In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

March 15, 2010

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

Original File 60203-1.TXT

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

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Transcript of the meeting held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Ray Jenkins presiding, before Theresa Bretch, Certified Court Reporter, commencing at 6:30 p.m., March 15, 2010.

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APPEARANCES:
Doraville City Council:
Hon. Ray Jenkins, Mayor
Councilmember Maria Alexander
Councilmember Brian Bates
Councilmember Karen Pachuta
Councilmember Donna Pittman
Councilmember Bob Roche
Councilmember Pam Fleming
Rhonda Blackmon, City Clerk
Murray J. Weed, City Attorney

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P R O C E E D I N G S

MAYOR JENKINS: Meeting come to order. Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Here.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Here.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Here.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Here.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Here.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Here.

MAYOR JENKINS: Okay. I need to get the minutes approved for 2/26/2010.

COUNCILMEMBER PITTMAN: So moved.

COUNCILMEMBER PACHUTA: Second.

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Just a second, please.

MAYOR JENKINS: Oh, excuse me.

COUNCILMEMBER ALEXANDER: They say January

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26.

CLERK BLACKMON: She -- actually, we'll skip over those, because there was an error on the summary sheet and I got them resent to me, so I'll doublecheck that one.

MAYOR JENKINS: Okay.

CLERK BLACKMON: So those will be on the next agenda.

MAYOR JENKINS: Okay. Well, I'll approve the minutes for 3/1/2010. Do I get a motion?

COUNCILMEMBER PACHUTA: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER PITTMAN: Second.

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

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COUNCILMEMBER ROCHE: Yes.
MR. WEED: Mr. Mayor, would somebody mind withdrawing the motion and the second for the first round of minutes that didn't get approved?
MAYOR JENKINS: Okay. Do I get a motion on that, to withdraw?
COUNCILMEMBER PITTMAN: Motion to withdraw. Yeah. Just say, I withdraw my motion.
COUNCILMEMBER PITTMAN: I withdraw my motion.
COUNCILMEMBER PACHUTA: I withdraw the second.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.

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MAYOR JENKINS: Thank you.
IT Proposals. We've had the second interviews on IT proposals for Radical and -- Information Technologies and The Management Group.
So the Council asked the Mayor to go to The Management Group and see if I could negotiate the price, which I did, and I negotiated the price from $155,000 a year to $144,000 annually. That brought it down to twelve thousand a month.
So I did what I was supposed to do, so I will bring it to the Council, see what they have to say now.
COUNCILMEMBER ROCHE: Well, I have a couple questions. First of all, now does that mean we're also going to give the other people that submitted bids the opportunity to lower their bid also?
COUNCILMEMBER PACHUTA: I believe what we did at the meeting is we made a motion to approve The Management Group with the hope that the Mayor could --
COUNCILMEMBER BATES: Negotiate.
COUNCILMEMBER PACHUTA: -- negotiate that a little bit. But that was my understanding of our motion.
COUNCILMEMBER ROCHE: No. The motion was just that you would enter into negotiations, I

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believe.
COUNCILMEMBER FLEMING: That is what my opinion was.
MR. WEED: It obviously doesn't matter legally what you do in the sense of that's legal, what you have done. I mean you had a bid process. The bids were responded to. Usually in our standard language it says, you know, we always negotiate the final contract, anyway.
So if you would like to rebid it, that's fine. If you would like to choose The Management Group at a lower price, that's fine; if you elect to meet with other people who bid on it and try to get them to lower their price; all those are different legal options.
COUNCILMEMBER ROCHE: I guess I just -- you know, maybe I don't understand the law very well, but I don't understand why we even have a bid process at all, then. Because basically what we're saying is, "Okay. Submit sealed bids, and then we're going to forget all that and we're going to do whatever we want to."
MR. WEED: Well, you've got the right to do that. I mean --
COUNCILMEMBER ROCHE: This is not a

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sole-source vendor.
And I'm sorry, I didn't mean to interrupt.
MR. WEED: Well, you could always declare it one too. There's nothing in 2-90 that would prevent you from simply declaring it a sole-source vendor tonight and making a selection. All those are options.
And you -- as I said, in our standard bid package, we also include language that says that the bids are also contingent upon the final contract. And of course the final contract is what goes. And usually it's been my experience that very often, you know, further negotiations after -- after the bid openings do regularly occur.
COUNCILMEMBER BATES: And we've got the ability to select the bidder that's the most responsive, not necessarily the lowest bidder; is that correct?
MR. WEED: That's correct. And that's the entire purpose legally of an RFP as opposed to a standard bid.
COUNCILMEMBER PACHUTA: Yeah. And my understanding from the evening is that we had selected The Management Group as the best qualified, especially because they have had the police experience which

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1 Radical had not. In fact, they haven't even really
2 accounted for that in their -- And so my understanding
3 is we were choosing The Management Group as the best
4 choice and we were merely hoping that the Mayor could
5 negotiate that down a little bit.
6 MAYOR JENKINS: That was my feeling, and I
7 don't remember how the motion was made. My under-
8 standing was we chose The Management Group if we could
9 negotiate with them.
10 COUNCILMEMBER ROCHE: Well, there are a
11 couple of other issues. I mean this whole thing from
12 end to end's got problems, frankly.
13 But before we even get into this, I mean I
14 watched the tape, and according to The Management
15 Group, I think -- or according to our City Clerk, the
16 total amount that was paid to The Management Group
17 over last year was about $68,000/$69,000, and now
18 we're talking about doubling that and making a
19 commitment and --
20 Because basically, I mean, I had some ideas
21 about this too, but I was talking to another council-
22 person over the weekend who reminded me that we don't
23 know if we have any money. We don't have any
24 financial statements, we don't have any financial
25 reports. And I think until such time as we have some

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1 idea of where the City stands financially, it would be
2 irresponsible to go out and start making commitments,
3 particularly of $150,000 a year, because we don't know
4 if we're going to have the money to pay those commit-
5 ments.
6 COUNCILMEMBER PACHUTA: What do we need at
7 this point? Just to make a motion or --
8 MR. WEED: Council can elect to do whatever
9 they want. Generally, you're very informal with
10 regard to discussing items.
11 If you wanted to be purely technical,
12 someone could make a motion and a second. Then that
13 would open it up for further discussion. You've never
14 stood on that ceremony, though. Council has always
15 been very courteous to one another and just discussed
16 things.
17 But if you're -- if you're prepared to make
18 a motion, then you could certainly do so.
19 COUNCILMEMBER ROCHE: In that case, I'll
20 make a motion that we defer this decision until such
21 time as we have financial statements, so that we know
22 where we are and know if we can afford to do this,
23 because there's no money in the budget for this, or at
24 least not this much money. And again, without -- We
25 can't spend money unless we know we have the money to

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1 spend.
2 So I make that as a motion that we defer
3 this decision until such time as we have up-to-date
4 financial statements.
5 COUNCILMEMBER FLEMING: I second that and
6 wanted to add that since we are moving into the
7 strategic planning meeting, that we are having our
8 finance director there, we're also talking about
9 priorities. Though this is probably one of our number
10 one priorities, I think we need to consider all
11 aspects of all the other departments.
12 And that's my second, and then I'll wait for
13 discussion.
14 MAYOR JENKINS: Any more discussion?
15 COUNCILMEMBER FLEMING: More discussion?
16 Yes, sir, I have more discussion.
17 When we left here that Monday evening, I
18 believe, we knew three things: one, The Management
19 Group had worked for us for over a year and they had
20 done an outstanding job; number two, based on
21 Ms. Blackmon, our City Clerk, the City of Doraville
22 paid out of the general fund approximately $68,000.
23 The third item, the third component into this was we
24 knew that The Management Group's bid was $155,000.
25 Now, to me, that's a far cry from $68,000,

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1 so I asked Chief Atkinson and Sergeant Lopez two
2 questions. And I did not want to proceed to give to
3 Council their responses to me, so I thought I'd have
4 Chief Atkinson come up, please.
5 The two questions I asked from the police
6 department of Chief Atkinson as well as Sergeant Lopez
7 was for me to better analyze why the huge gap between
8 sixty-eight of what we paid out of general fund versus
9 a hundred and fifty-five, okay. Because now we would
10 be committing to general fund payment of $155,000. I
11 have significant reservations on that. Okay. So I
12 asked --
13 MAYOR JENKINS: Part of the reason in the
14 difference is that this will be a full-time person and
15 probably two full-time people in the City constantly.
16 COUNCILMEMBER FLEMING: Okay. Thank you,
17 sir.
18 The two questions that I asked of Chief
19 Atkinson and Sergeant Lopez was how much money was
20 paid to The Management Group out of the asset
21 forfeiture fund? because I needed -- because keeping
22 in mind The Management Group had worked for the City
23 for the entire year, and had a better feel for how
24 much money they had been paid. So the sixty-eight
25 plus whatever the police department may have paid

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them.

The other question I asked was how much was paid to The Management Group out of the police general budget, okay. And so they were able to enlighten me late this afternoon.

And Chief, would you comment about the amounts that you guys -- that you came up with so that it can go on record for me, and you can also pass those out if you wish.

ACTING CHIEF ATKINSON: Okay. (Presenting). What you have there is an e-mail that we sent, myself and Sergeant Lopez. She went back through her records and came up with these figures at the top there.

Is there an extra one? I --

COUNCILMEMBER ALEXANDER: Yes, sir (presenting).

Out of the grant funds is $2,872.13, out of asset forfeiture is $124,334.12, and the budget is $47,579.74.

Please keep in mind that a lot of the asset forfeiture is special projects that we took on because we were able to take on those projects, and we noted some of those in the e-mail.

COUNCILMEMBER FLEMING: And the City is not allowed to budget for asset forfeiture funds, and

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actually it's very difficult for the police department to make a budget on asset forfeiture funds because they have no clue as to what they will be getting during the year.

So I want to further extend this analogy just so that we have a better understanding of where we're coming from. The City paid $68,000, and that would be 30 percent of the $155,000. The police department -- and that would be -- I'm sorry. Let me start again.

I'm sorry. The proposed now $144,000. Of that $144,000, the City's liability would be 30 percent, just the City functions. The police department, of that $144,000, would be 70 percent based on their previous figures. Okay. That would be $100,800 that we would have to say to the police department, that's how much you're going to have to budget in your police department general fund for the IT department, because, realistically, they use 70 percent.

I don't think they can absorb $100,800. That would be like three people, possibly, raises that we could consider or possibly even promotions that we could consider. I don't think that they would be able to accommodate $100,800.

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So my feeling is that we need not to go back to the drawing board but we need to definitely table this until after our strategic planning meeting.

COUNCILMEMBER BATES: Wouldn't it be possible under a proposed contract for asset forfeiture monies to pay for this contract should you need them for projects over in --

COUNCILMEMBER FLEMING: No.

COUNCILMEMBER BATES: -- the police department?

MR. WEED: No, sir.

COUNCILMEMBER BATES: Okay.

COUNCILMEMBER FLEMING: The one comment I did make to Chief in my e-mail was that in our audit presentation we were notated that we needed to work on RFPs in the asset forfeiture amounts that were over $5,000.

Now, one thing that we could possibly do -- and this is something that we can discuss at a later date -- to go back to possibly The Management Group and ask them to do a dual quotation for us. For instance, the general budget or what they think that they're going to utilize of that money for the police department. And that would give them some idea -- not a budget for the asset forfeiture, but it would give

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them some idea as possibly a quotation for or an RFP for money spent over the course of a year.

I don't know whether that would be adequate for the budget process and audit process.

Ms. Wilson, would you know whether -- if we had a blanket RFP for the auditor?

MS. WILSON: I don't recall any blanket RFP but I don't see a problem doing an RFP for confiscated assets if that's what the City would decide to do for The Management Group.

COUNCILMEMBER FLEMING: Okay. So those are my reasonings why I feel that we need to postpone this until after our or during, so that we can further discuss this during our strategic planning meeting.

COUNCILMEMBER ROCHE: Yeah. And I guess I could add that, you know, for $144,000, we could hire a full-time employee, we could hire two full-time employees that do nothing but work for the City and do nothing but maintain and rebuild our servers, which they need to be rebuilt.

