In The Matter Of:

The City of Doraville

State of Georgia

City Council Meeting

October 19, 2009

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

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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, October 19, 2009.

* * *

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 Weed, City Attorney
Ms. Rhonda Blackmon, City Clerk

P R O C E E D I N G S

MAYOR JENKINS: 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: I want to get the minutes of 9/14/09. Do I have a motion?
COUNCILMEMBER PITTMAN: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER ALEXANDER: 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 Spangler?
COUNCILMEMBER SPANGLER: I'm going to abstain on those.
MAYOR JENKINS: Approve the minutes of 10/5/09. Do I have a motion?
COUNCILMEMBER BATES: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER ALEXANDER: 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.

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CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: I need to abstain on that one also.
MAYOR JENKINS: Okay. Doraville Days, everybody that came out, I appreciate it, everybody that came out and helped us out. All the Councilmen did, and I want to thank all the Councilmen that did help out and the ones that were volunteers. We had a lot of volunteers. It took a lot of work.
Brian and Maria and Pam, of course, they started I think at midnight on Friday and must have worked all night.
But we had a good -- according to the weather, we had a very good Doraville Days. We hope that we have better weather next year. I've already had a suggestion that we do it in the spring of the year rather than fall, we were so cold. But we think it come out real good, and I want to thank everybody, the volunteers and all.
Pam, do you want to add anything?
COUNCILMEMBER FLEMING: Yes, sir. We have some announcements to make if you don't mind.
MAYOR JENKINS: Yeah, go right ahead.
COUNCILMEMBER FLEMING: This year we were up from 34 vendors from last year, and we had 48 vendors

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this year, a wide variety of community partners, food vendors, healthcare and so forth and some great things for the kids.
I'll comment on the road race and the library and then I'll let Brian talk a little bit too.
For the road race, we were down this year of course. I wouldn't have gotten out in that. It was 54 but nobody ever said what the wind chill factor was. Okay. So we were down from last year of 83, to 60. We didn't have any little tot trotters. But through those efforts of the 60 runners and the great donations from the Eagles Lodge and some of the other donations that came in, we're presenting a check to the Children's Healthcare in the amount of $1,210.

- - -

(Applause)

- - -

COUNCILMEMBER FLEMING: So that was outstanding for the number of runners that we had and also the donations.
I checked with Lynn today, and through the efforts of the Friends of the Doraville Library and all of their wonderful help that they did organizing, pre-advance, you know, to the date of the sale -- actually she said because it was warm inside, they had

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a lot more people staying in, buying books. So as of this afternoon when she gave me the count, it was right at $650 for the book sale. So that was very good, and that was about what it was last year.
And Mayor, I want to make a comment about Mr. Ambrose.
Mr. Ambrose, would you please stand up so everybody can see you, please, sir?
There were many, many volunteers, but this gentleman has saved my life on Saturday. He went down to the jump-and-slide area through the rain, through the sleet, through the little bit of crystals of snow and stayed there the whole time and without any cover or anything and he had his grandson with him.
And I truly, truly appreciate you being the adult supervisor for that event, and I promise you I'll have some more down there next year. So thank you very, very much.

- - -

(Applause)

- - -

COUNCILMEMBER FLEMING: Brian?
MAYOR JENKINS: Brian?
COUNCILMEMBER BATES: Yes. Thank you, Pam.
It was a really good event, and I do want to

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thank all of our sponsors that helped us out this year: Touchmark Bank, RBC Bank, Buford Highway Farmers Market, Taylor Construction and First Intercontinental Bank. They were much appreciated and very much valued.
Ms. Alexander and Mr. Anderson and others were overseeing the children's art show.
And we had how many pieces of art this year?
COUNCILMEMBER ALEXANDER: We had 60 entrances of art and we had another 15 students that submitted tee shirt designs.
COUNCILMEMBER BATES: So that came from four of our surrounding schools: Sequoyah Middle School, Cross Keys High School, Oakcliff Elementary and Hightower Elementary. So we want to thank all those teachers and students for participating.
We also for the first time decided to have a contest on the logos for next year's Doraville Days and the 5K road race, and we had over 90 people vote on the entries. And I'm very excited to announce that we've got two winners, and these, both pieces of art are going back to the school to be refined so that we get a good quality logo for next year's events.
And we'll pass these around, but this is going to be the logo for Doraville Days and this will

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be the logo for the Doraville Days 5K road race (presenting), and we'll present those students with their certificate of accomplishment along with a small little monetary acknowledgement for their involvement in support of Doraville Days.

So I want to thank everybody who took time to vote and come by and show their support for our students from our communities who do such a good job to make sure that our city is a great place to live.

COUNCILMEMBER FLEMING: Mr. Bates, would you mention for the record who the winning artists are?

COUNCILMEMBER BATES: Sure.

The Doraville Days logo is Alex Flores and the Doraville Days 5K road race logo is Angela Duong (spelling) D-U-O-N-G, and they're both from Cross Keys.

COUNCILMEMBER FLEMING: And I think Maria had some great volunteers also.

