In The Matter Of:

The City Council Meeting

City of Doraville

State of Georgia

June 1, 2009

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

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Transcript of the proceedings 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 7:00 p.m. on Monday, June 1, 2009.

* * *

APPEARANCES:

Doraville City Council:

Hon. Ray Jenkins, Mayor

Councilmember Maria Alexander
Councilmember Brian Bates
Councilmember Robert Spangler
Councilmember Donna Pittman
Councilmember Bob Roche
Councilmember Pam Fleming

Murray J. Weed, City Attorney

Ms. Rhonda Blackmon, City Clerk

Scott Haeberlin, City Planner

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 Pittman?

COUNCILMEMBER PITTMAN: Here.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Here.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Here.

MAYOR JENKINS: I'd like to have a motion that we approve the minutes for 4/27/2009.

COUNCILMEMBER BATES: 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 Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Yes.

MAYOR JENKINS: Motion carried. And the minutes for 5/18/09.

COUNCILMEMBER PITTMAN: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER BATES: 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?

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COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: We have a lot of items tonight. I hope we can get through all of them, but we'll move right along.
The first one is appointment of a Building and Assistant Building Official. This should be a real easy one, so does anybody have any comments?
We've got Mr. John Calcaterra here, and he will be the Building Official and Scott Haeberlin will be, I believe, Assistant.
Is that correct, Scott?
MR. HAEBERLIN: That's my understanding.
MAYOR JENKINS: Yes, sir.
COUNCILMEMBER SPANGLER: Now, is Mr. Calcaterra going to be a contract employee or is he going to be an employee?

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MAYOR JENKINS: Going to be contract.
COUNCILMEMBER SPANGLER: Going to be contract.
COUNCILMEMBER ROCHE: Why is this coming up, Mayor?
MAYOR JENKINS: Why is it coming up?
COUNCILMEMBER ROCHE: Yes. This is the first I've heard about it except when I saw it on the agenda.
MAYOR JENKINS: Actually, the Building Official, the one that we originally had wasn't here any more, and we've got the new stamps and everything and we're changing it over.
COUNCILMEMBER PITTMAN: So do we need to make it retroactive?
MAYOR JENKINS: It's in the motion.
COUNCILMEMBER PITTMAN: Well, retroactive, just --
MAYOR JENKINS: Yeah.
COUNCILMEMBER PITTMAN: Okay.
COUNCILMEMBER ROCHE: So what have we been doing?
COUNCILMEMBER FLEMING: So is the stamp going to be --
MAYOR JENKINS: John has been signing

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off on it, but we didn't have an official appointed since the other man left.
COUNCILMEMBER FLEMING: Well, the official stamp of Doraville, it doesn't have a person's name on it?
MAYOR JENKINS: It does now.
COUNCILMEMBER FLEMING: Will it be Scott's?
MAYOR JENKINS: It will be Mr. Calcaterra.
COUNCILMEMBER SPANGLER: So from the last meeting -- and the reason this has come about, I believe, is because last meeting, it was brought up by a citizen that somebody, I guess Mr. Calcaterra had been using Chuck Entsminger's stamp. Now, was this legal?
MAYOR JENKINS: Well, it was because --
COUNCILMEMBER SPANGLER: Is there any recourse that is going to come from or can come from this?
MR. WEED: Based upon the facts as I've been able to ascertain them, I've been recommending to the Council by virtue of e-mail memoranda for some time that we need to designate somebody as Building Official. Obviously

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I've had no preference as to who that would be.
The reason why, as your lawyer, I cared about it is because a number of your ordinances, particularly your zoning ordinance, refer to the Building Official as the administrator of the ordinance. Therefore, we need to have someone designated Building Official. Once again, it can be a contract employee; it could be an in-house employee. Legally, I have no opinion or preference with regard to that.
So this is not anything new. It's been coming up for a long time. Frankly, I think Council has had so much else to do, you simply haven't gotten to it.
With regard to your second question, in my opinion, nothing illegal has occurred because you look to not the seal but what the seal means. And in every document that I've seen that has a seal there's a stamp on it, and the stamp had Mr. Chuck Entsminger's name on it; however, Mr. Calcaterra signed his own name as well.
Therefore, as long as he had the authority to do that, which he did, because he's been appointed the Building Inspector, in my

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1 opinion, there's nothing illegal that has
2 occurred.
3 COUNCILMEMBER SPANGLER: Well, he --
4 MR. WEED: However, is it bad form and
5 would I have preferred not to have seen that?
6 Absolutely.
7 COUNCILMEMBER SPANGLER: Okay. Well,
8 he's just now being appointed. Or if it goes
9 through, he's going to be appointed the Building
10 Inspector now. So we haven't had a Building
11 Inspector with the exception of a temporary
12 position that Mr. Calcaterra has held for the
13 last few months since Mr. Entsminger left.
14 Back at that time, we asked for a full-
15 time -- I believe I made the request for a full-
16 time Building Inspector and was told that we
17 didn't need a full-time Building Inspector, that
18 it was cheaper to use a contract person.
19 MAYOR JENKINS: And before --
20 MR. WEED: That's obviously a policy
21 decision. If you hire a full-time person, I
22 respect that. If you don't, that doesn't matter
23 to me legally.
24 COUNCILMEMBER SPANGLER: Well, that's
25 neither here nor there, but we did not make it

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1 official back then.
2 MAYOR JENKINS: It was official back
3 then because John Calcaterra was doing inspec-
4 tions for Chuck Entsminger for quite some time
5 before Mr. Entsminger left.
6 MR. WEED: You've always had a Building
7 Inspector as far as I understand.
8 I think the purpose of the motion
9 tonight is to clarify the Building Official,
10 mostly for purposes of the ordinances, to make
11 sure that somebody is designated that. And
12 anybody could hold the title. The Mayor could
13 hold the title. Rhonda could hold the title.
14 It doesn't matter who as long as somebody holds
15 the title.
16 COUNCILMEMBER PITTMAN: So then it
17 would be appropriate to make it retroactive --
18 MR. WEED: In my opinion --
19 COUNCILMEMBER PITTMAN: -- from the
20 point of August 13th.
21 MR. WEED: -- yes, ma'am; that is
22 correct.
23 COUNCILMEMBER SPANGLER: As of when?
24 COUNCILMEMBER PITTMAN: August 13.
25 would that be appropriate, an appropriate date?

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1 MR. WEED: In my opinion, that is
2 legal. The date sounds fine with me as to when
3 Council --
4 COUNCILMEMBER SPANGLER: If we do that,
5 then are we covered under any of the ordinances
6 that were -- I mean what are any -- and I'll ask
7 again: what are any ramifications that might
8 come of this since we didn't have a proper stamp
9 or --
10 MR. WEED: Well, in my opinion, we had
11 human beings acting in appropriate capacities
12 doing the appropriate work, and any court that
13 looks at it is going to look at that. A court
14 is not going to stand merely on the form but
15 they're going to look at the function. Were
16 there appropriately appointed or hired employees
17 doing the appropriate work, and did that occur?
18 In my opinion, based upon the facts as I know
19 them right now, that did occur.
20 So as far as any kind of negative rami-
21 fications, I don't think that they would hold up
22 in the long run. Would I have preferred that an
23 appointment occur earlier? Absolutely. And
24 would I prefer that the seal that had been used,
25 not been used? Absolutely. Does that make it

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1 illegal? In my opinion, no. I'm just not happy
2 about it because it's not perfect. It's not
3 what it could have been.
4 COUNCILMEMBER ROCHE: So the people
5 that we designate, are these people -- I mean if
6 I decide to put in a new circuit over at my
7 house, does that mean that whoever we designate
8 can come over and sign off on it and inspect it?
9 MR. WEED: If that's the appropriate
10 role of the Building Inspector, yes.
11 And I know you received former memos
12 about the different inspections that we are
13 allowed to do. In order to do certain inspec-
14 tions, the person has to have certain quali-
15 fications.
16 My understanding is that Mr. Calcaterra
17 has the appropriate qualifications to do all of
18 the inspections that we currently require. If
19 we do inspections that he doesn't and is not
20 qualified for, then we obviously have to get
21 someone who is qualified to make those inspec-
22 tions.
23 COUNCILMEMBER ROCHE: Well, my question
24 is, all due respect to Scott, I don't know if
25 you're certified to sign off on electrical

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1 inspections, et cetera, et cetera.
2 MR. HAEBERLIN: That will not be the
3 capacity in which I will be doing this work.
4 Mr. Calcaterra is still in a contract the same
5 as he was before. My capacity then will be
6 joining in and Mr. Calcaterra and I do co-
7 reviews from the zoning side.
8 Mr. Weed is going to have to exten-
9 sively go through your City Zoning Ordinance and
10 he's going to have to break down the functions
11 that will be technically warranted and even-
12 tually placed under the Building Official and
13 those items that are really Planning & Zoning
14 Director decision.
15 Your code is very old fashioned. It
16 muddies everything together. And so the reason
17 I'm joining in this process is to assist
18 Mr. Calcaterra in the zoning aspects.
19 Eventually, all those items would be moved to
20 me, and at some point, all the technical items
21 would be strictly moved to him. And this is an
22 interim process for further amendments to the
23 Zoning Code.
24 COUNCILMEMBER FLEMING: Have you
25 reviewed Mr. Calcaterra's contract?

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1 MR. WEED: No, ma'am, not recently.
2 And I don't recall off the top of my head having
3 reviewed his contract at all. I will certainly
4 -- I'll check on that tomorrow morning. I just
5 don't have a conscious recollection of that.
6 COUNCILMEMBER FLEMING: I don't recall
7 us receiving one. I have full confidence in
8 Mr. Calcaterra's qualifications, but I wasn't
9 sure whether we physically had a contract on
10 him.
11 MR. WEED: As far as I know, it hasn't
12 been routed to my office nor do I think I
13 drafted it. That's my best information. I'd
14 like to check.
15 COUNCILMEMBER SPANGLER: I thought you
16 were going to go through all the contracts.
17 MR. WEED: I have. I have approxi-
18 mately 50 contracts that I received from
19 different departments. But if the department
20 heads didn't give me the contract, I wouldn't
21 physically have it, or if I haven't drafted it,
22 I wouldn't have it.
23 COUNCILMEMBER SPANGLER: So you
24 wouldn't have had access to Mr. Calcaterra's.
25 MR. WEED: If it wasn't given to me, I

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1 wouldn't have it.
2 COUNCILMEMBER SPANGLER: And who would
3 have been the person to give that to you?
4 MR. WEED: I don't know. Probably
5 someone from administration. I wouldn't know.
6 MAYOR JENKINS: John, have you got your
7 contract?
8 COUNCILMEMBER FLEMING: I didn't want
9 you to make --
10 MAYOR JENKINS: You don't have your
11 contract with you, sir?
12 MR. CALCATERRA: No, sir, but you have
13 a copy of it.
14 COUNCILMEMBER PITTMAN: I want to make
15 a motion, but should I do that pending the
16 review, pending the review of the contract?
17 MAYOR JENKINS: We really need to get a
18 motion and a second.
19 COUNCILMEMBER PITTMAN: Okay.
20 MR. WEED: Well, I would prefer
21 actually in this instance you make somebody the
22 Building Official. Once again from the legal
23 aspect of it whether it's Mr. Calcaterra,
24 whether it's Mr. Haeberlin, whether it's Rhonda,
25 legally, as your lawyer, I don't care as long as

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1 somebody is the Building Official.
2 COUNCILMEMBER PITTMAN: That's fine.
3 Then, I am going to make a motion that
4 we make John Calcaterra the appointed Building
5 Official for the City of Doraville and Scott
6 Haeberlin be appointed Assistant Building
7 Official retroactive to August 13th, 2008, and
8 all actions taken by the Building Official and
9 Assistant on behalf of the City be reaffirmed.
10 MAYOR JENKINS: Do I get a second?
11 COUNCILMEMBER BATES: Second.
12 MAYOR JENKINS: Okay.
13 MR. WEED: And tomorrow I'll certainly
14 look at that contract.
15 MAYOR JENKINS: Yeah. I'll get it for
16 you and let you look at. Okay.
17 COUNCILMEMBER ROCHE: Personally, I
18 think I share the same concern as some other
19 people, that I feel like the -- nothing against
20 Mr. Calcaterra, but I think that our Building
21 Official for the City of Doraville should be an
22 employee of the City of Doraville, you know, for
23 several reasons. I don't want to go into all of
24 them tonight, but that would be my main concern.
25 Also, I know that we're going through

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an RFP process for different services, and I would think that if we insist on having a contractor, then we should probably do an RFP on that, too. We just talked about earlier that we're not going to raise the millage rate, which means we've got to figure out how to get by on less money, and one way to do that would be to put out RFPs and get the best deal if we're not going to hire an employee.

COUNCILMEMBER SPANGLER: I'd feel a lot more comfortable referring Mr. --

Mr. Calcaterra, I have no doubt, no questions. I think his credentials are there. I think that he had the same credentials that Mr. Entsminger had.

Possibly you've gotten a few more since you have come to work part-time with Mr. Entsminger; is that correct?

MR. CALCATERRA: No, sir, that is not correct. Mr. Entsminger had two certifications and I have 20 certifications. I'm a Certified Building Official, and that is a certification that stands on its own.

The reason for building officials in the state of Georgia, if I can share this

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information with you, a building official in the state of Georgia is just a title, and it can be held by the city clerk. It can be held by anyone.

But there is a certification for Certified Building Officials and it certifies you in the technical, legal and management portions of the requirements for zoning, planning and the technical trades. In the state of Georgia, you're required to have a building official assigned to your political jurisdiction, and the reason for that is because there's a service organization called the Insurance Service Organization or the ISO. They rate your city or your town or your county or whatever the political jurisdiction is, and it sets a standard for your homeowners' insurance for your citizens. So that's one of the reasons for it. It combines the police department and their rating, the fire department and their rating, and the building official and his rating. So the more certifications the building official, the police department and the fire department has, the lower the rates on the homeowners' insurance, and that's the whole reason for it.

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I'm certified in every trade, all the plans reviews. I'm a Certified Building Official in every trade and everything you can have.

MAYOR JENKINS: Very good.

COUNCILMEMBER SPANGLER: Thank you.

MAYOR JENKINS: Thank you.

COUNCILMEMBER SPANGLER: I'd feel more comfortable reviewing the contract that we have with Mr. Calcaterra before making a vote on this.

MAYOR JENKINS: We have a motion and a second on the table.

We'll let you look at the contract tomorrow if you care to.

COUNCILMEMBER SPANGLER: I'm not going to vote on it tonight and look at the contract tomorrow.

MAYOR JENKINS: Anymore discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

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COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: No.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: No. And it's not that I don't have any confidence in you, Mr. Calcaterra. I think you're probably one of the best.

It's just the fact that I think that we as a governing body need to review that contract and ensure that everything's okay. These --

MAYOR JENKINS: I'll give you a copy of it tomorrow.

COUNCILMEMBER SPANGLER: Well, no.

MAYOR JENKINS: Okay. Motion carried.

Mr. Jones?

