

In The Matter Of:

*City Council Meeting
City of Doraville*

*Before Mayor Ray Jenkins
October 2, 2008*

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CITY COUNCIL MEETING
CITY OF DORAVILLE
STATE OF GEORGIA
* * *

Transcript of the proceedings of the special called meeting held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Ray Jenkins presiding, before Theresa Bretch, Certified Court Reporter, commencing at approximately 6:00 p.m. on Thursday, October 2, 2008.

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[1] P R O C E E D I N G S
[2] **MAYOR JENKINS:** This is a special
[3] called meeting and a public hearing on
[4] discussion on zoning for cars. That's one item.
[5] The other item is operation and maintenance
[6] agreement for Peachtree Pavilion.
[7] Call the roll, please.
[8] **CLERK BLACKMON:** Councilmember
[9] Alexander?
[10] **COUNCILMEMBER ALEXANDER:** Here.
[11] **CLERK BLACKMON:** Councilmember Fleming?
[12] **COUNCILMEMBER FLEMING:** Here.
[13] **CLERK BLACKMON:** Councilmember Pittman?
[14] **COUNCILMEMBER PITTMAN:** Here.
[15] **CLERK BLACKMON:** Councilmember Roche?
[16] **COUNCILMEMBER ROCHE:** Here.
[17] **CLERK BLACKMON:** Councilmember
[18] Spangler?
[19] **COUNCILMEMBER SPANGLER:** Here.
[20] **MAYOR JENKINS:** Okay. Did Scott leave
[21] me?
[22] **CLERK BLACKMON:** He's making copies.
[23] **MAYOR JENKINS:** Oh. He's making
[24] copies?
[25] Murray, can you go ahead and explain

[1] **APPEARANCES:**
[2] Doraville City Council:
[3] Hon. Ray Jenkins, Mayor
[4] Councilmember Maria Alexander
[5] Councilmember Robert Spangler
[6] Councilmember Donna Pittman
[7] Councilmember Bob Roche
[8] Councilmember Pam Fleming
[9] Murray J. Weed, City Attorney
[10] Ms. Rhonda Blackmon, City Clerk
[11] Scott Haeberlin, City Planner
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[1] some of it until Scott gets back?
[2] **ATTORNEY WEED:** Yes, Mr. Mayor. In
[3] accordance with the procedures regarding zoning,
[4] the item number 3 which is before you tonight is
[5] a zoning change to the section dealing with M-1
[6] zoning. Essentially, this has appeared on your
[7] agenda a number of times now and we've been
[8] tinkering with the language of it.
[9] The purpose of the ordinance is to
[10] amend the zoning code to allow -- to designate
[11] areas where automobile service and repair shops
[12] are specifically allowed and where some of the
[13] uses associated with automobile service and
[14] repair shops would be conditional uses.
[15] There are now two versions of the
[16] ordinance. The last one was sent to you this
[17] afternoon. The previous one which I'm going to
[18] call "A" was sent yesterday. The two ordinances
[19] don't vary radically, but after further ado from
[20] Scott and the Planning Department, they
[21] suggested some changes to deal with specifying
[22] the minimum foot frontage on the streets where
[23] the automobile sales lots would be allowed and
[24] what could be done outside of an enclosed area.
[25] Right now in the last version, the only

[1] thing that could be -- that would be allowed to
[2] be done on the vehicles would be standard water
[3] washing without using chemical agents on the
[4] vehicles.

[5] The other major change between
[6] yesterday's version and this afternoon's version
[7] with changes suggested by Scott and Rhonda
[8] includes black vinyl fence. That would be in
[9] the back to enclose vehicles that are waiting
[10] for repair. That fence would also have black
[11] inserts to create an opaque surface. Once
[12] again, these fences would be in the rear of the
[13] property, not in the front. The fences could
[14] not have barbed or razor wire unless a variance
[15] was received by the Council, and they would be
[16] located underneath a secured gate and be a
[17] maximum height of no more than eight feet.

[18] So I only have a preference with regard
[19] to the language. I think both versions, both A
[20] and B, effectuate the last known instructions
[21] and purposes of the Council, so that's what's
[22] before you.

[23] Scott's about to hand out -- I e-mailed
[24] to the Council today's version, and he's about
[25] to hand out this last version. You've already

[1] **ATTORNEY WEED:** The ordinance would
[2] allow that.

[3] **COUNCILMEMBER ROCHE:** That's what I
[4] thought.

[5] **ATTORNEY WEED:** Correct.

[6] **COUNCILMEMBER SPANGLER:** What did you
[7] say about the frontage?

[8] **ATTORNEY WEED:** Well, the last change,
[9] the -- yesterday's version and the version we
[10] have been dealing with for a long time before
[11] Scott here and then made some additional input,
[12] which I'm delighted he looked at it and had
[13] input. But the original version did require
[14] that there had to be street frontage on an
[15] arterial street. In other words, you couldn't
[16] be off of, you know, some sub street in a
[17] neighborhood and qualify to have the establish-
[18] ment developed.

[19] And some -- the additional language in
[20] this last version, there is already a 100-foot
[21] frontage minimum mentioned elsewhere in the
[22] draft M-1 and M-2 ordinance. So what Scott
[23] suggested was we carry over that language into
[24] this provision and specify that there would be
[25] 100 feet of frontage on the right-of-way of an

[1] had yesterday's version.

[2] And obviously, both versions include
[3] the minimum of six acres with regard to the size
[4] of the appropriate lot.

[5] **MS. CALVERT:** (Inaudible)

[6] **THE REPORTER:** I'm sorry.

[7] **ATTORNEY WEED:** Garages are --

[8] **THE REPORTER:** I couldn't hear you.

[9] **MS. CALVERT:** I said does it also have
[10] that there shouldn't be a garage affiliated with
[11] the sales, the used car sales?

[12] **ATTORNEY WEED:** They are allowed --
[13] both versions allow for customary accessory use
[14] garages that deal with just the vehicles for
[15] sale on the lot. For example, if you had the
[16] Lexus dealership, they would be allowed to have
[17] a garage to service the automobiles there. That
[18] is allowed. But in order to qualify for that,
[19] you have to gather up six acres of land to build
[20] a place to begin with, so it's pretty
[21] restrictive.

[22] **COUNCILMEMBER ROCHE:** Are you saying
[23] that if you have a Lexus dealership, you can't
[24] have a service department?

[25] **MS. CALVERT:** No.

[1] arterial street. And the purpose behind that
[2] would be to help avoid what's called in the
[3] industry a flag pole lot. So in other words,
[4] you couldn't have a narrow, skinny roadway
[5] coming off of an arterial street that would open
[6] up onto the six acres. Rather, instead, you'd
[7] have to have the minimum 100-foot frontage on
[8] the arterial street itself.

[9] **COUNCILMEMBER SPANGLER:** Why couldn't
[10] we increase that frontage?

[11] **ATTORNEY WEED:** You can.

[12] **COUNCILMEMBER SPANGLER:** I mean I can't
[13] see a new car dealership coming in and only
[14] having to have 100 foot frontage because if he's
[15] going to display his vehicles, it's not enough
[16] room to display them.

[17] **MAYOR JENKINS:** He would have six acres
[18] the other way.

[19] **ATTORNEY WEED:** The 100 feet is the
[20] minimum, but you could increase the minimum to
[21] whatever you felt was the appropriate number.

[22] **COUNCILMEMBER SPANGLER:** I would feel
[23] more comfortable with increasing that minimum to
[24] at least 300 feet.

[25] **ATTORNEY WEED:** I have no legal, you

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[1] know, concerns about that.
 [2] Planning-wise, I would have to turn to
 [3] Scott to get his ideas, but legally you can do
 [4] that.
 [5] **COUNCILMEMBER SPANGLER:** Scott, what do
 [6] you think?
 [7] **MR. HAEBERLIN:** I have no qualms
 [8] against it. Your code is not very specific
 [9] regarding frontage on public streets. This was
 [10] just an attempt to simply at least have a nice
 [11] square or rectangle lot. So the number's
 [12] essentially arbitrary.
 [13] **COUNCILMEMBER ROCHE:** Is there anything
 [14] else here in this ordinance currently that talks
 [15] about the surface, whether it can be gravel or
 [16] dirt or grass or --
 [17] **MR. HAEBERLIN:** Well, now, that's an
 [18] interesting question, Councilman. There's
 [19] nothing in this particular ordinance of course
 [20] that deals with the issue.
 [21] The bigger question is, is there
 [22] anything in M-1 that deals with it?
 [23] **COUNCILMEMBER ROCHE:** Right.
 [24] **ATTORNEY WEED:** And right now, if my
 [25] recollection is correct, I don't think that

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[1] there is. I don't think there's a surfacing
 [2] requirement. And that's something that is
 [3] ordinarily found usually like in the subdivision
 [4] regulations, which we haven't looked at yet.
 [5] So I'm willing to be corrected if Scott
 [6] knows something that I don't, but right now,
 [7] that isn't in the M-1 code that I recall.
 [8] **MAYOR JENKINS:** Yes, ma'am?
 [9] **MS. HOFFMEISTER:** Bonita Hoffmeister.
 [10] I would think you'd want a minimum of
 [11] 100 because I think the idea is to discourage
 [12] New Peachtree and Buford Highway looking like a
 [13] used car lot.
 [14] Now, as it stated, a minimum of 100
 [15] feet, that doesn't mean that they can have 600.
 [16] It's just stating . . .
 [17] I think what we're trying to do is
 [18] discouraged cars on used car lots that are just
 [19] there to hold the land to keep it occupied until
 [20] the land becomes more valuable and thereby --
 [21] **COUNCILMEMBER SPANGLER:** Ms.
 [22] Hoffmeister, the reason I asked for a greater
 [23] minimum was to discourage. You know, 100 feet
 [24] is not very much frontage. If you went to three
 [25] or five hundred feet, then that's going to

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[1] discourage.
 [2] **MS. HOFFMEISTER:** Yeah, but then you're
 [3] going to have more of a street front that could
 [4] be a used car dealer.
 [5] I mean if they've got the square
 [6] footage, they're going to do it.
 [7] **MAYOR JENKINS:** Yes, sir.
 [8] **MR. ANDERSON:** Stuart Anderson.
 [9] What Bonita just brought up was
 [10] interesting.
 [11] I was going to ask Scott, in 23 --
 [12] well, Buford Highway is a state highway, federal
 [13] and county highway. Might be federal.
 [14] Does that kind of road require decel
 [15] lanes? And my statement or question is, aren't
 [16] they usually about 150 feet for a decel lane on
 [17] that kind of road?
 [18] And to touch on what Bonita said, it's
 [19] pretty interesting. If we required 300 feet of
 [20] frontage, then we'd have a bunch of long car
 [21] lots or, you know, that could -- that we're
 [22] working ourselves into the possibility of. So
 [23] maybe we need to limit them to 100 or 150 feet
 [24] so that we don't have big displays of used cars.
 [25] I'm just, you know --

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[1] **COUNCILMEMBER SPANGLER:** Well, I
 [2] believe it was a minimum of 100. I just wanted
 [3] to increase that to 300. To me, that would
 [4] discourage them from even applying for a used
 [5] car lot.
 [6] How many places on Buford Highway and
 [7] New Peachtree do they have 300 foot of frontage?
 [8] You know, that's the question I would have.
 [9] And again, six acres. That's going to
 [10] be even a -- you know, that's even going to be
 [11] you're putting more restrictions on.
 [12] **MR. ANDERSON:** It's tough to restrict
 [13] it.
 [14] **COUNCILMEMBER SPANGLER:** And the whole
 [15] idea of putting this on is to curtail.
 [16] **MR. ANDERSON:** Scott, please.
 [17] **MS. HOFFMEISTER:** This is where we need
 [18] experience.
 [19] **MR. HAEBERLIN:** As I understand right
 [20] now, you currently coordinate your plan review
 [21] with Dekalb County, so they're acting as your
 [22] agent to GDOT, basically. GDOT does do
 [23] modifications of their standard specifications
 [24] as Stuart noticed the 150-foot accel/decel lane.
 [25] You are going to have situations,

[1] however, though, where you have existing curb
[2] cuts that they're going to allow them to use
[3] without any corrections. So there is a little
[4] gray area there.

