In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

March 5, 2012

American Court Reporting Company, Inc.

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

Transcript of the meeting held in the Doraville Civic Center, 3770 Central Avenue, Doraville, Georgia, Mayor Donna Pittman presiding, before Theresa Bretch, Certified Court Reporter, commencing at approximately 6:30 p.m. on Monday, March 5, 2012.

* * *

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APPEARANCES:

Doraville City Council:

Mayor Donna Pittman
Councilmember Maria Alexander
Councilmember Brian Bates
Councilmember Pam Fleming
Councilmember Trudy Jones Dean

Deputy City Clerk Sandra Bryant

Cecil G. McLendon, Jr., City Attorney
Leonid Felgin, Assistant City Attorney
Riley McLendon, LLC
315 Washington Avenue
Marietta, GA 30060
(770) 590-5900

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P R O C E E D I N G S

MAYOR PITTMAN: Meeting come to order. Please rise for the Pledge.

- - -

(Pledge of Allegiance)

- - -

MAYOR PITTMAN: Thank you. If you could call the roll, please. Ms. Pachuta is out ill tonight.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Here.

CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Here.

CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Here.

CLERK BRYANT: Councilmember Dean?

COUNCILMEMBER DEAN: Here.

MAYOR PITTMAN: Thank you. Approval of minutes for February 21st, 2012?

COUNCILMEMBER ALEXANDER: Motion to approve the minutes.

MAYOR PITTMAN: Do I get a second?

COUNCILMEMBER FLEMING: Second.

MAYOR PITTMAN: Discussion?

- - -

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(No response)

- - -

MAYOR PITTMAN: Call the roll, please.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BRYANT: Councilmember Dean?

COUNCILMEMBER DEAN: Yes.

MAYOR PITTMAN: Okay. Thank you.

A couple of amendments here. There's a suggestion to amend the agenda to move a couple of our employees up -- I believe Scott and Joe is here -- if we can move those up under Department Reports to get them on out of here.

Do I get a motion?

COUNCILMEMBER FLEMING: I'd like to make a motion to move, under New Business, which is Roman numeral X, being 10, items 3, 4, 5, 6 and 7.

MAYOR PITTMAN: Okay. Second?

COUNCILMEMBER BATES: Second.

MAYOR PITTMAN: Discussion?

- - -

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(No response)
- - -
MAYOR PITTMAN: Call the roll, please.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER BATES: Yes.
CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BRYANT: Councilmember Dean?
COUNCILMEMBER DEAN: Yes.
MAYOR PITTMAN: Thank you.
Next is going to be Public Comments on Agenda Items Only. Please limit your comments to the agenda, three minutes. Please state your name for the Clerk.
MR. JOE O'CONNOR: Just one agenda question, and it's New Business. I guess it's number one, Human Resource Services for $60,000 a year? I don't think so. If we can't get a good H.R. person for $30,000, since none of them are working since they fired just about every employee they had, I just can't see spending $60,000 for a contract employee.
Thank you.
MAYOR PITTMAN: Additional comments?

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MR. TOM HART: Normally, the City Clerk in the city is an H.R. person that we should be paying about 46/48 thousand dollars a year for. And so we seem to have sent all the billing to Dekalb County, we're doing the H.R. services where the Clerk is not doing that, and we want to pay a clerk 60/65 dollars a year.
What we're doing is we're not getting our money's worth and we're not getting a good deal, and it's because people apparently, both the Council or the City Hall, is not hiring people that can do the jobs that are already written in the Charter.
And so instead of making the problem worse, try to fill those positions that can do the H.R. and can do the billing and can do the services like keeping the minutes of the meeting, that the Clerk normally does -- it's what he's getting paid for -- and start hiring people based on what the job description is.
The second thing is moving things -- from the zoning issue that's on the agenda, about moving all these uses into C-1 and C-2 that we have tried so hard to get rid of, and downgrading the architectural standards of the city to accommodate those uses after working so hard to move those uses out of C-1 and C-2,

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you're bringing in a lot of businesses that you will not be able to get rid of in the next 30 years.
You just got rid of the wholesale out of C-2, and it came on the heels of putting all the massage parlors in C-2. You can see what a problem that was. So going back and putting body shops right into the neighborhoods or using heavy industrial uses in the neighborhoods only makes matters worse.
Lowering the standards does not increase the quality or standard of life in the city; it brings it down and forces other mainstream businesses not to locate here.
Thank you.
CAROL GILMAN: Carol Gilman, Chestnut Woods Circle, Doraville.
The agenda, VII, Reports-Departments. I'm wondering if we could consider as the agenda is compiled to put more detail next to the department names. We do a pretty good job when we list the old business. We have an idea of what the agenda item might be about. New business and the attachments gives the reader an idea of what the agenda is about.
In looking at VII, we really don't know if we're going to have a report or not until we get here. So if we sit at home or if we talk to a neighbor and

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we want to make a decision about whether to come to the meeting or not to hear a particular report, say to hear Chief King or to hear Planning & Zoning give a report, we have to come up here to see if they're actually going to give a report or not.
So I'm just asking if we could either not list the department if they're not going to make a report -- although I think it would be good to regularly have a report from every department head -- but if a report is not going to be made, to simply not list the department, and I think that would be helpful.
MAYOR PITTMAN: Additional public comments?
MS. SUSAN CRAWFORD: I just have a question.
Mr. Hart referred to the moving of the C-1/C-2. I don't see it on here.
MAYOR PITTMAN: It's not on the agenda tonight.
MS. CRAWFORD: Okay. Save my comments.
MAYOR PITTMAN: Additional public comments?
- - -
(No response)
- - -
MAYOR PITTMAN: I just have an announcement. Just remember tomorrow is the election. There is

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1 going to be two separate locations to vote. You will
2 be voting at City Hall for the local election for City
3 Council member, and then for the presidential, it will
4 be at your -- where you normally vote, the schools or
5 wherever you normally vote, so.
6 I believe we have moved --
7 Major Atkinson, do you have any announce-
8 ments?
9 MAJOR ATKINSON: No.
10 MAYOR PITTMAN: Thank you.
11 Scott?
12 MR. SCOTT ROGERS: Hi, Mayor and Council.
13 I have some information today and also
14 something I'd like to ask to be passed.
15 First is the Halpern Park Renovation Update.
16 I'm just letting you guys know where we're at, to
17 update you, Mayor and Council, for the work involved
18 in utilizing the LWCF Grant for the Halpern Park
19 renovation, moving forward with much needed
20 improvements specified in the grant.
21 Luke Howe and I will be working on getting
22 the scope of work, the interior and exterior of the
23 trails that have already been identified and putting
24 all of the paperwork together that is involved with
25 utilizing that grant, so I just kind of wanted to let

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1 you know where we stood.
2 MAYOR PITTMAN: Okay. Any questions from
3 the Council?
4 COUNCILMEMBER FLEMING: I notice on here
5 also that in the meeting that I had with you that the
6 playground systems that are on the LWCF grant, that
7 the U.S. Communities vendor that you've contacted,
8 they've got a promotion going on right now?
9 MR. ROGERS: Yes, they do. They have a
10 promotion going through March 31st which will include
11 freight and installation free, free of charge. So
12 yes, they do, through U.S. Communities, and I think
13 most of you are aware of what the U.S. Communities
14 are.
15 MAYOR PITTMAN: Okay. Additional questions?
16 - - -
17 (No response)
18 - - -
19 MAYOR PITTMAN: Okay. Do we really need a
20 motion for that, for him to move forward with the
21 quotes for the trails?
22 ATTORNEY McLENDON: I think that it would
23 clarify --
24 MAYOR PITTMAN: Okay. So could --
25 ATTORNEY McLENDON: -- the direction.

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1 MAYOR PITTMAN: -- we get a motion, please?
2 COUNCILMEMBER FLEMING: I'd like to allow
3 Parks Director Scott Rogers to move forward with the
4 assistance of Luke Howe to obtain quotes for the
5 trails.
6 MAYOR PITTMAN: Do I get a second?
7 COUNCILMEMBER ALEXANDER: Second.
8 MAYOR PITTMAN: Discussion?
9 - - -
10 (No response)
11 - - -
12 MAYOR PITTMAN: Call the roll, please.
13 CLERK BRYANT: Councilmember Alexander?
14 COUNCILMEMBER ALEXANDER: Yes.
15 CLERK BRYANT: Councilmember Bates?
16 COUNCILMEMBER BATES: Yes.
17 CLERK BRYANT: Councilmember Fleming?
18 COUNCILMEMBER FLEMING: Yes.
19 CLERK BRYANT: Councilmember Dean?
20 COUNCILMEMBER DEAN: Yes.
21 MAYOR PITTMAN: Thank you.
22 MR. ROGERS: Okay. Thank you, Mayor and
23 Council.
24 The second thing that I would like to
25 discuss is the quotes that we got for the annual floor

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1 refinishing at the gym, and I pretty much listed but
2 I'll read this because it pretty much explains
3 everything.
4 The gym floor at the arena is scheduled to
5 be screened, scraped and refinished once per year so
6 that the floor will last for a substantial period of
7 time. When the floor is not refinished once per year,
8 the floor becomes very slick and parts of the floor
9 start to rise and buckle. We have money budgeted for
10 repairs and maintenance to cover these costs. Because
11 the quotes are under $5,000, I sent out three
12 invitations to send quotes.
13 I sent the requests for quotes to Revell
14 Flooring Company, Stevens Gymnasium, CBA Sports
15 Flooring. The low bid was sent by Revell Flooring in
16 the amount of $3,400. Revel has worked on many
17 basketball floors in the Atlanta area to include the
18 floor that the Georgia Tech men's and women's teams
19 play on.
20 I have included in your packet the e-mail
21 that was sent requesting quotes, the quotes and the
22 information sheet. I recommend that we use Revell
23 Flooring for the work that needs to be completed at
24 the Forest Fleming Arena.
25 MAYOR PITTMAN: Okay.

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COUNCILMEMBER FLEMING: Were any of these that you sent the quotes to previous flooring --
MR. ROGERS: Yes.
COUNCILMEMBER FLEMING: -- ones that we used?
MR. ROGERS: Yes. Let's see. Stevens Gymnasium was the one that we used previously.
COUNCILMEMBER FLEMING: Okay. Thank you.
MAYOR PITTMAN: Okay. Additional questions?
COUNCILMEMBER DEAN: And this is done every year?
MR. ROGERS: Every year, on an annual basis.
COUNCILMEMBER DEAN: Out of necessity, I'm assuming?
MR. ROGERS: Yes.
We're a little bit late this year so you can really see the floor starting to get really slick.
MAYOR PITTMAN: Okay. Additional questions?
COUNCILMEMBER FLEMING: And I think you're in a down period right now before day camp starts; correct?
MR. ROGERS: Yes, absolutely. We finished basketball Saturday and we're moving into baseball and soccer this coming week, and we are in the down time. So Revell has said that if they were to get the quote,

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they would come in, and it would be a two-day process, and then it would -- it would take about a week for the floor to dry and the place to air out and stuff like that.
MAYOR PITTMAN: Okay.
COUNCILMEMBER BATES: Do they provide a warranty for their work?
MR. ROGERS: Yes. In the contract, we have -- maybe Cecil can maybe speak to this -- but we've asked for a bond, so I think we're -- we've talked with Sabrina about the contract, and Lenny's looked over it, so I think we're pretty tight on the contract.
MAYOR PITTMAN: Ms. Alexander?
COUNCILMEMBER ALEXANDER: Have you already checked their references?
MR. ROGERS: Revell?
COUNCILMEMBER ALEXANDER: Uh-huh.
MR. ROGERS: Yeah. Well, not specifically.
MAYOR PITTMAN: Mr. Bates, anything?
COUNCILMEMBER BATES: (Shakes head)
MAYOR PITTMAN: Ms. Fleming?
COUNCILMEMBER FLEMING: (Shakes head)
COUNCILMEMBER DEAN: Well, are you going to check the references?

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MR. ROGERS: Sure, absolutely. Absolutely.
COUNCILMEMBER BATES: Make a motion to use Revell pending a favorable reference check.
MAYOR PITTMAN: Second?
COUNCILMEMBER FLEMING: Second.
MAYOR PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PITTMAN: Call the roll, please.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BRYANT: Councilmember Dean?
COUNCILMEMBER DEAN: Yes.
MAYOR PITTMAN: Thank you.
MR. ROGERS: Okay. Next is the Movies Under the Stars Contract.
We have made a contract with Special Events Network and requested two dates for Movies Under the Stars at Honeysuckle Park for 2012. These two requests are contingent upon City Council approving

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the contract that has been drafted by the City Attorney.
The proposed first movie is scheduled for Saturday, May 26, 2012, and the second movie is scheduled for Saturday, September 8th, 2012. The cost is $1,500 per movie or $3,000 for the two movies.
If approved, the movies will begin at dark and the gates will open around 6:00. In the past, we've had great community turnout, and we've had sponsors from the community donate money for the overall cost of the two events.
It's my recommendation that we approve the contract with Special Events Network.
MAYOR PITTMAN: And that is in the budget that from business people that have contributed. It's not coming out of the City funds.
MR. ROGERS: Absolutely. Absolutely.
MAYOR PITTMAN: Questions?
COUNCILMEMBER DEAN: So this isn't going to cost the City anything?
MR. ROGERS: No, no. It'll be totally covered by donations from community sponsors.
COUNCILMEMBER DEAN: Okay. And this includes --? Do we have to have police service?
MAYOR PITTMAN: We do, but they usually use

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reserve officers, reserve officers who are not paid.
COUNCILMEMBER DEAN: Okay. So what would that cost be?
MAYOR PITTMAN: Nothing.
COUNCILMEMBER DEAN: Okay.
MAYOR PITTMAN: Okay. Do I get a motion?
COUNCILMEMBER ALEXANDER: I make a motion to approve the potential contract with Special Events Network for the two dates proposed for Movies Under the Stars contingent upon sponsorship equating with the price of the contract.
MAYOR PITTMAN: And do I get a second?
COUNCILMEMBER BATES: Second.
COUNCILMEMBER DEAN: Second.
MAYOR PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PITTMAN: Call the roll, please.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.

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CLERK BRYANT: Councilmember Dean?
COUNCILMEMBER DEAN: Yes.
MR. ROGERS: Okay. The last thing that I have is for information only, basically kind of a discussion thing.
But anyway, it's time for us to start looking forward to the swimming pool, to get it open, and there are certain things that have to be done prior to opening, and I'll read again.
It is time to send out the RFP for the summer swimming pool operations and maintenance. The pool is scheduled to open on May 26th this year. We must begin the process of acquiring a pool management company.
The timeline for pool opening is as follows. I plan to send out the RFP to prospective pool management companies tomorrow or the next day, and that RFP, Lenny has looked over it and made adjustments where needed. Proposals will be received on March the 30th, 2012.
Recommendations for the pool management company will be presented to you guys at the regular scheduled Council meeting on April 2nd, if that's the next meeting date. And then when the appropriate pool management company is approved by Council, a contract

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will be finalized and the approved pool company will be presented a contract.
Following approval, the pool company will begin preparations for the opening of the pool. And as I said earlier, the pool is scheduled to open on May the 26th.
MAYOR PITTMAN: Okay. Ms. Alexander?
COUNCILMEMBER ALEXANDER: On item number 12, it mentions chlorine. Does that need to be corrected since we're a salt --
MR. ROGERS: Salt? Yeah. I tell you, with the salt/chlorine thing, I learned a little about it last year while the swimming pool was open. There's the -- the pool company who is awarded the pool -- or the contract or whatever will provide salt if we ask for that salt. There is some chlorine that's used to make sure that the -- The salt doesn't always get the levels exactly where it needs to be.
But yeah, I'll make a note of that.
MAYOR PITTMAN: There is also a requirement that went into place for a handicap lift that is required to be able to open the pool, and I did check in this today, and that can be taken out of HOST money to pay for that.
Mr. Bates?

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COUNCILMEMBER BATES: (Shakes head)
MAYOR PITTMAN: Ms. Fleming?
COUNCILMEMBER FLEMING: Will that item and any leak repairs come to us at a different time? Because did you not mention to us before, that there were leaks that were going to have to be determined before we have a startup?
MR. ROGERS: Yeah. There's -- there's a leak in the pool, and part of . . .
We will have to address that. We will definitely have to address that.
MAYOR PITTMAN: And so to answer that, yes.
MR. ROGERS: Yes.
MAYOR PITTMAN: Okay. Anything else?
Ms. Fleming?
COUNCILMEMBER FLEMING: I need to ask Legal a question.
Approving going out for but not awarding yet, if we determine that the leakage -- a leakage repair was too great to continue, would we just not award?
ATTORNEY McLENDON: You can put out a bid package, and it's always subject to actual award, and our standard language would say we reserve the right not to award the contract.

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COUNCILMEMBER FLEMING: Okay. And then one other question for Mr. Rogers.

Would this particular pool company -- And I didn't do all of the pages that you have here, but was it designed in there for them to determine the leakage and repair --

MR. ROGERS: Yeah.

COUNCILMEMBER FLEMING: -- or no?

MR. ROGERS: They're to check drainage and plumbing. That's part of -- part of the RFP.

COUNCILMEMBER FLEMING: Can they detect leaks prior to the startup --

MR. ROGERS: From what I understand, yes.

COUNCILMEMBER FLEMING: -- or will we have to go out for another pool company that actually puts in pools?

MR. ROGERS: From what I understand, some can, some pool companies can detect, they have staff to be able to do that, and some don't.

COUNCILMEMBER FLEMING: Okay.

