In The Matter Of:

City Council Meeting
City of Doraville

Before Mayor Ray Jenkins
March 16, 2009

American Court Reporting Company, Inc.
52 Executive Park S, Suite 5201
Atlanta, Georgia 30329
800-445-2842
WWW.ACRGA.COM

Original File 57865-1.TXT, Pages 2-15 (14)

Word Index included with this Min-U-Script®

This Page Intentionally Left Blank

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, March 16, 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 2/19/09.

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: Abstain. I wasn't present.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Yes.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

CLERK BLACKMON: Councilmember Spangler?

COUNCILMEMBER SPANGLER: No.

MAYOR JENKINS: 3/2/09. Do I have a motion?

COUNCILMEMBER BATES: So moved.

MAYOR JENKINS: Second?

COUNCILMEMBER PITTMAN: Second.

MAYOR JENKINS: Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK BLACKMON: Councilmember Fleming?

Page 5

COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: No.
MAYOR JENKINS: Okay. The next item on the agenda of course we'll probably have to go into Executive Session on this. So I will turn it over to Murray and I'll let him do what's necessary before we make a motion.
ATTORNEY WEED: Mr. Mayor, I'd like to make an introduction first. In the audience tonight are Tom Camp and Todd Bair. These gentlemen represent Priscilla Murphy, who's also in the audience tonight. They would like to meet with the Council either in Executive Session or in small groups, as they represent Ms. Murphy and her interests as she and they have determined are in her best interests.
Gentlemen, if you'd like to say anything, you can address the Council now.
MR. BAIR: My name is Todd Bair. I do

Page 6

represent Priscilla Murphy and MIS Consulting.
And Mr. Weed's statements are correct. We are willing to do that on Priscilla Murphy's and MIS's behalf.
MAYOR JENKINS: Okay. How do you suggest we do it, Murray?
ATTORNEY WEED: Mr. Mayor, my best advice would be to do this in small groups of three Councilmembers. I am of the opinion that this matter could be logically covered underneath pending or future litigation; however, my best advice would be to do it in small groups. I have issued an official opinion to that effect and made the Council aware of that opinion.
COUNCILMEMBER SPANGLER: And are we going to make the public aware of what we're going into the Executive Session for?
ATTORNEY WEED: What's required in the motion would be pending or future litigation if you go into Executive Session.
COUNCILMEMBER SPANGLER: What about if we go the other way?
ATTORNEY WEED: Well, at that point, no motion would be required.
I would suggest you'd probably just

Page 7

want to recess the meeting and decide amongst yourselves whichever three of you want to go at what time. But that wouldn't require a motion, so to speak.
COUNCILMEMBER SPANGLER: So we still don't have to discuss it to the public what we're going into the meetings for.
ATTORNEY WEED: That is correct.
I believe counsel for Ms. Murphy would agree that they feel that's in Ms. Murphy's best interest as well.
Gentlemen, if you don't, please tell the Council that now.
MR. BAIR: At this point, we would agree with Mr. Weed --
MR. CAMP: Yes.
MR. BAIR: -- that we feel like that's in Mrs. Murphy's best interests.
MAYOR JENKINS: Okay. I need a motion.
COUNCILMEMBER FLEMING: I make a motion to go into Executive Session to discuss pending litigation.
ATTORNEY WEED: Future or pending litigation.
COUNCILMEMBER FLEMING: Future or

Page 8

pending litigation.
ATTORNEY WEED: Thank you.
COUNCILMEMBER BATES: Second.
MAYOR JENKINS: Any comment?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
ATTORNEY WEED: All right. With that, as usual, we will adjourn to the Mayor's offices, and gentlemen, please come forward.

