

In The Matter Of:

*City Council Meeting
City of Doraville*

*Before Mayor Ray Jenkins
August 11, 2008*

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

Transcript of the proceedings 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 Monday,
August 11, 2008.

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[1] P R O C E E D I N G S
[2] **MAYOR JENKINS:** Meeting come to order.
[3] Call the roll.
[4] **CLERK BLACKMON:** Councilmember
[5] Alexander?
[6] **COUNCILMEMBER ALEXANDER:** Here.
[7] **CLERK BLACKMON:** Councilmember Bates?
[8] **COUNCILMEMBER BATES:** Here.
[9] **CLERK BLACKMON:** Councilmember Fleming?
[10] **COUNCILMEMBER FLEMING:** Here.
[11] **CLERK BLACKMON:** Councilmember Pittman?
[12] **COUNCILMEMBER PITTMAN:** Here.
[13] **CLERK BLACKMON:** Councilmember Roche?
[14] **COUNCILMEMBER ROCHE:** Here.
[15] **CLERK BLACKMON:** Councilmember
[16] Spangler?
[17] **COUNCILMEMBER SPANGLER:** Here.
[18] **MAYOR JENKINS:** This is a special call
[19] meeting for the sole purpose of some information
[20] on our Inspections Department. And we've got
[21] new information as of 5:30 this afternoon, and
[22] everything's a little bit better than we thought
[23] it was.
[24] So Murray, would you read the letter
[25] and let's determine what we have and what we're

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[1] **APPEARANCES:**
[2] Doraville City Council:
[3] Hon. Ray Jenkins, Mayor
[4] Councilmember Maria Alexander
[5] Councilmember Brian Bates
[6] Councilmember Robert Spangler
[7] Councilmember Donna Pittman
[8] Councilmember Bob Roche
[9] Councilmember Pam Fleming
[10]
[11] Murray J. Weed, City Attorney
[12]
[13] Ms. Rhonda Blackmon, City Clerk
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[1] lacking, if you understand what I'm saying.
[2] I don't see any reason, unless the
[3] Council determines that, to go into Executive
[4] Session.
[5] **ATTORNEY WEED:** Mr. Mayor and members
[6] of the Council, my understanding of the purpose
[7] of this meeting was to ascertain whether or not
[8] the Building Inspector met the qualifications as
[9] a quote/unquote "Qualified Inspector" under
[10] Section 8-2-26.1 of the Official Code of Georgia
[11] Annotated.
[12] I have been given a letter dated August
[13] the 11th of 2008. I was told about the letter
[14] late this afternoon by Councilman Bates. I'm
[15] going to read into the record the content of the
[16] letter. It is on the stationery of the
[17] International Code Council, dated August 11th,
[18] 2008; Charles A. Entsminger, 3244 Flint Lock
[19] Way, N.W., Marietta, Georgia 30064-1135.
[20] "Dear Mr. Entsminger. On August 7th,
[21] your Credit Card was charged \$150.00 total.
[22] Your certification has been processed and your
[23] new Expiration date will be 8-11-2011 for both
[24] categories. It will not show up on the website
[25] until later this evening when the website is

[1] refreshed.

[2] "I assure you that all is well and you

[3] are in good standing. If you have any further

[4] questions, please do not hesitate to contact me

[5] at" -- a number which has been redacted; I

[6] cannot read it -- "I will be happy to help you.

[7] Sincerely, Beverly Konoian, Sr. Testing

[8] Administrative Assistant and Renewals CEU

[9] Auditor, International Code Council, 5360

[10] Workman Mill Rd., Whittier, CA 90601-2298."

[11] And there is some other handwriting on

[12] the document. I don't know whose handwriting it

[13] is. It says, "Mechanic," "Residential --"

[14] **MAYOR JENKINS:** I scribbled that on

[15] there but I've redone it since.

[16] **ATTORNEY WEED:** All right.

[17] Looks like "M plans," "Comm" and

[18] "HVAC."

[19] I think the answer to the first

[20] question it is my understanding that the Council

[21] wanted to meet on is whether or not Mr.

[22] Entsminger currently meets the ICC requirements

[23] and therefore is a qualified inspector.

[24] My opinion would be that the answer to

[25] the question is yes based upon this letter.

[1] **COUNCILMEMBER SPANGLER:** Everything as

[2] in what?

[3] **COUNCILMEMBER BATES:** Everything as in

[4] site inspection, structural, mechanical,

[5] plumbing, electrical, anything else dealing with

[6] a residential structure.

[7] **COUNCILMEMBER SPANGLER:** Okay. What

[8] about the commercial piece of it?

[9] **COUNCILMEMBER BATES:** Mechanical.

[10] **COUNCILMEMBER SPANGLER:** Okay. And

[11] mechanical means?

[12] **COUNCILMEMBER BATES:** HVAC.

[13] **COUNCILMEMBER SPANGLER:** And that's it.

[14] **COUNCILMEMBER BATES:** That's it.

[15] **COUNCILMEMBER SPANGLER:** No electrical.