My other concern about this is that the original RFP -- In fact, this is the second time we've done an RFP. The original RFP did not talk at all about taking the servers that we have, which are running different operating systems and they're -- I

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1 don't know exactly what the status is right this
2 minute. But basically rebuilding them, replacing the
3 ones that need to be replaced.
4 When you have all the servers and all the
5 equipment at the same level, it's a whole lot easier
6 to maintain because, you know, typically they're
7 running the latest software and all that sort of
8 thing. When you have different machines running
9 different software releases and different operating
10 systems or whatever, it's a lot more difficult to
11 maintain.
12 This is not included in any of these RFPs.
13 In fact, you know, from what I could see of the video,
14 they were talking about, well, we'll get back to you
15 on that.
16 Well, that process, that project of
17 rebuilding these things is going to be over $5,000.
18 So I guess we'll be putting that out for bid also,
19 and presumably we'd have to get the right bidder on
20 that too.
21 So you know, it's not $144,000 we're talking
22 about here. We could be talking about a whole lot
23 more money than that.
24 And again, I'm just not ready to sit here
25 and commit to spending this kind of money until we

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1 know how much money we have in the bank or don't have
2 in the bank. I mean I don't go out and write checks
3 unless I know how much money's in my checking account.
4 COUNCILMEMBER BATES: One of the things that
5 was brought up during this process that is real
6 important for the direction that we're going is to
7 come up with a comprehensive plan for our IT services.
8 Right now, what we are doing is an hourly,
9 reactionary, if-it-breaks-let's-fix-it; but there is
10 no preventive maintenance, there is no plan.
11 There is no long-term strategic vision to
12 put in place to make sure that our IT platform is
13 functioning properly as it is today let alone being
14 prepared for the changes that are coming tomorrow. We
15 are purely 100 percent in a reactionary mode and we're
16 paying for it that way: by being in a reactionary
17 mode.
18 This proposal from The Management Group does
19 a couple things. One is it puts a dedicated person
20 here for the City to do the reactionary fixes but it
21 puts a second person here in the City to start looking
22 at the future and coming up with a plan to move the
23 City forward in a very thoughtful, methodical way.
24 We are not ever going to be where we should
25 be from an IT standpoint if we don't put those

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1 resources in place and invest now so that we don't pay
2 for it later. The problem with where we're at now is
3 at some point the system's going to break, and when it
4 breaks, we are going to be in a really big world of
5 hurt. We have unsecured servers. We have lots of
6 issues that need to be addressed. And the longer we
7 put this off, the longer we delay, the worse it's
8 going to be. And at some point, by investing now,
9 it's going to pay -- return a dividend and pay for
10 itself over the long run.
11 So I appreciate your concerns, I disagree
12 with them, and I'm ready to move forward.
13 ACTING CHIEF ATKINSON: And I would just
14 like to make a comment about the server. The
15 Management Group has got us moving in that direction.
16 We recently purchased -- or not recently, but some
17 time ago, with this asset forfeiture money, we
18 purchased a server for the police department. And I
19 don't know how much, but there are things that other
20 departments in the City are running off that server as
21 well. So some of that asset forfeiture money is going
22 to other departments, so to speak, I guess, if you
23 want to look at it that way.
24 COUNCILMEMBER ROCHE: Yeah, and I understand
25 that. And you know, I mean I've been through this

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1 process. I've managed exactly the same process at a
2 larger company, you know, where we had to rebuild
3 basically everything.
4 But it still comes down to this: I'd love
5 to go out and buy a brand-new car, but, you know, I
6 don't have the money in my checking account for it,
7 you know. And until -- it would be irresponsible for
8 me to go out and buy a brand-new Porsche until I knew
9 how much money was in the bank and had some way of how
10 I was going to pay for it, and I don't know that now.
11 And part of what we're elected for here is to make
12 sure that we're good managers of your money -- the tax
13 dollars that come in, the fees that come in or the --
14 you know, the money that comes from the businesses,
15 et cetera, et cetera.
16 And as far as, you know, doing this process,
17 you know, that should have -- I agree completely, and
18 it should have been part of the RFP, and I don't know
19 why it wasn't in the RFP. We had two tries at it.
20 I explained it more than once, sitting up
21 here, that that's exactly what needs to be in the RFP
22 so that when we get a proposal, the proposal says,
23 "This is what you have, this is what you'll end up
24 with, and this is what it's going to cost."
25 Instead, it's, "Well, we'll charge you

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$12,000 a month and then we'll get back to you on what the rest of it's going to cost." And by the way, apparently there's not going to be any bidding process on that, so what they tell us is what we're going to get versus who can do the best job for the least amount of money.

You know, I can't see going out and spending even if it's what? $38,000 more? $28,000 more? Again, we could hire a full-time information technology director and have a secondary person that does nothing but networks for this kind of money. And I just -- I just don't see it. It just doesn't make sense financially, and I have to look at it financially.

I'm an IT guy. I'd love to do that. I'd love to see us get all brand-new servers and all that, but until I know that we have the money to pay for it, I can't see voting for it.

COUNCILMEMBER BATES: Part of what we're also up here to do is to, you know, not be penny wise and pound foolish and look at not the immediacy but the long-term.

And regarding the IT RFPs, Mayor sat here and asked you if you would help him write the RFP and you said no. So part of that responsibility falls squarely on your shoulders, Mr. Roche.

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COUNCILMEMBER ROCHE: And the reason --

COUNCILMEMBER BATES: You declined that opportunity to get involved and help us craft an RFP. Now you're sitting here and criticizing it. I'm tired of it.

Call for the motion.

COUNCILMEMBER ROCHE: I --

MAYOR JENKINS: Okay. I'm going to call for the motion.

COUNCILMEMBER ROCHE: -- said no, and the reason I said no was because about a year ago, I went to Mayor Jenkins and said, "You know, this new letterhead's confusing people," and the next thing I knew, I was attacked, almost physically attacked in City Hall and I was run out of City Hall and was attacked from this podium more than once saying, "Bob Roche is a micromanager," you know. And it happened over and over again and -- you know, so -- you know.

I agree with that. I think that the City Council should not be directly involved in day-to-day operations, so --

MAYOR JENKINS: Okay. Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: No.

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CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: No.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: No.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: No.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

CLERK BLACKMON: Motion denied.

MAYOR JENKINS: Okay.

COUNCILMEMBER BATES: Move to accept the revised proposal from The Management Group with the multi-year agreement clause that you'll -- Mr. Weed.

COUNCILMEMBER ALEXANDER: Because it's going across a calendar year.

MR. WEED: Now, bear in mind that the agreement will ordinarily be a one-year agreement until you want it to be a multi-year agreement.

COUNCILMEMBER ALEXANDER: It's going across the calendar year. I thought you said we had to include that verbiage --

MR. WEED: Yes, right.

COUNCILMEMBER ALEXANDER: -- if it was going

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across a calendar year.

MR. WEED: Right, correct.

COUNCILMEMBER ALEXANDER: And it's also going across two budgets, which Ms. Wilson is --

MR. WEED: It'll end up being a multi-year agreement, and at the calendar year, if you want to get out of it, you'll be able to.

COUNCILMEMBER BATES: Thank you.

MAYOR JENKINS: Okay. Do I get a second?

COUNCILMEMBER PACHUTA: Second.

MAYOR JENKINS: Any more discussion?

COUNCILMEMBER FLEMING: Yes, sir. The discussion that I have in regards to this, not voting on this and going into further evaluations of our financial state is the -- is the right thing to do. That does not mean that The Management Group cannot continue working as they have been working without a contract for over a year now. And I feel that we are not going to be financially ready for any of the -- for any of the things that are coming at us just this coming Saturday and Sunday, to be very honest with you.

MAYOR JENKINS: Any more discussion?

COUNCILMEMBER ROCHE: There were five bids. The lowest bid was $87,000 the first year. And part

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of their bid was that they would actually basically clean up everything, and they knew that once they did that, the second year would be a lot less expensive for them to maintain our system, so that after the first year, it would go all the way down to sixty-nine -- I'm sorry -- $59,000, which is less than half of $144,000.

I think that the whole point of the bidding process is to find bidders that can do what we need them to do and get the best price for the City. Otherwise, there's no point in having a bidding process if we're just going to ignore all of this. Any of the five people that have submitted bids here could do the work. I'm certain of that. I've read through this. I'm familiar with these companies. I've hired them myself. Not these specific companies, but, you know, I've been through this process many times.

I'm just -- you know, this whole thing is just very -- you know. Let the record show I grabbed my nose. Okay?

COUNCILMEMBER BATES: And we sat up here and collectively agreed to interview two companies based upon the respondents to the bid. We reviewed them, we discussed them, and we voted to interview The

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Management Group and Radical Support, as a body.

Regarding the other respondents, you're comparing apples to oranges. The other respondents were not going to provide a full-time on-site person with the exception of the two that we interviewed. They're all going to be hourly support networks. The response times were not going to be quick because they weren't going to be here doing the work for us.

So don't compare apples and oranges and put this out there as we could have hired somebody cheaper. They were very, very different proposals.

COUNCILMEMBER ROCHE: Actually, they weren't. Again, I listened to the interviews. I listened to it on the DVD. I was out sick last Monday. I couldn't make it. And the thing I noticed about both of them is essentially they were the same things.

We have this idea, I guess, that, you know, if the police department's laptop breaks and it's 2 o'clock in the morning, it's a huge emergency and we have to get people to jump out of bed and come out here and fix that particular laptop. Well, that's not how it works in the real world. In the real world, you have a spare laptop. You know, in the real world, you have backups. In the real world, you get it fixed

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remotely, because any laptop that has access to the Internet will do that. If there's specific information that a specific officer needs to have on his laptop to do his job, I paid $12.00 for this and it holds 8 gig (indicating). You plug it in. I use it all the time at work because there's times I need to transfer --

COUNCILMEMBER BATES: Let's make --

COUNCILMEMBER ROCHE: -- from my personal laptop to my --

COUNCILMEMBER BATES: -- sure that we're on the same page.

When you were talking about the $87,000 compared to $144,000, we're talking about two different proposals, not the people that we interviewed. The two people that we interviewed was $132,000 versus $155,000.

COUNCILMEMBER ROCHE: $132,000?

COUNCILMEMBER BATES: Radical Support was $132,000.

COUNCILMEMBER PACHUTA: With the on-site person.

COUNCILMEMBER BATES: With the on-site person.

COUNCILMEMBER ROCHE: That's not what I have

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here.

COUNCILMEMBER BATES: That's $9,700 a month.

COUNCILMEMBER ROCHE: What I have here is $116,000.

COUNCILMEMBER BATES: Plus they -- what? You need to read, go back -- What you need to do is --

COUNCILMEMBER ROCHE: $116,000.

COUNCILMEMBER BATES: -- go back and re-listen to the video, because what they talked about was an hourly charge for items that were not covered under the scope, and they could not define the scope. So just putting in just roughly, you know, 10 hours a month of items that weren't covered in the scope, at their average rate of $130 an hour, you add in, you know, $1,300 a month onto that $9,700 for an on-site.

COUNCILMEMBER ROCHE: Well, again, and that was the part of the tape that also interested me because when we asked -- when they asked The Management Group how many hours of off-site -- off hours time did you spend, the answer was six to eight hours. In other words, time that would not be covered by someone being here on site 40 hours a week, and it was six to eight hours. But then when it came to trying to calculate the money, suddenly with The Radical Group, suddenly it was 10 hours a week.

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COUNCILMEMBER BATES: That's because they're not familiar with our systems.
COUNCILMEMBER PACHUTA: And --
COUNCILMEMBER ROCHE: Well, the point is, though, that we're talking about off-hours time whether they're familiar or not familiar.
COUNCILMEMBER BATES: No, because The Management Group's proposal was inclusive. There is no hourly billing. Whether they were here for 20 hours after hours or five hours, it does not matter.
COUNCILMEMBER ROCHE: On the video, you were trying to make the point that there was not that much difference between the price because Radical Support would charge us to come out after hours.
COUNCILMEMBER PACHUTA: And they'd charge us for change, moves, adds. And it was clear from the questioning, they had not had a lot of experience with the kind of networks that ran in the police cars. They had not done that before. And he even said they would probably have to look at that and come up with a quote to add that to the contract.
COUNCILMEMBER ROCHE: I don't remember the part about --
COUNCILMEMBER PACHUTA: So we had that -- That is on the tape. And we had an independent expert

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who look at all -- Was it five bids?
COUNCILMEMBER BATES: Uh-huh.
COUNCILMEMBER PACHUTA: -- recommended these two, gave us detailed information on each bid, and we interviewed the top two. We were here over three hours, I believe, or close to three hours, and it was very clear why we chose The Management Group.
COUNCILMEMBER ROCHE: It was two hours and 24 minutes. I'm sorry. Two hours and 24 minutes.
COUNCILMEMBER PACHUTA: Well, thank you, Mr. Roche.
COUNCILMEMBER ROCHE: As far as the adds, moves, changes, that would have been covered as long as it was during normal business hours. And you know, as far as the -- I don't know.
Like I said, I know what's going to happen. It was already pretty much decided they won.
COUNCILMEMBER PACHUTA: I disagree --
COUNCILMEMBER ROCHE: We all know that.
COUNCILMEMBER PACHUTA: -- with that statement.
COUNCILMEMBER BATES: Factually disagree with that.
COUNCILMEMBER PACHUTA: That is not true.
COUNCILMEMBER BATES: That is --

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COUNCILMEMBER PACHUTA: That is absolutely not true, Mr. Roche. I came in here open --
MAYOR JENKINS: I'm going to -- we're going to call the roll. We had a motion and a second and we had discussion.
Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: No.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: No.
MAYOR JENKINS: Motion carried.
Next item on the agenda is Partnership for Google Fiber. I believe Brian's going to lead off on this item.
COUNCILMEMBER BATES: Thank you, Mayor.
A few weeks ago, Google announced a plan to select a community or local communities to install a

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high-speed network in the area which according to their proposal is to deliver a gigabyte per second, which is phenomenally fast. They have put out an RFP asking for local communities to submit information on why they should be selected from Google to be the recipient of this network infrastructure investment.
I found it along with John Hennigan from the City of Dunwoody. We traded e-mails. and they got their staff working on it. Mr. Howe started working on it from our side, and it turns out that Decatur was looking at it as well, and kind of a consortium developed between the cities.
The Google requirements were looking for a minimum of 50,000 residents and a maximum of 500,000 residents as being the beneficiary population. Individually, obviously, we weren't going to meet those thresholds. So a partnership developed fairly quickly that's now grown to include City of Chamblee, City of Decatur, City of Avondale Estates, City of Dunwoody and City of Doraville.
They have -- the other municipalities have put together resolutions to support what's called the Atlanta Perimeter Partnership for Google Fiber. This would be a tremendous boon for our community, especially as we're looking at the GM redevelopment

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and talking about encouraging the business community. To come in with high-speed access, you know, at one gigabyte direct connect I think is a tremendous draw and would encourage hopefully some new business relocation to the city.

