

In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

December 3, 2012

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

Transcript of the meeting held in the

City Council Room at Doraville City Hall,

3725 Park Avenue, Doraville, Georgia, Mayor

Donna Pittman presiding, before Theresa

Bretch, Certified Court Reporter, commencing

at approximately 6:30 p.m. on December 3,

2012.

* * *

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1 P R O C E E D I N G S

2 MAYOR PITTMAN: Welcome to everyone; if you

3 could please rise for the pledge.

4 - - -

5 (Pledge of Allegiance)

6 - - -

7 MAYOR PITTMAN: Thank you. And Ms.

8 Alexander will be a little bit late tonight due to a

9 work commitment.

10 Call the roll, please.

11 CLERK BRYANT: Councilmember Bates?

12 COUNCILMEMBER BATES: Here.

13 CLERK BRYANT: Councilmember Dean?

14 COUNCILMEMBER DEAN: Here.

15 CLERK BRYANT: Councilmember Fleming?

16 COUNCILMEMBER FLEMING: Here.

17 CLERK BRYANT: Councilmember Pachuta?

18 COUNCILMEMBER PACHUTA: Here.

19 CLERK BRYANT: Councilmember Patrick?

20 COUNCILMEMBER PATRICK: Here.

21 MAYOR PITTMAN: Okay. And if I could get

22 the Council to amend the agenda, we do have a real

23 quick resolution to pass tonight. If we can move it

24 up under ceremonial presentations under (i), the 400

25 Project Resolution. We do have a guest here; Ms.

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1 APPEARANCES:

2 Doraville City Council:

3 Mayor Donna Pittman

4 Councilmember Maria Alexander

5 Councilmember Brian Bates

6 Councilmember Trudy Jones Dean

7 Councilmember Pam Fleming

8 Councilmember Karen Pachuta

9 Councilmember Robert Patrick

10

11 Sandra Bryant, Acting City Clerk

12

13 Cecil G. McClendon, Jr., City Attorney

14 Leonid Felgin, Associate City Attorney

15 Riley McLendon, LLC

16 315 Washington Avenue

17 Marietta, GA 30060

18 (770) 590-5900

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21

22

23

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25

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1 Williams is here tonight. So if we could --

2 COUNCILMEMBER DEAN: Well, excuse me.

3 Actually, I was going to move that we move this to

4 another agenda because our agenda tonight is so full

5 and we have items -- I have an item on the agenda that

6 was put there in August. And I think that since there

7 is no time pending incentive here, that we put this

8 off at least until the end of the meeting or

9 preferably another meeting after the first of the year

10 when we have more time to review this thing.

11 MAYOR PITTMAN: That would be up to the

12 Council. My understanding, it would take less than

13 five minutes or five minutes at the most, so that's --

14 COUNCILMEMBER DEAN: Well, five minutes when

15 we don't have --

16 MAYOR PITTMAN: If you want to make --

17 COUNCILMEMBER DEAN: I'd like to make a

18 motion to remove this from the agenda and to resume or

19 put it back on the agenda after the first of the year.

20 MAYOR PITTMAN: Do I get a second?

21 COUNCILMEMBER BATES: Second.

22 MAYOR PITTMAN: Discussion?

23 - - -

24 (No response)

25 - - -

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1 MAYOR PITTMAN: Call the roll, please.
 2 CLERK BRYANT: Councilmember Bates?
 3 COUNCILMEMBER BATES: Yes.
 4 CLERK BRYANT: Councilmember Dean?
 5 COUNCILMEMBER DEAN: Yes.
 6 CLERK BRYANT: Councilmember Fleming?
 7 COUNCILMEMBER FLEMING: No.
 8 CLERK BRYANT: Councilmember Pachuta?
 9 COUNCILMEMBER PACHUTA: Yes.
 10 CLERK BRYANT: Councilmember Patrick?
 11 COUNCILMEMBER PATRICK: No.
 12 CLERK BRYANT: 3-2.
 13 MAYOR PITTMAN: 3-2. Okay.
 14 ATTORNEY McLENDON: All right.
 15 MAYOR PITTMAN: Then, we'll move it to
 16 another agenda.
 17 My apologies.
 18 MS. WILLIAMS: Oh, that's fine.
 19 COUNCILMEMBER DEAN: And I apologize too.
 20 It's just we have so much to do tonight and I doubt
 21 we'll get through to 9 o'clock. Thank you for coming.
 22 MAYOR PITTMAN: Okay. We need approval of
 23 minutes for October 5th [sic], 2012.
 24 COUNCILMEMBER BATES: I make a motion that
 25 we put this off until the next Council agenda because

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1 we couldn't get them to read them.
 2 MAYOR PITTMAN: Did you send them?
 3 COUNCILMEMBER BATES: Couldn't print them
 4 out.
 5 MAYOR PITTMAN: You couldn't print them out?
 6 COUNCILMEMBER BATES: When did you send
 7 them?
 8 CLERK BRYANT: Last week?
 9 MAYOR PITTMAN: Yeah, it was last week, the
 10 end of last week.
 11 COUNCILMEMBER BATES: I don't --
 12 COUNCILMEMBER PACHUTA: I mean we can't act
 13 on them right now, so.
 14 MAYOR PITTMAN: Okay.
 15 COUNCILMEMBER BATES: I mean did the rest of
 16 Council get them? because I don't remember getting
 17 them.
 18 COUNCILMEMBER PACHUTA: I think we got them
 19 Friday, but I haven't even opened them yet.
 20 COUNCILMEMBER BATES: If we can put this off
 21 till the 17th.
 22 MAYOR PITTMAN: Okay. Next on the agenda is
 23 Public Comments.
 24 COUNCILMEMBER BATES: Motion to move those
 25 to December 17th.

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1 MAYOR PITTMAN: Second?
 2 COUNCILMEMBER PATRICK: Second.
 3 MAYOR PITTMAN: Discussion?
 4 ---
 5 (No response)
 6 ---
 7 MAYOR PITTMAN: Call the roll, please.
 8 CLERK BRYANT: Councilmember Bates?
 9 COUNCILMEMBER BATES: Yes.
 10 CLERK BRYANT: Councilmember Dean?
 11 COUNCILMEMBER DEAN: Yes.
 12 CLERK BRYANT: Councilmember Fleming?
 13 COUNCILMEMBER FLEMING: Yes.
 14 CLERK BRYANT: Councilmember Pachuta?
 15 COUNCILMEMBER PACHUTA: Yes.
 16 CLERK BRYANT: Councilmember Patrick?
 17 COUNCILMEMBER PATRICK: Yes.
 18 MAYOR PITTMAN: Thank you. Now public
 19 comments on agenda items only. If you wish to speak,
 20 please line up at the podium and limit your comments
 21 to three minutes and state your name for the court
 22 reporter.
 23 MS. GILMAN: Carol Gilman, Northwoods.
 24 I'm looking at agenda item 11, New Business,
 25 (c) Reduce City Council Size; Change Structure -

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1 Councilmember Brian Bates. I would say to Mr. Bates
 2 thank you for your thoughtful consideration in placing
 3 this item on the agenda. I support what you're trying
 4 to discuss and achieve here.
 5 My next comment is on number 8, Reports,
 6 Departments (l) Finance, Auditing Services Contract.
 7 I congratulate Council and give my thanks to the city
 8 accountant for pursuing this item. I believe it's
 9 important that we rotate our outside accountant, our
 10 auditor, periodically. This is something I've had a
 11 conversation with for a number of years with
 12 Councilmember Alexander, and I'm glad to see it on the
 13 agenda and I'm glad to see that it's happening. I
 14 think it adds to the professionalism and integrity of
 15 our City government, and I thank you.
 16 MAYOR PITTMAN: Thank you, Ms. Gilman.
 17 Mr. Anderson?
 18 MR. STUART ANDERSON: Stuart Anderson.
 19 The \$5,000 spending allowance and the City
 20 Council reduction in size are both for work session
 21 items. I don't think that they should be clogging up
 22 the part of the -- Anyway, I don't think they should
 23 be on the agenda for tonight.
 24 MAYOR PITTMAN: Thank you, Mr. Anderson.
 25 Anyone else?

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1 ---
2 (No response)
3 ---
4 MAYOR PITTMAN: Okay. Thank you.
5 I believe next on the agenda is Chief,
6 discussion of the Animal Transport Compartment.
7 CHIEF JOHN KING: Members of the City
8 Council, if you look at your agenda, you will see that
9 we've asked for the cage. Basically, it's a box. And
10 you see the description on the agenda. It will show
11 you that basically it's the -- it's the capability to
12 retrofit the current Animal Services vehicle to be
13 able to transport several animals at one time and do
14 it in compliance with the State regulations.
15 There are some options available. It is
16 currently a budgeted item. We put an RFP out, and
17 this was the only -- the only company that responded
18 to the RFP.
19 If you look at the -- at the materials that
20 we provided you, there are some options there that I'd
21 like to be able to have the Council approve, all
22 within the budget. The original budget line is
23 thirteen nine twenty is the budget line, and basically
24 what we're asking is the authorization to purchase
25 this container with the amber lights for a total of

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1 twelve one thirty.
2 You know, the challenge here with the
3 vehicle, especially if it's going to be operating at
4 low speeds or also doing multiple stops in the
5 community, I'd like to be able to have an amber light
6 just for safety purposes. Also, you know, the pole.
7 You know, the animal services officer has to, you
8 know, carry certain devices to be able to catch
9 animals, and there are some options there.
10 There's \$195.00, \$80.00, and then the amber
11 lights and then the amber beacon on the roof. All
12 these are items that we would have to -- if we don't
13 get them from the manufacturer, it's something that we
14 would have to apply -- you know, apply after-market,
15 and I'd rather just hold one -- one vendor responsible
16 for the whole container and the installation.
17 Unless members of the Council have any
18 questions, I will respectfully ask that you approve
19 the purchase of this device.
20 MAYOR PITTMAN: Mr. Bates?
21 COUNCILMEMBER BATES: What was the budgeted
22 amount?
23 CHIEF KING: Thirteen -- thirteen nine
24 twenty, sir.
25 COUNCILMEMBER BATES: Thank you.

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1 CHIEF KING: And what we're asking with the
2 options is twelve one thirty.
3 COUNCILMEMBER BATES: Thank you.
4 MAYOR PITTMAN: Ms. Pachuta?
5 COUNCILMEMBER PACHUTA: And this puts us in
6 compliance with State law finally?
7 CHIEF KING: When it comes to the equipment
8 compliance, yes, ma'am. There are some other issues
9 going on, you know, that we probably need to address
10 at a later time, but as far as this, this gets us at
11 least on the vehicle.
12 MAYOR PITTMAN: Mr. Patrick?
13 COUNCILMEMBER PATRICK: The vehicle will
14 handle this compartment? It's large enough?
15 CHIEF KING: Yes.
16 COUNCILMEMBER PATRICK: Okay.
17 MAYOR PITTMAN: Ms. Fleming?
18 COUNCILMEMBER FLEMING: So the purpose of
19 this is for us to be in compliance with the State or
20 Dekalb County; is that correct?
21 CHIEF KING: The State, ma'am.
22 COUNCILMEMBER FLEMING: Do we have any idea
23 in regards to last year how many animals were actually
24 picked up?
25 CHIEF KING: No, ma'am, I do not.

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1 COUNCILMEMBER FLEMING: Thank you.
2 MAYOR PITTMAN: Ms. Dean?
3 COUNCILMEMBER DEAN: On one of the options,
4 the AC and heating?
5 CHIEF KING: It's a ventilation system.
6 It's not actually -- it will circulate some of the air
7 and it also has an alarm that if the -- if the
8 settings, because the State requires settings for the
9 animals to be within a range -- I think 86 degrees is
10 the hottest it could get -- it will sound an alarm and
11 alert basically the operator and people around it that
12 it exceeds the parameters. It will basically
13 circulate the air through compartments but it's not
14 per se air conditioning or heat.
15 COUNCILMEMBER DEAN: Okay. And what about
16 that other option, if the budget is thirteen nine
17 twenty? If you have an animal in the back of the car
18 and you're driving around and it's a hundred degrees
19 outside, then that could be pretty, I would imagine,
20 grueling.
21 CHIEF KING: All the research that we
22 conducted with this vendor, ma'am, is this is the
23 standard setup for most animal control transport
24 vehicles, so we're not doing anything, you know,
25 extra, but we are within compliance.

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1 COUNCILMEMBER DEAN: Okay. If you were to
2 do something extra, though, would that be an area you
3 would consider?
4 CHIEF KING: Probably not, ma'am, because we
5 deal with such short distances from anywhere in the
6 city to transport them to --
7 I think, you know, when we go through mid-
8 year review or at the end of this fiscal year, we
9 really need -- probably need to have a serious
10 conversation on what we're going to do for the storage
11 and animal -- you know, where we put our animals for
12 them to be picked up by Dekalb County. We probably --
13 it's a conversation we probably need to have.
14 COUNCILMEMBER DEAN: Okay. And just for the
15 record, you put out RFPs for this, and this is the
16 only thing we got; right?
17 CHIEF KING: Yes, ma'am.
18 COUNCILMEMBER DEAN: Okay. Good. Okay.
19 COUNCILMEMBER FLEMING: I have one other
20 question, please.
21 MAYOR PITTMAN: Sure.
22 COUNCILMEMBER FLEMING: This is going to be
23 used for transporting the animals to the maintenance
24 department where the kennel is or --
25 CHIEF KING: Yes, ma'am.

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1 COUNCILMEMBER FLEMING: -- to Dekalb County
2 as well?
3 CHIEF KING: Both. I mean if Dekalb County
4 will not come and pick them -- pick them up. We can
5 only leave them at our -- at our maintenance facility
6 but for a short period of time.
7 COUNCILMEMBER FLEMING: Okay. But --
8 CHIEF KING: We're required then to take
9 them to Dekalb.
10 COUNCILMEMBER FLEMING: This particular
11 addition to the truck will not be used as a kennel;
12 correct?
13 CHIEF KING: It's not designed for that,
14 ma'am.
15 COUNCILMEMBER FLEMING: Well, I mean I
16 realize that, but I'm just confirming that we will not
17 use this as a kennel.
18 CHIEF KING: It will not be used as a kennel
19 nor many other -- any other vehicle that we --
20 COUNCILMEMBER FLEMING: Okay.
21 CHIEF KING: -- have in the city --
22 COUNCILMEMBER FLEMING: Thank you very much.
23 CHIEF KING: -- will be used as a kennel.
24 COUNCILMEMBER FLEMING: Thank you.
25 COUNCILMEMBER BATES: Make a motion to adopt

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1 or approve the Custom Fiberglass Coaches' coach for
2 \$12,130 including the options.
3 COUNCILMEMBER FLEMING: Second.
4 COUNCILMEMBER PACHUTA: Second.
5 MAYOR PITTMAN: Okay. Discussion?
6 ---
7 (No response)
8 ---
9 MAYOR PITTMAN: Call the roll, please.
10 CLERK BRYANT: Councilmember Bates?
11 COUNCILMEMBER BATES: Yes.
12 CLERK BRYANT: Councilmember Dean?
13 COUNCILMEMBER DEAN: Yes.
14 CLERK BRYANT: Councilmember Fleming?
15 COUNCILMEMBER FLEMING: Yes.
16 CLERK BRYANT: Councilmember Pachuta?
17 COUNCILMEMBER PACHUTA: Yes.
18 CLERK BRYANT: Councilmember Patrick?
19 COUNCILMEMBER PATRICK: Yes.
20 MAYOR PITTMAN: Thank you.
21 CHIEF KING: Thank you.
22 MAYOR PITTMAN: Thank you, Chief.
23 Okay. Luke, you're next. Rental Motor
24 Vehicle Excise Tax and Annexation Fee.
25 MR. LUKE HOWE: Yes, ma'am. My first item

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1 is Rental Motor Vehicle Tax ordinance. The State
2 allows us or local governments to levy an excise tax
3 of 3 percent on gross rentals for a month. We'll be
4 absorbing an Enterprise Rent-A-Car company with the
5 annexation.
6 Based on the activity of car rental
7 facilities in the area, we projected monthly revenue
8 of fifteen to two thousand. Similar to hotel/motel
9 excise tax, revenue can only be used for the promotion
10 of industry, trade, commerce and tourism, but unlike
11 the hotel/motel tax, we can self-administer those
12 funds without the -- without the third party of a
13 convention or trade bureau.
14 Dekalb like Chamblee, Dunwoody, Sandy
15 Springs, Johns Creek, like most people, Dekalb imposes
16 the rental-car tax. So the only thing that will
17 really change for Enterprise is the fact that they'll
18 remit to us on a monthly basis instead of Dekalb.
19 This is just a first reading, so if you have
20 any questions or suggestions, I will take those now.
21 MAYOR PITTMAN: Mr. Bates?
22 COUNCILMEMBER BATES: No. I've had my
23 questions answered. Thank you.
24 MAYOR PITTMAN: Ms. Pachuta? Mr. Patrick?
25 Ms. Fleming?

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1 COUNCILMEMBER FLEMING: Will these vehicles
2 be permitted as we do taxis?
3 MR. HOWE: No, ma'am.
4 COUNCILMEMBER FLEMING: What about rental of
5 limousines? What about rental of transport buses?
6 MR. HOWE: They only rent cars, ma'am.
7 COUNCILMEMBER FLEMING: You're specifically
8 talking about one location. We have a rental location
9 on Woodwin Road that rents both limousines, vehicles,
10 I believe, as well as buses.
11 MAYOR PITTMAN: Go ahead. What, Sandra?
12 CLERK BRYANT: I believe the Department of
13 Transportation regulates them. You're talking Atlanta
14 Limousine?
15 COUNCILMEMBER FLEMING: About what?
16 CLERK BRYANT: Atlanta Limousine.
17 COUNCILMEMBER FLEMING: I believe they're
18 called Northpoint.
19 MAYOR PITTMAN: Well, Atlanta Limousine is
20 in our city. It's in the office complex south of the
21 access road, Peachtree Industrial access road.
22 But this is a separate one that we're
23 getting in the annexation.
24 COUNCILMEMBER BATES: Well, does the -- does
25 the State law allow for the taxation of limousines and

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1 charter buses?
2 ATTORNEY McLENDON: I think you're talking
3 about different -- these are different areas. This is
4 a specific area which is the leasing of vehicles by
5 third parties at, you know, Enterprise or Hertz,
6 something like that. That's what's going to fall
7 under this.
8 Limousine regulations would be a separate
9 matter as well as taxi regulations. All of those
10 would sort of be in separate areas, and this would not
11 affect those.
12 COUNCILMEMBER FLEMING: Okay. But I noticed
13 that the way that this is written, that you are
14 limiting the number -- and though I don't have a page
15 here, but you are limiting the number of persons per
16 vehicle, and if I'm not mistaken, it was eight or nine
17 or something like that per vehicle.
18 And I personally contacted the location on
19 Woodwin Road for the bus to be used for our church
20 outings, and we were -- as long as we had a properly-
21 licensed driver, we were going to be able to rent the
22 bus for our purposes.
23 So I'm just trying to get, you know, some
24 indication here, is this just going to be for
25 automobiles or are we going to --

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1 ATTORNEY McLENDON: This would fit anything
2 that fit into that category. So if you had a van that
3 leased to a lot of people, whatever rental location
4 was operating and renting would --
5 COUNCILMEMBER FLEMING: Okay. So --
6 ATTORNEY McLENDON: -- fall under this
7 ordinance.
8 COUNCILMEMBER FLEMING: So my question,
9 then, would be why are you limiting the number of
10 passengers.
11 ATTORNEY McLENDON: I think, because what
12 you're going to do --
13 And I don't know the specific research on it
14 -- and Luke, if you do, feel free to dive in -- but I
15 think what you're dealing with is at a certain point,
16 it's going to move over the level of just sort of a
17 passenger vehicle and move into a common-carrier type
18 vehicle. You might require a special license, that
19 kind of thing. You know, not having had that
20 addressed, I could go and research that but I suspect
21 that's where you're going to see the break.
22 COUNCILMEMBER FLEMING: Okay. Then, where
23 did this ordinance come from?
24 ATTORNEY McLENDON: This ordinance is from
25 one we passed in Dunwoody, very similar. And if I'm

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1 correct, this is used in numerous locations.
2 COUNCILMEMBER FLEMING: Forgive me, Mr.
3 McLendon, but you're not sure where the break is of
4 persons?
5 ATTORNEY McLENDON: Yes. And Mr. Felgin
6 just showed me under Section O.C.G.A. 48-13-91, the
7 rental motor vehicle definition as promulgated by the
8 State specifically calls out 10 or fewer passengers,
9 so that's just --
10 COUNCILMEMBER FLEMING: Okay.
11 ATTORNEY McLENDON: -- here in State law.
12 COUNCILMEMBER FLEMING: Thank you.
13 ATTORNEY McLENDON: Uh-huh.
14 MAYOR PITTMAN: Ms. Dean?
15 COUNCILMEMBER DEAN: We have a couple of car
16 dealerships in Doraville. We have a Lexus dealership
17 at least, and I think another one; right?
18 In any event, do they rent cars, and if they
19 do, would this tax apply to them?
20 MR. HOWE: If they rent cars in a commercial
21 -- they're commercially-rented cars like an Enterprise
22 or a Hertz, then it's my understanding that it would.
23 We can examine -- we can do some research between now
24 and the second reading and get back to you with those
25 answers.

