In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

November 7, 2011

American Court Reporting Company, Inc.

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

Original File 63892-1.TXT

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

Transcript of the meeting held at the Doraville Civic Center, 3770 Central Avenue, Doraville, Georgia, Mayor Donna Pittman presiding, before Theresa Bretch, Certified Court Reporter, commencing at approximately 6:30 p.m. on Monday, November 7, 2011.

* * *

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APPEARANCES:

Doraville City Council:

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

Melissa McCain, City Clerk

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

Representing the parties in the revocation hearing:

Bill Riley, City Solicitor - for the City
Caitlin Goldstein, Esquire - for the licensee

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P R O C E E D I N G S

MAYOR PITTMAN: Meeting come to order.

MAYOR PITTMAN: We're very honored to have Jared Wilhite from Peachtree Charter Middle School here tonight to lead us in the Pledge, so please come forward. Everybody rise for the Pledge.

- - -

(Pledge of Allegiance)

- - -

MAYOR PITTMAN: Jared, thank you so much. And we will have a certificate for you. We will be sure you get it. Either someone can bring you or we'll mail it to you. Thank you so much.

And thank you for bringing him tonight.

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.

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MAYOR PITTMAN: Thank you.

And before we approve the minutes, I wanted to see if the Council could possibly take the Amigo hearing and move it a little closer to the top. If I could get a motion for that.

COUNCILMEMBER ROCHE: I make a motion to move the Amigo hearing a little closer to the top. Where would you like it?

MAYOR PITTMAN: Where exactly would the Council like it to go?

COUNCILMEMBER FLEMING: Before old business.

COUNCILMEMBER ROCHE: Before old business.

MAYOR PITTMAN: Do I get a second?

COUNCILMEMBER FLEMING: Second.

MAYOR PITTMAN: Any discussion?

- - -

(No response)

- - -

MAYOR PITTMAN: 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. Thank you.
MAYOR PITTMAN: Thank you.
Okay. Approval of minutes for October 3rd, 2011. Do I get a motion?
COUNCILMEMBER PACHUTA: So moved.
MAYOR PITTMAN: Second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PITTMAN: 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.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?

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COUNCILMEMBER ROCHE: Yes.
MAYOR PITTMAN: Thank you. I need a motion for the October 17, 2011 minutes.
COUNCILMEMBER PACHUTA: So moved.
MAYOR PITTMAN: Second?
COUNCILMEMBER BATES: Second.
MAYOR PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PITTMAN: 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.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PITTMAN: Thank you. And we need a motion to approve the minutes for October 20, 2011.
COUNCILMEMBER PACHUTA: So moved.
MAYOR PITTMAN: Second?

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COUNCILMEMBER BATES: Second.
MAYOR PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PITTMAN: 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.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PITTMAN: Could we check, please, and make sure the camera is on?
CLERK McCAIN: It is.
MAYOR PITTMAN: It is?
CLERK McCAIN: Yes, ma'am.
MAYOR PITTMAN: Thank you, Sandra.
Next we have a ceremonial presentation. A few weeks ago, we had a road race. It was very successful, and I believe we have a donation to the

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Children's Healthcare by Scott Rodgers.
MR. SCOTT RODGERS: Hi, Mayor and Council.
First of all, I'd like to say that I think this year's Doraville 5K that took place on Saturday, October 15th, was a wonderful event.
I'd like to thank all of our sponsors, volunteers, runners that helped make this race so successful. Without them, the donation that we are about to make would not have been possible.
And at this point, I would like to call Dave Winokur from Children's Healthcare of Atlanta Foundation up to the front and present him a check for $1,719.20 on behalf of the City of Doraville (presenting).
- - -
(Applause)
MR. DAVE WINOKUR: I just want to say real quick on behalf of Children's, thank you so much to Scott. I want to thank your team, the Council and the City of Doraville for your continued support of our hospital and all our patients and families that we serve throughout the year. We sincerely appreciate your support, and I just want to say thank you so much. We really appreciate it.
MAYOR PITTMAN: Thank you.

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- - -
(Applause)
- - -
MAYOR PITTMAN: Next on the agenda is going to be public comments on agenda items only, and I believe Mr. McLendon has a comment before we do that.
ATTORNEY McLENDON: Yes, Mayor.
For the purposes of the public comment this evening since we do have an administrative hearing, we would ask that any comments regarding the subject matter of the administrative hearing be deferred until after the second public comment so any comment would not be construed as potentially part of the evidence of the hearing.
So as far as anything on the administrative license revocation, not in this first public comment, but the second public comment will be open for that.
MAYOR PITTMAN: Thank you. And at this time we will open the floor for public comment.
MS. BONITA HOFFMEISTER: This isn't an agenda item, but I would like to invite all of you to our annual Kiwanis Veteran's Day program at the Sequoyah Middle School at 6:30. We'll have hors

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d'oeuvres from 6:30 to 7:00 and then our program featuring a Vietnam vet at 7 o'clock.
MAYOR PITTMAN: What is the date?
MS. HOFFMEISTER: The 11th.
MAYOR PITTMAN: Thank you. Anyone else?
MR. BEN CRAWFORD: Ben Crawford, Oakcliff Estates. I'd like to comment on the vacated Council seats. I'd like to see that become a special-called election I think would be the best thing for the community. Thank you.
MAYOR PITTMAN: Thank you. Anyone else, public comments?
- - -
(No response)
- - -
MAYOR PITTMAN: All right. Thank you.
Next we're going to have department head reports.
I believe we have Chief King. You have an item you want to discuss with us?
CHIEF JOHN KING: The --?
MAYOR PITTMAN: Yes, sir, the COPS grant.
CHIEF KING: Good evening, members of the Council and citizens.
I brought Sergeant Rogers this evening to

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try to give you some more additional details on the COPS grant and brought the original check that we received from Congressman Johnson.
I was asked at the last time we met on this subject that if the grant could be used for an existing police officer. And we received some additional information from the Department of Justice, and Sergeant Rogers here can go into the specifics.
Unfortunately, we could not. The grant was funded in the fall of 2010 to hire new police officers and to increase the police presence in our city. The modification of a COPS grant requires a demonstration that the modification is unrelated to the receipt for the grant funds.
We currently have vacancies in the police department in the uniform division, so the City cannot use the COPS funds to fund those positions.
There were no layoffs scheduled for the patrol positions, so this would be considered a supplanting issue.
In order for the modification to comply with the non-supplanting requirement, the City must be able to demonstrate that the COPS funds grant is not being used to replace or supplant funds that otherwise would be used -- to be used for a sworn officer in the

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absence of the grant. That's the answer that we got from the Department of Justice.
I just wanted to be able to provide you-all with a report and kind of bring you up to date, and I understand, you know, we've got a pretty full agenda this evening.
COUNCILMEMBER ROCHE: So essentially what you're saying is we have to hire someone brand new.
CHIEF KING: That is correct, sir.
COUNCILMEMBER ROCHE: Okay. But I believe we can hire people -- I mean we did have one sworn officer, I believe, that the position was eliminated.
CHIEF KING: No, sir. The position was one of the officers that was -- that was -- the position was taken. He was a supervisor at the jail. It was not a sworn position.
COUNCILMEMBER ROCHE: He was not a sworn police officer?
CHIEF KING: I'm sure he is sworn, but that position that he occupied, sir, is not a sworn position.
COUNCILMEMBER ROCHE: It would just seem reasonable if we're going to go ahead and use this, we would probably want to bring someone back who lost their job recently.

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So I'll be happy to make a motion to lift the hiring freeze to use the COPS grant to fill a single position with the right of first refusal to be given to any sworn police officers who lost their job in the recent reduction.

MAYOR PITTMAN: Do I get a second? Do I get a second?

Okay. No second?

COUNCILMEMBER FLEMING: I had further discussion before I wanted to make the second. In looking at -- and thank you for providing the grant information for me. I noticed that the person that, whether it be brought back or whether it is hired brand new as far as, you know, someone that we've never employed before, the person would be considered a new hire only so it would not be a rehire.

I wanted to confirm that, because that's what I read, and also that they would be brought in at the entry level salary of that patrolman's position. Correct?

CHIEF KING: Right.

COUNCILMEMBER FLEMING: Okay. And in regards to grant funding, this is for three years' funding for that person.

I know very well in regards to grants that

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if we don't use grants, we will lose them.

You know, I'm trying to work very diligently along with our director, Scott Rodgers, to promote funding for Halpern Park so we can use that $25,000, because if we lose that, just like if we lose the COPS grant, the chances of us ever being awarded another grant for any of those fundings is probably next -- you know, would be next to none.

So based on that, where I know that grants need to be utilized and that there would be funding, I'm supporting this but I am -- I want -- I want to also caution us when we think about this is that that person that we bring in as a new hire is basically guaranteed a position -- and correct me if I'm wrong, either one of you -- they're guaranteed that position for three years because it's funded by the COPS grant.

If we -- let me, before you say anything, if we have to make even more positions -- eliminate more positions come January, to me, based on what I've read, that person's job is stable and another person may have to -- you know, of greater tenure would have to be removed.

CHIEF KING: No, ma'am, that is not accurate. Nobody's position is fenced off that way.

If the City Council decides to cut

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additional positions in the police department, you know, if that person becomes, you know, and it becomes part of that category, that person will lose their job and we just don't take the money from the grant.

That is the only consequence. We just don't take the money from the federal government. Nobody has immunity or a -- I don't know how to call it. Nobody is fenced off from any decisions of the City Council.

COUNCILMEMBER FLEMING: But based on what I read, that moneys go toward that specific person.

CHIEF KING: No, ma'am. It's for the position, for the COPS position.

Now, if the City decides for further cuts and that person becomes eligible for that action, then that money just -- we don't take the money in. We don't get the lump sum from the federal government.

