In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

December 06, 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., December 6, 2010.

* * *

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

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P R O C E E D I N G S

MAYOR JENKINS: Meeting come to order. Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Here.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Here.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Here.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Here.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Here.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Here.
MAYOR JENKINS: All right. We need to approve the minutes. We need to approve the minutes of 10/25/2010. Motion?
COUNCILMEMBER ALEXANDER: So moved.
COUNCILMEMBER PACHUTA: Second.
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.

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CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: And 11/1/2010.
COUNCILMEMBER PACHUTA: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER PITTMAN: Second.
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.

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MAYOR JENKINS: 11/8/2010?
COUNCILMEMBER PACHUTA: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER PITTMAN: Second.
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: Thank you. 11/15/2010.
COUNCILMEMBER ALEXANDER: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER PACHUTA: Second.
MAYOR JENKINS: Call the roll, please.
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: I appreciate everybody coming out tonight as cold as it is, and we got a couple people that's under the weather, so bear with us till we see if we can get through this meeting.
And our first thing on the agenda is Murray Weed, Executive Session for pending litigation.
ATTORNEY WEED: Yes, Mr. Mayor.
Laurel Henderson, who's insurance counsel on one of our active cases, and I would like to meet with the Council in Executive Session.
If you want to entertain a motion, the motion will be for Executive Session for pending and future litigation.
COUNCILMEMBER PACHUTA: I make a motion we enter into Executive Session for pending litigation or current litigation.

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COUNCILMEMBER BATES: Second.
MAYOR JENKINS: Discussion?
COUNCILMEMBER FLEMING: Yes, sir. I just have a question for Mr. Weed.
I was wondering, because I'm unfamiliar, what is the criteria you might use to determine when we use GRMA attorneys rather than you and your law firm?
ATTORNEY WEED: Well, really it's not my choice in any way. I'm not the one who makes that call.
Every claim that is made against the City is submitted by the Clerk, per our insurance policy, to GRMA, and GRMA makes that decision.
In fact the only time that I end up or my law firm ends up with a case is when GRMA coverage isn't available. So that's not a decision I make or I'm involved with in any way.
COUNCILMEMBER FLEMING: So any litigation that we are served with goes directly to GRMA first for a decision, and then you receive it if they are not able to take the case.
ATTORNEY WEED: That is correct.
COUNCILMEMBER FLEMING: Thank you very much.
MAYOR JENKINS: Any more discussion?

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COUNCILMEMBER ROCHE: I assume that we would hold the Executive Session in the Mayor's office?
MAYOR JENKINS: I was going to suggest that, especially because of the number of people here.
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?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
- - -
(Executive session from 6:33 p.m. until 7:37 p.m.)
- - -
MAYOR JENKINS: Motion we go out of

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Executive Session?
COUNCILMEMBER PITTMAN: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER PACHUTA: Second.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: We're going to open up the regular meeting.
Rhonda, did you want to bring up something about the bonus?
CLERK BLACKMON: I believe every year we ask Council what to do about the annual bonuses. It's usually $250.00. I didn't know if they wanted to do anything this year. I just needed to know for Shanta and myself for payroll what Council wanted to do.
COUNCILMEMBER BATES: Make a motion for no

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annual bonus this year.
MAYOR JENKINS: Excuse me?
COUNCILMEMBER BATES: I'll make a motion for no annual bonus this year.
COUNCILMEMBER PACHUTA: Second.
MAYOR JENKINS: Any more discussion?
COUNCILMEMBER ROCHE: Only this, Mayor: I think that this agenda item and a couple of other of these agenda items under Mayor's Comments should be held after the public has an opportunity to make their comments on it.
I realize we're in the middle of a different motion, but I think that some of these, again, they should come after public comments.
In fact, they should probably just come after new business just like any other new -- anything else that's added to an agenda. I'm not sure why they're promoted up to before citizens have a chance to make comments or why they get priority over citizens or Councilpeople on the agenda.
MAYOR JENKINS: Bob, this is the way the agenda's been set up all along. You continuously want to change it.
We have a motion and a second.
CLERK BLACKMON: Yes, sir.

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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?
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: Thank you. Motion carried.
We usually cancel the mid-month meeting of 12/20. It'll be 12/20 this year. I'd like to have a motion we cancel the mid-month meeting in December.
COUNCILMEMBER FLEMING: I'd like to make a motion to cancel the mid-month meeting for 12/20/10 as long as we finish the agenda we have in front of us. So this is a second motion to extend the meeting to

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take care of all business.
COUNCILMEMBER ROCHE: I'll second that.
MAYOR JENKINS: You added what to that motion, ma'am?
COUNCILMEMBER FLEMING: To make sure that we finish then entire agenda for this evening. I don't think any of this should be carried over until January.
MAYOR JENKINS: I would prefer that be in two motions.
What do you say, Murray?
ATTORNEY WEED: Well, the Councilman owns the motion. In other words, whoever wants to make a motion can make a motion in whatever format they want to. And you can have a bifurcated motion as long as the members of Council understand that it is a two-part motion and that one approval approves both parts or one rejection rejects both parts.
COUNCILMEMBER BATES: Ms. Fleming --
MAYOR JENKINS: That's fine.
COUNCILMEMBER BATES: -- we've got scheduled on December 14th a work session. I would be open to moving any unfinished business to be completed on December 14th in lieu of the work session.
COUNCILMEMBER ROCHE: But we don't normally

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vote in work sessions, and --
COUNCILMEMBER BATES: Well, it --
COUNCILMEMBER ROCHE: -- everyone's here today.
COUNCILMEMBER BATES: It would be a regular, then, scheduled meeting full of voting and everything.
COUNCILMEMBER ROCHE: So, then, what's the point of canceling the 20th, then?
And so basically you're saying we're going to reschedule the meeting of the 20th.
COUNCILMEMBER BATES: Because it's close to the holidays and there are some people that have travel.
MAYOR JENKINS: Did I get a second on that motion?
COUNCILMEMBER ROCHE: You did, Mayor.
MAYOR JENKINS: Any more discussion?
COUNCILMEMBER ALEXANDER: I believe Ms. Fleming is thinking.
COUNCILMEMBER FLEMING: (Inaudible)
MAYOR JENKINS: Excuse me?
COUNCILMEMBER PITTMAN: She's -- Hold on a second.
COUNCILMEMBER FLEMING: Mr. Bates, I appreciate your consideration and comments regarding

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moving -- canceling the work session, but we need that work session for the two agenda items that are on it. So I'd like to leave my motion the way it is, please.
MAYOR JENKINS: Any more discussion?
COUNCILMEMBER ROCHE: Yeah. I believe that even though our agenda is kind of long, a lot of people came here to hear a lot of these issues that are on the agenda, and to try to postpone it until the middle of January or the beginning of January I think would not be serving the citizens who came out tonight.
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?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: No.
CLERK BLACKMON: Councilmember Pittman?

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COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Motion carried. We will have the mid-month meeting.
CLERK BLACKMON: No.
COUNCILMEMBER PITTMAN: No, sir.
COUNCILMEMBER ALEXANDER: No.
COUNCILMEMBER PACHUTA: No.
COUNCILMEMBER ROCHE: No, we won't.
COUNCILMEMBER FLEMING: No.
MAYOR JENKINS: Excuse me. I apologize.
In other words, if we finish the meeting tonight, we will not have a 12/20 meeting. Is that correct?
COUNCILMEMBER FLEMING: We will not have a 12/20 meeting because we are going to finish --
MAYOR JENKINS: That's exactly --
COUNCILMEMBER FLEMING: -- tonight's meeting.
MAYOR JENKINS: -- the reason I asked you to make it in a separation motion, but it's all over so let's move on.
COUNCILMEMBER FLEMING: Yes, sir.
MAYOR JENKINS: Sanitary contract awards.

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Who wants --
COUNCILMEMBER ROCHE: Mayor, I'd like to make a motion that we allow citizen comments on the sanitation contract award before the Council reaches a decision or makes our decision.
MAYOR JENKINS: Make that in form of a motion?
COUNCILMEMBER ROCHE: I did, sir.
MAYOR JENKINS: Okay. Do I get a second?
COUNCILMEMBER FLEMING: Second.
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. Thank you.
MAYOR JENKINS: Okay. Three minutes. Come on up to the podium.

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MR. CRAWFORD: Mayor, is this before department heads or after?
MAYOR JENKINS: Excuse me?
MR. CRAWFORD: I said is this before -- Is this just for sanitation?
COUNCILMEMBER ALEXANDER: Yes.
COUNCILMEMBER FLEMING: Just for sanitation.
COUNCILMEMBER PITTMAN: Just for sanitation.
MS. CALVERT: Thank you. Ginny Calvert, as you well know, Terri.
I am going in preference to the company that we now have as opposed to a possibility that we could regain the original company to do the work before this company came in, because they were very messy. We had things left in the streets; we had things left on yards.
And the company we have now clears all this up, gets out their gloves and make sure they get everything off the yard. I noticed that across from me. And I think they do a good job. They came through just today, and they picked up all the bags of leaves and will even pick up from the ground if people are leaving it out there just to get it out of the way. But I am definitely pro for the company that we have now as sanitation.

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MAYOR JENKINS: Thank you. Next?
MR. HART: I guess we're going to sign up for another five years, so this is the last chance to say anything.
I think that we need to sign up for one of these two companies to pick up the trash and I think the maintenance department needs to pick up the recyclables. The reason for that is the trash contract should be about how many tons of garbage they haul from the city. The more they haul off, the more they get paid, and the less they haul off, the less they get paid; and the more recyclables we pick up, which is taking away from those tons being hauled off, that the citizens save money.
And the public works department would in essence compete with the trash company to reduce the cost of, you know, the recycling. Right now, the maintenance department has the trucks and has the equipment and the personnel. We're paying the maintenance department for the clam truck, the chipper truck. We've got the crew there, we've got trucks there, but they're not doing the other half. So I think when half of it is public works for all the green recycling for the trees, for logs, for mulch, and then pure trash is picked up by Advanced or Waste

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Management, and that's based on tons hauled.
Thank you.
MAYOR JENKINS: Next? Anybody else?
- - -
(No response)
- - -
MAYOR JENKINS: Maria, you've got this one?
COUNCILMEMBER ALEXANDER: Anybody can start.
I want to thank both the companies that we interviewed. I think we had very good interviews and very informative interviews regarding recycling and how it's changing for the future. It was also enlightening to find out some of the things that we would like to initiate, such as hazardous waste. Recycling events may be a little more challenging than we had hoped for, but perhaps an electronics recycling event is a little bit more feasible than we had originally thought.
I think the consensus of at least the Council members I had spoken to were we were looking more for a two-year agreement this time instead of a five-year agreement.
I also feel like that one of the goals that we as a city, not the citizenry but the government, is -- I know, you know, Mayor, you've taken steps to make

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sure that the chipper truck is back in operation. I think that Public Works has an opportunity to do further recycling of our yard waste, and I think one of their goals should be to cut down on the number of tonnages that they deposit at the transfer station or the landfill.
I think we need to be as green a city as we can be. I'd like to see more recycling bins at our City facilities. The Civic Center would be a great example because that's not just used by employees; that's used by the public. So I'd like for us to increase our recycling as a government also and have more recycling bins at City Hall and the other location buildings too.
I think that's extremely important that we lead by example, and I don't think we do enough of that. I know we have at special events. We've had -- like at the Movies Under the Stars, we've had recycling bins there, but I think we can do it every day and try to improve our own waste disposal here as a government.
COUNCILMEMBER PITTMAN: And as Ms. Fleming had pointed out in our last meeting, I believe, work with the schools. I'd also like to work with the schools in recycling and more educational programs on

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1 recycling.
2 COUNCILMEMBER FLEMING: Absolutely.
3 MAYOR JENKINS: I've been here through all
4 the contracts probably since 1974. I like Advanced.
5 They essentially -- as the comment's already been
6 made, they clean up real good. And changing over from
7 one company to another is a big hassle, and I
8 personally would like to see Advanced hold onto it.
9 COUNCILMEMBER FLEMING: I too am in favor of
10 Advanced Disposal, who we're currently using; however,
11 I believe there's a couple little areas in their
12 contract or in regards to their bid forms, I should
13 say, that I would like us to vet out regarding the
14 percentage of increase over a two-year period.
15 We're on a strapped budget, and I'm not so
16 sure whether --
17 Ms. Alexander, was it five percent?
18 COUNCILMEMBER ALEXANDER: It was a
19 combination based on CPI and also fuel price index.
20 COUNCILMEMBER FLEMING: I'd like us to look
21 into that before we make a decision or sign the
22 contract.
23 COUNCILMEMBER PITTMAN: And aside from that,
24 I was in favor of Advanced as well, because in the
25 past, I was on Council when we had the other company

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1 and received multiple complaints and no customer
2 service. So we have not had that problem.
3 And the company did come in as a partner
4 with the city where the other company never did in all
5 the years they did.
6 MAYOR JENKINS: Any more comments?
7 COUNCILMEMBER ROCHE: Well, I'll just say
8 that I think it would definitely be a mistake to go
9 for more than two years on this contract. I think
10 that if we did vote to accept Advanced Disposal, I
11 think it would probably need to have the proviso.
12 One of the differences between the two bids
13 was that one bid was for that's it, straight dollar
14 amount for two years or whatever the length of the
15 term was. The Advanced Disposal bid had a whole page
16 of, well, if the fuel goes up, we can come to you and
17 you would approve increases. If the cost of living
18 index goes up, we would come to the Council and you
19 could vote us increases, et cetera, et cetera.
20 I personally like a flat line. I personally
21 like something that says, this is what the price is;
22 this is what it's going to be until the end of the
23 contract. Having said that, the two bids were very
24 close, particularly when you considered the recycling.
25 I was very upset about what happened with

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1 our recycling before. I mean we were paying money for
2 recycling, and suddenly just no notice, no nothing. I
3 think we were completely let down when it came to the
4 recycling.
5 So I can't say I lean strongly one way or
6 another on this one.
7 COUNCILMEMBER ALEXANDER: I make a motion
8 that we engage in a two-year contract with a bundled
9 price of $13.45 per month for yard waste pickup to be
10 recycled, for a recycling bin pickup and also
11 residential refuse, with Advanced Disposal for the
12 bundled price of $13.45 per month.
13 I am not inclined to agree to the request
14 for a CPI and fuel index surcharge ability to increase
15 for the two-year period.
16 COUNCILMEMBER FLEMING: Second.
17 MAYOR JENKINS: More discussion?
18 COUNCILMEMBER ROCHE: Well, does this motion
19 mean that we would only do a contract if that part was
20 -- that section was gone?
21 ATTORNEY WEED: That's what I would assume
22 that the motion would mean.
23 COUNCILMEMBER ROCHE: So --
24 ATTORNEY WEED: The RFP process builds into
25 it two things I should probably remind you of.

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1 One, under Title 36 of the Georgia Code, a
2 contract can automatically renew but the contract will
3 automatically terminate at the end of each year, so
4 there's that. So you could review it again and
5 terminate at the end of the calendar year if you
6 elected to, if you wanted to terminate early. So two
7 years doesn't really mean two years, so bear that in
8 mind if that's useful or not.
9 And then secondly, in answer to your
10 question more directly, I would take it that yes. In
11 the RFP, we've got -- we built in room to negotiate
12 out a final contract after we accepted the baseline
13 RFP. That's built into the RFP; everyone who competed
14 was aware of that up front.
15 So at the end of the day, what will be a
16 final contract, and it may not necessarily reflect
17 every single detail of the RFP, which is the other
18 reason why you chose to use request for proposal as
19 opposed to an old-fashioned bid. That's also allowed
20 by law.
21 But going back to your first question, yes,
22 the contract I would draft would have this language
23 that I would lift from the court reporter's minutes,
24 and I would make sure that those terms are in the
25 contract.

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COUNCILMEMBER ROCHE: And that would mean that Advanced Disposal in this case, if they didn't like those terms, could certainly withdraw.

ATTORNEY WEED: I think the answer to that question is yes.

COUNCILMEMBER ROCHE: Fine. Thank you.

MAYOR JENKINS: More discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR JENKINS: Okay. Thank you.

You got that?

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UNIDENTIFIED SPEAKER: Sure.

MAYOR JENKINS: Okay.

UNIDENTIFIED SPEAKER: Thank you.

MAYOR JENKINS: All right. Okay. Department head reports. John?

CHIEF KING: Good evening, members of the City Council and residents.

Ladies and gentlemen, I'd like to highlight two quick items of latest activity in our police department that I'm very proud of.

First of all, on 11/23, on November 23rd about 1:40 in the morning, Officer Velez was monitoring the traffic at 141 and 285, and they were listening to Dunwoody Police Department on their scan channel, and they received a home invasion call in their jurisdiction. And as the officer, actually, a former Doraville officer, was arriving at the scene, gave a lookout of a van with the perpetrators of the home invasion leaving that jurisdiction going south on 141.

At that time, Officer Velez was pulled over on the side of the road, actually, and saw the vehicle go by. They began pursuing the vehicle, and Officer Velez -- Sergeant Velez and Officer Hamrick chased the vehicle fitting the description that the Dunwoody

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officer gave, chased them all the way to Roswell Road and 285 where the perpetrator abandoned the vehicle, took off running, and then our canine was able to apprehend the suspect. They turned him over to Dunwoody Police.

And they were able now to break a group of individuals that had been doing home invasions in the Dunwoody/Doraville line. So it was a great example of great work done by aggressive officers that went one step above. You know, they were monitoring the jurisdictions around them. And because our city limits are so close to each other between us, Chamblee and Dekalb County, they were able to apprehend some pretty dangerous characters.

The other incident that I'd like to point out is on the 24th of November, Lieutenant Lowe was at the residence of his father, visiting his father, and they heard a -- he heard a loud glass breaking next door. At that time, several of the neighbors were calling the police about the same incident.

And between Lieutenant Lowe and Officer Blackwell, they were able to apprehend the burglar right in the commission of a burglary, which is very rare for law enforcement to be able to catch a burglar in the act. So incredibly proud of these officers.

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And this individual actually rode MARTA from Atlanta to Doraville and apparently burglarized several of the residents not only in Doraville but also in Dunwoody. So we're very proud of these officers for, you know, not letting their guard down. Even while they were off duty, they're protecting our community, so I'm very proud of them.

- - -

(Applause)

- - -

CHIEF KING: The only -- the other item that I want to discuss with y'all is kind of a reminder. As we get into the Christmas season, we've got this program that we're working with the court system to identify homeless veterans.

As the Veterans Administration has got this project to bring in veterans to give them health checks, do some education, drug rehab and drug education, a lot of these veterans are afraid to come into contact with the Veterans Administration because they're afraid that they might be wanted for petty crimes.

