

**In The Matter Of:**

*City Council Meeting  
City of Doraville, State of Georgia*

---

*Mayor Ray Jenkins Presiding  
August 6, 2007*

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CITY COUNCIL MEETING  
CITY OF DORAVILLE  
STATE OF GEORGIA  
\* \* \*

Transcript of the proceedings held in  
the City Council Room at Doraville City  
Hall, 3725 Park Avenue, Doraville, Georgia,  
Mayor Ray Jenkins presiding, before Theresa  
Bretch, Certified Court Reporter, commencing  
at approximately 7:00 p.m. on Monday,  
August 6, 2007.

\* \* \*

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P R O C E E D I N G S

[1] **MAYOR JENKINS:** Meeting come to order.  
[2] **MS. MURPHY:** Councilwoman Pittman?  
[3] **COUNCILWOMAN PITTMAN:** Here.  
[4] **MS. MURPHY:** Councilwoman Hadden?  
[5] **COUNCILWOMAN HADDEN:** Here.  
[6] **MS. MURPHY:** Councilman Lowe?  
[7] **COUNCILMAN LOWE:** Here.  
[8] **MS. MURPHY:** Councilman Hart?  
[9] **COUNCILMAN HART:** Here.  
[10] **MS. MURPHY:** Councilman Spangler?  
[11] **COUNCILMAN SPANGLER:** Here.  
[12] **MS. MURPHY:** They're all here, Mayor.  
[13] **MAYOR JENKINS:** Thank you.  
[14] I'd like to have a motion to approve  
[15] the minutes of the June 18th, 2007 meeting.  
[16] **COUNCILMAN HART:** I'd like to make a  
[17] motion.  
[18] **MAYOR JENKINS:** Second?  
[19] **COUNCILMAN SPANGLER:** Second.  
[20] **MAYOR JENKINS:** All in favor?  
[21] **MS. MURPHY:** Councilwoman Pittman?  
[22] **COUNCILWOMAN PITTMAN:** Here.  
[23] **MS. MURPHY:** For the minutes, I think.  
[24] **MAYOR JENKINS:** For the minutes.  
[25]

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[1] **APPEARANCES:**  
[2] **Doraville City Council:**  
[3] Hon. Ray Jenkins, Mayor  
[4] Councilwoman Marlene Hadden  
[5] Councilwoman Donna Pittman  
[6] Councilman Robert Spangler  
[7] Councilman Tom Hart  
[8] Councilman Ed Lowe  
[9] Hugh "Rick" Powell, City Attorney  
[10] Ms. Priscilla Murphy, Consultant  
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[1] **COUNCILWOMAN PITTMAN:** Aye.  
[2] **MS. MURPHY:** Councilwoman Hadden?  
[3] **COUNCILWOMAN HADDEN:** Yes.  
[4] **MS. MURPHY:** Councilman Lowe?  
[5] **COUNCILMAN LOWE:** Yes.  
[6] **MS. MURPHY:** Councilman Hart?  
[7] **COUNCILMAN HART:** Yes.  
[8] **MS. MURPHY:** And Councilman Spangler?  
[9] **COUNCILMAN SPANGLER:** Yes.  
[10] **MS. MURPHY:** That's unanimous.  
[11] **MAYOR JENKINS:** Donna, go ahead. And  
[12] we've got a lady who wants to present something  
[13] to the Council and she's got to go back to her  
[14] duty. So Donna, go ahead with that. Then we're  
[15] going into the alcohol ordinance.  
[16] **COUNCILWOMAN PITTMAN:** Dekalb County  
[17] Fire Department has a really good program that's  
[18] going to be offered --  
[19] **UNIDENTIFIED SPEAKER:** We can't hear.  
[20] **UNIDENTIFIED SPEAKER:** We can't hear.  
[21] **COUNCILWOMAN PITTMAN:** Okay. Can you  
[22] hear me now?  
[23] **UNIDENTIFIED SPEAKER:** No.  
[24] **UNIDENTIFIED SPEAKER:** No.  
[25] **COUNCILWOMAN PITTMAN:** No?

[1] **UNIDENTIFIED SPEAKER:** Not really, no.  
 [2] **COUNCILWOMAN PITTMAN:** Okay. Can you  
 [3] hear me?  
 [4] **MAYOR JENKINS:** Can you hear us now?  
 [5] **COUNCILWOMAN PITTMAN:** I can talk  
 [6] really loud.  
 [7] **MAYOR JENKINS:** Can you hear us?  
 [8] (Overspeaking.)  
 [9] **UNIDENTIFIED SPEAKER:** There you go.  
 [10] **COUNCILWOMAN PITTMAN:** The Dekalb  
 [11] County Fire Department has a really wonderful  
 [12] program that was brought to our attention by a  
 [13] citizen in my neighborhood. It's a really  
 [14] exciting program. It's called the Community  
 [15] Emergency Response Team and it's a free program  
 [16] that's offered to the Dekalb County citizens.  
 [17] And we're really glad to have Captain Burgess  
 [18] with us tonight to explain, just take a few  
 [19] minutes and explain what that is. And she can  
 [20] leave some information if anyone's interested.  
 [21] I think it's something well worth your time to  
 [22] look into. It's a fun thing and it's free.  
 [23] It's something really good for the  
 [24] neighborhoods.  
 [25] So Captain Burgess?

[1] to and able to assist with duties on the scene.  
 [2] So we're giving you more training, getting you  
 [3] involved with Dekalb Fire Rescue, and also  
 [4] teaching you how to take care of yourself and  
 [5] your family.  
 [6] There's two flyers that will be out in  
 [7] the lobby for you. If you have any questions,  
 [8] my name, phone number and e-mail's on there.  
 [9] Please don't hesitate to give me a call. Thank  
 [10] you.  
 [11] **COUNCILWOMAN PITTMAN:** And Elliott,  
 [12] thank you for bringing it to our attention.  
 [13] **MAYOR JENKINS:** There is some chairs  
 [14] over there if somebody wants to get them for the  
 [15] people. And there's a few seats if y'all would  
 [16] like to take those seats, please, and bring some  
 [17] of the chairs up front if you would, please.  
 [18] Okay, John, alcohol ordinance.  
 [19] **CHIEF KING:** Mayor and members of the  
 [20] City Council, several months ago we discussed  
 [21] the situation where our alcohol-pouring hours of  
 [22] closing went from -- are currently at 4 o'clock  
 [23] in the morning.  
 [24] The surrounding jurisdictions have  
 [25] moved to 2 o'clock in the morning. And when we

[1] **CAPTAIN BURGESS:** Thank you so much for  
 [2] inviting me.  
 [3] **MAYOR JENKINS:** Excuse me. Go to the  
 [4] podium and give your name, please.  
 [5] **CAPTAIN BURGESS:** I'm Captain Burgess  
 [6] with Dekalb Fire Rescue. Thank you for having  
 [7] me here and giving me a chance to tell you about  
 [8] our program.  
 [9] We have two programs. The Community  
 [10] Emergency Response team, which is a nine-week  
 [11] course, you come one day a week. We teach you  
 [12] how to prepare for, respond to and recover from  
 [13] disasters. Anything from tornadoes, hurricanes,  
 [14] whatever the hazard is that happens in your  
 [15] neighborhood, you can respond in your  
 [16] neighborhood to take care of yourself, your  
 [17] family and your neighbors.  
 [18] The other program that we have is  
 [19] Dekalb Fire Rescue Citizen Reserve where you  
 [20] actually are volunteers with the department. We  
 [21] put you through more training, and we deploy a  
 [22] mobile canteen on large-scale long-term  
 [23] incidents where you take care of the  
 [24] firefighters and paramedics on the scene, and  
 [25] then, because of you're training, you're allowed

[1] conducted a study of the incidents of violence,  
 [2] nobody for a second imagined the severe impact  
 [3] of several establish- -- a small group of  
 [4] establishments open past 2 o'clock.  
 [5] Since that -- and the decision, a large  
 [6] number of people came and spoke before the City  
 [7] Council and asked that the City Council hold up  
 [8] on their decision to go to 2 o'clock in the  
 [9] morning for closing.  
 [10] Since then, we've continued to have the  
 [11] incidents of violence at establishments. And I  
 [12] know it's probably not fair to hold the owners  
 [13] of these establishments completely responsible,  
 [14] but the fact is is that their business is  
 [15] attracting a type of clientele that is prone to  
 [16] violence. Nowhere else do we have these kind of  
 [17] situations.  
 [18] We had one homicide recently at --  
 [19] outside of El Mustacho. Then we had some  
 [20] subsequent violations and that permit was  
 [21] revoked. Now we have an additional homicide  
 [22] this weekend at the back of one of the local  
 [23] establishments.  
 [24] And we are clearly this year -- the  
 [25] incidence of violence is starting to --

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[1] throughout the metro Atlanta area. It's not  
[2] just Doraville. The reason that the people and  
[3] the groups of people are located in these  
[4] establishments past 2 o'clock is to consume  
[5] alcohol. The entertainment value is still  
[6] there.  
[7] But the bottom line is is that we're  
[8] becoming a magnet for the kind of activities  
[9] taking place where members of rival gangs are  
[10] coming to establishments. And the bar owners  
[11] are doing their best to try to control it. But  
[12] the only way that I can foresee controlling it  
[13] is by closing these establishments at 2 o'clock.  
[14] The impact that a small group of  
[15] businesses, on the Doraville Police Department,  
[16] and not only us but the County, provides is way  
[17] beyond the amount of permits, fees that they pay  
[18] to the City for alcohol-pouring permits, and  
[19] it's a disproportionate amount of services that  
[20] they're sucking away from the rest of the  
[21] community.  
[22] And I have to -- and I'm asking you-all  
[23] to help me control the tide of violence that we  
[24] currently have. And my recommendation at this  
[25] point is to close these business for alcohol

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[1] sales at 2 o'clock instead of the current  
[2] 4 o'clock in the morning.  
[3] I can answer any questions, but I'm  
[4] sure the large group of people here probably  
[5] want to speak their piece. I don't know if any  
[6] members of the Council currently have any  
[7] questions of me at this point.  
[8] **COUNCILMAN SPANGLER:** You say the  
[9] surrounding cities have a 2 o'clock?  
[10] **CHIEF KING:** A good portion of them  
[11] are, sir. Not all of them. Sandy Springs is  
[12] closed at 2 o'clock. Roswell I think is, also.  
[13] They're wrestling -- more and more cities are  
[14] seeing that any establishment that is -- you  
[15] know.  
[16] And then you remember the big media  
[17] situation with Buckhead and how that was an  
[18] impact. There was an impact on the businesses.  
[19] Clearly, there is an economic impact on the  
[20] businesses, and I'll be naive not to admit to  
[21] it. But the impact on our community and the  
[22] lives that are being lost, I don't think anybody  
[23] can put any price on.  
[24] These two killings that we've had all  
[25] within months of each other, absolutely

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[1] senseless. I mean there is no reason that a  
[2] human life should have been lost in our city as  
[3] a result of --  
[4] And alcohol and these establishments  
[5] open was the magnet for it. They're not the  
[6] cause, because a criminal made the decision to  
[7] go and break the law and take a human life, but  
[8] the magnet was the business open at this late at  
[9] night.  
[10] For a city our size, for having two  
[11] murders back to back, we have to do something  
[12] about that. If not, we will be overwhelmed with  
[13] violent crime, and that will have an impact on  
[14] all kinds of other, you know, quality-of-life  
[15] issues, the sense of safety that our residents  
[16] have or people come in to our businesses to  
[17] patronize our businesses. If we are overwhelmed  
[18] with violent crime, they're not going to feel  
[19] safe coming into our city.  
[20] I ask you to seriously consider that,  
[21] this change. And I know you're going to be --  
[22] there's going to be some very emotional, you  
[23] know, words going to be given to you by  
[24] employees, by the owners of these  
[25] establishments. I know they feel very strongly

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[1] about it.  
[2] But we've had issues in this time  
[3] period that you gave them. I've forgot how many  
[4] months it's been, but it's been quite a long  
[5] time. And you as members of the Council made it  
[6] very clear not only in here but also outside to  
[7] the members of -- the owners of these  
[8] establishments, "Clean up your act or we will  
[9] come and cut down the hours." I've heard it  
[10] from many of you-all directly to the owners.  
[11] There was no translation issues on this. I  
[12] don't think the City Council has ever spoken  
[13] more clearly.  
[14] Nothing has changed. If not, things  
[15] have gotten worse. And I ask you to give it  
[16] consideration.  
[17] **MAYOR JENKINS:** Anything else from the  
[18] table?  
[19] **COUNCILMAN HART:** The other key to the  
[20] pond here is the 50 percent food being served.  
[21] **CHIEF KING:** That is correct.  
[22] **COUNCILMAN HART:** And I see that the  
[23] capacity of each one of these bars are going to  
[24] be monitored by the fire marshall, but who's  
[25] going to monitor the food?

[1] **CHIEF KING:** Sir, the health department  
[2] monitors foodservice.

[3] Now, when we go in and inspect at these  
[4] locations, it's either food is being served or  
[5] cooked or not. We don't determine whether it's  
[6] the right amount.

[7] The only -- the current mechanism for  
[8] monitoring that is the City audits these bars  
[9] and tells them to submit the receipts so you can  
[10] then monitor if twenty -- it's currently 25  
[11] percent of the receipts. You can choose to  
[12] raise that to 50 percent like some other cities.  
[13] Not all cities have done that.

[14] But the key -- my recommendation is  
[15] that we change the mindset on what kind of  
[16] establishments we have in Doraville. It's not  
[17] just a place to come and get as drunk as you can  
[18] possibly get. And the entertainment value of  
[19] picking up pieces of people, you know,  
[20] splattered on our roads gets lost really quickly  
[21] on our brand new officers.

[22] And we don't want -- I recommend and I  
[23] ask you: our town does not need to be known for  
[24] the latest -- the bars open the latest and where  
[25] you can drink all you can stand.

[1] **CHIEF KING:** So the proposed --

[2] **ATTORNEY POWELL:** The one we're talking  
[3] about tonight.

[4] **CHIEF KING:** That you would be  
[5] increasing the amount of food. Basically,  
[6] you'll get a -- if these establishments are  
[7] going to be pouring and selling alcohol and  
[8] calling themselves a restaurant, they ought to  
[9] be a restaurant. 25 percent, in my opinion, of  
[10] food sales is not, or having the lady bring a  
[11] basket of tacos or hamburgers or Domino's pizza  
[12] is not a restaurant.

[13] And that's what we've had in this  
[14] community in the past, and I ask you to help us  
[15] change that. I think you can make an impact on  
[16] the incidence of violent crime just with those  
[17] two measures.

[18] Any other questions?

[19] Thank you, sir.

[20] **MAYOR JENKINS:** Do the people in the  
[21] audience have a spokesman?

[22] Give your name and your business,  
[23] please.

[24] **MS. CHANG:** My name is Mary Chang. I'm  
[25] from the Acapulco's Nightclub.

[1] And it's the bottom one is a quality-  
[2] of-life issue. But yes, Mr. Hart, you are  
[3] correct, sir. That is another impact on  
[4] changing. Currently, the establishments can get  
[5] a license to pour alcohol under an entertainment  
[6] facility or under a restaurant. If they open --  
[7] if they get a pouring permit under a restaurant,  
[8] they have to serve a minimum of 25 percent of  
[9] their receipts from alcohol. If it's under  
[10] entertainment, they have to have --

[11] 150, Chuck, is the seating?

[12] **UNIDENTIFIED SPEAKER:** John, you just  
[13] switched it.

[14] **MR. ENTSMINGER:** I believe it's 150.

[15] **CHIEF KING:** Sorry.

[16] **UNIDENTIFIED SPEAKER:** You just  
[17] switched it.

[18] **CHIEF KING:** Food is 25 percent.  
[19] Entertainment is they have to have a seating of  
[20] 150. So that is the mechanisms to control in  
[21] this type of business. Without those, it's  
[22] difficult to --

[23] **ATTORNEY POWELL:** The proposed  
[24] ordinance does have a requirement for 50  
[25] percent.

[1] Hello, Mayor, Council Members, ladies  
[2] and gentlemen. First of all, I wish to thank  
[3] you all for giving me the opportunity to speak  
[4] to you and to tell you what I think of the new  
[5] closing time.

[6] The new City ordinance want to change  
[7] the closing time from 4:00 a.m. to 2:00 a.m. To  
[8] tell you the truth, this will be a death  
[9] sentence for the nightclubs like mine here in  
[10] the city of Doraville.

[11] I am the owner of the Acapulco's  
[12] Nightclub on Buford Highway and I am here again  
[13] today to fight for the survival of a successful  
[14] business that I've been running for more than 10  
[15] years. My nightclub has been successful because  
[16] it does an excellent job serving the needs of  
[17] local community.

