In The Matter Of:

City Council Meeting
City of Doraville

Before Mayor Ray Jenkins
November 3, 2008

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Original File 56921-1.TXT, Pages 2-196 (195)

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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 7:00 p.m. on Monday, November 3, 2008.

* * *

APPEARANCES:
Doraville City Council:
Hon. Ray Jenkins, Mayor
Councilmember Maria Alexander
Councilmember Brian Bates
Councilmember Robert Spangler
Councilmember Donna Pittman
Councilmember Bob Roche
Councilmember Pam Fleming

Murray J. Weed, City Attorney

Ms. Rhonda Blackmon, City Clerk

Scott Haeberlin, Planning Department

P R O C E E D I N G S

MAYOR JENKINS: Meeting come to order. Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Here.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Here.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Here.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Here.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Here.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Here.

MAYOR JENKINS: All right. We've got a number of minutes to approve tonight. I'm going to call them out, and I want one motion for all these minutes. It'll take just a minute, so everybody bear with me.

8/14/08, 8/20/08, 8/21/08, 8/25/08, 8/28/08, 9/4/08, 9/12/08, 9/17/08, 9/19/08, 9/25/08, 9/26/08, 10/2/08, 10/3/08, 10/6/08,

10/10/08, 10/14/08, 10/17/08, 10/22/08, 10/24/08, 10/27/08, 10/29/08, and another one on 10/29/08, 10/31/08.

We've had a lot of meetings and just trying to get caught up on our minutes, and I'd like to have a motion that we approve the minutes.

COUNCILMEMBER BATES: Mr. Mayor, I don't have 9/17 or 10/6.

CLERK BLACKMON: 10/6 is a blue copy from the past.

COUNCILMEMBER BATES: Got it.

CLERK BLACKMON: So you would have gotten it way before, and we've already voted on it.

MAYOR JENKINS: And which other?

CLERK BLACKMON: 9/17 probably should have been a work session.

No work session unless then there was one -- did he call out 9/17?

COUNCILMEMBER BATES: He did.

CLERK BLACKMON: Then you should have gotten a copy. I have it on my desk. Do you want me to give it to you now?

Let me go see. I'll be right back.

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(Brief break)

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CLERK BLACKMON: That was the continuation from the work session that went over, so you won't have any that time, that day either. That was my mistake writing the date down. That was the continuation of the work session.

COUNCILMEMBER ALEXANDER: So 9/17?

CLERK BLACKMON: Yes. The rest of everything you should have.

MAYOR JENKINS: I'd like to have a motion we approve the minutes.

COUNCILMEMBER BATES: So moved.

MAYOR JENKINS: Do I have a second?

COUNCILMEMBER PITTMAN: Second.

MAYOR JENKINS: Anymore discussion?

As I said to the people before, I want to thank everybody for working on the Doraville Days. Everybody worked good on that, all the way through the Council, the citizens and the businesses. And I thank everybody again for this. Now, we got some awards we're going to be giving out in a few minutes to some of the people that worked with the library and also

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with the schools on the arts, and we'll be doing that.

I'd like to have a motion we approve the minutes.

COUNCILMEMBER BATES: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER PITTMAN: Second.

MAYOR JENKINS: Any more discussion on it?

COUNCILMEMBER ROCHE: I have a couple of questions about two of the dates.

First of all, September 25th, that was confusing to me. I was unable to attend that meeting. I forget exactly why.

But anyway, the things that were actually passed during that meeting were not on the agenda for that meeting -- the public hearing conduct ordinance, a zoning map language ordinance, a zoning map ordinance, a home occupation ordinance and a flood plain ordinance.

Now, all of these were listed on the work session, work session agenda for September, and they were not listed on the agenda for this particular meeting. They were, I believe,

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advertised in the newspaper.

I don't know how many people showed up for the September 25th meeting, but this is a lot of stuff that was passed. And then of course it vanished from the first meeting in October because it had been taken off the agenda because it had been passed at this little work session meeting.

I'm just very concerned. I mean a reasonable person that understands the process we've been using would say, "Well, here's our agenda for the work session, and I'm very interested in these issues," or this issue or whatever, they would show up at the work session and expect to be able to show up at the next council meeting to see the actual vote.

Well, if that was the case and they showed up for that actual council meeting, guess what? It's all done. What happened? Don't know. Was it on any other published agenda? Actually, no, it wasn't, because the only thing that was published on the agenda was one line item that said, "Discuss zoning issues."

So I'm very concerned about this. I mean it's -- it may or may not -- I'm not a

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lawyer. Maybe or maybe it doesn't go against the letter of the open meetings law but it sure seems to go against the intent.

So I would say we -- I don't know what to do about it, frankly, now that it's already done, you know.

Can we make sure this doesn't happen in the future? I mean what can we do to make sure that this type of thing doesn't happen where we're -- you know, where ordinances are getting passed and no one seems to know anything about them until after the fact?

MAYOR JENKINS: Murray, do you have any input?

ATTORNEY WEED: No, sir. I've addressed this in a memo to the Council.

It's my official opinion as city attorney that the items comported with the law in accordance with the open meetings law. Newspaper ads were published. The Zoning Procedures Act was complied with.

I have nothing else to add.

MAYOR JENKINS: Yes, sir. Thank you.

COUNCILMEMBER ROCHE: But the agenda -- you know, the way we've been doing agendas since

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the beginning of the year is completely different. And no one voted to change the rules for the agenda. Nobody did anything. So like I said, I got a real problem with that.

On October 3rd, apparently there was only one thing, and I have a question. On October 3rd, I was not able to attend that meeting. It said Star Towers permit renewal. Could you tell us what that was, what permit for Star Towers that was renewed?

MAYOR JENKINS: That was a 2 o'clock meeting where we called the people in on the moratorium.

COUNCILMEMBER ROCHE: Right.

MAYOR JENKINS: I can remember that one.

COUNCILMEMBER ROCHE: That permit was renewed?

COUNCILMEMBER BATES: The demolition permit.

MAYOR JENKINS: Demolition permit.

COUNCILMEMBER ROCHE: So the original permit had expired?

MAYOR JENKINS: Right.

COUNCILMEMBER ROCHE: So we didn't make

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them reapply for a new permit, or what did we do? What do we normally do with that?

CLERK BLACKMON: We don't. They just renewed it.

MAYOR JENKINS: Council voted to renew it.

COUNCILMEMBER ROCHE: Okay. Well, those are the questions. I wanted to bring those up and get them on the record. Thank you.

MAYOR JENKINS: Anymore discussion?

COUNCILMEMBER SPANGLER: I agree with Mr. Roche. I just want to say that I think that it appears to be that when we don't advertise the agenda items like we usually do, that we're trying to hide something from the audience.

MAYOR JENKINS: Agenda items are always advertised the way they're supposed to be, and legally.

Anymore discussion?

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(No response)

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MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

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COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: No, because I did not attend all the meetings.

MAYOR JENKINS: Thank you.

Doraville Days, items on the agenda for Doraville Days. And I've made my comments and I'm going to -- I think Pam has got some presentations to make. We'll do that at this time.

COUNCILMEMBER FLEMING: I just want to make a brief comment before Brian takes over the mic and Lynn takes over the mic.

For those of you that don't know it, the road race had 83 runners. Going into the day, we had only about 35 if I'm not mistaken. So they really came out wonderfully well that

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morning of the Saturday.

And so we have 83 runners. We were able to, if I'm not mistaken -- correct me if I'm wrong -- but $1450 that we raised to be able to give to the Children's Healthcare of Atlanta. So congratulation to all of you for helping with Doraville Days, because that's a wonderful contribution to them. So thank you very much.

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(Applause)

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COUNCILMEMBER BATES: Without the help of volunteers, the event would not have been a success. And I know many of you out there spent time before and during the event and after to make Doraville Days a wonderful event, but there are a couple of groups that went over and beyond the general call of duty, and we want to publicly thank and acknowledge them for their efforts.

And the very first group that we'll mention served as a tremendous asset for our library and their book sale, and that is the Honor Society for Cross Keys Elementary School.

COUNCILMEMBER FLEMING: High School.

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COUNCILMEMBER BATES: Or High School. Sorry. I just demoted them. I apologize. For Cross Keys High School.

They provided a significant number of volunteers both in advance of the book sale and during the book sale. I'm going to turn it over to our library director, Lynn, to further comment on the Cross Keys High School Honor Society and their support of our event.

MS. WANTANABE: Thank you. I'm Lynn Wantanabe, the library director, and it's my privilege to present some certificates to the advisor that really spearheaded getting the students to come help out.

And this group of students, this is actually their third time to help us out with the book sale. They helped us out last October, they helped us out in the spring and then they helped us out this fall.

I haven't counted up how many students we have here. Let's see. Looks like between 17 and 19 students helped us out with a total of 47-and-a-half volunteer hours Friday evening and Saturday during the day.

I'd like to invite Jan Helgeson to come

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up because I would like to make a presentation to her. Jan Helgeson and Melanie Taylor. Melanie Taylor is the advisor for the Honor Society and Jan Helgeson is the vice president of the Friends of Doraville Library as well as a reading specialist at Cross Keys High School.

And Jan, we want to give you this certificate, and on behalf of Melanie, have you accept hers too. A certificate of appreciation and a special thank you to Jan Helgeson, Cross Keys High School Advisor, for your hours of hard work, volunteer service and support of the City of Doraville, making Doraville Days Fall Festival a huge success.

MS. HEGELSON: Thank you.

MAYOR JENKINS: Thank you.

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(Applause)

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MS. WANTANABE: And for the record, I would also like to read off the names of the students that volunteered, and I will give these to Jan to distribute to the students. Sonia Alba, Montserrat Alba, Eric Barritia, Mayea Garcia, Uyen He, Hieu Huynh, Thuy Le, Chris Ly,

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Karen Ly, Tay Mai, Eduardo Mares, Kevin Mascada, Jazmin Palma, Hafsa Qadeer, Natacha Richemulf, Brian Valdez and Christian Valdez.

- - -

(Applause)

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MS. WANTANABE: And I want to say a special thank you to Hieu Huynh who volunteered over the two days, six hours. Thank you so much.

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(Applause)

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COUNCILMEMBER BATES: Thank you very much. You'll see a trend here develop, and it's going to be a great opportunity for the city to create a new partnership and really work to expand on that relationship with Cross Keys.

The next group is also from Cross Keys. As many of you know, we had the inflatable jump-and-slides down by the Police Department.

And we had six pieces of equipment? Is that --

COUNCILMEMBER FLEMING: Yes, exactly.

COUNCILMEMBER BATES: And we needed

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people to help monitor that and make sure the kids took off their shoes and behaved appropriately and didn't go up the slide the wrong way and all that good stuff.

COUNCILMEMBER FLEMING: And making cotton candy and popcorn.

COUNCILMEMBER BATES: And making cotton candy and popcorn.

And the Future Business Leaders of Cross Keys, their advisor, Michael Greene, called us up and they actually provided us with I believe it was 12 volunteers on that Saturday afternoon to help monitor the jump-and-slide area.

So between the Honor Society and the Future Business Leaders, we've been able to tap into almost 30 of their young up-and-coming volunteers, creating a great partnership and relationship with the city of Doraville. So I'm going to turn it back over to Commissioner Fleming to acknowledge them.

COUNCILMEMBER FLEMING: Jan, if you will, I understand that Mr. Greene, Michael Greene, is the advisor for Cross Keys High School for the Future Business Leaders of

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America and he was not able to attend this evening. Would you mind coming back again, because we'd like to present him.

And as I understand it also, he was the Teacher of the Year.

MS. HELGESON: Teacher of the Year.

COUNCILMEMBER FLEMING: Teacher of the Year, Michael Greene.

MS. TAYLOR: Track coach.

COUNCILMEMBER FLEMING: Track coach?

The students that participated and helped out with Doraville Days were Tai Le, Jane Truong, Maritza Sanchez, Marilyn Ortiz, Kaijor Ndow, Maria Torres, Cindy Mandanarez, Kathy Mandanarez, Rumana Rimi, Elberth Romero and Jacqueline Mandragon.

And we appreciate Cross Keys High School, Mr. Greene and yourself, Jan. Thank you so very much. We couldn't have done it without you.

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(Applause)

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COUNCILMEMBER BATES: We also have two business partners that worked with the City in

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helping make this a great event.

The first one that we're going to recognize helped us with making sure that it was a clean event. So we're very pleased and thank very much the Just Trash individuals for their support of our event. Thank you.

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(Applause)

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COUNCILMEMBER FLEMING: And the gentlemen that helped us were Kevin Copeland, Ryan Tabb, Luis Torres, Robert Hewtty and Miguel Arredondo.

And a token of our appreciation also.

MR. COPELAND: I appreciate this very much and I look forward to doing it next year with y'all.

MAYOR JENKINS: Good.

MR. COPELAND: And if you have any other events before then, you give us a call.

MAYOR JENKINS: Thank you.

MR. COPELAND: I appreciate it. Thank you.

MAYOR JENKINS: Thank you.

COUNCILMEMBER FLEMING: Thank you.

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COUNCILMEMBER BATES: Our final group. As many of you watched us assemble and disassemble the tents our there in the rain on Friday afternoon, we had the maintenance guys out there, and we have thanked them and we continue to thank them for their efforts.

But Pacesetters provided us with a group of temporary laborers, day laborers, that were out there Friday night and then came back at 6 o'clock on Saturday morning and were there until about 7 o'clock on Saturday night, and they provided those laborers to us at no charge. So without the efforts of those individuals, we'd probably still be taking down the tents. So we very much appreciate Tom Bidael with Pacesetter and the crew that they provided to us both on Friday and Saturday. It was very much appreciated, so thank them for us as well.

COUNCILMEMBER FLEMING: Is he here this evening?

Well, we want to thank them very, very much, because I, like Brian, was out in the rain too trying to help originally. And then I said, "This is a little bit too heavy for me. I think I'd better sit down and do something else." So

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most appreciative to Pacesetter Personnel Service.

COUNCILMEMBER BATES: Thank you. And thank everybody.

COUNCILMEMBER FLEMING: And also, Jan, before you leave, we have a token of our appreciation to every one of the children, yourself and Mr. Greene, some cups for you.

MS. HELGESON: Thank you very much.

COUNCILMEMBER FLEMING: Thank you.

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(Applause)

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MAYOR JENKINS: I had talked about sidewalks at the last meeting. We're trying to get a lot of donations on the sidewalks and we're working on some grants. So as far as that goes, that's all I have on sidewalks.

COUNCILMEMBER ROCHE: You were going to tell us how many grants were submitted?

MAYOR JENKINS: How many have we submitted, Luke, that actually --

MR. HOWE: I'm working on one grant right now that involves like Safe, it's STR grant, but it involves facilitating safe ways to

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school, and Tilly Mill would be, you know, a good project for this.

But for the Central Avenue, I'm still looking. And it's quite possible that we could formulate a legislative agenda and have it submitted as a potential earmark. That may be the quickest and less competitive route to getting grant money for sidewalks. So we'll pursue both avenues.

COUNCILMEMBER SPANGLER: So as it stands right now, we don't have a grant for the Central --

MR. HOWE: Well, you know, they're not always open.

COUNCILMEMBER ROCHE: No grants, no applications have been made?

MR. HOWE: Well, there has to be a grant before you can actually --

MAYOR JENKINS: Put in application for it.

MR. HOWE: -- apply for one.

MR. ROCHE: Okay. Well, the Council voted, allocated $150,000 for this project and there has been no progress.

MAYOR JENKINS: There has been

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progress, and we've used some of the money we have without going into the $150,000 to do the rest of the Park Avenue sidewalk. And as soon as we get a chance, we'll start on the other sidewalk.

COUNCILMEMBER SPANGLER: Mayor, I thought that the $150,000 was solely for Central Avenue, that the Park Avenue extension was set for this year.

COUNCILMEMBER ROCHE: That's correct.

MAYOR JENKINS: Well, let me put it this way: we have not had time to start on the other sidewalks as we speak.

I put out a little article, if you picked one up outside, that is kind of a beginning of redoing our Council meetings, how we control them. And we have got to the point that we spend so much time on these Council meetings, and there's really no reason for it, actually. Most cities even have a time limit for the councilmen. I've tried to stay away from that, but it seems like I'm going to have to get to it.

And I'm going to say this now: each one of these items that's on this agenda, we've

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already been through them. There's no reason to spend 30 minutes on every item or even 15 minutes. Ten minutes is plenty. Some of them don't even need to go that long.

So that being said, Mr. Spangler, you're number four.

COUNCILMEMBER SPANGLER: Well, at the work session, I brought up the idea of having two meetings per month instead of a work session and a meeting. I feel like we can get a lot more motions passed. And if it's something that comes up that we still need more information on, all we got to do is postpone it for another two weeks. I think that we can cut the time of the meetings, probably not by half but at least by a quarter.

So I want to make a motion tonight to cancel the work sessions and have two regular voting meetings per month.

MAYOR JENKINS: Do I have a second?

COUNCILMEMBER BATES: Second.

MAYOR JENKINS: Discussion?

- - -

(No response)

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MAYOR JENKINS: Call for the motion.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: No.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: No.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Yes.

MAYOR JENKINS: What have we got?

CLERK BLACKMON: Motion carried 4 to 2.

MAYOR JENKINS: Thank you.

The next agenda will be a full voting meeting, which will be the Thursday before the first-of-the-month meeting or the mid-month meeting, whichever it might be. We'll have two agendas.

Okay. Number five is Pam.

COUNCILMEMBER SPANGLER: Mayor, we

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might want to add also that this meeting will start at 7 o'clock instead of at 6:00, like the regular meeting.

MAYOR JENKINS: Well, did you put that in your motion?

COUNCILMEMBER SPANGLER: No, sir, I didn't. Do I need to change the motion?

ATTORNEY WEED: You can just make another motion.

COUNCILMEMBER SPANGLER: Just make another motion to start that meeting as well at 7 o'clock.

MAYOR JENKINS: You make a motion that both meetings will start at 6:00 p.m. rather than 7:00.

COUNCILMEMBER SPANGLER: No, Mayor. They start at 7:00 instead of 6:00. One is 6:00 and one is 7:00. Both of them will start at 7:00 p.m. That gives the audience plenty of time to be at the meeting.

MAYOR JENKINS: Do I get a second?

COUNCILMEMBER ROCHE: I second that.

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

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COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Yes.

MAYOR JENKINS: Okay. 7:00 p.m. Okay, Pam.

COUNCILMEMBER FLEMING: Just needed an update on the Ethics Committee and how they're doing.

MAYOR JENKINS: I have no update.

CLERK BLACKMON: They have been forwarded information from myself as far as the new ordinance that was passed, and Attorney Weed, with some guidelines for them, and I have not heard anything since.

COUNCILMEMBER FLEMING: Is Mr. Grant here this evening to give any type of update?

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CLERK BLACKMON: No.

COUNCILMEMBER FLEMING: Thank you very much.

