In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

August 1, 2011

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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 Donna Pittman presiding, before Nancy Merrell, Certified Court Reporter, Certified Verbatim Reporter, commencing at approximately 6:30 p.m. on Monday, August 1, 2011.

* * *

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APPEARANCES:

Doraville City Council:

Mayor Donna Pittman
Councilmember Maria Alexander, Mayor Pro-Tem
Councilmember Brian Bates
Councilmember Karen Pachuta
Councilmember Bob Roche
Councilmember Pam Fleming

Melissa McCain, City Clerk

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

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P R O C E E D I N G S

6:27 PM

MAYOR PITTMAN: Meeting come to order.
All rise please, for the pledge.
- - -
(Pledge of Allegiance)
- - -
MAYOR PITTMAN: Thank you.
Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Here.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Here.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Here.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Here.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Here.
MAYOR PITTMAN: I need an approval of minutes for July 18th, 2011.
COUNCILMEMBER ALEXANDER: So moved.
MAYOR PITTMAN: Second?
COUNCILMEMBER PACHUTA: Second.
MAYOR PITTMAN: Discussion?

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(There was no discussion.)
Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Abstain.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PITTMAN: Need approval of minutes from July 25th, 2011.
COUNCILMEMBER ALEXANDER: So moved.
MAYOR PITTMAN: Second?
COUNCILMEMBER PACHUTA: Second.
MAYOR PITTMAN: Discussion?
(No discussion.)
Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?

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COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PITTMAN: Thank you. Next we have a presentation to Trudy Dean, James Floyd, and Jerry Cullen for the Outstanding Georgia Citizens Award.
Ms. Fleming?
COUNCILMEMBER FLEMING: Thank you, Mayor Pittman, guests. It is a privilege this evening to recognize the efforts of the Northwest Neighborhood Watch Program under the direction of Trudy Jones Dean. She's the chairperson -- chairman; Jerry Cullen is the president and James Floyd, the vice president.
And if you guys would step forward so while I'm speaking you can nod your heads yes, that that's what you guys do and so forth.
The Northwest Neighborhood Watch Program began in 2009 and is the collaborative effort of a group of community members with an interest in developing a sense of community via crime prevention awareness programs, establishing a means of communicating suspicious crime, and most recently,

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developing the Adopt A Neighbor program.
Since 1972 the Neighborhood Watch Program has worked unit law enforcement agencies, private organizations, and individual citizens in the nationwide effort to reduce crime and improve local communities.
The success of the program has established Neighborhood Watch as the nation's premier crime prevention and community mobilization program.
Visible signs of this program are seen throughout the United States on street signs, window decals, community block parties and also service projects.
Our nation is built on the strength of our citizens. Every day we encounter situations calling upon us to be the eyes and the ears of our law enforcement agencies. Not only does Neighborhood Watch allow citizens to help in the fight against crime, it also is an opportunity for communities to bond together through service.
The Neighborhood Watch program draws upon the compassionate average citizens, asking them to lend their neighbors a hand.
And this evening it is indeed an honor to present the Secretary of State Brian P. Kemp

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Outstanding Georgia Citizen Awards to Trudy Jones Dean, Jerry Cullen, and also James Floyd.
And I'd like to read -- and let me give these all to you so you can hold them as I read them:
Ms. Trudy, congratulations.
MS. TRUDY DEAN: Thank you.
COUNCILMEMBER FLEMING: Jerry -- and I'll hold on to James's.
Secretary of State Brian P. Kemp, and the State of Georgia do hereby proclaim Trudy, Jerry, and James as an Outstanding Georgia Citizen. May this Outstanding Citizen be afforded every courtesy as a Goodwill Ambassador from Georgia in his travels to other states, to nations beyond the borders of the United States of America, or wherever he may hereafter travel or reside. Thank you for your service to our State.
- - - - -
(Applause)
- - - - -
MS. TRUDY DEAN: I would just like to say that we accept these awards on behalf of all of the members in the community, because without the members of our community, this organization wouldn't exist. So we thank you.

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MR. JAMES FLOYD: I'd also like to take a moment to invite the City Council to the National Night Out which is tomorrow evening at Brook Park at 7:00 o'clock. Hopefully everybody can attend; I know you guys have limitations on that kind of stuff, but hopefully you guys can at least all make it out.
MAYOR PITTMAN: Thank you very much.
Next on the agenda is going to be public comments on Agenda items only. Please limit your comments to three minutes.
Does anyone wish to comment?
No one?
All right. Thank you.
Department head reports. Anyone have reports?
(No reports.)
Okay, thank you.
Next is the 2011 CDBG New Peachtree Road Sidewalk Project. Mr. Howe?
MR. LUKE HOWE: Mayor, Council. The staff is seeing approval on staff recommendation for the project's engineering oversight and administration.
This is the 2011 Community Development Block Grant. It was awarded last year in the amount of $300,000 for the New Peachtree Road Sidewalk Project

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which entails constructing a new sidewalk that would extend where the existing sidewalk ends near the Georgia Power substation to the Chamblee border on the north side of Peachtree Road.