MR. ROGERS: The last time that the leak was detected, there was $1,500 that was paid to a company to go out and detect the leak. And then the leak, from what I understand, two or three years ago, was pretty substantial, and it was a really high cost to

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get it repaired but it was repaired.

COUNCILMEMBER FLEMING: Okay. Thank you.

COUNCILMEMBER DEAN: Do you know about how much it was, the cost?

MR. ROGERS: I'm not sure.

COUNCILMEMBER DEAN: I mean like thousands? Ten thousand?

MR. ROGERS: I think over ten.

MAYOR PITTMAN: It was over ten thousand; it was a lot.

MR. ROGERS: I want to say twenty or thirty, but I'm not --

MAYOR PITTMAN: It was a lot.

MR. ROGERS: I'm not sure. I wasn't . . .

COUNCILMEMBER BATES: We should check the warranty on the previous repair company, too, to see if they've got some responsibility on that.

MAYOR PITTMAN: Okay. Ms. Dean?

COUNCILMEMBER DEAN: I'm good.

MAYOR PITTMAN: Okay. Do I get a motion?

COUNCILMEMBER FLEMING: I'd like to make a motion to go out for RFP on swimming pool operations for this upcoming season.

MAYOR PITTMAN: Okay. Do I get a second?

COUNCILMEMBER ALEXANDER: Second.

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MAYOR PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PITTMAN: Call the roll, please.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BRYANT: Councilmember Dean?

COUNCILMEMBER DEAN: Yes.

MAYOR PITTMAN: Thank you very much.

Okay. Mr. Cooley? This is going to be the Signs Amendment Request.

MR. JOE COOLEY: Good evening.

This was asked to be brought back up at the last Council meeting. This is an ordinance regarding the flags and banner section of the Sign Ordinance, originally instigated or brought to the attention of the Council by Councilman Roche and has been brought back up at this point.

Council actually went through and developed an ordinance. We worked together on it to look at

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different aspects of it. The copy that you have shows the red lines that were made incorporating some of the comments that were made previously and then also our communications back and forth.

This code I believe was based upon Dunwoody and --

MR. FELGIN: John's Creek.

MR. COOLEY: -- John's Creek's ordinances, based upon this, and so that's the basis of it that the Council drafted this from.

Basically, this was just being resurrected. The recommendation from staff was we need to get input from the Council and from the public, and then at that point, once y'all have gotten to the point where you feel that it's ready to go, direct staff to go back and modify the ordinance if you so desire to proceed with it, and we'll come back and go through the process with it.

MAYOR PITTMAN: Okay.

COUNCILMEMBER BATES: Was there a determination on --? You know, the parking lot in some shopping centers have horizontal banners that they put for holiday season or whatnot. Was there a determination as to what those were called?

MR. COOLEY: Well, the definitions basically

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has two definitions. One is the flag and the banner. And the way the banner is stated, it means a sign other than a flag, with or without characters, applied to cloth, paper and fabric; whereas, a flag under this definition says any cloth, paper or fabric sign attached to a permanent flag pole or structural support hanging at an angle from 90 degrees up to 180 degrees and is used as a symbol of a government or other entity or organization.

So a decorative thing would be a banner as opposed to, and would be somewhere between 45 and, you know, below, basically. So that's how the definition applies to the banner. The big difference, I think, is actually the symbol of government or other entity if I'm not mistaken.

COUNCILMEMBER DEAN: Could I ask a question, please?

Would it be all right if we table this for the next meeting? because the attachment that I got in my packet was not related to flags or banners. And I just got this tonight, sitting down --

MR. COOLEY: Yeah. I was --

COUNCILMEMBER DEAN: -- and I haven't had time to look at it.

MR. COOLEY: I was going to suggest the same

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thing. For some reason, it didn't make it into the packet, and I think it was put in everyone's boxes today. So our apologies for that --

COUNCILMEMBER DEAN: I understand.

MR. COOLEY: -- but it just didn't make it in the process when it was collated. So I think the Council really does need to take a look at this.

COUNCILMEMBER ALEXANDER: I have a question for Legal as far as the limitation in residential areas.

I believe every church in the city is zoned residentially.

ATTORNEY McLENDON: I believe they are.

COUNCILMEMBER ALEXANDER: So we would limit them to two?

ATTORNEY McLENDON: Uh-huh. Whatever -- whatever you chose to do. That is the suggested language that is in this ordinance, but if you chose to have that as something different, it could be something different.

You could base it on the -- one suggestion was frontage, a certain number per frontage, that type. There are myriad ways you can decide how many flags somebody got, and it is open to revision.

COUNCILMEMBER FLEMING: Ms. Alexander, there

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was a question that I had asked Legal before the meeting started because I felt maybe that we should look at, you know, frontage area and determine the number of flags per frontage.

COUNCILMEMBER BATES: And I agree with Councilwoman Dean on pushing this off till the next Council meeting, but I do want to get a little bit of clarification just so we're not asking these redundantly.

Back on the commercial banners in a parking lot, as it's currently written, banners in OI/OW, C-1/C-2, M-1/M-2, etc. shall be allowed for a period not to exceed 30 days with no more than three 30-day periods in a calendar year.

So if I'm reading that correctly, you could do Thanksgiving, Christmas and St. Patrick's Day and that's it.

ATTORNEY McLENDON: For the purposes of commercial.

COUNCILMEMBER BATES: Right.

ATTORNEY McLENDON: By and large --

And again, the Zoning Ordinance is always something that is a document your planning director interprets, you know.

But by and large, on the commercial

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properties, a banner is defined as "Grand Opening" on the facade of the location. That is generally how that would be commonly interpreted.

Does that answer the question?

COUNCILMEMBER BATES: No.

ATTORNEY McLENDON: Okay.

COUNCILMEMBER BATES: So the holiday banners that -- you know, you've got a light pole in a parking lot and it's got two horizontal poles and you've got a banner that says "Happy Holidays" or "Happy 4th of July" or "Happy Festivus" or whatever they want to celebrate --

(To the audience) Thank you for laughing.

ATTORNEY McLENDON: Would this be allowed in addition to the --

COUNCILMEMBER BATES: -- does that qualify as a flag or as a banner or as an accessory to the light pole?

MR. COOLEY: It would be a banner, because, again, unless it's the -- according to the definition -- and this was what I was saying is the key -- a flag's a symbol of a government entity or an organization; whereas, a banner would be "Happy Holidays," you know, graphics, whatever the case may be --

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COUNCILMEMBER BATES: Okay.
MR. COOLEY: -- which would put it under the banners category.
And I think based upon comments when this was originally started, the idea of 14 days was too short so it was extended out to 30 days to get more flexibility instead of two times, four times, so. But that would be a banner.
COUNCILMEMBER BATES: Would the decorative plastic flags that grand-opening businesses put up fall under --
COUNCILMEMBER FLEMING: Pennants? Is that what you're referring to?
COUNCILMEMBER BATES: Pennants, yeah.
Because what I want to do is I don't want to have -- I want to give the business owners the flexibility to put up nice stuff throughout the year but I don't want it to be out there so it's ratty.
MR. COOLEY: Right.
COUNCILMEMBER BATES: You know, there's a balance somewhere in there, and I --
MR. COOLEY: Yeah. Right now what we have, as you know, is temporary banner which is a shorter period.
COUNCILMEMBER BATES: Right.

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MR. COOLEY: This, I don't believe differentiates between that -- correct me if I'm wrong -- between that and the decorative seasonal banners or, you know, "Go Braves," whatever the case may be.
So no, I don't believe that addresses that.
COUNCILMEMBER BATES: Okay. Thank you.
MAYOR PITTMAN: We can place this on the next agenda if there's no further questions.
- - -
(No response)
- - -
MAYOR PITTMAN: Thank you.
MR. COOLEY: Thank you.
MAYOR PITTMAN: Next on the agenda is going to be under Old Business, Commercial Window Tinting. This was carried over. Councilman Bates?
COUNCILMEMBER BATES: Yes. We've had this on the agenda for a while. It's regarding the 100 percent tint on some of our local businesses, and the proposed ordinance would restrict that. I don't have that in front of me.
So the proposed ordinance would restrict it for any regulated businesses -- pawn shops, precious metal dealers, massage parlors, billiard parlors, tattoo/body crafting and soft tissue CSTTOM businesses

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-- requiring that at least one window and glass door be completely transparent during operation. So we've had this for a while.
MAYOR PITTMAN: Okay. Start on this end. Ms. Dean?
COUNCILMEMBER DEAN: So 30 percent of the windows -- no more than 30 percent of the window can be covered; right? And we've addressed the curtains and the blinds, etc.?
COUNCILMEMBER BATES: Well, the revision requires at least one window and/or glass door to be completely transparent.
COUNCILMEMBER DEAN: Right. And the others?
ATTORNEY McLENDON: It doesn't address the others. This is basically one window, one door, it's got to be visible from the outside as this is currently configured.
COUNCILMEMBER DEAN: So what do you guys think about that? I mean why not have it like 30 -- If you have 30 percent of the glass covered, then I think that that's -- I mean if you have covered glass on let's say three panes of glass and a clear door, I still think that that might be an issue.
COUNCILMEMBER FLEMING: Is the 30 percent coverage for signage? It's not for --

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COUNCILMEMBER DEAN: For coverage.
COUNCILMEMBER FLEMING: -- for blacking --
ATTORNEY McLENDON: No.
COUNCILMEMBER FLEMING: -- out.
COUNCILMEMBER DEAN: But if you have signs, for example, if you have -- if you have a number of different things covering the surface regardless of whether it's blacking or it's signs, it still prevents someone from seeing what's inside.
MAYOR PITTMAN: Or even boxes stacked up in front of the windows where you can't see, because some of the wholesalers have boxes in front of the windows.
COUNCILMEMBER BATES: Well, I mean, the intent was we've got a hundred percent coverage on a number of businesses right now, and the intent is to begin to --
COUNCILMEMBER DEAN: Open.
COUNCILMEMBER BATES: -- start removing that hundred percent coverage. My preference would be, at a minimum, for the door to be completely transparent.
COUNCILMEMBER DEAN: Right.
COUNCILMEMBER BATES: So I'm not -- I'm not in favor of the "or" language.
COUNCILMEMBER DEAN: Right. Okay. All right. Well, that's a minimum; right? We could make

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it a little --
COUNCILMEMBER BATES: My preference would be to make the whole thing to be untinted, but --
MAYOR PITTMAN: Yeah.
COUNCILMEMBER DEAN: What's the problem with that?
ATTORNEY McLENDON: I don't have a problem with that.
COUNCILMEMBER BATES: That would be my preference.
COUNCILMEMBER DEAN: I think that's a great idea. I mean I think that's an excellent idea.
COUNCILMEMBER BATES: No window tinting, period.
COUNCILMEMBER FLEMING: But we still have to allow some type of venetian blinds or something to allow them to -- and that's where your door comes into play as being completely open, because, you know, some of the businesses will be facing the sun.
COUNCILMEMBER BATES: Right.
COUNCILMEMBER FLEMING: And as well, you know, even going into a restaurant, we don't want to sit in the sun. We, ourselves, lower the venetian blinds so the sun's not coming in.
COUNCILMEMBER BATES: Well, to me, one of

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the challenges that we're facing is a perception.
COUNCILMEMBER FLEMING: Oh, absolutely. I couldn't agree more.
COUNCILMEMBER BATES: And with the window tinting, you've got a perception of what's happening in that business. If it was clear and it's covered with draperies or shutters or whatnot, there's a different perception.
ATTORNEY McLENDON: And it has been awhile since this one was on the agenda. As I'm reading back through it, the very first, all windows and/or glass doors of any establishment, so it does say all of them shall be transparent.
The one language says one will not be obstructed with shades, drapes or window treatments. So this does say it's all transparent, and at least one of them, you don't put anything in front.
COUNCILMEMBER DEAN: You can't cover it at all.
COUNCILMEMBER BATES: My preference would be to ensure the --
And Major, you can pipe in.
My personal preference from a safety standpoint would be to have the door completely transparent. Would you guys prefer a door or a window

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that is completely viewable when you're making an approach?
MAJOR ATKINSON: From a public safety standpoint, I think -- I mean we would -- in a perfect world, we'd want everything to be able to be seen. Especially if you're going up to a business on an alarm call and the door is in the middle, you have to walk across, you know, ten feet of window that you can't see in, and there might be something going on inside there that we can't see and we're walking into it to get to the door to where we can see.
So from a public safety standpoint, obviously we would want all of the windows to be, I mean. But I understand the business side of it, that the sun coming in and we need to have some kind of protection for them.
How about setting a limit on the tint somewhat like you do on cars, can't be below 32 percent or something like that? And I don't know how we would check it. I mean I know how we check it on vehicles, with tint meters and things like that, but I don't know if it's even possible.
ATTORNEY McLENDON: You could do that.
MAJOR ATKINSON: I don't know how you'd do that.

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COUNCILMEMBER DEAN: Or even a percentage, because when the sun comes, when the sun shines in a window, then you only have to lower the blinds a certain amount; right? I mean towards the bottom, it's generally not an issue. But I mean that's one possibility too.
ATTORNEY McLENDON: The "and/or" could easily be changed to "and any" --
COUNCILMEMBER BATES: Well, and I --
ATTORNEY McLENDON: -- and incorporate the doors.
COUNCILMEMBER BATES: I misread this when I read it out loud, that the one being completely transparent is while the business is in operation. So when they're open, they must have one, as it reads right here, window or door that is completely transparent with no coverings.
So open up, open your shade, open for business. Closed, close your shade. Right? Is that how I'm reading this?
ATTORNEY McLENDON: When it is in operation, a window and/or glass door.
COUNCILMEMBER BATES: And this also requires them to remove all tint from the windows. Completely removes the tint. Okay.

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ATTORNEY McLENDON: No tinting. Shall be transparent at all times.
COUNCILMEMBER BATES: Well, I'm much happier than when I first read it.
MAYOR PITTMAN: Okay.
COUNCILMEMBER BATES: I'm open to leave it as it is, Council.
COUNCILMEMBER DEAN: Well, I like the tinting idea, the degree of tint. Could we put that in there just for safety? I mean it was a recommendation.
COUNCILMEMBER BATES: Well, I think the challenge would be on enforcement. Then you'd have to get your measuring gun out there and measure the tint on a window. And this way, there is no question.
COUNCILMEMBER DEAN: Okay. All right.
MAYOR PITTMAN: Okay.
COUNCILMEMBER BATES: Make a motion -- since this has appeared on multiple agendas, I'm going to make a motion that we adopt the ordinance regarding the Commercial Window Tinting and regulated establishments.
MAYOR PITTMAN: Do I get a second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR PITTMAN: Discussion?

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COUNCILMEMBER ALEXANDER: I have questions from a previous thing I think we discussed. There was going to be a 90-day phase-in?
ATTORNEY McLENDON: There is.
COUNCILMEMBER ALEXANDER: There's going to be notification to the businesses, and then at the end of 90 days if there's noncompliance, then QOL will start issuing warnings and --
ATTORNEY McLENDON: Currently existing licensees have 90 days to implement.
I think it would be appropriate to place people on notices and go to a warning process before you went to any citation process as just sort of standard operating procedure.
MAYOR PITTMAN: So July 1, Ms. Alexander?
COUNCILMEMBER BATES: Yeah, that's fine.
MAYOR PITTMAN: I'd rather put a date there.
COUNCILMEMBER FLEMING: Well, because bear in mind, these are either going to be hand delivered, certified mail or, you know, someone's got to notify them. So we've got a time delay there, and so now we're in the middle of March.
ATTORNEY McLENDON: The process typically with these ordinances, I don't -- Passing a law, I don't have to deliver certified mail or anything like

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that. That being said, it's good business practice, good practices to have people placed on notice of a new ordinance if they fall within that category.
But I think it could be 90 days from the adoption and we would still be okay. I think we would want to have a process where we talk to likely Quality of Life and set up a procedure of making sure they are aware, just to be -- you know, work well with the businesses in the city.
So you can put the 90-day. And the fact that they hadn't gotten it in their hands, from a strictly legal point of view, the ordinance is the ordinance; they're on notice of the law once it is passed.
From a customoer -- you know, work with your business community, you'd probably go out and let them know it's coming, and you give them a time and issue a warning before you go to any sort of citation.
COUNCILMEMBER FLEMING: You must do this by da-da-da-da-da.
ATTORNEY McLENDON: Yeah, let them know.
MAYOR PITTMAN: Additional discussion?
- - -
(No response)
- - -

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MAYOR PITTMAN: Okay. Call the roll, please.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BRYANT: Councilmember Dean?
COUNCILMEMBER DEAN: Yes.
MAYOR PITTMAN: Okay. Thank you.
Okay. Next is the Ordinance to Create Advisory Committee. This was originally, I believe, Mr. Bates.
COUNCILMEMBER BATES: Yes. And I'm pulling this off the agenda. I have received and I'm receiving some additional information from other municipalities on how they handle that so I'd like to have that before we proceed.
So Ms. Bryant, you can pull the advisory committees off. I'll repost it to the agenda once I've got more information.
MAYOR PITTMAN: Okay. Thank you.
Okay. The next is the Stormwater Discussion. Ms. Pachuta is not here.

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I think the question was how we were going to handle the process. You were sent that via e-mail today as well as you should have had it in your box.

Let me see if there's any questions on that.

COUNCILMEMBER ALEXANDER: Yes. One of the things that we had mentioned that I would like to see added to the procedures is we were going to also document and reimburse our sanitation fund from Stormwater for every time we're paying to have the street sweeper dumped at Advanced Disposal, and I'd like to see that included in this allocation procedure.

