**In The Matter Of:**

*City of Doraville*

*State of Georgia*

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*City Council Meeting*

*February 22, 2011*

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*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

* * *

Transcript of the meeting held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Pro Tem Donna Pittman presiding, before Theresa Bretch, Certified Court Reporter, commencing at approximately 6:50 p.m. on Monday, February 22, 2011.

* * *

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APPEARANCES:
Doraville City Council:
Mayor Pro Tem Donna Pittman
Councilmember Maria Alexander
Councilmember Brian Bates
Councilmember Karen Pachuta
Councilmember Bob Roche
Councilmember Pam Fleming
Melissa McCain, City Clerk
Murray J. Weed, City Attorney

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Presentation of Colors
Pledge of Allegiance
Presentation of Plaque and Gavel to Mrs. Ray Jenkins
Moment of Silence in honor of Mayor Ray Jenkins

P R O C E E D I N G S

MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Here.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Here.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Here.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Here.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Here.
MAYOR PRO TEM PITTMAN: To the approval of minutes.
Do I have a motion to approve the minutes for January 3rd, 2011?
COUNCILMEMBER PACHUTA: So moved.
MAYOR PRO TEM PITTMAN: Second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR PRO TEM PITTMAN: Discussion?

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- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Motion carries.
Motion for minutes of January 18th, 2011?
COUNCILMEMBER BATES: So moved.
MAYOR PRO TEM PITTMAN: Second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll,

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please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: I wasn't here, so I'll abstain.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Motion carries.
Motion to approve minutes for January 24th, 2011?
COUNCILMEMBER ALEXANDER: So moved.
MAYOR PRO TEM PITTMAN: Second?
COUNCILMEMBER PACHUTA: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?

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COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Motion to approve minutes for January 31st, 2011?
COUNCILMEMBER PACHUTA: So moved.
COUNCILMEMBER ALEXANDER: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.

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CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Motion carries.
Next on the agenda is Mayor's Comments. I have several things.
First up is an announcement of the second annual Spring Arts Festival.
Stephe, would you like to --
MS. KOONTZ: Sure. I'm Stephe Koontz from the Doraville Kiwanis Club, and I'm pleased to announce we are having a second annual Spring Arts Festival at the Church of the New Covenant. They're also involved. It's art work from the students of Sequoyah Middle School and Cross Keys are putting on a display of their art work, and we're also going to have the Sequoyah Middle School orchestra performing and the Cross Keys High School band.
There'll be light refreshments. I think Brian and -- Maria, did you go last year? Yeah, y'all both came. And it was a really -- We had a big turnout, some really great art work. And the high school art work will be for sale after the show, and they have some really neat stuff. I've bought a

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couple pieces.
So it's March 31st from 6:00 to 7:30, and I hope we can have a big community support this year for the second time around.
Thanks.
MAYOR PRO TEM PITTMAN: Thank you.
UNIDENTIFIED SPEAKER: Where is it?
MS. KOONTZ: Church of the New Covenant on Chestnut Drive. It looks like a big water tower.
UNIDENTIFIED SPEAKER: Oh, yeah.
MS. KOONTZ: That church.
MAYOR PRO TEM PITTMAN: Next up is Legislative Update. Mr. Weed, if you would like to talk about that, please.
MR. WEED: Yes, ma'am. Representative Parent attended the last meeting and made a presentation just to sum up where we're at.
Most of the legislative package is complete for this year. At your last meeting, Council approved the resolution to limit the homestead exemption, so that is being worked on now.
And the other remaining issue would be Council's decision which is pending about what you want to do with regard to the mayor's position.
Representative Parent has communicated with

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you prior to this meeting that she needs to hear something back from Council as soon as possible in order to make her internal deadlines at the statehouse. I've sent you an e-mail today which summarized the three options that she has presented to you in an effort to help crystallize your thinking on the matter, and that's where we're at.

MAYOR PRO TEM PITTMAN: Okay. Thank you. Council, any thoughts on that?

COUNCILMEMBER ROCHE: I just want to clarify something. As far as the homestead exemption, I think the summary of motions for the last meeting, I show the motion was made but then it was withdrawn. So I don't know that we actually passed it, at least according to the record.

COUNCILMEMBER ALEXANDER: It was approved at a subsequent meeting.

COUNCILMEMBER ROCHE: Which meeting was that?

COUNCILMEMBER BATES: Last week, the work session.

COUNCILMEMBER ROCHE: At a work session?

MR. WEED: Correct. And you were not here; that is correct.

COUNCILMEMBER ROCHE: I didn't realize we

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were passing ordinances and stuff at work sessions.

MR. WEED: Legally, you've got the authority to do that. If you have a quorum, you have a meeting; if you have a meeting, you can take action. So it's entirely possible, and Council's done that before.

If you wanted to prevent that from happening, you could modify the ordinances to simply say that no actions -- no votes shall be taken at work sessions. As of today, Council hasn't done that.

MAYOR PRO TEM PITTMAN: Okay. Any discussion on anything additional under this item?

COUNCILMEMBER ALEXANDER: Well, I think Representative Parent is waiting for direction from us on --

MAYOR PRO TEM PITTMAN: Okay.

COUNCILMEMBER ALEXANDER: -- how to proceed.

COUNCILMEMBER PACHUTA: And unfortunately -- for the audience -- we cannot have a vote on the city manager referendum until November, which is at the same time someone will be running for mayor. Our original intent was to have that kind of referendum before someone had to qualify for mayor so that they knew they were running for full-time or part-time, but unfortunately, we cannot have the referendum prior to November.

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MR. WEED: Would you like me to summarize the three options that Representative Parent has --

MAYOR PRO TEM PITTMAN: I was going to do that, but you feel free to do that.

MR. WEED: Legally, there appear to be three options according to the representative, and I did confirm this independently.

One, Council could schedule the nonbinding referendum for this November 2011, and if the citizenry supported a part-time mayor, the effective date for that elective office could be scheduled for the first term beginning January 2, 2016. That's one option.

Secondly, you could go ahead and have the referendum in November and it is entirely legal and possible to have what I'm calling a contingent act passed, and the contingent act would say that if the citizenry support the change in the government, then it would go into effect automatically at the point that everyone becomes aware of the outcome of the referendum. That would mean that the mayor, for the term beginning January 1, 2012, would take office and it might very well be a part-time office as opposed to a full-time office. The act would say, "If this, then that," and that's perfectly legal. So whoever runs

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would know up front that it may be full-time or it may be part-time, and none of us are going to know until the results of the election in November.

The third option would be -- it's not legally required to have this nonbinding referendum. It's an option to give the citizenry an opportunity to weigh in on what they want to do with regard to the form of government with regard to the mayor's office. However, it's not legally required. Council could simply authorize Representative Parent and the legislative delegation to go ahead and proceed to produce a charter change that would effectuate for the term beginning January 1, 2012, a part-time mayor's position.

So two options provide more input from the citizenry. The third option, Council could just make the decision and you could seek some other non-referendum mechanism like town hall meetings, et cetera, to get feedback from the public.

COUNCILMEMBER FLEMING: But the first option, if I'm not mistaken, what I heard you say was quote/unquote nonbinding, and I thought she also said that ...

Nonbinding, to me, is like a straw vote. Is that not correct?

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1 MR. WEED: Yes.
2 COUNCILMEMBER FLEMING: Okay. But if I'm
3 not mistaken, when I asked her, instead of having it
4 as a nonbinding referendum -- Because, you know, if
5 we're going to do a straw vote, then four years from
6 now we would have to do another binding vote, I mean,
7 because I'm --
8 MR. WEED: Not necessarily. Not legally.
9 Representative Parent is putting forward option two as
10 that being a quote/unquote binding referendum.
11 However, I think -- I believe that the referendum
12 could be binding or nonbinding. But that's what she's
13 talking about when she mentions option number two.
14 Council could simply change the form of
15 government by having the State do it just with a
16 motion and second and a vote to do so if you wanted
17 to. Therefore, there's no -- the referendum is not
18 legally required; it's simply an opportunity as a
19 mechanism to hear from the public.
20 COUNCILMEMBER FLEMING: Well, I do believe
21 our constituency deserves the right to vote on
22 something of this matter and magnitude for our city,
23 so I am in favor of having a referendum where they are
24 voting.
25 Now, whether we're making a decision as to

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1 whether we're going to call it a binding or a
2 nonbinding for November to begin in November [sic]
3 2016, that's Council's decision.
4 COUNCILMEMBER BATES: Well, I personally
5 think that waiting another four years to change the
6 form of government is not a particularly good idea.
7 I'd like to see if there's other options for us to get
8 data and then, you know, poll the residents and get
9 feedback from them on their preference.
10 I concur; this needs to be a citizen-driven
11 referendum to make sure the majority of our residents
12 support a change of government from a full-time mayor
13 to a part-time mayor and full-time city manager. But
14 again, this is hypothetically putting it down the road
15 another five years.
16 COUNCILMEMBER FLEMING: I'd like to ask one
17 other question, Mr. Weed. Can there be a nonbinding
18 referendum on the special election for June the 21st?
19 COUNCILMEMBER ALEXANDER: I believe --
20 MR. WEED: No, ma'am.
21 COUNCILMEMBER ALEXANDER: -- that's what the
22 issue was.
23 MR. WEED: Yeah.
24 No, ma'am, that's not legally possible now.
25 COUNCILMEMBER PACHUTA: That's what we had

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1 hoped to do, but the general assembly last year passed
2 some rule changes and we can no longer have these kind
3 of referendums on special elections. They have to be
4 either in March or November.
5 MR. WEED: We're sort of a victim of I guess
6 some other governments' avarice, for the lack of a
7 better term. Apparently the legislative background of
8 that was the legislature felt that certain tax issues
9 were coming up on special elections, and they were a
10 little nervous about different communities doing that.
11 So they wanted to put them on elections that would be
12 more heavily attended, so they changed the law.
13 MAYOR PRO TEM PITTMAN: Council, anyone want
14 to make a motion?
15 - - -
16 (No response)
17 - - -
18 MAYOR PRO TEM PITTMAN: Okay. Do we want to
19 table this to another time?
20 COUNCILMEMBER PACHUTA: Yeah. I don't think
21 we have a lot of time. Unfortunately, I don't think
22 any of those choices are our best scenario, but we're
23 just in that situation where the bill did not go
24 through the legislature last year so that we could
25 have had the vote already.

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1 And my concern about having it in November
2 to take effect January 1st, 2012, is that people who
3 qualify in August are not going to know are they
4 running for part-time or full-time, and that very well
5 will affect who's eligible to run or who is able to
6 run.
7 But at the same time, like Brian, I don't
8 want to wait until 2016 either if, you know, that's
9 what the majority want. You know, I personally think
10 that is the way we should go because I don't want to
11 put it off another five years either.
12 COUNCILMEMBER BATES: We'll straw poll it in
13 here.
14 All in favor of a part-time mayor
15 government?
16 - - -
17 (Raise of hands from the audience)
18 - - -
19 COUNCILMEMBER FLEMING: Count them.
20 COUNCILMEMBER BATES: I'm sorry?
21 COUNCILMEMBER FLEMING: Count them.
22 CLERK McCAIN: 12?
23 COUNCILMEMBER BATES: I got 14.
24 All in favor of a full-time mayor?
25 - - -

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(Raise of hands from the audience)

- - -

COUNCILMEMBER BATES: Seven.

Unscientific, nonbinding straw poll at a City Council meeting.

- - -

(Multiple overspeaking)

- - -

COUNCILMEMBER BATES: I really -- I really do think, you know, we've been talking about this for -- this body has been talking about this for three years as to getting it out there in front of the community for a vote to make a decision or make a recommendation once and for all, and unfortunately, our best plan didn't happen last year and we're in a position now where unintended consequences are hitting us.

I really don't think that -- I really do think that the community wants or is looking at moving the form of government to a city manager form of government. That's the feedback that I hear, but I'm not inclined to do it without a community vote.

COUNCILMEMBER FLEMING: I agree with you. However, there's nothing stopping our full-time mayor, per our charter, of getting that city manager

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administrator in position --

COUNCILMEMBER BATES: I couldn't agree with you --

COUNCILMEMBER FLEMING: -- during those four years that they are the quote/unquote full-time mayor if the referendum goes in the direction of having a city manager form of government. And I don't think it would take four years for us to transition into a city manager form of government, but I do believe we should give that opportunity to the full-time mayor at this point.

COUNCILMEMBER BATES: There's two problems that I see with that. One would be the compensation in that we would be essentially paying two city managers -- a full-time mayor being compensated and a full-time city manager. And I think you in essence then have two chiefs running the ship, and I don't think that will work from a full-time --

COUNCILMEMBER PACHUTA: (Inaudible)

COUNCILMEMBER BATES: Sorry, I didn't mean to steal your thunder.

I don't think that will work long-term.

I do agree that we could, in essence -- you know, the charter allows us to have a full-time city administrator right now, and I think that's an option

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that we could pursue. But until we deal with the position of the mayor and whether or not that's a full-time position or a part-time position, we're going to have two chiefs.

COUNCILMEMBER PACHUTA: Murray, is it possible to -- you know, if the referendum passes in November, to have an effective date in between those terms, between the 2012 and two -- Can you change the term? Can we change it to a two-year term, or is that just more complicated legislatively?

MR. WEED: Well, I mean it's -- I think it might be possible, but no one -- no one from the legislative counsel nor I have as of yet explored that as an option.

COUNCILMEMBER PACHUTA: Basically changing the mayor's term at this point so that if the referendum does pass, we can transition quicker than in 2016. I don't know.

MR. WEED: I think that that's really what Representative Parent meant by option two essentially would be that whoever runs in that race for -- you know, in November for the 2012 mayor's seat just has to go into it knowing it may be a full-time job or it may be a part-time job.

COUNCILMEMBER PACHUTA: Well, and my concern

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with, you know, starting 2012 is, one, the people running in August aren't going to know what they're running for, full-time or part-time, but also there's no way you could if it's passed get a city manager in place.

So I'm wondering can we change the mayor's term in the legislature now to say a two-year term so that there are only 2012, 2013, and if the referendum passes, then, you know, we'll be transitioning in a shorter period, you know, not in 2012, which I think might be too soon, but sooner than 2016.

MR. WEED: My opinion is yes. That's without the benefit of any research and without talking to legislative counsel, but I think that's possible.

Essentially, it's the same thing; you know, you will be adopting -- the legislature will be adopting an act dealing with the form of the government, and it'll either be a contingent act that says, you know, if the November ballot indicates this is going to be a part-time job, then this is -- you know, it's a four-year term of part time. So I can't see any reason why there can't be a contingent ballot that says -- pardon me -- a contingent act that says it'll be two years.