[5] The 100 feet again is an arbitrary
[6] number, of course, if you want to increase it.
[7] But you are probably going to have situations
[8] where you have a lot that has an existing curb
[9] cut that GDOT will allow them to use without any
[10] changes. So just depends on what the reaction
[11] or the plan review component is achieved through
[12] GDOT, and they're not as consistent as their
[13] standard specifications will lead you to
[14] believe.

[15] **COUNCILMEMBER ROCHE:** What about making
[16] it 300 versus 100?

[17] **MR. HAEBERLIN:** The benefit to you
[18] folks is there's probably less properties. They
[19] would probably do more assemblages of
[20] properties.

[21] But then again, as the speaker
[22] illuminated earlier, you're going to see more
[23] cars. So you have the potential to see more of
[24] the activity. So you're going to have more
[25] visible frontages that will have vehicles

[1] So there's not a formulaic answer to if
[2] you have 150 feet, will you get a curb cut? It
[3] depends. It depends on the distance from the
[4] next curb cut. It depends on the situation, the
[5] horizontal and vertical alignment of the roads,
[6] what type situation is there.

[7] So you've got a lot of transportation
[8] engineering factions that GDOT will intervene on
[9] your behalf because they are doing that review
[10] for you through Dekalb County.

[11] **ATTORNEY WEED:** While this conversation
[12] was going on, I -- I've got a more thorough
[13] answer to Councilman Roche's question.

[14] And currently the zoning code, although
[15] there are parking requirements based upon type
[16] of use and size of building, actually,
[17] interestingly enough, there's nothing in the
[18] zoning code that says what type of surface
[19] material is required.

[20] Usually that type of language is found
[21] in what's commonly called in the industry as
[22] subdivision code, which I haven't had a reason
[23] to review that for you yet. I'm assuming you
[24] have one. And if you don't, Scott and I will
[25] surely write one for you soon.

[1] sitting out there, that will have what-have-you
[2] -- buildings, et cetera. So it's aesthetics.
[3] It's an aesthetics concern, obviously.

[4] **COUNCILMEMBER FLEMING:** Even putting
[5] the word "minimum" of 100 feet in there, if they
[6] purchase something that was three or five
[7] hundred feet frontage, we're still not really
[8] addressing the issue of seeing all the cars out
[9] front.

[10] So I don't know whether even having the
[11] word "minimum" in there -- you know, just as a
[12] comment, if we're trying to eliminate visually
[13] seeing a large width of an area, putting the
[14] word "minimum" of anything in there, I -- you
[15] know.

[16] The six acres is a foregone thing.
[17] Yes, we definitely want six acres. But the
[18] frontage, I don't know about the wording as far
[19] as the word "minimum." So anyway, that's my
[20] concern.

[21] **MR. HAEBERLIN:** Well, as you will
[22] probably be aware, there will be sites where
[23] GDOT will have them use a shared access point.
[24] There will be sites obviously where they
[25] essentially may provide them no access.

[1] **COUNCILMEMBER ROCHE:** I'm just
[2] wondering if it would be worthwhile to do that.

[3] I mean I guess, well, I'm just trying
[4] to visualize, and what I would not like to see
[5] personally is a Car Max on the site where, you
[6] know, the farmers market is today, and even with
[7] a row of stores and businesses in front of it.
[8] Maybe it could be behind, and I could live with
[9] that but -- or we could live with that.

[10] I'm just trying to make sure that I
[11] understand the ramifications of what we do here.

[12] And I'm not overly emotional about car
[13] lots. It's just I went to the eye doctor and
[14] I'm still all bleary eyed.

[15] **MR. HAEBERLIN:** Again, the attempt was
[16] just simply to square up lots and avoid an
[17] unusual pie lot or a flag lot as discussed
[18] earlier, because it was really not very well
[19] addressed.

[20] **COUNCILMEMBER ROCHE:** No. I agree
[21] completely with the idea of the flagpole lot.
[22] I'm just wondering if maybe we shouldn't have a
[23] maximum, too, or if that's even --

[24] **MR. HAEBERLIN:** I have no objection.

[25] **COUNCILMEMBER ROCHE:** That's why we

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[1] hired you, you know, to tell these things.
 [2] **MR. HAEBERLIN:** Sure.
 [3] **COUNCILMEMBER SPANGLER:** So presently
 [4] there is no maximum. So if they had 1,000 foot
 [5] road frontage, they could actually --
 [6] **MR. HAEBERLIN:** Absolutely.
 [7] **COUNCILMEMBER SPANGLER:** -- get the
 [8] lot. Yeah.
 [9] **COUNCILMEMBER ALEXANDER:** This --
 [10] **COUNCILMEMBER ROCHE:** Just trying to
 [11] think where there's lots --
 [12] I'm sorry.
 [13] **COUNCILMEMBER ALEXANDER:** That's okay.
 [14] This ordinance here, now, is this
 [15] eliminating them from being allowed in C-1 and
 [16] C-2?
 [17] **ATTORNEY WEED:** They --
 [18] **COUNCILMEMBER ALEXANDER:** Because I
 [19] think that was -- when we discussed the size,
 [20] that was our -- there was a vision of Buford
 [21] Highway getting a face lift.
 [22] **ATTORNEY WEED:** They are -- this
 [23] ordinance does not eliminate them from C-1 and
 [24] C-2 but it makes them permitted uses in M-1.
 [25] Now, I don't happen to recall if they

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[1] are allowed in C-1 and C-2.
 [2] **CLERK BLACKMON:** They are. That's the
 [3] problem.
 [4] **ATTORNEY WEED:** So we can -- that's
 [5] easy enough to do. We'll -- we will need to
 [6] specifically delete that from C-1 and C-2.
 [7] **COUNCILMEMBER ALEXANDER:** Because I
 [8] think one of our concerns at one of our
 [9] moratorium hearings, there was a couple that had
 [10] come in, and I believe they were wanting to
 [11] establish an auto dealership at a former site of
 [12] a restaurant at McElroy and Buford Highway.
 [13] **ATTORNEY WEED:** Well, they're not
 [14] listed in the version of the ordinance I've got.
 [15] They're not listed as a permitted use in C-2.
 [16] Now let's check C-1. It may be one of
 [17] those where they're in C-1 and they carry over
 [18] to C-2. Automobile service stations are
 [19] allowed.
 [20] **MS. HOFFMEISTER:** Are they allowed in
 [21] both C-1 and C-2?
 [22] **MR. ANDERSON:** If it's allowed in C-1,
 [23] it's allowed in C-2.
 [24] **MS. HOFFMEISTER:** Pardon me?
 [25] **MR. ANDERSON:** If it's in C-2, it's

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[1] allowed in C-2.
 [2] **ATTORNEY WEED:** According to the
 [3] version of the ordinance that I have, it's not
 [4] listed. So I think that may be why I didn't
 [5] take them out of C-1 and C-2 because I didn't
 [6] find -- I didn't find them in this ordinance.
 [7] **CLERK BLACKMON:** It's not listed as car
 [8] lot. It's vague as the description was mixed in
 [9] with one of the service station, I think. And
 [10] that's where we've always put them, in C-2.
 [11] **ATTORNEY WEED:** Well, my official
 [12] opinion based upon my reading of the code, as
 [13] the appointed city attorney, I would interpret
 [14] it to say that they're not allowed by right in
 [15] C-1 and C-2, and that's based upon my reading of
 [16] the code.
 [17] So while we -- in light of that fact,
 [18] assuming that, you know, that this is the code
 [19] and it's current -- this is the 2006 version
 [20] that we're operating off of -- you know, I don't
 [21] think we have to make any further changes.
 [22] That's probably why I didn't include that to
 [23] begin with, because I don't think they're
 [24] allowed right now in C-1 and C-2.
 [25] Maybe what we -- maybe what we have is

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[1] carryovers from -- in any, you know, illegal
 [2] nonconforming uses, there are carryovers from
 [3] what happened before 2006. I can't speak to
 [4] that. I don't have a history.
 [5] Have we allowed any car lots in C-1 and
 [6] C-2 since 2006?
 [7] **CLERK BLACKMON:** Oh, yes.
 [8] **ATTORNEY WEED:** Okay. Well, all right.
 [9] Well, I can't speak to that, but on my watch, I
 [10] would have said no had I been asked, but that's
 [11] me.
 [12] **MAYOR JENKINS:** Getting back to the
 [13] surface, are you saying according to those
 [14] ordinances that you could take six acres of
 [15] gravel and put cars on it?
 [16] **ATTORNEY WEED:** According to your
 [17] current zoning code, there is nothing in the
 [18] code that specifies the pavement -- coverage
 [19] substance, depth, et cetera.
 [20] That doesn't mean to say that somewhere
 [21] in your other ordinances, there aren't specific
 [22] requirements.
 [23] All that's in your zoning code right
 [24] now would be how many spaces you've got to have
 [25] and the size of those spaces. It doesn't deal

[1] with the impervious surface.

[2] **COUNCILMEMBER ALEXANDER:** Since we are

[3] including such specifications on the fencing, do

[4] we not include the same for the surface?

[5] **ATTORNEY WEED:** You could. And I'm not

[6] saying you shouldn't.

[7] And I'm kind of going to defer to Scott

[8] here.

[9] In my reading of these codes generally,

[10] based upon my experience, the type of surface

[11] material, very often, the zoning code doesn't

[12] say that it's got to be an impervious surface.

[13] Very often, the requirement for paving

[14] is found not in the zoning code but in other

[15] codes of the city.

[16] Can it be put in the zoning code? My

[17] opinion would be yes. That's not illegal to do

[18] it that way.

[19] Whether that's the best place to put

[20] it, I'm going to leave that up to Scott.

[21] That's more of his bailiwick than mine.

[22] **MR. HAEBERLIN:** I'm curious. May I

[23] look at your zoning ordinance quickly where it

[24] might have been lumped in? A lot of times, they

[25] are hidden, unfortunately, in there.

[1] that's what you're looking for now -- as far as

[2] a regular old parking lot? I mean how is a used

[3] to lot or a new car lot different from a parking

[4] lot?

[5] **ATTORNEY WEED:** Well, there is language

[6] that differentiates between a parking lot and,

[7] you know, some other accessory-use parking, and

[8] like I said, there are dimensions and space

[9] sizes listed.

[10] **MR. ANDERSON:** If Murray is correct and

[11] we take it out of C-1/C-2, this whole discussion

[12] is almost moot. All of Buford Highway is a C-2

[13] situation. The only place we could have at that

[14] point a used car lot, if it was on a main

[15] thoroughfare, as Murray has indicated, would be

[16] behind Donna's house where the tire is and

[17] through that area. That's the only M-1 that's

[18] on a main thoroughfare. There's a little

[19] section on the other side of Peachtree

[20] Industrial as well, but nothing on Buford

[21] Highway would be used car lot M-1.

[22] **COUNCILMEMBER ROCHE:** This little bit

[23] here is not M-1 (indicating)?

[24] **MR. ANDERSON:** Yeah. That's on New

[25] Peachtree.

[1] **ATTORNEY WEED:** Page 19 and page 74

[2] deals with -- they both deal with parking. I

[3] didn't see any specifications in M-1 and M-2.

[4] **MR. HAEBERLIN:** And I'm not for certain

[5] -- and Rhonda could answer this -- whether we've

[6] adopted any development regulations inadvertently

[7] from Dekalb County that require that.

[8] **CLERK BLACKMON:** Not to my knowledge,

[9] no.

[10] **COUNCILMEMBER FLEMING:** But even if it

[11] were in another location of our zoning ordinance

[12] book, hidden somewhere in some language, I feel

[13] the same as Mr. Roche and Mr. Alexander: that

[14] having it specifically in this particular

[15] ordinance, it eliminates any type of confusion

[16] as to or even any question as to what type of

[17] surface that they can be parked on.

[18] **ATTORNEY WEED:** I'm not -- legally, I'm

[19] not against it. You know, we can -- it's legal

[20] to do that. I don't have a strong feeling about

[21] it in either direction.

[22] **COUNCILMEMBER SPANGLER:** So if it's

[23] legal to do it, then let's do it.

