In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

August 2, 2010

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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 approximately 6:30 p.m., August 2, 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
William Linkous, 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 want to approve the minutes of June 30, 2010. Do I get a motion?

COUNCILMEMBER ALEXANDER: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER PACHUTA: Second.

MAYOR JENKINS: Discussion?

- - -

(No response)

- - -

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: I want to approve the minutes for July the 6th. Do I get a motion?

COUNCILMEMBER PACHUTA: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER PITTMAN: Second.

MAYOR JENKINS: Discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

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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: And July the 7th, 2010. Do I have a motion?
COUNCILMEMBER PACHUTA: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
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.
MAYOR JENKINS: Reports from department heads. Chuck, do you have anything?
MAJOR ATKINSON: No, sir.
MAYOR JENKINS: Okay. So we'll go into public comments on agenda items. We'll give three minutes to anybody that wants to speak on the agenda items. Come on up to the microphone, please.
MS. KOONTZ: My name's Stephe Koontz from Oakcliff Estates and I wanted to make a comment about the recent release of the library employee, Johnny, which, from what I understand from the sequence of events, there was somebody doing something kind of weird in the library. A patron came over and told Johnny about it. He informed this woman that he has been instructed not to call the police but that he felt that this was an event that warranted the police being called and gave her the phone to call the police, which were called, they responded. The person was apprehended.

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And then he was let go for some reason which I don't understand. But he was following policy set by somebody else, and if there was a problem with this policy, he isn't the one who made this policy. He was just following it, which he would have got in trouble for if he hadn't followed it.
And I don't know if this was like a knee-jerk reaction to the initial outcry of this problem. And I think now that the dust has settled, that maybe we need to re-look at this and reconsider this decision that was made, which I feel is a mistake. And I think everybody here knows people can make a mistakes. And you know, we don't have a problem when people will admit they've made a mistake and correct it. The problem's when a mistake's been but people won't admit they've made a mistake and correct something they did that was wrong.
And I feel that Johnny was wrongly treated by being let go, and that the Mayor and Council, whoever's responsible, needs to hire him back. Thank you.
MAYOR JENKINS: Thank you.
Anybody else?
MR. ANDERSON: Stuart Anderson.
I too will comment on the library. I agree

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with Stephe. Johnny probably should be considered to be reinstated.
But actually, the reason I'm up here is a financial thing like I mentioned the last time about the library that I think that Joy Cauthen should be promoted, given the job, and perhaps so we could save some money. If we're top-heavy up there, I'm not really sure, but I think that she was the spark plug of the organization for the last year or so and I think she should be given strong consideration. Thank you.
MAYOR JENKINS: Thank you.
Anybody else?
MS. McKENZIE: I'm Kathy McKenzie and I work at the library. I've worked with Johnny for 10 years. I understand he's worked there for 27. Never been late, a great employee, hardly ever calls in sick.
Yes, he did follow somebody else's policy, and it was wrong. It could have been any one of us. There was no policy given to us until July 6 on the proper protocol according to Doraville procedures.
So I feel like you really need to reinstate Johnny's position. I understand the head librarian does not want to be considered an employee here. She just decided not to come back.

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Johnny knows so much that goes on behind the library, all the inside works that we really are trying to grasp right now, and he's a much, much need employee, so I really, really beg of you to reconsider his position.

I do have a petition also, and I have 120 signatures. He's well loved with the community, and he just knows what to do and how to handle things, and he was handling the one incident that caused all this problem with Doraville by following Ms. Watanabe's policy. Thank you.

COUNCILMEMBER ROCHE: Thank you.

MAYOR JENKINS: Thank you.

- - -

(Applause)

- - -

COUNCILMEMBER ROCHE: Could we see the petition please?

MS. STOKES: I'm Ullainee Stokes, I have been a patron of the library for about 25 years, and I'm Friends of the Doraville Library and I'm treasurer, and I want to second what Kathy has -- add to what Kathy has said.

John was trained by Jim, the librarian that was there for many, many years. He left, and for six

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months he ran the library, basically; and then Lynn came, and he oriented or trained Lynn in the ways of the Doraville library rules, the Dekalb County library rules and the City of Doraville, which is quite a combination.

And now we have staff at the library and nobody to train them, and I urge you to bring Johnny back if not for long time but long enough to train the staff.

MAYOR JENKINS: Thank you.

- - -

(Applause)

- - -

MAYOR JENKINS: Anybody else on any item on the agenda? Okay.

We'll go into the old business agenda items. Approve Staff Recommendation on LED Retrofit Contract. It's going to be Luke Howe.

MR. HOWE: Thank you, Mayor.

It was disappointing. We only had three, three people who submitted proposals, but I think if we would have had 50, I would have arrived at the same recommendation.

E. Sam Jones has been around for 60 years. They're by far the biggest distributor in the area.

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They have State contracts. It was really a no-brainer.

MAYOR JENKINS: Well, what do you --

MR. HOWE: I recommend that the Council approve E. Sam Jones Distributing as the LED Retrofit Project contractor.

MAYOR JENKINS: Okay.

COUNCILMEMBER FLEMING: Mr. Howe, I have a question in regards to one of your sentences because that is over the budget of the one ninety-two/five for this particular phase.

MR. HOWE: It is.

COUNCILMEMBER FLEMING: And you said that the difference could be paid back through the savings produced with zero interest. I'm not sure. I have an accounting background but I'm not sure how you could have a savings from zero interest when we're over budget by $10,369.

MR. HOWE: Well, ma'am, we're expecting to see somewhere in the neighborhood of 25 to 30 thousand dollars a year in savings.

What he was proposing and what really from my perspective is a testament to his product was like, look, we'll go ahead and install -- we'll do the whole project and we'll only get paid through the savings.

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So that's one option.

Or we could just hold off and wait and not do the Civic Center, which would be the building that is leased used. So it really makes no difference to me.

If we do go that route and we pay him incrementally through savings, then our contract will be robust and it will indicate that we incur no debt, that it is based on savings and savings only.

COUNCILMEMBER FLEMING: But this is grant money that we would be submitting --

MR. HOWE: Correct.

COUNCILMEMBER FLEMING: -- invoices to the Department of Energy for their approval of the invoices, correct, and then payment -- and then reimbursements?

MR. HOWE: Right. So they've approved $192,500, and his bid came in about $10,000 more. So we can either hold off on the Civic Center or we could go ahead and do the Civic Center and wait for the savings to come in and pay him incrementally.

COUNCILMEMBER FLEMING: Well, if we did that, then we would have to go back out on the RFPs to be able to give the other person or people that quoted that opportunity to resubmit additional quotations if

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we do not decide to do the Civic Center.
MR. HOWE: No, ma'am. They were told this.
The two real -- I don't know much about Mr. Frame's Best Green Solution. There's a lot of small mom-and-pops that are merging that will probably get swallowed up at one point or another.
Queen Capital is a pretty solid firm. They do a lot of government work as well, and they came in just way too high.
COUNCILMEMBER ROCHE: Were they also given the opportunity to change their bid?
MR. HOWE: Everybody was given the opportunity. When it comes to my RFPs, they are given every bit of information we have.
COUNCILMEMBER ROCHE: Well, apparently, according to this, E. Sam Jones originally -- and I'm reading verbatim -- originally proposed $221,744.50 for both phases, but since the proposals were opened, staff has successfully negotiated the total price down to $202,869 by eliminating...light fixtures in Honeysuckle Park field ...and the Arena locker room.
So did everyone have the opportunity to say, "Oh, well, you opened the bid and that one's lower. So guess what? I'm going to change my bid and make mine lower too?"

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MR. HOWE: We tried that with Queen as well, and they didn't bite. The sticking point with Queen was they were only -- they were pushing one product.
COUNCILMEMBER ROCHE: So the answer is no, you did not make this --
MR. HOWE: I did make --
COUNCILMEMBER ROCHE: -- offer available --
MR. HOWE: Yes, sir.
COUNCILMEMBER ROCHE: -- to everyone else.
MR. HOWE: I interviewed the top two contenders, which was Queen Capital and E. Sam Jones, and I told them both, can you come down?
And part of the reason why I included the recreation field houses which aren't going to translate into much savings is because we can negotiate down from that point. Those are facilities that we really don't need energy efficiency lighting in because we're not in that much, so --
COUNCILMEMBER ROCHE: I just basically wonder why we even bother to put out RFPs when, you know, we open the bids and then we decide who we want, and then we go to them and say, "Hey, if you'll lower your bid."
I mean if I'm one of the bidders that lost, I'd probably be seeking counsel right now.