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1 COUNCILMEMBER DEAN: Yeah, and that would be
2 great to know if it --
3 Do you know, Cecil?
4 ATTORNEY McLENDON: My belief is that if
5 they are renting them out of the -- out of the
6 dealership in a traditional rental-car fashion, it
7 would probably apply to them.
8 COUNCILMEMBER DEAN: Okay.
9 COUNCILMEMBER FLEMING: Okay. Then we get
10 into possibly two occupational tax placards?
11 ATTORNEY McLENDON: No. They have a -- it
12 may be an ancillary use that they're operating.
13 COUNCILMEMBER FLEMING: I just want to make
14 a comment, one further comment, that I think that we
15 are -- I appreciate Mr. Howe going to the trouble of
16 trying to find us some additional revenue, but if
17 we're going to have to go to each and every auto
18 dealership here to determine whether they're renting
19 and then tell them that they have to have another
20 occupational tax placard to conform to our rental
21 policy, then I've got --
22 MAYOR PITTMAN: I'm not familiar --
23 COUNCILMEMBER FLEMING: I'm just --
24 MAYOR PITTMAN: -- with any. Jim Ellis used
25 to be in our city, and I am not familiar with

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1 Hennessy, Jim Ellis or any of those that rent. I
2 think they sell, they sell used car and they do long-
3 term leases. I don't know of them renting like they
4 do at Enterprise.
5 ATTORNEY McLENDON: Anyone that could under
6 the definition on this would likely have to comply
7 with this tax, and the burden would really be on then
8 to ensure they're compliant with the law.
9 COUNCILMEMBER DEAN: So if they don't ensure
10 that they're compliant with the law, then they can get
11 away with it?
12 ATTORNEY McLENDON: No. It becomes really
13 an enforcement issue at that point. If you went in
14 and discovered that somebody was not appropriately
15 complying, you would probably give them a warning, get
16 them to come in and resolve the matter, and if they
17 failed to, you would probably move to a citation.
18 COUNCILMEMBER BATES: Every car dealership
19 that I've ever dealt with, they will take you to a
20 rental-car agency to rent a vehicle. I don't know of
21 any rental car or any car facilities whether they be
22 used or new that will rent a vehicle off their lot.
23 That's not their business model.
24 If we get evidence otherwise, Ms. Fleming,
25 I'd be more than happy to look at it, but as of right

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1 now, I'm fine with moving forward with changing the
2 tax that Dekalb is currently collecting and migrating
3 it over to the City.
4 COUNCILMEMBER DEAN: We will come back the
5 second reading with the --
6 MR. HOWE: Second reading, yes, ma'am.
7 COUNCILMEMBER DEAN: -- answers; right?
8 MR. HOWE: Yes, ma'am.
9 COUNCILMEMBER DEAN: Great.
10 MAYOR PITTMAN: Okay. Thank you.
11 MR. HOWE: My second item is the current
12 annexation application fee. The adopted fee of
13 \$750.00, I'm asking Council to amend the fee schedule
14 to eliminate the fees for properties that an acre or
15 less.
16 And how this came to be is that one parcel
17 in particular -- and I'll show everybody -- got left
18 out of the annexation.
19 So if everybody can see, this little enclave
20 right here, it has been basically an island unto
21 itself since the 2008 Vinson study, Dunwoody's
22 incorporation in 2008. Our annexation was defined by
23 roads, so it was just mistakenly left out.
24 And we came to the conclusion that the best
25 way to solve the issue was just ask the owner to

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1 apply. And under State law, you can apply to become
2 part of a city. All it requires is adoption by the
3 council.
4 But at any rate, this properly is located at
5 4473 Tilly Mill Road. The business is Pull-A-Part.
6 It's a used auto-part dealer. I believe it used to be
7 KinderCare.
8 MAYOR PITTMAN: It is. It was.
9 MR. HOWE: At any rate, you know, we don't
10 think it's fair for him to have to pay a \$750 fee.
11 But a lot of cities make annexation through
12 application a part of their economic development
13 program. It's a very easy and cost-effective way to
14 grow your tax base. You know, we've talked to Collier
15 about potentially petitioning to come into the city.
16 Tower is another big revenue generator that is
17 contiguous with Honeysuckle Park. That's another
18 candidate. So we believe that, you know, you have to
19 sell these business on coming into the city, and it's
20 a tough sell anyway because they're going to pay a
21 slightly higher tax rate.
22 A \$750 application fee is not much of a
23 carrot. It costs us relatively little time. I think
24 our last -- you do have to run an ad to zone it. I
25 think our last ad was about 10 bucks.

1 So really, there's a few hours in preparing
 2 letters and material for the Council, but that's about
 3 it. And the ROI, the return on investment, as far as
 4 this property goes, they'll probably generate between
 5 seven and one thousand dollars a year in occupational
 6 tax revenue and another \$2,000 in property taxes, so
 7 the return on investment is there.
 8 So I would respectfully ask that the Council
 9 just eliminate the fee altogether for properties that
 10 are under an acre.
 11 MAYOR PITTMAN: Okay. Mr. Bates?
 12 COUNCILMEMBER BATES: No questions.
 13 MAYOR PITTMAN: Ms. Pachuta?
 14 COUNCILMEMBER PACHUTA: No.
 15 COUNCILMEMBER PATRICK: No.
 16 MAYOR PITTMAN: Ms. Fleming?
 17 COUNCILMEMBER FLEMING: No.
 18 MAYOR PITTMAN: Ms. Dean?
 19 COUNCILMEMBER DEAN: No.
 20 MAYOR PITTMAN: Do you need a motion?
 21 MR. HOWE: Need a motion to amend the fee
 22 schedule eliminating the annexation application fee
 23 for properties that are an acre or less.
 24 COUNCILMEMBER BATES: So moved.
 25 MAYOR PITTMAN: Do I get a second?

1 doing is within that scope, which really does not need
 2 to be changed unless you decide you want to go
 3 someplace any further, and we're getting kind of land-
 4 locked.
 5 COUNCILMEMBER DEAN: But it's defined
 6 somewhere in there; right?
 7 MR. COOLEY: It is in the Charter, yes,
 8 ma'am.
 9 COUNCILMEMBER DEAN: Okay. That's it. I'm
 10 fine.
 11 MAYOR PITTMAN: That's okay. Thank you.
 12 Call the roll, please.
 13 CLERK BRYANT: Councilmember Bates?
 14 COUNCILMEMBER BATES: Yes.
 15 CLERK BRYANT: Councilmember Dean?
 16 COUNCILMEMBER DEAN: Yes.
 17 CLERK BRYANT: Councilmember Fleming?
 18 COUNCILMEMBER FLEMING: Yes.
 19 CLERK BRYANT: Councilmember Pachuta?
 20 COUNCILMEMBER PACHUTA: Yes.
 21 CLERK BRYANT: Councilmember Patrick?
 22 COUNCILMEMBER PATRICK: Yes.
 23 MAYOR PITTMAN: Thank you.
 24 MR. HOWE: Thank you.
 25 MAYOR PITTMAN: Thank you, Mr. Howe.

1 COUNCILMEMBER PATRICK: Second.
 2 MAYOR PITTMAN: Discussion?
 3 COUNCILMEMBER DEAN: I do have one question.
 4 I have heard and I have noticed to be true that the
 5 boundaries in our Charter, our boundaries are not
 6 accurately written. Is that true, do you know?
 7 Anyone?
 8 MR. HOWE: Excuse me. If they are --
 9 MAYOR PITTMAN: Go ahead.
 10 MR. HOWE: And --
 11 COUNCILMEMBER DEAN: But the bottom line is
 12 when the annexation occurs, then the correct legal
 13 description is going to be put in the Charter,
 14 correct?
 15 MR. JOE COOLEY: The Charter actually
 16 identifies the potential area the City can incorporate
 17 at some point. It's not actually defining the city
 18 limits as such. So this is within the area that's
 19 within the Charter.
 20 If you wanted to go beyond the scope of what
 21 the Charter shows -- and it shows all the way up and
 22 down Buford Highway and a lot of other things, but if
 23 you wanted to go beyond the scope that's in the
 24 Charter, then you would have to amend the Charter.
 25 But at this point, everything that we're

1 Next is our finance department, Ms.
 2 Ferguson, to discuss Auditing Service Contract and the
 3 Retirement Plan Redesign Process.
 4 MS. FERGUSON: When we did the budget back
 5 in June, we decided that we were going to go out for
 6 an RFP for auditing services.
 7 We put that out; we got back two responses.
 8 I went through both of them and evaluated the staffing
 9 that they proposed and the number of hours that they
 10 proposed and the methodologies, and they were both
 11 very similar, and we would be equally served to choose
 12 either one of them.
 13 So we went to an analysis of the pricing,
 14 and the pricing from Mauldin & Jenkins is signifi-
 15 cantly less than it is for Clifton, Lipford, Hardison
 16 & Parker, so I'm requesting that we approve the award
 17 of the contract to Mauldin & Jenkins. It's a three-
 18 year term, one year renewable two times.
 19 MAYOR PITTMAN: Okay. Mr. Bates, questions?
 20 COUNCILMEMBER BATES: No. Thank you for the
 21 analysis. That was helpful.
 22 MAYOR PITTMAN: Ms. Pachuta?
 23 COUNCILMEMBER PACHUTA: No.
 24 MAYOR PITTMAN: Mr. Patrick?
 25 COUNCILMEMBER PATRICK: No.

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1 MAYOR PITTMAN: Ms. Fleming?
 2 COUNCILMEMBER FLEMING: Do you recall what
 3 our previous auditor's cost was?
 4 MS. FERGUSON: Twenty-seven thousand.
 5 COUNCILMEMBER FLEMING: Thank you.
 6 MAYOR PITTMAN: Ms. Dean?
 7 COUNCILMEMBER DEAN: No.
 8 MAYOR PITTMAN: Do I get a motion?
 9 COUNCILMEMBER BATES: Make a motion to adopt
 10 or to award the contract to Mauldin & Jenkins.
 11 MAYOR PITTMAN: Second?
 12 COUNCILMEMBER DEAN: Second.
 13 MAYOR PITTMAN: Discussion?
 14 - - -
 15 (No response)
 16 - - -
 17 MAYOR PITTMAN: Call the roll, please.
 18 CLERK BRYANT: Councilmember Bates?
 19 COUNCILMEMBER BATES: Yes.
 20 CLERK BRYANT: Councilmember Dean?
 21 COUNCILMEMBER DEAN: Yes.
 22 CLERK BRYANT: Councilmember Fleming?
 23 COUNCILMEMBER FLEMING: Yes.
 24 CLERK BRYANT: Councilmember Pachuta?
 25 COUNCILMEMBER PACHUTA: Yes.

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1 CLERK BRYANT: Councilmember Patrick?
 2 COUNCILMEMBER PATRICK: Yes.
 3 MAYOR PITTMAN: Okay. Thank you.
 4 MS. FERGUSON: The second agenda item that I
 5 have is the Retirement Plan Redesign Process. And
 6 David Griffin is here; he's going to do a short
 7 presentation for you.
 8 MAYOR PITTMAN: Thank you.
 9 MR. GRIFFIN: And I have these slides.
 10 Nice to see all of you.
 11 MAYOR PITTMAN: Thank you.
 12 MR. GRIFFIN: I hope you all had a wonderful
 13 Thanksgiving.
 14 I've got these slides that I can plug in for
 15 the screen or I believe you have them in your packet
 16 if we just want to work from there.
 17 What I wanted to do is give you a quick
 18 update as far as where we are with the retirement plan
 19 installation and then where we're going from an
 20 actuarial evaluation standpoint for year-end and then
 21 the redesign studies that are underway.
 22 Been working very closely with Lisa to have
 23 the 401 and the 457 programs designed and implemented
 24 for a 1/1 start date, so those are all executed and
 25 going to be ready for our use after the first of the

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1 year.
 2 As all of you know, the pension plan, the
 3 defined benefit piece moved over on the first of
 4 August. It has been a very smooth transition. All
 5 benefit payments have been on time. Actually, we had
 6 one problem with them being a day early, so I've been
 7 very pleased with the overall administration so far.
 8 And I've been working with the team of
 9 McCready & Keene as well as the folks at OneAmerica to
 10 come up with some different ideas to start thinking
 11 about some solutions as we look forward to the year
 12 end when we're going to have the actuarial evaluation,
 13 and we're going to be able to actually take a look at
 14 some numbers of what potential cost impacts are as we
 15 move -- as we move toward the end of the year.
 16 COUNCILMEMBER PACHUTA: Can I ask a quick
 17 question?
 18 MR. GRIFFIN: Yes.
 19 COUNCILMEMBER PACHUTA: The 401 and the
 20 457 --
 21 MR. GRIFFIN: Yep.
 22 COUNCILMEMBER PACHUTA: -- what kind of
 23 enrollment period are we going to have? Is it going
 24 to be like quarterly or employees could just join in
 25 if they wanted to or --

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1 MR. GRIFFIN: Exactly right. The 401 and
 2 457. And how the two plans work: 457 is just
 3 employee money; 401-A plans are set up for the City to
 4 put in a match on behalf of the employee. So we'll
 5 have flexibility from a plan design document year-
 6 in/year-out with defined contribution, which is one of
 7 the nice flexibilities about the defined contribution
 8 side of retirement.
 9 But I believe the entry dates are quarterly.
 10 They're monthly or quarterly once people become
 11 eligible.
 12 COUNCILMEMBER PACHUTA: Okay.
 13 MR. GRIFFIN: But those two plans are going
 14 to be in place as far as the first of the year, and
 15 we're going to be scheduling enrollment and education
 16 meetings through Lisa with all of the employees very
 17 shortly.
 18 COUNCILMEMBER PACHUTA: Okay.
 19 MR. GRIFFIN: But everything's on time and
 20 on track there.
 21 On the defined benefits side, as I said,
 22 assets came over the first of August, and we've been
 23 running the plan as it was currently designed through
 24 GMEBS.
 25 One of the things that I've put in your

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1 packet today really isn't a proposal, really isn't
2 recommendations; it's just some of the ways that both
3 municipalities and private organizations are
4 addressing increasing costs in defined benefit
5 programs. And I thought these were good points to
6 share with you as we get toward the end of the year
7 and are going to be doing our actuarial evaluation.
8 We're going to be doing some studies as far
9 as hybrid defined contribution/defined benefit
10 programs, and I just want to share with you some of
11 the things that organizations are doing out there to
12 have a positive impact on funding costs for defined
13 benefit programs.
14 So in here, you'll see that there's
15 effectively four different very broad things that
16 organizations do with defined benefits.
17 COUNCILMEMBER DEAN: Excuse me.
18 MR. GRIFFIN: Yes.
19 COUNCILMEMBER DEAN: Could we put it on the
20 screen here?
21 MR. GRIFFIN: Yeah, absolutely. Absolutely.
22 I just -- I've got a flash drive; I just need to plug
23 it in.
24 And these four different items effectively
25 look at the least amount of impact to the most amount

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1 of impact. And of course we're going to be speaking
2 right now just about defined benefit. And the defined
3 contribution plan can always operate alongside these
4 four different options, if you will.
5 But like I said, not proposals, just these
6 are the things in the marketplace.
7 Currently the plan is at 17.2 percent of
8 pay. That was the actuarial assumption when we took
9 over the plan. So what we're going to be taking a
10 look at today, of course, is just different options in
11 the marketplace. And again, not necessarily
12 recommended or needed for the City; just to start the
13 conversation about what you can do with a defined
14 benefit.
15 If you stop new entrants from coming into
16 the plan, that's the first step of reducing future
17 exposure is having an option for defined contribution
18 rather than a defined benefit. Assuming we were to
19 not allow new employees into the plan, assuming
20 attrition of about 4 percent, our cost would decline
21 about 4 percent per year. So this the most nominal
22 type of change, it's also the slowest to implement,
23 but it does stop your long-term expense from gaining
24 more employees that are into the system, so to speak.
25 Employees that wouldn't be eligible for the

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1 defined benefit program then of course could be
2 eligible for the defined contribution, which is the
3 combination of the 457 and the 401-A which we'll have
4 flexibility to design and match different benefits of
5 other cities out there in the marketplace.
6 One other thing that you can do is cost of
7 living adjustments. One thing that a lot of different
8 cities nationwide have been looking at are having the
9 ability to look at COLA, which is your cost of living
10 adjustment, which is a benefit increase each year to
11 your folks that are currently on the plan. You
12 actually have the flexibility as a municipality for
13 Council to vote year-in/year-out on whether or not to
14 include a COLA for that particular year. So it gives
15 you exceptional flexibility with not very significant
16 impact to the benefits on the defined benefit program.
17 I had the actuaries take a look at what this
18 would do from an actuarial accrued-liability
19 standpoint, and it looks to save about 25 percent, so
20 that one's pretty significant. Again, not a recommen-
21 dation; I just want to share with you some of the
22 things out there that different cities in the world
23 are doing.
24 Freezing benefit accruals. I think these
25 are going to be a little bit more aggressive from a

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1 cost-saving standpoint. But in the private sector,
2 companies can freeze benefits currently. That means
3 if someone retires and you're taking -- or somebody
4 has several years to retirement and you take into
5 account salary increases every year, you can freeze
6 those salary increases from happening, so this is a
7 significant impact to the benefit, significant cost
8 reduction as well. I don't think we're in a position
9 where we want to consider this type of option. Again,
10 just want to share with you what's out there in the
11 marketplace.
12 And then the fourth option -- and these are
13 really the four different areas in defined benefit
14 programs where both private and public organizations
15 are making adjustment -- is plan termination.
16 Terminating a plan basically fully funds the
17 plan all at once, which allows you to have a cash
18 balance, and people can take that cash balance as they
19 see fit. Currently very expensive to do that. 20
20 million dollars is what it was -- 29 million dollars
21 is what it was looking like from an actuarial stand-
22 point when we last looked at it.
23 Now, these four options, as I said, we're
24 going to be taking a look at the end of the year and
25 running the actuarial assumptions as soon as 12/31

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1 happens. We've got the defined contribution plan set
2 up and ready to go for the 2013 plan year, and at this
3 point, we can start having conversations about things
4 that we want moving forward.
5 Of course the initial move for the defined
6 benefit program and the retirement programs was to
7 save some costs, streamline the plan and give some
8 flexibility to the City and participants moving
9 forward.
10 At the end of the day, what we'd like to
11 have is two plans side by side, the defined benefit
12 and defined contribution, provide choice to the
13 employee, provide some flexibility to the employer.
14 And I've got just some -- some different ideas that
15 I've got lined up to run these actuarial studies once
16 we have those 12/31 numbers back, and then we can --
17 we can revisit everything after the first of the year
18 and discuss what changes that you may want to
19 implement.
20 ---
21 (Councilmember Alexander arrives.)
22 ---
23 MR. GRIFFIN: From an administrative
24 standpoint, I was very pleased that we've had a pretty
25 significant reduction in administrative costs on

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1 running the plan as it is currently. Through the
2 first of this month, I think about \$20,000 in
3 administrative expense alone was saved through moving
4 the program, so I was very pleased to -- to run the
5 numbers and look at that.
6 So the plan has been running exceptionally
7 well just as it is, we do have some savings already.
8 But I just wanted to visit with you today, let you
9 know kind of where we are in the process and share
10 with you just some pie-in-the-sky type ideas.
11 With that, I'll take any -- any questions at
12 this point, or Lisa, if you've got any comments or
13 anything additional at this time.
14 MAYOR PITTMAN: And welcome, Ms. Alexander.
15 I know you just came in, but did you have anything you
16 wanted to --
17 COUNCILMEMBER ALEXANDER: No. I'm sorry.
18 Just try to catch up.
19 So do you want us to come back to us -- come
20 back to you with our ideas or --
21 MR. GRIFFIN: Well, I would like for each of
22 you just to take a few minutes and look at the
23 different options out there, and then when you have --
24 when all of you get together and kind of feel which
25 direction you want to go, just provide me some

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1 guidance, and I can provide that over to the actuarial
2 team and we'll start running the studies just to kind
3 of tailor-make what collectively we all want to see.
4 As I explained, these particular things that
5 I've presented here this evening aren't necessarily
6 recommendations for the City nor do I think we need to
7 do things as drastic as some of these measures. These
8 are just the options that are in the marketplace.
9 MAYOR PITTMAN: Mr. Bates? Ms. Pachuta?
10 COUNCILMEMBER PACHUTA: No. I mean I've
11 shared some of my ideas before. I mean our plan right
12 now, the multiplier we use is double --
13 MR. GRIFFIN: Yeah.
14 COUNCILMEMBER PACHUTA: -- what most cities
15 use.
16 MR. GRIFFIN: Uh-huh.
17 COUNCILMEMBER PACHUTA: I think double what
18 95 percent of the cities in the GMA plan use.
19 MR. GRIFFIN: Uh-huh.
20 COUNCILMEMBER PACHUTA: So that's my main
21 thing is we're --
22 MR. GRIFFIN: Sure.
23 COUNCILMEMBER PACHUTA: -- going back to a
24 multiplier that is --
25 MR. GRIFFIN: Yep.