MAYOR PITTMAN: Okay. It is being documented, but we can add that, certainly.

Okay. Any additional questions on that?

- - -

(No response)

- - -

MAYOR PITTMAN: Okay. I don't think there's a motion required on that. That was just a follow-up that Ms. Pachuta wanted us to cover tonight.

Next is going to be the City Manager Search. This was carried over. Ms. Alexander?

COUNCILMEMBER ALEXANDER: Council and attorneys and Clerk, I did a draft RFP which obviously

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needs lots of proof reading, so please e-mail me your corrections that you see.

And I guess what I wanted to do is we needed to start discussing a timetable that we want to initiate and release this RFP for an executive search consultant, also known as a headhunter, to assist us in finding a city manager.

Again, this was a document that was provided by the City of Chamblee that they used to get RFP answers, respondents, and I just put it on our letter-head and changed some of the verbiage as far as who to contact for information and things of that nature.

One of the things I was wanting to do as far as the timeline is Chamblee spent approximately $20,000 on their consultant, and we need to put that in the budget. So that was the reasoning I put a proposed, you know, review date of May so we would know how much money we would need to allocate in the budget for June 30 approval, submit it to Council for feedback and corrections and additional language and also attorney if there's legal language in there that probably needs reviewing.

MAYOR PITTMAN: Okay.

COUNCILMEMBER ALEXANDER: So if you guys -- we could leave this on the agenda again and then

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everybody get back to me with their feedback, comments, suggestions, and I'll update the document.

MAYOR PITTMAN: You want it on for the next time?

COUNCILMEMBER ALEXANDER: Please.

MAYOR PITTMAN: Okay. Thank you.

COUNCILMEMBER DEAN: There's also someone recommended -- and I know that there are other cities that create panels with other city managers to kind of help cities with this process, which I think would be an excellent idea for us, just because cities who are new to the city manager form of government have experience, they know what they need. And some of them are currently using the city manager so they know the transition and the difficulties or the ease in certain areas that could use help. And I think that especially the first time with us, I think that would be an excellent idea just to create a panel of some of the area city managers and just elicit help.

I've talked to some people who said that they would be willing to help us with this process, and I think that, number one, it would save our resources, and, number two, we could definitely benefit with -- we could benefit from other people's experience and knowledge.

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And the other thing that I think we should do is -- and this is kind of touchy, but we have to talk about the salary, the Mayor's salary, because right now it's in the Charter, and that's going to take some time to -- We need to discuss that and then make arrangements to change it because it's not going to happen overnight. And if we spend all of our attention focused on getting, hiring a city manager, there are other factors that we also have to put into place to make sure that the transition is as smooth as possible.

COUNCILMEMBER ALEXANDER: And I believe that we'll be discussing the Mayor's salary at the same time we're discussing the city manager's salary --

COUNCILMEMBER DEAN: Right. Okay.

COUNCILMEMBER ALEXANDER: -- and I appreciate your comments.

I believe that as important as this is to the future of our city, that we need to hire a professional to help us. I also know that Chamblee had a city manager for over 25 years, and they still utilized a headhunter service to go out and help them find their last two city managers including Dr. Ford, who is there now. So I think this is the right way to go.

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1 I also think that we have gotten -- Ms.
2 Fleming, I know, brought her materials -- samples of
3 city manager job descriptions from other cities, which
4 we're going to use those to help compile our complete
5 job description, which I'm sure that the executive
6 search consultant will offer input on that, also.
7 So that's just the end of my comments.
8 COUNCILMEMBER DEAN: Okay. Okay.
9 MAYOR PITTMAN: Okay. So we're going to
10 move this to the next agenda.
11 COUNCILMEMBER ALEXANDER: Yes, please. And
12 if Council and staff will get back to me with any
13 comments, additions or amendments --
14 MAYOR PITTMAN: Okay. Thank you.
15 COUNCILMEMBER ALEXANDER: -- I will
16 appreciate it.
17 MAYOR PITTMAN: Okay. Next on the agenda is
18 the Workmen's Comp Liability Insurance, Ms. Alexander.
19 This was also carried over.
20 COUNCILMEMBER ALEXANDER: Yes, ma'am. We
21 had had some comments made by department heads and
22 members of staff about the challenges that we are
23 experiencing with our new workmen's comp and liability
24 insurance provider.
25 The Mayor set up a meeting with our local

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1 broker, a representative from Travelers, Chief King, a
2 member from Flex H.R.. And we sat down and we aired
3 out all the issues that we were having, and they were
4 extremely receptive and extremely amenable to working
5 with us. And they understood we were not coming in
6 there with an adversarial type of attitude; we were
7 coming in there, Look. We used the same people for
8 30-something years. We're the new kid on the block.
9 We're sure it's an issue of continuity of contact, and
10 things of that nature.
11 So they really appreciated our attitude and
12 they also appreciated some of the things that we are
13 encouraging them to do to help us to lower our
14 workmen's comp, such as safety training and things of
15 that nature.
16 And Mayor invited the broker to the staff
17 meeting the next day. She came in and gave out
18 handouts that said this is what you do when you have
19 an accident. And I think it's going to improve the
20 service that we're receiving from them, because the
21 reason we switched was to save the City money, but we
22 don't want to stop progress, basically, on having our
23 claims done and having reimbursements made should we
24 have an accident.
25 So I was very -- I felt very good after we

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1 had the meeting. And I think they also know that we
2 are paying very close attention to them, so they want
3 to strive to keep our business, and so I think -- you
4 know, I think we should carry on with them and then
5 maybe review again next year.
6 MAYOR PITTMAN: Yes. The meeting was very
7 beneficial, and it was very beneficial to our
8 department heads to be able to carry that information
9 back, to know what the exact process is, exactly who
10 you need to call, the numbers. So it really helped.
11 COUNCILMEMBER FLEMING: That particular
12 item, when we voted to do that, it was also to contact
13 our previous provider and request a quote from them.
14 So I was wondering whether we have a new quote from J.
15 Lanier or Resurgens, I believe that's the name, and
16 whether we contacted GMA.
17 COUNCILMEMBER ALEXANDER: We didn't request
18 a quote.
19 COUNCILMEMBER FLEMING: Just had the meeting
20 with --
21 MAYOR PITTMAN: My understanding -- I don't
22 know about you, Ms. Alexander -- was just to clarify,
23 meet with them and try to do some problem solving.
24 COUNCILMEMBER FLEMING: I appreciate the
25 Mayor and Ms. Alexander and our current provider

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1 getting together and addressing our concerns because I
2 had heard that we had many.
3 I was possibly the only one that did not
4 want to change from GMA. I still feel that, though I
5 will go along with staying with this one firm because
6 it's only for a year contract, I still wanted us to
7 get a current quote from them of how much it'll cost
8 for next year so that we can budget accordingly.
9 COUNCILMEMBER DEAN: Well, and I'd like to
10 say that I was very, very, very impressed with GMA
11 just in terms of what they offer. And the fact that
12 they are so big, I think that they can offer services
13 at certainly a competitive rate.
14 I was under the impression, I also thought
15 that GMA was going to be looked at.
16 MAYOR PITTMAN: Ms. Alexander?
17 COUNCILMEMBER ALEXANDER: Well, I apologize
18 because I just thought we were going to try to address
19 the concerns that we're having now.
20 If somebody wants to do an RFP for workmen's
21 comp and liability --
22 COUNCILMEMBER FLEMING: No, it wasn't
23 necessary to do an RFP because I just thought we were
24 going to try to get a quote from them for budgetary
25 purposes and also contact GMA and request a quote from

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them because those were the two that we had made a comment.

But I think we will obviously have to have some type of idea from our present provider for our budgetary purposes, so I think that needs to be addressed for sure.

MAYOR PITTMAN: Okay.

COUNCILMEMBER FLEMING: Okay.

MAYOR PITTMAN: Okay. Thank you.

Next on the agenda is City Signage RFP, Mr. Bates. This is also carried over.

COUNCILMEMBER BATES: Thank you, Mayor.

As most of you know, our city signage is a little bit out of date and in some places it's in disrepair, and we've talked about doing new signage for a number of years. The challenge has been funding and how do you go about paying for that along with designs and those types of things.

Ms. Fleming and I had wanted to use the hotel/motel revenues. And in reviewing and researching that, while it's an option, those dollars need to be predominantly used for promoting tourism, and the dollar amounts that we have are going to be very insufficient to address the magnitude of the city signage.

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And then the HOST ruling came out. And in consultation with our city attorneys, they have advised that we can use the HOST moneys because it is restricted to capital improvements for city signage since those would be capital improvements.

So I've got a draft of a city signage RFP that would be for design work only that has been there for your review for a couple weeks.

MAYOR PITTMAN: Okay. Ms. Alexander?

COUNCILMEMBER ALEXANDER: I don't have any questions.

MAYOR PITTMAN: Ms. Fleming?

COUNCILMEMBER FLEMING: Mr. Bates, you and I had discussed this before, and we're going out for the entire package but we're going to do it per item. Is that correct also?

COUNCILMEMBER BATES: Yeah. The way that the RFP is designed, it's for design only but it's broken down into different design elements. There would be major city signage, which would be the entrances welcoming people into the city -- specifically, Buford Highway, Peachtree Industrial, off of 285, etc -- minor city entrances, like off of Shallowford Road, New Peachtree; neighborhood entrances, neighborhood signage, city parks, and

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municipal complex signage along with wayfinding signage to direct people to City Hall, Library, Honeysuckle Park, etc.

COUNCILMEMBER FLEMING: Would it not also be applicable to not just for designs, but since they are the design entity, they would have to -- would they not be able to create the sign and install it as well? Or are there other companies that will take what our design is and say, "Okay. Here's our design and we want this looking sign at such-and-such point"?

So are you suggesting that it would be a separate RFP for --

COUNCILMEMBER BATES: For the installation. For the fabrication and the installation, yes.

COUNCILMEMBER FLEMING: Okay.

MAYOR PITTMAN: Ms. Dean?

COUNCILMEMBER DEAN: How much HOST funds do we have now?

COUNCILMEMBER BATES: I don't know the answer to that.

MAYOR PITTMAN: I'll get you the exact amount.

COUNCILMEMBER DEAN: Okay. So we don't know what the budget impact will be for this? No idea?

COUNCILMEMBER BATES: No.

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COUNCILMEMBER DEAN: All right. So this would just be -- this is just a discussion, right; we're not --?

COUNCILMEMBER FLEMING: No. It's issuing an RFP.

COUNCILMEMBER DEAN: Okay. Well, here's my question. It was my understanding that HOST funds are used to improve and repair infrastructure; right?

ATTORNEY McLENDON: They would be utilized for capital improvements. Usually something of a longer life span is reaching a capital improvement.

But I think if you were talking about entrance signage to the city --

COUNCILMEMBER DEAN: Right.

ATTORNEY McLENDON: -- those type of things, I think that would qualify as a capital improvement. Certainly, capital improvements, we're going to fix a sidewalk --

COUNCILMEMBER DEAN: Right.

ATTORNEY McLENDON: -- that fits in the category. But I think that not transient signage but permanent signage within the city would likely fit within that as well.

COUNCILMEMBER DEAN: And do we have any way of knowing like -- because we have a fixed amount of

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money, right? that we can use by the end of the year. Is that correct? Or does it matter?
Is it ours?
COUNCILMEMBER BATES: It's ours.
MAYOR PITTMAN: It's ours.
COUNCILMEMBER BATES: It'll roll over.
COUNCILMEMBER DEAN: Have we sat down to figure out, okay, this is broken or this is going to need repair or this is --? For example, the swimming pool. I mean that's something that I think -- a lot of people utilize the swimming pool, and that will be something that I think would be a good use for the HOST funds.
But by the same -- it's hard for me to say okay without having any idea how much money we're talking about.
COUNCILMEMBER BATES: Well, that's why you issue an RFP.
COUNCILMEMBER DEAN: Okay. Well, I understand that.
But I mean our priorities. Have we ever sat down and said, okay, let's look at the things in our city that will eventually need repair or need repair now? I mean maybe we have. I don't know. I'm asking.

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COUNCILMEMBER BATES: We have -- several months ago, I asked for a capital improvement list from the department heads. We received one. We need to work on that. So that's a process that's in place.
But the challenge is that some of our capital improvement requirements are never going to be paid for by HOST moneys.
COUNCILMEMBER DEAN: Right.
COUNCILMEMBER BATES: Just because of the scope and size of the amount of money that we need to do those capital improvements, it will take us 30 years to, you know, save enough of the HOST moneys to do that, like park improvements.
COUNCILMEMBER DEAN: Right.
COUNCILMEMBER BATES: We're talking about, you know, half a million dollars for a park, and if we're clipping away at $150,000 in HOST money, that's four years for every park.
COUNCILMEMBER DEAN: Right.
COUNCILMEMBER BATES: And that's assuming that you don't spend any.
COUNCILMEMBER DEAN: Right.
COUNCILMEMBER BATES: There are small things. And again, I agree. I don't know what the cost of this is. It might be $5,000, it might be

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$150,000. But until we start learning and understanding what those costs are, we're never going to be able to put together that list.
City signage and the marketing of the city and encouraging people to move in and shop and do business here is something that the City has not done very well, and this is an opportunity for us to address something that has been in most residents a glaring frustration.
COUNCILMEMBER DEAN: Right. Okay.
Yeah. I mean just the priorities. That's my concern: the priorities.
But yes, to find out how much it is and what will be required, then, yeah, sure.
COUNCILMEMBER BATES: Well, then, let's go with it. We've long been short on having a capital improvements priority list. We just -- we've never done one, and we need to do one.
COUNCILMEMBER FLEMING: Would you write this down on your little note paid there, Mr. Bates, that we have 158 decorative lamp posts on Buford Highway.
COUNCILMEMBER BATES: Okay.
COUNCILMEMBER FLEMING: And that's on both sides. So if we ever do a, well, banner, if that's what that is, on the decorative lamp posts, we'll at

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least have some idea.
Thank you.
COUNCILMEMBER BATES: Uh-huh.
MAYOR PITTMAN: Okay.
COUNCILMEMBER FLEMING: 158.
COUNCILMEMBER BATES: So I'd like to make a motion to put the RFP out for city signage.
MAYOR PITTMAN: Okay. Do I get a second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PITTMAN: Call the roll, please.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BRYANT: Councilmember Dean?
COUNCILMEMBER DEAN: Yes.
MAYOR PITTMAN: Thank you.
Next on the agenda is the second reading of the Ordinance to Revise PTO Policy. Mr. McLendon has

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1 got this item. It was carried over.
2 I know there's been some questions. I've
3 asked Ms. Pritchard to be here tonight to help maybe
4 clarify some of those issues that has arose.
5 Mr. McLendon, if you'd like to talk about it
6 first?
7 ATTORNEY McLENDON: I think that basically
8 we have had several iterations of revisions to the PTO
9 policy.
10 And where we currently are, there was a
11 request put in to look at different methods of having
12 PTO accrue. And one of the methods that was discussed
13 was basically an accrual process, where it became
14 consistently approved. There wasn't input where there
15 was a one-time grant of the full PTO hours.
16 As a result, we did ask our consultants to
17 put something together on that, and some suggestions
18 were made as to an accrual type ordinance. That's
19 what's in front of us.
20 You know, I invite Cherie to come up and
21 talk about the ordinance.
22 MAYOR PITTMAN: If you would, please. I
23 know there's been a couple of suggestions made with
24 some concern with the employees, and if you would like
25 to address those, Ms. Pritchard.

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1 MS. CHERIE PRITCHARD: Thank you, Mayor
2 Pittman and Council members.
3 I think the request was to come up with a
4 plan that would be fair to the employees, and the one
5 recommendation was to let them accrue their time on a
6 per-paycheck basis rather than give a one-time
7 allotment award once a year. That way, they would get
8 it -- they would earn it as the time goes by and then
9 they could use it along with that.
10 One of the pitfalls of doing that, or I'll
11 say disadvantages of doing that, is someone may
12 already have a wedding, they may already have a trip
13 planned. And January comes, February comes, and
14 they've only got a little tiny fraction, 1/26th of the
15 whole year, so they don't have enough time to make a
16 request to take something off reasonable, even just a
17 week.
18 So there is a provision in this particular
19 amendment to have one week, or perhaps more at the
20 discretion of the Mayor, for special situations where
21 they need to take off one week and they don't have
22 enough time built up. Perhaps they only have eight
23 hours and they need to take off forty. So in that
24 case, they would essentially be borrowing from the
25 City that time, which is very different then getting

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1 the allotment at the beginning of the year and then
2 leaving in March and they've already used it up, so
3 you've paid it in advance.
4 So the difference is they use it as they
5 earn it, but if they have a special need, they have a
6 way to be able to make a request to get enough hours
7 to go do what it is they have to do, and then as time
8 goes by, they work their way out of the negative. If
9 they were to leave the City, then a form has been
10 signed so that that money has to be repaid out of
11 their final paycheck.
12 So bottom line is nobody really gets ahead;
13 they're getting what they've earned.
14 I think the only other concern is when to
15 implement something like this -- because the annual
16 allotment has already been made as of now. So if it
17 were to be implemented any time soon, you would
18 probably have to go in and take back the annual
19 allotment that was given in January and substitute it
20 for only the fractions that would have been earned up
21 through now. And I don't know how many employees this
22 would adversely affect in terms of plans they've
23 already made, that they need that time off in the next
24 30 or 60 days.
25 It's probably best to implement something

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1 like this in January so that you get a clean start and
2 give everybody plenty of notice that this is going to
3 be the new system and so they can start planning for
4 it and work towards it.
5 MAYOR PITTMAN: Okay. And Ms. Pritchard is
6 with our H.R. services.
7 COUNCILMEMBER FLEMING: With that scenario
8 -- And I appreciate your comments on this. With that
9 scenario, though, we still have not addressed an
10 employee that receives 128 hours and on January 21
11 decides to leave the City February 1. So we still
12 have not addressed that.
13 Now, I can go with it your way, but we still
14 have to address the problem where -- you know, another
15 amendment or some type of section that states that,
16 you know, if you leave the City on good terms in the
17 first quarter, you know, you will receive one quarter
18 of the total amount that you receive, etc., etc., and
19 on down the line. You know, as a City Council member,
20 I need to look at both situations.
21 MS. PRITCHARD: I think you make an
22 excellent point.
23 I think the difficulty comes if you awarded
24 it at the beginning of January, and then by March or
25 April, they've used it all up and now they leave, so

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they've already actually used it. So now how would you get it back? And I think that was the reason for the first suggestion of give out on accrual so that they receive it as they earn it rather than do the allotment.

