In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

June 21, 2010

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

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Transcript of the meeting held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Ray Jenkins presiding, before Theresa Bretch, Certified Court Reporter, commencing at approximately 6:30 p.m., June 21, 2010.

* * *

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APPEARANCES:
Doraville City Council:
Hon. Ray Jenkins, Mayor
Councilmember Maria Alexander
Councilmember Brian Bates
Councilmember Karen Pachuta
Councilmember Donna Pittman
Councilmember Bob Roche
Councilmember Pam Fleming
Sandra Bryant, Assistant City Clerk
Murray J. Weed, City Attorney

For the County and the Development Authority:
Carter Thompson Dawson:
Bailey Pope
John Majors
Ann Rosenthal
Legislative Affairs Director, Dekalb County

For the City of Doraville:
Perkins & Will:
Heather Aldaheff
Aaron Fortner
Market & Main
Miller & Martin:
Jim Woodward, Esquire

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P R O C E E D I N G S

MAYOR JENKINS: Meeting come to order. Call the roll, please.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Here.
CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Here.
CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Here.
CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Here.
CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Here.
CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Here.
MAYOR JENKINS: All right. I want to approve the minutes for June 2nd, 2010. Do I get a motion?
COUNCILMEMBER ALEXANDER: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Any discussion?
- - -
(No response)
- - -

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CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Here.
CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: And the minutes for June 7th, 2010. Do I get a motion?
COUNCILMEMBER PACHUTA: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Any comments?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BRYANT: Councilmember Bates?

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COUNCILMEMBER BATES: Yes.
CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: I would like to have a motion on, under Mayor's Comments, we're going to take out Community Choice and we're going to put the budget after the Carter Thompson Dawson presentation. I'd like to have that in the form of a motion.
COUNCILMEMBER PACHUTA: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Any discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BRYANT: Councilmember Bates?

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COUNCILMEMBER BATES: Yes.
CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Now, this will be a presentation by Carter Thompson Dawson, and it will be just a presentation by them. And if there's any questions after, they will give you an e-mail or number to call them on.
Come on up to the microphone so the court reporter can hear you, please.
MR. POPE: This one?
MAYOR JENKINS: Yes, sir.
MR. POPE: Good evening, Mr. Mayor, members of Council. Thank you for letting us come and speak tonight.
My name is Bailey Pope. I'm with Thompson Dawson Real Estate Services, one of the partners that is in the team that's consulting for the Dekalb Development Authority. We wanted to give you, just as

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the Mayor said, a brief update on the progress of the redevelopment of the GM assembly plant site.
Carter Thompson Dawson is a consultant to the County with regard to the potential issuance of a 35 million dollar Recovery Zone bond. We're an independent third-party advisor. We are developers ourselves, so we're very familiar with the process. We have expertise in transit-oriented development, public/private partnership, and things that we've done in the role that New Broad Street is playing on this one, and we're proving that expertise as a consultant to the County.
Our current focus is working with the City of Doraville and New Broad Street to create the best partnership among all of the parties, a win-win situation for everybody.
The first thing is to make sure that everybody has a seat at the table and their efforts and interests are heard and to make sure that everyone's committed to the project so that we can move it forward quickly. But most important, we need to make sure that it's a collaboration between all parties.
To date, there have been several meetings with the City. We originally met -- my associate John Majors, our leader Harold Dawson and I met with the

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Mayor and Luke Howe back in April to start the discussion. The teams had a follow-up meeting with the Mayor and sent a letter of introduction and put some of the issues in writing.
There was supposed to be a presentation June 7th, which we're doing today instead, and I know there's been some -- you've been given some update in the interim and so I want to kind of go through things quickly, but if you have a question at any point, please feel free to interrupt me.
And then John had a conference call with a number of members of the group last week.
The image that you see now -- and am I blocking y'all's view? -- this is the preliminary site plan, and it's important to understand on a project of this site, you know, this is a pretty much just a drawing right now. It's showing what could happen. It's something that's going to be flexible as time moves forward, but it does show the awesome potential of this site to really be a transformative development and something that's going to have a profound effect on the city and the county and even, with this size, on the state. So it's something that needs to be done very carefully and correctly and have a lot of interest put behind it.

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It is a 14-year undertaking most likely and so it's something that's going to -- going to mutate through time -- or "evolve" through time is probably a better term. So the basic business plan -- and you need to look at how it affects the outcome and what the business is that drives it.

Next slide.

This project has the potential to create thousands of temporary and permanent jobs. The construction of it itself is a 500-million-dollar construction payroll that's going to create thousands of short-term jobs, but it's also important to understand over a 14-year period, you know, a lot of those jobs are going to feel pretty permanent. And then as the buildings become occupied and businesses set up there, there's going to be long-term permanent jobs.

There's also going to be property taxes and sales and liquor taxes that flow from it. So there's a tremendous economic potential that benefits the city and the county in numerous ways.

The primary interest and what we're hoping to facilitate is really a true public/private partnership that first begins with aligning the interests of all of the public-sector parties -- the

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City of Doraville, Dekalb County and the State of Georgia among others, including, for instance, MARTA -- and making sure that everybody is on the same page about just the nature of the project. And really the bottom line is, you know, do we all agree that development is good? that this is something that we want to see happen in some form?

The next thing is to bring in the private-sector developer and work out what form that is. And as that goes forward, everybody at the table has a unique role that they can provide to support the project and move it forward and make sure that their interests are met. But it's important to bring everybody to the table quickly because there is tight timing to get the ball rolling. It's a great opportunity to get it started right now.