[18] All my nightclub patrons are hard-  
[19] working people. Many of them work late into  
[20] night and cannot come earlier. Don't they  
[21] deserve to have some fun after day of back-  
[22] breaking hard working? But the new City  
[23] ordinance will kill the nightclub and deprive  
[24] them of the right to relax a little bit. Is  
[25] that right? Is that fair? I don't think so.

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[1] The new 2 o'clock closing time is also  
 [2] unfair and unjust to me. I've been working day  
 [3] and night for more than 10 long years to keep my  
 [4] nightclub running and running well. I work  
 [5] there almost every day. I work there all year  
 [6] around without a break. I am a God-fearing,  
 [7] law-abiding citizen like everybody else. I pay  
 [8] tax to the City like all other Doraville  
 [9] business. Then, why will the City of Doraville  
 [10] single me out for this punishment? Why will the  
 [11] City kill my business and take away all my  
 [12] livelihood imposing the new closing time?  
 [13] Please tell me what wrong have I done to deserve  
 [14] this.

[15] Another reason why I am here to fight  
 [16] this 2 o'clock closing time is because it's  
 [17] absurd and makes absolutely no sense. First of  
 [18] all, our neighboring Dekalb County allows  
 [19] nightclubs to stay open until 4:00 a.m.  
 [20] Gwinnett County also allows nightclub to do  
 [21] business until 4 o'clock in the morning.  
 [22] (Inaudible) no bans alcohol sale after 2 o'clock  
 [23] in theory. Why should Doraville be so harsh on  
 [24] its own nightclubs? Why should our city be the  
 [25] only one to cut short the nightclub? Aren't you

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[1] aware that by so doing, you are driving  
 [2] customers to neighboring counties?  
 [3] Don't you know that the City will be  
 [4] losing tax revenue to neighboring counties? The  
 [5] City of Doraville has been suffering a money  
 [6] crunch since GM shut down its assembly plant  
 [7] here. I just can't figure it out why you want  
 [8] to make our city's financial situation even  
 [9] worse by giving up the revenue from the  
 [10] nightclubs.

[11] Secondly, I believe the City of  
 [12] Doraville would be self-contradictory or, worse,  
 [13] hypocritical if it impose the new ordinance  
 [14] banning nightclubs from staying open after 2  
 [15] o'clock while at the same time giving a green  
 [16] light for the opening of a gigantic new  
 [17] nightclub at the location of what used to be a  
 [18] bowling arcade on Buford Highway.

[19] The City claims that behind the  
 [20] enforcement of the new closing time is a concern  
 [21] for law and order. You claim that you want to  
 [22] prevent nightclub folks from making problem.

[23] Now, my question is why did such a  
 [24] concern become irrelevant when you approved the  
 [25] opening of the new night club recently? Don't

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[1] you know that the huge new facility will have a  
 [2] capacity that is 10 times ours? It will be able  
 [3] to hold 3,000 to 5,000 customers while our  
 [4] nightclub can only hold three to five hundred.  
 [5] Is it easier to control crowd of 3,000 than a  
 [6] crowd of only 300?

[7] The local police say in private that we  
 [8] can only afford to six officers on duty for the  
 [9] night shift. They don't know how to respond  
 [10] should any disturbance occur at the new  
 [11] nightclub.

[12] Thirdly, until Georgia follow the  
 [13] example of California and Florida and most of  
 [14] states enforcing uniform closing time statewide,  
 [15] it would be irrational and self-defeating for  
 [16] Doraville to act alone because it would give  
 [17] others an unfair competitive edge at the expense  
 [18] of its own.

[19] Because of all this, I am calling on  
 [20] the City of Doraville revoke the 2:00 a.m.  
 [21] closing time requirement so that my and others'  
 [22] business can survive.

[23] My name is Mary Chang. Thank you.

[24] **MAYOR JENKINS:** Anybody else against  
 [25] the ordinance?

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[1] In other words, she spoke for  
 [2] everybody; is that correct?

[3] Okay. I'm going to bring it up to the  
 [4] table. Do I get a motion? Do I have a motion?

[5] **COUNCILWOMAN HADDEN:** I make the motion  
 [6] that we adopt the new ordinance.

[7] **COUNCILMAN HART:** I second it.

[8] **MAYOR JENKINS:** Call the roll, please.

[9] **MS. MURPHY:** Councilwoman Pittman?

[10] **COUNCILWOMAN PITTMAN:** Yes.

[11] **MS. MURPHY:** Councilwoman Hadden?

[12] **COUNCILWOMAN HADDEN:** Yes.

[13] **MS. MURPHY:** Councilman Lowe?

[14] **COUNCILMAN LOWE:** Yes.

[15] **MS. MURPHY:** Councilman Hart?

[16] **COUNCILMAN HART:** Aye.

[17] **MS. MURPHY:** Councilman Spangler?

[18] **COUNCILMAN SPANGLER:** Yes.

[19] **MS. MURPHY:** It's unanimous, Mayor.

[20] **MAYOR JENKINS:** Carried unanimously.

[21] The ordinance is in effect, John, as  
 [22] of?

[23] **ATTORNEY POWELL:** January 1 --

[24] **CHIEF KING:** January 1, sir.

[25] **ATTORNEY POWELL:** -- 2008 is the time.

[1] The idea was to give them time to adjust their  
[2] business and that also they had license under  
[3] the old ordinance through the end of the year.

[4] **MAYOR JENKINS:** Do you understand that,  
[5] ma'am? Till January the 1st, 2008. That's when  
[6] this ordinance will go into effect.

[7] Anybody that wants to leave now, we're  
[8] going to go into our regular meeting. This was  
[9] a public hearing.

[10] Before we get into the regular meeting,  
[11] I have a couple things to say. Some of it's  
[12] concerning our last meeting. I want everybody  
[13] to remember and look at the signs on the door  
[14] about your cell phone. I hope you will give the  
[15] Council the honor of not letting your cell  
[16] phones go off during this Council meeting.

[17] We have a lot of talking going on  
[18] during the meeting. I have people come to me  
[19] and say, "Well, I can't hear what's going on at  
[20] the table because everybody in the back is  
[21] talking." And that is true to a certain extent.  
[22] It has been that way. And I'm hoping that I  
[23] don't have to beat on this to stop anybody from  
[24] talking when somebody else is talking.

[25] The last meeting, there was a lot of

[1] them to make a decision if they want the Mayor  
[2] and the City Attorney to do some research and  
[3] come back to them or they just want us to make  
[4] the decision.

[5] **ATTORNEY POWELL:** Well, as we discussed  
[6] at the work session, there's a meeting tomorrow  
[7] at noon with the other cities and the Dekalb  
[8] Council, the Commissioners. The idea is an  
[9] attempt to extend and also discuss the issues  
[10] under the Service Delivery Strategy under which  
[11] the County furnishes certain services to the  
[12] cities and the cities perform other services  
[13] themselves.

[14] The County has asked that there be  
[15] another extension of the existing agreement to  
[16] give time to try to work out the differences  
[17] that exist between the cities and the County.  
[18] It needs to be done before August 31st because  
[19] that's when the existing extension is over.

[20] So the Council either needs to give the  
[21] Mayor authority to extend it to whatever extent  
[22] it works out after the meeting tomorrow or to  
[23] have another meeting, and we don't have another  
[24] regular scheduled meeting before August 31. So  
[25] that's the decision that y'all need to make

[1] heckling from the audience, and we know who we  
[2] are. I will not tolerate any more heckling.  
[3] Whenever this Council is working on a motion or  
[4] whatever, if you don't like the motion, it's  
[5] like one lady said the other night: you voted  
[6] these people in up here to make the motions for  
[7] you. We give the audience plenty of time to  
[8] have their input, then we brought it to the  
[9] table, and then we had heckling and then people  
[10] walked out.

[11] That really bothered me, and I feel  
[12] like that as Mayor of Doraville I have a right  
[13] to say this: I have a right to control this  
[14] meeting. And it has been bad, and you'll have  
[15] to admit it, some of you will. And the next  
[16] time it happens, you won't have to walk out.  
[17] I'll see that somebody escorts you out. And I  
[18] hated to have to go into this, but if anybody  
[19] was here at the last meeting, I was completely  
[20] ashamed. Thank you.

[21] At the work session, we discussed  
[22] briefly about the service delivery strategy.

[23] **ATTORNEY POWELL:** Yes, sir.

[24] **MAYOR JENKINS:** And just kindly round  
[25] it off. The Council is well aware, and I want

[1] tonight.

[2] **MAYOR JENKINS:** Okay. Any discussion?

[3] **COUNCILMAN HART:** What are the sticking  
[4] points?

[5] **ATTORNEY POWELL:** Well, we have got a  
[6] couple of minor issues that are not really going  
[7] to be -- I think they're gone.

[8] But some of the cities are still saying  
[9] they're not going to proceed until the issue of  
[10] the double taxation that they feel is happening,  
[11] and that they feel that the taxes they are  
[12] paying the County, that the cities are not  
[13] receiving equal services to the unincorporated  
[14] areas. And they keep asking for accounting of  
[15] these, and they haven't gotten satisfactory  
[16] answers, and some of them appear to be willing  
[17] to let it expire, as I explained at the work  
[18] session.

[19] This would mean, then, that any grants  
[20] could not be received by the cities but also not  
[21] by the County. And the two players in the whole  
[22] deal that have the most at risk are the City of  
[23] Atlanta, which is in the county, and the County  
[24] itself. But that's what -- the issue on the  
[25] double taxation is what's really holding up the

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[1] agreement at this point.  
[2]       Until we get there tomorrow, I have --  
[3] I don't know what the --  
[4]       The two cities that are strongest on  
[5] this are Chamblee and Decatur, on that issue.  
[6]       **COUNCILMAN HART:** Yeah, that was the  
[7] question. Is it broken down as to the services  
[8] in terms of dollars that were supposed to be  
[9] receiving?  
[10]       And in the case of Chamblee and  
[11] Decatur, they have their own school system and  
[12] their own fire system, and they have a lot of  
[13] services, and they're paying also the County for  
[14] these services. We have -- we have --  
[15]       **ATTORNEY POWELL:** We have some of the  
[16] services, yes.  
[17]       **COUNCILMAN HART:** And do we have sort  
[18] of an accounting of that?  
[19]       **ATTORNEY POWELL:** We are asking now for  
[20] an accounting of ours. I think that Decatur and  
[21] maybe Chamblee already asked for an accounting.  
[22] They weren't terribly pleased with the  
[23] accounting that they received, but we are asking  
[24] for it.  
[25]       **MAYOR JENKINS:** We will be meeting at

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[1] 12:00 tomorrow with the Dekalb delegation --  
[2]       **ATTORNEY POWELL:** Yes.  
[3]       **MAYOR JENKINS:** -- and we'll know more  
[4] about it after that.  
[5]       And I don't know what kind of motion  
[6] we'll make, but if you want to make a motion to  
[7] have a special meeting after we talk to the  
[8] Dekalb delegation --  
[9]       **ATTORNEY POWELL:** Or just give the  
[10] Mayor the right to extend it for some period of  
[11] time that all the cities agree to.  
[12]       **MAYOR JENKINS:** If the cities agree to  
[13] it.  
[14]       **ATTORNEY POWELL:** Yeah. If they don't,  
[15] then it'll terminate at the end of August.  
[16]       The Mayor is inclined to extend it, I  
[17] think, from talking with him.  
[18]       **MAYOR JENKINS:** Well, we have a pretty  
[19] good relationship with the County, a lot better  
[20] than some of the other cities. But naturally,  
[21] the cities want to stick together and work  
[22] together if we can to get the betterment of all  
[23] the cities, not just us.  
[24]       **ATTORNEY POWELL:** The practicality is  
[25] it's probably going to get extended again, and I

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[1] would -- and of course this is y'all's decision,  
[2] but I would recommend that you give the Mayor  
[3] the authority to extend it to whatever time the  
[4] cities collectively agree to, just not to have  
[5] to have another special meeting for that issue.  
[6]       **COUNCILMAN HART:** I mean it doesn't  
[7] sound like the two principal cities are going to  
[8] sign it.  
[9]       **ATTORNEY POWELL:** Well, Tom, but each  
[10] time they've extended it, they've extended it  
[11] rather than let it lapse.  
[12]       **MAYOR JENKINS:** We went through it last  
[13] year exactly the same way, and they extended it.  
[14] They felt like they had another year to work  
[15] with it. And maybe another year will do it, and  
[16] it may not, if we extend it.  
[17]       **COUNCILMAN HART:** Okay. But I also  
[18] think we need to get an accounting of what --  
[19]       **ATTORNEY POWELL:** Yes. We will get an  
[20] accounting, Mr. Hart.  
[21]       **MAYOR JENKINS:** Do I get a motion?  
[22]       **COUNCILWOMAN HADDEN:** I'll make a  
[23] motion that we allow the Mayor and the City  
[24] Attorney to determine whether to extend this in  
[25] line with the other cities or not tomorrow.

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[1]       **COUNCILWOMAN PITTMAN:** Second.  
[2]       **COUNCILMAN LOWE:** I second that.  
[3]       **MAYOR JENKINS:** Okay. Call the roll,  
[4] Priscilla.  
[5]       **MS. MURPHY:** Councilwoman Pittman?  
[6]       **COUNCILWOMAN PITTMAN:** Aye.  
[7]       **MS. MURPHY:** Councilwoman Hadden?  
[8]       **COUNCILWOMAN HADDEN:** Yes.  
[9]       **MS. MURPHY:** Councilman Lowe?  
[10]       **COUNCILMAN LOWE:** Aye.  
[11]       **MS. MURPHY:** Councilman Hart?  
[12]       **COUNCILMAN HART:** Aye.  
[13]       **MS. MURPHY:** Councilman Spangler?  
[14]       **COUNCILMAN SPANGLER:** Yes.  
[15]       **MS. MURPHY:** It's unanimous, Mayor.  
[16]       **MAYOR JENKINS:** Thank you.  
[17]       **ATTORNEY POWELL:** That's two unanimous  
[18] votes.  
[19]       **COUNCILWOMAN HADDEN:** We've done it  
[20] before.  
[21]       **MAYOR JENKINS:** The police wall study.  
[22] We talked about that, redoing the wall between  
[23] the Police Department and the pool. And we've  
[24] come to a consensus that we're going to, I  
[25] believe, make a motion to set up a committee --

[1] is that not correct? -- to study the wall more.  
 [2] **COUNCILWOMAN HADDEN:** Sure.  
 [3] I make a motion that we set up a  
 [4] committee to study the wall some more so we have  
 [5] something to put on the next agenda.  
 [6] **COUNCILWOMAN PITTMAN:** Second.  
 [7] **MAYOR JENKINS:** Call the roll.  
 [8] **MS. MURPHY:** Councilwoman Pittman?  
 [9] **COUNCILWOMAN PITTMAN:** Aye.  
 [10] **MS. MURPHY:** Councilwoman Hadden?  
 [11] **COUNCILWOMAN HADDEN:** Yes.  
 [12] **MS. MURPHY:** Councilman Lowe?  
 [13] **COUNCILMAN LOWE:** Aye.  
 [14] **MS. MURPHY:** Councilman Hart?  
 [15] **COUNCILMAN HART:** Aye.  
 [16] **MS. MURPHY:** Councilman Spangler?  
 [17] **COUNCILMAN SPANGLER:** Yes.  
 [18] **MS. MURPHY:** Unanimous again, Mayor.  
 [19] **MAYOR JENKINS:** Three of them. Good.  
 [20] Update on General Motors. I talked to  
 [21] Eric Henning in Detroit. He says that General  
 [22] Motors is still on the closing mode. There is  
 [23] some talk otherwise. But he says that there is  
 [24] nothing new at this time, and he assures me that  
 [25] I will be one of the first to know or we'll be

[1] **COUNCILWOMAN HADDEN:** We got one more.  
 [2] **MAYOR JENKINS:** Yes, ma'am.  
 [3] **MS. SHERLOCK:** Has anybody investigated  
 [4] the hazardous waste issue and who's going to do  
 [5] the restitution of that land and the resolution  
 [6] of that?  
 [7] **COUNCILWOMAN HADDEN:** I can take that.  
 [8] **MAYOR JENKINS:** All right.  
 [9] **COUNCILWOMAN HADDEN:** Usually when a  
 [10] transaction takes place where you have any  
 [11] brownfield that needs cleaning up, it is the  
 [12] seller's responsibility. However, it is an item  
 [13] that could be up for negotiation with anybody  
 [14] new that would come in there. And they already  
 [15] have suspicions about where to target such  
 [16] possible --  
 [17] **MS. SHERLOCK:** Yeah. There's some --  
 [18] **COUNCILWOMAN HADDEN:** -- sites.  
 [19] **MS. SHERLOCK:** -- studies about other  
 [20] closures and the amount of toxic waste, and it  
 [21] took like eight years to resolve the waste and  
 [22] make it safe to build on.  
 [23] **COUNCILWOMAN HADDEN:** I don't know if  
 [24] it's so much it's toxic as it is just a lot of  
 [25] brownfield -- not a lot, either -- brownfield

[1] one of the first to know when something changes.  
 [2] And that's all we have on General Motors.  
 [3] **COUNCILWOMAN HADDEN:** I maybe can add  
 [4] something to that. I understand that General  
 [5] Motors has put out bids for demolition and  
 [6] clearing.  
 [7] **MAYOR JENKINS:** On this plant?  
 [8] **COUNCILWOMAN HADDEN:** On this plant.  
 [9] **MAYOR JENKINS:** Well, okay, because I  
 [10] asked him, and he said there was nothing at this  
 [11] time. So you're getting better information than  
 [12] I am.  
 [13] Go ahead.  
 [14] **MS. CRAWFORD:** We've got a contract  
 [15] from the demolition people to have it completely  
 [16] destroyed three months after the closing.  
 [17] **MAYOR JENKINS:** To destroy what?  
 [18] **MS. CRAWFORD:** The entire building.  
 [19] **COUNCILWOMAN PITTMAN:** Three months  
 [20] after the closing, yes. Three months after the  
 [21] closing.  
 [22] **MAYOR JENKINS:** Three months after the  
 [23] closing. Okay. Well, that's good. Thank you.  
 [24] Thank you, Marlene. I didn't know  
 [25] that.

