

In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

July 16, 2012

American Court Reporting Company, Inc.

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

Transcript of the meeting held at the

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 Monday, July 16, 2012.

1 PROCEEDINGS
2 MAYOR PITTMAN: Meeting come to order.
3 Welcome to everyone. Glad you came out for the
4 meeting tonight.
5 Will you all please rise for the Pledge.
6 ---
7 (Pledge of Allegiance)
8 ---
9 MAYOR PITTMAN: Thank you.
10 If you would call the roll, please.
11 Councilman Bates will not be here tonight.
12 He is under the weather.
13 CLERK BRYANT: Councilmember Alexander?
14 COUNCILMEMBER ALEXANDER: Yes.
15 CLERK BRYANT: Councilmember Dean?
16 COUNCILMEMBER DEAN: Here.
17 CLERK BRYANT: Councilmember Fleming?
18 COUNCILMEMBER FLEMING: Here.
19 CLERK BRYANT: Councilmember Pachuta?
20 COUNCILMEMBER PACHUTA: Here.
21 CLERK BRYANT: Councilmember Patrick?
22 COUNCILMEMBER PATRICK: Here.
23 MAYOR PITTMAN: Thank you.
24 Need approval of minutes for June 25th,
25 2012.

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

1 COUNCILMEMBER ALEXANDER: So moved.
2 MAYOR PITTMAN: Second?
3 COUNCILMEMBER PACHUTA: Second.
4 MAYOR PITTMAN: Discussion?
5 ---
6 (No response)
7 ---
8 MAYOR PITTMAN: Call the roll, please.
9 CLERK BRYANT: Councilmember Alexander?
10 COUNCILMEMBER ALEXANDER: Yes.
11 CLERK BRYANT: Councilmember Dean?
12 COUNCILMEMBER DEAN: Yes.
13 CLERK BRYANT: Councilmember Fleming?
14 COUNCILMEMBER FLEMING: Yes.
15 CLERK BRYANT: Councilmember Pachuta?
16 COUNCILMEMBER PACHUTA: Yes.
17 CLERK BRYANT: Councilmember Patrick?
18 COUNCILMEMBER PATRICK: Yes.
19 MAYOR PITTMAN: Okay. Thank you.
20 We are going to be removing two items off
21 the agenda. The Halpern Park Renovation Update will
22 be placed on the next agenda to allow Mr. Robertson to
23 provide more information.
24 And the "Today in America" was actually not
25 really to be on the agenda. It was just for

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1 information only just to let you know that these
2 people had inquired. Obviously we're not going to
3 spend that kind of money for someone to market us, but
4 it was for information for the Council. So that will
5 not go on another agenda.
6 Next on the agenda is going to be Public
7 Comments on Agenda Items Only. If you could please
8 limit your comments to the agenda items, three
9 minutes, and state your name for the court reporter
10 please.
11 MR. JOE O'CONNOR: Joe O'Connor, Northwoods.
12 I'd like to speak about Item VIII,
13 Application for Variance. There was a Planning
14 Commission hearing. It was never advertised. Wasn't
15 even posted out here. So you have a public hearing
16 but the public doesn't know about it. That's against
17 the ordinance and against State law.
18 Secondly, now we have a hearing here today,
19 and I don't even see a name on this. How would
20 anybody know what that section was, application for
21 variance? Where is it? I know where it is. And the
22 signs weren't up there when the public hearing with
23 the Planning Commission was taken.
24 And I've complained about this before, and I
25 tell you, I think this is probably my last appearance

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1 here for this because I think I'm going to talk to Sam
2 Owens' office because this can't go forward. If you
3 don't have a public hearing with the Planning
4 Commission and you just waive all that and you never
5 mention it to the public, and then you come here and
6 you still don't post it, that's wrong and it's against
7 the law, and I think I'm going to have some fun with
8 that. Thank you.
9 MAYOR PITTMAN: I --
10 COUNCILMEMBER DEAN: May I say something?
11 MAYOR PITTMAN: Yes.
12 COUNCILMEMBER DEAN: I sent an e-mail to Mr.
13 Cooley asking if it was -- when and where it was
14 posted and if you had copies of it. Do you?
15 MR. COOLEY: I sent it right back to you
16 immediately. I sent you a copy of the notice that was
17 posted in The Champion newspaper and also a photograph
18 of the sign that was posted. Both were done on the
19 28th of last month and well within the time frame set
20 out by State statute.
21 COUNCILMEMBER DEAN: Okay.
22 MR. O'CONNOR: Well, then, why wasn't it
23 published out here?
24 MR. COOLEY: It was -- the Planning
25 Commission was posted on the Web site.

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1 MR. O'CONNOR: It wasn't posted on the Web
2 site and I can go back and --
3 MR. COOLEY: It was given to I.T. and I got
4 a response back that it had been posted, sir.
5 MR. O'CONNOR: Well, I didn't see it, then.
6 MR. COOLEY: I'm sorry you didn't see it.
7 MAYOR PITTMAN: Okay. Next person that
8 would like to speak?
9 MS. LINDA RAWLINS: Linda Rawlins, Oakcliff.
10 Council and Mayor, I wish tonight you could move on
11 the Adequate Animal Shelter provision into our Animal
12 Ordinance. If we can get nothing else but the
13 statement that says from April through October, this
14 structure must be in a shaded area or moved out of the
15 direct sunlight.
16 There may be other issues we need to cover,
17 but these animals cannot wait any longer to be removed
18 out of the direct sunlight. With these extreme
19 temperatures we've had, we can cover one if it's in a
20 car, in a vehicle, but we're not covering one if it's
21 sitting out in the broiling hot sun day in and day
22 out.
23 If we could simply put this one statement
24 into our ordinance, I would appreciate it, because
25 there are businesses and probably individuals that are

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1 abusing this adequate shelter provision. Thank you.
2 MAYOR PITTMAN: Thank you.
3 Additional comments?
4 Okay. Thank you.
5 I have a couple of announcements. First I
6 wanted to say if you have not seen the new Northwoods
7 sign at McClave and Buford Highway, please go by and
8 take a look. It's a beautiful sign, and I really
9 appreciate all the hard work for everyone that was
10 involved with that. It's a very, very nice sign, so
11 we appreciate all the hard work.
12 There is going to be a Town Hall next
13 Monday, the 23rd, here at City Hall, 7 o'clock. There
14 will be more information. It should be already posted
15 on the Web. I believe we're going to be doing flyers,
16 there's going to be a robo-call going out.
17 Also on the 26th there is a Town Hall that
18 will be here also for the Urban Redevelopment. This
19 is also at 7 o'clock.
20 So there's two Town Halls coming up next
21 week. There's also a retreat coming up for the
22 Council. So those are a few general announcements;
23 good things, though.
24 Next is going to be -- last time we talked
25 about the Quality of Life goals and communication,

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1 Chief King did a very nice PowerPoint presentation.
2 Everyone was asked to provide feedback. I don't know
3 that we received any.
4 But Major, did you have anything you wanted
5 to add to that?
6 MAJOR ATKINSON: No. ma'am.
7 MAYOR PITTMAN: Okay. We needed to get that
8 passed or not. Do we want to take comments from the
9 Council at this time?
10 COUNCILMEMBER ALEXANDER: Were there any
11 changes? I made my comments known at the meeting. I
12 didn't follow up because I still have the same
13 comments. I don't know if there are any changes.
14 MAYOR PITTMAN: No.
15 COUNCILMEMBER DEAN: I do. I mean my
16 biggest concern is -- well, kind of two things. One,
17 the fact that it's being announced. I mean I don't
18 think that that --
19 I mean I like the idea of doing something
20 and having it organized in a way that you can see the
21 results, but I think that sectioning areas is again
22 selective enforcement, and even today, I mean, or last
23 weekend, I got a phone call from someone in Northwoods
24 about an issue they were having with a property, and
25 went by, checked it out, called Quality of Life and I

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1 sent a phone call [sic].
2 But that's something I think that should be
3 left open. Perhaps if we want to focus on certain
4 things, it should be, rather, infractions instead of
5 areas, because some of the businesses outside of 285
6 are really, really bad. They are in bad, bad shape
7 and they are out of compliance. And I go past the
8 same places who have the same infractions, and it just
9 -- They're not doing anything to get into compliance
10 as far as I can tell, and I don't -- it doesn't make
11 sense to me.
12 Again, I don't know. This isn't my
13 specialty, but I feel uncomfortable doing this this
14 way. I like the concept, I like the idea, but I think
15 if we could focus on issues rather than areas, it
16 might be more effective.
17 MAYOR PITTMAN: Additional comments from the
18 Council?
19 COUNCILMEMBER PACHUTA: Yeah. I think those
20 were my same comments from before.
21 MAJOR ATKINSON: It's a combination, though.
22 It's not just focusing on areas. I mean whatever
23 issues, infractions are in that area are going to be
24 addressed. It's not going to be we're going to just
25 address this ordinance on, you know, south Buford

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1 Highway. That's not it.
2 COUNCILMEMBER DEAN: Well, the understanding
3 that I have is that it's going to be 30/30/30 -- 30
4 percent focused on businesses inside 285, 30 percent
5 on residential in Oakcliff for the first 90 days, and
6 30 percent on apartments.
7 MAJOR ATKINSON: Right. And that's the
8 30/30/30 that plays into it, but it's whatever
9 ordinances are being violated in that particular area
10 is what we're going to address. It's not going to be
11 one particular ordinance that's going to be --
12 COUNCILMEMBER DEAN: Right.
13 MAJOR ATKINSON: -- you know, we're going to
14 focus on one particular ordinance. That's not it.
15 It's the whole gamut.
16 COUNCILMEMBER DEAN: Right. No, I
17 understand that. But what I am saying is that instead
18 of focusing on specific areas, if you want to focus on
19 something instead of the areas, focus on specific
20 ordinances.
21 I mean the thing is I don't want an area to
22 go neglected as a result of this 30/30/30 plan. For
23 example, if you're going to focus on businesses inside
24 of 285, I think that there are still businesses
25 outside of 285. First of all, they're going to say,

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1 "Wow, great. Doraville's going to be lean on us for
2 the next 90 days because they're focusing inside of
3 285," which is one thing.
4 And the other thing is, again, I think it's
5 kind of selective. I mean, "It's okay. We're going
6 to give you guys a break because we're focusing on
7 these guys in here, and Oakcliff, you guys watch out
8 because we're focusing on you; Northwoods, have at
9 it." You see what I'm saying?
10 MAJOR ATKINSON: I understand, but that's
11 not necessarily true. We're still going to be --
12 COUNCILMEMBER DEAN: Right.
13 MAJOR ATKINSON: -- answering complaints.
14 We're still going to be handling issues all over the
15 city, not in just the affected areas. We're still
16 going to be handling things in other areas. It's just
17 our priorities -- as the Chief had said, our
18 priorities would be those areas.
19 And basically he put that up there, but it's
20 whatever areas that you would like to --
21 COUNCILMEMBER DEAN: Right.
22 MAJOR ATKINSON: -- to come up with. It's
23 not set in stone.
24 COUNCILMEMBER DEAN: Right.
25 MAJOR ATKINSON: That was just an example

1 that he was using that he presented.
 2 COUNCILMEMBER DEAN: And this may be a very
 3 ignorant question, but why do you need us to say yes
 4 or no on this?
 5 MAJOR ATKINSON: So that we have some kind
 6 of guidance, some kind of priority list so that, you
 7 know, we're not going around, you know, in circles; so
 8 that we have some kind of direction.
 9 COUNCILMEMBER DEAN: Well, what do you mean
 10 you're going around in circles? I mean you guys know
 11 what needs to be enforced and what doesn't, so what --
 12 what exactly is --? I mean --
 13 MAJOR ATKINSON: But right now, the way that
 14 it's being done is Quality of Life is being pulled
 15 here, they're being pulled here, they're being pulled
 16 here.
 17 COUNCILMEMBER DEAN: By whom?
 18 MAJOR ATKINSON: By everybody.
 19 COUNCILMEMBER DEAN: The citizens?
 20 MAJOR ATKINSON: Citizens, the Police
 21 Department. I mean we'll have them go out somewhere,
 22 citizens have them go out. I mean it's just they're
 23 getting pulled and it's hard for them to take care of
 24 everything.
 25 COUNCILMEMBER DEAN: Uh-huh.

1 MAJOR ATKINSON: If we give them some
 2 priorities -- and the Chief wanted you to establish
 3 those priorities -- we give them priorities, then they
 4 know exactly what they're going to be focused on.
 5 COUNCILMEMBER DEAN: Uh-huh.
 6 MAJOR ATKINSON: That's -- that was the
 7 methodology behind that.
 8 COUNCILMEMBER FLEMING: But even with the
 9 priorities that we are setting based on the 30/30/30,
 10 though I didn't agree to the 30 percent just one area
 11 for residential, I think, you know, residential needs
 12 to be in for the entire city.
 13 Those are your priorities, but the issues
 14 that might come over the telephone are going to be
 15 taken care of or they're going to be held in limbo in
 16 case the QOL person is doing something that day or the
 17 next day --
 18 MAJOR ATKINSON: Well, they --
 19 COUNCILMEMBER FLEMING: -- I mean.
 20 MAJOR ATKINSON: It would be prioritized as
 21 to, you know, when they need to address a certain -- a
 22 certain issue.
 23 COUNCILMEMBER DEAN: Have we thought about
 24 developing a system online? I know that some cities,
 25 they have like a form that's filled out online and

1 sent directly to the Quality of Life, and it kind of
 2 expedites the process so there's not a lot of, "Okay.
 3 You contact this person, then contact that person, and
 4 then make a record over here and over here." It just
 5 kind of streamlines it. Have we thought about that,
 6 talked about that ever?
 7 MAJOR ATKINSON: Not that I'm aware of, no.
 8 COUNCILMEMBER ALEXANDER: They have e-mail.
 9 MAYOR PITTMAN: They have e-mail which is
 10 virtually the same thing.
 11 MAJOR ATKINSON: Right.
 12 MAYOR PITTMAN: They also have a hotline.
 13 MAJOR ATKINSON: We have a tip line, but we
 14 don't have like a place on the Web site, I don't
 15 think, that you can go and lodge a complaint, but they
 16 both do have e-mails.
 17 MAYOR PITTMAN: I think at the end of the
 18 day --
 19 MAJOR ATKINSON: Get a lot of -- get a lot
 20 of complaints through that.
 21 MAYOR PITTMAN: But I think at the end of
 22 the day, the Chief was trying to bring to you guys an
 23 idea for you to take it and fine tune it, because
 24 essentially what's happening now, there's an awful lot
 25 of complaint-based work that they do all day long.

1 That's what they do.
 2 And I think he thought it we could start
 3 with whether it's all of Buford Highway or whatever,
 4 that if we could start somewhere --
 5 MAJOR ATKINSON: Somewhere.
 6 MAYOR PITTMAN: -- somewhere, and start
 7 enforcing and making that a priority every day along
 8 with those complaints, not to ignore those complaints,
 9 that we might have more of an accomplishment of
 10 getting some of the areas cleaned up.
 11 And if you guys want that to be not
 12 30/30/30, that's fine, but rather than -- All they're
 13 doing all day long is answering complaints.
 14 MAJOR ATKINSON: Right. I mean --
 15 MAYOR PITTMAN: There's no other -- there's
 16 really no time for anything else because there's a lot
 17 of complaints, and it helps them and the chain of
 18 command be able to prioritize what they need to be
 19 doing every day.
 20 COUNCILMEMBER PACHUTA: Well, if that's the
 21 impetus behind it, then I don't see how the 30/30/30
 22 by area necessarily helps.
 23 COUNCILMEMBER DEAN: Right.
 24 COUNCILMEMBER PACHUTA: And what does that
 25 mean? They're only going to focus on complaints that

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1 fall within the 30/30/30 --
2 MAJOR ATKINSON: 30/30/30 gives us a way to
3 monitor it --
4 COUNCILMEMBER PACHUTA: -- versus issues --
5 MAJOR ATKINSON: -- to check progress.
6 COUNCILMEMBER PACHUTA: -- rather than
7 focusing on issues? Because then that seems like an
8 easier way to prioritize calls if we give priorities
9 based on issues, because if you're setting it up by
10 location as a way to prioritize calls, it seems like
11 a better way to prioritize calls would be by issue,
12 but --
13 COUNCILMEMBER PATRICK: I think what was
14 suggested was an idea where they have an agenda that
15 when they're not putting out fires for the emergency
16 calls or the calls that come in, that their default
17 is, "Okay. Let's head back to sweeps on apartments or
18 sweeps within commercial areas or sweeps within
19 residential areas."
20 And as I understand, it's not a we're-going-
21 to-do-this forever. It's a 90-day test.
22 MAJOR ATKINSON: Right; it's a trial period.
23 COUNCILMEMBER PATRICK: And so if it fails,
24 then it expires and you walk it back. If it's
25 successful, then that's a model that can be replicated

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1 city-wide.
2 COUNCILMEMBER DEAN: Well, is this going to
3 be -- Who's going to be doing this? because in terms
4 of putting out fires, is it the Quality of Life or
5 just the Police Department in general?
6 COUNCILMEMBER PATRICK: I would think it
7 would be code enforcement.
8 MAJOR ATKINSON: Quality of Life would --
9 COUNCILMEMBER DEAN: Right.
10 MAJOR ATKINSON: Quality of Life would be
11 handling that.
12 COUNCILMEMBER DEAN: I kept thinking about
13 this, and it's like, "Yeah, okay, okay," but
14 something's just -- it's not quite fitting in.
15 If you have X-number of resources and
16 X-amount of time, then I don't see how rearranging
17 things is going to make that much difference. You
18 still have X-amount of resources and X-amount of time
19 to do the same things.
20 So again, are you going to focus on areas to
21 the neglect of others? And if that's the case, then I
22 do think that the infractions are more important. For
23 example, if you say, "Let's go through and figure out
24 who is current on their tax licenses," for example,
25 "or their businesses. Let's take 90 days. This is

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1 going to be my focus. Who is in compliance in terms
2 of this --X?," whatever X may be; and then kind of go
3 that way, get that cleaned up and say, "Okay. Great.
4 This is done," all over the city rather than just this
5 section of the city for this and this section for
6 this.
7 I mean because even then, especially the
8 30/30/30, my problem with the 30/30/30 is that the
9 infractions are -- that they vary. I mean you can
10 have something in the residential area, because I
11 would assume they're a lot of residential complaints
12 that don't take the time required to come into
13 compliance as, for example, some of the businesses who
14 are out of compliance because some of the businesses
15 need to make some major adjustments, which is why we
16 keep seeing these things repeated over and over.
17 This place on Tilly Mill with all the cars
18 parked out in the middle of the road. It's like, what
19 is that? You know, are they selling cars? Are they
20 selling --? I mean what is that? But it's always
21 there, and I don't know what's wrong, but I don't
22 think it's supposed to be there, not like that,
23 because that doesn't -- it just doesn't -- it doesn't
24 fit.
25 So you see? Those are my concerns.

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1 MAYOR PITTMAN: Well, at this point, there's
2 two choices. We had asked everyone to provide
3 feedback prior to the meeting, so maybe we need to go
4 back and ask y'all one more time again to provide
5 feedback to the Chief unless there's someone on
6 Council that feels like you want to move forward with
7 this and make a motion.
8 COUNCILMEMBER PATRICK: I would like to make
9 a motion that we adopt the 30/30/30 plan that has been
10 provided by Chief and Major Atkinson. It's a test
11 period for the time frame that has been prescribed,
12 and then we reassess at the end of that time frame.
13 MAYOR PITTMAN: Thank you. Do I get a
14 second?
15 COUNCILMEMBER ALEXANDER: I would just ask -
16 - I had suggested this last . . . at the meeting, that
17 instead of apartment complex focused inside 285, I
18 mean that statement right there, you're only cutting
19 out two apartment complexes right now because you're
20 only cutting out the one right over here across from
21 the New Peachtree Road bridge, and you're cutting out
22 Town and County on English Oak.
23 So I mean I think it would be better read if
24 it was 30 percent multi-family because you would also
25 pick up the sometimes-challenging duplexes that we

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1 have.
2 MAYOR PITTMAN: Would you like to amend your
3 motion?
4 COUNCILMEMBER PATRICK: I would like to
5 amend my motion as Councilwoman Alexander has
6 suggested.
7 MAYOR PITTMAN: Okay. Do I get a second?
8 COUNCILMEMBER ALEXANDER: Second.
9 MAYOR PITTMAN: Discussion?
10 COUNCILMEMBER PACHUTA: Yeah. I'll just
11 reiterate I think we need to focus on issues, not
12 areas. That was my feedback I have given. I didn't
13 realize I needed to re-give it after the meeting.
14 COUNCILMEMBER DEAN: And by the way, I
15 called and I provided that feedback to the Mayor.
16 MAYOR PITTMAN: Thank you. Call the roll,
17 please.
18 CLERK BRYANT: Councilmember Alexander?
19 COUNCILMEMBER ALEXANDER: Yes.
20 CLERK BRYANT: Councilmember Dean?
21 COUNCILMEMBER DEAN: No.
22 CLERK BRYANT: Councilmember Fleming?
23 COUNCILMEMBER FLEMING: Yes.
24 CLERK BRYANT: Councilmember Pachuta?
25 COUNCILMEMBER PACHUTA: No.