COUNCILMEMBER ROCHE: Well, at the last meeting, we talked about providing legal counsel for the Ethics Commission to make sure that, you know, their current procedures are --

CLERK BLACKMON: I did inform them that they need that and that it was requested it not be anyone in association with the City, and he said okay, but I have not heard anything as far as if they have pursued it.

COUNCILMEMBER ROCHE: Okay. I spoke today to Steve Fincher from Fincher Denmark Williams. I explained the situation that, you know, we couldn't use our regular city attorney for this and that basically what would be needed would be to review our procedures to make sure that they're -- or their procedures to make sure that they're legal, educate them as to the ramifications of open meetings and closed meetings and open records and provide legal counsel as far as the specific complaints, you know, in terms of the law part.

I told them that I was going to present

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it tonight that we --

Since we don't have anyone specifically laid out or specifically designated, I would like to make a motion that we hire Fincher Denmark Williams to provide legal counsel to the Ethics Committee to do the three things I just talked about as long as it does not go over $5,000.

It shouldn't be $5,000, but, you know, we just want to set a high end. We have the money in the budget for this. You know, I think it's time we get this thing moving.

MAYOR JENKINS: That's a lot of money, Mr. Roche.

COUNCILMEMBER ROCHE: Well, it's not happening now, Mayor, and the money's in the budget for exactly this type of thing. I mean we could go to GIRMA and pay them a lot more. I don't care. But we have not yet gotten legal counsel for the Ethics Committee.

COUNCILMEMBER SPANGLER: In my opinion, Mayor, this would be money well spent to educate the Ethics Committee.

MAYOR JENKINS: I agree with you there. That's not my point.

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$5,000 is a lot of money.

COUNCILMEMBER ROCHE: No, I don't think it's going to be anywhere near $5,000. I just wanted to set a high end to make sure that, you know, we knew.

MAYOR JENKINS: And another thing. I wish the Council would consider not necessarily somebody like Fincher Denmark & Williams. We got local city attorneys from Chamblee and other places that would be glad to do that.

COUNCILMEMBER ROCHE: We've been asking for them and asking for them but nothing seems to happen, so --

MAYOR JENKINS: Nobody has asked me for a city attorney. Nobody has asked me for an attorney.

COUNCILMEMBER ROCHE: They don't know that they need one, Mayor.

MAYOR JENKINS: They should know now. Didn't we --

CLERK BLACKMON: I did inform them of that last week.

COUNCILMEMBER ROCHE: Okay. So when they request legal counsel, what are we going to do?

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MAYOR JENKINS: You've got a motion on the table, don't you?

COUNCILMEMBER ROCHE: Yeah.

MAYOR JENKINS: Did you get a second?

COUNCILMEMBER SPANGLER: I'm going to second that motion. I think we need to move forward on this. We've wasted too much time as it is. And this is one of the firms that we did interview along with the firm that Mr. Murray is with, and so I wouldn't have a problem with any one of the firms that we interviewed.

MAYOR JENKINS: Call the roll, please.

COUNCILMEMBER ALEXANDER: I guess why didn't we pick someone like Sweeney Thompson or someone else closer?

MAYOR JENKINS: Well, that was my question, Maria.

COUNCILMEMBER ALEXANDER: I don't know.

MAYOR JENKINS: I don't know why we just picked that particular one.

COUNCILMEMBER ROCHE: They just happened to be top of my list, and I had called them. During the course of making the selection process, I had checked with several references, and all the references I got for this group,

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they were stellar references.

MAYOR JENKINS: Do you have somebody you wanted?

COUNCILMEMBER ALEXANDER: I just would have thought that we would have discussed this as a council before one councilperson contacted.

COUNCILMEMBER ROCHE: Well, I specifically didn't bring it up to the rest of the Council because I didn't want someone to think that we were trying to get together and pick one place -- one group over another.

COUNCILMEMBER SPANGLER: We did say, though, when we discussed this before, that we did need to go outside of our local --

MAYOR JENKINS: We all agree.

COUNCILMEMBER SPANGLER: -- attorneys.

MAYOR JENKINS: We all agree to that.

COUNCILMEMBER SPANGLER: And we also made reference, I believe, to some of the firms that we did interview. We didn't specifically choose a firm. But I would feel comfortable with any -- other than the one that represented us in one of the suits that we had against us, I would be willing to entertain any one of the firms.

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COUNCILMEMBER ROCHE: And I'd be happy to amend the motion to change to use a different firm.

COUNCILMEMBER SPANGLER: But I think it needs to be done quickly, not --

COUNCILMEMBER ROCHE: Right.

COUNCILMEMBER SPANGLER: I mean we've set on this too long.

COUNCILMEMBER BATES: Mr. Roche, I would be more than happy to support you if it were Thompson Sweeney. That was one of the three firms.

COUNCILMEMBER ROCHE: Well, I'll amend my motion we use Thompson Sweeney if they're available, you know, if they feel like they can do it within the time frame -- or the budget.

MAYOR JENKINS: Okay. Do you --

COUNCILMEMBER ROCHE: I just happen to know that, you know, Fincher Denmark Williams is available and they can definitely do it within the budget.

COUNCILMEMBER SPANGLER: Well, I do second your motion.

MAYOR JENKINS: Okay. Will you second that? Will you second the change in the

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motion?
COUNCILMEMBER SPANGLER: No.
COUNCILMEMBER ROCHE: Yeah. Well --
MAYOR JENKINS: You won't?
COUNCILMEMBER ROCHE: Wait. Where are we now? We need to --
ATTORNEY WEED: Actually, you have a motion and a second. You had discussion. So if you want to seek a modification of the original motion, someone could make a friendly amendment to the motion that also requires seconding and you take a vote.
COUNCILMEMBER ROCHE: I guess my question would be why Sweeney blah-blah-blah? Why them instead of --
COUNCILMEMBER ALEXANDER: Well, I just --
COUNCILMEMBER ROCHE: -- someone else?
COUNCILMEMBER ALEXANDER: I mean, you know, "attaboy" to you for taking it on initiative, but I don't feel like that one person should make the decision for Council.
COUNCILMEMBER ROCHE: But I wasn't making the decision for Council. I just found someone that was available. So just because I

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did bring up -- so if I'd said Sweeney, you'd have said, "No, no. Let's use Fincher Denmark Williams?"
COUNCILMEMBER ALEXANDER: No. I think we need to discuss who we want.
COUNCILMEMBER ROCHE: I mean I don't care really. I just want somebody. I mean it's getting --
COUNCILMEMBER BATES: I personally have some questions regarding the other firm.
COUNCILMEMBER ROCHE: Well, again, the reason I brought up Fincher Denmark Williams is because during the hiring process I checked I think six different references for Fincher Denmark, and all of them were just -- they were very, very happy with them, they would hire them again, and so I basically picked them on the basis of those six references.
COUNCILMEMBER BATES: And I appreciate that, and I still have concerns regarding the firm. So I would feel more comfortable --
COUNCILMEMBER ROCHE: Could you tell us what they are and then maybe we could --
COUNCILMEMBER BATES: I don't think that's appropriate in this forum.

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MAYOR JENKINS: No, I don't think so either.
COUNCILMEMBER ROCHE: I'll amend my thing to use Sweeney and -- I'm sorry -- I don't --
COUNCILMEMBER BATES: Thompson & Sweeney.
COUNCILMEMBER ROCHE: Now, there are no connections with Thompson Sweeney as far as members of the Council or people that work here or --
COUNCILMEMBER ALEXANDER: Mr. Weed, you don't have a previous relationship with Thompson Sweeney, do you?
ATTORNEY WEED: I do not.
COUNCILMEMBER ALEXANDER: You did with Fincher & Williams.
ATTORNEY WEED: Yes.
COUNCILMEMBER ALEXANDER: Okay. Thank you.
COUNCILMEMBER ROCHE: Just so we get, you know --
MAYOR JENKINS: Do I get a second on Thompson Sweeney?
COUNCILMEMBER BATES: I'll second that.

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MAYOR JENKINS: Anymore discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
And I would like someone to get in touch with them tomorrow to brief them on the situation and see how quickly they can give us some help.
CLERK BLACKMON: I can do that.
COUNCILMEMBER SPANGLER: Can you please

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let Council know when you get a response?
CLERK BLACKMON: Yes.
MAYOR JENKINS: Donna?
COUNCILMEMBER PITTMAN: Sir, if I can, I would like to add this to the agenda pending a couple of meetings that need to take place before I discuss it, please.
MAYOR JENKINS: Thank you.
Maria?
COUNCILMEMBER ALEXANDER: As discussed in the work session, I have concerns regarding the ethics ordinance, that you have to be a resident of the city to file an ethics complaint, and that would only allow two of the city employees that privilege. We only have, to my knowledge, two employees of the city that live in the city.
I guess Mr. Weed did not get direction from Council to address the ethics ordinance. Obviously, I'm not going to rewrite an ordinance, but I did -- I wanted discussion.
I would like to take employees out, address their behavior and their following of the ethics ordinance and the employee manual which we are supposed to be getting something

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on.
I would like to add -- on page 2 of 21, add subcontractors as part of the people that are subject to the ethics ordinance.
And then also on page 12, if we do take employees out, the ethics ordinance -- the complaints could be filed by residents of the city.
And I believe that the business owners should have that right, because they have a vested interest in the city because they do pay taxes also. And that's one of the spirits of this. It says the citizens and businesses of the city of Doraville are entitled to have fair, ethical and accountable local government, but yet we're not allowing the business owners to be able to file ethics complaints.
I know we had concerns -- Mr. Weed had great concerns about opening the barn door, so to speak. So I still think that this addresses some issues and then does make it more equitable. So that's up for discussion.
COUNCILMEMBER SPANGLER: I would make a motion that we do dismiss the two present employees from being able to bring an ethics

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complaint. They can go through the regular scenario that the other employees go through.
But at this time, until Mr. Weed researches this more, I don't feel like -- you know, I agree with him on the business owners. I don't think that they should have a right. They should have some way of voicing a complaint but not an ethics complaint, I don't feel.
So I would make a motion that we take the two employees out with the right to do the ethics complaint.
COUNCILMEMBER FLEMING: Ms. Alexander, would you please read the original paragraph in regard to what this ethics ordinance is for, what you just commented?
COUNCILMEMBER ALEXANDER: Oh, the intent?
COUNCILMEMBER FLEMING: Yes, please.
COUNCILMEMBER ALEXANDER: It says the citizens and businesses of the City of Doraville, the City, are entitled to have fair, ethical and accountable local government which has earned the public's full confidence for integrity.
COUNCILMEMBER FLEMING: The intent of

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this ethics ordinance is to be able to protect those that have just been mentioned. So I am with the same feeling, that the businesses should be allowed to file an ethics complaint unless we go back and rework the entire ethics ordinance, which I do not feel that we should do.
COUNCILMEMBER PITTMAN: I agree with Maria as far as taking the two employees out, but I disagree. Like Mr. Spangler, I think the businesses, if they have complaints, there's other avenues that they could take. I'm not sure that I feel comfortable with them being added into the ethics.
COUNCILMEMBER BATES: Mr. Weed, regarding the employees, if they're residents of the city, we can't preclude them from filing an ethics complaint whether or not it's business-related -- employee-related or not, can we, because that's potentially considered a vested right as a resident of the city?
ATTORNEY WEED: Well, the answer to your question is no and the other answer is yes.
The only right that the citizenry would have with regard to utilizing the ethics

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ordinance is whatever right the Mayor and Council gives to the citizenry by virtue of adopting the ordinance.

Bear in mind that no ethics ordinance is required by state law or the federal constitution or federal law. So if you vote -- if you have an ethics ordinance, it's entirely up to the Council. If you want one, you have one, and you can make modifications to it.

Now, with regard to a person who is an employee and a resident, since you've got the ability to create the ordinance to begin with, you've got the ability to curtail, expand whatever rights whatever individuals have underneath that ordinance.

COUNCILMEMBER BATES: Well, we're dealing with potentially two different scenarios, one where an employee feels aggrieved as an employee and one where a resident feels aggrieved as a resident. If you take one right away, are you not taking both?

ATTORNEY WEED: I wouldn't say so.

I think what I would say is a right that is given can be taken away, to begin with.

And then, secondly, I would say that as

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long as there's a proper method to address the grievance of the person, which pathway they go down, they're going to get to the same end, and so maybe the road they take is less relevant in how they get to their destination.

COUNCILMEMBER ROCHE: Could we modify the procedures? We're going to look at the procedures again, anyway, for the Ethics Committee. The part of it would be if it's an ethics complaint made by an employee, one of the first things that the Ethics Committee would do would be to determine if it's appropriate to be handled through the -- if it's an employee matter, simply handle it through the grievance process that all employees have access to.

COUNCILMEMBER PITTMAN: Uh-huh.

COUNCILMEMBER ROCHE: If it's not an employee matter, than it would be just an ethics complaint as a citizen.

ATTORNEY WEED: Yes, it's completely possible to do that, and some ethics ordinances choose that route. In fact, I believe Hapeville's got a method similar to that.

COUNCILMEMBER ROCHE: Because I mean being an employee of the City shouldn't take

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away your rights as a citizen of the city, and just because you happen to live in the city doesn't mean that if you have a problem with some other department of the city, whatever --

COUNCILMEMBER BATES: Would that apply to an employee who is not a citizen?

COUNCILMEMBER ROCHE: No.

COUNCILMEMBER BATES: So an employee who is a resident of the city would have an extra recourse that an employee who is not a resident of the city would not have.

COUNCILMEMBER ROCHE: Not from an employee standpoint, no.

From an employment standpoint, the employee manual would rule, basically. If you have a problem with someone and it's basically a personnel matter or some sort of type of a personnel matter or a grievance, they could deal with that grievance through the employee manual.

COUNCILMEMBER BATES: Understood. But the employment manual doesn't address us. If the complaint is regarding me or Ms. Alexander, then the employment manual does not address a grievance, or a concern, or a frustration or a gripe against an elected official. That is a

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route that is taken via an ethics board.

COUNCILMEMBER ROCHE: But they don't report city employees to the Mayor.

COUNCILMEMBER BATES: But if we aggrieve an employee, you know, through behavior, or comments or actions, they have no recourse aside from suing?

ATTORNEY WEED: Well, as the attorney for the City, I would actually say that's a good thing, you know.

When you decide to expand a group of rights to people, you have the ability to do that as a legislative body. But before you do that, you're also expanding the liabilities of the City. Every time you expand rights of individuals, you expand a potential for the government to violate those rights and therefore you are increasing exponentially the liability and the risk that's now on the City.

To me, as your lawyer, I would so advise you that if you're going to make modifications, then let the personnel system do what the personnel system does, because you are definitely going to find situations where an aggrieved employee will exercise rights

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underneath that, but if they happen to be a citizen, they'll exercise whatever rights they have via the ethics ordinance.

The other thing I would mention, too, is if the Council is doing something wrong, there are whistleblower protections. If Councilman Fleming -- I'm going to pick on you just because I'm looking at you. If Councilman Fleming were absconding with money and Scott Haeberle found out about it, he would be protected by blowing the whistle on the Councilman or any one of you if he found out about that. So there are other rights out there available to employees other than just those of the ethics ordinance.

Now, can you modify the ethics ordinance to do exactly what you're talking about? Sure, you can. There's nothing illegal about it. But as your lawyer, I would advise you to think about the risks that are inherent with the expansion of the rights.

COUNCILMEMBER SPANGLER: Would you recommend, Mr. Murray -- or Mr. Weed --

ATTORNEY WEED: I've been called worse, Councilman. I've been called worse.

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COUNCILMEMBER SPANGLER: I'm sure.

Would you recommend, then, those two residents that are also employees, treat them as all other employees and let them come through the process through the employee manual?

ATTORNEY WEED: That's my advice.

COUNCILMEMBER SPANGLER: And that's the motion.

ATTORNEY WEED: I think that's the safest thing for the City.

COUNCILMEMBER SPANGLER: That's the motion I made. Okay.

COUNCILMEMBER ALEXANDER: So why would we not, then, subject their behavior under the guise of the employee manual?

Why do they have to be included in this document if their behavior is already going to be addressed in the employee manual and a citizen that had a problem with an employee could file a complaint with the department head or the Mayor regarding that employee?

Why do they have to be subject to this document?

ATTORNEY WEED: Are you asking me?

COUNCILMEMBER ALEXANDER: I am asking

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anyone.

ATTORNEY WEED: They don't have to be. In other words, if it were the "city attorney's world," I would suggest that that would be perfectly fine with me.

But once again, if you want to expand folks' abilities to address grievances, you can.

COUNCILMEMBER BATES: Well, no. But I think Ms. Alexander's question is they are held to a standard ethically as documented here but they don't have a recourse to file an ethics complaint for the people that set the law to hold them accountable ethically.

ATTORNEY WEED: Councilman, all I can say is legally you can do that. And whether it's a good idea or not, that's always up to the Council to decide.

What I worry about for you is risk. That's what you pay me to do is worry about liability and risk.

COUNCILMEMBER SPANGLER: And there would be a great amount of risk in doing this.

ATTORNEY WEED: That is my opinion.

COUNCILMEMBER BATES: Would there be less risk to pull them out of the ethics

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ordinance altogether and have them fall exclusively under the employment manual?

ATTORNEY WEED: Yes, in my opinion, because essentially if a citizen was aggrieved of something an employee did, they also could go and issue a complaint to the supervisor, the department head, to the Mayor or even ultimately to the Council, and I would assume the Council and on down the line, someone would address that complaint. So I think there is protection of the citizenry against the employee through the chain-of-command process that we have.

COUNCILMEMBER ROCHE: But what happens when that doesn't work? That's been a problem recently -- that, frankly, all that's happened, and it flat hasn't worked.

The Ethics Commission or the ethics ordinance gives the Mayor and the Council the opportunity that if that part fails, that we still have some sort of recourse.

ATTORNEY WEED: Currently under the policy, the Council could vote to discipline or terminate any employee. They don't have to do it through the Mayor, they don't have to do it through a manager or department head. The

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Council's got the direct-line authority over every employee right now. So right now, if a citizen were aggrieved, they could come before the Council and say, "Oh, Joe Schmoe did something to me," or, "He's taking money. Do something about it." And, you know, they would take their chances of getting sued, but they had the courage to come forward to address you and could, and I would assume you'd do something about it at a minimum, you'd investigate it.

Now, once again, you can do all of these things, and if you decide to do them, I will craft an ordinance that effectively does this.

COUNCILMEMBER SPANGLER: But what we want, Mr. Weed, is we want the most effective, less liable product that we can get. Or that's what I want.

COUNCILMEMBER FLEMING: And is it your opinion with what Mr. Spangler just said -- because I think we're all wanting that, obviously. But in your opinion, do you feel that we should not include the businesses even though, I mean, in the very beginning, the intent is to include the businesses?

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ATTORNEY WEED: As your lawyer, is it legal to include the businesses? Yes.

Then the next question you've got to decide is, who are the businesses? Are you going to modify the occupation tax permits so that they have to identify a human being that will represent the company that starts the ethics process? How are you going to build the machine?

