In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

February 6, 2012

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52 Executive Park South

Suite 5201

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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 approximately 6:30 p.m. on Monday, February 6, 2012.

* * *

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APPEARANCES:

Doraville City Council:

Mayor Donna Pittman
Councilmember Maria Alexander
Councilmember Brian Bates
Councilmember Karen Pachuta
Councilmember Pam Fleming

Acting 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: Please rise for the Pledge.

- - -

(Pledge of Allegiance)

- - -

MAYOR PITTMAN: Thank you.

Call the roll, please.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Here.

CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Here.

CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Here.

CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Here.

MAYOR PITTMAN: Thank you.

I need approval for minutes from January 3rd, 2012.

COUNCILMEMBER PACHUTA: So moved.

MAYOR PITTMAN: Second?

COUNCILMEMBER ALEXANDER: Second.

MAYOR PITTMAN: Discussion?

- - -

(No response)

- - -

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MAYOR PITTMAN: Call the roll, please.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

MAYOR PITTMAN: Thank you.

I need a motion to approve minutes for January 17th, 2012.

COUNCILMEMBER PACHUTA: So moved.

MAYOR PITTMAN: Second?

COUNCILMEMBER ALEXANDER: Second.

MAYOR PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PITTMAN: Call the roll, please.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BRYANT: Councilmember Fleming?

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COUNCILMEMBER FLEMING: Yes.
CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
MAYOR PITTMAN: Thank you.
Public Comments on Agenda Items Only. Please limit your comments to three minutes. Public comments?
MR. STUART ANDERSON: Stuart Anderson.
Just a comment. I noticed the window tinting was on the agenda, and I'm just wondering how that would be resolved or I'll be interested in how that's resolved with the architectural standards that we discussed the other night or the Planning Commission discussed. I was there at that meeting and I'm just interested in how that would happen, how it would come together.
Thank you.
MAYOR PITTMAN: Thank you.
Any additional public comments?
- - -
(No response)
- - -
MAYOR PITTMAN: Thank you.
I just want to give an update on our finance director's position. We received six applications.

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Ms. Cape and I have discussed these applications. We've pretty much narrowed it down to two, and was hoping that the Council would give us an opportunity to talk to these and then bring it to you.
Ms. Fleming?
COUNCILMEMBER FLEMING: I don't have any objection to that. I think I've only been e-mailed one if I'm not mistaken.
MAYOR PITTMAN: You should have others, but I'll send them to you. That's okay. We'll get them.
COUNCILMEMBER PACHUTA: I don't think we got them.
MAYOR PITTMAN: That's okay.
And the next meeting is going to fall on the holiday President's Day. Wanted to make sure everyone was okay with us moving to the 21st instead of the 20th.
COUNCILMEMBER FLEMING: No problem.
MAYOR PITTMAN: Okay.
Next is going to be the Library, Ms. Henry.
MS. TAMMY HENRY: Thank you. Just three quick things.
Mayor and Council, I just want to give you an update. Dekalb County says it is okay to start March the 5th with the new hours of the Library, and I

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just want to pass on to you-all the new hours.
Starting March the 5th, we will be closed on Fridays and we only will have one late night due to some budget constraints, but hopefully the service will be the same.
Council, also I want to pass to you, it is Georgia Library Day 2012. Every year we have this. If one of you would like to go, just let me know. It's just we go and actually talk to our local state representative for this -- for Doraville area, and we just promote the library. Normally about two or three thousand librarians show up at the state capitol to talk about the library.
The next thing I want to say, I first wanted to present it to you, no one else have a copy, but this is our annual report, and the reason -- and I will give it to library patrons and the citizens of Doraville. But the reason I put this together is because Dekalb County Library receives federal and state money for Doraville to operate the library, so.
And these are what the state library asked for in order to get money for our library. They asked how many -- what's the population? And according to the census, the population is 8,333 [sic].
Total circulating items is 74,266. That's

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how many items we checked out from our Doraville Library.
The new library cards in one year was 1,030.
78,169 people visited the Doraville Library from January the 1st to December the 31st.
Fines and fees collected -- and these are nickels and dimes, so I just -- $13,865. These are for late items.
We have 25,872 items in our collection.
The total of operating hours was 2,729 hours.
We offered 197 programs, and the programs means senior programs, story time, teens' programs, adult programs, and 3,637 people attended.
We have four full-time people, and 226 hours is what people volunteered at the Doraville.
So these are the statistics that was presented to the state for Dekalb County to fund.
So I just want us -- And I'm going to start doing this every year that I'm here so that you can see the statistics that's reported to the state for funding. This is just for funding purposes only. Okay.
So I just wanted to present it because -- and I wanted you to have it first before the public

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had it so that if you have any questions you can ask me. But it is -- we absolutely have to provide numbers for funding to exist in the Dekalb County Library System.

And that was it.

COUNCILMEMBER BATES: Thank you.

MAYOR PITTMAN: Thank you.

COUNCILMEMBER FLEMING: Thank you very much.

MAYOR PITTMAN: We appreciate your hard work, Tammy. Thank you.

COUNCILMEMBER ALEXANDER: I think we need to make a motion because it was in our previous motions that her reduced hours would start May 1. So I think we need to make a motion to allow her to start them on March 5th since she's got permission from the Dekalb Library System.

MR. McLENDON: And I don't recall the specific item in the past, but if you have set it for May 1st as the start date on that, I think it would be appropriate as an agenda item --

COUNCILMEMBER ALEXANDER: Okay. It was just in the minutes --

MR. McLENDON: -- to potentially amend that.

COUNCILMEMBER ALEXANDER: -- that we just passed. That's why I --

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I make a motion that we allow the Library to institute their new reduced hours beginning March 5th of 2012 --

COUNCILMEMBER PACHUTA: Second.

COUNCILMEMBER ALEXANDER: -- Ms. Henry.

MS. HENRY: Thank you.

MAYOR PITTMAN: Discussion?

COUNCILMEMBER ALEXANDER: Uh-huh.

- - -

(No response)

- - -

MAYOR PITTMAN: Call the roll, please.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

MAYOR PITTMAN: Okay. Thank you.

Thank you, Ms. Henry. I appreciate it.

MS. HENRY: Thank you.

COUNCILMEMBER FLEMING: Thank you.

MAYOR PITTMAN: There's no public hearings.

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Next is old business, the First Reading of Ordinance to Delete the Fee Schedule from the Code, Mr. Cooley. This is carried over from the January 3rd meeting.

COUNCILMEMBER ALEXANDER: Do we need to just remark that we're removing the garden item?

MAYOR PITTMAN: Oh, I apologize. Yes. I have on mine that we're deferring.

The Community Garden Policy Discussion, there was a request to defer this. I don't think they're quite ready.

So if we can move this to the next agenda, please.

Thank you, Ms. Alexander.

COUNCILMEMBER ALEXANDER: Uh-huh.

MR. JOE COOLEY: The Council had requested that a 30-day period be extended to allow the new councilperson to review the proposed fee schedule.

I've kind of inherited this; I'm not up to all the aspects of the different departments and what any questions were going to be.

But based upon discussion, I understand that y'all would like a little more information about real specifics of what the fees cost. So didn't realize that Tony hadn't provided what and I haven't provided

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what you needed. So what would really be helpful -- I have no objection whatsoever of tabling this to the next meeting.

But what would be very helpful is if y'all could in the next day or two provide us -- if there's specific things that you would like to see, we can run the numbers for you, and that way, you'll have the specifics of anything you want. I think it would be easier that way. And we can get them back to you before the meeting and you-all can take a look at them and go to from discussion from there. Think it might work easier.

COUNCILMEMBER PACHUTA: Yeah. Because I think it's good to like if we take everyday examples that we hear about all the time, particularly from residents, and then kind of have that comparison of this is what it costs you now, this is what it will cost you --

MR. COOLEY: Right.

COUNCILMEMBER PACHUTA: -- under the new schedule, so.

MR. COOLEY: Yeah. Not a problem.