Our insurance carriers have informed us that some of our insurance is going up quite a

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1 bit. I believe you told me that Blue Cross and
2 Blue Shield's going up 17-and-a-half percent.
3 But you did get some other quotes as the Council
4 asked you to do; is that correct?
5 MR. R. JONES: Absolutely.
6 My name is Ron Jones and I'm part of
7 the insurance agency here that's representing
8 your interest.
9 Council asked us to go out and get
10 competitive bids, comparable bids, with existing
11 medical insurance you had today, so we have
12 finished that. We did have -- I believe you
13 have a copy of a one-sheet typed summary that
14 was given out. Does everyone have that?
15 So we have completed that, and we're
16 looking to get an approval one way or the other
17 or at least a direction from the Council on how
18 to proceed with the insurance. It's due -- July
19 1 is the initial date for the insurance contract
20 currently with Blue Cross/Blue Shield to expire.
21 COUNCILMEMBER FLEMING: July 1?
22 MR. R. JONES: July 1.
23 MAYOR JENKINS: I see you have Kaiser
24 here. How does it compare with what we have?
25 MR. R. JONES: Kaiser has always been a

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1 little bit lower because the doctors compared to
2 Blue Cross or either United Healthcare are
3 limited, because they have actual sites that you
4 have to go to to see their doctors. They also
5 don't have any type of dental programs or any-
6 thing like we currently have with Blue Cross/
7 Blue Shield. And so comparable-wise, a lot of
8 your employees would have to look at their
9 doctors to see if they're on the program; if
10 not, they would have to change. And this would
11 create an application for Kaiser. Every
12 employee would have to do a new application and
13 go to these particular sites. So that's the
14 downfall of a Kaiser particular plan even though
15 it is somewhat cheaper.
16 COUNCILMEMBER SPANGLER: The Kaiser co-
17 pay is a little higher also.
18 MR. R. JONES: Yes.
19 MAYOR JENKINS: If you change from Blue
20 Cross/Blue Shield, whether you go to Kaiser or
21 anybody, will they accept our people that we
22 have now that is on the -- let's say the "sick
23 list?"
24 MR. R. JONES: Well, I know that United
25 Healthcare will not accept retirees or part-time

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1 people. They put that in the contract.
2 All of these, all the quotes that we
3 got, we had to give to them information on
4 claims history for the last year, and that's
5 what sets the whole -- whether the rates go up
6 or down or stay level. That's why last year
7 Blue Cross/Blue Shield said no increase because
8 your claim ratios were low. This year we had
9 some additional claims that caused them to go
10 up.
11 C.R. had actually negotiated from
12 17-and-a-half percent down to 15 percent, and
13 this represents the 15 percent.
14 COUNCILMEMBER SPANGLER: This is the
15 $352.79 for the Blue Cross? $352.79 for the
16 Blue Cross --
17 MR. R. JONES: Yes.
18 COUNCILMEMBER SPANGLER: -- on the
19 sheet you just passed out to us?
20 MR. R. JONES: Yes, sir. That's for an
21 individual.
22 COUNCILMEMBER SPANGLER: Okay. With
23 Kaiser, too, they don't have -- do they have
24 dental?
25 MR. R. JONES: No.

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1 COUNCILMEMBER SPANGLER: Okay. And we
2 have dental with Blue Cross/Blue Shield --
3 MR. R. JONES: Well --
4 COUNCILMEMBER SPANGLER: -- or is that
5 a separate?
6 MR. R. JONES: -- it's all a little
7 separate deal, but we would have to go outside.
8 Kaiser does not provide a dental service.
9 COUNCILMEMBER SPANGLER: So the chances
10 are it would cost us more money if we went out-
11 side?
12 MR. R. JONES: Yes, sir.
13 COUNCILMEMBER ROCHE: Do you know off-
14 hand how many employees or how many people we're
15 covering on the Multi-Choice versus the HMO?
16 Because apparently, if I remember correctly --
17 MR. R. JONES: Yeah. Actually, the HMO
18 is -- we only have four people in the PPO right
19 now, so really we're not -- we're showing some
20 of the figures, but most of it should be the
21 HMO. We're having like 117 total in HMO, four
22 PPO; total 121. Of course that varies, you
23 know, from week to week, who comes in.
24 COUNCILMEMBER ROCHE: All right. And I
25 guess the reason I'm bringing this up for the

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1 benefit of the people out there is the PPO is
2 $90 more for just an employee, and $280 more a
3 month, and I was wondering if perhaps one thing
4 we could do would be just limit the choice to
5 the HMO.
6 COUNCILMEMBER BATES: Well, and I don't
7 mean to interrupt. If my understanding is
8 correct, the employee who chooses the PPO pays
9 the difference.
10 COUNCILMEMBER PITTMAN: Yes.
11 COUNCILMEMBER ROCHE: They do pay the
12 difference? Okay.
13 MR. R. JONES: There's also a
14 deductible with the PPO which makes it --
15 COUNCILMEMBER ROCHE: Fair enough.
16 MR. R. JONES: The PPO has a deduc-
17 tible.
18 MR. C.R. JONES: And the other
19 insurance, the PPO only pays PPO rates.
20 COUNCILMEMBER SPANGLER: Well, I make a
21 motion we stay with Blue Cross and Blue Shield.
22 MAYOR JENKINS: Do I get a second?
23 COUNCILMEMBER ROCHE: I'll second that.
24 And I can say from personal experience, I had
25 Kaiser for a while. It's great insurance as

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1 long as you don't get sick.
2 COUNCILMEMBER FLEMING: I agree. I
3 think we should stay with Blue Cross/Blue
4 Shield, but what I'd like to see, to help the
5 City out, because right now for an employee only
6 at $352.79, the employee's contributing $15 a
7 month, and for an employee and family the amount
8 would be $1033.11 and they would be contributing
9 $30 a month. So what I would like to see
10 possibly are some scenarios if you can possibly
11 do that, a $250 employee deductible and a $500
12 family deductible, and then 100% coverage
13 thereafter.
14 MR. R. JONES: Okay.
15 COUNCILMEMBER FLEMING: And then I'd
16 also like to see an 80/20 policy where the City
17 is paying 80 percent and the employee would be
18 paying 20 percent.
19 - - -
20 (Applause)
21 - - -
22 COUNCILMEMBER FLEMING: And then I
23 believe there's possibly a scenario that's a
24 thousand-dollar stop gap, if I'm not mistaken.
25 Is that the correct term?

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1 MR. R. JONES: Well, there is. And
2 Blue Cross/Blue Shield does have 30 to 40
3 different plans that we can choose from and they
4 have different amounts of deductibles, and
5 really they start around $500 and go up for the
6 deductibles.
7 Now, what we can do is I can get with
8 the Blue Cross/Blue Shield sales rep, find out
9 of there's any other plans than what they have
10 given us, and I will carry your request on to
11 them.
12 COUNCILMEMBER FLEMING: If Council
13 would be in agreement with that. I am for us
14 staying with Blue Cross, but I would like to see
15 us investigate possibly a different, instead of
16 100% coverage, because right now, though I'd
17 love to be able to give the employees and the
18 employee's family 100% coverage for a maximum of
19 $30 a month, we are looking at $420,000 in just
20 a millage rate deficit.
21 So I would like to see those three
22 scenarios if possible. Would Council entertain
23 that, for him to bring back some additional
24 information?
25 COUNCILMEMBER SPANGLER: What if we --

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1 here's another thought, too -- why don't we
2 check with maybe the department heads and see
3 how they feel their employees might or would
4 rather have it? You know, they may be willing
5 to pay more for the insurance and keep it as it
6 is without the deductible and, you know, the
7 $10/$20 co-pay. They may be willing to pay more
8 toward the premium. I would really rather see
9 that done than raise the deductible.
10 COUNCILMEMBER ROCHE: Most places I've
11 seen, they offer the employees a choice. You
12 know, you can pay a little more and then have
13 the lower deductible and lower co-pay and that
14 sort of thing.
15 MR. R. JONES: They have multiple plans
16 that are offered, and then they'd have a chance
17 to choose. You know, in the corporate world,
18 they do that -- very large corporations --
19 COUNCILMEMBER ROCHE: Right.
20 MR. R. JONES: -- because that's where
21 I came from. But they also have a lot higher
22 amounts that they take out of the employees when
23 they do that.
24 You know, I'll do whatever you tell me
25 to do. We can come back. I know the plan

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existing now, you've had for the last three years. It's probably one of the best ones that Blue Cross/Blue Shield has.

COUNCILMEMBER PITTMAN: I actually like Mr. Spangler's idea. I think that check with the department heads and see how the employees feel about paying more for that. That's what I prefer.

COUNCILMEMBER ROCHE: I kind of have an idea of what they'd say, frankly.

COUNCILMEMBER PITTMAN: Well, no. I think they might be in agreement actually.

COUNCILMEMBER BATES: If I may, I think the question if we do go that route is, "Employees, would you prefer to have a deductible that you need to meet as a threshold or would you prefer to have a zero deductible and pay a greater percentage of the premium?" So that, to me, is where the question lies with the employees -- you know, "Do you want to have a zero deductible and pay a percentage of the premium or do you want to have a deductible or a threshold that you have to reach a minimum, you know, whether it's $250 or $500 or $1,0000 but not pay any toward your premiums?"

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So that's where we need to see the difference in the numbers on how does that -- you know, if we've got a $500 deductible premium, how does that impact the base dollar amounts for the policy versus assigning a percentage, a random percentage -- you know, 5/10/20 percent, whatever that number equates out to -- for the employee contribution portion?

Did I summarize that for you?

COUNCILMEMBER PITTMAN: That's actually a good idea.

COUNCILMEMBER FLEMING: That's the point where I was trying to draw is for us to be able to offer the employees either a higher contribution or a higher deductible. We still have to have these scenario figures for us to be able to, because if we just say, "Hey, do you want to do such-and-such?", we'll have 117/121 different opinions.

COUNCILMEMBER PITTMAN: That's what you were talking about, right, Mr. Spangler?

COUNCILMEMBER SPANGLER: You know, if I were an employee of the City -- and I do have the insurance through the City -- I would rather pay more for the premium per month than I would

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be to have a $500 or a $1,000 deductible; because some people never get sick. You know, they may go to the doctor one time a year to get a flu shot or whatever, so they're not going to be covered. They're going to pay that deductible, whatever it may be. They're going to pay the full office visit, because if we make it at $250, a flu shot's not going to cost them $250, okay, plus they're going to have that premium that they're paying.

I'd rather leave it like it is where they have no deductible, they get the $10 co-pay or $20 to a specialist, and just raise their -- and I think they would all be in agreement to pay maybe, instead of $15 a month, pay $60 or $75 a month and $100 for employee and spouse or employee and family.

MR. R. JONES: I just wanted to comment, if you start offering double plans, two or three plans on there --

COUNCILMEMBER SPANGLER: No, I'm not. I'm only talking --

MR. R. JONES: I know. But I know that came up. The rates would probably change. And this is like a single plan --

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COUNCILMEMBER SPANGLER: Right.

MR. R. JONES: -- simplified.

COUNCILMEMBER SPANGLER: And I'm sure that's the reason --

MR. R. JONES: And it's worked real well so far for the employees.

COUNCILMEMBER BATES: Yeah, but does this simplified plan have a deductible associated with it that is an option?

MR. R. JONES: Yes.

MR. C.R. JONES: If everybody wants to take 15 percent, they could leave the rate.

COUNCILMEMBER ROCHE: Do we offer tax-free savings plans for medical coverage? I forget what that's called.

CLERK BLACKMON: Not that I'm aware of, no.

COUNCILMEMBER ROCHE: I mean here, everything's basically covered. I mean I know a lot of -- I haven't been an employee for a long time, but a lot of companies, they have that where you can take a certain amount out of your paycheck, and it's tax-free and you can use it to cover any medical expenses that are not already covered through your insurance or

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1 whatever.
2 So that way, if you have a plan with a
3 $500 deductible, you could just designate, what?
4 $60 a month or whatever it amounts to to get
5 your $500 there, and then as you meet that
6 deductible, you pay it out of that plan, and
7 what you get is you don't have to pay taxes on
8 any of that money. So you make 500 bucks and
9 you spend 500 bucks instead of, like now, you
10 have to make 750 dollars to spend 500 bucks. So
11 with a combination of the deductible plus
12 offering that plan, that would offset or at
13 least help to offset that sting, because, like I
14 say, I don't like the idea of having to raise
15 the rates, either, but, you know, we have some
16 financial realities happening here.
17 MR. C.R. JONES: Mr. Bob, we already
18 got a one twenty-five plan. That could be
19 easily done.
20 COUNCILMEMBER BATES: Is that a
21 use-it-or-lose-it plan?
22 MR. C.R. JONES: Well, yeah, it is. If
23 you don't use up all the money you've put in in
24 a year's time, the government --
25 COUNCILMEMBER ROCHE: Right.

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1 MR. C.R. JONES: -- says it's gone.
2 COUNCILMEMBER BATES: But there are
3 alternate plans that allow you to roll those
4 over year after year; is that correct?
5 MR. C.R. JONES: There may be, but I
6 just don't know of it.
7 I know we already have a one twenty-
8 five in force that gives you tax a deductible on
9 your premiums you pay for AFLAC and your health
10 insurance.
11 COUNCILMEMBER ROCHE: Right.
12 MR. C.R. JONES: So it's really a big
13 help, but we could add that easily. Norcross
14 has got it. We put it in up there.
15 COUNCILMEMBER ROCHE: I think I have
16 AFLAC. Do I? I don't know.
17 MR. C.R. JONES: Yeah, you've got it,
18 you're covered.
19 COUNCILMEMBER BATES: Mr. Jones, on the
20 simplified Blue Cross and Blue Shield plan, are
21 there standard-deductible policies that they
22 have or is that something that we ask? Do they
23 have a $250/$500/$1,000?
24 MR. R. JONES: They do have multiple
25 plans. The plan that the City has been using

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1 over the last three years does not have a
2 deductible and it pays 100%. But they do have
3 additional plans. I mean Blue Cross/Blue
4 Shield's got 30 or 40 different plans that they
5 could put you in, which is a combination of
6 deductibles and 100%, 80/90/70.
7 COUNCILMEMBER BATES: Is there a
8 comparable plan to the one that we're currently
9 in, that has a deductible associated, that you
10 could provide us to give alternate pricing?
11 MR. R. JONES: Yes.
12 COUNCILMEMBER BATES: Okay.
13 MR. R. JONES: Yes, we can get that
14 information together.
15 If you're telling me that we're going
16 with Blue Cross/Blue Shield tonight, then we
17 don't really have a problem tweaking that.
18 MAYOR JENKINS: Are we going to keep
19 the motion as it stands?
20 COUNCILMEMBER SPANGLER: Yes.
21 COUNCILMEMBER FLEMING: Oh, yes.
22 MAYOR JENKINS: What was the motion?
23 COUNCILMEMBER SPANGLER: The motion was
24 to keep Blue Cross and Blue Shield as our
25 insurance carrier.

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1 MAYOR JENKINS: Okay. In other words,
2 if we go pass this through, then you can work on
3 the alternate plans --
4 MR. R. JONES: Absolutely.
5 MAYOR JENKINS: -- for the Council.
6 COUNCILMEMBER ROCHE: You know, we'll
7 stay with Blue Cross, but we may change the
8 plan.
9 MR. R. JONES: We can have an alternate
10 plan to present to you by next week.
11 MAYOR JENKINS: Call the roll, please.
12 COUNCILMEMBER ALEXANDER: Did the AFLAC
13 premiums go up?
14 MAYOR JENKINS: Well, wait a minute.
15 MR. R. JONES: No. That has nothing to
16 do with the medical.
17 COUNCILMEMBER ALEXANDER: No, but I was
18 just asking. Do you think that the AFLAC
19 premium is going to --
20 MR. R. JONES: No.
21 COUNCILMEMBER ALEXANDER: -- go up or
22 stay the same? Okay. Thank you.
23 MAYOR JENKINS: Call the roll.
24 CLERK BLACKMON: Councilmember
25 Alexander?