So we've got a resolution that I would like for the City to pass. Mr. Howe is here if we've got any additional questions for him regarding this partnership, what the process is. They need the information from the partners by March the 26th, and I believe that Decatur is spearheading the collecting and putting the RFI together. Dunwoody is providing some staff resources. But if there's any questions, Luke is here and he can provide some additional information.

COUNCILMEMBER FLEMING: I have a question. If we go into this contract with the three other cities, I believe, Dunwoody, Chamblee, Decatur and ourselves --

What is that? Four or five?

MR. HOWE: Avondale Estates.

COUNCILMEMBER FLEMING: I'm sorry?

MR. HOWE: Avondale Estates is involved --

COUNCILMEMBER FLEMING: Okay.

MR. HOWE: -- as well; yes, ma'am.

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COUNCILMEMBER FLEMING: This doesn't constitute a contract with Google. If selected, then Google would be sending us a contract to sign as an entity. But what happens if Doraville or Chamblee or one of the other cities elects not to, for whatever reason, the contract, then comes out with verbiage of how much it's going to cost or where they're going to put their systems or so forth? Number one, would the other cities have to bear the responsibility of the contract, and number two, since it's requiring 50,000 residents or people involved, would that not then negate the contract?

MR. HOWE: Well, each city is required to submit its own RFI. We all have different information. So we would enter into contracts individually with Google, not as a consortium.

We've contacted Google and said, "Look. What if, you know, we don't meet the 50,000 threshold?" And then said, "Well, you can partner with neighboring cities." And I believe there's only one other partnership that exists right now, and that's a group of cities in Utah.

But we would enter -- we would enter into a contract with Google individually. But Georgia Power's involved, too, because, you know, we're going

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to have to -- their support is required in order to run conduit on their power poles. None of us own our own power poles. So it's truly, you know, a collaborative effort. Emory's involved in addition to the other cities. We've tried to get Dekalb County. We've made every effort to enlist some of the smaller jurisdictions. But I think the fact that we're all cooperating and we're all working together, I think that speaks volumes.

Whether we get it or not, I think we've made tremendous progress in the way we've collaborated with our neighboring cities and the way we -- Like Mr. Bates said, we were a leader on this. It started with Doraville and Dunwoody, and everybody else has kind of come along. But I think that speaks volumes; that's more important than anything. Whether we get it or not, I think we've made tremendous progress in the way we approach things.

COUNCILMEMBER ROCHE: I did notice a typo in the resolution. If Avondale Estates is here, obviously there's a typo I think on the resolution because they're not mentioned, so we'd want to get that corrected.

MR. HOWE: Did you get my final version?

Well, it just kind of evolved, and these

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cities just kind of come along. We added them as they came along. I have the original -- I have the latest version --

COUNCILMEMBER ROCHE: I'm just saying --

MR. HOWE: -- with me.

COUNCILMEMBER ROCHE: -- before we pass this resolution, we need to make sure, if Avondale Estates is included, that we just make sure to check the resolution. That's all.

MR. HOWE: They are, so we could pass this.

COUNCILMEMBER BATES: I'll make a motion to pass the amended resolution that includes Avondale Estates.

COUNCILMEMBER PITTMAN: Second.

MAYOR JENKINS: Any more discussion?

COUNCILMEMBER FLEMING: Since --

MAYOR JENKINS: Call the roll.

COUNCILMEMBER FLEMING: -- this isn't --

MAYOR JENKINS: Excuse me.

COUNCILMEMBER FLEMING: I'm sorry. I just want to confirm that since this isn't an ordinance, it doesn't need a first reading?

MR. WEED: No, ma'am, it does not.

COUNCILMEMBER FLEMING: Thank you.

MAYOR JENKINS: Call the roll, please.

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CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Okay. The bid opening for the Air Conditioner for Recreation Center, and I believe that's already in her budget. So do you have the bids?
CLERK BLACKMON: Uh-huh.
COUNCILMEMBER BATES: Mayor, if I may while Ms. Blackmon is passing those out, I just want to give a quick thanks and update on the Sequoyah Woods or Sequoyah Middle School clean-up day that happened this past Saturday.
We had over 80 people in attendance to participate in the clean-up. It was a tremendous partnership. We had City employees, we had parents,

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we had faculty, we had students, we had Doraville residents, we had community numbers. We had 25 of the guys that play soccer on the field show up.
We picked up over 40 bags of recyclables, over 30 bags of trash, and we pulled 120 tires out of the ravine behind Sequoyah. It was truly a collaborative effort from a lot of people working together.
And I really want to thank Trudy Dean and Nancy Hammond and Dave Bearse, who were spearheading that. I'd like to thank Bubba Shanahan and his son David for providing a lot of labor out there and moving metal pieces and hauling tires. It was really a wonderful community event, and I'm very thankful for everybody that came out to help take back our local middle school. So thank you.
Thank you, Mayor. I appreciate the opportunity.
MAYOR JENKINS: Thank you, Brian.
Pam, you want to start it off?
- - -
(Brief recess)
- - -
MAYOR JENKINS: All right, Pam.
COUNCILMEMBER FLEMING: Okay. The first bid

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is from ProTech Heating and Air Conditioning in Norcross, Georgia.
Their job schedule includes removing the existing ductwork from unit, reclaim the R-22 refrigerant and properly dispose of, remove existing 25-ton unit and properly dispose of, provide and install new Trane TCH300E300 25-ton unit; install/ transition existing ductwork into new unit; duct seal at all connections; all high and low voltage wiring; all crane and lift requirements; professional start-up and diagnostics check-out.
This is for a Trane TCH300E300 25-ton packaged cooling unit with horizontal air flow, 410A refrigerant; 208/230 volts, 60 hertz, three phase; five-year replacement compressor warranty, one-year parts and labor warranty. $24,700.
COUNCILMEMBER ROCHE: United Maintenance, McElroy Road, Atlanta, Georgia.
Trane Model TCH3008300CA. Propose to remove the unit, install new Trane package unit, check out package unit; ductwork, crane; one-year warranty on labor, five-year on the compressors. Labor, $1,517; material, $14,713.36, for a total of $16,230.36.
COUNCILMEMBER PITTMAN: I have Bakop, (pronouncing) (spelling) a-k-o-p Construction Service,

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Inc., at 422 Thornton Road, Lithia Springs.
Replacement of 25-ton package unit, disposal of old unit, new thermostat, permit and fee. They propose to furnish material and labor complete in accordance with the bid specifications. It says $9,900, but the numerical says $19,900 instead of $9,000.
MAYOR JENKINS: The specs on the unit, 25-ton?
COUNCILMEMBER PITTMAN: 25-ton, sir.
MAYOR JENKINS: Okay. And --
COUNCILMEMBER PITTMAN: Disposal of old unit, and new thermostat, permit and fee, material and labor, furnish material and labor.
MAYOR JENKINS: Ducts. Anything about the ducts?
COUNCILMEMBER PITTMAN: No, sir.
MAYOR JENKINS: Okay.
COUNCILMEMBER FLEMING: And what was the name of that again, Ms. Pittman?
COUNCILMEMBER PITTMAN: B-a-k-o-p Construction Service, Inc.
COUNCILMEMBER PACHUTA: I have Powers Heating & Air, Peachtree City, Georgia. I wasn't going to read all of it because I believe these are

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1 going to Carol for review to compare to her bid
2 request.
3 Installed price, $16,131.
4 MAYOR JENKINS: Specs are the same; is that
5 correct --
6 COUNCILMEMBER PACHUTA: Uh-huh.
7 MAYOR JENKINS: -- on all of them?
8 COUNCILMEMBER PACHUTA: Yeah. And these are
9 going to Carol, anyway.
10 COUNCILMEMBER BATES: Hillman Mechanical
11 Service out of Decatur, Georgia.
12 I don't know what the spec request was.
13 It's a TCH300E300 is what they're proposing. $18,660.
14 COUNCILMEMBER ALEXANDER: Mr. Weed, I have a
15 question on mine because it says no bond. Isn't that
16 something that we require, if we do business with
17 anyone, that they have a bond?
18 MR. WEED: Ordinarily.
19 COUNCILMEMBER ALEXANDER: Okay. So --
20 MR. WEED: It would all depend upon the
21 individual RFP.
22 COUNCILMEMBER ALEXANDER: Okay. So I'd like
23 on this one to make that note that it says no bond.
24 Air Conditioning Specialists out of
25 Covington, Georgia.

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1 For the 25-ton cooling unit only, $17,730,
2 and then it says to include 56-kilowatt heat strip.
3 The total would be eighteen four seventy.
4 COUNCILMEMBER ROCHE: And again, I believe
5 this was already in the budget, her capital budget.
6 MAYOR JENKINS: That's the way I understand
7 it, yes. Has to be, either way.
8 COUNCILMEMBER ROCHE: Well, we just passed
9 another one that wasn't in the budget, right?
10 MAYOR JENKINS: Okay. Any more questions?
11 COUNCILMEMBER FLEMING: No, sir.
12 MAYOR JENKINS: Do I get a motion?
13 COUNCILMEMBER BATES: Make a motion to give
14 it back to Director Stephens for review.
15 COUNCILMEMBER FLEMING: Second.
16 COUNCILMEMBER PITTMAN: Second.
17 MAYOR JENKINS: Call the roll.
18 Any more discussion?
19 What'll it do? Come back to us after she
20 checks it out? Okay.
21 COUNCILMEMBER BATES: Yes, sir.
22 MAYOR JENKINS: Call the roll, please.
23 CLERK BLACKMON: Councilmember Alexander?
24 COUNCILMEMBER ALEXANDER: Yes.
25 CLERK BLACKMON: Councilmember Bates?

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1 COUNCILMEMBER BATES: Yes.
2 CLERK BLACKMON: Councilmember Fleming?
3 COUNCILMEMBER FLEMING: Yes.
4 CLERK BLACKMON: Councilmember Pachuta?
5 COUNCILMEMBER PACHUTA: Yes.
6 CLERK BLACKMON: Councilmember Pittman?
7 COUNCILMEMBER PITTMAN: Yes.
8 CLERK BLACKMON: Councilmember Roche?
9 COUNCILMEMBER ROCHE: Yes.
10 MAYOR JENKINS: Bid openings on the Software
11 for Accounting Citywide. We've got about how many?
12 Fifty?
13 CLERK BLACKMON: No. It's about 10, but
14 some of them are boxes.
15 - - -
16 (Boxes opened)
17 - - -
18 COUNCILMEMBER PACHUTA: Procedurally, do we
19 need to -- once we open these, do we need to read
20 through each of them or can we make a motion to have
21 our finance director then take them and review them?
22 MR. WEED: The only requirement of 2-90 is
23 that the bids shall be opened by the Mayor and Council
24 at regular or special meetings. That's all it says,
25 quite literally. Therefore, you've opened them. So

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1 yes, in my opinion, you could simply, you know, defer
2 it to -- have them, you know, narrowed down by the
3 relevant department head and have that person give you
4 a report or bring it back to you at some point in the
5 future.
6 COUNCILMEMBER FLEMING: But the purpose of
7 opening them in a regular meeting is so that we can
8 announce who the RFP came from and the amount that
9 they are bidding, and then they can go to the
10 appropriate department head.
11 MR. WEED: The code actually doesn't say
12 that. Logic would dictate that that's what was the
13 intention, but the code simply doesn't -- it doesn't
14 say that at all.
15 COUNCILMEMBER BATES: At present, and as
16 painful as I find this process -- and I look forward
17 to changing it -- I do think in this particular
18 instance until we've got a much clearer process in
19 place, should that happen, I do think that we need to
20 read the numbers so that it is on a record at a public
21 opening.
22 MR. WEED: I'm not opposed to that. I'm
23 simply telling you that the section doesn't require
24 that. However, it's certainly not a bad idea to do
25 that. It wouldn't be illegal to do that.

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COUNCILMEMBER ALEXANDER: Are we ready to go?
CLERK BLACKMON: Yes.
COUNCILMEMBER ALEXANDER: Okay. Springbrook out of Portland, Oregon, $64,800.
COUNCILMEMBER BATES: Harris out of Tyler, Texas. Software license fee, $28,241; on-site training and implementation, eighty-three two forty-one; annual maintenance and support Business Ready Advantage Plan first year, six thousand seven seventy-eight; Harris annual maintenance year one, two thousand six thirty-five.
COUNCILMEMBER PACHUTA: I have several in front of me right now, which is from Colibri, it looks like.
CLERK BLACKMON: Say that again?
COUNCILMEMBER PACHUTA: Colibri, (spelling) C-o-l-i-b-r-i.
I'm just looking on the last page, and the total is $35,480.40.
I also have Summerland Consulting. I'm trying to find the price. I'm sorry. Come back to me, because I'm going to have to go through here and find the price.
Oh, I'm sorry. Here it is. Software

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estimate, $43,285; services estimate, $81,600; extended total, $124,885.
MAYOR JENKINS: You got yours, Donna? Go ahead.
COUNCILMEMBER PITTMAN: I have about 10 pages of various prices, but I believe it says In Code, a Tyler Solution, out of Dacula. Looks like total by year is $102,052.
COUNCILMEMBER ROCHE: I have Computer Software Innovations from Easley, South Carolina.
This is for Smart Fusion software which includes the system manager, AP, bank reconciliation, budgets, fixed assets, fund ledger and purchasing. Software cost is $31,560. Data conversions is $10,471.50. Training, et cetera, et cetera. It comes out to a total of $53,899.50. With the service plus ongoing is apparently, if I understand this correctly, is $11,968 per year for ongoing support.
COUNCILMEMBER BATES: I've got Harris Spectrum. They don't identify where they're from. Software license fee, total software, $27,535; annual maintenance and support, $5,650; professional services, $12,350; customizations, $1,990; annual maintenance on customizations, $400; software options, $900; and $900 for support.

