In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

July 19, 2010

American Court Reporting Company, Inc.

52 Executive Park South

Suite 5201

Atlanta, Georgia 30329-2217

(404) 892-1331 - (800) 445-2842

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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., July 19, 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
Rhonda Blackmon, City Clerk
Murray J. Weed, City Attorney

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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 BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Here.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Here.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Here.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Here.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Here.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Here.

MAYOR JENKINS: We need to approve the minutes of 6/23/2010. Do I get a motion?

COUNCILMEMBER ALEXANDER: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER PACHUTA: Second.

MAYOR JENKlNS: Any discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

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CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR JENKINS: Before we get into Mayor's comments, which is occupational tax, Steph Koontz wants to make an announcement.

Can you come on up and do that now.

MS. KOONTZ: I just wanted to let everybody know, on August 21st, the Church of the New Covenant on Oakcliff is going to have their second annual Dog Days Summer Festival where everybody brings their dogs out. They're having free hot dogs, they're having a bake sale, a flea market. We're going to have a lot of games for the kids. They're going to have a moon walk or some kind of little thing like that, and they're going to have an ugliest dog contest. So it

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should be a lot of fun.
And the festival is from 4:00 to 7:00, the flea market is from 12:00 to 6:00, so just any time in the afternoon. Hopefully, all y'all can come out. And I think Brian and some other people came out last year, and it was a good event and I think it'll be fun for the whole neighborhood. So I just wanted to let everybody know that that was coming up, and I hope you can all come.
COUNCILMEMBER PITTMAN: What's the date again?
MS. KOONTZ: It's the 21st of August.
COUNCILMEMBER PITTMAN: Thank you.
COUNCILMEMBER BATES: Thank you, Steph.
MS. KOONTZ: Thanks. Hope you-all come.
COUNCILMEMBER PITTMAN: Thank you.
MAYOR JENKINS: Thank you.
Under Mayor's comments, we've got 2010 occupational tax renewal, Scott Haeberlin and Murray Weed.
MR. HAEBERLIN: The Mayor had asked that this item be placed on the agenda, and I have sent an e-mail to the Council to give them a listing of the items that are still problems.
And as everybody may or may not be aware --

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and I'm going to use the word "business license," I know Murray does not like the word -- but municipalities are not required to review business licenses or occupational tax for zoning; however, most communities that are proactive and certainly would want to be more business-friendly review these to make sure the businesses locate to a zone in which it should be in.
Now, some people take the approach they allow the business to open and then they go out and cite them if they're in the wrong district. That's not the approach that we have taken. We have taken the approach that we want to make sure people get in the right zone from day one. And so that's why we are involved in the renewal process and the new issuance as well, because we want to proactive and save, you know, business owners some aggravation, certainly.
So there's no requirement under Georgia law to do that and there's no requirement under local code to do that as well. However, before I got here, there were other individuals involved in reviewing these businesses. And we have some businesses in the city that were never allowed in the Zoning ordinance, and they are certain business types. And so therefore, somebody made the decision, a decision in error, to

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allow certain businesses to be in the city.
When I got here, we rewrote a number of codes and we found a location for all these businesses to be, so now they all have a location where they presumably would be if they came in to apply today. But we have some business types from the old situation, and I'll just name the general types. It's pawn shops, liquor stores, car repair. And the last one, recreation, we'll address separately.
So there are a number of existing pawn shops in the city. They were located in a district that never allowed them, and then today they are not what we call legally nonconforming, because they should not have been there. So we need a policy decision from the Council.
If we are wanting them to remain in C-2, we could amend the code, the Zoning code, to allow them in C-2 as a conditional use, and this is simply what we did with the massage establishments. It's very similar. However, massage was already listed as a conditional use. So we would actually need to do a text amendment to C-2 to allow the pawn shops as a conditional use and then review them on their own merits just like we're doing with massage.
Now, as well, be aware that most of the pawn

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shops in the city actually melt gold. They collect gold and melt it. So many of them are precious metal dealers as well. So it's likely that many of these people are going to be applying for more than two conditional uses -- excuse me -- more than one conditional use, two conditional uses. One would be for a pawn shop, the other would be for a precious metal dealer.
From your listing there that you see of your six or seven items, they're all in the C-2 district. So my recommendation if the Council wants to entertain the retention of these businesses that would appear to be successful -- they've been here quite sometime -- is that we amend the C-2 district to allow pawn shop as a conditional use, and that will require a text amendment which would go before the Planning Commission.
You could also as well put a limit on them. Now, Mr. Weed is not in favor of a limit by population anymore. He believes that we should do a limit by distance. So it would be a parallel program, that because we're about 10,000 people and we already have seven establishments, the Council would have to decide what is an appropriate threshold for having these establishments in the city. But that is the first

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item.
The second item is liquor stores. Again, a liquor store was never listed anywhere in the Zoning ordinance; however, we do have liquor stores. But that's a little more complicated, because there's also regulatory codes that go along with the Zoning code.
And right now, we're researching the regulatory codes and we're doing what is called an alcohol survey with the property owner. And depending on how that comes back, this may or may not be an option for these particular businesses.
And so right now, there's really not a policy decision that I can recommend to you on that. That's more of an update situation.
The next one is car repair. We have two places that do car repair in the city but they don't sell gas and they're in a district that does not allow car repair without selling gas, and so these would probably need to be rezoned, and there's a recommendation in here to rezone them to M-1.
The last one is the result of active litigation. I met with Ms. Dana Maine, the counsel for the City, on Friday, and I've updated Mr. Weed on that situation so I'm not going to go into a great bit of detail on that, but that's likely to be resolved

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with our counsel at this time.
So what I'm needing from the Council here is some direction on what they would like to do to resolve these issues.
COUNCILMEMBER BATES: Well, my guess is that because these are zoning issues, that we would need to have a proper zoning hearing on migrating these to new zoning classifications or adding them into existing zoning classifications. Is that correct?
ATTORNEY WEED: That is correct.
COUNCILMEMBER BATES: Okay. From my initial thought on these, A., I'm frustrated that we're in July and we're just now getting to this discussion in Council, and I appreciate that some of these have been brought forth previously and am frustrated that they haven't been addressed. That being said, I would be in favor of the recommendation for pawn shop to move to conditional use.
Where are liquor stores presently in the zoning?
MR. HAEBERLIN: They are in industrial. But if you wish to retain any of the existing liquor stores -- again, this is all depending on that survey that we're needing to get back -- they would need to be a conditional use in C-2 as well.

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COUNCILMEMBER PACHUTA: Is there only one currently in C-2?
MR. HAEBERLIN: There is only one currently in C-2.
COUNCILMEMBER PACHUTA: And is it that they may not meet the State distance requirement?
MR. HAEBERLIN: Yes, that's my concern, because a liquor store has all sorts of complicated requirements, from a correctional or penal institution, residential, churches, schools, et cetera. It's very complicated.
And we do these surveys. When the surveyors do a survey, they do a concentric circle around the site. And like I said, we've not been able to get that back from the applicant at this time.
COUNCILMEMBER PACHUTA: Do you suspect it's too close?
MR. HAEBERLIN: I'm gravely concerned because of the proximity to a church, yes. So that may not resolve itself.
But regardless, it might be a useful text amendment for the city if the city wants to entertain, you know, a liquor store in C-2.
COUNCILMEMBER ROCHE: I'm concerned about where this showed up on the agenda, because this was

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put under Mayor's comments. Then where it says public comments for agenda items, which happens later, the public is not going to have the opportunity to comment on this. I think this should have been added to new business just like everything else. I'm sorry.
In fact, I'd like to make a motion that we move this agenda item under new business; and that way, the public that's here has an opportunity to have their public comments on this agenda item.
COUNCILMEMBER FLEMING: Second.
MAYOR JENKINS: Any more discussion?
COUNCILMEMBER BATES: Well, because there's no action that's going to be taken tonight because it's a zoning hearing, there is an opportunity for public comments on the agenda items under agenda item six. There will be plenty of opportunity in the zoning hearing to make comments if there's text amendments. So I think that would be duplicative.
Let's get it over and done with and address it and, you know, direct the staff to move forward from here.
COUNCILMEMBER ROCHE: Well, some people want to give the public ample opportunity to make comments on what the Council's business is and I guess some people don't, so --

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MAYOR JENKINS: I see no problem with it. Just take a little more time. I don't really care.
COUNCILMEMBER BATES: All right, Mayor, if you're okay with moving it under new business.
MAYOR JENKINS: Very good. Are there any more comments?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: No.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: No.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: No.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: No.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Motion failed.
MAYOR JENKINS: Okay. Well, we'll go right ahead with it. Do you want to make a motion?

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COUNCILMEMBER PACHUTA: Well, I have a question for Murray.
MAYOR JENKINS: Oh, excuse me.
COUNCILMEMBER PACHUTA: If we add a limitation to pawn shops either by population or by distance, is that something that's built into the conditional use or is that a separate regulatory code?
ATTORNEY WEED: Well, you could do -- you could do it either way. Either one would be fine. Regulatory codes and zoning are both police powers, The only difference between the two is that with a zoning ordinance, because it deals so intently with properly rights issues, that the terms of vesting and grandfathering come into play. On a standard regulatory ordinance, those issues don't come into play. So the answer is you can do it either way.
COUNCILMEMBER FLEMING: Mr. Haeberlin, the Metro Pawn at 5368 Buford Highway, how long have they been in business?
MR. HAEBERLIN: Well, I have their application up at the office, but I remember looking at that because I wanted to see if they existed before zoning. As I recall, they did not exist before enacting the zoning. It has been a long time, but they're not prior to 1970 at that location.

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COUNCILMEMBER FLEMING: But they are prior to 11 of 2008; correct?
MR. HAEBERLIN: I would believe so, yes, ma'am.
COUNCILMEMBER FLEMING: How long has Equity Auto Loan been in business at 5679 Buford Highway?
MR. HAEBERLIN: I don't have all those with me, ma'am. I apologize. But these were all here when I got here two years ago, so they've been here at least two years.
COUNCILMEMBER FLEMING: And so in 2008, at the end of 2008, 12/31 of 2008, all of these locations that are clearly listed here applied for and received their renewal for 2009; is that correct?
MR. HAEBERLIN: I don't know if I was involved in this process. I'm trying to think when I came here. September 5th of 2008. I don't believe I was involved in the renewals at that time, ma'am.
So I mean that's a policy decision that has evolved as there have been problems with businesses locating in the wrong districts so that I fully became involved in the renewals as well.
Hopefully, I will not be involved in the renewals after the completion of this cycle ever again, because we've reviewed everything, basically.

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COUNCILMEMBER FLEMING: So to make myself perfectly clear, all of the pawn shops that are listed here -- Metro Pawn, Equity Auto Loan, Instant Car Title Loans, Fast Cash Title, HK Jewelry and Pawn, TitleMax of Doraville and Titlebucks of Doraville -- for pawn shops as well as International Beverage and Nice Auto Repair -- I believe Atlanta Eagles is the only one that is an immune business under the 2009 scenario -- all of those were renewals for the year 2009. But now, because of the zoning appropriateness application drafted by yourself, all of these are subject to your interpretation of where they should be; is that correct?
MR. HAEBERLIN: No, ma'am, it's not interpretation. There is a specific zone that requires them. And the archival information suggests that the previous staff signed off on these. I reviewed every zoning ordinance that has been available to me. I have not seen pawn shops ever listed as a use.
The previous person doing my job had no authority under the code to interpret the location of uses. It was a Council decision which would have required a ZPA item and would have been a text amendment. And clearly, these were illegal then. They're illegal still today.

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COUNCILMEMBER ROCHE: So who was that? Who issued the permits before? There must have been a signature on them.

MR. HAEBERLIN: Well, the one that I found today did have a prior staff member's signature on it.

COUNCILMEMBER ROCHE: Who was that?

MR. HAEBERLIN: A prior staff member.

COUNCILMEMBER ROCHE: You're not going to tell us? That's a secret?

MR. HAEBERLIN: Prior building official.

COUNCILMEMBER ROCHE: Secret? Can't tell us?

MR. HAEBERLIN: Well, again, I don't think it's of any value to us --

COUNCILMEMBER ROCHE: More secrets?

MR. HAEBERLIN: -- to say somebody's name.

ATTORNEY WEED: Mr. Haeberlin, answer the question, please. I advise you to answer the question.

MR. HAEBERLIN: Chuck Entsminger.

COUNCILMEMBER ROCHE: So to talk about what Councilwoman Fleming has been talking about, basically we have all these businesses that have been in operation for one or more years and we've been issuing them occupational tax licenses year after year after

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year, and now we're putting them out of business.

COUNCILMEMBER PACHUTA: Well, I disagree. We're not putting them out of business.

We're trying to solve it legally, because they've obviously been in the wrong zone, and then the suggestion, we're modifying the zone to make sure that they're not operating illegally; they're actually operating legally --

MR. HAEBERLIN: Correct.

COUNCILMEMBER PACHUTA: -- under the zones.

It's not putting them out of business. It's making sure for the future that they actually have legal vesting rights which they don't currently have.

COUNCILMEMBER ROCHE: Well, so six months later and now we're finally getting to this. And frankly, if the Council doesn't do something to allow them to stay in business, the law says they're going to be out of business, according to your interpretation, according to this, you know, zoning appropriateess thing.

COUNCILMEMBER PACHUTA: And that's the suggestion: that we move them into either C-2 or conditional use so that they can continue operation.

I'm not happy that it has taken us this long to deal with it. I think we should have -- everyone

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should have dealt with it earlier, staff and Council.

I mean that's what this is about: moving forward, coming up with a text amendment to go to the Planning Commission so that there is no issue and that they are legal, since they have been operating.

COUNCILMEMBER ROCHE: Do we have any other surprises like this that we're we going to find out about six months from now?

MR. HAEBERLIN: No, sir. You know, like I said, I will never need to be involved in the renewal process ever again. Assuming people renew exactly what they did before, there'll be no need for me to be involved in that.

But these are problems, and they're problems that can be solved and they can revolve the retention of businesses within the city. It's just unfortunate that decisions were rendered outside of the code. And I have no authority over that. It just happened.

COUNCILMEMBER BATES: I'm going to make a motion to instruct staff to propose a text amendment to present to the Planning Commission to move pawn shops, liquor stores, car repair as conditional uses under C-2.

COUNCILMEMBER PACHUTA: Well, the car repair, those are in C-1.

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COUNCILMEMBER BATES: Hold on. I'm withdrawing the motion altogether.

COUNCILMEMBER ALEXANDER: I'm just not comfortable rezoning any property on New Peachtree Road to industrial --

MR. HAEBERLIN: I understand.

COUNCILMEMBER ALEXANDER: -- because I mean we're trying to improve that area, and I'm not comfortable with that.

COUNCILMEMBER BATES: So I'm going to amend my motion to move pawn shops, liquor stores to C-2 conditional and car repair to C-1 conditional.

COUNCILMEMBER ALEXANDER: Mr. Weed, the recreation, we don't need to address? That's being handled?

ATTORNEY WEED: Yes. That facility is being dealt with.

MAYOR JENKINS: Do I get a second?

COUNCILMEMBER ALEXANDER: Second.

MAYOR JENKINS: Any more discussion?

COUNCILMEMBER FLEMING: Yes, sir. I just wanted to make a comment about previous administration and previous Council. I stand firm in what they did prior to 2008 as listed in the code prior to the C-1/C-2 ordinance as well as the M-1/M-2 ordinances

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and all the others that we have passed.
There was a statement that it was other uses as deemed appropriate by Mayor and Council. And the Mayor and Council, though there might have been some zoning procedure not followed, to me, that does not mean that the Mayor and Council of previous administrations did anything illegally, as it has been said that these businesses are here illegally.
COUNCILMEMBER ROCHE: My concern is that we are taking an action here and we're not allowing citizens to make comments on it. Someone said a minute ago, well, we don't need citizen comments because we're not going to take any action tonight. Well, to me, a motion is an action.
COUNCILMEMBER BATES: Mr. Roche, this is merely to proceed forward with the process. There's going to be an open Planning Commission meeting, there will be a properly advertised zoning hearing to further discuss this, and there's plenty of opportunity in item six and item eight to make comments regarding a non-binding direction.
This is not going to codify anything in the Zoning ordinance. This is merely to move the process forward.
COUNCILMEMBER ROCHE: Well, it may be that

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the citizens don't want to move forward and maybe they don't want these businesses, for all we know, but we don't know, because we're not going to ask.
COUNCILMEMBER BATES: And as I said, there will be plenty of time to hear those arguments and discussions in the Planning Commission and zoning hearings.
COUNCILMEMBER FLEMING: Regarding these particular businesses, Council, that we have in front of us this evening, what is your opinion in regards to the conditional use permitting fees that accompany any of these that may apply for conditional use?
COUNCILMEMBER ROCHE: Well, obviously they should be waived since these people have been in business for a long time. It's not their fault. If the City of Doraville one way or another messed up and issued them licenses, then these people shouldn't have to pay as far, as I'm concerned. They shouldn't have to pay for our incompetence or our making mistakes or our whatever.
COUNCILMEMBER FLEMING: Council, not ready to make a comment?
COUNCILMEMBER BATES: I think we could review those.
MAYOR JENKINS: Any more discussion?