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1 COUNCILMEMBER PACHUTA: -- consistent with
2 other cities.
3 MR. GRIFFIN: It's more reasonable with the
4 other cities, yeah.
5 COUNCILMEMBER PACHUTA: But then also maybe
6 coming up with some ideas if we freeze future or new
7 employees, which I believe is what Chamblee did a
8 couple years ago.
9 MR. GRIFFIN: Yep.
10 COUNCILMEMBER PACHUTA: Because right now,
11 we're at 10-year vesting schedule.
12 MR. GRIFFIN: Uh-huh.
13 COUNCILMEMBER PACHUTA: Maybe coming up with
14 some incentives for non-vested employees if they want
15 to move over immediately into like a 401 --
16 MR. GRIFFIN: Right.
17 COUNCILMEMBER PACHUTA: -- or 457.
18 MR. GRIFFIN: Right.
19 COUNCILMEMBER PACHUTA: We will give you
20 this if --
21 MR. GRIFFIN: This amount --
22 COUNCILMEMBER PACHUTA: -- you switch.
23 MR. GRIFFIN: -- you can put, exactly. And
24 similar to what Fulton County did. And they went
25 through a very significant process to do that. But

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1 that's certainly something that I want to include in
 2 our studies after the first of the year is what that
 3 would look like, what the timing would look like, what
 4 the short-term funding requirement would be to do it,
 5 to provide those cash balances, and then what the DC
 6 cost would be alongside that.

7 So we've got lots of different moving parts,
 8 but I certainly am -- I'm right on your same page, and
 9 I've got that request already in. And unfortunately,
 10 I thought that I would be able to have some -- some
 11 numbers to see what that looked like, but they said we
 12 got to wait for the 12/31 valuation because we've had
 13 a lot of movement in the group. We're having a lot of
 14 people retire right now. Just demographics. That's
 15 how it happens.

16 But I certainly will include that in my
 17 notes. And following today's meeting, if y'all have
 18 ideas for things that you want to filter back through
 19 me through the Mayor or through Lisa, you know, do
 20 that, and I certainly will include those on our -- on
 21 our -- on our marching orders for the actuarial team.

22 MAYOR PITTMAN: Thank you.
 23 Mr. Patrick? Ms. Fleming?
 24 COUNCILMEMBER FLEMING: I believe, if I'm
 25 not mistaken, we discussed the rate that we were

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1 presently funded, and I thought we were funded at 80
 2 percent?

3 MR. GRIFFIN: Yeah. Y'all are in a very --
 4 in a very good spot as far as other municipalities
 5 state-wide. Your funding percentage is pretty
 6 attractive, which is a -- which is a good thing.

7 You really want to keep that north of 75
 8 percent, and currently we're north of 75, so the
 9 overall health of the plan is very good. And like I
 10 said -- and Pam, that's a great point that you bring
 11 up, because the plan is well funded -- and, you know,
 12 some of the things up here are scary looking things
 13 from a benefit standpoint. And certainly I don't
 14 think we're there. I just wanted to share with you
 15 what's out in the market.

16 COUNCILMEMBER FLEMING: Okay. So my
 17 question would be, then, on the termination of the
 18 plan --

19 MR. GRIFFIN: Yep.

20 COUNCILMEMBER FLEMING: -- page, you've
 21 indicated that we might have to contribute as much as
 22 29 million dollars.

23 MR. GRIFFIN: Uh-huh.

24 COUNCILMEMBER FLEMING: So is that inclusive
 25 of the 80 percent that we've already got funded or,

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1 you know --

2 MR. GRIFFIN: That's on top of it. Quite
 3 expensive.

4 COUNCILMEMBER PACHUTA: I don't know that
 5 any one of us has recommended just completely --

6 MR. GRIFFIN: Absolutely --

7 COUNCILMEMBER PACHUTA: -- terminating --

8 MR. GRIFFIN: -- not.

9 COUNCILMEMBER PACHUTA: -- the plan.

10 MR. GRIFFIN: Absolutely not.

11 COUNCILMEMBER FLEMING: No, no, no, but
 12 that's not what I'm even commenting about. It's that
 13 if we're already 80 percent funded --

14 MR. GRIFFIN: Right.

15 COUNCILMEMBER FLEMING: -- why would we need
 16 -- Maybe I'm not understanding what our total --

17 MR. GRIFFIN: Right.

18 COUNCILMEMBER FLEMING: -- value is --

19 MR. GRIFFIN: Right.

20 COUNCILMEMBER FLEMING: -- but why would we
 21 then again need 29 million more dollars?

22 MR. GRIFFIN: Yep. Just funding the --

23 COUNCILMEMBER FLEMING: -- to terminate it?

24 MR. GRIFFIN: Based on the -- the long-term
 25 liability of all the people that are -- that have

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1 accrued benefits currently at the City and who are --
 2 who are receiving benefits currently, for all of the
 3 runout that that would incur.

4 I thought that number was surprising, too,
 5 so I certainly will circle the wagons with the
 6 actuarial team and have them reconfirm that number at
 7 year end just for our reference.

8 COUNCILMEMBER FLEMING: Well, and I --

9 MR. GRIFFIN: I thought that --

10 COUNCILMEMBER FLEMING: -- got 20 percent --

11 MR. GRIFFIN: -- number was high.

12 COUNCILMEMBER FLEMING: -- that were not
 13 funded right now is valued at roughly 29 million
 14 dollars is what you're telling me.

15 MR. GRIFFIN: Well, to fully fund the -- to
 16 fully fund the plan to terminate it if you were going
 17 to turn the entire plan right now into, effectively,
 18 annuities for all of the participants in the plan that
 19 have it, they're going to pay them for the rest of
 20 their lives, 29 million is what the figure that I was
 21 given based on your current metrics.

22 COUNCILMEMBER PACHUTA: Yeah. And I think
 23 part of the problem is when we doubled the benefits in
 24 2001, we made it retroactive to all employees. So we
 25 have not been contributing at that doubled rate for

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1 anyone who retired that had been working prior to
2 2001, but yet we're paying them double benefits. So
3 we have to play catch-up for all of those people we
4 grandfathered into the doubled pension rate.
5 MR. GRIFFIN: And Pam, that number would be
6 1/1/2012 number, so that number certainly can change
7 by the end of the year. So I'll apprise the Council
8 when I have the actuarial team finish everything up at
9 year end.
10 COUNCILMEMBER FLEMING: Okay. And the other
11 comment that I had in regards to this presentation is
12 that in reading this, you stated -- and I'm using
13 "you" being your company --
14 MR. GRIFFIN: No, no problem.
15 COUNCILMEMBER FLEMING: -- has stated that
16 you nor McCready & Keene are legal advisors.
17 MR. GRIFFIN: Uh-huh.
18 COUNCILMEMBER FLEMING: And so --
19 ATTORNEY McLENDON: Right.
20 COUNCILMEMBER FLEMING: There you are.
21 ATTORNEY McLENDON: I will have remained
22 your legal advisor.
23 COUNCILMEMBER FLEMING: Is Riley McLendon --
24 have you dealt with retirement plans or will we need
25 to go out and get another firm like we have on some of

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1 our other ordinances?
2 ATTORNEY McLENDON: I think we have
3 established the plan in Sandy Springs. I think I
4 worked with Mr. Griffin as we --
5 MR. GRIFFIN: Uh-huh.
6 ATTORNEY McLENDON: -- put that together and
7 once as we migrated that plan, so I have some
8 familiarity with it.
9 I will also tell you that it is something
10 you don't wade into lightly. And, you know, as a city
11 attorney, I'm going to work with the plan attorneys as
12 well as the experts who you have brought in to monitor
13 and work with your plan. So I would be working in
14 conjunction with them. Certainly not going to tell
15 them what the law is on that. We will work together
16 on that.
17 COUNCILMEMBER FLEMING: But I would want you
18 to take the role of advising the City, Mayor and
19 Council as to what would be the best -- you know, the
20 best policy for us.
21 ATTORNEY McLENDON: As to the legal issues,
22 I would do that. Policy issues would be your purview,
23 but certainly on the legal issues, that's exactly what
24 I would do.
25 COUNCILMEMBER FLEMING: Okay. So we will

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1 not have to acquire or go out for RFP for anybody else
2 for legal services for this.
3 ATTORNEY McLENDON: Not that I would be
4 aware of.
5 COUNCILMEMBER FLEMING: Okay. Thank you
6 very much.
7 MAYOR PITTMAN: Ms. Dean?
8 COUNCILMEMBER DEAN: Well, I'm glad -- you
9 said a couple of things that -- no. I surprisingly
10 got a couple of calls on this item.
11 The education on this program, and the fact
12 that you said that there are a number of employees
13 retiring, because I've had a couple of calls
14 expressing confusion and concern because they don't
15 know where their money is and they're not sure how it
16 is guaranteed to be secured.
17 So you said that you're going to have some
18 educational --
19 MR. GRIFFIN: Well, and the education is
20 really -- is tied more to the defined contribution
21 side right now than the defined benefit, because the
22 defined benefit up to this point hasn't had any change
23 whatsoever. All that we've really changed is where
24 the check is coming from for the participant. So each
25 participant, whether they were on ETF or whether they

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1 were on hard copy check, we just worked very closely
2 with the team to make sure that those payments didn't
3 miss a beat and were on the exact same day, exact same
4 cycle as previously so as not to create any concern
5 with the participants.
6 If we go down the path of having a DB plan
7 along a DC side and have some options as far as cash
8 balances into those accounts and what the options are
9 and what the new design option might be under defined
10 contribution, it will be a very involved education
11 process with the employees which I personally will be
12 involved in with the employees one on one.
13 The police chief had reached out to me
14 because he had a couple people with questions, and
15 they've kind of made their way to me. So certainly
16 the employees are welcome to reach out to me if
17 there's any questions or concerns.
18 And at this point, I think it's very
19 important for all the employees just to understand
20 that there haven't been any changes to the plan, just
21 changing the administrator that's -- that's cutting
22 the checks to the employee.
23 COUNCILMEMBER DEAN: Okay. So you're
24 working with the department heads. And I mean I would
25 like to see their responsibility to communicate with

1 the employees --
 2 MR. GRIFFIN: Absolutely.
 3 COUNCILMEMBER DEAN: -- because there were a
 4 couple of things, and -- okay.
 5 MR. GRIFFIN: And certainly any employees
 6 that have any level of discomfort, you know, we
 7 certainly want them to make their way to me so I can
 8 talk to them. And the folks that I've talked to have
 9 been, you know, very understanding once they under-
 10 stand what's going on.
 11 COUNCILMEMBER DEAN: Okay. And the other
 12 thing is so if we don't allow new employees to
 13 participate in that plan, then they will participate
 14 in another less generous plan. Is that what you were
 15 saying?
 16 MR. GRIFFIN: They can participate in a new
 17 plan, which the plan design and whatever the matching
 18 contribution from the City is is completely up to the
 19 City.
 20 I've worked with several different munici-
 21 palities that are just on defined-contribution-only
 22 plans, and I certainly can provide some counsel as far
 23 as what those benefits are if you want to compete with
 24 those different organizations.
 25 The downside, from a cost standpoint, when we

1 introduce the plan, the DC plan next to the DB plan
 2 initially is you can actually see a slight increase in
 3 cost because where we're waiting for attrition on the
 4 DB plan, we immediately have increased costs in the DC
 5 plan, and it takes a little bit for that to come to
 6 the wash. So it's very important that as we consider
 7 plan design in general, that's something that we need
 8 to be wary of because you can see a short-term bump in
 9 cost.
 10 COUNCILMEMBER DEAN: And you'll express all
 11 of this and also provide opinions, right --
 12 MR. GRIFFIN: Absolutely.
 13 COUNCILMEMBER DEAN: -- whenever you come
 14 back?
 15 MR. GRIFFIN: Absolutely. And the goal
 16 initially was always to, you know, have some flexi-
 17 bility of plan design, provide for the employees and
 18 move forward in something that's sustainable and
 19 provides a rich benefit for the employee. So we're
 20 looking at every different angle we can from a design
 21 standpoint and a legal standpoint to really -- you
 22 know, to achieve that.
 23 COUNCILMEMBER DEAN: Okay. To just confirm,
 24 there currently are no issues with the current
 25 transition of the retirement plan.

1 MR. GRIFFIN: I haven't seen really any,
 2 really any. I think there was a couple participants
 3 that had checks deposited to their account a day
 4 early, and we got a call on that because their money
 5 was actually in their accounts early.
 6 But I've tracked it every month and I get a
 7 report every month of every deposit made to every
 8 employee, and we confirmed that everything was smooth
 9 in that transition because that's -- that's the most
 10 critical part in transitioning a plan is those
 11 retirees that are getting a monthly payment. If it's
 12 off by a couple days, it creates real mayhem, so we
 13 pay very close attention to that type of thing.
 14 COUNCILMEMBER FLEMING: If there are any
 15 changes made to our retirement defined-benefit program
 16 or that we're considering changes, will your company
 17 be the ones that will be communicating to all the
 18 retirees?
 19 MR. GRIFFIN: Yeah.
 20 COUNCILMEMBER FLEMING: And all those that
 21 are prior to?
 22 COUNCILMEMBER PACHUTA: But there won't be
 23 any changes to any retirees.
 24 COUNCILMEMBER FLEMING: If we stop the COLA,
 25 it would.

1 MR. GRIFFIN: Yeah. There's -- there's
 2 certain changes that you can make if legally they pass
 3 muster that affect current retirees, and I don't think
 4 that is our goal whatsoever at this point, but those
 5 changes do exist in the market.
 6 COUNCILMEMBER BATES: When you come back
 7 with the actuarials, could you do an analysis for
 8 those employees that are not yet vested --
 9 MR. GRIFFIN: Yeah.
 10 COUNCILMEMBER BATES: -- those that are in
 11 the 1-to-9 range --
 12 MR. GRIFFIN: Yeah. That's what --
 13 COUNCILMEMBER BATES: -- and make a --
 14 MR. GRIFFIN: We're doing that a lot.
 15 COUNCILMEMBER BATES: -- make a recom-
 16 mendation --
 17 MR. GRIFFIN: Yeah.
 18 COUNCILMEMBER BATES: -- to us at cutoff
 19 point on when --
 20 MR. GRIFFIN: Yeah.
 21 COUNCILMEMBER BATES: -- where it makes
 22 sense to encourage employees to migrate over to a
 23 401 or 457 --
 24 MR. GRIFFIN: Right.
 25 COUNCILMEMBER BATES: -- and where it

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1 doesn't make sense to encourage.
 2 MR. GRIFFIN: Absolutely. And that's a
 3 significant piece, because for a lot of employees that
 4 are used to the defined-contribution world, having the
 5 opportunity to do that, to move a cash balance into a
 6 defined-contribution plan based on their personal set
 7 of circumstances, may be a very attractive option.
 8 But we've got to look, you know, from an
 9 administrative standpoint, a legal standpoint, and a
 10 long-term-cost obligation standpoint to the City
 11 what's going to make the most sense.
 12 But when we have the year-end data and we
 13 see who we're dealing with moving forward to 2013 and
 14 we run the actuarial assumptions based on our 2013
 15 year-end census, we'll have the opportunity to put
 16 together some -- some detailed studies to really set
 17 the course on -- on where y'all want to go.
 18 COUNCILMEMBER BATES: Great. Thank you.
 19 MR. GRIFFIN: Uh-huh.
 20 MAYOR PITTMAN: Okay. Anything else?
 21 ---
 22 (No response)
 23 ---
 24 MAYOR PITTMAN: Okay, sir. Thank you so
 25 much.

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1 MR. GRIFFIN: Thank you very much. Nice to
 2 see all of you.
 3 MAYOR PITTMAN: Thank you.
 4 Okay. Next on the agenda, public hearings.
 5 These items were carried over from last time.
 6 Text Amendment, OW Zoning District, Mr.
 7 Cooley.
 8 MR. COOLEY: Good evening, Mayor. As you
 9 said, this is a continuation of a public hearing from
 10 the last meeting. The public hearing was opened and
 11 then continued.
 12 One of the questions that came up were
 13 regarding the office uses and whether there were any
 14 restrictions upon that. What we did, staff went back
 15 and took a look at the restrictions that are also
 16 incorporated under the same element under the C-1/C-2
 17 and incorporated those into this; also taking into
 18 consideration things that were not -- took out a few
 19 things that were not consistent with office warehouse,
 20 you know, really wasn't consistent with the C-2, but
 21 it's uses you don't want to restrict in the OW.
 22 You will find that on the -- you did receive
 23 a revised ordinance. Within that, on page of 2 of 5
 24 under Section 1, the quote in italics basically -- and
 25 I will be glad to read those, but I'm sure you-all can

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1 read them if you like, but if needs to be, I can. But
 2 basically, it took out the very similar things that we
 3 were trying to avoid in the C-1/C-2 and make sure that
 4 they were not coming in as office uses within the OW
 5 because of the OW and the relationship to some of the
 6 residential areas in that part.
 7 I believe the applicant is here. We did run
 8 this past the applicant, this language, to see if the
 9 owner of the complex actually had any concerns or
 10 problems. Legal has reviewed it, and everyone seems -
 11 - from that end of it, seems to be fine with it.
 12 MAYOR PITTMAN: Thank you.
 13 Ms. Alexander?
 14 COUNCILMEMBER ALEXANDER: It looks like some
 15 of the verbiage is duplicated: body craft studio.
 16 MR. COOLEY: You're correct. Body craft
 17 studio is repeated on the 5th line and it's also on
 18 the third line.
 19 MAYOR PITTMAN: Anything else?
 20 COUNCILMEMBER ALEXANDER: No.
 21 MAYOR PITTMAN: Mr. Bates?
 22 COUNCILMEMBER BATES: Just want to be clear
 23 that this is adding an additional use in addition to
 24 the office warehousing that's currently permitted with
 25 the 51 percent warehousing requirement.