[1] cleanups in some instances.  
 [2] **MS. SHERLOCK:** Yeah, that's toxic, I  
 [3] would think. You can't put apartments and stuff  
 [4] like that on that until it's been certified by  
 [5] the EPA it's been resolved, and the general --  
 [6] **COUNCILWOMAN HADDEN:** Sure. They --  
 [7] **MS. SHERLOCK:** -- cleanup takes about a  
 [8] year.  
 [9] **COUNCILWOMAN HADDEN:** They're well  
 [10] aware of this. This is not the first plant  
 [11] closure that they've gone through.  
 [12] **MS. SHERLOCK:** No. I mean are we aware  
 [13] of it? Do we have somebody tracking it?  
 [14] **MAYOR JENKINS:** Susan, you need to come  
 [15] up and let the lady know who's speaking please.  
 [16] Susan Crawford. Go ahead, please.  
 [17] **MS. CRAWFORD:** This really doesn't  
 [18] warrant all of this, but what I heard was that  
 [19] they have been doing studies recently in the  
 [20] ground in different areas of the plant property  
 [21] and that everything they've tested has been in  
 [22] accordance with the EPA. And I also heard that  
 [23] they're not testing all the right spots.  
 [24] (Overspeaking)  
 [25] **MAYOR JENKINS:** Thank you.

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[1] **UNIDENTIFIED SPEAKER:** So, then, the  
[2] question still, I think, remains to be answered  
[3] as to whether somebody within the city is going  
[4] to track this to make sure it is done correctly  
[5] and that it doesn't backfire on us later on when  
[6] there's an opportunity to develop this property.  
[7] **COUNCILWOMAN HADDEN:** The EPA and those  
[8] entities that have --  
[9] **MAYOR JENKINS:** It better be taken care  
[10] of, yes, by --  
[11] **COUNCILWOMAN HADDEN:** The Federal  
[12] government will step in.  
[13] **MAYOR JENKINS:** -- the Federal  
[14] government.  
[15] **UNIDENTIFIED SPEAKER:** We hope.  
[16] **UNIDENTIFIED SPEAKER:** Will they make  
[17] reports to --  
[18] **MS. SHERLOCK:** Excuse me, Marlene. Are  
[19] you familiar with the Superfund and where the  
[20] Federal government didn't step in? Does Love  
[21] Canal mean anything to you?  
[22] **COUNCILWOMAN HADDEN:** It sure does.  
[23] **MS. SHERLOCK:** Okay.  
[24] **COUNCILWOMAN HADDEN:** What's this down  
[25] here called? I keep forgetting what the --

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[1] The Atlantic Station project, too. And  
[2] I've been to two presentations given by --  
[3] **MS. SHERLOCK:** That took 12 years --  
[4] **COUNCILWOMAN HADDEN:** -- the engineers  
[5] to --  
[6] **MS. SHERLOCK:** -- to clean that up and  
[7] a lot of City of Atlanta money because they  
[8] didn't do it before they closed it down.  
[9] **COUNCILWOMAN HADDEN:** That's right.  
[10] **MAYOR JENKINS:** Thank you.  
[11] **COUNCILWOMAN HADDEN:** We appreciate it.  
[12] **MAYOR JENKINS:** Thank you. That will  
[13] be taken care of by the EPA and the State and  
[14] Federal stuff.  
[15] You're saying that it won't?  
[16] **COUNCILMAN HART:** And the Easter bunny.  
[17] **MAYOR JENKINS:** And the what?  
[18] If the building stays like it is, they  
[19] won't have to do anything. They can build in  
[20] the building.  
[21] **MS. SHERLOCK:** No.  
[22] **MAYOR JENKINS:** Is that correct?  
[23] **MS. SHERLOCK:** No.  
[24] **MAYOR JENKINS:** Oh, it isn't? Okay.  
[25] **MS. SHERLOCK:** The regulations have

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[1] changed since they've built that. Brownfields  
[2] are now identified as a health hazard, and they  
[3] weren't before.  
[4] **MAYOR JENKINS:** I'd like to talk to you  
[5] about it sometime if you'll come in.  
[6] **MS. SHERLOCK:** Well, I'd like to know  
[7] that somebody in the City is tracking that so we  
[8] don't have --  
[9] **MAYOR JENKINS:** Okay.  
[10] **MS. SHERLOCK:** -- to spend --  
[11] **MAYOR JENKINS:** You come in and tell  
[12] me, and I'll track it. Okay? Is that fair  
[13] enough?  
[14] Chuck, will you come up to the  
[15] microphone? Building codes.  
[16] **MR. ENTSMINGER:** Yes, sir. It's come  
[17] time of the year for us to adopt the State-  
[18] mandated codes, and I've already given  
[19] Mr. Powell a copy of them.  
[20] We're going to be adopting by  
[21] resolution the International Building Code IBC  
[22] 2006 edition. That brings us into compliance  
[23] with the State and the County.  
[24] **ATTORNEY POWELL:** And then, Mayor, you  
[25] also have presented to you tonight an ordinance

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[1] which would amend our existing ordinance on the  
[2] Codes, and Mr. Entsminger and I have reviewed  
[3] that.  
[4] So I would ask you -- I'll read the  
[5] resolution as we typically do, but then I'm  
[6] going to also ask you to waive the first reading  
[7] of the adoption of the codes and go ahead and  
[8] adopt it tonight also.  
[9] **COUNCILMAN HART:** I make a motion we  
[10] waive the first reading.  
[11] **MAYOR JENKINS:** Second?  
[12] **COUNCILMAN LOWE:** Second.  
[13] **MS. MURPHY:** Councilwoman Pittman?  
[14] **COUNCILWOMAN PITTMAN:** Aye.  
[15] **MS. MURPHY:** Councilwoman Hadden?  
[16] **COUNCILWOMAN HADDEN:** Yes.  
[17] **MS. MURPHY:** Councilman Lowe?  
[18] **COUNCILMAN LOWE:** Aye.  
[19] **MS. MURPHY:** Councilman Hart?  
[20] **COUNCILMAN HART:** Aye.  
[21] **MS. MURPHY:** Councilman Spangler?  
[22] **COUNCILMAN SPANGLER:** Yes.  
[23] **MS. MURPHY:** Unanimous.  
[24] **ATTORNEY POWELL:** Let me read the  
[25] resolution first and then --

[1] **MAYOR JENKINS:** Okay.

[2] **ATTORNEY POWELL:** Resolution to adopt

[3] State minimum standard codes and certain

[4] international codes: Whereas Dekalb County has

[5] adopted State minimum standard codes updated as

[6] of January 1, 2007, the State codes, and the

[7] 2007 Georgia State amendments to the following

[8] codes:

[9] International Building Code (IBC) 2006

[10] edition; International Residential Code (IRC)

[11] for One- and Two-Family Dwellings, 2006 edition;

[12] International Fire Code (IFC) 2006 edition;

[13] International Plumbing Code (IPC) 2006 edition;

[14] International Mechanical Code (IMC) 2006

[15] edition; International Field Gas Code (IFGC)

[16] 2006 edition; International Energy Conservation

[17] Code (IECC) 2000 edition; the International

[18] Code.

[19] Whereas, the City desires to adopt the

[20] State Codes and the International Codes, now

[21] therefore be it resolved by the City Council of

[22] the City of Doraville: it is hereby resolved by

[23] authority of the same that the State minimum

[24] standard codes updated through January 1, 2007,

[25] the State codes, and the 2007 Georgia State

[1] **MAYOR JENKINS:** Thank you.

[2] Chuck, is that all you need?

[3] **MS. MURPHY:** He's here for the

[4] variance, too, Mayor.

[5] **MAYOR JENKINS:** Ma'am?

[6] **MS. MURPHY:** Here's here --

[7] **COUNCILMAN HART:** Here's here for --

[8] **MS. MURPHY:** -- for questions about the

[9] variance.

[10] **COUNCILMAN HART:** -- the variance.

[11] **MAYOR JENKINS:** That's next on the

[12] agenda. Yeah.

[13] **ATTORNEY POWELL:** I need a motion to

[14] pass the ordinance that you waived the first

[15] reading on, also.

[16] **COUNCILMAN HART:** I would like to make

[17] a motion to pass the International Building Code

[18] Ordinance or the code ordinances.

[19] **COUNCILWOMAN PITTMAN:** Second.

[20] **ATTORNEY POWELL:** We have a motion and

[21] a second on this ordinance.

[22] **MAYOR JENKINS:** Yeah, we've already --

[23] **ATTORNEY POWELL:** May we call for a

[24] vote?

[25] **MAYOR JENKINS:** I don't --

[1] amendments to the International codes on file

[2] with the City Clerk are hereby adopted and the

[3] Mayor is hereby authorized to execute any and

[4] all documents necessary to evidence adoption of

[5] the State codes. And be it further resolved

[6] that any and all resolutions and any part

[7] thereof in conflict with this resolution are

[8] hereby repealed. This resolution shall be

[9] effective immediately upon its adoption.

[10] Adopted this "blank" day of August, 2007.

[11] **MAYOR JENKINS:** Do you want to have a

[12] motion that we accept the --

[13] **COUNCILMAN LOWE:** Motion.

[14] **COUNCILMAN HART:** Second.

[15] **MS. MURPHY:** Councilwoman Pittman?

[16] **COUNCILWOMAN PITTMAN:** Aye.

[17] **MS. MURPHY:** Councilwoman Hadden?

[18] **COUNCILWOMAN HADDEN:** Yes.

[19] **MS. MURPHY:** Councilman Lowe?

[20] **COUNCILMAN LOWE:** Aye.

[21] **MS. MURPHY:** Councilman Hart?

[22] **COUNCILMAN HART:** Aye.

[23] **MS. MURPHY:** Councilman Spangler?

[24] **COUNCILMAN SPANGLER:** Yes.

[25] **MS. MURPHY:** Unanimous again, Mayor.

[1] **ATTORNEY POWELL:** No. That was a

[2] resolution. This is the ordinance also.

[3] **MAYOR JENKINS:** Oh, okay. We got a

[4] motion and a second?

[5] **ATTORNEY POWELL:** Yes, sir.

[6] **MAYOR JENKINS:** Call the roll again,

[7] Priscilla.

[8] **MS. MURPHY:** Councilwoman Pittman?

[9] **COUNCILWOMAN PITTMAN:** Aye.

[10] **MS. MURPHY:** Councilwoman Hadden?

[11] **COUNCILWOMAN HADDEN:** Yes.

[12] **MS. MURPHY:** Councilman Lowe?

[13] **COUNCILMAN LOWE:** Aye.

[14] **MS. MURPHY:** Councilman Hart?

[15] **COUNCILMAN HART:** Aye.

[16] **MS. MURPHY:** Councilman Spangler?

[17] **COUNCILMAN SPANGLER:** Yes.

[18] **MS. MURPHY:** Unanimous.

[19] **MAYOR JENKINS:** Thank you.

[20] Chuck, we got one more, I think, for

[21] you.

[22] Mike Tuller, will you come up to the

[23] microphone, please.

[24] This is a setback for 4004 Eula Circle.

[25] Would you explain it, sir?

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[1] **MR. TULLER:** Yes, sir.  
 [2] For the background, my name is Michael  
 [3] Tuller and I'm representing my brother Mark who  
 [4] is the resident or actually the property owner  
 [5] of the site at 4004 Eula Circle. I live at 3915  
 [6] River Hall Run in Duluth.  
 [7] The Applicant purchased the property in  
 [8] April of this year and did use the property or  
 [9] is seeking the property as an investment.  
 [10] When Mark purchased the house, it was  
 [11] in terrible state of disrepair when purchased  
 [12] where neglect, vandalism and trash was prevalent  
 [13] throughout the site. Among the many problems  
 [14] with the house include -- includes wood rot  
 [15] along the sole plate of the house in addition to  
 [16] areas of the roof where water infiltrated into  
 [17] the structure through neglect and apparent  
 [18] vandalism.  
 [19] On June 7th, the Applicant did receive  
 [20] a stop-work order from the City of Doraville for  
 [21] nonpermitted construction activity that was  
 [22] taking place on the site. In the investigation  
 [23] of the situation, the City noticed that the  
 [24] Applicant was expanding the house where the  
 [25] existing porch location was situated. The

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[1] Applicant was informed that he would need to  
 [2] seek a variance for the encroachment into the  
 [3] side setback of the property.  
 [4] The Mayor asked the Applicant to  
 [5] present this variance case in June before City  
 [6] Council. In the presentation to Mayor and  
 [7] Council, it was decided the Applicant would have  
 [8] to go through a formal variance process. It was  
 [9] stated in the same hearing that the Applicant  
 [10] did have a reason -- or it was stated in the  
 [11] same hearing the Applicant does have a  
 [12] reasonable hardship for the variance request due  
 [13] to the very narrow, triangular configuration of  
 [14] the lot and the existing setbacks that surround  
 [15] the property.  
 [16] The specific issues related to the  
 [17] primary variance request this evening is the  
 [18] encroachment of the house into the side setback  
 [19] of the property. There is a 4.33 foot  
 [20] encroachment on the front corner of the house  
 [21] and 4.82 feet encroachment on the back. These  
 [22] survey boundaries were done by a Georgia  
 [23] professional engineer.  
 [24] The Eula Circle property is a typical  
 [25] 1950's era house; two bedroom, one bath, which

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[1] is very difficult to market in today's real  
 [2] estate climate. Where the Applicant did seek to  
 [3] expand the house profile to include an extra  
 [4] bedroom, a bathroom where this existing porch  
 [5] was situated, he also would like to add a washer  
 [6] and dryer room to the same area.  
 [7] And a windshield survey bears witness  
 [8] that 19 -- 9 of the 20 houses on Eula Circle are  
 [9] in a similar situation where the carports and/or  
 [10] porches have been enclosed or partially enclosed  
 [11] in order to expand the living spaces of these  
 [12] aging houses. The Applicant simply wants to be  
 [13] afforded the same opportunity for this newly-  
 [14] purchased home.  
 [15] The total expansion of the house is  
 [16] approximately 200 square feet to the original  
 [17] 800-square-foot building footprint. The open-  
 [18] air porch is noted as 96 square feet on Dekalb  
 [19] County records.  
 [20] During the June City Council hearing,  
 [21] the Applicant stated that he had an issue with  
 [22] one of the citizens sitting in the audience due  
 [23] to a prior real estate transaction on Barrylynn  
 [24] Drive where the Applicant purchased a house much  
 [25] to the disappointment of this same citizen.

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[1] On further information, he became  
 [2] knowledgeable that the same citizen was also a  
 [3] member of the Doraville Planning Commission and  
 [4] that he would be voting on the variance in July.  
 [5] I contacted the Mayor the day after the  
 [6] City Council session, asking respectfully that  
 [7] the Planning Commission member who spoke in the  
 [8] hearing recuse himself from the Planning  
 [9] Commission session in July. I stated this  
 [10] exhibits obvious personal biases with the  
 [11] Applicant due to an unrelated incident where his  
 [12] perspective could affect the objectivity of the  
 [13] Planning Commission vote. I also asked that the  
 [14] City render a legal opinion on the issue for  
 [15] reinforcement.  
 [16] The Doraville Planning Commission  
 [17] rendered a 4-0 vote in favor of granting the  
 [18] primary variance for the Eula Circle property  
 [19] with one abstention vote in the July hearing.  
 [20] The individual abstaining from the vote was also  
 [21] the same person that I requested recuse himself  
 [22] from the Planning Commission session. The  
 [23] individual made several statements during the  
 [24] hearing, yet chose to abstain from the formal  
 [25] vote.

