

## **PDK Watch Newsletter, August, 2005**

### **Big Victory in Phase 1 of PDK Open Records Lawsuit:**

Our community has just won on all major points in its crucial first round of litigation with DeKalb County to secure more open and responsible government! After five years of work by concerned citizens and over a year of hard-fought litigation, community-funded lawyers for DeKalb resident Mickey Feltus have obtained a crucial Court order. It indicates that the defendants (DeKalb County, PDK Airport, CEO Jones, and PDK Airport Director Remmel) have violated Georgia Law by withholding records about flight operations at PDK Airport that have been requested under the Georgia Open Records Act. The order requires that the defendants release ALL the requested records. For details on this victory from the Atlanta Journal Constitution and other news media, see <http://www.opendekalbinc.org>.

### **Big Threat to Our Victory:**

This ruling--which was in our favor and against County secrecy on ALL major issues in question--faces an immediate threat, however. Although the County Law Department told the Court that the County would gladly turn over the records if ordered by the Court to do so, the County is now considering appealing the Judge's unequivocal order to release the records. The county cannot win such an appeal on its merits, but it could use the appeal to try to drag out this costly litigation and exhaust public financial support for the Open Records Lawsuit. If the County does appeal this ruling--instead of complying with it, as it has said it would do--the County will be using your own tax dollars to continue to violate state law. You and your neighbors, in addition, would have to make still more voluntary contributions just to carry through this first stage of the suit so that we can gain access to the records that are supposed to be available to us as citizens. This is an outrageous situation!

### **Your Immediate Action is Essential NOW:**

The DeKalb County Commissioners are meeting this Tuesday morning, August 16, at 9:00 a.m. at the Manuel Maloof Auditorium, 1300 Commerce Drive in Decatur, to determine whether or not to approve an appeal of Judge Castellani's open-and-shut ruling in favor of the community's right to know. In the next day and a half, it is essential that the Commissioners hear by e-mail from as many of you as possible. Please let them know that you oppose their using our own taxpayer dollars to carry on a frivolous lawsuit designed to block the community's legal rights under the Georgia Open Records Act. Ask them to abide by the Judge's clear order to release the records promptly to the public.

### **Here's how to write your Commissioners:**

It's easy to write your County Commissioners. A brief message in several sentences or paragraphs, simply identifying yourself and what you are concerned about is plenty. The

key is that the Commissioners hear from lots of you NOW, in your own words. After Tuesday morning, it could be too late. Send your e-mail letters, separately, to each Commissioner, but especially to Commissioners Gale Walldorff, Kathie Gannon, Connie Stokes, and Elaine Boyer, whose districts are most directly impacted by PDK Airport noise, expansion, and pollution:

Commissioner Gale Walldorff Galew@co.dekalb.ga.us  
Commissioner Kathie Gannon kgannon@co.dekalb.ga.us  
Commissioner Connie Stokes conniestokes@co.dekalb.ga.us  
Commissioner Elaine Boyer njmcbriid@co.dekalb.ga.us  
Commissioner Hank Johnson HankJ@co.dekalb.ga.us  
Commissioner Burrell Ellis BEllis@co.dekalb.ga.us  
Commissioner Larry Johnson ll.johnson@co.dekalb.ga.us

Come to the Tuesday, August 16, Commission Meeting:

Beginning about 8:30 a.m. at the Manuel Maloof Auditorium at 1300 Commerce Street in Decatur, some of us will be demonstrating for Open Records and Good Government, and then attending the County Commission meeting at which the Commissioners will be deciding whether to approve the funds to appeal the Court's decision. Come if you can, for as long as you can. Parking is available on the street, as well as in the large enclosed parking lot at Commerce and West Trinity (enter off of Trinity), just across from the Maloof Auditorium, at \$2.00 for the full day. We'll have signs and materials to make signs available, as well as colored badges that you can wear at the Commission meeting.

Why Getting the PDK Flight Records is So Important:

Once we actually get the records about PDK flight operations from the County and analyze them, we can then take action to require the reluctant County to enforce its own weight limit on aircraft at PDK. That next phase will also include exposing who has been benefiting financially from DeKalb's unlawful conduct, including approximately half the aircraft owners at PDK who are illegally failing to pay millions of dollars of taxes annually which would go to support the County's general revenue fund. Our environment is also degrading due to the increasingly large and polluting aircraft using PDK, and the failure of the Airport to establish mandatory paths to reduce the noise impact on our homes, schools, and churches. This open records fight is a necessary and important FIRST round in the much bigger battle to protect an open and honest government, property values, environment, safety, and quality of life from potentially unrestrained PDK Airport expansion.

The Importance of Your Continuing Financial Contributions:

This Open Records and Environmental Quality effort requires your continuing and generous support, if it is to be sustained to ultimate success. If you have not yet donated to Open DeKalb, Inc., the not-for-profit organization that has been formed to fund this vital community battle, please do so NOW by going to [www.opendekalbinc.org](http://www.opendekalbinc.org). Your

neighbor may have helped support the first round; it is your turn to help with the second.

If you have already contributed to Open DeKalb, Inc. (or to its forerunner organization, F.O.R. DeKalb, Inc.), please contribute again, if you can, and please consider making an on-going commitment of \$25 per month (the cost of the most basic cable TV service), or more if possible, to make sure that we can not only win this phase of the Open Records Lawsuit but carry the overall fight on to ultimate victory.

The Possibility of Getting Our Court Costs Repaid:

\*\*\* You may have read that the Feltus Lawsuit might secure repayment for some of its court costs from DeKalb County. Please understand that this is only a possibility and that, even if those costs should be partially reimbursed, such reimbursement still will not cover all the debts we have currently incurred in this vital case. Most important, even the repayment of court costs would not give us the necessary funds we will need to MOVE FORWARD to carry this case to secure our full victory in Phase 2 of this important effort. \*\*

We Can Continue Winning as a United Community:

We are so very close to obtaining the information we need to protect ourselves from:

- 1) corrupt local government, which doesn't want to "bother" many PDK jet operators by taxing their luxury jets and which is refusing to abide by its own aircraft size limit at PDK, and from
- 2) the serious pollution and quality-of-life problems that is PDK Airport is increasingly causing in DeKalb County.

Please give us the support we need to help us carry through this effort to full victory and win a vital victory that will make open records of all kinds more accessible to ALL citizens of DeKalb County.

In Conclusion, Please:

- (1) write your Commissioners NOW,
- (2) attend the County Commission meeting on August 16, if you can, and
- (3) contribute generously so we will have the funds to sustain this vital effort.

Sincerely yours,

Larry Foster  
for Open DeKalb, Inc.  
and for PDK Watch