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(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: No.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Reluctantly, yes.
MAYOR JENKINS: Thank you.
You have any reports, John? I believe you're the only staff here. Do you have anything?
CHIEF KING: No, sir.
MAYOR JENKINS: Okay. We have public comments on agenda items, and you can comment on this last one, and we have three minutes for each comment.
Come on up to the microphone, please.
MS. HOFFMEISTER: Bonita Hoffmeister,

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Spanish Oak Drive in Oakcliff Estates. I am glad Ginny Calvert is back on the agenda. She gave a good presentation two months or so ago about protecting our image. We need to protect our image. You need to protect our finances. You need to protect the integrity of the city. Please listen to her this time. If you need to, write it down so you read it every morning.
Charles Livingston is up here talking about the budget. I bought a home in Buford. I walked away, thinking "Spin baby, spin. Then I realized you're sitting on a very valuable asset down here in downtown. If this city goes bankrupt, it can turn into a Section 8 apartment and a building 10 stories high with something like Pendergrass.
Please take to heart our finances not only impact the city, it impacts our livelihoods and our homes. Please listen to Charles.
Tom Hart also has some more comments. Please listen to him. Thank you.
MAYOR JENKINS: Thank you. Next?
MS. KOONTZ: Steph Koontz. I just wanted to second what Bob was saying about I don't think it's fair that some business that's been here for 15 or 20 years, that they came down to City Hall and applied

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for a business permit, they were given it and nobody said, "Hey, this is under the table," or whatever. They wanted to open a business here and were given a permit to, and now they're told that they are, quote, here illegally and that you would charge them some kind of a fee for some kind of conditional use permit after being in business for years.

I mean if you keep doing this kind of thing, there's not going to be anything open on Buford Highway. We're going to run every business that's here out of town. Thank you.

MAYOR JENKINS: Thank you.

MR. GARRETT: Theron Garrett. I wanted to make a comment on the driveways.

About eight year ago, I guess it was, about six or eight year ago, I was wanting to make a place for my trailer, and so they told me to put gravel on it, and now they send us a thing they want us to pave it or asphalt it.

And then the way I understand it, we have to have an architect to come out and have a plan and all that. By the time you do all that, I could just about do the concrete.

I just hope that you-all will reconsider that. Where I've got the gravel, it's contained.

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It's got a breaker wall up, and I got a place paved in front of it I can put my truck when I work. It kind of makes it hard on us that's retired to have to come up with that. That could run into $1,500/$2,000, roughly, and I hope you-all reconsider that. I sure would appreciate it.

MAYOR JENKINS: Thank you. Next?

MR. ANDERSON: Stuart Anderson. Two things. Since Brian said that we could talk about the occupational tax thing under Ginny's Doraville's Image, it certainly is true we're beating up the business community, et cetera, et cetera. We're certainly not doing the city any good, image-wise.

Something that wasn't brought up per earlier discussion about this zoning thing is that right now we're in the middle of a financial situation doing our budget. None of this that's gone on, the six months waiting, the dealing with people or not dealing with people, all those things that have gone on since the January 12th presentations by the business people, none of that has done our budget any good. So consider this whole issue as far as the budget goes and what it's doing to us financially. There's thousands of dollars being lost, thousands of dollars being driven away. So just put that aspect on this as

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well as just being a zoning thing.

And the other thing is the driveways. Marty Ashburn, who lives on the corner of Woodwin and Pontiac, is selling his house. One of the main reasons he's selling the house is because he's going to be forced to pave his driveway. His house is up for sale, he's bought another house, and that gravel driveway is a big issue. So thank you.

MAYOR JENKINS: Thank you. Anybody else?

MS. CALVERT: I don't see that much wrong -- I'm Ginny -- wrong with the gravel driveways. I just came from Florida, and wow. I was in an area where they had graveled areas in front of the houses. These houses are probably two, three, four hundred thousand dollar homes, and they have a sidewalk. Well, these cars are sitting on this gravel in front of these houses which also have driveways to go into their areas beside the houses. They're almost parked on the sidewalks. And the rest of it, they didn't have grass. They had something that looked like -- it wasn't pine straw but it's kind of on that order. It isn't as pretty as pine straw, even.

I don't see anything wrong if we make sure that the people who have the graveled areas don't have the weeds in them. There's one at the end of my

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street that's very well kept. It looks very, very good. Looks better than cracked cement, I'll tell you.

MAYOR JENKINS: Thank you, Ginny.

MS. GILMAN: Mayor, Council, Carol Gilman, Chestnut Place.

Agenda item on monthly financial statements. I'm glad that's on the agenda, and I, for one, would like to see monthly financial statements presented. I'd like them to be acknowledged as received, discussed and approved by Council. It probably would be a good idea timing-wise if they were presented at the second Council meeting so that the accounting department would have the opportunity to finalize them and Council would have the opportunity to review them and that they become part of the official record, part of the minutes if you will.

On the budget item, I would like to see quarterly budget reviews looking at what was planned versus what was actually spent. That way, there would be full disclosure and pretty much everyone who's interested would be on the same page.

On the contract for James Whitaker and Shanta Wilson, in terms of the outside auditor, the outside accountant, I really would like to see some

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type of citizen commission of professionals, if the Council would consider that helpful, to look at what the engagement letter should be about, might be about, to improve accounting and auditing services and to be assured that the independence and objectivity of the outside auditor is maintained.

I would also suggest that audit engagements might be limited to a certain number of years, perhaps five years. That doesn't mean the auditor or the firm could not come back for subsequent engagements, maybe take a three-year, I guess, absence, if you will, and come back and bid. But we are formalizing so much, and that's a good thing for the city of Doraville, our operations and our image and everything about it. And I would just suggest for your consideration that perhaps we have a more formal approach to engaging the outside auditor and accountant.

Having said that, I suggest in no way anything inappropriate, any errors or irregularities. It's simply the topic of independence, objectivity and reliability.

MAYOR JENKINS: Thank you.

Anybody else? Last call. Okay. We'll go into the agenda items.

Contract with Jimmy Whitaker, Shanta, if

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you'll come up to the microphone, please.

Jimmy Whitaker is our auditor, and I believe his contract is coming up; is that correct?

MS. WILSON: Good evening, everyone. I would like for you to approve the contract for James Whitaker to audit us in the fiscal year 2009-2010. It's not going to be $40,000, but we budgeted thirty-five. And the reason why it will not exceed forty is because we had such a bad audit last year and he put in more time than what he billed us for.

But we've only budgeted thirty-five, and after talking with Mr. Whitaker, he don't expect to go over forty.

COUNCILMEMBER BATES: This is a contract that would end 12/31 of 2010.

MS. WILSON: He should be completed for his audit by then. From my understanding, speaking with Mr. Whitaker, he's only here for a couple weeks, maybe a month at the most, with field work.

COUNCILMEMBER ALEXANDER: On the agenda cover sheet, it had language about an RFP for liability lines of insurance.

MS. WILSON: Yes. That's the next item I want to discuss.

COUNCILMEMBER ALEXANDER: Okay. Is it in

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this contract also?

MS. WILSON: No, ma'am. That's totally separate. That's the RFP I would like for us to repost with Council's approval.

COUNCILMEMBER ALEXANDER: So that's nothing to do with Mr. Whitaker.

MS. WILSON: No, not at all.

COUNCILMEMBER ALEXANDER: I guess I was of course surprised by the amount, because he averaged between 16 and 22 thousand on his previous audits, if I'm not mistaken, and I was sort of surprised by the amount for consideration.

MS. WILSON: Well, he actually has done more work than what he's actually billed us for. He's been very generous to the City of Doraville, because he has completed more hours than that. Since my time here, he's been very helpful.

COUNCILMEMBER FLEMING: Based on what Ms. Gilman suggested, do we have a memorandum of understanding or a memorandum agreement that's not just the financial contract but actually what he does perform for us?

MS. WILSON: Yes, ma'am, we have an engagement letter. Yes, ma'am, he gave us an engagement letter.

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COUNCILMEMBER FLEMING: Okay. And you --

MAYOR JENKINS: Jimmy --

MS. WILSON: Yes, ma'am.

COUNCILMEMBER FLEMING: I'm sorry. You have that on file for us?

MS. WILSON: Yes, ma'am. I have that with me now. All we have to do is sign. He gave a copy for us to sign and a copy for our city attorney --

COUNCILMEMBER FLEMING: Okay.

MS. WILSON: -- so he can have one as well.

COUNCILMEMBER FLEMING: I believe that's what Ms. Gilman was referring to, and no, I have not seen what he actually does for us.

But Mr. Whitaker's done an outstanding job for us for, oh, several years now, and I am concerned like Ms. Alexander about the increased amount, and though I know it took him a great deal of time last year to accomplish everything.

MAYOR JENKINS: He's done an excellent job for us in the past years and he has spent a lot of extra time. And I really believe he at that time should have charged us more, but he didn't.

COUNCILMEMBER FLEMING: Since the sum is not to exceed $40,000, I think that would --

COUNCILMEMBER BATES: I would be actually

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more inclined to limit it to the budgeted amount. If we've got a budgeted amount of $35,000, I would be much more comfortable with us amending the contract to be a not-to-exceed-$35,000.

MS. WILSON: I'm in agreement with that, and I believe Mr. Whitaker will too.

He sat down and talked with the Mayor and I about the line item, and I told him we had $35,000, and, you know, the Mayor said, you know, that will be fine, you know, with us.

COUNCILMEMBER ROCHE: When will he be able to begin the audit this year?

MS. WILSON: His audit will start in October because he has a prior engagement already, so he's supposed to start I think it's October 15th.

COUNCILMEMBER FLEMING: So with the correction to $35,000, I am of the opinion to accept this contract.

MAYOR JENKINS: You want that in the form of a motion?

COUNCILMEMBER FLEMING: I believe that Ms. Alexander has another question.

COUNCILMEMBER ALEXANDER: Well, Councilman Bates and myself and, I believe, Ms. Fleming, we've all expressed about needing to go out for RFPs for

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services. And this is definitely one of them that we have gotten sample RFPs for auditing services from other cities and spoke to other auditing firms.

We've been amenable, due to changes in personnel, to Mr. Whitaker helping us try to straighten out some issues that we've had. But I also, being in purchasing, know how vendors can get comfortable just assuming they're going to continually get work from an agency or from a company. So I definitely would like for us to consider issuing a formal RFP for next year's auditing services.

And if you have a suggestion on when we would need to do that, you know, for your -- If we need to start working and getting an RFP for an auditor in March, please let us know so we can, you know, get that prepared and have quotes back before fiscal year where you can go ahead and we can hire an auditing service and we can check references or whatever before we need to make a decision.

MS. WILSON: And my recommendation is to get the RFP out I would say right before the year ends, because it's not good for them to come out at year end, because right now we're trying to close the books and it would be more hectic for me for them to come when we're trying to close the books and get

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everything paid. It's better if they come right after that, like October.

But the sooner that we can get the RFP out, I would say like March or April, the better, because then we can go ahead and discuss who we want, we can decide on how much we want to budget for and have all these things planned out before we actually accept a new auditor, plus to give our auditor the opportunity to bid as well.

COUNCILMEMBER ALEXANDER: Correct. So if you could make a note to remind Council to do that in March, we'd appreciate it.

MAYOR JENKINS: Can I get a motion?

COUNCILMEMBER BATES: I'll make a motion to accept the contract of Jimmy Whitaker with the change in article three to be a sum not to exceed $35,000.

COUNCILMEMBER FLEMING: Second.

MAYOR JENKINS: Any more discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

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COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR JENKINS: Thank you, Shanta.

MS. WILSON: I have one more item.

MAYOR JENKINS: Okay.

MS. WILSON: I think in March or April we put an RFP out there for all our insurance lines and we took it back off.

I think this time, since we've been through our budget process and different hearings, that we may need to -- well, we should put the RFP back out. Instead of doing all the insurance lines, let's take it apart and just do property and casualty so we can focus on one thing at a time.

So I know that Council has requested that before and it was all done in one bundle, but instead of doing it as a bundle, let's take that bundle apart and do different sections at a time so we can focus on

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those items.
So I request that Mr. Weed and I work on the RFP that we currently put out and just do property and casualty so we can possibly save revenue, save expenditures from GMA.
COUNCILMEMBER FLEMING: Okay. I don't have a problem with that at all.
MS. WILSON: Okay.
COUNCILMEMBER FLEMING: However, we are still going to need to know where our assets are in our vehicle situation for them to be able to quote us properly.
And I believe that was an item that we had requested. I believe that we wanted it by the 15th. Of course that wasn't a meeting date, but --
COUNCILMEMBER ROCHE: We were told it would be available to us on the 15th of July.
MS. WILSON: Didn't I send that to everybody?
COUNCILMEMBER ALEXANDER: Yes, we got that information.
MS. WILSON: I thought I did.
COUNCILMEMBER FLEMING: I did not get that.
COUNCILMEMBER PITTMAN: It was via e-mail.
COUNCILMEMBER FLEMING: About all the --

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COUNCILMEMBER ALEXANDER: The trucks --
COUNCILMEMBER FLEMING: -- vehicles that we have?
COUNCILMEMBER ALEXANDER: -- and everything.
COUNCILMEMBER FLEMING: No. I'm sorry.
MS. WILSON: You didn't get that?
COUNCILMEMBER FLEMING: No, ma'am.
COUNCILMEMBER ROCHE: All the vehicles?
MS. WILSON: It had all the vehicles. It was the renewal that we get from GMA.
COUNCILMEMBER FLEMING: Oh, no, no, no, no, no, no.
COUNCILMEMBER ROCHE: No, no.
COUNCILMEMBER FLEMING: That, we have.
MS. WILSON: Okay.
COUNCILMEMBER FLEMING: We haven't received our own audit from our department directors to indicate that yes, we have those vehicles.
MS. WILSON: Oh. That's -- I talked with our City Clerk, and she's still waiting on the information from the other department heads for the vehicles, because her and I have talked about that.
I thought you were talking about the information that I've already e-mailed.
COUNCILMEMBER FLEMING: No.