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MAYOR JENKINS: I have I believe it's Northstar Utilities Solutions, and it's got a number of titles, but the total is $322,500. It's got pages of different figures, but the total is three twenty-two.
COUNCILMEMBER FLEMING: Continental Utility Solutions out of Jonesboro, Arkansas.
User licenses for the software is $5,950. The add-on modules is $26,240. Implementation and training services is $34,595. Comes to a total of $66,785. That's Continental Utility Solutions.
And the other one that I have is Paradigm Analytics out of Denver, Colorado.
It appears that the Financial Suites software package is $54,500. Implementation, data conversion and training is $78,200. And if we want annual maintenance, that's another ten-nine, $10,900. Gives a total of $143,600.
MAYOR JENKINS: Is there any more, Pam?
COUNCILMEMBER FLEMING: No, sir. I have two.
MAYOR JENKINS: Okay. Motion we turn these over to the finance person and let her critique them? Is that what we're going to do?
COUNCILMEMBER BATES: So moved.

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MAYOR JENKINS: Second?
COUNCILMEMBER PACHUTA: Second.
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: All right. Do we have any department heads here?
Do you have any reports to make?
MS. WILSON: No, sir.
MR. WEED: I don't have a report, but as a matter of personal privilege, as a guest of the

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1 Council, I'd like to introduce my law partner,
2 Bill Linkous, who's in the back. Bill is the former
3 county attorney of Dekalb County, a great lawyer and a
4 fine human being.
5 MAYOR JENKINS: Very good. Thank you.
6 COUNCILMEMBER ROCHE: Could we get an update
7 on the shots fired? Was that inside the city or --
8 MAYOR JENKINS: Say what?
9 COUNCILMEMBER ROCHE: We had a -- Was that
10 outside the city, the shots fired issue?
11 MAYOR JENKINS: Chief --
12 ACTING CHIEF ATKINSON: Yes, sir.
13 MAYOR JENKINS: I understand that happened
14 on Lambeth Lane; is that correct? Was there something
15 that happened on Lambeth Lane about 2;00 this morning?
16 ACTING CHIEF ATKINSON: No, sir. I --
17 MAYOR JENKINS: Is that what you're talking
18 about, Bob?
19 COUNCILMEMBER ROCHE: No, because it was out
20 of the city, I guess.
21 MAYOR JENKINS: I had a report on something
22 that happened in the city about 2:00 a.m. this
23 morning.
24 COUNCILMEMBER ROCHE: Oh, that's news to me.
25 ACTING CHIEF ATKINSON: No, sir, I haven't

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1 heard a report of that.
2 MAYOR JENKINS: We're going to have public
3 comments on the agenda items. So pick out the agenda
4 item you want to speak on, and I'll give you three
5 minutes.
6 First? Nobody?
7 MR. HART: Well, it's kind of awkward to
8 make a comment on an agenda item when you haven't
9 heard what you're talking about yet. So that was my
10 comment, is doing it before something happened and try
11 to make something -- you know, make an observation is
12 sort of difficult, and I think that cuts out all the
13 comments about agenda items.
14 Can you make a comment on things that have
15 already happened?
16 MAYOR JENKINS: Agenda items.
17 MR. HART: Oh, okay. I had a question about
18 this IT proposal, that we're spending money that we
19 didn't have budgeted for an IT proposal; that normally
20 one takes maybe the lowest bidder or next-to-the-
21 lowest bidder. In the case of Doraville, it takes the
22 next-to-the-highest bidder and in a time when the City
23 is losing money hand over fist; that things to be
24 considered is with the housing prices basically
25 falling back to 2000/2002 levels, the budget to the

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1 City at that time was 5 to 6 million dollars, why the
2 City Council and the Mayor are still being paid this
3 exorbitant amount of money and the budget is being
4 overrun with no financial statements.
5 We're spending all this money on IT and
6 accounting packages when we don't even have a
7 financial report the last year. So I think it's
8 irregular, it's bordering on the criminal.
9 The financial responsibility of the City
10 rests on the Council and the Mayor, and that
11 responsibility has been completely, you know, just not
12 being looked after. I mean the citizens here have no
13 idea of the financial condition of this city, and yet
14 we just decided today to spend another couple hundred
15 grand, just flush it down the toilet like nothing's
16 happening out there in the world.
17 Thank you.
18 MAYOR JENKINS: Next?
19 MR. ANDERSON: Stuart Anderson.
20 And I hate to agree with Tom, but standing
21 up here trying to comment on something that hasn't
22 been discussed is counterproductive.
23 I guess my only comment was to recount a
24 conversation I had with Brian at the last meeting, at
25 the meeting when we heard about the IT people

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1 interview, and that was how, I think, difficult it
2 would be to make a decision about this unless we knew
3 what the actual budget was that we got from the police
4 department and how that kind of laid down. So I guess
5 my comment is it probably should have been postponed
6 until after your sabbatical, and you could have
7 possibly gotten some of those numbers, and I hate to
8 say it this way, acted more fiscally responsible.
9 Thank you.
10 MS. FRAYSSE: Susan Fraysse.
11 I want to use this as an opportunity to
12 thank the City and the Council and the webmaster.
13 I do think it's appropriate to have public
14 comments on the agenda items, and I'm thinking
15 primarily of the new business items.
16 There were lots of documents on the web site
17 for the last week so that I could look at them and
18 see. And I made copies of a few pieces and parts, and
19 if I felt strongly about it, I would be -- this would
20 be my opportunity to tell you about it.
21 So I appreciate so much more information in
22 the packet being made available on the web site. So
23 it does make sense to hear from the public a little
24 bit and then to do your business and then to hear from
25 us again at the end. So I appreciate it.

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

I'm just very excited about all the conversation going on with the new and improved and very necessary accounting software. Information is power, and we certainly need that and we certainly need an improved IT landscape here in the city of Doraville. And so I thank you all for taking on this tremendous project and I certainly encourage you to work together and make this happen.

In all my years as an auditor, an accountant and a financial consultant, I've worked with many projects relating to software acquisition, hardware acquisition and the merging of the two and enjoyed that very much.

And one of the things that I would bring to your attention in reviewing the proposals and in speaking with the vendors is to consider their financial stability. And "stability" is a vague word. What I would encourage you to look at as these vendors as a going concern, and that may mean getting D&B reports; it may be getting financials, preferably audited financials such as the balance sheet, even cash flow statements, the income statements.

The information in the implementation phase,

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I would really encourage you to look at who, actually identify who the project team is in addition to the team leader. Players come, players go, but key players are meaningful, and so I would encourage you to take a look at that.

If there is additional help needed, I would certainly encourage you to identify what it would cost and how that billing would be handled.

And I've had a little bit of a cold, so I apologize for my voice.

Lastly, on the entire agenda, I would say thank you so much for moving exponentially through the agenda items, because, as I've sat here for over a year and attended these meetings, it really is apparent to me the cost of the overhead. And when we move quickly over important and relevant matters, it means we may save legal cost, we may save staff cost, we may save recording fees, we may save on heat, light and water.

And that's my comment. Thank you.

MAYOR JENKINS: Thank you.

Anybody else?

- - -

(No response)

- - -

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MAYOR JENKINS: Okay. We're going into the agenda items.

RFPs on City Solicitor and Public Defender. That's going to be Maria Alexander.

COUNCILMEMBER ALEXANDER: Thank you, Mayor.

A part of Mr. Weed's previous task -- I think he was actually assigned that by Mr. Spangler -- was to audit the contracts we have for various positions throughout the City and for leases and buildings, and Mrs. Wilson is now helping him with that task.

We currently have contracts for court services, judges -- two of our judges, city solicitor and public defender.

In the research that I was able to do, I think it's been over -- well over five years since we have sent out RFPs for a public defender and city solicitor. And I believe with the Quality of Life unit establishment, even though we had Lieutenant Lowe doing similar duties beforehand, that not only do we have criminal charges in our municipal court but we're getting a larger quantity of ordinance violations, Quality of Life violations and animal. We've had a rash of animal violations in the Oakcliff area.

So I just think it's time that we send out

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RFPs for city solicitor and public defender.

MAYOR JENKINS: Do we have an RFP to send out?

COUNCILMEMBER ALEXANDER: That was part of my presentation was to enlist Mr. Weed and whomever he may need assistance from in crafting an RFP, and I included several examples that I had found doing research on the Internet.

It was hard to find one -- I could not find any in Georgia, and some of the ones I found, especially like California, it looked like their municipal courts handled cases that ours do not here in the state. Like it mentioned domestic violence cases, and I think the County handles those. That's not an offense that we would have jurisdiction over. So it was hard to find one specifically tailored to written -- you know, to our court systems.

My attachments, one of the ones I really liked was on page 3 of the City of Duvall, which was a set of questions that you would ask the respondent. Describe the steps you will take as a prosecutor to ensure that violators are prosecuted to the fullest extent of the law. Describe the role of the prosecutor and his or her relationship to the courts, police department, victims, witnesses in the

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1 community.
2 I think these would be good questions to
3 include in respondents because I think all those are
4 very important aspects of how a city solicitor relates
5 to not just the courts but to the police department
6 and to the community that they are involved with on a
7 daily basis.
8 Mr. Weed may have a difference of opinion on
9 that.
10 MR. WEED: No. If you'd like to do an RFP,
11 we'll certainly -- we'll look into it. And there are
12 models down there, we'll track them down, and I'll
13 take a good look at it for you.
14 COUNCILMEMBER BATES: Is it common or
15 uncommon for the solicitor and the public defender to
16 be contract employees or actual employees of a
17 municipality?
18 MR. WEED: It truly is a mixed bag in
19 Georgia. I would say that there are more who are
20 contractors, independent contractors than there are
21 part-time employees.
22 I think that will change. The reason why
23 I'm of the opinion that that will change is because
24 the recent state laws that require all independent
25 contractors to go to the E-verify system with the

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1 federal government and get an E-verify number to make
2 sure that they aren't employing illegal aliens. I
3 think that burden is so onerous on most lawyers and
4 law firms that they tend not to want to do that, and I
5 think you're going to see more and more groups seeking
6 the positions as part-time employees rather than
7 contractors. But that's an opinion. That's what I
8 predict will happen.
9 But I think right now, most of them are
10 independent contractors.
11 COUNCILMEMBER BATES: Based upon that,
12 should we be looking -- if we move forward with this,
13 should we be looking at a contract person or a part-
14 time employee?
15 MR. WEED: Obviously that's a Council-level
16 decision. I think that any -- any lawyer who's
17 interested in the work will go through the trouble of
18 getting an E-verify number. However, on the flip
19 side, these are also the equivalent of appointed
20 positions. And I've already, you know, rendered an
21 opinion that if they're in an appointed position, that
22 I don't think -- you can treat them as such, and they
23 wouldn't necessarily be independent contractors; you
24 treat them as appointees.
25 So what I would say to you is I think that's

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1 clearly up to the Council. Legally, it's not a legal
2 question; it's a management question for the Council.
3 What do I think would be easier? What would
4 be easier would be you have them be part-time
5 employees.
6 I've already talked to Finance Director
7 Wilson about this matter in a different context.
8 There's no negative tax consequences or financial
9 consequences to the City via either process.
10 COUNCILMEMBER PACHUTA: Would the process
11 change as far as soliciting? Would you do RFPs we
12 were looking for part-time employees or would we --
13 MR. WEED: I wouldn't --
14 COUNCILMEMBER PACHUTA: -- ask for resumes?
15 MR. WEED: It would change. I wouldn't
16 recommend bothering to do a more formal RFP or bid
17 system under 2-90. I don't think that would be
18 applicable.
19 What you would do is you'd follow the
20 personnel manual with regard to part-time employees
21 and you'd simply put out a notice probably on the GLGA
22 web site at least, which is the collective web site
23 for government positions in Georgia, and you'd notice
24 it just like you would any other position.
25 COUNCILMEMBER FLEMING: Is there a reason,

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1 Ms. Alexander? I think in February we sent out the
2 contracts for them to sign for another year. Is there
3 a specific reason these two particular services you
4 wanted to go out for RFP rather than to annually renew
5 their services through a contract that we already had
6 with them?
7 COUNCILMEMBER ALEXANDER: If I'm not
8 mistaken, they never signed their contracts, not even
9 from last year.
10 MR. WEED: That is correct. Contracts went
11 out in June of last year. They were followed up by
12 some correspondence from me. They've never been
13 signed. That's the situation we are in today.
14 COUNCILMEMBER FLEMING: Could you make the
15 contract a little more simplified?
16 MR. WEED: Councilman, I would say this: If
17 I have to simplify a contract for a lawyer, you don't
18 want that lawyer.
19 COUNCILMEMBER PITTMAN: I agree.
20 COUNCILMEMBER ROCHE: I think it would be --
21 I mean just off the top of my head, I would prefer to
22 have a contractor for a single year, a year at a time,
23 not a multi-year.
24 I wouldn't have a problem with the idea of
25 doing RFPs. I think we should do RFPs for everything.