COUNCILMEMBER FLEMING: Correct.

CHIEF KING: We get it quarterly or I think, what? Monthly? Monthly. So we just don't take the money if the City Council decides in that direction.

COUNCILMEMBER FLEMING: Okay. The other issue that I have, as I mentioned before, is that I have difficulty with the eight that we had to let go

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from your department as well as four others within the City. And I personally -- I don't know about the rest of the Council, but I personally received a hand-written two-page letter from one of our persons that we've had to let go, saying what am I going to do to try to get his job back or try to secure his job. So I am, you know, wrestling with that situation as well.

And I know that probably come January when we get the total finances, we'll have to be eliminating personnel again, and I'm just afraid that this person would have to go also. So thank you for allowing me to make my comments.

MAYOR PITTMAN: And we have a motion. Is --

COUNCILMEMBER ROCHE: Is there a second?

MAYOR PITTMAN: -- there a second? Do we get a second?

COUNCILMEMBER FLEMING: I'll second it so we can vote, please.

MAYOR PITTMAN: Okay. Discussion?

COUNCILMEMBER ALEXANDER: I am just concerned about the way the motion is worded. We have to be open to all applicants. If you wouldn't mind rephrasing the motion to hire the most qualified applicant.

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1 COUNCILMEMBER ROCHE: Well, again, I think
2 that someone to Councilwoman Fleming's fault -- point,
3 I mean we just let go of someone who has been with the
4 City of Doraville Police Department for a long time.
5 It's a whole lot cost effective to bring in someone
6 who already knows the procedures, already knows the
7 policies and would need a minimum of training. So I'm
8 just trying to use the most efficient use of this
9 grant money, which is taxpayer dollars, so I think
10 I'll just leave the motion as it is.
11 COUNCILMEMBER PACHUTA: Yeah. And I'm
12 concerned because, one, I want the most qualified
13 person, which may or may not be someone we hired; but
14 also we are a Equal Opportunity Employer, and I would
15 want to post an EEOC-qualified ad for all applicants
16 and not limit our pool.
17 COUNCILMEMBER ROCHE: Are there any issues
18 with EEOC as far as something like this?
19 ATTORNEY McLENDON: I think with -- And it
20 depends on the COPS grant, if there's anything
21 specific in the COPS grant. But the way you've set it
22 up to say we've had a recent -- someone who has
23 recently left under a riff, bring them back in, I
24 don't think I would have any issue with that, going in
25 that direction, if it was the way we chose to go.

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1 COUNCILMEMBER ROCHE: Thank you.
2 COUNCILMEMBER BATES: Does the grant
3 stipulate? Because I thought I heard you say new
4 hire. Is a rehire considered a new hire?
5 CHIEF KING: Under potentially -- Not
6 really. It really -- The Department of Justice is not
7 going to have an issue if we looked at somebody that
8 was employed with the City.
9 But a comment to Mr. Roche is I have to
10 sign a letter of certification certifying that we are
11 an Equal Opportunity Employer, so I have to -- as Ms.
12 Pachuta says, advertise it and go through the normal
13 procedure of hiring somebody.
14 We can't -- you know, clearly, you know,
15 we're going to look at the factors that Mr. Roche has
16 indicated. Clearly, those would be, you know,
17 actually taken into consideration. But we still
18 have -- you know, we have to fulfill the EEOC
19 requirements.
20 COUNCILMEMBER ROCHE: Thank you.
21 MAYOR PITTMAN: Additional discussion?
22 - - -
23 (No response)
24 - - -
25 MAYOR PITTMAN: Call the roll, please.

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1 CLERK McCAIN: Councilmember Alexander?
2 COUNCILMEMBER ALEXANDER: No.
3 CLERK McCAIN: Councilmember Bates?
4 COUNCILMEMBER BATES: No.
5 CLERK McCAIN: Councilmember Fleming?
6 COUNCILMEMBER FLEMING: Yes.
7 CLERK McCAIN: Councilmember Pachuta?
8 COUNCILMEMBER PACHUTA: No.
9 CLERK McCAIN: Councilmember Roche?
10 COUNCILMEMBER ROCHE: Yes.
11 MAYOR PITTMAN: Thank you. Motion dies.
12 COUNCILMEMBER ALEXANDER: I make a motion
13 to lift the hiring freeze to fill the vacant COPS
14 grant-funded position, advertising as required by law,
15 and hiring the most qualified applicant that Chief and
16 his staff decide upon.
17 COUNCILMEMBER PACHUTA: Second.
18 MAYOR PITTMAN: Discussion?
19 COUNCILMEMBER ROCHE: Yeah. Again, I
20 think that the best use of the taxpayer dollar is to
21 bring in someone who, once again, has already worked
22 for the Doraville Police Department, already knows the
23 procedures, already knows the policies, knows how to
24 use the radio, knows Doraville. And the money saved
25 on training would be significant, so I would prefer

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1 that we don't do this because we need to save taxpayer
2 dollars, so I won't be supporting this particular form
3 of this motion.
4 MAYOR PITTMAN: Additional discussion?
5 - - -
6 (No response)
7 - - -
8 MAYOR PITTMAN: Call the roll, please.
9 CLERK McCAIN: Councilmember Alexander?
10 COUNCILMEMBER ALEXANDER: Yes.
11 CLERK McCAIN: Councilmember Bates?
12 COUNCILMEMBER BATES: Yes.
13 CLERK McCAIN: Councilmember Fleming?
14 COUNCILMEMBER FLEMING: Yes.
15 CLERK McCAIN: Councilmember Pachuta?
16 COUNCILMEMBER PACHUTA: Yes.
17 CLERK McCAIN: Councilmember Roche?
18 COUNCILMEMBER ROCHE: No.
19 MAYOR PITTMAN: Thank you. Motion
20 carries.
21 Next is going to be the grant, the
22 management grant, Mr. Strickland.
23 MR. STEVE STRICKLAND: Evening, Mayor and
24 Council.
25 This is basically the final action that we

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have to take to get the grant money and get the project underway is to -- we have a contract with our contractor to actually do the work. I just wanted to bring that back before Council to make sure that y'all voted on it and to see if there are any additional questions.

To get the grant money, there were -- there's two contracts. We have a contract between the City and the State and then between the City and the contractor that will actually perform the work and do the management plan for us. It's just kind of the final approval.

COUNCILMEMBER ALEXANDER: I had a question. On the budget impact amount on the agenda sheet, it says $4,000, but when you turn to page 12 of the contract, it says $10,000.

MR. STRICKLAND: Right. It's a $5,000 matching grant, so we get $5,000 from the State, and then it would cost us, the City, $5,000, but we have gotten a thousand dollars of volunteer time donated, so it will actually only cost $4,000.

And I apologize. Councilmember Fleming had the same question. I didn't explain that it was a $5,000 matching grant.

So yeah, the contractor will actually be

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paid $9,000 because of the volunteer time that we've had donated. That was not explained, and I do apologize for that. So it would cost the City $4,000 basically to get $10,000 worth of work completed.

COUNCILMEMBER FLEMING: And the $4,000 will be coming out of our Tree Bank fund.

MR. STRICKLAND: Yes, ma'am.

COUNCILMEMBER FLEMING: Correct; which we cannot use for anything but arborist type --

MR. STRICKLAND: Right; tree-related.

COUNCILMEMBER FLEMING: Correct.

MR. STRICKLAND: But we can definitely use it for this. It's an urban forest management plan survey. They'll be looking at basically evaluating all of the trees in those two parks that are forested, passive type parks.

COUNCILMEMBER FLEMING: Just a question for legal. Have you reviewed the contracts that are listed with the agenda item cover sheet?

ATTORNEY McLENDON: We have reviewed the contracts.

COUNCILMEMBER FLEMING: And you don't find anything in error?

ATTORNEY McLENDON: I'm satisfied with the form of the contract because it is my basic format on

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the contracts.

I will tell you that the way the cost proposal is written and the discussion we just had, we may need to review that language, because I want to make sure that the $1,000 -- if there's $1,000 that's happening as some sort of a donated services, I need to make sure that the cost proposal reflect that. And right at the moment as I'm reading it, I'm not sure it reflects that.

I would ask that the contract be approved subject to me signing off on the language of the cost proposal to comply with the method that Mr. Strickland has described.

COUNCILMEMBER PACHUTA: I make a motion to approve the contract with Barneycastle Forestry Services with the City Attorney reviewing the amended cost proposal to reflect the donated time.

COUNCILMEMBER FLEMING: Second.

MAYOR PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PITTMAN: Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

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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: Okay. Thank you. Thank you, Mr. Strickland.

MR. STRICKLAND: Thank you.

MAYOR PITTMAN: I believe next is going to be Amigo, and I'll let you take it.

ATTORNEY McLENDON: What we'll be doing this evening, Mayor and Council, is this is an administrative hearing on the recommendation of the revocation of an alcohol permit for Volcano International, and the operating location is Amigo.

Our solicitor, Bill Riley, will actually be presenting the case to you on the administrative hearing.

ADMINISTRATIVE REVOCATION HEARING
VOLCANO INTERNATIONAL, INC., d/b/a EL AMIGO

SOLICITOR BILL RILEY: First of all, if I could sound the room.