- - -

(Brief interruption)

- - -

MR. POPE: This slide shows -- this is our first pass -- some ideas of how the City may choose to get involved. There are certainly a variety of other roles that the City can choose to play.

But some of the ideas that we've had is the idea of putting up a cash infusion to help the County

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and New Broad Street move forward; a bond issuance that would be sharing a portion of the County's bond allocation but it would give you a little greater control on what it was used for; TAD financing, doing a tax allocation district to allow you to leverage the future taxes off this site; or a pseudo TAD which would be some lesser form of similar approach, or an amalgamation of the above. And those are just some preliminary ideas. There are certainly other things that can be done.

So moving forward -- and this slide unfortunately didn't get onto our memory drive here -- tomorrow the Dekalb Board of Commissioners will be voting on a resolution and hopefully form an inter-governmental agreement that will suballocate a certain amount of their bonding capacity to the Decatur Development Authority in order to enable them to issue the Recovery bonds.

COUNCILMEMBER ALEXANDER: Do you mean to the Dekalb Development Authority?

MR. POPE: I'm sorry; yes, the Dekalb Development Authority.

The original deadline for issuing the bonds was June 30th, and that is the deadline for filing an extension, which is the intent now -- to seek a 60-day

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extension to the deadline for issuing the bonds.

On July 27th, the Dekalb Board of Commissioners plans to vote on whether or not the bonds should be issued, so that there's still -- after tomorrow's vote, there's still a go/no-go decision to be made.

And then the deadline for issuing bonds is August 30th, so that's 60 days past the original deadline.

And the time during that period will be used to establish the intergovernmental agreement that will include Doraville and Dekalb County to come up with a working relationship for this. It will also be the time that we develop the master development agreement, which will be the rules that New Broad Street will have to follow in terms of how they develop the property.

And that is a quick overview. I've tried to be brief because I know that you've heard a fair amount of this, but if I've been too brief, please feel free to ask questions and we'll do our best to clarify them.

COUNCILMEMBER ROCHE: Well, first of all, there have been a couple numbers thrown out. Exactly what is the dollar amount of bonds that you're

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1 considering?
2 MR. POPE: It's a 35 million dollar bond
3 issue.
4 COUNCILMEMBER ROCHE: 35. And that will be
5 paid over -- or do we know the terms yet on that?
6 MR. MAJORS: Typically they're 30 years but
7 they can be issued in any format. Typically 30 years
8 but sometimes 20 years.
9 COUNCILMEMBER ROCHE: Do you know roughly
10 what that will cost overall?
11 MR. MAJORS: Do we know what that would
12 roughly cost, meaning --
13 COUNCILMEMBER ROCHE: What it will cost with
14 interest. Sorry.
15 MR. MAJORS: We can get you that number. I
16 don't want to throw a number out of the top of my
17 head. I've seen different numbers but I want to make
18 sure I give you the right number.
19 COUNCILMEMBER ROCHE: Thank you; because
20 they've kind of -- I mean we've heard all these
21 numbers before, but there's always confusion and --
22 MR. MAJORS: Well, like anything --
23 COUNCILMEMBER ROCHE: -- we heard a number
24 50 --
25 MR. MAJORS: -- there are different cases.

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1 COUNCILMEMBER ROCHE: -- 50 million the
2 other day at some point.
3 MR. MAJORS: And just because I'm a finance
4 geek, you may not care, but the way that these
5 Recovery Zone bonds work is that the Federal
6 government gives a 45 percent rebate on the --
7 COUNCILMEMBER ROCHE: On just the interest
8 portion.
9 MR. MAJORS: Just on the interest, correct,
10 which is what makes them so attractive.
11 COUNCILMEMBER ROCHE: And that number, I
12 think we save about 11 million dollars over 30 years,
13 but I don't remember the rest.
14 MR. MAJORS: You're probably better than I
15 am. I would have to look at it and calculate it and
16 get back to you, but I will get back to you with that
17 exact number.
18 COUNCILMEMBER ROCHE: And did you have an
19 estimate of the number of permanent jobs that will be
20 created? I know you said 9,000, which is a different
21 number than what I've heard before.
22 MR. POPE: That's one of those things that's
23 extremely difficult to make an accurate estimate
24 because there's still flexibility in what the
25 development would actually entail and, you know, what

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1 number of employees these businesses might have. You
2 know, we feel like 9,000 is a reasonable estimate, a
3 kind of mid range of what could happen.
4 MR. MAJORS: But again, it's --
5 COUNCILMEMBER ROCHE: That's the construc-
6 tion.
7 MR. MAJORS: -- an estimate.
8 Right. Those are construction jobs.
9 COUNCILMEMBER ROCHE: Right.
10 I was talking about permanent.
11 MR. MAJORS: To Bailey's point, we really
12 don't have -- I don't think that there's a reliable
13 number out there.
14 Just in terms of approach, one of the things
15 that we've done is we've spoken to the State's Office
16 of Economic Development because this is the type of
17 site that would be perfect for a corporate relocation
18 either from some other part of the United States --
19 COUNCILMEMBER ROCHE: Right.
20 MR. MAJORS: -- or from -- I know the Dekalb
21 Development Authority just did a trade mission to
22 China. This would be a perfect site for the State,
23 the County and the City to work together and really
24 try to make this an attractive site for a corporate
25 relocation to this area.