[24] **COUNCILMEMBER ROCHE:** Well, speaking of

[25] parking, are there other rules -- and maybe

[1] **COUNCILMEMBER ROCHE:** No, it --

[2] **MR. ANDERSON:** It does border -- you're

[3] right. It does border the edge of Buford

[4] Highway. I'm sorry. You're right.

[5] **MR. HAEBERLIN:** We'd want to provide

[6] you a section from the code, page 75, number 4.

[7] "All two-family, multi-family, commercial and

[8] industrial uses shall provide a paved, dust-free

[9] surface. The use of approved porous pavement is

[10] encouraged, provided such paving is approved for

[11] use by the City."

[12] So it is, in some respects, addressed.

[13] And again, there's ambiguity there. But to have

[14] a parking space, it has to be a certain size.

[15] So to stripe a parking space, essentially you

[16] probably have to have an asphalt or concrete

[17] surface.

[18] **ATTORNEY WEED:** And I think you could

[19] argue that if it's gravel, that could generate

[20] dust.

[21] **MR. HAEBERLIN:** Correct.

[22] **COUNCILMEMBER ROCHE:** So would we need

[23] to modify this, then, or not?

[24] **ATTORNEY WEED:** Well --

[25] **COUNCILMEMBER ROCHE:** Sounds like we

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[1] might.

[2] **ATTORNEY WEED:** -- under your current

[3] staffing, when citizens ask us for our official

[4] interpretation, both Scott and I would say that

[5] there would be a paving requirement, and paving

[6] the surface does not include gravel nor dirt

[7] because both of those might generate dust.

[8] Once again, I think -- and prior to us

[9] being here, apparently with regard to the C-1

[10] and C-2 thing, the code was interpreted to allow

[11] automobile dealerships in C-1 and C-2, which I

[12] don't think Scott nor I would have interpreted

[13] it that way. So there's a certain element of

[14] discretion on these things. But I would agree

[15] with Scott that, you know, "paving" in my mind

[16] means something that is not gravel, is not dirt.

[17] **COUNCILMEMBER ROCHE:** So we're covered

[18] elsewhere. We don't have to mess with it.

[19] **ATTORNEY WEED:** That's our story and

[20] we're sticking to it.

[21] **COUNCILMEMBER SPANGLER:** Well, what

[22] harm would it do to go ahead and put it in this

[23] ordinance?

[24] **ATTORNEY WEED:** None.

[25] **COUNCILMEMBER SPANGLER:** Okay. Then,

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[1] that's what we need to do.

[2] **COUNCILMEMBER PITTMAN:** I agree with

[3] that.

[4] **COUNCILMEMBER SPANGLER:** Even though

[5] they covered, it can be double covered.

[6] **COUNCILMEMBER PITTMAN:** Can't hurt.

[7] **COUNCILMEMBER ROCHE:** I'm fine with it.

[8] I'd rather be double covered than not covered.

[9] **MAYOR JENKINS:** Okay. What about the

[10] frontage width? Have we got that straightened

[11] out?

[12] **COUNCILMEMBER PITTMAN:** I'd rather

[13] stick with one hundred -- one or one fifty.

[14] **COUNCILMEMBER FLEMING:** Are we going to

[15] put a maximum on it?

[16] **MAYOR JENKINS:** Are you going to argue

[17] with that?

[18] **COUNCILMEMBER SPANGLER:** No, I'm not

[19] going to argue.

[20] **COUNCILMEMBER FLEMING:** But are we

[21] going to put a maximum on it?

[22] **COUNCILMEMBER PITTMAN:** I can --

[23] **COUNCILMEMBER SPANGLER:** I just don't

[24] think there's that many --

[25] **COUNCILMEMBER PITTMAN:** I can --

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[1] **COUNCILMEMBER SPANGLER:** -- pieces of

[2] property on Buford Highway or New Peachtree that

[3] would have three to five hundred foot of road

[4] frontage.

[5] **COUNCILMEMBER ALEXANDER:** Well, if we

[6] are confirming these different one's opinion and

[7] where we -- it's no longer allowed in C-1 and

[8] C-2, you're correct. If it's only going to be

[9] allowed on New Peachtree Road, then --

[10] **COUNCILMEMBER SPANGLER:** Well, I think

[11] it would make it more restrictive, the more road

[12] frontage.

[13] **MAYOR JENKINS:** Ginny, will you speak

[14] up?

[15] **MS. CALVERT:** Well, I know that the

[16] existing sales lots have garages, which I guess

[17] that's okay because they're granddaddied in.

[18] However, I know when the County has an

[19] ordinance preventing this, they don't want the

[20] garages with the little car sales -- used car

[21] sales lots.

[22] I have a friend that had to move almost

[23] immediately, and he is up there on 20 and

[24] Peachtree Industrial. He has a small sales

[25] office. Now you couldn't get a car in it.

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[1] But I think we're encouraging chop shop

[2] existing type of things if we're not careful.

[3] And as far as the service stations,

[4] those are owner -- owned by people who take

[5] their cars in to have them fixed. So they're

[6] granddaddied in too, which I see no reason for

[7] people not to be able to take them to a service

[8] station to be fixed. It's not for sales.

[9] I think we really need to look into the

[10] garages with anybody trying to come into

[11] Doraville with sales. I don't think this

[12] includes like places like a Lexus. I think

[13] they're -- at least Gwinnett County has the big

[14] car dealerships with their lots, but they also

[15] have sales of new cars, which probably are more

[16] new cars than sales cars.

[17] **COUNCILMEMBER FLEMING:** I think that

[18] this ordinance is addressing all automobile lot

[19] sales and it's not specifically designed for

[20] used or new.

[21] So though I agree with you, Ginny, in

[22] that respect, because we've put the max -- a

[23] minimum of six acres, we could get a Cadillac

[24] dealership meeting these requirements. But if

[25] we put something in there about no service

[1] garages in this ordinance, then we're
 [2] eliminating them from taking care of the
 [3] vehicles that they're selling.
 [4] **MS. CALVERT:** Do you think if we put
 [5] something in there just for strictly used cars
 [6] not to have the garages?
 [7] **COUNCILMEMBER ROCHE:** I think we went
 [8] there earlier. And trying to decide making one
 [9] set of rules for used and one set of rules for
 [10] new. And then you have one of the new car lots
 [11] that also sell trade-ins. I think we
 [12] **COUNCILMEMBER FLEMING:** Yeah, that --
 [13] **COUNCILMEMBER ROCHE:** -- kind of beat
 [14] that to death.
 [15] **COUNCILMEMBER FLEMING:** I think that's
 [16] part of the issue too.
 [17] **CLERK BLACKMON:** If I were buying a
 [18] used car, I would want it to have a service done
 [19] before I bought it. I mean I --
 [20] **COUNCILMEMBER ROCHE:** Right.
 [21] **CLERK BLACKMON:** As a consumer, I would
 [22] not want to buy a car off a lot that didn't have
 [23] an oil change and brakes checked and that sort
 [24] of thing.
 [25] **COUNCILMEMBER ROCHE:** And if I --

[1] question of "lot," are we ambiguous there or do
 [2] you feel, you know, safe with that, or do you
 [3] kind of see where I'm going?
 [4] **ATTORNEY WEED:** I do. I feel
 [5] comfortable with "lot."
 [6] **MR. HAEBERLIN:** Okay.
 [7] **ATTORNEY WEED:** And we have located
 [8] this C-1. It's another one of those things.
 [9] C-1 and C-2 -- well, C-1 allows -- let me back
 [10] up. Hold on.
 [11] C-2 allows automobile sales and C-1
 [12] does not, but it is allowed in C-2. And so if
 [13] you want that out, we need to take it out
 [14] specifically.
 [15] **COUNCILMEMBER ALEXANDER:** Yes.
 [16] Okay, because I'm assuming that that
 [17] restaurant is probably C-2.
 [18] **CLERK BLACKMON:** Uh-huh. Yes, it is.
 [19] **COUNCILMEMBER ALEXANDER:** And I don't
 [20] know the size of the lot.
 [21] **MR. HAEBERLIN:** You do currently have
 [22] language -- and Murray and I have discussed this
 [23] -- that says any use that the City Council deems
 [24] appropriate in that zoning district can then be
 [25] included in the zoning district.

[1] **CLERK BLACKMON:** You can't do that --
 [2] **COUNCILMEMBER ROCHE:** -- bought a new
 [3] car --
 [4] **CLERK BLACKMON:** -- without a garage.
 [5] **COUNCILMEMBER ROCHE:** And if I wanted
 [6] to buy a new car, I'd want to have the service
 [7] department take it in and get it fixed under
 [8] warranty too, so --
 [9] **CLERK BLACKMON:** Right.
 [10] **COUNCILMEMBER PITTMAN:** So Scott, do
 [11] you see any additional problems with 100 versus
 [12] 300? I mean the 300 -- I understand Mr.
 [13] Spangler's point of view, too. I think it . . .
 [14] **MR. HAEBERLIN:** No. The only -- the
 [15] only thing -- and this just occurred to me; I'm
 [16] glad we're discussing this -- is how are we
 [17] interpreting "lot"?
 [18] Murray, if somebody does an assemblage
 [19] of existing tax parcels, are we defining that as
 [20] "lot?" That's kind of -- that just occurred to
 [21] me, since we've had so much discussion back and
 [22] forth on this.
 [23] You know, again, you may have little
 [24] small parcels, existing tax parcels, that will
 [25] come to an assemblage of six acres. So on the

[1] That is kind of an antiquated approach
 [2] to zoning, and that might be something the
 [3] Council might want to consider not having in the
 [4] code in the future.
 [5] So that is in your existing zoning
 [6] ordinance, so there could possibly have been
 [7] some action by previous councils that allowed
 [8] some activities.
 [9] **MAYOR JENKINS:** Yes, sir.
 [10] **MR. ANDERSON:** This is the last time
 [11] you'll hear from me on this.
 [12] I just scaled this a little bit. Maybe
 [13] Bob can do it better on the parcel that he
 [14] mentioned is on Buford Highway. It appears to
 [15] be four to five hundred feet. If we put four to
 [16] five hundred feet or five hundred feet in the
 [17] ordinance, all of a sudden, we've just got them
 [18] out of M-1.
 [19] **COUNCILMEMBER ROCHE:** On Buford
 [20] Highway.
 [21] **MR. ANDERSON:** On Buford Highway.
 [22] **COUNCILMEMBER ROCHE:** Because they
 [23] can't go any further than that.
 [24] **MR. ANDERSON:** And there's no --
 [25] there's no other M-1 on Buford Highway except

[1] that one little section. If we just put in that
 [2] dimension plus something --
 [3] Then what Scott mentions about
 [4] assemblages, of course that can happen, but that
 [5] excludes that area.
 [6] **COUNCILMEMBER ROCHE:** They would have
 [7] to buy all those lots together to make up over
 [8] 600 feet.
 [9] **MR. ANDERSON:** As well. And it's four
 [10] or five hundred feet, so --
 [11] **COUNCILMEMBER ROCHE:** Well, this scale
 [12] shows a little over 600.
 [13] So if we can make it at 600 foot, then
 [14] --
 [15] **MR. ANDERSON:** It ain't gonna happen.
 [16] **COUNCILMEMBER ROCHE:** -- it ain't gonna
 [17] happen there, so --
 [18] **COUNCILMEMBER ALEXANDER:** That may not
 [19] be six acres in there, though.
 [20] **COUNCILMEMBER FLEMING:** It may not
 [21] what? I'm sorry.
 [22] **COUNCILMEMBER ALEXANDER:** Be six acres,
 [23] either.
 [24] **MS. HOFFMEISTER:** I just have one
 [25] question and this is directed to people who have

[1] good question for Murray, as well. It would be
 [2] my belief that somebody who would take a surety
 [3] of real property would be a pawn shop,
 [4] essentially.
 [5] **ATTORNEY WEED:** Yes.
 [6] **MR. HAEBERLIN:** And so we do need to
 [7] act to figure out where we want these locations
 [8] in the city that are not very well addressed at
 [9] this time, so --
 [10] **COUNCILMEMBER FLEMING:** So in essence,
 [11] that company would become possession or would
 [12] have possession of that automobile.
 [13] **CLERK BLACKMON:** Right, but they do not
 [14] have retail --
 [15] **COUNCILMEMBER FLEMING:** -- as part of
 [16] their pawn or pawn shop.
 [17] **ATTORNEY WEED:** The answer to your
 [18] question is yes.
 [19] I haven't seen the particular facility
 [20] and I don't know where they're parking the cars
 [21] that people don't come and pick back up.
 [22] **COUNCILMEMBER FLEMING:** That's a hypo-
 [23] theoretical. It's a brand new company. And since
 [24] we were talking about car lots, and the economy
 [25] the way that it is, people may be giving the

