

In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

July 2, 2012

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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 2, 2012.

1 PROCEEDINGS
 2 MAYOR PITTMAN: Please rise for the Pledge.
 3 ---
 4 (Pledge of Allegiance)
 5 ---
 6 MAYOR PITTMAN: Thank you. Welcome to
 7 everyone coming out on this hot evening.
 8 And if you would please call the roll.
 9 CLERK BRYANT: Councilmember Alexander?
 10 COUNCILMEMBER ALEXANDER: Here.
 11 CLERK BRYANT: Councilmember Bates?
 12 COUNCILMEMBER BATES: Here.
 13 CLERK BRYANT: Councilmember Dean?
 14 COUNCILMEMBER DEAN: Here.
 15 CLERK BRYANT: Councilmember Fleming?
 16 COUNCILMEMBER FLEMING: Here.
 17 CLERK BRYANT: Councilmember Patrick?
 18 COUNCILMEMBER PATRICK: Here.
 19 MAYOR PITTMAN: And Ms. Pachuta will be just
 20 a few minutes late. She just left work a few minutes
 21 ago but she'll be here.
 22 Okay. If we could have approval of minutes
 23 for June 18th, 2012.
 24 COUNCILMEMBER ALEXANDER: So moved.
 25 MAYOR PITTMAN: Can we get a second?

1 APPEARANCES:
 2 Doraville City Council:
 3 Mayor Donna Pittman
 4 Councilmember Maria Alexander
 5 Councilmember Brian Bates
 6 Councilmember Jones Dean
 7 Councilmember Pam Fleming
 8 Councilmember Karen Pachuta
 9 Councilmember Robert Patrick
 10 Sandra Bryant, Acting City Clerk
 11 Cecil G. McClendon, Jr., City Attorney
 12 Leonid Felgin, Assistant City Attorney
 13 Riley McLendon, LLC
 14 315 Washington Avenue
 15 Marietta, GA 30060
 16 (770) 590-5900
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 COUNCILMEMBER DEAN: 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 Bates?
 10 COUNCILMEMBER BATES: Yes.
 11 CLERK BRYANT: Councilmember Dean?
 12 COUNCILMEMBER DEAN: Yes.
 13 CLERK BRYANT: Councilmember Fleming?
 14 COUNCILMEMBER FLEMING: Yes.
 15 CLERK BRYANT: Councilmember Patrick?
 16 COUNCILMEMBER PATRICK: Yes.
 17 MAYOR PITTMAN: Okay. And we're going to be
 18 removing two items off the agenda.
 19 The Transportation Investment Act will be
 20 coming off. We will put it on at a later time. It
 21 has not been approved yet, voted on. So we do have
 22 the draft. At some point if it does get approved, we
 23 are going to have to have a plan.
 24 And then the phone system will be coming
 25 off. We will have more paperwork to you at the next

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1 agenda, if you could put it on the next agenda please,
2 and they're going to be present to answer any
3 questions you might have.
4 All right. Next on the agenda is going to
5 be Public Comments. If you could please come to the
6 podium and state your name. Three minutes on agenda
7 items only, please. Public comments.
8 MR. JOE O'CONNOR: Joe O'Connor. I'd like
9 to talk on two items.
10 The first is the proposed change to the
11 definition of an entertainment facility, and you're
12 omitting that you're requiring them to serve food.
13 And the purpose for that, that was to keep certain
14 things out of the city. Especially the former mayor
15 did not have any use for night clubs and other such
16 facilities.
17 I note in the entertainment facility, the
18 new definition has something about a site for not less
19 than a hundred but there's no maximum. Now, if this
20 is some of way of trying to surf around the 45,000
21 square-foot Georgia Palace, we need to put something
22 in here limiting the seating to 500 or 300. It's not
23 going to stand having D.J.'s from across the continent
24 come in here and having the problems. You've already
25 heard what the people think about -- about this whole

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1 enterprise.
2 And my second one is I'm really at a loss.
3 We don't know the definition of a wholesaler or a
4 retailer. Many of you have been here for three years
5 trying to get that law. Everybody has a notion on a
6 restaurant. We know what it was. They've been --
7 they were here for two years doing everything they can
8 to get this, the wholesaling, changed, and all we have
9 is -- I don't even know what to call the lady there
10 with the Moon Lingerie taking over a good American
11 institution. And I tell you what, if we don't know --
12 if you guys don't know the difference between
13 wholesale and retail, it's obvious you don't know the
14 difference between truth, falsity, what is actually
15 community service and integrity. Thank you.
16 MAYOR PITTMAN: Further comments?
17 MS. CINDY BRADFORD: Cindy Bradford,
18 Northwoods.
19 I didn't closely read the entertainment
20 facility ordinance, but thank you, Joe, for pointing
21 it out. I will admit that from the very beginning I
22 was suspicious that it was away to skirt around and
23 try to allow things like the Georgia Palace to come in
24 here.
25 If what he says is true, and you're taking

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1 out -- you're not putting a maximum in there and
2 you're taking out the requirement for a percentage of
3 food, then I hope you will all vote against that
4 particular change.
5 He is at a loss for words as to what to call
6 the place across the street, and we have penned it the
7 big old panty house, and I just want to go on the
8 record as saying that we're not really concerned if it
9 being wholesale or retail; we're more concerned with
10 it being sleazy. And we also, because of the past
11 record of enforcement, don't think that anything will
12 be enforced either. Thank you.
13 MAYOR PITTMAN: Thank you. Additional
14 public comments?
15 MS. CAROL GILMAN: Carol Gilman at
16 Northwoods.
17 My comment is related to Roman X, the second
18 bullet, Adequate Animal Shelter. I'm glad that's on
19 the agenda, anything that relates to the safety of
20 animals and our pets. If there's anything I'm extreme
21 about is the safety and love of our animals and our
22 pets.
23 What I would like to ask regarding this
24 bullet is that Ms. Alexander, if she's still involved
25 with the animal group I think from the county side, if

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1 she would please add some comments as to what's going
2 on in that regard. And I'm delighted to know that
3 she's involved in this, and if we could just have a
4 quick update on that, on that bullet item.
5 MAYOR PITTMAN: Thank you. Additional
6 public comments?
7 - - -
8 (No response)
9 - - -
10 MAYOR PITTMAN: Okay. Than you. We're
11 going to move into the next agenda item.
12 Mr. Hart? Got to be quick. Come on.
13 MR. TOM HART: You took my favorite part off
14 of the agenda, which was the Transportation Act.
15 There used to be a thing called Sixty
16 Minutes, and they had the Golden Fleece Awards. If
17 ever there was a golden fleece award, it has to do
18 with the Transportation Act. It's how you build a
19 \$20,000 project for \$2,000,000 and get away with it.
20 Politicians love it. They get to stand in front of it
21 for a photo op.
22 MAYOR PITTMAN: Mr. Hart, did you want to
23 speak on something that was on the agenda, that --
24 MR. HART: Well, that was --
25 MAYOR PITTMAN: -- we're going to have --

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1 MR. HART: -- on the agenda.
2 MAYOR PITTMAN: -- on the agenda? It's not
3 on the agenda now.
4 MR. HART: You want to give me some extra
5 time while you talk or what?
6 MAYOR PITTMAN: I just want you to stick
7 to --
8 MR. HART: Okay.
9 MAYOR PITTMAN: -- the agenda, please.
10 MR. HART: All right. And then wholesale/
11 retail, we somehow -- It's in the definitions in the
12 Webster's dictionary or it's in the Code of
13 Ordinances, but it's there.
14 But somehow we got confused when we hired a
15 part-time planner to put transmission shops in C-2
16 when they don't belong there, wholesale businesses
17 where they don't belong, body shops where they don't
18 belong. And the guy was only here for 30 days and he
19 was hired for \$5,000. I wasn't here at that meeting
20 when they hired the guy and I wasn't here at the
21 meeting where they all got together and fired the
22 other guy.
23 So I mean suddenly we got this game going on
24 where the wholesale businesses wanted to come back
25 into the city and this City Council was trying to

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1 figure out some way to tell this group of lawyers over
2 here how to wiggle it through there.
3 And the animal shelter, I think it's high
4 time we did something about that.
5 Thank you.
6 MAYOR PITTMAN: Okay. Additional public
7 comments?
8 ---
9 (No response)
10 ---
11 MAYOR PITTMAN: Okay. Thank you.
12 Okay. Next on the agenda is going to be
13 Chief, Quality of Life, Goals and Communication. I
14 believe you have a Power Point presentation for us.
15 CHIEF KING: Yes, ma'am.
16 Mayor, members of the City Council, we have
17 a very short, four-slide presentation we'd like to
18 provide you.
19 Basically, the Mayor asked us about a month
20 ago to sit down and work with the Planning and
21 Development Department to kind of look at how we can
22 streamline the process and how to really get down to
23 be able to make some progress on the way that we
24 handle Quality of Life complaints and then make sure
25 that we are in synch with the Planning and Development

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1 Department and make sure they're not mis-queued
2 between the both departments.
3 As I said earlier, we have a form slide
4 presentation. We'd like to be able to show you this
5 presentation -- it's four slides -- and then if you
6 could hold your questions towards the end of the
7 slide, at the end of the presentation, if you have any
8 questions, we'll be happy -- myself or Mr. Cooley will
9 be able to try to answer those questions.
10 But then after that, we would like you to
11 review some of the recommendations we have, and, if
12 possible, if you can make some -- make a motion and
13 pass a list of priorities. Clearly, these are just,
14 you know, on the wall, that you can modify or change
15 at your convenience. But I would like to be able to
16 go through the presentation and then answer any
17 questions and obviously get some approval on the
18 recommendations on the priorities that we have for
19 Quality of Life.
20 Right now, our Quality of Life, it really
21 acts almost like a fire department. We put out fires
22 throughout the city. We get a number of calls; some
23 of them are e-mails, some of them are phone calls to
24 our Quality of Life; some of them come through the
25 Mayor's office, some of them come from some other

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1 elected officials -- a number of ways that people can
2 reach out to the Quality of Life, so that's what
3 occupies 90 percent of their time. 10 percent of the
4 time is training, vacation, sick time, that kind of
5 activity.
6 But there's no way to really track progress
7 except for we're putting out fires all the time, so
8 that's why I call it a fire-department type model.
9 Multiple priorities, some of them; they're working at
10 cross purposes. We did taskings for a number of
11 places, and they're not synchronized with the LCI or
12 the master plan, you know, that Mr. Cooley is trying
13 to put forward. And it's very hard for us to give you
14 a progress on any certain corridor except for the only
15 thing I can clearly tell you is the number of calls or
16 complaints that the Quality of Life unit is handling.
17 Unfortunately with this model, there is
18 every -- almost -- I will tell you almost something
19 like 60 percent of the calls that they go out
20 generates a complaint against the Quality of Life
21 inspector, meaning somebody has to come behind and
22 review the incident, review video, audio, look at if
23 it's appropriate, check with Joe, check with the
24 building inspector, and it generates an amount of
25 staff work that was never contemplated in the

1 development of this unit.
2 And we looked at -- we sat down with the
3 Mayor and we discussed transferring the unit over to
4 the Planning and Development Department. But in all
5 fairness, Mr. Cooley does not have the staff to
6 investigate, to administratively handle that kind of
7 volume of complaints. Needless to say, neither do I,
8 but we end up having to pull supervisors from other
9 units to be able to support this unit.

10 And what we're trying to do is come out with
11 a process, a logical process where we -- and we will
12 show it on the next slide -- where efforts are
13 prioritized, are approved by the members of the City
14 Council and the overall efforts. And then we review
15 them, myself and the Planning Department Director, we
16 review those and we come and report to the City
17 Council based on those priorities.

18 I would ask that we do not change priorities
19 until at least the 90-day mark. I'm looking at a six-
20 month process. So we review, we report to the Council
21 every 30 days at one of our various Council meetings
22 and then at the 90-day mark we do minor adjustments to
23 these priorities.

24 The reason I'm asking for six months is that
25 we need to be able to -- especially the problem areas,

1 I have to be able to have time to run these complaints
2 through the court system and get a response from the
3 court system, and then that way we can further -- you
4 know, have further proceedings in the judicial or --
5 you know, and then come back and report to y'all. And
6 then at the six-month cycle, then bring those
7 priorities to the Council and say, hey, do we need to
8 adjust these priorities or do we need to -- do we need
9 to do further work on these priorities?

10 So that's the general gist of what our
11 recommendations are. And basically, you know, we're
12 synchronizing every month, synchronizing with the
13 Planning and Development Department, based on the City
14 Council's approved priorities, and then we have to
15 have a sufficient timeline to be able to run some of
16 these through the court system if necessary, you know.
17 And every month, we take input, but I would ask that
18 we don't adjust those priorities until -- minor
19 adjustments at the 90-day mark, major adjustments at
20 the six-month mark.

21 So basically this is a six-month process,
22 you know. Initially the priorities, we recommended
23 some priorities, and those are on the next slide. We
24 report back on a monthly basis at one of the meetings
25 that Mr. Cooley has, you know, business before the

1 City Council and we tell you how many citations or how
2 the effort's working along these three priorities, and
3 then at the 90-day mark, we adjust minor adjustments.
4 Those adjustments obviously are directed at -- you
5 know, obviously with our citizens' input, but those
6 are approved by the City Council. And again, on the
7 monthly basis, we report, and then at the end of the
8 six months, we review how we did in that six-month
9 process, and do we need to adjust, do we need to shift
10 focus?

11 So that's the overall. The recommendation
12 is what I call the 30/30/30 plan. No, I did not
13 borrow it from one of the political candidates for
14 president, but it made sense to me, and it's all about
15 prioritizing the efforts of the Quality of Life Unit.
16 30 percent I would say is my first -- and we threw
17 these because we hear these as major friction points
18 in our community, but we wanted to make this as a
19 recommendation.

20 Please, we are not in love with any of these
21 -- any of these priorities, but we ask you to either
22 approve them or modify them this evening so that way,
23 we have our marching orders to proceed with our
24 Quality of Life. And it's not just Quality of Life
25 but also the Police Department and the Planning and

1 Development Department.

2 First of all, 30 percent of our priority of
3 effort goes into commercial enforcement, priority
4 inside the Buford Highway corridor inside of 285.

5 The second priority is apartment complexes.
6 Why do I care? Apartment complex enforcement is -- to
7 me, it's an important law enforcement priority because
8 that deals with a number of calls. Right now, we have
9 a couple apartment complexes inside of 285 that are
10 problematic to us because they generate a number of
11 calls and the quality of life is -- is pretty -- is
12 pretty bad.

13 And this is kind of a test run so when we go
14 into the new area to be annexed, after December --
15 this is going to be a test run on how we're going to
16 be able to approach that. And obviously at that time,
17 my recommendation is that we look outside of 285. But
18 I want to focus a very narrow track to our Quality of
19 Life so we can actually have progress that we can
20 track, because right now -- you hear me say this all
21 the time -- when everything is a priority, nothing is,
22 and we can't track that.

23 And then the last -- you know, the other
24 portion of the priorities for Quality of Life is 30
25 percent residential enforcement outside of 285,

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1 primarily, I will tell you, in the Oakcliff
2 subdivision. That does not mean that as we get calls,
3 we're not going to handle those calls. But whatever
4 calls we get are going to be prioritized along these
5 major functions, because if we try to handle every
6 thing, then we're not going to get to our priority of
7 effort.

8 And then 10 percent administrative -- time
9 off, you know, training, court time, all those
10 activities that take place in any kind of unit that
11 has any kind of enforcement function.

12 Basically, that's our recommendation. I
13 will turn it over to Joe to see if he has anything to
14 add to this process.

15 MR. JOE COOLEY: We had a lot of discussion
16 about this, you know. We've talked I don't know how
17 many times about it, and the proper procedures and
18 what the issues were.

19 From my perspective from Planning and
20 Development, unfortunately, code enforcement, as the
21 Chief said, the time is taken up such that we don't
22 have the opportunity to focus on any of the commercial
23 issues that we've got. We've got signage issues,
24 we've got building issues. There are a lot of issues
25 that affect the quality of life in Doraville and the

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1 visual aspect of it and the perception of what
2 Doraville is. There's a lot of things in the Code
3 that just, you know, they haven't had time to get to.

4 So with this approach -- And the idea was to
5 take, you know, split it up. And the apartment's
6 certainly very important, obviously, residential is,
7 but give us some time for also the commercial aspect.