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1 COUNCILMEMBER ALEXANDER: I think that would
2 require a charter change.
3 COUNCILMEMBER PACHUTA: Yeah, and that
4 would --
5 COUNCILMEMBER ALEXANDER: And that would --
6 MR. WEED: All of the options will.
7 COUNCILMEMBER ALEXANDER: And that will also
8 require preclearance also.
9 MR. WEED: That's absolutely correct. Any
10 of these scenarios are going to require that.
11 COUNCILMEMBER ALEXANDER: So I mean we're
12 going to preclear --
13 COUNCILMEMBER FLEMING: A possibility.
14 MR. WEED: Yes. But any of the options
15 will require that. I mean I'm not advocating what you
16 do, but they all require that.
17 COUNCILMEMBER ROCHE: Well, according to the
18 charter, this was discussed in the January 3rd
19 meeting. Attorney Weed's words speak it just as well
20 as any -- said the Council may delegate to that person
21 -- We're talking about a city administrator position.
22 The Council may delegate to that person, whatever it's
23 called, any of the administrative or budgetary duties
24 of the mayor.
25 So presumably, we could go ahead and do that

Page 22

1 and just -- excuse me -- presumably we could just go
2 ahead and do that now and then ask for a change to the
3 charter to make the mayor a part-time job;
4 essentially, just do it.
5 COUNCILMEMBER PACHUTA: And that's --
6 COUNCILMEMBER ROCHE: And then that way --
7 COUNCILMEMBER PACHUTA: -- option number
8 three.
9 COUNCILMEMBER ROCHE: -- we're doing it now
10 instead of waiting, and that way, whoever runs for
11 mayor knows that they're running for a part-time job.
12 So that would be a de facto city manager form of
13 government that would give us the rest of the year to
14 identify, work out what their job description is going
15 to be, what their responsibilities are going to be, to
16 advertise, put out and hire someone so they would be
17 in place with a comfortable margin of time before the
18 2012 term begins.
19 COUNCILMEMBER PACHUTA: Right.
20 COUNCILMEMBER BATES: Right.
21 COUNCILMEMBER PACHUTA: That's option number
22 three that Elena had spelled out, so I mean that is --
23 COUNCILMEMBER BATES: That option takes the
24 public vote away.
25 COUNCILMEMBER ROCHE: That's true, unfor-

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1 tunately, but that was the option that was presented
2 at the January 3rd meeting. That option was, I
3 believe, voted down, but I'd be willing to bring it up
4 again, reconsider that vote.
5 COUNCILMEMBER FLEMING: We're getting
6 stumped on this item.
7 COUNCILMEMBER ROCHE: Well, I think we had a
8 solution back on January 3rd, but --
9 COUNCILMEMBER ALEXANDER: Historically, this
10 city had a nonbinding referendum to switch to a full-
11 time mayor, and I think it should do the same to give
12 the citizens a right to voice to switch back to a city
13 manager form of government.
14 COUNCILMEMBER ROCHE: Well, normally I'm
15 very much for, you know, allowing citizens to vote on
16 things. In fact, I was under the impression that it
17 would require a vote to do some of these resolutions
18 that are going to be sent up to the statehouse, but
19 apparently they're not.
20 COUNCILMEMBER PACHUTA: We did vote on all
21 the resolutions.
22 COUNCILMEMBER ROCHE: So I do agree
23 completely it would be great if we could do that.
24 But again, we've somehow legislated
25 ourselves into a corner and now we have to decide are

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1 we going to resolve this or are we going to just do
2 nothing about it.
3 COUNCILMEMBER ALEXANDER: Well, I don't
4 think we brought it upon ourselves. Unfortunately,
5 the bill didn't get dropped last year in the session
6 like we had hoped. And also the State legislature did
7 make a change regarding items to be put on special
8 elections regarding municipalities and counties. So
9 we've sort of been a victim of circumstances beyond
10 our control in some aspects.
11 COUNCILMEMBER ROCHE: But so here we are
12 today. Are we going to just do nothing and wait and
13 have another four years with the mayor form of
14 government?
15 I mean I don't like this. I mean I wish
16 there was a better option. But if this is the only
17 option that we have that's going to bring about a
18 mayor [sic] form of government, then I think we're
19 running out of options and we have to take it.
20 COUNCILMEMBER BATES: Well, I would be very
21 curious from the legislative and legal standpoint of
22 Ms. Pachuta's suggestion of a two-year term: do a
23 referendum in November, and if it passes, then it
24 would be a two-year full-time mayor, and then on
25 January 2014 convert to part-time.

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1 COUNCILMEMBER PACHUTA: And I don't know if
2 the best way would be we would be making a charter
3 change to change the mayor's term to two years. And
4 then if the referendum passes, you know, we have that
5 time to transition; and if it doesn't pass, then we
6 may want to go back and make a charter change changing
7 the mayor's term back to four years. I don't know.
8 COUNCILMEMBER ROCHE: So would the second
9 term then be two more years -- two years and then two
10 years?
11 COUNCILMEMBER PACHUTA: Well, we could
12 change it back if the referendum fails and the
13 majority of the city said no, we want to keep a full-
14 time mayor position.
15 COUNCILMEMBER ROCHE: No. I'm saying --
16 COUNCILMEMBER BATES: Or the other option
17 would be in the November 2013 election, then it would
18 be electing a mayor for a four-year term --
19 COUNCILMEMBER PACHUTA: Four-year term.
20 COUNCILMEMBER BATES: -- at that point in
21 time as a part-time mayor.
22 COUNCILMEMBER PACHUTA: But I want some
23 certainty for the people qualifying in August. I
24 don't like the "I may be full-time for this period of
25 time; I may be part-time after this period of time."

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1 I would rather, even if this next term is
2 only going to be two years because we've changed the
3 charter to make the mayor's term two years, I would
4 prefer that when people qualify in August, they at
5 least know that. And you know, after the referendum
6 it may come out, well, we're going to continue the
7 full-time mayor, and they'll just have to run sooner
8 than they would have earlier.
9 COUNCILMEMBER FLEMING: I understand what
10 you're saying, that you're concerned about those that
11 may be qualifying, but our position here is to be
12 considering what's best for the city as a whole rather
13 than a person that may be or may not be qualifying.
14 So I'm more inclined to consider the voice
15 of our constituency to put it on the referendum as a
16 binding vote, not a nonbinding, because I don't like
17 these little -- well, what happens four years from now
18 if it said yes, and then in four years we would have
19 to put it -- again go before the legislature to put it
20 on the election to actually put it into place, as I
21 understand it. So I would prefer it to be a binding
22 vote in November is my preference.
23 COUNCILMEMBER BATES: Well, I don't
24 necessarily disagree with that. I think the
25 suggestion that's being floated out there is to have

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1 it be a binding vote but it take place in two years
2 and not four, so that the part-time mayor's term would
3 start in 2014 and not 2016.
4 COUNCILMEMBER ROCHE: And I guess my only
5 concern there is that, you know, currently this year -
6 - I didn't vote for it but the Council passed a budget
7 that has over a $2,000,000 deficit. And $2,000,000
8 this year and $2,000,000 next year and $2,000,000 the
9 year after, you know, there's not going to be a city
10 to manage.
11 I think that we need to get a professional
12 in here that knows how to create a budget, stick to a
13 budget, make the absolute hard decisions that have to
14 be made, and present a solid, balanced budget to the
15 Council as soon as possible. That's why I was
16 presenting it as of January. I think we need a
17 balanced budget as of July of this year.
18 Painful as it may be, we've gotten ourselves
19 into this and it's time we started working our way
20 out. They say when you're in a hole, you got to stop
21 digging. Three more years I think is just going to be
22 -- you know, maybe we'll get lucky and someone that
23 really knows their stuff and really knows how to do a
24 budget gets elected. But you know, I don't even know
25 who's out there. I don't know anyone who would want

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1 the job, frankly, but.
2 So I just think that the longer we wait, the
3 worse it's going to be and the more painful it's going
4 to be down the road.
5 I mean it's a very creative solution, you
6 know. If we were -- if things were moving along
7 swimmingly and everything was fine and we had plenty
8 of money coming in or whatever, it may not be quite as
9 urgent, but I feel like it's an urgent situation, so,
10 and that's why I brought it up before.
11 COUNCILMEMBER PACHUTA: Do you know what
12 Elena's timeline is?
13 MR. WEED: This week.
14 COUNCILMEMBER PACHUTA: Okay.
15 MR. WEED: At the end of the day, I mean
16 you've got to make a decision this week in my opinion.
17 That's what's been communicated to me from the
18 representative. In order for her to get it through
19 both houses, you're going to have to decide. You
20 don't have to decide tonight. You can decide
21 tomorrow, you know, but you're going to have to decide
22 soon.
23 COUNCILMEMBER PACHUTA: Right. I would like
24 -- I mean I don't know if the Council needs to vote on
25 it for you to -- or Donna, whoever, to talk with her

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and see if she can talk with legislative counsel to see if that is a possibility of shortening the term, you know, so it would take effect not 2012 but not have to wait till 2016.

MR. WEED: With the idea that the first two years being -- the first will be a full-time mayor and in the latter half we transition to the --

COUNCILMEMBER PACHUTA: If the referendum passed.

MR. WEED: If it passed.

COUNCILMEMBER PACHUTA: Right.

MR. WEED: Absolutely. I can do that first thing tomorrow, but you're still going to have to meet and decide what you want to do.

COUNCILMEMBER PACHUTA: Yeah. I'm wondering -- We have our zoning meeting on Monday. I'm wondering if that is too late or if we need to have a meeting before then.

MR. WEED: I'm no going to advise you to do that. Representative Parent made it very plain to me that she has got to have something sooner rather than later. I mean you could talk to you directly, but, you know, this sort of goes downhill, and she's been on me to talk to you, so I've done my part.

MAYOR PRO TEM PITTMAN: So if we can't make

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a decision tonight, could you find out that information or I would find out that information and come back on Thursday if anybody -- Is it a bad evening?

COUNCILMEMBER ALEXANDER: I won't be here.

MAYOR PRO TEM PITTMAN: Friday? I mean I hate to have something on Friday. It would be very short, but --

COUNCILMEMBER ROCHE: I'm out of town on Friday.

MAYOR PRO TEM PITTMAN: That only leaves Wednesday.

COUNCILMEMBER FLEMING: I can't come Wednesday.

MAYOR PRO TEM PITTMAN: Well, then, tonight, because no one can make any of those days.

COUNCILMEMBER ROCHE: Well, looks like we have to decide something tonight.

MAYOR PRO TEM PITTMAN: So now make a motion.

COUNCILMEMBER FLEMING: I'd like to make a motion to move forward with a binding referendum for city manager form of government versus a full-time mayor.

MAYOR PRO TEM PITTMAN: Do I get a second?

MR. WEED: Well, hold on. For the effective

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date of? Do you want that to go into effect on -- you know, the term of the office beginning January 1 of 2012?

COUNCILMEMBER FLEMING: Yes.

MR. WEED: Okay. Option two, essentially.

COUNCILMEMBER FLEMING: I'm sorry?

MR. WEED: Option two, essentially.

COUNCILMEMBER FLEMING: Yes.

COUNCILMEMBER ALEXANDER: So they're not going to know if they're running for full-time or part-time mayor.

MAYOR PRO TEM PITTMAN: So do I get a second?

No second?

COUNCILMEMBER ROCHE: I'll second that just for discussion.

MAYOR PRO TEM PITTMAN: Okay. Got a motion and a second. Discussion?

COUNCILMEMBER ROCHE: Again, maybe that's the best option available to us. I don't know. Like I said, we have three different options here. Neither -- all of them have serious drawbacks, a lot of -- all of them have things I'm not comfortable with.

COUNCILMEMBER FLEMING: It's more important to me for the constituency to have a voice in our -- I

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mean they are -- they are our residents and taxpayers. We need to hear their voices.

COUNCILMEMBER ROCHE: And on that, I can support this motion.

MAYOR PRO TEM PITTMAN: Additional discussion?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: No.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK McCAIN: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK McCAIN: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: No.

CLERK McCAIN: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR PRO TEM PITTMAN: Motion carries.

- - -

(Applause)

- - -

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MR. NOONAN: I knew you could do it. You made a decision.
MAYOR PRO TEM PITTMAN: Okay. The next item up -- Hold on.
- - -
(Brief discussion among Councilmembers)
- - -
COUNCILMEMBER PACHUTA: Hold on one second. We're talking parliamentary procedure.
MAYOR PRO TEM PITTMAN: Hold on just a moment for me, please.
COUNCILMEMBER PACHUTA: Can I do a motion for reconsideration on that last one?
MR. WEED: There's nothing -- nothing in the ordinances or the charter that prevent it as far as I'm concerned, so yes. And in the past, other Councilmembers have made motions for reconsideration after a motion has been seconded and passed. So based upon the prior experience, my opinion is yes, you may.
COUNCILMEMBER BATES: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll,

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please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: It's my original motion; correct?
MR. WEED: No, ma'am. There's a motion on the floor. It's to reconsider the motion.
COUNCILMEMBER ROCHE: We almost made a decision. We can reverse that.
COUNCILMEMBER FLEMING: Golly, gee. Okay. Motion to reconsider; no.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: No.
MAYOR PRO TEM PITTMAN: Motion carries.
COUNCILMEMBER ROCHE: Almost.
COUNCILMEMBER BATES: Say it.
COUNCILMEMBER PACHUTA: I would like to I guess basically be amending Pam's motion or make a motion?
COUNCILMEMBER FLEMING: No. Make a whole

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new motion, please.
COUNCILMEMBER PACHUTA: Do we have to revote? I'm sorry. This is a parliamentary question. Do we need to revote on that motion or can I go ahead and make a new motion?
MR. WEED: Well, right now there's a standing motion that's passed and Council has decided to revisit the standing motion. So my advice would be to make another motion.
COUNCILMEMBER PACHUTA: Okay. I would like to make a motion that pending approval by legislative counsel, to change the term of mayor to two years, to have a binding referendum in November whether to change to a part-time mayor/full-time city manager; if that passes, to take effect January 1st, 2014.
MR. WEED: And do you want to have a contingency? What if we come back and -- I mean what if the determination is we can't do it that way?
COUNCILMEMBER PACHUTA: If we cannot do it that way, then to have it take effect -- after the binding referendum, take effect 2012.
MAYOR PRO TEM PITTMAN: Do I get a second?
COUNCILMEMBER BATES: Give me one second.
So Ms. Pachuta, your motion is if we can, to have it effective on 2014, and if not, then it would

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go back and revert to Ms. Fleming's original motion --
COUNCILMEMBER PACHUTA: Yeah. I --
COUNCILMEMBER BATES: -- of January of 2012.
COUNCILMEMBER PACHUTA: And I'm open to suggestions on that.
COUNCILMEMBER BATES: From an implementation standpoint, I think that is a much more effective way. As Mr. Roche said earlier, I don't think there's any way -- and perhaps it was Ms. Alexander -- if this goes in effect, if the binding referendum passes in November, there's no way we're going to have a city manager in place for January 1. A., we can't go out and go hypothetically looking for an employee. We can't advertise for a hypothetical position. You know, "Send in your resume for the hypothetical city manager position that might or might not be approved in November."
We're going to have to start that process once we know the results of the binding referendum, which could take, you know, four, six, eight months to get a qualified person in place.
COUNCILMEMBER PACHUTA: Okay. Let --
COUNCILMEMBER BATES: So I'm in favor of having this take effect as soon as possible. My vote was for January '12, or January 1st of 2012. I will

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1 stand by that.
2 I just think from a practical standpoint
3 it's not realistic. And I don't know that there's
4 anybody that can say that if this passes on November
5 whatever it is, 2011, that come January 1 we're going
6 to have a qualified person sitting in that office
7 ready to take over. It's just not going to happen.
8 COUNCILMEMBER ROCHE: Well, other than -- I
9 mean again, and I hate to keep going back to it, but
10 if we did appoint a city administrator --
11 The only problem with that, the thing I
12 don't like about it obviously is that there is no
13 referendum vote. But we could accomplish the same
14 thing that could take effect as of 2012, and we would
15 have, you know, the rest of the year to, again,
16 decide.
17 You know, we haven't even talked about what
18 powers and what responsibilities this person would
19 have or not have. Does this person get hired and
20 fired by the Council? Does this person get hired and
21 fired by the manager? You know, et cetera, et cetera.
22 There's a lot there to it.
23 So it seems like if we truly want --
24 I agree with you completely that, you know,
25 November and then we have six weeks to go out and hire

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1 somebody over Christmas, I think that's going to be
2 very difficult and that's my concern. But I don't
3 think waiting two more years and trying to stagger a
4 mayor's --
5 You know, just for that matter, I mean
6 someone may say, "Well, I'm not going to go to all
7 this trouble to run for mayor for two years."
8 MR. WEED: Just one technical point. Can we
9 get a second? The Clerk was asking.
10 COUNCILMEMBER BATES: I did.
11 MR. WEED: Okay.
12 COUNCILMEMBER ROCHE: So I mean I'm
13 concerned about that too. That could very easily, as
14 has Councilman Bates said -- well, my words -- it
15 could become another fiasco because January 1 there's
16 nobody sitting at that desk. Who's in charge?
17 COUNCILMEMBER BATES: Well, the problem as I
18 see it with doing it with the city administrator now
19 and running it concurrent with a full-time mayor is
20 who's making the choices? Who's making the decisions?
21 You have a full-time duly elected mayor and a full-
22 time city administrator who's supposed to be running
23 the day-to-day operations. Who's in charge?
24 COUNCILMEMBER ROCHE: Well, that's exactly
25 what the Council would decide in the form of a motion.