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1 CLERK BRYANT: Councilmember Patrick?
2 COUNCILMEMBER PATRICK: Yes.
3 MAYOR PITTMAN: Thank you. Motion carried.
4 COUNCILMEMBER FLEMING: Are we able to get a
5 weekly update on this?
6 MAYOR PITTMAN: Yes. I believe that was the
7 Chief's intentions was to provide weekly updates.
8 Major, if you'd just make sure that he gets
9 that message, please.
10 Okay. Thank you.
11 Next is Parks and Recreation, Mr. Robertson.
12 MR. RIP ROBERTSON: Good evening. How is
13 everybody?
14 First one is the North Atlanta Saints
15 football organization contract/agreement. My
16 recommendation for this would be -- it's identical to
17 the contract or the agreement for the North Dekalb
18 Youth Association as far as usage and what they're
19 going to provide and what we're going to provide.
20 The moneys that we would collect from them,
21 my recommendation would be a flat \$150.00 per game and
22 then five percent of their gate fee because they will
23 be charging a gate fee. And I mean it's not a lot of
24 money but it is revenues that we can tap into. And
25 there are facilities that they're going to -- that we

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1 have discussed having them have access to that we want
2 for the youth organization, like our locker rooms in
3 the Arena for the high school teams.
4 MAYOR PITTMAN: Were they going to assist in
5 the upkeep of the fields?
6 MR. ROBERTSON: Yes, ma'am. They'll line
7 their field, they'll cut and clean up same as the
8 youth organization.
9 MAYOR PITTMAN: All right. Questions from
10 the Council?
11 COUNCILMEMBER FLEMING: So your recommen-
12 dation was \$150.00 per team, and do you have any idea
13 at this time how many teams they are expecting?
14 MR. ROBERTSON: They have two teams, but my
15 recommendation is \$150.00 per game.
16 COUNCILMEMBER FLEMING: Game. I'm sorry.
17 MR. ROBERTSON: Yes, ma'am. And 5 percent
18 of their gate.
19 COUNCILMEMBER ALEXANDER: So then we need to
20 change provision C under Obligations of the
21 Association?
22 MR. ROBERTSON: Right, just to read \$150.00
23 per game and 5 percent of their gate revenue.
24 COUNCILMEMBER FLEMING: And do you know what
25 their gate fee is?

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1 MR. ROBERTSON: I do not. I would assume --
2 unfortunately, I didn't ask, but I would assume that
3 it would be in line with what other high schools in
4 the area are charging.
5 COUNCILMEMBER FLEMING: And I still have
6 questions.
7 Are they assigning their own officials or --
8 MR. ROBERTSON: Yes, ma'am.
9 COUNCILMEMBER FLEMING: And they're paying
10 their own officials.
11 MR. ROBERTSON: Yes, ma'am.
12 COUNCILMEMBER FLEMING: Practice conflict
13 with NDYAA?
14 MR. ROBERTSON: I have worked with NDYAA,
15 and we're going to -- we'll accommodate both groups.
16 We've got the room. I have discussed this at length
17 with the North Dekalb Youth Association.
18 MAYOR PITTMAN: Anything else, Ms. Fleming?
19 COUNCILMEMBER FLEMING: No, thank you.
20 MR. ROBERTSON: I can assure you that our
21 priority is the North Dekalb Youth Athletic
22 Association. That's the city's football program, and
23 we will make sure that that is not damaged in any way.
24 COUNCILMEMBER FLEMING: And they will not be
25 playing any games simultaneously with NDYAA?

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1 MR. ROBERTSON: That is correct. All of
2 their games will be on Friday night.
3 MAYOR PITTMAN: Ms. Dean?
4 COUNCILMEMBER DEAN: Nothing.
5 MAYOR PITTMAN: Mr. Patrick? Ms. Pachuta?
6 Ms. Alexander?
7 COUNCILMEMBER ALEXANDER: So this is going
8 to be older kids?
9 MR. ROBERTSON: Yes, ma'am. They've got a
10 middle school team and a high school team.
11 COUNCILMEMBER FLEMING: Have you checked? I
12 realize that we are the City of Doraville, but we are
13 also in Dekalb County.
14 MR. ROBERTSON: Yes, ma'am.
15 COUNCILMEMBER FLEMING: And we are Parks &
16 Recreation --
17 MR. ROBERTSON: Yes, ma'am.
18 COUNCILMEMBER FLEMING: -- rather than high
19 school fields. And I know that for youth associations
20 in Dekalb County -- and NDYAA falls under that and so
21 does Honeysuckle Park --
22 MR. ROBERTSON: Yes, ma'am.
23 COUNCILMEMBER FLEMING: -- they are not
24 allowed to charge gate fees except for tournaments.
25 So --

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1 MR. ROBERTSON: That is just a youth
2 association, the conference that they . . . It is not
3 a County. That would not -- we would not fall under
4 that stipulation with this particular group.
5 COUNCILMEMBER FLEMING: Have you verified
6 that Dekalb County Parks & Recreation does not have
7 that in their code?
8 MR. ROBERTSON: I do not believe that we
9 fall under Dekalb County Code in --
10 COUNCILMEMBER FLEMING: Parks & Recreation?
11 MR. ROBERTSON: I don't believe we fall
12 under their authority.
13 ATTORNEY McLENDON: We would not.
14 MR. ROBERTSON: I mean it's a City-owned
15 property.
16 COUNCILMEMBER FLEMING: Fine. That's fine.
17 Thank you very much.
18 MR. ROBERTSON: Yes, ma'am.
19 MAYOR PITTMAN: All right. If there's no
20 additional questions, get a motion, please?
21 COUNCILMEMBER ALEXANDER: I just have one
22 question --
23 MAYOR PITTMAN: Sure.
24 COUNCILMEMBER ALEXANDER: -- because
25 Oakcliff backs up to that.

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1 Do you know how late they're planning on
2 playing on Friday nights?
3 MR. ROBERTSON: I believe their game time is
4 7:30.
5 COUNCILMEMBER ALEXANDER: Okay. So they
6 will be out by the time the park closes.
7 MR. ROBERTSON: Oh. I mean I would imagine
8 not later than 10:00.
9 COUNCILMEMBER ALEXANDER: Okay. I just
10 might get some calls from Timber Oak.
11 MR. ROBERTSON: Yes, ma'am.
12 MAYOR PITTMAN: Do I get a motion to
13 approve?
14 COUNCILMEMBER ALEXANDER: Motion to approve
15 the proposed contract with the changes regarding
16 compensation under Obligations of the Association
17 Section C for North Atlanta Saints football.
18 MAYOR PITTMAN: Okay. Do I get a second?
19 COUNCILMEMBER DEAN: Second.
20 MAYOR PITTMAN: Discussion?
21 ---
22 (No response)
23 ---
24 MAYOR PITTMAN: Call the roll, please.
25 CLERK BRYANT: Councilmember Alexander?

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1 COUNCILMEMBER ALEXANDER: Yes.
2 CLERK BRYANT: Councilmember Dean?
3 COUNCILMEMBER DEAN: Yes.
4 CLERK BRYANT: Councilmember Fleming?
5 COUNCILMEMBER FLEMING: Yes.
6 CLERK BRYANT: Councilmember Pachuta?
7 COUNCILMEMBER PACHUTA: Yes.
8 CLERK BRYANT: Councilmember Patrick?
9 COUNCILMEMBER PATRICK: Yes.
10 MAYOR PITTMAN: Thank you. The next item is
11 capital improvements.
12 MR. ROBERTSON: This item, there was a list
13 submitted at a previous Council meeting with some
14 suggested capital improvement projects. Myself and
15 Steven met on these items -- the ones that pertained
16 to Recreation or the ones that were Parks & Recreation
17 are the ones that I had some input on -- and just
18 wanted to bring back a memo for the Council to provide
19 some guidance to both myself and Steven.
20 After discussing the police wall -- and I
21 know that there are plans to look at Flowers Park as a
22 whole over the short term, so in our discussion, our
23 recommendation was that as we looked at that police
24 wall, that we look at the entire park area, because
25 that wall will determine how much renovation we can do

1 behind that wall.
 2 And you know, with that in mind, our
 3 recommendation would be to hire an engineer firm to
 4 come in and look at that and to guide us through that
 5 process for that particular retaining wall, because it
 6 is of such significance. I mean that bank literally
 7 holds up that whole area over there including the
 8 pool. So to, you know, make sure that we do that and
 9 follow all the guidelines and State regulations would
 10 require an engineer firm because we don't have that
 11 expertise on staff.
 12 The Honeysuckle bleacher wall would
 13 essentially be the same thing. Because of the use in
 14 that park, we don't want to go in and do something
 15 that does not adhere to regulations or State
 16 requirements and have the liability of that situation.
 17 And I'll take any questions.
 18 MAYOR PITTMAN: Okay. Council, questions?
 19 COUNCILMEMBER ALEXANDER: I believe we had
 20 an engineer and we had an official analysis done of
 21 the retaining wall at the Police Department, and I
 22 believe they gave us one or two or three alternatives
 23 for that repair.
 24 MAYOR PITTMAN: Are you referring to several
 25 years ago?

1 COUNCILMEMBER ALEXANDER: Uh-huh.
 2 MAYOR PITTMAN: Roberts & Company?
 3 COUNCILMEMBER ALEXANDER: I think it was
 4 Keck & Wood.
 5 COUNCILMEMBER FLEMING: Keck & Wood.
 6 MAYOR PITTMAN: Because we had reached out,
 7 and I don't believe we've gotten --
 8 MR. ROBERTSON: Steven did not have any --
 9 MAYOR PITTMAN: We reached out to the
 10 companies as well.
 11 COUNCILMEMBER PACHUTA: Someone -- Luke sent
 12 us the report.
 13 COUNCILMEMBER FLEMING: Correct.
 14 MAYOR PITTMAN: Other than that, that's all
 15 we've gotten.
 16 COUNCILMEMBER ALEXANDER: No. I mean it had
 17 pricing on it.
 18 COUNCILMEMBER PACHUTA: Yeah.
 19 COUNCILMEMBER FLEMING: And if I'm not
 20 mistaken, Keck & Wood did the design --
 21 COUNCILMEMBER ALEXANDER: Uh-huh.
 22 COUNCILMEMBER FLEMING: -- and they may even
 23 already have the building specs and everything.
 24 And Maria, I didn't mean to take over your
 25 conversation but continue if you wish, and I'll --

1 COUNCILMEMBER ALEXANDER: And there was like
 2 three different --
 3 COUNCILMEMBER PACHUTA: Yeah.
 4 COUNCILMEMBER ALEXANDER: -- types of
 5 construction, and it was pretty detailed.
 6 COUNCILMEMBER PACHUTA: And three or four
 7 suggestions or --
 8 MR. STRICKLAND: No. Keck & Wood did an
 9 assessment but it's like a paragraph, you know: this,
 10 this and this.
 11 COUNCILMEMBER ALEXANDER: No. This was a
 12 quote and it had dollar amounts and everything.
 13 MR. STRICKLAND: Has it actually been -- I
 14 mean has it been looked at from an engineer, like
 15 beyond an assessment to an actual eng- -- You know,
 16 what were you --
 17 COUNCILMEMBER ALEXANDER: Well, they gave us
 18 alternatives of what to do.
 19 MR. STRICKLAND: Right. All I saw was like
 20 a paragraph --
 21 COUNCILMEMBER ALEXANDER: No.
 22 MR. STRICKLAND: -- assessment. I haven't
 23 seen -- I mean they need to do drawings, they need to
 24 do specs, they need to come up and say, you know, A
 25 through Z needs to happen and --

1 COUNCILMEMBER PACHUTA: And Luke e-mailed us
 2 that maybe only three weeks ago.
 3 MR. ROBERTSON: Okay. I will certainly -- I
 4 will get with Luke first thing in the morning and --
 5 COUNCILMEMBER PACHUTA: I don't know if
 6 there were drawings or anything --
 7 MR. ROBERTSON: Right.
 8 COUNCILMEMBER PACHUTA: -- but it was much
 9 more --
 10 MR. ROBERTSON: Much more detailed?
 11 COUNCILMEMBER PACHUTA: -- detailed than a
 12 paragraph, where it listed each option, probably had
 13 like 10 bullet points underneath it, like what would
 14 all fall under --
 15 MR. STRICKLAND: Right. I think that is
 16 what we've all seen.
 17 COUNCILMEMBER ALEXANDER: Okay.
 18 MR. STRICKLAND: But it's an assessment
 19 saying, you know, you can do this, this or this, but
 20 it hasn't actually been engineered with draw- -- You
 21 know, in other words, an assessment kind of puts a
 22 cost estimate out there so you know what you're
 23 talking about, but I don't think anyone's gone out
 24 there and said, you know, we need a four-foot wall six
 25 inches for 180 feet and it will cost, you know, this,

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1 and then you backfill and then this, this, this, I
2 mean.
3 We need an engineering firm to do --
4 COUNCILMEMBER PATRICK: Hydrology and --
5 MR. STRICKLAND: Yes.
6 COUNCILMEMBER PATRICK: -- footings and --
7 MR. STRICKLAND: The step before getting
8 that bid out by an actual contractor, so --
9 COUNCILMEMBER ALEXANDER: Well, we would
10 have to -- in my opinion, we would have to issue an
11 invitation to bid on doing engineering.
12 MR. STRICKLAND: Oh, absolutely. That's --
13 COUNCILMEMBER ALEXANDER: But they did
14 include information in there --
15 COUNCILMEMBER PACHUTA: Yeah.
16 COUNCILMEMBER ALEXANDER: -- regarding
17 upkeep as far as okay, if you do this, then you're not
18 going to be able to cut the grass or whatever.
19 MR. STRICKLAND: Yes.
20 COUNCILMEMBER ALEXANDER: You won't have
21 vegetation there to maintain and all that stuff.
22 MR. STRICKLAND: Yeah. What they said was,
23 you know, no wall, the slope is this, and the
24 maintenance is going to be this. A four-foot wall,
25 the slope is this, and eight-foot wall, this. But

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1 it's not what we need.
2 And this needs to go out to bid to an
3 engineering/design firm like what they did at Halpern,
4 and then the next step is, you know, then let them bid
5 it out for the actual work, you know, by contractors.
6 And so I think the only thing we need to
7 make sure that we can do is that we can get -- that we
8 can use the HOST money for engineering services.
9 COUNCILMEMBER ALEXANDER: Do you know --
10 MR. STRICKLAND: And then I would have to
11 say I mean you almost have -- because you have to know
12 what you need to do before you can go to a contractor
13 and say --
14 COUNCILMEMBER PACHUTA: Can you estimate?
15 Is there like a percentage of what would be able to be
16 covered from Stormwater?
17 MR. STRICKLAND: What we'd ask them to do is
18 that when the contractor bids out the work they do
19 line items, and any line item that's Stormwater-
20 related is separated. You know, it's a total bid, but
21 this over here, this pipe, we need backfill, this,
22 that, we're going to put in a flume, blah blah blah,
23 whatever is Stormwater related, we pay that out of
24 that and just make --
25 Because they -- you know, as long as they

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1 line-item it and say this block here is Stormwater,
2 then that gets paid by the Stormwater utility.
3 ATTORNEY McLENDON: And I would think that
4 could even be part of your scope of work to state the
5 engineering firm needs to come up with --
6 MR. STRICKLAND: Oh, absolutely.
7 MR. ROBERTSON: Correct.
8 ATTORNEY McLENDON: -- a breakdown of what
9 constitutes stormwater-related items.
10 MR. STRICKLAND: So I think I mean basically
11 over there I think you're going to have a -- I'm not
12 talking about other improvements to the park, but you
13 have the wall and pipe, and the wall is one block and
14 the pipe is another, and you say we're paying for
15 that.
16 COUNCILMEMBER FLEMING: I have some concerns
17 with this in that we're talking three to three and a
18 half years ago we paid Keck & Wood a considerable sum
19 of money just to do the assessment, and though I don't
20 have those figures with me this evening. And for Ms.
21 Ferguson to even try to find them and research three
22 years or three and a half years ago, I won't put her
23 to that. So we've already made the initial attempt to
24 find out what it's going to cost or, you know, that
25 type of thing.

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1 I don't have a problem with going out to
2 request for bid for engineering services for the
3 Police wall, but we've not discussed Flowers Park
4 plan, so I don't consider it a priority because we
5 haven't even had that type of discussion yet.
6 MAYOR PITTMAN: Well, I feel that the wall
7 is a priority because it's a liability.
8 COUNCILMEMBER FLEMING: That, I agree. The
9 Police Department wall is a liability, and we need to
10 get engineering on that. But this capital improvement
11 renovation project, I'm making a comment that the
12 Flowers pool park plan, Mr. Robertson made a comment
13 that that might be part of the engineering that went
14 along with it.
15 MR. ROBERTSON: I just want to make sure
16 that when we design the wall that we keep in mind that
17 we do have plans for Flowers Park, that we don't do
18 something that's going to impact that plan later, that
19 we just keep that in mind as we move forward, that
20 there is some plans for a park renovation over there
21 as well. Not that it would be included in that
22 engineering, by any means. I mean it's two separate
23 projects, but the wall has to keep -- I mean we have
24 to keep in mind that we do have plans for over there.
25 COUNCILMEMBER FLEMING: So I guess what I'm

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1 trying to get at this evening, though, you would like
2 us to consider going out for request for bid on
3 engineering services for these three items or just the
4 Police wall?
5 MR. ROBERTSON: Just the Police wall. Of
6 the list that was submitted or that we looked at, that
7 that would be the number one priority would be the
8 police wall.
9 COUNCILMEMBER FLEMING: Okay.
10 COUNCILMEMBER DEAN: Are we going to talk
11 about this, the priorities, at our retreat?
12 MAYOR PITTMAN: Yes, absolutely.
13 COUNCILMEMBER PATRICK: And I was kind of
14 thinking perhaps it would be wiser for us to hold off
15 on this until we've had our retreat. We can do a
16 total priority list and --
17 COUNCILMEMBER DEAN: With a timeline and --
18 COUNCILMEMBER PATRICK: -- work a timeline
19 up.
20 MAYOR PITTMAN: That's only two weeks away,
21 so.
22 MR. ROBERTSON: And that's perfect. I mean
23 I just -- we were given this and didn't want to sit on
24 it.
25 COUNCILMEMBER PACHUTA: Can we in the

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1 meantime verify whether Keck & Wood did any drawings?
2 COUNCILMEMBER DEAN: Three and a half years
3 isn't that long, I would think, I mean to have a file
4 in storage. We could even call the company and say,
5 "Hey. We approached you a couple years ago," because
6 if it means business for them, then they might be very
7 anxious and be willing to put the time into looking
8 for it.
9 MR. ROBERTSON: I can certainly touch base
10 with Luke in the morning and get whatever information
11 he has and get a summary to you.
12 COUNCILMEMBER ALEXANDER: Another question.
13 Have we determined if the replacement of the pipe at
14 Brook Park is going to damage the tennis courts?
15 MR. STRICKLAND: Those bids come in; we'll
16 be opening those on Monday. From the questions and
17 answers that I've gotten, we should be able to line
18 that pipe and not only not damage the tennis courts,
19 but there are sinkholes right next to it caused by the
20 pipe. When you have a hole in the pipe, it starts
21 sucking that, and that's why you have a sinkhole. So
22 we should actually be able to improve the tennis
23 courts and not -- at least one of the contractors says
24 they will be able to. And there's just all types of
25 rehab out there that you can do to pipes to where

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1 you -- you know, you don't have to dig them up, do an
2 open cut. You are replacing the pipe where it is.
3 You're putting just a smaller pipe through it or you
4 can actually liner it and then you have a new pipe in
5 the exact same place as the old one.
6 So I'm anticipating that we'll have that
7 option, because taking that -- because that, it
8 doesn't just cut the corner. It runs longways. It's
9 a little bit more than I ever thought. So I mean
10 you're talking about basically the one tennis court
11 would be gone.
12 MAYOR PITTMAN: All right. Thank you. If we
13 could put this on the first meeting in August, bring
14 it back for discussion, please. Thank you.
15 Okay. Next on the agenda is part-time
16 employee. I believe this is to discuss to lift the
17 hiring freeze to hire a part-time employee for someone
18 that will be taking a leave of absence?
19 MR. ROBERTSON: Yes, ma'am. We have an
20 employee that coaches high school football with
21 Norcross High School, and he will be gone beginning
22 next week through the duration of football season, so
23 we need an employee to come in and fill that roll
24 because it is a busy time of year.
25 COUNCILMEMBER DEAN: Temporary? So it's

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1 going to be a temporary part-time?
2 MR. ROBERTSON: Yes, ma'am.
3 MAYOR PITTMAN: Questions?
4 COUNCILMEMBER ALEXANDER: Is it already
5 budgeted?
6 MAYOR PITTMAN: Yes.
7 MR. ROBERTSON: Yes.
8 MAYOR PITTMAN: Do I get a motion to --
9 COUNCILMEMBER FLEMING: Wait.
10 MAYOR PITTMAN: I'm sorry. Go ahead.
11 COUNCILMEMBER FLEMING: I have a question.
12 So we have an employee, so is that Mr.
13 Mosely?
14 MR. ROBERTSON: No, ma'am. It's Marcus --
15 COUNCILMEMBER FLEMING: Jackson.
16 MR. ROBERTSON: -- Jackson.
17 COUNCILMEMBER FLEMING: So don't you already
18 have six part-time employees already for your
19 department?
20 MR. ROBERTSON: We have four. We have
21 Marcus Jackson, Tory, Kim and Jim Adkinson are the
22 four part-time employees.
23 COUNCILMEMBER FLEMING: So we need to hire
24 another part-time person for football season only? I
25 mean since we already have three other part-time

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1 people besides yourself as full-time and Mr. Mosely
2 full-time, do we need another part-time person?
3 MR. ROBERTSON: Yes, ma'am. We operate
4 seven days a week, and it's -- the part-time employees
5 work 30 hours, and we're open from 8:00 a.m. till
6 nine/ten o'clock at night, and we do operate seven
7 days a week.
8 COUNCILMEMBER FLEMING: Okay.
9 MAYOR PITTMAN: Do I get a motion to lift
10 the hiring freeze for the part-time employee?
11 COUNCILMEMBER ALEXANDER: So moved.
12 MAYOR PITTMAN: Second?
13 COUNCILMEMBER FLEMING: Second.
14 MAYOR PITTMAN: Discussion?
15 ---
16 (No response)
17 ---
18 MAYOR PITTMAN: Call the roll, please.
19 CLERK BRYANT: Councilmember Alexander?
20 COUNCILMEMBER ALEXANDER: Yes.
21 CLERK BRYANT: Councilmember Dean?
22 COUNCILMEMBER DEAN: Yes.
23 CLERK BRYANT: Councilmember Fleming?
24 COUNCILMEMBER FLEMING: Yes.
25 CLERK BRYANT: Councilmember Pachuta?