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You know, we need to be fiscally responsible and verify that what we're being billed for is what we really have on hand.
COUNCILMEMBER ALEXANDER: I did get information, because maintenance -- and I believe the police department gave theirs too.
MS. WILSON: Okay. I hadn't received that.
COUNCILMEMBER ROCHE: I didn't get that.
COUNCILMEMBER FLEMING: I received the public works but I didn't get the maintenance.
COUNCILMEMBER PACHUTA: I think it was on the same one, wasn't it?
COUNCILMEMBER ALEXANDER: No. It was a spread sheet.
CLERK BLACKMON: No. They were spread sheets.
COUNCILMEMBER ALEXANDER: So if you can make sure Council members Roche and Fleming get that. Did you get --
CLERK BLACKMON: I'll just re-copy them. I have to add the recreation van and our three vehicles. That was the other items not on there, so I'll redo it.
COUNCILMEMBER ALEXANDER: Okay.
COUNCILMEMBER BATES: So are you needing us

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to do something?
MS. WILSON: I just want to know whether you-all want to put the RFP back out there; are we going to put it back out there or not, for the property and casualty.
COUNCILMEMBER FLEMING: I believe the renewal date for GMA is May?
CLERK BLACKMON: (Nods head affirmatively)
COUNCILMEMBER FLEMING: And that's for May to May?
CLERK BLACKMON: Uh-huh.
COUNCILMEMBER FLEMING: Mr. Weed --
ATTORNEY WEED: They require 90 days' notice. So if you found some other broker that you wanted to use or some other company, you still have to give them 90 days' notice but you can do that even after the renewal date.
COUNCILMEMBER FLEMING: Okay.
ATTORNEY WEED: You can do it any time.
COUNCILMEMBER FLEMING: I wouldn't burden yourself right now because --
MS. WILSON: Okay.
COUNCILMEMBER FLEMING: -- you're getting -- Well, I'm going to make the statement. I'll let you make the decision. I wouldn't burden yourself right

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now in regards to the insurance RFP.
I would like you to go ahead and draft it with Mr. Weed for property and casualty, but that's something that could possibly be sent in December, you know, because you're going to be so involved with the audit that, you know, we're not going to have time -- or you're not going to have time to go over whether they're apples for apples.
MS. WILSON: I understand. I'll put it on my to-do list for later in the year, for December.
COUNCILMEMBER PACHUTA: I would also like to add workers' comp, too, because I think that's our other GMA policy that, compared to other cities, we're paying quite a lot.
MS. WILSON: You want to add them all at the same time instead of doing workers' comp by itself?
COUNCILMEMBER PACHUTA: On a separate RFP for workers' comp. But I really think that that would be the big one to look at.
ATTORNEY WEED: And I would suggest you should be doing it at -- I mean it should be done probably at least 150 days out, bearing in mind the 90-day notice time, and then give ourselves another 60 days to get an RFP and then 30 days to have it, you know, published, that type of thing. And we can work

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out calendar dates to do it.
MS. WILSON: Thank you.
COUNCILMEMBER PITTMAN: Thank you.
MAYOR JENKINS: Okay. Driveway limitations, Pam Fleming.
COUNCILMEMBER FLEMING: Yes, sir. That's the actual code number 5-40, and that's what it's titled.
However, actually, the reason I brought this up again this evening, I did on April 6th agenda of 2009, to repeal the removal of the gravel driveways that was set in 2005. It was given a five-year grace period, and any existing gravel driveways in the city had to be asphalted or concreted by 3/21/ll.
I do believe that this is causing a financial burden on the retirees that we have in the city. I'm not in favor of gravel driveways for primary driveways in the future. But I believe secondary driveways for recreational equipment, which is in the zoning code 608 -- and I wanted to address that as well -- as well as the secondary driveways in the 5-40, should be allowed to remain gravel. And I wanted to try to repeal that portion of Ordinance 540.
I have provided Council with the advantage of having porous driveways versus the stormwater

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problems that happen with excessive runoff for concrete and asphalt. And so I'm open for discussion on this, but my preference is to remove the terminology that is requiring all of the city to be paved that has existing gravel.
COUNCILMEMBER PITTMAN: Well, I went and looked at several of the driveways that have gravel, and the ones that I did look at are very well maintained with borders. I would not be opposed to leaving those as long as long as they're maintained, any that are already currently here.
I think anything in the future, we might want to reconsider not letting someone put gravel, but the ones that are here, again, as long as they're maintained, I don't have a problem with that.
COUNCILMEMBER ROCHE: I definitely think we should grandfather those that are already here. If there is a problem, then I'm sure QOL will find out about it.
COUNCILMEMBER PITTMAN: And in some cases, the gravel, I know that if they did not have it -- I mean I guess they could pave it, but it serves the purpose of getting out onto some main streets; very difficult unless they could turn around in that area.
COUNCILMEMBER ALEXANDER: I guess I'll

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express some of the concerns I expressed last time this was on the agenda.
Who is going to determine what is a pre-existing gravel driveway versus a new? Are you going to do some kind of permitting process, label this driveway as being old? I don't see how that is enforceable.
And again, we've had the problem in Oakcliff of, you know, people just throwing gravel on the grass and parking on it. I mean that's one of the reasons I believe that Council looked at this stuff for the original legislation back in 2005.
COUNCILMEMBER PACHUTA: And while I'm not opposed to us looking at porous concrete and things like that, I mean most gravel driveways are not porous. It has the same runoff problems as regular concrete because of the material used.
COUNCILMEMBER BATES: I would be actually more amenable to extending the deadline right now versus us making a decision to delete or retain a section. I would be in favor of adding in additional options outside of the asphalt and concrete that it's limited to in this ordinance but I'm not necessarily in favor of eliminating the requirement at present.
I think there are some conditions that we

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would need to look at, and to Ms. Alexander's point, steps to prevent new ones from coming in, because I do think they pose more of a challenge than concrete.

But I would be in favor of extending the deadline because I do think there are some financial considerations that we need to address and deal with.

COUNCILMEMBER FLEMING: Since we're indicating in this ordinance on 5-40(a) that it had to be four inches thick as far as the asphalt or concrete is concerned, paver bricks, concrete or asphalt, we're specifically stating that that's what it's got to be, when a load of dirt covering the gravel and pine straw on top of it could accomplish the same attractiveness if that's what we're trying to deal with here.

I mean I'm not sure exactly what the purpose of previous Council doing this. Was it because it was unattractive, gravel was unattractive, or was it all going into the street when people were driving up and down it? You know, I'm real concerned about, you know, the intent to begin with.

COUNCILMEMBER PITTMAN: Well, I think some of the problems, as Ms. Alexander did say that there were people that were literally putting gravel in their front yards to park. But you know, that could be a problem. But seems to be a way to, with Quality

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of Life -- I mean we had a phone call a few months ago about pouring throwing gravel, and Quality of Life already knew that they did not previously have a gravel driveway. So they were pouring gravel for additional cars on top of grass. I don't know. I remember that conversation but I just wish we could --

COUNCILMEMBER ROCHE: Weren't --

COUNCILMEMBER PITTMAN: -- come up with --

COUNCILMEMBER ROCHE: -- they cited?

COUNCILMEMBER PITTMAN: They were. I believe they were.

COUNCILMEMBER ROCHE: So the system works.

COUNCILMEMBER PITTMAN: Exactly. Quality of Life is very familiar with what is already out there.

COUNCILMEMBER BATES: But it would be -- it would be much easier to expand a gravel driveway than it would be to expand a concrete or asphalt driveway, so I think you would have the potential of driveway creep.

COUNCILMEMBER FLEMING: I'm sorry. I didn't hear that.

COUNCILMEMBER BATES: Driveway creep, meaning that if you got a new resident that needed more driveway parking, if it were gravel, they would be able to subtly expand their driveway by dumping

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another load of gravel on the yard.

Does that happen? I don't know. I don't have any evidence that suggests that it does.

But I do think that there's some aesthetic concerns and there's some perception concerns with gravel driveways, but I would be in favor right now of extending the deadline.

COUNCILMEMBER ROCHE: Well, I got a call earlier this week -- and perhaps it was you, sir -- What are the fees? If I have a gravel driveway and I want to replace it with concrete, what do I have to provide to the City and then what do I have to pay to the City to be able to exchange it for concrete?

MR. HAEBERLIN: It's actually in the newsletter. Two fifty is --

COUNCILMEMBER ROCHE: I can't get to the newsletter because the Internet's down again.

MR. HAEBERLIN: I apologize.

Two fifty is the review fee plus $5.00 per thousand, so like on a $2,000 driveway, it would be like $260.00.

COUNCILMEMBER ROCHE: $260.00. And what kind of documentation would you have to provide? Would you have to --

MR. HAEBERLIN: If they're replacing -- And

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I have a lot of people who have cracked driveways. So if they have any survey that shows their driveway as it was and they're replacing it exactly as it was, I just refer to their old survey. They bring me a copy of that.

If it's a new driveway, then I need a more sophisticated level of an exhibit to look at.

So you know, the building official again is very in tune with the Quality of Life and knows what's out on the ground, and so he goes out and looks at them as well.

So typically a survey and an application. It's called a driveway permit in your code. It's actually, truthfully, administered by the building official, but the practical reality is on a day to day basis I would probably deal with those as a permitting function.

COUNCILMEMBER ROCHE: So how much does the permit cost?

MR. HAEBERLIN: Well, the actual permit is based on $5.00 per thousand. So if you did a $2,000 driveway, it would be $10.00 plus $250 which would be $260.

COUNCILMEMBER ROCHE: And then a survey?

COUNCILMEMBER FLEMING: A survey.

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1 COUNCILMEMBER ROCHE: Because if you have
2 gravel to start with, you're saying that they could
3 replace it with cement and not have to have a survey?
4 MR. HAEBERLIN: No, no. If they had an
5 existing asphalt or gravel driveway --
6 COUNCILMEMBER ROCHE: But we're not talking
7 about asphalt.
8 MR. HAEBERLIN: Yeah. I don't really get a
9 lot of people with the gravel. Mostly I get replace-
10 ment driveways because the homes are getting older.
11 COUNCILMEMBER ROCHE: Because I think one of
12 the main issues that we're missing here is that people
13 are concerned that it's a large financial burden to
14 replace their gravel with cement. What we've
15 basically done is like an unfriendly mandate, where I
16 got a call earlier this week -- and I assume the rest
17 of the Council did too -- that it costs several
18 hundred dollars just for paperwork, then you got to
19 pay someone to come in and put in your driveway. So
20 we're basically forcing -- we're adding on top of
21 everything else.
22 I mean maybe the approach is to at least
23 consider waiving the fees and waiving these
24 requirements for existing gravel driveways and provide
25 some relief to the people who live in Doraville that

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1 currently have a gravel driveway and we're going to
2 force them to get rid of their gravel and replace it
3 with cement.
4 COUNCILMEMBER PACHUTA: And I assume that
5 was the logic behind giving them six years to
6 accomplish it, to spread out the $250, the survey and
7 the cost of the driveway over six years.
8 MR. HAEBERLIN: I mean it was certainly here
9 when I got here, just to let you know. Actually, I
10 think that this amendment goes over and above the
11 initial Zoning Ordinance. The past Council --
12 If you read the existing Zoning Ordinance, a
13 single-family house would likely be allowed to have
14 gravel, but they have gone over and above that with
15 further amendments to tighten it even further.
16 COUNCILMEMBER ROCHE: But we don't know what
17 the fees were five or six years ago and we don't know
18 if there was a requirement for a survey five or six
19 years ago.
20 MR. HAEBERLIN: Well, there was not a
21 requirement. It was a requirement for -- they called
22 it a plot plan. I mean it could be a survey,
23 obviously, but a plot plan, sketch or plot plan.
24 COUNCILMEMBER ROCHE: So when the Council
25 originally made this decision, the fees may have been

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1 10 bucks for all we know and the survey could have
2 just been something written on a piece of paper.
3 MR. HAEBERLIN: Well, the fee I doubt was
4 $10.00. Back then, the minimums on everything was at
5 least 50. But of course we have a contract building
6 official that bills us at a pretty high hourly rate
7 now, so we do cover the cost of our staffing,
8 obviously.
9 So I mean I would agree that your Zoning
10 Ordinance has gotten more sophisticated, because in
11 the past, basically, you could have a hundred percent
12 impervious on properties. Now you have limits, and
13 that is to encourage greenspace areas.
14 I did provide the Council some information
15 on porous concrete and also to the block systems.
16 What's interesting is the Georgia Stormwater Manual,
17 which, you know, we subscribe to because we're an
18 issuing authority -- and that's always the cringe of
19 everything is that State laws tell us what we have to
20 do -- the literature seems to suggest that porous
21 concrete and the modular systems all have very limited
22 application and that they're extremely expensive.
23 They're 10 to 15 percent more expensive.
24 And then what was discussed earlier, in
25 Florida, is typically tabby or is cocoa shells, but

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1 that still requires some sort of underlying system.
2 It's not inexpensive like buying seven gravel or, you
3 know, going to a local establishment and buying a load
4 of gravel. It's a much more expensive system than
5 we're used to in Georgia.
6 COUNCILMEMBER ROCHE: I think what I'm
7 hearing is that the Council majority is probably just
8 going to kick the can down the road. So I think
9 that's the best we can get, so I'd support that.
10 COUNCILMEMBER PITTMAN: Support ...
11 COUNCILMEMBER ROCHE: To basically extend
12 the deadline for, I don't know, another year or two,
13 whatever.
14 COUNCILMEMBER PITTMAN: Mr. Bates, how long
15 were you talking?
16 COUNCILMEMBER BATES: I was in favor of a
17 two-year extension on that, but that's just my
18 personal opinion.
19 COUNCILMEMBER PITTMAN: You know, I would
20 really like to help the people that already have it,
21 and I certainly appreciate as well what Ms. Alexander
22 said, because then sometimes you might not know and
23 you might open the door for them pouring concrete all
24 over the front yard for parking, which has happened.
25 Mr. Weed, do you have any suggestions on

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some way to help out? I know there's the years, but then I guess when we made that decision maybe we weren't expecting the economy to take, you know, a dive, and the two years may help but --

ATTORNEY WEED: If you're asking me for legal advice --

COUNCILMEMBER PITTMAN: Yes.

ATTORNEY WEED: -- it would be legal in my opinion to grandfather in existing gravel driveways. Councilman Alexander has pointed out that there are some logistics problems with that.

My best suggestion -- and I think this would serve a multitude of purposes -- was that when you do your architectural design ordinance, one of the things you should do in advance of that is to have a survey. The surveyor will be a person who will take a camera and literally photograph every lot, every lot in the city.

In a city of this size, that can be done. It's a month-long project and will cost you, but that can be done. Once you have that photograph, you download that into the computer system and we create a system where every time you type in that address, all of the information that you've got can be correlated.

So it is possible to create a system where

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we'd know just about how far the gravel driveways are currently, so it is doable. You can't do that for free. That will cost you. Now, you could maybe get an intern to do it from Georgia Tech or another college. You know, there are other ways of -- you know, one of the maintenance guys could do it, for example. There are ways of doing it on the cheap, but that's one way of doing it. In a town this size, it's physically possible to get that work done. So that's one suggestion.

Delaying the effective date is another suggestion, but sooner or later, two years is going to be here before you know it.

COUNCILMEMBER BATES: Right.

ATTORNEY WEED: And of course everyone knows my philosophy, which is I'd rather not have a code than have a code that's not enforced. That's my general rule.

I think every time the state legislature meets and they adopt a law, they need to delete one before they adopt a new one. So that's my legislative philosophy.

That's pretty much all I can offer right now to help.

COUNCILMEMBER PITTMAN: Thank you.

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ATTORNEY WEED: This is clearly a policy decision: do it or not do it.

COUNCILMEMBER PITTMAN: We have actually talked about what you said, the going out and making pictures, and of course there is a cost to that. And it might be, you know, if we looked into it, like you said, an intern or someone within our own city that could do that.

ATTORNEY WEED: That's something you're going to need to do anyway. That work will have to be done sooner or later. A positive secondary impact of getting that work done will be this type of thing. You're going to know what signage is on the property, you're going to know what kind of driveways are on the property, you're going to know how many trees are on the property. Those things could be done, and that could all be done at one time.

COUNCILMEMBER BATES: Two questions regarding that. How frequently would it need to be updated?

ATTORNEY WEED: That would be entirely up to the Council and I guess to the relevant staff.

COUNCILMEMBER BATES: From a legal standpoint, Google Maps already has a street view component to it --

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ATTORNEY WEED: That's correct.

COUNCILMEMBER BATES: -- that is available that's already been done. Is that something that we could use in conjunction with these types of ordinances?

ATTORNEY WEED: Very possibly.

I would feel more confident with a photograph that the City did, because the City would know what the City is looking for as opposed to just a general photograph.

And I've utilized that system too. I think it's hard to use, but that might be my own lack of computer skills. Maybe someone more adept at that can access it better than I can.

But I think it would be worth your while to do it locally because a local person can be instructed as to what they are attempting to photograph and why.

COUNCILMEMBER ROCHE: Why not just simply say we will grandfather existing gravel driveways? We publish it. We say you have 90 days to show up at City Hall with a photograph of your property that goes on file. That way, you know, it only costs what it costs to make a picture, I guess.

And I mean I love the Google Earth thing, too. But a lot of times, you can't really tell.

