

In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

August 20, 2012

American Court Reporting Company, Inc.

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

Transcript of the meeting held at the

Doraville City Hall, 3725 Park Avenue,

Doraville, Georgia, Mayor Donna Pittman

presiding; before Theresa Bretch, Certified

Court Reporter; commencing at approximately

6:30 p.m. on Monday, August 20, 2012.

1 PROCEEDINGS
2 MAYOR PITTMAN: Meeting come to order. If
3 we could all please rise for the pledge.
4 ---
5 (Pledge of Allegiance)
6 ---
7 MAYOR PITTMAN: Thank you.
8 And welcome to everyone that is here
9 tonight. We have a special presentation. On November
10 14th, 2011, Detective Shane Wilson was killed in the
11 line of duty while responding to a call to a home
12 invasion.
13 We have his family here tonight and his wife
14 and we also have Executive Director Frank Rotondo that
15 is going to do a special presentation.
16 So sir, if you'd like to come forward.
17 MR. ROTONDO: Thank you Madam Mayor and
18 members of Council.
19 My name is Frank Vincent Rotondo, and I'm
20 the Executive Director of the Georgia Association of
21 Chiefs of Police. I come here really with a heavy
22 heart. I'm a 43-year law enforcement veteran and I
23 started in 1969, and this puppy police chief next to
24 me has only got about of 40 years of service. But he
25 started right here. As a matter of fact, he was just

1 APPEARANCES:
2 Doraville City Council:
3 Mayor Donna Pittman
4 Councilmember Maria Alexander
5 Councilmember Brian Bates
6 Councilmember Trudy Jones Dean
7 Councilmember Pam Fleming
8 Councilmember Karen Pachuta
9 Councilmember Robert Patrick
10 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 telling me he was sworn in behind that door many years
2 ago.
3 Now, this is an unusual situation for the
4 executive director of the Police Chiefs of Georgia to
5 get involved in. However, I have to tell you that
6 this is a law enforcement family; it is a law
7 enforcement blood family. I appreciate the community
8 support that was offered to Detective Wilson when he
9 died in the line of duty.
10 But what was absolutely amazing to myself as
11 well as to the members of the Executive Board of the
12 Police Chiefs was that he was not immediately properly
13 honored by his name being placed on the wall which is
14 a memorial wall at the Public Safety Training Center.
15 When Jim Hanson brought this to my
16 attention, we tried to see if we could rectify the
17 situation fairly quickly, and it was not -- we were
18 not able to do that. My Executive Board got involved
19 and we had a board meeting, and we actually put some
20 pressure on them to try to look at this very
21 objectively and to determine that it clearly was a
22 line-of-duty death, nothing but a line-of-duty death
23 responding to an emergency in the middle of the night
24 by a very brave law enforcement officer.
25 Regretfully, I've had experiences before

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1 with officers who have worked for me who have died in
 2 the line of duty, and it's something that you will
 3 never forget, the people alongside of you. This is a
 4 very, very difficult situation for the family, the
 5 blood family as well as the law enforcement family,
 6 his associates that are behind me.
 7 I don't want to belabor this whole issue,
 8 but the Public Safety Training Center which controls
 9 the memorial understood the need to honor Shane, and
 10 we understood the need to take a different route and
 11 actually present a resolution in front of Council to
 12 the family of Detective Shane Wilson. And I'm going
 13 to ask the drafter of that resolution, the officer who
 14 was sworn in here 40 years ago, who is now Chief Mark
 15 Welsh of Elberton, Georgia, to read that resolution.
 16 CHIEF MARK WELSH: This is a resolution
 17 prepared by the Georgia Association of Chiefs of
 18 Police to honor, recognize and offer support to slain
 19 Doraville Detective Robert Shane Wilson and his
 20 family.
 21 [Reading] "Whereas, Doraville Detective
 22 Robert Shane Wilson served the citizens of the City of
 23 Doraville and the State of Georgia in a superior
 24 fashion and exemplified the professional ideals that
 25 are cherished in law enforcement;

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1 "And whereas, Doraville Detective Robert
 2 Shane Wilson lost his life in the line of duty while
 3 responding to a crime-in-progress assignment on
 4 Monday, November the 14th, 2011;
 5 "And whereas, the Georgia Association of
 6 Chiefs of Police, President Stan York, the Executive
 7 Board, Executive Director Frank V. Rotondo and the
 8 statewide membership of the Association wish to honor
 9 the service and acknowledge the sacrifice of Doraville
 10 Detective Robert Shane Wilson;
 11 "And whereas, it is imperative that the
 12 memory of Doraville Detective Robert Shane Wilson be
 13 honored for his dedication and sacrifice to the
 14 citizens of the City of Doraville and the State of
 15 Georgia;
 16 "Therefore, be it now hereby resolved that
 17 the Georgia Association of Chiefs of Police upon the
 18 request of President Stan York, the Executive Board,
 19 Executive Director Frank V. Rotondo and the statewide
 20 membership of that Association do indeed express their
 21 heartfelt condolences and offer their support in any
 22 way possible to the loving family of Doraville
 23 Detective Robert Shane Wilson.
 24 "So ordered upon this 14th day of June 2012"
 25 and signed by Director Stan York, President of the

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1 Georgia Association of Chiefs of Police.
 2 MR. ROTONDO: And with that, ladies and
 3 gentlemen, may I have the family please step forward
 4 as well as the Assistant Chief.
 5 We prepared two framed resolutions. One of
 6 them I'm going to give to the department. I just
 7 wanted the department to know that we're with them and
 8 we share their support.
 9 The other one, I've given to Jim. Jim also
 10 has a copy that he will be getting framed and
 11 presenting to Shane's wife. If anybody else would
 12 like copies of the resolution from the family's point
 13 of view, please let me know; I'll be happy to do that
 14 for you.
 15 Once again, this is a very tough situation
 16 for all of us to be in, and certainly I understand the
 17 heartache that's here today.
 18 I salute the men and women of my law
 19 enforcement community, my colleagues and my friends.
 20 Thank you, all of you, for all you do. And I thank
 21 you for the ultimate sacrifice the family members have
 22 given to my beloved law enforcement profession.
 23 Mayor, I was going to invite you down here
 24 but the family's here so let's just -- thank you.
 25 MAYOR PITTMAN: Thank you.

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1 MR. ROTONDO: And I also understand that you
 2 were in law enforcement for awhile?
 3 MAYOR PITTMAN: Yes, sir.
 4 And we appreciate your efforts. This was a
 5 great loss to our community and our law enforcement
 6 family, and perhaps this will bring a little bit of
 7 closure. We really appreciate you being here tonight
 8 and doing this.
 9 MR. ROTONDO: I'm just going to take just a
 10 little bit of liberty to tell you the last time I was
 11 here I presented the state certification --
 12 recertification award on a more joyous occasion than
 13 this is.
 14 And I have to tell you that still the
 15 community is very strong, stronger than ever behind
 16 the support for their law enforcement family. So I
 17 thank the community, too. Thank you.
 18 MAYOR PITTMAN: And to the family, we want
 19 you to know that we are always here if you need
 20 anything. We're here for you.
 21 MAYOR PITTMAN: At this time we're going to
 22 take a five-minute break.
 23 - - -
 24 (Brief recess)
 25 - - -

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1 MAYOR PITTMAN: Call the roll, please.
 2 CLERK BRYANT: Councilmember Alexander?
 3 COUNCILMEMBER ALEXANDER: Here.
 4 CLERK BRYANT: Councilmember Bates?
 5 COUNCILMEMBER BATES: Here.
 6 CLERK BRYANT: Councilmember Dean?
 7 COUNCILMEMBER DEAN: Here.
 8 CLERK BRYANT: Councilmember Fleming?
 9 COUNCILMEMBER FLEMING: Here.
 10 CLERK BRYANT: Councilmember Pachuta?
 11 COUNCILMEMBER PACHUTA: Here.
 12 CLERK BRYANT: Councilmember Patrick?
 13 COUNCILMEMBER PATRICK: Here.
 14 MAYOR PITTMAN: All right. We've had some
 15 questions and some suggestions on one of the items
 16 tonight, being the Community Improvement District
 17 Presentation. I believe we have had some suggestions
 18 from Council to move this possibly to a work session,
 19 and I just wanted to know if a Councilmember would
 20 like to make a motion to do this. We can amend the
 21 agenda or we can move forward with it.
 22 If we move forward with it, there's a
 23 suggestion being made that after the CID presentation,
 24 that we allow an additional three minutes for the
 25 public to make additional comments after the CID.

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1 The Urban Redevelopment will be a public
 2 hearing anyway.
 3 So just wanted to hear from Council their
 4 thoughts, please.
 5 COUNCILMEMBER BATES: I'd like to make a
 6 motion to move the CID to a work session.
 7 MAYOR PITTMAN: Do I get a second?
 8 COUNCILMEMBER ALEXANDER: Second.
 9 MAYOR PITTMAN: Discussion?
 10 - - -
 11 (No response)
 12 - - -
 13 MAYOR PITTMAN: Call the roll, please.
 14 CLERK BRYANT: Councilmember Alexander?
 15 COUNCILMEMBER ALEXANDER: Yes.
 16 CLERK BRYANT: Councilmember Bates?
 17 COUNCILMEMBER BATES: Yes.
 18 CLERK BRYANT: Councilmember Dean?
 19 COUNCILMEMBER DEAN: No.
 20 CLERK BRYANT: Councilmember Fleming?
 21 COUNCILMEMBER FLEMING: Yes.
 22 CLERK BRYANT: Councilmember Pachuta?
 23 COUNCILMEMBER PACHUTA: Yes.
 24 CLERK BRYANT: Councilmember Patrick?
 25 COUNCILMEMBER PATRICK: No.

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1 MAYOR PITTMAN: Thank you. Council, do we
 2 want to move this to a work session, throw out some
 3 dates in the next couple of weeks?
 4 COUNCILMEMBER DEAN: Well, I had a concern
 5 because we requested that the business community be
 6 approached and get some feedback from them. I talked
 7 to a number of businesses over the past two weeks, and
 8 no one I have talked to has actually been approached
 9 by anyone regarding the CID.
 10 MAYOR PITTMAN: Well, I talked to a number
 11 of property owners. There's a difference in the
 12 business people --
 13 COUNCILMEMBER DEAN: I understand.
 14 MAYOR PITTMAN: -- and the property owners.
 15 And I have talked to them. But since we have deferred
 16 this to another time, then we can --
 17 COUNCILMEMBER DEAN: Right.
 18 MAYOR PITTMAN: -- have this discussion at
 19 that time, please.
 20 COUNCILMEMBER BATES: September 10th.
 21 Monday, September 10th would be my recommendation.
 22 MAYOR PITTMAN: Call the roll, please.
 23 COUNCILMEMBER PATRICK: Aren't we talking
 24 about signs?
 25 MAYOR PITTMAN: Well --

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1 COUNCILMEMBER ALEXANDER: On the 27th.
 2 MAYOR PITTMAN: We didn't set anything
 3 tentatively for September.
 4 COUNCILMEMBER PATRICK: Okay.
 5 MAYOR PITTMAN: It was all for the month of
 6 August, but we are talking about --
 7 COUNCILMEMBER DEAN: Well, I thought we were
 8 going to do the signs like consecutively because
 9 that's -- if we keep like putting that back and
 10 putting that back, we're not going to accomplish --
 11 MAYOR PITTMAN: Well, we can have --
 12 COUNCILMEMBER DEAN: -- anything.
 13 MAYOR PITTMAN: What we can do is everybody
 14 look at the calendar and send your input, and we can
 15 set a meeting. We've got a recommendation of
 16 September 10th but --
 17 COUNCILMEMBER BATES: Withdrawn.
 18 MAYOR PITTMAN: Okay. Everybody just look
 19 at your schedules and get back, and we'll do that.
 20 Call the roll, please.
 21 COUNCILMEMBER BATES: No need to.
 22 COUNCILMEMBER ALEXANDER: There's no motion.
 23 MAYOR PITTMAN: Oh, I thought you made a
 24 motion.
 25 COUNCILMEMBER BATES: I withdrew it.

1 MAYOR PITTMAN: Oh, you withdrew your whole
 2 motion. Okay.
 3 CLERK BRYANT: Just a motion to pass for a
 4 work session.
 5 MAYOR PITTMAN: Okay. Perfect.
 6 All right. Next on the agenda is approval
 7 of minutes for July 16th, 2012. Do I get a motion?
 8 COUNCILMEMBER ALEXANDER: So moved.
 9 MAYOR PITTMAN: Do I get a second?
 10 COUNCILMEMBER BATES: Second.
 11 MAYOR PITTMAN: Discussion?
 12 ---
 13 (No response)
 14 ---
 15 MAYOR PITTMAN: Call the roll, please.
 16 CLERK BRYANT: Councilmember Alexander?
 17 COUNCILMEMBER ALEXANDER: Yes.
 18 CLERK BRYANT: Councilmember Bates?
 19 COUNCILMEMBER BATES: Yes.
 20 CLERK BRYANT: Councilmember Dean?
 21 COUNCILMEMBER DEAN: Yes.
 22 CLERK BRYANT: Councilmember Fleming?
 23 COUNCILMEMBER FLEMING: Yes.
 24 CLERK BRYANT: Councilmember Pachuta?
 25 COUNCILMEMBER PACHUTA: Yes.

1 CLERK BRYANT: Councilmember Fleming?
 2 COUNCILMEMBER FLEMING: Yes.
 3 CLERK BRYANT: Councilmember Pachuta?
 4 COUNCILMEMBER PACHUTA: Yes.
 5 CLERK BRYANT: Councilmember Patrick?
 6 COUNCILMEMBER PATRICK: Yes.
 7 MAYOR PITTMAN: Thank you.
 8 Approval of minutes for August 6, 2012?
 9 COUNCILMEMBER ALEXANDER: So moved.
 10 MAYOR PITTMAN: Second?
 11 COUNCILMEMBER PACHUTA: Second.
 12 MAYOR PITTMAN: Discussion?
 13 ---
 14 (No response)
 15 ---
 16 MAYOR PITTMAN: Call the roll, please.
 17 CLERK BRYANT: Councilmember Alexander?
 18 COUNCILMEMBER ALEXANDER: Yes.
 19 CLERK BRYANT: Councilmember Bates?
 20 COUNCILMEMBER BATES: Yes.
 21 CLERK BRYANT: Councilmember Dean?
 22 COUNCILMEMBER DEAN: Yes.
 23 CLERK BRYANT: Councilmember Fleming?
 24 COUNCILMEMBER FLEMING: Yes.
 25 CLERK BRYANT: Councilmember Pachuta?

1 CLERK BRYANT: Councilmember Patrick?
 2 COUNCILMEMBER PATRICK: Yes.
 3 MAYOR PITTMAN: Thank you.
 4 I also need a motion to approve minutes for
 5 July 23rd, 2012.
 6 COUNCILMEMBER ALEXANDER: So moved.
 7 MAYOR PITTMAN: Second?
 8 COUNCILMEMBER BATES: Second.
 9 MAYOR PITTMAN: Discussion?
 10 COUNCILMEMBER DEAN: Why do we have so many
 11 minutes on this? I mean I'm just curious. Why do we
 12 have like three meetings on this one agenda?
 13 MAYOR PITTMAN: Because that's generally --
 14 sometimes we get them all at one time; sometimes we
 15 get them one at a time.
 16 COUNCILMEMBER DEAN: Okay.
 17 MAYOR PITTMAN: So in this case, we got them
 18 all at one time.
 19 Call the roll, please.
 20 CLERK BRYANT: Councilmember Alexander?
 21 COUNCILMEMBER ALEXANDER: Yes.
 22 CLERK BRYANT: Councilmember Bates?
 23 COUNCILMEMBER BATES: Yes.
 24 CLERK BRYANT: Councilmember Dean?
 25 COUNCILMEMBER DEAN: Yes.

1 COUNCILMEMBER PACHUTA: Yes.
 2 CLERK BRYANT: Councilmember Patrick?
 3 COUNCILMEMBER PATRICK: Yes.
 4 MAYOR PITTMAN: Thank you.
 5 Next we will have Public Comments on Agenda
 6 Items Only, mindful the CID has been removed off the
 7 agenda. Please limit your comments to three minutes;
 8 please state your name. Anyone wishing to make public
 9 comments.
 10 MS. STEPHE KOONTZ: Stephe Koontz from
 11 Oakcliff.
 12 Wanted to make a comment about the web site
 13 link policy that was also on the agenda. In the past,
 14 the City's web site has had links on it to personal
 15 individuals' e-mail lists that were being masqueraded
 16 as neighborhood associations where the neighborhood
 17 associations had absolutely no control over the e-mail
 18 list, and these individuals told me that they were
 19 their personal e-mail lists and they do what they want
 20 with them. And so I think it's wrong for the City to
 21 have links to e-mail lists like this that aren't
 22 actually being controlled by the neighborhood
 23 associations.
 24 And the other glaring omission on our web
 25 site that almost every other city in the metro area

1 that I've looked at is there's no -- there's no page
 2 for any religious organizations or churches in the
 3 city. Like Dunwoody, Decatur, they all have the
 4 houses of worship listed with the addresses and the
 5 phone numbers for, you know, new residents to see
 6 where the churches are, and our city's web site has
 7 nothing like that.

8 So anyway, that's something that probably
 9 should be looked at too. Thank you.

10 MAYOR PITTMAN: Thank you.
 11 Additional public comments?

12 MR. BEN CRAWFORD: Ben Crawford, Oakcliff
 13 Estates.

14 I'm not sure I'm positive about this but I
 15 thought there was an expiration date on the CT
 16 applications for CT zoning and rezoning. I vaguely
 17 remember there being a certain time frame when people
 18 had to apply for that, and I'm wondering if that was
 19 the case, what it was. Thank you.

20 MAYOR PITTMAN: Thank you. Ms. Crawford?

21 MS. SUSAN CRAWFORD: Susan Crawford,
 22 Oakcliff.

23 And I'm not sure about this either, but the
 24 Administrative Review for Telecommunications Tower,
 25 wasn't that just covered? I -- I just --

1 MAYOR PITTMAN: They needed more information
 2 and they brought it back to the agenda.

3 COUNCILMEMBER BATES: This is a different
 4 one.

5 COUNCILMEMBER FLEMING: Different address.

6 COUNCILMEMBER PATRICK: Different tower.

7 MS. CRAWFORD: This is a different one.
 8 Okay.

9 MAYOR PITTMAN: Yeah.

10 MS. CRAWFORD: Who were you --

11 MAYOR PITTMAN: Nothing. It's a different
 12 one.

13 MS. CAROL GILMAN: Good evening. Carol
 14 Gilman, Northwoods.

15 My comment relates to Roman VII, No. 9, City
 16 Hall, Draft Doraville Urban Redevelopment Plan Public
 17 Hearing.

18 When I was present at the Town Hall meeting
 19 and Luke Howe made a presentation -- quite a good
 20 presentation, I might add, of what the thought process
 21 is for this plan -- some blighted properties were
 22 shown as part of the slide show. And it begged the
 23 question, and I said so at the time, "This seems to be
 24 a code enforcement issue, and I'm wondering why code
 25 enforcement had not taken a look at this -- I will

1 call it trashy areas, not blighted areas.

2 And following that meeting, I'm wondering
 3 from City Hall if you've given it any thought and if
 4 you've possibly dispatched code enforcement to those
 5 areas and insist that these property owners clean them
 6 up. That's my comment.

7 MAYOR PITTMAN: Yes. Thank you.

8 MS. GILMAN: Can you --

9 MAYOR PITTMAN: We've had that discussion.
 10 The Chief will be back. He's been on military leave,
 11 and we've had that discussion, and he'll be back and
 12 we'll continue that discussion.

13 MS. GILMAN: Okay. When we get to that
 14 item, can you comment on that please?

15 MAYOR PITTMAN: Well, that's the only
 16 comment I have for you right now is when he gets back,
 17 we'll have further discussion and I'll give you a
 18 follow-up.

19 MS. GILMAN: So there will be an action plan
 20 on that?

21 MAYOR PITTMAN: I have -- Yes, ma'am.

22 MS. GILMAN: Thank you.

23 MAYOR PITTMAN: Mr. Hart?

24 MR. TOM HART: Before this meeting tonight,
 25 I did a little research. I watched The Music Man, and

1 I got this movie called Used Cars. That seems to be
 2 applicable here, because in Used Cars it said, "Get
 3 their friendship, get their confidence, get their
 4 trust and then get their money."

5 That's what this meeting's all about
 6 tonight. Okay? It started off with the CID; we take
 7 that off the agenda one more time.

8 And then we have this Urban Redevelopment
 9 Act. The core of this act is condemnation. The
 10 expertise of this law firm, it says on their web site,
 11 is eminent domain and condemnation.

12 But I also researched -- there's a thing
 13 called ethics laws. And when you present a case to
 14 the Council on zoning and rezoning and hiring people,
 15 you have to divulge whether you've given money to
 16 their campaign. In the case of Riley McLendon, they
 17 gave thousands of dollars to the Mayor, Maria
 18 Alexander, and they're going to vote on an issue in
 19 which Riley & McLendon are going to make some money
 20 on. It's called eminent domain and the taking of
 21 properties in Urban Redevelopment Act.

22 They're going to tell you they're not going
 23 to use that. And that's where this used car comes in.
 24 It's about off ramps and political kickbacks and
 25 scamming people out of their money, and that's what

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1 this seems to be about: is telling people one thing
2 and they're going to do quite the other thing.
3 They're going to tell you they're not going to use the
4 condemnation part of the law but they're going to pass
5 the law anyway. But never you mind. When you come
6 back next Tuesday, we'll fix that transmission for
7 you. Just sign up today.
8 So once more, the City, instead of -- You
9 know, these sites like Star Towers which gave tens of
10 thousands of dollars to campaign contributions that
11 was given a demo permit three times in succession
12 voted on by Maria, Brian and Donna, okay, now they're
13 using it as a blighted area.
14 Who caused the blighted area? I'm saying
15 that the Council and the Mayor caused the blighted
16 area. Now they want to use that as one more step to
17 do something to the city; trust me.
18 - - -
19 (Applause)
20 - - -
21 MAYOR PITTMAN: Additional public comments?
22 I'm sorry. This is not a sporting event.
23 We're not going to applaud. I'd appreciate you
24 keeping your applause and your comments down. Thank
25 you.

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1 I'm sorry. Additional public comments?
2 - - -
3 (No response)
4 - - -
5 MAYOR PITTMAN: Thank you.
6 Next is going to be Parks & Recreation.
7 MR. RIP ROBERTSON: Good evening, Mayor,
8 Councilmembers.
9 First on the list is the online
10 registration. A few weeks ago, I attended the Georgia
11 Recreation Department Association's Sports Expo up in
12 Gwinnett County. Had an opportunity to visit one of
13 the vendor booths, and it was a no-cost registration
14 -- online registration program.
15 Previously I've used several different
16 systems -- Active Net, Rec Ware -- and they all are
17 very intense, require a lot of training to accomplish
18 what I found out was a very simple program.
19 And when I say "no cost," it's no cost to
20 the City. There is a convenience fee that can be
21 built into our registration fee to offset some of
22 those costs. I've looked at that, and it's minimal.
23 But this program allows us to track a lot of different
24 information. As I did point out in here, it does not
25 save any credit card or personal information on this

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1 program so it limits that liability for the City.
2 So I'll take any questions.
3 MAYOR PITTMAN: Questions from the Council?
4 Ms. Alexander?
5 COUNCILMEMBER ALEXANDER: I have none.
6 Thank you.
7 MAYOR PITTMAN: Mr. Bates?
8 COUNCILMEMBER BATES: Nope.
9 MAYOR PITTMAN: Ms. Pachuta?
10 COUNCILMEMBER PACHUTA: Do you know any
11 other department that has used their service?
12 MR. ROBERTSON: Yes, ma'am. Newtown
13 Recreation up in Johns Creek uses it. There is a YMCA
14 program that uses it and then there are several out in
15 Arizona.
16 But I had the gentleman meet myself and
17 Raymon at our office, and we met with him for about an
18 hour, and that's about all the time it took to really
19 figure out how to use the program. It's a very simple
20 program.
21 MAYOR PITTMAN: Ms. Fleming?
22 COUNCILMEMBER FLEMING: Is there additional
23 software needed for this program?
24 MR. ROBERTSON: There is not.
25 COUNCILMEMBER FLEMING: So it's just the

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1 patron or the participant member goes onto their web
2 site?
3 MR. ROBERTSON: Yes, ma'am.
4 COUNCILMEMBER FLEMING: Okay. Then, I'm
5 curious as to how you as the director would be able to
6 track that information or will you have to contact
7 them for various reports that you would like to see?
8 MR. ROBERTSON: No, ma'am. We'll have
9 administrative rights to our portion of that web site.
10 COUNCILMEMBER FLEMING: And there would be
11 no cost for those administration rights?
12 MR. ROBERTSON: No, ma'am.
13 COUNCILMEMBER FLEMING: Okay. And the other
14 thing is has finance and legal counsel reviewed this
15 contract?
16 MR. ROBERTSON: Yes, ma'am.
17 COUNCILMEMBER FLEMING: Okay.
18 MAYOR PITTMAN: Ms. Dean?
19 COUNCILMEMBER DEAN: You said that it would
20 offset some of the costs. How much would be
21 remaining? How much would it not offset?
22 MR. ROBERTSON: What I would propose is just
23 to add an additional \$5.00 to our registration fees,
24 which would be nominal, and I mean it would cover
25 within less than a dollar's worth. But the cost

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1 savings just in manpower and paperwork, you know, we'd
2 easily offset that dollar.
3 COUNCILMEMBER DEAN: That's it.
4 COUNCILMEMBER FLEMING: You will be adding
5 \$5.00 to each participant regardless of whether it's
6 whatever sport it might be? Any time we're collecting
7 fees for program fees --
8 MR. ROBERTSON: Yes, ma'am.
9 COUNCILMEMBER FLEMING: -- you will be
10 adding \$6.00 to the registration fee?
11 MR. ROBERTSON: \$5.00.
12 COUNCILMEMBER FLEMING: I mean \$5.00. Okay.
13 MR. ROBERTSON: Yes, ma'am.
14 COUNCILMEMBER FLEMING: All right. Thank
15 you.
16 COUNCILMEMBER BATES: Would it be five across
17 the board or five only for online credit card
18 payments?
19 MR. ROBERTSON: Be five across the board.
20 MAYOR PITTMAN: Additional questions?
21 COUNCILMEMBER FLEMING: If they had a family
22 of -- if you're giving a registration break for three
23 in a family, how is that going to work?
24 MR. ROBERTSON: We give multiple child
25 discounts now. It would just be -- if it was 75, 60

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1 and 50 it would be 80, 65 and 55.
2 COUNCILMEMBER FLEMING: So it would be \$5.00
3 additional for each participant.
4 MR. ROBERTSON: Yes, ma'am.
5 COUNCILMEMBER FLEMING: Okay. That's fine.
6 MAYOR PITTMAN: Okay. Do I get a motion?
7 COUNCILMEMBER BATES: Move to adopt the
8 MyEZReg agreement.
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: Thank you. Next on the
4 agenda is the Halpern Park Renovation.
5 MR. ROBERTSON: After the last meeting, I
6 did have an opportunity to go down and personally meet
7 with the DNR representative, Ms. Norfleet, to ensure
8 that what I was asking to move forward with met our
9 requirements for the matching grant. And the proposal
10 that I have submitted does just that; it does meet our
11 requirements.
12 And I'll take any questions.
13 MAYOR PITTMAN: Okay. Start on this end.
14 Ms. Dean?
15 COUNCILMEMBER DEAN: We had a problem
16 because the contract exceeded the amount that was
17 budgeted for that.
18 MR. ROBERTSON: Yes, ma'am.
19 COUNCILMEMBER DEAN: Does it still?
20 MR. ROBERTSON: Yes, ma'am.
21 COUNCILMEMBER DEAN: Okay. So we're talking
22 at a minimum of \$7,267.63 over the amount budgeted for
23 this.
24 MR. ROBERTSON: Yes, ma'am.
25 COUNCILMEMBER DEAN: Okay.