Staff has used five criteria, or six for that matter, to evaluate two proposals that were due on the 28th.

Number 1 was firm's overall experience, more specifically the firm's designated project manager's experience and track record in administering project of this nature.

Number 2 was experience with CDBG projects, DeKalb County projects in particular.

Number 3 was experience in working with the City and performance relating thereto.

Number 4 was track record for staying within a budget and rendering accurate estimates.

Number 5 was the DeKalb County Community Development's confidence in the firm's experience and abilities.

Number 6 was price. Moreland Altobelli rendered a figure of $16,800.

Keck & Wood rendered a figure of $14,000.

Staff recommends Keck & Wood.

Does the Council have any questions?

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COUNCILMEMBER FLEMING: Yes, sir, and this is for the engineering services or the drawings of such or --?

MR. HOWE: This is for -- the project was designed to be shovel-ready. And for the purposes of the conversation, there are three types of design: There is conceptual; there is shovel-ready, which is not designed to specifications; and there is a design to spec.

And design specifications as -- accounts for every ounce of concrete, every 2x4, everything.

The New Peachtree Road and Park Avenue LCI projects were designed to spec. The City BG 2010 Central Avenue project was designed to spec. This was a condition that DeKalb put on every grantee. They wanted every project to be shovel-ready.

So we designed the project to be shovel-ready. Therefore, there still can be -- there still will probably be engineering questions that need to be answered. That's why we have them -- I'm recommending them to have them for that consultation and to manage this project from picks-in.

COUNCILMEMBER FLEMING: All right. And you said they are for managing services only. We would still need to go out for bid for the construction?

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MR. HOWE: Yes, ma'am, yes, ma'am. That is out for bid currently, right now. Bidding closes August 15th. We except this project to start September -- mid-to-late September.

COUNCILMEMBER FLEMING: Okay. Thank you very much.

COUNCILMEMBER ALEXANDER: Is this a reimbursement?

MR. HOWE: No, ma'am.

COUNCILMEMBER ALEXANDER: So we have already received the $14,000?

MR. HOWE: We did. That was money left over from the MARTA grant.

COUNCILMEMBER ALEXANDER: Okay. So physically we've already received those funds?

MR. HOWE: Yes, ma'am.

COUNCILMEMBER ALEXANDER: Okay. I'm just concerned about handling of accruals to cover your grants.

MR. HOWE: Yes, ma'am. They have -- we have paid for the $14,000 already.

COUNCILMEMBER ALEXANDER: Okay.

MAYOR PITTMAN: Okay. Anything in addition?

(No further questions.)

Mr. Howe, what are you needing from the

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Council? You need a motion?

MR. HOWE: Yes, ma'am.

COUNCILMEMBER BATES: I make a motion to approve Keck & Wood as the administration for the project, ensuring oversight for the 2011 CDBG New Peachtree Road Sidewalk Project.

MAYOR PITTMAN: Can I get a second?

COUNCILMEMBER PACHUTA: Second.

MAYOR PITTMAN: Discussion?

COUNCILMEMBER FLEMING: I have one other question. Is the $14,000 that they bid to work on the shovel-ready project, manage that, is not the same as the 14,000 that we paid in the spring?

MR. HOWE: That'll be in addition to -- it cost about $50,000 to design this inter-avenue sidewalk. That was about 2,000 feet of sidewalk, and this is about 2,000 feet of sidewalk too.

COUNCILMEMBER FLEMING: Okay. I just -- because the amounts were the same, I did not want to be confused.

MR. HOWE: Yes, ma'am.

COUNCILMEMBER FLEMING: Okay.

MAYOR PITTMAN: Anything additional?

(Nothing additional.)

Call the roll, please.

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1 CLERK McCAIN: Councilmember Alexander?
2 COUNCILMEMBER ALEXANDER: Yes.
3 CLERK McCAIN: Councilmember Bates?
4 COUNCILMEMBER BATES: Yes.
5 CLERK McCAIN: Councilmember Fleming?
6 COUNCILMEMBER FLEMING: Yes.
7 CLERK McCAIN: Councilmember Pachuta?
8 COUNCILMEMBER PACHUTA: Yes.
9 CLERK McCAIN: Councilmember Roche?
10 COUNCILMEMBER ROCHE: Yes.
11 MAYOR PITTMAN: The motion carries.
12 Thank you, Mr. Howe.
13 MR. HOWE: Thank you.
14 MAYOR PITTMAN: Okay. Next under Old
15 Business is pension plan. If possible, I would like
16 to move this to another agenda. I will get with you
17 on that.
18 This is an important priority but we are
19 looking at a variety of different things in reference
20 to the budget, so I would like to bring this back up.
21 The Council can certainly -- if they have any input
22 or comments on this tonight, they can do that.
23 COUNCILMEMBER PACHUTA: Well, I put it back
24 on the agenda just to make sure that it continued to
25 be moving with the transition. I know Maria had