COUNCILMEMBER FLEMING: Since we are discussing it, may I just bring up one item if you don't mind?

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I want to go back to the panel-replacement-only issue of being $250.00. I think that's too expensive when you deal with --

MR. COOLEY: I don't . . . Electrical?

COUNCILMEMBER BATES: On signs.

MR. COOLEY: I'm sorry. Oh. Signs.

COUNCILMEMBER FLEMING: It's under signs.

MR. COOLEY: I'm sorry. I didn't follow you.

COUNCILMEMBER FLEMING: And panel replacement generally, to me, when I see a monument ground sign, those are the ones that normally have the inserts in them to indicate what's in a shopping center, and, to me, that's what a panel is.

So if that's not what this is, I just felt $250.00 for a piece of wooden slat or, you know, a plexiglas slat with the name on it, to me, was too expensive when it's the same price as the entire monument mount sign.

MR. COOLEY: Yeah. Panel replacement in the city has been -- the way it's been handled is that involves even the large stanchion signs is the replacement of the face, not just the -- you know, the smaller ones but, you know, basically it's the replacement of the face. And what that involves

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sometimes is checking the size of it to make sure that it's still consistent with the current code.

But just for clarification, that's usually what's more involved with that, but we can probably break it out.

COUNCILMEMBER FLEMING: Well, I would prefer, then, if that's the case, that you put a size there or some type of definitive dimension or indicate that it's not a three-inch-by-12-inch that we're talking about here is what I'm trying to get at.

MR. COOLEY: Right.

COUNCILMEMBER FLEMING: Okay. That's the only question I have at this point.

MAYOR PITTMAN: Okay. Thank you.

Anyone else?

- - -

(No response)

- - -

MAYOR PITTMAN: Thank you. And the next one, the Resolution to Adopt New Fee Schedule?

MR. COOLEY: I would assume that would --

MAYOR PITTMAN: That's the same? Tie-in? Okay.

MR. COOLEY: -- just tie in and then y'all would just postpone both of these till --

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MAYOR PITTMAN: Next agenda.

MR. COOLEY: -- the next meeting.

COUNCILMEMBER ALEXANDER: And I assume the order will be reversed on --

MAYOR PITTMAN: Yes.

COUNCILMEMBER ALEXANDER: -- the next agenda?

Next is the Commercial Window Tinting, Councilman Bates.

COUNCILMEMBER BATES: Well, we've received a draft ordinance from our city attorney regarding the commercial window tinting. The draft ordinance limits it to those businesses that are regulated, and I know that in the architectural design standards there's discussion regarding window coverage in that draft document as well.

There was a concern that I had, and I shared that with Mr. Cooley, regarding a possible conflict in the design -- architectural design standards regarding the window coverage, and he's working on that.

I don't know what the timeline is on that coming to Council, and this is something that we should have addressed five years ago. So the longer we wait, the more likelihood there is that we'll get some additional ones, so I'd like the Council to

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consider adopting that tonight.

COUNCILMEMBER PACHUTA: Now, does this apply to all current businesses, like they need to change out their windows, or it's just moving forward if they apply for a regulatory license?

MR. McLENDON: With businesses that are regulated such as the pawn shops and the massage and soft tissue, I believe this can be enforced as part of the next -- as part of the regulations. So these people don't have legal-noncon-forming status on this. This is part of the regulations of that business, and they need to comply with that going forward.

COUNCILMEMBER PACHUTA: Would they need to comply with it now or when they apply for their next renewal license?

MR. McLENDON: Once the ordinance is in place, they would need to comply with the ordinance. We may need to do some education as we go forward with it, letting everybody know about it before we would go out and immediately begin citing folks.

But I believe the regulation, once it becomes effective, would be binding on those businesses.

COUNCILMEMBER ALEXANDER: I guess that was some of my questions. Is there a timetable for them

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to get into a hundred percent compliance?
MR. McLENDON: We don't have one in the ordinance.
You know, I think that's something that can be part of the letting them know and bringing them into compliance is go out and, "New ordinance. You need to come into compliance with this."
You could put a phase-in on it if you would like. You could have it effective on the next renewal. You could do a 90-day phase-in for it.
But I think you could also put it like this and go out and let them know, you know, "There's a new ordinance. You need to bring yourself into compliance." And really the way you would work through that in a typical scenario is they'd come back and say, "Okay. We'll come into compliance."
"These are the steps and this is the timeline." And if they meet that timeline, then everything's good.
COUNCILMEMBER BATES: My only question regarding this was would a door be considered a window and could we modify the language to require the door to be completely transparent?
MR. McLENDON: The door should be included in this. Let me take a look at it real quick.

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ATTORNEY FELGIN: It's not.
MR. McLENDON: Yeah. We would need the doors. We would need to add that in and put that in there.
Would you like us to put a phase-in and add the doors and come back? We can.
COUNCILMEMBER BATES: I'm okay with a phased-in compliance but adding in the door needs to be transparent.
COUNCILMEMBER ALEXANDER: I guess the only thing I was thinking about is if an establishment is, say, in one of the office parks, they will probably have a wooden door.
MR. McLENDON: And we can --
COUNCILMEMBER BATES: Well, we could modify it to read a glass door needs to be transparent.
MR. McLENDON: Yeah, we can change that.
And do you want to bring it back or --? I mean what we can do is add in all windows; as Mr. Felgin's suggesting, put in "All windows and/or glass doors on the facade shall be."
COUNCILMEMBER PACHUTA: And I don't know what's -- I don't know if Mr. Cooley knows from a building . . . I'm not familiar how easy that is to switch out or as far as a time frame for compliance.

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If Brian has a suggestion --
COUNCILMEMBER BATES: To untint a window? I don't know.
MR. COOLEY: I don't think it's a time issue as far as the door goes, you know, if it is an existing wood door. But you're talking about glass, which sounds like a pretty good solution to it: it's glass doors and windows. That wouldn't make them change the door out. But that basically is a film that's applied.
COUNCILMEMBER BATES: Well, they should be able just to peel it off.
COUNCILMEMBER PACHUTA: Uh-huh.
MR. COOLEY: Yeah. I don't know the difficulty of that, but basically that's how it comes off is my understanding.
COUNCILMEMBER BATES: I'm okay with a 90-day phase-in.
MR. McLENDON: All right. We will revise that and put it on the next agenda for -- second reading?
MAYOR PITTMAN: Okay.
COUNCILMEMBER BATES: Yes.
MAYOR PITTMAN: Okay. Thank you.
Next on the agenda is the Second Reading of

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the Budget Amendment. I believe we had one small modification that was brought to the attention. It's under Capital Projects Fund. Instead of, at the very top, one eighty, it should read one fifty.
MR. McLENDON: And this is an item that Ms. Cape had previously presented, and of course she is the person who knows these numbers much better than I.
I can say that the ordinance here, based upon our ability to get all these accounts appropriately laid out, in my conversation with Ms. Cape. the intent of this is basically just to memorialize where we were as to the passage of the budget.
So this should not change anything moving forward; it cleans everything up, in my understanding.
MAYOR PITTMAN: Thank you.
Questions from the Council?
COUNCILMEMBER FLEMING: So you are indeed changing, correcting.
MR. McLENDON: We have seen the scrivener's error on the one eighty versus the one fifty so --
COUNCILMEMBER FLEMING: Okay.
MR. McLENDON: -- we can -- What I'd say is in the motion just we might want to move to approve that with the revision of the one eighty to the one fifty.

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MAYOR PITTMAN: Any questions?
- - -
(No response)
- - -
MAYOR PITTMAN: Okay. Do I get a motion?
COUNCILMEMBER ALEXANDER: Motion to approve the amended budget with the correction under Capital Projects Fund to remove $180,000, to replace it by $150,000.
MAYOR PITTMAN: Do I get a second?
COUNCILMEMBER BATES: Second.
MAYOR PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PITTMAN: Call the roll, please.
CLERK BRYANT: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
MAYOR PITTMAN: Thank you.