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1 MAYOR PITTMAN: All right. Ms. Fleming?
2 COUNCILMEMBER FLEMING: Additional
3 questions, I e-mailed 15 and I haven't received a
4 response.
5 MR. ROBERTSON: Just real quickly, the
6 exterior trail will be eight feet wide as it's
7 prescribed in the plan and will be of concrete. The
8 interior trail, four feet, again as prescribed, with
9 concrete.
10 The picnic pads. As it's described in the
11 bids, Todd Smith calls for one new additional picnic
12 pad with the border similar to the playground area and
13 mulch. Ed Castro has zero new picnic pads, only the
14 improvements to the existing picnic pavilion.
15 Now, Todd Smith does not do any renovation
16 or improvements to the existing picnic pavilion. I
17 did have an opportunity to meet with Bobby Pittman,
18 our Public Works Director, and he has agreed that he
19 is capable of doing those improvements if that's what
20 we want.
21 The playground areas will be constructed as
22 prescribed in the plan. One is 41 feet across, a
23 total of 1,250 square feet. The second one is 48 feet
24 across, a total of 1,755 square feet. Again, both of
25 these are as prescribed in the plan.

1 The materials for the framing around the
2 playground area is NVB playground border which is
3 similar to what we have in our other playground, in
4 the other parks around the city. The material in the
5 fall zone is engineered playground wood mulch at a
6 depth appropriate for the fall height of whatever
7 apparatus we choose to install.

8 The jungle gym that we presently have is
9 what I'm recommending that we put in our playground
10 area. I will price installation by an outside firm;
11 however, based on the pricing, we may work with the
12 Playground World Systems, who sold us the apparatus,
13 with Public Works and myself. And, you know, based on
14 approval through the Mayor and Council and through
15 legal counsel, we may self-install that. I am a
16 nationally certified playground inspector, so we may
17 be able to do that in-house without having to go
18 outside.

19 The additional playground, again it's called
20 for in Phase II of the overall plan. And once we
21 complete Phase I, we will begin looking for other
22 funding through grants, community participation,
23 corporate participation or a combination thereof.

24 There are no picnic tables or benches priced
25 in any of the bids; however, Public Works does have

1 adjustments once the trail's in to make it fit the new
2 park.

3 There are no funds available right now for
4 new trash receptacles. We will look for that as we go
5 along. But we do have some older trash cans that we
6 will rehab, repaint and place out there. There will
7 be trash receptacles available.

8 COUNCILMEMBER FLEMING: Thank you. You've
9 covered all 15 questions. I do have one other
10 question and then I'll stop asking questions.

11 Earlier today -- I'm sorry, not today. The
12 e-mail that you sent regarding meeting with Ms.
13 Norfleet. Just one second. You indicated that --
14 sorry -- that it met what her -- the scope of work or
15 something. I'm sorry. I evidently did not either
16 copy that e-mail or something.

17 I'm sorry. One second.

18 MR. ROBERTSON: That's okay.

19 COUNCILMEMBER FLEMING: [Reading] "Per the
20 application, we must accomplish several things to
21 qualify for reimbursement."

22 Trails, improved picnicking playground areas
23 and restored woodland preserve area is what your
24 discussion was with her.

25 So did you resubmit the line-item grant as

1 one new picnic table that will be installed once the
2 work is completed.

3 There are no new swings priced in this.
4 However, let's see, the current swing set that is
5 there -- we looked at it today, myself and Mr. Pittman
6 -- we will remove that, we will recondition it -- sand
7 it, paint it, get some new hardware. And again, I
8 will price having it professionally installed through
9 an outside company or, again, we may do it ourselves
10 based on that price, based on approval through the
11 Mayor and Council and legal counsel.

12 We are not anticipating removing any more
13 trees. The Public Works Department removed all the
14 necessary trees that we know of. Once we lay out the
15 trails, I'll have a better answer for that, but as of
16 right now, I don't anticipate taking out any other
17 trees.

18 The bench swing, we'll only remove it or
19 relocate it if necessary depending on once the trail's
20 in. If we need to adjust it or move it, we'll do so.
21 And then Mr. Pittman has already planned to refinish
22 it. I think there's a couple of broken slats in there
23 that will be replaced and rehabbed.

24 Same goes for the Stonehenge bench. We'll
25 only move it if we need to or make whatever

1 was attached to the application form --

2 MR. ROBERTSON: I --

3 COUNCILMEMBER FLEMING: -- to indicate what
4 we were going to be doing to the park?

5 MR. ROBERTSON: We are not required to
6 resubmit a scope of work unless it changes this
7 initial -- the initial grant application description.

8 In that grant application, there are areas
9 that we said we were going to rehab, renovate or
10 improve, and we are going to do each one of those
11 things. We address each one of those subcategories,
12 and that's what we sat and went over on Tuesday
13 morning in her office.

14 COUNCILMEMBER FLEMING: Okay. Thank you.

15 MAYOR PITTMAN: Mr. Patrick?

16 COUNCILMEMBER PATRICK: No questions.

17 MAYOR PITTMAN: Ms. Pachuta?

18 COUNCILMEMBER PACHUTA: Huh-uh.

19 MAYOR PITTMAN: Mr. Bates?

20 COUNCILMEMBER BATES: (Shakes head)

21 MAYOR PITTMAN: Ms. Alexander?

22 COUNCILMEMBER ALEXANDER: So we initially

23 approved -- Ms. Ferguson, is that correct? --

24 \$25,000?

25 MS. LISA FERGUSON: (Nods head)

1 COUNCILMEMBER ALEXANDER: And you're
 2 requesting us to approve the additional, then
 3 suggesting a 10 percent contingency; is that correct?
 4 MR. ROBERTSON: I am requesting an
 5 additional \$7,267.63.
 6 COUNCILMEMBER ALEXANDER: But that does not
 7 include --
 8 MR. ROBERTSON: That does not include the 10
 9 percent contingency. However, with Todd -- actually,
 10 with both companies, I called every one of their
 11 references, and every one of them without exception
 12 noted that neither of these companies came back for
 13 change orders, additional moneys, unless it was
 14 prescribed by the builder -- I mean the company doing
 15 the project. They did not run over budget, they did
 16 not have, you know, unnecessary change orders that
 17 were started by them.
 18 COUNCILMEMBER DEAN: May I make a comment?
 19 For me, it's not so much that they haven't
 20 in the past run over budget, but if we say yes, we
 21 will be going over budget. And especially with the
 22 limited HOST funds that we have, we have some major,
 23 major, major safety issues in the city that I think
 24 require a lot of attention and we have a limited
 25 amount of funds.

1 So that's where -- I mean we have,
 2 especially after our retreat and looking at the list
 3 of some of the things and talking to Mr. Bates, the
 4 list that he compiled at a meeting a couple of weeks
 5 ago, we have some serious safety concerns.
 6 And so I think that -- I mean would it be
 7 possible to rebid and say, "Look, this is what we need
 8 done but we cannot afford this amount of money?"
 9 MR. ROBERTSON: I'm not sure that rebidding
 10 it would be an option simply because I have gotten the
 11 price as low as I can do and match or accomplish what
 12 that grant calls for.
 13 COUNCILMEMBER DEAN: Well, I asked this last
 14 time and it was uncertain, but perhaps you know now.
 15 When you sent out the bid originally, did you say, "We
 16 have X-amount of dollars to spend?"
 17 MR. ROBERTSON: When the RFP went out, the
 18 budget was not included in that.
 19 My understanding is that during the prebid
 20 conference, the question was asked, and it was public
 21 knowledge that the \$50,000 amount was discussed. It's
 22 also my understanding that of the companies there, I'm
 23 not sure if any of them bid on it.
 24 COUNCILMEMBER DEAN: Okay.
 25 MR. ROBERTSON: So when the bids came from

1 companies outside that did not attend the initial --
 2 COUNCILMEMBER FLEMING: Well, wasn't that a
 3 requirement --
 4 MR. ROBERTSON: It was not required.
 5 COUNCILMEMBER FLEMING: -- on the bid to
 6 be -- to be present at the preconstruction meeting?
 7 MR. ROBERTSON: No, ma'am.
 8 COUNCILMEMBER FLEMING: Okay.
 9 MAYOR PITTMAN: Ms. Ferguson, did you have
 10 anything you wanted to add?
 11 MS. FERGUSON: (Shakes head).
 12 MAYOR PITTMAN: Okay. Additional questions?
 13 ---
 14 (No response)
 15 ---
 16 MAYOR PITTMAN: Okay. At this time, do we
 17 get a motion to approve Option 1?
 18 COUNCILMEMBER BATES: I'll make a motion to
 19 approve Option 1 to utilize Todd Smith Grading and to
 20 adjust the HOST budget to reflect an additional
 21 \$7,267.63 to move forward with Phase I of Halpern
 22 Park.
 23 MAYOR PITTMAN: Do I get a second?
 24 COUNCILMEMBER PATRICK: Second.
 25 MAYOR PITTMAN: Discussion?

1 COUNCILMEMBER FLEMING: I just have one more
 2 question.
 3 I think your opinion to change from Ed
 4 Castro Landscaping to Todd Smith Grading -- I think
 5 two weeks ago it was Ed Castro, was it not?
 6 MR. ROBERTSON: No, ma'am, it was not. I
 7 have not changed -- I have not changed my
 8 recommendation.
 9 COUNCILMEMBER FLEMING: Okay. Thank you.
 10 MAYOR PITTMAN: Okay.
 11 COUNCILMEMBER PATRICK: If the Council is
 12 going to approve this additional funds, should we go
 13 ahead and prepare for the extra 10 percent contingency
 14 or is that going too far?
 15 COUNCILMEMBER BATES: I think, based upon
 16 Mr. Robertson's recommendation and the review of the
 17 references, that we don't need to.
 18 COUNCILMEMBER FLEMING: I have one other
 19 question for Ms. Ferguson.
 20 In lieu of the fact that we're depending
 21 upon \$25,000 grant reimbursement, do you feel that
 22 we -- because the bid is \$57,000, \$57,267.63, and
 23 we've only allocated twenty-five or approved twenty-
 24 five coming from HOST funds, will we not then have to
 25 do an additional \$32,000 until we're reimbursed, and

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1 when we receive the reimbursement back, then it would
 2 go back into HOST funds?
 3 MS. FERGUSON: No. We'd have to do a budget
 4 amendment to just amend to put the budget together for
 5 the project, which we're going to do a budget
 6 amendment in September, anyway. But the entire
 7 expenditure will be charged to the grant fund or
 8 twenty-five of it will be charged to the grant fund
 9 and then the remainder will be charged to HOST, so it
 10 won't show in the HOST fund.
 11 COUNCILMEMBER FLEMING: Okay.
 12 MAYOR PITTMAN: Anything else?
 13 - - -
 14 (No response)
 15 - - -
 16 MAYOR PITTMAN: Call the roll, please.
 17 CLERK BRYANT: Councilmember Alexander?
 18 COUNCILMEMBER ALEXANDER: Yes.
 19 CLERK BRYANT: Councilmember Bates?
 20 COUNCILMEMBER BATES: Yes.
 21 CLERK BRYANT: Councilmember Dean?
 22 COUNCILMEMBER DEAN: No.
 23 CLERK BRYANT: Councilmember Fleming?
 24 COUNCILMEMBER FLEMING: Yes.
 25 CLERK BRYANT: Councilmember Pachuta?

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1 COUNCILMEMBER PACHUTA: Yes.
 2 CLERK BRYANT: Councilmember Patrick?
 3 COUNCILMEMBER PATRICK: Yes.
 4 MAYOR PITTMAN: Thank you. Motion carried.
 5 Thank you.
 6 MR. ROBERTSON: Thank you.
 7 MAYOR PITTMAN: Okay. Next, Mr. Howe. This
 8 is the discussion of the Doraville Urban
 9 Redevelopment. We talked about it at the last agenda.
 10 Information has been sent out; it's been online. We
 11 also had a public --
 12 MR. HOWE: A Town Hall.
 13 MAYOR PITTMAN: -- Town Hall meeting, and
 14 tonight is the public hearing.
 15 So he's going to give his presentation,
 16 you're going to get comments from the Council, then
 17 you're going to be allowed to come up and make
 18 comments for or against.
 19 MR. HOWE: Thank you, Mayor. I'm just going
 20 to be real brief. I don't want to rehash, you know,
 21 the presentation I gave on the 9th. But the purpose
 22 of tonight's hearing is to adopt a resolution; it's
 23 two-fold.
 24 The first thing it does is adopt an Urban
 25 Redevelopment Plan. The second thing is it authorizes

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1 staff to offer an Opportunity Zone application. And
 2 that's what this plan is all about. It's not about
 3 condemnation; it's not about eminent domain; it's not
 4 about any other type of land acquisition. It's about
 5 getting this Opportunity Zone designation for, at the
 6 very least, the GM property, but, you know, Plan B or
 7 Plan A -- yeah, Plan B proposes going forward with
 8 this special designation for essentially all the non-
 9 residential parcels in the city with the exception of
 10 the tank farm.
 11 And this is a special designation that the
 12 State gives to areas in economic distress. It
 13 provides the maximum State job tax credit of \$3,500
 14 per employee provided that business creates a minimum
 15 of two jobs. So that is a very powerful incentive.
 16 The State has two criteria that you have to
 17 meet in order to -- before you can offer an
 18 Opportunity Zone application. Number one, the area
 19 has to be within or adjacent to a poverty -- a census
 20 tract with a poverty level up to 10 percent or
 21 greater. Second, it has to be within a locally-
 22 designated Urban Redevelopment area that has been
 23 adopted within an Urban Redevelopment Plan.
 24 Mayor, we can go into the Urban
 25 Redevelopment Act, go into the planning process.

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1 MAYOR PITTMAN: Well, let's see what
 2 comments the Council has at this time.
 3 MR. HOWE: Yes, ma'am.
 4 MAYOR PITTMAN: Ms. Alexander?
 5 COUNCILMEMBER ALEXANDER: No.
 6 MAYOR PITTMAN: Mr. Bates?
 7 COUNCILMEMBER BATES: One question. If we
 8 adopt Plan A which is just the GM and Seaboard Oil, is
 9 it possible to expand the Urban Redevelopment Plan to
 10 include other parcels in the future --
 11 MR. HOWE: Yes, sir.
 12 COUNCILMEMBER BATES: -- or once you set it
 13 in, it's set in stone and done?
 14 MR. HOWE: No, sir. You can amend it at any
 15 time.
 16 COUNCILMEMBER BATES: And what's the process
 17 to amend that plan?
 18 MR. HOWE: Have a public hearing, adopt a
 19 resolution. That's it.
 20 The only -- the only caveat is that the
 21 Opportunity Zone program is increasingly becoming more
 22 popular. It was created in 2004 as a way to
 23 incentivize economic development in economically
 24 distressed areas. It really took until 2008 to get
 25 going. Since then, Sandy Springs has adopted one;

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1 Acworth, Marietta, Smyrna. They're all over the
2 place. And my fear is in waiting that the State could
3 raise the threshold, the criteria, or the minimum
4 requirements to be considered.
5 I don't think the GM -- I think the GM is
6 always -- GM plant's always going to be safe. It's
7 always going to meet the criteria. It's a brownfield.
8 It's going to be hard to redevelop without any
9 incentives in place.
10 But that is -- that is my only caveat. But
11 to answer your question, we can come back at any time
12 to amend the plan.
13 COUNCILMEMBER BATES: Thank you.
14 MAYOR PITTMAN: Ms. Pachuta?
15 COUNCILMEMBER PACHUTA: I guess mine kind of
16 tags along with Brian's. Our Plan A and Plan B that
17 we were given is just a small bit or all. And I think
18 there are a lot of properties along Buford Highway
19 that don't really need to be in the Opportunity Zone.
20 So do you see, especially in other
21 communities, where they may just have certain --
22 MR. HOWE: Uh-huh.
23 COUNCILMEMBER PACHUTA: -- parcels, so you
24 just pick and choose potential parcels that may -- you
25 know, they've been vacant for a long time or --?

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1 MR. HOWE: Yes, ma'am. Neither the Urban
2 Redevelopment area or an Opportunity Zone has to be
3 contiguous, so you can -- you can cherry-pick
4 properties.
5 But it helps with vacancies, and that's why
6 we included properties that aren't necessarily
7 blighted like the Tilly Mill Professional Center or
8 some of our new -- Intown Plaza, Doraville Plaza, some
9 of the recently-renovated Halpern properties. We
10 included those properties because they do suffer from
11 high vacancy rates, and the Opportunity Zone tax
12 credit could help fill some of those vacancies.
13 MAYOR PITTMAN: Okay. Mr. Patrick?
14 COUNCILMEMBER PATRICK: No comments.
15 MAYOR PITTMAN: Okay.
16 COUNCILMEMBER FLEMING: I have a question.
17 I have a couple possibly.
18 Opportunity Zones are just commercial?
19 MR. HOWE: Yes, ma'am.
20 COUNCILMEMBER FLEMING: So that's the reason
21 why those 15 or 17 acres that's connected to the GM
22 were not going to be included.
23 MR. HOWE: No, ma'am. We included multi-
24 family just because our current apartment communities
25 can be redeveloped with the businesses on the bottom,

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1 or retail, and residential above. That's the only
2 residential we included. It doesn't make sense to
3 include single-family because it is a business
4 incentive tool.
5 COUNCILMEMBER FLEMING: But what about M-1?
6 because that's what I'm asking.
7 MR. HOWE: M-1?
8 COUNCILMEMBER FLEMING: Yeah. M-1, we've
9 got, if I'm not mistaken, about 17 acres there.
10 COUNCILMEMBER BATES: You're talking about
11 the property on Peachtree Road that abuts GM?
12 COUNCILMEMBER FLEMING: I'm --
13 COUNCILMEMBER PATRICK: Yeah.
14 COUNCILMEMBER BATES: Yeah.
15 COUNCILMEMBER PATRICK: That's what she's
16 talking about.
17 COUNCILMEMBER BATES: Interbrand Properties?
18 COUNCILMEMBER PATRICK: Yeah.
19 COUNCILMEMBER FLEMING: Yes.
20 COUNCILMEMBER BATES: And that goes back to
21 my question. If we're going to consider doing this,
22 I'm not in favor of -- And I apologize for jumping out
23 of turn. Right now, I'm not in favor of looking at
24 this for the entirety of the commercial district. I
25 don't think we're ready for that.

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1 But I do see value in doing this, but I
2 think it needs to be bigger than just the GM and
3 Seaboard. I would look at Peachtree Pavilion which is
4 what? 80 percent vacant?
5 MR. HOWE: Yes sir.
6 COUNCILMEMBER BATES: You know, Interbrand,
7 and looking at some properties along New Peachtree to
8 try to deal with some of those.
9 So I agree, Pam, that we should be looking
10 at -- especially if we were just going to do GM, we
11 should look at that entirety of that corner, but I'm
12 not sure that I'm there on the whole commercial
13 corridor yet.
14 MR. HOWE: And it's not either/or. I mean
15 we can -- we can redraw the boundaries any way the
16 Council pleases. This was just for starters. This
17 was just for conversation. We can go back and we can
18 just include the GM property, Seaboard Oil and
19 Peachtree Pavilion. We could do it any way you-all
20 want to.
21 But at the very least, I think the very
22 least, we have to do GM and Seaboard because market
23 forces alone aren't going to redevelop those
24 properties and they're certainly not going to
25 redevelop in the way we have envisioned.

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1 MAYOR PITTMAN: Okay.
2 COUNCILMEMBER FLEMING: That was the only
3 question I had. I felt that your presentation was a
4 very good one, and I wish more people had been
5 present.
6 MR. HOWE: Thank you.
7 MAYOR PITTMAN: Okay. Ms. Dean?
8 COUNCILMEMBER DEAN: Well, I have a question
9 on the agenda. It says Draft Doraville Urban
10 Redevelopment Plan Public Hearing. What does that
11 mean "Draft - Public Hearing"? I don't understand.
12 What's the draft part of this and what's the public
13 hearing part? What does that mean?
14 MAYOR PITTMAN: I'm not sure why the "draft"
15 is there but the --
16 COUNCILMEMBER FLEMING: Because it's --
17 MAYOR PITTMAN: -- the -- other than the
18 copy. I was going to say other than the copy has
19 "draft" stamped on it.
20 But the public hearing is when the public
21 gets to stand up and speak for or speak against --
22 COUNCILMEMBER DEAN: But shouldn't --
23 MAYOR PITTMAN: -- and that is required.
24 COUNCILMEMBER DEAN: Shouldn't the public
25 hearing be after this has been finalized? I mean I

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1 think it's difficult for anyone to decide, yes, I'm
2 for this or no, I'm against this if it's a draft.
3 MAYOR PITTMAN: Legal, do you have a --
4 ATTORNEY McLENDON: Yeah. You know, I
5 certainly have an understanding. I think the law
6 requires that these plans, that they have a public
7 hearing during the process. And I think -- and this I
8 would defer to Luke. I think the plan which he has
9 marked as "draft" includes what he would suggest as
10 the final plan.
11 MR. HOWE: Yes, sir. It's just a draft
12 until -- I consider it a draft until Council adopts
13 it.
14 COUNCILMEMBER DEAN: Okay, but I mean -- But
15 my question is can you have a public hearing on a
16 draft? That's my question.
17 MAYOR PITTMAN: Shhh.
18 ATTORNEY McLENDON: I believe you could.
19 MR. HOWE: Yes, ma'am.
20 ATTORNEY McLENDON: I see no reason you
21 could not do that especially if the plan -- the draft
22 plan being presented is consistent with, you know,
23 what they are proposing.
24 COUNCILMEMBER DEAN: Okay. And --
25 ATTORNEY McLENDON: If I could add, I

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1 think -- you know, I haven't sat down and reviewed the
2 law, but if you're going to take public comment, you'd
3 probably want to do that during the period when you
4 were still able to accept that comment and work it
5 into the final plan,
6 COUNCILMEMBER DEAN: Is it normal to have
7 two meetings, for example? Or the first meeting, that
8 wasn't a City meeting; that was a Town Hall. And
9 that's sufficient for this?
10 ATTORNEY McLENDON: Public hearing. It
11 requires --
12 COUNCILMEMBER DEAN: I mean but the one
13 preceding this.
14 MR. HOWE: The Urban Redevelopment Act
15 requires that you have one public hearing, and that's
16 it.
17 COUNCILMEMBER DEAN: And that's it.
18 MR. HOWE: Yes, ma'am. We've gone above and
19 beyond by introducing this at a meeting in June, and
20 then we held the Town Hall. So according to the law,
21 you hold one public hearing, and that's all that's
22 required.
23 COUNCILMEMBER DEAN: Okay. And when you
24 were talking about parcels, individual parcels and
25 electing individual parcels as Opportunity Zones, is

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1 that anything like spot zoning? Would that be like
2 spot zoning?
3 MR. HOWE: No, ma'am.
4 COUNCILMEMBER DEAN: Okay.
5 MR. HOWE: No. No, ma'am. Parcels, you
6 have to identify in the application each parcel. Now,
7 with GM, there's at least three parcels over there,
8 so, you know, one business can take up numerous
9 parcels --
10 COUNCILMEMBER DEAN: Right.
11 MR. HOWE: -- or it could just be one
12 parcel. So it just depends. But it's not -- it has
13 nothing to do with spot zoning.
14 MAYOR PITTMAN: Could you --?
15 ATTORNEY McLENDON: This would not -- This
16 isn't a zoning action.
17 What you're doing is creating a plan that
18 sort of creates an overlay. And if you fall within
19 that overlay and you meet the criteria of the
20 vacancies, etc., etc., what that really does it put
21 you eligible for the potential benefits if somebody
22 brings a business in, and the tax credits, etc.
23 So it wouldn't be spot zoning because
24 there's not a zoning action involved. The underlying
25 zoning stays the same.