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1 Is there anyone here from El Amigo?
2 Anyone here from El Amigo?
3 UNIDENTIFIED PERSON: We are, sir.
4 SOLICITOR RILEY: All right, ma'am, if you
5 just want to sit right up here, that's fine.
6 Ladies and gentlemen and Council, if I
7 could, just to outline this for you to begin
8 with, what we're going to do here is this is
9 going to be an administrative hearing where you
10 are the judges rather than the questioners in
11 this instance.
12 What we would propose to do, that we will
13 have four witnesses here -- the Chief of Police,
14 the City Clerk, the Deputy City Clerk, and the
15 Assistant City Attorney.
16 Inasmuch as El Amigo is here, after I put
17 on my case in chief with each one of these
18 individuals, I'll offer them an opportunity to
19 ask any questions that they desire of the
20 witness.
21 At the conclusion, I will make a closing
22 argument and then we'll give them an opportunity
23 to do the same.
24 They would have the right to put up any
25 witnesses as they would desire to after the

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1 close of the City's case, and I would have the
2 right to cross-examine any of them.
3 I would just caution you, while you might
4 have questions on this case, as the judges, it's
5 generally inappropriate to ask questions because
6 you're judging the facts as they're presented by
7 both myself and anything that the other side
8 would want to put up. And to go beyond that
9 scope, it really takes you out of your purpose
10 as a judge here tonight.
11 So with that, I'm going to go ahead, and
12 if you'll --
13 Yes.
14 COUNCILMEMBER ROCHE: People are talking
15 pretty loud out there.
16 MAYOR PITTMAN: They're handling it.
17 Thank you.
18 SOLICITOR RILEY: Ma'am, what's your name?
19 ATTORNEY GOLDSTEIN: My name is Caitlin
20 Goldstein.
21 SOLICITOR RILEY: Are you representing
22 them?
23 ATTORNEY CAITLIN GOLDSTEIN: Yes, I am.
24 SOLICITOR RILEY: As an attorney?
25 ATTORNEY GOLDSTEIN: Yes.

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1 SOLICITOR RILEY: All right. Do you want
2 to make an opening statement on this?
3 ATTORNEY GOLDSTEIN: Yes. Thank you.
4 OPENING STATEMENT ON BEHALF OF EL AMIGO:
5 Good evening. I'm really here to help
6 them have a chance to actually speak to you guys
7 about what happened and how there were certain
8 misunderstandings mostly due to the language
9 barrier that they have.
10 I understand that they were given
11 citations on certain things. And what they told
12 me was that they went to the court in front of
13 the judge and she brought a friend -- and she's
14 actually outside with a baby -- but she was the
15 one who was trying to make the best of her
16 ability in terms of explaining the situation or
17 translating, really.
18 But what I understood was that they never
19 really got to even explain what happened or why
20 certain things happened in front of the judge,
21 and they basically just, I guess, pled guilty by
22 paying the fines. They thought that it was just
23 certain steps that they had to take to resolve
24 the issues, and that's how we're here right now.
25 And I'm here to help them tell their side

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1 of the story and plead, really, their case in
2 terms of, you know, your understanding for
3 giving them another chance rather than revoking
4 their license right away.
5 Thank you.
6 SOLICITOR RILEY: Chief King.
7 Whereupon,
8 CHIEF JOHN KING
9 was called to testify, and being first duly sworn, was
10 examined and testified as follows:
11 DIRECT EXAMINATION
12 BY SOLICITOR RILEY:
13 Q State your name for the record.
14 A John King.
15 Q How are you employed?
16 A I'm the Chief of Police of the Doraville
17 Police Department.
18 Q I'm going to draw your attention to
19 December the 31st, 2010, at approximately 11:30 p.m.
20 Where were you on that night?
21 A I was inside the city of Doraville. Our
22 officers were doing an operation, first of all, to try
23 to increase the visibility of our uniform officers in
24 the Buford Highway area, and also as a detail to check
25 the local establishments for beer and wine being sold

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for consumption, and also taxicab drivers we were checking that evening as part of the New Years Eve-type activities.
Q Did you have an opportunity to go to an establishment called El Amigo on that night?
A I did.
Q All right. Were you there approximately 11:30 p.m. on the night that I previously asked you about?
A I did.
Q Is that in the city of Doraville?
A Yes, it is.
Q In Dekalb County?
A Yes, it is, sir.
Q Is it a licensed restaurant?
A Yes, it is.
Q Is it licensed to serve on-premises consumption beer and wine?
A Yes, it is.
Q How about distilled spirits?
A Yes, it is.
Q Did you make a determination -- Did you personally go in there that night?
A I did.
Q Did you look to see who was serving

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alcohol that night?
A Yes. I entered the establishment with two of my officers. After speaking -- after seeing people consuming on the premises, beer, I requested that the employee behind the counter or the bar and another employee that was serving, I asked them for their license or their permit to serve alcoholic beverages.
Q I'm going to point your attention to what is Citation 014629 and ask if you can identify that.
A Yes, it is.
Q What is that?
A This is the City of Doraville Violation Summons and Accusation issued on 12/31 at 11:30 p.m.
Q All right, and who was that issued to?
A It was issued to Kim Keam, (spelling) K-e-a-m [sic].
Q All right. And did you see that individual that night?
A Yes, I did.
Q And was that individual working for El Amigo on that night?
A Yes, she was.
Q And as part of that work, was she serving alcoholic beverages within that establishment that night?

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A Yes, she was.
Q And did you ask her for a permit?
A I did.
Q Did she -- was she able to provide you with a City of Doraville pouring permit on that evening?
A She told me she did not have one.
Q All right. Did you cause a citation to be issued thereafter?
A Yes. I directed Officer Clark at that time to issue a citation to the individual.
Q And is this a certified copy of that citation along with her guilty plea and the sentence thereon?
A Yes, it is.
Q All right. The next thing I'm going to show you has the number 014628 on that and ask if you can identify that.
A It's as well a City of Doraville Violation Summons Accusation ticket.
Q And who was that given to?
A It was given to Sun Kang.
Q And do you know when that was issued?
A Immediately after the first citation was.
Q All right. And was this also at the same

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location?
A Yes, it was.
Q And was this person working for El Amigo on that evening?
A Yes, she was.
Q And was she serving alcoholic beverages for on premises consumption that evening as an employee of the El Amigo?
A Yes. She was the other employee present.
Q All right. And you saw her serve those.
A Yes, I did.
Q And did you ask her for a permit?
A Yes, I did.
Q Was she able to provide you with a permit?
A No, she was not.
Q And did she have one?
A No.
Q Did you cause this summons to be issued in that case also?
A I did as well.
Q All right. And then on the rear of this, this has the guilty plea and the fine and the signature of the judge in that case.
A That is correct.
Q And that's a certified copy of the same.

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A Yes it is.
SOLICITOR RILEY: I'm going to move for admission of these two. Do you have any opposition?
ATTORNEY GOLDSTEIN: No, sir.
SOLICITOR RILEY: Let the record reflect that the attorney for the defendants has no opposition to their admission into the court -- or to the Council.
- - -
(Citation Nos. 014628 and 014629, pleas and fines and convictions tendered to the Council.)
- - -
BY SOLICITOR RILEY:
Q Now, Chief, subsequent to that time, did you communicate with the Clerk and make any determinations as to the good cause for revoking their license?
A Yes, I did. I communicated with the Clerk and I asked that a show-cause hearing be initiated against the establishment.
Q All right. Now, was a letter prepared in that case?
A Yes, there was.

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Q And did you sign that letter as the police chief in making the determination that there -- initial determination that there was good cause to revoke their license?
A Yes, I did.
Q All right. And is that the extent of what you've done in this case?
A That is correct.
SOLICITOR RILEY: Do you have any questions of the Chief, ma'am?
ATTORNEY GOLDSTEIN: Yes.
SOLICITOR RILEY: If you'll step close enough so we can pick it up, okay?
ATTORNEY GOLDSTEIN: Sure.
CROSS-EXAMINATION
BY ATTORNEY GOLDSTEIN:
Q Sir, I just wanted to ask you whether you personally saw both of the defendants serving alcohol to clients or the customers there.
A Yes, I did.
Q When you were trying to ask them questions and to ask them to show their permits, were you able to communicate with them without any problems? Did you notice any kind of hesitation in terms of inability to understand your questions fully? Did you

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notice any kind of --
MAYOR PITTMAN: I'm sorry. We can't hear.
SOLICITOR RILEY: If you'll speak into this and look at them. He can hear you. Okay?
ATTORNEY GOLDSTEIN: Sorry about that. I was just asking him --
BY ATTORNEY GOLDSTEIN:
Q -- were you able to notice whether there was any kind of difficulties from the defendants to understand our questions?
A No. We had a very long conversation. They wanted to bargain with me for about 15/20 minutes begging me not to give them a citation because it was New Year's Eve and they were -- if they received a ticket, it was going to be bad luck for them for the rest of the year.
Q Okay. Do you remember Ms. Kim there asking -- really speaking more with Ms. Kang so that she could translate what she was saying to you? Do you recall that?
A They spoke in English at one point but then they switched to Korean a couple times, yes.
Q And were you able to understand?
Did you speak directly with Ms. Kim? Do you remember having conversations about these, asking

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her direct questions, and do you recall her actually answering?
A I asked her for her driver's license. She was able to produce it.
I talked to her about the security guard and the problems we were having with him and the activities taking place in the establishment.
Q Okay.
A Both of them seemed very cooperative at the time. We had no issues.
Q Okay. Where did you see Ms. Kang, do you remember?
A She came from behind the bar at one time, but the other lady was also in and out of the bar. There weren't a whole lot of people inside the place. Bunch of young Hispanic males that were there.
We were more -- I was concerned at that time there were several of the kids there that might have been under the age, but we wrote none of them -- all of them seemed to be of 21, so we had no issues with that.
Q Did Ms. Kang or Ms. Kim tell you anything about why Ms. Kang was there and how Ms. Kim believed that she had all the necessary permits and there really shouldn't be a problem? Do you recall that?

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A No. I asked them for their permits, and they told me that they didn't have. They discussed at one time that they hadn't received anything from City Hall.

