In The Matter Of:

City of Doraville

The State of Georgia

City Council Meeting

June 15, 2009

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

* * *

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 7:00 p.m. on Monday, May 15, 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

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 to approve the minutes of 6/1/09.

COUNCILMEMBER PITTMAN: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER ALEXANDER: 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: We didn't have any discussion on that, but yes.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: No. There is an error on page 3 of the summary, number 8 motion.

MAYOR JENKINS: Is that one of yours, Bob?

COUNCILMEMBER ROCHE: No, sir. This is the one that says, "A motion was made by Councilmember Bates to accept the flat-rate proposal of $200,000 submitted by Freeman Mathis and Gary for legal services. The motion was seconded by Councilmember Pittman. The motion received a tie vote of 3-3 among Council with Councilmember Fleming, Roche and Spangler

Page 5

1 dissenting, and the motion was defeated with an
2 affirmative vote by Mayor Jenkins." It actually
3 passed.
4 MAYOR JENKINS: Yes, it did.
5 COUNCILMEMBER ROCHE: So I think the
6 transcript is okay but the summary of motions --
7 is --
8 MAYOR JENKINS: Murray, can we change
9 that and go ahead and have a vote as changed?
10 MR. WEED: Yes. It was two motions.
11 The first motion failed and the second motion
12 passed. So yes, sir, you can always amend the
13 minutes. I haven't had a chance to look at the
14 actual transcript, but assuming it's correct --
15 and the court reporter is nodding in the affir-
16 mative -- I think that's fine.
17 MAYOR JENKINS: Well, do we need to
18 make a new motion?
19 COUNCILMEMBER SPANGLER: It's already
20 passed. You don't need to make -- I wouldn't
21 think that you should make a new motion to pass.
22 We only had one vote saying no.
23 MAYOR JENKINS: Do we need to pass it
24 with the --
25 MR. WEED: I'd recommend just for the

Page 6

1 record. I mean since it's been brought up and
2 discussed, someone make a motion to amend the
3 summary and --
4 MAYOR JENKINS: And go ahead with the
5 vote. We need that after this vote?
6 MR. WEED: You have a motion and a
7 second right now?
8 COUNCILMEMBER BATES: And it's been
9 voted on.
10 COUNCILMEMBER SPANGLER: It passed.
11 MR. WEED: Then, I would advise you to
12 have another motion and go through it again just
13 with regard to the summary and correct the
14 summary.
15 MAYOR JENKINS: I need a motion to pass
16 the minutes of 6/1/09 as amended.
17 COUNCILMEMBER PITTMAN: So moved.
18 MAYOR JENKINS: Second?
19 COUNCILMEMBER ROCHE: Second.
20 MAYOR JENKINS: Call the roll, please.
21 CLERK BLACKMON: Councilmember
22 Alexander?
23 COUNCILMEMBER ALEXANDER: Yes.
24 CLERK BLACKMON: Councilmember Bates?
25 COUNCILMEMBER BATES: Yes.

Page 7

1 CLERK BLACKMON: Councilmember Fleming?
2 COUNCILMEMBER FLEMING: Yes.
3 CLERK BLACKMON: Councilmember Pittman?
4 COUNCILMEMBER PITTMAN: Yes.
5 CLERK BLACKMON: Councilmember Roche?
6 COUNCILMEMBER ROCHE: Yes.
7 CLERK BLACKMON: Councilmember
8 Spangler?
9 COUNCILMEMBER SPANGLER: Yes.
10 MR. WEED: Mr. Mayor, just for the
11 record, we didn't go into detail on what the
12 amendment was. It involved summary item number
13 8 and that the summary will be modified to more
14 closely reflect the actual transcript, that
15 there were two motions and two votes taken.
16 MAYOR JENKINS: Thank you.
17 Mr. Huynh, would you come up, please.
18 I would like to introduce everyone to
19 Dr. Huynh. Dr. Huynh has agreed to serve as our
20 Ambassador to the Vietnamese community. He's
21 been an established and respected leader within
22 the Vietnamese community for years. Dr. Huynh
23 also served as a captain in the Vietnamese war
24 and very active with the Vietnamese Veterans
25 Association.

Page 8

1 I'm not going to read it all, but I
2 want you to look at it. And I present this to
3 you on behalf of the Mayor and the City Council
4 of the City of Doraville. You're our new
5 Ambassador.
6 - - -
7 (Applause)
8 - - -
9 DR. HUYNH: Can I say a few words,
10 please?
11 Mr. Mayor and members of the Council, I
12 sincerely appreciate the honor to serve. Okay.
13 When Mayor Jenkins asked me, I said I'd love to
14 do it.
15 First, I'm here. I'm about a few
16 blocks from where you are. I graduated from
17 Savannah Memorial Medical Center about 30-some
18 years ago, which make me almost a native because
19 there's not many.
20 I've been here 30-some years, along the
21 good and bad years of the Braves, the Falcons;
22 whatever, you name it; and last, the Vietnamese
23 Veterans Association here in Doraville. And we
24 never have better relationship with the Mayor
25 and City Council, always supporting the veterans

Page 9

of the Vietnam war.
And like I say, I am honored, I'm greatly -- grateful to the Mayor for asking me to do it, and I'll do my best to serve as Ambassador.
MAYOR JENKINS: All right.
COUNCILMEMBER FLEMING: Thank you very much.
- - -
(Applause)
- - -
MAYOR JENKINS: Thank you, sir.
Captain Kelly, bring your wife up with you.
How are you-all doing?
CAPTAIN DURANT: Very good.
MAYOR JENKINS: At this time, I'd like to ask the Council to pass a resolution honoring Captain Kelly and Regina Durant of the Salvation Army.
The Durants have been assigned to the Doraville Salvation Army since 2001. I'm sorry to say that the Durants are getting ready to be reassigned to a community in Florida. I would like to demonstrate our gratitude for the

Page 10

tireless work they have done on behalf of the community and the underprivileged.
I've had the opportunity to go to some of their meetings and see some of the things they've done. They do a wonderful job.
And I'm going to ask the Council to give me a motion for the resolution.
COUNCILMEMBER FLEMING: Make a motion to adopt the resolution.
MAYOR JENKINS: Second?
COUNCILMEMBER ALEXANDER: 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?

Page 11

COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: All right. I won't read all these whereases, but they really mean what we say, and we appreciate it.
CAPTAIN DURANT: Well, this is a special honor. Thank you so much.
MAYOR JENKINS: Thank you, and we'll miss you.
- - -
(Applause)
- - -
CAPTAIN DURANT: I'll make it just very brief.
Thank you so much, Mayor, for being so supportive, too, because we appreciated the fact that, you know, you came over and got to know us, and you know, a friend is what we all need.
The Salvation Army is going to continue active, as you can imagine, and we're doing all we can in these hard times. We've brought in extra food. You know, we're serving all of the people the best we can. And we're very proud of Doraville and all the work that's getting done here. Thank you very much.
- - -

Page 12

(Applause)
- - -
MAYOR JENKINS: English Oak Park. Do you want to talk about that?
COUNCILMEMBER ALEXANDER: I can. I don't see anybody from ONA here.
We are going to have the grand opening rededication of English Oak Park on Saturday, June the 27th, with a ribbon cutting at 3:00 p.m., and then I believe the Oakcliff Neighbors Association is going to have a picnic as soon as the ceremonies are completed. We want everyone to come if you can.
And Mayor, I believe you're going to have some speakers lined up or --
MAYOR JENKINS: Yeah, we will. And we'll have a ribbon cutting. I believe we'll do that at 3:00?
COUNCILMEMBER ALEXANDER: Yes, sir.
MAYOR JENKINS: And the group decided that they will have something there?
COUNCILMEMBER ALEXANDER: Yes, they are.
MAYOR JENKINS: Okay. And we'll have some speakers on that, too.

Page 13

Does anybody else have anything on English Oak Park?

COUNCILMEMBER SPANGLER: Did we get the final inspection? Did Mr. Calcaterra go down and ensure that everything is safe?

MAYOR JENKINS: I think it's wonderful, no more money than we've put into it, and as bad a shape as it was in. I think it's one of the best things we've ever done.

Do you agree with that, Bob?

COUNCILMEMBER SPANGLER: Yes, sir.

MAYOR JENKINS: Okay.

COUNCILMEMBER SPANGLER: And we tried for years to get that park fixed and finally did. It cost us a lot of money. I think it's over a million dollars, but it's a nice looking park.

MAYOR JENKINS: Okay. Mr. Jones, would you come up to the microphone, please.

Council had asked Mr. Jones to come back with a few options on our insurance. We will be staying with Blue Cross/Blue Shield, but I believe some of the Council wanted some options.

And did you get that for them, sir?

Page 14

MR. C.R. JONES: Yes, Mayor. I actually provided each Councilperson with the information that they requested with some of the options that Blue Cross/Blue Shield had given to us for the City of Doraville and I've highlighted the four that I thought were closest to what the Council was looking for. So I'm here to answer any questions you might have on those options or any actions to be taken.

COUNCILMEMBER FLEMING: I noticed that the difference -- just so that the public may know, also, the difference between an 80/20 policy and what our employees currently have, which is 100% coverage, the difference in premium is only I believe $14, so I think it would be advantageous for us to stay with the 100% coverage. That would be my suggestion. And then we can discuss possibly --

But there has been almost an 18% increase in the premium. I would like us to stay with 100% coverage for the employees, that particular policy, but I'd like to also have us discuss the possible 15% increase in the projected cost to the employee to help defray some of that 17-1/2% increase that we're going

Page 15

to have to pay.

COUNCILMEMBER SPANGLER: I don't think the employees would have a problem with keeping it as it is and paying the additional premium because they're paying such a small amount now. So I would say let them pay the -- and I think they would all be in agreement to it.

I think somebody spoke to the department heads. We've got one department head here tonight. I would think that they would graciously pay the 17% increase at least.

COUNCILMEMBER PITTMAN: Is it 17 or 15%?

MR. C.R. JONES: Actually, it was originally a 17-1/2% increase and it was negotiated to 15% for the Blue Cross/Blue Shield.

COUNCILMEMBER FLEMING: Oh. So it has been reduced --

MR. C.R. JONES: Yes.

COUNCILMEMBER FLEMING: -- from our original figures. All right.

MR. C.R. JONES: So in the letter we used a 15% projected cost.

COUNCILMEMBER FLEMING: Okay.

Page 16

COUNCILMEMBER SPANGLER: And what would that additional amount be since you have your calculator, Ms. Fleming?

COUNCILMEMBER FLEMING: The previous premium for an employee-only policy, their contribution was $15. It would now be $53. And for an employee and family, the employee's contribution for a family policy was $30. It would now be $155. And that's a monthly premium -- or contribution. Not premium; contribution.

COUNCILMEMBER SPANGLER: I would be in favor of having the employees make up the difference since we're in the financial crisis we're in right now and our revenues are down. It's still a premium to have that kind of an insurance policy for that little bit of a cost to the employee.

MAYOR JENKINS: And you're talking about the 15 percent --

COUNCILMEMBER SPANGLER: Yes, sir. The $53 for the single person and $155 for married. Or you could do it $100 for single, $100 for a married couple; just $100 across the board to all the employees.

COUNCILMEMBER FLEMING: Ms. Alexander,

Page 17

were you getting ready to comment?
COUNCILMEMBER ALEXANDER: The $1,033 premium, it doesn't matter how many dependents; correct?
MR. C.R. JONES: That's for a family. I think they do put a limit of like five or something like that, but I don't think we have anybody over that.
COUNCILMEMBER FLEMING: If everyone feels comfortable with staying with the 100%-coverage policy that we presently have, I'd like to make a motion that we do accept Blue Cross/ Blue Shield with 100% coverage with a projected cost to the employee being 15% of the monthly premium, which would equate to a single plan of $53 and a family plan of $155.
COUNCILMEMBER BATES: I'll second that.
MAYOR JENKINS: Anymore comments?
COUNCILMEMBER ALEXANDER: I have a question for the Clerk.
Are we now taking out their premiums pre-tax on their paychecks?
CLERK BLACKMON: It is, yes.
COUNCILMEMBER ALEXANDER: We are doing that?

Page 18

CLERK BLACKMON: Yes.
COUNCILMEMBER ALEXANDER: Okay. Thank you.
COUNCILMEMBER BATES: And we would just need to set an effective date on this as well.
MR. C.R. JONES: It would be July 1 is when the policy would be in effect. So currently, the current plan, N0601 plan that you just voted on, will stay the same and it will continue to be with the new rates at July 1. So we'll make sure that happens and that we have all the changes that the employees need up to that point.
COUNCILMEMBER FLEMING: And I'd like to make sure that a letter, whether it be from your office or the Mayor's office -- a letter to each and every employee to indicate what their premium -- what their contribution would be.
MR. C.R. JONES: I would think that that would be an administrative from the City to the employees if I'm --
MAYOR JENKINS: We'll have to put it in with their paychecks.
MR. C.R. JONES: We'll be glad to do anything you'd like, but that's something that

Page 19

the City should do.
MAYOR JENKINS: Okay. Call the roll on that, please, ma'am.
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: Okay. I put employee's manual on the agenda tonight only to give an update. Mr. Cole, I believe, Murray said was not available to be here tonight. And if you need -- I believe everybody's had this for quite some time, and you've been asked to let Mr. Cole know what was going on, whether you wanted to change anything or keep it that way.

Page 20

Is everybody satisfied with the way it is?
COUNCILMEMBER ROCHE: I'll have to say I'm not completely satisfied with the way it is, but I think it's probably a lot more -- a lot better than it was before. It got promoted up the agenda to Mayor's Comments, and that's fine, but I was hoping that we could actually pass it so that it would go into effect 1st of July along with the fiscal year, because there are going to be some changes as far as how we deal with things like comp time or whatever.
MAYOR JENKINS: Murray?
COUNCILMEMBER ROCHE: So no, it's not perfect, but I think it's a good platform to build on going forward.
MAYOR JENKINS: Would we have to have Mr. Cole here to pass it?
MR. WEED: No, sir. I just want to make him available if you had detailed questions that might happen to go beyond my expertise. But he and I worked very closely together on this entire project, and I wanted him available if you wanted him.
COUNCILMEMBER ROCHE: Well, again, it's

Page 21

not perfect, but any document that size is not going to be. There are things I wish were in there and there are a couple things I wish weren't in there. But again, I would like to go ahead. In fact, if it's okay with you --

MAYOR JENKINS: I mean did you want to mention a couple of them? and maybe Council will agree with you.

COUNCILMEMBER ROCHE: Well, without having it in front of me, I mean there were --

MAYOR JENKINS: Oh, okay.

COUNCILMEMBER ROCHE: -- a few things. But I think it would be a good platform to build on. And I think the main thing, though, is if we could get this thing passed tonight, then it would take effect the 1st of July, which would be the beginning of the fiscal year.

Now, I realize that some of the things like the comp time or whatever, that doesn't really take effect until the first of the year, calendar year. But we have budgeting coming up very soon, and once we have this -- if we have the new policy in place, then we can budget for things like comp time and overtime, et cetera. And right now, we can't do a budget and then

Page 22

turn around and change our policy on that.

So I would like to make a motion to go ahead and pass the current version of the new City Employee Manual effective July 1st.

COUNCILMEMBER BATES: I'll second that.

MR. WEED: And Mr. Mayor, if you don't mind, I'd like to make one comment. On page 17 under Section 5.2.5, this is, you know, one element that actually involved dollars and cents, so I want to highlight it to you. You've all known. It's been in there some time now, but I want to just point it out. You do have a monetary or time liability with regard to accumulated leave, and the language that's in this version of the policy, and I'll read it, "Employees may use or be paid for such PTO, paid time off, in accordance with this policy for leave between the effective date of this policy and January 1 of 2010. Effective January 1, 2010, employees may accrue and carry over PTO only in those amounts and according to those terms in the policy."

So I wanted you to just bear that in mind, that, you know, between the effective date of July 1 and, you know, January 1, anybody

Page 23

who's got accumulated paid time off under the old rules, they either are going to have to burn it or the City needs to account for how you're going to compensate people for that. You can simply send them home or you can write them a check, but I didn't want you to go ahead and vote for it without remembering that.

COUNCILMEMBER ROCHE: And that's one of the main reasons I want to go ahead and get this thing passed right now. We have this hidden liability where a lot of people have accumulated all this comp time that is out there that eventually we're going to have to pay one way or another, either with time off or just simply writing them a check. And I think it's time we dealt with this. I think if we pass this now, then basically we'll be forced to deal with it, and I want to deal with it so we can move on.

MAYOR JENKINS: They will have from now till January to use it or whatever.

MR. WEED: For people who have already got it accumulated, it will be they'll either use it or they'll be paid for it.

MAYOR JENKINS: Is that the same way about sick leave and vacation?

Page 24

MR. WEED: Right. Underneath the previous rules, anything that they had that they had accumulated under the previous rules will either be paid out or they'll have to take it.

COUNCILMEMBER ROCHE: Yes. Essentially the new policy says that no employee can accumulate more than 80 hours of comp time. Now, that's not vacation. That's completely separate. But we have some employees who have, you know, two or three hundred hours, 250 hours, I think, in comp time now, which again represents a large liability. And in the meantime, I mean as we get into the budget process, if we feel like we need to do something a little different, there's nothing that prevents us from making a change and maybe extending it for an extra year if we have to or whatever we need to do.

MR. WEED: That is correct.

COUNCILMEMBER ROCHE: But at least this kind of lays the baseline for what we need to do going forward.

COUNCILMEMBER FLEMING: Are we in the discussion phase?

I think it would be necessary for,

Page 25

1 again, from your office, Mayor, or from
2 Mr. Weed's office, to list a summary of changes
3 so that each employee knows what effects that
4 there are going to be on each one of their --
5 whether it be salary, whether it's overtime,
6 whether it's time and a half or comp time. I
7 think those small portions just need to be
8 summarized so that they are aware of it, because
9 we won't be able to print 121 manuals in two
10 weeks' time, I don't believe. I don't think
11 it's that ready for us to present to them in a
12 book form and have them sign it, that this is
13 the new book that we're using July 1.
14 COUNCILMEMBER SPANGLER: Plus there
15 need to be some meetings set up with the
16 department heads and their employees to discuss
17 the changes and pass out the books and go over
18 it.
19 COUNCILMEMBER ROCHE: Well, the book
20 itself, I think there was talk of actually
21 posting it on the Web site.
22 MR. WEED: Yeah. If you approve it
23 tonight -- I counted five typographical errors
24 that I'm going to fix tomorrow morning --
25 COUNCILMEMBER ROCHE: Right.

Page 26

1 MR. WEED: -- in going through it one
2 more time. But you know, after we do that, I
3 would ask staff to go ahead and put it out
4 there.
5 COUNCILMEMBER ROCHE: Right. I'll
6 modify my motion to say pass it with those
7 typographical errors corrected if we've got to
8 do that.
9 COUNCILMEMBER BATES: Second.
10 MAYOR JENKINS: Anymore discussion?
11 - - -
12 (No response)
13 - - -
14 MAYOR JENKINS: Call the roll, please.
15 CLERK BLACKMON: Councilmember
16 Alexander?
17 COUNCILMEMBER ALEXANDER: Yes.
18 CLERK BLACKMON: Councilmember Bates?
19 COUNCILMEMBER BATES: Yes.
20 CLERK BLACKMON: Councilmember Fleming?
21 COUNCILMEMBER FLEMING: No.
22 CLERK BLACKMON: Councilmember Pittman?
23 COUNCILMEMBER PITTMAN: Yes.
24 CLERK BLACKMON: Councilmember Roche?
25 COUNCILMEMBER ROCHE: Yes.

Page 27

1 CLERK BLACKMON: Councilmember
2 Spangler?
3 COUNCILMEMBER SPANGLER: I'm going to
4 say no. And I know it has passed, since the
5 majority voted for it, but I just hope that it's
6 enforced.
7 MAYOR JENKINS: Okay. I understand
8 that there is a gentleman in the audience named
9 Mr. Anderson, and he put in an application to be
10 on this agenda.
11 I do not allow people to be on the
12 agenda that are not citizens and don't even live
13 in our area and are not businessmen.
14 And I've thought about it a lot. And I
15 believe Mr. Anderson called Murray, and I'm
16 going to let Murray give the legal opinion on
17 why I did not let Mr. Anderson on the agenda
18 tonight.
19 MR. WEED: Well, there are I think two
20 things involved in answering that question,
21 Mr. Mayor. One is, does the Mayor as the chief
22 presiding officer of the Council meeting have
23 authority over the agenda? You do. That
24 authority is granted specifically in this matter
25 under 2-36 Subsection (c), "A nonresident of the

Page 28

1 city may request to be placed on the agenda by
2 submitting a written request to the Mayor, who
3 may allow or deny the request at his
4 discretion."
5 The conversation I had today with
6 Mr. Anderson -- we've communicated back and
7 forth on two different occasions today --
8 Mr. Anderson also noticed Section 2-36(e), and
9 I'll read it into the record verbatim, "All
10 requests for an item to be placed on the agenda
11 or to appear before the Council shall be
12 submitted to the Mayor by 12:00 noon on Thursday
13 before the meeting. The Council may waive this
14 requirement by a majority of those members who
15 are present at a meeting."
16 Mr. Anderson wanted to put forward the
17 argument to the Council. I told him I would
18 tell you in as objective a format as I could,
19 what his basic argument was. Mr. Anderson
20 essentially reads Subsection (e) as giving the
21 Council the ability to supersede subsection (c)
22 and the Mayor's discretion by a vote of majority
23 at the meeting.
24 I don't agree with that interpretation
25 of the Code for the obvious reason that it

Page 29

1 wouldn't make any sense. Essentially,
2 Subsection (c) that plainly says that the Mayor
3 has got full discretion with regard to
4 nonresident agenda items. The second sentence
5 of Subsection (e), "The Council may waive this
6 requirement by a majority of those members who
7 are present at a meeting," clearly refers to the
8 first sentence of that Subsection (e), which is
9 when somebody doesn't get an agenda item in to
10 the Mayor before 12:00 on Thursday, then the
11 Council can waive that requirement.
12 In this case, factually, it is my
13 understanding that Mr. Anderson did submit his
14 request for an item in advance of the noon
15 deadline on Thursday; therefore, that subsection
16 never comes before Council for a vote. That's
17 my official opinion as City Attorney. I think
18 just the basic English-language reading of it,
19 the answer is simple enough.
20 COUNCILMEMBER SPANGLER: Well, did we
21 not give Mr. Anderson permission to be on the
22 agenda?
23 MAYOR JENKINS: No.
24 MR. WEED: No, sir.
25 COUNCILMEMBER SPANGLER: There was

Page 30

1 nothing -- nothing --
2 MR. WEED: My understanding of the
3 facts are that Mr. Anderson sent an e-mail
4 request. It went to the Clerk. The Clerk sent
5 an e-mail reply to Mr. Anderson, saying he would
6 be on the agenda.
7 COUNCILMEMBER SPANGLER: So that's
8 giving permission to be on the agenda.
9 MR. WEED: The Clerk doesn't have the
10 authority.
11 Before the agenda was printed, posted
12 or went out into the world, the Mayor, as
13 always, looked at the agenda and exercised his
14 discretion of the section; therefore,
15 Mr. Anderson has never been on any agenda.
16 COUNCILMEMBER SPANGLER: So what you're
17 saying is -- What, again, did you say the
18 Charter said? Can the Council vote to put
19 someone, a nonresident or a citizen or a
20 business nonresident, on the agenda?
21 MR. WEED: My opinion is no underneath
22 the terms of Section 2-36.
23 The Council can always change the
24 ordinance. You always can do that. Of course
25 that would require a motion and a second to put

Page 31

1 the item on the agenda. It requires two
2 readings. You would have to waive first
3 reading. So all those things would have to be
4 done in order to change the ordinance.
5 The ordinance has been in effect since
6 1969. The last amendment to the ordinance in
7 chief was 2004.
8 COUNCILMEMBER SPANGLER: Well, you
9 know, I've got a problem with letting -- like
10 this is all due to the recall, okay, the recall
11 on the Mayor, as everyone knows.
12 When I was in the recall process, the
13 Mayor allowed a business owner to get up and
14 just completely blast me right in front of the
15 audience and the other Council people. Now, if
16 that person had a right to come before the
17 Council and blast me, why can't other
18 nonresidents have an opportunity to come and say
19 what they want to say?
20 MR. WEED: Good, bad or indifferent,
21 Councilman, all I can tell you is what the law
22 is.
23 COUNCILMEMBER SPANGLER: Well --
24 MR. WEED: And the law is 2-36(c), the
25 Mayor --

Page 32

1 COUNCILMEMBER SPANGLER: -- is that the
2 actual law or the way that you interpret the
3 law?
4 MR. WEED: No, sir. I'm not making it
5 up. It's your ordinance. It's been on the
6 books since '69, long before I got here.
7 All I can tell you is what (c) says.
8 It flat-out says that it's up to the Mayor to
9 decide whether or not a nonresident is going to
10 be on the agenda.
11 The Mayor has exercised his discretion.
12 He had the legal right to do so. If the
13 majority of the Council doesn't think that's
14 fair, then you can change the ordinance. You
15 always have that right, but there's the steps
16 you have to follow in order to do that.
17 COUNCILMEMBER SPANGLER: I'm just
18 saying I don't think it's fair for the Mayor to
19 let a nonresident, even though he was a business
20 owner, to get up and blast me, and now the Mayor
21 is not allowing somebody to get up and say
22 something about him, if that's what Mr. Anderson
23 is wanting to say. I have no idea. I met
24 Mr. Anderson for the first time today out in the
25 hallway, so I don't even know what he was on the

Page 33

1 agenda for. I'm just saying that I think it's
2 probably related to the recall, and if I were
3 the Mayor, I would surely -- since he done that
4 to me, he should let Mr. Anderson get up and
5 have his speech.
6 MAYOR JENKINS: Is Mr. Anderson a
7 Doraville businessman?
8 COUNCILMEMBER SPANGLER: No, sir, and I
9 don't think it matters.
10 MAYOR JENKINS: That makes a difference
11 to me; yes, sir.
12 COUNCILMEMBER ROCHE: I'm looking at an
13 e-mail here that came from Rhonda Blackmon on
14 Friday, June 12, 2009, from the City Clerk at
15 10:14 a.m. "To Mr. Anderson." It says, "You
16 are on the agenda." Signed, Rhonda Blackmon,
17 et cetera, et cetera.
18 So yeah, I think putting someone on the
19 agenda and taking them off the agenda, I mean
20 this is clearly -- I mean I have nothing to
21 hide. I don't know exactly what's going on here
22 either as far as what Mr. Anderson wants to say,
23 but I can't remember a single time I've ever sat
24 up here and voted against someone being able to
25 stand up and have their say before the City

Page 34

1 Council.
2 Now, I understand what you're saying as
3 far as your interpretation. You're basically
4 saying the Mayor can dictate who speaks on the
5 agenda. But as a City Councilperson, I can
6 basically put things on the agenda myself. So
7 is there anything to prevent, for instance,
8 myself, in saying, "I hereby -- on the next
9 agenda, please add George Anderson to the
10 agenda," and then under the fact that I put him
11 on the agenda, would he be able to give his five
12 minutes?
13 MR. WEED: Off the top of my head, no,
14 sir, I think that would be fine. That would be
15 your agenda item and you'd be responsible for
16 that agenda item. I think you could do that.
17 COUNCILMEMBER ROCHE: Well, I mean if
18 that's what it takes to allow someone to be able
19 to stand in front of the citizens and Council
20 and have their five minutes to speak.
21 COUNCILMEMBER SPANGLER: Well, and
22 would there be anything wrong with you asking
23 him to be on the agenda tonight for a particular
24 item and getting the majority of the Council's
25 permission?

Page 35

1 Would that be okay, Mr. Weed?
2 MR. WEED: Do I think that's legal?
3 Yes. Once again, you'd have to modify the
4 agenda.
5 It would be your item. Anything he had
6 to say, you'd be responsible for in the sense it
7 would be your item, be underneath your umbrella.
8 So that you have that -- you always have that
9 option.
10 COUNCILMEMBER FLEMING: (Inaudible)
11 COUNCILMEMBER ROCHE: No. This is not
12 a special meeting.
13 We were saying it would not take a
14 unanimous vote because this is not a special-
15 called meeting.
16 MR. WEED: That is correct. It would
17 take a majority vote.
18 COUNCILMEMBER ROCHE: All right. I
19 will go ahead and make a motion that we put
20 Mr. George Anderson on the agenda tonight with
21 five minutes.
22 COUNCILMEMBER SPANGLER: And I'll
23 second.
24 COUNCILMEMBER PITTMAN: Is it
25 appropriate to ask what he is going to be

Page 36

1 speaking on?
2 MR. WEED: You're in the discussion
3 phase now. I mean the Council is obviously
4 interacting with the audience before. I think
5 if you have a question of Mr. Anderson, now
6 would be an appropriate time to ask it.
7 COUNCILMEMBER FLEMING: I don't think
8 he should go before Mr. Livingston.
9 COUNCILMEMBER PITTMAN: Mr. Anderson,
10 would you be willing to tell us what you're
11 going to be speaking on?
12 MR. GEORGE ANDERSON: Yes. Thank you.
13 I appreciate the question.
14 I talked to Mr. Weed earlier today and
15 said that if I could share with you now on the
16 phone or at the Council meeting, I'd be glad to
17 talk to you about the subject. And he said,
18 well, probably when it comes up before the
19 Council. So now is my opportunity.
20 I was going to talk about items that I
21 have done in ethics seminars around the state
22 for 10 years. The Open Records law, it's called
23 the Sunshine Law, Open Meetings, Open Records.
24 I was also going to discuss items that are in
25 your Code, and most of it's dealing with doing

Page 37

1 things in a transparent fashion. And usually
2 when I talk before county commissions and city
3 councils, which I have in several counties
4 throughout the state, it's usually dealing with
5 items that you would be handling in an ethical
6 manner and, you know, showing transparency in
7 government, and that's what I was going to
8 discuss with you tonight.
9 COUNCILMEMBER PITTMAN: Basically like
10 educational information?
11 MR. GEORGE ANDERSON: Yeah, it was
12 educational, a lot of it dealing with GMA, which
13 you-all attend conferences in Savannah and you
14 go to Carl Vinson Institute. A director years
15 ago furnished me materials that are taught when
16 elected officials go to their meetings, and some
17 of this right here might be something that
18 you've already digested but it might have been
19 good for the citizens of Doraville to hear.
20 COUNCILMEMBER PITTMAN: So you can do
21 that in five minutes?
22 MR. GEORGE ANDERSON: Oh, yes, I can do
23 it in five minutes.
24 And it was not going to be anything
25 towards the recall. It was actually going to be

Page 38

1 talking about things that you should -- I think
2 somebody brought up the recall, but this has to
3 do with really educational material.
4 COUNCILMEMBER PITTMAN: So not on an
5 individual person; just basically educational.
6 MR. GEORGE ANDERSON: Right. It's not
7 criticizing an individual. Someone said
8 something about the Mayor. And it was not
9 criticizing anyone but it was going to be an
10 educational talk.
11 And I've been for several years the
12 director of Ethics in Government group and
13 worked with several citizen groups, and I was
14 just going to talk before this Council tonight,
15 and I didn't see, again, a problem. That's why
16 I called the attorney and asked him if he agreed
17 with the section that says that if the Council
18 votes on a nonresident and decides that they
19 could speak, I felt like the section I was
20 reading from -- let's see. I thought Section
21 2-36(e) did allow the Council to vote to allow
22 me to speak or not to speak, but Mr. Weed told
23 me he interpreted it differently than I did.
24 COUNCILMEMBER PITTMAN: Is it just for
25 the Council or is it for the public as well?