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1 COUNCILMEMBER ROCHE: That's all I have.
2 MR. POPE: Anyone else?
3 MAYOR JENKINS: Any more questions at the
4 table?
5 COUNCILMEMBER ALEXANDER: What exactly is
6 your role on behalf of the County?
7 MR. POPE: We're a consultant to the County,
8 advising them, doing -- doing the analysis of the
9 project, making sure that the developer's projections
10 are reasonable and supportable, making sure that
11 they're following, you know, normal practices and not
12 -- not inflating their expectations or anything. So
13 part of it is that.
14 Part of it is assisting the County in under-
15 standing the sort of business approach to how the
16 master development agreement would be done so that it
17 is something that the developer can follow and can be
18 held to, by using our experience on both ends of that
19 before.
20 So we're, you know, a professional
21 consultant to the County; you know, knowledgeable in
22 development as well as pursuing the public interest
23 for the County.
24 COUNCILMEMBER BATES: And when were you-all
25 engaged by the County?

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MR. POPE: We started in -- March?
MR. MAJORS: I think -- I think we originally started late March or early April.
COUNCILMEMBER FLEMING: And your original presentation to us was going to be on June the 7th, prior to the June 8th resolution being presented to Dekalb County; correct?
MR. MAJORS: Correct.
COUNCILMEMBER FLEMING: And now we're getting our presentation tonight before it goes before Dekalb County tomorrow.
MR. MAJORS: Correct.
And hopefully you-all -- Did you-all receive a letter in advance of the June 7th meeting to just give you our contact information and all of that if you had any questions?
COUNCILMEMBER ALEXANDER: Yes.
COUNCILMEMBER PACHUTA: Yes.
MR. MAJORS: Yes. Okay.
COUNCILMEMBER FLEMING: Yes, we did.
MR. MAJORS: Okay. So you-all already have if you have any question.
COUNCILMEMBER BATES: Can I get a clarification? You had mentioned the master development agreement deadline. Can you give me that date again?

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MR. MAJORS: The last Dekalb Board of Commissioners meeting is June twenty -- July 27th. And I'm not a bond attorney so forgive me if I get some of this timing wrong.
The bonds need to be adver- -- So the deadline by which the bonds need to be issued is August 30th. And I think the bonds need to be advertised for two weeks, they need to go through another process for another week, and then it takes a week or so to issue them. And again, I'm not a bond attorney, so forgive me if I'm fuzzy.
But the last Board of Commissioners meeting before that process would need to get started is July 27th.
COUNCILMEMBER BATES: So that's when the master development agreements would need to be completed?
MR. MAJORS: Yes.
COUNCILMEMBER ROCHE: Have we been provided with a draft of your master development agreement?
MR. MAJORS: No, I don't --
COUNCILMEMBER ROCHE: And I'm --
MR. MAJORS: No, not -- No.
COUNCILMEMBER ROCHE: -- and I guess if we're going to be asked to have a share in that.

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MR. MAJORS: I don't know that there is a master development agreement yet. That's still being negotiated.
COUNCILMEMBER ROCHE: But who with? We're part of that; right?
MR. MAJORS: Well, I had a -- so I had a conference call with Mr. Weed, David Green from Perkins Will, et cetera --
Last Wednesday, Murray, we spoke?
MR. MAJORS: -- and traded e-mails with Mr. Green today. And so that process is moving along, but we are still getting the train moving, so to speak.
COUNCILMEMBER ROCHE: Excellent.
COUNCILMEMBER BATES: And when did you present this report to Dekalb?
MR. MAJORS: I think the report was presented late April. And the report to Dekalb was more of a preliminary overview of the development deal and our thoughts on that, and Mr. Weed has a copy of that that he will forward to all of you.
COUNCILMEMBER BATES: Late April.
MR. MAJORS: (Nods head affirmatively)
COUNCILMEMBER BATES: Okay.
MR. MAJORS: Let's see. Let's go back to

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that. We had our initial meeting with --
MR. POPE: And it was prior --
MR. MAJORS: -- with the Mayor --
MR. POPE: It was prior -- or we met with the Mayor before the report was issued.
MR. MAJORS: Right. So we met with the Mayor the first time on the 26th and then we met again on the 28th of May.
COUNCILMEMBER ROCHE: Well, you-all said you met with the Mayor on March, was it, or --
MR. MAJORS: April 26th.
COUNCILMEMBER ROCHE: -- early April? April 26th.
MR. MAJORS: And then May 28th, and then June 1st is when we sent out the letter giving you-all our contact information.
COUNCILMEMBER FLEMING: And has Dekalb County received or been given the presentation you've just given us -- Dekalb County Commissioners?
MR. MAJORS: No, ma'am. This was special for you.
COUNCILMEMBER FLEMING: Don't you think it would be wise to be able to offer them the same information that you've giving us for them to make the decisions for the Dekalb County residents?

