

In The Matter Of:

City of Doraville

State of Georgia

Special-Called Meeting - Budget Work Session

May 29, 2012

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Page 0

CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

SPECIAL-CALLED MEETING

BUDGET WORK SESSION

Transcript of the meeting held at the
Doraville City Hall, 3725 Park Avenue, Doraville,
Georgia, Mayor Donna Pittman presiding, before Theresa
Bretch, Certified Court Reporter, commencing at 7:00
p.m. on Tuesday, May 29, 2012.

Page 3

1 P R O C E E D I N G S

2 MAYOR PITTMAN: Meeting come to order.

3 Call the roll, please.

4 ATTORNEY McLENDON: Councilmember

5 Alexander?

6 COUNCILMEMBER ALEXANDER: Here.

7 ATTORNEY McLENDON: Councilmember

8 Bates?

9 COUNCILMEMBER BATES: Here.

10 ATTORNEY McLENDON: Councilmember

11 Pachuta?

12 COUNCILMEMBER PACHUTA: Here.

13 ATTORNEY McLENDON: Councilmember

14 Patrick?

15 COUNCILMEMBER PATRICK: Here.

16 ATTORNEY McLENDON: Councilmember

17 Fleming?

18 COUNCILMEMBER FLEMING: Here.

19 ATTORNEY McLENDON: Councilmember

20 Dean?

21 COUNCILMEMBER DEAN: Yes.

22 MAYOR PITTMAN: Thank you. Well, the

23 first part of this meeting is going to be our budget

24 workshop. This is our -- we've had several -- our

25 second one. Lisa?

Page 2

1 APPEARANCES:

2 Doraville City Council:

3 Mayor Donna Pittman

4 Councilmember Maria Alexander

5 Councilmember Brian Bates

6 Councilmember Trudy Jones Dean

7 Councilmember Pam Fleming

8 Councilmember Karen Pachuta

9 Councilmember Robert Patrick

10 Cecil G. McClendon, Jr., City Attorney

11 Riley McLendon, LLC

12 315 Washington Avenue

13 Marietta, GA 30060

14 (770) 590-5900

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Page 4

1 We have worked very hard and the

2 department heads have done an excellent job, Ms.

3 Ferguson has done an excellent job, and she's probably

4 seen more of me than she wishes to ever see.

5 MS. FERGUSON: If you look on your

6 desks, I have three replacement pages for your budgets

7 and they're numbered, so if you want to just swap

8 those and put them in the right places.

9 I wanted to start off by saying that

10 we're very pleased to be able to present a balanced

11 budget for your consideration tonight.

12 I'd like to thank the Mayor for

13 providing a lot of direction and helping to establish

14 priorities for the budget. I'd like to thank the

15 department heads for being so willing to work with us

16 to make the changes that we needed to balance the

17 budget.

18 Our goal was to provide a budget that

19 provides the departments with the basic line items

20 they need to do their jobs and to balance that with

21 suggestions from the Council while staying within the

22 limits of the revenue that we generate. There's not a

23 lot of point in adopting a budget that the departments

24 are not going to be able to stick to, and then we wind

25 up having the departments going over their budgets,

Page 5

1 which is what was happening in prior years. So we're
2 trying to give them a budget that they can work with
3 and stay within and respect the constraints of the
4 revenue that we've got.
5 So with that, the budget that we're
6 presenting maintains the millage rate at 9 mills.
7 We're not recommending any furloughs; we're not
8 recommending any layoffs. And it establishes a
9 contingency of \$66,000.
10 We got the digest on Thursday, and the
11 digest values can change once people start appealing
12 their valuations, so we budgeted the real and personal
13 property at 95 percent to allow for that change. And
14 it's important to note that our current year
15 collection rate is above 98 percent, so collecting the
16 money I don't think is going to be an issue.
17 Based on my conversations with Dekalb
18 County, we budgeted the utility taxes at 85 percent of
19 their current year taxes. That's the benchmark that
20 Dekalb County uses. The utility tax information is
21 not available right now and it won't become available
22 until later in the year. But if we budget at 85 and
23 it comes in higher, then we have a little bit of fish
24 in there.
25 As with the property tax, we budgeted

Page 6

1 the motor vehicle ad valorem at 95 percent to allow
2 for uncollected taxes and so forth.
3 In the previous budget that we
4 presented, we did not include the COPS funding. For
5 this budget, we have captured that grant money so that
6 we're showing one current officer being funded by
7 COPS. It's not his entire salary because his pay rate
8 is higher than what they fund, but the majority of his
9 salary plus his benefits are being funded by COPS so
10 we have that in as revenue.
11 We also have the revenue for a second
12 COPS position that we expect to fill around the
13 beginning of October, and if that one's not hired,
14 then of course we will reduce the revenue for the COPS
15 grant.
16 I also did a lot of research with
17 Ramond and went through all of the recreation programs
18 and got some really good estimates of what each
19 program should bring in and what each program should
20 spend, and those program revenues have been captured.
21 They were not in the previous iteration of this
22 budget. The programs are required to collect enough
23 revenue to offset the direct costs of the program --
24 the instructors, the materials, any kind of uniforms
25 that they get; for the baseball, it's the umpires; for

Page 7

1 the basketball, it's the referees. If they don't
2 collect enough money to offset those expenses, then we
3 will be canceling the program. And it would be
4 revenue neutral, so it's only a good thing to have it
5 in here.
6 As far as staffing recommendations,
7 we're suggesting that we fund two existing police
8 officers as of July 1. We want to fund one additional
9 police officer on October the 1st and then at that
10 point we would be eligible to fund an additional COPS
11 position on October 1st, and then in March we would
12 fund one additional. So basically what we're doing is
13 we're taking one position and splitting it into a
14 nine-month position and a three-month position.
15 I had gotten a suggestion to hire two
16 in December, but if we split it this way, then we can
17 take advantage of the COPS money a lot quicker than we
18 would have if we waited till December.
19 For the City Administrator position,
20 it's funded at \$70,000 for an annual salary to begin
21 on January 1st, 2013. It's important to note that the
22 approval of this funding does not create the position
23 but that an additional Council action is required.
24 And Cecil can tell us more clearly what has to be done
25 for that. And then when the position becomes the City

Page 8

1 Manager on January 1st, 2014, then we can raise the
2 salary to the full recommended salary.
3 We funded the City Clerk's position at
4 \$60,000. This is the same as the previous City Clerk,
5 so there's no change there.
6 For the Recreation Department, we're
7 recommending and we are hiring the Recreation Director
8 at \$63,000 and we're recommending that the
9 Administrative Assistant position remain unfunded.
10 And when I say that they're unfunded,
11 the positions themselves are not going away, but we're
12 just not providing funding for them to be hired. So
13 when funding becomes available, then the position will
14 still be there and we will be able to fund it at a
15 later date.
16 In speaking with the property and
17 liability insurance carrier, they are expecting us to
18 have a 15 percent renewal increase. It's pretty much
19 the industry standard. It's similar to what the
20 health insurance told us when they said that it was
21 going to be 22 percent, but this is -- this is just
22 what we expect. They also told us that our experience
23 rates are not the best so we pretty much are
24 guaranteed to be locked into the 15 percent renewal.
25 On the flip side of that, we are

Page 9

1 working to get rid of some of our surplus property so
2 it's not on the insurance. And the Mayor actually
3 worked out a deal with the representative from
4 GovDeals to help us by taking the pictures and listing
5 the property on GovDeals. That's not something that
6 they normally do. They normally get a commission off
7 of the sale, and they would continue to get that. But
8 they are actually going above and beyond and helping
9 us to actually list the property, which they're doing
10 for free, and the Mayor actually made the arrangements
11 for that.

12 MAYOR PITTMAN: They actually started
13 today, came over and made pictures.

14 MS. FERGUSON: With respect to the
15 workers' comp, we're including a 15 percent renewal
16 increase on that as well. We don't have the renewal
17 figures and we won't have them before the budget is
18 adopted. We may realize some savings due to having
19 some fewer employees and possibly reclassifying some
20 of the employees. And we're also holding safety
21 classes regularly for especially the high-risk
22 employees in the Police Department and in Public
23 Works, so that should help with the renewal. It may
24 not have started in time to help with this one but it
25 will certainly help keep the cost down in the future.

Page 10

1 Okay. The retirement. After my
2 discussion with Ms. Fleming, we decided that it would
3 be best to redistribute the retirement based on the
4 salaries in the department as opposed to the number of
5 employees. That would make it more consistent with
6 the treatment of the workers' comp, and as you all
7 know, accountants like to be consistent.

8 We are funding the full actuarial
9 valuation. I've said \$786,000. We ratcheted that
10 back for 2012 in order to save money, but in the long
11 run, if we don't fund the full valuation, then it's
12 just going to be like a credit card bill that you only
13 pay the minimum payment on and it's just going to
14 snowball, and instead of seven hundred and eight-six,
15 it's going to be eight hundred and fifty or nine
16 hundred thousand the following year. So we're
17 recommending that we do the full valuation, and we
18 have the funding for it, so it should not be a
19 problem.

20 In looking at the actuarial valuation,
21 there's a possibility that we can save a little bit of
22 money in the broker fees once it gets transferred.
23 I'm not positive about that, but that's one area where
24 we may be able to save a little bit of money this
25 first year.

Page 11

1 Also, I'm hoping that we will get
2 additional earnings once we get our assets transferred
3 to the new broker. I feel like they will do a better
4 job of investing the money on our behalf with our
5 priorities than GMA did in a big pool.

6 So for changes in expenditure
7 estimates, we added the \$24,000 for the headhunter
8 fees for the city administrator positions. \$24,000
9 was the maximum bid that we received, so no matter
10 which one you decide, it will be funded.

11 We eliminated the elections budget.
12 And for municipal court, we reduced the part-time
13 judges, we removed the Courtware fees, we removed the
14 cleaning service and we reduced the utilities budgets.

15 For the Police Department, we
16 eliminated funding for two of seven vacant positions.
17 We reduced the utilities budget but then we turned
18 around and added funding for an upgraded water heating
19 system to reduce the natural gas costs. Right now,
20 they have a huge water tank that they're heating water
21 for constantly, and nobody really uses the water so it
22 was just being heated over and over and over again for
23 no apparent reason. So our thought process was that
24 we would get a tankless water heater, have the Public
25 Works department take out the old tanks, sell them for

Page 12

1 salvage and then only heat water when it's needed, and
2 that should save dramatically on the natural gas costs
3 over the next few years.

4 The Recreation Department, as I said
5 before, the administrative assistant position is
6 unfunded. We captured all the program revenues and
7 expenditures. We added funding for umpires,
8 instructors and program materials and equipment that
9 will be paid for by program fees that we will charge
10 directly to the participants.

11 For the swimming pool, we reduced the
12 repairs and maintenance by the \$15,000 that was added
13 in that shouldn't have been in there. We reevaluated
14 the utilities budget; we had to add some back in for
15 water and electricity. And then we eliminated any
16 capital outlay items that were not related to the pool
17 contract.

18 For Parks, we also eliminated the
19 capital outlay budgets, we eliminated the small
20 equipment budgets and we reduced the lawn care,
21 repairs and maintenance and the supplies budget.

22 In Planning & Zoning, we made a
23 decision to try to go with an outsourced GIS solution
24 which means that we increased the professional
25 services line item and decreased the training,

Page 13

1 technical services and equipment budgets, so the net
2 difference in that is a reduction of about \$4,500.
3 COUNCILMEMBER FLEMING: And you say
4 that was computer? Because you eliminated the
5 computer as well.
6 MS. FERGUSON: Yes. The computers
7 were directly related to the purchase of GIS software
8 and having it in-house.
9 So that's pretty much the highlights
10 of what we've done to try to balance the budget. What
11 I would like to do at this point is -- And this
12 probably is a moot point but I have to ask anyway
13 because this is the next step that I have to make. Do
14 you want to keep the millage rate at 9 mils or do you
15 want to explore raising it, or what is your pleasure?
16 If we keep it as is, we have enough
17 revenue to support the proposed budget as it is. What
18 that means in practical terms is that we will not have
19 to advertise a tax increase, we will only have to have
20 one public hearing, and we will be able to adopt the
21 millage rate with basically no fuss/no muss.
22 And if we make this decision tonight,
23 this is not going to adopt the millage rate; it's just
24 going to tell me which way to go. We have the option
25 of raising the millage rate. The fund balance has

Page 14

1 been declining over the past few years. You could
2 choose to raise the rates to shore up the fund
3 balance, but it would need to be advertised as a tax
4 increase, the public hearings would have to be
5 rescheduled from June the 4th to June the 25th so that
6 we could get them all in, and then we would be
7 adopting the budget on the 18th and then the millage
8 rate on the 25th. But it's purely an administrative
9 decision at this point on which way you want to go.
10 And then once we make that decision,
11 we have a public hearing for the budget on June the
12 4th, which I intend to get feedback from you guys on
13 any changes that you want to make, and incorporate
14 those into the budget and re-present it on the 4th.
15 And then after we have that public meeting -- that is
16 a required public meeting that's already been
17 advertised -- we will then come back on the 18th and
18 adopt the budget.
19 Does anybody have any questions?
20 COUNCILMEMBER FLEMING: But if we
21 don't have the final millage rate hearing until the
22 25th, I feel that passing a budget before passing the
23 millage rate -- even though you may have included one
24 way or the other in budget, I feel the millage-rate
25 meeting should be adopted prior to --

Page 15

1 MS. FERGUSON: If we don't --
2 COUNCILMEMBER FLEMING: -- adopting
3 the budget.
4 MS. FERGUSON: -- raise the millage
5 rate, then we will be adopting it at the same time we
6 adopt the budget. If we do, then we're going to have
7 to schedule additional meetings. That's the bottom
8 line.
9 I'm not recommending that we raise it;
10 I'm just offering that as an alternative and to get
11 direction from you on what you want to do.
12 COUNCILMEMBER DEAN: I think that it
13 would be really unfair for the people in the community
14 to raise the millage rate, based on the fact that we
15 raised it a year ago. I think if we raise the millage
16 rate -- We lowered the homestead exemption, and I
17 could not vote for raising it more.
18 MS. FERGUSON: Fair enough.
19 COUNCILMEMBER FLEMING: I'm not
20 inclined to raise the millage.
21 MAYOR PITTMAN: I agree.
22 COUNCILMEMBER PACHUTA: Yeah. I'm
23 fine keeping it.
24 COUNCILMEMBER BATES: I shared with
25 you my thoughts.

Page 16

1 MS. FERGUSON: Okay. If that's the
2 only decision that we have tonight, if we have -- if
3 you have suggestions on changes, directions that we
4 need to head, then I would need that before the June
5 4th meeting, or if there's anything you want to
6 discuss tonight.
7 COUNCILMEMBER PACHUTA: Do you want us
8 to do it like we did before, put it in a spreadsheet?
9 MS. FERGUSON: I think what I would
10 like is to get suggestions on possible changes and
11 then compile them all together and come back with
12 these are the suggestions, this is the impact if we
13 change it, and then we can go from there.
14 COUNCILMEMBER BATES: There was talk
15 this past week of moving Quality of Life from the
16 Police Department or as their own department under
17 Community Development.
18 And Councilman Patrick asked a
19 question regarding the purchase of -- if that were the
20 direction of Council, one of the vehicles was
21 purchased with asset forfeiture moneys. And so there
22 would need to be some discussion regarding that if
23 that was the case, but that's certainly to me a budget
24 issue. And I would rather -- if that's the direction
25 that we're going to do, move Quality of Life under

Page 17

1 Community Development, let's do that now and get the
2 correct budget passed than pass this budget and then
3 do an amendment in July or August.
4 MS. FERGUSON: Moving the Quality of
5 Life from the Police to Community Development is not
6 an issue with the exception of the vehicle. One of
7 the vehicles will come with them, one of them will
8 not, because it is asset forfeiture. And the only
9 change that we would need to make to the budget is to
10 come up with a solution for that vehicle issue.
11 MAYOR PITTMAN: Excuse me. Actually,
12 I was going to bring that up along with the other
13 issue with Mr. Howe. I was going to bring both of
14 those issues up. It is a little bit more than just
15 the one vehicle. There's also I believe some
16 computers and the radios and other things that we
17 would have to move.
18 Chief?
19 We had this conversation today about
20 the best way that we could do this. All of you know
21 that we are losing one of our Quality of Life
22 employees. She is going to be an officer, she's going
23 to go to the academy, and so that will leave us with
24 one.
25 I'm not sure how the Council -- what

Page 18

1 you guys want to consider: hiring someone else,
2 utilizing an employee we already have? That is
3 something we need to also be thinking about.
4 MS. FERGUSON: Right. So what we need
5 to do, then, is get an inventory of the equipment that
6 can come versus the equipment that cannot and then
7 come back with a proposal on how you would deal with
8 that issue.
9 COUNCILMEMBER BATES: Well, would they
10 be a separate department or would they be budgeted --
11 MS. FERGUSON: They are --
12 COUNCILMEMBER BATES: -- underneath
13 the --
14 MS. FERGUSON: They are --
15 COUNCILMEMBER BATES: -- Community
16 Development?
17 MS. FERGUSON: They are a separate
18 department mainly, and so the --
19 COUNCILMEMBER BATES: Would they just
20 stay as a separate department?
21 MS. FERGUSON: They would stay --
22 COUNCILMEMBER BATES: Okay.
23 MS. FERGUSON: -- as a separate
24 department. The department is prescribed by the state
25 chart of accounts. So if you have code enforcement,

Page 19

1 you have to have -- they would have to be in a
2 separate department by themselves.
3 COUNCILMEMBER BATES: Got you.
4 MS. FERGUSON: It's the same reason
5 the swimming pool is separate from Recreation is
6 because it's prescribed by the state chart of
7 accounts.
8 COUNCILMEMBER BATES: Got you.
9 COUNCILMEMBER PATRICK: If --
10 MS. FERGUSON: So it would not really
11 be an issue.
12 COUNCILMEMBER PATRICK: Sorry. If
13 they're a separate department, then what would the
14 issue be with the vehicle --
15 MS. FERGUSON: One of the vehicles --
16 COUNCILMEMBER PATRICK: -- or other
17 equipment?
18 MS. FERGUSON: -- was purchased with
19 asset forfeiture money which can only be used for
20 police, and so while they're under the police, they
21 are --
22 COUNCILMEMBER PATRICK: But aren't
23 they --
24 MS. FERGUSON: -- allowed to use the
25 vehicle. But once it leaves the Police Department,