[16] **COUNCILMEMBER BATES:** No electrical, no

[17] plumbing, no structural, no site, no concrete,

[18] no plan review.

[19] **COUNCILMEMBER SPANGLER:** I don't have

[20] anymore for Mr. Bates. I probably have some for

[21] Mr. Entsminger.

[22] **MAYOR JENKINS:** Do you want to call up

[23] Mr. Entsminger?

[24] **COUNCILMEMBER SPANGLER:** Well, we can,

[25] or we can -- do you want to go into an Executive

[1] I don't know if there were other issues

[2] that the Council wanted to address at this time.

[3] **MAYOR JENKINS:** I don't really think

[4] there is other than the part that he is lacking,

[5] we can use Keck & Wood until that is

[6] straightened out.

[7] **COUNCILMEMBER BATES:** And just to

[8] clarify, I did speak with Ms. Konoian to verify

[9] the information. It was a little unclear as to

[10] what the categories covered that were renewed.

[11] And according to Ms. Konoian, it was mechanical

[12] and residential combination. My understanding,

[13] it's commercial mechanical and everything going

[14] with residential, and that those certificates

[15] are valid through August 11th of 2011.

[16] **COUNCILMEMBER SPANGLER:** So in your

[17] research, in your contact with this person,

[18] Mr. Bates, what exactly can Mr. Entsminger do?

[19] **COUNCILMEMBER BATES:** Commercial

[20] mechanical and residential combination.

[21] **COUNCILMEMBER SPANGLER:** Okay. Specify

[22] what all he can do.

[23] **COUNCILMEMBER BATES:** Residential

[24] combination would as I understand it include

[25] everything.

[1] Session like the message said that I got?

[2] **MAYOR JENKINS:** I said possible

[3] executive session. And unless the Council votes

[4] to go into Executive Session --

[5] Do we want to go into Executive

[6] Session?

[7] **COUNCILMEMBER SPANGLER:** Well, I'm

[8] going to ask Mr. Entsminger some questions in

[9] front of the audience.

[10] **MAYOR JENKINS:** Okay.

[11] **COUNCILMEMBER SPANGLER:** In light of

[12] the information that we've just received, now

[13] could you please tell the Council what exactly

[14] you can do and what you can't do.

[15] **MR. ENTSMINGER:** Well, at this point,

[16] I'm not sure. People keep questioning.

[17] ICC told me that the certificates I

[18] sent in, they would renew them and send them

[19] back, and that included commercial building

[20] inspector, commercial electrical, plumbing and

[21] HVAC. And it says on this letter that I got

[22] from them, the fax, that both categories that

[23] they renewed in would be effective to 2011.

[24] Now, what the definition of "both

[25] categories," both categories would be commercial

[1] and residential one- and two-family dwelling.
 [2] **COUNCILMEMBER BATES:** That is not
 [3] consistent with what Ms. Konoian informed me in
 [4] that it was mechanical only and residential
 [5] combination.
 [6] **MR. ENTSMINGER:** Okay. Well, the fax
 [7] that I got from them says "both categories."
 [8] **COUNCILMEMBER BATES:** And in my conver-
 [9] sation with her, I referenced this letter that
 [10] she wrote and I said, "Could you please define
 [11] for me what 'both categories' means?" And she
 [12] informed me mechanical and residential combina-
 [13] tion.
 [14] I asked her for a definition of
 [15] residential combination; she said anything
 [16] dealing with residential. I asked her for a
 [17] definition of mechanical; she said commercial
 [18] mechanical.
 [19] That is what's listed on the ICC web
 [20] site as of 4 o'clock this afternoon. I can't
 [21] give you anymore than what she provided me when
 [22] I called her.
 [23] **MR. ENTSMINGER:** Well, I think
 [24] Ms. Fleming got a thing from DCA which shows the
 [25] categories.

[1] And then whatever the remainder are, my
 [2] understanding is the City's already got an
 [3] outside consulting building inspector, and as
 [4] long as they've got somebody who can do the
 [5] remainder of the codes, then you're covered.
 [6] So would that be helpful?
 [7] **COUNCILMEMBER SPANGLER:** Well,
 [8] Mr. Weed, I thought you had already done the
 [9] research and you've already discovered what
 [10] qualifications he does have.
 [11] **ATTORNEY WEED:** No, sir, that's not
 [12] accurate.
 [13] What I had done was I was asked to
 [14] confirm whether or not -- at the point that I
 [15] was brought into this, to determine underneath
 [16] Georgia law if he was a qualified inspector
 [17] underneath the definition. I did that and
 [18] issued an opinion.
 [19] Now he is in my opinion a qualified
 [20] inspector underneath Georgia law. But what I
 [21] didn't know -- and I sent an e-mail out to the
 [22] Council about this -- was with regard to 8-2-20,
 [23] which items Chuck is already qualified to do and
 [24] which ones we might have to get a third party to
 [25] do.