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Next on the agenda is the Ordinance to Create Advisory Committees.
MR. McLENDON: And based on our conversations at the last meeting, we have prepared an ordinance which would go in the administrative section of our code and really have just used the format that has been used in a couple other cities. There's a lot of policy in here, so I would anticipate y'all wanting to make some changes.
But this sets out a structure, at which point if the Mayor and Council choose to create an advisory committee on any issue, it sets out how you do the nominations, the term. And the reality is the nuts and bolts of how the committee will work would be contained in the resolution you adopted to create a committee and staff it.
So this is sort of some suggested language that's been used successfully in other places, but, you know, we could do whatever y'all wanted to do with this.
MAYOR PITTMAN: Okay. Questions from the Council?
COUNCILMEMBER FLEMING: (Inaudible)
MAYOR PITTMAN: Ms. Alexander?
COUNCILMEMBER FLEMING: I'm very sorry.

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MAYOR PITTMAN: I'm sorry.
COUNCILMEMBER FLEMING: Go ahead.
MAYOR PITTMAN: You can go ahead.
COUNCILMEMBER FLEMING: I was going to -- since this was Mr. Bates' item, I was just curious, on page 3, Section (a) in regards to the term length. These would be citizen volunteers, and I'm not sure whether they would want to go for four years. And so I thought maybe a two-year term and then they can be reappointed for consecutive terms as it states.
COUNCILMEMBER BATES: If I read this correctly, it doesn't put a limit except for a long-term advisory committee. So if we needed a three-month group to form, it would just be three months or less than a year. So if I'm reading this correctly, the four-year term is only if it were a long-term.
MR. McLENDON: Uh-huh.
COUNCILMEMBER BATES: But I agree with Councilwoman Fleming that I think four is probably -- that's a Council sentence.
MR. McLENDON: Yeah. And again, I think limiting this is fine.
The way this would work is on a long-term advisory committee, when you set it up, you could set the terms for anything you wanted. So if you said,

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"This will be a standing committee. We want to stagger terms, and everybody has a one-year term," this puts a cap on it.
And I think it's perfectly fine to put the cap at two years instead of four. You know, we can definitely make that change. But it doesn't create an ultimate they-all-will-be-two-years because you could do a long-term committee with one-year terms.
So we'll put not more than two on page three Subsection (a).
MAYOR PITTMAN: Ms. Alexander?
COUNCILMEMBER ALEXANDER: I guess I just have concerns after the issues we had last week with the Planning Commission. and also that I would feel that these meetings would need to be recorded --
MR. McLENDON: Uh-huh. These --
COUNCILMEMBER ALEXANDER: -- and things of that issue, so we would have somewhat of a small budget impact.
MR. McLENDON: Yes. The bottom line is when you have a committee that is created by the Mayor and Council, you are delegating your legislative authority to that committee, so basically those are open meetings.
And I think especially if you delegated to

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an advisory committee where people who were not necessarily familiar with, you know, the local government, you would probably have some impact to the clerk time, etc., or you would need to staff the committee at a minimal basis to ensure that the minutes are kept, you know, you're properly documented.

COUNCILMEMBER BATES: And these meetings would need to be advertised and posted?

MR. McLENDON: Open records. Or Open Meetings Act. You'd have to comply with Open Meetings, yes.

MAYOR PITTMAN: Mr. Bates?

COUNCILMEMBER BATES: Well, this is a draft, so, you know, we'll see this again during the next meeting. So I appreciate the concerns that are out there regarding this.

MAYOR PITTMAN: Okay. Ms. Pachuta?

COUNCILMEMBER PACHUTA: I'm fine with that.

MAYOR PITTMAN: Okay. So we're going to -- would you like to move this to the next agenda?

COUNCILMEMBER BATES: Yes, please.

MAYOR PITTMAN: Okay. And if you have any comments or suggestions, if you could just please e-mail us before the next meeting. Thank you.

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The next item is going to be Stormwater, Discussion Only, Councilmember Pachuta.

COUNCILMEMBER PACHUTA: This we had discussed briefly, I believe it was at the last meeting, about possibly taking our street sweeper, and rather than paying the salaries and funds out of the general budget, that it could be under the Stormwater Fund, which is a restricted fund, and we needed to get an idea of exactly how much time the street sweeper spent on those duties.

Sabrina, I briefly was e-mailing her back and forth, and she, I guess based on her discussions and your discussions with Mr. Pittman, suggested 50 percent.

I know that we have concerns because, in the past, that department has not been keeping track of, you know, this much time has been spent doing this, this much time has been spent doing this.

She stated we could go ahead -- we could go ahead and allocate the 50 percent to Stormwater, and at the end of the year, when the year was being closed out and we were getting prepared for the audit, depending on the records, then it would be trued up: "Well, actually, only 40 percent of the time was spent on Stormwater." So then that adjustment would be made

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to the budget. And if for some reason our records weren't sufficient, then it would need to go all the way back to the department's budget.

MAYOR PITTMAN: In actuality, we are documenting now the percentage of time.

My understanding from Mr. Strickland, that that has been reported to him all along. so we will check into that. I do have the most recent one that they were asked, and we are working on a form to provide to Public Works that's a little bit more formal so they can provide that to us as well.

COUNCILMEMBER PACHUTA: Right. But her suggestion was we don't necessarily need to figure out exactly right now. We can estimate based on what we know, and then at the end of the year, based on the records, come up with a precise amount and adjust accordingly.

So that is something I wanted to at least bring back up because that can help, you know, alleviate our general budget because we do have those funds sitting in Stormwater.

COUNCILMEMBER BATES: I would be much more comfortable with that if we had a couple of weeks of actual tracking to base that percentage on. If we do it at 50 percent and it turns out to be, you know,

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only 30 percent, then we'll have 20 percent deviation. So I'm okay with it generally but I'd like to see a couple of weeks of --

COUNCILMEMBER PACHUTA: Yeah.

COUNCILMEMBER BATES: -- looking at numbers.

COUNCILMEMBER PACHUTA: Okay. If we can get that before the next meeting so we can see exactly what they're doing?

MAYOR PITTMAN: Okay. Ms. Alexander?

COUNCILMEMBER ALEXANDER: I agree with Councilman Bates.

MAYOR PITTMAN: Okay. Ms. Fleming?

COUNCILMEMBER FLEMING: That's fine.

MAYOR PITTMAN: Okay. Great. And we'll just put this on the next agenda, please.

COUNCILMEMBER BATES: And on the previous agenda item --

MAYOR PITTMAN: Yes, I'm so sorry. I had "defer" on mine. And I believe that is your item and you've asked to defer this to the next agenda, I believe?

COUNCILMEMBER BATES: No. The Capital Improvements Priority List is coming off until further notice, so you can remove that from the agenda.

MAYOR PITTMAN: Okay. Thank you.

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1 Okay. Next item is Solicit Health Insurance
2 Quotes, Ms. Pachuta.
3 COUNCILMEMBER PACHUTA: This is something we
4 discussed on January 3rd, and we had talked about
5 getting quotes from our current health insurance
6 broker and then our current broker that we have been
7 using for the products and general liability.
8 But since then, Mr. Bates and myself have
9 spoken to Cherie Pritchard, who is one of the H.R.
10 consultants. And in talking to her, she believes that
11 there is enough time for us to go out for a full RFP
12 to select brokerage services and she thinks that
13 really, right now looking at what we do have, to open
14 that up, we could make several changes, like
15 increasing the different benefit tiers, things like
16 that.
17 And I have provided Council with -- I mean
18 we can do it and go out for a full RFP to select a
19 broker who would then go out and get the quotes. And
20 she did indicate that selecting one broker to get the
21 quotes versus having multiple brokers to get quotes
22 for us will result in better prices, because when
23 insurance companies see multiple brokers coming in and
24 asking for quotes for the same employer, it can
25 actually end up raising the prices.