8 And what we're talking about is going out
9 and prioritizing -- going out and looking at what the
10 worst issues are, prioritizing it, focusing on that,
11 going out ahead of time, and make this a community
12 type of thing where we go out before and everybody
13 says, "Okay, guys. In this area, these are the big
14 concerns we've got." We're going to start looking at
15 these very closely and tightly -- it's all the
16 different businesses along the corridor, whichever
17 corridor it might be -- and say, "We're going to start
18 looking at these things. Here's copies of the Code" -
19 - and we maybe have them in a couple different
20 languages or things because there's always
21 communication issues -- and say, "Okay. Be warned;
22 here we come." Give them a little time and then come
23 back and start going through the process of talking to
24 people, pointing out their problems, warning them, and
25 then when they don't warn them, as Chief's saying,

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1 take them through the process, and that's why we need
2 the time.

3 But from my perspective, it gives an
4 opportunity for Quality of Life officers to really get
5 organized and let them focus on some of the areas that
6 we need attention to. Their time right now is just
7 such that it hasn't been a priority, and from my
8 perspective as Planning Director, it is a priority.
9 So I think this is worked out real well and we
10 actually have some real good conversations about it.

11 MAYOR PITTMAN: Thank you.

12 CHIEF KING: Mayor, at this point, we would
13 open it up, ma'am, if any of the members of the
14 Council have any specific questions about this plan
15 and these priorities.

16 MAYOR PITTMAN: Yes, sir. We'll bring it up
17 to the table and we'll start with Ms. Alexander.

18 COUNCILMEMBER ALEXANDER: I guess how are
19 you going to divide the 30 percent up like the first
20 few weeks? Are you going to do apartment sweeps or
21 exactly how are you going to proceed?

22 CHIEF KING: Ma'am, we're going to look at
23 their available time that we have scheduled and we
24 will divide -- you know, on a weekly basis, we'll sit
25 down with the Planning Department and we will have

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1 focused areas. For example, depends on what Mr.
2 Cooley, you know, has got the biggest priority. I
3 would assume that that would be probably the one.

4 Since we've talked about it a couple of times, that
5 seems to be a reoccurring theme that this is a big
6 priority here. I would probably agree that commercial
7 enforcement would be or -- you know. But the close
8 second to me would be apartment complex sweeps, so
9 that would probably be the second week or the third
10 week, ma'am. It's just a matter of timing.

11 The biggest thing we're trying to accomplish
12 is to get the City Council to approve the priorities
13 so then we can turn around and refine this and then
14 obviously report to you-all on a monthly basis what
15 efforts -- you know, success or failure in our
16 efforts.

17 MR. COOLEY: I really see that almost as
18 something that we control by, like you set priorities,
19 issues that are hot that are health-related, safety-
20 related, but just kind of across the board over that
21 period of time, let's concentrate approximately 30
22 percent of the time for this, this and this.

23 I don't think you want to get it all, say,
24 "We're going in this week doing this and this week
25 doing that." I don't think that's probably going to

1 be real easy to do. I think we're going to have to be
2 flexible about it.

3 CHIEF KING: Ma'am, also, once the Council
4 has approved these priorities, we will sit down with
5 the prosecutor and the judge in our city court and
6 explain to them that these are the priorities of our
7 elected officials and we ask them to obviously be
8 sensitive to those priorities and support us in our
9 effort to try to reach the overarching goals.

10 Apartment complex cleanup is a big deal to
11 me because it has an immediate impact on the number of
12 calls for service generated, especially safety.

13 MAYOR PITTMAN: Mr. Bates?

14 COUNCILMEMBER BATES: In order to be able to
15 track progress, though, you've got to have a baseline
16 to start with. So is the process going to be -- in
17 picking on the commercial properties, is the process
18 going to be to survey the properties in total and
19 identify we've got 37 sign violations, 10 tinted
20 windows, 13 abandoned cars and then track that
21 progress over the period of six months? How are you
22 going to quantify success?

23 CHIEF KING: And that's what I wanted to
24 accomplish in the first 30 days, sir, is look at what
25 is overarching and clearly commercial, you know,

1 ordinance enforcement. It's obviously an area that
2 Mr. Cooley's expertise and the building inspector are.

3 You know, clearly the more definition and
4 the more clarity in the priorities we would get from
5 the City Council, obviously, we will take that into
6 consideration. You know, that's why we want to divide
7 Buford Highway into two, because to try to save the
8 whole Buford Highway inside the perimeter, inside the
9 perimeter and outside, at one time, I will be honest:
10 I don't think I can achieve any measurable goals in
11 the six months. So that's why I wanted to go inside
12 of 285, inside the perimeter, for the commercial
13 enforcement initially.

14 Clearly the first 30 days is, you know,
15 determining -- you know, doing an audit and start
16 working -- inside that audit, we will identify a
17 number of violations -- and clearly we need to get
18 with the Planning and Development Department to see
19 where in the conversations with the business owners --
20 where can we make the biggest impact to get an
21 overall, you know, effort. Obviously, we want to get
22 voluntary compliance from the business community as
23 much as they can, but if they're not willing to, we
24 have to be prepared to take them to court and use the
25 court system to get compliance.

1 MR. COOLEY: Well, I think that's one of the
2 things that would be really good about having the
3 officers go out initially and speak to the business
4 owners. They can do pretty much a preliminary, what
5 the situation is up front before the next step
6 happens. And this is also something that you wanted, I
7 think, to document over a period of time, the year,
8 the following year, to find out how effective we're
9 being and where we need to go with future efforts.

10 One of the things I want to do, though, is
11 -- and visuals are great -- I want to go down and I
12 want to before all this starts is actually take video
13 of the different areas and then come back later and
14 see what the visual difference is.

15 A couple things. This is going to be a
16 really handy approach to take with the annexed
17 properties that we're coming out with, because it is
18 going to give us a hard and fast line of what was
19 there, and it's not going to be, "Oh, he's -- You
20 know, this was that, blah, blah, blah." We've got it
21 documented, so that's important. That's one of the
22 things we're going to do.

23 CHIEF KING: Sir, and I would add, too, that
24 is the problem that we're having. The Quality of Life
25 unit does not have the time even to catch their breath

1 because they're dealing with a multitude of taskings,
2 so they don't have a chance to really go and focus in
3 an area and do an audit as you suggest.

4 COUNCILMEMBER BATES: Thank you.

5 MAYOR PITTMAN: Ms. Pachuta?

6 COUNCILMEMBER PACHUTA: I apologize that I
7 came in in the middle of this, so --

8 CHIEF KING: You didn't miss much, ma'am.

9 COUNCILMEMBER PACHUTA: -- I don't know if
10 this was addressed.

11 CHIEF KING: Just say yes, ma'am.

12 COUNCILMEMBER PACHUTA: I guess my original
13 gut reaction of course is why not commercial outside
14 of 285, because I know I spoke with both of you about
15 issues that I see in my district --

16 CHIEF KING: Yes, ma'am.

17 COUNCILMEMBER PACHUTA: -- which is outside
18 of 285.

19 But, then, the other -- my first gut
20 reaction is why isn't --? I think of Quality of Life
21 needing to focus more on types of ordinances or types
22 of problems that we're having. So for example, I
23 know, what? six months ago we sent out letters to the
24 regulated businesses about the tinting of the windows,
25 and that's something we need to follow up on, about

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1 the window tint.
2 Okay. Well, you're only going to follow up
3 on inside 285, and then outside of 285, those
4 regulated businesses we're going to ignore for now
5 with the tinted windows or --?
6 CHIEF KING: Ma'am, it's --
7 COUNCILMEMBER PACHUTA: You know, the
8 situation I know recently has come up with the
9 lingerie wholesale versus retail. But prior to that,
10 I'd raised two different stores, at least with the
11 Mayor and I think with you, Mr. Cooley, outside of 285
12 I was concerned might be wholesale versus retail.
13 So are we going to forget about those and
14 now concentrate just on inside 285?
15 CHIEF KING: No, ma'am. We can't forget
16 about clear violations of the ordinances. But clearly
17 I do not have the personnel to do everything and I
18 don't think -- it would be cost prohibitive to the
19 City to hire five or ten code enforcement officers so
20 we could handle all the complaints all at the same
21 time. It is an issue of prioritizing a focused area.
22 Now, clearly --
23 COUNCILMEMBER PACHUTA: So you're going to
24 be -- So is this idea to prioritize on an area no
25 matter what the violation but we're not going to

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1 concentrate on the same violations that may be
2 occurring elsewhere?
3 CHIEF KING: Ma'am, I'm not saying by any
4 means that we're not going to enforce. But if two
5 calls come up at the same time on the same violation,
6 I want to prioritize into one area so we have time to
7 deal with it.
8 Right now, with two Quality of Life
9 employees, that is not sufficient to handle every call
10 that comes in into the City. And I'm getting ready to
11 lose probably one Quality of Life employee because
12 she's taking a position inside the Police Department
13 as a sworn officer. So clearly, that is going to be a
14 -- it's an issue of priorities. I can't handle all of
15 them at the same time.
16 COUNCILMEMBER PACHUTA: Right. And I guess
17 I think more of prioritizing by topic or concern
18 versus by area.
19 MR. COOLEY: Well, I understand what you're
20 saying and I agree with you because that's what we
21 were looking at, and Tony and I both have already gone
22 out and kind of gone both sides of Buford Highway,
23 basically, and looked at what we saw were the
24 significant issues. So I think it's more at that
25 point focusing, okay, what is the most significant

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1 issue and problem and what will have the most impact
2 regardless of where we start, whether it's this end of
3 the city or this end of the city? Purely for
4 management logistics, we want to start someplace, let
5 the people know what's going on and move.
6 We can't do it at one time. Like the Chief
7 says, we don't have the staff. But if we can go down
8 and just march our way down the highway, as it goes
9 on, the folks down here are going to know that it's
10 coming, so hopefully it'll start to get cleaned up.
11 But we've got to have a way to focus on an area.
12 Otherwise, you pick one here and one here and one here
13 and you don't make any impact and, you know, you
14 really can't see what's going on.
15 CHIEF KING: And ma'am, you know, don't
16 think that I'm totally focused on the inside. You can
17 make it outside 285. I just can't do both at the same
18 time.
19 MAYOR PITTMAN: Mr. Patrick?
20 COUNCILMEMBER PATRICK: Thank you. We have
21 been doing code enforcement the same way for some
22 time, and in other parts of the city, if you drive
23 down, you will see that there are things that are not
24 being addressed. From the apartment complex that I
25 had talked with you and the Mayor about to a --

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1 UNIDENTIFIED SPEAKER: Speak up.
2 COUNCILMEMBER PATRICK: Can you hear me?
3 UNIDENTIFIED SPEAKER: No.
4 COUNCILMEMBER PATRICK: It's not even on.
5 All right. Thank you for a different
6 approach. Different parts of the city have had
7 problems, as I've mentioned to you and to the Mayor,
8 from the apartment complex at Shallowford to an auto
9 repair shop that's nearby City Hall with inoperable
10 vehicles that are there, to tires behind certain
11 establishments; silt fencing that is still there, no
12 evident signs of land disturbance or development
13 permits being issued. Those are things that people
14 look at. To drive down the street and see a huge
15 sheet of silt fence that runs two or three hundred
16 yards, why would you want to put money in a city that
17 is not maintaining itself? is my perspective. So
18 thank you very much for this different approach.
19 MAYOR PITTMAN: Thank you. Ms. Fleming?
20 COUNCILMEMBER FLEMING: I ditto that thank
21 you.
22 I am concerned about all of residential not
23 being taken care of, though, because I do believe that
24 inside 285 has a greater number of population than do
25 the other two districts, so my preference would be 15

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1 and 15, inside/outside, on the residential.
2 CHIEF KING: Ma'am --
3 COUNCILMEMBER FLEMING: I -- that's --
4 CHIEF KING: -- that, to us, is perfectly
5 fine. The only thing I ask you is don't tell me 100
6 percent and 100 percent --
7 COUNCILMEMBER FLEMING: All right.
8 CHIEF KING: -- because I -- you know.
9 How you-all decide to split it or how you
10 want to modify it at the 90-day mark is fine. But
11 just know that right now, 70 to 75 percent of the
12 Quality of Life time is being spent on residential
13 enforcement --
14 COUNCILMEMBER FLEMING: Correct.
15 CHIEF KING: -- throughout the city.
16 COUNCILMEMBER FLEMING: Correct.
17 CHIEF KING: And we can't sustain. We can
18 sustain it but we also -- I can't show you that we're
19 making progress because we are getting saturated.
20 And then, by the way, the residential
21 Quality of Life enforcement generates the most
22 complaints against Quality of Life inspectors, and
23 they're -- you know, they're getting smoked.
24 COUNCILMEMBER FLEMING: So I want 15 and 15,
25 inside/outside.

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1 CHIEF KING: Ma'am --
2 COUNCILMEMBER FLEMING: I don't want just --
3 CHIEF KING: -- you-all --
4 COUNCILMEMBER FLEMING: -- outside, okay?
5 CHIEF KING: Y'all reach that.
6 COUNCILMEMBER FLEMING: The other thing is I
7 think it is imperative that Tony Pierce get involved
8 with the commercial portion of -- I mean he should be
9 already certified as an inspector to be able to be
10 inspecting through our ordinances, and so I would
11 think he would be not just another set of eyes but a
12 tool in which to enforce. And so though I don't know
13 the time that he spends on specific inspections, I
14 would think that he would have time that he could also
15 allocate during each and every day to helping our code
16 enforcement.
17 MR. COOLEY: He's already working real
18 closely with them. They have questions a lot of
19 times. Most of time Tony handles it unless it's a
20 zoning issue, but we've been working very closely on
21 that, and Quality of Life has always contacted Tony.
22 He goes out, goes with them on calls and things like
23 that when they need assistance.
24 COUNCILMEMBER FLEMING: Okay. Thank you.
25 COUNCILMEMBER DEAN: Okay. Well, I think

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1 that perhaps you get more complaints on the
2 residential side because people don't know when
3 businesses are out of compliance. They know when
4 their neighbor's grass is too long; they don't know
5 that this business isn't supposed to be doing A, B or
6 C. So I think that that is a consideration.
7 The other thing, just on this plan, I see
8 that it's 30 percent commercial and 60 percent
9 residential, which is something that I have an issue
10 with because we're talking about apartments and homes,
11 residence, that's all residential, and I think that
12 those areas, while you may have more of them, they
13 require less to fix than some of the infractions that
14 the businesses have.
15 I have the same issue as Ms. Pachuta in
16 terms of the area outside of 285. Near Tilly Mill,
17 there is a car shop that has a number of cars parked.
18 It looks like it's a used car area, and it's there all
19 the time. I don't know what's wrong exactly but I
20 know --
21 CHIEF KING: There's a number of things
22 wrong with that place, ma'am, and we're letting -- the
23 court probably would take -- you know.
24 The problem is that it's hard for me to turn
25 -- you know, and I will tell you ma'am -- I apologize

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1 for interrupting. I hope --
2 COUNCILMEMBER DEAN: No. That's okay.
3 CHIEF KING: A lot of people -- people
4 generated complaints because we'll go and issue a
5 citation, and the person that got the ticket complains
6 because they're trying to influence the outcome of
7 that ticket. So they'll call, they'll call City Hall,
8 they'll call the Police Department and file a
9 misconduct complaint against the Quality of Life
10 inspector: "She was mean to me when she wrote me the
11 ticket." "She didn't smile at me."
12 You guys laugh. They get complaints.
13 COUNCILMEMBER DEAN: Right.
14 CHIEF KING: But we have a -- I can't just
15 dismiss a complaint as frivolous.
16 COUNCILMEMBER DEAN: Right.
17 CHIEF KING: I have to assign it to somebody
18 and it has to be investigated, because it's only fair
19 to our Quality of Life inspector --
20 COUNCILMEMBER DEAN: Right.
21 CHIEF KING: -- that if somebody files a
22 complaint against them, somebody looks at it and
23 somebody exonerates them or holds them responsible.
24 COUNCILMEMBER DEAN: Right. Right, right.
25 It's never a happy day when someone gets a ticket, but

1 you can't use that as a reason for not issuing
 2 tickets, you see what I'm --
 3 I mean that's still not -- "That's too bad,
 4 you know. Next time, don't do that," I mean, because
 5 the follow-up is so, so important with these things,
 6 because again, I don't want there to be a case of
 7 select enforcement. We've talked about this before.
 8 But in this case, it seems almost the same thing. If
 9 we're going to focus on the area inside 285 and kind
 10 of be lax on the area outside of 285, it's not fair to
 11 those people inside 285 who are happy now to be very
 12 diligent about maintaining their properties.
 13 CHIEF KING: Ma'am, I agree. What I'm
 14 trying to reach is how to prioritize an area and how
 15 to prioritize efforts.
 16 COUNCILMEMBER DEAN: Right.
 17 CHIEF KING: It could be you could
 18 prioritize outside of 285 if you wish. To me, that's
 19 obviously a decision for the City Council and
 20 percentage of efforts.
 21 What I'm trying to do is narrow the scope of
 22 these, and then that way, I can come back -- me and
 23 Mr. Cooley come back and says, "All right. This is
 24 the progress we've been able to make in this focused
 25 area."