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1 COUNCILMEMBER DEAN: There's no designation
2 of any kind of power to anyone else; correct? I mean
3 in terms of zoning or development or --
4 MR. HOWE: Huh-uh.
5 ATTORNEY McLENDON: No. What this does is
6 it creates an overlay. Really what this does is you
7 create an overlay and you say, "This is an area that
8 we believe meets this criteria," and the criteria is
9 set out in the Act. And what you do, you'd sort of
10 say, good, this is a redevelopment area.
11 But any further actions on this require the
12 approval of Council other than if someone comes in,
13 opens up a business -- For instance, let's say you
14 made one of your shopping centers an enterprise zone.
15 If somebody came in, opened up a business, they rung
16 the bell for the number of jobs created, they can take
17 this designation to the Department of Revenue and say,
18 "I don't owe State taxes on," X-amount of what would
19 have normally been charged. And by having this
20 designation, the Revenue Department recognizes that
21 credit. They save money and hopefully create more
22 jobs.
23 That's the theory behind it. I've dealt
24 with it. And again, I'm not advocating in any way,
25 but I have been involved in setting a couple of these

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1 up.
2 COUNCILMEMBER DEAN: Well, here's my
3 concern. We have a plan. We developed a plan. We
4 put our priorities -- our issues in priority and
5 developed an action plan. And so I think that that --
6 if we'd just focus on even, as Ms. Gilman pointed out,
7 cleaning up our city.
8 I have, and I was going to show these during
9 the CID, but photographs of the area, even the K-Mart
10 that's now closed down with the yellow tape and the
11 spray paint "Closed," "Do not enter."
12 I mean we can do a lot with what we have if
13 we just enforce things that aren't right. I mean we
14 kind of -- I don't want to -- we're just -- Sometimes
15 we can be pretty trashy in terms of our aesthetics,
16 and then that --
17 When I saw the K-Mart the other day and then
18 these photographs, there are a lot of things we can
19 do. We can try to attract businesses by cleaning up,
20 by definitely enforcing our zoning. That's a big
21 deal, and that's -- I think that's -- We could start
22 by doing that, and then if that doesn't work after a
23 concerted effort, then maybe we can do this.
24 But I think that we have a lot of
25 distractions, and I think our distractions keep us

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1 from moving forward, from progressing. At least
2 that's been my experience, it seems, while on this
3 Council.
4 COUNCILMEMBER BATES: And one of the things
5 that we identified in the retreat was economic
6 development --
7 COUNCILMEMBER DEAN: Uh-huh.
8 COUNCILMEMBER BATES: -- and attracting new
9 businesses. And this is a tool that, if put in place,
10 will provide an incentive to do that. And it costs
11 the City nothing; it costs our budget zero in dollars.
12 I did have a chance to talk to the economic
13 development director for the City of Smyrna today.
14 They just implemented the Opportunity Zone/Urban
15 Redevelopment Plan in late 2011. I was just kind of
16 curious as to what the results had been for them.
17 And he shared with me that while they have
18 not had any new business come in, five of their
19 existing businesses have expanded and hired additional
20 personnel to meet the criteria to qualify for the tax
21 credits. So from his perspective, because it's still
22 young, he has seen some value and benefit of, you
23 know, job growth and development in there.
24 So I look at this as -- I think there's some
25 value in looking at this from a small start as an

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1 economic development to encourage, you know,
2 especially some of our vacant properties to redevelop.
3 COUNCILMEMBER DEAN: Well, in terms of
4 expansion of businesses, we have a lot of businesses
5 that we're kind of waiting for them to leave so we can
6 attract better businesses.
7 And I see, I understand your point, but we
8 do want -- I mean because even if we say, "Here, Fancy
9 Store that Everyone Loves, we have this property.
10 We're going to cut you this tax break but you're in
11 between this wholesaler and this pawn shop. What do
12 you say?"
13 And they're still not going to say -- I mean
14 I think that it's -- it's a -- I think it's a great
15 thing for in the future, but right now, I think that
16 we are not using the tools that we currently have.
17 MAYOR PITTMAN: Anything additional from
18 Council before I open the public hearing?
19 ---
20 (No response)
21 ---
22 MAYOR PITTMAN: Go ahead; I'm sorry.
23 COUNCILMEMBER PATRICK: The only thing I
24 would say is that our budget this year is very tight.
25 Our residential property values went down. If you

1 read the e-mail I sent out this weekend, my house is
2 currently valued at 25 percent of purchase price.

3 I know there's a lot of concern on how it
4 will affect residential properties. But folks, the
5 conditions are here already, and this is an
6 opportunity to capitalize on the pain we already have
7 and start turning us around. That's my comment.

8 MAYOR PITTMAN: All right. At this time,
9 we're going to open the public hearing and we're going
10 to start with the ones that are for this.

11 I'm going to emphasize, this is a public
12 hearing. Could you please stick to the subject
13 matter: if you're for or if you're against, why
14 you're for and why you're against, not who you like,
15 who you dislike, and what you think somebody did
16 wrong.

17 Please stick to the facts and state your
18 name at the podium, please, those wishing to speak
19 for.

20 ATTORNEY McLENDON: And Mayor, if we
21 establish a time for the public hearing.

22 MAYOR PITTMAN: I believe it's 10 minutes
23 total; is that correct?

24 ATTORNEY McLENDON: Generally for the zoning
25 cases it's 10 minutes per side, but that could be at

1 the will of the Council as well.

2 MAYOR PITTMAN: That's 10 minutes
3 altogether, not 10 minutes per person.

4 ATTORNEY McLENDON: Usually 10 -- well, 10
5 minutes per side aggregate is what we do on a zoning
6 case, but y'all could --

7 MAYOR PITTMAN: Okay. Those wishing to
8 speak for this item, please come forward. Those
9 wishing to speak for, come forward.

10 COUNCILMEMBER PATRICK: Don't all come up
11 rushing at one time, please.

12 MAYOR PITTMAN: Cecil, before we get
13 started, since we're doing this 10 minutes overall,
14 do we just allow them to say --

15 MS. BONITA HOFFMEISTER: Can I get up and
16 say something.

17 MAYOR PITTMAN: Not yet.

18 ATTORNEY McLENDON: Generally on these what
19 we would do is it would be a 10-minute aggregate with
20 comments on either side. There would not be a
21 particular speaker limit, though.

22 You know, again, that is where we a lot of
23 times say if you want to coordinate your comments it's
24 probably not a bad thing and then sort of be
25 deferential.

1 You could give more than that and so it
2 just --

3 COUNCILMEMBER DEAN: I'm all for giving more
4 time, I mean, because it's a big deal, and I
5 personally would really very much like to hear what
6 the community has to say.

7 COUNCILMEMBER FLEMING: If we're going to
8 allow a lot of time for everyone, I'd like to take a
9 two-minute break.

10 MAYOR PITTMAN: Okay. Well, let's go ahead
11 and -- It's up to the Council.

12 Sir, if you'd like to come forward?

13 MR. THOM ABBOTT: I'm speaking against it
14 and my presentation is 18 minutes so if you want to
15 take a two-minute break, feel free to do so before I
16 start.

17 MS. HOFFMEISTER: I just have --

18 MAYOR PITTMAN: Is this for?

19 MS. HOFFMEISTER: It's neither.

20 MAYOR PITTMAN: Well, then, we don't --

21 MS. HOFFMEISTER: I can say it's for if . .

22 Bonita Hoffmeister, 3948 Spanish Oak Drive.

23 Being on the Dekalb Planning Commission, my

24 head and my ears open up and pop up when I hear the

25 word "overlay." Generally what happens when the

1 County puts an overlay in, it removes the authority of
2 the County councillors and the hearings before the
3 public when somebody meets all the criteria and the
4 planning department decides it's a good thing. So
5 please be aware that that's a possibility that that
6 exists with this too.

7 MAYOR PITTMAN: Thank you.

8 All right. We're going to take a two-minute

9 break.

10 - - -

11 (Brief recess.)

12 - - -

13 MAYOR PITTMAN: Meeting come back to order.

14 We're going to ask one more time --

15 And by the way, I had a couple comments. If

16 you could please speak up. Some people are having

17 difficulty hearing. So if you're at the microphone,

18 or Council members, if we could just speak up a little

19 bit so everyone can please hear. When the air's on,

20 it's a little difficult.

21 I'm going to ask one more time if there is

22 anyone that wants to speak for, please come forward.

23 MR. BEN CRAWFORD: Ben Crawford, Oakcliff,

24 and I guess this will be sort of for, if that's good

25 enough.

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1 But I think that part of the problem here is
 2 on the explanation and presentation, and I would think
 3 it would behoove City Council and the Mayor to move
 4 this to a work session also like they did with the CID
 5 and maybe get a better explanation to everybody how
 6 this could benefit the city and the community.
 7 Thank you.
 8 MAYOR PITTMAN: Thank you.
 9 Anyone else wishing to speak for?
 10 ---
 11 (No response)
 12 ---
 13 MAYOR PITTMAN: All right. Councilmembers,
 14 the time limit is 10 minutes. That's what we have set
 15 it at. If anyone wishes to make that any different, I
 16 need to get a motion on that and get that voted on,
 17 please.
 18 COUNCILMEMBER DEAN: Motion to extend the
 19 time.
 20 MAYOR PITTMAN: For how much?
 21 COUNCILMEMBER DEAN: Twenty-five minutes if
 22 that's what it takes.
 23 MAYOR PITTMAN: Okay. Do I get a second?
 24 UNIDENTIFIED SPEAKER: Second.
 25 MAYOR PITTMAN: I'm sorry. Need everybody

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1 to please be quiet.
 2 COUNCILMEMBER PATRICK: If -- if --
 3 MAYOR PITTMAN: Do I get a second from up
 4 here?
 5 And that means if it's either 10 minutes or
 6 25 minutes across the board, meaning if we stand up
 7 here and talk for 25 minutes, one person, no one else
 8 gets to speak. So that's across the board, just to
 9 make sure everybody understands that. It's not 25
 10 minutes per person.
 11 COUNCILMEMBER DEAN: Well, and the other
 12 consideration to take is that we really didn't have
 13 anyone speaking for it, and so that's really 20
 14 minutes that would have been spent anyway. Right?
 15 So if you'd like, I'll amend the time to 20
 16 minutes, the 10 minutes used for those for and the 10
 17 minutes used for those against it if that helps.
 18 MAYOR PITTMAN: Okay. Do I --
 19 COUNCILMEMBER PATRICK: I'll second.
 20 MAYOR PITTMAN: Okay. Discussion?
 21 ---
 22 (No response)
 23 ---
 24 MAYOR PITTMAN: Call the roll, please.
 25 CLERK BRYANT: Councilmember Alexander?

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1 COUNCILMEMBER ALEXANDER: Yes.
 2 CLERK BRYANT: Councilmember Bates?
 3 COUNCILMEMBER BATES: Yes.
 4 CLERK BRYANT: Councilmember Dean?
 5 COUNCILMEMBER DEAN: Yes.
 6 CLERK BRYANT: Councilmember Fleming?
 7 COUNCILMEMBER FLEMING: Yes.
 8 CLERK BRYANT: Councilmember Pachuta?
 9 COUNCILMEMBER PACHUTA: Yes.
 10 CLERK BRYANT: Councilmember Patrick?
 11 COUNCILMEMBER PATRICK: Yes.
 12 MAYOR PITTMAN: Thank you. So it will be 20
 13 minutes, 20 minutes for everybody entirely.
 14 I know you're ready to speak against?
 15 MR. ABBOTT: Uh-huh.
 16 MAYOR PITTMAN: Okay. Anyone wishing to
 17 speak against, please come forward and state your name
 18 for the Clerk.
 19 MR. ABBOTT: All right. So before we begin,
 20 we now have an issue that we need to address. I'd ask
 21 the following people to first please stand up.
 22 I'm sorry. Thom Abbott, Haviland Lane.
 23 Would Lindy Orr, Stephanie Jones, Tim
 24 Snyder, Carol Livingston, Jason Jones, Joe O'Connor
 25 and Cindy Bradford please stand up?

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1 ---
 2 (Complying)
 3 ---
 4 MR. ABBOTT: All of these individuals have
 5 asked me to speak on their behalf.
 6 I was never made aware that there's some 10-
 7 minute rule. In fact, I had a conversation with the
 8 Mayor by phone that there was three minutes for
 9 comments per person. Each of these individuals has
 10 given me their time to speak. My presentation time,
 11 depending on how fast I speak and how nervous I get,
 12 is 18 minutes. So now that we're at a 20-minute time
 13 limit, I do not want to take time away from any other
 14 resident who may want to speak, so now I have a
 15 problem,
 16 UNIDENTIFIED SPEAKER: I have one minute.
 17 That's 19.
 18 MS. LIVINGSTON: You have my minutes.
 19 MR. ABBOTT: Is there anybody else that
 20 wants to speak other than the about 18 minutes I will
 21 speak? because I do not want to be responsible for
 22 taking anyone else's voice away.
 23 MAYOR PITTMAN: Okay. Sir, do you want to
 24 speak for one minute? Ms. Koontz?
 25 MS. KOONTZ: Yes, for just a real quick

1 thing.
 2 MAYOR PITTMAN: All right.
 3 UNIDENTIFIED SPEAKER: And I'd be happy to
 4 come up afterwards.
 5 MS. KOONTZ: Stephe Koontz.
 6 My comment was basically parallel to what
 7 Carol said: that, you know, bringing up these other
 8 properties besides the GM, why isn't code enforcement
 9 dealing with them? The Star Towers, Bob Roche pointed
 10 out --
 11 MAYOR PITTMAN: Is this -- is this about --
 12 MS. KOONTZ: This is about the redevelopment
 13 trying to get this whole big area --
 14 MAYOR PITTMAN: Okay.
 15 MS. KOONTZ: -- that you're trying to say is
 16 blighted. It's blighted because it's not being
 17 addressed by the laws that the City has on the books
 18 right now.
 19 You don't need to make new laws up to fix
 20 that property. You need to enforce the laws you
 21 presently have on the books, which is not being done.
 22 MAYOR PITTMAN: Okay. Thank you.
 23 MS. CRAWFORD: Susan Crawford.
 24 I just want to say that we need good
 25 architectural standards in my opinion before we do

1 City Hall. I've stopped asking them because I know
 2 what the answer is most of the time: "Pay \$750.00 for
 3 a permit, and we'll look at it." Okay?
 4 I had a property that was once accidentally
 5 mislabeled, the zoning was mislabeled years ago by the
 6 City Hall. And I and the owner of Seaboard Oil
 7 noticed that, and it cost us a lot of time and effort
 8 and money to get our property properly rezoned after
 9 the way it was before it was mistakenly mislabeled.
 10 Okay?
 11 And I don't want to see the powers that be,
 12 the government, the City Council members, have the
 13 authority to take my children's future away from them,
 14 take my retirement program.
 15 A \$3,500 tax break that I would get as a
 16 business owner is a wonderful incentive to me, but it
 17 incentivizes me to take a couple of part-time
 18 employees that I have or people that I have that are
 19 contractors and put them on the books for a year so
 20 that I can pad my pockets. I'm not getting any bigger
 21 but I'm getting a tax break because I've resituated
 22 people. That's business; that's what happens. Okay?
 23 This does not impress me as anything other
 24 than an opportunity for the City to take over property
 25 that they don't like and to do what they want to do

1 anything, and I don't know what the -- You know, just
 2 let's get some good architectural standards passed.
 3 And I cede my time --
 4 MR. CHRIS SUTPHIN: Chris Sutphin.
 5 I'm one of the few people that's a resident,
 6 a business owner and a commercial property owner in
 7 Doraville all at once, and I want to address this as I
 8 see it -- from a businessman's point of view, from a
 9 person who lives and earns his living and supports his
 10 family in a very hard economic time in a very hard
 11 economic area, in the city of Doraville.
 12 I see this as an opportunity for the powers
 13 that be to take my property, my children's future, my
 14 family away from me. I am immediately adjacent to
 15 Seaboard Oil, attached to General Motors. I own that
 16 property. That was my retirement plan.
 17 My residential properties and all the other
 18 things that I've made economic decisions on over the
 19 years to help me retire has all gone to hell as many
 20 of ours, and the only thing I have left is the
 21 property that I own commercially that I've cloven to
 22 and held onto that I want to develop. And right now,
 23 I won't develop it; I won't take my heard-earned,
 24 saved money to develop my property.
 25 I have a hard time getting anything through

1 with it at the expense of the little guy. Maybe
 2 that's a harsh way of saying it, but that's my belief
 3 and that's been my belief since I heard the very, very
 4 beginning of this.
 5 And this is kind of whispered. Nobody's
 6 saying a whole lot about this. You people are here
 7 because you're aware of it.
 8 This -- this -- I caught this, I got an
 9 e-mail blog Friday or I would not even know this is
 10 going on about my immediate future. A lot of people
 11 that I think know -- should know about this don't know
 12 about it.
 13 And I ask you to be very careful about
 14 voting, because I really don't think that if you stand
 15 for the people of Doraville that you are going to be
 16 helping them by doing this unless your reason is
 17 truly, as many politicians have been known to do, to
 18 further your own causes down the road.
 19 So thank you.
 20 COUNCILMEMBER PATRICK: Can I ask you --
 21 ---
 22 (Applause)
 23 ---
 24 COUNCILMEMBER PATRICK: -- a question?
 25 MAYOR PITTMAN: No applause, please.

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1 COUNCILMEMBER PATRICK: What is your
2 business? What do you do?
3 MR. SUTPHIN: I own Cobalt Properties and I
4 operate a small used-car dealership that's been there
5 for 16 years in the armpit of Doraville called Cobalt
6 Cars.
7 I've supported my family very modestly in
8 the blue-collar area that is underdeveloped. I would
9 like to develop my property but --
10 COUNCILMEMBER PATRICK: What would you like
11 to do with your property?
12 MR. SUTPHIN: I would like to put a repair
13 shop, add facilities, develop it. I don't have sewer
14 because somewhere along the line the sewer that was
15 supposed to run to me never got ran to me, etc., etc.
16 I wonder whose pocket that money went into.
17 So I've taken more time than I intended, but
18 I would ask you to please think about this, because
19 whether your intentions are good or not, other people
20 coming down the road may not have the same intentions.
21 And giving the authority for a government to take your
22 property, which is what I think this is all about, is
23 not anything that I want to vote for.
24 COUNCILMEMBER PATRICK: Thank you.
25 MAYOR PITTMAN: Okay. I believe we have 15

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1 minutes left, 14.
2 MR. ABBOTT: I'll do my best.
3 Good evening, Mayor Pittman, City
4 Councilmembers and residents of Doraville.
5 This evening we're about to hear two
6 proposals that almost are a last-ditch attempt to
7 right the wrongs of the past seven years -- proposals
8 that might be right if they were not at the wrong
9 time.
10 But before I address these proposals, I
11 think it important we understand how we got here and
12 why. Vision does not wait for something bad to
13 happen; it pursues something desirable. Vision does
14 not stave off defeat; it opens the way to success.
15 In 2005, Doraville was awarded \$80,000 for a
16 Living Centers Initiative Study also known as an LCI.
17 In 2006, we had the Doraville Community
18 Agenda. In that's document's long-range vision,
19 quote, "Doraville will be a place where citizens and
20 business owners are actively involved in
21 decision-making through boards, community
22 organizations and meetings," end quote.
23 In December 2006, from the Georgia Tech
24 Department of City and Regional Planning, we got the
25 City Re-Assembly: When the Auto Plant Closes.

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1 Then the planning well dried up along with a
2 dismal lack of application of any of the previous
3 reports until 2010 when the City of Doraville received
4 another LCI grant for \$100,000 for the 2010 Downtown
5 Doraville Master Plan presented in March 2011.
6 My point? We've had four major studies in
7 seven years. We have no architectural standards,
8 zoning that rivals a piece of Swiss cheese, and action
9 plans with no action. Yet, we are still at a point to
10 declare Doraville a slum to try and encourage economic
11 development?
12 Ah, and now we have a plan,
13 The City of Doraville knew in 2006 that the
14 GM plant would close in 2008, yet since that time, the
15 City has managed to go from a multi-million dollar
16 surplus to the brink of bankruptcy. So how is it we
17 have come to this crossroad?
18 First off, while I address my comments to
19 the current Mayor and City Council, the problem
20 unfortunately goes back to previous administrations
21 where City business was the Mayor's way or the
22 highway. Almost all of you sitting there are newer to
23 the City Council; that is, with the exception of one:
24 Donna Pittman.
25 Ms. Pittman, you've been on the City Council

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1 since our very first LCI. You're now the Mayor, and
2 yet many of the very policies and plans that needed to
3 be implemented remain undone seven years later. In
4 all those years, you were never able to rally your
5 fellow Council Members and bring them to the table?
6 But now you're the Mayor of soon-to-be Slum Doraville.
7 But let us not excuse the rest of the
8 current City Council. Mr. Bates was elected in 2007,
9 Ms. Fleming and Ms. Alexander in 2008, and Ms. Pachuta
10 in 2009.
11 Starting with Mr. Bates, that's five years
12 to implement architectural standards and zoning as
13 outlined in the numerous studies I've already
14 mentioned. Ms. Pachuta, even you've had enough time
15 in the ring to take action on these four studies.
16 Yet, here we are again with the talk about
17 creating a slum district in hopes of bringing our city
18 back. Ah, now we have a plan,
19 Let me first address the Opportunity Zone.
20 I'll refer to this as an OZ from this point forward.
21 The mere fact that Mr. Howe feels we should
22 slum out our entire city is insulting to me, as I'm
23 sure many of the other residents. It simply is
24 uncalled for.
25 The rules of 110-24-02 Tax Credit Program,

1 on page two number four define "blight" as the
2 conditions that exist for a "slum area." Sadly, the
3 Redevelopment Act does define a slum.

4 Do me a favor; call our commercial corridor
5 blighted, not a slum.

6 Let's look at another part of Atlanta that
7 has an OZ -- Midtown Atlanta. The OZ covers only that
8 area that is in need of development, not all of
9 Midtown.

10 I call your attention to Photo No. 1 in the
11 handout, which is looking at an OZ. Does that
12 20-story condominium tower with 452 homes in the
13 background look like a slum to you? I don't think so.

14 As you can see from the diagram in Photo No.
15 2, the OZ is only one square city block. The
16 adjoining block where Plaza Midtown sits is not
17 blighted or a slum. Note the arrow pointing to the
18 Cheetah Strip Club. It's not a slum either, but the
19 rest of the block is.

20 The point here is the entire community of
21 Doraville does not warrant a slum-out, and, as such,
22 the boundaries of an OZ should be drawn very
23 carefully.

24 But I can't support an OZ in Doraville. As
25 the next page in your handout indicates, the incentive

1 Let's not forget, four studies later,
2 detailed plans and action steps that have not been
3 implemented.

4 Ah, but now we have a plan.

5 Look at Photo No. 3. This is the corner of
6 McClave and Buford Highway. I'll ask the City
7 Planner.

8 If six months from now, that repair shop
9 closes and someone proposed to build there, will it
10 look like Photo No. 4? Are the zoning and standards
11 in place such that this is what would be built there
12 or we get another nail supply store? What will appear
13 on the vacant lot in Photo No. 5?

14 Speaking of the City Planner, Mr. Cooley,
15 can you tell me the definition of fenestration? The
16 design and disposition of windows and other exterior
17 openings of a building.

18 Midtown SPI outlines in detail the beginning
19 point of the glass and how high and how wide it can
20 be. Can you tell me what the fenestration is for a
21 building store front that faces Buford Highway? I
22 didn't think so.

23 Now, I completely understand that Doraville
24 is not Midtown Atlanta nor will it ever be. But once
25 upon a time, Midtown was nothing but crack houses and

1 created by an OZ would allow any business including
2 retail within the area to qualify.