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1 COUNCILMEMBER PACHUTA: Yes.
2 CLERK BRYANT: Councilmember Patrick?
3 COUNCILMEMBER PATRICK: Yes.
4 MAYOR PITTMAN: Okay. Thank you so much.
5 Okay. Next on the agenda is the phone
6 system. I believe we're going to start with the I.T.
7 Department, Captain Brinkley as well.
8 MR. CHRIS WRAGG: Captain Brinkley, we're
9 going to let you start if off.
10 CAPTAIN RODNEY BRINKLEY: My name is Captain
11 Brinkley, Doraville Police Department.
12 What we have been doing for the last at
13 least 12 months, myself and Chris have been going over
14 a plan to attempt to upgrade our phone system. The
15 current phone system that we have in the Police
16 Department was here when I began to work here in 1995.
17 COUNCILMEMBER DEAN: Could I just stop you
18 because I don't want to waste time.
19 Where are the other bids and why is this
20 coming before us? And if this -- this says this is
21 proposed by Chris; right?
22 And aren't you a contractor for the City?
23 MR. WRAGG: It wasn't originally.
24 My name's Chris, by the way.
25 It wasn't originally proposed by me, no. My

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1 company has nothing to actually do with it other than
2 advising you.
3 COUNCILMEMBER DEAN: Okay. Then, who is the
4 one doing this? This is the Police Department?
5 MR. WRAGG: The Police Department originally
6 needed theirs done --
7 COUNCILMEMBER DEAN: Uh-huh.
8 MR. WRAGG: -- and I was asked to look at
9 the rest of the city to see what shape the phone
10 systems were at that time. They did this a couple of
11 years ago. I think they got bids out. They were well
12 over \$100,000 each for a voice-over-IP system is what
13 they were talking about.
14 COUNCILMEMBER DEAN: Right.
15 MR. WRAGG: So after we looked at the
16 systems, we brought it to you to take a look at.
17 Now, it's in your benefit, and you'll see
18 that, and I'll be able to show exactly how it's in the
19 City's benefit. I will be able to show you exactly
20 how that we can save the City money. There's no up-
21 front cost as far as getting it implemented.
22 COUNCILMEMBER DEAN: Okay. Here, stop. But
23 I'm talking about other bids because --
24 MAYOR PITTMAN: It's right here.
25 MR. WRAGG: I have copies.

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1 COUNCILMEMBER DEAN: Right, right, right.
2 No. I see this.
3 MAYOR PITTMAN: Let me save you some time
4 too.
5 COUNCILMEMBER DEAN: Okay.
6 MAYOR PITTMAN: Would you interject on this
7 please about the bids? We have three other bids, and
8 when I asked you today about the bid process, you've
9 indicated --
10 ATTORNEY McLENDON: Well, under our
11 ordinances, if you're over \$5,000, basically, it
12 requires that a bidding process take place.
13 COUNCILMEMBER DEAN: Uh-huh.
14 ATTORNEY McLENDON: It is something that if
15 you go out and get quotes on that --
16 COUNCILMEMBER DEAN: Uh-huh.
17 ATTORNEY McLENDON: -- it's a situation that
18 the Council would evaluate, but that is a potential
19 method of satisfying --
20 COUNCILMEMBER DEAN: Right.
21 ATTORNEY McLENDON: -- the bid requirements.
22 And also, one of the things you would look
23 to with this type of a bidding process would be to
24 look to the sophistication of what it is you're trying
25 to achieve --

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1 COUNCILMEMBER DEAN: Right.
2 ATTORNEY McLENDON: -- through your system.
3 And a lot of times, that can give you some basis to,
4 you know, not put out an RFP that says, "Tell me what
5 I should do on my phones," if you have specific
6 objectives you're trying to achieve with it.
7 But three quotes is something that has been
8 and can be used on this. That's not the same as,
9 yeah, a full-blown RFP.
10 COUNCILMEMBER DEAN: Okay. Well, I have a
11 list of questions, being that --
12 MR. WRAGG: Sure.
13 COUNCILMEMBER DEAN: -- my husband works for
14 AT&T. So go ahead.
15 MR. WRAGG: Please do.
16 COUNCILMEMBER FLEMING: Well, since Ms. Dean
17 has brought up concern, I have concern about the RFP
18 situation too, because if it is indeed over \$5,000,
19 the request needs to come to Mayor and Council for
20 approval of, yes, let's go out for bid on something
21 that we feel is necessary for the City, okay, whether
22 that should have come from yourself or from the Police
23 Department, because this was a brand new item this
24 past Friday when I picked up my meeting packet, and
25 I'm going: When did we say we needed? Okay. When

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1 did we say we were going to go out for bid on these
2 things?
3 I do have issues with --
4 MR. WRAGG: And I understand, I understand
5 your issues.
6 COUNCILMEMBER FLEMING: And I don't see
7 where we said yes, go out for bid, and I don't see
8 where the bid was posted. So I'm just -- I have
9 concerns like Ms. Dean.
10 COUNCILMEMBER PACHUTA: Can I add to that
11 too? Brian had asked all department heads for their
12 list of capital improvement projects, and I don't
13 recall the phone system was on any of those department
14 heads' requests. So that's why it was kind of a
15 surprise to me, because we just recently asked for
16 what are your capital improvement needs, and this
17 wasn't on any list that we received back.
18 ATTORNEY McLENDON: I would just -- to the
19 extent you need me to interject, three quotes is
20 something that can be done in certain circumstances.
21 COUNCILMEMBER DEAN: No, but it's it the
22 way, it's how --
23 COUNCILMEMBER FLEMING: But was it --
24 COUNCILMEMBER DEAN: -- it was done.
25 COUNCILMEMBER FLEMING: -- by invitation

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1 only?
2 COUNCILMEMBER DEAN: Right, right.
3 COUNCILMEMBER FLEMING: That's what I want
4 to find out.
5 COUNCILMEMBER DEAN: Yeah, right, and there
6 are a lot of -- and even with this one, it's using
7 older technology with the newer service.
8 I mean there are a lot of things that I have
9 issues with here, even the finance or the lease-to-
10 purchase. I mean why don't you either purchase it
11 outright at a huge savings or lease it? But just to
12 do -- I mean, because this is technology. In five
13 years, this technology is going to be obsolete.
14 MR. WRAGG: You're exactly right, and that's
15 why we don't want to go out and outrageously buy it.
16 COUNCILMEMBER DEAN: Okay. But this is a
17 lease-to-purchase.
18 MR. WRAGG: I understand, but give me a
19 minute, okay?
20 COUNCILMEMBER DEAN: Okay.
21 MR. WRAGG: Let me explain to you. If you
22 go out and buy something, it's yours.
23 COUNCILMEMBER DEAN: I understand that.
24 MR. WRAGG: Five years down the road --
25 COUNCILMEMBER DEAN: If you lease to

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1 purchase, it costs more than just outright buying it,
2 though.
3 MR. WRAGG: Now, if you lease to purchase --
4 COUNCILMEMBER DEAN: You can lease it or you
5 can purchase it or --
6 MR. WRAGG: You're correct.
7 COUNCILMEMBER DEAN: -- we an lease to
8 purchase.
9 MR. WRAGG: You're correct.
10 COUNCILMEMBER DEAN: And the least expensive
11 is going to be -- if you want a discount --
12 The most expensive way is lease-to-purchase,
13 because you get it but it's after leasing it for a
14 period of time, so that seems to be the most costly.
15 If you purchase it right out, then you can
16 say, "Look, I know this equipment's going to be
17 obsolete in five years so I want a great deal on this.
18 I want X-amount of dollars taken off," and usually you
19 will get it.
20 If it's just a leasing, then you know you're
21 going to give it up at the end but you're kind of
22 renting it for a period of time.
23 So this is the least of the favorable
24 options --
25 MR. WRAGG: Okay.

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1 COUNCILMEMBER DEAN: -- in my mind.
2 MAYOR PITTMAN: Could you --
3 MR. WRAGG: I understand.
4 MAYOR PITTMAN: Just a minute.
5 Captain, if you could step up, please, and
6 explain -- if nothing else, explain why I.T. and why
7 you guys feel the necessity to change our phone
8 system.
9 CAPTAIN BRINKLEY: The reason that we need
10 to change our phone system, it is antiquated. They no
11 longer make it, there are not any parts for it any
12 more, and it's just a matter of time before we'll have
13 a piece of equipment that is of no use to us.
14 COUNCILMEMBER DEAN: That's not the issue.
15 The issue is this process, how this is happening.
16 I mean if you would have come and said,
17 "Look, we want to send out an RFP because we need a
18 new phone system,"
19 "Hm, let's consider that," put out the bid
20 to everyone, come back with the bids and then go over
21 it that way.
22 But this is just a -- what is this? And the
23 fact that we only had one bid in our boxes. We come
24 here at this meeting tonight. "Oh, no, there are two
25 others. They're right here. You're not going to have

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1 time to go over them, but they're right here, so you
2 see in fact there are three bids."
3 That does not work for me, and I have a huge
4 problem with the bidding process, not just with this
5 one, as you all know, but with bid processes that
6 we've had in the past. This is not working for me at
7 all.
8 MR. WRAGG: Okay. Well, I understand your
9 point.
10 My only point was that the phone system is
11 broken, I was asked to take a look at some of the
12 possibilities.
13 The phone system itself is dilapidated, it's
14 antique, it's over 18 years old and non-replaceable on
15 parts. If per se I have a change of voicemail on a
16 phone, which I don't normally do, I have to call the
17 company that we're dealing with now. It costs me
18 \$50.00 for five minutes, and I think Lisa can verify
19 that. Fifty dollars for them to change it. Each time
20 I call them, it costs you money. Plus on top --
21 COUNCILMEMBER DEAN: Yeah, but why didn't --
22 MR. WRAGG: -- of that, you're looking at
23 the bill.
24 COUNCILMEMBER DEAN: -- you come to us,
25 then, and say, "Hey, I would like to send out an

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1 RFP --"
2 MAYOR PITTMAN: They came to me.
3 COUNCILMEMBER DEAN: -- "for a proposal."
4 MAYOR PITTMAN: Excuse me. Let me just
5 stop.
6 COUNCILMEMBER DEAN: Okay.
7 MAYOR PITTMAN: They came to me. First,
8 Captain Brinkley came to me and then I.T. came, and I
9 told them to look into it further.
10 They looked into it, they came back with
11 these. I checked with Legal. Legal said that was
12 perfectly legal if they had three.
13 It's been done. He said it was legal.
14 If you guys want to do it the other way, I
15 am perfectly fine with that.
16 MR. WRAGG: Yes.
17 MAYOR PITTMAN: We'll stop the process --
18 COUNCILMEMBER DEAN: Okay.
19 MAYOR PITTMAN: -- right now and we will get
20 an okay from you guys to go out for an RFP, RFQ,
21 whatever you want, and we'll do that.
22 COUNCILMEMBER DEAN: Okay.
23 MAYOR PITTMAN: I'm fine with that.
24 COUNCILMEMBER DEAN: That's my -- that's my
25 route. That's the way I would like to go.

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1 MAYOR PITTMAN: Okay. Then in that case,
2 does Council want to make a motion to do that or do
3 you want to have more discussion?
4 COUNCILMEMBER ALEXANDER: If I can speak
5 too, I was a little concerned that even Public Works
6 was getting voice-over-IP but we weren't going to give
7 it to the Library.
8 MR. WRAGG: Okay. The reason that we didn't
9 do it on the Library itself is because right now
10 they're trying to investigate to find out who pays the
11 Library's bills, to be honest with you. We don't have
12 a phone bill on the Library, and all this was done
13 with a phone bill so we could take the existing phone
14 bill and take and see what kind of money.
15 Under the plan that I put together, which I
16 went three different places, some of it was a little
17 rushed, but I managed to get it so that we save \$1,000
18 a month off of the entire City's phone bill and have
19 new technology.
20 One of the problems that you need to think
21 about when you go to it is the bandwidth of the City
22 we're running this entire I.T. Department, the entire
23 bandwidth for the complete City off of a T-1 line.
24 T-1 line gives us three megs up and 3 megs down the
25 bandwidth. Unfortunately, that means that we have to

1 cut a lot of the services off -- YouTube and some of
 2 the things that some of the guys need. I have to cut
 3 it on and off constantly. The guys in C.I.D.
 4 sometimes have to go in and look at different sites
 5 and different places in order to do their
 6 investigation.
 7 With the newer technology, I could cut
 8 individuals on and off and resolve that, and on top of
 9 that, we're going to get 3 megs which we're running
 10 the entire city off of -- we're going to get 4 megs
 11 for the P.D. by itself with a hookup for the
 12 courthouse and 1.5 megs or one and half megs for just
 13 City Hall.
 14 COUNCILMEMBER ALEXANDER: Can I please
 15 finish my comment?
 16 MR. WRAGG: Yes, ma'am.
 17 COUNCILMEMBER ALEXANDER: Thank you.
 18 If we're going to do this, I'm not going to
 19 leave the Library out. Whoever needs to --
 20 MR. WRAGG: Oh, no.
 21 COUNCILMEMBER ALEXANDER: Whoever needs to
 22 find out who pays the Library phone bill, you do it
 23 and you include it. If we're going to do something
 24 like this, it needs to be City-wide. We're not going
 25 to have it at Public Works and the Arena and then the

1 it the P.D.'s page, City Hall's page, whomever, but I
 2 do want to make sure that all City facilities are
 3 included. We even have phone service at the pool.
 4 MAYOR PITTMAN: And those that don't
 5 understand what we're talking about, we have basically
 6 an IGA with Dekalb County with the Library. There are
 7 some parts of the Library that is controlled by Dekalb
 8 and some parts by the City, and so far, we were not
 9 able to distinguish if they paid the phone bill. We
 10 are looking into that, we are researching it, so we'll
 11 come back to that.
 12 But that's fine. Do we get a second?
 13 COUNCILMEMBER DEAN: Second.
 14 MAYOR PITTMAN: Discussion?
 15 COUNCILMEMBER PATRICK: If it's possible,
 16 could we hold this off until the retreat so that we
 17 can do an assessment not just of the little bits, the
 18 next thing that we happen to find out where there's a
 19 problem, but look at the entire city and say top to
 20 bottom, "Here are the things that need to be improved
 21 or upgrades that need to be done," rather than an
 22 issue comes up and we got to take care of it.
 23 Our city has been I guess several years
 24 without investing in it, and we have limited
 25 resources, and I just think it would be a smart idea

1 Library is a standalone island.
 2 MAYOR PITTMAN: Well, I think --
 3 COUNCILMEMBER ALEXANDER: Furthermore, I
 4 wanted to verify if we are on a -- the way we accept
 5 credit cards. I don't know if we're doing that on a
 6 Web-based thing or if we have a card scanner, and some
 7 card scanners have a critical issue with voice-over-
 8 IP, and I didn't know if that had been verified, that
 9 our card readers would still fix --
 10 MR. WRAGG: Yes, ma'am.
 11 COUNCILMEMBER ALEXANDER: -- if we switched
 12 over to voice-over-IP.
 13 Again, I mean this is something that we
 14 should have discussed it, it should have gone out for
 15 formal RFP. We would have dictated where we wanted
 16 the bid posted such as glga.org and on our City Web
 17 site. That was something that had been an issue
 18 before is I didn't think -- I and my other Council
 19 members didn't feel like we were getting a wide enough
 20 breadth, and we never wanted to be accused of not
 21 posting things widely.
 22 So those were my questions and comments, and
 23 I would be glad to make a motion to issue a formal RFP
 24 for this to be posted on glga.org or glga.net, which
 25 is the GMA Web site, and also all City Web sites, be

1 if we have a plan moving forward rather than run off
 2 in this direction or run off in that direction.
 3 MAYOR PITTMAN: Okay. We have a motion and
 4 we have a second. Do you wish to withdraw your
 5 motion?
 6 COUNCILMEMBER PACHUTA: May I make a
 7 comment?
 8 MAYOR PITTMAN: Sure.
 9 COUNCILMEMBER PACHUTA: To go along with
 10 that is the same thing. I mean Brian has been trying
 11 to get capital improvement priorities so that we can
 12 set these priorities, and that was one of the topics
 13 that has been discussed at the strategic planning
 14 session. And so I'm a little bit disappointed just to
 15 see all this huge capital improvement request, and I
 16 don't recall it being on the list that we've collected
 17 from all department heads for capital improvement
 18 projects. Maybe it was, but I don't recall it being
 19 on there. But we haven't even set the priorities yet,
 20 but then we're being asked, okay, you don't have your
 21 priorities yet, but we need this right now.
 22 COUNCILMEMBER FLEMING: And the other
 23 comment that I --
 24 COUNCILMEMBER PACHUTA: I'm sorry. I have
 25 no problem with going ahead and issuing an RFP but I

1 don't want to make any decisions on it until we do
 2 establish those priorities.
 3 COUNCILMEMBER FLEMING: The comment I want
 4 to make is, first of all, I don't even know what phone
 5 system we presently have, whether we're leasing it,
 6 whether we own it, whether it's a lease-to-purchase
 7 like Ms. Dean commented being more expensive and those
 8 types of things. So you know, I want a comparable
 9 from where we are today to where we would like to be,
 10 and I'm not happy about the way it was presented this
 11 evening.
 12 MAYOR PITTMAN: Okay. We have a motion and
 13 a second. Additional discussion?
 14 - - -
 15 (No response)
 16 - - -
 17 MAYOR PITTMAN: Call the roll, please.
 18 CLERK BRYANT: Councilmember Alexander?
 19 COUNCILMEMBER ALEXANDER: Yes.
 20 CLERK BRYANT: Councilmember Dean?
 21 COUNCILMEMBER DEAN: Yes.
 22 CLERK BRYANT: Councilmember Fleming?
 23 COUNCILMEMBER FLEMING: No.
 24 CLERK BRYANT: Councilmember Pachuta?
 25 COUNCILMEMBER PACHUTA: Yes.

1 CLERK BRYANT: Councilmember Patrick?
 2 COUNCILMEMBER PATRICK: No.
 3 MAYOR PITTMAN: Motion carried. Thank you,
 4 gentlemen.
 5 COUNCILMEMBER DEAN: And again, we won't
 6 make a decision on anything until after our retreat;
 7 right?
 8 MAYOR PITTMAN: Yes.
 9 Okay. We're going to take a three-minute
 10 break.
 11 - - -
 12 (Brief recess)
 13 - - -
 14 MAYOR PITTMAN: Meeting come back to order.
 15 Next on the agenda is Ms. Ferguson,
 16 Resolution to Adopt the Medcom Flexible Spending
 17 Account Plan Document, that great big document you got
 18 in your book.
 19 MS. LISA FERGUSON: I apologize for making
 20 y'all have to read all those documents, but when
 21 Ascension put together the benefits package, they put
 22 flexible spending accounts in there. They've been
 23 implemented and we've got 18 participants, which I'm
 24 very pleased about, but when it came time to sign the
 25 plan documents they said, "We need you to sign this

1 resolution" that they provided, and Legal says, "Well,
 2 we have to pass it before Council first," so we're
 3 bringing it to you. It's a very short resolution but
 4 you need to vote on it. Hopefully, a yes vote.
 5 MAYOR PITTMAN: Questions? All right. So
 6 no questions, comments?
 7 COUNCILMEMBER ALEXANDER: So all we're doing
 8 is filling in today's date?
 9 MS. FERGUSON: Yes.
 10 MAYOR PITTMAN: Yes.
 11 Do we get a motion to approve the resolution
 12 to adopt Medcom Flexible Spending Account Plan
 13 Document?
 14 COUNCILMEMBER ALEXANDER: Effective today's
 15 date, July 16th?
 16 MAYOR PITTMAN: Yes, please.
 17 MS. FERGUSON: Yes.
 18 COUNCILMEMBER ALEXANDER: So moved.
 19 MAYOR PITTMAN: Second?
 20 COUNCILMEMBER PACHUTA: Second.
 21 MAYOR PITTMAN: Call the roll, please.
 22 CLERK BRYANT: Councilmember Alexander?
 23 COUNCILMEMBER ALEXANDER: Yes.
 24 CLERK BRYANT: Councilmember Dean?
 25 COUNCILMEMBER DEAN: Yes.

1 CLERK BRYANT: Councilmember Fleming?
 2 COUNCILMEMBER FLEMING: Yes.
 3 CLERK BRYANT: Councilmember Pachuta?
 4 COUNCILMEMBER PACHUTA: Yes.
 5 CLERK BRYANT: Councilmember Patrick?
 6 COUNCILMEMBER PATRICK: Yes.
 7 MS. FERGUSON: Thank you very much.
 8 MAYOR PITTMAN: Thank you.
 9 Okay. Next on the agenda is a public
 10 hearing for the Application for Variance for I guess a
 11 masonry wall dumpster enclosure.
 12 MR. COOLEY: Good evening, Council. This is
 13 an application for a variance to Section 23-905 in the
 14 R-3 zoning district which requires a masonry-wall
 15 dumpster enclosure. This is presented by WRH Aztec,
 16 LLP. The property is 3733 Aztec Road. You'll know it
 17 better as Colony Cove Apartments.
 18 This has been properly advertised in The
 19 Champion newspaper and it was properly posted on the
 20 28th of June. Both were on the 28th of June.
 21 Colony Cove wishes to locate an additional
 22 dumpster location on the property. Basically what
 23 they want to do, they -- it's a very difficult site,
 24 and that is an old site. It's got weird
 25 configurations; it's got topography issues.

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1 One location that they found in the general
2 area they wanted was back over to the very southern
3 portion of the property right next door to -- It met
4 all the conditions, our requirements and set-backs,
5 etc., but it was right next to the unit and it was
6 also adjacent to a condominium complex. That was an
7 issue for the folks in the apartments, it was an issue
8 for the folks behind it.
9 We have been working with -- the town has
10 worked, the Mayor has worked, I've worked, Tony's
11 worked -- all with the applicant and trying to find a
12 solution to this in a good location.
13 Basically because it is a new dumpster, it
14 falls under the current zoning requirements. All the
15 other dumpsters on the site have wooden enclosures
16 around them.
17 As I said, the site's very limited to
18 potential locations because of access and also the
19 setback issues. They had one site that was in the
20 corner which was really not well suited, and we've
21 been looking for it past that.
22 That location that we have come up with and
23 that works -- seems to work for everyone involved is
24 in the front portion in an open space. The problem is
25 that the topography of it goes down, and the problem

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1 is -- and there's trees in the area, pine trees
2 primarily, and it goes down. In order to build a
3 masonry wall, you're talking about having to go with a
4 much larger footer and a different pad situation.
5 So basically, there's a couple things. One,
6 it has the potential of affecting a number of the pine
7 trees there if you did the larger footer but also it
8 adds, you know, significantly to the cost also, which
9 makes it problematic for the applicant.
10 There will be one pine tree regardless if it
11 goes in that area that'll need to come down. I've
12 talked to Steven, the arborist, about it, and he says
13 it's not in the best of shape and he really doesn't
14 have a problem with that.
15 MAYOR PITTMAN: Any thoughts from the
16 Planning Commission?
17 MR. COOLEY: Yes. The Planning Commission
18 heard it. It was presented by the applicant. There
19 were not public comments at it, a couple of comments
20 were -- it was open but no one had any comments about
21 it.
22 Is one of the commissioners here?
23 MS. GILMAN: Yes.
24 MR. COOLEY: Oh. Yes. I'm sorry. I
25 thought the chairman was going to be here tonight.