So we've worked -- local agencies, with our court, with the Veterans Administration, are working a way that if a veteran is only wanted or is wanted for

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1 a minor charge, we're able to either nolle pros the
2 case with the concurrence of a court so we can get
3 that homeless veteran into treatment and try to get
4 him some drug treatment or get him off the streets.
5 So it's something that we're working very
6 closely with our courts and with the jurisdictions
7 around. It's something that I'm very proud of,
8 especially in this Christmas season.
9 And the last item that I wanted to -- I
10 remember -- I hope y'all remember, but I came before
11 y'all and asked for the approval to adjust the
12 salaries of employees. I hope that you-all have my
13 memo where it outlines -- I think Commissioner Roche
14 asked me for the details, and I think you got my memo.
15 My intent is to use that vacant captain
16 position and adjust the salaries of the individuals
17 who are being added additional duties. They will
18 still -- and I ask for the flexibility to be able. It
19 will affect I think about 25, 26 employees. It will
20 be revenue neutral. Actually, I will return about
21 $17,000 back to the City from that salary position
22 that's still left in that budget line.
23 So I would respectfully request that the
24 City Council grant me the flexibility as outlined in
25 the memo to be able to carry out this initiative and

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1 adjust these salaries and make -- The target audience
2 for these are my officers who are actually acting as
3 officers-in-charge, and I want to basically make them
4 corporals, and the most anybody will get will be one
5 step adjustment in their salaries.
6 So I would respectfully request that if I
7 can get a motion to allow me to get this initiative
8 carried out.
9 COUNCILMEMBER ALEXANDER: So this 25
10 estimate, does that include the two lieutenants and
11 the four FTOs that were previously approved?
12 CHIEF KING: Yes, ma'am. Yes, ma'am.
13 I unfortunately lost another officer this
14 week. An officer resigned, Officer Wertz (ph)
15 resigned, and he's gone I think to an agency close to
16 his home because he lives quite far away. So I'm an
17 additional officer short, so that's -- that's why the
18 urgency is to try to get some adjustments so I can
19 work on my retention.
20 COUNCILMEMBER ROCHE: Are you going to be
21 requesting to rehire or replace that officer?
22 CHIEF KING: Sir, I wanted to wait. I want
23 to be able to hire the COPS Grant officers and the
24 current vacancies that you've authorized me before --
25 and then assess where we stand before I come to you

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1 and ask you for additional.
2 I know that the times are very tight
3 especially in the finances of the City so I don't want
4 to ask you for authorization if I already got three or
5 four positions empty before coming to ask you for
6 that. I figure, you know, if the need is there, later
7 in the year, the fiscal impact would be lessened.
8 So if I can hire the ones that I've got now,
9 especially with the COPs Grants, it will lessen the
10 burden on the budget. And then if we still see a need
11 then, then I'll come and ask you-all for permission to
12 hire that.
13 COUNCILMEMBER ALEXANDER: I make a motion to
14 allow Chief King to use the existing salary of the
15 vacant captain's position to make salary adjustments.
16 COUNCILMEMBER FLEMING: Second.
17 MAYOR JENKINS: Discussion?
18 COUNCILMEMBER ROCHE: I just have one.
19 My concern here -- I mean obviously about
20 the budget, et cetera, et cetera, but the $17,000
21 that's being returned to City Hall, I have to think --
22 sitting up here, obviously we, you know, support our
23 police department.
24 We also have to think about the other
25 departments, because I believe that things are lean

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1 this year and we're probably not going to be going out
2 and giving a lot of raises to anybody.
3 So I would respectfully ask that we amend
4 the motion and say that the $17,000 that's going to be
5 returned to the City general fund be used to provide
6 raises for employees that are in other departments
7 based on the basic same criteria of excellent
8 performance evaluations, increased responsibility and
9 no adverse disciplinary actions in the last year.
10 COUNCILMEMBER PACHUTA: I do not want to mix
11 up the motion for Chief King with something with other
12 departments.
13 COUNCILMEMBER ROCHE: I just think it's an
14 issue of fairness to all of the employees of City Hall
15 -- of the City.
16 COUNCILMEMBER ALEXANDER: But not all the
17 employees of the police department are receiving an
18 increase.
19 COUNCILMEMBER ROCHE: I understand that, and
20 that would be the same basic criteria, which is they
21 would have to have excellent performance evaluations,
22 they would have maybe increased responsibilities over
23 the last couple of years and no adverse disciplinary
24 actions in the last year.
25 COUNCILMEMBER PACHUTA: I don't want to add

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that to this motion.
COUNCILMEMBER ALEXANDER: Since I made the motion, I decline the suggested amendment.
MAYOR JENKINS: You're sticking to your original motion?
COUNCILMEMBER ALEXANDER: Yes, sir.
MAYOR JENKINS: Have a second on it. Any more discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Motion carried.

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CHIEF KING: Thank you very much. Appreciate it.
MAYOR JENKINS: All right. Thank you, John.
Okay. We get to public comments on agenda items. This'll be three minutes, old business and new business, so let's get it started.
Come on up if you want to talk about the agenda items, old or new business.
MS. CALVERT: Ginny Calvert.
I would prefer to make comments after an issue has been introduced and before the vote, however, so if this subject is about calling for outside help, you are out of line.
We have a person in Doraville who by law is qualified to investigate any internal problems of our city. I am totally against outside intervention, and that also means the media too.
And I see again that we are after Mr. Scott Haeberlin for enforcing ordinances and codes that you have put in place. Maybe you should be here 24/7 and tell these people with complaints that you are the ones responsible for all these laws. You are the ones having him to do the different work of the ordinances. So to hold your laws now, doggone it, you are ridiculous by not standing by your coworkers doing

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their job, because this is what you've asked him to do.
- - -
(Applause)
- - -
MS. CRAWFORD: Susan Crawford, Oakcliff.
I too am here in support of Scott. I think that he has acted professionally and I think that the sign of a true professional is one who hires wisely, as I believe you have in this case, and then stands back and lets that person do his or her job that that person is qualified to do.
And I think that in this case, Mr. Haeberlin has been doing his job, which is to stand by and uphold the ordinances that you people passed.
If I'm to understand correctly, he's on the line, his job is on the line here. If he is no longer here, does that mean the laws go next? because that is the next plausible thing that would happen. And then do we become a total dumping ground for all the surrounding cities because we have no ordinances in place that anybody takes seriously?
I would urge you to please think about us. We like Scott and we want him to stay. Thank you.
- - -

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(Applause)
- - -
MAYOR JENKINS: Next?
MR. O'CONNOR: Joe O'Connor, McClave Drive, Doraville, Georgia. I'm on the Planning Commission, and mine is a two-parter.
I'm here to speak up for Scott. He's been professional, polite, and at every meeting where he represents the City, the applicants, the people in the meeting that have an opportunity to speak or ask him questions all appreciate the hard work he does. I've never had any complaints about what he's doing and the presentation he makes. He's always professional.
My second comment concerns Councilman Roche's appearance on TV before this matter was even brought up before the Council. Here we are trying to sell Doraville as a city you want to come to, and he's implicated that our City workers are embezzling money, that the Mayor can't investigate it and he's, quote, a robber, a bank robber like, and apparently the Chief and his professional people aren't capable of investigating this. It's just bad business for the city of Doraville that we're trying to push.
And then they end it on TV by saying, And by the way, Doraville's two million dollars minus. You

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1 know, that really wants -- as a place of business and
2 people want to live in.
3 And now we're here tonight, and I'd like to
4 see how the Council does vote on this, and that's all
5 I have to say on it. Thank you.
6 MAYOR JENKINS: Thank you, sir.
7 - - -
8 (Applause)
9 - - -
10 MAYOR JENKINS: Next? Come on up.
11 MR. CRAWFORD: Ben Crawford, Oakcliff
12 Estates.
13 Actually I've been on the Planning
14 Commission since the get-go. I find the city
15 planner's demeanor on all the meetings that I've been
16 a part of -- and I haven't missed any -- to have been
17 very professional.
18 I realize we've had a rocky start. I think
19 that he's worked in a professional way to try to lead
20 the city forward and enforce the City's ordinances.
21 As Joe, I find Councilman Roche's behavior
22 deplorable. He doesn't represent me when he goes to
23 the TV station, and he lets the -- the whole city as a
24 whole with allegations that, like I said last time I
25 was at a City Council meeting, unfounded allegations

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1 by one of your facts.
2 There are no facts. He likes giving the
3 City the black eye. Well, hey, present your facts
4 tonight, sir -- I'd appreciate it if you would; I'd
5 like to hear them -- because you can't.
6 But anyhow, I'm here in support of Scott. I
7 think every City Councilperson up there should think
8 about seriously what'll happen to the city.
9 I think there's been collusion on the part
10 of some City Councilpeople to work solely with
11 businesses and not with citizens, to the detriment of
12 the city. I think there's proof of that.
13 I find behavior of City Councilpeople, some
14 City Councilpeople, to be unethical, and I, as one, as
15 a citizen have decided to do something about it.
16 I call it like I see it, and like I see it
17 tonight, it isn't right what you did, sir.
18 Thank you very much.
19 - - -
20 (Applause)
21 - - -
22 MAYOR JENKINS: Next?
23 MS. FRAYSSE: Susan Fraysse, Oakcliff
24 Estates.
25 I'm waiting to hear why the foreclosed

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1 property register was withdrawn. I hope it's not
2 something we drop altogether. I think we need to
3 pursue that. So I wait, though, to hear how that
4 goes.
5 Under new business, I agree with everybody
6 who has tonight and in the previous meeting this fall
7 supported Scott Haeberlin. I think we very much need
8 his expertise here. I remember a time when we could
9 not find, could not lay our hands on the current
10 zoning map, and since he's arrived, we have come
11 major, major steps ahead and we don't want to throw
12 that out. I find him to be very professional and
13 forthcoming with information.
14 He was a good employee when the Council
15 hired him -- and the Council did participate in that
16 hiring -- and I think we need to stay the course with
17 him. If we were to bring in somebody else, we would
18 have a period of time where we'd have to be
19 recovering, making up for lost ground. It's going to
20 be hard to hire a new person this year with the budget
21 the way it is, and I predict that they would face the
22 very same opposition that Mr. Haeberlin has had to
23 endure.
24 So let's stick with the person. The Mayor
25 is supervising him, and y'all can have input in that

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1 too. I want to support Scott.
2 I also am concerned about the distractions
3 related to the new business item 3, law enforcement
4 investigation. This alleged overtime payroll fraud,
5 the gotcha TV, all of that I think is not productive.
6 Your actions on November 15th in modifying
7 the employee's handbook I think is going to take care
8 of it, and if there are still issues left over, you
9 know, then we can deal with that.
10 This alleged credit card abuse, it's again
11 sensationalistic. It makes our city look bad. I
12 don't appreciate it. It is a black eye on the city.
13 We have the ability to, when we make
14 mistakes, as everybody does, correct them. We have
15 expertise of Ms. Wilson, our finance director. She
16 can advise us on how to make corrections in the
17 procedures, or our auditor. It certainly doesn't need
18 to go to Dekalb or GBI or make a federal case out of
19 something like this.
20 I think we need to move on to the important
21 issues now facing the city like maybe hiring a new
22 City Clerk, since we're losing one at the end of this
23 month, or passing the new massage parlor ordinance
24 which is languishing and its enforcement will be
25 languishing until we do.

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We need to pass legislation, not grandstand on TV. Thank you.

MAYOR JENKINS: Thank you.

- - -

(Applause)

- - -

MR. AMBROSE: James Ambrose, Winters Chapel.

I'm here to talk about Scott. And the City Council had multiple meetings before they hired him. They told him what they were expecting and what they needed.

I've lived here for multiple years, and the zoning and the ordinances for the city of Doraville was a complete mish-mash of nothing. He's come in, he's tried to straighten it out, and every time he makes a major change the Council has to approve it, which y'all have done.

Y'all did not like one. We made a CT improvement y'all approved. The citizens involved in this zoning have not even come up to apply for it since y'all made the change.

Now, I know we need businesses in Doraville, but we do not need to give them a cart blanche for everything they need and want.

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(Applause)

- - -

MR. MICHAEL HART: I'm Michael Hart. I'm a potential owner, a business owner here in the city of Doraville, originally from Doraville.

And I came back to Doraville to build a business here, to create jobs for people, not to take jobs away from people. My heart gets sad when I turn the TV on and I see the crap that I see on TV about Doraville.

I started trying to build a business -- I wanted to build a business here nine months ago, and since I started that, I've seen Doraville on TV three times. It saddens me. And it saddens me that the city planner has his hands tied and can only do so much.

I think there's a lack of communication among the team players. In the beginning when I came here, I told a couple of people some things that I wanted to do. Some things wasn't explained to me. I don't know if that's the city planner's fault or not.

In June, y'all give me permission to put a business here. The doors is still not open because of some variances and some codes, which I know nothing about. I know how to create jobs for people, I know

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how to do a wrecker service, I know how to transport exotic cars, but I know nothing about some of the stuff that goes on here. And nothing was explained to me; I walked into this in the dark. And it saddens me when I drive down Buford Highway and I see the empty buildings where business owners has left. And I don't know about y'all, but I ask myself why.

And, then, I haven't been here long, and I've had people come to me and tell me certain things that's going on in the city, and I don't know what to believe or what not to believe.

I love that man sitting over there in the middle. I've known him all my life. I've set and I've overheard a conversation with Scott Haeberlin, and I've heard him raise his voice at him, and I don't think none of us need to be raising our voice at each other.

We can do what I can't do, and I feel that we all should be ashamed of ourself for fighting among each other. We all want the same thing around here. Why can't we pull together and get what we want here?

We want to bring revenue back to the city of Doraville. We want to bring employment back here. Why can't we do that? Why am I still here in December and my doors ain't open to my business? I don't know

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why. I don't know why we can't work together.

And on the other issue, I think that could be handled within the City. I don't think we need any outside help on that. Thank you.

MAYOR JENKINS: Thank you.

- - -

(Applause)

- - -

MAYOR JENKINS: Next?

MR. TOM HART: You know this kind of -- this is a repeating story. It reminds me of the old Council with Chuck Entsminger, and we had Councilpeople that wanted to build some townhouses in the middle of a flood plain. Chuck wouldn't sign off on it. We had to get rid of Chuck. It was imperative; we have got to get rid of Chuck.

And then when Chuck wouldn't sign off on the H-Mart, well, we had to hire somebody else for a day to go sign that paperwork.

And the same thing with Priscilla. Good gosh, you know, it's two years later; it's Priscilla's fault. Everybody's dying; Priscilla, she did it. And she took all the money. We don't have any money left.

Okay. And so the same thing here with Scott, you know. You know, it's well documented, my

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1 relationship with Scott, you know. We've had one of
2 those love-hate relationships. But the thing is all
3 the guy is doing is enforcing the codes y'all voted
4 on. Same way with Chuck, same way with Priscilla.
5 But the problem is Councilpeople always want
6 to add that little extra service to the customers, a
7 little something extra they need to get around, you
8 know, that little problem called the zoning laws or
9 setbacks or just happens to be in the middle of a
10 stream or, you know, need a little hoochie koo.
11 So I think we got the same problem again.
12 And the thing is y'all don't have a full-time building
13 official in the city. That's who runs the zoning
14 ordinance here. But you neglected to do that. You
15 got a part-time guy you pay 85 grand a year to work
16 about -- I don't know how often he works. But he's a
17 building inspector; he's not the building official.
18 And you've got problems with insurance.
19 You've got insurance problems with the City where the
20 inspector can't sign off the stuff. So this man, no
21 matter he has a problem. You've got a dysfunctional
22 situation here where this Council has decided you're
23 going to have a planner and you're going to have a
24 part-time inspector with no building official. Who's
25 running the show? And you got code enforcement over

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1 in the police department.
2 I mean this guy -- everybody who comes into
3 this city has got to be confused, including the --
4 Looks like the chart of accounts for the State of
5 Georgia. It's got code enforcement's in the building
6 department run by the building official but we don't
7 have one.
8 So it's not Scott's problem; it's the City
9 Council and the Mayor's problem. Until y'all learn
10 what your job is and see how -- you know, how people
11 build things --
12 You obviously don't know how to build
13 things, because look at that sidewalk out there.
14 So don't be blaming this whole thing on Scott.
15 Thank you.
16 - - -
17 (Applause)
18 - - -
19 MAYOR JENKINS: Next?
20 MR. LIVINGSTON: Charles Livingston. I want
21 to speak just a little bit about item three under new
22 business.
23 I know that you-all remember my presentation
24 to you on the Council meeting November 15th, and I
25 brought up a number of issues. You-all remember that.

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1 And I asked in my presentation to you and the letter
2 that I gave you to give me a response to what you're
3 going to do about these issues by December 1st.
4 I received no such response. I hear through
5 the grapevine that there was some kind of response or
6 some mention made of it to a blog or something that
7 went to Susan Fraysse and Chris Avers and maybe some
8 of the other blogs, that the Mayor was going to handle
9 this his own self and that that was it.
10 I didn't receive anything officially on
11 this. How professional is that? You actually leave
12 me with no choice -- and I hope that you as the
13 Council will support me in this -- but to go to the
14 next step.
15 As of this morning, I have gone to the
16 Doraville Police Department and filed a criminal
17 complaint against the City relative to the issues that
18 I brought up on November 15th.
19 This doesn't mean that this will be an
20 internal investigation involving only the Doraville
21 police. What I've been told is going to happen is
22 that a detective will be assigned to this case and
23 that he will evaluate the data that I provide him and
24 that this will -- then he will go to the district
25 attorney's office and present this same material, and

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1 they will look at it and, as necessary, they will
2 bring in a GBI to do any additional investigation, and
3 it will end up in the grand jury.
4 This investigation will include the items
5 that I mentioned in my November presentation relative
6 to fraudulent overtime and personal expenses on credit
7 cards and fraudulent overtime issues.
8 The investigation will also include an
9 examination of other issues that have occurred during
10 the past few years, during which time a kind of
11 cultural corruption has occurred in this city.
12 And these sort of things involve the false
13 arrest and imprisonment of Tom Hart, which Scott
14 Haeberlin's name was all over the paperwork for that.
15 And in the trial, these things didn't hold up, and Tom
16 was acquitted. This cost -- Tom has a little bit of a
17 memory lapse, I think, on this. Scott's name was on
18 this. This cost Tom thousands and thousands of
19 dollars in attorney's fees and lost revenue, and it
20 was basically a crime that the City committed against
21 one of our citizens.
22 Another issue was the Eric Bart issue, who
23 tried to put in a hot dog stand and it cost him
24 thousands of dollars. This is another crime against
25 one of our -- one of our people in the city.

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1 MAYOR JENKINS: Thank you, sir.
2 MR. LIVINGSTON: Thank you.
3 - - -
4 (Applause)
5 - - -
6 MAYOR JENKINS: Mr. Livingston, you done
7 exactly what probably you should have done or wanted
8 to do, and this Council nor the Mayor was obligated
9 for you to set a date for us to answer you.
10 And I'll tell you this, as Mayor of the
11 city, I did an administrative review and I am
12 continuing that administrative review until it's
13 finished, whether it will be any good or not, but the
14 Mayor has that option in the charter.
15 MR. LIVINGSTON: Well --
16 MAYOR JENKINS: You said your say. Let me
17 finish.
18 And I did administrative review. Like the
19 overtime, it'll take some time on that, but I will do
20 what is right as far as I'm concerned on that. And
21 then if anybody wants to look at it, fine, or if they
22 don't. I've done my duty.
23 I did not answer you because we do not have
24 to answer you. You say, Do this by the first.
25 No, we don't have to do that. Council may

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1 disagree with me, but I say that's for the Council
2 too. So that's -- that's the way it is.
3 Anybody else? Come on up.
4 MR. ANDERSON: Stuart Anderson.
5 I want to commend the City Council on the
6 annual bonus thing. By my numbers, it's about
7 $38,000. I think it was a fiscal thing to do, and
8 I -- I appreciate it, anyway.
9 I was going to say something about the way
10 the agenda was situated relative to new business, but
11 Ms. Fleming I think has answered that or fixed that
12 situation, so we're going to be here until whatever
13 happens happens.
14 I guess my only comment relative to
15 Mr. Livingston and this whole deal is I won't say I'm
16 looking forward to it but I'm very interest to see how
17 this comes out.
18 And I appreciate the citizens that have
19 supported Scott. I don't think the issues are about
20 -- from what I've heard, I don't think the issues are
21 about him enforcing the ordinances.
22 But either way, both of these situations
23 need to be evaluated, and I appreciate your time.
24 Thanks.
25 MAYOR JENKINS: Thank you.

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1 Anybody else? Anybody else?
2 MS. GILMAN: Mayor, Council, my name is
3 Carol Gilman. I live at Chestnut Place here in
4 Doraville.
5 I'm here to speak on behalf of Scott
6 Haeberlin. As a city, we have an obligation to
7 safeguard our assets. That's more than a professional
8 audit standard; that's our duty. Scott Haeberlin is a
9 key asset to our city.
10 I suggest two things: that we provide Scott
11 with the tools to do his job and the support to do the
12 job that you hired him to do. He's competent, he's
13 professional, he's knowledgeable, he's experienced,
14 and he's affordable. I know he's competent, because
15 I've worked with him. I know he's knowledgeable,
16 because I've worked with him.
17 Scott Haeberlin has my support in his
18 position as city planner. It is my desire that this
19 Council and this Mayor give him your support too, and
20 I thank you for hearing me out.
21 MAYOR JENKINS: Thank you.
22 - - -
23 (Applause)
24 - - -
25 MAYOR JENKINS: Next? Come on up.