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1 MR. COOLEY: That is correct.
 2 MAYOR PITTMAN: Ms. Pachuta?
 3 COUNCILMEMBER PACHUTA: No.
 4 MAYOR PITTMAN: Mr. Patrick?
 5 COUNCILMEMBER PATRICK: No.
 6 MAYOR PITTMAN: Ms. Fleming?
 7 COUNCILMEMBER FLEMING: I realize that we
 8 cut and pasted, but we're permitting business office
 9 and professional office uses and then we're excluding
 10 about 30 or 40.
 11 MR. COOLEY: Yes, ma'am.
 12 COUNCILMEMBER FLEMING: You know, it's
 13 just -- I know that it's cut-and-paste, but it's -- we
 14 just shouldn't be writing an ordinance like that.
 15 MR. COOLEY: Given the general condition of
 16 the way our ordinance is written, I mean normally I
 17 would agree with you. I don't like to have
 18 exceptions. But given the way our ordinance is, this
 19 was the most efficient and consistent approach.
 20 MAYOR PITTMAN: Okay. Ms. Dean?
 21 COUNCILMEMBER DEAN: I have a question. I
 22 also had a question at the last hearing about the
 23 clause in the contract. Do we know yet? You said you
 24 would get that.
 25 ATTORNEY STEVE ROTHMAN: Good evening. I'm

1 Steve Rothman. I'm an attorney here on behalf of the
 2 property owner and applicant.
 3 They did check their deed, and there is no
 4 restriction in the deed on the use of the land in any
 5 way.
 6 COUNCILMEMBER DEAN: Okay, good.
 7 ATTORNEY ROTHMAN: And for what it's worth,
 8 we read this language, and it's perfectly in keeping
 9 with how they've been managing the property and how
 10 they intend to manage it. They weren't going to have
 11 palmistry and those kind of things here anyway. Thank
 12 you.
 13 MAYOR PITTMAN: Thank you.
 14 So we are --
 15 COUNCILMEMBER DEAN: And -- I'm sorry.
 16 MAYOR PITTMAN: That's okay. I'm sorry.
 17 COUNCILMEMBER DEAN: I have some questions
 18 for Mr. Cooley.
 19 MAYOR PITTMAN: Absolutely.
 20 COUNCILMEMBER DEAN: The other thing -- and
 21 this is a concern, a fairly big concern of mine that
 22 we, Doraville, is suffering from an image problem.
 23 There was an article in fact last week in the AJC
 24 saying that in fact "Small missteps turn back years of
 25 progress, which is what happened with Doraville's

1 quiet decision three years ago to no longer allow
 2 wholesale business," okay. That's inaccurate, but,
 3 again, this is the image that we have.
 4 MR. COOLEY: I don't know the article, who
 5 that was a quote of or anything. Was that something,
 6 a quote from the City staff --
 7 COUNCILMEMBER DEAN: Well, apparently --
 8 MR. COOLEY: -- or was that a quote from a
 9 person --
 10 COUNCILMEMBER DEAN: -- this reporter talked
 11 to someone in the City. I would assume it would have
 12 been our economic developer, but I don't know. I
 13 could give you the name of the reporter, but in any
 14 event, that's not my point.
 15 My point is is that we are suffering from an
 16 image problem, and if the perception is out there --
 17 and clearly it was in the paper -- that we no longer
 18 allow wholesale business by allowing office O1 -- I
 19 mean OI in an area that now allows wholesale -- this
 20 is where wholesale should be -- by cutting that back
 21 even if -- I mean if you were allowing that as well as
 22 OW.
 23 But I just think that if we are limiting
 24 more space for potential wholesalers -- we want to get
 25 them off of Buford Highway and into the areas where

1 they are legally zoned to operate -- then I think that
 2 might be a problem, because right now the image is,
 3 oh, we no longer allow wholesale.
 4 But if we get it out there that we do allow
 5 wholesale just in legally zoned areas, that might be
 6 something that we can get out and market and develop
 7 in our community, and we need to define ourselves, and
 8 I think that we're not doing that very well.
 9 MR. COOLEY: Well, wholesale is allowed in
 10 M-1 and M-2 --
 11 COUNCILMEMBER DEAN: Right.
 12 MR. COOLEY: -- and they are specific within
 13 the OW as part of the warehousing, that wholesale is
 14 allowed.
 15 COUNCILMEMBER DEAN: Well, exactly.
 16 MR. COOLEY: There was never any question to
 17 that.
 18 COUNCILMEMBER DEAN: No, and that's why I
 19 sent you the e-mail asking you how much of our city
 20 was allowed, and you couldn't provide me with that
 21 information. But that was what this was about, and I
 22 got that information.
 23 But that was -- I mean if we limit that
 24 amount, because it's still not as much -- if we say,
 25 okay, well, this is the area that was built for

1 this kind of business but now we are going to allow
 2 other uses as well even though these uses can go
 3 elsewhere in the city, then we are actually minimizing
 4 the land where wholesale can legally go, and that
 5 might be something to think about.
 6 Also, when you wrote this or when this was
 7 cut and pasted, kind of touching on Ms. Fleming, we
 8 have a list, and I copied it, of those things that
 9 are allowed and not allowed. I mean, for example,
 10 I'll just choose one here. Let's see. Public schools.
 11 Sorry. But there are pages and pages of sanitorium,
 12 schools, sorority house, substance house [sic] and
 13 treatment facility, reproductive donor clinic,
 14 religious retreat, restaurants, all these other
 15 things. I mean if we don't put that in there speci-
 16 fically, then are they allowed?
 17 MR. COOLEY: The way that our Code is
 18 written, it's permitted uses; it lists all the
 19 permitted uses. In some places, for example, when it
 20 says office like in C-1 --
 21 COUNCILMEMBER DEAN: Sure.
 22 MR. COOLEY: -- we're proposing here, there
 23 are specific uses within that use that they're saying
 24 we do not want.
 25 COUNCILMEMBER DEAN: Okay.

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1 MR. COOLEY: And that's what was
2 incorporated in here.
3 Other than that, you have conditional uses,
4 which are only allowed by conditional use permits.
5 Other than that, they're not allowed unless --
6 COUNCILMEMBER DEAN: Well, because here's --
7 MR. COOLEY: -- it states.
8 COUNCILMEMBER DEAN: And here's the thing:
9 You say if it's a permitted use and/or if it's a
10 conditional use but it's allowed, and all of the rest,
11 everything else is not allowed. Right?
12 MR. COOLEY: Correct.
13 COUNCILMEMBER DEAN: So it seems like this
14 is kind of backwards if we say these are not allowed.
15 MR. COOLEY: I would not disagree with you
16 because -- but again, in this situation where the
17 category that was used in the Code didn't say retail
18 space, it said of- -- or whatever, and it said -- I
19 think it says business offices and retail.
20 The way it was done originally is difficult,
21 is probably the best way to put it, and -- but there
22 were specific -- apparently when this was passed in
23 2008, there were specific uses which were identified
24 here that the Council felt were not -- they did not
25 want to see and were not -- maybe not didn't want to

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1 see but were not appropriate in these zoning
2 districts. And as such, they wanted to make it clear
3 that those were not allowed uses.
4 You know, there is kind of a built-in
5 contradiction there saying, "We allow all this but we
6 don't allow this," and you could start to make the
7 argument, "Well, you didn't list it as a negative."
8 That's the way -- why it's in her is it allows this,
9 but it says specifically these, not exclusively. So
10 you know, it's not the best way to do it but it works.
11 COUNCILMEMBER DEAN: Yeah, but we should
12 like go for the best way to do it because this is --
13 MR. COOLEY: Well, we've got to be
14 consistent with our Code. I mean you won't find
15 anybody more of a proponent of rewriting this Code
16 than me. There are contradictions in it, the trying
17 to list every little thing. And one of the good
18 examples, I think, it lists land planning offices.
19 They're allowed in one of the codes. Doesn't list
20 architects, doesn't list landscape architects. So
21 technically, you know, unless they're going to
22 practice land planning at the same time, they're not
23 allowed. You know, it's the tire -- retail tire
24 store, but you can't install tires.
25 There's a lot of things in this Code that

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1 need work. There's no question about it, and I think
2 every Council member identifies, knows that and is
3 aware of it.
4 Right now what we're trying to do is address
5 a specific situation related to this property because,
6 as you know, there's a second application here. There
7 are two ways of approaching this: one would be to do
8 a text amendment, OW, which is what staff's recommen-
9 dation is as far as that goes, and that was also the
10 Planning Commission's unanimous. In fact, they
11 wouldn't even vote on the other portion because they
12 didn't want to even go there, of doing a rezoning.
13 It's the preferred method at this point. We
14 are working on the Smart Code. Hopefully, that's
15 going to -- I mean that's something you-all will be
16 looking at; hopefully, a lot of this stuff can be
17 resolved out through that. I've already talked to
18 Caleb about, you know, there are specific things that
19 need to be excluded out, but how do we do it where we
20 don't get into a situation where it's not clear that
21 this is all that's excluded. You're better to say all
22 this or all that, I mean you know, excluded or not
23 allowed: allowed/not allowed.
24 Yeah, I don't disagree with you at all.
25 COUNCILMEMBER DEAN: Well, I mean the thing

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1 is is that if we are in here right now doing this,
2 changing this language, I mean why not just include
3 everything that we don't want?
4 MR. COOLEY: Well, I mean certainly you
5 could -- you don't want to include everything you
6 don't want, but under offices --
7 COUNCILMEMBER DEAN: Uh-huh.
8 MR. COOLEY: -- what was typically in the
9 Code has been specifically said what you do not want
10 to be considered office uses, had them listed out, and
11 that's what you've got here.
12 I mean you certainly can add, delete, do
13 whatever you wish with it, but it's not my recommen-
14 dation to try to list out --
15 COUNCILMEMBER DEAN: Right.
16 MR. COOLEY: -- every use, because you will
17 always miss something.
18 COUNCILMEMBER DEAN: All right. And if we
19 do this, why would we do this rather than changing the
20 list of conditional uses and then have the applicant
21 come up and ask for a conditional use of the property?
22 MR. COOLEY: That would be another approach
23 to it: you could amend it to make these conditions.
24 But what you do want to do within this
25 portion, either we have to redefine in our entire Code

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1 what professional office or business offices and
2 professional offices are, because right now we say
3 retail is included in that. You would have to go back
4 through and do it for the entire Code.
5 This is consistent with our existing Code.
6 I think it's smarter. I mean otherwise, you're going
7 to create inconsistency here and there, and then you
8 get into more trouble.
9 COUNCILMEMBER DEAN: Well, I mean that, I
10 think, is very -- And Mr. Patrick, you live there,
11 right?
12 I mean it's just such a nice development.
13 MR. COOLEY: Certainly.
14 COUNCILMEMBER DEAN: And that is what it was
15 meant to be used for. If we change it to office use,
16 for example, there are a lot of other conditions that
17 go along with that: for example, parking. Parking
18 for an office, for example, may be more than parking
19 that is allowed for a warehouse.
20 MR. COOLEY: Actually, their site plan meets
21 if it was all office. The only thing we'd want to
22 check is if they converted the warehouse into office,
23 and they would have to do that. If they were to come
24 in and, for example, this was put in place and they
25 come in for building permits because they want to

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1 convert part of the warehouse into office, part of the
2 review is, okay, is there sufficient parking for that?
3 And if they do that, they're going to probably hit
4 some point where they're not going to be allowed to
5 have any more offices purely because of that: because
6 of the number of parking spaces. But that's done
7 through the building-permit review portion when you're
8 converting.
9 COUNCILMEMBER DEAN: Okay. All right.
10 Well, yeah. My concern, all my concern really is the
11 unintended consequences that will happen if we do
12 change the text amendment. I mean I would much prefer
13 changing the list of conditional uses than -- But
14 okay. Thank you.
15 MAYOR PITTMAN: Okay. So we open the public
16 hearing. That is what I was going to ask a second ago
17 just to make sure.
18 Okay. At this time, we're going to open the
19 public hearing portion. Those wishing to speak for,
20 please come forward and state your name. Limit 10
21 minutes. That's 10 minutes total. So if you speak
22 for 10 minutes, no one else will get to speak.
23 So those wishing to speak for this please
24 come forward.
25 ATTORNEY ROTHMAN: Good evening. I'm Steve

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1 Rothman and I'm here on behalf of the property owner
2 and the applicant. I'm going to keep my comments very
3 brief. Really I'm going to address Councilmember
4 Dean's points there.
5 Please remember that we're not asking to
6 eliminate office warehouse. It will remain. It's
7 built as office warehouse. My client has owned it for
8 some time, aggressively markets the office warehouse
9 and has been unable to fill what's there, because
10 remember, office warehouse also has a minimum amount
11 of square footage of offices, so it's not a straight
12 wholesale deal here.
13 We're not allowed to just have, you know, a
14 big retail facility in here like a -- like a floor and
15 decor or, you know, Home Depot or something. It has
16 to be a warehouse with 25 percent of the floor area at
17 least being an office.
18 That window is a limited market. They have
19 aggressively tried to market it. What they're finding
20 is that -- because it looks like an office park, what
21 they're finding is that people want to use it for
22 offices.
23 They don't want to pay me to be up here to
24 get this. They would love to market it and have it
25 full of office warehouse. They don't want to spend

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1 the money on doing tenant improvements to convert some
2 warehouse space into an office. That's a whole
3 different occupancy -- the firewall ratings, the
4 installing plumbing for bathrooms. That's not what
5 they wanted to do. So there's no incentive for them
6 to run out and do that except for the invisible hand
7 of the market, I guess. But if there is a tenant
8 that's office warehouse that wants to go there, my
9 guys are going to jump on it, and so I wanted to keep
10 that in the balance.
11 We're just adding an extra use here that
12 allows us to make the property usable. In terms of
13 parking, what we've calculated -- and all I've done is
14 taken the total square footage and divided it by the
15 requirement for parking this was designed, it looked
16 like, to meet the parking requirement. If every
17 square foot of warehouse was converted to office, it
18 would have enough parking today, so nobody's going to
19 have to get a parking reduction or some variance in
20 order to put office there. It almost appears to me as
21 if it was designed, at least for parking, to hold that
22 capacity. So there won't be that problem at least
23 with this piece of property.
24 But with that, we would prefer, as you've
25 heard, if the Council sees fit, if this is approved, I

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1 will be up here and take one second and say, "I
2 withdraw the second application," whatever we do so
3 you can move along with tonight's agenda.
4 But this is the solution we see. In terms
5 of all the negative uses that are listed here, you've
6 got a broad category, business office and professional
7 office. It's pretty typical that I see in different
8 cities for people, if they have a broader definition,
9 that the city's experience is, "But we've got a
10 problem with palmistry," or, "We've got a problem with
11 fortune-telling," and enterprising lawyers can come in
12 and argue that a fortune teller is just an office, and
13 we don't want that. That's exactly what zoning is
14 for, and so people do it, and it's fairly -- I find it
15 everywhere I go, to tell you the truth, every juris-
16 diction.
17 And so we're perfectly comfortable that as
18 long as business offices and professional offices --
19 which is a pretty vague term, which is why we went
20 back for two weeks. Got this list of no-nos, but
21 otherwise, an actuarial office, all the things that we
22 can't think of today, you know, we can go forward with
23 the sense that as long as it's an office use as it's
24 commonly understood, then that would be allowed.
25 That's very acceptable to us, and we think it gives us

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1 the flexibility we need.
2 Thank you very much, and ask for your
3 support.
4 MAYOR PITTMAN: Thank you. Anyone else
5 wishing to speak for?
6 MR. ANDERSON: Stuart Anderson.
7 It seems this text-amendment procedure is
8 the most efficient thing, and it's desirable in the
9 effect that it's looking for and it's the most
10 efficient way to do this until -- in lieu of the
11 rewrite that Mr. Cooley is referring to. Thanks.
12 MAYOR PITTMAN: Thank you.
13 Anyone else wishing to speak for?
14 ---
15 (No response)
16 ---
17 MAYOR PITTMAN: Anyone wishing to speak
18 against please come forward. Again, 10 minutes; 10
19 minutes total. Anyone wishing to speak against?
20 ---
21 (No response)
22 ---
23 MAYOR PITTMAN: Okay. At this time, we're
24 going to close the public hearing portion.
25 I wanted to ask Ms. Gilman if she has any-

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1 thing she wanted to say on behalf of the Planning
2 Commission.
3 MS. CAROL GILMAN: No. I think you got our
4 recommendation in writing. Thank you.
5 MAYOR PITTMAN: Thank you.
6 Okay. Mr. Cooley?
7 MR. COOLEY: If the Council so desires and
8 decides to proceed with this as a text amendment as
9 opposed to going to the next for the review.
10 One of the things that there was discussion
11 also was about whether there would be a need for a
12 fee. As you know, the fee is in the fee schedule now
13 so it's not part of the ordinance. But staff has
14 recommended and has gone through, looked at the time
15 involved for a number of things for having a fee for
16 the first year and then a reduction for --
17 COUNCILMEMBER BATES: On the --
18 MR. COOLEY: Oh, excuse me. I'm on the
19 wrong one again. Geez. I'm getting ahead of myself
20 again. Sorry.
21 No. Basically, again, other than the body
22 craft studios, that's the only thing that I could see
23 that needs to be clarified, and that is a scrivener's
24 error. Just would be the second one in line, five
25 needs to be struck. And unless the Council has

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1 additional uses or anything that they would like to
2 see in this --
3 COUNCILMEMBER DEAN: Actually I do. And
4 there is, under OI, we have abortion clinics with all
5 medical personnel licensed. Maybe that could be
6 included. Assembly halls and community centers when
7 operated on a --
8 COUNCILMEMBER BATES: Those are not -- those
9 are not business office/professional uses. Those are
10 medical clinics, medical facilities.
11 COUNCILMEMBER DEAN: And so they did the
12 business offices under -- under OI; right?
13 COUNCILMEMBER BATES: No. This is OW,
14 Office Warehouse --
15 COUNCILMEMBER DEAN: Right, right.
16 COUNCILMEMBER BATES: -- permitted uses.
17 COUNCILMEMBER DEAN: Right.
18 COUNCILMEMBER BATES: Except for.
19 COUNCILMEMBER DEAN: This is the language
20 we're changing; right?
21 COUNCILMEMBER BATES: This is the language
22 that we're adding --
23 COUNCILMEMBER DEAN: Right.
24 COUNCILMEMBER BATES: -- to --
25 COUNCILMEMBER DEAN: And so I'm just saying

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1 with these, with these uses --
 2 So these are the only -- this is the only
 3 thing that we're adding; right?
 4 COUNCILMEMBER BATES: The language --
 5 COUNCILMEMBER DEAN: Here -- here's what I
 6 have for the uses in OI, right? all of this, right?
 7 Will you look at this, please, see what this
 8 is?
 9 COUNCILMEMBER BATES: But OI is a completely
 10 different zoning category.
 11 COUNCILMEMBER DEAN: Okay.
 12 COUNCILMEMBER BATES: So we're adding in
 13 under OW business and office, professional office uses
 14 only.
 15 COUNCILMEMBER DEAN: Okay.
 16 COUNCILMEMBER BATES: No medical clinics, no
 17 sorority houses.
 18 COUNCILMEMBER DEAN: Okay. All right.
 19 COUNCILMEMBER BATES: Those are not allowed
 20 under this proposed text amendment. This will only
 21 allow for a business and professional office excluding
 22 hypnosis and massage parlors and those --
 23 COUNCILMEMBER DEAN: All right. Okay.
 24 COUNCILMEMBER BATES: -- types of things.
 25 COUNCILMEMBER DEAN: Good. Okay. All

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1 right.
 2 COUNCILMEMBER BATES: I'll make a motion to
 3 adopt the text amendment for Section 93-908 to add in
 4 the additional permitted uses with the noted
 5 scrivener's error.
 6 MAYOR PITTMAN: Okay. Second?
 7 COUNCILMEMBER PATRICK: Second.
 8 COUNCILMEMBER PACHUTA: Second.
 9 MAYOR PITTMAN: Discussion?
 10 COUNCILMEMBER DEAN: Well, again, I think
 11 that it would be better served with conditional use,
 12 under a conditional use list. That's all.
 13 COUNCILMEMBER FLEMING: The comment I wanted
 14 to make was though I agree with Mr. Bates that's a
 15 medical term, but I also see that as a professional
 16 office also because we don't have a definition for
 17 quote/unquote professional office.
 18 MAYOR PITTMAN: Call the roll, please.
 19 CLERK BRYANT: Councilmember Alexander?
 20 COUNCILMEMBER ALEXANDER: Yes.
 21 CLERK BRYANT: Councilmember Bates?
 22 COUNCILMEMBER BATES: Yes.
 23 CLERK BRYANT: Councilmember Dean?
 24 COUNCILMEMBER DEAN: No.
 25 CLERK BRYANT: Councilmember Fleming?