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1 But anyway, Ms. Gilman is here. She was
2 there, she did abstain because she had a personal
3 interest involved in it, but I'm sure she could answer
4 any questions about discussions at the Planning
5 Commission if y'all wish.
6 The vote was three in favor with one
7 abstention to allow the variance, to allow a wood
8 enclosure instead of a masonry enclosure around the
9 dumpster.
10 Under Staff Recommendations, you'll see that
11 there are basically seven criteria that you look at
12 for a variance. I'll re-go through these real quickly
13 just for the record.
14 Number one is the site meets the
15 requirements for the variance based upon conditions of
16 the site's shape or topography, which is certainly the
17 case here because of the shape and the topography of
18 the proposed location.
19 Number two, a literal interpretation of the
20 Code may deprive the applicant of rights commonly
21 enjoyed by others in the same zoning district.
22 Number three, no special rights would be
23 conferred upon the property or any special privilege
24 not available to other properties through the variance
25 process. Everyone has the same right to go through

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1 the process.
2 The variance is in harmony with the intent
3 of the Code -- and I think this is probably the most
4 critical one -- and not be injurious to the neighbor-
5 hood. This is a preferred solution as opposed to
6 placing a dumpster next to the or at the alternative
7 location that would have negative impacts both on the
8 adjacent apartment and on the condominium neighbors.
9 Special circumstances are a result of the
10 topography of the site; number six, the variance
11 request a modification of the type of dumpster
12 enclosure construction due to the above reasons I've
13 just given. And the proposed use is a permitted use
14 in R-3 as an accessory use.
15 As such, staff recommends approval also.
16 MAYOR PITTMAN: Ms. Gilman, did you want to
17 add anything?
18 MS. CAROL GILMAN: Thank you. Carol Gilman.
19 I believe this is an example of a win-win-
20 win situation. In this circumstance, City staff
21 really worked hard to find a solution, and they did.
22 It's of benefit to the apartments and to the
23 condominium owners, and really I speak as a resident.
24 Thank you for creating the situation. It worked out
25 very well for all concerned, and actually that's the

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1 way things are supposed to work.
 2 I can answer any questions about the process
 3 of reviewing this. I did abstain from the vote. I
 4 reserved my right to be informed. At the same time, I
 5 was selected by the Planning Commission to be here
 6 tonight and answer any questions that Council and
 7 Mayor might have.
 8 MAYOR PITTMAN: Any questions from the
 9 Council for Ms. Gilman?
 10 ---
 11 (No response)
 12 ---
 13 MAYOR PITTMAN: Ms. Gilman, thank you.
 14 Is the parties here? Does anyone wish to
 15 speak on behalf of --
 16 MR. COOLEY: This will have to go into a
 17 public hearing now.
 18 MAYOR PITTMAN: Are they here, though?
 19 COUNCILMEMBER ALEXANDER: Is the applicant
 20 here?
 21 ---
 22 (No response)
 23 ---
 24 COUNCILMEMBER ALEXANDER: Because I did have
 25 one question with the orientation, and perhaps I

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1 couldn't see on the map. I was trying to figure out
 2 where the ingress for the dumpster truck. Is it going
 3 to be in an existing parking lot?
 4 MR. COOLEY: Yes.
 5 COUNCILMEMBER ALEXANDER: Okay.
 6 MR. COOLEY: It's right at the entrance
 7 there so it will -- there's a lot of space. It's good
 8 maneuverability.
 9 COUNCILMEMBER ALEXANDER: Okay.
 10 MAYOR PITTMAN: Is there anything additional
 11 from Council right now before I open the public
 12 hearing?
 13 COUNCILMEMBER DEAN: Well, I have one
 14 question. It's not related, but since we have both
 15 people here. There was an issue with the video
 16 equipment at the last Planning Commission meeting.
 17 MR. COOLEY: That's correct.
 18 COUNCILMEMBER DEAN: Can the Planning
 19 Commission take care of operating -- can they be
 20 taught, shown how to operate it and can the Planning
 21 Commission be responsible for operating the equipment?
 22 I count on getting a copy of that DVD at every
 23 meeting.
 24 MR. COOLEY: I understand.
 25 COUNCILMEMBER DEAN: And when it doesn't

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1 happen, I feel kind of lost in terms of it, because
 2 otherwise, I would attend. I'd rather not attend.
 3 But if I can see it, then that's all I want.
 4 MR. COOLEY: Well, let me explain what
 5 happened on that. Apparently we have very old
 6 equipment that does not work off batteries, and to my
 7 lack of knowledge of the machine, you know, every time
 8 I've used it before, you press record and it records.
 9 Well, I found out later after I took the camera to the
 10 City Clerk to make the DVD on the thing, that if it's
 11 been sitting there -- and, you, we had it going and I
 12 went over and started it once; the chair said start
 13 the record -- you have to press it apparently three
 14 times, record, to make it work.
 15 Never heard of that before.
 16 COUNCILMEMBER DEAN: Right.
 17 MR. COOLEY: It's antiquated equipment. I
 18 wish we had --
 19 COUNCILMEMBER DEAN: Right, something new.
 20 MR. COOLEY: -- reasonable -- I mean I never
 21 in the world have thought to have to press it three
 22 times to get the recorder going.
 23 COUNCILMEMBER DEAN: Well, my concern is
 24 that this has happened before. And so if we have one
 25 person just to operate it who understands, on the

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1 Planning Commission, because it's --
 2 MR. COOLEY: That would be fine.
 3 COUNCILMEMBER DEAN: -- their meeting.
 4 Okay.
 5 MR. COOLEY: I would love that.
 6 COUNCILMEMBER DEAN: Okay. All right.
 7 Is that --?
 8 MS. GILMAN: Actually, I think it's probably
 9 the secretary's duty to make sure the proceedings are
 10 recorded whether in writing via the minutes or by the
 11 camera. And I think we're all coachable and we could
 12 probably be taught how to push that button, and so I
 13 think the Commission as of this date and this time
 14 should assume that responsibility.
 15 COUNCILMEMBER DEAN: Perfect. Great. Thank
 16 you.
 17 MAYOR PITTMAN: Thank you very much.
 18 MR. COOLEY: If I may comment, too, that's
 19 the same camera that we use here. I really wish we
 20 could get a new camera to replace that one.
 21 COUNCILMEMBER PACHUTA: That was on the
 22 capital improvement list.
 23 COUNCILMEMBER DEAN: Right.
 24 COUNCILMEMBER PATRICK: Question.
 25 MR. COOLEY: Yes.

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1 COUNCILMEMBER PATRICK: It's not going to
 2 take up a required parking space with that location?
 3 MR. COOLEY: No. This is actually a green
 4 area that goes down. My first concern with it,
 5 though, it'll be getting into the amount of green
 6 space that's required.
 7 COUNCILMEMBER PATRICK: That's --
 8 MR. COOLEY: But after looking at the aerial
 9 photographs, there's so much wooded green space on the
 10 back side of the north end of the apartment complex,
 11 that it doesn't even begin to get into the required.
 12 That was my original concern.
 13 COUNCILMEMBER PATRICK: *And do we have an*
 14 ordinance in place that might address the number of
 15 residents to trash receptacles or -- or --
 16 MR. COOLEY: No.
 17 COUNCILMEMBER PATRICK: -- something?
 18 Because looking at that property when I went over
 19 there over the weekend, you literally have to walk
 20 from one end to the other to get to a single trash can
 21 that's --
 22 MR. COOLEY: Right.
 23 COUNCILMEMBER PATRICK: -- at the site.
 24 MR. COOLEY: Yeah. And what they're
 25 actually doing -- I don't think this is anything to

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1 increase the number. My understanding is if you
 2 notice to the -- as you're facing the complex, to the
 3 right of the entrance there, there's one where a truck
 4 actually has to back in and back out. This will
 5 eliminate that one, so from a safety perspective, it'll
 6 be better, because you won't have a trash truck
 7 backing in and off the road.
 8 COUNCILMEMBER PATRICK: *Okay. And then a*
 9 final question, I don't know if you would know this,
 10 but what are the hours of trash pickup? I noticed
 11 that there were a lot of kids' soccer balls and toys
 12 in that green area and I just --
 13 MR. COOLEY: Yeah.
 14 COUNCILMEMBER PATRICK: *-- want to make sure*
 15 that we're not creating a problem.
 16 MR. COOLEY: I really do not know. That's
 17 something with Waste Management. But I do know -- and
 18 this was one of the discussions we had when the
 19 thought was that it was going to go in this other
 20 location is that talking to the Waste Management
 21 company about their hours, because one of the concerns
 22 not just was the odor but also the noise --
 23 COUNCILMEMBER PATRICK: Right.
 24 MR. COOLEY: -- and things of that sort. So
 25 that was kind of one possible solution but it wasn't a

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1 good solution --
 2 COUNCILMEMBER PATRICK: Okay.
 3 MR. COOLEY: -- so we found this instead.
 4 MAYOR PITTMAN: Okay. At this time, we're
 5 going to open the public hearing. Those wishing to
 6 speak for, please come forward. Those wishing to
 7 speak for. Anyone wishing to speak for?
 8 - - -
 9 (No response)
 10 - - -
 11 MAYOR PITTMAN: Okay. Those wishing to
 12 speak against, please come forward. Anyone wishing to
 13 speak against?.
 14 - - -
 15 (No response)
 16 - - -
 17 MAYOR PITTMAN: Okay. Bring it back up.
 18 Council have any additional questions or comments?
 19 COUNCILMEMBER PACHUTA: *I just want to say*
 20 this is an issue that I think Ms. Gilman and several
 21 other residents in the condos had e-mailed me back at
 22 least a year ago, and so I'm glad that all the parties
 23 worked together to, you know, come up with a solution.
 24 So I know it's been a concern for awhile with the only
 25 spot that currently met our Code was going to

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1 inconvenience the apartments and the condos.
 2 MAYOR PITTMAN: Ms. Gilman, any thoughts you
 3 want to add?
 4 MS. GILMAN: No.
 5 MAYOR PITTMAN: Mr. Cooley?
 6 MR. COOLEY: No.
 7 MAYOR PITTMAN: Okay. Great. At this time,
 8 we need a motion to approve the variance for the
 9 masonry wall dumpster enclosure.
 10 COUNCILMEMBER ALEXANDER: *Motion to approve*
 11 the variance to Code Section 23-905 in the R-3 zoning
 12 district for property located at 3373 Aztec Road.
 13 MAYOR PITTMAN: Okay. Do I get a second?
 14 COUNCILMEMBER ALEXANDER: Second.
 15 COUNCILMEMBER FLEMING: *I have that as 3733*
 16 on the agenda item cover sheet.
 17 COUNCILMEMBER ALEXANDER: *I was looking at*
 18 the applicant's page. It says 3373.
 19 MR. COOLEY: There are a number of different
 20 street addresses. The parcel is all the same. That's
 21 one of the things that a lot of the places around here
 22 will have one parcel and it will have five different
 23 street addresses.
 24 MAYOR PITTMAN: Okay. Did we get a second?
 25 COUNCILMEMBER PACHUTA: I seconded it.

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1 MAYOR PITTMAN: Additional discussion?
 2 ---
 3 (No response)
 4 ---
 5 MAYOR PITTMAN: Call the roll, please.
 6 CLERK BRYANT: Councilmember Alexander?
 7 COUNCILMEMBER ALEXANDER: 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. Motion carried.
 17 Next is the Public Hearing for Application
 18 for Parking Variance.
 19 Do we have the applicant here? If you'd
 20 like to just come forward just in case there's --
 21 MR. COOLEY: This is an application for a
 22 variance to Section 23-1205, Parking Requirements. It
 23 is being presented by Spalding Designs, LLC. The
 24 property is at 5466 Buford Highway. You'll know it as
 25 the yellow automotive building right next to the new

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1 into the bluff and so it reduces the amount of area
 2 usable on the parcel.
 3 As I said, parking right now is shared
 4 between the two uses and delivery areas are designated
 5 now for both uses, so that meets that standard.
 6 Planning Commission did review this. The
 7 applicant was heard by presentation by the applicant.
 8 They were asked questions. There was no public
 9 comment by anyone in the audience.
 10 Concerns by the Planning Commission were
 11 raised regarding the safety of the signalized
 12 intersection. GDOT controls the traffic
 13 signalization. Also discussion of possibly requiring
 14 a left-only turn, a left turn only was discussed but
 15 it was not made as part of the recommendation.
 16 The number of parking spaces was discussed
 17 and reduced, and basically they were -- they were
 18 looking at a maximum of eight.
 19 Their recommendation, the Planning
 20 Commissions' recommendation was for approval of the
 21 request for the variance. It was three approval and
 22 one opposed, and the approval was with one condition:
 23 the variance be for a maximum reduction of eight
 24 parking spaces from the 38 spaces required by the Code
 25 to 30 spaces with the variance.

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1 Quick Trip, that used to be I think a muffler shop if
 2 I'm not mistaken.
 3 The public hearing was properly advertised
 4 in The Champion newspaper and posted on site.
 5 This a redevelopment of a commercial site
 6 involving the adaptive reuse of an existing building.
 7 The lot, as I said, is adjacent to the Quick Trip.
 8 The prior use was automotive muffler shop.
 9 The building has been unoccupied since 2009.
 10 The site contains approximately .348 acres and has
 11 another existing business toward the back of the
 12 parcel which is a wholesale carpet operation.
 13 The applicant wishes to remodel the front
 14 building and open an Indian food market and
 15 restaurant. They've requested originally a reduction
 16 of required parking space up to a maximum of 10 spaces
 17 for the parcel. The required amount of the parcel is
 18 38 based upon the uses, combined uses of the property.
 19 This equates to a 26 percent reduction in the required
 20 parking. Section 23-1402(A)(b)(3) allows the Mayor
 21 and Council to grant up to a maximum of 50 percent
 22 reduction in parking requirements.
 23 Factors contributing to the applicant's need
 24 includes the lot shape and topography. The back part
 25 of the lot is extremely steep. It's built basically

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1 Again, staff recommendation, we've gone
 2 through the seven different criteria required for a
 3 variance. Again for the record I'll go ahead and go
 4 over that quickly.
 5 It does meet the requirement for the
 6 variances based upon conditions of the site, shape or
 7 topography because the back side of the property is a
 8 hill.
 9 A literal interpretation may deprive the
 10 applicant of rights commonly enjoyed by other
 11 properties in the same zoning district.
 12 No special rights would be conferred upon
 13 the property or any special privileges not available
 14 to others through the variance processes.
 15 Again, the Council is allowed to reduce it
 16 by 50 percent.
 17 The variance is in harmony with the intent
 18 of the Code and not injurious to the neighborhood.
 19 The property is an existing property on Buford
 20 Highway. It is part of the request for reduction --
 21 Excuse me. Part of the request for the reduction is a
 22 result of bringing existing parking design and spaces
 23 up to Code. It's striped right now, but some of the
 24 parcels have a sign in the middle of them. They're
 25 the wrong width, the wrong length. So what the

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1 applicant has done is actually done it according to
2 what our Code is requiring.
3 And the proposed use is a permitted use in
4 the C-2 zoning district. The use is consistent with
5 the Comp Plan as the highway corridor. Again, the
6 building has been vacant since 2009, and staff
7 recommendation was for approval.
8 MAYOR PITTMAN: And I was just going to ask
9 this. Was it also advertised properly?
10 MR. COOLEY: Yes, it was. It was advertised
11 same date on The Champion newspaper and the sign was
12 posted on the same day, too, which I --
13 COUNCILMEMBER DEAN: June 28th?
14 MR. COOLEY: -- believe was June 28th, I
15 believe, yeah. We have photos of the signs here.
16 COUNCILMEMBER PACHUTA: Going back to the
17 parking, because I know this was raised with another
18 property on Buford Highway, I think.
19 MR. COOLEY: Right.
20 COUNCILMEMBER PACHUTA: Our parking code --
21 and that's what I'm trying to remember. Were you
22 saying that what we require as far as width and depth
23 and everything is a little big larger than what is
24 traditionally going on in other cities or --
25 MR. COOLEY: Well, not traditionally. I'd

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1 say more recently.
2 One of the recommendations -- and I think we
3 discussed this a little bit -- from our stormwater
4 consultant CH2M Hill was to be consistent with what I
5 guess DCA is trying to do to reduce environmental
6 impacts is to reduce the size of parking spaces.
7 And at that time, the one you're talking
8 about previously, the recommendation and what the
9 Council approved was a reduction of the size of the
10 space to basically what they were requesting and what
11 the stormwater consultant recommended.
12 COUNCILMEMBER PACHUTA: So would that be an
13 option here where they reduced the size of the space?
14 MR. COOLEY: Well, I think once the
15 applicant makes his presentation, I think they've
16 reworked it again and I think they're -- my under-
17 standing is they're going to be able to reduce it even
18 though what -- not just for what they requested but
19 also what the Planning Commission recommended.
20 COUNCILMEMBER DEAN: Well, I don't think
21 that reducing the space is going to reduce the
22 environmental impact, because this is Georgia and
23 people like to drive big cars, all right? So I think
24 that's -- So I think that I understand that and I
25 understand the theory behind that, but I don't think

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1 it's practical to consider that here because I know --
2 and I just drive a Venza -- that sometimes I just --
3 you know, I may have to back up a couple of times, I
4 mean, between the lines. So that's -- that's
5 something that's, you know, a consideration.
6 MR. COOLEY: That's not part of their
7 request here tonight. They've designed it the full
8 size that we have now.
9 COUNCILMEMBER DEAN: Okay. All right.
10 MAYOR PITTMAN: Okay. Ms. Gilman, would you
11 like to interject anything from the Planning
12 Commission at this point?
13 MS. GILMAN: No. I think we should hear
14 from the applicant.
15 MAYOR PITTMAN: Okay. Thank you.
16 MR. SPALDING: Yes. My name is Richard
17 Spalding with Spalding Designs representing the
18 applicant for this particular project.
19 Before I start, since the Planning
20 Commission meeting, I was able to do some minor
21 modifications to the drawings and was able to add one
22 additional parking space. If you would pass those
23 around.
24 MAYOR PITTMAN: What kind of business is
25 this going to be?

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1 MR. SPALDING: It's going to be a small,
2 local community grocery store with a small take-out
3 type food service facility adjacent to it.
4 Right now, it's an existing auto repair
5 shop, and the building's going to be modified. In
6 fact, I have -- So you all can see, this here is a
7 larger version of the plan I just gave to you.
8 COUNCILMEMBER DEAN: Perhaps you can face it
9 toward the people in attendance because we have this,
10 and then they can see it as well.
11 MR. SPALDING: Okay. That's fine.
12 This here is a floor plan showing how we
13 were going to change it, and this here is an elevation
14 view of what it's going to look like just to give you
15 an idea of reference there.
16 Eventually we're going to take the hideous
17 blue and yellow colored building there and refinish it
18 with a combination of stone, stucco, brick and make it
19 a lot more eye-appealing.
20 But this area here will be the grocery
21 store, this area here will be the restaurant -- take-
22 out restaurant foodservice.
23 MAYOR PITTMAN: What kind of cuisine?
24 MR. SPALDING: Local ethnic Indian cuisine
25 type of food.

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1 COUNCILMEMBER DEAN: When you say take-out
2 food, do you mean like if you go to the QT and they
3 have the hot dogs? Like what -- how --?
4 MR. SPALDING: It will be like a fast food
5 type thing. They have a kitchen area, you know,
6 complete with, you know, all the required food-safety
7 issues so they would be able to produce food for
8 people to consume by taking out, with a very limited
9 seating, just a couple tables there to wait while it's
10 being cooked. It's not going to be like a sit-down
11 type restaurant.
12 MAYOR PITTMAN: Okay.
13 MR. SPALDING: So what we are requesting
14 here is for a reduction in parking due to the size of
15 the lot. Originally, I had -- in the plans, you'll
16 see that it says it's a requirement of 38 spaces is
17 what's required. And on the original application, I
18 was able to provide 33 spaces, I was able to rework
19 those and came up with where you see now 34 available
20 spaces. And based on all the arrangements, different
21 arrangements and things I've looked at there, I was
22 not able to find any other way to add any additional
23 parking spaces to this particular space due to the
24 limitation of the property. So that's why we're
25 applying for the variance to reduce the parking, and

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1 we asked for 10 and we were given eight, which is
2 fine. That works with us just to allow for ample
3 space as they're restriping it in case measurements
4 come short one or two spaces. That way, we're not
5 held to a fine line. We do have a little bit of play.
6 MAYOR PITTMAN: Questions from the Council?
7 COUNCILMEMBER PACHUTA: So they're basically
8 just keeping the footprint of the building?
9 MR. SPALDING: Keeping the same footprint
10 and changing the interior.
11 COUNCILMEMBER DEAN: This is a question,
12 this might be more for Mr. Cooley.
13 But with the traffic, you said that perhaps
14 with a left-turn-only, I'm assuming you meant right-
15 turn-only; right?
16 MR. COOLEY: Yes. Thank you.
17 The left turn is the problem.
18 COUNCILMEMBER DEAN: Okay. All right.
19 MR. COOLEY: And there was actually
20 discussions all along, even before this proposal came
21 in, with the owner of the property. I agree with him
22 that access into Quick Trip would really be nice
23 because it would be a lot safer, but because of the
24 topography, there is a retaining wall there, Quick
25 Trip was not interested in talking about it.