[1] **COUNCILMEMBER FLEMING:** It does list
 [2] them in alpha code, though I do not know what
 [3] the codes are. And based on the DCA codes from
 [4] Dekalb County, Mr. Entsminger has more certifi-
 [5] cation than does anybody else.
 [6] **COUNCILMEMBER ALEXANDER:** I asked about
 [7] that, and that was not proof of certification.
 [8] Because I printed out all of that too because I
 [9] said, "Is there a certification for swimming
 [10] pool inspector?" because it's listed under his
 [11] name too and I didn't really get an answer on
 [12] that. So I was unclear about what those
 [13] initials meant, but I printed out the defini-
 [14] tions of them also because that's one of the
 [15] things I looked at was the DCA web site also.
 [16] **ATTORNEY WEED:** I don't know if this is
 [17] going to be helpful or not, but it might be
 [18] easier for Chuck and the Council to reverse
 [19] engineer this. And by that, I mean to say in
 [20] Section 8-2-20, there's the listing of what are
 [21] the minimum state codes relevant to -- I think
 [22] what we care about would be Subsection B(i), and
 [23] then with regard to that with the codes, Chuck
 [24] maybe can tell us, you know, which ones he
 [25] already is certified for.

[1] **COUNCILMEMBER SPANGLER:** Okay.
 [2] **ATTORNEY WEED:** So that hasn't changed.
 [3] **COUNCILMEMBER SPANGLER:** I wanted to
 [4] ask, in your explanation or your answer, you've
 [5] said something to the effect that you were
 [6] brought into this. Who brought you into this?
 [7] **CLERK BLACKMON:** Councilman Alexander
 [8] first asked me to look into it and Councilman
 [9] Fleming asked me to confirm Councilman
 [10] Alexander's findings.
 [11] With that, would it be helpful to read
 [12] the list of the different codes and we'll see?
 [13] **COUNCILMEMBER SPANGLER:** We'll let
 [14] Mr. Entsminger --
 [15] **ATTORNEY WEED:** Great.
 [16] **COUNCILMEMBER FLEMING:** I personally
 [17] think that would help clarify, and
 [18] Mr. Entsminger would be able to say yes, that's
 [19] part of what they're reviewing for certification
 [20] and what's not.
 [21] So since I don't have that code in
 [22] front of me, yes, I would like you to enumerate.
 [23] **ATTORNEY WEED:** It's the International
 [24] Building Code, the National Electrical Code, the
 [25] International Fuel Gas Code, the International

[1] Mechanical Code, the International Plumbing
[2] Code, the International Residential Code for
[3] One- and Two-Family Dwellings, the International
[4] Energy Conservation Code, the International Fire
[5] Code, International Existing Building Code, and
[6] the International Property Maintenance Code, and
[7] I'm quoting, "any other codes deemed appropriate
[8] by the board for the safety and welfare of
[9] Georgia citizens," which doesn't mean much but
[10] that's what's in there.

[11] **COUNCILMEMBER SPANGLER:** Do you have
[12] definitions of what each one of those codes or
[13] the job description or the qualifications?

[14] **ATTORNEY WEED:** That's everything.
[15] That's everything the code sets out that I have.
[16] I read it verbatim, so I didn't --

[17] **MR. ENTSMINGER:** Mr. Weed, the
[18] International Fire Code's handled by the Police
[19] Department.

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

[21] **MR. ENTSMINGER:** What was the other
[22] one?

[23] **ATTORNEY WEED:** International Building
[24] Code.

[25] **MR. ENTSMINGER:** We're under that.

[1] don't think ICC is recognizing it now.

[2] **ATTORNEY WEED:** Okay. So that's to be
[3] gotten or we'll find a way to get that.

[4] The International Fire Code.

[5] **MR. ENTSMINGER:** That's the Fire
[6] Department.

[7] **ATTORNEY WEED:** Okay. The
[8] International Existing Property -- Building
[9] Code. I'm sorry. The International Existing
[10] Building Code.

[11] **MR. ENTSMINGER:** We're under that.

[12] **ATTORNEY WEED:** Okay. And the
[13] International Property Maintenance Code.

[14] **MR. ENTSMINGER:** The International
[15] Existing Building Code goes back under the IBC
[16] too. That's the reason in our ordinance that
[17] the IBC's were retained as reference.

[18] **ATTORNEY WEED:** So you got that, too.
[19] That's the short answer?

[20] The International Property Maintenance
[21] Code, you've got that in addition to the
[22] International Existing Building Code?

[23] **MR. ENTSMINGER:** That's under SBCCI.
[24] That's the reason ours -- the ordinance that you
[25] got -- that Mr. Powell got adopted referenced

[1] **ATTORNEY WEED:** Oh, you got that.
[2] The National Electrical Code.

[3] **MR. ENTSMINGER:** Got that.

[4] **ATTORNEY WEED:** Okay. The
[5] International Fuel Gas Code.

[6] **MR. ENTSMINGER:** Got that.

[7] **ATTORNEY WEED:** Okay. The
[8] International Mechanical Code.

[9] **MR. ENTSMINGER:** Yes.