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1 We would need to issue I don't know if it's
2 RFQ or RFP probably by next week. And I did provide
3 Council with a sample from Suwanee that was just from
4 a few months ago.
5 Based on those responses, we would need to
6 narrow it down, get an in-person presentation perhaps
7 in a meeting in early May -- I mean early March, and
8 select the broker probably the second or third week of
9 March so that they would then have time the next
10 couple weeks, getting information from employees,
11 about employees, about our current plan and claims, to
12 then go out and get the insurance quotes in mid-April
13 to give to us in May so that we can make a decision in
14 May and then notify employees and have them enroll or
15 make changes to their plans in June for a July 1st
16 start.
17 So I mean it is a tight schedule, but Ms.
18 Pritchard did feel it was do-able. And I think that,
19 you know, it's not as expensive as our pension, but
20 like right now, particularly, we just have employee
21 coverage or family coverage and no tiered. And I
22 think if we, you know, at least talk to the brokers
23 and say, "Okay. What can you for us?" you know,
24 "Here's our current plan. How do you think we can
25 improve on it?" and see what they come up with.

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1 So feedback?
2 MAYOR PITTMAN: Okay. Ms. Alexander?
3 COUNCILMEMBER ALEXANDER: Do we have this in
4 a Word document so we can enter --
5 COUNCILMEMBER PACHUTA: I think I have it in
6 PDF.
7 MAYOR PITTMAN: We can get it in a Word
8 document.
9 COUNCILMEMBER ALEXANDER: Yeah. I think
10 this is something important. I mean we've talked
11 about it before on Council, and I think it's important
12 that, with furlough days and freezes and things and
13 raising their contribution to 20 percent on the health
14 insurance benefits, we need to do what we can to at
15 least improve the benefits we offer our employees if
16 not, you know, reduce their out-of-pocket from 20
17 percent of their premium. So I definitely think this
18 is the right time, probably overdue.
19 I'd like to go ahead and do the RFP for
20 the -- or RFQ, whichever one it is, for the benefit
21 broker services.
22 MAYOR PITTMAN: Mr. Bates?
23 COUNCILMEMBER BATES: I concur. And the
24 biggest piece is the tiered program. You know, a
25 single employee will pay 20 percent of their premium,

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1 a family of five employees -- or five dependents will
2 pay 20 percent of that, but an employee with one
3 dependent, whether it be a spouse or child, is paying
4 the same family rate as that with five or six depen-
5 dents, and that's just -- that's just astronomical.
6 So I agree. I think we need to look at this --
7 MAYOR PITTMAN: Thank you.
8 COUNCILMEMBER BATES: -- move forward with
9 it.
10 MAYOR PITTMAN: Thank you.
11 Ms. Fleming?
12 COUNCILMEMBER FLEMING: I concur.
13 MAYOR PITTMAN: Okay. Great. Make a
14 motion?
15 COUNCILMEMBER PACHUTA: Is this, from a
16 technical standpoint, an RFP or an RFQ?
17 MR. McLENDON: I would think it would be an
18 RFQ --
19 COUNCILMEMBER PACHUTA: Okay.
20 MR. McLENDON: -- and that would be how
21 you'd sort through it.
22 COUNCILMEMBER PACHUTA: Okay.
23 COUNCILMEMBER BATES: Yeah, because we don't
24 want them to come back to us with numbers, because
25 that's what the winning broker would do.

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MR. McLENDON: What we would want -- in this type of a procurement, what I would generally be looking at, I think, would be two factors. One would be --. And I haven't looked at the one from Suwanee, which I'm sure is really good. But I would be looking at a request for them to talk about their approach and how they're going to go about, you know, evaluating the issue, and be able to assess the different approaches for a city and staff of this size, and then look as well at their past performance -- you know, who have you worked for? look at their successes, do some back-checking with references. That would be the primary factors.

COUNCILMEMBER PACHUTA: I didn't really see any changes necessarily to the Suwanee. I mean it's a pretty good example, so.

But I do think we need to probably get it out next week and give about a three-week response. In speaking with Ms. Pritchard, she felt even just putting it on our Web site and putting it with the GMA bulletin board or whatever it's called, that we should get a good number of responses.

MAYOR PITTMAN: Okay. Do you want to make that into a motion?

COUNCILMEMBER PACHUTA: I make a motion that

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Cecil look at the RFP --

COUNCILMEMBER BATES: Q.

COUNCILMEMBER PACHUTA: -- Q and if staff can make the necessary changes to update it for Doraville to issue next week.

MAYOR PITTMAN: Okay. Do I get --

COUNCILMEMBER BATES: Second.

MAYOR PITTMAN: Okay. Discussion?

- - -

(No response)

- - -

MAYOR PITTMAN: Call the roll, please.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

MAYOR PITTMAN: Thank you.

Next is New Business. Last time, we talked about Unpaid Lunch Policy. We had a called staff meeting. I believe everyone is ready to put that in place. Each department is unique, but they have all

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worked diligently to apply that to their individual departments.

In our handbook, though, it states that we will be paying staff for a 30-minute lunch break, and we need to adopt an ordinance that corrects that.

MR. McLENDON: This is language that has been proposed to become part of the handbook that would basically just state the parameters on which lunch would be taken, requiring that an unpaid lunch be taken, at least 30 minutes for shifts where they've worked over 60 percent of the day.

There is an exception provision because there are some rules and regulations about public safety officers who are on call, that we have to comply with, and this ordinance will let us have the flexibility necessary to comply with that.

COUNCILMEMBER PACHUTA: Since we've already discussed it and already voted on it, I would like to waive first reading.

MAYOR PITTMAN: Okay.

COUNCILMEMBER PACHUTA: Make a motion to waive first reading.

MAYOR PITTMAN: Second?

COUNCILMEMBER BATES: Second.

MAYOR PITTMAN: Discussion?

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- - -

(No response)

- - -

MAYOR PITTMAN: Call the roll, please.

CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BRYANT: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BRYANT: Councilmember Fleming?

COUNCILMEMBER FLEMING: No.

CLERK BRYANT: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

MAYOR PITTMAN: Thank you. Motion carries.

COUNCILMEMBER BATES: No. It fails.

COUNCILMEMBER ALEXANDER: It's supposed to be unanimous.

MAYOR PITTMAN: Oh, it's unanimous. Okay.

COUNCILMEMBER FLEMING: And the main reason why I did that is that we need to have an effective date, I believe --

COUNCILMEMBER PACHUTA: I thought we'd already --

COUNCILMEMBER FLEMING: (Inaudible)

COUNCILMEMBER PACHUTA: -- technically thought we were making it effective. We didn't

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1 realize it was part of an ordinance.
2 COUNCILMEMBER ALEXANDER: We made it
3 effective immediately when we passed the ordinance.
4 MR. McLENDON: It's effective upon adoption.
5 COUNCILMEMBER PACHUTA: Well, I mean I think
6 we thought last two weeks ago we were making it
7 effective immediately but we didn't realize that it
8 was in the ordinance.
9 COUNCILMEMBER FLEMING: She can come back
10 with a motion to reconsider.
11 MAYOR PITTMAN: Do you have a motion to
12 reconsider?
13 COUNCILMEMBER PACHUTA: Motion to recon-
14 sider.
15 COUNCILMEMBER ALEXANDER: I'm just checking
16 the minutes.
17 (Reading) "A motion was made by
18 Councilmember Pachuta to move forward with elimination
19 of salary payments to employees for unpaid lunch time.
20 The motion was seconded by Councilmember Bates and was
21 passed by unanimous vote."
22 So I assume that it was effective on January
23 17; however, I think --
24 MR. McLENDON: Well --
25 COUNCILMEMBER ALEXANDER: -- we did not --

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1 MR. McLENDON: -- I would say --
2 COUNCILMEMBER ALEXANDER: -- initiate it
3 because of this.
4 MR. McLENDON: Yeah. I would say if the
5 motion was to move forward, basically that is putting
6 the administrative pieces in place necessary to make
7 the program -- to start the program, which really this
8 is a critical piece of it.
9 COUNCILMEMBER BATES: I'll second the motion
10 to reconsider.
11 MAYOR PITTMAN: Okay. Discussion?
12 - - -
13 (No response)
14 - - -
15 CLERK BRYANT: Councilmember Alexander?
16 COUNCILMEMBER ALEXANDER: Yes.
17 CLERK BRYANT: Councilmember Bates?
18 COUNCILMEMBER BATES: Yes.
19 CLERK BRYANT: Councilmember Fleming?
20 COUNCILMEMBER FLEMING: Yes.
21 CLERK BRYANT: Councilmember Pachuta?
22 COUNCILMEMBER PACHUTA: Yes.
23 MAYOR PITTMAN: Thank you. Motion carries.
24 COUNCILMEMBER PACHUTA: Now have to redo a
25 motion to waive first reading.