1 to bring you, "We've issued this many citations," but
 2 I do not know if I can give you a product that overall
 3 is synched with the LCI and the Comp Plan based on
 4 that form. I'm not sure if I can.
 5 I want to be able to sit down with Mr.
 6 Cooley and have a full menu of ordinances that we can
 7 enforce to try to get a change of attitude and a
 8 change of a specific area. I don't know if I can
 9 reach that change-over based on ordinances that we --
 10 we -- Because I will tell you, as many people as there
 11 are in this room, you will get that many priorities of
 12 ordinances that are specific, that affect. They want
 13 them.
 14 And you know, because I've sat down with
 15 some members of this room and I told them, "Hey, I
 16 will still enforce what you tell me, you know, but
 17 it's going to have to fit in somewhere in this
 18 priority," that doesn't mean that we're not going to
 19 leave the inside of 285 to enforce something that is
 20 glaringly an emergency, something that clearly -- you
 21 know, that doesn't mean that just because we're
 22 focused inside 285, we're not going to touch outside,
 23 but it's going to be at lesser priority than the
 24 focused area. Hopefully, that makes sense.
 25 COUNCILMEMBER DEAN: I hear what you're

1 COUNCILMEMBER DEAN: Well, I love -- first
 2 of all, I love the idea that you have a mission. I
 3 think all of the departments, I think we, I think
 4 everyone should have their own agenda, their own
 5 mission statement because it gives them a goal and
 6 gives them something to work towards.
 7 But I also like idea about having not areas
 8 but rather the infractions to be the focus, I mean.
 9 So that way, you can -- okay, it's just this thing;
 10 we're going to focus on blank, you know. Whoever has
 11 blank wrong needs to get it fixed. Because it kind of
 12 makes it a more level --
 13 CHIEF KING: But, ma'am, the argument can be
 14 said, well, then, you're disregarding other areas --
 15 COUNCILMEMBER DEAN: Right.
 16 CHIEF KING: -- other ordinances.
 17 So that is a value that you-all need to --
 18 That's why it's so important for us to get a vote and
 19 a direction from the City Council. Because if our
 20 formal -- I mean this is our -- this is through our
 21 discussion, you know, the area that we thought, you
 22 know, I can give you measurable effects.
 23 If we use ordinances, you know, like for
 24 example, you-all give me the top 10 most wanted
 25 ordinances that you want us to enforce, I will be able

1 saying.
 2 MR. COOLEY: One of the things I think --
 3 and I agree with you on the whole idea of the thought
 4 is we've identified two, three, whatever, high-
 5 priority areas from a zoning aspect of it. We've got
 6 to start somewhere; and we start at this end or we
 7 start at both ends, whatever the case may be, and work
 8 our way forward.
 9 I'm not saying for the first six months if
 10 we get here, they'll keep on going, because I think
 11 that -- And my feeling about the next priority would
 12 be continue that same effects, the issues, on all the
 13 way down so we've got a clean sweep, because if you do
 14 it part-way and then you go on to something else and
 15 these folks haven't done it, it's going to just flip-
 16 flop back for you. You need to make a sweep all the
 17 way through. It just takes time, and we've got to do
 18 it in a process and a procedure where we can make some
 19 impact and make a difference to it. And I think
 20 starting in one area and -- You know, Tony was in
 21 these discussions too, and that was one of his things
 22 that he first said, you know: Let's look at areas,
 23 focus on things, and let's work on down the road so,
 24 you know, we can take care of it.
 25 So I think -- I don't think there would be a

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1 stopping point, but, again, that gets back into
2 reviewing the priorities. We want to make it go after
3 things that are going to help the community, go after
4 a lot of the goals of the LCI and the Comp Plan to try
5 to draw additional good businesses in and these
6 things, but we've got to start upgrading the look and
7 character of it to do that. I mean that's --
8 perceptions are a lot.
9 COUNCILMEMBER DEAN: And one question. You
10 said tasking from various COC -- I'm sorry. What does
11 that mean?
12 CHIEF KING: Chains of command.
13 COUNCILMEMBER DEAN: Okay.
14 CHIEF KING: We've got multiple calling and
15 directing the activities of the Quality of Life.
16 Sometimes I don't think I'm in charge of Quality of
17 Life.
18 MAYOR PITTMAN: Which brings me --
19 COUNCILMEMBER DEAN: Well, why --
20 MAYOR PITTMAN: Excuse me one second. I was
21 going to bring up -- Since you're on that, thank you.
22 What is the best way and most efficient way to
23 communicate? because we do have a variety of ways.
24 CHIEF KING: Well, an e-mail or a call to
25 Quality of Life, but just I want to make sure that we

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1 can manage these expectations, that these complaints
2 will be consolidated and reviewed by myself or Major
3 Atkinson with the Planning and Development Department.
4 We will then prioritize based on whatever priority you
5 tell us, and then we will dispatch.
6 But the idea of folks calling and directly
7 tasking the Quality of Life inspector, I would ask
8 respectfully that we don't do that, because they're
9 spinning their wheels and they can't -- they can't
10 make any progress.
11 MAYOR PITTMAN: Okay. Thank you.
12 CHIEF KING: And it also puts them in the
13 really uncomfortable decision of telling somebody
14 who's influential in the community that, "Sorry, but
15 you're getting a warning."
16 I don't have a problem telling somebody
17 who's influential in the community, "Sorry, you're
18 getting a warning," because that's my job, you know.
19 MAYOR PITTMAN: Okay. Thank you.
20 COUNCILMEMBER PACHUTA: Can I comment again
21 also? I think it was Ms. Fleming that raised it, the
22 30 percent apartment complex.
23 CHIEF KING: Yes.
24 COUNCILMEMBER PACHUTA: To have such a chunk
25 on inside-perimeter apartment complexes, I mean the

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1 same percentage as commercial properties, I mean I
2 know they're in bad shape, but what exactly is going
3 on that you think it would require 30 percent like the
4 same devotion as to commercial properties?
5 CHIEF KING: Ma'am, I will --
6 COUNCILMEMBER PATRICK: If I could try to
7 answer that.
8 CHIEF KING: Sure.
9 COUNCILMEMBER PATRICK: I took a tour
10 through one of the apartment complexes nearby here,
11 and they had a pool with I think an eight-foot-high
12 fence around the pool that was drained. There was no
13 lock on the gate. That apartment complex has lots of
14 kids there. As a parent -- I'm sure there's grand-
15 parents out here as well -- kids, you know, will go in
16 places they're not supposed to go. And so simply
17 having something as asking code enforcement to go out
18 there and put a lock on a gate is a reasonable
19 request.
20 And I think that as code enforcement goes
21 through, they will find more issues, so will building
22 code. And if there's any possibility of working with
23 the fire department or fire marshall's office, again,
24 that trifecta of building code, zoning and fire
25 marshall will -- it will clean up. It will clean up a

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1 lot of stuff that's out there that look like a problem
2 in our city that needs to be addressed.
3 CHIEF KING: Ms. Pachuta, also -- if I may,
4 it's also a test run to train our whole process,
5 because I believe that the most glaring of problems,
6 the most -- as Mr. Patrick has shown, the most
7 glaring, most dangerous issues we have is from these
8 apartment complexes inside. This is a way of training
9 not only the Quality of Life, the building inspector,
10 fire department, and work it into focusing at least on
11 one apartment that's been very problematic. I mean we
12 had a burnt-down building that ended up getting
13 bulldozed -- focusing on that, to use that as a
14 training event, not only to report to you-all but to
15 work our processes before we turn on to the area that
16 is going to be annexed December 1st.
17 I want to be able to get our processes
18 right, and I want to focus on really getting this
19 right, because we look -- I look at things strictly
20 from what kind of environment does generate additional
21 calls to the Police Department. criminal activity,
22 assaults, clearly. Then we look at safety, especially
23 children, with wires, plumbing exposed, really
24 unhealthy situations.
25 But I need the expertise of both not only

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1 the building inspector but the health department and
2 the fire department to be able to go and focus. If we
3 can get those processes right, then we will be able to
4 focus appropriately on apartment complexes that are
5 bigger and outside the area, especially after December
6 31st. And that's the reason why I picked it, ma'am.
7 There's no -- no specific other reason.
8 COUNCILMEMBER DEAN: Could I get a copy of
9 this presentation?
10 CHIEF KING: Yes, ma'am.
11 COUNCILMEMBER ALEXANDER: Would you be
12 amenable to, instead of using the word "apartment,"
13 put "multi-family?"
14 CHIEF KING: Ma'am, you call it whatever you
15 want to; we'll be happy to.
16 COUNCILMEMBER ALEXANDER: Because we have a
17 great -- a large number of duplexes.
18 CHIEF KING: Yes, ma'am. I mean, yeah, that
19 -- Ma'am, I looked at it. The reason we put the Power
20 Point together, just to kind of help focus and
21 generate the dialogue among the members of the City
22 Council to narrow our direction. So yes, ma'am, we
23 can focus on that area too.
24 COUNCILMEMBER DEAN: And if there is a
25 change in priorities, you'll come to Council and let

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1 us know about it?
2 CHIEF KING: What I would ask is that we
3 come and report on a monthly basis of how we're
4 making, you know, identifying, as Mr. Bates has asked,
5 doing -- you know, obviously, a survey probably will
6 be the first priority -- come and report on what our
7 survey found. But we would ask that we don't modify
8 whatever priorities you-all decide until the 90-day
9 mark, and I would ask that only we do minor
10 adjustments to that, maybe an adjustment on the
11 percentages but not on the focus area.
12 And then at the six-month mark, then you can
13 scrap it all, change it all, give us different focus
14 areas or different percentages of enforcement. That
15 way, we have time to be able to measure if we're
16 making progress or not.
17 MAYOR PITTMAN: And my understanding it's
18 going to be regular meetings between Mr. Cooley,
19 yourself and Tony.
20 CHIEF KING: And the prosecutor.
21 MAYOR PITTMAN: Yes.
22 CHIEF KING: He needs to be included as
23 well.
24 MAYOR PITTMAN: Yes, that's perfect.
25 Any more questions?

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1 COUNCILMEMBER DEAN: Are we expected to --?
2 I would like to actually have time to drive around and
3 take a look at this with this in mind before making
4 any kind of decision on it.
5 CHIEF KING: That's fine.
6 COUNCILMEMBER DEAN: And that's just so I
7 can have -- which is why I would really like a copy of
8 this, so I can kind of see for myself before making
9 any --
10 CHIEF KING: No problem.
11 MAYOR PITTMAN: So Council, are we okay for
12 putting it on the next agenda? Okay. So if we could
13 put this on the next agenda and provide all Council
14 members with a copy of this, please, it would be
15 great.
16 Chief, Mr. Cooley, thank you very, very
17 much.
18 All right. Next on the agenda is Parks and
19 Recreation, the karate agreement.
20 MR. RIP ROBERTSON: This'll be very quickly,
21 Mayor and Council. This is simply updating an
22 existing agreement for the karate instructor. The
23 existing agreement does not have language in there to
24 allow us to add classes. And the program is becoming
25 pretty popular; they want to add a Saturday class at

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1 this time. And the agreement also has language in
2 there to allow us to add classes if necessary, again,
3 without having to redo the agreement.
4 MAYOR PITTMAN: Okay. Questions from the
5 Council? Ms. Alexander?
6 COUNCILMEMBER ALEXANDER: If you could start
7 with Ms. Dean this time.
8 COUNCILMEMBER DEAN: No. I'm good.
9 MAYOR PITTMAN: Okay. Ms. Fleming?
10 COUNCILMEMBER FLEMING: Yes. I'd like to
11 know what your hours of operations are on Saturday
12 generally.
13 MR. ROBERTSON: Generally it's based on what
14 we have going on in the center.
15 COUNCILMEMBER FLEMING: So you don't have
16 normal regular classes and we will be having to have
17 part-time people or an employee there for the purposes
18 of the hour-long karate class.
19 MR. ROBERTSON: At this point, that is
20 correct. But we are about to move into school, with
21 football, and we will have people there during the
22 school year during football, basketball and
23 baseball --
24 COUNCILMEMBER FLEMING: Okay. Thank you.
25 MR. ROBERTSON: -- so at least for the next

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1 nine months.
 2 MAYOR PITTMAN: Mr. Patrick?
 3 COUNCILMEMBER PATRICK: No questions.
 4 MAYOR PITTMAN: Ms. Pachuta? Mr. Bates?
 5 Ms. Alexander?
 6 So we need a motion to approve this
 7 contract.
 8 COUNCILMEMBER PACHUTA: So moved.
 9 MAYOR PITTMAN: Second?
 10 COUNCILMEMBER PATRICK: Second.
 11 MAYOR PITTMAN: Discussion?
 12 - - -
 13 (No response)
 14 - - -
 15 MAYOR PITTMAN: Call the roll, please.
 16 CLERK BRYANT: Councilmember Alexander?
 17 COUNCILMEMBER ALEXANDER: Yes.
 18 CLERK BRYANT: Councilmember Bates?
 19 COUNCILMEMBER BATES: Yes.
 20 CLERK BRYANT: Councilmember Dean?
 21 COUNCILMEMBER DEAN: Yes.
 22 CLERK BRYANT: Councilmember Fleming?
 23 COUNCILMEMBER FLEMING: Yes.
 24 CLERK BRYANT: Councilmember Pachuta?
 25 COUNCILMEMBER PACHUTA: Yes.

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1 CLERK BRYANT: Councilmember Patrick?
 2 COUNCILMEMBER PATRICK: Yes.
 3 MAYOR PITTMAN: Okay. Thank you.
 4 And thank you.
 5 MR. ROBERTSON: Thank you.
 6 COUNCILMEMBER BATES: Thank you.
 7 MAYOR PITTMAN: Okay. Next is going to be
 8 old business, City Manager Search, Ms. Alexander.
 9 COUNCILMEMBER ALEXANDER: Thank you, Mayor.
 10 The meeting of the 18th, Council made a motion and it
 11 passed to begin interviewing executive headhunter
 12 firms to assist in a city manager not only interviews
 13 but also helping craft a job description and a
 14 benefits package, and the mission was for Council to
 15 come back with their top three firms to interview.
 16 So Ms. Dean, if you would like to start.
 17 COUNCILMEMBER DEAN: I wouldn't -- I think
 18 that we are -- Do we have a timeline here?
 19 COUNCILMEMBER PACHUTA: Well, we're behind
 20 the timeline that was proposed in the RFP, but.
 21 COUNCILMEMBER DEAN: And so what was it?
 22 Because I've had a couple of different conversations
 23 and I'm hearing different times. So what can I hear
 24 from -- I mean we're going to send this out, we're
 25 going to hire a firm, and then when are we going to

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1 start actively looking?
 2 COUNCILMEMBER ALEXANDER: Well, we wanted to
 3 interview, and then as originally was discussed, I
 4 forgot what meeting, I think it was back in April, was
 5 to try to have a city manager in place January 1.
 6 COUNCILMEMBER DEAN: Of 2013?
 7 COUNCILMEMBER ALEXANDER: Uh-huh.
 8 COUNCILMEMBER DEAN: And then what? And I'm
 9 sorry I wasn't here at the last meeting, but then
 10 what? How logistically will that work?
 11 COUNCILMEMBER ALEXANDER: Meaning?
 12 COUNCILMEMBER DEAN: Meaning, okay, if we
 13 hire a city manager, are they going to come in -- I
 14 proposed by e-mail that we hire an administrator, pay
 15 the administrator forty thousand or something like
 16 that on a graduating basis where they can then be
 17 increased as the city manager and given some sort of
 18 bonus or something to compensate.
 19 But how are we going to work this in terms
 20 of the budget? because we haven't budgeted anything
 21 for 2013, and that goes for half the year, so I'm just
 22 wondering how this is supposed to work.
 23 COUNCILMEMBER ALEXANDER: We have budgeted
 24 some moneys for the administrator.
 25 Ms. Ferguson, do you remember what the

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1 amount was? Seventy thousand?
 2 MS. LISA FERGUSON: It was voted as a salary
 3 of \$70,000 a year for half the year, so there's
 4 basically \$35,000 there.
 5 COUNCILMEMBER ALEXANDER: \$35,000?
 6 COUNCILMEMBER DEAN: And that -- I thought
 7 that was for the -- that wasn't for the headhunter?
 8 COUNCILMEMBER ALEXANDER: No.
 9 COUNCILMEMBER DEAN: Okay. All right.
 10 COUNCILMEMBER PACHUTA: And then also
 11 currently the budget has Flex HR for the entire budget
 12 year. Presumably if we have someone in with city
 13 manager type experience, we would not necessarily have
 14 to have that full amount for the full year. So that
 15 is currently budgeted for the entire year at sixty.
 16 COUNCILMEMBER DEAN: Well, I thought their
 17 contract ended in September.
 18 COUNCILMEMBER BATES: But we've got -- the
 19 money is budgeted for the entire '12-'13 year, so it's
 20 sixty thousand in the budget.
 21 COUNCILMEMBER DEAN: All right. In terms of
 22 which firm we'll use, I mean, does someone feel
 23 strongly about that?
 24 COUNCILMEMBER PACHUTA: Well, I think we're
 25 just going to pick a couple to interview, so.