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They're not that great a photograph.
ATTORNEY WEED: I can't, but that --
COUNCILMEMBER ROCHE: Right.
ATTORNEY WEED: -- may be me.
COUNCILMEMBER ROCHE: And that way, we could give people 90 days to come in and register their grandfathered gravel. If they make any major changes to their property, obviously the new rules would apply.
That way, it's simple. You just come in. If you don't come in within 90 days with a picture, QOL sees you, you know, it's too bad. Then we enforce it. That seems reasonable, I mean it seems easy.
COUNCILMEMBER FLEMING: And so do we send a letter out to the entire city or are we sending a letter to QOL --
COUNCILMEMBER PITTMAN: I think it --
COUNCILMEMBER FLEMING: -- where they drive by a gravel driveway and say, "Register your gravel driveway?" You know, I just --
COUNCILMEMBER PITTMAN: Well, I think it would have to go out to the whole city.
COUNCILMEMBER ROCHE: Well, we have a newsletter. I mean that's why I'm saying 90 days. It would need to go out in the very next newsletter on

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the front page, you know.
ATTORNEY WEED: From the legal aspect of it, there is a case, and actually, there is an actual statute in Georgia that does essentially hold the old legal caveat, which is ignorance of the law is no excuse.
COUNCILMEMBER ROCHE: Right.
ATTORNEY WEED: In this case particularly, this ordinance has been on the books for five years already with another year to go before enforcement. So although I'm sympathetic to people perhaps not knowing what their rights are, there has been a lot of window of opportunity to comply here on this particular ordinance.
You don't have to give any kind of notice but you certainly can.
COUNCILMEMBER PITTMAN: Well, I like his idea of extending it for two years. That would give us time to look into maybe someone coming out and doing the audit and making pictures of all the property. And then we look at it in two years to see if we've got that in place, and then that way, they could go ahead and be grandfathered in, and we'd already have those pictures on file. And that would serve more than one purpose, not just gravel driveways

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but a lot of things.
COUNCILMEMBER BATES: Do we have any sense of how many gravel driveways there are? Are we talking about five or 300?
MAYOR JENKINS: Brian, that was a question I -- Just to go along with what you're saying, do we have a lot of gravel driveways?
Now, we have a lot of what you call side driveways with gravel or pads where people put a trailer on the side yard or whatever.
COUNCILMEMBER BATES: Right.
MAYOR JENKINS: But I'm like you. Do we have a lot of so-called gravel driveways as such?
COUNCILMEMBER FLEMING: Not as primary driveways, no, sir --
MAYOR JENKINS: Okay.
COUNCILMEMBER FLEMING: -- not that I have seen. I have seen more secondary driveways --
MAYOR JENKINS: Right.
COUNCILMEMBER FLEMING: -- or parking pads.
MAYOR JENKINS: That's exactly what I'm saying.
COUNCILMEMBER FLEMING: That's why I was trying to repeal this again, to allow those.
I've never wanted us to extend gravel

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driveways for primary driveways. I believe those should indeed be concrete or asphalt --
MAYOR JENKINS: Right.
COUNCILMEMBER FLEMING: -- based on what 5-40(a) is in here. But as far as secondary or parking pads, talking about existing only, they would not have to asphalt or concrete them.
COUNCILMEMBER BATES: Now we're talking about a different issue.
MAYOR JENKINS: Right.
COUNCILMEMBER ALEXANDER: But then you would -- because I've got there's two residents in Oakcliff that their primary driveway is gravel, so you would be discriminating against them.
COUNCILMEMBER BATES: Let me see if I --
COUNCILMEMBER FLEMING: Future. Future primary driveways would have to meet 5-40(a).
COUNCILMEMBER ROCHE: And again, I don't know that it's a matter of necessarily people not wanting to comply. I just think it's a matter of the finances. If we kick it, you know, if we delay it two more years -- I can see that point too -- by then, our fees would be $700, for all I know.
So I do think that we should make some sort of a decision, and I would tend to favor the

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1 grandfathering type of decision. But we do need to
2 provide some kind of relief to our people that are on
3 fixed incomes, people that are unemployed, you know.
4 COUNCILMEMBER PITTMAN: And I support the
5 grandfathering in. But again, Quality of Life may or
6 may not know. I would think most of the time, they
7 would, but then it could become a challenge if they
8 didn't. That'stwhy I was saying give them two
9 additional years and then look into getting the audit,
10 which would serve multiple purposes to help us out,
11 and then revisit.
12 COUNCILMEMBER ROCHE: Well, you know, a
13 couple months ago, we passed a zoning action in which
14 the property must have a -- I think it was a dark
15 black bench and a trash can. And if the Quality of
16 Life people could keep track of that for that specific
17 property, if the Quality of Life people would keep
18 track of that, I'm sure they could keep track of
19 gravel driveways. I'm talking about the Galloway
20 property and the fact that they wanted -- it was my
21 understanding that if decided that they wanted a green
22 bench, they would have to get a zoning action with the
23 Council, so another one of our wonderful decisions we
24 made.
25 COUNCILMEMBER ALEXANDER: I would rather us

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1 put the responsibility of the persons that have the
2 gravel driveways to come to City Hall and to fill out
3 some type of registration form or something like that
4 instead of us putting the burden on staff or having to
5 spend outside money to go around and photograph.
6 Even though I'm not disagreeing we don't
7 need a property inventory, Mr. Weed.
8 But if we're going to modify what previous
9 Council decided when it was put earlier tonight that,
10 you know, we respect what previous Council did, then
11 extend it for two years, and then they've got 90 days
12 to come in and register and there's no new ones
13 granted.
14 COUNCILMEMBER ROCHE: I think that's an
15 excellent idea.
16 COUNCILMEMBER ALEXANDER: Again, when you
17 say properly maintained, that is an opinion and that's
18 not a finite step. What's properly maintained to one
19 person may not be properly maintained to another one.
20 COUNCILMEMBER PITTMAN: I believe there's
21 already something in here that tell you how it's
22 supposed to be maintained.
23 COUNCILMEMBER ALEXANDER: About grass --
24 COUNCILMEMBER PITTMAN: Right.
25 COUNCILMEMBER ALEXANDER: -- growing up

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1 through?
2 COUNCILMEMBER PITTMAN: Yeah.
3 COUNCILMEMBER ROCHE: I would certainly
4 support that, Councilwoman Alexander.
5 COUNCILMEMBER FLEMING: Extending it two
6 years?
7 COUNCILMEMBER ROCHE: No.
8 COUNCILMEMBER PITTMAN: No.
9 COUNCILMEMBER ROCHE: Giving people 90 days.
10 And the burden again is, like I said before, you know,
11 you come in and you show a picture of your property,
12 you show a picture of your driveway and you register
13 and then it's grandfathered. But if you make any
14 major changes to your property, then it's got to be
15 cement or asphalt going forward.
16 COUNCILMEMBER ALEXANDER: So how do we
17 determine that, when we say if you make any
18 significant changes to your property? What's going to
19 be the definition of significant changes?
20 COUNCILMEMBER ROCHE: Request for a building
21 permit.
22 COUNCILMEMBER ALEXANDER: Okay. And
23 transference of property, property sold?
24 COUNCILMEMBER PITTMAN: Well, I think if
25 property is sold, then that becomes void, because if

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1 you're living there currently, it needs to be grand-
2 fathered in, but if it's sold to somebody else -- I
3 mean I don't know. Maybe they should --
4 COUNCILMEMBER ROCHE: I'm looking at
5 persuasion on that one.
6 COUNCILMEMBER PITTMAN: Yeah, let's ...
7 COUNCILMEMBER ROCHE: All right. So the
8 grandfathering exemption would only apply as long as
9 that particular property owner owned it. They would
10 have 90 days from some date to bring in a photograph
11 and register with City Hall. Doesn't have to be
12 fancy. And they would lose that grandfathering,
13 again, if the property is transferred.
14 COUNCILMEMBER PITTMAN: Okay. So let's go
15 back to if the new owner takes over. What are they
16 required to do then? They move in immediately and
17 have to have a concrete driveway? That would be a
18 question. I mean do they have a certain time limit?
19 COUNCILMEMBER FLEMING: I know we're
20 spending a lot of time on this, but your question,
21 Ms. Pittman, we also have a LEED ordinance where we're
22 supposed to have retrofit bathrooms, too. And I can
23 guarantee you that everything that's up for sale right
24 now, I mean who's going to go around and check the
25 bathrooms to find out whether they're, you know,

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complying with our code of having low-flow bathrooms?
COUNCILMEMBER PACHUTA: Well, we have a Dekalb County ordinance that before you even sell your property, you can't have your water turned on unless it's low flow.
COUNCILMEMBER PITTMAN: That's true.
COUNCILMEMBER FLEMING: But surely, I mean the properties that are being sold in Doraville, you honestly think they really have --
COUNCILMEMBER PACHUTA: Dekalb County won't turn your water on unless they have proof that in the older homes, I think before 1990-something -- have to show proof that low-flow toilets are installed.
COUNCILMEMBER ROCHE: So they would have to be replaced if it's cement or asphalt, or take up the gravel and replace it with sod or something. I mean make it go away.
COUNCILMEMBER PITTMAN: I mean does that become immediate upon ownership or what?
COUNCILMEMBER FLEMING: (Inaudible)
COUNCILMEMBER ROCHE: I guess.
COUNCILMEMBER PITTMAN: Audience, please.
COUNCILMEMBER FLEMING: We're not going to extend; is that correct? Is that correct, we're not going to -- is that the majority of Council, we're not

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going to extend it for two years?
COUNCILMEMBER PITTMAN: I thought we were going with his suggestion of 90 days for them to bring in a picture and register the driveway.
COUNCILMEMBER ROCHE: And they're grandfathered as long as they own that property.
I'll make that as a motion: that we grandfather existing gravel driveways; residents would be required to come in within -- what is 90 days from the end of this month, which is --
ATTORNEY WEED: Yeah. If I might make a suggestion, under your current policy, I can't draft an ordinance until you make this motion.
COUNCILMEMBER ROCHE: Right.
ATTORNEY WEED: I'll draft the ordinance. It will appear on your next agenda, and you could arguably waive first reading the next time or extend it to your meeting I guess on -- It'll be probably the first or second meeting in August before you can actually act on it, so the 90 days probably ought to start after August.
COUNCILMEMBER PITTMAN: Okay. So how are we going to address the new owner? How are they going to know when, what and how to?
ATTORNEY WEED: They're expected to read the

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ordinances. But I mean you could carve out the time frame, that within so many days after, you know, ownership is transferred by deed, that, you know, or closing occurs, that they will take up the gravel and replace it --
COUNCILMEMBER PITTMAN: Oh, I just --
ATTORNEY WEED: -- with concrete or sod or --
COUNCILMEMBER PITTMAN: Oh, I think that's complicated. I think it should either be grandfathered and --
COUNCILMEMBER FLEMING: Absolutely.
COUNCILMEMBER PITTMAN: -- just grandfathered.
COUNCILMEMBER ROCHE: Why don't we just make it easy on ourselves. I mean August and then --
I withdraw my original motion and start over again.
I'd like to make a motion that we grandfather existing driveways, that property owners are required to register their existing gravel driveway by December 31st of 2010, and the grandfathering is lost when the property changes hands.
COUNCILMEMBER PITTMAN: Huh-uh. I wouldn't put that in there. I wouldn't put the last part in

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there. My opinion. I wouldn't put --
COUNCILMEMBER ROCHE: Well, I take out --
COUNCILMEMBER PITTMAN: -- the last part in.
COUNCILMEMBER ROCHE: -- the last part. Whatever. I'm open.
Could you read it back and make sure we got it right, please?
CLERK BLACKMON: I have grandfathering existing driveways and all residents must register their driveways by 12/31/10.
ATTORNEY WEED: And bring a photograph.
CLERK BLACKMON: And bring a photograph.
COUNCILMEMBER ROCHE: And bring a photograph, and this is to instruct the city attorney to draft an ordinance.
COUNCILMEMBER PITTMAN: And it's already got in there about the maintenance requirement.
COUNCILMEMBER ROCHE: Yeah, that's already there.
COUNCILMEMBER ROCHE: So we don't need to add anything on that; is that correct?
COUNCILMEMBER BATES: And if they don't register, they're still compliant with the 5-40 that says that they need to replace the gravel with --
COUNCILMEMBER ROCHE: That's it.

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COUNCILMEMBER BATES: -- concrete, asphalt, block, brick.
COUNCILMEMBER FLEMING: So do you not want to delete item number (b)?
COUNCILMEMBER ROCHE: No.
COUNCILMEMBER FLEMING: We are going to add an item to this ordinance? Is that what we're doing?
COUNCILMEMBER ROCHE: Right.
COUNCILMEMBER BATES: The motion that's on the floor is to, yes, add an item to allow for a grandfathering as soon as they register with photographic evidence of their existing gravel by 12/31 of 2010, and if they fail to register their existing gravel driveway or associated pad, that by March 21st of 2011 they will need to have a concrete, asphalt, brick or paver driveway.
COUNCILMEMBER PITTMAN: Yes.
COUNCILMEMBER ROCHE: And of course we'd make sure this gets in the newsletter every month so that as many people as possible . . .
That work for you, sir?
MAYOR JENKINS: Are we talking about pads as well as driveways?
COUNCILMEMBER FLEMING: Yes, sir.
MAYOR JENKINS: Okay.

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COUNCILMEMBER BATES: I would be more amenable to the motion if we stipulate it notes no expansion of existing gravel.
COUNCILMEMBER ROCHE: I'll amend my motion to add no expansion of existing gravel driveways.
MR. HAEBERLIN: There are certain portions of this that are in the Zoning Ordinance which would mandate a text amendment to the Zoning Ordinance as well.
COUNCILMEMBER FLEMING: Correct.
MR. HAEBERLIN: So that's something that's going to need to be advertised and go through the process.
COUNCILMEMBER ROCHE: That's why we're making a motion now to direct --
MR. HAEBERLIN: Okay.
COUNCILMEMBER ROCHE: -- the city attorney to draft the text amendment so that we can ...
MR. HAEBERLIN: I understand.
COUNCILMEMBER FLEMING: Mr. Weed, that was Driveway Limitations, Code 5-40 of out City Code and Section 608 of the Zoning Ordinance.
ATTORNEY WEED: I have it. Thank you.
COUNCILMEMBER FLEMING: Thank you.
MAYOR JENKINS: All right. We got a motion.

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Any second?
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Any more discussion?
COUNCILMEMBER ROCHE: Just want to say thank you to Councilwoman Fleming for bringing this to our attention, and it's always good to hear from citizens.
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: No.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: No.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes. Thank you.
CLERK BLACKMON: Motion carried.
MAYOR JENKINS: Donna Pittman, No Smoking.

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COUNCILMEMBER PITTMAN: I wanted to bring before Council an idea or a suggestion to have Mr. Weed draw up an ordinance to ban all smoking and tobacco products in and around the Doraville Arena and park.
The reason for that is all of our organized sports take place there with our children, and children are there wall to wall -- parking lots, fields, inside, outside.
And I have spoken with the director, Ms. Stephens, several times on this. Although what we already have in place, it's very difficult to enforce, and it's very dangerous for children to be exposed -- really, anyone, but especially children to be exposed to second-hand smoke. And if we just ban it altogether, it would be easier to enforce at the Arena, everywhere on the property at all.
I've already spoken. Mr. Pittman, Bobby Pittman. He said that they already have signs that they could possibly put up, so it should cost nothing.
She is in support of this, her whole staff is in support of this, and I would like to get the thoughts from the Council to see if we could get Mr. Weed to draw up an ordinance.
I provided information on second-hand smoke

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in general, second-hand smoke in children. I also provided -- I believe Roswell was the last one to pass all of the parks in Roswell as a no-smoking ban, and so I also provided a copy of that to the Council.

COUNCILMEMBER BATES: Ms. Pittman, this is only for the Arena and Honeysuckle Park?

COUNCILMEMBER PITTMAN: That is correct. The whole parking lot, fields, around the building, inside the building.

COUNCILMEMBER ALEXANDER: Any reason we didn't want to make it city-wide to all parks?

COUNCILMEMBER PITTMAN: It was just a start at this time. It was a starting point for me. And that would be something certainly we could look into, but because this is our organized sports with children there -- we do not have that in our other parks, but it's something if the Council wishes to look into.

I would also like to see, at some point, the library, because, you know, we have a lot of children up there as well.

COUNCILMEMBER ROCHE: I'd be very happy if it was city-wide.

COUNCILMEMBER PITTMAN: If the Council wishes.

COUNCILMEMBER FLEMING: My comments on this

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-- and I am a smoker -- I agree with the ban on smoking within the park.

I have difficulty and would not be able to support the ban on smoking if you insist that parking lots are also going to be included in the ban, because even our recycling dumpsters are in a parking lot area. And I would not be able to support the ban on smoking if you include the parking lot.

Within the park, as it says for Roswell, it says "within any City of Roswell park," I would venture to guess they would need to clarify that. Somebody might be able to take them to court because they weren't within the gates or within the park itself, that they were out in the parking lot.

COUNCILMEMBER PITTMAN: And I appreciate your thoughts on this, but you and I had this discussion earlier. I feel that it needs to be banned altogether, make it a little bit easier enforceable for our police department if they should have to come out.