And I said, "Well, okay. Where is your receipt? Where is your application? Because we have no -- we have no information," because I had checked. I had checked that afternoon at City Hall to see if there was any record of permits, and there was none on file.

Q Okay. So Ms. Kim or Ms. Kang, do you remember who told you that there has been an application submitted?

A That was the other lady.

Q The other lady?

A She was the one that was doing the bargaining, trying to get me to not to write her a ticket.

Q Right, so she was the main spokesperson you would remember?

A Yes.

Q Okay. Do you remember Ms. Kang stating to you that there should have been all the paperwork filed and they were just waiting for some paperwork to arrive in the mail?

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A She made that -- made that claim. I still asked her for her individual permit, and she was not able to produce it.

ATTORNEY GOLDSTEIN: Okay. No further questions for him. Thank you.

REDIRECT EXAMINATION

BY SOLICITOR RILEY:

Q Let me ask you a question, Chief.

Now, both of these ladies, did they both speak English?

A At separate times, yes, they did.

Q Did you speak to them individually?

A Yes.

Q Did you ask them things individually?

A Yes, I did.

Q Were they able to respond both verbally and in doing what you asked them to do?

A They provided their driver's licenses. That's what we used to write their tickets.

Q And you said previously they were both serving alcohol that night.

A Yes.

Q Did you find any of the young males there who were there -- did any of them speak Korean?

A No. They were all Hispanic.

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Q So they were able to converse with their clients.

A Apparently, yes.

Q Now, you speak Spanish?

A Yes.

Q So if she had needed to speak Spanish to you, she could have spoken Spanish to you too.

A Yes.

Q But she spoke English to you.

A Yes.

SOLICITOR RILEY: That's all I have.

All right. Next I'd like to all the Assistant City Attorney.

Whereupon,

ASSISTANT CITY ATTORNEY LEONID FELGIN was called to testify. and being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY SOLICITOR RILEY:

Q State your name for the record.

A Leonid Felgin.

Q Mr. Felgin, did you have an opportunity to become involved in this case?

A Yes, sir.

Q All right. Did you prepare any letters on

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this case?

A I did. When forwarded the two certified citations, I did prepare a letter noticing the intent to revoke the license.

Q All right. Did you make a review of that?

A I did.

Q Okay. Now, could you explain to the Council why you went ahead and prepared that letter to revoke based on the information you got from the Chief.

A Yes, sir. The citations and the certified convictions were of violating the Alcohol Code, having no pouring permits. According to Section 3-13 of the Alcohol Code, a pouring permit is required for anyone who pours alcohol, and the licensee is then required to oversee to make sure that all proper permits have been obtained by all of their servers.

They were convicted of violating the fact that they had no permits, and since they had no permits, the licensee was responsible for the fact that they didn't oversee them getting the permits.

According to Section 3-47 of the Alcohol Code, this Council can revoke an alcohol permit or license if there's good cause to do so. And in Section 3-47(b) it says good cause could be any

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1 violation of Articles II, III, IV, V or VI. The
2 section 3-13 of the Code, which is the employee permit
3 provision, was in Article II and, as such, it was my
4 opinion that good cause could exist, based on those
5 two violations, to revoke.
6 As is required, we sent them notice of a
7 Council hearing, as it says that the revocation cannot
8 happen until the Council affirmatively states that
9 they believe there was good cause for the same. And
10 so I drafted the letter stating that a Council hearing
11 has been scheduled on this date and sent it to the
12 Chief of Police and the Deputy City Clerk to execute.
13 Q Now, did you get a -- do you have a
14 certified copy of the Alcohol Code as it exists?
15 A I do.
16 SOLICITOR RILEY: Any objection to it
17 going to Council?
18 ATTORNEY GOLDSTEIN: No, sir.
19 - - -
20 (Alcohol Code was tendered to the
21 Council.)
22 - - -
23 SOLICITOR RILEY: If I could see that that
24 we've already tendered, the conviction that
25 we've already tendered in?

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1 BY SOLICITOR RILEY:
2 Q Mr. Felgin, as part of your work in
3 determining who was to be served, did you go to the
4 Secretary of State?
5 A I did, and I also read the application
6 that was supplied by the license holder, Volcano
7 International.
8 Q All right, and was the registered agent
9 one of the owners?
10 A Yes, sir. It was Jeong Kim. (Spelling)
11 J-e-o-n-g, last name Kim.
12 Q Okay. And was there another owner that
13 you found, determined to be an owner?
14 A Yes. The license application also stated
15 a second owner, Kim Keum, (spelling) K-e-u-m.
16 Q That would be this person who was the
17 other owner on the license application for this
18 license?
19 A Yes, sir.
20 Q And would that be the same person who is
21 charged in this certified copy 014629?
22 A Yes, sir, it appears so.
23 Q All right. And how long ago did they make
24 that application for that license?
25 A Well, this one was made for 2011 but their

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1 license for pouring has existed since 2010.
2 Q 2010.
3 A Yes.
4 Q And she was one of the owners.
5 A Yes.
6 SOLICITOR RILEY: Do you want to ask him
7 any questions?
8 ATTORNEY GOLDSTEIN: Yes.
9 CROSS-EXAMINATION
10 BY ATTORNEY GOLDSTEIN:
11 Q Do you have a record of the -- do you have
12 a copy of the alcohol license that was filed?
13 A The actual --
14 Q Do you have the --
15 A The actual license that was given?
16 Q Yes.
17 A Yes, we do.
18 Q The application form?
19 A Oh, the application form. Yes, I do have
20 a copy of the application form.
21 Q Can you please tell me who was the signer
22 of that application.
23 A Well, it's hard to tell whose signature
24 that is, but it appears that the owner is Kim Jeong
25 Hwa, or Jeong Kim.

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1 Q Right. And does the application indicate
2 that she has another partner or if there -- whether
3 there's another owner --
4 A Yes.
5 Q -- of this establishment?
6 A The application does indicate in fact on
7 page 9, "Owner #2 Information," she put Kim Keum.
8 Q Okay. And but earlier you stated that the
9 application was signed for by the owner who was the
10 other lady, not Ms. Kim.
11 A Yes.
12 Q Correct?
13 A The application doesn't require all owners
14 to sign it. It does require all owners to be listed.
15 ATTORNEY GOLDSTEIN: Okay. Thank you.
16 That's it.
17 SOLICITOR RILEY: That's all I have of
18 this witness.
19 Call the Deputy City Clerk now.
20 Whereupon,
21 DEPUTY CITY CLERK SANDRA BRYANT
22 was called to testify, and having been first duly
23 sworn, was examined and testified as follows:
24 DIRECT EXAMINATION
25 BY SOLICITOR RILEY:

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Q State your name for the record.
A Sandra Bryant.
Q Were you the Deputy City Clerk on the date that the notice was issued to the defendant?
A Yes.
Q And were you acting as City Clerk on that day?
A Yes.
Q All right. Did you mail the notice to them by registered mail?
A Yes.
Q And by regular mail?
A Both registered mail.
Q Okay. Do you know whether they received that?
A One of them.
Q All right. In fact, do you have actual notice by the owner that they received notice of this?
A Yes. She came in with the letter that I sent.
Q All right. And did you follow the rules in terms of sending it registered and then they've signed it back for you; is that correct?
A Yes.
SOLICITOR RILEY: Do you want to ask her

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any questions?
CROSS-EXAMINATION
BY ATTORNEY GOLDSTEIN:
Q You stated that Ms. Kim came in to acknowledge that she received the notice?
A Yes.
Q Do you remember whether she showed up alone?
A No. She came in with the other lady. She came in with someone else.
Q Do you remember who she was? Would you recognize you if you see her again?
ATTORNEY GOLDSTEIN: I would need the other lady to come in.
SOLICITOR RILEY: That's fine.
(Requested person enters the meeting room.)
BY ATTORNEY GOLDSTEIN:
Q Do you recognize the lady who just walked in?
A Yes. She's the person that came with the other lady.
Q Thank you. And do you remember who you spoke with when you tried to communicate with them -- with Ms. Kim really?
A With the lady that came in.

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Q Okay. So she was the person who spoke with you on behalf of the first, Ms. Kim.
A Yes. They were both talking, but the one that was talking the most was the other lady.
ATTORNEY GOLDSTEIN: Okay. Thank you. No further questions.
REDIRECT EXAMINATION
BY SOLICITOR RILEY:
Q Did they both speak English?
A To me, yes.
SOLICITOR RILEY: That's all I have. Do you mind if she's excused? She just stayed for tonight.
ATTORNEY GOLDSTEIN: I don't mind.
SOLICITOR RILEY: Thank you, ma'am. Do you-all have any other things for her? Thank you.
MAYOR PITTMAN: Thank you.
SOLICITOR RILEY: Call the Clerk.
- - -
(Brief discussion off the record between Solicitor Riley and Attorney Goldstein.)
- - -
Whereupon,
CITY CLERK MELISSA McCAIN

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was called to testify, and having been first duly sworn, was examined and testified as follows:
DIRECT EXAMINATION
BY SOLICITOR RILEY:
Q All right. You are the Clerk of the City of Doraville?
A Yes, sir.
Q You are the person who is the holder of all the records; is that correct?
A Yes, sir.
Q All right. You've brought a set of records here tonight that are -- are they true and accurate records representing the City of Doraville's records on this matter?
A They are.
Q Would you go through them one by one and identify them for the Council? And then I'm going to show them to the defense and ask that they be tendered.
A Yes, sir.
We have the occupational tax placard renewal. We have the alcoholic beverage license application. Included with the application we have background checks for the individuals that applied for the license. We have the survey for the property, we

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have a menu. We have a lease agreement; we have an amended lease agreement. We have a certified mail sent out for the revocation. We have two certified copies of the citation as well as their convictions, and a copy of the returned letter.
Q Of the one that was not signed for.
The other one was, though; is --
A Right.
Q -- that correct? Those are all true and accurate records of the City; is that correct?
A Yes, sir.
SOLICITOR RILEY: Move for admission.
Do you have any objection, ma'am?
ATTORNEY GOLDSTEIN: No, sir.
SOLICITOR RILEY: Do you have any objection to us substituting redacted copies of the application to protect your clients' individual identifiers that we would normally redact in a setting where anybody else wanted to get their information?
ATTORNEY GOLDSTEIN: I don't have any objection.
SOLICITOR RILEY: So we will substitute for the record the redacted copies on the application to protect their identities.