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1 COUNCILMEMBER FLEMING: Yes.
 2 CLERK BRYANT: Councilmember Pachuta?
 3 COUNCILMEMBER PACHUTA: Yes.
 4 CLERK BRYANT: Councilmember Patrick?
 5 COUNCILMEMBER PATRICK: Yes.
 6 MAYOR PITTMAN: Okay. Thank you.
 7 MR. COOLEY: For clarification, this was
 8 second reading and the public hearing both.
 9 MAYOR PITTMAN: Thank you.
 10 So the next one?
 11 MR. COOLEY: The next we have is a
 12 continuation of the rezoning from OW to Office
 13 Warehouse, and I believe that the applicant may have
 14 something to say.
 15 ATTORNEY ROTHMAN: Good evening. My name is
 16 Steve Rothman, an attorney at law, 2949 Paces Ferry
 17 Road, and I'm here on behalf of the applicant, and we
 18 respectfully request that this application be allowed
 19 to be withdrawn if that's allowed under your
 20 procedure. Thank you.
 21 MAYOR PITTMAN: Okay. Cecil?
 22 ATTORNEY McLENDON: It's in the discretion
 23 of the Council whether they wish to allow the with-
 24 drawal of the application.
 25 COUNCILMEMBER ALEXANDER: Do we need to make

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1 a motion?
 2 ATTORNEY McLENDON: We would make a motion
 3 to allow the withdrawal.
 4 COUNCILMEMBER ALEXANDER: I make a motion to
 5 accept the request of the applicant to withdraw the
 6 rezoning request.
 7 MAYOR PITTMAN: Okay. Second?
 8 COUNCILMEMBER PACHUTA: Second.
 9 MAYOR PITTMAN: Discussion?
 10 COUNCILMEMBER FLEMING: Request to withdraw,
 11 but we do not refund fees. Thank you very much.
 12 MR. COOLEY: No, ma'am.
 13 MAYOR PITTMAN: Call the roll, please.
 14 CLERK BRYANT: Councilmember Alexander?
 15 COUNCILMEMBER ALEXANDER: Yes.
 16 CLERK BRYANT: Councilmember Bates?
 17 COUNCILMEMBER BATES: Yes.
 18 CLERK BRYANT: Councilmember Dean?
 19 COUNCILMEMBER DEAN: Yes.
 20 CLERK BRYANT: Councilmember Fleming?
 21 COUNCILMEMBER FLEMING: Yes.
 22 CLERK BRYANT: Councilmember Pachuta?
 23 COUNCILMEMBER PACHUTA: Yes.
 24 CLERK BRYANT: Councilmember Patrick?
 25 COUNCILMEMBER PATRICK: Yes.

1 MAYOR PITTMAN: Okay. Thank you.
 2 And I have a request for a break, so if we
 3 could take a 5-minute break, please.
 4 - - -
 5 (Brief recess)
 6 - - -
 7 MAYOR PITTMAN: Meeting come back to order.
 8 Next on the agenda is the text amendment to address
 9 Signs for Vacant Properties. Again, another carry-
 10 over.
 11 MR. COOLEY: That's correct. This is a
 12 continuation. The public hearing was opened and then
 13 continued, deferred to this date certain.
 14 Again, there's been some discussion on it.
 15 And I was way ahead of myself; I apologize. But
 16 basically what you have is language on the -- language
 17 proposed based upon Planning Commission recommen-
 18 dations and then it's also within the ordinance.
 19 There were a couple things that were
 20 questioned, though. There were still -- you saw some
 21 strike-outs that actually reduced some of the square
 22 footage of signs and things of this sort.
 23 I think there was still one question,
 24 though, that I don't believe the Council resolved with
 25 item number 4: all such signs shall be removed upon

1 to -- for Quality of Life to be able to go out and
 2 check it every once in awhile and make sure.
 3 At some point, we'll be in a position where
 4 we'll be able to easily identify dates when permits
 5 like this expire and it'll be coordinated, but at this
 6 point, it's kind of difficult.
 7 MAYOR PITTMAN: Okay.
 8 MR. COOLEY: I'd be glad to answer any
 9 questions you might have.
 10 MAYOR PITTMAN: Sure.
 11 Ms. Alexander?
 12 COUNCILMEMBER ALEXANDER: I think one of the
 13 questions that I brought up last time was regarding
 14 the percentage, and that's if you have a small
 15 property. And I think that was one of my concerns:
 16 you know, somebody that has three suites versus --
 17 MR. COOLEY: Right.
 18 COUNCILMEMBER ALEXANDER: -- Pinetree Plaza.
 19 MR. COOLEY: Right. And that's why I think
 20 there was -- there was discussion on that. I don't
 21 know if you'd get any public input on that in the
 22 continuation of public hearing, if there's anybody
 23 here that will -- you know, business owners that are
 24 interested in --
 25 COUNCILMEMBER ALEXANDER: I thought we --

1 the development obtaining a certain percent occupancy.
 2 Originally, it was suggested as 95 and then
 3 it went to 90, and the Planning Commission recommended
 4 75. And I know there was discussion from the Council
 5 at the last meeting about that, so that's one thing
 6 that I would assume that you would want to be
 7 addressing.
 8 And now that I've caught up with myself, the
 9 other thing on item 5 is whether there will be a
 10 renewal and application fee for this. Again, we did
 11 look at the amount of time involved. And there's more
 12 time initially involved on either of these, primarily
 13 the ones that how far back is the setback? because we
 14 do have to go out and verify that. Once that's done,
 15 that's something that's eliminated.
 16 But we did recommend -- and this would be
 17 adopted purely as a resolution, the change of the fee
 18 schedule, not part of the actual ordinance. But what
 19 we were suggesting was two seventy-five for the first
 20 year, and again, that was based upon the time for
 21 processing, site inspection, the initial site
 22 inspection and the measurements, and then reducing
 23 that for years after that to a hundred seventy-five,
 24 basically. And that covers the processing, site
 25 inspection but also review and enforcement for people

1 MR. COOLEY: -- addressing that.
 2 COUNCILMEMBER ALEXANDER: -- had talked
 3 about like a square footage or --
 4 COUNCILMEMBER BATES: Based upon the
 5 percentage of number of units. But I thought we
 6 talked about it being based upon the number of --
 7 MR. COOLEY: There were a --
 8 COUNCILMEMBER BATES: -- the number of
 9 units.
 10 MR. COOLEY: -- number of things discussed
 11 about different approaches. One was jacking it back
 12 up to 95. I think there were a couple of different
 13 alternatives, and that's a policy decision with
 14 Council.
 15 COUNCILMEMBER PATRICK: My question is is
 16 who's going to track this?
 17 MR. COOLEY: What aspect? All of it?
 18 COUNCILMEMBER PATRICK: Percentages.
 19 MR. COOLEY: It'll be difficult to interpret
 20 or -- but basically what would happen is -- and this
 21 is part of the fee; you need to have some additional
 22 fees for the renewal. You know, at that time, that
 23 would be the logical time for Quality of Life to take
 24 a look and figure out what the square-footage basis
 25 is.

1 COUNCILMEMBER PATRICK: So --
 2 MR. COOLEY: And it would also be a require-
 3 ment, we could make it a requirement within the
 4 renewal form for it, but again, it's going to need to
 5 be verified.
 6 COUNCILMEMBER PATRICK: So someone comes in
 7 January 1st and applies for this permit, and, in the
 8 meantime, they go ahead and occupy all their space,
 9 let's say with the exception of 10 percent. How do we
 10 -- how does the enforcement --
 11 MR. COOLEY: It would --
 12 COUNCILMEMBER PATRICK: -- happen?
 13 MR. COOLEY: -- be difficult unless -- With
 14 everything that's going on and everything the Quality
 15 of Life has to do, that would be extremely difficult
 16 for them to know unless they just happened to see it
 17 or are watching for something like that.
 18 I think really, in reality, the only time
 19 that it would probably have to be checked or would be
 20 thoroughly checked would be at the renewal period,
 21 which is one rationale for having a renewal as opposed
 22 to just an open no-fee approach.
 23 But yeah, that's -- that's like anything.
 24 It's difficult on an ongoing basis because there's no
 25 reporting data or anything that comes in about the --

1 the percentage of vacancies that we have in the city
 2 much less a building.
 3 COUNCILMEMBER PATRICK: And I guess just to
 4 follow up, we don't have some kind of software that
 5 tracks the commercial square footage available in the
 6 city?
 7 MR. COOLEY: No, sir, we don't.
 8 MAYOR PITTMAN: Ms. Alexander, did you have
 9 anything else?
 10 COUNCILMEMBER ALEXANDER: No. I just, you
 11 know. And to Councilmember Patrick's point, too, is
 12 who's going to be, you know, the 75-percent monitor?
 13 I guess my whole thing was you think about
 14 somebody that has four suites; three are full and
 15 one's vacant. Well, by this, he can't put up a for-
 16 rent sign because he's at 75 percent capacity. And I
 17 don't know how to make it, you know, more equitable.
 18 MR. COOLEY: I would hate to have to get to
 19 the point where we get it so complicated, though, that
 20 it's going to make it even harder to enforce. You
 21 know, that's my only concern, I suppose, about --
 22 I was thinking about, well, maybe we could
 23 say under a certain acreage we do this or that. But
 24 that's going to even make it more difficult. That's
 25 another loophole -- or not a loophole but another

1 thing that's going to have to be checked by Quality of
 2 Life.
 3 And to try to track -- I understand your
 4 point, which probably leads me to say that if that's
 5 the case, you probably need to be at a higher
 6 percentage as opposed to a lower percentage to take
 7 that into effect. But you know, this is --
 8 COUNCILMEMBER ALEXANDER: And the whole
 9 purpose of this language is to keep from somebody
 10 putting a sign up and just leaving it up?
 11 MR. COOLEY: It was to allow them,
 12 businesses that have basically --
 13 We don't allow for any additional signs for
 14 when there's properties vacant, so most properties
 15 will come in pretty close to max out their signage and
 16 their permanent --
 17 COUNCILMEMBER ALEXANDER: I meant --
 18 MR. COOLEY: -- signage.
 19 COUNCILMEMBER ALEXANDER: -- just the
 20 percentage.
 21 MR. COOLEY: The percentage?
 22 COUNCILMEMBER ALEXANDER: Yeah. What was
 23 the reason of including that language?
 24 MR. COOLEY: Just so it didn't run on
 25 forever. I mean that -- that could be struck, but

1 then don't have any way. Basically, you would be
 2 allowing additional signs on a permanent basis without
 3 any recourse or way of taking them -- taking them down
 4 or requiring them to come down without having to get
 5 into the whole compensation thing of property rights.
 6 ATTORNEY McLENDON: And that would basically
 7 make it a hundred percent occupancy, because there
 8 would be no vacancy; right?
 9 MR. COOLEY: That's correct.
 10 COUNCILMEMBER DEAN: I don't know -- I don't
 11 know this business so this question may be totally
 12 stupid, but when you -- when a company goes out
 13 seeking a place to conduct his or her business, I mean
 14 don't they usually go through a realtor or --? I mean
 15 do they drive down the street and say, "Oh, there's a
 16 for-rent sign. I'll check that out"? I mean how does
 17 that even work? Is that typical?
 18 COUNCILMEMBER BATES: I can answer that,
 19 because when we were looking at relocating our
 20 offices, we utilized a broker and we also drove
 21 through office complexes to look to see who was
 22 advertising as far as vacant space, so we did both.
 23 So as a first-hand experience, I can tell you that we
 24 did visit different office complexes to evaluate
 25 whether or not they were advertising vacancies.

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1 COUNCILMEMBER DEAN: Okay. And so you think
2 that's typical? You think that's typical?
3 COUNCILMEMBER DEAN: I would say that I'm a
4 normal business owner.
5 COUNCILMEMBER PACHUTA: If I recall, we
6 actually did that for Maria when we knew Maria's
7 office was thinking of relocating. We drove through
8 some areas to see if there were for-rent signs near
9 Doraville.
10 COUNCILMEMBER DEAN: Well, I had no idea.
11 That's why I asked. Okay.
12 COUNCILMEMBER BATES: Yeah. I think, in
13 fact, about three months ago, I had a owner contact me
14 and wanted to know if I know of any vacancies in one
15 area. And I happened to have seen a for-rent availa-
16 bility sign over near where we live, over in
17 Clearview, and I was able to provide them with that
18 contact information because it was there and I knew
19 it.
20 So I think there's value in having this as
21 an allowable use. It just becomes that question of
22 does it become a sign in perpetuity --
23 COUNCILMEMBER DEAN: Right.
24 COUNCILMEMBER BATES: -- or do we have some
25 restrictions on when does it come down, and certainly

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1 some of the maintenance.
2 COUNCILMEMBER DEAN: Well, the vacant sign
3 registry -- and I know I brought this up before, but
4 that seems to be, in other cities, a way to better
5 regulate, you know, when, you know. And they have to
6 come, and they register, and they have -- I've seen
7 some really great ones that cities use.
8 But it was my understanding from the last
9 time I brought this up that the problem with Doraville
10 is that we don't have the staff to keep it up. Was
11 that --
12 MR. COOLEY: Yeah. And I think you're
13 referring to -- if I'm not mistaken, to foreclosed
14 property registry as opposed to --
15 COUNCILMEMBER DEAN: Vacant.
16 MR. COOLEY: -- vacancies --
17 COUNCILMEMBER DEAN: Uh-huh.
18 MR. COOLEY: -- within a building.
19 COUNCILMEMBER DEAN: Right.
20 MR. COOLEY: Yeah. That's a different --
21 different critter altogether, but to answer your
22 question --
23 COUNCILMEMBER DEAN: Well, it's vacant --
24 MR. COOLEY: -- we are short-staffed.
25 COUNCILMEMBER DEAN: -- until it's leased;

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1 right?
2 MR. COOLEY: Beg your pardon?
3 COUNCILMEMBER DEAN: It's vacant until it's
4 leased. I mean once -- once -- I mean when it's
5 vacant, you're looking for a tenant; right?
6 MR. COOLEY: Correct --
7 COUNCILMEMBER DEAN: So is there --
8 MR. COOLEY: -- but it has not --
9 COUNCILMEMBER DEAN: -- some way that could,
10 you know, be facilitated?
11 MR. COOLEY: I suppose you could try to
12 develop some sort of continuing list like that.
13 Again, we don't have the capabilities at
14 this point. It would be tough to ties those together
15 with the foreclosed properties --
16 COUNCILMEMBER DEAN: Uh-huh.
17 MR. COOLEY: -- because that's -- that's a
18 totally different thing.
19 COUNCILMEMBER DEAN: Well, this, again --
20 and I said this before, also, I mean I think that
21 taking especially something as big as the Sign
22 Ordinance, because I know that we had workshops, and
23 to take it piece by piece by piece is not the right
24 way to do this.
25 I think that we should sit down, have

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1 another work session maybe the beginning of the year
2 when we have time, the holidays aren't in front of us,
3 and just sit down and have work sessions about this in
4 one big -- you know, talk about the Sign Ordinance,
5 period, because the vacant sign -- we can't regulate
6 the language on the sign anyway --
7 MR. COOLEY: Correct.
8 COUNCILMEMBER DEAN: -- and so it doesn't --
9 it just doesn't seem --
10 MR. COOLEY: Yeah. This was one of the two
11 that were time issues: one was the LED because there
12 was a moratorium, and this one was an enforcement
13 issue. So I think that's -- I think that was the
14 rationale originally to look at only these two pieces
15 of it at this point.
16 MAYOR PITTMAN: Since we've moved to this
17 end of the table again, Ms. Fleming?
18 COUNCILMEMBER FLEMING: Did you have any-
19 thing else, Mr. Patrick?
20 COUNCILMEMBER PATRICK: No.
21 COUNCILMEMBER FLEMING: Okay. First of all,
22 as I've made a comment before, I am very opposed to
23 restrictive vacancy requirements in that it's giving
24 up -- We've just had Mr. Bates comment about looking
25 for properties and seeing the signs. And that is

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1 their way to be able to advertise vacant properties,
 2 and that's part of our economic development in that we
 3 need to be promoting vacant properties, so I am
 4 opposed to that.
 5 Now, if we go to the point of having to
 6 permit them, I can see a permitting basis on the first
 7 go-round. But we don't even require additional annual
 8 permits monument signs or any other kind of sign, so
 9 I'm really definitely opposed to an annual renewal
 10 fee.
 11 And secondly or thirdly or however much
 12 further I talk, if we're going to be content neutral,
 13 you say it has to be content neutral even though the
 14 ordinance reads additional regulations for signs
 15 during vacancy --
 16 ATTORNEY McLENDON: Sure. This is --
 17 COUNCILMEMBER FLEMING: -- and --
 18 ATTORNEY McLENDON: -- going to --
 19 COUNCILMEMBER FLEMING: Okay.
 20 ATTORNEY McLENDON: Go ahead.
 21 COUNCILMEMBER FLEMING: So even though it's
 22 signs during vacancy and the guy says on his sign
 23 "free dry cleaning today," how are you going to do the
 24 75 percent or 80 percent or the 90 percent vacancy?
 25 MR. COOLEY: It would be based upon the

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1 number of vacancies within the building or on the
 2 parcel, so if there was a -- The landlord, whoever
 3 owns the parcel and is leasing this out, in theory,
 4 would have control of that, not the individual
 5 businesses.
 6 This is based upon the properties themselves
 7 as opposed to the businesses, so there would be
 8 regulation -- I mean control on that.
 9 But, you know, you're absolutely right. If
 10 the owner wanted to put out there "I love my dog
 11 Spot," that's fine, but if he ever got to whatever
 12 percentage basis, a hundred percent, 50 percent, what-
 13 ever, these signs come down.
 14 COUNCILMEMBER FLEMING: The --
 15 MR. COOLEY: They have no right in
 16 perpetuity, and that's -- that's critical.
 17 COUNCILMEMBER FLEMING: The opposition I
 18 also have is that you're indicating that it is content
 19 neutral.
 20 ATTORNEY McLENDON: This is content neutral.
 21 COUNCILMEMBER FLEMING: Well, personally, if
 22 we're going to go to the extreme of writing an
 23 ordinance that's going to allow signs during vacancy,
 24 it needs to state for lease or for sale. It doesn't
 25 need to say free dry cleaning today, I mean, because

