

**In The Matter Of:**

*City of Doraville*

*State of Georgia*

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*City Council Meeting*

*August 6, 2012*

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*American Court Reporting Company, Inc.*

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

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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 6, 2012.

1 PROCEEDINGS  
2 MAYOR PITTMAN: Meeting come to order.  
3 Welcome to everyone and please rise for the  
4 Pledge.  
5 - - -  
6 (Pledge of Allegiance)  
7 - - -  
8 MAYOR PITTMAN: If we could possibly make a  
9 couple of amendments to the agenda. We have some  
10 guests here, and if it's possible to move the Capital  
11 Improvement District presentation up to the top  
12 possibly under Smart Code and then also the Resolution  
13 to Adopt a New Retirement Plan. We have guests here  
14 for that as well.  
15 COUNCILMEMBER ALEXANDER: Make a motion to  
16 move the Community Improvement District Presentation  
17 and Resolution to Adopt a New Retirement Plan Document  
18 to fall under Section III under the Smart Code  
19 presentation.  
20 MR. COOLEY: We're having a bit of a  
21 technical difficulty, and Chris from I.T. is on his  
22 way. So I might suggest that you might want to make  
23 the Smart Code the second to give Chris time to get  
24 here if that's all right.  
25 MAYOR PITTMAN: Do you need the smart board

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

1 for that?  
2 Okay. So if we can make a small amendment  
3 to that and put the CID above the Smart Code.  
4 COUNCILMEMBER ALEXANDER: So Section III  
5 will read now the Community Improvement District  
6 Presentation, then the Smart Code presentation, and  
7 then the Resolution to Adopt a New Retirement Plan  
8 Document.  
9 MAYOR PITTMAN: Thank you. And do I get a  
10 second?  
11 COUNCILMEMBER PACHUTA: Second.  
12 MAYOR PITTMAN: Discussion?  
13 COUNCILMEMBER FLEMING: I'd like to know  
14 whether the retirement plan representatives are giving  
15 a Power Point presentation.  
16 UNIDENTIFIED SPEAKER: No.  
17 COUNCILMEMBER FLEMING: Thank you.  
18 MAYOR PITTMAN: Call the roll, please.  
19 CLERK BRYANT: Councilmember Alexander?  
20 COUNCILMEMBER ALEXANDER: Yes.  
21 CLERK BRYANT: Councilmember Bates?  
22 COUNCILMEMBER BATES: Yes.  
23 CLERK BRYANT: Councilmember Dean?  
24 COUNCILMEMBER DEAN: Yes.  
25 CLERK BRYANT: Councilmember Fleming?

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1 COUNCILMEMBER FLEMING: Yes.  
 2 CLERK BRYANT: Councilmember Pachuta?  
 3 COUNCILMEMBER PACHUTA: Yes.  
 4 CLERK BRYANT: Councilmember Patrick?  
 5 COUNCILMEMBER PATRICK: Yes.  
 6 MAYOR PITTMAN: All right. So I guess we  
 7 will start with Mr. Morsberger. Welcome.  
 8 ATTORNEY McLENDON: I think we have a point  
 9 of order just to call the roll in an official manner.  
 10 MAYOR PITTMAN: I am so sorry.  
 11 CLERK BRYANT: Councilmember Alexander?  
 12 COUNCILMEMBER ALEXANDER: Here.  
 13 CLERK BRYANT: Councilmember Bates?  
 14 COUNCILMEMBER BATES: Here.  
 15 CLERK BRYANT: Councilmember Dean?  
 16 COUNCILMEMBER DEAN: Here.  
 17 CLERK BRYANT: Councilmember Fleming?  
 18 COUNCILMEMBER FLEMING: Here.  
 19 CLERK BRYANT: Councilmember Pachuta?  
 20 COUNCILMEMBER PACHUTA: Here.  
 21 CLERK BRYANT: Councilmember Patrick?  
 22 COUNCILMEMBER PATRICK: Here.  
 23 MR. EMORY MORSBERGER: I'm going to give you  
 24 a two-hour presentation in 10 minutes.  
 25 I'm Emory Morsberger. Thank you for

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1 inviting me. Thank you for allowing me to speak  
 2 first. I'm looking forward to the presentation that  
 3 follows mine because they may be connected.  
 4 I am Emory Morsberger. I'm the president of  
 5 Morsberger Revitalization. I have led the effort to  
 6 form three CIDs, Community Improvement Districts, in  
 7 Gwinnett, Dekalb and Fulton County and I have led  
 8 other efforts to expand another four or five Community  
 9 Improvement Districts.  
 10 I currently serve as president of the Stone  
 11 Mountain CID, which is kind of a part-time job for me.  
 12 I've got a real estate redevelopment background and  
 13 have been doing that for the last 30 years.  
 14 I successfully formed the Gwinnett Village  
 15 Community Improvement District next door across the  
 16 Gwinnett County line in 2005. That CID is currently  
 17 worth 1.2 billion dollars and basically takes in from  
 18 its property owners for improvements and other kinds  
 19 of investments roughly 2 million dollars a year. They  
 20 usually leverage that 2 million with grants from the  
 21 County, the ARC, the State, all kinds of different  
 22 pots within the state and then several different pots  
 23 within the Federal government. They leverage that 2  
 24 million dollars a couple times over every year making  
 25 improvements to interchanges like Jimmy Carter

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1 Boulevard landscaping, dramatic improvements in  
 2 security and dramatic improvements in the brand of the  
 3 area.  
 4 When we began, that area was known as Little  
 5 Tijuana and now it is known proudly as Gwinnett  
 6 Village. The Gwinnett Village continues to grow.  
 7 People ask to be added into it just so that they  
 8 receive the extra benefits that come with being part  
 9 of that CID.  
 10 I, beginning of last year, began the  
 11 formation of the Stone Mountain Community Improvement  
 12 District. We signed up 180 million dollars of  
 13 property there between last February and the end of  
 14 April. We added another 60 million to come up with a  
 15 total of 240 million dollars in value of the Stone  
 16 Mountain CID.  
 17 And I'm giving you these two examples  
 18 because they're both very comparable. The Gwinnett  
 19 Village CID is literally a couple miles just right  
 20 across the border and matches up almost perfectly with  
 21 many of the things that are existing in the 85/285  
 22 area. I am also describing the Stone Mountain CID  
 23 because it's a CID that was formed in record time in  
 24 Dekalb County after a 10-year period where no CIDs  
 25 were created.

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1 So we're legally tuned in with the County  
 2 administration, the legal department and the tax  
 3 department to get up and running on the schedule that  
 4 I'm proposing.  
 5 Basically, currently backed by the Mercer  
 6 University and the City of Chamblee to move forward to  
 7 create a plan for the creation of an I-85 Community  
 8 Improvement District, my goal is to create this plan  
 9 over the next two months and begin formation efforts  
 10 the beginning of October with a fairly large kickoff  
 11 meeting involving every organization within this  
 12 target area that you have on your map.  
 13 I envision that it will take roughly six to  
 14 eight months to complete the sign-ups and then have  
 15 the County Tax Commissioner approve the parcels that  
 16 sign up, have the County Commission, the City of  
 17 Doraville and the City of Chamblee, possibly also the  
 18 City of Brookhaven all approve the boundaries of this  
 19 CID, move forward with the County Commission  
 20 appointing its representatives to the CID and actually  
 21 have the CID up and -- by the way, Brookhaven,  
 22 Chamblee and Doraville also appointing their  
 23 representatives to this CID board -- have it up and  
 24 running next July, have it actually working forward,  
 25 applying for grants and beginning planning efforts by

1 the end of next summer. According to my schedule,  
 2 this would be on the plans for the 2013 tax bills, and  
 3 we're prepared to move forward in that scenario.  
 4 This plan basically that is being requested  
 5 here, the support for the plan being requested from  
 6 you would involve an analysis of all of the owners in  
 7 this area. You currently have about 1.5 billion  
 8 dollars in commercial property value in the target  
 9 area on the map that I've given you, excluding General  
 10 Motors. General Motors is kind of a wild card there,  
 11 and I can answer questions about that later if you'd  
 12 like.  
 13 We're looking at Peachtree Industrial on the  
 14 north all the way south to Briarcliff and Chamblee  
 15 Tucker on the left from the Fulton County line all the  
 16 way up to the Gwinnett County line -- again, including  
 17 all of Chamblee, all of Doraville, pretty much all of  
 18 Brookhaven and then a large section of currently  
 19 unincorporated Dekalb County on the west -- on the  
 20 south side of 85.  
 21 We have a number of property owners that are  
 22 listed in this, and I feel like this is a doable  
 23 project. So far, I'm batting a thousand on these.  
 24 The goals of this CID are to make the  
 25 property owners' property value worth more money. A

1 depending on situations. Doraville and Chamblee I  
 2 believe have pretty good security. In Gwinnett  
 3 Village we have a chunk of Norcross, and they have  
 4 good security and we have upgraded the part of that  
 5 CID in unincorporated Gwinnett County. That  
 6 particular CID has about four individual CID-  
 7 controlled patrol cars that are out seven nights a  
 8 week. Over in Mountain Industrial, Stone Mountain  
 9 CID, I've got one patrol car 10 hours a night seven  
 10 nights a week, and that's dropped the crime over there  
 11 by over 25 percent in the past year. We've eliminated  
 12 the blight over there and we are now working forward  
 13 with the planning for the revitalization of the  
 14 interchange and a couple other major intersections in  
 15 the area.  
 16 We realized very quickly over in the Stone  
 17 Mountain CID that it did no good to get the buildings  
 18 looking beautiful with beautiful lawns and great  
 19 security if they sat there empty. We've got about a  
 20 25 percent vacancy rate in that area, three million  
 21 square feet of empty building. Our owners -- and  
 22 remember this is for the benefit of the owners.  
 23 Community benefits but the owners are the primary  
 24 concern here. The towns that we are involved with  
 25 benefit but the owners are our primary objective,

1 CID is not a charity. Property owners sign up; only  
 2 commercial owners, not residential owners and not  
 3 nonprofit owners. We don't have governments or  
 4 churches paying into a CID.  
 5 Most of the CIDs in the metro area have a  
 6 millage rate of 5 mills. The Gwinnett Village pays 5  
 7 mills, the Stone Mountain CID pays 5 mills. Very  
 8 large CIDs like Perimeter Center may pay less; they  
 9 may pay like 3 mills because they get all the money  
 10 that they need at that 3-millage rate.  
 11 You sign up 50 percent of the owners  
 12 representing 75 percent of the value. Again going  
 13 back to Stone Mountain CID, last spring I signed up  
 14 180 million dollars worth of value and 45 owners. I  
 15 then dragged in another 60 million dollars' worth of  
 16 value representing 43 owners. We signed up another 92  
 17 million dollars into the Stone Mountain CID last  
 18 month. This was the Royal Atlanta Office Park and a  
 19 chunk of Tucker who wanted to join our CID, wanted to  
 20 get the landscape cleanup, the security and the  
 21 overall economic development, so they're on board now  
 22 as an expansion of that particular CID.  
 23 This CID, in addition to working on physical  
 24 things like landscaping the interchanges like I did in  
 25 Gwinnett County, we'll also do security as needed

1 making their property worth more.  
 2 We started an economic development plan  
 3 about six months ago. We got a grant from the Atlanta  
 4 Regional Commission with a match from the Dekalb  
 5 Development Authority. We hired Jacobs Engineering  
 6 and Market Street Services to do our economic  
 7 development plan and have it done by the end of  
 8 November of this year. We are fast-tracking it.  
 9 We're looking at three things on the  
 10 economic development over there. We're looking at the  
 11 physical: How do we fix up the roads?  
 12 We're looking at the systemic issues.  
 13 Dekalb County has some interesting issues on zoning,  
 14 permitting, and all kinds of business license issues  
 15 that are causing our tenants and our owners to think  
 16 about going to other counties because they're  
 17 frustrated here. We're trying to fix those systemic  
 18 issues.  
 19 And then third, we are looking at what kind  
 20 of businesses want to be in our area, what kind of  
 21 businesses do we want in our area. We're not looking  
 22 for auto junkyard businesses. We're not looking for  
 23 things that are dirty industries, for lack of a better  
 24 term. We're looking for industries that create good-  
 25 paying jobs.

1 So we figure out what we want and then we  
2 figure out the plan to bring it there and we are  
3 underway with that planning process. Partnership  
4 Gwinnett in Gwinnett County that has been hugely  
5 successful over the last six years has filled up many  
6 of the buildings in the Gwinnett Village Community  
7 Improvement District, and we're kind of modeling what  
8 we do over there over in Gwinnett, over in Stone  
9 Mountain.

10 Now, that's relevant here because this area  
11 is suffering on the economic development front. It's  
12 not anyone's fault; it's just part of the overall  
13 economy. My goal is to look at the economic  
14 development of this entire area.

15 This entire area has huge assets that are  
16 not being adequately broadcasted to the outside world.  
17 First of all, you've got three MARTA stations ready to  
18 go, you've got a great airport two or three miles  
19 away, you've got more interstate frontage per square  
20 acre than just about any other area in the Southeast.  
21 You've got three universities -- Oglethorpe, Mercer,  
22 and a lot of Emory there off of North Druid Hills --  
23 that are all very close together and would have some  
24 tremendous energy.

25 And last but not -- well, two other assets.

1 center for sustainability.

2 There is a national center for  
3 sustainability in several other countries that handles  
4 every kind of environmental issue within that country.  
5 In other words, I visited the leadership of the India  
6 center for sustainability in Delhi, India, met with  
7 their owners and spent quite a lot of time learning  
8 how they function. Everything in India dealing with  
9 air and water flows through that Colony Square-size  
10 center. In addition, they deal with a lot of  
11 agriculture, housing and transportation issues.

12 There is not a center like this in the  
13 United States, and I had planned to put it down there  
14 on the beltline. The developers who are now doing  
15 that project are not interested in that kind of a  
16 project; they're more interested in a retail center.

17 I'm thinking that the brownfield here next  
18 to 285 and the MARTA station would be an ideal  
19 location for a place where industries in the  
20 sustainability field would locate. Industries,  
21 consulting firms, General Electric, Georgia Power, all  
22 kinds of companies. We had roughly 300 companies  
23 interested in being a part of that project in City  
24 Hall East. That project would work just as well here  
25 with the access to the MARTA station.

1 You've got the CDC with a campus that's exploding with  
2 growth and a tremendous potential job creator, and  
3 you've got the best brownfield site in the Southeast.

4 So this plan for this large CID would be, in  
5 my opinion, down the road, like within the first six  
6 or eight months, looking at how to have everyone  
7 within the CID working together to tie all of those  
8 assets together in a meaningful way and then move  
9 forward to do economic development in the entire  
10 corridor on a large scale.

11 Now, I just toss out two random ideas here  
12 just to get your juices flowing. My thought -- and  
13 Mercer is the one that started me on this. Mercer is  
14 wanting to continue growing and wanting to have more  
15 professors and more students here. They have already  
16 sent me the check that I'm asking from you-all  
17 tonight. Already there, but they asked me to get it  
18 matched. Mercer, Oglethorpe and Emory, what if this  
19 section of the 85 corridor was called the University  
20 Triangle or something like that?

21 Let me toss out another suggestion. Some of  
22 you may know that I was the leader on the  
23 redevelopment of City Hall East in Atlanta on Ponce de  
24 Leon. One of the projects that we worked on in that  
25 particular location was the creation of a national

1 So again, that's a dream. The idea of a CID  
2 is doable, but there are other things that should be  
3 looked at as we move forward with the creation of a  
4 CID here. So my goal is to get you-all supporting  
5 this and get going. My goal is to have a study of all  
6 of the owners in this area. There's roughly 3,000  
7 owners in this target area. We've already begun to  
8 analyze them and talk to some of them. We are  
9 figuring out who the ringleaders of this organization  
10 should be and figuring out who should be involved in  
11 driving this forward.

12 We envision having the plan done by the end  
13 of September, the kickoff meeting for the formation in  
14 October, and, again, finish the sign-ups the end of  
15 next April. That's the goal.

16 And the Mayor here has been phenomenal in  
17 communicating with the other officials around the  
18 county and especially with the Mayor Chamblee. Mayor  
19 of Chamblee and the Mayor of Doraville have been  
20 great.

21 Now I'm open for questions.

22 MAYOR PITTMAN: Well, you did a really good  
23 job of putting that together quickly, so thank you  
24 very, very much.

25 MR. MORSBERGER: Okay.

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1 MAYOR PITTMAN: At this point, we'll take  
2 input or comments or questions from the Council, so  
3 start with Ms. Alexander.  
4 COUNCILMEMBER ALEXANDER: I guess we were  
5 trying to confirm on your maps, is it just going to be  
6 85, 285, or are you going to include the arterial  
7 roads or --  
8 MR. MORSBERGER: The target area that we're  
9 looking at is from Peachtree Industrial all the way  
10 south to Chamblee Tucker from the Gwinnett County line  
11 all the way down to the Fulton County line.  
12 COUNCILMEMBER ALEXANDER: So you are going  
13 to include Buford Highway and --  
14 MR. MORSBERGER: Yes. Yes. Now, I can't  
15 guarantee that this will be the boundary of that  
16 ultimate CID. The boundary of that CID will be a  
17 function of who signs up. If we can't sign up  
18 Executive Park or anyone else on North Druid Hills  
19 Road, we probably won't go that far in that direction.  
20 If we can't sign up any of the car dealers over on  
21 Peachtree Industrial, we may not have the horsepower  
22 to include that on the front end.  
23 Usually a CID starts out based on the number  
24 of people who sign up within its core area, so we  
25 won't know the answers to that until we begin -- until

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1 we do this plan and then begin the sign-up process.  
2 I might add that, again, if you recall, when  
3 we formed the Stone Mountain CID, we signed up 180  
4 million dollars worth of property on the front end and  
5 then we dragged in another 60 million.  
6 My goal here is to probably sign up half a  
7 billion between now and next April and then probably  
8 drag in another 200 to 300 million and do that on the  
9 first phase.  
10 Most CIDs start out with a core and then  
11 expand the core out each year until they get to their  
12 optimal size.  
13 MAYOR PITTMAN: Okay. Thank you. Anything  
14 else, Ms. Alexander?  
15 COUNCILMEMBER ALEXANDER: No.  
16 MAYOR PITTMAN: Okay. Mr. Bates?  
17 COUNCILMEMBER BATES: Aside from the initial  
18 request of \$10,000, would there be any other financial  
19 contributions or obligations of the City moving  
20 forward?  
21 MR. MORSBERGER: None required, possibly  
22 some requested, and definitely a lot of support  
23 requested.  
24 When we formed the Gwinnett CID, the City of  
25 Norcross was upset with us because we had not included

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1 Norcross. And we were moving forward very quickly  
2 with that, and Norcross said, "Why aren't we in?" and  
3 we said, "We don't have the administrative help to set  
4 this up for the City of Norcross." And one of the  
5 councilmen said, "How much?" I said, "25 grand," and  
6 in the next week came 25 grand, so that part of  
7 Norcross is now in the CID.  
8 There's an administrative cost on forming a  
9 CID. It cost roughly \$250,000 to form the Gwinnett  
10 Village CID. That came primarily from investments  
11 from the owners who were driving it. We asked the  
12 owners who were signing up to contribute one tenth of  
13 one percent of the value of their property. For  
14 example, the Vulcan Material mine up there at Beaver  
15 Ruin and 85 has a value of 26 million dollars. He  
16 came to our kickoff ceremony with a check for 26  
17 grand. We raised about 150 grand that first night to  
18 cover those administrative costs.  
19 Now, I would also -- if I was driving this  
20 forward, I would be asking you, the City Council folks  
21 and the Mayor, to help us sign people up. That is,  
22 you are better connected to the businesses in this  
23 area than I am or any team that we would be putting  
24 together in the next two or three months, so we're  
25 going to be asking for help there. That's it.

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1 COUNCILMEMBER BATES: Thank you.  
2 MAYOR PITTMAN: Is it a good time to discuss  
3 the money for a second?  
4 MR. MORSBERGER: Sure.  
5 MAYOR PITTMAN: I know that we had a  
6 discussion with our budgetary challenges and I know  
7 that you were requesting \$10,000, and I know that I  
8 said that I'm not sure that we can pull that \$10,000,  
9 and I know that you said, well, then, you really  
10 wanted us involved and you really wanted us to be on  
11 board with this. So I think you possibly would agree  
12 to \$5,000?  
13 MR. MORSBERGER: It's possible, yes.  
14 MAYOR PITTMAN: And I believe that we might  
15 could pull that off, though.  
16 MR. MORSBERGER: Yes.  
17 MAYOR PITTMAN: Okay. I just wanted to get  
18 that out in the open.  
19 MR. MORSBERGER: That is better than a zero.  
20 MAYOR PITTMAN: Yes. Thank you.  
21 Ms. Pachuta?  
22 Or Mr. Bates, did you have anything else?  
23 COUNCILMEMBER BATES: I'm good. Thank you.  
24 MAYOR PITTMAN: Okay.  
25 COUNCILMEMBER PACHUTA: Have you polled or

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1 received any feedback from commercial owners in the  
2 Doraville area?  
3       You know, part of my concern in getting  
4 money from us right now or you're asking for money  
5 from us right now, and you've gotten money from  
6 Chamblee and Mercer; but as you said, it depends on  
7 which areas that you can get the buy-in.  
8       MR. MORSBERGER: Uh-huh.  
9       COUNCILMEMBER PACHUTA: So it may be that  
10 the only businesses right now that are interested are  
11 those much further down or in Brookhaven and that that  
12 may be the area where you're going to concentrate and  
13 be able to form the CID versus right now you're not  
14 asking for any contribution from that area.  
15       So how do we know that us and even Chamblee  
16 and Mercer are going to get the benefit from it if it  
17 comes out that you can't get the buy-in from this  
18 area? I mean have you done any --?  
19       MR. MORSBERGER: We're asking for money to  
20 do the study to do the poll that you're talking about.  
21 It's a little bit of a chicken-and-egg there. We need  
22 to do the work that I'm requesting the funding for in  
23 order to answer that question.  
24       COUNCILMEMBER PACHUTA: But have you done  
25 any kind of preliminary research as to why you're

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1 coming to us for it versus, you know, commercial  
2 owners in Brookhaven or something?  
3       MR. MORSBERGER: You are the leader of this  
4 area, and we are asking the leaders of this area to be  
5 part of this process. We specifically did not make  
6 any request from the County. We want this to be the  
7 leaders of this area driving this effort rather than a  
8 County project.  
9       Based on -- I have not talked to specific  
10 owners within the city limits of Doraville. I've  
11 talked to a lot of other owners of adjoining  
12 properties who are interested in this happening.  
13 They're sitting on office parks that are half empty.  
14 They want to get the office parks full. If they get  
15 the office parks full and if some dead zones get  
16 turned around and turned into something, then their  
17 owners are happy and the property values go up  
18 dramatically.  
19       COUNCILMEMBER PACHUTA: But you don't --  
20 those weren't specifically in Doraville.  
21       MR. MORSBERGER: They are in the 85 corridor  
22 very close to Doraville, yes.  
23       MAYOR PITTMAN: Mr. Patrick?  
24       COUNCILMEMBER PATRICK: If we go for the  
25 buy-in, what assurances do we have that the investment

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1 from the commercial properties in Doraville are going  
2 to come back here so that it doesn't all end up at  
3 Brookhaven or Chamblee? How do we know it's going to  
4 stay here or something's going to come here?  
5       MR. MORSBERGER: You're in the middle.  
6 We're not going to work around you like a doughnut. I  
7 mean you're the center here. With the intersection of  
8 285 and 85 and the GM plant, I would anticipate a huge  
9 amount of action here.  
10       COUNCILMEMBER PATRICK: We all know this and  
11 we're grateful --  
12       MR. MORSBERGER: Sure.  
13       COUNCILMEMBER PATRICK: -- I'm grateful  
14 you're here for this, but I just need to hear you say,  
15 you know, Doraville's not going to get sidetracked --  
16       MR. MORSBERGER: No. This is --  
17       COUNCILMEMBER PATRICK: -- in any way.  
18       MR. MORSBERGER: -- ground zero.  
19       COUNCILMEMBER PATRICK: Okay.  
20       MR. MORSBERGER: Not really a good term, but  
21 I mean this is the center of the effort.  
22       COUNCILMEMBER PATRICK: Okay. Final  
23 question: Are there any known negatives to this?  
24       UNIDENTIFIED SPEAKER: Yeah.  
25       COUNCILMEMBER PATRICK: What are the down-

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1 sides?  
2       MAYOR PITTMAN: I'm sorry. I don't need any  
3 outbursts from the audience.  
4       MR. MORSBERGER: The negatives of a CID are  
5 that it costs money to set it up and run it.  
6 Basically, it's property owners and appointed people  
7 from the cities that are running this, and they have  
8 done a very good job. There are 16 CIDs in the metro  
9 Atlanta area.  
10       COUNCILMEMBER PATRICK: Okay.  
11       MR. MORSBERGER: They come up for sunset  
12 roughly every six years. All of the ones that have  
13 come up for a sunset vote have been renewed  
14 unanimously. Every one that I've seen has been  
15 totally unanimous.  
16       COUNCILMEMBER PATRICK: Okay.  
17       MR. MORSBERGER: Property owners like the  
18 fact that somebody's waking up every morning figuring  
19 out how to make their property worth more.  
20       City governments like Norcross, for  
21 example -- and I think I encouraged you-all to call  
22 the Mayor of Norcross, Bucky Johnson -- they like the  
23 CID because the CID gets a lot of money into that area  
24 that would not have come there otherwise. For  
25 example, the State Road and Tollway Authority two

1 years ago gave out 10 million dollars to metro area  
 2 CIDs. Gwinnett Village got a million and a half of  
 3 that. Okay. And this past month, they again gave out  
 4 8 million dollars. We requested \$500,000 for the  
 5 Stone Mountain CID and got that. The Gwinnett Village  
 6 is funding their diverging diamond interchange, Jimmy  
 7 Carter going over 85, with the million that they got  
 8 from Serta last month.

9 CIDs take their tax revenue and leverage it.  
 10 So there's not really a lot of disadvantages.

11 COUNCILMEMBER PATRICK: Thank you.  
 12 MAYOR PITTMAN: Okay. Ms. Fleming?  
 13 COUNCILMEMBER FLEMING: I'm going to come  
 14 off of Mr. Patrick's first question to you. The  
 15 percentage of investment for our commercial district  
 16 would then dictate what the improvements will be for  
 17 Doraville as a total, or is -- you're talking about  
 18 signing up specific land owners, so, and you're saying  
 19 this is what the math is going to be.

20 Depending on the investment of our Doraville  
 21 commercial district --  
 22 MR. MORSBERGER: Uh-huh.  
 23 COUNCILMEMBER FLEMING: -- are you just  
 24 going to improve those areas or are you going to  
 25 improve what's considered the map area?