Page 20

1 then the car will stay with the police.
2 COUNCILMEMBER PATRICK: And I
3 understand that, but didn't you just say they were
4 their own separate department?
5 MS. FERGUSON: They are, but right
6 now, they're under the auspices of the Police
7 Department.
8 COUNCILMEMBER PATRICK: I got you. I
9 got you. Okay.
10 MS. FERGUSON: Next time, they will be
11 under Community Development, Planning & Zoning.
12 COUNCILMEMBER PATRICK: So either way,
13 when they're on their own auspices for the next year,
14 this issue would still come up whether we push them
15 under -- Just to be clear, the question is is if Code
16 Enforcement were to stay as they are --
17 MS. FERGUSON: If they stay under the
18 Police Department --
19 COUNCILMEMBER PATRICK: -- not as --
20 MS. FERGUSON: -- there is no issue.
21 COUNCILMEMBER PATRICK: But next year
22 you're going to be changing them either way; right?
23 They're not going to be as a separate budget item?
24 MS. FERGUSON: They will always be as
25 a separate budget item. It's the chain of command

Page 21

1 that makes the difference.
2 COUNCILMEMBER PATRICK: Got you.
3 Okay.
4 MS. FERGUSON: Right now, the chain of
5 command is through the Police Department so they are
6 allowed to use asset forfeiture money for their
7 equipment.
8 COUNCILMEMBER PATRICK: I got you.
9 Okay.
10 MS. FERGUSON: When the chain of
11 command goes through Planning & Zoning, that goes away
12 --
13 COUNCILMEMBER PATRICK: Then that
14 takes it away altogether. Okay. All right.
15 COUNCILMEMBER DEAN: And I have a
16 question. Maybe Cecil can answer this one the best.
17 In terms of enforcement, is it
18 standard that the Quality of Life is under Planning?
19 I mean does enforcement get in the way at all?
20 ATTORNEY McLENDON: Yes.
21 COUNCILMEMBER DEAN: Is there --
22 ATTORNEY McLENDON: No, there is no
23 issue with that. It's very common for it to be under
24 Planning & Zoning. In most locations I'm familiar
25 with, it is in that place. But it fits under either/

Page 22

1 oragreedent upon what you want to do.
2 COUNCILMEMBER DEAN: Okay. And the
3 City Inspector, he is with Planning & Zoning; right?
4 MAYOR PITTMAN: Uh-huh.
5 COUNCILMEMBER DEAN: Okay. Great.
6 COUNCILMEMBER PATRICK: Since the
7 question got raised, is there anyone else who is able
8 to fill that?
9 MAYOR PITTMAN: Actually, Mr.
10 Strickland, I had spoken with him. It's ruled out.
11 MS. FERGUSON: I know.
12 MAYOR PITTMAN: Even possibly doing it
13 part-time until we either hire someone else or -- and
14 that can be done. He already has the vehicle. He's
15 out and about anyway and is very familiar. Chief and
16 I talked about it. But that might not be the way you-
17 all want to go with it, but in the event that we also
18 -- we had a gentleman, Mr. Winfrey, who did an
19 excellent job, but he's no longer available. He
20 worked part-time for us. So that's an option.
21 COUNCILMEMBER PATRICK: Okay.
22 COUNCILMEMBER FLEMING: Well, my
23 preference would be to utilize an employee that we
24 already have on staff. The training would be less
25 than hiring another brand new person if in fact his

Page 23

1 schedule permits him.
2 Having the Stormwater and Arborist for
3 the City, I'm not sure what his --
4 MAYOR PITTMAN: We talked about it.
5 COUNCILMEMBER FLEMING: -- day-to-day
6 details are.
7 MAYOR PITTMAN: He thinks he can do
8 it. He just doesn't want to do it for ever and ever
9 and ever, you know. You know, I think at some point,
10 budgetary allows us to hire someone or you may want to
11 go ahead and do it, but he feels he can do it part-
12 time.
13 COUNCILMEMBER DEAN: Well, could we
14 table this until the next --? I really haven't given
15 this a lot of consideration.
16 MAYOR PITTMAN: Oh, yes, it's just a
17 suggestion. That's all. Yeah.
18 COUNCILMEMBER BATES: At present, the
19 Quality of Life's funded at two positions.
20 MS. FERGUSON: Correct.
21 MAYOR PITTMAN: We could always hire
22 someone else if that's Council's wishes.
23 COUNCILMEMBER BATES: I mean
24 personally, that's -- And I agree; I think we need to
25 think about it. But we're taxing most of our staff

Page 24

1 already, and I would not want to add a burden, because
2 the timeline on -- you know, if Mr. Strickland were to
3 do it, the timeline on us replacing that when we get
4 around to it and when he burns out and we get
5 complaints that we're not doing enough code
6 enforcement out there, my preference would be to
7 replace that position.
8 MAYOR PITTMAN: And we could certainly
9 do that. He can just fill in until we get someone
10 hired.
11 MS. FERGUSON: The other option that
12 we have is we do actually have two vehicles out here
13 that can be used temporarily.
14 COUNCILMEMBER BATES: Right. City
15 Hall vehicles?
16 MAYOR PITTMAN: We do. We were going
17 to auction one off but we certainly can hang onto it.
18 MS. FERGUSON: If we feel like --
19 MAYOR PITTMAN: Absolutely.
20 MS. FERGUSON: -- we need it, yeah.
21 Is there anything else that you guys
22 want me to kind of research and look for before the
23 next meeting?
24 COUNCILMEMBER PACHUTA: Well, and then
25 there was also suggestion made over the weekend to

Page 25

1 move Mr. Howe.
2 MAYOR PITTMAN: Yeah. Most of what he
3 does is economic development, grant writing. And we
4 have spoken to him as well as spoken with Mr. Cooley,
5 and I think he would be appropriate, if Council so
6 wishes, to move under Community Development. He does
7 a lot of that.
8 MS. FERGUSON: So do we want to go
9 ahead and incorporate that into the next budget
10 proposal or --
11 COUNCILMEMBER DEAN: Well, I have a
12 couple of questions with that.
13 One question is is that in the past --
14 and I brought this up before -- the Mayor has brought
15 in -- with the \$5,000 that she's allotted to bring in
16 without coming before Council, she's brought in
17 contract employees.
18 Now, I don't think that that's -- I
19 don't think that that's the way that money is meant to
20 be spent. And what I would hate to see happen is that
21 we say, okay, Luke, you can go over here, and then
22 suddenly we have a new contract employee before
23 Council, so we're enmeshed.
24 MAYOR PITTMAN: Why would we need a
25 new contract employee for Mr. Howe?

Page 26

1 COUNCILMEMBER DEAN: Not for Mr. Howe;
2 for the Clerk's office.
3 MAYOR PITTMAN: We need a City Clerk.
4 COUNCILMEMBER DEAN: Uh-huh.
5 MAYOR PITTMAN: That is not a contract
6 employee. We have an Assistant --
7 COUNCILMEMBER DEAN: Well, no --
8 MAYOR PITTMAN: -- City Clerk already.
9 COUNCILMEMBER DEAN: -- not to get --
10 this is not --
11 And you could be Jake and Jimmy, Mayor
12 Jenkins, you could be anyone. It's not about you;
13 it's about the situation and the way we've done things
14 in the past, which I believe have been done kind of
15 through the back door, I mean, because the hiring
16 process has been we're going to hire this contract
17 company or employee to come in, they are enmeshed in
18 our city for a month and then brought before Council
19 and said, "Okay, Council. They've done a great job.
20 Will you hire them, yes or no?" Whereas, I think the
21 more appropriate way would be, you know, let's send
22 out an RFP and get some resumes and go through a pool
23 of people and see which best suits the City's needs.
24 MAYOR PITTMAN: And what does that
25 have to do with relocating or moving Mr. Howe?

Page 27

1 COUNCILMEMBER DEAN: Are you going to
2 want to hire an assistant for yourself?
3 MAYOR PITTMAN: Why, no. I don't need
4 an assistant. He doesn't do anything for me --
5 COUNCILMEMBER DEAN: Okay.
6 MAYOR PITTMAN: -- except occasionally
7 do a proclamation, occasionally do a speech.
8 What he does and what his job
9 description says is generally economic development and
10 grant writing, and he was working with I.T. but
11 recently just pulled him off to allow One Source to do
12 that.
13 So there would be no reason for that.
14 COUNCILMEMBER DEAN: Okay. All right.
15 And the other question is with the
16 budget, have we budgeted that money for that
17 department? I mean does it matter?
18 MS. FERGUSON: We're discussing now
19 whether you want me to bring that back as a change.
20 COUNCILMEMBER DEAN: Okay.
21 COUNCILMEMBER ALEXANDER: But he is
22 budgeted, just not . . .
23 MS. FERGUSON: He's budgeted in the
24 Mayor's office at the moment.
25 COUNCILMEMBER DEAN: Again, before we

Page 28

1 make a decision, I'd like to ask more questions and --
2 MS. FERGUSON: Well, we're not making
3 a decision right now.
4 COUNCILMEMBER DEAN: Okay.
5 MS. FERGUSON: I'm trying to get
6 direction on where you would like to see the budget.
7 COUNCILMEMBER DEAN: All right. And
8 my point is is that I would say, well, leave it as it
9 is now until I can find out more information on this,
10 because I do have a lot of questions, and this just
11 came up.
12 You guys may have talked about this to
13 some extent in the past, but I am very unfamiliar with
14 him and his position and I've never had a conversation
15 with him, so I am totally unfamiliar with his role in
16 the City and so I would like to have a better under-
17 standing of it.
18 MAYOR PITTMAN: This is for
19 conversation, and that's why we're having this
20 tonight, so you can send questions.
21 COUNCILMEMBER DEAN: Okay.
22 MS. FERGUSON: What I would like to
23 do, then, is to give you a scenario with it moved and
24 with it staying for the next -- for discussion next
25 time.

Page 29

1 COUNCILMEMBER FLEMING: The moneys
2 don't change one way or another --
3 MS. FERGUSON: No.
4 COUNCILMEMBER FLEMING: -- except for
5 the bottom line of each of those two departments.
6 MS. FERGUSON: Right. So you know,
7 I'll just put it together that way, and if we decide
8 one way, you'll use it; if we decide the other way,
9 we'll use the other option.
10 COUNCILMEMBER DEAN: And again, this
11 is no reflection upon Mr. Howe. I don't know him.
12 This is just -- this is merely the mechanics.
13 MAYOR PITTMAN: All right.
14 COUNCILMEMBER PACHUTA: I've never
15 received an answer from Lenny when I asked about if we
16 could halt Judge Carter's participation in the pension
17 plan.
18 But also I wanted to at least -- I
19 mean I know we got an e-mail from him, and he cannot
20 account for his hours for the past year. He said he
21 would start being here at least a couple hours a day.
22 But we're the only city that provides
23 a judge for just a part-time position, health
24 insurance, which is costing us \$12,000 a year. And
25 Judge Carter also works for three other cities, and no

Page 30

1 other city provides health insurance, so I would at
2 least like us to look at . . . It's a \$12,000 expense.
3 ATTORNEY McLENDON: What you would do
4 is change the funding of the position and you'd have
5 to deal it with like you deal with really any other
6 employee you had and go through the appropriate steps
7 of changing the method of the position.
8 COUNCILMEMBER PACHUTA: We've had a
9 contract with him in the past. I don't think there is
10 one currently.
11 COUNCILMEMBER ALEXANDER: He was made
12 a full-time employee.
13 COUNCILMEMBER PACHUTA: Okay, but not
14 working full-time hours.
15 COUNCILMEMBER ALEXANDER: He was made
16 a full-time employee per the suggestion per the
17 previous city attorney.
18 ATTORNEY McLENDON: Yeah. You know, a
19 lot of times, you will have a contract with your
20 employee. They're still an employee; they just have
21 contract rights on top of that.
22 So if somebody is your employee, that
23 in and of itself has its own set of, you know --
24 COUNCILMEMBER PACHUTA: Yeah, well,
25 because --

Page 31

1 ATTORNEY McLENDON: -- laws, etc.
2 COUNCILMEMBER PACHUTA: -- our health
3 insurance plan dictates you have to work so many hours
4 a week, and I mean he's not at that.
5 ATTORNEY McLENDON: Yeah. So --
6 COUNCILMEMBER DEAN: How are you a
7 full-time employee without working full-time hours?
8 What do you mean by that?
9 ATTORNEY McLENDON: Actually, that's
10 the first I had heard of anything on being a full-time
11 employee.
12 But you know, whether you're full-time
13 or part-time depends upon the number of hours you
14 work --
15 COUNCILMEMBER DEAN: Right.
16 ATTORNEY McLENDON: -- frankly, what
17 position you would be in. I don't know sort of how
18 that came about and I'd need to delve further into
19 that.
20 My understanding is there's no current
21 contract in place, and what that means is they just
22 sit in the status of an employee in whatever capacity
23 they're in.
24 COUNCILMEMBER PACHUTA: So it's
25 possible he's not even supposed to be getting health

Page 32

1 insurance benefits right now?
2 ATTORNEY McLENDON: I don't know. I'd
3 hate to sit here and speculate on something that it's
4 the first I've heard of it and haven't had any ability
5 to look at it.
6 COUNCILMEMBER PACHUTA: Okay.
7 COUNCILMEMBER PATRICK: Could we also
8 look into what other judges are already paid?
9 COUNCILMEMBER ALEXANDER: We already
10 did.
11 COUNCILMEMBER PATRICK: We already
12 did. And is he in line with those or --
13 MS. FERGUSON: No.
14 COUNCILMEMBER ALEXANDER: No.
15 COUNCILMEMBER DEAN: Is that something
16 we should talk about, I mean options?
17 COUNCILMEMBER FLEMING: Well, Ms.
18 Ferguson brought it up before. She indicated that you
19 had checked into it, that some of them were making
20 \$150.00 an hour, some of them were paid by the
21 sessions.
22 Your preference would be -- I mean I'm
23 almost verbatim. Your preference would be to be
24 paying him by the session.
25 MS. FERGUSON: Right.

Page 33

1 ATTORNEY McLENDON: And what we would
2 do as part of the budget is we would be determining
3 how much money to budget for that position.
4 Really in the budget you would not
5 sort of look at how you were going to do the other
6 issues that might be involved in meeting that budget
7 number. That would be a separate dynamic from we've
8 adopted the budget and we have X-amount for this
9 position, and here's how you reach that.
10 COUNCILMEMBER BATES: In the research,
11 was there a dollar amount per session that was a norm?
12 MS. FERGUSON: It varies from city to
13 city.
14 COUNCILMEMBER PACHUTA: I think you
15 said -- and I don't think I have it in front of me --
16 \$350 and \$450?
17 MS. FERGUSON: I'm thinking that one
18 of them was \$300 and one of them was \$350, and there
19 may have been one as high as \$450 --
20 COUNCILMEMBER PACHUTA: I might have
21 it with me. I'm not sure.
22 MS. FERGUSON: -- but I didn't bring
23 all that stuff with me.
24 COUNCILMEMBER FLEMING: I believe when
25 you discussed it --

Page 34

1 COUNCILMEMBER PACHUTA: Norcross was -
2 -
3 COUNCILMEMBER FLEMING: -- the maximum
4 I heard was \$350.
5 COUNCILMEMBER PACHUTA: Norcross is
6 \$500 a day, and that was the highest. I can't read my
7 own handwriting. John's Creek was \$100 an hour,
8 Dunwoody is like \$100.
9 MS. FERGUSON: Dunwoody I think is
10 \$300 a session.
11 COUNCILMEMBER PACHUTA: Okay. And
12 then Decatur is \$230 an hour.
13 MS. FERGUSON: The problem we get into
14 with the per-hour is there's no incentive for them to
15 hurry things along and get things done. We ran into
16 that in Sandy Springs where the court session that was
17 supposed to last two hours would wind up lasting five
18 or six hours, and it was just extremely expensive.
19 COUNCILMEMBER BATES: I'm perfectly
20 fine looking at changing that to a per-session.
21 MS. FERGUSON: Well, we would need to
22 get Cecil's research before we --
23 ATTORNEY McLENDON: What I would say
24 on that is, you know, adopting the budget -- again,
25 separate issues -- if we adopt a budget and we put

Page 35

1 budget assumptions in and you base them on a set of
2 circumstances, then the issue becomes get to the set
3 of circumstances.
4 COUNCILMEMBER PACHUTA: Well, I guess
5 also since we need to have a jail, there would
6 probably need to be an hourly component, and I did not
7 ever get a response because Judge Carter wasn't able
8 to provide how many hours he actually is at our jail
9 every week for bond hearings.
10 MS. FERGUSON: I think probably the
11 bigger issue is if he goes -- if he goes to Dekalb,
12 because that's a more time-consuming ritual and you --
13 COUNCILMEMBER PACHUTA: Does he go to
14 Dekalb ever?
15 MS. FERGUSON: I don't know.
16 MAYOR PITTMAN: He doesn't go to
17 Dekalb, to my knowledge.
18 He goes to the jail, he does court
19 sessions here, and I believe he does come out or they
20 go to his house to sign warrants in the middle of the
21 night sometimes.
22 MS. FERGUSON: So all that would have
23 to be taken into account before we assign a per-
24 session or per-hour type of deal.
25 COUNCILMEMBER PACHUTA: How often do

Page 36

1 you use him for warrants versus Dekalb County?
2 CHIEF KING: Not very often. We
3 actually go to the Dekalb County Magistrate because
4 it's a court of record, but it is an alternative we
5 have available, you know, if there's something that's
6 a time constraint.
7 MAYOR PITTMAN: All right. Thank you,
8 Ms. Ferguson, very much; a very nice presentation.
9 If we could just --
10 Did you have a question?
11 COUNCILMEMBER FLEMING: Uh-huh.
12 MAYOR PITTMAN: Okay. Go ahead. I'm
13 sorry.
14 COUNCILMEMBER FLEMING: Yes. I wanted
15 to ask about staffing recommendations for the Police
16 Department. I'm on your Power Point, five of seven
17 existing positions.
18 MS. FERGUSON: Yes.
19 COUNCILMEMBER FLEMING: So right now,
20 the budget that you presented to us are with those
21 five being funded in that budget?
22 MS. FERGUSON: Funded based on the
23 schedule in this slide right here.
24 COUNCILMEMBER FLEMING: I'm sorry?
25 MS. FERGUSON: Funded based on the