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COUNCILMEMBER PACHUTA: But you spoke to the two top contenders; correct?
MR. HOWE: Yes, ma'am.
COUNCILMEMBER ROCHE: You don't treat people fairly.
MR. HOWE: Mr. Roche, I took nearly a month in evaluating these proposals, but at the end of the day, I offered. I said, "Can you come down?" And that was -- you know, that was the case with one; it wasn't with the other, so --
COUNCILMEMBER ROCHE: So opening bids -- you know, tonight we open bids, but that doesn't matter because --
MR. HOWE: Well, there was also --
COUNCILMEMBER ROCHE: -- you decide who you want and you go back and you say, "Oh, your bid's a little bit too high, so why don't you knock twenty off of it, and then I'll recommend that we accept your bid instead of the other person's bid."
Is that how it works, Mr. Howe?
COUNCILMEMBER PACHUTA: I believe he said --
MR. HOWE: No, it's not.
COUNCILMEMBER PACHUTA: -- he spoke to both E. Sam Jones and Queen Capital and asked them both to lower their price.

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COUNCILMEMBER ROCHE: Well, there are actually three bidders.
COUNCILMEMBER PACHUTA: And --
COUNCILMEMBER ROCHE: And the fact that there are only --
COUNCILMEMBER PACHUTA: -- if you read --
COUNCILMEMBER ROCHE: -- three bidders may be because they understand how we do bids here --
COUNCILMEMBER PACHUTA: If you read the description --
COUNCILMEMBER ROCHE: -- is completely unfair.
COUNCILMEMBER PACHUTA: -- of Best Green Solution, they don't have a market presence and they didn't have any government contracts or any experience in this area, so that's why they were eliminated.
MR. HOWE: And the DOE has -- the U.S. Department of Energy has taken a position against their product, so they were cut no questions asked.
Nobody has heard of Green light, so they didn't even make the -- they weren't even considered. If you can't get a contract in your own home state, then don't come looking for one in your neighboring.
COUNCILMEMBER ROCHE: But once you submit a bid, that should be your bid. You shouldn't be able

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to just go back to people and say, "Oh, geez. Your bid's too high, so now you can modify your bid."

COUNCILMEMBER ALEXANDER: I think we've got the point, Mr. Roche. If we can please ask -- because I think other Council members have questions.

In reviewing the project, I see the difference in the number of light fixtures.

MR. HOWE: Yes, ma'am.

COUNCILMEMBER ALEXANDER: Will there be any issues with ceiling tiles or anything like that? Because I can't -- I'm sorry -- I can't remember what is in the Civic Center.

I know if you're going to do the same size fixtures as in the City Hall, it wouldn't be an issue, but is there going to be an issue in any other buildings where we're going to have to purchase ceiling tiles or anything like that?

MR. HOWE: No, ma'am. We won't have to do any kind of modifications.

And that was one of the selling points for E. Sam Jones. They carry multiple lines or brands and they're not pushing just one single product so they're flexible. We have a lot more options with them.

And the State was -- they went through a pretty rigorous process when they were awarded a bid

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for 2.8 million dollars to retrofit the governor's mansion, the state capitol and parking garages,

COUNCILMEMBER PACHUTA: Estimated time frame on completion of the project?

MR. HOWE: It's probably going to be anywhere from three to five months. It's not going to take long to install the product. It's the shipment. And we've yet to determine what product is going where.

COUNCILMEMBER PACHUTA: If we remove the Civic Center, does that bring it down to the one ninety-two/five --

MR. HOWE: Yes, ma'am.

COUNCILMEMBER PACHUTA: -- or it's still a little higher?

MR. HOWE: Yes, ma'am.

Another issue with Queen was she was going to charge $3.50 for every ballast disposed of, and these are magnetic ballasts that are in most of our fluorescent fixtures. These are first-generation fluorescents. Since then, there's been the ultra lumen fluorescent, which uses electronic ballasts, which is not -- doesn't contain the mercury levels that the magnetic ballasts contain. So it's kind of an unknown quantity as to how many ballasts we were

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going to have to take and dispose of according to EPA regulations. And the instructions were pretty clear: this was a turnkey project. We were going to hire one contractor for the procurement, the installation, and the proper disposal.

MAYOR JENKINS: Any more comments?

COUNCILMEMBER FLEMING: I'll just make one more. The consideration, it says subject, that GEFA, Georgia Department of Energy, will pay our local government $300,000 subject to the availability of funds from the U.S. Department of Energy. That scares me.

MR. HOWE: That language is in every grant contract.

COUNCILMEMBER FLEMING: It scares me, okay? And the other statement in this method of payment is review and approval of the invoices before they're paid.

MR. HOWE: Sure.

COUNCILMEMBER FLEMING: So those are my comments.

MR. HOWE: Yes, ma'am. That's -- that's not unusual. That's typical with every grant. And I have consulted with GEFA, the Georgia Environmental Finance Authority, and they approve of this recommendation. I

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took three weeks to talk to everybody and do my homework.

MAYOR JENKINS: This will be done in phases, is that correct, as we get to each?

MR. HOWE: Yes, sir. It could be done in one phase, but if we -- if the Council doesn't want to go the route of paying through savings, we can certainly revisit the scope of work and talk about doing the Civic Center when we have incurred enough savings to complete that job.

MAYOR JENKINS: In other words, this is a grant. It'll come back to us.

MR. HOWE: Yes, sir. This is a hundred percent funded through the Energy Efficiency Block Grant Program administered through the Department of Energy and locally by GEFA.

MAYOR JENKINS: It'll be the same as we have here.

MR. HOWE: Yes, sir. These are Illumitron lights, so -- and that's a home-grown Dekalb County business so we want to -- Of course their fixture is not going to be practical in every instance, but we do want to take this opportunity to nurture innovation-based business. We always have to have economic development in the back of our heads.

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And the engineering in these fixtures is ahead of its time, from what I understand. The guy who engineered the design holds a Ph.D. and an M.D., so he's a real bright guy, it's a budding company, and if it passes all the tests, then, you know, it's a good investment.

MAYOR JENKINS: These are half the size of the fixtures we had before, and they're more energy efficient.

MR. HOWE: Yes, sir.

MAYOR JENKINS: Okay. Any more comments?

COUNCILMEMBER PACHUTA: My preference right now is to hold off on the Civic Center --

MR. HOWE: Okay.

COUNCILMEMBER PACHUTA: -- since that's the least-used building, and go with the money that we do have funded through the grant. So I'll make a motion that we accept E. Sam Jones' offer for the LED retrofit project for the $192,500.

MAYOR JENKINS: Do I get a second?

COUNCILMEMBER ALEXANDER: Second.

MAYOR JENKINS: More discussion?

COUNCILMEMBER FLEMING: Yeah. Let me clarify something.

I thought it was still $202,000.

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MR. HOWE: That includes the Civic Center, ma'am.

COUNCILMEMBER FLEMING: Okay. What's the cost of the Civic Center?

MR. HOWE: It's in that neighborhood.

COUNCILMEMBER FLEMING: Of $10,000?

MR. HOWE: Yes. Yes, ma'am. If the Council's instructions are to get it to $192,500, then that's what we'll do.

MAYOR JENKINS: Any more discussion?

COUNCILMEMBER ROCHE: I'll just say one more time, I have a real problem with this whole process. It just -- it smells, frankly.

MR. HOWE: Mr. Roche, it was done --

COUNCILMEMBER ROCHE: We're done.

MR. HOWE: -- in compliance with our ordinances.

COUNCILMEMBER ROCHE: We're voting at this point. Thank you.

MAYOR JENKINS: Luke, go ahead and say what you was going to say.

MR. HOWE: Everything that we do is done in accordance with our own ordinances and the laws of the State. So sometimes we get, you know, too many RFPs, sometimes we don't get enough, but I think we always

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make the best choice.

MAYOR JENKINS: Thank you, Luke.

Call the roll, please.

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.

CLERK BLACKMON: Motion carried.

MAYOR JENKINS: Maria Alexander.

COUNCILMEMBER ALEXANDER: Yes, sir. This is another agenda item regarding the sanitation RFPs, and I gave everyone a checklist and I also gave a copy of the 2005 sanitation proposal that the City originally sent out.

In speaking with Councilmember Bates and Councilmember Fleming, I wanted us to hone in on exactly what we wanted to include in the RFP before we

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started writing it, which services we wanted to include, the duration of the contract and things of that nature.

I also have requested a copy of the sanitation RFP from Norcross, because it's my understanding that they do as part of their private contract require the company to recycle the yard waste, and I think that's a very important goal for us to have in the city. So I left a voice mail today for their sanitation clerk if she could send me that RFP so we know that language. I have about half a dozen sample RFPs, but none of them include that specific language about recycling yard waste.

I was just looking for suggestions and feedback and what Council would like to see included in the RFP.

Also, Ms. Blackmon, if you could confirm the number of households we bill now, because on our tax digest, Dekalb County says we have 2,024 households but I don't think that's what's in the sanitation account as far as the number.

CLERK BLACKMON: I believe it is around 2,000, but I'll get the exact --

COUNCILMEMBER ALEXANDER: Okay.

CLERK BLACKMON: -- number for you.

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COUNCILMEMBER ALEXANDER: Another thing, we had asked the finance director, Ms. Wilson, to contact Dekalb County. There will be no additional charge for us to include sanitation billing on the tax bill. I think that would be great. That's going to save the City money as far as postage, as far as personnel, and it will improve our collection rate, I believe also if it comes on the annual tax bill.