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1 if we're going to allow them to promote their
 2 vacancies, then that's what it should say.
 3 ATTORNEY McLENDON: That wouldn't be content
 4 neutral. That would be something that could be
 5 challenged.
 6 COUNCILMEMBER PATRICK: So, then, essen-
 7 tially, if we adopt this --
 8 COUNCILMEMBER FLEMING: We're --
 9 COUNCILMEMBER PATRICK: -- they could put up
 10 another sign advertising anything they want on that
 11 property?
 12 ATTORNEY McLENDON: Absolutely.
 13 COUNCILMEMBER FLEMING: And there, to me,
 14 we're then giving them additional percentage from --
 15 from what we've already allowed them to have on their
 16 building, and I'm -- I'm totally opposed to that.
 17 MR. COOLEY: It is providing additional
 18 signs if there are vacancies on the property. No
 19 question about that; you're correct.
 20 COUNCILMEMBER FLEMING: So there you go.
 21 COUNCILMEMBER DEAN: And that's a good
 22 point, because if there is -- if we allow a certain
 23 percentage of signage and the facility is operating as
 24 something and then they leave, well, then, they could,
 25 as it stands now, I am assuming, use that sign space

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1 for -- for advertising the vacancy. Is that true?
 2 MR. COOLEY: As long as they have not
 3 reached their aggregate amount of signs, yes. And
 4 we've actually --
 5 COUNCILMEMBER DEAN: Well, if they put up
 6 one sign up, "Sam's Store," okay, you take out Sam's
 7 Store because Sam left and put up "For Rent."
 8 MR. COOLEY: Yeah. And again, it depends on
 9 the size, where it's located, etc.
 10 COUNCILMEMBER DEAN: Right, right, right.
 11 MR. COOLEY: Yes, you could do that.
 12 COUNCILMEMBER DEAN: Okay.
 13 MR. COOLEY: And what we've been doing,
 14 encouraging ones, especially larger centers that have
 15 vacancies, because we now make them take their old
 16 signs down and put a blank up there --
 17 COUNCILMEMBER DEAN: Right.
 18 MR. COOLEY: -- is use that area as -- you
 19 know. And it's been done. You will notice down the
 20 road, down Buford Highway, there's been several that
 21 have done that where they put the square footage for
 22 lease actually up on, you know, their big board, the
 23 tenant board, and --
 24 COUNCILMEMBER DEAN: Well, this is exactly
 25 why I think that a work session with all of the sign

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1 code in play is pretty important, because then we
 2 could talk about all the different aspects of it.
 3 Because this is one little piece, and if we look at
 4 one little piece and you have all this over there,
 5 when you finally put it together, the pieces might not
 6 match very well, which I think is the problem with
 7 what we already have.
 8 MR. COOLEY: Yeah. Well, that --
 9 MAYOR PITTMAN: Anything else down here?
 10 Ms. Pachuta? Mr. Bates?
 11 COUNCILMEMBER BATES: Well, I mean the
 12 question that we need to ask -- answer is do we want
 13 to allow businesses to put up temporary signages --
 14 signage when they have vacancy, understanding that if
 15 we allow them, they don't necessarily have to use the
 16 language "vacant." They could put up "Doughnut Sale
 17 in Suite A."
 18 COUNCILMEMBER DEAN: But if they have -- I
 19 mean I'm still not understanding. If they have a sign
 20 there anyway advertising whatever business is going to
 21 go there, why can't they just advertise --
 22 COUNCILMEMBER BATES: They could.
 23 COUNCILMEMBER DEAN: -- the vacancy?
 24 COUNCILMEMBER BATES: They could.
 25 COUNCILMEMBER DEAN: Right.

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1 COUNCILMEMBER BATES: This ordinance allows
 2 them --
 3 COUNCILMEMBER DEAN: Is allowing additional?
 4 COUNCILMEMBER BATES: -- additional.
 5 COUNCILMEMBER DEAN: Okay.
 6 COUNCILMEMBER BATES: Yeah, they could --
 7 they could take the existing --
 8 COUNCILMEMBER DEAN: So they'll have more
 9 signs.
 10 COUNCILMEMBER BATES: They could take an
 11 existing panel outside of the monument sign, they
 12 could take the existing wall sign down and convert
 13 them all to --
 14 COUNCILMEMBER DEAN: Okay. All right.
 15 COUNCILMEMBER BATES: -- "For Lease,"
 16 "Vacant," "Shop Here."
 17 MR. COOLEY: Yeah, that wouldn't be part of
 18 the aggregate area. The wall signs are something
 19 different, yeah.
 20 COUNCILMEMBER BATES: But as long as it
 21 didn't exceed the --
 22 MR. COOLEY: Right.
 23 COUNCILMEMBER BATES: -- the percent.
 24 MR. COOLEY: The only problem that I could
 25 see that you run into is when you get into a multi-

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1 tenant situation or if you have a multi-floor type of
 2 thing, some of the businesses' signs are based upon
 3 their 30 percent of their frontage of their unit,
 4 which relatively is a small sign.
 5 But that's the only drawback that I could
 6 see to it. It doesn't -- It might be more of a
 7 hindrance for small businesses or for the smaller. I
 8 don't know. That's just a thought.
 9 COUNCILMEMBER FLEMING: If I'm not mistaken,
 10 the reason why we are even addressing this is the
 11 right-of-way issues --
 12 MR. COOLEY: We were directed --
 13 COUNCILMEMBER FLEMING: -- if I'm --
 14 MR. COOLEY: -- to by Council.
 15 COUNCILMEMBER FLEMING: -- not mistaken.
 16 The right-of-way issues in that where for-lease/for-
 17 sale signs have been placed in the right-of-ways, and
 18 they should not be there. If I'm not mistaken, that's
 19 the reason for --
 20 MR. COOLEY: I --
 21 COUNCILMEMBER FLEMING: That was the --
 22 MR. COOLEY: I can't tell you about that.
 23 We were directed by Council to address this.
 24 I do know, though, right-of-way signs are
 25 not a problem because they are not legal to begin

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1 with. That's not an issue. They cannot be in the
 2 right-of-way, period.
 3 COUNCILMEMBER FLEMING: But that's -- but
 4 that's where --
 5 MR. COOLEY: That's an enforce- --
 6 COUNCILMEMBER FLEMING: -- the purpose of
 7 the ordinance is that we are trying to address an
 8 issue of noncompliance of placement of for-lease or
 9 for-sale signs that could have been -- and
 10 unfortunately, Chief isn't here right now, but could
 11 have been enforced properly because they were
 12 improperly placed in the right-of-way. Correct?
 13 MR. COOLEY: There were some, and they've
 14 been removed. Well, some have, but, you know, there
 15 was kind of a hold on it.
 16 But beyond that, though, you know, the
 17 banners is an issue, and right now, you know, you
 18 can -- it's so much per -- it's good for 10 days, I
 19 believe. 10 days or 15 days?
 20 CLERK BRYANT: 14.
 21 MR. COOLEY: 14. I was close.
 22 Yeah, two weeks. And then they renew, and
 23 this is part of that renewal thing. We do have
 24 renewal where they have to come in and pay another
 25 additional fee and things of that sort.

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1 So that was an issue making -- you know,
 2 leases don't fill in two weeks, properties don't, you
 3 know, especially in this market. So I think what the
 4 Council was trying to do was to give some relief to
 5 these properties to allow them to advertise in
 6 situations they could. That was my understanding. But
 7 again, that's you-all's policy.
 8 MAYOR PITTMAN: Okay. Is there anything
 9 else right now from Council?
 10 ---
 11 (No response)
 12 ---
 13 MAYOR PITTMAN: Okay. We are going to open
 14 the public hearing portion of this.
 15 Those wishing to speak for this, please come
 16 forward. Those wishing to speak for. Again, 10
 17 minutes, 10 minutes total. Anyone wishing to speak
 18 for.
 19 MR. ANDERSON: I never know -- Stuart
 20 Anderson -- never know whether to speak for or against
 21 some of these things relative to the way they're
 22 worded or presented, but I will say that you're
 23 creating something that's obviously, through the
 24 discussion very difficult to enforce, a complex
 25 situation. And I'll use the Halperns; he's here, one

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1 of their representative is here. The discussion is
 2 "For Rent" and signage -- let's back up -- signage
 3 percentage relative to a business.
 4 The Halperns own Pinetree Plaza. There's no
 5 reason the Halperns can't have a sign relative to
 6 their property sign and constantly leave it up,
 7 because it's their property and they're renting the
 8 property. That's their business. They should be able
 9 to have a sign that says, "We rent property."
 10 There's no -- right now, you're restricting
 11 signs or rentals on individuals' units or businesses.
 12 People that own property should be able to advertise
 13 property for rent. And that's their sign, and they
 14 should be able to have it up every year all the time
 15 because that's their business whether they're selling
 16 or giving away or whatever.
 17 This is, I apologize, but ridiculous.
 18 MAYOR PITTMAN: Anyone else wishing to speak
 19 for?
 20 MS. GILMAN: Carol Gilman, Northwoods.
 21 I was at the Planning Commission meeting
 22 when this was discussed and then I was at the Council
 23 meeting when we had the first initial discussion after
 24 it left the Planning Commission.
 25 Mr. Bates thought the 75 percent was too low

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1 a number, particularly with the centers who have just
 2 a few number of businesses, and considered 80 percent,
 3 and that seemed reasonable in the circumstances. And
 4 this in multi-tenant entities, primarily what we have
 5 in the city and along Buford Highway where we have a
 6 great amount of sign pollution.
 7 Following up the discussion between Mr.
 8 Bates and Ms. Dean, is someone looking to lease a
 9 property, a retail space, a wholesale space on Buford
 10 Highway going to ride up and down the highway or are
 11 they going to have a real estate agent or a referral
 12 from another business person? Are they going to look
 13 in trade mags, those kinds of things? Are they going
 14 to refer to their local or cultural newspapers or are
 15 they going to ride up and down the street?
 16 It was discussed in great detail about the
 17 percentage, the size of the sign, the placement of the
 18 sign. And we as a commission thought that we could do
 19 something to more appropriately inform the public that
 20 space was available and do something that would
 21 enhance the appearance and where we're trying to go
 22 with our business and commercial district, and the
 23 idea was promote business with fewer, more
 24 professional, infrequent signage.
 25 MAYOR PITTMAN: Thank you, Ms. Gilman.

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1 Anyone else wishing to speak for?
 2 ---
 3 (No response)
 4 ---
 5 MAYOR PITTMAN: Okay. Anyone wishing to
 6 speak against, please come forward. Anyone wishing to
 7 speak against.
 8 ---
 9 (No response)
 10 ---
 11 MAYOR PITTMAN: Okay. At this point, we're
 12 going to close the public-hearing portion, bring it
 13 back to Mr. Cooley and the Council.
 14 MR. COOLEY: Be happy to answer any
 15 questions. This is a second reading on this also.
 16 COUNCILMEMBER DEAN: I have a question.
 17 Oh, I'm sorry. Go ahead.
 18 MAYOR PITTMAN: That's okay. Go ahead.
 19 COUNCILMEMBER DEAN: Just to be perfectly
 20 clear, if this passes, we are going to allow
 21 additional signage on the businesses that are leasing
 22 or renting. Correct?
 23 MR. COOLEY: Assuming that there will be the
 24 condition upon a percentage, yes.
 25 COUNCILMEMBER DEAN: Okay. Right now, not

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1 passing this means that we are not allowing any
2 additional signage. They are able to use the signage
3 that they have already in place for the business that
4 will go there or that was there. Is that correct?
5 MR. COOLEY: The maximum aggregate of signs
6 other than the wall signs, you know, based upon the
7 parcel size, there's a maximum aggregate of the total
8 square footage which includes monument signs, pole
9 signs, any other type of signs like that.
10 The wall signs themselves are not allow- --
11 I mean are not incorporated in that figure and neither
12 are banners, temporary banners.
13 COUNCILMEMBER DEAN: And we talked about the
14 banners, I think, during our work session, and there's
15 no way to get a higher quality banner that doesn't --
16 MR. COOLEY: Well, again, the problem gets
17 to be the size of them, especially when you're way
18 back, how do you do that. You know, if you were to
19 manufacture that or to put that up in some permanent
20 material, number one, it would never happen, probably
21 because it would be cost prohibitive plus structurally
22 it'd be difficult.
23 That's one of the reasons that we felt that
24 it was necessary -- one of the rationales for having
25 just the annual renewal, so we can go out and take a

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1 look at it.
2 You know, in theory, on a continuing basis,
3 when we see a faded sign, you know, the face sign, a
4 ripped sign or something like that, through
5 maintenance, we can require them to take it down or
6 fix it.
7 But this, by having the annual, it just kind
8 of -- just like we were talking earlier, it gives a
9 fixed time when you can look at occupancy, when you
10 look at the signs. You know, my guess, it's going to
11 be a lot easier to look at the signs and see if
12 they're in bad shape as opposed to occupancy. I see
13 occupancy as being more difficult.
14 COUNCILMEMBER DEAN: Okay. And so
15 hypothetically -- and I'm sorry if I'm picking on this
16 -- I have a business. I have three signs that takes
17 the maximum allowable signage under our ordinance.
18 Okay.
19 Now, the business -- or I move out, and the
20 owner of the property comes in and they have the three
21 signs but now they're able to put one more sign in to
22 say "For Lease" or are they able to put "For Lease" or
23 "For Rent" on all four signs now? Or is that --
24 MR. COOLEY: Yep. Content neutral. We --
25 you know.

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1 COUNCILMEMBER DEAN: Right. We can't do
2 that. Okay.
3 MR. COOLEY: You can't say what it says.
4 COUNCILMEMBER DEAN: Okay. Okay.
5 MR. COOLEY: Unfortunate, but that's --
6 COUNCILMEMBER DEAN: Okay. Okay.
7 COUNCILMEMBER BATES: So let me see if I can
8 give an analogy that is current and relevant.
9 If we don't pass this -- and let's take the
10 old K-Mart property -- there would be -- they would
11 have two ways of marketing that property as being
12 vacant.
13 They could replace the K-Mart sign that's on
14 the pole sign. So they would have to get a sign
15 company to manufacture a sign facade and they would
16 have to get a sign permit from the City to replace
17 that sign and put up "For Lease." And they could take
18 the words "K-Mart" off of the front of the building
19 and replace that with an illuminated "For Lease" sign,
20 also getting a permit from the City.
21 What they can't do is put up a banner or a
22 temporary wood sign indicating that it is for lease
23 without getting a 14-day temporary --
24 MR. COOLEY: Permit.
25 COUNCILMEMBER BATES: -- permit which only

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1 renews once. So they would then be constrained to 28
2 consecutive days of marketing that property.
3 If we do pass this, then taking that same
4 building, they would be able to put up temporary
5 signage until 75 percent or 80 percent or whatever
6 number we come up with, of that property becomes
7 leased, and at that point in time, then all of their
8 temporary signage would need to come down.
9 Did I -- did I articulate the two options?
10 MR. COOLEY: It's a good analogy.
11 COUNCILMEMBER BATES: Okay.
12 COUNCILMEMBER DEAN: But if the K-Mart sign,
13 if the guy said, "Okay. I'm going to put a banner up
14 and cover the 'K-Mart'" --
15 COUNCILMEMBER BATES: They could not do
16 that.
17 COUNCILMEMBER DEAN: They could not do that.
18 COUNCILMEMBER BATES: They would have to get
19 a temporary two-week banner because we only -- banners
20 are covered under a temporary banner section within
21 the Sign Code that allows them to only be up for 14
22 days.
23 MR. COOLEY: For special events.
24 COUNCILMEMBER BATES: Special events banner.
25 And those are renewable once?

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1 MR. COOLEY: I believe that's correct.
 2 COUNCILMEMBER BATES: So they would be able
 3 to have that banner up advertising the space for 28
 4 days and then they're done. So if the property did
 5 not get leased within that 28-day time period, so
 6 sorry.
 7 So we do allow for temporary banners, but it
 8 is under some very strict restrictions, and you've got
 9 to get the big orange sticker that goes on it that you
 10 can see for seven and a half miles.
 11 COUNCILMEMBER FLEMING: Mr. Cooley, I want
 12 to ask one question and then I'll ask legal another.
 13 If, for instance, a suite in a shopping
 14 center is rented, it carries its own address, okay,
 15 and it has less than the square footage required or
 16 allowable of signage on their facade, then that suite,
 17 though it is rented already and is occupied, could put
 18 the balance of the allowable square footage for a sign
 19 on the requirements of this, of the setback.
 20 MR. COOLEY: They could put it -- you're
 21 talking wall signs now. They could put -- if they are
 22 allowed 90 square footage of signage based upon say
 23 they have 900 square foot of -- no, I'm sorry; it's 30
 24 percent; whatever their amount is that they're allowed
 25 -- and they do 10 feet smaller or 20 feet smaller or

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1 whatever, they have the opportunity to put additional
 2 signage up to meet that 20 percent or to meet that
 3 total 30 percent that they've got.
 4 COUNCILMEMBER FLEMING: On a pole --
 5 MR. COOLEY: No, ma'am. On --
 6 COUNCILMEMBER FLEMING: -- away --
 7 MR. COOLEY: -- the wall. On their wall.
 8 They could not take it and move it over here.
 9 See, the difference is the aggregate sign is
 10 based upon the parcel just like this is based upon the
 11 parcel. It's not based upon the individual units.
 12 It's the percentage of the parcel or the percentage of
 13 the building that is vacant that allows someone to put
 14 up a for-lease sign. It's not based upon each --
 15 No individual business, unless it's a stand-
 16 alone and it's totally vacant, would have the right to
 17 put up one of those signs.
 18 COUNCILMEMBER FLEMING: But a suite is only
 19 allowed to put up X-number of square footage based on
 20 the frontage of the suite. Is that not correct?
 21 MR. COOLEY: That is correct, and that is a
 22 wall sign. That is not the other sign that goes
 23 under the aggregate, which is the pole signs and the
 24 monument signs.
 25 COUNCILMEMBER BATES: And I don't mean to

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1 interrupt, Ms. Fleming, and correct me if I'm not
 2 understanding your question.
 3 I think what Ms. Fleming is saying is that
 4 if that individual suite is allowed we'll call it a
 5 hundred square feet of signage and they only use 50
 6 square feet of signage, could they use that additional
 7 50 square feet of signage somewhere else on the
 8 building to promote the property that is --
 9 MR. COOLEY: No. That wall sign is the 30
 10 percent of their space, and that's where it goes.
 11 COUNCILMEMBER BATES: Did I --
 12 MR. COOLEY: You can't take it and move it
 13 over here. It's not allowed.
 14 COUNCILMEMBER BATES: Ms. Fleming, did I --
 15 COUNCILMEMBER FLEMING: Yes.
 16 COUNCILMEMBER BATES: -- ask correctly?
 17 COUNCILMEMBER FLEMING: Yes, that's correct.
 18 You did.
 19 Okay. That was the question I had for you.
 20 Legal? As Mr. Bates pointed out, the
 21 banners are only good for 14 days, renewable maybe
 22 once or twice, and it's very expensive to get them.
 23 Can we not exempt vacant properties from
 24 that particular banner and/or other signs and just
 25 exempt from our current code instead of having to

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1 rewrite another whole thing?
 2 ATTORNEY McLENDON: It would require the
 3 language in one place or another.
 4 What you'd end up doing is going into that
 5 section and saying we would put a vacancy contingency
 6 into the banner section of the Code and it would be
 7 probably similar to the banner section of this.
 8 MAYOR PITTMAN: Anything else from Council?
 9 ---
 10 (No response)
 11 ---
 12 MAYOR PITTMAN: And what are your wishes?
 13 What would you like to do with this?
 14 COUNCILMEMBER BATES: I'll make a motion to
 15 adopt Section 14-12 with one correction. That would
 16 be under 2 (4), where it says 75 percent, to change
 17 that to 80 percent.
 18 COUNCILMEMBER ALEXANDER: Second.
 19 MAYOR PITTMAN: Okay. Discussion?
 20 ---
 21 (No response)
 22 ---
 23 MAYOR PITTMAN: Call the roll, please.
 24 CLERK BRYANT: Councilmember Alexander?
 25 COUNCILMEMBER ALEXANDER: Yes.