1 MR. MORSBERGER: We plan to contact every  
 2 commercial property owner in that district out of  
 3 that.

4 COUNCILMEMBER FLEMING: But if ABC  
 5 contributes and XYZ doesn't --  
 6 MR. MORSBERGER: Uh-huh.  
 7 COUNCILMEMBER FLEMING: -- does XYZ get a  
 8 benefit?  
 9 MR. MORSBERGER: If ABC contributes and XYZ  
 10 is next to them, XYZ may become a member.  
 11 COUNCILMEMBER FLEMING: No. Benefit.  
 12 MR. MORSBERGER: Well, if you --  
 13 COUNCILMEMBER FLEMING: If they do not --  
 14 MR. MORSBERGER: If you have a --  
 15 COUNCILMEMBER FLEMING: If they do not sign  
 16 up.  
 17 MR. MORSBERGER: If you have a slum and  
 18 you're next to someone who dramatically improves their  
 19 property, your slum benefits even though you have done  
 20 nothing. And that is what happens with a CID. The  
 21 ones who contribute and drive it actually do benefit  
 22 the nearby commercial properties, they tremendously  
 23 benefit the residential properties nearby. Okay. The  
 24 amount of crime reduction on Jimmy Carter Boulevard  
 25 that the CID has caused tremendously benefits the

1 residents who live in that area. The fact that they  
 2 can walk to a restaurant without getting shot by a  
 3 gang as a result primarily of the CID's efforts is a  
 4 benefit enjoyed by commercial neighbors and  
 5 residential neighbors.

6 I might add that the Gwinnett Village CID  
 7 actually came together at the Greater Atlanta  
 8 Christian School. We had all of our meetings in that  
 9 school, which is not a taxpayer but was very anxious  
 10 to reduce the blight and the crime in that area. And  
 11 I would venture to say that if you called their  
 12 leadership, they would be very happy at how the CID  
 13 has benefitted them.

14 COUNCILMEMBER FLEMING: Okay. Let me  
 15 rephrase the question because you initially in your  
 16 presentation said aesthetics in regards to street-  
 17 scapes, so forth and so on, that type of thing, those  
 18 were your targeted area, security and so forth.

19 MR. MORSBERGER: Yes.  
 20 COUNCILMEMBER FLEMING: Those are the  
 21 targeted things that a CID does --  
 22 MR. MORSBERGER: Yes.  
 23 COUNCILMEMBER FLEMING: -- for the  
 24 commercial businesses.  
 25 MR. MORSBERGER: And road planning.

1 COUNCILMEMBER FLEMING: And road planning.  
 2 MR. MORSBERGER: Uh-huh.  
 3 COUNCILMEMBER FLEMING: Okay. All right.  
 4 So we've got -- all of a sudden from Lenox to  
 5 Brookhaven, we've got 50 percent contribution, you've  
 6 got 15 -- you've got 25 percent contribution from  
 7 Chamblee, and Doraville's only got 10 percent  
 8 contribution into the pool of all of these moneys for  
 9 this CID.

10 Are we going to get -- our commercial  
 11 district only get 10 percent of the benefit?  
 12 MR. MORSBERGER: I think the benefit is  
 13 going to flow to where it does the majority of the  
 14 owners the most good. I would --  
 15 COUNCILMEMBER FLEMING: Okay. So that's  
 16 what I'm trying to get across.  
 17 MR. MORSBERGER: Yeah.  
 18 COUNCILMEMBER FLEMING: Our 10 percent in  
 19 the pot may end up at Lenox or Brookhaven.  
 20 MR. MORSBERGER: It would be very unlikely  
 21 that if you have the number of owners in this area  
 22 that are located in this area signed up  
 23 percentagewise comparable to the people at Lenox, that  
 24 money would go down there. This is the gateway area.  
 25 COUNCILMEMBER FLEMING: Okay. My final

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1 question and I'll let Ms. Dean take over from me.  
2 You want us to offer you or make an  
3 agreement with you for \$10,000 and possibly \$5,000,  
4 but yet we haven't spoken to one commercial owner who  
5 is going to pay typically, in your memo -- or I'm  
6 sorry; Mr. Howe's memo -- 2 to 3 mills more, and you  
7 through your presentation ask them to pay 5 mills more  
8 in the Stone Mountain area if I'm not mistaken.  
9 I can't say yes to giving you \$10,000 with  
10 not having to even pick up the phone and call any of  
11 my commercial owners to know whether they want to pay  
12 2 to 5 mills more on their taxes, so --  
13 MR. MORSBERGER: And what this study is  
14 doing is asking all of those owners what they want and  
15 whether they're willing to come in and whether they  
16 want to become what Gwinnett Village has become. I  
17 mean this isn't some kind of pie-in-the-sky dream. We  
18 already did it right next door. There's no reason it  
19 can't be done here. And those owners have benefitted  
20 tremendously.  
21 There hasn't been a decent ground breaking  
22 in Dekalb County in five years. Not one. And I was  
23 at the ground breaking for Baxter out in Covington  
24 last Wednesday morning, and I asked, "Well why didn't  
25 you-all move to Dekalb?" and they said, "Nobody's

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1 responding in Dekalb."  
2 Well, somebody needs to answer the phone  
3 here when somebody wants to locate a business with  
4 high-paying jobs in the 85 or Peachtree Industrial or  
5 Buford Highway corridor.  
6 And I know from experience that the CID has  
7 caused a huge amount of economic development to come  
8 into the Jimmy Carter Boulevard area. It was a  
9 wasteland that was ignored by the county power  
10 structure of Gwinnett County until we created that CID  
11 in 2005. They have ribbon cuttings and they have real  
12 jobs coming in there -- not jobs moving out, jobs  
13 coming in -- on almost a monthly basis, and that's the  
14 desire here.  
15 I mean it's nice to clean it up, it's nice  
16 to make it look pretty and it's nice to get it secure,  
17 but the goal is to create new industry, attract new  
18 jobs into this area that are good jobs, and this CID  
19 will do that.  
20 COUNCILMEMBER FLEMING: Thank you.  
21 MAYOR PITTMAN: Ms. Dean?  
22 COUNCILMEMBER DEAN: Okay. Thank you for  
23 taking the time to appear here.  
24 MR. MORSBERGER: Sure.  
25 COUNCILMEMBER DEAN: On Saturday when you

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1 called, I told you that I hadn't yet reviewed the  
2 material but I had concerns over the process, and the  
3 process in part was that I didn't know that this was  
4 going to be part of this meeting and I certainly  
5 didn't know that we were spending another \$10,000,  
6 because it falls outside of our plan. I think that we  
7 really need to have a plan and follow it, and by these  
8 distractions, we're going off course a lot.  
9 But having said that, I think you answered  
10 one of my questions, what brought you here, what  
11 brought you to us? I mean was it Chamblee? But I  
12 guess you've been talking with the Mayor and that. Or  
13 did you approach us? Did we approach you? How did  
14 that work exactly?  
15 MR. MORSBERGER: I approached you.  
16 COUNCILMEMBER DEAN: Uh-huh. Okay. And I  
17 want to read something that I would like you to  
18 comment on.  
19 MR. MORSBERGER: Okay.  
20 COUNCILMEMBER DEAN: [As read] "The county  
21 and/or city in which a CID is located approves and  
22 even participates in the management of that CID. The  
23 local government gets one seat on the CID board."  
24 "Approval by landowners is not based on one  
25 person/one vote but rather on the value of real estate

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1 which gives the power to commercial entities. The  
2 major landowners also vote for board members but all  
3 landowners pay the assessment along with their county  
4 taxes so that the county is involved in this aspect as  
5 well."  
6 Could you comment?  
7 MR. MORSBERGER: The people who sign up  
8 agree to pay extra taxes. The people who are included  
9 agree to pay taxes, again under the State  
10 Constitutional formula for formation of a CID.  
11 COUNCILMEMBER DEAN: So if I'm Little Joe  
12 Smith shop over here and members of the CID are around  
13 me, then I am going to have to pay into it as well  
14 because it's around me.  
15 MR. MORSBERGER: It's not definite but it's  
16 quite possible --  
17 COUNCILMEMBER DEAN: Okay.  
18 MR. MORSBERGER: -- yes.  
19 COUNCILMEMBER DEAN: And the other thing,  
20 the question about are there negatives, in Cobb County  
21 there were two CIDs that contributed \$150,000 to an  
22 advocacy group advocating for a SPLOST referendum.  
23 Now, there was a lawsuit involved and there  
24 was a problem because the CID said, "No, no, no. We  
25 contributed because we wanted to promote education."

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1 But you don't give money to an advocacy group to  
2 educate; you give money to an advocacy group to  
3 advocate.  
4 So you see that is I believe local  
5 government should be very, very careful when giving  
6 developers special rights because they can be abused  
7 as in the case of the Cobb County CIDs.  
8 MR. MORSBERGER: Let me -- CIDs work to get  
9 money to come into their area, okay. That CID in Cobb  
10 County that spent \$150,000 was looking at getting  
11 roughly 75 million in return brought into their  
12 district. Okay?  
13 Now, regardless of how you look at the  
14 legalities there -- and we can have lots of lawyers  
15 talk about it for a long time -- the goal of a CID is  
16 to get money into their area to revitalize and improve  
17 their area. In this particular case, that money was  
18 an investment. It's like a lobbyist in Washington  
19 that's getting the U.S. government to spend many, many  
20 times what you're spending in your area.  
21 COUNCILMEMBER DEAN: But theoretically, it's  
22 the tax dollars that are doing the lobbying, and if  
23 someone is not for that particular item, then their  
24 tax dollars are not being spent in an appropriate way,  
25 it could be argued.

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1 MR. MORSBERGER: These tax dollars that  
2 you're talking about are contributed by owners, by  
3 owners of commercial properties who are interested in  
4 improving the property value in their area.  
5 COUNCILMEMBER DEAN: Right.  
6 MR. MORSBERGER: Okay? I mean we're not  
7 taking money from a little old lady struggling to keep  
8 her house. We're talking about people that own  
9 shopping centers and office parks.  
10 COUNCILMEMBER DEAN: But what about Joe  
11 Smith, the little guy who is stuck in the middle of  
12 all of this who is now obligated to contribute more  
13 with higher taxes? I mean that's -- I think that's  
14 the thing.  
15 MR. MORSBERGER: Joe Smith has a vote here.  
16 Joe Smith is not irrelevant. If Joe Smith is in the  
17 CID, he has a vote. He has --  
18 COUNCILMEMBER DEAN: But if he's not in the  
19 CID, he still has to pay; right?  
20 MR. MORSBERGER: If -- if -- there are two -  
21 - there are two types of membership in the CID. There  
22 are people who voluntarily sign up. If six of you  
23 sign up and he doesn't, says go jump in a lake, we can  
24 drag him in. So he's unwillingly been now included.  
25 COUNCILMEMBER DEAN: And he's --

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1 MR. MORSBERGER: I might not --  
2 COUNCILMEMBER DEAN: -- paying taxes.  
3 MR. MORSBERGER: -- get a Christmas card  
4 from him. He's paying taxes --  
5 COUNCILMEMBER DEAN: Right.  
6 MR. MORSBERGER: -- but he's receiving a  
7 tremendous amount of benefit for the creation of this  
8 CID.  
9 COUNCILMEMBER DEAN: Right.  
10 MR. MORSBERGER: The CID Gwinnett Village,  
11 we did not have the OFS plant sign up, okay, right  
12 there at the corner of Jimmy Carter and 85. They told  
13 us to jump in a lake.  
14 We are now their biggest advocate for the  
15 redevelopment of that site. The whole project that is  
16 being planned for that site is a result of the CID  
17 moving to bring that there. So even though they  
18 didn't sign up, they're receiving benefit and they're  
19 now very happy to be in it.  
20 COUNCILMEMBER DEAN: Okay. And there are  
21 many fewer restrictions -- correct me if I'm wrong --  
22 on the issuance of the bonds than if the bonds were  
23 issued another way. Is that correct? They don't have  
24 to --  
25 MR. MORSBERGER: CIDs haven't issued bonds.

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1 COUNCILMEMBER DEAN: -- (overspeaking) the  
2 public hearing?  
3 MR. MORSBERGER: CIDs haven't issued bonds  
4 in this market. It is theoretically possible, but  
5 that has not occurred.  
6 And again, this is all -- Just as you-all  
7 are elected by your citizens, the people who run a CID  
8 organization are people who are property owners  
9 elected by other property owners, and they watch the  
10 budget like a hawk. A CID is subject to all of the  
11 Open Records laws that you are, all of the audit rules  
12 that you are, all of the bid requirements that you  
13 are, and we're very similar in the way we operate so  
14 that there can be no unfairness to some specific  
15 owner.  
16 COUNCILMEMBER DEAN: Well, the thing that  
17 concerns me is that it's the value of the property.  
18 It's not a one-person/one-vote kind of deal. And so  
19 if someone owns the majority of the property, then  
20 they're going to have the greater say. And we had --  
21 there was a project last year, the Buford Highway  
22 Overlay Project, that completely fell apart because we  
23 were trying to improve Buford Highway. It fell apart  
24 because -- because there were some issues regarding  
25 how big the business community and the residential

1 community and so it just -- they -- it just ended.  
 2 There are some concerns that I have based on how  
 3 fairly this would all work.  
 4 MR. MORSBERGER: There are three kinds of  
 5 board members, okay. There are board members that are  
 6 elected by the membership where the membership is  
 7 based -- votes based on their dollar value. For every  
 8 thousand dollars you own in assessed property, you  
 9 have a vote. So a large owner has many times the  
 10 votes that the little guy has when voting for those  
 11 two or three board members that are voted for based on  
 12 that.  
 13 Then the other half of the board is elected  
 14 by a one vote -- one-owner/one-vote basis. So you,  
 15 the little transmission shop has the same amount of  
 16 votes as Century Center has. You're equal on that, on  
 17 those board members. And then board members are  
 18 appointed by the cities and by the county, okay, who  
 19 are also representing you and representing the  
 20 citizens. So it's very unlikely that somebody is  
 21 going to be railroaded on something like you're  
 22 describing.  
 23 COUNCILMEMBER DEAN: Okay. All right.  
 24 Thank you.  
 25 MAYOR PITTMAN: Okay. Anyone else?

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1 COUNCILMEMBER ALEXANDER: In reviewing the  
 2 map, I just noticed that only half of the interchange  
 3 on the west side of PIB is included on your proposal,  
 4 and we would want -- I would assume we would want that  
 5 whole --  
 6 MR. MORSBERGER: Yes.  
 7 COUNCILMEMBER ALEXANDER: -- interchange.  
 8 MR. MORSBERGER: Yes. And this is just the  
 9 first shot.  
 10 COUNCILMEMBER ALEXANDER: I mean we had  
 11 discussions I don't know how many years ago about a  
 12 gateway grant where we looked at an opportunity to  
 13 partner with GDOT on improving our interchanges. The  
 14 only thing was they were going to give us \$50,000 and  
 15 that basically had to last us 50 years, and a lot of  
 16 the citizens remarked, "Why can't we look like Jimmy  
 17 Carter?" or my office is in a CID at Pleasant Hill,  
 18 and that --  
 19 I mean you do good work, there's no doubt  
 20 about it. I mean I'm very -- you know, we have  
 21 international visitors come in our office and they  
 22 remark how nice the highways are.  
 23 But I did, you know, express concern that  
 24 you have a three-legged stool and now we're the last  
 25 leg of the stool and you've already got two legs of

1 the stool that have agreed to it, and this is just  
 2 being presented to us tonight.  
 3 And I also expressed concerns regarding the  
 4 funding of this at this time because we definitely did  
 5 not have this in the budget, and we were looking at  
 6 other ways to budget.  
 7 We had also discussed not -- we've got two  
 8 new Council members up here, but we had also  
 9 discussed, you know, creating a CID when the GM plant  
 10 is redeveloped and making that a condition, you know,  
 11 whenever it's sold and they come to us for rezoning  
 12 and putting the burden on them to start the ball  
 13 rolling.  
 14 I am a little concerned as other Council  
 15 members are that you have not spoken to really any of  
 16 our property owners be it Peachtree Pavilion, Mr.  
 17 Ellis at the Porsche dealership or, you know, any of  
 18 our property owners on Buford Highway. For example,  
 19 Quick Trip just opened up a new station here.  
 20 I think I'd feel a little bit more  
 21 comfortable if perhaps you could reach out to, say,  
 22 half a dozen of our, you know, business commercial  
 23 owners and get their feedback on it. I do think it's  
 24 a great opportunity for us, I'm concerned about  
 25 getting the funding for it, but I would definitely

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1 like to know if we are going to have buy-in from our  
 2 commercial guys from the get-go.  
 3 MR. MORSBERGER: I'm asking you to basically  
 4 invest in finding that information. I mean that's  
 5 again, your --  
 6 COUNCILMEMBER ALEXANDER: But I think you  
 7 can make half a dozen phone calls.  
 8 MR. MORSBERGER: Well, I've been making a  
 9 lot of phone calls.  
 10 COUNCILMEMBER ALEXANDER: Right, but they  
 11 weren't our property owners is what I understood from  
 12 you when I asked that question.  
 13 COUNCILMEMBER PACHUTA: And I guess I have a  
 14 concern too. We just received this Friday at noon and  
 15 I haven't had a chance to talk to any property  
 16 owners -- I mean commercial property owners even  
 17 myself to gauge their interest.  
 18 I mean it's something I've tossed around  
 19 with some property owners in the past years ago, like  
 20 this is an idea to improve the interchanges  
 21 particularly, but that's been years, and we just  
 22 received this. So I would like that opportunity for  
 23 me to reach out to some of them and gauge their  
 24 interest before committing funds.  
 25 MR. MORSBERGER: My goal is to complete the

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1 study within the next 45 days, and I'm asking you to  
 2 cover a small portion of that for your area. I think  
 3 the study will answer the questions that you're asking  
 4 in a pretty methodical way, and I think you'll have a  
 5 pretty good plan of action from there.  
 6 COUNCILMEMBER DEAN: Well, it would be  
 7 something that we -- Why would we? If you have a plan  
 8 of study and if you think that you will convince us,  
 9 then why not take the leap and do the study before we  
 10 commit to giving you \$10,000?  
 11 MR. MORSBERGER: Well, you're standing in  
 12 front of the fireplace and saying, "Give me wood and  
 13 then I'll give you fire."  
 14 COUNCILMEMBER DEAN: Well, you --  
 15 COUNCILMEMBER FLEMING: It's vice versa  
 16 also.  
 17 COUNCILMEMBER DEAN: -- came to us; right?  
 18 It's --  
 19 MR. MORSBERGER: We basically have a pretty  
 20 tight cycle in order to get this up and running next  
 21 year.  
 22 COUNCILMEMBER DEAN: We also have a very  
 23 tight budget, a very tight budget.  
 24 COUNCILMEMBER PATRICK: We are going to be  
 25 meeting again August is that the 20th? Is that the

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1 second, the next Monday?  
 2 MAYOR PITTMAN: We have one next Monday.  
 3 COUNCILMEMBER FLEMING: No, no, I don't want  
 4 to do it on the 13th.  
 5 COUNCILMEMBER PATRICK: No, no, not on that  
 6 one. On the next one after that, regular Council  
 7 meeting.  
 8 Could we hold off on making a decision  
 9 tonight, talk with some people ourselves, and then  
 10 figure out how we're going to come up with whatever  
 11 money we can afford at that point? So we're basically  
 12 asking two weeks.  
 13 MR. MORSBERGER: Okay.  
 14 COUNCILMEMBER DEAN: Well, and also I would  
 15 like you to make -- It's your deal. So I would like  
 16 you to come back to us and say, "Yes, I've talked to  
 17 these people, and this is the way we do it," and use  
 18 your eloquent words to talk to business owners in  
 19 Doraville and sell them, who in turn can call us, or  
 20 when we talk to them, there will be a more natural  
 21 exchange.  
 22 COUNCILMEMBER FLEMING: I am in -- as far as  
 23 Ms. Dean is concerned, I am totally in agreement.  
 24 To me, this should have been a presentation  
 25 to Mayor and Council and invited business owners

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1 saying that we want to, you know, address a concept of  
 2 the CID, we'd like all the business owners to be here,  
 3 etc., etc., for them to be able to hear your  
 4 presentation.  
 5 You did an outstanding job, and I commend  
 6 you for it and, generally speaking, I would be for it  
 7 but not until our commercial districts have had an  
 8 opportunity to weigh in.  
 9 MAYOR PITTMAN: So Council wants to table  
 10 this to the next agenda?  
 11 COUNCILMEMBER PACHUTA: Yeah.  
 12 COUNCILMEMBER PATRICK: Yes.  
 13 COUNCILMEMBER PACHUTA: I mean we just got  
 14 it Friday --  
 15 COUNCILMEMBER DEAN: Yes.  
 16 COUNCILMEMBER PACHUTA: -- and I just feel  
 17 like I need to talk to some business owners myself.  
 18 MAYOR PITTMAN: Okay. So we can --?  
 19 MR. MORSBERGER: Okay. All right.  
 20 MAYOR PITTMAN: Okay. Thank you very much.  
 21 MR. MORSBERGER: Sure.  
 22 COUNCILMEMBER PATRICK: And that's tabled to  
 23 a date certain.  
 24 MAYOR PITTMAN: Date certain of --  
 25 What's the date --

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1 COUNCILMEMBER FLEMING: August 20th.  
 2 MAYOR PITTMAN: -- Sandra? The 20th. Okay.  
 3 Thank you.  
 4 COUNCILMEMBER FLEMING: Mayor, can I make a  
 5 comment also?  
 6 MAYOR PITTMAN: Yes.  
 7 COUNCILMEMBER FLEMING: Because this was on  
 8 an agenda item, therefore, no one was able to speak at  
 9 that time. So now that we've moved --  
 10 MAYOR PITTMAN: I was going to --  
 11 COUNCILMEMBER FLEMING: -- all these other -  
 12 -  
 13 MAYOR PITTMAN: I was going to -- because it  
 14 was put up above that --  
 15 COUNCILMEMBER FLEMING: Thank you very much.  
 16 MAYOR PITTMAN: -- I was going to ask on  
 17 each individual one --  
 18 COUNCILMEMBER FLEMING: All right. Thank  
 19 you very much.  
 20 MAYOR PITTMAN: -- for public comment.  
 21 Okay. We got that? It's a date certain. But this  
 22 was put above under presentation --  
 23 COUNCILMEMBER PACHUTA: Can we just do it  
 24 all at Public Comments then?  
 25 COUNCILMEMBER FLEMING: We can.

1 MAYOR PITTMAN: It doesn't matter at this  
 2 point because the presentation has been done unless  
 3 you want to --  
 4 COUNCILMEMBER PACHUTA: Well, then we don't  
 5 have to have three different public comments, we can  
 6 just --  
 7 MAYOR PITTMAN: You okay with that, Ms.  
 8 Fleming?  
 9 COUNCILMEMBER PACHUTA: -- have the first  
 10 public comments after we've heard all three  
 11 presentations?  
 12 COUNCILMEMBER FLEMING: Yes.  
 13 MAYOR PITTMAN: Okay. Thank you.  
 14 Next on the agenda is going to be the Smart  
 15 Code. Caleb, welcome.  
 16 MR. COOLEY: Good evening, Council. I'll  
 17 just give you a really quick background.  
 18 As all of y'all know -- and most of you were  
 19 on the board; we've got two new members -- the LCI was  
 20 a process that we went through in conjunction which  
 21 ARC sponsored. It's the LCI project or process that  
 22 they have been doing in the areas.  
 23 TSW was the consultant that worked with them  
 24 on that, and you're all familiar with Caleb. And  
 25 where we are now is there was a lot of meetings, there

1 was a lot of process. All this has gone into  
 2 development of the LCI. It was adopted as part of our  
 3 land use and comp plan.  
 4 At this point, the next step in this whole  
 5 process which was part of the LCI is implementation  
 6 and recommendations which takes us to we need to  
 7 develop zoning regulations that allow us to do the LCI  
 8 in order to be able to realize it.  
 9 We're very fortunate, I believe. It's a new  
 10 program that ARC is looking at they are also looking  
 11 to continue through LCI into successes and making them  
 12 a reality, and part of this is where they will be --  
 13 they're looking at doing an analysis of the existing  
 14 business at all the different MARTA stations, what's  
 15 succeeded and what hasn't, to get good data.  
 16 But as part of this also they're looking at  
 17 developing a prototype Smart Code that could be used  
 18 generally and, you know, customized, but generally all  
 19 throughout with the transportation development  
 20 projects.  
 21 They have offered to assist Doraville as  
 22 being a prototype of this. ARC went out for RFP, they  
 23 hired a consultant. For Doraville's sake, I think  
 24 we're very fortunate that we've got TSW again. They  
 25 are the consultant, and I'll let them explain it, but

1 the beauty of this to me and it was one of the  
 2 problems we've had, as everyone knows, is budget. We  
 3 have not had the money to match. This is non-  
 4 matching. This doesn't cost the City anything, which  
 5 is tremendous in my opinion.  
 6 MAYOR PITTMAN: Can I just make one comment?  
 7 I know sometimes audience members do not necessarily  
 8 agree with what is being said. You may agree or  
 9 disagree, but in the last presentation there was at  
 10 least four laughs and comments out loud.  
 11 I want to ask all of you to please be  
 12 respectful of our guests who are speaking, because if  
 13 it continues, we're going to ask you to leave. It's  
 14 very disrespectful. Thank you.  
 15 MR. DAN REUTER: Mayor, I think he covered a  
 16 lot of what I was going to say. I'm Dan Reuter with  
 17 the Atlanta Regional Commission, and we are happy to  
 18 be here to support Doraville.  
 19 Atlanta Regional Commission has actually  
 20 been working around the MARTA stations since the 70s  
 21 trying to help with planning and development and so  
 22 forth. And in our recent -- the last couple years,  
 23 we've begun coordinating amongst local governments to  
 24 help share with Doraville what other cities may be  
 25 doing, Chamblee or Decatur or others around their

1 MARTA stations.  
 2 And so now this year we're sort of doing  
 3 every station in the whole system, looking at a half  
 4 mile around the station and trying to figure out where  
 5 there's still opportunities for folks to live around a  
 6 station or to have businesses around a station, so  
 7 just looking at redevelopment issues. And then we're  
 8 going to focus on 10 stations in terms of trying to  
 9 find those development opportunities and then we're  
 10 going to work on zoning it, many of them, over the  
 11 next couple years.  
 12 We're really just trying to help local  
 13 governments, provide some service to them. We're not  
 14 here to tell you how to do zoning. We're just here to  
 15 provide some assistance and y'all make all the  
 16 decisions. I want to make that very clear. So thank  
 17 you for having me here tonight.  
 18 MAYOR PITTMAN: Thank you, sir.  
 19 Caleb, welcome.  
 20 MR. RACICOT: Thank you, Mayor and Council.  
 21 I appreciate the opportunity of being here today.  
 22 Because of the length of the meeting  
 23 tonight, I'm going to try to keep this short and  
 24 hopefully we can use the time for discussion.  
 25 Before I get started, I wanted to talk to

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1 everyone a little bit about what is the Smart Code,  
2 how it is different from conventional zoning, and then  
3 very importantly how we can apply it to Doraville.  
4 In tonight's presentation you're going to  
5 hear a lot of words. You're going to hear the word  
6 "coding," which is really essentially the same as  
7 zoning, so I'd just like to put that out up front.  
8 Some people call it coding and some people call it  
9 zoning, but for my mind, it's all the same. It's  
10 about the use of the police power that the City has,  
11 and it's very importantly, as both Dan and Joe  
12 mentioned, a key implementation tool of your local  
13 land use plan and land use vision.  
14 So when we talk about form-based coding, I  
15 like to begin with the images before you. The images  
16 shows two CVS pharmacies. If you were to look at  
17 these pharmacies on a land use map, they're both red,  
18 which typically means commercial, they're both 14,000  
19 square feet, they both have four to five spaces of  
20 parking per thousand, but beyond that, they're very  
21 different, and the differences between the two stores  
22 is really what makes form-based coding and  
23 conventional zoning very different.  
24 Conventional coding, which is what you have  
25 now primarily, focuses on primarily the use of the

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1 building, what is in it. How you administer it is of  
2 secondary importance, and finally, what it looks like  
3 is really the least important thing, which is why in  
4 conventional development you tend to get stores that  
5 look very similar.  
6 That is very different from form-based  
7 coding where the design is first and foremost, the use  
8 is also important but it's secondary, and then very  
9 importantly the administrative process is really  
10 intended to encourage the appropriate form and  
11 appropriate use of the area.  
12 Now, form-based coding to that extent  
13 focuses on achieving a specific physical environment,  
14 a built environment. That can mean how buildings  
15 look, how they're placed on a lot, and very  
16 importantly, what is the design of the public spaces  
17 and streets around them. It should not ever be  
18 confused with design guidelines which are purely  
19 advisory. Form-based coding is in fact law and part  
20 of your Zoning Code.  
21 It tends to be different from conventional  
22 zoning in that it does often have words and pictures,  
23 which is a difference, but when you get down to the  
24 end of the day, it really is legally defensible  
25 through the written text.