Page 39

1 MR. GEORGE ANDERSON: It says the City
2 Council can vote to allow a nonresident to
3 speak.
4 COUNCILMEMBER PITTMAN: No, no. What
5 I'm asking you, is the information just solely
6 you think for the education purposes of the
7 Council or for the public as well?
8 MR. GEORGE ANDERSON: For both.
9 COUNCILMEMBER PITTMAN: For both.
10 Okay.
11 MR. GEORGE ANDERSON: Yes, ma'am.
12 COUNCILMEMBER PITTMAN: Thank you very
13 much.
14 MAYOR JENKINS: Well, what was on his
15 application that he wanted on the agenda for?
16 CLERK BLACKMON: He did not specify. He
17 just said he wanted to be on the agenda.
18 MAYOR JENKINS: That's one reason that
19 I --
20 COUNCILMEMBER BATES: Probably a very
21 valuable topic and certainly something that
22 we've all attended the GMA, and I would be in
23 favor of having it on the agenda down the road.
24 But based upon the length of items that we've
25 got on here, I would not be in favor of adding

Page 40

1 it to tonight's agenda.
2 COUNCILMEMBER PITTMAN: And I would not
3 mind talking to you one on one about all of that
4 or maybe the next time, but I tend to agree that
5 it seems rather lengthy.
6 MAYOR JENKINS: If it's educational,
7 I'll certainly go along with it. That wasn't my
8 impression of the whole thing.
9 MR. GEORGE ANDERSON: Yes, sir. That's
10 what it was intended for --
11 MAYOR JENKINS: Being as the way things
12 turned out, why didn't you just say it was
13 educational?
14 MR. GEORGE ANDERSON: When I sent in my
15 request to the City Clerk, I was waiting for her
16 response. She said I was on the agenda. Then I
17 got another one later in the afternoon saying
18 that the Mayor had taken me off the agenda. And
19 I was glad to give the subject. In fact, I
20 talked to Mr. Weed earlier and I said, "I'll be
21 glad to tell you right now on the phone," and he
22 said, "Well, just share with the Council what
23 your subject area is if they decide to let you
24 speak."
25 MAYOR JENKINS: Well, that was my

Page 41

point. If you had shared with us what your point was, under the past circumstances, it might have been a different situation.

MR. GEORGE ANDERSON: Well, Mayor, I do want to say that transparency in government, whether it's state agencies I worked constantly on for several years or city councils and county commissions, everyone has always been very open to someone speaking. In fact, the openness is something good for not only your citizens but it's also good for elected officials to be open as far as allowing people to speak.

MAYOR JENKINS: Oh, yes. I agree with that.

MR. GEORGE ANDERSON: So I didn't think it was a problem. I really didn't.

And I've got a lot of materials here that I wanted to just take a few moments, a few minutes, five minutes, and maybe you'll give me an opportunity at your next meeting, Mayor.

COUNCILMEMBER FLEMING: Mr. Mayor, in regards to adding him to the agenda, I do not believe we should have him prior to any of the other agenda items that are presently on this agenda, and if we're going to add him, that he

Page 42

should be added after Mr. Livingston, and we have already spent eight minutes on this discussion.

MAYOR JENKINS: Well, I agree with you.

- - -

(Applause)

- - -

COUNCILMEMBER ROCHE: I'd be willing to modify the motion and say we put Mr. Anderson on how about after when we reach citizen comments.

MAYOR JENKINS: Thought you were going to do it on the next meeting.

COUNCILMEMBER ROCHE: Well, I'll withdraw the motion and start over.

I make a motion that we allow Mr. Anderson to speak on issues of ethics and open records at the beginning of the Doraville citizen comments section of this agenda.

MAYOR JENKINS: At the beginning of the --

COUNCILMEMBER ROCHE: When we get to citizen comments.

MR. WEED: He withdrew his last motion. Do you withdraw your second, Mr. Spangler?

COUNCILMEMBER SPANGLER: If I need to

Page 43

withdraw my second, I withdraw and then I make this second.

MR. WEED: Okay. There you go.

MAYOR JENKINS: Anymore discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: No.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: No.

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.

CLERK BLACKMON: Motion carried.

MAYOR JENKINS: Okay.

COUNCILMEMBER ALEXANDER: I'd like to

Page 44

make it clear that he speaks after our citizens are given their opportunity.

MAYOR JENKINS: Yes.

Did you say before or after?

COUNCILMEMBER ROCHE: Is that okay? That's fine.

MAYOR JENKINS: Okay. Let's move right on, Bob.

COUNCILMEMBER ROCHE: Schedule of Fees. The last meeting, we met and we discussed modifying some of the fees, and we had kind of a mix-up. At the last meeting, there were two separate motions made. The first motion was that we reduce the fees for variances for residential from -- I think $400 from $850. There's some confusion in the transcript, because the actual summary of motions does not say residential. But when I read back through the transcript itself -- essentially what happened was something that happened like just a minute ago. We were discussing a motion. Mr. Bates said, could we make -- I made the motion to reduce the rate, the fees to $400. No, sorry.

COUNCILMEMBER FLEMING: Conditional

Page 45

use.
COUNCILMEMBER ROCHE: That's not conditional use.
COUNCILMEMBER FLEMING: Right here.
COUNCILMEMBER ROCHE: Variance.
MAYOR JENKINS: We passed part of your motion, Bob.
COUNCILMEMBER ROCHE: Right; $250. There was some confusion about the summary of motions. Residential only was $250.
COUNCILMEMBER BATES: And that actually -- I'm sorry. I didn't mean to interrupt -- is listed correctly in the summary of motions --
COUNCILMEMBER SPANGLER: That was passed.
COUNCILMEMBER BATES: Yeah. That does say single-family residence, so --
COUNCILMEMBER ROCHE: Does it? Okay.
COUNCILMEMBER BATES: Yes.
COUNCILMEMBER ROCHE: Fine. So that part, we're okay with.
The next motion was that we would reduce conditional uses requests from $850 to $400. And I looked at the transcript. To me, there's no difference between residential and

Page 46

commercial on that. So the draft ordinance does break it out into $400 residential only.
My intent -- and I believe that if we'd voted on it, that would have been what we voted on -- to bring down that $400 -- we're talking Section 2-261, Section (c), Conditional Use Request -- down from $850 to $400 for everybody.
And then what happened was before we took the vote, we had some citizen comments and we had a long and very, I think, productive discussion about variances, et cetera, et cetera, and it kind of put us on notice that we've got some definite work to do in that area. But we never actually -- no one was keeping track. We never actually got around to voting on that motion.
The third thing was the Section (f), I think it was, the charge -- I think it's like $800 for -- I've got it right here.
MAYOR JENKINS: Bob, don't you need to get on the one that you said we did not?
COUNCILMEMBER ROCHE: Yeah. I just wanted to lay out what I wanted to do here or what we needed to do.
COUNCILMEMBER FLEMING: $750 for

Page 47

appeal.
COUNCILMEMBER ROCHE: $750 for appeal. I've got it right.
MR. WEED: How about this --
COUNCILMEMBER ROCHE: For (f).
MR. WEED: -- if this would be helpful. How about I read what the text says currently, and you tell me or you decide what you want it to say and then we can all know.
Currently underneath 2-261(c), it says $850 plus $150 per concurrent variance -- all other uses.
My understanding is that it's Councilman Roche's intention that that read (c) Conditional Use Request, $400 plus $150 per concurrent variance, and that's it.
COUNCILMEMBER ROCHE: Period, right.
MR. WEED: Is that -- Okay. So if someone would do this for me, if you'd make a motion to do that, we'll do it.
COUNCILMEMBER ROCHE: I'll make a motion that we modify Section (c) to read as $400, replacing the $850 with $400.
MR. WEED: Plus $150 per concurrent variance.

Page 48

COUNCILMEMBER ROCHE: Plus $150 per concurrent variance.
COUNCILMEMBER SPANGLER: I'll second that.
MAYOR JENKINS: Anymore discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
COUNCILMEMBER ROCHE: Did anyone sign up for that, Mayor?
MAYOR JENKINS: Yes.
Stuart Anderson?
MR. STUART ANDERSON: Stuart Anderson.
Clarification. Is this for commercial and residential?
COUNCILMEMBER ROCHE: Yes.
MR. STUART ANDERSON: Thanks.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?

Page 49

1 COUNCILMEMBER FLEMING: Yes.
2 COUNCILMEMBER FLEMING: Councilmember
3 Pittman?
4 COUNCILMEMBER PITTMAN: Yes.
5 CLERK BLACKMON: Councilmember Roche?
6 COUNCILMEMBER ROCHE: Yes.
7 CLERK BLACKMON: Councilmember
8 Spangler?
9 COUNCILMEMBER SPANGLER: Yes.
10 COUNCILMEMBER ROCHE: And then the last
11 change that we're looking for is Section (f) is
12 whenever you have an appeal or a variance or
13 whatever. I believe what happens now is if you
14 come in, the City Planner can say no. And
15 currently, if you wanted to appeal that decision
16 to the City Council and Mayor, and it costs
17 $750. And that's in Section (f), right?
18 COUNCILMEMBER FLEMING: And (b) is
19 appeals, (f) is variances.
20 COUNCILMEMBER ROCHE: I got my letters
21 backwards.
22 MR. WEED: And Mr. Roche, what I think
23 you intended -- and correct me if I'm wrong --
24 it would read (f), Variances, Administrative,
25 $200 per each item varied, Mayor and Council,

Page 50

1 $250 plus $50 per concurrent variance, without
2 any associated Council action; and then the
3 Mayor and Council, $150 per item with concurrent
4 Council action. And that would reflect the text
5 that's already there and reduce the number down
6 from $750.
7 COUNCILMEMBER FLEMING: Mr. Weed, I
8 have what I believe is the final, because it
9 does say final down at the bottom, and there is
10 not any verbiage that indicated plus $50 for
11 such-and-such.
12 COUNCILMEMBER ROCHE: Yeah.
13 COUNCILMEMBER FLEMING: And that was
14 dated March 3rd, and it says final.
15 MR. WEED: I don't disbelieve you.
16 That's just -- I thought I looked at it straight
17 from the last one.
18 COUNCILMEMBER FLEMING: It says Mayor
19 and Council, $750, in quotes, without any
20 associated Council action, and with nothing else
21 after that. And I was going to ask you a
22 question as to actually what that meant.
23 MR. WEED: Well, I'm not the zoning
24 director. Mr. Haeberlin isn't here. But I've
25 asked the same question, and what I understand

Page 51

1 from him is that if the Council actually takes
2 action underneath a regular zoning matter, it
3 actually costs more than a variance does; and
4 therefore, that's why the notation without any
5 associated Council action there. That's what
6 Mr. Haeberlin -- that's how he explained it to
7 me.
8 COUNCILMEMBER ROCHE: Okay.
9 COUNCILMEMBER FLEMING: Because on
10 variances, we are the final decisionmakers;
11 correct?
12 MR. WEED: That's correct.
13 COUNCILMEMBER FLEMING: So we are
14 making associated Council action.
15 MR. WEED: That's true. But apparently
16 -- once again, I'm not Mr. Haeberlin. He's not
17 here. But the way he explained it to me was
18 that this comparison is actually compared to the
19 text of the zoning ordinance fee section and
20 what it costs to do a regular standard zoning
21 change. I know that that doesn't elucidate it
22 much, but that's all I can tell you because
23 that's what he told me, and I'm not the author
24 of that language.
25 COUNCILMEMBER FLEMING: Do we want the

Page 52

1 plus $50? because honestly, on my final, it
2 doesn't say that.
3 Ms. Alexander, Mr. Bates, do you have
4 either of those drafts with you or finals?
5 COUNCILMEMBER BATES: Well, I can
6 answer the $50 question. That was added in in
7 Mr. Roche's motion by myself. I asked him if he
8 would be --
9 COUNCILMEMBER ROCHE: Right.
10 COUNCILMEMBER BATES: -- willing to add
11 in the $50 per concurrent variance. So this --
12 COUNCILMEMBER FLEMING: So the new --
13 COUNCILMEMBER BATES: This is new.
14 COUNCILMEMBER FLEMING: The addendum --
15 COUNCILMEMBER BATES: Yes.
16 COUNCILMEMBER FLEMING: -- adding those
17 particular items, but it wasn't in the actual
18 final ordinance that we passed 2009.
19 COUNCILMEMBER BATES: That is correct.
20 COUNCILMEMBER ROCHE: Okay. But I
21 think -- now I'm losing track. So did we finish
22 with the conditional uses?
23 COUNCILMEMBER FLEMING: We finished
24 conditional.
25 MR. WEED: Yes, we did. And now we're

Page 53

on (f), Variances and --
COUNCILMEMBER ROCHE: Well, no. And I apologize for that. I think we did (f) last time. That was what we've just agreed on.
I had it backwards in my little notes here.
(b) was what I was concerned about, the appeals to Mayor and Council. I feel like that if any citizen or business decides that they're not satisfied with the first decision from a non-elected official, that they should be able to bring their appeal to the Council and not have to risk $750.
And I would like to make a motion to reduce that. As far as an acceptable amount of money, whether we want to have one dollar amount for residential and one for commercial or have one dollar amount across the board, I'm certainly open to persuasion on that, but I just think that we need to come down on that. I think that being able to ask the question of the Council, you shouldn't have to risk $750.
COUNCILMEMBER BATES: Is this -- I don't recall us having this discussion at the previous Council meeting.

Page 54

COUNCILMEMBER ROCHE: No, we did not.
COUNCILMEMBER BATES: So this is new?
MR. WEED: This is new.
COUNCILMEMBER ROCHE: We never quite got there last time.
COUNCILMEMBER SPANGLER: We've had this discussion at other Council meetings but not last Council meeting. I think Mr. Roche had brought it up before and commented that he couldn't see paying that much money with not a good opportunity to get the variance passed.
COUNCILMEMBER ROCHE: Yeah. We ran out of time last meeting. I think we actually had to extend the meeting by 10 minutes just to talk about the fee changes we had. And then we ran into 9 o'clock, and that was when basically the conversation terminated, and that's why it's still on the agenda for this week or this meeting.
COUNCILMEMBER SPANGLER: So what did you want to bring that dollar amount down to, Mr. Roche?
COUNCILMEMBER ROCHE: I would think $250. But again, I'm open to persuasion, and if we feel like we need to have a different --

Page 55

maybe $250 for residential and $500 for commercial. Personally, I think that $250 for everybody is fine.
MAYOR JENKINS: Sounds good, the business a little more on the residential. I agree with you on the residential.
COUNCILMEMBER FLEMING: $250 and $400? Keep it the same as a conditional use permit?
COUNCILMEMBER ROCHE: I'd like to make a motion that we reduce the fees on 2-261, paragraph (b), to read $250 for residential and $400 for commercial appeals to the Mayor and Council, per occurrence. And Murray can take care of that part.
COUNCILMEMBER SPANGLER: And I will second that.
COUNCILMEMBER BATES: And I apologize. I'm just not comfortable on voting on that tonight, having had the discussion for the first time in a while. I'd like to look and see what some of the comparative cities are doing with regards to appeals.
In theory, I don't disagree with you, but I'm just not comfortable in doing that tonight.

Page 56

COUNCILMEMBER ROCHE: Well, you can always raise it later.
COUNCILMEMBER SPANGLER: But I'm certainly sure the other municipalities are charging less than $750, because you had the figures for the other.
COUNCILMEMBER ALEXANDER: Appeals aren't listed in this.
COUNCILMEMBER SPANGLER: No, but I the other items that we reduced, we were way over the other municipalities.
COUNCILMEMBER BATES: Well, I disagree with you.
MAYOR JENKINS: I didn't know we were going into this this deep tonight or I would have Scott here.
And I agree with Brian. I think we should talk to Scott before we do anything that drastic.
COUNCILMEMBER ROCHE: Well, the motion has been made and then seconded, so anyone who wants to vote against it could certainly vote against it.
MAYOR JENKINS: I agree with that.
We are having comments on it, sir, and

Page 57

1 I have my comments, too. I say that this motion
2 should wait until Scott is here to defend his
3 department.
4 Anymore comments?
5 - - -
6 (No response)
7 - - -
8 MAYOR JENKINS: Call the roll, please.
9 CLERK BLACKMON: Councilmember
10 Alexander?
11 COUNCILMEMBER ALEXANDER: No.
12 CLERK BLACKMON: Councilmember Bates?
13 COUNCILMEMBER BATES: No.
14 CLERK BLACKMON: Councilmember Fleming?
15 COUNCILMEMBER FLEMING: Yes.
16 CLERK BLACKMON: Councilmember Pittman?
17 COUNCILMEMBER PITTMAN: No.
18 CLERK BLACKMON: Councilmember Roche?
19 COUNCILMEMBER ROCHE: Yes.
20 CLERK BLACKMON: Councilmember
21 Spangler?
22 COUNCILMEMBER SPANGLER: Yes.
23 CLERK BLACKMON: A tie, sir.
24 MAYOR JENKINS: I say no.
25 MR. WEED: And ladies and gentlemen,

Page 58

1 just one more time with regard to (f),
2 Variances, I just want to make sure that -- you
3 know, I'd like to get the language right. And
4 right now it would read, if you change it,
5 Administrative, $200 per each item varied, Mayor
6 and Council, $250 plus $50 per concurrent
7 variance, parentheses, without any associated
8 Council action. And then the last part of it
9 would be, Mayor and Council, $150 per item,
10 parentheses, with concurrent Council action,
11 close parentheses.
12 Is that the text you want or do you
13 want to vary it more?
14 COUNCILMEMBER FLEMING: I thought we
15 had changed the Mayor and Council with
16 concurrent Council action. I thought we changed
17 that to $50 last time. I thought we had changed
18 Mayor and Council from $150 to $50 per item.
19 MR. WEED: Okay. So it would be $200
20 for each item varied; Mayor and Council, a hun-
21 -- I'm sorry.
22 COUNCILMEMBER FLEMING: Are we on (f)?
23 MR. WEED: -- fifty, and then --
24 COUNCILMEMBER FLEMING: That is what I
25 was showing that we had discussed at the

Page 59

1 previous meeting, for variances.
2 MR. WEED: And then nothing for a
3 concurrent variance, or would that be --
4 COUNCILMEMBER FLEMING: Fifty.
5 MR. WEED: Okay. It would be $50 plus
6 $50 per concurrent variance.
7 COUNCILMEMBER FLEMING: Uh-huh.
8 MR. WEED: Okay. All right. And then
9 on the bottom, Mayor and Council would be $150
10 per item or would it be $50 per item?
11 COUNCILMEMBER ALEXANDER: Well, I show
12 that $50 was for the residential.
13 Were you wanting to change that last
14 item? Because I'm assuming, Mr. Weed, your last
15 line is for all other uses excluding
16 residential?
17 MR. WEED: No. I'm sorry. I had
18 stopped reading that, because one thing I got
19 the clear message on was $750 was not going
20 anywhere.
21 So the way I was reading it was, if
22 you've all got my June 10th draft, Subsection
23 (f), Variances, Administrative, $200 per each
24 item being varied; Mayor and Council, $250 plus
25 $50 per concurrent variance without any

Page 60

1 associated Council action; dropping off the dash
2 in residential only, That would cease to exist.
3 The entire line of Mayor and Council, $750
4 without any associated Council action, dash all
5 other uses, that would cease to exist. And that
6 would be Mayor and Council, $150 per item with
7 concurrent Council action.
8 COUNCILMEMBER FLEMING: That's where I
9 have us down a $50, did we not?
10 COUNCILMEMBER ALEXANDER: That was for
11 residential only in the motion.
12 COUNCILMEMBER BATES: Okay. Two
13 separate -- Ms. Fleming, I don't recall us
14 changing the Mayor and Council down to $50. Let
15 me --
16 COUNCILMEMBER ROCHE: Yeah, I don't
17 remember that, either.
18 COUNCILMEMBER BATES: I don't recall
19 changing Mayor and Council down to $50.
20 But Mr. Weed, the dash residential
21 needs to stay, because the motion was agreed to
22 for residential only on the variances. We did
23 nothing with commercial on the variance side.
24 So where it says $250 plus $50 per concurrent,
25 that is residential only.

Page 61

1 COUNCILMEMBER ROCHE: So does that mean
2 that where it says $150 per item with concurrent
3 Council, everything below that just doesn't
4 change? I mean I don't know how law works.
5 I mean do you follow that until you
6 find the one that works and then stop there or
7 do you have to --
8 MR. WEED: Yeah. No. The only --
9 yeah, essentially I want to change the sections
10 that I thought the Council had wanted changed.
11 The remainder of the sections of (f) would
12 remain the same as they are right now.
13 COUNCILMEMBER ROCHE: But would it have
14 to be clarified to say Mayor and Council, $750,
15 blah, blah, blah, and then Mayor and Council,
16 $150 per item. And in both of those sections
17 does it specifically have to say that it's for
18 commercial?
19 MR. WEED: I would prefer that and I
20 think that would be the best way of doing it.
21 COUNCILMEMBER ROCHE: And I think
22 that's what Councilwoman Fleming was getting at.
23 I would like to carry this over, then,
24 to the next agenda so this agenda item's also
25 here so we can discuss the section (b) so that

Page 62

1 other Council people have a chance to read and
2 study it.
3 MR. WEED: Would you like -- I'm just
4 asking generally. Would you like me to do
5 another draft so you have something to look at
6 or would you prefer I wait until you've
7 discussed it further?
8 COUNCILMEMBER SPANGLER: There's no
9 charge now, right?
10 MR. WEED: Well, you've already paid
11 it.
12 COUNCILMEMBER SPANGLER: Well, go ahead
13 and --
14 MR. WEED: You've already paid it.
15 COUNCILMEMBER SPANGLER: -- do another
16 draft.
17 COUNCILMEMBER ROCHE: We want five
18 drafts, you know.
19 COUNCILMEMBER BATES: I would actually
20 prefer to have the draft showing the commercial
21 and the residential on the variance side.
22 MR. WEED: All right. I'll make a stab
23 at it, and then we'll keep working. I'll send
24 it out tomorrow.
25 MAYOR JENKINS: Maria?

Page 63

1 COUNCILMEMBER ROCHE: Thank you.
2 COUNCILMEMBER ALEXANDER: Item number
3 5, our park rules as we discussed before. There
4 were comments made about Section 12-26 of the
5 definition. Mr. Weed also removed the listing
6 of our parks.
7 And I spoke with Carol, and she seemed
8 to be receptive to the definitions of active and
9 passive. And I was hoping that we could go
10 ahead and get this passed tonight because since
11 we're opening English Oak Park on the 27th, I
12 believe she would like to order her sign.
13 Any questions? comments?
14 COUNCILMEMBER BATES: I liked it, and I
15 will make the motion to waive first reading.
16 MAYOR JENKINS: Do I get a second?
17 COUNCILMEMBER ALEXANDER: Second.
18 MAYOR JENKINS: Call the roll.
19 CLERK BLACKMON: Councilmember
20 Alexander?
21 COUNCILMEMBER ALEXANDER: Yes.
22 CLERK BLACKMON: Councilmember Bates?
23 COUNCILMEMBER BATES: Yes.
24 CLERK BLACKMON: Councilmember Fleming?
25 COUNCILMEMBER FLEMING: Yes.

Page 64

1 CLERK BLACKMON: Councilmember Pittman?
2 COUNCILMEMBER PITTMAN: Yes.
3 CLERK BLACKMON: Councilmember Roche?
4 COUNCILMEMBER ROCHE: Yes.
5 CLERK BLACKMON: Councilmember
6 Spangler?
7 COUNCILMEMBER SPANGLER: Yes.
8 MAYOR JENKINS: Do I have another
9 motion?
10 COUNCILMEMBER BATES: And I'll make the
11 motion to adopt.
12 MAYOR JENKINS: You'll make a motion to
13 adopt. Hold on.
14 Mr. Anderson?
15 MR. STUART ANDERSON: Anything Carol
16 wants is okay with me.
17 MAYOR JENKINS: Thank you.
18 COUNCILMEMBER BATES: Sorry, I didn't
19 mean to jump ahead.
20 MAYOR JENKINS: Go ahead, Brian.
21 COUNCILMEMBER BATES: I'll make that
22 motion to adopt the ordinance for the park
23 rules.
24 MAYOR JENKINS: And wait just a minute.
25 I got Mr. Steve Koontz who wants to speak.

Page 65

Steve?
MS. KOONTZ: What are you talking about? Passive parks?
MAYOR JENKINS: You signed up for park rules.
MS. KOONTZ: Right.
Are y'all talking about doing passive and active parks, defining them like that?
COUNCILMEMBER ALEXANDER: Yes.
MS. KOONTZ: Well, I talked to Carol when we had our focus group, and she didn't think it was a good idea then.
I guess she's changed her mind, because she was saying that like if you make English Oak a passive park and then you decide to put like a horseshoe pit in, you can't do that because it's a team sport and the park's passive so you can't have a horseshoe pit there. And she was just saying she didn't see any point in having anything beyond having the designated sports -- or, you know, the sports in designated areas.
COUNCILMEMBER BATES: Yeah. And that's a great question and we wrestled through that at length at the last Council meeting. The passive park definition involves nine or less people in

Page 66

an event, so horseshoes, throwing a Frisbee --
MS. KOONTZ: Okay. I'm just --
COUNCILMEMBER BATES: -- would all --
MS. KOONTZ: -- making sure of this.
COUNCILMEMBER BATES: Absolutely.
MS. KOONTZ: Before, she said that she thought that was a bad idea.
COUNCILMEMBER BATES: Yeah.
MS. KOONTZ: And obviously, you-all changed your mind.
COUNCILMEMBER BATES: Yeah. And there's language in here that says passive park areas are designed for uses such as viewing nature, horseshoes, walking, sitting and random play.
MS. KOONTZ: So the sign in the park's going to say all that?
COUNCILMEMBER BATES: No.
COUNCILMEMBER ALEXANDER: No.
MS. KOONTZ: Well, then, what's the sign in the park going to say? You want to get the signs printed.
MR. WEED: If I can be helpful, they'll actually be -- there probably will be at least two sets of signs. There will be a general sign

Page 67

that reads essentially as follows: Park facilities open during daylight hours only unless posted otherwise. Park facility may be reserved at City Hall. No alcoholic beverages, no disorderly conduct, no abusive language. Owners/handlers are responsible for removing pet waste. Enforcement, Doraville Police Department. Violators will be prosecuted. Ordinance Section 12-26, et. seq.
And then I think the other reason why Carol withdrew the objection to the whole passive/active concept was that the entire park will not be deemed passive or active, but certain areas --
MS. KOONTZ: Okay.
MR. WEED: -- subsections within --
MS. KOONTZ: And as long as it doesn't say like on the sign, this is a passive park, then that just would be really confusing to people that go to the park. That was what I was -- because you were talking about she had to print the sign, and you were voting on active/passive.
Anyway, that's all I had to say. Thank you.

Page 68

MAYOR JENKINS: Brian?
COUNCILMEMBER BATES: Yes, sir.
MAYOR JENKINS: You made a motion. Did you get a second?
CLERK BLACKMON: No second.
COUNCILMEMBER ALEXANDER: I'll second.
MAYOR JENKINS: Did you get a second?
COUNCILMEMBER BATES: Yes; Ms. Alexander.
MAYOR JENKINS: Okay. Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: Number 6, public

Page 69

1 hearing. We need to postpone that. That is a
2 public hearing. We don't usually have public
3 hearings during a Council meeting. So I'd like
4 to have a motion that we postpone it until 6/29,
5 which that's when all our other public hearings
6 are coming up.
7 I'd like to have a motion on that,
8 please.
9 COUNCILMEMBER PITTMAN: So moved.
10 COUNCILMEMBER FLEMING: Second.
11 MAYOR JENKINS: Second?
12 COUNCILMEMBER FLEMING: Yes, sir.
13 MAYOR JENKINS: Anymore discussion?
14 - - -
15 (No response)
16 - - -
17 MAYOR JENKINS: Call the roll.
18 CLERK BLACKMON: Councilmember
19 Alexander?
20 COUNCILMEMBER ALEXANDER: Yes.
21 CLERK BLACKMON: Councilmember Bates?
22 COUNCILMEMBER BATES: Yes.
23 CLERK BLACKMON: Councilmember Fleming?
24 COUNCILMEMBER FLEMING: Yes.
25 CLERK BLACKMON: Councilmember Pittman?

Page 70

1 COUNCILMEMBER PITTMAN: Yes.
2 CLERK BLACKMON: Councilmember Roche?
3 COUNCILMEMBER ROCHE: Yes.
4 CLERK BLACKMON: Councilmember
5 Spangler?
6 COUNCILMEMBER SPANGLER: Yes.
7 MAYOR JENKINS: Okay. Let's take a
8 break before we get to Mr. Bates on Downtown
9 Authority. Five-minute break.
10 - - -
11 (Brief recess)
12 - - -
13 MAYOR JENKINS: Meeting come to order.
14 Brian?
15 COUNCILMEMBER BATES: Yes, sir. Thank
16 you. There's been a lot of discussion
17 stimulated by the Doraville Unity Gardens about
18 the benefits of creating a Downtown Development
19 Authority.
20 This agenda item is merely to see if
21 Council would be interested in holding a town
22 hall meeting to bring in a representative from
23 the Department of Community Affairs, which
24 manages the downtown development authorities and
25 the Main Street programs, to talk about the

Page 71

1 pros, cons, benefits and, you know, what that
2 extra tool in the tool box would mean should the
3 City choose to go down that path. Certainly
4 wouldn't want us to vote on anything tonight
5 because there is nothing to vote on. So that is
6 merely out there for discussion.
7 COUNCILMEMBER SPANGLER: Now, with a
8 downtown development authority, you turn over
9 all your properties to this authority; correct?
10 COUNCILMEMBER BATES: Well, that would
11 be, you know, some of the many questions that we
12 would be able to ask of the experts who help
13 create and manage and work with municipalities
14 who have them in place.
15 I don't have the answer to that
16 question and I don't think that now is an
17 appropriate time to get into the discussion. So
18 what we would do with current properties or
19 potential properties, I'll let the experts who
20 know how they run and operate discuss it.
21 COUNCILMEMBER SPANGLER: Well, probably
22 it's not the time, but I just wanted to give the
23 other Councilmembers who haven't had an
24 opportunity to take this class just a little
25 thought of the fact that this does happen.

Page 72

1 And as far as having to have this now
2 for the garden development, I think Mr. Weed
3 kind of took care of that last meeting. I don't
4 see why we would need a DDA just for the sake of
5 having the garden club now. I think it's pretty
6 much established.
7 MR. WEED: We don't for that.
8 It is my opinion you need -- I do think
9 you ought to have a development authority. But
10 how you go about doing that, that's -- you know,
11 obviously, whether you do it or not is up to you
12 of course.
13 But you know, there are a lot of things
14 a development authority can do that a city can't
15 do, and that's the reason why they were created
16 and that's why the legislature created them to
17 begin with.
18 COUNCILMEMBER SPANGLER: Well, I
19 understand, and I don't think everybody up here
20 probably has taken the class. But I just can't
21 see turning over all of our properties right now
22 to a development authority to do whatever with.
23 And again --
24 MR. WEED: You don't have to.
25 COUNCILMEMBER SPANGLER: -- we need --

Page 73

1 Yeah. Okay.
2 MR. WEED: You don't have to give --
3 you could always create the authority and let it
4 sit on the shelf, you know. You never have to
5 reactivate it, either.
6 MAYOR JENKINS: Is this a created
7 position or is it a paid position?
8 COUNCILMEMBER SPANGLER: No.
9 COUNCILMEMBER BATES: No, sir. It's
10 appointed. It's an appointed board.
11 MAYOR JENKINS: Citizens?
12 MR. WEED: Well, technically -- and
13 I'll make this brief -- the legislature has
14 already created a development authority and/or a
15 downtown development authority for every city
16 and county in the state. They've already
17 created it. The local government officials, you
18 could decide to activate it or not to activate
19 it any time you want to. But they're
20 technically already created by law, and then the
21 local government decides if you want to do
22 something with them or not.
23 After you've activated them or not,
24 then you can give them whatever properties you
25 want to or not. They never have to have any

Page 74

1 ownership in any property. But they are useful
2 to route bonds through. They're useful to deal
3 with things like if you do want to rent a
4 facility to somebody where there are the rules
5 and parameters for that. You've got some issues
6 perhaps with the convention and visitors
7 situation that you're currently under. It might
8 be an opportunity to use some funding, to route
9 some of that money through a development
10 authority if you chose to.
11 With regard to board appointments, at
12 least one of the members of a downtown
13 development authority is essentially guaranteed
14 to be a council member, so there's different
15 ways you could structure the board. But it
16 would be appointed people appointed to serve at
17 the pleasure of the Mayor and Council if you
18 chose to do any of the items I just mentioned.
19 COUNCILMEMBER SPANGLER: Did you say
20 that the members would be not only residents but
21 a Council member plus business owners?
22 MR. WEED: Correct. If you use a
23 downtown development authority, the statute's
24 pretty clear about how they wanted to structure
25 the legislative body to govern it. And they

Page 75

1 want to make sure that you have business owners
2 because that's who's really going to either
3 benefit or lose from the downtown development
4 authority. So the legislature wanted to make
5 sure that the voice of business was heard.
6 COUNCILMEMBER BATES: And that's one of
7 the reasons why I wanted for us to see if we
8 could do a town hall meeting that was for us.
9 You know, when we're at a GMA or a conference
10 seminar, it's me and, you know, 50, 60, 80 other
11 representatives from different municipalities.
12 And they're doing very broad overviews of a DDA,
13 and you're lucky if you're one of the 15 people
14 that get to ask your question.
15 This would allow us to have a
16 conversation that is focused on the benefits or
17 not of having one specific for the city of
18 Doraville. So I would ask the Council if they
19 would be willing to do a town hall discussion on
20 a DDA or Main Street program.
21 COUNCILMEMBER ROCHE: I have to say
22 that I don't -- I mean I've seen situations.
23 Monroe, Georgia, I think is a great example --
24 I've been over there several times where they
25 did use a DDA -- and I think they did good

Page 76

1 things there, but I don't know that --
2 I think in the right situation with the
3 right people and the right environment, it may
4 be a good idea.
5 I personally don't feel like Doraville
6 is ready for something like that at this point.
7 I think we have a lot of other issues that we
8 have to overcome first before we get into that.
9 So personally, I'm not saying it's necessarily a
10 bad idea and that it would never ever be a good
11 idea for Doraville, but I just think it would be
12 premature at this point.
13 COUNCILMEMBER FLEMING: I would be in
14 favor of having the forum because I have not
15 taken this class and I would be interested in
16 what the Department of Community Affairs has to
17 offer as far as literature, research materials,
18 whatever, so that I can educate myself and be
19 able to make some type of proper decision.
20 COUNCILMEMBER ALEXANDER: And I
21 wholeheartedly agree with you, Ms. Fleming, and
22 I would also like to ask some questions about if
23 they can assist us with the hotel/motel and
24 those funds and establishing an organization.
25 COUNCILMEMBER FLEMING: So I'm in favor

Page 77

of the forum. I mean anything about whether I'm in favor of a DDA or not --

COUNCILMEMBER BATES: That is merely my intent is to make sure that we've got a conversation that is out there to discuss the pros and cons of it so that we can, as with this body and the public, make an educated decision on if it's something we want to pursue.