3 What's the problem with that? Somewhere in
4 the halls of this building or beyond lies some
5 mysterious document that has a loosey-goosey clause
6 that allows our current commercial property owners the
7 ability to continue to perpetuate the wholesale
8 district that runs rampant in our business community.
9 By allowing these very property owners a six-month
10 grace period, we're not ridding our business district
11 of this business model but simply promoting it.

12 Don't sit here and tell me you can't zone
13 out an undesirable business out of our city. With the
14 right zoning yes, you can. Midtown's Special Public
15 Interest District does not allow for gas stations east
16 of West Peachtree. A gas station at the corner of
17 Peachtree and Peachtree Circle recently closed. It's
18 not reopening as a gas station. Why? The zoning does
19 not allow for gas stations east of West Peachtree
20 Street. End of Story.

21 With our current business mix and the track
22 record of our commercial property owners, you can
23 understand my unwillingness to have an OZ in
24 Doraville. If the zoning and architectural standards
25 were in place, I most likely would be all for it.

1 crap. Look at it now, due in part to many factors,
2 some of them being well-defined zoning and a community
3 that involves its residents along with developers and
4 land owners in a process to gain community input
5 before something is built. We can learn from Midtown.

6 But let's be fair. Let's look at somebody a
7 bit closer to us: Norcross. Saturday, I drove 30-
8 some miles as I traversed Norcross, Doraville and
9 Midtown. How does Norcross compare to Doraville? It
10 doesn't.

11 We'd love to look like that. But again, we
12 lack a downtown walkable area, and our commercial
13 corridor of Buford Highway is anything but pretty.

14 I found lots of positives in Norcross. I
15 found a historic area with well-designed streets,
16 sidewalks and pleasing streetscapes. I saw people
17 walking about. Close to the downtown area, I found
18 historic homes with manicured lawns and several
19 restored buildings that serve as special event
20 facilities.

21 You know what I couldn't find? Yep. Not
22 one wholesale business of any kind, not in the
23 downtown area.

24 So I drove Buford Highway from Langford Road
25 South past Jimmy Carter Boulevard, past Amwiler Road,

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1 almost four miles. But what did I find no more than
2 50 feet past the Doraville city limit sign? The first
3 wholesale business in all that stretch of Buford
4 Highway.
5 Doraville has its own Opportunity Zone.
6 Between the city limits on the north end of Buford
7 Highway and Shallowford Road on the south side, almost
8 three miles, I counted more or less -- sometimes it's
9 really hard to tell -- 45 wholesale businesses. 45.
10 And now you're asking the citizens of
11 Doraville to embrace an Opportunity Zone that allows
12 any business with a loosey-goosey six-month clause
13 that will keep the Doraville wholesale district alive
14 and well?
15 Ah, now we have a plan,
16 You tell me when an existing wholesale
17 business closes and the store front is zoned to no
18 longer allow wholesale, then we can talk. The lack of
19 action and ability of the City Council to act on any
20 previous plan leaves me with little trust.
21 The Georgia Urban Redevelopment Act, OCGA
22 36-61 on page four outlines the advantages and the
23 powers of the Act. Quote, "Provides a detailed
24 blueprint of the public sector's vision and goals for
25 a mapped defined urban redevelopment area," end quote.

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1 Quote, "Allows the implementing entity to attach
2 design and use requirements or limitation to specific
3 parcels as covenants which run with the land," end
4 quote.
5 Do the words blueprint, vision, goals, and
6 design use and requirements sound vaguely familiar?
7 Ah, now we have a plan.
8 I'm going to skip the CID since you took
9 that off.
10 Lastly, I have three Councilmembers who sent
11 out e-mails, and I feel it important to address those.
12 First, to Ms. Fleming: To the contrary of
13 some of my neighbors, I will agree with you that
14 commercial property owners are not guests in our city.
15 By the very fact that they own property, they are part
16 of our city. What kind of part of our city is a whole
17 other question.
18 But when those property owners do not listen
19 to the residents or are allowed continual loopholes to
20 bring in trash to our city, then I have a problem.
21 They're not going to work to change their business
22 model or their methods of doing business without a
23 legal entity, the City Council, within its rights,
24 telling them that the laws of the land have changed.
25 To that regard, again with our zoning and

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1 lack of standards, I do fault you and the City Council
2 for not raising the bar. It's as low as it can go and
3 it's time to raise it.
4 Mr. Bates: Thank you for your informative
5 e-mails last night. You helped facilitate two
6 additional rewrites of this presentation. You did
7 some homework and shared that homework with us.
8 Again, thank you. Now let's grade that homework.
9 Quote, "Architectural standards. Yes,
10 absolutely, wholeheartedly agree. It is a work in
11 progress, and I am frustrated that we have not made
12 greater progress than what we have done thus far. We
13 recently began the review of form-based code project
14 that will be heavy in architectural standard," end
15 quote.
16 "We recently began?" Really? What have you
17 been doing since 2007. You certainly haven't been
18 listening to us. It doesn't take a city five years to
19 write architectural standards. Grade: F
20 Quote, "Signage. This Council went through
21 the initial process of reviewing our sign code at the
22 last work session," end quote.
23 "The initial process of reviewing our sign
24 code at the last work session?" Really? We've been
25 asking for revised sign codes since the first LCI in

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1 2005. Seven years and you just went through the
2 initial process. Grade: F.
3 Quote, "Wholesale. This is very complex and
4 has been discussed many times. We have passed an
5 ordinance that no longer allows wholesale in the C-1
6 and C-2 commercial zones. However, existing wholesale
7 is allowed to remain, and new can come in where it was
8 previously allowed."
9 What the beep? This is simply the stupidest
10 thing I've ever heard of.
11 That is the City Council, City Attorney and
12 City Planner bowing down to the property owners to
13 perpetuate the Doraville wholesale district, not get
14 rid of it. Remember my Shell gas station? You zone
15 it out, period. Grade: F.
16 Oh, Lord I hate to bring it up, but you did.
17 Moon Lingerie. Explain to me exactly how a business
18 gets a permit to put up a sign on a business for which
19 they have no permit. Backassward, and you know the
20 grade.
21 CID, I get to skip.
22 Let me jump to Mr. Patrick. I'm sorry.
23 Mr. Patrick: You sent out a document on
24 Saturday expressing your support for the CID and OZ.
25 Quote, "Through the course of my day, I

1 frequently see the interaction between the city where
2 I work and the CID. They collaborate on sidewalk
3 design and construction, creating attractive
4 landscaping at intersections, and at least one police
5 officer is fully funded through the CID," end quote.

6 Your commercial district, Norcross, is not
7 made up of property owners whose primary tenants are
8 wholesale businesses that could care less about
9 landscaping or sidewalks.

10 Just look at many of our businesses now.
11 Look at Photo No 6. They have a landscape planter
12 with nothing in it but weeds. They don't care now,
13 and they're not going to tax themselves to do what
14 they should have been doing.

15 Yeah, right. Remember, we outnumber you 45
16 to zero.

17 You said, quote, "It assumes we do not need
18 to be economically competitive with our neighbors.
19 Surrounding cities have a niche or something that
20 creates desirability about them, be it a large
21 shopping mall, a growing population or a walkable
22 commercial and residential district. Absent these
23 hooks, our next best option is to offer prospective
24 businesses the incentives found in an opportunity
25 zone."

1 place that we've talked about, I'd most likely support
2 these two initiatives -- one being the CID -- 210
3 percent, because only after zoning and architectural
4 standards are in place do these two proposals make 210
5 percent sense.

6 Simply put, the City Council of Doraville
7 along with the leadership and the Mayor are
8 responsible for enacting and enforcing the rules of
9 the city. The failure of the City Council, plain and
10 simple, is what has brought us to this place.

11 Rolling your eyes because you're tired of
12 hearing this? How do you think we feel?

13 Here's what I figured out through all of
14 this. You're selling us a cart. You've had four to
15 five to seven years to get the finest thoroughbreds
16 around to pull that cart, but no. We've got an empty
17 barn, and now all you want to do is buy a cart.
18 Brings to mind the saying "putting the cart before the
19 horse."

20 I'm really sorry. I just can't give you
21 credit for trying now when you've failed us so
22 miserably for the past seven years that you've brought
23 us to the point you need to call our community a slum.

24 You are seven years late and a dollar or a
25 few million too short. Thank you.

1 Once again, I simply have to refer to seven
2 years and four major studies, and we don't have a
3 hook?

4 Doraville has the dream hook of any
5 community looking for quality development in all of
6 Atlanta. We've had it for 162,576 hours. We've had
7 it for 6,774 days. We've had it for 18-plus years.
8 It opened on December 29, 1992. Do I need to
9 introduce you to the Doraville MARTA station?

10 The City should have imploded Park Avenue
11 and went after it. We'd have our walkable commercial
12 and residential district. Of course, this hook opened
13 during a previous administration that had no intention
14 of having people look at what was going on in
15 Doraville.

16 But even as early as our first LCI in 2005,
17 had the City Council and Mayors got off their butts
18 and enacted many of the very things we want now,
19 downtown Doraville would look a lot different.

20 And don't tell me the economy. Atlantic
21 Station was developed during this time period.

22 We've had a hook in the city of Doraville
23 for 18 years. Sadly, the Mayor and City Council just
24 forgot to put out the fishing pole.

25 If we had the standards and action plans in

1 - - -
2 (Applause)

3 - - -
4 MAYOR PITTMAN: There's time left. Anyone
5 else wishing to speak against? We have how many
6 minutes?

7 CLERK BRYANT: 39 seconds.

8 MR. HART: I'd like to address "This isn't
9 going to cost us anything." It's going to cost us the
10 designation. We're now going to be a redline city, an
11 official federal slum.

12 You're costing your insurance on your homes,
13 your cars, your businesses will escalate, your
14 property values will drop. And they somehow figure
15 that if they could charge more money in taxes, it'll
16 improve your property value.

17 So Robert, downtown Norcross did not develop
18 because they condemned it or considered the city a
19 slum. I was there when it happened, I was there with
20 the Mayor when that happened.

21 COUNCILMEMBER PATRICK: Downtown Norcross is
22 not --

23 MR. HART: That has nothing to do --

24 COUNCILMEMBER PATRICK: -- part of the
25 Opportunity Zone.

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1 MAYOR PITTMAN: Excuse me.
 2 MR. HART: Nothing to do with it.
 3 MAYOR PITTMAN: All right.
 4 MR. HART: And you weren't there either.
 5 MAYOR PITTMAN: We're not going to argue.
 6 MR. HART: Thank you.
 7 COUNCILMEMBER PATRICK: I wasn't there, but
 8 it's not part of the Opportunity Zone.
 9 MAYOR PITTMAN: All right. Thank you.
 10 Mr. Howe? Bring it up to the Council. Do
 11 you have anything you wanted to add?
 12 Actually, I would like for you to -- the
 13 gentleman that was talking about the eminent domain, I
 14 would like for you to just speak that that is -- I
 15 know you missed --
 16 MR. HOWE: No. We --
 17 MAYOR PITTMAN: -- the Town Hall but if you
 18 could please make a statement on that, I would
 19 appreciate it.
 20 MR. HOWE: Again, it has nothing to do with
 21 eminent domain.
 22 You know, in order to use eminent domain
 23 within the Urban Redevelopment Act, you would have to
 24 put it in a plan. We have not done that, so we can't
 25 use it, not within the context of urban -- of

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1 redevelopment. You know, we have to say that we're
 2 going to do it. We haven't, so we can't.
 3 We're not in a position to evoke eminent
 4 domain. We don't have the money. It's legally
 5 costly. And then at the end of the day, you have to,
 6 you know, give fair market value for the property.
 7 You just don't take it. That's not the way it works.
 8 So if this were about eminent domain, we
 9 would state so in the plan, but we haven't. This is
 10 about the Opportunity Zone program, period. That is
 11 our chief motivation for writing the plan.
 12 MAYOR PITTMAN: Okay. And Mr. Sutphin, I
 13 can truly say, I think I can probably speak for this
 14 Council and myself, that that would never, ever be an
 15 objective or a goal to take people's property, just
 16 for the record.
 17 MR. HART: (Imperceptible)
 18 MAYOR PITTMAN: Excuse me.
 19 MR. HART: Trust me.
 20 MAYOR PITTMAN: Excuse me, Mr. Hart.
 21 Anything from the Council?
 22 COUNCILMEMBER DEAN: Yeah, I would like to
 23 say something. I think that before we vote, we should
 24 all take into consideration the number of people who
 25 have written to us, who have expressed their views,

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1 and to remember when we cast our vote that
 2 regardless -- Two Councilpeople since I've been on
 3 Council have said, "Sometimes we know better than the
 4 people because they don't have all of the
 5 information," and my response was, "We should provide
 6 them the information because we are elected officials
 7 and it is our job to represent them because they can't
 8 all fit up here," and I think that's something that we
 9 should seriously take into consideration when we cast
 10 this vote.
 11 MAYOR PITTMAN: Okay. Council, anything
 12 else?
 13 ---
 14 (No response)
 15 ---
 16 MAYOR PITTMAN: Okay. What is the wishes of
 17 the Council?
 18 ATTORNEY McLENDON: And I think to take any
 19 vote on this we have to have a specific resolution --
 20 MR. HOWE: We have that.
 21 ATTORNEY McLENDON: -- in front of us.
 22 MR. HOWE: We have.
 23 ATTORNEY McLENDON: Okay. So that has been
 24 presented?
 25 MR. HOWE: Yes, sir.

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1 COUNCILMEMBER DEAN: The draft?
 2 MR. HOWE: Resolution. It's a part of each
 3 plan. It's the same resolution for each plan.
 4 MAYOR PITTMAN: Okay. Is anyone wishing to
 5 make a motion? Your thoughts?
 6 COUNCILMEMBER FLEMING: I'd like to make a
 7 motion to table this item to a date certain for a work
 8 session because I do believe that there are areas of
 9 New Peachtree Road that need to be considered as well
 10 as the other parcels within the GM project as well.
 11 MAYOR PITTMAN: Do I get a second?
 12 COUNCILMEMBER BATES: Second.
 13 MAYOR PITTMAN: Discussion?
 14 COUNCILMEMBER DEAN: Well, there's
 15 something, because you said during our retreat that
 16 you feel pretty confident that something will happen
 17 with the GM plant before the end of the year; is that
 18 correct?
 19 MAYOR PITTMAN: I did say that.
 20 COUNCILMEMBER DEAN: Okay. So if there is
 21 something going on with the GM plant, wouldn't that be
 22 something to take into consideration when we make a
 23 decision as big as this?
 24 MAYOR PITTMAN: We have a motion to talk
 25 about this at a work session, I believe.

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1 COUNCILMEMBER FLEMING: That's correct.
 2 MAYOR PITTMAN: So call the roll, please.
 3 COUNCILMEMBER BATES: Hold on, hold on.
 4 We're in discussion. We're in discussion.
 5 So expand on that comment for me.
 6 COUNCILMEMBER DEAN: Well, if we --
 7 COUNCILMEMBER BATES: Let me ask this
 8 question. Are you in favor of this for the GM
 9 property?
 10 COUNCILMEMBER DEAN: I don't know what's
 11 going on with the GM property so I can't answer that.
 12 I don't know what's happening with the GM property so
 13 I can't really base a decision on anything unless I
 14 know what's going on with the property.
 15 All I know about the GM property is that at
 16 the retreat, the Mayor said that something should have
 17 happened and that she feels confident that by the end
 18 of the year, something will happen.
 19 COUNCILMEMBER BATES: But we're in a
 20 discussion on tabling this to a work session down the
 21 road where, in theory, more information would be
 22 forthcoming on what's happening.
 23 So are you in favor of tabling this down the
 24 road to discuss --
 25 COUNCILMEMBER DEAN: No. If we had the vote

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1 today, my vote would be no, and I think that we have a
 2 lot of things that we need to focus on.
 3 But this is what we seem to do a lot: We
 4 table items and we go back to it, and it's very time-
 5 consuming.
 6 So I think that we can do other things to
 7 progress our city, to do things for our city, but
 8 instead of doing things to move us forward, we keep
 9 going back to the same issues over and over again.
 10 COUNCILMEMBER BATES: Okay.
 11 MAYOR PITTMAN: Call the roll, please.
 12 CLERK BRYANT: Councilmember Alexander?
 13 COUNCILMEMBER ALEXANDER: Yes.
 14 CLERK BRYANT: Councilmember Bates?
 15 COUNCILMEMBER BATES: Yes.
 16 CLERK BRYANT: Councilmember Dean?
 17 COUNCILMEMBER DEAN: No.
 18 CLERK BRYANT: Councilmember Fleming?
 19 COUNCILMEMBER FLEMING: Yes.
 20 CLERK BRYANT: Councilmember Pachuta?
 21 COUNCILMEMBER PACHUTA: Yes.
 22 CLERK BRYANT: Councilmember Patrick?
 23 COUNCILMEMBER PATRICK: Yes.
 24 MAYOR PITTMAN: Okay. So again, look at
 25 your calendars and send me dates please. Thank you.

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1 Major, I believe we -- you were outside with
 2 the family, and I believe you did have some
 3 announcements that you wanted to make, so if you don't
 4 mind -- Council, if you don't mind if he comes forward
 5 to do that before Mr. Cooley.
 6 You don't mind, Mr. Cooley?
 7 MAJOR ATKINSON: Mayor and Council, I just
 8 have a few announcements.
 9 Thank you for allowing the presentation
 10 earlier this evening from GACP to Detective Wilson's
 11 family. That certainly means a lot to us. And as you
 12 can tell from the response from the officers, it's
 13 still a tough deal that we're dealing with right now.
 14 Thank you very much.
 15 I did want to make an announcement to you
 16 and the community that Dekalb County is holding a
 17 blood drive at the Dekalb P.D. Headquarters on
 18 September the 4th, and the blood drive is going to be
 19 in honor of Shane. It's going to be in his name.
 20 That's September the 4th at Dekalb P.D. Headquarters
 21 Earlier today I received an e-mail regarding
 22 a 5K road race. It's called Beat the Badge, and it's
 23 going to start at Dekalb P.D. Headquarters and end at
 24 Dekalb P.D. Headquarters. And this road race will
 25 benefit the Dekalb Police Alliance and money raised at

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1 this road race will go to paying for the \$100,000 life
 2 insurance policy that the Dekalb Police Alliance takes
 3 out on all law enforcement officers in Dekalb County.
 4 Whether you work for Dekalb County P.D. or Doraville
 5 P.D., Chamblee, any of the municipalities inside
 6 Dekalb County, the Dekalb Police Alliance has a
 7 \$100,000 life insurance policy that is paid out in the
 8 case of a death in the line of duty.
 9 So they're looking to raise funds for that,
 10 and it's a 5K road race, it's called Beat the Badge,
 11 and it's September the 15th.
 12 My last announcement, and Director Rotondo
 13 alluded to it earlier, is the recertification. We
 14 were a certified agency in 2006, we went back through
 15 the recertification process successfully in 2009, and
 16 I'm happy to report that we went back through the
 17 recertification process last Tuesday and we have been
 18 recommended to hold our certification. That recommen-
 19 dation will go to the Georgia Association of Chiefs of
 20 Police with Director Rotondo, and I don't see any
 21 reason why we wouldn't get it. So we have passed the
 22 recertification twice. We have to do it every two
 23 years.
 24 COUNCILMEMBER PATRICK: Good job.
 25 - - -

1 (Applause)
 2 - - -
 3 MAJOR ATKINSON: But that's all I have.
 4 MAYOR PITTMAN: Okay. Next is Planning and
 5 Zoning, Mr. Cooley. I believe we're going to discuss
 6 expansion of scope of service to existing contract to
 7 include GIS service.
 8 MR. COOLEY: Yes, ma'am; Council, Mayor.
 9 We came before you last meeting and
 10 discussed the need for the GIS services. The Chief
 11 discussed it quite at length, I discussed it, and we
 12 were trying to get something in relationship to the --
 13 we've got two annexation areas coming in, as you know,
 14 December 31st, 2012. There has been a lot of need for
 15 getting everything into a GIS database: everything
 16 from mapping to taxes to tracking the businesses,
 17 etc. I think most of the departments have pretty much
 18 chimed in on that.
 19 The problem we're running into is a function
 20 of time. Our recommendation is -- Originally, as you
 21 know, we came in with a proposal in the budget to do
 22 this in-house. It was unfeasible because the price we
 23 got, Keck & Wood, and then you add a salaried person
 24 on it, it was just prohibited.
 25 We looked at an alternative of doing it as a

1 to six to eight weeks, the process.
 2 Can we amend a contract? We discussed this
 3 with Legal, and there's an opportunity; we can do
 4 that, amend the scope. The Council can do that,
 5 amend the scope of the contract.
 6 And I was able to get an hourly rate to
 7 match our existing contract hourly rate for the GIS
 8 analyst. There was also an additional rate for --
 9 which was \$75.00 an hour. And as you'll see, they
 10 range on the original RFP -- they were the best
 11 qualified and also the cheapest -- that ran anywhere
 12 from \$75.00 up to \$125.00 an hour.
 13 So they were willing to match that price.
 14 Basically, there's a number of things that need to be
 15 done. That's spelled out in the history and facts,
 16 issues on the agenda item sheet. But basically what
 17 we're doing is we're taking --
 18 Fortunately, we found that we had the parcel
 19 data for the existing parcels within the city of
 20 Doraville. Dekalb wanted to charge us \$3,000 for it.
 21 It turned out after talking with CH2MHill, who does
 22 our stormwater, they have the data, so we're able to
 23 utilize that, which is extremely helpful and, if
 24 nothing else, saves \$3,000.
 25 But then also we need to develop the GIS

1 contracted basis where they develop the GIS database
 2 for us and actually operate it based upon an hourly
 3 basis beyond a certain scope.
 4 We went back and looked at the work and the
 5 contractors we have. We currently have a contract
 6 with Clark Patterson & Lee that basically does our
 7 commercial design standard review services. I
 8 included in your packet the original RFP analysis of
 9 the prices and all that, and the criteria and the
 10 different potentials of all the different applicants
 11 for that RFP.
 12 This was not within the scope of the RFP.
 13 This group, Clark Patterson & Lee has good expertise
 14 in this. They recently are in the process of
 15 developing the City of Dunwoody's GIS system. I went
 16 to them when we were trying to figure out the budget
 17 and said, "Look. How much can you tell me ballpark
 18 what this would cost to do it in-house," to see if it
 19 made sense to incorporate in the budget.
 20 Did incorporate it into the budget. It was
 21 approved as part of that. We discussed it in the
 22 budget process if this was going to be included.
 23 The position we're at now is what do we do?
 24 Do we go out to RFP for this? And it's going to take
 25 anywhere between minimum four weeks, probably closer

1 data on the parcels that we're annexing. We also need
 2 to develop the map outline of the new city boundaries.
 3 Bottom line is what we've done is put that
 4 scope together and we have proposed this, to do the
 5 amendment. And what I also was proposing, like I say,
 6 we've got the four things stepped out in here. And
 7 basically on an hourly basis, the intent would be just
 8 to expand the scope of services in our existing
 9 contract to include GIS at the same hourly rate for
 10 the GI analyst, which is the person who basically does
 11 most of the work. There's also some time for
 12 coordination in there for the -- at a hundred and I
 13 believe it was forty-five dollars an hour, if I'm not
 14 mistaken.
 15 COUNCILMEMBER BATES: Hundred and ten.
 16 MR. COOLEY: Hundred and ten -- a hundred
 17 and twenty; no, a hundred and ten; you're right -- an
 18 hour for the senior project manager.
 19 If this is approved and if this is the route
 20 the Council wants to go, my recommendation would be to
 21 go ahead and authorize on an hourly basis not to
 22 exceed \$14,000 for this work that's done. We've got
 23 actually sixteen-five budgeted for it. So I moved it
 24 back down, trying to keep a little bit of flexibility
 25 in there.

1 But we also have time available in the
2 budget to do hourly reviews for the other things that
3 we need for GIS, which is originally why we're going
4 after it, because we need it for Planning, we need it
5 for Economic Development, we need it for Finance.
6 Across the board, this is the stuff we've got to get
7 into. And the Council has known that for a long time.
8 You're aware of it, and I know y'all have been looking
9 at it for a long time, but last year the budget just
10 wasn't there.

11 So that's what we're looking at. The
12 recommendation is that we expand the contract to
13 include GIS services at the existing hourly rate plus
14 the \$110 for the senior project manager. And then we
15 can go into putting the full scope which is actually
16 outlined here, and putting a cap on it and saying it's
17 not going to go over \$14,000, and I've been assured
18 that we can do it for that.

19 I was curious about how -- I know we have
20 the RFP information about how they rated in the
21 commercial design review, which was the lowest. I
22 looked at some other projects that were on the Web in
23 other municipalities that had similar service that had
24 gone out to RGP with rates. Hard to tell with the
25 scope of what you're talking about, so I referred back

1 are not spending more than we had already agreed to
2 earlier this year?

3 MS. FERGUSON: (No audible response)
4 MAYOR PITTMAN: And she's shaking her head
5 yes.

6 COUNCILMEMBER PATRICK: Thank you.
7 MAYOR PITTMAN: Ms. Fleming?

8 COUNCILMEMBER FLEMING: In the amended
9 budget total and what you're listing here includes
10 their plan review as well or just the GIS?

11 MR. COOLEY: No. There's additional fees in
12 there that we've got for the plan review also. Most
13 of that is actually absorbed by the people that are
14 actually the applicants.