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1 COUNCILMEMBER ALEXANDER: I had a question
2 about if we were to make that position a part-time,
3 because one of the things I thought was important to
4 be included in the RFP was for them to have a backup
5 plan, a firm backup plan, and identify a person to
6 fill in should they become ill or have vacation or
7 whatever.
8 How would you handle that if that person was
9 a part-time person? Because if they were applying for
10 a part-time position, how would they tell you who was
11 going to fill in for them if they weren't there kind
12 of thing?
13 MR. WEED: Well, you could do it any number
14 of ways, but one thing you could do is I would assume
15 and hope that we'll get more than two people who apply
16 for those positions. You could simply select the
17 primary part-time person and then appoint another
18 person as the assistant and/or secondary person and
19 just tell them that they're hired in that role and
20 they may get work or they may never get work, and
21 that's just part of the position.
22 Or if you do it as an independent
23 contractor, what many communities do and, as I under-
24 stand it, what Doraville has done in the past would be
25 they have left it up to the independent contractor to

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1 make sure that if they're on vacation or they've
2 gotten another leave of absence or something of that
3 nature, that they make sure that the court is covered
4 by a competent person.
5 So there's a variety of ways you could
6 handle it.
7 COUNCILMEMBER ROCHE: Well, through a
8 contract situation, there's no reason why a law firm
9 couldn't respond.
10 MR. WEED: That's correct. And they could
11 be, you know, any competent member of the firm.
12 That's absolutely correct.
13 COUNCILMEMBER BATES: From a cost standpoint
14 if we go contract-wise versus a part-time employee,
15 would there be a significant difference?
16 MR. WEED: My opinion is no, and I'm basing
17 that upon my conversations with the finance director.
18 I think you'd set a rate of whatever you're going to
19 set the rate at, and whatever that number is, that's
20 what that number is. And you could do it, you know,
21 hourly, you could do it per court session.
22 And that's essentially what's being done
23 now. It's essentially, you know, per court session.
24 Whether they're a contractor -- The
25 difference between being a part-time employee and an

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1 independent contractor frankly is the tax
2 ramifications, which have no negative impact on us.
3 That's their issue as to which tax form to get, that's
4 filled out on them.
5 And then the other ramifications would be
6 the burden of the contract where, you know, we have
7 an independent contract relationship that's got
8 certain -- we have certain state law requirements that
9 we now have to make sure we follow if you go that
10 route as opposed to making them a part-time employee
11 or an appointed official.
12 So that's the only difference.
13 COUNCILMEMBER BATES: I think my preference
14 at this time is much like Mr. Roche's, to put it out
15 as an RFP and have it as an independent contractor. I
16 think from a termination standpoint, that's an easier
17 way to go if you don't like them or they don't work
18 out versus, you know, an actual employee.
19 COUNCILMEMBER ALEXANDER: Further, Mayor, in
20 regards to this, similar to Director Stephens
21 reviewing her air conditioning bids and Finance
22 Director Wilson reviewing her bids for her software, I
23 would like for us to do a similar action on this, and
24 after we get RFPs, you form a team to review them --
25 Judge Carter and, you know, Ms. Rivera from Courts,

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1 and a senior member from the PD, and Mr. Weed and
2 whomever else you think should be in that, to review
3 and sort of bring us the cream of the crop to look at
4 if Council's okay with that.
5 MAYOR JENKINS: Yes.
6 COUNCILMEMBER FLEMING: I think that's an
7 excellent suggestion.
8 COUNCILMEMBER ALEXANDER: So I make a motion
9 for Mr. Weed to begin composing RFP for public
10 defender and city solicitor and the Mayor to form a
11 judicial RFP review team to review the respondents.
12 COUNCILMEMBER PACHUTA: Second.
13 COUNCILMEMBER ROCHE: Now, this is as a
14 contract and single year?
15 COUNCILMEMBER ALEXANDER: Yes, sir.
16 COUNCILMEMBER ROCHE: Okay. I make a
17 friendly amendment to your motion to make it a
18 contract.
19 COUNCILMEMBER ALEXANDER: Make it a contract
20 position.
21 MR. WEED: Purely technically, even if we do
22 multi-year contracts, we, the government, can get out
23 of them at the end of the calendar year anyway; but
24 that's fine. We'll do it that way.
25 COUNCILMEMBER ROCHE: Now, what about

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1 judges?
2 MR. WEED: Well, currently -- Funny that you
3 mentioned that, Councilman. Currently we have one
4 judge who is essentially a full-time employee, Judge
5 Carter, and we have contracts that have been sent to
6 our other two judges, who are assistant judges.
7 They've asked for more time to review the contracts,
8 and I've been asked by the Mayor to essentially relate
9 to them one thing that we've talked about here before:
10 the possibility that they might be part-time
11 employees. So that's where we're -- they haven't
12 responded with regard to -- They're looking at the
13 contracts and asked for more time, they responded to
14 that, and we initiated, as a matter of fact, Friday,
15 conversations with them about them possibly being
16 part-time employees, but I haven't gotten a response
17 today, but I've been out of the office pretty much all
18 day today, so --
19 COUNCILMEMBER ROCHE: Thank you.
20 MAYOR JENKINS: Any more discussion?
21 - - -
22 (No response)
23 - - -
24 MAYOR JENKINS: Call the roll.
25 CLERK BLACKMON: Councilmember Alexander?

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1 COUNCILMEMBER ALEXANDER: Yes.
2 CLERK BLACKMON: Councilmember Fleming?
3 COUNCILMEMBER FLEMING: Yes.
4 CLERK BLACKMON: Councilmember Pachuta?
5 COUNCILMEMBER PACHUTA: Yes.
6 CLERK BLACKMON: Councilmember Pittman?
7 COUNCILMEMBER PITTMAN: Yes.
8 CLERK BLACKMON: Councilmember Roche?
9 COUNCILMEMBER ROCHE: Yes.
10 COUNCILMEMBER ALEXANDER: Mr. Weed, did you
11 get a copy of the documents?
12 MR. WEED: I did. Thank you.
13 - - -
14 (Brief recess)
15 - - -
16 MAYOR JENKINS: Okay, Bob.
17 COUNCILMEMBER ROCHE: When we went through
18 the audit, you know, we read over the audit, and I
19 found some interesting numbers from last year.
20 And essentially what it boils down to is we
21 have a pension fund that we pay our employees, and
22 there has to be a balance in that pension fund to make
23 our -- to meet our obligations to these employees.
24 And one of things that was noted in the -- or at least
25 I noticed in the audit was that the difference between

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1 how much money we have in the bank to pay the pensions
2 versus how much money -- our accrued liability for
3 pensions jumped significantly during fiscal year 2008
4 through 2009. This is as of the end of June 30th,
5 last June 30th.
6 And the year before, just go give you an
7 example -- I mean it's okay to be a little behind.
8 The year before, in 2008, the difference was $773,000.
9 In other words, if everyone retired right that second,
10 we would have had to come up with $773,000. And I'm
11 sure Ms. Wilson will correct me if I've got that
12 number wrong or if I've got what I'm explaining
13 incorrect. However, in the fiscal year 2008/2009, the
14 difference between the value of our assets versus our
15 liability is $5,459,000.
16 Seems like every -- once a year, you read
17 about some organization somewhere finding themselves
18 finding themselves really short on retirement
19 benefits, and I just wanted to bring this up today and
20 hopefully get some more information.
21 And I've asked -- when I submitted the
22 agenda item, I asked for the finance director to be
23 here and see if you could shed any light on do we have
24 an idea of what our annual contributions are for last
25 year and what they're going to be this year?

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1 MAYOR JENKINS: You want to come up to the
2 microphone?
3 COUNCILMEMBER ROCHE: And please don't hide
4 back in the -- you know, we need you up front. We're
5 proud of our new finance director.
6 MS. WILSON: What was paid out from this
7 year, which is fiscal year 2010 and last year was
8 $560,283 that we paid to GMA. That's the amount that
9 was what was paid out.
10 COUNCILMEMBER ROCHE: Right.
11 MS. WILSON: The year before that, the last
12 two years was four seventy-eight four fifty-nine, so
13 we can see that was an increase.
14 COUNCILMEMBER ROCHE: Okay. But my question
15 is what is it going to be this year?
16 MS. WILSON: We haven't got the bill for
17 that yet. The bill comes out at the end of December.
18 COUNCILMEMBER ROCHE: Okay. Do we have any
19 kind of an estimate as far as what that's going to be?
20 I'm concerned about the budgeting process.
21 And before, we've been spending -- you know, paying
22 out somewhere around $500,000 --
23 MS. WILSON: Uh-huh.
24 COUNCILMEMBER ROCHE: -- a year, but we were
25 paying out that 500,000-or-so dollars a year but we

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had a much more healthy budget -- sorry -- much more healthy balance.

And I'm concerned that, you know, we're paying out $460,000 or $550,000 or whatever when we only owe about $773,000 and now we owe five-and-a-half million. Is that going to have a multiplier effect? Does that mean that now that we are six or seven times behind, that we're going to have to pay six or seven times more of a contribution to cover the difference?

MS. WILSON: Well, I have been in contact with someone from GMA, and they haven't got back with me on the details of how much we have to pay and what has been paid thus far, because all we get every month is just a report of detail of retirement. And so I'm still waiting on someone to give me feedback on how to explain that report to me because it's not very clear.

COUNCILMEMBER ROCHE: Okay, because I think the report had a dollar amount of like a million-one?

MS. WILSON: Oh, the report that we have is more.

COUNCILMEMBER ROCHE: Right. How much was that?

MS. WILSON: I think it was about 10 million.

COUNCILMEMBER ROCHE: Two million?

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MS. WILSON: 10 million.

COUNCILMEMBER ROCHE: I'm talking about --

COUNCILMEMBER FLEMING: 10 million has been invested or 10 million that we owe?

MS. WILSON: 10 million that we invested.

COUNCILMEMBER ROCHE: Right.

COUNCILMEMBER FLEMING: Okay.

MS. WILSON: Uh-huh.

COUNCILMEMBER ROCHE: Yeah; because here it's saying about ninety -- nine million three, nine million four as of the end of 2009.

And part of what happened here obviously, if anyone's picked up a paper in the last couple of years or looked at their 401K, you know, it's all gone. We got hit pretty badly on that.

My concern is just that, you know, we obviously have to meet our pension liability --

MS. WILSON: Right.

COUNCILMEMBER ROCHE: -- on this, our pension obligations.

Do you think we might be able to get some information from GMA by the next meeting?

MS. WILSON: Oh, yes, definitely.

COUNCILMEMBER ROCHE: I'd like to make a motion to table this until the next Council meeting

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and we can get some dollar amounts as far as -- my main concern is how much we're going to be liable for that we're going to have to build into our budget this new year.

COUNCILMEMBER FLEMING: I'll second it, but I want to ask also.

The report that they're defining for you, does that also show whether they've invested our deposits?

MS. WILSON: No, ma'am, it does not.

COUNCILMEMBER FLEMING: It doesn't.

MS. WILSON: No, ma'am. That's why I called, to get more details --

COUNCILMEMBER FLEMING: Yes, ma'am.

MS. WILSON: -- about the program because it's not very clear. So I want to know exactly where we're at so that we can budget for that next year to know how much farther we have to go or if they owe us something or we should look to a better retirement plan.

COUNCILMEMBER FLEMING: Exactly.

MS. WILSON: Uh-huh.

COUNCILMEMBER FLEMING: That's what I'd like to have us look into is how diversified we are.

MS. WILSON: Right.

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COUNCILMEMBER FLEMING: They may have been out there on a limb and investing in stocks that thought they were going to turn around and they weren't.

MS. WILSON: Right.

COUNCILMEMBER FLEMING: And I'm not trying to be too conservative, but I don't want us to go into too much. So yeah, I would like to have a review of how they're investing or how we could invest through them, to make a decision as to whether we want to continue investing through GMA.

MS. WILSON: Right. And tomorrow I do have a meeting with someone to talk about our benefits that we have, because I want to make sure that the City of Doraville for our employees are getting the best benefits and not just be put into one category --

COUNCILMEMBER FLEMING: Exactly.

MS. WILSON: -- because that's not fair to us to just keep using the same thing when we could possibly be saving funds to use those funds elsewhere.

COUNCILMEMBER FLEMING: Excellent. Thank you very much.

COUNCILMEMBER BATES: Mr. Roche, Ms. Fleming, if I could suggest two things because I like the idea of having GMA provide some answers.

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I think it would be -- we would be better served if an actual representative from GMA were here to answer those questions. So I would ask if you would consider amending your motion to ask for a representative of GMA to actually be here to address questions for the April 5th meeting and if you would be amenable to that, if we could put our questions in writing so that they would be prepared to answer those versus being put on the spot and then having to come back to us in theory at a later date. I think that will better educate all of us as to what they're doing with the funds that we're sending to them and hold them accountable by being here in front us and explaining -- explaining what they're doing.