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1 MR. MAJORS: I don't think there's any
2 information in here that the Board of Commissioners
3 doesn't have.
4 COUNCILMEMBER ROCHE: You have to excuse us.
5 It's not you.
6 It's that we've felt kind of left out in the
7 cold in this entire process. At the last minute, we
8 ran out and hired our own consultants so we're a
9 little behind the curve here.
10 And any time that an issue -- You know, one
11 way to help an issue get off the ground obviously is
12 to bring all the stakeholders in at the beginning
13 instead of at the end.
14 We kind of feel like our time line is so
15 compressed now, we're just a little antsy, so it's
16 nothing personal.
17 MR. MAJORS: No, no. I understand, and --
18 MR. POPE: You know, our objective is to,
19 you know, compensate as best we can for that by
20 creating an open dialogue and making sure that we
21 hear, you know, directly from you and through your
22 consultant, Mr. Green, what the City's issues are and
23 make sure that they all get accommodated.
24 MR. MAJORS: And the challenge is that we're
25 really parallel processing here because there's such a

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1 short time frame.
2 The County has not voted to move forward
3 with issuing these bonds, but if the County does
4 decide to issue these bonds, then we couldn't -- we
5 couldn't serial process, and so we have to move
6 forward almost as if, but it is not a done deal, if
7 you will.
8 COUNCILMEMBER ROCHE: We just want to make
9 sure we are one of those parallel processes.
10 MR. MAJORS: And that's one of the things
11 that we've tried to -- we've endeavored to really make
12 sure that we had that open dialogue.
13 COUNCILMEMBER FLEMING: Do you have the
14 project priority list for the Recovery bonds available
15 that our Council may receive?
16 MR. MAJORS: I'm sorry. Project --
17 MR. POPE: Priority list?
18 MR. MAJORS: -- priority list? I'm not
19 sure.
20 COUNCILMEMBER FLEMING: That you will be
21 issuing bonds for. There is supposed to be a priority
22 list based on H.B. 203. There's supposed to be a
23 priority project list --
24 MR. MAJORS: We will get that.
25 COUNCILMEMBER FLEMING: -- that you will be

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1 giving?
2 I mean you will be issuing bonds for
3 specific things, and I would like to know whether
4 you're only issuing bonds for the development of GM or
5 whether there are other projects involved that you
6 might be looking at.
7 MR. MAJORS: Let us get that information for
8 you.
9 COUNCILMEMBER FLEMING: So at this time,
10 your particular authority doesn't have the project
11 list for funding of bonds?
12 MR. MAJORS: We're not --
13 MR. POPE: We are not from the Authority so
14 we can't really --
15 MR. MAJORS: Right.
16 MR. POPE: -- say what they have and what
17 they don't.
18 MR. MAJORS: No. We do not have a list
19 other than -- other than --
20 COUNCILMEMBER FLEMING: Do you sit on the
21 board of that authority?
22 MR. MAJORS: No.
23 MR. POPE: No.
24 COUNCILMEMBER ROCHE: No. You represent the
25 County, not the DDA.

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1 MR. POPE: We --
2 MR. MAJORS: Combined.
3 COUNCILMEMBER ROCHE: Okay. You do
4 represent the County and you do represent --
5 MR. MAJORS: Yes.
6 COUNCILMEMBER ROCHE: -- the Dekalb County
7 DDA --
8 MR. MAJORS: Yes.
9 COUNCILMEMBER ROCHE: -- Development
10 Authority.
11 MR. POPE: As a consultant to them.
12 MR. MAJORS: But we don't sit on their
13 board, no.
14 COUNCILMEMBER FLEMING: Okay.
15 COUNCILMEMBER ALEXANDER: I guess this is
16 still -- I appreciate you gentlemen being here, but
17 again, you are not the County.
18 I mean the County is still not communicating
19 with us. They have hired you, I guess, to serve as --
20 no offense, but as some sort of mouthpiece.
21 But we invited the Commissioners that
22 represent us to come to this meeting tonight, and
23 they're not here. So the County is still not
24 communicating with us, and that is extremely
25 frustrating. And we definitely need a copy of the

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1 report in its entirety that was presented to the
2 County because that has not be shared with us.
3 ATTORNEY WEED: Apparently -- I will speak
4 to that. Apparently --
5 COUNCILMEMBER ALEXANDER: You were supposed
6 to have it e-mailed tonight, you said.
7 MR. MAJORS: No.
8 ATTORNEY WEED: There was -- Let me clarify.
9 Apparently -- and I haven't independently confirmed
10 this but I've got no reason not to believe John -- the
11 report was sent to me last week on the 17th. I was on
12 vacation, as you know, Thursday and Friday. I haven't
13 seen that e-mail.
14 Apparently it was sent to me by Jim Monasel,
15 who is the Development Authority attorney. I will
16 find that tonight and I will forward it on to the
17 Council tonight if that e-mail is in my e-mail, which
18 I'm sure that it is. John says it is, and I'm sure
19 that it is.
20 MR. MAJORS: And if you don't have it, shoot
21 me an e-mail. I'll be up pretty late.
22 ATTORNEY WEED: Until that day, though, it
23 certainly had not been routed to me.
24 COUNCILMEMBER FLEMING: Following up on
25 Ms. Alexander's comments about you don't -- I mean you

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1 are not Dekalb County. You are representing them in
2 your capacity of being a consultant.
3 I didn't particularly like seeing the
4 article written in Saturday's newspaper about
5 Doraville reaches beyond the U.S. borders for
6 development for the GM property. And I can pull up
7 that article if you wish, but it was three -- Dekalb
8 County finance director and supposedly two associates
9 from the DDA or the Dekalb Development Authority --
10 going to China for 10 days.
11 Doraville didn't reach beyond our borders.
12 In other words, what I'm trying to say is the partner-
13 ship that we definitely need with Dekalb County and
14 New Broad Street, yourself, and Dekalb Development
15 Authority, at this present time, there is no partner-
16 ship because we haven't come together.
17 MAYOR JENKINS: Are you familiar with the
18 article, sir?
19 MR. MAJORS: I'm sorry?
20 MAYOR JENKINS: Are you familiar with the
21 article?
22 MR. MAJORS: No, I'm not familiar with the
23 article but --
24 MAYOR JENKINS: It mentioned Doraville, but
25 we didn't know anything about them --