15 COUNCILMEMBER FLEMING: Right.

16 MR. COOLEY: So it really is not a cost to
17 the City. We actually have some costs in there to
18 allow us to recoup some of our expenses as part of
19 that also.

20 But no, that really doesn't affect.

21 COUNCILMEMBER FLEMING: Okay.

22 MR. COOLEY: This was brought in
23 specifically to address GIS, and it was added into the
24 professional services as opposed to where it was
25 equipment and training and all this other stuff

1 to the Federal G.S.A. schedule. They actually have
2 one for GIS services.

3 Basically what we're getting in this
4 proposal is a -- it's equal or less than the GSA's
5 rate schedules on Schedule 899. The senior project
6 manager, GSA, their rate that they put out there for
7 control is one fifty-seven ninety-nine, whereas Clark
8 Patterson & Lee is at \$110. GIS analyst is closer.
9 GSA has that rate as being \$75.24; whereas, Clark
10 Patterson & Lee has got it at seventy-five per hour.

11 But GSA is pretty much the standard rate for
12 any government work no matter what the scope is,
13 whether it be huge or small.

14 I'd be glad to answer any questions I can.

15 MAYOR PITTMAN: Okay. We'll bring it up to
16 the Council. Ms. Alexander?

17 COUNCILMEMBER ALEXANDER: I have nothing,
18 Mayor.

19 MAYOR PITTMAN: Mr. Bates?

20 COUNCILMEMBER BATES: Nothing.

21 MAYOR PITTMAN: Ms. Pachuta?

22 COUNCILMEMBER PACHUTA: Huh-uh.

23 MAYOR PITTMAN: Mr. Patrick?

24 COUNCILMEMBER PATRICK: Just want to get
25 confirmation that this has already been budgeted, we

1 before.

2 COUNCILMEMBER FLEMING: Correct.

3 COUNCILMEMBER DEAN: At the last meeting,
4 the Chief kind of gave us a heads-up that you were
5 going to be talking about this at this meeting.

6 On this document, you say that there's an
7 additional \$10,000 for on-call mapping once the
8 system is established. So this \$10,000 is on top of
9 the \$16,500 that's in this document?

10 MR. COOLEY: That is moneys that was
11 budgeted for additional services as we needed. We
12 will have a lot of things that we need to get done for
13 the City beyond what needs to be done for the
14 annexation. This is addressing and it'll get us --
15 it's going to get us our GSI overlay, our data layers,
16 everything pretty much similar to Dunwoody's, the set
17 that they've got, which is a good set. It'll get all
18 our data in there.

19 It'll give us an operational system but it
20 also -- we've got additional funds in there that were
21 budgeted to allow us to do Economic Development, to do
22 more Planning in relationship to there's going to be -
23 - assuming something will happen one of these days
24 with GM, there's going to be a tremendous amount
25 that's going to be required in that. So we've got it

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1 set aside, I've tried to take even that sixteen-five
2 that we've got and push it back down so we've still
3 got some more space. I don't want -- this is not
4 going to exceed what we got budgeted, period.
5 COUNCILMEMBER DEAN: Okay. And just two
6 questions. Can you use any information that's on the
7 Dekalb County system?
8 MR. COOLEY: We are trying to get some
9 additional information on it. We're in discussions
10 now as part of this annexation to get some.
11 So far in the previous attempts we had, like
12 I said, they wanted to charge us fees for getting the
13 data. And when I talked to CH2MHill about it, they
14 said, "Don't ever pay Dekalb County for this stuff,"
15 says, "You know, we've got this, you can get this
16 other, we can pull some things."
17 COUNCILMEMBER DEAN: Okay. Now, what do you
18 mean? because I don't know. Like why not?
19 CM2 or CM2Hill or -- or whomever.
20 MR. COOLEY: CH2MHill.
21 COUNCILMEMBER DEAN: Okay. They said,
22 "Don't ever pay Dekalb County," but why not? because I
23 don't know.
24 MR. COOLEY: Because it's in the public
25 realm if you dig hard enough, and that's what we

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1 found: they actually had our data.
2 You know, it's not a question of getting the
3 data; it's putting the system altogether, and we're
4 going to have to create parcels, so, for the annexed
5 areas.
6 GIS works in polygons, and a polygon
7 basically is a closed area. And when you have a
8 closed area in a GIS system, you can assign data
9 attributes to that -- you know, tax parcel number,
10 square footage of the building, what they paid in
11 taxes, what type of licenses they've got, when was
12 their last building permit. All of that becomes the
13 overlay. So when you go on something and it's
14 different levels -- there are some that are open to
15 the public and some are not -- you can actually go
16 on -- you know, hit the "I" button, hit that, and it
17 pops up all the layers that you want.
18 You know, this is the type of thing we need
19 to be able to start tracking what the City's doing,
20 what it has been doing. In my opinion, if we keep on
21 going like we are, we're going to be in the mess we've
22 been.
23 COUNCILMEMBER DEAN: Is Flex HR going to
24 have anything to do at all with this project?
25 MR. COOLEY: No.

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1 COUNCILMEMBER DEAN: Okay. And the other
2 thing is the Police Department, because the Chief said
3 that he was also going to be using this system. Is
4 there any way asset forfeiture funds could be used to
5 help --
6 MR. COOLEY: I believe he --
7 COUNCILMEMBER DEAN: -- fund this?
8 MR. COOLEY: -- stated at the last meeting,
9 no. I don't know that much about asset forfeiture
10 funds. Lisa might.
11 MAYOR PITTMAN: And he's shaking his head
12 no.
13 COUNCILMEMBER DEAN: Okay. And this is the
14 first reading; right? So we'll talk about this, we'll
15 vote on this at the next meeting?
16 MAYOR PITTMAN: No.
17 COUNCILMEMBER BATES: This is a contract,
18 right?
19 COUNCILMEMBER DEAN: Okay. All right.
20 MAYOR PITTMAN: Okay. Anything else from
21 Council?
22 COUNCILMEMBER DEAN: It's not above budget,
23 right? I mean this money has already been budgeted;
24 right?
25 MR. COOLEY: Yes, ma'am.

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1 COUNCILMEMBER PATRICK: One quick question.
2 When it comes to tracking billing from contractors,
3 how do we do that? How are we verifying the hours
4 they claim they've put in is what's put in?
5 And this is not directed at any one
6 particular contractor. I just want to know generally.
7 How do we verify?
8 MR. COOLEY: Typically it's -- You know,
9 that's why we have not-to-exceed: to make sure we
10 don't get gouged.
11 The worst thing in the world you can ever do
12 is do an open-ended contract, and that's what I was
13 not seeing. But we were not getting good prices on
14 even the zoning maps and things that we were having
15 done. We were getting stuck, and so we don't want to
16 go there.
17 Basically, we review it. You know, we look
18 and see what's been done, if it's proportionate where
19 they are in the process; you know, if they've done the
20 work. Bottom line, if they billed more up front, you
21 have to watch it, but bottom line, it's not going to
22 exceed this point.
23 COUNCILMEMBER PATRICK: Right.
24 MR. COOLEY: And that's very clear. I mean
25 that's exactly the way that we -- I came across some

1 of the things about the zoning maps. Mr. Allen and I
2 started looking at the bill and said, "Wait a minute.
3 What's this for and what's this for?" And they had
4 all these different hours plugged in for things that
5 made absolutely no sense about how long it takes to do
6 things. So you know, staff watches it. You have to
7 rely on the professionalism. These folks are
8 architects/engineers; good reputation.

9 So like I said, the Council selected them
10 previously, so.

11 COUNCILMEMBER FLEMING: Based on that same,
12 similar question, during the plan review process, how
13 do you audit their bill based on what you've charged
14 the applicant --

15 MR. COOLEY: They're -- the --

16 COUNCILMEMBER FLEMING: -- or do you charge
17 the applicant after the fact?

18 MR. COOLEY: Yes, ma'am.

19 COUNCILMEMBER FLEMING: After the fact --

20 MR. COOLEY: Yeah.

21 COUNCILMEMBER FLEMING: -- so that you
22 have --

23 MR. COOLEY: We have to get --

24 COUNCILMEMBER FLEMING: -- an invoice
25 attached?

1 MR. COOLEY: -- the bill from them so we can
2 bill them. That's correct.

3 COUNCILMEMBER FLEMING: Okay.

4 MR. COOLEY: And that has to be paid before the
5 documents, permits are issued.

6 COUNCILMEMBER FLEMING: And I have one other
7 question regarding Clark Patterson & Lee.

8 All the information that they are going to
9 provide for us is going to be kept on their system.

10 We're not going to have any type of internal system
11 created into our --

12 MR. COOLEY: We will get backup. See, we'll
13 have ArcGIS software. We can get the data on the CDs.
14 But until we get to the point where we're financially
15 stable enough to be able to get staff and get the
16 equipment and things where it makes sense that that's
17 a high priority.

18 We need GIS, but I don't -- I question
19 whether we need it in house right now because, first
20 off, you know, you're talking about another salaried
21 employee and that's -- that's just going to knock it
22 way up.

23 COUNCILMEMBER FLEMING: Well, what I was
24 trying to determine is that this is going to be an
25 annual cost, then; is that correct?

1 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: This is -- this is not
8 limiting it to fourteen?

9 COUNCILMEMBER FLEMING: Yes. I amended
10 the -- I amended their motion to make sure that it
11 does not exceed --

12 COUNCILMEMBER DEAN: Okay.

13 COUNCILMEMBER FLEMING: -- \$14,000.

14 COUNCILMEMBER DEAN: All right. That's
15 what's on the table.

16 Yes.

17 CLERK BRYANT: Councilmember Fleming?

18 COUNCILMEMBER FLEMING: Yes.

19 CLERK BRYANT: Councilmember Pachuta?

20 COUNCILMEMBER PACHUTA: Yes.

21 CLERK BRYANT: Councilmember Patrick?

22 COUNCILMEMBER PATRICK: As I've worked with
23 Clark Patterson in the past in my current job, to be
24 in fairness, I'm going to abstain from the vote.

25 MAYOR PITTMAN: Okay. Thank you. Motion

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1 carries. Thank you.
2 MR. COOLEY: Thank you. We'll get right on
3 that.
4 MAYOR PITTMAN: Next is the Review for
5 Telecommunications Tower, and I believe we do have
6 someone here tonight.
7 MR. COOLEY: If I may give a little bit of
8 background first --
9 MAYOR PITTMAN: Okay.
10 MR. COOLEY: -- this is not what y'all heard
11 last meeting. This is a separate site.
12 This is located at 2001 Clearview Avenue
13 which is directly behind the Comfort Inn, Metro Motel
14 whatever, Comfort Inn now, Metro Motel, whatever --
15 Comfort Inn now. So that is not the same situation.
16 And also, because I know y'all asked, and
17 it's not really related to this, I did go back and
18 discovered the minutes when the variance was granted
19 for the other previous one. There was an item in
20 there about having bollards and also having tree
21 plantings, and it was to be -- the way it's stated is
22 that it was according to a plan developed by the City
23 Arborist.
24 I discussed it with the City Arborist, he
25 went by and took a look at it. There is a situation

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1 where most of it is there but two trees have died. So
2 got an e-mail back, and it's been passed forward to
3 the building inspector that no building permit will be
4 issued until that is rectified as part of the
5 variance. So that's what it involved and that's where
6 we are on that, just to let y'all know.
7 MAYOR PITTMAN: Did you have anything you
8 wanted to add, ma'am, if you'd like to come up?
9 MS. CAROLYN GOULD: I am Carolyn Gould with
10 RETEL Services, agent for T-Mobil.
11 And I would like to say that we area aware
12 of the two trees and that we've already contacted the
13 general contractor to replace them.
14 MAYOR PITTMAN: Thank you.
15 Anybody have questions?
16 COUNCILMEMBER DEAN: You'll keep us updated;
17 right?
18 COUNCILMEMBER FLEMING: For Woodwin Road or
19 Clearview Avenue?
20 MS. GOULD: Woodwin.
21 COUNCILMEMBER FLEMING: Are we talking about
22 Woodwin Road right this minute --
23 COUNCILMEMBER PACHUTA: Yes.
24 COUNCILMEMBER FLEMING: -- for questions?
25 Okay.

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1 MAYOR PITTMAN: Any questions?
2 MR. COOLEY: Just a little further
3 information about that, and I'm sure the applicant can
4 supply more.
5 This is a very similar situation. It's an
6 upgrade to the 4G where it's a different antenna, it
7 requires an additional box, the same box that you had
8 last time that you saw. All the information is in
9 there. But basically other than that, these are, I
10 believe, if I'm mistaken, are the only two T-Mobil has
11 in the city. I may be wrong on that, and she could
12 correct me otherwise. But basically it's the same
13 thing you saw before. It's an addition of a equipment
14 box on the existing lease area.
15 MS. GOULD: I'm Carolyn Gould of RETEL
16 Services, agent for T-Mobil. I'd be happy to answer
17 any questions that you-all might have.
18 We won't be going outside the exiting fenced
19 area. It'll just be swapping out existing antennas
20 and adding a small cabinet to the base of the tower.
21 MAYOR PITTMAN: Ms. Dean, questions?
22 COUNCILMEMBER DEAN: No.
23 One question. This is for Mr. Cooley.
24 Are there any conditions? Were there any
25 conditions not met for this one?

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1 MR. COOLEY: I asked that question when they
2 first put it in.
3 Not that I am aware of at all and not to
4 their knowledge either.
5 COUNCILMEMBER DEAN: All right.
6 MR. COOLEY: But again, y'all have the
7 historical knowledge. So if you know of something,
8 please let us know, because I do not have any record
9 available on it.
10 MAYOR PITTMAN: Ms. Fleming?
11 COUNCILMEMBER FLEMING: I have a question
12 for Legal.
13 MAYOR PITTMAN: Okay.
14 COUNCILMEMBER FLEMING: Or maybe for Ms.
15 Sandra. Do we provide an occupational tax placard for
16 telecommunication towers?
17 ATTORNEY McLENDON: This would not be a
18 location where they would have an occupation tax for
19 that --
20 COUNCILMEMBER FLEMING: Okay.
21 ATTORNEY McLENDON: -- for that tower.
22 COUNCILMEMBER FLEMING: All right. Thank
23 you.
24 MAYOR PITTMAN: Ms. Pachuta?
25 COUNCILMEMBER PACHUTA: No.

1 MAYOR PITTMAN: Mr. Bates?
 2 COUNCILMEMBER BATES: No.
 3 MAYOR PITTMAN: Ms. Alexander?
 4 COUNCILMEMBER ALEXANDER: No, ma'am.
 5 MR. COOLEY: So again, this is for
 6 administrative approval. This is the process. So
 7 that's what we are requesting of the Council is
 8 administrative approval.
 9 COUNCILMEMBER PATRICK: Motion to approve
 10 unless there's any other discussion.
 11 COUNCILMEMBER PACHUTA: Second.
 12 MAYOR PITTMAN: Discussion?
 13 COUNCILMEMBER ALEXANDER: We are approving
 14 the additional cabinet and antenna replacement at 2001
 15 Clearview Avenue.
 16 MAYOR PITTMAN: Okay. Call the roll,
 17 please.
 18 CLERK BRYANT: Councilmember Alexander?
 19 COUNCILMEMBER ALEXANDER: Yes.
 20 CLERK BRYANT: Councilmember Bates?
 21 COUNCILMEMBER BATES: Yes.
 22 CLERK BRYANT: Councilmember Dean?
 23 COUNCILMEMBER DEAN: Yes.
 24 CLERK BRYANT: Councilmember Fleming?
 25 COUNCILMEMBER FLEMING: No.

1 CLERK BRYANT: Councilmember Pachuta?
 2 COUNCILMEMBER PACHUTA: Yes.
 3 CLERK BRYANT: Councilmember Patrick?
 4 COUNCILMEMBER PATRICK: Yes.
 5 MAYOR PITTMAN: Thank you.
 6 MR. COOLEY: Thank you.
 7 MAYOR PITTMAN: Ms. Ferguson? We have a
 8 second reading on the Ordinance to Terminate the
 9 GMEBS.
 10 MS. LISA FERGUSON: Yes. We're doing the
 11 termination ordinance tonight as well as the
 12 Resolution to Adopt the --
 13 MAYOR PITTMAN: Speak up just a little bit.
 14 I'm sorry.
 15 MS. FERGUSON: We're doing the Termination
 16 Ordinance tonight as well as the Resolution to Adopt a
 17 Successor Plan Document and Appoint a Trustee. These
 18 things need to be done together. So we've already
 19 gone through the first read on the termination
 20 ordinance, so if you have any questions, I'm here or
 21 Mr. Griffin is here as well.
 22 COUNCILMEMBER PACHUTA: Which do we need to
 23 do first?
 24 MS. FERGUSON: It doesn't matter. They just
 25 need to be done at the same meeting.

1 MAYOR PITTMAN: Okay. Questions from the
 2 Council? Ms. Alexander?
 3 COUNCILMEMBER ALEXANDER: And this is
 4 because you guys came before us before, and then GMA
 5 changed something, so this was their last revision.
 6 MS. FERGUSON: Yes, this is the final
 7 revision.
 8 MAYOR PITTMAN: Thank you. Mr. Bates?
 9 COUNCILMEMBER BATES: No questions.
 10 MAYOR PITTMAN: Ms. Pachuta?
 11 COUNCILMEMBER PACHUTA: (Shakes head)
 12 MAYOR PITTMAN: Ms. Fleming?
 13 COUNCILMEMBER FLEMING: No.
 14 COUNCILMEMBER PACHUTA: Cecil, can I make
 15 the motion as one motion or does it need to be two
 16 separate?
 17 ATTORNEY McLENDON: I'd rather -- One's an
 18 ordinance we're passing --
 19 COUNCILMEMBER PACHUTA: Okay.
 20 ATTORNEY McLENDON: -- and one's a
 21 resolution, so I'd prefer to do it as two separate.
 22 MAYOR PITTMAN: We do have a Council member
 23 that stepped out of the room for a moment if we'd like
 24 to --
 25 COUNCILMEMBER FLEMING: I'd like to wait to

1 have a vote.
 2 And if I may take one second and make a
 3 comment that again I do not agree with the expiration
 4 of a plan before the expiration date of 12/31/12.
 5 COUNCILMEMBER PATRICK: (Returns to Council
 6 table.)
 7 MAYOR PITTMAN: Do you have any questions?
 8 COUNCILMEMBER PATRICK: No.
 9 MAYOR PITTMAN: Your motion?
 10 COUNCILMEMBER PACHUTA: Make a motion to
 11 adopt the ordinance terminating Doraville's
 12 participation in the Georgia Municipal Employees
 13 Benefit System Retirement Trust Fund and Designating
 14 the Successor Trustee.
 15 MAYOR PITTMAN: Second?
 16 COUNCILMEMBER BATES: Second.
 17 MAYOR PITTMAN: Discussion?
 18 - - -
 19 (No response)
 20 - - -
 21 MAYOR PITTMAN: Call the roll, please.
 22 CLERK BRYANT: Councilmember Alexander?
 23 COUNCILMEMBER ALEXANDER: Yes.
 24 CLERK BRYANT: Councilmember Bates?
 25 COUNCILMEMBER BATES: Yes.

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1 CLERK BRYANT: Councilmember Dean?
2 COUNCILMEMBER DEAN: Yes.
3 CLERK BRYANT: Councilmember Fleming?
4 COUNCILMEMBER FLEMING: No.
5 CLERK BRYANT: Councilmember Pachuta?
6 COUNCILMEMBER PACHUTA: Yes.
7 CLERK BRYANT: Councilmember Patrick?
8 COUNCILMEMBER PATRICK: Yes.
9 MAYOR PITTMAN: Thank you.
10 Next is Proposal to Change the Workers'
11 Comp.
12 MS. FERGUSON: No.
13 MAYOR PITTMAN: I'm sorry; to adopt the
14 Successor Plan Document. Sorry.
15 COUNCILMEMBER PACHUTA: I make a motion to
16 adopt the Successor Plan Document for the City of
17 Doraville Retirement Plan and the Successor Trustee.
18 MAYOR PITTMAN: Okay. Second?
19 COUNCILMEMBER BATES: Second.
20 MAYOR PITTMAN: Discussion?
21 COUNCILMEMBER FLEMING: Yes. I'd like to
22 find out from the representative from Ascension or One
23 America, whichever, to find out when you plan on
24 having a new plan for us to review.
25 MR. GRIFFIN: It's already in place and

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1 drafted.
2 COUNCILMEMBER FLEMING: I'm sorry?
3 MR. GRIFFIN: Final.
4 MS. FERGUSON: You're talking about the new
5 plan, not this plan?
6 COUNCILMEMBER FLEMING: I am talking about
7 the new plan.
8 MR. GRIFFIN: Oh. New plan with summary of
9 recommended changes.
10 COUNCILMEMBER FLEMING: That's correct.
11 MR. GRIFFIN: Likely be within 30 days of
12 plan transition which would be by the end of
13 September.
14 COUNCILMEMBER FLEMING: Okay. Thank you.
15 MR. GRIFFIN: Uh-huh.
16 MAYOR PITTMAN: Anything else?
17 Call the roll, please.
18 COUNCILMEMBER ALEXANDER: What --
19 MAYOR PITTMAN: I'm sorry. Go ahead.
20 COUNCILMEMBER ALEXANDER: Mr. McLendon.
21 should I abstain from this vote because I'm a named --
22 one of the named trustees?
23 ATTORNEY McLENDON: No, you would not need
24 to abstain from the vote being a trustee.
25 COUNCILMEMBER ALEXANDER: Okay.

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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: No.
10 CLERK BRYANT: Councilmember Pachuta?
11 COUNCILMEMBER PACHUTA: Yes.
12 CLERK BRYANT: Councilmember Patrick?
13 COUNCILMEMBER PATRICK: Yes.
14 MAYOR PITTMAN: Okay. Thank you.
15 Thank you, sir.
16 MR. GRIFFIN: Thank you.
17 MAYOR PITTMAN: And now Proposal to Change
18 the Workman's Compensation Deductible.
19 MS. FERGUSON: We got the renewal for the
20 workers' compensation for the City of Doraville, and
21 one of the things that they had suggested that we do
22 is to change the deductible from zero to a thousand
23 dollars.
24 We actually I believe discussed this last
25 year but it was not voted on. The reason we want to

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1 do this is because it's a mechanism to try to improve
2 our experience rating in addition to the other things
3 that we're doing, the safety programs and those types
4 of things.
5 It's not going to really save us a lot of
6 money, but in the long run, improving the experience
7 rating is going to improve our renewal rates maybe two
8 years down the road. And we really need to get a
9 handle on it, so I'm recommending that we do this.
10 MAYOR PITTMAN: Okay. Questions from the
11 Council? Ms. Dean?
12 COUNCILMEMBER DEAN: No.
13 MAYOR PITTMAN: Ms. Fleming?
14 COUNCILMEMBER FLEMING: Yes. Do you have
15 any idea how many accidents we had last year?
16 MS. FERGUSON: I don't have it right off the
17 top of my head but it was in the packet of information
18 that we gave to you.
19 COUNCILMEMBER FLEMING: I apologize. I
20 don't -- Are you talking about --?
21 MS. FERGUSON: It was not in the agenda
22 packet. It was in the proposal for the renewal that
23 you got a couple weeks ago, the end of July.
24 COUNCILMEMBER FLEMING: Okay. Have we -- Do
25 we have a contingency budget for the \$1,000

1 deductibles --
 2 MS. FERGUSON: Yes.
 3 COUNCILMEMBER FLEMING: -- on any accidents
 4 that we have?
 5 MS. FERGUSON: We're going to do a budget
 6 amendment in September and we will address the
 7 contingency for the thousand dollars at that point.
 8 COUNCILMEMBER FLEMING: So when we do the
 9 budget amendment, that's coming out of?
 10 MS. FERGUSON: It's coming out of the
 11 savings from the workers' comp and liability
 12 insurance.
 13 COUNCILMEMBER FLEMING: And that was the
 14 savings of the premium from last year to this year?
 15 MS. FERGUSON: Yeah. The difference in the
 16 premium without changing the deductible is \$13,000.
 17 The difference in the premium with changing the
 18 deductible will be sixteen thousand/eight. So we feel
 19 like that would be plenty to deal with the
 20 deductibles.
 21 COUNCILMEMBER ALEXANDER: Mayor, I know that
 22 you were working with them, and we had a meeting. And
 23 are you still having the safety training programs you
 24 initiated?
 25 MAYOR PITTMAN: Yes, we are.

1 CLERK BRYANT: Councilmember Pachuta?
 2 COUNCILMEMBER PACHUTA: Yes.
 3 CLERK BRYANT: Councilmember Patrick?
 4 COUNCILMEMBER PATRICK: Yes.
 5 MAYOR PITTMAN: Okay. Thank you.
 6 MS. FERGUSON: Thank you very much.
 7 MAYOR PITTMAN: Thank you, Ms. Ferguson.
 8 MAYOR PITTMAN: All right. There's been a
 9 request for a five-minute break. It is approaching 9
 10 o'clock. We do need to get through the public hearing
 11 at least because this has been advertised.
 12 Do I at least get a motion to continue the
 13 meeting to get through the public hearing?
 14 COUNCILMEMBER BATES: So moved.
 15 MAYOR PITTMAN: Second?
 16 COUNCILMEMBER PATRICK: Second.
 17 MAYOR PITTMAN: Discussion?
 18 - - -
 19 (No response)
 20 - - -
 21 MAYOR PITTMAN: Call the roll, please.
 22 CLERK BRYANT: Councilmember Alexander?
 23 COUNCILMEMBER ALEXANDER: Yes.
 24 CLERK BRYANT: Councilmember Bates?
 25 COUNCILMEMBER BATES: Yes.