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COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
And when you do that comparison, check what the different -- you know, by adding the 15 percent I think Mr. Jones said that the premium went up, what that would be to each employee. Also give us that information.
MR. R. JONES: Thank you.
COUNCILMEMBER SPANGLER: Thank you.
MAYOR JENKINS: All right. Thank you.
Next item on the agenda is the I.T. service RFP.
We have an I.T. service that's with us as we speak, and they are doing a very good job. But I have a feeling that the Council wants it

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to go out for RFPs. Is that correct?
COUNCILMEMBER SPANGLER: Yes, sir.
COUNCILMEMBER ROCHE: Yes.
COUNCILMEMBER FLEMING: It has --
COUNCILMEMBER ROCHE: We just did.
COUNCILMEMBER FLEMING: -- gone out for an RFP.
COUNCILMEMBER ROCHE: We have RFPs here.
MAYOR JENKINS: Yeah, we already did, but do you want to use those, or do we need sealed bids or what do we need?
COUNCILMEMBER ROCHE: Well, I thought these were sealed bids, but --
MAYOR JENKINS: Well, you can see they're not.
MR. HOWE: They were.
COUNCILMEMBER ROCHE: Hm?
MR. HOWE: I believe one firm did not send in sealed bids after they were -- you know, it was explicit in the RFP that they send sealed bids, but every vendor except for one did send in the bid sealed.
MAYOR JENKINS: Well, if you want -- I don't care if you want to use those. It doesn't

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make any difference to me, but we would like to add the one that is working with us now. They're very good people.
COUNCILMEMBER ROCHE: Well, I'm sure they're all good people, Mayor.
MAYOR JENKINS: Yeah.
Okay. Well, what do you want to do? I'm asking. You want to put it out for RFPs or use those?
COUNCILMEMBER ROCHE: I'm open. I mean I looked at a couple of these. There's a couple that looked pretty good.
MAYOR JENKINS: Did you look at the one we have now?
COUNCILMEMBER ROCHE: Yeah, I looked at that one also.
MAYOR JENKINS: Okay. What do you think about them?
COUNCILMEMBER SPANGLER: They're a little expensive.
MAYOR JENKINS: More expensive than the others?
COUNCILMEMBER SPANGLER: Well, they're more expensive than what we had.
I think we need time to review these

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and probably ask some questions.
MAYOR JENKINS: Yeah.
I really don't think we should do it tonight. Do you, Bob?
COUNCILMEMBER ROCHE: Well, why don't we just narrow it down to two or three and then we can bring them in just like we do with all our other RFPs?
COUNCILMEMBER SPANGLER: Let's take the time between now and the next Council meeting to choose which ones you want.
MAYOR JENKINS: For an interview; is --
COUNCILMEMBER ROCHE: Yeah.
MAYOR JENKINS: -- that right?
COUNCILMEMBER ROCHE: Now, in the mean-time, don't you need authorization to spend the money on what we're doing now?
I'd like to make a motion that we authorize the Mayor to continue to pay the current company until such time as we choose another I.T. services company.
MAYOR JENKINS: Second?
COUNCILMEMBER BATES: Second.
COUNCILMEMBER ROCHE: And the reason I made that motion is because the Mayor can only

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spend $5,000, I think, at a time without authorization.
MAYOR JENKINS: We're pretty close.
CLERK BLACKMON: I was going to say, did you give him --
MAYOR JENKINS: Uh-huh.
CLERK BLACKMON: -- Risk Management?
MAYOR JENKINS: Has everybody got a copy?
COUNCILMEMBER PITTMAN: I didn't get any.
COUNCILMEMBER FLEMING: No, I didn't get Risk Management.
COUNCILMEMBER SPANGLER: No.
COUNCILMEMBER ALEXANDER: -- Management Services.
MAYOR JENKINS: I put this in everybody's box.
CLERK BLACKMON: That is who we're using right now. I don't know that you have this.
COUNCILMEMBER ALEXANDER: Yes.
COUNCILMEMBER ROCHE: I have the Management Group.
COUNCILMEMBER ALEXANDER: Yes.

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CLERK BLACKMON: That's the same thing.
COUNCILMEMBER ROCHE: Yeah. Okay. That's what I thought.
COUNCILMEMBER FLEMING: Okay. Then, yes, I have that.
COUNCILMEMBER SPANGLER: I'd like to ask Mr. Weed. Do we need to do this? Do we need to make a motion to continue to use --
The Mayor's been using them anyway, so I can't understand why we would need a motion.
MAYOR JENKINS: If they go over $5,000, yes. He's authorizing me if I need to between the time now and then, if I go over $5,000, that he's authorizing it.
COUNCILMEMBER SPANGLER: So they've been able to keep it within $5,000 up until --
MAYOR JENKINS: (Shakes head)
COUNCILMEMBER SPANGLER: So possibly they've been going over $5,000?
MR. WEED: I would prefer that the motion stand as far as my best advice to Council.
MAYOR JENKINS: Okay. Well, call the roll on the motion, please.
CLERK BLACKMON: Councilmember

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Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: English Oak Park. We did the final walk-through on English Oak Park. Has everybody looked at it and approve of it?
COUNCILMEMBER SPANGLER: I looked at it a couple of weeks ago, and there's still a lot of water standing in that park.
MAYOR JENKINS: There's going to be a lot until the side gets holed and --
COUNCILMEMBER SPANGLER: That was one of the main things, main concerns that we had, because we wanted to be able to use that park without being carried off by the mosquitoes.

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Is that right, Ms. Fraysse?
MS. FRAYSSE: Surely. It is a flood plain and it's always going to flood.
COUNCILMEMBER SPANGLER: It may flood, but I'm just saying with all the water -- there was quite a big of water standing there a couple weeks ago, and I would think if they fixed the drainage right on that, that there shouldn't be that much water standing.
MAYOR JENKINS: They worked on them since then, too, Bob.
Bob?
COUNCILMEMBER ROCHE: I would like to see a breakdown of all the costs that were associated with the equipment and the work that was done.
I guess I thought we -- we paid like 12,000 or 10,000 dollars to like a project management group that would keep an eye on it. I haven't seen any like progress reports or anything like that from them.
MAYOR JENKINS: That's MACTEC, isn't it?
COUNCILMEMBER ROCHE: I think so, yeah, but I never saw anything since then, I mean. So

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I don't know if we had any change orders. I don't know what our costs were. I don't know any of that.
I'd like to know what the total costs were for that and the equipment and everything else.
MAYOR JENKINS: Okay.
COUNCILMEMBER SPANGLER: And maybe --
COUNCILMEMBER ROCHE: I don't need this much paper (gesturing). I just want a general idea.
CLERK BLACKMON: I'll get with Carol Stephens.
COUNCILMEMBER ROCHE: I mean not I, but I mean I think the Council needs to know.
MAYOR JENKINS: Is that all?
COUNCILMEMBER ROCHE: When's the opening date, Mayor?
MAYOR JENKINS: We don't know.
COUNCILMEMBER ROCHE: There's kids in there. I went by Saturday morning, and there's all these little kids in there. That's why I didn't go in there, because I didn't want the kids to think it was okay to go in there.
COUNCILMEMBER SPANGLER: Well, did they

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get the railing fixed on that yet?
MAYOR JENKINS: They got one more thing to do on the railing. They did them but they didn't do them right, so they got to extend them.
COUNCILMEMBER SPANGLER: Well, are they going to make them more stationary, more stable than what they were, because they --
MAYOR JENKINS: Yeah.
COUNCILMEMBER SPANGLER: -- were real loose?
MAYOR JENKINS: Yeah. They hadn't stabilized them.
CLERK BLACKMON: Carol stated this morning that the rails were completed. When she came in earlier this afternoon, she said they had corrected them.
COUNCILMEMBER SPANGLER: Well, the way they were before, they had put them up and they were just real wobbly. I mean you couldn't -- you couldn't hold onto them.
COUNCILMEMBER ALEXANDER: I believe Mr. Calcaterra was there at that walk-through.
Mr. Calcaterra, was that one of the items that you addressed?

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MR. CALCATERRA: Yes, ma'am.
COUNCILMEMBER SPANGLER: Did you give them directions to fix that properly?
MR. CALCATERRA: Yes. It was not only the structural integrity of the railing but the design for handicapped accessibility was what they had to change. And as far as I know, Carol told me that they had done it; and I haven't inspected it yet but probably tomorrow.
MAYOR JENKINS: They had to reconnect them, and then they'll seal the hole, where they went in the hole.
COUNCILMEMBER SPANGLER: Well, the way they were sealing the holes was they were driving metal down in the . . .
COUNCILMEMBER ROCHE: So we don't have an opening date yet?
MAYOR JENKINS: I don't -- I think that would be up to Carol. I think she's going to pick a date on a Saturday.
COUNCILMEMBER ROCHE: Well, I think that some balloons and a big pair of scissors and all that would be appropriate.
COUNCILMEMBER ALEXANDER: And the Oakcliff neighbors have wanted to have the

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picnic at the opening day, also, so hopefully it'll be --
MAYOR JENKINS: I'll see if Carol's got a date. If she has, I'll let you know.
Is that all?
Payroll outsource RFP. I think this is something that came up before now, and I got a little more information on it.
Rhonda, are you going to present it or is --
CLERK BLACKMON: I can let Mr. Maxwell speak. This was just to get approval to put out some RFPs.
COUNCILMEMBER ROCHE: I make a motion that we put out RFPs for payroll outsource.
MAYOR JENKINS: Okay. Second?
COUNCILMEMBER BATES: Second.
MAYOR JENKINS: Anymore discussion?
COUNCILMEMBER SPANGLER: Do we really need this? You just come aboard. I mean the other accountant we had, it only took her about an hour a week to do the payroll.
MR. MAXWELL: Would you want me to comment on that?
COUNCILMEMBER SPANGLER: Yes, please.

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MR. MAXWELL: I figured you'd ask the question.
I believe that to respond to this question, I have to go back over the 15-plus years that I have been either a finance director or an assistant finance director. At no time did a finance director ever do payroll. Payroll was done by one of three entities: either a certified H.R. person who did payroll or a fully separate payroll department or it was out-sourced. That's the only three ways I've seen it.
The primary -- another primary reason is yes, it's easy to push the buttons, but the liabilities you face by the ever-changing laws, Federal and State and other, that you face can far cost you more than, you know, what you're paying to outsource it. Plus when you outsource it, you can actually end up with more benefits because the company can offer more things.
The liability aspect is my biggest concern.
COUNCILMEMBER SPANGLER: Well, we had a bookkeeper that did payroll.
MR. MAXWELL: I am not a payroll expert

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by any stretch.
COUNCILMEMBER SPANGLER: I'm just saying to you, Mr. Harlow --
What's your last name?
MR. MAXWELL: Maxwell.
COUNCILMEMBER SPANGLER: -- Maxwell, Mr. Maxwell, we had a bookkeeper that was doing payroll who did a transfer to another depart-ment, and at that time, it was given to the accounting person that we had, to take it over, and that person was doing it.
And I was just wondering why we would need to outsource it and why the accounting person couldn't continue to do it.
I can see some benefits from out-sourcing and I could also see some . . .
MR. MAXWELL: Well, my only question is, number one, honestly, I've never done payroll. That's point number one.
Two is I'm just concerned about the liability aspect. I think we have problems now and I think that it is a result of not knowing some of the laws and situations that we should be in.
It's also cost efficient, I mean,

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because, realistically, you're going to pay less than you would if you actually hired one new employee to do payroll, you know, which would be a certified H.R. person.
I mean, you know, you're the Council, but I'm telling you my opinion on it.
COUNCILMEMBER SPANGLER: Thank you.
COUNCILMEMBER ROCHE: And I would like as far as this RFP to mention electronic time-keeping. I remember speaking to --
MAYOR JENKINS: Well, Mr. Harlow has already mentioned that also.
By the way, for the audience, this is Mr. Harlow Maxwell. He's our new accountant --
CLERK BLACKMON: Darlow.
MAYOR JENKINS: -- that will be in our office for Priscilla's office work.
- - -
(Applause)
- - -
COUNCILMEMBER PITTMAN: I just had a question about direct deposit. At one time, we'd already filled out all the information.
MAYOR JENKINS: He's working on that as we speak.

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MR. MAXWELL: I promise you that's number one on my agenda.
COUNCILMEMBER PITTMAN: Thank you.
MAYOR JENKINS: We're going to get it. It kind of got delayed. I don't really know why.
Is there anymore 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 Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.

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1 MAYOR JENKINS: Okay. The next one --
2 THE REPORTER: Could we have it quiet
3 in the back because we got the fan and a lot of
4 --
5 COUNCILMEMBER BATES: Ms. Avers, Mr.
6 Hart, please.
7 MAYOR JENKINS: Excuse me?
8 COUNCILMEMBER BATES: We had a conver-
9 sation going on in the back.
10 COUNCILMEMBER SPANGLER: There's always
11 conversations going on in the audience and we
12 never call anybody down.
13 MAYOR JENKINS: We will.
14 City Attorney contract.
15 Murray's been with us a year now as of
16 today; is that correct?
17 MR. WEED: (Nods head)
18 MAYOR JENKINS: Okay. And I really
19 speak for Murray. He's done a good job. And of
20 course we actually went over what we really
21 thought that we would for a city attorney, and
22 probably to hire a full-time person, having a
23 full-time employee plus an office and a
24 secretary and all that, it wouldn't work out,
25 but this is just my opinion.

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1 And I'm just going to speak for Murray
2 as we speak, and I believe, if I need be --
3 Murray, do you want to come up and tell us what
4 you will do for the next year or how do you want
5 to do it?
6 COUNCILMEMBER SPANGLER: Would I be out
7 of line in asking so far, year to date, what
8 your bills have been?
9 MR. WEED: From the point of Freeman
10 Mathis and Gary's appointment until the end of
11 April the 30th, the figure is approximately
12 $234,000.
13 Over the weekend, we discussed it with
14 the partnership, and what we're prepared to
15 offer the City -- you'll recall that when we
16 first were introduced to the City, we made you a
17 flat-fee offer for unlimited services with no
18 cap. I had a long conversation with the rele-
19 vant partners this weekend, and we're prepared
20 to make a similar offer tonight. That offer
21 would be $200,000. Once again, that's for
22 unlimited services with no cap.
23 What that would not include -- and I
24 want to be specific about this -- would be
25 special projects that you create. For example,

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1 if you elect to create something that does not
2 exist right now, such as a convention and
3 visitors bureau, such as a downtown development
4 authority, that's outside of the services we're
5 providing now, those things don't exist yet. So
6 in fairness to our firm, we believe that fairly
7 enough we should be compensated to do work with
8 regard to those entities. Or you could always
9 appoint another lawyer to represent the downtown
10 development authority or the convention and
11 visitors bureau.
12 However, for the things that we have
13 been doing, such as almost a complete rewrite of
14 your Zoning Ordinance -- all that has been done
15 essentially between Mr. Haeberlin and myself --
16 that would continue. The architectural design
17 ordinance, that would continue. That wouldn't
18 be a special project. Amendments to the
19 personnel ordinances, that would continue. The
20 rewriting of everyone of your job descriptions,
21 that would continue. The sign ordinance work,
22 that would continue. So the things that have
23 been routine work, we would continue on with.
24 Our nuisance abatement programs that you've
25 approved, that would continue.

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1 Yes, sir?
2 COUNCILMEMBER SPANGLER: I think in
3 reading the e-mail that I received, you said
4 Doraville Days would not be included.
5 MR. WEED: That's correct, because
6 Doraville Days has not been included so far.
7 That was something that I believe you paid a
8 flat fee of I think $500 for that.
9 COUNCILMEMBER SPANGLER: That's
10 correct.
11 MR. WEED: And I've acted in accordance
12 with that, and we did a number of the original
13 contracts for Doraville Days.
14 I don't expect, because we've given you
15 the appropriate for long-term use, you're ever
16 going to need to call me back to work on
17 Doraville Days, but if you do, I'll certainly be
18 glad to do that.
19 COUNCILMEMBER FLEMING: Now, the
20 $200,000 cap includes your travel?
21 MR. WEED: Yes.
22 COUNCILMEMBER FLEMING: Includes
23 copying all the documents?
24 MR. WEED: Yes.
25 COUNCILMEMBER FLEMING: All the e-mails

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1 back and forth?
2 MR. WEED: Yes.
3 COUNCILMEMBER FLEMING: All the phone
4 calls back and forth?
5 MR. WEED: Yes, ma'am.
6 COUNCILMEMBER SPANGLER: And all the
7 hours of the meetings --
8 MR. WEED: Yes, sir.
9 COUNCILMEMBER SPANGLER: -- that we
10 have?
11 MR. WEED: It's the best deal that I
12 can offer you without losing my head to my
13 partners.
14 COUNCILMEMBER SPANGLER: Two hundred
15 thousand's still a lot of money.
16 MR. WEED: Yes, sir. But please bear
17 in mind that with that, you have access to 50
18 people. You have access to one of the only law
19 firms in the entire Southeast that actually has
20 argued before the United States Supreme Court
21 and won.
22 COUNCILMEMBER SPANGLER: But it's going
23 to be at an additional cost.
24 MR. WEED: Litigation would be, yes.
25 If it is litigation that's --

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1 COUNCILMEMBER SPANGLER: The employee
2 manual was an additional cost.
3 MR. WEED: That's correct. But you
4 didn't have to use our firm to do that. You
5 elected to allow us to bid on it, and you
6 accepted our bid. Our bid was $4,500.
7 The actual cost in our time for the
8 manual, having three lawyers on it, was approxi-
9 mately -- the difference was about $15,000,
10 which of course was our cost. So you have a
11 state-of-the-art manual from a law firm that is
12 -- we can't -- lawyer's aren't allowed to use
13 the term "expert," but we have a specialty in
14 employment law. It's a state-of-the-art
15 personnel policy for $4,500. We think that's a
16 bargain.
17 COUNCILMEMBER FLEMING: And what about
18 complex litigation not otherwise covered by
19 insurance?
20 MR. WEED: Frankly, part of my job --
21 and I think we've done this to date -- we have
22 been able to, via prevention, prevent a number
23 of situations that might have turned into
24 complex litigation. And I think you'd all agree
25 with me that we've been able to, as a group,

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1 accomplish that goal.
2 However and also, most of your liti-
3 gation is already covered by your GIRMA
4 insurance. But there may be some unknown case
5 out there that goes into complex litigation,
6 that none of us are aware of, and that would be
7 outside of the routine work performed by the
8 daily phone calls, the daily advice from the
9 staff. And once again, I hope you'll find that
10 to be fair.
11 COUNCILMEMBER BATES: That would be the
12 same under any attorney scenario, even an in-
13 house attorney. The likelihood of them having
14 the ability to litigate a particular case --
15 MR. WEED: Having been an in-house
16 attorney twice previously -- I was the first in-
17 house attorney of Lowndes attorney; I was the
18 first in-house attorney of the City of
19 Hapeville; I formed two offices from scratch --
20 many times, the complex litigation has to be
21 farmed out. Our firm, we don't have to farm
22 anything out.
23 Anything that will occur with
24 Doraville, my law firm can handle. And that
25 isn't a boast. That's a statement of fact.

