't
[25] have any control over --

[1] **MS. CALVERT:** That's right.
 [2] **MS. HOFFMEISTER:** Yeah, right. The
 [3] City can do nothing other than vote to do a --
 [4] **COUNCILMEMBER ROCHE:** Yeah, I know.
 [5] **MS. HOFFMEISTER:** -- a resolution and
 [6] send that to the County, but you as citizens --
 [7] **UNIDENTIFIED SPEAKER:** Where is it?
 [8] **MS. HOFFMEISTER:** The Manual Maloof
 [9] building.
 [10] **UNIDENTIFIED SPEAKER:** Where is the
 [11] property?
 [12] **MS. HOFFMEISTER:** The property -- you
 [13] go Chestnut to the end and then you take it --
 [14] **UNIDENTIFIED SPEAKER:** Is it on the
 [15] access road?
 [16] **MS. HOFFMEISTER:** It's on the access
 [17] road. You take it till you hit next to
 [18] spaghetti junction. It's where the trees are
 [19] now.
 [20] **UNIDENTIFIED SPEAKER:** And they want to
 [21] convert what's already there into this mess?
 [22] **MS. HOFFMEISTER:** There is nothing
 [23] there at this point in time.
 [24] They have a very strong case to win
 [25] this, so the best you can do with this is to

[1] **MAYOR JENKINS:** Okay. Thank you.
 [2] Anybody else on citizens' comments?
 [3] **MR. HART:** I'm kind of stiff because
 [4] I've been picking up concrete all week.
 [5] This is to thank the Police Department
 [6] and John King. Working down the sidewalk with
 [7] all the day-labor people down there, we had a
 [8] little problem where one day laborer assaulted
 [9] another one and the police got both of them and
 [10] were real quick about it.
 [11] **CHIEF KING:** Tom was an excellent
 [12] witness.
 [13] **MR. HART:** Right there.
 [14] But I'm glad you passed the day labor
 [15] law. It's a huge problem where we're working
 [16] right there. It has affected the bank, Metro
 [17] Bank, the businesses along there and people
 [18] walking to the MARTA station.
 [19] At least 50 times a day, we're being
 [20] asked for money, spare change, this/that, pan-
 [21] handling; people being interfered with and the
 [22] pedestrians trying to --
 [23] And it's probably gotten to the point
 [24] where they may have trouble renting those places
 [25] out because of the interference. There's a lot

[1] have them put constraints on what they can do
 [2] with that land.
 [3] **UNIDENTIFIED SPEAKER:** Yeah,
 [4] considering you've got to drive through Chestnut
 [5] as it is now.
 [6] **MS. HOFFMEISTER:** Well, yes, they will
 [7] be increasing the traffic, and that -- and
 [8] according to Steinberg law, you can contest it
 [9] based on that if you want.
 [10] **UNIDENTIFIED SPEAKER:** The traffic from
 [11] there already cuts through Chestnut as it is now
 [12] when it hits 285.
 [13] **MAYOR JENKINS:** In Touch Ministries
 [14] chose not to come into Doraville on the
 [15] annexation.
 [16] **MS. HOFFMEISTER:** That's right.
 [17] **MAYOR JENKINS:** And they have a good
 [18] way in and out. That's the only reason we could
 [19] keep them out of the annexation.
 [20] So what are you asking us to do?
 [21] **MS. HOFFMEISTER:** I'm just making
 [22] everybody aware that's concerned about it that
 [23] there is a meeting on the 10th. This is the
 [24] second-to-the-last meeting before the zoning
 [25] will be passed.

[1] of legitimate businesses. There's a karioke bar
 [2] on the corner. They're quite busy. The owner
 [3] of the property we're working on is considering
 [4] putting sort of a combination ice cream parlor
 [5] and coffee shop right there on the corner.
 [6] But there's a lot of concern from the
 [7] Metro Bank whether they put a deck out there,
 [8] whether that's going to be a problem. And so
 [9] you're going to have to stay on top of this day
 [10] labor thing because it's something that can just
 [11] wipe out the whole area of small businesses that
 [12] are trying to do their work there. Thank you.
 [13] **MAYOR JENKINS:** Thank you, Tom.
 [14] Anymore citizens comments?
 [15] **ATTORNEY WEED:** Mr. Mayor, I'm going to
 [16] ask the Council to go into Executive Session for
 [17] -- I need to give you a report on a pending or
 [18] future litigation.
 [19] **MAYOR JENKINS:** Do I have a motion?
 [20] **COUNCILMEMBER PITTMAN:** Motion.
 [21] **MAYOR JENKINS:** Second?
 [22] **COUNCILMEMBER BATES:** Second.
 [23] **MAYOR JENKINS:** Call the roll, please.
 [24] **CLERK BLACKMON:** Councilmember
 [25] Alexander?

[1] **COUNCILMEMBER ALEXANDER:** Yes.
 [2] **CLERK BLACKMON:** Councilmember Bates?
 [3] **COUNCILMEMBER BATES:** 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] **MAYOR JENKINS:** We will come back after
 [14] this Executive Session but there will be no more
 [15] meeting after that.
 [16] Is that correct?
 [17] **ATTORNEY WEED:** I hope so.
 [18] - - -
 [19] (Executive Session)
 [20] - - -
 [21] **MAYOR JENKINS:** We came out of
 [22] Executive Session and there was no action taken.
 [23] I want to ask for a motion to adjourn.
 [24] **COUNCILMEMBER PITTMAN:** So moved.
 [25] **MAYOR JENKINS:** Second?

[1] **COUNCILMEMBER BATES:** Second.
 [2] **MAYOR JENKINS:** Call the roll.
 [3] **CLERK BLACKMON:** Councilmember
 [4] Alexander?
 [5] **COUNCILMEMBER ALEXANDER:** Yes.
 [6] **CLERK BLACKMON:** Councilmember Bates?
 [7] **COUNCILMEMBER BATES:** Yes.
 [8] **CLERK BLACKMON:** Councilmember Fleming?
 [9] **COUNCILMEMBER FLEMING:** Yes.
 [10] **CLERK BLACKMON:** Councilmember Pittman?
 [11] **COUNCILMEMBER PITTMAN:** Yes.
 [12] **CLERK BLACKMON:** Councilmember Roche?
 [13] **COUNCILMEMBER ROCHE:** Yes.
 [14] **CLERK BLACKMON:** Councilmember
 [15] Spangler?
 [16] **COUNCILMEMBER SPANGLER:** Yes.
 [17] **MAYOR JENKINS:** Meeting adjourned.
 [18] - - -
 [19] (Whereupon, the meeting was adjourned
 [20] at approximately 10:15 p.m. the same day.)
 [21] -o0o-
 [22]
 [23]
 [24]
 [25]

[1] C E R T I F I C A T E
 [2] STATE OF GEORGIA]
 [3] COUNTY OF DEKALB]
 [4] I hereby certify that the foregoing transcript
 [5] was taken down, as stated in the caption, and the
 [6] proceedings were reduced to typewriting under my
 [7] direction and control.
 [8] I further certify that the transcript is a true
 [9] and correct record of the evidence given at the said
 [10] proceedings.
 [11] I further certify that I am neither a relative
 [12] or employee or attorney or counsel to any of the
 [13] parties, nor financially or otherwise interested in
 [14] this matter.
 [15] This the 13th day of July, 2008.
 [16]
 [17]
 [18] _____
 [19] Theresa Bretch, CCR
 [20] Permit No. B-755
 [21] [SEAL]
 [22]
 [23]
 [24]
 [25]

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