In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

March 19, 2012

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

Transcript of the meeting held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Donna Pittman presiding, before Theresa Bretch, Certified Court Reporter, commencing at approximately 6:30 p.m. on March 19, 2012.

* * *

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APPEARANCES:

Doraville City Council:

Mayor Donna Pittman
Councilmember Maria Alexander
Councilmember Brian Bates
Councilmember Trudy Jones Dean
Councilmember Pam Fleming
Councilmember Karen Pachuta
Councilmember Robert Patrick

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. I want to welcome everyone tonight.

And for the first order of business, we are very honored to have Robert Patrick tonight who is going to be the representative for District 1.

And at this time, Judge Carter, will you swear Mr. Patrick in, please.

- - -

(Whereupon, Robert Patrick was duly sworn as Councilmember.)

- - -

(Applause)

- - -

MAYOR PITTMAN: All rise for the Pledge.

- - -

(Pledge of Allegiance)

- - -

MAYOR PITTMAN: No presentations tonight. Call the roll, please.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Here.

CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Here.

CLERK BRYANT: Councilmember Dean?

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COUNCILMEMBER DEAN: Here.

CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Here.

CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Here.

CLERK BRYANT: Councilmember Patrick?

COUNCILMEMBER PATRICK: Here.

MAYOR PITTMAN: Thank you.

Sandra, were there approval of minutes??

CLERK BRYANT: (Shakes head)

MAYOR PITTMAN: No? Okay.

Next is going to be Public Comments on Agenda Items. Please limit your comments to three minutes and identify yourself for the Clerk, please. Public Comments.

- - -

(No response)

- - -

MAYOR PITTMAN: Thank you.

Okay. Next is going to be Department Reports.

First, Parks & Recreation Director's position. I just want to say that we are very sad that we will be losing Mr. Rodgers. He has done a fantastic job for us.

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We really appreciate all your hard work.
But he is getting married and his priorities have changed, and so we need to lift the hiring freeze so we can post the job.
But I want to thank you very much for all your hard work. We're going to miss you.
Do I get a --
COUNCILMEMBER ALEXANDER: Motion to lift the hiring freeze to hire a replacement Parks & Rec Director.
MAYOR PITTMAN: Do I get a second?
COUNCILMEMBER PACHUTA: Second.
MAYOR PITTMAN: Discussion?
COUNCILMEMBER FLEMING: Yes. I just want to make a comment that though we may not have anything in our personnel policy at the present time about hiring from within for qualified applicants, I would hope that we would review that policy so that it would give us an opportunity to accept employment from within first before we went out for job postings.
MAYOR PITTMAN: Thank you.
Additional comments?
COUNCILMEMBER DEAN: I'd just add in light of the fact that we've had a lot of new employees and people leaving, do we know if anyone else is leaving

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or their contracts are coming up before the end of the year --
MAYOR PITTMAN: No.
COUNCILMEMBER DEAN: -- so we can start planning?
MAYOR PITTMAN: No, but we're supposed to have gotten a list of contracts. We can get a list again and review.
COUNCILMEMBER DEAN: Okay. Thank you.
MAYOR PITTMAN: Thank you.
Call the roll, please.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BRYANT: Councilmember Dean?
COUNCILMEMBER DEAN: Yes.
CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BRYANT: Councilmember Patrick?
COUNCILMEMBER PATRICK: Yes.
MAYOR PITTMAN: Thank you.
Next on the agenda is --

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Captain, are you here?
CAPTAIN BRINKLEY: Yes, I am.
MAYOR PITTMAN: NurseFinders Contract.
CAPTAIN BRINKLEY: I'm here to present to the Council the renewal for the NurseFinders contract.
NurseFinders is the nursing vendor that we use to handle minor medical situations in our jail, and it's time for our renewal. And there's nothing changed; the service is still the same. It's sparingly used. We only use it when there are situations where we have to have them.
And there was some revisions to it. I think Mr. Felgin talked with them over there. They were charging us a little bit differently than we thought was fair, and I think we've worked that out now where they're only going to charge us by the hour and not by the patient. They were trying to charge us if they came over -- They get a minimum of two hours if they come to see a patient. Well, if they saw two patients, they would charge two hours for this patient and two hours for that patient. But we have that addressed, and it's a part of our new contract as well.
MAYOR PITTMAN: Questions from the Council?
COUNCILMEMBER ALEXANDER: And you have money

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in the budget to cover this?
CAPTAIN BRINKLEY: Yes. It's a yearly budgeted expense.
MAYOR PITTMAN: Okay. Anything additional?
- - -
(No response)
- - -
MAYOR PITTMAN: Okay. Do I get a motion to approve this?
COUNCILMEMBER BATES: So moved.
MAYOR PITTMAN: Second?
COUNCILMEMBER PACHUTA: 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 Dean?
COUNCILMEMBER DEAN: Yes.
CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.

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CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BRYANT: Councilmember Patrick?
COUNCILMEMBER PATRICK: Yes.
MAYOR PITTMAN: Okay. Thank you very much.
CAPTAIN BRINKLEY: Thank you.
MAYOR PITTMAN: Major, did you have anything additional?
MAJOR ATKINSON: No.
MAYOR PITTMAN: Thank you.
Next is Parks & Recreation Community Garden Policy.
MR. RODGERS: First I'd like to address the Mayor and Council. I appreciate all that you guys did for me while I was here. This is a great city and it's a great place to work.
Like the Mayor said, I'm getting married on April 14th, and currently I'm driving an hour and a half here and an hour and a half home. And the job that I'm taking is 19 miles from my house, so my fiance is very excited about the opportunity for me to be at home, and that is the reason.
It's with mixed emotions that I leave, because I do feel like I kind of did the city an injustice not staying longer.

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And there are some awesome people here, and one awesome person is Ramond Mosley, who works with me. He is so dedicated to this city, and I think he needs to be, you know, thought of whenever you guys go through the hiring process. So that's just a little bit of what I have to say.
MAYOR PITTMAN: Thank you.
MR. RODGERS: All right. Now, with the community gardens, did you guys have a chance to look over the policy that Tim and DUG had revised?
Basically, I looked over it and sent it to Lenny, and he and I discussed it. As far as the Recreation Department and now with me not being here, but I think Lenny would agree to this: Our concern is that the Recreation Department -- and this was our concern from the very get-go -- but to make the policy to where the burden would not fall on the Recreation Department if DUG fell through with their obligations for not meeting, you know, at appropriate times and stuff like that. Without that being the case, we didn't have reservations about them using plots of land that we designated. And that's kind of where we're at.
I think the whole thing got thrown into a little tizzy when there was grant money that came

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about, because any time there's sums of money, then, you know, we believe that there need to be more precautions. And, you know, in talking with Lenny and Cecil, they felt those precautions should be a 501(c)(3), which I tend to agree with if that's the route, you know, for the protection.
But in saying that, I'm not exactly sure where DUG plans on going with this, so you know it might be best to have Tim address some of this stuff if you guys feel that's appropriate.
MAYOR PITTMAN: Certainly.
Tim?
MAYOR PITTMAN: If you could just give your name and information for the Clerk, please.
MR. TIM ISAACSON: My name's Tim Isaacson. I'm one of the -- I guess I'm the sacrificial lamb for DUG tonight to answer any questions.
First, before we get to questions, I want to be sure to invite everyone on the Council. This Saturday at 10:00 we're having our first spring planting to get the gardens ready at the Chestnut/ Wheeler site, and you're all invited to come if you have the time. We'd love to see you there.
So with that, when we took -- when we came, I believe it was in February when we first sat down

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and looked at the policy, we heard the concerns both of Parks & Rec and of the Council. We did revise it and pass that through the Assistant City Attorney, and Lenny made minor edits to it.
As you look at the policy, what you're going to see is that we are moving towards being able to house the administration of the gardens under a 501(c)(3). We haven't identified one now, but we are hoping to be talking with Park Pride and other established groups that will help us do that. We are trying to add -- we have added more structure to the actual garden, the people who are doing different work on the garden. So we have folks looking specifically at --
The reason why everyone does this is because they want to dig in the dirt, so we have the dig-in-the-dirt people. We're trying to get some handle-the-paperwork people and the communications folks down. So that's been established.
And right now what we need to do, what the policy's about is establishing sort of a state of the practice that is good practice for community gardens around the United States. So we took the Boise city policy; we've adapted it so that we're now eligible to get funds when they come in and to be able to route

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those funds through whatever the actual 501(c)(3) is that we end up ultimately working with.

So that's sort of it in a nutshell. Do you have specific questions?

COUNCILMEMBER FLEMING: I have two.

But Mr. McLendon or Mr. Felgin, could you tell me if you've reviewed their policy?

MR. FELGIN: I have, and I made changes to it hoping that the version you have is inclusive of my changes. And yes, I did take a look at it.

COUNCILMEMBER FLEMING: The latest revision is March 7th. Is that with your changes?

MR. FELGIN: No. I made mine last week.

COUNCILMEMBER FLEMING: Okay. I have a question. I have two questions.

I realize this is the DUG policy because the City does not have a per se garden policy, you know, as far as the administration of your organization. That's not for us to do.

But I do have a question, and actually the pages aren't numbered but it would be page four and it's under Organization Responsibilities, and it's under 1(b). And the way I'm reading this is if, for instance, the Oakcliff Neighborhood Association got together and they wanted to work at Chestnut and --

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Where is it?

UNIDENTIFIED PERSON: Windsor Oak.

COUNCILMEMBER FLEMING: -- Windsor Oak, it appears that they have to go through your organization and through your policy for them to start up their unity garden over there.

Is that what I'm understanding here?

It says, "The group requesting development must work with DUG on the development of the garden through the following procedures:"

MR. ISAACSON: Yes.

COUNCILMEMBER FLEMING: So the answer to my question, if other pocket neighborhoods wanted to have their own City property and maintain by the residents, gardens, then they would have to go through DUG as the overseer of these projects? Is that what I'm understanding?

MR. ISAACSON: Right. When DUG was formed by the Council, that's what we sort of understood that the process was: to oversee, to take the load off and have the community itself help to establish and develop the gardens. And so we put that in the policy, and I think it was restated to whoever the ultimate recognized organization would be that's going to take over the planning and the organizing and doing

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all the different things that whatever site would have; that there would be a place to -- that Parks & Rec, when we initially wrote this, wouldn't have to do the work, that it would fall to the community members and volunteers to be able to present the plans to the Council so they could approve them.

COUNCILMEMBER FLEMING: Okay. I'm --

MR. RODGERS: Could I step in real quick?

COUNCILMEMBER FLEMING: Go right ahead.

MR. RODGERS: I think maybe the version you guys have is not the one that Lenny has edited.

Lenny has made some red marks or whatever through the latest version, and I do have that, but since it was -- You know, this is certainly not a final draft or anything like that. I've got a copy here that you guys can look through or I can go . . .

MR. McLENDON: Yeah. I would just say you don't have the final version in front of you. We've done a redline version. I don't think we've had any really incredibly significant or material changes.

MR. FELGIN: Yes, we did.

MR. McLENDON: Okay. So we've had some material changes. So we probably need to -- at a minimum, I think thoroughly discussing it at this meeting would be fine, giving direction, but

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ultimately, I think we would need to bring it back so you-all would have a chance to review.

MAYOR PITTMAN: I do have a question. Is this going to require someone from our Recreation Department to oversee?

MR. FELGIN: (Nods head.)

MAYOR PITTMAN: Is that a yes? I see you shaking your head.

MR. FELGIN: Yes, ma'am.

MAYOR PITTMAN: Should we possibly wait till we get a new director in or how would we do that? because I know that you were very instrumental in working on that.

COUNCILMEMBER BATES: Would that be the same if they were working with a 501(c)(3)? Would there still need to be significant staff involvement if they were partnered with a (c)(3)?

MR. McLENDON: The (c)(3) just gives an organization that we can contract with and you would have a specific entity that you could contract with to hold accountable.

You know, the entire issue of staff interaction just depends on what the agreement is that's put together with the organization. You know, you could have some policies that gave a lot of

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1 autonomy to the organization and didn't require much
2 staff time. You could have some that did involve
3 significant staff time and the necessity of oversight.
4 And I think really, you know, I would look and more
5 recently to Scott to tell us where that breaking point
6 is in his analysis of moving forward under this.
7 And frankly, you know, I think that's
8 something that you would want to look to whoever will
9 be the director to give you a lot of feedback on that.
10 COUNCILMEMBER BATES: Well, I'm going to
11 speak only on behalf of me. My only issue regarding
12 the staff was dealing with the money. If they're
13 going to be partnering with a (c)(3) on handling any
14 grant revenues and, you know, handling the finances
15 and accounting and that's not going to be a fallback
16 onto the Parks & Rec Department, you guys build your
17 gardens and play in the dirt and have fun all day
18 long. In my opinion, staff doesn't need to help you
19 manage that process. But if the moneys were going to
20 be routed through the City, then we needed staff in
21 there just to make sure that we weren't going to be
22 held responsible should DUG fail, go belly up,
23 whatever the appropriate gardening analogy is.
24 So that's just me; that's just my personal
25 take on it.

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1 MR. McLENDON: On that issue, ultimately, if
2 there's a 501(c)(3), you know, grants generally will
3 need to come through the government. We would do an
4 agreement with the sponsoring organization that holds
5 them to their requirements to basically meet all the
6 grant --
7 COUNCILMEMBER BATES: Stipulations.
8 MR. McLENDON: -- the stipulations of the
9 grant. And really that in and of itself as a contract
10 would be fine as long as it incredibly burdensome on
11 your staff. That's going to satisfy me to the grant
12 requirements. That was one of the primary issues I
13 had with the 501.
14 COUNCILMEMBER DEAN: I have a question. For
15 practical purposes, do you think that DUG will require
16 a lot of oversight? I mean you guys have been doing
17 this for a couple of years; right? So is it more
18 like, okay, you can do it here, now go for it, or what
19 exactly do you think you would anticipate needing from
20 the City other than an okay?
21 MR. ISAACSON: Well, I think that's all we
22 need is the okay. This seems like -- it's like it's
23 building like a tempest in a teapot. We're just
24 building gardens and planting vegetables, right, and
25 then the idea of being able to have, you know, more

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1 money and more opportunity to expand those to be able
2 to assist, you know, other parts of Doraville in
3 growing them, because we think they're so great in
4 building community.
5 You know, we're trying to be responsible and
6 do it the right way and do it in a way that it can
7 build in a healthy manner. But quite honestly, we
8 just want to plant vegetables. You know, we don't
9 have any other agenda.
10 COUNCILMEMBER ALEXANDER: I guess when I saw
11 this document -- because we had concerns on the grant.
12 It was going to require timelines, specific reporting,
13 and that was what we did not want Parks & Rec burdened
14 with.
15 But the way I'm reading this document, to me
16 it just seems like a set of structured bylaws,
17 basically, and I think they're just seeking our
18 approval on this proposal.
19 Now, I'm concerned we didn't get the copy
20 that our attorney has redlined, so I don't want to
21 approve this document, so --
22 MR. RODGERS: Yeah. And one reason I didn't
23 do that is because that's the way I read it also. And
24 in here we put in the redline that they should have a
25 501(c). And I was thinking, well, if they're not

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1 trying to get money, should they be 501(c)(3) or
2 should they not or is that a stipulation?
3 COUNCILMEMBER PACHUTA: Yeah. And I guess
4 my whole concern before was just when they were
5 applying for the grant.
6 MR. McLENDON: Now, that's going to become
7 mission critical because you have to have someone to
8 contract with to ensure that the grant money is
9 appropriately expended or otherwise you could acquire
10 liability.
11 COUNCILMEMBER DEAN: But if they got this
12 now, could they come back later? Like if they kept
13 the 501(c)(3) out of this document and they did what
14 they were doing, they made their plans to expand, and
15 then two years down the line said, "You know what? I
16 think now is a great time to expand, to go for the
17 501(c)(3)," and then come back to us and say, "Okay.
18 Now, remember what we talked about two years ago? We
19 want to go for it."
20 MR. McLENDON: The issue you'll always have
21 until you have an actual entity that's functioning is
22 who is that entity, you know, who is the authorized
23 representative to speak on behalf of that entity? But
24 a neighborhood and community group, I think as long as
25 the money is not involved, is probably a -- you know,

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you can work through those issues.