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1 That's what we do. We have a complex construc-
2 tion operation, we have a complex personnel
3 operation. We know more about land use and
4 planning than anyone in the state. That's what
5 we do.
6 What I do is local government law, and
7 now we have approximately six lawyers who could
8 do almost virtually just that.
9 COUNCILMEMBER ROCHE: What happens if
10 there is a dispute as to whether or not a cost
11 should be covered under the flat rate versus
12 additional?
13 MR. WEED: Like everything else,
14 Councilman, I think you have -- I hope you have
15 all found me to be fair and reasoned. As I tell
16 my wife, I am always willing to make a deal, I
17 am always willing to listen. She may not agree
18 with the last part, but I'm always willing to
19 make a deal. And based upon that, I think you
20 would find us to be extremely fair in our
21 dealings, and I think our past speaks for
22 itself. In fact, I can think of no situation
23 where you have come to us and that we haven't
24 been reasonable.
25 Of course I'll be sitting right there

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if you have any additional questions.
MAYOR JENKINS: All right. Thank you.
COUNCILMEMBER SPANGLER: Nothing against you, Mr. Weed, or your law firm, but I would really rather put some RFPs out for legal services.
COUNCILMEMBER BATES: And I would say that based upon the time situation, the amount of time that you've been with us, the learning curve on any law firm, that I would prefer us to retain a city attorney for more than a year.
I think there certainly comes a time and a point where it's appropriate for a city to put out RFPs even for vendors whom we like and enjoy doing business with. That's just prudent.
But based upon the learning curve, especially within the information and the complexity of the City of Doraville as we exist today, with rewrites of our zoning, I think we've got an experienced attorney who understands how we function and operate, and it's a prudent choice to retain that knowledge.
Ironically -- well, not ironically, but I was able to look at last year's budget, the 2007-2008, and based upon the numbers that are

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coming in today, we actually saved money having Mr. Weed and Freeman Mathis and Gary as our legal firm. The total legal expenses in the 2007-2008 came to approximately $287,000, and that was Mr. Powell, his employees, insurance benefits; the zoning subcontractor portion, and then about $130,000 in additional legal services that we haven't needed to incur. So there's certainly a benefit of having a firm that's competent and well rounded representing us.
COUNCILMEMBER ROCHE: When you say zoning contract, are you talking about the like $105,000 we paid to --
COUNCILMEMBER BATES: No. That was --
COUNCILMEMBER ROCHE: -- Pond & Company?
COUNCILMEMBER BATES: -- $7,305 was the amount in the zoning subcontractor according to last year's financials.
COUNCILMEMBER SPANGLER: Well, if you're talking about the case with G.M. and Mr. Pye, who was affiliated, I believe, with Mr. Powell, that's something that Mr. Weed's firm would probably charge as an additional amount for also.

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MAYOR JENKINS: Oh, yeah.
COUNCILMEMBER SPANGLER: So I still -- and I'll make a motion to put it out for RFPs, nothing against Mr. Weed or Freeman Mathis and Gary, because I think we need to see who else is available and what the cost may be.
I'm sure we have a lot of good law firms. We interviewed some before we made this decision last year. So my motion is that we put it out for RFPs.
MAYOR JENKINS: Do I get a second?
COUNCILMEMBER ROCHE: I'll second that motion.
MAYOR JENKINS: Okay. One thing I would say, if it does go out for RFPs, I would like a motion also to keep Murray until --
COUNCILMEMBER ROCHE: Oh, I understand.
MAYOR JENKINS: -- he got a chance to bid on it.
COUNCILMEMBER SPANGLER: Absolutely.
MAYOR JENKINS: Okay. Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: No.

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CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: No.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: No.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
CLERK BLACKMON: Tie vote, sir.
MAYOR JENKINS: I vote no.
- - -
(Applause)
- - -
MAYOR JENKINS: In other words, the motion was carried to not send it out for RFPs.
Do I have another motion?
COUNCILMEMBER BATES: I'll make a motion to accept the flat-rate proposal submitted by Freeman Mathis and Gary of a flat rate of $200,000.
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: More discussion?

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- - -
(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: No.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: No.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: No.
CLERK BLACKMON: Tie vote, sir.
COUNCILMEMBER SPANGLER: Remember what you said to Ms. Fleming and I out in the lobby just after the --
MAYOR JENKINS: I've done a lot of research since then. I'm going to vote for Murray.

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COUNCILMEMBER SPANGLER: Okay.
CLERK BLACKMON: Motion carried.
- - -
(Applause)
- - -
MR. WEED: Mr. Mayor and members of the Council, all of you, thank you, and we will endeavor to continue to strive admirably, and hopefully the vote won't be a tie next year.
MAYOR JENKINS: Okay. We're going to take this next item before we take a break, which is Maria and the park rules.
COUNCILMEMBER ALEXANDER: Okay. If Council remembers, we were trying -- we had a citizen committee that did an excellent job of coming up with park rules, and we were going to try to unify the rules for all of the parks.
Mr. Weed, I wanted to make sure you had a note that we changed Section 12-33 regarding pets --
MR. WEED: I have that note.
COUNCILMEMBER ALEXANDER: -- to allow dogs on leash. We all agreed on that.
MR. WEED: I do.
COUNCILMEMBER ALEXANDER: And the

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section that we had concerns about was Section 12-30, which addressed active and passive parks and recreation facilities. At a previous meeting, I gave Council information regarding definitions from other cities all over the U.S. regarding the definition of passive park.
I guess our concern was that we wanted to make sure that children could use the park, and there was concerns with the definition of organized sports because, I mean, three children playing double-Dutch jump rope could be technically an organized sport. And I think we wanted to try to figure out a way to address this to obviously allow children to use our parks.
I think the concern was organized sports being something that would change the topographical situation as far as the turf or something like that, and Carol wanted to make sure the parks were protected.
An additional item that she brought up also is we were going to standardize the hours of the parks. She would like to, in her next year's budget -- I believe she may have discussed this with you, Ms. Fleming -- is to have

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her tennis courts' lights repaired, and in doing so, the hours on the tennis courts would be extended past dusk until 10:30. So that is something that we need to, I think, incorporate in this since we've got this -- this is an active ordinance, so I'd like to try to clear everything up at once so we don't have to come back to it.
MAYOR JENKINS: Right.
COUNCILMEMBER ALEXANDER: The other question I had for you, Mr. Weed, is since we had concerns with Windsor Oak Park and us not owning a right-of-way entrance to it, I didn't know what the ramifications would be to declare that as a green space.
MR. WEED: I don't see any negative legal ramifications by doing that. I would defer to Ms. Stephens' judgement and maybe Mr. Howe's. There may be some grants out there of which we're not currently aware where the place would have to be a park officially to be entitled to use the money for that. But I would frankly say we could always re-declare the park at some point if we take it off the park list.
COUNCILMEMBER ALEXANDER: Because

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obviously it will be declared as a passive park because that's one of the sites that the citizens have mentioned they want to do their community garden. I assume -- I don't know -- are you going to have that old playground equipment removed that's in there at Windsor Oak?

MAYOR JENKINS: Oh, no, no. That's not any good.

COUNCILMEMBER ALEXANDER: Yeah, because I think it's under disrepair.

MAYOR JENKINS: It'll have to be cut out from the trees, anyway. The trees have growed up through it. We can't use it.

COUNCILMEMBER FLEMING: I have a question about two parks that are listed and wondering if they're not just green space, to begin with, because I'm not familiar with them. But is there seriously a park over on Carver Drive?

COUNCILMEMBER ALEXANDER: She was asked that question by the committee, and she requested that those stay listed. I am not familiar with --

COUNCILMEMBER FLEMING: And what about Homeland --

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COUNCILMEMBER ALEXANDER: Exactly.

COUNCILMEMBER FLEMING: -- Drive Park? Isn't that on the opposite side of PBI? It certainly isn't --

MAYOR JENKINS: Which one are you talking about? Chicopee or --

COUNCILMEMBER FLEMING: No. We have Carver Park that I just mentioned.

MAYOR JENKINS: That's at the church.

COUNCILMEMBER FLEMING: Oh, okay. And then Homeland Drive Park.

MAYOR JENKINS: I'm not familiar with Homeland Drive Park.

UNIDENTIFIED SPEAKER: It's at the end of Homeland after you cross --

COUNCILMEMBER PITTMAN: The other side.

UNIDENTIFIED SPEAKER: Yeah. Do you know where Boyce Creel lives?

COUNCILMEMBER PITTMAN: Yes.

COUNCILMEMBER FLEMING: That's what I was wondering, whether it was on the opposite side of --

MAYOR JENKINS: There's some open space there but it's all real flood plain. Maybe Carver Park, but --

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UNIDENTIFIED SPEAKER: It's just at the end of the street kind of like Chicopee.

COUNCILMEMBER FLEMING: But presently there's not any childrens equipment on it or anything. I didn't even realize it was there is the reason why I'm questioning.

MAYOR JENKINS: There's nothing over there.

COUNCILMEMBER FLEMING: Okay.

MAYOR JENKINS: There was at Windsor Oak, and of course it's been so long, it's growed up and it's not usable.

MR. WEED: The list that was in the 1983 ordinance was Flowers Park, Brook Park, Bernard Halpern Park, Autumn Park, Honeysuckle Park, English Oak Park, Windsor Park, Chicopee Park, Carver Park, Homeland Drive Park, and Doraville Recreation Center. That's the list.

MAYOR JENKINS: Carver Park is at the Carver church. Actually I would say the back side of it's in the county or Chamblee. I'm not sure. But we did keep it up.

COUNCILMEMBER ROCHE: Well, there's a map right there.

COUNCILMEMBER FLEMING: Do we need to

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delete them from this particular ordinance is my question, or whether they're keeping them as --

COUNCILMEMBER ALEXANDER: She said that she did not want to is what she told the citizens.

COUNCILMEMBER FLEMING: Not to delete them?

COUNCILMEMBER ALEXANDER: Right.

COUNCILMEMBER FLEMING: That's fine.

MAYOR JENKINS: No.

COUNCILMEMBER ALEXANDER: And I'm like "Okay."

COUNCILMEMBER BATES: There's nothing listed on the map.

COUNCILMEMBER ALEXANDER: Mr. Weed, did you have a chance to review the passive definitions and have any suggestions how we could improve Section 12-30?

MR. WEED: Yes, ma'am. You were kind enough to provide me some research before the meeting, and I appreciate that. It was very useful. I have read all of the materials, and it occurs to me that defining a passive area is frankly easier than defining an active area.

I did like one of the definitions that

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1 dealt with a passive park mainly as an area
2 "maintained in a natural state except for
3 minimal clearing of paths, trails, sitting
4 areas, walkways or auxiliary structures. In
5 urban settings, passive parks may have more
6 hardscape, open lawn, and landscaped areas which
7 may be used for informal group activities."
8 And another way that I believe
9 Councilman Spangler had talked about at one
10 point that might crystallize and bring it to a
11 very clear clarity would be a number of people
12 using it. In other words, instead of getting
13 into active and passive with regard to a laundry
14 list of sporting activities, it might be appro-
15 priate to say that no more than X-amount of
16 people engaged in an activity, unorganized
17 activity. Anything outside of that would be
18 passive; X-amount of people or more would be
19 active.
20 The third thing we had talked about
21 before would be, once again, for each individual
22 park, you could simply identify what activities
23 are allowed per park. That's entirely legal and
24 possible too.
25 MAYOR JENKINS: Stuart, did you want to

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1 speak on this one?
2 MR. ANDERSON: Stuart Anderson.
3 It's a little early on this discussion,
4 I guess. But passive end for the Halpern Park
5 as it's always been passed and drawn would be
6 okay with Mr. Weed's definitions, but it would
7 really require the vehicle gate that's been
8 proposed and drawn in, and that would make that
9 end, then, passive or confirm that that was
10 passive, because it would be required to get a
11 permit for a group gathering at the pavilion.
12 But that would make that end passive, and I
13 would urge that vehicle gate.
14 COUNCILMEMBER BATES: Is there a way to
15 designate portions of the park as active versus
16 passive?
17 MR. WEED: Absolutely. And in fact,
18 some of the definitions contemplate that. And
19 just because part of a park is passive or part
20 is active, it doesn't mean the entire thing has
21 to be. You certainly can do that.
22 COUNCILMEMBER BATES: Okay.
23 COUNCILMEMBER ROCHE: So if I'm a user
24 of a park, how would I know where?
25 MR. WEED: It'll, you know --

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1 COUNCILMEMBER ROCHE: Like a yellow --
2 MR. WEED: Two things that --
3 COUNCILMEMBER ROCHE: -- dotted line or
4 something?
5 MR. WEED: Other than the yellow dots.
6 We could accomplish notice in two ways.
7 Technically, you could put up signage in areas
8 that are declared to be, you know, this area is
9 part of an active area, this area is, you know,
10 passive. And you could literally color code the
11 signage, meaning the blue signs are passive, the
12 red signs are active. We'd have, you know,
13 probably three signs total in each park -- you
14 know, the main sign would be the general rules
15 which we've outlined in the draft ordinance.
16 There would be an explanation that blue areas
17 are active, red areas are passive.
18 And the other thing is the old adage,
19 "Ignorance of the law is no excuse." As long as
20 we're not hiding the ordinances from people and
21 as long as you're doing public meetings and
22 you're putting it on the Web site, then people
23 are expected to know the law. You don't have to
24 give every individual a copy of the Code.
25 COUNCILMEMBER ROCHE: I'm just trying

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1 to figure out how to explain all this to maybe
2 an Hispanic eight-year-old kid, you know. It
3 just seems like the more rules we have --
4 MR. WEED: And Councilman, I certainly
5 agree with you. At the end of the day, hope-
6 fully common sense prevails.
7 I think what you're trying to combat
8 would be overuse of certain parks or overuse of
9 certain areas for, you know, organized sporting
10 activities. And if you have the rules in play
11 and the rules are common-sensical and they treat
12 everybody fairly, and appropriate signage, then
13 you hope for the best. But you know, if ten
14 children are playing softball, I would not
15 advise the Police Department to go write them a
16 citation, and I don't think any decent attorney
17 would, and hopefully they'd have common sense
18 enough not to do that.
19 COUNCILMEMBER FLEMING: But in the same
20 scenario, you've got two- and three-year-olds in
21 the little sand pit and you've got a softball
22 game going on, we need to put some signage up
23 there that prevents utilization of hard balls or
24 something, because I don't want to see, you
25 know, babies being hurt by flinging Frisbees,

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for that matter.
MR. WEED: None of these things are perfect, as you know. And without fencing -- and frankly, I don't know that you really want to or would be able to, you know, fence every single subpart of a recreation area to prevent something bad from happening any more than you could police every single, you know, jungle gym. You know, the children are going to get hurt. But what you hope to do is you try to level things off enough where very few children get hurt.
So I understand that, and I think the only way to handle that other than safety fencing, if you can't perfect the park based upon the costs that you have, would be signage and hopefully good common sense.
COUNCILMEMBER ALEXANDER: Do you have the information that I gave? I guess one of my favorites was the Costa Mesa, California, and its definition of passive use and active use, and it talks about number of persons partici-pating. It also defines formally designated athletic fields. Because one of the things we talked about in English Oak is yes, 90 percent