1 COUNCILMEMBER ALEXANDER: Okay. Thank you.
 2 MAYOR PITTMAN: Thank you. Okay. Anything
 3 else?
 4 COUNCILMEMBER ALEXANDER: Motion to finally
 5 institute a \$1,000 deductible for our workman's
 6 compensation policy.
 7 COUNCILMEMBER PACHUTA: Second.
 8 MAYOR PITTMAN: Discussion?
 9 COUNCILMEMBER FLEMING: My concern would be
 10 if we're only saving sixteen-eight, we're going to
 11 keep our fingers crossed that we have less than 16
 12 accidents that are going to cost us the --
 13 MS. FERGUSON: I would sincerely hope that
 14 we have less than 16, but there's never any guarantee.
 15 COUNCILMEMBER FLEMING: I know. Thank you.
 16 MAYOR PITTMAN: Okay. Call the roll,
 17 please.
 18 CLERK BRYANT: Councilmember Alexander?
 19 COUNCILMEMBER ALEXANDER: Yes.
 20 CLERK BRYANT: Councilmember Bates?
 21 COUNCILMEMBER BATES: Yes.
 22 CLERK BRYANT: Councilmember Dean?
 23 COUNCILMEMBER DEAN: Yes.
 24 CLERK BRYANT: Councilmember Fleming?
 25 COUNCILMEMBER FLEMING: Yes.

1 CLERK BRYANT: Councilmember Dean?
 2 COUNCILMEMBER DEAN: Yes.
 3 CLERK BRYANT: Councilmember Fleming?
 4 COUNCILMEMBER FLEMING: Yes.
 5 CLERK BRYANT: Councilmember Pachuta?
 6 COUNCILMEMBER PACHUTA: Yes.
 7 CLERK BRYANT: Councilmember Patrick?
 8 COUNCILMEMBER PATRICK: Yes.
 9 MAYOR PITTMAN: Okay. Thank you. So we
 10 will go through the public hearing, then we'll do
 11 public comments, then we will adjourn, and anything
 12 that's left, we will move to the next agenda, please.
 13 COUNCILMEMBER DEAN: Well, shouldn't we vote
 14 on that?
 15 MAYOR PITTMAN: We just did.
 16 COUNCILMEMBER DEAN: Oh, but just for the
 17 public hearing? I thought we voted to --
 18 MAYOR PITTMAN: No. We were --
 19 COUNCILMEMBER DEAN: -- extend the meeting.
 20 MAYOR PITTMAN: -- going to extend the
 21 meeting to continue through the public hearing and
 22 then that would be it.
 23 COUNCILMEMBER DEAN: Okay. I totally
 24 misunderstood. I thought that we were going to extend
 25 the meeting to hear the rest of the agenda items,

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1 because I would like to hear -- if we're going to be -
 2 - That's going to be less time consuming than the
 3 previous part of the meeting, so I would definitely --
 4 So can we re-vote, please? I didn't know it
 5 was to extend the meeting --
 6 COUNCILMEMBER FLEMING: Motion to
 7 reconsider.
 8 COUNCILMEMBER DEAN: Motion to reconsider,
 9 please.
 10 MAYOR PITTMAN: Do I get a second?
 11 ---
 12 (No response)
 13 ---
 14 MAYOR PITTMAN: Okay. Then we will stick
 15 with the original motion. We will end after the
 16 public hearing.
 17 COUNCILMEMBER PATRICK: I'll give it a
 18 second. Sorry.
 19 MAYOR PITTMAN: Discussion?
 20 ---
 21 (No response)
 22 ---
 23 MAYOR PITTMAN: Call the roll, please.
 24 CLERK BRYANT: Councilmember Alexander?
 25 COUNCILMEMBER ALEXANDER: No.

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1 CLERK BRYANT: Councilmember Bates?
 2 COUNCILMEMBER BATES: No.
 3 CLERK BRYANT: Councilmember Dean?
 4 COUNCILMEMBER DEAN: I have a question.
 5 Does this mean that my item is first on the agenda at
 6 the next meeting?
 7 MAYOR PITTMAN: Well, it will be after
 8 public comments and --
 9 COUNCILMEMBER DEAN: And maybe we won't have
 10 so many presentations?
 11 MAYOR PITTMAN: -- and it will be under Old
 12 Business.
 13 COUNCILMEMBER DEAN: Okay. Good, perfect.
 14 All right. Yes.
 15 CLERK BRYANT: Councilmember Fleming?
 16 COUNCILMEMBER FLEMING: We're in -- the
 17 motion is motion to reconsider; correct?
 18 No.
 19 CLERK BRYANT: Councilmember Pachuta?
 20 COUNCILMEMBER PACHUTA: No.
 21 CLERK BRYANT: Councilmember Patrick?
 22 COUNCILMEMBER PATRICK: Yes.
 23 MAYOR PITTMAN: Okay. Then we will end the
 24 meeting after public hearing and public comments.
 25 ---

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1 (Brief recess)
 2 ---
 3 MAYOR PITTMAN: All right. Meeting come
 4 back to order. I believe the next items are public
 5 hearings. So again we will open with Mr. Cooley's
 6 input, then Council, and then we will open it up for
 7 for and against, and the same rules apply as the last
 8 public hearing we had.
 9 MR. COOLEY: This is the application for
 10 rezoning of Parcels 18-310-04-024 and Parcel 18-310-
 11 04-027 as per Dekalb County tax records. The location
 12 is 5312 Buford Highway; rezoning request is from C-2
 13 Commercial to C-2 [sic] Commercial Transition.
 14 This application is by D.H. Stokes Sr.
 15 Family Partnership. The property is .969 acres
 16 including both parcels. According to the Comp Plan,
 17 this is designated as Highway Commercial. This was
 18 properly posted and advertised in The Champion
 19 newspaper as per the Georgia Zoning Procedures Act.
 20 CT Commercial Transition zoning was
 21 established by the Council back in 2008, and the quote
 22 is (reading) "intended for parcels that have existing
 23 roll-up doors. The district provides a mixture of
 24 commercial, office, light industrial, and office
 25 warehouse uses while allowing flexibility in their

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1 assemblage and configuration. Parcel must be three
 2 acres in size or less.
 3 "Properties eligible for the CT zoning are
 4 limited to those within a block of parcels which front
 5 New Peachtree/Shallowford Roads/Buford Highway and
 6 Church Street/Stewart Road/New Peachtree Road. The
 7 existing parcel must be currently zoned either C-2 or
 8 O-I. Split zoning of properties fronting Buford
 9 Highway is not permitted."
 10 The subject property meets the criteria
 11 based upon Section 23-19, which is the CT zoning
 12 district. It currently has both offices and
 13 businesses with roll-up doors to the rear of the
 14 property. The zoning will make the existing
 15 businesses legal conforming uses under the CT zoning
 16 district, which apparently in 2008 was the intent, the
 17 best I can tell, while they are currently legal non-
 18 conforming under the C-2 zoning district.
 19 This has been very problematic for both the
 20 owner and for people coming in. Any time they come in
 21 for a new occupational tax certificate, they'd have to
 22 go through the process of showing that it was
 23 grandfathered in, which is time consuming for the
 24 applicant, it's time consuming for the owner and it's
 25 time consuming for staff, when the whole idea of the

1 CT zone was to go beyond that and do away with it.
2 No one had come before the Council before
3 this to actually apply for this since 2008. There was
4 a comment made about that there was a certain time
5 period on that.

6 I did go back through and read the CT
7 Commercial Transition District. There was no time
8 frame on it. And as I was speaking to counsel, I
9 don't know if we could even do that legally if we
10 wanted to, but there is nothing in the code that puts
11 a time frame on it.

12 The applicant is here and I'm sure will be
13 glad to answer any questions you may have. This went
14 before the Planning Commission. Planning Commission
15 discussed it in length and asked a lot of questions of
16 Mr. Stokes, and they voted a recommendation of
17 approval unanimously.

18 And I'll be happy to answer any questions.

19 COUNCILMEMBER DEAN: I have one question.

20 MAYOR PITTMAN: Mr. Stokes is here and we
21 also have someone from the Planning Commission if
22 anyone wishes to ask questions of either.

23 COUNCILMEMBER DEAN: Okay. Thank you.

24 There was a discussion going on during
25 break, and Ms. Alexander said, "I don't feel

1 comfortable about this." I think that just so
2 everyone can know, what was that? What was that
3 discussion about --

4 MR. COOLEY: Yes, ma'am.

5 COUNCILMEMBER DEAN: -- so we can --?

6 MR. COOLEY: It was regarding as-builts.

7 An as-built drawing is a drawing that is
8 completed after a structure is finally done,
9 typically, directly after the structure is built.

10 The primary reason where it's really
11 beneficial is it shows you where your lines are, your
12 power lines, your water lines, any easement changes,
13 anything that changed that was approved during the
14 construction process. Nothing changes unless it's
15 approved.

16 But it gives you an as-built. So the idea
17 of it is to be a record for the future for the City,
18 for anybody -- utility, future owners, whatever -- to
19 have something to go by to know where things are.

20 Actually, most of the time, I'll be quite
21 honest with you, the ones I've seen over the years are
22 not the most reliable because sometimes they will just
23 go out there and draw lines and not, you know, do it
24 the way it should be. But that's the intent of it.

25 The concern was about the site plan that was

1 included in your package. This is a portion of an old
2 survey. And again, Mr. Stokes can probably address
3 this better. But instead of having to reproduce the
4 large document, we said, "You know, just give me --
5 This is what I need to show where the existing
6 building location is," which is what this has. It is
7 an old survey. Originally, you can see there was a
8 proposed addition that was not put on, I don't
9 believe. But again, you can address that, Mr. Stokes.

10 One of the things within the CT zoning, it
11 does require an as-built if there's going to be split
12 zoning on the property, because a lot of these are
13 multi-parcels, and like the front was office and the
14 back portion was where you have the roll-ups. So
15 that's the way it was set. Those are not allowed.
16 Split zoning is not allowed facing Buford Highway, is
17 allowed back off Shallowford and New Peachtree. So if
18 somebody came in on one of those streets and wanted to
19 do a split zoning and go into the CT, they would have
20 to provide an as-built drawing showing the parcels,
21 and it calls specifically for the -- the legal
22 description of both parcels.

23 And again -- Well, I won't get into their
24 intent, but that was what the discussion was and
25 that's what I was explaining to Councilwoman

1 Alexander.

1 Alexander.

2 COUNCILMEMBER DEAN: Does this match the
3 Comp Plan? Because I didn't see it on the zoning map.
4 I couldn't find this on the zoning map.

5 MR. COOLEY: This -- yeah. Actually, there
6 are not any CT zoning districts at this time. It's in
7 our code, and it's allowed, and it is allowed within
8 the Commercial Highway Corridor, which is the Comp
9 Plan. It's just that no one -- I don't know why. It
10 would have been a lot easier for them all along to --
11 back in 2008, to come in and have these done. But for
12 whatever reason, they didn't, so this is the first one
13 that's come in.

14 But it is compatible with the Highway
15 Commercial of the Comp Plan.

16 COUNCILMEMBER DEAN: But not the -- Okay.

17 Well, what about the -- I'm sorry, the
18 fact -- I sent you an e-mail about this. There are
19 two parcels on this piece of property.

20 MR. COOLEY: Yes, ma'am.

21 COUNCILMEMBER DEAN: Should each one be
22 addressed separately --

23 MR. COOLEY: No, ma'am.

24 COUNCILMEMBER DEAN: -- for this
25 conversation?

1 MR. COOLEY: No, ma'am. The -- again, it's
 2 even, you know, imagined with the fact that one could
 3 say CT or, excuse me, Commercial 2.
 4 Typically, when a project is coming in for
 5 rezoning, you could have two parcels, you could have
 6 five parcels. You look at the entire development area
 7 within it, and the application is for that entire
 8 area, parcels. And that's why specifically, you know,
 9 we name both parcels in the legal description and when
 10 we post it to make sure that it's covered.
 11 COUNCILMEMBER DEAN: Is CT common? Is
 12 transitional coding common? Because I looked, I've
 13 done research, and it's not -- I'm having a difficult
 14 time finding information on this, a lot.
 15 MR. COOLEY: To be quite honest with you,
 16 I've never seen it before.
 17 COUNCILMEMBER PACHUTA: I've seen it in my
 18 home town of Cary, North Carolina.
 19 MR. COOLEY: Yeah. Cary is --
 20 COUNCILMEMBER PACHUTA: It's called a little
 21 bit differently but it is designed for areas from,
 22 quote, the old Cary -- there's been a huge influx of
 23 money into Cary kind of like what happened to
 24 Alpharetta probably 20 years ago -- to transition the
 25 older areas into what they want newer.

1 that that have office use solely in front and then the
 2 portion in the back is the roll-up doors. So that's I
 3 think why they allowed the split zoning.
 4 Personally, I think split zoning is a bad
 5 idea. It makes it tougher down the line. So just
 6 philosophically, it's legal --
 7 COUNCILMEMBER DEAN: Right.
 8 MR. COOLEY: -- but I don't personally agree
 9 with it. I would rather see something come in for
 10 simplicity's sake as one development, one zoning
 11 category.
 12 COUNCILMEMBER DEAN: Right. Well, and
 13 particularly on Buford Highway because that is our --
 14 that's our main drag and we don't -- I mean that's --
 15 again, you know, we're talking about all of these
 16 great plans, but if we --
 17 Like this is a great example, you know, I
 18 mean if we -- if we -- Because here's my concern:
 19 Wholesalers are a problem.
 20 First of all, is Mr. Stokes here?
 21 MR. STOKES: I'm here.
 22 COUNCILMEMBER DEAN: What businesses do you
 23 have in your facility?
 24 MR. COOLEY: Do you want him to come up?
 25 COUNCILMEMBER DEAN: Sure.

1 MR. COOLEY: I think it's a sensitive way of
 2 approaching existing uses that the Council, obviously,
 3 when they passed this, recognized that those were not
 4 going to be what it's going to be. The value of the
 5 property eventually is going to be such that it's not
 6 allowed, but it would allow them to continue as a
 7 legal conforming use in the interim.
 8 And it does allow it to start to assemble
 9 parcels. And that's one of the things in any
 10 redevelopment that you see, especially when it's small
 11 parcels like this, is larger companies or groceries or
 12 whatever come in, assemble properties into one larger
 13 tract and then proceed forward.
 14 COUNCILMEMBER DEAN: There are two
 15 buildings, right? one on each parcel, but only one is
 16 completely constructed with roll-up doors. The other
 17 building is a red brick building that has a small
 18 addition made by the owner as a tool shed, and it's
 19 the only section of the red brick building with a
 20 roll-up door.
 21 Should the red brick building be excluded
 22 from consideration of the CT?
 23 MR. COOLEY: Not the way I read the CT. It
 24 actually addresses the fact, and that's why I think it
 25 considers the split zoning. You have parcels like

1 MR. COOLEY: Mr. Stokes?
 2 MR. DEANE STOKES: The front building is
 3 offices. Got two accounting services, two -- one in
 4 the mortgage business and insurance business. I got a
 5 lady that does alterations and a locksmith. And my
 6 office is there too but I don't use it too much.
 7 COUNCILMEMBER DEAN: Uh-huh. Okay. And
 8 when you -- With CT, I mean I'm concerned, would
 9 wholesale be allowed in CT zoning?
 10 MR. STOKES: Well, wholesale is -- is a very
 11 broad term.
 12 COUNCILMEMBER DEAN: Not so much.
 13 MR. STOKES: I mean --
 14 COUNCILMEMBER DEAN: Not so much.
 15 MR. STOKES: Yes, it is. It's a broad term
 16 because I've got people that service their retail
 17 stores.
 18 COUNCILMEMBER DEAN: That's wholesale.
 19 MR. STOKES: Well, maybe -- Okay, then it's
 20 wholesale.
 21 But I mean they service other units that are
 22 facing Buford Highway and are retail in nature, and
 23 the back building is not -- it's on Buford Highway but
 24 it's removed. You couldn't say that it's -- it's
 25 behind actually the old Dunkin Donut building which is

1 now the Title Pawn and my 5312 little office building.
2 COUNCILMEMBER DEAN: See, that I think is
3 one of the biggest problems. It is a problem we can
4 address and perhaps make some progress, because I
5 don't think that it is very ambiguous.

6 I mean I think that wholesale is wholesale
7 and retail is retail, and so when the two mix, it
8 muddies the water for everyone else who comes in, not
9 you, but just in general, because we have had some
10 businesses come in who say, "Oh, well, I want to sell
11 some wholesale and some retail," but really they're
12 zoned separately, and we want to keep that,
13 particularly on Buford Highway.

14 MR. STOKES: Well, I built this in '69, the
15 front building -- and actually, I built the Dunkin
16 Donut too and later sold it -- and assembled two other
17 properties and then later, '71/'72, built the back
18 building. And for all these years, we've used it for
19 various purposes, the back building. I've had
20 mechanics in there, I've had anything you can imagine,
21 I mean legal.

22 COUNCILMEMBER DEAN: Right.

23 MR. STOKES: And good businesses. And then
24 I guess it was three years ago, they started blowing
25 the whistle on what you could put in there and changed

1 talking about?

2 MR. STOKES: It's not a split zoning.

3 COUNCILMEMBER DEAN: Okay. All right. But
4 someone else could come in and still -- and see, the
5 property then is kind of --

6 MR. STOKES: So what are you trying to tell
7 me?

8 COUNCILMEMBER DEAN: Okay.

9 MR. STOKES: What do you want to say?

10 COUNCILMEMBER DEAN: That -- that -- I think
11 that the use is important and I think that it's not
12 ambiguous. I think wholesale is wholesale and retail
13 is retail, and we've had a couple of situations where
14 I've heard this response, and that's not the case.

15 And so if wholesale is allowed in CT or it could be --

16 COUNCILMEMBER PACHUTA: I don't believe it
17 is.

18 ATTORNEY McLENDON: Yeah.

19 COUNCILMEMBER DEAN: Okay.

20 COUNCILMEMBER PACHUTA: They're shaking
21 their heads no.

22 COUNCILMEMBER DEAN: Okay. Okay.

23 ATTORNEY McLENDON: Reading it right here, I
24 think it says: Residential habitation, wholesaling,
25 outdoor storage and display are prohibited.

1 the wording on the zoning to be very restrictive.

2 COUNCILMEMBER DEAN: Do you understand why?

3 MR. STOKES: Say again?

4 COUNCILMEMBER DEAN: Do you understand why
5 we decided to become more restrictive in terms of the
6 zoning?

7 I mean did you see what was happening? I
8 ran for office because moving was not an option, and I
9 saw the decline along Buford Highway and I wanted to
10 do what I could do to try to improve it.

11 And so I think that that was -- in fact some
12 of these Council members, I think that they've worked
13 really hard in improving and tightening up some of the
14 restrictions that were lacking before.

15 MR. STOKES: Well, maybe in the front, on
16 your retail front row.

17 But my buildings I think are exemplary.
18 They're well kept, they're maintained very nicely.
19 They're attractive to the city, I believe.

20 COUNCILMEMBER DEAN: Well, for you, but, see
21 -- because you are a good person. But someone else
22 coming in who might buy the property and will say,
23 "Oh, well, but this was here before so we can come in
24 here and we can use this."

25 Is this the split zoning that we were

1 COUNCILMEMBER DEAN: And why would we -- why
2 would we change this to CT rather than keep it at C-2?

3 MR. STOKES: Because it allows for a greater
4 variety of tenants in an overhead door in an office
5 warehouse type of building than C-2 does.

6 COUNCILMEMBER PACHUTA: I'll give a little
7 background just for people that don't remember, is
8 that in the past, office warehouse buildings and uses
9 were permitted in C-2.

10 MR. STOKES: Correct.

11 COUNCILMEMBER PACHUTA: When we changed the
12 zoning from C-2 to get rid of some of those office
13 warehouse type uses, then you had property owners -- I
14 mean that is their building. It is an office
15 warehouse.

16 So the idea of the Commercial Transition was
17 to allow in some of those uses that are suitable for
18 those types of buildings that were legal and we
19 permitted to be built but still excluding some of the
20 more egregious office warehouse uses that we did not
21 want in those major C-2 areas. So that is why it was
22 a transition.

23 MR. STOKES: And I'll say as a developer,
24 when the need comes, the market will determine. I've
25 got -- I've built properties all over the metro

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1 Atlanta, and I'd love to put a highrise office
2 building on that property if there was a demand, if
3 the market would -- would warrant it. And until the
4 market warrants it, why, you want to get the highest
5 and best use you can on the property.
6 MAYOR PITTMAN: Okay. Ms. Fleming?
7 COUNCILMEMBER FLEMING: Oh, just a comment
8 on another reason was the fact that we eliminated
9 roll-up doors in C-2 completely, and that's another
10 reason why we went into a Commercial Transition
11 district.
12 MAYOR PITTMAN: Okay. Mr. Patrick?
13 COUNCILMEMBER PATRICK: I guess to do a
14 rezoning and not in my mind have all of the facts that
15 I think I need to make a decision, do you have an as-
16 built that would show striped parking spaces, square
17 footage of the buildings --
18 MR. STOKES: I've got one. It's a --
19 COUNCILMEMBER PATRICK: -- just so we --
20 MR. STOKES: -- big -- it's quite a large
21 thing. Richard Connor did it for me years ago.
22 COUNCILMEMBER PATRICK: Okay.
23 MR. STOKES: And it's -- well, just to use
24 it, it's very cumbersome. It's old; I open it up and
25 it's kind of faded --

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1 COUNCILMEMBER PATRICK: Yeah.
2 MR. STOKES: -- very frankly, because --
3 COUNCILMEMBER PATRICK: Is it possible to
4 get parking calculations out of that?
5 MR. STOKES: I think -- doesn't the plan
6 that I have show the parking?
7 We've got more than enough parking. We've
8 got an abundance of parking there.
9 MR. COOLEY: If I may, the uses are not
10 changing significantly as far as it would change the
11 parking whatsoever. You know, it's not like we're
12 going from O&I to C-2 or something like that. The
13 ratio and the way the parking -- our parking code was
14 set up about it, there's basically no net change in
15 the thing.
16 Now, that will vary depending on what
17 exactly goes in there, but for the most part, all
18 these different things that are in the CT fall within
19 the retail district restrictions, so I don't think
20 there would be any significant change.
21 Certainly there is a lot of parking there.
22 I did not count it because --
23 MR. STOKES: I've got more than enough
24 parking.
25 MR. COOLEY: But it wasn't an issue. I

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1 didn't see it as being an issue at the time, and
2 that's why we do not have that plan. Didn't feel it
3 was necessary.
4 MAYOR PITTMAN: Ms. Pachuta? Mr. Bates?
5 COUNCILMEMBER DEAN: I have one more
6 question.
7 Does the Comp Plan future development map
8 identify that tract of land as Highway Commercial
9 district?
10 MR. COOLEY: Yes, it does. That entire
11 corridor --
12 COUNCILMEMBER DEAN: Right. Then CT --
13 MR. COOLEY: -- if you'll look at the Comp
14 Plan.
15 COUNCILMEMBER DEAN: -- is not compliant;
16 right?
17 MR. COOLEY: No, ma'am. The CT is compliant
18 with the uses that are described within the commercial
19 corridor. It's a different zoning classification but
20 the uses are the same. So it does fit within that
21 overlay, or not overlay, but that comp planning
22 district.
23 COUNCILMEMBER DEAN: Okay. And one more
24 thing. The property has a billboard on it; right?
25 Does the property have a billboard on it?