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1 MR. MAJORS: But we don't --
2 MAYOR JENKINS: -- going to China to deal
3 with --
4 MR. MAJORS: We don't issue articles. We're
5 not a public relations --
6 COUNCILMEMBER FLEMING: I may have misspoke
7 the headline but it was pretty close to saying that.
8 MR. POPE: And you say this was --
9 COUNCILMEMBER FLEMING: I believe the young
10 lady has a copy of it right now.
11 MS. FRAYSSE: (Presenting)
12 MR. MAJORS: But irrespective, we're not a
13 public relations firm.
14 MR. POPE: Right.
15 MR. MAJORS: We don't issue any press
16 releases or anything to that.
17 MS. FRAYSSE: I'm sorry. (Reading)
18 "Doraville Council reaches outside U.S. after failed
19 plan."
20 MAYOR JENKINS: We knew nothing about it.
21 COUNCILMEMBER BATES: But you guys are here
22 on behalf of the County and the Development
23 Authority --
24 COUNCILMEMBER FLEMING: Yeah.
25 COUNCILMEMBER BATES: -- and the Development

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1 Authority is the entity that sent the delegation to
2 China, apparently on our --
3 COUNCILMEMBER FLEMING: To market the GM --
4 COUNCILMEMBER BATES: -- on our behalf.
5 So I hope you can sense the frustration that
6 you guys are here. You're representing the County.
7 You are the only people that we have had a chance to
8 talk with face to face.
9 MR. MAJORS: Certainly.
10 COUNCILMEMBER BATES: And when Dekalb County
11 Commissioners make statements to the media saying "We
12 expect Doraville to have skin in the game," but yet
13 Dekalb County is not talking to us personally, what
14 does that mean? And what kind of partnership and
15 collaboration and being on the same page and working
16 together and all these other nice words that were in
17 your presentation, what does that mean?
18 Because to me, that's not working together.
19 That's not creating a partnership. That's not coming
20 together. That's not engaging in dialogue. That's
21 them telling us what they want us to do without asking
22 us whether we want to do that or not.
23 So I want you guys, their consultants, to
24 hear very clearly: the six of us plus the Mayor up
25 here are not particularly happy with the communication

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or lack thereof that's come from the County. And if they want us to be a part in all this, they better come to the table.

MR. MAJORS: Loud and clear. Heard you.

COUNCILMEMBER ROCHE: I'll echo Councilman Bates, but I will mention that, again, because you're the only ones who we've seen so far --

You know, we have to recognize that these people may or may not have any control over a whole lot of this stuff, and they're hired by the County. When I'm hired by somebody, I do what they want me to do, you know, and I have a scope.

This may be outside your scope. But the point is that we do need to start communicating, and anything you can do to help would be very appreciated.

MR. MAJORS: Sure, and --

MR. POPE: Facilitating communications is clearly within our scope.

MR. MAJORS: And what I've been told is that the quarterback, for lack of a better term, for the Doraville team is David Green from Perkins Will, and that's --

COUNCILMEMBER ROCHE: Right.

MR. MAJORS: -- and that's the gentleman that I --

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COUNCILMEMBER FLEMING: That's correct.

MR. MAJORS: And that's the gentleman that I've been -- as well as Mr. Weed. Those are the people that I've been corresponding.

COUNCILMEMBER ROCHE: Mr. Weed is the -- I'm sorry. Mr. Green is the -- Too many names. Mr. Green is the --

MR. MAJORS: Got it.

COUNCILMEMBER ROCHE: -- point man for negotiations.

Speaking of which, do the consultants have any questions?

COUNCILMEMBER PACHUTA: I would prefer to go into Executive Session.

COUNCILMEMBER FLEMING: I would like to go into Executive Session.

COUNCILMEMBER PITTMAN: Please.

COUNCILMEMBER PACHUTA: I'll make a motion to go into Executive Session to discuss real estate acquisition.

COUNCILMEMBER ALEXANDER: Second.

COUNCILMEMBER FLEMING: Second.

MAYOR JENKINS: Any more discussion?

- - -

(No response)

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- - -

MAYOR JENKINS: Call the roll, please.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BRYANT: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BRYANT: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR JENKINS: Okay.

COUNCILMEMBER FLEMING: Mr. Weed, I need to ask a question. I need to ask a question about executive sessions.

ATTORNEY WEED: Yes, ma'am.

COUNCILMEMBER FLEMING: Prior to the most recent executive sessions that we have had, we did not have the court reporter or even minutes being taken. That's what the affidavit is for. And I was curious as to why we have had complete dialogue in executive session -- or the court reporter in executive session

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for our most recent ones.

ATTORNEY WEED: Absolutely.

First off, we very, very rarely go into executive session, as the Council is aware.

One of the reasons you can go into executive session is to discuss the acquisition of real estate. When you go into executive session for that purpose, you are required to take minutes in some form, and those minutes are essentially sealed until the acquisition is abandoned or complete, which is why we have been doing that.

For example, if you go into executive session for a personnel item, minutes are not required in that executive session.

COUNCILMEMBER FLEMING: Okay. Thank you very much.