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of that park is going to be passive, but we talked about putting a City-installed horseshoe pit in there, and that's an organized sport in a designated, specially-built area.
So I was trying to balance the combination of the two, and I'm more than willing to have suggestions and input.
COUNCILMEMBER BATES: I'm okay with a number. What that number is, I don't know.
MR. WEED: We talked about it before. Someone decided that a football field's a hundred yards. It may not be a great number, but you can always change the number, but a number is black or white.
COUNCILMEMBER FLEMING: I like the term "open free-play area," because then that gives the user an idea of the fact that it is not designed for organized competitive sports. It's an open free-play area rather than going down there and playing softball. So I don't know.
COUNCILMEMBER ALEXANDER: Did anyone sign up on this item, sir?
MAYOR JENKINS: All right, Stuart.
MR. ANDERSON: Stuart Anderson.
Correct me if I'm wrong, but we have

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two parks that have active, Chicopee and Halpern Park; is that correct? I don't think we have any active sessions or active playing areas in any of the other parks.
COUNCILMEMBER ALEXANDER: Brook.
COUNCILMEMBER FLEMING: Honeysuckle.
COUNCILMEMBER ALEXANDER: Honeysuckle.
UNIDENTIFIED SPEAKER: Chicopee doesn't.
MR. WEED: The list I got from Carol --
MR. ANDERSON: I meant Honeysuckle. I apologize. Not Chicopee. Honeysuckle.
CLERK BLACKMON: Carol's list includes Halpern Park, Honeysuckle Park, Flowers Park, Brook Park; and you know, the Doraville Boxing Club, which, you know, we don't have to put that in the ordinance but it's certainly active.
MR. ANDERSON: The way the Halpern Park is drawn and texted is with the fencing there are an active end which has the tennis courts and proposed soccer-in-the-streets area, and then there's fencing and a vehicle gate, and the rest of the park is clearly drawn and texted as walking space, and flowers and a kiddie play area. So it's very clear the way it's drawn and

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designed, so that you can have signs. And I agree with signs.
But when you come and read the text, look at the drawing, you'll see that there is very clearly -- you're not going to go into the passive park and have a football game because there's going to be plantings in the way. It's set up that way so that it doesn't invite the soccer game or whatever for that area is how it's drawn. That's why it was drawn that way.
COUNCILMEMBER FLEMING: So based on that, we would actually have to do fencing and indicate that that was an active park area within a park.
MR. WEED: I don't know. And the reason why I say I don't know is because I'm not intimately familiar with every one of your parks, and Carol isn't here or I'd turn to her and ask her.
In a perfect world, you would have fencing and signage that would indicate this area is passive, this area is active. However, I frankly don't think that's very aesthetically pleasing and I think maybe you could accomplish the same goal by having signage and then, once

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1 again, common sense and some decent enforcement.
2 And if you have some initial enforcement, I
3 think word will get around that this is the area
4 for active and this is the area for passive.
5 The old adage is, you know, "Good fences make
6 good neighbors," so there's nothing better than
7 a fence, but it's not very pretty.
8 COUNCILMEMBER ROCHE: I guess I just
9 keep coming back to, you know, what's the urgent
10 problem that we're trying to solve here? You
11 know, I mean, is it like we have problems with
12 people -- you know, kids getting hit by soccer
13 balls?
14 I mean I don't get -- I haven't gotten
15 any phone calls on this, you know, saying, "Boy,
16 we need more rules in the park." And I under-
17 stand what you're trying to do, and that's fine.
18 I don't know. More rules, I don't know.
19 MR. WEED: I'm the river --
20 COUNCILMEMBER ROCHE: I'm not asking --
21 MR. WEED: -- through which the
22 ordinance flows.
23 COUNCILMEMBER ROCHE: I'm just won-
24 dering aloud. I'm not even asking a question,
25 frankly.

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1 MAYOR JENKINS: Maria, do you want to
2 look at this further or how do you --
3 COUNCILMEMBER ALEXANDER: What I would
4 like to do with Mr. Weed, I will give a copy of
5 this, if Ms. Blackmon can please put it in
6 Ms. Stephens' mailbox. And I think she under-
7 stands what we're trying to accomplish.
8 MR. WEED: It does seem like the
9 Council is all right with the idea of the
10 passive versus active. And I think that's
11 further along than the last time you talked
12 about it, so I think that's a good guide if
13 that's true.
14 COUNCILMEMBER ALEXANDER: And I feel
15 like that we need to go ahead and, while we have
16 this ordinance open and active, incorporate what
17 she wants to do about her tennis courts' hours
18 being specified in there also.
19 COUNCILMEMBER ROCHE: I guess as long
20 as we have ample opportunity for organized
21 sports and all that. And I'm concerned that we
22 may be cutting back on some of that. I'd sort
23 of not like to see that happen.
24 I think every dollar spent on -- I mean
25 I can't prove this, I don't have any evidence,

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1 but it just seems to me that every dollar spent
2 on recreation is a dollar we probably won't have
3 to spend on law enforcement.
4 MAYOR JENKINS: Maria, do you want to
5 make any kind of motion?
6 COUNCILMEMBER ALEXANDER: No, sir.
7 I'll just --
8 MAYOR JENKINS: Table it, or what do
9 you want to do?
10 COUNCILMEMBER ALEXANDER: If Ms.
11 Blackmon can leave that on the agenda again.
12 And Mr. Weed, I'll --
13 MR. WEED: We'll make another stab at
14 it with Carol and bring it back.
15 COUNCILMEMBER ALEXANDER: Thank you.
16 MAYOR JENKINS: Okay. Thank you.
17 We're going to take a five-minute
18 break.
19 - - -
20 (Whereupon, there was a brief recess.)
21 - - -
22 MAYOR JENKINS: We're going to change
23 the agenda around. Item number 7 under new
24 business we're going to bring up now.
25 MR. WEED: Mr. Mayor, just to make your

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1 lawyer feel better, would someone make a motion
2 to amend the agenda?
3 COUNCILMEMBER ROCHE: I'd like to amend
4 the agenda to move number 7 next and then
5 afterwards we'll pick up with number 5, which is
6 Schedule of Fees.
7 MAYOR JENKINS: Thank you.
8 Second?
9 COUNCILMEMBER ALEXANDER: Second.
10 MAYOR JENKINS: Call the roll, please.
11 CLERK BLACKMON: Councilmember
12 Alexander?
13 COUNCILMEMBER ALEXANDER: Yes.
14 CLERK BLACKMON: Councilmember Bates?
15 COUNCILMEMBER BATES: Yes.
16 CLERK BLACKMON: Councilmember Fleming?
17 COUNCILMEMBER FLEMING: Yes.
18 CLERK BLACKMON: Councilmember Pittman?
19 COUNCILMEMBER PITTMAN: Yes.
20 CLERK BLACKMON: Councilmember Roche?
21 COUNCILMEMBER ROCHE: Yes.
22 CLERK BLACKMON: Councilmember
23 Spangler?
24 COUNCILMEMBER SPANGLER: Yes.
25 MAYOR JENKINS: Okay, Maria. Are you

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1 going to take it over or how do you want?
2 COUNCILMEMBER ALEXANDER: I'm going to
3 share the floor with Mr. Bates.
4 Thank you very much, Mr. Roche, for
5 allowing us to rearrange the agenda.
6 And I'd call up the leaders of DUG,
7 Doraville Unity Gardens, please, to the podium.
8 MS. CRAWFORD: Maybe go one at a time?
9 COUNCILMEMBER ALEXANDER: Sure.
10 COUNCILMEMBER FLEMING: Are we doing
11 item number 16 at this present time as well?
12 COUNCILMEMBER ALEXANDER: Yes, ma'am.
13 COUNCILMEMBER ROCHE: Yes.
14 COUNCILMEMBER FLEMING: Thank you very
15 much.
16 COUNCILMEMBER ROCHE: I'm sorry. I
17 should have said that in my motion.
18 MS. CRAWFORD: Susan Crawford,
19 Oakcliff.
20 Maria, do you want me to just go ahead
21 with my little spiel or --
22 COUNCILMEMBER ALEXANDER: Sure. We
23 gave a suggestion at the last meeting about
24 suggesting the group form a nonprofit organi-
25 zation, and then we had feedback from members of

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1 the group. And Councilmember Bates also
2 exchanged e-mails, and the group now has come
3 back to us with some more ideas. So if you want
4 to take off from there, go ahead.
5 MS. CRAWFORD: Okay. Well, originally,
6 I think the whole idea behind this or I know the
7 whole idea behind this was to unify neighbor-
8 hoods and to allow people, very diverse people
9 with diverse interests to maybe come together
10 and do this productive -- potentially productive
11 project. And when I suggested it, I thought it
12 would be just such a nice kind of light thing to
13 get involved in in the different neighborhoods
14 and, you know, it would be something that would
15 be simple and down to earth if you'll pardon the
16 pun.
17 It seems a lot more complicated than I
18 had anticipated and I think than many of us had
19 anticipated. As far as the division that is
20 perceived between Northwoods and Oakcliff, it's
21 not two different groups.
22 Speaking only for myself, I would like
23 to see maybe speakers and shared information on
24 gardening, maybe community dinners and that sort
25 of thing.

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1 Of course there are two different
2 neighborhoods with two different garden
3 settings, and, as such, they would have dif-
4 ferent needs, maybe different hours of opera-
5 tion. I don't know. I know that the park in
6 Oakcliff, Windsor Oak, is not visible from the
7 street and is on the right-of-way. I realize
8 there are issues there that may make the hours
9 of operation a little different.
10 But basically what we would like as a
11 group is to be able to be a group but the neigh-
12 borhood or community group with open gardens --
13 you know, community communal gardens is what we
14 wanted in Oakcliff; I can't really speak for
15 Northwoods -- and to have it as simple as
16 possible, and we're quite willing to, if this is
17 an issue, give the produce to needy neighbors.
18 What were some of the other concerns?
19 Oh. Maybe we could pattern ourselves after the
20 Decatur gardens to some extent, maybe tweaking
21 their agreement but have a similar waiver so the
22 people working in the garden would sign an
23 agreement that the City would not be responsible
24 if they hoed their toe or whatever.
25 Anyway, I hope that you will give this

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1 another thought. I think it could be very
2 uniting for the city and good for the people
3 living here. And also, it's a progressive thing
4 to do. I mean many, many cities in the country
5 are doing this now, and I think we want to of
6 course keep up.
7 And with no further ado, here is Lee.
8 MS. FLIER: Thanks very much. I think
9 most of you know me. My name is Lee Flier. I
10 live in Oakcliff.
11 And I'm a permaculture designer, which
12 is basically a system of environmental design
13 which is something I've been doing for a long
14 time, including community projects. And it's
15 been some years since I've done it, but I'm
16 really happy about the opportunity to do it in
17 my own city.
18 And just to apprise you of some of the
19 things that have gone on since the last meeting,
20 we did form a group, which is Doraville Unity
21 Gardens. It is as of right now an informal
22 group. The coordinator is Yajara Weiner. And
23 basically it is a single umbrella group for the
24 whole city and it would manage any individual
25 gardens that are in the different neighborhoods.

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1 And of course, as you already know, we
2 want to garden in Windsor Oak Park in Oakcliff
3 and the Chestnut-Wheeler site in Northwoods. As
4 Susan said, they do have different physical lay-
5 outs and different needs and all that. But I
6 conducted a survey of interested people to see
7 what kinds of situations they wanted and what
8 their priorities were for gardening, and first
9 of all, everyone's number one priority was
10 strengthening community, before even produce, so
11 I thought that was a pretty powerful statement.
12 Everyone that I surveyed. So that is an
13 important thing.
14 Also, I think only one person voted
15 that they were interested in individual plots.
16 Everyone wanted to have communally-tended areas.
17 So the traditional-allotment garden system is
18 not something that would necessarily work for
19 us, and a lot of cities have that where you have
20 an individual plot that people can rent.
21 So in addressing some of the concerns
22 that you guys have legally, there are a couple
23 of ideas that we came up with.
24 And Mr. Weed, we may need your opinion
25 on this.

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1 For the immediate future, if we're
2 going to do anything this year, we need to do
3 the quickest thing that we can possibly do in
4 the short term.
5 In the long term, we would like to look
6 into incorporating as a nonprofit. We would
7 possibly like to explore the idea of a downtown
8 development authority and operating under that,
9 but we need to do more research on that to see
10 if it's something we want to do.
11 But if we're going to plant anything
12 this year, it seems like the quickest way to do
13 it would be to operate under Parks & Rec. That
14 doesn't mean we need any of the City's
15 resources, doesn't mean we need additional
16 staff, doesn't mean we need the City's money.
17 We just need to be legally covered by the City
18 if I'm to understand that we can do that.
19 If we need each person to sign
20 individual waivers of liability, that's fine.
21 If it can be done by the group without the group
22 being officially incorporated yet, that's fine.
23 Whatever is going to work for you. But those
24 are the ideas that we have.
25 In terms of the concerns over

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1 gratuities, the ideas that we have there were we
2 could either have an agreement with the City
3 that basically we are beautifying and main-
4 taining the land, as some of the folks at
5 Chestnut and Wheeler have already done, removing
6 kudzu and things like that, in exchange for the
7 produce. We can either do that or we can have
8 each person pay the City a nominal fee -- $10/
9 $20 -- for the season so that it's not a gratui-
10 ty; it's an exchange for the produce that we
11 grow.
12 We do want to give some produce to
13 charity in all likelihood or to needy neighbors,
14 but I think that families who are actually using
15 the garden to produce food for themselves should
16 be able to keep that. And it is something --
17 this is a concept that's as old as the hills.
18 Towns have had town commons for people to do
19 that, and we should be able to work around the
20 legal issues. I don't think it should be a big
21 problem.
22 So were there any other concerns that
23 any of you have?
24 COUNCILMEMBER SPANGLER: I just wanted
25 to ask Mr. Weed, if I may. And I know I brought

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1 his up at the last meeting.
2 We lease a piece of property to some-
3 one. They should be able to do whatever they
4 want with that property as long as in the lease
5 -- and we can lease it to them for a small
6 amount of money. They should be able to do
7 whatever they want with that property. If we
8 require them to sign waivers like they're
9 willing to do, I don't see a problem with us
10 doing that, Mr. Weed.
11 MR. WEED: Generally no. There's
12 always an exception to every rule.
13 The only sticking point here -- well,
14 there are two sticking points. One, there is a
15 State statute that deals with -- if we put this
16 underneath the recreation program, we couldn't
17 do a lease. We'd have to do a license. So
18 let's put that aside for a moment.
19 The second thing would be what the
20 person is doing on the property. For example,
21 as a general rule, you know, somebody using the
22 City's property and then making a profit off of
23 it is something that we don't ordinarily
24 encourage.
25 COUNCILMEMBER SPANGLER: What about the

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1 clinic down here on New Peachtree when it was in
2 operation? What about Dog Daze if he ever gets
3 his contract fixed?
4 MR. WEED: Yeah.
5 COUNCILMEMBER SPANGLER: And what about
6 the other properties that we --
7 MS. FLIER: Or the city holds a
8 sporting event and charges money for tickets or,
9 you know, anything like that.
10 MR. WEED: Let me finish. Those are
11 all good questions. And the answer to the
12 question is, do we get something in exchange?
13 Tonight is actually the first time that
14 I've heard some valid, legal framework of how we
15 would avoid the anti-gratuities clause, which
16 would be the fee plus the generation of goodwill
17 by virtue of dedication of some of the produce
18 to some charity which would be designated.
19 MS. FLIER: And beautifying the
20 property.
21 MR. WEED: Thank you. I mean that's
22 something that we can work with.
23 So the real problem with regard to the
24 lease aspect is for all of our other leases we
25 get money out of those. Here, up until now, we

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1 hadn't really gotten anything in exchange until
2 it's been stated tonight. So frankly, I legally
3 feel better about it, and it sounds like we now
4 have a better framework to move forward. Up
5 until now, we hadn't heard that.
6 COUNCILMEMBER SPANGLER: But I had
7 mentioned last time that we'd lease it to them
8 for like a dollar, you know, so that was --
9 MR. WEED: I think I said that was
10 okay.
11 The other problem is the produce,
12 using the public's property to generate food
13 which is a tangible asset, and then where does
14 that food go? because that food is everybody's
15 food, who is a citizen of this town, and you'd
16 be giving it to one family or one person.
17 MS. FLIER: But the one person would
18 have an agreement with the City that they are --
19 either they pay the City a fee or they have
20 agreed to maintain and beautify the property in
21 exchange for keeping the produce.
22 MR. WEED: And the first time I've
23 heard that is tonight, and I feel much better
24 about that.
25 MS. FLIER: Okay, great.