Page 37

1 schedule in the slide.
2 COUNCILMEMBER FLEMING: So the 2013
3 budget has these five officers in here.
4 MS. FERGUSON: Yes.
5 COUNCILMEMBER FLEMING: But one is
6 through the COPS and the other four are funded through
7 the General Fund.
8 MS. FERGUSON: Right.
9 COUNCILMEMBER FLEMING: Okay. Does
10 that include the E-911 officer that's coming up for
11 vote on June 4th?
12 MS. FERGUSON: The 911 are all fully
13 funded. All the positions are fully funded.
14 COUNCILMEMBER FLEMING: I'm sorry?
15 MS. FERGUSON: The 911 positions are
16 fully funded, but we will have two vacancies. One
17 officer just put in his notice. Both of those
18 vacancies are fully funded in the 2013 budget.
19 COUNCILMEMBER FLEMING: Okay. The
20 only other comment I want to make is that I feel that
21 with the Rec. Department only having two full-time
22 employees and a few part-time, it's very difficult for
23 the two full-times, and we should at least fund three
24 there.
25 COUNCILMEMBER PATRICK: Is that

Page 38

1 something where we could perhaps take an employee from
2 another department if they are not busy enough or have
3 enough activity going on and put them over there -- if
4 we have employees that are like that?
5 MS. FERGUSON: I don't know where they
6 would come from.
7 MAYOR PITTMAN: I don't either.
8 COUNCILMEMBER ALEXANDER: I think I
9 would like the new director's input on that. He may
10 have some experience with scheduling or something like
11 that. Because that's one of the things that I
12 mentioned was Ramond and Scott Rogers working just
13 basically seven days a week. But I think I would like
14 his input on that. He may be able to manage his part-
15 time staff in a different manner to alleviate some of
16 those hours that those two gentlemen have to work.
17 MAYOR PITTMAN: And he will be
18 starting June 1th.
19 MS. FERGUSON: Okay. So do we want to
20 do anything with funding the assistant or not? Do you
21 want to see a scenario?
22 MAYOR PITTMAN: I tend to agree. I
23 mean I think it's a possibility they may need some
24 assistance. There's nowhere that I could think of we
25 could pull anyone --

Page 39

1 MS. FERGUSON: Right.
2 MAYOR PITTMAN: -- especially when
3 you're working with children; it's a little different.
4 I tend to agree; let's wait till our
5 new department head gets there and gives his input.
6 We may have to come back and say we need someone.
7 COUNCILMEMBER DEAN: I have a comment
8 about the Council's budget.
9 MS. FERGUSON: Yes.
10 COUNCILMEMBER DEAN: In light of the
11 new sunshine laws, if someone wants to or accuses me
12 or anyone in public office or something, my equipment,
13 my computer and my telephone is subject to subpoena,
14 subject to be searched, and I have a lot of personal
15 information on my computer that I do not want people
16 going through.
17 And for that reason -- and I mentioned
18 it in an e-mail -- I mean is there anything the City
19 can do to provide even cheap computers or something?
20 Because that makes me feel very uncomfortable. And
21 with the history of the city and the people in the
22 city -- maybe it's the same all over -- it's happened
23 in the past, and I am fairly certain it will happen in
24 the future. I don't want my things, my personal
25 material, being gone through, and that's -- My

Page 40

1 computer much more so than my phone. My phone, I
2 don't care so much about, but my computer, that's a
3 big deal for me.
4 MAYOR PITTMAN: Cecil, could you
5 provide some input?
6 ATTORNEY McLENDON: Well, I can say it
7 would be correct that if information was on your
8 personal computer, potentially it would be something
9 that would be relevant and would have to be produced
10 as part of a response to an Open Records request, but
11 it would depend upon the circumstances.
12 There are methods to do that, you
13 know; setting up a specific online account for just
14 that.
15 COUNCILMEMBER DEAN: Right; or
16 materials created on your computer.
17 ATTORNEY McLENDON: You know, the
18 issue is it has to be produced, so, you know, I don't
19 know that it's --
20 COUNCILMEMBER DEAN: If I've produced
21 it.
22 ATTORNEY McLENDON: I mean that's what
23 I say: we would produce the documentation.
24 Someone wouldn't automatically be able
25 to go into your computer. It would be a matter of

Page 41

1 making sure we appropriately responded with everything
2 --
3 COUNCILMEMBER DEAN: Right.
4 ATTORNEY McLENDON: -- that was
5 relevant to the request.
6 COUNCILMEMBER DEAN: Right.
7 COUNCILMEMBER PATRICK: But ultimately
8 --
9 ATTORNEY McLENDON: If it were
10 maintained on something here.
11 MAYOR PITTMAN: But at the end of the
12 day, if you have the stuff on there, is it not where
13 they would have to get your e-mails and then someone
14 would have to redact what might be City, what might be
15 personal, so they would still be reading your personal
16 stuff?
17 ATTORNEY McLENDON: It depends on the
18 circumstances. It could happen. And that's more
19 about not the hardware but trying to keep it separated
20 from accounts.
21 COUNCILMEMBER PATRICK: So you're
22 saying that the probability may be less but the
23 potential is still there.
24 ATTORNEY McLENDON: Yes, the potential
25 is there. The potential is there. And the real thing

Page 42

1 you've got is if you're using your City e-mail
2 account, I believe they're all held here on the
3 server.
4 COUNCILMEMBER DEAN: Right.
5 ATTORNEY McLENDON: You have that
6 situation.
7 COUNCILMEMBER DEAN: Right, right.
8 ATTORNEY McLENDON: A document
9 request, you know, we would look at it and produce the
10 documents, you know. I mean that's the big thing:
11 you would produce them.
12 COUNCILMEMBER DEAN: Well --
13 ATTORNEY McLENDON: Unless a specific
14 issue arose.
15 COUNCILMEMBER DEAN: Right.
16 ATTORNEY McLENDON: I'm not sure
17 somebody's going to be able to come and say, "I want
18 to look at the computer," because, yeah, we're going
19 to give you what's required in an Open Records
20 request. We generally do that.
21 COUNCILMEMBER DEAN: Okay. A couple
22 of times, my ethics has been called to question, and
23 un-rightly so, entirely wrongly so. But if someone
24 were to pursue something like that, where would I
25 stand in terms of having to turn over my hardware?

Page 43

1 ATTORNEY McLENDON: I would find it
2 very -- it would be a very unusual circumstance for
3 you to have to turn over your hardware.
4 COUNCILMEMBER FLEMING: And I have my
5 legal fees right now.
6 MAYOR PITTMAN: But wouldn't it --
7 COUNCILMEMBER DEAN: Okay.
8 MAYOR PITTMAN: Wouldn't it be a court
9 order?
10 ATTORNEY McLENDON: Yeah. It would be
11 a very unusual circumstance to that situation. What
12 we'd end up more likely with is a judge would say, "I
13 want to see everything, and I'm going to go through
14 it."
15 COUNCILMEMBER DEAN: Okay.
16 ATTORNEY McLENDON: But that's a long
17 way down the road. The reality is on those kind of
18 requests, my position is get it, you know, if it's an
19 Open Records --
20 COUNCILMEMBER DEAN: Well, I don't
21 want to hand over -- I don't want to hand over my
22 computer. That's my whole point, I mean. And based
23 on what I gathered at the meeting regarding the
24 sunshine laws and the changes, that even if I create a
25 document on my computer, then I may be subject to

Page 44

1 having to turn over that computer because that's where
2 the document was created.
3 COUNCILMEMBER BATES: No. All you'd
4 have to do is turn over the document itself.
5 ATTORNEY McLENDON: Yeah.
6 COUNCILMEMBER DEAN: Okay.
7 ATTORNEY McLENDON: Yeah. The
8 computers, I mean very -- that would be highly
9 unusual.
10 COUNCILMEMBER DEAN: Okay. Okay.
11 ATTORNEY McLENDON: You know, but
12 yeah, if it's a document, if it's a City document,
13 something that was relevant to the request, generally
14 it would be produced.
15 COUNCILMEMBER DEAN: Okay.
16 COUNCILMEMBER FLEMING: I was not able
17 to attend the meeting at Dunwoody explaining, and I
18 understand you're going to provide or someone's going
19 to provide materials for those that were not able to
20 attend.
21 ATTORNEY McLENDON: And we have a
22 Power Point on that --
23 COUNCILMEMBER FLEMING: Okay.
24 ATTORNEY McLENDON: -- that was
25 produced.

Page 45

1 COUNCILMEMBER FLEMING: However, if
2 I'm not mistaken, we're still into a City-related e-
3 mail structure where someone cannot ask for my
4 personal e-mail address for any and all of my e-
5 mails with no subject matter or anything else.
6 ATTORNEY McLENDON: No. That would be
7 beyond --
8 COUNCILMEMBER FLEMING: And I --
9 ATTORNEY McLENDON: -- the scope of --
10 COUNCILMEMBER FLEMING: -- do not have
11 to give up my equipment and I do not have to -- and
12 I'm not allowed to self edit or anything like that.
13 ATTORNEY McLENDON: No. What would
14 happen is --
15 COUNCILMEMBER PATRICK: But Cecil,
16 didn't he say -- I'm sorry.
17 Didn't the Assistant Attorney General
18 say that if it's anything either produced on our
19 phones or our personal e-mail accounts or anything,
20 that it's subject to the Open Records?
21 ATTORNEY McLENDON: But the question
22 was everything, and that's not correct. I mean he
23 never said something that wasn't potential produced in
24 your scope of your work at the City would be subject.
25 He never said that, and that wouldn't be appropriate.

Page 46

1 COUNCILMEMBER PATRICK: But he did say
2 if it's something related to.
3 ATTORNEY McLENDON: If you've done
4 something -- if you're typing an e-mail that would be
5 part of the City scope, yeah, but it wouldn't be
6 somebody would take your computer and get it. You
7 know, it would be produce it, you know, let's hand it
8 over.
9 COUNCILMEMBER PATRICK: And I guess my
10 point is is . . .
11 MAYOR PITTMAN: Okay. So if somebody
12 asks for all of your e-mails --
13 ATTORNEY McLENDON: Yeah. All of the
14 e-mails --
15 MAYOR PITTMAN: -- and all of your
16 City
17 e-mails --
18 COUNCILMEMBER PATRICK: Who is the
19 person --
20 MAYOR PITTMAN: So is it the --
21 COUNCILMEMBER PATRICK: -- that goes
22 through?
23 MAYOR PITTMAN: -- trust system that
24 they give them? Sorry.
25 ATTORNEY McLENDON: It would be

Page 47

1 something that we would look at administratively.
2 COUNCILMEMBER FLEMING: Well, no, no.
3 COUNCILMEMBER PATRICK: And that's the
4 issue is who's "we?"
5 MAYOR PITTMAN: Yeah.
6 COUNCILMEMBER FLEMING: Okay.
7 ATTORNEY McLENDON: So that would be
8 something I'd probably be involved in.
9 COUNCILMEMBER PATRICK: And I do like
10 you, Cecil. You seem like a fine, upstanding member
11 of the community.
12 COUNCILMEMBER FLEMING: The issue --
13 COUNCILMEMBER PATRICK: But my own --
14 COUNCILMEMBER FLEMING: -- here is --
15 COUNCILMEMBER PATRICK: -- personal
16 stuff, I think I'd like to keep personal, and --
17 COUNCILMEMBER FLEMING: -- is that the
18 City can -- because the request is made to the City;
19 it's not made to individual Council members. The
20 request has to come to the City for the Open Records
21 request, and I'm requesting such-and-such, any and
22 all.
23 Well, if they ask for the City e-
24 mails, when I e-mail even if it's from my personal or
25 if I e-mail from my Pam.Fleming.Doravillega, the City

Page 48

1 can reproduce every e-mail that any one of us has
2 done, and it's their responsibility to then produce
3 the documents, not us --
4 ATTORNEY McLENDON: That's the --
5 COUNCILMEMBER FLEMING: -- as
6 individuals.
7 ATTORNEY McLENDON: -- easy answer.
8 That gets back to I think what I said
9 right at the beginning of the conversation. This
10 isn't so much about your hardware. This is about
11 keeping your business on the -- if you keep it in the
12 City account, we keep the e-mails. That's easy.
13 You know, to me, that is the easy way
14 to deal with it because you don't get involved in
15 that. If you come back and say I want all of Trudy
16 Jones Dean's e-mails, you kept them all on that
17 server. There you go; we're done. There you go.
18 We'll redact them; we'll make sure
19 that we've gotten the correct redaction or the correct
20 review of them and make sure only what goes out is
21 what is appropriate to go out, and that's that.
22 COUNCILMEMBER DEAN: But what if it is
23 against me personally and not the City based on a City
24 matter?
25 COUNCILMEMBER PATRICK: Put another

Page 49

1 way, when the Council or when the City is sued, aren't
2 we sued in our professional and personal capacities?
3 ATTORNEY McLENDON: Not always. And
4 generally, if they've sued you in your personal
5 capacity, that's subject to a dismissal unless it's a
6 really unusual pleading.
7 COUNCILMEMBER PATRICK: Okay.
8 ATTORNEY McLENDON: As your capacity
9 as City Council members, sometimes they do, sometimes
10 they don't. I've seen numerous cases where they do
11 not. They will just bring it against the city itself.
12 So you know, what you're going to see
13 is if they're covering your individual capacity,
14 they're saying you exceeded the scope of your work and
15 you're doing something that is beyond what was
16 allowed.
17 COUNCILMEMBER DEAN: But what if they
18 do it to me, for example, individually?
19 ATTORNEY McLENDON: It would depend on
20 what --
21 COUNCILMEMBER DEAN: Trudy Jones Dean,
22 I am filing an ethics charge against you; turn over
23 all of your stuff.
24 ATTORNEY McLENDON: An ethics charge
25 would be different --

Page 50

1 COUNCILMEMBER DEAN: Uh-huh.
2 ATTORNEY McLENDON: -- because an
3 ethics charge is something that goes out under your
4 Ethics Ordinance. We've talked about the Ethics
5 Ordinance. I'm not crazy about it. But the Ethics
6 Ordinance does not necessarily have a production of
7 documents process if I'm correct.
8 COUNCILMEMBER ALEXANDER: Yeah.
9 ATTORNEY McLENDON: It doesn't have --
10 COUNCILMEMBER PACHUTA: There's no
11 discovery.
12 ATTORNEY McLENDON: -- production of
13 documents --
14 COUNCILMEMBER DEAN: Okay. No
15 discovery; right?
16 ATTORNEY McLENDON: -- in an ethics
17 case.
18 COUNCILMEMBER PACHUTA: There's no
19 discovery. They can still make an Open Records
20 request.
21 ATTORNEY McLENDON: The production of
22 documents is all going to go based on Open Records.
23 And, you know, an ethics complaint, it depends on the
24 situation. As we talked about the other week, those
25 are very dependent upon looking at the circumstances.

Page 51

1 By and large, I represent the City, you know, I
2 represent the ethics board.
3 In some cases where it was summary and
4 it was basically a frivolous complaint, we may come in
5 and have it knocked out on being a frivolous
6 complaint. The one thing about having a good
7 ordinance I would say is you want one that dismisses
8 frivolous complaints because, frankly, a high
9 percentage of them tend to be frivolous complaints.
10 COUNCILMEMBER DEAN: Right.
11 ATTORNEY McLENDON: But you have that
12 substantive analysis of that before you have to get
13 into I'm taking my time and effort to deal with this
14 situation.
15 COUNCILMEMBER DEAN: All right. So I
16 never have to worry about anyone getting my computer
17 and going through my stuff.
18 ATTORNEY McLENDON: I would never say
19 that.
20 MAYOR PITTMAN: Chief --
21 ATTORNEY McLENDON: And I didn't say
22 that.
23 MAYOR PITTMAN: Chief --
24 ATTORNEY McLENDON: Let me respond to
25 that because I don't think I said that. I think I

Page 52

1 said that would be highly unusual.
2 COUNCILMEMBER FLEMING: Well, and --
3 COUNCILMEMBER PATRICK: Chief, what
4 were you going to say?
5 COUNCILMEMBER FLEMING: -- that is why
6 --
7 COUNCILMEMBER DEAN: I'd like to hear
8 what the Chief --
9 COUNCILMEMBER FLEMING: -- I took
10 legal action.
11 CHIEF KING: Respectfully, I would
12 submit that you keep your business -- private business
13 private and all discussions relating to City business
14 on the Doraville account.
15 I would recommend have two phones. If
16 you're going to have a phone to conduct City business,
17 that phone is -- those records have to be submitted if
18 somebody comes and asks for your phones. If you're
19 going to conduct private -- you get in trouble when
20 you commingle; when you start using, you know, your
21 AOL accounts --
22 COUNCILMEMBER PATRICK: Yeah.
23 CHIEF KING: -- your Mindspring
24 accounts to conduct City business. That opens the
25 door to somebody going and seeking all those messages.

Page 53

1 Guard your privacy with your life
2 because once you start losing it, once you lose it,
3 you leave yourself wide open. You don't have a
4 private life. Unfortunately, as public persons, we're
5 open books, you know.
6 And I know Cecil has given you some
7 very good legal advice, but I will tell you the
8 practical application of if you do any --
9 The problem is when somebody comes and
10 asks for your private e-mails, it's probably because
11 they have one of your e-mails already that somebody, a
12 third party, has already passed around. That opens
13 the flood gate to getting a lot of the other e-mails,
14 because if you don't produce that e-mail that they
15 have, then you get hammered, then you're subject to --
16 so. Hopefully, I'm not disagreeing with --
17 ATTORNEY McLENDON: No.
18 CHIEF KING: -- what your counsel was
19 saying but I --
20 ATTORNEY McLENDON: Not at all.
21 CHIEF KING: -- am just saying try to
22 do your best to keep your business private.
23 ATTORNEY McLENDON: What I'm telling
24 you is there's a City account; put your business on
25 it.

Page 54

1 COUNCILMEMBER DEAN: Use it; right,
2 right.
3 ATTORNEY McLENDON: And I think that
4 goes all the way back to the beginning of the conver-
5 sation --
6 COUNCILMEMBER DEAN: Right, right.
7 ATTORNEY McLENDON: -- when I said
8 that, because that's one that the City maintains; it's
9 easiest.
10 Would I ever give you anything
11 definitive in the legal world and law? I wouldn't be
12 a wise attorney to do that.
13 MAYOR PITTMAN: (To the audience,
14 pounding gavel) I'm sorry. If you're going to chatter,
15 please step outside. It makes it very difficult for
16 her to hear.
17 COUNCILMEMBER DEAN: I just heard the
18 same thing that Mr. Patrick did which kind of made me
19 panic, so thank you for clarifying.
20 ATTORNEY McLENDON: And we can talk
21 about that more.
22 COUNCILMEMBER DEAN: Yeah. Okay.
23 ATTORNEY McLENDON: It's an
24 interesting subject, and I thought it was a very good
25 presentation which would get out the information.