Page 9

- - -
(Executive Session)
- - -
MAYOR JENKINS: Meeting come to order.
I'd like to have a motion to come out of Executive Session.
COUNCILMEMBER PITTMAN: So moved.
MAYOR JENKINS: Second?
COUNCILMEMBER BATES: Second.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: Okay. We did come to a

Page 10

conclusion and I'm --
ATTORNEY WEED: Mr. Mayor, you need to go back into the regular meeting.
MAYOR JENKINS: Oh. Open the regular meeting back up, and Ms. Fleming's going to open it up.
COUNCILMEMBER FLEMING: I'd like to make a motion to accept MIS Consulting's termination of the accounting and IT services contract pursuant to the terms presented and agreed to by MIS Consulting and their legal counsel in light of MIS Consulting's desire to pursue other opportunities.
COUNCILMEMBER BATES: Second.
MAYOR JENKINS: Any discussion?
COUNCILMEMBER ROCHE: I'd like to say a quick thing. In my career, I've had to make decisions like this before, and I can't think of a more difficult one. When I just think of the integrity that Priscilla Murphy has demonstrated ever since I've known her, and I've only known her a little over a year, I have to tell you that I'm really not happy about this.
And I don't know what else to say about this other than it was -- this solution was

Page 11

brought to us by Priscilla Murphy and her attorneys. And as much as I dislike it, I understand her side. And that's all I really have to say at this point.
UNIDENTIFIED SPEAKER: Are you saying she asked for it?
MAYOR JENKINS: Anybody else? Anybody else at the table?
- - -
(No response)
- - -
MAYOR JENKINS: Call the roll, please.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: No.
CLERK BLACKMON: Councilmember Spangler?

Page 12

COUNCILMEMBER SPANGLER: No.
MAYOR JENKINS: Motion carried.
COUNCILMEMBER BATES: Motion to adjourn.
MAYOR JENKINS: Motion to adjourn?
COUNCILMEMBER BATES: So moved.
MAYOR JENKINS: Do I get a second?
COUNCILMEMBER ROCHE: Adjourn until?
UNIDENTIFIED SPEAKER: We've been here for three hours.
MAYOR JENKINS: Do I get a second?
COUNCILMEMBER ROCHE: (Inaudible)
MAYOR JENKINS: Excuse me? Go ahead.
COUNCILMEMBER ROCHE: Are we going to adjourn until Thursday?
MAYOR JENKINS: Right. Continue the meeting Thursday.
Call the roll, please.
THE REPORTER: I'm sorry. I didn't catch who seconded it, sir. Did someone second that?
COUNCILMEMBER ROCHE: I'd like to make a friendly amendment to the motion to adjourn to insert to be reconvened on Thursday at 6:30.
COUNCILMEMBER BATES: Accepted.

Page 13

MAYOR JENKINS: Call the roll, please.
THE REPORTER: I didn't get the second. Who seconded it?
ATTORNEY WEED: Councilman Bates.
COUNCILMEMBER BATES: I made the motion.
ATTORNEY WEED: He made a motion, there was a friendly amendment that was accepted, and now you need a second, thank you, to the --
COUNCILMEMBER FLEMING: Second.
ATTORNEY WEED: -- friendly amendment.
MAYOR JENKINS: Okay.
COUNCILMEMBER FLEMING: Second to the motion.
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?

Page 14

COUNCILMEMBER ROCHE: Yes.
CLERK BLACKMON: Councilmember Spangler?
COUNCILMEMBER SPANGLER: Yes.
MAYOR JENKINS: Thank you.

- - -

(Whereupon, the meeting was adjourned at 9:50 p.m. the same day.)

-o0o-

Page 15

C E R T I F I C A T E

STATE OF GEORGIA]
COUNTY OF DEKALB]

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

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

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

This the 20th day of March, 2009.