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1 gathered some bids and things like that, and I just
2 wanted to make sure that it didn't stall.
3 Because I think the end of the year is when
4 they evaluate our contribution for the next year, so
5 I think we really need to try and get something in
6 place before then.
7 MAYOR PITTMAN: Okay. You can bump it to
8 the next agenda to see where we're at that point.
9 Anything additional?
10 (Nothing additional.)
11 Okay, thank you.
12 Next is going to be the second reading of
13 Ordinance 2011-30: Amend the Charter to reduce
14 Council pay.
15 Mr. McLendon?
16 ATTORNEY McLENDON And Mayor and Council,
17 this is the following up on the amendment of the City
18 Charter per the instructions of the Mayor and Council
19 to reduce the councilmember pay from $1200 per month
20 to $700.
21 This is part of the Home Rule process, so as
22 y'all recall, we had this come up for a first
23 reading. And under Home Rule, this ordinance has to
24 be adopted twice and it has to meet certain timing
25 criteria.

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1 What we are doing tonight is, this would be
2 the first adoption of this ordinance. It will also
3 be set on an agenda for the meeting in -- the
4 mid-August meeting at which point it would be adopted
5 again, and then that would meet the criteria of the
6 Home Rule Act to amend the City Charter.
7 So I'm asking that this be adopted as the
8 first ordinance. You'll see it again in two weeks.
9 MAYOR PITTMAN: Okay. Any questions from
10 the Council?
11 (No questions.)
12 Okay. Do I get a motion?
13 COUNCILMEMBER FLEMING: I'd like to make a
14 motion to adopt section 2.07 of the City Charter to
15 -- for compensation and expenses as listed, reducing
16 the Council salary.
17 MAYOR PITTMAN: Can I get a second?
18 COUNCILMEMBER BATES: Second.
19 MAYOR PITTMAN: Discussion?
20 (No discussion.)
21 Call the roll, please.
22 CLERK McCAIN: Councilmember Alexander?
23 COUNCILMEMBER ALEXANDER: Yes.
24 CLERK McCAIN: Councilmember Bates?
25 COUNCILMEMBER BATES: Yes.

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1 CLERK McCAIN: Councilmember Fleming?
2 COUNCILMEMBER FLEMING: Yes.
3 CLERK McCAIN: Councilmember Pachuta?
4 COUNCILMEMBER PACHUTA: No.
5 CLERK McCAIN: Councilmember Roche?
6 COUNCILMEMBER ROCHE: Yes.
7 MAYOR PITTMAN: Thank you. Motion carries.
8 Thank you, Mr. McLendon.
9 Next on the agenda is going to be the second
10 reading of Ordinance 2011-32 to amend the Charter:
11 Employee Appeals.
12 ATTORNEY McLENDON And again, this is
13 similar in that we're amending the City Charter.
14 This will also be the first adoption of the ordinance
15 to do so.
16 What we've done in this ordinance is that
17 originally the City Charter provided for an appeal of
18 any termination as part of the Charter for all
19 employees. That is not necessarily something that we
20 have to eliminate, but the theory is that it's not
21 the best place in the world to have it in the
22 Charter.
23 So what this amendment does is it defines
24 the criteria by stating that the Mayor and Council
25 retain hiring and firing authority but states the

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1 obvious, which it can be delegated, as well as
2 delegating the authority by rules or by ordinance or
3 resolution to create a grievance procedure and a
4 modification of employment practices or employee
5 termination, which would become part of the handbook.
6 Just by way of discussion, we have the
7 handbook amendment we discussed last time, and I've
8 made certain changes to that. I will tell you since
9 we have changed our insurers, before I brought that
10 forward to you I wanted to check with counsel for our
11 new insurance company just so I could show it to them
12 and make sure they agreed with it. And I've called
13 them Friday, and today I believe we would be able to
14 have that on our next meeting and I could get this
15 out to you this week.
16 But I do want to just make sure the
17 employment attorneys look at it and say yes, they
18 agree with the terms of it.
19 COUNCILMEMBER FLEMING: Did our new
20 insurance company respond to you either Friday or
21 Monday?
22 ATTORNEY McLENDON I have not spoken with
23 them yet, but I have a call in. And I called late
24 Friday and early Monday, so let me -- I'm going to
25 follow up with them again.