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1 Again, as it was said, the Council can
2 delegate to that person any of the administrative or
3 budgetary duties of the mayor.
4 COUNCILMEMBER BATES: Before we go down that
5 road --
6 COUNCILMEMBER ROCHE: We can do that today,
7 I mean, as far as that goes.
8 COUNCILMEMBER BATES: Before we go down that
9 road, I want to see what those day-to-day duties and
10 responsibilities of the city administrator are before
11 I start inflating our budget by having two full-time
12 city managers.
13 COUNCILMEMBER ROCHE: Well, like I said,
14 every option has drawbacks and that would be one
15 drawback is that we would have to pay someone the
16 full-time mayor's salary for that period of time.
17 COUNCILMEMBER BATES: And the other drawback
18 would be if the nonbinding or binding referendum fails
19 in November, then what are you going to do with that
20 full-time city administrator? He'll be for another
21 four-year period of time having a high paid city
22 administrator and a full-time mayor running
23 concurrently. And I don't see how any city adminis-
24 trator's going to want to operate and work in a
25 scenario where the person that hires them can't tell

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1 them what to do. To me, that's --
2 COUNCILMEMBER ROCHE: I got you on that.
3 But I mean like I said, I don't -- I wish I had a
4 better option. If I did, I'd present it.
5 COUNCILMEMBER PACHUTA: Well, I'm hopeful
6 that Representative Parent can speak to legislative
7 counsel tomorrow to find out if my scenario, changing
8 the term to two years --
9 And we're getting somewhere in between.
10 We're not having to wait till 2016, but we have time
11 so it's not crunch time come November.
12 COUNCILMEMBER BATES: Just so I'm --
13 COUNCILMEMBER FLEMING: Is your suggestion,
14 then, to have the mayor's term only two years --
15 COUNCILMEMBER PACHUTA: It will be --
16 COUNCILMEMBER FLEMING: -- forever?
17 COUNCILMEMBER PACHUTA: No. Well --
18 COUNCILMEMBER FLEMING: Two years, two
19 years, two years, two years.
20 COUNCILMEMBER PACHUTA: No. We can change
21 it. Two years. It'll have to be two years this
22 election pending the referendum, binding referendum,
23 and if it passes, it'll switch to part-time 2014. If
24 it doesn't pass, then we'll have to consider -- next
25 legislative session, we can ask them to change the

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1 term back to four years.
2 COUNCILMEMBER ROCHE: But what if the
3 statehouse --
4 COUNCILMEMBER PACHUTA: Or that could even
5 be built in the -- you know, however Representative
6 Parent wants to word it.
7 COUNCILMEMBER ROCHE: But what if statehouse
8 Representative Parent comes back and says, no, we
9 can't do that legally?
10 COUNCILMEMBER PACHUTA: Then it reverts to
11 what Murray asked me: it reverts to --
12 COUNCILMEMBER ROCHE: The motion that Pam
13 made.
14 COUNCILMEMBER PACHUTA: Yes.
15 COUNCILMEMBER BATES: That, to me -- again,
16 I'm with you. There's not an easy, clean solution.
17 COUNCILMEMBER ROCHE: Right.
18 COUNCILMEMBER BATES: From a planning and
19 logistical standpoint, that, to me, makes the most
20 sense so that we can budgetarily plan for it because
21 that's going to be a significant cost line item, and
22 it gives us time: A, the people running for mayor
23 know what they're running for, a two-year term or a
24 four-year term as full-time mayor but knowing that
25 it's full-time for a period of time. I think it

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1 creates the most level of certainty out there.
2 COUNCILMEMBER ALEXANDER: But not if it's
3 not plausible. Then it starts on January 1.
4 COUNCILMEMBER BATES: That's correct.
5 COUNCILMEMBER ROCHE: So we're --
6 COUNCILMEMBER ALEXANDER: So we're back in
7 the same mix.
8 COUNCILMEMBER ROCHE: Yeah.
9 COUNCILMEMBER BATES: Yeah.
10 COUNCILMEMBER ROCHE: Just a point of order,
11 a question I have. Because the motion was passed and
12 then reconsidered, if this current motion fails, does
13 it automatically revert back to the original motion or
14 is the original motion gone?
15 MR. WEED: No. My opinion is the motion
16 that passed stands. In other words, Councilman
17 Fleming's motion stands.
18 COUNCILMEMBER ROCHE: If this motion fails.
19 I understand.
20 MAYOR PRO TEM PITTMAN: Okay. At this time,
21 we have a motion and a second. Any additional
22 discussion?
23 COUNCILMEMBER FLEMING: Excuse me, Mr. Weed.
24 You said that if this motion passes, my original one
25 goes away.

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1 MR. WEED: Yes, ma'am. And if this motion
2 fails, then your motion stays in place.
3 COUNCILMEMBER FLEMING: There is additional
4 discussion, yes, because I feel that we have extremely
5 professionals in place right now in our City Hall. We
6 have an aide to the mayor, we have a master certified
7 Clerk; we have many other professionals here at City
8 Hall that can definitely be the backup to that part-
9 time mayor while we are searching for a city manager.
10 So that was my additional discussion.
11 COUNCILMEMBER ALEXANDER: I'm just not
12 comfortable with it taking effect on January 1, 2012.
13 COUNCILMEMBER PACHUTA: I can remove my
14 contingency, but then we're going to have to decide
15 something about if it's not possible legislatively
16 tomorrow.
17 COUNCILMEMBER BATES: So your preference is
18 for it to start 2016.
19 COUNCILMEMBER ALEXANDER: If we can't get it
20 in 2014.
21 COUNCILMEMBER BATES: Okay.
22 COUNCILMEMBER PACHUTA: I'll amend my motion
23 instead if it's not possible to change the term to two
24 years.
25 MAYOR PRO TEM PITTMAN: Do you second the

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1 amendment?
2 COUNCILMEMBER PACHUTA: I mean --
3 COUNCILMEMBER BATES: I'm sorry?
4 COUNCILMEMBER FLEMING: I'm lost too.
5 COUNCILMEMBER PACHUTA: If it is not
6 possible to change the term to 2014, then the results
7 of the referendum would not take effect until two
8 thousand -- well, because then we'd have a two-year
9 term.
10 COUNCILMEMBER BATES: I think --
11 COUNCILMEMBER PACHUTA: No. I'll have to
12 keep it the same.
13 COUNCILMEMBER FLEMING: Okay. What's the
14 motion?
15 COUNCILMEMBER PACHUTA: It is not -- It's
16 what it was originally. I didn't change it.
17 MAYOR PRO TEM PITTMAN: Could you say the
18 motion again, please.
19 MR. WEED: Well, my understanding of it, at
20 least -- and the court reporter and the Clerk can
21 correct me. But as I understand it, Councilman
22 Pachuta is proposing that we seek out legislative
23 counsel and I do the research tomorrow to find out if
24 the mayor's position beginning January 1 of 2012 could
25 be a two-year term, and if the referendum passes to

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1 change the form of government in November of 2011,
2 that the act that would put this in place would state
3 that after January 1, 2014, it would be a four-year --
4 We'd finish out the other two-year term, we'd start --
5 we'd go into a four-year term, and from then on, it
6 would be a part-time form of mayor.
7 Or assuming that that is not legally
8 possible, that option two, which we talked about
9 before, which would be the referendum in November and
10 beginning January 1, 2012, that whoever runs knows up
11 front that it could be a full-time or a part-time job
12 and they'd take their chances under two, option two.
13 COUNCILMEMBER PACHUTA: And if this motion
14 fails, that's what's going to happen anyway.
15 MR. WEED: Yes. If this motion fails --
16 COUNCILMEMBER PACHUTA: Because the --
17 MR. WEED: -- option two --
18 COUNCILMEMBER PACHUTA: -- prior motion
19 passed.
20 MR. WEED: -- is in play.
21 COUNCILMEMBER ROCHE: I just have to say I'm
22 going to stick with the original motion because I just
23 think that's just way too complicated.
24 Again, I wish there was a better option.
25 COUNCILMEMBER ALEXANDER: I support the

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1 first part of it, but I don't feel like we'll be ready
2 January 1, 2012.
3 COUNCILMEMBER PACHUTA: I think it's too
4 soon also, but unfortunately that motion still stands
5 if this motion fails.
6 MAYOR PRO TEM PITTMAN: Additional
7 discussion?
8 - - -
9 (No response)
10 - - -
11 MAYOR PRO TEM PITTMAN: Call the roll,
12 please.
13 CLERK McCAIN: Councilmember Alexander?
14 COUNCILMEMBER ALEXANDER: No.
15 CLERK McCAIN: Councilmember Bates?
16 COUNCILMEMBER BATES: Yes.
17 CLERK McCAIN: Councilmember Fleming?
18 COUNCILMEMBER FLEMING: No.
19 CLERK McCAIN: Councilmember Pachuta?
20 COUNCILMEMBER PACHUTA: Yes.
21 CLERK McCAIN: Councilmember Roche?
22 COUNCILMEMBER ROCHE: No.
23 MAYOR PRO TEM PITTMAN: Motion fails, so it
24 goes back to Ms. Fleming's motion.
25 MR. WEED: That is correct. Option two is

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1 what you're going to do.
2 MAYOR PRO TEM PITTMAN: Next on the agenda
3 is the election information, Ms. McCain.
4 CLERK McCAIN: Thank you, Mayor.
5 Under tab one in your books, I've put down a
6 tentative schedule for our special election.
7 We'll be coming before the Council on March
8 7th and March 21st with an ordinance to call the
9 election and set the election superintendent and the
10 qualifying fees.
11 We have -- March 22nd, we will get DOJ
12 preclearance, which we can now do online. March 10th,
13 we would actually request to have it posted in the
14 paper, which our legal organ is the Champion, and that
15 would be published on the 17th, with qualifying May
16 23rd through May 27th from 8:30 to 4:30.
17 The ballots would then go to Dekalb County
18 immediately after that on March 27th. We'll post the
19 ballot as soon as we receive it.
20 May 23rd is the voter registration deadline,
21 and the 21st is the election.
22 MAYOR PRO TEM PITTMAN: Thank you.
23 Questions from up here?
24 COUNCILMEMBER FLEMING: Special election
25 will be held here in City Hall?

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1 CLERK McCAIN: I believe that Dekalb County
2 runs it through City Hall.
3 COUNCILMEMBER ROCHE: Qualifying seems like
4 between May 23rd and June the 21st, it's not even a
5 full month. Is it possible to schedule the qualifying
6 earlier in the process?
7 CLERK McCAIN: We could if that's what the
8 Council wanted.
9 The reason why I did it so late is because
10 if one or more of the councilmembers wanted to run for
11 mayor, then we have a short -- a smaller government to
12 act. If somebody were out sick, we wouldn't have a
13 quorum, so we could technically go a month without
14 doing City business. And the way our agendas have
15 been, I don't know if that's an option.
16 COUNCILMEMBER ROCHE: Well, but on the other
17 hand, if we had the qualifying earlier and some
18 councilperson decided they want to run for mayor --
19 And what we're saying, just to clarify --
20 and tell me if I'm wrong -- by signing a qualification
21 paper, you've also signed your resignation as mayor
22 -- I'm sorry -- city councilperson.
23 CLERK McCAIN: Correct. If one or more
24 persons qualified, they would immediately give up
25 their seat and they would not be sitting here at the

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next meeting.
COUNCILMEMBER ROCHE: Right.
CLERK McCAIN: So if two people decided to run for mayor and we had one person sick, we could not have a meeting.
COUNCILMEMBER ROCHE: However, though, if we did this earlier in the process, then that would give us enough time to call another special election to fill those council seats.
COUNCILMEMBER ALEXANDER: No.
COUNCILMEMBER PACHUTA: No, because you have the advertising. You wouldn't have enough time to advertise.
CLERK McCAIN: Correct.
MAYOR PRO TEM PITTMAN: Okay. Anything else?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Okay. The next item is going to be --
Bobby, if you don't mind.
Mr. Pittman with our Public Works is going to be losing two employees, one at the end of this month and then one at the end of next month, and he

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has two people in mind that he would like to hire to replace them.
We need to -- he can elaborate a little bit, but if the Council so wishes, we need to make a motion to put this on the agenda to lift the hiring freeze so he can do that.
COUNCILMEMBER PACHUTA: I don't have any information.
MAYOR PRO TEM PITTMAN: He's fixing to give us some information.
MAYOR PRO TEM PITTMAN: Yeah. I'm losing --
COUNCILMEMBER ROCHE: Where is it on the agenda?
MAYOR PRO TEM PITTMAN: It's under Mayor's Comments.
MAYOR PRO TEM PITTMAN: I'm losing two of my heavy equipment operators for the CDL Class B license.
COUNCILMEMBER PACHUTA: I couldn't hear you. I'm sorry.
MR. PITTMAN: I'm losing two of my employees that has the CDL Class B license.
I've got one gentleman that's been looking for this job for about a year. He's qualified to take that position and he's already had his background check. MVR record's been approved through the Police

