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DeKalb Won't Appeal PDK Ruling

Tuesday, August 16 2005 @ 01:43 PM EST

Contributed by: [Editor](#)

DeKalb CEO Vernon Jones announced at the Aug. 16 DeKalb Work session that the county commissioners have voted not to appeal Judge Robert J. Castellani ruling for the county to disclose records relating to what type of planes use Peachtree DeKalb Airport (PDK).

"It has been determined by this board that DeKalb County will not pursue an appeal," Jones said. "DeKalb has been and always has been a government of openness."

Charles "Mickey" Feltus, a former airport advisory member who has lived near the airport for over 30 years, believes that the records he sued to get disclosed will show planes heavier than what is allowed by county codes routinely use the airport, that the county is trying to bypass environmental laws concerning noise and pollution and the county has not collected as much as \$2 million a year in ad valorem taxation of aircraft based at PDK.

Jones said at the work session that he has directed Airport Director Lee Rimmel to begin releasing the requested public documents at 3 p.m. following the work session.

Brandon Hornsby, the attorney for the residents who brought the suit against DeKalb County, said his clients are cautiously optimistic that the county will do what it says it will do.

"DeKalb County has a reputation for probably being one of the worst counties in regards to government secrecy," Hornsby said. "It looks like the shroud of secrecy is slowly coming off of PDK. So, we welcome CEO Jones' statement. The community will be satisfied not only when the documents are disclosed but when the county has a commitment to open government 24-hours a day, 7-days a week, 365 days a year. That's the only way we are going to know if DeKalb County commits itself to keeping its word."

Hornsby noted that Judge Castellani's ruling only deals with the first half of the case. Residents are also seeking repayment of attorney's fees.

"The county can make a commitment to paying back the community for all the unnecessary expenses and attorney's fees that they have incurred," Hornsby said. "It is unbelievably

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difficult for a common citizen to bring a lawsuit to enforce open government. Counties like DeKalb County have unlimited resources and are very powerful."

Hornsby said he hopes CEO Jones will be committed to helping residents ferret out if there is any corruption at PDK and to determine "if planes are illegally coming into PDK, if the county is failing to properly tax the aircraft using PDK and whether the aircraft using PDK present an environmental hazard to the community.

"Quite frankly, that's a lot of sunshine," Hornsby said. "If CEO embraces that cause then he will be a champion of the people."

Commissioner Elaine Boyer said county administrators conducted a straw poll on commissioners last Friday to determine whether the board wanted to appeal the case. Commissioners also discussed the issue in a closed session on Tuesday.

"We said no, we have no intent to appeal the case," Boyer said, noting that the commission never had control over the records. "We said give the residents the records—it's a no brainer."

Hornsby said the county attorney has "extended an olive branch" in an effort to settle the remaining issue in the case, first brought in May 2004.

"We are going to take her at her word," Hornsby said. "Hopefully we can resolve this case through a settlement. If we cannot reach a settlement, we are going to continue to litigating this case."

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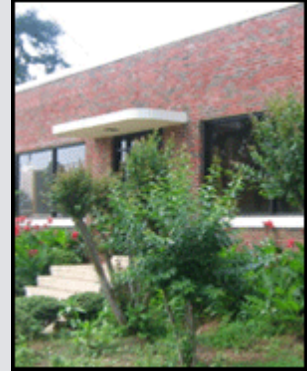
Authored by: [Open&Transparent](#) on Wednesday, August 17 2005 @ 11:09 AM EST

Jones said "DeKalb has been and always has been a government of openness."

Vern, you just flat-out lied. The county did everything possible to hide these records.

Your statement above is a bold-faced lie.

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Poll

What do you think of DeKalb CEO Vernon Jones' \$235 Million Bond Referendum Recommendation?

It's just what DeKalb needs; we are way behind on our infrastructure.

No bonds! The county should include more infrastructure funding in the annual budget.

I would prefer a millage rate increase to fund necessary infrastructure projects.

I support a bond but \$235 million is too much.

Jones should have recommended an even higher bond referendum.

[Results](#)

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Poll

Do you think DeKalb should require new developments to include "workforce housing" units?

Yes. I can't afford to buy another house in DeKalb. I'm going to have to move to Rockdale.

Maybe. The only affordable housing in DeKalb appears to be outside the Perimeter.

No way. The county shouldn't get involved in the housing market.

The county wouldn't need to do this if its zoning ordinance were designed to encourage housing for mixed incomes.

[Results](#)

50 votes | [0 comments](#)