The primary thing -- if we were not talking about the grant money, the primary thing I think that we need is just whatever DUG was intending to do just needs to be approved by the Parks & Rec Director, and at that point, you really end up with enough oversight that any -- you know, any actions you want to take in the park, before you do it, contact the City, probably the Parks Director, work through what you intend to do and make sure everybody's in agreement.

So I would prefer to have an organization I'm dealing with; the reason being is that tells you who has authority to make decisions -- you know, what requirements; I have someone I can contact and ask for requirements.

That may be overkill if we're not talking about something where there's grant moneys and the potential of, you know, making sure you're meeting all the requirements of the grant, if this is just we want to go in the parks and be able to do these activities. The attorney in me says I want a 501(c)(3).

COUNCILMEMBER DEAN: Well, what about if they file articles of incorporation with the Secretary of State? I mean then that would make them official as a nonprofit, even.

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MR. McLENDON: Well, you have to go through the -- there's a process.

MAYOR PITTMAN: That takes a long time.

MR. McLENDON: Yeah.

COUNCILMEMBER DEAN: Well, the 501(c)(3) takes a long time but just filing articles with the Secretary of State does not take a long time, and that's very simple.

MR. McLENDON: But what I guess the completion of my sentence was I don't want to overengineer an agreement for some people who just want access to the -- the -- the parks to do a little gardening. And probably what the City could do is pass its policy that says: Here are the appropriate parameters to do this within and all significant actions are run through the appropriate Parks staff, you know.

That's on the level of it probably would be an appropriate document, but I think you would want your Parks Director's input on that, whoever was going to be managing that program.

MAYOR PITTMAN: And it's getting close to planting time, I assume, so you kind of need to expedite this, I would assume.

MR. ISAACSON: Well, the heart of the policy

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was to sort of lay a groundwork, this is how successful gardens are done in other municipalities. And in laying that foundation, that makes us eligible -- doesn't mean we have to do it, but it makes us eligible, it makes us responsible.

And then whatever -- however the City wants us to relate to the City is completely up to the City. You know, we'll dance to whatever music you play. We just -- we just -- in having the opportunities to build better and to do more and having opportunities through the Dekalb Department of Health to do that, that's what sort of pushed a lot of this stuff forward. And so it sounds like -- well, we'll just do what you want us to do.

COUNCILMEMBER FLEMING: And as far as I am concerned, not even looking at your policy, okay, I don't see any reason why you guys cannot move forward with what you have always been doing.

I think we're trying -- I know that you're trying to make it legal for us, okay, to create policies and so forth, and I think that's outstanding, so I don't have a problem with the DUG group on Wheeler working Wheeler.

I do have questions, though, about what I just said: that DUG would be the quasi-leader of the

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entire city, whomever wants to have a community garden in their neighborhood having to report to DUG for permission to have a community garden in their park.

COUNCILMEMBER BATES: But don't your officers include residents from --

COUNCILMEMBER ALEXANDER: All districts.

COUNCILMEMBER BATES: -- all districts?

MR. ISAACSON: Yes.

And you need to understand, too, we're going on the resolution that the County passed, that we thought they didn't want to do that, they didn't want their staff to do all that.

I mean honestly, truly, if I don't ever have to stand up here again, I'm happy just digging in the garden at Wheeler and life is full and good. You know, we were trying to be responsible for what we thought the City had given us to do. And so if you have other ways that you want to do that, you know, please, yes, we're happy to do that.

We don't want to be -- we're not building an empire. We don't want power. You know, we want to help our neighbors and do what we're doing, and so whatever you guys think is wise, we'll -- we'll say yes to it.

MR. McLENDON: If there's any -- you know,

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let's move forward where we've been. Let's not fix something that's not broken. And I don't see anything that says you can't continue forward with what you've been doing.

If we decide we're interested in grant money, that rises to a new level and there's going to be new activities; ultimately, in this conversation, at some point down the road, the City may want to establish its own community gardening policy which would probably have a lot of input from both sides to come up with something that works.

So you know, as long as we are saying let's move forward with where we are, I mean that seems to be --

COUNCILMEMBER BATES: Personally, I think you guys are on the right track in doing the (c)(3) and partnering with them for any grant moneys and benefits routed through the City. We can contract with that (c)(3) and everybody's happy. So --

COUNCILMEMBER FLEMING: They're not partnering. They're actually going to apply. So it would be --

COUNCILMEMBER BATES: No. They would be partnering with like --

MR. ISAACSON: Park Pride.

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COUNCILMEMBER BATES: -- Park Pride, an existing 501(c)(3), that they would fall under that umbrella.

Is that correct?

MR. ISAACSON: That's -- yes.

COUNCILMEMBER BATES: So you're not looking to create and establish your own (c)(3). You're looking to partner with an existing.

COUNCILMEMBER FLEMING: Okay. I'm sorry. I misunderstood.

COUNCILMEMBER BATES: Okay. If that's the direction you guys are moving, dig all you want and have fun.

MR. ISAACSON: Okay.

COUNCILMEMBER BATES: That's just one of six.

MR. ISAACSON: Okay.

COUNCILMEMBER DEAN: Well, I actually -- And this occurred to me about one minute ago. I think DUG is a fantastic organization, so much so that I'm a member of DUG.

So does that mean I should recuse myself from any vote or should I --

MR. McLENDON: You're a member of DUG?

COUNCILMEMBER DEAN: Yes, I am. Should I

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leave the room or --

MR. McLENDON: I don't think you need to leave the room.

COUNCILMEMBER DEAN: Okay. All right.

COUNCILMEMBER FLEMING: I would like to see the redline, however, I mean, because if they're going to adopt policies for the whole city -- I mean if they're going to follow these policies --

MR. ISAACSON: Yeah.

COUNCILMEMBER FLEMING: -- for the entire city, it is something we need to be able to look at.

MR. McLENDON: And there would be -- the City's policy would be something that you created and it said, "This is how we want community gardens to operate in Doraville."

This is more of how DUG intends to do -- if I'm correct, how DUG intends to do this.

No?

MR. FELGIN: (Nods head)

The way this -- if I may. the way this came about is we didn't have a policy before, and the only reason we ever started down this road is because the grant requires that.

COUNCILMEMBER ALEXANDER: No. I think we did have a policy before --

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COUNCILMEMBER FLEMING: We did.

MAYOR PITTMAN: We did.

COUNCILMEMBER ALEXANDER: -- because we spent weeks and weeks and months on it.

MAYOR PITTMAN: Many weeks.

MR. FELGIN: I don't know of one.

We were writing this based on the requirements of the grant they wanted to apply for. And if there's no application for the grant, then there's no need for this particular policy, but this policy is meant to be the City's policy.

MR. McLENDON: Well, then, that's going to require y'all to have --

COUNCILMEMBER BATES: We have a --

MR. McLENDON: -- a strong --

COUNCILMEMBER BATES: We do have a City policy.

So Ms. Bryant, if you can tomorrow or Wednesday dig through, it would have been --

MR. McLENDON: June 2009.

COUNCILMEMBER BATES: Yeah. Thank you.

MR. McLENDON: Let me do this. Let me review these documents, come back to you.

MR. ISAACSON: I know there was a resolution that was passed. but I don't know that that -- I don't

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1 know if that meets the level of policy.
2 COUNCILMEMBER ALEXANDER: Well, we've had
3 attachments, because it had all the fees and -- and
4 membership requirements and all that stuff. There was
5 a whole thing.
6 MR. ISAACSON: Yes, there were. Yeah, there
7 were those agreements. That's true.
8 COUNCILMEMBER BATES: We spent an inordinate
9 amount of time, not as much as tonight, but --
10 COUNCILMEMBER ALEXANDER: It was more.
11 COUNCILMEMBER BATES: -- an inordinate
12 amount of time.
13 My "not as much as tonight" was wrong.
14 COUNCILMEMBER ALEXANDER: That is correct.
15 MR. McLENDON: If we have a policy, I need
16 to review the existing policy.
17 COUNCILMEMBER BATES: Three or four times as
18 much as tonight.
19 And again, we seem to have a habit of trying
20 to make things more difficult than they need to be,
21 and it all -- and correct me if I'm wrong, but this
22 all stems from that anti-gratuities law out there
23 about using government resources to give away and all
24 that silliness.
25 So in my opinion -- again, just one -- let's

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1 simplify it as much as we can make this, assuming
2 there's two levels to reach: one with grant money and
3 one without grant money and -- or the other way
4 around.
5 If you guys are moving forward with grant
6 money, I think you guys are smart to partner with a
7 (c)(3) or even long-term create your own and have that
8 as an option.
9 Without grant money, keep doing what you've
10 been doing. I don't -- There's no --
11 MR. McLENDON: Let me go review any existing
12 policy, because that was not part of this conversation
13 and I wasn't here for it. So can I look at those
14 documents --
15 COUNCILMEMBER BATES: Yes.
16 MR. McLENDON: -- with the suggested
17 documents?
18 But I agree with the conversation. If the
19 (c)(3) comes, partnered or not, I would be inclined to
20 try to work with that.
21 MAYOR PITTMAN: No.
22 MAYOR PITTMAN: Go ahead. Could I get you
23 to come up here? I'm sorry.
24 MS. HEATHER ISAACSON: My name is Heather
25 Isaacson.

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1 So our thought had been that we knew that
2 those waiver -- the agreement and the waiver forms
3 that you're referring to that were all sort of flushed
4 out in 2009, that those would have to be redone in
5 light of the policy being passed. So we knew that
6 those required being revamped, but it didn't make
7 sense for us to do that until we knew the policy was
8 passed, and then those could be sort of flushed out to
9 fit the policy.
10 Does that make sense?
11 MR. McLENDON: Listening, this makes very
12 good sense, and I sort of hear where we are. So let
13 me take this document, get those previous documents
14 and come back.
15 MAYOR PITTMAN: So I think the next meeting
16 will be I think the day after Easter maybe? Is that
17 too late? Do you think that will be okay to bring
18 that back to the agenda?
19 COUNCILMEMBER ALEXANDER: I mean they can go
20 ahead and plant.
21 MAYOR PITTMAN: Will you be okay with that?
22 COUNCILMEMBER PACHUTA: Yeah, because this
23 was just mainly if they're moving towards getting
24 grants, we needed something.
25 MR. ISAACSON: So my question is what -- Am

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1 I doing anything but shoveling?
2 COUNCILMEMBER BATES: No.
3 MAYOR PITTMAN: No.
4 MR. McLENDON: Let me ask you a question.
5 Are you-all pursuing the grant money?
6 MR. ISAACSON: We can't without a policy,
7 because we're just a civic organization, so we can't.
8 MR. McLENDON: So they're saying you have to
9 have a City policy as part of the grant adminis-
10 ration.
11 MR. ISAACSON: Because we're not a legal
12 entity. I mean we could adopt our own policies if we
13 were, and I think that would suffice, but we're not,
14 so that's why it came through the City.
15 MR. McLENDON: I think what's happening is
16 the grant -- what you probably have is the folks
17 administering the grant have the same issue
18 financially, which is they don't have a 501(c)(3) that
19 they're used to interacting with, so they're asking
20 for the City policies that sort of create the group
21 and they will be able to have someone to deal with on
22 this, because everybody's sort of struggling, I
23 suspect, with getting the appropriate group of people
24 to talk to in the context of the grant. And just the
25 grant raises the level of difficulty because money

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gets involved, and tracking money and having responsible parties is involved.

So if you're moving forward with the grant, I think partnering with a group -- If Park Pride was willing to allow you to operate under their purview, certainly, you know, that would be an entity which we could potentially have a grant agreement with, and they would have ultimate responsibility and y'all could work within their group to get that done. You know that would be the best way to move forward if we were interested in pursuing the grant.

COUNCILMEMBER FLEMING: Go plant.

MAYOR PITTMAN: Yeah, I was going to say just go plant your garden.

COUNCILMEMBER BATES: You can shovel where they are and we'll continue to shovel up here.

MR. ISAACSON: All right.

MAYOR PITTMAN: Thank you.

MR. ISAACSON: Thank you for your time.

MAYOR PITTMAN: Tammy, I think you're here. Do you have some good things that you want to share with us?

MS. TAMMY HENRY: They could come to the Library and plant. I would allow that.

Just three things, Mayor and Council.

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I've been receiving a lot of calls, complaints, notes on the door about the Library being closed on Friday. And just to clear and clarify, the Library is closed on Friday because we are now down to four full-time members, and Friday because that is the day with the least amount of circulation numbers and traffic numbers. And by "circulation," I mean items that are checked in and out and the least amount of people that come through the library doors. So that's why Friday is the date that we decided to close.

A lot of people did not understand that, so I just want to make sure that it was -- clarification on why Friday is chose that we are closed.

Two other things just for your information. Carmen Deedy, an author, will be at the Library to kick off National Library Week. April the 7th, she will do a family story time from 1:00 to 2:00. Please come out and support her.

Also, Jason Carter, Jimmy Carter's grandson -- I met him at Georgia Library Legislative Day -- he will also be there to support Carmen. So I just wanted to let you know he said he would drop by.

COUNCILMEMBER BATES: What was the date again?

COUNCILMEMBER PACHUTA: April 7th.

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MAYOR PITTMAN: April 7th.

MS. HENRY: April 7th from 1:00 to 2:00.