COUNCILMEMBER ALEXANDER: Yes. We had our partition systems donated again by Panel Systems Unlimited in Tucker, and some gentlemen from Public Works and I went to pick them up with the understanding that, quote/unquote, they were going to be easier to put together than the ones we had the previous year. That turned out to be a challenge.

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And Mayor, and Brian, and Scott, and Reverend Kelly of the First Baptist Church, and Stuart, and then later, Ben Crawford, between all those gentlemen, were able to figure out the, quote/unquote, easier assembly, and we were able to get them up.

And then our curator, Madam Susan Crawford, showed up, and then we got to spend most of our time arranging the art and hanging the art, and that's what's most important is the presentation.

And I had the Mayor sign 60 autographs for the certificates for the artists. And our first two visitors were two of the students from Cross Keys, and their faces just lit up when they came in and saw their art work, and we have photographs of the Mayor presenting their certificate to them.

It was also very exciting to see people getting excited about being able to vote for the tee shirt design. They really took it seriously. We had 15 different pieces of art set up on three partitions, and people really took their time and were actually discussing their choices before they voted, so it was really -- they took their votes very seriously, and it was fun to watch that.

And we had some international people come

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in, and it was really interesting to see how seriously they took the opportunity they got to voice their opinion on something. I don't know if they don't have that right in the country that they came from, but they took it very seriously. And there were some young people that were excited about getting the opportunity to vote on it. So I'm hoping that we can do that again next year because it was really exciting to watch.

We also had some students that came in from different schools that want to exhibit next year. So yesterday when we took down the show, we sort of discussed some spatial things. And we think we can fit I think it's 16 more walls in here if we utilize the corners of the thing, so we may even solicit additional schools next year. So our show is growing, so that's very good.

We also had some new residents come in that recently just bought a house in Northwoods, got the City newsletter, and they walked to the festival, and they were so excited that they thought that they had purchased a home in a city with a sense of community. And it really meant a lot to them, the whole festival, and to come out and meet some new neighbors and enjoy it.

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So it's a very important event for our city. And Ms. Fleming and Mr. Bates as usual, great commanders -- lead us, tell us what to do, when to do it. So thank you very much.

COUNCILMEMBER BATES: Mayor, I would be remiss if I didn't thank the three volunteers that we had from the North Dekalb Youth Association who were out there with me at 7 o'clock yesterday morning, or Saturday morning, moving tents and moving tables and were out there at 6 o'clock all the way through the day, 6 o'clock on Saturday night, helping me move those tents and those tables back again. So we want to make sure to recognize those three young men who were very good troopers despite the weather, and I couldn't have done it without them. So thank you, Mayor.

COUNCILMEMBER FLEMING: Nor could we have done it without our leaders of the Rec Center, Carol and Ramon and Chief Atkinson and Kari Lopez and their entire staff as well as Corally and her staff. They were very good --

COUNCILMEMBER BATES: And Lynn and all the Friends.

COUNCILMEMBER FLEMING: -- and Bobby. Bobby -- I mean the whole city came together.

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And Mayor, I appreciate all of the departments just jumping in and helping out, so thank you very much.

COUNCILMEMBER BATES: As well as Mayor Pro Tem Pittman for her involvement and activity out there. It was very much appreciated.

MAYOR JENKINS: All right. I have sign-ups on Mayor's comments. Do I wait until I get all the Mayor's comments finished?

Georgia Realtors insurance. We had something come up on the contract that we set up for the Georgia Realtors, but I want to get it straightened out, Murray, for anybody that rents any of our buildings. Do you understand? Can you explain the reason it came up?

ATTORNEY WEED: Yes, Mr. Mayor.

As the Council will recall, the Georgia Realtors Association is looking for a home. They wanted to and still do want to rent the facility, the red brick facility up the hill.

In the license that we use to deal with these situations as a local government, we have a clause in there that mandates that the person who's holding the license will provide insurance not only for their own personal property that they're using in

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the facility but for the facility itself.

Georgia Realtors, they contacted their insurance company and were told that they were not going to be able to get access to a secondary form of insurance that would cover the entire facility. So they have asked the Mayor to approach the Council with regard to modification of the license agreement, and they will certainly provide insurance for their personal property in the facility but they want to be essentially allowed to have the facility without insuring the entirety of the facility.

COUNCILMEMBER BATES: Why wouldn't the insurance company provide that?

ATTORNEY WEED: They don't want to be committed to a replacement value on a facility that the Georgia Realtors don't own.

COUNCILMEMBER BATES: But if their actions cause damage to the facility, wouldn't they be responsible for replacement?

ATTORNEY WEED: Well, if they don't have any insurance, even if we have a replacement clause in any kind of agreement we had with them, it would be going into an empty pocket.

COUNCILMEMBER BATES: Is it common for the landlord to provide the property insurance or is it

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equally common for the tenant to provide similar insurance?

ATTORNEY WEED: In my experience with regard to standard tenancy, usually the landlord provides insurance with regards to the facility itself. The tenant almost always provides insurance with regard to their own personal property. However, the license is simply an agreement. It can have whatever terms both parties agree to, so it's a mixed bag.