I do have some notes that I think we wanted to see about recycling at multi-family residences. That's something that the students from Sequoyah Middle School encouraged us to seek. And then also the new company would be responsible for the large recycling bins at Honeysuckle if we still want to have those as an option.

So I'm basically looking -- you know.

COUNCILMEMBER PACHUTA: And I think on the little checklist you gave us, I think it's important that we ask the different people responding to the RFP to give us quotes on the different options, like once a week versus twice a week, things like that, and have it be very specific in the RFP -- this is Option A, this is Option B -- so that we can compare easily.

COUNCILMEMBER ALEXANDER: That is one of the things that Councilman Bates and I spoke about is we

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want this to be very cut and dry. And we'd really like -- which we'll have to check on the legality with Mr. Weed -- we would really like to give them a City-made checklist or City bid form, and everyone submits that same bid form, so when we're comparing it, we're all looking at the same thing, there's no question, well, they didn't bid on this and they bid on that. Everybody has the same information and it all comes back across the board, everybody's doing the same thing and filling out the same form.

I know on previous RFPs, no offense to anyone that wrote them, when we've opened them up, you know, we had to look through pages and pages to find the information. Some people quoted in different phases and like that. I'd rather for this to come in clear and clean and we're all looking at the same thing and comparing apples to apples.

COUNCILMEMBER ROCHE: Excellent idea.

COUNCILMEMBER FLEMING: I do want to ask you, Ms. Alexander, regarding you said Dekalb County could put the fees on the tax bill.

COUNCILMEMBER ALEXANDER: Yes.

COUNCILMEMBER FLEMING: But that's only if they do the --

COUNCILMEMBER ALEXANDER: No.

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COUNCILMEMBER FLEMING: -- pickup or for any?

COUNCILMEMBER ALEXANDER: We would submit it just like we do our -- we would submit it at the same time we submit our millage rate, and they would just add a line item on the bottom of the bill under our city taxes for sanitation.

COUNCILMEMBER FLEMING: Okay. And then regarding the exempted residents at the present time, they would have no way of knowing that.

COUNCILMEMBER ALEXANDER: We would have to give them that information or tell them not to invoice that resident, particular resident.

I guess the only thing we would have to verify with Ms. Wilson when she gets moneys transferred, wired in. I think --

Do you not get a report, though, that tells you what fund it goes to?

CLERK BLACKMON: Yes, we do.

COUNCILMEMBER ALEXANDER: So you would get a report that would say property tax form, water/ sanitation.

CLERK BLACKMON: Correct.

COUNCILMEMBER ALEXANDER: Okay. So that would help her with accounting.

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COUNCILMEMBER PACHUTA: Should we have Mr. Weed go ahead and put together an RFP and the forms? Do you want to look at it?

COUNCILMEMBER ALEXANDER: Yeah. I think I want to look at it a little bit more and then maybe come up with -- sort of massage the old one, and maybe some of the information I get from Norcross, and then we can review it and see if we're ready for him to legalize it or whatever you want to call it, put it into legal terms.

I did like in the way the old RFP was set up it had a very specific time table -- this is when we're going to do this -- and I think that is very important for us to do, and it looked like they took over January 1 but it looked like Council had approved it like November 21 or whatever. And I think that would be good for us to -- because we're going to have -- you know, if we switch providers, we're going to have transition time or if we have new carts delivered and old carts picked up. So I think that would be important for us to --

COUNCILMEMBER FLEMING: Absolutely.

COUNCILMEMBER ALEXANDER: -- be ahead of the ball on that.

COUNCILMEMBER FLEMING: Have you got an

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estimated date when you'd like to get back to us with the other RFPs or are you going to try to consolidate the ones that you've received and --

COUNCILMEMBER ALEXANDER: (To Clerk Blackmon) If I can have you leave it on old business again.

And hopefully I'll hear back from Norcross, because there's a lot of, you know, usable language in our old one, but then you would get into it and it would tell you one thing and then two paragraphs down it told you something else, and I want us to get away from that. I think maybe that was some of the issues on the previous ones that the City got. I'd rather have them you bid A, you bid B, something like that.

COUNCILMEMBER FLEMING: That's all I have.

MAYOR JENKINS: You don't need a motion for anything?

COUNCILMEMBER ALEXANDER: No, sir.

MAYOR JENKINS: One thing I want to ask on this signup sheet here, it says supply cart. You mean that is the --

COUNCILMEMBER ALEXANDER: Their trash can.

MAYOR JENKINS: -- the wheeled trucks.

COUNCILMEMBER ALEXANDER: Uh-huh.

MAYOR JENKINS: Okay.

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COUNCILMEMBER ALEXANDER: I figured we would, you know, give them the option of them supply the cart and if they offer multiple sizes.

MAYOR JENKINS: Well, one question I got is on the curbside recycling, is that going to be 100 percent or like we had it? which did not work --

COUNCILMEMBER ALEXANDER: No.

MAYOR JENKINS: -- I don't think, very good.

COUNCILMEMBER ALEXANDER: I think it's going to be included 100 percent. I think it's important that we try to -- Even though we're covered under the Dekalb County MSW agreement and Dekalb County is successfully meeting the DCA requirement of 25 percent recycling, I think we as a city need to do as much as we can to make that 25 percent recycling goal.

And I was reading one of the proposals today. I believe it might have been Stone Mountain, who is also part of that agreement. And Stone Mountain requires reporting on the percentage of recycling their city does, and I think that may be something good for us to include.

MAYOR JENKINS: Okay. All right. Donna?

COUNCILMEMBER PITTMAN: In our last meeting, I brought up banning smoking and all use of tobacco products at Honeysuckle Park. I think it's really

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important that we do that. And I've asked Mr. Weed to draw up an ordinance, and I have read it, most of the Council has as well, and I was really pleased with it.

This particular park is where all of our organized sports takes place for children, and no matter where you're at, they have tried to enforce the designated areas, but it doesn't work. People tend to smoke everywhere and anywhere, and children are everywhere there. So even if you're in the parking lot and smoking, it drifts over to the fields and everywhere else, and as we all know, it's a health hazard for everyone, especially children.

And I would like to see that passed tonight.

Mr. Linkous?

ATTORNEY LINKOUS: I'll just say that the ordinance is ready to go. Mr. Weed drafted it. And if the Council wants to pass it tonight, they've got to waive the first reading unanimously; otherwise, it will come back on the 16th.

COUNCILMEMBER FLEMING: Did you say you redrafted it?

ATTORNEY LINKOUS: No. Mr. Weed drafted it.

COUNCILMEMBER FLEMING: Okay. All right. Thank you.

ATTORNEY LINKOUS: It's ready to go.

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COUNCILMEMBER PITTMAN: Well, if I can make a motion to waive the first reading and possibly go ahead and have this passed tonight.

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.

COUNCILMEMBER PITTMAN: And I would like to make a motion that we pass the ordinance to ban all smoking and use of tobacco products in all areas of

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Honeysuckle Park including areas of parking.
COUNCILMEMBER PACHUTA: Second.
MAYOR JENKINS: Any more discussion?
COUNCILMEMBER FLEMING: Yes, sir.
In regards to the parking lot areas at Honeysuckle Park, we've even got parking lot areas over where the recycling bins are right now, and I would find that this would be difficult also to enforce not being able to smoke in one's car in the parking lot.
COUNCILMEMBER ROCHE: Yeah. Personally, if it was me, we'd ban it on any city property or in any city vehicles, but, so this is progress. I'll certainly support this. I'm happy to vote for it.
COUNCILMEMBER PITTMAN: Thank you.
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?

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COUNCILMEMBER FLEMING: No.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Thank you.
COUNCILMEMBER PITTMAN: Thank you.
MAYOR JENKINS: Mr. Linkous, on the taxicab ordinance, please, sir.
ATTORNEY LINKOUS: Yes, Mr. Mayor. This is another ordinance that Mr. Weed drafted. Essentially this changes the vehicle age, the allowable age of a vehicle for hire from eight to ten years. I believe this one is also ready to go.
Again the Council can waive first reading or it'll come back up on the 16th.
COUNCILMEMBER ALEXANDER: I make a motion to waive first reading of the ordinance regarding allowable age for taxicabs.
COUNCILMEMBER PACHUTA: Second.
MAYOR JENKINS: Any more discussion?
- - -
(No response)

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- - -
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: Okay. A motion to pass the ordinance?
COUNCILMEMBER ALEXANDER: I make a motion to approve the ordinance to extend the life of taxicabs allowed to be used in the city with a request that a copy is given to Major Atkinson for the PD.
COUNCILMEMBER PACHUTA: Second.
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -

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MAYOR JENKINS: Call the roll, please.
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: New business, vacant positions. Chuck, come on up, please, sir.
MAJOR ATKINSON: Mr. Mayor and Council, I come before you to ask that we be able to fill three positions that we have currently vacant at the police department.
Right now we're two jailers short. Lieutenant Lowe got with Captain Brinkley last week and stated some concerns that he has with us being two jailers short, plus we have another one possibly leaving at the end of the month to another agency so that would leave us three short. We have ten total