Page 55

1 The real thing to take out of that
2 presentation is that the A.G.'s office wants to work
3 with you. I think a lot of people think the A.G.'s
4 office is out there with a giant hammer to beat people
5 with. What they really want to do is work with people
6 to make sure that the spirit of the ordinance is
7 enforced, and the way we work with that is I have the
8 same goal.
9 COUNCILMEMBER PATRICK: I don't know
10 if right now's the right time to talk about it, but
11 the \$24,000 for headhunter fees, I know a lot of
12 effort has been put in.
13 I'm putting together the headhunter
14 RFQ process. But with the budget as tight as it is,
15 I'm just not comfortable with pursuing that.
16 And I ultimately think it's our
17 responsi-bility that we ourselves take on that
18 authority or that burden. We were elected to be here,
19 and my own vote is is that is not a good use of our
20 money, that we should take that responsibility
21 ourselves.
22 COUNCILMEMBER DEAN: Well, I would
23 much, much, much rather see that money go towards
24 educating us all in terms of classes and seminars and,
25 for example, the thing going on in Savannah. But

Page 56

1 yeah, I think that would be a much better use of it.
2 I've contacted some of the council
3 members from Peachtree Corners, and they actually did
4 what we talked about earlier, which is they got
5 together a board to help them find a city manager, and
6 they are currently looking for a city manager. And
7 they gave me some contact names, city managers in the
8 area willing to help us in our search.
9 So it is, I think, quite doable, and I
10 think that we could at least try it, and if we are
11 successful, perhaps use that money for educating us.
12 COUNCILMEMBER PATRICK: Or cell phones
13 and computers for the Council.
14 COUNCILMEMBER DEAN: Right.
15 COUNCILMEMBER ALEXANDER: So who's
16 going to do it?
17 COUNCILMEMBER PATRICK: I'm sorry?
18 COUNCILMEMBER ALEXANDER: Who's going
19 to do it?
20 COUNCILMEMBER PATRICK: Do what?
21 COUNCILMEMBER ALEXANDER: Do the city
22 manager search.
23 COUNCILMEMBER DEAN: Oh, we --
24 COUNCILMEMBER PATRICK: We do it.
25 COUNCILMEMBER DEAN: Yeah. We can do

Page 57

1 --
2 COUNCILMEMBER PATRICK: We can do it.
3 COUNCILMEMBER DEAN: -- it
4 collectively, yeah. I mean the thing is we're just
5 hiring -- instead of putting the energy --
6 COUNCILMEMBER BATES: I mean
7 respectfully, that hasn't worked so well for a city
8 clerk search.
9 COUNCILMEMBER DEAN: Well, no --
10 COUNCILMEMBER PATRICK: I think we're
11 --
12 COUNCILMEMBER DEAN: -- it hasn't, but
13 --
14 COUNCILMEMBER PATRICK: -- looking for
15 a different -- different product altogether.
16 COUNCILMEMBER PACHUTA: I think I --
17 COUNCILMEMBER PATRICK: And somehow or
18 another, this Council did seem to find a Parks & Rec.
19 director pretty effectively.
20 COUNCILMEMBER PACHUTA: I think this
21 position is just too important and it's a very high-
22 level executive position and one that's new for the
23 City and not just a new city where you're starting
24 from zero. It's going to have some unique situations.
25 And reviewing, I just glanced through

Page 58

1 the RFPs, I mean there's a lot involved in sitting
2 down with each of us and determining exactly what we
3 want the position to be and creating that, and I think
4 we need people who are experienced in doing that.
5 COUNCILMEMBER PATRICK: And again, if
6 we got an interview panel put together with other city
7 managers, perhaps three city managers and the Mayor,
8 HR or the city attorney, we can do this.
9 COUNCILMEMBER PACHUTA: Well, I've
10 never heard any feedback at the meeting we discussed
11 having staff --
12 COUNCILMEMBER PATRICK: I contacted
13 the local director of the metro area city managers
14 association and spoke with her. She is officially
15 neutral on what process or what method to go through
16 for selecting a city manager, but she did say that it
17 would be easy to find city managers that would be
18 willing to sit in for the interview panel as well as
19 helping us do everything we need to to get a city
20 manager in place here.
21 COUNCILMEMBER BATES: And the purpose
22 of the city manager search was to do a nationwide
23 search to find the best candidates from California,
24 from Montana, from Oregon, from Florida, from Atlanta,
25 that was going to be the best fit for us to interview

Page 59

1 and make the decision on whomever they presented to
2 us.
3 I'm not sure that putting the city
4 manager from Dunwoody and the city manager of Chamblee
5 and the city manager of Peachtree City on a panel is
6 going to do a nationwide search to help us find the
7 candidates that are going to be a good fit for the
8 City of Doraville.
9 COUNCILMEMBER DEAN: But keeping --
10 COUNCILMEMBER PATRICK: And we can --
11 COUNCILMEMBER DEAN: -- it real --
12 COUNCILMEMBER PATRICK: -- do that
13 because essentially one of the places that they're
14 going to list is the International City Managers
15 Association. Again, 650 bucks --
16 COUNCILMEMBER BATES: I understand.
17 COUNCILMEMBER PATRICK: -- is an
18 annual posting.
19 COUNCILMEMBER BATES: I understand
20 that.
21 COUNCILMEMBER PATRICK: We can do
22 this.
23 COUNCILMEMBER BATES: I understand.
24 COUNCILMEMBER PATRICK: We are elected
25 here to do this.

Page 60

1 COUNCILMEMBER BATES: But the role of
2 the search firm is to go out and recruit.
3 COUNCILMEMBER DEAN: Well, we seem to
4 contract out everyone to do what we were elected to do
5 and --
6 COUNCILMEMBER BATES: No. What we --
7 COUNCILMEMBER DEAN: -- it costs
8 money.
9 COUNCILMEMBER BATES: -- were elected
10 to do was to set policy.
11 COUNCILMEMBER DEAN: Well, and it
12 costs the City.
13 Well, also, our Charter says one
14 thing. And again, I have brought this up numerous
15 times. Maybe we should change the Charter. I would
16 be so happy with that, because I wouldn't feel as if
17 I'm shirking my responsibility, okay?
18 COUNCILMEMBER ALEXANDER: We're hiring
19 a city manager; we're changing the Charter.
20 COUNCILMEMBER BATES: I mean that's --
21 COUNCILMEMBER DEAN: Well, no.
22 COUNCILMEMBER BATES: -- the process.
23 COUNCILMEMBER DEAN: We're responsible
24 for hiring; right?
25 COUNCILMEMBER ALEXANDER: That's going

Page 61

1 to change with the city manager.
2 COUNCILMEMBER DEAN: Right. No, I
3 under-stand that.
4 But right now, it is what it is. I
5 mean it's still -- And we have not done that, okay.
6 COUNCILMEMBER BATES: But I'm --
7 COUNCILMEMBER DEAN: As a body, we
8 have not done the hiring.
9 COUNCILMEMBER ALEXANDER: We are not
10 H.R. experts. Has anyone up here ever hired --
11 COUNCILMEMBER DEAN: Yes. Yes.
12 COUNCILMEMBER ALEXANDER: -- a -- ?
13 You are. Okay.
14 COUNCILMEMBER DEAN: Not a --
15 COUNCILMEMBER ALEXANDER: Have you
16 ever --
17 COUNCILMEMBER DEAN: -- city manager,
18 though.
19 THE REPORTER: Please, please.
20 COUNCILMEMBER ALEXANDER: So you've
21 never hired a city manager.
22 THE REPORTER: If you want it on the
23 record, we're going to have to go one at a time.
24 COUNCILMEMBER DEAN: I've done a lot
25 of things --

Page 62

1 COUNCILMEMBER ALEXANDER: Have you
2 ever hired --
3 COUNCILMEMBER DEAN: -- for the first
4 time.
5 COUNCILMEMBER ALEXANDER: -- a city
6 manager?
7 COUNCILMEMBER DEAN: Please let me
8 finish.
9 COUNCILMEMBER ALEXANDER: No. Have
10 you --
11 COUNCILMEMBER DEAN: Please, Ms.
12 Alexander. You asked me a question.
13 COUNCILMEMBER ALEXANDER: That's fine.
14 COUNCILMEMBER DEAN: I have done many
15 things for the first time while on Council here since
16 January 1st, okay.
17 COUNCILMEMBER ALEXANDER: Okay.
18 COUNCILMEMBER DEAN: So that, I'm
19 assuming, was a rhetorical question.
20 COUNCILMEMBER ALEXANDER: No. I mean
21 have you ever hired -- You said you're an H.R. expert.
22 Have you --
23 COUNCILMEMBER DEAN: I was in H.R. I
24 was head of H.R. I have hired many, many people.
25 I've hired head of accounting, for example. I was the

Page 63

1 manager for my firm that brought in revenues of
2 millions.
3 But again, if we talk to people who
4 know how to do this, I think that we're shirking our
5 responsi-bility by hiring someone to do what -- if we
6 educate ourselves, if we ask the right questions, if
7 we talk to the right people, then I -- I agree with
8 Mr. Patrick that we can be quite capable of doing
9 this.
10 And there's no guarantee simply
11 because we pay someone \$25,000, that they will then
12 bring back the golden boy from California, for
13 example, who just can't wait to be city manager for
14 the City of Doraville.
15 COUNCILMEMBER ALEXANDER: And the
16 majority of these headhunter firms offer a guarantee.
17 COUNCILMEMBER DEAN: Right.
18 COUNCILMEMBER BATES: It's a one-year
19 guarantee.
20 COUNCILMEMBER PATRICK: What is the
21 guarantee?
22 COUNCILMEMBER BATES: One-year
23 guarantee.
24 COUNCILMEMBER ALEXANDER: One of them
25 offers a three-year guarantee.

Page 64

1 MAYOR PITTMAN: I did have a question
2 about that. If we bring them here for interviews, do
3 we pay for those interviews?
4 COUNCILMEMBER ALEXANDER: That's one
5 of the things we have to review and discuss.
6 MAYOR PITTMAN: If they relocate, are
7 we --
8 COUNCILMEMBER DEAN: Relocation fees,
9 the cost of the air fare and putting them up in
10 hotels. I mean that's just -- it's \$24,000 for this,
11 but how much on top of that?
12 COUNCILMEMBER ALEXANDER: That's one
13 of the things, we all have to have the responsibility
14 of reviewing these RFPs and come together with
15 questions.
16 COUNCILMEMBER DEAN: Well, I still
17 prefer, and I think that we could explore this and
18 talk about this; maybe see, do both; right? I mean
19 that's -- let's explore some, because I still think
20 that we are capable of doing this,
21 And I understand that I don't have the
22 knowledge or the experience that some of you do, but I
23 also think that we are capable of putting our brains
24 together and working together and -- and achieving
25 something good.

Page 65

1 MAYOR PITTMAN: Okay. This certainly
2 is in the budget and there certainly can always be
3 votes to take it out of the budget. So I think the
4 Council needs to work together and work this out.
5 COUNCILMEMBER FLEMING: And the item
6 is on the agenda for June the 4th anyway to open --
7 you know, to evaluate the bids on June the 4th, and
8 that would also create additional discussion for June
9 the 4th.
10 MAYOR PITTMAN: All right.
11 COUNCILMEMBER PATRICK: Another
12 question. Election budgets. I see that you've
13 eliminated that. Is that a problem or why not?
14 MS. FERGUSON: It's not a problem
15 unless one of you steps down or dies. We are not
16 scheduled to have an election. It was a contingency
17 plan --
18 COUNCILMEMBER PATRICK: Okay.
19 MS. FERGUSON: -- in case something
20 bad happened.
21 MAYOR PITTMAN: She could have left
22 that part out.
23 COUNCILMEMBER DEAN: So soon?
24 MS. FERGUSON: So I don't -- I would
25 prefer to have it in there, but it's not an election

Page 66

1 year so it's --
2 COUNCILMEMBER PATRICK: I guess
3 ultimately my question is if there was some amount of
4 money that was allocated initially and it's not being
5 allocated, are we just doubling up the bill for next
6 year --
7 MS. FERGUSON: No.
8 COUNCILMEMBER PATRICK: -- or causing
9 additional --
10 MS. FERGUSON: No, we're not. It was
11 just an in case we have to have an election.
12 COUNCILMEMBER PATRICK: Got you.
13 Okay.
14 MS. FERGUSON: Because you know, I
15 just can't predict what y'all are going to do.
16 MAYOR PITTMAN: And there will be an
17 election next year. Yeah, next year there is an
18 election.
19 MS. FERGUSON: Next year there is an
20 election and it will have to be in there. This year
21 it was just a cover-our-bases kind of thing. But the
22 dollar amount will be higher next year because Dekalb
23 has told us that we have to have two precincts because
24 we've annexed that --
25 COUNCILMEMBER PATRICK: Additional

Page 67

1 terri-tory?
2 MS. FERGUSON: -- those two areas,
3 yes.
4 MAYOR PITTMAN: Okay. Anything
5 additional?
6 If not, if you could just please
7 submit your questions and comments and we will -- I
8 think everybody did a really good job last time asking
9 questions and you did a really good job of answering
10 them. There were many.
11 MS. FERGUSON: Yes, there were.
12 MAYOR PITTMAN: And if you would
13 please -- please do so. And sometimes -- I know we
14 get flooded sometimes with questions. So if something
15 slips through the cracks, don't hesitate to say, "Hey,
16 by the way," you know, please.
17 MS. FERGUSON: I don't want to
18 discourage you from asking questions but we kind of
19 need to be learning towards suggestions and direction
20 at this point.
21 MAYOR PITTMAN: Yeah, because we need
22 to get this passed.
23 MS. FERGUSON: So I will be happy to
24 answer questions, but we need to kind of start
25 focusing on the direction where we want to make

Page 68

1 changes, if we want to make changes and so forth, so.
2 MAYOR PITTMAN: I think our goal
3 should be to be ready to pass the budget on the date
4 that we're supposed to pass it.
5 MS. FERGUSON: That's what we're
6 working towards.
7 COUNCILMEMBER PATRICK: And that date
8 again is?
9 MS. FERGUSON: June 18th.
10 COUNCILMEMBER PATRICK: June 18th.
11 MAYOR PITTMAN: Yes.
12 Okay. And thank you --
13 MS. FERGUSON: Thank you.
14 MAYOR PITTMAN: -- very, very much.
15 We now move on to the next one,
16 opening the bids for signage.
17 COUNCILMEMBER FLEMING: So the June
18 4th at 7:15 millage meeting has been canceled.
19 MAYOR PITTMAN: The wishes of the
20 Council is not to raise the millage rate, so we don't
21 need an additional meeting.
22 COUNCILMEMBER BATES: Mr. Clerk, are
23 you ready?
24 COUNCILMEMBER BATES: I have Merje --
25 M-e-r-j-e -- total lump sum \$42,480.

1 COUNCILMEMBER FLEMING: Mr. Bates --
 2 COUNCILMEMBER BATES: Yes, ma'am.
 3 COUNCILMEMBER FLEMING: -- when you
 4 say total, how is it proposed for the RFP?
 5 COUNCILMEMBER BATES: It's the design
 6 cost only. This is a --
 7 COUNCILMEMBER FLEMING: Okay. Design
 8 cost.
 9 COUNCILMEMBER BATES: -- total
 10 estimated cost. A total design cost.
 11 COUNCILMEMBER PACHUTA: I have Sky
 12 Design, total design cost, \$60,500.
 13 COUNCILMEMBER PATRICK: I have KMA
 14 Design, and total estimated cost is \$33,000.
 15 COUNCILMEMBER FLEMING: I have AMEC
 16 out of Kennesaw, Georgia, and total estimated cost for
 17 design only is \$31,000.
 18 COUNCILMEMBER DEAN: And I have
 19 National Sign Plazas. The design cost is \$15,000 to
 20 \$20,000.
 21 MAYOR PITTMAN: All right. Motion to
 22 adjourn?
 23 COUNCILMEMBER ALEXANDER: So moved.
 24 MAYOR PITTMAN: Second?
 25 COUNCILMEMBER PATRICK: Second.

1 MAYOR PITTMAN: Discussion?
 2 ---
 3 (No response)
 4 ---
 5 MAYOR PITTMAN: Call the roll, please.
 6 ATTORNEY McLENDON: Alexander?
 7 COUNCILMEMBER ALEXANDER: Yes.
 8 ATTORNEY McLENDON: Bates?
 9 COUNCILMEMBER BATES: Yes.
 10 ATTORNEY McLENDON: Dean?
 11 COUNCILMEMBER DEAN: Yes.
 12 ATTORNEY McLENDON: Fleming?
 13 COUNCILMEMBER FLEMING: Here. Yes.
 14 ATTORNEY McLENDON: Pachuta?
 15 COUNCILMEMBER PACHUTA: Yes.
 16 ATTORNEY McLENDON: Patrick?
 17 COUNCILMEMBER PATRICK: Yes.
 18 MAYOR PITTMAN: Thank you.
 19 ---
 20 (Meeting adjourned at 8:10 p.m.)
 21 -o0o-
 22
 23
 24
 25

1 C E R T I F I C A T E
 2 STATE OF GEORGIA]
 3 COUNTY OF DEKALB]
 4 I hereby certify that the foregoing transcript
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 15 This the 6th day of June, 2012.