The third thing, Friends of the Library normally host a book sale in April. This year, they're going to do something a little different than selling books. They are having a book drive, asking people to please bring your gently used books to the Library and just drop them off, and a membership drive asking you to join the Friends of the Doraville Library.

And that's it.

MAYOR PITTMAN: Thank you so much.

COUNCILMEMBER FLEMING: What date was that, please?

MS. HENRY: Oh. That's April 14th from 10:00 to 3:00.

MAYOR PITTMAN: Thank you very much.

MS. HENRY: All right. Thank you.

MAYOR PITTMAN: Okay. Next on the agenda is Mr Howe, Approve Staff Recommendation for HVAC/ Lighting Upgrades.

MR. LUKE HOWE: Thank you, Mayor.

You all will recall that the City received a $300,000 Energy Efficiency Block Grant two years ago. That was primarily used for lighting, LED lighting, a

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solar project, and residential energy auditor training. After all that, we have $16,000 left over, so we went to GEFA to get a Change-of-Scope request so we could use that additional money in lieu of giving it back.

We did an energy audit in the fall. And, you know, since we've done lighting, we've done solar, and really only identified some HVAC upgrades and a lighting project over at the Public Works building. That was the only building we didn't work on under the primary scope.

So based on that, I went and put out Fleming Arena and the Library out for bids for HVAC upgrades, and I also put the Public Works lighting project out for bid as well. My thought was that we would -- our initial estimates -- what was it? -- we would have -- it would cost about eleven-five to change out one of the HVAC systems at Fleming Arena or the Library. It would be about $4,500 to replace the T-12 lighting fixtures in the Public Works building with T-8s. That project would save us about $600.00 a year. To replace the units at the Library would cost -- it would save us about $1,400 a year -- no, $1,300, and then the Arena would be -- would have an ROI of about $1,600 a year.

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So we bid out the three HVAC projects and the lighting project, and when we, you know, got the bids back, they were way over than what we expected. So it turns out the lowest bid for the HVAC replacement -- and they identified the one at Fleming Arena being the one in the most need of replacing. It's 19 years old. They bid that out at $15,000. The lighting came back -- I think the low bid on the lighting was five -- fifty-five hundred. So based on that, we only have money to do the HVAC replacement, and that low bid was -- Shelnut rendered that low bid out of Dawsonville. So I recommend we move forward in replacing that unit.

MAYOR PITTMAN: Okay. Questions from the Council?

COUNCILMEMBER DEAN: I asked for this before in a previous meeting, but could I get a copy of the grants when we have documentation referencing grants just so I can get a better understanding of what it is and what it's for, etc.? Because I'm in a learning process and it will help me a great deal. And for that reason, I would like to come back to this after I get that information so I could better understand.

MAYOR PITTMAN: Anyone else?

COUNCILMEMBER ALEXANDER: Is this unit

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mounted on the ground?

MR. HOWE: Yes, ma'am.

COUNCILMEMBER ALEXANDER: Okay. Thank you.

MAYOR PITTMAN: Okay. Mr. Bates? Ms. Pachuta?

COUNCILMEMBER BATES: You're going to put this on April 2nd?

MAYOR PITTMAN: When do you need to spend the money by?

MR. HOWE: I need to spend it as quickly as possible.

COUNCILMEMBER BATES: I'm fine with April 2nd if that's not going to inhibit the ability to access the funds.

MAYOR PITTMAN: Okay. Thank you, Mr. Howe.

Ms. Fleming, did you have anything?

COUNCILMEMBER FLEMING: No. The balance of seven-o-four, have we changed out the controls for City Hall for the air conditioning and stuff to make them programmable?

MR. HOWE: No, ma'am. That was not identified. GEFA went through our audit and picked out the things that were going to have the most return on investment, and those were HVAC upgrades and the little lighting project.

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COUNCILMEMBER FLEMING: So the balance is $704.00.

MR. HOWE: $704.00?

COUNCILMEMBER FLEMING: Yeah. We have sixteen two ninety-four and we're going to spend fifteen five nine.

MR. HOWE: Well, I can talk to them about doing that.

MAYOR PITTMAN: Okay. All right. Thank you very much.

Okay. Next on the agenda --

MR. HOWE: I --

MAYOR PITTMAN: I'm sorry. Go ahead.

MR. HOWE: I need a vote as to the $15,000.

COUNCILMEMBER BATES: Well, I thought we were going to move it to April 2nd --

MAYOR PITTMAN: April 2nd.

COUNCILMEMBER BATES: -- to allow Councilwoman Dean opportunity to read the grant.

MAYOR PITTMAN: And you want grants from the Police Department, grants from all departments? Is that what you want?

COUNCILMEMBER DEAN: If I'm going to vote on something regarding a grant or grant money, particularly those things that were voted on. For

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example, I'm assuming that we follow the procedure of Luke says, "Okay. I want to pursue a grant for X," and we determine that X falls in line with our City plan, and then we get the grant and follow it. Right?

MAYOR PITTMAN: So my question is do you want the Police Department?

COUNCILMEMBER DEAN: Yes. Thank you very much.

MAYOR PITTMAN: Thank you.

Put it on the 2nd.

Thank you, Mr. Howe.

Okay. Next on the agenda is Planning & Zoning. This was carried over from March 5th.

MR. JOE COOLEY: Good evening, Mayor and Council.

This was carried over from the last meeting. To give you a little background, this was initiated upon Council vote in response to the Church of the New Covenant requesting additional flags on the church site.

Our current ordinance only allows two flag poles on any site in a residential area. The concern was that they wanted to have three flag poles. And really what they were talking about at that time -- and I'm sure y'all have gotten this -- is a banner,

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1 basically what was considered a banner.
2 As a result of that, we kind of sat on it
3 for awhile, Council brought it back up, and Council
4 directed us and the City Attorney to draft an
5 ordinance. The ordinance that you see in front of you
6 is basically one that John's Creek and also I believe
7 portions of Dunwoody. What I was trying to do was
8 explain the difference between banner and flags,
9 number one, and then accommodate y'all's wishes as far
10 as what you want to see within those areas.
11 If you don't mind, I'd like to kind of go
12 through portions of it, and that way, I think we can
13 address the questions easiest, kind of in the order
14 that it's done.
15 The very front page is the standard whereas,
16 whereas, whereas, etc. If you go over to the next
17 page, you have definitions.
18 Under 14-1, as you can see, banners mean
19 basically -- and the big difference on this is a sign
20 other than a flag, whose characters, letters,
21 illustrations are applied to cloth or fabric but with
22 only backing materials basically is keeping them as
23 flags. Neither flags nor canopy signs are considered
24 banners.
25 The big difference is under the flag

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1 definition where it says flags means basically any --
2 the same thing, and it talks about whether it's
3 hanging at 90 degrees or 80 degrees to the horizontal.
4 The last sentence is probably the key thing. It says
5 "used as a symbol of a government or other entity or
6 organization."
7 So by definition, a flag would be the State
8 flag, the Doraville City flag, Kiwanis flag, church
9 flag, something of that sort. That would be defined
10 as a flag. Anything else that was decorative -- you
11 know, Merry Christmas, whatever the case may be --
12 would be a banner, so, because it's not specifically a
13 symbol of an organization.
14 So we go on to the next page, page 3. Under
15 Flags and Banners, 14-18.1, first it says there will
16 be no more than two flags in residentially zoned
17 districts and no more than three flags in commercial
18 or industrial zoned districts.
19 Again, this doesn't affect what the church
20 was trying to do, which is really a banner as opposed
21 to a flag. They're only allowed two flag poles.
22 Flags in the residentially zoned area have a
23 maximum of 25 feet height and pole or the structure
24 that it's on, whichever's less. Flags in commercial
25 areas are allowed to go up to 60 feet.

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1 I want to go ahead and address this one
2 right now with one of the recommendations that or one
3 of the questions that the Council had was whether it
4 would be better to put in a number or to base it upon
5 frontage, and it could be done either way. That's
6 really Council's choice.
7 To give you an idea, though, the church here
8 has approximately 705 linear feet on the road. So if
9 you wanted to give the three, if you went to a one per
10 200 foot, you would cover it. Consequently, if the
11 site was smaller, a smaller church, less frontage, it
12 would obviously reduce the amount of flags they could
13 have, which kind of makes sense.
14 That being said, the other thing that you
15 need to look at, then, if that's the question and you
16 decide to go that way, do you want to allow them to
17 cluster them or do you want to make it that they have
18 to be every 200 feet? So that's just something that
19 needs to be decided.
20 COUNCILMEMBER FLEMING: Can you stop right
21 there for me.
22 You made the comment that the church, by
23 this definition, would be a banner, not a flag.
24 MR. COOLEY: Correct. You could apply that
25 to banners, you could apply it to flag poles;

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1 whatever y'all feel is the best way to go about this.
2 This really should be customized for Doraville.
3 That's what, you know, I think the attempt has been.
4 But you know, we need your input to say,
5 "This is what I want," and, you know, we can make it
6 work. If you give me your intent of what it is you
7 want to do with it, you know, I'll make it work.
8 But I'm just not real clear. Again, this
9 thing went through kind of a contorted process. It
10 was something that was put on the agenda by a past
11 councilperson. It got shifted around, it fell back,
12 it got adopted -- or not adopted but prepared. So we
13 just kind of -- I just want to really know what y'all
14 need so we can go ahead and make sure that's exactly
15 what it is. We can write it again.
16 COUNCILMEMBER DEAN: Well, I have one
17 question. The Sign Ordinance, is that related to
18 zoning? Is it?
19 MR. COOLEY: I would defer to Council.
20 MR. McLENDON: To determine whether an
21 ordinance is a zoning, you have to look to the
22 substance of the ordinance in order to see whether it
23 addresses issues by zone, by types of property, etc.
24 Our Sign Ordinance is one -- Joe, you have
25 the opinion on this that this is not a zoning

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1 ordinance. Is that correct?
2 MR. COOLEY: It's a toss-up because you're
3 in a situation where you're actually addressing,
4 controlling things by zoning category. So you could
5 make an argument that yes, this is and probably should
6 be under -- or maybe not under zoning, but certainly
7 considered a zoning ordinance, together approach and
8 say, "Well, you know, this is really not a zoning
9 matter." Again, that's --
10 MR. McLENDON: I will tell you that if it is
11 based upon the different zoning classifications, that
12 you're looking to R-1 and it's going to be treated
13 this way, you look at it and C-1 and C-2 are being
14 treated this way, then it's a zoning ordinance and it
15 will need to go through the Zoning Procedures Act.
16 MR. COOLEY: I would agree.
17 COUNCILMEMBER PACHUTA: So after -- after we
18 put in all our input, then it would go to the Planning
19 Commission and then back to us and then a public
20 hearing and all that. Okay.
21 MR. COOLEY: My desire would be tonight, you
22 know, we can go through this, but pick out the things
23 that need to be changed and what it is you really
24 want. Let me go back and draft that, run it through
25 Legal, get it -- take it back through the process,

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1 through the Planning Commission and then a public
2 hearing and before y'all. That way, we get something
3 everybody's comfortable with and we've covered the
4 areas.
5 Again, I apologize for the kind of contorted
6 way it has gone through, but I really think this would
7 be a better approach with it.
8 MAYOR PITTMAN: Mr. Patrick?
9 COUNCILMEMBER PATRICK: This is a confusing
10 ordinance that's being proposed right here, and I
11 think usually the safe rule is simplicity, and I don't
12 know if that's what does it.
13 UNIDENTIFIED SPEAKER: We can't hear you.
14 COUNCILMEMBER PATRICK: Can't hear me. I
15 think the ordinance proposed right here is confusing
16 and I think simplicity is a good goal for us to have,
17 and after reading this, I don't find that simple, and
18 so --
19 MR. COOLEY: It's subject to a lot of
20 interpretation. Put it this way: Maybe it's not open
21 to a lot of interpretation, but it's not easy for
22 someone, a layperson, to go in and say this is what I
23 can do.
24 COUNCILMEMBER PATRICK: Right.
25 MR. COOLEY: And I really think we need to

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1 be more geared towards that.
2 And again, that's why I would really like to
3 get y'all's input. I'm really in favor of keeping it
4 clean and simple; cover the legalities of it, but, you
5 know, let's just make it --
6 COUNCILMEMBER PACHUTA: I'm sorry.
7 To give you a little bit of background, our
8 city is a little bit unique in that all of our
9 churches are located in R-1 residential areas versus
10 commercial areas, and so this kind of came up because
11 various churches wanted to advertise different things,
12 but because they were in an R-1 zoning, they were
13 falling into problems putting banners and stuff up,
14 because they're in residential.
15 MR. COOLEY: Right.
16 COUNCILMEMBER PACHUTA: So that was kind of
17 the background.
18 COUNCILMEMBER DEAN: But even the language
19 here, I mean, because it's not -- this isn't clear,
20 and here's an example, because when I read this back
21 on page 3, I thought, "What?"
22 "There shall be no more than two flags in
23 residential zoned districts and no more than three
24 flags in commercial or industrial zoned districts."
25 Just two in the residential district? you know. So it

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1 could be maybe you meant there's no more than two
2 flags per blank in residential districts and no more
3 than three flags in blank in commercial districts, I
4 mean, because that's very ambiguous and that could --
5 MR. COOLEY: If you read it in its whole, it
6 makes sense, but if you just look at --
7 And it needs to be simple; I agree. I'll
8 leave it at that. I agree. It really needs to be
9 simple.
10 COUNCILMEMBER BATES: Well, is this -- and I
11 don't have my book in front of me, but is Section 14
12 part of the Sign Code in general?
13 COUNCILMEMBER FLEMING: No.
14 MR. COOLEY: Section 14 is the Sign Code.
15 MR. FELGIN: Chapter 14 is the Sign Code.
16 COUNCILMEMBER FLEMING: Section 23 is
17 Zoning.
18 COUNCILMEMBER BATES: But, now, is Section
19 14 the Sign Code?
20 MR. COOLEY: The Sign Code.
21 COUNCILMEMBER BATES: Okay. Well, our sign
22 code, as we all know, is in awful need of fixing. We
23 were dealing with this to try to fix a particular
24 parcel/property's concern and question. I don't know
25 if they've got that question now.

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With a full Council and some energy, hopefully, let's tackle that Sign Code and fix it.

MR. McLENDON: I will tell you --

COUNCILMEMBER BATES: And let's put this as part of that: a holistic approach to signage and put it all in one and let's get it knocked out.

I've never been a fan of piece-mealing things, and that's what we've done -- sometimes out of necessity. We're not bound by necessity right now; we're bound by a want. And, you know, if we can avoid doing a piece-meal piece on this, I would really, really prefer that we fix the big entity first.

MR. COOLEY: I agree with your approach on that a hundred percent.