And you can do that, but you're going to have to think about that. If it's a partnership, can either partner represent the company or does it have to be one of them designated? If it's McDonald's and you're a franchise, who represents the home office in Saskatchewan, Canada, or are you going to have them designate a local person to represent the company when it files its ethics complaint?

So what I'm worried about with regard to businesses is how expansive that could turn out to be, because if you include one business, you've got to include them all.

Can we do that? Can we structure an ordinance to do that? Yes, we can.

But that's the working of it, and it's

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not that easy, but you can modify the occupation tax permit to designate somebody and that person will be the person who carries it through the system.

In answer to your question directly, do I think it's a good idea to expand it to businesses? No, ma'am, I don't. That's my city attorney role. Once again, I want to try to limit your risk.

Is it the right thing to do morally, ethically for the citizenry? Maybe it is, but that's not my decision.

COUNCILMEMBER SPANGLER: And it would be not only the business owner or the partner and the business owner. It would be all the employees also.

ATTORNEY WEED: You have to decide. You'll have to decide that.

COUNCILMEMBER SPANGLER: Right. You know, potentially -- so potentially, if you walked in in McDonald's and you kind of were a little ill or said something that they took the wrong way, then they could bring an ethics complaint against you.

ATTORNEY WEED: Arguably, they could,

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yes, sir. They have to get some -- they have to say that they're representing the business, and we would have to define what "the business" is.

COUNCILMEMBER SPANGLER: What if you opened the door the wrong way? They could potentially --

ATTORNEY WEED: Who knows?

MAYOR JENKINS: Mr. Spangler, you had a motion.

COUNCILMEMBER SPANGLER: Yes, sir, I did.

MAYOR JENKINS: I really feel like rather than making a motion changing one particular item, let's set up a committee and do a study on it rather than change it one item at a time. But that's just a suggestion.

COUNCILMEMBER SPANGLER: Well, it's not really making a change. I mean it's just an amendment. I think Mr. Weed could do an amend-ment or whatever.

You wouldn't have to change the whole ordinance, would you, Mr. Weed?

ATTORNEY WEED: No, sir. I mean we do have to write another ordinance, of course, to amend it, but that's can be a two-pager.

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COUNCILMEMBER SPANGLER: It would be more simple than having a committee and going through and --

ATTORNEY WEED: Well, I won't go that far, Mr. Spangler. I mean that's up to the Council to decide. If you want to open this thing up and look at the entire engine, you can do that. If you want to change the hub caps, we can do that.

COUNCILMEMBER SPANGLER: Well, Mayor, you want me to withdraw my motion?

MAYOR JENKINS: No. I'm saying don't you think rather than do it piecemeal, a little bit at a time --

COUNCILMEMBER SPANGLER: Well, I think that --

MAYOR JENKINS: -- we do the whole thing at one time?

COUNCILMEMBER SPANGLER: I don't know what else you need to change on it.

MAYOR JENKINS: I don't know.

COUNCILMEMBER SPANGLER: I mean I'm not for making the City more liable, so I certainly wouldn't entertain adding the businesses and the employees of the businesses to be able to bring

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an ethics complaint against any City employee or any member of government.

COUNCILMEMBER PITTMAN: So what is your motion?

COUNCILMEMBER SPANGLER: You know, my motion originally was to simply take the two employees that are citizens and not allow them to do a citizens' ethics complaint but rather go through the steps in the manual to address their complaint.

ATTORNEY WEED: If I might, Mr. Spangler, not to single out the two employees, because they could be 20 or 30. I know you don't care how many. If we could just broaden it to say "employees" and leave it at that.

COUNCILMEMBER SPANGLER: That's fine.

ATTORNEY WEED: I know that's your intent.

COUNCILMEMBER SPANGLER: That's fine.

ATTORNEY WEED: I know that's what you mean.

COUNCILMEMBER ALEXANDER: So now no employees can file ethics complaints against us but they are subject to the guidelines in this

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ordinance.

COUNCILMEMBER PITTMAN: But they could file an ethics complaint as a citizen but not as an employee; is that correct?

COUNCILMEMBER ALEXANDER: No.

COUNCILMEMBER BATES: No.

COUNCILMEMBER ALEXANDER: They can't file one at all.

COUNCILMEMBER PITTMAN: Not at all.

ATTORNEY WEED: Under what's being proposed, no.

COUNCILMEMBER SPANGLER: But they can go through --

COUNCILMEMBER PITTMAN: The grievance procedure.

COUNCILMEMBER SPANGLER: -- the grievance steps.

COUNCILMEMBER ROCHE: I still think that if we look at the policy itself, I mean the procedure, I mean if I'm the Ethics Commission or committee and I receive an ethics complaint against, since we're picking on Councilwoman Fleming, whatever, the first thing the Ethics Commission would do would be to say, "Is this an employment matter or is this a citizen matter?"

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COUNCILMEMBER ALEXANDER: It won't be coming from an employee.

COUNCILMEMBER ROCHE: I'm saying the way it is today, if you have an employee that lives inside the city, those two people -- there's only two people, apparently. I'd have to stop and think who they are.

Anyway, those people, if one of those two people -- like I said, we're just narrowing it down to what's possible right this minute -- just those two people -- if either of those two people files an ethics complaint, the first thing the Ethics Committee would do would be to say, "Is this a personnel issue, personnel grievance that would be handled through the grievance process or is this something that is an ethics complaint as a citizen? Is it because they're a homeowner or because they feel like they're being picked on because their car is parked on the grass or something like that?"

That's a different thing than being an employee of the City.

ATTORNEY WEED: Right now, the Ethics Panel can't do that.

COUNCILMEMBER ROCHE: Right.

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ATTORNEY WEED: Could the ordinance be modified to allow them that initial judgment and route the employee one way or the other? Certainly.

COUNCILMEMBER ROCHE: I think that would solve the problem, both issues.

COUNCILMEMBER PITTMAN: So there seems to be some confusion. I'm not really big on doing a committee and doing all that, but could we maybe do a little further research and bring it up the next time? Because there's a little bit of question here, and I don't really want to vote on it until I'm clear on it.

COUNCILMEMBER ROCHE: That's fine.

COUNCILMEMBER SPANGLER: Well, I'll withdraw my motion and ask that we do a little more study on this.

ATTORNEY WEED: I can give you a couple of different ethics ordinances and maybe a couple of different options and you can think about that.

COUNCILMEMBER PITTMAN: That's good. Thank you.

MAYOR JENKINS: Very good.

COUNCILMEMBER SPANGLER: When can you

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get those to us, Mr. Weed?

COUNCILMEMBER SPANGLER: Later this week. By the end of the week.

MAYOR JENKINS: Okay, Maria.

COUNCILMEMBER ALEXANDER: I will table my agenda item --

MAYOR JENKINS: Do we need a motion on that?

COUNCILMEMBER ALEXANDER: -- for further review.

MAYOR JENKINS: Okay.

COUNCILMEMBER ALEXANDER: Item number 8 was property maintenance. We went over this at the work session, how to address properties that are in foreclosure that the grass needs cutting, there are safety issues or whatever. Mr. Weed made it very clear that we're going to have to follow proper procedure and go through the Quality of Life unit and issue citations and go through the court system.

I guess the best thing would be for us to be diligent, as we already are, and as soon as you see a property that looks abandoned, to go ahead and notify QOL so they can put it on a list and start monitoring it. And I'll try to

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monitor the foreclosure public notices and e-mail you guys when we have another list come out.

COUNCILMEMBER SPANGLER: And I believe Mr. Weed was supposed to work on a couple/three addresses for us?

ATTORNEY WEED: Yes, sir. The Mayor, the Chief and I met last week and discussed it. And we haven't completely formulated a list yet, but we had an official meeting on it and we're working towards that.

In fact, I've got a trial at 1:30 tomorrow on the Xu Dong property to abate the public nuisance there.

COUNCILMEMBER SPANGLER: What about there was a couple other parcels we talked about. Did you --

ATTORNEY WEED: We're developing a list right now, and I've --

COUNCILMEMBER SPANGLER: So that you --

ATTORNEY WEED: -- got a file.

COUNCILMEMBER SPANGLER: -- didn't work on the -- there's two specific places that we talked about, one on Clay and also the Star Towers property?

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ATTORNEY WEED: The one on Clay, we've already got a file started on that, but we haven't done anything on Star Towers yet other than we talked about it at our tripartite meeting last week to come up with a plan of action.

MAYOR JENKINS: I have the name of the lawyer that's working on the Clay Drive property. I'll get it to you tomorrow.

COUNCILMEMBER ALEXANDER: And I believe Star Towers has been cited?

MAYOR JENKINS: Yes, they have been cited.

ATTORNEY WEED: I did talk to Officer Martin with regard to that property because there's some issue about -- and I talked to Rhonda about this, too, previously -- about just because a person's got a permit, like a demolition permit or even a construction permit, that doesn't give them carte blanche to let the property go. And so those cases are being worked.

MAYOR JENKINS: Yes, they are.

COUNCILMEMBER SPANGLER: And I agree with you, Ms. Alexander. I think we need all

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the help we can get. Anybody, any residents that sees any of these properties, all they have to do is call City Hall or call one of us and let us know. We'll start working toward getting the procedures in place.

COUNCILMEMBER ROCHE: And I did receive a copy of the warnings issued against Star Towers. There are several issues.

And I think the 10 days ends either the 8th or 9th. I don't have that.

CHIEF KING: I'll get it up to you, sir.

COUNCILMEMBER ROCHE: So on that day, then all these things need to be corrected.

CHIEF KING: We actually give them five days, sir.

COUNCILMEMBER ROCHE: Is it five? I could have sworn it was 10.

CHIEF KING: It's five because this is a reoccurring, ongoing problem, sir.

COUNCILMEMBER ROCHE: So much the better. Thank you.

COUNCILMEMBER SPANGLER: So Chief, are we giving them a fine each time?

CHIEF KING: I can't give them a fine,

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sir. All I can give them is a citation.

COUNCILMEMBER SPANGLER: Well, a citation's the same thing.

CHIEF KING: Yes, sir.

And we're working with the city attorney and the court to try to come up with what -- you know. We're mailing those citations to their corporate office, and hopefully we'll get a response, either us or the Mayor's office will get a response.

Basically, we want them to start doing something.

COUNCILMEMBER SPANGLER: Right.

CHIEF KING: I think that's the wishes of the Council.

ATTORNEY WEED: And just for your edification -- and we talked about it at the work session, for people in the audience who didn't hear us talk about it before, very briefly -- which nuisance abatement tool you use, the time frames may vary.

For a public nuisance, one such as you have a hotel and one whole half of the building is gone and people are in there renting rooms, something that's a public nuisance, then the

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time frame is, quote/unquote, "reasonable notice" which could be a day's notice.

If you use your local code, there's a 10-day notice rule in the local code.

So how many days' notice depends upon which tool you pull out of the tool box, whether it's State law, local code, whatever.

MAYOR JENKINS: Okay. Mr. Roche?

COUNCILMEMBER ROCHE: Yes. Add gender identity/expression to the non-discrimination ordinance.

Can I borrow a tee shirt for just one second? At the bottom of this, it says "Celebrating our Diversity."

One way to be diverse is to not discriminate against people, and last go-around we added protections for gender identity and essentially all this -- I'm sorry. That's gender preference.

Essentially all this does is add gender identity.

I'll read this first paragraph, Equal Employment Opportunity. "The success of the City depends upon the full and effective use of all its human resources. The City will

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therefore provide equal employment opportunities without regard to race, color, religion, sex, national origin, age, disability, veteran or familial status, sexual orientation, gender identity and any other characteristic protected by law."

And this relates to all aspects of employee employment, blah-blah-blah-blah-blah.

Atlanta, Georgia, and Decatur has already passed something very similar to this. This is a list of all the other municipalities and et cetera that have done this.

And I ask that we waive the first reading and pass this ordinance. I make a motion that we waive first reading on -- I don't know what it's called -- the ordinance to protect gender identity.

MAYOR JENKINS: Do I get a second?

COUNCILMEMBER BATES: Second.

MAYOR JENKINS: Anymore discussion?

COUNCILMEMBER ALEXANDER: I guess I had spoken to Councilman Bates and the city attorney and Councilman Pittman and Fleming today, and I just had some concerns on page 5.

I do understand there's a stipulation

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in here where the employee is to notify the City of their intent, but there's no, I guess, caveat of our being prepared. And again, I thought we were going to have some training before we passed this, and I just -- enlighten us.

COUNCILMEMBER ROCHE: Well, I want to back up a little bit.

We had a meeting. I don't remember the exact date. At the meeting was the Mayor, myself, Attorney Weed, Chief King; Cole Thaler who is from Lambda Legal, who specializes in this particular stuff. And Mr. Bates will have to help me with --

COUNCILMEMBER BATES: Jeff Graham.

COUNCILMEMBER ROCHE: Jeff Graham from Georgia Equality and Carol Stephens.

And at the end of the meeting, we decided three things. First of all, we decided we would go ahead and add this language to the employment manual that's being worked on by Attorney Weed. We also agreed that Mr. Thaler and -- I'll never remember his name -- we're going to provide people that basically do sensitivity training. So we have those names, which I did pass along to the Mayor, and the

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Mayor was going to schedule employee sensitivity training. And my part was the easy part. All I had to do is bring up the motion at the meeting.

So yes, there will be training.

One of the first things that Mr. Thaler said -- and Mr. Thaler is an attorney and, again, he does specialize in this -- is that basically, essentially you start with the ordinance. You know, like everything else, we start with the ordinance. Or not everything, but with most things you start with the ordinance and then you develop your policy as you go.

We're in the process of rewriting our employee handbook, anyway, so it's fairly simple to just incorporate this into that. And I know there are some questions going back and forth, but, you know, personally I'm satisfied that I don't think there's going to be anything really weird going on and people changing clothes every half hour and all that sort of thing -- except maybe on Halloween, so --

COUNCILMEMBER FLEMING: I do not wish for our city to discriminate against anyone, and I am in favor of the ordinance, but this is just

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identifying employees, and we have public facilities that I'm concerned about.

If we are going to be a city of nondiscrimination, I feel that we should have unisex bathrooms in all city buildings including the pool area as well as the arena area, and if there are locker rooms in any of the buildings, the City buildings, there should be a unisex locker room as well.

The reason why I say this, I am very concerned about the public welfare as well, particularly the children that are involved in the pool area as well as at the arena.

So I would suggest that I know that we start with an ordinance and then we go on to policy. This is addressing our employees. But we as a council need to be thinking about our buildings and our infrastructure and how we're going to accommodate the gender-preferenced people as far as that so we do not discriminate against them.

COUNCILMEMBER ROCHE: Well, we would handle that as a separate thing from this.

MAYOR JENKINS: Okay. You made a motion?

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COUNCILMEMBER ROCHE: Uh-huh, and I've got a second.

MAYOR JENKINS: Okay. Call the roll.

COUNCILMEMBER ALEXANDER: I --

MAYOR JENKINS: Excuse me.

COUNCILMEMBER ALEXANDER: So we still -- I mean I understand your point, Mr. Weed, but I believe Mr. Thaler, am I correct, suggested a time period?

COUNCILMEMBER BATES: In speaking with Mr. Thaler today, he indicated that putting a notification time period was acceptable, not required. So if the Council wants to add in a time period on the notification clause, I believe that that's acceptable.

Mr. Weed, can you --

ATTORNEY WEED: It's not a legal -- What you're about to do is expand a group of rights to potential employees and employees. There's no precedent for it other than some other jurisdictions have done it. It's not mandated.

It's your choice. And because it's your choice, you can create a time frame or not and you can put in that time frame however much

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time you care to.
COUNCILMEMBER ALEXANDER: Our ordinance is more expansive than those other ordinances that were used as examples?
ATTORNEY WEED: That is my opinion.
COUNCILMEMBER ROCHE: Well, that's not the opinion I got from Mr. Thaler.
I would be happy to add in a 30-day notification that any employee that wishes to present as a different gender would have to give 30 days' notice to their supervisor before doing so. Would that make it okay?
So I'm not sure how we do this in terms of motions and everything because I made -- the motion was a first reading, so --
ATTORNEY WEED: Well, let's talk that over briefly.
My opinion is since you've got -- you have these duplicative agendas, you've already had the first reading because it already appeared on one agenda and you already discussed it. So I don't even think you have to waive first reading, although that's a motion and a second. We can either redo that or not. So I think you've got that part covered.

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But then with regard to making a modification, you might want to just go ahead and pass that motion and then make another motion to adopt. And when you make a motion to adopt, say, "With the change of including a 30-day time frame," and then I'll whip out the change tomorrow and send it in.
COUNCILMEMBER ROCHE: Okay. I'll withdraw the original motion for the first reading and I will make a motion that we modify the current version to add a 30-day notice where an employee must give 30 days' notice to his manager.
COUNCILMEMBER ALEXANDER: It says in writing to the Mayor, so can we --
COUNCILMEMBER ROCHE: And in writing to the Mayor.
COUNCILMEMBER ALEXANDER: Mayor and department head?
ATTORNEY WEED: I'd like to leave it as the Mayor because he's the central --
COUNCILMEMBER ROCHE: That's fine.
ATTORNEY WEED: -- focal point.
I didn't mean to cut you off.
COUNCILMEMBER ROCHE: Whatever is

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simplest. I missed that part.
COUNCILMEMBER ALEXANDER: So we don't want to put the Mayor or the department head?
ATTORNEY WEED: I would rather not have notices going around to different people. I'd rather have the Mayor as the chief executive officer getting the notice, personally. That's my recommendation.
COUNCILMEMBER ROCHE: And we're going to add 30 days' notice.
Do I need to restate all that?
MAYOR JENKINS: You got it, Rhonda?
CLERK BLACKMON: I got it.
MAYOR JENKINS: Call the roll.
COUNCILMEMBER ROCHE: We need a second.
CLERK BLACKMON: Oh, yeah. We don't have a second. I'm sorry.
COUNCILMEMBER SPANGLER: I think Mr. Bates seconded it.
COUNCILMEMBER BATES: Oh, I seconded the first reading.
CLERK BLACKMON: Right.
COUNCILMEMBER BATES: I have not seconded a second motion. So I will second the new motion.