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1 MR. NOONAN: I'm John Noonan, Winters
2 Chapel. I'm here to speak in support of Scott
3 Haeberlin.
4 And the citizens of Doraville elected all of
5 you to represent us, and we told you that we wanted a
6 city planner. You interviewed several people, and you
7 selected Scott as the best candidate. And we told
8 you, and he agreed, that we needed to redo our zoning.
9 You-all approved it, every one of you
10 sitting up here. And as soon as somebody complains
11 about it, then all of a sudden it's kill the
12 messenger. Well, if somebody disagrees with Scott's
13 decision on a zoning matter, there is a mechanism; he
14 can appeal to y'all.
15 And then you can overrule his decision if
16 you want, but don't kill the messenger. He's only
17 doing what you told him to do. Thank you.
18 MAYOR JENKINS: Thank you.
19 - - -
20 (Applause)
21 - - -
22 MAYOR JENKINS: Anybody else? Going once?
23 - - -
24 (No response)
25 - - -

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MAYOR JENKINS: We're going into old business.
COUNCILMEMBER FLEMING: Can we take a break, Mayor, please?
MAYOR JENKINS: Ten-minute break.
- - -
(Brief recess)
- - -
MAYOR JENKINS: Meeting come to order.
Donna Pittman?
COUNCILMEMBER PITTMAN: Yes, sir. Actually this has only been withdrawn for this agenda. It will be moved to January -- we'll have further discussion -- due to the research that we're working on.
But if the Council doesn't mind, under Mayor's comments, I was going to -- we got rather busy, but I wanted to mention that the Christmas Tree lighting is this Friday from 6:00 to 8:00 o'clock, and we'd love for all of you to come out. There will be refreshments, Christmas tree lighting around 7:30. It's a very nice event, and we would love everyone to come out please.
MAYOR JENKINS: Okay. Maria?
COUNCILMEMBER ALEXANDER: Yes, sir. The agenda item is review of the entire sanitation code,

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which is code section -- I believe 15 in our code section.
Mr. Weed, did you have a chance to get with Mr. Strickland on the couple of questions we had as far as stormwater issues?
ATTORNEY WEED: No, Councilman.
COUNCILMEMBER ALEXANDER: Okay.
ATTORNEY WEED: Frankly, we were -- the highest priority was to get the legislative agenda items done. So we did do that, and I focused on that. But by the next agenda, I certainly can do that.
COUNCILMEMBER ALEXANDER: Okay. And I believe that Ms. Fleming had started her review of the code today.
Did you get the --? I had asked the Clerk to give everyone the questions and answers that the bid respondents for the sanitation asked. Did Council get those?
COUNCILMEMBER FLEMING: No.
COUNCILMEMBER ALEXANDER: Ms. Blackmon, if you would just do that, because some of the questions they asked and we answered, I believe those items need to be in the code section, such as the size limitations and the number of containers that will be picked up and things of that nature. So if we can

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just please leave this item on the next agenda?
CLERK BLACKMON: Uh-huh.
ATTORNEY WEED: And Councilman Alexander, to clarify, you're not asking for an actual revision yet; we're still in research-gathering mode?
COUNCILMEMBER ALEXANDER: Correct.
ATTORNEY WEED: Okay.
COUNCILMEMBER ALEXANDER: Because there was two items in there I believe that Mr. Strickland needed to respond to. One was about a drainage outlet on a dumpster and the other one was like a drainage outlet on a dumpster pad, and I don't believe those are allowed any longer because of stormwater.
MAYOR JENKINS: You don't need a motion on that, just postpone --
ATTORNEY WEED: No, sir.
MAYOR JENKINS: -- it till the next? Okay.
ATTORNEY WEED: I think we got it.
MAYOR JENKINS: Pam Fleming, item 3.
COUNCILMEMBER FLEMING: Yes, sir. Special events permit. This originated November 1st.
Presently, as I mentioned before, our special event code only deals with parades and processions. It does not deal with, for instance, on private property. It doesn't address anything on

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private property, just on public.
And I have reviewed our current code as well as Dekalb's, Norcross's, Chamblee's. And Ms. Alexander presented Sandy Springs' at the previous meeting. I reviewed that as well. I find that one to be more detailed; however, I do like it.
I was wondering whether Council has had an opportunity to review the editing that I've done in the green on the permit, special events permit, to determine whether any of these are acceptable, whether you want to put this ...
I do not want this special events permit to be put aside too much longer, nor do I think a TUP is the answer. I think both of those items, a temporary use permit is applicable, but yet a special events permit is totally different than a special -- a temporary use permit on property. Two different things. So I didn't want us to get confused with one or the other; it should actually be two items.
I'm not dealing with the temporary use permit. I am only dealing with the special events permit.
COUNCILMEMBER PACHUTA: I guess that's what I'm confused. So you want to modify our special events permit ordinance to then include the private

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1 property?
2 COUNCILMEMBER FLEMING: Absolutely.
3 COUNCILMEMBER PACHUTA: Okay. I guess my
4 preference is to keep them separate upon advice of
5 Mr. Weed, to have a special events permit for the
6 public property and then a temporary use permit,
7 private, whatever you want to call it -- private
8 special events permit for private property. I would
9 prefer to keep them separate.
10 COUNCILMEMBER FLEMING: The temporary use
11 permit would have to go through zoning.
12 COUNCILMEMBER PACHUTA: Just to make the
13 text amendment to the zoning code, and that's only to
14 -- I might be wrong; Scott, if you could correct me --
15 if they were going to add an accessory structure?
16 MR. HAEBERLIN: It all depends on how you
17 guys structure it. I would probably just be a
18 reviewing agent just like the building official and
19 the fire marshal. So we'd just sign off to make sure
20 there was no special zoning restrictions that would
21 prohibit it. I'd just be a reviewing agent, just one
22 of many.
23 COUNCILMEMBER FLEMING: Then, it doesn't
24 need to be in the actual Zoning Code of Ordinances.
25 MR. HAEBERLIN: As far as I understand, once

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1 we amend the Accessory Structure Ordinance to be very
2 generic, like we discussed at the last meeting, then
3 it will just be a nonzoning permit that will be issued
4 by the City.
5 COUNCILMEMBER FLEMING: Well, temporary use
6 permit and structures is coming up on 6th and 7th, and
7 those do not include the types of special events that
8 I think we're all accustomed to: grand openings and
9 community interest type items, religious activities on
10 their own private property when not zoned in R-1,
11 et cetera. So I still believe that we need to have a
12 special events permit and have a TUP as well.
13 COUNCILMEMBER PACHUTA: I think it's a
14 semantic thing that's in the way at the moment,
15 because I don't think they're necessarily ...
16 Currently, our special events permit is for
17 public property, and right now, we're looking to adopt
18 something on private property, which we have been
19 calling a temporary use permit. I mean it's
20 essentially a special use permit.
21 I know that counsel's preference is to
22 separate the public and private into two separate
23 ordinances.
24 ATTORNEY WEED: Well --
25 COUNCILMEMBER PACHUTA: And not that they're

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1 the same thing but they are the same general idea of a
2 public gathering -- one on public, one on private --
3 ATTORNEY WEED: I think your summation is --
4 COUNCILMEMBER PACHUTA: -- that is regulated
5 in some way.
6 ATTORNEY WEED: -- is pretty fair and
7 accurate.
8 You could rename the temporary use permit to
9 be a special use permit for private property if that
10 would give an additional comfort level to the Council
11 and members of the Council.
12 But the special event permit is designed and
13 has always been designed, apparently from its
14 inception, only to deal with First Amendment issues,
15 issues relevant to the use of public rights-of-way and
16 public streets particularly: demonstrations, things of
17 that nature.
18 Based upon Council's instruction, we looked
19 into the zoning ordinance. We were able to eliminate
20 a great deal of the language. We sent another draft
21 version of the ordinance out based upon the comments
22 Council made at the last zoning meeting, and we've
23 also made relevant changes to the temporary use
24 regulatory ordinance.
25 So the changes are in the works, and

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1 obviously we can continue to work on the language of
2 those provisions. But because we have utilized the
3 special events permit very often, at least in the last
4 few years, that seems to be working quite well for
5 what it's intended to do, which is limited to the
6 public landscape as opposed to private property. You
7 can name it whatever you wanted to.
8 COUNCILMEMBER FLEMING: But at this point,
9 on public property, it only allows you to have a
10 parade or a procession. It does not allow you to have
11 in the public right-of-way Boy Scouts selling
12 Christmas trees right now.
13 ATTORNEY WEED: That would be correct. But
14 the purpose of the temporary use permit would be to
15 allow that type of event to occur if it's related to
16 a business on private property.
17 COUNCILMEMBER BATES: And I disagree with
18 Councilmember Pachuta. In reviewing the Sandy Springs
19 and the Dunwoody ordinances that allow for both public
20 and private, it's inclusive of both within the
21 document.
22 Because we've got three or four pieces to
23 try to commingle and try to work together and come to
24 a resolution, there's not an immediate, pressing need,
25 I would much rather have us hash this out in a work

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1 session where we can focus on the temporary use
2 permit, where we can focus on the special events
3 permit; where we can review and evaluate the Sandy
4 Springs, the Chamblee, the Norcross, the Dunwoody
5 pieces of legislation and see if we can't find a way
6 to accomplish what I think our goal is, and that is to
7 allow for the Boy Scouts to sell pumpkins on the side
8 of the road or to allow a church to hold a bake sale
9 or to allow --
10 COUNCILMEMBER FLEMING: Or an art show or --
11 COUNCILMEMBER BATES: Yeah --
12 COUNCILMEMBER FLEMING: -- things like that.
13 COUNCILMEMBER BATES: -- those types of
14 things.
15 I just don't -- I don't think we're going to
16 get to it tonight because there are too many variable
17 pieces floating out there and we've got multiple
18 agenda items regarding this, and if we address the
19 special event piece now, then we've got to deal with 6
20 and 7.
21 So I would really like to pull all these off
22 the agenda and deal with them in a separate work
23 session.
24 COUNCILMEMBER FLEMING: And I do not mind
25 putting this off to a January work session, which is

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1 fine.
2 However, in my research, though I did not
3 bring the TUPs with me, I believe that all of the
4 cities that I have named as well as Dekalb County have
5 not only a special events permit code but they also
6 have a temporary use permit code which is completely
7 separate from and with different wording than would be
8 a special event.
9 So that's -- that is also my opinion: that
10 we need two separate things.
11 COUNCILMEMBER BATES: And that's where I'm
12 unclear, because I've not gotten clarity on what the
13 difference is between a temporary use permit and a
14 special events permit. To me, I'm reading them as
15 synonymous, just different semantics, and I'd like to
16 get some clarity on what the underlying differences
17 are between a temporary use and a special event.
18 So I'm going to make a motion to pull items
19 3, 6 and 7 under old business and add them to our work
20 session schedule, which is lengthy, but.
21 COUNCILMEMBER ROCHE: I'll second that.
22 COUNCILMEMBER FLEMING: Not for December,
23 though, however.
24 COUNCILMEMBER BATES: No, no. No, no.
25 CLERK BLACKMON: For January.

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1 COUNCILMEMBER PITTMAN: January sometime.
2 COUNCILMEMBER BATES: Yeah, January.
3 COUNCILMEMBER PACHUTA: Can I --?
4 COUNCILMEMBER BATES: Yeah. I think we just
5 add --
6 Do you have a running list of our work
7 session --
8 COUNCILMEMBER PACHUTA: Well, can I just
9 jump -- I may be jumping ahead. I have fee schedule
10 down on old business, and all I wanted to do is bring
11 that back up to Council's attention and get a date
12 scheduled for a work session.
13 So I don't know if we can maybe combine a
14 work session in January; we spend an hour on fee
15 schedule, an hour on special use permits, and set a
16 date or something like that.
17 COUNCILMEMBER BATES: I'm perfectly fine
18 with that because I know we've got massage and CSTTM.
19 CLERK BLACKMON: Those are the two that I
20 have next.
21 COUNCILMEMBER PACHUTA: Those are next
22 Tuesday.
23 COUNCILMEMBER BATES: Those are next
24 Tuesday.
25 CLERK BLACKMON: Right, correct, the 14th.

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1 COUNCILMEMBER BATES: Mr. Haeberlin, do we
2 have Sign Ordinance somewhere in the mix?
3 MR. HAEBERLIN: We just have not gotten back
4 to it. I mean we've got a -- you know, we've got a
5 good draft to work from.
6 COUNCILMEMBER BATES: Okay. Well, I'll make
7 the motion, then, to pull items 3, 6, 7, and I'll
8 amend my motion to put items 3, 6, 7 and 9 on January
9 10th work session.
10 COUNCILMEMBER ROCHE: And I'll second the
11 amendment.
12 MAYOR JENKINS: More discussion?
13 - - -
14 (No response)
15 - - -
16 MAYOR JENKINS: Call the roll.
17 CLERK BLACKMON: Councilmember Alexander?
18 COUNCILMEMBER ALEXANDER: Yes.
19 CLERK BLACKMON: Councilmember Bates?
20 COUNCILMEMBER BATES: Yes.
21 CLERK BLACKMON: Councilmember Fleming?
22 COUNCILMEMBER FLEMING: Yes.
23 CLERK BLACKMON: Councilmember Pachuta?
24 COUNCILMEMBER PACHUTA: Yes.
25 CLERK BLACKMON: Councilmember Pittman?

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1 COUNCILMEMBER PITTMAN: Yes.
2 CLERK BLACKMON: Councilmember Roche?
3 COUNCILMEMBER ROCHE: Yes.
4 MAYOR JENKINS: Karen?
5 COUNCILMEMBER PACHUTA: Actually, this will
6 just roll over onto the next agenda.
7 Luke Howe spoke to TSW, who's doing our LCI
8 study, just to get a general idea of what they could
9 do for us, and then he's to contact to some of the
10 other companies.
11 I think it's Bill Tunnell had e-mailed me
12 just -- you know, Is this what you're looking for?
13 And we've played phone tag, so I need to get back with
14 him.
15 Mr. Howe is working on that, I'm working on
16 that, and hopefully the next agenda I will have an
17 idea of cost, whether some of these groups will be
18 able to work with us for limited cost, and I'll have
19 more information. I'll e-mail Council as soon as I
20 get that.
21 MAYOR JENKINS: Okay. Thank you.
22 COUNCILMEMBER PACHUTA: So we'll put that on
23 the next agenda.
24 COUNCILMEMBER FLEMING: Ms. Blackmon, could
25 you tell me what the January calendar is for the first

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1 meeting, please?
2 CLERK BLACKMON: The 3rd is the first
3 meeting of the month. The workshop would be the 10th.
4 COUNCILMEMBER FLEMING: Okay. Thank you.
5 MAYOR JENKINS: Brian Bates?
6 COUNCILMEMBER BATES: Yes, sir. Thank you,
7 Mayor.
8 At the last meeting, we talked about moving
9 forward with our 2011 legislative agenda, and I'd like
10 to recognize our newly-elected House of
11 Representatives member, the Honorable Elena Parent,
12 who's with us this evening.
13 - - -
14 (Applause)
15 - - -
16 COUNCILMEMBER BATES: Congratulations, and
17 thank you for being here to participate in our agenda.
18 Attorney Weed has done a number of
19 resolutions for us that outline our legislative
20 priority as well as some very specific resolutions on
21 some items that we had identified were top in the
22 priority list.
23 So I'd like to take these one at a time, and
24 we'll start with the priority list resolution to
25 identify our legislative priorities. So I'll make a

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1 motion to adopt the legislative priority resolution.
2 COUNCILMEMBER FLEMING: Mr. Bates --
3 COUNCILMEMBER BATES: Yes, ma'am.
4 COUNCILMEMBER FLEMING: -- if you don't
5 mind, I will second that, but would you mind reading
6 it for the audience, please.
7 COUNCILMEMBER BATES: Sure.
8 (Reading) "Whereas, the Mayor and Council
9 of the City of Doraville are the duly elected
10 governing authority of the City of Doraville, Georgia;
11 "Whereas, the Mayor and Council, at a
12 regularly noticed City Council meeting on November 15,
13 2010 determined the legislative priorities for
14 presentation to Doraville's state legislative
15 delegation;
16 "Whereas, the Mayor and Council have
17 determined in descending order of importance their
18 state legislative goals for the 2011 General Assembly;
19 and
20 "Whereas, the Mayor and Council respectfully
21 and unanimously present to the state legislative
22 delegation the list of priorities below.
23 "The Mayor and City Council of the City of
24 Doraville, Georgia hereby resolve:
25 "1. The list offered below represents the

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1 City of Doraville's 2011 General Assembly list of
2 legislative priorities.
3 "A. Adopt a local Act authorizing a local
4 referendum on whether or not to change the form of
5 government from a full-time Mayor to a part-time Mayor
6 elected office and create a City Manager form of
7 government.
8 "B. Adopt a local Act changing the relevant
9 sections of the City Charter to effectuate a part-time
10 Mayor and City Manager form of government if the
11 concept is approved by referendum.
12 "C. Adopt a local Act activating the
13 Redevelopment Powers law in the city limits of
14 Doraville; adopt a local Act authorizing an increase
15 in the hotel/motel tax to 8%.
16 "D. Adopt a local Act to change the City
17 Charter to remove the existing millage cap.
18 "E. Adopt a local Act to amend the
19 homestead exemption in the City Charter; and
20 "F. Adopt an Act to appropriately annex
21 into the relevant and willing municipalities an
22 unincorporated island created solely as a result of
23 the creation of the City of Dunwoody for which no
24 other lawful remedy currently exists.
25 "2. This list is approved by the full Mayor

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and Council of the City of Doraville, Georgia. So resolved" hopefully this 6th day of December 2010.
COUNCILMEMBER FLEMING: And I second that.
COUNCILMEMBER BATES: 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?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
COUNCILMEMBER BATES: Thank you. The second resolution would be regarding specifically the Mayor/City Manager form of government, and that would be entitled (reading) "Whereas, the Mayor and Council of

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the City of Doraville are the duly elected governing authority of the City of Doraville, Georgia.
"Whereas, the Mayor and Council, at a regularly noticed City Council meeting on November 15, 2010 determined the legislative priorities for presentation to Doraville's state legislative delegation; and --
"Whereas, the Mayor and City Council desire to hear from the qualified voters of the City as to whether or not the citizens wish to move to a part-time office of Mayor, and, if so, also move to a City Manager form of government.
"The Mayor and City Council of the City of Doraville, Georgia hereby resolve:
"1. That the Doraville delegation of the Georgia General Assembly sponsor a local Act to provide for a local referendum and special election, if needed, to put before the voters questions essentially as follows.
"Yes/No. Shall the elected office of Mayor be changed from a full-time to a part-time position?
"Yes/No. Shall the City of Doraville become a City Manager form of government?
"2. That the General Assembly take all actions necessary to effectuate a call for the local

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referendum described hereinabove.
"3. That the General Assembly take all actions necessary, including, but not limited to, adoption of a local Act modifying the City Charter, if needed, post-referendum.
"So resolved" hopefully the 6th day of December, 2010, and that is in the form of a motion.
MAYOR JENKINS: Second?
COUNCILMEMBER PACHUTA: Second.
MAYOR JENKINS: More discussion?
COUNCILMEMBER FLEMING: I have a question for Mr. Weed.
If one is yes and the other one no, is that a problem?
ATTORNEY WEED: No, ma'am, not necessarily. Your current charter actually has built into it, if you activated it, the equivalent of a city manager form of government.
The only problem you would have is that you'd have a full-time city manager form of government and you'd have a full-time Mayor, but that's already built into the context of your existing charter. So the answer to your question is, no, ma'am, they're not mutually exclusive.
COUNCILMEMBER FLEMING: And what happens if

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they're both no?
COUNCILMEMBER BATES: Then we're status quo.
COUNCILMEMBER ROCHE: Well, I guess it could go the other way, too, where you could end up with a full-time Mayor but not a city manager.
ATTORNEY WEED: That's correct.
COUNCILMEMBER FLEMING: Okay.
MAYOR JENKINS: Any more discussion?
COUNCILMEMBER PACHUTA: I guess I don't know if we should --
COUNCILMEMBER ALEXANDER: It's non-binding --
COUNCILMEMBER PACHUTA: -- put in here --
COUNCILMEMBER ALEXANDER: -- so it doesn't --
COUNCILMEMBER PACHUTA: Yeah.
COUNCILMEMBER ALEXANDER: It's a nonbinding referendum.
COUNCILMEMBER FLEMING: Okay.
COUNCILMEMBER PACHUTA: I think you've mentioned the possibility of having a July referendum so that when the August qualifications come about, people would know whether we're moving.
Should we put that in the resolution or, I mean, discuss that with Ms. Parent?