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1 jailers now, and we have a daily population of roughly
2 29/30 inmates coming and going with Sandy Springs and
3 Johns Creek, having to prepare these inmates for
4 court, having them processed -- bring them in, process
5 them, release, taking bonds and things like that. It
6 really straps the jailers.
7 Also on the shifts that we have two, if one
8 of those calls in sick or is off on vacation, then we
9 have to bring in somebody to work overtime.
10 So I was asking if -- And these are already
11 budgeted positions. These are not any additional
12 positions. These are already budgeted positions that
13 were in the budget that was approved.
14 And I also ask to be able to hire one road
15 officer. Sergeant Kiernan has left the department,
16 and Lieutenant Pilgrim is going to be out an extended
17 period of time due to an injury that he suffered while
18 on duty. He's not going to be able to go back and
19 resume his normal duties in the near future. So I
20 would ask that we be able to refill that one vacancy
21 that we have in the uniform division as well as the
22 two jailer positions, please.
23 COUNCILMEMBER ROCHE: This is a toughie.
24 As far as the officer is concerned, I mean
25 absolutely. I mean any time the city -- the police

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1 department is looking for that, you know, I've always
2 been very happy to support that.
3 As we all know, we have severe budget issues
4 right now. I think that -- I haven't seen the latest
5 number, but I think our projected budget deficit is
6 over 2 million dollars. And one of the things that
7 came out recently is that the City of Doraville, we
8 already pay for a jail, the Dekalb County jail. We
9 can take our prisoners down there for free.
10 And I guess my question is has anyone done
11 any kind of a cost effectiveness or return-on-
12 investment study? I think we get like what? $200,000
13 or so from our contracts with the other two cities.
14 But I'm not sure if that's really cost justifiable,
15 because if I remember correctly the contract, we only
16 get paid by four-hour segments. So it was something
17 like $50 or $52 a day, but if someone came in and was
18 booked in, then was turned around and released within
19 like four hours, then our grand total was something
20 like eight dollars and change. And it seems like a
21 long time ago, we asked for that information. And I
22 know everybody's been busy and everything, but do we
23 have anything on that?
24 MAJOR ATKINSON: I'm not sure of a cost-
25 benefit analysis being done. I don't know -- I didn't

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1 know that...I don't recall ever one being asked. But
2 I know that last year alone we brought in over 2.7
3 million dollars in bonds the last fiscal year, so I
4 don't know.
5 COUNCILMAN ROCHE: But that's just -- we
6 don't keep that. I mean that's not --
7 MAJOR ATKINSON: It's bond that were brought
8 in for people who were in jail.
9 COUNCILMAN ROCHE: Right.
10 MAJOR ATKINSON: Is that Sandy Springs and
11 Johns Creek also or --
12 UNIDENTIFIED OFFICER: Yes, everybody.
13 MAJOR ATKINSON: Okay. And then they pay
14 their fees, and I don't know how much.
15 Do you have the total amounts that --
16 $200,000, roughly, Sandy Springs?
17 UNIDENTIFIED OFFICER: No, not with me.
18 MAJOR ATKINSON: Well, we don't have -- I
19 don't have the figures that Sandy Springs pays us, but
20 we bill them each month. We just billed them --
21 $12,000?
22 UNIDENTIFIED OFFICER: Between Johns Creek
23 and Sandy Springs, it's like $14,000.
24 MAJOR ATKINSON: Roughly 14/15 thousand
25 dollars.

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1 COUNCILMEMBER BATES: Major, if these
2 positions were approved tonight, what's the time
3 needed to hire, train, certify, qualify, background
4 check? How much time are we talking about before you
5 would have a boot on the ground?
6 MAJOR ATKINSON: Well, we were in the
7 process of doing some backgrounds initially, so we
8 would have to reach back out and touch base with those
9 people to see if they're still interested or if they
10 have gone on.
11 COUNCILMEMBER BATES: Let's assume starting
12 from scratch.
13 MAJOR ATKINSON: Starting from scratch, I
14 would say if we rushed it doing backgrounds -- and
15 obviously, they would be in here getting trained -- so
16 we can do a background in, rush, I would say a month
17 at the latest. At the latest, I would say a month.
18 It just depends on the person.
19 COUNCILMEMBER BATES: Does that include the
20 recruitment, the finding of the candidates or --
21 MAJOR ATKINSON: Right. Well, we always
22 have applications, and Lieutenant Lowe and Captain
23 Brinkley, you know, have some people in mind. So it
24 just depends on if we can reach back out to them and
25 see if they're still available.

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1 COUNCILMEMBER BATES: And just to confirm,
2 these positions are in the budget that was passed?
3 MAJOR ATKINSON: That's correct. These are
4 not additional positions.
5 COUNCILMAN ROCHE: Four altogether?
6 MAJOR ATKINSON: No, sir. Two jailers and
7 one road officer.
8 COUNCILMAN ROCHE: Sorry. Three.
9 COUNCILMEMBER FLEMING: But didn't you
10 mention a road officer and then Mr. Pilgrim as well?
11 MAJOR ATKINSON: I was just saying that we
12 lost one road officer and Lieutenant Pilgrim is going
13 to be out an extended period of time and we were --
14 we're just going to replace the one road officer.
15 COUNCILMEMBER BATES: Does he have desk
16 duty?
17 MAJOR ATKINSON: Yeah, he will be. His
18 injury's going to require surgery, so he's going to be
19 out and, as soon as he's able to, come back to light
20 duty.
21 COUNCILMAN ROCHE: Sorry to hear about that.
22 MAYOR JENKINS: He is working in
23 administrative as we speak; is that correct?
24 MAJOR ATKINSON: Yes, until he has surgery.
25 MAYOR JENKINS: He's not just plain out.

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1 COUNCILMEMBER FLEMING: Is he able to fill
2 in for a jailer?
3 MAJOR ATKINSON: Oh, no.
4 COUNCILMEMBER PITTMAN: Oh, no.
5 MAJOR ATKINSON: He ruptured his Achilles
6 tendon in an altercation with a suspect.
7 COUNCILMEMBER FLEMING: Okay. I personally
8 am -- I am concerned because we're not finished with
9 the budget meetings yet, and I would hate to, though I
10 think we need jailers also as well as road officers,
11 fill the positions.
12 I am concerned because we have not finished
13 the budget meetings yet and we have a lot of
14 suggestions that have been made on how to raise
15 revenues but also reduce expenditures. So I'm just
16 real concerned about hiring now and then having to
17 then tell your department along with the other
18 departments that you need to cut back by 10 percent,
19 not necessarily employees but cut back on your
20 expenses by 10 percent. So that's what I'm concerned
21 with it at this point.
22 COUNCILMAN ROCHE: Yeah, I guess I am too.
23 I mean with the road officer, clearly, if we need it,
24 we need it, I mean, when it comes to boots on the
25 ground.

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1 In fact, I'll make a motion that we do
2 authorize the police department to hire the patrolman
3 position.
4 COUNCILMEMBER BATES: Second.
5 MAYOR JENKINS: More discussion?
6 Call the roll.
7 ATTORNEY LINKOUS: Mayor?
8 MAYOR JENKINS: Excuse me.
9 ATTORNEY LINKOUS: Just a quick clarifi-
10 cation. It's my understanding that the Council would
11 have to lift the hiring freeze before it made it made
12 the decision on it, on hiring any of these positions,
13 just as a formality. And so I wanted to make sure I
14 mentioned that just in case. I didn't want us to
15 forget that if that was a step we need to go through.
16 COUNCILMAN ROCHE: I will amend my motion to
17 say that I make a motion that we lift the hiring
18 freeze to authorize the police department to hire a
19 road officer position.
20 COUNCILMEMBER BATES: I'll amend the second.
21 MAYOR JENKINS: Any more discussion?
22 - - -
23 (No response)
24 - - -
25 MAYOR JENKINS: Call the roll.

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1 CLERK BLACKMON: Councilmember Alexander?
2 COUNCILMEMBER ALEXANDER: Yes.
3 CLERK BLACKMON: Councilmember Bates?
4 COUNCILMEMBER BATES: Yes.
5 CLERK BLACKMON: Councilmember Fleming?
6 COUNCILMEMBER FLEMING: Yes.
7 CLERK BLACKMON: Councilmember Pachuta?
8 COUNCILMEMBER PACHUTA: Yes.
9 CLERK BLACKMON: Councilmember Pittman?
10 COUNCILMEMBER PITTMAN: Yes.
11 CLERK BLACKMON: Councilmember Roche?
12 COUNCILMAN ROCHE: Yes.
13 COUNCILMEMBER ALEXANDER: Jail safety is an
14 extremely important element. I mean there's just been
15 an incident in the newspaper this week about a person
16 -- a deputy getting attacked in Gwinnett County.
17 So I make a motion to lift the hiring freeze
18 to hire the two jailers needed for the jail.
19 COUNCILMEMBER PITTMAN: Second.
20 MAYOR JENKINS: More discussion?
21 COUNCILMAN ROCHE: In the meantime, could we
22 -- since we're short-staffed at the jail here, we
23 could always transport our prisoners to Dekalb County,
24 sir?
25 MAJOR ATKINSON: I'm sure that we could. I

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mean that's going to be a -- I don't know that that's going to be cost effective. You know, by the time that the officer's out of service and has transported to Dekalb County and turned the prisoner over to them and gotten back here, I mean you're talking about another patrolman or another officer that's out of the city for 45 to an hour.