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MAYOR JENKINS: Okay.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
COUNCILMEMBER ROCHE: And I'd like to make a motion that we adopt this ordinance with the changes that were made a minute ago.
COUNCILMEMBER ALEXANDER: I thought that's what --
COUNCILMEMBER BATES: That's what we just did.
COUNCILMEMBER ALEXANDER: -- we just did.
COUNCILMEMBER ROCHE: Oh, did we? I'm

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sorry. I thought -- okay.
ATTORNEY WEED: Oh, I heard it that you withdrew your first motion, that was --
COUNCILMEMBER ROCHE: Right.
ATTORNEY WEED: -- okay, and then you made a different motion.
COUNCILMEMBER ROCHE: I thought I needed two motions. Sorry. But thank you very much.
The second thing that I had was move citizen comments to the beginning of the Council/work session meetings.
I had a discussion with a citizen a couple months ago or maybe six weeks ago who had attended a meeting in a different jurisdiction. He was very impressed by the --
It was Norcross, wasn't it, Mr. Livingston?
MR. LIVINGSTON: Yes.
COUNCILMEMBER ROCHE: And he was very impressed by what they do is at the very beginning of the meeting, the citizens are allowed to come up, and they have their three minutes or their five minutes or whatever and they can discuss or give their opinions on

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whatever was on the agenda or whether it was on the agenda or not.
And that way, when the meeting began, the council was already kind of fully briefed on what people were thinking, et cetera, et cetera.
And then during the course of the meeting, there was --
Were citizens actually allowed to make comments during the course of the meeting?
MR. LIVINGSTON: No. Just at the first.
COUNCILMEMBER ROCHE: Just at the beginning of the meeting.
So I discussed it with the Mayor I think a week later after one of those Friday afternoon meetings. And I guess I thought I had a buy-in on that but maybe I don't. But --
MAYOR JENKINS: Well, I --
COUNCILMEMBER ROCHE: -- we discussed this during the work session.
MAYOR JENKINS: I wanted to look at it, yes.
COUNCILMEMBER ROCHE: We discussed this at the work session. To be honest, I figured since it was a work session, now people have had

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a week to think about it.
I can see a lot of benefits to it.
You know, a lot of people have expressed frustration to me that by the time we get around to citizen comments, it's 11:30 and everyone's asleep and trying to get out of here, et cetera, et cetera. And by then, we've already made our votes and passed everything, and it's kind of late in the day to make citizen comments, so --
COUNCILMEMBER PITTMAN: My suggestion -- I think I expressed this at the work session -- was to have citizens sign up for particular agenda items that they want to speak on so they can speak on it as we go through the agenda rather than at the beginning, because at the beginning, they don't really know what we're potentially going to be saying. And I think if we could follow the format of having them sign up for each agenda item when they walk in the door, then if we're talking about recycling, they can express themselves about that, which does not limit someone that feels like they really have to have a comment about it. That's just my suggestion.

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COUNCILMEMBER BATES: I would tend to concur with Ms. Pittman. My concern with having citizens' comments only at the beginning -- and I understand there would be an opportunity during discussion items, would be if we say or do something stupid up here, which happens somewhat frequently; at least on my end, it does -- there wouldn't be an opportunity for anybody to comment on it at the end of the meeting.
I think we need to provide that opportunity for the citizens to express their concerns, their frustrations, their accolades, their thoughts to us after we're done pontificating up here rather than before.
COUNCILMEMBER ROCHE: Well, actually I made a speech to someone two days ago -- actually, last Friday. It was a business situation, and I talked about evolutionary change versus revolutionary change.
And I would be okay. Since number four passed and we're back to two meetings a month, you know, I guess for the moment let's try and see how that works, and then if we're still having problems, then we can do adjustments later.

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MAYOR JENKINS: Okay.
COUNCILMEMBER FLEMING: I really do like Ms. Pittman's suggestion about signing up for the agenda item because that way we can get feedback from them before we make any of our motions.
MAYOR JENKINS: During. During.
COUNCILMEMBER FLEMING: I'm sorry?
MAYOR JENKINS: During when we're --
COUNCILMEMBER FLEMING: Absolutely.
MAYOR JENKINS: Okay.
COUNCILMEMBER FLEMING: And then still at the end for the final comments as well.
COUNCILMEMBER SPANGLER: And I agree too, Mr. Roche.
COUNCILMEMBER ROCHE: That's fine.
COUNCILMEMBER SPANGLER: If we had citizens' comments at the beginning of the meeting, you know, some of the citizens may not be aware of what is actually going to be discussed during the agenda.
But I still think that they should be allowed to, at any point in time, like Ms. Pittman said, get on the agenda for that particular item and then everybody should be

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able to comment again.
COUNCILMEMBER ROCHE: Anything we can do to improve, you know, being able to get feedback from citizens.
So if would you like to make that motion --
COUNCILMEMBER PITTMAN: Sure.
COUNCILMEMBER ROCHE: -- I'll second it.
COUNCILMEMBER PITTMAN: I'd like to make the motion that we allow citizens to sign up according to the agenda items that they want to speak on, which does not limit them to speaking if they feel they have the necessity an speaking at the end with comments about what transpired.
COUNCILMEMBER ROCHE: Three minutes or five minutes?
COUNCILMEMBER PITTMAN: My preference would be three minutes.
COUNCILMEMBER ROCHE: I'll second that.
MAYOR JENKINS: Anymore discussion?
- - -
(No response)
- - -

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MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
COUNCILMEMBER BATES: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: Mr. Scott?
MR. HAEBERLIN: The planning and zoning fees, we did introduce that concept. It's something we're still working on and still researching, the existing fees that you have in the city codes. So at this time, there would be no action required on that item. We will bring it back to you again when we have a more cohesive set of items to present to you that

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could be adopted.
The next item is building permits. And as we went through last time, we need in our tool bag an array of tools to manage the permitting process and to not only do that but expand our database of information that we have.
The structure location plan requirements for receiving a residential building permit application. This is a necessary tool particularly with our participation in FEMA and it is one of the tools that we can link planning and zoning with building inspections and permitting.
Right now, we have failures that are occurring or potential failures as a result of not having accurate information.
You guys did receive two drafts of this. I want to draw attention, if you have the two drafts, that on page three, the last sentence under three right above the item A, "Unsealed, e.g., hand-drawn, instruments will not be accepted." That is the corrected version, that previously there was a typographical error that said "instructions" rather than "instruments."

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COUNCILMEMBER BATES: Scott, correct me if I'm wrong, but this is residential only; is that correct?

MR. HAEBERLIN: Correct. We already have effective management tools in place for the nonresidential applications.

MR. ANDERSON: No hand-drawns for residential? It has to be professional?

MAYOR JENKINS: Excuse me just a minute. Did you read the notice I put out?

Would you come up to the microphone and identify yourself, sir? Mr. Crawford?

MR. CRAWFORD: I didn't say anything.

MAYOR JENKINS: It wasn't.

COUNCILMEMBER PITTMAN: Mr. Anderson.

MR. ANDERSON: It was me.

COUNCILMEMBER PITTMAN: It was Mr. Anderson.

MAYOR JENKINS: Oh. Go ahead.

MR. HAEBERLIN: This is a reasonable expectation. It is something --

MAYOR JENKINS: I apologize, Mr. Crawford.

MR. HAEBERLIN: -- that we ask for from our nonresidential folks. Well, again, we want

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to be for certain that we're issuing permits that are correct and that follow through in the field as being correct.

COUNCILMEMBER BATES: So this would preclude hand-drawn sketches.

MR. HAEBERLIN: That is correct.

There is really no way for an individual to calculate impervious for any certainty. There's no way for an individual to locate the hundred-year flood plain or other very important items with any degree of certainty.

COUNCILMEMBER ROCHE: Well, if someone already has a house and they just want to put a shed in the back yard, do they have to go out and get a full-blown --

MR. HAEBERLIN: That's correct. That is correct. They would be required.

We don't have any archival data on existing structures in the city, and that, again, is a failure because we are merely guessing when we issue a permit. We don't know for any certainty due to the age of these structures where that house is actually sitting. Is the existing structure nonconforming to begin

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with?

We do have to enforce the distance requirements between the principal structure and the accessory structure. We have to ensure that there's no more than two accessory structures -- a detached garage and, say, perhaps a utility building. So there's --

COUNCILMEMBER ROCHE: I got that.

MR. HAEBERLIN: -- a wide parameter.

COUNCILMEMBER ROCHE: Let me rephrase that. I mean my house is fairly recently built, so I have the little plat, drawing or whatever. And if I decided I wanted to put a little shed back there, can I just say, "It's going to go there," or do I have to go and pay to have a whole new drawing done with it?

MR. HAEBERLIN: If you have existing data from a survey source, you should be able to go to that surveyor and have a minor revision done to it to update that item.

COUNCILMEMBER ROCHE: Okay.

MR. HAEBERLIN: That is not the majority of the structures in the city.

COUNCILMEMBER ROCHE: I understand.

COUNCILMEMBER SPANGLER: And what would

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be the expense of, say, having the surveyor add that?

MR. HAEBERLIN: Well, I don't know. On replats, I'll tell you that I have a residential building lot myself which is not unlike the 10,200 square feet that's pretty much in the city, and I paid an individual about $350 to do an as-built survey.

And again, this is an item not just for us but also you have to think of it as well for future purchasers of that dwelling, is that they come and through the open records requests review building permit applications and obtain information. As you know, closings in Georgia now occur very routinely without any sort of instruments that plot or locate the structure. So it is a long-term benefit not only for us as a city but for our residents as well.

COUNCILMEMBER ROCHE: Are we going to start storing these so that --

MR. HAEBERLIN: Yes, sir. Uh-huh.

COUNCILMEMBER ROCHE: So you need us to pass this; correct?

MR. HAEBERLIN: Yes, sir.

COUNCILMEMBER FLEMING: This does not

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include putting a deck on the back of your house
MR. HAEBERLIN: That would include.
COUNCILMEMBER ROCHE: I mean I think it's the right thing to do, but I mean I'm just a little concerned about that, but I don't know how else --
MR. HAEBERLIN: Well, there's so many dynamics to permitting and there's so many dynamics to your zoning code, and the other intervening factors such as FEMA participation that, you know, really we're at this point, and we have progressed as a city. It's required in most other metropolitan areas. It's a protection not only for us as a city but the homeowner as well.
COUNCILMEMBER ROCHE: I mean I don't see how we can not do this. I guess I'm just a little concerned about the impact it may have on some people.
COUNCILMEMBER SPANGLER: Okay. My question is say like you had to go and you had to do this, and it cost you $350 because you wanted to have your driveway expanded. Okay? So then six months later, you want to add a storage shed put on the back of your lot, so

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would you have to do it again?
MR. HAEBERLIN: Yes, sir. You would go back to that individual who prepared the item, and they could do a brief revision to the existing data that they already have plotted.
And I mean as your -- as you may not be aware, right now the situation is the individual goes out in the field and looks at existing situations but those situations are not accurately reflected on any sort of survey. So from a perspective of potential liability for the City, we're just -- we don't have accurate information, and we are wanting to permit things based upon the best available information that we can get.
Again, that would be a sealed item. So that sealed item would go back to the individual who prepared the item.
COUNCILMEMBER BATES: I'll move that we pass the ordinance as written.
MAYOR JENKINS: Do I get a second? Second?
COUNCILMEMBER ROCHE: I'll second it.
MAYOR JENKINS: Call the roll, please.
COUNCILMEMBER ALEXANDER: So we need to

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edu- -- and would there be any grace period before this went into effect? Because we're going to have a lot of shocked homeowners when they come in here to get a permit to build a deck and they have to find out they have to spend another $400 to get a survey done.
MR. HAEBERLIN: You know, my preference would be effective upon adoption, and I'll tell you why: because every day, we're encountering greater and greater difficulty, and the degree of the information that myself, that the City Clerk and also, too, the Building Inspector are finding is extreme -- is of extreme concern to me. So you know, I would not provide for any sort of grace period. That would be my recommendation to you.
COUNCILMEMBER SPANGLER: And this would be for new projects from the point of adoption on, any new project whether it be a deck, storage building, driveway?
MR. HAEBERLIN: Yes, sir.
COUNCILMEMBER SPANGLER: Okay. So anything that's already been done with the hand-drawn maps or plats, whatever you want to call them, would be okay.

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MR. HAEBERLIN: Well, anything that has already been completed.
In other words, a permit that is in progress obviously would have some sort of vesting, a received application.
But when we're talking application, yes, we're requiring it for new construction, also to additions or renovations. So if somebody came in tomorrow and wanted to make an application to add onto their house, this would be a requirement.
COUNCILMEMBER FLEMING: I would be more comfortable if we allowed a one-year term of the plat design or the drawing because there may be some homeowners that want to do more than one item but right now they're just doing a driveway and then two months from now they want to do a deck on their back yard, that's attached to their home.
I just feel that they should be able to use the same drawing that they did initially and that should, for instance, hold over for a period of one year. I don't know. Something other than -- like Mr. Spangler said, it was everything that they do, they'll have to go back

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and be spending more money to get an updated drawing done.

COUNCILMEMBER SPANGLER: Or perhaps, Ms. Fleming, if they knew they were going to do several things or three things, then maybe they could have it all done at one time and then come before the City Clerk and get each permit and use the same document.

MR. HAEBERLIN: There would be nothing to preclude, as you say, phased development. They would identify that, you know, they have a deck, a garage or whatever, you know, they're doing this throughout the next 14 months or whenever they're going to do these items. They include them on a survey.

There'll be nothing that would preclude phase. So yes. I mean those folks who are planning major renovation projects would have an opportunity to do this all at one time.

COUNCILMEMBER ROCHE: Just curious, I mean. I'm looking for a rough estimate or no estimate at all. We budgeted about $500,000 income this year for building permits. About how much of that would normally be for residential? 10%, 5 percent, 40 percent, 90

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percent?

MR. HAEBERLIN: Yours is such a different developed metropolitan area than I'm used to working in. I'll be honest with you. Everything I am seeing is renovation. We have not seen a new residential building permit since I've been here.

COUNCILMEMBER ROCHE: Right.

MR. HAEBERLIN: Without knowing more information on your past situation, I wouldn't want to project that. I don't think I could provide you with correct information.

COUNCILMEMBER ROCHE: So other than adding on, like you said, a deck or adding a wing or adding a structure, I mean they wouldn't -- if they wanted to renovate the inside the house, obviously they wouldn't need the -- would they need this drawing?

MR. HAEBERLIN: The interior would have no impact on it --

COUNCILMEMBER ROCHE: Right.

MR. HAEBERLIN: -- as long as they're not changing the footprint.

COUNCILMEMBER ALEXANDER: Ms. Blackmon, do you have to have a permit to replace a

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driveway?

CLERK BLACKMON: Yes.

COUNCILMEMBER ROCHE: So replacing a driveway would --

COUNCILMEMBER ALEXANDER: So my project just went up $400.

MR. HAEBERLIN: Well, one of the items that we discussed last time is the city is a stormwater utility. At some point, we're going to have to have effective management of how much of these lots are impervious.

Your residential districts are very weak right now. They just talk about the building footprint. Well, what about all the blacktop areas? What about all the accessory structures, et cetera? We're going to need to manage that. And how many of these properties already are over that threshold? Without accurate information, we really can't tell that.

COUNCILMEMBER ROCHE: Can I make a friendly amendment to say that this would take effect at the beginning of the year, at least give people two months' notice?

COUNCILMEMBER BATES: I'm not inclined to accept it. I appreciate the concern, but the

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longer we push this off along with our ordinances and our zoning and things like that, the worse it's going to be or the more exacerbated it's going to be.

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(Applause)

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COUNCILMEMBER ROCHE: That's fine. I guess I tend to agree with you. My only point is that suddenly waking up -- you know, people are going to wake up tomorrow and suddenly, as you've said, we've got additional --

COUNCILMEMBER BATES: I --

COUNCILMEMBER ROCHE: I'm just trying to look for a way to soften the blow a little bit instead of slamming it.

I agree with you completely. It's just a matter of --

COUNCILMEMBER BATES: And I appreciate that, and I'm caught because I am going to be in that scenario as well down the road.

I just don't see putting it --

COUNCILMEMBER ROCHE: I'll withdraw the amendment. No problem.

COUNCILMEMBER SPANGLER: And what was

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your -- what did you ask the --

COUNCILMEMBER ROCHE: I was just going to say that would, you know, give people basically 60 days of lead time before this took effect, just so they will know instead of waking up tomorrow and "surprise."

COUNCILMEMBER SPANGLER: Well, could we put a letter out to all the residents, you know, give a couple weeks' notice?

COUNCILMEMBER ROCHE: We need to do that anyway.

MR. HAEBERLIN: I think that if you adopt this, it would be in our best interest to load a signed copy of the ordinance onto the web site. That's an effective communication tool. And I don't think that a letter to each home owner -- again, we're assuming we're actually going to reach the home owner. The web site is the best way to provide information.

COUNCILMEMBER SPANGLER: But you know, how many of us home owners are going to read it on the web site? You know, I mean in the past they have not had to do so.

So yeah, I'm all for giving them a little bit of notice and maybe a little bit of a

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notification.

COUNCILMEMBER PITTMAN: I agree. I think maybe the web site's a great idea but also a letter to the home owners because there are people that do not go to the web site.

ATTORNEY WEED: Can I make a suggestion on that?

I admire your consciousness. What I'm worried about a little bit is enforcement. You know, we can send it out to the residences but if someone finds themselves -- well, they can always say, "I didn't get the letter."

So what I would recommend is running an ad in the newspaper and posting it on the web site because the newspaper is usually considered to be adequate notice for virtually anything, and, that way, you've done -- certainly you've done what the law would require even though the law doesn't require you to do that. It's above and beyond, anyway.

But why I'm worried about sending individual letters to homes, you know, I'm just worried that someone's going to turn up and say, "I didn't get a letter. How can you enforce this against me?"

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COUNCILMEMBER SPANGLER: Could you do all three?

ATTORNEY WEED: I'm sorry, sir?

COUNCILMEMBER SPANGLER: Letter to the home, advertisement in the newspaper and on the web?

ATTORNEY WEED: You could.

And the only other thing I would suggest is that you might want to say at this meeting, we put it in the ad and we put it on the web site, that, you know, "Our failure to contact you --" Of course ignorance of the law is no excuse.

Help me write the letter.

COUNCILMEMBER ROCHE: You put it in the letter and say, "If you don't receive this letter, it's not our fault."

ATTORNEY WEED: "Sorry. It's not our fault."

That's exactly what I'll do.

COUNCILMEMBER ROCHE: And then obviously the newsletter will reflect this too.

MAYOR JENKINS: Okay. On the motion, where are we?

COUNCILMEMBER ALEXANDER: And I guess I

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assume under Section 3, you get a set of drawings in here from a State-certified engineer, you're going to go down each one of these 20-something tic items and you're going to tic off if they don't have those items on the drawing?

MR. HAEBERLIN: You're correct. And it'll be our duty to notify that individual of the items that need corrected. And I personally feel that having conversation with the person who prepared the item is probably the most effective way to getting it corrected.

COUNCILMEMBER ALEXANDER: So anyone that comes for a building permit has to be given a copy of this.

CLERK BLACKMON: (Nods head) I can also post it at the front counter, a permanent one that's there.

COUNCILMEMBER FLEMING: With all of the items that are listed, as Ms. Alexander mentioned, on page 3 or 3 and 4, these items should only be checked off on the first go-round as far as I'm concerned.

And that land survey, if you're looking for all of these things because you're concerned

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about the land area for that home or the flood plain or the stormwater, then I can't understand why you would need it again for an additional item that they wanted to build.

You know, I just feel that the survey should at least be available for at least a year if not -- I mean because the stormwater's not going to change in a year, or the impervious structure or the land development there is not going to change in a year's time.

I just would feel more comfortable if they only had to provide one and then came back with an amendment to it, maybe.

COUNCILMEMBER ALEXANDER: Well, for example, item B, "The recorded subdivision name, phase, pod and unit shall be shown." Well, our subdivision was built in like 1960. I don't think they even had phases.