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1 ATTORNEY WEED: Yeah.
2 COUNCILMEMBER PACHUTA: Does it say July?
3 COUNCILMEMBER ALEXANDER: It says special
4 election.
5 COUNCILMEMBER ROCHE: Special election.
6 ATTORNEY WEED: I dealt with it in --
7 COUNCILMEMBER ALEXANDER: Okay.
8 ATTORNEY WEED: -- the broad term of special
9 election --
10 COUNCILMEMBER PACHUTA: Okay.
11 ATTORNEY WEED: -- because I didn't know
12 when we would --
13 COUNCILMEMBER PACHUTA: Okay.
14 ATTORNEY WEED: -- be able to pull that off.
15 COUNCILMEMBER PACHUTA: Okay. That's fine.
16 COUNCILMEMBER FLEMING: Okay. But if we --
17 since we're still in the discussion stage; therefore,
18 we would have to pay for the special election in July.
19 COUNCILMEMBER ALEXANDER: Correct.
20 COUNCILMEMBER FLEMING: Okay.
21 ATTORNEY WEED: The only way to effectuate
22 this in any case to get it done so that the next --
23 COUNCILMEMBER FLEMING: Correct.
24 ATTORNEY WEED: -- class of candidates for
25 Mayor will know one way or the other if the City is

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1 going to have a special election.
2 COUNCILMEMBER FLEMING: Correct.
3 COUNCILMEMBER BATES: Which is why we wanted
4 it done this last session.
5 MAYOR JENKINS: Yeah.
6 COUNCILMEMBER ALEXANDER: So I guess the
7 second part of my question on this, then, is regarding
8 the next resolution, because the Mayor's salary is in
9 the next resolution and that salary is going to change
10 if it's a part-time position.
11 ATTORNEY WEED: Correct. And that would be
12 effectuated in part by the charter change which is
13 mentioned in both the resolutions but particularly in
14 the one we are now discussing. That's why the
15 language is in there with regard to: and to
16 effectuate and adopt, you know, an act to deal with
17 the charter change as necessary if the referendum
18 passes.
19 COUNCILMEMBER ROCHE: Do these salaries have
20 to be in the charter?
21 ATTORNEY WEED: That's a good question,
22 Councilman. My opinion is no, they don't necessarily
23 have to be in the charter.
24 They are. And the origin of that is hard to
25 tell from the annotations, but that's where they're at

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1 now, so we have to deal with that as it is.
2 Eventually, we might be able to take them out, but
3 right now, we've got to got to deal with the -- we
4 have to deal with the facts on the ground.
5 COUNCILMEMBER ALEXANDER: When we were
6 discussing the way the State law reads, was it my
7 understanding from you the State Legislature has to
8 approve salary changes or the voters have to approve
9 salary changes?
10 ATTORNEY WEED: For counties, the answer is
11 generally yes.
12 It turns out for cities that there is a very
13 specific statute in Title 36 which gives the local
14 governing body the authority, if they jumped in the
15 proper procedural hoops, to do that at the local
16 level.
17 But bearing that in mind, the problem that
18 we have is that it's in the charter, and in the past,
19 some Council or -- you know, your legal counsel or
20 some City Council put the salaries in the charter, and
21 that's where we're at now.
22 So if we elect to use the Title 36 statutory
23 provision, we still have to deal with what's in the
24 charter one way or the other. We can't get around
25 that.

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1 COUNCILMEMBER ALEXANDER: So what if we were
2 to remove the salary from the charter? What would be
3 the danger in that, that you have concerns it wasn't
4 properly ratified previously?
5 ATTORNEY WEED: Correct.
6 COUNCILMEMBER FLEMING: Ms. Alexander, do
7 you have a resolution for salaries in front of you?
8 COUNCILMEMBER ALEXANDER: Uh-huh.
9 COUNCILMEMBER BATES: It's the one that we
10 got by addendum in our packets.
11 ATTORNEY WEED: It's the next item, one of
12 the next items on the --
13 COUNCILMEMBER PACHUTA: Rhonda put it in our
14 packet.
15 COUNCILMEMBER BATES: Two down.
16 COUNCILMEMBER FLEMING: Okay. Sorry.
17 ATTORNEY WEED: I think the immediate danger
18 is just merely the speed with which this issue needs
19 to be dealt with.
20 Through no fault of anyone in this room,
21 this issue, Council made Herculean efforts to resolve
22 it before; no resolution came. Nobody's fault here.
23 But because we are in such a compressed time frame,
24 this is the best way I can advise you to get it done.
25 It a perfect world, we would use our home-

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1 rule powers under Title 36. We'd go through those
2 procedural hoops. We'd remove the language that deals
3 with the salaries out of the charter. We would then
4 pass an ordinance under Title 36 adopting whatever the
5 salaries are going to be.
6 My opinion is we just don't have time to
7 make that happen and proceed in the 2011 legislative
8 process to deal with the mayoral issue. Obviously, no
9 comment on the current Mayor, but the concept. There
10 just isn't enough time to get it all done. And that's
11 just the way it is; it happened that way.
12 If you're going to ask me the next question,
13 which is, next year, do we remove the salaries from
14 the charter, my opinion would be yes, that's when we
15 do it and how we need to go about doing it correct.
16 Well, this will be correct too, but how to
17 do it via the other mechanism.
18 COUNCILMEMBER ALEXANDER: The homestead
19 exemption is not in the charter?
20 ATTORNEY WEED: No, ma'am.
21 COUNCILMEMBER ALEXANDER: Okay.
22 MAYOR JENKINS: Okay. Any more discussion?
23 - - -
24 (No response)
25 - - -

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1 MAYOR JENKINS: Call the roll, please.
2 CLERK BLACKMON: Councilmember Alexander?
3 COUNCILMEMBER ALEXANDER: Yes.
4 CLERK BLACKMON: Councilmember Bates?
5 COUNCILMEMBER BATES: Yes.
6 CLERK BLACKMON: Councilmember Fleming?
7 COUNCILMEMBER FLEMING: Yes.
8 CLERK BLACKMON: Councilmember Pachuta?
9 COUNCILMEMBER PACHUTA: Yes.
10 CLERK BLACKMON: Councilmember Pittman?
11 COUNCILMEMBER PITTMAN: Yes.
12 CLERK BLACKMON: Councilmember Roche?
13 COUNCILMEMBER ROCHE: Yes.
14 COUNCILMEMBER BATES: The third resolution
15 is the redevelopment powers referendum. (Reading)
16 "Whereas, the Mayor and Council of the City of
17 Doraville are the duly elected governing authority of
18 the City of Doraville, Georgia;
19 "Whereas, the Mayor and Council, at a
20 regularly noticed City Council meeting on November 15,
21 2010 determined the legislative priorities for
22 presentation to Doraville's state legislative
23 delegation;
24 "Whereas, Official Code of Georgia Annotated
25 Section 36-44-1, et. seq, and 36-44-22, particularly,

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1 provide that a municipality's legislatively granted
2 redevelopment powers can be activated upon a local Act
3 where such Act is approved by a majority of the
4 qualified voters of the affected political
5 subdivision; and
6 "Whereas, the Mayor and Council respectfully
7 request that the Doraville delegation of the 2011
8 General Assembly take all legislative steps necessary
9 to effectuate the local Act needed to activate the
10 City's redevelopment powers if such activation is
11 approved in a special election of the qualified
12 voters.
13 "The Mayor and City Council of the City of
14 Doraville, Georgia hereby resolve"
15 "1. That the 2011 General Assembly adopt a
16 local Act pursuant to O.C.G.A. 36-44-1 et. seq and
17 36-44-22, particularly to activate the City of
18 Doraville, Georgia's redevelopment powers and call for
19 a special election of the qualified voters a question
20 essentially as follows:
21 "Yes/No. Shall redevelopment powers as set
22 out in Georgia law be activated in the city limits of
23 the City of Doraville, Georgia?
24 "2. That the General Assembly take all
25 actions necessary to effectuate a call for the local

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1 referendum described hereinabove and, if such
2 referendum passes, to activate the redevelopment
3 powers set out by law.
4 "So resolved" hopefully this 6th day of
5 December, 2010.
6 So moved.
7 COUNCILMEMBER PACHUTA: Second.
8 COUNCILMEMBER ALEXANDER: Should the
9 language be changed? because the other says "provide
10 for a local referendum and special election if
11 needed."
12 This one just tells it to call for a special
13 election. I don't want to call for a special election
14 if we don't need it.
15 COUNCILMEMBER PACHUTA: Because we could
16 just put this on the November ballot.
17 COUNCILMEMBER ALEXANDER: Correct.
18 ATTORNEY WEED: Correct. Yes, that's
19 correct; that's fine. So in my opinion, that would be
20 fine.
21 So how would you -- Tell me how you'd like
22 it to read.
23 COUNCILMEMBER ALEXANDER: Your other one
24 says "to provide for a local referendum and special
25 election if needed."

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ATTORNEY WEED: Okay.
COUNCILMEMBER BATES: I'll accept the amendment.
COUNCILMEMBER PACHUTA: I'll amend my 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 BATES: And the fourth and final resolution is regarding additional charter changes. Practice my speaking skills tonight.

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"Whereas, the Mayor and Council of the City of Doraville are the duly elected governing authority of the City of Doraville, Georgia;
"Whereas, the Mayor and Council, at a regularly noticed City Council meeting on November 15, 2010 determined the legislative priorities for presentation to Doraville's state legislative delegation;
"Whereas, the Mayor and Council, as part of their ongoing effort to eliminate redundancies, keep up to date on current laws, and streamline operations, regularly review the City's Charter;
"Whereas, the Mayor and Council have determined that certain Charter changes, some of which are more appropriately dealt with through the General Assembly by Local Act rather than by Article IX, Section II, Paragraph I of the Constitution of the State of Georgia; and
"Whereas, the Mayor and Council respectfully request that the Doraville delegation of the Georgia General Assembly adopt a local Act making the following changes to the City Charter of the City of Doraville, Georgia;
"The Mayor and City Council of the City of Doraville, Georgia hereby resolve:

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"1. That Section 2.07 be amended to read as follows:
"Section 2.07. Compensation and expenses. Be it further enacted that the Mayor shall receive a salary of $70,000.00 per year, beginning January 7, 2008. The Mayor, when authorized by the Council and upon the presentation of itemized vouchers, shall receive his or her actual and necessary expenses incurred in the performance of his or her duties of office. Be it further enacted that the Mayor Pro Tem and each other member of the City Council shall receive a salary of $1,200.00 per month, beginning January 7, 2008. Each Councilmember, when authorized by the Council and upon the presentation of itemized vouchers, shall receive their actual and necessary expenses incurred in the performance of their duties of office.
"2. That Section 4.03 be amended to read as follows:
"Section 4.03. Tax levy. Be it further enacted that the Council shall be authorized to levy an ad valorem tax on all real and personal property within the corporate limits of the City for the purposes of raising revenues to defray the costs of operating the City government, providing governmental

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services, and for other public purposes as determined by the Council in its discretion. The Council is also authorized to provide for sufficient levy to pay principal and interest on general obligations. The City of Doraville is hereby exempted from the provisions of Georgia Code Section(s) 92-4101 through 92-4104, inclusive. Said ad valorem tax levy, except such as may be made for bonded indebtedness, shall not exceed ten (10) mills.
"3. That Section 4.01 be amended to read as follows:
"Section 5.01. Regular elections; time for holding and taking office. Be it further enacted that, except as otherwise provided in this Charter, the regular election for Mayor, or for councilmen as the case may be, shall be held on the Tuesday next following the first Monday in November in each odd numbered year and terms shall be staggered as hereinafter provided. Runoff elections, if required, shall be held in accordance with O.C.G.A. Section 21-2-501 and any amendment thereto. Officials elected at any regular election shall take office on the first day of January next following such election.
"4. That Section 5.02 be amended to read as follows:

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"Section 5.02. Notice of candidacy. Be it further enacted that any person desiring to become a candidate in any regular election shall file written notice of his candidacy with the municipal superintendent pursuant to O.C.G.A. 21-1-132 and any amendment thereto. Each municipal superintendent shall designate the days of the qualifying period, which shall be no less than three (3) days and no more than (5) days. The days of the qualifying period shall be consecutive days. Qualifying periods shall commence no earlier than 8:30 a.m. on the last Monday in August immediately preceding the general election and shall end no later than 4:30 p.m. on the following Friday; and, in the case of a special election, the municipal qualifying period shall commence no earlier than the date of the call and shall end no later than 25 days prior to the election. A qualifying fee of three percent (3%) of the total gross salary of the office paid in the preceding calendar year pursuant to O.C.G.A. 21-2-131 and any amendment thereto, shall be paid by each candidate in a regular or special election at the time his notice of candidacy is filed.

"So resolved" hopefully this 6th day of December, 2010. So moved.

COUNCILMEMBER PACHUTA: Second.

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COUNCILMEMBER ROCHE: And just for the record, the current limit on the mills is?

COUNCILMEMBER BATES: 8.

COUNCILMEMBER ROCHE: 8.

MAYOR JENKINS: More discussion?

- - -

(No response)

- - -

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR JENKINS: All right.

COUNCILMEMBER BATES: And for the record, I'm done talking.

COUNCILMEMBER PACHUTA: Are we going to continue working on resolutions for our remaining

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priorities the next meeting or --

COUNCILMEMBER FLEMING: I didn't hear what you said.

COUNCILMEMBER PACHUTA: Are we going to continue, you know, the homestead exemption -- I mean other legislative priorities that we would still at some point need to do individual resolutions on?

COUNCILMEMBER BATES: Let's get through these first.

COUNCILMEMBER PACHUTA: Do we just want to keep this on the agenda?

COUNCILMEMBER FLEMING: I thought that first one that Brian read was our priority list.

COUNCILMEMBER PACHUTA: Are we not going to do individual resolutions for each one?

COUNCILMEMBER BATES: Well, we had -- there are a couple of additional items in the initial resolution that we didn't do detailed resolutions on.

COUNCILMEMBER FLEMING: Individual resolutions.

COUNCILMEMBER BATES: Right, right.

COUNCILMEMBER PACHUTA: Correct.

COUNCILMEMBER BATES: Like the homestead exemption --

COUNCILMEMBER PACHUTA: The hotel/motel tax.

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COUNCILMEMBER BATES: -- and the hotel/motel tax.

ATTORNEY WEED: You chose to do that on purpose because you wanted to deal with the ones that -- you wanted to give the legislature suggestions as to how the referendum language would actually be crafted.

COUNCILMEMBER PACHUTA: Okay.

ATTORNEY WEED: On some of the ones such as the homestead exemption --

COUNCILMEMBER PACHUTA: Okay.

ATTORNEY WEED: -- you know, they won't need extra help to do that, so to speak, to get the flavor of how you want to handle that. That's more cookie cutter.

COUNCILMEMBER ALEXANDER: But they do need to know what we want the referendum to say.

ATTORNEY WEED: Well, that's true.

Well, you won't need a referendum but you'll need a statute.

COUNCILMEMBER PACHUTA: With the homestead exemption, is that not a referendum?

ATTORNEY WEED: Oh, that's correct. I'm sorry.

COUNCILMEMBER ALEXANDER: Yes.

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COUNCILMEMBER PACHUTA: So we will probably need to work -- at least put homestead exemption on another agenda to discuss.
COUNCILMEMBER BATES: Yes.
Can you do that for the January?
ATTORNEY WEED: Sure.
COUNCILMEMBER BATES: Thank you.
ATTORNEY WEED: Would you send me some e-mails as to some ideas of how you -- what your thoughts are --
COUNCILMEMBER ALEXANDER: Yes.
ATTORNEY WEED: -- with regard to amounts?
COUNCILMEMBER BATES: Yes.
COUNCILMEMBER ALEXANDER: Yes.
ATTORNEY WEED: That's all I need.
And I'd like to ask the Council one thing.
There's a general rule in the charter about, you know, making sure that ordinances adopted or resolutions are, you know, in a form before you. And you've made some changes tonight, so I just want to let you know that I will be putting two of the resolutions on your next agenda for another approval.
MAYOR JENKINS: Okay.
CLERK BLACKMON: Can I get clarification from Councilman Bates?

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I am going to leave this item without the ABCs and let that carry over under old business to the January 3rd, or do you want it as a new item when Mr. Weed produces the other draft?
COUNCILMEMBER BATES: You can leave it on old business --
CLERK BLACKMON: Okay.
COUNCILMEMBER BATES: -- but you can put just subsection --
CLERK BLACKMON: His new --
COUNCILMEMBER BATES: -- well, the revised based on tonight, and then the new one on the homestead exemption.
ATTORNEY WEED: I'll do an independent agenda sheet to make it easier.
CLERK BLACKMON: I just want to make sure we're going to carry it to old business.
COUNCILMEMBER BATES: Yes, ma'am. Thank you.
CLERK BLACKMON: Thank you.
ATTORNEY WEED: Thank you.
MAYOR JENKINS: I believe we're at number 8.
COUNCILMEMBER FLEMING: Yes.
COUNCILMEMBER BATES: Yes.
COUNCILMEMBER PACHUTA: Yes.

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MAYOR JENKINS: Okay. Pam?
COUNCILMEMBER FLEMING: Yes, sir, I believe that's correct.
The reason why I have conditions and variances decisions follow-up is because many times during our zoning public hearings Council has made conditions on properties and also has approved or not approved variances, and we've made specific comments.
And to me, unfortunately, the only follow-up a resident or a business owner or we or even the planner, for that manner, has is to go back to the minutes after they're published and possibly have to wonder when the minutes were published, to determine what the variances are and what the conditions are.
And I really feel that a procedure or policy needs to be put into place to indicate what -- a formal letter of what the conditions were or what the variances were that we approved or denied, attach it to the original application so that it is with the original, and then start a file of conditions and variances by address; because if the property is sold, we've got it by the address. The new owner comes in, takes over; they're going to need to know what the conditions are as well. We need to get a copy for our records so we can attach it to our paperwork, and then

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a copy of the formal decision letter needs to be sent to the applicant.
Creating a file by addresses I think is necessary for future reference, whether it be for next council, for next planner, for next mayor or whatever it might be, just so that we've got something on file by address as well. And so I was proposing that we definitely adopt some type of policy or procedure to look into this.
COUNCILMEMBER ALEXANDER: One of the things I had discussed with Mr. Weed also regarding this, I think we're going to -- he likes us to adopt a zoning map annually. I think what he would prefer is to have a visual on the map, on the actual parcel, that identifies that that particular parcel does have conditions on it.
COUNCILMEMBER FLEMING: And I agree with that totally, a visual to be able to see that "C," like "R-1C" or whatever it might be, or 4989 if it's R-1 and there's a "C" on it, because I do believe that Mr. Haeberlin is indicating the conditions on specific parcels.
But then you've got to go back to all the minutes to decide -- or try to go through the minutes to determine when we put the conditions on there and

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then read the minutes to determine what they were.
COUNCILMEMBER BATES: I guess my question would be for Mr. Haeberlin, how are the -- when conditions are put on properties, how are they tracked and notated for -- as Ms. Fleming has mentioned, for subsequent property owners that may be impacted by conditions that they weren't part of in the initial process?
MR. HAEBERLIN: Okay. Well, certainly in the last two and a half years, the map represents with a small "C," conditions, and then the date of when that was adopted, so that's now being put on the map. And that helps me, as staff, but everybody else too. That way, you can refer to specific minutes.
Now, we have -- minutes now are in electronic media format, so all the department directors receive the minutes of the City Council meetings, and I have the same access to those. And so oftentimes, I pull down, you know, the minutes off a word program and print them to read them, to go through when I'm doing plan review.
So what you're talking about is really enforcement of the minutes. And that occurs through the actual plan review process when we're working with applicants to get them into the property, and so that

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really is an onus on your staff.
In other words, the plans that are approved by the City that go out as permits should be technically correct in accordance with what you passed, not only with what you passed but what the zoning ordinance says. So we're doing that through actual on-the-job work, so to speak.
COUNCILMEMBER BATES: But when we have a zoning hearing and conditions are placed on the property, what notification goes to the property owner outside of their notes from that evening?
MR. HAEBERLIN: There's no technical notification that occurs. And one of the reasons why it doesn't, because there is a significant time lag on the minutes. And if I was to write a notification, I would just say, your item was either approved or denied on this date, refer to official minutes, and I would attach the minutes. That's one of the values of having Terri present is that there's no perception of what I remember or what another person remembers. It's factual and in the minutes.
The Council often does make changes to recommendations, so those changes are noted in the minutes. I don't try to go back and resummarize what occurred, in a letter.