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1 CLERK BRYANT: Councilmember Bates?
 2 COUNCILMEMBER BATES: Yes.
 3 CLERK BRYANT: Councilmember Dean?
 4 COUNCILMEMBER DEAN: Yes.
 5 CLERK BRYANT: Councilmember Fleming?
 6 COUNCILMEMBER FLEMING: No.
 7 CLERK BRYANT: Councilmember Pachuta?
 8 COUNCILMEMBER PACHUTA: Yes.
 9 CLERK BRYANT: Councilmember Patrick?
 10 COUNCILMEMBER PATRICK: Yes.
 11 MAYOR PITTMAN: Okay. Thank you.
 12 COUNCILMEMBER BATES: And I will make a
 13 second motion to modify the fee schedule based upon
 14 the planning director's recommendation of \$275 for the
 15 first year and then \$175 for renewals.
 16 MAYOR PITTMAN: Okay. Do I get a second?
 17 COUNCILMEMBER ALEXANDER: Second.
 18 MAYOR PITTMAN: Discussion?
 19 COUNCILMEMBER FLEMING: Yes, discussion,
 20 definitely.
 21 Renewals, are we going to send out letters
 22 and tell them that they need to renew? How are we
 23 going to enforce that? I think we're just -- we're
 24 setting ourself up for failure on this. That's my
 25 comment.

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1 MAYOR PITTMAN: Okay. Call the roll,
 2 please.
 3 CLERK BRYANT: Councilmember Alexander?
 4 COUNCILMEMBER ALEXANDER: Yes.
 5 CLERK BRYANT: Councilmember Bates?
 6 COUNCILMEMBER BATES: Yes.
 7 CLERK BRYANT: Councilmember Dean?
 8 COUNCILMEMBER DEAN: Yes.
 9 CLERK BRYANT: Councilmember Fleming?
 10 COUNCILMEMBER FLEMING: No.
 11 CLERK BRYANT: Councilmember Pachuta?
 12 COUNCILMEMBER PACHUTA: Yes.
 13 CLERK BRYANT: Councilmember Patrick?
 14 COUNCILMEMBER PATRICK: Yes.
 15 MAYOR PITTMAN: Okay. Thank you.
 16 Thank you, Mr. Cooley.
 17 Next on the agenda is old business and it
 18 has been carried over and over several times. So this
 19 is, I think, the second read, and I believe it should
 20 be ready for passage.
 21 But Ms. Dean, it's your item.
 22 COUNCILMEMBER DEAN: Yes. This is the
 23 \$5,000 spending allowance for the Mayor.
 24 I just want to confirm that this authority
 25 will be turned over to the city manager once --

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1 ATTORNEY FELGIN: Yes.
 2 COUNCILMEMBER DEAN: Okay. And that is --
 3 Okay.
 4 MAYOR PITTMAN: So would you make a motion?
 5 COUNCILMEMBER DEAN: So I'd like to make a
 6 motion to pass the ordinance language regarding
 7 \$5,000 spending allowance.
 8 MAYOR PITTMAN: Second?
 9 COUNCILMEMBER PATRICK: Second.
 10 MAYOR PITTMAN: Discussion?
 11 COUNCILMEMBER FLEMING: Question for legal.
 12 So this section will not -- Section 2.91
 13 will not appear in the Charter changes; is that
 14 correct?
 15 ATTORNEY McLENDON: No. This is in the
 16 administrative section of the Code, so this language
 17 would be revoked at the time that the authority moved
 18 over to the city manager.
 19 COUNCILMEMBER FLEMING: Why?
 20 ATTORNEY McLENDON: Because the purchasing
 21 authority would move to the manager at that time.
 22 So an amendment to this Code section, we
 23 would likely need to amend this to the city manager at
 24 that time, because that would become your day-to-day
 25 administrator who would be doing --

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1 COUNCILMEMBER FLEMING: Thank you --
 2 ATTORNEY McLENDON: -- your purchasing.
 3 COUNCILMEMBER FLEMING: -- very much. Not
 4 an automatic thing.
 5 ATTORNEY McLENDON: No.
 6 MAYOR PITTMAN: We have a motion and we have
 7 a second. Additional discussion?
 8 ---
 9 (No response)
 10 ---
 11 MAYOR PITTMAN: Call the roll, please.
 12 CLERK BRYANT: Councilmember Alexander?
 13 COUNCILMEMBER ALEXANDER: Yes.
 14 CLERK BRYANT: Councilmember Bates?
 15 COUNCILMEMBER BATES: Yes.
 16 CLERK BRYANT: Councilmember Dean?
 17 COUNCILMEMBER DEAN: Yes.
 18 CLERK BRYANT: Councilmember Fleming?
 19 COUNCILMEMBER FLEMING: Yes.
 20 CLERK BRYANT: Councilmember Pachuta?
 21 COUNCILMEMBER PACHUTA: Yes.
 22 CLERK BRYANT: Councilmember Patrick?
 23 COUNCILMEMBER PATRICK: Yes.
 24 MAYOR PITTMAN: Okay. Thank you.
 25 Next item, it was on the agenda but I don't

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1 believe it was discussed. So Agenda Packets,
2 Ms. Dean.
3 COUNCILMEMBER DEAN: Again, I need more
4 time. Even though I've been on Council for almost a
5 year now, I need a lot of time to study the materials
6 that are provided and to talk with people in the
7 community about their thoughts, getting their
8 thoughts, their comments, their opinions on these
9 matters, and I would like at least a week.
10 When I get the packets -- for example, last
11 weekend, it wasn't Thursday but Friday, I wasn't able
12 to get to the -- I wasn't able to get here, so I got
13 my packet Saturday. I have a young child and a
14 family, and when I get the packet on Saturday, I know
15 my weekend is not going to be my ideal weekend because
16 I'm spending a lot of time studying and researching
17 and asking questions.
18 And the other thing is if I have questions
19 related to someone in the City, then it's not -- it's
20 not easily accessible. And I don't like to
21 inconvenience City employees if I say, "Okay, you
22 answered this," or "What is this?" or "What is this?"
23 So I would like at least a week, I mean even if -- I
24 think the only initial issue will be at the beginning,
25 at the beginning of the transitional period, and it's

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1 getting used to having that.
2 MAYOR PITTMAN: So what is your recommen-
3 dation?
4 COUNCILMEMBER DEAN: I would like to --
5 well, I would like a little discussion first to find
6 out what some of the other Council members think and
7 how they're feeling about this and see how much time.
8 I know that some people have been on Council
9 for several years.
10 Mr. Patrick, I'd be curious to hear your
11 thoughts on this because you are -- even though you
12 work in a city, you're still new to this, this body.
13 COUNCILMEMBER PATRICK: I actually agree
14 with you. I just don't think we have enough time to
15 thoroughly review legislation that's coming out and
16 then talk with the constituents about where they stand
17 on the -- on the issue.
18 So anything that we could do to increase the
19 time we have to review this, I would support that. I
20 had put in something to Mr. Cooley to take a look at
21 as far as scheduling. He is still working on that,
22 but I am open and receptive to any ideas.
23 MAYOR PITTMAN: Ms. Fleming?
24 COUNCILMEMBER FLEMING: I have no comment.
25 MAYOR PITTMAN: Ms. Pachuta?

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1 COUNCILMEMBER PACHUTA: I think it was --
2 There's one thing as far as legislation and potential
3 policy changes and having more time to review policy
4 changes and legislative changes, but I also do not
5 want to hold up staff items. For example, if Lisa or
6 Chief King needs, you know, an RFP or a purchasing
7 request, something like that, to hold that up longer,
8 because I think that's a different issue than policy.
9 MAYOR PITTMAN: Mr. Bates?
10 COUNCILMEMBER BATES: Mr. Patrick, I'd be
11 curious from a staffing -- in Norcross, from the staff
12 side, when does your planning director have to have --
13 Do you know what their schedule is?
14 COUNCILMEMBER PATRICK: For planning and
15 zoning, it has to be turned in by the second -- pardon
16 me -- the first Tuesday of the month, and then that
17 gets you onto the first Tuesday of the following month
18 and then that gets you onto the first Monday of the
19 following month's mayor and council.
20 So it's had time to go through staff review
21 for code, planning commission, time to go out into the
22 public. It's introduced at a work session. The first
23 month is the voting session. Pardon me. The first
24 Monday is the voting session, the third Monday is
25 simply a introduction to the next agenda item.

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1 COUNCILMEMBER BATES: What about legislative
2 or policy?
3 COUNCILMEMBER PATRICK: It's all -- it's all
4 got to follow. It has to be turned in by, I believe,
5 the -- I think it has to be turned in by the second
6 Monday. I would need to doublecheck that.
7 MAYOR PITTMAN: Does Norcross do work
8 sessions?
9 COUNCILMEMBER PATRICK: Yeah.
10 MAYOR PITTMAN: How does that --
11 COUNCILMEMBER DEAN: Do they vote at work
12 sessions?
13 COUNCILMEMBER PATRICK: I think it's simply
14 just to introduce legislation and then they vote
15 obviously to adjourn or to commence and then adjourn.
16 But beyond that, there's no -- unless there's an
17 urgent matter, to my knowledge, they --
18 COUNCILMEMBER FLEMING: How many --
19 COUNCILMEMBER PATRICK: -- don't vote.
20 COUNCILMEMBER FLEMING: -- regular council
21 meetings do they have per month?
22 COUNCILMEMBER PATRICK: It's one voting
23 session on the first Monday of the month, and then on
24 the third Monday of the month, it's the -- it's the
25 work session.

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1 MAYOR PITTMAN: Do you do your public
2 hearings separate from your council meetings? Like
3 what we had tonight, for instance, is that separate?
4 COUNCILMEMBER PATRICK: No. It's all --
5 MAYOR PITTMAN: It's all --
6 COUNCILMEMBER PATRICK: -- put together.
7 MAYOR PITTMAN: Okay.
8 COUNCILMEMBER PATRICK: It's all put
9 together.
10 MAYOR PITTMAN: So --
11 COUNCILMEMBER PATRICK: And the question --
12 I guess the question moments that staff would have or
13 the council would have would be introduced on that
14 third Monday where, you know, it's been out there for
15 a bit and we've had a week to look at it, and then we
16 could talk about questions that we've had with it, get
17 feedback later on from our residents; and then that
18 next Monday, that first Monday of the month, then
19 we're there to make a decision. And there's still the
20 public opening -- you know, public moments to speak on
21 that topic.
22 MAYOR PITTMAN: And we did, way back when,
23 do it that way. That was, we had the meeting and then
24 the work session, and then we got away from that,
25 because then all of a sudden the work sessions became

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1 meetings and it wasn't really accomplishing.
2 COUNCILMEMBER BATES: Well, the problem with
3 the work session is the information was being
4 presented that night, so it was being tabled because
5 there was insufficient time to research and come
6 prepared to talk about the item that was being
7 presented that night.
8 So if we're going to -- I have no problem,
9 and I think work sessions are great, but the work
10 session material has got to be presented in advance --
11 COUNCILMEMBER PATRICK: Yeah.
12 COUNCILMEMBER BATES: -- so that we can come
13 prepared to discuss the items that are on the work
14 session.
15 You know, things that are a surprise the
16 night of the meeting is a complete and utter waste of
17 time because nobody is prepared to discuss that except
18 for the person that's springing it on us.
19 COUNCILMEMBER DEAN: Right.
20 COUNCILMEMBER PATRICK: Correct.
21 COUNCILMEMBER PACHUTA: And I wasn't on
22 Council then, but as an audience member, then what
23 would happen is you would have the work session and
24 discuss items that we were getting for the first time.
25 So then we had the voting meeting; you were having the

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1 discussion of the items that you were supposed to
2 discuss at the work session, so --
3 COUNCILMEMBER BATES: It was so completely
4 frustrating because we would debate it that night out
5 of the blue, and then we would have two weeks to
6 research it and then we would debate it all over
7 again. So we were double debating and it was -- it
8 was a complete and utter waste of time.
9 So if we're going to move to a work session,
10 which I think is great, that work-session agenda item
11 has got to be prepped just like a regular meeting so
12 that we've got time in advance --
13 COUNCILMEMBER PATRICK: Right.
14 COUNCILMEMBER BATES: -- to research it and
15 be prepared to discuss it amongst ourselves before it
16 moves to the following meeting for a vote.
17 COUNCILMEMBER DEAN: And no voting. I would
18 strongly ask that no voting be -- because right now,
19 we have a meeting, work session meeting, and now we
20 have lots of meetings, but they're all the same --
21 MAYOR PITTMAN: That's right.
22 COUNCILMEMBER DEAN: -- because there are no
23 rules differentiating.
24 COUNCILMEMBER PATRICK: Uh-huh.
25 MAYOR PITTMAN: That's right.

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1 COUNCILMEMBER DEAN: Or we have a work
2 session, and then at the end of the work session, we
3 have a special-called meeting, and it's just --
4 they're all just words without much meaning.
5 COUNCILMEMBER FLEMING: If we're only going
6 to have one regular meeting and that would be a voting
7 meeting per month, it's going to bog down legislation.
8 And that work session, to me, would have to be
9 prioritized as to the items because -- and also the
10 number of them.
11 I can't imagine us -- you know, if we all
12 had two items each, we'd have 12 items on the session,
13 and we'd be there all night long for the work session
14 discussing it and then come back two weeks later to
15 pass or not pass. So I'm a little bit confused as to
16 how that's going to --
17 COUNCILMEMBER PACHUTA: As far as --
18 COUNCILMEMBER FLEMING: -- take place.
19 COUNCILMEMBER PACHUTA: -- I'm fine getting
20 agenda packets earlier, but, again, I don't want to
21 bog staff down, especially with purchasing items.
22 But as far as whether we should move to work
23 session, voting session, all that, I would really
24 actually prefer that incoming city manager make that
25 decision and evaluation because the manager is going

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1 to be the primary person who is going to be
 2 introducing proposed legislation and stuff to us.
 3 COUNCILMEMBER DEAN: Well, and in terms of
 4 bogging down staff, if it's something necessary, then
 5 we could call a special meeting. I mean we have
 6 meetings every single Monday now for this month and
 7 another one coming where we're going to interview.
 8 COUNCILMEMBER BATES: Well, and on a
 9 regularly-scheduled meeting, it's just a simple
 10 majority to add something to the agenda. So if there
 11 is an issue that develops in between the deadline on
 12 the agenda and the actual meeting, you know, we've got
 13 time for staff to advise us and say, "This is why we
 14 need to move forward on this Monday night. Would you
 15 add it to the agenda?"
 16 I don't think there's much of anything in
 17 the past that staff has come to us and said, "Hey, can
 18 you add this?", that we've not been receptive to doing
 19 that typically, because, you know, stuff happens and
 20 we need to be flexible in accepting and dealing with
 21 that.
 22 I threw a date to Ms. Alexander, and that
 23 was 10 days, which would be two Thursdays before the
 24 meeting -- because what I don't want to do is put the
 25 deadline so that staff doesn't have time to get it to

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1 us -- so that we've got two weekends. That defeats
 2 the purpose.
 3 So if we can have, you know, call it noon
 4 two Thursdays in advance of the meeting? Does that
 5 make sense? I don't know how you'd phrase that in
 6 language, but --
 7 COUNCILMEMBER PATRICK: Are we suggesting
 8 changing it --
 9 COUNCILMEMBER BATES: -- I'm -- I'm just --
 10 COUNCILMEMBER PATRICK: -- or are we
 11 suggesting --
 12 COUNCILMEMBER BATES: -- throwing a
 13 suggestion out there so --
 14 COUNCILMEMBER PATRICK: -- waiting for the
 15 city manager to --
 16 COUNCILMEMBER BATES: Well, that's to --
 17 that's --
 18 COUNCILMEMBER DEAN: Well, just for the
 19 agenda packets, I mean in terms of the work session
 20 versus the Council meetings.
 21 But regardless of what happens there, I need
 22 more time for the packet, so.
 23 MAYOR PITTMAN: So essentially for our next
 24 Council meeting, it would have to be --
 25 COUNCILMEMBER BATES: This Thursday.

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1 MAYOR PITTMAN: -- this Thursday.
 2 COUNCILMEMBER PACHUTA: Well, we actually --
 3 MAYOR PITTMAN: All items would have to be
 4 in.
 5 COUNCILMEMBER PACHUTA: -- have to change
 6 the ordinance --
 7 MAYOR PITTMAN: Right.
 8 COUNCILMEMBER PACHUTA: -- because it's an
 9 ordinance change.
 10 MAYOR PITTMAN: That's correct. I'm just
 11 using it hypothetically. I'm just using a hypo-
 12 hetical to help understand.
 13 COUNCILMEMBER ALEXANDER: So this would give
 14 us two days after our meeting to get our next agenda
 15 ready.
 16 COUNCILMEMBER FLEMING: And that's how we
 17 had it --
 18 MAYOR PITTMAN: And we tried it before.
 19 COUNCILMEMBER FLEMING: -- a few months ago,
 20 and it --
 21 COUNCILMEMBER ALEXANDER: It didn't work.
 22 COUNCILMEMBER FLEMING: -- didn't work.
 23 COUNCILMEMBER BATES: But we only tried it
 24 for one meeting.
 25 COUNCILMEMBER DEAN: And that's the thing.

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1 I mean I think that there's going to be a little -- a
 2 hiccup initially because --
 3 COUNCILMEMBER PATRICK: That's correct.
 4 COUNCILMEMBER DEAN: -- yeah, and that's
 5 with any change.
 6 But until we get acclimated to the process,
 7 I mean, because if something comes up, now we can say,
 8 "Okay. Great. This is coming up, but I need to get
 9 this, you know, on the agenda by Wednesday at noon for
 10 Monday's meeting," and that's -- I mean if we get --
 11 And even then, now it's like, Okay. I need
 12 to get this on the agenda but it's not going to come
 13 up until 10 days from now. I mean we could still add
 14 things to the agenda. It's just taking the time to be
 15 a little more prepared and anticipate what might come
 16 up.
 17 COUNCILMEMBER BATES: We've been through
 18 this discussion. This end of the table's been through
 19 this discussion before. I am flexible as to where we
 20 set it. I threw out 10 days just to start the
 21 discussion.
 22 I agree with Ms. Pachuta that we need to let
 23 the city manager make a recommendation on work
 24 sessions versus voting meetings. I think that
 25 whomever comes in will bring in new history and

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1 knowledge and understanding that we don't possess.
 2 But as far as from a time standpoint, today
 3 is a good example. The City you know was down, is
 4 down all day, so any questions that we had to staff
 5 from over the weekend regarding agenda items have gone
 6 unanswered -- and we will get those answers,
 7 hypothetically, tomorrow -- whereas, if we had the
 8 agenda a week ago, there would have been -- if we do
 9 our job, there would have been a full week of us
 10 taking time to ask staff questions to get answers
 11 based upon the agenda items.
 12 So I do feel that we need -- that there
 13 needs to be more time to allow staff to get the agenda
 14 items to us and that we've got time to review them and
 15 ask questions. What that magic number is, I don't
 16 know.
 17 COUNCILMEMBER DEAN: I think 10 is a great
 18 start. 10 days, I mean I think that's great.
 19 The other thing is that we don't have -- I
 20 mean all of our education on this is what we do
 21 ourselves. And if we have other -- and we all have
 22 other lives, then we need to fit in the time when we
 23 can and where we can, and I would much prefer to work
 24 on this after my son is asleep rather than on the
 25 weekends when he wants to have family time.