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Department, and he's ready to go to work.
I'm losing Ed, but his last day's the 28th of this month, six days. Need to go ahead and get him tomorrow if I could and let him get with the gentleman that drives the truck, get some on-the-job training, go ahead and get it started.
And then I have another young man that may be getting his CDLs pretty soon, and he may be -- you know, I still need another CDL operator, and he may be on the grass crew sometimes, and he's only 17 at this time. And with the grass crew, that's a pretty -- that's a pretty tough, hot job, you know, to do that. But he's been after me for a job for quite some time also, and I think both of these men are qualified for these positions.
The salary will be somewhat less than the two that we're losing, so it won't be anything affecting our budget.
COUNCILMEMBER BATES: And there aren't any current employees that have a CDL license that could replace?
MAYOR PRO TEM PITTMAN: Well, I have two, but I still -- one of 'em is my street sweeper operator. I don't want to move him. And the other one is helping with the grass crew now, which he's a

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backup, and I don't want -- really where I've got 'em going, the way I've got it organized now, I don't want to move them at this time. I may later.
MAYOR PRO TEM PITTMAN: So if the Council so wishes, if we want to put under new business to lift the hiring freeze, I would need that motion to do that.
COUNCILMEMBER ALEXANDER: I'm uncomfortable, because these jobs to my knowledge haven't been posted to the public for other applicants to apply.
COUNCILMEMBER PACHUTA: Yeah, and I have no information on this.
MR. WEED: Well, in order procedurally, Council would have to lift the hiring freeze to hire to authorize the Mayor Pro Tem to post them. That's the order in which it's got to occur.
MAYOR PRO TEM PITTMAN: Is there a requirement to do that or is that just something --
MR. WEED: Well, yes. The Council made a motion and a second to --
MAYOR PRO TEM PITTMAN: No, no. No. I'm talking about to post it publicly.
MR. WEED: Yes. Yes, ma'am. It's in the personnel policy.
But before you can do any of that, you got

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1 to lift the hiring freeze or not.
2 COUNCILMEMBER ROCHE: I'll make the motion
3 to add it to the agenda.
4 MAYOR PRO TEM PITTMAN: Do I get a second?
5 Are we talking about the hiring freeze, to
6 lift the hiring freeze?
7 COUNCILMEMBER ROCHE: Well, this topic of
8 replacing two employees.
9 MAYOR PRO TEM PITTMAN: Second?
10 COUNCILMEMBER FLEMING: Second.
11 MAYOR PRO TEM PITTMAN: Discussion?
12 COUNCILMEMBER PACHUTA: I just -- I have no
13 information on this and --
14 MR. PITTMAN: I'm not adding, you know,
15 just --
16 COUNCILMEMBER PACHUTA: But I've been given
17 nothing. That was the just the first time I've heard
18 about it, so, and we have been very --
19 MAYOR PRO TEM PITTMAN: Well, we --
20 COUNCILMEMBER PACHUTA: -- about making sure
21 that we have information in advance of a meeting.
22 MAYOR PRO TEM PITTMAN: We weren't very
23 clear on whether we needed to bring this -- Mr. Weed
24 was out of town, so we are now -- to bring this to the
25 agenda for the hiring freeze.

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1 COUNCILMEMBER BATES: So Mr. Roche, your
2 motion to add it --
3 COUNCILMEMBER ROCHE: Just to add --
4 COUNCILMEMBER BATES: -- a discussion?
5 COUNCILMEMBER ROCHE: -- the discussion to
6 the agenda.
7 COUNCILMEMBER BATES: Under New Business at
8 the end?
9 COUNCILMEMBER ROCHE: Well, I don't know if
10 we want to make Mr. Pittman stay all meeting long for
11 that.
12 COUNCILMEMBER FLEMING: Can we postpone this
13 until the 28th?
14 MAYOR PRO TEM PITTMAN: We sure can.
15 MR. PITTMAN: I'm going to be short, you
16 know, my staff at this position because he's going to
17 be leaving.
18 COUNCILMEMBER PACHUTA: I need information
19 in advance.
20 MAYOR PRO TEM PITTMAN: Okay. So --
21 COUNCILMEMBER FLEMING: Well, Bobby,
22 unfortunately --
23 How long have you known -- Not to come down
24 on you, but how long have you known that he was
25 retiring?

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1 MR. PITTMAN: I've been knowing it for three
2 or four months, but just -- but the one I've been
3 looking at has been -- you know, that's the one I
4 chose. I know what he can do and I've got his
5 background and I know his former employee [sic] and I
6 pretty much know he's going to fit the position.
7 He'll be on a three-month probation, and he knows that
8 when he's hired.
9 In this line of work, he'd be running that
10 clam truck, and he's got a background of doing that
11 kind of work.
12 Now, I can post this out and I'm going to
13 have a flock of people breathing down my neck that I
14 don't know the background, but I do have references,
15 public, people that I know that knew this gentleman
16 and --
17 COUNCILMEMBER PACHUTA: Yeah. We're an
18 equal opportunity employer. I mean, I believe we have
19 to put a notice out.
20 MR. WEED: It doesn't matter to me what you
21 do, but the procedure and order would be Council made
22 a motion and a second to put a hiring freeze in
23 effect. What you've done is every time you wanted to
24 fill a position, you've had to lift the hiring freeze
25 by a motion and a second.

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1 If the positions are already budgeted, you
2 don't have to approve the positions. There's nothing
3 further you have to do other than lift the hiring
4 freeze and let the machinery work.
5 If you elect not to lift the hiring freeze,
6 then those employees will not be -- no employees will
7 be hired.
8 COUNCILMEMBER ROCHE: And point of order, we
9 need to add it to the agenda before we should be even
10 discussing it, obviously.
11 MR. WEED: In my opinion, the Mayor clearly
12 under the charter has authority to put whatever items
13 the Mayor wants to on the agenda, and the Mayor
14 exclusively decides what order they go in on the
15 agenda.
16 So in my opinion, this is already on the
17 agenda. There's nothing wrong with moving it to new
18 business. If you care to do so, that's fine.
19 COUNCILMEMBER ALEXANDER: It's not on my
20 agenda.
21 COUNCILMEMBER ROCHE: It's not on my agenda.
22 MR. WEED: And I hear you. It's on the one
23 that I was given, but that doesn't mean anything.
24 MAYOR PRO TEM PITTMAN: Do you-all want to
25 move this to the 28th?

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1 COUNCILMEMBER FLEMING: I don't have it on
2 my agenda, either.
3 CLERK McCAIN: That's because it was added
4 after.
5 MAYOR PRO TEM PITTMAN: It was added, yeah.
6 CLERK McCAIN: It was today.
7 COUNCILMEMBER ROCHE: But it has to be 24
8 hours, I think.
9 MR. WEED: Yes.
10 MAYOR PRO TEM PITTMAN: So we can move it to
11 the 28th.
12 Are you going to be okay?
13 MR. PITTMAN: Yeah.
14 MAYOR PRO TEM PITTMAN: Okay.
15 COUNCILMEMBER ALEXANDER: We can move it to
16 the 28th but I still want the job posted.
17 MAYOR PRO TEM PITTMAN: And we will.
18 CLERK McCAIN: I have a motion and a second
19 on the floor to put it on the agenda.
20 MR. WEED: You can't do it that way. You
21 have to lift the hiring freeze first before you can
22 post the position.
23 COUNCILMEMBER ROCHE: No. All my motion was
24 was to add it to the agenda so we could discuss it.
25 CLERK McCAIN: Right, and Pam seconded it.

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1 COUNCILMEMBER ROCHE: And that's seconded.
2 If you don't want to discuss it, that's fine, I mean.
3 MAYOR PRO TEM PITTMAN: Okay. We got a
4 motion and a second. Discussion?
5 COUNCILMEMBER ROCHE: Just trying to keep it
6 legal.
7 MAYOR PRO TEM PITTMAN: Call the roll,
8 please.
9 CLERK McCAIN: Councilmember Alexander?
10 COUNCILMEMBER ALEXANDER: Yes.
11 CLERK McCAIN: Councilmember Bates?
12 COUNCILMEMBER BATES: Yes.
13 CLERK McCAIN: Councilmember Fleming?
14 COUNCILMEMBER FLEMING: Yes.
15 CLERK McCAIN: Councilmember Pachuta?
16 COUNCILMEMBER PACHUTA: No.
17 CLERK McCAIN: Councilmember Roche?
18 COUNCILMEMBER ROCHE: Yes.
19 MAYOR PRO TEM PITTMAN: Motion carries.
20 Now, do we want to make a motion to lift the
21 hiring freeze so we can post the job so we can move
22 forward and then come back possibly on the 28th to
23 discuss this again?
24 COUNCILMEMBER ALEXANDER: Well, I mean the
25 job description, I don't know. I guess Mr. Weed has

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1 the job description written, and it has to be posted.
2 And obviously, we won't make a decision on the 28th.
3 I mean he needs time to get the applications in and
4 review them.
5 MAYOR PRO TEM PITTMAN: But we need to lift
6 the hiring freeze to do any of that; is that correct?
7 MR. WEED: Yes, ma'am.
8 COUNCILMEMBER ROCHE: But does lifting the
9 hiring freeze obligate us to hire someone if the
10 department head so wishes because it's already
11 budgeted positions?
12 MR. WEED: If you lift the hiring freeze,
13 Council has nothing else to do with the position.
14 COUNCILMEMBER ROCHE: Right; it's over with.
15 MR. WEED: Period. It'll be between the
16 Mayor and the department head.
17 COUNCILMEMBER ALEXANDER: But I thought
18 according to the personnel manual and to follow
19 Federal guidelines, a job had to be posted. You just
20 can't pick and choose who you want to hire.
21 MR. WEED: I agree.
22 COUNCILMEMBER ALEXANDER: Okay.
23 MR. WEED: You have to post the position,
24 you should post the position, but you can't do that
25 until the hiring freeze is lifted.

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1 And if you don't lift the hiring freeze,
2 nothing is going to happen, which is fine. That's
3 your choice.
4 COUNCILMEMBER ROCHE: And if we lift the
5 hiring freeze, assuming the process is taking care of,
6 we'll never hear about it again; right?
7 MR. WEED: Right.
8 MAYOR PRO TEM PITTMAN: That is correct.
9 COUNCILMEMBER BATES: And the position is
10 for a CDL driver whose primary responsibility is to do
11 what?
12 MR. PITTMAN: Well, in Public Works, we --
13 you know, we do everything in Public Works. With a
14 CDL Class B license, he's qualified to drive the
15 equipment that we have, the position that
16 Mr. Jackson's leaving, the heavy-equipment operator
17 position, CDL Class B, the clam truck.
18 COUNCILMEMBER BATES: How many CDL drivers
19 do you have?
20 MR. PITTMAN: I had four. I'll be losing
21 two of them and I'll have two left.
22 One of them is my street sweeper operator,
23 which I don't want to lose. He's trained for that
24 piece of equipment which is a very tedious piece of
25 equipment. I don't want to lose him.

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And then Nick, the other gentleman, he's helping the grass crew right now because I'm still short.

COUNCILMEMBER FLEMING: With the number of people that you have in the department itself, even though these two people are already budgeted, the number of people that you have, experienced people that you have in your department, what would it take for them to be qualified for a CDL B or a CDL 2 license?

MR. PITTMAN: They just have to go take the test, yes, ma'am. They're qualified.

A couple of them took the test before, and they failed it. They're just good operators but they just don't have the legal qualifications to do it.

COUNCILMEMBER FLEMING: Okay. Okay.

MAYOR PRO TEM PITTMAN: So at this point, we need to either lift the hiring freeze or not lift it, and if we lift it, then we will post it accordingly with the job description information, and that'll be the end of it.

If we choose not to, then that's it.

MR. PITTMAN: How long is --

MAYOR PRO TEM PITTMAN: Nothing else.

MR. PITTMAN: -- this going to delay me for

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filling this position?

MAYOR PRO TEM PITTMAN: We'll get on that tomorrow if they lift the hiring freeze.

MR. PITTMAN: Okay.

MAYOR PRO TEM PITTMAN: Do I get a motion to lift the hiring freeze?

MR. PITTMAN: What are we going to do if I lose two more? I mean we're going to have to get these positions filled.

MAYOR PRO TEM PITTMAN: I understand. We're worried about those two right now, though.

MR. PITTMAN: Yeah.

COUNCILMEMBER FLEMING: We've lifted the hiring freeze for other departments, and I would like to make a motion to lift the hiring freeze.

MAYOR PRO TEM PITTMAN: Do I get a second?

COUNCILMEMBER ROCHE: That's true. I guess I'll second it.

COUNCILMEMBER PACHUTA: I guess my concern is when other departments have asked us to lift the hiring freeze, we've actually had information provided to us about those positions. And I have nothing in front of me; didn't even hear about it till 10 minutes ago.

MAYOR PRO TEM PITTMAN: Motion and second.

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Discussion? Any additional discussion?

COUNCILMEMBER BATES: Can you clarify? The motion is to lift the hiring freeze for both positions or one position?

COUNCILMEMBER FLEMING: I'm lifting the hiring freeze.

COUNCILMEMBER BATES: Period.

COUNCILMEMBER FLEMING: Do you want me to clarify whether I'm saying that we're lifting the hiring freeze for both positions?

COUNCILMEMBER BATES: Yes, ma'am, because my preference would be to lift it for one because, as we all know, in our budget --

COUNCILMEMBER FLEMING: Yeah.

COUNCILMEMBER BATES: -- we're struggling. So we put the hiring freeze in place for particular -- for a very specific reason, and that was to try to curb and cut spending so as positions became open and vacant, that we didn't arbitrarily filled them.

Chief has sacrificed positions. He's reconsolidated his department. I think all departments need to look at their staffing.

I would be in favor or lifting the hiring freeze for one CDL driver.

COUNCILMEMBER FLEMING: I'd like to amend my

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motion, and I'm not being browbeat into this, because I'm very much concerned about the budget.

And it may be, Bobby, that when we come -- what is this? End of February? March, April, May, June. Four months from now we may say, "Bobby, you know, looking at our budget, we may have to tell you that you've got to get rid of four people."

MR. PITTMAN: I understand.

COUNCILMEMBER FLEMING: That's hypothetical. Nothing's been said up here.

So I would like to amend my motion to lift the hiring freeze for one person.

COUNCILMEMBER ROCHE: And I'll second the amendment.

MAYOR PRO TEM PITTMAN: Additional discussion?

COUNCILMEMBER ROCHE: I'm very concerned, obviously, about the budget too. But as Councilman Fleming mentioned earlier, other departments have come and we have lifted hiring freezes in those situations.