COUNCILMEMBER FLEMING: In the previous lease agreement that we have on the location on Central Avenue, is that phrase in there requiring them to have insurance on the building?

ATTORNEY WEED: My recollection is that that is in that document, and I'm not -- it's fine with me if it's in all of our documents.

One important thing I want to note, though -- there is a difference -- is that the other facility is for a customer base and for the production of food items and the sale of food items. Therefore, they have to comply with other health code and fire safety regulations that an office facility would not.

COUNCILMEMBER SPANGLER: This office facility, though, Mr. Weed, would possibly have a small stove, microwave, refrigerator or

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something like a mini kitchen. So I would think if we're going to do it for the location on Central, we should also do it for the location on New Peachtree.

ATTORNEY WEED: I don't disagree.

I just want to point out I think the risk factors are very different.

COUNCILMEMBER SPANGLER: I don't really -- But there may be --

MAYOR JENKINS: They do have a kitchen in the New Peachtree facility. Whether they'll use it or not, we don't know, but there is a kitchen.

COUNCILMEMBER FLEMING: And whether that is the case or not or whether it could be fire or not, it could be damaged in some other respect. And so I feel the same as Mr. Bates -- well, though he hasn't actually verbalized a statement -- I believe that they need to provide insurance or some type of verbiage in the contract that they should be held responsible for any damage that incurs, that they incur.

MAYOR JENKINS: My only --

ATTORNEY WEED: Of course that is covered. I mean when a person goes in there, they'll fill out what's called a move-in/move-out sheet, so there'll be a recordation of the existing condition of the premises when they move in, and the same form is

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1 filled out when they move out. And of course, you
2 know, anything that they would be responsible for that
3 we haven't already covered in the license document,
4 they would be -- you know, it would go against their
5 deposit.
6 MAYOR JENKINS: The situation on -- don't we
7 furnish insurance for the building?
8 ATTORNEY WEED: Yes, sir. That's my under-
9 standing.
10 MAYOR JENKINS: I have no problem with also
11 having them furnish insurance too. I just wanted to
12 get it straight and do it the same for all.
13 COUNCILMEMBER BATES: Do we run the risk of
14 them not renting the facility if this is a require-
15 ment?
16 ATTORNEY WEED: I don't think they will rent
17 the facility.
18 MAYOR JENKINS: We still run that risk at
19 any time.
20 COUNCILMEMBER BATES: Sure.
21 ATTORNEY WEED: It's my opinion based upon
22 my conversations with them, that they will not rent
23 the facility if we make that a requirement.
24 COUNCILMEMBER BATES: And is the -- is the
25 insurance that's being required of them for building

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1 replacement no matter the circumstance or is it
2 replacement based upon negligence or actions caused by
3 the tenant?
4 ATTORNEY WEED: Actions caused by the
5 licenseholder; correct.
6 COUNCILMEMBER BATES: And their insurance
7 company is not willing to cover replacement should
8 their tenants -- or should the tenants be negligent or
9 whatever?
10 ATTORNEY WEED: That is correct. Once
11 again, their current insurer doesn't want to provide
12 insurance on a facility that they have no ownership
13 interest in.
14 COUNCILMEMBER BATES: I'm not interested in
15 changing.
16 MAYOR JENKINS: Want to make a motion we
17 leave it as it is that they have to furnish replace-
18 ment insurance?
19 COUNCILMEMBER BATES: I'll make the motion
20 that they need to provide replacement insurance.
21 MAYOR JENKINS: Do I get a second?
22 COUNCILMEMBER PITTMAN: Second.
23 COUNCILMEMBER ROCHE: So we're voting on not
24 doing anything, essentially.
25 MAYOR JENKINS: We're voting on leaving it

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1 like it is with the replacement insurance in the
2 contract.
3 COUNCILMEMBER ROCHE: Right. So we're
4 voting on not doing anything.
5 ATTORNEY WEED: Well --
6 COUNCILMEMBER ROCHE: We're voting not to do
7 something.
8 ATTORNEY WEED: You're technically rejecting
9 their counteroffer if you want to fancy it up. That's
10 what you're doing.
11 COUNCILMEMBER ROCHE: Fair enough.
12 MAYOR JENKINS: Brian, do you want to
13 rephrase that?
14 COUNCILMEMBER BATES: I will make a motion
15 to reject the counteroffer to deny or to --
16 COUNCILMEMBER FLEMING: Waive.
17 COUNCILMEMBER BATES: -- waive the require-
18 ment for replacement insurance.
19 MAYOR JENKINS: Second?
20 COUNCILMEMBER PITTMAN: Second.
21 MAYOR JENKINS: More discussion?
22 - - -
23 (No response)
24 - - -
25 MAYOR JENKINS: Call the roll, please.