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1 MR. STOKES: Well, it's got a -- my recall
2 went -- yes, a major sign on it.
3 COUNCILMEMBER DEAN: Tell me about that. Is
4 that registered? Do we have a registry for this or --
5 MR. STOKES: Oh, yeah.
6 COUNCILMEMBER DEAN: -- or is it --
7 MR. STOKES: It had to be approved by the
8 City.
9 COUNCILMEMBER DEAN: Do we have that, Mr.
10 Cooley? Was it included in our packet?
11 MR. COOLEY: No, ma'am, because that's not
12 really relevant to the rezoning.
13 But what my background discussing it with
14 Mr. Stokes was I was curious about that, just how it
15 got there, what it was, etc. My understanding was
16 that that was actually permitted as a result of a
17 lawsuit against the City and it was part of the
18 settlement agreement.
19 COUNCILMEMBER DEAN: Can you guys confirm
20 that? Is that true?
21 COUNCILMEMBER BATES: That's way before our
22 time.
23 COUNCILMEMBER DEAN: Okay. And then last
24 thing, was the business -- did the business put -- Was
25 this business put into place before the application to

1 rezone or after?
2 The businesses in your complex, were all the
3 businesses there before the application or after?
4 MR. STOKES: No, there was -- I think they
5 were, yes. I think they were.
6 COUNCILMEMBER DEAN: They were all there in
7 place --
8 MR. STOKES: Yeah.
9 COUNCILMEMBER DEAN: -- before? Okay.
10 Okay.
11 MR. STOKES: I'll have to check on that.
12 I'm not sure of one.
13 COUNCILMEMBER DEAN: Okay.
14 MAYOR PITTMAN: Okay, Mr. Stokes, thank you.
15 MR. STOKES: Okay.
16 MAYOR PITTMAN: Okay. We're going to open
17 the public hearing portion at this time. Those
18 wishing to speak for, please come forward.
19 ---
20 (No response)
21 ---
22 MAYOR PITTMAN: Those wishing to speak
23 against, please come forward.
24 Ms. Hoffmeister.
25 MS. BONITA HOFFMEISTER: Bonita Hoffmeister,

1 sorts of problems because you --
2 MAYOR PITTMAN: Okay.
3 MS. HOFFMEISTER: -- have a building that no
4 longer --
5 MAYOR PITTMAN: Anyone else wishing to speak
6 against?
7 MR. JOE O'CONNOR: Joe O'Connor, citizen of
8 the great city of Doraville.
9 Yes. I was on the City Planning Commission
10 when we created or recommended, I should say, CT, and
11 it was Mr. Bates was the one who initiated it.
12 And one of the leading people who came
13 before us all the time is this wonderful gentleman,
14 Mr. Stokes, and I don't know how many appearances he
15 made between before the City Council or the Planning
16 Commission, but, and our way of trying to handle it
17 was to recommend a transitional type of zoning.
18 But to me, transitional also means a
19 transition in time, not two or three years later. All
20 the ones that had come in and asked for some type of
21 relief, it was given in this CT but nobody came and
22 applied for it.
23 I think, you know, after a certain period of
24 time, transitional may have lost its appeal.
25 And I also think there's -- there's a

1 3948 Spanish Oak Drive.
2 Zoning is for land. Zoning is not for a
3 building. Your C-2 was put in place to allow people
4 who have been zoned in to use that building as it was
5 originally built and intended for.
6 You do not want to rezone land. Rezoning is
7 permanent. Buildings are not.
8 Now, also, I've talked with Mr. Stokes, and
9 he's explained to me some of the problems he's had
10 with getting tenants.
11 What you need to do is look at your process
12 for these transitional areas, because they do exist,
13 but you don't need to create a separate zoning --
14 that's permanent -- to address the problem of a
15 building. You need to address your policies and
16 procedures to make his business and his property more
17 viable. Thank you.
18 MR. STOKES: May I address that just a
19 moment? C-2 used to permit everything --
20 MS. HOFFMEISTER: Right, right.
21 MR. STOKES: -- now the CT --
22 MS. HOFFMEISTER: It's changed.
23 MR. STOKES: -- zoning does.
24 MS. HOFFMEISTER: They need to change their
25 policies and procedures so you don't go through all

1 billboard on that property. You have to be M-1 or M-2
2 to have a billboard. You can't have a billboard.
3 Well, if you check the zoning, billboards are not a
4 C-2/C-1 permitted use. Thank you.
5 MAYOR PITTMAN: Okay.
6 COUNCILMEMBER PATRICK: Joe, I got a quick
7 question for you.
8 Sorry, Carol.
9 MS. CAROL GILMAN: That's all right.
10 COUNCILMEMBER PATRICK: To your knowledge,
11 was there a time frame --
12 MR. O'CONNOR: I thought --
13 COUNCILMEMBER PATRICK: -- for the CT?
14 MR. O'CONNOR: -- it was supposed to be by
15 the end of the year. That was something that the City
16 Council would --
17 COUNCILMEMBER PACHUTA: We did not --
18 MR. O'CONNOR: -- would --
19 COUNCILMEMBER PACHUTA: -- set a time frame.
20 COUNCILMEMBER PATRICK: Okay.
21 MR. O'CONNOR: -- would do.
22 MAYOR PITTMAN: Additional comments wishing
23 to speak against?
24 MS. GILMAN: Carol Gilman, Northwoods. Just
25 a couple of comments, I'm not saying for or against,

1 but comments for clarification.
2 At the Planning Commission meeting, we
3 didn't have the benefit of counsel. And just to make
4 a few comments, and perhaps you could respond, the
5 discussion at the Planning Commission also included
6 the types of businesses on the property. Whether that
7 discussion should have taken place or not, it did.

8 And we noted a wholesale business; is that
9 correct, Mr. Stokes? And wholesale was prohibited.

10 There was identification of an alcohol
11 warehousing or alcohol distribution business. We
12 obtained that information through the Dekalb County
13 property records, and I'm recalling the name was
14 Choice Brands Wine & Spirits, and in 23-914, that's
15 prohibited.

16 As Ms. Dean referenced, one of the buildings
17 is a red brick building and there was an addition made
18 at the end of the building. It's the only section of
19 that building with a roll-up door. And again, 23-14
20 reads, "No additional roll-up door shall be permitted
21 to whatever structure is there," and I have just a few
22 other items.

23 Looking at the Dekalb County property
24 records, we saw a reference on the record that read
25 "unworkable deed." We mentioned that at our Planning

1 like that. There was no problem; just added on.

2 As far as the clear value -- I don't have
3 the -- as I said, my recall on the front sign, there's
4 signs up and down. There's big signs like that on
5 Buford Highway. It's not -- I'm not the only one that
6 has a sign like that. And I know there's always been
7 a big issue about signs, I can understand that, but
8 it's an attractive sign.

9 As far as wholesale is concerned, I don't
10 have a -- I don't have a wholesale per se, and there
11 is a wine -- a man that does sale wholesale -- or not
12 wholesale wine. He sells wine to churches and things
13 like that. He's also in the mortgage business, has
14 been in there for years.

15 The other people in that back building,
16 there's a lady that transfers goods to Senegal over in
17 Africa, and one of the tenants is -- it's like a --
18 they take care of catastrophe properties where there's
19 a fire or something like that. They'll put the
20 skilled people together to go and deal with the
21 whole -- the whole casualty. And the other party
22 that's in there now is in -- actually, they're

23 retailing and producing tee shirts, and I've got --
24 Now, you say does it help just the property
25 owner? I've paid some pretty heavy, good taxes for

1 Commission meeting because we did not know what that
2 meant, and to make any kind of recommendation about
3 the property, we just wanted to highlight that. I
4 still don't know what that means, and no one on the
5 Planning Commission did either.

6 I recall a great deal of work being spent by
7 Council and Mayor on the CT zoning. And I guess the
8 question that I would have, and again just for
9 comment, does CT benefit the entire municipality or
10 just the property owner? I think that's a valid
11 question.

12 Now, even if it does just benefit the
13 individual property owner, that may not invalidate it,
14 but it's worth mention. And also again Ms. Dean made
15 reference to does it comply or is it in accord with
16 the Comp Plan.

17 By speaking, I'm asking for legal comment.
18 Those are my comments.

19 MR. STOKES: Can I get up again?

20 MAYOR PITTMAN: Yes, sir.

21 MR. STOKES: First of all, the building in
22 front, the brick building, yes, I did put addition on.
23 Went to Mayor Lively, showed him the plan. It was to
24 put my tools and things that I take care of
25 maintenance-wise and to put some extra files and stuff

1 years. I think it's a benefit to the City of
2 Doraville. It's an attractive building. They're both
3 attractive buildings; they're both well maintained.
4 They're surely not eyesores in any way.

5 And CT just allows me to do, to have the
6 flexibility that I've had for years and years in
7 keeping those buildings occupied and not unoccupied,
8 which is I'm sure a liability of having vacant
9 properties.

10 COUNCILMEMBER DEAN: Do you know how those
11 businesses got the license to do business as a
12 wholesaler?

13 MAYOR PITTMAN: If you -- if you -- Hold on.

14 COUNCILMEMBER PACHUTA: It used to be
15 permitted.

16 COUNCILMEMBER DEAN: Okay.

17 MAYOR PITTMAN: If you don't mind, just hold
18 on just a minute.

19 We're actually -- if you could start the
20 time back up, we are actually in the middle of a
21 public hearing, so we need to resume that, and then if
22 you have questions, if you don't mind, you can ask.

23 But I need to know if anyone else wants to
24 come forward and speak against.

25 MS. CRAWFORD: Susan Crawford. And I'm not

1 really going to speak against this particular property
2 because I'm not familiar with it, but I would like to
3 clarify.

4 I remember -- and Joe, correct me if I'm
5 wrong -- but as I recall, there was a change in the
6 zoning and to accommodate the businesses that could
7 not comply quickly enough. The C-2 [sic] zoning was
8 put in place, and those businesses affected have the
9 ability and the right, then, to come to City Council
10 or come to the courthouse, whatever, and apply for
11 this C-2 zoning. And I remember people remarking that
12 it was -- it was so odd that not one business had
13 actually applied after all this hooplah. And there
14 was a lot of hooplah. I remember, you know, the place
15 being packed, and not one person applied for it. And
16 the reason it was ironic was because there was a time
17 limit on this C-2 [sic] zoning.

18 So although I have no problem with -- I'm
19 not going to address what's happening tonight. The
20 idea that it could continue on ad finitum is really --
21 is disturbing because that was not the reason it was
22 put in place. Thanks.

23 MAYOR PITTMAN: Okay. Anyone else wishing
24 to speak against, please come forward

25 MR. HART: The office warehouses that were

1 neighborhood because we don't know where the borders
2 of this thing is. So it doesn't meet any of these
3 criteria as far as --

4 I mean the planning officer is telling us
5 so, but that's verbal. I don't see it on paper. I
6 don't see a site plan, I don't see what we're doing
7 here as far as --

8 One building is clearly a brick building.
9 It's an office building that meets C-2 requirements.
10 That's one building on one piece of property. This is
11 another piece of property that has this office
12 warehouse which I call an anomaly. And I don't
13 understand why that is not zoned an O&I or office
14 warehouse area and those usages contained in that.

15 What we're doing is we're now starting to
16 move things out of C-2 and it's kind of wandering into
17 this CT thing. Okay? So we're migrating problems
18 instead of addressing the problems.

19 So on Mr. Stokes' behalf, I think that that
20 should be zoned for an office warehouse and the usages
21 contained, which he's using it for primarily, be used
22 as such, and to separate those two lots because
23 there's two separate lots. There's two separate
24 usages going on there.

25 So I think it needs to go back to the

1 supposedly addressed with this -- and it was an
2 emergency, too. We, you know, went through this CT
3 zoning just-got-to-do-it and everybody's-going-to-die
4 thing again, then it turns out three years later,
5 nobody applied for it. Okay? So apparently it wasn't
6 such an emergency, and nobody died and nobody went out
7 of business.

8 Mr. Stokes' property is what I call an
9 anomaly. It's a warehouse off- -- It's like any other
10 small business that starts in the United States. It
11 starts on Mr. Stokes' property, okay? It's got
12 roll-up doors, got an office in the front, but it's
13 called an office warehouse area, and it's where
14 wholesale businesses occur, except in Doraville
15 they're on Buford Highway, which is C-2, which is not
16 where they belong. Okay?

17 So I don't really understand from Mr. Stokes
18 -- and he and I are friends. And I'm not
19 specifically, you know, against what he's doing, okay,
20 but I don't understand why he's doing it.

21 I don't understand the basis of it, because
22 instead of being CT -- And on the map, the
23 comprehensive map, they don't mention any CT stuff.
24 Okay? And on the zoning map, I don't see a little
25 line like R-1 neighborhood. I don't see the CT

1 planning office and address this thing so that for the
2 future of the city, we're seeing something that we can
3 move forward with. Okay? This is just -- all this is
4 doing is muddying the waters again and causing more
5 problems. Thank you.

6 MAYOR PITTMAN: Okay. Anyone else wishing
7 to speak against?

8 MR. STOKES: Can I say something?

9 MAYOR PITTMAN: Hold on one second.

10 MR. STOKES: I have no objection --

11 MAYOR PITTMAN: Mr. Stokes, hold on one
12 second for me.

13 Is no one else wanting to speak against?

14 ---

15 (No response)

16 ---

17 MAYOR PITTMAN: Okay, sir. Go ahead.

18 MR. STOKES: I was just going to say I have
19 no objection to the rear of the property being zoned
20 CT or office warehouse and the front C2, but the
21 ordinance says that you can't have a split zoning on
22 Buford Highway.

23 I thought technically if I'm taxed -- I've
24 got two different taxes. One tax is on the back
25 property and one tax is on the front, so they are sort

1 of two different properties.
 2 COUNCILMEMBER FLEMING: Two parcels.
 3 MR. STOKES: And I would have preferred
 4 that, but it looks like that that was not possible.
 5 MAYOR PITTMAN: Thank you.
 6 All right. We're going to bring it back up
 7 to Council.
 8 Ms. Alexander? Questions? Comments?
 9 COUNCILMEMBER ALEXANDER: I just had
 10 concerns with the drawing as it was presented to us
 11 because I don't know how old this drawing is, and it
 12 has remarks "proposed addition." So I don't know if
 13 the building that exists on this parcel includes that
 14 proposed addition or it does not. And I was trying to
 15 do some calculations but I'm not good at converting
 16 degrees into feet.
 17 It is two separate tax parcels, two separate
 18 tax I.D.s.
 19 COUNCILMEMBER BATES: Why can we not treat
 20 them as two separate parcels?
 21 MR. COOLEY: When the CT ordinance was
 22 written, it specifically excluded split zoning on any
 23 property facing Buford Highway.
 24 COUNCILMEMBER ALEXANDER: But it's two
 25 parcels.

1 COUNCILMEMBER PATRICK: They both have the
 2 same --
 3 COUNCILMEMBER ALEXANDER: Yes.
 4 COUNCILMEMBER PATRICK: -- street address?
 5 COUNCILMEMBER ALEXANDER: It says 5312
 6 Buford Highway, N.E., 5312-R Buford Highway, N.E.,
 7 rear is how it's described.
 8 COUNCILMEMBER PATRICK: Okay.
 9 MAYOR PITTMAN: Cecil?
 10 ATTORNEY McLENDON: I'm happy to address the
 11 issues raised if you'd like me to.
 12 MAYOR PITTMAN: I would.
 13 ATTORNEY McLENDON: Basically I would say
 14 that as to the CT, it exists. It is. It is an
 15 allowable zoning classification under our ordinance,
 16 so it's out there. It states geographic limits of the
 17 area, and we've pretty much said it exists and here's
 18 where it is.
 19 But ultimately, what it is about is about
 20 the allowable uses. And the issue becomes in C-2 you
 21 have a certain group of allowable uses; therefore,
 22 that means if these uses are here and they've been in
 23 existence prior to these ordinances and
 24 interpretations, then, you know, some of them may be
 25 legal nonconforming.

1 MR. COOLEY: You can't split zone one
 2 development in CT. You can't split zone two parcels
 3 that are within the CT, not on Buford Highway.
 4 And I think -- well, I'm not going to guess
 5 what the intent was.
 6 COUNCILMEMBER PACHUTA: Because they both
 7 have the same address.
 8 COUNCILMEMBER FLEMING: No.
 9 COUNCILMEMBER PACHUTA: Is that correct that
 10 they don't?
 11 MAYOR PITTMAN: They do not.
 12 MR. COOLEY: They're accessed by --
 13 COUNCILMEMBER PACHUTA: 5312?
 14 MR. COOLEY: They're accessed by the same
 15 entrance road. The back parcel is part of the entire
 16 parcel. You cannot -- It's land-locked. You cannot
 17 get to it. It is part of the overall development.
 18 COUNCILMEMBER FLEMING: It's 5859 New
 19 Peachtree Road.
 20 COUNCILMEMBER ALEXANDER: No, it's 5312 on
 21 these two tax parcels and the tax I.D. I printed
 22 these out today.
 23 COUNCILMEMBER FLEMING: Okay.
 24 MR. COOLEY: Yeah, it is two parcels;
 25 correct.

1 If you change this to C-2 or CT, then you
 2 are subject now -- the property owner is now subject
 3 to the allowable uses in the CT district, you know.
 4 I don't think it's controversial in zoning
 5 law that someone has to abandon a use for six months
 6 for it to be extinguished, for a legal nonconforming
 7 use to be extinguished. That's not controversial,
 8 frankly. That's set forth in our ordinance.
 9 But what you'd find is if you tried to come
 10 in and say you quit for 10 days, you're out, you'd
 11 probably find yourself taking the property. You'd be
 12 taking property rights. You'd probably be committing
 13 an inverse condemnation by doing that.
 14 So what you're really doing here is shifting
 15 the allowable uses from the CT -- C-2 uses, which
 16 would mean some of the uses on there may be legal
 17 within that, others may be nonconforming, and then,
 18 you know, assuming they've all been properly located
 19 to the new zoning, which would be CT, and now you'd
 20 evaluate the property in the context of the allowable
 21 uses under that code section.
 22 That's really what you're doing. So you
 23 know, that's sort of my comment on it. I hope that
 24 answers the questions and that's helpful, but that's
 25 sort of what you have, and it is part of your Zoning

1 Ordinance.

2 I can also state that when you have a
3 zoning, the only way to change a zoning is to go
4 through the Zoning Procedures Act to have a zoning
5 change. So really if you had an ordinance that said
6 in two years this will magically disappear, that
7 doesn't work, because in order for it to go away, you
8 have to put the keys in the car, go through the entire
9 Zoning Procedures Act to have that zoning changed.

10 And again, I don't think any of those are
11 controversial. Those are probably Zoning 101s, I
12 think.

13 MAYOR PITTMAN: Additional -- Ms. Fleming?

14 COUNCILMEMBER FLEMING: I want to comment
15 several things.

16 May 24th, 2010, is when we -- though I
17 cannot find the actual ordinance -- and I will
18 tonight, trust me, before I go to bed -- it was May
19 24th, 2010. I made the comment that grandfathering is
20 continuing to allow an activity after the law changes
21 in order to avoid the taking of property or because a
22 determination of fairness has been applied to continue
23 the prior activity while changing the law generally.
24 And the addresses that are involved that I wish to be
25 grandfathered are 5859 New Peachtree Road and 5312

1 COUNCILMEMBER PACHUTA: -- invalid.

2 COUNCILMEMBER FLEMING: If the C-2 uses that
3 are presently in his building --

4 COUNCILMEMBER PACHUTA: Not -- I'm sorry, go
5 ahead.

6 COUNCILMEMBER FLEMING: The uses that may be
7 in any C-2 building right now, if those people have
8 roll-up doors, okay, choose to go to CT and our C-2
9 zone does not show that use, it's not a legal
10 nonconforming any longer.

11 COUNCILMEMBER PACHUTA: That's correct.

12 My understanding was some legal
13 nonconforming when they converted to CT would become
14 legal uses -- other legal nonconforming if they chose
15 to rezone. And if it was not in CT, it would no
16 longer be allowed; you would lose your legal
17 nonconforming status. That's how it was explained to
18 us in 2010.

19 ATTORNEY McLENDON: I'd like to look.

20 COUNCILMEMBER PACHUTA: Because you're
21 choosing to rezone so you are choosing --

22 COUNCILMEMBER FLEMING: You're choosing the
23 CT.

24 COUNCILMEMBER PACHUTA: -- to get rid of --

25 COUNCILMEMBER FLEMING: You're absolutely

1 Buford Highway. Both of these parcels have wine
2 distributors in them.

3 MR. STOKES: That is correct.

4 COUNCILMEMBER FLEMING: And so forth and so
5 on. And then I go over here -- Whoops, hold on just a
6 second.

7 We talk about CT versus C-2 because the
8 properties that we're discussing tonight, Mr. Stokes
9 is C-2. Okay? And I made the comment I'd like to go
10 on record at this time that I do not feel that the
11 City needs to be and I feel that the City is evicting,
12 though others may not feel this way, because these
13 people, their property owners have an opportunity to
14 stay in C-2 and these items or uses that we've
15 discussed would be indeed grandfathered in, but if
16 they chose to go to CT, we've just evicted them
17 because you cannot use the uses that they had in C-2
18 in CT.

19 COUNCILMEMBER PACHUTA: Unless we allow that
20 into CT.

21 COUNCILMEMBER FLEMING: Correct, but if
22 they're not in CT --

23 COUNCILMEMBER PACHUTA: No. Then they
24 become --

25 COUNCILMEMBER FLEMING: Then they --

1 right.

2 COUNCILMEMBER PACHUTA: -- your legal
3 nonconforming status, essentially, if you have
4 something that's legal nonconforming now but it is not
5 in CT. That is what was explained to us in 2010.

6 ATTORNEY McLENDON: And I don't want to
7 disagree with a previous interpretation on this,
8 though I'd probably say let me review the ordinance.
9 I notice some specific language now that we're calling
10 it out about these addresses that's highly unusual,
11 but I'd be happy to review that issue.

12 But by and large, I think that the
13 nonconformity would survive. That would be my default
14 position, but I'd be happy to read the specifics --

15 COUNCILMEMBER PACHUTA: Well --

16 ATTORNEY McLENDON: -- of your ordinance.

17 COUNCILMEMBER PACHUTA: -- because I didn't
18 think it was specifics of the ordinance, because
19 you're now choosing to change your zoning so you're
20 choosing that legal nonconforming goes away if it's
21 not in the new zone.

22 ATTORNEY McLENDON: And I don't think you
23 can terminate all businesses in the rezoning cases
24 that would be --

25 COUNCILMEMBER PACHUTA: Okay. I mean that's

1 what was explained to us in 2010.

2 ATTORNEY McLENDON: You know what? The
3 issue, you thrust upon me recently, and this is a case
4 that's coming to me. I'd be happy to look at it, but
5 my default position would be until those businesses
6 cease, they would maintain their legal nonconforming.

7 COUNCILMEMBER PACHUTA: Even if it's an
8 owner-initiated rezoning, not a City-initiated
9 rezoning?

10 ATTORNEY McLENDON: Generally that's my
11 default position on it, but I'm happy to go and take a
12 look at it. If you had an interpretation prior to me
13 arriving, different than that, I would be more than
14 happy to look at it because I have not been perfect in
15 a long, long time, so I'd be happy to review that
16 issue.

17 But I can tell you on my feet sitting here
18 tonight with this issue coming to me, I will tell you
19 by and large you could continue using a property
20 consistent with the uses even if there's a rezoning.
21 It's just --

22 COUNCILMEMBER PACHUTA: Well, and I guess --

23 ATTORNEY McLENDON: -- a new set of
24 allowable uses.

25 COUNCILMEMBER PACHUTA: -- the difference

1 in the roll-up-door businesses. As a good example,
2 one of the examples that was raised during this whole
3 discussion was a business that cut glass for windows.
4 That was pulled out of C-2 because we didn't want
5 glass cutters in Northwoods Plaza, but it was a viable
6 use in these roll-up facilities. It's not an
7 allowable use in Office Warehouse.

8 So there was this along with many other uses
9 that were discussed that were viable in these
10 facilities because they are light industrial, for lack
11 of better terms, that got eliminated when we went
12 through the C-1/C-2 rezoning in 2008, and, thus,
13 viable uses that could have gone into -- again, we're
14 talking about a very limited scope of number of
15 properties that were involved -- all of a sudden found
16 themselves losing, for lack of better terms, a number
17 of viable uses.

18 So there was a lot of frustration that was
19 vented to us and a lot of work that was put in by the
20 Planning Commission, by staff and Council at the time
21 to create this CT zone to allow for a limited number
22 of expanded uses for businesses that have roll-up
23 doors. Karen articulated that a little bit earlier.

24 But based upon Pam's comments and Karen's
25 comments and not a clear agreement from Council, this

1 that was raised is that it is not a City-initiated
2 rezoning in which you would retain your legal
3 nonconforming but this is an owner-occupied --

4 ATTORNEY McLENDON: You should never --

5 COUNCILMEMBER PACHUTA: -- or owner.

6 ATTORNEY McLENDON: -- have City initiated
7 rezonings. They're rare, I mean really in real life.

8 COUNCILMEMBER PACHUTA: Well, I mean --

9 ATTORNEY McLENDON: Let me --

10 COUNCILMEMBER PACHUTA: -- you know, where
11 we changed C-2, we basically made a lot of his uses
12 nonconforming when we changed the uses in C-2. That
13 is what I mean.

14 ATTORNEY McLENDON: I understand that.

15 That would not be my default, but I didn't
16 have any heads-up on this and I have not -- I have not
17 specifically looked at it. That's not how I would
18 typically off the cuff look as that happened.

19 COUNCILMEMBER BATES: CT was a mess when we
20 went through it. It remains a mess and is going to
21 continue to be a mess until we get some resolution on
22 some of the redevelopment. There was not a good
23 viable option for these businesses.

24 Converting them to Office Warehouse was not
25 a viable option because of the uses that they wanted

1 has got to be postponed so that we can make sure that
2 whatever happens, if we vote for this, that Mr. Stokes
3 is not going to lose current uses, and if we vote
4 against it, there's an understanding of why we're
5 voting against it, to make sure that all parties are
6 on the same page with regards to what this means.

7 And Mr. Cooley and Mr. McLendon, you guys
8 weren't here for this initial round, and so I can
9 appreciate your desire to need to tread carefully. I
10 want to tread very carefully on this, being our first
11 one. I'm not comfortable with -- as it's been said,
12 I'm not comfortable with it taking two years for us to
13 get the first one, because there was pent-up demand
14 and frustration -- we got to do it, we got to do it,
15 we got to do it -- and now we're here after all of our
16 brains have dried up.