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1 And very importantly, especially for  
2 Doraville, form-based coding is usually keyed to a  
3 regulating plan which is essentially a neighborhood or  
4 community master plan very similar to what we did for  
5 the LCI in your community that talked about the  
6 creation of new streets or new parks or different  
7 intensities of uses within the community.  
8 Now, it also is somewhat based on principles  
9 of traditional neighborhood development, which means,  
10 again, very similar to the LCI, places that are  
11 walkable, human scale, with high quality public  
12 spaces, a mix of uses, environmental performance, all  
13 those -- all those things that a community or most  
14 communities are striving for today.  
15 Now, that is a very brief overview of what  
16 form-based codes are. We have, through our discussion  
17 with the ARC and Joe, determined that the Smart Code  
18 is the ideal methodology from our perspective to  
19 implement form-based coding in Doraville.  
20 What is the Smart Code? The Smart Code is a  
21 model zoning ordinance that has been adopted in 350  
22 communities across the country. Locally, it's been  
23 used in Cherokee County, Cobb County and was recently  
24 adopted in the city of Milton. It results in a  
25 generic traditional neighborhood development, meaning

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1 a place that is walkable, mixed-use, with quality  
2 design and quality ambience.  
3 But what makes the Smart Code so unique and  
4 how you avoid creating a generic community is in fact  
5 through the local calibration process, and that's why  
6 we're here today.  
7 The Smart Code provides a template worth  
8 probably several hundreds of thousands of dollars if  
9 you were to pay to have it written in advance. By  
10 taking this default template, we have the opportunity  
11 to customize it to the specific needs of the local  
12 community in a very efficient way, a way that's been  
13 tested by numerous attorneys and developers and, very  
14 importantly, can directly tie in the elements that  
15 came from the LCI area.  
16 It's also a unified land development code  
17 which means that some of the things that are not  
18 customarily thought of in zoning -- for example, where  
19 do we put how streets? how do we design public spaces?  
20 how do we address signage and architectural standards?  
21 -- those are also part of it. So it doesn't just  
22 regulate where a building sits on the lot; it  
23 regulates the entire immersive environment that it  
24 creates. And of course Smart Code is a form-based  
25 code. It includes all of the customary elements of

1 that that I talked about in advance.

2 And perhaps the biggest attribute of the  
3 Smart Code is that it is based on this idea of a  
4 rural-to-urban transect or T-Zone. Now, this may  
5 sound extremely academic, and it really is, but when  
6 you get down to the meat of the issue the transect  
7 recognizes that all human environments fall on a  
8 spectrum of completely rural to completely urban and  
9 that your community's neighborhoods really incorporate  
10 different parts of that transect. So for example, if  
11 you think of Northwoods, that is a traditional  
12 suburban or in-town residential environment; would be  
13 a T-3. If you think about areas like where we are  
14 today, it's a bit higher density, more commercial;  
15 would probably be a T-5. So the idea is that all of  
16 the habitats we have in Doraville or we want to have  
17 in Doraville through the LCI can very easily be  
18 accommodated as can special areas that are custo-  
19 mized -- for example, commercial industrial parks and  
20 the like.

21 Very quick overview of Transect Zones. As I  
22 mentioned, T-1 is natural, complete wilderness. You  
23 don't have any of that in Doraville. T-2 is rural  
24 areas. You really don't have much of that either.

25 T-3, however, is suburban, and you actually

1 it does codify your vision. We can take exactly what  
2 was in the LCI plan and put it into the zoning code  
3 It can promote a distinctive, attractive, high-quality  
4 community with a sense of place.

5 In addition, it makes a lot of the decisions  
6 for developers predictable, fair and cost-effective.  
7 We all know that every developer that I've worked with  
8 is willing to go above and beyond if they know it's a  
9 predictable process. So what we find in the Smart  
10 Code is that the development standards are laid out up  
11 front and developers tend to like it because they know  
12 what is going to be expected of them.

13 At the same time, it provides a little bit  
14 of flexibility. Those transect zones, as I mentioned,  
15 have use permissions. Some of them allow you to do  
16 only residential; for example, T-3. Some of them  
17 allow you to a wider range of commercial uses; for  
18 example T-5 and -6. So developers have the ability to  
19 lay out a plan, lay out the streets, lay out the  
20 blocks and change what is in the individual buildings  
21 in certain areas depending on what market forces are,  
22 and they like that.

23 And then very importantly, it simplifies  
24 zoning and makes it clearer to understand. We've  
25 heard over and over again from the cities that are

1 do have quite a bit of this. This would again be  
2 Northwoods or any of the neighborhoods, the older  
3 residential neighborhoods that are very green, homes  
4 are set back far from the street. They're primarily  
5 residential and the buildings tend to be separated  
6 from each other by landscaping.

7 That is very different from the T-4  
8 environment which is, again, becoming a little more  
9 urban. T-4 would be something like if you think about  
10 Virginia Highland in Atlanta where most of the  
11 buildings are still single-family residential. They  
12 do have some commercial uses here and there but  
13 they're not extremely urban.

14 The extremely urban begins at the T-5, which  
15 is really any of our traditional main streets across  
16 the region, and then we also have T-6 which is very  
17 high density, things like Perimeter Center, Buckhead,  
18 downtown/midtown Atlanta.

19 And then of course, as I mentioned, special  
20 districts which would be things that really don't fit  
21 into any of those sections -- college campuses,  
22 hospital campuses and commercial districts.

23 Now, the Smart Code as I mentioned has a lot  
24 of advantages that I think make it well suited for  
25 coding within the LCI area of Doraville. One is that

1 using this that they find it much easier to work with  
2 because it is fairly compact.

3 One of the other things that is going to be  
4 very important to the coding process in Doraville is  
5 what we call a transition strategy. We are proposing  
6 as part of this effort that a stakeholder involvement  
7 process be put together where we can work with the  
8 major property owners, the nearby residents, and of  
9 course the City Council, Mayor and City staff.

10 We are currently working towards that end by  
11 preparing what is called an equivalency matrix which  
12 looks at all of your existing zoning districts within  
13 the LCI study area so that you'll have a single page  
14 talking about what is commercial, what is residential,  
15 what is the different densities of permitted uses  
16 within them. We also would need to look very  
17 carefully at grandfathering and nonconformities, and I  
18 know from the Town Hall meeting that you have a lot of  
19 nonconformity issues, especially with the warehousing.  
20 And of course the whole idea of taking this Doraville  
21 regulating plan, this LCI plan, and putting it into  
22 the code.

23 So again, those are the general ideas of the  
24 Smart Code.

25 From a more detailed perspective of

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1 Doraville, it gives us a great opportunity to  
2 implement a lot of the things that I've talked about.  
3 We can tie in your policies from your LCI regarding  
4 economic development, environmental performance and  
5 much more actually into this code. If you want to as  
6 a city, we can incorporate green standards, we can  
7 incorporate the architectural standards that you've  
8 already worked on.  
9 And very importantly, we can even take some  
10 of the ideas that stalled during the Buford Highway  
11 coding process, determine what was wrong with them,  
12 because from my perspective, there was quite a bit  
13 wrong with them that would both make neighborhoods and  
14 developers unhappy, and incorporate those into here as  
15 well.  
16 As Dan mentioned, we can do this in a way  
17 that creates a model for transit-oriented development  
18 both for ARC but of course the City and provide very  
19 high quality design.  
20 In addition, you may recall that the LCI  
21 plan talked quite a bit about how we need to get new  
22 streets as the community develops. We have an  
23 opportunity here to put those streets into the code so  
24 that they become a mandatory, again with a little bit  
25 of administrative wiggle room as actual development

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1 occurs, both public streets and private streets.  
2 We can also put in public space  
3 requirements, and this is where the Smart Code is  
4 extremely strong in that rather than just laying out  
5 arbitrary public-space percentages, it actually talks  
6 about how those spaces have to be designed. So things  
7 like a buffer, a parking lot island in a parking lot  
8 don't get the same credit, if you will, as a true town  
9 square or a plaza or a playground, so it incentivizes  
10 that, bicycle facilities, intensity zones, and other  
11 things that were in the plan.  
12 And then very importantly, we have the  
13 opportunity to use this code to proactively establish  
14 the City's minimum parameters for the GM site. The  
15 LCI talked about a mix of uses -- again, a street  
16 framework but the need for flexibility. We can  
17 actually put that into the code and use that as a  
18 mechanism by which a developer could seek approval  
19 before the City Council. So there is a way to lay out  
20 the base parameters but still require them to come to  
21 you for approval.  
22 And then of course it doesn't have to only  
23 apply to GM. We can take the Smart Code and apply it  
24 to where we are today where there was a town center  
25 vision. We can certainly apply it to Buford Highway

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1 where we know we have a lot of issues that are very  
2 different. For example, I mentioned wholesaling, I  
3 mentioned that Buford Highway probably at a minimum  
4 needs better streetscape standards, and then things  
5 like access management. And we also can do that based  
6 on what the political will is either as an optional or  
7 as a mandatory, so there is the ability to take the  
8 code and say, okay, within this one part of the  
9 community, certain things are optional and certain  
10 things are mandatory.  
11 I'd also like to point out that because you  
12 are an existing community, one of the first things we  
13 would do is take your existing use permissions and  
14 incorporate those directly into the code. So when  
15 some people hear about Smart Code and form-based code,  
16 they think that we throw out use altogether, and that  
17 is not the intention here at all. I am extremely  
18 aware that there is a long history of regulating uses  
19 both on Buford Highway and other parts of the  
20 corridor, other parts of the LCI area. We would take  
21 those use restrictions and incorporate them directly  
22 into it so that people can't go in and turn all of the  
23 retail back into wholesale once this code is adopted.  
24 There will be very strong use regulations  
25 that are as strong if not greater than what you have

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1 today. What will be different is there will also be a  
2 layer of architectural design and design that you  
3 don't have currently.  
4 So with that said, that's a very brief  
5 overview. I said I would try to go fast.  
6 We've currently talked to Joe and the ARC  
7 about primarily a three-step approach. We are just  
8 beginning Task One where we're looking at your current  
9 coding. We're going to be convening some sort of  
10 stakeholder committee to design the process or -- I'm  
11 sorry -- to guide the process and then start to  
12 solicit feedback both from the Town Hall meeting, from  
13 the LCI plan and from these stakeholder engagements.  
14 Following that, we will actually prepare a  
15 draft code. I am not the kind of person who likes to  
16 have endless conversation and not give people  
17 something they can respond to. I think the best way  
18 to rewrite zoning is to get people's idea and give  
19 them a draft, and then we're going to go through four  
20 or five iterations of that before everyone's  
21 comfortable. But people do much better responding to  
22 something written than talking about amorphous ideas  
23 of sidewalks and street trees that really don't mean  
24 anything or as much at the end of the day.  
25 We'll go through that process and then we'll

1 finally present an official code through the City  
2 channels. We'll make further revisions through that.  
3 But by the end of the day, we'll have an ordinance  
4 that, if the will of the Council and the Mayor, has  
5 gone through a very substantial vetting process. It  
6 has codified the LCI plan vision, and very  
7 importantly, has given you the tools you need to be  
8 competitive, to address some of the concerns that we  
9 know have been longstanding here, and, very  
10 importantly, give you the level of security that  
11 you're going to need when General Motors' site  
12 eventually is in fact redeveloped.

13 Very quickly, some examples, some pictures.  
14 Everyone likes pictures of places that have  
15 implemented this.

16 Woodstock, Georgia, where we did a form-  
17 based code for them, they felt that this higher-  
18 density development was appropriate. They've  
19 absolutely transformed their downtown both in terms of  
20 higher-density mixed use, again the T-5, to a more  
21 neighborhood scale, the T-4.

22 Hapeville has also done it. They adopted a  
23 form-based code that I wrote for both the Ford plant  
24 and their greater LCI area. The market's not the best  
25 right now but things are actually being built under

1 Metro PCS, the Starbucks -- and it pulled them up to  
2 the street and put in a streetscape character, so that  
3 what you get today when you go to Lindbergh, you see  
4 that it looks arguably significantly better than what  
5 was there. And again, it still has all the parking  
6 that it needs, which we know is going to be a major  
7 concern of the property owners.

8 And then of course Baldwin Park, which is in  
9 Florida, this is a Smart Code applied to a master-plan  
10 community.

11 And then last but not least, I would like to  
12 close with this photo which is from the community  
13 where I grew up in Vermont. I think this is very  
14 important about how in certain areas you can in fact  
15 code for design and be more flexible if that's what  
16 you want.

17 In the background, you'll see a Friendly's  
18 ice cream restaurant. Manchester Center was being  
19 overtaken by outlet malls that really had very little  
20 response to the historic character of the Vermont  
21 community. In the mid-80s, they adopted one of the  
22 first form-based codes in the country that basically  
23 said on our highway commercial strip, you can come in,  
24 you can do outlets, you can do offices, you can do  
25 housing -- they were very flexible there -- but what

1 it.

2 Lawrenceville, where we actually worked for  
3 Mr. Morsberger through the City of Lawrenceville to do  
4 another form-based code there, it's resulted in new  
5 housing in the community and has really started to  
6 promote the revitalization there.

7 And then of course the Lindbergh MARTA  
8 station which is one that, for better or worse, we've  
9 learned a lot from. We know how to -- how to make  
10 communities that are hopefully more authentic than  
11 that. But again, it has resulted in some key lessons,  
12 one of the most significant which I think is: How do  
13 we deal with the areas that are always going to be  
14 more auto oriented; for example, Peachtree Boulevard  
15 and Buford Highway?

16 I think the previous work that was done by  
17 ARC was in some ways unrealistic in that it thought  
18 you could transform Buford Highway into a main street.  
19 My personal opinion is that there are ways to do  
20 better conventional auto-oriented development, and  
21 Lindbergh does show some examples of that. It still  
22 has the big-box stores; they have their parking which  
23 they're going to demand to come into the community.  
24 But if you look at the bottom here, it took some of  
25 the conventional outparcels -- the Waffle House, the

1 you can't do is make something that doesn't look like  
2 Manchester. So these three white buildings are  
3 actually brand new. There are outlets today but they  
4 have the design that really fits into the community  
5 and has been a great addition.

6 So with that said, I would love to answer  
7 any questions that you may have. I gave you some  
8 materials prior to -- prior to the presentation that I  
9 hope you've had the opportunity to review, but I  
10 really look forward to working with you on this  
11 initiative.

12 MAYOR PITTMAN: Thank you, and --

13 MR. RACICOT: Thank you.

14 MAYOR PITTMAN: -- and I believe --

15 MR. REUTER: Well, I was just going to say

16 one thing. The former work that I was not involved in  
17 a couple years ago with our Community Choices program  
18 at ARC was actually Georgia Tech students that did a  
19 lot of that work. And although I think Georgia Tech's  
20 a fine school, I went to UGA, a good school.

21 Obviously, there's -- when we're working to  
22 have students come in and help a jurisdiction, there's  
23 a level of I'd say the type of project that we should  
24 put students on, and I'm sure this was probably they  
25 were in over their heads. And so hopefully this time

1 we can help you and get it right.  
 2 The other thing I'd say is the work that  
 3 they did in Hapeville before the Jacoby Company came  
 4 in and got that site from Ford and now we have the  
 5 Porsche headquarters under development, I think the  
 6 City of Hapeville has been very happy with how they've  
 7 managed that code and that big project, so.  
 8 MAYOR PITTMAN: Okay. Thank you very much.  
 9 Okay. I will open it up for discussion the  
 10 Council. Ms. Alexander?  
 11 COUNCILMEMBER ALEXANDER: You can start with  
 12 Ms. Dean.  
 13 MAYOR PITTMAN: Ms. Dean?  
 14 COUNCILMEMBER DEAN: Thank you for taking  
 15 the time to talk to us this evening.  
 16 My biggest -- my biggest concern about this  
 17 is the use, the form versus use, because we have a lot  
 18 of uses that are undesirable in our city. We have the  
 19 wholesalers, pawn shops, massage parlors, and it  
 20 doesn't matter how pretty you make the building, it is  
 21 what it is. And it's also very static so it doesn't  
 22 really bring in anything; there's not a lot of -- not  
 23 a lot going on around it. So that's huge for me --  
 24 very, very, very huge.  
 25 The other thing is the Comp Plan already

1 supports mixed-use redevelopment opportunity for a lot  
 2 of the existing downtown, the triangle, I-85,  
 3 Chamblee, Peachtree, Buford Highway, that area, so why  
 4 would this be better than just conventional zoning  
 5 when we are already allowing it?  
 6 MR. RACICOT: Well, I haven't completed the  
 7 complete analysis of your current code, but what I  
 8 find is that this has a much more robust design  
 9 component than conventional zoning would have.  
 10 Conventional zoning talks about setbacks, it talks  
 11 about design a little bit.  
 12 The Smart Code is a very robust tool for  
 13 getting the kind of physical environment that was  
 14 called for in the LCI.  
 15 COUNCILMEMBER DEAN: Right.  
 16 MR. RACICOT: You can certainly take it as  
 17 far or as constrained as you want. For example, we  
 18 just did one in Milton where they wanted -- they went  
 19 extremely, extremely regulatory and added all these  
 20 design features that I was surprised the city council  
 21 would actually approve.  
 22 But I think in Doraville the Smart Code is a  
 23 very good template for beginning and for achieving  
 24 what was in the LCI because it is much more specific  
 25 and there are hardly any loopholes in it unlike in

1 conventional zoning.  
 2 COUNCILMEMBER BATES: Well, regarding the  
 3 mixed use, while it's in our Comp Plan, it's not in  
 4 our Zoning Code so we don't allow it by law. It's a  
 5 recommendation by every study that's ever been given  
 6 to us in the last 10 years, but it's not in practice  
 7 because we don't allow it by law.  
 8 COUNCILMEMBER DEAN: But we don't allow --  
 9 And that's the thing, and that is because my response  
 10 to a lot of things that come before us is unique to  
 11 Doraville. If I were somewhere else, my response  
 12 might be different.  
 13 But you can have -- you could give -- you  
 14 can give someone the biggest box of tools in the  
 15 world, and unless they use them correctly, nothing's  
 16 going to happen. And even now, I mean we get  
 17 applications that say "wholesale," and you say, "Okay.  
 18 There you go," then that's us. We are not doing what  
 19 we are supposed to be doing, and that's -- that's part  
 20 of my -- that's part of my concern.  
 21 Okay. So currently a zoning change has to  
 22 go through the Planning Commission with a hearing;  
 23 right?  
 24 COUNCILMEMBER BATES: Uh-huh.  
 25 COUNCILMEMBER DEAN: Is that different or

1 the same? How does that look for this form-based?  
 2 MR. RACICOT: We can do it a couple ways  
 3 really depending on what the political will is.  
 4 In certain -- in, for example, Crabapple,  
 5 they wanted to be proactive. Sso what they basically  
 6 did is they said: If you build according to our LCI  
 7 plan, you get administrative approval.  
 8 They were comfortable with that. Not  
 9 everywhere is comfortable with that.  
 10 So we can -- we can calibrate it however you  
 11 want. It can be a Planning Commission review process,  
 12 it could be a rezoning process. One thing Crabapple  
 13 did do that I think is extremely significant, they  
 14 said that if you have a big property -- and big for  
 15 Crabapple is 10 acres; this is in the City of Milton -  
 16 - you as a developer have the right to apply for what  
 17 is called an infill regulating plan, which basically  
 18 means if you don't agree with what was in the LCI, you  
 19 can go before city council to rezone it to something  
 20 alternatively but you still have to use the transect  
 21 zones and the design features.  
 22 So if council in Milton wanted a site to be  
 23 higher density even though it was shown as, you know,  
 24 single-family in the LCI, they have a way to rezone  
 25 that in the future if they want to.

1 But in terms of the Smart Code, the  
2 administrative piece can plug in however -- however  
3 the political will is. It's very easy.

4 COUNCILMEMBER DEAN: And are we talking  
5 about implementing this type of zoning throughout the  
6 entire city or are we just focused on the GM plant?

7 MR. RACICOT: Well, we've talked  
8 preliminarily about the entire LCI study area. Again,  
9 I am absolutely flexible. Once we create the  
10 districts, it's really not -- not that hard. LCI  
11 study area, which includes Peachtree Boulevard, a  
12 portion of it, GM, town center and Buford Highway from  
13 285 to the Chamblee limits.

14 COUNCILMEMBER DEAN: One more thing. You  
15 said that the Buford -- that Buford Highway is an  
16 auto-oriented roadway and that --

17 It doesn't have to be, does it?

18 MR. RACICOT: No, it doesn't have to be but  
19 it will probably always be six lanes, which has one  
20 type of --

21 COUNCILMEMBER DEAN: Industry?

22 MR. RACICOT: -- one type of use that will  
23 go on it.

24 COUNCILMEMBER DEAN: Okay.

25 MR. RACICOT: You know, I think Buford

1 going to take the current use definitions in your  
2 current districts, I'm going to literally copy them  
3 into the form-based code so that they will all be in  
4 there. There will be absolutely zero changes to use  
5 restrictions.

6 If you ever -- if you pull up a default  
7 Smart Code, what that has would be a problem for  
8 Doraville, so I'm going to basically scratch that and  
9 use the much more stringent requirements that you have  
10 here.

11 COUNCILMEMBER PATRICK: Thank you.

12 MAYOR PITTMAN: Okay. Ms. Pachuta?

13 COUNCILMEMBER PACHUTA: So kind of explain  
14 to me -- you know, because Buford Highway's already  
15 developed and we have new business owners that come  
16 in, and there have been some like Quick Trip that  
17 razed the whole property and started from new.

18 But what about say there's a building that's  
19 been empty for five years and someone just wants --  
20 we've changed, you know, to this new code and someone  
21 just wants to come in and put their business. Are  
22 they going to be required to update the building or  
23 how does that work?

24 MR. RACICOT: That depends on what the  
25 political will is and what the current process is. In

1 Highway can be significantly better than what you have  
2 today.

3 COUNCILMEMBER DEAN: Right.

4 MR. RACICOT: The question is, you know, how  
5 far do you want it coded? That's what the stakeholder  
6 committee will help us figure out.

7 But you know, I doubt it will be -- I doubt  
8 it will ever be a main street which is normally, you  
9 know, two lanes with parking on either side.

10 COUNCILMEMBER DEAN: Okay.

11 MR. RACICOT: Okay.

12 COUNCILMEMBER DEAN: Thanks.

13 MAYOR PITTMAN: Ms. Fleming?

14 COUNCILMEMBER FLEMING: The Power Point,  
15 could you e-mail me a copy please?

16 MR. RACICOT: Sure.

17 MAYOR PITTMAN: Okay. Mr. Patrick?

18 COUNCILMEMBER PATRICK: Just as long as  
19 there's some way to be assured that prohibited uses  
20 cannot sneak their way back in.

21 MR. RACICOT: Yeah.

22 COUNCILMEMBER PATRICK: That's my main  
23 concern.

24 MR. RACICOT: Yeah, absolutely. What I'm  
25 going to do if you're comfortable with this is I'm

1 certain communities, Lawrenceville, as Emory knows  
2 since he was a major property owner there, they  
3 decided that for their form-based code they wanted a  
4 use change to trigger some design improvements.

5 That doesn't mean moving the building. You  
6 obviously can't move the building. But if there was a  
7 higher glass requirement or if there was more  
8 stringent sign requirements, that was what they did.

9 Typically we would create some sort of  
10 grandfathering provision and then allow improvements  
11 to be made as long as they don't increase the degree  
12 of nonconformity. And again, that's going to take  
13 coordinating with Joe, determining how your current  
14 legal process is and then, very importantly, thinking  
15 about what the will of the Council and the Mayor is  
16 regarding that.

17 COUNCILMEMBER PACHUTA: Okay. We're getting  
18 ready to redo or rework our Sign Code, and you just  
19 mentioned, you know, maybe sign requirements. How do  
20 the two intersect with the form-based code?

21 MR. RACICOT: Yeah. The Sign Code, I  
22 probably shouldn't have used that as an example  
23 because that is the giant can of worms. They would  
24 just need to determine how the Sign Code applies to  
25 the form-based code area.