COUNCILMEMBER ROCHE: I mean that's fine. We could extend the scope to that. Again, my main concern is, you know, in December we're going to get a bill --

MS. WILSON: Yes.

COUNCILMEMBER ROCHE: -- and I want to have an idea what that bill is going to be. But I'd be more than happy to amend my motion to also include requesting GMA to have a representative here to answer additional questions.

And as far as writing the questions, we

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submit our questions, my question is one question: What's it going to cost? A decent estimate. And I think that's a good starting point.

COUNCILMEMBER BATES: Thank you.

COUNCILMEMBER FLEMING: Second.

COUNCILMEMBER BATES: Thank you.

MAYOR JENKINS: Any more discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

Thank you. So it'll carry over to the next agenda.

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MAYOR JENKINS: Go right ahead, Bob.

COUNCILMEMBER ROCHE: The next one is Department Head Availability at City Council Meetings, and I guess I could say employee availability.

It's been kind of frustrating over the last several months. There have been situations where we've needed people that work with the City to be present at meetings to answer certain questions or provide information, et cetera, et cetera. Some of these have been meetings where it would be very appropriate.

For instance, we had the business forum meeting where basically we had -- we had a pretty big turnout, concerns about city planning and et cetera, et cetera, but yet our city planner wasn't available. He wasn't at the meeting.

Several times during the course of meetings, we have had questions for the city planner or for other people that work here, and they just haven't been available, so we can't get anything done.

More than once I've made specific requests to have certain employees present for an agenda item so that we could ask for information. Tonight it worked out. I mean I did specifically request that the finance director was here, and she was here. And

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you see how we can at least find out what the questions are that we need to ask, even if we, you know, didn't necessarily -- and I recognize we weren't going to have all the answers tonight.

And I don't know what to do. It's just very frustrating to find myself asking questions of an empty chair. And I don't know if we need to set up an ordinance or a policy or whatever, but I think that we pay our employees very well. I think that our employees should be available and accountable and at least be able to answer questions so that the Council can get our business done on a day-to-day basis.

So that's the problem. I'm open to suggestions as to the solution.

COUNCILMEMBER BATES: I would say part of the issue for me is we don't tend to ask the questions in advance so that the staff members can come to the meeting prepared to answer the questions. It would seem that they're being set up to be ambushed from up here, and I don't think that's fair for us to put them on the spot not knowing what they're going to be asked about.

We should all be responsible for -- you know, if we've got questions in advance of the Council meeting, to notify, you know, the Mayor, department

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1 head, saying, "These are the questions that I have
2 regarding this particular topic. Could you have that
3 department head available to answer these particular
4 questions?" Obviously there will be questions that
5 are generated from their answers or questions that pop
6 up in advance, but a general framework of the topic
7 that is going to be discussed I think would be greatly
8 beneficial for our employees so that they're not, you
9 know, caught off guard, unaware, and put on a hot
10 seat.
11 COUNCILMEMBER ROCHE: Well, I can certainly
12 relate to being ambushed.
13 I just think a lot of this stuff that's --
14 you know, for instance, again, like the business
15 forum, I mean we knew the topic was going to be
16 planning, and I would think any city planner would be
17 very interested in the comments of the people he's
18 serving.
19 Tonight, you know, Defined Benefit Funding
20 Requirements. I think that was clear enough and I
21 made a -- you know, I think it worked out just fine.
22 But you know, it's like we have employees
23 that are -- it's almost like they're being hidden away
24 or something. You know, we can't get straight answers
25 whatsoever.

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1 We had questions about getting documents --
2 sorry -- reports about the number of business licenses
3 that were being -- sorry -- tax, occupational tax,
4 whatever they are.
5 MR. WEED: Placards. Very good.
6 COUNCILMEMBER ROCHE: Okay. And you know,
7 we -- tonight we have reports from all -- you know,
8 all over the departments but we don't get that. But
9 the one person that makes most of the decisions wasn't
10 available.
11 So you know, it's just -- again, what is it
12 going to take to be able to say we need this person
13 here to answer these types of questions and not have
14 it be completely ignored?
15 COUNCILMEMBER BATES: I apologize, but we
16 obviously were at a different meeting when this was
17 discussed.
18 Mr. Haeberlin is not responsible for issuing
19 the occupation tax placards. That comes from
20 Ms. Bryant.
21 He is responsible for the zoning appro-
22 priateness, of which we have a very clear report from
23 him that there are 10 or 12 businesses that are in his
24 department because of zoning appropriateness.
25 The other however many hundreds or thousands

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1 of occupation tax placards that are issued by the City
2 of Doraville come from Ms. Bryant's office. She is
3 the recordkeeper of those. She can tell us how many
4 have been issued this year, last year, the year
5 before.
6 Your request for the planner was ambiguous,
7 it wasn't clear, and it was not germane to his job
8 responsibilities. So I disagree with your premise.
9 If you have questions regarding the number
10 of businesses that have been held up because of zoning
11 appropriateness, that is a perfectly legitimate
12 question, but that should have been articulated so
13 that Mr. Haeberlin knew what he was being asked.
14 COUNCILMEMBER ROCHE: But he wasn't here to
15 answer.
16 COUNCILMEMBER BATES: But you didn't put it
17 in writing. You said, I want the planner there to
18 talk about occupation tax placards.
19 COUNCILMEMBER ROCHE: Right.
20 COUNCILMEMBER BATES: That is not his area
21 of responsibility.
22 COUNCILMEMBER ROCHE: It is his area of
23 responsibility because the one thing that the other
24 person does not have access to is how many of them
25 were denied.

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1 COUNCILMEMBER PACHUTA: That's not --
2 COUNCILMEMBER ROCHE: And that's what we're
3 trying to get at is how many were denied, because if
4 it's denied, then it never gets to the reports, it
5 never gets to the computer system.
6 COUNCILMEMBER PACHUTA: And for the agenda,
7 you did not have that information. That is not what
8 you requested on the agenda item. So what you
9 requested on the agenda item is more appropriate for
10 Ms. Bryant, so I think we need to be clear on our
11 agenda items.
12 And I was hoping that the new ordinance
13 would deal with some of that so we could get at least
14 summaries of questions or information to employees in
15 advance so they can determine, yes, it's appropriate
16 for them to be there.
17 COUNCILMEMBER ROCHE: I don't know what else
18 to say. I mean we're just going around and around
19 here.
20 COUNCILMEMBER FLEMING: Mr. Mayor, I want to
21 thank all the department heads, and please do that for
22 me. All the reports that we've received all the way,
23 even the permits and the court re- -- the court clerk,
24 Corally, Ms. Rivera, and all of the reports from the
25 library and the rec. department. They're outstanding.

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I think what we are wanting to see, however, also, as defined the last time that we spoke, was that Mr. Haeberlin does see the first application before it gets to Ms. Bryant's desk. Okay. And so the information that I would like to see as an additional report would be the number of applications for businesses that he has received in a month's time, how many he has accrued and how many he has denied.

COUNCILMEMBER PACHUTA: And we already made -- we made that motion at the last meeting, that they would start being provided, so --

COUNCILMEMBER FLEMING: It may. I'm letting the Mayor write it down, and he's doing a great job at doing that.

But I do want to commend all the department heads that are providing that information for us, so thank them for me, please.

COUNCILMEMBER BATES: We did. We made a motion --

COUNCILMEMBER ROCHE: Right.

COUNCILMEMBER BATES: -- effective middle of the month of May 2010 regarding occupation tax licenses beginning with January 1, 2009 and new applications since that time, the number of applications denied, the number of applications

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approved, and the new monthly balance; also a year-to-year comparison. The motion was made by Councilmember Roche and seconded by Councilmember Bates. The motion was passed by unanimous vote.

So we should start getting those reports starting mid of May.

MR. WEED: Council, I've got one legal comment. When you get the report, if you need to be more specific, please bear in mind that there are other reasons other than zoning that a business license application might be rejected. For example, the application itself was incomplete, or, for example, that the now-required state affidavit is not signed or the person isn't a citizen of the United States or a legal alien. If that is the case, then, you know, we could not allow them to pay occupation tax.

So there are other categories for denial other than purely zoning, just so you are aware of that.

COUNCILMEMBER FLEMING: But Mr. Haeberlin is the decisionmaker in that specific instance, because all of the applications go to him; is that not correct?

MR. WEED: No, ma'am. He's not the sole

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decisionmaker. The City Clerk is the primary decisionmaker.

The City Clerk is charged fully with responsibility of administering the occupation tax code. That's in the ordinance and that's who does it, so Rhonda's the primary person. Rhonda can ask other department heads for input, which she does via zoning, for example. But the ultimate responsibility rests on the hands and on the head of the City Clerk, good, bad or indifferent.

No offense, Rhonda, but that's the facts of life.

COUNCILMEMBER ROCHE: And again, that was one example.

I mean the other examples obviously that we've had were -- you know, I guess, like I said, I guess the most glaring example was the business forum. I mean how can you have a business forum where, you know, people are going to show up and talk about planning and the planner's not there? I mean it just doesn't make sense to me.

In fact, at the business planner [sic] forum, speakers were admonished not even to speak out loud the name of our city planner, you know. So anyway, it's clear nothing's really going to be done

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on this.

I mean as far as questions, you know, in advance, you know, sometimes we don't know the questions to ask, so -- you know. I brought it up, I asked for a solution. It's just, you know, not going to happen. So I'll leave it with that, I guess.

COUNCILMEMBER ALEXANDER: I would like to say thank you to the police department for having a member, a senior member of their team at almost every single meeting that we have here. They are the only department that has to suffer and endure our meetings, and I don't think that's fair to them, but we do very much appreciate you being here, sir.

COUNCILMEMBER FLEMING: I'm sorry. Thank you.

COUNCILMEMBER ROCHE: Thank you.

- - -

(Applause)

- - -

MAYOR JENKINS: Before we move on, we love your company, Shantay. If you would like to go now, you can.

MS. WILSON: Oh, I'm fine.

MAYOR JENKINS: Okay. Murray?

MR. WEED: Mr. Mayor and members of Council,

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1 Item No. 4 is we currently have a city marshall
2 position that's actually been created within an
3 ordinance. It's Section 2-200.
4 I have talked to the Acting Chief of Police,
5 I've talked to members of the Council and the Mayor to
6 kind of get a historical background with regard to
7 that position, and I would like to thank Councilman
8 Pachuta for providing me some relevant minutes.
9 That position has been on the books since
10 1993; however, in 2007, the Quality of Life office and
11 the officers were created. And frankly, it's my
12 opinion that this code is superfluous, it needs to be
13 deleted. All the position functions are now handled
14 by the Quality of Life position, and I don't see any
15 need to have --
16 First off, I don't like the idea, legally,
17 of positions being created by ordinance. I think
18 that's a mistake. And secondly, if this is not needed
19 anymore, it should be deleted in my opinion and I've
20 simply drafted an ordinance to delete that code
21 section.
22 COUNCILMEMBER FLEMING: Could you tell me
23 what code section the Quality of Life officers'
24 position is referenced, please?
25 MR. WEED: To my knowledge, there is no code

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1 section that references the Quality of Life positions,
2 and that's actually my preference.
3 Council apparently in 2007 by virtue of
4 meetings discussed thoroughly at at least two meetings
5 that I've got minutes on and then they created it
6 essentially by virtue of a motion and a second. And
7 those minutes are February 5th of 2007 and then March
8 5th of 2007. That's when the positions were created.
9 What you have in your personnel policies --
10 and I think this is the appropriate way of doing it
11 and basically what's in the code is a blanket term,
12 which is after you create a budget and positions are
13 approved in a budget, that's the Council -- that's
14 when you exercise your authority with regard to
15 positions, and you've been acting in accordance with
16 that since I've been here.
17 COUNCILMEMBER FLEMING: In those minutes
18 that you just referenced -- and this is the first I've
19 heard of which ones, so no, I have not read them --
20 were the actual job description listed in either of
21 those two sections of minutes?
22 MR. WEED: I do not recall that. I lean
23 towards no based upon my memory.
24 There is nothing that was written in the
25 form of a traditional position description. I can

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1 assure you of that. However, there was language about
2 what the Quality of Life officers would do. In fact,
3 there was commentary between Council members about why
4 should we call them Quality of Life officers. There
5 was quite a bit of discussion about the titles, in
6 fact.
7 COUNCILMEMBER FLEMING: And the reason why I
8 asked that was since we are deleting a specific
9 position of city marshall and what their job
10 description does identify and we're deleting that, I
11 was just curious as to whether we had --
12 You know, I don't like deleting things
13 without having something on hand to compensate, you
14 know, to go back to. That's the reason why I asked.
15 MR. WEED: I agree completely. But my
16 professional opinion is you have an organization
17 chart, you've got position descriptions budgeted for
18 that unit. That unit does have a supervisor. Where
19 they belong in the organization has already been
20 denoted and listed, and you've got a personnel policy.
21 I don't think you can cover any better than that.
22 And I don't like -- I don't like the idea,
23 as a lawyer, of having a separate ordinance for every
24 single position. I think that's a mistake.
25 So I think your -- I think that's a great