I don't think, once we post it, especially with the kids around, Mayor -- Unfortunately, Ms. Stephens said sometimes you give an inch, they take a mile. So if you give them the parking lot, they're eventually going to venture on up closer and

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closer. And the smoke does travel. You can be in the parking lot, the kids out on the field, it's going to travel over to the field. So I really would like to ban the whole property at the Doraville Arena and --

COUNCILMEMBER ALEXANDER: Did Ms. Stephens express any concerns that this could possibly deter the organized sports because of parents not attending?

COUNCILMEMBER PITTMAN: No. She was in very much support of this.

COUNCILMEMBER FLEMING: Well, she's also very concerned about who is going to -- whether it's going to be QOL or whether the police department's going to need to be called or --

COUNCILMEMBER PITTMAN: She and I had that discussion today, and I would assume that the staff is going to make it very clear by posting signs or whatever, and if they should see someone in violation, I would think they would use discretion and ask them not to. Then if that becomes a problem, then I guess the police would become involved.

COUNCILMEMBER ROCHE: I do sympathize. I smoked a carton a week for 20 years, and quitting smoking was the hardest thing I ever did. But on the other hand -- actually, it's going to be 20 years without a cigarette in December, but, you know.

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COUNCILMEMBER PITTMAN: Well, I'm going to go ahead and make a motion to have Mr. Weed draw up an ordinance to make it unlawful for any person to smoke or use any other tobacco products at the Doraville Arena and park.

COUNCILMEMBER ROCHE: I'll second that.

MAYOR JENKINS: Is that including the parking lot?

COUNCILMEMBER ALEXANDER: I believe that should say Honeysuckle Park, Mr. Weed.

COUNCILMEMBER PITTMAN: Honeysuckle Park. Yes, sir, parking lot included.

MAYOR JENKINS: Do I get a second?

COUNCILMEMBER ROCHE: I seconded it.

MAYOR JENKINS: All right. Any more discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

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COUNCILMEMBER FLEMING: No.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Motion carried.
ATTORNEY WEED: So the ordinance will read Doraville Arena and park and Honeysuckle Park?
COUNCILMEMBER BATES: Just Honeysuckle Park.
COUNCILMEMBER PITTMAN: Oh, just Honeysuckle Park.
ATTORNEY WEED: Just Honeysuckle.
COUNCILMEMBER ROCHE: Can we take a break now?
COUNCILMEMBER FLEMING: But I would just make sure that you've got it in there that it includes the parking lot, because the City of Roswell, it said within the city park.
COUNCILMEMBER PITTMAN: Good point.
MAYOR JENKINS: Your motion did say parking lot, too; is that correct?
COUNCILMEMBER PITTMAN: Yes, sir.
MAYOR JENKINS: Okay. Motion carried.

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We're going to take a 10-minute break.
- - -
(Brief recess)
- - -
MAYOR JENKINS: Meeting come to order.
Maria, you're next on the agenda.
COUNCILMEMBER ALEXANDER: Yes, sir. Item number 4, sanitation RFPs.
And Council, I apologize. The current contract is attached to the next agenda item instead of this one. I put the Post-It note on the wrong agenda sheet, and I apologize.
I did ask City Hall for a copy of the RFP that I believe went out in 2005, and they were unable to locate it. That is why I included sample RFPs from other municipalities and maybe some other counties. And this is going to be an agenda item that will appear on multiple agendas. I think we need to decide exactly what we want to include in the RFP.
A couple of the things in reviewing the --
MAYOR JENKINS: Please refrain from your cell phones going off, please. We have signs all over on that. Thank you.
COUNCILMEMBER ALEXANDER: The solid waste management plan, 2005-2014 that the City signed in

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2005, the goal of that plan -- we signed it with Dekalb County and some other municipalities -- is to reduce household waste by 25 percent. And I think we need to do a better job of encouraging our residents to take part in the curbside recycling. We only had about a 20 percent -- not even -- well, actually, like a little over 9 percent subscription service.
And when Ms. Pittman and I spoke with the DCA a year ago or two years ago about recycling, they said curbside recycling should definitely be part of the RFP for sanitation. I think we need to strive harder to try to assist Dekalb County in meeting or exceeding the goal of the 25 percent reduction.
Another pet peeve that I had was in 1996 there was a statewide ban on disposal of yard trimming in municipal solid waste facilities. To assist with that, Dekalb County initiated a policy that yard waste either gets disposed of in paper bags or cardboard boxes. That helps with the decomposition of them and it also helps them to know that it goes to a composting type landfill instead of a waste landfill.
Our previous or our current carrier did not make that one of their requirements, and that means we're still allowed to put yard waste in plastic bags. And my concern with that is it possibly ended up in a

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landfill, not a government-owned landfill but possibly a private-owned landfill.
I feel like putting yard waste in cardboard or paper bags is another issue of recycling and I think it needs to be encouraged. The bags aren't too expensive and they're readily available at Wal-Mart or K-Mart or any of the other stores or hardware stores. But I think that's something that we need to definitely encourage in that also.
So I'm looking for input, and I hope that we can go ahead and start working on a sanitation RFP because our current contract expires December 31st.
MAYOR JENKINS: On the paper bags versus, what is the problem with just putting them out in a garbage can? They dump them in --
COUNCILMEMBER ALEXANDER: You can.
MAYOR JENKINS: -- the truck. Okay.
COUNCILMEMBER ALEXANDER: But we have a lot of residents that are putting them in plastic bags.
MAYOR JENKINS: Oh. I didn't know that.
COUNCILMEMBER ROCHE: I have to say I've always been partial to -- I believe Councilman Bates originally brought it up -- just simply turning the whole thing over to Dekalb County. I mean there are several benefits to that. It comes out in your tax,

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your property tax bills, so we don't have to worry about collecting it. We don't have to have a full-time employee that does sanitation bills.

I don't know if they're still doing it, but last I heard, they were picking up trash twice a week instead of once a week, and I believe they already have a recycling program. I don't know if that would have to go through an RFP process or not.

COUNCILMEMBER ALEXANDER: I think so.

And one of the things I definitely want us to do, whether Dekalb County bids on providing the service to us or we go with a private company, I do want us to move the billing to once a year, to be on the tax bill. I believe it will save City Hall money, obviously, and plus it will include our collections, because we have an issue, unfortunately, with our collections now, and I think that once-a-year billing on property tax bills would improve our collections tremendously.

I did review the Dekalb County Web site. They're recycling -- I was trying to follow it. They like pick up newspapers on -- I think it's newspapers on one day for recycling and then another day it's plastic or something like that. But it almost seems like they picked up recycling twice a day, and it was

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a subscription service.

COUNCILMEMBER FLEMING: Twice a day or --

COUNCILMEMBER ALEXANDER: I mean twice a week, and it was a subscription service. It wasn't necessarily a single stream as we're used to now, so you would have to do some sorting there in the recycling.

COUNCILMEMBER ROCHE: Well, it's no stream now.

COUNCILMEMBER BATES: And just to clarify, thank you, Bob, for giving me credit, but my idea was to move the billing over to the County, not for the County to be the entity picking it up, but thank you for giving me the credit.

ATTORNEY WEED: With regard to your other question, legally you would not have to RFP it if you went with the County. 2-90 would not require an RFP to do that, in my opinion.

COUNCILMEMBER PACHUTA: Is it something we can get quotes from private contractors? And then I don't know how readily available the information is from Dekalb as to how much --

ATTORNEY WEED: You can --

COUNCILMEMBER PACHUTA: -- they would get.

ATTORNEY WEED: -- always RFP and then you

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can ask them to participate when you --

But the question was whether you're required. In my opinion, no, it's not required.

COUNCILMEMBER ROCHE: Well, we could just simply take a vote and that should just move the whole thing over to -- Well, assuming the County wanted --

ATTORNEY WEED: If they want it --

COUNCILMEMBER ROCHE: -- to do it.

ATTORNEY WEED: -- yes, sir.

COUNCILMEMBER ROCHE: But I would like to see us at least explore that.

COUNCILMEMBER PACHUTA: Yeah.

COUNCILMEMBER ROCHE: Seriously. I mean why get involved with all this stuff?

COUNCILMEMBER PACHUTA: I would just want to make --

COUNCILMEMBER ROCHE: Get it out of City Hall and we can get out of the sanitation business completely.

COUNCILMEMBER PACHUTA: I would just want to make sure that the County is cheaper than the private contractors who would be bidding. I'm not opposed to going with the County if it's going to save us money.

And I think whether we go to a private contractor or go with the County, the billing can be

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moved over to the County. That's how it was at one time. I'm not sure of the reasons why we switched it.

COUNCILMEMBER ALEXANDER: And if the Clerk would, I know that we have a budget line item for the County charging us to bill the taxes. I don't know that that would add any additional to add another line item for sanitation. If you would or Ms. Wilson can check and see if that would change the amount they charge us to bill.

COUNCILMEMBER PITTMAN: And also as far as the recycling, it was always a big challenge up here with previous Council about do we want to make it mandatory for recycling versus like what we did before, just those that sign up. So I think that when we go out for the RFP, we need to make a decision on how we want to do that.

COUNCILMEMBER ALEXANDER: Well, I had several residents come up to me at the candidates' forum that were so upset about losing the curbside recycling --

COUNCILMEMBER PITTMAN: Right.

COUNCILMEMBER ALEXANDER: -- that they wanted to see it mandatory because they were very upset about losing that service.

COUNCILMEMBER ROCHE: I don't know what the

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1 County charges. The last numbers I had on the County
2 was that it cost $260 a year, but that's twice a week
3 pickup, versus I think we pay $200 a year. And then
4 with the $15 of recycling four times a year, that
5 would have made it $260 a year. I don't know if the
6 County charges extra for recycling or not.
7 COUNCILMEMBER ALEXANDER: I'd like to
8 encourage the County to bid on it if they want to.
9 I guess part of my concern for the County's
10 sake is I don't know how the retirement and the budget
11 cuts have affected that department, and I don't know
12 if that would limit them taking on additional business
13 or not. That was one of the departments that was
14 mentioned that was being cut, and I believe roads and
15 drainage and possibly the watershed department. But I
16 would, you know, be more than happy to encourage them
17 to bid on it if they wanted to.
18 I believe also we wanted to include having
19 the opportunity to recycle at multi-family establish-
20 ments also, because I believe that one of the things
21 that the young ladies from Sequoyah mentioned that
22 they would like to encourage is recycling at the
23 apartment complexes. So I think that may be another
24 item that we need to include in the RFP.
25 COUNCILMEMBER PACHUTA: And I think in the

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1 RFP we should maybe possibly have different options so
2 that we can decide, okay, what's the fee for just
3 garbage pickup, what's the fee if it's mandatory
4 recycling, if we do optional recycling; have different
5 options that we can compare the different plans, I
6 guess. Are we going to stick with once a week? Do
7 you want them to bid on both once a week and twice a
8 week?
9 COUNCILMEMBER ROCHE: Well, I would think
10 we'd want numbers on both because if we're going to
11 limit it to just once a week, then we'd be blocking
12 out the County.
13 COUNCILMEMBER PITTMAN: And are they going
14 to be charging us additional for the cans and for the
15 recycling bins?
16 MAYOR JENKINS: Does the County pick yours
17 up?
18 UNIDENTIFIED SPEAKER: I'm in unincorporated
19 Dekalb County. They pick up the trash on Mondays and
20 Thursdays and it can be in plastic garbage bags. They
21 pick up the twigs and leaves on Fridays and it can be
22 in paper bags. Now, if you have logs or anything,
23 you're going to have to pay to have that picked up,
24 but that's from unincorporated Dekalb County.
25 MAYOR JENKINS: How much is your --

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1 UNIDENTIFIED SPEAKER: I don't really
2 remember. It comes in as part of my --
3 MAYOR JENKINS: Okay.
4 UNIDENTIFIED SPEAKER: -- as part of my
5 taxes and it's just automatically taken out.
6 COUNCILMEMBER ROCHE: Mayor.
7 COUNCILMEMBER FLEMING: I think Mr. Shanahan
8 is in unincorporated Dekalb as well.
9 MAYOR JENKINS: Do you want more comments
10 from the audience?
11 COUNCILMEMBER ALEXANDER: I'd like --
12 MAYOR JENKINS: Excuse me?
13 COUNCILMEMBER ALEXANDER: If we can, one of
14 the things I do know about Dekalb County, which I
15 don't know how they would get that information from
16 us, but if you have a business license in your home,
17 they charge you double to pick up your waste from your
18 house. So that's something to consider also.
19 I don't know if they would reque6t us, you
20 know, to submit that information or not, because
21 there's some residents on like Little John and Friar
22 Tuck that are paying like $485 for their garbage
23 service just because they have a business license in
24 their home. They don't have a dumpster in their yard,
25 I don't see them generating any more garbage than a

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1 regular household.
2 COUNCILMEMBER BATES: The other -- I'm
3 sorry.
4 COUNCILMEMBER ALEXANDER: Go ahead.
5 COUNCILMEMBER BATES: The other thing that
6 we need to consider is whether we're going with the
7 cart type system, if we're wanting to implement a pay-
8 as-you-throw program, which would be you purchase the
9 garbage bags and you put them out and they're
10 collected. That encourages people to recycle because
11 you're not having to purchase as many garbage bags,
12 you know, on a weekly/monthly basis. So that's just
13 something that I think we need to consider the merits
14 of, you know, and evaluate the cost.
15 COUNCILMEMBER PITTMAN: I think that's
16 actually what Dekalb County has, if I'm not mistaken.
17 I was told at one time that they did. I don't know.
18 COUNCILMEMBER PACHUTA: I know some cities
19 are like that. I don't know. And I don't know if
20 that's something that can be incorporated into the RFP
21 so that either traditional services can bid or some of
22 the pay-as-you-go companies can also bid. I'm not
23 that familiar with the pay-as-you-go. I know very
24 little about it, but I have heard some.
25 COUNCILMEMBER ALEXANDER: I'd be curious of

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how these cities that do pay-as-you-throw educated their residents, because in Duluth, if your trash is not in a purple bag, it doesn't get picked up. So how do you go about educating your residents that if you don't buy this certain color of trash bag, we're not going to pick up your garbage? I think that would be a challenge. I don't know how they handled it when they started doing it.

COUNCILMEMBER FLEMING: Well, it could be an easy marketing effort on our part by giving every resident the color bag for recycling that's needed, with a note on it: Recycling program begins such-and-such date, and here are the bags that we will be using, and the cost is X-number. And if it means that we are going to be the facilitator of delivering bags or them having to pick them up here, you know, there's some other --

COUNCILMEMBER BATES: My understanding -- and again, I'm not an advocate of the program one way or the other, but my understanding is that if you move to the pay-as-you-go program, the provider sets up shop with Home Depots and Wal-Marts and K-Marts and the CVS's and City Hall to allow the residents to purchase the bags as many places as possible, you know, to help facilitate that process.

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COUNCILMEMBER ROCHE: Well --

COUNCILMEMBER BATES: So again, I'm not an advocate of it one way or the other, but I think it's something that we should look into and evaluate if that's something that we want.

COUNCILMEMBER ROCHE: Well, when we look at these RFP's, then we need to look at the cost it's going to cost us to administer all this stuff.

COUNCILMEMBER ALEXANDER: Well, I think what the next step needs to be is Council -- I request this item be put on the agenda and all Council comes with their ideas and suggestions and possibly documentation and start formulating an RFP, because it sounds like we all have ideas and, you know, we all need to discuss it and work on it together.

COUNCILMEMBER PACHUTA: Timing-wise -- and this may be Mr. Weed -- to have a contract in place by the end of the year or starting January 1st, thinking backwards, when do we need to have the RFP out?

ATTORNEY WEED: In my opinion, the sooner the better. You can always get the RFP's, you know, by whatever date you select and then just have the effective date for the contract be whenever it's going to be. I don't think you can do the RFP too soon.

COUNCILMEMBER FLEMING: And also could you

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check -- I didn't bring my city code book with me, but don't we presently have in that code for sanitation service that it's picked up two times per week?

ATTORNEY WEED: I will look.

COUNCILMEMBER FLEMING: Okay.

COUNCILMEMBER ALEXANDER: And Ms. Fleming and I discussed that. I don't even know why that language is in there.

COUNCILMEMBER FLEMING: Yeah.

So whatever decision we make, we need to, you know, clarify it in the city code if we're going to have that language in there.

So you request is to come back two weeks from now?

COUNCILMEMBER ALEXANDER: Yes, ma'am.

Ms. Blackmon, if you can put this under old business and the Council can please bring suggestions and examples.

Can we get all of our suggestions and examples together maybe perhaps for the agenda packet is put together, like on the date of the deadline for the agenda so that we can all look at everybody's suggestions before the meeting. And you can keep my suggestions and my samples.