[1] more experiences in city ordinances than I do.
 [2] I know if you make yourself so
 [3] restrictive, you may have won the battle tonight
 [4] but you've lost the war because a person can
 [5] appeal your zoning and say you were too
 [6] restrictive compared to neighboring areas. So
 [7] this is something you might want to consider
 [8] tonight.
 [9] **MAYOR JENKINS:** Anybody else?
 [10] **COUNCILMEMBER FLEMING:** I needed to ask
 [11] a question in regards to the Title Max company
 [12] that we now have on Buford Highway.
 [13] Will they be securing automobiles if
 [14] the consumer doesn't come back to pay for their
 [15] title, and now we've got a car lot at Title Max?
 [16] **COUNCILMEMBER ALEXANDER:** They don't
 [17] have a business license to sell retail cars.
 [18] **CLERK BLACKMON:** They don't sell them
 [19] but they would obtain them or take possession of
 [20] them. But I think we made -- I'll check with
 [21] Sandra, but I think we made a stipulation that
 [22] they have to move them to another facility.
 [23] **MAYOR JENKINS:** I don't think they can
 [24] store vehicles at the Title Max lot.
 [25] **MR. HAEBERLIN:** Well, this would be a

[1] titles to their automobiles to get cash and
 [2] never coming back to pick up their vehicle. I
 [3] don't know. That was just a hypothetical.
 [4] **ATTORNEY WEED:** Yeah. Right now, the
 [5] space of the facility and the zone in which it
 [6] is found would dictate how much parking that
 [7] they've got. And then you have to look into
 [8] whether or not they'd be allowed to have,
 [9] essentially, outside storage of the vehicles
 [10] that come into their position. And they would
 [11] then become their property and they would be
 [12] attempting to, you know, store them outside.
 [13] And depending upon what zone they're in and the
 [14] other requirements for the parking, they would
 [15] either be in violation of the code or not.
 [16] **COUNCILMEMBER ALEXANDER:** I don't know
 [17] for security reasons if they would repossess a
 [18] vehicle and park it on that lot.
 [19] **COUNCILMEMBER PITTMAN:** Just the
 [20] experience at the mall, when they repo the cars,
 [21] they take them to an undisclosed location.
 [22] **COUNCILMEMBER ALEXANDER:** Right.
 [23] **COUNCILMEMBER PITTMAN:** So I wouldn't
 [24] think that would be a big problem.
 [25] **COUNCILMEMBER ROCHE:** From what I've

[1] read --

[2] **COUNCILMEMBER FLEMING:** I wasn't sure.

[3] That's why I asked.

[4] **COUNCILMEMBER ROCHE:** From what I've

[5] read, they immediately sell the car even if

[6] they're selling it to themselves. And that

[7] way, when you come back and see them, they say,

[8] "Oh, the car's gone." It's not a nice business,

[9] from what I hear.

[10] **ATTORNEY WEED:** We certainly -- not

[11] that I want to -- I dread the idea of bringing

[12] this up, but in looking at C-2, I want the

[13] Council to be aware that right now in C-2 you

[14] could have sales or service on automobiles,

[15] boats, boat trailers, mobile homes, travel

[16] trailers, heavy equipment such as trucks,

[17] agricultural machinery or road building and

[18] service equipment. And right now, you've only

[19] addressed automobile sales and service and

[20] taking that out of C-2 and putting it in M-1.

[21] You know, while this, you know, engine

[22] is out of the car, do you want to address any of

[23] these other items?

[24] **COUNCILMEMBER ROCHE:** You mean they

[25] can't sell motorcycles?

[1] **MAYOR JENKINS:** Make it strictly auto

[2] sales.

[3] **MS. HOFFMEISTER:** What's the difference

[4] between C-2 and C-1?

[5] **ATTORNEY WEED:** None of that stuff is

[6] allowed in C-1 now, so we'll not worry about

[7] C-1. But it would -- if we took it out of C-2,

[8] we would put it all into M-1.

[9] **COUNCILMEMBER ALEXANDER:** Can you

[10] please read the list again.

[11] **ATTORNEY WEED:** Sure. Right now, C-2

[12] allows sales or service of automobiles, boats,

[13] boat trailers, mobile homes, travel trailers,

[14] heavy equipment such as trucks, agricultural

[15] machinery or road building and service

[16] equipment.

[17] **COUNCILMEMBER SPANGLER:** So that pretty

[18] much describes all heavy machinery or equipment.

[19] **COUNCILMEMBER ALEXANDER:** So you would

[20] still be allowed -- say, if somebody went into

[21] the Jiffy Lube or something, that would still be

[22] an allowed use?

[23] **ATTORNEY WEED:** No, not if we took out

[24] service of automobiles. But if you -- service

[25] of trucks, yeah, interestingly enough.

[1] **ATTORNEY WEED:** You know, that's not --

[2] that may be somewhere else, but I'm not bringing

[3] that up tonight. I don't see it here, though.

[4] But autos, boats, boat trailers, mobile

[5] homes, travel trailers, heavy equipment such as

[6] trucks, agricultural machinery, road building

[7] and service equipment; all that's allowed in

[8] C-2.

[9] **COUNCILMEMBER ALEXANDER:** If there is

[10] an existing establishment in C-2 that may do,

[11] say, repairs on something like the size of a

[12] Bobcat, they would be grandfathered in?

[13] **ATTORNEY WEED:** Yes.

[14] **COUNCILMEMBER ALEXANDER:** Because we

[15] have Northside Tool Rental.

[16] **ATTORNEY WEED:** They're grandfathered

[17] in. They'd be a legal nonconforming use.

[18] If they ever ceased operating for six

[19] months or more, they would have -- their

[20] provision would sunset.

[21] **COUNCILMEMBER ROCHE:** I would

[22] definitely want to add that language to this.

[23] **ATTORNEY WEED:** So you want to get rid

[24] of all those things out of -- take them out of

[25] C-2 and put them in M-1?

[1] So I guess the answer to your question

[2] would be yes, but their operation will be

[3] limited to trucks, which is unrealistic of

[4] course.

[5] **COUNCILMEMBER ALEXANDER:** Because

[6] Butler Tire would be existing nonconforming?

[7] Big Ten would be existing --

[8] **ATTORNEY WEED:** Yes, all those places

[9] would be legal nonconforming uses.

[10] **MS. HOFFMEISTER:** That would be all of

[11] your tire salesmen that are up and down Buford

[12] Highway, then.

[13] **MR. HAEBERLIN:** And Murray and I are

[14] working on drafting M-1 and M-2, and the things

[15] that you've illuminated tonight have -- we've

[16] already discussed many of those items, and

[17] there's a lot of things that are not addressed.

[18] You know, if you'd like, you can make certain

[19] automotive style uses, conditional uses in C-2.

[20] I mean there's many ways that you can regulate

[21] or address land use items.

[22] But I think the M-1/M-2 will answer --

[23] the draft that is currently under construction

[24] will answer a lot of the questions you have with

[25] regard to the uses that you've identified

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[1] tonight. So we've already been looking at these
 [2] actually.
 [3] **COUNCILMEMBER ROCHE:** And I think if
 [4] you go farther out Buford Highway, you start to
 [5] get into an area where it's all the tire stores
 [6] and the little mom-and-pop, you know, and what
 [7] we -- what I personally would not want to see is
 [8] for that to come down into Doraville. Whatever
 [9] we do to restrict that, is, you know --
 [10] **COUNCILMEMBER PITTMAN:** Up toward
 [11] Norcross?
 [12] **COUNCILMEMBER ROCHE:** Hm?
 [13] **COUNCILMEMBER PITTMAN:** Up toward
 [14] Norcross, you're talking about?
 [15] **COUNCILMEMBER ROCHE:** Yeah.
 [16] **COUNCILMEMBER PITTMAN:** That was
 [17] interesting (inaudible) up that way, there was a
 [18] sign that said Mechanicsville. They already had
 [19] a sign, "Mechanicsville, Unincorporated," and
 [20] the whole area is nothing but what you said.
 [21] **COUNCILMEMBER ROCHE:** Exactly.
 [22] And then if you go south of Doraville
 [23] down Buford, there's a little area back in there
 [24] that's all -- you know. And I'm not saying that
 [25] doesn't belong anywhere in the city, but at

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[1] least my vision of Buford Highway is that we
 [2] want to get away from those types of buildings
 [3] and businesses.
 [4] **COUNCILMEMBER ALEXANDER:** But do you
 [5] have aversion to Firestone?
 [6] **COUNCILMEMBER ROCHE:** Yeah. I don't
 [7] think we should have any kind of service. I
 [8] think as time -- I mean obviously it's going to
 [9] be there because it's there now, but I --
 [10] **COUNCILMEMBER ALEXANDER:** So we won't
 [11] have anywhere within the city to shop for tires?
 [12] That's just my question.
 [13] **COUNCILMEMBER ROCHE:** Well, I think we
 [14] can zone that over to maybe New Peachtree Road
 [15] or something like that.
 [16] To me, Buford Highway just needs --
 [17] personally, my own opinion is that we should
 [18] encourage high-class type businesses on Buford
 [19] Highway. This may be a 10- to 15-year deal,
 [20] but, you know, if it was me, I'd get rid of the
 [21] wholesalers and all that, too. And I think we
 [22] should be working towards that and discourage
 [23] the car shop places and encourage better retail
 [24] or office space or something -- something other
 [25] than that.

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[1] If they want to go there, you know, we
 [2] can certainly put them over on New Peachtree.
 [3] **COUNCILMEMBER SPANGLER:** But in the
 [4] meantime, do we want everybody to have to go out
 [5] of the city to purchase vehicles or to have
 [6] their cars worked on and lose those possible
 [7] revenues?
 [8] **COUNCILMEMBER ROCHE:** I think the
 [9] ultimate goal is to make the land be valuable
 [10] enough to where they wouldn't waste it on a car
 [11] lot.
 [12] **COUNCILMEMBER ALEXANDER:** Because I --
 [13] I don't have an aversion to Drive Time. I had
 [14] an aversion to Gorilla Motors. Do you see the
 [15] difference there? It's just the difference of
 [16] the level of two people doing the same thing.
 [17] Big Ten doesn't bother me there, and
 [18] neither does Butler Tire, neither does Firestone
 [19] until it takes, you know, six weeks for them to
 [20] remove the graffiti off the side of their
 [21] building.
 [22] I think it's -- I mean if I have a flat
 [23] tire at home, I can take my tire off and roll it
 [24] up Oakcliff to the Firestone and get it fixed.
 [25] I mean it's just -- you know, I don't want us to

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[1] drive businesses that I think our residents
 [2] would use completely away, I guess is what I'm
 [3] trying to say.
 [4] **COUNCILMEMBER SPANGLER:** And I agree
 [5] with you.
 [6] **COUNCILMEMBER FLEMING:** Would those be
 [7] more of retail sales of a product versus . . .
 [8] **ATTORNEY WEED:** That's a good question,
 [9] and it truly is a mixed bag. A typical tire
 [10] store, like what NBT, for example, which used to
 [11] be part of Sears -- I'm sorry, NTB -- may not
 [12] only sell the tires and rims and batteries but
 [13] they have a shop there to put them on. So that
 [14] truly is automotive service, although they have
 [15] a -- clearly have a retail component.
 [16] So you know, that would be allowed in
 [17] C-2 if that's what you want to have happen.
 [18] **COUNCILMEMBER ROCHE:** And that doesn't
 [19] mean those businesses would go away but it just
 [20] means that --
 [21] **ATTORNEY WEED:** They'd be allowed in
 [22] M-1.
 [23] **COUNCILMEMBER ROCHE:** Right. And
 [24] again, if Butler Tire shut down and someone else
 [25] decided they wanted to put a tire store there,

[1] they could still do it.
 [2] **ATTORNEY WEED:** They could continue on.
 [3] **COUNCILMEMBER ROCHE:** Right.
 [4] I'm thinking 15 years down the road, of
 [5] what we want Buford Highway to look like. And
 [6] personally, I would prefer to have something
 [7] higher scale than that, you know, whatever it
 [8] is. And you know, I would, just my opinion,
 [9] want to encourage, you know, something a little
 [10] higher class than . . .