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1 COUNCILMEMBER DEAN: Yeah, right, right.
 2 MAYOR PITTMAN: Ms. Fleming?
 3 COUNCILMEMBER FLEMING: I was opposed to
 4 this particular procedure of selecting a headhunter
 5 firm. I feel that we have unwisely spent moneys this
 6 past year in getting contract services. I think we
 7 jump the gun when we go and get contract services and
 8 we're not putting it on ourselves.
 9 I have said all along that the Suwanee city
 10 manager job description was produced for them by ARC
 11 and we could have utilized their services. So in
 12 regards to this procedure, I will be abstaining.
 13 COUNCILMEMBER DEAN: And for the record, I
 14 too think that we could have -- And I'm really sorry
 15 that I missed the last meeting, but I think that we
 16 could have done this or at least tried to do it.
 17 Now, there was a proposed timeline waiting
 18 until 2013 to begin doing that, which I thought was
 19 way too late. But having said that, just to know that
 20 if the rest of the Council chose to go this way, then
 21 I'll support it in any way I can.
 22 In terms of choosing a company, I've worked
 23 with a lot of headhunters, and I think that Slavin I
 24 know is good. I'm sure that they'll all do a good
 25 job.

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1 MAYOR PITTMAN: Okay. Mr. Patrick?
 2 COUNCILMEMBER PATRICK: I too was opposed to
 3 this idea, but, you know, we had a vote, it went
 4 through the process, and so I think in order to serve
 5 the Council and serve the City, put aside my personal
 6 opinions and I work with the majority and make it
 7 happen.
 8 MAYOR PITTMAN: Ms. Pachuta?
 9 COUNCILMEMBER PACHUTA: When I went through
 10 the proposals, one of the main -- well, one of the
 11 things I looked at, I think one of the important
 12 processes was coming up with the interviewing
 13 individual staff members, individual Council members,
 14 Council as a whole and the members of the community to
 15 come up with a job description; but I also looked at
 16 which recruiters have recent experience finding city
 17 managers in the surrounding areas, in metro Atlanta
 18 areas.
 19 I had put as my top two choices Baenziger
 20 and Mercer Group because they have had very recent
 21 experience in the metro area, and then Slavin.
 22 MAYOR PITTMAN: Okay. Mr. Bates?
 23 COUNCILMEMBER BATES: Those were my three
 24 choices as well.
 25 MAYOR PITTMAN: Okay. Ms. Alexander?

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1 COUNCILMEMBER ALEXANDER: And those were my
 2 top three choices too as well as far as geographic
 3 experience and experience in placement in the state of
 4 Georgia.
 5 So I assume, Mayor, you'll work with and get
 6 interviews scheduled and juggled, dates?
 7 COUNCILMEMBER FLEMING: Ms. Alexander, would
 8 you repeat all three again, please?
 9 COUNCILMEMBER ALEXANDER: It's Baenziger.
 10 COUNCILMEMBER FLEMING: I'm sorry?
 11 COUNCILMEMBER ALEXANDER: I believe it's
 12 B-a-e-n-z-i-n-g-e-r, I believe.
 13 COUNCILMEMBER PACHUTA: -- z-i-g-e-r.
 14 COUNCILMEMBER ALEXANDER: -- z-i-g-e-r. The
 15 Mercer Group and Slavin and Associates, which is
 16 S-l-a-v-i-n.
 17 COUNCILMEMBER DEAN: And for the record,
 18 just so I know, so this is off. So our idea was off;
 19 right? We can't pursue? Okay.
 20 MAYOR PITTMAN: All right. And no object--
 21 Council, other Council members, do you have -- do you
 22 have objection to those three?
 23 COUNCILMEMBER PATRICK: In fact the Mercer
 24 Group, the Slavin Group and Colin Baenziger were my
 25 top three, so.

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1 COUNCILMEMBER DEAN: No, they all have
 2 great reputations.
 3 MAYOR PITTMAN: Okay. Then, we will move
 4 forward with contacting them and move forward with
 5 trying to find a date.
 6 Thank you.
 7 COUNCILMEMBER ALEXANDER: Thank you.
 8 MAYOR PITTMAN: Okay. Next is new business.
 9 COUNCILMEMBER BATES: We've got the
 10 Entertainment.
 11 MAYOR PITTMAN: I'm so sorry, yes.
 12 Cecil, this is yours, Amend to Chapter 3,
 13 the Alcohol.
 14 ATTORNEY McLENDON: All right, and --
 15 COUNCILMEMBER FLEMING: Mr. McLendon, may I
 16 please speak first?
 17 ATTORNEY McLENDON: Absolutely.
 18 COUNCILMEMBER FLEMING: Thank you very much.
 19 Because there are so many of you that have
 20 come out in this heat, I wanted to address first,
 21 because I came to legal counsel and the Mayor,
 22 Mr. Cooley, on this particular item back in March with
 23 my concern of contradictory definitions and issues
 24 that are in our Alcohol Ordinance and our Zoning
 25 Codes.

1 So we have two different kinds of codes: we
 2 have Zoning and we have our Code of Ordinances.
 3 In the Alcohol section of our Code of
 4 Ordinances, under Section 3.1 at the present time --
 5 and I'm going to read it so everybody hears it -- [as
 6 read] "Entertainment facility means an establishment
 7 with all booths and tables unobstructed and open to
 8 view deriving its primary income from the sales of
 9 alcoholic beverages and providing to its patrons
 10 recorded music, televised events and/or a band or
 11 other professional live entertainment performed on
 12 site, including but not limited to music, comedy,
 13 readings, dancing or acting and having seating
 14 facilities for not less than 100 patrons. All such
 15 entertainment facilities shall be equipped with air
 16 conditioning and shall maintain an adequate kitchen
 17 with a sufficient number of servants and employees for
 18 cooking, preparing and serving food and meals for
 19 their patrons."
 20 Now, about three sections below that section
 21 is where we get into the food versus alcohol where it
 22 states that all of our alcohol customers or businesses
 23 will have a 60/40 rule where they have to come up with
 24 60 percent food versus 40 percent alcohol.
 25 But when we have a definition in our alcohol

1 income from the sales of alcoholic beverages is 100
 2 percent inconsistent with saying you got to sell 60
 3 percent food, because then, by definition, your
 4 primary income is the sale of food.
 5 So to me, that one needs to be out because
 6 that could just create a legal argument that I'd have
 7 to be fighting with somebody, and I don't want to be
 8 fighting that fight.
 9 It's more restrictive the way we're looking
 10 at it. It's consistent with our ordinances the way
 11 we're looking at it. That's issue number one.
 12 And we've also added in the language that
 13 expressly excludes nightclubs and discos as enter-
 14 tainment facilities as well. That's the easy one.
 15 I also sort of took the opportunity -- and
 16 alcohol ordinances are notoriously difficult -- to get
 17 some State language that's required under State law,
 18 distances, to add those in. You know, we have left
 19 the language as it is in certain areas.
 20 And I gave you a memo. I didn't do a
 21 redline but I gave you a memo that sort of said these
 22 are all the changes we made here.
 23 The one we talked about last time, and I
 24 think Mr. Cooley brought it up, was the 1,500 foot
 25 from residential would have a pretty significant

1 ordinances that said the entertainment facility
 2 derives its primary income from sales of alcoholic
 3 beverages, to me, that was in conflict with the food.
 4 Now, I wanted to eliminate the "deriving its
 5 primary income" because this entertainment facility
 6 should have 60/40. I was afraid that there might be a
 7 legal issue for this such as possibly -- and I'm glad
 8 all of you were involved in the Georgia Palace,
 9 because if they had done entertainment facility, it
 10 stated "primary income." Okay?
 11 Now, then, presently in the definitions for
 12 our Zoning Code, in Section 23-402, we do not have a
 13 definition on the books at this present time for
 14 entertainment facility but yet we have it listed as a
 15 use.
 16 So those were my two issues. I want every-
 17 body to understand. I'm not trying to mislead
 18 anybody, I'm not trying to skirt or try to bring in
 19 more alcoholic beverage businesses and so forth and so
 20 on. To me, those were two viable issues we had in the
 21 city of conflicting ordinances.
 22 So thank you very much for your time.
 23 Mr. McLendon.
 24 ATTORNEY McLENDON: Absolutely. And I could
 25 not have stated that better. Deriving its primary

1 effect along Buford Highway. We need to think,
 2 because there's a lot of policy in that.
 3 The rest of them were relatively mechanical
 4 to me, though. One is when we added in how State law
 5 requires us to measure distances. So we just sort of
 6 said, oh, this is how the State requires it; let's get
 7 that in our ordinance.
 8 You know, the distances from the treatment
 9 centers. Alcoholic treatment center; that's a
 10 provision of State law. The housing authority
 11 distances, State law. So I'm sort of adding things
 12 in. But the biggest thing I wanted to do was get that
 13 "deriving" language out of entertainment facility.
 14 So really, if you'll just give me that one,
 15 I'll be happy. We can look at the rest of them.
 16 COUNCILMEMBER FLEMING: May I continue?
 17 MAYOR PITTMAN: Sure.
 18 COUNCILMEMBER FLEMING: Thank you. Also,
 19 1,500 feet. Mr. Patrick is aware of it. I think some
 20 of those of you residents that are here this evening
 21 are very much aware of Tilly Mill Crossing Shopping
 22 Center where residents of the city of Doraville have
 23 successfully petitioned Dekalb County to not allow
 24 extended pouring hours. Okay. Fortunately for us, we
 25 have it until 2:00 a.m. and they have to be out of

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1 there by 2:30.
 2 However, part of Dekalb County's law of
 3 their SLUP is 1,500 feet from residential, but they
 4 never paid any attention to the fact that Doraville
 5 had residential within their boundaries of quote/
 6 unquote Dekalb County.
 7 Now, I'm not opposed to restaurants, okay,
 8 and I don't know how we're going to differentiate it.
 9 I do have issues with the schools. I'm not just
 10 looking at Tilly Mill Crossing Shopping Center. I'm
 11 looking at all of our different kinds of shopping
 12 centers that we have in our areas. Do we want these
 13 types of businesses that could be consumption on
 14 premises within 1,500 feet of residential or 1,500
 15 feet from our schools? I personally do not, and I
 16 don't know how we're going to correct a restaurant
 17 because I can see a possibility of circumventing and
 18 saying, "We're going to apply for a restaurant," if we
 19 reduce the footage for a restaurant and say, okay,
 20 only restaurants are a hundred yards.
 21 But I personally would want it more strict
 22 than just the minimum, which is what we're indicating
 23 by OCGA 3-3-21 is only establishing minimum distances.
 24 COUNCILMEMBER PACHUTA: Cecil, because my
 25 concern with the 1,500 foot is you're basically going

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1 to prohibit any restaurants with alcohol sales
 2 especially along Buford Highway, is there a way to
 3 structure it similar to Dekalb County without having
 4 to go through a SLUP procedure that if you're going to
 5 have an alcohol license, you're closing for a
 6 restaurant -- I'm trying to think -- to be within that
 7 1,500 feet, you have to close even earlier?
 8 ATTORNEY McLENDON: Yeah. You could
 9 definitely change your hours of operation.
 10 COUNCILMEMBER PACHUTA: Because then you're
 11 favoring restaurant-type alcohol uses versus, you
 12 know, late night. That's when the problems start
 13 arising.
 14 ATTORNEY McLENDON: And we'd need to draft
 15 that, but let me restate it to make I understand what
 16 you're saying. You're saying that --
 17 COUNCILMEMBER PACHUTA: I mean we're still
 18 going to have the 60 percent food requirement --
 19 ATTORNEY McLENDON: Absolutely.
 20 COUNCILMEMBER PACHUTA: -- but the late
 21 night ones are probably the ones that are, you know,
 22 going to cause more issues versus sit-down.
 23 ATTORNEY McLENDON: What it is is if you're
 24 not within 1,500 feet of a residentially zoned area.
 25 you can stay open until the 2 o'clock.

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1 COUNCILMEMBER PACHUTA: Right.
 2 ATTORNEY McLENDON: If you are within the
 3 1,500 feet, it's not a prohibition you can't sell.
 4 It's a you'll-close-at-midnight.
 5 COUNCILMEMBER PACHUTA: That's just an
 6 idea --
 7 ATTORNEY McLENDON: That's a thought.
 8 COUNCILMEMBER PACHUTA: -- because I think
 9 if --
 10 ATTORNEY McLENDON: It could certainly be
 11 drafted. I probably couldn't do it sitting here, but,
 12 you know, we could bring that back to you.
 13 COUNCILMEMBER PACHUTA: I think if we left
 14 it just at blank 1,500 -- And I'm kind of guessing by
 15 just thinking about the map of Doraville, that we're
 16 going to end up excluding a lot of restaurants and
 17 things that we want.
 18 ATTORNEY McLENDON: We could write that and
 19 it would be a legal regulation to put in place.
 20 COUNCILMEMBER BATES: Why couldn't you put
 21 night clubs or entertainment facilities in one of the
 22 more restrictive clauses? So for consumption on
 23 premise, page 3, so why couldn't you specify that an
 24 entertainment facility, a separate clause, has
 25 separate restrictions?

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1 ATTORNEY McLENDON: And that is -- really,
 2 that's what our ordinance does say right now, which is
 3 that the 1,500-foot requirement applies to night
 4 clubs.
 5 COUNCILMEMBER BATES: But that's to any
 6 consumption on premise. It says --
 7 COUNCILMEMBER PACHUTA: It doesn't specify.
 8 COUNCILMEMBER BATES: It says no person
 9 shall knowingly and intentionally dispense, sell or
 10 offer to sell for consumption on the premise, number
 11 3, within 1,500 -- I'm assuming feet -- of any resi-
 12 dentially zoned property.
 13 ATTORNEY McLENDON: Right. And I'm sorry I
 14 didn't make that clear.
 15 Our ordinance, our current ordinance book
 16 states within 1,500 feet of any residentially zoned
 17 property and a night club. So really we just tie it
 18 into night clubs in our current ordinance, if I'm
 19 correct, is how that's working.
 20 So this broadens it the way it's drafted in
 21 here. If we wanted to pull it back in -- and I'm not
 22 sure if I'm getting where you want, but if we wanted
 23 to pull it in and say 1,500 feet if you're a night
 24 club but they'd still have to meet their food
 25 requirements. And the problem is the way we have it,

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1 you almost -- any night club has to be a restaurant as
2 well by meeting the food requirement. So it's almost
3 hard to say somebody's a night club, because they're
4 meeting the food requirements either way.
5 COUNCILMEMBER PACHUTA: And I guess I'm
6 picturing -- I know especially in Dekalb County,
7 there's a lot of places that are a restaurant
8 primarily until 9 or 10 o'clock at night, and then
9 after that, it's not so much food sales, because I
10 don't think -- in our reporting requirements, we're
11 not saying 60 percent every single hour you're open.
12 ATTORNEY McLENDON: There is no time
13 requirement; you're correct.
14 COUNCILMEMBER PACHUTA: So you know, you
15 have the places that are primarily a restaurant until
16 10/11 o'clock, and then the tables kind of get pushed
17 away and --
18 COUNCILMEMBER BATES: But if you put any
19 distance requirements for consumption on premise,
20 you're going to eliminate most of our shopping centers
21 along Buford Highway. A hundred yards is going to
22 eliminate the entire half of Buford Highway.
23 Now, if that's what we want, then let's go
24 ahead and do it, and we just won't have any
25 restaurants serving alcohol in the city.