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1 It's -- I don't write sign ordinances -- the  
2 brick, the material, you know, that sort of thing.  
3 MAYOR PITTMAN: Okay. Mr. Bates?  
4 COUNCILMEMBER BATES: I'm good. Thank you.  
5 MAYOR PITTMAN: Ms. Alexander?  
6 COUNCILMEMBER ALEXANDER: It's always a  
7 pleasure.  
8 MR. RACICOT: Thank you.  
9 COUNCILMEMBER ALEXANDER: I don't know why  
10 you seem to like us so much, but we're very thankful.  
11 MAYOR PITTMAN: Cecil, do we need to do  
12 something?  
13 COUNCILMEMBER DEAN: Can I have one more  
14 question, please?  
15 MAYOR PITTMAN: Sure.  
16 COUNCILMEMBER DEAN: I'm sorry.  
17 And what's the difference between this and  
18 architectural standards?  
19 MR. RACICOT: Architectural standards don't  
20 have to include -- Okay. There's urbanism, which is  
21 how the building sits on the lot, and there's what the  
22 building looks like regardless of where it is.  
23 Architectural standards is what is the skin  
24 of the building. Urbanism or, you know, planning is  
25 where the building sits on the property.

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1 So we could arguably do a form-based code  
2 that didn't care what the building looked like as long  
3 as it sat on the lot properly, and that's what some  
4 communities have done, so there's a wide range.  
5 COUNCILMEMBER DEAN: And what about  
6 nonconforming uses? Is there anything in there for  
7 that --  
8 MR. RACICOT: Yeah.  
9 COUNCILMEMBER DEAN: -- to provide for that?  
10 MR. RACICOT: Absolutely. That's very  
11 similar to the grandfathering question.  
12 COUNCILMEMBER PATRICK: Caleb, is it fair to  
13 say that a Smart Code takes zoning ordinances, site  
14 design standards, building codes and puts it together  
15 to say make a product that kind of fits within these  
16 parameters and you can do it?  
17 MR. RACICOT: I would say it doesn't take  
18 building code because the International Building Code  
19 always applies, so we wouldn't exempt anything from  
20 that.  
21 In some communities where they have a lot of  
22 old historic buildings, for example, in Savannah they  
23 have put in some exceptions to the building code, but  
24 Doraville really doesn't have a lot of that.  
25 COUNCILMEMBER PATRICK: Okay.

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1 MAYOR PITTMAN: Anything else?  
2 ATTORNEY McLENDON: I don't know. I think  
3 this is a process that's moving forward. We're not  
4 looking for any action on this --  
5 MR. RACICOT: No.  
6 ATTORNEY McLENDON: -- particularly, just  
7 informative to keep everybody up to date.  
8 MR. RACICOT: Yes, sir.  
9 MAYOR PITTMAN: And we really, really  
10 appreciate you, and you as well.  
11 MR. RACICOT: Thank you.  
12 MAYOR PITTMAN: Thank you.  
13 MR. RACICOT: Thank you very much.  
14 MAYOR PITTMAN: We've had a request to take  
15 a quick break, take a five-minute break or three.  
16 - - -  
17 (Brief recess.)  
18 - - -  
19 MAYOR PITTMAN: Meeting come back to order.  
20 Okay. Thank you. Next on the agenda is  
21 going to be retirement.  
22 MS. LISA FERGUSON: I wanted to start off by  
23 saying we are not going to be voting on the plan  
24 document. We're not going to be voting on the  
25 resolution to adopt the new plan ordinance, plan

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1 document tonight. GMA has given us another new set of  
2 items that they still want us to review. They had  
3 given us approval on Friday, and now they've changed  
4 their mind.  
5 So what we're going to do is do the first  
6 read on the termination ordinance tonight, and I have  
7 the guys from One America here to kind of give you an  
8 overview of what the process is and what we're trying  
9 to accomplish with the plan document and answer any  
10 questions that you may have and then we'll bring the  
11 ordinance and the plan document back on the 20th if  
12 that's acceptable.  
13 MAYOR PITTMAN: And just to let the Council  
14 know, that did not come in from them until just a few  
15 minutes before the meeting.  
16 MS. FERGUSON: Five o'clock this afternoon.  
17 MAYOR PITTMAN: Yeah, it was a little bit  
18 after 5:00.  
19 COUNCILMEMBER PACHUTA: And so that will  
20 push it back to -- the transfer to September 30th?  
21 MS. FERGUSON: Yes.  
22 COUNCILMEMBER PACHUTA: Okay.  
23 MS. FERGUSON: But I don't feel comfortable  
24 getting you to vote on the plan document now with the  
25 changes that they want because we've had no time to

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1 review them.  
 2 So I'm going to turn it over to these guys  
 3 and they're going to give you a little short speech.  
 4 MR. DAVID GRIFFIN: Thank you, Lisa, and  
 5 thank you Councilmembers and Mayor Pittman. As  
 6 always, we appreciate your time.  
 7 I just did want to give you a quick update  
 8 as to where we are in the process because --  
 9 THE REPORTER: Could you give me your name?  
 10 MR. GRIFFIN: Oh, I'm sorry. My name is  
 11 David Griffin with Ascension.  
 12 It sounds like a very simple process copying  
 13 a document to mirror something from one plan to  
 14 another, but in actuality, there's a lot of pieces and  
 15 a lot of players behind the scenes that go into doing  
 16 something like this.  
 17 We've got the folks at GMA, we've got the  
 18 folks at One America. We've got a legal team at GMA,  
 19 a legal team at Doraville and we also have outside  
 20 counsel that has to review documents in order for them  
 21 to be approved, to make sure that Georgia law is being  
 22 followed, federal law is being followed, etc., etc.  
 23 So although it sounds like a relatively  
 24 simple process, it actually takes a -- it's getting a  
 25 lot of people coordinated and getting a lot of things

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1 accomplished in a very short amount of time.  
 2 That being said, I've been very impressed  
 3 with your finance department, with your legal counsel  
 4 as well as the folks at One America in doing very  
 5 diligent work on the documents, and we are this close.  
 6 As Lisa indicated, we just had a quick last-  
 7 minute change that they sent over literally on the  
 8 meeting -- on the way to this meeting. So for the  
 9 benefit of the City, the plan participants and just to  
 10 keep everything clean from a document standpoint,  
 11 those documents will all be finished this week, out  
 12 for your review very soon, and then on the next  
 13 Council meeting which is the 20th, I believe, we can  
 14 move forward with the two agenda items that are in  
 15 here today.  
 16 So with that being said, I just wanted to  
 17 give you a quick update of the time frame. We are for  
 18 the most part really on track. Everyone's been great  
 19 to deal with and the folks at One America have been  
 20 very supportive.  
 21 We just wanted to come out, give you a quick  
 22 update and see what questions you have at this point.  
 23 MAYOR PITTMAN: Okay. Thank you.  
 24 Take questions from the Council. Ms.  
 25 Alexander?

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1 COUNCILMEMBER ALEXANDER: I have none.  
 2 MAYOR PITTMAN: Okay. Mr. Bates?  
 3 COUNCILMEMBER BATES: No questions.  
 4 MAYOR PITTMAN: Ms. Pachuta?  
 5 COUNCILMEMBER PACHUTA: Huh-uh.  
 6 MAYOR PITTMAN: Mr. Patrick?  
 7 COUNCILMEMBER PATRICK: Would we have to  
 8 adopt or what is the consequences of not adopting the  
 9 termination ordinance tonight?  
 10 MS. FERGUSON: The termination ordinance is  
 11 a requirement of GMA. They gave us a long list of  
 12 things that we have to -- pretty much hoops we have to  
 13 jump through.  
 14 COUNCILMEMBER PATRICK: Right.  
 15 MS. FERGUSON: Passing the termination  
 16 ordinance is one of them. Passing a plan document  
 17 that is acceptable to them is another one, and that's  
 18 the big hurdle is getting it acceptable to them. And  
 19 then once we do that, then they will start the process  
 20 of transferring the assets.  
 21 COUNCILMEMBER PATRICK: Is there any reason  
 22 why we couldn't hold off until we get the new plan in  
 23 place as well as -- and then adopt the termination?  
 24 MS. FERGUSON: I think the plan was to get  
 25 the assets moved and then start on a redesigned plan

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1 document.  
 2 This plan document that we're working on  
 3 right now is solely to get GMA to release the assets.  
 4 Our only other option is to sue them for them. So we  
 5 can either jump through all their hoops or we can take  
 6 them to court.  
 7 COUNCILMEMBER PACHUTA: Just to make sure  
 8 I'm clear, the plan we're going to be adopting is  
 9 essentially the same thing --  
 10 MR. GRIFFIN: Correct.  
 11 COUNCILMEMBER PACHUTA: -- just to at least  
 12 get it transferred.  
 13 MR. GRIFFIN: Correct.  
 14 COUNCILMEMBER PACHUTA: And then you'll go  
 15 through the process we talked about last spring about  
 16 doing the actuarial analysis and how can we better  
 17 improve the plan and make it --  
 18 MS. FERGUSON: That's correct.  
 19 COUNCILMEMBER PACHUTA: -- more affordable.  
 20 MS. FERGUSON: That's correct.  
 21 MR. GRIFFIN: That's right.  
 22 COUNCILMEMBER PACHUTA: But just to get them  
 23 transferred, we need to have something in place, so  
 24 we'll put the same thing.  
 25 MS. FERGUSON: GMA is requiring that we have

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1 a plan document that is acceptable to them before they  
2 will do anything with the assets.  
3 COUNCILMEMBER PACHUTA: Okay.  
4 COUNCILMEMBER PATRICK: If we adopt the  
5 termination ordinance, how do we know that it's going  
6 to -- we're going to suddenly have a plan that is  
7 acceptable to GMA?  
8 MS. FERGUSON: They have been involved in  
9 all of the steps that we're taking, their part. We've  
10 been having conference calls, we've been going over  
11 stuff. They just -- they've come back at the very  
12 last minute today with some additional changes and so  
13 we want to make sure that we are completely -- they  
14 are completely okay with it before we bring it back to  
15 you to vote on.  
16 They're looking at it before you're looking  
17 at it.  
18 COUNCILMEMBER PATRICK: I guess if we adopt  
19 the termination ordinance, what date is it? I mean --  
20 MS. FERGUSON: The termination ordinance and  
21 the resolution will be voted on at the --  
22 COUNCILMEMBER PATRICK: The same time?  
23 MS. FERGUSON: -- same meeting.  
24 COUNCILMEMBER PATRICK: Okay.  
25 MS. FERGUSON: So we'll do one and then

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1 we'll immediately do the other, which is why we're  
2 only doing a first read on the termination ordinance  
3 tonight.  
4 We were going to try to do it all tonight,  
5 but since GMA has come back with more changes, then  
6 we're going to postpone it. We're going to do first  
7 read, second read.  
8 COUNCILMEMBER PATRICK: And is that typical  
9 for a last minute? Everyone's on their way over here  
10 and --  
11 MR. GRIFFIN: It happens. It happens, yes.  
12 You know, they are acting in a trustee capacity on the  
13 current plan, so legally they are under the assumption  
14 they're going to have to approve our plan on the new  
15 document. So it all depends on the provider, but  
16 these things happen.  
17 But literally we are -- we're right there.  
18 I mean we're just tweaking a couple things to their  
19 satisfaction. I expect to have something in writing  
20 from them this week.  
21 MAYOR PITTMAN: Okay. Ms. Fleming?  
22 COUNCILMEMBER FLEMING: Yes. First of all,  
23 I don't like the September 1 date or any date before  
24 January 1st because our plan with GMA is current until  
25 12/31/11 -- 12. Are we in '12? '12. 12/31/12. So I

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1 don't want an effective date until 1/1/13, number one.  
2 Number two, I believe that Ascension has had  
3 plenty of time to do an actuarial on our funding to  
4 determine a better plan for us to be able to look at  
5 and say, yes, that looks like a good plan to work with  
6 in the future starting 1/1/13.  
7 And thirdly -- and I have a fourth coming  
8 up. Thirdly, we've got 52 current employees, retirees  
9 or survivors that are receiving benefits, and all of a  
10 sudden they haven't been notified of a redline  
11 document of changes deleted whether it's GMA making  
12 them or the City's making them, and then we also have  
13 63 vested employees that haven't received any of this  
14 information either. And if we're going to talk about  
15 transparency, this is tremendously the lack of it.  
16 I had a fourth. Anyway, I think that's  
17 enough to get me started, and maybe I'll remember the  
18 fourth and the fifth.  
19 Go ahead, Trudy.  
20 COUNCILMEMBER DEAN: I'm good.  
21 COUNCILMEMBER PACHUTA: Yeah. I just want  
22 to remind -- I mean to emphasize to employees that are  
23 here in Council or the public here, nothing is  
24 changing to anyone's benefits, nothing's changing to  
25 vested employees' benefits, nothing is changing to the

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1 benefits of current employees who haven't quite vested  
2 yet.  
3 We are literally just transferring the money  
4 to a different trustee who will manage that money for  
5 us, and then once they get the funds and the data,  
6 which they don't have yet -- they don't even have the  
7 detailed data or information and they can't get that  
8 until they have the assets -- then they will do some  
9 analysis for us on, you know, what is best for our  
10 employees. And it will not change any vested  
11 employees.  
12 MR. GRIFFIN: Right.  
13 COUNCILMEMBER FLEMING: The current red-  
14 lined, which we'll be receiving another one from GMA,  
15 there are deletions and additions in here, so I don't  
16 know how you can say that we're not changing the plan  
17 that we were on. Okay? So I have issues with a  
18 redline document and us saying it's the same document.  
19 Okay?  
20 The other comment -- number four was we also  
21 got told that when GMA had our property and workmen's  
22 compensation plan, and whether it be this Ascension  
23 Group or another branch of Ascension, stood up here,  
24 and when I said -- and they were trying to push it  
25 through to, oh, we've got to do this by August 1 -- I

1 asked the question, "Don't we have to notify GMA that  
 2 we're going to do this?"  
 3 "Oh, well, you already have because you went  
 4 out for RFP," was the answer.  
 5 COUNCILMEMBER PACHUTA: That was not  
 6 Ascension.  
 7 COUNCILMEMBER FLEMING: Excuse me. I'm  
 8 talking.  
 9 COUNCILMEMBER PACHUTA: It wasn't Ascension.  
 10 COUNCILMEMBER FLEMING: Okay. Thank you  
 11 very much.  
 12 But yet we did get a penalty of \$37,000, and  
 13 I am afraid that if we're going to remove this  
 14 particular plan before the expiration date that  
 15 there'll be more than the \$5,000 fee that we're  
 16 looking at that we haven't budgeted for.  
 17 COUNCILMEMBER BATES: But they're  
 18 reimbursing the \$5,000 fee. It's a net zero. I'm not  
 19 sure which part of that we've missed, but they have  
 20 agreed to reimburse the City for that \$5,000 fee that  
 21 GMA is planning on charging us, so it is a net cost to  
 22 the City of zero.  
 23 COUNCILMEMBER PACHUTA: And it was GMA them-  
 24 selves that stood up here and said if we transferred  
 25 assets it would be a \$5,000 fee.

1 THE REPORTER: Can I get your name?  
 2 MR. BARDEN: Don Barden, B-a-r-d-e-n.  
 3 COUNCILMEMBER PACHUTA: And then let me ask  
 4 you this because I don't remember if we discussed it  
 5 before: Typically, GMA would do the valuations of the  
 6 plans in October to determine the next year's contri-  
 7 butions. Do you-all have a time frame set for that?  
 8 MR. BARDEN: It'll be within a 30-day  
 9 period. The number one objective is to make sure the  
 10 transition of administration is smooth and there are  
 11 not changes.  
 12 They're going to be doing their true-up,  
 13 which is why we haven't been able to do the actuarial  
 14 valuation. We sort of know but we're not going to put  
 15 anything down until it's certified. And when they  
 16 send us those last numbers, which would be around the  
 17 same time, that'll be concurrent with the year-end  
 18 valuation and it'll -- it'll go through. It's just a  
 19 matter of matching the pieces right now.  
 20 MAYOR PITTMAN: All right. Thank you. If  
 21 we could put this on the 20th, please.  
 22 Thank you, gentlemen, very much.  
 23 MR. GRIFFIN: Thank you, Mayor and Council.  
 24 MAYOR PITTMAN: We appreciate you.  
 25 Lisa, thank you.

1 COUNCILMEMBER FLEMING: I'm just not  
 2 comfortable with this. It should be tabled for us to  
 3 be able to review the materials once we have it, and I  
 4 think the 20th is going to be too soon.  
 5 MAYOR PITTMAN: Okay. Anyone else?  
 6 ---  
 7 (No response)  
 8 ---  
 9 MAYOR PITTMAN: Ms. Ferguson, what would you  
 10 like?  
 11 MS. FERGUSON: I'm good.  
 12 MAYOR PITTMAN: Okay. So we need to --  
 13 COUNCILMEMBER PACHUTA: Put it on the 20th?  
 14 MAYOR PITTMAN: 20th, yes.  
 15 MS. FERGUSON: Yes, we just need to put it  
 16 on the next agenda.  
 17 MAYOR PITTMAN: Okay.  
 18 COUNCILMEMBER PACHUTA: And that will be a  
 19 September 30th or it will be some time between that to  
 20 transfer the assets?  
 21 MR. GRIFFIN: Right.  
 22 MR. DON BARDEN: We live in real-time now so  
 23 it doesn't -- you know, it could be the 30th, it could  
 24 be the 1st, it would be whatever date is convenient  
 25 for everyone.

1 All right. Next we need approval of the  
 2 minutes from July 2nd, 2012.  
 3 COUNCILMEMBER ALEXANDER: So moved.  
 4 MAYOR PITTMAN: Do I get a second?  
 5 COUNCILMEMBER PACHUTA: Second.  
 6 MAYOR PITTMAN: Discussion?  
 7 ---  
 8 (No response)  
 9 ---  
 10 MAYOR PITTMAN: Call the roll, please.  
 11 CLERK BRYANT: Councilmember Alexander?  
 12 COUNCILMEMBER ALEXANDER: Yes.  
 13 CLERK BRYANT: Councilmember Bates?  
 14 COUNCILMEMBER BATES: Yes.  
 15 CLERK BRYANT: Councilmember Dean?  
 16 COUNCILMEMBER DEAN: Yes.  
 17 CLERK BRYANT: Councilmember Fleming?  
 18 COUNCILMEMBER FLEMING: Yes.  
 19 CLERK BRYANT: Councilmember Pachuta?  
 20 COUNCILMEMBER PACHUTA: Yes.  
 21 CLERK BRYANT: Councilmember Patrick?  
 22 COUNCILMEMBER PATRICK: Yes.  
 23 MAYOR PITTMAN: All right. Next on the  
 24 agenda is Public Comments. Please state your name and  
 25 limit your comments to three minutes on agenda items

1 only, please.

2 COUNCILMEMBER DEAN: Excuse me, Mayor, I'm

3 sorry. In going through the Charter, the Charter says

4 that they get five minutes for public comments.

5 MAYOR PITTMAN: Cecil?

6 COUNCILMEMBER PACHUTA: I don't remember

7 that.

8 COUNCILMEMBER BATES: I thought it was five

9 minutes if they signed up to speak on the agenda.

10 COUNCILMEMBER ALEXANDER: It is.

11 COUNCILMEMBER PACHUTA: Yeah.

12 COUNCILMEMBER DEAN: Is it?

13 COUNCILMEMBER ALEXANDER: If they sign up to

14 speak on the agenda.

15 COUNCILMEMBER PACHUTA: Like it's actually

16 on the agenda like if they're --

17 COUNCILMEMBER DEAN: Okay.

18 COUNCILMEMBER PACHUTA: You have to do it

19 the Wednesday before the meeting.

20 MAYOR PITTMAN: In other words, you're

21 getting on the agenda.

22 COUNCILMEMBER PACHUTA: You're actually an

23 agenda item.

24 COUNCILMEMBER DEAN: Okay. I'm sorry. I

25 just saw this. I was doing my -- some homework over

1 the weekend and I said that and I thought, hm.

2 MS. GINNY CALVERT: Well, several years ago

3 we had a three/two vote because of a missing

4 councilperson and it almost was a disaster but it was

5 quickly taken care of, thank Heavens.

6 Now, again, with a three/two vote because we

7 had a member missing and we have -- that was missing

8 off the Council, it's something I don't agree with. I

9 think on important issues all the Council members

10 should be here to vote.

11 There were some Council members that wanted

12 a chance to procure a city manager with the help of

13 other cities who said they would be glad to help them,

14 but some of you would not even give them a chance to

15 do this, and we wasted a lot of time when they could

16 have been working on this to save \$25,000.

17 Is that what it cost us, \$25,000 for a head-

18 hunter? That money could be spent on some of our

19 potholed streets. Some of them need to be repaved in

20 areas, and a lot of things our city needs could be

21 helped by having that money.

22 I'm beginning to think city managers ought

23 to run for office like mayors do because they'll have

24 no more power than the Mayor we already have,

25 according to our Charter.

1 MAYOR PITTMAN: Thank you.

2 Additional public comments? Mr. Hart. I'm

3 sorry. He raised his hand and then --

4 Okay. Ms. Gilman?

5 MS. CAROL GILMAN: Thank you, Mr. Hart.

6 Council, Mayor, Carol Gilman, Northwoods.

7 My comments relate to Roman III. Those were

8 two real heavy-duty presentations, seem to be high

9 priority. I'm wondering why these items weren't

10 discussed at your retreat where a great many items

11 were discussed that were very relevant and very

12 important and priorities were made.

13 When I heard the presentation, I had the

14 thought, very serious thought that, "Wow. Wish we had

15 a city manager on duty now and I certainly wish we had

16 an economic development director on our payroll."

17 Of personal interest, I'm wondering what the

18 role of the Planning Commission will be as it relates

19 to these two very high-profile projects.

20 As it relates to Roman VII(j) Planning and

21 Zoning, I'd like to let you know I attended a class at

22 the Carl Vinson Institute of Government last week on

23 planning and zoning and I have some very good

24 information to bring back to the Planning Commission.

25 I believe we are an important body of volunteers that

1 can assist Council, and I think we have many

2 opportunities to improve as a commission and I want

3 you know I'm delighted that we made the decision at

4 the Planning Commission meeting to have someone from

5 the Planning Commission present at every Council

6 meeting so that if Council has questions, we can

7 possibly answer them for you.

8 I think the class was outstanding. Probably

9 some of you have even attended that class or something

10 similar to it as you prepared to obtain your law

11 degree, but I really believe that each member of the

12 Planning Commission should have that opportunity or

13 seize that opportunity to attend such a class as well

14 as Council as Mayor. Outstanding class. The

15 instructor did an outstanding job, Chrissy Marlow.

16 And I want to lastly say thank you so much

17 to Council. I know you're part-time, but what you do

18 is a full-time job, and I really also appreciate your

19 thick skin. It comes with the territory, but I think

20 from time to time we ought to pause and say thanks and

21 keep up the good work, and some folks might say get on

22 track.

23 But I'm one person and I want to say thank

24 you this evening and I want to say this city has a lot

25 of potential, and I hope we get the right pieces in

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1 the right places real soon, and that means a city  
2 manager. Thank you.  
3 COUNCILMEMBER DEAN: May I say something to  
4 that point?  
5 In the Charter, the City Charter, it also  
6 talked about the Planning Commission and it encourages  
7 the planning commissioners to get education and the  
8 City will pay for that education. It didn't specify  
9 an amount, but I learned a lot this weekend.  
10 MAYOR PITTMAN: Thank you. Additional  
11 public comments?  
12 MR. TOM HART: After tonight's meeting, I  
13 need at least 20 minutes up here. I don't even know  
14 where to start but why don't I just do it backwards.  
15 I got a little e-mail today that we talked  
16 about the sign code.  
17 MAYOR PITTMAN: This is not on the agenda,  
18 sir. It's agenda items only.  
19 MR. HART: Okay. Well, okay. We'll start  
20 off with the first presentation which was about the  
21 CID.  
22 Now, we've brought this up at debates, we've  
23 brought them up at City Council meetings. We've  
24 explained it probably a hundred thousand times is that  
25 Perimeter Mall CID, the CID on Jimmy Carter, they all

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1 have one thing in common: they were tax allocation  
2 districts to provide for police services, streets and  
3 traffic lights, etc., in unincorporated areas of the  
4 county.  
5 And I'll say that again. I'll say it to  
6 Brian. Unincorporated areas of the county.  
7 I think that the city of Doraville, the last  
8 time I checked with John King, he does provide some  
9 police services, and I think we have a Maintenance  
10 Department that sticks little trees in the ground.  
11 Okay? We already have a CID. It's called the City of  
12 Doraville. And the businesses here pay large sums of  
13 money in terms of taxes. We have a city income tax.  
14 So we have all these people coming in here  
15 tonight offering to take the GM site off our hands so  
16 they'll redevelop it for us. Isn't that nice of them?  
17 And the ARC is not even going to charge us  
18 for building all those apartment buildings around the  
19 MARTA station for us. I am so pleased.  
20 And they brought up Lindbergh Station. They  
21 had a little problem in Lindbergh Station. It only  
22 went bankrupt three times. Carter (ph) & Associates  
23 had to finish for MARTA because MARTA decided to get  
24 into the apartment business.  
25 Now, T-SPLOST, does that ring a bell? They

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1 had a little vote here I think it was this past week.  
2 The 10 counties blew it out because people don't trust  
3 government with their money particularly when it comes  
4 to pork projects. And it's more important because  
5 Norcross, Bucky even referred to the street out here,  
6 the sidewalk to nowhere, as an example of the kind of  
7 pork project they are not going to fund in the  
8 T-SPLOST.  
9 So Doraville climbs right into the nightmare  
10 again. Monday we come back here with a CID salesman  
11 on this huckabuck, okay, and then you bring this --  
12 come in here with this planner that's going to  
13 redevelop the downtown and the GM site for us for free  
14 and stick in some form-based zoning.  
15 Thank you.  
16 MAYOR PITTMAN: Additional public comments?  
17 MS. SUSAN CRAWFORD: Susan Crawford,  
18 Oakcliff.  
19 I think we're kind of blurring the two  
20 presentations together. I don't know anything about  
21 CIDs and I don't pretend to, but it did occur to me  
22 that it might work really well in a place like  
23 Buckhead and maybe not quite so well here without a  
24 lot of overseeing.  
25 It occurred to me that if the main business

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1 owners in Doraville wanted to make improvements, they  
2 would have done something, made some kind of step in  
3 that direction. And that worried me a little if  
4 they're going to have all of the decision-making  
5 power.  
6 But as far as the other, I don't know. I  
7 mean what's the alternative? I mean we just sit here  
8 stagnating? I don't know.  
9 Thank you.  
10 MAYOR PITTMAN: Additional public comments?  
11 MR. ANDERSON: Stuart Anderson. I was going  
12 to ask for five minutes because this is fairly dense,  
13 I have to admit.  
14 We'll start with the easy one quick.  
15 Telecommunications tower. If we're going to give them  
16 a building, going to grant them something, I would ask  
17 to see somebody on the Council to ask for more  
18 landscaping, which was promised in the first place and  
19 was not given.  
20 That tower scares me to death on top of the  
21 pumping station.  
22 As far as the Halpern Park renovation, I  
23 have -- I'm sorry, but some questions about the grant  
24 requirement and how we have or haven't dealt with  
25 that.