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1 point you made, but I think you're well covered, and I
2 advise deletion.
3 COUNCILMEMBER ROCHE: I'd like to make a
4 motion that we waive first reading of this ordinance
5 which will delete Section 2-200, City Marshall.
6 MAYOR JENKINS: Second?
7 COUNCILMEMBER FLEMING: Second.
8 COUNCILMEMBER BATES: I'm actually going to
9 request that we not waive first reading, and I would
10 like to have this on the agenda for Wednesday.
11 If you don't know, Wednesday morning at 9:30
12 and 10:30 we have Sequoyah Middle School civics class
13 coming in to participate in a Council meeting, and I'd
14 like to have some good stuff that we can actually vote
15 up or no.
16 So I apologize, Mr. Roche. I should have
17 reminded everybody.
18 COUNCILMEMBER ROCHE: I withdraw my motion.
19 COUNCILMEMBER FLEMING: We needed to do it
20 that way, anyway, so that we could say no to waiving
21 the first reading so that it automatically goes onto
22 Wednesday night.
23 COUNCILMEMBER BATES: Well, we're having the
24 first reading anyway tonight.
25 The motion should be actually to put it on

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1 the agenda for Wednesday morning; is that correct?
2 MR. WEED: That's fine, yes.
3 COUNCILMEMBER ROCHE: Because we have two
4 meetings on Wednesday.
5 COUNCILMEMBER BATES: Yeah.
6 COUNCILMEMBER ROCHE: The first one we can
7 waive first reading and the second one we could pass
8 it.
9 MR. WEED: Well, my opinion now is once you
10 put something on an agenda and the document's been out
11 there in the world, that's first reading. So you
12 don't have to worry about first reading anymore.
13 At this point, if you withdraw your motion
14 and withdraw the second, it will appear on the next
15 available Council meeting unless you specially set it
16 to a different date, and the next available Council
17 meeting -- I would prefer you set it for tomorrow and
18 make a motion to do that just to cover that aspect of
19 it, but you don't have to worry about first reading
20 anymore.
21 COUNCILMEMBER ROCHE: All right. Well, what
22 I'll do is this.
23 COUNCILMEMBER FLEMING: I need to ask a
24 question first.
25 Since we're having two meetings and two

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1 different classes, are we addressing both of these
2 ordinances in both of the classes and we're going to
3 go through voting on them in both classes?
4 COUNCILMEMBER BATES: The meetings will run
5 exactly the same.
6 COUNCILMEMBER FLEMING: Okay. So --
7 COUNCILMEMBER BATES: We'll be voting on it
8 twice.
9 COUNCILMEMBER FLEMING: Okay. That's fine.
10 I just wanted to make sure that --
11 COUNCILMEMBER ALEXANDER: Is that okay,
12 Mr. Weed?
13 COUNCILMEMBER FLEMING: -- we all understood
14 what we were doing.
15 MR. WEED: As long as it passes, which I
16 sure hope it does, it shouldn't be a problem.
17 COUNCILMEMBER BATES: What if it passes the
18 first time and fails the second time?
19 MR. WEED: Well, you know, we'll cross that
20 bridge tomorrow or Wednesday when we get there.
21 COUNCILMEMBER ROCHE: Well, just to make
22 sure that there's no concerns about it being first
23 reading, I will read the ordinance.
24 "Section 2-200. Reserved."
25 I withdraw my motion to waive first reading

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1 for Section 2-200, City Marshall.
2 MAYOR JENKINS: And we don't need another
3 motion.
4 COUNCILMEMBER FLEMING: I withdraw my
5 second.
6 COUNCILMEMBER BATES: And I'll make a motion
7 to add it to the special-called meeting for Wednesday,
8 March the 17th.
9 COUNCILMEMBER ROCHE: And I'll second that.
10 MAYOR JENKINS: Call the roll.
11 CLERK BLACKMON: Councilmember Alexander?
12 COUNCILMEMBER ALEXANDER: Yes.
13 CLERK BLACKMON: Councilmember Bates?
14 COUNCILMEMBER BATES: Yes.
15 CLERK BLACKMON: Councilmember Fleming?
16 COUNCILMEMBER FLEMING: Yes.
17 CLERK BLACKMON: Councilmember Pachuta?
18 COUNCILMEMBER PACHUTA: Yes.
19 CLERK BLACKMON: Councilmember Pittman?
20 COUNCILMEMBER PITTMAN: Yes.
21 CLERK BLACKMON: Councilmember Roche?
22 COUNCILMEMBER ROCHE: Yes.
23 COUNCILMEMBER BATES: Thank you. I
24 appreciate that.
25 MAYOR JENKINS: All right, Murray.

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1 MR. WEED: Mr. Mayor, the second item is
2 literally an old-fashioned housekeeping item. The
3 Council has talked about this in general terms before.
4 Currently you have two formal meetings a
5 month, the first Monday and the third Monday, and
6 that's based upon Code Section 2-31.
7 We amended that code section -- the last
8 time we amended it was 2008-30, in that ordinance.
9 You have essentially created a regular
10 zoning meeting. The planning director wants to
11 maintain a regular zoning meeting, and I get the
12 impression from speaking with different members of the
13 Council that you generally like the idea of having a
14 separate zoning meeting.
15 You are not required to do that by any
16 stretch of the imagine. You could have it at one of
17 your two regular meetings. There's nothing illegal
18 about that. As long as the Zoning Procedures Act has
19 been met and the ads have been run, you could have it
20 at any meeting you want to.
21 However, since you have gotten in the habit
22 of having this meeting on a regular basis and via a
23 regular calendaring, it keeps falling underneath the
24 special meeting rules. As you recall, the special
25 meetings are based upon charter recommendations. The

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1 Mayor can call a special meeting. The Mayor Pro Tem
2 and two other Council members without the Mayor can
3 call a special meeting. The key is that you have to
4 have an agenda, and only the items that are listed on
5 that agenda can be discussed unless there's a full
6 vote to amend that agenda.
7 In my opinion, legally, I think that's
8 creating a lot of unnecessary procedure for what is
9 essentially a regular meeting, that you've been --
10 you've been having this regular meeting for almost a
11 year now. So my advice is to modify Section 2-31.
12 You've all seen the draft ordinance to do that.
13 The ordinance language tracks almost
14 verbatim what is the current code except that it notes
15 the meetings will be held at 6:30 p.m. and it also
16 notes that the regular meetings will be the first
17 Monday, the third Monday and the fourth Monday of each
18 and every month as opposed to just being the first
19 Monday and the third Monday.
20 The other language that is in there is the
21 language that's in your current code.
22 COUNCILMEMBER ALEXANDER: If we were not --
23 if we didn't have anything on our agenda for the
24 fourth meeting, we would just post a notification
25 that that meeting was canceled?

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1 MR. WEED: Correct. You can always cancel a
2 meeting.
3 COUNCILMEMBER BATES: I think this is great.
4 And like the last ordinance, I would --
5 Sure.
6 COUNCILMEMBER FLEMING: I have a comment to
7 make regarding the fourth Monday. I like the fact
8 that we have been giving the businesses an opportunity
9 for the public hearing, to be able to address zoning
10 issues, to address conditional uses and so forth.
11 So I would like to request that those issues
12 precede any other items we may put on that agenda.
13 Since it's going to be called a regular meeting, that
14 does not indicate that we can't put something else on
15 the agenda. I would still want those businesses to go
16 first before we start talking about other things.
17 That's my feeling.
18 MR. WEED: Legally, I mean -- and whatever
19 you-all decided to do. But I mean legally, if you
20 have a quorum, you have a meeting. You have a meeting
21 and you can do whatever you want to.
22 And the only caveats you have are your local
23 rules that deal with special-called meetings where you
24 have to only talk about the things that are on the
25 notification of that particular meeting unless you

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1 have a vote, unanimous vote, to amend the agenda.
2 The ordinary rules would apply, though, at
3 least under the language that I've written, that --
4 you know, there's no language in here that it's only
5 for zoning. Essentially, it would just be another
6 regular meeting.
7 COUNCILMEMBER FLEMING: Well, and then it
8 would follow the agenda that we're presently doing,
9 and I really would prefer -- my opinion would be to
10 address those that are trying to be approved of some
11 type of business or zoning addressed first before we
12 take up any other business that we may have.
13 COUNCILMEMBER BATES: I think I understand.
14 You want this meeting to remain a planning and zoning
15 -- the fourth Monday to remain a planning and zoning
16 and not get bogged down with additional Council stuff.
17 COUNCILMEMBER FLEMING: And our additional
18 bogged-down stuff that we may add needs to be
19 addressed after we take care of the planning and
20 zoning.
21 COUNCILMEMBER BATES: I agree. I think that
22 the -- when they set the agenda, that all the planning
23 and zoning stuff would come first. And I would really
24 encourage Council not to start adding non-planning and
25 zoning --

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1 COUNCILMEMBER FLEMING: Correct.
2 COUNCILMEMBER BATES: -- items to that
3 agenda. That's not the intent, so --
4 COUNCILMEMBER FLEMING: Correct.
5 COUNCILMEMBER ROCHE: But -- Sorry.
6 COUNCILMEMBER BATES: No. I'm finished.
7 COUNCILMEMBER ROCHE: But since we did pass
8 an ordinance with our new agenda, wouldn't that also
9 mean that this fourth meeting would obviously have the
10 public section but it would also have the public
11 comments on any agenda items and --
12 MR. WEED: Currently if you --
13 COUNCILMEMBER ROCHE: -- department heads
14 and --
15 MR. WEED: If you adopt this ordinance as
16 is, it would be my opinion that your other ordinance
17 that you adopted with regard to the agenda would apply
18 to this meeting unless you elect some change and until
19 you make some change.
20 COUNCILMEMBER FLEMING: But in the zoning
21 laws -- please let me understand -- I thought we had
22 to advertise a quote/unquote public hearing for these
23 items.
24 MR. WEED: That is correct. If you're
25 making a zoning decision, Title 36 does require an

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1 advertisement and you are required to have a public
2 hearing with regard to matters that are zoning
3 decisions.
4 COUNCILMEMBER FLEMING: So really the fourth
5 Monday would be considered a public hearing rather
6 than a regular meeting.
7 MR. WEED: Not for every item that might
8 appear on the agenda. It would only be a public
9 hearing on the items that are zoning items, with the
10 other exception of, you know, if you end up having a
11 budget hearing meeting that night or some other state
12 law-required hearing on that night, but that's the
13 only time that you'd have a public hearing.
14 COUNCILMEMBER FLEMING: So -- I'm sorry for
15 my denseness -- if we consider it a regular meeting,
16 is that going to cover the Zoning Procedures Act?
17 MR. WEED: Yes, ma'am. As long as
18 Mr. Haeberlin has done his job and the zoning ad has
19 been done and it lists the fourth Monday of the month
20 and it meets the Zoning Procedures Act standards, that
21 would be fine.
22 COUNCILMEMBER PACHUTA: If we want to
23 eliminate this agenda format for that fourth meeting
24 of the month, we need to change the other -- the
25 agenda ordinance?

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1 MR. WEED: Yes, ma'am.
2 COUNCILMEMBER PACHUTA: Okay. So we
3 couldn't take care of that now.
4 MR. WEED: Well, you could actually take
5 care of it underneath the language here, but I'd
6 actually prefer you take care of it in the language of
7 the other ordinance, which is 2-36, I believe.
8 COUNCILMEMBER ALEXANDER: Why would you not
9 want this fourth meeting identified in this ordinance
10 as being planning and zoning only?
11 MR. WEED: I think I can fairly speak for
12 the planner, that the planner would like it identified
13 solely for zoning. I haven't discussed that in detail
14 with him, but I feel confident that he would
15 articulate that position to you.
16 As a lawyer, I want you to do -- I want you
17 to be able to do legally as much as you can possibly
18 do, any time that you do it. So I'm always going to
19 give you conservative advice that doesn't hem in your
20 powers whenever I can do that. That's what I think is
21 my job. So that's where he and I would differ.
22 COUNCILMEMBER FLEMING: But we can't do
23 regular meeting issues on a public hearing night?
24 MR. WEED: Sure you can. If you've got a
25 quorum, you've got a meeting. If you've got a

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1 meeting, you can cover any item you want, other than
2 your own personal special meeting rules that only
3 govern Doraville. That's not state law. You've got
4 special meeting rules that your charter dictated, and
5 that -- you know, but other than that, if you have a
6 regular meeting, you can cover anything you want to.
7 COUNCILMEMBER ROCHE: Seems like there have
8 been situations in the past where we've realized we've
9 had to do something before the beginning of the next
10 month or whatever. So I would just basically use --
11 MR. WEED: That is correct.
12 COUNCILMEMBER ROCHE: -- the -- essentially
13 have the same format we have now only plus the public
14 hearings.
15 COUNCILMEMBER PACHUTA: I mean this might
16 actually, hopefully, get rid of some of the special-
17 called meetings possibly --
18 COUNCILMEMBER ROCHE: Right.
19 COUNCILMEMBER PACHUTA: -- if we can add
20 something to an agenda.
21 COUNCILMEMBER ROCHE: I get really nervous
22 with too many special-called meetings.
23 COUNCILMEMBER FLEMING: Well, we can
24 always --
25 COUNCILMEMBER PACHUTA: I mean my preference

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1 is to have them only as planning and zoning.
2 COUNCILMEMBER FLEMING: Leave the agenda as
3 is. Mr. Bates, my suggestion would be to leave the
4 agenda as is, and when we have the public hearings for
5 the zoning issues, after we go through our roll call
6 and the Mayor, if we have any approval of minutes that
7 we have to do, somebody make the motion to amend the
8 agenda to allow the items number such-and-such and
9 such-and-such to go forward first.
10 MR. WEED: That would be legal in my
11 opinion. And in fact if you did that, because it
12 would be on a regular agenda and not a special agenda,
13 then it would just be a raw majority vote to do that.
14 COUNCILMEMBER BATES: Yeah. I --
15 COUNCILMEMBER ROCHE: Well, I mean -- Sorry.
16 COUNCILMEMBER BATES: I would really -- I
17 don't -- I'm torn, because I do want to reserve this
18 meeting for planning and zoning, but I understand the
19 need to have some flexibility.
20 I would really encourage Council to be very
21 judicious in putting items on this particular agenda
22 and really reserve it for planning and zoning. We set
23 that extra meeting to cover planning and zoning
24 because we have a challenge getting through our
25 regular meetings without having that extra stuff added

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on.
So I'm in favor of this with the understanding that us and staff really are very careful in only putting something on there that really needs truly to be discussed and resolved that night.
COUNCILMEMBER PACHUTA: Time sensitive.
COUNCILMEMBER BATES: You know, if it's time sensitive, if it's urgent; otherwise, we're going to get in a habit of clogging this one up with our stuff and --
COUNCILMEMBER FLEMING: I thoroughly agree.
COUNCILMEMBER BATES: So I'm not inclined to limit it now, but I can guarantee you that if we start to clog it up later, we'll be revisiting this issue.
COUNCILMEMBER ROCHE: Well, we'll get a chance to discuss this two more times.
COUNCILMEMBER BATES: That, we will.
I'll make a motion to put this on the March 17th agenda.
COUNCILMEMBER FLEMING: Second.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.