There is one thing in here, though, that is a necessity -- and correct me if I'm wrong, Lenny -- is the fact that the language that takes out the previous fee schedule out of our existing signs needs to be taken out to be consistent with the sign or -- excuse me -- the fee schedule. But anything referencing the old fee schedule needs to be taken out of our current sign.

COUNCILMEMBER BATES: Do we have an ordinance that just does that?

COUNCILMEMBER DEAN: Yeah. Well, I'm really

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glad that Mr. Bates brought that, because that's exactly what I thought. Because this is one piece of everything right now, and I think that we have quite a history of taking pieces and fixing it in pieces and placing it in pieces. And so while that hole is plugged, there are still other leaks. And so if we take it in bigger chunks -- let's just take a section and work on it, complete it, and then tackle another issue, I think --

MR. COOLEY: There's a problem that you run into with that. When you fix a little piece like that, you might miss the conflicting pieces here, there and everywhere, and that's where it gets to be a mess. You know, you got one thing that says one thing and something else says the other.

COUNCILMEMBER DEAN: No, no. And that's exactly what I mean, because the whole thing with the zoning and the ordinance, I mean. Because if we have zoning rules, then there might be some contradiction, and I know for a fact that that currently exists in some of the things that we have going on now, and that if we step back and just look at this as -- you know, look at the big picture and work on big sections, making sure that everything is connecting the way it's supposed to connect, then I think that will do the

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city a great service.

COUNCILMEMBER PACHUTA: What were you going to say about the Sign Code, Cecil?

MR. McLENDON: I was just going to say this is a great idea. And frankly, utilizing a sign code, sort of trying to patch together one that's been in existence a long time is very difficult and it leads to relatively confusing language trying to stitch it together.

I will tell you, though, sign-code writing is a very difficult art in the state of Georgia because the courts are very, very difficult on how they deal with sign ordinances.

So you know, I think, as the Councilperson will understand or will recognize, writing the Sign Ordinance, there's a bunch of policy in it and we'll need to get a lot of policy. But there's also a lot of -- a lot of case law up there about what is content-based and what is allowable regulation and not allowable regulation, which makes it -- it's a real undertaking. But I think it's a good undertaking and one that, frankly, after --

You know, our Sign Ordinance is relatively antiquated, may be something worthwhile doing, but it's not something to enter into lightly.

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COUNCILMEMBER PACHUTA: Well, and I think -- and we talked about this before the meeting about having a work session for architectural design, and this is definitely something I think we need a work session for. And one thing we did a couple times last year is rather than sit up here and review it, we had the tables in the circle down there, and whatever the reason, that, I think fostered a lot better discussion and the meetings were much more productive for those work sessions.

MR. COOLEY: I know they're really tough on everybody with additional meetings and stuff like that, but, to me, a work session where everybody sits around --

MAYOR PITTMAN: Absolutely.

MR. COOLEY: -- a public meeting, it's not necessarily public comment but everybody can hear what's going on, is the way to go.

This is extremely tough to do this in a Council meeting situation. We don't have the time to focus on it. I think we need to do it on -- I think we need to do it on automobile services that we've been talking about, because in C-1 and C-2 it really does need to be addressed.

What's y'all's priority? Do you want it

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done at once, a piece of it? You know, we've got to get a plan on this.

But I think also and more important than that is the design standards. You know, we drafted a draft, basically, that the Planning Commission went through, and one of the things -- you know, they liked it, but basically one of the things that they came up with was it needs to have some graphics and photographs so you can understand this thing. So that's what I've been doing since then, and I've got a good packet ready to go for y'all and put it in your mailbox probably tomorrow. Take a look at it.

But we need to have a work session because this is very design oriented and it's different than anything that we've got. Y'all need to understand what the pros and cons are of it and we also need to, you know, get your input into it, whether we want to do this or not. It's tough to fly alone. I need you-all's input on things, and to be quite honest with you, I think a work session is probably one of the best ways.

COUNCILMEMBER BATES: There is a draft Sign Ordinance that's floating around here somewhere that we started a work session and --

MAYOR PITTMAN: We did.

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COUNCILMEMBER BATES: -- it got derailed simply because we couldn't get examples of what different signs were. And I know Ms. Fleming requested that a number of times. That, to me, is very beneficial when you're talking about a monument sign or a wall sign or a lollipop sign or a stanchion sign or --

MR. COOLEY: Nobody knows what a stanchion sign is outside of Doraville.

COUNCILMEMBER BATES: Right.

So as we move forward with this -- and I think in all of our ordinances where it's appropriate where there are examples and diagrams of this is acceptable and this is not acceptable, I think those are all very beneficial, and the lay person -- me -- understanding A, what we're passing, but B, be able to enforce it, you know, once it does get passed and come into law.

So thank you for moving forward with some examples. And there was a draft ordinance, when was that? two years ago?

MAYOR PITTMAN: Yeah. We'll see if we can locate that.

COUNCILMEMBER BATES: 2010-ish?

COUNCILMEMBER FLEMING: So you're going to

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contact us as far as dates are concerned for --

MR. COOLEY: Yes, I'd --

COUNCILMEMBER FLEMING: -- work sessions?

MR. COOLEY: -- like to go ahead and do that as quick as we can on several things because we're in a position really now to look at all.

I need to go back and work on this. I need to get you-all's input on what it is you think we should have for banners: how many, you know, what's the intent.

MAYOR PITTMAN: Well, as someone stated, this was brought up by a prior councilmember who was trying to fix a specific problem.

MR. COOLEY: That's correct.

MAYOR PITTMAN: But I think we really do need a -- Work sessions are wonderful. I think we need to maybe get together with some dates with everyone and start putting this together. That would be perfect, yes.

MR. COOLEY: Yeah. And I don't know if we can get through a couple at one time or what.

MAYOR PITTMAN: But what about the fee schedule that you said is very important? What about --?

MR. COOLEY: The fee schedule, Lenny, there

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is that portion, back portion of it. I believe it was under Section --

MR. FELGIN: It's actually in Section 2, delete certain sections.

COUNCILMEMBER FLEMING: And that was a question I was going to ask before we finish this. I was under the impression that when we deleted that fee schedule that was previously in there, there was language in that ordinance that indicated any type of fees listed therefore in such and such were null and void because we had just passed the document of the entire fee schedule.

And that's the question that I had asked, and I said, "Are we going to put this fee schedule Excel spreadsheet with the ordinance to say this is the new one?" Okay. But I was under the impression that that meant that we were eliminating any -- I mean we weren't going to physically come back and eliminate, but that would supersede anything that is then printed in all of our ordinances that are codified already.

MR. McLENDON: To the extent you've passed the comprehensive fee schedule and you have language in there that basically said it supersedes any fees that are set out within your Code, that would be

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language that would be operative.
COUNCILMEMBER FLEMING: Is that not what we did?
MR. McLENDON: I don't have it in front of me.
COUNCILMEMBER PACHUTA: I think we did.
MR. FELGIN: Yes. The one exception is that we couldn't do that with signs because we had to go through the ZPA, and so this was part of this ordinance I made in anticipation of the fee schedule. Back in September I had deleted the fee schedule inside the Sign Ordinance.
MR. McLENDON: Okay. Does that make sense? Because what we --
COUNCILMEMBER FLEMING: You deleted -- in December you deleted this --
MR. FELGIN: Well I --
COUNCILMEMBER FLEMING: -- the fee for signs.
MR. FELGIN: This proposed ordinance you see in front of you --
COUNCILMEMBER FLEMING: Is deleting it?
MR. FELGIN: Deleting the fee schedule from the Sign Code. I couldn't do that in the other ordinance because this one had to go through the

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Zoning Procedures Act and the other ordinance did not.
MR. McLENDON: That makes sense because this is a zoning ordinance. And in order to change the zoning ordinance, we've got to go through the entire Zoning Procedures Act, which means Planning Commission, public hearing, moving forward even for a provision of it that is fee-based. So to delete the fees from this, we go through the Zoning Procedures Act because it is the Sign Ordinance and it is a zoning ordinance.
COUNCILMEMBER FLEMING: Okay. Until we move forward on the public hearing and so forth for this entire ordinance, we are presently charging what for signs, and is it based on the fee schedule that we passed?
MR. COOLEY: The fee schedule.
MR. McLENDON: What we're going to do is I'm going to take this section of this ordinance that relates to this and begin moving this through the --
MAYOR PITTMAN: Okay.
MR. McLENDON: And we can do that, and that will delete any conflicting language.
MAYOR PITTMAN: Okay. Thank you. If there are no further questions, we'll just go ahead and move forward with this and try to work on this.

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MR. COOLEY: That will be great.
MAYOR PITTMAN: And if you'll put that in the box for the Council tomorrow, it's really good.
MR. COOLEY: And I'll send out an e-mail requesting any thoughts that you've got on it. That helps me tremendously, that information.
Just real quickly a couple other things, too, since this is part of my report.
Just to give you an update, I understand that the Council would prefer to -- would like to have copies of the minutes from the Planning board -- Planning Commission, which I will immediately forward to you and put in your mailbox as soon as I get them. They do take awhile sometimes, and, you know, you got to remember this is volunteers writing minutes and things, so for whatever that warning is worth. But I will make sure that it gets to you. But I'll be glad to when I'm here to give you an update as part of the reports.
And as such, we did not have a Planning Commission meeting the last meeting because the one thing that would have gotten on the agenda, we did not have enough time -- a significant and intricate issue -- did not have time to review it. And so it will be heard on the April 4th agenda which is the

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regular scheduled meeting, 7:00 p.m. here in the chamber, and that is a conditional use permit request for a disco by Georgia Palace. So just wanted to let you-all know that, and that is the only thing that we have on the agenda.
COUNCILMEMBER DEAN: I have a request. I appreciate the DVDs because I find them very, very useful. There is one question. I was reminded of this at the last meeting. During the work sessions or the meetings of the Planning Commission, because it's here and it's so close, can we move the camera closer so that it's not near the vent? Because when the vent goes on or when the air goes on, it makes it difficult to hear and so I have to strain, so if it's put up here, it would be easier.
MR. COOLEY: We can try. That's just where it's always been. That's why we set it up there. And to look at the little thing, that got everybody in it.
One of the other things is, though, we're not on the P.A. system, so I don't think it's getting record through that. I don't know if it ties into that or not. Does it?
COUNCILMEMBER BATES: It doesn't.
MR. COOLEY: It does not?
COUNCILMEMBER BATES: Just picks up from the

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1 speakers in the back.
2 MR. COOLEY: Okay.
3 MAYOR PITTMAN: So that's probably why it's
4 in the back, yeah.
5 MR. COOLEY: Okay. Well, maybe we can place
6 it closer.
7 COUNCILMEMBER DEAN: But that's okay. It's
8 the air. I mean I can hear.
9 MAYOR PITTMAN: They can turn that off and
10 it makes a huge difference in being able to hear, too.
11 COUNCILMEMBER DEAN: I don't want to cause
12 discomfort but, you know.
13 MAYOR PITTMAN: But once it cools off, you
14 could turn it off and it stays cool.
15 Okay. Thank you.
16 MR. COOLEY: We'll try to see about that and
17 test it, see if it works.
18 COUNCILMEMBER DEAN: Not next meeting.
19 MR. COOLEY: Before the next meeting.
20 MAYOR PITTMAN: All right. Thank you very
21 much. I appreciate it.
22 Okay. Next is going to be Old Business, and
23 City Manager Search, Ms. Alexander, was carried over
24 from March 5th.
25 COUNCILMEMBER ALEXANDER: Thank you, Mayor.

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1 I did not give everyone an updated copy of the
2 original proposal I prepared.
3 And new Councilmember Patrick, I did give
4 you a copy because you didn't have one.
5 The only redline that I received back was
6 from our Assistant City Attorney, Mr. Felgin, and I
7 wanted -- you know, was soliciting review back from
8 Council any changes, additions, comments that you
9 wanted to include. That's why I didn't give anybody
10 an updated copy.
11 So if you do have any changes, please e-mail
12 them to me. Please review the timeline that's in the
13 proposal, and also on page three, there is a timeline
14 for the actual search itself. I'd like Council's
15 feedback on that.
16 COUNCILMEMBER PACHUTA: What was the redline
17 from Lenny?
18 COUNCILMEMBER ALEXANDER: It was several.
19 I'm sorry. I don't have that with me.
20 MAYOR PITTMAN: Okay. Mr. Patrick must not
21 have that.
22 COUNCILMEMBER ALEXANDER: He's got -- I put
23 a copy at your workstation, your work area.
24 COUNCILMEMBER FLEMING: Did you say page
25 three? Is that the one that starts background affirm?

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1 COUNCILMEMBER ALEXANDER: Yes, under
2 responses must include the following, you see there is
3 a detailed time for completion, and I wanted feedback
4 on Council's opinion of 120 days.
5 COUNCILMEMBER FLEMING: I don't find that.
6 I'll get with you after the meeting. I may be missing
7 a page.
8 COUNCILMEMBER ALEXANDER: Okay.
9 MAYOR PITTMAN: So Ms. Alexander, you're
10 just wanting everyone to go back and --
11 COUNCILMEMBER ALEXANDER: Yes, e-mail me
12 changes.
13 And hopefully we can, Madam Clerk, leave
14 this on the agenda again and hopefully I'll have some
15 revised copies for you to hand out.
16 MAYOR PITTMAN: Okay. Thank you very much.
17 Next is going to be Second Reading of
18 Ordinance to Revise PTO Policy, Mr. McLendon.
19 MR. McLENDON: And Mayor and Council, this
20 is an ordinance that we had talked about previously.
21 I will likely ask Mr. --
22 MAYOR PITTMAN: Davis?
23 MR. McLENDON: -- Phil Davis to assist on
24 this.
25 The primary language that I know we've added

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1 into this is a effective date which basically says it
2 moves forward into the beginning of next year before
3 this policy would implement.
4 And Phil, if you want to come and address
5 any other changes, or Lenny -- other changes that were
6 made on this, I'd be happy to have you-all talk about
7 that.
8 MAYOR PITTMAN: Council, I assume most of
9 you have had an opportunity to read it. Do we have
10 any questions or comments?
11 COUNCILMEMBER PACHUTA: Yeah. I missed the
12 last meeting, but I did watch the video and was very
13 frustrated at the entire discussion. It seemed like
14 we were making it more difficult.
15 So that was an issue that was being
16 discussed, whether this current year we're assuming
17 everyone is currently vested in their PTO?
18 MR. DAVIS: Lenny came up with language that
19 I thought was appropriate.
20 Number one is because of the issues of
21 trying to retroactively implement it this year, we'll
22 make it effective January 1 of next year but we'll
23 prorate the block grant if somebody got it first of
24 the year so that they will not get more if they leave
25 any time this year than they would have under the