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ATTORNEY GOLDSTEIN: Thank you.
- - -
(City records were tendered to the Council with redacted copies as indicated.)
- - -
SOLICITOR RILEY: With that, that's all I have. Do you want to ask her any questions?
ATTORNEY GOLDSTEIN: No, sir.
SOLICITOR RILEY: Thank you.
The City rests. Put up any evidence that you like, ma'am.
ATTORNEY GOLDSTEIN: I'd like to call Ms. Kang. She's one of the defendants, basically.
SOLICITOR RILEY: Would you like me to swear her?
ATTORNEY GOLDSTEIN: Yes, please.
(Whereupon, the witness was duly sworn.)
ATTORNEY GOLDSTEIN: Would it be okay if I translate as well? Would you have any objections? I don't have that many questions.
SOLICITOR RILEY: I don't have any objections, as you are an officer of the court, you know, and as an attorney, you --
ATTORNEY GOLDSTEIN: (Imperceptible)
SOLICITOR RILEY: As an attorney, you

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would have -- as long as you --
Raise your right hand.
- - -
(Whereupon, Attorney Goldstein was sworn as Korean interpreter.)
- - -
SOLICITOR RILEY: Go ahead, ma'am. If you'll just state your question in English so we get it on the record, and then if you want to translate it into Korean for her and then translate the answer back will be fine.
ATTORNEY GOLDSTEIN: Thank you.
Whereupon,
SUN YOUNG KANG
was called to testify, and having been previously duly sworn, was examined and testified through Attorney/Interpreter Goldstein, as follows:
DIRECT EXAMINATION
BY ATTORNEY GOLDSTEIN:
Q I'm going to ask you questions in English but I will translate it in Korean, and after that, you may answer, and I will translate the answer back to the judges.
Ms. Kang, when you were at the bar at issue on December 31st of 2010, were you serving

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alcohol?
A I was drinking at the bar.
Q Then, where were you at that business? Were you behind the bar where the bartender would be or were you where the patrons would be?
A Ms. Kim was at one side of the bar, inside of the bar, and I was on the other side of the bar chatting with other customers.
Q So you were still behind the bar where Ms. Kim or anybody else who would work there would be serving the alcohol?
ATTORNEY GOLDSTEIN: (Interpreting) She's saying she was drinking in the corner of the bar, chatting with the customers.
BY MS. GOLDSTEIN:
Q Why were you at that bar and on the other side of the bar as if you were a server?
A Why was I inside, on the other side of the bar?
Q Yes.
A Ms. Kim is a friend of mine. I used to stop by at that bar to see her often, and I don't know, to help her translate.
I was there just drinking, and Ms. Kim called to my attention, that there were cops and she

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1 asked me to translate what she had to say to the COPS.
2 Q Ms. Kang, were you serving alcohol that
3 night?
4 A No. I was drinking, like I was saying. I
5 wasn't serving alcohol at that time.
6 I remember the cops came and they told --
7 they told us that we shouldn't stay open. So we
8 closed down, and we received the citations at that
9 time.
10 Q So you weren't working for Ms. Kim or for
11 that business at that time.
12 A No.
13 ATTORNEY GOLDSTEIN: (Interpreting) She
14 says, she doesn't pay me or anything, so I was
15 just a friend visiting.
16 No further questions.
17 (To Solicitor Riley) I'll translate.
18 SOLICITOR RILEY: That's all right. If
19 she's the translator for the owner to the police
20 in English, I think I'll just ask her in
21 English. Okay?
22 ATTORNEY GOLDSTEIN: (Translating) She's
23 saying that I can communicate a little bit.
24 CROSS-EXAMINATION
25 BY SOLICITOR RILEY:

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1 Q Do you speak Spanish?
2 A (In English) No.
3 Q Let me ask you this: You were behind the
4 bar that night?
5 A Yes.
6 Q Okay. And you were drinking?
7 A Yes.
8 Q Who was pouring your drinks for you?
9 A (Speaks in Korean.)
10 Q What's the answer? Who was pouring your
11 drinks for you?
12 A (In English) Ms. Kim.
13 Q So you're standing behind the bar, at one
14 end of the bar, and you're her buddy --
15 A Uh-huh.
16 Q -- and she calls for you to translate to
17 the police because she can't talk English enough. But
18 she comes all the way to the other end of the bar
19 because you couldn't pour yourself a drink behind the
20 bar, so she'd come down and pour them for you. Right?
21 A (In Korean.)
22 ATTORNEY GOLDSTEIN: "Would you --
23 SOLICITOR RILEY: You can translate --
24 ATTORNEY GOLDSTEIN: -- translate," she's
25 saying.

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1 SOLICITOR RILEY: -- the question to her.
2 ATTORNEY GOLDSTEIN: (Interpreting) She
3 said, I was drinking and I remember that she was
4 giving me alcohol.
5 SOLICITOR RILEY: She would come to the
6 other end of the bar to pour her another drink.
7 ATTORNEY GOLDSTEIN: (Interpreting) She
8 says, this is a smaller place, smaller space.
9 BY SOLICITOR RILEY:
10 Q Well, if you were not behind the bar
11 pouring drinks for yourself or other people, why were
12 you behind the bar in the first place? Why weren't
13 you on the outside sitting with customers?
14 A (Through the Interpreter) I would stop by
15 there to chat with her, and because of the loud music,
16 I wouldn't be able to really communicate with her and
17 chat with her. So to have private conversations, I'd
18 go back in there to stand closer to her to visit her.
19 Q But you're having conversations with the
20 customers who are sitting on the other side of the
21 bar. That's no problem for you, is it?
22 ATTORNEY GOLDSTEIN: (Interpreting) She's
23 saying that the conversations I had with the
24 other people on the other side of the bar were
25 all small talks, and I didn't really have to

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1 hear it that carefully.
2 It was a funny situation I was there when
3 the police came.
4 BY SOLICITOR RILEY:
5 Q So you're telling me all those customers
6 who were sitting there, if they wanted another beer,
7 you wouldn't have walked over there and poured a draft
8 for them. Is that what you're telling me?
9 UNIDENTIFIED PERSON: (Speaks in Korean).
10 SOLICITOR RILEY: I'm going to object to
11 this person. She can't make statements.
12 A (Through the Interpreter) I was walking
13 along the bar, inside of the bar, outside of the bar,
14 in the hall and on the other side of the bar at times,
15 but right when -- right around when the police came, I
16 happened to be on the other side of the bar.
17 BY SOLICITOR RILEY:
18 Q And you pled guilty and paid a fine after
19 you were -- after you were charged.
20 A Well, I didn't realize what it meant. I
21 didn't think that it was a big ticket or important
22 ticket. The judge said it would be $1300.
23 I wanted to tell the judge that I just
24 happened to be there, I wasn't working there, and I
25 don't understand why I have to pay anything.

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What I said up to that point, the judge said $900. And I said, excuse me, and I asked the judge if the fine would be $1300 or $900, and the judge said $900.
Q Did you pay the $900?
A Yes. I think that day, because the judge told me that otherwise I would have to be on probation for six months, and I didn't know what else to do.
Q Now, what do you do for a living other than work at that bar?
SOLICITOR RILEY: Go ahead.
ATTORNEY GOLDSTEIN: I object as defense attorney.
SOLICITOR RILEY: There's already testimony that she does. There is testimony that she -- that she worked there. You know, she may not say that, but my question is, what do you do other than work at that bar?
ATTORNEY GOLDSTEIN: Let me translate.
A I currently work at a beauty supply store, and I wasn't working at the time, so my grandma helped me pay for the fine.
BY SOLICITOR RILEY:
Q Bar didn't help you pay the fine money?
ATTORNEY GOLDSTEIN: I'm sorry?