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1 CLERK BLACKMON: Councilmember Alexander?
2 COUNCILMEMBER ALEXANDER: Yes.
3 CLERK BLACKMON: Councilmember Bates?
4 COUNCILMEMBER BATES: Yes.
5 CLERK BLACKMON: Councilmember Fleming?
6 COUNCILMEMBER FLEMING: Yes.
7 CLERK BLACKMON: Councilmember Pittman?
8 COUNCILMEMBER PITTMAN: Yes.
9 CLERK BLACKMON: Councilmember Roche?
10 COUNCILMEMBER ROCHE: Yes.
11 CLERK BLACKMON: Councilmember Spangler?
12 COUNCILMEMBER SPANGLER: Yes.
13 MAYOR JENKINS: Scott, would you come up on
14 the Completion of Building Permits Project for Dekalb
15 County Tax Assessors.
16 MR. HAEBERLIN: This will be real brief
17 because I know you have a very heavy agenda.
18 We were asked to go back and copy three
19 years of building permits for the Dekalb County Tax
20 Assessors. We do have that complete now. We do not
21 pick and choose among our building permits. We copied
22 everything regardless of whether they felt they were
23 interested in it.
24 And so I want to give you a breakdown on the
25 costs. We did utilize 25 hours of overtime of the

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existing employee who's the City Permit Clerk, times $24.88 an hour; came to $622.02. This is significantly under what had been previously suggested, $29,000, by using an in-house employee.

And so, again, we've got this item ready for transmittal, and hopefully later this week the Mayor and I will be able to visit the Tax Assessor's office and drop these items off. It's probably about five boxes, five good-sized boxes of documents.

They were also scanned as well, so we have started having a paperless filing system for the City.

So I wanted to update the Council of that. Special thanks to the City Permit Clerk, Ms. Biggers. She did an excellent job; ready for transmittal, I think certainly well under the time we expected it.

COUNCILMEMBER BATES: Thank you.

COUNCILMEMBER ROCHE: We're going to note for everyone that was not here, what they're talking about here is that apparently if building permits don't get sent over to the County, then the County doesn't know to come out and reassess the new building. And thanks to Charlene, we discovered that the H Mart, for instance, property was being taxed as if it was just dirt without taxing the buildings and several other items.

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So I guess what I'm interested in is now that we've done this, will we keep track of the changes in the new -- you know, that have been I guess the additional revenues as a result of taking this action?

MR. HAEBERLIN: You know, my responsibility level is to give it to the County Tax Assessors.

Now, my belief in their ability to do their job, that's suspect. However, I am going to provide them the documents, and then it's up to them. We will be doing it on a monthly basis, and of course the monthly basis will be return receipt so we'll always have the proof. At any time the Council would like to see, we will have proof that we did it.

COUNCILMEMBER ROCHE: What I'm asking for is for you to request from the County that when they take something that we're sending over there and they say, gees, here's a building permit, and no, we haven't done the assessment, when they go out and do the reassessment, that they let us know the new reassessment for that property so that we have some idea of the difference in revenues we're going to gain by now doing what we should have been doing for the last three or four years.

MR. HAEBERLIN: Well, I certainly hope that

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it is reflected in the tax roll.

Again, I'm doing what I was asked to do. I really can't make the County do their job but I am optimistic that this will result in some significant increases in your tax roll.

COUNCILMEMBER ROCHE: I'm glad we're finally getting this straightened out. Thank you.

MR. HAEBERLIN: Uh-huh.

MAYOR JENKINS: Thank you, Scott.

Luke?

Luke's going to bring up something about the new LCI study.

MR. HOWE: No. This is about the gateway grant, Mayor.

MAYOR JENKINS: Okay.

MR. HOWE: We've talked about sprucing up this 285 interchange for some time. There's a grant opportunity to do that. It doesn't require a match. It's like $50,000.

And I sent you all the example and my understanding of the resolution. I apologize, but I failed to clarify actually one of those documents drafted.

If you-all want to wait and, you know, let me respond to some questions, or maybe by then we'll

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have -- you will have a conceptual site plan finished.

But if Scott doesn't mind, we can put this on Monday's agenda or you can go ahead and authorize me to move forward with this grant tonight.

COUNCILMEMBER BATES: Is there a deadline for the grant application?

MR. HOWE: October 30th.

COUNCILMEMBER BATES: And it's up to $50,000?

MR. HOWE: Yes, sir.

COUNCILMEMBER BATES: And who's it through?

MR. HOWE: DOT.

For those of you who are familiar with the gateway grant, every so often, the DOT will open up funding for aesthetic improvements around points of entry. The interchanges up and down Gwinnett County were done with gateway money, so it would be similar to that.

There's a lot of invasive plant material that we would have to remove, and I think we're going to spray most of that stuff. A lot of the trees are good. But we would have to go in and take out a lot of that plant material and then we would come back about a month later and replace all that.