17 COUNCILMEMBER PACHUTA: *And my understanding*
18 -- and this is just anecdotal of why other businesses
19 have not chosen to do the CT is because they were
20 under the understanding based on Legal's, you know,
21 advice at those meetings is that they -- their current
22 legal nonconforming uses would be lost; thus, they
23 have chosen not to move forward with the CT until they
24 lose so many tenants.

25 So that is --

1 ATTORNEY McLENDON: Let me look at it.
 2 COUNCILMEMBER PACHUTA: -- my understanding
 3 why people have not moved forward.
 4 MR. STOKES: Can we postpone this thing?
 5 COUNCILMEMBER BATES: That's what I'm --
 6 COUNCILMEMBER DEAN: Okay. I would like to
 7 say one thing to address Ms. Gilman's question,
 8 because during my research on this, the unworkable
 9 deed, apparently, I think it was 1975, one of the
 10 parcels was deeded over to Dekalb County for right-of-
 11 way, and they didn't have -- the tax assessor did not
 12 have a copy of that deed. But that still gives Mr.
 13 Stokes full right to legally manipulate that property
 14 in whatever way he wants, just to -- just to address
 15 that question. Okay.
 16 COUNCILMEMBER BATES: So I'm going to make a
 17 motion to postpone this to September the 4th.
 18 MAYOR PITTMAN: Do I get a second?
 19 COUNCILMEMBER ALEXANDER: Second.
 20 MAYOR PITTMAN: Discussion?
 21 ---
 22 (No response)
 23 ---
 24 MAYOR PITTMAN: Call the roll, please.
 25 CLERK BRYANT: Councilmember --

1 COUNCILMEMBER BATES: The hearing's closed.
 2 MAYOR PITTMAN: The hearing's closed.
 3 Okay. Call the roll, please.
 4 CLERK BRYANT: Councilmember Alexander?
 5 COUNCILMEMBER ALEXANDER: Yes.
 6 CLERK BRYANT: Councilmember Bates?
 7 COUNCILMEMBER BATES: Yes.
 8 CLERK BRYANT: Councilmember Dean?
 9 COUNCILMEMBER DEAN: Yes.
 10 CLERK BRYANT: Councilmember Fleming?
 11 COUNCILMEMBER FLEMING: Yes.
 12 CLERK BRYANT: Councilmember Pachuta?
 13 COUNCILMEMBER PACHUTA: Yes.
 14 CLERK BRYANT: Councilmember Patrick?
 15 COUNCILMEMBER PATRICK: Yes.
 16 MR. COOLEY: And just for clarification,
 17 this will not be a continuation of the public hearing.
 18 This will be when y'all -- and you don't have to make
 19 the decision at that meeting of the public hearing.
 20 So we won't be readvertising and going through all
 21 that again.
 22 MAYOR PITTMAN: All right. The next public
 23 hearing is going to be to Amend the Definition of
 24 Restaurant and Nightclub and Delete Discotheque from
 25 Section 23-910.

1 COUNCILMEMBER PATRICK: Could we add --
 2 COUNCILMEMBER DEAN: Because we have a
 3 comment.
 4 COUNCILMEMBER PATRICK: -- a friendly
 5 amendment, requirement for a current as-built?
 6 MR. COOLEY: If you don't mind calling it a
 7 survey as opposed to an as-built.
 8 COUNCILMEMBER PATRICK: Survey.
 9 MR. COOLEY: If that's what you wish.
 10 COUNCILMEMBER BATES: Do you want a current
 11 survey?
 12 COUNCILMEMBER PATRICK: I would like one,
 13 yeah.
 14 COUNCILMEMBER BATES: I'll amend the motion
 15 to postpone this to September the 4th with the
 16 requirement of a current survey of the property.
 17 COUNCILMEMBER ALEXANDER: I amend my second.
 18 MAYOR PITTMAN: Discussion from up here?
 19 ---
 20 (No response)
 21 ---
 22 MAYOR PITTMAN: Sir, what did you want to
 23 say?
 24 UNIDENTIFIED SPEAKER: If this is still a
 25 public hearing, may I make a brief comment?

1 MR. COOLEY: Yes, ma'am. This is the
 2 amended definition of "restaurant," "nightclubs," and
 3 to delete "discotheques" from Section 23-910. It's
 4 been properly advertised in The Champion newspaper as
 5 required by the Georgia Zoning Procedures Act.
 6 You've got a copy of the strikes and
 7 everything, but basically what I'd like to do -- and
 8 we had this previously -- is the rationale behind some
 9 of this.
 10 First off, to amend Section 23-910 to delete
 11 discotheque as a use allowed on conditional use
 12 permits in the C-2 zoning district. Right now, we
 13 have a conflict.
 14 We do not have a definition of
 15 "discotheque," so you go to the dictionary. And
 16 discotheque is a place to dance, which is the same
 17 definition that we have for entertainment. We have
 18 two things that are identified basically as the same
 19 thing; however, we do not require the 1,500 foot
 20 setback from residential for discotheques while we do
 21 require it for nightclubs.
 22 So the easiest way to do this is to
 23 basically delete it as a conditional use, and with the
 24 changes of the definition, it basically becomes a
 25 nightclub. That's the first part of that.

1 The two other things that -- The change is
 2 currently the Section 23-402 reads, "Nightclub means a
 3 place where dancing by patrons occurs excluding dance
 4 schools and academies."
 5 We would like to clarify that, and then
 6 working with Council, came up with amend it to read,
 7 "a place of entertainment open at night serving food
 8 and/or liquor and providing music and space for
 9 dancing with or without a floor show." And that's
 10 based upon the Mirriam-Webster Dictionary definition,
 11 and stating that "The principal business of a
 12 nightclub shall be entertaining, and the serving of
 13 alcoholic beverages shall be incidental thereto."
 14 That's the first one.
 15 And again, the rationale is the definition
 16 of a nightclub is a place of entertainment as opposed
 17 to a restaurant serving food as a principal business
 18 would help alleviate the confusion as to whether a
 19 restaurant may have music and dancing incidental to
 20 the normal operations of the restaurant, such as a
 21 wedding reception, mariachi band, strolling musicians,
 22 etc., but it would specifically forbid the closing of
 23 the restaurant for entertainment events.
 24 So you couldn't close it, because then it
 25 becomes an event center. If you had it during normal

1 And then the last is a continuation of what
 2 is there now, "As an accessory use, take-out service
 3 of food and beverages for off-site consumption may be
 4 provided."
 5 So what we're trying to do is allow the uses
 6 of a restaurant, reasonable, which is a normal
 7 restaurant, but not allow it to be an entertainment
 8 facility, which has been attempted in the past.
 9 MAYOR PITTMAN: Okay. Thank you.
 10 We're going to bring it up to the Council.
 11 Ms. Alexander?
 12 COUNCILMEMBER ALEXANDER: No questions.
 13 MAYOR PITTMAN: Mr. Bates?
 14 COUNCILMEMBER BATES: No questions.
 15 MAYOR PITTMAN: Ms. Pachuta?
 16 COUNCILMEMBER PACHUTA: Huh-uh.
 17 MAYOR PITTMAN: Mr. Patrick?
 18 COUNCILMEMBER PATRICK: No.
 19 MAYOR PITTMAN: Ms. Fleming?
 20 COUNCILMEMBER FLEMING: No questions.
 21 MAYOR PITTMAN: Ms. Dean?
 22 COUNCILMEMBER DEAN: Should there be a
 23 percentage breakdown in terms of a restaurant, what
 24 percentage should be food and what percentage should
 25 be alcohol?

1 operation of the business, if they got strolling
 2 mariachi and someone dances or if you got a wedding
 3 reception in a special room, people can dance but it
 4 cannot -- the restaurant could not be closed down and
 5 turned into an event facility.
 6 And that goes into the amendment to the
 7 definition of "restaurant." The amendment of 23-403,
 8 definition of "restaurant" to delete the word
 9 "building," first off, and replace it with "facility."
 10 So it would be, "Restaurant means a
 11 facility" -- striking out "building" -- "where food
 12 and beverages are offered for sale to the public for
 13 consumption at tables or counters either inside or
 14 outside the building on the lot." That's our current
 15 definition.
 16 The recommendation is to add the following
 17 language: "The serving of meals shall be the
 18 principal business conducted, with the serving of
 19 alcoholic beverages to be consumed on premises, music
 20 and dancing incidental thereto. Incidental use does
 21 not include the 'closing' of the restaurant for the
 22 general public in order to conduct an entertainment
 23 event at a charge. Incidental uses are subject to all
 24 other applicable ordinances, such as the alcoholic
 25 beverage license requirements."

1 MR. COOLEY: That's required within the
 2 alcohol license, yes, ma'am.
 3 MAYOR PITTMAN: All right. At this time,
 4 we're going to open the public hearing portion, and
 5 all the same rules apply.
 6 Those wishing to speak against, please come
 7 forward. Those wishing to speak against.
 8 UNIDENTIFIED SPEAKER: Don't we have "for?"
 9 MAYOR PITTMAN: We are. I figured there
 10 would be more for than against.
 11 Okay. Those wishing to speak against?
 12 - - -
 13 (No response)
 14 - - -
 15 MAYOR PITTMAN: Those wishing to speak for,
 16 please come forward and state your name.
 17 MR. ABBOTT: Thom Abbott, Northwoods. I
 18 have a quick couple questions for you, Mr. Cooley.
 19 So if I understand correctly, then, if a
 20 restaurant is operating and supposed to be serving
 21 food, and the police department, residents, whatever,
 22 come in and determine that either the kitchen's closed
 23 or there's really no food coming out of the kitchen,
 24 that that would give the police department or whomever
 25 the ability to come in and say, "You're in violation

1 of your license because you're really not operating a
2 restaurant any more." That would be my first
3 question.
4 Then my --
5 MR. COOLEY: Can I answer that first?
6 MR. ABBOTT: Okay. Go ahead.
7 MR. COOLEY: Yes, that is correct. And that
8 is something that, you know, is part of the Zoning
9 Ordinance, which would be the fine where it's a
10 thousand dollars per incident, and they eventually
11 take them -- and counsel can explain it better -- they
12 actually take them to court for those fines.
13 MR. ABBOTT: Okay. Then, my second question
14 is -- we got a ways to go to get to this but let's
15 hypothetically say we got a really cool, nice
16 restaurant in the city. And Microsoft comes to town
17 for a convention, and they've sent out their scouts
18 looking around where they're going to go: "I want to
19 have my private event in that restaurant because that
20 is totally cool."
21 Can in fact, then, a business owner close
22 his restaurant for a private event that's not open to
23 the public? They're not paying to come, because it's
24 hosted by a company. Would that be allowed?
25 MR. COOLEY: Yes. The way it's stated is it

1 COUNCILMEMBER FLEMING: Whatever.
2 MR. HART: Okay. You took discotheque out?
3 COUNCILMEMBER FLEMING: Yes.
4 MR. COOLEY: Yes, sir.
5 MR. HART: Okay. So I come into town and I
6 apply to open a disco here. Where are you going to
7 put my business?
8 UNIDENTIFIED SPEAKER: We won't allow it.
9 COUNCILMEMBER FLEMING: Quickly denied.
10 UNIDENTIFIED SPEAKER: Go to Norcross.
11 UNIDENTIFIED SPEAKER: Put it somewhere
12 else.
13 MR. HART: You have no place to open the
14 disco. Okay.
15 Legal, is that --
16 MAYOR PITTMAN: Are you speaking for?
17 ATTORNEY McLENDON: Is this Q & A?
18 MR. HART: Yeah, this is Q & A.
19 COUNCILMEMBER ALEXANDER: No, it is not.
20 COUNCILMEMBER PACHUTA: No, it is not.
21 MAYOR PITTMAN: You're speaking for? Are
22 you speaking for --
23 MR. HART: No.
24 MAYOR PITTMAN: -- or against?
25 MR. HART: I'm against.

1 would not be allowed and charge a fee to get in. So
2 it would not be open to the general public.
3 MR. ABBOTT: Okay.
4 MR. COOLEY: If someone wanted to come out
5 and rent the restaurant for the night and it was
6 legal, whatever activity it was they were doing, yes,
7 that would --
8 MR. ABBOTT: Okay.
9 MR. COOLEY: -- be allowed.
10 MR. ABBOTT: Perfect. Thank you.
11 MAYOR PITTMAN: Okay. Anyone else wishing
12 to speak for, please come forward.
13 ---
14 (No response)
15 ---
16 MAYOR PITTMAN: All righty. We're going to
17 close the public hearing portion.
18 COUNCILMEMBER PATRICK: Tom wants to have --
19 COUNCILMEMBER FLEMING: Tom wants to --
20 MAYOR PITTMAN: Well, I said come forward if
21 you want to speak.
22 COUNCILMEMBER FLEMING: He's a "no."
23 MR. HART: Against, for, okay.
24 COUNCILMEMBER FLEMING: He's for?
25 MAYOR PITTMAN: He needs to come up.

1 MAYOR PITTMAN: Okay.
2 MR. HART: First of all, it's like you made
3 a bunch of changes to a problem area in the city,
4 okay. We have a little place that's 44,000 square
5 feet that could open if the law were adjusted slightly
6 so that we made accommodation so we can accommodate
7 the business. Okay.
8 I haven't read through the whole thing
9 because there's no packets, you know, at these
10 meetings any more. Used to be there was a packet and
11 it described everything they were doing so you could
12 read these things ahead of time.
13 Just read all these changes, and one would
14 have to -- particularly the Council, I would think,
15 would want to spend a little time looking through
16 there, like what exactly does this mean? Okay.
17 You always have to look at not what, okay,
18 we're going to take out and we're going to make it so
19 you can have a private meeting in a club, okay, or
20 you know.
21 But the thing is, what are all the angles
22 here, okay? What you're doing is you're presented
23 with a bunch of changes to a very hot topic in the
24 city. You have to consider that you have been bitten
25 on the rear end more than once, okay.

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1 Why would you just like take it on face
2 value and just vote for something? Wouldn't you want
3 to absorb this over like a week and kind of figure out
4 what exactly are we trying to do here?
5 What is the point of changing all this?
6 That was a question. Why this wholesale changing of
7 all -- Is there something driving this? Is there some
8 big demand for it? Is it like the CT project? Do we
9 have to change this now because they're just going
10 crazy? Is there something that's coming into the city
11 that we have to accommodate? What is the specific
12 purpose of this change? And then allow a week for
13 discussion.
14 Thank you.
15 MAYOR PITTMAN: All right. We are going to
16 close the public hearing portion and we're going to
17 bring it back up to the table.
18 And Council, additional comments?
19 COUNCILMEMBER DEAN: Well, I would like to
20 address Mr. Hart.
21 This is in reaction to the Georgia Palace
22 because we had discotheque and for the Georgia Palace,
23 and so it created some potential problems and so
24 that's why we changed the language, because we have
25 nightclub in a specific zoning, which is what? M-1 or

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1 someplace, and then discotheque was not.
2 Discotheque could be a conditional use in C-
3 2, if I'm correct. Right?
4 COUNCILMEMBER FLEMING: Correct.
5 COUNCILMEMBER DEAN: And so this language is
6 to keep the discotheque out of M -- I mean out of C-2.
7 And so if someone wanted to bring in an establishment
8 like that, they could go to M-1 and call themselves a
9 nightclub rather than a discotheque.
10 COUNCILMEMBER PACHUTA: I'll go ahead and
11 make a motion to amend Section 23-402 to revise the
12 definitions of "nightclub" and "restaurant" specified
13 in the ordinance.
14 No?
15 ATTORNEY McLENDON: Okay. Well, is this
16 the first reading?
17 COUNCILMEMBER DEAN: First reading. This is
18 the first reading.
19 COUNCILMEMBER PACHUTA: Oh, is it?
20 MAYOR PITTMAN: We can waive the first
21 reading if you wish to waive the first reading.
22 Do we have a motion to waive the first
23 reading?
24 COUNCILMEMBER BATES: I am not a fan of
25 waiving first readings generally.

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1 COUNCILMEMBER PACHUTA: Okay. Sorry.
2 MAYOR PITTMAN: Then, we'll put it back on
3 the next agenda.
4 All right. Now we're going to open the
5 floor for public comments. If you have public
6 comments --
7 Oh, sorry.
8 MR. COOLEY: Just as a clarification, you've
9 got two things here. You've got one, the deletion
10 from CT conditional use and then you also got --
11 that's a different section. Then you've got 12-402,
12 which is the definition. So you got 402 and then
13 you've got 910. So just wanted to make sure that was
14 clear.
15 COUNCILMEMBER ALEXANDER: So this will be
16 put on the agenda for the 4th.
17 MAYOR PITTMAN: Yes.
18 Okay. Public comments. If you have public
19 comments, please line up at the podium. Please line
20 up at the podium.
21 MR. BOB KELLY: Bob Kelly, Northwoods.
22 Just a quick question a point of
23 clarification. The CID and the zone issues that
24 you're moving toward, forgive my ignorance, but are
25 those open to the public?

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1 MAYOR PITTMAN: Oh, absolutely, yes, sir.
2 MR. KELLY: And will they be -- will we know
3 when they're going to happen?
4 MAYOR PITTMAN: They will be advertised.
5 MR. KELLY: Okay. That's all I want to
6 know.
7 MAYOR PITTMAN: Thank you.
8 MS. DAWN O'CONNOR: Hi, I'll be brief, Mayor
9 Pittman.
10 I was appointed to the Ethics Commission,
11 and you asked that we find --
12 Dawn O'Connor, Northwoods. Sorry.
13 -- you asked that we find a person to
14 represent Oakcliff, and I would like to have you
15 consider Susan Crawford. And I spoke with Mr. Davis
16 and left word with him, and he has not gotten back to
17 me, but I mentioned that. So I'd like to consider
18 Susan. Thanks.
19 MAYOR PITTMAN: Okay. Thank you.
20 We need to put that on an agenda.
21 COUNCILMEMBER PACHUTA: That's not our
22 choice.
23 COUNCILMEMBER BATES: That's not our choice.
24 COUNCILMEMBER PACHUTA: They appoint.
25 MAYOR PITTMAN: Oh. That's who you chose?

1 COUNCILMEMBER FLEMING: You appoint.
 2 MAYOR PITTMAN: Oh. Then --
 3 COUNCILMEMBER BATES: Congratulations.
 4 COUNCILMEMBER FLEMING: Congratulations.
 5 MS. CRAWFORD: Does this mean I have to be
 6 ethical?
 7 UNIDENTIFIED SPEAKER: That's a start.
 8 MS. CRAWFORD: Oh, you can still be my
 9 cousin.
 10 MAYOR PITTMAN: All right. I'll ask if
 11 you're going to speak to come up to the podium.
 12 MR. HART: While we're discussing
 13 commissions, it's been over a year and there is still
 14 a missing member of the Planning Commission from
 15 Oakcliff.
 16 COUNCILMEMBER DEAN: The last I heard, we
 17 sent an -- I sent an e-mail out about Ben Crawford,
 18 and I haven't received any response. That was
 19 probably what? Three weeks ago?
 20 So yeah, I'm curious about that too. I've
 21 since spoken to Ben about it, and he said it's been
 22 too long, he's no longer interested.
 23 But I do have some names. The Councils from
 24 that district, are they supposed to find someone?
 25 because --

1 So I think you got the message tonight that
 2 this is not business as usual. They're over it. You
 3 can hear it in the neighborhoods. People don't know
 4 what the reason why but they know something's wrong.
 5 So you just can't keep on doing this.
 6 Okay. Thank you.
 7 MS. GILMAN: Carol Gilman, Northwoods, and
 8 also a member of the Planning Commission.
 9 While there are available seats on the
 10 Planning Commission, I would like to make note that I
 11 am a member at large and therefore Oakcliff does have
 12 representation. Thank you.
 13 MAYOR PITTMAN: Additional public comments?
 14 Yes, sir.
 15 MR. SUTPHIN: I have never been one to keep
 16 my mouth shut, sometimes probably when I should.
 17 Just a general comment to the City Council.
 18 Sometimes as a businessperson in the city of
 19 Doraville, I ask myself if there are any advocates.
 20 Is there anybody in the City that really understands
 21 the true economy of what happens with the decisions
 22 that you make every day?
 23 And I'm not a very tactful person, and I've
 24 been accused of being a lot of things. I'm a damned
 25 yankee; I speak my mind, and it doesn't always come

1 COUNCILMEMBER PACHUTA: We haven't found,
 2 but you've said several times that you had some names,
 3 and I've never received them.
 4 COUNCILMEMBER DEAN: Well, I gave you -- I
 5 gave you one, Ben Crawford, right? And I got no
 6 response back, and then you said that you had someone
 7 in mind.
 8 COUNCILMEMBER PACHUTA: And they can't.
 9 Their mother-in-law is very ill. They can't do it.
 10 COUNCILMEMBER DEAN: All right. So yeah, I
 11 can provide you two more names from that district if
 12 you'd like them.
 13 COUNCILMEMBER ALEXANDER: Please.
 14 MR. HART: Okay. Because the last Planning
 15 Commission meeting I went to there wasn't a quorum,
 16 okay, and I mean it's over a year. It's probably a
 17 year and a half since this has been going on.
 18 I mean, you know, you talk about
 19 redevelopment and all the rest of the stuff. It seems
 20 like if you don't have a full Planning Commission and
 21 it's been a year and a half, that you're not really
 22 focused on redevelopment.
 23 Okay. So that's what this audience is
 24 hearing, a lot of this. You know, a lot of this stuff
 25 going on but not a lot of doing, you know.

1 out well.
 2 But what happens every time you make a
 3 decision and you make a vote to complicate zoning
 4 matters, to complicate anything that requires the
 5 average person or the average business owner to go
 6 through City Hall to get a decision made, you have a
 7 direct impact on the economy that we live in.
 8 When the gentleman that was here trying to
 9 get his property, you know, rezoned or whatever his
 10 issue was, when I get a call from somebody trying to
 11 rent a house, trying to rent a business from me, if
 12 there's the least little bit of resistance, they tend
 13 to move to the path of least resistance just like an
 14 electrical current or the flow of water.
 15 Doraville has got a reputation for being a
 16 dam. And when the economy is flowing in this
 17 direction, it faces that dam and diverts: Chamblee,
 18 Norcross, wherever.
 19 You guys have got a reputation, and I don't
 20 mean to be insulting -- it's something that has been
 21 going on for years -- for being anti-business, and it
 22 has affected the whole area dramatically.
 23 Where does a wholesale business go?
 24 Doraville is traditionally wholesale. Make it
 25 prettier. Do something about it. Enforce the zoning.

1 Don't call us a poverty zone.
 2 Doraville has traditionally been what I call
 3 the armpit of Atlanta. You need a mechanic, you need
 4 a warehouse, you need a this, you need a that. Do we
 5 want to continue to have that reputation?
 6 We all want Doraville to be a nice place to
 7 live, but you can't do that by driving out the
 8 businesses that support the tax base, that support
 9 Doraville. Okay?
 10 When you changed the zoning a few years ago
 11 and you made it harder for me to rent my property, I
 12 tried many times to send people over to get a permit
 13 to operate a business on my property. And the first
 14 thing they heard was "fee," exorbitant. The second
 15 thing they heard was "conditional use; we got to run
 16 it by, it's going to take a little bit." And the
 17 third thing they heard was "no." And they went
 18 someplace else. And we're now feeling the trickle-
 19 down effect, the pouring-down effect of that in the
 20 lousy economy and the lousy business environment that
 21 we are in today.
 22 And I ask you to consider the decisions you
 23 make carefully. I want Doraville to be a nice place
 24 to live. It is a nice place to live. I feel safe
 25 here. Wonderful police force, wonderful neighbors,

1 CLERK BRYANT: Councilmember Pachuta?
 2 COUNCILMEMBER PACHUTA: Yes.
 3 CLERK BRYANT: Councilmember Patrick?
 4 COUNCILMEMBER PATRICK: Yes.

5 - - -
 6 (Meeting adjourned at approximately 10:15 p.m.)
 7 -o0o-

1 wonderful people. But if you keep making negative
 2 economic -- decisions that create a negative economic
 3 impact on our businesses, the businesses are going to
 4 continue to go away, whatever they may be.
 5 MAYOR PITTMAN: Thank you.
 6 MR. SUTPHIN: Okay? Please consider that in
 7 all your decisionmaking.
 8 MAYOR PITTMAN: Thank you for your time.
 9 All righty. Motion to adjourn?
 10 COUNCILMEMBER ALEXANDER: So moved.
 11 MAYOR PITTMAN: Second?
 12 COUNCILMEMBER BATES: Second,
 13 MAYOR PITTMAN: Discussion?
 14 - - -
 15 (No response)
 16 - - -
 17 MAYOR PITTMAN: Call the roll.
 18 CLERK BRYANT: Councilmember Alexander?
 19 COUNCILMEMBER ALEXANDER: Yes.
 20 CLERK BRYANT: Councilmember Bates?
 21 COUNCILMEMBER BATES: Yes.
 22 CLERK BRYANT: Councilmember Dean?
 23 COUNCILMEMBER DEAN: Yes.
 24 CLERK BRYANT: Councilmember Fleming?
 25 COUNCILMEMBER FLEMING: Yes,

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