 Theresa Bretch, CCR
 Permit No. B-755

[SEAL]

		29:20;35:23;40:13; 42:2;48:12;52:14;53:24	34:24;58:5;59:15;60:14; 63:3;68:8	appealing (1) 5:11
\$	2	accountants (1) 10:7	against (3) 48:23;49:11,22	application (1) 53:8
\$100 (2) 34:7,8	2012 (1) 10:10	accounting (1) 62:25	agenda (1) 65:6	appropriate (5) 25:5;26:21;30:6; 45:25;48:21
\$12,000 (2) 29:24;30:2	2013 (3) 7:21;37:2,18	accounts (6) 18:25;19:7;41:20; 45:19;52:21,24	ago (1) 15:15	appropriately (1) 41:1
\$15,000 (2) 12:12;69:19	2014 (1) 8:1	accuses (1) 39:11	agree (5) 15:21;23:24;38:22; 39:4;63:7	approval (1) 7:22
\$150.00 (1) 32:20	22 (1) 8:21	achieving (1) 64:24	AG's (2) 55:2,3	Arborist (1) 23:2
\$20,000 (1) 69:20	25th (3) 14:5,8,22	action (2) 7:23;52:10	ahead (3) 23:11;25:9;36:12	area (3) 10:23;56:8;58:13
\$230 (1) 34:12	4	activity (1) 38:3	air (1) 64:9	areas (1) 67:2
\$24,000 (4) 11:7,8;55:11;64:10	4th (9) 14:5,12,14;16:5; 37:11;65:6,7,9;68:18	actually (12) 9:2,8,9,10,12;17:11; 22:9;24:12;31:9;35:8; 36:3;56:3	Alexander (32) 3:5,6;27:21;30:11,15; 32:9,14;38:8;50:8; 56:15,18,21;60:18,25; 61:9,12,15,20;62:1,5,9, 12,13,17,20;63:15,24; 64:4,12;69:23;70:6,7	arose (1) 42:14
\$25,000 (1) 63:11	6	actuarial (2) 10:8,20	ad (1) 6:1	around (4) 6:12;11:18;24:4;53:12
\$300 (2) 33:18;34:10	650 (1) 59:15	ad (1) 6:1	add (2) 12:14;24:1	arrangements (1) 9:10
\$31,000 (1) 69:17	7	ad (2) 12:14;24:1	added (4) 11:7,18;12:7,12	asset (4) 16:21;17:8;19:19;21:6
\$33,000 (1) 69:14	7:15 (1) 68:18	add (2) 12:14;24:1	additional (11) 7:8,10,12,23;11:2; 15:7;65:8;66:9,25;67:5; 68:21	assets (1) 11:2
\$350 (3) 33:16,18;34:4	8	add (2) 12:14;24:1	address (1) 45:4	assign (1) 35:23
\$4,500 (1) 13:2	8:10 (1) 70:20	add (2) 12:14;24:1	adjourn (1) 69:22	assistance (1) 38:24
\$42,480 (1) 68:25	85 (2) 5:18,22	add (2) 12:14;24:1	adjourned (1) 70:20	Assistant (7) 8:9;12:5;26:6;27:2,4; 38:20;45:17
\$450 (2) 33:16,19	9	add (2) 12:14;24:1	Administrative (3) 8:9;12:5;14:8	association (2) 58:14;59:15
\$5,000 (1) 25:15	9 (2) 5:6;13:14	add (2) 12:14;24:1	administratively (1) 47:1	assuming (1) 62:19
\$500 (1) 34:6	911 (2) 37:12,15	add (2) 12:14;24:1	Administrator (2) 7:19;11:8	assumptions (1) 35:1
\$60,000 (1) 8:4	95 (2) 5:13;6:1	add (2) 12:14;24:1	adopt (5) 13:20,23;14:18;15:6; 34:25	ation (1) 54:5
\$60,500 (1) 69:12	98 (1) 5:15	add (2) 12:14;24:1	adopted (3) 9:18;14:25;33:8	Atlanta (1) 58:24
\$63,000 (1) 8:8	A	add (2) 12:14;24:1	Administrative (3) 8:9;12:5;14:8	attend (2) 44:17,20
\$66,000 (1) 5:9		add (2) 12:14;24:1	Administratively (1) 47:1	ATTORNEY (76) 3:4,7,10,13,16,19; 21:20,22;30:3,17,18; 31:1,5,9,16;32:2;33:1; 34:23;40:6,17,22;41:4,9, 17,24;42:5,8,13,16;43:1, 10,16;44:5,7,11,21,24; 45:6,9,13,17,21;46:3,13, 25;47:7;48:4,7;49:3,8, 19,24;50:2,9,12,16,21; 51:11,18,21,24;53:17, 20,23;54:3,7,12,20,23; 58:8;70:6,8,10,12,14,16
\$70,000 (1) 7:20		add (2) 12:14;24:1	Administrative (3) 8:9;12:5;14:8	audience (1) 54:13
\$786,000 (1) 10:9		add (2) 12:14;24:1	Administratively (1) 47:1	
1	ability (1) 32:4	add (2) 12:14;24:1	Administrator (2) 7:19;11:8	
1 (1) 7:8	able (12) 4:10,24;8:14;10:24; 13:20;22:7;35:7;38:14; 40:24;42:17;44:16,19	add (2) 12:14;24:1	adopt (5) 13:20,23;14:18;15:6; 34:25	
11th (1) 38:18	above (2) 5:15;9:8	add (2) 12:14;24:1	adopted (3) 9:18;14:25;33:8	
15 (3) 8:18,24;9:15	Absolutely (1) 24:19	add (2) 12:14;24:1	adopting (5) 4:23;14:7;15:2,5; 34:24	
18th (4) 14:7,17;68:9,10	academy (1) 17:23	add (2) 12:14;24:1	advantage (1) 7:17	
1st (5) 7:9,11,21;8:1;62:16	account (7)	add (2) 12:14;24:1	advertise (1) 13:19	
		add (2) 12:14;24:1	advertised (2) 14:3,17	
		add (2) 12:14;24:1	advice (1) 53:7	
		add (2) 12:14;24:1	again (9) 11:22;27:25;29:10;	

August (1) 17:3	6:9;32:1	budgeted (7) 5:12,18,25;18:10; 27:16,22,23	case (4) 16:23;50:17;65:19; 66:11	18;28:16;29:22;30:1,17; 33:12,13;39:18,21,22; 41:14;42:1;44:12;45:24; 46:5,16;47:18,18,20,23, 25;48:12,23,23;49:1,9, 11;51:1;52:13,16,24; 53:24;54:8;56:5,6,7,21; 57:7,23,23;58:6,7,8,13, 16,17,19,22;59:3,4,5,5,8, 14;60:12,19;61:1,17,21; 62:5;63:13,14
auspices (2) 20:6,13	best (8) 8:23;10:3;17:20; 21:16;26:23;53:22;	budgets (7) 4:6,25;11:14;12:19, 20;13:1;65:12	cases (2) 49:10;51:3	
authority (1) 55:18	better (3) 11:3;28:16;56:1	burden (2) 24:1;55:18	causing (1) 66:8	
automatically (1) 40:24	beyond (3) 9:8;45:7;49:15	burns (1) 24:4	Cecil (6) 7:24;21:16;40:4; 45:15;47:10;53:6	
available (5) 5:21,21;8:13;22:19; 36:5	bid (1) 11:9	business (8) 48:11;52:12,12,13,16, 24;53:22,24	Cecil's (1) 34:22	City-related (1) 45:2
away (3) 8:11;21:11,14	bids (2) 65:7;68:16	busy (1) 38:2	cell (1) 56:12	City's (1) 26:23
B	big (3) 11:5;40:3;42:10		certain (1) 39:23	clarifying (1) 54:19
	bigger (1) 35:11	C	certainly (6) 9:25;16:23;24:8,17; 65:1,2	classes (2) 9:21;55:24
back (12) 10:10;12:14;14:17; 16:11;18:7;26:15;27:19; 39:6;48:8,15;54:4;63:12	bill (2) 10:12;66:5	California (2) 58:23;63:12	chain (3) 20:25;21:4,10	cleaning (1) 11:14
bad (1) 65:20	bit (4) 5:23;10:21,24;17:14	Call (2) 3:3;70:5	Chamblee (1) 59:4	clear (1) 20:15
balance (5) 4:16,20;13:10,25;14:3	board (2) 51:2;56:5	called (1) 42:22	change (10) 5:11,13;8:5;16:13; 17:9;27:19;29:2;30:4; 60:15;61:1	clearly (1) 7:24
balanced (1) 4:10	body (1) 61:7	came (3) 9:13;28:11;31:18	changes (8) 4:16;11:6;14:13;16:3, 10;43:24;68:1,1	Clerk (5) 8:4;26:3,8;57:8;68:22
base (1) 35:1	bond (1) 35:9	can (32) 5:2,11;7:16,24;8:1; 10:21;16:13;18:6;19:19; 21:16;22:14;23:7,11; 24:9,13,17;25:21;28:9, 20;39:19;40:6;47:18; 48:1;50:19;54:20;56:25; 57:2;58:8;59:10,21; 63:8;65:2	changing (4) 20:22;30:7;34:20; 60:19	Clerk's (2) 8:3;26:2
baseball (1) 6:25	books (1) 53:5	canceled (1) 68:18	charge (4) 12:9;49:22,24;50:3	code (3) 18:25;20:15;24:5
Based (8) 5:17;10:3;15:14; 36:22,25;43:22;48:23; 50:22	both (3) 17:13;37:17;64:18	canceling (1) 7:3	chart (2) 18:25;19:6	collect (2) 6:22;7:2
basic (1) 4:19	bottom (2) 15:7;29:5	candidates (2) 58:23;59:7	Charter (3) 60:13,15,19	collecting (1) 5:15
basically (4) 7:12;13:21;38:13;51:4	boy (1) 63:12	capable (3) 63:8;64:20,23	chatter (1) 54:14	collection (1) 5:15
basketball (1) 7:1	brains (1) 64:23	capacities (1) 49:2	cheap (1) 39:19	collectively (1) 57:4
Bates (38) 3:8,9;15:24;16:14; 18:9,12,15,19,22;19:3,8; 23:18,23;24:14;33:10; 34:19;44:3;57:6;58:21; 59:16,19,23;60:1,6,9,20, 22;61:6;63:18,22;68:22, 24;69:1,2,5,9;70:8,9	brand (1) 22:25	capacity (4) 31:22;49:5,8,13	checked (1) 32:19	comfortable (1) 55:15
beat (1) 55:4	bring (9) 6:19;17:12,13;25:15; 27:19;33:22;49:11; 63:12;64:2	capital (2) 12:16,19	Chief (11) 17:18;22:15;36:2; 51:20,23;52:3,8,11,23; 53:18,21	coming (2) 25:16;37:10
become (1) 5:21	broker (2) 10:22;11:3	captured (3) 6:5,20;12:6	children (1) 39:3	command (3) 20:25;21:5,11
becomes (3) 7:25;8:13;35:2	brought (7) 25:14,14,16;26:18; 32:18;60:14;63:1	car (1) 20:1	choose (1) 14:2	comment (2) 37:20;39:7
begin (1) 7:20	bucks (1) 59:15	card (1) 10:12	circumstance (2) 43:2,11	comments (1) 67:7
beginning (3) 6:13;48:9;54:4	budget (53) 3:23;4:11,14,17,18,23; 5:2,5,22;6:3,5,22;9:17; 11:11,17;12:14,21; 13:10,17;14:7,11,14,18, 22,24;15:3,6;16:23;17:2, 2,9;20:23,25;25:9; 27:16;28:6;33:2,3,4,6,8; 34:24,25;35:1;36:20,21; 37:3,18;39:8;55:14; 65:2,3;68:3	care (2) 12:20;40:2	circumstances (5) 35:2,3;40:11;41:18; 50:25	commingle (1) 52:20
behalf (1) 11:4	budgetary (1) 23:10	carrier (1) 8:17	cities (1) 29:25	commission (1) 9:6
benchmark (1) 5:19		Carter (2) 29:25;35:7	City (72) 7:19,25;8:3,4;11:8; 22:3;23:3;24:14;26:3,8,	common (1) 21:23
benefits (2)		Carter's (1) 29:16		community (8) 15:13;16:17;17:1,5; 18:15;20:11;25:6;47:11

<p>16:11 complaint (3) 50:23;51:4,6 complaints (3) 24:5;51:8,9 component (1) 35:6 computer (15) 13:4,5;39:13,15;40:1, 2,8,16,25;42:18;43:22, 25;44:1;46:6;51:16 computers (5) 13:6;17:16;39:19; 44:8;56:13 conduct (3) 52:16,19,24 consider (1) 18:1 consideration (2) 4:11;23:15 consistent (2) 10:5,7 constantly (1) 11:21 constraint (1) 36:6 constraints (1) 5:3 contact (1) 56:7 contacted (2) 56:2;58:12 contingency (2) 5:9;65:16 continue (1) 9:7 contract (11) 12:17;25:17,22,25; 26:5,16;30:9,19,21; 31:21;60:4 conver- (1) 54:4 conversation (4) 17:19;28:14,19;48:9 conversations (1) 5:17 Cooley (1) 25:4 COPS (8) 6:4,7,9,12,14;7:10,17; 37:6 Corners (1) 56:3 cost (10) 9:25;64:9;69:6,8,10, 10,12,14,16,19 costing (1) 29:24 costs (5) 6:23;11:19;12:2;60:7, 12 Council (18) 4:21;7:23;16:20;</p>	<p>17:25;25:5,16,23;26:18, 19;47:19;49:1,9;56:2, 13;57:18;62:15;65:4; 68:20 Councilman (1) 16:18 Councilmember (285) 3:4,6,7,9,10,12,13,15, 16,18,19,21;13:3;14:20; 15:2,12,19,22,24;16:7, 14;18:9,12,15,19,22; 19:3,8,9,12,16,22;20:2,8, 12,19,21;21:2,8,13,15, 21;22:2,5,6,21,22;23:5, 13,18,23;24:14,24; 25:11;26:1,4,7,9;27:1,5, 14,20,21,25;28:4,7,21; 29:1,4,10,14;30:8,11,13, 15,24;31:2,6,15,24;32:6, 7,9,11,14,15,17;33:10, 14,20,24;34:1,3,5,11,19; 35:4,13,25;36:11,14,19, 24;37:2,5,9,14,19,25; 38:8;39:7,10;40:15,20; 41:3,6,7,21;42:4,7,12,15, 21;43:4,7,15,20;44:3,6, 10,15,16,23;45:1,8,10, 15;46:1,9,18,21;47:2,3, 6,9,12,13,14,15,17;48:5, 22,25;49:7,17,21;50:1,8, 10,14,18;51:10,15;52:2, 3,5,7,9,22;54:1,6,17,22; 55:9,22;56:12,14,15,17, 18,20,21,23,24,25;57:2, 3,6,9,10,12,14,16,17,20; 58:5,9,12,21;59:9,10,11, 12,16,17,19,21,23,24; 60:1,3,6,7,9,11,18,20,21, 22,23,25;61:2,6,7,9,11, 12,14,15,17,20,24;62:1, 3,5,7,9,11,13,14,17,18, 20,23;63:15,17,18,20,22, 24;64:4,8,12,16;65:5,11, 18,23;66:2,8,12,25;68:7, 10,17,22,24;69:1,2,3,5,7, 9,11,13,15,18,23,25; 70:7,9,11,13,15,17 Council's (2) 23:22;39:8 counsel (1) 53:18 County (4) 5:18,20;36:1,3 couple (3) 25:12;29:21;42:21 course (1) 6:14 court (5) 11:12;34:16;35:18; 36:4;43:8 Courtware (1) 11:13 covering (1)</p>	<p>49:13 cover-our-bases (1) 66:21 cracks (1) 67:15 crazy (1) 50:5 create (3) 7:22;43:24;65:8 created (2) 40:16;44:2 creating (1) 58:3 credit (1) 10:12 Creek (1) 34:7 current (4) 5:14,19;6:6;31:20 currently (2) 30:10;56:6</p>	<p>12:23;13:22;14:9,10; 16:2;28:1,3;59:1 declining (1) 14:1 decreased (1) 12:25 definitive (1) 54:11 Dekalb (8) 5:17,20;35:11,14,17; 36:1,3;66:22 delve (1) 31:18 department (27) 4:2,15;8:6;9:22;10:4; 11:15,25;12:4;16:16,16; 18:10,18,20,24,24;19:2, 13,25;20:4,7,18;21:5; 27:17;36:16;37:21;38:2; 39:5 departments (4) 4:19,23,25;29:5 depend (2) 40:11;49:19 dependent (1) 50:25 depends (3) 31:13;41:17;50:23 description (1) 27:9 design (8) 69:5,7,10,12,12,14,17, 19 desks (1) 4:6 details (1) 23:6 determining (2) 33:2;58:2 Development (8) 16:17;17:1,5;18:16; 20:11;25:3,6;27:9 dictates (1) 31:3 dies (1) 65:15 difference (2) 13:2;21:1 different (5) 38:15;39:3;49:25; 57:15,15 difficult (2) 37:22;54:15 digest (2) 5:10,11 direct (1) 6:23 direction (7) 4:13;15:11;16:20,24; 28:6;67:19,25 directions (1) 16:3 directly (2)</p>	<p>12:10;13:7 Director (3) 8:7;57:19;58:13 director's (1) 38:9 disagreeing (1) 53:16 discourage (1) 67:18 discovery (3) 50:11,15,19 discuss (2) 16:6;64:5 discussed (2) 33:25;58:10 discussing (1) 27:18 discussion (5) 10:2;16:22;28:24; 65:8;70:1 discussions (1) 52:13 dismissal (1) 49:5 dismisses (1) 51:7 doable (1) 56:9 document (6) 42:8;43:25;44:2,4,12, 12 documentation (1) 40:23 documents (5) 42:10;48:3;50:7,13,22 dollar (2) 33:11;66:22 done (16) 4:2,3;7:24;13:10; 22:14;26:13,14,19; 34:15;46:3;48:2,17; 61:5,8,24;62:14 door (2) 26:15;52:25 Doraville (2) 59:8;63:14 Doravillega (1) 52:14 doubling (1) 66:5 down (4) 9:25;43:17;58:2;65:15 dramatically (1) 12:2 due (1) 9:18 Dunwoody (4) 34:8,9;44:17;59:4 dynamic (1) 33:7</p>
D				
E				