COUNCILMEMBER FLEMING: I still have problems with that because I'm not real secure as far as payroll services is concerned.

I know that's not yours; you're H.R. But if a person gets 128 hours on that scenario --

MS. PRITCHARD: Right.

COUNCILMEMBER FLEMING: -- and they've used -- they've been paid for those hours. Correct?

MS. PRITCHARD: Well, it depends.

Let's give a real example. In January, let's just say that an employee receives a flat allotment of 100 hours for the whole year and they've received it all in January but they haven't used any of it. So if they left in February, you could -- you could come up with an ordinance or something that would say you're only going to get paid out in cash what you've actually earned, so. But you've already given it to them, which is a little bit problematic but I'm sure that our legal counsel could assist us in that.

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So I think, from what you're saying, if they actually haven't used it, they haven't received the money yet, they just have it on paper. They've been given on paper 100 hours but they haven't actually used them, they haven't been paid for them. Now they want to leave February or March, and the decision is well, am I just going to pay them out those hours they've been awarded? -- that depends on what the policy is -- or are we only going to pay them out for two months of it because they're leaving us in February?

But if they already used it, they already took the month-long cruise, they've already got the money, now the question is now what are we going to do to be refunded the over-amount of money that we actually gave them?

COUNCILMEMBER DEAN: And isn't it possible also to have a policy wherein if they have something planned, for example, that they can take the time off but not get paid for it? I mean what would be the difference, I mean? Instead of saying, "Okay. We're going to go ahead and pay you," why not just say, "Okay. You know, this once, because you had this planned, you can take the time off but we're not going to pay you for it"?

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MS. PRITCHARD: Absolutely. In that sense, it's -- an unpaid approved absence is certainly something that is also there. For instance, a person could use up all their PTO even if you awarded it to them in January. They have no PTO left, they still want to do something else. You could give them an approved absence to go do what they want because they gave you adequate notice, but they just receive no pay for it.

MAYOR PITTMAN: Mr. McLendon, would you like to interject there on --?

ATTORNEY McLENDON: Mayor, I'm very confident with this conversation. I mean I think that these policies --

I will tell you PTO time is use-it-or-lose-it. It is something that is a grant to the employees. And you have a lot of flexibility with the program, and you want to set it up, and I think what we've been struggling with is finding that right balance on our policy here.

So you know, I think that the ordinance that's been put in front of us is one methodology to it. Make sure that it's sort of you only get as much as you've earned as you go forward. And I think that the phase-in at an appropriate time with lots of

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notice to your employees is probably a very good idea, but you know, it is a method that is used.

The other question becomes, you know, if someone leaves, what are they paid out on that? That is something that can be done in many ways. There is not an entitlement to the funds commensurate with the PTO hours that have been built up. All they are is the ability to not be here and continue to get paid.

So there's lots of flexibility in what y'all want to do with this. It's a pure policy question, you know. That's my --

COUNCILMEMBER DEAN: I have another question.

In my training a couple of weeks ago, it was said that the Mayor and the Council are responsible for certain duties, and the department heads -- one being that they budget the departments, and then the depart-ments are responsible for running those departments.

So would this include all of the City departments or is this for City Hall? I mean I've been very unclear about this because I know the Police Department has certain rules and regulations they have to follow that are beyond what our -- what our respon-sibilities would be or what our policies would be.

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1 ATTORNEY McLENDON: You know, your
2 professionals, I defer, but generally this is going to
3 be a policy that crosses the organization.
4 With the police, especially with the
5 police -- and we don't have fire -- comp time becomes
6 a huge issue. But this is totally -- this is a
7 separate issue than the comp time. This is the PTO,
8 which is basically your vacation, sick leave, etc.
9 Generally in the cities I've worked in, this
10 is a policy that is across the organization rather
11 than a distinction between one department versus the
12 other as far as PTO goes.
13 MS. PRITCHARD: Yes. I think that that
14 would be the norm is to have one policy.
15 And based upon years of service, there might
16 be different levels of PTO time awarded to you, but
17 usually it's the same policy for all employees. Well,
18 full-time employees.
19 MAYOR PITTMAN: That's correct. Okay.
20 COUNCILMEMBER ALEXANDER: So back to Ms.
21 Fleming's concern, which is one of the reasons why we
22 went this way in the first place, if we changed the
23 effective date to 2013, how would we do both? How
24 would we change the effective date to 2013 but at the
25 same time initiate if you leave you're going to get

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1 paid out based on accrual?
2 MS. PRITCHARD: Well you could make that
3 election. You could change a policy with the
4 permission of legal counsel to change that policy so
5 that folks only get paid out what they've actually
6 earned to that point.
7 But I still come back and say I'm concerned,
8 because some people will have already actually used
9 the time, and if you don't have something in writing
10 from them specifically that you overpaid them and now
11 you have permission to take the money back -- under
12 Georgia law, I think I'm correct in saying you can't
13 just have them sign a blanket policy that if I go
14 over, I will give you back the money. It has to be
15 very, very specific in order to have the right to pull
16 that out of their pay.
17 So I think you're going to have a mix of
18 people who have both used the time and some people who
19 still have the time on the books, and so I think
20 there's going to be an imbalance there.
21 ATTORNEY McLENDON: The implementation
22 process would be that if you made it effective January
23 the 1st of '13, you would go to the end of the year.
24 People could carry over whatever was allowable
25 pursuant to our ordinance, which they still had

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1 banked. That would move forward. And then from that
2 point forward, they would begin accruing on a monthly
3 basis pursuant to the new policy --
4 MS. PRITCHARD: Correct.
5 ATTORNEY McLENDON: -- is the way I read the
6 policy.
7 COUNCILMEMBER DEAN: But even if you wanted
8 to start, for example, at the beginning of the next
9 month, you can do it on a prorated basis; right?
10 MS. PRITCHARD: Well you've already awarded
11 them their annual allotment this past January, so you
12 have to -- because you don't want to double pay them
13 the PTO. They've already gotten the whole year's
14 worth for 2012. So you don't want to start giving
15 them monthly accrual March or April, because then
16 you'd be double paying.
17 So there would have to be provision to take
18 back what was given to them in January. That might
19 put some people already in the hole --
20 COUNCILMEMBER DEAN: Right, right, right.
21 MS. PRITCHARD: -- because they would have
22 only earned January and February and March, three
23 months, one fourth of the year at this point.
24 And again, we're trying to come up with a
25 fair policy that's good for the employees, doesn't

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1 take advantage of the City, but we don't want to
2 disrupt lives. If they've already got real key family
3 events planned, we'd want to try to make it possible
4 for them to continue it. And I think that's the
5 provision for being able to loan them 40 hours or 80
6 hours under extreme circumstances at the discretion of
7 the Mayor so that nobody's life is being disrupted --
8 they could still go to the wedding, you know, those
9 kinds of things -- but we have a provision, because
10 then whey make that special request to borrow the 40
11 hours or 60 hours, they sign a piece of paper specific
12 to that request, that if they do leave, we have a
13 right to take the money back.
14 COUNCILMEMBER BATES: Well, to me, the
15 question is not so much employees who may have used
16 the time but it's the employees who leave that want to
17 get paid out for their current banking and allotment
18 of hours that they didn't earn.
19 So that would be -- my preference is to find
20 a way to fix that today so that we're not paying out
21 for unearned PTO.
22 COUNCILMEMBER DEAN: We can withhold their
23 first check; right? I mean a lot of companies do
24 that.
25 MAYOR PITTMAN: No.

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1 COUNCILMEMBER DEAN: No? Not in Georgia?
2 MS. PRITCHARD: Well, Legal, could you
3 change the policy now to if somebody leaves, then they
4 can't be paid out more than they have already earned?
5 ATTORNEY McLENDON: Well, policy as we have
6 it says it is discretionary. It is currently -- the
7 payout is discretionary. That in and of itself can
8 create issues about how do you manage a discretionary
9 policy like that and make sure you treat everybody
10 fairly.
11 Really it's probably better to have some-
12 thing that sets out rules one way, one form, one
13 fashion. Whatever it is, there's a rule and that's
14 how you do it and there isn't a lot of discretion.
15 But right now, it says discretion.
16 MAYOR PITTMAN: I mean I truly think it's
17 something that needs to be firm so there's no debate
18 there, there's no question.
19 COUNCILMEMBER FLEMING: And we didn't -- I
20 did not, personally. I don't know about the rest of
21 the Council. I did not get an update revision to the
22 corrections of this amendment, PTO Policy, where we
23 changed 80 to 40 and --
24 COUNCILMEMBER ALEXANDER: And deleted the
25 last sentence?

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1 COUNCILMEMBER FLEMING: Yeah, and deleted
2 the last sentence.
3 MAYOR PITTMAN: We will make sure you get
4 it.
5 COUNCILMEMBER ALEXANDER: So are you telling
6 us there's no answer to our question?
7 ATTORNEY McLENDON: Which? Which question?
8 COUNCILMEMBER ALEXANDER: I am --
9 MAYOR PITTMAN: The question
10 COUNCILMEMBER ALEXANDER: I'm sorry. I am
11 so frustrated. I have been employed by the same
12 company for 31 years and I have never seen what seems
13 to be such a simple issue, we have screwed this up a
14 hundred ways to Sunday ever since we first got elected
15 in 2007.
16 It beats all I've ever seen. It's
17 unbelievable. We would set a policy; they would do it
18 that way. So we'd set a policy and then they'd do it
19 another way. And it's like they were absolutely
20 creative in the way they misinterpreted the policies
21 that we've set.
22 I'm sorry. It just is so extremely
23 frustrating. It's just I felt like -- first thing I
24 felt like: that sometimes we were taken advantage of.
25 People would leave in January and get six weeks of

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1 vacation as a check. This is not a bonus check.
2 Okay? And that's what we were trying to stop. And we
3 are trying to simplify things and correct practices
4 that have been done for a hundred years in this city.
5 So we thought we had it fixed here. Now
6 we're saying, no, we got problems because their
7 paycheck in bucket number one says they've already got
8 128 hours of PTO. So if we reduce that to the -- to
9 the correct accrual amount and then in bucket number
10 two we put a negative amount, you know, they're going
11 to think we're taking their time away from them, and
12 we're not. We're changing the way that the time is to
13 be earned. So we still have not succeeded in fixing
14 an issue.
15 COUNCILMEMBER BATES: Could we provide it to
16 them as this is your potential accrued PTO? This is
17 what you have accrued PTO? This is what you would be
18 paid out if you were to leave today involuntarily?
19 MS. PRITCHARD: Yes.
20 COUNCILMEMBER BATES: Under good terms?
21 MS. PRITCHARD: I think the good news in
22 this is it can really be whatever you want it to be
23 because the State of Georgia doesn't require that you
24 pay out PTO when somebody leaves like they do in some
25 states. So it can be what you want it to be.

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1 So yes, you can say that they only get paid
2 out for what they've earned: "There is the bucket.
3 That's what you have for the whole year."
4 But the question I keep coming back to is
5 what are you going to say to the employee who in
6 January got 100 hours but really only earned 10 of
7 them maybe but that 100 hours in that bucket is what
8 is possible and they want to go ahead and take off two
9 weeks or 80 hours? Are you going to say, "No. You're
10 not at the right point yet to have earned the 80 even
11 though you can see it there in that bucket?"
12 MAYOR PITTMAN: Well, I think --
13 COUNCILMEMBER BATES: Run that scenario by
14 me? Run that scenario by me again?
15 MS. PRITCHARD: Yeah. On the basis now,
16 they've already received these hours. So whether
17 their real hours is their time or whether it's just
18 here's your amount of time that you could use
19 throughout the next -- till the end of the year. And
20 they come to you and they say, well, we're in January
21 or February now, and they come and they say, "I want
22 to go ahead and take off two weeks of time to go and
23 be with my family on vacation," well, if they do that,
24 then they're essentially in a way going in the hole by
25 maybe 70 hours because they've really only earned

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about 10 hours as of now, and then they come back from the two weeks of vacation and they quit.

Well, we're right back in the same place where they got overpaid. And that's we were trying to change by give the approvals on an as-you-earn-them basis, because once you give them that time up front, then they've got the ability then to use it unless you say, "No. You can see the time. That's how much you will get for the whole year but you can't use it yet."

COUNCILMEMBER FLEMING: Since we don't get PTO, our pay stubs don't have that. Is it notated on the employee's pay stub that, "Here's your PTO amount available to you"?

MS. PRITCHARD: Yes, yes.

COUNCILMEMBER FLEMING: Okay.

MS. PRITCHARD: Because that's been the policy is to award it all at the beginning of the year so they can actually see what their balance is. Then if they've already used part of it right now, they see the amount they've used and the new balance.

COUNCILMEMBER DEAN: I think that most people know how much vacation time they have. And if they accrue it per pay period and they want to take -- "Okay. Well, I know I only have two days but I want to take five days," then if we say, "Okay. You're

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going to be paid for two days but for three days you're not going to get paid. Have fun," I mean I think that that would eliminate a lot of the, well, if you leave, you're not going to get a big fat check, I mean.

Am I missing something?

COUNCILMEMBER BATES: No.

MAYOR PITTMAN: No, not at all.

COUNCILMEMBER BATES: Well, first of all -- and it's not your fault -- the intent when we changed the legislation was never for it to be paid out in January. The intent all along was for an accrual, and it got screwed up somewhere in the process, because that's just a crazy policy to award and put in somebody's bank 100 hours or 150 hours. That's just nuts. So --

ATTORNEY McLENDON: Let me throw in an idea because it seems like the issue is, for the purposes of the time being, what is the payout if someone leaves before we implement a new system?

Right now, we have discretion built into our ordinance, and one way you resolve that is you change that discretion to be a scale of payout --

MS. PRITCHARD: Right.

ATTORNEY McLENDON: And you can do that to

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your existing ordinance. You don't change anything in the existing ordinance. You state it's not a discretionary payout at that time. It says if you've been here four months of the year, this is the scale of the payout on that. And then you would move it into the next year on an accrual basis consistent with the new policy.

Does that resolve both issues?

COUNCILMEMBER BATES: Well, that's what I previously commented.

But as Ms. Pritchard mentioned, what about those that have already taken all of their days? Then we run into them owing us money because they haven't accrued it.

I think our employees are conscientious enough that we could do a clarification letter. But also as far as if they decided to leave, you're only going to get X-number of dollars. I mean we need to do that as a policy. But if they've already taken their moneys, they will indeed on their last paycheck be deducted the amount they had not accrued.

COUNCILMEMBER DEAN: Or we could just not pay them --

COUNCILMEMBER FLEMING: No, I don't --

COUNCILMEMBER DEAN: -- for the time taken.

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COUNCILMEMBER FLEMING: I don't think it --

ATTORNEY McLENDON: And I'm -- the scenario I'm trying to work through --

MAYOR PITTMAN: Sir, Phil, come up here.

MR. PHIL DAVIS: I'm also with Flex H.R., and I actually penned the original policy.

PTO as a policy for the City actually covers vacation and sick time. So when you consider that it covers both, you could have somebody come down with a significant illness the first of the year, and so you've got to account for that in how you think about it. It's not just take it all for fun and games. Vacation is also to cover major sick periods.

Here's the way I encourage you to think about it. You've got two/three issues. One is what should the policy be in the future? Two, what do we do about this year? Okay. And three, what is the implementation plan?