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CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: All right. Public comments.
COUNCILMEMBER BATES: Mayor, before we --
MAYOR JENKINS: Yes.
COUNCILMEMBER BATES: I'd like to make a motion to add an FAA resolution to the agenda.
COUNCILMEMBER ROCHE: Second.
MAYOR JENKINS: Okay. Any discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.

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CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
COUNCILMEMBER BATES: Thank you very much.
As I think most of the audience is aware of, if not, FAA has recently come out with a proposed revision of the Class B air space coming in and out of PDK. It's going to significantly lower the height, for lack of better words, of what airplanes coming in and out of PDK can approach and take off in, by dropping the ceiling from 8,000 feet to 5,000 feet.
That's going to obviously impact increased noise, increased jet fuel exhaust emissions, lots of really negative things.
The FAA is trying to push this through without doing an environmental impact study, and that is a pretty significant issue. That's going to take a number of years for them to do that. They are trying to circumvent that.
The City of Chamblee, City of Dunwoody, City of Norcross and the City of Sandy Springs have all got together along with the City of Doraville to put forth

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a joint resolution opposing the FAA proposal to lower the Class B airspace over Dekalb County and encourage them to, you know, partake of that environmental impact study.
So there is a resolution. We all got this; right?
COUNCILMEMBER ALEXANDER: (Imperceptible)
COUNCILMEMBER BATES: Yeah, we got this today.
I will make a motion that we adopt the resolution jointly with the cities of Chamblee, Dunwoody, Norcross and Sandy Springs.
MR. WEED: And Councilman, if I might ask for a friendly amendment. I haven't had an opportunity to review that yet. I was working for Doraville today but I've been with the County literally all day.
Would you mind -- would you build in a caveat to that motion and give me a chance to look at it? I'm sure it's fine but --
COUNCILMEMBER BATES: Absolutely.
MR. WEED: -- I'd like to read it.
COUNCILMEMBER ROCHE: I'd like to second this motion.
COUNCILMEMBER ALEXANDER: Mr. Weed, I think

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it's a copy of the one you already did.
MR. WEED: Okay.
COUNCILMEMBER ALEXANDER: Just the names have changed to protect the innocent.
MR. WEED: I'd like to look at it.
COUNCILMEMBER BATES: Yeah. And this is a really important thing, and we all need to watch very carefully what the FAA is planning on doing.
There is an April 3rd deadline for submitting comments to the FAA regarding this. If you go to the Peachtree Dekalb Airport site, there's some tremendous information there -- it's in the bottom right-hand corner of their home page -- that talks about the process for submitting complaints or questions to the FAA, links to articles regarding the proposed lowering of the Class B airspace, some really good information. So I would encourage all of you to go take a look at that.
In order to submit a comment to the FAA, though, you do have to submit it in triplicate. For some reason, they don't want just one; they want three -- one to shred, one to burn and one to file. I don't know.
But thank you.
COUNCILMEMBER ROCHE: I wanted to say that,

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you know, I have a commercial pilot license. I haven't flown lately. But I see it more as a safety issue for the pilots that fly in and out of Peachtree Dekalb Airport. We have a lot of 2,000-foot towers just off the end of 20 left and 20 right, and basically when you're doing instrument, you basically have to miss that. Well, there's usually plenty of room, but if they lower it by 3,000 feet, that's going to be a problem.
The other thing is when you're flying, if you ever watch the multi-engine planes, the first thing they want to do is they got to -- you want to get altitude immediately, because if you lose an engine, particularly in a multi-engine flight, the higher you are, the more chance you have of, you know, living. So you're definitely climbing for altitude. So I see it more as a safety issue.
I don't really think it affects the helicopter traffic quite as much other than the fact that heli- -- the great thing about being in a helicopter is, you know, I'm only flying 500 feet above the ground, and usually the airplanes are up there. Well, if we start bringing those down, we're going to have more opportunity for mid-airs and close calls, and I don't like close calls.

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But anyway, from a purely safety standpoint, I would certainly support this resolution.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
COUNCILMEMBER BATES: Thank you, Mayor.
MAYOR JENKINS: Okay. Anything else from the table?
COUNCILMEMBER FLEMING: May I report on one thing, please, sir?
MAYOR JENKINS: Yes, ma'am.
COUNCILMEMBER FLEMING: On January the 26th, the City of Doraville along with the City of Dunwoody and many of the citizens of Doraville went to Dekalb County to oppose the El Raventon adult late-night

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establishment on Tilly Mill Road.
And I want to report that as of March -- they had until February 26th to appeal the decision. They were denied unanimously. I have been checking, following up, and as of the 5th of March, they had not appealed to the Superior Court. So I am very pleased to say that they obviously have not appealed, they have not opened, and hopefully success -- the City of Doraville has successfully done that.
So I thank you very much for all of you who went down there, all of you who participated in the petition. It was definitely a worthwhile cause. Thank you very much.
MAYOR JENKINS: Thank you, Pam.
- - -
(Applause)
- - -
MAYOR JENKINS: Okay. Citizens comments.
MS. CALVERT: I'm Ginny Calvert, English Oak Drive, Doraville.
I still think that unless it's on the agenda, our office people should not have to be here. And I was in here today and I asked him questions, and he was there for me to ask and get the answers from.
I'm hoping that maybe all of you up here on

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1 the Council will do the same thing. Come on in here
2 and talk to the people, the person that you need to
3 talk to, and get your ideas because you're the one
4 who's going to bring these ideas up in front of the
5 planning commission. So get your facts straight so
6 that you really most of the time wouldn't even have to
7 have him here.
8 Thank you.
9 MAYOR JENKINS: Thank you. Stuart?
10 MR. ANDERSON: Stuart Anderson.
11 Thank you, Brian. I was going to stand up
12 and ask for the resolution for the Class B air space
13 to be presented tomorrow for the kids or whatever it
14 is.
15 But I certainly appreciate it and I think
16 we're none too early in making this resolution. The
17 thing I would suggest and ask for to Murray or
18 whoever's writing this thing is to emphasize the
19 pollution and that end of it versus the economic end
20 of it, because that's where the laws are and that will
21 -- that's really the only thing that'll hold this
22 thing up. But otherwise, you hit the numbers good.
23 And to comment about what Ginny just said,
24 it's the oldest scam in the world as far as management
25 goes. Upper management does what it needs to do.

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1 Middle management doesn't get -- they're not
2 salaried. They're not salaried people. They don't
3 have signs on the door. They don't have desks. If
4 they're supposed to show up someplace extra, they get
5 paid extra. Middle management, it's the oldest thing
6 in the world. Middle management is expected to be
7 there and fill in. They're not expected to get
8 overtime. That's why they're middle management.
9 They're going to be -- they're aspiring to get bigger.
10 It's part of standard business that middle management
11 doesn't get overtime and it doesn't squawk because it
12 has to show up and do its job.
13 Thank you.
14 MAYOR JENKINS: Thank you.
15 MR. HART: Now that you've had the meeting,
16 I have something to say.
17 Business licenses. Before Mr. Haeberlin and
18 Ruby got here, were employed by the City, we went into
19 City Hall and got a business license from Ms. Bryant.
20 She made the decision and she handed the permit to
21 you.
22 Now you go to City Hall, you go to
23 Ms. Bryant. She gives you the paperwork, but you take
24 that paperwork and trot it to the back of the building
25 here and Ruby takes ahold of it, and then it goes into

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1 Scott's hand and then it stops. Okay? Only then can
2 Ms. Bryant issue it after it's come out of that back
3 office.
4 So I think it's disingenuous to say that
5 Scott has nothing to do with it, you know. He has
6 everything to do with stopping the paperwork because
7 it was a 20-minute procedure to go to the Clerk's
8 office and Ms. Bryant and get a business license up
9 until the time those two people were employed here.
10 Second issue. The building official --
11 we're talking about the marshall in the city. That
12 was under the leadership of the building official of
13 the city issued the code enforcement violations. And
14 under our city code, that was the official in charge
15 of that. That's who allowed those other people to go
16 out and issue those tickets in the households.
17 But for 11 months of the year, we did not
18 have a building official for this city. We were using
19 the stamp of a building official that wasn't present
20 and hadn't been employed here in 11 months, and then
21 the City Council retroactively voted for to make
22 Mr. Calcaterra the building official of the city.
23 So for 11 months, we were issuing tickets
24 without a building official here, which brings into
25 question how legal were those tickets issued.

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1 Financial statements. When can we expect a
2 monthly financial statements? We have the financial
3 department head here. When can we expect a monthly
4 financial statement in the city? When can we get the
5 mid-year review which was supposed to happen in
6 January, still haven't happened, according to our
7 charter?
8 Last meeting, Ms. Pittman said there was
9 $110,000 in the tree bank, and I was looking. It was
10 less than 34 grand in the tree bank because we had
11 spent $70,000 on English Oak Park.
12 These are some of the questions that we have
13 because we have no financial statements in this city
14 so we have no accurate information as to -- or how to
15 make a decision.
16 And the last thing was the court system that
17 Ms. Alexander brought up. We're going to have the
18 police department as one of those people on the
19 committee to review a public defender and a city
20 solicitor.
21 Separations of powers would dictate that we
22 do not have the police department reviewing which
23 public defender we hire for the City.
24 In the bad old days of Doraville, the police
25 department ran the court system. Fortunately, we

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separated those two. Thank you.
MAYOR JENKINS: Next? Come on up.
MS. FRAYSSE: I don't see any other members of the Doraville Unity Gardens group, so I want to be sure. And I will give the Mayor this nice glossy flyer promoting this coming Saturday at the corner of Wheeler Drive and Chestnut Drive, there's going to be a groundbreaking of the Northwoods part of the Doraville Unity Gardens group activities.
The idea is to foster a seed. One activity that will be going on is we've had some raised beds donated by Lee Flier, who's got some made up already, and we're going to build some more in that area at the corner of Wheeler and Chestnut.
So there will be a lot of activity down there related to the raised bed construction, putting in the mulch and the compost, and getting ready to plant seeds. But since it's early according to the calendar to do the seeds now, we will have lots of the seeds that Ms. Calvert was able to secure from the Kroger that she's closely connected with, at the end of last fall. Lots of vegetable and garden kind of seeds. We'll be giving those away, and the kids will be able to take a little yogurt cup or some other small container with a seed, and they'll nurture it

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and get it started, and then on the 24th of April is the date we expect to come back and plant in the raised beds that we will have built at that point.
So this will be up on the -- And it's on the City Web site. The City Web site is great. If you want to know anything that's going on in Doraville, go to the City Web site and look through that information.
Another thing that is happening that is part of the Oakcliff Neighbors organization, our speaker this week, which is on Wednesday night at the Civic Center, is going to be a representative from the Dekalb County Fire Public Education unit, Micah E. Lemon. He's going to talk about 30 minutes about home fire prevention and will answer questions from the group.
If you have questions you want to put to them, let me know or let Merle Evans know and we will let the speaker know ahead of time.
His topic will be ways to prevent fires in your home and what to do if you have a fire in your home. This is open to anybody anywhere in the city, so we hope some people will come.
MAYOR JENKINS: Very good. Thank you.
Anybody else?

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- - -
(No response)
- - -
MAYOR JENKINS: Motion we adjourn?
COUNCILMEMBER BATES: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER PACHUTA: Second.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Meeting adjourned.
- - -
(Meeting adjourned at 9:00 p.m.)
-o0o-

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C E R T I F I C A T E

STATE OF GEORGIA]
COUNTY OF DEKALB]

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the proceedings were reduced to typewriting under my direction and control.

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

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

This the 23rd day of March, 2010.

_____
Theresa Bretch, CCR
Permit No. B-755

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