_____
Theresa Bretch, CCR
Permit No. B-755

[SEAL]

2

2/19/09 3:19

3

3/2/09 4:14

6

6:30 12:24

9

9:50 14:8

A

Abstain 4:5
accept 10:8
accepted 13:8
Accepted 12:25
accounting 10:9
address 5:24
adjourn 8:24;12:4,5,15,23
Adjourn 12:8
adjourned 14:7
advice 6:8,12
agenda 5:10
agree 7:10,15
agreed 10:11
ahead 12:13
Alexander 3:5,25;4:21;8:10;9:12;11:14;13:17
ALEXANDER 3:6,22;4:1,22;8:11;9:13;11:15;13:18
amendment 12:23;13:8,11
amongst 7:1
approve 3:19
ATTORNEY 5:14;6:7,18,23;7:8,23;8:2,23;10:2;13:4,7,11
attorneys 11:2
audience 5:15,18
aware 6:14,16

B

back 10:3,5
Bair 5:16,25
BAIR 5:25;7:14,17
Bates 3:7;4:2,23;8:12;9:14;11:16;13:4,19
BATES 3:8;4:3,16,24;8:3,13;9:9,15;10:14;11:17;12:3,6,25;13:5,20
behalf 6:4
best 5:22;6:7,12;7:10,18
BLACKMON 3:4,7,9,11,13,15,24;4:2,4,7,9,11,20,23,25;5:2,4,6;8:9,12,14,16,18,20;9:11,14,16,18,20,22;11:13,16,18,20,22,24;13:16,19,21,23,25;14:2
brought 11:1

C

Call 3:3,23;4:19;8:8;9:10;11:12;12:18;13:1,15
Camp 5:16
CAMP 7:16
can 5:24
career 10:17
carried 12:2
catch 12:20
CLERK 3:4,7,9,11,13,15,24;4:2,4,7,9,11,20,23,25;5:2,4,6;8:9,12,14,16,18,20;9:11,14,16,18,20,22;11:13,16,18,20,22,24;13:16,19,21,23,25;14:2
comment 8:4
conclusion 10:1
Consulting 6:1;10:11
Consulting's 10:8,12
Continue 12:16
contract 10:10
Council 5:19,24;6:14;7:13
Councilman 13:4
Councilmember 3:4,7,9,11,13,15,24;4:2,4,7,9,11,20,23,25;5:2,4,6;8:9,12,14,16,18,20;9:11,14,16,18,20,22;11:13,16,18,20,22,24;13:16,19,21,23,25;14:2
COUNCILMEMBER 3:6,8,10,12,14,17,20,22;4:1,3,5,8,10,13,16,18,22,24;5:1,3,5,8;6:15,21;7:5,20,25;8:3,11,13,15,17,19,22;9:7,9,13,15,17,19,21,24;10:7,14,16;11:15,17,19,21,23;12:1,3,6,8,12,14,22,25;13:5,10,13,18,20,22,24;14:1,4
Councilmembers 6:9
counsel 7:9;10:12
course 5:10
covered 6:10

D

day 14:8
decide 7:1
decisions 10:18
demonstrated 10:20
desire 10:12
determined 5:22
difficult 10:19
discuss 7:6,21
discussion 10:15
dislike 11:2

E

effect 6:13
either 5:19
else 10:24;11:7,8
Excuse 12:13
Executive 5:11,19;6:17,20;7:21;9:2,6

F

feel 7:10,17
first 5:15
Fleming 3:9;4:4,25;8:14;9:16;11:18;13:21
FLEMING 3:10;4:5;5:1;7:20,25;8:15;9:17;10:7;11:19;13:10,13,22
Fleming's 10:5
forward 8:25
friendly 12:23;13:8,11
future 6:11,19
Future 7:23,25

G

gentlemen 5:17;8:25
Gentlemen 5:23;7:12
groups 5:20;6:8,12

H

happy 10:23
hours 12:10

I

Inaudible 12:12
insert 12:24
integrity 10:20
interest 7:11
interests 5:21,22;7:18
into 5:11;6:17,20;7:7,21;10:3
introduction 5:15
issued 6:13
item 5:9