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1 COUNCILMEMBER FLEMING: Please keep me
2 aware --
3 ATTORNEY McLENDON I'll keep you posted.
4 COUNCILMEMBER FLEMING: Since I was the only
5 dissenting vote.
6 ATTORNEY McLENDON I will keep you posted.
7 I feel very confident that they will give us a good
8 strong review. And that's one of the reasons I
9 wanted to talk to them was to get their thoughts as
10 well on it.
11 But on this ordinance, if this would be
12 adopted, this is the first adoption. Again, you will
13 see this in the middle of the month.
14 MAYOR PITTMAN: Council?
15 COUNCILMEMBER FLEMING: Either I don't
16 remember seeing this portion of it at the last
17 meeting or completely overlooked it, one of the two,
18 but I don't remember ever having the authority as a
19 councilmember to generally supervise, hire, or fire
20 any employee of the City.
21 And I realize that you go on to say or we
22 can delegate that part, but I don't think that --
23 that we have -- I don't believe that that should be
24 our position as a City Councilmember.
25 I believe there is elsewhere -- maybe not in

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1 our Charter -- but elsewhere that indicates that the
2 Mayor is the residing person when it comes to being
3 in charge of the directors. And obviously the
4 directors are in charge of their employees.
5 So I have question about the way that it's
6 listed here.
7 ATTORNEY McLENDON We have maintained that
8 language from the original Charter, so that has not
9 changed.
10 What I would say is, if in our ordinances it
11 discusses the hiring and firing authority of the
12 Mayor, what you've really done is, by that ordinance
13 you've done what this anticipates, which is you've
14 delegated that authority to the Mayor.
15 I have not changed it here because you know,
16 the Charter, I'm -- don't change it too much. So
17 that language is consistent in the Charter. But if
18 we had ordinances delegating the authority to the
19 Mayor, that's really what you've done through the
20 ordinance, is created that structure.
21 What I really wanted to do with this
22 ordinance was take the broad appeal rights out of the
23 Charter. And that will be something we can address
24 to whatever level y'all decide to address it in the
25 employee handbook, which is to me, a much better

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1 place to have that.
2 MAYOR PITTMAN: Okay, thank you.
3 COUNCILMEMBER BATES: So is it safe to say
4 that the appeal rights are not in the employee
5 handbook right now?
6 ATTORNEY McLENDON We do have appeal rights
7 in the employee handbook. That being said, I want to
8 modify the way they read. And I have changed that,
9 one of the reasons being when you create a right of
10 appeal -- the City is an at-will employer. If you
11 don't correctly implement that language you can
12 create -- put language in there that a judge would
13 interpret to say, well, you know, this means you're
14 not an at-will employer.
15 One of the terms that was under discussion
16 was by making the appeal rights, if you called it for
17 cause -- if you said you can only appeal or you have
18 an appeal right if you've been terminated for cause.
19 And some of the feedback I received from the
20 employment lawyers previously was, don't put "for
21 cause" in there. Because that's sort of very loaded,
22 legal language that a judge can look at and say, you
23 have "for cause;" you're not an at-will employer.
24 So we modified that language a little bit.
25 So there is language, but what I'm going to present

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you, hopefully later this week after our counsel has looked at it as well, is my revisions to those appellate rights.

And one of the things if you'll recall in that, we're changing it to, is to give us the ability to have hearing officers as opposed to have everything go to the Mayor and Council.

COUNCILMEMBER BATES: I don't disagree with that direction. My concern would be if we remove it from the Charter before we've got the alternative in place, do we run the risk of being afoul somewhere.

ATTORNEY McLENDON Not really. You would not have an appellate right for a termination, which is some universes that would be an okay thing. I can't tell you if we do not have this in place at the next meeting on the 15th, and you wish to maintain that -- which I think every indication is you do -- we could hold off on the passage of that.

But probably what we would want to do is pass both of those in the next meeting. Have the employee handbook language where we're happy with it and pass them both in that meeting, would be my recommendation.

MAYOR PITTMAN: Anything else?

(Nothing further.)

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So I assume you need a motion?

ATTORNEY McLENDON If we would adopt it.

MAYOR PITTMAN: Someone want to make a motion?

COUNCILMEMBER PACHUTA: And this is the part to remove from the Charter?

ATTORNEY McLENDON Yes, ma'am.

COUNCILMEMBER PACHUTA: Okay. So --

ATTORNEY McLENDON And it's changing the Charter, and it takes out the language that says every employee can appeal a termination to the Mayor and Council. And we're going to put it into the handbook.

COUNCILMEMBER PACHUTA: Okay. I make a motion to amend the Charter under Home Rule, to remove the employment appeal hearings from the Charter.

ATTORNEY McLENDON And then adopt this language.

COUNCILMEMBER PACHUTA: And adopt the language before us.