[10] **ATTORNEY WEED:** Okay. The
[11] International Plumbing Code.

[12] **MR. ENTSMINGER:** Yes.

[13] **ATTORNEY WEED:** The International
[14] Residential Code for One- and Two-Family
[15] Dwellings.

[16] **MR. ENTSMINGER:** Right.

[17] **ATTORNEY WEED:** Okay. The
[18] International Energy Conservation Code.

[19] **MR. ENTSMINGER:** That's the ECT.
[20] ECT2100.

[21] **ATTORNEY WEED:** Okay. So you can do
[22] that one?

[23] **COUNCILMEMBER FLEMING:** You can do that
[24] one?

[25] **MR. ENTSMINGER:** I have the old. I

[1] back to Southern Building Code Congress, the
[2] CABO code.

[3] **ATTORNEY WEED:** So the answer is yes,
[4] you've got it.

[5] **MR. ENTSMINGER:** The answer is we've
[6] got the code. No, I don't have that certifica-
[7] tion.

[8] **ATTORNEY WEED:** Okay. All right.
[9] Well, that's --

[10] **MR. ENTSMINGER:** But it looks a
[11] building inspector would have the certification
[12] to do that too.

[13] **ATTORNEY WEED:** All right. Well, see
[14] -- All right. Maybe I'm confused.

[15] Now, when you say "we've got it," does
[16] that mean that you can --

[17] **MR. ENTSMINGER:** The IBC --

[18] **ATTORNEY WEED:** -- view the codes or
[19] that we've adopted the codes?

[20] **MR. ENTSMINGER:** The IBC's, we've got
[21] those, and I have sent in those applications;
[22] correct.

[23] International Fire Code is not one of
[24] them.

[25] **ATTORNEY WEED:** Okay. I got that.

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[1] That's the Fire Department. We'll take care of
[2] that later.
[3] **MR. ENTSMINGER:** Okay. And then the --
[4] **ATTORNEY WEED:** International Energy
[5] Conservation Code --
[6] **MR. ENTSMINGER:** That's --
[7] **ATTORNEY WEED:** -- you're going to get
[8] or we'll get someone else to do it; right?
[9] **MR. ENTSMINGER:** Right.
[10] **ATTORNEY WEED:** Okay. So --
[11] **MR. ENTSMINGER:** Since y'all don't the
[12] recognize the ECT100 that I had.
[13] **ATTORNEY WEED:** Okay. Well, we'll
[14] figure that out.
[15] So you can do the International
[16] Building Code. You can do the National
[17] Electrical Code.
[18] **MR. ENTSMINGER:** Okay.
[19] **ATTORNEY WEED:** You can do the
[20] International Fuel Gas Code. You can do the
[21] International Mechanical Code.
[22] **MR. ENTSMINGER:** Correct.
[23] **ATTORNEY WEED:** You can do the
[24] International Plumbing Code.
[25] **MR. ENTSMINGER:** That's right.

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[1] **ATTORNEY WEED:** Okay. You can do the
[2] International Residential Code for One- and Two-
[3] Family Dwellings.
[4] **MR. ENTSMINGER:** Correct.
[5] **ATTORNEY WEED:** All right. And you can
[6] do the International Existing Building Code.
[7] **MR. ENTSMINGER:** I don't have a certi-
[8] fication, but the building inspector should
[9] cover that.
[10] **ATTORNEY WEED:** Okay. All right. And
[11] you can do the International Property
[12] Maintenance Code; correct?
[13] **MR. ENTSMINGER:** That's not mine.
[14] **ATTORNEY WEED:** All right; good.
[15] All right. Well, that's the vast
[16] majority of them, and on those four, Mayor and
[17] Council, I either recommend we get an outside
[18] consultant to do that or give Chuck the oppor-
[19] tunity to, you know, get them if he wants to get
[20] them. And he's not responsible for the Fire
[21] Code, so that takes care of that.
[22] **MR. ENTSMINGER:** Now I'd like to ask a
[23] question. Why all of a sudden after 11 years,
[24] that we have to have these other things?
[25] **ATTORNEY WEED:** Well, you'd have to ask

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[1] the Council that question, not me, Mr.
[2] Entsminger.
[3] **MR. ENTSMINGER:** Well, I'm directing it
[4] to the Council.
[5] **COUNCILMEMBER ALEXANDER:** Well, I would
[6] question why didn't previous counsel, counsel
[7] being attorney, notify Council that this law
[8] went into effect until 2000?
[9] **MR. ENTSMINGER:** But we have until 2009
[10] to get the things converted over.
[11] **COUNCILMEMBER ALEXANDER:** What do you
[12] mean by that?
[13] **MR. ENTSMINGER:** ICC.
[14] **COUNCILMEMBER ALEXANDER:** Where did yo
[15] U
[15] get that information?
[16] **MR. ENTSMINGER:** From ICC.
[17] **COUNCILMEMBER ALEXANDER:** Okay.
[18] **ATTORNEY WEED:** Well --
[19] **MR. ENTSMINGER:** I appreciate you
[20] bringing it to my attention, though, where I
[21] could get it converted over sooner.
[22] **COUNCILMEMBER ALEXANDER:** But that's
[23] what I was going to question. You didn't --
[24] they wouldn't convert all yours over? because
[25] you have more than those two.