1 I hate to skip over some of these things.  
 2 Headhunter discussion. The referendum says  
 3 that we will go to a part-time Mayor after two years,  
 4 and I have serious considerations or questions about  
 5 the cost, the budget situation in that transition, and  
 6 I think it's very clear in the referendum that the  
 7 transition will happen after two years, not after one  
 8 year.  
 9 I'll answer some statements/questions. I  
 10 talked to Dan from ARC about the Smart zoning, and he  
 11 assured me that the ARC was not interested in dealing  
 12 with Smart zoning unless the funding was found for the  
 13 bridge to tie the City of Doraville into the GM plant.  
 14 My comment to him was about -- Caleb, Caleb  
 15 had been here -- about because it's a TOD, Transit  
 16 Oriented Development, to -- to sink the MARTA into the  
 17 ground where it should have been in the first place  
 18 and where it's falling into right now and a long-term  
 19 plan as far as revitalizing downtown and instigating  
 20 Smart Code which gives us our half-mile-residential  
 21 radius walking thing.  
 22 He assured me that they wouldn't touch it  
 23 unless they could have the funding for the bridge and  
 24 he assured me that if we were interested in Smart Code  
 25 zoning, that they would make sure that we had the

1 didn't mind. I don't mind.  
 2 MAYOR PITTMAN: Nobody said anything.  
 3 MS. CINDY BRADFORD: Can I give him my three  
 4 minutes?  
 5 MAYOR PITTMAN: I think the Council, the  
 6 majority of the Council -- Guys, it's up to you. I've  
 7 got some down here say no and some say yes, so.  
 8 MS. CRAWFORD: Well, I'll cede the rest of  
 9 my time.  
 10 COUNCILMEMBER DEAN: It's just a couple of  
 11 minutes, right?  
 12 COUNCILMEMBER PACHUTA: We need to treat  
 13 everyone fairly and we need to move the meeting on --  
 14 COUNCILMEMBER DEAN: Okay.  
 15 COUNCILMEMBER PACHUTA: -- and we have  
 16 public comments again at the end.  
 17 MAYOR PITTMAN: Okay. That's good. Thank  
 18 you.  
 19 Next is going to be able to make the  
 20 announcement, a positive thing is the National Night  
 21 Out is tomorrow night at Brook Park from 6:30 to 8:30.  
 22 This is a very positive community event. If you have  
 23 not been, you should try to attend. I know the people  
 24 that planned this did a really good job, and some of  
 25 the businesses assisted the Police Department, and we

1 funding. In the LCI Plan, I was a strong advocate of  
 2 O-57 which is indeed the bridge that goes from  
 3 Doraville to the GM plant.  
 4 Back to the CID, some of you know I have an  
 5 interest in the CID, studying it along with Mr.  
 6 Johnson. And there was some few disingenuous things.  
 7 I wish Emory had stayed so maybe he could have  
 8 commented, but like bringing in the -- it's almost --  
 9 Can I have a couple more minutes?  
 10 MAYOR PITTMAN: Mr. Anderson --  
 11 MR. ANDERSON: This is important.  
 12 MAYOR PITTMAN: -- we can't. There's time  
 13 at the end if you'd like to speak.  
 14 MR. ANDERSON: Will the Council give me a  
 15 couple more minutes?  
 16 MAYOR PITTMAN: No.  
 17 MR. ANDERSON: No?  
 18 MAYOR PITTMAN: Okay. Additional public  
 19 comments?  
 20 All right. Excuse me? Mr. Anderson --  
 21 COUNCILMEMBER DEAN: We're not allowed,  
 22 right, to give extra time?  
 23 MAYOR PITTMAN: If the Council wishes to,  
 24 they can.  
 25 COUNCILMEMBER DEAN: Well, I don't mind. I

1 truly appreciate that. So this is going to be a good  
 2 event for tomorrow night.  
 3 As was mentioned earlier, the Council did do  
 4 a retreat. It was a very good positive thing. I  
 5 think we did some really positive goal-setting  
 6 teamwork, and I really appreciate that from the  
 7 Council.  
 8 Today we had another staff meeting and we'll  
 9 be continuing to have staff meetings in reference to  
 10 the annexation. We are putting together something for  
 11 the Council. I hate to use the word "punch list," but  
 12 we are going to be providing after today's meeting, we  
 13 finalized a little bit and put some dates in place.  
 14 But we are moving forward with that so we will be  
 15 ready for this December 1st. We're not waiting until  
 16 the last minute, so everything should be in place.  
 17 And next we're going to have I believe Mr.  
 18 Strickland.  
 19 COUNCILMEMBER PACHUTA: No.  
 20 MAYOR PITTMAN: Oh. Sorry. It's the  
 21 headhunters discussion.  
 22 We interviewed three headhunters the other  
 23 night and we placed it on the agenda tonight and  
 24 wanted to open that up to the Council.  
 25 COUNCILMEMBER FLEMING: Mayor, I'm not

1 prepared to move forward on this particular item  
2 because of the cost and I think that we need to table  
3 this for a work session so that Mayor and Council can  
4 determine the preliminary outlook of what our  
5 Charter's going to look like as well as how we're  
6 going to go about the transition period as far as the  
7 time elements as listed in the H.B. 544 of 1/1/14 as  
8 well as the Mayor's pay. So my preference would be to  
9 table this to a work session so that we could take as  
10 much time as we need.

11 MAYOR PITTMAN: Is that a motion or that  
12 just a comment?

13 COUNCILMEMBER FLEMING: That's a motion.

14 MAYOR PITTMAN: Okay. Do I get a second?

15 COUNCILMEMBER PATRICK: Second.

16 MAYOR PITTMAN: Discussion?

17 COUNCILMEMBER DEAN: I would like to say  
18 that I missed the meeting because I was very ill.  
19 Believe it or not, we are human and sometimes we have  
20 things that prevent us from coming to every meeting.

21 Now, a vote was made four to one to hire a  
22 headhunter. That was not what I would have voted,  
23 it's not the way I would have voted. But the vote  
24 happened, and I think that in the interest of working  
25 with Council, that that's what we are meant to do.

1 Now, when we do this is also an issue, but  
2 this was -- it was four to one. So even if I had been  
3 here, I'm not sure if it would have made a difference  
4 because then the vote would have been two to four, and  
5 that's something that -- it's on the record. That's  
6 an issue.

7 So we have this vote, and that's -- I mean I  
8 just need to -- There are so many parameters and so  
9 many issues on this issue that we need to discuss and  
10 the things we look for first being the capacity of the  
11 city manager. If they come in early, what role will  
12 he or she play, and if we have him or her, for  
13 example, taking over HR and kind of segueing into the  
14 role of city manager before then.

15 But I think there's a lot to talk about, so  
16 I'm willing to listen to what everyone else says.

17 COUNCILMEMBER PACHUTA: I think we need to  
18 move forward. I particularly liked the presentation -  
19 - I'm just going to say Colin because I have no idea  
20 how to say his last name -- because part of that  
21 process was meeting with all the stakeholders, meeting  
22 with Council members, meeting with staff and  
23 department heads, meeting with members of the  
24 community and getting and putting that information  
25 together, working on the transition, working on not

1 only the job responsibilities for city manager but the  
2 job responsibilities for the Mayor.

3 And these are people who have done this a  
4 lot. They've done it a lot in cities that have  
5 transitioned from a mayoral form of government to a  
6 city manager form of government, and that is expertise  
7 that I think is very helpful. And I think it would be  
8 very helpful to have work sessions after we have the  
9 recruiter on board and working with us because one of  
10 the things they mentioned was meeting with, you know,  
11 members of the community also to get their feedback.  
12 So I'm not going to support Ms. Fleming's motion  
13 because I think we need to move forward.

14 MAYOR PITTMAN: Additional comments from the  
15 Council? Okay.

16 COUNCILMEMBER FLEMING: I have another  
17 additional comment, then.

18 In regards to the city manager position and  
19 hiring of a headhunter at this period of time, voting  
20 on it this evening will bring about approximately  
21 \$24,000 which is budgeted for that item in the City  
22 Council budget. But during the interviews on Monday  
23 evening, the first headhunter indicated that they'd  
24 like to bring in his top five that he has selected for  
25 us, and yes, we would be paying all of their travel

1 expenses. They'd be here approximately two evenings.  
2 We'd be paying for their meals and putting them up in  
3 hotels, obviously.

4 So if we've only budgeted \$24,000 into the  
5 City Council budget for that particular item, we will  
6 have already exceeded once we start bringing in the  
7 applicants. So I still just wanted to make that  
8 comment along with my motion.

9 COUNCILMEMBER PATRICK: And just one point  
10 of clarification. I think the vote for the head-  
11 hunters was three to two. I know I voted against it.

12 MAYOR PITTMAN: Okay. Thank you.

13 COUNCILMEMBER DEAN: On the record, it's not  
14 on -- Okay.

15 COUNCILMEMBER PATRICK: I had voted for --

16 COUNCILMEMBER DEAN: Okay. Okay.

17 COUNCILMEMBER PATRICK: -- the -- I guess  
18 there was discussion afterwards about the salary.

19 There were two votes that happened that  
20 night. My vote was not to go with the headhunter, and  
21 there was another vote, and I --

22 COUNCILMEMBER PACHUTA: I thought it was.  
23 My memory was that it was.

24 COUNCILMEMBER BATES: It was four to one.

25 COUNCILMEMBER PATRICK: Okay.

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1 MAYOR PITTMAN: Okay. All right. We have a  
 2 motion, we have a second. Any additional discussion?  
 3 ---  
 4 (No response)  
 5 ---  
 6 MAYOR PITTMAN: Call the roll, please.  
 7 CLERK BRYANT: Councilmember Alexander?  
 8 COUNCILMEMBER ALEXANDER: No.  
 9 CLERK BRYANT: Councilmember Bates?  
 10 COUNCILMEMBER BATES: No.  
 11 CLERK BRYANT: Councilmember Dean?  
 12 COUNCILMEMBER DEAN: Could I have one more,  
 13 a little more discussion?  
 14 Right now are we voting on who to hire or  
 15 what are we voting on right now?  
 16 COUNCILMEMBER BATES: We're voting on Ms.  
 17 Fleming's motion to table this.  
 18 COUNCILMEMBER FLEMING: Table it to a work  
 19 session.  
 20 COUNCILMEMBER DEAN: Okay. Can we vote on  
 21 who we will choose and then have a work session?  
 22 MAYOR PITTMAN: Well, we got to get through  
 23 this motion first.  
 24 COUNCILMEMBER DEAN: Okay.  
 25 MAYOR PITTMAN: Okay. Call the roll again.

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1 CLERK BRYANT: Councilmember Alexander?  
 2 COUNCILMEMBER ALEXANDER: No.  
 3 CLERK BRYANT: Councilmember Bates?  
 4 COUNCILMEMBER BATES: No.  
 5 CLERK BRYANT: Councilmember Dean?  
 6 COUNCILMEMBER DEAN: No.  
 7 CLERK BRYANT: Councilmember Fleming?  
 8 COUNCILMEMBER FLEMING: Yes.  
 9 CLERK BRYANT: Councilmember Pachuta?  
 10 COUNCILMEMBER PACHUTA: No.  
 11 CLERK BRYANT: Councilmember Patrick?  
 12 COUNCILMEMBER PATRICK: Yes.  
 13 COUNCILMEMBER PACHUTA: Okay. Now I would  
 14 like to make a motion to move forward with Colin --  
 15 I'm going to spell the last name for the court  
 16 reporter -- B-a-e-n-z-i-g-e-r and Associates and get  
 17 that process moving.  
 18 MAYOR PITTMAN: Okay. Do I get a second?  
 19 COUNCILMEMBER BATES: Second.  
 20 MAYOR PITTMAN: Discussion?  
 21 COUNCILMEMBER DEAN: The thing I -- and I  
 22 think that during our work session we'll decide when  
 23 and the parameters and what kind of role will be  
 24 determined, right? I mean because we have a list of  
 25 issues to be decided, and so I don't think, "Okay.

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1 Here you go." I think that that's kind of early  
 2 because we have a lot of discussion, I think, that we  
 3 have to do because this is a very complex issue and we  
 4 have -- Right?  
 5 COUNCILMEMBER FLEMING: We just voted down a  
 6 work session, Ms. Dean.  
 7 COUNCILMEMBER BATES: No. We just --  
 8 COUNCILMEMBER PACHUTA: No.  
 9 COUNCILMEMBER BATES: -- voted down tabling  
 10 this to move it to --  
 11 COUNCILMEMBER DEAN: Right.  
 12 COUNCILMEMBER BATES: -- a work session.  
 13 COUNCILMEMBER FLEMING: And that's what I  
 14 just said: we voted down going to a work -- a work  
 15 session to discuss the things that she's talking  
 16 about.  
 17 COUNCILMEMBER BATES: No.  
 18 COUNCILMEMBER PACHUTA: No, but I think we  
 19 need to have the recruiter involved in that, and I had  
 20 made those comments on your motion: that this is  
 21 someone with experience. And part of what he wanted  
 22 to do was work with all of us individually, as a  
 23 Council, with staff, the community, and that's  
 24 appropriate for a work session after he's involved.  
 25 COUNCILMEMBER DEAN: And even if -- Just so

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1 everyone understands, even if a city manager comes in  
 2 now, then the role of authority, the delegation of  
 3 authority stays as it is. We're not changing any laws  
 4 right now, so the city manager will work with the  
 5 Mayor; right?  
 6 ATTORNEY McLENDON: That is the inter-  
 7 pretation of the language that was adopted in the  
 8 Charter.  
 9 COUNCILMEMBER DEAN: So it's not as if we're  
 10 saying, okay, we're getting a city manager in and kick  
 11 the Mayor to the curb; right?  
 12 ATTORNEY McLENDON: Right.  
 13 COUNCILMEMBER BATES: That's correct.  
 14 ATTORNEY McLENDON: Under the Charter  
 15 language, when the city manager is appointed, as long  
 16 as the Mayor is still full-time, the Mayor is  
 17 responsible for day-to-day operations of the City.  
 18 MAYOR PITTMAN: Okay. All right. So --  
 19 COUNCILMEMBER PACHUTA: Brian seconded it.  
 20 MAYOR PITTMAN: Okay. Thank you.  
 21 Additional discussion?  
 22 ---  
 23 (No response)  
 24 ---  
 25 MAYOR PITTMAN: Call the roll, please.

1 CLERK BRYANT: Councilmember Alexander?  
 2 COUNCILMEMBER ALEXANDER: Yes.  
 3 CLERK BRYANT: Councilmember Bates?  
 4 COUNCILMEMBER BATES: Yes.  
 5 CLERK BRYANT: Councilmember Dean?  
 6 COUNCILMEMBER DEAN: Yes.  
 7 CLERK BRYANT: Councilmember Fleming?  
 8 COUNCILMEMBER FLEMING: No.  
 9 CLERK BRYANT: Councilmember Pachuta?  
 10 COUNCILMEMBER PACHUTA: Yes.  
 11 CLERK BRYANT: Councilmember Patrick?  
 12 COUNCILMEMBER PATRICK: No.  
 13 MAYOR PITTMAN: Okay. So we'll be making  
 14 contact with the appropriate people.  
 15 COUNCILMEMBER PACHUTA: Yeah, and I assume  
 16 legal will need to work with them on the contract.  
 17 ATTORNEY McLENDON: We will work on an  
 18 appropriate contract.  
 19 MAYOR PITTMAN: Okay. Now Mr. Strickland.  
 20 MR. STRICKLAND: Mayor and Council, we  
 21 received two bids on the Brook Park pipe project. The  
 22 City is in a very good position where the low bidder  
 23 is actually giving us a better product. Usually you  
 24 have to pay more for a better product and kind of  
 25 argue that but we'll be getting a better product from

1 when they try to expand it within the piping.  
 2 So I just would like to -- though you gave  
 3 me the bid documents, I truly would like to have more  
 4 time to be able to review those and possibly decide on  
 5 this on August the 20th.  
 6 MR. STRICKLAND: What we do in this process  
 7 is the invitation to bid includes a scope of work. We  
 8 basically lay everything out for them: the number of  
 9 structures, the number of linear feet, the pipe, the  
 10 linear feet of pipe, the diameter of the structures,  
 11 whether they will be replaced or rehabbed; also all  
 12 the repair to the tennis courts, the granite curb so  
 13 that the -- When we receive a bid from them, you know,  
 14 it has all the affidavits and stuff like that, but  
 15 it's basically a one-pager that says, "According to  
 16 your invitation and the scope of work, you know, we as  
 17 ABC Contractor bid" this amount.  
 18 So the bid documents that -- the bid that we  
 19 receive is actually just a -- a dollar amount based  
 20 on, you know, everything that we've given them in the  
 21 scope of work, keeping in mind that because there are  
 22 different options for either replacing or rehabbing  
 23 the pipe, we're actually asking the contractors to  
 24 give us the best product.  
 25 And like for this particular one, digging

1 the low bidder on this particular project.  
 2 MAYOR PITTMAN: Okay.  
 3 MR. STRICKLAND: But we have to --  
 4 MAYOR PITTMAN: And this is all coming out  
 5 of Stormwater?  
 6 MR. STRICKLAND: Yes, ma'am.  
 7 MAYOR PITTMAN: Okay. All right. Questions  
 8 from the Council? Anyone?  
 9 COUNCILMEMBER FLEMING: Yes. I have  
 10 several.  
 11 I also feel that this needs to be reviewed  
 12 as far as the invitation to bid. Though I appreciate  
 13 your help, Steven, what the estimated cost is not  
 14 telling us what the contractor plans on doing. So I  
 15 really feel that Council should take the time to be  
 16 able to read the bids and how they came in, to  
 17 determine exactly what they're going to do to our  
 18 residents' properties, to Brook Park, to the road.  
 19 We're getting ready to vote on a bid for  
 20 Southern Premier, I guess, and we haven't looked at  
 21 any of the documents.  
 22 Also, when I was notified by one of the  
 23 residents today, they're very much concerned about  
 24 erosion and also this new polymer process, that sleeve  
 25 that's going in, in regards to environmental damage

1 up, open-trench cutting the existing pipe and digging  
 2 it out would be very disruptive to Brook Park and the  
 3 residents. This is actually a cured-in-place pipe.  
 4 It's kind of like an inverted sock that you push  
 5 through the pipe and then it expands and it adheres,  
 6 so you're basically putting a pipe within a pipe other  
 7 than the section that we do have to open-cut and  
 8 replace because it is basically damaged and the wrong  
 9 size. This is not -- this will be minimally, you  
 10 know, disruptive to both the park and the citizens.  
 11 As far as this polymer, it is being used all  
 12 around the country including Dekalb County, Dunwoody,  
 13 Chamblee, Gwinnett County, so if it was in any way not  
 14 up to the environmental standards, they certainly  
 15 wouldn't be using it everywhere. These contractors  
 16 are not going to use something that's going to get  
 17 them in trouble with State or Federal regulations.  
 18 COUNCILMEMBER FLEMING: Okay. Now, is this  
 19 particular contract going to be supervised by the  
 20 State? by Dekalb County? by Department of Natural  
 21 Resources, etc.?  
 22 MR. STRICKLAND: No, ma'am, unless -- All of  
 23 those State agencies are basically complaint-oriented.  
 24 I mean they're so short-staffed that trying to get  
 25 somebody from the EPD out on a site takes, you know,

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1 pretty much a big complaint coming from somewhere. So  
 2 they're not going to be out there taking a look at  
 3 this.  
 4 COUNCILMEMBER FLEMING: Okay. Am I correct  
 5 in understanding that to expand the sock within the  
 6 pipe, that a force of 180-degree water is going  
 7 through it so that it then expands?  
 8 MR. STRICKLAND: Yeah. It's the water  
 9 inside of it. It won't be forced through. It's  
 10 closed at that time and then you can actually let  
 11 the -- you know, the water will actually cool down  
 12 before it's finished and released out of that pipe.  
 13 MAYOR PITTMAN: Additional questions?  
 14 COUNCILMEMBER FLEMING: I have another  
 15 because, as I mentioned, the City is requesting  
 16 agreements from property owners; is that correct?  
 17 MR. STRICKLAND: Yes, ma'am. We have two  
 18 property owners that are at the outfall.  
 19 COUNCILMEMBER FLEMING: Okay. And though I  
 20 have not seen the document itself, it states that the  
 21 City won't be held liable for any type of damage that  
 22 may be on their -- that may cause from this process?  
 23 ATTORNEY McLENDON: I have not seen the  
 24 specific documents in this situation.  
 25 Steven, what are the rights that are being

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1 acquired?  
 2 MR. STRICKLAND: It's the release of  
 3 liability that we use. Now, my understanding is that  
 4 it -- First of all, we have to have permission to go  
 5 on private property. We have no easements in this  
 6 city over our pipes, which puts us in a unique  
 7 situation. If we had easements, it's a totally  
 8 different ball game.  
 9 But I believe what we're -- we are saying  
 10 that we have to have permission to go on your  
 11 property; we will do this work and then we will  
 12 restore your property as best we can to  
 13 preconstruction conditions. So it's giving us the  
 14 right to entry and it's an agreement but it -- it  
 15 releases --  
 16 We have to get them to release the liability  
 17 so we can go on their property, but I think their  
 18 concern that if something happens injury-wise, we're  
 19 not liable, but I believe we would still be --  
 20 ATTORNEY McLENDON: What I can tell you is I  
 21 have not seen the rights of entry particularly. I'd  
 22 be happy to review those documents.  
 23 The right of entry is a standard document  
 24 you would use in that case if in doing a project I  
 25 have to come onto your property to do anything,

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1 basically -- to stage equipment. I will need to have  
 2 authority to come on there, and that would be through  
 3 a right-of-entry document.  
 4 Again, I haven't seen the specific ones. I  
 5 didn't know the question was coming this evening.  
 6 Right of entry is generally going to say whenever we  
 7 exercise this right, we will restore the property  
 8 basically to the condition it was in before the rights  
 9 were exercised.  
 10 You know, I don't know about the release of  
 11 liability. I think we would be held to a standard of  
 12 care in going in on their property and, you know, a  
 13 common-care standard to do the work there.  
 14 MAYOR PITTMAN: If I could --  
 15 ATTORNEY McLENDON: I would have to look at  
 16 it specifically.  
 17 MAYOR PITTMAN: If I could interrupt for  
 18 just a moment, it's approaching 9 o'clock, and if the  
 19 Council wishes to finish the agenda, I need a motion,  
 20 please.  
 21 COUNCILMEMBER ALEXANDER: So moved.  
 22 MAYOR PITTMAN: Second?  
 23 COUNCILMEMBER PATRICK: Second.  
 24 MAYOR PITTMAN: Discussion?  
 25 - - -

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1 (No response)  
 2 - - -  
 3 MAYOR PITTMAN: Call the roll, please.  
 4 CLERK BRYANT: Councilmember Alexander?  
 5 COUNCILMEMBER ALEXANDER: Yes.  
 6 CLERK BRYANT: Councilmember Bates?  
 7 COUNCILMEMBER BATES: Yes.  
 8 CLERK BRYANT: Councilmember Dean?  
 9 COUNCILMEMBER DEAN: Yes.  
 10 CLERK BRYANT: Councilmember Fleming?  
 11 COUNCILMEMBER FLEMING: Yes.  
 12 CLERK BRYANT: Councilmember Pachuta?  
 13 COUNCILMEMBER PACHUTA: Yes.  
 14 CLERK BRYANT: Councilmember Patrick?  
 15 COUNCILMEMBER PATRICK: Yes.  
 16 MAYOR PITTMAN: Okay. Thank you.  
 17 Sorry. Go ahead.  
 18 MR. STRICKLAND: So yeah, it's the release  
 19 of liability that we and Dekalb County have basically  
 20 been using for all of our projects. It's pretty  
 21 standard and simple. Our liability is released, we're  
 22 allowed to go on your property, do the necessary  
 23 repair work, restore it as best we can to  
 24 preconstruction, and that's -- I mean it's just a  
 25 couple of sentences. But again, without easements, we

1 just -- we can't -- We can enter onto property for  
2 inspection purposes but we can't do actual work that  
3 may result in property damage.

4 COUNCILMEMBER FLEMING: Okay. Again, I  
5 would -- my preference would be to table this until  
6 the 20th so we could look at the documents, but I  
7 definitely would want legal counsel to review the  
8 agreement that we're asking our residents to sign.

9 MR. STRICKLAND: It's -- it's been reviewed  
10 before.

11 ATTORNEY McLENDON: Yeah. I'm not familiar  
12 with the specifics of this one at the moment, but --

13 MR. STRICKLAND: It's the same one that  
14 we've been using. So this is -- we've been using this  
15 one for -- we actually tweaked it with the last  
16 project, but it's basically a standard release of  
17 liability.

18 COUNCILMEMBER ALEXANDER: If I could speak,  
19 please. We had a situation in Oakcliff with the  
20 stormwater work where they got the right of entry but  
21 they cut down like a 40-year-old tree. We cannot  
22 replace a 40-year-old tree.

23 I don't want this happening again. Okay. I  
24 don't know if you can educate whomever is doing the  
25 work before they remove any trees from anybody's

1 private property that you go the extra step, because  
2 that's unacceptable to me. If I came home and instead  
3 of just trimming my pine trees in my yard, the guys  
4 from Georgia Power had cut them down, I'd be a little  
5 bit upset.

6 I don't have any of the documentation  
7 evidently Ms. Fleming's got. I think we all need to  
8 have all the documentation regarding this item instead  
9 of just the agenda sheet.

10 So I make a motion to table this to the  
11 August 20th meeting.

12 COUNCILMEMBER FLEMING: Second.

13 MAYOR PITTMAN: Okay. Discussion?

14 ---  
15 (No response)  
16 ---

17 MAYOR PITTMAN: Call the roll, please.

18 CLERK BRYANT: Councilmember Alexander?

19 MR. STRICKLAND: Before we do that, I  
20 actually will not be here on the 20th.

21 MAYOR PITTMAN: Okay. If you will just make  
22 sure everybody gets all the information they need, we  
23 can still proceed, and if we could ask the Council to  
24 please if you have any questions in the meantime, to  
25 send it to Mr. Strickland so he can answer.