MAYOR PITTMAN: Okay. Do I get a second?

COUNCILMEMBER ALEXANDER: Second.

MAYOR PITTMAN: Discussion?

(No discussion.)

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Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK McCAIN: Councilmember Fleming?

COUNCILMEMBER FLEMING: No.

CLERK McCAIN: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK McCAIN: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR PITTMAN: Thank you. Motion carries.

Thank you, Mr. McLendon

Next under New Business is going to be payroll issues. Mr. Roche?

COUNCILMEMBER ROCHE: This was carried over from at least one other agenda, if not two. And here are the pertinent issues that the payroll/payroll systems that we implemented recently. Actually, it's been a while now, probably over a year that we've had this.

And again, I just keep hearing that we have issues. And I haven't been getting a whole lot of information, but I'm told that since -- just recently that there may be some additional information that

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could be made available to the Council tonight. If we hear that, maybe we could move forward with something.

MAYOR PITTMAN: Well, we have had some discussions with payroll. We have invited Altera. I know Ms. Alexander reached out to them, I reached out to them, and really didn't get a whole lot of luck with them talking to us.

I do think this is something that we need to address ASAP, and I believe that it would be something that the Council needs to decide possibly how we want to address this.

Mr. Roche?

COUNCILMEMBER ROCHE: I'm open to suggestions. I mean one option would be to go out for an RFP. The problem there is that I'm not sure that we have enough time to do that.

I think frankly, I'd like to just have someone come and go -- you know, get to the bottom of this, find out exactly what's going on before --

COUNCILMEMBER ALEXANDER: I tend to agree with that.

COUNCILMEMBER ROCHE: -- before we make some other -- before we do anything else. And if it's necessary to, you know, make a change here, then -- I

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1 mean we can't mess around with payroll. I mean
2 payroll is -- you're always at the top of the list
3 when it comes to paying our employees, and the
4 employees that work here, they deserve to be paid
5 correctly.
6 I'm open to suggestions as far as that's
7 concerned.
8 COUNCILMEMBER BATES: Well, I guess my
9 concern is that it's not necessarily in regards to
10 pay, but it's in regards to the approval of any
11 application of comp time. Is that a safe assessment?
12 MAYOR PITTMAN: Yes.
13 COUNCILMEMBER BATES: Based upon that, I
14 think we would be in better shape with good
15 information if we brought in someone to actually
16 audit the payroll and the time that went in versus
17 the time that's currently being shown on the books
18 according to Altera.
19 Until we can determine whether or not there
20 is an issue with the calculation of comp time, we're
21 talking in circles.
22 MAYOR PITTMAN: Well, and we do have someone
23 that we have been speaking with.
24 Mr. McLendon?
25 ATTORNEY McLENDON I will -- you know, I've

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1 been involved somewhat in the little bit of
2 communications on it, and I think with Altera though,
3 you know, their program is one that works, and dive
4 in.
5 I also think that they may not have the
6 substantial experience, especially with municipal
7 payroll systems which are a little bit different.
8 And it may behoove us to find someone who
9 has more familiarity in that area as going to some of
10 the intricacies that occur in a municipal system and
11 will not be -- not only will not be new to them but
12 will be something they will be able to come in and
13 help our staff with implementing and making sure it's
14 implemented correctly.
15 I think what I would -- an approach I might
16 consider is implementing that, and during the
17 implementation I believe what you'd find is someone
18 who has a lot of experience would be able to, during
19 and after implementation, look at you and say:
20 1) You know, we need to go forward with an
21 audit; or
22 2) We felt confident that the data as we put
23 it in was good data.
24 That might be the process that we may want
25 to go forward with.

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1 COUNCILMEMBER PACHUTA: Now, I guess -- my
2 understanding from talking to Maria earlier was that
3 Altera primarily deals with private businesses, and
4 the calculation of comp time is different with
5 municipal governments.
6 Have you looked at the possibility of us
7 terminating our contract with them early?
8 ATTORNEY McLENDON We've -- we've discussed
9 that with them. I think it was not a -- you know, it
10 was not a conversation that was at all
11 confrontational; I think it was a discussion.
12 And you know, I think they recognized
13 potentially some of the deficiencies that they were
14 not as familiar with this area. And you know, if --
15 I can't say anything would be definitive, but I don't
16 think that they would be upset if we were looking for
17 someone with a little more experience.
18 MAYOR PITTMAN: Well, there's two options.
19 I do like Mr. Bates' option of bringing someone in,
20 and then Mr. Roche with the RFP.
21 But I truly think that we have talked to
22 someone, possibly we could -- if the Council will
23 allow me to go ahead and move forward with that, to
24 bring someone in, I think to me that's the best
25 option at this point.