So in terms of what the policy should be -- I work with a lot of cities. I'm the H.R. director or H.R. manager or H.R. consultant to a number of cities. And all of the cities I work with and most of the cities in Georgia use an accrual-based system because it fundamentally is fair once it's in place. All right. So it's a fairness issue. The employee earns

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1 the vacation as they put in the service. It's fair.
2 So then you got a situation where, say,
3 somebody's been here for a couple or three years and
4 they have a situation occur in January, February,
5 March where a major illness comes up so you allow
6 carryover to address that. So typically if you're
7 going to do a zero-based accrual at the first of the
8 year, you want to allow enough carryover to deal with
9 a situation like that.
10 In the original policy, I recommended 80
11 hours because we no longer have a grant like we have
12 in the past where a 40-hour carryover made all the
13 sense in the world. But if you start off at zero, you
14 either put in a little more -- and I've suggested 80
15 -- or the Mayor gets a barrage of continuing requests
16 for exceptions. And I don't want to see the Mayor get
17 into -- or the city manager as the case might be --
18 get into the business of having to arbitrate which
19 person gets additional paid time off and which person
20 does not. It's just not the right role.
21 The 40 may be enough; the 80 would be
22 enough, generally speaking. So that's the policy.
23 The implementation is you've got to give
24 people notice so that they can carry over hours.
25 They've been given notice to carry over hours, so if

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1 they get sick or something in the first of the year,
2 they've got the time to deal with it. If they don't
3 put the time in place by carrying it over to deal with
4 it, you know, it's their responsibility, not our
5 responsibility. All right?
6 So that's why we're recommending making the
7 implementation date January 1, 2013, so we can
8 communicate this, we can explain the implications, we
9 tell people what they need to do,; they can get
10 prepared for it, and when it goes into effect January
11 1 of next year, it will be a smooth, seamless,
12 nondisruptive process.
13 The final issue is what do we do in terms of
14 the grant accrual that was already made for this year?
15 And that, to me, is actually the stickiest problem of
16 all. As I said, most cities throughout the state use
17 the accrual method, not the grant method. The reason
18 they don't use the grant method is because of the
19 reason that I'm standing here: You have an employee
20 leave in January, you owe them all this PTO or you got
21 to start picking and choosing who you're going to give
22 it to.
23 One of the primary rules I would suggest to
24 the City when it comes to human resources policy is
25 very simple. Do what you write down and write down

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1 what you do. The more exceptions you make, the more
2 vulnerable you become to legal action. That's why we
3 need to have fairly clear guidelines that we stay
4 pretty close to.
5 I know that we've got a mess in terms of
6 what we've done for this year. We had a mess last
7 year and the year before and the year before that and
8 back through time. At least by going to the accrual
9 method that's in the policy that's been proposed, we
10 clean that up for the future. We clean that up for
11 the future and we have a plan to get there if we
12 communicate it throughout this year.
13 If the Council wants to do a limitation on
14 what gets paid out, you got the balance between, okay,
15 the people who've already taken more time than they
16 would have accrued, well, you can't take it back
17 because they haven't signed anything that said they
18 would pay it back. If you hold it back from the
19 people who then have not taken it but, you know, have
20 got the block grant, then you've got an inequity
21 between those people who have taken it and got away
22 with it, quote/unquote. And those people who were
23 being conservative and held onto it in case they got
24 sick or something, now leave the City and we're not
25 going to treat them equally advantaged to the people

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1 who took it earlier.
2 So it appears to me that there's no good
3 solution for this year just like there wasn't a good
4 solution for last year or the year before. It's kind
5 of like you got to get through the pain to get to the
6 solution.
7 And the solution is to go to an accrual
8 system like the great majority of cities in the state
9 do, do a well-thought-out communications plan, provide
10 enough carryover -- and again, I'm recommending more
11 than 40, I'm recommending 80 -- so that when they get
12 to the first of next year and they have that major
13 illness or they have that vacation planned, that
14 they're not coming to the Mayor saying, "I got an
15 exception. Give me the form. You arbitrate, Mayor.
16 Decide whether I'm deserving it or not."
17 So again, there's three elements to this:
18 the new policy, which is an accrual policy, which I
19 highly recommend you implement; the transition plan --
20 when do you do it and how do you do it? which I highly
21 recommend be January 1, 2013, backed by a communi-
22 cation plan that makes it go smoothly; and three, oh,
23 my gosh. What do we do about this year because we've
24 already made the block grant? And as painful as it
25 is, I don't think there is a good solution other than

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1 to ride it out and correct it next year.
2 That's my comment.
3 COUNCILMEMBER BATES: So let me ask you a
4 couple questions.
5 MR. DAVIS: Yes.
6 COUNCILMEMBER BATES: Based upon some of the
7 other cities that you work with or represent, do any
8 of them vest their employees with a number of PTO or
9 vacation days on January 1 to get them over that
10 initial hump?
11 MR. DAVIS: No. They all use carryover.
12 COUNCILMEMBER BATES: Okay.
13 MR. DAVIS: They all go to accrual. I
14 have --
15 COUNCILMEMBER BATES: Okay. The other
16 question would be based upon the ordinance that I'm
17 reading, employees would be accruing vacation days up
18 until the last day that they're working --
19 MR. DAVIS: Yes.
20 COUNCILMEMBER BATES: -- in the calendar
21 year.
22 MR. DAVIS: Correct.
23 COUNCILMEMBER BATES: So that last paycheck,
24 you're accruing X-number of hours based upon the
25 length of service. Unless you've requested from the

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1 Mayor in advance to use that, those are automatically
2 going to be carried over into the beginning of the
3 first of the year. Is that correct?
4 MR. DAVIS: You're talking about at the end
5 of the year?
6 COUNCILMEMBER BATES: Yeah.
7 MR. DAVIS: Yeah. The accrual carryover
8 will be allowed up to a maximum number. Above that
9 number, if you haven't used it --
10 COUNCILMEMBER BATES: No, no. You're
11 missing my question.
12 MR. DAVIS: Okay. I'm sorry.
13 COUNCILMEMBER BATES: You worked the last
14 week of December. You're going to accrue, if you're a
15 first-year employee, 3.7 hours of pay for that two-
16 week period.
17 MR. DAVIS: Yes, sir.
18 COUNCILMEMBER BATES: Unless you've
19 requested from the Mayor in advance to use that 3.7
20 hours, those 3.7 hours are automatically going to be
21 carried over to next year.
22 MR. DAVIS: Correct, provided it's not above
23 the maximum accrual that's allowed to be carried over.
24 COUNCILMEMBER BATES: So we're screwing the
25 employees who have chosen to carry over their 40 hours

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1 or 80 hours or whatever it is, and they've now worked
2 this last week and they've earned an additional three
3 hours, "Sorry. Can't use them."
4 MR. DAVIS: Yeah. That's part of the
5 communications plan that we'd have to do.
6 COUNCILMEMBER BATES: Under this scenario --
7 MR. DAVIS: The employee would have to know
8 that there is a limit to what can be carried over and
9 they need to manage their PTO during the year so that
10 they don't exceed that limit when the end of the year
11 comes.
12 And in the places where I see this
13 implemented, I don't see anybody losing PTO time
14 because they don't take it. They know the rules and
15 they -- believe me, people manage to those rules and
16 they don't lose a dime, they don't lose a thing. It's
17 very rare to see somebody lose something.
18 The only situation when somebody might lose
19 something is if there's an emergency. And we do have
20 employees here, let's say people were planning on
21 taking vacation in and around Christmas time.
22 A civil emergency comes up, the police chief
23 makes the decision I got to have my people in here
24 working. A few of them have the maximum accrual
25 already in place.

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1 The police chief would come to the Mayor and
2 the Council and say, "I'd like to ask for a waiver for
3 these officers for this reason: I had an emergency
4 and they went over their accrual, and therefore we
5 should grant them a waiver." And of course the City
6 Council can do that.
7 But generally speaking, just day-to-day
8 people, they take that -- they use that PTO. You're
9 just not going to face the problem.
10 COUNCILMEMBER BATES: We --
11 COUNCILMEMBER DEAN: I've worked under that
12 system many times and it's worked really, really well.
13 COUNCILMEMBER BATES: No offense, but we've
14 heard that before.
15 MR. DAVIS: I understand.
16 COUNCILMEMBER BATES: That's why we're here
17 is we've heard that this is going to work before, and
18 that's --
19 MR. DAVIS: I can only speak from my
20 experience and having seen this a number of times.
21 MAYOR PITTMAN: I know it's very
22 frustrating. We really need to move on past this. So
23 my suggestion, if the Council is okay with it, to
24 let's go back to the drawing board, put something
25 together, put it back to the Council, get their input,

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1 and then we'll come back with it again, because --
2 COUNCILMEMBER DEAN: Can we change it to 80?
3 Does anyone have a problem changing it to 80? Because
4 if that's recommended, that makes sense. What you
5 said made sense to me. And so I think 80 hours
6 carryover, because that's two weeks. Particularly in
7 terms of the Police Department, I mean that's a big
8 deal. And if there is a situation like that or some
9 kind of emergency, I think that that -- or illnesses.
10 I mean that's a great -- that's a great perspective --
11 COUNCILMEMBER BATES: Well --
12 COUNCILMEMBER DEAN: -- and I think that
13 that's --
14 COUNCILMEMBER BATES: -- we moved off of
15 that because we were carrying a huge liability on --
16 You know, if we've got 100 people carrying 80 hours of
17 PTO over, we're talking about 8,000 hours of PTO, and
18 if they all decide to quit on January 5th --
19 COUNCILMEMBER DEAN: Then, we're really
20 doing something wrong.
21 COUNCILMEMBER BATES: Well, I mean the
22 reality is is that you're carrying over -- if we go
23 back to 80 hours, we're carrying over a huge liability
24 assuming that every employee carries over the 80
25 hours, and that's --

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1 MR. DAVIS: The difference here is they've
2 actually earned that time and they technically should
3 have taken it the year before, but, for their own
4 reasons, they chose to carry it over.
5 We need to make sure that that time is
6 accrued in the financials, it is accounted for. So
7 whether they took it in December of one year or
8 January of the next year, it should be completely
9 neutral relative to the financials. That's the way it
10 should be done.
11 COUNCILMEMBER DEAN: And it's not as if
12 we're giving them anything, and the scenario of
13 everyone quitting at the same time is highly unlikely.
14 And I have worked in offices and firms that
15 have allowed that. And I never actually made that
16 number, but I know people who did and then used it in
17 terms of illness or if they wanted to have a or
18 planned to have a baby, then they would tag that onto
19 the family medical leave.
20 COUNCILMEMBER ALEXANDER: Well, when we did
21 the Employee Handbook, we debated that number.
22 And you've got to understand, when we came
23 into office, there was an incredible amount of PTO
24 that had been banked, there was an astronomical amount
25 of comp time that had been banked. It was almost --

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1 you know, over $300,000, so we had to do something
2 about it. Okay. So we all debated and we came up
3 with the 40 hours.
4 But you have to look at the other side of
5 the coin here. They've got the 40-hour carryover;
6 they still have the ability in Section C to bank
7 negative hours should they need additional time that
8 they have not earned or accrued yet.
9 Furthermore, one of the things that I hope
10 we get to when we do the health benefits RFPs is to
11 quote long-term and short-term disability insurance.
12 This is another thing to help the employees in needs
13 that they have that arise.
14 So this is just extremely frustrating. I
15 don't understand why this has been so difficult for us
16 to try to fix.
17 The way it seems now, I guess what you're
18 saying, Mr. -- Is it Davis?
19 MR. DAVIS: Yes, ma'am.
20 COUNCILMEMBER ALEXANDER: -- is basically we
21 got to suck it up for this year and institute it on
22 January 1 of 2013.
23 MR. DAVIS: I'm saying that as bad as that
24 sounds, it's probably the least disruptive way to go
25 about it.

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1 And the difference between the carryover you
2 might have had in the past and what we've got, what
3 we're talking about now is right now we have a block
4 grant, so 40 hours is more than sufficient when you
5 got a block grant of the entire year's vacation
6 January 1.
7 When you go to there's no more block grant
8 and you accrue it throughout the year, you know, you
9 might want to consider going to the higher number,
10 because it's a different scenario than what you've had
11 in the past and I don't want to put the Mayor in the
12 position of having to play continual administrative
13 cop over this thing, and that's what it would be if
14 you only have 40 hours.
15 So again, it's your call. As Cherie said,
16 there's no law that governs this other than it's
17 totally up to you. And I'm just trying to pass along
18 best practices and recommendations for transition.
19 COUNCILMEMBER DEAN: And it is something
20 that they've already earned. I mean this is their
21 time. It's not like we're going to be out money.
22 It's time that they have already accrued, so it's not
23 as if you're giving them something. The block grant,
24 I have never heard of such a thing. So it's not like,
25 "Oh, we're out this because we said we were going to

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1 give them this." I mean it's something that they've
2 accrued throughout the year and they sacrificed. They
3 came to work when others were taking vacation time or
4 taking sick time. So it's something that it -- you
5 know, I mean I think that that makes a lot more sense.
6 MS. PRITCHARD: If I could add one more
7 thing, to answer Ms. Fleming in particular, that
8 possibly might be a help.
9 We take a look at the current balances right
10 now -- and we could do this in very short order,
11 within the next two days -- we could look at all the
12 balances and see what do people have right now, who
13 has used any significant time already. And if we
14 find, as I think we will, that, for the most part, the
15 people who got the block grant at the beginning of the
16 year, most of those hours are still there right now,
17 and if you did the subtraction for what they would
18 have earned through accrual, it's probably -- it's
19 probably not that big of a discrepancy, so that you
20 could come out with a communication and say anyone
21 else who leaves during 2012, that you will only
22 receive that portion that you actually earned.
23 COUNCILMEMBER BATES: That's all that I'm
24 asking for right now.
25 MS. PRITCHARD: It's not a perfect answer.

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1 COUNCILMEMBER FLEMING: Yeah, absolutely.
2 MR. DAVIS: And I would concur that that is
3 actually a legitimate approach to take if you want to
4 manage down the pain for this year.
5 Just understand that those people who took
6 time early and then leave, you're not going to be able
7 to collect the money back, so there's going to be a
8 slight inequity.
9 COUNCILMEMBER BATES: But that's not going
10 to -- I mean the reality is that's not going to be a
11 whole lot of people, as Cherie said.
12 My frustration, and I think it's echoed by
13 the rest of Council, is I don't want to be on the hook
14 to pay someone tomorrow for time that they haven't
15 accrued. And the intent from this Council when we
16 passed this version 7.3 or whatever version we're on
17 was not to award a block grant lump sum but to have it
18 be accrued throughout the course of a calendar year.
19 So if we can put that in place to make sure
20 that, you know, we're not going to be paying out for
21 what people haven't earned. I have no problem paying
22 people what they've earned. I mean, amen, brothers
23 and sisters. You worked for it; you earn it. Take
24 it, have fun; get paid for it. But if you haven't
25 earned it, then we're not going to pay it.

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1 MR. DAVIS: If that's generally the will of
2 the Council, I can sit down with Legal and we can --
3 when we come back next time, absolutely can do
4 something about 2012 that addresses what you just
5 raised.
6 ATTORNEY McLENDON: What we would likely do
7 is adopt effective the first of January '13 this
8 policy and modify the language of the existing policy
9 that talks about the payout and discretion and take
10 that language and say it shall be paid out according
11 to the amount you would have accrued under the
12 ordinance if you have it.
13 MR. DAVIS: That works.
14 COUNCILMEMBER FLEMING: Wait. Are you going
15 to incorporate Mr. Bates' and my suggestion into this
16 ordinance? because I'm not ready -- I'm not ready to
17 move forward on this ordinance as written.
18 ATTORNEY McLENDON: No.
19 COUNCILMEMBER BATES: No. I agree.
20 MAYOR PITTMAN: Huh-uh.
21 COUNCILMEMBER BATES: We're getting a new
22 version.
23 MAYOR PITTMAN: Well, we're getting a new
24 version so we'll go back to the drawing board.
25 COUNCILMEMBER FLEMING: Yeah, but, well,

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1 we're not going back to the drawing board. We just
2 need a couple of changes.
3 ATTORNEY McLENDON: Yeah.
4 COUNCILMEMBER FLEMING: Okay.
5 ATTORNEY McLENDON: That's correct. This
6 one would be revised --
7 COUNCILMEMBER DEAN: With 40 or 80 hours?
8 ATTORNEY McLENDON: -- the one that we're
9 talking about.
10 COUNCILMEMBER FLEMING: See, that's what we
11 still need to discuss on this.
12 But Mr. Bates' suggestion as was mine in the
13 very beginning of our discussion was we need to do
14 something about quarterly -- or payouts when you
15 leave.
16 And yes, Phil and Cecil can get together and
17 work that out and bring it to us as quickly as
18 possible so we can -- right? -- so we can move forward
19 on this.
20 ATTORNEY McLENDON: Absolutely.
21 MAYOR PITTMAN: 40 or 80?
22 COUNCILMEMBER FLEMING: Well, I think we
23 need to -- you know.
24 ATTORNEY McLENDON: Leave a blank. We can
25 decide it.