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1 COUNCILMEMBER DEAN: Well, the other thing -
2 - I have two concerns. One, because, in deciding
3 this, what kind of impact will that be on the Quick
4 Trip because will people start parking at the Quick
5 Trip to go to you because it will be easier to get in
6 and out?
7 And the other thing is traffic there is
8 already more difficult than it was before, and
9 everyone knows that I've had an issue with the traffic
10 now because it is more complicated and you have to be
11 extra careful because of the turning lanes -- the
12 turning signals and all that.
13 So the traffic, the business you've
14 described indicates that it's not even a restaurant
15 but it's kind of a take-out kind of place with a small
16 shopping kind of place, so people, hopefully, if the
17 business is successful, will be leaving and entering
18 often. And so my concern is that traffic because
19 that's a really bad traffic space, number one, and
20 number two, I live there and so I leave out of Jess
21 Norman a lot, and it's already complicated, and that I
22 could see being a pretty big mess.
23 MR. SPALDING: And I can understand your
24 concern on that, and with discussions with the owner,
25 obviously, we've discussed these, and they are -- One

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1 thing about the particular location is it's going to
2 be servicing foods to a particular ethnic group, so
3 the volume of people will not be as great, say, like
4 if you're going to McDonald's who you think would be
5 servicing a whole lot of people. So you're talking
6 about people who would be interested specifically in
7 that type of food.
8 And there are several other types of super-
9 markets or small community grocery stores that service
10 that particular -- in the area, so customers would
11 have other options available, you know, if they were
12 not comfortable with that particular egress from that
13 particular property.
14 But we don't -- we're not expecting a high
15 volume of traffic like you would think from a chain
16 type restaurant or even something like a Checker's or
17 anything like that; they have a walk-up kind of thing,
18 but they're designed to service a large number. And
19 this is going to be designed to service a small
20 community so we don't expect a whole lot of volume.
21 COUNCILMEMBER PACHUTA: ^{What were the --} was
22 putting a right-turn-only sign a viable option? Can
23 we do that or --?
24 MR. COOLEY: Again, the intersection -- as
25 you know, Buford Highway is a State road, so it's

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1 controlled. And when they went -- when Quick Trip got
2 the light, DOT approved that.
3 We cannot put an impediment or anything.
4 The suggestion that we were talking about at the
5 Planning Commission meeting was on their property, put
6 a right-turn-only sign, paint an arrow that goes this
7 way on their exit. You know, it's not going to
8 control it, but at least hopefully it would make
9 traffic flow easier. It would be safer.
10 Other than that, we really couldn't think of
11 another alternative to approach it.
12 COUNCILMEMBER PACHUTA: Cecil, they could do
13 that if they put it on their property or a suggestion?
14 ATTORNEY McLENDON: GDOT has an awful lot of
15 control over access to the State routes, so they could
16 -- you know, they have right to do that on their
17 property. I would be hesitant to make that a
18 condition of this.
19 COUNCILMEMBER PACHUTA: I mean I understand
20 it couldn't be policed but --
21 ATTORNEY McLENDON: I would be hesitant to
22 make that a condition of the variance.
23 COUNCILMEMBER PACHUTA: Okay.
24 COUNCILMEMBER FLEMING: Mr. Cooley or
25 possibly the applicant, is there a sidewalk already at

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1 that location?
2 MR. COOLEY: Yes, ma'am, there is a sidewalk
3 across the front there, goes all the way, well, I know
4 up to town hall or City Hall because I go get drinks
5 over there.
6 COUNCILMEMBER FLEMING: And is there
7 currently proper landscaping or can we include
8 conditions to this variance to beautify the front of
9 it by adding additional landscaping?
10 MR. COOLEY: There is space in the front
11 between the building and the right-of-way where
12 there's some paved area. It's not wide enough for two
13 parking spaces. There's potential the asphalt could
14 be removed there.
15 But also, and you'll see in the redesign,
16 two of the spaces that were there has a pole, you
17 know, a large sign in the middle of it. Again, that
18 asphalt could be removed and put into green space.
19 Basically the asphalt goes up to the right-of-way.
20 You know, this was developed before there were any
21 standards about that.
22 But it's limited, but there are a couple of
23 opportunities there, and I would say under the sign
24 would be one and possibly right in front of the
25 building might be another.

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1 COUNCILMEMBER DEAN: Can we hear from --?
2 I'm sorry. Go ahead.
3 COUNCILMEMBER PATRICK: Can we look at your
4 elevation again?
5 MR. SPALDING: Sure.
6 COUNCILMEMBER PATRICK: And can you kind of
7 describe what's there?
8 MR. SPALDING: Yes. What we have here, this
9 over here would be Buford Highway on the side of --
10 when you're facing the property directly on from the
11 parking lot. This would be the existing entrance
12 area, right now the current sales lobby to the repair
13 shop. This area would be refaced with a textured
14 paint or stucco finish that would be earthtone to
15 match -- similar to the buildings that had been built
16 recently over the last few years and have those
17 earthtone looks.
18 And then these areas here are the former bay
19 areas where they have overhead doors which we'll be
20 taking out. Those overhead door areas will be filled
21 with split-face block, which we get that look and
22 appearance of a textured or stucco look when it's
23 finished.
24 COUNCILMEMBER DEAN: What does that mean?
25 The split-face block, what is that? Is that -- is

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1 that cinder block?
2 COUNCILMEMBER PATRICK: It's not cinder
3 block. It's kind of a --
4 MR. SPALDING: Yeah. Basically if you think
5 about it's a block, they cut it in half and it has a
6 rough textured face so it looks like stucco.
7 COUNCILMEMBER DEAN: Okay.
8 MR. SPALDING: It's an architectural type
9 block, so it does cost more than a standard block
10 because it is an architectural treatment.
11 COUNCILMEMBER DEAN: Okay.
12 MR. COOLEY: Very similar to what's on the
13 Police Station.
14 COUNCILMEMBER DEAN: Okay. Okay.
15 Also, when you're done, could you please
16 turn that around so the people --
17 MR. SPALDING: I sure can.
18 COUNCILMEMBER DEAN: Okay.
19 MR. SPALDING: And then between the original
20 bay doors there would be brick with like a brick water
21 table up to a certain height, about five foot of
22 stucco above that. Storefront glass windows with
23 awning shades put in place where the overhead doors
24 were to allow light in this market area. It would
25 also be high enough for them to have their sales

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1 windows below that particular window.
2 We have an entrance here into the super-
3 market, and then over to about this area here is where
4 the supermarket is. And if we just space over is
5 where the take-out restaurant would be, utilizing
6 existing bay doors to put new storefront glass and
7 door entries with aluminum canopies and awnings above
8 those windows to help dress up, in a way kind of look
9 -- we'd like to follow the same suit as maybe QT next
10 door. Maybe not the same colors or the same exact
11 material but still cover -- put awnings over the
12 windows and canopies over the front doors and just
13 kind of make everything look uniform.
14 COUNCILMEMBER FLEMING: How many total
15 entrances are you having?
16 MR. SPALDING: We will have two entrances.
17 COUNCILMEMBER FLEMING: Then, I don't think
18 that your number of --
19 MR. SPALDING: Well, there'll --
20 COUNCILMEMBER FLEMING: -- handicapped --
21 MR. SPALDING: -- be double-door entrances
22 so you'll have one entrance at the grocery which will
23 be a double-door entrance and one entrance at the food
24 market area which would be a double door, both of them
25 being six foot wide.

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1 COUNCILMEMBER PATRICK: Additional question
2 when it comes to the buildout. Are you going to do
3 any site work? I notice that the parking lot is kind
4 of decrepit, it's falling apart. Are you going to
5 restripe? Can you rebuild?
6 MR. SPALDING: That would be a final
7 decision between the owner and the contractor, what
8 he's going to do.
9 At this point in time, we said that we were
10 going to restripe the parking lot and make new parking
11 aisles per the drawing.
12 Ultimately, if -- I'm sure that the owner or
13 tenant can come to an agreement with his contractor,
14 then they could probably -- if it's financially in
15 their budget, they could probably maybe resurface it
16 or something like that.
17 COUNCILMEMBER FLEMING: I don't know what
18 the law is or if there is a law -- Mr. Cooley, maybe
19 you can help -- entrance door requirements for
20 handicapped, how many parking spaces are required, if
21 there is any?
22 MR. COOLEY: I don't have it right in front
23 of me, but it is on the plan with the requirement. It
24 seems to me it's one or two park- --
25 COUNCILMEMBER ALEXANDER: It's two.

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1 COUNCILMEMBER FLEMING: But now he has two
2 entrances. That's the reason why I was wondering.
3 MR. COOLEY: Handicapped are not based upon
4 entrances. They're based upon the square footage and
5 the number of parking spaces. There's so many
6 required per square footage or per parking spaces.
7 So it does -- what they've proposed has met
8 the Code requirement except for the number of parking
9 spaces. The amount of handicapped is correct there,
10 so that's not a problem.
11 As far as handicap access, they will have to
12 make sure that the -- you know, it is a roll-up curb.
13 It can't be, you know, a six-inch curb or anything
14 like that. So that's -- that's something that they'll
15 have to address in their site plan development.
16 COUNCILMEMBER FLEMING: But isn't it per
17 door?
18 MR. COOLEY: No, ma'am.
19 COUNCILMEMBER FLEMING: Per entrance?
20 MR. COOLEY: No, ma'am, it's not.
21 COUNCILMEMBER FLEMING: Okay.
22 MR. COOLEY: And just one other thing --
23 well, a bit of quick calculation. If they reduce it
24 to the floor space reduction instead of the 26 percent
25 reduction request, they're at 11 percent reduction

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1 request now.
2 COUNCILMEMBER DEAN: Can we hear from the
3 Planning Commission?
4 MAYOR PITTMAN: Are there any more questions
5 from the Council?
6 COUNCILMEMBER DEAN: Okay.
7 COUNCILMEMBER ALEXANDER: Yes. I'm sorry.
8 You said they requested four?
9 MR. COOLEY: This last plan that they have
10 submitted to you, that I have not seen before this
11 evening, they have reduced the request to eliminate
12 four parking spaces from 38 to 34 as opposed to
13 original 10 that they were requesting.
14 COUNCILMEMBER ALEXANDER: But he also
15 requested that we give him some flexibility on that in
16 case his calculations are in error. So I calculated
17 the eight spaces that the Planning Commission
18 recommended and it was 21 percent versus 26 percent.
19 The square with the crosshatch in the
20 northern corner, is that just a no-parking? Because I
21 guess I'm worried about the -- I mean the lot is so
22 challenged. I was worrying about the width of the
23 actual driveway to allow ingress and egress.
24 MR. SPALDING: Yes. Originally, there --
25 right now, there's parking there in the stripe but

1 there's a sign that's there. So in the initial
2 drawing submittal, one of the requests of the plan
3 review was to take out those parking spaces right
4 there. So that's why I put the X there as an area
5 that cannot be parking because there is an existing
6 sign right there.

7 COUNCILMEMBER ALEXANDER: But where that
8 sign pole is positioned, will you still be able to use
9 that space for ingress?

10 MR. SPALDING: Make sure we're talking about
11 the right space. Are you talking about the spot --

12 COUNCILMEMBER ALEXANDER: Where it says IPP?

13 MR. SPALDING: Yeah. The large space, the
14 large box would be -- the large X-box is where the
15 existing sign is. Now, the pole is next to the
16 building. Now, as far as the sign pole, the sign pole
17 that's there is in -- that would be in the X'ed area.

18 COUNCILMEMBER ALEXANDER: In the center of
19 that area?

20 MR. SPALDING: It's actually -- No, it's not
21 in the center. It's actually back toward the curb
22 toward the outside edge toward the adjacent parking
23 space.

24 COUNCILMEMBER ALEXANDER: Okay.

25 MR. COOLEY: And the primary reason that we

1 recommended removal of those spaces, because it does
2 not meet the ingress/egress, if you did allow that to
3 be parking, you'd have cars sticking out in the middle
4 of the lower entrance, so we asked them to remove
5 those.

6 COUNCILMEMBER ALEXANDER: Just to Ms. Dean's
7 concerns, I'm thinking about southbound traffic being
8 backed up for people trying to turn in there.

9 MAYOR PITTMAN: Ms. Pachuta? Nothing? Ms.
10 Fleming? Ms. Dean?

11 Ms. Gilman, do you have anything you'd like
12 to add?

13 MS. GILMAN: I'm available to answer any
14 questions. As you-all are discussing the traffic
15 safety issue, it was also discussed at the Planning
16 Commission meeting, the possible left-turn entrance
17 into this property and then leaving out of the
18 property because the exiting would be in front of the
19 traffic light.

20 There is high congestion there now. For a
21 type of facility where you have take-out, where you
22 may have -- Well, you certainly want -- as a business
23 owner, you want the high traffic in and out. It's a
24 safety issue.

25 It's also an issue in terms of how the City

1 worked with and accommodated the QT business of coming
2 into the city and the impact on them. QT was not open
3 at all to discussing a cut-through, if you will, into
4 their property, into their parking lot to allow access
5 to the traffic light.

6 In addition to customers, the Planning
7 Commission discussed who would be parked in that area
8 throughout the day, owner/employee, vendors, various
9 delivery people, and that was also a consideration in
10 terms of available parking space and traffic. And
11 that was about the whole of the discussion about
12 traffic and safety.

13 MAYOR PITTMAN: Questions for Ms. Gilman
14 from Council? Thank you.

15 Okay. At this time, we are going to open
16 the --

17 COUNCILMEMBER DEAN: Well, I just want to
18 say one more thing. Okay?

19 MAYOR PITTMAN: Sure.

20 COUNCILMEMBER DEAN: I mean that's a huge
21 concern. I think that if it were an office building
22 or something like that where there wasn't constant
23 traffic in and out -- But again, I live there, I leave
24 that road several times a day, and right now it's
25 really bad. And that's a huge, huge, huge -- that's a

1 problem for me.

2 MAYOR PITTMAN: Okay. Thank you.

3 Okay. We're going to open the public
4 hearing portion of this meeting.

5 Those wishing to speak for, please come
6 forward. Those wishing to speak for.

7 MR. STUART ANDERSON: Stuart Anderson. I
8 just wanted to express not even a concern but
9 appreciation. Ms. Fleming commented about the
10 landscaping, and I've looked at that facility, and
11 that was my only concern as well, to do some
12 landscaping in there and make some green space out of
13 wasted asphalt.

14 MAYOR PITTMAN: Anyone else wishing to speak
15 for?

16 ---
17 (No response)

18 ---
19 MAYOR PITTMAN: Those wishing to speak
20 against, please come forward. Wishing to speak
21 against. Please state your name for the court
22 reporter.

23 MS. SUSAN CRAWFORD: Susan Crawford.
24 I have a couple of concerns. First of all,
25 I use the new QT which is very shiny and new, and I

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1 guess I'm just driving-challenged or something because
2 it took me quite awhile to get in and out and there
3 was an awful lot of traffic congestion just in that
4 part alone. So that would be a major concern to me,
5 and I would think that you would want the business to
6 be successful so you would want more than one or two
7 people a day drifting in and out.
8 And contrary to I guess popular belief, I
9 actually like to eat in restaurants that are not
10 American, and I like Indian food very much. But that
11 said, again, are you looking at the vision for the
12 city? It seems to me we're creating a drive-through
13 city.
14 And I was kind of excited at first because I
15 was, oh, like Himalaya or something and they have the
16 little market next door too. That would be great, a
17 sit-down Indian restaurant, but that's not the case.
18 And again, it seems to me that what we're
19 doing is we're creating a wholesaler's paradise here.
20 And here again, we're accommodating people who are
21 possibly here to shop, because clearly we don't have
22 regular stores, but wholesale shopping, and then let's
23 grab something to eat on the way out.
24 And I know that this should have no bearing
25 on your decision, but when you are granting a

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1 variance, I think you should have a good reason for
2 doing so and you should look at all the ramifications.
3 And one more thing. How tasty or how safe
4 is the food going to be when it's being -- when the
5 restaurant is being built on a -- was it a car repair
6 place? Might want to think about that. Thank you.
7 MAYOR PITTMAN: Okay. Anyone else wishing
8 to speak against?
9 MR. O'CONNOR: Again, Joe O'Connor.
10 What I'm really kind of against is the
11 process itself. I noticed how our city planner had
12 said, "Well, nobody opposed it at the meeting" when
13 the Planning Commission met.
14 Because it wasn't advertised. They didn't
15 tell anybody. They used to post it right here, every
16 meeting. He hasn't done that. Even tonight's isn't
17 posted for us, for the citizens.
18 I went and looked to see when I heard about
19 the meeting after the fact, and there wasn't a sign up
20 at that time.
21 MAYOR PITTMAN: Mr. O'Connor.
22 MR. O'CONNOR: What?
23 MAYOR PITTMAN: I appreciate --
24 MR. O'CONNOR: Okay. I'm --
25 MAYOR PITTMAN: Excuse me just a second. I

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1 appreciate your comments, and maybe you can save those
2 for later, but this is really about whether you're for
3 or against this.
4 MR. O'CONNOR: I'm going to get to that,
5 Mayor.
6 MAYOR PITTMAN: If you'd please get to that,
7 I'd appreciate it.
8 MR. O'CONNOR: I like the idea that they're
9 willing to compromise the 38 to 34 spaces, but the
10 traffic over there is horrendous. You cannot make a
11 left turn and get in there. I don't know how you can
12 make a left turn and get out.
13 When you're parking there, there's really
14 only enough space for a car to get up there. There's
15 no -- I don't even know how you would turn around
16 there.
17 And for that reason, the dangerous nature of
18 it, that's why I'm against it. I like the concept. I
19 just wish they had a place that would be safe for all
20 the citizens. We don't need more wrecks on Buford
21 Highway. Thank you.
22 MAYOR PITTMAN: Anyone else wishing to speak
23 against, please come forward. Anyone else?
24 ---
25 (No response)

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1 ---
2 MAYOR PITTMAN: Okay. At this time we're
3 going to close the public hearing portion.
4 Mr. Cooley, do you want to add anything?
5 MR. COOLEY: Just as you know, the Council
6 has the option, three options: approval, denial or
7 approval with conditions.
8 I think there's been some good comments made
9 by Council members about some aspects that might need
10 conditions with it. And so with that, any questions
11 I'll be glad to --
12 MAYOR PITTMAN: So we're going to take
13 comments, additional comments from the Council at this
14 time.
15 COUNCILMEMBER PACHUTA: Yeah. I just wanted
16 to comment that the only reason they're here is
17 because they're not -- well, they're not changing the
18 footprint of the building which inhibits how many
19 parking spaces they have.
20 I just wanted to point out that if for some
21 reason they chopped off 10 feet of the building to get
22 more spaces, this would never be before Council, So
23 because it's an allowable use in C-2, we'd be putting
24 in -- they'd be putting in more spaces, theoretically
25 more traffic, and this would never ever be before

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1 Council. The only reason they are not before Council
2 is because they are not chopping off a portion of the
3 building which inhibits how many spaces there are.
4 So you know, if somehow they could fit the
5 spaces in that topography, we would have no decision
6 on the traffic or the use or anything. So that's the
7 only thing I wanted to point out.
8 MR. COOLEY: Yeah. To me, the ideal
9 situation on that may not be necessarily that, but
10 we've got a legal nonconforming use at the back of the
11 property. If that went away, it would be all types.
12 COUNCILMEMBER PACHUTA: Exactly. If the
13 wholesale carpet, which I assume is still in
14 operation?
15 MR. COOLEY: I guess. There's a couple
16 cars there today.
17 COUNCILMEMBER PACHUTA: Okay. If that
18 weren't there and that building came down --
19 MR. COOLEY: There would be all type of
20 parking.
21 COUNCILMEMBER PACHUTA: Yeah, more spaces.
22 MR. COOLEY: But it is a legal nonconforming
23 at this point.
24 COUNCILMEMBER PACHUTA: We would not have
25 any say-so on the traffic or anything since it is an

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1 allowable use.
2 COUNCILMEMBER DEAN: Well, another concern -
3 - well, another concern of mine is the negative impact
4 it might have on the QT because it's human nature.
5 You know, people might go there once and say, "Wow, it
6 was difficult to get out of here. I'm just going to
7 park at the QT." And that's -- I mean it's our new
8 prototype QT, you know. That's the business. And I
9 think that that's something that we should consider
10 also, because I have no doubt, given human nature,
11 that people are going to seek, and if it means
12 stepping over a curb, then they're going to step over
13 the curb so they can get in and out easily. So I
14 think that's another consideration.
15 MR. SPALDING: May I comment?
16 COUNCILMEMBER DEAN: Uh-huh.
17 MR. SPALDING: And those are a couple issues
18 I want to point out on that first issue there.
19 Obviously, you bring up a concern there, and
20 ultimately that would be up to QT if they wanted to
21 put some parking signs that say "For QT customers.
22 All violators will be towed," or something like that.
23 That's up to QT, and they may have the option to do
24 that at some point if that becomes an issue. So I
25 would leave that up to QT to make that particular

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1 choice.
2 Regarding the possible landscaped area,
3 there is a grassed area if I remember correctly that's
4 between the road and the asphalt that is currently
5 there.
6 MR. COOLEY: Yeah. I believe those are
7 hedges, a small hedge?
8 MR. SPALDING: Yeah, small hedges and there
9 is some green space there of some sort.
10 The area that you were talking about, we
11 will possibly use that for employee parking, although
12 the space cannot be striped because it doesn't meet
13 striping requirements. The employees who would be
14 working here would be family, just several employees.
15 They would probably park back-to-back up against the
16 curb right there, freeing up the other spots for
17 customers to be able to park in. That way, you would
18 not -- the employees would not be taking up the
19 parking spaces.
20 The only reason we do not have it counted,
21 because we could not stripe it officially. But you
22 know, when all is said and done, that's probably
23 exactly what will happen: they'll park in the area.
24 So we would recommend or ask that any type of
25 landscaping not disturb that asphalt area as it would

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1 be necessary for employee parking.
2 COUNCILMEMBER PATRICK: I have a question
3 for Joe. Would that design conform with those design
4 standards? I know we haven't adopted them, but would
5 that conform with the proposed design standards that
6 you have put to us?
7 MR. COOLEY: Yeah. One of the nice things
8 about it is it does break up the blank wall, and it's
9 really a function of because they were garage doors.
10 But yeah, it does; it breaks up. It's not like having
11 a blank wall that would require different type. So
12 yes, it would be.
13 COUNCILMEMBER PATRICK: Okay.
14 MR. COOLEY: I'm pretty sure that it would
15 be consistent with.
16 COUNCILMEMBER PATRICK: Another question for
17 you is is when I went to the property and looked
18 around, as you go towards the back, there is a lot of
19 overgrowth, brush, trash, garbage. Can we ask that
20 that get taken care of so it looks nice since it's on
21 Buford Highway, the main corridor in our city?
22 MR. COOLEY: Yes. I don't think there's any
23 question that you could certainly encourage them to --
24 as part of this, to clean all that up.
25 I don't know if you could make it a

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1 condition. I don't think that would be appropriate,
2 but you certainly could strongly encourage them. And
3 the other option at that point would be, if it's not
4 done, code enforcement would have to take -- could
5 take action because they certainly would be aware at
6 that point.
7 MAYOR PITTMAN: Okay. Anything else from
8 Council?
9 COUNCILMEMBER FLEMING: I have a question
10 for Mr. Cooley. Does the owner of this proposed
11 changed property also own that carpet warehouse?
12 MR. COOLEY: The owner of the property
13 leases the spaces out. They are not, to my
14 understanding -- and correct me if I'm wrong -- they
15 are not purchasing the building but I believe that
16 they are renovating it and leasing it.
17 Is that correct?
18 MR. SPALDING: That's correct.
19 COUNCILMEMBER FLEMING: But the owner of the
20 entire property is one and the same of the two
21 buildings?
22 MR. COOLEY: Yes. It is one parcel.
23 COUNCILMEMBER FLEMING: Is the owner here
24 tonight?
25 MR. SPALDING: Yes.