MR. HAEBERLIN: Again, that's if present.

COUNCILMEMBER ALEXANDER: So if present.

So "shall," as several people in the audience would say, means "must."

MR. HAEBERLIN: If any.

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And again, you can't do something that isn't present. It might not be a part of a recorded subdivision.

COUNCILMEMBER PITTMAN: So would it make a difference, I mean if she did what she said? I just kind of like that idea.

Nothing's going to change, right, in a year?

MR. HAEBERLIN: If somebody is proposing phase development and they represent all those items and they, for example, put an X over those items that they want to do at this point in time, I don't have a problem with that, and they phase it out over the next so many -- you know, the year or coming year.

"This time, my building permit is for a driveway. Later on, I'm going to be coming back for a deck, et cetera." So as long as it's actually depicted, phasing is -- that's not a concern to me because it achieves our objective regardless.

COUNCILMEMBER ROCHE: Right.

COUNCILMEMBER PITTMAN: I like that idea better.

CLERK BLACKMON: But they all need to

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be listed on the first one we get; correct?

MR. HAEBERLIN: Correct.

COUNCILMEMBER ROCHE: Well, but once you get the -- I mean whoever your engineer is, whoever does the drawing, once they get that first drawing, like I said, if I want to build a shed, I wouldn't think they were going to charge me the whole amount just to say draw an X right there, because I just pull up the old drawing. It's like a Word document. You just make your change and --

MR. HAEBERLIN: That's correct.

ATTORNEY WEED: If this is helpful, most alcohol beverage ordinances have -- the state law has certain distance requirements to certain locations. Many alcohol beverage ordinances make the people every year that they resubmit an application, they still have to resubmit a survey. They don't have to completely redo the survey but they've got to have an update to see if a church got built right next door to them.

And that's really for their protection because they're grandfathered in if they were there before the church, for example. But

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nobody knows that, and the church might try to close them down unless you have the survey to begin with. And that never costs as much as the original survey in my experience.

COUNCILMEMBER ROCHE: I mean the first go-round, yes, it will be more painful, but after that --

Where are we? Did we second it?

CLERK BLACKMON: I have a motion and a second but we have not voted.

COUNCILMEMBER SPANGLER: What was the motion?

COUNCILMEMBER BATES: To pass it.

CLERK BLACKMON: To pass the ordinance.

COUNCILMEMBER ROCHE: To adopt the ordinance.

COUNCILMEMBER SPANGLER: But there were some changes that were discussed.

COUNCILMEMBER BATES: No changes.

CLERK BLACKMON: As is.

MAYOR JENKINS: Are we ready? Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

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CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: No.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: No.
CLERK BLACKMON: Motion carried 4 to 2.
MAYOR JENKINS: Thank you. Thank you.
COUNCILMEMBER ALEXANDER: Did we skip item 12?
CLERK BLACKMON: Yes. You skipped --
COUNCILMEMBER BATES: Subdivisions.
CLERK BLACKMON: -- subdivision guidelines.
MR. HAEBERLIN: Oh, okay. I apologize.
The other item before you is subdivision guidelines. Right now, in effect, you don't have any. There's been an ad hoc process through the years of taking from parts of the Dekalb County ordinances and other

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jurisdictions, that's not really been a management process.
Since I've been here, approximately a month, I've had over five questions on minor plats. This is becoming more and more common with in-fill development, which we're going to continue to experience. And so we simply need to adopt a process for subdivision regulations beginning with the minor plat.
And the minor plat we define in the definition phase that we adopted recently with M1/M2. We also added several definitions. This is just one of the first items in the definitions, which is minor subdivision, and of course there's a major subdivision. There's a provision for a residential subdivision, a combination plat, which is taking two tax parcels and adding them together.
So this is the first step in what will be a much more lengthy version of your own unique subdivision regulations, which then we will use as guidelines to review applications for lot splits.
Most of the minor subdivision was really drawn from the fact that as a local

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issuing authority there are certain thresholds that I want to be careful that we not meet.
For the most part, three building lots would not exceed the one-acre threshold, and so we've got some safety factors built in there on a minor plat.
We did not provide for dedication of right-of-ways on minor plats, for example. Those are things that would be handled on major subdivision plats that would go to the City Council. A minor plat would be an item that will be reviewed administratively with the assistance of Dekalb County for tax I.D.'s, addresses, et cetera, but it is reviewed administratively in-house and then approved for recording, again based on the parameters that's been set forth in the definition. So it is fairly restrictive.
MAYOR JENKINS: Comments from the table?
COUNCILMEMBER BATES: Give me an example of a minor plat.
MR. HAEBERLIN: A minor plat. Three building lots where there is no need for septic, there is no need for right-of-way dedication,

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there is no need for the creation of a new street. So you have a simple -- you have a piece of property in the city that would meet the codes to split it out into three lots without obtaining any variances whatsoever. It would simply be drawn out by a surveyor, presented to the city planner, reviewed in-house based on the criteria here. When it was ready for approval, then it would be signed off and they would go and record it.
COUNCILMEMBER BATES: And the maximum size of the property that would qualify for a minor plat is?
MR. HAEBERLIN: Well, we put kind of a contingency. And the reason that I rested with three, that's really reflective of your R-1 zoning which is a 10,200 square foot minimum so it would safely accommodate an R-1 minor subdivision.
COUNCILMEMBER BATES: How would assemblage be addressed?
MR. HAEBERLIN: Taking tax parcels and adding them together? That would be a combination plat.
COUNCILMEMBER BATES: And is that --

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that's excluded --
MR. HAEBERLIN: That is --
COUNCILMEMBER BATES: -- via this?
MR. HAEBERLIN: That is going to be another step in your subdivision development. I have not written that section yet. We have defined it in the terms but we have not written that section yet.
So that would be like your grandmother had two pieces of property that were always two historical tax parcels. And you get the house in the will and you just want one tax parcel and one address and you have no intention of building on the remaining lot. So you could join them together and make them one tax parcel.
COUNCILMEMBER BATES: What about assemblage for redevelopment?
MR. HAEBERLIN: Assemblage for redevelopment would be handled under nonresidential if you're talking in terms of commercial properties.
COUNCILMEMBER BATES: Residential. Assembling three houses, creating a minor subdivision, putting in six.
MR. HAEBERLIN: Okay. So, well, if it

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met the thresholds of a minor plat, it could be reviewed under minor plat.
COUNCILMEMBER BATES: And again, the maximum acreage or the maximum size that's deemed for a minor plat is --
MR. HAEBERLIN: There was no -- I did not put forth an acreage threshold. It was based on your zoning ordinance that was in effect. I was looking at an R-1 scenario.
COUNCILMEMBER BATES: So in theory, someone could assemble several properties, they could subdivide it such that each property met the R-1 threshold of 10,200 square feet and they could put six or eight or ten --
MR. HAEBERLIN: It's more than three building lots now.
COUNCILMEMBER BATES: So there is -- there is a building lot maximum of three.
MR. HAEBERLIN: There is a building lot maximum, yes, sir.
COUNCILMEMBER BATES: So within that three building lots, as long as they met the R-1 conditions, it would still be considered a minor plat.
MR. HAEBERLIN: Yes, sir.

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COUNCILMEMBER BATES: Okay.
MAYOR JENKINS: Anymore discussion at the table?
- - -
(No response)
- - -
MAYOR JENKINS: Can I have a motion?
COUNCILMEMBER FLEMING: May I hear what Ms. Hoffmeister has to say or no? Would you prefer not?
MAYOR JENKINS: Come on up to the microphone.
MS. HOFFMEISTER: Bonita Hoffmeister, Oakcliff Estates. I just have a question, and I'm going to direct this to Scott.
In the Cherokee subdivision, we have a lot of homes that are a hundred-foot frontage. And if this is passed, then could you take two of those homes and make three lots? which would definitely drive down the value of all the homes surrounding it because I do know we have several parcels in there where developers have already tried to come in and put very poor quality parcels in that area with Dekalb.
So that's my question to Scott.

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MR. HAEBERLIN: You had I think you said parcels that are a hundred foot of road frontage?
MS. HOFFMEISTER: Yeah.
MR. HAEBERLIN: Well, three, the minimum lot width would be 85, so that's 240. That's not achievable without a variance.
So the minor plat does not provide for any administrative variance, which is currently under the Mayor's purview. And once it reaches the realm of requiring a City Council variance, it's out of the realm of a minor plat.
In other words, it puts the City Council in control of major subdivisions, particularly deviations from the code for variances.
COUNCILMEMBER FLEMING: Thank you, Mayor.
MAYOR JENKINS: Do I have a motion on the ordinance?
- - -
(No response)
- - -
MAYOR JENKINS: You want to defer the ordinance?

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COUNCILMEMBER ROCHE: Well, I've been making all the motions tonight. Someone else needs to make a motion.

MAYOR JENKINS: Well, I mean if we don't want to pass it, somebody make a motion to put this one on the next agenda for more study, whatever you want to do. Otherwise, make a motion to pass it or defer it, whatever you want to do.

COUNCILMEMBER BATES: I'll make the motion to pass it.

COUNCILMEMBER SPANGLER: Second.

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

CLERK BLACKMON: Councilmember

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Spangler?

COUNCILMEMBER SPANGLER: Yes.

MAYOR JENKINS: Thank you.

You don't have one more, Scott?

MR. HAEBERLIN: I think that's it.

MAYOR JENKINS: Okay.

ATTORNEY WEED: Mr. Mayor, I've received the report on the Department of Justice submission --

MAYOR JENKINS: Let me -- just a minute. Let's take a 10-minute break.

- - -

(Brief recess)

- - -

MAYOR JENKINS: I'd just like to make the statement that I'm very pleased and proud that we've got a person of Scott Haeberle's ability. He has really cleared up a lot of our ordinances in a short time, and he's always straight to the point. He will say, "I will not recommend this." And most of the time, I'll say as far as I know at this moment, he's right.

So I just want to say that I'm proud that we have Mr. Scott Haeberle on board as a planner.

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- - -

(Applause)

- - -

MAYOR JENKINS: Okay, Murray.

ATTORNEY WEED: Item 14, Mr. Mayor, was a report on the Department of Justice submission. It's been given to the Clerk and is available for the public to peruse.

That concludes that item.

Item 15, the low-flow ordinance, that first appeared before Mayor and Council on June 8th of 2008. I gave a report on the basic parameters of that at the work session. I'm happy to give a very short commentary if you want one. You've already had first reading.

MAYOR JENKINS: Thank you.

COUNCILMEMBER SPANGLER: Was there a maximum as far as the monies that they were to spend on this in one of these drafts?

ATTORNEY WEED: Yes. I think what you're referring to is -- these are the exemptions. Number 4, if the cost to install the low-flow plumbing fixtures exceeds $1,000 per toilet, that's exempt from the requirements. That's in residential. And if the amount

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exceeds $2,000 per toilet in a commercial building, then they don't have to do it either.

COUNCILMEMBER FLEMING: I make a motion to adopt the low-flow plumbing fixture building regulation ordinance.

COUNCILMEMBER PITTMAN: Second.

COUNCILMEMBER BATES: Mr. Weed, I've got a couple of questions.

ATTORNEY WEED: Yes, sir.

COUNCILMEMBER BATES: On page 4 it states, "Before a buyer can connect to water service from Dekalb County, the buyer must fill out an application." Who provides that application?

ATTORNEY WEED: We will.

COUNCILMEMBER BATES: And that would be a form that the Clerk or the Inspector's office would have?

ATTORNEY WEED: Correct.

COUNCILMEMBER BATES: Okay. And then on page 5, it's got an effective date of August 1 of 2008. So Ms. Fleming, pending your approval, I would request that we make this January 1, 2009. That would give the Inspections Department time to create the said

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required form.
COUNCILMEMBER FLEMING: I amend the motion. Actually, we have the nonresidential at January 2nd in this ordinance, so I would like to include residential and nonresidential for January 2nd.
COUNCILMEMBER BATES: Thank you.
COUNCILMEMBER PITTMAN: Second. I second that amendment.
MAYOR JENKINS: We've got a motion and a second. Anymore discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?

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COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler.
COUNCILMEMBER SPANGLER: Yes.
ATTORNEY WEED: Mr. Mayor, item 16, the fine and bond schedule, at Councilman Fleming's request, we did modify the proposed bond schedule. We took out of all of the references to the local codes, and now the bond schedule just deals with the Title 40 and Title 16 criminal offenses; therefore, we'd recommend you go ahead and pass this.
I am authorized to say that the judges have reviewed this and they haven't offered any commentary with regard to changing any of the bond or fine schedules at this time.
As a separate item next month, after you've had some time to study it, we'll reapproach you with the local ordinance violations after we get your feedback on which ones you'd like to adjust, and we'll run that by the judges, and hopefully next month we'll pass that part of it too.
COUNCILMEMBER ALEXANDER: So we're going to get a copy of that?

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ATTORNEY WEED: It should have been sent to you by e-mail. I'm sorry if it wasn't. But you can --
COUNCILMEMBER ROCHE: I've never seen it.
COUNCILMEMBER PITTMAN: I haven't either.
ATTORNEY WEED: It's the exact same ordinance you've already had the entire time. It just doesn't have any of the local offenses on it.
COUNCILMEMBER ROCHE: Right.
ATTORNEY WEED: It's identical information.
COUNCILMEMBER BATES: Did it exclude or take out the fifth item down, creating a hazardous condition, which is a local city ordinance, or is that still listed?
ATTORNEY WEED: No. Actually, that should have been taken out and it was not. I think that's the only --
COUNCILMEMBER BATES: And where there's a conflict or not necessarily conflict but duplicitous in 40 code such as the first one, abandoned vehicle, does that create --

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ATTORNEY WEED: No. In fact, I think law enforcement officials would actually tell you that they would prefer to have both options in a code.
COUNCILMEMBER BATES: Okay. Thank you.
ATTORNEY WEED: And looking at this, actually I find two other local code sections that we want to remove as well. On the last page of the chart, disorderly house and failure to pay cab fare.
I know I've marked those. I apologize. My staff did not cover that, but I am responsible for that, ultimately.
And then the one that you pointed out earlier, creating a hazardous condition. Those three need to go out.
However, in either case, the chart is the chart; the state offenses are the state offenses.
COUNCILMEMBER ALEXANDER: So why are you just honing in on Section 40 and not Section 16 of the Georgia Code?
ATTORNEY WEED: I am not.
COUNCILMEMBER ALEXANDER: You're not. You're including Section 16 also.

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ATTORNEY WEED: Yes.
COUNCILMEMBER ALEXANDER: I thought you just said you were just doing Section 40. Sorry.
ATTORNEY WEED: If I did say that, I'm sorry. The criminal offenses should be the Title 40 motor vehicles offenses and the relevant traffic offenses of Title 16. 16 is the criminal code and 40 is the motor vehicle code.
COUNCILMEMBER BATES: Rhonda, can you make copies of that before we -- because I want to see a clean --
CLERK BLACKMON: Do you want this part also?
COUNCILMEMBER BATES: No, just the chart, please.
COUNCILMEMBER ROCHE: If we saw something was really standing out, we could always fix that, you know, line item later on, I guess.
ATTORNEY WEED: Of course.
Now, you don't really have much option to do much with the Title 40 and the Title 16 codes --

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COUNCILMEMBER ROCHE: Right.
ATTORNEY WEED: -- which was why Councilman Fleming wanted to go ahead and move forward with those and hold the ones you can control, which are the ones you can --
COUNCILMEMBER BATES: So anything that's a stand-alone City ordinance has been pulled out.
ATTORNEY WEED: Yes.
COUNCILMEMBER BATES: Okay.
ATTORNEY WEED: With the three exceptions I mentioned earlier.
COUNCILMEMBER BATES: Captain Brown is not here.
Captain Atkinson, do you know what truck ordinance violation is in the State code?
CHIEF KING: I can answer that. That's the truck inspection that the laws -- the Title 40 codes that cover the vehicle inspections, we adopted those years ago to give the Department of Transportation the ability to inspect those trucks and charge those cases in our city municipal court.
COUNCILMEMBER ALEXANDER: So that doesn't address our trucks on Oakcliff.

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CHIEF KING: That would be a city code, ma'am.
COUNCILMEMBER ROCHE: Where are we?
COUNCILMEMBER FLEMING: We're waiting for copies, sir.
CLERK BLACKMON: They're in collated order, four pages (presenting).
COUNCILMEMBER BATES: So I'll move to accept the ordinance with the fine and bond schedule to be amended removing the three local ordinances as identified -- creating a hazardous condition, disorderly house and failure to pay cab fare.
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Anymore discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?

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COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
ATTORNEY WEED: Mr. Mayor and members of the Council, item 17 we've talked about before.
Essentially the State law indicates that for a local ordinance violation, the maximum fine that you can adopt is $1,000. Currently, your current code has a different fine, and this ordinance makes a correction of that condition and it utilizes the appropriate State law fines and other penalties.
COUNCILMEMBER BATES: Move to pass the ordinance.
COUNCILMEMBER ALEXANDER: Second.
MAYOR JENKINS: Anymore discussion?
- - -
(No response)
- - -

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MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
ATTORNEY WEED: Mr. Mayor and members of the Council, number 18 was taken care of at a special meeting. However, up until tonight, your rules required that it appear again on this agenda. But it was passed last week; therefore, there is no action to be taken on item 18.
Item 19, we've already given you direction, and that item was put on the agenda by myself and the Mayor only for that purpose, so nothing needs to be done with regard to that.

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With regard to item 20, the MIS contract, I've been in contact with Todd Bair who is the legal representation for MIS, and we have worked diligently to come up with a contract that I think both I am satisfied with, as a city attorney, and that I believe MIS, as the contractor, is satisfied with.
Bear in mind that this contract we're talking about only deals with the financial services.
There's only one caveat to the contract that you have been given a copy of, and I'm supportive of the legal format that it's in.
One of the paragraphs with regard to validity has a notation with regard to successors to the officials that are listed on the signatory line of the contract. I'm a little worried that that might conflict with the one council cannot bind another council, but it's a minor point but I think it's an important point.
I've discussed it with Ms. Murphy, and I'm sure she's going to want me to discuss it with her lawyer, but it's an important enough point that I need to mention it to you.

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I think after you resolve that, in my opinion, the contract's ready to go forward.
COUNCILMEMBER SPANGLER: And what did you say about the I.T. contract?
ATTORNEY WEED: My understanding and my instructions was the I.T. portion of the contract, we would deal with that on a different date.
Apparently, there was an independent audit of the I.T. services. Mr. Murphy was given a copy of that audit, was asked to respond to it. I have not been informed if he responded or not. He may well have; I don't know. But I'm waiting for further instructions from Council to proceed on with regard to that contract.
COUNCILMEMBER SPANGLER: But is there a contract in progress?
ATTORNEY WEED: Actually, I would say yes. And the reason why I answer yes is because the way MIS proposed their contracts was they were two different contracts with the same terms other than one was geared towards the I.T. function, one was geared towards the finance function.