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1 COUNCILMEMBER DEAN: It's time that they've
2 accrued, that they've earned. And we're not losing
3 anything, because if we pay it to the employee
4 throughout the year or at the end of the year or when
5 they quit, then that just seems to make sense to me.
6 And I have worked under -- again, I've
7 worked under this policy in many, many places and it's
8 been very, very effective, and there's --
9 I mean people keep track of their time. It's
10 not -- And so this is something, it's just a small --
11 MAYOR PITTMAN: Okay. So you guys can get
12 together, please.
13 ATTORNEY McLENDON: We will.
14 MAYOR PITTMAN: Thank you. I appreciate
15 that.
16 And there's been a request for a five-minute
17 break.
18 - - -
19 (Brief recess)
20 - - -
21 MAYOR PITTMAN: All righty. Next on the
22 agenda is the RFP for Insurance Broker and Pension.
23 That is also Ms. Pachuta's. But I spoke with her, and
24 I believe I have received almost everyone's
25 recommendations for these two items. If I have not,

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1 we really need to move forward with this -- these are
2 very, very important -- if you could possibly get
3 these to me in the next couple of days, I'd really
4 appreciate it, and then we will move forward setting
5 dates to interview these people if the Council's okay
6 with that.
7 Everybody okay? Okay.
8 All right. We're going to move into New
9 Business. Next is going to be the Human Resource
10 Services.
11 Let me make a couple of statements in
12 reference to this. H.R. has been a long under -- I
13 guess the best word is a long-time needing H.R.
14 services in this city. As everybody knows, we are in
15 a cleanup mode, a huge cleanup mode. We are cleaning
16 up lots of things that have been done lots of ways for
17 many years, that needs to be changed and fixed.
18 After our clerk left, we had some pending
19 issues that were very, very pending issues that needed
20 to be dealt with -- and very important issues --
21 immediately, that could have cost us quite a bit of
22 litigation.
23 I did bring H.R. in to be able to work
24 through these processes. There's been many things
25 that they have helped us with. They're very

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1 competent.
2 They worked through the reduction in force,
3 which was very, very important with us because the
4 letters -- we got every letter back, which was very
5 important. They were all asked to sign letters. They
6 did not have to sign those letters. Could have been a
7 great cause for litigation, but H.R. worked through
8 that with us.
9 They worked through payroll transition
10 setting up employees, setting them up in the payroll
11 system. They've worked through some very crucial
12 comp-time issues. We're still working through some of
13 those.
14 They are doing the administrative work for
15 payroll. They have set up a Web site for the
16 employees. The employees are really enjoying this
17 because they can go to the Web site, something they
18 have never had before, and pull up their comp time or
19 their PTO hours or what their benefits are. They're
20 accessible really almost 24 hours.
21 The employees have made many contacts with
22 them, and they've worked through some issues with them
23 and had some meetings as well.
24 They also provided a health fair for our
25 employees, which was really good for the morale. It

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1 provided some -- I know some of our employees found
2 out they had benefits and had some money they didn't
3 know that they had. So this was very good. This was
4 free to the City.
5 And this has been a really important aspect
6 as far as I'm concerned. I brought it in under the
7 purview of the Mayor on an emergency basis on some of
8 the items that we had to work with.
9 They handle workmen's comp claims. They're
10 the coordinator for our workmen's comp claims. They
11 are the City's H.R. department, providing all the H.R.
12 services to all of our staff. They're assisting in
13 the termination, and new employees, and assisting in
14 COBRA, all of our benefit packages. They assist in
15 health-benefits transition and retirement.
16 They're working with us on -- I know Ms.
17 Pritchard has reviewed the employment -- the pension,
18 the benefits, and gave her recommendation back on her
19 expertise, and she will be working through the pension
20 plan. That's, as Ms. Alexander says, the big elephant
21 in the room. It's huge, huge.
22 They're also dealing with any personnel
23 issues that we have.
24 That's only some of the things. And because
25 we are in the cleanup process, it's real easy for a

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clerk or real easy for someone that may have that experience, if you are already -- you have everything in place, everything's cleaned up, everything's being done the way it's supposed to be done. It's real easy maybe for someone as a clerk come in if they have that expertise to handle it.

Most cities do have some form of H.R. A city this size certainly should have some form of H.R. And I'm recommending that we hang onto them for at least six months to get through the cleanup process and then take it from there. I just think what they're working on already is crucial. What we would have had to possibly pay out on some other issues would exceed what we are paying them by a lot.

COUNCILMEMBER FLEMING: Well, I think right now they've proved their worth, and I'm very satisfied with Flex H.R., and I agree at least until we get a new City Clerk in place that should have those specifics. Because, as always, we have looked for City Clerk or potential clerk applicants that has that expertise, and even with that, the City Clerk will have a 90-day probationary period. So keeping them on an additional six months, I don't have any problem with that at all.

MAYOR PITTMAN: Okay. Ms. Alexander?

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COUNCILMEMBER ALEXANDER: I really was very appreciative of Ms. Pritchard's attendance to our meeting with Traveler's and able to offer insight and ask them additional questions.

I think they are doing a good job for us. We are going to be very busy if we are able to save money and at the same time improve our benefits to our employees, changing over with the health insurance provider, and hopefully, like I said, enhancing the coverage that we offer employees with long-term and short-term disability, and further also in the pension plan cut-over if we're able to rework the pension plan and offer an investment opportunity or alternative to our employees.

MAYOR PITTMAN: Mr. Bates?

COUNCILMEMBER BATES: When we were discussing this, somebody challenged me on whether or not other cities had full-time H.R. personnel or what they did, so I called.

And what I found was that with the exception of the City of Lithonia -- and I'm not sure that you can use them as a good comparable example -- including the cities of Pine Lake, Stone Mountain, they either had a full-time H.R. staff with at least one and in many cases two or three persons or those responsi-

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bilities were allocated to the city manager.

We don't have that city manager in place. So in the interim, until we have an opportunity of getting the health insurance brokers in place, some of whom offer benefits programs, benefits services, I do agree with a limited extension of it but not for long.

MAYOR PITTMAN: I want to reiterate a couple things.

COUNCILMEMBER DEAN: Wait. Do I get to chance?

MAYOR PITTMAN: I'm going to give you a chance, as much time as you need.

I wanted to reiterate something I'd said earlier. We are in the clean-up process, and it's real easy to bring someone in if you already, in a manner of speaking, have your ducks in a row and everything's being done correctly. And it has not been done correctly for quite some time, and years and years of things not being done correctly is a huge clean-up process, and they've done an excellent job of stepping in and starting that process.

And I just want to say that it's also coming out of the budget of the City Clerk that we do not have. And once we do hire a City Clerk, we have a budgeted amount that is financial contractual services

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that is not being used, that we will pull out of there. So it's not something we have to add to; it's already there.

Now Ms. Dean.

COUNCILMEMBER DEAN: Okay. I am concerned with --

No reflection upon you guys. I'm very impressed with what I heard tonight.

But what I'm concerned about is the process, and later this evening we'll address the hiring practices.

And this happened with the financial director and with Sabrina. She was brought in by this $5,000 emergency fund that you are allotted, that the Mayor is allotted. And then they're kind of enmeshed in the City with no other input from Council and then brought to Council -- this is the first time I've met these people -- brought to Council and it's presented, "Oh, they're doing a wonderful job, they're helping clean things up. Will you vote on keeping them on for a specific amount of time?"

Now, the way our Charter is set up is that Section 2.12 and 2.13 says that the Council is supposed to do the hiring, so if we -- this is kind of a back-door way of doing the hiring.

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1 Again, no reflection upon you guys at all.
2 But I think we should send out an RFP or an
3 RFQ and at least do some shopping, because then what
4 happened in the case of the financial director
5 position or Sabrina Cape, then it was Sabrina Cape and
6 the Mayor solely interviewing -- going through the
7 resumes and interviewing for the financial director
8 position and then sending her an offer letter, and
9 that was all done without any input by the Council.
10 And I am under the impression that the more
11 brainpower, the more perspectives put on a situation,
12 the better it is for everyone because you have more
13 people adding their experiences and their knowledge.
14 And it's just, I think, a better system for the City,
15 and it's also the way our city was meant to operate.
16 That was how it was intended to operate.
17 Now, there's some question about the
18 personnel manual reflecting things differently or
19 giving the authority, and that's something, again,
20 that we'll talk about later but it's kind of closely
21 related to this.
22 We need to clear this up one way or the
23 other because I think that it should be very clear in
24 how we do this. If, for example, we all disappeared
25 and we were replaced by new people, would they be able

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1 to pick up and say, "Oh. Here are our hiring
2 practices. This is what we are supposed to do."?
3 For this $5,000 emergency fund, is there a
4 place specified that stipulates how and when those
5 funds can be used? And that's a real question.
6 MAYOR PITTMAN: Thank you.
7 Legal, please?
8 COUNCILMEMBER DEAN: No.
9 MAYOR PITTMAN: Oh, I'm sorry. You're still
10 -- you've still got something else?
11 COUNCILMEMBER DEAN: Well, that was a
12 question.
13 MAYOR PITTMAN: Oh, I was going to ask him
14 to address it.
15 COUNCILMEMBER DEAN: Okay.
16 ATTORNEY McLENDON: Yeah. I don't disagree
17 at all that clarity is going to be something I think
18 we need. And one of the things I think we are trying
19 to do and as we struggle through issue by issue is try
20 to bring clarity to the different processes in the
21 City and make things better as we go. You know, the
22 methodologies that have been used in the past, we can,
23 you know, get language put together, come in and
24 hammer it out and make it very clear.
25 And just like, frankly, Councilperson Dean

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1 said, let's make it clear, make the operating rules
2 clear, and I think that's fine. You know, frankly, I
3 think ultimately that's the best method to go forward
4 on things.
5 All of the language you've cited today is
6 language that, if given the opportunity to say
7 "Clarify exactly how this sounds," I could bring
8 clearer language to the table, and we could look at
9 it, mull it over and decide if we liked it and this is
10 how it goes forward.
11 COUNCILMEMBER DEAN: Well, my point -- and
12 this is an issue, such an issue for me because we do
13 have such an important position coming open, and
14 that's the city manager.
15 And so if we start these hiring practices
16 going this way or this way or that way without any
17 clear line or direction, then when it comes time for
18 the hiring of a city manager, then that's important
19 and that's something that we are responsible for.
20 And even something that Ms. Alexander said
21 earlier. You know, right now, we have an H.R. team on
22 board but now we want to find -- we want to contract
23 out someone to hire a city manager.
24 And it just seems like we're doing a lot of
25 hiring outside of our city on a contract basis, which

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1 is costly, when if we found someone to come into our
2 city on a permanent basis, just spent the energy that
3 it takes to get someone good to come in and work for
4 us, then I think -- I think that makes more sense than
5 spending money to hire people to bring people in to
6 work for the City.
7 MAYOR PITTMAN: All righty. Do I --
8 Is there anything else?
9 COUNCILMEMBER DEAN: Um.
10 MAYOR PITTMAN: I would like to make a
11 motion of mine.
12 I know you have things that address this in
13 your other.
14 I'd to see if anybody would like to make a
15 motion to extend their services for at least six
16 months.
17 COUNCILMEMBER FLEMING: I'd like to make a
18 motion to move forward with the contract with Flex
19 H.R. Services for H.R. services not to exceed six
20 months.
21 MAYOR PITTMAN: Second?
22 COUNCILMEMBER ALEXANDER: Second.
23 MAYOR PITTMAN: Discussion?
24 COUNCILMEMBER BATES: Cecil, have you
25 reviewed the proposed?

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ATTORNEY McLENDON: We've looked at the contract. We've made modifications to the contract. One of the primary revisions is that it does provide for a 60-day termination which, you know, limits the potential liability.

MAYOR PITTMAN: I think it also says a year in there. We probably need to change that.

ATTORNEY McLENDON: We would need to -- if this is for a year, then we would need to change the term to six months, but it does have the 60-day termination clause I think on both parties' behalf.

MAYOR PITTMAN: Okay.

COUNCILMEMBER DEAN: And not to exceed $5,000 a month; right?

MAYOR PITTMAN: That's correct.

COUNCILMEMBER BATES: With knowing that we've got broker interviews coming up and the city manager search coming up -- and, you know, again, the research that I did on the H.R. piece indicates that the majority of cities that surround us in Dekalb have an H.R. person -- I think that that's the direction that we need to look at moving forward.

As Mr. O'Connor said earlier, if we're going to spend that amount of money, there's some benefits of having an employee versus an outside consultant.

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There are certainly benefits of having an outside consultant: you know, they're available when you need them and not available when you don't need them. So I'm generally in favor.

MAYOR PITTMAN: Okay. Call the roll, please.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BRYANT: Councilmember Dean?

COUNCILMEMBER DEAN: Again, no reflection upon you; a reflection on the process. But no.

MAYOR PITTMAN: Thank you. Motion carries.

Okay. Next on the agenda is to schedule interviews for City Clerk position.

I believe everyone has submitted their top three. I did send it out this evening. It was almost -- it was very interesting. We had almost all the same top three people.

I ask if we could possibly schedule it for this coming Thursday; if not, maybe look at another date that's more conducive to everyone's schedules.

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And then if these top three do not work out, then we certainly can go back. We've got others, I think, that we can consider, but these were the top three out of what everyone submitted.

I sent it to you earlier today.

COUNCILMEMBER BATES: I'm not available on Thursday.

MAYOR PITTMAN: Okay. Well, if I could just get you to all look at your schedule and send me your dates, and we'll try to coordinate, please, I'd appreciate it.

COUNCILMEMBER FLEMING: As soon as possible.

MAYOR PITTMAN: As soon as possible.

Okay. Next on the agenda is Ms. Dean.

COUNCILMEMBER DEAN: Okay. Again related to the hiring practices, I would like to -- I'd like the Council to pass a change to the personnel manual to establish a consistent step-by-step system of hiring the new City employees or not and a step-by-step process of delegating such power.

Again, what happened before -- and this touches on what Cecil said earlier -- when I was told an offer letter went out to the financial director, I was kind of surprised, to put it mildly. And I made some phone calls and I said, "Well, has something

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changed? because when I read the Charter, this is not done appropriately."

Well, I was told that some phone calls had been made to Council members and that the Council had delegated authority.

Well, I said, "Well, I'm on Council and I never received a phone call," and so it was stated that this is the way it's always been done.

And that's what I think that we need to change, just, you know, change bad habits and not do things again. If we were all replaced tomorrow, someone should be able to come in here and pick up a manual or read our Charter and understand how things are done.

And so we have -- as the City's legislative body, Council, we are responsible for setting policy for the City's human resources functions to be administered by the Mayor and staff, and so I've set out a number of steps to do this appropriately, including the hiring process.

And this is another example: for the City Clerk position. The way the system is now is that we are given the resumes, they're put in our boxes, and then we all individually send our top three or four choices to the Mayor, and then the Mayor tells us the

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1 top three that are chosen.
2 Well, as I pointed out in an e-mail to all
3 Council, that we're not acting as a council in doing
4 that. What we are doing is we are acting as five
5 individuals funneling all of our information to Donna,
6 who then tells us, "Okay, these are the top three
7 choices. Let's send it out."
8 I would like to have a little discussion
9 about this and insight because I learn a lot from my
10 fellow Council members and I would like the benefit of
11 their experience and their knowledge, especially in
12 doing things like this.
13 Now, that is not, as someone suggested,
14 micromanaging. To me, that is due diligence, because
15 our track record in hiring employees has not been the
16 best. And so maybe if we start taking a little more
17 time, you know, putting our brains together and trying
18 to look at things differently, then we'll have greater
19 success when moving forward.
20 And this is not -- I mean I think that
21 things have just been done for awhile because it's the
22 way they've always been done.
23 I mean this is not a criticism or a
24 reflection upon anyone in this room. It's just --
25 it's just that the way that things have been done that

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1 need to be, you know, looked at in a different light,
2 and because it is so, so, so important.
3 I mean our employees are going to be the
4 backbone of our city, and if we don't -- you know, if
5 we, you know, cheat them out of their benefits or
6 their time or we say, oh, no, only these hours or only
7 those hours, well, we're not going to get high quality
8 employees.
9 We need to attract good employees because
10 they're going to do -- they're going to do the City's
11 work, and that's going to be the long-lasting legacy
12 that we have the potential of leaving in terms of
13 maintaining and running a city that's developing and
14 operating effectively.
15 So I have a list. I won't bore anyone with
16 reading all of the details on this. Now, if you are
17 interested, I will be more than happy to send it out
18 to you, so contact me and I'll get you a copy of this.
19 But it's basically all the steps:
20 advertising and recruiting, the compensation, job
21 description, continuing education, termination of
22 employment, just -- just everything.
23 And when we delegate authority, it needs to
24 be done in an open meeting. I mean it can't be done
25 by the phone. We have to vote on it, talk about it

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1 and have a record of it so if the need arises in the
2 future, we can say, "No. We all delegated this
3 responsibility. It was the meeting held on this date.
4 Here are the minutes, you see." Everything is open.
5 MAYOR PITTMAN: Thank you. And I would like
6 to address that because I believe we did clarify in
7 the last meeting in reference to the finance director,
8 that we did -- before you were on Council, that the
9 Council did delegate that authority to Ms. Cape and I.
10 Ms. Cape and I did interview. Ms. Cape is
11 the top of the line in finances. And the Council did
12 interview, did not find anyone, said to go back. We
13 readvertised, and they wanted us to take care of it.
14 That was delegated in an open meeting.
15 And I believe if you would like to address
16 the delegation as far as the Charter and the
17 ordinance.
18 COUNCILMEMBER DEAN: This isn't about that.
19 This is about -- this is about --
20 MAYOR PITTMAN: I understand.
21 COUNCILMEMBER DEAN: -- going forward --
22 MAYOR PITTMAN: I understand.
23 COUNCILMEMBER DEAN: -- with a new set of
24 steps to do the -- just so in the future, it's all
25 clear.