COUNCILMEMBER ROCHE: Well, my suggestion, I

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don't know that I need to write up anything, just turn it all over to the County. End of suggestion.

UNIDENTIFIED SPEAKER: It would be cheaper on you.

COUNCILMEMBER ROCHE: Uh-huh.

COUNCILMEMBER ALEXANDER: Item number 5 is regarding sanitation exemption. Back in 1982, Council made a motion -- I couldn't find it; it was not in any code that I could find and research -- that residents 65 years and older be exempted from paying sanitation tax. That passed unanimously.

And then March 15th of 1999, Council adopted a resolution regarding the sanitation fee exemption, adding language that a person that gets the sanitation exemption must have lived in the city five years.

I believe that sanitation is technically counted as a tax, and to exempt anyone from paying a tax, you have to go through the state legislature is one of the issues regarding this. And then also it's been brought to our attention that it could be in violation of the state anti-gratuities.

A neighboring municipality has been advised of this same thing, and they have instituted the action that I'm recommending below, and that is: citizens that currently have the exemption per the

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above historical criteria continue receiving the benefit; however, no new exemptions are granted effective August 1, 2010. So if a resident has the service now per the requirements that they're a homeowner and 65 years and older, they can continue to receive the benefit. We won't be taking the benefit away from them but we won't be issuing any more after August 1st of 2010.

COUNCILMEMBER PITTMAN: And what's the age on that?

COUNCILMEMBER ALEXANDER: It was 65.

COUNCILMEMBER FLEMING: Would you be amenable for the year end, because we're in the midst of a quarter here, quarterly billing. We're in the middle of a quarter of billing.

COUNCILMEMBER ALEXANDER: Okay. But how would this affect the billing?

COUNCILMEMBER FLEMING: Because then they're going to start from August 1.

COUNCILMEMBER ALEXANDER: But no new exemptions are going to be granted after August 1, so if they have an exemption now, legally, they get to keep it.

COUNCILMEMBER FLEMING: Okay.

COUNCILMEMBER PITTMAN: And I was passing

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along a suggestion from a citizen of 70 instead of 65.

COUNCILMEMBER ALEXANDER: Well, it would still be against the law because it's a tax. You'd have to go through the state legislature to get it granted.

COUNCILMEMBER PITTMAN: Okay.

MAYOR JENKINS: Are you going to put that in a motion?

COUNCILMEMBER ALEXANDER: I make a motion that citizens that currently have the senior sanitation exemption per the previous criteria of 65 years and older and being a resident of the city for five years or longer continue to receive the benefit; however, no new exemptions are granted effective August 1, 2010.

COUNCILMEMBER PACHUTA: I second that.

MAYOR JENKINS: All right. Any more discussion?

COUNCILMEMBER FLEMING: Yes, sir. We have some issues with homestead exemption on rental homes.

COUNCILMEMBER ALEXANDER: Correct.

COUNCILMEMBER FLEMING: And this might also have an effect of the person's name being Joe Smith and he's 65 and he's getting the sanitation as well

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but he's renting the home. How are we going to address that?

COUNCILMEMBER ALEXANDER: I believe staff has audited the ones that have exemptions and has mailed out letters verifying their age and their residence, and homes that have been listed as not having homestead exemptions and the residents have been listed out-of-state or out-of-city have been mailed a letter requesting verification.

COUNCILMEMBER FLEMING: And we have indeed addressed the sanitation exemption issue based on the fact that the resident is indeed living on that property.

COUNCILMEMBER ALEXANDER: Uh-huh.

MAYOR JENKINS: Any more discussion?

ATTORNEY WEED: Just for the record, I've got a standing opinion on this matter that I've issued previously.

MAYOR JENKINS: All right. Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

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CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

ATTORNEY WEED: In answer to your question, 15-46 Subsection (a)(1) does hold that refuse be collected twice each week from residential units with certain exceptions, so that is in the code.

MAYOR JENKINS: Murray, Perkins & Will.

ATTORNEY WEED: Mr. Mayor and members of the Council, I have previously sent the Council e-mails with regard to the Perkins Will contract. The Council as you recall approved the contract up to a term of $100,000 for essentially a one-year period. Under the law, a one-year period, if it goes beyond the scope of a single calendar year, actually constitutes a two-year period and you have to include the multi-year contract terms.

I've notified Perkins & Will of that fact, and the remaining question was how would they get paid, meaning would the Council be willing to break down the payments into essentially it's $8,333 a month to reach the hundred thousand dollar mark, or

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1 Perkins & Will has offered that they would prefer to
2 be paid $24,000 in the first three months, June/July/
3 August, because they feel that the most of their work
4 will be done at that point and they might not reach
5 the hundred thousand dollar threshold.
6 Essentially, we made an offer and they made
7 a counteroffer, and I want to hear back from the
8 Council what process you would like to pay them.
9 COUNCILMEMBER PACHUTA: And I think we
10 discussed that before, if it's $12,000, that would
11 kick in if it terminated earlier.
12 ATTORNEY WEED: Correct.
13 COUNCILMEMBER PACHUTA: It would kick in if
14 it terminated earlier but it would still be based on
15 actual cost. So for example, in August, if it was
16 less than $12,000, it would just be billed actual?
17 ATTORNEY WEED: Well, the first draft I did
18 had two components.
19 The first component would be over the
20 12-month period, which would be two years, breaking it
21 down into a payment per month. That way, it wasn't
22 limited to merely billables on purpose and you could
23 have unlimited access of the Council to their services
24 without worrying about how many times you called them
25 or them having to -- You know, they were still

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1 required to give a detailed billing but it wasn't
2 billed to every single time you called them, they
3 charged you for that. You knew what you were paying
4 in toto rather than breaking it down, but they'd still
5 have to provide a detailed bill.
6 The secondary cause was assuming that you
7 didn't go out the entire 12-month term, you're right,
8 what would you pay for essentially the first three
9 months.
10 And they want a higher amount for that first
11 three months because they think they're going to be
12 doing most of their work within that time frame as
13 opposed to a longer 12-month period. That's their
14 stance on it. And what they've proposed is $24,000 a
15 month for the first three months.
16 COUNCILMEMBER BATES: Total.
17 COUNCILMEMBER PACHUTA: $12,000.
18 COUNCILMEMBER FLEMING: Twenty-four for the
19 first three months?
20 ATTORNEY WEED: $24,000 a month --
21 COUNCILMEMBER BATES: No.
22 ATTORNEY WEED: -- for the first three
23 months.
24 COUNCILMEMBER BATES: $8,333 per month.
25 ATTORNEY WEED: That was the original --

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1 well, that was in the original contract, and they've
2 proposed $24,000 a month for the first three months.
3 That's their counteroffer --
4 COUNCILMEMBER BATES: Gotcha.
5 ATTORNEY WEED: -- with their thinking that
6 they're going to do the majority of their work at that
7 time frame and the contract may very well never go out
8 the entire 12 months.
9 COUNCILMEMBER ROCHE: According to this, if
10 New Broad Street does not purchase the property, they
11 still get $$24,000, $25,000. So how would that --
12 MAYOR JENKINS: Which time is that?
13 COUNCILMEMBER ROCHE: It says this agreement
14 may be terminated by the City with payments made from
15 June to August in the amount of $8,333 a month or
16 $24,999 total.
17 ATTORNEY WEED: That's correct. That's what
18 it says in the original contract --
19 COUNCILMEMBER ROCHE: I understand.
20 ATTORNEY WEED: -- but they don't want to do
21 that.
22 COUNCILMEMBER PACHUTA: I thought --
23 ATTORNEY WEED: What they want is $24,000 a
24 month for the first three months.
25 COUNCILMEMBER PACHUTA: I thought the

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1 counteroffer you e-mailed us was $12,000 a month.
2 ATTORNEY WEED: I believe it is twenty-four.
3 I'm pretty sure.
4 COUNCILMEMBER PACHUTA: Which I don't have
5 that e-mail.
6 COUNCILMEMBER ALEXANDER: It says David has
7 asked that the amount for early termination if the
8 work does not go beyond the next few months be a sum
9 not to exceed $12,000 per month.
10 COUNCILMEMBER ROCHE: Right.
11 ATTORNEY WEED: I stand corrected. I'll go
12 with that, because if that's my original e-mail.
13 COUNCILMEMBER ROCHE: And it's kind of dicey
14 because, on the one hand, I mean they're negotiating
15 for us, and it's obviously in their best interests
16 that the negotiations work out because then they make
17 a hundred thousand dollars, but on the other hand, it
18 may not be in the best interests of the city that the
19 negotiations work out. So we don't want to overly
20 incent them but we want to make sure that they're
21 adequately compensated if it turns out that it's not
22 in the best interests of the city to not have New
23 Broad Street purchase the -- if the deal falls
24 through, basically.
25 COUNCILMEMBER FLEMING: And we are really

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not approving the contract we have in front of us.
COUNCILMEMBER ROCHE: Right, yeah.
ATTORNEY WEED: No, ma'am.
Well, I sent a number of e-mails about this. We put forward an offer, which was the contract in front of you. They've issued a counteroffer with various options that they would prefer. I sent you an e-mail with their options that they would prefer, and I didn't get feedback from a majority as to what you'd like to do with regard to their counteroffer, so I'm asking tonight, what would you like to do with their counteroffer?
COUNCILMEMBER ROCHE: And I guess my question is -- and I can't get to my e-mails -- but if the deal falls through, New Broad Street fails to purchase the property by September 1st, what does it cost us to terminate the contract?
ATTORNEY WEED: Well, let me just confirm. I want to go back through my e-mails. But I believe that the last e-mail I sent was on Monday, July the 12th at 20:10, and they wanted $12,000 each month for the first three months, and they would prefer that it would be $70,000 paid in the 2010 calendar year and $30,000 the first part of 2011 as opposed to the way it's broken down in the contract right now, which is

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$50,000 and $50,000.
COUNCILMEMBER ROCHE: No. But my question is if we need to terminate the contract because the deal falls through, what do we pay them?
ATTORNEY WEED: $12,000 a month for the first three months.
COUNCILMEMBER ROCHE: So $36,000 --
ATTORNEY WEED: Correct.
MAYOR JENKINS: Where are you --
COUNCILMEMBER ROCHE: -- versus $25,000?
MAYOR JENKINS: -- getting that?
ATTORNEY WEED: And I think the reason why you kept saying $24,000 was because at the time all this came about, I was thinking of two months --
COUNCILMEMBER ROCHE: Right.
ATTORNEY WEED: -- but that time is probably expended now, so my apologies about that.
COUNCILMEMBER ROCHE: Okay. So it's $36,000. I just wanted to make sure we had the numbers straight. That's all.
On the other hand, if they were billing us the hours at their hourly rate, they'd probably be presenting us invoices for these dollar amounts already. I know they've been spending a lot of time on it.

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COUNCILMEMBER BATES: So Mr. Weed, I apologize. Lots of numbers going back and forth. $70,000 in 2010 and then $30,000 at the beginning of 2011 assuming that the contract moves forward.
ATTORNEY WEED: All the way.
COUNCILMEMBER BATES: So they're looking for a guaranteed hundred.
COUNCILMEMBER FLEMING: They want a hundred and thirty-six.
ATTORNEY WEED: No. They want $70,000 for the remainder of 2010 and $30,000 in 2011 to make $100,000 to cover the 12-month period that was originally contemplated when the Council made the motion for $100,000 for a year. Detail was not specified. And then the next subpart of that was a clause that I built in there for the City's protection, which would be that if they early completed or you decided that this deal wasn't going to go forward for whatever reason, that if that event occurs, they would be paid on a more limited scale, and that limited scale as I proposed it was $8,333 a month for, at a maximum, essentially three months. What they had come back and said is they'd like to have that number be greater. They want $12,000 a month for that same period. That's their

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counteroffer.
So the counteroffer is two options is what they want. They want $70,000 in 2010, $30,000 in 2011; and as a subpart on the subclause, they prefer $12,000 a month for that three-month period as opposed to $8,332.
COUNCILMEMBER BATES: And in their proposal, they gave us a range that it could go from A to Z, and the motion was to put in place, to budget for the worst-case scenario of Z at not to exceed $100,000. It wasn't a guaranteed $100,000.
So the request to contractually put in and guarantee $100,000, I'm not comfortable with. I do appreciate the front loaded, the amount of work that's being done in this time period is over and above what potentially will be done over the next several months.
I would be more comfortable with doing a front loaded, you know, $10,000 or $12,000 a month for the first three. I don't particularly have an issue over the amount. But then to break out the remaining nine months as a time and material with a not-to-exceed dollar amount. That would be my preference because I do think that once we get outside of August, depending on how this goes, the amount of work that's going to be done is going to drop off significantly.

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But I'm not particularly in favor of a guaranteed $100,000. That wasn't the intent of the motion. It was based upon their proposal where they gave us a range of $56,500 to $100,000.

COUNCILMEMBER ALEXANDER: Yeah.

COUNCILMEMBER FLEMING: Bearing in mind that -- I'm sorry.

COUNCILMEMBER ALEXANDER: Yeah. It was a not-to-exceed, not this is what you're going to get.

COUNCILMEMBER FLEMING: Right. And that's bearing in mind that we did not decide on Perkins & Will until June, you know, last month.

COUNCILMEMBER ROCHE: It was a last-minute decision.

COUNCILMEMBER FLEMING: And so I'm not comfortable with the $70,000 for 2010 and $30,000 more for 2011. Is that for all of 2011?

ATTORNEY WEED: Yes.

COUNCILMEMBER ALEXANDER: No.

ATTORNEY WEED: That would be a sum not to exceed. What that would be implemented by would be a sum not to exceed $100,000 over a year.

In legal terms, if you cross over December 31, you actually have two years. So you can either -- you can either pay $100,000 in 2010, which I didn't

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think was your intention, because I thought you meant a year being 12 months as opposed to just the remainder of 2010.

COUNCILMEMBER FLEMING: Absolutely.

ATTORNEY WEED: So that's why it's broken up into the twelve-month periods. And they just want to front-end load that figure, but --

COUNCILMEMBER FLEMING: But they want --

ATTORNEY WEED: -- you can -- you can --

COUNCILMEMBER FLEMING: -- $70,000 --

ATTORNEY WEED: -- structure it however you want to.

COUNCILMEMBER FLEMING: So let me understand this correctly. They want $70,000 for 2010 --

ATTORNEY WEED: Correct.

COUNCILMEMBER FLEMING: -- and $100,000 for 2011.

ATTORNEY WEED: They want $30,000 for 2011.

COUNCILMEMBER FLEMING: For all of 2011?

ATTORNEY WEED: For the first three months of 2011.

COUNCILMEMBER FLEMING: That's what I'm trying --

ATTORNEY WEED: Right.

COUNCILMEMBER FLEMING: -- to get at.

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ATTORNEY WEED: Yes.

And then if you use their services beyond then, you'd need to renegotiate the contract.

COUNCILMEMBER FLEMING: So it's another $100,000, so we're back to --

ATTORNEY WEED: It could be.

COUNCILMEMBER FLEMING: -- my $130,000.

ATTORNEY WEED: It would be whatever --

COUNCILMEMBER FLEMING: Right.

ATTORNEY WEED: -- you agree to.

COUNCILMEMBER ALEXANDER: I mean was there a misunderstanding? Because "not to exceed," like I explain when I issue a purchase order for a not-to-exceed, the vendor understands that he has to submit me time sheets, travel expenses or whatever, and it has to come in under budget of the amount the purchase order is issued for.

That's what I don't understand, that it seems like they think they're going to get a guaranteed $100,000 when it was a not-to-exceed amount. So I'm trying to figure out, I mean was there confusion on our part or on the contract part, or where exactly did that come about?

ATTORNEY WEED: Once again, as I understood your motion, you wanted it to be an amount not to

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exceed $100,000 over a year. The only way to implement that legally in Georgia is if you exceed December 31, that's now two years, legally. So you've got to account for the money in that time frame by some mechanism. How I elected to do it was per month.

COUNCILMEMBER FLEMING: Well, when we say not to exceed $100,000 per year, we're talking about calendar year from January 1 to 12/31, are we not, Council? We're not talking about a year being six months.

COUNCILMEMBER ALEXANDER: Correct.

ATTORNEY WEED: Then, in that case, it would have been $100,000 in the year 2010, which was not what I thought you wanted to do.

COUNCILMEMBER ALEXANDER: And it was not.

ATTORNEY WEED: That's why I didn't write the contract like that.