<p>e- (3) 45:2,4;47:23 E-911 (1) 37:10 earlier (1) 56:4 earnings (1) 11:2 easiest (1) 54:9 easy (4) 48:7,12,13;58:17 economic (2) 25:3;27:9 edit (1) 45:12 educate (1) 63:6 educating (2) 55:24;56:11 effectively (1) 57:19 effort (2) 51:13;55:12 eight (1) 10:15 eight-six (1) 10:14 either (5) 20:12,22;22:13;38:7; 45:18 either/ (1) 21:25 elected (4) 55:18;59:24;60:4,9 Election (7) 65:12,16,25;66:11,17, 18,20 elections (1) 11:11 electricity (1) 12:15 eligible (1) 7:10 eliminated (7) 11:11,16;12:15,18,19; 13:4;65:13 else (6) 18:1;22:7,13;23:22; 24:21;45:5 e-mail (10) 29:19;39:18;42:1; 45:4,19;46:4;47:24,25; 48:1;53:14 e-mails (9) 41:13;46:12,14,17; 48:12,16;53:10,11,13 employee (16) 18:2;22:23;25:22,25; 26:6,17;30:6,12,16,20, 20,22;31:7,11,22;38:1 employees (8) 9:19,20,22;10:5;</p>	<p>17:22;25:17;37:22;38:4 end (2) 41:11;43:12 energy (1) 57:5 enforced (1) 55:7 enforcement (5) 18:25;20:16;21:17,19; 24:6 enmeshed (2) 25:23;26:17 enough (7) 6:22;7:2;13:16;15:18; 24:5;38:2,3 entire (1) 6:7 entirely (1) 42:23 equipment (9) 12:8,20;13:1;18:5,6; 19:17;21:7;39:12;45:11 especially (2) 9:21;39:2 essentially (1) 59:13 establish (1) 4:13 establishes (1) 5:8 estimated (3) 69:10,14,16 estimates (2) 6:18;11:7 etc (1) 31:1 ethics (10) 42:22;49:22,24;50:3, 4,4,5,16,23;51:2 evaluate (1) 65:7 even (6) 14:23;22:12;31:25; 39:19;43:24;47:24 event (1) 22:17 everybody (1) 67:8 everyone (1) 60:4 exactly (1) 58:2 example (4) 49:18;55:25;62:25; 63:13 exceeded (1) 49:14 excellent (3) 4:2,3;22:19 except (2) 27:6;29:4 exception (1) 17:6</p>	<p>Excuse (1) 17:11 executive (1) 57:22 exemption (1) 15:16 existing (2) 7:7;36:17 expect (2) 6:12;8:22 expecting (1) 8:17 expenditure (1) 11:6 expenditures (1) 12:7 expense (1) 30:2 expenses (1) 7:2 expensive (1) 34:18 experience (3) 8:22;38:10;64:22 experienced (1) 58:4 expert (1) 62:21 experts (1) 61:10 explaining (1) 44:17 explore (3) 13:15;64:17,19 extent (1) 28:13 extremely (1) 34:18</p>	<p>Ferguson (79) 4:3,5;9:14;13:6;15:1, 4,18;16:1,9;17:4;18:4, 11,14,17,21,23;19:4,10, 15,18,24;20:5,10,17,20, 24;21:4,10;22:11;23:20; 24:11,18,20;25:8;27:18, 23;28:2,5,22;29:3,6; 32:13,18,25;33:12,17, 22;34:9,13,21;35:10,15, 22;36:8,18,22,25;37:4,8, 12,15;38:5,19;39:1,9; 65:14,19,24;66:7,10,14, 19;67:2,11,17,23;68:5,9, 13 few (3) 12:3;14:1;37:22 fewer (1) 9:19 fifty (1) 10:15 figures (1) 9:17 filing (1) 49:22 fill (3) 6:12;22:8;24:9 final (1) 14:21 find (7) 28:9;43:1;56:5;57:18; 58:17,23;59:6 fine (4) 15:23;34:20;47:10; 62:13 finish (1) 62:8 firm (2) 60:2;63:1 firms (1) 63:16 first (6) 3:23;10:25;31:10; 32:4;62:3,15 fish (1) 5:23 fit (2) 58:25;59:7 fits (1) 21:25 five (4) 34:17;36:16,21;37:3 Fleming (46) 3:17,18;10:2;13:3; 14:20;15:2,19;22:22; 23:5;29:1,4;32:17; 33:24;34:3;36:11,14,19, 24;37:2,5,9,14,19;43:4; 44:16,23;45:1,8,10;47:2, 6,12,14,17;48:5;52:2,5, 9;65:5;68:17;69:1,3,7, 15;70:12,13 flip (1)</p>	<p>8:25 flood (1) 53:13 flooded (1) 67:14 Florida (1) 58:24 focusing (1) 67:25 following (1) 10:16 forfeiture (4) 16:21;17:8;19:19;21:6 forth (2) 6:2;68:1 four (1) 37:6 frankly (2) 31:16;51:8 free (1) 9:10 frivolous (4) 51:4,5,8,9 front (1) 33:15 full (4) 8:2;10:8,11,17 full-time (8) 30:12,14,16;31:7,7,10, 12;37:21 full-times (1) 37:23 fully (4) 37:12,13,16,18 fund (11) 6:8;7:7,8,10,12;8:14; 10:11;13:25;14:2;37:7, 23 funded (14) 6:6,9;7:20;8:3;11:10; 23:19;36:21,22,25;37:6, 13,13,16,18 funding (11) 6:4;7:22;8:12,13;10:8, 18;11:16,18;12:7;30:4; 38:20 furloughs (1) 5:7 further (1) 31:18 fuss/no (1) 13:21 future (2) 9:25;39:24</p>
		F		
		<p>fact (2) 15:14;22:25 Fair (1) 15:18 fairly (1) 39:23 familiar (2) 21:24;22:15 far (1) 7:6 fare (1) 64:9 feedback (2) 14:12;58:10 feel (7) 11:3;14:22,24;24:18; 37:20;39:20;60:16 feels (1) 23:11 fees (7) 10:22;11:8,13;12:9; 43:5;55:11;64:8</p>		
		G		
		<p>gas (2) 11:19;12:2 gate (1) 53:13 gathered (1) 43:23</p>		

<p>gave (1) 56:7</p> <p>gavel (1) 54:14</p> <p>General (2) 37:7;45:17</p> <p>generally (4) 27:9;42:20;44:13;49:4</p> <p>generate (1) 4:22</p> <p>gentleman (1) 22:18</p> <p>gentlemen (1) 38:16</p> <p>Georgia (1) 69:16</p> <p>gets (3) 10:22;39:5;48:8</p> <p>giant (1) 55:4</p> <p>GIS (2) 12:23;13:7</p> <p>given (2) 23:14;53:6</p> <p>gives (1) 39:5</p> <p>glanced (1) 57:25</p> <p>GMA (1) 11:5</p> <p>goal (3) 4:18;55:8;68:2</p> <p>goes (9) 21:11,11;35:11,11,18; 46:21;48:20;50:3;54:4</p> <p>golden (1) 63:12</p> <p>good (10) 6:18;7:4;51:6;53:7; 54:24;55:19;59:7;64:25; 67:8,9</p> <p>GovDeals (2) 9:4,5</p> <p>grant (4) 6:5,15;25:3;27:10</p> <p>Great (2) 22:5;26:19</p> <p>guarantee (6) 63:10,16,19,21,23,25</p> <p>guaranteed (1) 8:24</p> <p>Guard (1) 53:1</p> <p>guess (3) 35:4;46:9;66:2</p> <p>guys (4) 14:12;18:1;24:21; 28:12</p>	<p>halt (1) 29:16</p> <p>hammer (1) 55:4</p> <p>hammered (1) 53:15</p> <p>hand (3) 43:21,21;46:7</p> <p>handwriting (1) 34:7</p> <p>hang (1) 24:17</p> <p>happen (4) 25:20;39:23;41:18; 45:14</p> <p>happened (2) 39:22;65:20</p> <p>happening (1) 5:1</p> <p>happy (2) 60:16;67:23</p> <p>hard (1) 4:1</p> <p>hardware (4) 41:19;42:25;43:3; 48:10</p> <p>hate (2) 25:20;32:3</p> <p>head (4) 16:4;39:5;62:24,25</p> <p>headhunter (4) 11:7;55:11,13;63:16</p> <p>heads (2) 4:2,15</p> <p>health (5) 8:20;29:23;30:1;31:2, 25</p> <p>hear (2) 52:7;54:16</p> <p>heard (5) 31:10;32:4;34:4; 54:17;58:10</p> <p>hearing (3) 13:20;14:11,21</p> <p>hearings (2) 14:4;35:9</p> <p>heat (1) 12:1</p> <p>heated (1) 11:22</p> <p>heater (1) 11:24</p> <p>heating (2) 11:18,20</p> <p>held (1) 42:2</p> <p>help (7) 9:4,23,24,25;56:5,8; 59:6</p> <p>helping (3) 4:13;9:8;58:19</p> <p>here's (1) 33:9</p>	<p>hesitate (1) 67:15</p> <p>Hey (1) 67:15</p> <p>high (2) 33:19;51:8</p> <p>high- (1) 57:21</p> <p>higher (3) 5:23;6:8;66:22</p> <p>highest (1) 34:6</p> <p>highlights (1) 13:9</p> <p>highly (2) 44:8;52:1</p> <p>high-risk (1) 9:21</p> <p>hire (7) 7:15;22:13;23:10,21; 26:16,20;27:2</p> <p>hired (9) 6:13;8:12;24:10; 61:10,21;62:2,21,24,25</p> <p>hiring (9) 8:7;18:1;22:25;26:15; 57:5;60:18,24;61:8;63:5</p> <p>history (1) 39:21</p> <p>holding (1) 9:20</p> <p>homestead (1) 15:16</p> <p>Hopefully (1) 53:16</p> <p>hoping (1) 11:1</p> <p>hotels (1) 64:10</p> <p>hour (3) 32:20;34:7,12</p> <p>hourly (1) 35:6</p> <p>hours (10) 29:20,21;30:14;31:3, 7,13;34:17,18;35:8; 38:16</p> <p>house (1) 35:20</p> <p>Howe (6) 17:13;25:1,25;26:1, 25;29:11</p> <p>HR (5) 58:8;61:10;62:21,23, 24</p> <p>huge (1) 11:20</p> <p>hundred (3) 10:14,15,16</p> <p>hurry (1) 34:15</p>	<p style="text-align: center;">I</p> <p>impact (1) 16:12</p> <p>important (3) 5:14;7:21;57:21</p> <p>incentive (1) 34:14</p> <p>inclined (1) 15:20</p> <p>include (2) 6:4;37:10</p> <p>included (1) 14:23</p> <p>including (1) 9:15</p> <p>incorporate (2) 14:13;25:9</p> <p>increase (4) 8:18;9:16;13:19;14:4</p> <p>increased (1) 12:24</p> <p>indicated (1) 32:18</p> <p>individual (2) 47:19;49:13</p> <p>individually (1) 49:18</p> <p>individuals (1) 48:6</p> <p>industry (1) 8:19</p> <p>information (5) 5:20;28:9;39:15;40:7; 54:25</p> <p>in-house (1) 13:8</p> <p>initially (1) 66:4</p> <p>input (4) 38:9,14;39:5;40:5</p> <p>Inspector (1) 22:3</p> <p>instead (2) 10:14;57:5</p> <p>instructors (2) 6:24;12:8</p> <p>insurance (7) 8:17,20;9:2;29:24; 30:1;31:3;32:1</p> <p>intend (1) 14:12</p> <p>interesting (1) 54:24</p> <p>International (1) 59:14</p> <p>interview (3) 58:6,18,25</p> <p>interviews (2) 64:2,3</p> <p>into (13) 7:13;8:24;14:14;25:9;</p>	<p>31:18;32:8,19;34:13,15; 35:23;40:25;45:2;51:13</p> <p>inventory (1) 18:5</p> <p>investing (1) 11:4</p> <p>involved (4) 33:6;47:8;48:14;58:1</p> <p>issue (17) 5:16;16:24;17:6,10, 13;18:8;19:11,14;20:14, 20;21:23;35:2,11;40:18; 42:14;47:4,12</p> <p>issues (3) 17:14;33:6;34:25</p> <p>item (4) 12:25;20:23,25;65:5</p> <p>items (2) 4:19;12:16</p> <p>iteration (1) 6:21</p>
			J	
			<p>jail (3) 35:5,8,18</p> <p>Jake (1) 26:11</p> <p>January (3) 7:21;8:1;62:16</p> <p>Jenkins (1) 26:12</p> <p>Jimmy (1) 26:11</p> <p>job (8) 4:2,3;11:4;22:19; 26:19;27:8;67:8,9</p> <p>jobs (1) 4:20</p> <p>John's (1) 34:7</p> <p>Jones (2) 48:16;49:21</p> <p>Judge (5) 29:16,23,25;35:7; 43:12</p> <p>judges (2) 11:13;32:8</p> <p>July (2) 7:8;17:3</p> <p>June (12) 14:5,5,11;16:4;37:11; 38:18;65:6,7,8;68:9,10, 17</p>	
H			K	
<p>Hall (1) 24:15</p>			<p>keep (9) 9:25;13:14,16;41:19; 47:16;48:11,12;52:12; 53:22</p> <p>keeping (3) 15:23;48:11;59:9</p>	