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1 COUNCILMEMBER BATES: Second.
2 MAYOR PITTMAN: Discussion?
3 - - -
4 (No response)
5 - - -
6 MAYOR PITTMAN: Call the roll, please.
7 CLERK BRYANT: Councilmember Alexander?
8 COUNCILMEMBER ALEXANDER: Yes.
9 CLERK BRYANT: Councilmember Bates?
10 COUNCILMEMBER BATES: Yes.
11 CLERK BRYANT: Councilmember Fleming?
12 COUNCILMEMBER FLEMING: Yes.
13 CLERK BRYANT: Councilmember Pachuta?
14 COUNCILMEMBER PACHUTA: Yes.
15 COUNCILMEMBER PACHUTA: I make a motion to
16 adopt the personnel policy eliminating paid lunch
17 breaks.
18 COUNCILMEMBER BATES: Second.
19 MAYOR PITTMAN: Discussion?
20 - - -
21 (No response)
22 - - -
23 MAYOR PITTMAN: Call the roll, please.
24 CLERK BRYANT: Councilmember Alexander?
25 COUNCILMEMBER ALEXANDER: Yes.

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1 CLERK BRYANT: Councilmember Bates?
2 COUNCILMEMBER BATES: Yes.
3 CLERK BRYANT: Councilmember Fleming?
4 COUNCILMEMBER FLEMING: Yes.
5 CLERK BRYANT: Councilmember Pachuta?
6 COUNCILMEMBER PACHUTA: Yes. Thank you.
7 MAYOR PITTMAN: Okay. Thank you.
8 Next on the agenda is Police Department
9 Personnel. Major?
10 MAJOR ATKINSON: Mayor and Council, we come
11 before tonight to ask you if we could lift the hiring
12 freeze due to vacancies we have at the Police
13 Department.
14 A little background: Currently we are five
15 patrolmen short and we just had a dispatcher resign
16 effective yesterday, so effectively right now we're
17 six positions short. And we are asking if we could be
18 able to lift the hiring freeze to hire two of those
19 patrol officer positions and two dispatcher positions
20 to allow us some flexibility.
21 Right now, we have two clerks, two
22 sergeants, myself and Captain Brinkley filling in
23 in the 911 center because we're short. We have one
24 shift that has one person. If someone takes off or
25 they call in sick, we have to pull personnel to cover

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that position. We don't have any flexibility.
So we are asking for two officer positions for the road and two 911 dispatcher positions.
MAYOR PITTMAN: And Mayor, my understanding is the two officer positions on the road, that's already in the budget because those are officers that have left?
MAJOR ATKINSON: Yes. All of these positions are already in the budget. The one dispatcher position would have to be put into that budget. But all of these positions are already in the budget. They were approved.
MAYOR PITTMAN: Thank you.
MAJOR ATKINSON: We're not adding any positions.
MAYOR PITTMAN: Right.
MAJOR ATKINSON: We're just filling and shifting some personnel around.
MAYOR PITTMAN: Okay.
Questions?
COUNCILMEMBER ALEXANDER: I guess the replacement of the one dispatcher isn't in the budget, but the additional dispatcher, that would require a budget amendment.
And then also I want to make sure that the

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Police Department coordinate with Legal and the H.R. regarding the legality of reduction in force and rehiring for a position that was eliminated, to make sure that that is complied with because are some legalities and regulations regarding that.
MR. McLENDON: We'll look at that issue.
COUNCILMEMBER ALEXANDER: All right. I'm comfortable with replacing the two patrol officers because I know we have several shifts that are running short, and replacing the dispatcher that has turned in his notice.
I would like to -- as far as the second dispatcher, I believe we're supposed to have a budget review perhaps next month?
MAYOR PITTMAN: The next meeting.
COUNCILMEMBER ALEXANDER: I'd probably be more comfortable looking at any additional personnel requirements probably in April. We would have a three-quarter-of-the-year -- you know, our cash flow analysis would be three quarters of a year. I think I'd be a little bit more comfortable then reviewing the second dispatcher.
MAYOR PITTMAN: Okay.
Mr. Bates?
COUNCILMEMBER BATES: I'm comfortable with

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the proposal. I would like to get the legal opinion regarding Ms. Alexander's question. So I would be comfortable with two and one tonight pending the review.
MAYOR PITTMAN: And I believe the Chief has had those discussions already, but --
COUNCILMEMBER ALEXANDER: Correct. I believe so.
MAYOR PITTMAN: Yes.
Ms. Pachuta?
COUNCILMEMBER PACHUTA: I'm fine with the two and one.
MAYOR PITTMAN: Ms. Fleming?
COUNCILMEMBER FLEMING: Though the Police Department may be down these positions, we did have a deficit budget overall, and I would prefer seeing our six-month or seven-month review to determine where we are and possibly how much more we would have to take out of our reserves before I make a decision on lifting the hiring freeze.
MAYOR PITTMAN: Okay. Thank you.
Council, do I get a motion?
COUNCILMEMBER BATES: Make a motion to lift the hiring freeze to replace two patrol officers and one dispatcher.

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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 Fleming?
COUNCILMEMBER FLEMING: No.
CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
MAYOR PITTMAN: Thank you. Motion passes.
Thank you, Major.
MAJOR ATKINSON: Thank you.
MAYOR PITTMAN: Next on the agenda is going to be Citizen Agenda Item.
COUNCILMEMBER BATES: Annexation?
MAYOR PITTMAN: Oh, I am so sorry.
Annexation Discussion. Mr. Bates, would you like to take the lead on this?
COUNCILMEMBER BATES: Thank you, Mayor.

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1 Over the last couple years, we've had a
2 number of discussions regarding annexation specific to
3 the unincorporated islands that exist between the city
4 of Doraville and the city of Dunwoody.
5 When it was created, it created two unincor-
6 porated areas, one along Tilly Mill that encompasses
7 the majority or all of Friday's Plaza, two residential
8 districts, Ridgeway and Van Fleet, a portion of
9 Woodwin and Beacon Road. The larger of the island is
10 between the city limits, Gwinnett County and the city
11 of Dunwoody, and that extends predominantly from the
12 Winters Chapel Road northward to the Gwinnett County
13 line and then westward to the city of Dunwoody line on
14 the other wide of Peachtree Industrial Boulevard.
15 There's a couple of challenges with the
16 islands. One is it doesn't create for good entrances,
17 and we can't control those properties, how they look,
18 the zoning, the businesses that go in there. And for
19 those who follow the Friday's Plaza, we've had a
20 number of night clubs that have attempted to go in
21 there, and Ms. Fleming and others have worked to
22 address that.
23 From a public-safety standpoint, we've got
24 two major stretches of Peachtree Industrial Boulevard
25 that are in unincorporated Dekalb County and it makes

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1 the jurisdictional lines very challenging with
2 accidents, with enforcement, and not to mention the
3 criminal activity that happens outside of our juris-
4 diction that then funnels into the city.
5 And specifically along that, the Winters
6 Chapel area, there's many apartment complexes, and
7 specifically, Aspen Woods has a significant apparent
8 gang problem with the graffiti that's out there.
9 We've talked previously about moving forward
10 with an annexation. Representative Parent has
11 indicated that she's willing to put forward
12 legislative annexation if we request that.
13 Over the last several weeks, we've done a
14 fair amount of research regarding the properties.
15 There's going to be obviously some expenses associated
16 with that. There's also going to be some revenue
17 that's associated with that.
18 From the expense side, we will incur
19 additional fees from Georgia Power for the street
20 lights that would then fall under the City's juris-
21 diction. Under other municipalities, there's a
22 separate line-item tax bill for the street lights;
23 Doraville gets that taken care of through a bill from
24 Georgia Power, so it's a little bit different.
25 There would be obviously some expenses with