I think until we see an overall budget, to try to balance on one department or the other is a mistake. We need an overall plan for the entire budget, the entire staffing for the entire city. To try to spot do things usually isn't a good idea, but

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I'll certainly go for the one.
COUNCILMEMBER ROCHE: Okay.
COUNCILMEMBER ALEXANDER: And we'll make sure this is posted on the City web site and the --
MAYOR PRO TEM PITTMAN: Yes.
COUNCILMEMBER ALEXANDER: -- GMA web site?
MAYOR PRO TEM PITTMAN: Yes.
Okay. Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: No.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Motion carries. Thank you.
COUNCILMEMBER BATES: Thanks, Bobby.
MAYOR PRO TEM PITTMAN: Okay. I think Council was wanting to make some adjustments to move number 6 up to --
COUNCILMEMBER ALEXANDER: 6 of new business,

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which is our tab 14.
MAYOR PRO TEM PITTMAN: Uh-huh.
COUNCILMEMBER ALEXANDER: I think we have some very interested citizens here, and I, like I'm sure everyone else sitting up here, has gotten e-mails and phone calls regarding these pain management clinics/pill mills, and I'd like to move this agenda item up to number 1 under old business so Chief King can do his presentation and hopefully we can move on some action on this item.
MAYOR PRO TEM PITTMAN: Okay. Do I get a second?
COUNCILMEMBER BATES: Second.
MAYOR PRO TEM PITTMAN: Discussion?
COUNCILMEMBER FLEMING: I don't have a problem with doing that at all, but I've got some people in the audience that have sat here for many, many months now waiting for gravel driveways, also. So I don't mind moving it up but I just wanted to make that comment.
MAYOR PRO TEM PITTMAN: Okay. Additional discussion?
- - -
(No response)
- - -

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MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: So now number 6 under new business is number 1 under old business.
MAYOR PRO TEM PITTMAN: The next item is department reports. Do we have any?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Okay. The next item is going to be Public Comments on Agenda Items Only. Please limit your comments to three minutes. Public comments?
MR. NOONAN: John Noonan, Winters Chapel. Appears like you all got caught like a deer in the

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headlights on this charter issue, and I might have suggested at the time that you go and change the charter, allow the vote in November, and if you want, you can change it back.
From what I see, there's no restriction on how many times you can change a charter or how often. It's just a matter of doing it.
So no matter which way you people vote, you're going to offend somebody, so just suck it up and do it.
MAYOR PRO TEM PITTMAN: Next?
MS. KOONTZ: One option Elena mentioned that I didn't hear you-all discuss was like having town hall meetings to get public input on how this was going to go. And since you voted to do this nonbinding hearing -- or election, possibly have some town hall meetings, advertise to get some public opinion and educate the public about who can hire and fire this city manager, because that'll affect my decision. If he's under the -- if he's a hire-and-fire by the Mayor, we've already got a Mayor's assistant that has basically that position, and if it's hire-and-fire by the City Council, that's a totally different position that's being voted on.
And if you get some public input on, you

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1 know, and it looks overwhelmingly that yes, people are
2 going to want this, I don't see why you couldn't go
3 ahead and start looking for somebody and tell the
4 applicant this isn't -- you know, "You're not
5 guaranteed this position but it looks like we're going
6 to be getting one. Do you want to apply for the
7 position?" and maybe get somebody, at least some
8 interested people lined up for if this does pass,
9 you'll have somebody that you can put in place.
10 And if it looks like the public's saying no,
11 they don't want this, then clearly you wouldn't want
12 to go looking for somebody for a position that's more
13 than likely not going to pass the election.
14 Just some ideas. I think the public -- some
15 town hall meetings about this big issue I think to
16 educate the public and maybe get some input from the
17 public on whether they are possibly going to vote for
18 this yes or no could be very helpful when this -- if
19 this does come up at the end of the year, which it
20 sounds like it might.
21 MAYOR PRO TEM PITTMAN: Okay. Thank you.
22 In order to expedite this a little bit
23 quicker, if we could get you to just line up real
24 quick if you want to speak. If you want to speak, if
25 I could get you to line up behind the podium.

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1 MR. ANDERSON: Stuart Anderson.
2 We've been making sausage tonight.
3 Something that has been mentioned a little
4 by a few of the folks, a couple of City Council as
5 well, the elephant in the room on city manager/part-
6 time Mayor is the job description.
7 The fullness of that job description, Stephe
8 mentioned, as far as hire-fire, et cetera, that has to
9 be -- I raised my hand for a part-time Mayor back in
10 the straw poll a moment ago, but the most important
11 thing is that we are ready to have a city manager,
12 we've got our job description. It's going to be the
13 probably most important thing we hire. That job
14 description has to be in place very strongly if it
15 takes till 2014. Then we've got our ducks in a row.
16 Otherwise, it's not good.
17 Review and Enforce Residential Occupancy,
18 I'm very interested in that.
19 The City Engineering Service Contract and
20 the CM2MHill stormwater, I haven't -- I haven't seen
21 the job descriptions of either of these. But if we're
22 having a city engineering service contract, it seems
23 to me -- and I read a little bit of it today -- it
24 seems that that city engineering firm would want to
25 have something to say about the stormwater contract as

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1 well. I would rather have the city engineering
2 service contract done before we do the stormwater.
3 The Exempt Employee Salary Study, as all of
4 you know, I've made a presentation on that. I'll be
5 very interested in that. The exempt employee thing's
6 been out of hand.
7 Gravel driveways, I think they can be --
8 I've been for pervious surface for years. I think
9 they can be contained and made to look good. We keep
10 talking about being green. If we just keep paving
11 stuff, that ain't it.
12 Design Guidelines, I think that was on the
13 agenda for the 28th. I'm not sure why it's on for
14 tonight, but that's another extremely important thing
15 that needs to be discussed and figured out.
16 Hopefully, we're not going to vote on design
17 guidelines tonight.
18 Thank you.
19 MS. CRAWFORD: Susan Crawford, Oakcliff.
20 Am I doing that?
21 CLERK McCAIN: That was me. I'm sorry.
22 MS. CRAWFORD: Had to be in conjunction with
23 the thing with the microphone.
24 The Pain Clinic, if you get to that
25 tonight -- I guess you are because you moved it up --

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1 I strongly urge you to do whatever you can to not do a
2 moratorium but to make sure that they cannot come in
3 here. I mean I have seen far too many people who were
4 victims of such places.
5 And they can come -- a rose by any other
6 name. I mean they might come in looking like
7 something really helpful to the community, but I just
8 caution you, please be as stringent as you can with
9 that.
10 And with the election or the referendum, why
11 couldn't you do something like if it's decided that we
12 want a city manager form of government with a part-
13 time Mayor, couldn't it be a stipulation that it be
14 put in place within, say, six months or eight months
15 or a year or whatever? Would it have to be the
16 following January 1st? I mean I don't know, but it
17 may be something to consider.
18 Thank you.
19 MS. PRINZIVALLI: Caroline Prinzivalli,
20 Alison Drive.
21 I just want to get up here because I have
22 written numerous e-mails to everybody up here about
23 different concerns and the direction of which our
24 community is taking, and I think these pain clinics
25 are -- it's going to be a big mistake if those come

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1 into our neighborhood.
2 We have had just deter- -- it just seems
3 like things are deteriorating, the store fronts, and I
4 just wanted to come up here and give my -- you know,
5 let you guys know, see a face with the e-mails that
6 I'm sending you.
7 And the gravel driveways, I mean that's fine
8 if somebody wants to add two inches, but to gravel
9 your whole back yard and turn it into a boarding
10 house? I mean those are the things we're concerned
11 about with -- you know, as well as the city manager
12 and the Mayor stuff and all of that.
13 But I'm sick of sitting here and not getting
14 up here and saying anything, and that's where I'm at.
15 Thank you for your time.
16 - - -
17 (Applause)
18 - - -
19 MR. HART: This is for engineering services.
20 Having an exclusive agreement with one
21 engineering company on the surface sounds like a great
22 idea. You put out this bid and you've get the
23 services that you want, and one company provides that.
24 We had that with Pond & Company; that didn't work out
25 real well.

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1 The problem with engineering services, what
2 engineering services are you looking for? Civil
3 engineering? Mechanical engineering? Are you looking
4 for people to determine whether you have flood plains?
5 You have ecological engineers. Each company stresses
6 a particular subject. For instance, some companies
7 specializes in bridges, et cetera.
8 So if you have a building department, what
9 you would like to have, you would like to draw on at
10 least five or six engineering companies that have a
11 specialty in a particular service. So if you're just
12 going to do a survey and do an ecological thing on the
13 stream, you might have a company that may only have
14 one or two employees. They don't do bridges, they
15 don't do roadways, they don't do anything else; that's
16 what they do. Okay? So then you might pay them
17 $1,200.
18 We're getting into a situation where we have
19 exclusive, suddenly if someone wants to build
20 something, they have these plan reviews, that's
21 $5,000. And you come back and get a red line on it
22 again -- John knows what I'm talking about -- it's
23 $5,000 again.
24 If you want to drive off business, that's
25 what you need to do: you need to have an exclusive

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1 engineering company.
2 So in this economy, you need to have as many
3 options for the building department so they can select
4 the person that needs to size the plan to the project.
5 If you're building a driveway on your house, you only
6 need a $50 or $100 deal. Okay? If you're building a
7 skyscraper over here, that's a whole different
8 engineering company.
9 So you need to -- like the billing for your
10 trash, you need to offer flexibility and size the
11 company to what project you're working on.
12 So I don't agree with having an exclusive
13 company. You're asking for trouble. Thank you.
14 MAYOR PRO TEM PITTMAN: Okay. We're going
15 to move into old business, but do we need a break?
16 COUNCILMEMBER FLEMING: Yes.
17 MAYOR PRO TEM PITTMAN: Five minute break.
18 - - -
19 (Brief recess)
20 - - -
21 MAYOR PRO TEM PITTMAN: Meeting come to
22 order.
23 Next under old business is going to be the
24 Licensing Moratorium for Pain Clinics, Chief King.
25 CHIEF KING: Good evening residents and

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1 members of the City Council. I really appreciate the
2 opportunity to come and speak with you-all in
3 reference to this very growing problem in America, and
4 that's the abuse of prescription medications.
5 This has been the reoccurring saga. Not
6 only do you hear the celebrities in the news but also
7 to the children of our neighbors.
8 Well, this problem is now at our doorstep.
9 Pharmaceutical drugs are the fastest growing illicit
10 drug problem in our community particularly among young
11 adults. Law enforcement efforts in dealing with
12 traditional narcotics -- that is, cocaine, heroin,
13 methamphetamines -- are making a severe dent in the
14 criminal organizations and those who use them.
15 The issue of supply and demand has driven
16 customers and criminal enterprises to reach out to
17 other avenues of illicit commerce. Additionally, drug
18 users are opting for prescription medications
19 believing the prescription drugs are safer to use.
20 The increase in use of pharmaceutical drugs
21 have led to an increase in toxicity deaths -- Thanks,
22 City Clerk. She helped me rehearse that one -- and
23 overdoses involving the drugs.
24 In 2009, Cobb County had 58 deaths due to
25 drug overdose. 52 of those deaths involved pharma-

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1 ceutical drugs, with 12 of those being a combination
2 of pharmaceutical and historically, typically, street
3 drugs.
4 Likewise, the autopsies performed by the
5 Georgia Bureau of Investigation in 2007 and 2008
6 showed that in 2007 there were 610 drug overdose
7 deaths with 503 -- that's 82 percent -- involving
8 pharmaceuticals. Those numbers increased to 638
9 overdose deaths with 543 or 85 percent involving
10 pharmaceuticals the next year. Hydrocodone, oxycodone
11 are all in the top five drugs involved in most
12 overdose deaths per the GBI.
13 Fulton County has 128 overdose deaths and 52
14 or 40 percent of those involved pharmaceutical drugs
15 in 2008.
16 There are currently several common methods
17 of obtaining these drugs, which include Internet
18 ordering, theft of pharmacies or physicians, doctor
19 shopping, pharmacy shopping and the use of unethical
20 pain management clinics also known as pill mills.
21 These types of unethical clinics do not
22 perform a thorough examination of their patients and
23 their medical records; only accept cash, not
24 insurance; do not make medical diagnoses, offer
25 alternative means or treatment; or they're usually not

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1 owned in whole or part by physicians rendering
2 treatment. This is not a business or treatment model
3 used by legitimate physicians specializing in pain
4 management.
5 The Department of Justice filed recently a
6 criminal complaint in Florida involving a group of
7 clinics operated by Mr. Chris and Jeff George. These
8 same two brothers opened a clinic in Kennesaw in early
9 2010 that was found to be selling pharmaceuticals and
10 prescriptions with little or no medical basis. This
11 clinic was fortunately closed because of quick action
12 by the citizens which notified law enforcement of the
13 problems with this clinic.
14 Special care was taken to avoid any undue
15 burden on medical practitioners caring for patients by
16 use of prescribing and dispensing pharmaceuticals. It
17 is not our position to interfere or regulate the
18 exercise of good judgment on medical treatment by a
19 physician or dispensing pharmaceuticals by a licensed
20 physician or pharmacist.
21 Currently Georgia is one of 16 states not
22 operating a prescription monitoring database program,
23 a PMDP, and one of only 12 states not to have
24 legislatively created such a program. We continue to
25 be the only southeastern state without a prescription

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1 monitoring database program in the southeast.
2 The bill has been sponsored in the State
3 legislature and passed the House twice but has been
4 stopped at the Senate each of the last two years
5 either by a nay vote or at least a last-minute
6 amendment. There is no guarantee of the passage this
7 year though significant efforts are underway to do so.
8 Therefore, I urge you-all to act and protect
9 our community rather than to wait for the Georgia
10 legislature to -- to hope that the Georgia legislature
11 will actually do so.
12 I respectfully request that you adopt a
13 moratorium similar to the one adopted by the City of
14 Kennesaw, for the term of one year, and urge our State
15 legislators -- the State legislator to pass a
16 prescription monitoring database.
17 Currently we have before us a request by a
18 business that wants to -- that wants to come in under
19 our -- They want to open a clinic for weight control
20 and pain management. No pharmaceuticals will be on
21 premise. So basically all the -- the proposal there
22 is they're just going to be generating script for
23 somebody to go to one of the local pharmacies and
24 generate the prescription.
25 So I urge you to pass a moratorium tonight

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1 with the effort that then we can get together with
2 staff and create a stronger ordinance so we can
3 control this very carefully.
4 Clearly, again, I do not want to interfere
5 with a doctor or pharmacist being able to exercise
6 their good judgment in practicing healthcare; but
7 these operations are very dangerous, and I urge you to
8 try to take action so we can stop this.
9 This is I think the first of probably many
10 to come if the door is kept open. I think they've
11 shopped Kennesaw; they were stopped. In Cherokee
12 County, they were also stopped. But I think it's just
13 the beginning of scanning and looking for
14 opportunities in the communities.
15 Thank you very much unless you-all have any
16 questions of me.
17 I apologize for the lateness of the
18 additional documents that were presented in your
19 packets, but in your documents you will have -- I
20 think the city planner gave you a copy of the Dunwoody
21 ordinance or the Dunwoody moratorium, and included
22 also is the Kennesaw moratorium and also a study from
23 the Cobb County Drug Task Force that has a lot of this
24 data that I quoted this evening.
25 Additionally, you will find the U.S. --

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Florida just went through this mess, and there's a bunch of information there to give you some good data, well, how when these clinics open, basically because there's no other alternatives. People from out of state come and flood your communities coming to purchase these highly addictive drugs with no medicinal value or medical -- medical prognosis.

But that concludes my remarks, but I'll stand open to answer any questions you-all may have.

COUNCILMEMBER PACHUTA: Do you know what the status is in the legislature? Do you think we also need to maybe put a resolution together encouraging the legislature? I know there's been several bills dropped, but I don't know what the status is.

CHIEF KING: Ma'am, the House of Representatives has been the one that's very -- for the last two years, they've been very, very supportive of this.

We, as part of the Georgia Association of Chiefs of Police, are pushing very hard to get this done. I agree that an action of that would be very loudly -- I think it will be heard.

The key now is also we have to work the Senate because that's where the bill has been dying for the last two years.