COUNCILMEMBER BATES: As far as the

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1 resolution and memorandum of --
2 MR. HOWE: Yes, sir. The resolution is just
3 supporting the application, and the memorandum of
4 understanding, the only caveat is once we start, if we
5 get the money to do this, we have to keep it up from
6 here on out. We have to maintain it.
7 We're going to make sure that the site plan
8 includes a lot of native plant material so that that
9 will cut down on maintenance costs. Irrigation is
10 limited there, so we have to keep that in mind so we
11 can try to develop a site plan that is the most cost
12 effective and low maintenance.
13 COUNCILMEMBER BATES: I would actually
14 prefer to see that written memorandum of under-
15 standing --
16 MR. HOWE: Sure.
17 COUNCILMEMBER BATES: -- completed before I
18 vote on it, so I'll ask that we postpone it till
19 Monday.
20 MR. HOWE: Sure.
21 COUNCILMEMBER BATES: I'll make that motion
22 to postpone this until Monday the 26th.
23 COUNCILMEMBER BATES: I'll second.
24 COUNCILMEMBER FLEMING: I have a question.
25 MR. HOWE: Yes, ma'am.

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1 MAYOR JENKINS: Do I get a second?
2 COUNCILMEMBER SPANGLER: I already seconded
3 it.
4 COUNCILMEMBER BATES: Mr. Spangler.
5 MAYOR JENKINS: Okay.
6 COUNCILMEMBER FLEMING: When is the award
7 date?
8 MR. HOWE: They don't tell you.
9 COUNCILMEMBER FLEMING: It wasn't -- I mean
10 the cut-off date. They don't have an award date on it
11 at all.
12 MR. HOWE: They just -- they get to it.
13 They don't usually tell you when they're going to give
14 the money out because, you know, they don't want to --
15 COUNCILMEMBER FLEMING: Okay.
16 MR. HOWE: -- give that out, the time line
17 on it, because they don't want to have to be held to
18 that. So it's usually when they get around to it.
19 Hopefully, it'll be by spring if we do get
20 it. The DOT's usually pretty good about getting money
21 out for --
22 MAYOR JENKINS: You'll still be able to get
23 it in if we postpone it until the next meeting?
24 MR. HOWE: Yes, sir. That's Monday.
25 MAYOR JENKINS: Okay.

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1 MR. HOWE: Between Scott and I, I think that
2 will be something we can take care of pretty quickly.
3 MAYOR JENKINS: Okay. Thank you.
4 Employees Cash-Out Budget.
5 COUNCILMEMBER ROCHE: We need to vote,
6 Mayor.
7 MAYOR JENKINS: Okay. Call the roll,
8 please.
9 CLERK BLACKMON: Councilmember Alexander?
10 COUNCILMEMBER ALEXANDER: Yes.
11 CLERK BLACKMON: Councilmember Bates?
12 COUNCILMEMBER BATES: Yes.
13 CLERK BLACKMON: Councilmember Fleming?
14 COUNCILMEMBER FLEMING: Yes.
15 CLERK BLACKMON: Councilmember Pittman?
16 COUNCILMEMBER PITTMAN: Yes.
17 CLERK BLACKMON: Councilmember Roche?
18 COUNCILMEMBER ROCHE: Yes.
19 CLERK BLACKMON: Councilmember Spangler?
20 COUNCILMEMBER SPANGLER: Yes.
21 MAYOR JENKINS: Thank you.
22 Who's going to bring this one up, Rhonda,
23 the Police Department?
24 CLERK BLACKMON: Captain Atkinson.
25 CAPTAIN ATKINSON: I just want to touch

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1 bases with you about the paying out the employees,
2 their comp time down and their vacation down, PTO, and
3 figure out when that's going to take place.
4 I've had some questions asked to me about if
5 we could turn it in along the way, and I understand
6 that we can, but I haven't allowed them to do that yet
7 for the simple fact that I don't know where that money
8 is going to be coming from yet. If it's going to come
9 out of our budget, then I can assure you that it's
10 going to put me over budget on salary and overtime.
11 So that's the reason I have shied away from having
12 this turned in along the way.
13 I don't know. I was just looking for some
14 guidance as to when we might be doing this and where.
15 COUNCILMEMBER FLEMING: If I'm not mistaken
16 -- and please correct me -- when we were doing the new
17 budget, did Mr. Maxwell say he had that in a separate
18 line?
19 COUNCILMEMBER ALEXANDER: Yes, ma'am.
20 COUNCILMEMBER FLEMING: In the budget, it's
21 on a separate line item.
22 COUNCILMEMBER ALEXANDER: He said it was a
23 separate item. I don't know where in the budget it
24 was, because we asked this question because these are
25 previous liabilities.

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COUNCILMEMBER FLEMING: So I don't know how you would code it so that he would understand it.
CLERK BLACKMON: It's going to get coded normal as overtime or comp time or whatever it is they're turning in. He's just going to have to separate out and write them a separate check for it so it can be separated out from regular time.
But people have already started cashing it in in other departments.
COUNCILMEMBER ROCHE: Is Mr. Maxwell here?
MAYOR JENKINS: No. He had dental surgery today and he didn't make it back.
We'll get some answers for that tomorrow. I don't know how that was put in the budget.
CLERK BLACKMON: I don't know how he categorized it. I do know it was supposed to be separate. But it'll be easy to track with the time sheets because I'm not putting it in with regular time.
CAPTAIN ATKINSON: Yeah. If we have people start turning it in along the way, we can have it done on a different time sheet so it will be separated so it will be differentiated.
MAYOR JENKINS: That's the way we're doing it anyway, Rhonda?