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1 COUNCILMEMBER FLEMING: Personally, in
2 regards to Altera, unfortunately we were a little
3 misled from the get-go. And the difficulties Ms.
4 Alexander had in trying to communicate with them, and
5 also their lack of communication to you asking again
6 for information, to me that's a sign of a service
7 that we do not need.
8 If they're not willing to be receptive to
9 our needs, then I am all in favor of moving forward
10 with procuring immediately a new service, whichever
11 is best for the City. Whether it be someone that Mr.
12 McLendon knows or someone from GMA that they know,
13 I'm in favor of doing that.
14 COUNCILMEMBER ROCHE: Well, the cost for
15 this would be less than $5,000 a month, so that would
16 be within the spending limits imposed on the Mayor.
17 Also, we already have the money in the
18 budget for this, whether, you know, in regards to
19 actually who does the work.
20 So I think I'll go ahead a make a motion and
21 make sure I get the wording right, that we direct the
22 Mayor and the city attorney to bring in someone else
23 to switch over to a new payroll system.
24 And I'd like to add as part of that, once
25 the new system is up and running that we go back and

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1 review at least the last fiscal year, because I've
2 seen a lot of questions I've had about the payroll
3 register, etc., etc.
4 So I'll make that in the form of a motion.
5 MAYOR PITTMAN: Okay. Do I get a second?
6 COUNCILMEMBER FLEMING: Second.
7 MAYOR PITTMAN: Discussion?
8 (No discussion.)
9 Call the roll, please.
10 CLERK McCAIN: Councilmember Alexander?
11 COUNCILMEMBER ALEXANDER: Yes.
12 CLERK McCAIN: Councilmember Bates?
13 COUNCILMEMBER BATES: Yes.
14 CLERK McCAIN: Councilmember Fleming?
15 COUNCILMEMBER FLEMING: Yes.
16 CLERK McCAIN: Councilmember Pachuta?
17 COUNCILMEMBER PACHUTA: Yes.
18 CLERK McCAIN: Councilmember Roche?
19 COUNCILMEMBER ROCHE: Yes. Thank you.
20 MAYOR PITTMAN: Thank you. We will move
21 forward with that tomorrow. Okay, thank you.
22 Any reports from any commissions?
23 (No reports.)
24 Okay. Public comments?
25 COUNCILMEMBER ALEXANDER: If I can make one?

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1 MAYOR PITTMAN: Sure.
2 COUNCILMEMBER ALEXANDER: I don't know if
3 everyone saw on the City website, I have done
4 volunteering for the DeKalb Municipal Association for
5 the DeKalb County Animal Services Task Force. And we
6 are having a public meeting here on Thursday evening
7 from 6:00 to 8:00 p.m. and we will have the head of
8 DeKalb County Animal Control and some various other
9 people from DeKalb County just wanting input on how
10 we can improve animal control purposes throughout the
11 County.
12 Recently DeKalb County was not allowed to
13 adopt out Pit-bull-type dogs even if they were deemed
14 appropriate to be adoptable. I believe they're
15 working on changing that language in their policies
16 to allow that to happen. Unfortunately all those
17 dogs were being euthanized unless a rescue service
18 took them.
19 So please come out from 6:00 to 8:00 on
20 Thursday evening and offer your input. We'd
21 appreciate it. Thank you.
22 MAYOR PITTMAN: Okay. Thank you, Ms.
23 Alexander.
24 Public comments? Anyone?
25 Steff?

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1 MS. STEFFI KOONTZ: Steffi Koontz from
2 Oakcliff. I just have one quick question. What is
3 the City doing about the empty Castle seat? Maybe I
4 missed that information? How is that going to work;
5 are we going to wait till the next election or --? I
6 mean I thought that y'all were to appoint somebody.
7 MAYOR PITTMAN: Cecil, if you don't mind
8 addressing that.
9 ATTORNEY McLENDON Under the Charter, when
10 you have a vacancy for a Council seat, that seat is
11 filled by the majority of the Council and completing
12 the term of the person who vacated that seat.
13 So basically, this seat will be filled by a
14 vote the majority of the Council. That person will
15 be in that seat until the end of Mayor Pittman's
16 former term unless a second seat was vacated, at
17 which point under the Charter it would go to a
18 provision to have a special election.
19 MS. KOONTZ: Do y'all plan on doing that? I
20 mean I know the last -- my concern is the last time
21 Jason -- some of y'all remember when Jason left --
22 the seat remained vacant for like six months.
23 And it's -- you know, I think the City
24 government was designed around six councilmembers,
25 and having five disrupts the way it was intended to