ATTORNEY WEED: There is a very clear line of authority for the difference.

COUNCILMEMBER FLEMING: Thank you.

COUNCILMEMBER PACHUTA: Are we going to go in there or stay in here?

COUNCILMEMBER ALEXANDER: Stay in here, I think.

ATTORNEY WEED: That's up to you. Because you have the court reporter here, I'd suggest you stay

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in here and ask the audience to excuse themselves.

- - -

(Executive Session)

- - -

(A motion was made by Councilmember Alexander and seconded by Councilmember Pachuta to go back into regular session. The motion was passed by unanimous vote.)

MAYOR JENKINS: We're going to open this back up with a statement, and Heather is going to read the statement.

MS. ALDAHEFF: Okay. (Reading) "June 21st, 2010, Doraville, Georgia. The Doraville Mayor and Council met with representatives of the Dekalb County and the County Development Authority to discuss the future of the former GM Plant property. On the eve of the County Commission vote on Recovery Zone bonds and related resolutions, Carter Dawson-Thompson, a real estate consulting group, relayed to the Council the County's and Development Authority's interest in partnering with the City on the redevelopment of the property. Carter relayed options regarding possible contributions the City could make in an effort to aid in the issuance of up to 35 million in Recovery Zone bonds. Tonight's meeting was the first opportunity

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the full Council had to review the County's proposal for possible financial contributions from the City. The Carter group was asked a number of questions and pledged to the Council to answer them in a timely fashion. The City agreed to work with the County to explore scenarios that would protect the City's budget constraints with the goal of facilitating an appropriate development that would generate a healthy and sustainable initiative for the City and the County's future."

MAYOR JENKINS: Thank you. Thank you.

Okay. Anything else on that?

- - -

(No response)

- - -

MAYOR JENKINS: Okay. We'll go right into the budget item, and Shanta, will you come on up.

COUNCILMEMBER ROCHE: I had a question, Mayor.

MAYOR JENKINS: Yes, sir.

COUNCILMEMBER ROCHE: Given the length -- the time of night it is, it says adopt budget. I mean I was always under the impression that anything that was a public hearing, even though it was advertised, could always be postponed to a date certain.

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ATTORNEY WEED: Well, that's generally true, but we are under a slightly different constraint with regard to the budgetary process. 36-81-5, that code section of the Georgia law sets out the format or the time frame of which you have to have a budget adopted. It doesn't dictate what your budget cycle is. In other words, you have -- many groups have got a September/October budget cycle. Many cities still do that. What it does dictate is the number of hearings required and the advertising notices required.

My best advice to you in this situation would be to adopt the budget, whatever that budget may be, and that will in no way preclude you from having another meeting tomorrow or another series of meetings to amend the adopted budget. That way, you have done the best you can to comply with 36-81-5 and 36-81-6, which requires you to have a budget, while at the same time, if you do not feel comfortable with the budgetary document that's in front of you now, you still have the right to tinker with it.

COUNCILMEMBER BATES: Excuse me (exiting Council chambers).

ATTORNEY WEED: In the zoning world, it's common parlance to run an advertisement that relates to public when the public hearing is going to be, and

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then if the business cannot be conducted, it can be moved to a date certain.

There's no statute that says that, however. That's simply practice; and so far, that practice has not been challenged in a court of law to my knowledge.

I'm a little worried about applying that analogy to the budgetary process because the advertisement requirements are much more stringent than they are with regard to the zoning process.

So my best advice to you would be I would I would advise you to adopt a budget whether you hate it or not, and then tomorrow or the next day, whenever you can have another meeting, you can easily amend that budget, and you have every right to do so and continue your conversations.

MAYOR JENKINS: And we could have a meeting -- we're going to have to advertise the meeting and it would have to at least be Wednesday.

ATTORNEY WEED: I mean technically, you don't -- technically you've complied with the advertising requirements under the State code now. So the next meeting you would have tomorrow or the next day or whenever you had it would be another meeting at which you amended the budget.

COUNCILMEMBER BATES: (Returns to Council

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chambers)
COUNCILMEMBER PACHUTA: Well, we're talking about just a 24-hour regular notice --
ATTORNEY WEED: Correct.
COUNCILMEMBER PACHUTA: -- for special-called meetings, all meetings.
ATTORNEY WEED: It would be a regular meeting.
MAYOR JENKINS: Yeah.
COUNCILMEMBER ROCHE: Well, considering as far as amending the budget and considering we didn't even have a mid-year budget review last year, you know, our track record is not good on that; but thank you for answering the question,
COUNCILMEMBER ALEXANDER: I would be inclined -- I'm available Wednesday evening. Is the rest of the Council available Wednesday?
COUNCILMEMBER PACHUTA: I'm available Wednesday but not until 7:00 maybe. I might not get here right at 7:00.
COUNCILMEMBER FLEMING: Are you talking about Wednesday the 30th?
COUNCILMEMBER ALEXANDER: No, this Wednesday.
CLERK BRYANT: 23rd.