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CLERK BLACKMON: Yes, and the other departments have already started doing it.
MAYOR JENKINS: Don't add it on the regular weekly time sheet. Make it separate.
CAPTAIN ATKINSON: Okay.
ATTORNEY WEED: Mr. Mayor, I'd like to advise the Council that I would like to seek you to go into Executive Session actually for two different reasons under the Code. One would be for a discussion of possible acquisition of real estate but I also have one other item underneath pending and future litigation that I described to you in an e-mail that went out today. That won't take very long at all, but I need to get some clarification with regard to a settlement offer and counteroffer that has been made.
So with that, I'd ask the Council to go into Executive Session for discussion of future or pending litigation and also for acquisition of real estate.
MAYOR JENKINS: Okay. I do need to -- the people that signed up, Stuart Anderson and Tom Hart, do you have any comments on Mayor's comments?
MR. ANDERSON: Briefly?
MAYOR JENKINS: Yes. I apologize. I got ahead on that.
MR. ANDERSON: It's relative to Luke's

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proposal. I copied off, took information today about 10,000 free trees being available. It's a program, and I think we could possibly use those trees, weave that program into this proposal.
I don't think we have to adopt any turkeys. They want us to adopt turkeys, but --
COUNCILMEMBER BATES: Thank you.
MR. HART: This concerns the Doraville Days. I'd like to thank a few people that helped us with the car show. It wasn't mentioned.
We expected about 90 cars and we ended up without about 23 because of the weather. Our charity this year was CCI Dogs, and we were going to give them somewhere between a hundred dollars and a thousand dollars. If we could sell the rest of the tee shirts we have left over, which we are selling slowly, we'll give them a thousand dollars.
And I'd like to thank a few people like Chuck Lodge, Emily Bishop, Glen Ellison who took the photographs, Andrew Williams; of course the people that brought the dogs from CCI; Wayne Boyd, Hal Alberghetti (ph), and of course John Maloney for bringing the tractors and equipment.
We had a good show. We had great posters. We had everything. Just didn't have the cars because

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of the weather.
Thank you.
COUNCILMEMBER BATES: Mr. Hart, I want to apologize to you for not recognizing that. Thank you very much for taking the time and efforts to do that.
How much are the tee shirts and who do we need to contact to get them?
MR. HART: They're 20 bucks apiece and they're long sleeve or short sleeve and quite attractive.
UNIDENTIFIED SPEAKER: They're beautiful.
COUNCILMEMBER BATES: Thank you. Actually, can you bring some to City Hall to show? Thank you.
MAYOR JENKINS: Thank you, Tom.
COUNCILMEMBER ROCHE: On the Executive Session, Mayor, could we possibly end the meeting half an hour early and then do the citizen comments and then do the Executive Session? Just if we start now, everyone's going to have to wait for us while we do our Executive Session.
MAYOR JENKINS: I understand. Whatever the Council wishes.
COUNCILMEMBER ROCHE: I mean we have to do the Executive Session. I'm not saying that. I'm just saying that normally we stop at 9 o'clock, I guess.

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1 We could just stop at 8:30, do the -- instead of
2 stopping at 9 o'clock, stop at 8:30, then do citizen
3 comments, et cetera, et cetera and then do Executive
4 Session.
5 MAYOR JENKINS: Do you want to make that in
6 the form of a motion?
7 COUNCILMEMBER ROCHE: I'll make that in a
8 motion.
9 COUNCILMEMBER SPANGLER: I will second that.
10 MAYOR JENKINS: Anymore discussion?
11 COUNCILMEMBER BATES: I'm sorry. Can you
12 clarify that for me?
13 COUNCILMEMBER ROCHE: Yeah. Let me start
14 over again.
15 I make a motion that we end the meeting --
16 instead of ending the meeting as normal at 9 o'clock
17 and having citizen comments, that we end the meeting
18 at 8:30, have citizen comments and then go into
19 Executive Session.
20 COUNCILMEMBER PITTMAN: Is that going --
21 that's no difference to you, Mr. Weed? Should we do
22 it now?
23 ATTORNEY WEED: You have a variety of people
24 here waiting, but they're here waiting for you so
25 they'll continue to wait.

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1 COUNCILMEMBER ROCHE: And we've got a lot of
2 people waiting.
3 ATTORNEY WEED: Once again, I notified the
4 Council early on on who would be here and why. But
5 it's always the Council's prerogative. If you want
6 folks to wait, they'll wait. It's your convenience.
7 MAYOR JENKINS: We're going in -- we're not
8 going to make the citizens move out of the Council
9 room. We have my office.
10 COUNCILMEMBER ROCHE: Well, I mean I'll just
11 make the motion and see what happens.
12 COUNCILMEMBER PITTMAN: How long do you
13 anticipate? I know it's hard to say, but if you were
14 going to.
15 ATTORNEY WEED: Well, that would be very
16 difficult to say. I imagine the Council's going to
17 have a number of detailed questions, and this would be
18 the opportunity for you to ask those questions so it
19 would be dependent upon what the Council asks.
20 MAYOR JENKINS: Anymore discussion?
21 COUNCILMEMBER FLEMING: So are you
22 suggesting start new business now versus old business
23 or start with --
24 COUNCILMEMBER ROCHE: No. Just continue the
25 meeting as normal. Just that instead of ending the