<p>Kennesaw (1) 69:16</p> <p>kept (1) 48:16</p> <p>kind (8) 6:24;24:22;26:14; 43:17;54:18;66:21; 67:18,24</p> <p>KING (5) 36:2;52:11,23;53:18, 21</p> <p>KMA (1) 69:13</p> <p>knocked (1) 51:5</p> <p>knowledge (2) 35:17;64:22</p>	<p>39:10</p> <p>likely (1) 43:12</p> <p>limits (1) 4:22</p> <p>line (5) 4:19;12:25;15:8;29:5; 32:12</p> <p>Lisa (1) 3:25</p> <p>list (2) 9:9;59:14</p> <p>listing (1) 9:4</p> <p>little (5) 5:23;10:21,24;17:14; 39:3</p> <p>local (1) 58:13</p> <p>locations (1) 21:24</p> <p>locked (1) 8:24</p> <p>long (2) 10:10;43:16</p> <p>longer (1) 22:19</p> <p>look (9) 4:5;24:22;30:2;32:5,8; 33:5;42:9,18;47:1</p> <p>looking (5) 10:20;34:20;50:25; 56:6;57:14</p> <p>lose (1) 53:2</p> <p>losing (2) 17:21;53:2</p> <p>lot (14) 4:13,23;6:16;7:17; 23:15;25:7;28:10;30:19; 39:14;53:13;55:3,11; 58:1;61:24</p> <p>lowered (1) 15:16</p> <p>Luke (1) 25:21</p> <p>lump (1) 68:25</p>	<p>maintains (2) 5:6;54:8</p> <p>maintenance (2) 12:12,21</p> <p>majority (2) 6:8;63:16</p> <p>makes (3) 21:1;39:20;54:15</p> <p>making (3) 28:2;32:19;41:1</p> <p>manage (1) 38:14</p> <p>Manager (17) 8:1;56:5,6,22;58:16, 20,22;59:4,4,5;60:19; 61:1,17,21;62:6;63:1,13</p> <p>managers (6) 56:7;58:7,7,13,17; 59:14</p> <p>manner (1) 38:15</p> <p>many (6) 31:3;35:8;62:14,24, 24;67:10</p> <p>March (1) 7:11</p> <p>material (1) 39:25</p> <p>materials (4) 6:24;12:8;40:16;44:19</p> <p>matter (5) 11:9;27:17;40:25; 45:5;48:24</p> <p>maximum (2) 11:9;34:3</p> <p>may (14) 9:18,23;10:24;14:23; 23:10;28:12;33:19;38:9, 14,23;39:6;41:22;43:25; 51:4</p> <p>Maybe (4) 21:16;39:22;60:15; 64:18</p> <p>MAYOR (68) 3:2,22;4:12;9:2,10,12; 15:21;17:11;22:4,9,12; 23:4,7,16,21;24:8,16,19; 25:2,14,24;26:3,5,8,11, 24;27:3,6;28:18;29:13; 35:16;36:7,12;38:7,17, 22;39:2;40:4;41:11; 43:6,8;46:11,15,20,23; 47:5;51:20,23;54:13; 58:7;64:1,6;65:1,10,21; 66:16;67:4,12,21;68:2, 11,14,19;69:21,24;70:1, 5,18</p> <p>Mayor's (1) 27:24</p> <p>McLENDON (72) 3:4,7,10,13,16,19; 21:20,22;30:3,18;31:1,5, 9,16;32:2;33:1;34:23;</p>	<p>40:6,17,22;41:4,9,17,24; 42:5,8,13,16;43:1,10,16; 44:5,7,11,21,24;45:6,9, 13,21;46:3,13,25;47:7; 48:4,7;49:3,8,19,24; 50:2,9,12,16,21;51:11, 18,21,24;53:17,20,23; 54:3,7,20,23;70:6,8,10, 12,14,16</p> <p>mean (24) 21:19;23:23;26:15; 27:17;29:19;31:4,8; 32:16,22;38:23;39:18; 40:22;42:10;43:22;44:8; 45:22;57:4,6;58:1; 60:20;61:5;62:20;64:10, 18</p> <p>means (3) 12:24;13:18;31:21</p> <p>meant (1) 25:19</p> <p>mechanics (1) 29:12</p> <p>Meeting (14) 3:2,23;14:15,16,25; 16:5;24:23;33:6;43:23; 44:17;58:10;68:18,21; 70:20</p> <p>meetings (1) 15:7</p> <p>member (1) 47:10</p> <p>members (3) 47:19;49:9;56:3</p> <p>mentioned (2) 38:12;39:17</p> <p>merely (1) 29:12</p> <p>Merje (1) 68:24</p> <p>M-e-r-j-e (1) 68:25</p> <p>messages (1) 52:25</p> <p>method (2) 30:7;58:15</p> <p>methods (1) 40:12</p> <p>metro (1) 58:13</p> <p>middle (1) 35:20</p> <p>might (5) 22:16;33:6,20;41:14, 14</p> <p>millage (14) 5:6;13:14,21,23,25; 14:7,21,23;15:4,14,15, 20;68:18,20</p> <p>millage-rate (1) 14:24</p> <p>millions (1) 63:2</p>	<p>mills (1) 5:6</p> <p>mils (1) 13:14</p> <p>Mindspring (1) 52:23</p> <p>minimum (1) 10:13</p> <p>mistaken (1) 45:2</p> <p>moment (1) 27:24</p> <p>money (18) 5:16;6:5;7:2,17;10:10, 22,24;11:4;19:19;21:6; 25:19;27:16;33:3;55:20, 23;56:11;60:8;66:4</p> <p>moneys (2) 16:21;29:1</p> <p>Montana (1) 58:24</p> <p>month (1) 26:18</p> <p>moot (1) 13:12</p> <p>more (13) 4:4;7:24;10:5;15:17; 17:14;26:21;28:1,9; 35:12;40:1;41:18;43:12; 54:21</p> <p>most (3) 21:24;23:25;25:2</p> <p>Motion (1) 69:21</p> <p>motor (1) 6:1</p> <p>move (5) 16:25;17:17;25:1,6; 68:15</p> <p>moved (2) 28:23;69:23</p> <p>moving (3) 16:15;17:4;26:25</p> <p>much (14) 8:18,23;13:9;33:3; 36:8;40:1,2;48:10; 55:23,23,23;56:1;64:11; 68:14</p> <p>municipal (1) 11:12</p> <p>muss (1) 13:21</p>
L				
<p>large (1) 51:1</p> <p>last (2) 34:17;67:8</p> <p>lasting (1) 34:17</p> <p>later (2) 5:22;8:15</p> <p>law (1) 54:11</p> <p>lawn (1) 12:20</p> <p>laws (3) 31:1;39:11;43:24</p> <p>layoffs (1) 5:8</p> <p>learning (1) 67:19</p> <p>least (5) 29:18,21;30:2;37:23; 56:10</p> <p>leave (3) 17:23;28:8;53:3</p> <p>leaves (1) 19:25</p> <p>left (1) 65:21</p> <p>legal (4) 43:5;52:10;53:7;54:11</p> <p>Lenny (1) 29:15</p> <p>less (2) 22:24;41:22</p> <p>level (1) 57:22</p> <p>liability (1) 8:17</p> <p>Life (7) 16:15,25;17:5,21; 21:18;53:1,4</p> <p>Life's (1) 23:19</p> <p>light (1)</p>	<p>local (1) 58:13</p> <p>locations (1) 21:24</p> <p>locked (1) 8:24</p> <p>long (2) 10:10;43:16</p> <p>longer (1) 22:19</p> <p>look (9) 4:5;24:22;30:2;32:5,8; 33:5;42:9,18;47:1</p> <p>looking (5) 10:20;34:20;50:25; 56:6;57:14</p> <p>lose (1) 53:2</p> <p>losing (2) 17:21;53:2</p> <p>lot (14) 4:13,23;6:16;7:17; 23:15;25:7;28:10;30:19; 39:14;53:13;55:3,11; 58:1;61:24</p> <p>lowered (1) 15:16</p> <p>Luke (1) 25:21</p> <p>lump (1) 68:25</p>	<p>maintains (2) 5:6;54:8</p> <p>maintenance (2) 12:12,21</p> <p>majority (2) 6:8;63:16</p> <p>makes (3) 21:1;39:20;54:15</p> <p>making (3) 28:2;32:19;41:1</p> <p>manage (1) 38:14</p> <p>Manager (17) 8:1;56:5,6,22;58:16, 20,22;59:4,4,5;60:19; 61:1,17,21;62:6;63:1,13</p> <p>managers (6) 56:7;58:7,7,13,17; 59:14</p> <p>manner (1) 38:15</p> <p>many (6) 31:3;35:8;62:14,24, 24;67:10</p> <p>March (1) 7:11</p> <p>material (1) 39:25</p> <p>materials (4) 6:24;12:8;40:16;44:19</p> <p>matter (5) 11:9;27:17;40:25; 45:5;48:24</p> <p>maximum (2) 11:9;34:3</p> <p>may (14) 9:18,23;10:24;14:23; 23:10;28:12;33:19;38:9, 14,23;39:6;41:22;43:25; 51:4</p> <p>Maybe (4) 21:16;39:22;60:15; 64:18</p> <p>MAYOR (68) 3:2,22;4:12;9:2,10,12; 15:21;17:11;22:4,9,12; 23:4,7,16,21;24:8,16,19; 25:2,14,24;26:3,5,8,11, 24;27:3,6;28:18;29:13; 35:16;36:7,12;38:7,17, 22;39:2;40:4;41:11; 43:6,8;46:11,15,20,23; 47:5;51:20,23;54:13; 58:7;64:1,6;65:1,10,21; 66:16;67:4,12,21;68:2, 11,14,19;69:21,24;70:1, 5,18</p> <p>Mayor's (1) 27:24</p> <p>McLENDON (72) 3:4,7,10,13,16,19; 21:20,22;30:3,18;31:1,5, 9,16;32:2;33:1;34:23;</p>	<p>40:6,17,22;41:4,9,17,24; 42:5,8,13,16;43:1,10,16; 44:5,7,11,21,24;45:6,9, 13,21;46:3,13,25;47:7; 48:4,7;49:3,8,19,24; 50:2,9,12,16,21;51:11, 18,21,24;53:17,20,23; 54:3,7,20,23;70:6,8,10, 12,14,16</p> <p>mean (24) 21:19;23:23;26:15; 27:17;29:19;31:4,8; 32:16,22;38:23;39:18; 40:22;42:10;43:22;44:8; 45:22;57:4,6;58:1; 60:20;61:5;62:20;64:10, 18</p> <p>means (3) 12:24;13:18;31:21</p> <p>meant (1) 25:19</p> <p>mechanics (1) 29:12</p> <p>Meeting (14) 3:2,23;14:15,16,25; 16:5;24:23;33:6;43:23; 44:17;58:10;68:18,21; 70:20</p> <p>meetings (1) 15:7</p> <p>member (1) 47:10</p> <p>members (3) 47:19;49:9;56:3</p> <p>mentioned (2) 38:12;39:17</p> <p>merely (1) 29:12</p> <p>Merje (1) 68:24</p> <p>M-e-r-j-e (1) 68:25</p> <p>messages (1) 52:25</p> <p>method (2) 30:7;58:15</p> <p>methods (1) 40:12</p> <p>metro (1) 58:13</p> <p>middle (1) 35:20</p> <p>might (5) 22:16;33:6,20;41:14, 14</p> <p>millage (14) 5:6;13:14,21,23,25; 14:7,21,23;15:4,14,15, 20;68:18,20</p> <p>millage-rate (1) 14:24</p> <p>millions (1) 63:2</p>	<p>mills (1) 5:6</p> <p>mils (1) 13:14</p> <p>Mindspring (1) 52:23</p> <p>minimum (1) 10:13</p> <p>mistaken (1) 45:2</p> <p>moment (1) 27:24</p> <p>money (18) 5:16;6:5;7:2,17;10:10, 22,24;11:4;19:19;21:6; 25:19;27:16;33:3;55:20, 23;56:11;60:8;66:4</p> <p>moneys (2) 16:21;29:1</p> <p>Montana (1) 58:24</p> <p>month (1) 26:18</p> <p>moot (1) 13:12</p> <p>more (13) 4:4;7:24;10:5;15:17; 17:14;26:21;28:1,9; 35:12;40:1;41:18;43:12; 54:21</p> <p>most (3) 21:24;23:25;25:2</p> <p>Motion (1) 69:21</p> <p>motor (1) 6:1</p> <p>move (5) 16:25;17:17;25:1,6; 68:15</p> <p>moved (2) 28:23;69:23</p> <p>moving (3) 16:15;17:4;26:25</p> <p>much (14) 8:18,23;13:9;33:3; 36:8;40:1,2;48:10; 55:23,23,23;56:1;64:11; 68:14</p> <p>municipal (1) 11:12</p> <p>muss (1) 13:21</p>
M				
<p>ma'am (1) 69:2</p> <p>Magistrate (1) 36:3</p> <p>mail (1) 45:3</p> <p>mails (2) 45:5;47:24</p> <p>mainly (1) 18:18</p> <p>maintained (1) 41:10</p>	<p>local (1) 58:13</p> <p>locations (1) 21:24</p> <p>locked (1) 8:24</p> <p>long (2) 10:10;43:16</p> <p>longer (1) 22:19</p> <p>look (9) 4:5;24:22;30:2;32:5,8; 33:5;42:9,18;47:1</p> <p>looking (5) 10:20;34:20;50:25; 56:6;57:14</p> <p>lose (1) 53:2</p> <p>losing (2) 17:21;53:2</p> <p>lot (14) 4:13,23;6:16;7:17; 23:15;25:7;28:10;30:19; 39:14;53:13;55:3,11; 58:1;61:24</p> <p>lowered (1) 15:16</p> <p>Luke (1) 25:21</p> <p>lump (1) 68:25</p>	<p>maintains (2) 5:6;54:8</p> <p>maintenance (2) 12:12,21</p> <p>majority (2) 6:8;63:16</p> <p>makes (3) 21:1;39:20;54:15</p> <p>making (3) 28:2;32:19;41:1</p> <p>manage (1) 38:14</p> <p>Manager (17) 8:1;56:5,6,22;58:16, 20,22;59:4,4,5;60:19; 61:1,17,21;62:6;63:1,13</p> <p>managers (6) 56:7;58:7,7,13,17; 59:14</p> <p>manner (1) 38:15</p> <p>many (6) 31:3;35:8;62:14,24, 24;67:10</p> <p>March (1) 7:11</p> <p>material (1) 39:25</p> <p>materials (4) 6:24;12:8;40:16;44:19</p> <p>matter (5) 11:9;27:17;40:25; 45:5;48:24</p> <p>maximum (2) 11:9;34:3</p> <p>may (14) 9:18,23;10:24;14:23; 23:10;28:12;33:19;38:9, 14,23;39:6;41:22;43:25; 51:4</p> <p>Maybe (4) 21:16;39:22;60:15; 64:18</p> <p>MAYOR (68) 3:2,22;4:12;9:2,10,12; 15:21;17:11;22:4,9,12; 23:4,7,16,21;24:8,16,19; 25:2,14,24;26:3,5,8,11, 24;27:3,6;28:18;29:13; 35:16;36:7,12;38:7,17, 22;39:2;40:4;41:11; 43:6,8;46:11,15,20,23; 47:5;51:20,23;54:13; 58:7;64:1,6;65:1,10,21; 66:16;67:4,12,21;68:2, 11,14,19;69:21,24;70:1, 5,18</p> <p>Mayor's (1) 27:24</p> <p>McLENDON (72) 3:4,7,10,13,16,19; 21:20,22;30:3,18;31:1,5, 9,16;32:2;33:1;34:23;</p>	<p>40:6,17,22;41:4,9,17,24; 42:5,8,13,16;43:1,10,16; 44:5,7,11,21,24;45:6,9, 13,21;46:3,13,25;47:7; 48:4,7;49:3,8,19,24; 50:2,9,12,16,21;51:11, 18,21,24;53:17,20,23; 54:3,7,20,23;70:6,8,10, 12,14,16</p> <p>mean (24) 21:19;23:23;26:15; 27:17;29:19;31:4,8; 32:16,22;38:23;39:18; 40:22;42:10;43:22;44:8; 45:22;57:4,6;58:1; 60:20;61:5;62:20;64:10, 18</p> <p>means (3) 12:24;13:18;31:21</p> <p>meant (1) 25:19</p> <p>mechanics (1) 29:12</p> <p>Meeting (14) 3:2,23;14:15,16,25; 16:5;24:23;33:6;43:23; 44:17;58:10;68:18,21; 70:20</p> <p>meetings (1) 15:7</p> <p>member (1) 47:10</p> <p>members (3) 47:19;49:9;56:3</p> <p>mentioned (2) 38:12;39:17</p> <p>merely (1) 29:12</p> <p>Merje (1) 68:24</p> <p>M-e-r-j-e (1) 68:25</p> <p>messages (1) 52:25</p> <p>method (2) 30:7;58:15</p> <p>methods (1) 40:12</p> <p>metro (1) 58:13</p> <p>middle (1) 35:20</p> <p>might (5) 22:16;33:6,20;41:14, 14</p> <p>millage (14) 5:6;13:14,21,23,25; 14:7,21,23;15:4,14,15, 20;68:18,20</p> <p>millage-rate (1) 14:24</p> <p>millions (1) 63:2</p>	<p>mills (1) 5:6</p> <p>mils (1) 13:14</p> <p>Mindspring (1) 52:23</p> <p>minimum (1) 10:13</p> <p>mistaken (1) 45:2</p> <p>moment (1) 27:24</p> <p>money (18) 5:16;6:5;7:2,17;10:10, 22,24;11:4;19:19;21:6; 25:19;27:16;33:3;55:20, 23;56:11;60:8;66:4</p> <p>moneys (2) 16:21;29:1</p> <p>Montana (1) 58:24</p> <p>month (1) 26:18</p> <p>moot (1) 13:12</p> <p>more (13) 4:4;7:24;10:5;15:17; 17:14;26:21;28:1,9; 35:12;40:1;41:18;43:12; 54:21</p> <p>most (3) 21:24;23:25;25:2</p> <p>Motion (1) 69:21</p> <p>motor (1) 6:1</p> <p>move (5) 16:25;17:17;25:1,6; 68:15</p> <p>moved (2) 28:23;69:23</p> <p>moving (3) 16:15;17:4;26:25</p> <p>much (14) 8:18,23;13:9;33:3; 36:8;40:1,2;48:10; 55:23,23,23;56:1;64:11; 68:14</p> <p>municipal (1) 11:12</p> <p>muss (1) 13:21</p>
N				
<p>Kennesaw - natural (6)</p>			<p>names (1) 56:7</p> <p>National (1) 69:19</p> <p>nationwide (2) 58:22;59:6</p> <p>natural (2) 11:19;12:2</p>	

necessarily (1) 50:6	6:13;7:9,11	13:24;22:20;24:11; 29:9	12:10	34:20
need (25) 4:20;14:3;16:4,4,22; 17:9;18:3,4;23:24; 24:20;25:24;26:3;27:3; 31:18;34:21;35:5,6; 38:23;39:6;58:4,19; 67:19,21,24;68:21	off (4) 4:9;9:6;24:17;27:11	options (1) 32:16	participation (1) 29:16	person (2) 22:25;46:19
needed (2) 4:16;12:1	offer (1) 63:16	oragreedent (1) 22:1	part-time (6) 11:12;22:13,20;29:23; 31:13;37:22	personal (13) 5:12;39:14,24;40:8; 41:15,15;45:4,19;47:15, 16,24;49:2,4
needs (2) 26:23;65:4	offering (1) 15:10	order (3) 3:2;10:10;43:9	party (1) 53:12	personally (2) 23:24;48:23
net (1) 13:1	offers (1) 63:25	Ordinance (5) 50:4,5,6;51:7;55:6	pass (3) 17:2;68:3,4	persons (1) 53:4
neutral (2) 7:4;58:15	office (5) 26:2;27:24;39:12; 55:2,4	Oregon (1) 58:24	passed (3) 17:2;53:12;67:22	phone (4) 40:1,1;52:16,17
new (9) 11:3;22:25;25:22,25; 38:9;39:5,11;57:22,23	officer (5) 6:6;7:9;17:22;37:10, 17	ourselves (3) 55:17,21;63:6	passing (2) 14:22,22	phones (4) 45:19;52:15,18;56:12
next (16) 12:3;13:13;20:10,13, 21;23:14;24:23;25:9; 28:24,24;66:5,17,17,19, 22;68:15	officers (2) 7:8;37:3	out (23) 9:3;11:25;22:10,15; 24:4,6,12;26:22;28:9; 35:19;48:20,21;50:3; 51:5;54:25;55:1,4;60:2, 4;65:3,4,22;69:16	past (8) 14:1;16:15;25:13; 26:14;28:13;29:20;30:9; 39:23	pictures (2) 9:4,13
nice (1) 36:8	officially (1) 58:14	outlay (2) 12:16,19	PATRICK (66) 3:14,15;16:18;19:9, 12,16,22;20:2,8,12,19, 21;21:2,8,13;22:6,21; 32:7,11;37:25;41:7,21; 45:15;46:1,9,18,21;47:3, 9,13,15;48:25;49:7;52:3, 22;54:18;55:9;56:12,17, 20,24;57:2,10,14,17; 58:5,12;59:10,12,17,21, 24;63:8,20;65:11,18; 66:2,8,12,25;68:7,10; 69:13,25;70:16,17	PITTMAN (62) 3:2,22;9:12;15:21; 17:11;22:4,9,12;23:4,7, 16,21;24:8,16,19;25:2, 24;26:3,5,8,24;27:3,6; 28:18;29:13;35:16;36:7, 12;38:7,17,22;39:2; 40:4;41:11;43:6,8; 46:11,15,20,23;47:5; 51:20,23;54:13;64:1,6; 65:1,10,21;66:16;67:4, 12,21;68:2,11,14,19; 69:21,24;70:1,5,18
night (1) 35:21	offset (2) 6:23;7:2	outside (1) 54:15	pay (4) 6:7;10:13;63:11;64:3	place (3) 21:25;31:21;58:20
nine (1) 10:15	often (2) 35:25;36:2	outsourced (1) 12:23	paying (1) 32:24	places (2) 4:8;59:13
nine-month (1) 7:14	old (1) 11:25	over (19) 4:25;9:13;11:22,22, 22;12:3;14:1;24:25; 25:21;38:3;39:22;42:25; 43:3,21,21;44:1,4;46:8; 49:22	payment (1) 10:13	plan (3) 29:17;31:3;65:17
nobody (1) 11:21	once (7) 5:11;10:22;11:2; 14:10;19:25;53:2,2	own (7) 16:16;20:4,13;30:23; 34:7;47:13;55:19	Peachtree (2) 56:3;59:5	Planning (6) 12:22;20:11;21:11,18, 24;22:3
Norcross (2) 34:1,5	one (44) 3:25;6:6;7:8,12,13; 9:24;10:23;11:10;13:20; 14:23;16:20;17:6,7,15, 21,24;19:15;21:16; 24:17;25:13;27:11;29:2, 8;30:10;33:17,18,19; 37:5,16;38:11;48:1; 51:6,7;53:11;54:8; 57:22;59:13;60:13; 61:23;63:24;64:4,12; 65:15;68:15		paying (1) 32:24	Plazas (1) 69:19
norm (1) 33:11	one's (1) 6:13		payment (1) 10:13	pleading (1) 49:6
normally (2) 9:6,6	one-year (2) 63:18,22	Pachuta (28) 3:11,12;15:22;16:7; 24:24;29:14;30:8,13,24; 31:2,24;32:6,33;14,20; 34:1,5,11;35:4,13,25; 50:10,18;57:16,20;58:9; 69:11;70:14,15	Pension (1) 29:16	please (11) 3:3;54:15;61:19,19; 62:7,11;67:6,13,13,16; 70:5
note (2) 5:14;7:21	online (1) 40:13	pages (1) 4:6	people (12) 5:11;15:13;26:23; 39:15,21;55:3,4,5;58:4; 62:24;63:3,7	pleased (1) 4:10
notice (1) 37:17	only (13) 7:4;10:12;12:1;13:19; 16:2;17:8;19:19;29:22; 37:20,21;48:20;69:6,17	paid (3) 12:9;32:8,20	per (3) 30:16,16;33:11	pleasure (1) 13:15
nowhere (1) 38:24	onto (1) 24:17	PamFlemingDoravillega (1) 47:25	per- (1) 35:23	plus (1) 6:9
now's (1) 55:10	Open (10) 40:10;42:19;43:19; 45:20;47:20;50:19,22; 53:3,5;65:6	panel (3) 58:6,18;59:5	percent (8) 5:13,15,18;6:1;8:18, 21,24;9:15	pm (1) 70:20
number (3) 10:4;31:13;33:7	opening (1) 68:16	panic (1) 54:19	percentage (1) 51:9	point (12) 4:23;7:10;13:11,12; 14:9;23:9;28:8;36:16; 43:22;44:22;46:10; 67:20
numbered (1) 4:7	opens (2) 52:24;53:12	Parks (2) 12:18;57:18	perfectly (1) 34:19	police (14) 7:7,9;9:22;11:15; 16:16;17:5;19:20,20,25;
numerous (2) 49:10;60:14	opposed (1) 10:4	part (5) 3:23;33:2;40:10;46:5; 65:22	perhaps (3) 38:1;56:11;58:7	
O	option (4)	part- (2) 23:11;38:14	per-hour (2) 34:14;35:24	
o0o- (1) 70:21		participants (1)	permits (1) 23:1	
occasionally (2) 27:6,7			per-session (1)	
October (3)				