MAYOR JENKINS: That's fine --

COUNCILMEMBER ROCHE: As far as --

MAYOR JENKINS: -- with me.

COUNCILMEMBER ROCHE: -- town hall meetings --

I'm sorry. I didn't mean to interrupt.

As far as town hall meetings, I believe it was in the January meeting we voted to have a town hall meeting so citizens could provide their input and their thoughts as far as the GM property. And we voted, I believe, unanimously to hold that, and it was never scheduled and obviously never took place.

So I think that if we're going to schedule a town hall meeting, I think we should go ahead and have the town hall meeting we've already agreed to have first.

Page 78

COUNCILMEMBER BATES: I don't disagree with you.

COUNCILMEMBER ROCHE: I'd have to dig it out. I'm not sure if it was in January or February when we passed that.

COUNCILMEMBER BATES: Well, prior to scheduling this, I'll poll the Council and I'll communicate with D.C. and see if there's some available dates in September -- or July, August, September.

COUNCILMEMBER ROCHE: But I would like to go ahead and get that other one scheduled because I heard on the radio today that a large biotech company is looking at possibly locating here in the Atlanta area and they're very interested in being near CDC. But I don't know if we've made any communications with them; if they're supposed to be a secret. I don't know who they are. But that may well be -- these are people that build I think vaccinations or something. I don't remember exactly. It was either a biotech company or a drug company. And it would be great if we were ahead of that wave and able to get out there right now and say, hey, guess what. We've got 168 acres sitting

Page 79

here waiting, and it's just down the street from the CDC.

So this is the type of thing. I think if we're going to have public town hall meetings, I think we ought to just go ahead and have the town hall meetings.

And I also think that if the Council votes to do something, we should do it. So let's do that first.

MAYOR JENKINS: There's nothing wrong with that, Bob, but I mean we're still in limbo with GM. They don't know what they're going to do with the property. Why have a town hall meeting until you find out what they're going to do with the property?

COUNCILMEMBER ROCHE: Because the Council voted unanimously to do that, Mayor.

MAYOR JENKINS: Why didn't we do it, then?

COUNCILMEMBER ROCHE: I don't know, Mayor.

MAYOR JENKINS: Okay.

COUNCILMEMBER ROCHE: That's my question for you, Mayor.

MAYOR JENKINS: I don't remember it.

Page 80

COUNCILMEMBER ROCHE: Okay. I'll dig it out and e-mail it to you.

MAYOR JENKINS: I don't know if there's any of the rest of the Council who remember it.

COUNCILMEMBER ROCHE: It was either January or February.

MAYOR JENKINS: Why don't you dig it out --

COUNCILMEMBER ROCHE: I can't remember exactly.

MAYOR JENKINS: -- and show us?

COUNCILMEMBER BATES: Thank you. And I've got the next couple of agenda items.

The next one is Driver Feedback Radar Speed Limit signs.

I got a flyer in the mail from an organization called PEDS which is a pedestrian-friendly organization, and they talked about driver feedback radar signs. Got some more information from them and got with Captain Atkinson regarding these signs and asked him to look into whether or not they were effective; some funding opportunities, you know, if we were to go forward with these, you know, how to pay for them.

Page 81

1 And the interesting thing is I got some
2 more information that these driver feedback
3 signs -- you know, we've got ours that tell you
4 how fast you're going but it doesn't collect any
5 data. These collected data based upon the
6 number of cars, the time of day, how fast they
7 were going, and then provide you with a really
8 significant amount of information: the number
9 of vehicles that were -- the percentage of
10 vehicles that were going over the speed limit,
11 how much they were going over the speed limit.
12 What this particular company does --
13 and they're based here in Alpharetta -- is they
14 recommend you put the signs up for two weeks;
15 one week without the flashing this-is-how-fast-
16 you're-going, so you're collecting data with
17 people not knowing how fast they are going; and
18 then you do another week with the feedback
19 portion, so if they're doing 45, it says you're
20 doing 45. And it shows the drop-off of the
21 number of vehicles who slow based upon being
22 told how fast they were going.
23 And after I got this information, I
24 thought of six roads right off the top of my
25 head that we could probably benefit from these

Page 82

1 -- Oakcliff and English Oak being two, Chestnut,
2 Tilly Mill and then Winters Chapel and then New
3 Peachtree Road on the commercial side.
4 So I'm going to turn it over to Captain
5 Atkinson and let him share with us what he's
6 found out and go from there.
7 CAPTAIN ATKINSON: We did a little
8 research on this item and we also met with the
9 company that manufactures these signs, called
10 Radarsign. It's a company in Alpharetta.
11 And all of the information that I
12 received has been very positive on these signs.
13 Alpharetta has a number of these signs that they
14 use. Stone Mountain Park has a number of these
15 signs that they use. I spoke to Chief Kelly at
16 Stone Mountain, and he's bought one each year
17 for four years, and they use them around the
18 park, and he said the best thing about this is
19 that the maintenance cost is zero. He hasn't
20 spent a dime on maintaining these signs ever
21 since they've been purchased. So those are just
22 a couple of agencies that have used them.
23 Also, if you're familiar with Dunwoody
24 had one of these signs up that they did some
25 research on on North Peachtree Road, and they

Page 83

1 got some good data on that. And they are
2 looking at purchasing those right now also from
3 this company.
4 And I would be willing to or we would
5 be willing to pay for these using asset
6 forfeiture monies and put them up on various
7 streets throughout the city where we feel like
8 we might have a problem; or if we put them up
9 and we find out we don't have a problem, then
10 we'll move them somewhere else.
11 COUNCILMEMBER SPANGLER: So would you
12 actually use the information that's collected
13 from these signs to target times of the day when
14 you needed to set up a radar?
15 CAPTAIN ATKINSON: Absolutely. If the
16 street is speed-detection certified, if we can
17 run speed detection on the street, we certainly
18 will. However, we can use these as a deterrent
19 on the streets where we can't run speed
20 detection, which is very helpful. And with some
21 streets, we can run speed detection; some
22 streets, we can't. And these aren't speed
23 detection; they're speed awareness.
24 COUNCILMEMBER SPANGLER: Well, yeah.
25 And it's good, because I know we've had it on

Page 84

1 English Oak several times and we've had it on
2 Oakcliff, and the first thing you do when you
3 see that sign is you check your speed right
4 then.
5 CAPTAIN ATKINSON: Right.
6 COUNCILMEMBER SPANGLER: And so I think
7 it's a good idea whether we make any money on it
8 or not, to have something like that, and make
9 sure that they are mobile to where we can use
10 them on the other streets.
11 COUNCILMEMBER BATES: Right. Here's
12 the unique thing about these is they come in
13 three different types. There's a hardwire
14 hardwired into Georgia Power, there's a solar
15 powered and then there's what they deem is
16 mobile. The mobiles assemble on brackets so,
17 you know, after a period of time, they're very
18 easy to move to a different part of the city.
19 And basically what I had envisioned and
20 talked with Captain Atkinson about would be to
21 test these portable signs throughout the
22 neighborhoods and see, A, where we have the
23 greatest problem, and, B, where we can see the
24 greatest reduction, and based upon that,
25 consider putting in the more permanent signs

Page 85

1 utilizing the solar if it's, you know, got some
2 clearance with the trees and things like that.
3 So from an initial standpoint, I was
4 real excited about this as being able to test
5 even different segments along different streets
6 -- you know, just using Chestnut, is the Aztec
7 to McClave section the worst? is the McClave to
8 Pineland the worst? -- you know, and we will be
9 able to get some really good data. And
10 ultimately, we may need multiple signs on some
11 of our larger, more busy streets.
12 So my recommendation and my suggestion
13 if we do move forward with this is to start on
14 our school zones, which is Tilly Mill and
15 Oakcliff, as the first two test sites.
16 CAPTAIN ATKINSON: And one good thing
17 about the signs that come with the school zones
18 is that it's bright colors that signify the
19 school zone so there's no misunderstanding that
20 that is a school zone.
21 COUNCILMEMBER SPANGLER: So do they
22 have the solar-powered in the portable?
23 CAPTAIN ATKINSON: No, sir, not --
24 COUNCILMEMBER SPANGLER: So what does
25 the portable work off of? Batteries?

Page 86

1 CAPTAIN ATKINSON: It works off a
2 battery. And the battery lasts about two weeks,
3 from my recollection, and then we will charge
4 it. We have to charge it probably overnight.
5 COUNCILMEMBER SPANGLER: So we would
6 get chargers with these?
7 CAPTAIN ATKINSON: Right. I believe it
8 all comes with that as well as the data
9 collection. We'll be getting data collection
10 also. That would come with it.
11 COUNCILMEMBER BATES: Well, once --
12 COUNCILMEMBER FLEMING: Have you
13 already re- --
14 COUNCILMEMBER BATES: I'm sorry. Go,
15 Ms. Fleming.
16 COUNCILMEMBER FLEMING: Have you
17 already received a quotation from this company?
18 CAPTAIN ATKINSON: I received one, four
19 of them with the Street Smart data collection as
20 well as four additional back plates, because we
21 want to order some, the additional back plates,
22 so then all we have to do is take the sign down.
23 We don't have to unscrew it from the pole in
24 case we want to put it back up on that same
25 street. So we ordered four additional back

Page 87

1 plates. And the total was $13,132 for all four.
2
3 COUNCILMEMBER BATES: I think it's a
4 no-brainer. It's not about making money. It's
5 about safety and the people to be more aware of
6 your speed in the neighborhoods, especially the
7 school zones, which is what they really need.
8 CAPTAIN ATKINSON: I believe City of
9 Dunwoody put theirs on North Peachtree in the
10 school zone and I believe they had a drastic
11 reduction in speed during that time. And it's
12 on their web site, I believe, the information
13 is.
14 COUNCILMEMBER PITTMAN: Chestnut and
15 Peachtree Middle.
16 CAPTAIN ATKINSON: Yeah; exactly.
17 COUNCILMEMBER SPANGLER: So your
18 $13,000 quote was for -- or 13 whatever, was for
19 four signs?
20 CAPTAIN ATKINSON: Four signs, yes,
21 sir.
22 COUNCILMEMBER SPANGLER: And that's
23 including the batteries, the --
24 CAPTAIN ATKINSON: That's the batteries
25 --

Page 88

1 COUNCILMEMBER SPANGLER: -- data
2 collection?
3 CAPTAIN ATKINSON: -- data collection,
4 four extra back plates and a one-year warranty.
5 So --
6 COUNCILMEMBER SPANGLER: Well, do we
7 need a motion on this?
8 COUNCILMEMBER BATES: I don't think we
9 do, but unless -- if Council has any --
10 COUNCILMEMBER SPANGLER: I think
11 Council does need to approve any expenditures
12 made with the asset forfeiture money. I'm just
13 glad Captain Atkinson --
14 MR. WEED: (Shakes head)
15 COUNCILMEMBER SPANGLER: They don't
16 need to?
17 Well, I'm glad Captain Atkinson has
18 brought it before us before spending the money.
19 I think it's a good idea. I think we need to
20 know where the moneys are being spent.
21 Is that correct, Mr. Weed?
22 MR. WEED: I agree with that, yes, sir.
23 COUNCILMEMBER SPANGLER: Okay.
24 COUNCILMEMBER ALEXANDER: I have a
25 question. Do the signs function the same as the

Page 89

speed gun? I have received complaints and I'm sure Mr. Spangler probably has, too, of speeding down Windsor Oak. And I know you can't run the guns on Windsor Oak because of the seven percent grade or whatever it is.

CAPTAIN ATKINSON: Right.

COUNCILMEMBER ALEXANDER: So will these signs function --

CAPTAIN ATKINSON: It'll be a radar.

COUNCILMEMBER ALEXANDER: -- no matter what the grade is?

CAPTAIN ATKINSON: Yeah. It'll be the radar, the same as if we were out there shooting a radar. It's the same, same concept.

MAYOR JENKINS: Thank you.

Stuart Anderson, do you want to speak on that?

MR. STUART ANDERSON: Thank you.

MAYOR JENKINS: Thank you.

COUNCILMEMBER FLEMING: How soon would you be getting these after you place your order?

CAPTAIN ATKINSON: To the best of my recollection, they are made to order.

COUNCILMEMBER FLEMING: Okay.

CAPTAIN ATKINSON: So as soon as we

Page 90

place the order, he --

COUNCILMEMBER BATES: If I remember correctly, I thought he said three weeks, three to four weeks.

CAPTAIN ATKINSON: Three to four weeks? Is that -- But if we order them now, we will get them before school zone starts in August.

COUNCILMEMBER ROCHE: Wouldn't we normally go through a bidding process for this? I mean is this only one person, only one company in the whole world that can make these?

CAPTAIN ATKINSON: I don't believe they're the only one in the whole world. They're the only one in the Southeast, and they're in Alpharetta, Georgia, which is convenient if we have an issue. They're right here. They are the only one right here.

COUNCILMEMBER SPANGLER: Would it be possible, Captain Atkinson, to check with the other vendors to see if they carry similar or same equipment and maybe get a quote over the phone or through e-mail?

COUNCILMEMBER ALEXANDER: Are they on the State-approved list as far as having contracts with the State?

Page 91

CAPTAIN ATKINSON: I'm sorry?

COUNCILMEMBER ALEXANDER: Are they on the State-approved list?

CAPTAIN ATKINSON: I don't know if there is a list on that, and I don't know that this driver-feedback sign is -- I don't know what the specifications of the other companies that make them are. I don't know if it's going to be the same thing that we have here or not.

COUNCILMEMBER PITTMAN: If we don't have to go out for RFPs on that -- I mean I know Dunwoody was very comfortable with that company.

COUNCILMEMBER ROCHE: Right.

COUNCILMEMBER PITTMAN: It's tried and been proven with them, so I would be up for just going ahead.

COUNCILMEMBER BATES: Agenda item number 9 is mine as well.

Last year, we created the Doraville Distinction Award and we gave out five recognitions last year, and it fell off of our radar and so I'm bringing it back up onto our radar screen.

I looked at the application recently, and it's got a May 30 deadline for getting the

Page 92

applications in, and since it's already June 15th, that's not going to happen. So there is a provision in the policy -- I guess it's a policy -- that says that we can extend the dates and change the criteria. So I will ask Council to extend the date to June 30 for getting the applications in for the Doraville Distinction Awards for the spring. That was a motion.

COUNCILMEMBER ALEXANDER: Second.

MAYOR JENKINS: Anymore discussion?

- - -

(No response)

- - -

MAYOR JENKINS: Call the roll.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

Page 93

CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
COUNCILMEMBER BATES: Thank you.
Next item is city auditor.
We received a proposal from our current auditor, Mr. Whitaker, for doing the 2008-2009 audit. Typically I would be all in favor of sending these out for RFPs; however, based upon the timing of the change with accounting services, I think there's some consistency that needs to be in place to make sure that we've got good records and consistent accounting policies in place.
So I will actually make a motion to accept Mr. Whitaker's proposal dated May 21, 2009, for the 2008-2009 City audit.
COUNCILMEMBER FLEMING: Second.
COUNCILMEMBER ROCHE: Does anyone know if when we originally hired Mr. Whitaker -- that was before my time -- was that as the result of an RFP process or --
COUNCILMEMBER BATES: It was. And I was in the audience at the time when they did go through the RFPs.

Page 94

MAYOR JENKINS: We went through the RFPs.
COUNCILMEMBER BATES: And I will be very clear that when this comes up for next year, barring something catastrophic, it needs to go out for RFP.
MAYOR JENKINS: Yes. And I think he's up on everything, considering we had a change in the back office. He's up on all that, and he's done a wonderful job. He brought us out of the hole when I came in office when we had an auditor that was not up to date, and it took him less than a year to get us up to date. So I would like for us to use Mr. Jimmy Whitaker again.
Got a second. Anymore discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.

Page 95

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: No. I think we should have went ahead with the RFPs. Mr. Whitaker, I feel like, let us down in some of the audit work that he's done, so I would have felt more comfortable going out for RFPs.
MAYOR JENKINS: Motion carried.
CLERK BLACKMON: Yes.
MAYOR JENKINS: This next item, I believe we need to extend it, being Scott is not here. What do you think?
COUNCILMEMBER BATES: Yes, sir.
COUNCILMEMBER PITTMAN: Yes, sir.
COUNCILMEMBER ROCHE: Right.
MAYOR JENKINS: Do we have a motion that we put this on the next agenda or should it go on the --? It wouldn't be proper to put it on the 29th, would it.

Page 96

Have a motion that we put it on the next agenda?
COUNCILMEMBER PITTMAN: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER BATES: Second.
MAYOR JENKINS: More discussion?
COUNCILMEMBER ALEXANDER: I would ask that you just verify with Mr. Haeberlin that he does want it on the next agenda, because he sent us an e-mail on the 12th saying he had a previous request to strike.
MAYOR JENKINS: Anymore discussion?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.

Page 97

1 CLERK BLACKMON: Councilmember Roche?
2 COUNCILMEMBER ROCHE: Yes.
3 CLERK BLACKMON: Councilmember
4 Spangler?
5 COUNCILMEMBER SPANGLER: Yes.
6 MAYOR JENKINS: Thank you.
7 Donna?
8 COUNCILMEMBER PITTMAN: Yes, sir. Sole
9 source vending is something that we have needed
10 to talk about for quite some time. I think we
11 need to define that and define our RFP ordi-
12 nance. I know that we have some information
13 here that uses the State guidelines, which I
14 really liked.
15 If we could just kind of open that up
16 for discussion and, with the lead of Mr. Weed --
17 he and I had talked about this. We really need
18 to fix this. I'm not sure how to fix it, but we
19 need to fix it, and the simpler the better.
20 Again, I really like the State guidelines.
21 Mr. Weed, if you could just kind of
22 enlighten what you had told me in reference to
23 defining the RFP ordinance, sole source vending.
24 MR. WEED: Certainly. Mayor and
25 members of the Council, the shortest way I can

Page 98

1 say this is that currently you've got Section
2 2-90. 2-90 does allow you under Subsection
3 (b)(4) to make purchases from a single source
4 vendor. Currently there are no clear defi-
5 itions, there are no definitions at all with
6 regard to when Council would elect to use sole
7 source vending.
8 The State law is very wide open, and
9 the State does not dictate in most cases what a
10 local government can or cannot do with regard to
11 sole-source vending. There are essentially two
12 exceptions to that. One is in the Public Works
13 law under 36-91-22, and they have a definition
14 of sole source as, quote, those procurements
15 made pursuant to a written determination by a
16 governing authority that there is only one
17 source for the required supply, service or
18 construction item.
19 And then in the Road/Highway/Bridge
20 section of the State law, they don't really
21 define what is a sole source, but they kind of
22 define it by the negative, by explaining things
23 you can do as opposed to defining what exactly
24 sole source is. And how they do it would be you
25 can do a contract for under $20,000, you can do

Page 99

1 one with a State agency, you can do one with a
2 railroad or a private utility, you can do a
3 contract for specialized services like legal,
4 engineering or other professional services, and
5 you can do one for emergencies.
6 And that's pretty much the only real
7 guidance that the State law provides. They
8 pretty much let the local governments do
9 whatever you think in your best wisdom is
10 appropriate.
11 With regard to the purchasing policy
12 that administratively the State offices are
13 bound by, it's found in Form SPD-N1004b, and
14 essentially they define purchasing under Sole
15 Source as a purchasing situation in which a
16 procurement is only available from one source.
17 And then they have some examples of how that
18 would apply: the supplier has a unique
19 capability, the source could be used because of
20 your previous experience with that source, an
21 alternative source would be duplicative, and the
22 sole source would prevent excessive cost, one
23 supplier can meet all the technical requirements
24 sought, one source has the patent or exclusive
25 rights to furnish the item, or there might be

Page 100

1 some other extenuating circumstances.
2 So with that, the question would be,
3 you know, are you satisfied with sole source and
4 the way it is written now? Would you like to
5 expand on the definition some and contract your
6 powers?
7 Now, as the City Attorney, I am very
8 rarely going to advise you to do anything to
9 contract your powers. That's my professional
10 opinion. Because in my opinion, the day will
11 come when you're going to want to purchase
12 something and you're not going to want to be
13 bound by any more restrictive definitions. And
14 you know my general philosophy of be careful
15 when you build a better mouse trap that you're
16 not the mouse who gets caught in it. So as your
17 attorney, I'm not going to advise you ever to
18 contract your power.
19 However, if you elect to do so, there
20 are some examples of how you can do that, I
21 think, effectively. And following some of the
22 State guidelines with regard to what the State
23 does and their purchasing forms, that might be
24 one way of doing it. And even in that arena,
25 they leave themselves the leeway to do, quote,

Page 101

1 other extenuating circumstances. So even under
2 the State guidelines, they do have some hedge
3 room, so to speak.
4 COUNCILMEMBER PITTMAN: What if we
5 leave Subsection 4 and add a Subsection 5
6 defining professional services over a certain
7 amount?
8 MR. WEED: Absolutely. I mean you have
9 complete latitude legally to write it however
10 you want to. The State's got no -- you are not
11 shackled by the State law in any way other than
12 if you were doing a public works projects you
13 have to do a certain thing and if you had a
14 highway project you have to do a certain thing.
15 But other than that, you can write it however
16 you want to. That would be legal in my opinion.
17 COUNCILMEMBER ROCHE: Well, for what
18 it's worth, later on, if we get to it tonight,
19 probably in the next agenda, I agree completely
20 we need to look at the way we purchase things,
21 the whole RFP process.
22 In fact, I had contacted Murray Weed a
23 week or so ago with some ideas as far as some
24 things we could do, but we kind of realized it
25 probably wasn't going to come up on the agenda

Page 102

1 tonight. I don't want to steal his thunder,
2 though, I mean if you want to talk about this
3 piece of it.
4 COUNCILMEMBER PITTMAN: So how does the
5 Council feel with the State guidelines, even
6 adding a provision, an additional subsection?
7 COUNCILMEMBER ROCHE: I'll just say my
8 opinion basically is that every time we spend
9 money, we should send out for bids unless we
10 have already --
11 It's like the question I asked about
12 Mr. Whitaker. I think that every contract,
13 every vendor that we have should originate at
14 some point with a competitive bidding process so
15 that we know that we've got the best deal. And
16 once that's there, I could see, you know,
17 extending an existing contract.
18 To me, sole source just means only one
19 person responded to our request for proposal,
20 but that's just my opinion on that. But there's
21 a lot more to it, and we'll get to that probably
22 the next meeting.
23 COUNCILMEMBER PITTMAN: I do like the
24 extenuating circumstances. I think that's
25 really important that we have that in there. I

Page 103

1 just think right now it's just kind of out there
2 without anything.
3 COUNCILMEMBER ALEXANDER: And I think
4 one of the questions that we had when we were
5 discussing sole source in 2-90 was I believe it
6 had a dollar amount in there but it was
7 ambiguous if that was one purchase, the total of
8 annual purchases, per invoice. It was not
9 defined. I think it said $5,000 but it didn't
10 say per instance. It was just an arbitrary
11 amount.
12 COUNCILMEMBER ROCHE: While we're at
13 that, I mean I know that the Mayor has the
14 authority to spend $5,000. Is that $5,000 per
15 month? per week? per day? per year?
16 MR. WEED: Well, 2-90(a) --
17 MAYOR JENKINS: Good question.
18 MR. WEED: -- all expenditures in
19 excess of $5,000 shall only be incurred after
20 seeking sealed bids or RFPs. And that's pretty
21 much -- that's about what it says.
22 COUNCILMEMBER ROCHE: Okay.
23 MR. WEED: So essentially there aren't
24 really any limitations in 2-90 as to what the
25 five -- you know, if it's one $5,000 a year or

Page 104

1 $5,000 a month or $5,000 a day. Right now, it's
2 not clear.
3 COUNCILMEMBER SPANGLER: It could be
4 multiple $5,000 a day.
5 MR. WEED: It could very well be; yes,
6 sir.
7 COUNCILMEMBER SPANGLER: I mean we
8 could spend $100,000 a day --
9 COUNCILMEMBER ROCHE: We'll start
10 seeing big screen TV's being delivered.
11 COUNCILMEMBER SPANGLER: -- or more.
12 MR. WEED: Other than, you know, it's
13 all expenditures in excess of that. So based
14 upon that language of all expenditures in
15 excess, if the Mayor wants to buy a rare book
16 which is five grand, he can. If he then wants
17 to buy a, you know, champagne goblet for five
18 grand, he can.
19 I mean not that he would, of course,
20 but I'm just saying to you -- or whatever it is;
21 a Xerox machine, a new chair for Rhonda.
22 Whatever the amount -- whatever the thing is, I
23 think it's per expenditure. So it could be
24 multiple expenditures in a day.
25 COUNCILMEMBER SPANGLER: Now, would we

Page 105

have the opportunity to see how the Mayor spent this money?

MR. WEED: I think hopefully you do by virtue of the audit and by virtue of whatever accounting records are done monthly. You know, this is out of my line of country. I don't know your daily operations with regard to purchasing. But I assume that every time that there is a purchase, there is probably a purchase order except for maybe a ream of paper or something like that. But there's got to be -- there's obviously the vendor list and who got paid what. So at any point, you could always ask for who the vendors were and how much they got paid in a month.

COUNCILMEMBER SPANGLER: So you would have to do that under an Open Records request?

MR. WEED: In my opinion, no. You, the Council, wouldn't have to do that in an Open Records request but a citizen would.

COUNCILMEMBER SPANGLER: So any information that I get, can I get that information without doing an Open Records request if it's information that would help me make a better decision about any voting or any

Page 106

actions taken in a Council meeting?

MR. WEED: My opinion is yes. I think you are -- as an elected official, if you ask a staff member for information, I would certainly advise the staff member to give you that information.

However, there is one caveat, which is you are a representative form of government. And let's assume for the sake of argument that Joe Smith Elected Official was in City Hall every day to the point where that person was a distraction, and the amount and volume of material they were asking for was bringing the government to a halt. Could the employee then say, "Well, Mr. Smith, I am not going to provide you that information unless you get at least a majority to approve it?" That's a legitimate argument that that staffer could make.

Hopefully, I don't think -- I don't think the Council would abuse their rights as Council people, but my opinion is if you ask for it as a Council member, it ought to be given to you.

Now, here's the flip side of that.

COUNCILMEMBER SPANGLER: What time

Page 107

frame would it . . .

MR. WEED: There's no time frame. That's the important difference between an Open Records request where there is a legal penalty, there is a time frame for a response, which that would not follow with regard to a simple Council request unless the Council adopted some ordinance where you created some rules and guidelines that would apply to the staff. You could do it that way, arguably.

COUNCILMEMBER SPANGLER: Okay. Well, like under a -- and I know Mr. Anderson is going to speak on something about Open Records and that, but I want to ask you, Mr. Weed. If I put in an Open Records request, what is the time frame that I should get the information back?

MR. WEED: Within three business days, you should get a response back. Now, that may not be the actual information itself. It may simply be a response saying that -- you know, it should be a response giving you whether the information -- whether you're entitled to it or not, whether or not there is an exemption; if there is an exemption, what the specific exemption is, and a good faith estimate of what

Page 108

it might cost you to get the information.

MAYOR JENKINS: I have no problem with what's going on, but aren't we getting a little off track?

COUNCILMEMBER PITTMAN: Yes. Actually, we're talking about sole-source vending, and I was going to ask you if it's okay with the Council if we could get you to come up with something for the next meeting, possibly, for us to review based on some of the information that we've given you tonight.

And again, I did like the State guidelines. There are some open loopholes there, but -- and I like the extenuating circumstances. And you might want to take a look at leaving Subsection 4 and adding a Subsection 5, professional services over a certain amount. If you would do that, please --

MR. WEED: I would be glad to.

COUNCILMEMBER PITTMAN: -- if the Council's okay with that.

COUNCILMEMBER ROCHE: And then hopefully we can roll this in with an overall purchasing policy that I think we're in desperate need of.