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1 meeting at 9 o'clock and going into citizens comments,
2 we end the meeting at 8:30 and go into citizens
3 comments, police comments, et cetera, et cetera, and
4 then at the end of the meeting go into Executive
5 Session.
6 Just end the meeting a half hour early,
7 essentially, and then go into Executive Session.
8 COUNCILMEMBER SPANGLER: I agree, because
9 it's not fair to make the citizens sit here and wait
10 for a half hour to 45 minutes.
11 COUNCILMEMBER BATES: Well, if we want to go
12 into citizens comments right now and do it, I'm
13 perfectly fine with doing that. I think this is going
14 to be an extended Executive Session and I agree to not
15 have the citizens wait to get their comments. So I'm
16 fine going into citizens comments now, but I don't
17 know about extending the meeting.
18 COUNCILMEMBER ROCHE: We're not extending
19 it; ending it a half hour early.
20 We're only going to get so far through the
21 agenda. It looks like I'm going to have to postpone
22 agenda item 5, anyway.
23 I just don't want to take an hour in
24 Executive Session and then have everyone wait for us
25 for an hour.

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1 COUNCILMEMBER BATES: If you want to do
2 citizens comments now, I'm perfectly fine with doing
3 citizens comments now.
4 COUNCILMEMBER ROCHE: Well, we're going to
5 do citizens comments either way.
6 COUNCILMEMBER SPANGLER: I think what
7 Mr. Bates is asking, do you want to do citizens
8 comments now and then go into Executive Session and
9 still cut the meeting off at 9 o'clock.
10 COUNCILMEMBER ROCHE: Whatever the Council
11 wants. I was making a suggestion.
12 COUNCILMEMBER BATES: Well, I'd be fine with
13 doing citizens comments now and then going into
14 Executive Session for however long we need to be in
15 Executive Session.
16 COUNCILMEMBER ROCHE: I'll withdraw my
17 motion in favor of Mr. Bates' motion.
18 COUNCILMEMBER BATES: I will make a motion
19 that we do citizens comments now.
20 MAYOR JENKINS: Second?
21 COUNCILMEMBER ALEXANDER: Second.
22 MAYOR JENKINS: More discussion?
23 - - -
24 (No response)
25 - - -

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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: I'm going to say no because it's still not fair to the citizens to have to sit here and wait until we go into an Executive Session for up to 45 minutes or an hour and then have to come back out, and if they want to listen to what's going on in the City, sit there until possibly 10:00 or 10:30. You know, I'm against that. I'll say no.
MAYOR JENKINS: Motion carried.
Okay. We'll go into citizens' comments. It will be three minutes.
Stuart, come on up.
MR. ANDERSON: I apologize, but citizens comments, you make comments about the meeting that has

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occurred. That's why you have citizens comments at the end.
UNIDENTIFIED SPEAKER: That's right.
UNIDENTIFIED SPEAKER: Right.
MR. ANDERSON: There's nothing to comment about.
UNIDENTIFIED SPEAKER: That's true.
MAYOR JENKINS: Who's next? Come up, Kay. Give your name, please.
MS. BIRD: Kay Bird.
I agree with Stuart Anderson. I know y'all have met like on Friday evenings for special-called Executive Session. There are plenty of opportunities to do this.
There are very few opportunities for people to participate in the government of our city, and we have a lot of serious questions going on right now, and this takes up people's time and discourages people from coming. And I would really like to see you-all take responsibility for having these meetings at another time and then report on them to us at the next meeting if that's necessary.
Also I have a question since it did come up about this Georgia Realtors insurance, renting the building. I assume the vote now means that this

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building will stay empty without any tenant.
Now, I don't understand insurance but I do know as a landlord and the owner of a house when I inquired about renting out my house, they told me I am fully responsible for the value of my house; however, my insurance would go up because they're well aware that renters would not take as good care of it as I would as the owner.
So I don't know. This is a question that seemed to get kind of skipped over a little too quickly in my opinion, and I'd like to ask that you-all go back and look at this, because it seems like an issue that might affect rentals in the future and our opportunity to bring in other income, so I would request that you do that.
Also, I did prepare to speak tonight, and for those of you who are interested, I went ahead and printed it out because I had a suspicion this was going to happen (inaudible).
MAYOR JENKINS: Talk into the microphone, please.
MS. BIRD: Pardon me? Oh. Closer. All right.
Let me say that I did come prepared to speak tonight. I suspected this kind of thing was going to

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happen, so I printed out what I was going to say if anybody's interested. Citizens, the Council people, they could pick it up out here.
Thank you.
MAYOR JENKINS: Thank you. I'd like to see that, too. Thank you.
Who's next? Citizens comments. Who's next?
- - -
(No response)
- - -
MAYOR JENKINS: Okay, Murray. We need a motion to go in Executive Session; is that correct?
ATTORNEY WEED: Yes, sir; for possible acquisition of real estate and pending and future litigation.
MAYOR JENKINS: Okay. Do I get a motion?
COUNCILMEMBER BATES: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR JENKINS: More discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?