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1 operate. I'm just curious if you have any timeline
2 on filling the seat.
3 COUNCILMEMBER FLEMING: This particular seat
4 would be for appointment. And not to correct Mr.
5 McLendon, but instead of majority it takes four
6 affirmative votes --
7 ATTORNEY McLENDON Correct. That is
8 correct, yes.
9 COUNCILMEMBER FLEMING: -- which is more than
10 the majority of councilmembers. And so it's my
11 appointment. And because we have been going through
12 -- and I know it's difficult -- but because we've
13 been going through so many budget hearings and the
14 situation that we are now in with payroll and so
15 forth and election of a new Mayor, now I'll try to
16 proceed with the councilmembers to see if we can't
17 appointment someone.
18 MS. KOONTZ: Okay. Thank you.
19 MAYOR PITTMAN: Thank you, Ms. Koontz.
20 All right. One more chance. Public
21 comments?
22 MR. JOHN MALONEY: My name is John Maloney;
23 I live at 3522 Stewart Road. I come before you with
24 the same concern I did about three months ago, and
25 that's the vacant office buildings between Buford

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1 Highway and Stewart Road, behind the Waffle House.
2 The grass is knee-high; it's still an
3 eyesore; it's a haven for homeless. It's the
4 entrance to our neighborhood and I should not have to
5 ask people to go down to Chestnut to come to my
6 house, to avoid seeing that building.
7 We need to require them to tear it down,
8 repair it, condemn it and build a park there for the
9 City, or do something. Too much time has passed.
10 MAYOR PITTMAN: Yes, sir.
11 MR. MALONEY: I leave you with two
12 questions: 1) Would you allow me to live in a home
13 that looks like that building?
14 2) Could we possibly have discriminated
15 against all the citizens of Doraville that have
16 received any Code violation in the last three years?
17 Possibly so.
18 MAYOR PITTMAN: Chief, if you would like to
19 address measures that are being taken to take care of
20 that, I would appreciate it.
21 POLICE CHIEF JOHN KING: I agree a great
22 deal with what Mr. Maloney said. The property is an
23 absolute mess. We have issued -- currently we have
24 three pending Code violations, are pending in the
25 court. We've alerted our solicitor to not just take

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1 the fine, to start requiring -- and I suggested to
2 the solicitor to start putting people in jail.
3 And I hope that that can get their
4 attention. We have -- the building inspector went
5 and inspected the building, but we've issued three
6 citations just in the last month, sir. So those
7 cases are pending. But I agree.
8 The fungus inside the facility is even
9 dangerous for my police officers to go and check it
10 out.
11 COUNCILMEMBER ROCHE: Is it still sealed
12 like it was before?
13 CHIEF KING: Sir, the challenge is that it's
14 sealed, but every time we go in, people -- we've had
15 some individuals probably went in there, tried to
16 take some of the copper. They broke into the place,
17 they resealed it.
18 I mean they're responsive to our -- but the
19 fact is that nothing is happening with the property.
20 And as long as it continues to be -- you know, is
21 going continue being an eyesore, I don't think the
22 Council or the citizens would just want it sealed and
23 just -- I don't think that's sufficient for the
24 property, in my opinion. But that's just my
25 non-police --

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1 COUNCILMEMBER ROCHE: Well, it would keep
2 people from living there. Is it possible to have it
3 deemed as a nuisance or a dangerous property or
4 simply just tear it down?
5 ATTORNEY McLENDON What I would say is if we
6 have pending violations, those would be something
7 that need to be addressed in court. And the property
8 has to be -- the property has to be maintained
9 consistent with the International Property
10 Maintenance Guide, which we just adopted.
11 And you know, this is something that, as it
12 comes to the solicitor, that is the solicitor's job,
13 to make sure we have properties maintained consistent
14 with the community appearance you've adopted.
15 So I'd say, you know, let's let this work
16 it's way through the system, being addressed by
17 virtue of the violations that are in court.
18 COUNCILMEMBER ROCHE: I guess my question
19 would be with the next step, is there an option where
20 if everything else doesn't work, we can simply go in
21 and contract and have the place demolished and just
22 lien the property for the bill to do that?
23 Because this is a danger an it's been here
24 for four years. And you know, I've had people
25 following me into my own driveway about this

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1 building, and I thought it was straightened out,
2 frankly.
3 And I didn't realize it was coming back again.
4 I thought something had happened about that. I
5 apologize, Mr. Maloney.
6 ATTORNEY McLENDON I can tell you there are
7 ways to do that, and it is a process that is
8 available to you. But generally the better, quicker
9 results are going to be found through your courts and
10 seeking to have these people bring this property into
11 compliance with the Codes.
12 But you know, the -- I have not seen the
13 condition of it. The building inspector would have
14 to make a determination whether it was a safe
15 building, whether it was a building subject to
16 condemnation, whether to move forward under that type
17 of process.
18 So you know, there would be some facts that
19 would have to be developed for me to be able to give
20 an answer to that, and probably in this forum, that
21 wouldn't be the right place for that analysis.
22 If you have a case in court however, that's
23 where I think you should see the results, and I would
24 say let's let those citations, if they've been
25 recently issued, work their way through the process.