COUNCILMEMBER PITTMAN: Oh, longer than that, I would say; absolutely.

MAJOR ATKINSON: Or longer than that on the times that Dekalb is busy, so I don't know that that's going to be cost effective.

COUNCILMEMBER PITTMAN: It can take an hour to pull an inmate off the floor to get them down to another agency, alone, and then you would have to have an officer off the road to be able to go to the jail to do that each time you want to take them to the court or to the hospital or anything.

MAJOR ATKINSON: And if we do that, we have to have all the paperwork completed --

COUNCILMEMBER PITTMAN: Absolutely.

MAJOR ATKINSON: -- to turn in to the jail.

MAYOR JENKINS: In other words, if you take them to Dekalb County, they take over the case; is that correct?

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MAJOR ATKINSON: That's correct.

MAYOR JENKINS: So we'd lose any -- you know.

MAJOR ATKINSON: Yes.

MAYOR JENKINS: Okay.

COUNCILMEMBER FLEMING: So they don't come back here for --

MAJOR ATKINSON: Not if we turn the case over to -- over to Dekalb County. If we bind the case over or something like that, it goes over to Dekalb County and goes to state court.

COUNCILMEMBER FLEMING: I have one other question before we vote on this. Back to my concern about the budget and us coming back on, because we already are looking at August dates to finish up on the budget meetings, are there administrative personnel that can fill in for the two jailers, that you presently have, that you need, until we can finish with the budget?

MAJOR ATKINSON: No. I would be hesitant to do that, because they're not certified. Jailers have to go through a school to --

COUNCILMEMBER FLEMING: Specific school for jailers?

MAJOR ATKINSON: -- to be certified.

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COUNCILMEMBER FLEMING: That's what I needed. Okay. Thank you very much.

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?

COUNCILMAN ROCHE: Yes.

MAYOR JENKINS: Motion carried.

We need to take about a 10-minute break before we get this other item. Take a 10 minute break, 10 minutes only.

- - -

(Brief recess)

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- - -

MAYOR JENKINS: Bob Roche and the Doraville Library.

COUNCILMAN ROCHE: Thank you very much, Mayor. I did add this to the agenda. I wasn't even aware that there was other things going on.

But I think a lot of us have already seen the news coverage about this. I feel fairly -- you know, my complaint earlier about the bidding thing, it's all about fairness, and I believe in this situation the employee, Mr. --

COUNCILMEMBER FLEMING: Johnny Morgan.

COUNCILMAN ROCHE: -- Johnny Morgan, which -- and I know I've met him. I just don't know him that well.

According to the internal investigation, and I'll read a couple quick lines, it says: Consistently, employees of the Doraville Public Library report that they are not authorized to call the police if an incident occurs in the Library.

And then the next paragraph says, in support of this perception, two employees were verbally reprimanded by the Library Director for calling the police on an incident, and then they spoke to the Mayor about their safety concerns.

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I feel like that Mr. Morgan was in a no-win situation. If he had called the police, then he could have been fired, and so he did what, you know, he was told to do: the policy that was set by the library director. And obviously the Mayor was fully aware of this because, you know, people had come to him about it.

And I feel like he was in a no-win situation and I feel like he was treated completely unfairly, and if we can do nothing else today, I would like to make a motion that we offer Mr. Johnny Morgan his earlier position back at the same pay.

- - -

(Applause)

- - -

MAYOR JENKINS: On the legal end, I'm going to ask the attorney.

I believe -- and Rhonda, maybe you can bring me up to date, that --

COUNCILMAN ROCHE: Can we get a second, Mayor? Excuse me.

MAYOR JENKINS: Anybody else can comment without a second, Mr. Roche. Why am I singled out?

COUNCILMAN ROCHE: Well, typically you ask for a second after --

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MAYOR JENKINS: Can we get a --

COUNCILMAN ROCHE: -- we get a motion.

MAYOR JENKINS: I know that.

Do I get a second?

COUNCILMEMBER FLEMING: Second.

MAYOR JENKINS: Rhonda, I believe that Johnny has already applied for his retirement; is that correct?

CLERK BLACKMON: Yes, sir. He has turned in his paperwork.

MAYOR JENKINS: How far along is it?

CLERK BLACKMON: They have not given him payment, but he has turned everything in, so it has not been completely processed.

MAYOR JENKINS: Okay. That's what I was asking.

Okay. Well, I'll ask the city attorney, how will we go about this, then?

I have no problem with what we're bringing up tonight but I'm saying how will we do this legally being as he's already applied and --

ATTORNEY LINKOUS: Yes, sir. I took the opportunity to take a little look into the retirement benefits policy.

Part of it depends upon whether or not he's

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involved in normal retirement or early retirement. It says, "Employees who satisfy the qualifications for normal retirement may begin drawing their retirement benefit and remain in the service of the City. Employees who receive early retirement benefits must terminate their position with the City." It's my understanding they could still maybe work part-time but they could not take a full-time position unless they agreed to renounce their benefits.

In this case, I believe that because the checks haven't begun processing, it could potentially be reversed if the employee in question made an appeal to the City Council of some sort that the City Council was willing to uphold.

MAYOR JENKINS: Then, you're saying that he should appeal to the Council; is that correct?

ATTORNEY LINKOUS: Well, I think that some action would have to be taken by the City to rehire him, and he would have to express the interest in that, because at this point, his interest obviously is in accepting his retirement benefits.

MAYOR JENKINS: Because we gave him the option to come before the Council but he decided against that at that particular time, yes.

ATTORNEY LINKOUS: That would indicate that

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he was interested in the retirement benefits, but that would be his decision.

COUNCILMAN ROCHE: So do I need to reword my motion or anything? I mean I believe the motion was basically to reinstate him just like nothing ever happened.

ATTORNEY LINKOUS: Well, I --

COUNCILMAN ROCHE: And I don't know the legal way to do that but I'm sure we could find a way to do that if we get a --

You know, you're a good lawyer, I'm sure. I'm sure we can get the paperwork straightened out to do that.

ATTORNEY LINKOUS: Well, the Council can make whatever motion it wishes to make and to pass that motion. But at some point, some action has to be taken by the employee.

COUNCILMAN ROCHE: Of course.

ATTORNEY LINKOUS: And if he does take that action and it's consistent with the motion, then it's possible to retire him.

COUNCILMAN ROCHE: So then as a result of the motion that has just been made with the second, if Mr. Morgan requests his job back or just simply expresses an interest in coming back to work, then we

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1 can bring him back.
2 ATTORNEY LINKOUS: Again, I haven't really
3 researched the question, but I think that would
4 probably be the case subject to the pension benefits
5 issue. And the pension benefits issue would be a
6 question of does he renounce them, does he not get the
7 checks, that sort of thing; but he has to do that
8 work.
9 COUNCILMAN ROCHE: Could we rescind the
10 acceptance of his resignation --
11 ATTORNEY LINKOUS: Potentially.
12 COUNCILMAN ROCHE: -- and then basically
13 everything's back the way it was, you know, like at
14 the end of Star Trek -- you know, everything as it was
15 before?
16 ATTORNEY LINKOUS: I didn't see that movie,
17 but --
18 COUNCILMAN ROCHE: You know, when all the
19 people come back to life and they're on the next show.
20 But anyway, I'm sorry. This is a serious matter.
21 I just want to make sure that we're not
22 leaving some kind of -- you know, some gap here that
23 with the result of the motion that's made today,
24 assuming that it passes, that Mr. Morgan would not
25 find any obstacles, legal obstacles or procedural

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1 obstacles to returning to employment.
2 ATTORNEY LINKOUS: And I understand what
3 you're saying. And I don't think at this point -- I
4 haven't done research but I can tell you my opinion as
5 I sit here: that I don't think that the Council has
6 left a blank spot there.
7 COUNCILMAN ROCHE: Okay.
8 COUNCILMEMBER PITTMAN: Well --
9 COUNCILMAN ROCHE: Thank you.
10 COUNCILMEMBER PITTMAN: I was just going to
11 say, you know, I appreciate everyone and their
12 comments.
13 I think at this point I would feel much
14 better if we did hear from Mr. Morgan in some manner,
15 whether through the Mayor or whatever, before we move
16 forward with anything. I would certainly consider
17 options, but I would like to hear from him,
18 personally. To my knowledge, no one has heard from
19 him. I'm talking about up here.
20 You know, again, I appreciate everybody and
21 what they're doing, but I would love to hear from him,
22 and then it would be taken under great consideration.
23 ATTORNEY LINKOUS: Sure. And that's another
24 way the Council can deal with it, absolutely.
25 COUNCILMAN ROCHE: I'm just concerned that,