[1] A few days after the meeting, I was  
[2] sent an e-mail from the Doraville Planning  
[3] Commission described as "PC Minutes." In that  
[4] document, on the fourth page of the attachment,  
[5] there were evident statements made which were  
[6] not part of the Planning Commission discussion  
[7] on July 26 and arguably have absolutely nothing  
[8] to do with the request for primary variance.

[9] The statements which were woven within  
[10] the PC Minutes show an orchestrated attempt to  
[11] discredit the Applicant and myself with  
[12] questions and statements that are inappropriate,  
[13] gross misrepresentations and an evident attempt  
[14] to coach the City Council prior to the hearing  
[15] for the variance.

[16] These same inaccurate statements do not  
[17] represent the views of -- do not represent the  
[18] views of a person who had formally abstained  
[19] from the Planning Commission vote and should not  
[20] be included in the same attachment as the draft  
[21] Planning Commission minutes.

[22] I respectfully ask that the statements  
[23] provided on the fourth and fifth page of the  
[24] e-mail be stricken from the public record after  
[25] the notation of the Planning Commission's vote

[1] code. The professional engineer described the  
[2] work demands as reasonable and not as costly as  
[3] some individuals had estimated.

[4] The Applicant received an encouraging  
[5] blessing from a resident living at 4000 Eula  
[6] Circle next to the setback variance request.  
[7] She is arguably the most closely impacted by the  
[8] setback encroachment. Miss Jeannie, who lives  
[9] at 4000 Eula Circle, was thrilled to see the new  
[10] construction within the interior of the house  
[11] and welcomes the Applicant's efforts to clean up  
[12] this property. The Applicant assured Miss  
[13] Jeannie that the home improvement would  
[14] ultimately be an asset to the entire community  
[15] on Eula Circle once completed.

[16] To date, the Applicant has not been  
[17] apprised of any objections to the setback  
[18] encroachment variance being sought at 4004 Eula  
[19] Circle from any of the residents leaving on the  
[20] street.

[21] To close, the Applicant respectfully  
[22] asks that Mayor and City Council honor the  
[23] Applicant's request to grant a primary variance  
[24] to this Eula Circle property. The Applicant  
[25] will go through all necessary permitting the

[1] on the same fourth page.

[2] I would like to also state for the  
[3] record that I personally have no financial gain  
[4] in this variance request. I am not a resident  
[5] of the house nor am I involved in the  
[6] Applicant's past efforts to develop this  
[7] property on Eula Circle. My involvement in this  
[8] property only began as the result of a City-  
[9] issued stop-work order.

[10] I am a city planning consultant and  
[11] follow a code of ethics in all I do in local  
[12] government. My AIC accreditation means  
[13] everything to me, and I would not jeopardize it  
[14] for a variance case of this nature.

[15] Since the date of the stop-work order,  
[16] absolutely no work has taken place on the site.  
[17] The Applicant was contacted in late July by a  
[18] neighbor who complained that work was taking  
[19] place on the site. The Applicant stated to the  
[20] City that the lawn had been mowed and workers  
[21] were removing stored tile from the house, but no  
[22] construction-related work has been done.

[23] The Applicant recently obtained a  
[24] breakdown of the work necessary to bring the  
[25] Eula Circle property into conformance to City

[1] City deems appropriate in an effort to seek a  
[2] certificate of occupancy.

[3] The Applicant desires to complete the  
[4] work in an expeditious manner in order to  
[5] respect the quality of life of those neighbors  
[6] on Eula Circle who have been enduring the  
[7] current situation of the property.

[8] I welcome the opportunity to answer any  
[9] questions at the appropriate time.

[10] **MAYOR JENKINS:** Questions at the table.

[11] **COUNCILMAN HART:** I've got a few.

[12] **MAYOR JENKINS:** Sir?

[13] **COUNCILMAN HART:** I've got a few.

[14] They had issued a stop-work order on  
[15] this house; right? Why was that?

[16] **MR. TULLER:** As noted, there was  
[17] activity taking place at the site that  
[18] represented an expansion of the house into the  
[19] side setback, and it also became evident from  
[20] the investigation that there was no permit for  
[21] building on that house.

[22] **COUNCILMAN HART:** There was a small pad  
[23] like a concrete pad, you know, for the walk up  
[24] to the entrance to the side door or something.

[25] **MR. TULLER:** Is it on the back of the

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[1] house or --

[2] **COUNCILMAN HART:** It's on the side.

[3] **MR. TULLER:** Where the setback is?

[4] **COUNCILMAN HART:** Where the

[5] construction took place.

[6] **MR. TULLER:** I think that's the

[7] existing open-air porch that was there. There

[8] may have been steps leading up into it.

[9] **COUNCILMAN HART:** I think it's like the

[10] other houses over there; they have a small

[11] concrete pad, sort of a stoop with a side door.

[12] **MR. TULLER:** Yes.

[13] **COUNCILMAN HART:** And that was

[14] enclosed, and it was already -- the pad itself

[15] wasn't encroaching on the house next door, but

[16] when they enclosed it and built a room on the

[17] side of the house, that was in the 10-foot space

[18] between the edge of that house and the next door

[19] neighbor's property. So it's within what?

[20] Three and a half, four feet of the next door

[21] neighbor's property now.

[22] **MR. TULLER:** No, sir. There's a

[23] 10-foot side setback on the property.

[24] **COUNCILMAN HART:** Right.

[25] **MR. TULLER:** And the house expansion,

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[1] based on the survey from the engineer,

[2] encroached 4.3 feet, which would give you about

[3] six and a half feet from the property line.

[4] **COUNCILMAN HART:** Okay. When I went

[5] out and looked at it --

[6] **MR. TULLER:** Or actually five and a

[7] half feet. Excuse me.

[8] **COUNCILMAN HART:** When I went out and

[9] looked at that -- I mean I'm six feet tall, and

[10] there's no way I could lay down next to that

[11] house and not --

[12] It's about three and a half, four feet,

[13] looks to me.

[14] **MR. TULLER:** I'm just basing it on the

[15] engineer's survey, sir.

[16] **COUNCILMAN HART:** So you have this

[17] concrete pad which wasn't encroaching on the

[18] next door neighbor, and then you built this --

[19] the builder built this addition on the side of

[20] the house that did encroach in that area.

[21] So the first is there was construction

[22] going on on a house without a building permit;

[23] is that correct?

[24] **MR. TULLER:** Yes, sir.

[25] **COUNCILMAN HART:** Then we're

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[1] encroaching on the next door neighbor's 10-foot

[2] space on the side of the house.

[3] **MR. TULLER:** Well, it encroached within

[4] the 10-foot setback of the Applicant's property.

[5] **COUNCILMAN HART:** Right. Supposed to

[6] be a 10-foot gap between the property line and

[7] the person's house, and now there's only about a

[8] three -- about a four-foot gap. Okay? And all

[9] of that was done without a building permit.

[10] **MR. TULLER:** Well, there's a four-foot

[11] gap between the expansion of the house and the

[12] existing property line.

[13] **COUNCILMAN HART:** I understand that.

[14] **MR. TULLER:** The other neighbor has a

[15] 10-foot setback also.

[16] **COUNCILMAN HART:** Right. That would

[17] give a total of 20.

[18] **MR. TULLER:** Yes, sir.

[19] **COUNCILMAN HART:** And now there's a

[20] total of what?

[21] **MR. TULLER:** 15.

[22] **COUNCILMAN HART:** 14?

[23] **MR. TULLER:** 15.

[24] **COUNCILMAN HART:** So we're six feet too

[25] far over. Okay?

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[1] But the biggest problem is we started

[2] constructing this add-on to the house without a

[3] permit.

[4] **MR. TULLER:** That has been noted, yes,

[5] sir.

[6] **COUNCILMAN HART:** A new roof has been

[7] put on the house, new plumbing and new

[8] electricals were put in the house, okay?

[9] You, yourself, are -- I would assume

[10] this is not your first barbecue. Okay? You're

[11] a planner, et cetera; you know about

[12] construction. Okay?

[13] And isn't it normal if you're going to

[14] add a 10 by 20 foot room, et cetera, on the side

[15] of a house, that you would normally get a

[16] building permit?

[17] **MR. TULLER:** Absolutely.

[18] **COUNCILMAN HART:** And if they had

[19] obtained a building permit, they would have

[20] known they would encroach on their next door

[21] neighbor.

[22] **MR. TULLER:** Yes, sir.

[23] **COUNCILMAN HART:** Okay. So --

[24] **MAYOR JENKINS:** Chuck, what is your

[25] opinion?

[1] **MR. ENTSMINGER:** Like I stated before,  
[2] it's up to the Planning Committee. If they tell  
[3] me they'll approve a variance, I can approve the  
[4] building permit. But I can't approve a  
[5] variance. The Planning Committee has to do  
[6] that.

[7] I'll pass these pictures around if  
[8] y'all want to look at them.

[9] **MAYOR JENKINS:** Has this not already  
[10] been to the Planning Committee?

[11] **ATTORNEY POWELL:** Yes. I mean it's  
[12] actually the Council has to approve it.

[13] **MAYOR JENKINS:** It's up to the Council  
[14] now.

[15] **MR. TULLER:** It was approved by the  
[16] Planning Commission before this hearing.

[17] **MAYOR JENKINS:** It was approved?

[18] **MR. TULLER:** Yes, sir.

[19] (Mr. Entsminger presents documents at  
[20] Council table.)

[21] **MAYOR JENKINS:** Come back to order,  
[22] please.

[23] So what is your opinion, Chuck? Tell  
[24] us your opinion on what you think about the side  
[25] and the parts that's been built on.

[1] But anyhow, the long and the short of  
[2] it, it was approved, but which Mr. Tuller left  
[3] off, it was approved with conditions. And those  
[4] conditions were to be set by City Council,  
[5] whether it was a fine or a fine and also all  
[6] inspections that are required. It seems like  
[7] maybe a lot of inspections through our  
[8] discussion may have been missed.

[9] So everything the City Council would  
[10] do, we would look at it like yes, we think this  
[11] might be improvement to the neighborhood but  
[12] something -- there has to be some resolve with  
[13] all the issues. One could be a fine, two could  
[14] be tearing out sheetrock or whatever needs to be  
[15] done to do proper inspection of the plumbing,  
[16] the electrical, to make sure everything's in  
[17] compliance.

[18] But it's not up to us to do anything  
[19] but just make a suggestion. The suggestion was  
[20] approval with conditions set by City Council and  
[21] any kind of punitive damages the City Council  
[22] decided they wanted to set.

[23] As far as setting precedent, and I'll  
[24] just speak from experience, I work on variances  
[25] all the time for the State, and I've done them

[1] **MR. ENTSMINGER:** Mayor, that would be  
[2] up to the City Council to grant a variance if  
[3] they see so fit to do that.

[4] **MAYOR JENKINS:** Yeah, I realize that,  
[5] but what is your opinion?

[6] **MR. ENTSMINGER:** You know, you would  
[7] set -- if you do this, you're going to set a  
[8] precedent.

[9] So, you know, that's up to the City  
[10] Council. I can't --

[11] **COUNCILWOMAN PITTMAN:** Could we ask  
[12] Mr. Ambrose or Mr. Ballantine or somebody?  
[13] Could we ask whoever the spokesperson?

[14] I didn't see you back there. Sorry.

[15] **MAYOR JENKINS:** Come on up to the  
[16] microphone, would you?

[17] **MR. CRAWFORD:** It's Ben Crawford, and  
[18] I'm Chairperson of the Planning Commission,  
[19] voluntary Planning Commission, as I must say,  
[20] for the City of Doraville.

[21] Like Mr. Tuller was saying, we had kind  
[22] of a robust or, you know, kind of an energetic  
[23] kind of meeting that took place, and the vote  
[24] was 4 to 0 with one abstention, which was -- I  
[25] guess in this case it may have been proper.

[1] for the last two and a half years. And  
[2] variances are stand-alone issues; they don't set  
[3] any precedent whatsoever. Each individual case  
[4] is an individual case. And a variance that's  
[5] granted once doesn't mean that same person or  
[6] anyone else can cite that variance in any future  
[7] case or anything else. It is a stand-alone  
[8] issue, decided stand-alone.

[9] And we have an advisory board that  
[10] works with us in all variances that concern  
[11] elevators. Requests for the elevators in the  
[12] state go to the advisory board; they mull over  
[13] it for 10 days and give an opinion back to us,  
[14] and the State decides whether they want to  
[15] accept that opinion or not.

[16] But we did due diligence for the City  
[17] and we gave our best vote.

[18] **COUNCILMAN HART:** Okay. So when you  
[19] say they missed an inspection, they missed an  
[20] inspection because the guy never got a permit to  
[21] do the work.

[22] **MR. CRAWFORD:** No. We understood all  
[23] that, Mr. Hart. We talked about it, we  
[24] discussed it, and the opinion was four to zero.  
[25] We had four with one abstention that we think

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[1] that, given everything the City could do to make  
[2] it right, it would still be an improvement for  
[3] the neighborhood.  
[4] But it would be up to the City Council  
[5] itself to decide what actions would be neces-  
[6] sary, whether to approve the variance with, you  
[7] know, the advice that we give, or to disapprove  
[8] the variance or do whatever you want to do. But  
[9] ours is just advice. It's not mandatory.  
[10] **COUNCILMAN HART:** Okay. Thank you.  
[11] **MR. CRAWFORD:** Anything else?  
[12] **MR. ENTSMINGER:** One thing I'd like to  
[13] say, too, as far as the Planning Committee, to  
[14] me, should be the one that's doing the variance.  
[15] They should not get involved in the electrical  
[16] inspection, plumbing inspection. I will be the  
[17] one to enforce that. And I'll ensure the City  
[18] Council and the citizens that I will not put my  
[19] name on something unless I see it and approve  
[20] it.  
[21] **MR. CRAWFORD:** I don't do it, either.  
[22] **MR. ENTSMINGER:** And they should be  
[23] doing the variance and the variance only. They  
[24] shouldn't be concerned about the roofing, the  
[25] people mowing the grass. If we don't keep the

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[1] grass mowed over there, the City people are  
[2] going to be on them about that, Code  
[3] Enforcement, so you know.  
[4] And I gave them permission to go ahead  
[5] and roof the house, dry it in, but Mr. Tuller  
[6] elected to cover it up with a tarp until he  
[7] could get the variance changed on it.  
[8] So you know, there again, it's up to  
[9] the City Council to either approve it or reject  
[10] it. And I will see that he gets the permits and  
[11] impose the double permit fee for starting the  
[12] work without the permits. But that's the extent  
[13] of what I can do unless y'all set a higher  
[14] permit fee basis.  
[15] **MR. CRAWFORD:** Actually, the double  
[16] permit fee is exactly what the State does when  
[17] somebody doesn't take out a permit.  
[18] And to reiterate what Chuck is saying,  
[19] like I said, we passed it, you know, with  
[20] conditions set by the City Council, not by us.  
[21] Is there anything else?  
[22] **MR. ENTSMINGER:** Let me say one more  
[23] thing. And I also talked to Mr. Powell and  
[24] mentioned it to several City Councilmen.  
[25] Unless the City gets these fees up, if

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[1] somebody goes out there and starts a job and  
[2] it's \$50.00, without a permit, it costs them  
[3] \$50.00 more. Unless y'all can get into these  
[4] contractors' pockets and start charging them  
[5] \$1500 or \$2000 for doing something like this,  
[6] they don't care. They'd rather take a chance  
[7] and get caught and pay \$200. But if you get it  
[8] up to where it's \$1500 or \$2000, that's going to  
[9] stop it and stop it quick.  
[10] **COUNCILMAN HART:** Okay. Now, this is  
[11] the only house involved?  
[12] **MR. ENTSMINGER:** Well, now, the other  
[13] house that we're talking about --  
[14] **MR. CRAWFORD:** That has nothing to do  
[15] with us.  
[16] **MR. ENTSMINGER:** -- has nothing to do  
[17] with them. This is another house.  
[18] **MR. CRAWFORD:** Are you done with me?  
[19] **MR. ENTSMINGER:** It belongs to their  
[20] father.  
[21] **MR. CRAWFORD:** Is everybody done? Can  
[22] I sit down?  
[23] **COUNCILWOMAN PITTMAN:** Thank you very  
[24] much.  
[25] **MR. ENTSMINGER:** I think it's the

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[1] father.  
[2] **MAYOR JENKINS:** Any more questions?  
[3] Do I have a motion?  
[4] **COUNCILMAN HART:** I have a motion to --  
[5] **MAYOR JENKINS:** Wait a minute.  
[6] **UNIDENTIFIED SPEAKER:** Well, it just  
[7] seems to me that they seem to have a pattern of  
[8] trying to subvert the whole standard and knowing  
[9] that the roof would lead to something else, so  
[10] they tried to hide it by putting a tarp on it to  
[11] where --  
[12] **MR. ENTSMINGER:** No, he didn't try to  
[13] hide it by putting that big blue tarp. He was  
[14] trying to protect it.  
[15] **UNIDENTIFIED SPEAKER:** But it still  
[16] seems like their purpose was not like they  
[17] were -- didn't have any knowledge of what they  
[18] were doing.  
[19] **MAYOR JENKINS:** Okay. Tom?  
[20] **COUNCILMAN HART:** I'd like to make a  
[21] motion to deny the variance for basically  
[22] applying for the variance after the fact, after  
[23] construction had already started.  
[24] **MAYOR JENKINS:** Do I get a second?  
[25] **COUNCILMAN SPANGLER:** I'm going to

[1] second.  
 [2] **MAYOR JENKINS:** Okay. Call the roll,  
 [3] Priscilla.  
 [4] **MS. MURPHY:** Councilwoman Pittman?  
 [5] **COUNCILWOMAN PITTMAN:** No.  
 [6] **MS. MURPHY:** Councilwoman Hadden?  
 [7] **COUNCILWOMAN HADDEN:** No.  
 [8] **MS. MURPHY:** Councilman Lowe?  
 [9] **COUNCILMAN LOWE:** Aye.  
 [10] **MS. MURPHY:** Councilman Hart?  
 [11] **COUNCILMAN HART:** Aye.  
 [12] **MS. MURPHY:** Councilman Spangler?  
 [13] **COUNCILMAN SPANGLER:** Yes.  
 [14] **MS. MURPHY:** That's 3 to 2, Mayor, yes.  
 [15] **MAYOR JENKINS:** For the motion.  
 [16] **MS. MURPHY:** Yes, to deny the variance.  
 [17] **MAYOR JENKINS:** Thank you.  
 [18] Thank you, Chuck.  
 [19] **MAYOR JENKINS:** Marlene, are you ready?  
 [20] Are you ready for yours?  
 [21] **COUNCILWOMAN HADDEN:** We had some  
 [22] questions last week after our public meeting,  
 [23] and this is just to help clarify one of the  
 [24] points.  
 [25] **UNIDENTIFIED SPEAKER:** We can't hear.