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Obviously, we're not going to have to redo most of the terms because the lawyer on the other side and I have come to at least a legal agreement about those terms. So if you do decide to pursue the I.T. contract, it's 90 percent done at this point.
COUNCILMEMBER ROCHE: And I'd like to pursue that one, too. I have a question on this.
I see we have this provides for a bond of a million dollars, and the last page talks about the rates and there's one rate if we pay for the bond and another rate if MIS Consulting buys their own bonding.
Where are we at with deciding about who's paying for what on the bonding? I know we've talked this out, but I don't know if it's ever been really resolved.
ATTORNEY WEED: With regard to this contract, I've been informed by Mr. Bair that MIS is prepared to provide the bonding.
COUNCILMEMBER SPANGLER: But at the same time, there's some other contractors that we have asked that they also be bonded. And has there nothing been done about those?

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ATTORNEY WEED: Councilman, you ask me that every meeting and I tell you the same thing at every meeting.

COUNCILMEMBER SPANGLER: Well, and I will ask you until I get --

ATTORNEY WEED: Sir, I can't tell you anything but the truth, which is I've pulled out every contract that the City's done. Some of them have relevant bonding provisions and some of them do not. Some of them, it would not be appropriate to have a bond on them because there are different types of contracts.

With regard to the contracts where it's appropriate to have bonding, any contract that doesn't currently have a bonding, I will present to the Mayor and Council. In fact, I proposed to put that on the agenda in consultation with the Mayor. He elected that we wouldn't put it on this agenda because of the 26 items.

However, I can assure you that I am working on it. And the Council, whatever you want to bond, we'll bond. Whatever you don't want to bond, we won't bond. That's your decision, not mine.

COUNCILMEMBER SPANGLER: And another

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thing I'll ask at every meeting, too, is what about the other contracts? Have we done anything with the other contracts? Have we reviewed any of the other contracts from the vendors or is MIS the only one that we've reviewed?

ATTORNEY WEED: In the six months that I've been here, I have reviewed 10 contracts, and with regard to the probably 50 or 60 contracts that preceded me, no, I have not pulled all those contracts and reviewed them. I feel that I have been authorized to do that and I promise you that I will.

I am doing the best job I can with the City's work and making it as cost-effective as I can for you. And I will get to it. You have my personal assurance. I will get to it as promptly as I can.

COUNCILMEMBER ROCHE: On the validity, I guess my question is how does that relate to number 13, term and termination?

According to the term and termination, if I'm reading this right, this will end as of December 31st of next year --

ATTORNEY WEED: That is correct.

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COUNCILMEMBER ROCHE: -- no matter what unless --

ATTORNEY WEED: You can always renew it.

COUNCILMEMBER ROCHE: Right; of course.

So I guess I'm curious as to why the validity would be a problem. I mean it's not like we're going to have a new council between now and then.

COUNCILMEMBER ALEXANDER: Someone may resign.

COUNCILMEMBER ROCHE: Well, that's true, but, still, does that -- normally, if a council person resigns, does that mean all of our contracts are no good and we've got to start all over again or how does that work?

ATTORNEY WEED: Well, the general rule of law, of course, is that one council can't bind another.

COUNCILMEMBER ROCHE: Right.

ATTORNEY WEED: The way these contracts are structured, the Council can elect to modify the contract at any point.

COUNCILMEMBER ROCHE: Right.

ATTORNEY WEED: So with that, if there

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is a clause that implies that you have lost your ability to do that, that's what I'm concerned about.

COUNCILMEMBER ROCHE: But there's also a clause here that says no matter what, we can give 60 days' notice and terminate the contract.

ATTORNEY WEED: Correct.

COUNCILMEMBER ROCHE: So no matter what, there's always that out.

ATTORNEY WEED: True. But I'd rather that the contract not have any kind of -- any possible conflicting provisions in them, which is why I recommend the change.

COUNCILMEMBER ROCHE: So what would you say? We're changing the validity to --

What change would we make?

ATTORNEY WEED: Essentially, most of that first sentence would be eliminated.

COUNCILMEMBER ROCHE: And there wouldn't -- technically, there wouldn't be any successor anyway; right?

ATTORNEY WEED: There might be. Once again, if one member of the Council changed, that is essentially a successor to the party representing the City, so it's possible.

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COUNCILMEMBER ROCHE: So if someone resigned, this contract is no good?

I mean it just seems like that would cause chaos, I mean.

ATTORNEY WEED: No, sir, I didn't say that.

If someone resigned, the next person who came in might want to bid the contract out, might -- like MIS, might want to do something different, and they might try to get the contract changed, which they would have the right to do.

Now, that may not pass. But legally they'd have as much right to try to make that happen, and the only way that we can guarantee that they would have that right would be to make sure there's no terms that say that right is taken away from them.

COUNCILMEMBER ROCHE: So they'd have to make a motion and --

ATTORNEY WEED: Go through -- yes, of course. Yes; right.

COUNCILMEMBER FLEMING: Is that in every contract that we have, to include yours as well?

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ATTORNEY WEED: Of course.

COUNCILMEMBER FLEMING: Okay.

ATTORNEY WEED: Yes, ma'am. That's a state law.

COUNCILMEMBER SPANGLER: What was the length of this contract?

ATTORNEY WEED: It's one year.

COUNCILMEMBER ROCHE: Till the end of next year.

I guess I don't remember -- last year, we had some people resigning, and I don't remember this coming up, but that's okay.

So other than taking out that first sentence, you're basically okay with it?

ATTORNEY WEED: I am. It's legally sufficient. If you want to approve it, I recommend approval.

COUNCILMEMBER SPANGLER: How does Ms. Murphy feel about it?

MAYOR JENKINS: I got a comment on item number 5. Ms. Murphy and I have talked about this. Not exactly what I had talked to her about. The last paragraph says, "as necessary in consultant's discretion," and is to after-hours access with permission by the Mayor to

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perform the services. But the first part of it gives her permission to come in any weekends, nights or any time.

ATTORNEY WEED: Correct, Mr. Mayor.

MAYOR JENKINS: That was not the intentions that Ms. Murphy and I had talked about.

ATTORNEY WEED: And I discussed that earlier with Mr. Bair. That modification comes from him.

The reason why I had let that go through without discussing it further was because clearly if you set her hours, whatever hours they are, she can only change those hours with your permission.

COUNCILMEMBER ROCHE: Right.

ATTORNEY WEED: And so the second part of the sentence has to be read in context with the first part. So you still have the authority, Mayor, to say what hours Ms. Murphy is going to be here.

MAYOR JENKINS: Okay. There'll be certain times during the audits and during the budget that I will ask Ms. Murphy to stay late. But other than that, my intention was during

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working hours, and I think some of the other Council approve of that, too.

But you're saying this last paragraph says that I have the option at any time that she stays, that she gets permission. Is that --

ATTORNEY WEED: Yes, sir.

COUNCILMEMBER ROCHE: So back to number 18, if we remove the first sentence, would that -- how would you feel about that, Mrs. Murphy?

MS. MURPHY: That doesn't seem to bother me. I've spent most of the day with my attorney on the phone. I pretty much feel like I've conceded to pretty much everything that the City wanted or that Murray suggested, because I had to learn more about the state law or possible state law and what should be in government contracts and what shouldn't be.

The contracts that I got copies of through open records request don't have -- some have some of these similar things and some of them don't. So pretty much I've tried not to feel like I'm being picked on or anything.

And it would have helped me a lot more if the Council had decided what the bonding requirements or what they were going to require

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of their contractors instead of just sending something to me saying, "Okay. What do you suggest you be bonded for?", that kind of thing. And even last week at the work session, my attorney sent questions to Murray Weed that I was hoping that he would ask the Council last week about what the Council thought about the bond and what it should be, things like that, to give more guidance as to what the Council does want to do.

But I'm pretty much okay with the contract like it is, and tossed around different ideas and learned about the state laws. I guess there's a whole lot more contracts that are going to have to change with the city.

But I did want to point out, I wasn't sure if the million dollars was what you-all wanted, and it does say in here that it says up to a maximum bond amount of a million dollars.

I think it says that I will be provided with what your bond amount is going to be or something like that, doesn't it, Murray, or what's required?

ATTORNEY WEED: One of the versions said that; that's correct.

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COUNCILMEMBER ROCHE: Well, it says bonding determined as sufficient by the City up to a maximum of a million dollars.

ATTORNEY WEED: That's what it says.

COUNCILMEMBER ROCHE: So if we decide it's two hundred fifty, then it's two fifty.

ATTORNEY WEED: That's correct.

Mr. Bair had originally recommended a half million.

COUNCILMEMBER ROCHE: Right, right.

ATTORNEY WEED: And he'd recommended half a million for both I.T. and also half a million for finance.

COUNCILMEMBER ROCHE: Okay. So if we took out -- would you be okay with taking out the first sentence of paragraph number 18?

MS. MURPHY: I believe so, yes.

COUNCILMEMBER SPANGLER: Now, are we going to require all other --

And again, I do need to know which people need to be bonded, in your opinion.

ATTORNEY WEED: Yes, sir. I sent a memo on that, and I'm happy to go over it again as many times as you want me to.

But essentially what state law provides

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-- I believe it's 40-8-5, but the short version is anyone who's entrusted with public funds as a public official should definitely be bonded.

And the list that we have essentially would be the Chief, the Clerk, the Mayor, Ms. Murphy, and probably the deputy clerks who regularly handle money. If you've got people over Recreation who are actually taking money at a gate in the sense of if you're taking money in places other than City Hall, those people should be included as well.

COUNCILMEMBER ALEXANDER: Then, we need to include the pool company because they take cash at the gate at the swimming pool.

ATTORNEY WEED: You can include whoever you want to, but if the state law deals with public officials doing it moreso than just private contractors. However, Ms. Murphy's got a dual role. She's also the finance director. She's essentially a department head, which is unlike most of your contractors who are outside vendors. She's in a very different type of position of authority, and most of your contractors you just buy something from. So she's actually a public official as opposed to

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the carpet cleaning guy.

So the answer to your question is if people are public officials like Carol Stephens, for example, and she is collecting money at a venue, definitely she should be included. If it's a contractor, we should include that bonding in the form of -- as part of their contract.

COUNCILMEMBER ROCHE: Well, the pool, we're only budgeting $9,000 a year of income, so it would take a long, long time for them to steal $500,000.

COUNCILMEMBER ALEXANDER: I didn't suggest $500,000. We're just trusting people that we don't know to collect cash and turn in all the receipts.

COUNCILMEMBER ROCHE: Well, then, maybe they need a different amount.

COUNCILMEMBER SPANGLER: But again, on the bonding, I think that's wide open. I think that it should be anybody that has any kind of contact with any kind of government equipment as far as cleaning or whatever should be bonded. Any vendor we use should be bonded.

COUNCILMEMBER ROCHE: Can I make a

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suggestion that we bring up the bonding and put that on the agenda for the next meeting?

And then as far as this particular contract, apparently if we remove one sentence, everyone is in agreement. So I'd like to make a motion that we approve this contract minus the first paragraph -- I'm sorry -- minus the first sentence in paragraph 18.

MAYOR JENKINS: Do I have a second?

COUNCILMEMBER SPANGLER: Second.

MAYOR JENKINS: More discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: No.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: No.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

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COUNCILMEMBER ROCHE: Yes.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Yes.

COUNCILMEMBER ROCHE: I'd also like to make a motion that we proceed with the MIS contract for the computer services.

MAYOR JENKINS: The I.T. service.

COUNCILMEMBER ROCHE: I.T. services, computers.

COUNCILMEMBER PITTMAN: What?

COUNCILMEMBER ROCHE: To go ahead and start the process.

COUNCILMEMBER PITTMAN: Oh, to start the process.

COUNCILMEMBER ROCHE: Yes.

COUNCILMEMBER ALEXANDER: Do you have a plan on if he's going to fix the items that need fixing first or do the management?

I didn't think that there was a clear scope of what his tasks were going to be. I believe that was part of his sentiment in his response to the Mimsware report.

COUNCILMEMBER ROCHE: Well, clearly a lot of work needs to be done.

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I was considering bringing up our overall strategy for I.T. in the next month or so. I wanted to see what happened with the annexation first before we got into that.

But as far as who actually does the work, I mean the person who knows where all the bodies are buried in this case would probably be the best person to have. If we lost access to that experience and knowledge of our own system, I think we'd be in big trouble.

COUNCILMEMBER BATES: Based on the scope of the work that was needed, including Mr. Murphy's response -- and thank you for providing that -- I would feel much more comfortable in having that go out for bid so that we have a very thorough understanding of what the cost associated with the items are whether that be with MIS Consulting or with another firm. I think it's prudent for us to get the additional information so that we can make an educated decision on that information.

COUNCILMEMBER ROCHE: And what's the RFP going to say?

COUNCILMEMBER BATES: It's going to use a combination of the Mimsware report and, if

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Mr. Murphy would allow it to be provided, his responses.

COUNCILMEMBER ROCHE: Well, again, what's going to go in the RFP is another topic, basically.

COUNCILMEMBER BATES: That's why I would suggest that we not move forward with the contract at this time until we have a thorough discussion of what we're looking for on I.T. services.

COUNCILMEMBER FLEMING: We can look for a lot of things for the I.T. services, but if this Council doesn't approve the money to fund it, then --

COUNCILMEMBER SPANGLER: It's not going to get done.

COUNCILMEMBER FLEMING: -- we're still in the situation that we are.

COUNCILMEMBER BATES: You're absolutely right, Ms. Fleming.

The question is we don't know how much it's going to cost us. We don't have an understanding of what the scope and the entirety of the cost as recommended by either Mimsware or MIS Consulting.

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Without having comparative data, we're relying upon one person to tell us the cost of that. I just think that's inappropriate.

We should go out and have a thorough understanding of what the costs are going to be and have that compared apples to apples from multiple sources so that we've got an understanding of what we need to either -- are we sufficient in our coverage or are we lacking significantly and to help prioritize what needs to be addressed first and foremost.

COUNCILMEMBER ROCHE: But I think the whole point of this particular contract -- and maybe I'll need to say it better -- is that the current contract, the current professional services that the City needs to operate on a daily basis is essentially maintaining the systems that we have today, and if we lose that, we're going to be in big trouble.

I agree completely.

The problem that we have is we don't have an overall strategy for our accounting and our MIS needs today in going forward. And to just say, "Go out and fix this, and just go out and fix that," does not solve the problem,

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because until we have an overall strategy, we'll just be throwing more money at the problem without an overall plan to make everything -- you know, that's truly going to work.

COUNCILMEMBER BATES: Retaining the existing firm without an overall strategy is not going to fix the problem either.

COUNCILMEMBER ROCHE: The overall strategy at this point is to continue to maintain the systems that we have.

COUNCILMEMBER BATES: And correct me if I'm wrong, but there were instances where that was not being done.

COUNCILMEMBER ROCHE: Well, because we didn't give them authorization to do it.

COUNCILMEMBER BATES: And again I'll reiterate, we have to give someone authorization to update the antivirus software that's supposed to be updating automatically?

MAYOR JENKINS: Can you add something to that?

MS. MURPHY: I just have a couple of questions.

We did turn in the I.T. response and we got no response so far from the Council, and I

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guess I'm not really sure what to do next.

And some of the stuff that you're worried about the prices of what these things are going to cost, I think people here think that this is a big contract for MIS or something.

There's been rumors that it's been hundreds of thousands of dollars a year, when that in fact is not the case.

And all the hardware that's been bought for the City has been bought through places like Dell with government pricing, things like that. They're not something that MIS has marked up and made any profit on or anything like that.

I think what I would like to see or not sure is we turned in these responses, haven't heard much of anything yet, and it hasn't been that much time.

But there are some things that we could give prices on or get prices from these various government contract places for the hardware and things like that that the Council could make decisions on. And if you can make the decisions and send it out for RFP, it seems like you could get recommendations from Ronnie or myself and

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say, "Yes, we want to do this," or "No, we need to look at sending it out for official RFP for something else," because it may be that it's not just one RFP; it could be more than one. Or there could be things that we could get done more cost effectively just by communicating better between what we're trying to do or what we're not doing and what the Council thinks that we're doing.

And also amongst you, you are unclear about whether this position needs to be bonded or not or how much bond. Again, that's going to be an issue too if you send it out for RFPs, that type of thing.

It would help whoever's bidding on it or whoever's trying to get the contract to know what to do next or what it is the City's looking for, and that's been the problem all along or part of the problem all along.

So even now, I mean you asked for the response to the I.T. audit but you didn't bother to talk about it or what the problems were, what your feelings were or what you thought the problems were. You go ahead and make decisions for some reason without even discussing it with

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the vendors or what's going on.

I mean I would hope that you wouldn't do employees that way or other vendors, I mean, because you're spending the City's money whether it's $50,000 a year or hundreds of thousands of dollars a year. It's still that you can't just make decisions blindly without knowing some information and keep wasting or spending the taxpayers' money.

COUNCILMEMBER BATES: That, Ms. Murphy, is exactly why I think it needs to go out for an **RFP:** so that we can make sure that we're spending the residents' money in a fiscally responsible manner.

COUNCILMEMBER ROCHE: The way to spend the money in a fiscally responsible --

I mean one of the things that I brought up in my campaign and a lot of people realize is that Doraville -- the accounting and the IT needs a total makeover. We need to look at our accounting system. We need to look at our chart of accounts. We're talking already about having separate fund balances. All that needs to be looked at.

Our entire process, the purchasing

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process -- the process itself, forget about the computers; that process needs to be looked at. We need to know how much money can I spend if I'm a supervisor versus a department head? At what point do I need to go up and get a -- that if it's more than $2,000, I have to go to my department head, et cetera.

There's a whole raft of things that need to be decided. We need to understand what applications we need. We need to understand that we need applications that will talk to each other so that when someone goes over there and pays a fine, the money automatically flows into our checking account and it automatically flows into our accounting system so that we capture these numbers accurately so that people like department heads have right-now numbers so they know exactly where their spending is, and it involves the budgets, et cetera, et cetera. There's a whole large thing that we haven't even begun to talk about here.

But what we can do at least for the moment is at least retain somebody that can keep the system back here that's basically held together with duct tape and paper clips until we

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can get that done. And if we lose that resource, if we lose that one person who has all this information about, like I said, where all the bodies are buried and which releases are on which applications and which servers are where, we're going to be in big trouble.

COUNCILMEMBER ALEXANDER: And shame on us for allowing us to become that dependent on one person.

COUNCILMEMBER ROCHE: I agree completely, but the point is to get rid of that person is not the way to do it.

The right way to do it is to start from the overall process and decide what our needs are, and then once we have decided what our needs are, begin to put together a plan to get to there.

COUNCILMEMBER SPANGLER: Did anybody -- after Mr. Murphy passed out the information to all of us, did anybody get with him to see what was needed?

MAYOR JENKINS: Nobody commented at all, did they?

MS. MURPHY: Not to my knowledge.

MAYOR JENKINS: I didn't get any

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comments from anyone.