[11] Because remember, 15 years from now, I
 [12] mean we'll be -- we're going to be downtown
 [13] Atlanta practically.

[14] **COUNCILMEMBER FLEMING:** Well, the other
 [15] issue is, too, is for instance K-Mart that does
 [16] auto service.

[17] **COUNCILMEMBER ALEXANDER:** They no
 [18] longer do it at K-Mart.

[19] **COUNCILMEMBER FLEMING:** Okay. All
 [20] right. Sorry.

[21] **COUNCILMEMBER ALEXANDER:** I think
 [22] another way to attack issues like this is --
 [23] because one of the cities we've used for an
 [24] example is Madison, Georgia. And Madison,
 [25] Georgia, probably has a Firestone, but I

[1] **COUNCILMEMBER SPANGLER:** I still think
 [2] the more we have will make it more restricted.
 [3] Again, I'm -- you know, a hundred feet is not
 [4] very much. That's the average width of a
 [5] residential lot. So if you make it five or six
 [6] hundred feet, there's not that many parcels in
 [7] the city that's going to be six acres that would
 [8] have five or six hundred road frontage. So, you
 [9] know, and if anybody's going to put that much
 [10] money into a car lot, it will have to be a new
 [11] car dealer, and I wouldn't mind looking at a lot
 [12] of new cars. I just don't want to see the used
 [13] cars.

[14] **ATTORNEY WEED:** I need three other
 [15] people to say "amen" or not --

[16] **MS. CALVERT:** Amen.

[17] **ATTORNEY WEED:** -- or something.
 [18] Three other people up there.

[19] **MAYOR JENKINS:** Pam, what do you think?

[20] **COUNCILMEMBER FLEMING:** The further we
 [21] sprawl out -- and I thought our consensus was if
 [22] we allow them to sprawl out, so I really thought
 [23] we ought to have a maximum of some sort, a
 [24] maximum frontage.

[25] **MAYOR JENKINS:** A minimum and a

[1] guarantee you it blends in with the cityscape
 [2] and meets the architectural requirements.

[3] **ATTORNEY WEED:** Well, we're working on
 [4] that, too. That's one of the most important
 [5] things you're going to do, I hope, will be to
 [6] adopt your first architectural design standards,
 [7] and we're working on that. Scott and I are --
 [8] I'm lawyering and he's zoning as fast as we can,
 [9] obviously, but we're going to get there.

[10] **COUNCILMEMBER ROCHE:** There's an Allied
 [11] Tires over by Lowe's. I mean it looks fine, you
 [12] know. I mean it's well kept up, it's well
 [13] maintained; it looks new and all that.

[14] But you're right, you know, if you're
 [15] going to allow one thing, you have to allow the
 [16] Gorilla place too -- you know, the guy with the
 [17] old plywood and the used tires, you know.

[18] **ATTORNEY WEED:** Well, just in an effort
 [19] to help crystallize your thinking, did you as a
 [20] group reach consensus on a minimum lot width?
 [21] Let's go back to that.

[22] What's in the ordinance now proposed is
 [23] a hundred feet. Do you want to go up? Do you
 [24] not want to have it at all? What's your
 [25] thinking about minimum lot width?

[1] maximum, yeah.

[2] Well, he's suggesting 300 feet.

[3] Didn't you suggest three?

[4] **COUNCILMEMBER SPANGLER:** Well, I'll say
 [5] five/six hundred feet, which is even -- even
 [6] better.

[7] **COUNCILMEMBER FLEMING:** You know, they
 [8] could have six acres or four acres and have it
 [9] all acro- -- if they bought up the whole Buford
 [10] Highway, for instance, they could sprawl out
 [11] that way because the lots aren't very deep, and
 [12] we wouldn't want that. So I think we ought to
 [13] have a maximum as well.

[14] **MAYOR JENKINS:** Bob, what do you think?

[15] **COUNCILMEMBER ROCHE:** I can go either
 [16] way. I had a different thought that I'll bring
 [17] up in a minute, but I mean --

[18] **MAYOR JENKINS:** On the same line?

[19] **COUNCILMEMBER ROCHE:** No. It has to do
 [20] with the map. It just occurred to me that it
 [21] would be nice to have a map of the zoning for
 [22] the potentially annexed areas, to look at those
 [23] too. That way, when we're thinking -- we're
 [24] trying to make decisions like this, we can look
 [25] at what it may look like on -- if the annexation

[1] happens also, but that's not . . .

[2] I mean I'll vote either way on this.

[3] **MAYOR JENKINS:** Donna, what do you say?

[4] **COUNCILMEMBER PITTMAN:** You know, I can

[5] see both points of view, actually, so --

[6] **COUNCILMEMBER ROCHE:** My goal would be

[7] to not have any new car lots on Buford Highway.

[8] And if that does it, then -- if that helps that,

[9] then I'll support increasing the frontage.

[10] **MAYOR JENKINS:** Maria?

[11] **COUNCILMEMBER ALEXANDER:** I'm waiting

[12] for him to read what he's writing.

[13] **ATTORNEY WEED:** Oh. I'm just going to

[14] draw out some arbitrary numbers.

[15] How about six acres in size, must have

[16] a minimum lot width of 300 feet and a maximum of

[17] -- 600 feet?

[18] **COUNCILMEMBER SPANGLER:** I would say

[19] move that minimum up to five or six hundred

[20] feet.

[21] **ATTORNEY WEED:** All right. And leave

[22] that a maximum or have a maximum too?

[23] **COUNCILMEMBER SPANGLER:** I think 600

[24] feet, that's really going to restrict any car

[25] lots coming in, new or used, especially with the

[1] **ATTORNEY WEED:** I'm feeling the love at

[2] 600 feet.

[3] **COUNCILMEMBER ROCHE:** Okay.

[4] **ATTORNEY WEED:** We're going to just go

[5] back to the other issue.

[6] **COUNCILMEMBER ROCHE:** I'm good with six

[7] hundred.

[8] **ATTORNEY WEED:** Sales or service of

[9] automobiles, boats, boat trailers, blah-blah-

[10] blah.

[11] Do you want to stick to automobiles or

[12] do you want to try to address --

[13] I'm obviously going to have to take out

[14] trucks, too. But if you want to try to address

[15] boats, boat trailers, and move all that section

[16] into M-1 or just trucks and autos?

[17] **MS. HOFFMEISTER:** I think you still

[18] want to do auto sales. We've got few businesses

[19] in Doraville. We don't need to kick them out.

[20] **COUNCILMEMBER ROCHE:** Well, the ones

[21] that are there now will still be there.

[22] **MS. HOFFMEISTER:** I mean you can go to

[23] Dunwoody and you can get a car fixed if you have

[24] to.

[25] **COUNCILMEMBER PITTMAN:** It just blends

[1] six acres attached to it.

[2] **COUNCILMEMBER ROCHE:** Well, the widest

[3] frontage of any lot on Buford Highway in M-1

[4] right now is -- I think the widest lot right now

[5] on Buford Highway that's in M-1 is like 200 feet

[6] wide, so 300 feet may be whatever.

[7] **ATTORNEY WEED:** Probably a maximum of

[8] 600 -- probably a minimum of 600 would probably

[9] alleviate all the concerns.

[10] **COUNCILMEMBER ROCHE:** Well, yeah.

[11] **ATTORNEY WEED:** We wouldn't have a

[12] maximum, but then, again, you'd still have to

[13] create -- you have to come up with -- you have

[14] to accumulate six acres of land and then have

[15] arterial street frontage at 600 feet. That

[16] would be a lot to accumulate, so that, I think,

[17] achieves your goal.

[18] I'm happy to put a maximum in, but I

[19] don't -- you know, I think a minimum of 600

[20] definitely covers the situation.

[21] **COUNCILMEMBER ROCHE:** Well, like we

[22] said before, we can always just make it a

[23] minimum lot size of three square miles and then

[24] we're done here, you know. That would solve the

[25] problem.

[1] in with everything else.

[2] **MS. HOFFMEISTER:** Yes.

[3] **COUNCILMEMBER ROCHE:** Well, and that's

[4] about the point.

[5] **MS. HOFFMEISTER:** You address this

[6] problem like Maria said. You get yourself some

[7] strong architectural standards and you're not

[8] going to care whether it's Butler's Tire store

[9] or a doctor's office because it's going to look

[10] nice.

[11] **COUNCILMEMBER PITTMAN:** Even a

[12] McDonald's blends with the surroundings.

[13] **MAYOR JENKINS:** Ben?

[14] **MR. CRAWFORD:** Shouldn't you also look

[15] at what kind of businesses are around the

[16] surrounding area?

[17] Do I need to say my name? Ben

[18] Crawford.

[19] Anyhow, I think when we think about the

[20] city, we should also think about the surrounding

[21] areas as far as businesses that are available in

[22] surrounding areas. Doraville's a very small

[23] place. So if we're trying to, as Bob says, you

[24] know, look to the future of the way that Buford

[25] Highway looks and the way the city looks, we

[1] should look and see some of these things that
[2] we're excluding may be available, you know, just
[3] right outside of Doraville city limits. So you
[4] know, it may be a good thing to have an approach
[5] where we clean up Buford Highway because I think
[6] -- and I may be wrong, but I think in an urban
[7] sprawl, I think they use Buford Highway as one
[8] of the examples at college when they're teaching
[9] about urban sprawl. So I think that's an actual
[10] example they use in a class that they have. I
[11] think it's notorious around the country for
[12] being . . . being pretty . . . pretty juxtaposed
[13] as far as the businesses go.

[14] But I think that, you know, you should
[15] also look at the surround areas, what you have
[16] around us, you know, when you think about the
[17] city, because we're a component of the
[18] community, a larger community, too. So we
[19] should look at ourselves but what's around us,
[20] too, because there's always talk of working with
[21] Chamblee and the County and everything else
[22] which are important facets of a city government.
[23] But also as far as development, we should look
[24] at, you know, the comprehensive land use plan,
[25] but we're changing the zoning and stuff. We

[1] up, come on.

[2] **MS. HOFFMEISTER:** I'm going to just
[3] reiterate, there's very few businesses in
[4] Doraville that service the populace that lives
[5] here other than the tire salesmen.

[6] I think you get what you want by
[7] limiting services. In other words, you may
[8] only want to have one tire store on Buford
[9] Highway, one car repair shop on Buford Highway.
[10] This is how Dekalb does it. If I wanted to
[11] build something and I already have three in an
[12] area, I can't put another one in. I have to,
[13] you know, ask or it's part of the zoning process
[14] that it's brought up.

[15] And also your architectural standards.
[16] You cannot -- you don't want to get to the point
[17] where you don't have a service station in
[18] Doraville and you don't have a tire salesman in
[19] Doraville. And the most logical place for them
[20] to be is your --

[21] What is it? C-1 or C-2 that's . . .

[22] **ATTORNEY WEED:** C-2.

[23] **MS. HOFFMEISTER:** C-2?

[24] **ATTORNEY WEED:** That's where they're
[25] allowed right now.

[1] should look at, you know, what we're trying to
[2] accomplish. So that's just my thoughts, you
[3] know.

[4] **COUNCILMEMBER ROCHE:** If I'm CVS or if
[5] I'm a high-scale restaurant or even a Red
[6] Lobster or something like that and I see where
[7] Doraville is now changing that area of town to
[8] where we're not going to allow any more car
[9] dealerships or any more, you know, mechanic
[10] stores, then I'm going to be a lot more
[11] interested in moving my CVS there than if I
[12] don't know what's going to -- you know. Because
[13] yeah, I know, I'm going to have tire stores
[14] around me, but eventually they'll probably go
[15] away. Do you see what I'm getting at?

[16] And I agree completely with the idea of
[17] the architectural standards, and that'll
[18] certainly help. But I still think that, you
[19] know, we just need to lean -- you know, try to
[20] set a direction, you know, kind of paint a
[21] picture, but then we need to draw a map with it,
[22] and that's the whole point of having zoning
[23] regulations.