COUNCILMEMBER ROCHE: Have they given us any kind of maybe not an invoice but, you know, what they've burned, how many hours they've already worked and their rates and all that at that point?

ATTORNEY WEED: Not that I have received. Maybe someone at City Hall has gotten something, but I haven't seen it.

CLERK BLACKMON: Nor have I.

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1 COUNCILMEMBER FLEMING: I'm comfortable with
2 $12,000 per month for the three months, but I think we
3 need to get back with Perkins & Will and let them know
4 that when we said not to exceed $100,000 in a year's
5 time, that was, you know, 365 days. It wasn't a six-
6 month period.
7 ATTORNEY WEED: They do understand that.
8 They understood that. They just made you a counter-
9 offer. Because they feel that they're going to do
10 most of the work in 2010, they want more money in
11 2010, and I think they're assuming that there may not
12 be any work in 2011 for them. That's why they made
13 you a counteroffer. But they clearly understood that
14 it was a 12-month, you know, 365-day time period.
15 They just made you a counteroffer to improve what
16 they're getting on the front end.
17 That doesn't mean you have to take it.
18 That's just what they want.
19 COUNCILMEMBER ROCHE: I mean if the overall
20 contract was time and materials not to -- you know, it
21 seems like that would be simpler. Yes, true, we're
22 going to get some huge bills the first couple of
23 months, but then that way, we can manage our burn
24 rate.
25 ATTORNEY WEED: Well, what I was concerned

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1 about as your lawyer was that you could easily -- If
2 it's purely time and materials not to exceed $100,000,
3 in the first -- between now and the end of 2010, it
4 could be $100,000.
5 COUNCILMEMBER ROCHE: I understand that.
6 ATTORNEY WEED: I didn't think that's what
7 you wanted to do.
8 COUNCILMEMBER BATES: Yeah. I'm just not
9 comfortable about guaranteeing a dollar amount when
10 there may not be work that warrants or justifies that
11 dollar amount.
12 Are there out clauses?
13 ATTORNEY WEED: Well, there's always the --
14 The main out clause is that the contract terminates
15 automatically on December 31st of each year because
16 that's state law.
17 COUNCILMEMBER BATES: I mean if the project
18 doesn't move forward, would we be encumbered to the
19 entirety of the contract?
20 ATTORNEY WEED: No.
21 COUNCILMEMBER BATES: Okay.
22 ATTORNEY WEED: You also have a 30-day
23 notice clause that you can terminate without cause for
24 whatever reason you want. So there are those two
25 standard out clauses in all of our contracts.

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1 COUNCILMEMBER ROCHE: And we're saying
2 $24,000 or $25,000 and they're saying $36,000 in
3 paragraph G which is your ...
4 ATTORNEY WEED: Yes, that's fair enough.
5 COUNCILMEMBER ROCHE: If we voted tonight to
6 terminate it -- well, it's not signed yet, but if we
7 had signed it and for whatever reason decided to
8 terminate it, they would at least get, according to
9 this, $25,000 or $36,000 depending on what we vote.
10 ATTORNEY WEED: Correct.
11 COUNCILMEMBER ROCHE: But obviously they
12 would bill us for the hours they've worked so far and
13 we'd have to pay them for it.
14 ATTORNEY WEED: Well, it depends upon what
15 the contract says. You know, if --
16 COUNCILMEMBER ROCHE: Well, they're working
17 without a contract at all now.
18 ATTORNEY WEED: Right now underneath the
19 quantum meruit theory, which is you've got to pay
20 somebody for work that they did that you knew that
21 they did, it could go either way.
22 So if the neighbor kid comes over and mows
23 your lawn and you look out the window and see him
24 mowing your lawn even though you didn't ask him to,
25 you've got to pay him the value of that, which might

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1 not be what he's asking you to pay, but the standard
2 value in the industry for it.
3 COUNCILMEMBER ROCHE: Well, they told us
4 what their hourly rate is.
5 ATTORNEY WEED: But if you run outside and
6 say, "Stop mowing my lawn," you know, then he's got to
7 quit.
8 COUNCILMEMBER FLEMING: Again, I am
9 comfortable with the $12,000 a month for three months.
10 In regards to if the deal falls through with
11 New Broad Street or Dekalb County or whomever, then we
12 shouldn't be liable for an additional $100,000 or an
13 additional $70,000 or an additional $30,000 as far as
14 I'm concerned.
15 ATTORNEY WEED: That's what I thought you'd
16 say, so that's how I wrote it, but you can do whatever
17 you want.
18 COUNCILMEMBER ROCHE: Yeah. And it looks
19 like what would happen in practice would be they would
20 get $12,000 from June through August and then the rest
21 of the $70,000 would work out to about $8,500 a month
22 between now and the end of the year.
23 COUNCILMEMBER ALEXANDER: Did they actually
24 start work in August -- I mean June or July?
25 COUNCILMEMBER BATES: June.

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ATTORNEY WEED: No. They started working in June.
COUNCILMEMBER BATES: The day after.
ATTORNEY WEED: Yeah, exactly. They didn't charge us for the first day that they were here but every day thereafter.
COUNCILMEMBER FLEMING: Probably the 9th of June.
COUNCILMEMBER PACHUTA: So can we do the time and material not to exceed something like $12,000 for the first three months and then a lower amount for the remaining months not to exceed what our original intent was?
ATTORNEY WEED: Sure. You can counter anything you can craft by virtue of your imagination.
COUNCILMEMBER FLEMING: Do we even have to have a yearly contract?
ATTORNEY WEED: You don't have to, no. You can do everything by 2010 and end it then, and if you need them in 2011, we could do a separate contract. That's perfectly fine.
COUNCILMEMBER BATES: Yeah. It's a double-edged sword. If we go with a flat monthly amount, we've got unlimited access. If we go with a time-and-material, we could burn through that monthly allotment

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in the first week --
COUNCILMEMBER ROCHE: In a heartbeat.
COUNCILMEMBER BATES: -- you know, depending on what's happening.
Unfortunately, a lot of this is unknown --
COUNCILMEMBER FLEMING: Right.
COUNCILMEMBER BATES: -- because we don't know what's going to happen next Tuesday, we don't know what's going to happen following, you know, four weeks up against a hard deadline, so we're kind of out there.
Could we do a three-month contract and negotiate the balance once we know the results of --
ATTORNEY WEED: I can certainly propose that back to them, and I think that would be -- especially if we came back with the $12,000-a-month figure, which is what they wanted.
That's essentially what we would have done, anyway, because we have the right to terminate December 31, anyhow. They might not like it, but they couldn't logically say no to that because they have essentially already agreed to that by virtue of their counteroffer.
COUNCILMEMBER BATES: I would be more inclined to go with a three-month agreement at the

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$12,000 and then once we know the disposition of the agreements that are out there, go back and look at T&M versus a flat amount for the balance of the year.
COUNCILMEMBER FLEMING: I agree with that completely. However, they agreed to the $12,000 with the assumption that they were going to get the $70,000 by the end of the year.
ATTORNEY WEED: I'm sure that's what they're going to say.
COUNCILMEMBER FLEMING: So they're not going to -- just that $12,000 for three months -- twelve, twelve and twelve -- is all of a sudden going to be twenty/twenty/twenty if we do a three-month contract. You know, they're going to counter with something a lot higher than twelve.
ATTORNEY WEED: I think that's exactly what they're going to do. So that's how these things are done.
COUNCILMEMBER ROCHE: I guess, you know, I mean because we could -- I mean it sounds like if we did $12,000, $12,000 and $12,000, that would make them happy and then the rest of the year would be $8,500 a month. If the deal fell through, they would still get their $36,000, then that would be the end of it.
COUNCILMEMBER BATES: Well, I've actually

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got it at $7,100 a month.
COUNCILMEMBER ROCHE: Okay. You know how good I am with math.
ATTORNEY WEED: So just for my sake --
COUNCILMEMBER BATES: Well, we're not there yet.
ATTORNEY WEED: Okay.
COUNCILMEMBER BATES: My preference would be a three-month-er and then renegotiate once we know what's going on with the property.
COUNCILMEMBER ROCHE: If that sounds fair to them, I guess that's okay. I could go with that.
COUNCILMEMBER BATES: I mean the worst that they can say is no.
COUNCILMEMBER ROCHE: Right.
COUNCILMEMBER PITTMAN: Right.
COUNCILMEMBER ROCHE: But these are the people that have got our -- you know, they're holding us in their hand, too. They are the ones that are negotiating for us.
COUNCILMEMBER BATES: Well, I think they'll understand that the dynamics will change if the deal goes south.
So I'll make that as a motion, to counter-offer with $12,000 for June, July and August with a

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1 renegotiation clause once we know the disposition of
2 the deal.
3 COUNCILMEMBER FLEMING: Second.
4 MAYOR JENKINS: Any more discussion?
5 - - -
6 (No response)
7 - - -
8 MAYOR JENKINS: Call the roll.
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 Pachuta?
16 COUNCILMEMBER PACHUTA: Yes.
17 CLERK BLACKMON: Councilmember Pittman?
18 COUNCILMEMBER PITTMAN: Yes.
19 CLERK BLACKMON: Councilmember Roche?
20 COUNCILMEMBER ROCHE: Yes.
21 COUNCILMEMBER ALEXANDER: So Mr. Weed,
22 you're going to let us know soon as you hear back from
23 them?
24 ATTORNEY WEED: I'm sure I'll hear something
25 back in the next few days.

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1 MAYOR JENKINS: Okay. Is that all?
2 Ginny Calvert.
3 COUNCILMEMBER BATES: We need to do item 7.
4 MAYOR JENKINS: Oh, did I miss that one?
5 COUNCILMEMBER ROCHE: Mayor, we're at
6 9 o'clock. Could we --
7 MAYOR JENKINS: Well, we're going to try to
8 get --
9 COUNCILMEMBER ROCHE: Mayor?
10 MAYOR JENKINS: I apologize.
11 COUNCILMEMBER ROCHE: I'd like to make a
12 motion that we extend the meeting to complete the
13 agenda tonight.
14 COUNCILMEMBER PITTMAN: Second.
15 MAYOR JENKINS: Any more discussion?
16 - - -
17 (No response)
18 - - -
19 MAYOR JENKINS: Call the roll.
20 CLERK BLACKMON: Councilmember Alexander?
21 COUNCILMEMBER ALEXANDER: Yes.
22 CLERK BLACKMON: Councilmember Bates?
23 COUNCILMEMBER BATES: Yes.
24 CLERK BLACKMON: Councilmember Fleming?
25 COUNCILMEMBER FLEMING: Yes.

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1 CLERK BLACKMON: Councilmember Pachuta?
2 COUNCILMEMBER PACHUTA: Yes.
3 CLERK BLACKMON: Councilmember Pittman?
4 COUNCILMEMBER PITTMAN: Yes.
5 CLERK BLACKMON: Councilmember Roche?
6 COUNCILMEMBER ROCHE: Yes.
7 MAYOR JENKINS: Whose item is that? Murray,
8 is that yours, number 7?
9 ATTORNEY WEED: Well, I'll handle it. It's
10 actually the Clerk's item. It's just a request that
11 the Council set work sessions for the Commercial Soft
12 Tissue Ordinance, the Massage Ordinance and the
13 Alcohol Beverage Ordinance.
14 COUNCILMEMBER BATES: Second Monday of the
15 month.
16 COUNCILMEMBER ROCHE: Now, are these --
17 COUNCILMEMBER FLEMING: Say what?
18 COUNCILMEMBER BATES: Second Monday of the
19 month.
20 COUNCILMEMBER ROCHE: Are these ordinances
21 or are these going to be --
22 I mean don't we need to have the hearings
23 for the alcohol violators?
24 ATTORNEY WEED: Those hearings have never
25 occurred because of the lack of confidence in the

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1 Alcohol Beverage Ordinance as it currently exists.
2 COUNCILMEMBER ALEXANDER: At the same time
3 we discuss these, are we going to be discussing the
4 related regulatory fees?
5 ATTORNEY WEED: You can, yes, ma'am. I mean
6 the regulatory fees with regard to these ordinances
7 are in the ordinances themselves, and I've already
8 provided the Council a comparison between existing and
9 what's proposed.
10 COUNCILMEMBER FLEMING: Mr. Bates, my
11 preference would be to set two meetings for these
12 because the Alcohol Ordinance is 78 pages.
13 COUNCILMEMBER ALEXANDER: 55.
14 COUNCILMEMBER BATES: Yeah, I --
15 COUNCILMEMBER FLEMING: I'm sorry?
16 COUNCILMEMBER ALEXANDER: I think it's 55
17 now.
18 ATTORNEY WEED: I was able to narrow it down
19 a bit --
20 COUNCILMEMBER FLEMING: Well, I haven't --
21 ATTORNEY WEED: -- but it's still a long
22 ordinance.
23 COUNCILMEMBER FLEMING: -- seen a copy of it
24 at 55 pages.
25 COUNCILMEMBER ALEXANDER: Yeah, I think it

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1 came out.
2 COUNCILMEMBER ROCHE: Did we get a copy of
3 that?
4 ATTORNEY WEED: Yes, sir.
5 COUNCILMEMBER FLEMING: Of 55 pages?
6 COUNCILMEMBER ROCHE: Is it on the Web?
7 ATTORNEY WEED: The shorter version has been
8 sent. I actually think it -- I can't remember the
9 exact pagination but it's shorter.
10 COUNCILMEMBER PITTMAN: You said it was
11 sent?
12 CLERK BLACKMON: Yes. A long time ago.
13 COUNCILMEMBER BATES: My comment was not to
14 do these all in one night but to schedule the second
15 Monday of the month as an ordinance work session. So
16 if it needs, you know, three meetings to get through,
17 then we've got three Mondays that we just plow through
18 Alcohol or Massage or CSTTOM or Sign. I mean I hate
19 adding a meeting to our schedule, but we're at two-
20 and-a-half hours and we've made it through six agenda
21 items.
22 COUNCILMEMBER FLEMING: Okay. That's fine.
23 In regard to the Alcohol Ordinance, though,
24 all of my items that I had written up for everybody,
25 you know, reflected page numbers and item numbers and

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1 so forth on 78 pages. So now I need to go back
2 through and figure out what page it reflects to on 55
3 pages?
4 COUNCILMEMBER ALEXANDER: I think we can
5 muddle through. Part of the issue was the repetitive-
6 ness of the identification requirements, you know.
7 COUNCILMEMBER PACHUTA: We'd asked Mr. Weed
8 to --
9 COUNCILMEMBER ALEXANDER: Remove that.
10 COUNCILMEMBER PACHUTA: -- consolidate that
11 into one section.
12 COUNCILMEMBER BATES: I think we'll be okay,
13 Pam.
14 COUNCILMEMBER FLEMING: Please resend that
15 to me.
16 ATTORNEY WEED: Yes, ma'am.
17 COUNCILMEMBER ROCHE: And it needs to be --
18 I think we can post it on the Web too, couldn't we, so
19 people could have a chance to look at it?
20 ATTORNEY WEED: Fine with me.
21 COUNCILMEMBER BATES: Mr. Weed, do you have
22 a preference on the three of which goes first?
23 ATTORNEY WEED: In my opinion, the most
24 important one you can do is the Alcohol Beverage
25 Ordinance and then secondly the Massage Ordinance, in

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1 that order.
2 COUNCILMEMBER BATES: Okay. I'll make the
3 motion that we schedule work sessions starting on
4 August, I believe it's 9th, 6:30 p.m., with Alcohol
5 Ordinance being first on the docket.
6 COUNCILMEMBER FLEMING: Did you say the
7 second Monday of the month or the second meeting?
8 COUNCILMEMBER BATES: Second Monday.
9 COUNCILMEMBER PACHUTA: Monday.
10 MAYOR JENKINS: Do I get a second?
11 COUNCILMEMBER PITTMAN: Second.
12 MAYOR JENKINS: Any more discussion?
13 COUNCILMEMBER BATES: And I just want to
14 clarify that no other agenda items will go on that
15 agenda.
16 COUNCILMEMBER ALEXANDER: A work session.
17 COUNCILMEMBER BATES: Work session only for
18 that particular topic.
19 COUNCILMEMBER ROCHE: But I do think that
20 obviously citizens and interested business people
21 should be allowed to make comments --
22 COUNCILMEMBER BATES: I don't disagree.
23 COUNCILMEMBER ROCHE: -- at the beginning of
24 the meeting.
25 COUNCILMEMBER BATES: I don't disagree.