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1 MAYOR PITTMAN: Can we move this over,
2 please?
3 MR. SPALDING: Sure.
4 MAYOR PITTMAN: Thank you.
5 COUNCILMEMBER PATRICK: And just one quick
6 question also, Joe.
7 MR. COOLEY: Yes, sir.
8 COUNCILMEMBER PATRICK: The parking that's
9 available, some of that parking is required parking
10 for the wholesale business at the back; correct?
11 MR. COOLEY: That's correct. It's combined
12 usage. You've got basically three uses: you got the
13 wholesale, you got the -- and they're all for your
14 different ratios -- the market and then the area of
15 the sit-down, so the 38 required is based upon the
16 requirements of square footage on all three of those.
17 COUNCILMEMBER PATRICK: And by us granting a
18 parking variance, would that affect the other
19 property? Does the other property have its own
20 parking areas?
21 MR. COOLEY: No. It's all --
22 COUNCILMEMBER PATRICK: It's totally
23 dependent on --
24 MR. COOLEY: It's all part of that, and the
25 38 that are required incorporate requirements for the

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1 wholesale, requirements for this new proposed use
2 also.
3 COUNCILMEMBER PACHUTA: Do you remember off
4 the top of your head what the breakdown is? Like
5 let's pretend that carpet place wasn't there at all.
6 MR. COOLEY: I honestly do not. I believe
7 it is on the drawing if I'm --
8 COUNCILMEMBER FLEMING: It says three --
9 MR. COOLEY: -- not mistaken.
10 COUNCILMEMBER FLEMING: -- required for the
11 warehouse.
12 MR. COOLEY: Yeah. The most I've ever seen
13 there, too, I have noticed a truck coming in there and
14 loading, and there's that loading zone in front,
15 picking up carpet. It would be like a little van or
16 something picking up carpet.
17 Been trying to keep an eye on it just to see
18 what the flow was like.
19 COUNCILMEMBER DEAN: Well, will this --
20 since this --
21 MR. COOLEY: That's just purely anecdotal.
22 COUNCILMEMBER DEAN: Well, since it's
23 leased, I mean why that property? because we have lot
24 of properties that are available. I mean why not go
25 to a place where you don't need a variance and say,

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1 "We're going to set up here."
2 MR. SPALDING: Well, I don't think we
3 realized we'd have to go to this parking variance. I
4 mean we knew that we have the ability to request for
5 the parking variance if that situation came up. We
6 were hoping that we would be able to fit all the
7 spaces within the property.
8 I had originally had all the spaces filled,
9 and then once it went into plan review, several spaces
10 were taken out. Apparently we had too many spaces
11 close to the dumpster, and those spaces were nix'ed
12 off the drawing. So by the time we were done, we were
13 under the required spaces that we could provide.
14 As far as choosing property, that was a
15 decision you'd have to ask the tenant, but apparently
16 and my understanding is he got a real good deal on the
17 property, and it's a prime location that he wanted to
18 set up his particular business.
19 MAYOR PITTMAN: Ms. Fleming, did you have a
20 question for the owner?
21 COUNCILMEMBER FLEMING: Well, I think we've
22 posed some questions here this evening that may not be
23 required of the tenant but required of the owner in
24 that as Mr. Patrick brought up the cleaning of the
25 existing areas that we're having problems with as well

1 as the vegetation or the landscaping that we are
2 trying to beautify Buford Highway. So maybe if the
3 owner is here, maybe we could ask those questions.

4 MAYOR PITTMAN: Sir, could you come up
5 please.

6 COUNCILMEMBER FLEMING: Your name, please.

7 MR. JACKY CHAO: My name's Jacky Chao. I'm
8 the part owner of An Sun, Inc.

9 COUNCILMEMBER FLEMING: Okay. I was curious
10 because I wasn't sure whether it would be a tenant
11 responsibility, but they're requesting a parking
12 variance, and when we do listen to variances, we can
13 put conditions on the property to approve a parking
14 variance.

15 And I am concerned with the frontage of
16 Buford Highway, to try to beautify it. We are in the
17 extreme mode of moving Doraville forward in its
18 beauty, and so I wanted to know whether there was
19 something you felt you could do regarding the
20 landscaping in the front of the building.

21 MR. CHAO: As myself and the part owner, I
22 own the property on Buford Highway, I want my property
23 to look good too, so we are trying to improve.

24 In this year, we had difficulty. We really
25 have difficulty. You see, during 2009, and my tenant

1 we a little bit under, you know, financial hard time.
2 But as far, you know, when things get better, we're
3 definitely going to improve it and make more nicer,
4 make look prettier, you know. We definitely do that.

5 COUNCILMEMBER PATRICK: If we grant the
6 variance, I mean when I went out there this weekend,
7 the parking area is falling apart.

8 MR. CHAO: Yeah, I know. We will repair.
9 Basically, I and my tenant discussed I will be
10 responsible. But before do that, we have to get, you
11 know, all permit and they start build. Like we do the
12 parking lot is final, final issue.

13 So based on the -- I don't know if they
14 submit the lease to you, I will be responsible redo
15 the parking lot. So based on yeah, like I said, I
16 will make look better, and he definitely try to
17 improve himself, too, improve the building. We both
18 will work out together.

19 COUNCILMEMBER FLEMING: Okay.

20 MAYOR PITTMAN: Thank you, sir.

21 MR. CHAO: Thank you.

22 MAYOR PITTMAN: Additional comments from the
23 Council?

24 COUNCILMEMBER PATRICK: Well, I have a
25 couple of ideas for conditions, and I don't know what

1 had a hard time even paying the rent, we evicted. And
2 the City of Doraville change its Zoning Code based on
3 that property's a mechanic shop, and they change on
4 zone come to C-2, not allowed to have a mechanic.

5 So based on our plan, we tried to redevelop
6 in the back area, put a beautiful retaining wall, but
7 this -- this -- like you look in the back and the
8 over-lie, that part of it is not our property. Part
9 of it is under the Salvation Army. And we even
10 contact the Salvation Army to try to make better, but
11 they say they have difficult too based on they don't
12 have a budget to doing that. So we're basically
13 totally are responsible now to do that.

14 But we try to, you know, improve ourself
15 like make property look good. We've been looking
16 for -- search for some tenant like who willing to, you
17 know, cooperate with us, we try to give a better deal
18 and to try to make property look better.

19 Understanding like Ms. Dean is talk about
20 traffic. Many thing, you know. I never thought of I
21 own a property become that kind of pain like it
22 causing a lot of harmful, you know, for the citizens
23 of Doraville.

24 But as far as a property owner, we try to
25 make ourself look better and improve it, but currently

1 my colleagues would think about it.

2 First would be a time limit on the variance
3 itself, maybe three to five years, with the option to
4 come back and re-up it.

5 COUNCILMEMBER ALEXANDER: I don't think you
6 can do that legally.

7 ATTORNEY McLENDON: On zoning actions,
8 generally I've always taken the position that for an
9 action to take place, it has to go through a hearing.
10 You can't have it rezone itself automatically several
11 years down the road.

12 COUNCILMEMBER PATRICK: But we're not
13 rezoning it; we're giving an allowance.

14 ATTORNEY McLENDON: But once you've granted
15 a variance, you have changed the status of the
16 property, and generally this is a zoning action. I
17 mean we've gone through the Zoning Procedures Act.

18 COUNCILMEMBER PATRICK: In previous cases,
19 though, did we not or was it not mentioned that we
20 would give a sign variance and then when the -- when
21 the business ends, that variance ends with the sign --

22 ATTORNEY McLENDON: Probably not.

23 COUNCILMEMBER PATRICK: -- the business?

24 ATTORNEY McLENDON: Probably not something
25 where I've been the attorney. I'm a pretty strong

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1 believer that zoning actions, they can't expire by
2 operation of law because the way you zone property is
3 through the Zoning Procedures Act.
4 COUNCILMEMBER PATRICK: So to put it another
5 way, what we grant is forever.
6 ATTORNEY McLENDON: It runs with the
7 property once you have granted that.
8 COUNCILMEMBER PATRICK: My next -- I you
9 don't mind me keep talking -- another condition I
10 would like to have is having it -- having the variance
11 tied to the proposed design that was put before us,
12 the materials, elevation. I don't know if anybody
13 would go for that.
14 MAYOR PITTMAN: Say that again?
15 COUNCILMEMBER FLEMING: It needs to be --
16 COUNCILMEMBER PATRICK: The elevation --
17 COUNCILMEMBER FLEMING: -- tied to the
18 current.
19 COUNCILMEMBER PATRICK: -- that was
20 presented to us, that the variance is conditioned on
21 that elevation being designed, something that conforms
22 with the proposed site design standards that have been
23 put before us
24 ATTORNEY McLENDON: So a condition that the
25 variance is conditioned upon development of the

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1 property substantially in conformity with the exhibit
2 presented tonight?
3 COUNCILMEMBER PATRICK: Correct. Thank you.
4 MR. SPALDING: If I could ask a question?
5 COUNCILMEMBER PATRICK: Yes.
6 MR. SPALDING: All these drawings have been
7 put before the building planner here and obviously
8 they looked at those. So for them to get to this
9 stage, it would have to be approved by a building plan
10 review for the materials, I believe.
11 Your Code stipulates a certain percentage of
12 materials have to create the building and it has to be
13 -- you know, you can't have certain materials and you
14 can have other materials. So as far as the design
15 goes, it would already meet that. So as far as making
16 it a stipulation for the variance, I -- I don't see
17 why you'd make that stipulation in a variance because
18 it already complies with the building requirements set
19 forth by the building department.
20 ATTORNEY McLENDON: Joe?
21 MR. COOLEY: Yeah. I'd just like to add to
22 that I think that's a good condition. Given the
23 situation that we're in the process of re-looking at
24 our commercial design standards, this specifically
25 ties it to something, it eliminates a situation where

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1 someone -- not that they would, but it eliminates the
2 possibility where someone would come in and do
3 something drastically different.
4 If Council agrees that's an appropriate
5 approach, I think it's a good idea.
6 MAYOR PITTMAN: Thank you.
7 COUNCILMEMBER ALEXANDER: I guess my
8 question on that is what if someone later came in and
9 said they're going to wipe down both buildings, wipe
10 out both buildings and build something different?
11 ATTORNEY McLENDON: We'd probably back into
12 another process. If it is tied to some type of a
13 plan, it has to conform to that plan. We would need
14 to change that later if somebody came in and knocked
15 down the buildings, but I imagine we'd have lots of
16 issues at that time to deal with.
17 COUNCILMEMBER PATRICK: And it's likely
18 that, I mean if they're going to knock down that
19 building, probably they're going to be knocking down
20 the building on the back end of the property and
21 somehow --
22 COUNCILMEMBER ALEXANDER: That's what I was
23 saying.
24 COUNCILMEMBER PATRICK: -- building
25 something. So the need for the parking variance

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1 itself may not be there after that or they would
2 simply come back to the Council and re-ask for another
3 variance.
4 MR. COOLEY: May I ask a question of
5 Council? Would this be tied to the uses, the variance
6 type to the uses that are proposed?
7 ATTORNEY McLENDON: No. I think the use is
8 an allowable use, but basically the considerations
9 that you're looking at with a variance are just the
10 considerations that are in our ordinance --
11 MR. COOLEY: Right.
12 ATTORNEY McLENDON: -- the steps of
13 topography, hardship. I don't have them off the top
14 of my head, but those are the factors you consider.
15 So really the use is not -- if it's an
16 allowable use, it is an allowable use in this area.
17 So I think to the extent representations have been
18 made as to the elevations, etc., you know, that could
19 be something that it could be tied to potentially, but
20 no, the use would not be an appropriate consideration.
21 COUNCILMEMBER FLEMING: I have a question
22 for Mr. Cooley.
23 And the question I had is, our parking
24 ordinance, is it in Zoning?
25 MR. COOLEY: No. I'm sorry. Yes, it is.

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1 That's why it's -- partly that's why this variance is
2 going through Z -- the Zoning Procedures Act.
3 COUNCILMEMBER FLEMING: But if parking were
4 in our Code of Ordinances and not in Zoning, we would
5 still be going through a variance and the variance
6 would be on the property for that use and not for the
7 property itself.
8 MR. COOLEY: I would arg- --
9 COUNCILMEMBER FLEMING: So it ends with
10 the -- it ends with the tenant.
11 MR. COOLEY: I would argue that this parking
12 which is tied to the type of use within the zoning is
13 in our Zoning Code. But even if it wasn't, I would
14 argue that it would still be a zoning action by State
15 law and that it would have to go through the process
16 regardless.
17 ATTORNEY McLENDON: The reason being is
18 generally your parking requirements are going to be
19 tied to the different zoning districts and the
20 supposition of your zoning district and what the use
21 is and what the traffic in the different types of
22 uses. That's generally how the parking ordinances are
23 set up.
24 MAYOR PITTMAN: All right. Anything else
25 from Council?

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1 COUNCILMEMBER PATRICK: Yes. Another idea
2 for a condition.
3 Code Enforcement gets the opportunity to go
4 through before the certificate of occupancy or
5 business license is issued and make sure that the
6 entire site is up to Code; it's clean, it's free of
7 vermin, bugs, animals.
8 ATTORNEY McLENDON: Yeah. Again, that's
9 something that's a little far afield from the
10 questions at hand. You know, the questions at hand
11 being the site and the restrictions of the site which
12 have made the parking variance necessary. So I think
13 we already have ordinances on property maintenance
14 code, etc. in place to do that.
15 I would be a little concerned that that
16 condition would be a bit far afield from the
17 considerations that are on the table at the moment,
18 and we also have existing laws in force on the books
19 that allow for that.
20 COUNCILMEMBER PATRICK: In force?
21 COUNCILMEMBER ALEXANDER: State laws.
22 Department of Agriculture inspects grocery stores.
23 ATTORNEY McLENDON: No. All of those things
24 will have to meet, the health department, etc.
25 I'm just talking about property maintenance

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1 issues. We have the International Property
2 Maintenance Code adopted. It is applicable and could
3 be enforced tomorrow.
4 COUNCILMEMBER PATRICK: Okay.
5 MAYOR PITTMAN: So at this time if there's
6 no further questions, do I get a motion to approve the
7 application for the parking variance to Section
8 12-1205?
9 COUNCILMEMBER PACHUTA: I will make a motion
10 to approve a variance and that the Planning Commission
11 recommended six --
12 MR. COOLEY: Eight.
13 COUNCILMEMBER PACHUTA: -- eight. Okay.
14 But you were saying -- I'm sorry. I needed to get
15 clarification before I made my motion.
16 MR. SPALDING: I was able to add one more
17 space. But if we could receive that, you know, it
18 would be gracious if you allow us eight, reduction by
19 eight.
20 COUNCILMEMBER PACHUTA: Okay. I make a
21 motion to approve the parking variance to a reduction
22 in number of spaces by eight conditioned on the
23 buildout being substantially similar to the elevation
24 provided to City Council this evening.
25 COUNCILMEMBER ALEXANDER: Can we say not to

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1 exceed eight? I don't want to hold them to eight. I
2 would like for them to have less than eight at the
3 max.
4 COUNCILMEMBER PACHUTA: Okay. I will make
5 that amendment.
6 MAYOR PITTMAN: Okay.
7 COUNCILMEMBER FLEMING: I'd also like to
8 request that you include in your motion that during
9 restriping of the spaces that a right-turn-lane-only
10 be provided.
11 COUNCILMEMBER PACHUTA: Based on the
12 comments from legal counsel, I do not want to add that
13 since it's a State road.
14 COUNCILMEMBER FLEMING: I didn't say
15 anything about a sign.
16 COUNCILMEMBER DEAN: Cecil, will you
17 comment, please?
18 ATTORNEY McLENDON: I would be concerned
19 that if we began striping that driveway, A., GDOT is
20 very zealous about their access and the access points
21 on the State routes; and B., I would be a little bit
22 concerned with striping a driveway in a manner that
23 was not necessarily consistent with the allowable
24 access that GDOT has approved there.
25 MAYOR PITTMAN: Okay. Do I get a second?

1 COUNCILMEMBER ALEXANDER: Second.
 2 MAYOR PITTMAN: Discussion?
 3 - - -
 4 (No response)
 5 - - -
 6 MAYOR PITTMAN: Call the roll, please.
 7 CLERK BRYANT: Councilmember Alexander?
 8 COUNCILMEMBER ALEXANDER: Yes.
 9 CLERK BRYANT: Councilmember Dean?
 10 COUNCILMEMBER DEAN: No.
 11 CLERK BRYANT: Councilmember Fleming?
 12 COUNCILMEMBER FLEMING: Yes.
 13 CLERK BRYANT: Councilmember Pachuta?
 14 COUNCILMEMBER PACHUTA: Yes.
 15 CLERK BRYANT: Councilmember Patrick?
 16 COUNCILMEMBER PATRICK: Yes.
 17 MAYOR PITTMAN: Okay. Thank you. Motion
 18 carries.
 19 Thank you.
 20 MR. SPALDING: Thank you.
 21 MAYOR PITTMAN: Okay. Five-minute break.
 22 - - -
 23 (Brief recess.)
 24 - - -
 25 MAYOR PITTMAN: Meeting come back to order.

1 There were a couple of other issues that
 2 were brought up at the time, one of those being our
 3 own personal animal control truck. The shell has been
 4 looked at. We have the money in the budget.
 5 Major I believe is getting additional
 6 estimates. I think since it's been a couple years, he
 7 had to go back to do that. That is being taken care
 8 of.
 9 The other issue was our animal control,
 10 where we keep our animals now. The Chief and I had
 11 talked and we would really like to get together with
 12 some -- bring it to the Council to get together with
 13 some citizens and maybe business groups to help
 14 improve that. That's a great community activity to
 15 help possibly -- that would be no cost to the City, to
 16 improve that area so maybe we could house them longer
 17 so they would not have to go to Dekalb County, and
 18 that would incorporate citizen volunteers. Some other
 19 cities do it, it's a really good idea, but at this
 20 time, when the Chief gets back, we'll further explore
 21 that.
 22 Right now, though, I would really just like
 23 to stick to the part about getting this taken care of
 24 to take care of the animals. They can't help
 25 themselves, so we have to do our part on helping them.

1 Before I move into my next item, I wanted to
 2 make a quick announcement. As you noticed, some of
 3 the officers went flying out of here and we lost our
 4 officer at the door. Apparently there's been a house
 5 fire on Eula and someone has lost their life. I don't
 6 know any further details, but I wanted to share this
 7 with everyone. I believe it was an 83-year-old
 8 gentleman, so just an FYI.
 9 Major, there's nothing additional; correct?
 10 MAJOR ATKINSON: Not that I know of.
 11 MAYOR PITTMAN: Okay.
 12 All right. Next on the agenda is Old
 13 Business. At the last meeting, I brought up,
 14 presented an ordinance to revise our definition.
 15 Basically, it was just to add to small something that
 16 came from Dekalb County to help take care of our
 17 animals in inclement weather, especially very hot
 18 weather as you see sometimes.
 19 And mainly this is geared toward the
 20 businesses. Oftentimes they use those for security,
 21 and they're just not very well taken care of. And all
 22 this really does is give a tool to our courts and to
 23 our animal control people to help enforce it, because
 24 it's very, very sad, we do have some issues, and I
 25 would like to get this passed tonight.

1 And I just wanted to see if there was any additional
 2 comments from the Council.
 3 COUNCILMEMBER DEAN: There's an issue also
 4 but I'll bring it up at the next meeting. Section
 5 4.4, the tethering, I think that needs a lot of
 6 improvement, but we'll stick with this.
 7 MAYOR PITTMAN: I agree with you.
 8 Okay. If I could get a motion to pass that
 9 part of the ordinance to revise the definition of
 10 adequate animal shelter.
 11 COUNCILMEMBER PATRICK: I make a motion.
 12 MAYOR PITTMAN: Second?
 13 COUNCILMEMBER DEAN: Second.
 14 MAYOR PITTMAN: Discussion?
 15 - - -
 16 (No response)
 17 - - -
 18 MAYOR PITTMAN: Thank you. Call the roll,
 19 please.
 20 CLERK BRYANT: Councilmember Alexander?
 21 COUNCILMEMBER ALEXANDER: Yes.
 22 CLERK BRYANT: Councilmember Dean?
 23 COUNCILMEMBER DEAN: Yes.
 24 CLERK BRYANT: Councilmember Fleming?
 25 COUNCILMEMBER FLEMING: Yes.