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1 you know, I would think we need to leave the door open
2 so that all he has to do is step in.
3 I'm very concerned about we've made
4 decisions in the past and then come to find out two
5 days later, oh, because of this or because of that or
6 -- you know, or because of who knows what happened,
7 things didn't work. And we certainly heard from it
8 looks like a hundred and -- two hundred-and-something
9 people here.
10 COUNCILMEMBER PACHUTA: My understanding is
11 Mr. Morgan resigned and he did not -- There is an
12 option under the personnel policy to appeal to the
13 City Council if he felt like he were being forced to
14 resign, and we did not receive an appeal. And I've
15 not heard from Mr. Morgan on, you know, wanting his
16 job back, and he has applied for retirement, so --
17 COUNCILMEMBER FLEMING: He's -- I'm sorry.
18 Were you finished --
19 COUNCILMEMBER PITTMAN: [To the audience]
20 No, no.
21 COUNCILMEMBER FLEMING: -- Ms. Pachuta?
22 COUNCILMEMBER PITTMAN: We'd rather go
23 through the...but thank you.
24 COUNCILMEMBER FLEMING: I was under the
25 impression by the discussion that I had with the

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1 Mayor, that he was given the option of either being
2 terminated or accepting resignation.
3 Then was told that if he didn't resign, he
4 wouldn't receive his retirement benefits.
5 COUNCILMEMBER PACHUTA: That's not true.
6 COUNCILMEMBER FLEMING: That's not much of
7 an option.
8 COUNCILMEMBER PACHUTA: That is not true.
9 MAYOR JENKINS: Pam, who --
10 COUNCILMEMBER PACHUTA: You don't --
11 MAYOR JENKINS: -- told him that?
12 COUNCILMEMBER PACHUTA: -- lose your
13 retirement benefits upon termination.
14 CLERK BLACKMON: That's incorrect.
15 COUNCILMEMBER FLEMING: Excuse me?
16 COUNCILMEMBER PACHUTA: You do not lose your
17 retirement benefits upon termination. If you're --
18 CLERK BLACKMON: He was never told that,
19 either.
20 COUNCILMEMBER PACHUTA: -- terminated you --
21 COUNCILMEMBER FLEMING: I'm just --
22 COUNCILMEMBER PACHUTA: -- do not -- I mean
23 that's no ...
24 I mean I obviously wasn't there, but I can
25 tell you that that's not true. If you're terminated,

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if you're vested in your retirement, you keep your retirement benefits.

COUNCILMEMBER PITTMAN: I don't know. Again, I would really -- You know, I would love to talk to him. I would love to hear from him maybe in writing, not personally talk to him, but it would be great to hear from him to see if, you know, he's sincere about wanting to come back. I would love to do that and I would take it under great consideration if we could do that.

COUNCILMEMBER FLEMING: Mr. Mayor, did Mr. Morgan come back in to see you during that week?

MAYOR JENKINS: He -- he came back in to work on his retirement, and he -- he just said to me he did not understand, he didn't know what had happened to him. That's all. He didn't say anything further than that.

COUNCILMEMBER FLEMING: Okay. And if I read the personnel manual correctly -- I don't know whether you have a copy of it there, but I believe it states that an employee only has two days in which to file an appeal.

MAYOR JENKINS: That's right.

COUNCILMEMBER FLEMING: That's not an awful lot of time, because they're in shock that they've

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been given the option to either terminate or resign.

COUNCILMEMBER PACHUTA: But that's the policy Council voted on, and I just -- I have problems with making exceptions.

MAYOR JENKINS: Even though it's --

COUNCILMEMBER PACHUTA: If Council needs --

MAYOR JENKINS: -- been how many, he has not made any --

COUNCILMEMBER PACHUTA: -- if they think it's not enough time --

COUNCILMEMBER FLEMING: Just making that as a comment: a person --

COUNCILMEMBER PITTMAN: I know.

COUNCILMEMBER FLEMING: -- is going to be in shock in two days' time.

COUNCILMEMBER PITTMAN: And we do have that. But I feel like we could give the option at this point now; if he wanted to come back and appeal, that would be good.

I mean I understand the two days, but I think the Council could give that option if he chose to do that --

COUNCILMAN ROCHE: Well --

COUNCILMEMBER PITTMAN: -- and I wouldn't mind doing that.

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COUNCILMAN ROCHE: -- you know, this meeting, we have until 9 o'clock. Is there any reason why we couldn't simply take a 10-minute recess, someone reach him by his cell phone and ask him if he wants to return to employment?

COUNCILMEMBER PITTMAN: I would like to see it in writing. I'm sorry. I would rather --

COUNCILMAN ROCHE: Why would you need to see it in writing instead of his verbal?

COUNCILMEMBER PITTMAN: I personally -- That's just my thought. I'm not speaking for the Council. I'm speaking for myself. I personally would like to see it in writing. Then we have it in writing, not just something verbal.

UNIDENTIFIED SPEAKER: Can he come in?

COUNCILMEMBER BATES: I would echo Ms. Pittman's concern. I would like to see him express his desire, his interest in writing after he's had time to consider it. I think that was the appropriate way to go. There was an opportunity for appeal per our personnel manual.

I'm sorry. I appreciate the sentiment and I appreciate everybody's interest. There's a process in place, and it needs to be followed here.

COUNCILMAN ROCHE: The process that he

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followed was unfair. The process that fired him was unfair. The process to where he was forced to resign was completely and totally unfair.

COUNCILMEMBER PACHUTA: And that's why --

COUNCILMAN ROCHE: And we're not --

COUNCILMEMBER PACHUTA: -- there's an appeals process --

COUNCILMAN ROCHE: -- even going to --

COUNCILMEMBER PACHUTA: -- in place.

COUNCILMAN ROCHE: -- try to fix it.

COUNCILMEMBER BATES: And I concur with Ms. Pachuta. That is why there's an appeals process in place. That is why there's a personnel manual in place.

COUNCILMAN ROCHE: We didn't follow the process in the first place. That's the whole point.

COUNCILMEMBER PACHUTA: We did follow.

COUNCILMAN ROCHE: This man was unfairly let go from the City.

COUNCILMEMBER PACHUTA: That is your opinion.

COUNCILMEMBER PITTMAN: Well, I'm willing to open the process back up so if he chooses to do that, he can do that.

COUNCILMEMBER PACHUTA: And I don't think we

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can do that legally, but --
COUNCILMEMBER PITTMAN: I don't know if we can or not but I'm willing to do that.
COUNCILMAN ROCHE: Call him.
UNIDENTIFIED SPEAKER: Kathy, go call him. He's just right around the corner.
COUNCILMEMBER ALEXANDER: No, ma'am. That's inappropriate. Okay?
COUNCILMAN ROCHE: I'd like to make a motion. I'd like to withdraw my earlier motion and I'd like to make a motion that we take a 30-minute recess and come back and re-look at this again.
COUNCILMEMBER PACHUTA: No. I'm sorry.
MAYOR JENKINS: Do I get a second?
COUNCILMEMBER FLEMING: I'll --
MAYOR JENKINS: What about --
COUNCILMEMBER FLEMING: -- second.
MAYOR JENKINS: -- your first motion?
CLERK BLACKMON: Ms. Fleming needs to withdraw her second on the previous motion.
COUNCILMEMBER FLEMING: I withdraw my second on the previous motion.
CLERK BLACKMON: Thank you.
MAYOR JENKINS: Okay. Do you withdraw your motion, Bob?

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COUNCILMAN ROCHE: I did. I made a new motion that we would recess for 30 minutes and then come back and take up this issue again at the end of 30 minutes.
That gives Mr. Morgan the opportunity to be contacted and come in and speak face to face with this Council so we can find out exactly what his wishes are, and then there's no question.
COUNCILMEMBER ALEXANDER: Maybe that should have been done when the item was put on the agenda.
COUNCILMAN ROCHE: We can find ways to weasel out of doing this, I guess, but the point is --
COUNCILMEMBER PACHUTA: We could have --
COUNCILMAN ROCHE: -- I think we need --
COUNCILMEMBER PACHUTA: -- found ways to be prepared.
COUNCILMAN ROCHE: -- to give every opportunity to this person to be treated fairly and to right a wrong.
COUNCILMEMBER PACHUTA: And to be treated fairly is to follow the legal process that we have established. And I'm sorry. He didn't appeal.
ATTORNEY LINKOUS: Mr. Mayor, the policy involved is Section 10.3.3, the complaint procedure. It allows for two working days for the appeal. I

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believe that's the correct policy.
COUNCILMEMBER PITTMAN: Can we legally open it up for him to present something in writing so we could reconsider?
COUNCILMEMBER PACHUTA: My concern is that we would be treating other employees differently and I think we're going to run into an equal protection problem.
ATTORNEY LINKOUS: I would kind of agree with Ms. Pachuta's interpretation of it.
I think the Council could do that. I think it could waive its own policies in this instance; however, it would open itself up to the possibility that other employees would claim that this employee was treated more favorably.
COUNCILMEMBER PITTMAN: But of course would it be case by case?
ATTORNEY LINKOUS: It could be; but then y'all will have to do a lot more work, but that's fine.
COUNCILMAN ROCHE: Well, again we have established that the Council, as we asked before, can make the motion to offer to rehire this person.
Seems like the only sticking point is that there's some concern that this person may not want to

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come back. And we have plenty of time here, and I think we should give that person the opportunity to make his wishes known. And then the Council would have that one last sticking point dealt with, we would have all the facts, and then this Council could make a decision.
So my motion was, and it's still on -- and I believe I have a second -- to recess for 30 minutes and then come back and take up this issue again.
MAYOR JENKINS: Do you have a second?
COUNCILMEMBER FLEMING: You didn't call for one, so I haven't said yes yet.
MAYOR JENKINS: Do I get a second?
COUNCILMEMBER FLEMING: Yes, you do.
MAYOR JENKINS: All right. Any more discussion?
- - -
(No response)
- - -
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: No.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: No.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.