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1 the servicing from a police standpoint, but Chief and
2 Major Atkinson have indicated that with an increase
3 tonight in servicing levels, that they would foresee
4 no need for additional employees to service those
5 areas.
6 From the revenue side, there would be an
7 increase in revenue from E911 fees, from occupation
8 tax fees, from regulatory fees for alcohol licenses,
9 any of the other regulated businesses such as precious
10 metal dealers, massage therapists, etc., and then
11 there would be the property tax.
12 In looking, the only numbers that were
13 readily available in any of the research was the
14 property tax, and that was looking at the items on the
15 Dekalb County Tax Assessor's site. And in looking
16 only at the commercial properties, there is an
17 estimate of just over $400,000 in commercial property
18 tax that would be coming into the City effective in
19 2013.
20 As Ms. Alexander reminded me, the tax bills
21 -- the taxes go to where the property is under the
22 jurisdiction on January 1 of that year. So even if we
23 move forward with the annexation and it passed, those
24 properties were in unincorporated Dekalb County on
25 January 1 and so we wouldn't see any of that until the

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1 tax bills in August of 2012. However, we would see
2 occupational tax revenues come in January 1 of 2013
3 with the renewals along with regulatory fees, E911
4 fees.
5 Do you know when those might take effect?
6 COUNCILMEMBER ALEXANDER: I'm not sure.
7 Captain Brinkley would be the one, and it'll take some
8 time to get everything converted over.
9 CAPTAIN BRINKLEY: Yes, ma'am.
10 COUNCILMEMBER BATES: So in reviewing that,
11 there are some challenges with the properties.
12 There's going to be some concerns with a particular
13 property in Friday's Plaza that we'll need to move
14 forward with.
15 But I think in reality it is a thing that we
16 need to do to better manage and control the entrances
17 into our city and make sure that we've got a good
18 presence and can make sure that we've got control over
19 the zoning and the aesthetics.
20 MAYOR PITTMAN: Okay. Thank you.
21 Let's start on this end. Ms. Fleming?
22 COUNCILMEMBER FLEMING: Mr. Bates, thank you
23 very much. Your research and your presentation and
24 your PDF was outstanding, and I really do appreciate
25 it.

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Right now on Tilly Mill, both Dekalb and Doraville cannot maintain or correct the problems that we're having with day laborers where they see us coming and they scatter, and living in that area, there's anywhere from 30 to 50. So definitely, though that would be a negative situation that we would be addressing, at least we would be able to do something about it.

I have concern for some of the regulated businesses that we presently have in the city that will also be in that area as well and how we would be challenged by those.

Any idea as far as, you know, there --? I believe there is another massage parlor that's just opened up. And of course that was a big thing that it said it was Doraville, but it is truly Dekalb County.

MR. McLENDON: What we would do is our ordinances would go in place and we would move forward with enforcing our ordinances in the newly-annexed areas.

That is an area that you're always subject to challenge. At that point, especially someone who has been in business could potentially raise challenges to the different ordinances that you would be bringing into place. There could potentially be

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some expense on that. But the method of doing it would be to make sure --

COUNCILMEMBER FLEMING: Because I believe there's also a -- if I'm not mistaken, we have a cap on labor pools also if I'm not mistaken, and so that would be challenging as well.

And if we've reached the caps on both massage, which I know we have, and labor pools, which I believe we have, would there be legal moneys and issues bringing those in?

MR. McLENDON: I believe with the annexation, when you come in, whereas, you know, any of the businesses, as to the particular regulations, they wouldn't be -- like we were talking about window tinting; they're not nonconforming legal on that.

That being said, as to the cap, if they came in as an annexation -- and I'm going to caveat this to say subject to further research on my part -- I believe we would bring them in and say, "You are above the cap."

But again, we're in a position where once one goes out, it comes down one and you don't get to replace. So it's a matter of bringing it down.

And the reason I think that is, off the top of my head, if somebody new came in, you can't choose

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which one would be closing. And to go and say, "You're now in. You violate my cap; you close," that would be something I suspect we wouldn't go down that road.

COUNCILMEMBER FLEMING: Okay.

COUNCILMEMBER BATES: Just for some information, the number of tax parcels in the two areas, there's 116 tax parcels that are identified as multi-family; 53 commercial, 15 industrial, 63 residential, and then two parcels whose classification was indeterminate.

MAYOR PITTMAN: Okay. Ms. Pachuta?

COUNCILMEMBER PACHUTA: I think, you know, this is something we discussed with Elena Parent last year, and there was no traction for it legislatively. But in speaking with her again, she felt especially with the movement to try and create Brookhaven, because that's even going to further -- that is essentially on the side of Dekalb leaving no unincorporated except for these two tiny pockets. I mean as it is currently, Dekalb cannot access these areas without going through another city or going through Gwinnett County.

So she felt with the movement to try and get Brookhaven together and also she's dropping a bill for

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Chamblee to annex more of Buford Highway and then over to I-85 and Clairmont, that this is something she could, you know, try and get rid of these unincorporated areas which have caused us problems just because Dekalb doesn't patrol over there, we responded frequently when needed, issues such as that. So she thought, at least as opposed to last year, the environment would be more friendly.

MAYOR PITTMAN: Thank you. Ms. Alexander?

COUNCILMEMBER ALEXANDER: This is an issue that's bugged me because it's a flaw in the state law. The state law addresses unincorporated islands created by annexation but it does not address islands caused by incorporation, and there doesn't seem to be the will at the gold dome to correct that law.

I don't know if it's fear because if they put language in a law regarding incorporation, they're afraid it'll, you know, open the floodgates for new cities -- no offense to Sandy Springs.

So that's another thing that discouraged, because when we discussed it at GMA in the municipal government meeting and we told them about the issues, they just didn't seem, you know, willing to change the state law to fix this.

This is something that would be good for the

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1 city, but it is something that would require us -- if
2 we went forward on January 1 kickoff date, we would
3 have to start ramping up no later than June 1. We
4 would have to have all of our ducks in a row because,
5 come January 2, the phone in City Hall would be
6 ringing off the hook.
7 When Chamblee annexed a good bit of a
8 subdivision, the public works director was teasing me.
9 He thought everybody had saved their phone calls till
10 after the annexation went through. So I want to make
11 sure that all our city departments are prepared and
12 ready to go and that we would be fully staffed.
13 We've got some staffing challenges right now
14 that we are trying to address, but it's something that
15 we have got to be prepared for when we move forward.
16 MAYOR PITTMAN: Thank you.
17 Mr. Bates, by the way, thank you. You did a
18 very, very good job on putting that together.
19 COUNCILMEMBER FLEMING: What other than your
20 document or your presentation will she need other than
21 a resolution from us?
22 COUNCILMEMBER BATES: That's my under-
23 standing is just a resolution.
24 COUNCILMEMBER PACHUTA: I mean I think we --
25 if we are interested in doing so, we could go ahead

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1 and let her know that, because I know the legislators
2 are trying to end the session by the end of March this
3 year, but she would need a formal resolution from us.
4 COUNCILMEMBER ALEXANDER: We may have to
5 write legal language.
6 MR. McLENDON: Yes. What we would do -- And
7 that's something we can do. What we would generally
8 do is transmit a resolution from the Council to
9 Representative Parent, saying, you know, "We would
10 like you to pursue an annexation for these two areas."
11 What I have found in the past is that legis-
12 lative counsel will also often get back to us and ask
13 for a geographic description of the proposed
14 annexation areas. And that is one thing I have done
15 in the past. If they asked us to do that, we could
16 probably assist with that process.
17 Legislative counsel would usually take a
18 stab at it, but with this not having any geographic
19 boundaries, it's sort of cross country. I don't think
20 that's necessary as part of the resolution, but once
21 you transmit the resolution, they may send the request
22 back to us asking for help with that, which I have
23 done that in the past.
24 COUNCILMEMBER BATES: Well, I'll make a
25 motion to move forward with the legislative annexation