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1 COUNCILMEMBER FLEMING: Can alcohol permits
2 be a conditional use?
3 ATTORNEY McLENDON: I don't --
4 COUNCILMEMBER FLEMING: I mean I asked that
5 question and it hasn't been answered yet so I'm --
6 ATTORNEY McLENDON: Could it?
7 COUNCILMEMBER FLEMING: -- going to ask it.
8 ATTORNEY McLENDON: We could probably create
9 a scheme where they were conditional use.
10 It would not make me happy, because this is
11 something that you really need rules in place
12 administratively that, you know, are enforced by the
13 book, by the numbers, because this is going to be
14 something often challenged.
15 And when you get into a use permit, you're
16 evaluating every single place differently on its
17 merits. It can be challenged. Every one can be
18 challenged that, "Oh, the basis of your opinion wasn't
19 valid," and then they point to the other three you
20 gave. That could be a messier process than just tying
21 down rules and enforcing them.
22 COUNCILMEMBER BATES: Well, let me ask this
23 based upon that: Could we set the number of alcohol
24 licenses that the City offers like the taxi medallions
25 for the airport?

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1 ATTORNEY McLENDON: I've not seen a scheme
2 like that. I'd need to look at that.
3 You would have to have a really substantial
4 basis for it, and it would concern me.
5 Off the top of my head, I think I don't like
6 that. But I'd need to research it and come back and
7 tell you, you know, it's absolutely prohibited or
8 really give you a little more thoughtful answer than
9 sitting here on my feet, but I'm not liking it.
10 MR. COOLEY: One thing I'd just like to
11 remind the Council, and this is what y'all directed
12 staff and the Planning Commission looked at it last
13 week as part of this, was the definition problems we
14 were having both with disco, night club and also
15 restaurant.
16 So what they looked at is a change not only
17 of eliminating discos completely out of it but also a
18 better clarification of what a night club is versus a
19 restaurant. So if a restaurant wants to have a
20 strolling band going through their restaurant, it's
21 clear that that's allowed. They can't close down and
22 have a private event there with that type of thing,
23 but it clarifies it. And I think we'll be coming to
24 y'all at the next -- with the next Council meeting or
25 the one after, we get the next one, and then go

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1 through the public hearing process.
2 But I think that'll clear up a lot of these
3 problems, the conflicts of what's entertainment versus
4 what's restaurant --
5 ATTORNEY McLENDON: The ancillary use.
6 MR. COOLEY: Right, because that was a big
7 issue.
8 ATTORNEY McLENDON: Right.
9 And to Mr. Bates, I was curious too because
10 I brought this up last time. I just did the 1,500
11 circles around or distances from residential, and I
12 even included the annexed area. And as you can see on
13 Buford Highway, you've got a 400 strip on the north
14 side and 100 strip that's actually in the city where a
15 restaurant could come in and have consumption on
16 premises if this will be 1,500 feet entirely. It is
17 right now 1,500 feet for the night club.
18 And I think with the definition clarifi-
19 cations on night club and restaurants, that probably,
20 hopefully -- and y'all take a look at it -- I think
21 will resolve a lot of the issues about that but still
22 allow, you know, if Applebee's or somebody wants to
23 come in, you know, they can have an alcohol permit,
24 but just FYI.
25 COUNCILMEMBER PACHUTA: Yeah. I don't think

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1 -- The reason why we went -- and I can't think of how
 2 many years ago it was -- two or three years ago we
 3 went to the 60 percent food requirement was to
 4 encourage restaurants --
 5 ATTORNEY McLENDON: Absolutely.
 6 COUNCILMEMBER PACHUTA: -- versus night
 7 clubs. But I think if we do a 1,500-foot buffer for
 8 just on-premises consumption, we're going to be
 9 discouraging the restaurants that we wanted.
 10 But I do agree we need to get rid of the
 11 conflict --
 12 ATTORNEY McLENDON: Well, we need that --
 13 COUNCILMEMBER PACHUTA: -- because I have
 14 had an attorney --
 15 ATTORNEY McLENDON: -- no matter what on
 16 that one.
 17 COUNCILMEMBER PACHUTA: -- with Far West who
 18 did bring that up with me and said, "I can't meet the
 19 60 percent food requirement, but look at this: We're
 20 an entertainment facility, and it says the majority of
 21 our income."
 22 Now, they haven't pursued that, but I can
 23 very well see a judge saying, "That's a conflict. I'm
 24 going to go with the least restrictive meaning," so we
 25 need to get rid of that conflict.

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1 ATTORNEY McLENDON: Yeah. And this one --
 2 alcohol ordinances are always like very difficult to
 3 go through. And that's the one that I think we need
 4 to protect ourselves, get that definition of
 5 entertainment facility correct, get out the conflict.
 6 The rest, there's tons of policy in this.
 7 You know, it currently restricts 1,500 feet for a
 8 night club.
 9 Joe, you're doing some language that's going
 10 to give you more definition clarity to the term "night
 11 club," you know.
 12 The rest was me taking an opportunity to try
 13 to clean something up, but at the same time, that's
 14 not my biggest concern. The big concern is to get the
 15 conflict out.
 16 COUNCILMEMBER FLEMING: I need to ask a
 17 question. Did you change it from 3/27? The date on
 18 yours, is it greater than 3/27?
 19 I mean have a final that says March 27th.
 20 Is that correct?
 21 ATTORNEY FELGIN: Yes.
 22 ATTORNEY McLENDON: That one is --
 23 COUNCILMEMBER FLEMING: Okay. All right.
 24 Okay. So we're only going to do -- which would be 300
 25 feet from any school ground.

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1 ATTORNEY McLENDON: And that's --
 2 COUNCILMEMBER FLEMING: Minimum.
 3 ATTORNEY McLENDON: -- from State law.
 4 COUNCILMEMBER FLEMING: Minimum. Minimum
 5 State law.
 6 ATTORNEY FELGIN: That is currently the
 7 minimum required by State law.
 8 COUNCILMEMBER FLEMING: But even right now,
 9 we have 1,500 feet for residents and --
 10 ATTORNEY FELGIN: For night clubs only.
 11 COUNCILMEMBER PACHUTA: For night clubs
 12 only.
 13 ATTORNEY FELGIN: For night clubs only.
 14 COUNCILMEMBER FLEMING: But the way that
 15 3/27 is written, you're having it for the whole city,
 16 correct, and not just that one use?
 17 ATTORNEY FELGIN: Yes. That was the
 18 request.
 19 COUNCILMEMBER PACHUTA: Cecil, can we pass
 20 just the change to 3.1 for now?
 21 ATTORNEY FELGIN: Yes.
 22 ATTORNEY McLENDON: Yes, we can. And we can
 23 look at the rest of this and we can revisit it.
 24 3.1 gets the legal problem that I'm trying
 25 to -- as Pam pointed out, that I'm trying to get that

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1 resolved.
 2 COUNCILMEMBER FLEMING: Absolutely,
 3 absolutely.
 4 ATTORNEY McLENDON: So if we just do that,
 5 I'm happy. The rest we can keep thinking about and
 6 revisit.
 7 You know, the State law provisions we were
 8 putting in here, they're State law. They exist
 9 whether they are in our Code or not.
 10 COUNCILMEMBER BATES: Well, I think that the
 11 big issue is going to be the distance on the
 12 consumption on premise that affects restaurants. And
 13 if Mr. Cooley and the Planning Commission are working
 14 on language, I don't want to pass something tonight
 15 that may be in conflict with what they're going to
 16 recommend in three weeks.
 17 So I would prefer that we deal with the
 18 definition tonight, get that over and done with and
 19 then evaluate the definitions that are coming from the
 20 P.C. in conjunction with the distances that are in
 21 this document.
 22 ATTORNEY McLENDON: I would be fine with
 23 that.
 24 COUNCILMEMBER PACHUTA: I will make a motion
 25 that we approve the changes just to section 3.1 of the

1 Alcohol Ordinance.
 2 MAYOR PITTMAN: Do I get a second?
 3 COUNCILMEMBER BATES: Second.
 4 MAYOR PITTMAN: Okay. Now discussion?
 5 COUNCILMEMBER PATRICK: A quick question I
 6 have for you is is the paragraph above where it talks
 7 about 1,500 feet from any residential property, it
 8 says "any alcoholic beverages within 200 yards of a
 9 convict camp, penitentiary, or other penal or
 10 correctional institution where prisoners are confined
 11 by City, County or State."
 12 That doesn't affect our Mexican restaurant
 13 here that's beside the jail?
 14 ATTORNEY FELGIN: It's not a penal
 15 institution.
 16 MAYOR PITTMAN: It's just a holding.
 17 COUNCILMEMBER PACHUTA: Yeah. We can only
 18 hold them so long, so it doesn't count apparently.
 19 MAYOR PITTMAN: Additional discussion?
 20 COUNCILMEMBER FLEMING: Just to clarify, we
 21 are taking out the primary -- Sorry, my mind just
 22 escaped me. The primary source of their income, we're
 23 taking that out.
 24 ATTORNEY McLENDON: Deriving its primary
 25 income from the sales of alcoholic beverages.

1 And then the definition which we provided,
 2 we also added the language at the end which
 3 specifically states it shall not include discos or
 4 night clubs just for good measure.
 5 COUNCILMEMBER FLEMING: Thank you.
 6 MAYOR PITTMAN: Okay. Call the roll,
 7 please.
 8 CLERK BRYANT: Councilmember Alexander?
 9 COUNCILMEMBER ALEXANDER: Yes.
 10 CLERK BRYANT: Councilmember Bates?
 11 COUNCILMEMBER BATES: Yes.
 12 CLERK BRYANT: Councilmember Dean?
 13 COUNCILMEMBER DEAN: Yes.
 14 CLERK BRYANT: Councilmember Fleming?
 15 COUNCILMEMBER FLEMING: Yes.
 16 CLERK BRYANT: Councilmember Pachuta?
 17 COUNCILMEMBER PACHUTA: Yes.
 18 CLERK BRYANT: Councilmember Patrick?
 19 COUNCILMEMBER PATRICK: Yes.
 20 MAYOR PITTMAN: Thank you.
 21 Next on the agenda I want to open up the
 22 discussion Wholesale/Retail. Certainly yes,
 23 wholesale/retail is common sense. We all know what
 24 that means. But we do not have it in our ordinance.
 25 We need to define our ordinance. We need to prepare a

1 text amendment to give the definition of wholesale/
 2 retail. It doesn't mean that we cannot enforce it,
 3 but it certainly helps the cause. I used to have a
 4 judge that said if it's not in writing, it's not so.
 5 And when it comes to a legal document, we certainly
 6 need to have some discussion on that, so I'm going to
 7 give this to you at this time.
 8 ATTORNEY McLENDON: And I'll agree. The
 9 retail and wholesale distinction that's in our
 10 ordinance, again, the way a Zoning Ordinance works is
 11 if you say retail or you say wholesale, if it doesn't
 12 lay out, you know, a three-paragraph definition, you
 13 go look to common sense; you look to the dictionary.
 14 It sends you to the dictionary.
 15 And so it's not that our ordinance today is
 16 unenforceable, but what's occurred is just with all
 17 the issues and the conversation about this, it seemed
 18 like good provisions that we would want to get a
 19 definition on. I talked to Joe a little bit. I
 20 encourage you to join in.
 21 But I don't think it hurts a bit to come and
 22 put in the Zoning Ordinance "Retail shall be." And
 23 really if you look it up in Webster's, you know, a
 24 company came up and I looked it up, and it said retail
 25 is selling small quantities to customers and it said

1 wholesale is in large quantities to other businesses,
 2 and that made some sense.
 3 Now, I think that definition is already
 4 inherent in our Zoning Ordinance and I would fight
 5 somebody on it all day long, but having it written
 6 down is not a bad thing, and I would say we probably
 7 want to do a text amendment to the Zoning Ordinance.
 8 Let's just make it clear. It's a big issue in
 9 Doraville. It's something obviously that's a big
 10 policy concern for you-all, and I think we ought to
 11 have it as clear as possible for not only y'all's sake
 12 but the businesses who come and want to come here to
 13 look at and they can understand it too.
 14 MAYOR PITTMAN: I'm going to bring it back
 15 to the table and I'm going to start with Ms. Dean.
 16 COUNCILMEMBER DEAN: Okay. There are a lot
 17 of cities that do not have definitions of wholesale
 18 and retail because it is obvious, and in our Code it
 19 says, [as read] "For the purpose of this chapter,
 20 certain words and terms used herein shall be defined
 21 and shall have their customary definition --
 22 dictionary definition."
 23 I am so upset over events in our city
 24 recently. Here I looked it up, and I looked it up in
 25 a number of places, so it's not -- it's not difficult.

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1 [As read] Retail is the price that people without
2 wholesale prices pay. When you purchase something
3 wholesale, you are tax exempt under the pretense that
4 the product will be resold and not for personal use.
5 A retail store sells individual items to the public.
6 A wholesale sells pallets of items to the retailer.
7 If you join a wholesale club, you're not really buying
8 wholesale. The club's a retailer that sells larger
9 packages for smaller markup. So no true wholesaler
10 makes individual sales to anyone, not even a retailer.
11 Okay. I don't think the confusion is in our
12 definitions, okay, because I got a recent packet that
13 was given to a business. [As read] Please give a
14 detailed description of the type of business to be
15 conducted. I quote: "Retail general merchandise with
16 wholesale sales set up as retail store open to the
17 everyone."
18 Okay. When we saw that, that should have
19 been -- when the City saw that, that should have been
20 a huge red flag and it should have been made clear
21 that that's not the case.
22 Now I go further on to the determination of
23 appropriateness for the license, the tax license, and
24 our staff said, [as read] "Retail business must be 100
25 percent retail in order to have wholesale."

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1 No. We don't have wholesale in C-2. No
2 wholesale business is allowed in C-2 zoning, and this
3 company is in C-2.
4 So the fact that this was written by our
5 staff to a company, to a non-native speaker -- Okay.
6 I'm a native speaker, and this was confusing to me. I
7 can only imagine what a non-native speaker read when
8 he saw this and why he then went out and was issued a
9 permit for a sign for the building without having a
10 license because we're waiting for an affidavit.
11 MAYOR PITTMAN: Go ahead. Mr. Cooley, would
12 you like to address that?
13 MR. COOLEY: I'll be glad to.
14 You're absolutely right as far as the
15 definitions go. To a certain extent, that is common
16 sense. But as Cecil said, when we haven't
17 definitively defined it in the Code -- and the point
18 I'll make on that, we go by the -- what is it? -- the
19 NAICS, which is the government budget, business or
20 whatever it is office out of D.C. that codifies all
21 these things as far as what they're used.
22 Even within the book that we go by, the
23 determination is not clear. They state even such that
24 [as read] "Wholesale also engage in buying of goods
25 for resale but they are not usually originated to

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1 serve the general public. They typically operate from
2 a warehouse or office, and neither design or location
3 of these premises is intended to solicit a high volume
4 of walk-in traffic." That's under the definition of
5 retail.
6 So what we want to do is just for clarity's
7 sake, come in and say wholesale business means --
8 whatever is your intention.
9 Intention is not clear in the ordinance the
10 way it was passed. I would just like to see it
11 clarified so there is absolutely no question in it.
12 And to such, if you come in and say that wholesale
13 sales are not allowed in C-1/C-2, you got it covered.
14 It's very simple. It just needs to be done for legal
15 processes. It makes it a lot simpler for us to
16 defend; there is no question about it.
17 And as far as that document you're talking
18 about, we were in the process of working with the city
19 clerk's office. That was the old document that we had
20 for an application. There was no place for sign-off
21 on it by -- The process was really wacky; it went
22 around and around and around. There was no place for
23 sign-off of the business.
24 We worked with Melissa McCain, the current
25 city clerk at that time, developed a new code [sic].