1 COUNCILMEMBER FLEMING: So are we putting it  
2 back on for the 20th or wait until September 4?

3 MAYOR PITTMAN: It's up to y'all. It was a  
4 motion for the 20th.

5 COUNCILMEMBER ALEXANDER: I can modify it to  
6 be on the 4th.

7 MAYOR PITTMAN: Okay. Do I get a  
8 modification to the second?

9 COUNCILMEMBER FLEMING: Yes.

10 MAYOR PITTMAN: Okay. Discussion?

11 ---  
12 (No response)  
13 ---

14 MAYOR PITTMAN: Call the roll, please.

15 CLERK BRYANT: Councilmember Alexander?

16 COUNCILMEMBER ALEXANDER: Yes.

17 CLERK BRYANT: Councilmember Bates?

18 COUNCILMEMBER BATES: Yes.

19 CLERK BRYANT: Councilmember Dean?

20 COUNCILMEMBER DEAN: Yes.

21 CLERK BRYANT: Councilmember Fleming?

22 COUNCILMEMBER FLEMING: Yes.

23 CLERK BRYANT: Councilmember Pachuta?

24 COUNCILMEMBER PACHUTA: Yes.

25 CLERK BRYANT: Councilmember Patrick?

1 COUNCILMEMBER PATRICK: Yes.

2 MAYOR PITTMAN: Okay. Thank you, Mr.  
3 Strickland.

4 MR. STRICKLAND: Thank you.

5 MAYOR PITTMAN: Okay. Chief, I believe  
6 you're next.

7 I believe the Chief has a couple of items  
8 but also was asking if he could brief us a little bit  
9 on the Police Department's also working -- we're all  
10 working together but the Police Department has things  
11 that they're working on for the annexation, and I was  
12 asking if he'd like to give a real quick update on his  
13 end.

14 And also before he starts on his part-time  
15 dispatchers, I hope that the Council will really  
16 seriously consider those because we truly have  
17 employees that are working long, long hours, and we're  
18 really short, and we really need to at least get these  
19 part-time dispatchers.

20 This is a very, very important part of our  
21 city, we need our dispatchers, and I want to stress  
22 that I hope that you guys will seriously consider  
23 giving them their part-time dispatchers.

24 Chief?

25 CHIEF JOHN KING: Good evening, Mayor and

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1 members of the City Council and our citizens. I guess  
2 I'll start with a quick update on where we stand on  
3 the annexation.  
4 We've gotten some really good cooperation  
5 from Dekalb County Police. It looks like we will get  
6 the PSAP which is the automatic switching or 911 calls  
7 that get generated out of the cell phone towers and  
8 land lines from the area to be annexed. It should  
9 be -- We're not getting any opposition. Dekalb  
10 County's been more than cooperative to help us work  
11 through that process.  
12 The challenge will be now is getting a good  
13 GIS map, and I know Mr. Cooley will probably be  
14 talking to you-all in the next few Council meetings  
15 about the urgency of getting a good, adequate map that  
16 we can then plug into 911 to make sure that our calls  
17 get generated and get dispatched to the right place.  
18 So good, accurate mapping touches a number of  
19 departments, and that was basically my plug for  
20 Mr. Cooley's presentation that he will be probably  
21 giving you on the next Council meeting.  
22 MAYOR PITTMAN: It will be on the next  
23 Council meeting.  
24 CHIEF KING: We will also be -- we are also  
25 coordinating with the city attorneys to update the

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1 number of the streets for speed detection. That will  
2 probably -- We cannot go and approach the Department  
3 of Transportation although we've talked to them and  
4 set in motion the things that will be required for the  
5 Department of Transportation and the Department of  
6 Public Safety to allow us to run speed detection,  
7 basic radar and laser. But this will require you-all  
8 that we're going to be probably spending, you know,  
9 and I hate to spill the beans, Mayor, but we're  
10 probably going to be seeing each other probably on  
11 midnight of the 30th.  
12 MAYOR PITTMAN: I was saving that for them.  
13 CHIEF KING: Sorry. Because that is a  
14 requirement that you have the area that you're  
15 annexing before you can make rules for that area for I  
16 think there's some zoning issues but also the speed  
17 detection. We can't begin that process until you  
18 actually have the area that you control.  
19 I apologize, Mayor. I guess you were  
20 waiting to --  
21 MAYOR PITTMAN: I was going to put it in a  
22 memo so they could read it.  
23 CHIEF KING: But you know, we're making a  
24 great deal of progress. So far, we don't have any  
25 major shortcomings. The plan that Ms. Ferguson

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1 briefed you as far as our personnel manning seems to  
2 be in place.  
3 We will assess as to the volume of calls.  
4 We expect a great deal of calls.  
5 Our plan is to first conduct field training  
6 with our officers, basically our officers going into  
7 the areas, getting to -- We already approached the  
8 apartment complexes and talked to the managers and got  
9 a good layout of where are the apartments and how  
10 they're set up and then getting to -- We will start  
11 our training of all our officers somewhere around the  
12 November 15th time frame.  
13 About December 10th through 15th, we will  
14 start shadowing Dekalb County Police cars as they  
15 respond to calls to that area, so we'll be handling  
16 calls with them, so giving us a good 15-day overlap  
17 between their officers and our officers so when the  
18 magic at 00:01 on the 31st, our officers will be --  
19 the switches will be pushed and all the calls will  
20 come to us and we'll start responding to the calls.  
21 So I don't see any major issues right now as  
22 we proceed down this road. A lot of work,  
23 unfortunately. We will set up the staff work to get  
24 the things in place, but without y'all's authority to  
25 pass these ordinances to allow us to run speed

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1 detection, the ordinances, you know, the permitting  
2 process, we'll probably have to go through some  
3 approval from the Council to update, for example, you  
4 know, occupational licenses, pouring licenses, that  
5 kind of. We will probably use the same ones. But  
6 just a lot of decisions will be coming to you-all in  
7 that last November-to-December time frame, so we'll be  
8 -- please keep your agendas flexible because a lot of  
9 decisions. We'll do the work, but without y'all's  
10 authority, you know, we can't move forward. So please  
11 stay flexible.  
12 MAYOR PITTMAN: Thank you, Chief.  
13 CHIEF KING: The two items that I wanted to  
14 talk to you-all this evening is because we are short  
15 staff, I got a couple situations. I got one of my  
16 employees is on maternity leave, and then I have some  
17 shortages of personnel because we've had a tough time.  
18 Even though we have a position open, we've had a tough  
19 time attracting a candidate to be able to get hired.  
20 So what I'm asking, you know, the bottom  
21 line, I'm not asking for my budget to be modified.  
22 I'm asking for the flexibility to hire part-time  
23 employees to fill the gaps until we can get our  
24 staffing up to level. So we're working very closely  
25 with Ms. Ferguson to make sure that we don't exceed

1 the allocation on the salaries.

2 But right now, you know, the people that I  
3 have trained to work in our 911 center are all  
4 sergeants. I've got a captain, I got a lieutenant, I  
5 even got my assistant chief of police working in  
6 radio, so you're paying that rate. By hiring part-  
7 time employees -- who some of them used to be our  
8 employees and now work with other cities in other  
9 communications; they're willing to come back to work  
10 part-time with us -- we will be paying that part-time  
11 rate and not paying any benefits.

12 But what I'm asking is allow me to have the  
13 flexibility to work within my budget to be able to  
14 hire to cover these shortfalls. I have an employee  
15 that's worked nine days straight and so he's building  
16 comp time. So he comes and works a 12-hour shift but  
17 you're paying 18 hours once you calculate the overtime  
18 involved, so that's not cost effective. So the bottom  
19 line is I'm asking for the flexibility to hire part-  
20 time employees to cover these gaps to keep my overtime  
21 costs low.

22 And I will turn it over to Lisa and see if  
23 she wants to add anything.

24 MS. FERGUSON: I actually asked the Chief to  
25 explore this because we're just racking up comp time

1 MAYOR PITTMAN: I think I get him every  
2 time.

3 COUNCILMEMBER BATES: I can attest that  
4 we've got senior-level officers who are manning the  
5 phone lines, so this is -- this is really important.

6 MAYOR PITTMAN: Yes. Ms. Pachuta?

7 COUNCILMEMBER PACHUTA: Nothing.

8 COUNCILMEMBER PATRICK: How long do you  
9 anticipate needing the part-time?

10 CHIEF KING: Sir, at this moment, it's very  
11 hard to determine. We have not been very successful  
12 at -- I mean we're getting applications, but none of  
13 the applicants are even -- you know, don't have the  
14 minimum qualifications.

15 So I'd rather get -- you know, I'd rather  
16 depend on the part-time help as long as we work  
17 closely with Ms. Ferguson and make sure that we stay  
18 within budget. And we have to -- I mean I have the  
19 availability of these employees who used to work for  
20 us; they're willing to come back to work part-time  
21 with us. So that, to me, it's a good sign.

22 COUNCILMEMBER PATRICK: When the two  
23 annexation areas are incorporated into the city, do  
24 you anticipate needing additional dispatchers or will  
25 your existing -- I think you have eight dispatchers

1 at an alarming rate, and if we continue, then the  
2 budget's just going to be blown, and hiring a  
3 headhunter is not going to matter because we're not  
4 going to have any money to pay the city manager  
5 anyway.

6 They're filling in 84 hours every two weeks.  
7 The budgeted position is budgeted at \$14.00, and we're  
8 paying people time-and-a-half who are making 20 and 30  
9 dollars an hour for their regular rate, and we're just  
10 going way over budget. So we really need to be able  
11 to hire these part-time people to fill this position,  
12 and because the part-time is defined as 30 hours or  
13 less, it's going to take four people to fill one  
14 position because they can only work two shifts a week.

15 So it's really important to me to get this  
16 done so that we can keep our budget on track. Thank  
17 you.

18 MAYOR PITTMAN: All right. Questions from  
19 Council? To be orderly, we'll start down here with  
20 Ms. Alexander. Do you have questions?

21 COUNCILMEMBER ALEXANDER: No, ma'am.

22 MAYOR PITTMAN: Mr. Bates?

23 COUNCILMEMBER BATES: Just one comment. I  
24 called in about two weeks ago and I got Captain  
25 Brinkley, so I can attest that --

1 now plus the four -- will that --?

2 CHIEF KING: Well, the four will be working  
3 in the jail and then the eight -- the other -- or the  
4 eight dispatchers.

5 COUNCILMEMBER PATRICK: Right.

6 CHIEF KING: It's hard to tell, sir. I  
7 don't want to write you -- I don't want to write a  
8 blank check at this point.

9 COUNCILMEMBER PATRICK: Okay.

10 CHIEF KING: I think let's just wait for the  
11 data to come in. I could use the flexibility because  
12 every time somebody takes off PTO time, but I think we  
13 can still manage in a very cost-effective way by using  
14 part-time employees. I like the idea of having that  
15 flexibility and manage it that way instead of hiring a  
16 full-time employee without really knowing the data to  
17 support it.

18 COUNCILMEMBER PATRICK: Thank you.

19 MAYOR PITTMAN: Ms. Fleming?

20 COUNCILMEMBER FLEMING: Okay. So you have  
21 eight full-time positions allocated for that

22 department. How many are filled at this present time?

23 CHIEF KING: Ma'am, right now counting my --  
24 The way that I have it now is that I moved one of my  
25 people from the jail. So that means I moved that

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1 person because the person is pregnant, can't work in  
2 the radio. She's not qualified. It's an issue of  
3 qualification.  
4 So if you count heads, yes, I have the heads  
5 there, but the problem is in the jail I'm short  
6 because this person is on maternity leave and can't  
7 work in the radio room. So it's one position that I'm  
8 looking at budget-wise.  
9 COUNCILMEMBER FLEMING: But she's not in the  
10 jail pregnant; right?  
11 CHIEF KING: No. I can't have her in the  
12 jail.  
13 COUNCILMEMBER FLEMING: Okay. All right.  
14 So eight are allocated and you have seven on  
15 hand.  
16 CHIEF KING: That's correct.  
17 COUNCILMEMBER FLEMING: Okay. I thought we  
18 had approved you to get one full-time, which you say  
19 you're having a hard time filling the one position.  
20 Okay?  
21 How do you expect honestly -- We've had  
22 people that have left our city that were dispatchers  
23 that now want to come back and be part-timers?  
24 CHIEF KING: I don't understand your  
25 question. You're doubting that I'm telling you the

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1 truth or do --  
2 COUNCILMEMBER FLEMING: No, no, no, no.  
3 CHIEF KING: -- you doubt --  
4 COUNCILMEMBER FLEMING: It's just -- You  
5 know, they've left the City because --  
6 CHIEF KING: We riffed --  
7 COUNCILMEMBER FLEMING: -- they probably  
8 wanted more pay.  
9 CHIEF KING: We riffed them.  
10 COUNCILMEMBER FLEMING: Okay. So now we're  
11 getting back to --  
12 CHIEF KING: It's not -- They wanted to  
13 stay, ma'am.  
14 COUNCILMEMBER FLEMING: Now we're getting  
15 back to last year when we knew we needed to do a  
16 budget cut completely, and you're getting --  
17 CHIEF KING: Don't get me wrong --  
18 COUNCILMEMBER FLEMING: -- everybody back  
19 again.  
20 CHIEF KING: -- Ms. Fleming. They wanted to  
21 stay.  
22 COUNCILMEMBER FLEMING: Okay.  
23 CHIEF KING: They still have a sense of  
24 loyalty to our city. They like the work environment  
25 that we provided them. And if they can still keep

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1 their foot in the door and come and work part-time, I  
2 think that --  
3 We treated them well. We treat our  
4 employees well. I think the City goes out of their  
5 way.  
6 So please, ma'am, have faith that they want  
7 to come and work.  
8 COUNCILMEMBER FLEMING: Okay. All right.  
9 So within the budget.  
10 So are you going to tell me that that one  
11 full-time position is going to be within budget of two  
12 part-time people and then you're getting two part-time  
13 people from where else within your budget?  
14 CHIEF KING: This one full-time position  
15 will cover at the rate that the part-timers once you  
16 take out the -- because they're not getting any  
17 benefits. They're getting -- they're coming in at  
18 much lower rate than what you're paying Captain  
19 Brinkley to work in the radio room. That's blowing  
20 the --  
21 COUNCILMEMBER FLEMING: No.  
22 CHIEF KING: -- you know. Sorry, Captain  
23 Brinkley, I didn't mean to throw you under the bus.  
24 But at the rate that you're paying, you  
25 know, Sergeant Lopez, Captain Brinkley and Major

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1 Atkinson --  
2 COUNCILMEMBER FLEMING: No. The one that  
3 you have empty right now --  
4 CHIEF KING: Yes.  
5 COUNCILMEMBER FLEMING: -- the standard rate  
6 of pay is what we -- that's what's in your budget --  
7 CHIEF KING: Yes, ma'am.  
8 COUNCILMEMBER FLEMING: -- for them.  
9 CHIEF KING: Yes.  
10 COUNCILMEMBER FLEMING: Okay? So is that  
11 two part-times or four part-times --  
12 CHIEF KING: Lisa, I'm --  
13 COUNCILMEMBER FLEMING: -- or are you --  
14 CHIEF KING: -- going to need some help.  
15 COUNCILMEMBER FLEMING: -- having to take  
16 two part-times from somewhere else?  
17 COUNCILMEMBER PACHUTA: Well, you're not  
18 including benefits, so.  
19 MS. FERGUSON: It takes four part-time  
20 people to cover one shift because they can only work  
21 30 hours a week. So a shift is 84 hours for two  
22 weeks, so it takes four people to make up that 84  
23 hours because you can only work -- the part-timers can  
24 only work two shifts a week, so we need four slots.  
25 COUNCILMEMBER FLEMING: Okay.

1 CHIEF KING: We'll be within the budget that  
 2 I have for personnel.  
 3 MS. FERGUSON: To cover that one --  
 4 CHIEF KING: Yeah.  
 5 MS. FERGUSON: -- vacancy.  
 6 COUNCILMEMBER FLEMING: Chief, I have two  
 7 more questions.  
 8 So are you going to want to hire four part-  
 9 time and continue trying to fill the one full-time?  
 10 CHIEF KING: Yes, ma'am.  
 11 COUNCILMEMBER FLEMING: Okay.  
 12 CHIEF KING: If I can hire obviously the  
 13 full-time, obviously I won't have -- you know, I won't  
 14 have the budget to support continuing the part-time.  
 15 COUNCILMEMBER FLEMING: Okay. Now I'm going  
 16 to ask you another question.  
 17 Since you need the GIS mapping machine so  
 18 much, couldn't you take it out of asset forfeiture  
 19 money?  
 20 CHIEF KING: No, ma'am. Good try, ma'am.  
 21 You try every year, ma'am, and I'll give you credit  
 22 for that.  
 23 And we are helping in other areas, you know,  
 24 ma'am. I mean we're helping -- we're working very  
 25 closely with Mr. Cooley to get some other stuff. For

1 CLERK BRYANT: Councilmember Bates?  
 2 COUNCILMEMBER BATES: Yes.  
 3 CLERK BRYANT: Councilmember Dean?  
 4 COUNCILMEMBER DEAN: Yes.  
 5 CLERK BRYANT: Councilmember Fleming?  
 6 COUNCILMEMBER FLEMING: With all due  
 7 conscience, no.  
 8 CLERK BRYANT: Councilmember Pachuta?  
 9 COUNCILMEMBER PACHUTA: Yes.  
 10 CLERK BRYANT: Councilmember Patrick?  
 11 COUNCILMEMBER PATRICK: Yes.  
 12 MAYOR PITTMAN: Okay. Thank you.  
 13 Thank you, Chief.  
 14 CHIEF KING: Mayor, the next item that I had  
 15 -- I've got to make cotton while I'm up here -- I'd  
 16 like to request permission from the City Council to  
 17 advertise for an RFP to get the shell for our canine  
 18 animal services vehicle.  
 19 A couple years ago, the provision was  
 20 approved but we only had a sole vendor. Now there's  
 21 multiple vendors out there available that we'd like to  
 22 go and try to get a request for proposal and try to  
 23 get -- try to get the City Council to select a vendor  
 24 to provide the shell that will go on the back of Mr.  
 25 Chupp's vehicle so we can comply with State and

1 example, there's some pictometry. It's another type  
 2 of software that helps us that we can then combine,  
 3 get aerial mapping of the city.  
 4 So don't feel that you're going down this  
 5 road by yourself. I'm with you, ma'am. I'm in the  
 6 back of the fire truck driving the rear --  
 7 COUNCILMEMBER FLEMING: Okay.  
 8 CHIEF KING: -- the rear tires.  
 9 COUNCILMEMBER FLEMING: All right. Thank  
 10 you.  
 11 MAYOR PITTMAN: Ms. Dean?  
 12 COUNCILMEMBER DEAN: I'm good.  
 13 MAYOR PITTMAN: Okay. So --  
 14 COUNCILMEMBER BATES: Make a motion to allow  
 15 the Chief to have the flexibility to hire four part-  
 16 time dispatchers.  
 17 MAYOR PITTMAN: Could I get a second,  
 18 please?  
 19 COUNCILMEMBER PATRICK: Second.  
 20 MAYOR PITTMAN: Discussion?  
 21 ---  
 22 (No response)  
 23 ---  
 24 CLERK BRYANT: Councilmember Alexander?  
 25 COUNCILMEMBER ALEXANDER: Yes.

1 Federal law.  
 2 COUNCILMEMBER ALEXANDER: Ms. Ferguson, we  
 3 did budget this; correct?  
 4 MS. FERGUSON: Yes.  
 5 MAYOR PITTMAN: Yes, we did.  
 6 COUNCILMEMBER BATES: Motion to approve an  
 7 RFP.  
 8 MAYOR PITTMAN: Second?  
 9 COUNCILMEMBER PATRICK: Second.  
 10 MAYOR PITTMAN: Discussion?  
 11 ---  
 12 (No response)  
 13 ---  
 14 MAYOR PITTMAN: Call the roll, please.  
 15 CLERK BRYANT: Councilmember Alexander?  
 16 COUNCILMEMBER ALEXANDER: Yes.  
 17 CLERK BRYANT: Councilmember Bates?  
 18 COUNCILMEMBER BATES: Yes.  
 19 CLERK BRYANT: Councilmember Dean?  
 20 COUNCILMEMBER DEAN: Yes.  
 21 CLERK BRYANT: Councilmember Fleming?  
 22 COUNCILMEMBER FLEMING: Yes.  
 23 CLERK BRYANT: Councilmember Pachuta?  
 24 COUNCILMEMBER PACHUTA: Yes.  
 25 CLERK BRYANT: Councilmember Patrick?

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1 COUNCILMEMBER PATRICK: Yes.  
2 MAYOR PITTMAN: Thank you.  
3 CHIEF KING: Thank y'all very much.  
4 Appreciate it.  
5 MAYOR PITTMAN: Thank you.  
6 COUNCILMEMBER BATES: Thank you.  
7 MAYOR PITTMAN: Next on the agenda is  
8 Halpern Park Renovation.  
9 MR. ROBERTSON: Good evening, Mayor and  
10 Council. I bring before you a proposal, actually two  
11 options for moving forward on Phase I of the Halpern  
12 Park renovation project. I believe you received all  
13 of the information.  
14 My recommendation is to approve Todd Smith  
15 Grading to move forward with the renovation project.  
16 MAYOR PITTMAN: Okay. Thank you. We're  
17 going to take questions from the Council.  
18 COUNCILMEMBER DEAN: I have a question.  
19 When you put out for the bids, did you tell these  
20 people how much you have to spend on the project?  
21 MR. ROBERTSON: I -- I -- No, ma'am. I  
22 don't believe at the time that the RFP went out that  
23 there was a budget included in that RFP.  
24 COUNCILMEMBER DEAN: Okay.  
25 MAYOR PITTMAN: Ms. Fleming?

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1 COUNCILMEMBER FLEMING: Mr. Robertson wasn't  
2 on board at that time and Mr. Howe was handling that,  
3 and that would be a good question for him, but I  
4 believe he did.  
5 And I want to pass it to Mr. Patrick  
6 because, for whatever reason, of all things, I'm  
7 trying to find my documents, so I'm going to pass to  
8 him for a second.  
9 COUNCILMEMBER PATRICK: Rip, I know you were  
10 brought on board after the RFP went out, but I guess  
11 this Council or the staff member, I guess Scott  
12 Rogers, had proposed a budget or I should say, again,  
13 an RFP that would be kind of a stripped-down version  
14 of what's necessary and kind of kept it more within  
15 the initial budget that I think that this Council was  
16 comfortable with.  
17 Would there be any difficulty taking that  
18 initial proposal which was dated March 20 and having  
19 the contractor that you're looking at work off of  
20 this?  
21 And I guess the next question to you is have  
22 you even seen this document that I'm referring to?  
23 MR. ROBERTSON: I have seen the RFP that  
24 went out.  
25 COUNCILMEMBER PATRICK: Okay.

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1 MR. ROBERTSON: And the RFP was the complete  
2 RFP or --  
3 COUNCILMEMBER PATRICK: Correct.  
4 MR. ROBERTSON: -- the complete project for  
5 Phase I, and it included I believe there were three  
6 alternatives, and the bids ranged from -- The initial  
7 bids were the mid sixties up to I want to say \$180,000  
8 for all the different alternatives.  
9 I know that there was a second RFP that went  
10 out that kind of pared it down but still included  
11 three different alternatives, and that's the RFP that  
12 I've been working off of.  
13 I don't know that -- Are you asking if we  
14 reissued the RFP?  
15 COUNCILMEMBER PATRICK: I guess actually I'm  
16 wondering if this proposed document that was put  
17 together that I have is something that you had seen.  
18 Could you guys pass that down to --  
19 COUNCILMEMBER FLEMING: He's got a copy of  
20 it. He's got a copy of that whole presentation.  
21 COUNCILMEMBER PATRICK: Okay.  
22 COUNCILMEMBER FLEMING: But he may not have  
23 it with him.  
24 COUNCILMEMBER PATRICK: Would you mind  
25 passing that down?

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1 And ultimately, Rip, my question is why  
2 couldn't we go with that? which, from what I  
3 understand, is something that could be closer within  
4 budget.  
5 COUNCILMEMBER BATES: Real quick before we  
6 get started on that, I just want to make sure I'm  
7 understanding this correctly.  
8 The recommendation is for Todd Smith Grading  
9 at \$57,000, of which twenty-five of that is the Land  
10 Water Conservation grant match. Therefore, the City  
11 would be out of pocket instead of \$25,000, \$32,000.  
12 MR. ROBERTSON: That is correct.  
13 COUNCILMEMBER BATES: Okay. I just want to  
14 make sure that I was on board with everybody else.  
15 COUNCILMEMBER ALEXANDER: And the problem  
16 with that was it even included stuff that Public Works  
17 has already done.  
18 MR. ROBERTSON: Okay. This list right here  
19 is essentially what we're asking or what has been  
20 priced out.  
21 COUNCILMEMBER PATRICK: Okay.  
22 MR. ROBERTSON: With the exception of the  
23 few items or like in the Todd Smith Grading, the  
24 fifty-seven two sixty-seven does not include two of  
25 the picnic pads have been removed and the work around

1 the existing picnic pavilion; whereas, the Ed Castro  
2 \$60,000 bid excludes all of the picnic pads trying to  
3 get it down to the \$50,000 budget.

4 So going back to this, the March 20, I mean  
5 path layout, that's what we're going to do is exactly  
6 stake a path, set the grading, clearing and grubbing,  
7 grading of the path, and one picnic pad and then the  
8 concrete trails.

9 So essentially we have pared it. I mean we  
10 have stripped it as far as you can strip it unless you  
11 want to take out the playground pads or go back to a  
12 mulch path as opposed to a concrete path.

13 COUNCILMEMBER DEAN: Well, here is one  
14 concern, and that is that it was indicated that along  
15 with the bid, the amount that we had to spend also  
16 went down, which doesn't seem like good business  
17 practice.

18 But at our retreat we had a discussion about  
19 the HOST funds and how we spend it. We have a lot of  
20 safety issues in the city that I think -- And in fact  
21 right now Mr. Bates -- we all did a survey  
22 prioritizing the list of items that the HOST funds  
23 could go toward. So \$7,267.63 over is fairly  
24 significant when you think in terms of what can be  
25 done, and that is a concern of mine, a big concern.

1 I needs that park and I've been working on it for four  
2 years. So I'm not being frustrated with you. Okay?

3 But that scope of work that is outlined in  
4 that LWCF grant is what we are supposed to accomplish  
5 with \$50,000. Not just the trails, not just the inner  
6 workings of a concrete trail. We have to provide  
7 vegetation, some more trees, which we've worked on  
8 that too. But we have to replace the existing  
9 playground equipment that was in safety violation and  
10 needed to come down. We must replace that with -- And  
11 if we -- in this \$50,000 - \$25,000 match.

12 So my point is that I don't feel that we as  
13 Mayor and Council can -- Let me retract that. I'm not  
14 going to say it for Mayor and Council. I'm going to  
15 say it for myself.