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1 So I think 10 days is -- I think that's -- I
 2 think that's great.
 3 MAYOR PITTMAN: Ms. Alexander, did you have
 4 something?
 5 COUNCILMEMBER ALEXANDER: No.
 6 COUNCILMEMBER FLEMING: I want to make a
 7 comment in regards to planning and zoning issues.
 8 I personally feel that we as Council, Mayor
 9 and Council, should receive our packets on the same --
 10 at the same time that the Planning Commission gets
 11 theirs, so that we can be reviewing them also, because
 12 we're not getting those until the weekend before the
 13 meeting. And so I think that's imperative that we do
 14 receive those at the same time the Planning Commission
 15 is getting them.
 16 MAYOR PITTMAN: Okay. So Ms. Dean?
 17 COUNCILMEMBER DEAN: So I would like to make
 18 a motion to --
 19 And this is a policy; right?
 20 ATTORNEY McLENDON: Well, we have an
 21 ordinance that talks about that --
 22 COUNCILMEMBER DEAN: Uh-huh.
 23 ATTORNEY McLENDON: -- an existing
 24 ordinance. So really what I think we would do is
 25 direct us to prepare an ordinance that we can present

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1 at the next meeting.
 2 What I'm hearing is --
 3 COUNCILMEMBER DEAN: Yeah.
 4 ATTORNEY McLENDON: -- 10 days prior to.
 5 COUNCILMEMBER DEAN: Yeah, okay. All right.
 6 ATTORNEY McLENDON: Have the package 10 days
 7 prior to the meeting.
 8 COUNCILMEMBER DEAN: And does this have to
 9 be an ordinance? I think I said this before. I mean
 10 is this policy or is it -- I mean does this --
 11 ATTORNEY McLENDON: It is an ordinance.
 12 COUNCILMEMBER DEAN: -- have to be an
 13 ordinance?
 14 ATTORNEY McLENDON: It is currently an
 15 ordinance, so it has to -- if you're going to change
 16 it in a permanent way, you have to amend the existing
 17 ordinance.
 18 COUNCILMEMBER DEAN: Okay.
 19 ATTORNEY McLENDON: But would you -- would
 20 you be able to not have this in an ordinance? That is
 21 possible, but there's --
 22 COUNCILMEMBER DEAN: Okay.
 23 ATTORNEY McLENDON: -- to my understanding,
 24 history --
 25 COUNCILMEMBER DEAN: Right, right.

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1 ATTORNEY McLENDON: -- that they created --
 2 COUNCILMEMBER DEAN: Okay.
 3 ATTORNEY McLENDON: -- an ordinance.
 4 COUNCILMEMBER DEAN: All right. So we'll
 5 come back to that?
 6 ATTORNEY McLENDON: But if I'm hearing this,
 7 and we don't necessarily need a motion, I can prepare
 8 an ordinance to amend this section to require the
 9 submission of materials 10 days prior to any meeting,
 10 and that ought to accomplish it, I think. And we will
 11 prepare that and have it in the next agenda package.
 12 COUNCILMEMBER DEAN: Okay.
 13 MAYOR PITTMAN: Is there some room in there
 14 to allow, again, just would the Council just vote on
 15 it at the meeting if a staff member --
 16 COUNCILMEMBER BATES: That's always the
 17 case.
 18 MAYOR PITTMAN: Is that -- I mean --
 19 COUNCILMEMBER BATES: That is the -- I could
 20 say tonight now, "Council, would you consider adding
 21 an agenda item to talk about me getting paid more than
 22 you?"
 23 COUNCILMEMBER DEAN: And I'd cry.
 24 COUNCILMEMBER BATES: And --
 25 COUNCILMEMBER DEAN: Any additional thoughts

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1 on this?

2 ATTORNEY McLENDON: That is true but you --

3 COUNCILMEMBER BATES: And I would make that

4 as a motion, and if it got seconded, then we would

5 have a discussion and vote on it.

6 ATTORNEY McLENDON: Under Open Meetings and

7 under the law, you can -- to any regularly-scheduled

8 agenda, you can add an item to agenda.

9 So yes, you can add them, you can vote on

10 them if it has been a scheduled meeting; you're good.

11 The only thing is if you have an ordinance

12 that says, "You shall submit it 10 days before,"

13 someone may make an argument, "Well, you didn't

14 'shall' and you limited that authority for yourself."

15 MAYOR PITTMAN: That was my point. Is there

16 something you can put in there that would help that

17 just in the event of?

18 ATTORNEY McLENDON: Let me work on language

19 for you.

20 I think providing an escape -- an escape

21 valve wouldn't hurt in the event the Council did want

22 to do that and someone made an argument that, "Oh,

23 you're violating your ordinance because it wasn't here

24 10 days early." We will put a little bit of a

25 lawyer's code on that language.

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1 COUNCILMEMBER FLEMING: So for clarification

2 so that I thoroughly understand what we're getting

3 ready to do --

4 And I think we've got a motion on the floor

5 but not a second yet; right?

6 COUNCILMEMBER DEAN: I never completed my

7 motion.

8 MAYOR PITTMAN: She did not.

9 COUNCILMEMBER FLEMING: So as of today,

10 December the 3rd, we would have to present our agenda-

11 item cover sheet and all supporting documents to Ms.

12 Bryant by Wednesday the 5th for it to be on the

13 December 17th's agenda; is that correct?

14 COUNCILMEMBER BATES: Not until the

15 ordinance is drafted and approved and voted upon.

16 ATTORNEY McLENDON: I will bring an or- --

17 COUNCILMEMBER FLEMING: But would that be

18 what we're talking about?

19 COUNCILMEMBER BATES: Yes.

20 COUNCILMEMBER FLEMING: Thank you.

21 ATTORNEY McLENDON: And I don't need a

22 motion particularly. I will present an agenda item

23 for the next meeting with this language that you-all

24 can take a look at, see how well I've captured what

25 you're shooting for.

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1 MAYOR PITTMAN: Okay. It is approaching 9

2 o'clock and we have a few more items. What would the

3 Council like to do?

4 COUNCILMEMBER BATES: Are there any items

5 that have to be addressed this evening?

6 MAYOR PITTMAN: Cecil, the SOB ordinance?

7 ATTORNEY McLENDON: Yeah. We have, you

8 know, the Sexually Oriented Business; the moratorium

9 -- we've prepared the actual moratorium language which

10 we adopted the last meeting -- I think we should

11 address that; and the Advanced Disposal contract as

12 well. That hopefully would be relatively short. But

13 I think those are three time-sensitive issues.

14 COUNCILMEMBER BATES: All right. I'll make

15 a motion to extend the meeting to address items 11(a),

16 (b) and (d).

17 MAYOR PITTMAN: Do I get a second?

18 COUNCILMEMBER ALEXANDER: Second.

19 MAYOR PITTMAN: Discussion?

20 - - -

21 (No response)

22 - - -

23 MAYOR PITTMAN: Call the roll, please.

24 CLERK BRYANT: Councilmember Alexander?

25 COUNCILMEMBER ALEXANDER: Yes.

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1 CLERK BRYANT: Councilmember Bates?

2 COUNCILMEMBER BATES: Yes.

3 CLERK BRYANT: Councilmember Dean?

4 COUNCILMEMBER DEAN: Yes.

5 CLERK BRYANT: Councilmember Fleming?

6 COUNCILMEMBER FLEMING: Yes.

7 CLERK BRYANT: Councilmember Pachuta?

8 COUNCILMEMBER PACHUTA: Yes.

9 CLERK BRYANT: Councilmember Patrick?

10 COUNCILMEMBER PATRICK: Yes.

11 MAYOR PITTMAN: Thank you.

12 Okay. New business, Mr. McLendon.

13 ATTORNEY McLENDON: Okay. What we have as

14 Item 11(a) is the first reading of an amendment to the

15 Zoning Ordinance, and what we're doing here is

16 basically Mr. Bergthold has assisted us with this. He

17 will be here at the next meeting to discuss this

18 ordinance with you.

19 But it goes through the existing Zoning

20 Ordinance and changes the language. In our previous

21 ordinance we called it adult entertainment establish-

22 ments. Instead, pursuant to our revised ordinances,

23 in the Sexually Oriented Business Ordinance we have

24 called it sexually oriented businesses.

25 So what this does, it deletes the adult

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1 entertainment definition and adds "sexually oriented
2 business," and then as you go through the Code, it
3 addresses different areas where in some areas it
4 strikes the language about adult entertainment because
5 it's already captured by virtue of the terms of the
6 Sexually Oriented Business Ordinance.
7 Wherever the term is used, it's changing it
8 to "sexually oriented business," and it really is a
9 cleanup ordinance. It does in section M-2 make the
10 sexually oriented business an allowable use, as
11 opposed, and it strikes it as a conditional use, and
12 that's all part of the discussion we had last time
13 about how we would prepare the ordinances.
14 Really, that is it. I would be happy to
15 discuss any of the specifics.
16 What I think you'll usually find is the
17 sexually-oriented-business language is specifically
18 used with uses that lend themselves to that, such as
19 video sales, books, different things of that nature.
20 But if it's a general use, it is not addressed in
21 there because if they are using that business in any
22 way that rings the bell of the things that make a
23 sexually oriented business, it's in. So it doesn't
24 have to be called out, because if you are operating
25 your -- you know, your restaurant and having, you

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1 know, part of that service does things that make it
2 sexually oriented, you're in regardless of what you
3 call your business.
4 This is a first read. Really, that's all it
5 is. We'll have Mr. Bergthold here next meeting to
6 discuss it with you.
7 MAYOR PITTMAN: Ms. Alexander, did you have
8 any questions?
9 COUNCILMEMBER ALEXANDER: Do we have to have
10 a public hearing on this since it's --
11 ATTORNEY McLENDON: It would be at the next
12 meeting, uh-huh.
13 MAYOR PITTMAN: Mr. Bates? Ms. Pachuta?
14 COUNCILMEMBER PACHUTA: No. I just wanted
15 to point out, at the next meeting we have the city-
16 manager discussion, we have this public hearing and we
17 have a public hearing on the assisted living facility,
18 so it's already a full meeting.
19 ATTORNEY McLENDON: This is a big one. I
20 would make room for this one.
21 MAYOR PITTMAN: Okay. Mr. Patrick?
22 COUNCILMEMBER PATRICK: No comments.
23 COUNCILMEMBER FLEMING: I have a question on
24 page five. You've got in quotes "semi-nude model
25 studio." Sounds like an art studio to me.

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1 ATTORNEY McLENDON: It could be an art
2 studio, it could be a lingerie-modeling studio.
3 COUNCILMEMBER FLEMING: So you're going to
4 leave it; is that correct?
5 ATTORNEY McLENDON: That is the definition
6 that has been suggested.
7 COUNCILMEMBER FLEMING: Okay. And since
8 this is zoning and it is text amendments, it's
9 required to go through the Planning Commission, and I
10 do not believe this document has gone through the
11 Planning Commission.
12 COUNCILMEMBER BATES: Says that they --
13 MS. GILMAN: Yes, it did.
14 COUNCILMEMBER BATES: -- voted approval 3 to
15 zero on November 7th.
16 COUNCILMEMBER FLEMING: This is the first
17 time we've received this document. They saw the SOB,
18 I betcha, but I betcha they didn't see this.
19 ATTORNEY FELGIN: I was there.
20 MS. GILMAN: We did have it, and staff
21 attorney was there to answer our questions.
22 COUNCILMEMBER FLEMING: All right.
23 MAYOR PITTMAN: Ms. Dean?
24 MS. GILMAN: I mean I'm not looking at the
25 same sheet of paper you are, but we did have that

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1 document.
2 COUNCILMEMBER FLEMING: But that's fine.
3 I'm just curious as to why we didn't get this
4 beforehand.
5 ATTORNEY McLENDON: I don't have an answer
6 to that.
7 COUNCILMEMBER FLEMING: Okay.
8 MAYOR PITTMAN: Ms. Dean?
9 COUNCILMEMBER DEAN: I'm good.
10 MAYOR PITTMAN: Okay. So we'll just put it
11 back on the other agenda.
12 ATTORNEY McLENDON: Very good.
13 MAYOR PITTMAN: Okay. And then the next is
14 the Resolution to impose Moratorium on the sewer
15 treatment.
16 ATTORNEY McLENDON: And we have already
17 imposed a moratorium by virtue of our action at the
18 previous meeting. What we wanted to do is go ahead
19 and memorialize that in the form of an actual document
20 of the moratorium. This relates back to the date that
21 we initially adopted the moratorium.
22 And what it in essence does is none of the
23 sewage or waste uses that are currently allowed in M-1
24 would be allowed to be permitted for a period of 90
25 days which will allow the Mayor and Council the

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1 ability to review that Code section, see if they
 2 desire to continue that use or not, make that
 3 decision, at which point the moratorium would be
 4 lifted.
 5 So if this meets everyone's satisfaction, I
 6 would recommend just readopting the moratorium retro-
 7 active to the initial adoption date by virtue of this
 8 document.
 9 MAYOR PITTMAN: Any questions on this end?
 10 Ms. Alexander, do you have something?
 11 COUNCILMEMBER ALEXANDER: *I'm getting ready*
 12 to make a motion.
 13 MAYOR PITTMAN: Anybody over here?
 14 COUNCILMEMBER FLEMING: No, thank you.
 15 MAYOR PITTMAN: Okay. Go ahead.
 16 COUNCILMEMBER ALEXANDER: *I make a motion to*
 17 adopt the resolution regarding the moratorium on
 18 sewerage and related transportation, collection and
 19 distribution, whatever they want to try, that we voted
 20 on and put into effect 12:00 a.m. on November 27th,
 21 2012.
 22 MAYOR PITTMAN: Second?
 23 COUNCILMEMBER BATES: Second.
 24 MAYOR PITTMAN: Discussion?
 25 - - -

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1 (No response)
 2 - - -
 3 MAYOR PITTMAN: Call the roll, please.
 4 CLERK BRYANT: Councilmember Alexander?
 5 COUNCILMEMBER ALEXANDER: Yes.
 6 CLERK BRYANT: Councilmember Bates?
 7 COUNCILMEMBER BATES: Yes.
 8 CLERK BRYANT: Councilmember Dean?
 9 COUNCILMEMBER DEAN: Yes.
 10 CLERK BRYANT: Councilmember Fleming?
 11 COUNCILMEMBER FLEMING: Yes.
 12 CLERK BRYANT: Councilmember Pachuta?
 13 COUNCILMEMBER PACHUTA: Yes.
 14 CLERK BRYANT: Councilmember Patrick?
 15 COUNCILMEMBER PATRICK: Yes.
 16 MAYOR PITTMAN: Thank you.
 17 And is Mr. McLendon, the agreement with
 18 Advanced Disposal.
 19 ATTORNEY McLENDON: All right. And Mayor
 20 and Council, based upon the actions at the last
 21 meeting to award the solid waste contract to Advanced
 22 Disposal Services, we have worked with the vendor and
 23 prepared an agreement on the City's basic standard
 24 format.
 25 It is a year-to-year contract. Part of that

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1 was the discussion at the last meeting.
 2 Everything else, we have reviewed, prepared
 3 it. The terms are consistent with the bid, and I
 4 believe the vendor has reviewed it as well and they
 5 are satisfied.
 6 So if this form works with you, you can
 7 authorize the Mayor to sign this, and that will put
 8 that in place.
 9 COUNCILMEMBER BATES: I'll make the motion
 10 to accept the contract with Advanced Disposal with one
 11 stipulation: that under page 10, Exhibit B, the fee
 12 schedule, that the rate that is in the contract is the
 13 bundled rate of \$10.50.
 14 ATTORNEY McLENDON: So let me make sure I
 15 understand what we're doing. You're saying delete the
 16 fourteen forty-five and it's just the \$10.50.
 17 We will verify that with the vendor that
 18 that's consistent with the -- with the bid.
 19 MR. BRETT HARRELL: So long as the City
 20 continues to bundle the services, that's the price. I
 21 don't see any legal need to do that, but.
 22 COUNCILMEMBER BATES: We're not breaking the
 23 services apart, so the bundled price --
 24 COUNCILMEMBER ALEXANDER: Ten fifty.
 25 COUNCILMEMBER BATES: -- as proposed was

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1 \$10.50. That would be the amount that I would
 2 stipulate on the agreement.
 3 ATTORNEY McLENDON: We'll leave the language
 4 "bundled" in, and I think that would resolve any of
 5 the issues you might have.
 6 MAYOR PITTMAN: Okay.
 7 ATTORNEY McLENDON: We'll make that amend-
 8 ment to it.
 9 COUNCILMEMBER BATES: That was a motion.
 10 COUNCILMEMBER ALEXANDER: Second.
 11 MAYOR PITTMAN: Discussion?
 12 - - -
 13 (No response)
 14 - - -
 15 MAYOR PITTMAN: Call the roll, please.
 16 CLERK BRYANT: Councilmember Alexander?
 17 COUNCILMEMBER ALEXANDER: Yes.
 18 CLERK BRYANT: Councilmember Bates?
 19 COUNCILMEMBER BATES: Yes.
 20 CLERK BRYANT: Councilmember Dean?
 21 COUNCILMEMBER DEAN: Yes.
 22 CLERK BRYANT: Councilmember Fleming?
 23 COUNCILMEMBER FLEMING: Yes.
 24 CLERK BRYANT: Councilmember Pachuta?
 25 COUNCILMEMBER PACHUTA: Yes.

1 CLERK BRYANT: Councilmember Patrick?
 2 COUNCILMEMBER PATRICK: Yes.
 3 MAYOR PITTMAN: And thank you.
 4 And we're going to open the floor for public
 5 comments. Please limit your comments to three
 6 minutes; public comments.
 7 ---
 8 (No response)
 9 ---
 10 MAYOR PITTMAN: Okay. Motion to adjourn?
 11 COUNCILMEMBER ALEXANDER: So moved.
 12 COUNCILMEMBER BATES: So moved.
 13 MAYOR PITTMAN: Second?
 14 COUNCILMEMBER BATES: Second.
 15 MAYOR PITTMAN: Discussion?
 16 COUNCILMEMBER FLEMING: Yes, because I
 17 needed to ask legal regarding Ms. Pachuta's comment
 18 about city manager discussion for the next meeting. I
 19 wanted to ask legal whether we had received the
 20 corrected documents yet.
 21 ATTORNEY FELGIN: I sent it out today. You
 22 haven't received it yet due to the e-mail exchange
 23 problem, but I --
 24 COUNCILMEMBER FLEMING: Thank you very much.
 25 ATTORNEY FELGIN: -- have sent that.

1 COUNCILMEMBER PACHUTA: And I was talking
 2 about Mr. Baesinger's e-mail the other day. He said
 3 he was going to be here on the meeting of the 17th.
 4 COUNCILMEMBER FLEMING: I'm sorry?
 5 COUNCILMEMBER PACHUTA: I was referring to
 6 Mr. Baesinger's e-mail he sent us over the weekend,
 7 that he was going to be here on the 17th at our
 8 meeting.
 9 MAYOR PITTMAN: Call the roll, please.
 10 CLERK BRYANT: Councilmember Alexander?
 11 COUNCILMEMBER ALEXANDER: Yes.
 12 CLERK BRYANT: Councilmember Bates?
 13 COUNCILMEMBER BATES: Yes.
 14 CLERK BRYANT: Councilmember Dean?
 15 COUNCILMEMBER DEAN: Yes.
 16 CLERK BRYANT: Councilmember Fleming?
 17 COUNCILMEMBER FLEMING: Yes.
 18 CLERK BRYANT: Councilmember Pachuta?
 19 COUNCILMEMBER PACHUTA: Yes.
 20 CLERK BRYANT: Councilmember Patrick?
 21 COUNCILMEMBER PATRICK: Yes.
 22 MAYOR PITTMAN: Thank you. Meeting
 23 adjourned.
 24 -o0o-
 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
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 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 17th day of December, 2012.
 16
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 22
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 24
 25

 Theresa Bretch, CCR
 Permit No. B-755

[SEAL]

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