Page 109

1 COUNCILMEMBER BATES: Yeah. And when
2 we get down that road, we need to make sure that
3 we're protecting -- and the loopholes that
4 Dekalb County just did a few years ago by going
5 right under the threshold that they had self-
6 imposed, and doing it over and over and over
7 again with the same vendor to prevent them from
8 going out for an RFP.
9 COUNCILMEMBER FLEMING: Exactly.
10 COUNCILMEMBER PITTMAN: Exactly.
11 COUNCILMEMBER BATES: So I'm all in
12 favor of us addressing the $5,000 and the RFP
13 process. We've needed to do this for a long,
14 long time, so thank you for moving this forward.
15 COUNCILMEMBER PITTMAN: Okay. My next
16 item, we are now officially a drop-off site for
17 Cell Phones for Soldiers. Those of you that do
18 not know what that is, it's a really good
19 program. It was started in 2004 by two
20 teenagers to help soldiers serving overseas to
21 call home. Through donations and recycling of
22 cell phones, there were thousands of calling
23 cards that were given to the soldiers overseas.
24 The cell phones are brought here.
25 They're dropped off. They're sent to

Page 110

1 Recellular, which Recellular pays them money,
2 and they buy calling cards for the soldiers.
3 And because we are a drop-off site, if
4 anyone knows of a soldier that would be or a
5 family that would be in need of that, then we
6 would actually have an advantage that we could
7 actually designate who we would like that to go
8 to as well.
9 Also they are working now on funding a
10 new program for the video phone calling, which
11 is really nice for families that want to see
12 their kids or their new baby or whatever. So
13 that, they're really working on as well.
14 There is a box behind the glass back
15 there; is that correct?
16 CLERK BLACKMON: Actually it's now in
17 the hallway --
18 COUNCILMEMBER PITTMAN: Okay.
19 CLERK BLACKMON: -- and it has an eight
20 by ten sheet of paper above it --
21 COUNCILMEMBER PITTMAN: Okay. Perfect.
22 CLERK BLACKMON: -- designating it.
23 COUNCILMEMBER PITTMAN: Okay. So just
24 drop it off, and when we get enough, they send
25 us a postage-paid label and we send it off, and

Page 111

1 then we'll have an accounting of what we have.
2 It's a really good program. So if any
3 of you have cell phones that you are not using,
4 if you could just bring them up here, that would
5 be great.
6 The next thing is Councilman Bates and
7 I, in our last event -- and we seem to be having
8 more and more events now for the city. And we
9 had a rainout, and we really did not know how to
10 contact all the people that might show up for
11 this event.
12 So Councilman Bates thought it might be
13 a great idea if we had some type of events phone
14 hotline, which I thought was a fantastic idea
15 because we still had people that showed up for
16 the event even though it was rain and mud and
17 everything else. We felt really bad about that.
18 And in checking into this -- I was
19 talking to Rhonda -- I cannot find a company
20 right now that just does that solely without
21 wanting to add other services. And the company
22 that we have right now, I found out that we are
23 way outdated. Our current system discontinued
24 eight years ago. Our current voicemail portion
25 discontinued seven years ago. So we have no way

Page 112

1 at this time to back up messages at this point.
2 The new system would have a USB-connect
3 backup for the entire system voicemail in case
4 the system goes down, which is pretty important.
5 It would also have an auto-answer on lines if
6 they were physically in use. Our current system
7 only has three.
8 The new system would have a record, and
9 you could push a button to record in the event
10 that you get a threatening phone call or
11 harassing phone calls. We do not have that now
12 at all, either.
13 It also would allow us to pre-record
14 all events on one. You could actually go online
15 and do it or you could do it January 1st for the
16 whole year. Right now, you have to go to each
17 phone line and you have to do it at the time --
18 "Sorry, we're closed because it's Christmas Eve"
19 or whatever. And it would also give us the
20 ability to program phones for anything via the
21 computer.
22 And I believe -- I'm not saying we have
23 to do this now but this is for future. I
24 believe it's going to be -- Rhonda, correct me
25 if I'm wrong -- and it would also add two

Page 113

1 additional lines which would give us an addi-
2 tional line if we should get another employee at
3 some point and give us our events hotline.
4 And I believe the cost was $5,400 with
5 the company that we already have, and it would
6 allow us also to do like Muzak music or some-
7 thing on the line as well.
8 I think in our budget, in our computer
9 -- will that come out of computer hardware
10 possibly or the telephone budget?
11 CLERK BLACKMON: Probably. I can talk
12 to Darlow --
13 COUNCILMEMBER PITTMAN: Okay. I think
14 we --
15 CLERK BLACKMON: -- Maxwell.
16 COUNCILMEMBER PITTMAN: -- had $13,000
17 left in our computer hardware the last time I
18 looked. So I just wanted to get some input on
19 that from the Council and how they felt about
20 upgrading our system.
21 COUNCILMEMBER FLEMING: You said $5,400
22 with our current or our present supplier. Who
23 is our present supplier?
24 COUNCILMEMBER PITTMAN: Digitel.
25 Digitel, which is locally --

Page 114

1 CLERK BLACKMON: Right around the
2 corner --
3 COUNCILMEMBER PITTMAN: -- here right
4 in Doraville.
5 CLERK BLACKMON: -- on New Peachtree.
6 COUNCILMEMBER ROCHE: Well, I'll say
7 again, I think that something like this, we may
8 want to consider going out for an RFP.
9 Also, frankly, I'm concerned about
10 spending any money at this point.
11 COUNCILMEMBER PITTMAN: Well, that's
12 why I said maybe for the future. We're just
13 putting it out there for the future. But I'm
14 fine with --
15 CLERK BLACKMON: And RFPs, that's fine.
16 COUNCILMEMBER PITTMAN: -- going out
17 for RFPs as well.
18 CLERK BLACKMON: But I also want to
19 just mention that if you do that, somebody else
20 will want to put their own phone system.
21 Our phones would not have to be
22 changed. That is with our current phone.
23 COUNCILMEMBER ROCHE: Well, some do,
24 some don't.
25 CLERK BLACKMON: Someone else --

Page 115

1 COUNCILMEMBER ROCHE: It depends on
2 your vendor.
3 CLERK BLACKMON: -- would want to
4 probably upgrade.
5 Pardon?
6 COUNCILMEMBER ROCHE: Some do, some
7 don't. It depends on the vendor.
8 CLERK BLACKMON: Well, our phones are
9 out of date, too, so --
10 COUNCILMEMBER ROCHE: Well, maybe --
11 CLERK BLACKMON: -- we did not want to
12 change those if we didn't have to.
13 COUNCILMEMBER BATES: Well, I would be
14 in agreement with Mr. Roche on this as far as,
15 you know, considering if we do go down this
16 road, to put it out for bid. You know, it might
17 be a time to do a whole clean, brand new --
18 COUNCILMEMBER PITTMAN: Absolutely.
19 COUNCILMEMBER BATES: -- start based
20 upon these phones that were installed in 1930.
21 COUNCILMEMBER PITTMAN: Yeah; it's way,
22 way outdated.
23 COUNCILMEMBER BATES: And in case --
24 We did have a situation -- it's been
25 several months -- where the phone lines did go

Page 116

1 out, and you would call City Hall and all you
2 got was a busy signal. And under a new
3 scenario, that would be precluded or prevented
4 or at least they would go to auto voicemail.
5 COUNCILMEMBER PITTMAN: And also I
6 think awhile back, we had some harassing,
7 threatening, very ugly phone calls that we had
8 no way to record to be able to deal with that.
9 So that's a pretty important aspect as well.
10 That's it.
11 COUNCILMEMBER BATES: Do we need to
12 make a motion to put this out for RFP or --
13 COUNCILMEMBER PITTMAN: Well, do y'all
14 want to try to move forward with this now on the
15 next --
16 COUNCILMEMBER BATES: To me,
17 information doesn't hurt.
18 COUNCILMEMBER PITTMAN: Sure. Okay.
19 Then, I'll make a motion that we put this out
20 for RFPs for upgrading our phone system.
21 COUNCILMEMBER FLEMING: Okay, now.
22 Who's going to write the RFP to indicate what we
23 want in our new phone system?
24 COUNCILMEMBER PITTMAN: Well --
25 COUNCILMEMBER BATES: That's an

Page 117

1 excellent question.
2 COUNCILMEMBER FLEMING: I'm not ready
3 for a motion on that.
4 COUNCILMEMBER PITTMAN: Rhon- --
5 CLERK BLACKMON: Luke and I could --
6 COUNCILMEMBER PITTMAN: I started to
7 say, she --
8 CLERK BLACKMON: -- manage that.
9 COUNCILMEMBER PITTMAN: -- probably
10 knows better than anybody what we would need.
11 COUNCILMEMBER ROCHE: Well, I mean
12 nowadays, I mean there are so many features, I
13 mean they're basically computers nowadays. I
14 mean you could even -- I was telling someone
15 earlier today that you could even set it up so
16 that you could track everybody's incoming phone
17 calls so we'll know who calls the Mayor the
18 most, for instance. You know, we could get
19 statistical analysis of that, you know.
20 I just think it's a wide open thing and
21 I think we should do a better job at
22 understanding and defining our requirements
23 before we just put an RFP out there. I mean why
24 not have a City-wide system where one number
25 that you can be transferred to wherever -- you

Page 118

1 know, whether it's the Police or whoever. If
2 that's a requirement, that's a requirement. If
3 not, that's fine.
4 But I think that we need to look at our
5 overall -- instead of just going out and buying
6 one little piece of the puzzle, maybe we should
7 have a general -- an overall idea of what our
8 communication needs are for the City of
9 Doraville currently and going forward. Will it
10 take care of data?, will it take care of putting
11 computers in different departments? that sort of
12 thing. And I think that that's the sort of
13 thing we should do.
14 So I agree with Ms. Fleming that maybe
15 we need to bring this up at the next meeting and
16 come up with some more ideas as far as
17 requirements before we actually put out an RFP.
18 Because I think we had the same situation with
19 the I.T. RFP. It was kind of wide open, so the
20 responses we got were all over the place,
21 everything from we'll maintain your equipment to
22 we will replace everything you have, and it was
23 very difficult to try to decide which of those
24 responses was the best.
25 I'd be in favor of waiting until the

Page 119

1 next meeting and discussing this in more detail.
2 COUNCILMEMBER BATES: If we could task
3 the staff with coming up with a set of --
4 CLERK BLACKMON: Yes.
5 COUNCILMEMBER BATES: -- kind of
6 criteria or things that they would like to --
7 COUNCILMEMBER ROCHE: A first draft of
8 requirements.
9 COUNCILMEMBER BATES: -- see or need to
10 see.
11 COUNCILMEMBER PITTMAN: That would be
12 good.
13 COUNCILMEMBER BATES: Kind of a
14 qualifications precursor. I think that would be
15 great.
16 COUNCILMEMBER PITTMAN: Okay. If we
17 could do that, please.
18 CLERK BLACKMON: Uh-huh.
19 COUNCILMEMBER BATES: Thank you.
20 COUNCILMEMBER PITTMAN: Thank you.
21 COUNCILMEMBER ROCHE: I'd like to make
22 a motion that we defer 15 and 16 to the next
23 meeting and then go straight into number 17
24 since we're there, anyway, I think, at 9
25 o'clock.

Page 120

1 MAYOR JENKINS: All right. Barbara
2 Frederick? Barbara Frederick?
3 - - -
4 (No response)
5 - - -
6 MAYOR JENKINS: Okay. These two items
7 are five-minute items, and the next one is
8 Charles Livingston, and you'll have five
9 minutes, sir.
10 MR. LIVINGSTON: The last couple of
11 meetings, we've had some kind of nice, touchy-
12 feely things going on; a couple of awards
13 tonight. The last couple meetings, we've talked
14 about some citizens' involvement in the
15 gardening, one thing or another. I'm not
16 mocking these. These are touchy-feely. They're
17 the sort of things we need for bringing this
18 city together and to have something good to talk
19 about.
20 But there's an underlying current of
21 things also that are going on this city that are
22 about 180 degrees from this touchy-feely mode,
23 and I'd like to talk about a couple, about three
24 of them that have to do with truth, honesty and
25 integrity.

Page 121

1 The first one goes back two meetings
2 from now. During citizens' comments, Tom Hart
3 got up and spoke at the conclusion of citizens'
4 comments. He was admonished for what he said,
5 and he didn't say anything but the truth. And
6 as far as I know, there's no laws right now
7 against telling the truth. And I think when
8 somebody gets up and talks, you need to leave
9 them alone. That's my personal opinion.
10 The second thing I want to talk about
11 is the Priscilla Murphy case. You-all had --
12 you-all voted to get rid of her. She's the best
13 thing that ever happened to this city, a
14 wonderful person, completely honest and hard-
15 working and was the glue that kept this city
16 together. In your effort to get rid of
17 Priscilla, there were affidavits against her
18 that were actually fabrications, and the people
19 that did these -- a couple of them are here
20 tonight, and the people that put them up to it,
21 I don't know how in the world you can live with
22 yourself when this sort of thing happens.
23 There's a complete lack of truth, honesty and
24 integrity in fabrications like this.
25 We're paying the price for getting rid

Page 122

1 of Priscilla. The person that you hired doesn't
2 know how to do anything. He can't do payroll,
3 doesn't count on learning, or any of this stuff
4 that's costing us much money. That's water
5 under the bridge.
6 Probably the biggest complete travesty
7 and mockery of justice that's been done here is
8 what the City has done to Tom Hart. All of you
9 know out here that Tom Hart was arrested. At
10 the time that he was arrested, he was put in
11 handcuffs and leg irons. He had no idea what he
12 was being arrested for, because he'd done
13 nothing wrong.
14 And basically what happened, it turns
15 out that about a month before he was arrested,
16 he was in here to City Hall about a project of
17 his. He had his plans, and they were checking
18 with different people. And our illustrious City
19 Planner, Scott Haeberlin, grabbed these things
20 out of his hand, and said, "I got them," and ran
21 down the hall prancing around, and that was it.
22 And then Tom Hart got charged by Scott Haeberlin
23 for something that Scott Haeberlin did to him.
24 Now, this is a -- you know, and Scott
25 didn't do this by himself. There have got to be

Page 123

1 people here that put him up to this and helped
2 him, counseled him and put him up to making
3 these charges.
4 And doing this thing against Tom Hart
5 is a complete and absolute disregard for
6 principles of truth, honesty and integrity. It
7 just defies anything I've seen in my life. And
8 make no mistake about it, this is not a threat,
9 but I feel very strongly against the people that
10 did this. I can't do anything. You're
11 protected by law, so don't worry about it, but
12 it invokes these kind of emotions. I mean this
13 is -- this is bad. This is just about as bad as
14 you can get, and it is just so wrong and so
15 corrupt that it just defies anything -- I can't
16 even talk about it.
17 And you-all are acting like nothing's
18 ever happened here, that, you know, this
19 happened. Well, you know, this caused a whole
20 lot of aggravation for Tom -- the shock of being
21 arrested for something you didn't do, the
22 humiliation. It's going to cost him money. He
23 has to get a lawyer.
24 And I'll tell you what. If Gene Lively
25 knew what was going on, he would roll over in

Page 124

1 his grave. I swear, he would.
2 That's all I've got to say.
3 MAYOR JENKINS: Thank you.
4 We made a motion to put --
5 COUNCILMEMBER PITTMAN: After citizens.
6 COUNCILMEMBER ROCHE: After citizens.
7 COUNCILMEMBER FLEMING: After citizen -
8 - do you have any other citizen comments?
9 MAYOR JENKINS: After citizens. That's
10 what I was --
11 COUNCILMEMBER FLEMING: Yes.
12 MAYOR JENKINS: Okay. Citizens'
13 comments?
14 MR. STUART ANDERSON: I would ask that
15 he speaks first in case somebody wants to say
16 something relative to what he has to say.
17 MAYOR JENKINS: Who speaks first?
18 MR. STUART ANDERSON: Mr. Anderson.
19 MAYOR JENKINS: Yeah. We'll get to
20 him.
21 Yes, ma'am.
22 MS. CALVERT: Mr. Anderson, have you
23 sent a formal apology for the exhibition you put
24 on after our ethics meeting was over?
25 MR. GEORGE ANDERSON: Regarding what,

Page 125

ma'am?
MS. CALVERT: Regarding your irate yelling at our Ethics Commission people. Have you sent a formal apology written to the City of Doraville for this?
MR. GEORGE ANDERSON: No, ma'am, I haven't.
MS. CALVERT: Why not?
MR. GEORGE ANDERSON: I was not aware that I was --
MS. CALVERT: Oh, sir. I was here, and you were yelling and yelling at them. And the rhetoric was, I'm sorry. We're in our legal alley to do this. Another one said, I'm not paid enough to listen to this verbal abuse.
Sir, you owe the City of Doraville an apology.
MAYOR JENKINS: Thank you.
- - -
(Applause)
- - -
MAYOR JENKINS: Yes, ma'am.
MS. GREENWAY: My name is Ruth Greenway. I'm just here again to ask the Council to keep in mind my situation, and let's

Page 126

try and get something done because I'm sitting there in the rain every day, and it has been raining quite a bit, and I'm stranded between a rock and a hard place, and I would appreciate your concentration on the ordinance or however you-all go about doing government, City of Doraville.
And also, I want to just tell you the city of Doraville -- you know, I've lived here for 40 years and it has always been a pride and joy. But I tell you, things are going on that I just can't understand. And I called your lawyer, Mr. Murphy -- Murray. I think his first name is Murray and his last name is Weed. But you know, sometimes you-all write these things where we can't understand legal terms. Sometimes you need to put some of these things in layman's terms. And I think the Council has done really good with layman's terms, you know, to explain on this. But when I read some of these permits and when I talk to Scott -- I mean, I just told him, I cannot understand one word of what Scott says. I do not get a direct answer.
And when I talked to him the last time,

Page 127

he said to me -- and I was in the office, and he said he didn't appreciate what I did and what the Council did blind-siding him. And I said, "I'm sorry. I don't think either one of us did that. I'm sorry you feel that way, and have a good day." And I just think that was a little uncalled for, because he was very adamant, and all I did was try to get something done.
And I have also a feeling that 60 percent, maybe even 70 percent of the people that live in the city of Doraville is in the same boat I'm in, and if you want our houses to look good --
And I try hard and I work, and I pay my taxes and I pay, you know, whatever. And I live right of Tilly Mill where the school is, and I am really careful about our school kids and the safety and the thing that he talked about will be good for our community. But also to keep your house in good condition and enjoy life. Thank you.
MAYOR JENKINS: Thank you.
COUNCILMEMBER PITTMAN: Thank you.
- - -
(Applause)

Page 128

- - -
MS. CRAWFORD: Susan Crawford, Oakcliff.
And along the same lines, I not only don't understand much of the legal rhetoric but I don't understand -- I try to keep up with what's going on, but the last two references, I have no idea. The two dramas that we referred to, is there any kind of contextual . . .
Apparently there were very serious things that happened, but I guess I'm a little curious, people yelling and people being arrested and that sort of thing. Is there going to be any explanation or --?
I can see "no".
COUNCILMEMBER FLEMING: I was not in City Hall for either of those two, so I would not be able to comment on either one.
COUNCILMEMBER ROCHE: I would write --
MAYOR JENKINS: You're --
COUNCILMEMBER ROCHE: -- an e-mail about --
MAYOR JENKINS: You're --
COUNCILMEMBER ROCHE: Sorry.
MAYOR JENKINS: Who are you referring

Page 129

1 to?
2 MS. CRAWFORD: Well, the last two.
3 MAYOR JENKINS: Mr. Livingston?
4 MS. CRAWFORD: What Mr. Livingston said
5 and what Ms. Calvert said, I'm not familiar
6 with, and probably most of the other people here
7 are not either familiar with.
8 MAYOR JENKINS: Mr. Anderson might be
9 able to answer Ms. Calvert, but Mr. Livingston
10 just didn't get all the information.
11 Yes, sir.
12 MR. FEEDLER: Raymond Feedler, Oakcliff
13 Estates.
14 Two items that I'd like to suggest to
15 the City Council this evening, please.
16 Regarding the traffic stops or the
17 speed-limit signs and things like that, I think
18 we do need to move and get something done with
19 English Oak Drive down to the park. Cars are
20 coming down that hill going like bats out of
21 hell. And somebody -- then they've got these
22 families in the road, four and five children,
23 and they just have to jump up on the curb to get
24 out of it.
25 And the other item I would like to

Page 130

1 bring up is we have some pretty tender grass
2 down in the new English Oak Park, and in about
3 two weeks we're going to be opening the park to
4 the public. Is it possible for the Maintenance
5 Department to post some signs with a yellow
6 ribbon around, just do not walk in certain of
7 the grass areas? Is it possible that we can do
8 that?
9 MAYOR JENKINS: Especially if it's real
10 wet, we can do that.
11 MR. FEEDLER: Thank you.
12 COUNCILMEMBER FLEMING: Mr. Feedler,
13 let me ask you a question in regards to your
14 first comment. So there's not sidewalks in that
15 area and so the people are walking in the --
16 MR. FEEDLER: There is no sidewalk down
17 English Oak Drive, ma'am.
18 COUNCILMEMBER FLEMING: Okay. Thank
19 you.
20 MS. FRAYSSE: Susan Fraysse, Oakcliff
21 Estates.
22 I want to say first, I was here at the
23 Ethics Committee meeting you referred to, and I
24 want to corroborate what Ginny has said. We
25 went through a lengthy process in that Ethics

Page 131

1 Committee, and there were a lot of strong
2 feelings on many sides.
3 I sat in the front row, and behind me
4 was Mr. Hart and behind him was his friend
5 Mr. Anderson who muttered to him at various
6 times, "I wish I could help you. I wish I could
7 help you but I can't." And I found out later he
8 can't help because he's not an attorney. He
9 can't represent him. He can't interfere with
10 the work of the City in the way that Mr. Hart
11 would probably have brought him to the meeting
12 to do.
13 I think that issue was done, that
14 ethics complaint was filed, and language that
15 lingered and hung on and took up time, and the
16 City processed it in the best way it could with
17 the people that we have and the committee that
18 we have, and we resolved it that night.
19 Following the meeting, Mr. Anderson
20 jumped up and berated the members of the Ethics
21 Commission for not having done their job, not
22 having agreed with Mr. Hart, not having allowed
23 him to present material, which was clearly
24 required at the initial onset of the complaint.
25 He was trying to twist the process.

Page 132

1 He's not a Doravillian. He has no stake in
2 this. It was something interesting to him
3 politically. He's a kind of a gadfly and he is
4 around the state quite a bit.
5 So he has a right to say whatever the
6 Council will allow him to say, but just take
7 that into account when you hear what he has to
8 say.
9 Moving on, I want to say there is a lot
10 of good news, there's a lot of vitality, there's
11 a lot of good things happening. Just in the
12 past week, I attended the senior lunch where the
13 food was prepared by the Police Department. I
14 had no idea those people could cook so well. I
15 know a lot of family members of the Police and
16 the family members of the seniors. That senior
17 group is a real asset to the community.
18 We also had a -- I'm a member of the
19 Friends of the Doraville Library. We have a
20 short-story club. We changed from calling it a
21 book club because we're really too old to read
22 books. We're reading short stories. And some
23 of us are young people and they don't have a lot
24 of time. So they're short stories. And we have
25 a college professor who teaches classes, and we

Page 133

1 get it free. So once a month we have discus-
2 sions. And the next book is going to be The
3 Strange Tale of Benjamin Button, which is a
4 short story and will tie in with films that are
5 out now. And we have a lot of very vital,
6 interesting cultural programs going on.
7 On Saturday, I was late to the short-
8 story meeting because I was at Windsor Oak Park
9 where we, in that neighborhood, have worked with
10 other people across the city, with the group
11 DUG, to try to have some community gardens, and
12 we laid out swales. I learned how to set a
13 plumb line so that you can tell the contour of
14 the land. And we put in stakes, and the City is
15 going to be helping us with that project.
16 There are many vital, important, happy
17 things going on that I hope we can focus on and
18 not these petty political battles. It is too
19 early to be getting into that and descending
20 into that sort of thing this early. So don't
21 give up on Doraville. There are a lot of good
22 things going on and more to come in the future.
23 MAYOR JENKINS: Thank you, Susan.
24 - - -
25 (Applause)

Page 134

1 - - -
2 MAYOR JENKINS: Anybody else?
3 MS. KOONTZ: Steph Koontz, north
4 Oakcliff.
5 On the ethics meeting, I wasn't here
6 but I talked to some people that were here for
7 that meeting. And something I'm concerned with,
8 it is my understanding this Ethics Committee,
9 when they held this hearing, there were
10 attorneys for both defendants but there was no
11 attorney on the prosecution or the Ethics
12 Committee side, so the Ethics Committee was
13 being coached by these defense attorneys on what
14 they should be doing. And if this was like a
15 courtroom and you had like jury that was only
16 listening to defense attorneys, of course
17 they're going to find for the defense.
18 And it just seems like I remember -- I
19 know the Council voted unanimously several times
20 to supply the Ethics Committee with legal
21 counsel, which they never got or never have
22 gotten ever.
23 And it just seems like real one-sided.
24 It's like what's the point of filing an ethics
25 complaint if the Ethics Committee is going to be

Page 135

1 coached by the defense?
2 That's all I wanted to say. Thank you.
3 MR. HART: Tom Hart. I feel like the
4 elephant in the room.
5 You know, when you file an ethics
6 complaint, you would think an ethics committee
7 would be willing to hear the information you
8 brought to them and spend a lot of time, but in
9 Doraville that's just not the case.
10 The appointments were made by one side
11 of the bench, and basically we've got a split
12 council; three for, three against. One half
13 gets their say and the other half doesn't get
14 any of the say. That's the reason why I've got
15 a problem with government right now.
16 There's probably $500,000 worth of
17 construction going on in the city right now, and
18 nobody knows anything about it because this
19 Council and the Mayor makes it a point not to
20 bring it up. We've got a two-story building
21 going across the street at the Police
22 Department. You've got this pipe going in on
23 Raymond Drive. You've got people giving
24 variances. I don't know what they're getting.
25 This lady with the porch, she's having a hard

Page 136

1 time putting a porch in but people are
2 constructing buildings that are two feet from
3 people's property lines. Nothing's being said.
4 I know that we went through hell with
5 this construction project across the street here
6 for no other reason than for political reasons.
7 And same type of construction elsewhere in the
8 city, everybody looks the other way. So we have
9 two forms of government here, people on the
10 inside and people on the outside. And we have a
11 Mayor and three Council members that vote week
12 in and week out, and the other three people are
13 just ignored.
14 You know, to bring an ethics complaint
15 to the Ethics Committee at this point is a
16 total, complete waste of time. I was never
17 allowed to say a word at that meeting. I got up
18 here, introduced myself, and then basically I
19 could sit down. There was a table up front for
20 all the people that were defending the case, but
21 I was made to sit in the back of the room. And
22 the only thing those Ethics people listened to
23 were the two defending attorneys up front. They
24 ran the meeting.
25 MAYOR JENKINS: Why didn't you bring

Page 137

your attorney?
MR. HART: Because -- why didn't I bring an attorney?
MAYOR JENKINS: Tom, all you're doing is blaming this Council for your problems. You're making it all political. Now I think you -- you've had about three minutes.
MR. HART: I have just made my point. Thank you, Ray.
MAYOR JENKINS: Yes, ma'am.
MS. FRAYSSE: Susan Fraysse, Oakcliff Estates. I want to say that my entire --
MAYOR JENKINS: Tom?
MS. FRAYSSE: -- point, I think about the dangers of Mr. Hart's direction and getting outsiders to come in and agitating and creating turmoil is underlined by the last comment he made to the reporter from the Champion in which he basically threatened the City, saying that this was not the end, he had 20 more or lots more -- I think the number was --
Was it 20 more ethics complaints that you have, Mr. Hart, ready to file? Am I quoting you correctly as the reporter quoted you in the Champion?

Page 138

- - -
(No response)
- - -
MS. FRAYSSE: I think it was 20, and I think that's a danger. And I hope that the Council and the community will stand firm together and continue with our government and not allow ourselves to fall into this kind of bickering.
On a good note, too, I forgot to mention that yes, the park is going to open on the 27th. The opening ceremonies are going to be at 3 o'clock. The traditional Oakcliff Neighbors picnic will take place following that. I don't know how long the ceremonies and speeches might take, but we'll just be ready to move in and have our traditional picnic.
I have little flyers like this. They'll be sent around. Mr. Feedler, who lives right in the neighborhood of the park -- and actually you can see the stage from which he can project music into the park in this shot that I have that I'll be sharing with people. So we are two people that can be contacted about the picnic.

Page 139

If there is an interest in city-wide participation in the picnic, I think we can accommodate that and we can maybe have a session about it and I'll talk with Carol Stephens. But essentially what we've always done is provided a hundred hot dogs and a hundred buns, and we grill and we serve food and everybody brings side dishes. So I think that would be the way.
Okay. I'm finished. Thanks.
- - -
(Applause)
- - -
MAYOR JENKINS: Make it quick, Stuart, so we can get to Mr. Anderson, okay?
MR. STUART ANDERSON: I'm sorry. I really didn't want to say these things or bring this up on stuff that's gone on. I really don't know specifics of the Hart deal, the Ethics meeting. It was supposed to be at 6 o'clock and I showed here, or 7 o'clock and I showed up here at 7 o'clock and it had already gone down. I was here for Mr. George Anderson's comments to the Ethics Committee, and obviously he was distraught. Something happened. I don't know. And that's all I'll say about that.

Page 140

And I hate to pile on the Ethics Committee. And Susan Fraysse said something about twisting things, and she did a pretty good job of that earlier a couple of times. I, too, went to all the Ethics Committee meetings relative to Luke's situation for a year or whatever it took, and it went on and on and on.
What I wanted to say earlier and wasn't willing to say it after that whole episode, was that when you have an ethics committee, your ethics meetings -- and I agree with their illegal -- thank you, Murray -- meeting the first time, when you spread statements, rumors, facts about people in the open, then a lie or an innuendo is -- and I've used this phrase before -- it's down the street and around the corner before the truth gets its pants on, and so it's a tough deal.
So I went to all these meetings, and constantly the effort was not to do an ethics meeting or an ethics hearing but to play lawyer stuff, to find loopholes and get around it, and that's regardless. Mr. Roche and Ms. Fleming actually took care of Luke through all of this by not bringing out Luke's -- what he was

Page 141

1 supposed to do and in the private meeting that
2 was had with Mr. -- with the fellow that was
3 brought in, the mediator, none of that stuff was
4 particularly made public. It wasn't made public
5 in here. It wasn't -- they didn't pick on Luke.
6 They actually took care of him. They just
7 wanted the situation handled.
8 We go to these meetings, and it wasn't
9 being handled, it wasn't being discussed as an
10 ethics matter. It was being discussed as a
11 loophole matter, and I found that discouraging
12 to say the least.
13 And so I didn't want to say anything
14 about all this, but it really has come up
15 tonight, and I guess it should be said and
16 relative to this whole ethics thing and how
17 we're conducting it.
18 Thank you.
19 - - -
20 (Applause)
21 - - -
22 MAYOR JENKINS: Mr. Anderson?
23 MR. GEORGE ANDERSON: Yes, sir.
24 MAYOR JENKINS: I'll give you five
25 minutes, sir.

Page 142

1 MR. GEORGE ANDERSON: Yes, sir.
2 If I might very quickly, I just want to
3 say in response to what I heard earlier, I've
4 been called over the last 10/12 years a gadfly
5 and several other names, but I am concerned with
6 government and government officials, and I've
7 conducted many, many ethics seminars.
8 And concerning the Ethics Committee, I
9 was upset because I've attended probably 200
10 ethics meetings in Cobb County, City of Atlanta
11 and various others, Dekalb. I've been a
12 participant. I've been involved. I've been
13 just a witness. And what I saw that night upset
14 me because I didn't think some of the things
15 occurring were fair.
16 But let me get to this because you've
17 given me five minutes and I appreciate it
18 tonight, sir.
19 Article I, Section 2, paragraph 1
20 states in the Georgia Constitution that public
21 officers are the trustees and servants of the
22 people and at all times amenable to them. They
23 are to demean themselves, which means lower
24 yourself to serve the boss, the public. And
25 under the Honest Services Act, all public

Page 143

1 officials elected or appointed hold a position
2 of trust, have a duty to disclose material facts
3 and have an obligation of loyalty to your boss,
4 the people.
5 In short, public officials are required
6 to exercise their discretion and judgment free
7 from the taint of self-interest, bias or
8 undisclosed conflicts of interest.
9 The oath of office is an obligation.
10 It's not an opportunity. And as public
11 officials in whatever position, you're obligated
12 to act in the public interest and hold
13 yourselves out as leaders, responsible and
14 trustworthy and always amenable to the public.
15 Several years ago, I put out several
16 thousand dollars and have county commission
17 books, third edition, and this one is dealing
18 with mayors and city councils. I believe it
19 also -- I think it's third edition, but this is
20 from the Carl Vinson Institute, which a lot of
21 you probably have attended, in Athens.
22 I understand that Doraville, City of
23 Doraville is a participant, a member of the GMA,
24 Georgia Municipal Association, and it talks
25 about in there serving others, not ourselves, as

Page 144

1 public officials. It discusses treat all people
2 fairly, which is most important because you are
3 serving their interests when you run for elected
4 office.
5 The other one I passed is create an
6 environment of honesty, openness and integrity.
7 Your concern always has got to be, what can I do
8 for the public and what can I do that is fair to
9 all and try to be fair to all? Use the power of
10 your position for the well-being of your
11 constituents.
12 And inside there it talks about
13 O.C.G.A. 45-10-1 which is a code that was
14 created for all elected officials throughout the
15 state of Georgia. I'm not going to read off all
16 because I believe my minutes will go fast, but I
17 did want to get to this portion here because
18 earlier this Council was talking about Open
19 Records, and I thought, oh, gosh, that is
20 perfect. I wanted to talk about that tonight,
21 so if I could go through it very quickly.
22 I have several items. I've become for
23 years Hollie Manheimer, the Director of the
24 Georgia First Amendment Foundation, has called
25 me her ambassador of putting these out. But I

Page 145

have several for the Council tonight. I've brought a copy for you if you would like one. I also have some extra ones if any citizens want them, because it's most important that --

For instance, I'll ask for Open Records. I have one out with the City of Doraville now, and it's going on 20 days, it's in the third week. And I'm so used to, in State agencies, with the DOT and the Board of Regents and with county commissions in five counties right now, I get an answer within three business days, and then as far as the information, sometimes I'm told it might take two weeks because we've got to put all this together and we're short-handed. But the law is very clear; the agency then must provide a written description of such records with a timetable for their inspection and copying under O.C.G.A. 50-18-70. And I haven't had that from the City of Doraville, so your questions tonight are very, very appropriate, because what I have here for you -- And I wanted to give you several copies here for all the Council members. Let's see -- (counting) three, six, and someone can use a booklet but there's seven there. I think

Page 146

we have six Council members and the Mayor.