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If I did provide notification and if that's what the Council wants to do, I would just say the date, what happened, and "see attached minutes," so I would attach the minutes.
To me, it's using a lot of paper that really, to me, is unnecessary, because it really only involves your staff in implementing what you desire; in other words, what you pass. And we're supposed to be doing that in the field every day. That's the onus on us as staff.
But we're using the map like Mr. Weed suggests. The last two and a half years are already clearly on there.
Now, what needs to be done is the prior 40-some-odd years need to be looked at. And I really need to go and look at all those properties and their files if I can locate as much as I can, and go back and try to figure out the prior 30 to 40 years of zoning prior to that and change the map -- again, C's for conditional.
COUNCILMEMBER BATES: So to Ms. Fleming's point, if there was a file that listed all of the properties that had conditions placed upon them, by address, would that not effectuate a quicker review down the road?

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MR. HAEBERLIN: Well, not really, because I already maintain files. I mean you-all don't know this because -- well, you see sometimes when I'm in meetings.
Everything is color-coded; it tells me what its purpose is. And red happens to be text amendment, zoning cases; green happens to be variances, and yellows are appeals, so. And I have a label of course on there telling the meeting date, et cetera, the address. And those are stored in an alphabetical format. So when I look at the map and I know that there's been a case on that, then I just go to the file cabinet.
I mean that's -- again, that's how when we're -- we're actually taking your desire and your wishes and your decisions in the plan review process and making it happen by reviewing the plans, passing the permit and then inspecting the property.
COUNCILMEMBER BATES: Thank you.
COUNCILMEMBER ROCHE: Now, if I was a property owner -- and I'm thinking of the Galloway property -- or if I was a business person and I was considering opening a business here in Doraville and I wanted to purchase, for instance, the Galloway property, I remember that night we put a couple of

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1 conditions on that property, one of which, if I
2 remember correctly, was that you must install a black
3 metal bench on the property.
4 MR. HAEBERLIN: That's correct.
5 COUNCILMEMBER ROCHE: You know, how would I
6 know this?
7 And secondly, if I decide that because I'm
8 going to go with more earth tones and I decide I want
9 a dark green metal bench, I'm told that would be a --
10 I'd have to get a what? a variance from the --
11 ATTORNEY WEED: Possibly, yes. I mean
12 correct.
13 COUNCILMEMBER ROCHE: Right. And I'm just
14 trying to figure out how we would find all this out
15 other than happening to know what day it was.
16 MR. HAEBERLIN: Let's avoid that
17 terminology, because that's going to confuse the
18 audience. Let's not use "variance." Let's use change
19 of conditions or zoning modification.
20 ATTORNEY WEED: According -- I'm going to
21 try and make this brief but this is relevant to the
22 conversation. In Title 36, in the zoning code, a
23 condition is very much like -- a condition goes with
24 the zoning; it becomes part and parcel of the zoning.
25 Therefore, Mr. Galloway, had he agreed to

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1 the condition and had Council, you know, made him do
2 that condition -- and I don't believe you did, but
3 let's assume that he agreed to it, and you made him --
4 then he would have to do that or he would be in
5 violation of the zoning code just like if he opened up
6 a nude dancing establishment and that wasn't allowed
7 at that particular zone, and he knows that. So
8 hopefully the time lag between his failure to put in
9 the black bench and a citation is narrowed, or at
10 least a warning.
11 And then if he wanted to come in and
12 negotiate out a change to that, then it would be, in
13 effect, a change of zoning. So the next person who
14 got the property wanted to use earth tones rather than
15 black, yes, that could be achieved. They'd come
16 before Council, and you'd change the condition.
17 COUNCILMEMBER ROCHE: But my question is
18 this: How would that next person four or five or six
19 years down the road, who decides to purchase that
20 property, even know that part of purchasing that
21 property is that I have to build and have a dark black
22 bench? You know, how would we know?
23 COUNCILMEMBER FLEMING: And landscaping.
24 COUNCILMEMBER ROCHE: And that's the whole
25 point of what we're talking about.

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1 COUNCILMEMBER FLEMING: And landscaping
2 also, and --
3 ATTORNEY WEED: Correct.
4 COUNCILMEMBER FLEMING: -- we had to have
5 some special parking in the back, you know, on that
6 specific property.
7 ATTORNEY WEED: Yeah. What you do is you
8 perform your due diligence. You are required to --
9 you know, you or your closing attorney or both goes
10 back and checks the lien records to make sure there
11 are no liens filed, because you're going to end up
12 having to pay that at closing.
13 You go and find out, if you are moving into
14 a subdivision, if there's any applicable restrictive
15 covenants and whether you can live with those
16 covenants or not.
17 So generally, it's let the buyer beware.
18 The buyer --
19 COUNCILMEMBER ROCHE: The truth is we have
20 to go back --
21 ATTORNEY WEED: -- has got a duty to go look
22 up and take care of themselves.
23 COUNCILMEMBER ROCHE: So you essentially
24 have to go back and read all the minutes.
25 MR. HAEBERLIN: No, no.

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1 ATTORNEY WEED: No. You'd come to --
2 MR. HAEBERLIN: Huh-uh.
3 ATTORNEY WEED: -- the zoning office and --
4 MR. HAEBERLIN: No.
5 ATTORNEY WEED: -- and get Mr. Haeberlin --
6 MR. HAEBERLIN: Come to us.
7 ATTORNEY WEED: -- to look up --
8 MR. HAEBERLIN: Yeah.
9 ATTORNEY WEED: -- the minutes for you.
10 MR. HAEBERLIN: Well, and you wouldn't even
11 have to do that, because I have provided the
12 electronic format of our zoning map. And remember,
13 that's just at a certain point time, because we're
14 always working on updating it as we get new cases. I
15 provide that to the Mayor's assistant, and that is
16 online. And so you can actually look at the zoning
17 map online or you could come into our office. You
18 could come into the Clerk's office as well. My
19 preference would be the Clerk's office, but, again, I
20 have a copy of the official zoning map.
21 And you would see if the property has a
22 small C on it, which would mean conditions, and next
23 to that is the minutes' dates on there, and you can go
24 to our City Web site and actually pull down those
25 minutes and look at them or print them for free.

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1 Also, too, oftentimes when people buy
2 property, they will request from me what's called a
3 zoning certification. So if I get a zoning
4 certification request on the property, I actually
5 research its zoning and I provide them copies of what
6 occurred. In other words, if it was approved with
7 conditions, I would attach the minutes.
8 So I'm always going to rely on the minutes.
9 That's the great value of having the court reporter.
10 But they would be attached to a typical
11 zoning certification letter or they'd be there on the
12 map, so it's actually in multiple locations.
13 So prior to two and a half years, they
14 didn't do that. But again, that's just reflective on
15 a change in staffing, so. I mean they're there. It's
16 well known to the public.
17 ATTORNEY WEED: At some point, the
18 individual who's purchasing the property who's got an
19 interest in it, as paternal as me might want to be to
20 help people, at a certain point, they have to take
21 their own responsibility for what they do and make
22 sure that they're not buying a pig in a poke.
23 COUNCILMEMBER FLEMING: Well, the main
24 reason why I feel that this is necessary is that there
25 are many times when I personally feel that we are not

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1 trying to educate either the residents or the business
2 owners to the fullest extent. And I just felt that a
3 formal decision letter -- you know, "Welcome to the
4 city," or, "Thank you for your application," or, "Your
5 next step in this process is ... And by the way,
6 attached are the conditions or variances that we've
7 attached to this property."
8 So that's the reason why I was putting this
9 forward for discussion and possible ...And I
10 appreciate Mr. Haeberlin's comments.
11 MR. HAEBERLIN: We do. I want you to know
12 we do do some of that. But a lot of it is with
13 electronic media. It's so much easier, really, to
14 converse with our applicants through e-mail, and they
15 like that because they have records of it. And I do
16 that a lot, and that's thousands every day, seriously.
17 And we do -- you know, there are occasions
18 where if somebody needs something very specific, they
19 ask for it. But I think that they value the
20 electronic format in which we converse, and that
21 creates good records for them and it's easy for them.
22 It's easy and timely; it's quick, because I try to
23 answer e-mail on a continuous basis, and so --
24 And again, some of it reflective on
25 staffing. We just -- as I've told the Council before,

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1 there's only so much one person can do. So at some
2 point I -- I try to do the most important things
3 first, and that's keep your cases going, keep your
4 maps up to date, et cetera.
5 COUNCILMEMBER FLEMING: Well, just recently
6 you sent an e-mail or a letter and you -- this is just
7 a comment -- you referred to a set of minutes and made
8 a comment in it that Council had denied such-and-such.
9 And when I went back, you know, I had to
10 find the minutes and everything. It would have been
11 so much easier had I already received some type of
12 document rather than having to find the minutes and
13 read them at home. And based on what I read, we had
14 not denied; we had approved.
15 So I truly feel that we need to have a
16 follow-up report after our public zoning hearings, and
17 I'd like to hear from the rest of the Council on it.
18 COUNCILMEMBER ROCHE: Well, I do agree,
19 obviously. And that was one particular situation
20 where if we had just -- if no one had gone beyond, you
21 know, we would have thought that it was denied when it
22 was actually approved, so.
23 I think we need to go out of our way -- or
24 not at least go out of our way, but at least make it
25 reasonably easy for citizens, businesses, whoever

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1 comes to City Hall to get the information they need to
2 make the decisions about what they want to do. And
3 they should be told up front everything that they need
4 to do; not piecemeal, not I have to go here and go
5 there, and it's a treasure hunt, basically, to try to
6 find out what's going on.
7 And I understand that yes, we do typically
8 publish most minutes. But there have been times when
9 things have not gotten published and there have been
10 times when it's been quite a while since things get
11 published too. Some ordinances don't get published,
12 you know, and it's -- having to pick through all that
13 is just ...
14 I think that anything we can do to be more
15 user friendly to the people that come to us for
16 service is a good thing to do. And I don't really see
17 that this is a huge burden to be able to have a file
18 someplace for a property and be able to look in there,
19 even if it's just a copy of the motion itself in that
20 file so someone can pull it out and say, here's the
21 motion as it was made. Because typically when we make
22 our motions on zonings, we say, with these conditions
23 or without these conditions or whatever, and they're
24 specified. And then and only then if you need more
25 information, I guess you -- you could certainly go

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1 back to the minutes.
2 COUNCILMEMBER FLEMING: I'd like to make a
3 motion to adopt a policy or procedure for the planning
4 and zoning decisions required for conditional use
5 permits and variances.
6 COUNCILMEMBER ALEXANDER: It's not a
7 conditional use.
8 COUNCILMEMBER FLEMING: I'm sorry?
9 COUNCILMEMBER ALEXANDER: It's not a
10 conditional use. It's conditions.
11 COUNCILMEMBER FLEMING: I'm very sorry. For
12 conditions and variances, so that the creation of a
13 formal decision letter will be attached to the
14 original application, possibly a file of conditions,
15 but a policy set. I'll leave that up to the Mayor and
16 planner and Mr. Weed to create for us.
17 COUNCILMEMBER ROCHE: I'll second that.
18 MAYOR JENKINS: Any more discussion?
19 - - -
20 (No response)
21 - - -
22 MAYOR JENKINS: Call the roll.
23 CLERK BLACKMON: Councilmember Alexander?
24 COUNCILMEMBER ALEXANDER: Yes.
25 CLERK BLACKMON: Councilmember Bates?

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1 COUNCILMEMBER BATES: Yes.
2 CLERK BLACKMON: Councilmember Fleming?
3 COUNCILMEMBER FLEMING: Yes.
4 CLERK BLACKMON: Councilmember Pachuta?
5 COUNCILMEMBER PACHUTA: Yes.
6 CLERK BLACKMON: Councilmember Pittman?
7 COUNCILMEMBER PITTMAN: Yes.
8 CLERK BLACKMON: Councilmember Roche?
9 COUNCILMEMBER ROCHE: Yes.
10 COUNCILMEMBER FLEMING: Thank you.
11 MAYOR JENKINS: All right.
12 ATTORNEY WEED: I just want to clarify the
13 record that what is going to be done will be just
14 that: it will be a policy. In other words, there
15 won't be an ordinance written, because then we'd have
16 to go through the ZPA and run an ad and have a public
17 hearing.
18 All the intention of the Council is is that
19 the planner through his office, with the approval of
20 his supervisor, will create a policy, and I just want
21 to put that on the record.
22 COUNCILMEMBER FLEMING: Thank you.
23 MAYOR JENKINS: You're next, Karen.
24 COUNCILMEMBER PACHUTA: We've moved this to
25 the January work session.

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1 MAYOR JENKINS: Okay. Yeshiva, that's
2 yours, Murray.
3 ATTORNEY WEED: Yes, Mr. Mayor. I want to
4 just basically -- I have reported to the Council on
5 this matter previously.
6 You will recall that some months ago, a
7 sidewalk was built in city right-of-way without the
8 permission of the City. Rabbi Paul generously donated
9 the sidewalk to the City.
10 I followed up with Yeshiva school in an
11 attempt to essentially have the follow-up paperwork
12 with regard to the donation. After months of trying
13 to follow up with them, I finally received some
14 contact back from their board of directors in the form
15 of their counsel or at least a person who happens to
16 be a lawyer who is on their board of directors, one
17 Kitty Cohen, and they sent the Council a letter which
18 I have made sure that you've gotten.
19 Essentially, it would be their preference
20 now not to donate the sidewalk, and they would like to
21 destroy it.
22 Obviously, I need to find out what the
23 Council wants done.
24 We can -- in my opinion, based upon the case
25 law, we can insist upon keeping the sidewalk without

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1 paying Yeshiva for it, we could condemn the sidewalk
2 and pay fair market value for it, or we could also
3 insist the sidewalk be demolished.
4 COUNCILMEMBER PACHUTA: I don't have --
5 COUNCILMEMBER FLEMING: But they now --
6 Oh, I'm sorry. Go ahead.
7 COUNCILMEMBER PACHUTA: I don't have her
8 letter in front of me. Was she wanting us to pay for
9 the demolition in that letter?
10 ATTORNEY WEED: What she told me on the
11 phone and what I read from the letter is that they
12 will demolish it at no cost to the City.
13 COUNCILMEMBER FLEMING: And they're going to
14 leave it bare land?
15 ATTORNEY WEED: Yes, they would leave it
16 naked land.
17 COUNCILMEMBER FLEMING: So would we require
18 them to have a land disturbance permit?
19 ATTORNEY WEED: I would advise the relevant
20 members of staff that they get all permitting with
21 regard to this --
22 COUNCILMEMBER FLEMING: And we're --
23 ATTORNEY WEED: -- because they --
24 COUNCILMEMBER FLEMING: -- going to charge
25 them for the permits and everything.

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ATTORNEY WEED: I would certainly hope we would.
COUNCILMEMBER FLEMING: Okay.
COUNCILMEMBER BATES: I have -- I have no issue with moving forward with allowing them to demo the sidewalk and get the permits. They built it without the City's permission, without relevant inspections; I think the onus is on them to take care of this.
Of the three options, I don't want to own a sidewalk that may be poorly constructed over there by Yeshiva, so my preference would be to allow them to obtain the permits to demo the sidewalk of their own accord.
MAYOR JENKINS: After they get all permits, yeah.
COUNCILMEMBER BATES: That would be my preference, yes, sir.
MAYOR JENKINS: Second?
COUNCILMEMBER BATES: I mean I didn't make a motion; I was just making a comment.
COUNCILMEMBER FLEMING: Since I haven't really paid that much attention to the depth of the sidewalk, will that cause a lot of runoff in the neighbors' yards across the street?

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ATTORNEY WEED: Councilman, that is beyond my area of expertise.
COUNCILMEMBER ALEXANDER: There is a curb there.
COUNCILMEMBER FLEMING: I'm sorry?
COUNCILMEMBER ALEXANDER: There's a curb there.
COUNCILMEMBER PACHUTA: And really they didn't build it to be a sidewalk; they built it for parking.
COUNCILMEMBER PITTMAN: Uh-huh.
COUNCILMEMBER FLEMING: Oh, no, I realize that, but the amount of clay and, you know, putting nothing down underneath it.
ATTORNEY WEED: I would advise Council that if you elect to allow them to demolish it, obviously they're going to have to get a demolition permit, and you know, the building inspector will need to go and make sure that it's demolished in accordance with the law. And if they need to have -- if they have to -- you know, whatever proper stormwater runoff procedures that would need to be, you know, effectuated would be effectuated.
COUNCILMEMBER ROCHE: Wouldn't they have to replace it with sod or something? They can't just

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leave it dirt, can they?
ATTORNEY WEED: Their letter says they want to leave it the way they found it.
Once again, if you want me to make sure that they put in sod, I will tell them to do so.
MR. HAEBERLIN: Yes, sir. That would be the easiest way for permanent stabilization to occur is actually make them come in and bring dirt back in, topsoil; regrade it, bring it back up to the grade it was and sod it, because grass seed at this time of the year will not take hold. And if you want to return that neighborhood to where it was, you need to require sod.
COUNCILMEMBER FLEMING: So when the motion is made, that's the way that we're going to make the motion?
COUNCILMEMBER ALEXANDER: We don't know how it was before the sidewalk was built, either.
MAYOR JENKINS: It was just grass.
COUNCILMEMBER ALEXANDER: The state of the land, if there was top -- the depth of the topsoil removed. We don't know the state prior to the sidewalk being built.
ATTORNEY WEED: My advice on this matter would be if you elect to allow them to demolish it,

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that it be resodded, regraded, fill dirt be added, whatever it takes to make it appropriate in the context of that right-of-way and that neighborhood, whatever those standards may be. The building inspector should know that.
COUNCILMEMBER BATES: (To the audience) Ladies and gentlemen, if you could please keep your comments, no comments, because we can hear you when you're speaking out there to your neighbors, and it's very distracting. So if you could please limit your comments, or if you need to have a conversation with your neighbor, if you could please take it out to the hallway, that would be much appreciated. Thank you.
COUNCILMEMBER FLEMING: Mayor, if I'm not mistaken, Mr. Hart has before and after pictures. Just as a comment. I don't --
MAYOR JENKINS: Somebody did. I don't remember.
COUNCILMEMBER FLEMING: I don't remember whether that's factual, but --
MAYOR JENKINS: But it was --
COUNCILMEMBER PITTMAN: He's saying yes.
MAYOR JENKINS: -- just grass.
ATTORNEY WEED: This area is quite lengthy that has been changed. There is some evidence based

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1 upon the curb that's left and based upon, I think, old
2 photographs of the school, the original -- there was
3 originally a concrete pad which would have been the
4 equivalent of what I'd call the subsurface of what was
5 underneath a portico, an area where children got off
6 the bus onto concrete. It was a porch, for lack of a
7 better term. There was obviously a bicycle rack built
8 into it at one point. And that was -- has been
9 changed.
10 Further on down on the property as you face
11 it towards the right, there was apparently raw dirt,
12 but some of that was also -- that's been changed, and
13 a concrete pad was poured.
14 Now, I say all that to say, I do not know
15 that we'll ever get it back to exactly the way it was,
16 because I don't know if a factual determination can be
17 made as to exactly the way it was.
18 COUNCILMEMBER ROCHE: What if someone has
19 photographs?
20 ATTORNEY WEED: If they've got photographs,
21 we could make them build the original concrete pad
22 back that was there when the school was built, I
23 believe, in the '60s, if that's what you want to do.
24 COUNCILMEMBER ROCHE: Well, I'm just saying
25 that, I mean, we're speculating as to what it looked

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1 like before the sidewalk was poured. And I believe we
2 may have someone who has access to photographs, and
3 that might be helpful in getting the facts and making
4 a reasonable decision if the Mayor would allow that.
5 MAYOR JENKINS: That's fine with me.
6 COUNCILMEMBER ROCHE: Do we have anyone in
7 the room that happens to have --
8 Could we allow Mr. Hart to tell us what he
9 has available?
10 MAYOR JENKINS: Yeah. Have you got the
11 photographs, Mr. Hart?
12 MR. HART: Yeah.
13 MAYOR JENKINS: Could you get them to the
14 City maybe tomorrow? Would you do that?
15 MR. HART: Yes, I will.
16 Could I offer, what was there before was
17 dirt and pine straw.
18 MAYOR JENKINS: Well, there was grass there,
19 Tom.
20 MR. HART: Well, a bit, but for the most
21 part, it was just pine straw and dirt.
22 But since they've got this all graded out --
23 Now, the sidewalk was not built correctly. But since
24 the dirt's already gone and there is an opportunity
25 here for the City for not much money to put a sidewalk

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1 in there and take out the mess that's there.
2 Because I feel that once you remove the
3 sidewalk and there's just dirt there, they'll go back
4 to parking up on top of the dirt again. And if
5 there's a sidewalk there that, you know, has got a
6 two-foot gap for vegetation and there is a five-foot
7 sidewalk, they're likely not to park there, and also
8 the City can enforce the rule about not parking,
9 because it's a state law parking on sidewalks.
10 So for not much money -- it's already
11 graded. They've already killed the trees, so you
12 can't put those back. So to take that flat surface
13 they have, and for not much money, the maintenance
14 department can form that and put a sidewalk in.
15 Thank you.
16 COUNCILMEMBER BATES: But I guess looking at
17 the options -- and thank you, Mr. Hart, for bringing
18 that up -- I'd thought about it being replaced with an
19 actual sidewalk. Is that something that we could
20 require?
21 ATTORNEY WEED: We currently, to my
22 knowledge, do not have -- If we have a sidewalk
23 ordinance, it would only triggered by new
24 construction. And I'm not even sure we actually have
25 a mandatory sidewalk ordinance. I don't recall one.