[1] somewhere else or it might not need to go  
 [2] somewhere else and any more money be spent.  
 [3] Is that the way that Council sees this?  
 [4] **MAYOR JENKINS:** Yes. That's the way I  
 [5] see it.  
 [6] **COUNCILMAN HART:** Well, okay. Well,  
 [7] the question was whether Johnny Lawler's going  
 [8] to work on it.  
 [9] **MAYOR JENKINS:** Johnny Lawler has it in  
 [10] his hands as we speak.  
 [11] **COUNCILMAN HART:** Yeah, but he still  
 [12] hasn't said that he's going to work on it.  
 [13] **MAYOR JENKINS:** He's going to come back  
 [14] and tell us how much he'll go over it for before  
 [15] he actually gets -- Johnny Lawler will give us a  
 [16] quote on a price before he gets into the -- he's  
 [17] going to take a certain amount of time and look  
 [18] it over and then he'll tell us.  
 [19] **MS. MURPHY:** Mayor, actually Mr. Lawler  
 [20] when he was here today -- y'all have a meeting  
 [21] tomorrow night, a work session about the  
 [22] employee manual.  
 [23] **MAYOR JENKINS:** I don't believe he'll  
 [24] have enough time by then.  
 [25] **MS. MURPHY:** He came back and said that

[1] **UNIDENTIFIED SPEAKER:** We can't hear.  
 [2] **COUNCILWOMAN HADDEN:** Okay. We had  
 [3] some questions last week after the public  
 [4] hearing regarding the zoning ordinance.  
 [5] Can you hear me now?  
 [6] **MAYOR JENKINS:** Can you hear her,  
 [7] please?  
 [8] **UNIDENTIFIED SPEAKER:** Yes.  
 [9] **COUNCILWOMAN HADDEN:** And as a matter  
 [10] of clarity, we had made the motion and sent the  
 [11] zoning ordinance to Mr. Johnny Lawler for his  
 [12] review. And it was not clear to some people  
 [13] whether it was then automatically going to go to  
 [14] Keck & Wood or if it was going to come back from  
 [15] Mr. Lawler to Council for us to review what he  
 [16] had suggested and offered prior to going  
 [17] anywhere else or spending any more money.  
 [18] And I'm just asking Council tonight to  
 [19] clarify that particular step for the public:  
 [20] that it is indeed going to Mr. Lawler, he will  
 [21] be reviewing it, and what he has to say will  
 [22] come back to Council so that we can look at it  
 [23] again probably with another public hearing, and  
 [24] that we will not be doing anything unless or  
 [25] until Council decides that it might need to go

[1] he might come to the work session tomorrow night  
 [2] to ask the Council questions, or that he might  
 [3] be here tomorrow night if he has enough time to  
 [4] review anything --  
 [5] **MAYOR JENKINS:** Yeah. Well, that's --  
 [6] **MS. MURPHY:** -- in connection with --  
 [7] **MAYOR JENKINS:** -- what I understood:  
 [8] if he had time --  
 [9] **MS. MURPHY:** But he did --  
 [10] **MAYOR JENKINS:** -- to look it over.  
 [11] **MS. MURPHY:** -- come back and say that  
 [12] he might try to be here tomorrow night to talk  
 [13] to the Council during that work session.  
 [14] **MAYOR JENKINS:** Well, that would be  
 [15] fine with me. How about everybody else?  
 [16] **COUNCILWOMAN HADDEN:** Sure.  
 [17] **MAYOR JENKINS:** Is that okay?  
 [18] **UNIDENTIFIED SPEAKER:** That's fine.  
 [19] **COUNCILWOMAN HADDEN:** On to Autumn  
 [20] Park.  
 [21] **MAYOR JENKINS:** Yes, sir.  
 [22] **UNIDENTIFIED SPEAKER:** Is that  
 [23] something that once Mr. Lawler comes back with a  
 [24] price, that the Council will vote again on that  
 [25] or --

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[1]           **MAYOR JENKINS:** We could, or we could  
[2] accept his version and go on about our business.  
[3] Otherwise, we'd go to somebody else.  
[4]           **UNIDENTIFIED SPEAKER:** Thank you.  
[5]           **MAYOR JENKINS:** Which there is a motion  
[6] on the table for Keck & Wood if it comes to  
[7] that, but it'll come back to Council first. Is  
[8] that correct?  
[9]           **COUNCILWOMAN HADDEN:** Uh-huh  
[10] (affirmative).  
[11]           **COUNCILMAN LOWE:** (Nods head  
[12] affirmatively.)  
[13]           **COUNCILWOMAN HADDEN:** We have four bids  
[14] for mitigating the stream bank erosion in Autumn  
[15] Park, and they were more complicated, I think,  
[16] than what we thought we were going to get, plus  
[17] they don't tell us who's going to do the work to  
[18] actually correct the problems.  
[19]           But in speaking with Mr. Entsminger, we  
[20] believe that Precision appears to be the most  
[21] appropriate firm at this point in time unless  
[22] Council would like to do something different or  
[23] put another suggestion on the table.  
[24]           **MAYOR JENKINS:** What about going ahead  
[25] and passing it for Precision versus Mr.

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[1] Entsminger's looking into it?  
[2]           **COUNCILWOMAN HADDEN:** Mr. Entsminger  
[3] basically did look into the four of them and  
[4] said that Precision appeared to be probably the  
[5] better one.  
[6]           **MAYOR JENKINS:** Okay. Well, that's  
[7] fine.  
[8]           **MS. MURPHY:** Ms. Hadden, may I read the  
[9] bids and the dollar amount or the vendors and  
[10] the dollar amount --  
[11]           **COUNCILWOMAN HADDEN:** Uh-huh  
[12] (affirmative).  
[13]           **MS. MURPHY:** -- into the minutes,  
[14] please? Precision Planning, their bid was  
[15] \$19,140; Hayes James is \$33,090.00; Entrix is  
[16] \$28,482.60; and Moreland Associates is \$30,520.  
[17] There were only the four bids.  
[18]           **COUNCILMAN HART:** And the first one was  
[19] Planners?  
[20]           **MS. MURPHY:** Precision Planning at  
[21] \$19,140.  
[22]           **MAYOR JENKINS:** And that's the one that  
[23] you --  
[24]           **COUNCILWOMAN HADDEN:** Yes, Mr.  
[25] Entsminger.

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[1]           **COUNCILMAN SPANGLER:** Ms. Hadden, could  
[2] we have a little more time to look over  
[3] Precision to make sure that they're doing  
[4] everything the other --  
[5]           **COUNCILWOMAN HADDEN:** Absolutely.  
[6]           **COUNCILMAN SPANGLER:** -- companies --  
[7]           **COUNCILWOMAN HADDEN:** Absolutely.  
[8] Let's have something ready to go --  
[9]           **COUNCILMAN SPANGLER:** Next meeting?  
[10]           **COUNCILWOMAN HADDEN:** Yeah.  
[11]           Move along, Mr. Mayor?  
[12]           **MAYOR JENKINS:** Yes, ma'am. Move right  
[13] along.  
[14]           **COUNCILWOMAN HADDEN:** Okay. KaBOOM.  
[15] KaBOOM is an entity connected with Home Depot,  
[16] and they do grants for playgrounds. And several  
[17] of the parents in my neighborhood had asked for  
[18] a new playground, particularly, hopefully, for  
[19] children in the 6-to-12 age bracket. We have  
[20] playgrounds in certain areas in the city and  
[21] it's for toddlers, the little kids.  
[22]           And I think we wrote this back in  
[23] February. We were put on hold and told we'd  
[24] hear in May.  
[25]           Well, here we are in August, and

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[1] they've called us back again, and we actually  
[2] have a representing coming from KaBOOM out of  
[3] Washington, D.C. I've asked her to please come  
[4] to City Hall and meet with the Mayor. They've  
[5] specifically asked to talk to our Parks &  
[6] Recreation Director, Ms. Stephens, and Mr. Bobby  
[7] Pittman with our Maintenance Department.  
[8]           And so hopefully after we jump through  
[9] these other hoops of fire, that we will see that  
[10] we will be awarded a KaBOOM playground for the  
[11] high side of Autumn Park in Northwoods. And  
[12] it's my hope if we do win this grant for this  
[13] playground, that we can turn around this coming  
[14] year, and possibly if there are other  
[15] playgrounds in some of the other neighborhoods  
[16] that would like some new or maybe equipment for  
[17] maybe the older children, that we could go ahead  
[18] and go back and reapply again for another KaBOOM  
[19] project.  
[20]           So right now we're being very  
[21] optimistic. I don't now if we'll get definitive  
[22] word when their representative is here speaking  
[23] with the Mayor Wednesday. But it sure would be  
[24] nice, since waiting since about March and April,  
[25] to hear yes, we're getting this. So we're going

[1] to be cautiously optimistic, and hopefully maybe  
[2] by next meeting we'll have something real on  
[3] KaBOOM.

[4] That's all, Mayor.

[5] **MAYOR JENKINS:** Thank you.

[6] Mr. Lowe?

[7] **COUNCILMAN LOWE:** Yes, sir. I have two  
[8] bids for the turnaround at Chicopee Park.

[9] Priscilla, would you read those,  
[10] please?

[11] **MS. MURPHY:** The first one is Atlanta  
[12] Paving & Concrete Construction, and the dollar  
[13] amount is \$24,750, and the other one is from  
[14] Dekalb County and it's \$29,870. There are just  
[15] two bids.

[16] **COUNCILMAN LOWE:** And that's all we  
[17] could get, Mr. Mayor.

[18] **MAYOR JENKINS:** Okay. Do you want to  
[19] go ahead and get a motion on it?

[20] **COUNCILMAN LOWE:** Well, I'd like to  
[21] make a motion that the County -- I know it's  
[22] going to be a whole lot more. But it's their  
[23] road, and the restrictions and rules they have  
[24] on it, they'll be able to handle. The liability  
[25] will be theirs, so we don't have anything to

[1] **COUNCILWOMAN PITTMAN:** They would have  
[2] to do --

[3] **COUNCILMAN LOWE:** They would --

[4] **COUNCILWOMAN PITTMAN:** -- that anyway.

[5] **COUNCILMAN LOWE:** -- do the meter, yes.

[6] **COUNCILWOMAN PITTMAN:** Right.

[7] **COUNCILMAN HART:** I had a question. Is  
[8] there some kind of plan here? I mean is there a  
[9] drawing of this?

[10] **COUNCILMAN LOWE:** Yeah.

[11] **MAYOR JENKINS:** Yeah. The County drew  
[12] it up.

[13] **COUNCILMAN HART:** And so the County did  
[14] the drawing for free? Is that what they did?

[15] **COUNCILMAN LOWE:** That's included in  
[16] that.

[17] **COUNCILMAN HART:** And they're going to  
[18] do they said concrete or asphalt?

[19] **MS. MURPHY:** Would you like to read  
[20] this, Mr. Hart (presenting)?

[21] **COUNCILMAN SPANGLER:** I'm going to  
[22] second the motion for the County.

[23] **MAYOR JENKINS:** Tom's got a little  
[24] discussion.

[25] **COUNCILMAN LOWE:** It's going to be all

[1] worry about with that.

[2] **MAYOR JENKINS:** In other words, you  
[3] want the County to do it rather than the low  
[4] bid, then.

[5] **COUNCILWOMAN PITTMAN:** Well, actually,  
[6] doesn't the County have to do some of it anyway?

[7] **COUNCILMAN LOWE:** I don't think so, no.

[8] **COUNCILWOMAN PITTMAN:** The cutout for  
[9] the --

[10] **COUNCILMAN LOWE:** Far as the Atlanta  
[11] Paving Company would be able to do all the work.

[12] **COUNCILMAN SPANGLER:** But the County,  
[13] if the County does it, they'll guarantee the  
[14] work?

[15] **COUNCILMAN LOWE:** Well, yeah,  
[16] absolutely. If anything happens, they're liable  
[17] for it.

[18] **COUNCILWOMAN PITTMAN:** Even the meter  
[19] that's right there?

[20] **COUNCILMAN LOWE:** Yeah.

[21] **COUNCILWOMAN PITTMAN:** I mean they  
[22] wouldn't have to do that, anyway; the other  
[23] company would do that?

[24] **COUNCILMAN LOWE:** Oh, the meter. They  
[25] would --

[1] asphalted.

[2] **COUNCILMAN HART:** Excuse me?

[3] **COUNCILMAN LOWE:** It's going to be all  
[4] asphalted.

[5] **COUNCILMAN HART:** Right, it is asphalt,  
[6] and so -- okay.

[7] **MR. ENTSMINGER:** Mr. Lowe, does it not  
[8] also include parking, parking spaces?

[9] **COUNCILMAN LOWE:** Parking spaces, yes.

[10] **MR. ENTSMINGER:** A couple of parking  
[11] spaces.

[12] **COUNCILMAN HART:** At about \$10,000 a  
[13] parking spot.

[14] So all right. And the Maintenance  
[15] Department couldn't do this or --

[16] **MAYOR JENKINS:** That's what they told  
[17] me.

[18] Any more discussion?

[19] We've got a motion and a second. Call  
[20] the roll, Priscilla.

[21] **MS. MURPHY:** Councilwoman Pittman?

[22] **COUNCILWOMAN PITTMAN:** Aye.

[23] **MS. MURPHY:** Councilwoman Hadden?

[24] **COUNCILWOMAN HADDEN:** Aye.

[25] **MS. MURPHY:** Councilman Lowe?