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1 The reason it was put it in there a hundred percent
2 retail is because the City was not clear on that
3 before. Previously, that is not the way that it had
4 been interpreted.
5 It's not the way I interpreted it. I saw
6 that if you have -- it's got to be 100 percent retail.
7 It can't be a little retail corner over here. That's
8 not the intent of the ordinance. It's not clear, but
9 that's the way I was interpreting it. That's why I
10 put the 100 percent on there. That's why on all the
11 new ones since we redid the form is we require a
12 letter from the applicant saying that it will be 100
13 percent retail, it will be 100 percent retail
14 showroom, the storage will be consistent with a retail
15 operation, and I think there's one more we put in
16 there.
17 We make them sign it and have it notarized.
18 It's not a legal aspect, but what it does, it protects
19 us, the City, if someone comes back and says, "We
20 didn't understand." No. We've got your certified
21 signature here that says that you understood it, and
22 we're clear and we're covered.
23 The only thing that we're going to be doing
24 by adding the definition in there, it makes it simple,
25 one word. We won't have to have those. Probably not

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1 a bad idea to keep them, but we don't have to have
 2 those type of statements from them and we can go on
 3 about business if that was the Council's intent when
 4 you did this.
 5 And one of the big differences you got to
 6 understand in the perception both in the NCAIS,
 7 whatever it is, and other definitions is that they
 8 reference the whole idea of wholesale as being bulk
 9 and being warehouses or office.
 10 Now, what you've seen is on Buford Highway
 11 there's a lot of places that said that is not
 12 appropriate, so we can do it. There's no question.
 13 But there are a lot of places that have come
 14 back and specifically, you know, gotten into the
 15 warehousing aspect of it where you can do it all types
 16 of ways, but what you -- what you found is some that
 17 have moved.
 18 And I've tried to make it clear to this
 19 gentleman. I've made it clear to his CPA, I've talked
 20 to a number of people with him: this is what it's
 21 about. There is a communication gap. He'll be
 22 saying, "I understand this," "I understand that," and
 23 then I'll get a call from the CPA that says, "What are
 24 you talking about?" I'll explain it again.
 25 So we've gone through the process. We've

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1 made it very clear -- there are a number of people
 2 involved in this -- what it is. You know, it is what
 3 it is.
 4 But what we -- what I need to make this good
 5 and tight and enforceable without question is guidance
 6 from the Council: Is that the intent? Are you trying
 7 to have businesses just open to the public all the
 8 time that sell retail and wholesale, are you trying to
 9 get rid of the warehouses and closed businesses to the
 10 public or do you want no wholesale sales whatsoever?
 11 And bottom line, either way, we can write the
 12 definition accordingly and be glad to, but we just
 13 need that clarification so we can do our jobs right.
 14 ATTORNEY McLENDON: And I'll add that is
 15 enforceable. It is enforceable today.
 16 MR. COOLEY: Yes.
 17 ATTORNEY McLENDON: The language is there,
 18 the concepts are in the ordinance. Retail is allowed;
 19 wholesale is not.
 20 COUNCILMEMBER DEAN: Wholesale is not
 21 allowed in C-2.
 22 ATTORNEY McLENDON: I will be glad to take
 23 that fight on with anyone.
 24 COUNCILMEMBER DEAN: Okay. Good.
 25 ATTORNEY McLENDON: But that being said,

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1 it's a good idea --
 2 COUNCILMEMBER DEAN: Right.
 3 ATTORNEY McLENDON: -- for us to make our
 4 ordinances tighter, make it clearer. It's better for
 5 you, it's better for the community, and that's what
 6 this is about.
 7 MR. COOLEY: Well, it also takes out that
 8 interpretation aspect as different people come and go,
 9 you know.
 10 COUNCILMEMBER DEAN: All right. Here's
 11 the -- [as read] Retail business must be 100 percent
 12 retail in order to have wholesale.
 13 MR. COOLEY: I --
 14 COUNCILMEMBER DEAN: If you're 100 percent,
 15 there is none left because that's 100 percent, which
 16 is in total. Right?
 17 MR. COOLEY: Yeah.
 18 COUNCILMEMBER DEAN: And so in order to have
 19 wholesale, so why even put that last part in: Must be
 20 -- the retail business must be 100 percent retail,
 21 period. Because in order to do wholesale, there's
 22 nothing left.
 23 And this, to me, I am a native English
 24 speaker, and we know that there was a language barrier
 25 with this guy. So this is --

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1 MR. COOLEY: Ma'am, one thing you may not
 2 understand, though, is what we're talking about here
 3 is a tax placard or a tax certification, occupational
 4 tax certification. It provides no rights, it gives
 5 absolutely no rights. It's stated in our Code that
 6 anything that's in the Code, this does not contradict.
 7 This is not -- it has nothing to do with it. This is
 8 a tax --
 9 COUNCILMEMBER DEAN: It doesn't matter.
 10 MR. COOLEY: Yes, it does, ma'am.
 11 COUNCILMEMBER DEAN: Well, okay.
 12 MR. COOLEY: Legally, it does.
 13 COUNCILMEMBER DEAN: If you're reading it --
 14 if you get someone who walks in for a business and he
 15 looks at this, with someone from the City, the staff
 16 signature underneath, and they read this, then they
 17 are going to get the idea that this must be okay.
 18 And so it's -- again, it's perception. I
 19 think that the City has a huge perception problem, I
 20 mean, because this -- this is not -- And then being
 21 issued a permit for the sign knowing that they don't
 22 have a permit to operate that business.
 23 ATTORNEY McLENDON: And let me dive in a
 24 second. There are a couple --
 25 COUNCILMEMBER BATES: Before you get into

1 that, let's make this very clear, because neither one
2 of you guys were here in 2008 when we passed C-1 and
3 C-2. It was very clear when we passed it, the intent
4 was very, very clear: no more wholesale.
5 ATTORNEY McLENDON: And I think that's where
6 we are.
7 COUNCILMEMBER BATES: Period. Period.
8 MR. COOLEY: That's what we need to know.
9 Be very easy to simplify, to add that in there.
10 COUNCILMEMBER BATES: Not one percent, not
11 five percent. No more.
12 ATTORNEY McLENDON: And that's where we are.
13 COUNCILMEMBER DEAN: That's where we've
14 been. See, that's --
15 ATTORNEY McLENDON: Right, and I agree with
16 that a hundred percent. That language you're looking
17 at there --
18 COUNCILMEMBER DEAN: Right.
19 ATTORNEY McLENDON: -- I don't disagree with
20 Joe. That's a little different issue.
21 COUNCILMEMBER DEAN: It's not the issue.
22 ATTORNEY McLENDON: And I understand that.
23 COUNCILMEMBER DEAN: Okay.
24 ATTORNEY McLENDON: And I think that is --
25 COUNCILMEMBER DEAN: Well, I don't

1 understand why there was a question about whether or
2 not wholesale was allowed in C-2.
3 ATTORNEY McLENDON: There's not a question.
4 COUNCILMEMBER DEAN: Okay.
5 ATTORNEY McLENDON: Okay? Because here's
6 the thing. Our ordinance says -- it says retail. So
7 I think we're all clear on that.
8 This language is regarding an occupation tax
9 certificate. What Joe's saying is in the NACIS
10 category, they lump them all in there together, and he
11 wrote that on there. Different set of circumstances,
12 I wouldn't be -- you know, never say I'm not concerned
13 with anything, but if somebody brought that at me, I
14 don't think they'd make a successful argument based on
15 that language because our Code is clear as to what it
16 says. That's how we've interpreted it --
17 MR. COOLEY: That's correct.
18 ATTORNEY McLENDON: But that is consistent.
19 I don't think --
20 MAYOR PITTMAN: I'm sorry. Excuse me. I
21 know this is a hot topic but it makes it very hard for
22 her to hear, so if we could please hold down the chit-
23 chat, she can't hear, and we need to get every word
24 in. It's very important. So I'd appreciate it.
25 Thank you.

1 MAYOR PITTMAN: Ms. Alexander?
2 COUNCILMEMBER ALEXANDER: ¹ I guess one of the
3 things I would like to -- you know, it is common
4 sense. We were handed the wholesale issue. I forgot
5 when it started appearing in the city. A long time
6 ago, unfortunately. And it was the way our previous
7 codes were worded, unfortunately, it was taken to the
8 Nth degree. We went from you can have a portion of
9 your retail establishment dedicated to wholesale to
10 we're not letting you in the door unless you show us a
11 tax-exempt certificate, and that's one of my concerns.
12 I would like language included in there to address the
13 taxation issue.
14 Thank goodness now after being in litigation
15 for 10 years we're finally getting some sales tax out
16 of Dekalb County, and I want us to get every single
17 penny that we can. Even though it's dedicated for
18 capital improvements, Lord knows we've got capital
19 improvements we need to make.
20 And if we have to make them submit us a copy
21 of their monthly report to the Department of Revenue,
22 then so be it. Councilman Bates has already contacted
23 the Department of Revenue about that issue. I want to
24 contact them about another issue regarding alcohol
25 sales, and I think we've got some people that are

1 violating the alcohol sales and excise tax issue. But
2 I would like to include language regarding taxation.
3 ATTORNEY McLENDON: And one of the things we
4 -- part of the discussions was that, jumping back to
5 an earlier agenda item on the code enforcement and
6 being able to focus in different areas, you know, that
7 ought to let us move to taking on issues such as, you
8 know, making the people are being true to the use that
9 they've set, such as are they really a wholesale use,
10 which is not necessarily a before-you-get-in-business,
11 because if they're telling me they're retail, I can't
12 stop them from going in business. But it's an
13 enforcement issue because if you've told me that, by
14 goodness, I'm going to make sure that's what you do.
15 COUNCILMEMBER DEAN: Or when they say that
16 we are going to sell to companies and to the general
17 public, well, then the company part of that equation
18 is a wholesale company.
19 ATTORNEY McLENDON: And I look forward to
20 the discussion of our definitions, because I think
21 what I want to see in that and I think Joe and
22 everybody wants to see in that is we tie that up into
23 something so tight, there is no interpretation
24 involved. The plain language speaks for itself; we
25 drive forward.

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1 MAYOR PITTMAN: Okay.
 2 COUNCILMEMBER PATRICK: Is there a any --
 3 Sorry.
 4 MAYOR PITTMAN: That's all right. Go ahead.
 5 COUNCILMEMBER PATRICK: When it comes to
 6 verifying that, aside from looking at taxes, is there
 7 anything else that we can do? I mean can we just rely
 8 on what the citizens say? Do we have to have sting
 9 operations? What is the best way to verify that
 10 someone who says they're retail in a 4,700 square foot
 11 building is? Or a 4,800 square foot building, for
 12 that matter.
 13 COUNCILMEMBER PACHUTA: And that's the issue
 14 I've had.
 15 COUNCILMEMBER PATRICK: How do we do that?
 16 COUNCILMEMBER PACHUTA: Because I've had
 17 discussion with you, Cecil, I know, Chief, I had this
 18 discussion with you several months ago, of business
 19 above outside 285 that may now be ignored, but --
 20 CHIEF KING: But --
 21 COUNCILMEMBER PACHUTA: -- is the
 22 enforcement aspect, because, to me, the wholesale/
 23 etail is clear just using common business sense,
 24 common definitions. But what can we do as far as
 25 writing into the Zoning Ordinance to make enforcement

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1 easier?
 2 ATTORNEY McLENDON: I'm not sure you can --
 3 But writing a law is going to get us there. Maybe.
 4 Let me think about that.
 5 And this was our conversation we had,
 6 because you said, how do you enforce that? And I'm
 7 thinking, "I'm not sure. Let me think about it." But
 8 what you do is we have to come up with a strategy.
 9 You know, I've heard in this room a lot of adminis-
 10 trative routes you can go to verify that people are
 11 doing it correctly.
 12 Chief and I will probably put our heads
 13 together and see what we can come up with.
 14 CHIEF KING: I had brought this up before
 15 the Council about four years ago before this Council
 16 sat. But it is very convoluted right now. The only
 17 one that could really truly audit a business is the
 18 City Clerk is the only authority that rest right now
 19 in our Charter.
 20 COUNCILMEMBER DEAN: And that's with tax
 21 revenues?
 22 CHIEF KING: It's --
 23 COUNCILMEMBER DEAN: I mean if you follow
 24 the tax revenues --
 25 CHIEF KING: Well, you know --

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1 COUNCILMEMBER DEAN: -- throughout the year.
 2 CHIEF KING: -- as far as going in and
 3 reviewing and inspecting the records of a business, it
 4 is -- I don't have the authority.
 5 COUNCILMEMBER PACHUTA: I think we took that
 6 out of alcohol --
 7 ATTORNEY McLENDON: Let us --
 8 COUNCILMEMBER PACHUTA: -- I think.
 9 ATTORNEY McLENDON: You know, to me, that
 10 fits well into this we're going to have priorities
 11 that we're going to look at with code enforcement.
 12 And you know, it's one of those that I don't have the
 13 answer sitting here today.
 14 COUNCILMEMBER BATES: Well, I'd like to -- I
 15 think Ms. Alexander has a really good suggestion that
 16 we need to pursue. If you are selling retail, you are
 17 required every month to submit your sales along with
 18 your taxes that you collect to the Department of
 19 Revenue. It should be very simple for them to, when
 20 they're sending that to DOR, they send a copy to us.
 21 ATTORNEY McLENDON: Match that up with gross
 22 receipts.
 23 COUNCILMEMBER BATES: And if we can't --
 24 because we don't -- in the occupation-tax-placard
 25 issue, we don't see what their sales. All we see is

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1 gross revenue, so we don't see a breakdown of taxes,
 2 receipts, profit and loss. All we see is gross -- the
 3 gross dollar amounts for the previous year.
 4 So if we can look at that as an example to
 5 start verifying that certain businesses that are
 6 claiming to be retail are in fact submitting their
 7 sales taxes to the State of Georgia, that, to me, is a
 8 very quick and easy way of verifying that some of the
 9 businesses are operating legitimately.
 10 ATTORNEY McLENDON: Like I said, there were
 11 a lot of good suggestions, and I'm in agreement. We
 12 need to use every idea we can to come in and make sure
 13 that the ordinances y'all put in place aren't
 14 violated, and, you know, that's a matter of enforce-
 15 ment.
 16 It's back to our earlier conversation, we've
 17 got to be more efficient on those things; it moves
 18 into other organizational aspects as well. Making
 19 sure our processes for paperwork and our process for
 20 business license, all those things really have to come
 21 together as we move forward, to just raising up the
 22 game and making sure we're doing it. And we don't do
 23 that in one day, but you focus as your goal and you
 24 fight towards it and you don't give up.
 25 MAYOR PITTMAN: Ms. Fleming?

1 COUNCILMEMBER FLEMING: Yes. Mr. Cooley, I
 2 believe in the application process -- and I'm not
 3 talking about just this specific business -- but in
 4 the application process for any of our businesses,
 5 I've noticed that we are requesting a copy of their
 6 incorporation document from the State if they have
 7 one, if I'm not mistake.
 8 But do we not come back and ask for -- if
 9 they're a retail business, do we not come back and ask
 10 for, you know, their retail I.D. number, I mean with
 11 the State? I mean their sales tax I.D. number? I
 12 mean that --
 13 MR. COOLEY: I really don't know. The Clerk
 14 processes that so I don't know.
 15 Sandra, do we? I don't know.
 16 COUNCILMEMBER FLEMING: See, to me, that
 17 should be part of the paperwork before we even open up
 18 a retail, wholesale, liquor store, whatever, we need
 19 to see something other than just an incorporation
 20 document.
 21 ATTORNEY McLENDON: Really all of these are
 22 good thoughts and I think we should put them together
 23 and let's move forward with a big-picture strategy on
 24 this, because this has come up recently.
 25 COUNCILMEMBER FLEMING: I mean because --

1 ordinance." There's no way to come and say, "Well I'm
 2 pretty sure you're not going to do it." That won't
 3 work. At that point, you have to go to enforcement on
 4 the back end to make sure they are doing what they --
 5 COUNCILMEMBER DEAN: But if they come in
 6 saying wholesale on the application, then that's a
 7 huge red flag; right?
 8 ATTORNEY McLENDON: They're not going to get
 9 -- I find it unlikely they would have a C.O. issued to
 10 begin doing that business.
 11 MR. COOLEY: There hasn't been.
 12 ATTORNEY McLENDON: They did not understand
 13 the scope of what was allowable for that use.
 14 MAYOR PITTMAN: Some really good ideas --
 15 ATTORNEY McLENDON: Those are great ideas.
 16 MAYOR PITTMAN: -- so if you guys can get
 17 together.
 18 ATTORNEY McLENDON: I'd like to actually --
 19 Chief, you and Joe might probably want to join in --
 20 let me get the ideas, let's consolidate them. Let's
 21 be strategic, put these good ideas, use everybody's
 22 input, put the good ideas together and come up with a
 23 strong process.
 24 MAYOR PITTMAN: Let's do that sooner than
 25 not. Start that this week.