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1 MR. HAEBERLIN: It is only triggered by the
2 1967 subdivision regulations, which is Ordinance 133,
3 and it's only when you build new streets to actually
4 build a subdivision. So it has to meet the
5 requirements for a subdivision. This does not meet
6 the requirements for creating a subdivision.
7 COUNCILMEMBER FLEMING: Does anybody know
8 how many feet this is that we're talking about?
9 MR. HAEBERLIN: Frontage on that property?
10 COUNCILMEMBER BATES: It's lengthy.
11 MR. HAEBERLIN: Yeah, because --
12 COUNCILMEMBER FLEMING: I mean the whole
13 parking pad goes over the whole thing?
14 ATTORNEY WEED: The building inspector
15 provided me some basic numbers, and it looks like
16 1,700 feet in length with regard to what we're going
17 to call, for our purposes, the sidewalk.
18 COUNCILMEMBER FLEMING: So they would be
19 demolishing 1,700 feet of parking pad.
20 ATTORNEY WEED: Or sidewalk.
21 COUNCILMEMBER FLEMING: Okay.
22 COUNCILMEMBER BATES: Is there a time issue
23 on this, Mr. Weed?
24 ATTORNEY WEED: No, sir. It's just this has
25 been, you know, lingering for, you know, some months

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through no fault of the Council. The school simply would not give us an answer. So we finally reached the point where we got their new position and their withdrawal of their donation. So that's -- the only thing that's pressing is just moving it forward.

COUNCILMEMBER BATES: I'd like to get a little bit of information, and that would be the actual length of the sidewalk/parking pad that was installed, because there was an existing pad/sidewalk there.

And then, Mayor, if you could get with Mr. Pittman and get a cost of putting in a sidewalk on the part that hypothetically would be demo'ed by Yeshiva so we can see what that cost to the City would be.

I'd like to defer this. I'd like to defer this to the January 3rd meeting.

COUNCILMEMBER FLEMING: I agree with that, with those comments that you made, Mr. Bates.

I do like the idea of what Mr. Hart mentioned about the two foot of grass before the sidewalk starts, because that would possibly prohibit them or -- you know, from going up onto -- it would be a legitimate sidewalk at that point.

COUNCILMEMBER BATES: Yes. I agree.

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MAYOR JENKINS: We did do some talk about cutting the parking lot as it is, the width of a sidewalk, top and bottom. That would leave the two foot next to the curb and above. But nobody seemed to want to get into that, so. but I thought I'd run it by you.

That would be an option: to cut it out, leave it sidewalk width two foot from the curb.

COUNCILMEMBER FLEMING: And that's been proposed to Yeshiva?

MAYOR JENKINS: I say I proposed that but I've got nowhere with it.

COUNCILMEMBER ROCHE: Actually, I like that idea --

COUNCILMEMBER FLEMING: I do too.

COUNCILMEMBER ROCHE: -- because it is a safety issue.

MAYOR JENKINS: It would be.

COUNCILMEMBER ROCHE: I mean we're talking school kids going up and down that street, so.

MAYOR JENKINS: And that would leave us a sidewalk. It may not be a top notch sidewalk, as it wasn't poured like it should be. But cutting it would also be cheaper than putting a sidewalk back after you tear it all up.

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COUNCILMEMBER FLEMING: That proposal was not offered to Yeshiva?

MAYOR JENKINS: No.

ATTORNEY WEED: I don't believe so.

MAYOR JENKINS: No, it wasn't.

COUNCILMEMBER BATES: And again, I think that's a viable option to take a look at. Could you float that as a trial balloon to see if they'd be willing to cut a portion or demo a specific portion?

ATTORNEY WEED: I will, but please bear in mind that I think that offer will be rejected.

Their position is that all of that land is their land, and if they can't park on it, that's all that they want to do with it. They don't want to do anything else with it. And that's what's been represented to me by their attorney.

Obviously, it's their job to make an offer to you, and I'll respond with whatever you want to offer to them. I'm happy to do that.

COUNCILMEMBER BATES: Well, it is public right-of-way.

ATTORNEY WEED: That is the official position of the City of Doraville, Georgia; yes, sir.

COUNCILMEMBER FLEMING: So you had made a comment on moving it to January.

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COUNCILMEMBER BATES: Yes, ma'am. We have to get the information on the actual length of the area that was built, and Mayor get a cost of replacing it with a sidewalk, and then if Mr. Weed can float a trial balloon, if they'd be willing to cut that two foot section in between the granite curbing and the balance of the existing sidewalk, we can make, then, an educated decision in January.

COUNCILMEMBER FLEMING: Second.

MAYOR JENKINS: 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?

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1 COUNCILMEMBER ROCHE: Yes.
2 MAYOR JENKINS: Scott?
3 MR. HAEBERLIN: Yes. Ms. Blackmon has --
4 MAYOR JENKINS: We'll get into new business.
5 MR. HAEBERLIN: -- has provided you a draft
6 2011 calendar for what are typically just planning and
7 zoning meetings. And we did this in 2010 and it works
8 out very well. I also do one for the Planning
9 Commission. And I want to make for certain that the
10 Council is acceptable of those dates.
11 The only conflict that I see in there unless
12 I missed some sort of holiday is the time of year when
13 the City Council goes to GMA. That was my only
14 concern, and I think I put some question marks in the
15 draft calendar. Once this is adopted, this will be,
16 again, public information. We're going to put it on
17 our Web site so the applicants kind of have an idea
18 for the whole year what we're doing and when we're
19 doing it. It's very transparent and also makes the
20 public, then, aware, if they want to attend the
21 meetings, the nights that they're on. So it's very
22 helpful.
23 COUNCILMEMBER FLEMING: Okay. The
24 Wednesdays would be 7:00; is that correct,
25 Ms. Pachuta? Ms. Pittman?

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1 COUNCILMEMBER PACHUTA: Yes.
2 COUNCILMEMBER PITTMAN: Yes.
3 COUNCILMEMBER PACHUTA: Is it possible --
4 Mondays are the only night that I can be here at 6:30.
5 Other nights, I have to be here at 7:00.
6 MR. HAEBERLIN: Okay. So if there's a
7 meeting that's indicated that it's a Wednesday, you
8 want it to be at 7:00.
9 COUNCILMEMBER PACHUTA: 7:00.
10 MR. HAEBERLIN: Okay.
11 CLERK BLACKMON: And the GMA conference is
12 June 25th through June 28th.
13 MR. HAEBERLIN: How does that fall on that
14 meeting date?
15 CLERK BLACKMON: Your meeting is the 27th,
16 because it's a Wednesday. So the conference actually
17 goes through Thursday, so it depends on what Council
18 elects for classes.
19 MR. HAEBERLIN: Okay.
20 CLERK BLACKMON: That's the only date --
21 COUNCILMEMBER FLEMING: Don't we normally --
22 CLERK BLACKMON: -- that should conflict.
23 COUNCILMEMBER FLEMING: -- go Friday,
24 Saturday, Sunday?
25 COUNCILMEMBER ROCHE: Yeah.

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1 CLERK BLACKMON: I pulled the calendar from
2 GMA, and they've got June 25th through the 28th. So
3 going by Mr. Haeberlin's Wednesday the 27th -- I don't
4 know.
5 MAYOR JENKINS: It's usually over on
6 Wednesday.
7 COUNCILMEMBER PACHUTA: Tuesday.
8 COUNCILMEMBER FLEMING: Have you got a 2011
9 calendar?
10 MR. HAEBERLIN: I think this past time, they
11 were back on a Tuesday, but there was a couple of
12 members who stayed for some section meetings, and we
13 just thought Wednesday was safer, and this was our
14 prior conference.
15 COUNCILMEMBER ROCHE: That's June 29th.
16 COUNCILMEMBER FLEMING: Okay. And Monday
17 would be the 27th.
18 COUNCILMEMBER ROCHE: This says Wednesday.
19 COUNCILMEMBER FLEMING: Well, this is 2011;
20 correct?
21 MR. HAEBERLIN: Uh-huh.
22 COUNCILMEMBER FLEMING: Okay. Friday is the
23 24th; 25th, 26th. 27th is a Monday.
24 COUNCILMEMBER ROCHE: So it was Wednesday,
25 the 29th.

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1 COUNCILMEMBER FLEMING: That's what I was
2 questioning. Maybe it was just a typo on June --
3 MR. HAEBERLIN: It very well could be.
4 COUNCILMEMBER FLEMING: -- because it looks
5 like June 29th.
6 COUNCILMEMBER PITTMAN: It's on Wednesday.
7 COUNCILMEMBER ROCHE: Yeah, it's Wednesday.
8 CLERK BLACKMON: Then it would not conflict.
9 COUNCILMEMBER FLEMING: No, it wouldn't.
10 June 29th. That would be the --
11 COUNCILMEMBER BATES: Make a motion to adopt
12 the preliminary planning and zoning schedule for 2011.
13 COUNCILMEMBER PITTMAN: Second.
14 MAYOR JENKINS: More discussion?
15 COUNCILMEMBER ALEXANDER: With the change.
16 COUNCILMEMBER FLEMING: With corrections
17 noted.
18 COUNCILMEMBER ROCHE: With the corrections
19 noted of ...
20 MR. HAEBERLIN: Correct. We'll fix that so
21 that when it's published, that is correct.
22 COUNCILMEMBER ALEXANDER: And you always
23 publish it with a disclaimer; correct?
24 MR. HAEBERLIN: Yeah. Oh, definitely,
25 because always we -- sometimes we need to add some.

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1 You never know.
2 MAYOR JENKINS: More discussion?
3 - - -
4 (No response)
5 - - -
6 MAYOR JENKINS: Call the roll, please.
7 CLERK BLACKMON: Councilmember Alexander?
8 COUNCILMEMBER ALEXANDER: Yes.
9 CLERK BLACKMON: Councilmember Bates?
10 COUNCILMEMBER BATES: Yes.
11 CLERK BLACKMON: Councilmember Fleming?
12 COUNCILMEMBER FLEMING: Yes.
13 CLERK BLACKMON: Councilmember Pachuta?
14 COUNCILMEMBER PACHUTA: Yes.
15 CLERK BLACKMON: Councilmember Pittman?
16 COUNCILMEMBER PITTMAN: Yes.
17 CLERK BLACKMON: Councilmember Roche?
18 COUNCILMEMBER ROCHE: Yes.
19 MAYOR JENKINS: Bob Roche, number 2, new
20 business.
21 COUNCILMEMBER ROCHE: Thank you, Mayor.
22 Back on September 20th, the Council
23 unanimously took a personnel action, and that motion
24 included several things. One of the things that
25 motion did include was that any personnel complaints

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1 made against our city planner would be investigated by
2 the Mayor as part of a performance improvement plan.
3 Since then, we have received at least one
4 personnel complaint letter and we also received a
5 lawsuit in which the city planner, Mr. Haeberlin's,
6 performance was also complained about.
7 I waited a while and didn't hear anything
8 from the Mayor. So eventually I sent an e-mail to the
9 Mayor, saying, okay, the Council made a motion
10 unanimously. This is what was directed unanimously.
11 The complaints have occurred. Why aren't we
12 investigating them?
13 So to me, the first issue here is why is it
14 that the City Council passes unanimous motions and
15 they're just completely ignored, and that would be the
16 first part of this discussion. And frankly, I'd be
17 fine with just making a motion that the Mayor would
18 comply with the original motion that was passed by
19 this Council and investigate these complaints. So
20 that's where I'm at with this so far.
21 MAYOR JENKINS: I did not investigate it for
22 the simple reason that Scott Haeberlin's an excellent
23 employee. He knows what he's doing.
24 And what complaint are you referring to?
25 COUNCILMEMBER ROCHE: But I have two

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1 complaints. We have a complaint letter from Mr. Hart
2 and we also have a lawsuit which was discussed in
3 Executive Session, so obviously I'm not going to go
4 ahead and discuss that now.
5 But you know, we don't know how
6 Mr. Haeberlin or any other employee's performance is
7 if we refuse to look into complaints when they're
8 made. It's like, you know, hear no evil/see no evil,
9 whatever. Well, I mean, if I'm only going to see what
10 I want to see, then I'm only going to think what I
11 want to think.
12 And I think it's unfair to this Council that
13 something that -- again, it wasn't a split vote. It
14 wasn't 2 to 4 or 5 to 1; it was unanimous that any
15 personnel complaints would be investigated.
16 And you know, you have to wonder, Mayor,
17 when we were in the Executive Session and we were
18 negotiating this, were you just sitting there, saying,
19 Well, I don't care what the Council does. I'm just
20 not going to investigate it anyway?
21 And it makes -- it raises the questions of
22 what, then, would ever constitute, you know, an
23 employee, a favored employee, doing something that
24 would result in any kind of a personnel issue or a
25 personnel action? It seems that people have absolute

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1 immunity, but we're not even going to look into it.
2 So Mayor, all I ask is that you comply with
3 the motion that was passed unanimously by this
4 Council.
5 MAYOR JENKINS: Okay. I will investigate
6 it, then, if that's what you --
7 COUNCILMEMBER ROCHE: And so when can we --
8 Would that be two weeks? We will get a response
9 within two weeks?
10 MAYOR JENKINS: No, I cannot tell you that
11 because I got to complete my other investigation.
12 Excuse me a minute.
13 COUNCILMEMBER ROCHE: We're just not going
14 to know, are we?
15 MAYOR JENKINS: Yes, sir, if you want me to.
16 I'll --
17 COUNCILMEMBER ROCHE: Well, we've already
18 said we wanted you to, Mayor. We've already voted; we
19 passed the motion. How many times do I have to say
20 that?
21 And the reason that I brought it here before
22 the Council was because I ran out of options. The
23 option was -- and it was explained to me several times
24 -- is that when something happens, if it's
25 investigated by the supervisor, if the supervisor

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1 refuses to take action, then I'm forced to bring it up
2 to the Council. That's why we're here tonight.
3 ATTORNEY WEED: From the legal end, I just
4 want to remind Council that the language in the motion
5 that's reflected, at least in what was provided to my
6 office, and in a letter written to Mr. Haeberlin from
7 Mayor Jenkins dated September 27th, is as follows:
8 (Reading) If a serious complaint is raised
9 as to customer satisfaction concerning your
10 performance, the same may be investigated by a third
11 party entity.
12 So with that, the Council could modify that
13 to allow the Mayor to investigate it or initiate a
14 third party investigation. So I just wanted to tell
15 you -- remind you of that.
16 MAYOR JENKINS: Thank you. Thank you. I
17 appreciate that.
18 COUNCILMEMBER ROCHE: Mayor, when
19 Mr. Haeberlin filed a complaint against a City
20 Councilperson, we wasted no time in going out and
21 hiring a third party private investigator to come in
22 and investigate that complaint. We spent $3,000
23 because it was two different employees that filed
24 these complaints. And you know, like I said, there
25 was immediate, boy, go out there, hire that

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1 investigator and come in and get the facts. And of
2 course the facts came back that, you know, the
3 Councilperson had done nothing wrong.
4 But we apparently have a different set of
5 rules here, and that's what I have a problem with is
6 that we -- are we going to be fair or not? Are we
7 going to --
8 ATTORNEY WEED: You're looking at me,
9 Councilman, and I --
10 COUNCILMEMBER ROCHE: Just looking at you
11 because you happen to be in that direction.
12 ATTORNEY WEED: Okay. All right. Well --
13 COUNCILMEMBER ROCHE: Sorry.
14 ATTORNEY WEED: And I will state this. The
15 reason under 2.6, two employees filed complaints
16 against the Councilperson under a very specific
17 discriminatory action part of the policy. That
18 section dictated certain actions be taken.
19 Had they not done that, different actions
20 might have been taken. So the two are not equivalent.
21 COUNCILMEMBER ROCHE: But this motion --
22 ATTORNEY WEED: However, clearly you are
23 correct, what it says is, once again (reading), If a
24 serious complaint is raised as to customer
25 satisfaction concerning your performance, the same may

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1 be investigated by a third party entity.
2 Therefore, a third-party-entity
3 investigation is an option.
4 COUNCILMEMBER PITTMAN: So what determines
5 serious or not serious?
6 ATTORNEY WEED: That's up to the Council.
7 COUNCILMEMBER ROCHE: Well, again, it was
8 directed by the motion but it was ignored. So you
9 know, what do we do? Why do we even take votes up
10 here?
11 COUNCILMEMBER PITTMAN: So we make the
12 determination if it's serious enough to be
13 investigated.
14 ATTORNEY WEED: Yes, ma'am. The Council has
15 retained the power underneath the charter to
16 supervise, hire and fire employees; therefore, it's my
17 opinion, unless there is something contradictory in
18 the actual other motion, that, you know, as the result
19 of this letter, that the Council would make a
20 determination of whether it is a serious complaint.
21 The entire paragraph -- and I believe this
22 was reflected in a motion as well -- is, quote, "As
23 part of this process, the Council will create a
24 customer service policy. The customer service policy
25 will involve, in part, random customer satisfaction

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1 surveys." Those are two separate sentences.
2 Here is the third sentence, which I have
3 read twice, I will read it again, "If a serious
4 complaint is raised with regard to your performance,
5 the same may be investigated by a third party entity."
6 Who decides that wasn't specified; therefore, it must
7 be the Mayor and Council.
8 COUNCILMEMBER PITTMAN: And so we make the
9 determination whether it's serious or not serious to
10 move forward. It doesn't have to just automatically
11 be investigated because it was a complaint.
12 ATTORNEY WEED: The language is permissive;
13 the language is "may." Therefore, my opinion is yes,
14 it's up to the Council to decide if they wish to
15 proceed.
16 COUNCILMEMBER ROCHE: Well, according to the
17 language in the motion, the results of any
18 investigation will be used for evaluation for
19 continued City employment, and failure to comply with
20 the performance improvement plan will result in
21 termination. It was seconded by Councilwoman Pittman
22 and it was passed unanimously.
23 So I can argue that that reads slightly
24 different than what that letter says, but, you know.
25 But the point is it doesn't seem to matter what we

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1 pass.
2 So once again I will ask respectfully,
3 Mayor, to please comply with the directives of the
4 Council regarding this personnel issue.
5 MAYOR JENKINS: Okay.
6 COUNCILMEMBER FLEMING: I believe at that
7 same time, it wasn't just specifically for the issue
8 of a personnel complaint but it was that we felt that
9 customer service training was necessary for all
10 employees that are dealing with customers. And I'd
11 like to know how or if we have pursued that training
12 for all of our employees. That was in September.
13 And I would like to -- also, I believe, at
14 that same time, though I'm not verbatim on this, is
15 that we decided to have a customer survey done at all
16 departments as well, randomly. That was going out to
17 a service of some sort, was it not, Mr. Bates?
18 COUNCILMEMBER BATES: I can comment on both
19 of those. I provided to the Mayor and the Clerk the
20 contact information on the individuals who we had
21 talked with about doing the customer service training,
22 so that information was provided to City Hall.
23 As to the service, I did look into two
24 companies that provided that service, and it was shall
25 we say cost prohibitive of doing it. It was -- the

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1 cheapest quote that I got was $35,000, and so --
2 COUNCILMEMBER FLEMING: That's out of our
3 budget.
4 COUNCILMEMBER BATES: I made an executive
5 decision not to present that information to Council
6 for consideration because I didn't think that it would
7 go anywhere.
8 That hasn't exhausted the plan to outsource
9 or look at another option. Those were just the two
10 that I happened to find that were experts in doing
11 customer satisfaction surveys. I think there's
12 another option or two that I will endeavor to get in
13 place, because I do think that that's important not
14 only for this particular instance but for improving,
15 you know, customer service across the board, across
16 all departments.
17 So I will endeavor to move forward on that,
18 at the very minimum, at least get customer comment
19 cards in place, you know, at City Hall, court,
20 planning, parks & rec, library. At a minimum, I think
21 that that's --
22 COUNCILMEMBER FLEMING: I think that's
23 necessary if it's cost prohibitive to move forward
24 with the actual survey. And I think comment cards
25 should be in all of our locations, police department

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1 as well.
2 COUNCILMEMBER BATES: I don't disagree, and
3 I will promise Council that I will work on getting
4 that in place or at least getting something in place
5 relatively quickly.
6 COUNCILMEMBER PACHUTA: And I do want to
7 move forward. I think our original motion was that
8 the customer service training would occur by December
9 31st.
10 COUNCILMEMBER ROCHE: Right.
11 COUNCILMEMBER PACHUTA: And I've mentioned
12 it to City Hall several times, and nobody --
13 ATTORNEY WEED: I have a copy of the
14 language if that's helpful.
15 CLERK BLACKMON: Mr. Howe was checking into
16 that. I don't know the status, Mayor. I'll check
17 with him tomorrow. But he was delegated to check on
18 the cost and how many it would take, you know, because
19 there's quite a few people that are customer service
20 up front, what that cost would be to do the actual
21 training.
22 COUNCILMEMBER PITTMAN: Mr. Weed --
23 ATTORNEY WEED: Yes, ma'am.
24 COUNCILMEMBER PITTMAN: -- please clarify
25 again, back to the complaint, it does not say that the

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1 Mayor would handle the complaint first.
2 Does it say that the Council would deem if
3 it was serious enough for an outside entity to handle?
4 ATTORNEY WEED: The language that apparently
5 one of you drafted -- bear in mind, I was not invited
6 into the Executive Session that occurred that day; I
7 was not a party to it. Council came out of the
8 Executive Session; I was given this document. I
9 believe this is the document that Councilman Bates
10 read into the record.
11 Relevant to that -- it's on page 2 -- the
12 entire paragraph reads as follows: Random customer
13 service surveys will be sent to customers and asked to
14 return the survey to an independent third party who
15 will evaluate the surveys and make report to the
16 Council, period. Customer complaints that warrant
17 investigation will be done by a third party
18 investigator.
19 The letter from the Mayor that is in
20 Mr. Haeberlin's file was prepared by the Mayor on
21 September 27th and copies were sent to the Council I
22 assume on that date.
23 So essentially it doesn't dictate that the
24 Mayor would indicate who the third party investigator
25 would be.