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[1] **COUNCILMAN LOWE:** Aye.  
[2] **MS. MURPHY:** Councilman Hart?  
[3] **COUNCILMAN HART:** I'll have to abstain.  
[4] **MS. MURPHY:** Councilman Spangler?  
[5] **COUNCILMAN SPANGLER:** Yes.  
[6] **MS. MURPHY:** That's four ayes and one  
[7] abstain, Mayor.  
[8] **MAYOR JENKINS:** English Oak Park,  
[9] Mr. Lowe, Carol.  
[10] **MS. STEPHENS:** Yes. The neighborhood  
[11] committee met on July 10th about English Oak,  
[12] about all of the equipment, playground  
[13] equipment, amphitheater, and they had votes.  
[14] And I wanted to know. I did put an e-mail in  
[15] your box that listed all of the equipment that  
[16] was approved by the neighborhood and wanted to  
[17] know if y'all needed to approve that so I could  
[18] go on with the next step, which would be getting  
[19] construction documents done to start some work  
[20] there.  
[21] **MAYOR JENKINS:** Bob, do you have any  
[22] comment?  
[23] **COUNCILMAN SPANGLER:** No. I'm fine  
[24] with it.  
[25] **COUNCILMAN SPANGLER:** Do y'all need to

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[1] vote on these?  
[2] **COUNCILMAN HART:** Well, can you run  
[3] down the list of what --  
[4] **MS. STEPHENS:** Sure. I'm putting on my  
[5] glasses.  
[6] Okay. The first was pavilions. Now,  
[7] we did list two pavilions with -- let's see.  
[8] Where is this? Two pavilions. I was  
[9] understanding it was only one pavilion we  
[10] approved that night.  
[11] But Susan, you also sent me some  
[12] information, and you had two pavilions that were  
[13] approved that night.  
[14] A decorative fence that was proposed.  
[15] That's a new one.  
[16] **COUNCILMAN HART:** I heard one pavilion.  
[17] **MS. STEPHENS:** Pardon me?  
[18] **COUNCILMAN HART:** I heard one pavilion  
[19] that night.  
[20] **MS. FRAYSSE:** We had one with a  
[21] barbecue pit in it and another one with just  
[22] tables.  
[23] **MS. CRAWFORD:** One large and one small.  
[24] **COUNCILMAN HART:** I don't remember  
[25] that.

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[1] **MR. CRAWFORD:** Yeah. I was there, too.  
[2] **COUNCILMAN HART:** Can you remember two?  
[3] I thought it was just one.  
[4] **COUNCILWOMAN PITTMAN:** Are we talking  
[5] about the bigger pavilions? I don't know if  
[6] you've seen --  
[7] **COUNCILMAN SPANGLER:** The bigger  
[8] pavilion, yes.  
[9] **COUNCILWOMAN PITTMAN:** -- at Brookwood  
[10] where they just have the smaller pavilions over  
[11] the tables.  
[12] **MS. STEPHENS:** Oh, okay.  
[13] **COUNCILWOMAN PITTMAN:** Are you talking  
[14] about those?  
[15] **MS. STEPHENS:** No. That would just be  
[16] a picnic table cover.  
[17] **COUNCILWOMAN PITTMAN:** So you're  
[18] talking about the big --  
[19] **MS. STEPHENS:** Big pavilions, yes.  
[20] That needs to be approved --  
[21] **COUNCILMAN HART:** I think we talked --  
[22] **MS. STEPHENS:** -- if y'all wanted to.  
[23] **COUNCILMAN HART:** -- about one pavilion  
[24] up near the road to go with the fence, and a  
[25] walking path.

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[1] **MS. STEPHENS:** Walking paths, a fence  
[2] along English Oak.  
[3] **COUNCILMAN HART:** I think we had  
[4] workout stations or something along the path?  
[5] **MS. STEPHENS:** Right. We had a  
[6] decorative fence, walking trail with benches,  
[7] swings with benches, garbage receptacles,  
[8] exercise stations along the walking trail.  
[9] We did speak on basketball courts, and  
[10] that was voted down. Also, a tennis court area  
[11] was voted down.  
[12] Bulletin board put in the park. That  
[13] was voted on "yes."  
[14] Vehicle parking, we voted "no," or the  
[15] citizens did.  
[16] Bicycle stands, we said "yes" to, of  
[17] course; and an additional children's playground  
[18] for older children, as what Marlene was talking  
[19] about earlier. Horseshoe pit.  
[20] And let's see. And to keep the  
[21] existing trees. We didn't want to cut down any  
[22] trees, but we were going to look at the sweetgum  
[23] trees around the playground equipment. And I  
[24] think that was it.  
[25] **MS. FRAYSSE:** Did you say barbecue pit?

[1] **MS. STEPHENS:** No, I didn't. They were  
[2] talking about a barbecue pit with the pavilions.

[3] **COUNCILMAN LOWE:** I just kind of wanted  
[4] to let people know that I have run across a  
[5] pavilion in Alpharetta that would hold at least  
[6] 60 people, I believe.

[7] **COUNCILMAN SPANGLER:** At least 60  
[8] people.

[9] **COUNCILMAN LOWE:** It's one huge  
[10] pavilion.

[11] **COUNCILMAN SPANGLER:** Real nice tables  
[12] that can't be moved.

[13] **COUNCILMAN LOWE:** With the picnic  
[14] tables, it'll hold about 60 people. I guess  
[15] that's why we were thinking one more, than we  
[16] were one big one and one small one.

[17] **UNIDENTIFIED SPEAKER:** Are you going to  
[18] put them on stilts?

[19] **MS. STEPHENS:** Well, it is a real small  
[20] park. I mean at Honeysuckle Park, we have one  
[21] pavilion there, and of course that's our largest  
[22] park. So that's something that I'd like y'all  
[23] to consider. I don't know that I see a need for  
[24] two pavilions, but I wouldn't mind hearing the  
[25] comments why.

[1] **MS. CRAWFORD:** I'm not real outdoorsy,  
[2] so it's probably not going to affect me at all.  
[3] But if we have -- and that is a beautiful  
[4] pavilion, and we could actually do theater there  
[5] or whatever.

[6] But my question is what if one group is  
[7] having a reunion or something and then, you  
[8] know, a couple would want to barbecue or a  
[9] family, then how would that work? Is there  
[10] someone --

[11] **MS. STEPHENS:** Well, at this time, I do  
[12] not book the neighborhood parks. It's on a  
[13] first-come/first-serve basis. The only reason  
[14] we'd reserve the park would be for one of your  
[15] neighborhood functions. I mean I don't book the  
[16] parks, neighborhood parks, at all. I just --

[17] **MS. CRAWFORD:** That's not my question.  
[18] My question is if there's only one place to  
[19] gather and a couple of different families want  
[20] to use those --

[21] (Overspeaking)

[22] **MS. STEPHENS:** That's the reason, okay?  
[23] Yes, ma'am.

[24] **UNIDENTIFIED SPEAKER:** Feasibly, like  
[25] you said, the size of the park --

[1] **MS. FRAYSSE:** Mr. Lowe, do you know how  
[2] wide -- how big the dimension are?

[3] **COUNCILMAN LOWE:** I don't have the  
[4] dimensions with me.

[5] **MS. FRAYSSE:** How many can you get in  
[6] Chicopee?

[7] **COUNCILMAN LOWE:** Chicopee, we only get  
[8] about --

[9] **COUNCILMAN HART:** Twenty?

[10] **COUNCILMAN LOWE:** -- twenty at the  
[11] most, and we're almost tripling it with this  
[12] one.

[13] Actually, Carol has a picture that we  
[14] took of the pavilion if you'd like to take a  
[15] look at it.

[16] **UNIDENTIFIED SPEAKER:** Are they going  
[17] to put it on stilts or are they going to build  
[18] it up so the water --

[19] **MS. STEPHENS:** We're still going to  
[20] look at the water. That's something Mactec  
[21] needs to address because I understand there's  
[22] still standing water there. So that's something  
[23] they're going to work on.

[24] (Overspeaking)

[25] **MS. STEPHENS:** Yes.

[1] **MAYOR JENKINS:** You need to identify  
[2] yourself, please.

[3] **MS. RAWLINS:** Linda Rawlins from  
[4] Oakcliff. Feasibly, with the size of the park,  
[5] how are you going to fit as much in as we're  
[6] talking about you have two pavilions and a  
[7] walking trail and --

[8] **UNIDENTIFIED SPEAKER:** Amphitheater.

[9] **MS. RAWLINS:** -- playground equipment.  
[10] That just would be a concern, it would be one  
[11] right beside the other nearly.

[12] **MS. STEPHENS:** Well, I happen to agree  
[13] with you. I do feel like there's a need for one  
[14] pavilion. I do not see the need for two.

[15] We're planning to put picnic tables  
[16] throughout the park in different areas for  
[17] smaller groups, and of course there will be  
[18] benches along the walking path. So that would  
[19] serve that purpose, I would think, so --

[20] **MS. MURPHY:** Carol, what you're looking  
[21] for is approval from the Council to go ahead --

[22] **MS. STEPHENS:** Well --

[23] **MS. MURPHY:** -- with the --

[24] **MS. STEPHENS:** -- there were --

[25] **MS. MURPHY:** -- construction documents?

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[1] **MS. STEPHENS:** -- changes made, and I  
[2] don't know if you need to vote on those changes  
[3] or not.  
[4] I did speak with the Mayor. He thought  
[5] originally we were going with what the master  
[6] plan said. You-all did approve that originally.  
[7] **MAYOR JENKINS:** Right.  
[8] **MS. STEPHENS:** So if there are changes  
[9] made, we need to, I guess, put that to a vote.  
[10] That's up to you.  
[11] **COUNCILWOMAN PITTMAN:** There was also a  
[12] question about the old playground equipment up  
[13] there, that the people who were there that night  
[14] said that it would be left there. But the  
[15] concern, I think, was that it's not safe. Is  
[16] that in the plan, to replace that with other  
[17] playground equipment?  
[18] **MS. STEPHENS:** No. My understanding,  
[19] we were going to keep the older playground  
[20] equipment and to have another playground area --  
[21] **COUNCILWOMAN PITTMAN:** And keep that  
[22] old --  
[23] **MS. STEPHENS:** -- attached to that.  
[24] **COUNCILWOMAN PITTMAN:** -- that old  
[25] playground equipment?

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[1] **MS. STEPHENS:** As long as it's safe.  
[2] We need to have -- we'll have to have  
[3] someone inspect it, then, if y'all --  
[4] (Overspeaking)  
[5] **MS. STEPHENS:** I didn't know the  
[6] playground was unsafe.  
[7] **COUNCILWOMAN PITTMAN:** Well, I mean I -  
[8] - the playground I'm talking about is the one  
[9] that's right up there closer to the street. And  
[10] I mean I have a five-year-old, and I wouldn't  
[11] feel real comfortable with him being on it, to  
[12] be honest.  
[13] **MS. STEPHENS:** Well, we can have a  
[14] playground gentleman come out and look and  
[15] inspect the playground if you want to.  
[16] Probably all of the playgrounds need to  
[17] be done. You know, we're operating with tires  
[18] at Honeysuckle Park. We have old tires attached  
[19] to a pole -- that's what we have -- which I'm  
[20] trying to get a new playground at our park.  
[21] **MAYOR JENKINS:** Yes, ma'am.  
[22] **MS. CALVERT:** We had an episode over  
[23] the weekend. I'm Jenny Calvert. On Sunday, I  
[24] understand Bridgett Wiese saved the day again.  
[25] There were some children down there playing on

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[1] the old playground equipment, and she watched  
[2] them for a while. And then she saw them around  
[3] this small child that was in a seat, a small  
[4] child's seat. And after a while, she saw all  
[5] the children down there and she thought one of  
[6] them was big enough to be one of the mothers, so  
[7] she wasn't paying -- you know.  
[8] But here, they're all crying. So when  
[9] she noticed all of them were crying, she went  
[10] down to see what was the matter. Well,  
[11] apparently this three-year-old child, they  
[12] managed to get it in the small seat, but it was  
[13] a chunky little dickens so they couldn't get it  
[14] out. So Bridgett said, okay, I'll hold the seat  
[15] and you pull her out. Well, they finally got  
[16] the child out of that there. Now, you tell me  
[17] that's safe.  
[18] **MS. STEPHENS:** Well, every playground  
[19] is going -- you're going to have your problems  
[20] with every playground. Kids get hurt. They  
[21] walk and they fall and they don't know how to  
[22] swing.  
[23] (Overspeaking)  
[24] **MS. CALVERT:** A child's swing in there  
[25] for a child that cannot do for themselves, if

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[1] you got the parents.  
[2] **MS. STEPHENS:** Well, yeah, it certainly  
[3] needs to be supervised. Any time you have a  
[4] three-year-old in the park, you have to have a  
[5] parent there.  
[6] **MS. CALVERT:** Well, we don't have a  
[7] swing for a handicapped child.  
[8] **MS. STEPHENS:** Okay. That's something  
[9] that needs to be done.  
[10] **MS. CALVERT:** I would like that.  
[11] **MS. STEPHENS:** I would hope everything  
[12] would be ADA-approved. Anything we put in needs  
[13] to be ADA-accessible.  
[14] **MS. CRAWFORD:** The picture that's going  
[15] around, is that what we're getting?  
[16] **MS. STEPHENS:** We're going to look at  
[17] that design. That's a \$112,000 picnic pavilion.  
[18] **COUNCILMAN LOWE:** Well, as I mentioned,  
[19] the materials that are used --  
[20] **MS. STEPHENS:** But it's --  
[21] **COUNCILMAN LOWE:** -- are top grade.  
[22] **MS. STEPHENS:** -- as you see. Yeah,  
[23] that's top-grade material. And that was  
[24] designed -- that's in Alpharetta.  
[25] **COUNCILMAN LOWE:** I'm talking about

[1] just the design, not cedar wood. Okay?

[2] **MS. CRAWFORD:** But the picture's going

[3] around because we're --

[4] **COUNCILMAN LOWE:** That's the one I have

[5] suggested for y'all since you have a big

[6] neighborhood association, picnic and all.

[7] (Overspeaking)

[8] **MAYOR JENKINS:** We're going to have to

[9] identify ourself, please. The lady is trying to

[10] take minutes.

[11] **MS. HOFFMEISTER:** Yes. Why don't we

[12] get Tom Hart to build it for us for 30,000.

[13] **MS. STEPHENS:** Well, it's an octagon

[14] shaped picnic pavilion. Those are very

[15] attractive. You serve people well that way.

[16] You have a round area where everybody can sit

[17] and see each other. It's just very attractive.

[18] So I'd like y'all to consider that, but --

[19] **MAYOR JENKINS:** Stuart, come up here,

[20] sir.

[21] **MR. ANDERSON:** That was Bonita

[22] Hoffmeister that offered Tom to do that for

[23] fifteen thousand, by the way.

[24] I was there that night, also, and there

[25] was a question about the fence, and I didn't

[1] that was a good idea.

[2] **UNIDENTIFIED SPEAKER:** May I?

[3] **MAYOR JENKINS:** Carol?

[4] **UNIDENTIFIED SPEAKER:** Concerning the

[5] fence, a wrought iron fence is not going to

[6] obscure very much. Your pickets are at least

[7] four inches apart and about an inch in diameter,

[8] which a person can see through that quite well.

[9] I don't think there would be a problem there.

[10] **MS. STEPHENS:** All right.

[11] **COUNCILMAN LOWE:** Mr. Mayor, I make a

[12] motion that we accept the changes that have been

[13] presented to us.

[14] **COUNCILMAN HART:** Okay. So we're down

[15] to one pavilion?

[16] **COUNCILMAN LOWE:** Yes.

[17] **COUNCILMAN HART:** Okay. All right.

[18] We'd like to vote on that tonight if everybody's

[19] agreeable so we get it moving.

[20] **MS. ALEXANDER:** I have a question if

[21] you don't mind. Maria Alexander.

[22] Are we going to -- I unfortunately was

[23] in a class and could not attend the meeting.

[24] Are we going to see a new rendition? I mean we

[25] had this great rendition, and we had two town

[1] really involve myself in conversation but there

[2] was conversation about it. And my observation

[3] was the fence across the front is good, but when

[4] you drive along the road, if you were looking

[5] for activity or certain types of activity in the

[6] street or in the park, it's hard to see through

[7] that fence if it's a steel picket fence.

[8] And the other question about the fence

[9] is that there probably should be a homogeneous

[10] fence across the back, keeping the kids out of

[11] the rock piles and possibly dealing with the --

[12] It's up to the residents, of course,

[13] obviously. But there was conversation about

[14] where the fence should be, and I did have the

[15] observation that putting it in front is fine,

[16] but when you drive by, you can't see people

[17] doing things in the park.

[18] **MS. STEPHENS:** Well, on the fence in

[19] the front, I do think it was proposed to keep

[20] children in instead of running out on the road.

[21] And safety needs to be our top priority in any

[22] park, which is the reason I will check right

[23] away and check on the playground system. We

[24] want our children safe. And Mr. Roberts did

[25] propose that, and I want to thank him. I think

[1] hall meetings on that park and now we're

[2] changing it. Are we going to see another set of

[3] drawings that's going to tell us what it's going

[4] to look like?

[5] **MS. STEPHENS:** You're not changing a

[6] whole lot. You're taking away some items,

[7] adding a few items.

[8] In order to make another master plan,

[9] we would have to have that approved by the

[10] Council; that will be an added expense of

[11] course.

[12] **MS. MURPHY:** Carol, what you're asking

[13] the Council to do is to go ahead and approve for

[14] Mactec to do the construction drawings --

[15] **MS. STEPHENS:** All right. That --

[16] **MS. MURPHY:** -- based on these --

[17] **MS. STEPHENS:** -- has already --

[18] **MS. MURPHY:** -- new directions that --

[19] **MS. STEPHENS:** -- been approved. I'm

[20] sorry. That has already been approved by the

[21] Council to do construction documents and --

[22] **MS. MURPHY:** Right.