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1 MAYOR JENKINS: Okay. Any more discussion?
2 - - -
3 (No response)
4 - - -
5 MAYOR JENKINS: Call the roll.
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 Pachuta?
13 COUNCILMEMBER PACHUTA: Yes.
14 CLERK BLACKMON: Councilmember Pittman?
15 COUNCILMEMBER PITTMAN: Yes.
16 CLERK BLACKMON: Councilmember Roche?
17 COUNCILMEMBER ROCHE: Yes.
18 MAYOR JENKINS: All right.
19 CLERK BLACKMON: You-all have got to quiet
20 down. I'm having trouble hearing, I don't know about
21 Terri, but it's a very big distraction.
22 MAYOR JENKINS: Okay. And I'll remind the
23 agenda item people it's five minutes, please.
24 Okay, Ginny.
25 MS. CALVERT: Am I wrong, or do I remember

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1 the Council members before or when hiring an assistant
2 to the Mayor, questions from different Council members
3 asking if the person they were hiring would be
4 responsible for the newspaper and TV/media releases,
5 and an agreement was made by all Council members to
6 that question.
7 Yet, I hear Council members giving out
8 distressing and harmful statements about Doraville to
9 the media which ran for four times a day for three
10 days or more. That gives Doraville a black eye when
11 we need for our city to be represented in a positive
12 way at all times, especially now.
13 We need to support the business people as
14 much as we need them to support us.
15 Yes, things do happen, but I do not think
16 the City or its employees should be held responsible
17 for things beyond their training or knowledge of
18 situations that are beyond their control.
19 I think after hearing the TV media, that we
20 need the Council members to start using the phrase,
21 "No comment," and refer them to someone, be it the
22 Mayor or Mr. Howe, to give out any information about
23 Doraville, good or bad.
24 I have children and grandchildren, and I
25 guarantee you I would not be afraid to take them to

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1 any public building in Doraville. I'm proud of
2 Doraville and I'm doggone loyal to it too, and I
3 expect all the Council members to do and be the same.
4 MAYOR JENKINS: Thank you, Ginny.
5 Charles Livingston.
6 MR. LIVINGSTON: I think that most of you
7 will recall that last Council meeting I presented a
8 scenario in which I took the apparent bank balance for
9 the city and estimated some other expenses that
10 probably hadn't been paid and subtracted that and then
11 talked about the projected budget deficit of 3.2
12 million. I subtracted that and came up with a balance
13 at the end of that year of approximately 1.3 million
14 dollars.
15 You know, times are bad, and I don't know
16 that anything -- I haven't seen any indication it's
17 going to improve that much. And so if we're in this
18 shape now, I don't see any projections that would
19 cause us to, you know, just say we're going to have a
20 lot more money than that.
21 And it's my understanding that, you know,
22 the total budget is somewhere around 13 million
23 dollars, and there's a requirement, I believe, of some
24 kind, that cities have three months of money in the
25 bank to operate on, and three months of -- If you take

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1 13 million and divide it by 12, comes up to
2 $1,085,000, and you take and multiply that by three,
3 comes up to about $3,250,000 that we're supposed to
4 have in the bank, and we won't.
5 You know, if you look at, even think about
6 the coming year, that's a little scary, you know. We
7 don't have any direct projections of anything else
8 happening that's going to just make us that much
9 better shape. And you know, we're getting down to
10 where it's time to make some crucial, hard decisions
11 about this budget business, and all of you, I believe,
12 at one time or another when you were campaigning, you
13 know, there was the words used "fiscal
14 responsibility." And I think it's really time to step
15 up to the plate and start making some hard decisions
16 about some of this stuff.
17 We nit pick a little bit when you have all
18 the department heads get up, you know, a thousand
19 dollars here and a thousand dollars there. I don't
20 know if you finally came up to a final number that's
21 less than 3.2 million, but whatever it is, I don't
22 think it's that much.
23 During one of the hearings that you had or
24 the special-called meeting for talking to department
25 heads, you asked for the citizens to come up and make

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1 suggestions for possible reductions. And Ben Crawford
2 and Tom Hart and maybe a couple others -- I don't know
3 who they were. There were a number of good things
4 that came up that night. And it was hard to get a
5 reading on the Mayor and the Council on this. I
6 didn't see anybody taking notes. And of course you've
7 got the benefit of the proceedings, I guess, and maybe
8 you've looked at it, but there were a lot of good
9 things that came up during that time, and I think
10 there are some hard decisions have to be made.
11 I just made a few things here that were some
12 of these. I don't remember the exact words of what
13 they said, but things like looking at, you know, maybe
14 taking away paid holidays and reducing, almost
15 eliminating overtime if we can; insurance. You know,
16 a lot of cities talk about making their employees pay
17 a bigger portion of insurance than we do. I mean
18 we're very generous here.
19 And consultants, you have already talked
20 about consultants a good bit tonight. There's been a
21 very liberal use of consultants not only by this
22 administration but the previous one. It's just
23 nothing to hire somebody for $50,000, $100,000,
24 whatever, and have them do a study.
25 And I think that this sort of thing really

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needs to be curtailed and watched as much as you can and maybe make a study of existing consulting contracts and get a dollar figure for all of them and have some kind of evaluation of how much it is and what we're getting for it, because I think this sort of thing is getting out of hand.

And things like the trip to the coast that the Council and whoever goes on every year. You know, that's not a big item, $14,000, something like that every year. I don't think the city gets much benefit from that, and it's just kind of a nice paid trip. And then you got miscellaneous smaller trips and conventions that cost money.

And then, personally, I think one of the big items that ought to be considered here -- and I know there's going to be some opposition to this, but it's my understanding that we spend about $700,000 a year on 911. I'm also aware that one way or another there were dispatchers at the police department that existed prior to the time we had 911.

So maybe this $700,000, I'd like see, Brian, if possibly you could have the financial gal make a little bit of a study and see what part of that we would still have anyway if we were to think about getting rid of 911, I mean. That's a big item.

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I know my thing has gone off, Ray. If you'd grant me just a couple more minutes, I got just a couple more things. One is we got different department heads to lob off a little bit here and there. To my knowledge, there has never been any request for the police department to do this.

MAYOR JENKINS: Excuse me, sir. You're allowed five minutes. You knew that. It's on the agenda paper.

MR. LIVINGSTON: All right.

MAYOR JENKINS: Thank you.

MR. LIVINGSTON: Well, I'd like to just finish, then, by saying, people, we're in tough times, and I'm hoping that you people will get serious about thinking about the hard things, because they're out there, and this city could cease to exist if we don't get our thing under control.

COUNCILMEMBER FLEMING: Thank you.

MAYOR JENKINS: Thank you.

COUNCILMEMBER ROCHE: Thank you.

MR. HART: I had three things on the agenda. One was the monthly financial statements. I know when Priscilla was here, people were complaining that we needed monthly financial statements and accurate budgets and that sort of thing, and she provided

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accurate budgets and was providing monthly financial statements.

And then as soon as she left, we had about five or six bookkeepers, and then all that clamoring for monthly financial statements turned into nothing. Nobody said anything.

And then we had the GM -- the economy tanked two years ago. The GM plant closing was in the air since 2003, and the City has yet to react to the obvious problem. It's time to stop beating around the bush, and correct the budget and improve service levels in the city.

We don't have a city right now that -- We've overspent on virtually every line item but we're not measuring -- as just mentioned, we're not measuring productivity: what are we getting for the dollar?

So we'd like to see the monthly financial statements on the Web site, something that Council clamored for a year-and-a-half ago but this disappeared, so that the people like Charles can look up on the Web site, see what the cash level is, see what the statements are, and people can make their independent decisions.

Second thing is the RFPs. In the military, an RFP is often raised to fulfill an operational

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requirement. It's very targeted. It's a single-use item. And RFPs in the City, we put out these RFPs like we're doing some kind of a research study, asking people to give us an answer. And these RFPs recently, we've even gone so far as to hang out the dollar figure and tell them how much to bid and we're surprised when they come back and they bid exactly $700,000.

Well, what are they doing for the RFP? It's like computers; it's garbage in, garbage out. When you put out an RFP, you're issuing an invitation to suppliers through a bidding process to submit a proposal on a specific commodity or service. It dictates the exact structure and format of the supplier's response. In other words, what you ask for is what you're getting, and if you're not asking for the right thing, you're not going to get the right answer.

The sidewalk on Central Avenue was an example of getting garbage in and garbage out. The sidewalk on Central is an example of getting what you ask for and nothing more.

Herein lies the problem. A design and rough draft that's never fully developed with all the ingredients needed for a forward-thinking design. The

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building official and all his building background was not included. The MARTA traffic wasn't included. The connectivity issue with the largest neighborhood in the city was not taken into account. Bicycle, moped and alternative traffic was not included. Library safety issues were not included.

After a design has matured, and based on cost -- and this includes the parks -- have an idea, a target of what you're trying to hit, not just throw it out there against the wall and be surprised when a park starts costing 1.3 million dollars. And then and only then you send out an RFP for a site or construction plan.

We have a single bid in 2010 during the worst recession, of a single bidder for almost five times what the construction site plan should cost on Central Avenue. It's because of poor RFP design. Most cities, if they got a single bid back, they would resubmit the RFP so they would get a better chance at lower cost construction. They would expect at least 10 people to bid on it.

And the last thing is trash contract alternative to an RFP. A waste reduction goal of trash, recyclables, which is paper, cardboard, trees, yard waste, et cetera, concrete and asphalt, you need to

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first present a desired outcome plan or goals for your RFP for your trash and recycling. That plan may be all private sector, it may be all public sector or it could be a combination of private sector and public sector.

The recycling process should be green as the driving force with saving money the goal of the RFP for your trash and recycling. It's your solid waste program. It includes everything. It includes everything from trees to mulch.

Remember when we used to put leaves in paper bags? That's because it was going to be mulched.

- - -

(Timer sounds)

- - -

MR. HART: Okay. I'm sorry. Thank you for your time.

MAYOR JENKINS: Okay, Tom. Thank you.

Okay. Public comments, three minutes. Come on up, please.

MS. CRAWFORD: Susan Crawford, Oakcliff.

I realize that we -- that you have to make some budget cuts, and I'm kind of curious as to when, and I hope you'll keep us abreast of the next budget hearings and when they're going to be.

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But I would like to remind you that times are tough for the city and for other cities but they're also very tough for the residents, many of whom have lost jobs and are living just hand to mouth and fairly joyless lives at this point.

And I think that part of the job of a city is to enhance the lives of the people who live in it. And I would caution you to not take away -- when you're thinking of your budget cuts, to try to keep that in mind and not take away things that are adding something to the lives of the residents, such as 911, such as closing the library any more than you have to, you know, narrowing the hours, closing the swimming pool, and I'm even thinking that maybe the residents could come up with some ideas for themselves in order to -- cheap ideas, things that we can do.

And I know that the community center is on hold for the time being because of the budget constraints, but hopefully that will resurrect at a better time. Thank you.

MAYOR JENKINS: Thank you.

Next?

MR. ANDERSON: Stuart Anderson. Got a bunch of them.

I agree with Susan about saving money and

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stuff. I brought up the thing about the business licenses earlier, the fact that we're way behind in that and we need to be making money off these things.

Another area that has been skated around a little bit tonight is I think you ought to hire Joye Cauthen as the librarian and perhaps eliminate a position. There's a bunch of money to be saved there.

I never heard anything about Murray's contract. I haven't heard anything about the LED RFP's that have been opened and they're apparently not online. I was wondering what happened with that.

The driveway thing, did a lot of talking about that for an hour. Are we not allowing the grandfathering of the driveways till 3/21/2011 or are we going to allow them to -- we're going to cut their grandfathering short by -- for 90 days now? That didn't come across. Are we going to let them grandfather till 3/21/2011 or are we going to give them 90 days?

I'm still paying sanitation. How come I'm still getting a bill? I'm 66. Shall I go down tomorrow morning, before August 1st, and ask for my exemption? That should have been automatic, I guess, or nobody was in the newspaper that I'm supposed to show up when I'm 65 or whatever --

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COUNCILMEMBER ALEXANDER: It was in both --
MR. ANDERSON: -- and ask for my --
COUNCILMEMBER ALEXANDER: -- the minutes from '82 and '99. You had to file for it.
MR. ANDERSON: So I still have a few days to go down and file for it. Thank you.
And the work session, relative to Bob, citizens should be able to talk at the beginning and at the end. There was consensus or comment that citizens at these work sessions could possibly speak at the beginning, but I think it's appropriate they be able to speak at the beginning and the end. Thank you.
MR. HART: Finish what I had to say the first time. (Pause) It died.
The solid waste program is such an important matter for the city of Doraville, not only economically but also for quality of life in the city. We have cities around us like Chamblee who offers to pick up leaves and mulches those items. Dekalb County and Waste Management are tops in the state for recycling of goods.
It's just that we're building a sidewalk out here and I see these dumpsters out here where they're hauling off all the trees and the concrete and the

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asphalt and putting it in a landfill, and this is supposed to be a LEED city.
I mean at some point in time, the leadership has to start at this bench over here and explain to people that are doing contract work in the city and for the city that you can't be loading up all this asphalt and dumping it in the landfill over here when this city is right in the center of virtually every recycling outlet in the state.
I mean it's the same way with the city being able to recycle all the goods in the city. Places like Palm Beach, you're based on the amount of material they pick up. You got your dumpster out there. If they're only picking up trash once every two months like my house -- I only get picked up six times a year -- if you recycle most of the stuff, you actually get money back.
This whole thing, the whole program of construction, recycling, trash -- images for the city on those trash cans you roll out to the curb should have the city logos on them. The trucks that pick it up should be environmentally green. The opportunities here are immense, and what we're doing is we're going to give it to Dekalb County or we're not going to give it to Dekalb County. It's time to rethink the

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program.
So what I'm saying is the citizens, if we're allowed to put on a PowerPoint display next meeting, we would like to present a complete program to the City of Doraville, and then after that, you can decide about RFPs. But we would like to challenge the City to what the city could look like and what the city could do with recycling the trash and then discuss it.
So if you could give us some way of accessing the PowerPoint display, we would like to put on a PowerPoint presentation at the next meeting. Thank you.
MAYOR JENKINS: Next?
MR. LIVINGSTON: I also am going to try to finish what I started.
I got to admit I'm not exactly sure on what I'm saying here but I'm going to tell you what I think I know. I didn't get on the first part of this thing tonight when I came in a few minutes late, about what Scott was presenting. But it's been my understanding that in the past, Scott has had a hand in closing down some businesses, not letting them renew their license or whatever, where they couldn't operate, and that as a result, we are faced with some lawsuits about some of this stuff, and based on what I've seen, I would

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think that there's a possibility of some more.
And any lawsuits that the City has against them right now, I don't know that the City Council and everybody that should be, knows exactly what's being paid and what it's costing us and the whole schmear.
I think that our lawyer does, and I think something is wrong here if that's the case. Now, I may be wrong. If I am, I apologize, but --
ATTORNEY WEED: You are.
MR. LIVINGSTON: -- if it is, I don't like it.
Talking about legal counsel, Murray Weed's contract I think it's said was up for renewal, and --
MAYOR JENKINS: Excuse me. Refrain from mentioning names, please, sir.
MR. LIVINGSTON: Pardon?
MAYOR JENKINS: Don't mention any names.
MR. LIVINGSTON: Okay. Our counsel's contract is up for renewal, if that's better.
You know, his firm is paid, as I'm understanding, a couple hundred thousand dollars a year. And I think that all of you up here have been spoiled a little bit, you know. A lot of the stuff that he's asked about doesn't require a lawyer. This has been true for a long time. And you know, we're spending a

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lot of money.
I've talked to Chamblee, I've talked to Norcross. Nobody pays the kind of money that we do for legal services. And you know, we already talked about cutting the budget. You might want to think about, you know, getting somebody that handles three or four cities -- there's people that do that and for about a third of the cost -- and then having everybody get real serious about the kind of questions that they need to ask, because you don't need to ask the lawyer if it's time to go to the bathroom. I mean there's a lot of stuff you can do yourself. And it's become so easy to call the lawyer, you do it all the time.
And like I say, I've talked to different cities, and I've never found -- never have found a city that pays as much as we do for legal advice. So keep that in your mind when you're thinking about cutting budget.
MAYOR JENKINS: Thank you.
Next?
- - -
(No response)
- - -
COUNCILMEMBER ALEXANDER: Motion to adjourn.
COUNCILMEMBER PACHUTA: Second.

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MAYOR JENKINS: Any discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
- - -
(Meeting adjourned at 9:25 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 _____ day of _____ 2010.

_____
Theresa Bretch, CCR
Permit No. B-755

[SEAL]

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