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MAYOR PRO TEM PITTMAN: Council, any thoughts?

COUNCILMEMBER PACHUTA: So currently what you're asking is just to have a moratorium in place on issuing --

CHIEF KING: Yes, ma'am.

COUNCILMEMBER PACHUTA: -- licenses so that we can then put some ordinances in place.

CHIEF KING: Ma'am, my effort tonight is to try to get a moratorium to keep this or any other kind of business opening of this type in the city to give the time for staff to get with the city attorney, with the planner, and explore a whole range of actions that the City could take to make Doraville a less attractive place for one of these businesses to try to locate themselves here.

I think the range -- there's a wide range of things that we can do. But if we can get Doraville off the map from these businesses, I think they'll either go to another state or go down the road. Unfortunately, we have to take this as a community at a time. As they appear, then we have to kind of whack the mole, as we say in law enforcement.

COUNCILMEMBER ROCHE: I'm looking at the ordinance from Dunwoody, and it appears to not make

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them illegal per se but it just adds additional requirements. You know, obviously you have to have licensed physicians, but the owner can't be a felon and that sort of thing.

But my concern is that it may be possible to get around that, so I think I would be more in favor of a one-year moratorium for the moment and then -- because I'm not sure. The ordinance looks pretty good, but again, I don't want to have anything to --

CHIEF KING: Well, sir, the --

COUNCILMEMBER ROCHE: We thought we had an ordinance against garbage, too, but, you know, define garbage.

CHIEF KING: Well, sir, the key is to give the staff time to truly examine --

COUNCILMEMBER ROCHE: I understand.

CHIEF KING: -- and give you options. I didn't -- you know, I did not come with the purpose of trying to get an absolute solid ordinance or a zoning provision or zoning, because there's a lot of other requirements. But I want to get a freeze to the status quo so we can then work, the staff, and come up with options for the Council.

COUNCILMEMBER PACHUTA: Murray --

MR. WEED: Yes, ma'am.

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COUNCILMEMBER PACHUTA: -- have you seen the Kennesaw resolution?

MR. WEED: I have.

COUNCILMEMBER PACHUTA: Okay. And can we vote on a resolution tonight or do we need to vote on it in written form? Would it take effect verbally?

MR. WEED: You can direct me to write the resolution and I'll bring it before you -- you meet again Monday and you could adopt it Monday.

COUNCILMEMBER ROCHE: Well, it seems that we could just use what's -- Is there anything wrong with the Kennesaw version?

MR. WEED: Well, I'd like to study it in depth.

COUNCILMEMBER ROCHE: If it works there, it seems like it would be pretty simple to go ahead with this.

COUNCILMEMBER FLEMING: The purpose of the moratorium and the moratorium itself is item number 3 and 4 are outstanding and should just --

COUNCILMEMBER ROCHE: Right.

COUNCILMEMBER FLEMING: -- fill in Doraville where it says Kennesaw.

MAYOR PRO TEM PITTMAN: Mr. Roche, is that a motion for a moratorium?

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1 COUNCILMEMBER ROCHE: Yes.
2 I'd like to make a motion that we use the
3 Kennesaw moratorium as a model to draft a moratorium
4 that would be voted on at the next Council meeting.
5 MAYOR PRO TEM PITTMAN: Okay.
6 COUNCILMEMBER ALEXANDER: For one year?
7 COUNCILMEMBER FLEMING: You have to indicate
8 for what --
9 COUNCILMEMBER ROCHE: I'm sorry. I'm sorry.
10 COUNCILMEMBER FLEMING: A moratorium.
11 COUNCILMEMBER ROCHE: Moratorium on so-
12 called pain management clinics or any other clinics
13 operating under the same or a different name that does
14 essentially the same thing.
15 MAYOR PRO TEM PITTMAN: How long? How long
16 can we set it?
17 COUNCILMEMBER FLEMING: He said one year.
18 COUNCILMEMBER ROCHE: For one year.
19 MAYOR PRO TEM PITTMAN: Okay.
20 COUNCILMEMBER ROCHE: All that's already in
21 this, the Kennesaw.
22 MAYOR PRO TEM PITTMAN: Do I get a second?
23 COUNCILMEMBER ALEXANDER: Second.
24 MAYOR PRO TEM PITTMAN: Discussion?
25 - - -

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1 (No response)
2 - - -
3 MAYOR PRO TEM PITTMAN: Call the roll,
4 please.
5 CLERK McCAIN: Councilmember Alexander?
6 COUNCILMEMBER ALEXANDER: Yes.
7 CLERK McCAIN: Councilmember Bates?
8 COUNCILMEMBER BATES: Yes.
9 CLERK McCAIN: Councilmember Fleming?
10 COUNCILMEMBER FLEMING: Yes.
11 CLERK McCAIN: Councilmember Pachuta?
12 COUNCILMEMBER PACHUTA: Yes.
13 CLERK McCAIN: Councilmember Roche?
14 COUNCILMEMBER ROCHE: Yes. Thank you.
15 MAYOR PRO TEM PITTMAN: Motion carries.
16 - - -
17 (Applause)
18 - - -
19 MAYOR PRO TEM PITTMAN: All right. Next on
20 the agenda is going to be Review and Enforce
21 Residential Occupancy Ordinances, Mr. Roche.
22 COUNCILMEMBER ROCHE: Yeah. I'm afraid I
23 haven't seen any results from that. I was hoping -- I
24 think that the last time this came up, we did have
25 some discussions about it and a motion was made to put

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1 it on the agenda for the next work session and it did
2 not appear on that agenda.
3 So I'd like to go ahead and continue this to
4 the next work --
5 When's our next work session scheduled?
6 CLERK McCAIN: The third week in March.
7 COUNCILMEMBER ROCHE: The third week in
8 March?
9 COUNCILMEMBER BATES: The second.
10 CLERK McCAIN: Second week. I'm sorry.
11 COUNCILMEMBER BATES: The 14th.
12 COUNCILMEMBER ROCHE: And in the meantime, I
13 would like to get a list from the city coun- -- I'll
14 make this in the form of a motion.
15 I'd like to get a list of all the
16 appropriate ordinances along with their penalties,
17 whatever they happen to be, or even if it's a lack of
18 penalties, so that we'll have that list at the work
19 session to determine whether or not we need to change
20 penalties on it.
21 MAYOR PRO TEM PITTMAN: Is that a motion?
22 COUNCILMEMBER ROCHE: That's a motion for
23 the city attorney.
24 MR. WEED: Okay. Clarify what you want me
25 to do again, please?

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1 COUNCILMEMBER ROCHE: Provide a list of all
2 the ordinances that are nuisance ordinances that
3 Quality of Life enforces and check to see what the --
4 so we have a list and the penalties of each ordinance.
5 That way, we can review the ordinances and see if the
6 penalties are appropriate and enforceable for those
7 ordinances.
8 MAYOR PRO TEM PITTMAN: Do I get a second?
9 COUNCILMEMBER ROCHE: In time for the next
10 work session.
11 COUNCILMEMBER FLEMING: You're referring to
12 the residential occupancy ordinance; correct?
13 COUNCILMEMBER ROCHE: That too. Basically
14 it's residential occupancy. Yeah, we'll start with
15 that.
16 COUNCILMEMBER FLEMING: Second.
17 COUNCILMEMBER ALEXANDER: Do you have that,
18 Mr. Weed?
19 MR. WEED: I don't really understand but --
20 COUNCILMEMBER ROCHE: All right.
21 MR. WEED: -- Chapter 10 deals with
22 nuisances. The building code deals with occupancy.
23 The zoning code deals with occupancy. If you want me
24 to do an overall review of every ordinance that we
25 might have that impacts occupancy, I'm happy to do

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that if that's what you're asking me to do, and any corresponding penalty.

COUNCILMEMBER ROCHE: Let me start over again. I withdraw that motion and I'll make a motion --

COUNCILMEMBER FLEMING: Withdraw my second.

MAYOR PRO TEM PITTMAN: Thank you.

COUNCILMEMBER ROCHE: Sorry.

Make a motion that we review all ordinances from Doraville and other cities to identify any changes needed to improve enforcement and clean up neighborhoods, which may or may not include increasing penalties for violations. Is that clear enough?

MR. WEED: I'll do the best I can.

MAYOR PRO TEM PITTMAN: Okay. Ms. Fleming?

COUNCILMEMBER ROCHE: I'm sorry. And let me add and have it ready for the next work session meeting in March.

MAYOR PRO TEM PITTMAN: Okay. Do I get a second?

COUNCILMEMBER FLEMING: Second.

MAYOR PRO TEM PITTMAN: Discussion?

- - -

(No response)

- - -

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MAYOR PRO TEM PITTMAN: Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK McCAIN: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK McCAIN: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK McCAIN: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

Thank you.

MAYOR PRO TEM PITTMAN: Next item is going to be City Engineering Service Contracts, Ms. Fleming.

COUNCILMEMBER FLEMING: Yes. I had recently reviewed the contracts that Mr. Weed had presented us at the end of the year where we were having to review, and I noticed that the city engineering services that Keck & Wood provides for us was not part of the contract list and I was concerned about that. And in my investigation, I determined that though we had paid them over the last two years about $218,000 I believe it was, and they were not all revenue-neutral, they have been used exclusively for engineering services,

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plan reviews, map updates, really for the past three years without any form or a contract or agreement, nor do we have any type of fee schedule listed for ourselves or for the property owners whether it be residences or businesses that come into our Planning and Zoning department to get permits. You don't know up front what you're being charged.

So I had recommended at the previous meeting in January that we go out for RFP for city engineering services, and as Mr. Hart mentioned, it might be several different types of engineers that we keep on file and use. However, not having a signed agreement or contract, I'm very much concerned with that.

So I believe, if I'm not mistaken, though I didn't bring the minutes with me, that I had requested that the departments that were involved, the city building inspector as well as the departments involved using these services, would write the RFP, and I have not seen that yet.

COUNCILMEMBER BATES: We had requested that they provide the types of services that they typically use, and I don't know that that's been provided.

COUNCILMEMBER ROCHE: It hasn't.

MAYOR PRO TEM PITTMAN: Not to my knowledge.

COUNCILMEMBER BATES: So Ms. Fleming, I

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agree with you. I do think it's appropriate for us to go out for an RFQ on engineering services and put, as you've indicated, multiple firms on retainer based upon their expertise.

So if we could have Mayor Pro Tem Pittman or the Clerk to follow up with Planning and Zoning to make sure that they're providing us with a list of services that they typically use, I think that will help expedite the RFQ process.

I'm all in favor of moving forward with this.

COUNCILMEMBER FLEMING: So if you don't mind, I --

MAYOR PRO TEM PITTMAN: Absolutely.

COUNCILMEMBER FLEMING: Thank you.

COUNCILMEMBER BATES: Because I think one of the concerns that we had talked about at the last meeting was this is a very expansive list, and I don't know that we would be able to find a firm nor do I think we would want to find a firm that could accomplish all of the essential duties and responsibilities.

COUNCILMEMBER FLEMING: I couldn't agree with you more. Absolutely.

COUNCILMEMBER BATES: So we probably need to

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1 rewrite that RFP to be a little bit more flexible in
2 our ability to select individual firms.
3 COUNCILMEMBER ALEXANDER: And then I had
4 also given a sample from Savannah, and I don't think
5 that was the end-all/be-all either.
6 COUNCILMEMBER FLEMING: I'm sorry?
7 COUNCILMEMBER ALEXANDER: I don't think that
8 was the end-all/be-all either the example from
9 Savannah.
10 COUNCILMEMBER ROCHE: Well, one way to treat
11 multiple vendors fairly is to have even a list of
12 three or five and just simply alternate as jobs come
13 up, and that way, we balance them out. So I will have
14 to say that I do agree with Mr. Hart on this one, that
15 some firms do specialize, and I think we should be
16 able to have them so that the new city inspector, who
17 will also be our city official, would have these
18 resources available as needed.
19 MAYOR PRO TEM PITTMAN: So Ms. Fleming, are
20 you requesting that we table this?
21 COUNCILMEMBER FLEMING: No, not table.
22 COUNCILMEMBER ROCHE: Postpone.
23 MAYOR PRO TEM PITTMAN: Postpone?
24 COUNCILMEMBER FLEMING: Postpone.
25 COUNCILMEMBER ROCHE: Till the next --

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1 COUNCILMEMBER FLEMING: To the next --
2 Well, do you feel that you will have --
3 Let's see. The next meeting's going to be March the
4 7th?
5 COUNCILMEMBER BATES: March 7th, right.
6 MAYOR PRO TEM PITTMAN: Right.
7 COUNCILMEMBER FLEMING: March 7th to have
8 all of the information back from the -- whether it be
9 the city inspector or the city planner, yourself,
10 gathering of the information of types of services that
11 the Keck & Wood does for us.
12 MAYOR PRO TEM PITTMAN: I don't --
13 CLERK McCAIN: That should not be an issue.
14 MAYOR PRO TEM PITTMAN: That shouldn't be a
15 problem.
16 CLERK McCAIN: Are you also expecting a
17 rewritten RFP be presented on the 7th to include those
18 services or --
19 COUNCILMEMBER FLEMING: Well, as
20 Ms. Alexander said, she provided us with a copy of
21 Savannah. I went online, and it's a multiple-duty
22 type thing, so it's going to possibly be where we do
23 indeed -- like Mr. Bates and Mr. Roche indicated, that
24 we may be selecting three or four depending on their
25 qualifications.

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1 So in answer to your question, we do have to
2 at some point write an RFP or an RFQ.
3 CLERK McCAIN: Okay. So we'll bring
4 something back on the 7th as a sample --
5 COUNCILMEMBER FLEMING: That sounds great.
6 CLERK McCAIN: -- compared to Savannah's
7 RFP?
8 COUNCILMEMBER FLEMING: To include the
9 services that our city normally uses.
10 MAYOR PRO TEM PITTMAN: Okay. Thank you.
11 The next item is Hearing Procedures for
12 Regulated Businesses, Ms. Pachuta.
13 COUNCILMEMBER PACHUTA: This was on the
14 January 3rd agenda. It came up last year when we were
15 revising the pawn shop ordinance in that there was no
16 hearing procedures for the pawn shops if they were
17 denied a license by the City. And in discussions with
18 Mr. Weed, you know, it appeared we have some
19 regulatory ordinances that have hearing procedures,
20 some that did not.
21 And so rather than add a specific procedure
22 for the pawn shops, Mr. Weed's preference and Council
23 discussed this at the January 3rd meeting was to have
24 one generic hearing procedure for regulated businesses
25 so it would apply to any business that required a

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1 regulatory license. And I believe he made changes
2 based on our comments at the January 3rd meeting, so
3 this is our second reading of it.
4 COUNCILMEMBER ALEXANDER: I had done some
5 research on some other municipalities, and they have
6 an administrative hearing officer that is not a member
7 of their government, is a contract judge that hears
8 appeals of this nature and I guess gives direction if
9 you will.
10 I just -- I sit back and I think about the
11 one hearing we had where poor Lieutenant Rogers was
12 sitting here getting grilled by Council, and I just
13 don't feel that it's -- I'm uncomfortable with that.
14 I'm uncomfortable with a police officer having to come
15 before this body to say he gave someone a citation for
16 this or a citation for that.
17 I also know when we had some hearings for
18 some of these pawn shops where the audience was very
19 vocal in support of the one that they like and very
20 vocal on the one that they didn't like. So you had
21 emotions injecting into an administrative decision.
22 I'm not necessarily advocating for Council
23 to give up some of its power; however, I think
24 objectivity is extremely important, and I never want
25 one of our police officers to feel intimidated, not

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that Lieutenant Rogers was, coming before this body and basically he was being interrogated by us. I don't necessarily think that's fair or that's good business.