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1 COUNCILMEMBER FLEMING: But what you just
2 read -- so are you reading the word "serious"
3 something in the letter that the Mayor wrote?
4 ATTORNEY WEED: The language from -- There
5 are two things, two documents here, language that one
6 of you drafted that reads: Customer complaints that
7 warrant investigation will be done by a third party
8 investigator.
9 There is no definition of what constitutes a
10 customer complaint that warrants investigation.
11 And in the Mayor's letter, the language is,
12 if a serious complaint is raised as to customer
13 satisfaction concerning your performance, the same may
14 be investigated by a third party entity.
15 COUNCILMEMBER PITTMAN: So is it not
16 appropriate, then, to say that it would be the Mayor's
17 responsibility to do that?
18 I mean according to that is the Council will
19 make the determination if it's a serious allegation
20 and then ask a third party if necessary.
21 ATTORNEY WEED: Yes. I believe that is
22 correct.
23 COUNCILMEMBER BATES: Mayor, if you could,
24 we received correspondence from Mr. Hart -- and this
25 is not Mr. Thomas Hart but we all know it is Mr.

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1 William Hart --
2 MR. TOM HART: And love.
3 COUNCILMEMBER BATES: And love, yes, Tom.
4 Mayor, we received a letter from Mr. William
5 Hart regarding his questions or concerns regarding the
6 process of his application for a business. Could you
7 please review that with Mr. Haeberlin and addressing
8 his specific concerns that are noted in the complaint
9 and copy Council and Mr. Hart with a response
10 annotating the facts and accuracy of the complaints,
11 and, if so, any items that are going to be done to
12 address?
13 MAYOR JENKINS: In other words, you want to
14 know where we're at now and when it's going to be --
15 COUNCILMEMBER BATES: And if you can
16 expedite that and do it within a relatively quick
17 period of time, that would be appreciated.
18 MAYOR JENKINS: You're talking about not Mr.
19 -- not Thomas Hart, the other Hart.
20 COUNCILMEMBER ROCHE: No. The William N.
21 Hart whose letter is dated November 15th. It's
22 entitled a complaint and observation --
23 ATTORNEY WEED: (To the audience) Again,
24 please, folks.
25 MAYOR JENKINS: I know which letter you're

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1 talking about.
2 COUNCILMEMBER BATES: Thank you, Mayor, if
3 you could take care of that.
4 MAYOR JENKINS: Scott, we'll work on that
5 tomorrow.
6 MR. HAEBERLIN: Yes, sir.
7 I mean I do -- I do want to state for the
8 record that yes, the letter that came from the Mayor's
9 office departs from the official minutes. I have not
10 had an opportunity to respond to that. I know
11 oftentimes you delegate correspondence to other
12 individuals, but it is different. And I am still
13 waiting for whatever that customer service policy is.
14 I have not received any information on that.
15 We are -- as a department, we've been doing
16 this. Actually, I'm probably the first person who
17 started it. We require all customers to sign in for
18 service and we keep copies of who visits our
19 department every day, to know what occurred and how
20 many people visit us. So we're already doing that and
21 we've been doing it for over a year.
22 But I do need some of the more salient
23 aspects of what this new customer service policy is if
24 I'm going to be able to respond to it.
25 So there is a meeting scheduled for tomorrow

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1 with Mr. Hart and the property owner and two
2 engineers, and we're going to try to get as much
3 information to Mr. Hart as we can. And you're invited
4 to that, certainly, Mayor.
5 MAYOR JENKINS: I will. Thank you.
6 Appreciate it.
7 COUNCILMEMBER BATES: And Mayor and Clerk,
8 if you guys could please do what you can to expedite
9 the customer service training, that's something --
10 MAYOR JENKINS: Okay.
11 COUNCILMEMBER BATES: -- that has been
12 requested since spring of this year, so --
13 CLERK BLACKMON: I'll find out where
14 Mr. Howe is on that --
15 COUNCILMEMBER BATES: Thank you.
16 CLERK BLACKMON: -- what the status is.
17 ATTORNEY WEED: Merely for the record -- and
18 Mr. Haeberlin can take this up at some other time --
19 it's the official position of the City of Doraville
20 that the document that was presented and talked about
21 before and the letter from the Mayor, there is no
22 important difference between the same.
23 I don't want to leave that comment
24 unchallenged for the possibility of any future
25 litigation.

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1 MAYOR JENKINS: Okay. You finished, Bob?
2 COUNCILMEMBER ROCHE: Yeah. That one's
3 finished. I look forward to your response, Mayor.
4 The second one is law enforcement
5 investigation. Mr. Livingston left earlier, I guess,
6 because he'd done his thing.
7 This is kind of a moot point in a way, but
8 Mr. Livingston provided information at the last
9 meeting, copies to all the members of the Council.
10 Looked like we had some -- I'm not a trained law
11 enforcement officer, I'm not a trained investigator,
12 but it seemed to appear to be compelling evidence of
13 three potentially serious, even criminal, issues. One
14 was signatures that did not appear to be the same.
15 The second was overtime that people were
16 claiming, essentially using holiday pay and/or
17 vacation pay. For instance, you work 40 hours and
18 then you claim a vacation day so then you get time and
19 a half for that vaca- -- for that extra eight hours.
20 And the last one was some questionable
21 personal use of City-owned credit cards. I was
22 contacted by several people from the City that were
23 concerned about that. I was also contacted by the
24 media about that. For the record, I didn't contact
25 them; they contacted me.

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1 And the concern was that the only real
2 response we got was that the Mayor was going to
3 essentially investigate himself. And a lot of people
4 -- like I said, I heard several complaints from people
5 about that.
6 MAYOR JENKINS: The word was not
7 investigate.
8 COUNCILMEMBER ROCHE: If you don't mind,
9 Mayor, I'll finish and then --
10 MAYOR JENKINS: Go ahead.
11 COUNCILMEMBER ROCHE: -- we'll be more than
12 happy to --
13 MAYOR JENKINS: Finish.
14 COUNCILMEMBER ROCHE: I lost my train of
15 thought.
16 COUNCILMEMBER FLEMING: He was going to
17 investigate himself.
18 COUNCILMEMBER ROCHE: Right, so anyway.
19 So the Mayor proposes to investigate these.
20 However, as a direct participant as far as authorizing
21 signatures, the Mayor is in effect investigating
22 himself.
23 This is unacceptable. No one is above the
24 law including the Mayor or City Hall employees. And
25 so apparently it falls to the Council to request

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1 independent investigation by an appropriate law
2 enforcement agency such as the GBI or Dekalb County.
3 I mean as far as Doraville, that's fine too. I do not
4 have a problem with the Doraville Police Department.
5 And it's my understanding that this
6 investigation is already -- well, I don't know the
7 exact terminology, but it's my understanding this
8 evidence has been turned over to the Doraville Police
9 Department so that an independent investigation can
10 take place, and hopefully we'll get down to the facts.
11 I think that, you know, again, I mentioned
12 it earlier, when someone made a complaint against a
13 Councilperson, the City wasted no time in going and
14 getting an outside investigator even though -- you
15 know, whether it was for the law or not.
16 When we had the situation with the library
17 incident, the Doraville Police Department did an
18 excellent job investigating. They got the facts. And
19 as a result of those facts, we were able to reinstate
20 an employee who had been wrongly fired.
21 So I think that the rules should apply to
22 everybody. I think that everyone should be treated
23 fairly.
24 In this particular case, I applaud
25 Mr. Livingston's actions to make sure that an

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1 appropriate, proper law enforcement agency will be
2 investigating this. Hopefully, we'll get some real
3 answers.
4 And that's all I had on this one, Mayor, I
5 mean --
6 COUNCILMEMBER BATES: I just have a real big
7 problem with how you've handled this, Mr. Roche. You
8 stated a few moments ago that you're not a trained
9 investigator but yet you felt to go in front of the
10 media and accuse the Mayor of being a bank robber. I
11 just -- I just think that that is poorly handled on
12 your part. I think there was appropriate place and
13 method to deal with this, and if you thought it was so
14 egregious from the beginning, you could have walked
15 down to the police department and filed your own
16 criminal complaint with the information that was
17 presented by Mr. Livingston.
18 There was no need for you to go in front of
19 the media and say what you said. There's a process
20 that should have been in place. The Mayor was doing
21 it on his account. If you didn't think that was
22 appropriate, then there were other recourses available
23 to you from a legal aspect and not from trying this in
24 a public court.
25 So I disagree with your methodology on

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1 handling this. I appreciate you bringing it up, but I
2 think you handled it inappropriately.
3 COUNCILMEMBER ROCHE: Well, I'll just
4 correct --
5 - - -
6 (Applause)
7 - - -
8 MAYOR JENKINS: Thank you.
9 COUNCILMEMBER ROCHE: Let me correct one
10 thing. What I did say to the media and what it is on
11 the record is I did not compare the Mayor to any bank
12 robber. I said, essentially, being allowed to
13 investigate yourself is the same as saying, Mr. Bank
14 Robber, why don't you go and tell us if you --
15 investigate yourself and let us know if you robbed the
16 bank or not.
17 MAYOR JENKINS: How do you think that goes
18 out to the public the way you put it?
19 COUNCILMEMBER ROCHE: Well, it's on the
20 media, it's on tape. I can't take it back.
21 MAYOR JENKINS: That's right. You can't.
22 COUNCILMEMBER ROCHE: That's exactly it, and
23 the point was --
24 MAYOR JENKINS: It'll always be there too as
25 a stigma.

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1 COUNCILMEMBER ROCHE: Well, I'm afraid,
2 Mayor, the only way --
3 If this had been investigated properly, if
4 it had been turned over to the proper authorities, we
5 wouldn't be here tonight. It wouldn't have been on
6 the media. We would have got to the facts. And so I
7 think that there's one person and one person
8 responsible for all this.
9 And again, I never on the air said the Mayor
10 did anything wrong. I said repeatedly, I'm not a
11 trained investigator. We need to put it in the hands
12 of a trained investigator, appropriate law enforcement
13 agency, and let the professionals take care of it.
14 So you know, again, I guess this is --
15 someone mentioned earlier tonight, the shoot-the-
16 messenger thing?
17 COUNCILMEMBER PACHUTA: Well, I would --
18 COUNCILMEMBER ROCHE: Well, I guess that
19 goes both ways.
20 COUNCILMEMBER PACHUTA: -- have preferred
21 that you yourself had then reported it to an
22 investigative agency versus talking on the news about
23 how it should be reported to an investigative agency.
24 MR. CRAWFORD: He's the guy that screams
25 fire.

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1 COUNCILMEMBER PACHUTA: My understanding is
2 Mr. Livingston filed a complaint this morning.
3 I don't feel like I'm in a position to
4 direct or not direct any law enforcement agency to
5 investigate anything. That is their purview. It is
6 their decision and it is their investigation. I'm not
7 going to step in and direct them or not direct them to
8 do anything. A complaint has been filed, and let the
9 legal process work.
10 COUNCILMEMBER ROCHE: And I'm glad that the
11 complaint has been filed and I'm glad that --
12 MAYOR JENKINS: I agree with that.
13 COUNCILMEMBER ROCHE: -- ultimately, finally
14 the legal process will work.
15 MAYOR JENKINS: Okay. Is that all?
16 COUNCILMEMBER ROCHE: Well, I was going to
17 ask for a motion on this, but again -- I was going to
18 do it tomorrow, either way, but since Mr. Livingston
19 took care of it, you know.
20 COUNCILMEMBER FLEMING: You know, the
21 comments, the things that we've received, to me, are
22 serious.
23 COUNCILMEMBER ROCHE: Very serious.
24 COUNCILMEMBER PACHUTA: They're very serious
25 to me. They show a lot of mismanagement in City Hall.

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1 I personally don't think they show anything
2 criminal. But again, that's not up to me to
3 investigate. It's my personal opinion. I think it
4 does show a lot of mismanagement and the Mayor not
5 supervising his employees. I think it's very serious.
6 But again -- and I think Ms. Fraysse
7 mentioned this earlier -- it's something we need to
8 solve, and I don't think complaining about it on the
9 news is helpful. I think we need to step up and solve
10 it.
11 COUNCILMEMBER ROCHE: Well, as we found a
12 moment ago, complaining from this table, this dias,
13 doesn't really help. Making motions doesn't really
14 help because those motions are ignored too. So
15 sometimes the only way to get things done is to go
16 straight to the people and let them come and tell me.
17 And I will tell you that I've received
18 several phone calls and several e-mails from people
19 who are very much in support of this because they're
20 tired of it. They're tired of what's been going on
21 and are glad that we're finally getting to the bottom
22 of some of this stuff. Thank you.
23 COUNCILMEMBER PITTMAN: Well, I agree that
24 there's some mismanagement. There needs to be some
25 things corrected here. I truly don't -- my personal

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1 opinion after reading everything, didn't really see
2 anything criminal. I think there's a lot of
3 overhauling that needs to be done here.
4 But I am curious. If you thought that it
5 was so serious, you didn't have to have the Council to
6 go have it investigated. I'm just curious why you
7 didn't do it.
8 COUNCILMEMBER ROCHE: No. I was waiting for
9 the Mayor to do it. That was the Mayor's job.
10 COUNCILMEMBER PITTMAN: But why didn't you
11 do it if you thought it was a crime?
12 COUNCILMEMBER ROCHE: No. I had actually
13 discussed that, and I was going to be taking it down
14 there tomorrow morning. However, Mr. Livingston --
15 COUNCILMEMBER PACHUTA: After you had --
16 COUNCILMEMBER ROCHE: -- went ahead and did
17 it.
18 COUNCILMEMBER PACHUTA: -- your little press
19 conference here.
20 COUNCILMEMBER PITTMAN: Right.
21 COUNCILMEMBER ROCHE: Well, again, I was
22 contacted. I'm not going to ignore people. I don't
23 hide.
24 People have asked me, what's the difference
25 between the good guys and the bad guys. The good guys

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1 have nothing to hide. So I'll leave it there.
2 COUNCILMEMBER PACHUTA: The good guys don't
3 have to call press conferences either.
4 COUNCILMEMBER PITTMAN: Exactly.
5 COUNCILMEMBER PACHUTA: They just do their
6 duty.
7 COUNCILMEMBER PITTMAN: They just go do it.
8 If you think it's a crime, then why didn't
9 you just go report it? Why did you have to go to the
10 media?
11 COUNCILMEMBER ROCHE: Well, I've seen other
12 people on the --
13 COUNCILMEMBER PITTMAN: The question is you.
14 COUNCILMEMBER ROCHE: -- on the steps in
15 front of City Hall --
16 COUNCILMEMBER PITTMAN: Why didn't you do
17 it?
18 COUNCILMEMBER ROCHE: -- before the media.
19 COUNCILMEMBER PITTMAN: We're not talking
20 about them. We're asking you.
21 COUNCILMEMBER ROCHE: Okay. Well, I gave
22 you my answer.
23 COUNCILMEMBER PITTMAN: No, you didn't go --
24 COUNCILMEMBER ROCHE: And I would do it --
25 COUNCILMEMBER PITTMAN: You didn't go do it.

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1 COUNCILMEMBER ROCHE: -- in a heartbeat.
2 COUNCILMEMBER PITTMAN: You allowed a
3 citizen to do it.
4 COUNCILMEMBER BATES: Who else have you seen
5 on the steps in front of City Hall on the media?
6 COUNCILMEMBER ROCHE: Well, I've seen,
7 actually, yourself, sir.
8 COUNCILMEMBER BATES: I wasn't in elected
9 office.
10 COUNCILMEMBER PACHUTA: Neither was I.
11 COUNCILMEMBER ROCHE: No, not at the time,
12 but --
13 COUNCILMEMBER BATES: No.
14 COUNCILMEMBER ROCHE: Like I said, I've
15 received a lot of support for that, and let's just see
16 where the chips fall.
17 MAYOR JENKINS: We had a lot that's against
18 it too, sir. Not everybody supported you.
19 Okay. Let's move right along.
20 COUNCILMEMBER BATES: Regarding the
21 overtime, the source of a number of this is in regards
22 to whether or not we have exempt status for employees
23 or not.
24 MAYOR JENKINS: Yeah.
25 COUNCILMEMBER BATES: At present, the only

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1 employee that is an exempt employee that doesn't get
2 overtime is our chief of police.
3 Attorney Weed and Attorney Cole from his
4 firm, through a number of memos to the Council, have
5 suggested that we make a number of employees exempt
6 based upon the Fair Labor Standards Act. This body
7 has chosen not to do that previously.
8 I think the information that was brought
9 forward by Mr. Livingston has helped us move forward
10 in making those decisions.
11 I've provided some research that I've done
12 through the DCA on comparable salaries for a variety
13 of positions. I have provided that to the Council.
14 Highlighted in green would be the positions that I
15 would recommend, if we currently have them or if we
16 are thinking about having them down the road, of being
17 exempt employees, and I show some neighboring cities
18 and comparable cities and what they currently
19 compensate their employees on.
20 This by no means is an exhaustive study. It
21 was based on cities that self-reported to DCA and
22 their report. So it is a starting point, but I think
23 it reflects a fairly good starting point for us to
24 move forward with.
25 I do have -- I apologize for not getting

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this to Council previously -- a list of our current employees and their pay rate so we can see where our existing employees are in comparison to some of our neighboring cities.

At the end of the day, there's two recommendations that I'm going to make. One is that we contract with ARC to do a comprehensive job description study as well as a salary comparison across the board so that we know that what we're looking at is apples to apples.

And the second one would be to move the directors that I've got highlighted in green to exempt. My challenge in doing that tonight is we will probably need to do salary adjustments on a number of people based upon the preliminary research was done, and I would hate to make those decisions without having it thoroughly vetted and compared.

COUNCILMEMBER ROCHE: Well, I very much support this. I mean I think that professionals are exempt, and it's always just amazed me that we have people that are department heads that do get overtime, and so I very much support doing this.

COUNCILMEMBER FLEMING: So the ones that are getting more than this thing says, are they going to get their salaries down?

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COUNCILMEMBER BATES: Well, I think that would be something that the study would make a recommendation on.