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1 old -- the new accrual system we're going to put into
2 effect next year. So he worked on language in there
3 which I thought was the best of both worlds. Kudos to
4 Lenny on that. I think that really resolves the major
5 hanging point we had last time.
6 So we do a smooth implementation. We'll
7 announce in advance and we'll do an implementation
8 plan. It will go smoothly in 2013.
9 In the meantime, if another employee -- and
10 there will be at least one -- resigns this year, we
11 will prorate their payout, assuming they meet all the
12 other requirements such as notice, good standing,
13 etc., based on the number of pay periods they served
14 versus 26.
15 So I think it's really well done, and,
16 again, kudos to Lenny for coming up with the language.
17 The only thing we left open that the Council
18 needs to decide is the hours of carryover, and I know
19 there are strong feelings either way on this. We had
20 had 40 hours in there.
21 I made a plea last time to take it to 80,
22 again on the basis of you never know what illness is
23 going to take place or what emergency is going to take
24 place early in the year, and if we had 80, we'd have
25 Donna playing arbitrator much less often, which would

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1 make everybody happy.
2 It's very different now that we do accrual
3 versus block grant, because every year, January 1st,
4 you got zero unless you carry over. Under the old
5 system, you had the whole year plus the 40 hours. A
6 huge difference between the way it was and the way
7 it's going to be.
8 So again, actually, as I've said before, I
9 do a lot of these. I've worked with a lot of cities,
10 and the 80 is a relatively modest amount compared to
11 what many cities do. So it's up to the Council to
12 decide, but I stand with my recommendation of 80, and
13 that'll be what it'll be after you vote.
14 COUNCILMEMBER BATES: But isn't that in
15 essence giving an employee an extra two weeks of pay?
16 MR. DAVIS: No, because they earn that PTO
17 in the previous year.
18 COUNCILMEMBER BATES: So let me give it to
19 you this way.
20 MR. DAVIS: Okay.
21 COUNCILMEMBER BATES: I'm an employee of the
22 City of Doraville 2012. I don't take any time off; I
23 get paid for 52 weeks. I've accrued 80 hours of time
24 off. I'm carrying them over to next year.
25 So I take my two weeks of paid time off and

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1 I get paid for 52 weeks.
2 MR. DAVIS: Actually when you're taking the
3 paid time off in 2013, you're getting paid the PTO,
4 not your salary. So you're still getting 52 weeks'
5 pay either way.
6 COUNCILMEMBER BATES: Okay.
7 COUNCILMEMBER DEAN: Here's a way to look at
8 it is that okay, I come into a place, you know. I get
9 two weeks' vacation plus my pay. I don't have -- And
10 another person starts at the same time. Well, I have
11 two weeks of fun in the sun, right? and the other
12 person is working, working, working, and at the end of
13 the year, the other person -- Because I had two weeks
14 of fun in the sun, I have to start accruing my hours
15 from the very beginning again, whereas this guy who's
16 worked hard every single day of the year now gets a
17 couple of extra dollars because he's getting paid for
18 the time he's had off.
19 We give the employees their salary plus an
20 additional number of PTO days for them to use in any
21 way, and that's pretty standard in any --
22 COUNCILMEMBER FLEMING: No. We do not
23 give --
24 COUNCILMEMBER ALEXANDER: Their PTO is part
25 of their 52 weeks of employment.

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1 COUNCILMEMBER FLEMING: Correct.
2 COUNCILMEMBER ALEXANDER: This is not in
3 addition to.
4 MR. DAVIS: That's correct. That's correct.
5 Whether you take the PTO or not, you're only going to
6 earn 52 weeks of pay that year. You're not going to
7 have more. All right?
8 So if I take that PTO in 2012, I worked
9 only 50 weeks and I take two weeks of PTO in 2012. If
10 I don't work -- if I don't take that PTO in 2012, I
11 take it in 2013, I've work 52 weeks in 2012 and I work
12 50 weeks in 2012 and take my, you know, two weeks that
13 I carried over.
14 COUNCILMEMBER FLEMING: Plus --
15 MR. DAVIS: There is no time-off conse-
16 quence. There is no financial impact.
17 The only thing that you would have to do to
18 make sure it stays copacetic is that Finance will need
19 to financially accrue all vacation just like we do in
20 the payroll system. It's easy to do. We give them a
21 tape at the end of the year or we work it out with
22 Sabrina so that it's not a problem so that the money
23 is actually accounted for. The main thing is to make
24 sure that the money is accounted for and it's really
25 accrued and not just on paper somewhere.

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1 COUNCILMEMBER FLEMING: Okay, Mr. Davis. To
2 me, I'm still either not understanding, or let me try
3 to explain it to you.
4 MR. DAVIS: Okay.
5 COUNCILMEMBER FLEMING: 2012, they work 52
6 weeks and decide they just didn't want to go anywhere
7 or didn't want to take off or we couldn't let them
8 take off or whatever the case. They earned 52 weeks
9 of salary because they worked it.
10 Okay. Policy right now, if you want it to
11 be that way, you want to roll two weeks, being 80
12 hours, that makes it 54 weeks, and we only budgeted
13 for 52.
14 COUNCILMEMBER PACHUTA: No, because they
15 still have to take off.
16 COUNCILMEMBER FLEMING: Wait. No, they have
17 not taken it off.
18 COUNCILMEMBER ALEXANDER: Well, I'm just --
19 we're not going to pay it out.
20 COUNCILMEMBER FLEMING: No.
21 So they come over and they're going to roll
22 that 80 hours until the next year. Well, now, in
23 2013, they've earned another 80 hours that they can
24 take off. So all of a sudden, they're going to take
25 their 80 hours that they're accruing for 2013 and take

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1 the 80 hours off for 2013 -- I mean that they earned
2 in 2012.
3 MR. DAVIS: You have it exactly right with
4 the exception that if you accrue the money in the
5 financial system, you carry the money along with the
6 time from 2012 into 2013.
7 That's why it's critical that Finance start
8 accruing this PTO time along with the payroll system.
9 As long as you synch those up, the financial impact is
10 neutral, but you have to synch them up. Now,
11 admittedly, I don't know whether they've been synched
12 up.
13 MAYOR PITTMAN: I see Ms. Ferguson back
14 there.
15 COUNCILMEMBER PACHUTA: I think the problem
16 has been in the past we allowed payout, so people were
17 working 52 weeks and then getting paid two weeks so
18 they were getting paid for 54 weeks.
19 We have ended that practice, so they will
20 still now only get paid for 52 weeks a year. If they
21 roll over two weeks and accrue another two weeks, then
22 they need to only work 48 weeks out of that year to
23 get paid for 52.
24 MAYOR PITTMAN: Ms. Ferguson is our new
25 Finance Director and I see her in the back nodding her

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1 head, so if you'd like to address this.
2 COUNCILMEMBER ALEXANDER: Wait. If I can
3 please speak.
4 MAYOR PITTMAN: Sure.
5 COUNCILMEMBER ALEXANDER: My whole issue is,
6 again, how this has gotten messed up in the past. If
7 they're allowed to carry over 80 hours, they take that
8 in time off. They are not eligible to get paid for
9 it.
10 COUNCILMEMBER BATES: Does this ordinance
11 stipulate -- because now I'm moving into they
12 voluntarily terminate their employment and they get
13 their unused PTO. Does it include or exclude the up
14 to 80 hours hypothetically? Is that included or
15 excluded?
16 COUNCILMEMBER ALEXANDER: As it's written
17 now, it is included.
18 MR. DAVIS: Would be included. And as long
19 as -- I'll let the Director of Finance speak to that.
20 As long as it's financially accrued for, it's neutral
21 cost to the City.
22 The problem you had in the past -- and I
23 can't say exactly when the transition took place. But
24 the problem you had in the past is you were not
25 financially accruing the PTO; and ergo, when they got

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1 it at separation, it was additional pay, which we
2 don't want to do ever again because that's just bad
3 practice.
4 MS. LISA FERGUSON: It's not going to be an
5 additional expense until it's used or paid out. So if
6 you roll over 80 hours into the next fiscal year, the
7 first 80 hours you use are going to be the ones that
8 roll over. And so if they only take two weeks,
9 they're still going to get paid for the same 52 weeks
10 a year because there are only 52 weeks in the year,
11 and the only way that it would be an additional
12 expense is if they terminated.
13 Does that make sense?
14 MAYOR PITTMAN: Okay. Mr. Patrick, you
15 wanted to say something?
16 COUNCILMEMBER PATRICK: The only concern I
17 have is is that we do have potentially some new cities
18 forming and we want to have something that keeps
19 morale up with our own City staff.
20 MS. FERGUSON: I think that 80 hours is a
21 very low amount of PTO to carry forward. I've seen
22 120, I've seen 160, I've seen 360. When I was at the
23 State, we carried 720 hours.
24 MR. DAVIS: And even that works as long as
25 you financially accrue for it.

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1 MS. FERGUSON: Right.
2 MR. DAVIS: The thing that was missing in
3 the past and it's not going to be missing any more is
4 you're going to financially accrue for it.
5 And Robert, I know you're familiar with this
6 because it's the same program that we put in that
7 Norcross follows there, and it works really well once
8 it's implemented. But the implementation has to be
9 done in a reasoned, thoughtful way. That's why I
10 recommend that we move it to 2013.
11 But you got the Finance Director and the HR
12 Director telling you it's not going to cost you a dime
13 more to roll the 80 versus the 40, and it won't.
14 COUNCILMEMBER DEAN: Now there is something
15 I also would like to say. I didn't even vote for you
16 guys to come work with the City. But now that we have
17 you, I think we should take full advantage of the fact
18 that we have professionals here and we should allow
19 them to do what we are paying them to do, which is
20 advise us on how to run our H.R. department.
21 COUNCILMEMBER PACHUTA: And I guess our
22 hesitance has been the problems that we have had in
23 the past where staff was not following policy and they
24 were paying out PTO in the middle of the year to
25 themselves. They paid three and four weeks of accrued

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1 PTO to themselves and then worked the rest of the
2 year. So they were basically giving them a bonus of
3 four or five thousand dollars they were giving
4 themselves as a bonus. So that's our hesitance is
5 because we've seen it being misused in the past, and
6 that was one of the reasons we stopped cash payout of
7 PTO.
8 And then this issue has come up with the
9 accrual and employees leaving January 2nd and getting,
10 you know, a huge cash bonus.
11 MR. DAVIS: Karen, I can't address poor
12 practice from the past. I have no defense.
13 What I can tell you is the program that I'm
14 proposing to you is the program that is typically used
15 by cities. It works without a doubt. It works
16 smoothly provided that two things happen. One is the
17 payroll system keeps up with the accruals and the
18 utilization of the PTO, and the payroll and the
19 Finance Department are linked together so that we're
20 financially accounting for it.
21 I still can't stop a supervisor from doing
22 something ill advised until after it's already
23 occurred and I catch it during audit. I can't control
24 everybody's behavior but I can put in reasonable
25 policies to hold them accountable, and this is a

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1 reasonable policy that will hold everybody
2 accountable.
3 COUNCILMEMBER FLEMING: Okay. I'm sorry.
4 I'm going to make two comments.
5 First one. I worked 52 weeks this year, and
6 that's what the budget should read, not any of this
7 accrual stuff, because we only pay 52 weeks a year.
8 Okay. But I didn't take any vacation, so now I've got
9 80 hours that have got to be on our budget for us to
10 accrue June 30th, that we never accounted for.
11 MS. FERGUSON: Generally at the end of the
12 year we do an adjustment and accrue a liability for
13 those compensated absences as a part of preparing the
14 annual financial report, and that's what Phil was
15 talking about. As long as we -- as long as you don't
16 pay out at the end of the year, like if somebody's
17 terminated, you will only pay for 52 weeks.
18 COUNCILMEMBER DEAN: Well, and that's -- if
19 you look at it in terms of when you are paying for an
20 employee, when the City or any company pays for an
21 employee, there are two sides: there is the salary
22 and there are all the benefits. You know, we talked
23 about the insurance benefits and they talked about the
24 amount that insurance costs. Well, a lot of people
25 don't really think about that.

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1 There's also the benefits of PTO time -- are
2 we going to give them one week; are we going to give
3 them two weeks, are we going to give them three
4 weeks -- and that's all there. It's all part of the
5 whole package that can determine whether or not
6 someone chooses a job.
7 If I interview for a firm and they say,
8 "Okay. We offer this X-salary plus one week
9 vacation," and then I go to this firm and they offer
10 just about the same amount plus three weeks' vacation
11 or PTO time, I'm going to go with that firm because
12 it's a good benefit.
13 And that's something that's weighed into the
14 whole package, right? But you can't really put that
15 on a spreadsheet in those terms. You can; you can
16 calculate the exact cost. But it's costing the City
17 that amount anyway because you're offering that
18 employee that PTO time when they take the job, and so
19 it's accrued on a check-by-check basis.
20 So what you're just giving them here are the
21 numbers. You're not giving them any cash money but
22 you're giving them, okay, you have these hours and
23 I'll give you this much money plus 3.8 hours. Okay.
24 Now if you get this much money, now it's 6.8 hours or
25 whatever it is.

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1 MR. DAVIS: Yeah. And again, Pam, I'm not
2 saying your point isn't valid. It is valid. But if
3 you account for the money, it's literally in the
4 accounting and it doesn't come back to bite you.
5 You know, ideally, we'd like for everybody
6 to take their PTO in the year in which it occurs,
7 because it's easier. You've got 52 weeks; you're done
8 at the end of 52 weeks.
9 However, when you have an accrual-based
10 system, when you start off January 1 with zero time,
11 you're going to have all kind of situations coming up
12 with employees getting, you know, seriously ill,
13 accidents, vacations. You can't plan a vacation in
14 all of the first quarter because there won't be
15 accrued time.
16 You have to make some accommodation.
17 COUNCILMEMBER FLEMING: Okay.
18 MR. DAVIS: You've already said you'll do
19 40. I'm just pleading, I'm just trying to convince
20 you that 80's a better idea.
21 COUNCILMEMBER PACHUTA: And I'm fine with 80
22 now that we're no longer paying out --
23 MR. DAVIS: Yeah.
24 COUNCILMEMBER PACHUTA: -- PTO.
25 COUNCILMEMBER BATES: But they will pay out.