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[1] **MR. ENTSMINGER:** I don't know. I've
[2] got to check into it and see what's happened.
[3] **COUNCILMEMBER ALEXANDER:** Because
[4] you've got your plumbing inspector and you've
[5] got your commercial electrical inspector?
[6] **MR. ENTSMINGER:** Uh-huh.
[7] **COUNCILMEMBER ALEXANDER:** So you've got
[8] to call them back and find out why they didn't
[9] convert all of yours --
[10] **MR. ENTSMINGER:** Right.
[11] **COUNCILMEMBER ALEXANDER:** -- that you
[12] have.
[13] **MR. ENTSMINGER:** Since they put on
[14] mine, "both categories," meaning commercial and
[15] residential.
[16] **COUNCILMEMBER ALEXANDER:** Right.
[17] **ATTORNEY WEED:** If this is helpful,
[18] what the statute says under B(i), "On or after
[19] July 1, 2004, the quote, state minimum
[20] standards, quote, codes, unquote, means the
[21] following" -- and I just read that list.
[22] So, you know, the code's been the code,
[23] but it sounds like we've got a clean resolution
[24] to move forward and I would advise the Council
[25] to move forward.

[1] **COUNCILMEMBER ALEXANDER:** And hopefully
[2] he can get his other three done, because if he
[3] sent them in, I don't know why they're not con-
[4] verting.

[5] **COUNCILMEMBER ROCHE:** And in the
[6] meantime, just, as you said, either use Keck &
[7] Wood or Dekalb County to do the inspections.
[8] And as far as plan review, we just need to make
[9] sure that when we hire a city planner, they're
[10] certified for plan reviews.

[11] **COUNCILMEMBER ALEXANDER:** Well, that's
[12] one of the things -- I had contacted Chamblee
[13] and I think some other Councilmembers had
[14] contacted Chamblee, and I got some information
[15] about this company called Safe Built. They only
[16] sent one brochure. If you want me to leave it
[17] here, I'll do that. And they can assist him in
[18] what he can't do, and they have -- they can do
[19] plan reviews and all of that. And they're also
[20] a member of the United States Green Building
[21] Council, so that would be a good source for us
[22] since we just passed the LEED certification.

[23] **COUNCILMEMBER SPANGLER:** So what you're
[24] saying is this is for Mr. Entsminger to look
[25] over and see if this --

[1] Inspectors, the County Building Inspector is
[2] hereby appointed as a building inspector for the
[3] city.

[4] **COUNCILMEMBER ROCHE:** Right.
[5] **COUNCILMEMBER FLEMING:** The position of
[6] city building inspector is also established.
[7] The city building inspector shall be appointed
[8] by the city council. Such building inspector
[9] shall be in charge of the enforcement of the
[10] provisions of this chapter. Nothing contained
[11] in the section shall prevent the city council
[12] from appointing any other building inspector at
[13] any time in the future.

[14] Though that last sentence is in there,
[15] I would suggest that we utilize Dekalb County.

[16] **MAYOR JENKINS:** When we talked to
[17] Dekalb County, they said they would assist us
[18] any way that we needed.

[19] **COUNCILMEMBER PITTMAN:** So Chuck, are
[20] you willing to do whatever it takes to get the
[21] issues, the things that you can't do, resolved?

[22] **MR. ENTSMINGER:** I'll have to think
[23] about it and see. I'm at the position now that
[24] I am so tired of this fight up here, that I
[25] think I'm going to go ahead and retire and then

[1] **COUNCILMEMBER ALEXANDER:** And for us,
[2] too, because they could do what he can't, and
[3] help him.

[4] **COUNCILMEMBER SPANGLER:** Okay. So they
[5] would make whatever recommendations as far as
[6] what -- and they could give -- they do give
[7] classes for him to --

[8] **COUNCILMEMBER BATES:** Well, they're
[9] actually certified inspectors.

[10] **COUNCILMEMBER SPANGLER:** Well, I
[11] misunderstood, I guess, Ms. Alexander, what she
[12] said. It seemed to me what she was saying, that
[13] -- or maybe I didn't hear it right, but I
[14] thought she said that this was sort of like a
[15] training program.

[16] **COUNCILMEMBER ALEXANDER:** No. This is
[17] a company that performs inspections, they
[18] perform --

[19] **COUNCILMEMBER SPANGLER:** Well, we
[20] already have Keck & Wood.

[21] **COUNCILMEMBER ROCHE:** Yeah. We have
[22] Keck & Wood and then the County.

[23] **COUNCILMEMBER FLEMING:** Excuse me. In
[24] our code of ordinances, Article 2, Property and
[25] Maintenance Code, Section 5.27, Appointment of

[1] y'all can get whoever y'all want in here and
[2] treat them the way y'all want.