MS. MURPHY: His e-mail is on there and his phone number and --

COUNCILMEMBER SPANGLER: And this has been an ongoing --

MS. MURPHY: It's been an ongoing thing, a lack of communication. It almost feels like some Council people come on board with old agendas of other Council people, like they've heard other things and they want to get rid of certain people: out-with-the-old/in-with-the-new scenario.

COUNCILMEMBER ROCHE: Right.

MS. MURPHY: And some of the things that happened -- and I don't have the answers right in front of me about the I.T. audit. During some of this time right before the audit, we tried to get some of the things in the budget to be changed or replaced but the Council wanted to wait until after the I.T. audit was finished to have the items upgraded and things like that.

So some of that, that was asked for and denied during the budget process in June to have some of this stuff done. It just happened to be a coincidence that it wasn't in place or that

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something wasn't changed before the I.T. audit came.

And it's not that Ronnie has a problem getting bids or getting what the City wants done or the department heads want done or whatever. It's just making sure we have the budget and the permission from the Council.

I mean I almost feel like if he went and done something, that the Council would be just as mad or upset than like you're thinking now, he didn't do anything. And he's thinking that he gets no response from the Council at all; they want this stuff, but then they have no comment.

I mean sort of some of the same thing happened with the web site, the vendor that we used for that. That took years -- years -- and a whole lot of money to develop a web site. $60,000 and years' worth of time. And it was just pure lack of communication about what the goals were for the City and what to do, and the department heads working together and being able to get what they need out of their services.

COUNCILMEMBER ROCHE: Okay. And for lack of direction --

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COUNCILMEMBER PITTMAN: I'm sorry. I was just going to say, you know, I do recall Mr. Murphy coming to the previous Council and asking for direction, and the funding was not there to do some of the things, I believe, that were needing to be done or was not allowed to be there.

I would like -- at the work session, is my thought -- to have him come in and let's discuss some of this. And it may be we need to put out an RFP to add someone else on board, not just --

MAYOR JENKINS: Next meeting, not work session.

COUNCILMEMBER PITTMAN: Well, next meeting.

MAYOR JENKINS: I'd say that's a good idea. Let's do it that way rather than spending all night tonight.

COUNCILMEMBER ROCHE: I can only say this once every four months, but I do this for a living. I mean I understand the process.

The audit itself did not surprise me at all. In fact, I'm surprised it wasn't worse off than it is. But until such time as we have an

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overall direction, I think we'd be frankly throwing money away because we'd just go out and buy stuff and try to plug it in together and it doesn't work, and then that costs more money. You know, nothing's standardized. I can spend all day long talking about this, you know.

And in the meantime, it's almost like paying someone to come and mow your lawn once or twice a week and then blaming that person for the weeds when we never told them to pull the weeds.

COUNCILMEMBER PITTMAN: Could we possibly -- I make a motion to bring Mr. Murphy in at the next meeting and let's discuss this and see where we need to go from there as far as what is needed in the budget.

And again, you know, I think he's been an asset, but it may be that we need to add someone else in addition to him to do some of what needs to be done. And I think if he could come in and talk to us, that would be fair, to me.

COUNCILMEMBER BATES: Would it be appropriate for Mimsware, the firm that prepared the I.T. audit, to come in and present their

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findings in conjunction?

COUNCILMEMBER FLEMING: Well, findings is fine. I've read those reports. But I think what we need now is recommendations of how to solve some of our problems, to cure some of the errors or whatever the case may be and the cost behind it before, you know, we do anything else.

COUNCILMEMBER SPANGLER: And I'd like to ask Ms. Murphy, do you remember how much money that was asked for in the budget for the I.T. services that we --

MS. MURPHY: Well, it wasn't for the I.T. services. That last part that we tried to ask for in June when y'all were about to approve the budget was seventy additional thousand dollars, particularly in the Police Department, and it was turned down due to waiting for the I.T. audit, I believe.

COUNCILMEMBER SPANGLER: But what was this money to be budgeted for?

MS. MURPHY: To replace -- to do some of those things that are recommended in that audit.

COUNCILMEMBER SPANGLER: Okay.

MS. MURPHY: A good many of those

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things that were recommended in the audit.
COUNCILMEMBER ROCHE: Well, I'll withdraw my motion in favor of Councilman Pittman's motion.
MAYOR JENKINS: Do I get a second on Donna's?
COUNCILMEMBER SPANGLER: Second.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: John?
CHIEF KING: Yes.
MAYOR JENKINS: How do you want to

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handle this? I guess we'll have to get to you and Murray.
CHIEF KING: 22, sir? Lieutenant Hardy's situation?
MAYOR JENKINS: Yes.
CHIEF KING: Yes, sir. We have a situation that basically is an appeal to a decision.
But what I would probably like to start with is if Mr. Weed can set the legal parameters and then allow Lieutenant Hardy to have his say. And then if you have any questions, I could either answer or Mr. Weed could answer them. I think that's what Lieutenant Hardy and I talked about.
MAYOR JENKINS: John, let me ask.
Mr. Weed, is this qualified to be an executive session or not?
ATTORNEY WEED: Yes, sir, it is. However, it does qualify, in my opinion, if my understanding of what may occur, under 15-14-3, the Council may go into executive session to discuss personnel matters that involve the, quote, "employment, employment compensation, hiring, disciplinary action or dismissal or

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periodic evaluation or rating of a public officer or employee."
I think that I don't know exactly the content of what the Lieutenant would like to say to the Council but it probably fits underneath one of those categories.
I have to forewarn everyone, however, that anything that the Lieutenant says would constitute, quote/unquote "evidence" that has to be issued in a public forum. However, the Council can always deliberate in private in executive session.
MAYOR JENKINS: I don't know what it's about, either. So maybe John can explain it to us?
CHIEF KING: Basically, the situation that I find myself with with Lieutenant Hardy, as you know, Lieutenant Hardy has provided a very long time, twenty --
LIEUTENANT HARDY: Twenty-three, I think.
CHIEF KING: Twenty-three, last count, of years of service to the City.
And I do not want to go into the details of medical condition, but the situation

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that I'm in is that he does not qualify for the physical requirements to perform as a sworn police officer, leaving me the option to reclassify him.
The issue here is my decision to reclassify him will affect his pay. He is very close. He's got enough time to retire, but the problem is that he does not qualify for Medicare.
Correct me if I'm wrong.
LIEUTENANT HARDY: That's correct; at this point.
CHIEF KING: At this point.
He has a very short period of time, but I cannot grant him that time to continue at his current pay without the Council approving that.
So technically what is occurring is Lieutenant Hardy is appealing my decision to reclassify him from a sworn officer to a nonsworn, causing obviously an adjustment in pay.
You know, I have suspended that decision because I wanted Lieutenant Hardy to come make his case to the Council. Then when the Council makes a decision, then we will take

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that accordingly.
I don't have a lot of flexibility. I've discussed this with the city attorney and I just barely mentioned it to the Mayor because I did not want to have this prejudged by the members of the Council, and you hear basically Lieutenant Hardy's, you know, pitch, to make this decision.
COUNCILMEMBER PITTMAN: So I guess the decrease in pay is to affect the retirement, but is the retirement not based on the past 10 years of --
CHIEF KING: No, it's -- the problem is is that our retirement system right now, you have to have 10 years of service to be vested, but the retirement -- the retirement is -- and Lieutenant Hardy and Priscilla, correct me if I misspeak -- it's calculated off the last two years of service.
So if Lieutenant Hardy's pay, or any employee that's retired --
MS. MURPHY: Last five years.
CHIEF KING: Five years? I apologize. Thank you, Priscilla.
But if that is modified in any way, it

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affects his bottom line. Does that make --
MAYOR JENKINS: Yes, yes.
COUNCILMEMBER ROCHE: I have two questions. First, what would be the difference, how much of a salary reduction?
CHIEF KING: Right now, it really will be up to the Council what the position, because the only position I can -- I can reclassify him is the jailer position. He's currently at a lieutenant. He's my highest-paid lieutenant that I have, so there will be a significant change, sir.
COUNCILMEMBER ROCHE: Well, I mean do you have a dollar amount, what the difference is going to be?
LIEUTENANT HARDY: Approximately, not exactly, but approximately $30,000.
COUNCILMEMBER ROCHE: $30,000 --
CHIEF KING: Yes.
COUNCILMEMBER ROCHE: -- a year?
LIEUTENANT HARDY: Yes.
CHIEF KING: Yes, sir.
LIEUTENANT HARDY: Yes, sir.
COUNCILMEMBER ROCHE: And how many years are we talking about?

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CHIEF KING: For service? He's got twenty years.
COUNCILMEMBER FLEMING: No. Additional.
COUNCILMEMBER ROCHE: No.
CHIEF KING: Oh. Then he has --
COUNCILMEMBER ROCHE: How long to carry to the end?
CHIEF KING: Is that September?
LIEUTENANT HARDY: I'm going to say --
CHIEF KING: When is your birthday?
LIEUTENANT HARDY: The anniversary day is October. My birthday, which Medicaid would come in, is August.
CHIEF KING: Right. That is what I need covered is from now to August.
LIEUTENANT HARDY: Yeah. Eight months.
CHIEF KING: Eight months. Thanks.
And that's the crux of the matter.
COUNCILMEMBER ROCHE: I understand.
CHIEF KING: It's a decision that I don't have that authority to make.
COUNCILMEMBER FLEMING: You mentioned a physical -- being able to have a sworn officer --

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CHIEF KING: Yes, ma'am.
COUNCILMEMBER FLEMING: -- versus a nonsworn officer. Would he be able to perform motorcycle duty?
CHIEF KING: No, ma'am.
COUNCILMEMBER FLEMING: Bicycle duty?
CHIEF KING: It would deal with the equipment that he has to carry, ma'am. I don't really want to get into the details.
COUNCILMEMBER FLEMING: Okay.
CHIEF KING: The doctors have basically -- we've given them a job description of what it takes to be a sworn officer and we've given them a job description of what it is to be a jail supervisor. I've given them both job descriptions, and the doctors have said, "He does not qualify for this job description. He does qualify for this job description."
If you want a recommendation, ideally, if we could find a way -- and the problem is probably Murray's going to, you know, bite my head off. But ideally, I can't look at this man in the face and say, "Hey, thanks for 23 years and, you know, we can't give you till eight months." But that is a decision that you-all

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have to do because I don't have that authority.
COUNCILMEMBER PITTMAN: So the question is to maintain the pay but at a different status?
CHIEF KING: That basically would be -- I think that's what we're asking.
LIEUTENANT HARDY: Yes.
COUNCILMEMBER ROCHE: What you're talking about, it looks like $20,000 that it would cost the City, basically.
CHIEF KING: Basically.
COUNCILMEMBER ROCHE: After 23-and-a-half years, I mean it's no brains.
CHIEF KING: That's -- that is the --
But I don't want to be talking for you. I'm just presenting the situation as it lays.
And I will tell you, this is not the only case we've had in the city, and that is one of the challenges that we have. I am sorry. I hope he doesn't get upset about it, but, you know, I'm riding this issue to -- this is an exact example of the weaknesses that we have in our retirement program. Anita Redman (ph) was another one, was a prime example. She medically could not -- she could not retire.

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COUNCILMEMBER ROCHE: Is the disability that you have now related to work?
LIEUTENANT HARDY: Related to my job?
COUNCILMEMBER ROCHE: Uh-huh.
LIEUTENANT HARDY: I have a -- I have a heart condition and I have Parkinson's Disease, and that restricts a lot of police work.
COUNCILMEMBER ROCHE: I understand. That's fine.
CHIEF KING: So if y'all can help me resolve this situation in an amenable way but also take this as an example. And as you're discussing the employee benefits and the employee manuals, please keep this case and Anita Redman's case as an example of the things that I ask you, I beg you to try to resolve.
COUNCILMEMBER ROCHE: Well, we need to take care of the people who take --
COUNCILMEMBER PITTMAN: Absolutely.
COUNCILMEMBER ROCHE: -- care of us.
COUNCILMEMBER PITTMAN: Mr. Weed --
COUNCILMEMBER ROCHE: I know what I want to do.
COUNCILMEMBER PITTMAN: -- is that feasible to do?

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MAYOR JENKINS: Can we just make a motion, Mr. Weed?
ATTORNEY WEED: Well, it depends on what you -- what would you like to do for this gentleman?
COUNCILMEMBER PITTMAN: I mean the preference would be -- obviously, he's going to have to drop down ranks to a jailer, but to maintain his current pay, as a jailer, to enable him until -- whatever --
August of next year; is that correct?
CHIEF KING: I think if you allow me to maintain -- allow me to make the jail supervisor position, at least for the next budget year -- well, beyond; I think it will go beyond, you know.
COUNCILMEMBER ROCHE: Till August. One month.
COUNCILMEMBER FLEMING: -- at his pay, and then as we change, once he retires, then you can reclassify or you can re-look at that position and adjust it down. If you allow me to do that, that would be a way out.
COUNCILMEMBER ROCHE: So that would require a budget adjustment of $20,000?

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CHIEF KING: No, sir, because his position is already budgeted. I think you're okay there, sir, because I'm not replacing the individual. I mean Lieutenant Hardy is still here and he's --
- - -
(Brief, inaudible discussion at Council table.)
- - -
MAYOR JENKINS: This Council has voted once before to let somebody take a different position and keep their pay. And if you remember --
COUNCILMEMBER PITTMAN: Yes.
MAYOR JENKINS: -- Miss Connie Rocheline (ph) went from the City Hall to the library at a lesser pay but the Council voted to give her the option to get a different position and keep her same salary. So I just thought I'd give you that for your information.
COUNCILMEMBER PITTMAN: Mayor, there are some things I think this Council probably needs to discuss.
Could we move to go into executive session?
ATTORNEY WEED: You can certainly do

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that to deliberate.
COUNCILMEMBER FLEMING: I make a motion we go into executive session --
COUNCILMEMBER PITTMAN: Well, I just did.
COUNCILMEMBER FLEMING: Oh, second.
ATTORNEY WEED: For personnel reasons --
COUNCILMEMBER PITTMAN: Yes.
COUNCILMEMBER FLEMING: For personnel reasons.
ATTORNEY WEED: -- to deliberate upon the evidence you just heard.
COUNCILMEMBER PITTMAN: Yes.
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?

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COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
- - -
(Council went into Executive Session from 9:55 p.m. until 10:15 p.m.)
- - -
MAYOR JENKINS: We come out of executive session and we're going back into regular session. We did come to a conclusion, and I'm going to have Miss Donna make a motion.
COUNCILMEMBER PITTMAN: I preface this by saying that we do not want to set a precedent for this.
But in light of the evidence that was presented and there is a viable position available for you, this Council would like to authorize a lateral move as jail supervisor at the current rate of pay, and that would be contingent upon Lieutenant Hardy retiring on August 30th, 2009.
CHIEF KING: Thank you very much.
LIEUTENANT HARDY: Thank you.
CHIEF KING: I really appreciate it.

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MAYOR JENKINS: You agree with that, sir?
LIEUTENANT HARDY: Yes, sir. I agree with it. Thank you very much.
MAYOR JENKINS: Okay. Do I get a second?
COUNCILMEMBER ALEXANDER: Second.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: We didn't have discussion, and I just wanted to say because it's less than a year before retirement, you know, I'm happy to say yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
CHIEF KING: Thank you very much. I

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really appreciate that.
LIEUTENANT HARDY: More than you know.
COUNCILMEMBER ROCHE: We got to take care of the people who take care of us.
LIEUTENANT HARDY: Thank you, sir.
MAYOR JENKINS: John, do you have anything else?
CHIEF KING: Yes, sir. Unfortunately, I do.
Sir, I really appreciate this. This has implications throughout my department and I think throughout the city, that the City will take an individual like Lieutenant Hardy and help him through this. This is pretty serious, I mean the situation. But he's a great employee, he's given a lot to the city, and we appreciate it.
I guess the first couple of items -- and I'll try to cover these very quickly.
We've been checking, Mayor, and I think I took some input from members of the City Council has directed me to check, to have regular patrols at Star Towers both daytime and nighttime. We've been checking the location on a regular basis at least twice a day. We have

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made one arrest in the daytime of somebody who was trespassing, but we've been checking that daily.

I put in a policy our officers working off-duty jobs, if they decided they're going to use a police car to work an off-duty job, to provide the City a reimbursement for the fuel costs. In the last month, we've collected $1844, basically calculating the fuel usage per hour of a car basically at their site where they're at. So we collected and we turned that in to the City.

Since the price of fuel is obviously, you know, fluctuating, we're taking basically an average of the fuel cost for that month and then calculating. If the officer does not want to pay, though, then he doesn't have to use a patrol car; he uses his own personal car. And we felt that that was a reasonable accommodation.

Several other departments -- Alpharetta is looking at this and Woodstock, and they're looking at this, and we instituted it. And so far, we've provided the city the first month's worth of collections.

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COUNCILMEMBER FLEMING: Thank you very much.

CHIEF KING: We got two -- a total of two reserve officers. Well, the first one is on duty now. He's basically a police officer that has been trained. He does not get paid. So he comes, does 20 hours of service for the city. And we've got a second one getting ready to graduate from the police academy. He's an EMT also.

We use them for special events or when we have an event that's coming up. We call these guys in and they help us deal with, for example, Doraville Days, those kind of situations.

But they have give a minimum of 20 hours per month to maintain their reserve status with our department. So we got another one getting ready to graduate from the police academy.

We're looking -- at the request of one of the members of the City Council and a check with the Mayor, we've increased our patrols on Woodwin off Tilly Mill. Basically, the current signage requires that there's a restriction of

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trucks. And maybe this is something that -- it's something that y'all could probably take a look at obviously based on the comments that you got at the last Council meeting.

Currently, the trucks are not allowed to turn off of Tilly Mill onto Woodwin from 7:30 to 9 o'clock and from 1:30 to 4:00 p.m. Perhaps this is an opportunity for y'all to re-look at that and maybe modify that, whether to not allow.

And I do not know legally what restrictions, if you can make it more restrictive. I think you can make it more restrictive, but Mr. Weed will probably have to study that issue if you give him the direction to do that.

COUNCILMEMBER BATES: Because that intersection is in the county, do we have any control over that?

CHIEF KING: The key is a lot of this is going to be solved when the si- --

The current signage I believe was installed by us. I do not know if it was installed by the County. But the current signage is right at the intersection, and I

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think the intersection --

I don't know where the actual city-county line is, and I think --

COUNCILMEMBER FLEMING: But there is a sign also on Woodwin going around to the mosque area?

CHIEF KING: Yes, ma'am.

COUNCILMEMBER FLEMING: So there is a sign in place.

CHIEF KING: We could control it coming from the city out to the county. We could probably control it that way, but I do not know -- I have to see where our actual line is.

Although if the annexation goes successfully tomorrow, this will be another opportunity here to make -- you know, because I heard Mr. Spangler gave -- you know, he talked to me and talked to the Mayor a little bit about some of the things that perhaps we can do there. And this is an opportunity that if we perhaps make it more restrictive to keep those trucks from using that intersection.

COUNCILMEMBER SPANGLER: Well, at this time, Chief, I'd like to ask Mr. Weed if he can -- in case the annexation does not go through,

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if he can have something by next Council meeting that would restrict.