[23] **MS. STEPHENS:** -- they did approve

[24] Mactec to do that.

[25] **COUNCILMAN LOWE:** We're just talking

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[1] about changes from the meeting.  
[2] **MS. MURPHY:** Clarifying what you want  
[3] drawn.  
[4] **COUNCILMAN HART:** We're going to need -  
[5] - we're going to have to do something with the  
[6] water issue first and then try to make all this  
[7] stuff fit in there so you're not up to your  
[8] knees in mud down there.  
[9] **MS. STEPHENS:** Correct. What I would  
[10] do after this, Tom, we would go and get  
[11] construction documents on these items that we'd  
[12] placed and that y'all approve if you approve  
[13] them.  
[14] Then, after that, I'd come to you  
[15] individually, starting probably with the  
[16] pavilion because that's one big item we want to  
[17] look at. But of course we have to address the  
[18] water first. But I'm going to be directed by  
[19] Mactec on this to help me because I am not an  
[20] architect and I'm not in construction.  
[21] **COUNCILMAN HART:** Then, who's going to  
[22] build the pavilion and who's going to do what?  
[23] **MS. STEPHENS:** Well, that would be  
[24] decided. We'd have to --  
[25] **COUNCILMAN LOWE:** We'll put out --

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[1] **MS. STEPHENS:** -- put that out on bid.  
[2] **COUNCILMAN LOWE:** We'll put out RFPs  
[3] for the pavilion.  
[4] **COUNCILMAN HART:** Well, they're having  
[5] a cookout, I think, in the fall here. We'd like  
[6] to get something going before the --  
[7] **MS. STEPHENS:** Absolutely. And if  
[8] y'all approve these plans --  
[9] **COUNCILMAN LOWE:** Once we approve --  
[10] **MS. STEPHENS:** -- being changed --  
[11] **COUNCILMAN LOWE:** -- these changes  
[12] tonight --  
[13] **MAYOR JENKINS:** Tom, do I have a  
[14] second?  
[15] **COUNCILMAN HART:** Second.  
[16] **MAYOR JENKINS:** Okay. Any more  
[17] discussion?  
[18] **COUNCILWOMAN PITTMAN:** That's based on  
[19] the fact you're going to check out the  
[20] playground --  
[21] **MS. STEPHENS:** Absolutely.  
[22] **COUNCILWOMAN PITTMAN:** -- equipment.  
[23] Okay.  
[24] **MS. STEPHENS:** Absolutely.  
[25] **MAYOR JENKINS:** Any more discussion?

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[1] Call the roll, please.  
[2] **MS. MURPHY:** Councilwoman Pittman?  
[3] **COUNCILWOMAN PITTMAN:** Aye.  
[4] **MS. MURPHY:** Councilwoman Hadden?  
[5] **COUNCILWOMAN HADDEN:** Yes.  
[6] **MS. MURPHY:** Councilman Lowe?  
[7] **COUNCILMAN LOWE:** Aye.  
[8] **MS. MURPHY:** Councilman Hart?  
[9] **COUNCILMAN HART:** Aye.  
[10] **MS. MURPHY:** Councilman Spangler?  
[11] **COUNCILMAN SPANGLER:** Yes.  
[12] **MS. MURPHY:** We've got a unanimous,  
[13] Mayor.  
[14] **MAYOR JENKINS:** Before we go to  
[15] Mr. Hart, we got one more bid, on the lawn  
[16] mowers. We need to get that.  
[17] Priscilla, we had that in with the  
[18] other one and forgot it.  
[19] **MS. MURPHY:** There were three bids for  
[20] the lawn mower, and one of them is Howard  
[21] Brothers for \$7,919.96; one is from Sosebee Auto  
[22] Supply and it's for \$7,919.20; and the other one  
[23] is Swinehart's for \$7,820.20.  
[24] **COUNCILMAN SPANGLER:** Which one had  
[25] expired, though?

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[1] **COUNCILMAN LOWE:** Sosebee.  
[2] **ATTORNEY POWELL:** Sosebee.  
[3] **COUNCILMAN HART:** And the lowest bid is  
[4] Rhinehart's or Swinehart's.  
[5] **COUNCILMAN SPANGLER:** Bobby prefers to  
[6] use Howard Brothers. It's a little bit more  
[7] money but they're closer if he needs to get  
[8] parts or get service done on it. I think it  
[9] would --  
[10] **COUNCILMAN HART:** Well, I mean he could  
[11] still get parts and service. We'll just --  
[12] **COUNCILMAN SPANGLER:** Well --  
[13] **COUNCILMAN HART:** We'll spend a hundred  
[14] bucks less.  
[15] **MS. MURPHY:** But he's a lot closer, and  
[16] they take care of our other lawn mower.  
[17] **COUNCILMAN SPANGLER:** Just preference,  
[18] Tom.  
[19] **MAYOR JENKINS:** Will you make a motion  
[20] on it?  
[21] **COUNCILMAN SPANGLER:** I'll make a  
[22] motion that we accept Howard Brothers for the  
[23] bid for the lawn mower.  
[24] **MAYOR JENKINS:** Do I get a second?  
[25] **COUNCILWOMAN PITTMAN:** Second.

[1] **COUNCILWOMAN HADDEN:** Second.  
 [2] **MAYOR JENKINS:** Any more discussion?  
 [3] Call the roll.  
 [4] **MS. MURPHY:** Councilwoman Pittman?  
 [5] **COUNCILWOMAN PITTMAN:** Aye.  
 [6] **MS. MURPHY:** Councilwoman Hadden?  
 [7] **COUNCILWOMAN HADDEN:** Aye.  
 [8] **MS. MURPHY:** Councilman Lowe?  
 [9] **COUNCILMAN LOWE:** Aye.  
 [10] **MS. MURPHY:** Councilman Hart?  
 [11] **COUNCILMAN HART:** Aye.  
 [12] **MS. MURPHY:** Councilman Spangler?  
 [13] **COUNCILMAN SPANGLER:** Yes.  
 [14] **MS. MURPHY:** Unanimous, Mayor.  
 [15] **MAYOR JENKINS:** Thank you. Thank you.  
 [16] Mr. Hart?  
 [17] **COUNCILMAN HART:** Okay. First is the  
 [18] zoning ordinance. I'm a little tired because I  
 [19] spent about two days typing this thing. But one  
 [20] thing that came up was the official zoning map  
 [21] for the city that we -- I know we voted on a  
 [22] comp plan map, but there's supposed to be an  
 [23] official map in City Hall in the Clerk's office  
 [24] that's been signed off by the Mayor and City  
 [25] Council, according to our zoning ordinance,

[1] little sliver of land. I believe it was on  
 [2] English Oak.  
 [3] **MAYOR JENKINS:** Gwinnett County.  
 [4] **ATTORNEY POWELL:** And I do not know  
 [5] where that map was. I didn't get involved in  
 [6] that. So I thought that there was -- as far as  
 [7] I knew, there was one here.  
 [8] **MAYOR JENKINS:** There is one.  
 [9] **COUNCILMAN HART:** And that would be the  
 [10] last official map. And each one of those areas  
 [11] that are zoned on that map would have a type of  
 [12] zoning like an R-1, an R-2 or an M-2. And that  
 [13] would be the official map of the City, because  
 [14] right now we don't have one.  
 [15] **COUNCILWOMAN HADDEN:** Isn't that,  
 [16] though, what Pond put with this? We won't have  
 [17] an official map until we actually have an  
 [18] official zoning ordinance.  
 [19] **COUNCILMAN HART:** No, no. They're two  
 [20] different issues.  
 [21] **ATTORNEY POWELL:** We could have an  
 [22] official map now of our existing ordinance, the  
 [23] way it's all zoned right now under our  
 [24] existing --  
 [25] **MAYOR JENKINS:** That's what --

[1] that's not there.  
 [2] So do we have an official map on  
 [3] display?  
 [4] **ATTORNEY POWELL:** I'm not aware of  
 [5] the -- the last one I understand is the ninety  
 [6] -- what was it?  
 [7] **MAYOR JENKINS:** '98.  
 [8] **ATTORNEY POWELL:** '98? There was one  
 [9] attached to the zoning ordinance that Pond  
 [10] presented. There was a map there.  
 [11] **COUNCILMAN HART:** And what held up part  
 [12] of the zoning ordinance and going over the  
 [13] detail of it was tying those specific articles  
 [14] and details of those articles to an official  
 [15] map, which there isn't one. So it's a little  
 [16] bothersome, particularly when we're changing all  
 [17] the symbols for each one of the districts. And  
 [18] according to the ordinance, we are supposed to  
 [19] have an official map, not only the old map, an  
 [20] official old map, but an official new map. When  
 [21] we've done that, then it should be signed by the  
 [22] Council and the Mayor.  
 [23] **ATTORNEY POWELL:** Mr. Hart, I don't  
 [24] know what they were using, but when the  
 [25] annexation came up, there was an issue of one

[1] **ATTORNEY POWELL:** -- ordinance.  
 [2] **MAYOR JENKINS:** -- the ninety -- that's  
 [3] what the '98 is.  
 [4] (Overspeaking)  
 [5] **MS. FRAYSSE:** That's on the City web  
 [6] site.  
 [7] **COUNCILMAN HART:** No. What there's  
 [8] supposed to be -- it's like -- it's like the  
 [9] Constitution and the Magna Carta. It's supposed  
 [10] to be in there, the official tatter, the  
 [11] original copy from 1802 on forward. Okay?  
 [12] **ATTORNEY POWELL:** Well, what is hanging  
 [13] on the wall in there? I don't know what year  
 [14] that is.  
 [15] **COUNCILMAN HART:** I don't know.  
 [16] **ATTORNEY POWELL:** So what you're  
 [17] saying, it just hasn't --  
 [18] **COUNCILMAN LOWE:** Are you saying we  
 [19] need one?  
 [20] **ATTORNEY POWELL:** The City hasn't been  
 [21] keeping it up.  
 [22] **COUNCILMAN HART:** Yeah.  
 [23] **COUNCILMAN LOWE:** You're saying we need  
 [24] one?  
 [25] **COUNCILMAN HART:** Yeah. That's kind of

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[1] like what we're working on.  
[2] So I request that we look into that and  
[3] do whatever we need to do to get --  
[4] I think the map company is Keck & Wood,  
[5] I believe, but I'm not sure.  
[6] **MS. MURPHY:** I think so.  
[7] **COUNCILMAN HART:** Well, we need to find  
[8] out the last -- the last legal step that we  
[9] signed off everybody probably went back to  
[10] Lively probably before Ray was here.  
[11] **MAYOR JENKINS:** Okay. We'll check into  
[12] the map. Whatever we need to do, we'll do.  
[13] **COUNCILMAN HART:** Recycling. I'm  
[14] requesting a -- what we got, we sent all these  
[15] letters out and everybody -- a lot of people  
[16] replied to them.  
[17] We'd like to set up a sort of an open-  
[18] house meeting to make a final decision on  
[19] recycling and people present their wares. And  
[20] we already have the -- you know, there's  
[21] enough -- I think, enough input from the  
[22] citizens of the city to go forward with the  
[23] recycling program, and just to determine which  
[24] one we would like to go forward.  
[25] **MAYOR JENKINS:** I'll get you a total on

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[1] that tomorrow.  
[2] **COUNCILMAN HART:** Okay. And then can  
[3] we set up an open house at different times so  
[4] people can come by and look at those things and  
[5] make up their -- make some decisions?  
[6] And also, we've had some interest from  
[7] several different companies now. Pratt  
[8] Industries -- it's a major paper recycling --  
[9] Robertson, the other people that would like to  
[10] bid on that process as well. So we'd like to  
[11] set up an open house so people could take a look  
[12] at these things and present, you know.  
[13] **COUNCILWOMAN PITTMAN:** But didn't we do  
[14] this already? I thought we were just going to  
[15] move forward with --  
[16] **COUNCILMAN HART:** Well --  
[17] **COUNCILWOMAN PITTMAN:** -- Advance  
[18] Disposal to do it.  
[19] **MAYOR JENKINS:** Curbside recycling.  
[20] **COUNCILMAN HART:** No, no, no. It's  
[21] called the bidding process when these other  
[22] people like Pratt Industries have requested an  
[23] open records request, because we're essentially  
[24] bidding out a major service of the city. We're  
[25] not just going to hand it to them.

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[1] **MAYOR JENKINS:** Excuse me.  
[2] **MS. MURPHY:** Mayor, I have some rough  
[3] numbers of what we've received back. We've only  
[4] received about 350 responses back total.  
[5] **UNIDENTIFIED SPEAKER:** How many were  
[6] mailed out?  
[7] **MAYOR JENKINS:** About 3,000.  
[8] **COUNCILWOMAN PITTMAN:** Is it -- the  
[9] 350, is it for recycling or --  
[10] **MAYOR JENKINS:** It's slightly --  
[11] slightly for.  
[12] **MS. MURPHY:** It's almost 3,000 that was  
[13] mailed out.  
[14] **MAYOR JENKINS:** There is a majority for  
[15] the recycling, but we're talking about curbside  
[16] recycling.  
[17] **COUNCILMAN HART:** Right.  
[18] **COUNCILWOMAN PITTMAN:** Well, we had  
[19] actually -- we were kind of waiting on this, and  
[20] I thought we were going to go with -- Advance  
[21] was going to give us a trial period on those  
[22] that wanted to participate.  
[23] **COUNCILMAN HART:** Well, we've also got  
[24] an open-records request from two other recycling  
[25] companies that would like to bid on it, and

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[1] they'd like to have a copy of their contract.  
[2] **MS. MURPHY:** So far, Ms. Pittman, I'm  
[3] not sure that we've received enough back from  
[4] the citizens to reach the number that we need to  
[5] use Advance.  
[6] **COUNCILWOMAN PITTMAN:** But this was for  
[7] everyone that wanted to give it a try.  
[8] **MS. MURPHY:** Right. But I think he had  
[9] different prices for --  
[10] **COUNCILWOMAN PITTMAN:** That's if --  
[11] **MS. MURPHY:** -- if there was --  
[12] **COUNCILWOMAN PITTMAN:** -- we were --  
[13] **MS. MURPHY:** -- 25 percent  
[14] participation --  
[15] **COUNCILWOMAN PITTMAN:** Right.  
[16] **MS. MURPHY:** -- versus --  
[17] **COUNCILMAN HART:** Well, it was --  
[18] **MS. MURPHY:** -- more participation.  
[19] And so far, I don't think we have 25 percent  
[20] responding back that they'd like to have it.  
[21] **COUNCILWOMAN PITTMAN:** It wouldn't  
[22] really make a difference, then, which recycling  
[23] company if you don't have enough people to  
[24] participate.  
[25] **COUNCILMAN HART:** Well, that's up to

[1] the recycling company if they want to bid on it.  
[2] I mean if Pratt Industries or Roberts or --  
[3] (Overspeaking)

[4] **COUNCILMAN HART:** -- somebody else  
[5] wants to offer a program for the city and enough  
[6] people sign up for it, then they should be  
[7] allowed to bid on it, I would think.

[8] **MS. MURPHY:** Well, maybe you-all should  
[9] look at it, so, because we have lots of comments  
[10] that the citizens wrote in their responses.  
[11] Maybe we should make copies of them so you-all  
[12] can read them.

[13] **COUNCILMAN SPANGLER:** Why don't you do  
[14] that, Priscilla? I'd like to see some of the  
[15] comments that were made.

[16] How about you, Tom?

[17] **COUNCILMAN HART:** Right. And we could  
[18] get that together and --

[19] **MAYOR JENKINS:** Have it at the next  
[20] meeting?

[21] **COUNCILMAN HART:** Yeah. Make a final  
[22] decision and get going on something, I mean.

[23] **MS. MURPHY:** But the rough numbers are  
[24] there seem to be 245 that are receptive to the  
[25] recycling and at least 95 that are a definite

[1] help me with that if she would, and I see  
[2] Lorraine Caribbean back there -- to help us a  
[3] little bit, look at some of the pieces of  
[4] property and see what we could do about possibly  
[5] putting a fire station in in the future and to  
[6] look into the service agreement, how much we're  
[7] paying Dekalb County for that service now and  
[8] what we can do about getting at least some EMT  
[9] trucks here that can roll with the Police  
[10] Department when they run.

[11] **COUNCILMAN SPANGLER:** What about the  
[12] cost of the equipment, Tom? Could you get the  
[13] girls to check it out, too?

[14] **COUNCILMAN HART:** Well, that's what our  
[15] little committee plans to do.

[16] **COUNCILMAN SPANGLER:** Okay. You just  
[17] said about the research.

[18] **MAYOR JENKINS:** Will you set that  
[19] committee up?