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1 This is no -- Ms. Cape has done a wonderful
2 job. This is no reflection upon. No reflection on
3 this H.R. company. Absolutely nothing. It's about
4 moving forward in a more constructive way.
5 MAYOR PITTMAN: And I appreciate that.
6 (To Mr. McLendon) And I would like you to
7 please talk about our delegation.
8 ATTORNEY McLENDON: And I will tell you
9 again, to the extent we say let's make it clearer and
10 better, I'm always going to be of the opinion of us
11 doing that and making it, you know, a more -- well,
12 just a clearer process and easier to follow.
13 I can say that there has been a delegation,
14 in my opinion as the city attorney. The Charter says
15 that you can delegate the hiring to -- you can
16 delegate that process, and I think the Employee
17 Handbook, which we've talked about, has some language
18 which, in essence, served as that delegation.
19 Can it be better? Yes. Let's make it
20 better. Let's all work together to get those
21 provisions and we can make them clearer; but I think
22 that there is a delegation in the handbook as we
23 speak.
24 COUNCILMEMBER DEAN: Well, but the handbook
25 doesn't supersede the Charter. So if we're going to

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1 change the Charter, let's change the Charter, but
2 let's have some consistency.
3 ATTORNEY McLENDON: And that is an issue
4 we're talking about, because the Charter states --
5 contemplates a delegation. Charter says Mayor and
6 Council has this power but they can delegate it.
7 And as I looked at it -- and a lot of times
8 I pull things and sort of make an opinion on it -- the
9 handbook was that delegation. It was an ordinance
10 passed in a meeting. It is an ordinance, which a lot
11 of handbooks aren't, but ours is. It was an
12 ordinance that was passed in another meeting, and it
13 said here's how hiring goes forward, and there was a
14 certain amount of delegation if not a whole lot of
15 delegation contained in that language.
16 COUNCILMEMBER DEAN: Is it standard for the
17 policy manuals, the handbook, to be passed as
18 ordinances?
19 ATTORNEY McLENDON: It's been done, but a
20 lot of times they're policy and not necessarily
21 ordinances. So, yeah, and that would be something we
22 can talk about.
23 COUNCILMEMBER DEAN: All right. And the
24 other thing was that being new to Council, I was not
25 aware of this process. So I read the Charter, and the

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1 handbook seems a bit outdated, so I've got through --
2 Okay.
3 ATTORNEY McLENDON: And I think the
4 suggestion would make things better. It's something
5 that I'm always going to get behind and say let's do
6 it.
7 MAYOR PITTMAN: Ms. Alexander?
8 COUNCILMEMBER ALEXANDER: I don't want us to
9 have to -- we're not -- we have no business making the
10 decision to interview or hire a police officer, in my
11 opinion. We're completely unqualified to do that. So
12 I think that the delegation ability needs to be in
13 there.
14 I believe Councilmember Pachuta and Fleming
15 are the ones that mentioned, I think it was in the
16 December 6 interview, because we were disappointed in
17 the interviews we had, to allow the Mayor to go ahead
18 and handle the hiring of the finance director.
19 And I suggested -- after Ms. Dean was upset,
20 I suggested that we interview her even after the offer
21 or the, I guess, I don't know if it was really an
22 offer letter or a here-you-go letter, and so we would
23 all have an opportunity to interview the applicant.
24 And I asked her the same half a dozen questions I have
25 asked the other four applicants, three applicants we

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1 had.
2 I think that, you know, when the city
3 manager comes on board, that's part of the things we
4 have to discuss in the job description is if they
5 bring us applicants for department heads and then we
6 make the decision on the department heads and also
7 delegate the hiring authority, if they're going to
8 have hiring authority over City Hall or all of the
9 departments, things of that nature. It's all things
10 that we need to consider.
11 I'm not in favor of putting a line-item-by-
12 line-item telling people where they need to advertise
13 and things of that nature, because we advertise all
14 over the place. For finance director, we advertised
15 on the GMA Web site, our City Web site, and also a
16 finance directors -- I think it's the Georgia Finance
17 Officers' Web site. So dependent on the job that
18 we're placing, the number of advertising locations
19 could be endless.
20 I do agree that we need -- we need some work
21 and that, you know, Ms. Dean was new on Council and
22 didn't know.
23 I'd also like, though -- I'd like for us to
24 be independent thinkers and review the resumes. And
25 we all sent in our top choices for clerk, and,

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1 ironically, almost every single one of us picked the
2 same three.
3 I think that's good. I think that way,
4 everyone is looking at the same set of information.
5 They may see something one person does not. I know I
6 personally am extremely picky when I see typos on
7 resumes because I think that someone doesn't have an
8 eye for detail and so I may not put them on my short
9 list, so to speak.
10 So I think it's -- I don't personally have a
11 problem doing that. I think it's good we're all
12 reviewing the same information and we all have
13 different opinions on that information and then we
14 send our choices in to the Mayor.
15 And another thing I want to caution is, in
16 doing so, an e-mail, especially regarding any H.R. or
17 potential applicant, potential interviewee, you don't
18 make comments about the person in an e-mail,
19 especially. For example, my list just said, "Here are
20 my top choices for City Clerk interview in no
21 particular order," and I merely listed their names.
22 That's one of the things that I've been
23 cautioned about when you interview, even just making
24 notes about an applicant, because some people get
25 extremely disappointed when they aren't hired and

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there's potential for litigation there. Even though no one may have done anything wrong, it's the perception of it.

So I personally don't have a problem with everybody submitting their individual choices. I think it's a good practice, and we all have different opinions, sometimes very similar.

COUNCILMEMBER DEAN: Well, that e-mail was from me. And in fact, someone commented that they had not received one of the e-mails listed, and so that was -- that was -- that may have been fortunate that I listed the names because it gave someone the opportunity to go back and say, hey, I didn't get this resume, and so it's good.

But to me, it's just that it's kind of a little system of checks and balances. And then that's -- that's just -- I think that checks and balances in any government is a good thing, and that's -- that's kind of --

I mean I'm all about -- and I'm very open. I write everything, as all of you know. I think it's good policy just to keep records of what's going on and how it's going on, and -- and I stand by it.

MAYOR PITTMAN: Mr. Bates?

COUNCILMEMBER BATES: Well, there's no

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question that this, along with other pieces of the City, we have some work to do.

And a flow chart like we've been asking for from some of our other departments, that outlines the process, the typical process, I have no problem with it. I think that would be a great addition: you know, here's the steps that the City undertakes in doing the hiring at a department-head level.

I agree with Ms. Alexander that, you know, lower level employees, we don't need to be doing that. But department-head levels, I do agree. I think there's a process.

I would suggest -- and this is something that perhaps our Clerk can do is to provide us with a spread sheet showing all the -- and provide us with a chart to show us all of the applicants that have come in, to ensure that we're all looking at the same three, eight, 15 resumes, so that we can do our own check-offs and things with that, because I was the one that missed -- I missed a resume, and I probably misplaced it in the week.

And very briefly, thank you all very much for the notes and the e-mails and the cards on my father's passing. They were very much appreciated.

And I share in Ms. Bradford's loss with the

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passing of her mother.

(To Ms. Bradford) And sorry.

That being said, it's entirely possible I misplaced it, but a checklist from City Hall would help all of us make sure that we're looking at the same -- whether it's for applicants or respondents to an RFP, whatever, to make sure that we're looking at the totality of the respondents. So I do think there are some improvements that we can do in the process.

MAYOR PITTMAN: Ms. Fleming?

COUNCILMEMBER FLEMING: I agree in regards to making the process more clarified.

Moving forward with your . . . I -- I would guess that we would use Flex H.R. and our legal service and Ms. Dean to -- and Mayor Pittman to draft something that we can take a look at.

In regards to opinions of who we are hiring or that we wish to interview, I like being unbiased. I like being able to choose mine and send them to the Mayor rather than -- because I just don't want to present myself as lobbying for a specific person. And as Mayor Pittman said, though I didn't get the e-mail before I came, that most of us chose the same top three.

So I'm still in favor of using that

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procedure, because when it comes time for the interviews and we've gone through the interviews, we will always have probably 30 minutes after the interviews to discuss each one, what you liked and so forth and so on. So my preference is to keep it, you know, as far as not putting it out to all of us; to do our choices to Mayor Pittman or to the person delegated.

COUNCILMEMBER DEAN: Will you mind if I send my choices out for your comments, when I get them, and like I did? because I got some kind of stuff that was very good for me; it was really good.

Do you mind if I share?

COUNCILMEMBER BATES: In a public meeting?

COUNCILMEMBER DEAN: No, not --

COUNCILMEMBER BATES: No.

COUNCILMEMBER DEAN: -- in a public meeting. In an e-mail, just saying this is what I think, you know.

COUNCILMEMBER ALEXANDER: I don't think we need to put that in writing.

COUNCILMEMBER FLEMING: That's what Ms. Alexander was talking about, in writing, maybe don't put it in . . .

MS. PRITCHARD: Yes, please don't do it.

COUNCILMEMBER DEAN: Even if I mark it

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1 attorney-client privilege?
2 COUNCILMEMBER BATES: This is one of the
3 benefits of moving into a city-manager form of
4 government.
5 COUNCILMEMBER DEAN: Yeah, I know. I can't
6 wait.
7 MAYOR PITTMAN: Absolutely.
8 COUNCILMEMBER BATES: We eliminate 90
9 percent of this --
10 COUNCILMEMBER DEAN: Yes.
11 COUNCILMEMBER BATES: -- and then we'll only
12 be dealing with one set of resumes, and that's the
13 city manager versus --
14 MAYOR PITTMAN: Absolutely.
15 COUNCILMEMBER BATES: -- you know, 30.
16 So please let the two years happen quick.
17 MAYOR PITTMAN: All righty.
18 COUNCILMEMBER DEAN: Okay.
19 MAYOR PITTMAN: Your next item?
20 COUNCILMEMBER DEAN: Zoning has been an
21 issue for some people in the city, myself included.
22 And so I wanted to get a document that set out our
23 procedures for changing the zoning in our community,
24 so I asked for a memo and I was provided a memo but it
25 was marked attorney-client privilege.

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1 ATTORNEY McLENDON: We know not to discuss
2 the content?
3 COUNCILMEMBER DEAN: Of course.
4 ATTORNEY McLENDON: Okay. No problem.
5 COUNCILMEMBER DEAN: I mean, you know, the
6 topic's okay; right?
7 ATTORNEY McLENDON: Yeah, absolutely.
8 Very good.
9 COUNCILMEMBER DEAN: And it says . . .
10 ATTORNEY McLENDON: Yeah.
11 COUNCILMEMBER DEAN: So I wanted this so I
12 could address it with some of the community members
13 who have asked me about it and also to be better
14 informed myself.
15 When I got the memo, it was marked attorney-
16 client privilege. And I talked to Cecil and he said,
17 "Well, it's a work product." And I said, "But this is
18 a policy, this is a City policy, so I don't understand
19 why this would be deemed attorney-client privilege."
20 And then we talked about it and I said,
21 "Well, even if it is deemed attorney-client privilege,
22 as the client, I can waive that; right?" And he said,
23 "But you're part of the client. You're not the whole
24 client. So if you want to waive it, you have to bring
25 it before Council and Council can vote on waiving the

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1 policy -- the classification of attorney-client
2 privilege." So that's what I'm here for.
3 MAYOR PITTMAN: Can I just say something?
4 I did put something in your box today that
5 might -- Well, it's in your box because I put it in
6 everyone's box. It might help clarify some of your
7 questions, too. It's like an application form with
8 the procedure.
9 COUNCILMEMBER DEAN: Well, here is my
10 understanding of the attorney-client privilege. I
11 mean it's kind of like the priest privilege. And it
12 is to protect the client; right?
13 The attorney can't testify, for example,
14 using some knowledge that the client has told him or
15 her; right?
16 ATTORNEY McLENDON: Well, and one of the
17 issues whenever -- as I'm listening to what we have
18 here, it seems like the document that you were looking
19 for might not have been one that you were looking for
20 me to write, because, as the attorney, I'm going to
21 come in and I'm going to evaluate something from the
22 legal standpoint: I'm going to look at our processes,
23 I'm going to evaluate them, I'm going to talk about my
24 mental impressions of -- you know, strategic impres-
25 sions of how we move forward, and how the law applies

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1 and how it is interpreted.
2 All that being said, if you're looking for,
3 you know, a public document that is a here's-the-
4 public-document-about-how-we-do A, B, C or D, that's a
5 different document. But that's not generally a
6 document your attorney would prepare. That's more of
7 a staff, you know, here's your handout on any
8 particular issue within the City.
9 Generally, attorney-client privilege is
10 allowed for me to be able to give you a unfettered
11 assessment of the cases, talking about the pros and
12 the cons and the potential issues with any given
13 issue. And it's protected from being entered into a
14 court of law; it's protected from anything.
15 There's a difference between a -- you know,
16 how to file variance application at the City. And
17 again, it might be that you just -- you know, this
18 isn't a memo that the attorney would write is the
19 product you were looking for. .
20 COUNCILMEMBER DEAN: Well, I do want to know
21 legally how we do this, and it's --
22 MAYOR PITTMAN: I believe that might help
23 you. It's on the other pages. I think that might be
24 what you were looking for.
25 COUNCILMEMBER DEAN: Well, I was looking for

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1 a memo from the City, because I mean I know the way
2 things are said to happen, but I've seen things happen
3 that I don't -- that I am not understanding very
4 clearly.
5 And so -- and so that's why I was just
6 trying to get on the same page, not just here but also
7 with the community, because zoning is the most
8 important thing, I believe, that we as Council will
9 do. And I want to make sure, particularly in light of
10 all the proposed zoning changes that are being
11 suggested, I think that's a huge, huge, huge deal, and
12 people in the community should know what the steps
13 are, whether it's a hearing, you know, or work session
14 or, you know, how the process happens. And I would
15 like to be able to say, "Here. There you go, and this
16 was written by our attorney and on behalf the City,"
17 and that's not --
18 I mean I think that there should be, again,
19 clarity in our process.
20 COUNCILMEMBER BATES: Well, that, to me, is
21 something that comes from the planning director after
22 the city attorney has reviewed it and made sure that
23 it's following the Zoning Procedures Acts and, you
24 know, our various local laws along with the state law.
25 That, to me, is a document that should come from the

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1 development director as part of any applicant's
2 request for information: "Here's the steps. Here's
3 the process."
4 COUNCILMEMBER DEAN: Right.
5 COUNCILMEMBER BATES: So I don't disagree
6 with you on that. But I've not had a chance to look
7 at what was put in our boxes today so I don't know if
8 that addresses.
9 COUNCILMEMBER DEAN: Well, the other thing
10 is I was told once before, which is why I'm kind of
11 tied to this, I was also told that, before, I was
12 talking about an operating permit and I was told that
13 that was classified as attorney-client privilege.
14 And I know that an operating permit -- I
15 mean that's a public document. That can't be
16 classified as attorney-client privilege.
17 And my understanding of attorney-client
18 privilege is --
19 Okay. What's --?
20 ATTORNEY McLENDON: Yeah. I don't know
21 about that specific example, but I'd say get in touch
22 with us because generally any document of the City,
23 any permit, anything like that is wide open and there
24 would be no basis to say that was attorney-client.
25 I would be happy to address that, because I

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1 don't recall --
2 COUNCILMEMBER DEAN: Okay.
3 ATTORNEY McLENDON: -- in the last 15 years
4 ever saying any sort of permit was --
5 COUNCILMEMBER DEAN: Oh, you didn't say it.
6 ATTORNEY McLENDON: -- attorney-client.
7 Okay. They can look at that.
8 MAYOR PITTMAN: What would you like to do?
9 COUNCILMEMBER DEAN: Well, I would like to
10 waive the attorney-client privilege on this document.
11 I mean have you guys read this?
12 COUNCILMEMBER FLEMING: Would you like to
13 take a look at what you were just given?
14 COUNCILMEMBER DEAN: This is a secret?
15 COUNCILMEMBER FLEMING: Because I do believe
16 that's what you're looking for, and that would not be
17 attorney-client privilege.
18 COUNCILMEMBER DEAN: Okay. The process that
19 we are talking about --
20 Well, we can just -- we can just have a
21 little vote if that's okay or we're not. Do you want
22 to pass the memo or --
23 COUNCILMEMBER ALEXANDER: I think Mr. Cooley
24 should do the memo.
25 COUNCILMEMBER BATES: The memo should come

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1 from the community development director, that's been
2 reviewed by the city attorney to make sure that it
3 meets the ZPA. That's --
4 MAYOR PITTMAN: Do you still want to make a
5 motion or we can get him to do that?
6 COUNCILMEMBER DEAN: Well, you know what?
7 Do you want to make a motion and put it on the record?
8 I'd like to make a motion to waive the
9 attorney-client privilege status on the memo dated
10 February 27th, 2012, regarding review of the Zoning
11 Procedures Act.
12 MAYOR PITTMAN: Okay. Do I get a second?
13 Do I get a second?
14 - - -
15 (No response)
16 - - -
17 MAYOR PITTMAN: Okay. Motion dies for lack
18 of second.
19 COUNCILMEMBER ALEXANDER: Do we want to make
20 a motion to have Joe Cooley --
21 COUNCILMEMBER BATES: Sure.
22 COUNCILMEMBER ALEXANDER: I make a motion
23 to --
24 Ms. Dean, are you going to contact Mr.
25 Cooley and let him know what all you want in there?

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COUNCILMEMBER DEAN: Yeah.
COUNCILMEMBER ALEXANDER: Okay. I make motion for the Mayor to direct the planning director, Joe Cooley, to work with Councilmember Dean to pen a document with the attorney's approval regarding our step-by-step, I guess, procedures that comply with the Zoning Procedures law.
MAYOR PITTMAN: Do I get a second?
COUNCILMEMBER FLEMING: Second.
MAYOR PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PITTMAN: Call the roll, please.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BRYANT: Councilmember Dean?
COUNCILMEMBER DEAN: Yes.
MAYOR PITTMAN: Thank you.
Okay. Next on the agenda is going to be -- I don't believe we have any reports, motions,

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appointments, so it'll be the Citizen's Agenda Item, the City Planning Commission; Mr. O'Connor.
COUNCILMEMBER ALEXANDER: We need to make a motion to extend the meeting. It's past 9 o'clock.
MAYOR PITTMAN: If we could, please. I can't see the clock.
COUNCILMEMBER ALEXANDER: Make a motion to extend the Council meeting to complete the agenda.
MAYOR PITTMAN: Second?
COUNCILMEMBER BATES: Second.
MAYOR PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PITTMAN: Call the roll, please.
Thank you, Ms. Alexander.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BRYANT: Councilmember Dean?
COUNCILMEMBER DEAN: Dean.
MAYOR PITTMAN: Okay.