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COUNCILMEMBER BATES: Like I said, I cleared my entire June, so --
COUNCILMEMBER ALEXANDER: Mr. Roche?
COUNCILMEMBER ROCHE: I'm available Wednesday.
MAYOR JENKINS: Well, what do we say we --
COUNCILMEMBER ROCHE: I'd rather adopt something Wednesday after we corrected it rather than to vote for something.
I'm available Wednesday.
MAYOR JENKINS: Is that legal to do it that way, Murray, to wait till Wednesday to adopt it?
ATTORNEY WEED: In my opinion, although I agree completely with the Councilman's sentiment, my legal opinion is under the constraints of 36-81-5 and the advertising requirements in that state law code section, my best advice to the Council would be to go ahead and adopt the budget even if you completely detest it, and then as soon as you can, work through the process of amending it. That's my best advice.
COUNCILMEMBER PITTMAN: And the repercussions if we don't?
ATTORNEY WEED: As far as I can tell by studying the code, there are no legal repercussions if you don't.

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The only thing I can find would be in 36-81-7 and -8, around that area. There are some statutory penalties if you fail to have an audit on time. You can be put on a blacklist with regard to being a grant recipient.
However, as far as not adopting a budget itself, there is no legal problem I can find. You might get a bad audit or it might be reflected as an audit concern, and that might in turn affect your bond rating.
But those are the only penalties. There are no immediate penalties. No one will come and turn off the lights or tell you that you're bad people. You know, there's nothing -- there's no immediate legal repercussions, not that I can find.
COUNCILMEMBER ALEXANDER: I think my personal preference would be we adopt the document that was presented to us this afternoon and with the caveat to the motion that we are going to have a meeting Wednesday evening at 7 o'clock to make amendments.
Is that a legal motion, Mr. Weed?
ATTORNEY WEED: My opinion would be that is a legal motion. The form of the motion is within the confines of the law.

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MAYOR JENKINS: Do I get a second?
COUNCILMEMBER PACHUTA: Are we going to continue to discuss the budget some tonight or do you want to go ahead and adopt it as-is and hash it out?
COUNCILMEMBER ALEXANDER: And that's going to be the only thing on the meeting that night.
COUNCILMEMBER BATES: The motion is to adopt this document with a scheduled meeting to do amendments to the budget this coming Wednesday.
COUNCILMEMBER ALEXANDER: Yes.
COUNCILMEMBER ROCHE: Actually I think this document has an error on it.
MAYOR JENKINS: What was that, Bob?
COUNCILMEMBER ROCHE: Well, when I looked at the -- on the beginning of page 2, it's the general fund. It says other financing sources, which basically is our savings, $2,424,050. But then at the bottom where it talks about -- where it kind of lists them all together --
COUNCILMEMBER PACHUTA: Where are you?
COUNCILMEMBER ROCHE: I'm on the page that was e-mailed to us from Shanta.
MAYOR JENKINS: What page are you on? They are numbered.
COUNCILMEMBER ROCHE: Yeah, see that number

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392? Okay. I guess it's page number 3.
Okay. On page 2, the top says the deficit is $2,485,725. If you look on page 3, other funds that are kind of lumped together, that same number is $2,392,725, so it's off by I think about $97,000.
When I actually added it up, I think it came out to --
COUNCILMEMBER BATES: You need to add the $37,500 from hotel/motel, the $55,500 from sanitation and the 2392 to get to that.
COUNCILMEMBER ROCHE: No. I understand that, but that 2392 should be 2485.
COUNCILMEMBER PACHUTA: No. Add fifty-five and thirty-five/five and that's (inaudible).
COUNCILMEMBER ROCHE: That doesn't make sense.
COUNCILMEMBER PACHUTA: All right. You add the 2,392,725 plus fifty-five/five plus thirty-seven/five and you come out to 2,485,725.
COUNCILMEMBER ROCHE: Okay. But that number is also listed under the individual funds too.
COUNCILMEMBER BATES: Yeah. Those are --
COUNCILMEMBER ROCHE: They're already reflected there, the thirty-seven/five, the fifty-five/five and the 698,000 are already reflected.

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COUNCILMEMBER BATES: Those are --
MS. WILSON: It says transferred to general fund from hotel/motel. You're going to transfer that revenue to the general fund.
COUNCILMEMBER ROCHE: Okay. But it's not showing on this last page as a positive or negative amount. It's showing the same sign as everything else.
MS. WILSON: No. It's saying to transfer to the general fund, which is a positive amount. Both of those have to be positive to come up with the deficit that's on the general fund.
COUNCILMEMBER ROCHE: But if you're transferring to general fund from investments on the general of 2,392,725, wouldn't that be equal to the transfer to general fund up above on page 2?
MS. WILSON: It is.
COUNCILMEMBER ROCHE: No. It's 2,485,725.
MS. WILSON: When I add those three lines, I get the 2,485,725.
COUNCILMEMBER ROCHE: I'm not getting it, but that's all right. It's still -- Because it looks like what this is is a grand total of the subtotals above it, subtotal of the general fund, subtotal of special fund which is the hotel/motel tax which is

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37,500, the 911 fund which is 698,000, solid waste nets out to fifty-five, and I don't know where the stormwater number went.
MS. WILSON: It's in Other Financing Sources or Uses. You're taking that money. It's a category for those right there. It says Other Financing Sources that you're taking from the hotel/motel and from the sanitation and putting that with the general fund to come up with that deficit of 2.4. Because you're showing that you're transferring to the general fund from the hotel/motel. You're taking that revenue that they have left over, you're going to transfer that to the general fund, and you're doing the same thing with the sanitation management fund, and then what's left is what we have to take from investments.
COUNCILMEMBER ROCHE: Well, I guess that -- I'm not sure I follow this because I'm just trying to compare the numbers, but I'm going to leave it alone because it's only $97,000 out of a 3.2 million dollar deficit. Thank you.
MAYOR JENKINS: Did we not get a second on Maria's motion?
COUNCILMEMBER ROCHE: Oh, I'm sorry.
MAYOR JENKINS: Do I have a second on it?
COUNCILMEMBER BATES: I'll second that