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BY MR. SOLICITOR:
Q Did the bar help you pay the fine money?
ATTORNEY GOLDSTEIN: She said, no, it wasn't the restaurant. It was my grandma.
BY SOLICITOR RILEY:
Q And you paid all of it.
A (Through the Interpreter) Yes.
SOLICITOR RILEY: That's all I have.
ATTORNEY GOLDSTEIN: That's all with that witness.
SOLICITOR RILEY: Okay.
ATTORNEY GOLDSTEIN: Thank you.
SOLICITOR RILEY: Do you call any other witnesses?
ATTORNEY GOLDSTEIN: Yes, please. May she be excused?
SOLICITOR RILEY: Sure.
Whereupon,
KEUM SOON KIM
was called to testify, and being first duly sworn, was examined and testified through Attorney/Interpreter Goldstein as follows:
DIRECT EXAMINATION
BY ATTORNEY GOLDSTEIN:
Q Are you in a business partnership with

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Ms. Jeong Kim?
A Yes.
Q Did Ms. Jeong Kim, your partner, who's registered agent to the corporation who is the owner of this bar, tell you that all the applications and all the necessary paperwork were --
SOLICITOR RILEY: I'm going --
Q -- applied for?
SOLICITOR RILEY: -- to object. She's your witness. Ask her what she told her.
ATTORNEY GOLDSTEIN: Okay.
SOLICITOR RILEY: Don't ask her, didn't she say this, so she could say yes. Just ask her what she told her.
BY ATTORNEY GOLDSTEIN:
Q What did -- Let me rephrase.
On December 31st, 2010, did you think that all the permits were filed and in good standing so that you could serve alcohol?
A Ms. Jeong Kim told me that she paid for all the application fees and permit fees, anything that's necessary and --
SOLICITOR RILEY: I'm going to object to that as evidence. I'm sorry. I'm going to object to it as evidence because it's a third-

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party statement that I can't test the truth of the statement. If you want to put that individual up. But I'm going to object to that as evidence.
BY ATTORNEY GOLDSTEIN:
Q Why did you think, Ms. Kim, that you were able to -- you're allowed to serve alcohol that night?
A I thought that everything was filed and in the right order. I gave my portion of the fees to my business partner, and she handled all the paperwork.
ATTORNEY GOLDSTEIN: No further questions. She's yours.
SOLICITOR RILEY: You might want to stay.
ATTORNEY GOLDSTEIN: Okay.
CROSS-EXAMINATION
BY SOLICITOR RILEY:
Q Ma'am, you're the part owner; right?
A (Through the Interpreter) Yes.
Q And how long have you-all been over there?
A I think it was May or June of 2010.
Q May or June of 2010.
A That was my first time trying to run a business in Georgia.
Q And you had other employees there that night other than yourself and the lady over there,

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1 didn't you?
2 A There was some sort of a meeting, and I
3 had to call her, and that's why she was there.
4 Q There were other employees there, too,
5 though, weren't there, ma'am?
6 ATTORNEY GOLDSTEIN: She says no. She
7 says, I can't speak that much English, so
8 whenever I need to speak English, she always
9 helped me as a friend.
10 BY SOLICITOR RILEY:
11 Q Listen to me, ma'am. Were there other
12 employees serving beer or wine there that night?
13 ATTORNEY GOLDSTEIN: She says, there is a
14 refrigerator in front of the bar, and I would
15 put -- I would fill up the bucket with alcohol,
16 and the patrons would pick them up.
17 BY SOLICITOR RILEY:
18 Q Were there any other employees there that
19 night? That's yes or a no question.
20 No other employees there that night except
21 you and the lady you were with.
22 ATTORNEY GOLDSTEIN: She says, there are
23 normally other employees with those permits, but
24 at that night, there was nobody.
25 BY SOLICITOR RILEY:

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1 Q So you knew you had to have permits to
2 pour. That's a yes or a no, ma'am, then you can
3 answer.
4 ATTORNEY GOLDSTEIN: And should I
5 translate what she was saying?
6 SOLICITOR RILEY: She can answer the rest
7 of the question but it has to start with -- she
8 needs to answer the question and then she can
9 explain it.
10 ATTORNEY GOLDSTEIN: Would you like to
11 repeat the question so she can.
12 BY SOLICITOR RILEY:
13 Q So you knew that people had to have
14 permits to pour.
15 A We don't pour alcohol to anybody there.
16 Q You serve.
17 A Yes. I put the alcohol in the bucket.
18 Q And you know that you have to have permits
19 to serve, because you just told me you had other
20 employees who you knew had permits.
21 ATTORNEY GOLDSTEIN: She says yes, but I
22 thought that I had my permit.
23 BY SOLICITOR RILEY:
24 Q How would you think you had your permit,
25 ma'am? You'd never seen it. You told the police you

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1 didn't have one.
2 A When we were applying for the appli- --
3 when we were submitting the application form, I asked
4 my partner about the $300 fee, and it was my
5 understanding that that fee was to get the permit.
6 Q You never got a permit, ma'am, and you saw
7 the employees who were working for you, and you knew
8 they had to have them, and you kept serving anyway,
9 didn't you.
10 A I've only heard of those permits. I'd
11 never seen them.
12 Q And you're a part owner of this
13 establishment.
14 A Yes.
15 SOLICITOR RILEY: That's all I have.
16 ATTORNEY GOLDSTEIN: No further questions.
17 SOLICITOR RILEY: Okay.
18 ATTORNEY GOLDSTEIN: May be she be
19 excused?
20 SOLICITOR RILEY: Sure, if she wants to
21 be.
22 I have nothing else to put up. Are you
23 going to put anything else?
24 ATTORNEY GOLDSTEIN: No.
25 SOLICITOR RILEY: Do you want to make a

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1 statement to the Council before I make mine?
2 ATTORNEY GOLDSTEIN: Yes, just a brief one
3 if I may.
4 CLOSING ARGUMENT ON BEHALF OF EL AMIGO:
5 ATTORNEY GOLDSTEIN: We thank you for your
6 time, and we find it unfortunate that there were
7 some miscommunications. It is, as she stood
8 here and made statements earlier as evidence,
9 this was her first time doing a business here,
10 and she was, unfortunately, unfamiliar with
11 certain rules and policies that she had to find.
12 And she does admit that ignorance is not a
13 defense, but we do ask for your leniency in
14 terms of revoking the license at this time and
15 give them one more chance to really stay current
16 with what has to be followed, and that's all we
17 ask for.
18 Thank you for your time once again.
19 CLOSING ARGUMENT ON BEHALF OF THE CITY:
20 SOLICITOR RILEY: This is really a simple
21 case. It's a case that there is -- Your
22 ordinance determines what is good cause. Your
23 ordinance says that good cause is a violation of
24 Article II of the Alcohol Code.
25 You have certified copies of the

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1 convictions, they admit the violations also, and
2 it's simply up to you to make a determination if
3 you wish to revoke their licenses at this point
4 in time.
5 I believe you have complete legal cause to
6 do that based on the code, based on the evidence
7 that you've been presented.
8 Moreover, I think that it's been pointed
9 out that this is an egregious case, because what
10 you have actually is the co-owner who has worked
11 since the inception of the business without a
12 pouring permit and continued to do that, and was
13 actually the person, the manager on duty on that
14 night, the people that you require, when you
15 give permits in the first place, to take this
16 Alcohol Code, which is a privilege, not a right,
17 to go forward with and implement the code.
18 And if the ownership is not following the
19 code, then I don't believe that you could ever
20 expect the employees to follow the code, either.
21 So it's certainly within your purview, but
22 we'd respectfully ask you to revoke their
23 license.
24 ATTORNEY McLENDON: And that would be the
25 close of the hearing, and the case is brought up

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1 to the Mayor and Council.
2 You can discuss it. You can make a motion
3 on it. You can make a motion to support the
4 revocation of the license or whatever in your
5 discretion you believe is the appropriate thing
6 to do as a body.
7 MAYOR PITTMAN: Council?
8 COUNCILMEMBER FLEMING: I need to ask one
9 clarifying question of your client, please.
10 ATTORNEY GOLDSTEIN: Surely.
11 COUNCILMEMBER FLEMING: There was the term
12 of distilled spirits on the night of 12/31/10.
13 Distilled spirits, to me, is hard liquor. I
14 would like to know if that is the case, that
15 they sell or serve hard liquor.
16 ATTORNEY GOLDSTEIN: Whether they serve
17 hard liquor at this moment?
18 COUNCILMEMBER FLEMING: Serve or sell hard
19 liquor.
20 ATTORNEY GOLDSTEIN: (Interpreting) No,
21 they do not. She's currently not selling hard
22 liquor. She originally applied for the hard
23 liquor license for the beginning, for 2010, but
24 she realized that not many people ask for hard
25 liquor and she chose not to apply for it for

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1 2011, and, therefore, she is not serving.
2 SOLICITOR RILEY: If I could follow up,
3 she needs to come up here and we need to put it
4 all on the record.
5 Councilmember, I'm sure we got your
6 question on here.
7 Whereupon,
8 KEUM SOON KIM
9 being previously duly sworn, was recalled and was
10 examined and testified through Attorney/ Interpreter
11 Goldstein as follows:
12 SOLICITOR RILEY: Can you restate what you
13 stated to the Councilmember what her answer was
14 so we can make it for the record.
15 ATTORNEY GOLDSTEIN: Could she repeat --
16 SOLICITOR RILEY: No, you --
17 ATTORNEY GOLDSTEIN: -- the question
18 again?
19 SOLICITOR RILEY: No. If you'll just
20 restate what she told you.
21 COUNCILMEMBER FLEMING: I can repeat the
22 question.
23 SOLICITOR RILEY: Thank you,
24 Councilmember.
25 COUNCILMEMBER FLEMING: Okay. The

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1 question was I heard as evidence that distilled
2 spirits were being sold at this location on the
3 night of 12/31/2010. My definition of distilled
4 spirits is hard alcohol -- hard liquor, not just
5 beer and wine; it's hard liquor.
6 I would like to know if she sells or
7 serves hard liquor.
8 ATTORNEY GOLDSTEIN: Currently, ma'am?
9 COUNCILMEMBER FLEMING: Both, actually.
10 ATTORNEY GOLDSTEIN: (Interpreting) She
11 says, no, I did not sell hard liquor on December
12 31st of 2010.
13 And I just translate the first part about
14 2010, so let me translate the second part where
15 whether she's serving or selling hard liquor for
16 2011 or now.
17 THE WITNESS: (Through the Interpreter)
18 Since people weren't asking for it, I didn't
19 even apply for the hard liquor license --
20 COUNCILMEMBER FLEMING: Thank you very
21 much.
22 THE WITNESS; -- for 2011.
23 COUNCILMEMBER FLEMING: Thank you.
24 SOLICITOR RILEY: All right. Let me just
25 ask you one question, ma'am.