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1 COUNCILMEMBER ALEXANDER: Yes.
2 CLERK BLACKMON: Councilmember Bates?
3 COUNCILMEMBER BATES: Yes.
4 CLERK BLACKMON: Councilmember Fleming?
5 COUNCILMEMBER FLEMING: Yes.
6 CLERK BLACKMON: Councilmember Pittman?
7 COUNCILMEMBER PITTMAN: Yes.
8 CLERK BLACKMON: Councilmember Roche?
9 COUNCILMEMBER ROCHE: No.
10 CLERK BLACKMON: Councilmember Spangler?
11 COUNCILMEMBER SPANGLER: Yes.
12 - - -
13 (Executive Session)
14 - - -
15 (A motion was made by Councilmember Fleming to
16 come out of Executive Session. The motion was
17 seconded by Councilmember Spangler. The motion was
18 passed by unanimous vote.)
19 - - -
20 MAYOR JENKINS: We already have a motion and
21 a second to come out of Executive Session.
22 We do have something to bring up. We have
23 decided to make a resolution on what we feel about the
24 GM property, and I'm going to let -- Bob, will you
25 read it and we'll get a motion then?

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1 COUNCILMEMBER ROCHE: Yes. I make a motion
2 to make a resolution to inform Dekalb County that
3 after much consideration and input from the citizens
4 and business people of the city of Doraville, the
5 Mayor and the Council unanimously agree that a multi-
6 use stadium facility is not in the best interest of
7 the city of Doraville and surrounding communities at
8 this time.
9 We have long enjoyed a friendly and mutually
10 beneficial relationship with Dekalb County. We are
11 confident that together we can approach new visionary
12 ideas for a redevelopment project at the GM property
13 site that we and our children can be proud of for many
14 years to come.
15 COUNCILMEMBER BATES: Second.
16 MAYOR JENKINS: Do I have a second? Okay.
17 Anymore discussion?
18 COUNCILMEMBER ROCHE: Other than just to
19 note that we all agreed on this language. I happen to
20 have a laptop. That's the only reason I'm ...
21 MAYOR JENKINS: Call the roll, please.
22 CLERK BLACKMON: Councilmember Alexander?
23 COUNCILMEMBER ALEXANDER: Yes.
24 CLERK BLACKMON: Councilmember Bates?
25 COUNCILMEMBER BATES: Yes.

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1 CLERK BLACKMON: Councilmember Fleming?
2 COUNCILMEMBER FLEMING: Yes.
3 CLERK BLACKMON: Councilmember Pittman?
4 COUNCILMEMBER PITTMAN: Yes.
5 CLERK BLACKMON: Councilmember Roche?
6 COUNCILMEMBER ROCHE: Yes.
7 CLERK BLACKMON: Councilmember Spangler?
8 COUNCILMEMBER SPANGLER: Yes.
9 MAYOR JENKINS: We will set the rest of this
10 meeting for the next meeting, which will be on the
11 3rd, I believe.
12 CLERK BLACKMON: The 2nd.
13 COUNCILMEMBER FLEMING: 6:00 p.m.
14 MAYOR JENKINS: And that meeting will be at
15 the Civic Center because we'll be setting up here for
16 the elections on that Tuesday morning. So this next
17 meeting will be at the Civic Center.
18 COUNCILMEMBER FLEMING: At 6:00 p.m.
19 MAYOR JENKINS: Excuse me?
20 COUNCILMEMBER FLEMING: At 6:00 p.m..
21 MAYOR JENKINS: Yes, ma'am, 6:00 p.m.
22 COUNCILMEMBER SPANGLER: Are the cameras
23 rolling?
24 CLERK BLACKMON: Yes, sir.
25 MAYOR JENKINS: Do I get a motion to

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1 adjourn?
2 COUNCILMEMBER FLEMING: Motion to adjourn.
3 MAYOR JENKINS: Second?
4 COUNCILMEMBER ALEXANDER: Second.
5 MAYOR JENKINS: Call the roll, please.
6 CLERK BLACKMON: Councilmember Alexander?
7 COUNCILMEMBER ALEXANDER: Yes.
8 CLERK BLACKMON: Councilmember Bates?
9 COUNCILMEMBER BATES: Yes.
10 CLERK BLACKMON: Councilmember Fleming?
11 COUNCILMEMBER FLEMING: Yes.
12 CLERK BLACKMON: Councilmember Pittman?
13 COUNCILMEMBER PITTMAN: Yes.
14 CLERK BLACKMON: Councilmember Roche?
15 COUNCILMEMBER ROCHE: Yes.
16 CLERK BLACKMON: Councilmember Spangler?
17 COUNCILMEMBER SPANGLER: Yes.
18 - - -
19 (Meeting adjourned at approximately 10:30 p.m.)
20 -o0o-
21
22
23
24
25

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 26th day of October, 2009.

_____
Theresa Bretch, CCR
Permit No. B-755

[SEAL]

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