[3] I mean this has come up time after time
[4] and time gain. It's been okay for 35 years to
[5] do it, and now because one person digs up a
[6] bunch of stuff, that don't believe anybody, this
[7] is what comes up.

[8] **MAYOR JENKINS:** That's your option,
[9] Chuck --

[10] **MR. ENTSMINGER:** I know.

[11] **MAYOR JENKINS:** -- whatever you want to
[12] do.

[13] **MR. ENTSMINGER:** And it's going to be
[14] something else. I guarantee you they'll be
[15] digging up something else.

[16] **MAYOR JENKINS:** I also feel like that
[17] you have some obligation to keep your
[18] certification up without somebody having to tell
[19] you to do it.

[20] **MR. ENTSMINGER:** That's why I --

[21] **MAYOR JENKINS:** You did it --

[22] **MR. ENTSMINGER:** -- paid for it ASAP.

[23] **MAYOR JENKINS:** -- as of today. Why
[24] couldn't you have done it a month ago?

[25] **COUNCILMEMBER SPANGLER:** Mayor, I think

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[1] he said -- did he not say he had until 2009.
[2] **MR. ENTSMINGER:** You've got until 2009
[3] to do it.
[4] **MAYOR JENKINS:** You didn't tell us you
[5] had till 2009.
[6] **MR. ENTSMINGER:** See, Mayor, every time
[7] I say something, I didn't tell you.
[8] **COUNCILMEMBER PITTMAN:** So I guess my
[9] question was -- and I understand your frustra-
[10] tion -- are you willing to get what it takes or
[11] what is your game plan here?
[12] **MR. ENTSMINGER:** Well, now, let me ask
[13] you this. I have asked before to go to things.
[14] Just recently, me and Ronald got to go to a soil
[15] and water convention at Callanwolde [sic] and
[16] there were things said about us going down
[17] there. It was an all-day seminar, you know.
[18] And then when we went to get our recertification
[19] on our Georgia soil and water, there was some-
[20] thing said about that, about going up there for
[21] a half a day.
[22] **COUNCILMEMBER PITTMAN:** And I
[23] understand that. I'm not familiar with that.
[24] But what I'm asking you is what we're
[25] currently dealing with, if you are willing to go

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[1] ahead and get that taken care of.
[2] **MR. ENTSMINGER:** I'm willing to go do
[3] it if I get the backing to do it.
[4] **COUNCILMEMBER PITTMAN:** Okay. So if we
[5] give you the backing, you're willing to do that.
[6] **COUNCILMEMBER SPANGLER:** So what you're
[7] saying, Mr. Entsminger, is if you're able to
[8] take the classes -- and the City should
[9] reimburse or give you --
[10] **MR. ENTSMINGER:** And they need to give
[11] me the time off to go --
[12] **COUNCILMEMBER SPANGLER:** Okay.
[13] **MR. ENTSMINGER:** -- and not jump me
[14] when I come back in here because there's plans
[15] and inspections in here, that why haven't you
[16] got them.
[17] **MAYOR JENKINS:** Chuck, you have not
[18] asked to go for any certifications. Not one
[19] time have you asked this mayor to go for any
[20] seminars or any --
[21] **COUNCILMEMBER SPANGLER:** Excuse me,
[22] Mr. Mayor.
[23] **MAYOR JENKINS:** I'm talking.
[24] **COUNCILMEMBER SPANGLER:** Well, you're
[25] talking, and I was not finished yet. Okay? I

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[1] was just asking Mr. Entsminger if he was willing
[2] -- if we paid for his courses, his classes that
[3] he needs to take in order to effectively do his
[4] job as the city inspector, would he be willing
[5] to stay on and do those courses, classes.
[6] **MR. ENTSMINGER:** I would be willing to
[7] stay on, but I think y'all need to write me a
[8] job description also.
[9] **COUNCILMEMBER BATES:** I think we need
[10] to do that for all the departments, so I
[11] absolutely agree with it.
[12] **COUNCILMEMBER SPANGLER:** Well, that was
[13] something that should have already been done.
[14] Okay. We can get those job
[15] descriptions by next Council meeting?
[16] **ATTORNEY WEED:** If you're looking at me
[17] as the attorney, I mean the answer, where we are
[18] with the job descriptions since I've been here,
[19] my partner, Ben Mathis, and I have had a meeting
[20] with the Mayor. We have collated with Rhonda
[21] Blackmon all the existing job descriptions and
[22] the known hierarchy chart of where employees
[23] fall. The purpose that we originally got those
[24] for was to determine whether or not certain
[25] employees were exempt or non-exempt under the

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[1] Fair Labor Standards Act.
[2] If you would like my firm to look into
[3] drafting job descriptions for all the employees,
[4] we can do that and are glad to do that.
[5] Whether we could have them all by the
[6] next meeting, probably not. And the reason why
[7] I say that is in order to do that project right,
[8] you really need to have each employee identify -
[9] - you need to interview the individual employee
[10] to find out what they really do, and I can't do
[11] it in a week.
[12] **COUNCILMEMBER SPANGLER:** Well, I wasn't
[13] asking you to do it in a week. The next Council
[14] meeting is what?
[15] **COUNCILMEMBER BATES:** A week today.
[16] **COUNCILMEMBER SPANGLER:** Is it a week?
[17] **ATTORNEY WEED:** But I mean if you -- I
[18] mean we can -- if that's a project to be done,
[19] we can get it done.
[20] **COUNCILMEMBER ROCHE:** Perhaps you could
[21] start with Mr. Entsminger.
[22] **ATTORNEY WEED:** Now, can we do one job
[23] description in a week? I'm sure that we can,
[24] you know. If Chuck isn't going to training, if
[25] he's around, we could absolutely do that.