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1 MR. WEED: That's something I think I
2 can make work.
3 COUNCILMEMBER ALEXANDER: I apologize.
4 Mr. Weed -- I don't think he was copied on your
5 e-mail, so I'll make him --
6 COUNCILMEMBER SPANGLER: So is this
7 something that you --
8 I'm sorry, Ms. Alexander.
9 Is this something -- I'm very adamant
10 on getting this thing going. It's late. These
11 people need to get their seeds and plants in the
12 ground right now. Can we tonight do something
13 to let them go ahead and start their gardens?
14 MR. WEED: Well, here's what I propose.
15 COUNCILMEMBER SPANGLER: Something
16 simple now, Mr. Weed. I mean you're under
17 contract for the $200,000 --
18 MR. WEED: Yeah.
19 COUNCILMEMBER SPANGLER: -- so I'm
20 assuming this is covered.
21 MR. WEED: You know, since I'm under a
22 flat rate, you know, let me make it complicated
23 because you're going to pay for it anyway.
24 But the simplest thing we could do, in
25 my opinion, would be I would have the Council

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1 make the DUG group an official subcommittee of
2 some entity of the City. I wouldn't recommend
3 you necessarily do it by Recreation because then
4 we're going to have to deal with licenses, and I
5 don't want to get into that. But you could make
6 it an official subcommittee of --
7 MS. FLIER: Maintenance or something
8 like that?
9 MR. WEED: Public Works, yeah, or
10 administration. Either one would be fine. I'd
11 recommend you do that.
12 Then I would also advise that everyone
13 sign an individual waiver because we're now
14 talking about individuals until DUG can get
15 organized as a legal entity. When they do that,
16 what we ultimately want to do is we would have a
17 contract with DUG, and then DUG would worry
18 about their own individual waivers and getting
19 those from their members, and we'd be out of
20 that part of it.
21 And then the third thing, the other
22 problem was the actual produce itself. And once
23 again, I think this is a reasonable solution by
24 each individual member paying a fee to the City
25 for what they might generate and take.

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And one of the other things that we talked about as valid consideration, the beautification, et cetera, I think we could do that.

What I probably want to do is I'd have -- literally, there's already a one-page waiver agreement. I'd probably tack on another couple of paragraphs to that one-page agreement that already exists, to deal with the produce issue. People would pay their money and sign the form; we'd be good to go.

MS. FLIER: Okay. So basically if I submit to you a revised version of the waiver that has all that stuff in it --

MR. WEED: I mean I'll do that. They have already paid me for it, so might as well let me do it.

MS. FLIER: Okay.

MR. WEED: But what you would send to me -- I'll give you my card. What you would send to me would be the outline of what would constitute the consideration --

MS. FLIER: Okay.

MR. WEED: -- meaning the $10 fee --

MS. FLIER: Great.

MR. WEED: -- and the beautification

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and whatever.

MS. FLIER: Great.

COUNCILMEMBER ROCHE: Subcommittee. Normally when we have a subcommittee or whatever, I mean as far as the government -- and I'm not trying to throw -- you know, believe me. I'm just trying to make sure we're doing this right.

For instance, we have a planning commission, and the planning commission is appointed but it's appointed by people that are elected.

MR. WEED: The government, you're authorized underneath your Charter and then just also State law. You can always form committees of citizens. If they're willing to serve and you're willing to, you just make a motion and a second to appoint one, two, three, four people as the DUG committee -- you know, the initial founding members of the DUG committee -- and then that makes them a branch of you, if you're willing to do that.

COUNCILMEMBER BATES: To follow up -- and I don't mean to expand on Mr. Roche's question because I think I understood -- but

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would they then be bound by the same rules as the Planning Commission and have to have open meetings?

MR. WEED: Yes.

COUNCILMEMBER SPANGLER: Well, I mean an open meeting can actually be --

COUNCILMEMBER BATES: Their garden club.

COUNCILMEMBER ALEXANDER: Their garden club meeting.

MR. WEED: They'd have to -- you know, they'd have to put up a notice. What they would do is simply call Rhonda. They would tell her where and when they're going to meet -- time/place/purpose -- and Rhonda will put something on the official door where the official notices go. That's an open meeting.

And of course you can't close the door and you have to let the public in --

MS. FLIER: Right. That's fine.

MR. WEED: -- you know. But just because you have a meeting doesn't mean you have to let everybody talk, but --

MS. FLIER: Right.

MR. WEED: -- you have a meeting,

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however.

MS. FLIER: (To the audience) Are you guys okay with that?

MAYOR JENKINS: Come on up, Ben.

MR. CRAWFORD: Ben Crawford, Oakcliff.

Murray, so I understand, so if it's perfectly legal to have it as a subcommittee, DUG as a subcommittee within the City, and then to have individual waivers for either the Northwoods garden or the Windsor Oak garden; correct? From what I heard --

MR. WEED: Yes.

MR. CRAWFORD: -- when I was sitting out there.

Okay. Why couldn't it just stay that way instead of incorporating later? Why would we have to incorporate later? If it's legal now, why not keep it simple and leave it the way it is?

MR. WEED: Well, in all honesty, the simplest thing you're going to --

Ultimately if this program is successful, DUG is going to want to have outside sources of funding. You're going to want to approach different entities to get grants, and

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1 in order to do that, you're going to want to be
2 a 501(c)(3) organization. You're going to want
3 the IRS status because that would be helpful to
4 you or you're going to want to be able to put on
5 your literature that you've applied for it, and
6 there are a number of corporations and companies
7 that will not give money to entities that don't
8 have --
9 MR. CRAWFORD: Right, I understand --
10 MR. WEED: -- some structure.
11 MR. CRAWFORD: -- that. But to answer
12 the question, if it stayed the way it was, it
13 would be perfectly legal, what we're proposing
14 tonight.
15 MR. WEED: Yes.
16 Do I think that's necessarily the best
17 thing for the City or for DUG in the long term?
18 No.
19 MR. CRAWFORD: Okay. That was my
20 question. So there's no immediate rush on that,
21 then, right; to incorporate?
22 MR. WEED: If you're asking me my
23 opinion, I think there's an immediate rush for
24 you to incorporate. That's free advice to DUG
25 and paid-for advice by the City.

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1 MR. CRAWFORD: Because --
2 MR. WEED: It's still the best thing to
3 do.
4 MR. CRAWFORD: Okay; because there's
5 other citizens that have opinions about the
6 nonprofit and the cost and the hassles involved
7 in that, too. So it's something we should -- if
8 we take the first step tonight which can get us
9 to where we can start working on the gardens and
10 then, you know, later on look at that.
11 I mean it's not written in stone, then;
12 right? That's your advice. But I'm saying the
13 incorporation, you're saying that's your advice
14 to the City.
15 MR. WEED: And my advice to DUG.
16 MR. CRAWFORD: Okay.
17 MR. WEED: That's still, I think, the
18 best thing for everybody to do, for both groups.
19 COUNCILMEMBER SPANGLER: And I believe,
20 if my memory is pretty correct, that you offered
21 to do this pro bono.
22 MR. WEED: I did.
23 COUNCILMEMBER SPANGLER: Okay. So --
24 MR. WEED: Well, not me directly. I
25 offered to find someone to do it.

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1 COUNCILMEMBER SPANGLER: Right.
2 MR. WEED: And I have done that.
3 COUNCILMEMBER SPANGLER: I would like
4 to ask at this time, Mr. Weed, if Mr. Suever and
5 Ms. Crawford and Ms. Flier would be agreeable to
6 what we just spoke about tonight.
7 MS. FLIER: Yeah. She's the coordi-
8 nator for DUG officially at this point.
9 MS. CRAWFORD: Yes. But I do like the
10 idea of keeping it as simple as possible. This
11 was, you know, a neighborhood thing. Really, I
12 don't think we really care that much about
13 getting money from the business community,
14 whatever, but keep it as simple as possible in
15 my opinion.
16 COUNCILMEMBER BATES: As the group
17 evolves, that is merely a recommendation,
18 suggestion and advice from the City Attorney.
19 And me, as an individual, not
20 representing the Council as a whole, I think
21 long-term as you guys evolved, that is a really
22 smart thing to look at. Short term, I think we
23 can make this happen tonight.
24 COUNCILMEMBER SPANGLER: Okay. So the
25 motion is that we --

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1 Oh, you want to speak, Mr. Suever?
2 MS. CRAWFORD: Oh, I'm sorry. Since
3 I'm up here, I don't want to rain on anybody's
4 parade, especially my own, but we did this
5 earlier, didn't we? Didn't we get the go-ahead
6 to start with Windsor Oak some time ago?
7 COUNCILMEMBER SPANGLER: No.
8 COUNCILMEMBER ALEXANDER: I don't
9 believe so.
10 MS. CRAWFORD: Okay. Maybe it wasn't
11 an official thing.
12 But so now we can get started. Thank
13 you.
14 COUNCILMEMBER BATES: Not yet.
15 MR. WEED: Not yet.
16 COUNCILMEMBER BATES: Not yet.
17 COUNCILMEMBER SPANGLER: As of after
18 the motion is made.
19 MR. SUEVER: I won't take much of your
20 time. One thing that I will say, to come under
21 Parks -- like I said the last time, according to
22 Carol, in order for it to come under Parks and
23 Recreation, this tract there at Chestnut and
24 Wheeler will need to be designated as a park, so
25 I understand.

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The other thing, I feel quite at home. I have 10 children and 20 grandchildren so I feel quite at home here. What I want to say to you is I signed on as organizer, and basically that was to organize the Northwoods group. The people from the Windsor Oak, they were already organized. And I told the group at the first meeting, when I feel like there's leadership in place so that I can turn this over to the City, I can turn over to the City a group of people who are talented.

And I will say when Bobby Wilson, who is president of the Urban Gardens Association and extension agent for Fulton County, when he came out to the first meeting and looked at this group of talented people, he said, I hope the government of the city realizes how lucky you are. Usually, almost always it comes from the top down. The top decides they want community gardens, and then they go about recruiting people. They come slowly and painfully over a period of time.

Here we have grass-roots people, citizens of this wonderful city, who have come forward; and they're talented people, they're

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dedicated people.

So I am no longer the organizer. My job is finished. I turn this group of leaders over to you to turn this dormant, I'd say dead property into beautiful living examples of what human beings can do who really care and love each other. So with that, I bid you adieu, and I'll be standing -- I live very close to this property over here. I'll watch the kudzu being replaced with beautiful flowers and plants and produce.

Thank you. God bless.

- - -

(Applause)

- - -

MS. FLIER: Okay. We'll be in touch with you. Yohida is the point person for the group, and I'm the actual gardening consultant, so if you have actual technical questions about the design that we're working on or anything like that.

And I'd also just like to say that these folks here are why we're here. They want to say thank you, too.

CHILD: Thank you.

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MS. ISAACSON: Thank you very much. We really want to start gardening, and they want to learn how to garden, so thanks for making this possible.

CHILD: Thank you. We love gardens.

CHILD: Thank you.

COUNCILMEMBER ROCHE: Now we need a motion?

COUNCILMEMBER ALEXANDER: Yes.

COUNCILMEMBER BATES: Yes.

MAYOR JENKINS: Who's going to make the motion?

COUNCILMEMBER SPANGLER: I started the motion.

And Mr. Weed, you can help me out with that.

MR. WEED: Yes, sir. I would advise that the motion be something similar to that the City of Doraville hereby makes a motion to authorize the formation of a committee. The committee shall be named Doraville Unity Gardens. The initial members of that or the leadership of that committee shall be --

Somebody help me out here.

COUNCILMEMBER BATES: Yajara.

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MS. FLIER: Yajara.

COUNCILMEMBER BATES: Yajara Weiner.

COUNCILMEMBER SPANGLER: Susan Crawford.

MS. FLIER: Yajara Weiner-Huise, Lee Flier, Susan Crawford.

Does anybody else officially want to be on the committee?

COUNCILMEMBER SPANGLER: We may choose to add someone from the Northwoods area.

MS. FLIER: Yajara.

COUNCILMEMBER SPANGLER: Yajara, I'm sorry. I didn't realize you were from . . .

COUNCILMEMBER ROCHE: Well, Tilly Mill and --

MS. FLIER: I'm in Oakcliff. I swing both ways.

MR. WEED: That's three people. That's a good start.

And that at some point in the future, additional leadership may be appointed by the Mayor and Council; that it's understood that as the DUG committee proceeds, that each individual member who participates in the garden program shall sign an individual waiver of liability for

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1 the benefit of the City of Doraville; and that
2 any produce generated from the garden . . . that
3 each individual member will pay a minimum of a
4 $10 fee for participation in the program; that
5 for the consideration of the beautification
6 efforts that DUG will generate on behalf of the
7 City, the fee --
8 MS. FLIER: Community spirit. Don't
9 forget.
10 MR. WEED: Thank you.
11 -- and the community spirit generated
12 by the committee, that that's deemed by the City
13 Council to be sufficient consideration in
14 compliance with the Constitutional provisions of
15 the Georgia anti-gratuities clause.
16 And someone say that's pretty much our
17 motion.
18 COUNCILMEMBER SPANGLER: One dollar
19 instead of ten?
20 COUNCILMEMBER FLEMING: Yes.
21 MR. WEED: I do not feel comfortable
22 advising you to do that --
23 COUNCILMEMBER ALEXANDER: That would --
24 MR. WEED: -- however, that's a Council
25 decision.

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1 COUNCILMEMBER ALEXANDER: -- be a
2 dollar per waiver, so each person would con-
3 tribute a dollar, and you don't --
4 COUNCILMEMBER SPANGLER: Well, if you
5 wanted to do ten dollars for a total on each
6 parcel or for the whole . . .
7 MR. WEED: Yeah. I mean, once again,
8 that's up to the Council. That's not my best
9 advice. When I heard the ten dollars, that
10 sounded like the magic number to me, frankly,
11 but that's up to you. I'm going to defend
12 whatever you do.
13 COUNCILMEMBER SPANGLER: So you're
14 talking ten dollars per person.
15 MR. WEED: Yes, sir, because that's a
16 realistic figure.
17 COUNCILMEMBER SPANGLER: Per year. I
18 guess that's --
19 COUNCILMEMBER ALEXANDER: No.
20 MS. FLIER: Per year.
21 MR. WEED: Yeah, per year. I mean per
22 person per year.
23 COUNCILMEMBER SPANGLER: Children would
24 not be included. Only the adults, not the
25 children.

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1 MR. WEED: I think that would be -- I
2 can sell that to a court.
3 COUNCILMEMBER SPANGLER: Okay. Then,
4 I'll . . .
5 COUNCILMEMBER ALEXANDER: What about
6 ten dollars per household?
7 MS. FRAYSSE: Right.
8 MR. WEED: Then you have to define what
9 is a family and what is a household, and I'd
10 rather not do that.
11 COUNCILMEMBER SPANGLER: Ten dollars.
12 COUNCILMEMBER ALEXANDER: Okay.
13 MR. WEED: Ten dollars, I'm telling
14 you, sounds like the magic number --
15 COUNCILMEMBER ALEXANDER: Okay.
16 MR. WEED: -- you know, per person,
17 with the exception of anybody below the age of
18 18, you know, no charge.
19 Bear in mind, you know, you can revisit
20 that six months after the committee meets and
21 it's the first harvest. You can revisit it.
22 COUNCILMEMBER SPANGLER: Or since we're
23 real late in the season and we've put this
24 organization off like we have, okay, their
25 bounty is not going to be as great, so we need

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1 to reduce the fees that we would normally charge
2 them. We can charge them ten dollars a person
3 next year, but this year, let's charge them a
4 dollar.
5 MR. WEED: Well, the other thing I
6 think that we could legitimately argue to a
7 court, how about five dollars?
8 COUNCILMEMBER FLEMING: Mr. Weed, I
9 think -- (counting) one, two, three, four, five
10 -- six of us are saying one dollar.
11 COUNCILMEMBER ROCHE: I'm willing to
12 take the risk --
13 MR. WEED: I'm just --
14 COUNCILMEMBER ROCHE: -- that someone
15 could --
16 MR. WEED: -- your lawyer.
17 COUNCILMEMBER ROCHE: -- sue the City
18 over some tomatoes and some carrots and some
19 beans.
20 MR. WEED: Mr. Roche, hopefully you're
21 absolutely right. Once again, you pay me to
22 give you advice. That's my best advice.
23 COUNCILMEMBER SPANGLER: Okay. We're
24 going to change the ten dollars to one dollar.
25 COUNCILMEMBER BATES: Second.