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motion.
MAYOR JENKINS: Anymore discussion?
COUNCILMEMBER FLEMING: Yes, sir. Discussion in regards to we're adopting a budget that has not been posted on the Web, was it?
MS. WILSON: No, ma'am, not yet. I wanted to know if y'all wanted to make any changes to this. I thought tonight we was going to make more discussion.
COUNCILMEMBER FLEMING: And I realize that, that we're getting ready to -- there's been a motion and a second, and now we're getting ready to vote. And we have not allowed the public to comment on the budget, it hasn't been posted, and I have a problem with that.
COUNCILMEMBER PACHUTA: Is it a legal requirement?
ATTORNEY WEED: Well, there is a legal requirement for a public hearing --
COUNCILMEMBER PACHUTA: Right.
ATTORNEY WEED: -- which I assume that's already occurred. My understanding is you have to have at least one public hearing prior to the adoption of the budget and it was duly advertised, and my understanding was that occurred, but if it hasn't --

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COUNCILMEMBER BATES: And I echo your concern because the budget has shifted significantly since we had the public hearing.

COUNCILMEMBER ROCHE: You know that I'll always say that we need to have public input, so --

COUNCILMEMBER PACHUTA: I would just ask that on Wednesday that we all come prepared and, you know, department heads working in the next day or so. You know, we're going to have to cut some services probably, and we really need to take a look at that. And I think Council needs to really take a hard look and come up with some ideas so that we're ready to go Wednesday to discuss them.

COUNCILMEMBER FLEMING: I think it's more than just cutting services. I think that, like I mentioned in my e-mail to all of us earlier today, they're singling out the police department and parks & rec and the library to cut services.

We need to be looking at all departments to, you know, look at their budgets and make adjustments, not just with the philosophy of let's cut services.

MAYOR JENKINS: Any more discussion?

COUNCILMEMBER ROCHE: All I can say is I'm embarrassed, you know, for the Council. I've brought it up over and over again: "We need to cut. We need

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to do something."

But I'll just say this: "Wolf." I'll leave it at that.

MAYOR JENKINS: Any more discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll, please.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: No.

CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BRYANT: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BRYANT: Councilmember Roche?

COUNCILMEMBER ROCHE: No.

MAYOR JENKINS: Okay. Be sure and set that meeting up for Wednesday.

CLERK BRYANT: And it's Wednesday at 7:00.

COUNCILMEMBER BATES: It's a tie vote, ma'am.

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MAYOR JENKINS: Excuse me?

COUNCILMEMBER BATES: It's a tie vote, sir.

CLERK BRYANT: No.

ATTORNEY WEED: No. 4-2. My bad. I'm sorry. My math is off.

COUNCILMEMBER FLEMING: The meeting for Wednesday at 7:00, are we going to allow the public to speak at that one?

COUNCILMEMBER BATES: My preference, because the budget has changed, is that we open it up for public hearing. That would be my preference.

COUNCILMEMBER FLEMING: Thank you.

MAYOR JENKINS: Same way as we do any public hearing.

COUNCILMEMBER PACHUTA: Yeah, just have public comments before.

MAYOR JENKINS: The public comments before or a --

COUNCILMEMBER PACHUTA: Before or after.

MAYOR JENKINS: -- public hearing?

COUNCILMEMBER FLEMING: Well, they can't really comment on the budget if they haven't seen the document or if they haven't seen at least the summary to know where we're sitting.

Now, if we're all not comfortable about it

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being put on the Web because it's still a changing document, I don't have a problem with that, but it needs to be -- you know, somebody needs to be able to see something --

COUNCILMEMBER PACHUTA: Yeah. I'm fine --

COUNCILMEMBER FLEMING: -- to be able to comment.

COUNCILMEMBER PACHUTA: -- with it being on the Web, because --

COUNCILMEMBER ROCHE: It's an adopted budget.

ATTORNEY WEED: I was about to add, it's an adopted budget now, so there's no --

COUNCILMEMBER PACHUTA: And I welcome citizens' ideas also on ways we can --

COUNCILMEMBER FLEMING: Okay.

COUNCILMEMBER BATES: Yeah. Ms. Wilson, if you can get this to Mr. Howe.

MS. WILSON: Oh, I'm doing it before I leave, e-mail it.

COUNCILMEMBER BATES: So Mayor, if you can make sure that Luke gets it posted and do the e-announcement on it tomorrow --

MS. WILSON: No problem.

COUNCILMEMBER BATES: -- that would be

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great.
MS. WILSON: No problem.
MAYOR JENKINS: We will.
Okay. Let's get the meeting. The meeting's going to be at 7:00; is that correct?
COUNCILMEMBER BATES: Yes.
COUNCILMEMBER PITTMAN: Yes, sir.
MAYOR JENKINS: Okay. Anything else?
- - -
(No response)
- - -
MAYOR JENKINS: Motion we adjourn?
COUNCILMEMBER BATES: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER PACHUTA: Second.
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Any discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.

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CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BRYANT: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BRYANT: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Meeting adjourned.
- - -
(Meeting adjourned at approximately 9:35 p.m.)
-o0o-

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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 28th day of June 2010.

_____

Theresa Bretch, CCR
Permit No. B-755

[SEAL]

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