1 ATTORNEY McLENDON: And I've heard lots of
 2 great ideas.
 3 COUNCILMEMBER FLEMING: Because they're also
 4 going to have employees and they should be paying
 5 employee taxes and all this bunch of other, and I
 6 really think that, you know, if -- if --
 7 We're not trying to make it stricter or
 8 restrictive. We're trying to gain momentum to put
 9 this city forward, and I think better oversight is
 10 better than nothing.
 11 ATTORNEY McLENDON: Making sure they follow
 12 the rules.
 13 COUNCILMEMBER DEAN: Well, and also it's
 14 much easier to catch it before it comes in and then
 15 have them leave and move, because you get into all
 16 kinds of things, and if we catch it before it actually
 17 comes in, then I think that everyone including the
 18 business would benefit.
 19 ATTORNEY McLENDON: Right, and you get two
 20 sides to that. One is you catch it coming in with
 21 good process, and I think we can always improve
 22 processes and look to improving processes.
 23 But if somebody comes in and says, "No, I'm
 24 doing it right," you can't stop them if they're coming
 25 in and saying, "I'm doing what you want under the

1 ATTORNEY McLENDON: Yes.
 2 MAYOR PITTMAN: Okay. Next on the agenda is
 3 going to be to revise the definition of Adequate
 4 Animal Shelter. This was brought to our attention by
 5 a citizen, and we greatly appreciate that. Nothing
 6 more heartbreaking than an animal that does not have
 7 adequate shelter in winter and in summer, and I know
 8 that there's been some animals that have been brought
 9 to our attention.
 10 So what we did was we sent back and looked
 11 at our definition. Our definition certainly is good
 12 but we also looked at it and thought it could be
 13 better. So we looked at Dekalb County's. Dekalb
 14 County had a pretty good definition, so we have put
 15 that together for you guys to look at.
 16 I truly would like to, given the extreme
 17 heat, hopefully all of you have read this, to waive
 18 the first reading and let's move forward with passing
 19 this tonight, but I'd like to have input from the
 20 Council.
 21 COUNCILMEMBER PACHUTA: Well I have a
 22 question. When it talks about I mean adequate
 23 shelter, I mean how are you going to determine like I
 24 mean I have dogs, but my dogs go in and out of the
 25 house through a doggy door. I don't have, quote, a

1 shelter in the yard. I mean would I be in violation
 2 of this ordinance?
 3 Or if someone only let's their dogs out for
 4 10/15 minutes at a time, then they're back in the
 5 house.
 6 ATTORNEY McLENDON: No, that would not
 7 violate the ordinance.
 8 What happens with this is it gets into one
 9 of those that if somebody's actually charged on this,
 10 you're going to go into court looking at the totality
 11 of the circumstances. If, you know, they charge
 12 somebody and said, "Well, you didn't have a shelter
 13 outside," you said, "Yeah, but I was standing outside
 14 with him," and you know, for about 10 minutes, I don't
 15 think that would be a successful prosecution.
 16 That being said, if it's in a -- you know,
 17 some retail after-hours that's closed and nobody's
 18 around and, you know, there's no dog house or shelter
 19 or anything, I think that, based on the totality of
 20 circumstances, would fare very well in court. So you
 21 know, there's a good bit of common sense.
 22 What I thought when I compared us, our
 23 ordinance, they were both sort of -- you could tell
 24 they were back in the past, they were the same, and I
 25 thought this one did have some good additional

1 put that together in a heartbeat.
 2 MAYOR PITTMAN: Mr. Bates?
 3 COUNCILMEMBER PACHUTA: No questions.
 4 MAYOR PITTMAN: Ms. Pachuta?
 5 COUNCILMEMBER PACHUTA: Huh-uh.
 6 MAYOR PITTMAN: Mr. Patrick?
 7 COUNCILMEMBER PATRICK: No questions.
 8 MAYOR PITTMAN: Ms. Fleming?
 9 COUNCILMEMBER FLEMING: Who's going to
 10 enforce it?
 11 MAYOR PITTMAN: Who's going to enforce it?
 12 COUNCILMEMBER FLEMING: Our animal control
 13 officer or QOL or Police Department or City Inspector
 14 or --?
 15 MAYOR PITTMAN: It would come --
 16 COUNCILMEMBER FLEMING: We just need to know
 17 who's going to do this.
 18 MAYOR PITTMAN: It would come under the
 19 heading of animal control, and then --
 20 Go ahead, Chief.
 21 CHIEF KING: Ma'am, it's not like we're
 22 looking for additional work, but, you know, we need to
 23 get a chance to take a look at it because potentially,
 24 you know, the shelter, any animals we take into
 25 custody in the city, we got to make sure that -- If

1 language that just gives a few more tools to work
 2 with.
 3 MAYOR PITTMAN: Okay. Ms. Alexander?
 4 COUNCILMEMBER ALEXANDER: We were mirrored
 5 with Dekalb County, and the task force and their
 6 prosecutor's office started changing their language.
 7 One of the things, too, that I think we
 8 would like to address that I don't think we have is I
 9 believe they also included regulations as far as
 10 leaving your pet in the car and it talked about
 11 ambient temperature and things of that nature. I
 12 believe Dekalb County included that language in their
 13 recent revision also, and I think that's something we
 14 would like to include.
 15 ATTORNEY McLENDON: I think that that's a
 16 great idea. It may be separate from this particular
 17 definition because this is all about adequate shelter,
 18 making sure off the ground, covered, etc.
 19 That concept can go in, and then, frankly,
 20 if the task force came up with language, I see no
 21 reason to reinvent the wheel because we're mirroring
 22 Dekalb very closely here anyhow.
 23 So, you know, I think that would be
 24 something under this agenda item but I think that
 25 would be a great coming-up agenda item and we could

1 we're going to enforce the law, we got to make sure
 2 that we're in compliance ourselves and in transpor-
 3 tation of animals that we take into custody. Just ask
 4 y'all to keep that in the back of your mind.
 5 MAYOR PITTMAN: Thank you, Chief.
 6 COUNCILMEMBER FLEMING: And that's sort of
 7 the reason why I asked, because our vehicle is not
 8 equipped, and of course I'm all for animals. I have
 9 too many as it is.
 10 COUNCILMEMBER PACHUTA: Didn't we budget for
 11 that?
 12 COUNCILMEMBER DEAN: Yeah, we budgeted for
 13 the shelter.
 14 COUNCILMEMBER FLEMING: No, no, no. As soon
 15 as possible. But we're not equipped right now.
 16 MAYOR PITTMAN: Ms. Dean?
 17 Is it possible to go ahead and waive the
 18 first reading on this? And I really like Ms.
 19 Alexander's idea, so if we could get that back, maybe
 20 somebody'd like to put that on the agenda for the next
 21 time. That's a great idea.
 22 COUNCILMEMBER BATES: I guess my concern
 23 would be, in follow-up with Ms. Fleming, if we're not
 24 equipped to handle the enforcement side, then the
 25 passing of this seems moot.

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1 MAYOR PITTMAN: So --
2 CHIEF KING: I'll give you the ticket Mayor
3 if you're in violation.
4 COUNCILMEMBER PACHUTA: Well, I --
5 ATTORNEY McLENDON: Well --
6 COUNCILMEMBER PACHUTA: Yeah. I mean my
7 dogs have been caught before and spent the night in a
8 little cage in the Public Works thing. I do think
9 perhaps our Public Works Department should build a
10 small, adequate shelter that matches, meets the Code.
11 ATTORNEY McLENDON: And it depends on the
12 circumstances, but probably in every event of
13 enforcement, you wouldn't have to take the dogs into
14 custody
15 COUNCILMEMBER PACHUTA: Yeah, but we do take
16 dogs into custody for various reasons because they're
17 running the neighborhood, and we basically have cages
18 set in the back of a shed.
19 ATTORNEY McLENDON: Animal control is a
20 difficult issue.
21 MAYOR PITTMAN: Yes, sir?
22 CHIEF KING: I would ask, Mayor, if y'all
23 consider if you pass it, just give us a little amount
24 of time so we can make sure we're in compliance,
25 because in all good faith, I can't go and enforce the

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1 law if we are not in compliance ourselves.
2 COUNCILMEMBER DEAN: How long will it take
3 to get the shell on the truck?
4 CHIEF KING: Well, the shell is not --
5 that's just, you know, we're in the process. Now that
6 the budget's been approved, I can go and try to
7 purchase it. But the shelter in the back of the
8 Maintenance Shop, that's something that, you know, the
9 Maintenance Department will probably have to work
10 with.
11 COUNCILMEMBER PATRICK: Can you get us a
12 time frame and costs on --
13 CHIEF KING: I can't answer that.
14 MAYOR PITTMAN: We can do that. We can do
15 that. That's okay.
16 COUNCILMEMBER BATES: Mr. McLendon, just so
17 I'm clear, the changes to the existing ordinance are
18 the underlined texts?
19 ATTORNEY McLENDON: Yes, sir. Yeah.
20 COUNCILMEMBER BATES: So really the only
21 change that we're requiring is that we're adding a
22 heavy plastic or rubber flap to cover the existing
23 opening?
24 ATTORNEY McLENDON: And then the --
25 COUNCILMEMBER BATES: And the structure

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1 needs to be --
2 ATTORNEY McLENDON: -- April through
3 October, raising the structure, direct sunlight.
4 COUNCILMEMBER BATES: Well, but just so I'm
5 clear, the existing ordinance still requires that the
6 resident provide a structure that is four-sided,
7 enclosed.
8 ATTORNEY McLENDON: You already had the
9 rule. This just tightens it up. This tightens it up
10 a little bit. You already have a rule in place that
11 is enforceable.
12 MAYOR PITTMAN: If you don't mind, the
13 citizen that brought this up is raising her hand and I
14 think she would like to say something, so I will allow
15 that at this time since this was a great concern of
16 yours.
17 MS. LINDA RAWLINS: Yes. Linda Rawlins,
18 Oakcliff Estates.
19 What I wanted added to our ordinance which
20 patterned Dekalb and what I've had a real problem with
21 is our businesses that will have an animal in a pen.
22 It will have a dog house, but how would you like to go
23 into a dog house if you're sitting out in this
24 broiling hot, hundred-degree-plus weather with nothing
25 over your dog house to shade it?

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1 My concern, and what we put in the animal
2 shelter ordinance in addition is that in the summer
3 months it would have some type of something over it to
4 shade it or it would be taken out of the direct
5 sunlight.
6 I have seen several businesses this way.
7 Experienced Pro Tech Collision on Memorial Day with a
8 dog sitting on concrete, surrounded by concrete, with
9 no shading over it. It did have a dog house, but
10 there again, how would you like to be in that dog
11 house in 100-degree weather?
12 That is my concern, and Dekalb has that in
13 their ordinance: a summer and a winter shelter
14 provision. And a dog house is good, but what I was
15 getting at is the pitiful conditions of shelter summer
16 provision, and these businesses are really abusing
17 this.
18 If the dog is running loose while the place
19 is closed, that's all well and good. But if you got a
20 dog sitting out there in the broiling hot sun, by the
21 time you come back, he doesn't even have any water
22 probably.
23 But that's what I wanted especially added in
24 our current provision. Our current ordinance did say
25 something about the cars, the automotive part. But I

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1 would like some type of shelter over the place where
2 the dog is being kept penned in the summertime. Thank
3 you.
4 MAYOR PITTMAN: Council, your wishes? You
5 want to put it on the next agenda?
6 COUNCILMEMBER FLEMING: Next agenda, because
7 presently, just as a comment, in here it says heavy
8 plastic or rubber flap for the, for instance,
9 coverings for the door, the windows.
10 My dog door has heavy carpeting on it, not
11 plastic nor rubber. I mean if you're going to be
12 specific, I'm just letting you know.
13 MAYOR PITTMAN: Okay. We'll put this on the
14 next agenda, please, and we will have discussions
15 about the adequate shelter at the animal control.
16 We'll be speaking with Public Works tomorrow.
17 Okay. Next on the agenda is Public
18 Comments. Please limit your public comments to three
19 minutes.
20 MS. NICOLE CHILES: Chief King, I really
21 liked your presentation.
22 THE REPORTER: May I have your name?
23 MS. CHILES: I thought you were dead on.
24 Nicole Chiles, C-h-i-l-e-s, no "d."
25 And what I would argue is that the City

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1 Council works the same way code enforcement does. I
2 think you put out fires. I don't think you have any
3 time to strategize and get ahead of the game. There
4 are so many e-mails that came out that talked about
5 being reactionary, and I think you're in the same boat
6 as code enforcement.
7 And it was so frustrating for me. Karen, I
8 know you don't want outside of the city, right? Okay.
9 So Karen says, "Well, a little outside, a little
10 inside." Right? And you say, "15 percent this, 15
11 percent that." And if you all do that, we're going to
12 be exactly where he is right now, which is one officer
13 or two officers trying to make everybody happy.
14 And I think you guys have so much on your
15 plate and you want so much for the city, and you try
16 to do all of them, and none of them get done. Nothing
17 gets traction. My neighbor has a camper in their
18 driveway and they've had it for six months. I am not
19 going to e-mail you about it. They can keep it for
20 another six months.
21 If something happens, if you can really
22 clean up an area and make a difference like around
23 Northwoods, then businesses come and people buy the
24 mid-century modern homes and things happen organically
25 and that spreads up the corridor. So I'm begging you

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1 to take that seriously. And someone's going to be
2 left out; some ball is going to drop. I would almost
3 argue for six months, because that's all he's talking
4 about is six months, don't do residential at all. I'd
5 say go that extreme. So please be prepared to give
6 something up, let him try this and prioritize, and I
7 would ask that you try to do that with Doraville's
8 priorities also.
9 And I would also argue that in terms of code
10 enforcement, a comprehensive community education
11 program, if you can get flyers out on a consistent
12 basis and a way to communicate to everybody in
13 multiple languages what's expected of them might
14 significantly cut down on the calls. Or just the
15 push-back that you get from the 60 percent of people
16 complaining, like if you put something out that says,
17 you know, if you complain in court about the way you
18 were treated, it turns out your case still makes it;
19 so then people will stop complaining, something.
20 And then in terms of us helping you, if you
21 don't have a place to keep animals, like I'll just
22 talk for Citizens for Progress, but at our next
23 meeting, let's talk about -- we all love our animals.
24 Let's talk about how we can raise a little money to
25 make a better shelter for animals. Like there's stuff

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1 we can do for you too if you tell us what's missing
2 and what you need. I know there's not money to go
3 around for everything.
4 So if you want to get in compliance, you
5 know, I think you need to ask more of your animal
6 control person/people, and maybe we can get some money
7 and build some shelters and get an air conditioning in
8 the shed or figure out a way, because I think we're
9 all really big animal lovers.
10 But I'm just asking you, especially with
11 code enforcement, let their efforts get concentrated
12 so that we see a difference so that there's traction
13 and momentum and we can get past putting out fires.
14 Is that my beep?
15 MAYOR PITTMAN: Thank you. That's your
16 beep. Thank you, though.
17 MS. SUSAN CRAWFORD: Susan Crawford,
18 Oakcliff.
19 And I would like to say I absolutely agree
20 with Nicole, and in fact maybe -- I mean except for
21 the part about being in the city because I'm in
22 Oakcliff, which is sort of a mess, but maybe you could
23 do something like take one strip mall, one shopping
24 center at a time and just complete, because they all
25 have issues, and if you could just clean up one

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1 section, one shopping center, one strip mall and then
 2 it would -- it would be -- instead of just a random
 3 place here, random place there, I think it could be
 4 really noticeable and -- and maybe it would catch on.
 5 And I agree too about the animals. I
 6 think -- and I'm wondering, are we doing something now
 7 about putting the animals online that have been picked
 8 up?
 9 MAYOR PITTMAN: Yes, we are.
 10 MS. CRAWFORD: Because that would be really
 11 a big -- My dogs --
 12 MAYOR PITTMAN: Chief, did you want to --
 13 We are.
 14 CHIEF KING: Yeah. We got a link that we
 15 attach the photographs of the animals we find, and we
 16 also try to push them out to our neighborhood watch
 17 programs. They've been actually, thanks to Northwoods
 18 and --
 19 UNIDENTIFIED SPEAKER: NANA.
 20 CHIEF KING: -- NANA, sorry, they've been
 21 very effective at trying to locate owners, you know,
 22 when we lost the owner, you know, we post the pet
 23 there.
 24 MS. CRAWFORD: That's great. My dogs too
 25 have been arrested.