So I'd like to know Council's opinion on having a third-party, completely objective administrative hearing judge. I want to see what Council's thinks, what the opinion is on that.

COUNCILMEMBER ROCHE: I have to say it's an excellent idea. I mean it would remove the politics.

COUNCILMEMBER PACHUTA: Just for regulated businesses or for other --

COUNCILMEMBER ALEXANDER: I think on other appeals also; that perhaps that this body would then be the next step up if through the administrative judge hearing -- I'm not sure. I haven't researched past that. The administrative hearing officer may be the final say in those other municipalities. I didn't get that far. I just thought it was a good idea and it would take the politics out of a decision that needs to be made.

COUNCILMEMBER ROCHE: Well, would we have to make a -- I mean some of these, I mean we're the appeal process -- or the appealing body by ordinance. You know, like for instance personnel appeals, you

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know, the gentleman that was rehired back to the Library for instance. And I kind of feel like that one kind of went kind of well, but I guess things could have gone the other way.

So I don't know. Are you saying this would include every possible potential appeal or --? Some cases, frankly, we're making legal determinations and we're not lawyers and we're not judges, particularly on some of these zoning things.

COUNCILMEMBER ALEXANDER: I don't know that we can relinquish our zoning. I didn't check into that. I was basically discussing, you know, a regulatory situation.

I think it's something that is worth exploring. Perhaps we need to get this ordinance passed and in place because it will take us a while to make that decision, to make that transition. And like you said, how many ordinances would that involve in changing --

COUNCILMEMBER ROCHE: Right.

COUNCILMEMBER ALEXANDER: -- the appeal process. But I just think it would be more fair and basically more businesslike and take, you know, the politics out of it and take emotions out of it.

COUNCILMEMBER ROCHE: I think it's an

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excellent idea.

COUNCILMEMBER FLEMING: Well, and I don't think it should just be for regulatory. I think it should be for all businesses.

COUNCILMEMBER BATES: Well, I think --

COUNCILMEMBER FLEMING: If they're denied, then they don't have an avenue really unless it's zoning, unless it's a zoning issue, and then they have supposedly an appeal to Mayor and Council.

But you know, it's one of those -- I think it should be for all businesses.

COUNCILMEMBER BATES: I like it in concept. It does take the emotion and politics out of it and, you know, as much as we want to try to stay above it, we were influenced by emotion and politics based upon support, and an independent third-party person wouldn't be influenced by the day-to-day comments that we get.

I do think -- as Ms. Alexander said, I do think we need to pass the regulatory hearing procedure so that we've got that step in place but look at an administrative judge or hearing official down the road, but to have this discussion as to what types of hearings should be included in that. Should personnel appeals be part of that? I don't know. My gut

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reaction is no, because the charter says we've got hiring/firing of that, but I think there's an argument that says that it should be an administrative hearing.

But I like the idea. I will go ahead and -- Mr. Weed, there is one scrivener's error on page three, section 4(i), and it's the third sentence from the bottom that starts with -- or fourth sentence, that "It shall not be a forum for discussion of."

Is that correct?

MR. WEED: Extraneous?

COUNCILMEMBER BATES: Yeah.

MR. WEED: The word appears to be correct on my version which is 22 February-11.

COUNCILMEMBER ALEXANDER: Oh, okay. This is dated February 7th.

COUNCILMEMBER BATES: Yeah.

MR. WEED: Correct. The Clerk pointed out -- I mean I sent this to you --

COUNCILMEMBER BATES: Okay.

MR. WEED: -- but I think I've changed that already.

COUNCILMEMBER BATES: So the corrected version says "of."

MR. WEED: Let me check.

Yes. Yes.

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COUNCILMEMBER BATES: Okay. Thank you. I'll make the motion to adopt the ordinance Section 1-15, Hearing Procedure for Regulated Businesses.
COUNCILMEMBER FLEMING: Second.
MAYOR PRO TEM PITTMAN: Discussion?
COUNCILMEMBER FLEMING: Now are we going to include the administrative hearing?
COUNCILMEMBER BATES: What Ms. Alexander was suggesting?
COUNCILMEMBER FLEMING: Yes.
COUNCILMEMBER BATES: No. I think that's a much longer conversation because then we have to talk about the criteria for selecting an administrative judge, what hearings they'd hear, compensation. It's got budget implications.
COUNCILMEMBER FLEMING: Okay, and this is hearing procedures only for regulated businesses and no others.
COUNCILMEMBER BATES: That's correct.
COUNCILMEMBER ALEXANDER: I'll go ahead and start doing some additional research on administrative hearing officers and judges.
COUNCILMEMBER FLEMING: And your purpose again or comment again about why we're not going to

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include other than regulated businesses?
COUNCILMEMBER BATES: There are already hearing procedures in place for other businesses.
COUNCILMEMBER PACHUTA: Well, and I think --
COUNCILMEMBER FLEMING: As in?
COUNCILMEMBER PACHUTA: -- we would just be inundated. We would be having City Council meetings -- We have to limit it at some point. I mean they have other avenues, maybe not just through the Council, but I don't want to open that door.
COUNCILMEMBER FLEMING: So only the regulated businesses have an appeal process.
COUNCILMEMBER PACHUTA: They have this appeals process as outlined in this ordinance.
COUNCILMEMBER FLEMING: I'm not trying to cut you up, but you're telling me that there are other -- that the other businesses have other ways of appeal, but --
COUNCILMEMBER PACHUTA: Not necessarily other ways of appeal but have other avenues available to them. I just think, you know, any time a business may be unhappy, I don't think that you want them to have a City Council meeting for that.
And right now, the regulated businesses, they're paying extra fees for going through a lot of

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extra scrutiny, background checks, et cetera, and because of all that extra stuff they're doing and extra money that they're paying the City, I think they deserve an extra due-process step.
COUNCILMEMBER ROCHE: I'll go ahead and support this but I have to say that I've always been uncomfortable with this process because there's no determination of the legal points, I guess, I mean basically. And I think that we can address this later with Councilwoman Alexander bringing it up, because I think that there may be things that we do that are simply not legal. If someone says, "Well, wait a minute. Here's my document and I did it within 30 days," and the decision is, "No, you didn't." And you know, it's a legal point of fact one way or another versus just a subjective decision, so I think I'll go ahead and support this, but I think that more work is needed.
MAYOR PRO TEM PITTMAN: Okay. We have a motion and a second. Additional discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.

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CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: No.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Motion carries.
MR. WEED: And in answer to Councilman Alexander's question, only Macon, Bibb County, they were the last community that had zoning done through a separate non-elected entity. The Zoning Procedures Act no longer allows that. In fact when you could have a local constitutional amendment that would only apply to your local government, they were the last entity that did that.
In fact I've had other clients try to put the zoning authority or give the zoning authority to a nonelected entity, and you can no longer do that constitutionally in Georgia.
With regard to other procedures, if anyone feels aggrieved of something that the government has

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1 done, they can either always file a mandamus action,
2 or if they've been denied, that they've had some form
3 of hearing that didn't go their way, they can always
4 file a writ of cert. Those options are always
5 available to them in every instance whether you have a
6 local ordinance on it or not, just to be helpful.
7 MAYOR PRO TEM PITTMAN: Thank you.
8 Okay. The next item is going to be Exempt
9 Employees and Salary Study, Mr. Bates.
10 COUNCILMEMBER BATES: I'm want to table that
11 till March the 7th, please.
12 MAYOR PRO TEM PITTMAN: Okay.
13 All right. The next item is going to be
14 Gravel Driveway Exemption Ordinance, Ms. Fleming.
15 COUNCILMEMBER FLEMING: Thank you.
16 For those of you that are here that are
17 concerned that I am promoting unlimited gravel in the
18 city, it's not true.
19 What I am trying to promote is those
20 residents that had both primary driveways as well as
21 secondary driveway pads prior to the ordinance dated
22 3/21/05 that stated that by 3/21/11, all of the gravel
23 would have to be removed and then replaced by asphalt
24 or concrete.
25 That is the purpose of me bringing it up

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1 again. It's undue hardship because people were indeed
2 residents that have had their gravel driveways in for
3 10 -- 5/10/20 years, long before the original
4 ordinance ever went into effect. And I feel that it's
5 an undue hardship both on those existing right now.
6 I am not in favor of gravel driveways to be
7 extended, nor should the back yard be turned into a
8 parking lot either. This was just for the driveways
9 and the secondary pad that's in the front yard.
10 I believe we've gone back and forth with
11 much discussion. I believe Mr. Bates even went to the
12 point of -- and we all did, actually -- requested QOL
13 to go out and take a survey of all of the residents
14 who had either gravel driveways or a parking pad.
15 What I had been trying to promote was gravel
16 driveways that are in existence today or that were
17 actually in 3/21/05 needs to be maintained with some
18 type of landscape timbers or greenery so that the
19 driveways are indeed contained.
20 Most of the audit -- I'll call it that, a
21 driving audit -- with addresses that we have here are
22 actually the driveways themselves. They're not
23 necessarily a secondary pad, parking pad. So there
24 are close to what? 300, Mr. Bates?
25 COUNCILMEMBER BATES: Yes, ma'am.

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1 COUNCILMEMBER FLEMING: 300 residents this
2 affects in the city that already had gravel driveways.
3 Now, we've come a long way in 150 years, and
4 that's not to say that the gravel's been there for 150
5 years, and I won't stretch that. But there are other
6 ways other than this 2005 ordinance where it dictated
7 that the gravel would have to be removed and replaced
8 with either asphalt or concrete.
9 Now, in just the six years, eco, green
10 cities, tree cities; we're all getting into recycling
11 and so forth and trying to make things more pervious
12 surfaces. We all know the asphalt retains and puts
13 out heat, which is, you know, creating a problem for
14 our earth. So as Mr. Bates had pointed out, we do
15 want to get into more porous surfaces so that it is --
16 I believe he called it the grid, the grid type, grid
17 block of driveways and so forth.
18 But we are limiting Section 5-40 on the
19 driveways. That ordinance as it reads today requires
20 that all gravel driveways, parking pads, et cetera
21 must be removed and replaced with concrete and
22 asphalt, and that's what I was trying to eliminate.
23 We did indeed have Mr. Weed draft an
24 ordinance for us to move forward. I believe there's
25 been some additional discussion. This was way back, I

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1 believe, July. July the 22nd is when he did it for
2 us. So I'm going to stick with this particular
3 ordinance. Those that were presently in the city
4 should be grandfathered in, and I'm open for
5 discussion at this point.
6 COUNCILMEMBER BATES: My concern at the
7 time, and it has been proved out, was we didn't know
8 how many gravel driveways we were grandfathering in
9 when that ordinance was presented to us in August.
10 And we now subsequently know that it is over 300
11 gravel driveways in the city, and that is a
12 significant number.
13 I am not in favor of a grandfather in
14 perpetuity but I am also not in favor of requiring the
15 ordinance to go into effect today for some concerns
16 for a number of reasons. One is the financial impact
17 and cost in an economic downturn. Two is, as we've
18 discussed in the past, I'm not sure that I'm pleased
19 with the fees that are being required for plan review,
20 and that is to me a burden that I don't want to have
21 our residents incur.
22 So I'm caught between not wanting to
23 perpetuate 300 plus gravel driveways versus requiring
24 residents to comply with an ordinance that may be
25 particularly expensive and onerous in today's environ-

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1 ment. So that's where I'm at. Not to mention that we
2 limit the -- if we do enforce the existing ordinance,
3 we limit it to two options, and I think that is
4 extremely irresponsible when there are other more
5 viable, environmentally friendly options that would
6 serve as sufficient driveways and parking pads.
7 COUNCILMEMBER FLEMING: When we originally
8 discussed this, those that were present and those that
9 did care about their driveways did indeed submit
10 photographs and were very much concerned about the
11 expense. You're absolutely correct. They were
12 discussing surveys, plan review, et cetera, et cetera.
13 So I think those fees, agreed, are way out of
14 proportion.
15 But many of the driveways that I have seen
16 are indeed maintained -- contained and maintained, and
17 I really don't feel that residents should have to go
18 to the extreme of having to remove all the gravel and
19 put something else down. For that matter, if you stop
20 and think about it, don't remove the gravel and just
21 put a load of dirt on top and make it into a vegetable
22 garden.
23 COUNCILMEMBER ROCHE: Well, that's a sticky
24 wicket, I guess.
25 One of the things I do like about this

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1 ordinance is it says no existing driveway can be
2 expanded. You have to bring a clearly visible
3 picture.
4 I'm kind of wondering if it would be
5 worthwhile to and/or can we legally differentiate
6 between owner-occupied properties versus rental
7 properties?
8 MR. WEED: The Council did ask me that
9 question on 9/7/2010 and I forwarded an e-mail back to
10 you. My opinion is there's no legal basis to
11 differentiate between owner-occupied and rental
12 properties with regard to a driveway.
13 COUNCILMEMBER ROCHE: Right, because then I
14 was thinking that since one is more or less a
15 commercial property versus a residence. I guess
16 that's one way of looking at it, but.
17 MR. WEED: Georgia is -- as we all know,
18 Georgia is extremely property-rights oriented --
19 COUNCILMEMBER ROCHE: I understand.
20 MR. WEED: -- and the real estate lobby
21 group is quite powerful.
22 COUNCILMEMBER ROCHE: Well, it's not going
23 to happen in time, because as we look at -- I think
24 you said it was Section 10 on the residential
25 ordinances and the QOL type ordinances, I mean if

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1 there were something else that -- if someone's not
2 keeping up their -- or the appearance is bad or
3 whatever, there would be other ways to cite them, so.
4 MAYOR PRO TEM PITTMAN: If I could take a
5 moment before we go any further with this. It's
6 almost 9 o'clock and the Council needs to make a
7 decision if we want to extend the meeting and how far
8 we want to extend it.
9 COUNCILMEMBER ROCHE: I make a motion we
10 extend the meeting to finish this particular agenda
11 item.
12 MAYOR PRO TEM PITTMAN: This item? Just
13 this item?
14 COUNCILMEMBER ROCHE: Sure. It's 9 o'clock,
15 I mean.
16 MAYOR PRO TEM PITTMAN: Okay. Do I get a
17 second?
18 COUNCILMEMBER BATES: Second.
19 MAYOR PRO TEM PITTMAN: Discussion?
20 - - -
21 (No response)
22 - - -
23 MAYOR PRO TEM PITTMAN: Call the roll,
24 please.
25 CLERK McCAIN: Councilmember Alexander?