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1 COUNCILMEMBER ALEXANDER: It will pay out if
2 they leave.
3 COUNCILMEMBER PACHUTA: Well, if they leave,
4 but --
5 COUNCILMEMBER BATES: So let me --
6 COUNCILMEMBER DEAN: And what --
7 COUNCILMEMBER FLEMING: And I still have my
8 second question.
9 MAYOR PITTMAN: Shhhh. I'm sorry.
10 Lisa, what did you say?
11 MS. FERGUSON: They won't pay out anything
12 that hasn't been earned, because they won't be getting
13 a lump at the beginning of the year.
14 MR. DAVIS: Correct.
15 COUNCILMEMBER BATES: Well, let me --
16 COUNCILMEMBER ALEXANDER: They'll have 80
17 hours.
18 MS. FERGUSON: But they earned that the
19 previous year.
20 COUNCILMEMBER FLEMING: But they already got
21 paid for it because they worked it.
22 MS. FERGUSON: No, they didn't get paid for
23 it; they accrued it.
24 COUNCILMEMBER DEAN: And if you think about
25 it in terms of --

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1 COUNCILMEMBER BATES: Well, let me --
2 COUNCILMEMBER DEAN: -- the cost of an
3 employee, if an employee is out for a week, then it's
4 not as if, you know, that hole is filled
5 automatically, because it takes extra resources. For
6 example, you might have to have someone work overtime
7 to compensate for the absence of that employee.
8 COUNCILMEMBER BATES: Right. I got that.
9 So let me ask you, because I need to deal in
10 hypotheticals in this. So hypothetically, an employee
11 works 52 weeks in a year and they have now accrued 80
12 hours this year. So they've been paid for 52 weeks;
13 they're carrying over two weeks of accrued PTO.
14 Okay. Year number two, they work 50 weeks;
15 they haven't taken any vacation. So it's now December
16 15th and they turn in their notice. How much do they
17 get paid out?
18 MS. FERGUSON: They get paid out whatever
19 their balance is, but we've already accounted for the
20 first two weeks because we carried it over and accrued
21 it.
22 COUNCILMEMBER BATES: So are they getting
23 paid for 52 weeks? 54 weeks?
24 MR. DAVIS: They'd get paid for the 80 hours
25 that was carried over plus the time that accrued

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1 during the year. That's what they'd get paid for,
2 and it's all been accrued for financially.
3 But the other thing that would happen, Mr.
4 Bates, is if --
5 COUNCILMEMBER BATES: So it's not --
6 MR. DAVIS: -- they don't take any PTO the
7 whole of the year and then the second year they don't
8 take any PTO, when they go into the third year, the
9 first year's block of rollover PTO is lost. It's just
10 flat forfeited --
11 MS. FERGUSON: Right.
12 MR. DAVIS: -- because you can't carry but
13 80 hours over.
14 COUNCILMEMBER BATES: Right. I understand
15 that.
16 So let me give it to you in dollar amounts.
17 Employee A gets, for an even number, $50,000 a year in
18 salary, and that includes their PTO. Right? Because
19 that's part of their compensation.
20 MR. DAVIS: Uh-huh.
21 COUNCILMEMBER BATES: So we have built in
22 $50,000 for 52 weeks' worth of work. And they don't
23 take any vacation so they're now carrying over two
24 weeks of accrued PTO.
25 MR. DAVIS: Uh-huh.

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COUNCILMEMBER FLEMING: Mr. Bates, make it $52,000 and that'll make it easier for you.
COUNCILMEMBER BATES: Okay. $52,000.
So in year two, they've now carried over $2,000.
Thank you, Ms. Fleming.
COUNCILMEMBER FLEMING: You're welcome.
COUNCILMEMBER BATES: They have now carried over $2,000 of accrued PTO.
In July, they take two weeks of vacation so they get paid for those two weeks. That's part of --
MS. FERGUSON: Out of the accrual.
COUNCILMEMBER BATES: Out of the accrual. So through the end of July, they have now been paid for --
MR. DAVIS: $2,000.
COUNCILMEMBER BATES: -- $2,000 plus they've been paid --
COUNCILMEMBER ALEXANDER: 26.
COUNCILMEMBER BATES: -- through the end of of . . . $26,000. But they've still accrued PTO for the current year that they haven't used. Okay?
So in December, Employee A turns in their notice, so now they get paid out for the amount of PTO that they've accrued for the year.

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MR. DAVIS: Yeah, the second year; that's correct.
COUNCILMEMBER BATES: Okay. So we paid then $52,000 in year one. We've now paid them --
MR. DAVIS: Fifty-four in year two if they work the entire year and terminate on the last day.
COUNCILMEMBER BATES: Right.
MR. DAVIS: Yes.
COUNCILMEMBER BATES: So when we --
COUNCILMEMBER FLEMING: We give them $2,000.
MR. DAVIS: In that instance --
- - -
(Overspeaking)
- - -
COUNCILMEMBER BATES: But when you said that it -- Hold on. When you said that it is revenue neutral, it is not correct, because in this particular scenario it is not revenue neutral. They're getting an extra $2,000 that they did not earn.
MR. DAVIS: That is -- that is true if you only look at it in terms of the dollars.
See, they've worked four extra weeks or two extra weeks that year that they wouldn't have worked otherwise. So you can look at it as I purchased two extra weeks of work.

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Now, from a cash standpoint, arguably you are correct, but the important part is not so much the cash standpoint, because it doesn't happen all that often. It's that the finance system tracks the money and we're not -- we don't have a budget shortfall.
I mean the whole idea here is that we budget. A budget is a plan to spend so much money. If you put this system in and Finance and H.R. work together, you will budget X-number of dollars, you will spend X-number of dollars, not X-plus dollars. So under the --
COUNCILMEMBER BATES: But in that scenario I just gave you, it's X-plus.
MR. DAVIS: So yes, under the scenario that you just drew, there would be $2,000 more paid out than there would have been had they actually taken that PTO during the year. But the quid pro quo is they've worked two more weeks than they would have worked during the year so they actually worked $2,000 worth more.
So yes, from a cash standpoint, you're right. From an expenditure-of-effort-and-value standpoint, I still maintain it's neutral.
COUNCILMEMBER DEAN: And the other thing is I've worked under this system for the last 20 years,

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and it's been very, very effective. And I think that what Mr. Patrick said is absolutely valid, and that is I think that it's important that we maintain a good morale for the employees in our city.
These are very basic benefits. I mean this is something that's not -- I mean I wouldn't -- if I read this, I wouldn't say -- even 80 hours, I wouldn't say, "Woohoo." I think it's not -- it's not -- it's nothing special, nothing special at all.
COUNCILMEMBER PACHUTA: And I'm fine --
MR. DAVIS: Every city that implements this faces the same exact dilemma that you've spelled out. Okay. So there's literally -- Because I can argue that from a value standpoint, it's neutral. But you can point out cases like you just did where more cash changes hands than would have changed hands, but I can also argue that, well, I got two more weeks' work. So from a value standpoint, I'm still going to argue it's neutral.
But there are problems with any PTO system. An accrual system has the least problems to manage. And to make an accrual system work in the first three to six months of the year, you have to have carryover; otherwise, somebody -- either you're going to be unfair to employees who get sick and want to take

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1 vacation in the first half or you're going to allow
2 some carryover to cover that.
3 So whether we're going to allow carryover or
4 not is really not the point of argument. The point of
5 argument, is it 40 or 80? And I'm saying the
6 circumstances have changed from block grant to zero
7 accrual at the first of the year and 80 is a more
8 reasonable number. That's the total argument.
9 COUNCILMEMBER PACHUTA: Yeah, and I'm fine
10 with changing to 80 if we're changing this to accrual,
11 because like currently, if someone leaves January
12 15th, we're allowing them to carry over 40 hours. So
13 they leave, and they're getting paid that 40 hours
14 plus -- say they're a second-year employee -- plus
15 they're getting paid, what? two or three weeks.
16 MR. DAVIS: With the block grant, whatever
17 it was.
18 COUNCILMEMBER PACHUTA: But they're getting
19 currently paid four weeks and they leave January 15th.
20 Under this system, if we allow them to carry over 80
21 hours, two weeks and then they leave in January, they
22 earn 3.69 days. So they're getting paid two weeks
23 plus two days versus right now they're getting paid a
24 week plus two weeks.
25 MR. DAVIS: You're absolutely right.

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1 COUNCILMEMBER FLEMING: Okay. I really want
2 to make my second -- truly second comment about the
3 2009 Employee Manual, okay, that I did not agree with
4 because all of a sudden we were changing from vacation
5 and sick time to a lump sum of PTO.
6 The previous document was here is the amount
7 of vacation; you use it or lose it, and we're going to
8 carry over -- we're going to give you -- literally,
9 give you; that's the benefit -- five sick days, okay,
10 and you can use those sick days or not but you could
11 carry them over to a specific amount.
12 Those would never be cashed out if you left
13 the employment of the City but they also could be
14 donated as was the situation in December. Those could
15 have been donated to someone with severe problems or
16 whatever, because that was going to be a "gimme" of
17 the City.
18 And to me, I think that's my mentality, you
19 know, way back in my age group, okay, it was vacation
20 and a "gimme" of sick time, because that's -- and then
21 you could keep carrying over your sick time. So that
22 was my second comment.
23 MR. DAVIS: And again my response is you're
24 absolutely right. I mean you can configure vacation
25 and sick time and personal days, anything else, or you

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1 can have PTO days. There's no hard and fast rule
2 about what you should do.
3 But once you've committed to PTO -- and I
4 think it is a superior way to go for several reasons
5 --, then you just got to manage what you got. You
6 can't base the management of what you got going
7 forward based on what you had going back. It won't
8 work well for you.
9 MAYOR PITTMAN: Okay. At this point, I
10 think we either --
11 COUNCILMEMBER PACHUTA: Well, I mean, I'll
12 make a motion that we -- moving to this accrual
13 system, that we allow employees to carry over 80 hours
14 versus 40.
15 MAYOR PITTMAN: And do we want to --
16 COUNCILMEMBER PACHUTA: Let me just make
17 that --
18 MAYOR PITTMAN: Okay.
19 COUNCILMEMBER PACHUTA: -- change standing
20 alone but not adopt the whole ordinance. I'm just
21 saying that.
22 MAYOR PITTMAN: Okay. Do I get a second?
23 COUNCILMEMBER DEAN: Second.
24 MAYOR PITTMAN: Discussion?
25 - - -

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1 (No response)
2 - - -
3 MAYOR PITTMAN: Call the roll, please.
4 CLERK BRYANT: Councilmember Alexander?
5 COUNCILMEMBER ALEXANDER: Yes.
6 CLERK BRYANT: Councilmember Bates?
7 COUNCILMEMBER BATES: No.
8 CLERK BRYANT: Councilmember Dean?
9 COUNCILMEMBER DEAN: Yes.
10 CLERK BRYANT: Councilmember Fleming?
11 COUNCILMEMBER FLEMING: No.
12 CLERK BRYANT: Councilmember Pachuta?
13 COUNCILMEMBER PACHUTA: Yes.
14 CLERK BRYANT: Councilmember Patrick?
15 COUNCILMEMBER PATRICK: Yes.
16 MAYOR PITTMAN: Thank you. Motion carries.
17 COUNCILMEMBER PACHUTA: Okay. So that needs
18 to be -- because that's left blank in this ordinance;
19 is that correct?
20 MR. DAVIS: Uh-huh.
21 COUNCILMEMBER PACHUTA: Okay. So --
22 MR. DAVIS: It was left blank because we
23 knew we needed to discuss it.
24 COUNCILMEMBER PACHUTA: Let me make sure
25 again. Explain to me again. Explain to me in simple

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1 terms what's going to happen once this is adopted. I
2 know the entire new policy is taking effect December
3 13th, I mean 2013.
4 MR. DAVIS: January 1.
5 COUNCILMEMBER PACHUTA: We pass this with
6 the accrual system. Someone quits April 1st.
7 MR. DAVIS: Someone quits April 1st.
8 COUNCILMEMBER BATES: Of this year.
9 COUNCILMEMBER PACHUTA: Of this year, 2012.
10 MR. DAVIS: Of this year. Again, thanks to
11 Lenny, his language -- and again I've got to give full
12 credit to Lenny -- is we're going to go back and we're
13 going to say, okay, you got this block grant, but if
14 you terminate under good standing and with proper
15 notice, you don't get that block grant; you get a
16 prorated piece of that block grant that is based on
17 the number of weeks you actually worked divided by 26.
18 So it's prorated payout only, all right? And that
19 includes any carryover that they brought into the
20 year, etc.
21 COUNCILMEMBER PACHUTA: Okay.
22 MR. DAVIS: Well, actually, carryover would
23 already be there, so it's really only what they earn
24 during the year itself. Okay.
25 So again, thank you, Lenny; that protects

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1 the City's interest.
2 COUNCILMEMBER FLEMING: Okay. May I?
3 MAYOR PITTMAN: Okay.
4 COUNCILMEMBER FLEMING: Another comment.
5 Page three at the bottom of the page, you've explained
6 2012 but I am confused. Not confused, but I think we
7 need to be more clear for 2013: shall be paid for all
8 accrued unused PTO hours at the employee's most recent
9 regular rate of pay. But that doesn't specifically
10 state through their termination date.
11 MR. DAVIS: Yeah. The language of the most
12 recent rate of pay is, again, very standard. You
13 know, you make it from the time that you do the
14 accrual to from the time that you get the accrual
15 payout, if you will. Just like from the time you do
16 the accrual from the time you take your vacation, your
17 pay rate may well change. And so all that does is
18 eliminate any argument about what the actual rate of
19 pay is for that PTO.
20 COUNCILMEMBER FLEMING: I don't have a
21 problem with the current rate of pay, but it needs to
22 be, to me, clearer to suggest through their
23 termination date. If you're going to get paid, your
24 accrual is only through their termination date.
25 MR. DAVIS: Lenny, you got that?

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1 COUNCILMEMBER FLEMING: Just like we did --
2 just like we did for 2012. I don't want there to be
3 any more misunderstandings or misinterpretation of
4 this.
5 MR. DAVIS: Lenny, you got that?
6 MR. FELGIN: I just got the words "through
7 the termination date," yes, is what I'm assuming you
8 want to add; correct?
9 COUNCILMEMBER FLEMING: Please.
10 MR. FELGIN: Okay.
11 COUNCILMEMBER PACHUTA: I'll make a motion
12 to adopt the ordinance with the inclusion of the
13 carryover, the 80 hours, and with Ms. Fleming's change
14 about through the termination date.
15 MAYOR PITTMAN: Okay. Do I get a second?
16 COUNCILMEMBER DEAN: Second.
17 MAYOR PITTMAN: Discussion?
18 COUNCILMEMBER FLEMING: I have one other
19 comment. We've already received a termination notice,
20 and this isn't effective until tonight, but we've
21 already received it, so --
22 MR. DAVIS: It will be retroactive.
23 COUNCILMEMBER FLEMING: I'm sorry?
24 MR. DAVIS: As soon as you vote and adopt
25 this, it will be retroactive to what day? January 1,

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1 2012, Lenny?
2 MR. FELGIN: Yes.
3 So we're talking about Scott Rodgers is what
4 you're talking about at this moment. Am I correct?
5 MR. McLENDON: Yeah.
6 COUNCILMEMBER FLEMING: Where does it say
7 it's going to be retroactive back to January 1, 2012?
8 MR. DAVIS: That's the proration piece.
9 MR. FELGIN: That's the -- that's the --
10 COUNCILMEMBER FLEMING: It says for the
11 duration of the calendar of 2012.
12 MR. FELGIN: Uh-huh, the duration of the
13 calendar year 2012.
14 Then it goes through the employees who
15 retire shall be paid for unused PTO hours said
16 employee would otherwise have accrued on the date of
17 termination, if Section 5.2.3 of this ordinance would
18 have been in effect, which means that that's the
19 prorated language. If someone terminates on April
20 1st, they would have otherwise accrued only through
21 April 1st and could only be paid through what they
22 would have accrued on April 1st.
23 COUNCILMEMBER FLEMING: At the date of this
24 adoption.
25 MR. FELGIN: At the date of this adoption.