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MR. O'CONNOR: Thank you. I'll be done in five minutes. I'm going to take as much shortcuts as I can.
The reason I'm here today is myself, Ben Crawford, Jim Ambrose attended a meeting of the Planning Commission. It was on the 11th. And also there was Ms. Fleming and Mr. Anderson plus three members of the Planning Commission.
When we came in, at the beginning of the meeting, we talked to Mr. Cooley, who represented that this meeting was going to be for a work session only.
During the course of this meeting and the discussions were being made, at the end of it, the -- there were three members present -- the P.C. voted to accept the amended -- amendments to the -- I think it was -- it was -- I'm trying to remember which ordinance.
COUNCILMEMBER FLEMING: Automotive Services.
MR. O'CONNOR: No.
COUNCILMEMBER FLEMING: Oh.
MR. O'CONNOR: It was architectural standards.
COUNCILMEMBER FLEMING: Sorry.
MR. O'CONNOR: And they voted too and they're going to recommend to Council.

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Mr. Crawford asked, after they voted, why wasn't this opened up for public comment? Actually, it's invalid because they didn't even open it for public comment.
And the response, which I thought was really good, from Chairman Ibsen was, "Make it quick."
Now, Mr. Crawford worked for eight years to get this established with seven or eight other individuals from the community. I was a Johnny-come-lately when I got on the Planning Commission.
I've never seen -- I'd like to know why such conduct arises where a city planner doesn't know that it has to be open for public discussion and just lets -- lets it go through and be voted on, and then a citizen has to ask to make a comment and then the comment made to him by the chairman was, "Make it quick." That doesn't sit right with me.
Secondly, at the end, just because there was a little break, I asked Mr. Cooley, "What were you talking about with the conditional uses with the Planning Commission?"
This is not authorized or it wasn't. I was involved with the negotiations with what the Planning Commission would hear and would not hear, and also everybody here was except for Ms. Dean. The Planning

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1 Commission did not hear conditional uses, and it was
2 understood.
3 Now all of a sudden, I guess we've gone
4 against our own ordinance, and they're going to hear
5 it. I haven't heard anywhere where this was ever
6 talked about or planned.
7 Mr. Cooley told me that it was against State
8 law for the Planning Commission not to hear
9 conditional uses. I'd try to look it up. I don't
10 believe it.
11 Thirdly, I mentioned the character -- the
12 people that were there. I wanted to bring a
13 situation, it was a year before that when -- and I'm
14 not picking on Ms. Fleming, but I really am, but I
15 like her as a person. We were having a meeting with
16 Mr. Lee Walton, and she was in attendance, and two
17 things came up. One of them was on C-1, we were
18 making some amendments to it. And we got into a
19 discussion, and Ms. Fleming got up and told us that
20 there was something else pending in the architect's
21 manual and that we didn't have to concern ourselves
22 with it.
23 Then she told us to go ahead and certify the
24 ordinances, which were not in front of us, which were
25 supposed to be bound and brought in before we

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1 certified three years of ordinances as being proper.
2 Now, this is not in her place to come in and
3 tell us what to do.
4 I'm trying to understand what she does at
5 these meetings. Is she there to make -- is she there
6 to mentor Mr. Cooley to see what he does or is she
7 there to tell the Planning Commission what they should
8 be doing? There is no reason any member sitting here
9 should be at a Planning Commission meeting.
10 And lastly, I do blame at least four of you
11 who are sitting here. Why doesn't the Planning
12 Commission have a representative from Oakcliff?
13 The only thing I've heard -- and it's been a
14 year now -- it'll be a year in a few days -- is that
15 we can't get anybody.
16 Either you can't get anybody because the
17 City's reputation for the way they treat people on the
18 Planning Commission is so poor or you just don't try.
19 Now, there's no reason why you can't go out
20 and find somebody to give Oakcliff their represen-
21 tation.
22 And I tell you, I have questions whether or
23 not there's any validity to some of these ordinances
24 which have been passed since they don't even have a
25 representative to forward it to Council for

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1 recommendations.
2 So I'll let that basically -- I think I've
3 got it all done. That's it. Thank you very much for
4 your time.
5 COUNCILMEMBER DEAN: I would like to say one
6 thing. May I? I saw the DVD of that meeting, and I
7 would like to apologize on behalf of the City because
8 you were treated very rudely.
9 MR. O'CONNOR: I wasn't. Mr. --
10 COUNCILMEMBER DEAN: Yeah, and Mr. Crawford,
11 yeah. And it was. It was abrupt, it was rude, and I
12 apologize on behalf of the City. It should not happen
13 that way, and you should have --
14 I mean you spent time, you took the time out
15 of your night to go to the meeting and to read the
16 information before you went, and that's very laudable.
17 And we need citizens like you; we need more citizens
18 like you in our community.
19 MAYOR PITTMAN: Okay. Next is going to be
20 Public Comments. Please limit your comments to three
21 minutes and please state your name.
22 MS. GILMAN: Carol Gilman, Chestnut Woods
23 Circle, Doraville, Georgia.
24 I'm wondering if going forward or even
25 pausing, for the Planning Commission to have a

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1 transition where it would be helpful to the current
2 commission to have a sit-down, a conversation, with
3 the prior commission. I know there are a couple
4 members that are left over, carried over. They're
5 still serving their terms, if you will.
6 Mr. Ambrose, Mr. Crawford, Mr. O'Connor, I
7 have the highest regard for. I started attending
8 those Planning Commission meetings, and they were
9 helpful to me with a very serious situation in
10 Chestnut Place. I became even more interested in
11 contributing to my city as a volunteer because of
12 those men. And I can see inconsistency between the
13 conduct of business between the two commissions, I can
14 see hurt feelings and I can see missed opportunities.
15 These men are wise, they're experienced.
16 And you know what? They care. And that's not
17 something you can buy. That's an investment that
18 should be retained in this community: the contri-
19 butions made by these men and the contributions they
20 can make.
21 I understand term limits and all that sort
22 of thing. I'm talking about community, sense of
23 community, valuing contributions, valuing our
24 citizens. That's my comment there.
25 I'd like to return to the agenda item where

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we have departments listed but we don't have department heads here to actually give a report.

Mayor, I'd like to challenge you, if they're not going to be here and their name's on that form, on that agenda, they report to you, would you please give a report for each department.

MAYOR PITTMAN: We can. Sometimes they don't have anything; they just simply don't. And this format is set because it was voted on and it has to be this format. That's why it's listed.

MS. GILMAN: I can appreciate that.

But if they don't have something, then they're not looking at their budgets. If they don't have something, they're not managing their employees. If they don't have something, then they haven't been given goals to achieve, to be measured by and make reports on. I don't understand why they would have nothing to report.

Thank you for your time.

MR. TOM HART: I'd like to thank Carol for those comments as well as Mr. O'Connor.

I was on the original Council that established the Planning Commission and we put those members on there. This was back when Doraville had open government.

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The Planning Commission was established so everything that went through the zoning in their neighborhoods, things that were built in the middle of stream buffers, etc., would stop and then people could have their say.

This is the public's time. It's not the City Council's time, Ms. Fleming. We can go to those Planning Commission meetings, but just sit there and attend and keep your mouth shut. That's what the Councilperson's job if they wanted to attend: to be courteous to those public servants that are doing their job, and it's the people's time in court, and they're allowed as much time as they need to get that done.

You have done something wrong here, Ms. Fleming.

MAYOR PITTMAN: Sir, I would appreciate if you would not attack the Council members.

MR. HART: Okay.

MAYOR PITTMAN: Stick to the point.

MR. HART: Okay. We have purchased --

In other areas than R-1 that you mentioned earlier, for the Sign Ordinance, the window tint should come under the Sign Ordinance because they have signage covering all the cities with these C-stores

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with racks and signs that should be covered under the Sign Ordinance.

As far as the logos for the City and signage, $65,000 was spent for the signage design, and it was hired. And they did focus groups, they did marketing studies, they came up with logos. They were supposed to do a Web site and a newspaper. They were supposed to rebrand the police cars here, the trash trucks, everything in this city. Where did that $65,000 go? We hired an assistant for the Mayor and it all went in the trash can.

Now, you say that this $150,000 from the HOST money is not going very far. It won't go very far if you spend money like that, like a million dollars for a set of sidewalk drawings.

It's getting -- it's putting together a priority list that you could do and do it effectively. Okay? That $150,000 -- you could put a traffic light down at this intersection down here for 150K.

Now, if you spend it like you have been spending it, which is spending a million dollars for some bogus firm to come in and draw a pencil drawing for you, you don't have enough money in the world to put it in.

So it's not about the money. It's being --

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You know, come up with a list. If you need help from the public, there are plenty of smart people out here that can figure it out if y'all can't.

So this closed government and all of this mickey mouse about attorney-client privilege, over at the horse farm, you know what they call the compost pile? They call it work product.

The bottom line is the HOST funds would not be enough to get the job done here. Every grant in the world won't be enough.

MAYOR PITTMAN: Sir, your time's up.

MR. HART: Okay. Good. Thank you.

MS. CINDY BRADFORD: Cindy Bradford, Doraville.

Councilmember Dean, thank you very much for trying to bring some clarity and some transparency because, I'm sorry, guys, but it's sorely missing and lacking.

This attorney-client privilege thing, I'm reading on here about a memo regarding Zoning Procedures Act and application to the City of Doraville, and since there's attorney-client privilege attached to it, I will never know what it says and I will never understand why you claimed attorney-client privilege, but I think that the review of the zoning

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1 procedures is a public issue.
2 Joe O'Connor, that was very noble of you to
3 point out that Oakcliff doesn't have someone repre-
4 senting them on the Planning Commission, especially
5 since you're my neighbor and you don't have anybody
6 representing you, either.
7 Thank you very much.
8 MR. BEN CRAWFORD: Ben Crawford, Oakcliff
9 Estates.
10 Mayor, City Council. First thing, I'd like
11 to thank Carol for the few comments that she made,
12 but actually I'd like to kind of recount some of the
13 events that happened at the meeting.
14 Went to the meeting. I had the, you know,
15 information available to me for architectural
16 standards, took my time to review it, and I guess I
17 showed up a few minutes late before it was announced
18 as a work session.
19 But they waited until we had a quorum, made
20 sure they waited to have a quorum, covered the
21 minutes, voted on the minutes, passed the minutes.
22 And then they covered the architectural standards,
23 and then the chairperson if anybody wanted to make a
24 motion. A the motion was made, and then it was voted
25 in the affirmative. So that led me to believe it was

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1 a public hearing. It was voted on. And it was voted
2 on to pass it on with the changes they made, with no
3 public comment, to City Council.
4 To me, that seemed a little absurd. It's a
5 work session; fine. What's the reason for the vote?
6 You wait for a quorum to come in, you have a vote on
7 the minutes, to approve the minutes, and then you have
8 a vote on architectural standards that they review and
9 they change and send on to City Council. That, to me,
10 makes it a public hearing. Maybe I'm wrong. The
11 attorney could answer that.
12 The other thing is as far as, you know, the
13 gentleman that was the chairperson, hey, I can handle
14 it; it's not a problem.
15 What I don't understand is all these years
16 we had the Planning Commission, whether it was a work
17 session or, you know, a hearing, we always welcomed
18 the community. Both the residents and the businesses
19 during the work session and the public hearing could
20 make comments.
21 The only thing we did different during the
22 public hearing is that we, you know, had set standards
23 that we followed so people could present their cases
24 for things that were being brought before us.
25 And I mean what changed? You know,

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1 something changed, and it's unfortunate it went the
2 way that it did. But one thing I'd like to see is us
3 to get some representation for Oakcliff Estates. I
4 think we're entitled to it. Thank you.
5 Oh. One other thing before I hang it up is
6 I'd like to mention this PTO. It's a little
7 confusing.
8 I think the City should consider perhaps
9 splitting the PTO into vacation time and sick time and
10 having it accrued by the month from the day they get
11 employed. And if you quit, guess what: you don't get
12 anything. You don't get paid for sick days when you
13 quit or when you're fired. And if you have vacation
14 time you did earned, that, you did earn, and if you
15 quit, depending on how -- if you're past your
16 probationary period, you should get paid for the time
17 you earned.
18 And you should be able to carry over a
19 certain number of sick time and vacation time and have
20 a limit on it and say 240 hours vacation time; if you
21 don't use it, you can carry that over but you cannot
22 have any more than that, or 180 hours or whatever it
23 is. The same with sick time; you carry over a certain
24 amount; when you reach the limit, it disappears.
25 And they should be able to get on the Web

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1 site that Donna was talking about. And they don't
2 have to see it on the paycheck stub; just see -- maybe
3 it should be there, but see it on the Web site where
4 they can get there and look at it, and they'll know
5 what they have. Everybody keeps track of what they
6 have.
7 Thank you for your time.
8 MAYOR PITTMAN: Thank you, Mr. Crawford.
9 MS. CRAWFORD: Susan Crawford, Oakcliff.
10 And before I alienate myself, I have a couple of
11 suggestions.
12 When you were talking about the tinting of
13 the windows or the shades or whatever, I was going
14 crazy trying to -- stop, because I lived in Miami
15 where it's very hot and very, very sunny. And what
16 they did there -- and it was really quite attractive
17 and it did the trick, and it's all up and down Miracle
18 Mile up and to this day -- is awnings. And it creates
19 a shade but it doesn't black out the windows, and it
20 might be something you'd want to consider at least for
21 the architectural standards.
22 Also with the -- well, I think you're going
23 to put out an RFP for somebody to -- for the sign
24 person. And I don't know if this would work or not,
25 but I have been instrumental in a couple of art shows

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here, and there are some really talented artists who -- I mean some -- there's a woman in my area who makes thousands of dollars on one painting.

So I was thinking you could do, you could save a lot. If you really care about saving money, you should really kind of think outside the box, because we're in a place where everybody lives outside the box. You might as well cash in on the eccentricities of the residents.

And my thought was that we could have sort of a contest maybe for the designing a sign, and it would be a community involvement kind of thing and -- and you might get some good ideas, and the residents would be taking part, and also you would be saving quite a bit of money.

I actually agree with Trudy about working together even more than the --

Well, I was raised Catholic, and I thought that that had to do with protecting the confession. I don't know.

But I do think it is important to work together, and so I do like the idea of discussing the people you're about to hire, because I think it's really important to get good people in, I mean.

Okay. And the Planning Commission, I'm

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sorry, I just have to weigh in here since I wrote the petition for the Planning Commission to be put in place. And the reason was because we as residents felt outside of all the decisions that were being made. We felt that we did not have a voice, and we still don't -- or we again don't.

And you may have problems with Mr. Crawford -- you know, I can certainly understand -- and maybe others on the Planning Commission. The thing is that --

And I know, but it was really --

MAYOR PITTMAN: I have to stop everybody. I'm sorry. I have to be consistent. I'm sorry.

MS. CRAWFORD: Well, it really kind of isn't fair what has happened --

MAYOR PITTMAN: I --

MS. CRAWFORD: -- on the Planning Commission.

MAYOR PITTMAN: Thank you. Thank you.

MR. STUART ANDERSON: Stuart Anderson.

There's been a bunch of misinformation here tonight, but mostly I guess I object to the tone of the misinformation.

I wrote the bylaws for the Planning Commission -- and it was a work session -- and in the

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bylaws, it is allowed by the manager of the Planning Commission, Mr. Ibsen in this case, to take public comment or not.

To take a little issue with you, Trudy, I too got a copy of the CD, and you can't hear a word.

COUNCILMEMBER DEAN: Oh, yes, you can. Yes, you can. And that was -- In fact, I wanted to address that. Can you move the camera at the next meeting?

MAYOR PITTMAN: This is public comments. I'm sorry. Could you move forward? We're not having argument.

MR. ANDERSON: Right.

MAYOR PITTMAN: You can discuss this afterwards.

MR. ANDERSON: The situation -- Well, if there was, I apologize, but I have a copy of it and I couldn't hear anything.

The situation was Mr. Ibsen was abrupt because the three persons sitting behind me were disruptive throughout the whole meeting, passing notes, making comments, tittering, acting like school kids. I'm sorry, but that's what was going on.

Mr. Hart commented to you, Joe, if you knew what was going on, that the City Council is invited. I wrote the bylaws. That section was taken out by Mr.

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Scott, and we -- But nonetheless, the City Council is a -- Planning Commission is a intellectual filter for City Council. The City Council is invited to come to those meetings so that you can hear what's going on and then come back when -- when you guys make a decision.

The City Coun- -- the Planning Commission doesn't act; it advises. And because it advises -- once again, Mr. O'Connor says that these ordinances in the past should be illegal. They're not. The Planning Commission advises. It doesn't act. If the Planning Commission was doing act -- was passing these ordinances and something was done wrong, then they would be illegal, but that's not the case. These ordinances come to you. You are the body that acts, not the Planning Commission. All right.

Once again, I just -- I find the tone that's been expressed here tonight disappointing. Thank you.

MAYOR PITTMAN: Additional public comments?

- - -

(No response)

- - -

MAYOR PITTMAN: Okay. Motion to adjourn?

COUNCILMEMBER ALEXANDER: So moved.

MAYOR PITTMAN: Second?

COUNCILMEMBER BATES: Second.
COUNCILMEMBER FLEMING: Second.
MAYOR PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PITTMAN: Call the roll, please.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BRYANT: Councilmember Dean?
COUNCILMEMBER DEAN: Yes.
MAYOR PITTMAN: Meeting adjourned.
- - -
(Meeting adjourned at approximately 9:30 p.m.)
-o0o-

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.

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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 16th day of March, 2012.

_____

Theresa Bretch, CCR
Permit No. B-755

[SEAL]

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