16 I cannot vote to take \$25,000 or \$32,000 of  
17 HOST money and apply it to the twenty-five thinking  
18 that we're going to get the \$25,000 for just the  
19 trails, because they have said on that grant  
20 requirements, this is what you have to do to get the  
21 money. And they took pictures to begin with to know  
22 what the park looked like to begin with, and they will  
23 definitely come out and take pictures of the park when  
24 we get through with the park before they cut the  
25 check.

1 MR. ROBERTSON: Well, if indeed the \$50,000  
2 budget did go out with the original RFP, nothing came  
3 in even close to \$50,000 --

4 COUNCILMEMBER DEAN: Right.

5 MR. ROBERTSON: -- with no alternative. I  
6 mean with any of the alternatives that were presented  
7 or that --

8 COUNCILMEMBER DEAN: Does it require --

9 MR. ROBERTSON: -- were included in that.

10 COUNCILMEMBER DEAN: -- a design plan change  
11 or something so that we can find something that fits  
12 within that budget?

13 COUNCILMEMBER PACHUTA: I don't think we  
14 have the time because if I'm -- And Pam, you may know  
15 better, but this money has to be spent --

16 MR. ROBERTSON: That is correct.

17 COUNCILMEMBER PACHUTA: -- by the end of the  
18 year; is that correct?

19 MR. ROBERTSON: December 31.

20 COUNCILMEMBER FLEMING: 12/31/12. But even  
21 though I can't find my documents -- and it's probably  
22 a big thing that I kept on the couch -- is that --?

23 And please understand I'm not trying to be  
24 argumentative with you, Mr. Robertson, because I know  
25 you're just brand new into this process, and District

1 So I am very concerned about this, and I  
2 know that we are trying to get contributions from  
3 local businesses to offset the cost of the playground  
4 equipment, but that is still not in the scope of the  
5 original intent of the \$50,000.

6 MR. ROBERTSON: Are you saying that the  
7 grant money required us to install playground  
8 equipment?

9 COUNCILMEMBER FLEMING: Yes, sir.

10 Everything that's --

11 MR. ROBERTSON: Because this here does not  
12 call for any playground --

13 COUNCILMEMBER FLEMING: No, sir.

14 MR. ROBERTSON: -- equipment.

15 COUNCILMEMBER FLEMING: But that particular  
16 bid is what we wanted them to bid on, contractor  
17 number one.

18 MR. ROBERTSON: Okay.

19 COUNCILMEMBER FLEMING: When I did my  
20 presentation -- And again, like I said, I apologize if  
21 I sound frustrated to you. I am not trying to be  
22 argumentative.

23 MR. ROBERTSON: I understand. That's fine.

24 COUNCILMEMBER FLEMING: But in my  
25 presentation to Mayor and Council and to the public, I

1 showed them an outline of the park and everything and  
2 requested \$25,000 to do the walking trails in  
3 concrete. It was already in the grant form.

4 Now, what Mr. Pittman and I had done, what I  
5 had understood from legal counsel was we could go and  
6 get just quotes, not bids, now. I'm just trying to  
7 get us an understanding of how much moneys it would  
8 cost, okay, for me to even bring it to Mayor and  
9 Council.

10 So Mr. Pittman and I contacted three grading  
11 companies who do grading work to include Mr. Sizemore  
12 who had just finished the baseball field, and said,  
13 okay, this is the map; we'd like you to give us just a  
14 verbal quote, just write it on a sheet of paper just  
15 so that we can have an understanding of how much it  
16 would cost, to know whether we could amend that grant  
17 document or not, to know what the paving costs were  
18 going to be and everything.

19 That's why I'm having difficulty accepting a  
20 \$57,000 bid for when I knew that it might have been  
21 only \$25,000. That's why I asked for \$25,000 from  
22 Council. If it was going to be \$57,000, I would have  
23 asked for \$57,000.

24 MR. ROBERTSON: But when they gave you their  
25 estimate, did they include all of the erosion control

1 you're dealing with grant money.

2 COUNCILMEMBER FLEMING: Right. I  
3 understand.

4 MR. ROBERTSON: You have wage requirements.  
5 I mean there's a lot of requirements that fall into  
6 that. And I don't know if, you know, your companies  
7 even considered that.

8 COUNCILMEMBER FLEMING: I didn't go to that  
9 extreme; no, sir, I didn't. All I said was all I'm  
10 trying to do at this point is get some idea as to how  
11 much it would be to find out whether we would be even  
12 close to doing the paths in this particular grant.

13 COUNCILMEMBER BATES: I think right now for  
14 me, because this has been a moving target from almost  
15 day one, that we need to get you and Lisa and Luke and  
16 Cecil, Lenny and the Mayor together and look at that  
17 grant and what the requirements are to accomplish and  
18 meet those criteria and see where we are today and if  
19 it's even remotely possible to hit those requirements  
20 with the \$25,000 match that we've allocated through  
21 HOST moneys. And if it's not, then that means that  
22 we've got to bring it back and start from square one  
23 on this whole process.

24 I don't want to lose that money, but if in  
25 order to use the money we're going to have to spend

1 and all of the additional requirements that they're  
2 required to adhere to when they do the work?

3 I mean it's one thing to give you a price on  
4 a concrete trail but it's another to go in and  
5 actually do the work within the laws and regulations.

6 COUNCILMEMBER FLEMING: No, sir, I don't  
7 have those documents. It was just a handwritten  
8 quote: This is how much it's going to cost to  
9 actually come in and grade properly and pave it. And  
10 I would think if they were grading and paving  
11 companies that they would understand those things.

12 I'll stop talking now. I'll stop talking.

13 But we do have to complete everything that's on that  
14 LWFC grant to be able to get their \$25,000.

15 MR. ROBERTSON: Right. But I mean there's  
16 other things in the park that -- you know, like the  
17 erosion control, the drainage for the playground area.  
18 I mean that's -- that's additional moneys outside -- I  
19 mean on top of the trails.

20 I mean I don't -- I haven't seen the  
21 estimates but I know, you know, a lot of companies  
22 will give you an estimate. You know, it's one thing  
23 to estimate how much concrete and how much it is to  
24 lay it down but it's a totally different thing to have  
25 to come in and adhere to regulations, especially when

1 \$50,000, then that's an entirely different  
2 conversation.

3 So that would be my recommendation would be  
4 to get all the players who are involved in this --  
5 Luke from the administration side, Lisa from the  
6 finance side, Cecil and Lenny from the legal side, you  
7 from the park side, and let's everybody evaluate,  
8 because it's been months.

9 I don't know. When did we get the LCW grant  
10 stuff?

11 COUNCILMEMBER ALEXANDER: We had it last  
12 year.

13 COUNCILMEMBER PACHUTA: Last year.

14 MAYOR PITTMAN: Cecil?

15 COUNCILMEMBER BATES: I mean I want to move  
16 forward with this project because all of our parks are  
17 important, you know. Brook Park and Autumn Park and  
18 English Oak Park and Honeysuckle Park and Chicopee,  
19 they're all important, and we've got to do -- The City  
20 has ignored them for so long that they're in poor  
21 repair, but I want to make sure that we're allocating  
22 the moneys that we've budgeted for properly.

23 ATTORNEY McLENDON: One of the concepts --  
24 and I think it was alluded to when Ms. Fleming was  
25 speaking -- is, you know, every grant I've ever worked

1 with, you'd better talk to them as you're going  
2 through your project. You'd better tell them what  
3 you're doing.

4 You don't go sign contracts, spend money  
5 until you've already told them what you're doing and  
6 made sure they're committed to that you have met our  
7 terms.

8 And one of the things we talked about was,  
9 you know, is it possible to take this and you have a  
10 full set of plans but you can build off plans and not  
11 necessarily build every single thing on the plan?

12 And what we had said is, you know, could we  
13 get a scope that fit into this and then still work  
14 with the trail grant so they would say yes, you've met  
15 the mark so we're going to pay you; you do the scope  
16 within the plans.

17 So what I would be happy to do, Rip, is sit  
18 down with you and let's take a little time and go  
19 through it all --

20 MR. ROBERTSON: Okay.

21 ATTORNEY McLENDON: -- and contact the trail  
22 grant folks and make sure we're in good shape and  
23 everybody's good. We can roll it back around the  
24 channel.

25 COUNCILMEMBER FLEMING: And Mayor, there's

1 to be negligence and there has to have been notice,  
2 etc.

3 But frankly, if you build it to the plans  
4 and do it appropriately, it can be done. I mean as  
5 long as it's to the plans, you have completed your  
6 project.

7 Now, you know, is that the easiest thing to  
8 do? There's a reason that contractors do it, etc.,  
9 etc. But as long as it's built to plans, you got your  
10 project. And I don't know we've talked to the trail  
11 grant folks. And, you know, that's how you do that is  
12 you talk --

13 MR. ROBERTSON: Right.

14 ATTORNEY McLENDON: -- to them as you work  
15 through the project and say, "This is what we're  
16 planning to do," and they're going to come in and say  
17 yes/no/maybe and step on through it for every park  
18 project I've ever done.

19 MR. ROBERTSON: I don't know if you're  
20 talking about the actual playground pads or just the  
21 installation of the apparatuses.

22 COUNCILMEMBER FLEMING: I'm talking about  
23 both, because our Public Works Department installed  
24 the ones at Chicopee, okay, and they made the, you  
25 know, playground pads around it. It's not concrete.

1 one more comment I want to make in public so that  
2 Cecil can go on record and Mr. Robertson can go on  
3 record and Council can comment.

4 You indicated the City takes a liability  
5 when we install the playground equipment and the pads  
6 around -- I mean the mulch pads around -- the mulch  
7 pad enclosures around the playground equipment.

8 ATTORNEY McLENDON: Rip knows better than I.  
9 ASTM standards, which is their set standards that are  
10 due diligence for the installation of playground  
11 equipment, if you meet those standards, you are not  
12 negligent. If you did not meet those standards, that  
13 is, the nationally-accepted standards, they would  
14 probably make you discuss if somebody got hurt.

15 COUNCILMEMBER FLEMING: But did you not  
16 mention to me that no, our Public Works could not  
17 install playground equipment and put the safety-zone  
18 proper pad around the playground equipment because the  
19 City would be liable if somebody were to be hurt?

20 The City's going to be liable to be hurt  
21 [sic] even if there were no equipment in there --

22 ATTORNEY McLENDON: I would tell you --

23 COUNCILMEMBER FLEMING: -- because it's a  
24 park.

25 ATTORNEY McLENDON: Not necessarily. It has

1 It's got to be eight inches thick in mulch and it's  
2 got to be a playground mulch, and the specifications -  
3 -

4 MR. ROBERTSON: Right.

5 COUNCILMEMBER FLEMING: -- of what a  
6 playground form should look like. I mean they were  
7 following those specifications. So now all of a  
8 sudden with Halpern, with me under the impression and  
9 also Carol, for that matter, because two years ago  
10 when Carol was involved, she dealt with Bobby, I got  
11 with Bobby together; and she said, "Okay, Bobby. What  
12 can you do from this grant?" Okay? And so his  
13 department said, "We can do this, this, this, this,  
14 this, this and this," and that was part of it.

15 So why would we quote -- And that's what I'm  
16 saying again. Why would we quote having a contractor  
17 charge us for doing that when our own Public Works  
18 Department is capable and can do it? That's my thing.  
19 We've upped our cost because we're not allowing our  
20 Public Works Department to do some of the work.

21 MR. ROBERTSON: Well, I know -- I mean I've  
22 talked with Mr. Pittman as well, and I know, I mean,  
23 he is absolutely swamped and he doesn't have time to  
24 do some of the work.

25 And I mean I don't know if he saw the plans

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1 for the drainage, the underground drainage back down  
 2 into the stormwater. I mean I don't know what all  
 3 he's capable of doing, but I do know that I've talked  
 4 with him.  
 5 COUNCILMEMBER FLEMING: I go along with Mr.  
 6 Bates' suggestion.  
 7 MAYOR PITTMAN: I started to say we need to  
 8 move on so --  
 9 MR. ROBERTSON: Okay.  
 10 MAYOR PITTMAN: I believe this has been  
 11 done, but we'll go back to the drawing board again.  
 12 MR. ROBERTSON: All right.  
 13 MAYOR PITTMAN: So thank you.  
 14 Mr. Cooley, if you'd give a quick update  
 15 real quick. It's going to be on the next agenda, but  
 16 if you'd like to update the Council real quick and  
 17 then have your agenda item.  
 18 MR. COOLEY: Great. As the Chief mentioned,  
 19 GIS is something that we have been long in need of,  
 20 and Council basically has been supportive of. And in  
 21 this last budget, we were able -- Originally, we were  
 22 going to try to do in-house. It was too expensive.  
 23 We got prices to do outsourcing of it. That  
 24 was incorporated into our budget, and we have  
 25 sufficient funds to do what we need to do for the

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1 annexation and also for economic development and also  
 2 for the planning and zoning maps and things of that  
 3 sort.  
 4 This is brought to the forefront, though, is  
 5 the urgency of time because of the annexation. So  
 6 what we're doing is trying to look at -- what I am  
 7 doing is looking at alternative approaches of getting  
 8 this out and getting it done.  
 9 Currently we have a qualified engineering  
 10 firm, architecture firm, that does our commercial  
 11 review standards, and investigating whether we could  
 12 possibly amend the contract to incorp GIS -- because  
 13 they do have GIS; they're doing Dunwoody's right now -  
 14 - at a financial rate that would be comparable to what  
 15 they're charging us now, and that's going to be the  
 16 trick. So I will get that information back to y'all  
 17 as soon as I can so you'll have it, take a look at it.  
 18 That's the update on it. But again, it's  
 19 critical for, as the Chief said, 911, financial, we've  
 20 got tax issues, all these things that we need to have  
 21 this data for for the new annexed areas as well as  
 22 within the city. So just wanted to let yo know that  
 23 was coming.  
 24 MAYOR PITTMAN: Thank you.  
 25 MR. COOLEY: Before you tonight you have a

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1 request for an administrative approval. It's for the  
 2 installation of a additional cabinet within a leased  
 3 area of the T-Mobile telecommunication tower. It's  
 4 the one over on 2903 Woodwin. It's a 120-foot  
 5 monopole.  
 6 Retail Brokerages Services has requested it.  
 7 They're basically upgrading as part of the T-Mobile  
 8 modernization program where they're not increasing the  
 9 number of antennas but they are updating, upgrading  
 10 their antennas, but it's part of that, and with the  
 11 cables they're going to put in, they are required to  
 12 have a -- I believe it's four foot by seven foot  
 13 cabinet.  
 14 By our ordinance, any time that there is  
 15 additional new equipment placed on the site under  
 16 Ordinance Section 23-706(e)(2)(b), it requires a Mayor  
 17 and Council administrative approval, and that's what  
 18 we're here for tonight.  
 19 This is in an industrial area. I've taken a  
 20 look at the site. I do not see any issues as far as  
 21 the aesthetics basically from the neighborhoods or  
 22 anything of this sort.  
 23 But the applicant is here, so if you have  
 24 any questions or if there's anything I can answer.  
 25 MAYOR PITTMAN: Okay. Is there anything you

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1 would like to say?  
 2 MS. KATHY KELLY JACOBS: Good evening. I'm  
 3 Kathy Kelly Jacobs with Retail Brokerage Services.  
 4 T-Mobile is in the process of doing their 4G  
 5 upgrades and so this is part of their upgrading of  
 6 their system to handle the 4G network that is being in  
 7 place.  
 8 MAYOR PITTMAN: Thank you.  
 9 Questions from the Council?  
 10 COUNCILMEMBER DEAN: Actually I have a  
 11 question for Mr. Cooley.  
 12 MR. COOLEY: Yes.  
 13 COUNCILMEMBER DEAN: To Stuart Anderson's  
 14 point, was there something promised originally that  
 15 was not given? And I ask this because I know that  
 16 there have been some follow-up issues.  
 17 MR. COOLEY: To be quite honest with you, I  
 18 don't even know when the thing was originally  
 19 installed. Maybe the applicant could answer that --  
 20 MS. JACOBS: I don't know.  
 21 MR. COOLEY: -- better than I can.  
 22 MS. JACOBS: I don't know when the original.  
 23 It's been there for awhile. I mean it's been there  
 24 since like 2000. I mean it's been there for awhile,  
 25 so I'm not sure.

1 COUNCILMEMBER BATES: It was 2009.  
 2 MR. COOLEY: 2009?  
 3 MS. JACOBS: I'm not sure if it's the same  
 4 tower he's talking about.  
 5 MR. COOLEY: You're more aware than I am if  
 6 y'all put conditions upon that or if there was an  
 7 issue.  
 8 From a visual approach, it is a heavy  
 9 industrial area. It's actually on the Plantation  
 10 Pipeline area.  
 11 COUNCILMEMBER BATES: Right.  
 12 MR. COOLEY: So I don't know if that was any  
 13 consideration you-all gave or not.  
 14 COUNCILMEMBER DEAN: Well, something was  
 15 offered before and not done. I mean even if it's an  
 16 industrial area, I mean we can do what we can to keep  
 17 it aesthetically. I know that there was a runaround  
 18 there at one point.  
 19 But yeah. I mean that's my point. If there  
 20 was something that was offered that should have been  
 21 given before and it hasn't been, is that something we  
 22 could look back? Can we find out?  
 23 MAYOR PITTMAN: Yeah.  
 24 MR. COOLEY: Correct me if I'm wrong but I  
 25 believe --

1 do is I can actually go back through -- I'll have to  
 2 go back through the minutes of all the Council  
 3 meetings to try to find it because we don't have files  
 4 on that that I can find.  
 5 COUNCILMEMBER FLEMING: Well, and just as an  
 6 update on this as well because that is Mayor Pittman's  
 7 and my district as far as that side of Tilly Mill, and  
 8 I pass that road -- I use Woodwin quite often.  
 9 Up until -- I'm not -- yeah, 7/19, that's  
 10 after all of the three-foot weeds were taken down,  
 11 that picture. I mean it had gotten to the point where  
 12 I was wondering where the shrubberies and the  
 13 screening material was that they promised to put in.  
 14 They mostly died, and so I think there's like two  
 15 little mock cedars. What are those thing?  
 16 Arborvitae.  
 17 MR. COOLEY: Arborvitae?  
 18 COUNCILMEMBER FLEMING: I'm sorry.  
 19 MR. COOLEY: Arborvitae.  
 20 COUNCILMEMBER FLEMING: Yes, yes, those. So  
 21 there's like two or three or maybe four of those  
 22 there, but that's not screening.  
 23 And the other issue, of course when we  
 24 approve these things, we don't know what happens until  
 25 after they go up; right?

1 COUNCILMEMBER PACHUTA: And I'm not --  
 2 MR. COOLEY: -- I believe you could.  
 3 COUNCILMEMBER PACHUTA: Can I just --? I'm  
 4 not sure if this is -- There was a tower that went in  
 5 that needed a variance, I believe, because it didn't  
 6 meet the setback requirements. I don't know if this  
 7 is the same tower.  
 8 COUNCILMEMBER FLEMING: Yes, it is.  
 9 COUNCILMEMBER PACHUTA: I wasn't sure.  
 10 COUNCILMEMBER BATES: I think it is.  
 11 COUNCILMEMBER PACHUTA: And I believe we did  
 12 put some conditions on that.  
 13 MAYOR PITTMAN: It was some aesthetics that  
 14 was --  
 15 COUNCILMEMBER BATES: If y'all can check the  
 16 minutes.  
 17 MR. COOLEY: It was in 2009?  
 18 COUNCILMEMBER FLEMING: Brian, as a matter  
 19 of fact, you made the motion to include screening  
 20 because we were concerned about the fact that this was  
 21 still -- even though it's industrial, there is  
 22 residential; that road is used quite often.  
 23 COUNCILMEMBER PACHUTA: It would have been  
 24 post-2010 because it was when I was on Council.  
 25 MR. COOLEY: It was 2010, okay. What I can

1 They took down, even though it wasn't our  
 2 property or their property -- it was Marathon's, I  
 3 think it was -- took down about 20 trees, so, and it's  
 4 just one of those, it made it even worse in that area  
 5 than I thought it should have been.  
 6 So definitely we need to insert like Ms.  
 7 Dean said, go back to the minutes, and before you sign  
 8 off on the four by seven equipment, the --  
 9 COUNCILMEMBER PACHUTA: Yeah. And it was a  
 10 variance proceedings.  
 11 COUNCILMEMBER ALEXANDER: If I can say,  
 12 though, I believe it was T-Mobile that is required to  
 13 adhere to those conditions.  
 14 ATTORNEY McLENDON: It's whoever the  
 15 property owner is.  
 16 COUNCILMEMBER ALEXANDER: That's Plantation  
 17 Pipeline.  
 18 ATTORNEY McLENDON: Well, whoever was the  
 19 applicant on this --  
 20 COUNCILMEMBER ALEXANDER: Yes.  
 21 ATTORNEY McLENDON: -- and those conditions  
 22 were attached to it, really we don't even need an  
 23 action here to enforce a zoning condition that was put  
 24 in place at that time.  
 25 COUNCILMEMBER ALEXANDER: Correct.

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1 ATTORNEY McLENDON: And property maintenance  
 2 issues can also be enforced on cell towers.  
 3 But it would be appropriate to condition  
 4 your approval on them having all -- meeting all zoning  
 5 requirements --  
 6 MR. COOLEY: Previous variance requirements?  
 7 ATTORNEY McLENDON: -- and property  
 8 maintenance requirements.  
 9 MR. COOLEY: Yeah.  
 10 COUNCILMEMBER ALEXANDER: Even though it  
 11 could be a different applicant?  
 12 MS. JACOBS: It's T-Mobile.  
 13 COUNCILMEMBER ALEXANDER: Okay. Because  
 14 you're with Retail. That's why I --  
 15 MS. JACOBS: I just do the real estate for  
 16 them. I'm just an agent for the real estate.  
 17 COUNCILMEMBER ALEXANDER: I had a question  
 18 for the applicant. Is this building also going to be  
 19 outfitted with fire suppression?  
 20 MS. JACOBS: It's a cabinet. It's not a  
 21 building.  
 22 COUNCILMEMBER ALEXANDER: Okay. So it's  
 23 just a cabinet.  
 24 MS. JACOBS: It's just a one-man cabinet  
 25 that they're putting radios in.

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1 And I'm not quite sure what the original  
 2 zoning was. That was not part of what this -- this  
 3 endeavor is, so I mean if there's something that  
 4 they've not . . . we can definitely go back to them  
 5 and make it a condition.  
 6 MAYOR PITTMAN: Okay. Anything additional  
 7 from Council?  
 8 COUNCILMEMBER PATRICK: Yeah. You are not  
 9 intending on increasing the height --  
 10 MS. JACOBS: No.  
 11 COUNCILMEMBER PATRICK: -- of the structure?  
 12 Is it possible to get some kind of an  
 13 elevation that shows the existing structure and then  
 14 the modification that you've already --  
 15 MS. JACOBS: I turned --  
 16 COUNCILMEMBER PATRICK: -- provided in this  
 17 packet?  
 18 MS. JACOBS: -- one in with the application.  
 19 All they're doing is taking -- they're  
 20 swapping out two antennas that are already there.  
 21 They're different antennas, so they're not increasing  
 22 anything other than just what's already there.  
 23 Yeah, the height will not be affected at  
 24 all.  
 25 COUNCILMEMBER PATRICK: And I guess what I'm

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1 getting at is is I didn't see anything that --  
 2 MS. JACOBS: If you look on page C-3, you'll  
 3 see the elevation.  
 4 MR. COOLEY: On the far left-hand side of  
 5 the page.  
 6 COUNCILMEMBER PATRICK: Looks like a stick.  
 7 MS. JACOBS: It is a stick, a monopole.  
 8 COUNCILMEMBER PATRICK: Okay. And is there  
 9 a statement here that says you're not proposing on  
 10 increasing the height?  
 11 MS. JACOBS: Well, T-Mobile's at the top.  
 12 So if -- just like -- I mean we're just -- we're not  
 13 going any taller than where we are there. All we're  
 14 doing is changing out the equipment that's at that RAD  
 15 center.  
 16 COUNCILMEMBER PATRICK: Okay.  
 17 MR. COOLEY: That would require a different  
 18 process altogether. I think you'd have to come back  
 19 for a special use permit for that --  
 20 MS. JACOBS: Correct.  
 21 MR. COOLEY: -- before the Council.  
 22 COUNCILMEMBER PATRICK: The other question I  
 23 had is is looking through some of the documents, I  
 24 think it says that whoever has done this letter is  
 25 basically saying they haven't field verified the

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1 structural aspects themselves, that they're going on  
 2 someone else's word? Is that --  
 3 MS. JACOBS: I'm not quite sure I understand  
 4 what you're asking.  
 5 We turned in a passing. I turned in an  
 6 engineer-stamped passing structural that it has gone  
 7 through a structural engineer to warrant that the  
 8 equipment is within the standards for passing  
 9 structural on the site.  
 10 COUNCILMEMBER PATRICK: Okay. But --  
 11 MS. JACOBS: As far as -- I'm not sure what  
 12 you're asking.  
 13 MR. COOLEY: That should be in your package.  
 14 I believe it's the -- from Tower Engineering  
 15 Professionals, May 2012 Structural Analysis Report.  
 16 COUNCILMEMBER PATRICK: Okay. So on page  
 17 four of your report under 3.2 Assumptions, there are  
 18 eight assumptions that were made, and then it says on  
 19 number eight, "This report is not a construction" --  
 20 Pardon me.  
 21 MS. JACOBS: I'm not an engineer so this is  
 22 not my report, so.  
 23 COUNCILMEMBER PATRICK: Well, and that's  
 24 ultimately my point is that I think, as I recall  
 25 reading through here, your engineer says that they're

1 going on someone else's word --  
2 MS. JACOBS: Well, no. When --  
3 COUNCILMEMBER PATRICK: -- that they didn't  
4 verify that themselves.  
5 MS. JACOBS: Well, because when you --  
6 COUNCILMEMBER PATRICK: That's my concern  
7 because there's --  
8 COUNCILMEMBER FLEMING: It's number seven.  
9 COUNCILMEMBER PATRICK: -- there's a whole  
10 bunch of field tanks nearby.  
11 MS. JACOBS: This tower's existing, and so  
12 all they're doing right now -- they're not -- All  
13 they're doing is changing out the antennas on the  
14 existing structure. So --  
15 COUNCILMEMBER PATRICK: I understand that.  
16 MS. JACOBS: So nothing is happening other  
17 than they're putting a cabinet there.  
18 So when they do a structural engineer --  
19 when they do a structural analysis, they basically  
20 take one that was done before --  
21 COUNCILMEMBER PATRICK: I understand that.  
22 MS. JACOBS: -- and they basically just  
23 change out the equipment.  
24 So as far as somebody going up there, I  
25 guess I'm not -- We've gone out there and did a site