And I also have a booklet for your City Clerk because it's most important that even though you've got a lot of things going on, that you adhere to the Open Records law. Otherwise, what I've always had to do as a remedy on not following that is to place my complaint with the Attorney General's Office, and I don't want to have to do that. I'd rather work with Mr. Weed, your City Attorney, and Ms. Blackmon, your City Clerk, but I do want to be able to inspect and review documents that I have not received at this point.

Now, what you were asking earlier, Council and Mayor, is a lot of y'all are talking to the attorney about open meetings and open records, and I have several of these that you might want to keep because it has questions dealing with what you can do in an open meeting, what you can do dealing with obtaining open records as a citizen, and a lot of people are not informed. And what I've done a lot of times is talk to city councils, commissions and citizens so that they can be better educated dealing with the law.

Page 147

And I don't know where my time is. I think I heard -- did it end?

MAYOR JENKINS: You're over.

MR. GEORGE ANDERSON: I'm over. Okay.

But I did want to thank you for allowing me to speak tonight.

And concerning some talk earlier about me, I was upset but I felt like I had a reason, because like someone said, there were attorneys here for some individuals but it just didn't seem like the Committee was giving kind of fairness to the complainer.

And thank you for your time.

MAYOR JENKINS: They all had --

COUNCILMEMBER FLEMING: Mr. Anderson --

MAYOR JENKINS: They all had the same opportunity.

COUNCILMEMBER FLEMING: -- I have a question for you, please, sir.

MR. GEORGE ANDERSON: Yes.

COUNCILMEMBER FLEMING: I believe your Open Records request --

And Rhonda, if you don't mind -- was it not 2008 and 2009 e-mails or some such?

CLERK BLACKMON: No, no. Well, he has

Page 148

a whole list.

I was going to state for the record that I received it on the 26th and I did respond to you on the 29th, that you would have another answer from me by the 12th.

MR. GEORGE ANDERSON: Yes, ma'am.

CLERK BLACKMON: In between that, on the 8th, you updated it and changed an item, and I again then told you on the 12th that I would need another two weeks, as we were short-handed. So I did comply with the law and respond to you in a three-day period.

MR. GEORGE ANDERSON: Yes, ma'am. The three day period --

CLERK BLACKMON: Yes.

MR. GEORGE ANDERSON: -- but there are several items there that you have not given me an estimate --

CLERK BLACKMON: I don't have a --

MR. GEORGE ANDERSON: -- and that, by law, you have to do --

CLERK BLACKMON: I don't have an estimate unless I get it all compiled together, and I have not done so.

MR. GEORGE ANDERSON: Well, I --

Page 149

CLERK BLACKMON: That's why you have not gotten a response.
MR. GEORGE ANDERSON: I'll be glad to leave you one of these booklets because --
CLERK BLACKMON: I have one, thank you.
MR. GEORGE ANDERSON: You have one?
CLERK BLACKMON: Yes, I do.
MR. GEORGE ANDERSON: It's time for you to let me know when the information will be made available.
CLERK BLACKMON: It has not been the two weeks that I told you I would respond to you, and I will do so within the two weeks.
MR. GEORGE ANDERSON: It's been now three weeks coming tomorrow. So the Council is aware and the Mayor is aware, I do need -- I need a response; otherwise, I'll have to file a complaint with the Attorney General.
MAYOR JENKINS: Do what you need to do.
MR. WEED: Do whatever you have to do, Mr. Anderson.
COUNCILMEMBER ROCHE: Well, I filed an Open Records request back on -- January, February, March -- April 27th that still hasn't been completely complied with, so --

Page 150

CLERK BLACKMON: Right. I still have to get you my e-mails. And our e-mail got upgraded about a week and a half ago, and I have not yet done that part of it. You've gotten everything else except for my personal e-mails.
COUNCILMEMBER ROCHE: One of the very first things we voted on when we took office was that any time a City Councilperson requested information, that information would be replied to, would be made available, plus it would be made available to the entire Council if they so requested.
I just wanted a copy of the RFP for the I.T. that was posted on the web, and I had to pay copying charges and file an Open Records request. I mean that's kind of -- it's very difficult to get the job done, anyway, but when we have to go through all that on top of it, it just makes it harder.
MAYOR JENKINS: Motion we adjourn?
COUNCILMEMBER PITTMAN: So moved.
COUNCILMEMBER BATES: Second.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?

Page 151

COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: (No response)
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
COUNCILMEMBER ALEXANDER: Did Ms. Fleming answer?
COUNCILMEMBER PITTMAN: She didn't say anything.
MAYOR JENKINS: Excuse me.
CLERK BLACKMON: Oh. I thought she said yes.
MAYOR JENKINS: We did skip over something. Would you --
COUNCILMEMBER SPANGLER: We've already adjourned, Mayor.
COUNCILMEMBER ALEXANDER: Did Ms. Fleming respond?

Page 152

MAYOR JENKINS: I apologize.
COUNCILMEMBER PITTMAN: Councilwoman Fleming didn't respond.
COUNCILMEMBER FLEMING: I didn't respond.
CLERK BLACKMON: And I'm asking now.
COUNCILMEMBER FLEMING: No.
MAYOR JENKINS: Do you want to go ahead and bring up what you wanted to? Even though we adjourned, it's all right.
CAPTAIN SELLERS; We'll get it next meeting.
MAYOR JENKINS: You didn't want to -- Come on up.
CAPTAIN ATKINSON: Mayor, we'll handle it the next meeting.
MAYOR JENKINS: You don't need to do it tonight?
CAPTAIN ATKINSON: No, sir.
MAYOR JENKINS: Okay.
- - -
(Meeting adjourned at approximately 9:40 p.m. the same day.)
-o0o-

1 C E R T I F I C A T E
2 E OF GEORGIA]
3 TY OF DEKALB]
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13 ies, nor financially or otherwise interested in
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16
17 _____
18 Theresa Bretch, CCR
19 Permit No. B-755
20
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$

$1,033 (1)
17:2
$100 (3)
16:22,22,23
$100,000 (1)
104:8
$13,000 (2)
87:18;113:16
$13,132 (1)
87:1
$14 (1)
14:15
$15 (1)
16:6
$150 (11)
47:11,15,24;48:1;
50:3;58:9,18;59:9;
60:6;61:2,16
$155 (3)
16:9,21;17:16
$20,000 (1)
98:25
$200 (4)
49:25;58:5,19;
59:23
$200,000 (1)
4:21
$250 (11)
45:8,10;50:1;
54:24;55:1,2,7,11;
58:6;59:24;60:24
$30 (1)
16:8
$400 (11)
44:15,23;45:24;
46:2,5,7;47:15,23,
23;55:7,12
$5,000 (9)
103:9,14,14,19,25;
104:1,1,4;109:12
$5,400 (2)
113:4,21
$50 (17)
50:1,10;52:1,6,11;
58:6,17,18;59:5,6,10,
12,25;60:9,14,19,24
$500 (1)
55:1
$500,000 (1)
135:16
$53 (3)
16:6,21;17:16
$750 (11)
46:25;47:2;49:17;
50:6,19;53:13,22;
56:5;59:19;60:3;
61:14
$800 (1)
46:19
$850 (5)
44:15;45:23;46:7;
47:11,23

1

1 (8)
18:6,10;22:19,19,
25,25;25:13;142:19
10 (2)
36:22;54:14
10/12 (1)
142:4
10:14 (1)
33:15
100% (4)
14:14,17,21;17:13
100%- (1)
17:10
10th (1)
59:22
12 (1)
33:14
12:00 (2)
28:12;29:10
121 (1)
25:9
12-26 (2)
63:4;67:9
12th (3)
96:10;148:5,9
13 (1)
87:18
15 (3)
16:19;75:13;
119:22
15% (5)
14:23;15:13,16,24;
17:14
15th (1)
92:2
16 (1)
119:22
168 (1)
78:25
17 (3)
15:12;22:7;119:23
17% (1)
15:11
17-1/2% (2)
14:25;15:15
18% (1)
14:19
180 (1)
120:22
1930 (1)
115:20
1969 (1)
31:6
1st (4)
20:9;21:16;22:4;
112:15

2

2 (1)
142:19
20 (4)
137:20,22;138:4;
145:7
200 (1)
142:9
2001 (1)
9:22
2004 (2)
31:7;109:19
2008 (1)
147:24
2008-2009 (2)
93:7,17
2009 (4)
33:14;52:18;
93:17;147:24
2010 (2)
22:19,20
21 (1)
93:16
2-261 (2)
46:6;55:10
2-261c (1)
47:10
2-36 (2)
27:25;30:22
2-36c (1)
31:24
2-36e (2)
28:8;38:21
250 (1)
24:10
26th (1)
148:3
27th (4)
12:9;63:11;
138:12;149:24
2-90 (4)
98:2,2;103:5,24
2-90a (1)
103:16
29th (2)
95:25;148:4

3

3 (2)
4:14;138:13
3:00 (2)
12:9,18
30 (2)
91:25;92:6
30-some (2)
8:17,20
3-3 (1)
4:24
36-91-22 (1)
98:13
3rd (1)
50:14

4

4 (2)
101:5;108:16
40 (1)
126:10
45 (2)
81:19,20
45-10-1 (1)
144:13

5

5 (3)
63:3;101:5;108:17
5.2.5 (1)
22:8
50 (1)
75:10
50-18-70 (1)
145:19

6

6 (2)
68:25;139:19
6/1/09 (2)
3:19;6:16
6/29 (1)
69:4
60 (2)
75:10;127:9
69 (1)
32:6

7

7 (2)
139:20,21
70 (1)
127:10

8

8 (2)
4:14;7:13
80 (2)
24:7;75:10
80/20 (1)
14:12
8th (1)
148:8

9

9 (3)
54:16;91:18;
119:24
9:40 (1)
152:22

A

ability (2)
28:21;112:20
able (15)
25:9;33:24;34:11,
18;53:11,21;71:12;
76:19;78:24;85:4,9;
116:8;128:18;129:9;
146:11
above (1)
110:20
absolute (1)
123:5
Absolutely (4)
66:5;83:15;101:8;
115:18
abuse (2)
106:20;125:15
abusive (1)
67:5
accept (3)
4:20;17:12;93:16
acceptable (1)
53:15
accommodate (1)
139:3
accordance (1)
22:17
according (1)
22:21
account (2)
23:3;132:7
accounting (4)
93:10,13;105:5;
111:1
accrue (1)
22:20
accumulate (1)
24:7
accumulated (5)
22:14;23:1,11,22;
24:3
acres (1)
78:25
across (5)
16:23;53:18;
133:10;135:21;136:5
Act (2)
142:25;143:12
acting (1)
123:17
action (12)
50:2,4,20;51:2,5,
14;58:8,10,16;60:1,
4,7
actions (2)
14:9;106:1
activate (2)
73:18,18
activated (1)
73:23

active (5)
7:24;11:19;63:8;
65:8;67:13
active/ (1)
67:22
actual (6)
5:14;7:14;32:2;
44:17;52:17;107:19
actually (29)
5:2;14:2;15:14;
20:8;22:9;25:20;
37:25;45:11;46:14,
15;50:22;51:1,3,18;
54:13;62:19;66:24;
83:12;93:15;108:5;
110:6,7,16;112:14;
118:17;121:18;
138:21;140:24;141:6
adamant (1)
127:7
add (6)
34:9;41:25;52:10;
101:5;111:21;112:25
added (2)
42:1;52:6
addendum (1)
52:14
addi- (1)
113:1
adding (5)
39:25;41:22;
52:16;102:6;108:16
additional (7)
15:4;16:2;86:20,
21,25;102:6;113:1
addressing (1)
109:12
adhere (1)
146:5
adjourn (1)
150:20
adjourned (3)
151:23;152:10,22
administrative (4)
18:20;49:24;58:5;
59:23
administratively (1)
99:12
admonished (1)
121:4
adopt (4)
10:9;64:11,13,22
adopted (1)
107:7
advance (1)
29:14
advantage (1)
110:6
advantageous (1)
14:16
advise (4)
6:11;100:8,17;
106:5
Affairs (2)
70:23;76:16
affidavits (1)
121:17
affir- (1)
5:15
affirmative (1)
5:2
afternoon (1)
40:17
again (18)
6:12;20:25;21:4;
24:11;25:1;30:17;
35:3;38:15;51:16;
54:24;72:23;94:15;
97:20;108:12;109:7;
114:7;125:24;148:9
against (8)
33:24;56:22,23;
121:7,17;123:4,9;
135:12
agencies (3)
41:6;82:22;145:9
agency (2)
99:1;145:16
agenda (54)
19:19;20:7;27:10,
12,17,23;28:1,10;
29:4,9,22;30:6,8,11,
13,15,20;31:1;32:10;
33:1,16,19,19;34:5,6,
9,10,11,15,16,23;
35:4,20;39:15,17,23;
40:1,16,18;41:22,24,
25;42:18;54:18;
61:24,24;70:20;
80:13;91:17;95:23;
96:2,9;101:19,25
aggravation (1)
123:20
agitating (1)
137:16
ago (9)
8:18;37:15;44:21;
101:23;109:4;
111:24,25;143:15;
150:3
agree (14)
13:10;21:8;28:24;
40:4;41:13;42:4;
55:6;56:17,24;76:21;
88:22;101:19;
118:14;140:11
agreed (6)
7:19;38:16;53:4;
60:21;77:25;131:22
agreement (2)
15:7;115:14
ahead (19)
5:9;6:4;21:5;22:3;
23:6,9;26:3;35:19;
62:12;63:10;64:19,
20;77:24;78:12,23;
79:5;91:16;95:10;
152:8
alcoholic (1)
67:4
Alexander (64)
3:5,6,22,25;4:1;
6:22,23;10:11,14,15;
12:5,19,22;16:25;
17:2,19,24;18:2;
19:5,6;26:16,17;
43:10,11,25;48:21,
22;52:3;56:7;57:10,
11;59:11;60:10;63:2,
17,20,21;65:9;66:19;
68:6,9,12,13;69:19,
20;76:20;88:24;89:7,
10;90:23;91:2;92:9,
16,17;94:22,23;96:7,
18,19;103:3;150:25;
151:1,13,24
alley (1)
125:14
allow (13)
27:11;28:3;34:18;
38:21,21;39:2;42:15;
75:15;98:2;112:13;
113:6;132:6;138:8
allowed (3)
31:13;131:22;
136:17
allowing (3)
32:21;41:12;147:6
almost (2)
8:18;14:19
alone (1)
121:9
along (5)
8:20;20:10;40:7;
85:5;128:4
Alpharetta (4)
81:13;82:10,13;
90:15
alternative (1)
99:21
always (16)
5:12;8:25;30:13,
23,24;32:15;35:8;
41:8;56:2;73:3;
105:13;126:10;
139:5;143:14;144:7;
146:6
Ambassador (4)
7:20;8:5;9:5;
144:25
ambiguous (1)
103:7
amenable (2)
142:22;143:14
amend (2)
5:12;6:2
amended (1)
6:16
amendment (3)
7:12;31:6;144:24
among (1)
4:24
amount (13)
15:5;16:2;53:15,
16,18;54:21;81:8;
101:7;103:6,11;
104:22;106:12;
108:18
amounts (1)
22:21
analysis (1)
117:19
and/or (1)
73:14
Anderson (72)
27:9,15,17;28:6,8,
16,19;29:13,21;30:3,
5,15;32:22,24;33:4,
6,15,22;34:9;35:20;
36:5,9,12;37:11,22;
38:6;39:1,8,11;40:9,
14;41:4,15;42:9,16;
48:13,14,14,18;
64:14,15;89:16,18;
107:12;124:14,18,
18,22,25;125:6,9;
129:8;131:5,19;
139:14,15;141:22,
23;142:1;147:4,15,
20;148:6,13,16,20,
25;149:3,6,8,14,21
Anderson's (1)
139:22
annual (1)
103:8
Anymore (9)
17:18;26:10;43:4;
48:5;57:4;69:13;
92:10;94:16;96:12
apologize (3)
53:3;55:17;152:1
apology (3)
124:23;125:4,17
apparently (2)
51:15;128:10
appeal (5)
47:1,2;49:12,15;
53:12
appeals (5)
49:19;53:8;55:12,
22;56:7
appear (1)
28:11
Applause (10)
8:7;9:10;11:10;
12:1;42:6;125:20;
127:25;133:25;
139:11;141:20
application (3)
27:9;39:15;91:24
applications (2)
92:1,7
apply (2)
99:18;107:9
appointed (5)
73:10,10;74:16,16;
143:1
appointments (2)
74:11;135:10
appreciate (6)
8:12;11:4;36:13;
126:4;127:2;142:17
appreciated (1)
11:15
appropriate (5)
35:25;36:6;71:17;
99:10;145:21
approve (4)
3:19;25:22;88:11;
106:17
approximately (1)
152:22
April (1)
149:24
arbitrary (1)
103:10
area (5)
27:13;40:23;
46:13;78:15;130:15
areas (4)
65:21;66:13;
67:14;130:7
arena (1)
100:24
arguably (1)
107:10
argument (4)
28:17,19;106:9,18
Army (3)
9:20,22;11:18
around (11)
22:1;36:21;46:15;
82:17;114:1;122:21;
130:6;132:4;138:19;
140:16,22
arrested (6)
122:9,10,12,15;
123:21;128:13
Article (1)
142:19
aspect (1)
116:9
assemble (1)
84:16
asset (3)
83:5;88:12;132:17
assigned (1)
9:21
assist (1)
76:23
associated (7)
50:2,20;51:5,14;
58:7;60:1,4
Association (4)
7:25;8:23;12:11;

143:24
assume (2)
105:8;106:9
assuming (2)
5:14;59:14
Athens (1)
143:21
Atkinson (30)
80:21;82:5,7;
83:15;84:5,20;85:16,
23;86:1,7,18;87:8,
16,20,24;88:3,13,17;
89:6,9,12,22,25;90:5,
12,19;91:1,4;152:15,
19
Atlanta (2)
78:15;142:10
attend (1)
37:13
attended (4)
39:22;132:12;
142:9;143:21
Attorney (12)
29:17;38:16;
100:7,17;131:8;
134:11;137:1,3;
146:8,10,16;149:18
attorneys (5)
134:10,13,16;
136:23;147:9
audience (4)
27:8;31:15;36:4;
93:24
audit (4)
93:8,17;95:12;
105:4
auditor (3)
93:5,7;94:12
August (2)
78:9;90:7
author (1)
51:23
authorities (1)
70:24
authority (19)
27:23,24;30:10;
70:9,19;71:8,9;72:9,
14,22;73:3,14,15;
74:10,13,23;75:4;
98:16;103:14
auto (1)
116:4
auto-answer (1)
112:5
available (8)
19:21;20:20,23;
78:9;99:16;149:10;
150:10,11
Award (1)
91:20
Awards (2)
92:8;120:12
aware (5)
25:8;87:5;125:9;
149:16,16
awareness (1)
83:23
awhile (1)
116:6
Aztec (1)
85:6

B

b4 (1)
98:3
baby (1)
110:12
back (18)
13:21;28:6;44:18;
86:20,21,24,25;88:4;
91:22;94:9;107:16,
18;110:14;112:1;
116:6;121:1;136:21;
149:23
backup (1)
112:3
backwards (2)
49:21;53:5
bad (8)
8:21;13:7;31:20;
66:7;76:10;111:17;
123:13,13
Barbara (2)
120:1,2
barring (1)
94:5
based (9)
39:24;81:5,13,21;
84:24;93:9;104:13;
108:10;115:19
baseline (1)
24:21
basic (2)
28:19;29:18
basically (13)
23:17;34:3,6;37:9;
38:5;54:16;84:19;
102:8;117:13;
122:14;135:11;
136:18;137:19
Bates (105)
3:7,8;4:2,3,20;6:8,
24,25;10:16,17;
17:17;18:4;19:7,8;
22:5;26:9,18,19;
39:20;43:12,13;
44:22;45:11,16,19;
48:23,24;52:3,5,10,
13,15,19;53:23;54:2;
55:17;56:12;57:12,
13;60:12,18;62:19;
63:14,22,23;64:10,
18,21;65:22;66:3,5,
8,11,18;68:2,8,14,15;
69:21,22;70:8,15;
71:10;73:9;75:6;
77:3;78:1,6;80:12;
84:11;86:11,14;87:3;
88:8;90:2;91:17;
92:18,19;93:4,23;
94:3,24,25;95:19;
96:5,20,21;109:1,11;
111:6,12;115:13,19,
23;116:11,16,25;
119:2,5,9,13,19;
150:22;151:2,3
bats (1)
129:20
Batteries (3)
85:25;87:23,24
battery (2)
86:2,2
battles (1)
133:18
bear (1)
22:23
become (1)
144:22
begin (1)
72:17
beginning (3)
21:17;42:17,19
behalf (2)
8:3;10:1
behind (3)
110:14;131:3,4
below (1)
61:3
bench (1)
135:11
benefit (2)
75:3;81:25
benefits (3)
70:18;71:1;75:16
Benjamin (1)
133:3
berated (1)
131:20
best (11)
9:4;11:22;13:9;
61:20;82:18;89:22;
99:9;102:15;118:24;
121:12;131:16
better (8)
8:24;20:6;97:19;
100:15;105:25;
117:10,21;146:24
beverages (1)
67:4
beyond (2)
20:21;65:20
bias (1)
143:7
bickering (1)
138:9
bid (1)
115:16
bidding (2)
90:9;102:14
bids (2)
102:9;103:20
big (1)
104:10
biggest (1)
122:6
biotech (2)
78:14,22
bit (3)
16:16;126:3;132:4
BLACKMON (134)
3:4,7,9,11,13,15,
24;4:2,4,6,8,11;6:21,
24;7:1,3,5,7;10:13,
16,18,20,22,24;
17:23;18:1;19:4,7,9,
11,13,15;26:15,18,
20,22,24;27:1;33:13,
16;39:16;43:9,12,14,
16,18,20,23;48:20,
23,25;49:5,7;57:9,
12,14,16,18,20,23;
63:19,22,24;64:1,3,
5;68:5,11,14,16,18,
20,22;69:18,21,23,
25;70:2,4;92:15,18,
20,22,24;93:1;94:21,
24;95:1,3,5,7,15;
96:17,20,22,24;97:1,
3;110:16,19,22;
113:11,15;114:1,5,
15,18,25;115:3,8,11;
117:5,8;119:4,18;
146:10;147:25;
148:7,15,19,22;
149:1,5,7,11;150:1,
24;151:2,4,6,8,10,18;
152:6
blah (3)
61:15,15,15
blaming (1)
137:5
blast (3)
31:14,17;32:20
blind-siding (1)
127:3
blocks (1)
8:16
Blue (5)
13:22;14:4;15:16;
17:12,13
board (6)
16:23;53:18;
73:10;74:11,15;
145:9
boat (1)
127:12
Bob (6)
4:17;13:10;44:8;
45:7;46:20;79:11
body (2)
74:25;77:6
bonds (1)
74:2
book (6)
25:12,13,19;
104:15;132:21;133:2
booklet (2)
145:25;146:2
booklets (1)
149:4
books (4)
25:17;32:6;
132:22;143:17
boss (2)
142:24;143:3
both (4)
39:8,9;61:16;
134:10
bottom (2)
50:9;59:9
bought (1)
82:16
bound (2)
99:13;100:13
box (2)
71:2;110:14
brackets (1)
84:16
brand (1)
115:17
Braves (1)
8:21
break (3)
46:2;70:8,9
Brian (4)
56:17;64:20;68:1;
70:14
bridge (1)
122:5
brief (3)
11:13;70:11;73:13
bright (1)
85:18
bring (14)
9:13;46:5;53:12;
54:21;70:22;111:4;
118:15;130:1;
135:20;136:14,25;
137:3;139:16;152:9
bringing (4)
91:22;106:13;
120:17;140:25
brings (1)
139:7
broad (1)
75:12
brought (11)
6:1;11:20;38:2;
54:9;88:18;94:10;
109:24;131:11;
135:8;141:3;145:2
budget (5)
21:23,25;24:13;
113:8,10

budgeting (1)
21:21
build (4)
20:16;21:13;
78:20;100:15
building (1)
135:20
buildings (1)
136:2
buns (1)
139:6
burn (1)
23:2
business (10)
30:20;31:13;
32:19;53:9;55:5;
74:21;75:1,5;107:17;
145:11
businessman (1)
33:7
businessmen (1)
27:13
busy (2)
85:11;116:2
button (2)
112:9;133:3
buy (3)
104:15,17;110:2
buying (1)
118:5

C

Calcaterra (1)
13:4
calculator (1)
16:3
calendar (1)
21:21
Call (20)
3:3,23;6:20;10:12;
19:2;26:14;43:8;
48:9,19;57:8;63:18;
68:10;69:17;92:14;
94:20;96:16;109:21;
112:10;116:1;150:23
called (9)
27:15;35:15;
36:22;38:16;80:17;
82:9;126:12;142:4;
144:24
calling (4)
109:22;110:2,10;
132:20
calls (4)
112:11;116:7;
117:17,17
CALVERT (6)
124:22;125:2,8,11;
129:5,9
came (3)
11:16;33:13;94:11
can (82)
5:8,12;8:9;11:19,
20,22;12:5,13;14:18;
21:23;23:4,5,18;
24:6;29:11;30:18,23,
24;31:21;32:7,14;
34:4,5;37:20,22;
39:2;47:9;49:14;
51:22;52:5;55:13;
56:1;61:25;66:23;
72:14;73:24;76:18,
23;77:6;83:16,18,21;
84:9,23;90:11;92:4;
97:25;98:10,23,25,
25;99:1,2,5,23;
100:20;101:15;
104:16,18;105:22;
108:23;113:11;
117:25;121:21;
123:14;128:15;
130:7,10;133:13,17;
138:21,21,24;139:2,
3,14;144:7,8;145:24;
146:19,20,24
capability (1)
99:19
captain (37)
7:23;9:13,16,19;
11:5,12;80:20;82:4,
7;83:15;84:5,20;
85:16,23;86:1,7,18;
87:8,16,20,24;88:3,
13,17;89:6,9,12,22,
25;90:5,12,19;91:1,
4;152:11,15,19
cards (2)
109:23;110:2
care (6)
55:14;72:3;
118:10,10;140:24;
141:6
careful (2)
100:14;127:17
Carl (2)
37:14;143:20
Carol (5)
63:7;64:15;65:10;
67:11;139:4
carried (2)
43:23;95:14
carry (3)
22:20;61:23;90:20
cars (2)
81:6;129:19
case (8)
29:12;86:24;
112:3;115:23;
121:11;124:15;
135:9;136:20
cases (1)
98:9
catastrophic (1)
94:5
caught (1)
100:16
caused (1)
123:19
caveat (1)
106:7
CDC (2)
78:16;79:2
cease (2)
60:2,5
Cell (4)
109:17,22,24;
111:3
Center (1)
8:17
cents (1)
22:10
ceremonies (3)
12:12;138:12,15
certain (6)
67:14;101:6,13,14;
108:18;130:6
certainly (9)
39:21;40:7;53:19;
56:4,22;71:3;83:17;
97:24;106:4
certified (1)
83:16
cetera (5)
21:24;33:17,17;
46:11,12
chair (1)
104:21
champagne (1)
104:17
Champion (2)
137:18,25
chance (2)
5:13;62:1
change (17)
5:8;19:25;22:1;
24:16;30:23;31:4;
32:14;49:11;51:21;
58:4;59:13;61:4,9;
92:5;93:10;94:8;
115:12
changed (10)
5:9;58:15,16,17;
61:10;65:13;66:10;
114:22;132:20;148:8
changes (5)
18:12;20:11;25:2,
17;54:15
changing (2)
60:14,19
Chapel (1)
82:2
charge (4)
46:18;62:9;86:3,4
charged (1)
122:22
chargers (1)
86:6
charges (2)
123:3;150:15
charging (1)
56:5
Charles (1)
120:8
Charter (1)
30:18
check (4)
23:6,15;84:3;
90:19
checking (2)
111:18;122:17
Chestnut (3)
82:1;85:6;87:14
chief (3)
27:21;31:7;82:15
children (1)
129:22
choose (1)
71:3
chose (2)
74:10,18
Christmas (1)
112:18
circumstances (5)
41:2;100:1;101:1;
102:24;108:15
cities (1)
55:21
citizen (11)
30:19;38:13;
42:10,18,22;46:9;
53:9;105:20;124:7,8;
146:21
citizens (12)
27:12;34:19;
37:19;41:10;44:1;
73:11;77:17;124:5,6,
9;145:3;146:24
citizens' (4)
120:14;121:2,3;
124:12
City (65)
8:3,4,25;14:5;
18:20;19:1;22:4;
23:3;28:1;29:17;
33:14,25;34:5;37:2;
39:1;40:15;41:7;
49:14,16;67:4;71:3;
72:14;73:15;75:17;
83:7;84:18;87:8;
93:5,17;100:7;
106:10;111:8;116:1;
118:8;120:18,21;
121:13,15;122:8,16,
18;125:4,16;126:6,9;
127:11;128:17;
129:15;131:10,16;
133:10,14;135:17;
136:8;137:19;
142:10;143:18,22;
145:6,19;146:2,10,
10,23;150:8
City-wide (2)
117:24;139:1
Clarification (1)
48:15
clarified (1)
61:14
class (3)
71:24;72:20;76:15
classes (1)
132:25
clean (1)
115:17
clear (7)
44:1;59:19;74:24;
94:4;98:4;104:2;
145:15
clearance (1)
85:2
clearly (3)
29:7;33:20;131:23
CLERK (139)
3:4,7,9,11,13,15,
24;4:2,4,6,8,11;6:21,
24;7:1,3,5,7;10:13,
16,18,20,22,24;
17:20,23;18:1;19:4,
7,9,11,13,15;26:15,
18,20,22,24;27:1;
30:4,4,9;33:14;
39:16;40:15;43:9,12,
14,16,18,20,23;
48:20,23,25;49:5,7;
57:9,12,14,16,18,20,
23;63:19,22,24;64:1,
3,5;68:5,11,14,16,18,
20,22;69:18,21,23,
25;70:2,4;92:15,18,
20,22,24;93:1;94:21,
24;95:1,3,5,7,15;
96:17,20,22,24;97:1,
3;110:16,19,22;
113:11,15;114:1,5,
15,18,25;115:3,8,11;
117:5,8;119:4,18;
146:3,11;147:25;
148:7,15,19,22;
149:1,5,7,11;150:1,
24;151:2,4,6,8,10,18;
152:6
close (1)
58:11
closed (1)
112:18
closely (2)
7:14;20:22
closest (1)
14:6
club (3)
72:5;132:20,21
coached (2)
134:13;135:1
Cobb (1)
142:10