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CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: No.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: No.
CLERK BLACKMON: And Councilmember Roche?
COUNCILMAN ROCHE: Yes.
CLERK BLACKMON: Motion denied.
COUNCILMAN ROCHE: Well, then, I'll remake my original motion that we offer Mr. John Morgan's position back at the original pay forthwith.
MAYOR JENKINS: Second?
COUNCILMEMBER FLEMING: Excuse me one second.
- - -
(Brief discussion off the record between Councilmembers Fleming and Roche.)
- - -
MAYOR JENKINS: I need a second. Remember the gentleman said I couldn't talk till we got a second. Would you give me a second or --
COUNCILMEMBER FLEMING: Mr. Roche, would you like to make a friendly amendment to your original motion and put contingent upon whether Mr. Morgan would like to come back?
COUNCILMAN ROCHE: I'll certainly do that.

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We can't force, drag him back to the library. I'll be happy to make that amendment.
COUNCILMEMBER FLEMING: I will second it.
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: No.
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?
COUNCILMAN ROCHE: Yes.
COUNCILMEMBER PITTMAN: And I'd like to make a motion. I'd like to make a motion that we -- I don't really know how to word this -- that we open up and allow him possibly to put in writing to us his desires to come back, because at this point, we haven't heard from him directly. And I would feel

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more comfortable hearing from him directly, and then the Council could take that under consideration.
ATTORNEY LINKOUS: I think what you're saying essentially is the Council would be willing to waive the two-day deadline requirement if he were to apply directly to the Council in writing.
COUNCILMEMBER PITTMAN: Yes, sir. That would be my motion.
COUNCILMAN ROCHE: But isn't that just for termination, the two days?
COUNCILMEMBER PACHUTA: No, it's also for resignation.
COUNCILMEMBER PITTMAN: Either/or.
ATTORNEY LINKOUS: Complaints in general.
COUNCILMEMBER FLEMING: Why would you appeal a resignation?
COUNCILMEMBER PACHUTA: If you felt like you were being asked to resign.
ATTORNEY LINKOUS: It does say within two working days of such termination or resignation.
MAYOR JENKINS: Thank you.
COUNCILMEMBER PITTMAN: And that's my motion.
MAYOR JENKINS: Did we get a second?
COUNCILMAN ROCHE: I'll second it. I'll

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take all I can get.
MAYOR JENKINS: Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: No.
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: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMAN ROCHE: Yes.
CLERK BLACKMON: Tie vote.
MAYOR JENKINS: Read the motion again, please.
CLERK BLACKMON: It was to waive the manual's two-day appeal process and allow Mr. Morgan to come forward to the Council in writing and express his want for his job back.

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MAYOR JENKINS: Yes.
CLERK BLACKMON: Motion carried.
MAYOR JENKINS: Let's give him a chance.
COUNCILMEMBER PACHUTA: And Mr. Linkous, I don't know if you could check on this or check with Mr. Weed, but I think we are going to run into some equal protection problems with employees, and I have concerns about the legal step.
ATTORNEY LINKOUS: Okay.
MAYOR JENKINS: Okay. Well, who would perform this? Will I inform him that he has to put it in within --?
I think we need to do this before his retirement goes through. So do we have a deadline?
CLERK BLACKMON: I would suggest as soon as possible.
MAYOR JENKINS: Excuse me?
CLERK BLACKMON: I would suggest he get contacted as soon as possible, in the morning.
MAYOR JENKINS: In other words, if this waits until the next meeting, that may run into his retirement.
CLERK BLACKMON: No, but I can call GMA and put a hold on it if you would like to do that.
COUNCILMEMBER ALEXANDER: I would not do

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that without the applicant's --
CLERK BLACKMON: Approval, right.
MAYOR JENKINS: Yes.
Yes. I'll have to contact him tomorrow and get permission for you to check, and ask him if he really wants to come before the Council.
Is that correct?
COUNCILMEMBER PACHUTA: And Mr. Linkous needs to make sure that that's legal.
MAYOR JENKINS: Okay. And you can let me know -- you can let me know as soon as possible if it's legal the way we're doing it?
ATTORNEY LINKOUS: Yes, sir.
COUNCILMEMBER FLEMING: Mr. Mayor, that wasn't part of the motion.
MAYOR JENKINS: Excuse me?
COUNCILMEMBER FLEMING: That was not part of the motion.
COUNCILMEMBER PACHUTA: Well, as a member of Council, I'm requesting legal advice. I don't think that needs to be in the form of a motion.
MAYOR JENKINS: I think that would be the legal end of it -- it wouldn't have to be part of the motion -- to make sure that retirement don't go through before he gets his appeal.

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COUNCILMEMBER FLEMING: No, that was --
COUNCILMEMBER PITTMAN: I can amend the motion if necessary.
COUNCILMAN ROCHE: It's already passed.
COUNCILMEMBER FLEMING: No. It's already passed.
COUNCILMEMBER PITTMAN: Oh, well, I mean --
COUNCILMEMBER PACHUTA: We can withdraw the motion and redo it.
COUNCILMAN ROCHE: No, the motion passed.
COUNCILMEMBER PACHUTA: We can also --
ATTORNEY LINKOUS: What are we -- what are we --?
COUNCILMEMBER PITTMAN: She was saying that part of the motion was not to ask you to check to see if it was legal or not. I mean the fact --
COUNCILMEMBER PACHUTA: My concern is by waiving the personnel policy that we are opening ourselves up to equal protection legal problems.
ATTORNEY LINKOUS: And I can still check on that and report back to whoever wants to hear that. However, the motion stands as it is, and I would simply render that legal advice, and whoever I gave it to would do what they want to.
COUNCILMEMBER PITTMAN: To all of us would

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be nice.
MAYOR JENKINS: Yes, the whole Council.
ATTORNEY LINKOUS: Okay. I'd be happy to.
COUNCILMAN ROCHE: And if it's at all possible, we need to make sure we have an answer by say the 24th, and in case there is a problem, we can put it on the next agenda. I'm sorry. That would be the 11th, whenever. Today's the 10th.
COUNCILMEMBER FLEMING: Second.
MAYOR JENKINS: Okay.
COUNCILMAN ROCHE: I did have several other comments about this whole thing, but in light of the Mayor's apparent willingness to give Mr. Morgan another chance, I'll hold off on that.
And I'm done. Thank you, Mayor.
MAYOR JENKINS: Okay. We have public comments. Just make them short, please.
MS. CRAWFORD: Susan Crawford, Oakcliff.
I apologize for being late and not being here for public comments during which time I was going to wax and wane about how when we first moved here with our tiny daughters, John was at the library and John had time for all the different programs and he was up until very recently still here.
That's a long time to be here. That's

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1 really a lot of dedication and a lot of effort and a
2 lot of patience with children and dogs and upset
3 patrons, and we reward him by giving him the
4 opportunity to resign or to be fired for obeying his
5 superior?
6 Okay. Because time is short, I just want to
7 ask you this: what could he have done that would have
8 been appropriate?
9 Donna? You're the --
10 MAYOR JENKINS: Are you asking a question?
11 MS. CRAWFORD: You're the patron.
12 COUNCILMEMBER PITTMAN: I'm not --
13 MS. CRAWFORD: I mean if he had not done --
14 COUNCILMEMBER PITTMAN: I'm not sure what
15 you're asking.
16 MS. CRAWFORD: What could he have done that
17 night that would have been appropriate?
18 MAYOR JENKINS: Call the police.
19 MS. CRAWFORD: He would have been then
20 disobeying his boss. He would have lost his job. And
21 then he would have been able to appeal to -- to you, I
22 mean, and now you're...
23 I mean he had no choice. He had called the
24 police before and gotten in a lot of trouble. He
25 would have lost his job right before retirement, which