<p>20:1,6,18;21:5;36:15 policy (1) 60:10 pool (5) 11:5;12:11,16;19:5; 26:22 position (24) 6:12;7:11,13,14,14,19, 22,25;8:3,9,13;12:5; 24:7;28:14;29:23;30:4, 7;31:17;33:3,9;43:18; 57:21,22;58:3 positions (7) 8:11;11:8,16;23:19; 36:17;37:13,15 positive (1) 10:23 possibility (2) 10:21;38:23 possible (2) 16:10;31:25 possibly (2) 9:19;22:12 posting (1) 59:18 potential (4) 41:23,24,25;45:23 potentially (1) 40:8 pounding (1) 54:14 Power (2) 36:16;44:22 practical (2) 13:18;53:8 precincts (1) 66:23 predict (1) 66:15 prefer (2) 64:17;65:25 preference (4) 22:23;24:6;32:22,23 prescribed (2) 18:24;19:6 present (2) 4:10;23:18 presentation (3) 36:8;54:25;55:2 presented (3) 6:4;36:20;59:1 presenting (1) 5:6 pretty (4) 8:18,23;13:9;57:19 previous (4) 6:3,21;8:4;30:17 prior (2) 5:1;14:25 priorities (2) 4:14;11:5 privacy (1) 53:1</p>	<p>private (6) 52:12,13,19;53:4,10, 22 probability (1) 41:22 probably (6) 4:3;13:12;35:6,10; 47:8;53:10 problem (5) 10:19;34:13;53:9; 65:13,14 process (6) 11:23;26:16;50:7; 55:14;58:15;60:22 proclamation (1) 27:7 produce (6) 40:23;42:9,11;46:7; 48:2;53:14 produced (7) 40:9,18,20;44:14,25; 45:18,23 product (1) 57:15 production (3) 50:6,12,21 professional (2) 12:24;49:2 program (8) 6:19,19,20,23;7:3; 12:6,8,9 programs (2) 6:17,22 property (6) 5:13,25;8:16;9:1,5,9 proposal (2) 18:7;25:10 proposed (2) 13:17;69:4 provide (6) 4:18;35:8;39:19;40:5; 44:18,19 provides (3) 4:19;29:22;30:1 providing (2) 4:13;8:12 Public (9) 9:22;11:24;13:20; 14:4,11,15,16;39:12; 53:4 pull (1) 38:25 pulled (1) 27:11 purchase (2) 13:7;16:19 purchased (2) 16:21;19:18 purely (1) 14:8 purpose (1) 58:21 pursue (1)</p>	<p>42:24 pursuing (1) 55:15 push (1) 20:14 put (10) 4:8;16:8;29:7;34:25; 37:17;38:3;48:25;53:24; 55:12;58:6 putting (5) 55:13;57:5;59:3;64:9, 23</p> <p style="text-align: center;">Q</p> <p>Quality (6) 16:15,25;17:4,21; 21:18;23:19 quicker (1) 7:17 quite (2) 56:9;63:8</p> <p style="text-align: center;">R</p> <p>radios (1) 17:16 raise (8) 8:1;14:2;15:4,9,14,15, 20;68:20 raised (2) 15:15;22:7 raising (3) 13:15,25;15:17 Ramond (2) 6:17;38:12 ran (1) 34:15 ratcheted (1) 10:9 rate (14) 5:6,15;6:7;13:14,21, 23,25;14:8,21,23;15:5, 14,16;68:20 rates (2) 8:23;14:2 rather (2) 16:24;55:23 reach (1) 33:9 read (1) 34:6 reading (1) 41:15 ready (2) 68:3,23 real (4) 5:12;41:25;55:1;59:11 reality (1) 43:17 realize (1) 9:18 really (11)</p>	<p>6:18;11:21;15:13; 19:10;23:14;30:5;33:4; 49:6;55:5;67:8,9 reason (4) 11:23;19:4;27:13; 39:17 Rec (2) 37:21;57:18 received (2) 11:9;29:15 recently (1) 27:11 reclassifying (1) 9:19 recommend (1) 52:15 recommendations (2) 7:6;36:15 recommended (1) 8:2 recommending (6) 5:7,8;8:7,8;10:17;15:9 record (2) 36:4;61:23 Records (8) 40:10;42:19;43:19; 45:20;47:20;50:19,22; 52:17 recreation (5) 6:17;8:6,7;12:4;19:5 recruit (1) 60:2 redact (2) 41:14;48:18 redaction (1) 48:19 redistribute (1) 10:3 reduce (2) 6:14;11:19 reduced (5) 11:12,14,17;12:11,20 reduction (1) 13:2 reevaluated (1) 12:13 referees (1) 7:1 reflection (1) 29:11 regarding (3) 16:19,22;43:23 regularly (1) 9:21 related (3) 12:16;13:7;46:2 relating (1) 52:13 relevant (3) 40:9;41:5;44:13 relocate (1) 64:6 relocating (1)</p>	<p>26:25 Relocation (1) 64:8 remain (1) 8:9 removed (2) 11:13,13 renewal (5) 8:18,24;9:15,16,23 repairs (2) 12:12,21 replace (1) 24:7 replacement (1) 4:6 replacing (1) 24:3 REPORTER (2) 61:19,22 represent (2) 51:1,2 re-present (1) 14:14 representative (1) 9:3 reproduce (1) 48:1 request (9) 40:10;41:5;42:9,20; 44:13;47:18,20,21;50:20 requesting (1) 47:21 requests (1) 43:18 required (4) 6:22;7:23;14:16;42:19 rescheduled (1) 14:5 research (4) 6:16;24:22;33:10; 34:22 respect (2) 5:3;9:14 Respectfully (2) 52:11;57:7 respond (1) 51:24 responded (1) 41:1 response (3) 35:7;40:10;70:3 responsibility (4) 48:2;55:20;60:17; 64:13 responsi-bility (2) 55:17;63:5 responsible (1) 60:23 resumes (1) 26:22 retirement (2) 10:1,3 revenue (8)</p>
--	--	---	--	--

4:22;5:4;6:10,11,14,
23;7:4;13:17
revenues (3)
6:20;12:6;63:1
review (2)
48:20;64:5
reviewing (2)
57:25;64:14
RFP (2)
26:22;69:4
RFPs (2)
58:1;64:14
RFQ (1)
55:14
rhetorical (1)
62:19
rid (1)
9:1
right (51)
4:8;5:21;11:19;18:4;
20:5,22;21:4,14;22:3;
24:14;27:14;28:3,7;
29:6,13;31:15;32:1,25;
36:7,19,23;37:8;39:1;
40:15;41:3,6;42:4,7,7,
15;43:5;48:9;50:15;
51:10,15;54:1,2,6,6;
55:10,10;56:14;60:24;
61:2,4;63:6,7,17;64:18;
65:10;69:21
rights (1)
30:21
ritual (1)
35:12
road (1)
43:17
Rogers (1)
38:12
role (2)
28:15;60:1
roll (2)
3:3;70:5
ruled (1)
22:10
run (1)
10:11

S

safety (1)
9:20
salaries (1)
10:4
salary (5)
6:7,9;7:20;8:2,2
sale (1)
9:7
salvage (1)
12:1
same (6)
8:4;15:5;19:4;39:22;
54:18;55:8
Sandy (1)

34:16
Savannah (1)
55:25
save (4)
10:10,21,24;12:2
savings (1)
9:18
saying (5)
4:9;41:22;49:14;
53:19,21
scenario (2)
28:23;38:21
schedule (4)
15:7;23:1;36:23;37:1
scheduled (1)
65:16
scheduling (1)
38:10
scope (4)
45:9,24;46:5;49:14
Scott (1)
38:12
search (7)
56:8,22;57:8;58:22,
23;59:6;60:2
searched (1)
39:14
second (4)
3:25;6:11;69:24,25
seeking (1)
52:25
seem (3)
47:10;57:18;60:3
selecting (1)
58:16
self (1)
45:12
sell (1)
11:25
seminars (1)
55:24
send (2)
26:21;28:20
separate (12)
18:10,17,20,23;19:2,5,
13;20:4,23,25;33:7;
34:25
separated (1)
41:19
server (2)
42:3;48:17
service (1)
11:14
services (2)
12:25;13:1
session (5)
32:24;33:11;34:10,16;
35:24
sessions (2)
32:21;35:19
set (4)
30:23;35:1,2;60:10
setting (1)

40:13
seven (4)
10:14;11:16;36:16;
38:13
several (1)
3:24
shared (1)
15:24
shirking (2)
60:17;63:4
shore (1)
14:2
showing (1)
6:6
side (1)
8:25
sign (2)
35:20;69:19
signage (1)
68:16
similar (1)
8:19
simply (1)
63:10
sit (3)
31:22;32:3;58:18
sitting (1)
58:1
situation (5)
26:13;42:6;43:11;
50:24;51:14
situations (1)
57:24
six (1)
34:18
Sky (1)
69:11
slide (2)
36:23;37:1
slips (1)
67:15
small (1)
12:19
snowball (1)
10:14
software (1)
13:7
solution (2)
12:23;17:10
somebody (7)
30:22;46:6,11;52:18,
25;53:9,11
somebody's (1)
42:17
somehow (1)
57:17
someone (13)
18:1;22:13;23:10,22;
24:9;39:6,11;40:24;
41:13;42:23;45:3;63:5,
11
someone's (1)
44:18

sometimes (5)
35:21;49:9,9;67:13,14
soon (1)
65:23
Sorry (8)
19:12;36:13,24;37:14;
45:16;46:24;54:14;
56:17
sort (2)
31:17;33:5
Source (1)
27:11
speaking (1)
8:16
specific (2)
40:13;42:13
speculate (1)
32:3
speech (1)
27:7
spend (1)
6:20
spent (1)
25:20
spirit (1)
55:6
split (1)
7:16
splitting (1)
7:13
spoke (1)
58:14
spoken (3)
22:10;25:4,4
spreadsheet (1)
16:8
Springs (1)
34:16
staff (4)
22:24;23:25;38:15;
58:11
staffing (2)
7:6;36:15
stand (1)
42:25
standard (2)
8:19;21:18
standing (1)
28:17
start (6)
4:9;5:11;29:21;52:20;
53:2;67:24
started (2)
9:12,24
starting (2)
38:18;57:23
state (2)
18:24;19:6
status (1)
31:22
stay (6)
5:3;18:20,21;20:1,16,
17

staying (2)
4:21;28:24
step (2)
13:13;54:15
steps (2)
30:6;65:15
stick (1)
4:24
still (10)
8:14;20:14;30:20;
41:15,23;45:2;50:19;
61:5;64:16,19
Stormwater (1)
23:2
Strickland (2)
22:10;24:2
structure (1)
45:3
stuff (6)
33:23;41:12,16;47:16;
49:23;51:17
subject (9)
39:13,14;43:25;45:5,
20,24;49:5;53:15;54:24
submit (2)
52:12;67:7
submitted (1)
52:17
subpoena (1)
39:13
substantive (1)
51:12
successful (1)
56:11
such-and-such (1)
47:21
suddenly (1)
25:22
sued (3)
49:1,2,4
suggesting (1)
7:7
suggestion (4)
7:15;23:17;24:25;
30:16
suggestions (5)
4:21;16:3,10,12;67:19
suits (1)
26:23
sum (1)
68:25
summary (1)
51:3
sunshine (2)
39:11;43:24
supplies (1)
12:21
support (1)
13:17
supposed (3)
31:25;34:17;68:4
sure (9)
17:25;23:3;33:21;

41:1;42:16;48:18,20; 55:6;59:3 surplus (1) 9:1 swap (1) 4:7 swimming (2) 12:11;19:5 system (2) 11:19;46:23	7:14 three-year (1) 63:25 Thursday (1) 5:10 tight (1) 55:14 till (2) 7:18;39:4 time-consuming (1) 35:12 timeline (2) 24:2,3 times (3) 30:19;42:22;60:15 today (2) 9:13;17:19 together (9) 16:11;29:7;55:13; 56:5;58:6;64:14,24,24; 65:4 tank (3) 8:20,22;66:23 tonight (5) 4:11;13:22;16:2,6; 28:20 took (1) 52:9 top (2) 30:21;64:11 total (7) 68:25;69:4,9,10,12,14, 16 totally (1) 28:15 towards (3) 55:23;67:19;68:6 training (2) 12:25;22:24 transferred (2) 10:22;11:2 treatment (1) 10:6 trouble (1) 52:19 Trudy (2) 48:15;49:21 trust (1) 46:23 try (4) 12:23;13:10;53:21; 56:10 trying (3) 5:2;28:5;41:19 turn (5) 42:25;43:3;44:1,4; 49:22 turned (1) 11:17 two (14) 7:7,15;11:16;23:19; 24:12;29:5;34:17;37:16, 21,23;38:16;52:15;	66:23;67:2 type (1) 35:24 typing (1) 46:4	uses (2) 5:20;11:21 using (2) 42:1;52:20 utilities (3) 11:14,17;12:14 utility (2) 5:18,20 utilize (1) 22:23 utilizing (1) 18:2	week (5) 16:15;31:4;35:9; 38:13;50:24 weekend (1) 24:25 what's (1) 42:19 Whereas (1) 26:20 whole (1) 43:22 whomever (1) 59:1 who's (3) 47:4;56:15,18 wide (1) 53:3 willing (3) 4:15;56:8;58:18 wind (2) 4:24;34:17 Winfrey (1) 22:18 wise (1) 54:12 wishes (4) 4:4;23:22;25:6;68:19 within (2) 4:21;5:3 without (2) 25:16;31:7 work (12) 4:15;5:2;31:3,14; 38:16;45:24;49:14;55:2, 5,7;65:4,4 worked (4) 4:1;9:3;22:20;57:7 workers' (2) 9:15;10:6 working (8) 9:1;27:10;30:14;31:7; 38:12;39:3;64:24;68:6 Works (3) 9:23;11:25;29:25 workshop (1) 3:24 world (1) 54:11 worry (1) 51:16 writing (2) 25:3;27:10 wrongly (1) 42:23	
T		U			
table (1) 23:14 talk (7) 16:14;32:16;54:20; 55:10;63:3,7;64:18 talked (6) 22:16;23:4;28:12; 50:4,24;56:4 tank (1) 11:20 tankless (1) 11:24 tanks (1) 11:25 tax (4) 5:20,25;13:19;14:3 taxes (3) 5:18,19;6:2 taxing (1) 23:25 technical (1) 13:1 telephone (1) 39:13 telling (1) 53:23 temporarily (1) 24:13 tend (3) 38:22;39:4;51:9 terms (4) 13:18;21:17;42:25; 55:24 terri-tory (1) 67:1 thinking (2) 18:3;33:17 third (1) 53:12 though (2) 14:23;61:18 thought (2) 11:23;54:24 thoughts (1) 15:25 thousand (1) 10:16 three (4) 4:6;29:25;37:23;58:7 three-month (1)	ultimately (3) 41:7;55:16;66:3 umpires (2) 6:25;12:7 uncollected (1) 6:2 uncomfortable (1) 39:20 under (12) 16:16,25;19:20;20:6, 11,15,17;21:18,23,25; 25:6;50:3 under- (1) 28:16 underneath (1) 18:12 under-stand (1) 61:3 unfair (1) 15:13 unfamiliar (2) 28:13,15 Unfortunately (1) 53:4 unfunded (3) 8:9,10;12:6 uniforms (1) 6:24 unique (1) 57:24 Unless (3) 42:13;49:5;65:15 un-rightly (1) 42:23 unusual (5) 43:2,11;44:9;49:6; 52:1 up (18) 4:25;14:2;17:10,12, 14;20:14;25:14;28:11; 32:18;34:17;37:10; 40:13;43:12;45:11; 60:14;61:10;64:9;66:5 upgraded (1) 11:18 upon (5) 22:1;29:11;31:13; 40:11;50:25 upstanding (1) 47:10 use (9) 19:24;21:6;29:8,9; 36:1;54:1;55:19;56:1,11 used (2) 19:19;24:13	V	vacancies (2) 37:16,18 vacant (1) 11:16 valorem (1) 6:1 valuation (4) 10:9,11,17,20 valuations (1) 5:12 values (1) 5:11 varies (1) 33:12 vehicle (7) 6:1;17:6,10,15;19:14, 25;22:14 vehicles (5) 16:20;17:7;19:15; 24:12,15 verbatim (1) 32:23 versus (2) 18:6;36:1 vote (3) 15:17;37:11;55:19 votes (1) 65:3	vacancies (2) 37:16,18 vacant (1) 11:16 valorem (1) 6:1 valuation (4) 10:9,11,17,20 valuations (1) 5:12 values (1) 5:11 varies (1) 33:12 vehicle (7) 6:1;17:6,10,15;19:14, 25;22:14 vehicles (5) 16:20;17:7;19:15; 24:12,15 verbatim (1) 32:23 versus (2) 18:6;36:1 vote (3) 15:17;37:11;55:19 votes (1) 65:3	W
			wait (2) 39:4;63:13 waited (1) 7:18 wants (2) 39:11;55:2 warrants (2) 35:20;36:1 water (7) 11:18,20,20,21,24; 12:1,15 way (22) 7:16;13:24;14:9,24; 17:20;20:12,22;21:19; 22:16;25:19;26:13,21; 29:2,7,8,8;43:17;48:13; 49:1;54:4;55:7;67:16	X	
			X-amount (1) 33:8	Y	
			y'all (1)		

66:15
year (17)
5:14,19,22;10:16,25;
15:15;20:13,21;29:20,
24;66:1,6,17,17,19,20,22
years (3)
5:1;12:3;14:1
you- (1)
22:16

Z

zero (1)
57:24
Zoning (5)
12:22;20:11;21:11,24;
22:3