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1 CLERK BRYANT: Councilmember Pachuta?
2 COUNCILMEMBER PACHUTA: Yes.
3 CLERK BRYANT: Councilmember Patrick?
4 COUNCILMEMBER PATRICK: Yes.
5 MAYOR PITTMAN: I greatly appreciate it.
6 All right. And it is approaching 9 o'clock.
7 We have three more items and public comments on the
8 agenda and I wanted to see if Council wants to extend
9 that. Motion to extend or do we want to shut the
10 meeting down at 9 o'clock?
11 Okay. No motion to extend, so at 9 o'clock,
12 we will get where we can get and then at 9 o'clock the
13 meeting will be over.
14 No motion. Okay.
15 Next is going to be new business, Ms
16 Fleming, Web Site Link Policy.
17 COUNCILMEMBER FLEMING: Well, if we're
18 closing the meeting at 9 o'clock, then I would suggest
19 that we take public comments now --
20 MAYOR PITTMAN: All right.
21 COUNCILMEMBER FLEMING: -- and begin with
22 new business on the next agenda.
23 COUNCILMEMBER ALEXANDER: Well, I had some
24 questions on the ordinance and now I found a typo.
25 MAYOR PITTMAN: Did you want to move your

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1 items to the next agenda?
2 COUNCILMEMBER FLEMING: Ordinance on what?
3 On the --
4 COUNCILMEMBER ALEXANDER: On the policy,
5 rather, for the Web site.
6 COUNCILMEMBER DEAN: I'm flexible if someone
7 wants to make a motion to extend.
8 COUNCILMEMBER PATRICK: Because this is an
9 important topic, I think we should go ahead and motion
10 to extend.
11 MAYOR PITTMAN: Okay. Do I get a second?
12 COUNCILMEMBER DEAN: Second.
13 MAYOR PITTMAN: Discussion?
14 COUNCILMEMBER PACHUTA: Yeah. My work is
15 crazy for the next two weeks. I'm not going to vote
16 an extension.
17 MAYOR PITTMAN: Does that have to be
18 unanimous?
19 COUNCILMEMBER FLEMING: Huh-uh.
20 ATTORNEY McLENDON: Not that I'm aware of.
21 MAYOR PITTMAN: Okay. Just want to be sure.
22 Okay. Call the roll, please.
23 CLERK BRYANT: Councilmember Alexander?
24 COUNCILMEMBER ALEXANDER: Yes.
25 CLERK BRYANT: Councilmember Dean?

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1 COUNCILMEMBER DEAN: Yes.
2 CLERK BRYANT: Councilmember Fleming?
3 COUNCILMEMBER FLEMING: Yes.
4 CLERK BRYANT: Councilmember Pachuta?
5 COUNCILMEMBER PACHUTA: No.
6 CLERK BRYANT: Councilmember Patrick?
7 COUNCILMEMBER PATRICK: Yes.
8 MAYOR PITTMAN: Okay. Thank you, and move
9 into new business, then.
10 COUNCILMEMBER FLEMING: Okay. Web Site Link
11 Policy. The concern I had was that the City did not
12 have a web site policy in place. The web site policy
13 that was sent to us from our legal counsel was for the
14 City of Dunwoody, and I would like to make
15 recommendations at this time.
16 On page one where it talks about community
17 groups, I would put "slash civic associations,"
18 because I don't want to link our neighborhood groups
19 into that definition. I think a community group would
20 be one that is more of a civic organization such as,
21 for instance, the Pan Asian Community, that type of
22 thing.
23 Also, the other suggestion that I had in
24 that same group would be, it says, "within the
25 municipal boundaries of the City of Doraville," which

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1 is the ordinance that we have. I'd like to put one
2 mile, "within one mile of our municipal boundaries,"
3 because the -- as I mentioned, and I'm not just
4 touching on them but I will touch on two.
5 For instance, the Eagles Lodge is not within
6 the City of Doraville municipal boundaries and it is
7 one that needs to be possibly -- if we're going to
8 market the city in a very good, positive mode, we do
9 need to list those that are in our surrounding area,
10 and so that's why I mention based within one mile of
11 the municipal boundaries.
12 And then the only other comment that I
13 wanted to -- I'm sorry. I had a couple others.
14 Where it says "homeowners association," the
15 very next one is where I would put neighborhoods
16 also -- "slash neighborhood groups." That means an
17 organization that purports to represent the interests
18 of a group of homeowners to preserve, protect and
19 enhance their quality of life, and I think that
20 definition definitely describes all of the
21 organizations that we presently have as far as the
22 neighborhood groups. So that's why I would like to
23 put slash -- "homeowners association/neighborhood
24 groups."
25 The other recommendation that I wanted to is

1 on page three of four where it says adding links under
2 number 4, I would put some type of comment or add a
3 number 5 about adding articles for submission on the
4 City web site, because I think this is an outstanding
5 thing that our communities and
6 neighborhood groups have to their access, that we
7 don't know about. For instance, the Northwoods sign,
8 I believe someone wrote a real nice article about the
9 Northwoods sign. If we as a city didn't do it and you
10 wanted to submit, I think an article could be
11 submitted the City for submission onto our overall
12 City web site.

13 So I think not a link but adding articles
14 for submission on the City web site, and I would co-
15 head it, "A., Submit to Mayor via MS Word or PDF
16 format for approval, and then the Mayor will assign to
17 webmaster and return an e-mail of completion" -- for
18 instance, the completion date that they've been put on
19 the web site, to the applicant.

20 And last but not least on page four where it
21 says the Mayor's office duties or designee, I would
22 put number (5), Assign and maintain a webmaster,
23 because I was concerned in the very beginning that we
24 didn't have anyone specifically assigned as -- and I
25 like the term that was brought up previously -- as

1 "community group means an organization that is formed
2 as a nonprofit organization." We have a lot of groups
3 that haven't officially formed as a nonprofit, so I
4 would rather that language be changed, that "acts as a
5 nonprofit organization," because I mean a lot of
6 people haven't filled out the paperwork but they are
7 operating as if they have, which is -- to me, that's
8 what's important. And so I think that that will be
9 more inclusive.

10 Also just a little typo: the boundaries of
11 the City of Doraville and who either provides -- that
12 should be changed to "that either provides services to
13 members of the Doraville community."

14 And then with the Homeowners Association,
15 homeowners association is very different from a
16 neighborhood association. I'm part of a homeowners
17 association, and it specifically regulates what color
18 our house can be and when we have to have things done.
19 And the neighborhood groups -- I don't want the
20 neighborhood groups to think that that's the same
21 thing, because if there were, I know a bright orange
22 house and a bright purple house that would not exist.
23 Okay? So that's -- that's something that I mean they
24 handle different things.

25 COUNCILMEMBER FLEMING: I know, but would

1 webmaster, and I feel that we need that as well.

2 So those are my reasons for a web site
3 policy. Number one, we don't have one, and, number
4 two, my corrections to the existing policy.

5 COUNCILMEMBER ALEXANDER: Or your
6 suggestions.

7 COUNCILMEMBER FLEMING: They are my
8 suggestions.

9 COUNCILMEMBER ALEXANDER: Okay.

10 COUNCILMEMBER DEAN: I have some comments
11 also on the first one on page one of four.

12 [As read] "The web site is also designed
13 for use by individuals or businesses located outside
14 of Doraville, including those who may be considering
15 visiting or moving to Doraville." I don't see why
16 that's in. They can apply when they get here. I
17 don't think that that's -- I don't think that we need
18 to host them, companies and businesses outside of
19 Doraville, because it's the Doraville City web site.

20 The same thing applies to the recommendation
21 with the community groups, etc. You could say, maybe
22 stipulate something: also groups near or surrounding
23 Doraville, but they're not in Doraville, so I think
24 that that's misleading.

25 Under Section III Definitions, [As read] A

1 you not group them together because of the definition
2 [as read] "means an organization that purports to
3 represent the interests of a group of homeowners to
4 preserve, protect, and enhance their quality of life."

5 COUNCILMEMBER DEAN: Well, but that kind --
6 I think that that's just implied under the community
7 group because it [as read] "provides services to
8 members of the Doraville community or whose mission is
9 of specific interest to Doraville citizens, businesses
10 and/or visitors," because a lot of these groups -- I
11 mean if you take the NANA, I mean they have a
12 welcoming committee. I mean they have like little
13 committees in that one group that is designed to help
14 specific areas like that.

15 And the Watch Dogs and Citizens for
16 Progress, I mean they all do something for the
17 citizens, so I think that that fits nicely under
18 there. And I think that if it's put under homeowners
19 association, then that could be a bit confusing to the
20 people in those groups because it might empower them
21 in areas where they shouldn't be empowered.

22 And the other thing is page four of for,
23 "Make decisions as to the approval or denial of groups
24 applying for a link on the City's web site," under the
25 Mayor's -- under the Mayor's duties. And I think we

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1 should also include some language that says, if an
2 appeal is required or requested, it goes before
3 Council.
4 MAYOR PITTMAN: That's good.
5 COUNCILMEMBER DEAN: That's it for me.
6 MAYOR PITTMAN: Okay. Ms. Alexander?
7 COUNCILMEMBER ALEXANDER: I have the same
8 comment Ms. Dean did about the nonprofit.
9 Under Exceptions, No Political or Campaign
10 Information, I believe the City web site is currently
11 educating people about T-SPLOST. Now, I personally
12 have not read that article to see if it's written with
13 a pro -- vote-pro slant, but that would be in
14 violation of this policy.
15 COUNCILMEMBER DEAN: And I think that's
16 good. I think that's a good point. I think that's an
17 excellent point.
18 ATTORNEY McLENDON: My thought on that is --
19 I have many thoughts on that, actually, you know. Not
20 everybody links anybody to their web sites. This is
21 relatively unusual for a city to offer this forum.
22 Generally, it is the city's web site, and,
23 you know, if there's issues, education, what the
24 city's doing with their web site, they can.
25 COUNCILMEMBER DEAN: May I ask one question?

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1 ATTORNEY McLENDON: Sure.
2 COUNCILMEMBER DEAN: But I'm also under the
3 understanding that we had mostly just information,
4 contact information of the various groups. I mean are
5 there links to the groups? Because I know that with
6 the Neighborhood Watch, we didn't have a link, you
7 know, because you have to be approved before you have
8 access to the group.
9 ATTORNEY McLENDON: My understanding is
10 there were links, but I did not -- I am not the sort
11 of the motivator.
12 MAYOR PITTMAN: I don't think so.
13 ATTORNEY McLENDON: I wrote a policy and
14 we're talking about it.
15 MAYOR PITTMAN: I think it was just taking
16 you to that because you have to sign up for these
17 groups.
18 COUNCILMEMBER DEAN: Yes, you have to sign
19 up. You have to be approved to the group.
20 MAYOR PITTMAN: You don't --
21 COUNCILMEMBER DEAN: They don't let you --
22 MAYOR PITTMAN: They don't just like let you
23 -- I was just going to say my understanding and what I
24 saw was just you just go to that -- correct me if I'm
25 wring, but I believe you just go to that and it takes

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1 you there, and then you have to go through a process,
2 you know, your name and they approve it/disapprove it.
3 COUNCILMEMBER DEAN: No, you're not -- It
4 doesn't take you to the -- It doesn't take you.
5 Well, with my group, we didn't have -- we
6 had contact information and that was it.
7 ATTORNEY McLENDON: And whatever you-all
8 want to do is fine.
9 Here's my thought on this. Whatever y'all
10 want to do is fine. You can create a wide open space,
11 but this policy is to create those parameters, and
12 those parameters are whatever you want.
13 I am not technically familiar with this
14 policy. You know, I'm the attorney. If you ask me,
15 I'm like no, don't let anybody do anything because
16 it's easier and it's less liability, etc.
17 But this is a policy that creates some
18 parameters. You-all do with it what you want. I am
19 absolutely good. The only things I say about this
20 policy is it needs to treat everybody the same and it
21 has to -- whatever you decide to do, everybody who
22 fits in there is coming through the doorway, bottom
23 line.
24 MAYOR PITTMAN: I personally think that it
25 should just be the different groups, and then if you

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1 go to that, that's fine, but it doesn't take you
2 directly to their site. Right?
3 ATTORNEY McLENDON: They want their contact
4 information, etc. As far as the web site, we're
5 talking about the links page, so I think that would
6 not necessarily prohibit the City from --
7 The City's not subject to this. This is the
8 people from outside the city we're allowing to link to
9 the page.
10 So if the City put up an item and said
11 here's information about something that could have
12 political overtones, this is about who is not the City
13 gets to link to the page.
14 COUNCILMEMBER ALEXANDER: It says the City's
15 web site does not list non-government advertisement or
16 political/campaign information. That is a statement.
17 ATTORNEY McLENDON: Yeah, and that probably
18 would need to be changed. And my understanding is
19 this policy is going to be about web site link policy,
20 not web site general policy.
21 COUNCILMEMBER ALEXANDER: So does that
22 language need to be changed if we're going to --
23 ATTORNEY McLENDON: This is --
24 COUNCILMEMBER ALEXANDER: -- advertise for
25 referendums?

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1 ATTORNEY McLENDON: I mean I would say if
 2 anybody made that argument and I had to go fight them
 3 on that argument, I would say, well, this thing is
 4 clearly the web site link policy. I'm not sure they
 5 will succeed on that.
 6 However, if you've raised something like
 7 that, yeah, I think I could change it. I'm listening
 8 to the conversation and I'm going to come back with a
 9 redline version of this thing based on this
 10 conversation. So if it confused you, it can confuse
 11 somebody else, and I would always say let's make it as
 12 non-confusing as possible.
 13 COUNCILMEMBER ALEXANDER: Item B, line
 14 number two, the last word in that same category.
 15 ATTORNEY McLENDON: Can you give me a little
 16 help?
 17 COUNCILMEMBER ALEXANDER: We're under
 18 Exceptions, Item B., the paragraph, second line, the
 19 last word. That's not us.
 20 COUNCILMEMBER DEAN: Dunwoody.
 21 COUNCILMEMBER ALEXANDER: It says Dunwoody.
 22 ATTORNEY McLENDON: Oh.
 23 ATTORNEY FELGIN: No, it doesn't.
 24 ATTORNEY McLENDON: We've included the
 25 entire Dunwoody policy page.

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1 COUNCILMEMBER ALEXANDER: I guess I'm not in
 2 favor of us having to post neighborhood announcements
 3 on the web site. That gives us too much, I believe,
 4 to keep up with, and sure enough, we'll post somebody
 5 from Northwoods and forget to post somebody's
 6 announcement from Oakcliff, and then we'll be, you
 7 know, slighting a neighborhood.
 8 One of the things I had suggested, I
 9 didn't -- I didn't know that we were not linking to
 10 the various organizations' web sites. But one of the
 11 things I had thought of is giving each of them an
 12 opportunity to write like a paragraph byline that says
 13 this is who we are, this is where we are, this is what
 14 we stand for; if you would like some more information,
 15 please e-mail, and give an e-mail address of a
 16 representative of the organization, and the
 17 organizations would pick who they would want that to
 18 be if they wanted it to be their secretary or
 19 whomever.
 20 COUNCILMEMBER DEAN: Do we have that?
 21 MAYOR PITTMAN: Yes, we have it already.
 22 COUNCILMEMBER ALEXANDER: So is that what
 23 was on the web site?
 24 MAYOR PITTMAN: Pretty much.
 25 COUNCILMEMBER DEAN: Uh-huh, just a little

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1 description --
 2 MAYOR PITTMAN: Just a little description --
 3 COUNCILMEMBER DEAN: -- of the different
 4 organizations.
 5 MAYOR PITTMAN: -- because I know NANA just
 6 updated theirs.
 7 COUNCILMEMBER ALEXANDER: So that was what
 8 was on the City web site and was taken down?
 9 UNIDENTIFIED SPEAKER: Yes.
 10 COUNCILMEMBER ALEXANDER: Okay. So, then,
 11 do we need to change the title of number 4 if it
 12 wasn't a link?
 13 COUNCILMEMBER PACHUTA: I think the word
 14 "link" is deceptive. It's really more contact
 15 information.
 16 ATTORNEY McLENDON: And this thing is food
 17 for thought. You know, this policy is put forward as
 18 food for thought. Let's make it y'all's.
 19 COUNCILMEMBER FLEMING: But I personally
 20 think, and I know that some people may disagree with
 21 me, but I never went on the community to know what was
 22 there and what was not there. So I still think even
 23 though they're there now, they still need to register
 24 with us and have some type of, "I'm the owner of this,
 25 this is my phone number," you know, in case there

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1 happens to be a glitch. For instance, if we get phone
 2 calls back to say that, "I clicked on that e-mail
 3 address," then we need to be -- you know, be able to
 4 contact the person.
 5 COUNCILMEMBER DEAN: But, see, what they
 6 have is -- is -- I mean, and this is the way, when I
 7 was chairman of the Neighborhood Watch program,
 8 "Neighborhood Watch program, this is who we are,
 9 Chairman Trudy Jones Dean, President blah blah, Vice
 10 President blah blah blah," and we just listed contact
 11 and our e-mail addresses and phone numbers, and then
 12 that's -- if someone wanted to contact us or if
 13 someone was interested in joining our group, they
 14 would give us a call or send us an e-mail, but they
 15 could not -- they could not link onto our site because
 16 they have to be sent an invitation.
 17 COUNCILMEMBER FLEMING: So but my concern is
 18 linking to that e-mail address, because generally if
 19 you punch on somebody's e-mail, it immediately starts
 20 to send them an e-mail, and I just -- You know, I want
 21 the City to be able to be out of that particular loop.
 22 COUNCILMEMBER DEAN: All right. Well, what
 23 if we just like write the e-mail address without -- if
 24 there's a way we could just type the e-mail address.
 25 COUNCILMEMBER PACHUTA: You can type it

1 without hyperlinking to it.
 2 COUNCILMEMBER DEAN: Well, if you could say,
 3 "If you want to contact me, contact me at g-mail under
 4 Trudy Jones Dean."
 5 COUNCILMEMBER PACHUTA: Well, we need to set
 6 it up so it doesn't hyperlink.
 7 COUNCILMEMBER DEAN: All right.
 8 COUNCILMEMBER PACHUTA: I think the issue is
 9 when we say linking to the community groups, because
 10 that's on the front page, you clicked on a link that
 11 took you to a page with community group information.
 12 So when everyone says --
 13 COUNCILMEMBER DEAN: Oh, okay. Right.
 14 COUNCILMEMBER PACHUTA: -- links --
 15 COUNCILMEMBER DEAN: Right, right, right.
 16 COUNCILMEMBER PACHUTA: -- that's what
 17 they're saying.
 18 COUNCILMEMBER DEAN: Maybe that's --
 19 COUNCILMEMBER PACHUTA: We're linking to a
 20 page of the community groups.
 21 COUNCILMEMBER DEAN: Right. It's still part
 22 of the Doraville page but it's the information on the
 23 Doraville web site that lists information about the
 24 city groups. It doesn't link you to the groups.
 25 ATTORNEY McLENDON: Right. And what I'm

1 I would think, yeah, let's just get the who's here,
 2 who have we got already. Really this is for a policy
 3 going forward so we don't have anything wild that --
 4 COUNCILMEMBER DEAN: Yeah. Okay.
 5 ATTORNEY McLENDON: -- you know, could lead
 6 into a consequence.
 7 But yeah, we'll take anybody up; give us the
 8 basics. We can reach out to them: Who are you? You
 9 know, let's do this. And then what we'd end up with
 10 is something so in the future if we had somebody --
 11 something really show up, we would have a policy we
 12 can say, well, we have a framework to address this.
 13 MAYOR PITTMAN: Okay. Ms. Fleming?
 14 COUNCILMEMBER FLEMING: Could you bring this
 15 -- get it to us before the meeting of the 6th for us
 16 to review and be able to present?
 17 ATTORNEY McLENDON: I think we can get this
 18 turned around real quick as a matter of fact.
 19 COUNCILMEMBER FLEMING: Okay. Thank you.
 20 MAYOR PITTMAN: Okay. Thank you.
 21 Next agenda item is going to be --
 22 COUNCILMEMBER FLEMING: Proper Attire.
 23 MAYOR PITTMAN: -- Proper Attire in Retail
 24 Sales Establishments.
 25 COUNCILMEMBER FLEMING: I know this sounds

1 hearing is that we're saying we're good with a page
 2 that basically says if you meet the criteria of one of
 3 these community groups, we will therefore put you up
 4 on the page on our web site that says here's a bunch
 5 of community groups, basically contact information --
 6 COUNCILMEMBER DEAN: That's what we have.
 7 ATTORNEY McLENDON: -- and that's great,
 8 because, you know, that, I can narrow this down, and
 9 that makes me happy. So --
 10 COUNCILMEMBER DEAN: It's very common too.
 11 I mean if you go on other cities', I mean you'll see
 12 that it's pretty common.
 13 ATTORNEY McLENDON: Yeah. So it's something
 14 that can be -- What I would say is based on this
 15 conversation and whatever happens with the rest of the
 16 conversation, let me go out, do a redline on this.
 17 What I'm going to do is I will expand the
 18 groups, modify the groups based upon our conversation
 19 and probably narrow down the scope of it to the extent
 20 that it's going to say, "This is what we will do.
 21 We'll give a page and put your contact information on
 22 there."
 23 What I understood is -- and again, I'm not
 24 deeply in this -- but that the pages that were already
 25 up there pretty much were going to meet this criteria.