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1 and to have our City Attorney draft the resolution to
2 transmit to Representative Parent.
3 MAYOR PITTMAN: Okay. Second?
4 COUNCILMEMBER FLEMING: Second.
5 MAYOR PITTMAN: Discussion?
6 COUNCILMEMBER FLEMING: Could we see the
7 resolution? I don't want to adopt a resolution
8 without seeing it.
9 COUNCILMEMBER BATES: Yeah, yeah.
10 MR. McLENDON: And I don't want to write one
11 without y'all seeing it.
12 COUNCILMEMBER BATES: Let me clarify that to
13 have the resolution for Council's approval at the next
14 meeting.
15 MR. McLENDON: Yes.
16 COUNCILMEMBER PACHUTA: Yeah. I think we
17 can go ahead and notify Ms. Parent that will be coming
18 so she can start laying whatever groundwork she needs.
19 COUNCILMEMBER FLEMING: I'd like to amend my
20 second.
21 COUNCILMEMBER BATES: Thank you.
22 MAYOR PITTMAN: Okay. Call the roll,
23 please.
24 CLERK BRYANT: Councilmember Alexander?
25 COUNCILMEMBER ALEXANDER: Yes.

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1 CLERK BRYANT: Councilmember Bates?
2 COUNCILMEMBER BATES: Yes.
3 CLERK BRYANT: Councilmember Fleming?
4 COUNCILMEMBER FLEMING: Yes.
5 CLERK BRYANT: Councilmember Pachuta?
6 COUNCILMEMBER PACHUTA: Yes.
7 MAYOR PITTMAN: Thank you. Motion carries.
8 Okay. Now, next on the agenda is Citizen
9 Agenda Item, Mr. Hart.
10 Mr. Hart, if you could please limit your
11 item to five minutes.
12 MR. TOM HART: This concerns tax liens, tax
13 liens and trash collection.
14 It's been in the news quite a bit in the
15 AJC, and the Governor's office and the senators
16 including the senate leader are having trouble with
17 Fulton County placing liens on people's property and
18 they get auctioned off and people don't have any idea
19 they've got a lien on their property.
20 And this dovetails into -- and I've
21 contacted the senators and the house, and they're
22 quite interested in Doraville's problem.
23 When you get a tax bill from Dekalb County,
24 at the bottom of that tax bill at the end of the year,
25 they give you a warning. It says: With Georgia law,

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1 notice is given that unless paid by a date certain, a
2 tax lien will be issued for the property described
3 above and recorded on the lien docket and interest
4 will be added and property will be subject to tax
5 sale. A tax fi fa or lien will remain in effect for
6 seven years and may affect your credit rating. Take
7 heed and act accordingly.
8 Now, on Doraville's tax bill, there's no
9 such warning. I went into City Hall at the end of
10 December and paid a balance on a trash bill, because,
11 like Dekalb County, I didn't want it carried to the
12 next year because of a tax lien. I paid it in full
13 and I have a receipt in my pocket.
14 Then I get an e-mail on 1/6, in January,
15 that I owe $33.00 on a lien. Not only that, Sandra
16 Bryant says in this e-mail that my balance on my
17 account is $137.00.
18 Now, we've already paid the thing at the end
19 of December, there is no balance, and there is a lien
20 over in Dekalb County.
21 Now, there are four -- estimated, over 400
22 liens on your properties in Doraville right now that
23 could be auctioned off and sold, sold to a tax
24 collector, and you would have no knowledge of this.
25 There has been no notification come from the City of

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1 Doraville.
2 If you call the tax office in Dekalb County,
3 you will find zero information at that tax office. It
4 was sent to the sheriff's department. Now, you have
5 to understand I'm not feeling warm and fuzzy about the
6 sheriff's department. Out of the last six sheriffs,
7 four of them were indicted and sent to prison and the
8 fifth one was shot dead by one of the other four.
9 MAYOR PITTMAN: Sir, I'm sorry. I need you
10 to stick to the subject, please.
11 MR. HART: I'm talking about --
12 MAYOR PITTMAN: I need you to stick to the
13 subject, please.
14 MR. HART: I'm talking about the sher- --
15 MAYOR PITTMAN: I need you to stick to the
16 subject, please.
17 MR. HART: Do I get an extra five minutes?
18 MAYOR PITTMAN: No, sir.
19 MR. HART: Okay. You can see what we're
20 trying to deal with in City Hall. If you say some-
21 thing about it, you're . . .
22 Now, there's another Council member that
23 also has a lien on her property. She only knows that
24 because of my inquiry.
25 Now, I asked for an appeal of the Clerk's

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1 decision. An attorney wrote me a letter. Not the
2 Clerk, but an attorney. Now, this is the same law
3 firm that donated money to the Mayor and the other
4 Council members' campaign, so I'm not feeling warm and
5 fuzzy about that either.
6 So here we have the sheriff's department,
7 and you have no knowledge of what's going on down
8 there.
9 I have already paid the $33.00. I came in
10 the very next day. And they wrote it down as a trash
11 bill. Now, I have a recording of it and I have a
12 witness when I went in there because I don't walk in
13 City Hall without a witness and a recorder on me.
14 They wrote the receipt out except they wrote one --
15 one copy on the top out and they tore that out and
16 wrote something else on the bottom one. And I said,
17 "No, no, no. You need to write on the top copy, and
18 it should appear on the copy underneath it." So they
19 fussed and they ripped it out.
20 Okay. I paid everything I owe, any county
21 tax deal that I need to pay except I haven't seen
22 anything come back from Dekalb County, nothing's come
23 back from the sheriff's department and nothing's come
24 back from the City of Doraville.
25 Now, I think that a letter should go out to

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1 all the citizens of the city. We need a public -- we
2 need a list of those people's property that the lien
3 was placed on, and I think all their money needs to be
4 given back for this $33.00, whatever it was.
5 There's nothing indicates in your legisla-
6 tion here, because the legislation on tax liens goes
7 back to 1971 in the city of Doraville.
8 So you know, we tried to get an appeal
9 before the Council, the Mayor's office and the Clerk's
10 office, and these attorneys over here blew it off.
11 And if you have a problem with this, you have no
12 recourse except the courts.
13 Thank you. We will be going to the state
14 senate as a witness. Thank you.
15 MAYOR PITTMAN: Next is going to be citizen
16 agenda -- excuse me -- citizen comments, Public
17 Comments. If you would like to step forward, please
18 limit your comments to three minutes and state your
19 name.
20 MS. BONITA HOFFMEISTER: Bonita Hoffmeister,
21 Oakcliff Estates.
22 I would like to make the City Council and
23 the citizens of Doraville aware that there will be --
24 UNIDENTIFIED SPEAKER: We can't hear you.
25 MS. HOFFMEISTER: -- there will be a Dekalb

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1 Planning Commission meeting on the 13th of this month.
2 Items that are to be considered, I understand that
3 there is one of the bars in the area that was
4 discussed about annexing that wants to extend their
5 hours. There is also a -- in the general area, there
6 is a gas station that wants to expand their business
7 also.
8 And just as a comment as a concerned indi-
9 vidual, thank you, Tom Hart, for making us aware that
10 there is a problem with the lien process in Doraville.
11 MAYOR PITTMAN: Additional public comments?
12 MR. JOE O'CONNOR: I was five minutes late
13 and you already were through half the agenda. That's
14 pretty good.
15 My comment is on the annexation. And I
16 heard you discuss the Peachtree Industrial area,
17 Friday's, etc., but I didn't hear anything about
18 Buford Highway. That's not part of it?
19 COUNCILMEMBER BATES: No, because it's not
20 an island.
21 MR. O'CONNOR: Okay.
22 COUNCILMEMBER BATES: It's contiguous with
23 Dekalb County.
24 MR. O'CONNOR: Thank you.
25 My problem with -- I'm for the annexation.