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1 So if somebody loses a dog, they can just go
 2 online somewhere.
 3 CHIEF KING: When we lose an owner, we track
 4 them down. The picture of the pet is posted on the
 5 Web site.
 6 MS. CRAWFORD: Okay. I think that's
 7 perfect. Thank you.
 8 MAYOR PITTMAN: Thank you.
 9 MS. CRAWFORD: Oh, oh. And let's not forget
 10 about the residents' center idea, just keep that
 11 going. Thanks.
 12 MAYOR PITTMAN: Okay. Thank you.
 13 Additional public comments?
 14 MS. BRADFORD: Cindy Bradford, Northwoods.
 15 Can y'all hear me this time? Can you hear
 16 me?
 17 UNIDENTIFIED SPEAKER: No.
 18 MS. BRADFORD: All right. Then, I will talk
 19 louder. How is this?
 20 UNIDENTIFIED SPEAKER: Great.
 21 MS. BRADFORD: I'm a little confused that,
 22 on the one hand, you said the definition of wholesale
 23 is clear, and then on the other hand, it's not clear,
 24 and somebody comes to you, knowing that they're Moon
 25 Lingerie Wholesale, and you issue a sign permit before

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1 you even issue an occupational tax license. Is that
 2 normally the way things work in our city? Can
 3 somebody answer that for me or are crickets chirping?
 4 COUNCILMEMBER DEAN: I don't know.
 5 MAYOR PITTMAN: Actually, I don't believe
 6 there's anything to prohibit them issuing a sign.
 7 Go ahead.
 8 ATTORNEY McLENDON: I will tell you that
 9 zoning a property inherently has --
 10 UNIDENTIFIED SPEAKER: Speak up.
 11 MAYOR PITTMAN: Sir, I'm sorry. It would
 12 help if we kept the chit-chat down.
 13 ATTORNEY McLENDON: When you own a property,
 14 it has an inherent right to have certain signage on it
 15 whether it's occupied by a business or not. If I own
 16 a building, I could get my sign and put a sign up and
 17 I could say, "I like my dog."
 18 MS. BRADFORD: Welcome to Doraville.
 19 ATTORNEY McLENDON: Welcome to Georgia.
 20 MS. BRADFORD: Thank you.
 21 MAYOR PITTMAN: Additional public comments?
 22 MS. CRAWFORD: I'm sorry. Ms. Crawford.
 23 UNIDENTIFIED SPEAKER: You already had
 24 yours.
 25 MS. CRAWFORD: I'm sorry.

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1 UNIDENTIFIED SPEAKER: Go ahead.
 2 MS. CRAWFORD: Isn't that false advertising?
 3 If you have a sign advertising something that's not
 4 legal in the city, that's false advertising.
 5 ATTORNEY McLENDON: It's content. You can't
 6 regulate content.
 7 MR. RICK DOVE: Rick Dove, Northwoods.
 8 What I'm unclear about is on the distinction
 9 between retail and wholesale regarding this 50,000
 10 square foot building, is he going to be able to rent
 11 any of his space out to wholesale? That's what I have
 12 concerns with.
 13 ATTORNEY McLENDON: Generally we would not
 14 have a public conversation on this issue --
 15 COUNCILMEMBER FLEMING: Don't answer.
 16 ATTORNEY McLENDON: -- but the use is clear.
 17 I can't tell somebody if there is a certain allowed
 18 use and someone says they're going to operate under
 19 the allowed use, I cannot look at them and say, "Well,
 20 I don't think you're going to." We have to wait and
 21 see.
 22 MAYOR PITTMAN: All right. Let me --
 23 MR. DOVE: So we're just going to have to
 24 wait and see what happens as far as --
 25 MAYOR PITTMAN: Mr. Dove --

1 MR. DOVE: -- the rest of that space.
 2 MAYOR PITTMAN: -- we normally do not engage
 3 in conversations; comments only. Because this is such
 4 an interesting subject to everyone, I am allowing
 5 this, but if we could just kind of keep it to a
 6 minimum, please, and continue with the public comment.
 7 MR. DOVE: Well, that's my comment. My
 8 concern is that he's going to be renting his space out
 9 to people who are going to be engaged in wholesale.
 10 COUNCILMEMBER BATES: He cannot sublet the
 11 property to a use that's not allowed. So he can
 12 sublet the property to compartmentalize it, you know,
 13 100 different businesses in there, but not one of
 14 those business can be wholesale --
 15 MR. DAVE: Can be wholesale. Okay. Well --
 16 COUNCILMEMBER BATES: -- period, because
 17 they all have to get an occupation tax placard to
 18 occupy and do business in the city of Doraville.
 19 If they try to get an occupation tax placard
 20 that says I'm going to do wholesale, they will be
 21 denied.
 22 MAYOR PITTMAN: He hasn't been issued his
 23 C.O. yet. He has not been issued that.
 24 Mr. Malcolm?
 25 MR. ALAN MALCOLM: Good evening. Alan

1 easily. That's comment number one.
 2 Number two, I think it would be greatly
 3 helpful since we hear a lot from the city attorney to
 4 calm the chit-chat in the room, where everyone is
 5 miked up here but him, and he's the one that speaks
 6 the most. And so I think that if he were miked in the
 7 future, you wouldn't have people saying, "What did he
 8 say?", "What did they say?", that sort of thing. It
 9 would be more clear, and so I'd like to see that.
 10 Thank you.
 11 MAYOR PITTMAN: Thank you, Mr. Malcolm.
 12 UNIDENTIFIED SPEAKER: Donna, that's what
 13 you're calling chat-chat.
 14 MAYOR PITTMAN: That being -- Ms.
 15 Livingston, shh.
 16 UNIDENTIFIED SPEAKER: Do you want me to
 17 come up there?
 18 MAYOR PITTMAN: If you have something to
 19 say, that would be wonderful.
 20 UNIDENTIFIED SPEAKER: All right.
 21 MS. GILMAN: Carol Gilman, Northwoods.
 22 As a society, I believe we are judged by how
 23 we treat our most vulnerable, and that certainly
 24 includes the animals and our pets, and so I'm grateful
 25 for the discussion we've had tonight about shelters

1 Malcolm, Northwoods.
 2 I want to go back to something that Ms.
 3 Pachuta said that I think is terrifically important
 4 regarding the restaurant and the hours. Several years
 5 ago, I stood up as a citizen and argued vehemently
 6 about restricting the hours of restaurants in
 7 Doraville, and we had rolled it back I want to say
 8 from 3:00 or 3:30 in the morning till 2 o'clock, which
 9 I think is unconscionable for a restaurant.
 10 The reason I say that is if you call any
 11 legitimate restaurant, you go to Norcross or you go to
 12 Buckhead, Haven in Brookhaven, many of the places that
 13 we all frequent, you're not going to find them serving
 14 meals at midnight. It just doesn't -- There are so
 15 few restaurants that do that. So I'm once again
 16 imploring the Council to look at that timing on
 17 restaurants.
 18 And I think that what's happening is we're
 19 -- these people who want to serve and want to -- that
 20 are predominantly the bars that know the citizens want
 21 to support are coming in under that restaurant guise.
 22 And so if you look at the kind of people that we want
 23 to attract and limit it to those hours, it doesn't
 24 take very long to call a few or just go on open table.
 25 You can see everybody's hours very quickly and very

1 and about becoming more protective of animals whether
 2 they're domestic or they're wild, particularly in
 3 extreme temperatures.
 4 As a government, I believe we're also judged
 5 by how we respond to our stakeholders and particularly
 6 our resident, our constituents. I would be remiss if
 7 I left out of here this evening and I did not repeat
 8 what I said when I called Mayor Pittman as I drove
 9 down Buford Highway on my way to Quick Trip and I saw
 10 the former union hall with this giant sign.
 11 It was a very immediate reaction. Hand on
 12 heart, Mrs. Pittman answered the phone on the first
 13 ring, and I said -- and I'll paraphrase -- What in the
 14 world is going on? And she said, if I may, "I know.
 15 I know." And I who am usually not at loss for words
 16 was at a loss for words, and I've been shaking my
 17 head. And so I am glad to hear the city attorney and
 18 Mr. Bates use phraseology that says, in C-1 and C-2
 19 this is allowed, this is not allowed. That comforts
 20 me. The enforcement would greatly comfort me.
 21 I'm still astonished at how we got from the
 22 facility at Pinetree over here and the business model
 23 was changed. I don't have to have an answer for that,
 24 but I need to know that what we want from our city and
 25 what's been stated we want for our city will be

1 enforced, because we have to put our faith and trust
 2 in you.
 3 MAYOR PITTMAN: Ms. Livingston?
 4 MS. CAROL LIVINGSTON: Carol Livingston,
 5 Oakcliff.
 6 Is everybody in this room supposed to be
 7 able to hear? Is this -- is this meeting for all of
 8 us or just y'all? And this is not a complaint, but we
 9 cannot hear even half of what you're saying. This air
 10 conditioning thing is blowing, y'all are not speaking
 11 into your thing, and we want to hear you. And every
 12 time you say, "Shh, be quiet," it's just that we can't
 13 hear what we're saying and we're asking somebody,
 14 "What did she say?"
 15 So is there anyway you can get it fixed so
 16 that your audience can hear too, you know? We come to
 17 hear you.
 18 Also I wanted to ask you, and I've asked you
 19 three times already and you say this is going to
 20 happen, some kind of publication that will tell new
 21 people when to put out their sofas, when to cut down
 22 their trees. I mean it is just not happening. And
 23 within six months -- Somebody today right down the
 24 street from me put out two sofas.
 25 You know, Chief King, those sofas will be

1 sleep: Err errrr er errrrrr.
 2 Thank you.
 3 MAYOR PITTMAN: Thank you, Ms. Livingston.
 4 MS. BONNIE FLINT: I hate to follow that
 5 act. Bonnie Flint, Northwoods. Again, I hate to
 6 follow that act.
 7 I usually keep my mouth shut during these
 8 things. I absolutely hate these meetings, and I'm
 9 sure some of you feel that way too because I don't see
 10 much getting done. So I'm very frustrated, and I will
 11 say that I am sorely, sorely disappointed in two
 12 topics that were discussed tonight.
 13 Number one is Moon Lingerie. Okay. So we
 14 are on the brink -- our city is on the brink of having
 15 one of the -- the biggest neighborhoods on the
 16 national registry of historic places in a matter of
 17 maybe about four months. And what do we have left,
 18 Bob, in the business district? So all these people
 19 are going to come and look at this national historic
 20 place, and what are they going to see? Moon Lingerie.
 21 Okay. And chickens. Raaaack, raaaack. Okay.
 22 MS. LIVINGSTON: Err errrrrr. Err errrrrr.
 23 MS. FLINT: That's really good.
 24 Anyway, that's what they're going to see.
 25 They're going to see pawn shops and Moon Lingerie and

1 there till the end of time unless somebody comes and
 2 says, "You can't do that." This is happening over and
 3 over and over. If you want us to day nothing for six
 4 months, I mean it's just going to be deplorable. But
 5 if you think that will help for six months, of us
 6 saying nothing --
 7 You know, what I don't understand is -- and
 8 I should speak faster -- if you ride through your
 9 neighborhood and your neighborhood and our
 10 neighborhood and you see something that's wrong, do
 11 you turn that in to anybody? Do you come and say,
 12 "Look, you know, these people have got sofas, these
 13 have got chairs"? This is day after day after day,
 14 and it drives me crazy. It's an absolute dump over
 15 and over and over.
 16 The barking dogs? We call over and over and
 17 over. These neighborhoods are too small for all of
 18 those barking dogs, you know? The lots are so little,
 19 and they bark all night and they bark all morning, and
 20 now there's a damn chicken in the back yard. A
 21 rooster. 6:15 this rooster gets up, Err errrr
 22 errrrrr!
 23 COUNCILMEMBER BATES: Hold on, we need to
 24 get that on the record.
 25 MS. LIVINGSTON: It's summer, and I want to

1 nothing of any substance whatsoever. I am sorely
 2 disappointed.
 3 Number two, Quality of Life. Yes, it is
 4 bad. I would encourage all of you to go on foot and
 5 walk around your neighborhood and get a good look at
 6 the houses, because they may look all right from a
 7 distance, but when you're on foot, it's pretty bad.
 8 So I am all for concentrating on one area. I don't
 9 even care if Northwoods is -- is even in it,
 10 apparently, because I'm inside of the perimeter in
 11 residential.
 12 I'm all for -- you know, if you make every-
 13 body paint their house that looks like crap, you make
 14 everybody paint their house in one neighborhood, maybe
 15 it'll spread. We got to try. It's not working. The
 16 way it is, it's not working so let's try something
 17 new. Thank you. Moon Lingerie.
 18 MAYOR PITTMAN: Mr. Hart?
 19 MR. HART: The animal shelters. We had a
 20 problem down near Chestnut. There was a dog on a one-
 21 foot lead out in the hot sun, and this German Shepherd
 22 was trying to get underneath a staircase so he could
 23 get some shelter. There was no water, nothing, on a
 24 one-foot lead.
 25 There's a body shop across the street that's

1 been cited numerous times with dogs chained to the
2 fence, again, on a one-foot lead sitting in its own
3 feces.

4 The City has no animal shelter, it has no
5 veterinarian and it has none of these items because
6 specifically this City Council and this Mayor have
7 chosen not to do it.

8 Now, Susan and I have talked several times
9 about putting an animal shelter and a veterinarian in
10 one of our buildings that used to be a clinic. It was
11 a medical clinic. It's already set up to be a medical
12 clinic. It could be a veterinarian, it could be an
13 animal shelter. You could take it -- It's not being
14 rented out. We're not making any money off the place.
15 But we have a vehicle to bring a positive business and
16 a positive circumstance to the city.

17 And we talked about code enforcement.
18 That's a second issue. The code enforcement system
19 works great when we use the fire department, we use
20 the police department. And we've run those -- John
21 King knows that we've run those raids before. It
22 works. The problem is there's a lot of talk coming up
23 here on the City Council, "Oh, we inspect everything
24 and look at everything," except nothing's being done.

25 And the third thing is Moon Lingerie. We

1 MAYOR PITTMAN: Call the roll, please.
2 CLERK BRYANT: Councilmember Alexander?
3 COUNCILMEMBER ALEXANDER: Yes.
4 CLERK BRYANT: Councilmember Bates?
5 COUNCILMEMBER BATES: Yes.
6 CLERK BRYANT: Councilmember Dean?
7 COUNCILMEMBER DEAN: Yes.
8 CLERK BRYANT: Councilmember Fleming?
9 COUNCILMEMBER FLEMING: Yes.
10 CLERK BRYANT: Councilmember Pachuta?
11 COUNCILMEMBER PACHUTA: Yes.
12 CLERK BRYANT: Councilmember Patrick?
13 COUNCILMEMBER PATRICK: Yes.
14 (Meeting adjourned at 8:40 p.m.)

15 -o0o-
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1 have this duck that was living in Pinetree Plaza
2 called Moon Lingerie wholesale business. Look on the
3 Internet, look anywhere you want to: wholesale
4 business. Suddenly, it's a huge surprise to City Hall
5 it's a wholesale business when they move right in
6 here. Just a huge surprise. Well, gee willikers.

7 Gee, what happened? We'll just let the staff handle
8 it, won't we, Robert? Staff will handle it.

9 Well, they handled it all right. We got a
10 building with Moon Lingerie on it. Doesn't have a
11 business license but we got a sign. Now, you try to
12 go put a banner in your front yard for a little
13 cookout, they come down there and, you know, they'll
14 bring 10 cop cars, okay? Moon Lingerie, good enough;
15 Buford Highway, we're good to go: no business
16 license, no nothing. You guys aren't doing your job.

17 So we're tired of it; we better see some
18 action. Thank you.

19 COUNCILMEMBER ALEXANDER: Motion to adjourn.

20 MAYOR PITTMAN: Second?

21 COUNCILMEMBER BATES: Second.

22 MAYOR PITTMAN: Discussion?

23 - - -

24 (No response)

25 - - -

1 C E R T I F I C A T E
2 STATE OF GEORGIA]
3 COUNTY OF DEKALB]
4 I hereby certify that the foregoing transcript
5 was taken down, as stated in the caption, and the
6 proceedings were reduced to typewriting under my
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8 I further certify that the transcript is a true
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10 proceedings.
11 I further certify that I am neither a relative
12 or employee or attorney or counsel to any of the
13 parties, nor financially or otherwise interested in
14 this matter.
15 This the 11th day of July, 2012.

16
17
18 Theresa Bretch, CCR
19 Permit No. B-755

20
21 [SEAL]
22
23
24
25

	58:25;110:8		100:16	86:9
\$	2:00 (1) 56:25	5	accomplish (2) 20:11;21:24	administrative (1) 17:8
\$2,000,000 (1) 8:19	2:30 (1) 57:1	50,000 (1) 108:9	accordingly (1) 78:12	administratively (2) 13:6;62:12
\$20,000 (1) 8:19	200 (1) 69:8	500 (1) 5:22	achieve (1) 22:10	administrator (3) 47:14,15,24
\$35,000 (2) 48:4,5	2008 (1) 81:2		across (4) 5:23;7:6;20:20;116:25	admit (1) 6:21
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