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MAYOR PITTMAN: Thank you.
Chief, thank you. And Mr. Maloney, be assured we'll stay on top of that. And I do believe there someone actually looking at that property at this time which is good news for us.
Ms. Gore?
MS. WENDY GORE: Wendy Gore, 3596 Raymond Drive. I also have a couple of issues that have been out for over 30 days and I'm wondering where we are in resolution.
I did get the Mayor's email this morning that you would have some updated information for me today on the $300,000 miscellaneous revenue. I didn't --
MAYOR PITTMAN: Oh, I sent you another email stating that she was out today; Ms. Fulton was out ill today.
MS. GORE: Okay. So I guess since this has been going on now for five weeks, when can we anticipate a response surrounding that?
She had also been asked by Mayor Pro Tem Alexander to work on that, and we're still -- I mean unfortunately we know what happened last year with the budget, and we know what's going to happen this year with the budget.

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And people are not working with the budget, and we as taxpayers aren't getting clarification around this amount of money. It's a large revenue stream; it seems to be miscellaneous, which is kind of a lot of money to be pouring into one area. So I guess we should have something soon. Okay.
MAYOR PITTMAN: In answer to that question, when she comes back I will found out that answer. But be assured we are working diligently to solve these problems.
MS. GORE: Okay. The other question I have is on the tanker fee income. I know that that came up also at budget time, and there was a line item under motor vehicle operators for a total of $75,000.
Councilman Bates indicated that that was for the tanker farms. I was trying to get specifics around what that means. Was this their fees that they are paying through the PD to be verified and authorized to drive these tanks? Where are we getting the income from their taxes?
Because we've got, I don't know, three or four farms at least? I know that Mayor Pro Tem Alexander had indicated to me that she found 37,000 for one location that was indicated as real or personal property tax for 2010.

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Well, if we've got 37 for one, we're short on the others.
My understanding is that this City is authorized to look at their books to determine what they are supposed to be giving us. Are we doing that? Because we're missing a tremendous amount of revenue.
COUNCILMEMBER ALEXANDER: Well, that was just one that I knew the address to research.
MS. GORE: Right.
COUNCILMEMBER ALEXANDER: They all are paying personal property tax and real property tax.
I do know that prior to end of fiscal year that one or more of them, their occupational tax was adjusted per an inquiry by our deputy clerk, and they did pay additional fees. I know one actually paid -- I believe it was an additional $19,000.
I just was doing that on a weekend and I didn't have stuff here to get more information for you.
MS. GORE: Right. Yeah, that's fine. So does their income for their real show up under their -- under our business -- is it commercial?
COUNCILMEMBER ALEXANDER: The occupational types comes under the occupational line, and the

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personal and real property comes under our tax digest from the County.
MS. GORE: Okay. So we know that we're getting all that we need to be getting from -- okay, all right. Well then I'll wait to hear on the -- thank you.
MAYOR PITTMAN: Anyone else?
(No further public comments.)
All right. Next on the agenda I believe is Executive Session. Mr. McLendon I believe that's your item.
ATTORNEY McLENDON Mayor, I have one item of litigation that I would like for us to discuss in Executive Session. I have received a settlement offer.
MAYOR PITTMAN: Okay.
COUNCILMEMBER PACHUTA: I make a motion to go into Executive Session for discussion of pending litigation.
MAYOR PITTMAN: Do I get a second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR PITTMAN: Discussion?
(No discussion.)
Call the roll, please.
CLERK McCAIN: Councilmember Alexander?

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COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: No.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PITTMAN: Thank you. And we will adjourn to my office for Executive Session.
(Executive Session from 7:08 p.m. to 7:17 p.m.)
MAYOR PITTMAN: Motion for come out of the Executive Session?
COUNCILMEMBER PACHUTA: So moved.
COUNCILMEMBER ROCHE: Second.
MAYOR PITTMAN: Discussion?
(No discussion.)
Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.

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CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PITTMAN: Thank you. Motion to adjourn?
COUNCILMEMBER PACHUTA: So moved.
MAYOR PITTMAN: Second?
COUNCILMEMBER BATES: Second.
MAYOR PITTMAN: Discussion?
(No discussion.)
Call the role, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PITTMAN: Thank you. Meeting adjourned.
(Meeting adjourned at 7:18 PM)

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C E R T I F I C A T E

STATE OF GEORGIA)
FULTON COUNTY)

I hereby certify that the foregoing transcript was taken down as stated in the caption, and the proceedings were reduced to print 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 9th day of August, 2011.

_____
NANCY MERRELL-ROBERTSON, B-2311

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