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1 I have some concerns with whether or not the Police
2 Department can handle it, but you have expressed some
3 type of agreement with Chief King that this can be
4 done.
5 My problem is in that particular area there
6 is a strip club. Now, our annexing that, is that
7 going to permit migration of the strip clubs to
8 another part of Doraville? Because technically,
9 they're all supposed to be up around the tank farm.
10 Now ready to launch the Georgia Palace, and
11 that owner there has been in a lot of litigation in
12 Clayton County for the strip clubs like the Pink Pony
13 and everything like that. That's my fear is
14 permitting migration of that.
15 I think counsel here has said he didn't see
16 any problem with the massage parlors or anything like
17 that because that would become part of our own
18 ordinances.
19 So that's my only view on the annexation.
20 Thank you.
21 MAYOR PITTMAN: Thank you, Mr. O'Connor.
22 Ms. Crawford?
23 MS. SUSAN CRAWFORD: Susan Crawford. Is
24 this thing turned on?
25 COUNCILMEMBER PACHUTA: I don't think it's

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1 on.
2 MS. CRAWFORD: Okay. Just a couple of
3 things.
4 I wanted to say that I live in Oakcliff and
5 I have lately noticed the police patrolling, which I'm
6 very happy about, 4 o'clock in the morning the other
7 day. So thanks, and keep it up.
8 I also wanted to commend the Library and its
9 representative who's here tonight. I did a class on
10 Saturday, a creative writing class, and people came
11 from all over Buckhead and Chamblee and just were very
12 impressed with our library, and so was I. I mean
13 you've done a really, really good job.
14 The only thing is you really need an
15 answering machine, because when nobody's there, it
16 just rings as if it's a wrong number, so thought I'd
17 pass that on.
18 Just real quickly, the whole garbage thing
19 and -- and I'm not going to get into too much trash
20 talking here, but it seems to me that --
21 I mean has anybody considered doing our own
22 recycling here? because it really should be a
23 profitable thing instead of us paying other people to
24 make money on our recycling. We could actually make
25 money ourselves, it seems to me. You might want to

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1 think about that.
2 And then we could really do extensive
3 recycling. I think Mr. Noonan mentioned this a couple
4 years ago. And if people recycled a lot of stuff,
5 there would be very little garbage, which could also
6 be done here. Anyway, just a thought.
7 The elephant in the room. Are you not going
8 to address the 400 people who might lose their homes,
9 or is that not true, or could you set the record
10 straight? And if not, could you tell me where these
11 names are posted, because if it is a concern -- and I
12 think now it will be -- we really need to have some
13 kind of . . . because, you know, losing a house is a
14 pretty big thing to just not deal with.
15 Thank you.
16 MAYOR PITTMAN: Actually, would you mind?
17 MR. McLENDON: Just briefly, the issue in
18 issue in Fulton County -- and I have some familiarity
19 with that as I practice in Fulton a good bit -- is the
20 tax commissioner in Fulton has an aggressive program
21 of selling off all tax liens, property tax liens, to
22 third-party vendors in tax sales.
23 Really, those are not going to be sanitation
24 bills in Fulton County that would be creating that
25 situation, and I don't believe the Dekalb County Tax

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1 Commissioner sells off fi fas on sanitation bills.
2 And even if they do, there is a substantial notice
3 process before any sort of a sale can take place. I
4 think once it's sold off, there is a fee that's
5 associated. But they have to prove notice to you
6 before they can move forward with any sort of sales.
7 So that process, before you would end up
8 with any sort of a tax sale is a substantial process
9 with a bunch of notice required under the law. I
10 don't believe that the Dekalb Tax Commissioner takes
11 the same position as the Fulton Tax Commissioner.
12 And really, the actual lien is a matter of
13 state law, because when you have a sanitation bill,
14 state law pretty much provides it is a lien against
15 the property as of the time that the bill is created
16 for the services.
17 So that's my general take on that.
18 MAYOR PITTMAN: And we do provide three
19 letters prior to.
20 MR. McLENDON: My understanding is that the
21 City's process in the past has been if the bill did
22 not generate a sale, there was a process of several
23 letters that went out before any sort of an execution
24 was filed with the Superior Court.
25 What you're talking about is basically what

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1 they call a tax execution that gets filed in the deed
2 records in the superior court. And what happens is if
3 you go to a sale, it would be picked up in the chain
4 of title and the closing attorney would require it to
5 be paid at the time of closing.
6 Upon payments of those bills, you file a
7 satisfaction, it shows it as released, and then it no
8 longer is a lien on the house. And I believe we have
9 a process once it is paid to also file the satisfac-
10 tion with the superior court so it is no longer a
11 lien.
12 So based upon my review of our process, I
13 believe it is compliant with the law.
14 MAYOR PITTMAN: Thank you.
15 Additional public comments?
16 MR. STUART ANDERSON: Interesting. Thank
17 you, Cecil.
18 I, too, want to commend Ms. Henry. The
19 Library is a very nice place and it's doing good.
20 Where or how can I access, see the
21 annexation maps that we're proposing to annex?
22 Anyone?
23 COUNCILMEMBER BATES: (Presenting)
24 MR. ANDERSON: Thank you very much.
25 MAYOR PITTMAN: Thank you, Mr. Anderson.

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1 MR. JAMES AMBROSE: James Ambrose.
2 I'm for Mr. Bates' annexation. We need it;
3 we need more tax money. But in those areas, you're
4 going to open a big old can of worms. You got one
5 strip joint and you got one massage parlor, and you've
6 got a name filling station that if you go in there
7 five times, three times you're going to get
8 approached.
9 And you will need more police to straighten
10 those apartments out along that area. There's no
11 ands, ifs or buts about it. Any time you walk down
12 that street, on Winters Chapel, you better keep going.
13 That's all I got to say.
14 MAYOR PITTMAN: Thank you, Mr. Ambrose.
15 Okay. Additional public comments?
16 - - -
17 (No response)
18 - - -
19 MAYOR PITTMAN: All right. Do I get a
20 motion to into Executive Session for legal matters?
21 MR. McLENDON: I would like to go in for the
22 purposes of two items of litigation.
23 COUNCILMEMBER PACHUTA: Okay. Make a motion
24 to enter Executive Session to discuss potential
25 litigation.

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1 MAYOR PITTMAN: Okay. Second?
2 COUNCILMEMBER ALEXANDER: Second.
3 MAYOR PITTMAN: Discussion?
4 - - -
5 (No response)
6 - - -
7 MAYOR PITTMAN: Call the roll, please.
8 CLERK BRYANT: Councilmember Alexander?
9 COUNCILMEMBER ALEXANDER: Yes.
10 CLERK BRYANT: Councilmember Bates?
11 COUNCILMEMBER BATES: Yes.
12 CLERK BRYANT: Councilmember Fleming?
13 COUNCILMEMBER FLEMING: No.
14 CLERK BRYANT: Councilmember Pachuta?
15 COUNCILMEMBER PACHUTA: Yes.
16 MAYOR PITTMAN: Okay. Thank you. So at
17 this time, we'll go into Executive Session.
18 - - -
19 (Executive Session)
20 - - -
21 MAYOR PITTMAN: Okay. I need a motion to
22 come out of Executive Session.
23 COUNCILMEMBER ALEXANDER: So moved.
24 MAYOR PITTMAN: Second?
25 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 Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
MAYOR PITTMAN: Okay. Thank you.
No action taken.
And motion to adjourn?
COUNCILMEMBER PACHUTA: So moved.
MAYOR PITTMAN: Second?
COUNCILMEMBER BATES: Second.
MAYOR PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PITTMAN: Call the roll, please.
CLERK BRYANT: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.
CLERK BRYANT: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BRYANT: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BRYANT: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
MAYOR PITTMAN: Thank you. Meeting adjourn.
- - -
(Meeting adjourned at approximately 8:20 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 13th day of February 2012.

_____

Theresa Bretch, CCR
Permit No. B-755

[SEAL]

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