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1 COUNCILMEMBER ALEXANDER: Yes.
2 CLERK McCAIN: Councilmember Bates?
3 COUNCILMEMBER BATES: Yes.
4 CLERK McCAIN: Councilmember Fleming?
5 COUNCILMEMBER FLEMING: Yes.
6 CLERK McCAIN: Councilmember Pachuta?
7 COUNCILMEMBER PACHUTA: Yes.
8 CLERK McCAIN: Councilmember Roche?
9 COUNCILMEMBER ROCHE: Yes.
10 MAYOR PRO TEM PITTMAN: Motion carries.
11 COUNCILMEMBER FLEMING: Mr. Bates, have you
12 reread the ordinance that has been drafted for us?
13 COUNCILMEMBER BATES: I have. And again, my
14 concern is grandfathering 300-plus gravel driveways
15 forever. I don't think that's in the best interest of
16 our neighborhood.
17 COUNCILMEMBER FLEMING: Well, I mean, on
18 Section B it says, "Existing driveways constructed of
19 gravel shall have such gravel treated and visible
20 grass or weeds shall not be allowed to grow through
21 any such driveway."
22 In addition, "Gravel driveways shall contain
23 landscape timbers or similar retaining materials that
24 will contain such gravel within its allocated
25 location."

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1 To me, that is a QOL thing where they can go
2 out and say, "You don't have any landscape timbers.
3 Here is your ticket."
4 COUNCILMEMBER BATES: Well, to me, there's a
5 couple of issues with gravel. One is this ordinance
6 nor did the previous one specify type of gravel. So
7 there's nothing to prevent a resident from getting
8 broken concrete and spreading it, you know, on their
9 driveway and calling it a gravel driveway. There's
10 nothing to stipulate that crush and run, a very ugly
11 gravel, can't be used.
12 I think we've got a challenge because while
13 I appreciate the residents that do have a gravel
14 driveway and especially those residents that maintain
15 and take care of theirs, there are twice as many that
16 don't, or don't care, or even following this would put
17 in inferior product. And I don't know that that's a
18 direction that we want to go down.
19 COUNCILMEMBER ROCHE: Well, there are people
20 that today have broken concrete driveways. But what
21 they've told me is that when you pay $650 for the
22 required survey and then another $250 to $400 for City
23 costs, you're into a grand before you've even turned a
24 spade of dirt, and that's something we need to look
25 at. I mean these fees are just --

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1 COUNCILMEMBER BATES: That's --
2 COUNCILMEMBER ROCHE: I mean I know that.
3 Maybe the only thing we can do at this point
4 is at least give ourselves some breathing space and
5 postpone the March 15th date for no more than 90 days,
6 and then one way or another, decide what we're going
7 to do and move forward with it.
8 COUNCILMEMBER BATES: I would actually
9 prefer it to be longer. When we had this discussion
10 back in July and August, my recommendation was for a
11 two-year extension on the enactment clause. Ninety
12 days, again, to me, from a financial standpoint, is
13 not going to fix or address the economic climate that
14 we're in, and that was one of the issues that was
15 raised as to why we shouldn't put it into effect.
16 We've got the fee schedule on our work
17 session, but I don't know where it ranks in priority
18 on getting to. So I appreciate the movement on you
19 granting us some breathing room. I do think it needs
20 to be extended out a little bit longer and I think we
21 need to make sure that we've got a plan in place to
22 allow for alternate materials aside from just concrete
23 or asphalt.
24 COUNCILMEMBER ROCHE: Well, 90 days would
25 give us time to not require a full survey for

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1 replacing an existing driveway that's made out of
2 gravel with a new driveway made out of concrete but
3 also allow us to reduce the fees for an inspection or
4 whatever to much less than whatever it is today,
5 maybe 50 bucks, and then decide how we're going to
6 handle --
7 Again, some of these gravel driveways,
8 again, they look okay, I mean in my opinion. I mean
9 they do have something that keeps all the gravel in
10 one spot and everything is not -- they're not an
11 eyesore. And maybe we shouldn't punish those for the
12 bad actors.
13 I mean the people that I'm concerned about
14 are the people that they basically go out and they
15 dump a couple loads of gravel on their front lawn, and
16 the next thing you know, there's 12 people living
17 there and four cars parked on the front lawn. That's
18 what we need to stop.
19 COUNCILMEMBER ALEXANDER: And that was one
20 of the points I brought up when Ms. --
21 COUNCILMEMBER ROCHE: Exactly.
22 COUNCILMEMBER ALEXANDER: -- Pachuta and I -
23 - is that that was the issue that happened in
24 Oakcliff. They didn't even have curb cuts. They
25 would just throw gravel in the yard --

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1 COUNCILMEMBER ROCHE: That's --
2 COUNCILMEMBER ALEXANDER: -- and drive --
3 COUNCILMEMBER ROCHE: -- exactly right.
4 COUNCILMEMBER ALEXANDER: -- over the curb.
5 COUNCILMEMBER ROCHE: So we have good, law
6 abiding citizens and we're trying not to throw the
7 baby out with the bath water here.
8 And as far as the 90 days, I mean you're
9 saying two years. Why don't we call it -- why don't
10 we call it a year?
11 COUNCILMEMBER BATES: Well, I think one of
12 the issues that Ms. Fleming had brought up was making
13 residents aware of the requirements that were on the
14 books. And while it was in the City newsletter and
15 over a period of time, I do think we need to have a
16 more concerted effort of advising residents that this
17 is -- if we do move forward with this enforcement,
18 that it's coming due.
19 COUNCILMEMBER FLEMING: Can we put an age?
20 I mean if the resident is a senior that's 70 in here
21 and it has an exemption? I just -- I'm really -- I
22 think that we're just ...
23 COUNCILMEMBER ROCHE: My concern about going
24 beyond 90 days or even a year or two years is that for
25 that year or two years we'll continue to have the

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1 situation, as Councilwoman Alexander and Pachuta
2 mentioned, where you've basically got gravel dumped on
3 someone's front lawn.
4 I think we need to take action. I think we
5 should give ourselves a deadline and do something
6 about that fairly soon. The economy's not going to
7 stay bad forever, and I want it to be at least a
8 presentable neighborhood so that when the economy does
9 come back, people won't drive halfway down the street
10 and turn around and go to Chamblee or someplace else.
11 Nine months? I don't know.
12 MAYOR PRO TEM PITTMAN: Does someone want to
13 make a motion?
14 COUNCILMEMBER ROCHE: Well, I mean -- and I
15 think that the motion -- Well, we'd have to make a
16 motion today so that if we're going to pass something,
17 it would be at the next Council meeting to be able to
18 make the March 15th deadline.
19 COUNCILMEMBER BATES: I'll make the motion
20 to extend the requirement for conversion of gravel
21 driveways to concrete or asphalt as it stands today to
22 March twenty -- March 31st, 2012.
23 MAYOR PRO TEM PITTMAN: Do I get a second?
24 COUNCILMEMBER FLEMING: What's the date
25 again, please?

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1 COUNCILMEMBER BATES: March 31st, 2012.
2 And I'll amend my motion by having our Clerk
3 put this on our work session schedule because we do
4 need to resolve this once and for all.
5 MAYOR PRO TEM PITTMAN: Do I get a second?
6 COUNCILMEMBER ALEXANDER: Second.
7 COUNCILMEMBER FLEMING: I think everyone
8 knows my opinion that the hardship -- you know, this
9 as we've been often told lately, the unintended
10 consequences of this ordinance when it was put into
11 effect on March 21st of 2005 was not considered for
12 2011, and there's been no notification whatsoever in
13 six years' time for these people.
14 COUNCILMEMBER ALEXANDER: It's been in City
15 newsletter.
16 COUNCILMEMBER FLEMING: I'm sorry?
17 COUNCILMEMBER ALEXANDER: It was in the City
18 newsletter.
19 COUNCILMEMBER FLEMING: One time in six
20 years maybe. I don't know.
21 I'm not arguing with you. I'm just -- I
22 believe everybody knows my opinion on that.
23 COUNCILMEMBER ROCHE: Yeah. I like the
24 idea. I don't -- I think a year's a little too long
25 because even if we come up with a great solution 60

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1 days from now, we can't very well change it to -- we
2 can't move back the date. You see what I'm saying?
3 COUNCILMEMBER FLEMING: Yes, we can.
4 COUNCILMEMBER ROCHE: We're committing to a
5 date.
6 COUNCILMEMBER FLEMING: Yes, we can.
7 COUNCILMEMBER ROCHE: Well, I don't think
8 that would be fair, but.
9 MAYOR PRO TEM PITTMAN: Okay. Additional
10 discussion?
11 - - -
12 (No response)
13 - - -
14 MAYOR PRO TEM PITTMAN: Call the roll,
15 please.
16 CLERK McCAIN: Councilmember Alexander?
17 COUNCILMEMBER ALEXANDER: Yes.
18 CLERK McCAIN: Councilmember Bates?
19 COUNCILMEMBER BATES: Yes.
20 CLERK McCAIN: Councilmember Fleming?
21 COUNCILMEMBER FLEMING: No.
22 CLERK McCAIN: Councilmember Pachuta?
23 COUNCILMEMBER PACHUTA: No.
24 CLERK McCAIN: Councilmember Roche?
25 COUNCILMEMBER ROCHE: No.

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1 COUNCILMEMBER FLEMING: Motion to
2 reconsider.
3 COUNCILMEMBER ROCHE: Second.
4 MAYOR PRO TEM PITTMAN: Discussion?
5 - - -
6 (No response)
7 - - -
8 MAYOR PRO TEM PITTMAN: Call the roll,
9 please.
10 CLERK McCAIN: Councilmember Alexander?
11 COUNCILMEMBER ALEXANDER: No.
12 CLERK McCAIN: Councilmember Bates?
13 COUNCILMEMBER BATES: Yes.
14 CLERK McCAIN: Councilmember Fleming?
15 COUNCILMEMBER FLEMING: Yes.
16 CLERK McCAIN: Councilmember Pachuta?
17 COUNCILMEMBER PACHUTA: No.
18 CLERK McCAIN: Councilmember Roche?
19 COUNCILMEMBER ROCHE: Yes.
20 MAYOR PRO TEM PITTMAN: Okay.
21 COUNCILMEMBER BATES: I have no motion to
22 make. So I made what I thought was a fair compromise
23 between the two parties, so I'm done.
24 COUNCILMEMBER ROCHE: How about six?
25 COUNCILMEMBER BATES: How about six what?

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COUNCILMEMBER ROCHE: Why don't we extend it for six months?
COUNCILMEMBER FLEMING: You just voted yes.
COUNCILMEMBER ROCHE: Yes to what?
COUNCILMEMBER BATES: The motion was to reconsider and it passed, so we're --
COUNCILMEMBER ROCHE: We're reconsidering it so, because --
COUNCILMEMBER BATES: I have no --
COUNCILMEMBER ROCHE: -- I think there's a better option than a full year. That's all.
COUNCILMEMBER BATES: I have no other motions to make. I've made what I thought was a fair compromise.
COUNCILMEMBER ROCHE: Well, I'll try, and I'll make a motion to extend the current date of March 15th, 2011 to six months hence which will be what? September 15th, 2011.
And that will give us time to get this thing straightened out. I think six months is better than a year, and we'll be under the gun to do something about it then.
CLERK McCAIN: And to put it on the 14th agenda?
COUNCILMEMBER ROCHE: The agenda, yes, thank

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you.
MAYOR PRO TEM PITTMAN: Okay. Do I get a second?
COUNCILMEMBER BATES: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: No.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: No.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes. And thank you.
MAYOR PRO TEM PITTMAN: Motion carries.
COUNCILMEMBER FLEMING: Till what date?
CLERK McCAIN: September 15th.
COUNCILMEMBER FLEMING: Motion to reconsider.

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MAYOR PRO TEM PITTMAN: I'm sorry?
COUNCILMEMBER FLEMING: Motion to reconsider.
MAYOR PRO TEM PITTMAN: Do I get a second?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: No second? Motion dies.
MAYOR PRO TEM PITTMAN: Okay.
COUNCILMEMBER ROCHE: Motion to adjourn?
MAYOR PRO TEM PITTMAN: No.
COUNCILMEMBER ROCHE: I'm sorry. We have public comments.
MAYOR PRO TEM PITTMAN: Well, Reports from Commission.
But first I'd like to say happy birthday to Ms. Fleming tonight. I am sure that she's just real thrilled about being here on her birthday.
COUNCILMEMBER ROCHE: Happy birthday.
MAYOR PRO TEM PITTMAN: And public comments. Public comments, step up, please. If you wish to make public comments, please line up at the podium.
MR. HART: This gravel driveway mess, I mean there's, you know, the curb cut problem where they're

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just dumping the stuff in the yard. That's against the law. Okay. And you can take care of that; simply don't have a curb cut from Dekalb County.
But all this comes under architectural standards, and again, nothing's been done about that. You had an opportunity the other day with the commercial district to pass some architectural standards at least for a stopgap to stop, you know, the metal buildings, et cetera, being built in the city.
And this gravel driveway is another issue that should be included in those architectural standards. You know, passing these things piecemeal like this or fooling around with them piecemeal does not address the basic problem in the city. You can't take these things one piece at a time. You talk about mailboxes and you talk about gravel driveways and you talk about curbs, you talk about shingles on the house. You need to stop doing that because you'll be here five years from now still talking about the same thing. So you need to include the gravel driveway issue with the architectural standards. Thank you.
MAYOR PRO TEM PITTMAN: Thank you.
MS. ORR: Hi. Lindy Orr, Raymond Drive, 3596 Raymond.

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I just wanted to mention one thing about the decision you guys made for the maintenance department. I don't know if anybody looked at last year's budget, but the maintenance department has a higher budget -- it was over a half a million dollars in 2010 -- it was higher than the court and it was higher than this City Hall.

I'm sure in today's environment that if somebody's going to leave a position, they don't give you a four-day notice. So the likelihood is that the individuals that left these positions notified their supervisor well in advance.

I also think that in this environment, we're asking a lot of people and a lot of different companies and a lot of us that have jobs, you have to do more with less.

I understand you have to come to some sort of a decision and the likelihood is that giving him one as opposed to both. But I think we have to be really sensitive about what positions we're allowing to be filled by everybody. We don't have the money. I mean that's the bottom line. And if we're going to ask people to pay more in taxes, I mean we've really got to make sure that whoever's asking for these jobs can justify it and really make it known that they

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can't live without it and they've known about it and they've given all of you notice ahead of time. To come up and say, you know, I knew it for three or four months, you know, and I've got to have it filled by Monday is really not acceptable. Thank you.

COUNCILMEMBER FLEMING: Thank you.

- - -

(Applause)

- - -

MAYOR PRO TEM PITTMAN: Motion to adjourn?

COUNCILMEMBER ALEXANDER: So moved.

MAYOR PRO TEM PITTMAN: Second?

COUNCILMEMBER PACHUTA: Second.

COUNCILMEMBER BATES: Second.

CLERK McCAIN: I didn't get the first or the second.

COUNCILMEMBER ALEXANDER: I made the motion.

COUNCILMEMBER BATES: Ms. Pachuta made the second.

MAYOR PRO TEM PITTMAN: Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

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CLERK McCAIN: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK McCAIN: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK McCAIN: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR PRO TEM PITTMAN: Meeting adjourned.

- - -

(Meeting adjourned at approximately 9:15 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 27th day of February 2011.

_____

Theresa Bretch, CCR

Permit No. B-755

[SEAL]

## $

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**$400 (1)**
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