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CROSS-EXAMINATION
BY SOLICITOR RILEY:
Q You had a distilled spirits license for 2010 when you were still serving on December the 31st at 11:30; right, ma'am?
ATTORNEY GOLDSTEIN: (Interpreting) She said, I had the license that year.
SOLICITOR RILEY: Thank you. That's all.
- - -
(Revocation hearing concluded.)
- - -
COUNCILMEMBER PACHUTA: To me, the biggest fact we have in front of us is that both Ms. Kang and Ms. Kim -- and I'm saying that wrong -- pled guilty in court to serving without an employee permit, which is in violation of our ordinance, and, you know, with alcohol, it is a privilege, and I would make a motion to revoke their alcohol permit.
MAYOR PITTMAN: Do I get a second?
COUNCILMEMBER ROCHE: Second.
MAYOR PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PITTMAN: Call the roll, please.

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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.
We're going to take a five-minute break.
- - -
(Brief recess)
- - -
MAYOR PITTMAN: Thank you. Next on the agenda is going to be old business, and it's going to be a continuation. It's going to be Vacated Council Seats, Ms. Fleming.
COUNCILMEMBER FLEMING: Yes. The Council did approve at the previous meeting to adopt a resolution to change the Charter to reflect greater than six months of expired term for a vacated seat -- less than six months would remain open for general election, and we said that greater than six months of

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the expired term would immediately go to a special election.
And I'll turn it over to our attorney, Mr. McLendon, regarding the resolution.
ATTORNEY McLENDON: Yes, ma'am, and I think we've gotten the language right here this time.
And we basically have a provision that comes in and it states: If the vacancy occurs within six months, then it just stays open -- within six months of the general election, it stays open until the general election.
If it is over the six months, so long as you have time to appropriately notice and call a special election, it will happen at the next special election, and if you don't have time, it would move to the following special election. But if it's within the six months, it always goes to the general. That is the second paragraph which sets up the one-vacancy scenario.
If you have two vacancies occur at any time, it immediately goes to the next special election as long as there's time, and if not, it keeps kicking forward to the very next available election.
So I think we've gotten that correct. It's taking all the language out about the Mayor and

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Council appointing anyone. It just moves in a progression to the next available date for an election.
MAYOR PITTMAN: Ms. Fleming, anything else?
COUNCILMEMBER FLEMING: One second, please.
I thought I read earlier that . . . Bear with me one second. I'm sorry.
- - -
(Brief discussion off the record between Councilmember Fleming and Attorney McLendon.)
- - -
MAYOR PITTMAN: Ms. Fleming, anything else?
COUNCILMEMBER FLEMING: No, I don't have anything else other than to make a motion if all discussion is finished.
MAYOR PITTMAN: Okay.
COUNCILMEMBER PACHUTA: And I'll second it.
MAYOR PITTMAN: Discussion?
- - -
(No response)
- - -

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MAYOR PITTMAN: 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.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PITTMAN: Okay. Thank you. Motion carries.
Next is going to be the second reading of the Amend Hearing Procedures for Occupational Tax and Massage License, Mr. McLendon.
ATTORNEY McLENDON: And this ordinance has come back a couple of times. The last time, I think we have the language where the Mayor and Council had directed us to be. Since it had changed substantially since the original drafts, we considered that the first reading.
But in this ordinance, what we have set out is basically two hearing procedures. One would be if it's a hearing before the Mayor and Council, which

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would be a Section 1-15 Subsection (a), and one hearing procedure if it would be before a hearing officer, which would be Subsection (b).
Those now will be in place, so any time we come into the code into an area where we need to have a hearing, we can either reference it to Subsection (a) or Subsection (b) depending upon which type of hearing you want to have.
In addition to that general procedural section, we have also made amendments to three code sections where we would have hearings, and we have set them all as hearing officer hearings.
One would be for the revocation of an occupation tax certificate. When we looked at the code, it really didn't -- we felt the process wasn't there we needed if you actually went to revoke an occupation tax, so we've added in the section on that and referenced the hearing officer provisions.
The second is in the massage ordinance, which also references the hearing officer provisions, and then the soft tissue massage, which, again, is referencing Subsection (g).
So occupation tax, massage licenses and soft tissue massage licenses would all go through a hearing officer if it was determined to be they needed

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to do the vote.
MAYOR PITTMAN: Thank you.
Questions from the Council?
COUNCILMEMBER FLEMING: If I understand this correctly, an occupational tax placard could be denied or revoked if incorrect information was on the application; is that correct?
ATTORNEY McLENDON: Yes. If any false information was on the application, that would be a good example of when you would come in and give them notice that that was being revoked, have a hearing on it and go forward.
MAYOR PITTMAN: Anyone else?
- - -
(No response)
- - -
MAYOR PITTMAN: May I have a motion? Do you wish to make a motion?
COUNCILMEMBER ROCHE: I make a motion that we pass the ordinance for --
ATTORNEY McLENDON: To amend the hearing procedures.
COUNCILMEMBER ROCHE: -- to amend the hearing procedures for massage parlors, commercial soft tissue and other revocations.

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MAYOR PITTMAN: Do I get a second?
COUNCILMEMBER PACHUTA: Second.
MAYOR PITTMAN: Discussion?
COUNCILMEMBER ALEXANDER: And that is draft October 6th; is that correct?
ATTORNEY McLENDON: Yes, that is correct.
MAYOR PITTMAN: Additional discussion?
- - -
(No response)
- - -
MAYOR PITTMAN: 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. Thank you.
MAYOR PITTMAN: Thank you. Motion carries.
Next on the agenda is going to be a carryover discussion to Modify Sanitation Code-White

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Goods, Ms. Alexander.
COUNCILMEMBER ALEXANDER: Yes, Madam Mayor. You were going to meet with staff, both City Hall staff and Public Works staff, to try to come up with a -- I guess a plan of attack, if you will, on how to rectify the handling of Code Section 15-46 and 15-54 regarding white goods pickup.
MAYOR PITTMAN: Okay. And we did.
Mr. McLendon?
ATTORNEY McLENDON: And we have taken several steps, and the Mayor has been involved in speaking with staff on this.
The first thing we've done is identified the problems we've had in areas where items may have been coming to the curb that were not necessarily household items and identified a couple of specific examples, and I think those became the matter of enforcement actions.
But also I believe the Mayor had spoken with staff about identifying that as they go around and follow up on the pickups, identifying the areas that might not be residential. And that can be dealt with, again through, hopefully, just communicating with people before any sort of an enforcement action or anything of the same applies or is necessary.

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The secondary that I think was discussed on it was, again, talking to staff about how they go out and are picking up items and identifying items that we need to charge separately for under our ordinances.
Under our ordinances, it is basically a general section that states really a reasonable rate for it. So in advance of us picking something up if it's out, they need to contact the City, and a reasonable rate based upon time and resources to do it needs to be established that needs to be paid.
And I think, Melissa, you've been in those conversations somewhat about getting the payment process worked out.
Those are the primary elements that I think we've talked about. And Mayor, if there's something else, I'm --
MAYOR PITTMAN: No. Other --
COUNCILMEMBER PACHUTA: Excuse me. I have a question.
MAYOR PITTMAN: That's okay. Go ahead.
COUNCILMEMBER PACHUTA: Do you think we need to modify our ordinance or is it just that we need to set a fee? Because, well, I know it says currently that we're supposed to be charging.

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ATTORNEY McLENDON: The fee -- I don't mind having a provision that doesn't necessarily set out the fee, because any -- basically someone can say, "I would like you to pick up X," and it would be a relatively simple matter to come out and establish the reasonable rate.
Now, we would need to be consistent. We would need to establish by policy what our rates are and base it on, you know, the actual cost to the City.
I'm not against having the section that says you negotiate case by case. At the same time, like we looked at the fee schedule, if you wanted to sit down and say, you know, this is our real cost per time frame of doing this and set --
COUNCILMEMBER PACHUTA: I mean I know --
ATTORNEY McLENDON: -- some standards, you could.
COUNCILMEMBER PACHUTA: -- Dekalb County and Chamblee, at least, they charge by the hour, so they've figured out the rate --
ATTORNEY McLENDON: It would make it --
COUNCILMEMBER PACHUTA: -- plus, you know, in Dekalb, it's by the hour with a minimum of $50.00.
ATTORNEY McLENDON: It would make it easier to enforce that way. If you made that

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amendment of the ordinance, it's clean, it's clear; easy for the public to understand.
COUNCILMEMBER PACHUTA: We do have to change the ordinance though, is that correct?
ATTORNEY McLENDON: We can.
COUNCILMEMBER PACHUTA: So Melissa, are you working on coming up with a rate or is --
CLERK McCAIN: I have not been working on the rates, just the procedures. It's up to Council what they would like to charge.
COUNCILMEMBER PACHUTA: Well, and I guess what we need to know, we pay what? $30.00 per ton?
COUNCILMEMBER ALEXANDER: Correct.
COUNCILMEMBER PACHUTA: If we could get information from Public Works as to the time it takes for them to go out, pick something up, take it to the dump, and then I guess the average charge of the dump.
ATTORNEY McLENDON: And would you like us to put together a draft of an ordinance? And then I think also if we work with staff to establish those dollar figures, we could come in with that cost provision specifically laid out that would put everyone on notice.
COUNCILMEMBER ALEXANDER: And one of the things I wanted us to be conscious to do also is

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1 picking up electronics and refrigerators and tires,
2 because I think that those items may be specifically
3 covered in our municipal solid waste agreement that we
4 have with Dekalb County.
5 As I expressed in a previous meeting, we
6 are required by law to remove -- have a certification
7 that freon has been removed from any refrigerators
8 that we pick up. And furthermore, we're supposed to
9 be charging the EPD regulation fee for tire disposal,
10 and we need to make sure that we're doing those items
11 also.
12 ATTORNEY McLENDON: Let me prepare a draft
13 revision to our ordinance. Now that we've spoken with
14 staff, sort of created the parameters of it, I'll put
15 together some language and bring it forward.
16 MAYOR PITTMAN: And Ms. Alexander, we have
17 been working with Public Works and we will be
18 continuing. We have a meeting actually on Wednesday.
19 COUNCILMEMBER PACHUTA: Okay. And I'll
20 just say I've mentioned several times in the meeting
21 the problem home on Green Oak where they were bringing
22 commercial stuff. And Quality of Life did speak to
23 them, and my understanding is they admitted that they
24 were bringing stuff from their work to be picked up,
25 and I have not seen anything out on the curb since.