1 probably a ridiculous request.
 2 COUNCILMEMBER DEAN: Let me ask one thing.
 3 Where have you been shopping? I want to go there. I
 4 want to go to that place.
 5 COUNCILMEMBER FLEMING: I'm trying to be
 6 very proactive in our city because I am concerned
 7 about the enforcement possibilities in all of our
 8 business in all of our zoning districts regardless of
 9 whether it's C-1 or M-2. So I am concerned about the
 10 enforcement of ensuring that employees are clothed in
 11 proper attire.
 12 I haven't been shopping in too many places;
 13 however, there is some possibility that other than in
 14 alcohol establishments, because that's the only place
 15 in our ordinance under Section 3-31(B)(1) in our
 16 Alcohol Ordinance that it indicates proper attire.
 17 So for instance, and I'm going to be
 18 ridiculous, okay? that if Chick-Fil-A, all right?
 19 employees started wearing see-through blouses, all
 20 right?
 21 COUNCILMEMBER PATRICK: It would be Chick
 22 Fil-A.
 23 COUNCILMEMBER FLEMING: We don't have an
 24 ordinance to walk in and say, okay.
 25 The only other place that anything appears

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1 as far as I am aware, and then I'll let legal talk
 2 about this, is in the adult entertainment
 3 establishment definition in Section 23, which is
 4 Zoning, Chapter 23-402 in Definitions, and that's
 5 addressed in the adult entertainment establishment,
 6 which Chick Fil-A is not.
 7 So I'm just trying to be proactive, and I
 8 know it sounds like I'm being ridiculous, but I'm just
 9 trying to be proactive about the enforcement in all of
 10 our business districts, not just adult entertainment
 11 or those that are serving alcohol. So that is the
 12 reason why I felt that there was a need for an
 13 ordinance for proper attire.
 14 MAYOR PITTMAN: Okay. Mr. McLendon?
 15 ATTORNEY McLENDON: Duly noted. And
 16 actually the ordinance you sort of put up is real
 17 similar to one that we have, which is like you had
 18 said, our adult entertainment ordinance.
 19 And in response, what I would say is I think
 20 we already cover this in our existing ordinance, and
 21 here's why. Anyone that operates in a manner that --
 22 You got two basic categories. Number one is for --
 23 and it's an indelicate conversation, but number one is
 24 for exposing inappropriate parts of your body, and it
 25 states, "An adult entertainment establishment is a

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1 place that" -- and I'm going to use euphemisms but I
 2 can read it if you want -- that says, A., you expose
 3 inappropriate parts of your body, or B., you do
 4 inappropriate acts. Okay?
 5 And then it sends you on down and it says,
 6 well, go read about the definition of those a few
 7 down, which is in 6-401 Subsection (h) is the
 8 inappropriate exposure, and it's very similar actually
 9 to the language you found which says, you know, if you
 10 expose any of these areas as part of your course of
 11 business, you're an adult entertainment establishment.
 12 And then the next section says, if you do any of these
 13 acts, you're an adult entertainment establishment.
 14 So let's go back to the example of the Chick
 15 Fil-A. If the Chick-Fil-A decided as a corporate
 16 policy this is the direction they were going to go,
 17 then what would happen is the minute they started
 18 doing that, we could go in and say, "Oh, no. No, no,
 19 no. You've not come in and gotten your application.
 20 You are not an adult entertainment establishment in
 21 this city. If you decide to open that, feel free, but
 22 you got to go over into M-2 and put it in the
 23 appropriate location for an adult entertainment
 24 establishment."
 25 It will not meet the criteria of that

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1 C-1/C-2 because that is not an allowed facility there,
 2 and if they started doing it, that would quickly
 3 become an enforcement action, and if they continued
 4 doing it, it would quickly become a let-me-get-your-
 5 business-license-and-send-it-in-to-me kind of action.
 6 COUNCILMEMBER FLEMING: So let me understand
 7 you correctly. Again, this is ridiculous, but if
 8 Chick Fil-A's employees were allowed to wear see-
 9 through blouses, they would then by your definition
 10 become an adult entertainment facility.
 11 ATTORNEY McLENDON: That falls under the
 12 specified anatomical areas, and it says less than
 13 completely and opaquely covered, and that is an area
 14 that is one of the inappropriate areas.
 15 So by doing that act, they are basically
 16 becoming an adult entertainment establishment, and
 17 they are not allowed to do that on Buford Highway in
 18 C-2.
 19 COUNCILMEMBER FLEMING: Okay.
 20 ATTORNEY McLENDON: And therefore, they can
 21 be cited, and if they continue doing it, we will see
 22 them in front of a hearing officer and be telling
 23 them, "That business license is going to be mine."
 24 COUNCILMEMBER FLEMING: And I just want to
 25 confirm that the enforcement of it would be that our

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1 Police Department go in and they cite them for
 2 6-401(h), that they haven't applied for an adult
 3 entertainment establishment license. Is that correct?
 4 ATTORNEY McLENDON: Uh-huh.
 5 COUNCILMEMBER FLEMING: And therefore,
 6 they're citing them for that. They go to court, and
 7 what happens there?
 8 ATTORNEY McLENDON: They would be charged
 9 with -- Generally you would be charged for -- well,
 10 actually, we've had some not too long ago, I think.
 11 You would be cited for violating your conditions of
 12 zoning, operating the adult entertainment
 13 establishment. I don't know the exact code sections.
 14 That's more of a criminal process.
 15 But what happens is generally you would go
 16 into court and it would be prosecuted, and, upon the
 17 prosecution, a successful prosecution would likely
 18 provide a sufficient basis to revoke that operating --
 19 COUNCILMEMBER FLEMING: Okay. I'm going to
 20 ask --
 21 ATTORNEY McLENDON: -- business license.
 22 COUNCILMEMBER FLEMING: -- one more question
 23 and then I'll let this die.
 24 ATTORNEY McLENDON: Sure. Not a problem.
 25 COUNCILMEMBER FLEMING: Live models. That's

1 going to be considered adult entertainment?
 2 ATTORNEY McLENDON: If they violate these
 3 provisions.
 4 Let's talk about another example. I cannot
 5 prohibit Hooters from coming here and then having what
 6 some people would consider inappropriate uniforms.
 7 That's not in violation of this.
 8 In this language in here, which is we have a
 9 fine adult entertainment ordinance, it is crafted
 10 around the kinds of things you can regulate as far --
 11 COUNCILMEMBER FLEMING: Okay.
 12 ATTORNEY McLENDON: -- as the type.
 13 COUNCILMEMBER FLEMING: Thank you very much.
 14 MAYOR PITTMAN: Okay. Thank you. Okay.
 15 The next agenda item is --
 16 COUNCILMEMBER ALEXANDER: I have one
 17 question.
 18 MAYOR PITTMAN: Sure.
 19 COUNCILMEMBER ALEXANDER: Major, would they
 20 not be allowed to be charged for indecent exposure?
 21 MAJOR ATKINSON: We have an indecent
 22 exposure charge, yes.
 23 COUNCILMEMBER ALEXANDER: Because especially
 24 if you're an establishment that doesn't prohibit
 25 anybody under 18 from entering, could they not be

1 And as these issues have come up, I've sort
 2 of, in looking at our Sign Ordinance, I don't think
 3 our Sign Ordinance has necessarily kept up with the
 4 changes in technology. So what I was looking for in
 5 this agenda item was to say we currently say that, you
 6 know, animated signs are not allowed and then it
 7 provides a little exception for time and temperature.
 8 I would like to know if that is something
 9 you would like to have some more input on. If it is
 10 something you would like for us to have more input on,
 11 that's the kind of thing that, you know, you might
 12 even want to say we're not even going to accept any
 13 applications on this, giving us enough time to review
 14 these provisions and decide what Doraville wants
 15 specifically as it applies to LED signs.
 16 So I wanted to raise the issue, and if y'all
 17 tell me, "Cecil, we're great where we are," I'm great
 18 where we are.
 19 COUNCILMEMBER DEAN: I'm great where we are.
 20 ATTORNEY McLENDON: Okay. If we want to
 21 regulate, I may want to -- I could say we might want
 22 to pass a moratorium, give us some breathing room on
 23 how we want to deal with it.
 24 I'm a hundred percent in your court. I
 25 wanted to raise the issue and take orders.

1 criminally charged for indecent exposure?
 2 ATTORNEY McLENDON: Yeah. I'm not much of a
 3 criminal lawyer, but there would be lots of ways you
 4 would cite someone who is operating an establishment
 5 like that. I would gladly defer.
 6 MAJOR ATKINSON: Yes, and we have before.
 7 La Union, the La Union establishment when we went in
 8 and conducted -- when we did that operation, yes.
 9 Yes, we could do that.
 10 COUNCILMEMBER ALEXANDER: Okay. Thank you.
 11 MAYOR PITTMAN: Thank you.
 12 Next, Cecil, discussion on LED signage.
 13 ATTORNEY McLENDON: Just what's happened is
 14 we've had some recent inquiries on LED signs. Our
 15 sign ordinance regulates animated signs and it states
 16 animated signs are not allowed.
 17 Probably this was written before LED became
 18 so pervasive, and there are provisions that a lot of
 19 signs ordinances have now that address LED
 20 specifically -- address it from the standpoint of, A.,
 21 Is it allowed? If it is allowed, under what context
 22 is it allowed? You know, changing sign faces, moving
 23 sign faces. There are numerous issues that are out
 24 there, and really it's been that technology has
 25 changed.

1 COUNCILMEMBER DEAN: Here is the issue right
 2 now especially with our sign ordinance. I mean that's
 3 just -- that's -- and so to throw in this issue right
 4 now I think that would be a disaster.
 5 Going down Buford Highway, Buford Highway is
 6 ugly. It's very ugly because of all of the signs, all
 7 the dead signs, all that.
 8 The last thing in the world I would like to
 9 see is these signs being lit up, okay. That --
 10 ATTORNEY McLENDON: Okay. Let me get a
 11 little more clarity --
 12 COUNCILMEMBER DEAN: Okay.
 13 ATTORNEY McLENDON: -- because if you decide
 14 you don't like these signs, the ordinance says you
 15 can't have an animated sign today.
 16 But if you're saying, "My concern is I'm
 17 against this because I don't want these signs to be
 18 here" --
 19 COUNCILMEMBER DEAN: Uh-huh, the LED signs.
 20 ATTORNEY McLENDON: -- yeah, that means we
 21 would probably want to tighten up those provisions of
 22 our ordinance.
 23 COUNCILMEMBER DEAN: Okay.
 24 ATTORNEY McLENDON: I would recommend that
 25 we pass a moratorium and that you let me come and

1 revisit the language of these LED signs with you,
2 because if you're concerned about them, I think to say
3 we're good, we're relying on the current language
4 which I think has some regulatory ability in it, but
5 it is not the type of regulatory language you see in a
6 current and up-to-date sign ordinance regarding LED
7 signs.

8 COUNCILMEMBER DEAN: Well, they say that LED
9 signs are not allowed, right?

10 COUNCILMEMBER FLEMING: No.

11 COUNCILMEMBER PATRICK: No.

12 ATTORNEY McLENDON: It says that animated
13 signs are not allowed.

14 COUNCILMEMBER DEAN: Okay.

15 ATTORNEY McLENDON: There is no mention of
16 the word LED in our ordinance.

17 COUNCILMEMBER DEAN: Okay.

18 COUNCILMEMBER PACHUTA: *So now someone could*
19 put in an LED sign as long it was not animated.

20 COUNCILMEMBER DEAN: Right, okay.

21 ATTORNEY McLENDON: I would argue that, but
22 it would be --

23 COUNCILMEMBER PACHUTA: *An attorney would*
24 argue that.

25 COUNCILMEMBER DEAN: Right.

1 have a pending issue, they have to be limited in
2 scope. I cannot say indefinite.

3 What we have -- and frankly, I have prepared
4 one tonight that I will share with you if that's the
5 direction we go. And they must be predicated on some
6 real activity -- and we have had recent inquiries
7 about this -- and they must be limited in time to
8 reasonable periods.

9 We are proposing to begin with a 90-day,
10 which would give time basically for staff to do just
11 what you're doing: you sit and come up with some
12 policy and try to figure out where the Council is, do
13 some draft language, and then it is going to be a
14 zoning, so it's got to run back through the entire
15 process, which usually 90-day would be enough. And if
16 not, if you go the 90 days and then can say, "Well,
17 we've been working diligently but we've still run into
18 these," you can extend it.

19 What you don't want to do with a moratorium
20 is say --

21 COUNCILMEMBER PATRICK: Forever.

22 ATTORNEY McLENDON: -- all right, that's a
23 year.

24 You got to keep it tight and make sure it's
25 a reasonable time, and I think 90 days for a zoning

1 ATTORNEY McLENDON: I would argue that. But
2 I think that there is a reason I brought it in here:
3 because most up-to-date sign ordinances address LED,
4 and y'all may address it in any way you choose, but
5 most will address it specifically instead of the more
6 generic manner that our ordinance does.

7 COUNCILMEMBER FLEMING: *My preference would*
8 be, first of all, Mr. Cooley's been working on a
9 comprehensive sign code. He's not here right now. I
10 would want this to be vetted within that sign code.

11 I think we need to have a moratorium not
12 allowing LED signs at the present time, because if
13 we're going to look to the future, I can see an LED --
14 I mean I can vision an LED sign on the GM property.

15 COUNCILMEMBER PATRICK: Yeah.

16 COUNCILMEMBER FLEMING: *Okay. I personally*
17 can envision if we're going into that type of forward
18 five/ten years from now, then I wouldn't want to
19 prohibit the entire city. So I would like to
20 personally look at it as an overall but put a stop-gap
21 in right now as a moratorium.

22 ATTORNEY McLENDON: Right.

23 COUNCILMEMBER PATRICK: *One quick question.*
24 Are moratoriums legal?

25 ATTORNEY McLENDON: Yes, they are. If you

1 action is going to be a very supportable basis.

2 COUNCILMEMBER ALEXANDER: *So do we want to*
3 add this to the agenda for August 6th and you give us
4 the moratorium language?

5 ATTORNEY McLENDON: I have prepared a
6 moratorium, and the reality to me is, you know, we
7 have this as a properly-advertised agenda item. It's
8 a discussion of this. I think that is within the kin
9 of what is in our agenda packet to go ahead and pass
10 that if y'all felt that that is something that would
11 be your choice.

12 COUNCILMEMBER DEAN: No. I would like to
13 see the language as far as this, yeah.

14 I mean not now. I would like to take it
15 with me and have it put on the next agenda item --

16 ATTORNEY McLENDON: Okay.

17 COUNCILMEMBER DEAN: -- and not make any
18 decision now.

19 ATTORNEY McLENDON: I only issue with that
20 -- And I'm good with it if you don't. Trust me.

21 COUNCILMEMBER DEAN: Okay.

22 ATTORNEY McLENDON: The only issue is time
23 is usually of the essence.

24 COUNCILMEMBER DEAN: In this case, what's
25 the timing? Because I'm not aware of any issue

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1 regarding LED right now, so that's -- that's what
 2 I'm --
 3 ATTORNEY McLENDON: We've had numerous
 4 inquiries, and if somebody walks in tomorrow --
 5 COUNCILMEMBER DEAN: Uh-huh.
 6 ATTORNEY McLENDON: -- and applies before
 7 you have adopted any language or put a moratorium in
 8 place, they are vested to the current terms of the
 9 zoning ordinance --
 10 COUNCILMEMBER DEAN: And you said that --
 11 ATTORNEY McLENDON: -- within some --
 12 COUNCILMEMBER DEAN: -- you could fight it,
 13 right?
 14 ATTORNEY McLENDON: I'm sorry?
 15 COUNCILMEMBER DEAN: You said you could
 16 fight it? You could argue it?
 17 ATTORNEY McLENDON: I'm presenting the
 18 agenda item tonight.
 19 COUNCILMEMBER DEAN: Okay. Well, see, we
 20 weren't given enough information, I wasn't given
 21 enough information. And this happens a lot. And I
 22 would like to have as much --
 23 In fact, I even made that an agenda item
 24 before. I would like to have the information so that I
 25 have time to do my research, due diligence, and then

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1 make a decision based on that, so I'm not -- you know,
 2 I'm -- I'm not okay.
 3 ATTORNEY McLENDON: I'm good with whatever
 4 you-all decide to do, understand.
 5 COUNCILMEMBER DEAN: Okay.
 6 ATTORNEY McLENDON: I'm good with whatever
 7 y'all decide.
 8 MAYOR PITTMAN: Council?
 9 COUNCILMEMBER ALEXANDER: Because the
 10 moratorium is not even mentioned on the agenda sheet.
 11 COUNCILMEMBER DEAN: Huh-uh.
 12 ATTORNEY McLENDON: I think it would be an
 13 action that could be taken up tonight, but I'll leave
 14 it up to y'all.
 15 COUNCILMEMBER FLEMING: I'm not prepared to
 16 do that because I --
 17 COUNCILMEMBER PACHUTA: Yeah, I haven't seen
 18 it.
 19 COUNCILMEMBER FLEMING: -- haven't seen it
 20 and I haven't read it.
 21 ATTORNEY McLENDON: Okay.
 22 COUNCILMEMBER ALEXANDER: So can we please
 23 place this item on the agenda for August the 6th. And
 24 if you can, before the end of the evening, give us the
 25 accompanying materials?

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1 ATTORNEY McLENDON: Absolutely.
 2 COUNCILMEMBER ALEXANDER: Thank you.
 3 MAYOR PITTMAN: All right. Thank you very
 4 much.
 5 Major is the only one here. Do you have any
 6 reports, Major?
 7 Okay. Public Comments. Please limit your
 8 comments to three minutes.
 9 MS. CRAWFORD: Susan Crawford. I'll be
 10 brief, but on a positive note, I think you got a lot
 11 accomplished tonight. I as a resident appreciate it.
 12 On a negative note, I think that we're all
 13 in violation of this clothing ordinance as we all seem
 14 to have "public hair."
 15 COUNCILMEMBER FLEMING: That's my typo
 16 error. I guess I couldn't bring myself to typing the
 17 proper word.
 18 MAYOR PITTMAN: Thank you, Ms. Crawford.
 19 MS. GILMAN: That was funny. Carol Gilman.
 20 Going back to the clothing, if a lingerie
 21 place was to open and they had employees who were
 22 models and modeled skimpy, see-through lingerie, how
 23 does that work with what you and Councilman Fleming
 24 were discussing?
 25 ATTORNEY McLENDON: Dependent upon the

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1 anatomical areas that are prohibited, it could not be
 2 see-through, it has to be opaque under our current
 3 ordinance.
 4 MS. GILMAN: Thank you.
 5 UNIDENTIFIED SPEAKER: No buttocks.
 6 MAYOR PITTMAN: Additional public comments?
 7 MS. EVELYN WHALEN: Evelyn Whalen from
 8 Oakcliff. Basically what we're saying is that Moon
 9 Lingerie shouldn't moon anybody.
 10 MAYOR PITTMAN: Ms. Rawlins?
 11 MS. RAWLINS: Linda Rawlins, Oakcliff. I
 12 just want to thank everybody for having a positive
 13 approval of my animal shelter ordinance, the summer
 14 shelter provision, and I go on record as doing
 15 anything I can to be community volunteer, anything we
 16 need to do to help Dennis in his facility. Thank you.
 17 COUNCILMEMBER FLEMING: Thank you.
 18 MS. RAWLINS: Thank you.
 19 MAYOR PITTMAN: Thank you.
 20 Additional public comments?
 21 MR. ANDERSON: Stuart Anderson.
 22 On the issue of the web site, I am afraid I
 23 agree with Cecil. There's been some really good
 24 suggestions as to tailoring the possibilities of what
 25 can and can't be done on the web site. It is the City

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1 web site, and we do need to market ourselves.
 2 The problem -- and there's a lot of good
 3 suggestions been done tonight about tailoring it
 4 properly, but it's First Amendment, and if you let the
 5 good ones, the ONAs and the NNAs and the stuff, I'm
 6 afraid you've opened the door for some dislikable
 7 links, because if one group at one site states that it
 8 represents the City or some group of the city, etc.,
 9 etc., and it wants to get in or it has the legal
 10 ability -- I think it has the ability; I'm not a
 11 lawyer, obviously -- I think it has the legal ability
 12 to get in because we're sanctioning the good ones.
 13 So I think it's a slippery slope, and Cecil
 14 didn't make a forceful comment about it, but you're --
 15 you're asking for it.
 16 COUNCILMEMBER DEAN: May I address this?
 17 May I say something?
 18 To that, to your comments, I mean there is
 19 also language in this policy that protects the City.
 20 For example, there are no hate groups or no obscenity.
 21 I mean there are certain --
 22 MR. ANDERSON: Definitions, though. That's
 23 the problem. All the thousands of little --
 24 COUNCILMEMBER DEAN: Well, but that's the
 25 language. That's all we've got, right?

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1 MAYOR PITTMAN: Let's stick to public
 2 comments. Public comments.
 3 MS. CINDY BRADFORD: Cindy Bradford,
 4 Northwoods. We've been on this slippery slope for
 5 quite a few years, Stuart, and so far nothing bad has
 6 happened from it, and I still to this minute question
 7 why this was suddenly a problem.
 8 COUNCILMEMBER FLEMING: It had nothing to
 9 do, as I told you Friday evening, with any of the
 10 groups --
 11 MS. BRADFORD: Well --
 12 COUNCILMEMBER FLEMING: -- because I
 13 didn't --
 14 MS. BRADFORD: -- I --
 15 MAYOR PITTMAN: Okay. Okay. Okay.
 16 MS. BRADFORD: I want to believe you but a
 17 slippery slope that we've been on for several years,
 18 and I will not stand by and allow my rights to be
 19 violated.
 20 That's all I'm going to say about it. Thank
 21 you.
 22 MAYOR PITTMAN: Thank you. If we could
 23 please limit this to the public comments only. If
 24 Council could possibly just restrain their comments
 25 until after this meeting if you want to talk to

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1 someone, I'd appreciate it.
 2 Additional public comments?
 3 MR. TOM WHALEN: Tom Whalen, Oakcliff. I
 4 just have a very technical point. There was
 5 discussion of having hot links to community groups
 6 where you just click on it and you are immediately
 7 e-mailing there.
 8 A big reason against that is for the sake of
 9 the people whose e-mail is being put on the link like
 10 that, because there are computer programs that search
 11 the Internet for those things so that you can get
 12 spammed to death ever afterwards.
 13 MAYOR PITTMAN: Okay. Thank you.
 14 Additional public comments?
 15 COUNCILMEMBER ALEXANDER: Motion to adjourn.
 16 COUNCILMEMBER DEAN: Second.
 17 MAYOR PITTMAN: Discussion?
 18 - - -
 19 (No response)
 20 - - -
 21 MAYOR PITTMAN: Call the roll, please.
 22 CLERK BRYANT: Councilmember Alexander?
 23 COUNCILMEMBER ALEXANDER: Yes.
 24 CLERK BRYANT: Councilmember Dean?
 25 COUNCILMEMBER DEAN: Yes.

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1 CLERK BRYANT: Councilmember Fleming?
 2 COUNCILMEMBER FLEMING: Yes.
 3 CLERK BRYANT: Councilmember Pachuta?
 4 COUNCILMEMBER PACHUTA: Yes.
 5 CLERK BRYANT: Councilmember Patrick?
 6 COUNCILMEMBER PATRICK: Yes.
 7 MAYOR PITTMAN: Thank you.
 8 - - -
 9 (Meeting adjourned at 9:40 p.m.)
 10 -o0o-

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