

PDK Open Records Lawsuit -- 2nd Update, September 26, 2005

(See 1st Update, dated September 7, 2005)

Court Decides the County Is Wrong. On August 8, 2005, the DeKalb County Superior Court declared the County, PDK Airport, CEO Vernon Jones and PDK Airport Director Lee Rimmel in violation the Georgia Open Records Act for withholding records about operations at PDK Airport.

What Is Happening Now? Although the County has produced some of the sought-after computerized records on aircraft operations at PDK Airport, it has done so very slowly. The County is now saying that it will deliver the second batch of computerized records to the Feltus legal team on Monday, October 3, 2005. The parties have agreed to stay (suspend) the lawsuit until November 3, 2005 to allow the County time to comply with the Judge's order to disclose the PDK records. However, if the County continues to drag its feet on production of records, the Feltus legal team will be forced to go back to the Judge and ask him to intervene and make the County produce the records (requested in January 2004) promptly.

What's Next? Right now, the County is commencing formal decision-making on what kind of airport PDK Airport will be over the next 20 years. The process is called development of a "Master Plan" for the Airport and will determine the nature of PDK operations in the future. As a result, the win in the Feltus case and the records we are receiving because of it are even more crucial than previously understood because the County will no longer be able to deny the activity of more and larger aircraft at PDK as it has done in the past. The community will have the records to challenge the County at every step of the Master Plan process.

Significantly, it is not yet clear whether CEO Vernon Jones and DeKalb County will start to adhere to the 1987 contractual weight limit on aircraft at PDK, reversing a trend at the Airport of permitting larger and more aircraft on a regular basis and changing the Airport's taxiways and other facilities to accommodate use by larger and larger aircraft.

Why Is Continuing Financial Support Mandatory for Our Community? The Master Plan process is going forward, with or without the County's compliance with the agreed-upon weight limit. The only way to try to protect our neighborhoods from unlawful, larger, fuel-filled aircraft is to pressure the FAA and the County via all means available. That pressure takes significant funding and **IT IS NOW OR NEVER for our community with regard to PDK Airport.** The Feltus team is also working towards ensuring that DeKalb County taxes all personal property, including aircraft using PDK, fairly. Accountants conservatively estimate that \$28Million in County taxes has not been collected from aircraft owners at PDK.

Do your part NOW by sending a donation to Open DeKalb, Inc. at P.O. Box 190895, Atlanta, Georgia 31119 or visiting our website at www.opendekalbinc.org. You and/or your neighbors may have helped support the successful first round of this fight. ALL OF US must work together to make our community goals a reality.