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1 happened anyway, for disobeying orders once again.
2 The police were called. The police were
3 there. I just -- I don't understand. You did let his
4 boss go. Wasn't that enough?
5 And am I to understand that if he wants his
6 job back, you'll reinstate him? Is that what was said
7 here tonight? Because I am not a lawyer, and neither
8 is he, and it went kind of over my head.
9 Was that what was decided? Because other-
10 wise, it seems to me it's once again turned into sort
11 of a -- what it always turns into only there's some-
12 body's life and livelihood at stake here, somebody who
13 should be applauded and appreciated for his time.
14 MAYOR JENKINS: Thank you.
15 - - -
16 (Applause)
17 - - -
18 MAYOR JENKINS: Anybody that hasn't spoken
19 already tonight, come on up, please.
20 MS. ROLLINS: It seems like, Council and
21 Mayor, you are positive, if you possibly can, to take
22 care of the public safety positions.
23 I may have missed meetings where there has
24 been mention of furlough days, but I experience a
25 furlough day at the State once a month, and I think

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1 furlough days would be preferable over not being able
2 to help the public safety department with the jailers
3 or the road officer.
4 Then I had one quick question on the
5 recycle. Will there be an extra fee for the recycling
6 to residents when and if it is put in place with the
7 new sanitation people?
8 And then one last thing. On the library
9 issue, not talking about anybody's job, but I didn't
10 understand why there was such a policy as for people
11 -- employees or the supervisor that was on duty that
12 particular time not to be able to call the police.
13 I as a citizen, if I was in the library and
14 there was any kind of happening where I couldn't call
15 the police, I would feel unsafe that staff in charge
16 at the library could not call the police. I'd like to
17 know if that policy is still in effect, and I would
18 feel very unsafe to use our library if that was so.
19 And I'm Linda Rollins from Oakcliff. Thank
20 you.
21 MAYOR JENKINS: Thank you.
22 MR. CRAWFORD: Ben Crawford, Oakcliff
23 Estates.
24 I too resonate on the community's outrage
25 with the forced resignation of Johnny. And one

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1 observation I would like to make, it seems like what I
2 heard tonight is that the -- I guess if you look at it
3 like the supervisor of all City employees, the Mayor
4 was aware of a problem over at the library and
5 neglected to do something about it. Had he done some-
6 thing about it, maybe the incident wouldn't have
7 occurred, And I applaud you for letting Johnny come
8 back and apply for his job, but I don't feel like he
9 should have lost his job to begin with.
10 I think the person that instituted the
11 policy was the person that should have been let go,
12 and I would like to think that the Mayor would now
13 learn a lesson from that and review all policies with
14 all departments throughout the city to make sure --
15 MAYOR JENKINS: Excuse me, sir.
16 MR. CRAWFORD: Mayor, I'm not --
17 MAYOR JENKINS: The Mayor was not aware of
18 that --
19 MR. CRAWFORD: Mayor, that's what --
20 MAYOR JENKINS: -- supposedly, policy.
21 MR. CRAWFORD: I said I heard that tonight.
22 That's all I said, Mayor. I didn't say it was fact or
23 fiction, so let me finish, please.
24 So maybe a lesson could be learned from
25 this, that the person in charge of the City and all

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its employees should look at policies throughout the City to make sure there aren't any verbal policies in place that put the citizens in jeopardy and also put the employees in fear of losing their jobs.

I don't blame the guy for being afraid to lose his job. What choice did he have?

And then it comes back to the Mayor and the Mayor says, here, look. This is your choice. I'm going to fire you or you retire, you know.

And as far as two days for an appeal process, I mean that's ludicrous. Does two days sound fair? Sure as heck doesn't sound fair to me.

And maybe you should change the policy and then -- Chairperson Pachuta, and then the city wouldn't have to worry about a lawsuit. That hardly seems fair, two days.

So give 'em more time, cover the City's liabilities by changing the City's policy and then maybe it'll be a win/win situation for everybody -- the community, the employee, and the City itself. Thank you for your time.

- - -

(Applause)

- - -

MAYOR JENKINS: I state what I said before.

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If the Mayor had of known there was a policy in place like that -- and there was not, in writing. There might have been something verbally but the Mayor did not know it. And if I had of known it, it wouldn't have never happened, I can assure you of that.

Thank you. Next?

MR. HART: Friends of mine told me be nice.

Before I get to the library, the RFP for the trash collection, I don't know why we're following Norcross unless we just want --

Advanced Disposal handles Norcross; is that true?

COUNCILMEMBER ALEXANDER: Yes.

MR. HART: We already have Advanced Disposal here, so why are we copying Advanced Disposal's RFP for Norcross?

COUNCILMEMBER ALEXANDER: We're not.

MR. HART: Okay. Just you have to keep up with these things.

The library, you know, when I heard this -- and for some reason, I wasn't there that Tuesday night when this happened, but it wasn't something that didn't happen a bunch before I got there.

And while I was on the City Council, we changed the door on the front of the library because

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they had problems with vagrants coming in the front of the library, they had problems with the bathrooms. The employees were constantly saying they had some problems there with the security. They wanted a security guard. They wanted somebody there that would help them out rather than -- You know, Johnny was the enforcer, you know. Everybody would say, "Hey," you know, "Johnny, go over there and take care of it," you know. And then somebody would sleep in there.

And I see several of the librarians here tonight, but my contact was the childrens' program and the dogs. And every time I brought the dogs over there, Johnny was the first to greet them with a little bear he kept in his desk. He'd get down on the floor with Grant, the big black lab, and they'd get nose to nose and then Johnny would wrestle with the dog, and then we'd go see the children. And Grant spent all day on Tuesday waiting at my sister's house in the rain or sun or shine to come to the library.

And Johnny was a fixture at the library that meant something to the people and the children of the city of Doraville. And the time that he spent here -- And I've known all these employees in the City; I've worked with half of them. And you know the difference between people who have got their heart and soul in

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their job, and Johnny was that person.

That black lab or the golden, they know the good people and the bad people, and they recognized in Johnny the good heart that he was.

And why he got fired for doing his job, God only knows. You can hide behind any little word you have in any little book you've got here in the City, but when it comes down to it, it comes down to doing the right thing, and that's what's required of you on the City Council is to do the right thing. Thank you.

- - -

(Applause)

- - -

MAYOR JENKINS: Anybody else?

COUNCILMEMBER ALEXANDER: Motion to adjourn.

MR. ANDERSON: Um.

MAYOR JENKINS: Better come on up.

MR. ANDERSON: You said folks that hadn't spoken before --

MAYOR JENKINS: Well --

MR. ANDERSON: -- so I was waiting for --

I applaud your activities about returning Johnny, and I hope it works out.

The question I had or the observation I had as I've been interested in the Central Avenue project

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-- And every time I come over this way, I drive up and down that street, and that's the slowest construction company I've ever seen. What's going on? There's a little bit of concrete thrown and then there's -- they're not ...

There must be two guys working on the whole job. I don't know. It's not going very quickly. Thank you.

MR. CUSHMAN: Jimmy Cushman. And I just wanted, kind of changing the subject here a little bit, but I understand I had -- I was out on vacation last week, but I got a bunch of calls, actually six calls from some neighbors about a National Night Out, I believe, tomorrow night. And forgive me; I was late to the meeting and it hasn't been announced yet.

But Major, if you could explain a little bit about it.

I think it's a real positive thing about the neighbors getting together and coming out, and about crime, and I was just hoping that we could mention something about that.

MAJOR ATKINSON: Yes, sir. It's just a national event. It's called National Night Out. It's going to be down in Northwoods from 7:00 to 10:00. I guess, I imagine everybody's invited. I'm not sure

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how the invitations go.

The police department will be there, and at some point during the night the neighbors will be walking the streets and mingling with the police officers. I think they're going to have some refreshments there at Brook Park, and I believe it's from 7:00 to 10:00, and all the neighbors will be there and the police department will be there. Our rescue vehicle will be there as well.

COUNCILMEMBER PITTMAN: And the fire department.

MAJOR ATKINSON: And the fire department.

UNIDENTIFIED SPEAKER: Everybody is supposed to bring a covered dish.

MAJOR ATKINSON: I'm not sure about the refreshments. I just know that --

UNIDENTIFIED SPEAKER: I am.

MAYOR JENKINS: You say they want them to bring a covered dish? Is that correct?

UNIDENTIFIED SPEAKER: Yes, sir.

MAYOR JENKINS: All right.

UNIDENTIFIED SPEAKER: To where?

UNIDENTIFIED SPEAKER: Brook Park.

COUNCILMEMBER PITTMAN: And I believe Jerry said that pizza would be offered at a dollar a slice

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from Pizza Patron.

COUNCILMEMBER PACHUTA: Motion to adjourn.

MAYOR JENKINS: Second?

COUNCILMEMBER ALEXANDER: 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?

COUNCILMAN ROCHE: Yes.

- - -

(Meeting adjourned at 8:15 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 12th day of August, 2010.

_____

Theresa Bretch, CCR
Permit No. B-755

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