J

JENKINS 3:2,18,21,23;4:14,17,19;5:9;6:5;7:19;8:4,8;9:4,8,10,25;10:4,15;11:7,12;12:2,5,7,11,13,16;13:1,12,15;14:5

K

known 10:21,21

L

legal 10:11
light 10:12
litigation 6:11,19;7:22,24;8:1
little 10:22
logically 6:10

M

matter 6:10
Mayor 5:14;6:7;10:2
MAYOR 3:2,18,21,23;4:14,17,19;5:9;6:5;7:19;8:4,8;9:4,8,10,25;10:4,15;11:7,12;12:2,5,7,11,13,16;13:1,12,15;14:5
Mayor's 8:24
meet 5:19
meeting 7:1;10:3,5;12:17;14:7
Meeting 3:2;9:4
meetings 7:7
minutes 3:19
MIS 6:1;10:8,11,12
MIS's 6:4
more 10:19
motion 3:19;4:15;5:13;6:19,24;7:3,19,20;9:5;10:8;12:23;13:6,7,14
Motion 12:2,3,5
moved 3:20;4:16;9:7;12:6
Mrs 7:18
much 11:2
Murphy 5:17,21;6:1;7:9;10:20;11:1
Murphy's 6:3;7:10,18
Murray 5:12;6:6

N

name 5:25
nation 10:9
neath 6:11
necessary 5:13
need 7:19;10:2;13:9
next 5:9

O

o0o- 14:9
offices 8:25
official 6:13
one 10:19
only 10:21
open 10:5
Open 10:4
opinion 6:9,13,14
opportunities 10:13
order 3:2;9:4
out 9:5
over 5:12;10:22

P

pending 6:11,19;7:21,23;8:1
Pittman 3:11;4:7;5:2;8:16;9:18;11:20;13:23
PITTMAN 3:12,20;4:8,18;5:3;8:17;9:7,19;11:21;13:24
please 3:3,23;4:19;7:12;8:8,25;11:12;12:18;13:1,15
pm 14:8
point 6:23;7:14;11:4
present 4:6
presented 10:10
Priscilla 5:17;6:1,3;10:20;11:1
probably 5:10;6:25
public 6:16;7:6
pursuant 10:10
pursue 10:13

Q

quick 10:17

R

really 10:23;11:3
recess 7:1
reconvened 12:24
regular 10:3,4
REPORTER 12:19;13:2
represent 5:17,20;6:1
require 7:3
required 6:18,24
response 8:6;11:10
right 8:23
Right 12:16
Roche 3:13;4:9;5:4;8:18;9:20;11:22;13:25
ROCHE 3:14;4:10;5:5;8:19;9:21;10:16;11:23;12:8,12,14,22;14:1
roll 3:3,23;4:19;8:8;9:10;11:12;12:18;13:1,15

S

same 14:8
saying 11:5
second 12:7,11,20;13:2,9
Second 3:21,22;4:17,18;8:3;9:8,9;10:14;13:10,13
seconded 12:20;13:3
services 10:9

Session 5:11,20;6:17,20;7:21;9:2,6
side 11:3
small 5:20;6:8,12
solution 10:25
someone 12:20
sorry 12:19
Spangler 3:16;4:12;5:7;8:21;9:23;11:25;14:3
SPANGLER 3:17;4:13;5:8;6:15,21;7:5;8:22;9:24;12:1;14:4
speak 7:4
SPEAKER 11:5;12:9
statements 6:2
still 7:5
suggest 6:6,25

T

table 11:8
termi- 10:8
terms 10:10
three 6:9;7:2;12:10
Thursday 12:15,17,24
Todd 5:16,25
Tom 5:16
tonight 5:16,18
turn 5:11

U

under- 6:10
UNIDENTIFIED 11:5;12:9
up 10:5,6
usual 8:24

W

way 6:22
Weed 7:15
WEED 5:14;6:7,18,23;7:8,23;8:2,23;10:2;13:4,7,11
Weed's 6:2
what's 5:12
What's 6:18
Whereupon 14:7
whichever 7:2
who's 5:17
willing 6:3

Y

year 10:22