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- - -
(Applause)
- - -
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 Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
- - -
(Applause)
- - -
COUNCILMEMBER ROCHE: I'd like to make a motion to extend the meeting time by 10 meetings just to kind of talk about fees real quick since I was nice enough to let them go

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first.
MAYOR JENKINS: Yes, sir.
COUNCILMEMBER ROCHE: I won't take long.
MS. CRAWFORD: Could I just say one quick thing? This'll make you all smile.
I was shopping at Perimeter Mall with my visiting daughter Saturday, and we were in a store. And as the woman rang up our purchase, she said, "Oh, do you live in Oakcliff Estates?" I said, "Yes." And she said, "We just moved there," she and her husband, I think. She said, "We're the nice young couple that just moved in," and she said, "We really, really love it here because there's such diversity." She said, "There are, I think, Somalians or something on one side of us and another nationality on the other," and she said, "This is just exactly the kind of neighborhood we've been looking for, and we're so happy that we moved in." So I thought I'd share that.
MAYOR JENKINS: Murray?
MR. WEED: Yes, sir.
MAYOR JENKINS: Thank you for working with the group to get it worked out.

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MR. WEED: Sure. Absolutely.
MAYOR JENKINS: And I'll be glad to work with the group, too, and I'd like to be part of the group if you'll have me.
- - -
(Overspeaking)
- - -
UNIDENTIFIED SPEAKER: You've got to pay your dollar.
MR. WEED: You've got to pay your dollar.
COUNCILMEMBER BATES: You've got to pay your dollar, though.
MAYOR JENKINS: Yeah, I'll pay my dollar. I'll pay ten dollars.
So we're going to --
MR. WEED: Mr. Mayor, I'm going to throw this out there, too. I'll commit that if there's a hardship case that someone can't afford, you know, the fee, that my law firm or myself personally will dedicate a certain amount of money, up to $50, to cover those. How about that?
MAYOR JENKINS: Why don't you just do that originally?

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MR. WEED: That's my best offer.
MAYOR JENKINS: That'll get it started. You're going to give $50; right?
Okay.
COUNCILMEMBER BATES: We got our first fifty paid for. Thanks, Murray.
MR. WEED: You've had a big night, Mr. Mayor.
MAYOR JENKINS: Is that going to be cash or check?
MR. WEED: I have to do it by credit card now, Mr. Mayor.
MAYOR JENKINS: Okay.
COUNCILMEMBER ROCHE: That's a good question, though. There is nothing to prevent this group from accepting donations.
MR. WEED: Well, once again, I mean I'm not the lawyer for DUG, but the group now is -- the good news is this, Councilman: the group now is the City. So yes, the Charter does allow you to accept donations. They can advertise themselves as an official subcommittee.
Once again, though, ultimately they're going to want to be on their own and have a non-profit designation because that's a lot bigger

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1 pile of money.
2 COUNCILMEMBER FLEMING: I don't believe
3 your motion, though, however, indicated that
4 they were a subcommittee under what department.
5 MR. WEED: It did not, but you can
6 decide that at will.
7 COUNCILMEMBER FLEMING: Okay.
8 MR. WEED: You can just assign it to
9 whoever.
10 COUNCILMEMBER BATES: City Hall?
11 COUNCILMEMBER FLEMING: Or either
12 Public Works because they'll be doing --
13 COUNCILMEMBER SPANGLER: They'll --
14 COUNCILMEMBER FLEMING: -- quite a bit
15 of the --
16 COUNCILMEMBER SPANGLER: -- have more
17 interaction with City Hall.
18 COUNCILMEMBER ALEXANDER: Yeah.
19 COUNCILMEMBER FLEMING: They'll have
20 more interaction --
21 MAYOR JENKINS: I kind of like City
22 Hall. How about you?
23 COUNCILMEMBER FLEMING: -- with Public
24 Works than they will with Parks.
25 MS. FLIER: Yeah, Mr. Mayor. I believe

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1 there was some conversation between you and
2 Mr. Suever about working with Bobby Pittman to
3 do some of the earthwork --
4 MAYOR JENKINS: Yes.
5 MS. FLIER: -- there, so --
6 MAYOR JENKINS: What we'll do --
7 MS. FLIER: -- Public Works might --
8 MAYOR JENKINS: -- if the group wants
9 us to is get this all ready for you.
10 UNIDENTIFIED SPEAKER: Yes.
11 UNIDENTIFIED SPEAKER: Yes.
12 MAYOR JENKINS: Then you got it.
13 COUNCILMEMBER SPANGLER: And the
14 Mayor's offered to come and hoe out the gardens
15 once they're in place?
16 MS. FLIER: Basically, part of the
17 design especially for Windsor Oak is going to
18 involve swales because it's on a hill and we do
19 have to plant going down that hill. So if he
20 can come in and build us some swales. I was
21 going to have a workshop where we could mark out
22 the swale locations for him and so they'll be on
23 contour, and then we can have him do that.
24 MR. WEED: Just be careful with regard
25 to Windsor Oak. The access you have to that is

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1 over a gas pipeline. Just bear that in mind.
2 COUNCILMEMBER ALEXANDER: And they were
3 copied on the guidelines that we were offered by
4 Kinder Morgan, the pipeline people.
5 MS. FLIER: You know, we'll need a
6 survey or something that shows where the right-
7 of-ways are.
8 COUNCILMEMBER ALEXANDER: Mr.
9 Haeberlin, do you have that?
10 MR. HAEBERLIN: Uh-huh.
11 MAYOR JENKINS: Okay.
12 MS. FLIER: Is there a survey of the
13 Chestnut-Wheeler site also?
14 MR. HAEBERLIN: Yes, ma'am, there is.
15 MAYOR JENKINS: Okay, Bob.
16 COUNCILMEMBER BATES: I'll second the
17 motion.
18 MAYOR JENKINS: What on?
19 COUNCILMEMBER BATES: To extend the
20 meeting by ten minutes.
21 MAYOR JENKINS: Call the roll.
22 CLERK BLACKMON: Councilmember
23 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 Pittman?
5 COUNCILMEMBER PITTMAN: Yes.
6 CLERK BLACKMON: Councilmember Roche?
7 COUNCILMEMBER ROCHE: Yes.
8 CLERK BLACKMON: Councilmember
9 Spangler?
10 COUNCILMEMBER SPANGLER: Yes.
11 COUNCILMEMBER ROCHE: Thank you. I'll
12 make this quick.
13 I got a call earlier this week, and I'm
14 not sure who it is. Essentially we passed the
15 new fee schedule some time ago, and I think that
16 the fee, in my opinion -- I mean I didn't vote
17 for it, frankly, and one of the reasons I didn't
18 vote for it is I felt like some of the fees were
19 a little bit excessive. I think we should be
20 encouraging people, residents in the city, to be
21 fixing up their properties. Any time they do
22 something like this, it increases the value of
23 their property, and once it increases the value
24 of their property, ultimately, frankly, the City
25 gets more money because we get -- you know,

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1 you're taxed on the value of your property.
2 Right now, I think a variance for less
3 than one acre is $750 plus $150 per concurrent
4 variance. I'm not sure. I'm not sure if that
5 would normally --
6 I'll ask Mr. Haeberlin. Is there
7 normally a concurrent variance with a variance
8 request?
9 MR. HAEBERLIN: No, it's just a flat
10 fee.
11 COUNCILMEMBER ROCHE: Okay. Because
12 you said, you know, any variance for nonresi-
13 dential re- --
14 I'm sorry. That's rezoning. Excuse
15 me. I was hit by a car. Anyway --
16 Okay. Appeals to Mayor and Council,
17 $750 per occurrence, and we can give some of the
18 money back. Conditional use requests, that's
19 $850 plus $150 per variance.
20 And somewhere in here there's the
21 variance amount. Oh, I'm sorry. Variances. If
22 it comes to the Mayor and Council, that's $750.
23 And I think someone got in trouble
24 because the way the zoning ordinance was
25 written, I think that you had to have 1250

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1 square feet and a two-car garage. Well, there
2 are a lot of houses currently in Doraville that
3 don't have 1250 feet or a two-car garage, and
4 it's probably impossible unless you're going to
5 dig a big hole and put the two-car garage under-
6 neath your house.
7 And that's something we definitely need
8 to resolve and something we discussed with the
9 City Planner, we will be looking at resolving
10 probably in July. June, we'd be doing it
11 quicker. It's just in June we got budgets and
12 everything else to deal with.
13 Anyway, what I'd like to do is I think
14 either make a motion or I'm open for discussion
15 on either reducing the fees across the board or
16 potentially reducing the fees for residential.
17 I don't think that -- if I want to fix up my
18 house, I shouldn't have to pay another $750 on
19 top of that if I happen to need a variance or
20 something like that.
21 So I'm open to suggestions, but what I
22 would like to end up with tonight is a motion to
23 request Mr. Haeberlin, potentially working with
24 the City Attorney, to come up with a fee
25 schedule that makes it a lot easier for

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1 residents to be able to fix up their property
2 and get variances and get conditional uses.
3 COUNCILMEMBER ALEXANDER: I think
4 before, your concern was a commercial area, and
5 so now you're mainly just wanting to address the
6 residential?
7 COUNCILMEMBER ROCHE: Well, I'd be
8 willing to start with one and then move on to
9 the commercial.
10 COUNCILMEMBER ALEXANDER: Okay.
11 COUNCILMEMBER ROCHE: My concern about
12 the commercial area is that there are going to
13 be conditional uses that haven't even been
14 invented yet. We had a situation that kind of
15 brought this up before, where someone --
16 apparently they had a conditional use, but then
17 when they found out it was going to cost $850 to
18 ask the Council if they could have that
19 conditional use, they decided not to do it at
20 all. And my concern is that in a case like
21 that, it's too expensive to even ask the
22 question.
23 I think that as long as it's not -- you
24 know, if you come back five times, that's a
25 whole 'nother story. But I think that to be

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1 able to come and ask the question of the Mayor
2 and the Council, "Can I do this conditional use
3 request?" I don't think it should cost $850. I
4 think we want to encourage new businesses,
5 innovative businesses, businesses that haven't
6 even been invented yet to come into Doraville.
7 So I would just say that, plus the
8 residential issue came up last week, so I think
9 we need to review both of those.
10 MAYOR JENKINS: I'll go along with the
11 residential for now, yes.
12 COUNCILMEMBER BATES: We did ask as a
13 result of that last meeting for some comparative
14 information from the --
15 COUNCILMEMBER ROCHE: Right.
16 COUNCILMEMBER BATES: -- municipalities
17 that surround us. Just for brevity's sake, we
18 did get information from -- or Mr. Haeberlin
19 provided this to us: City of Dunwoody, a
20 variance for a single-family residential zoning
21 district is $250 plus $50 for an additional
22 variance; City of Duluth is a total of $550 plus
23 $10 per acre; the City of Norcross is $500 plus
24 $25 variance on the same property.
25 So I will concur with Mr. Roche, that

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based upon the comparative data, that the variance fees for the residential district are high and I will be willing to reduce those.

COUNCILMEMBER ROCHE: How about a motion for $250?

COUNCILMEMBER BATES: For residential?

COUNCILMEMBER ROCHE: Yes.

COUNCILMEMBER BATES: I will second that.

MAYOR JENKINS: Is that on variance?

COUNCILMEMBER ROCHE: Yes.

COUNCILMEMBER BATES: Would you be amenable to the plus $50 for each additional?

COUNCILMEMBER ROCHE: Yes.

COUNCILMEMBER BATES: So if they were looking for three, it would be $350 total?

COUNCILMEMBER ROCHE: I would like to make a motion that we reduce it to $250 plus $50 for each concurrent variance.

COUNCILMEMBER BATES: I'll second that.

MAYOR JENKINS: More discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

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CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: Yes.

COUNCILMEMBER ROCHE: And since I'm on a roll, I'd like to make a motion to change the conditional use -- I'd like to make a motion that we lower that to -- what is it, $850 now? -- to $350.

COUNCILMEMBER ALEXANDER: That's commercial or residential?

COUNCILMEMBER ROCHE: Commercial and residential. I don't think we break it out at this point. This is for conditional uses.

COUNCILMEMBER BATES: Respectfully, I'm

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a little leery about doing that with conditional uses. I think there's potentially uses that we need to -- I don't know. I'm just not there with you on that one yet.

COUNCILMEMBER ROCHE: No. I agree that there's uses that we need to be able to say no, and we have that right to say we need to make it a little more reasonable so that the people can come and ask us the question.

COUNCILMEMBER FLEMING: What I pointed out in the previous meeting was that in our zoning ordinances presently or at least the newer ones that we passed, we have a section Conditional Uses and we've gone about and enumerated those specific conditional uses.

So when they come to apply, I mean they already have the fact that they have that category of business, so they come to apply for an occupational license based on the conditional use. I don't think it should be $850 because we've already said we'll consider them for that particular business.

COUNCILMEMBER BATES: Well, Mr. Roche, what did you suggest it to be?

COUNCILMEMBER ROCHE: I said $350. We

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can lower it if you want.

COUNCILMEMBER BATES: Hah.

COUNCILMEMBER ROCHE: I just think that's a little more in reach, within reach.

COUNCILMEMBER BATES: Comparatively -- and I'll read these very briefly -- City of Dunwoody, for the commercial districts, $350 plus --

Oh, those are variances. My apologies.

Duluth was $550 plus $10 an acre. And Norcross was less than an acre, $500; one to five acres, $750; six to ten acres, $1,000. And a change of conditions, whatever that is, is $400.

COUNCILMEMBER SPANGLER: Well, why can't we just bring it down to $400, Mr. Bates?

COUNCILMEMBER BATES: I'm good with having it --

COUNCILMEMBER ROCHE: I modify it to $400. I would be willing to withdraw my motion and make another motion to change it to $400 instead of $350.

COUNCILMEMBER BATES: I'll second that.

COUNCILMEMBER ROCHE: And there's -- I forget how much it is. There's concurrent

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1 variances. I guess we can leave that there for
2 now, so I'll just . . .
3 COUNCILMEMBER FLEMING: So reduce it
4 from $850 to $400; correct?
5 COUNCILMEMBER ROCHE: Right; with no
6 change to the concurrent variance amount.
7 MAYOR JENKINS: Before we make that
8 motion --
9 We got a motion and a second?
10 COUNCILMEMBER SPANGLER: Yes.
11 COUNCILMEMBER PITTMAN: Yes.
12 MAYOR JENKINS: We got a couple of
13 people who want to speak.
14 COUNCILMEMBER ROCHE: Oh, I'm sorry.
15 MAYOR JENKINS: That's all right.
16 I believe it's Stuart Anderson; is that
17 correct? Item number 5 is Stuart Anderson and
18 Clint Howard.
19 MR. ANDERSON: Stuart Anderson.
20 I'd like to ask you a couple questions,
21 that in the future of this discussion we get to
22 the fees for building permits and for the survey
23 or requirements for the survey.
24 And if Ms. Greenway hasn't signed up on
25 this sheet, I'd give my extra time here for her

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1 to have something to say about this.
2 But those two questions I would like
3 answered and gone into. Thank you.
4 MAYOR JENKINS: That's really not on
5 the same subject.
6 COUNCILMEMBER ROCHE: Sir?
7 MAYOR JENKINS: That's really not on
8 the same subject.
9 COUNCILMEMBER ROCHE: No. And I
10 mentioned that at the beginning that we are
11 going to be looking at the R-1.
12 MS. GREENWAY: Hi. I'm Edith Ruth
13 Greenway. I go by Ruth.
14 I am seeking from the set of the rules
15 in my opinion was imposed on our public
16 awareness and do not consider the established
17 residents and their welfare and quality of life.
18 I don't want to go through all of this,
19 but I do want to know that I -- you know, I just
20 want to sit on my porch when it rains. I want
21 to have a good quality of life. I'm 68 years
22 old. I have worked hard. I have been a
23 citizen, resident here for 40 years. I pay all
24 my taxes, and I hope everybody uses them wisely.
25 And I understand improvements that the

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1 City has to, you know, look after overall
2 quality of construction, and I know that I
3 probably now should have gotten a permit, but I
4 apologize for not doing so. But that clearly
5 should be a different fee for the established
6 residents and new homes, and that the surveys
7 would only be imposed if the footprint of the
8 building is being increased or a variance is
9 required by the property.
10 And what I'm doing is I am not -- I
11 just had a porch that already had banisters and
12 all, and I wanted it screened in and I wanted a
13 roof over my head so it wouldn't burn my 68-
14 year-old frame and make me older faster.
15 So I could not screen in the porch with
16 the banisters that I had. I could have put, you
17 know, overhead roof on it, but I wanted it
18 because there's mosquitoes here, to sit out in
19 the evening and all that.
20 You know, it's the quality of life that
21 you owe to your citizens of Dekalb County -- of
22 Doraville, and we live in a great place if y'all
23 treat us, the smaller homes, and not have, you
24 know, 1,250 square feet things and a two-car
25 garage.