1 MS. JACOBS: The same company. If based  
2 upon the foundations and the existing, the current  
3 existing conditions of the tower, because this tower  
4 has already gone through a structural analysis, if the  
5 new equipment had changed any of that and had created  
6 a failing structural or a stress on the tower, we  
7 would have gotten a failing structural from the  
8 engineers.  
9 At that point, we would have had to gone and  
10 do what we call a modification plan where we would  
11 have had to somehow reinforce the tower to hold -- to  
12 hold the equipment.  
13 COUNCILMEMBER BATES: So if I'm hearing you  
14 correctly, the equipment that is being replaced --  
15 MS. JACOBS: Correct.  
16 COUNCILMEMBER BATES: -- the equipment that  
17 is being added in lieu of the existing equipment --  
18 MS. JACOBS: Correct.  
19 COUNCILMEMBER BATES: -- is not going to  
20 alter the structural integrity --  
21 MS. JACOBS: Correct.  
22 COUNCILMEMBER BATES: -- of the tower. It  
23 is of the same weight or a similar weight or within  
24 the capacity.  
25 MS. JACOBS: It is within the structural

1 visit. We know where everything is. We've done the  
2 site plan, so we're staying within our leased area.  
3 So as far as us being near the tanks, I can't -- I  
4 mean we're not going anyplace different than where we  
5 already are. So I guess I'm a little confused what  
6 you're --  
7 COUNCILMEMBER PATRICK: Yeah.  
8 COUNCILMEMBER FLEMING: Read that sentence.  
9 COUNCILMEMBER PATRICK: Okay. [As read]  
10 TEP did not perform a site visit to verify the size,  
11 condition or capacity of the antenna mounts.  
12 MS. JACOBS: The mounts. That is the --  
13 They would not -- Structural analysis is based upon  
14 the existing mounts that are there.  
15 You would not have gotten an engineer's  
16 stamped structural -- If there was any structural  
17 integrity issues at all with this tower, we would have  
18 gotten a failing structural. A failing structural  
19 would have required us to go in and do a modification  
20 to the tower.  
21 COUNCILMEMBER PATRICK: But I guess my  
22 question is who would have done that report?  
23 MS. JACOBS: Who would have done the report?  
24 COUNCILMEMBER PATRICK: The failing report  
25 and --

1 integrity of this tower. The tower is built for up to  
2 three carriers, so I mean the tower's built to handle  
3 the multiple of equipment.  
4 Now, they may -- When they're changing out  
5 to 4G, 4G is completely different than 3G which is  
6 what everybody's operating on now. So 4G, you're  
7 going to have a different amplifier, you're going to  
8 have -- you're going to have a couple different  
9 things.  
10 COUNCILMEMBER PATRICK: Yes.  
11 MS. JACOBS: But as far as how it's  
12 affecting the tower, it has not overstressed the  
13 tower.  
14 COUNCILMEMBER PATRICK: Okay.  
15 COUNCILMEMBER PACHUTA: Cecil, did you say  
16 we could approve -- approve this conditional on  
17 whether they have met the zoning conditions we set on  
18 them?  
19 ATTORNEY McLENDON: Yes, that they have met  
20 all zoning conditions and the site is in conformance  
21 with property maintenance standards would be a  
22 perfectly appropriate condition.  
23 MR. COOLEY: We could go back and find the -  
24 - You said it was a variance after 2010?  
25 COUNCILMEMBER ALEXANDER: She's got dates on

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1 her report --  
 2 MR. COOLEY: Okay. Awesome.  
 3 COUNCILMEMBER ALEXANDER: -- so that gives  
 4 you a starting place.  
 5 COUNCILMEMBER PACHUTA: And it was because I  
 6 believe they weren't meeting the setback requirements  
 7 or something and that's why they needed a zoning  
 8 variance.  
 9 MR. COOLEY: Okay. Yeah. But we can  
 10 research that and make sure before actually issuing  
 11 anything, building permits --  
 12 MS. JACOBS: Correct.  
 13 MR. COOLEY: -- that, you know, it's up to  
 14 standard.  
 15 COUNCILMEMBER PACHUTA: I would like to make  
 16 a motion to approve the installation of the additional  
 17 cabinet conditional on their meeting the zoning  
 18 requirements that we set and meeting property mainte-  
 19 nance codes, and until that time, building permits  
 20 will not be issued.  
 21 COUNCILMEMBER BATES: Second.  
 22 COUNCILMEMBER PACHUTA: Oh. And replacing  
 23 of two antenna.  
 24 COUNCILMEMBER BATES: Second.  
 25 MAYOR PITTMAN: Okay. Discussion?

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1 - - -  
 2 (No response)  
 3 - - -  
 4 MAYOR PITTMAN: Call the roll, please.  
 5 CLERK BRYANT: Councilmember Alexander?  
 6 COUNCILMEMBER ALEXANDER: Yes.  
 7 CLERK BRYANT: Councilmember Bates?  
 8 COUNCILMEMBER BATES: Yes.  
 9 CLERK BRYANT: Councilmember Dean?  
 10 COUNCILMEMBER DEAN: Yes.  
 11 CLERK BRYANT: Councilmember Fleming?  
 12 COUNCILMEMBER FLEMING: I voted no then and  
 13 I'm voting no now.  
 14 CLERK BRYANT: Councilmember Pachuta?  
 15 COUNCILMEMBER PACHUTA: Yes.  
 16 CLERK BRYANT: Councilmember Patrick?  
 17 COUNCILMEMBER PATRICK: Yes.  
 18 MAYOR PITTMAN: Okay. Thank you.  
 19 MS. JACOBS: Thank you, ma'am.  
 20 MAYOR PITTMAN: Thank you, Mr. Cooley.  
 21 Ms. Ferguson?  
 22 MS. FERGUSON: We're revising the retirement  
 23 plan, we're doing the first read on the ordinance to  
 24 terminate the plan and then we'll have the second read  
 25 on the 20th when we have the final new plan document.

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1 MAYOR PITTMAN: Okay. Questions?  
 2 COUNCILMEMBER FLEMING: Yeah. I thought  
 3 that went along with the other stuff and I thought the  
 4 only other resolution to adopt a new retirement plus  
 5 the ordinance was supposed to have been up with those  
 6 gentlemen that were here.  
 7 MS. FERGUSON: We have to have a first read  
 8 on the termination ordinance so that next time it'll  
 9 be the second read and we can approve it.  
 10 COUNCILMEMBER ALEXANDER: So was not the  
 11 earlier discussion on that considered the first  
 12 reading?  
 13 ATTORNEY McLENDON: My interpretation at  
 14 this time was that the previous agenda item -- we  
 15 moved that agenda item up -- that constituted the  
 16 first read.  
 17 MS. FERGUSON: That's fine with me.  
 18 ATTORNEY McLENDON: So I was satisfied we  
 19 met the requirement by virtue of the earlier agenda  
 20 item.  
 21 MAYOR PITTMAN: Perfect. Just move on to  
 22 the next agenda item, please.  
 23 MS. FERGUSON: Okay. So now we've got a  
 24 whole lot of stuff that we want to get rid of and  
 25 we're asking for approval to do that.

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1 COUNCILMEMBER BATES: Just the first 14  
 2 items; right?  
 3 MS. FERGUSON: Well, the first 14 items are  
 4 set to go on GovDeals. We are asking for approval to  
 5 get rid of everything on the list at some point in  
 6 some fashion.  
 7 COUNCILMEMBER ALEXANDER: So my concern is,  
 8 you know, if we have a chair that the backrest doesn't  
 9 have screws, why don't we just throw that away?  
 10 MS. FERGUSON: Because the ordinance says  
 11 that we have to surplus it through the surplus  
 12 property, and that's what we're trying to do. And we  
 13 may just get rid of it but we need your permission to  
 14 do that.  
 15 COUNCILMEMBER ALEXANDER: So if the motion  
 16 is made to dispose of, is the word "dispose of?"  
 17 MS. FERGUSON: We are requesting authori-  
 18 zation to dispose of surplus property on the list.  
 19 COUNCILMEMBER ALEXANDER: So "dispose" could  
 20 be used literally.  
 21 MS. FERGUSON: Yes.  
 22 COUNCILMEMBER ALEXANDER: You can put the  
 23 chair with the bad back in the trash.  
 24 ATTORNEY McLENDON: They could be disposed  
 25 of in accordance with what our ordinances require.

1 MS. FERGUSON: When I say "dispose," we are  
 2 either going to sell, recycle, donate, destroy or  
 3 throw away.  
 4 COUNCILMEMBER BATES: So moved.  
 5 COUNCILMEMBER ALEXANDER: Second.  
 6 MAYOR PITTMAN: Discussion?  
 7 COUNCILMEMBER FLEMING: Yes. I wanted to  
 8 know what the cost of GovDeals is.  
 9 MS. FERGUSON: The cost of GovDeals is borne  
 10 completely by the buyer. They pay for all of the  
 11 transaction costs and --  
 12 COUNCILMEMBER BATES: And they're  
 13 responsible for picking up the equipment.  
 14 MS. FERGUSON: And they are responsible --  
 15 MAYOR PITTMAN: That's right.  
 16 MS. FERGUSON: -- for picking up their  
 17 equipment. There will be no shipping costs. We're  
 18 not going to ship anything anywhere. If they can't  
 19 come pick it up, then that's their problem.  
 20 COUNCILMEMBER FLEMING: Who sets the price  
 21 of these items?  
 22 MS. FERGUSON: It's an auction.  
 23 COUNCILMEMBER FLEMING: Okay. Auction.  
 24 MS. FERGUSON: We may decide we want to put  
 25 a reserve on these things but I would have to talk to

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.  
 7 MAYOR PITTMAN: Next is old business, Web  
 8 Site Link Policy, Ms. Fleming.  
 9 COUNCILMEMBER FLEMING: Go for it.  
 10 ATTORNEY McLENDON: Yeah. This is just in  
 11 response to the previous conversation. We tried to  
 12 refine the documentation a little bit and got  
 13 hopefully a simple application.  
 14 We have changed the language that you have  
 15 links on the web site to just providing information on  
 16 the web site, so that has been changed throughout.  
 17 Some definitions to broaden the scope of who  
 18 would be available to go on the web site to include  
 19 people within a mile of the city and not only HOAs but  
 20 providing just neighborhood organizations, civic  
 21 associations.  
 22 So it just gives a very, hopefully simple  
 23 administrative policy just to be able to look at folks  
 24 who want to put the information on the web site. I  
 25 think we had discussed that pretty much everybody who

1 the GovDeals representative to --  
 2 COUNCILMEMBER FLEMING: Okay. How do we  
 3 receive payment?  
 4 MS. FERGUSON: GovDeals has a mechanism  
 5 whereby they collect the money and then they deposit  
 6 it into our bank account.  
 7 COUNCILMEMBER FLEMING: And all of the funds  
 8 that we receive whether we take 1 through 14 or 1  
 9 through 90 and we sell all of them, it's all going  
 10 into the General Fund. Is that correct?  
 11 MS. FERGUSON: That's correct.  
 12 COUNCILMEMBER FLEMING: Thank you.  
 13 MAYOR PITTMAN: Anyone else?  
 14 ---  
 15 (No response)  
 16 ---  
 17 MAYOR PITTMAN: Call the roll, please.  
 18 CLERK BRYANT: Councilmember Alexander?  
 19 COUNCILMEMBER ALEXANDER: Yes.  
 20 CLERK BRYANT: Councilmember Bates?  
 21 COUNCILMEMBER BATES: Yes.  
 22 CLERK BRYANT: Councilmember Dean?  
 23 COUNCILMEMBER DEAN: Yes.  
 24 CLERK BRYANT: Councilmember Fleming?  
 25 COUNCILMEMBER FLEMING: Yes.

1 was on there would already meet this, but if someone  
 2 came through wanting to promote their own, you know,  
 3 business or product or whatever, we would have a  
 4 policy that said no, we are limited in who we allow to  
 5 access this function.  
 6 COUNCILMEMBER FLEMING: And I don't recall  
 7 that this document, both the application as well as  
 8 the corrected previous web site policy was e-mailed to  
 9 us. Was it? The application and this?  
 10 ATTORNEY FELGIN: Yes, ma'am, I e-mailed it.  
 11 COUNCILMEMBER FLEMING: Could you give me a  
 12 date as to when?  
 13 COUNCILMEMBER BATES: And while Lenny's  
 14 looking that up, I wasn't here at the last meeting for  
 15 the discussion. I don't see the urgency or need of  
 16 this. I think it's a waste of our time right now, not  
 17 a priority, so just making a comment.  
 18 COUNCILMEMBER DEAN: I agree with Mr. Bates.  
 19 I think that this whole -- I think that this issue was  
 20 just blown completely out of proportion, but if  
 21 everyone feels comfortable with it. I mean we've had  
 22 these associations on the site for a thousand years,  
 23 and so suddenly there's this issue.  
 24 But I do have a question. Why would  
 25 neighborhood groups be with homeowners association

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1 rather than community groups or civic associations?  
 2 Just out of curiosity.  
 3 ATTORNEY McLENDON: Just on the theory that,  
 4 you know, a homeowners association is based upon a  
 5 geographic neighborhood but it's formalized through  
 6 covenants and a neighborhood group is more the  
 7 geographic neighborhood.  
 8 And again, this I think is just the burning  
 9 urgent issue of the day, possibly not. But it is not  
 10 bad to have a policy in place in the event that a bad  
 11 event --  
 12 COUNCILMEMBER BATES: If this passes as-is  
 13 tonight, are all the existing organizations that are  
 14 listed on the City web site going to have to complete  
 15 an application?  
 16 ATTORNEY McLENDON: I think we would -- And  
 17 again, that's an administrative question, but at best  
 18 I would think you would outreach to the folks there  
 19 and let them, you know, vet them under the policy.  
 20 They've met it; we keep moving. I wouldn't spend an  
 21 awful lot of time on it, frankly.  
 22 ATTORNEY FELGIN: I sent the redline version  
 23 immediately after the Council meeting last time on  
 24 July the 16th. I did send the application on July the  
 25 19th after the request was made to provide that.

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1 COUNCILMEMBER FLEMING: If Council doesn't  
 2 want to move forward, that's fine with me, but I'm  
 3 going to throw up my hands if Doraville Topix gets on  
 4 our web site.  
 5 COUNCILMEMBER DEAN: Me too, for the record.  
 6 MAYOR PITTMAN: All right. So --  
 7 ATTORNEY McLENDON: If you-all want to  
 8 approve the policy, then it's a policy. It can be  
 9 approved and we have a policy.  
 10 MAYOR PITTMAN: Okay. So do we get a motion  
 11 to approve?  
 12 COUNCILMEMBER FLEMING: Motion to put it on  
 13 the next agenda.  
 14 MAYOR PITTMAN: For? Motion to put it on  
 15 the next agenda for what?  
 16 COUNCILMEMBER FLEMING: I would like to put  
 17 it on the next agenda so that we have a little more  
 18 time to get with the residents or whatever, because I  
 19 still think it has some weight.  
 20 MAYOR PITTMAN: Okay. So you want to -- We  
 21 don't really have to have a motion. We can just put  
 22 it on the next agenda.  
 23 COUNCILMEMBER FLEMING: No. I'll let the  
 24 Council vote on it, dear.  
 25 MAYOR PITTMAN: Okay. So could I get a

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1 second?  
 2 COUNCILMEMBER DEAN: Second.  
 3 MAYOR PITTMAN: Discussion?  
 4 COUNCILMEMBER BATES: It's Ms. Fleming's  
 5 agenda item. If she wants to move it to the 20th --  
 6 COUNCILMEMBER FLEMING: No. Go ahead. I'd  
 7 just as soon vote on it because if it's not important,  
 8 then we'll get rid of it. If it's important, then  
 9 let's move ahead.  
 10 MAYOR PITTMAN: Okay. Motion and second.  
 11 Call the roll please.  
 12 CLERK BRYANT: Councilmember Alexander?  
 13 COUNCILMEMBER ALEXANDER: Yes.  
 14 CLERK BRYANT: Councilmember Bates?  
 15 COUNCILMEMBER BATES: No.  
 16 CLERK BRYANT: Councilmember Dean?  
 17 COUNCILMEMBER DEAN: Yes.  
 18 CLERK BRYANT: Councilmember Fleming?  
 19 COUNCILMEMBER FLEMING: Yes.  
 20 CLERK BRYANT: Councilmember Pachuta?  
 21 COUNCILMEMBER PACHUTA: Yes.  
 22 CLERK BRYANT: Councilmember Patrick?  
 23 COUNCILMEMBER PATRICK: Yes.  
 24 MAYOR PITTMAN: Okay. Move to the next  
 25 agenda.

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1 We have no new business, and I believe -- Or  
 2 any reports from anyone?  
 3 ---  
 4 (No response)  
 5 ---  
 6 MAYOR PITTMAN: Okay. Public Comments.  
 7 Please limit your comments to three minutes. Public  
 8 comments.  
 9 COUNCILMEMBER PACHUTA: Can we get a line  
 10 forming? No, I'm serious because that goes quicker.  
 11 MAYOR PITTMAN: Please step up to the podium  
 12 if you wish to make public comments.  
 13 MR. BEN CRAWFORD: Ben Crawford, Oakwood  
 14 Estates.  
 15 First thing I'd like to talk about is the  
 16 CID. I listened to the CID presentation and I  
 17 actually read some of the information that was  
 18 available on that and listened to the gentleman speak.  
 19 May not be a bad thing for the future, and I  
 20 kind of think the City ought to just take a little  
 21 slower approach and maybe see -- before we spend the  
 22 \$10,000, see how much Chamblee's vested in it, whether  
 23 Brookhaven's going to get on board.  
 24 And I don't know. We've had kind of a  
 25 spotty kind of record with, you know, wholesalers and

1 massage parlors and Moon Lingerie and places like  
2 that, and I think that, you know, maybe it's time to  
3 take an assessment of how many wholesalers are in the  
4 city and look at just kind of the whole landscape of  
5 the city before we get on board and say, "Hey. We  
6 want all these people to decide how the city's going  
7 to look."

8 You know, CID, maybe it's a good thing.  
9 Probably worked well in some places. Maybe it hasn't  
10 worked well in other places. Maybe more research  
11 needs to be done. Somebody made a motion to, you  
12 know, slow down a little bit. He just hit us with it  
13 on Friday. I don't know anyplace I could go and ask  
14 for 10,000 bucks and get it on Monday.

15 Anyhow, the other thing I'd like to mention  
16 is the plan that Caleb brought forth. I think that's  
17 an excellent plan. The only thing I'd like to add to  
18 that is perhaps we should look at the part that says  
19 grandfather. And I remember what a previous attorney  
20 said: that when a business did something wrong, that  
21 didn't mean that the City authorized them to break the  
22 law.

23 Nonconforming use is still nonconforming  
24 use. Maybe the City should take an approach on  
25 nonconforming uses. They would go back and look at

1 that, the guy's name is John Casper. Is there  
2 anything y'all can get right? I mean anything?

3 COUNCILMEMBER FLEMING: I don't think so.

4 MR. HART: Look at -- I'm --

5 COUNCILMEMBER FLEMING: Mr. Hart, I don't  
6 think so.

7 MR. HART: No. It's called get the sign  
8 right. And you put a brand new sign up there.  
9 Doesn't anybody look at it?

10 The second thing is the thing about  
11 redeveloping around the MARTA station and how the  
12 ARC's going to come in and take it off our hands for  
13 us. I think someone has to look very closely what the  
14 LCI -- not the pretty pictures of the GM site, which  
15 is mostly residential. You take the most important  
16 piece of commercial real estate with an incredible  
17 amount of infrastructure built into it built by Dekalb  
18 County for that site and fill it full of housing, you  
19 need to have another thought about what's going on.

20 There's an election next year, and maybe  
21 we'll have to wait until then to straighten things  
22 out. But you need to take another close look at this  
23 LCI, particularly in the downtown area with all the  
24 apartment buildings. You might ask the church down  
25 here where they have an apartment building sitting on

1 the history, do a study. We seem to spend money on  
2 some studies. Maybe we could do a study that invested  
3 a little bit of time in seeing how many wholesalers we  
4 have there that got in and weren't conforming, and  
5 other businesses, and say, "Well, at this date here to  
6 this date here, going back, you know, five years,  
7 we're going to be fine with those places; they are  
8 grandfathered. We're going to look at these places to  
9 present day and say 'Let's see what we have to do  
10 about these places.'"

11 The rest of the plan sounds great. I would  
12 like us to implement, but I believe with the  
13 grandfather part of it, I'd like to see us look at  
14 that a little more carefully. Thank you.

15 MR. HART: I was stopped earlier from saying  
16 something about that.

17 I got an e-mail and someone sent me a  
18 picture of -- you talk about the signs in the city --  
19 is that as you approach the city, it says, "A good  
20 place to live," although we're probably going to  
21 change that "good place to live" and put an X through  
22 it and say, "A blighted place to live," if the Council  
23 has their plan.

24 But the sign that comes in the city brand  
25 new, it says John Cooper, Astronaut. The problem with

1 top of that piece of property if that's what they want  
2 before --

3 I mean the lady just came in here with the  
4 cell tower. She forgot. She should have brought some  
5 pretty pictures in here and served some cookies  
6 outside if she wanted to sell a project in Doraville  
7 because you guys are easily amused.

8 The guy that came in here the first time,  
9 you talk about the web site, they're selling it on the  
10 web site.

11 You got this solar car, which is a  
12 sustainability project. That is a political agenda.  
13 You don't bother to look at those things.

14 It has nothing to do with a solar car. It  
15 has to do with Agenda 21 of the U.N., it has to do  
16 with a sustainability project and it has to do with  
17 housing people around transportation sources; in other  
18 words, as many apartment buildings as humanly possible  
19 jammed around a transportation source.

20 You have to look at what you're doing. So  
21 next time someone comes in, "Oh, we're going to build  
22 these pretty pictures of this city that was a blank  
23 piece of paper." They put some nice buildings up in  
24 Woodstock, okay.

25 But look at Lindbergh Station. Miles of a

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1 disaster. Talk to the people that had to sell that  
 2 real estate off after it went under. You know, a  
 3 little Eephus on the outside that looks like a beer-  
 4 cooler building, okay, or movie set that's not going  
 5 to fall over in the next five years.  
 6 Thank you.  
 7 MAYOR PITTMAN: Mr. Anderson.  
 8 MR. ANDERSON: Stuart Anderson.  
 9 I know some of you have been looking about  
 10 CID or trying to study on it or doing some studies on  
 11 it. This is exactly what I was going to do. I  
 12 offered to make a presentation about CID to the  
 13 Planning Commission but they haven't had time, and my  
 14 plan was to make a presentation about CIDs to you and  
 15 to say some positive things about the presentation  
 16 tonight and some negative things.  
 17 The first negative thing is this is huge.  
 18 All right? It takes about 300 million dollars to do a  
 19 CID. That's kind of a base number to make it viable.  
 20 This is 1.3 billion, four times the size. This is a  
 21 bit of a fishing expedition is what this particular  
 22 one is.  
 23 CID works for you, works for the business  
 24 owners because there's two. There are for-profit CIDs  
 25 and there are nonprofit CIDs. If you have a nonprofit

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1 CID, you can qualify for tax breaks, and that's the  
 2 benefit for businesses to give money to seed this.  
 3 The guy Emory -- and I've had this  
 4 conversation with Mr. Johnson -- had some things  
 5 backwards as far as I'm concerned. That end of the  
 6 table asked the correct questions.  
 7 The business owners tax themselves,  
 8 basically, so that they can get the money back, but  
 9 they get it back in their own infrastructure or their  
 10 roads and improvements of that. They get their money  
 11 back, and there's a tax incentive if it's a nonprofit  
 12 CID. All right?  
 13 The 5 mill increase, once again, the benefit  
 14 to the business, you go to the businesses -- back to  
 15 that end of the table, you go to the businesses and  
 16 make your pitch to them. They commit money to this  
 17 deal. Then you go to the municipality and say, "We  
 18 got this money. We want to do this deal," but it has  
 19 to be municipality/private/public. It has to be them  
 20 as a private organization or group of people and the  
 21 backing of a municipality, and that's the way you make  
 22 it work so that the nonprofit can be negotiated that  
 23 way.  
 24 So his presentation was backwards that way,  
 25 and I don't understand why he came to you in a short

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1 term to try to pitch you before he had the businesses  
 2 in line. Strange deal. I don't know.  
 3 Tom has said something about -- he was  
 4 talking about CIDs but what he meant was TADs. I'm  
 5 basically against TADs. The CID can work for you.  
 6 The TAD has proved to be a problem. So he's kind of  
 7 mixing those things up.  
 8 The comment I made -- Well, okay.  
 9 But at any rate, it --  
 10 MAYOR PITTMAN: Thank you.  
 11 MR. ANDERSON: -- can work for you. The one  
 12 that --  
 13 MAYOR PITTMAN: Thank you, Mr. Anderson.  
 14 MR. ANDERSON: -- Mr. Johnson and I were  
 15 working on or looking at does incorporate Doraville  
 16 and it can work.  
 17 MAYOR PITTMAN: Thank you.  
 18 Sir, did you --  
 19 UNIDENTIFIED SPEAKER: No. I came up to  
 20 hear.  
 21 MAYOR PITTMAN: Okay. Motion to adjourn?  
 22 COUNCILMEMBER ALEXANDER: So moved.  
 23 MAYOR PITTMAN: Second?  
 24 COUNCILMEMBER PACHUTA: Second.  
 25 COUNCILMEMBER PATRICK: Second.

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1 CLERK BRYANT: I didn't --  
 2 MAYOR PITTMAN: Everybody.  
 3 COUNCILMEMBER PACHUTA: All of us.  
 4 CLERK BRYANT: Karen and then Trudy.  
 5 MAYOR PITTMAN: Discussion?  
 6 - - -  
 7 (No response)  
 8 - - -  
 9 MAYOR PITTMAN: Call the roll, please.  
 10 CLERK BRYANT: Councilmember Alexander?  
 11 COUNCILMEMBER ALEXANDER: Yes.  
 12 CLERK BRYANT: Councilmember Bates?  
 13 COUNCILMEMBER BATES: Yes.  
 14 CLERK BRYANT: Councilmember Dean?  
 15 COUNCILMEMBER DEAN: Yes.  
 16 CLERK BRYANT: Councilmember Fleming?  
 17 COUNCILMEMBER FLEMING: Yes.  
 18 CLERK BRYANT: Councilmember Pachuta?  
 19 COUNCILMEMBER PACHUTA: Yes.  
 20 CLERK BRYANT: Councilmember Patrick?  
 21 COUNCILMEMBER PATRICK: Yes.  
 22 MAYOR PITTMAN: Thank you. Meeting  
 23 adjourned.  
 24 (Meeting adjourned at approximately 10:15 p.m.)  
 25 -o0o-



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