[24] **ATTORNEY WEED:** So is there a --
[25] **MAYOR JENKINS:** If you want to come on

[1] **MS. HOFFMEISTER:** Allowed.

[2] I think a better way of addressing this
[3] is to later address your architectural standards
[4] to limit how many you can have within a square
[5] mile. This is how you take care of this
[6] problem.

[7] You don't want to do away with a lot of
[8] the services that people expect to have in a
[9] community.

[10] Oh. And on the trucks and the boats, I
[11] see no reason why we would be servicing trucks
[12] and boats in a residential area where there
[13] isn't a lake. And definitely the large semi
[14] trucks, I think they should be serviced in M-2,
[15] myself.

[16] **COUNCILMEMBER ALEXANDER:** So how do we
[17] apply the newly-created size standards for the
[18] car lots to the car lots in C-2 in the zoning?
[19] We would have to have a separate ordinance?

[20] **ATTORNEY WEED:** If I understand your
[21] question correctly, in M-1, the automobile sales
[22] lots and accessory garages would be allowed as
[23] permitted uses and then if they had --

[24] Let me rephrase that.
[25] If it's an automobile service repair

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[1] shop -- well, the automobile service and repair
 [2] shops would be allowed as uses in M-1. They
 [3] will be removed from C-2. And therefore, the
 [4] new standards won't apply to C-2 because there'd
 [5] be nothing to apply the standards to in C-2.
 [6] **COUNCILMEMBER ALEXANDER:** (Laughter)
 [7] **ATTORNEY WEED:** And maybe I don't
 [8] understand the question, so --
 [9] **COUNCILMEMBER ALEXANDER:** I guess it
 [10] goes back to the level of quality.
 [11] Drive Time is nice. Okay. I don't
 [12] know that if we had another car lot of similar
 [13] quality that we would want to drive them away,
 [14] but we would want to have them have to meet the
 [15] 600-foot frontage and the 6-acre.
 [16] You understand my question now?
 [17] And they are in C-2, I believe.
 [18] They're on Buford Highway.
 [19] **CLERK BLACKMON:** Yes.
 [20] **ATTORNEY WEED:** Well --
 [21] **COUNCILMEMBER ALEXANDER:** And we can't
 [22] address that in this one ordinance. It would
 [23] have to be a separate ordinance was my question,
 [24] since it's a different zone.
 [25] **ATTORNEY WEED:** You're not going to be

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[1] able to address the quality of the operation by
 [2] virtue of the zoning code.
 [3] **COUNCILMEMBER ALEXANDER:** But I could -
 [4] - if I wanted to continue to allow car sales in
 [5] C-2 --
 [6] **ATTORNEY WEED:** Uh-huh.
 [7] **COUNCILMEMBER ALEXANDER:** -- I want
 [8] them to meet the new standards we've just
 [9] discussed.
 [10] **ATTORNEY WEED:** We have to put the
 [11] standards in C-2.
 [12] **COUNCILMEMBER ALEXANDER:** That's what
 [13] I'm asking. We would have to have a separate
 [14] ordinance, separate public hearing, everything.
 [15] **ATTORNEY WEED:** No. I mean you -- you
 [16] could --
 [17] **COUNCILMEMBER FLEMING:** This ordinance
 [18] couldn't read for C-2 and M-1?
 [19] **ATTORNEY WEED:** Well, that's -- that
 [20] can be a matter of debate.
 [21] The advertisement for this ordinance
 [22] dealt with car lots and I believe also mentions
 [23] --
 [24] **COUNCILMEMBER ALEXANDER:** You did
 [25] mention the zoning.

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[1] **ATTORNEY WEED:** -- it mentions the M-1
 [2] zoning.
 [3] **COUNCILMEMBER ALEXANDER:** Correct.
 [4] **ATTORNEY WEED:** It doesn't mention C-2.
 [5] A conservative opinion would be I
 [6] prefer -- we could do it all in one ordinance
 [7] but I would have preferred having advertised the
 [8] effect on C-2. So the better way of doing it
 [9] would be to do a separate ad to fix that.
 [10] On the other side of the street,
 [11] however, the main topic of the ordinance is to
 [12] deal with car lots and putting them in M-1;
 [13] therefore, logic would dictate everything that
 [14] helps do that falls necessarily in place. So
 [15] removing them out of C-2 is a logical, necessary
 [16] part of putting them in M-1; therefore, you
 [17] don't need a new ad.
 [18] So if we just do that, I'm okay with us
 [19] not writing another ad. If we start changing
 [20] C-2 and leaving them in C-2 and adding new
 [21] standards for them in C-2, in my opinion, that
 [22] would require another ad. I wouldn't want to do
 [23] that underneath the auspices of this.
 [24] **COUNCILMEMBER FLEMING:** So you do --
 [25] let me understand. You do not have to run an ad

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[1] if you remove them from C-2 and put them in E-1
 [2] -- M-1.
 [3] **ATTORNEY WEED:** Yes, because I think
 [4] that's already covered by the ad that we ran.
 [5] **MR. ANDERSON:** How about trucks and
 [6] boats?
 [7] **ATTORNEY WEED:** That's not mentioned in
 [8] car lots, so --
 [9] **COUNCILMEMBER ALEXANDER:** So we cannot
 [10] address any of the other items in C-2.
 [11] **ATTORNEY WEED:** I feel very confident
 [12] we can delete automobile sales and repairs and
 [13] service out of C-2 and put it in M-1.
 [14] I don't feel as confident trying to
 [15] address trucks, boats, everything else without a
 [16] separate ad.
 [17] **COUNCILMEMBER ROCHE:** Sounds like we
 [18] need a separate ad. I really don't want a
 [19] Car Max at the K-Mart site.
 [20] **ATTORNEY WEED:** But while we've got the
 [21] ad that we've run, though, do you still want to
 [22] go forward with taking -- putting the automobile
 [23] sales lots in M-1? because we could go forward
 [24] with that tonight, and then in a separate
 [25] ordinance we can address putting, you know,

[1] anything else --
[2] Well, what we ought to do, frankly,
[3] with regard to the secondary aspect of this
[4] would be to look at C-2 and C-1 and see if
[5] there's anything in both of those we need to
[6] change, including that, and then just
[7] concentrate on changes in those sections and
[8] advertise it broadly enough to do that.

[9] That would be the best way of doing
[10] that in my opinion. I don't know if Scott
[11] disagrees or not. I think he would agree.

[12] In other words, to wind this up, do you
[13] want to go forward tonight with taking the cars
[14] out of C-2 and putting them in M-1? which is all
[15] you can do on this issue.

[16] **COUNCILMEMBER FLEMING:** How many more
[17] days are left on the moratorium?

[18] **COUNCILMEMBER ALEXANDER:** November
[19] 25th.

[20] **ATTORNEY WEED:** It's November 25th, so
[21] we've got plenty of time.

[22] **COUNCILMEMBER ALEXANDER:** I guess how
[23] did it get communicated that we wanted to remove
[24] them from the commercial zoning to the
[25] industrial zoning?

[1] **COUNCILMEMBER FLEMING:** So that being
[2] said and what Maria just said, then they would
[3] now be allowed in C-2 and M-1 --

[4] **ATTORNEY WEED:** Temporarily.

[5] **COUNCILMEMBER FLEMING:** -- because we
[6] never advertised that it was coming out of one
[7] and going into another.

[8] **ATTORNEY WEED:** This ordinance can be
[9] changed tonight, in my opinion, to put
[10] automobile sales lots into M-2, and I think --
[11] and the ordinance could be adjusted here and
[12] changed here at the meeting to delete that use
[13] from C-2, in my opinion, without an additional
[14] advertisement.

[15] If we go beyond that, I don't feel
[16] comfortable doing anything beyond that --
[17] addressing, you know, the manufactured homes,
[18] that type of thing.

[19] The safest way of doing it would be to
[20] run an ad that would either be broad enough to
[21] address the subject just generally, saying
[22] "Relocation of car lots into an appropriate
[23] zone," and wherever, and then that would give
[24] you the right to do whatever you wanted to with
[25] anything you wanted to, or mention that you want

[1] **ATTORNEY WEED:** Well, the ad --

[2] **COUNCILMEMBER ALEXANDER:** I know what
[3] the ad says.

[4] **ATTORNEY WEED:** Okay.

[5] **COUNCILMEMBER ALEXANDER:** I'm talking
[6] about from -- from the get-go when we were
[7] talking about wanting to increase the size to
[8] deter the ma-and-pop pay-here-with-your-
[9] paycheck-stub car lots to something larger, to
[10] the six acres, and we were given this original
[11] draft. I'm not sure of the date.

[12] Were we presented this draft because
[13] you were unaware that they were in C-2?

[14] **ATTORNEY WEED:** Correct. It had never
[15] -- that had not --

[16] In all of our conversations, that had
[17] never come up. There was no contemplation of
[18] them being in C-2. The idea was simply to put
[19] them into M-1. And then through the process of
[20] this, we've discovered that yes, it's a
[21] permitted use in C-2.

[22] **COUNCILMEMBER ALEXANDER:** And they were
[23] never permitted uses in M-2, or they were?

[24] **ATTORNEY WEED:** No. That was something
[25] new.

[1] to delete them from C-2 and put them into M-1
[2] specifically, or modify C-2 to add additional
[3] regulations to automobile sales lots in C-2.

[4] What we can do tonight, though, in my
[5] opinion, is if you want to go forward with this
[6] ordinance, it would be sales lots in M-1 and
[7] that in effect you could modify it enough to
[8] delete it from C-2. That's my opinion.

[9] **COUNCILMEMBER ROCHE:** Well, we also
[10] have the option of saying let's do that but
[11] actually voting on it on Monday's meeting.

[12] **ATTORNEY WEED:** Yes. And what you have
[13] to do to make that happen, you've run an ad to
[14] address the issue tonight. The zoning ad is the
[15] zoning ad you have to place with ZPA.

[16] If you don't vote tonight, you've got
[17] to reset this matter to a date certain, which
[18] could be your Monday night meeting.

[19] **COUNCILMEMBER ROCHE:** Right.

[20] **ATTORNEY WEED:** But the hearing,
[21] everything is here underneath the law for
[22] tonight's meeting. But you don't necessarily
[23] have to bring it to a closure tonight but you do
[24] have to make a motion and a second to say when
[25] you're going to bring it to a closure. It can't

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[1] go on indefinitely.

[2] **COUNCILMEMBER ROCHE:** Because we're

[3] talking about making several different changes

[4] here, I'd probably feel a lot more comfortable

[5] if we did that that way.

[6] **ATTORNEY WEED:** Well, let's back up a

[7] step. And I don't know the history of why the

[8] Council wanted to address this with some

[9] immediacy, and that situation may have changed.

[10] Now that you've got a full-time planner

[11] here, there may be time enough now to do a

[12] comprehensive review of C-2. And we're already

[13] doing the review of M-1/M-2. In fact, you'll

[14] probably get a draft of that late tomorrow.

[15] Or if you still have the immediacy that

[16] you felt when this came up over the summer, you

[17] could go ahead and act upon this part tonight.

[18] **COUNCILMEMBER ALEXANDER:** Well, the

[19] immediacy is the concern that Title Max is going

[20] to be a car dealership and now we have somebody

[21] that wants to move into Tres Esquinas that wants

[22] to put a car dealership.

[23] **CLERK BLACKMON:** And Grandma's

[24] Biscuits.

[25] **COUNCILMEMBER ALEXANDER:** And Grandma's

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[1] Biscuits. And that's why this came about, that

[2] we don't want any more of that.

[3] **COUNCILMEMBER ROCHE:** But we have the

[4] moratorium until November 25th.

[5] **COUNCILMEMBER ALEXANDER:** But will we

[6] just keep telling these people they can't -- "We

[7] have to defer you. We're working on it. We

[8] have to defer you. We're working on it?"

[9] **ATTORNEY WEED:** You can until November

[10] the 25th. I mean that's the purpose of the

[11] moratorium.

[12] **COUNCILMEMBER ROCHE:** It's better to do

[13] it right, I think, than --

[14] **COUNCILMEMBER ALEXANDER:** Correct, and

[15] --

[16] **ATTORNEY WEED:** And I'm not saying you

[17] shouldn't do something now, but you can do that.