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1 MR. DAVIS: Well at the -- at the date --
2 COUNCILMEMBER FLEMING: But if they've
3 already submitted their termination letter to us prior
4 to the adoption of this.
5 MR. McLENDON: The way that language reads,
6 it's based upon the date of the actual termination,
7 not on the date of the notice of the termination.
8 That's the way the language reads.
9 MR. FELGIN: Yes. If we were to do an
10 example, if the current employee who has submitted his
11 notice of termination and if you pass this tonight,
12 this would apply to him as of March 30th when he
13 actually terminates employment.
14 MAYOR PITTMAN: All right. I have a motion
15 and a second. Additional discussion?
16 - - -
17 (No response)
18 - - -
19 MAYOR PITTMAN: Call the roll, please.
20 CLERK BRYANT: Councilmember Alexander?
21 COUNCILMEMBER ALEXANDER: Yes.
22 CLERK BRYANT: Councilmember Bates?
23 COUNCILMEMBER BATES: No.
24 CLERK BRYANT: Councilmember Dean?
25 COUNCILMEMBER DEAN: Yes.

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1 CLERK BRYANT: Councilmember Fleming?
2 COUNCILMEMBER FLEMING: No.
3 CLERK BRYANT: Councilmember Pachuta?
4 COUNCILMEMBER PACHUTA: Yes.
5 CLERK BRYANT: Councilmember Patrick?
6 COUNCILMEMBER PATRICK: Yes.
7 MAYOR PITTMAN: Thank you. Motion carries.
8 All right. One last item is going to be
9 Pension Plan, Ms. Pachuta.
10 COUNCILMEMBER PACHUTA: And this is just
11 brief. We had two responses to the RFQ, and my
12 understanding is Cherie is scheduling those to come to
13 present to us.
14 The only question is whether -- because
15 currently we refer to the Georgia Municipal Employee
16 Benefit System. They were here in June of last year
17 and gave a presentation on a pension plan. And we
18 discovered in comparison to the -- There's 285 cities
19 and entities in that plan. We are one of only six
20 that offer as high a benefit, so we're in the top two
21 percent of benefits for the pension, and only 20
22 -- we use a multiplier of three percent -- only 20
23 cities use above two percent. The remaining 265
24 cities use two percent or less for the multiplier.
25 When they were here in June, they really did

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1 not -- well, I didn't think, personally, they were
2 very receptive to changing the plan. But from my
3 point of view, I don't know why we're offering double
4 the benefits for pension, because we're certainly not
5 using it as a marketing tool for employees: "Hey,
6 come work for us. You'll get double the pension than
7 you will for any other city, but you got to work 10
8 years."
9 The consequence, of course, this past year
10 it was fourteen -- we had to pay 14.7 percent of every
11 employee's salary to the pension plan. And we just
12 got the most recent actuarial evaluation, and their
13 new recommendation for this year is that we pay 17.21
14 percent of everyone's salary to the pension plan
15 because we do offer such high benefits.
16 GMA does also have a defined contribution
17 plan and deferred compensation plan in addition to the
18 pension plan, so I wanted just feedback. Do we want
19 GMA to come back out also in addition to Ascension and
20 BB&T but with the realization like you, we don't need
21 to be in the top two percent of your plan. Come to us
22 with a realistic alternative that puts us in line with
23 the other 98 percent of the cities in the plan.
24 So I'm fine with them coming. I just kind
25 of wanted feedback from Council on that.

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1 COUNCILMEMBER BATES: I think that's
2 appropriate.
3 MAYOR PITTMAN: Ms. Fleming?
4 COUNCILMEMBER FLEMING: Ms. Pachuta, I
5 definitely would like to see that GMA comes out and
6 I'd like them to be aware that -- I mean they need to
7 be notified that we don't want to be in the top two
8 percent any more --
9 COUNCILMEMBER PACHUTA: Yeah.
10 COUNCILMEMBER FLEMING: -- you know, so --
11 COUNCILMEMBER PACHUTA: And I think --
12 COUNCILMEMBER FLEMING: -- for them to be
13 able to be prepared --
14 COUNCILMEMBER PACHUTA: Yeah.
15 COUNCILMEMBER FLEMING: -- to be able to
16 say, okay, this is what we can do for you, because I
17 don't think they were actually prepared that night.
18 They were here to just discuss our pension.
19 COUNCILMEMBER PACHUTA: Yeah.
20 COUNCILMEMBER FLEMING: So maybe that's why
21 we didn't get the feedback that we thought we were
22 going to get.
23 COUNCILMEMBER PACHUTA: Yeah. And we may
24 want to schedule them on a separate night from the
25 other two presentations just because we already have

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1 the existing plan with them. I don't know.
2 But I think if we could have you and Ms.
3 Pritchard talk to them and say, look, you need to come
4 here with a concrete alternative that puts us in line
5 with the other 98 percent of the cities in Georgia.
6 MAYOR PITTMAN: Ms. Alexander?
7 COUNCILMEMBER ALEXANDER: Some of the
8 thoughts that I had, I'm part of a pension plan also
9 401-K. My company stopped its pension plan in 2000.
10 And one of the things that I think is
11 beneficial to employees first as a pension plan is in
12 a pension plan they have no voice in how the moneys
13 are invested. So basically we contribute the money
14 and this board of directors, who we never see, makes
15 the investment decisions.
16 I think it's important that we do offer an
17 alternative, because I would like our employees to
18 have a voice in how their moneys are invested. They
19 can review the prospectus if they want to.
20 They also would have the ability to have
21 hardship loans if something happens to them. It's
22 more -- it gives them more of an ownership of the
23 money that is invested on their behalf.
24 My company also offers -- they kick in three
25 percent. If you kick in three percent of your salary

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1 as deferred compensation, they match another three
2 percent. It's on a graduated table.
3 But I just think it's more beneficial to the
4 employee to literally have a voice in their own
5 destiny.
6 And so that's why I would like for us to
7 offer an alternative, you know, and see if we want to
8 freeze adding new employees to the pension plan. We
9 also have to have our questions answered as far as
10 doing so, how we fund the plan in the future. So
11 we've got a lot of questions to be answered.
12 COUNCILMEMBER PACHUTA: And tying on to
13 that, we only had one employee resign earlier in the
14 year. And in her resignation letter she pointed out
15 where she was going, they have a defined contribution
16 plan where the new employer was putting -- she was
17 excited, "They're going to be putting seven percent of
18 my salary into this defined contribution plan."
19 Well, we were putting 14.7 percent of her
20 salary into a pension, you know, but she'd have to be
21 here 10 years. So there's no sense of it being yours.
22 I don't know. I mean either we're going to
23 stick with this really high pension plan and be
24 willing to use it as a marketing tool, but I think
25 it's becoming cost prohibitive; I mean 17.21 percent

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1 of everyone's salary, and you don't vest. Employee
2 leaves, we don't get that money back if they, you
3 know, don't vest, so.
4 MAYOR PITTMAN: Okay. Mr. Bates?
5 COUNCILMEMBER BATES: Not to beat a dead
6 horse, but we're spending a lot of money and it's
7 really not a true benefit to employees who are here
8 less than 10 years.
9 MAYOR PITTMAN: Right.
10 COUNCILMEMBER BATES: It's not portable and
11 they have no personal vesting in that, there is no
12 personal contribution. And I think there's value in
13 having employees have, as Ms. Alexander said, control
14 over their money.
15 So I really am in favor of making a change.
16 And again, you know, liability next year is going to
17 be approaching a million dollars on this, and that's
18 pretty significant.
19 MAYOR PITTMAN: Okay. Great. Well, what
20 we'll do is we'll move forward and we'll get in touch
21 with Ms. Pritchard to contact GMA and contact the
22 other two and then we'll schedule meetings as soon as
23 possible to get this, so everybody be looking at your
24 calendar.
25 Is that it?

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1 COUNCILMEMBER PACHUTA: Uh-huh.
2 MAYOR PITTMAN: Okay. Thank you.
3 Okay. Next is going to be public comments.
4 Please limit your comments to three minutes and state
5 your name, please.
6 MS. SUSAN CRAWFORD: Susan Crawford.
7 Welcome, Mr. Patrick.
8 And I just wanted to say --
9 And good work, by the way, Karen. It will
10 probably be very helpful.
11 About the gardens, this I admit went totally
12 over my head, but we in Oakcliff are the ones who
13 planted the seed for the DUG --
14 COUNCILMEMBER FLEMING: Susan, speak up a
15 little because I'm having a hard time hearing.
16 MS. CRAWFORD: Okay. In Oakcliff, we were
17 in on the inception of the planting of the seed for
18 the DUG group, and I remember coming before Council,
19 and you know, the thing at Windsor Oak and the right-
20 of-way and all of this on and on. And I just want to
21 make sure that we're going to be able to continue with
22 our garden.
23 I don't understand. I mean I do understand
24 that when it becomes a 501(c)(3) and there's grant
25 money involved, things change somewhat. But we do

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have -- and I'm not -- I mean I'm from Miami so I don't know home gardening, but there are a lot of people in our area that were very excited about doing it, so I want to make sure that they're not excluded. Is that --?

MAYOR PITTMAN: Okay. Thank you, Ms. Crawford.

Additional public comments?

MS. HOLLY SINCLAIR: Good evening. I thought I was coming with something really simple. I'm scared to even say anything.

My name is Holly Sinclair, Oakcliff Estates.

My church -- some of the people in my church and people from Georgia State University, nurses, were doing a survey in Northwoods -- not selling anything, not asking anyone to come to church; just a survey of needs and desires and ways that the church could help the community, and we were planning a health fair the 15th of April at the old Zayre flea market.

Someone evidently complained that we were soliciting, and the police came and stopped the survey. My friends were horrified, but regardless, they quit, and the police told them that they had to have a peddler's license which would cost $500.00 per person.

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So I came to City Hall this morning and I got one opinion, and I talked to someone else and I got another opinion, and I talked to someone else and I got another opinion, and it seems to be it's okay to do it.

I want a vote.

COUNCILMEMBER PACHUTA: I'm assuming, Lenny, do they fall under --

MAYOR PITTMAN: Can I interrupt? I already talked to Cecil about this, and that is allowed. And I know I said I would get with Major to make sure we got -- the clarification was correct.

We normally don't do this in public comments, but if you'd like to address that real quick, because obviously there's going to be questions about it.

MR. McLENDON: The document that I reviewed looked like it was not a solicitation, any sort of a seeking anyone to buy services, so it would be my opinion that that would not fall under the need for a peddler's license.

MS. SINCLAIR: So if the police come to get us, I can tell them see you?

MR. McLENDON: They have my cell phone number here. Have them to call me.

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MS. SINCLAIR: Thank you all for your time and your attention.

MAYOR PITTMAN: Thank you very much.

Additional public comments? Mr. Ambrose?

MR. JAMES AMBROSE: James Ambrose, Redwood Street.

First, I'd like to -- as a resident of District 1, I'd like to welcome Mr. Patrick.

COUNCILMEMBER PATRICK: Thank you.

- - -

(Applause)

- - -

MR. AMBROSE: Number two, the City Council ought to be ashamed of themselves because it took 15 months to replace somebody. And I know according to all the Charter and everything there's so much time you got to allow for everything, but y'all are elected citizens of the city, and that position was empty for 15 months.

I talked to three different people up there and I got three different answers. But yet y'all are elected officials, and for 15 months, y'all let that stay. And finally the citizens had to elect somebody, and it did cost some money to do it, and y'all keep talking about budget. Y'all need to get your P's in

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line and line them up and do it right.

MAYOR PITTMAN: Additional public comments?

MR. TOM HART: Welcome, Robert.

In looking at the Sign Ordinance, something else came across the desk, as it were. It's if we would follow our own Sign Ordinance in the city, I mean the best I could read it off your Web site, it says that the signs on Buford Highway, like you have a big stanchion sign. If you have a piece of property less than five acres, the size of the sign is limited to 150 square feet, but I've got a permit here for the Quick Trip for 162 square feet.

I'm just wondering when they do this do they read their own ordinance? I'm just curious.

It also says in that Sign Ordinance you're only allowed one sign on the wall of the building facing each street -- in other words, one facing Buford Highway and one facing Stewart Avenue.

There are five signs on the wall facing Buford Highway. Again, who is going out to the job site? And again, it's signed off by it looks like approved by Mr. Cooley and the buil- -- Tony. Okay.

It's called reading your own Sign Code and then going out and looking at what they did and then signing off on it. Okay? We have a lady in the

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1 audience who was given a warning thing for having
2 flower decorations or whatever on her front door.
3 Okay? I mean this is the kind of crazy stuff we've
4 got going on in the city of Doraville.
5 What you said, Robert, is keep it simple,
6 stupid, or the best designs are those that less is
7 more is less. I'm glad you passed the Sign
8 Ordinance -- the Sign Code that you're going to put
9 into maybe the zoning; you're going to redo the whole
10 Sign Code for the city.
11 If you look at Buford Highway, Buford
12 Highway is a tragedy, and most of it is because of eye
13 clutter. For example, again, in front of the Quick
14 Trip we got two light poles sitting there, these old
15 wooden poles with these modern poles in front of them.
16 What do those poles on the northern side of
17 Buford Highway contribute? They only contribute to
18 our electric bill. Let's get rid of the two sets of
19 poles. You talk about it; let's do something about
20 it. And the first thing you need to start is take
21 those two poles out in front of that brand new
22 building. Get rid of them. They have no -- they
23 serve no purpose. The only wires there are to light
24 the lights on the poles.
25 So the Building and the Planning Department

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1 needs to get its act together. Thank you.
2 MAYOR PITTMAN: Okay. Additional public
3 comments?
4 - - -
5 (No response)
6 - - -
7 MAYOR PITTMAN: Motion to adjourn?
8 COUNCILMEMBER ALEXANDER: So moved.
9 MAYOR PITTMAN: Second?
10 COUNCILMEMBER PACHUTA: Second.
11 MAYOR PITTMAN: Discussion?
12 - - -
13 (No response)
14 - - -
15 MAYOR PITTMAN: Call the roll, please.
16 CLERK BRYANT: Councilmember Alexander?
17 COUNCILMEMBER ALEXANDER: Yes.
18 CLERK BRYANT: Councilmember Bates?
19 COUNCILMEMBER BATES: Yes.
20 CLERK BRYANT: Councilmember Dean?
21 COUNCILMEMBER DEAN: Yes.
22 MAYOR PITTMAN: Excuse me. The meeting's
23 not over yet.
24 CLERK BRYANT: Councilmember Fleming?
25 COUNCILMEMBER FLEMING: Yes.