Code (3)
28:25;36:25;
144:13
Cole (3)
19:20,23;20:18
collect (1)
81:4
collected (2)
81:5;83:12
collecting (1)
81:16
collection (5)
86:9,9,19;88:2,3
college (1)
132:25
colors (1)
85:18
comfortable (5)
17:10;55:18,24;
91:12;95:13
coming (5)
21:21;69:6;119:3;
129:20;149:15
comment (5)
17:1;22:7;128:18;
130:14;137:17
commented (1)
54:9
comments (16)
17:18;20:7;42:10,
18,22;46:9;56:25;
57:1,4;63:4,13;
121:2,4;124:8,13;
139:22
commercial (9)
46:1;48:15;53:17;
55:2,12;60:23;61:18;
62:20;82:3
Commission (3)
125:3;131:21;
143:16
commissions (4)
37:2;41:8;145:10;
146:23
Committee (16)
130:23;131:1,17;
134:8,12,12,20,25;
135:6;136:15;
139:23;140:2,5,10;
142:8;147:11
communicate (1)
78:8
communicated (1)
28:6
communication (1)
118:8
communications (1)
78:17
community (10)
7:20,22;9:24;10:2;
70:23;76:16;127:19;
132:17;133:11;138:6
comp (7)
20:12;21:19,24;
23:12;24:7,11;25:6
companies (1)
91:7
company (13)
78:14,22,22;81:12;
82:9,10;83:3;86:17;
90:10;91:12;111:19,
21;113:5
comparative (1)
55:21
compared (1)
51:18
comparison (1)
51:18
compensate (1)
23:4
competitive (1)
102:14
compiled (1)
148:23
complainer (1)
147:12
complaint (7)
131:14,24;134:25;
135:6;136:14;146:7;
149:18
complaints (2)
89:1;137:22
complete (5)
101:9;121:23;
122:6;123:5;136:16
completed (1)
12:12
completely (6)
20:4;24:8;31:14;
101:19;121:14;
149:25
complied (1)
149:25
comply (1)
148:11
computer (4)
112:21;113:8,9,17
computers (2)
117:13;118:11
concentration (1)
126:5
concept (2)
67:12;89:14
concern (1)
144:7
concerned (4)
53:7;114:9;134:7;
142:5
concerning (2)
142:8;147:7
conclusion (1)
121:3
concurrent (16)
47:11,16,24;48:2;
50:1,3;52:11;58:6,
10,16;59:3,6,25;
60:7,24;61:2
condition (1)
127:20
Conditional (8)
44:25;45:3,23;
46:6;47:15;52:22,24;
55:8
conduct (1)
67:5
conducted (1)
142:7
conducting (1)
141:17
conference (1)
75:9
conferences (1)
37:13
conflicts (1)
143:8
confusing (1)
67:19
confusion (2)
44:16;45:9
cons (2)
71:1;77:6
consider (2)
84:25;114:8
considering (2)
94:8;115:15
consistency (1)
93:11
consistent (1)
93:13
constantly (2)
41:6;140:20
constituents (1)
144:11
Constitution (1)
142:20
constructing (1)
136:2
construction (4)
98:18;135:17;
136:5,7
contact (1)
111:10
contacted (2)
101:22;138:24
contextual (1)
128:9
continue (3)
11:18;18:10;138:7
contour (1)
133:13
contract (7)
98:25;99:3;100:5,
9,18;102:12,17
contracts (1)
90:25
contribution (5)
16:6,8,10,10;18:18
convenient (1)
90:16
convention (1)
74:6
conver- (1)
77:4
conversation (3)
28:5;54:17;75:16
cook (1)
132:14
copies (1)
145:23
copy (2)
145:2;150:13
copying (2)
145:18;150:15
corner (2)
114:2;140:16
corrected (1)
26:7
correctly (3)
45:13;90:3;137:24
corroborate (1)
130:24
corrupt (1)
123:15
cost (10)
13:15;14:24;
15:24;16:16;17:14;
82:19;99:22;108:1;
113:4;123:22
costing (1)
122:4
costs (3)
49:16;51:3,20
Council (118)
4:24;8:3,11,25;
9:18;10:6;13:20,23;
14:7;21:7;27:22;
28:11,13,17,21;29:5,
11,16;30:18,23;
31:15,17;32:13;34:1,
19;36:3,16,19;38:14,
17,21,25;39:2,7;
40:22;49:16,25;50:2,
3,4,19,20;51:1,5,14;
53:8,12,22,25;54:7,
8;55:13;58:6,8,9,10,
15,16,18,20;59:9,24;
60:1,3,4,6,7,14,19;
61:3,10,14,15;62:1;
65:24;69:3;70:21;
74:14,17,21;75:18;
78:7;79:7,17;80:4;
88:9,11;92:5;97:25;
98:6;102:5;105:19;
106:1,20,21,22;
107:6,7;108:8;
113:19;125:25;
126:18;127:3;
129:15;132:6;
134:19;135:12,19;
136:11;137:5;138:6;
144:18;145:1,23;
146:1,15;149:15;
150:11
Councilman (4)
31:21;47:14;
111:6,12
Councilmember (555)
3:4,6,7,8,9,10,11,
12,13,14,15,17,20,
22,24;4:1,2,3,4,5,6,7,
8,9,11,13,18,20,23,
25;5:5,19;6:8,10,17,
19,21,23,24,25;7:1,2,
3,4,5,6,7,9;9:7;10:8,
11,13,15,16,17,18,
19,20,21,22,23,24;
11:1;12:5,19,22;
13:3,11,13;14:10;
15:2,12,18,21,25;
16:1,4,11,20,25;17:2,
9,17,19,24;18:2,4,14;
19:4,6,7,8,9,10,11,
12,13,14,15,17;20:3,
14,25;21:9,12;22:5;
23:8;24:5,20,23;
25:14,19,25;26:5,9,
15,17,18,19,20,21,
22,23,24,25;27:1,3;
29:20,25;30:7,16;
31:8,23;32:1,17;
33:8,12;34:17,21;
35:10,11,18,22,24;
36:7,9;37:9,20;38:4,
24;39:4,9,12,20;
40:2;41:21;42:8,13,
21,25;43:9,11,12,13,
14,15,16,17,18,19,
20,22,25;44:5,9,25;
45:2,4,5,8,11,14,16,
18,19,20;46:22,25;
47:2,5,17,21;48:1,3,
10,17,20,22,23,24,
25;49:1,2,2,4,5,6,7,9,
10,18,20;50:7,12,13,
18;51:8,9,13,25;
52:5,9,10,12,13,14,
15,16,19,20,23;53:2,
23;54:1,2,4,6,12,20,
23;55:7,9,15,17;
56:1,3,7,9,12,20;
57:9,11,12,13,14,15,
16,17,18,19,20,22;
58:14,22,24;59:4,7,
11;60:8,10,12,16,18;
61:1,13,21;62:8,12,
15,17,19;63:1,2,14,
17,19,21,22,23,24,
25;64:1,2,3,4,5,7,10,
18,21;65:9,22;66:3,
5,8,11,18,19;68:2,6,
8,11,13,14,15,16,17,
18,19,20,21,22,24;
69:9,10,12,18,20,21,
22,23,24,25;70:1,2,3,
4,6,15;71:7,10,21;

72:18,25;73:8,9;
74:19;75:6,21;76:13,
20,25;77:3,10,12;
78:1,3,6,11;79:16,20,
23;80:1,5,9,12;
83:11,24;84:6,11;
85:21,24;86:5,11,12,
14,16;87:3,14,17,22;
88:1,6,8,10,15,23,24;
89:7,10,20,24;90:2,8,
18,23;91:2,10,13,14,
17;92:9,15,17,18,19,
20,21,22,23,24,25;
93:1,3,4,18,19,23;
94:3,21,23,24,25;
95:1,2,3,4,5,6,7,9,19,
20,21;96:3,5,7,17,19,
20,21,22,23,24,25;
97:1,2,3,5,8;101:4,
17;102:4,7,23;103:3,
12,22;104:3,7,9,11,
25;105:16,21;
106:25;107:11;
108:5,20,22;109:1,9,
10,11,15;110:18,21,
23;113:13,16,21,24;
114:3,6,11,16,23;
115:1,6,10,13,18,19,
21,23;116:5,11,13,
16,18,21,24,25;
117:2,4,6,9,11;119:2,
5,7,9,11,13,16,19,20,
21;124:5,6,7,11;
127:23;128:16,19,
21,24;130:12,18;
147:15,18,21;
149:22;150:6,21,22,
24;151:1,2,3,4,5,6,7,
8,9,10,12,13,15,22,
24;152:2,4,7
Councilmembers (1)
71:23
Councilperson (3)
14:2;34:5;150:8
councils (4)
37:3;41:7;143:18;
146:23
Council's (2)
34:24;108:21
Councilwoman (2)
61:22;152:2
counsel (1)
134:21
counseled (1)
123:2
count (1)
122:3
counted (1)
25:23
counties (2)
37:3;145:10
counting (1)
145:24
country (1)
105:6
county (7)
37:2;41:7;73:16;
109:4;142:10;
143:16;145:10
couple (11)
16:23;21:3,7;
80:13;82:22;120:10,
12,13,23;121:19;
140:4
course (4)
30:24;72:12;
104:19;134:16
court (1)
5:15
courtroom (1)
134:15
coverage (5)
14:14,17,21;17:11,
13
CR (8)
14:1;15:14,20,23;
17:5;18:6,19,24
Crawford (4)
128:2,2;129:2,4
create (3)
71:13;73:3;144:5
created (9)
72:15,16;73:6,14,
17,20;91:19;107:8;
144:14
creating (2)
70:18;137:16
crisis (1)
16:13
criteria (2)
92:5;119:6
criticizing (2)
38:7,9
Cross/ (1)
17:12
Cross/Blue (3)
13:22;14:4;15:16
cultural (1)
133:6
curb (1)
129:23
curious (1)
128:12
current (10)
18:8;22:3;71:18;
93:6;111:23,24;
112:6;113:22;
114:22;120:20
currently (9)
14:13;18:8;47:7,
10;49:15;74:7;98:1,
4;118:9
cutting (2)
12:9,17

D

daily (1)
105:7
danger (1)
138:5
dangers (1)
137:15
Darlow (1)
113:12
dash (3)
60:1,4,20
data (11)
81:5,5,16;83:1;
85:9;86:8,9,19;88:1,
3;118:10
date (7)
18:5;22:18,24;
92:6;94:12,13;115:9
dated (2)
50:14;93:16
dates (2)
78:9;92:4
day (13)
81:6;83:13;
100:10;103:15;
104:1,4,8,24;106:11;
126:2;127:6;148:14;
152:23
daylight (1)
67:2
days (3)
107:17;145:7,12
DC (1)
78:8
DDA (5)
72:4;75:12,20,25;
77:2
deadline (2)
29:15;91:25
deal (8)
20:11;23:17,18;
74:2;102:15;116:8;
139:18;140:18
dealing (7)
36:25;37:4,12;
143:17;146:19,20,25
dealt (1)
23:16
decide (6)
32:9;40:23;47:8;
65:15;73:18;118:23
decided (1)
12:20
decides (3)
38:18;53:9;73:21
decision (5)
49:15;53:10;
76:19;77:7;105:25
decisionmakers (1)
51:10
deem (1)
84:15
deemed (1)
67:13
deep (1)
56:15
defeated (1)
5:1
defend (1)
57:2
defendants (1)
134:10
defending (2)
136:20,23
defense (4)
134:13,16,17;
135:1
defer (1)
119:22
defi- (1)
98:4
defies (2)
123:7,15
define (5)
97:11,11;98:21,22;
99:14
defined (1)
103:9
defining (5)
65:8;97:23;98:23;
101:6;117:22
definite (1)
46:13
definition (4)
63:5;65:25;98:13;
100:5
definitions (3)
63:8;98:5;100:13
defray (1)
14:24
degrees (1)
120:22
Dekalb (2)
109:4;142:11
delivered (1)
104:10
demean (1)
142:23
demonstrate (1)
9:25
deny (1)
28:3
depart- (1)
15:8
department (9)
15:9;25:16;57:3;
67:8;70:23;76:16;
130:5;132:13;135:22
departments (1)
118:11
dependents (1)
17:3
depends (2)
115:1,7
descending (1)
133:19
description (1)
145:17
designate (1)
110:7
designated (2)
65:20,21
designating (1)
110:22
designed (1)
66:13
desperate (1)
108:25
detail (2)
7:11;119:1
detailed (1)
20:20
detection (4)
83:17,20,21,23
determination (1)
98:15
deterrent (1)
83:18
Development (13)
70:18,24;71:8;
72:2,9,14,22;73:14,
15;74:9,13,23;75:3
dictate (2)
34:4;98:9
difference (7)
14:11,12,14;16:13;
33:10;45:25;107:3
different (12)
24:15;28:7;41:3;
54:25;74:14;75:11;
84:13,18;85:5,5;
118:11;122:18
differently (1)
38:23
difficult (2)
118:23;150:17
dig (3)
78:3;80:1,7
digested (1)
37:18
Digitel (2)
113:24,25
dime (1)
82:20
direct (1)
126:23
direction (1)
137:15
director (4)
37:14;38:12;
50:24;144:23
disagree (3)
55:23;56:12;78:1
disbelieve (1)
50:15
disclose (1)
143:2

discontinued (2)
111:23,25
discouraging (1)
141:11
discretion (6)
28:4,22;29:3;
30:14;32:11;143:6
discus- (1)
133:1
discuss (8)
14:18,23;25:16;
36:24;37:8;61:25;
71:20;77:5
discussed (7)
6:2;44:10;58:25;
62:7;63:3;141:9,10
discusses (1)
144:1
discussing (3)
44:21;103:5;119:1
discussion (21)
4:10;24:24;26:10;
36:2;42:3;43:4;
46:11;48:5;53:24;
54:7;55:19;69:13;
70:16;71:6,17;75:19;
92:10;94:16;96:6,12;
97:16
dishes (1)
139:8
disorderly (1)
67:5
disregard (1)
123:5
dissenting (1)
5:1
Distinction (2)
91:20;92:7
distraction (1)
106:12
distraught (1)
139:24
document (1)
21:1
documents (1)
146:12
dogs (1)
139:6
dollar (4)
53:16,18;54:21;
103:6
dollars (3)
13:16;22:9;143:16
donations (1)
109:21
done (24)
10:1,5;11:23;13:9;
31:4;33:3;36:21;
94:10;95:12;105:5;
122:7,8,12;126:1,19;
127:8;129:18;
131:13,21;139:5;
146:22;148:24;
150:4,17
Donna (1)
97:7
Doraville (29)
8:4,23;9:22;11:23;
14:5;33:7;37:19;
42:17;67:7;70:17;
75:18;76:5,11;91:19;
92:7;114:4;118:9;
125:5,16;126:7,9;
127:11;132:19;
133:21;135:9;
143:22,23;145:7,20
Doravillian (1)
132:1
DOT (1)
145:9
down (28)
13:4;16:14;39:23;
46:5,7;50:5,9;53:20;
54:21;60:9,14,19;
71:3;79:1;86:22;
89:3;95:11;109:2;
112:4;115:15;
122:21;129:19,20;
130:2,16;136:19;
139:21;140:16
Downtown (8)
70:8,18,24;71:8;
73:15;74:12,23;75:3
Dr (4)
7:19,19,22;8:9
draft (6)
46:1;59:22;62:5,
16,20;119:7
drafts (2)
52:4;62:18
dramas (1)
128:8
drastic (2)
56:19;87:10
Drive (3)
129:19;130:17;
135:23
Driver (3)
80:14,19;81:2
driver-feedback (1)
91:6
drop (1)
110:24
drop-off (3)
81:20;109:16;
110:3
dropped (1)
109:25
dropping (1)
60:1
drug (1)
78:22
due (1)
31:10
DUG (1)
133:11
Dunwoody (3)
82:23;87:9;91:12
duplicative (1)
99:21
DURANT (4)
9:16,19;11:5,12
Durants (2)
9:21,23
during (4)
67:2;69:3;87:11;
121:2
duty (1)
143:2

E

earlier (9)
36:14;40:20;
117:15;140:4,8;
142:3;144:18;
146:14;147:7
early (2)
133:19,20
easy (1)
84:18
edition (2)
143:17,19
educate (1)
76:18
educated (2)
77:7;146:24
education (1)
39:6
educational (7)
37:10,12;38:3,5,
10;40:6,13
effect (5)
18:7;20:9;21:16,
20;31:5
effective (6)
18:5;22:4,18,19,
24;80:22
effectively (1)
100:21
effects (1)
25:3
effort (2)
121:16;140:20
eight (3)
42:2;110:19;
111:24
either (16)
23:2,14,22;24:4;
33:22;52:4;60:17;
73:5;75:2;78:22;
80:5;112:12;127:4;
128:17,18;129:7
elect (2)
98:6;100:19
elected (7)
37:16;41:11;
106:3,10;143:1;
144:3,14
element (1)
22:9
elephant (1)
135:4
else (8)
13:1;50:20;83:10;
111:17;114:19,25;
134:2;150:5
elsewhere (1)
136:7
elucidate (1)
51:21
e-mail (8)
30:3,5;33:13;80:2;
90:22;96:10;128:21;
150:2
e-mails (3)
147:24;150:2,5
emergencies (1)
99:5
emotions (1)
123:12
employee (10)
14:24;16:7,17;
17:14;18:17;22:4;
24:6;25:3;106:14;
113:2
employee-only (1)
16:5
employees (11)
14:13,21;15:3;
16:12,24;18:12,21;
22:16,20;24:9;25:16
employee's (2)
16:7;19:18
end (2)
137:20;147:2
enforced (1)
27:6
Enforcement (1)
67:7
engineering (1)
99:4
English (10)
12:3,8;13:2;63:11;
65:14;82:1;84:1;
129:19;130:2,17
English-language (1)
29:18
enjoy (1)
127:20
enlighten (1)
97:22
enough (3)
29:19;110:24;
125:15
ensure (1)
13:5
entire (6)
20:23;60:3;67:12;
112:3;137:12;150:11
entitled (1)
107:22
environment (2)
76:3;144:6
envisioned (1)
84:19
episode (1)
140:9
equate (1)
17:15
equipment (2)
90:21;118:21
error (1)
4:14
errors (2)
25:23;26:7
especially (2)
87:6;130:9
Essentially (11)
24:5;28:20;29:1;
44:19;61:9;67:1;
74:13;98:11;99:14;
103:23;139:5
established (2)
7:21;72:6
establishing (1)
76:24
Estates (3)
129:13;130:21;
137:12
estimate (3)
107:25;148:18,23
et (6)
21:24;33:17,17;
46:11,11;67:9
ethical (1)
37:5
ethics (35)
36:21;38:12;
42:16;124:24;125:3;
130:23,25;131:14,
20;134:5,8,11,12,20,
24,25;135:5,6;
136:14,15,22;
137:22;139:18,23;
140:1,5,10,11,20,21;
141:10,16;142:7,8,
10
Eve (1)
112:18
even (14)
27:12;32:19,25;
85:5;100:24;101:1;
102:5;111:16;
117:14,15;123:16;
127:10;146:3;152:9
evening (1)
129:15
event (5)
66:1;111:7,11,16;
112:9
events (4)
111:8,13;112:14;
113:3
eventually (1)

23:13
everybody (6)
20:1;46:7;55:3;
72:19;136:8;139:7
everybody's (2)
19:22;117:16
everyone (5)
7:18;12:12;17:9;
31:11;41:8
exactly (7)
33:21;78:21;
80:10;87:16;98:23;
109:9,10
example (1)
75:23
examples (2)
99:17;100:20
excellent (1)
117:1
except (2)
105:10;150:5
exceptions (1)
98:12
excess (3)
103:19;104:13,15
excessive (1)
99:22
excited (1)
85:4
excluding (1)
59:15
exclusive (1)
99:24
Excuse (1)
151:17
exemption (3)
107:23,24,25
exercise (1)
143:6
exercised (2)
30:13;32:11
exhibition (1)
124:23
exist (2)
60:2,5
existing (1)
102:17
expand (1)
100:5
expenditure (1)
104:23
expenditures (5)
88:11;103:18;
104:13,14,24
experience (1)
99:20
expertise (1)
20:21
experts (2)
71:12,19
explain (1)
126:20
explained (2)
51:6,17
explaining (1)
98:22
explanation (1)
128:14
extend (4)
54:14;92:4,6;
95:17
extending (2)
24:16;102:17
extenuating (4)
100:1;101:1;
102:24;108:14
extra (5)
11:21;24:17;71:2;
88:4;145:3

F

fabrications (2)
121:18,24
facilities (1)
67:2
facility (2)
67:3;74:4
fact (7)
11:15;21:5;34:10;
40:19;41:9;71:25;
101:22
facts (3)
30:3;140:14;143:2
factually (1)
29:12
failed (1)
5:11
fair (5)
32:14,18;142:15;
144:8,9
fairly (1)
144:2
fairness (1)
147:12
faith (1)
107:25
Falcons (1)
8:21
fall (1)
138:8
familiar (3)
82:23;129:5,7
families (2)
110:11;129:22
family (7)
16:7,8;17:5,16;
110:5;132:15,16
fantastic (1)
111:14
far (16)
20:11;33:22;34:3;
41:12;53:15;72:1;
76:17;77:10,15,18;
90:24;101:23;
115:14;118:16;
121:6;145:12
fashion (1)
37:1
fast (5)
81:4,6,17,22;
144:16
favor (9)
16:12;39:23,25;
76:14,25;77:2;93:8;
109:12;118:25
features (1)
117:12
February (3)
78:5;80:6;149:24
fee (2)
51:19;54:15
Feedback (4)
80:14,19;81:2,18
Feedler (6)
129:12,12;130:11,
12,16;138:19
feel (10)
24:14;53:8;54:25;
76:5;83:7;95:11;
102:5;123:9;127:5;
135:3
feeling (1)
127:9
feelings (1)
131:2
feels (1)
17:10
feely (1)
120:12
Fees (5)
44:9,11,14,23;
55:10
feet (1)
136:2
fell (1)
91:21
fellow (1)
141:2
felt (5)
38:19;95:13;
111:17;113:19;147:8
few (7)
8:9,15;13:21;
21:12;41:18,18;
109:4
fifty (2)
58:23;59:4
figures (2)
15:22;56:6
file (4)
135:5;137:23;
149:17;150:15
filed (2)
131:14;149:22
filing (1)
134:24
films (1)
133:4
final (7)
13:4;50:8,9,14;
51:10;52:1,18
finally (1)
13:14
finals (1)
52:4
financial (1)
16:13
find (6)
61:6;79:14;83:9;
111:19;134:17;
140:22
fine (10)
5:16;20:7;34:14;
44:6;45:20;55:3;
77:9;114:14,15;
118:3
finish (1)
52:21
finished (2)
52:23;139:9
firm (1)
138:6
first (25)
5:11;8:15;21:20;
29:8;31:2;32:24;
44:13;53:10;55:19;
63:15;76:8;77:25;
79:9;84:2;85:15;
119:7;121:1;124:15,
17;126:13;130:14,
22;140:13;144:24;
150:7
fiscal (2)
20:10;21:17
five (18)
17:6;25:23;34:11,
20;35:21;37:21,23;
41:19;62:17;91:20;
103:25;104:16,17;
120:8;129:22;
141:24;142:17;
145:10
Five-minute (2)
70:9;120:7
fix (4)
25:24;97:18,18,19
fixed (1)
13:14
flashing (1)
81:15
flat-out (1)
32:8
flat-rate (1)
4:20
Fleming (102)
3:9,10;4:4,5,25;
7:1,2;9:7;10:8,18,19;
14:10;15:18,21,25;
16:3,4,25;17:9;
18:14;19:9,10;24:23;
26:20,21;35:10;36:7;
41:21;43:14,15;
44:25;45:4;46:25;
48:25;49:1,2,18;
50:7,13,18;51:9,13,
25;52:12,14,16,23;
55:7;57:14,15;58:14,
22,24;59:4,7;60:8,
13;61:22;63:24,25;
68:16,17;69:10,12,
23,24;76:13,21,25;
86:12,15,16;89:20,
24;92:20,21;93:18;
95:1,2;96:22,23;
109:9;113:21;
116:21;117:2;
118:14;124:7,11;
128:16;130:12,18;
140:23;147:15,18,
21;151:4,5,14,25;
152:3,4,7
flip (1)
106:24
Florida (1)
9:24
flyer (1)
80:16
flyers (1)
138:18
focus (2)
65:11;133:17
focused (1)
75:16
follow (3)
32:16;61:5;107:6
following (4)
100:21;131:19;
138:14;146:7
follows (1)
67:1
food (3)
11:21;132:13;
139:7
forced (1)
23:17
forfeiture (2)
83:6;88:12
forgot (1)
138:10
form (3)
25:12;99:13;106:8
formal (2)
124:23;125:4
format (1)
28:18
forms (2)
100:23;136:9
forth (1)
28:7
forum (2)
76:14;77:1
forward (8)
20:16;24:22;
28:16;80:24;85:13;

109:14;116:14;118:9
found (5)
82:6;99:13;
111:22;131:7;141:11
Foundation (1)
144:24
four (12)
14:6;82:17;86:18,
20,25;87:1,19,20;
88:4;90:4,5;129:22
frame (4)
107:1,2,5,16
frankly (1)
114:9
Fraysse (7)
130:20,20;137:11,
11,14;138:4;140:2
Frederick (2)
120:2,2
free (2)
133:1;143:6
Freeman (1)
4:21
Friday (1)
33:14
friend (2)
11:17;131:4
friendly (1)
80:18
Friends (1)
132:19
Frisbee (1)
66:1
front (6)
21:10;31:14;
34:19;131:3;136:19,
23
full (1)
29:3
function (2)
88:25;89:8
funding (3)
74:8;80:23;110:9
funds (1)
76:24
furnish (1)
99:25
furnished (1)
37:15
further (1)
62:7
future (4)
112:23;114:12,13;
133:22

G

gadfly (2)
132:3;142:4
garden (2)
72:2,5
gardening (1)
120:15
Gardens (2)
70:17;133:11
Gary (1)
4:22
gave (1)
91:20
Gene (1)
123:24
general (4)
66:25;100:14;
118:7;149:18
generally (1)
62:4
General's (1)
146:8
gentleman (1)
27:8
gentlemen (1)
57:25
George (30)
34:9;35:20;36:12;
37:11,22;38:6;39:1,
8,11;40:9,14;41:4,
15;124:25;125:6,9;
139:22;141:23;
142:1;147:4,20;
148:6,13,16,20,25;
149:3,6,8,14
Georgia (7)
75:23;84:14;
90:15;142:20;
143:24;144:15,24
gets (4)
100:16;121:8;
135:13;140:17
Ginny (1)
130:24
given (7)
14:4;44:2;106:22;
108:11;109:23;
142:17;148:17
giving (5)
28:20;30:8;
107:21;135:23;
147:11
glad (8)
18:24;36:16;
40:19,21;88:13,17;
108:19;149:3
glass (1)
110:14
glue (1)
121:15
GM (2)
77:18;79:12
GMA (4)
37:12;39:22;75:9;
143:23
goblet (1)
104:17
goes (2)
112:4;121:1
good (37)
8:21;9:16;20:15;
21:13;31:20;37:19;
41:10,11;54:11;55:4;
65:12;75:25;76:4,10;
83:1,25;84:7;85:9,
16;88:19;93:13;
103:17;107:25;
109:18;111:2;
119:12;120:18;
126:19;127:6,13,19,
20;132:10,11;
133:21;138:10;140:3
gosh (1)
144:19
govern (1)
74:25
governing (1)
98:16
government (14)
37:7;38:12;41:5;
73:17,21;98:10;
106:8,14;126:6;
135:15;136:9;138:7;
142:6,6
governments (1)
99:8
grabbed (1)
122:19
graciously (1)
15:11
grade (2)
89:5,11
graduated (1)
8:16
grand (3)
12:7;104:16,18
granted (1)
27:24
grass (2)
130:1,7
grateful (1)
9:3
gratitude (1)
9:25
grave (1)
124:1
great (6)
65:23;75:23;
78:23;111:5,13;
119:15
greatest (2)
84:23,24
greatly (1)
9:3
GREENWAY (2)
125:23,24
grill (1)
139:7
group (5)
12:20;38:12;
65:11;132:17;133:10
groups (1)
38:13
guaranteed (1)
74:13
guess (5)
65:13;78:25;92:3;
128:11;141:15
guidance (1)
99:7
guidelines (7)
97:13,20;100:22;
101:2;102:5;107:9;
108:13
gun (1)
89:1
guns (1)
89:4

H

Haeberlin (7)
50:24;51:6,16;
96:8;122:19,22,23
half (4)
25:6;135:12,13;
150:3
Hall (17)
67:4;70:22;75:8,
19;77:12,15,17,23,
24;79:4,6,13;106:10;
116:1;122:16,21;
128:17
hallway (2)
32:25;110:17
halt (1)
106:14
hand (1)
122:20
handcuffs (1)
122:11
handle (1)
152:15
handled (2)
141:7,9
handling (1)
37:5
happen (3)
20:21;71:25;92:2
happened (9)
44:20,20;46:8;
121:13;122:14;
123:18,19;128:11;
139:24
happening (1)
132:11
happens (3)
18:11;49:13;
121:22
happy (1)
133:16
harassing (2)
112:11;116:6
hard (4)
11:20;126:4;
127:14;135:25
hard- (1)
121:14
harder (1)
150:19
hardware (2)
113:9,17
hardwire (1)
84:13
hardwired (1)
84:14
Hart (14)
121:2;122:8,9,22;
123:4;131:4,10,22;
135:3,3;137:2,8,23;
139:18
Hart's (1)
137:15
hate (1)
140:1
head (4)
15:9;34:13;81:25;
88:14
heads (2)
15:9;25:16
hear (3)
37:19;132:7;135:7
heard (4)
75:5;78:13;142:3;
147:2
hearing (4)
69:1,2;134:9;
140:21
hearings (2)
69:3,5
hedge (1)
101:2
held (1)
134:9
hell (2)
129:21;136:4
help (7)
14:24;71:12;
105:24;109:20;
131:6,7,8
helped (1)
123:1
helpful (3)
47:6;66:23;83:20
helping (1)
133:15
hereby (1)
34:8
Here's (2)
84:11;106:24
hey (1)
78:25
hidden (1)
23:10
hide (1)
33:21
high- (1)
14:5
highlight (1)

22:10
highway (1)
101:14
hill (1)
129:20
himself (1)
122:25
hired (2)
93:20;122:1
Hold (4)
64:13;77:20;
143:1,12
holding (1)
70:21
hole (1)
94:11
Hollie (1)
144:23
home (2)
23:5;109:21
honest (2)
121:14;142:25
honestly (1)
52:1
honesty (4)
120:24;121:23;
123:6;144:6
honor (2)
8:12;11:6
honored (1)
9:2
honoring (1)
9:18
hope (3)
27:5;133:17;138:5
hopefully (3)
105:3;106:19;
108:23
hoping (2)
20:8;63:9
horseshoe (2)
65:16,18
horseshoes (2)
66:1,14
hot (1)
139:6
hotel/motel (1)
76:23
hotline (2)
111:14;113:3
hours (4)
24:7,10,10;67:2
house (1)
127:20
houses (1)
127:12
humiliation (1)
123:22
hun- (1)
58:20
hundred (3)
24:10;139:6,6
hung (1)
131:15
hurt (1)
116:17
Huynh (5)
7:17,19,19,22;8:9

I

idea (14)
32:23;65:12;66:7;
76:4,10,11;84:7;
88:19;111:13,14;
118:7;122:11;128:8;
132:14
ideas (2)
101:23;118:16
ignored (1)
136:13
illegal (1)
140:12
illustrious (1)
122:18
imagine (1)
11:19
important (8)
102:25;107:3;
112:4;116:9;133:16;
144:2;145:4;146:3
imposed (1)
109:6
impression (1)
40:8
Inaudible (1)
35:10
including (1)
87:23
incoming (1)
117:16
increase (5)
14:20,23,25;15:11,
15
incurred (1)
103:19
indicate (2)
18:17;116:22
indicated (1)
50:10
indifferent (1)
31:20
individual (2)
38:5,7
individuals (1)
147:10
information (29)
14:3;37:10;39:5;
80:20;81:2,8,23;
82:11;83:12;87:12;
97:12;105:22,23,24;
106:4,6,16;107:16,
19,22;108:1,10;
116:17;129:10;
135:7;145:12;149:9;
150:9,9
informed (1)
146:22
initial (2)
85:3;131:24
innuendo (1)
140:15
input (2)
77:18;113:18
inside (2)
136:10;144:12
inspect (1)
146:11
inspection (2)
13:4;145:18
installed (1)
115:20
instance (4)
34:7;103:10;
117:18;145:5
instead (1)
118:5
Institute (2)
37:14;143:20
insurance (2)
13:21;16:16
integrity (4)
120:25;121:24;
123:6;144:6
intended (2)
40:10;49:23
intent (2)
46:3;77:4
intention (1)
47:14
interacting (1)
36:4
interest (3)
139:1;143:8,12
interested (3)
70:21;76:15;78:16
interesting (3)
81:1;132:2;133:6
interests (1)
144:3
interfere (1)
131:9
interpret (1)
32:2
interpretation (2)
28:24;34:3
interpreted (1)
38:23
interrupt (2)
45:12;77:14
into (20)
7:11;13:7;20:9;
24:13;28:9;30:12;
46:2;54:16;56:15;
71:17;76:8;80:22;
84:14;111:18;
119:23;132:7;
133:19,20;138:8,22
introduce (1)
7:18
introduced (1)
136:18
invoice (1)
103:8
invokes (1)
123:12
involved (4)
7:12;22:9;27:20;
142:12
involvement (1)
120:14
involves (1)
65:25
irate (1)
125:2
irons (1)
122:11
issue (2)
90:16;131:13
issues (3)
42:16;74:5;76:7
item (34)
7:12;28:10;29:9,
14;31:1;34:15,16,24;
35:5,7;49:25;50:3;
58:5,9,18,20;59:10,
10,14,24;60:6;61:2,
16;63:2;70:20;82:8;
91:17;93:5;95:16;
98:18;99:25;109:16;
129:25;148:8
items (15)
29:4;36:20,24;
37:5;39:24;41:24;
52:17;56:10;74:18;
80:13;120:6,7;
129:14;144:22;
148:17
item's (1)
61:24
itions (1)
98:5