[1] **COUNCILMEMBER SPANGLER:** Well, let's do
[2] that if that's okay with you, Mr. Entsminger,
[3] and you, Mr. Mayor, Council. Let's get Chuck's
[4] job description set and let's see what classes
[5] he needs to take, give him the time and give him
[6] the opportunity as far as the financial
[7] assistance to be able to take those classes.

[8] **COUNCILMEMBER BATES:** Just for the
[9] record, he's got a training budget that I would
[10] advocate if it's there, use it. That's what --

[11] **COUNCILMEMBER SPANGLER:** I'm just
[12] saying that for other department heads, we let
[13] them go to classes and pay for it, so we're
[14] going to do the same thing for Mr. Entsminger.

[15] **COUNCILMEMBER BATES:** I don't disagree.

[16] **COUNCILMEMBER SPANGLER:** Okay.

[17] **MAYOR JENKINS:** He has the option to do
[18] that. He never mentioned that.

[19] **COUNCILMEMBER SPANGLER:** Well --

[20] **MAYOR JENKINS:** I am for Mr.

[21] Entsminger. He does a good job. He's well
[22] qualified for anything he does, but he needs to
[23] keep his certification up to date.

[24] **COUNCILMEMBER PITTMAN:** So do you put
[25] your request in writing that you would like to

[1] **MR. ENTSMINGER:** It's just like doing
[2] the sidewalk design over here.

[3] **COUNCILMEMBER PITTMAN:** That doesn't
[4] have anything to do with what I'm asking.

[5] I'm just trying to help you in the
[6] future. When you want training -- you're saying
[7] you were denied -- at least you would have it in
[8] writing.

[9] **MR. ENTSMINGER:** Well, yeah, I'll put
[10] it in writing in the future.

[11] **COUNCILMEMBER PITTMAN:** That's what I'm
[12] asking.

[13] **MR. ENTSMINGER:** Yeah. But I still
[14] think I ought to be responded back to in
[15] writing.

[16] **COUNCILMEMBER PITTMAN:** I understand,
[17] and I absolutely agree.

[18] **MAYOR JENKINS:** Have you had a problem
[19] with --

[20] **COUNCILMEMBER SPANGLER:** Mayor, that's
[21] something we can talk about.

[22] **MR. ENTSMINGER:** Mayor, you don't want
[23] to go into that tonight.

[24] **MAYOR JENKINS:** You never put anything
[25] in writing to me.

[1] do the training or do you just ask?

[2] **MR. ENTSMINGER:** No, I won't put it in
[3] writing.

[4] **COUNCILMEMBER PITTMAN:** You will not
[5] put it in writing.

[6] **MR. ENTSMINGER:** No.

[7] **COUNCILMEMBER SPANGLER:** Well, I don't
[8] think it's necessary to put it in writing.

[9] **COUNCILMEMBER PITTMAN:** Well, I think
[10] it's necessary because right now we got someone
[11] saying yes, he did, and no, you didn't. So I
[12] just would think that it would be nice if you
[13] could put in writing that you request to take
[14] so-and-so training.

[15] **MR. ENTSMINGER:** Ms. Pittman, I've
[16] asked you-all to put things in writing to me,
[17] and you won't do it.

[18] **COUNCILMEMBER PITTMAN:** Well, sir, I'm
[19] asking you now.

[20] **MR. ENTSMINGER:** But I've asked y'all
[21] before.

[22] **COUNCILMEMBER PITTMAN:** I understand
[23] that.

[24] What we're talking about is the
[25] present, trying to fix the problem.

[1] **MR. ENTSMINGER:** No, I haven't put it
[2] in writing.

[3] But what about what you've told me and
[4] then you didn't do? Now, if you want to go into
[5] it and open up the Pandora's box --

[6] **MAYOR JENKINS:** We can, but I think you
[7] need to settle your attitude down.

[8] **MR. ENTSMINGER:** My attitude's not bad.

[9] **MAYOR JENKINS:** Yes, it is.

[10] **COUNCILMEMBER FLEMING:** We're here for
[11] a positive resolution, and the positive
[12] resolution is to identify the certifications
[13] that Mr. Entsminger is indeed qualified to do.