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1 CLERK BRYANT: Councilmember Pachuta?
2 COUNCILMEMBER PACHUTA: Yes.
3 That's the way the language reads.
4 MR. FELGIN: Yes. If we were to do an
5 example, if the current employee who has submitted his
6 notice of termination and if you pass this tonight,
7 this would apply to him as of March 30th when he
8 actually terminates employment.
9 MAYOR PITTMAN: All right. I have a motion
10 and a second. Additional discussion?
11 - - -
12 (No response)
13 - - -
14 MAYOR PITTMAN: Call the roll, please.
15 CLERK BRYANT: Councilmember Alexander?
16 COUNCILMEMBER ALEXANDER: Yes.
17 CLERK BRYANT: Councilmember Bates?
18 COUNCILMEMBER BATES: No.
19 CLERK BRYANT: Councilmember Dean?
20 COUNCILMEMBER DEAN: Yes.
21 CLERK BRYANT: Councilmember Fleming?
22 COUNCILMEMBER FLEMING: No.
23 CLERK BRYANT: Councilmember Pachuta?
24 COUNCILMEMBER PACHUTA: Yes.
25 CLERK BRYANT: Councilmember Patrick?

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1 COUNCILMEMBER PATRICK: Yes.
2 MAYOR PITTMAN: Thank you. Motion carries.
3 All right. One last item is going to be
4 Pension Plan, Ms. Pachuta.
5 COUNCILMEMBER PACHUTA: And this is just
6 brief. We had two responses to the RFQ, and my
7 understanding is Cherie is scheduling those to come to
8 present to us. The only question is whether --
9 because currently we refer to the Georgia Municipal
10 Employee Benefit System. They were here in June of
11 last year and gave a presentation on a pension plan,
12 and we discovered in comparison to the -- there's 285
13 cities and entities in that plan -- we are one of only
14 six that offer as high a benefit, so we're in the top
15 two percent of benefits for the pension, and only 20
16 -- we use a multiplier of three percent. Only 20
17 cities use above two percent. The remaining 265
18 cities use two percent or less for the multiplier.
19 When they were here in June, they really did
20 not -- well, I didn't think, personally, they were
21 very receptive to changing the plan. But from my
22 point of view, I don't know why we're offering double
23 the benefits for pension, because we're certainly not
24 using it as a marketing tool for employees: Hey, we
25 offer -- come work for us. You'll get double the

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1 pension than you will for any other city, but you got
2 to work 10 years.
3 The consequence, of course, this past year
4 it was fourteen -- we had to pay 14.7 percent of every
5 employee's salary to the pension plan. And we just
6 got the most recent actuarial evaluation and their new
7 recommendation for this year is that we pay 17.21
8 percent of everyone's salary to the pension plan
9 because we do offer such high benefits. GMA does also
10 have a defined contribution plan and deferred
11 compensation plan in addition to the pension plan, so
12 I wanted just feedback. Do we want GMA to come back
13 out also in addition to Ascension and BB&T, but with
14 the realization like you -- we don't need to be in the
15 top two percent of your plan. Come to us with a
16 realistic alternative that puts us in line with the
17 other 98 percent of the cities in the plan.
18 So I'm fine with them coming. I just kind
19 of wanted feedback from Council on that.
20 COUNCILMEMBER BATES: I think that's
21 appropriate.
22 MAYOR PITTMAN: Ms. Fleming?
23 COUNCILMEMBER FLEMING: Ms. Pachuta, I
24 definitely would like to see that GMA comes out and
25 I'd like them to be aware that -- I mean they need to

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1 be notified that we don't want to be in the top two
2 percent any more --
3 COUNCILMEMBER PACHUTA: Yeah.
4 COUNCILMEMBER FLEMING: -- you know, so --
5 COUNCILMEMBER PACHUTA: And I think --
6 COUNCILMEMBER FLEMING: -- for them to be
7 able to be prepared --
8 COUNCILMEMBER PACHUTA: Yeah.
9 COUNCILMEMBER FLEMING: -- to be able to
10 say, okay, this is what we can do for you, because I
11 don't think they were actually prepared that night.
12 They were here just to discuss our pension.
13 COUNCILMEMBER PACHUTA: Yeah.
14 COUNCILMEMBER FLEMING: So maybe that's why
15 we didn't get the feedback that we thought we were
16 going to get.
17 COUNCILMEMBER PACHUTA: Yeah. And we may
18 want to schedule them on a separate night from the
19 other two presentations just because we already have
20 the existing plan with them. I don't know.
21 But I think if we could have you and Ms.
22 Pritchard talk to them and say, look, you need to come
23 here with a concrete alternative that puts us in line
24 with the other 98 percent of the cities in Georgia.
25 MAYOR PITTMAN: Ms. Alexander?

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1 COUNCILMEMBER ALEXANDER: Some of the
2 thoughts that I had, I'm part of the pension plan,
3 also 401-K. My company stopped its pension plan in
4 2000.
5 And one of the things that I think is
6 beneficial to employees first as a pension plan is in
7 a pension plan, they have no voice in how the moneys
8 are invested. So basically we contribute the money
9 and this board of directors, who we never see, makes
10 the investment decisions.
11 I think it's important that we do offer an
12 alternative, because I would like our employees to
13 have a voice in how their moneys are invested, they
14 can review the prospectus if they want to.
15 They also would have the ability to have
16 hardship loans if something happens to them. It's
17 more -- it gives them more of an ownership of the
18 money that is invested on their behalf.
19 My company also offers -- they kick in three
20 percent. If you kick in three percent of your salary
21 as deferred compensation, they match another three
22 percent. It's on a graduated table.
23 But I just think it's -- it's more
24 beneficial to the employee to literally have a voice
25 in their own destiny.

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1 And so that's why I would like for us to
2 offer an alternative, and, you know, and see if we
3 want to freeze adding new employees to the pension
4 plan. We also have to have our questions answered as
5 far as doing so, how we fund the plan in the future,
6 so we've got a lot of questions to be answered.
7 COUNCILMEMBER PACHUTA: And tying on to
8 that, we only had one employee resign earlier in the
9 year, and her resignation letter she pointed out where
10 she was going they have a -- I'm going to get -- a
11 defined contribution plan where the new employer was
12 putting -- she was excited, "They're going to be
13 putting seven percent of my salary into this defined
14 contribution plan."
15 Well, we were putting 14.7 percent of her
16 salary into a pension, you know, but she'd have to be
17 here 10 years. So there's no sense of it being yours.
18 I don't know. I mean either we're going to stick with
19 this really high pension plan and be willing to use it
20 as a marketing tool, but I think it's becoming cost
21 prohibitive, I mean 17.21 percent of everyone's
22 salary, and you don't vest. Employee leaves, we don't
23 get that money back if they, you know, don't vest, so.
24 MAYOR PITTMAN: Okay. Mr. Bates?
25 COUNCILMEMBER BATES: Not to beat a dead

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1 horse, but we're spending a lot of money and it's
2 really not a true benefit to employees who are here
3 less than 10 years.
4 MAYOR PITTMAN: Right.
5 COUNCILMEMBER BATES: It's not portable and
6 they have no personal vesting in that, there is no
7 personal contribution. And I think there's value in
8 having employees have, as Ms. Alexander said, control
9 over their money.
10 So I really am in favor of making a change.
11 And again, you know, liability next year is going to
12 be approaching a million dollars on this, and that's
13 pretty significant.
14 MAYOR PITTMAN: Okay. Great. Well, what
15 we'll do is we'll move forward and we'll get in touch
16 with Ms. Pritchard to contact GMA and contact the
17 other two and then we'll schedule meetings as soon as
18 possible to get this, so everybody be looking at your
19 calendar.
20 Is that it?
21 COUNCILMEMBER PACHUTA: Uh-huh.
22 MAYOR PITTMAN: Okay. Thank you.
23 Okay. Next is going to be public comments.
24 Please limit your comments to three minutes and state
25 your name, please.

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1 MS. SUSAN CRAWFORD: Susan Crawford.
2 Welcome, Mr. Patrick.
3 And I just wanted to say -- and good work,
4 by the way, Karen. It will probably be very helpful.
5 About the gardens, this, I admit, went
6 totally over my head, but we in Oakcliff are the ones
7 who planted the seed for the DUG --
8 COUNCILMEMBER FLEMING: Susan, speak up a
9 little because I'm having a hard time hearing.
10 MS. CRAWFORD: Okay. In Oakcliff, we were
11 in on the inception of the planting of the seed for
12 the DUG group, and I remember coming before Council,
13 and you know, the thing at Windsor Oak and the right-
14 of-way and all of this on and on. And I just want to
15 make sure that we're going to be able to continue with
16 our garden. I don't understand. I mean I do
17 understand that when it becomes a 501(c)(3) and
18 there's grant money involved, things change somewhat.
19 But we do have -- and I'm not -- I mean I'm from Miami
20 I don't know home gardening. But there are a lot of
21 people in our area that were very excited about doing
22 it, so I want to make sure that they're not excluded.
23 Is that --?
24 MAYOR PITTMAN: Okay. Thank you, Ms.
25 Crawford.

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1 Additional public comments?
2 MS. HOLLY SINCLAIR: Good evening. I
3 thought I was coming with something really simple.
4 I'm scared to even say anything.
5 My name is Holly Sinclair, Oakcliff Estates.
6 My church -- some of the people in my church
7 and people from Georgia State University, nurses, were
8 doing a survey in Northwoods -- not selling anything,
9 not asking anyone to come to church; just a survey of
10 needs and desires and ways that the church could help
11 the community, and we were planning a health fair the
12 15th of April at the old Zayre flea market.
13 Someone evidently complained that we were
14 soliciting, and the police came and stopped the
15 survey. My friends were horrified, but regardless,
16 they quit, and the police told them that they had to
17 have a peddler's license which would cost $500.00 per
18 person.
19 So I came to City Hall this morning and I
20 got one opinion, and I talked to someone else and I
21 got another opinion, and I talked to someone else and
22 I got another opinion, and it seems to be it's okay to
23 do it.
24 I want a vote.
25 COUNCILMEMBER PACHUTA: I'm assuming, Lenny,

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1 do they fall under --
2 MAYOR PITTMAN: I actually -- Can I
3 interrupt? I already talked to Cecil about this, and
4 that is allowed. And I know I said I would get with
5 Major to make sure we got -- the clarification was
6 correct.
7 We normally don't do this in public
8 comments, but if you'd like to address that real
9 quick, because obviously there's going to be questions
10 about it.
11 MR. McLENDON: The document that I reviewed
12 looked like it was not a solicitation, any sort of a
13 seeking anyone to buy services, so it would be my
14 opinion that that would not fall under the need for a
15 peddler's license.
16 MS. SINCLAIR: So if the police come to get
17 us, I can tell them see you?
18 MR. McLENDON: They have my cell phone
19 number here. Have them to call me.
20 MS. SINCLAIR: Thank you all for your time
21 and your attention.
22 MAYOR PITTMAN: Thank you very much.
23 Additional public comments? Mr. Ambrose?
24 MR. JAMES AMBROSE: James Ambrose, Redwood
25 Street.

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First, I'd like to -- as a resident of District 1, I'd like to welcome Mr. Patrick.

COUNCILMEMBER PATRICK: Thank you.

- - -

(Applause)

- - -

MR. AMBROSE: Number two, the City Council ought to be ashamed of themselves because it took 15 months to replace somebody. And I know according to all the Charter and everything there's so much time you got to allow for everything, but y'all are elected citizens of the city, and that position was empty for 15 months.

I talked to three different people up there and I got three different answers. But yet y'all are elected officials, and for 15 months, y'all let that stay. And finally the citizens had to elect somebody, and it did cost some money to do it, and y'all keep talking about budget. Y'all need to get your P's in line and line them up and do it right.

MAYOR PITTMAN: Additional public comments?

MR. TOM HART: Welcome, Robert.

In looking at the Sign Ordinance, something else came across the desk, as it were. It's if we would follow our own Sign Ordinance in the city, I

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mean the best I could read it off your Web site, it says that the signs on Buford Highway, like you have a big stanchion sign. If you have a piece of property less than five acres, the size of the sign is limited to 150 square feet, but I've got a permit here for the Quick Trip for 162 square feet.

I'm just wondering when they do this do they read their own ordinance? I'm just curious.

It also says in that Sign Ordinance you're only allowed one sign on the wall of the building facing each street -- in other words, one facing Buford Highway and one facing Stewart Avenue.

There are five signs on the wall facing Buford Highway. Again, who is going out to the job site? And again, it's signed off by it looks like approved by Mr. Cooley and the buil- -- Tony. Okay.

It's called reading your own Sign Code and then going out and looking at what they did and then signing off on it. Okay? We have a lady in the audience who was given a warning thing for having flower decorations or whatever on her front door. Okay? I mean this is the kind of crazy stuff we've got going on in the city of Doraville.

What you said, Robert, is keep it simple, stupid, or the best designs are those that less is -- more is less. I'm glad you passed the Sign Ordinance -- the Sign Code that you're going to put into maybe the zoning; you're going to redo the whole Sign Code for the city.

If you look at Buford Highway, Buford Highway is a tragedy, and most of it is because of eye clutter. For example, again, in front of the Quick Trip we got two light poles sitting there, these old wooden poles, with these modern poles in front of them

What do those poles on the northern side of Buford Highway contribute? They only contribute to our electric bill. Let's get rid of the two sets of poles. You talk about it; let's do something about it. And the first thing you need to start is take those two poles out in front of that brand new building. Get rid of them. They have no -- they serve no purpose. The only wires there are to light the lights on the poles.

So the Building and the Planning Department needs to get its act together. Thank you.

MAYOR PITTMAN: Okay. Additional public comments?

- - -

(No response)

- - -

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MAYOR PITTMAN: Motion to adjourn?

COUNCILMEMBER ALEXANDER: So moved.

MAYOR PITTMAN: Second?

COUNCILMEMBER PACHUTA: 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 Dean?

COUNCILMEMBER DEAN: Yes.

CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BRYANT: Councilmember Patrick?

COUNCILMEMBER PATRICK: Yes.

- - -

(Meeting adjourned at approximately 8:30 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.

I further certify that the transcript is a true and correct record of the evidence given at the said proceedings.

I further certify that I am neither a relative or employee or attorney or counsel to any of the parties, nor financially or otherwise interested in this matter.

This the 28th day of March, 2012.

_____

Theresa Bretch, CCR
Permit No. B-755

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