J

January (9)
22:19,19,25;23:20;
77:16;78:4;80:6;
112:15;149:23
JENKINS (157)
3:2,18,21,23;4:16;
5:2,4,8,17,23;6:4,15,
18,20;7:16;8:13;9:6,
12,17;10:10,12;11:2,
7;12:3,16,20,24;
13:6,12,18;16:18;
17:18;18:22;19:2,18;
20:13,17;21:6,11;
23:19,24;26:10,14;
27:7;29:23;33:6,10;
39:14,18;40:6,11,25;
41:13;42:4,11,19;
43:4,8,24;44:3,7;
45:6;46:20;48:5,9,
12,19;55:4;56:14,24;
57:8,24;62:25;63:16,
18;64:8,12,17,20,24;
65:4;68:1,3,7,10,25;
69:11,13,17;70:7,13;
73:6,11;77:9,11;
79:10,18,22,25;80:3,
7,11;89:15,19;92:10,
14;94:1,7,20;95:14,
16,22;96:4,6,12,16;
97:6;103:17;108:2;
120:1,6;124:3,9,12,
17,19;125:18,22;
127:22;128:20,23,
25;129:3,8;130:9;
133:23;134:2;
136:25;137:4,10,13;
139:13;141:22,24;
147:3,14,16;149:19;
150:20,23;151:17,
20;152:1,8,13,17,20
Jimmy (1)
94:14
job (6)
10:5;94:10;
117:21;131:21;
140:4;150:17
Joe (1)
106:10
Jones (10)
13:18,20;14:1;
15:14,20,23;17:5;
18:6,19,24
joy (1)
126:11
judgment (1)
143:6
July (8)
18:6,10;20:9;
21:16;22:4,25;25:13;
78:9
jump (2)
64:19;129:23
jumped (1)
131:20
June (5)
12:9;33:14;59:22;
92:1,6
jury (1)
134:15
justice (1)
122:7

K

keep (7)
19:25;55:8;62:23;
125:25;127:19;
128:6;146:18
keeping (2)
15:3;46:14

Kelly (3)
9:13,19;82:15
kept (1)
121:15
kids (2)
110:12;127:17
kind (20)
16:15;24:21;
44:11;46:12;72:3;
97:15,21;98:21;
101:24;103:1;
118:19;119:5,13;
120:11;123:12;
128:9;132:3;138:8;
147:11;150:16
knew (1)
123:25
knowing (1)
81:17
known (1)
22:11
knows (5)
25:3;31:11;110:4;
117:10;135:18
Koontz (14)
64:25;65:2,6,10;
66:2,4,6,9,16,20;
67:15,17;134:3,3

L

label (1)
110:25
lack (1)
121:23
ladies (1)
57:25
lady (1)
135:25
laid (1)
133:12
land (1)
133:14
language (7)
22:14;51:24;58:3;
66:12;67:5;104:14;
131:14
large (2)
24:12;78:13
larger (1)
85:11
last (29)
8:22;31:6;42:23;
44:10,12;49:10;
50:17;53:3;54:5,8,
13;58:8,17;59:13,14;
65:24;72:3;91:19,21;
111:7;113:17;
120:10,13;126:14,
25;128:7;129:2;
137:17;142:4
lasts (1)
86:2
late (1)
133:7
later (4)
40:17;56:2;
101:18;131:7
latitude (1)
101:9
law (19)
31:21,24;32:2,3;
36:22,23;61:4;73:20;
98:8,13,20;99:7;
101:11;123:11;
145:15;146:5,25;
148:11,21
laws (1)
121:6
lawyer (3)
123:23;126:13;
140:21
lay (1)
46:23
layman's (2)
126:18,19
lays (1)
24:21
lead (1)
97:16
leader (1)
7:21
leaders (1)
143:13
learned (1)
133:12
learning (1)
122:3
least (7)
15:11;24:20;
66:24;74:12;106:16;
116:4;141:12
leave (7)
22:14,18;23:25;
100:25;101:5;121:8;
149:4
leaving (1)
108:16
leeway (1)
100:25
left (1)
113:17
leg (1)
122:11
legal (11)
4:22;27:16;32:12;
35:2;99:3;101:16;
107:4;125:13;
126:16;128:5;134:20
legally (1)
101:9
legislative (1)
74:25
legislature (3)
72:16;73:13;75:4
legitimate (1)
106:17
length (2)
39:24;65:24
lengthy (2)
40:5;130:25
less (3)
56:5;65:25;94:13
letter (3)
15:23;18:15,16
letters (1)
49:20
letting (1)
31:9
liability (3)
22:13;23:11;24:12
Library (1)
132:19
lie (1)
140:14
life (2)
123:7;127:20
lighted (1)
14:6
liked (2)
63:14;97:14
limbo (1)
79:11
limit (4)
17:6;80:15;81:10,
11
limitations (1)
103:24
line (7)
59:15;60:3;105:6;
112:17;113:2,7;
133:13
lined (1)
12:15
lines (5)
112:5;113:1;
115:25;128:4;136:3
lingered (1)
131:15
list (6)
25:2;90:24;91:3,5;
105:12;148:1
listed (2)
45:13;56:8
listen (1)
125:15
listened (1)
136:22
listening (1)
134:16
listing (1)
63:5
literature (1)
76:17
little (11)
16:16;24:14;53:5;
55:5;71:24;82:7;
108:3;118:6;127:6;
128:11;138:18
live (4)
27:12;121:21;
127:11,15
lived (1)
126:9
Lively (1)
123:24
lives (1)
138:19
Livingston (7)
36:8;42:1;120:8,
10;129:3,4,9
local (4)
73:17,21;98:10;
99:8
locally (1)
113:25
locating (1)
78:14
long (6)
32:6;46:10;67:17;
109:13,14;138:15
look (9)
5:13;8:2;55:20;
62:5;80:22;101:20;
108:16;118:4;127:13
looked (5)
30:13;45:24;
50:16;91:24;113:18
looking (6)
13:16;14:7;33:12;
49:11;78:14;83:2
looks (1)
136:8
loophole (1)
141:11
loopholes (3)
108:13;109:3;
140:22
lose (1)
75:3
losing (1)
52:21
lot (26)
13:15;20:5,5;
23:11;27:14;37:12;
41:17;70:16;72:13;
76:7;102:21;123:20;
131:1;132:9,10,11,
15,23;133:5,21;
135:8;143:20;146:4,
15,21,22
lots (1)
137:20
love (1)
8:13
lower (1)
142:23
loyalty (1)
143:3
lucky (1)
75:13
Luke (3)
117:5;140:24;
141:5
Luke's (2)
140:6,25
lunch (1)
132:12

M

ma'am (10)
19:3;39:11;
124:21;125:1,6,22;
130:17;137:10;
148:6,13
machine (1)
104:21
mail (1)
80:16
main (4)
21:14;23:9;70:25;
75:20
maintain (1)
118:21
maintaining (1)
82:20
maintenance (2)
82:19;130:4
majority (8)
27:5;28:14,22;
29:6;32:13;34:24;
35:17;106:17
makes (3)
33:10;135:19;
150:19
making (7)
24:16;32:4;51:14;
66:4;87:4;123:2;
137:6
manage (2)
71:13;117:8
manages (1)
70:24
Manheimer (1)
144:23
manner (1)
37:6
manual (2)
19:19;22:4
manuals (1)
25:9
manufactures (1)
82:9
many (8)
8:19;17:3;71:11;
117:12;131:2;
133:16;142:7,7
March (2)
50:14;149:24
Maria (1)
62:25
married (2)
16:21,23
material (4)

38:3;106:13;
131:23;143:2
materials (3)
37:15;41:17;76:17
Mathis (1)
4:21
mative (1)
5:16
matter (6)
17:3;27:24;51:2;
89:10;141:10,11
matters (1)
33:9
Maxwell (1)
113:15
may (16)
14:11;22:16,20;
28:1,3,13;29:5;67:3;
76:3;78:19;85:10;
91:25;93:16;107:18,
19;114:7
maybe (13)
21:7;24:16;40:4;
41:19;55:1;90:21;
105:10;114:12;
115:10;118:6,14;
127:10;139:3
MAYOR (224)
3:2,18,21,23;4:16;
5:2,4,8,17,23;6:4,15,
18,20;7:10,16;8:3,
11,13,24;9:3,6,12,17;
10:10,12;11:2,7,14;
12:3,14,16,20,24;
13:6,12,18;14:1;
16:18;17:18;18:22;
19:2,18;20:13,17;
21:6,11;22:6;23:19,
24;25:1;26:10,14;
27:7,21,21;28:2,12;
29:2,10,23;30:12;
31:11,13,25;32:8,11,
18,20;33:3,6,10;
34:4;38:8;39:14,18;
40:6,11,18,25;41:4,
13,20,21;42:4,11,19;
43:4,8,24;44:3,7;
45:6;46:20;48:5,9,
11,12,19;49:16,25;
50:3,18;53:8;55:4,
12;56:14,24;57:8,24;
58:5,9,15,18,20;59:9,
24;60:3,6,14,19;
61:14,15;62:25;
63:16,18;64:8,12,17,
20,24;65:4;68:1,3,7,
10,25;69:11,13,17;
70:7,13;73:6,11;
74:17;77:9,11;79:10,
17,18,21,22,24,25;
80:3,7,11;89:15,19;
92:10,14;94:1,7,20;
95:14,16,22;96:4,6,
12,16;97:6,24;
103:13,17;104:15;
105:1;108:2;117:17;
120:1,6;124:3,9,12,
17,19;125:18,22;
127:22;128:20,23,
25;129:3,8;130:9;
133:23;134:2;
135:19;136:11,25;
137:4,10,13;139:13;
141:22,24;146:1,15;
147:3,14,16;149:16,
19;150:20,23;
151:17,20,23;152:1,
8,13,15,17,20
mayors (1)
143:18
Mayor's (3)
18:16;20:7;28:22
McClave (2)
85:7,7
mean (34)
6:1;11:3;21:6,10;
24:13;33:19,20;
34:17;36:3;45:12;
61:1,4,5;64:19;71:2;
75:22;77:1,14;79:11;
90:10;91:11;101:8;
102:2;103:13;104:7,
19;117:11,12,13,14,
23;123:12;126:22;
150:16
means (2)
102:18;142:23
meant (1)
50:22
meantime (1)
24:12
mediator (1)
141:3
Medical (1)
8:17
meet (1)
99:23
Meeting (53)
3:2;27:22;28:13,
15,23;29:7;35:12,15;
36:16;41:20;42:12;
44:10,12;53:25;54:8,
13,14,19;59:1;65:24;
69:3;70:13,22;72:3;
75:8;77:16,17,23,24;
79:14;102:22;106:1;
108:9;118:15;119:1,
23;124:24;130:23;
131:11,19;133:8;
134:5,7;136:17,24;
139:19;140:12,21;
141:1;146:19;
152:12,16,22
meetings (18)
10:4;25:15;36:23;
37:16;54:7;77:13,15;
79:5,6;120:11,13;
121:1;140:5,11,19;
141:8;142:10;146:16
member (7)
74:14,21;106:4,5,
22;132:18;143:23
members (12)
8:11;28:14;29:6;
74:12,20;97:25;
131:20;132:15,16;
136:11;145:23;146:1
Memorial (1)
8:17
ment (1)
15:9
mention (3)
21:7;114:19;
138:11
mentioned (1)
74:18
merely (3)
70:20;71:6;77:3
message (1)
59:19
messages (1)
112:1
met (3)
32:23;44:10;82:8
microphone (1)
13:19
Middle (1)
87:15
might (19)
14:8;20:21;37:17,
18;41:3;74:7;83:8;
99:25;100:23;108:1,
15;111:10,12;
115:16;129:8;
138:16;142:2;
145:13;146:18
Mill (3)
82:2;85:14;127:16
million (1)
13:16
mind (7)
22:7,24;40:3;
65:13;66:10;125:25;
147:23
mine (1)
91:18
minute (2)
44:21;64:24
minutes (17)
3:19;5:13;6:16;
34:12,20;35:21;
37:21,23;41:19,19;
42:2;54:14;120:9;
137:7;141:25;
142:17;144:16
miss (1)
11:8
mistake (1)
123:8
misunderstanding (1)
85:19
mix-up (1)
44:12
mobile (2)
84:9,16
mobiles (1)
84:16
mockery (1)
122:7
mocking (1)
120:16
mode (1)
120:22
modified (1)
7:13
modify (4)
26:6;35:3;42:9;
47:22
modifying (1)
44:11
moments (1)
41:18
monetary (1)
22:13
money (15)
13:7,15;53:16;
54:10;74:9;84:7;
87:4;88:12,18;102:9;
105:2;110:1;114:10;
122:4;123:22
moneys (1)
88:20
monies (1)
83:6
Monroe (1)
75:23
month (5)
103:15;104:1;
105:15;122:15;133:1
monthly (3)
16:9;17:14;105:5
months (1)
115:25
more (27)
7:13;13:7;20:5;
24:7;26:2;51:3;55:5;
58:1,13;80:19;81:2;
84:25;85:11;87:5;
95:13;96:6;100:13;
102:21;104:11;
111:8,8;118:16;
119:1;133:22;
137:20,21,22
morning (1)
25:24
most (7)
36:25;98:9;
117:18;129:6;144:2;
145:4;146:3
motion (61)
3:19;4:15,19,22,
23;5:1,11,11,18,21;
6:2,6,12,15;10:7,8;
17:12;22:2;26:6;
30:25;35:19;42:9,14,
15,23;43:23;44:13,
21,23;45:7,22;46:16;
47:20,22;52:7;53:14;
55:10;56:20;57:1;
60:11,21;63:15;64:9,
11,12,22;68:3;69:4,
7;88:7;92:8;93:15;
95:14,22;96:1;
116:12,19;117:3;
119:22;124:4;150:20
motions (7)
5:6,10;7:15;44:13,
17;45:10,13
Mountain (2)
82:14,16
mouse (2)
100:15,16
move (8)
23:18;44:7;83:10;
84:18;85:13;116:14;
129:18;138:17
moved (5)
3:20;6:17;69:9;
96:3;150:21
moving (2)
109:14;132:9
much (15)
9:8;11:6,14,24;
39:13;51:22;54:10;
72:6;81:11;99:6,8;
103:21;105:14;
122:4;128:5
mud (1)
111:16
multiple (3)
85:10;104:4,24
Municipal (1)
143:24
municipalities (4)
56:4,11;71:13;
75:11
Murphy (2)
121:11;126:13
Murray (10)
5:8;19:20;20:13;
27:15,16;55:13;
101:22;126:13,14;
140:12
music (2)
113:6;138:22
must (1)
145:16
muttered (1)
131:5
Muzak (1)
113:6
myself (5)
34:6,8;52:7;76:18;
136:18

N

N0601 (1)
18:8
name (4)
8:22;125:23;
126:14,14
named (1)
27:8
names (1)
142:5
nance (1)
97:12
native (1)
8:18
nature (1)
66:14
near (1)
78:16
necessarily (1)
76:9
necessary (1)
24:25
need (50)
5:17,20,23;6:5,15;
11:17;18:5,12;19:22;
24:14,17,21;25:7,15;
42:25;46:20;53:20;
54:25;69:1;72:4,8,
25;85:10;87:7;88:7,
11,16,19;95:17;
97:11,17,19;101:20;
108:25;109:2;110:5;
116:11;117:10;
118:4,15;119:9;
120:17;121:8;
126:17;129:18;
148:10;149:16,17,
19;152:17
needed (4)
46:24;83:14;97:9;
109:13
needs (5)
23:3;60:21;93:12;
94:5;118:8
negative (1)
98:22
negotiated (1)
15:16
neighborhood (2)
133:9;138:20
neighborhoods (2)
84:22;87:6
Neighbors (2)
12:10;138:14
new (23)
5:18,21;8:4;18:10;
21:23;22:3;24:6;
25:13;52:12,13;54:2,
3;82:2;104:21;
110:10,12;112:2,8;
114:5;115:17;116:2,
23;130:2
news (1)
132:10
next (27)
34:8;40:4;41:20;
42:12;45:22;61:24;
80:13,14;93:5;94:4;
95:16,23;96:2,9;
101:19;102:22;
108:9;109:15;111:6;
116:15;118:15;
119:1,22;120:7;
133:2;152:11,16
nice (3)
13:16;110:11;
120:11
night (2)
131:18;142:13
nine (1)
65:25
nobody (1)
135:18
no-brainer (1)
87:4
nodding (1)
5:15
none (1)
141:3
non-elected (1)
53:11
nonresident (8)
27:25;29:4;30:19,
20;32:9,19;38:18;
39:2
nonresidents (1)
31:18
noon (2)
28:12;29:14
normally (1)
90:9
North (3)
82:25;87:9;134:3
notation (1)
51:4
note (1)
138:10
notes (1)
53:5
nothing's (2)
123:17;136:3
notice (1)
46:12
noticed (2)
14:10;28:8
nowadays (2)
117:12,13
number (14)
4:14;7:12;50:5;
63:2;68:25;81:6,8,
21;82:13,14;91:18;
117:24;119:23;
137:21

O

o0o- (1)
152:24
Oak (13)
12:3,8;13:2;63:11;
65:14;82:1;84:1;
89:3,4;129:19;130:2,
17;133:8
Oakcliff (10)
12:10;82:1;84:2;
85:15;128:3;129:12;
130:20;134:4;
137:11;138:13
oath (1)
143:9
objection (1)
67:11
objective (1)
28:18
obligated (1)
143:11
obligation (2)
143:3,9
obtaining (1)
146:20
obvious (1)
28:25
obviously (6)
36:3;66:9;72:11;
77:21;105:12;139:23
occasions (1)
28:7
occurrence (1)
55:13
occurring (1)
142:15
OCGA (2)
144:13;145:18
o'clock (6)
54:16;119:25;
138:13;139:19,20,21
off (16)
22:17;23:1,14;
33:19;34:13;40:18;
60:1;81:24;85:25;
86:1;91:21;108:4;
109:25;110:24,25;
144:15
offer (1)
76:17
office (11)
18:16,16;25:1,2;
94:9,11;127:1;143:9;
144:4;146:8;150:7
officer (1)
27:22
officers (1)
142:21
offices (1)
99:12
official (4)
29:17;53:11;
106:3,10
officially (1)
109:16
officials (9)
37:16;41:11;
73:17;142:6;143:1,5,
11;144:1,14
old (2)
23:2;132:21
ONA (1)
12:6
once (6)
21:22;35:3;51:16;
86:11;102:16;133:1
one (75)
4:16,19;5:22;13:8;
15:9;22:7,8;23:8,13;
25:4;26:1;27:21;
39:18;40:3,3,17;
46:14,21;50:17;
53:16,17,18;58:1;
59:18;61:6;74:12;
75:6,13,17;78:12;
80:14;81:15;82:16,
24;85:16;86:18;
90:10,10,13,14,17;
98:12,16;99:1,1,5,16,
22,24;100:24;
102:18;103:4,7,25;
106:7;112:14;
117:24;118:6;120:7,
15;121:1;125:14;
126:22;127:4;
128:18;135:10,12;
143:17;144:5;145:2,
6;149:4,5,6;150:6
ones (1)
145:3
one-sided (1)
134:23
one-year (1)
88:4
online (1)
112:14
only (28)
5:22;14:15;19:19;
22:21;41:10;45:10;
46:2;60:2,11,22,25;
61:8;67:2;74:20;
90:10,10,13,14,17;
98:16;99:6,16;
102:18;103:19;
112:7;128:4;134:15;
136:22
onset (1)
131:24
onto (1)
91:22
Open (32)
36:22,23,23;41:8,
11;42:17;53:19;
54:24;67:2;97:15;
98:8;105:17,19,23;
107:3,13,15;108:13;
117:20;118:19;
138:11;140:14;
144:18;145:5;146:5,
16,16,19,20;147:22;
149:23;150:15
opening (4)
12:7;63:11;130:3;
138:12
openness (2)
41:9;144:6
operate (1)
71:20
operations (1)
105:7
opinion (13)
27:16;29:17;
30:21;72:8;100:10,
10;101:16;102:8,20;
105:18;106:2,21;
121:9
opportunities (1)
80:23
opportunity (11)
10:3;31:18;36:19;
41:20;44:2;54:11;
71:24;74:8;105:1;
143:10;147:17
opposed (1)
98:23
option (1)
35:9
options (4)
13:21,24;14:4,9
order (11)
3:2;31:4;32:16;
63:12;70:13;86:21;
89:21,23;90:1,6;
105:9
ordered (1)
86:25
ordi- (1)
97:11
ordinance (14)
30:24;31:4,5,6;
32:5,14;46:1;51:19;
52:18;64:22;67:9;
97:23;107:8;126:5
organization (3)
76:24;80:17,18
original (1)
15:22
originally (2)
15:15;93:20
originate (1)
102:13
others (2)
142:11;143:25
otherwise (3)
67:3;146:5;149:17
ought (3)
72:9;79:5;106:22

ours (1)
81:3
ourselves (2)
138:8;143:25
out (60)
17:21;22:12;23:12;24:4;25:17;26:3;30:12;32:24;40:12;46:2,23;54:12;62:24;71:6;77:5;78:4,24;79:14;80:2,8;82:6;83:9;89:13;91:11,20;93:9;94:6,10;95:13;102:9;103:1;105:6;109:8;111:22;113:9;114:8,13,16;115:9,16;116:1,12,19;117:23;118:5,17;122:9,15,20;129:20,24;131:7;133:5,12;136:12;140:25;143:13,15;144:25;145:6
outdated (2)
111:23;115:22
outside (1)
136:10
outsiders (1)
137:16
over (28)
11:16;13:16;17:8;22:20;25:17;27:23;42:14;56:10;61:23;71:8;72:21;75:24;81:10,11;82:4;90:21;101:6;108:17;109:6,6,6;118:20;123:25;124:24;142:4;147:3,4;151:20
overall (3)
108:23;118:5,7
overcome (1)
76:8
overnight (1)
86:4
overseas (2)
109:20,23
overtime (2)
21:24;25:5
overviews (1)
75:12
owe (1)
125:16
own (1)
114:20
owner (2)
31:13;32:20
owners (2)
74:21;75:1
Owners/handlers (1)
67:6
ownership (1)
74:1

P

page (2)
4:14;22:7
paid (11)
22:16,16;23:1,23;24:4;62:10,14;73:7;105:12,14;125:15
pants (1)
140:17
paper (2)
105:10;110:20
paragraph (2)
55:11;142:19
parameters (1)
74:5
Pardon (1)
115:5
parentheses (3)
58:7,10,11
Park (27)
12:3,8;13:2,14,17;63:3,11;64:22;65:4,15,25;66:12,21;67:1,3,12,18,20;82:14,18;129:19;130:2,3;133:8;138:11,20,22
parks (3)
63:6;65:3,8
park's (2)
65:17;66:16
part (6)
45:6,21;55:14;58:8;84:18;150:4
participant (2)
142:12;143:23
participation (1)
139:2
particular (4)
14:22;34:23;52:17;81:12
particularly (1)
141:4
pass (10)
5:21,23;6:15;9:18;20:8,18;22:3;23:16;25:17;26:6
passed (14)
5:3,12,20;6:10;21:15;23:10;27:4;45:6,15;52:18;54:11;63:10;78:5;144:5
passive (10)
63:9;65:3,7,15,17,24;66:12;67:13,18,23
passive/active (1)
67:12
past (2)
41:2;132:12
patent (1)
99:24
path (1)
71:3
pay (9)
15:1,6,11;23:13;80:24;83:5;127:14,15;150:15
paychecks (2)
17:22;18:23
paying (4)
15:4,5;54:10;121:25
payroll (1)
122:2
pays (1)
110:1
Peachtree (5)
82:3,25;87:9,15;114:5
pedestrian- (1)
80:17
PEDS (1)
80:17
penalty (1)
107:4
people (49)
11:22;23:4,11,21;27:11;31:15;41:12;62:1;65:25;67:20;74:16;75:13;76:3;78:20;81:17;87:5;106:21;111:10,15;121:18,20;122:18;123:1,9;125:3;127:10;128:12,12;129:6;130:15;131:17;132:14,23;133:10;134:6;135:23;136:1,9,10,12,20,22;138:23,24;140:14;142:22;143:4;144:1;146:21
people's (1)
136:3
per (29)
47:11,15,24;48:1;49:25;50:1,3;52:11;55:13;58:5,6,9,18;59:6,10,10,23,25;60:6,24;61:2,16;103:8,10,14,15,15,15;104:23
percent (4)
16:19;89:4;127:10,10
percentage (1)
81:9
perfect (4)
20:15;21:1;110:21;144:20
perhaps (1)
74:6
Period (4)
47:17;84:17;148:12,14
permanent (1)
84:25
permission (3)
29:21;30:8;34:25
permit (1)
55:8
permits (1)
126:21
person (8)
16:21;31:16;38:5;90:10;102:19;106:11;121:14;122:1
personal (2)
121:9;150:5
Personally (3)
55:2;76:5,9
persuasion (2)
53:19;54:24
pet (1)
67:6
petty (1)
133:18
phase (2)
24:24;36:3
philosophy (1)
100:14
phone (15)
36:16;40:21;90:22;110:10;111:13;112:10,11,17;114:20,22;115:25;116:7,20,23;117:16
Phones (8)
109:17,22,24;111:3;112:20;114:21;115:8,20
phrase (1)
140:15
physically (1)
112:6
pick (1)
141:5
picnic (5)
12:11;138:14,17,25;139:2
piece (2)
102:3;118:6
pile (1)
140:1
Pineland (1)
85:8
pipe (1)
135:22
pit (2)
65:16,18
Pittman (86)
3:11,12,20;4:6,7,23;6:17;7:3,4;10:20,21;15:12;19:11,12;26:22,23;35:24;36:9;37:9,20;38:4,24;39:4,9,12;40:2;43:16,17;49:3,4;57:16,17;64:1,2;68:18,19;69:9,25;70:1;87:14;91:10,14;92:22,23;95:3,4,20;96:3,24,25;97:8;101:4;102:4,23;108:5,20;109:10,15;110:18,21,23;113:13,16,24;114:3,11,16;115:18,21;116:5,13,18,24;117:4,6,9;119:11,16,20;124:5;127:23;150:21;151:6,7,15;152:2
place (11)
21:23;71:14;77:21;89:21;90:1;93:12,14;118:20;126:4;138:14;146:7
placed (2)
28:1,10
plainly (1)
29:2
plan (4)
17:15,16;18:8,8
Planner (2)
49:14;122:19
plans (1)
122:17
plates (4)
86:20,21;87:1;88:4
platform (2)
20:15;21:13
play (2)
66:15;140:21
please (18)
3:3,23;6:20;7:17;8:10;10:12;13:19;19:3;26:14;34:9;43:8;48:9;57:8;69:8;108:18;119:17;129:15;147:19
pleasure (1)
74:17
plumb (1)
133:13
Plus (14)
25:14;47:11,15,24;48:1;50:1,10;52:1;58:6;59:5,24;60:24;74:21;150:10
pm (2)
12:10;152:23
point (19)
18:13;22:12;41:1,2;65:19;76:6,12;102:14;105:13;106:11;112:1;113:3;114:10;134:24;

135:19;136:15;
137:8,14;146:13
pole (1)
86:23
Police (5)
67:7;118:1;
132:13,15;135:21
policies (1)
93:13
policy (18)
14:13,22;16:5,8,
16;17:11;18:7;
21:23;22:1,15,17,18,
22;24:6;92:3,3;
99:11;108:24
political (3)
133:18;136:6;
137:6
politically (1)
132:3
poll (1)
78:7
porch (2)
135:25;136:1
portable (3)
84:21;85:22,25
portion (3)
81:19;111:24;
144:17
portions (1)
25:7
position (5)
73:7,7;143:1,11;
144:10
positive (1)
82:12
possible (4)
14:23;90:19;
130:4,7
possibly (4)
14:18;78:14;
108:9;113:10
post (1)
130:5
postage-paid (1)
110:25
posted (3)
30:11;67:3;150:14
posting (1)
25:21
postpone (2)
69:1,4
potential (1)
71:19
Power (3)
84:14;100:18;
144:9
powered (1)
84:15
powers (2)
100:6,9
prancing (1)
122:21
precluded (1)
116:3
precursor (1)
119:14
prefer (3)
61:19;62:6,20
premature (1)
76:12
premium (10)
14:15,20;15:4;
16:5,9,10,15;17:3,
15;18:18
premiums (1)
17:21
prepared (1)
132:13
pre-record (1)
112:13
present (7)
8:2;25:11;28:15;
29:7;113:22,23;
131:23
presently (2)
17:11;41:24
presiding (1)
27:22
pre-tax (1)
17:22
pretty (9)
72:5;74:24;99:6,8;
103:20;112:4;116:9;
130:1;140:3
prevent (3)
34:7;99:22;109:7
prevented (1)
116:3
prevents (1)
24:15
previous (7)
16:4;24:2,3;53:25;
59:1;96:11;99:20
price (1)
121:25
pride (1)
126:10
principles (1)
123:6
print (2)
25:9;67:22
printed (2)
30:11;66:22
prior (2)
41:23;78:6
Priscilla (3)
121:11,17;122:1
private (2)
99:2;141:1
probably (23)
20:5;33:2;36:18;
39:20;66:24;71:21;
72:20;81:25;86:4;
89:2;101:19,25;
102:21;105:9;
113:11;115:4;117:9;
122:6;129:6;131:11;
135:16;142:9;143:21
problem (9)
15:3;31:9;38:15;
41:16;83:8,9;84:23;
108:2;135:15
problems (1)
137:5
process (9)
24:13;31:12;90:9;
93:22;101:21;
102:14;109:13;
130:25;131:25
processed (1)
131:16
procurement (1)
99:16
procurements (1)
98:14
productive (1)
46:10
professional (4)
99:4;100:9;101:6;
108:17
professor (1)
132:25
program (5)
75:20;109:19;
110:10;111:2;112:20
programs (2)
70:25;133:6
project (6)
20:23;101:14;
122:16;133:15;
136:5;138:22
projected (3)
14:24;15:24;17:13
projects (1)
101:12
promoted (1)
20:6
proper (2)
76:19;95:24
properties (5)
71:9,18,19;72:21;
73:24
property (5)
74:1;77:19;79:13,
15;136:3
proposal (4)
4:21;93:6,16;
102:19
pros (2)
71:1;77:5
prosecuted (1)
67:8
prosecution (1)
134:11
protected (1)
123:11
protecting (1)
109:3
proud (1)
11:22
proven (1)
91:15
provide (4)
77:17;81:7;
106:15;145:16
provided (2)
14:2;139:5
provides (1)
99:7
provision (2)
92:3;102:6
PTO (2)
22:16,20
public (23)
14:11;38:25;39:7;
68:25;69:2,2,5;77:7;
79:4;98:12;101:12;
130:4;141:4,4;
142:20,24,25;143:5,
10,12,14;144:1,8
purchase (5)
100:11;101:20;
103:7;105:9,9
purchased (1)
82:21
purchases (2)
98:3;103:8
purchasing (7)
83:2;99:11,14,15;
100:23;105:7;108:24
purposes (1)
39:6
pursuant (1)
98:15
pursue (1)
77:8
push (1)
112:9
put (40)
13:7;17:6;18:22;
19:18;26:3;27:9;
28:16;30:18,25;34:6,
10;35:19;42:9;
46:12;65:15;81:14;
83:6,8;86:24;87:9;
95:23,24;96:1;
107:14;114:20;
115:16;116:12,19;
117:23;118:17;
121:20;122:10;
123:1,2;124:4,23;
126:17;133:14;
143:15;145:14
putting (6)
33:18;84:25;
114:13;118:10;
136:1;144:25
puzzle (1)
118:6

Q

qualifications (1)
119:14
quick (1)
139:13
quickly (2)
142:2;144:21
quite (5)
19:22;54:4;97:10;
126:3;132:4
quotation (1)
86:17
quote (4)
87:18;90:21;
98:14;100:25
quoted (1)
137:24
quotes (1)
50:19
quoting (1)
137:23