CHIEF KING: The issue, sir, is if the annexation does not get through, we could potentially control the traffic coming from Woodwin Road out into it. But if the intersection is not in the city, I don't think we could control that, sir.

COUNCILMEMBER SPANGLER: But you just said that you thought we put those signs up.

CHIEF KING: But remember, sir, the City has had a reputation of putting a lot of signs that did not have an ordinance behind it. And we've been trying to fix it. I mean all of you-all have been working very hard to reduce some of the signage that had no legal authority behind it.

I would recommend, sir, that before you take that step, let's look and see where the city limits is and if those signs cover the city or cover the county.

I know we can control one way. I don't think -- I'm not sure about the other way, sir.

COUNCILMEMBER SPANGLER: Well, perhaps Mr. Weed can find out.

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ATTORNEY WEED: We'll figure it out.

CHIEF KING: Fair enough, sir.

Shallowford Road. You're familiar with these rental houses that we have on Shallowford Road, and they've been causing a lot of problems. We had an incident at 3415 where two individuals got into an altercation. Alcohol was involved, and one individual assaulted the other one with a bottle initially and then pulled out a knife.

Second individual. The initial victim pulled out his own knife, they got into a fight, and the initial attacker was stabbed and died later on at Grady.

The initial victim. I know this sounds a little kind of twisted, but he's at Grady recovering from his injuries and it looks like he's going to make it but the initial attacker died as a result of the wounds that he suffered.

It is basically a rental house on Shallowford Road, 3415.

We still have an issue. You know, we're trying to work with Dekalb trying to get them to increase their level of patrols on the McElroy Road area. We got a challenge there.

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They had four robberies last night in the McElroy area outside the city limits. We're trying to help them, but we got to take care of our own, so we're --

And the same descriptions: two to four black males, one of them actually posing as a police officer assaulting and robbing folks in the Jasmine Apartments. It is just -- it's an area that is going to take a lot of work.

And then tonight, at Colony Square Apartments in the city, we had what appears to be a home invasion. Two black males went into an apartment and apparently were in the process of robbing the Hispanic family in there. Two black males ended up shooting the man of the family and killed him. He died tonight.

This is very worrisome. We got our hands full. That's why I asked the officer that was working here to go out to the scene to help and I had Captain Atkinson to help with the crime scene.

COUNCILMEMBER ALEXANDER: Was that on Aztec or --

CHIEF KING: Yes, ma'am, off of Aztec Road.

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Unfortunately, half of that complex is in the city, half of it is in the county. And it's things like that that just causes all kinds of headaches jurisdictionally because the first thing you have to determine is is this in the city or is this in the county and keep my fingers crossed.

Either way, I mean these four armed robberies last night have an impact on our community because it is our residents, our citizens were traveling through that area to get to parts of Doraville. And we're not getting a lot of -- a lot of help. And I know Dekalb County is up to -- they're busy, but we're not getting a lot of assistance there. And we take this personally because one of our employees, you know, husband was shot, and there's still no leads on that case. Pretty disappointing.

COUNCILMEMBER FLEMING: Now, on that Colonial Square --

CHIEF KING: Yes, ma'am.

COUNCILMEMBER FLEMING: -- have we apprehended?

CHIEF KING: No, ma'am. We're working the crime scene. We are on the lookout for two

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black males. I've cancelled all the people working extra jobs and I've got one person -- well, a couple people coming in to help.

I have my canines. Apparently they had a lookout of somebody going into the wooded area. So we're trying to search that area, trying to see if we can apprehend them.

COUNCILMEMBER PITTMAN: Do you think it's the same as Jasmine?

CHIEF KING: Ma'am, I don't know. The similarities are very similar, but it's something that, you know, we're working. It's very premature. I don't even know. As soon as I'm done here, I'm going to leave and --

COUNCILMEMBER PITTMAN: Are we talking about Jasmine on Winters Chapel? Because there's several of them.

Last night; right?

CHIEF KING: No. This is the one that's on McElroy.

COUNCILMEMBER PITTMAN: But I mean last night, wasn't there one -- one in Jasmine just recently, the one at Winters Chapel? Was there a Jasmine --

CHIEF KING: Yes, ma'am, there was one

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there, but the three other incidents were in the McElroy Road area.

COUNCILMEMBER PITTMAN: Okay.

COUNCILMEMBER BATES: On this, because it's so close to the city or even within the city, is there a description that we can put out on the --

CHIEF KING: Sir, right now, it's very -- I got detectives interviewing the victims. I don't have a good lookout yet.

COUNCILMEMBER BATES: Is it beneficial to put that out on the neighborhood list or is that not beneficial?

CHIEF KING: I will tell you that right now, Dekalb has only provided us -- you know.

And we try not to flood the neighborhood web sites with, I mean, "two black males." I don't think that's productive, because then what we will have is every time somebody sees a black male walking down the street, they're going to be calling the police to say, "Hey, this is the guy."

If we have something particularly that helps narrow down that, yeah, we will share. I mean I will get my direction from the Mayor as

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far as how me wants me, you know, to push that information.

My recommendation is only do that if there's actually something that people can call us.

But right now, I've got the majority, a good portion of my manpower basically working the crime scene right now and interviewing victims and witnesses.

I'm very sad to bring you this kind of news, but we are in a tough period right now especially with this economy, and Dekalb County is very limited on the resources that they can apply to the areas of the county. Everybody's got some very focused priorities.

But we're going to concentrate on answering those 911 calls, trying to do -- when we're not answering calls, we're going to be doing as much proactive patrolling as we can, continuing the search, for example, of Star Towers and make sure that that doesn't become a haven for derelicts or homeless folks.

COUNCILMEMBER PITTMAN: Are we going to be taking any extra particulars on Wednesday after the election? Because I know there was

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alerts went out from Homeland Security about things that's a potential after the election.

CHIEF KING: Yes, ma'am. We are working contingency plans.

I honestly don't think that Doraville is going to have an issue. We're Doraville. We're a suburb.

I mean, you know, the metropolitan -- you know, downtown Atlanta might have some issues but, you know, Doraville, we're pretty calm. I mean I don't think people are going to riot because one candidate wins and another one loses. I just don't see that as a likely scenario.

I'm more worried right now about catching these armed robbers and these murderers.

Mayor and Council, that concludes my report unless you-all have any questions or comments about my report. Thank you very much.

COUNCILMEMBER ROCHE: Thank you.

MAYOR JENKINS: Thanks, John.

COUNCILMEMBER PITTMAN: Thank you.

MAYOR JENKINS: You got anything, Murray?

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ATTORNEY WEED: Very quickly, Mr. Mayor, I'd like to apologize to Councilman Spangler and the Council if I seemed a little tense in answering the Councilman's questions. He's got every right to ask me questions, and I will endeavor to answer them.

We're all working very, very hard. I know the Chief is proud of what he does and Priscilla is proud of what she does. Your staff loves this city. I'm proud to be here. And so we're working very hard to do it, and we'll just keep working harder.

COUNCILMEMBER FLEMING: I have a question, Mr. Weed.

ATTORNEY WEED: Yes, ma'am.

COUNCILMEMBER FLEMING: Sandy Springs/ Johns Creek, we offered them -- have we already got that out to them and have we got a reply yet?

ATTORNEY WEED: No, ma'am.

COUNCILMEMBER ROCHE: We were going to find out how much it was going to cost for the additional coverage first so we could set a rate.

ATTORNEY WEED: Right. I've been

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looking into that and haven't been able to --

COUNCILMEMBER ROCHE: Okay.

ATTORNEY WEED: -- get a straight answer yet. I'll keep working on it.

COUNCILMEMBER ROCHE: I understand.

COUNCILMEMBER FLEMING: And I do remember that because I thought we were going to offer them 60 to 80.

ATTORNEY WEED: We're going to get there, I think.

COUNCILMEMBER ROCHE: We need to make sure we make money at it.

MAYOR JENKINS: Citizens comments.

MR. HART: Stephe's not here, but as the acting president-elect of the Kiwanis Club, we were going to thank the Mayor and the Council for Doraville Days, particularly Pam.

You were a Godsend, I mean, you know --

COUNCILMEMBER FLEMING: Well, it was all of us.

MR. HART: -- and working with Brian.

And particularly the Mayor. The Mayor and I worked as chairmen of the car show. We had to work through a lot of details, and the Mayor worked closely with us in trying to

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resolve some issues that we got the moving tractors everywhere.

And also to Priscilla that helped a lot with the coffee and everything during the car show. We had donations coming in, and she worked overtime trying to help us with that.

And Bob Spangler and his wife helped a lot with the show.

It was very successful. I think the car show worked well with the rest of the city events and the road race. And I'd like to on behalf of the Kiwanis Club thank the Mayor and Council and the city for allowing us to help out.

COUNCILMEMBER FLEMING: Thank you very much.

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(Applause)

- - -

COUNCILMEMBER ROCHE: For the record, I was home in bed that day so don't thank me.

MAYOR JENKINS: Thank you, Tom.

Next? Bonita?

MS. HOFFMEISTER: No. I was just going to say thank you, but Tom did.

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COUNCILMEMBER PITTMAN: Mr. Noonan.

MR. NOONAN: John Noonan, 4316 Winters Chapel Road.

Is the city still over budget?

Can anybody answer that?

- - -

(No response)

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MR. NOONAN: So I guess we don't know.

Seeing as we've had all these problems about being over budget, why in the world would we want to spend $150,000 on sidewalks that are actually in a county right-of-way?

This doesn't make any sense at all. It's fiscally irresponsible. You want sidewalks in a county right-of-way, go to the County.

Since we're on the topic of fiscal responsibility, we just approved an MIS contract. What's the total cost of that contract?

- - -

(No response)

- - -

MR. NOONAN: We approve --

MAYOR JENKINS: We don't know.

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MR. NOONAN: -- a contract and we don't know how much it costs?

I think the guidelines are if it's over $5,000, it needs to go out for bids; correct? Anybody?

MAYOR JENKINS: Yes. You're right.

COUNCILMEMBER PITTMAN: I think there was some gray area, though.

Go ahead.

ATTORNEY WEED: Two things. What the ordinance says is that it's a twofold rule. One, anything over $5,000 should go out for bid. There are four exceptions to that. One of them is the Council determines it's a sole-source agreement. My understanding is that was the Council's intention to treat MIS in that category, and they've acted accordingly.

With regard to how much the contract is for, it is an hourly-rate contract so there's not a total. You could probably kind of get a good idea about how much it's going to be based upon what they paid last year, which I was something in the $80,000 range, but I'm not the budget person.

MR. NOONAN: Is this a not-to-exceed

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contract?

ATTORNEY WEED: No, it is not a not-to-exceed contract. Had it been -- having a contract that went beyond the scope of a single calendar year, let's say it was a two-year contract or a five-year contract, then state law would have mandated that the total amount of the contract in the calendar year of adoption and in every calendar year renewal would have had to have been listed. So that would have been an amount not to exceed.

But right now, it's a flat hourly-rate contract, which means however many hours the person works.

MR. NOONAN: So I guess we can assume that MIS is going to work the full year for under $5,000?

ATTORNEY WEED: I wouldn't know that, sir.

MR. NOONAN: I've made my point.

MAYOR JENKINS: Thank you, John.

COUNCILMEMBER ROCHE: On the sidewalk thing, I've made the motion, the Council passed the motion unanimously to spend up to $150,000. Later, when we realized we were having budget

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issues, I took that off the table as part of an overall spending package that would save a lot of money but that overall spending plan didn't go anywhere.

But basically right now, we still have $150,000 allocated for the Central Avenue sidewalk --

MAYOR JENKINS: I don't know --

COUNCILMEMBER ROCHE: -- until such time --

MAYOR JENKINS: -- that we're going to spend that much on Central Avenue.

Anybody else?

MR. LIVINGSTON: Charles Livingston.

Several Council meetings ago, we had a discussion about judges and solicitors and so forth throwing out ordinances and fines.

I can't remember, John, if you had any that were in your traffic fines that got thrown out? I think it was just ordinances.

But we had this discussion, and, as I recall, the conclusion of that discussion was that the Mayor and Murray Weed would meet with said judges and solicitors and talk to them a little bit about the fact that they're working

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for us and see if we can get this worked out a little bit, and I haven't heard anything about it. Have you-all met?

ATTORNEY WEED: I had an individual meeting with the judges with regard to the fine-and-forfeiture schedule last week, but I didn't feel comfortable talking about --

I have to make appearances before these judges, as a lawyer and, therefore, I have to tread lightly. So when the Mayor and I have an opportunity to have that conversation when the weight of the Mayor is there, that would be a more appropriate way of doing that.

MR. LIVINGSTON: So you do plan to do that in the near future?

ATTORNEY WEED: Yes, sir. Absolutely. But I'm not going to do that alone, though.

MR. LIVINGSTON: Well, I would like to make sure that you don't do it alone. I would like to go myself as an observer.

Is there any reason I cannot do that?

ATTORNEY WEED: That's up to the Council, but I wouldn't advise that, sir.

MR. LIVINGSTON: Well --

ATTORNEY WEED: You can trust us or

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you --
MR. LIVINGSTON: No, I don't think so. I don't think either one of you are tough enough. These people work for us.
ATTORNEY WEED: Well, sir, you've got a legal right to go talk to them yourself. The Council can't prevent you from doing that.
MR. LIVINGSTON: I'd really like to go when you guys go so I can see what you do and what you say --
ATTORNEY WEED: Well, I --
MR. LIVINGSTON: -- because I don't think either one of you are tough enough with these guys. I really don't.
ATTORNEY WEED: Well, sir, you've got a right to go talk to the judges at any court, and I would advise you to do that.
MR. LIVINGSTON: I'd like to see you guys get tough with them. You know, I think you-all -- they've got you buffaloed. They're not doing what we need.
MAYOR JENKINS: I think they're doing a good job.
MR. LIVINGSTON: How can you say that when they're throwing out our ordinances?

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MAYOR JENKINS: I've been up. I've listened to them. I think they do a good job.
Why don't you go up and listen at them a little bit?
MR. LIVINGSTON: By the time -- by the time John's guys, John's gals go out and they've stopped four or five times and given warnings and done all the proper things, these people need to be fined. And then they get up there and they throw them out. How can --
MAYOR JENKINS: Not all of them.
MR. LIVINGSTON: -- they be doing a good job?
MAYOR JENKINS: Not all of them.
MR. LIVINGSTON: I know not all of them but --
MAYOR JENKINS: They don't throw them all out, no, sir.
MR. LIVINGSTON: I think it's -- from the information I get, it's close to half of them.
You indicated no, you got to tread lightly with them. They work for us.
ATTORNEY WEED: Sir, they work for you. They don't work for me.

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MR. LIVINGSTON: Okay. Well, they work -- that's fine. They work for us. And I don't think that you need to, you know, be soft-footing it around these people. You know, we need to lay down the law.
And I would very much like to go with you guys, but if I can't, I'll go up by myself, but I sure would like to do it.
MAYOR JENKINS: Thank you.
ATTORNEY WEED: If this is helpful --
COUNCILMEMBER FLEMING: Thank you.
ATTORNEY WEED: -- I've got a trial tomorrow at 1:30 in Judge Duncan's courtroom, and we'll see how tough they are. You're welcome to attend.
MR. LIVINGSTON: I got to go out of town tomorrow as soon as I vote. I'm sorry.
MAYOR JENKINS: Come on up, Ben.
MR. LIVINGSTON: If you have another one, I'd like to do it.
ATTORNEY WEED: I'll be there. You're very welcome, and we intend to seek the full force of the law and we'll see how tough I can be.
MR. LIVINGSTON: All right.

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MR. CRAWFORD: I'll take a chance that I break the microphone. Ben Crawford, 3959 Red Oak Drive.
And first thing I'd like to do is invite everybody Thursday night at 7 o'clock for the Planning Commission meeting, and it's going to be this Thursday.
And then Scott's not here tonight, so I guess I'll ask City Council this question -- the planning guy went home -- then also Mr. Weed.
There was some discussion about looking at C2, C1 and C2 along with M1 and M2, and where are we on all those four ordinances at this point?
ATTORNEY WEED: M1 and M2 was duly advertised and adopted.
MR. CRAWFORD: Right, okay.
ATTORNEY WEED: And C1 and C2, we have completed our second draft of that.
MR. CRAWFORD: Okay. All right.
ATTORNEY WEED: Scott asked me about it tonight and he wanted to add two more definitions to that section --
MR. CRAWFORD: Okay.
ATTORNEY WEED: -- which I haven't seen

yet. So he and I will be in communication tomorrow, and hopefully we'll be able to turn that out by tomorrow afternoon.

MR. CRAWFORD: Is that to go along with the draft definitions, too, that were in our box over there?

ATTORNEY WEED: All the definitions are in M1 and M2.

MR. CRAWFORD: Those ones that were in the Planning Commission's box, were those the total definitions for the -- for an ordinance or were they for just specific sections? I didn't get a chance to look at it yet.

ATTORNEY WEED: I'm not sure what you got, so I don't know.

MR. CRAWFORD: Okay. Well, that's --

ATTORNEY WEED: It might have been something that Scott --

MR. CRAWFORD: And then --

ATTORNEY WEED: -- generated, so I --

MR. CRAWFORD: -- I wanted to bring up one other thing, and I know that we've already gone through this whole M1 and M2 thing.

But the other question is, there's no -- and this is, I guess, directed to you,

Mr. Weed. There's no reason why a city has to have M1 zoning in it, correct?

ATTORNEY WEED: No.

MR. CRAWFORD: Or any kind of zoning?

ATTORNEY WEED: No.

MR. CRAWFORD: The city can decide what kind of zoning they want anywhere within their city.

ATTORNEY WEED: Correct.

MR. CRAWFORD: So if we have a small city and we decide we don't want to have heavy industrial M2 zoning in it or even, for that matter, M1, then we can decide as a city not to have it; right?

ATTORNEY WEED: That is correct.

MR. CRAWFORD: Except for the existing that's there. We can say that stays there until a change of use or something like that. Would that be correct?

ATTORNEY WEED: I think that's fair; yes, sir.

MR. CRAWFORD: Okay. That was it.

COUNCILMEMBER ROCHE: Thank you.

COUNCILMEMBER PITTMAN: Thank you.

MAYOR JENKINS: Thank you, sir.

COUNCILMEMBER SPANGLER: Motion to adjourn.

MAYOR JENKINS: Second?

COUNCILMEMBER BATES: Second.

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Yes.

MAYOR JENKINS: Thank you.

- - -

(Meeting concluded at 10:45 p.m. the same day.)

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C E R T I F I C A T E

STATE OF GEORGIA]
COUNTY OF DEKALB]

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the proceedings were reduced to typewriting under my direction and control.

I further certify that the transcript is a true and correct record of the evidence given at the said proceedings.

I further certify that I am neither a relative or employee or attorney or counsel to any of the parties, nor financially or otherwise interested in this matter.

This the 10th day of November, 2008.

_____

Theresa Bretch, CCR
Permit No. B-755

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