[18] **COUNCILMEMBER ALEXANDER:** And my point

[19] was I don't remember myself ever stating that I

[20] wanted car dealerships removed from the

[21] commercial zoning district. I wanted the size

[22] increased to deter the buy-here-pay-you-here

[23] dealerships. That is why I asked you the

[24] question of how we got to this M-1 ordinance.

[25] **ATTORNEY WEED:** Changing the C-2

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[1] district, to my recollection, never came up.

[2] The main goal, in fact in all of the

[3] drafts that I've done since summer, we have kept

[4] addressing it by virtue of M-1 and increase the

[5] size, originally three acres, up to six.

[6] **COUNCILMEMBER ALEXANDER:** But the car

[7] lots were never in M-1; correct?

[8] **ATTORNEY WEED:** Correct. They were

[9] going to be --

[10] **COUNCILMEMBER ALEXANDER:** I guess

[11] that's why I'm confused, because I talked about

[12] size and car lots and never mentioned this

[13] zoning.

[14] **ATTORNEY WEED:** I --

[15] **COUNCILMEMBER ALEXANDER:** Because my

[16] concern was Buford Highway.

[17] **ATTORNEY WEED:** Every -- I hear you.

[18] Every ordinance that I've written about this

[19] since the first one that came down the pipeline

[20] dealt with M-1.

[21] **COUNCILMEMBER ALEXANDER:** I know, and

[22] that's why I called Rhonda and asked her about

[23] this ordinance when I received it, because I

[24] said, "Well, this isn't going to help us on

[25] Buford Highway because Buford Highway is not

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[1] M-1."

[2] **MAYOR JENKINS:** Ben?

[3] **MR. CRAWFORD:** Ben Crawford.

[4] I actually kind of -- if it's okay, get

[5] Scott's opinion about what we need, as being the

[6] city planner, and moving the car lots and the

[7] size considerations on it and moving it to M-1.

[8] Also another thing I'd like to point

[9] out which I mentioned earlier tonight is the

[10] proximity of other businesses that do the same.

[11] If you just take a drive down Motor Industrial

[12] Way and you hook a left on Peachtree Industrial,

[13] you'll see about what? six car dealerships, new

[14] and used. So there's quite a few right around

[15] the corner, and you drive around Doraville and

[16] you see quite a few right now of all different

[17] types, as Maria pointed out -- some that look

[18] halfway decent and some that really look

[19] terrible.

[20] So I don't know if you want to give

[21] your opinion on that but I'd like to hear it.

[22] **MR. HAEBERLIN:** I think that what's

[23] really being illuminated tonight is we need to

[24] write C-1, C-2, M-1 and M-2 really all at once

[25] in addition to addressing your immediate

[1] concern, and that's already been looked at.
[2] My opinion is that car lots don't
[3] necessarily need to be in C-1, they would be
[4] better suited in M-1; however, I think some
[5] components of services, as been illuminated
[6] earlier, like getting tires or whatever, needs
[7] to be in C-2 and it could perhaps be a
[8] conditional use in C-2.

[9] So you would have the best of both
[10] worlds. You would have M-1 as your car lot area
[11] but you'd have neighborhood service-style items
[12] if you had a flat or you need some new tires or
[13] maybe even you need a muffler, something like
[14] that. So you can get the best of both worlds,
[15] from what you're telling us.

[16] But I think, since we're already
[17] working on M-1 and M-2, give us consent to
[18] rewrite C-1 and C-2 at the same time. I think
[19] then you're going to see a holistic approach. I
[20] think you'll be very pleased with what we've
[21] already set forth in M-1 and M-2.

[22] **ATTORNEY WEED:** And my question to
[23] everybody would be what's your intention for
[24] these uses in C-2? Do you want them there but
[25] more heavily regulated or do you not want them

[1] like to have some kind of --
[2] Even if it's architecturally nice-
[3] looking, personally, I don't want to turn Buford
[4] Highway into car lots. I agree with you about,
[5] you know, the light stuff, about buying tires
[6] and that sort of thing, and yes, we need some of
[7] it, but --

[8] Again, maybe other people don't share
[9] the same vision as I do, and I understand that
[10] and I'm open to persuasion, but personally --

[11] **COUNCILMEMBER ALEXANDER:** You can make
[12] auto sales a conditional use in C-2?

[13] **MR. HAEBERLIN:** If that's, you know,
[14] obviously something that you would like to do.
[15] I mean there's -- I think there's a lot of
[16] things you really need to get down to a certain
[17] level and think about as conditional uses.

[18] **COUNCILMEMBER ROCHE:** Right.

[19] **MR. HAEBERLIN:** I think effectively
[20] what Murray has relayed to you tonight, he feels
[21] very comfortable with car sales lots but not
[22] addressing right now farm equipment. We're
[23] going to do that with another rewrite.

[24] **COUNCILMEMBER ROCHE:** Can we have a
[25] C-1/C-2 --

[1] in C-2?

[2] And I mean we can legally do it either
[3] way but we just want a -- I'd like to have a
[4] clear direction about that.

[5] And I ask that because clearly the very
[6] first version of this ordinance I generated went
[7] to the City on August the 4th, and that's back
[8] when we were talking about one acre. Even back
[9] then, we just addressed M-1. And I'm not just
[10] saying -- that's not to say that we shouldn't
[11] have done it in C-2, but as far back as August
[12] the 4th the ordinances dealt with M-2.

[13] So I'm certainly willing, able, and we
[14] can deal with it through C-2. Just want to know
[15] if that's what you want to do.

[16] **COUNCILMEMBER ROCHE:** Yeah. Originally
[17] we were concerned about, you know, garbage dumps
[18] and recycling stuff over in the tank farm. But
[19] of course, it's like everything; you know, you
[20] touch one thing and you realize there's a lot of
[21] other stuff going on too.

[22] And you know, my only concern would be
[23] that in C-2 right now, there are lots like the
[24] K-Mart property or whatever. You know, could be
[25] tomorrow we hear they're selling it, and I would

[1] **ATTORNEY WEED:** Well, our ad will not
[2] stretch to cover that.

[3] **COUNCILMEMBER ROCHE:** Right. Although
[4] could we do a C-1/C-2 by November 25th?

[5] **ATTORNEY WEED:** Sure.

[6] **MR. HAEBERLIN:** Absolutely.

[7] **COUNCILMEMBER ROCHE:** Architectural
[8] standards too?

[9] **MR. HAEBERLIN:** Maybe not that. At
[10] least get the uses.

[11] **ATTORNEY WEED:** You'll have a draft.

[12] **MR. HAEBERLIN:** Yeah. I think when you
[13] see M-1 and M-2, you'll go like, "Wow. They
[14] have really thought about a lot of uses that I
[15] never thought about," and a lot of that was from
[16] working with the folks on business licenses and
[17] applications. So we've really addressed a lot
[18] of uses.

[19] **ATTORNEY WEED:** So for tomorrow, let's
[20] assume we don't go any further with this tonight
[21] and that we do kind of a rewrite of C-1/C-2 in
[22] addition to the M-1/M-2 that we're just about
[23] done with, do you want to be able to have the
[24] automobile uses in M-1 or do you want to leave
[25] them in C-2 with more restrictions? Do you want

[1] to have the ability to do them in both zones or
 [2] just one zone?
 [3] **COUNCILMEMBER SPANGLER:** My feelings
 [4] are whatever we do, I don't want to run, again,
 [5] our revenues out of the city. At the same time,
 [6] we don't want to bring those revenues in that
 [7] are undesirable. Okay?
 [8] So what we've done tonight is we've
 [9] gotten nowhere, you know. This was a waste of
 [10] everybody's time.
 [11] **ATTORNEY WEED:** It's not quite that
 [12] bad. At least -- at least you've got some
 [13] ideas. It seems like you agree that you want it
 [14] to be 600 square [sic] foot frontage, six acres
 [15] size, black vinyl fencing. You know, you've
 [16] settled on some of the basic parameters, which
 [17] we're going to be able to use those next time.
 [18] To me, the only remaining decision that
 [19] I still don't have a clear answer on is do we
 [20] try to work on tightening up C-2 or take it out
 [21] of C-2 completely and put it in M-1, and do you
 [22] want both options or one?
 [23] **COUNCILMEMBER SPANGLER:** Well, actually
 [24] we don't know until the zoning map is changed.
 [25] We're not even going to know actually what C-2

[1] you could require them to be in an enclosed
 [2] area? In other words, I think what we're trying
 [3] to get away from is the parking lot car dealer
 [4] and we want to attract the high end, the guy
 [5] that's selling the Corvette or the Lamborghini
 [6] or, you know, a high quality car. I think you
 [7] don't want to tell those people, "Take a hike,"
 [8] you know.
 [9] I don't know if this is legal. I don't
 [10] know if it's been tried. But I do know in
 [11] Ft. Lauderdale they're all enclosed car
 [12] dealerships. The cars aren't sitting out in the
 [13] elements. They're in closed buildings. And I
 [14] think that would restrict your Car Max going in
 [15] that K-Mart. And you can still have car
 [16] dealers, you know, if you limited the percentage
 [17] that could be out in the elements.
 [18] **MAYOR JENKINS:** Okay. We're going to
 [19] bring it up to the table. Where are we?
 [20] **ATTORNEY WEED:** Well, I think,
 [21] Mr. Mayor, the ordinance before you right now
 [22] with the relevant changes still deals with M-1.
 [23] It would not delete the use out of C-2. It
 [24] would allow the additional car sales with all of
 [25] the restrictions, and there are a great number

[1] and C-1 is and what M-1 and M-2 is till the
 [2] changes are made on the zoning map.
 [3] **COUNCILMEMBER FLEMING:** My preference
 [4] would be -- and I understand what you're saying,
 [5] Mr. Spangler, but I think this particular one
 [6] for M-1 is fine but I want to be able to see the
 [7] same restrictions in C-2 for automobile
 [8] dealerships to restrict Buford Highway in some
 [9] re- -- you know, in that respect, because I
 [10] don't want to, you know, stop a Drive Time or
 [11] Car Max or someone like that from coming in.
 [12] **MS. ALEXANDER:** I would agree to this
 [13] and perhaps make it a conditional use in C-2,
 [14] because I agree with Mr. Roche. I wouldn't want
 [15] to see the entire K-Mart area be turned into a
 [16] Car Max but I don't want to deter them from
 [17] coming here.
 [18] **MS. HOFFMEISTER:** I have a question.
 [19] You go to Ft. Lauderdale and you can buy some
 [20] wonderful cars downtown. You can buy a
 [21] Lamborghini, you know, all sorts of cars. You
 [22] don't want to restrict those out of your
 [23] downtown area.
 [24] And I have a question for Scott and
 [25] Murray. Is there any way in your zoning that

[1] of them, in M-1 zone. And that's all that this
 [2] one would do.
 [3] And if you want to move forward on this
 [4] one, you can do that, or you can choose not to
 [5] move forward with it; either way.
 [6] And then with regard to modifying C-2,
 [7] we would do that underneath a different
 [8] ordinance and make it more restrictive in C-2.
 [9] So ultimately before you would be --
 [10] **MAYOR JENKINS:** Do we want to move
 [11] forward on this?
 [12] **ATTORNEY WEED:** Correct.
 [13] **MAYOR JENKINS:** Okay.
 [14] **COUNCILMEMBER SPANGLER:** Well, since we
 [15] have the moratorium on until -- what was it,
 [16] November the 25th --
 [17] **MAYOR JENKINS:** Yes.
 [18] **COUNCILMEMBER SPANGLER:** -- Why not
 [19] wait and find out what we're proposing on the
 [20] C-1 and C-1 and M-1 and M-2 changes?
 [21] **MAYOR JENKINS:** Okay.
 [22] **COUNCILMEMBER FLEMING:** My comment was
 [23] voting on it on Monday at our regular meeting
 [24] because we still need to see the changes that
 [25] you will be making; correct?

[1] Can we vote on a document that has not
[2] been updated with the corrections we're making
[3] this evening?

[4] **ATTORNEY WEED:** Absolutely. In fact
[5] it's done all the time.

[6] I'm happy to make the corrections.
[7] That's how legislation works. You're relying
[8] upon me to make the corrections that you told me
[9] to make.