R

Radar (8)
80:14,19;83:14;
89:9,13,14;91:22,23
Radarsign (1)
82:10
radio (1)
78:13
railroad (1)
99:2
rain (2)
111:16;126:2
raining (1)
126:3
rainout (1)
111:9
raise (1)
56:2
ran (4)
54:12,15;122:20;
136:24
random (1)
66:14
rare (1)
104:15
rarely (1)
100:8
rate (1)
44:23
rates (1)
18:10
rather (2)
40:5;146:9
Ray (1)
137:9
Raymond (2)
129:12;135:23
re- (1)

86:13
reach (1)
42:10
reactivate (1)
73:5
read (15)
8:1;11:3;22:15;
28:9;44:18;47:7,14,
22;49:24;55:11;
58:4;62:1;126:20;
132:21;144:15
reading (7)
29:18;31:3;38:20;
59:18,21;63:15;
132:22
readings (1)
31:2
reads (2)
28:20;67:1
ready (7)
9:23;17:1;25:11;
76:6;117:2;137:23;
138:16
real (5)
85:4;99:6;130:9;
132:17;134:23
realize (1)
21:18
realized (1)
101:24
really (27)
11:3;21:20;38:3;
41:16;67:19;75:2;
81:7;85:9;87:7;
97:14,17,20;98:20;
102:25;103:24;
109:18;110:11,13;
111:2,9,17;126:19;
127:17;132:21;
139:16,17;141:14
ream (1)
105:10
reason (7)
28:25;39:18;
67:10;72:15;135:14;
136:6;147:8
reasons (3)
23:9;75:7;136:6
reassigned (1)
9:24
recall (9)
31:10,10,12;33:2;
37:25;38:2;53:24;
60:13,18
received (8)
4:24;82:12;86:17,
18;89:1;93:6;
146:12;148:3
Recellular (2)
110:1,1
recently (1)
91:24
receptive (1)
63:8
recess (1)
70:11
recognitions (1)
91:21
recollection (2)
86:3;89:23
recommend (2)
5:25;81:14
recommendation (1)
85:12
record (7)
6:1;7:11;28:9;
112:8,9;116:8;148:2
Records (20)
36:22,23;42:17;
93:13;105:5,17,20,
23;107:4,13,15;
144:19;145:6,17;
146:5,17,21;147:22;
149:23;150:15
recycling (1)
109:21
rededication (1)
12:8
reduce (6)
44:14,23;45:23;
50:5;53:15;55:10
reduced (2)
15:19;56:10
reduction (2)
84:24;87:11
reference (1)
97:22
references (1)
128:7
referred (2)
128:8;130:23
referring (1)
128:25
refers (1)
29:7
reflect (2)
7:14;50:4
regard (11)
6:13;22:13;29:3;
58:1;74:11;98:6,10;
99:11;100:22;105:7;
107:6
regarding (4)
80:21;124:25;
125:2;129:16
regardless (1)
140:23
regards (3)
41:22;55:22;
130:13
Regents (1)
145:9
Regina (1)
9:19
regular (2)
51:2,20
related (1)
33:2
relationship (1)
8:24
relative (3)
124:16;140:6;
141:16
remain (1)
61:12
remainder (1)
61:11
remedy (1)
146:6
remember (8)
33:23;60:17;
78:21;79:25;80:4,9;
90:2;134:18
remembering (1)
23:7
removed (1)
63:5
removing (1)
67:6
rent (1)
74:3
replace (1)
118:22
replacing (1)
47:23
replied (1)
150:9
reply (1)
30:5
reporter (3)
5:15;137:18,24
repre- (1)
24:11
represent (1)
131:9
representative (2)
70:22;106:8
representatives (1)
75:11
request (19)
28:1,2,3;29:14;
30:4;40:15;46:7;
47:15;96:11;102:19;
105:17,20,24;107:4,
7,15;147:22;149:23;
150:16
requested (3)
14:3;150:8,12
requests (2)
28:10;45:23
require (1)
30:25
required (3)
98:17;131:24;
143:5
requirement (5)
28:14;29:6,11;
118:2,2
requirements (4)
99:23;117:22;
118:17;119:8
requires (1)
31:1
research (3)
76:17;82:8,25
reserved (1)
67:4
residence (1)
45:17
residential (19)
44:15,18;45:10,25;
46:2;48:16;53:17;
55:1,5,6,11;59:12,
16;60:2,11,20,22,25;
62:21
residents (1)
74:20
resolution (3)
9:18;10:7,9
resolved (1)
131:18
respected (1)
7:21
respond (6)
148:3,11;149:12;
151:25;152:3,5
responded (1)
102:19
response (19)
26:12;40:16;43:6;
48:7;57:6;69:15;
92:12;94:18;96:14;
107:5,18,20,21;
120:4;138:2;142:3;
149:2,17;151:5
responses (2)
118:20,24
responsible (4)
34:15;35:6;67:6;
143:13
rest (1)
80:4
restrictive (1)
100:13
result (1)
93:21
revenues (1)
16:14
review (2)
108:10;146:12
RFP (14)
93:22;94:6;97:11,
23;101:21;109:8,12;
114:8;116:12,22;
117:23;118:17,19;
150:13
RFPs (10)
91:11;93:9,25;
94:2;95:10,13;
103:20;114:15,17;
116:20
rhetoric (2)
125:13;128:5
Rhon- (1)
117:4
Rhonda (6)
33:13,16;104:21;
111:19;112:24;
147:23
ribbon (3)
12:9,17;130:6
rid (3)
121:12,16,25
right (67)
6:7;9:6;11:2;
15:22;16:14;21:25;
23:10;24:1;25:25;
26:5;31:14,16;32:12,
15;35:18;37:17;
38:6;40:21;44:7;
45:4,8;46:19;47:3,
17;49:17;52:9;58:3,
4;59:8;61:12;62:9,
22;65:6;72:21;76:2,
3,3;78:24;81:24;
83:2;84:3,5,11;86:7;
89:6;90:16,17;91:13;
95:21;103:1;104:1;
109:5;111:20,22;
112:16;114:1,3;
120:1;121:6;127:16;
132:5;135:15,17;
138:20;145:11;
150:1;152:10
rights (2)
99:25;106:20
risk (2)
53:13,22
road (6)
39:23;82:3,25;
109:2;115:16;129:22
Road/Highway/Bridge (1)
98:19
roads (1)
81:24
Roche (129)
3:13,14;4:8,9,18,
25;5:5;6:19;7:5,6;
10:22,23;19:13,14;
20:3,14,25;21:9,12;
23:8;24:5,20;25:19,
25;26:5,24,25;33:12;
34:17;35:11,18;42:8,
13,21;43:18,19;44:5,
9;45:2,5,8,18,20;
46:22;47:2,5,17,21;
48:1,10,17;49:5,6,10,
20,22;50:12;51:8;
52:9,20;53:2;54:1,4,
8,12,22,23;55:9;
56:1,20;57:18,19;
60:16;61:1,13,21;
62:17;63:1;64:3,4;
68:20,21;70:2,3;
75:21;77:10,12;78:3,

11;79:16,20,23;80:1,5,9;90:8;91:13;92:24,25;93:19;95:5,6,21;97:1,2;101:17;102:7;103:12,22;104:9;108:22;114:6,23;115:1,6,10,14;117:11;119:7,21;124:6;128:19,21,24;140:23;149:22;150:6;151:8,9
Roche's (2) 47:14;52:7
rock (1) 126:4
roll (19) 3:3,23;6:20;10:12;19:2;26:14;43:8;48:9,19;57:8;63:18;68:10;69:17;92:14;94:20;96:16;108:23;123:25;150:23
room (3) 101:3;135:4;136:21
route (2) 74:2,8
row (1) 131:3
rules (8) 23:2;24:2,3;63:3;64:23;65:5;74:4;107:8
rumors (1) 140:13
run (6) 71:20;83:17,19,21;89:3;144:3
Ruth (1) 125:23

S

safe (1) 13:5
safety (2) 87:5;127:18
sake (2) 72:4;106:9
salary (1) 25:5
Salvation (3) 9:19,22;11:18
same (19) 18:9;23:24;50:25;55:8;61:12;86:24;88:25;89:13,14,14;90:21;91:9;109:7;118:18;127:12;128:4;136:7;147:16;152:23
sat (2) 33:23;131:3
sation (1) 77:5
satisfied (4) 20:1,4;53:10;100:3
Saturday (2) 12:8;133:7
Savannah (2) 8:17;37:13
saw (1) 142:13
saying (18) 5:22;30:5,17;32:18;33:1;34:2,4,8;35:13;40:17;65:14,19;76:9;96:10;104:20;107:20;112:22;137:19
scenario (1) 116:3
Schedule (2) 44:9;77:23
scheduled (2) 77:20;78:12
scheduling (1) 78:7
school (9) 85:14,17,19,20;87:7,10;90:7;127:16,17
Scott (10) 56:16,18;57:2;95:17;122:19,22,23,24;126:21,23
screen (2) 91:23;104:10
sealed (1) 103:20
Second (34) 3:21,22;5:11;6:7,18,19;10:10,11;17:17;22:5;26:9;29:4;30:25;35:23;42:24;43:1,2;48:3;55:16;63:16,17;68:4,5,6,7;69:10,11;92:9;93:18;94:16;96:4,5;121:10;150:22
seconded (2) 4:23;56:21
secret (1) 78:18
Section (22) 22:8;28:8;30:14,22;38:17,19,20;42:18;46:6,6,17;47:22;49:11,17;51:19;61:25;63:4;67:9;85:7;98:1,20;142:19
sections (3) 61:9,11,16
seeing (1) 104:10
seeking (1) 103:20
seem (2) 111:7;147:11
seemed (1) 63:7
seems (3) 40:5;134:18,23
segments (1) 85:5
self- (1) 109:5
self-interest (1) 143:7
SELLERS (1) 152:11
seminar (1) 75:10
seminars (2) 36:21;142:7
send (5) 23:5;62:23;102:9;110:24,25
sending (1) 93:9
senior (2) 132:12,16
seniors (1) 132:16
sense (2) 29:1;35:6
sent (8) 30:3,4;40:14;96:9;109:25;124:23;125:4;138:19
sentence (2) 29:4,8
sents (1) 24:12
separate (3) 24:9;44:13;60:13
September (2) 78:9,10
seq (1) 67:9
serious (1) 128:10
servants (1) 142:21
serve (6) 7:19;8:12;9:4;74:16;139:7;142:24
served (1) 7:23
service (1) 98:17
services (8) 4:22;93:11;99:3,4;101:6;108:17;111:21;142:25
serving (4) 11:21;109:20;143:25;144:3
session (1) 139:3
set (6) 18:5;25:15;83:14;117:15;119:3;133:12
sets (1) 66:25
seven (3) 89:4;111:25;145:25
several (16) 37:3;38:11,13;41:7;75:24;84:1;115:25;134:19;142:5;143:15,15;144:22;145:1,22;146:17;148:17
shackled (1) 101:11
Shakes (1) 88:14
shall (2) 28:11;103:19
shape (1) 13:8
share (3) 36:15;40:22;82:5
shared (1) 41:1
sharing (1) 138:23
sheet (1) 110:20
shelf (1) 73:4
Shield (4) 13:22;14:4;15:17;17:13
shock (1) 123:20
shooting (1) 89:13
short (4) 132:22,24;133:4;143:5
short- (1) 133:7
shortest (1) 97:25
short-handed (2) 145:15;148:10
short-story (1) 132:20
shot (1) 138:22
show (3) 59:11;80:11;111:10
showed (3) 111:15;139:20,20
showing (3) 37:6;58:25;62:20
shows (1) 81:20
sick (1) 23:25
side (7) 60:23;62:21;82:3;106:24;134:12;135:10;139:8
sides (1) 131:2
sidewalk (1) 130:16
sidewalks (1) 130:14
sign (11) 25:12;48:10;63:12;66:16,21,25;67:18,22;84:3;86:22;91:6
signal (1) 116:2
Signed (2) 33:16;65:4
significant (1) 81:8
signify (1) 85:18
signs (24) 66:22,25;80:15,19,21;81:3,14;82:9,12,13,15,20,24;83:13;84:21,25;85:10,17;87:19,20;88:25;89:8;129:17;130:5
similar (1) 90:20
simple (2) 29:19;107:6
simpler (1) 97:19
simply (3) 23:5,14;107:20
sincerely (1) 8:12
single (5) 16:21,22;17:15;33:23;98:3
single-family (1) 45:17
sions (1) 133:2
sit (3) 73:4;136:19,21
site (4) 25:21;87:12;109:16;110:3
sites (1) 85:15
sitting (3) 66:14;78:25;126:1
situation (9) 41:3;74:7;76:2;99:15;115:24;

118:18;125:25;
140:6;141:7
situations (1)
75:22
six (3)
81:24;145:24;
146:1
size (1)
21:1
skip (1)
151:20
slow (1)
81:21
small (2)
15:5;25:7
Smart (1)
86:19
Smith (2)
106:10,15
solar (2)
84:14;85:1
solar-powered (1)
85:22
soldier (1)
110:4
Soldiers (4)
109:17,20,23;
110:2
Sole (11)
97:8,23;98:6,14,
21,24;99:14,22;
100:3;102:18;103:5
solely (2)
39:5;111:20
sole-source (2)
98:11;108:6
some- (1)
113:6
somebody (9)
15:8;29:9;32:21;
38:2;74:4;114:19;
121:8;124:15;129:21
someone (12)
6:2;30:19;33:18,
24;34:18;38:7;41:9;
47:19;114:25;
117:14;145:24;147:9
sometimes (3)
126:15,17;145:13
somewhere (1)
83:10
soon (4)
12:11;21:22;
89:20,25
sorry (15)
9:22;44:24;45:12;
58:21;59:17;64:18;
77:14;86:14;91:1;
112:18;125:13;
127:4,5;128:24;
139:15
sort (6)
118:11,12;120:17;
121:22;128:13;
133:20
sought (1)
99:24
Sounds (1)
55:4
source (18)
97:9,23;98:3,7,14,
17,21,24;99:15,16,
19,20,21,22,24;
100:3;102:18;103:5
Southeast (1)
90:14
Spangler (96)
3:16,17;4:12,13,
25;5:19;6:10;7:8,9;
10:25;11:1;13:3,11,
13;15:2;16:1,11,20;
19:16,17;25:14;27:2,
3;29:20,25;30:7,16;
31:8,23;32:1,17;
33:8;34:21;35:22;
42:24,25;43:21,22;
45:14;48:3;49:8,9;
54:6,20;55:15;56:3,
9;57:21,22;62:8,12,
15;64:6,7;68:23,24;
70:5,6;71:7,21;
72:18,25;73:8;74:19;
83:11,24;84:6;85:21,
24;86:5;87:17,22;
88:1,6,10,15,23;
89:2;90:18;93:2,3;
95:8,9;97:4,5;104:3,
7,11,25;105:16,21;
106:25;107:11;
151:11,12,22
SPD-N1004b (1)
99:13
speak (13)
34:20;38:19,22,22;
39:3;40:24;41:12;
42:16;64:25;89:16;
101:3;107:13;147:6
speakers (2)
12:15,25
speaking (3)
36:1,11;41:9
speaks (4)
34:4;44:1;124:15,
17
special (2)
11:6;35:12
special- (1)
35:14
specialized (1)
99:3
specific (2)
75:17;107:24
specifically (2)
27:24;61:17
specifications (1)
91:7
specifics (1)
139:18
specify (1)
39:16
speech (1)
33:5
speeches (1)
138:16
Speed (12)
80:15;81:10,11;
83:17,19,21,22,23;
84:3;87:6,11;89:1
speed-detection (1)
83:16
speeding (1)
89:2
speed-limit (1)
129:17
spend (4)
102:8;103:14;
104:8;135:8
spending (2)
88:18;114:10
spent (4)
42:2;82:20;88:20;
105:1
split (1)
135:11
spoke (4)
15:8;63:7;82:15;
121:3
sport (1)
65:17
sports (2)
65:20,21
spread (1)
140:13
spring (1)
92:8
stab (1)
62:22
staff (5)
26:3;106:4,5;
107:9;119:3
staffer (1)
106:18
stage (1)
138:21
stake (1)
132:1
stakes (1)
133:14
stand (3)
33:25;34:19;138:6
standard (1)
51:20
standpoint (1)
85:3
start (4)
42:14;85:13;
104:9;115:19
started (2)
109:19;117:6
starts (1)
90:7
state (23)
36:21;37:4;41:6;
73:16;90:25;97:13,
20;98:8,9,20;99:1,7,
12;100:22,22;101:2,
11;102:5;108:12;
132:4;144:15;145:8;
148:2
State-approved (2)
90:24;91:3
statements (1)
140:13
states (1)
142:20
State's (1)
101:10
statistical (1)
117:19
statute's (1)
74:23
stay (4)
14:16,21;18:9;
60:21
staying (2)
13:22;17:10
steal (1)
102:1
Steph (1)
134:3
Stephens (1)
139:4
steps (1)
32:15
Steve (2)
64:25;65:1
still (6)
16:15;54:18;
79:11;111:15;
149:24;150:1
stimulated (1)
70:17
Stone (2)
82:14,16
stop (1)
61:6
stopped (1)
59:18
stops (1)
129:16
stories (2)
132:22,24
story (2)
133:4,8
straight (2)
50:16;119:23
stranded (1)
126:3
Strange (1)
133:3
Street (10)
70:25;75:20;79:1;
83:16,17;86:19,25;
135:21;136:5;140:16
streets (7)
83:7,19,21,22;
84:10;85:5,11
strike (1)
96:11
strong (1)
131:1
strongly (1)
123:9
structure (2)
74:15,24
Stuart (11)
48:13,14,14,18;
64:15;89:16,18;
124:14,18;139:13,15
study (1)
62:2
stuff (4)
122:3;139:17;
140:22;141:3
subject (3)
36:17;40:19,23
submit (1)
29:13
submitted (2)
4:21;28:12
submitting (1)
28:2
Subsection (14)
27:25;28:20,21;
29:2,5,8,15;59:22;
98:2;101:5,5;102:6;
108:16,17
subsections (1)
67:16
such-and-such (1)
50:11
suggest (1)
129:14
suggestion (2)
14:17;85:12
summarized (1)
25:8
summary (11)
4:14;5:6;6:3,13,
14;7:12,13;25:2;
44:17;45:9,13
Sunshine (1)
36:23
supersede (1)
28:21
supplier (4)
99:18,23;113:22,
23
supply (2)
98:17;134:20
supporting (1)
8:25
supportive (1)
11:15
supposed (3)

78:18;139:19;
141:1
sure (15)
18:11,15;56:4;
58:2;66:4;75:1,5;
77:4;78:4;84:9;89:2;
93:12;97:18;109:2;
116:18
surely (1)
33:3
Susan (5)
128:2;130:20;
133:23;137:11;140:2
swales (1)
133:12
swear (1)
124:1
system (11)
111:23;112:2,3,4,
6,8;113:20;114:20;
116:20,23;117:24

T

table (1)
136:19
taint (1)
143:7
Tale (1)
133:3
talk (22)
12:4;25:20;36:17,
20;37:2;38:10,14;
54:14;56:18;70:25;
97:10;102:2;113:11;
120:18,23;121:10;
123:16;126:21;
139:4;144:20;
146:23;147:7
talked (10)
36:14;40:20;
65:10;80:18;84:20;
97:17;120:13;
126:25;127:18;134:6
talking (11)
16:18;38:1;40:3;
46:5;65:2,7;67:21;
108:6;111:19;
144:18;146:15
talks (3)
121:8;143:24;
144:12
target (1)
83:13
task (1)
119:2
taught (1)
37:15
taxes (1)
127:15
teaches (1)
132:25
team (1)
65:17
technical (1)
99:23
technically (2)
73:12,20
teenagers (1)
109:20
telephone (1)
113:10
telling (2)
117:14;121:7
ten (1)
110:20
tend (1)
40:4
tender (1)
130:1
terminated (1)
54:17
terms (5)
22:22;30:22;
126:16,18,19
test (3)
84:21;85:4,15
Thanks (2)
48:18;139:9
theirs (1)
87:9
theory (1)
55:23
therefore (3)
29:15;30:14;51:4
third (4)
46:17;143:17,19;
145:8
this-is-how-fast- (1)
81:15
though (6)
21:14;32:19;
102:2;111:16;146:4;
152:9
thought (17)
14:6;27:14;38:20;
42:11;50:16;58:14,
16,17;61:10;66:7;
71:25;81:24;90:3;
111:12,14;144:19;
151:18
thoughts (1)
77:18
thousand (1)
143:16
thousands (1)
109:22
threat (1)
123:8
threatened (1)
137:19
threatening (2)
112:10;116:7
three (17)
24:10;84:13;90:3,
3,5;107:17;112:7;
120:23;135:12,12;
136:11,12;137:7;
145:11,24;148:14;
149:15
three-day (1)
148:12
threshold (1)
109:5
throughout (4)
37:4;83:7;84:21;
144:14
throwing (1)
66:1
thunder (1)
102:1
Thursday (3)
28:12;29:10,15
tie (3)
4:24;57:23;133:4
till (1)
23:20
Tilly (3)
82:2;85:14;127:16
times (9)
11:20;75:24;
83:13;84:1;131:6;
134:19;140:4;
142:22;146:22
timetable (1)
145:17
timing (1)
93:10
tional (1)
113:2
tireless (1)
10:1
today (6)
28:5,7;32:24;
36:14;78:13;117:15
together (6)
20:22;120:18;
121:16;138:7;
145:14;148:23
told (9)
28:17;38:22;
51:23;81:22;97:22;
126:22;145:13;
148:9;149:12
Tom (9)
121:2;122:8,9,22;
123:4,20;135:3;
137:4,13
tomorrow (3)
25:24;62:24;
149:15
tonight (27)
15:10;19:19,21;
21:15;25:23;27:18;
34:23;35:20;37:8;
38:14;55:19,25;
56:15;63:10;71:4;
101:18;102:1;
108:11;120:13;
121:20;141:15;
142:18;144:20;
145:1,20;147:6;
152:18
tonight's (1)
40:1
took (9)
46:9;72:3;77:21;
94:12;131:15;140:7,
24;141:6;150:7
tool (2)
71:2,2
top (3)
34:13;81:24;
150:18
topic (1)
39:21
total (3)
87:1;103:7;136:16
touchy- (1)
120:11
touchy-feely (2)
120:16,22
tough (1)
140:18
towards (1)
37:25
town (11)
70:21;75:8,19;
77:12,15,17,23,24;
79:4,6,13
track (4)
46:15;52:21;
108:4;117:16
traditional (2)
138:13,17
traffic (1)
129:16
transcript (6)
5:6,14;7:14;44:16,
19;45:24
transferred (1)
117:25
transparency (2)
37:6;41:5
transparent (1)
37:1
trap (1)
100:15
travesty (1)
122:6
treat (1)
144:1
trees (1)
85:2
tried (2)
13:13;91:14
true (1)
51:15
trust (1)
143:2
trustees (1)
142:21
trustworthy (1)
143:14
truth (6)
120:24;121:5,7,23;
123:6;140:17
try (8)
116:14;118:23;
126:1;127:8,14;
128:6;133:11;144:9
trying (1)
131:25
turmoil (1)
137:17
turn (3)
22:1;71:8;82:4
turned (1)
40:12
turning (1)
72:21
turns (1)
122:14
TV's (1)
104:10
twist (1)
131:25
twisting (1)
140:3
two (34)
5:10;7:15,15;
24:10;25:9;27:19;
28:7;31:1;44:12;
60:12;66:25;81:14;
82:1;85:15;86:2;
98:11;109:19;
112:25;120:6;121:1;
128:7,8,17;129:2,14;
130:3;136:2,9,23;
138:24;145:13;
148:10;149:12,13
two-story (1)
135:20
type (4)
76:19;79:3;
111:13;136:7
types (1)
84:13
Typically (1)
93:8
typographical (2)
25:23;26:7

U

ugly (1)
116:7
ultimately (1)
85:10
umbrella (1)
35:7
unanimous (1)
35:14
unanimously (3)
77:19;79:17;

134:19
uncalled (1)
127:7
under (19)
22:8;23:1;24:3;
27:25;34:10;41:2;
74:7;98:2,13,25;
99:14;101:1;105:17;
107:12;109:5;116:2;
122:5;142:25;145:18
underlined (1)
137:17
underlying (1)
120:20
Underneath (5)
24:1;30:21;35:7;
47:10;51:2
underprivileged (1)
10:2
undisclosed (1)
143:8
unique (2)
84:12;99:18
Unity (1)
70:17
unless (6)
67:3;88:9;102:9;
106:16;107:7;148:23
unscrew (1)
86:23
up (70)
6:1;7:17;9:13;
12:15;13:19;16:12;
18:12;20:6;21:21;
25:15;31:13;32:5,8,
20,21;33:4,24,25;
36:18;38:2;48:11;
54:9;65:4;69:6;
72:11,19;81:14;
82:24;83:6,8,14;
86:24;91:15,22;94:4,
8,9,12,13;97:15;
101:25;108:8;111:4,
10,15;112:1;117:15;
118:15,16;119:3;
121:3,8,20;123:1,2;
128:6;129:23;130:1;
131:15,20;133:21;
135:20;136:17,19,
23;139:17,20;
141:14;152:9,14
update (1)
19:20
updated (1)
148:8
upgrade (1)
115:4
upgraded (1)
150:3
upgrading (2)
113:20;116:20
upon (7)
39:24;81:5,21;
84:24;93:9;104:14;
115:20
upset (3)
142:9,13;147:8
USB-connect (1)
112:2
use (22)
22:16;23:20,23;
45:1,3;46:6;47:15;
55:8;74:8,22;75:25;
82:14,15,17;83:12,
18;84:9;94:14;98:6;
112:6;144:9;145:25
used (5)
15:24;82:22;
99:19;140:15;145:8
useful (2)
74:1,2
uses (7)
45:23;47:12;
52:22;59:15;60:5;
66:13;97:13
using (4)
25:13;83:5;85:6;
111:3
usually (3)
37:1,4;69:2
utility (1)
99:2
utilizing (1)
85:1

V

vacation (2)
23:25;24:8
vaccinations (1)
78:20
valuable (1)
39:21
Variance (16)
45:5;47:11,16,25;
48:2;49:12;50:1;
51:3;52:11;54:11;
58:7;59:3,6,25;
60:23;62:21
variances (11)
44:14;46:11;
49:19,24;51:10;53:1;
58:2;59:1,23;60:22;
135:24
varied (4)
49:25;58:5,20;
59:24
various (3)
83:6;131:5;142:11
vary (1)
58:13
vehicles (3)
81:9,10,21
vending (5)
97:9,23;98:7,11;
108:6
vendor (6)
98:4;102:13;
105:12;109:7;115:2,
7
vendors (2)
90:20;105:14
verbal (1)
125:15
verbatim (1)
28:9
verbiage (1)
50:10
verify (1)
96:8
version (2)
22:3,15
Veterans (3)
7:24;8:23,25
via (1)
112:20
video (1)
110:10
Vietnam (1)
9:1
Vietnamese (5)
7:20,22,23,24;8:22
viewing (1)
66:13
Vinson (2)
37:14;143:20
Violators (1)
67:8
virtue (2)
105:4,4
visitors (1)
74:6
vital (2)
133:5,16
vitality (1)
132:10
voice (1)
75:5
voicemail (3)
111:24;112:3;
116:4
volume (1)
106:12
vote (20)
4:24;5:2,9,22;6:5,
5;23:7;28:22;29:16;
30:18;35:14,17;
38:21;39:2;46:9;
56:22,22;71:4,5;
136:11
voted (12)
6:9;18:9;27:5;
33:24;46:4,4;77:16,
19;79:17;121:12;
134:19;150:7
votes (3)
7:15;38:18;79:8
voting (4)
46:15;55:18;
67:22;105:25

W

wait (3)
57:2;62:6;64:24
waiting (3)
40:15;79:1;118:25
waive (5)
28:13;29:5,11;
31:2;63:15
walk (1)
130:6
walking (2)
66:14;130:15
wants (7)
33:22;56:22;
64:16,25;104:15,16;
124:15
war (2)
7:23;9:1
warranty (1)
88:4
waste (2)
67:7;136:16
water (1)
122:4
wave (1)
78:23
way (27)
19:25;20:1,4;
23:13,24;32:2;40:11;
51:17;56:10;59:21;
61:20;97:25;100:4,
24;101:11,20;
107:10;111:23,25;
115:21,22;116:8;
127:5;131:10,16;
136:8;139:8
ways (1)
74:15
Web (3)
25:21;87:12;
150:14
WEED (89)
5:10,25;6:6,11;
7:10;20:19;22:6;
23:21;24:1,19;25:22;
26:1;27:19;29:24;
30:2,9,21;31:20,24;
32:4;34:13;35:1,2,
16;36:2,14;38:22;
40:20;42:23;43:3;
47:4,6,18,24;49:22;
50:7,15,23;51:12,15;
52:25;54:3;57:25;
58:19,23;59:2,5,8,14,
17;60:20;61:8,19;
62:3,10,14,22;63:5;
66:23;67:16;72:2,7,
24;73:2,12;74:22;
88:14,21,22;97:16,
21,24;101:8,22;
103:16,18,23;104:5,
12;105:3,18;106:2;
107:2,14,17;108:19;
126:14;146:9;149:20
Weed's (1)
25:2
week (10)
54:18;81:15,18;
101:23;103:15;
132:12;136:11,12;
145:8;150:3
weeks (11)
81:14;86:2;90:3,4,
5;130:3;145:13;
148:10;149:12,13,15
weeks' (1)
25:10
well-being (1)
144:10
weren't (1)
21:4
wet (1)
130:10
what's (5)
33:21;66:20;
108:3;128:7;134:24
whenever (1)
49:12
whereases (1)
11:3
wherever (1)
117:25
Whitaker (5)
93:7,20;94:14;
95:11;102:12
Whitaker's (1)
93:16
whole (11)
40:8;67:11;90:11,
13;101:21;112:16;
115:17;123:19;
140:9;141:16;148:1
wholeheartedly (1)
76:21
who's (3)
23:1;75:2;116:22
wide (3)
98:8;117:20;
118:19
wife (1)
9:13
willing (8)
36:10;42:8;52:10;
75:19;83:4,5;135:7;
140:9
Windsor (3)
89:3,4;133:8
Winters (1)
82:2
wisdom (1)
99:9
wish (4)
21:2,3;131:6,6

withdraw (4)
42:14,24;43:1,1
withdrew (2)
42:23;67:11
within (5)
7:21;67:16;
107:17;145:11;
149:13
without (12)
21:9;23:7;50:1,19;
51:4;58:7;59:25;
60:4;81:15;103:2;
105:23;111:20
witness (1)
142:13
wonderful (4)
10:5;13:6;94:10;
121:14
word (2)
126:23;136:17
words (1)
8:9
work (9)
10:1;11:23;46:13;
71:13;85:25;95:12;
127:14;131:10;146:9
worked (4)
20:22;38:13;41:6;
133:9
working (4)
62:23;110:9,13;
121:15
works (5)
61:4,6;86:1;98:12;
101:12
world (4)
30:12;90:11,13;
121:21
worry (1)
123:11
worst (2)
85:7,8
worth (2)
101:18;135:16
wrestled (1)
65:23
write (6)
23:5;101:9,15;
116:22;126:15;
128:19
writing (1)
23:15
written (5)
28:2;98:15;100:4;
125:4;145:16
wrong (6)
34:22;49:23;
79:10;112:25;
122:13;123:14

X

Xerox (1)
104:21

Y

y'all (3)
65:7;116:13;
146:15
year (14)
20:10;21:17,20,21;
24:17;82:16;91:19,
21;94:5,13;103:15,
25;112:16;140:6
years (17)
7:22;8:18,20,21;
13:14;36:22;37:14;
38:11;41:7;82:17;
109:4;111:24,25;
126:10;142:4;
143:15;144:23
yelling (4)
125:3,12,12;
128:12
yellow (1)
130:5
you-all (8)
9:15;37:13;66:9;
121:11,12;123:17;
126:6,15
young (1)
132:23
you're-going (1)
81:16

Z

zero (1)
82:19
zone (4)
85:19,20;87:10;
90:7
zones (3)
85:14,17;87:7
zoning (4)
50:23;51:2,19,20