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1 Now, if you want to have it for the
2 commercial things that are going in and these
3 big mansions or the bigger homes or whatever
4 they're called these days, they need to be
5 separate.
6 How many of y'all on Council and out
7 here have smaller homes? Most of us do. Most
8 of us do. And even on -- I've looked up for
9 y'all's record to see what kind of homes you
10 live in, and there's a couple of you that don't
11 -- more than a couple that don't qualify, maybe
12 a couple that do qualify to improve your home.
13 But under this, to pay $350 or $400 to
14 get a survey, for what? To build two posts up
15 and have my sun and rain not come in on me? I
16 know where my water lines are. I know where it
17 went on my property. I've known it for forty
18 years.
19 MAYOR JENKINS: We're working on that
20 as we speak.
21 MS. GREENWAY: But anyway, I just
22 wanted y'all to, when you bring this back up --
23 I don't know how much the permits --
24 How much is a permit, anyway?
25 MR. ANDERSON: Building permit.

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MR. HAEBERLIN: Based on the cost of construction.
MS. GREENWAY: Okay. And then what percentage, though?
MR. HAEBERLIN: There's also a plan review fee as well.
MS. GREENWAY: If it was $1300, then what would the price be?
MR. HAEBERLIN: There's a minimum fee of $200 regardless.
MS. GREENWAY: Okay. There's a minimum fee. That's what I need.
But don't you have a percentage after the $200? And how would I know?
MR. HAEBERLIN: There is a City fee schedule that's been adopted by the Mayor and Council.
MS. GREENWAY: Well, where is it so I can see it?
MR. HAEBERLIN: The City Clerk has it.
MS. GREENWAY: Okay. Can I get a copy of it?
MR. HAEBERLIN: Yes, ma'am.
MS. GREENWAY: So you're telling me, no matter what, I have to pay $200 at least.

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MR. HAEBERLIN: There is a minimum fee imposed by the Code; yes, ma'am.
MS. GREENWAY: Okay. So are you the City Clerk, dear?
CLERK BLACKMON: Yes, ma'am. I can get you that tomorrow if you'd like to come in.
MS. GREENWAY: Okay, I'll have to . . .
And Scott was talking something earlier when I was talking about a 1971 code, and I don't have any earthly idea. What was that?
MR. HAEBERLIN: It's the zoning ordinance for the City of Doraville, 1971.
MS. GREENWAY: And then when you did the amendment to it, the 2008-25 --
MR. HAEBERLIN: There's numerous amendments to the Code.
MS. GREENWAY: Yes, but this last one that came up where we had to have a survey and we did not have to have a survey before.
MR. HAEBERLIN: 2008, yes, ma'am.
MS. GREENWAY: November the 3rd, 2008, everybody had to have a survey.
MR. HAEBERLIN: Yes, ma'am.
MS. GREENWAY: But what does that accomplish if you're not doing anything except

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building a porch up in the air? Why do I have to have a survey?
MR. HAEBERLIN: I'd be happy to comment on that to the Council, ma'am.
MS. GREENWAY: Okay. Would you comment to the Council, then?
MR. HAEBERLIN: Absolutely; if they'd like me to.
COUNCILMEMBER ROCHE: Well, I think maybe that --
MAYOR JENKINS: Thank you, ma'am.
COUNCILMEMBER ROCHE: -- we are going to be looking at --
MS. GREENWAY: I apologize.
MAYOR JENKINS: We're going to be looking at that whole ordinance. That's what I was trying to say.
COUNCILMEMBER ROCHE: Yeah. R-1 is something we haven't rewritten yet.
MAYOR JENKINS: You have an extension on already, and we're looking at the ordinance.
MS. GREENWAY: Councilmembers and Mayor, I would appreciate it. Thank you very much for your time. And it's not only just for me but it is also for all the citizens in

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Doraville that have smaller homes.
MAYOR JENKINS: That has got to be a mis-wording --
COUNCILMEMBER ROCHE: Right. We got to fix that.
MAYOR JENKINS: -- problem. We're going to fix it.
MS. GREENWAY: I won't call each of you by name, but thank you all.
COUNCILMEMBER ROCHE: Thanks very much.
MAYOR JENKINS: Thank you.
- - -
(Applause)
- - -
MR. HAEBERLIN: Would the Council like for me to comment on that?
I do have something I'd like to state on the record: that the actual cost of these petitions is $1,150. That is the minimum cost of a petition. So the effect tonight is that these are nowhere near revenue neutral; they are revenue losses for the City. If this is going to be used as a performance guideline for myself, I do put forth that objection on behalf of the minor things that I do for the City. But

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1 I do appreciate your time. Thank you.
2 COUNCILMEMBER ROCHE: Thank you.
3 MAYOR JENKINS: Thank you, Scott.
4 COUNCILMEMBER ROCHE: We won't hold it
5 against you.
6 COUNCILMEMBER BATES: Mr. Mayor?
7 MAYOR JENKINS: Yes, sir.
8 COUNCILMEMBER BATES: Very briefly, I
9 am officially withdrawing item 11.
10 COUNCILMEMBER ROCHE: I'm done, Mayor.
11 Thank you very much.
12 MAYOR JENKINS: Actually, according to
13 the time schedule, we're going to have to go on
14 into citizens comments.
15 But I want to call Chuck. Do you have
16 anything?
17 CHIEF ATKINSON: Mayor, the only thing
18 that I would mention to the Council is that on
19 Thursday, last Thursday, we did an undercover
20 prostitution detail and we arrested 22 people,
21 and included in that was one person that was
22 wanted, one person for drugs, and 22 for
23 soliciting in a prostitution detail.
24 And we're also in the process of doing
25 an undercover underage alcohol sting at the

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1 establishments that are selling alcohol.
2 COUNCILMEMBER SPANGLER: I have a
3 question for you, Mr. Atkinson, if I may.
4 Is it a law that a convenience store or
5 a grocery store has to card every person that
6 buys alcohol regardless of age?
7 CHIEF ATKINSON: I think what they say
8 is if you don't look 40 years old -- Captain
9 Sellars did some research on this -- if you
10 don't look 40, then they card -- they're
11 supposed to card you. So yes, they are supposed
12 to card you if there is a question, obviously.
13 COUNCILMEMBER SPANGLER: Well, I just
14 heard about an incident with our Police
15 Department giving somebody a citation for not
16 carding a 60-some-year-old person.
17 CHIEF ATKINSON: During this operation?
18 COUNCILMEMBER SPANGLER: Oh, it's been
19 real recent, okay, so probably during this
20 operation.
21 CHIEF ATKINSON: I can guarantee you
22 100 percent, that's false.
23 COUNCILMEMBER SPANGLER: Okay.
24 CHIEF ATKINSON: Absolutely 100
25 percent, that's false. The undercover that we

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1 used is nowhere near 65.
2 COUNCILMEMBER SPANGLER: What time
3 frame did you have that you were doing this
4 sting?
5 CHIEF ATKINSON: It's currently on-
6 going.
7 COUNCILMEMBER SPANGLER: But how long
8 has it been going?
9 CHIEF ATKINSON: Since last week.
10 COUNCILMEMBER SPANGLER: Okay.
11 CHIEF ATKINSON: Has it been in that
12 time frame?
13 COUNCILMEMBER SPANGLER: I'm pretty
14 sure it has. I'll recheck with my source.
15 CHIEF ATKINSON: Okay. If you'd like
16 to, that's fine. But I can tell you that if
17 they were involved in our undercover underage
18 sting, they were nowhere near close to 60-
19 something years of age.
20 COUNCILMEMBER SPANGLER: But the thing
21 of it is, if they look at least 40, then you
22 don't have to card them.
23 CHIEF ATKINSON: Our person doesn't
24 even look 40.
25 COUNCILMEMBER SPANGLER: Well, I'm just

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1 saying, though, the law is if they don't look
2 40.
3 CHIEF ATKINSON: I believe that is the
4 practice that most establishments go by.
5 COUNCILMEMBER SPANGLER: Okay.
6 COUNCILMEMBER ALEXANDER: I don't
7 believe it's a law. I think it's a policy set
8 by the individual location.
9 CHIEF ATKINSON: Right. It is a
10 practice that they go by.
11 MR. WEED: For what this is worth,
12 there's no mention of it in Title 3, which is
13 the Alcohol Beverage Code, because I do a lot of
14 alcohol beverage law work. There may be some-
15 thing in the regulations about it that I don't
16 recall, but it's not in Title 3. It's not in
17 the State statutes.
18 COUNCILMEMBER ROCHE: Thank you.
19 MAYOR JENKINS: Thank you, Chuck.
20 MAYOR JENKINS: Yes, ma'am?
21 CLERK BLACKMON: If we're --
22 COUNCILMEMBER BATES: We need to keep
23 it on there?
24 CLERK BLACKMON: Okay. Thank you.
25 He's ended, so I didn't know if you wanted to --

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COUNCILMEMBER BATES: We do need to keep it on there.
MR. WEED: And I've got a question of Mr. Haeberlin.
Mr. Haeberlin, item number 6, public hearing, was this recessed to a date certain and today is the date certain?
MR. HAEBERLIN: Yes, sir.
MR. WEED: Okay. It's fine, Mayor and Council, if we don't hear it tonight, but you have to recess it to another date certain.
COUNCILMEMBER BATES: I'll move that we recess item number 6, public hearing, to June the 15th.
COUNCILMEMBER ROCHE: I'll second that.
MAYOR JENKINS: Is that all we need to change, Murray?
MR. WEED: Yes, sir. That's fine on item 6.
MAYOR JENKINS: Okay. We want to move to citizens comments?
COUNCILMEMBER SPANGLER: You need to --
CLERK BLACKMON: We need to call the roll.
COUNCILMEMBER SPANGLER: -- call the

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roll on this.
MAYOR JENKINS: Okay. Did we get a motion and a second?
COUNCILMEMBER BATES: Yes.
COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
MAYOR JENKINS: Citizens comments. Come up to the microphone, sir.
MR. LIVINGSTON: Charles Livingston.

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I'd like to brag on one of our Councilmen just a little bit. Recently we've had a situation in District 3 where a certain family came upon hard times, and Councilman Bob Spangler went to these people once he found out about it and provided food and money out of his own pocket. Bob Spangler and his wife Sharon have hearts as big as all outdoors, and I'm just real proud of them and I think you-all need to know that. This is not the first time that it's happened. They've done this over the years. And this is just something that y'all need to know about Bob Spangler and his wife Sharon.
COUNCILMEMBER FLEMING: Thank you.
- - -
(Applause)
- - -
MAYOR JENKINS: Any more?
MR. MADISON: My name is Ronnie Madison and I live at Pontiac Circle right next door to Ruth.
And I'd just like to say that some of these ordinances that they have, especially residential, I mean there's no doubt about it. They should be changed just like building

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permits. If you've got to sit here and pay $200, you know, most people don't have $200 to just throw, and most places, you can -- you know, they're like $50 or something like that just to add an addition like a porch. Hers is maybe 10 x 10, which is nothing, really. She just wants to have it screened in.
But all the rigmarole you got to go through, especially in residential, is so silly. I mean I feel like we ought to get a life preserver and jump right in the middle of Lake Silly, you know, with some of this stuff.
It should be changed. 1250 feet? I mean that's ridiculous. Nobody has that. Or at least not in my community they don't. So, you know, they change a lot of these things.
I realize, you know, the guy has probably got a job and he's zealous about it and all this, and that's fine. But you know, I think he ought to -- especially with the older residents of Doraville -- I know I've been here since the '70s and Ruth has been here since the '60s, I believe -- they should be considered, you know. And the things that they throw on them, you know, putting a sticker up there to

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1 stop construction and all this good stuff, I
2 just think a lot of these things should be
3 changed, you know. Some of them are just
4 totally ridiculous. That's all.
5 MAYOR JENKINS: Thank you.
6 - - -
7 (Applause)
8 - - -
9 MR. HART: Sorry. I've been pouring
10 concrete.
11 We ran a soap box derby race this
12 weekend over in Dunwoody, the city of Dunwoody,
13 and we had thousands of people there. And Mr.
14 Ellis was glad -- Burl Ellis was glad to show
15 up. And we raced the city of Chamblee and
16 Dunwoody and Dekalb County and the Mellow
17 Mushroom car and everything. And we found out
18 we didn't have a driver for our car -- it was
19 the Doraville Police car -- until four hours
20 before the event because we just -- everybody
21 kept on dropping out and whatever, and so the
22 car just sat in the garage. It wasn't prepared.
23 It never had weights, had never run before.
24 And so we went over to the metal place,
25 and Ellis was good news. But we got together

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1 about 80 pounds of iron we chopped up with
2 basically a hacksaw and put this car together in
3 about four hours with the help of Andrew
4 Williams.
5 And so we got through the morning and
6 we got the car certified five minutes before the
7 race, and a little -- and the driver was Cameron
8 Wescott. She's from Dunwoody, and she drove the
9 car, and she was perfect. I mean a little
10 redhead, big green eyes, bubbly, and she was --
11 she and her family were great.
12 So we started the race, and we'd never
13 run the car before. The other teams had
14 practiced, and they'd made their cars and stuff.
15 The first round, we got the City of Dunwoody's
16 police car, and they were like a rocket. So we
17 lost in the first round, and we thought, "God,
18 the day's over with. We're just done, you
19 know."
20 They had a double elimination, so we
21 raced all day long, and we kept on winning and
22 winning and winning. And the little girl was --
23 she's just like great. She's like perfect. The
24 car was always perfectly straight. And if we'd
25 have done just an hour's more prep, we probably

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1 would have gone to Akron, but we ended up out of
2 24 cars I think in sixth place.
3 - - -
4 (Applause)
5 - - -
6 MR. HART: And the city I think owes
7 thanks to Cameron, the little girl that drove
8 the car. And she was so excited, she said, "Can
9 you tell the Doraville Police Department can I
10 please drive the car next year?"
11 So anyway, thanks to the Police
12 Department and the City of Doraville. Thank
13 you.
14 - - -
15 (Applause)
16 - - -
17 MAYOR JENKINS: Anybody else?
18 COUNCILMEMBER BATES: Motion to
19 adjourn.
20 MAYOR JENKINS: Second?
21 COUNCILMEMBER ROCHE: Second.
22 CLERK BLACKMON: Councilmember
23 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 Pittman?
5 COUNCILMEMBER PITTMAN: Yes.
6 CLERK BLACKMON: Councilmember Roche?
7 COUNCILMEMBER ROCHE: Yes.
8 CLERK BLACKMON: Councilmember
9 Spangler?
10 COUNCILMEMBER SPANGLER: Yes.
11 - - -
12 (Meeting adjourned at approximately 9:30
13 p.m. the same day.)
14 -o0o-
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1 C E R T I F I C A T E
2 E OF GEORGIA]
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13 ies, nor financially or otherwise interested in
14 matter.
15 This the 9th day of June, 2009.
16
17 _____
18 Theresa Bretch, CCR
19 Permit No. B-755
20
21
22 [SEAL]
23
24
25

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