[10] Or as long as you defer it to a date
[11] certain, if you want to move it off to Monday
[12] night, you can do that too. The zoning ad of
[13] course is run for tonight. So you have to make
[14] a motion and a second to move the final decision
[15] until the -- to the Monday night meeting.

[16] **COUNCILMEMBER ROCHE:** I like that idea.

[17] **ATTORNEY WEED:** And in the meantime, I
[18] can make the changes and have it to you
[19] tomorrow.

[20] **COUNCILMEMBER ROCHE:** I like that idea,
[21] plus we'd all be here.

[22] **ATTORNEY WEED:** Either way is legal.

[23] **MAYOR JENKINS:** What was you saying?
[24] Just carry it till Monday?

[25] **COUNCILMEMBER FLEMING:** I make a motion

[1] **CLERK BLACKMON:** Councilmember Roche?
[2] **COUNCILMEMBER ROCHE:** Yes.
[3] **CLERK BLACKMON:** Councilmember
[4] Spangler?

[5] **COUNCILMEMBER SPANGLER:** Yes.

[6] **ATTORNEY WEED:** Then I would advise
[7] that you make a motion to make a determination
[8] on the piece of legislation at the Monday night
[9] meeting, and you're deferring this until a date
[10] certain which is October the 6th, in according
[11] with the Zoning Procedures Act.

[12] **MAYOR JENKINS:** That'd be the same as
[13] making a motion that you would vote on it with
[14] the changes that we discussed. So will you make
[15] that motion?

[16] **COUNCILMEMBER FLEMING:** Yes, sir, I
[17] will.

[18] **COUNCILMEMBER ROCHE:** And I'll second
[19] it.

[20] **MAYOR JENKINS:** Which motion are we
[21] going to vote on?

[22] **COUNCILMEMBER FLEMING:** I make a motion
[23] to defer until Monday night at our regular
[24] meeting and vote at that time.

[25] **MAYOR JENKINS:** Very good. But we

[1] to -- this was our first hearing, public
[2] hearing, and I make a motion to put the second
[3] public hearing off until Monday evening.

[4] **ATTORNEY WEED:** I ask you to rephrase
[5] that motion.

[6] **COUNCILMEMBER FLEMING:** Okay.

[7] **ATTORNEY WEED:** You've actually had a
[8] public hearing.

[9] What I would do is I'd make a motion
[10] first, otherwise, to close the public-hearing
[11] portion of the meeting.

[12] **MAYOR JENKINS:** Okay. Do I have a
[13] motion to close the public hearing?

[14] **COUNCILMEMBER FLEMING:** I make a motion
[15] we close the public hearing.

[16] **MAYOR JENKINS:** Second?

[17] **COUNCILMEMBER ROCHE:** Second.

[18] **MAYOR JENKINS:** Call the roll, please.

[19] **CLERK BLACKMON:** Councilmember
[20] Alexander?

[21] **COUNCILMEMBER ALEXANDER:** Yes.

[22] **CLERK BLACKMON:** Councilmember Fleming?

[23] **COUNCILMEMBER FLEMING:** Yes.

[24] **CLERK BLACKMON:** Councilmember Pittman?

[25] **COUNCILMEMBER PITTMAN:** Yes.

[1] won't have a public hearing on it again.

[2] **COUNCILMEMBER FLEMING:** No, sir.

[3] **ATTORNEY WEED:** No, sir.

[4] **MAYOR JENKINS:** Okay. Thank you.

[5] **COUNCILMEMBER ROCHE:** And I'll still
[6] second it.

[7] **MAYOR JENKINS:** Call the roll, please.

[8] **COUNCILMEMBER ALEXANDER:** This will be
[9] handled under Attorney's Comments since this
[10] does not appear as an agenda item?

[11] **ATTORNEY WEED:** Yes, we can do that.

[12] **COUNCILMEMBER ROCHE:** Well, we still
[13] have time to add it to the agenda, don't we?

[14] **MAYOR JENKINS:** No.

[15] **ATTORNEY WEED:** Well, I want to get --

[16] **MAYOR JENKINS:** The agenda is closed.

[17] We'll put it under Murray's items.

[18] **ATTORNEY WEED:** Yes, sir.

[19] State law says you can modify the
[20] agenda any time you wanted to. You imposed a
[21] self-imposed rule about the two agendas having
[22] to match.

[23] So what I would say to you is I'll
[24] handle it underneath Attorney's Comments for
[25] sake of ease and convenience.

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[1] **MAYOR JENKINS:** Very good. Thank you.
 [2] The next item on the agenda --
 [3] **COUNCILMEMBER ALEXANDER:** You need to
 [4] call the roll.
 [5] **MAYOR JENKINS:** I thought I did. Go
 [6] ahead and call the roll.
 [7] **CLERK BLACKMON:** Councilmember
 [8] Alexander?
 [9] **COUNCILMEMBER ALEXANDER:** Yes.
 [10] **CLERK BLACKMON:** Councilmember Fleming?
 [11] **COUNCILMEMBER FLEMING:** Yes.
 [12] **CLERK BLACKMON:** Councilmember Pittman?
 [13] **COUNCILMEMBER PITTMAN:** Yes.
 [14] **CLERK BLACKMON:** Councilmember Roche?
 [15] **COUNCILMEMBER ROCHE:** Yes.
 [16] **CLERK BLACKMON:** Councilmember
 [17] Spangler?
 [18] **COUNCILMEMBER SPANGLER:** Yes.
 [19] **MAYOR JENKINS:** Motion carried.
 [20] The next item is Operation and
 [21] Maintenance Agreement for Peachtree Pavilion.
 [22] There should not be very little discussion on
 [23] this because we've been through it and it's
 [24] actually already been voted on, but we did not
 [25] put it on the agenda so Murray says to vote on

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[1] it again. So do we have any comments on it?
 [2] (No response)
 [3] **MAYOR JENKINS:** Do I have a motion we
 [4] pass the maintenance agreement for Peachtree
 [5] Pavilion?
 [6] **COUNCILMEMBER ALEXANDER:** So moved.
 [7] **MAYOR JENKINS:** Second?
 [8] Second?
 [9] **COUNCILMEMBER PITTMAN:** Second.
 [10] **MAYOR JENKINS:** Call the roll.
 [11] **CLERK BLACKMON:** Councilmember
 [12] Alexander?
 [13] **COUNCILMEMBER ALEXANDER:** Yes.
 [14] **CLERK BLACKMON:** Councilmember Fleming?
 [15] **COUNCILMEMBER FLEMING:** No.
 [16] **CLERK BLACKMON:** Councilmember Pittman?
 [17] **COUNCILMEMBER PITTMAN:** Yes.
 [18] **CLERK BLACKMON:** Councilmember Roche?
 [19] **COUNCILMEMBER ROCHE:** Yes.
 [20] **CLERK BLACKMON:** Councilmember
 [21] Spangler?
 [22] **COUNCILMEMBER SPANGLER:** No.
 [23] Should this have -- this has been done
 [24] before now?
 [25] **MAYOR JENKINS:** We did it before now.

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[1] **COUNCILMEMBER SPANGLER:** Well, we did
 [2] it last meeting but it wasn't advertised. Okay?
 [3] **MAYOR JENKINS:** This is only an
 [4] agreement so we --
 [5] **COUNCILMEMBER SPANGLER:** I understand
 [6] it's an agreement. But this should have been
 [7] something that I would have thought that would
 [8] have been done at the beginning of construction
 [9] of Peachtree Pavilion.
 [10] **MAYOR JENKINS:** No, no, no.
 [11] **ATTORNEY WEED:** Well, with regard to --
 [12] I can't answer that. You'd have to talk to Mr.
 [13] Ronald Buice about that.
 [14] The origin of this is Mr. Buice
 [15] approached me and asked me to help him draft an
 [16] agreement that he had a pre-created form on, to
 [17] deal with a situation where developers had built
 [18] a building and they needed to build water
 [19] holding facilities to comply with soil and
 [20] erosion control and stormwater runoff. And the
 [21] purpose of the contract is so the City doesn't
 [22] have to bear the burden of taking care of those
 [23] facilities 10/15/20 years from now, and, rather,
 [24] that burden should be on the developer.
 [25] So with regard to when it should have

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[1] happened, you'd have to address that with
 [2] Mr. Buice.
 [3] **COUNCILMEMBER SPANGLER:** Well,
 [4] traveling around throughout different parts of
 [5] Georgia, any time there's new construction,
 [6] especially schools, okay, the retention pond or
 [7] whatever you want to call it is the first thing
 [8] they do before they even start construction.
 [9] Maybe Mr. Crawford could give me some
 [10] help on that. Do you know anything?
 [11] **MR. CRAWFORD:** I --
 [12] **MAYOR JENKINS:** Well, the only reason
 [13] this has came up, can't nobody move in until
 [14] this is passed.
 [15] **COUNCILMEMBER SPANGLER:** Well --
 [16] **MAYOR JENKINS:** It's as simple as that.
 [17] **ATTORNEY WEED:** If this is helpful,
 [18] Councilman, I think every day is a new day. In
 [19] other words, I don't know how long Mr. Buice has
 [20] been here, but you have to start somewhere.
 [21] I heard a regular argument when I was a
 [22] solicitor, "Well, you know, the city never
 [23] prosecuted us for this type of violation
 [24] before," and the response to that is, "Well,
 [25] today's the first time. It's a new day, and

[1] from here on out, this is what we're going to
 [2] do." And that's legal, that's appropriate. You
 [3] have to start somewhere.
 [4] Maybe it should have been done in the
 [5] past and wasn't. I can't speak to that. I
 [6] don't know. But Mr. Buice is here now and the
 [7] present employees are here now, and from now on,
 [8] we're going to try to do it, we're going to try
 [9] to it right and we're going to try to do it
 [10] consistently. And whatever happened before, we
 [11] just have to hope for the best and try to fix it
 [12] in the background as we can.
 [13] **MAYOR JENKINS:** Okay. What was the
 [14] vote?
 [15] **CLERK BLACKMON:** 3-2.
 [16] **MAYOR JENKINS:** Four. Yes. Motion
 [17] carried.
 [18] Do we have a motion to adjourn?
 [19] **COUNCILMEMBER PITTMAN:** So moved.
 [20] **MAYOR JENKINS:** Second?
 [21] **COUNCILMEMBER ALEXANDER:** Second.
 [22] **MAYOR JENKINS:** Call the roll, please.
 [23] **CLERK BLACKMON:** Councilmember
 [24] Alexander?
 [25] **COUNCILMEMBER ALEXANDER:** Yes.

[1] **CLERK BLACKMON:** Councilmember Fleming?
 [2] **COUNCILMEMBER FLEMING:** Yes.
 [3] **CLERK BLACKMON:** Councilmember Pittman?
 [4] **COUNCILMEMBER PITTMAN:** Yes.
 [5] **CLERK BLACKMON:** Councilmember Roche?
 [6] **COUNCILMEMBER ROCHE:** Yes.
 [7] **CLERK BLACKMON:** Councilmember
 [8] Spangler?
 [9] **COUNCILMEMBER SPANGLER:** Yes.
 [10] **MAYOR JENKINS:** Thank you. Everybody
 [11] have a good day.
 [12] - - -
 [13] (Whereupon, the meeting was adjourned at
 [14] 8:30 p.m. the same day.)
 [15] -o0o-
 [16]
 [17]
 [18]
 [19]
 [20]
 [21]
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 [23]
 [24]
 [25]

[1] C E R T I F I C A T E
 [2] STATE OF GEORGIA]
 [3] COUNTY OF DEKALB]
 [4] I hereby certify that the foregoing transcript
 [5] was taken down, as stated in the caption, and the
 [6] proceedings were reduced to typewriting under my
 [7] direction and control.
 [8] I further certify that the transcript is a true
 [9] and correct record of the evidence given at the said
 [10] proceedings.
 [11] I further certify that I am neither a relative
 [12] or employee or attorney or counsel to any of the
 [13] parties, nor financially or otherwise interested in
 [14] this matter.
 [15] This the 10th day of October, 2008.
 [16]
 [17]
 [18]
 [19]
 [20] _____
 Theresa Bretch, CCR
 Permit No. B-755
 [21]
 [22] [SEAL]
 [23]
 [24]
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