Now, remember, what I provided to you on the average comps was the starting salary, not what the employees may be making. So as an example, in Chamblee, the starting pay for the city manager is $109,000, but the current city manager makes significantly more based upon his experience. So don't look at the average comps as being the maximum on what is being paid, but that is the starting, the minimum starting based upon the cities that we're comparing.

COUNCILMEMBER FLEMING: The other issue, not just the exempt classification, is to revisit the personnel manual. Though exempt employees, to me, should not be getting overtime over 40, if they are required -- if they are required, for instance, to be at a Council meeting, if they are required, for instance, like public works, okay, as an emergency basis, they're required to come in to -- Bobby to come in and get downed trees off power lines and so forth, then there should be some exceptions in the personnel manual that will address those issues when we require exempt employees to do something other than their

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standard position entails.

But then it would be not in overtime, I don't think, time and a half, but in straight comp time. You know, I'm just throwing that out, but I think that is something that needs to be addressed.

COUNCILMEMBER BATES: And respectfully I'll disagree. Once you make an employee exempt, they are basically at your beck and call, and I would hope that the City would not abuse those employees, but, you know, attendance at Council meetings would be part of a regular job description, you know, attendance at conferences to improve or reach certain levels of certification would be part of the job description and, to me, that would be included in their salary compensation.

So I hear you, but I would not be in favor of doing that. To me, that creates a slippery slope, when does something become outside of their norm and who would make that determination? Is that something that, you know, the Mayor would make, that would come back to Council? I would just prefer if we're going to make somebody exempt, that they become exempt wholly with no provisions outside.

COUNCILMEMBER PACHUTA: And typically the privilege of being an exempt employee is that you're

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paid no many how many hours you work, whether you work a ton of hours or whether some weeks you work less hours.

Now obviously, an exempt employee who was never at work, that's a personnel issue, and we probably wouldn't want them to be an employee any more. But that's one of the advantages of being an exempt employee is, you know, you can maybe take off a morning to make up the fact that you stayed late at the Council meeting, and you're paid the exact same.

COUNCILMEMBER BATES: And this is not -- to be very clear, this is not the first that we've talked about this, and Council, this body, has chosen not to move forward with anything.

At the pushing of Ms. Alexander, she reminded me that we did get proposals in 2008 to do a salary study --

COUNCILMEMBER ROCHE: Right.

COUNCILMEMBER BATES: -- and we chose not to move forward with those, specifically to deal with this issue of exempt/nonexempt and job descriptions.

You know, we may have people -- As an example, the job -- and not to pick on the Chief, but the job description --

CHIEF KING: That means you are.

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1 COUNCILMEMBER BATES: The job description of
2 a captain in the City of Doraville may be very
3 different than the job description of the City of
4 Dunwoody, the City of Chamblee or another comparable
5 city. And so what our captains may be doing may be
6 more or less compared to other municipalities but we
7 may be trying to compensate them equally, and I would
8 want to make sure that we've got a fair assessment of
9 what the job descriptions are. You know, in the
10 library, we've got librarian specialists but they may
11 be really Librarian II's.
12 I want to make sure that we've got a
13 comparable understanding of what each employee's job
14 descriptions and duties are to perhaps classify them
15 correctly and make sure that they've got an
16 appropriate job title so that they can be compensated
17 appropriately, and in some cases, that may mean a
18 compensation down. I don't want to delude anybody
19 that we may -- if we move forward with this, we may
20 get a report saying that Joe Smith really should be --
21 instead of here, really should be here, and there
22 might need to be a compensation adjustment.
23 But in 2008, we did get proposals from ARC
24 and from the Carl Vinson Institute to do a
25 comprehensive job description personnel review and pay

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1 study classification. The Carl Vinson Institute
2 proposal was a fixed sum of $19,500; the ARC study was
3 a fixed proposal of $6,500.
4 I did contact the ARC person to see if their
5 proposal was still valid. I did not get a response
6 back from them today, but I would make a
7 recommendation that we ask for another proposal from
8 them to evaluate having ARC do a job description
9 classification and salary comparison.
10 COUNCILMEMBER FLEMING: Okay. If I'm not
11 mistaken -- and Mr. Weed, correct me if I'm wrong, but
12 I thought we had already gone through all of the
13 preliminary and possibly put into effect job
14 descriptions for every department head in the City or
15 employees in the City, have we not?
16 ATTORNEY WEED: Yes, ma'am.
17 COUNCILMEMBER FLEMING: So that has been
18 done and it's somewhere.
19 ATTORNEY WEED: It's in my office and copies
20 are with the City Clerk. The only thing that isn't
21 current, and I'm working on it, literally; worked on
22 it again today -- in light of your current changes
23 with the Chief and his department, the Chief was in my
24 office -- a week ago?
25 CHIEF KING: Yes.

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1 ATTORNEY WEED: -- and he and I were working
2 on his adjusted job descriptions which you literally
3 just adjusted. So that's what we're doing right now.
4 But other than that, they're all up to date.
5 COUNCILMEMBER FLEMING: Okay. Since I've
6 not seen any of them, as an example, can you tell me
7 if the job descriptions also include the requirements
8 for that position?
9 ATTORNEY WEED: Yes, ma'am.
10 COUNCILMEMBER FLEMING: So Mr. Bates, what
11 part of your analysis would be for them to look at
12 what we are presently saying our job descriptions are
13 and then them take that and classify them or compare
14 them to?
15 COUNCILMEMBER BATES: Thank you for
16 reminding me, because I had forgotten that Mr. Weed
17 and City Hall had undertaken that.
18 What I think would be appropriate for this
19 study, then, would be to take those classifications
20 and compare them with other municipalities and get a
21 true salary comparison so that we can make sure that
22 -- And they would look at the job descriptions that
23 we're providing, and again using, you know, the
24 captain in the police department, our job description
25 says a captain does A, B and C, whereas the

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1 neighboring municipalities or comparable
2 municipalities of similar size say a captain is doing
3 D and E and, you know, let us know that the pay for
4 those captains would be different because of X. Does
5 that make sense?
6 So with Council's permission, I'll go back
7 out to ARC and see if they'd be willing to provide us
8 with a proposal to do this for us starting in January
9 of next year.
10 COUNCILMEMBER ROCHE: And I think that's a
11 good idea.
12 If memory serves, back in 2008 when we
13 looked at this, I think we decided to wait until we
14 did the employee manual, and then that's kind of how
15 it fell by the wayside.
16 I would like -- if nothing else, I would
17 like to see these descriptions posted on the Web site
18 or at least us get a copy of them, because I'd heard
19 about them but I never knew they existed in hard copy
20 form.
21 CLERK BLACKMON: I have them. I can e-mail
22 them. I don't know that they can go on the Web. I
23 know I got my e-mail about the content of agenda
24 items. The Web site will only handle so much data,
25 and the job descriptions are quite lengthy, but I can

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1 talk to Mr. Howe.
2 COUNCILMEMBER BATES: Well, then, if you can
3 e-mail them, that would be great.
4 CLERK BLACKMON: Oh, certainly. I can
5 forward them.
6 COUNCILMEMBER FLEMING: Please do, and I'd
7 like a copy of them as well.
8 ATTORNEY WEED: With a caveat: the Chief's
9 descriptions --
10 CLERK BLACKMON: Right.
11 ATTORNEY WEED: -- are in flux.
12 COUNCILMEMBER FLEMING: Right.
13 COUNCILMEMBER ROCHE: Well, I understand
14 that, but at least we have something to start with, I
15 mean.
16 ATTORNEY WEED: They're in flux. We're
17 working on them right now.
18 COUNCILMEMBER BATES: Is Council okay with
19 me asking ARC for a proposal for us?
20 MAYOR JENKINS: Yes.
21 COUNCILMEMBER ROCHE: I'll second that --
22 MAYOR JENKINS: Thank you.
23 COUNCILMEMBER ROCHE: -- if that's a motion.
24 COUNCILMEMBER FLEMING: Yes, that's fine,
25 but what about Carl Vinson?

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1 COUNCILMEMBER BATES: It was $19,000
2 compared to $6,000.
3 I will endeavor to get in touch with Kelly
4 again tomorrow.
5 MAYOR JENKINS: All right. You've got the
6 visitor's --
7 COUNCILMEMBER ROCHE: Thank you.
8 MAYOR JENKINS: -- bureau too.
9 COUNCILMEMBER BATES: Yeah; if you could
10 leave that on the agenda for the January --
11 CLERK BLACKMON: Yes, sir.
12 COUNCILMEMBER BATES: -- 3rd meeting?
13 MAYOR JENKINS: Convention and visitors?
14 Oh, this one.
15 COUNCILMEMBER BATES: Yeah, the salary
16 study, if you can --
17 MAYOR JENKINS: Yeah, okay.
18 COUNCILMEMBER BATES: -- leave that on the
19 agenda.
20 MAYOR JENKINS: Okay.
21 COUNCILMEMBER BATES: Several months ago if
22 not a year ago, we had a presentation done by the
23 Dekalb County Convention & Visitors Bureau. We were
24 asking them what they provided to the City in return
25 for the hotel/motel tax dollars that we sent to them.

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1 The presentation was deficient, to say the
2 least, and since we provide them, you know, upwards of
3 35 to 40 thousand dollars a year, the amount of
4 services that they provide back to the City was
5 certainly nowhere near that.
6 At the time, we had talked about
7 establishing our own CVB. We didn't move forward with
8 that. Over the last several months, Ms. Pachuta and
9 Ms. Fleming and I have got together to look at draft
10 bylaws and -- the word escapes me -- incorporation
11 documents that Mr. Weed had provided to us for what
12 was done in Hapeville.
13 We've made a number of adjustments based
14 upon that, and the proposed articles of incorporation
15 and bylaws are before you.
16 What I would like to do would be to have a
17 motion approved by Council to turn this document over
18 to Mr. Weed for a final review and start the process
19 of actually getting this entity incorporated so that
20 we can keep those hotel/motel tax dollars here in the
21 city and promote the city through things like
22 conventions, new city signage. way-finding signage and
23 things that will work to enhance the City of Doraville
24 and encourage people to spend a little bit more time
25 and money here.

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1 COUNCILMEMBER FLEMING: Was that a motion?
2 COUNCILMEMBER BATES: Yes, ma'am.
3 COUNCILMEMBER FLEMING: I second it, but
4 before we move any further, I had e-mailed you several
5 weeks ago about two changes that needed to be made --
6 COUNCILMEMBER BATES: Yes, ma'am. And I
7 thought --
8 COUNCILMEMBER FLEMING: -- and I don't --
9 COUNCILMEMBER BATES: I thought that I had
10 made them.
11 COUNCILMEMBER FLEMING: I don't think that
12 you did on the bylaws. The first page, Article III,
13 Section III, I think the word should be "develop."
14 Oh, you got it. I'm sorry. You included
15 the -- Oh, I apologize.
16 COUNCILMEMBER BATES: Yes, ma'am.
17 COUNCILMEMBER FLEMING: I apologize.
18 COUNCILMEMBER BATES: Thank you.
19 COUNCILMEMBER FLEMING: Thank you.
20 COUNCILMEMBER BATES: And I'd like to thank
21 Councilmembers Fleming and Pachuta for spending
22 several hours together and working through this.
23 I'm excited about this direction, and again,
24 it'll be the opportunity for the City to keep, you
25 know, 30/35/40 thousand dollars in the City and not go

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1 to Dekalb County which we all know does not spend it
2 here.
3 MAYOR JENKINS: Right.
4 COUNCILMEMBER ROCHE: We're on their mailing
5 list, though.
6 COUNCILMEMBER FLEMING: Now we are, because
7 of us bringing them to the meeting.
8 COUNCILMEMBER BATES: Well, just for the
9 record, we still are not getting the documents --
10 COUNCILMEMBER FLEMING: No.
11 COUNCILMEMBER BATES: -- that are required
12 by the contract --
13 MAYOR JENKINS: Right.
14 COUNCILMEMBER BATES: -- that say that they
15 will provide us with annual audited financial
16 statements, monthly financial reports, delineation of
17 how the money is spent to promote the City of
18 Doraville. We're not getting any of those after
19 repeatedly asking Mr. Greenhut, I think his name was.
20 COUNCILMEMBER ROCHE: Uh-huh.
21 COUNCILMEMBER FLEMING: Uh-huh.
22 ATTORNEY WEED: Gary.
23 CLERK BLACKMON: Gary Greenhut.
24 COUNCILMEMBER BATES: Gary Greenhut. That
25 information is still not forthcoming, and, you know,

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1 we gave them a chance. It's time to sever that
2 relationship and move forward.
3 MAYOR JENKINS: Right.
4 COUNCILMEMBER BATES: And I believe,
5 Mr. Weed, the contract has not been officially
6 renewed. It's got an auto-renew clause. It's also
7 got a separation clause in it. If you can check on
8 that and effectuate the appropriate separations, that
9 would be great.
10 So I will stand by my motion to send this to
11 Mr. Weed for final review and implementation.
12 MAYOR JENKINS: Call the roll.
13 CLERK BLACKMON: Councilmember Alexander?
14 COUNCILMEMBER ALEXANDER: Yes.
15 CLERK BLACKMON: Councilmember Bates?
16 COUNCILMEMBER BATES: Yes.
17 CLERK BLACKMON: Councilmember Fleming?
18 COUNCILMEMBER FLEMING: Yes.
19 CLERK BLACKMON: Councilmember Pachuta?
20 COUNCILMEMBER PACHUTA: Yes.
21 CLERK BLACKMON: Councilmember Pittman?
22 COUNCILMEMBER PITTMAN: Yes.
23 CLERK BLACKMON: Councilmember Roche?
24 COUNCILMEMBER ROCHE: Yes.
25 MAYOR JENKINS: I believe Mr. Livingston

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1 left, so the last item has already been taken care of
2 by him, so we'll have public comments.
3 Anybody want to speak, come on up to the
4 microphone. Come on up, Tom.
5 MR. HART: Several things. The sidewalk at
6 Yeshiva, I would offer my services if you need some
7 help. A big plus is there's no telephone poles over
8 there.
9 It's amazing tonight there's no mention of
10 the City's budget or the fact that we've spent a lot
11 of money on a lot of different things. And y'all are
12 talking about open records and clarity in government;
13 it's a devil of a time to find out where you spend a
14 dime on this city. Whether it be a park or a sidewalk
15 project or LCI studies or whatever it is, you need a
16 crowbar around here to get any information, but we
17 talking about all this open and clear government.
18 And the second thing was the amazing ability
19 for this City Council to whip about five massive tax
20 increases on the citizens here and try to send this
21 down to the state capitol without such a word to the
22 public about it. I mean you can't balance your own
23 budget. You've got this spending -- you know,
24 basically this sinkhole that you've got for, you know,
25 the budget, and there's a mid-year review coming up;

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1 and the only thing you can think of, instead of
2 cutting back or trying to figure out how to save some
3 money around here -- and that was reflected in this
4 trash contract you just did -- you jump on every
5 conceivable method to raise taxes for the people here.
6 I think that's just -- you guys have just an amazing
7 skill.
8 And I think this City Council is going to go
9 down in history, if the City gets through 2011, that
10 it may be the last Council the City has. So you can't
11 find out where you spend the money, you don't seem to
12 even talk about losing the money, and the first thing
13 you want to talk about -- and y'all talked at great
14 lengths tonight -- is how to raise the taxes from
15 every conceivable orifice.
16 Thank you.
17 MAYOR JENKINS: Thank you, Tom.
18 Anybody else? Come on up.
19 MS. CALVERT: Number one, I don't agree --
20 I'm Ginny; you know that -- I don't agree with the
21 special elections that you are wanting to come up
22 with, because there's such a low turnout of people, I
23 don't think it would be a fair thing at all.
24 And no, I'm not afraid to speak, Tom, but
25 you see, I only have good feelings for Doraville. I

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1 don't look for the bad unless Council spends a million
2 dollars like they did after the first few months they
3 got on the Council or when they spent a few months ago
4 $100,000 for Perkins & Will consultants when they had
5 a city planner for $60,000 a year who could have
6 handled the General Motors problems along with our
7 attorney with the same results.
8 Why doesn't our Council look for the good
9 things with citizens and make our town a better, more
10 fun place? There are a lot of good people here that
11 the Council need to listen to, and not pay any
12 attention to as they did, and the same ones who have
13 nothing good to say about our town.
14 You have accomplished nothing in Doraville
15 much for three years, and we are at a standstill,
16 partially because of the economy, that you could --
17 and you will not be remembered for anything good that
18 you could have done.
19 Are any of you qualified to be an attorney?
20 And I do see one. How about being qualified to be a
21 city clerk or an arborist, a bookkeeper or a city
22 planner and so forth?
23 Doraville now has the most educated and
24 knowledgeable people in our offices that we have had
25 in years. It's past time to stop interfering in their

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1 work. And I'll be durned, I don't want any more black
2 eyes.
3 MAYOR JENKINS: Thank you.
4 MR. NOONAN: John Noonan, Winters Chapel.
5 In regard to our city planner, seems like a
6 couple of you came in here with some prejudice, just
7 downright willing to fire him and let him go this
8 evening.
9 Couple of things came up, listening to
10 y'all. My question is, based on a complaint, was that
11 a formal, written complaint? Is that what we
12 received?
13 Okay. I'll take that as a yes.
14 Second item is a lawsuit. Has that been
15 adjudicated yet? Has it come to an end? Somebody
16 filed it?
17 COUNCILMEMBER ROCHE: Can't answer that.
18 MR. NOONAN: Oh, okay, okay. So, oh,
19 because it's still pending, then.
20 So we're going to go ahead and dismiss the
21 city planner, and then if the City wins the lawsuit,
22 what are you going to do? Hire him back? Because
23 that's what you're basing your termination on when you
24 came in here; right?
25 I mean that's what you said. You have one

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1 written complaint, and based on a lawsuit that's been
2 filed against the City, well, it hasn't been
3 adjudicated yet, you people are willing to fire him.
4 Bad judgment. Thank you.
5 MAYOR JENKINS: Next?
6 COUNCILMEMBER ALEXANDER: Motion to adjourn.
7 COUNCILMEMBER PACHUTA: Second.
8 COUNCILMEMBER FLEMING: No. Wait a minute.
9 Okay. Go ahead. You had a second, and I'll
10 call for discussion --
11 MAYOR JENKINS: Okay. Go ahead.
12 COUNCILMEMBER FLEMING: -- because you guys
13 do it so fast.
14 MAYOR JENKINS: Okay.
15 COUNCILMEMBER FLEMING: Call for discussion.
16 MAYOR JENKINS: Discussion?
17 COUNCILMEMBER FLEMING: Okay. What I want
18 us to do is we've put so much into work sessions, I
19 think we really need to consider everything we've put
20 into work session and prioritize all of our needs, and
21 those are the things that need to be in work sessions.
22 We have not gotten back to the architectural
23 standards, we have not gotten back to the dumpster
24 ordinance, we've not gotten back to the sign
25 ordinance. A lot of those are much greater in detail.

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1 COUNCILMEMBER PITTMAN: And gravel
2 driveways.
3 COUNCILMEMBER FLEMING: What's that?
4 COUNCILMEMBER PITTMAN: I said and gravel
5 driveways.
6 COUNCILMEMBER FLEMING: And gravel
7 driveways. That's another one that's still pending.
8 So please, I think we need to prioritize our
9 items for work sessions for 2011.
10 Thank you very much, Mayor.
11 MAYOR JENKINS: I agree with you. Thank
12 you.
13 COUNCILMEMBER ROCHE: I just had one thing I
14 wanted to say. And it's been my policy that when
15 people come up and speak -- I sat here for a year
16 before I took office and I saw situations where people
17 came up and they spoke, and they were brow beaten or
18 they were attacked or pounced on by people up here.
19 That's why I don't respond.
20 Believe me, I don't -- you may not believe
21 this, but occasionally I don't really like what people
22 say out there. But no matter what, you people have
23 the right to say it, and I'll fight for that. That's
24 why I don't respond. It's not that I agree, disagree
25 or don't want to respond.

I don't want anyone to feel uncomfortable in coming up here and speaking and letting the Council know how they feel about something.

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR JENKINS: Meeting adjourned.

- - -

(Meeting adjourned at 10:55 p.m.)

-o0o-

C E R T I F I C A T E

STATE OF GEORGIA]
COUNTY OF DEKALB]

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

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

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

This the _____ day of _____ 2010.

_____
Theresa Bretch, CCR
Permit No. B-755

[SEAL]

$

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$109,000 (1)
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