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1 ATTORNEY McLENDON: Not only that; we also
2 had the conversations about being affirmative in
3 identifying those places so that if that's happening,
4 it won't be y'all that have to tell us about it.
5 COUNCILMEMBER ALEXANDER: So if we could
6 please leave this on the agenda again, Madam Clerk.
7 Thank you.
8 CLERK McCAIN: Yes, ma'am.
9 MAYOR PITTMAN: Anything else, Ms.
10 Alexander?
11 COUNCILMEMBER ALEXANDER: No, ma'am.
12 Thank you.
13 MAYOR PITTMAN: Next on the agenda is real
14 estate. That has been put on hold. It was the UAW
15 was wanting to lease one of our buildings, but I
16 believe that their real estate deal has possibly
17 fallen through with the building so they've asked us
18 to put it on hold until further notice.
19 So if we could just move that, or maybe
20 let's just wait until they come back to us.
21 COUNCILMEMBER PACHUTA: Are we taking that
22 building off the marketing?
23 MAYOR PITTMAN: Oh, no, no, no.
24 Absolutely not.
25 Okay. Next on the agenda is new business,

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1 Amendment to Alcohol Beverage Reporting, Ms. McCain.
2 CLERK McCAIN: Thank you, Mayor. I'll
3 just make it quick.
4 Going over our procedures for excise tax
5 recording by our businesses, I've come across where we
6 have different reporting dates for essentially some of
7 the same requirements. For instance, the excise tax
8 check is due to the City by the 20th, yet the reports
9 are due to the City by the 15th.
10 For the ease of the business owners to
11 only have to relay information to the City at one
12 time, and to have one complete document, I have
13 suggested four places where we'll need to change the
14 dates of submittal to one day. I was proposing the
15 20th of the month. That gives three weeks for them to
16 gather all their information on their alcohol sales
17 and food sales for the prior month.
18 COUNCILMEMBER ROCHE: Question. Wouldn't
19 this also make it more efficient within your
20 department that everything comes all on one day too?
21 CLERK McCAIN: It will.
22 COUNCILMEMBER ROCHE: You're making me
23 feel good all over. I love that kind of stuff.
24 It is good to see that we have department
25 heads that are working to make things more efficient

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1 and more user-friendly in the City of Doraville, so I
2 very much support this.
3 MAYOR PITTMAN: Is this a --
4 COUNCILMEMBER ROCHE: I know. Well, maybe
5 we could waive first reading? I'll make a motion we
6 waive first reading.
7 MAYOR PITTMAN: Do I get a second?
8 COUNCILMEMBER ALEXANDER: Second.
9 MAYOR PITTMAN: Discussion?
10 - - -
11 (No response)
12 - - -
13 MAYOR PITTMAN: Call the roll, please.
14 CLERK McCAIN: Councilmember Alexander?
15 COUNCILMEMBER ALEXANDER: Yes.
16 CLERK McCAIN: Councilmember Bates?
17 COUNCILMEMBER BATES: Yes.
18 CLERK McCAIN: Councilmember Fleming?
19 COUNCILMEMBER FLEMING: Yes.
20 CLERK McCAIN: Councilmember Pachuta?
21 COUNCILMEMBER PACHUTA: Yes.
22 CLERK McCAIN: Councilmember Roche?
23 COUNCILMEMBER ROCHE: Yes.
24 MAYOR PITTMAN: Thank you.
25 COUNCILMEMBER ROCHE: I just had one

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1 question. Other than the dates, were any other
2 changes made to any of these ordinances?
3 CLERK McCAIN: No.
4 COUNCILMEMBER ROCHE: I'd like to make a
5 motion that we adopt these ordinance changes, 3-13,
6 3-46, 3-67 and 3-69.
7 MAYOR PITTMAN: Do I get a second?
8 COUNCILMEMBER ALEXANDER: Second.
9 MAYOR PITTMAN: Discussion?
10 COUNCILMEMBER ROCHE: Make it effective
11 immediately or once --
12 ATTORNEY McLENDON: When it's signed by
13 the Mayor.
14 MAYOR PITTMAN: Discussion?
15 COUNCILMEMBER FLEMING: Yes. Though we're
16 making changes to these ordinances, I definitely want
17 hard copies of them, please.
18 CLERK McCAIN: Yes, ma'am.
19 COUNCILMEMBER PACHUTA: Ms. McCain, how do
20 you plan on notifying current license holders?
21 CLERK McCAIN: Because it's the end of the
22 year and we're sending out the renewal applications, I
23 was going to do a letter on reporting requirements,
24 have new forms that we've drawn up so that we can
25 compare the food and alcohol sales as well as give

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1 them a copy of the new ordinance because, by law,
2 they're required to have that ordinance on site.
3 MAYOR PITTMAN: Okay.
4 COUNCILMEMBER ROCHE: Perfect timing.
5 MAYOR PITTMAN: Call the roll, please.
6 CLERK McCAIN: Councilmember Alexander?
7 COUNCILMEMBER ALEXANDER: Yes.
8 CLERK McCAIN: Councilmember Bates?
9 COUNCILMEMBER BATES: Yes.
10 CLERK McCAIN: Councilmember Fleming?
11 COUNCILMEMBER FLEMING: Yes.
12 CLERK McCAIN: Councilmember Pachuta?
13 COUNCILMEMBER PACHUTA: Yes.
14 CLERK McCAIN: Councilmember Roche?
15 COUNCILMEMBER ROCHE: Yes. Thank you.
16 MAYOR PITTMAN: Motion carries.
17 CLERK McCAIN: Thank you.
18 MAYOR PITTMAN: Any reports from
19 committees, commissions, boards or appointments?
20 - - -
21 (No response)
22 - - -
23 MAYOR PITTMAN: Okay. Public comments,
24 please limit your comments to three minutes. Public
25 comments.

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1 MS. JANICE JOHNSON: I have a question. I
2 don't understand. When will I get a --
3 MAYOR PITTMAN: Ms. Johnson, could we get
4 you to come up here so she could hear you, please.
5 MS. JOHNSON: Certainly she can hear me
6 from here.
7 MAYOR PITTMAN: No, she has -- she just
8 needs to know your name.
9 MS. JOHNSON: Janice Johnson.
10 What I want to know is when will I get a
11 representative from my district? I didn't understand
12 when we would elect somebody to fulfill the vacant
13 seat at District 1.
14 COUNCILMEMBER FLEMING: Would you like to
15 answer or do you want me to?
16 We passed a resolution this evening to be
17 able to send that resolution to the legislature,
18 because we cannot change our Charter right now, and --
19 I mean we're not allowed to change the Charter. It
20 has to go through the state legislative force.
21 And then once it's approved, and, you
22 know, let's say it gets approved by March, then as
23 soon after March as able, between the deadline dates,
24 29 days and the 45 days and all of this stuff that we
25 have to comply with for State regulations, we'll have

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1 a special election.
2 So I can't give you a specific date.
3 MS. JOHNSON: So basically we were without
4 representation for as much as a year and a half.
5 COUNCILMEMBER FLEMING: Yes, ma'am. And
6 not just District 1 but it's for the entire city.
7 MS. JOHNSON: I understand, but we're
8 without a representative in --
9 COUNCILMEMBER FLEMING: Yes, ma'am.
10 MS. JOHNSON: -- District 1. That's my
11 concern.
12 UNIDENTIFIED: Aren't you in district --
13 MAYOR PITTMAN: She is.
14 COUNCILMEMBER FLEMING: But it's not fully
15 represented.
16 MAYOR PITTMAN: Okay. Motion to adjourn?
17 COUNCILMEMBER ALEXANDER: So moved.
18 MAYOR PITTMAN: Second?
19 COUNCILMEMBER BATES: Second.
20 MAYOR PITTMAN: Discussion?
21 COUNCILMEMBER FLEMING: Tom's got his hand
22 up, Mayor.
23 MAYOR PITTMAN: We got a motion and a
24 second. Do you wish to withdraw your motion?
25 COUNCILMEMBER ALEXANDER: Yes.

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MAYOR PITTMAN: Wish to withdraw your second?
COUNCILMEMBER BATES: Yes.
MAYOR PITTMAN: Go ahead.
MR. TOM HART: This is related to representation on Tilly Mill. They're required a Charter change.
While the City Council and the Mayor were passing Charter changes to increase the taxes in Doraville and to lower the homestead exemption, they forgot about representation for this important neighborhood.
And I think the politics of this past year has been disgraceful by leaving that seat open because the people who were running for election, it was used as a backstop, and I think it was improper and I think it's been disingenuous to the public to present it as "We couldn't do it." Thank you.
COUNCILMEMBER ALEXANDER: Motion to adjourn.
MAYOR PITTMAN: Second?
COUNCILMEMBER PACHUTA: Second.
MAYOR PITTMAN: Discussion?
- - -
(No response)

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- - -
MAYOR PITTMAN: 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.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
MAYOR PITTMAN: Thank you. Meeting adjourned.
- - -
(Meeting adjourned at 8:22 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 14th day of November 2011.

_____

Theresa Bretch, CCR
Permit No. B-755

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