[14] I think that we need to get back to
[15] Ms. Konoian from ICC and let her enumerate, just
[16] like Mr. Weed did. Since she grouped both those
[17] categories, we want her to enumerate what all
[18] the items were that he is qualified for, because
[19] he may still be qualified for some of the
[20] commercial but she just, you know, highlighted.
[21] So let's do that.

[22] And a positive resolution to this
[23] meeting tonight is that when you would like to
[24] go to training classes, that should be requested
[25] in writing, and that the Mayor respond in

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[1] writing back to you, and that we come up with
 [2] from this particular Council meeting a very
 [3] positive attitude for the future.
 [4] **COUNCILMEMBER ROCHE:** Right. And in
 [5] the meantime, anything that we need, any certi-
 [6] fications we don't have available to us, we
 [7] would go to the County. And again, as we said
 [8] before, just make sure that the plan reviews are
 [9] the certification that our city planner, whoever
 [10] we hire, has, because that's what city planners
 [11] do, so --
 [12] **COUNCILMEMBER SPANGLER:** Well, that's
 [13] not to say that Mr. Entsminger couldn't still be
 [14] certified to do plan reviews through classes.
 [15] **COUNCILMEMBER ROCHE:** No. Of course.
 [16] **COUNCILMEMBER SPANGLER:** I mean once we
 [17] get a city planner, I think the city planner's
 [18] going to work hand in hand with the city
 [19] inspector and the storm drain manager and
 [20] anybody and everybody else within the City, so,
 [21] and it doesn't hurt for Mr. Entsminger to have
 [22] all the credentials or more credentials than
 [23] what he needs.
 [24] **UNIDENTIFIED SPEAKER:** Can I say
 [25] something?

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[1] **MAYOR JENKINS:** No.
 [2] **COUNCILMEMBER SPANGLER:** Not during --
 [3] not now.
 [4] **COUNCILMEMBER PITTMAN:** That's the
 [5] Mayor's call.
 [6] **COUNCILMEMBER SPANGLER:** Excuse me,
 [7] Ms. Pittman.
 [8] **MAYOR JENKINS:** Anymore discussion? We
 [9] don't need to go into Executive Session or
 [10] anything?
 [11] **COUNCILMEMBER SPANGLER:** Well, Mr. Weed
 [12] --
 [13] **MAYOR JENKINS:** Wait just a minute.
 [14] **COUNCILMEMBER SPANGLER:** Okay. I'm
 [15] sorry.
 [16] **MAYOR JENKINS:** Anymore discussion from
 [17] the table?
 [18] **COUNCILMEMBER ALEXANDER:** I just want
 [19] to make sure that Dekalb County is responsive to
 [20] us and we don't hold up people waiting on them.
 [21] **MAYOR JENKINS:** Yes.
 [22] **COUNCILMEMBER ALEXANDER:** Okay.
 [23] **MAYOR JENKINS:** Okay.
 [24] **COUNCILMEMBER SPANGLER:** I just wanted
 [25] to ask Mr. Weed if we needed to do something

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[1] legally to ensure that Mr. Entsminger is able to
 [2] take the classes and --
 [3] **MAYOR JENKINS:** He has a budget for it.
 [4] **ATTORNEY WEED:** No, sir. The way I
 [5] understand how your system works, Mr. Entsminger
 [6] works for the Mayor, essentially as the mayor
 [7] and wearing the dual hat of the mayor but also
 [8] the equivalent of a city administrator.
 [9] At any time, Council could terminate
 [10] him if they so chose to. But for daily
 [11] operations, Mr. Entsminger works for the Mayor.
 [12] And if the Mayor says, "Chuck, you may go
 [13] somewhere," or, "Chuck, you may not," that rests
 [14] and falls at the feet of the Mayor. And if the
 [15] Council wishes to do something in opposition to
 [16] that because they didn't like what the Mayor
 [17] did, then you have to have a full-blown meeting
 [18] and you put it to a vote, and you always have
 [19] the right to essentially, I guess, veto the
 [20] Mayor's day-to-day operational decisions, but,
 [21] in my opinion, those are -- there's nothing
 [22] legal that needs to be done further.
 [23] **COUNCILMEMBER SPANGLER:** Okay.
 [24] **MAYOR JENKINS:** Okay. Anymore
 [25] questions?

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[1] Motion to adjourn?
 [2] **COUNCILMEMBER BATES:** So moved.
 [3] **MAYOR JENKINS:** Call the roll.
 [4] **COUNCILMEMBER FLEMING:** Second.
 [5] **CLERK BLACKMON:** Councilmember
 [6] Alexander?
 [7] **COUNCILMEMBER ALEXANDER:** Yes.
 [8] **CLERK BLACKMON:** Councilmember Bates?
 [9] **COUNCILMEMBER BATES:** 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] - - -
 [20] (Whereupon, the meeting was adjourned at
 [21] approximately 6:30 p.m. the same day.)
 [22] -o0o-
 [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 20th day of August, 2008.

[16]

[17]

[18] Theresa Bretch, CCR

[19] Permit No. B-755

[20]

[21]

[SEAL]

[22]

[23]

[24]

[25]

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