[20] **COUNCILMAN HART:** And we would talk to  
[21] Dekalb County. We're going to work with  
[22] Mr. Powell about the service agreement, how much  
[23] it's costing us, what we're paying for it;  
[24] available properties, how much it would cost for  
[25] those properties.

[1] no.

[2] **COUNCILWOMAN HADDEN:** That was 350 out  
[3] of 2,000 people.

[4] **MS. MURPHY:** Out of 2,000.

[5] **MAYOR JENKINS:** That's not a very  
[6] good --

[7] **COUNCILMAN HART:** Well, I mean it's a  
[8] pretty good mail-back on the response when  
[9] people don't usually respond to --

[10] **MS. MURPHY:** And we're still getting  
[11] them in. I mean we're still getting them in.

[12] **COUNCILMAN HART:** Okay. The next thing  
[13] on the list is fire station. This kind of ties  
[14] into the service agreement with Dekalb County.  
[15] We're paying Dekalb County a lot of money for  
[16] fire services except the only thing that's  
[17] missing is fire trucks and EMT trucks. We're  
[18] paying for it but we haven't gotten any.

[19] So we'd like to put together a little  
[20] committee to investigate properties that we  
[21] could purchase in the city to put a fire station  
[22] as well as to work with Dekalb County on a fire  
[23] station. And this is a long-term thing, and  
[24] first of all, land is not being manufactured.

[25] And I'd like to have Maria Alexander

[1] But the land's going to go away and we  
[2] end up with no place to put a fire station, and  
[3] we need to -- we need to look into that. Lower  
[4] the insurance rates for the city. We have a  
[5] huge tank farm right over here that's a huge  
[6] problem, and right here at spaghetti junction we  
[7] need a little better service than what is being  
[8] offered right now.

[9] So besides Maria, if someone else would  
[10] like to be on the fire committee?

[11] **MS. MURPHY:** Mayor, I'll volunteer.

[12] **COUNCILMAN HART:** About an hour? Okay.

[13] **MAYOR JENKINS:** Does everybody approve  
[14] we set up a committee?

[15] **COUNCILWOMAN HADDEN:** Sure.

[16] **COUNCILWOMAN PITTMAN:** That's good.

[17] **COUNCILMAN SPANGLER:** Yeah.

[18] **MAYOR JENKINS:** Okay. You got your  
[19] committee.

[20] **COUNCILMAN HART:** Okay. The last thing  
[21] is that we don't really have a planner right  
[22] now. Well, we do but we don't. And we'd like  
[23] to propose that we send out an RFP for a new  
[24] city planner.

[25] **ATTORNEY POWELL:** Did you determine

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[1] that -- because I know I drafted one and sent it  
[2] over.

[3] **MS. MURPHY:** We may have one out there.  
[4] I've got to check to make sure what the deadline  
[5] is for people responding.

[6] **ATTORNEY POWELL:** Tom, I don't know  
[7] when it went out. I know I sent it back a month  
[8] ago or so, and it may not have been given to  
[9] Priscilla.

[10] **MS. MURPHY:** But I'll check and make  
[11] sure. I don't think we have anybody that's  
[12] responded yet, but we can send it out again --

[13] **MAYOR JENKINS:** We hadn't gotten any?

[14] **MS. MURPHY:** -- if it's not out, but I  
[15] don't know of any response.

[16] **COUNCILMAN HART:** Okay. Well, we've  
[17] got the zoning ordinance coming out and maps and  
[18] all these things and people building things. We  
[19] need, you know, professional services.

[20] Okay. The last thing is basically a  
[21] personnel matter, committee matter, and I'd like  
[22] to propose we go into executive session for  
[23] that.

[24] **ATTORNEY POWELL:** It's one of the  
[25] appointed committees?

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[1] **COUNCILMAN HART:** It involves committee  
[2] and personnel matters.

[3] **ATTORNEY POWELL:** All right. The way  
[4] you go into executive session, you bring up the  
[5] matter first in public and you have the  
[6] material, the testimony presented. The part  
[7] that's done in executive session is the  
[8] deliberation.

[9] But under the Open Meetings Act, it's  
[10] clear, Mr. Hart, that you initially have it in  
[11] public and the deliberation then can be in  
[12] executive session. Then you come out of  
[13] executive session if you, while you were in,  
[14] decided to take some action, and then the vote  
[15] is back out in public.

[16] That's the procedure under the Open  
[17] Records Act. Excuse me. Open Meetings law.  
[18] And the advice that you get from GMA is if  
[19] there's any doubt about it, do it open. The  
[20] penalties for it is that it's a misdemeanor to  
[21] violate the law, and you could be subject to  
[22] \$500 fines.

[23] Now, that's just an aside, but that  
[24] is -- but the advice -- and at the GMA  
[25] convention this last time, I took the part on

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[1] open records and open meetings, and they kept  
[2] emphasizing that if there was any doubt, that  
[3] you should keep it open.

[4] You mentioned it right before the  
[5] meeting, and I knew this issue -- I had hear  
[6] this issue was going to come up, so I went back  
[7] and did some -- some looking, did a little  
[8] research.

[9] The exception to having it open is an  
[10] employee matter or public officer. My first  
[11] reaction was public officer would be one of the  
[12] six of you sitting here. In looking at the  
[13] statutes -- and, now, this is going to sound  
[14] like a lawyer answer, I understand.

[15] **COUNCILMAN HART:** It's already starting  
[16] to sound like a lawyer answer.

[17] **ATTORNEY POWELL:** But there's a couple  
[18] of statutes that say public officer means  
[19] elected officials. There is one statute that  
[20] would indicate on some level state-wide that  
[21] somebody that was appointed could be considered  
[22] a public officer. So from that standpoint, it's  
[23] a little fuzzy, and that's certainly y'all's  
[24] decision.

[25] But to vote whether you want to go into

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[1] executive session at the proper time, my advice  
[2] to you is if you're talking about a personnel  
[3] matter of an employee, that can certainly be  
[4] handled that way: you have the presentation  
[5] public, you go into executive session to  
[6] deliberate, come back out to vote.

[7] But if it is one of these committees,  
[8] my advice would be that that should all be  
[9] public. But, now, you can vote to go into  
[10] executive session if you choose.

[11] **COUNCILMAN HART:** Okay. We took those  
[12] same classes, and there were two reasons for  
[13] going into executive session. One would be a  
[14] land purchase --

[15] **ATTORNEY POWELL:** Yes. Oh, there's a  
[16] list of several, but that is one.

[17] **COUNCILMAN HART:** Okay. And the second  
[18] one is employee matters.

[19] **ATTORNEY POWELL:** Right. But still  
[20] when you do the executive session, the initial  
[21] presentation is public and then you go into  
[22] executive session to deliberate on it.

[23] **MS. MURPHY:** Mayor, I don't mean to  
[24] interrupt again, but if Mr. Hart has something  
[25] where he's actually thinking about going into

[1] executive session, could we do some other things  
 [2] first so that we get close to --  
 [3] **MAYOR JENKINS:** If we go --  
 [4] **MS. MURPHY:** -- to the end of the  
 [5] meeting?  
 [6] **MAYOR JENKINS:** -- into executive  
 [7] session, it'll be after we get some other things  
 [8] done.  
 [9] **MS. MURPHY:** So it'll be towards the  
 [10] end of the meeting --  
 [11] **MAYOR JENKINS:** Yes.  
 [12] **MS. MURPHY:** -- because people --  
 [13] **MAYOR JENKINS:** Yes.  
 [14] **MS. MURPHY:** -- have to leave?  
 [15] **MAYOR JENKINS:** Yes.  
 [16] **MS. MURPHY:** So do you want to come  
 [17] back to Mr. Hart, then?  
 [18] **COUNCILMAN HART:** I'm fine.  
 [19] **MAYOR JENKINS:** Mr. Spangler.  
 [20] **MS. MURPHY:** Then, he wants to be at  
 [21] the end --  
 [22] **COUNCILMAN SPANGLER:** Right.  
 [23] **MS. MURPHY:** -- then, also?  
 [24] **MAYOR JENKINS:** Donna?  
 [25] **COUNCILWOMAN PITTMAN:** Why does it have

[1] We found out today that we were  
 [2] approved as a 501(c)(3) entity, and so --  
 [3] **MS. FRAYSSE:** Now people can donate big  
 [4] bucks.  
 [5] **ATTORNEY POWELL:** So now all of y'all  
 [6] can start writing big checks.  
 [7] **COUNCILWOMAN PITTMAN:** Again, it's a  
 [8] real positive thing for the city. It's always  
 [9] nice to take something and enhance it. So this  
 [10] is a really good, positive thing.  
 [11] Our new librarian is doing a really  
 [12] nice job, and the Friends of the Library. It's  
 [13] really exciting to have everybody on board. So  
 [14] that's it.  
 [15] **MAYOR JENKINS:** Rick?  
 [16] **ATTORNEY POWELL:** Oh. What? Oh. I  
 [17] know why you want -- this is to increase y'all's  
 [18] salary.  
 [19] This is the second reading of the  
 [20] amendment to the charter to increase the salary  
 [21] effective when the next Council is seated. The  
 [22] Mayor's salary will be increased to 70 thousand  
 [23] and the Council members' is to --  
 [24] **MAYOR JENKINS:** Twelve hundred.  
 [25] **ATTORNEY POWELL:** -- twelve dollars and

[1] to be an executive session?  
 [2] Mine is just a real quick briefing on  
 [3] the library. Actually, we need something a  
 [4] little bit later.  
 [5] She's going to be doing a trial run on  
 [6] extending the library hours. I'm not real sure  
 [7] exactly what date she's going to be starting  
 [8] that but it's going to be pretty soon. And  
 [9] everything's really nice over there, very  
 [10] positive.  
 [11] Susan, did you want to add anything?  
 [12] **MS. FRAYSSE:** Yes. I'm sorry, but the  
 [13] three or four members of the Friends of the  
 [14] Library that are here today didn't bring copies  
 [15] of it, but we're doing things. We're doing  
 [16] flyers and brochures in English and in Spanish,  
 [17] delivering them door to door in neighborhoods to  
 [18] make people more aware, so we should be getting  
 [19] things out in the neighborhoods.  
 [20] But we're seeing better numbers in  
 [21] terms of attendance and circulation over there  
 [22] now.  
 [23] **COUNCILWOMAN PITTMAN:** Great, great.  
 [24] Mr. Powell?  
 [25] **ATTORNEY POWELL:** Thank you.

[1] a half an hour? No. Twelve hundred dollars a  
 [2] month.  
 [3] So this is a second reading, so unless  
 [4] there's any discussion, you can go ahead and --  
 [5] **MAYOR JENKINS:** Is there any --  
 [6] **ATTORNEY POWELL:** -- pass it.  
 [7] **MAYOR JENKINS:** -- discussion?  
 [8] Do I get a motion?  
 [9] **COUNCILMAN LOWE:** So moved.  
 [10] **MAYOR JENKINS:** Second?  
 [11] **COUNCILMAN SPANGLER:** Second.  
 [12] **MAYOR JENKINS:** Call the roll.  
 [13] **MS. MURPHY:** Councilwoman Pittman?  
 [14] **COUNCILWOMAN PITTMAN:** Aye.  
 [15] **MS. MURPHY:** Councilwoman Hadden?  
 [16] **COUNCILWOMAN HADDEN:** Aye.  
 [17] **MS. MURPHY:** Councilman Lowe?  
 [18] **COUNCILMAN LOWE:** Aye.  
 [19] **MS. MURPHY:** Councilman Hart?  
 [20] **COUNCILMAN HART:** No.  
 [21] **MS. MURPHY:** Councilman Spangler?  
 [22] **COUNCILMAN SPANGLER:** Yes.  
 [23] **MS. MURPHY:** Mayor, that's 4 to 1.  
 [24] **MAYOR JENKINS:** Thank you.  
 [25] **ATTORNEY POWELL:** Mayor, the next item

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[1] that I've just dispersed is the item that  
[2] Councilwoman Hadden raised the last time and we  
[3] had the first reading the last meeting.  
[4] And what this does is set the street  
[5] addresses. It retains for residential purposes  
[6] three inches in height, and for commercial  
[7] property, six inches in height. And I will tell  
[8] you that this is in our code at this time in the  
[9] zoning ordinance that was produced by Pond, and  
[10] it probably will stay in the zoning ordinance,  
[11] and it would, I believe, also set the same  
[12] heights.  
[13] But anyway, that's -- this is the  
[14] second reading of this ordinance.  
[15] **COUNCILMAN HART:** Okay. I have a  
[16] question about that, and I have a "7" on my  
[17] mailbox that keeps disappearing, okay, and I  
[18] know that I got another ticket for it. And I  
[19] got another 7. I keep 7's in the house. They  
[20] caught me in between putting 7's up. But those  
[21] numbers are about five inches tall, okay?  
[22] **ATTORNEY POWELL:** There's no limit on  
[23] how -- I mean you can run it --  
[24] **COUNCILMAN HART:** But here's the  
[25] question. A lot of people have these decorative

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[1] cast iron things like little choo-choo trains  
[2] and everything else on top of their mailbox, and  
[3] the letters there are only about -- you know,  
[4] they're about two inches tall. That's the  
[5] little cast iron thing. It's wrought iron or  
[6] whatever it is, and it's got the name and  
[7] address on it, and those letters are not  
[8] anywhere near three inches tall.  
[9] **ATTORNEY POWELL:** Well --  
[10] **UNIDENTIFIED SPEAKER:** Does it have to  
[11] be out on the street or can it be on the house?  
[12] Where is the location?  
[13] **MAYOR JENKINS:** Mailbox.  
[14] **COUNCILMAN HART:** Can it be on the  
[15] roof?  
[16] **UNIDENTIFIED SPEAKER:** It can be on the  
[17] curb.  
[18] **COUNCILMAN SPANGLER:** I think it was  
[19] mentioned --  
[20] **ATTORNEY POWELL:** I'm looking for  
[21] something, if y'all will read the ordinance.  
[22] **COUNCILWOMAN HADDEN:** Visible from the  
[23] street or on the mailbox, sign in front of the  
[24] property or upon the curb line in front of the  
[25] property adjacent to the street or highway which

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[1] it faces.  
[2] And we aren't changing the residential.  
[3] The residential has always been three inches.  
[4] **COUNCILMAN HART:** But here's the other  
[5] question that they asked was the mailboxes, it's  
[6] kind of owned by the Federal government or the  
[7] Post Office. I mean the postman can elect not  
[8] to put the mail in the mailbox for some reason,  
[9] if it's covered up with weeds or bushes or  
[10] whatever. And so the mailbox itself is sort of,  
[11] in a sense, owned by the Federal government or  
[12] the U.S. Mail Service.  
[13] **ATTORNEY POWELL:** Mr. Hart, your  
[14] current ordinance makes it three inches and it  
[15] doesn't differentiate between --  
[16] **COUNCILMAN HART:** I noticed when  
[17] reading the current ordinance, there's a lot of  
[18] things that are in there. Doesn't mean they're  
[19] enforceable.  
[20] **ATTORNEY POWELL:** Well, I got nothing  
[21] to do with that.  
[22] But anyway, I was requested to draw the  
[23] ordinance, and it does differentiate now between  
[24] residential.  
[25] **COUNCILMAN HART:** So do we have an

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[1] exception to cast iron choo-choo trains or --  
[2] **ATTORNEY POWELL:** I wasn't instructed  
[3] to put that in the ordinance so it's not in  
[4] there.  
[5] **MAYOR JENKINS:** Is this the first  
[6] reading or the second reading?  
[7] **ATTORNEY POWELL:** This is the second  
[8] reading.  
[9] **MAYOR JENKINS:** Do I have a motion?  
[10] **COUNCILWOMAN HADDEN:** So moved.  
[11] **COUNCILWOMAN PITTMAN:** Second.  
[12] **MS. MURPHY:** Councilwoman Pittman?  
[13] **COUNCILWOMAN PITTMAN:** Aye.  
[14] **COUNCILMAN HART:** Well, I've got a  
[15] question. If you're a commercial business, for  
[16] instances some of these businesses on Chestnut,  
[17] they don't have a number on their building but  
[18] they have a number on their mailbox, okay, which  
[19] is currently three inches. The mailbox is  
[20] only -- I don't know. So do they have to put  
[21] a -- do they have to come back and put a six-  
[22] inch number on their mailbox?  
[23] **ATTORNEY POWELL:** They have to put  
[24] something -- under this ordinance, they would  
[25] have to put something that's visible from the

[1] street.

[2] **COUNCILWOMAN HADDEN:** Over their door

[3] or their window or whatever.

[4] **COUNCILMAN HART:** Well, I think, then,

[5] what you need to do on a commercial business,

[6] you need to establish something like that, that

[7] it needs to be over the doorway.

[8] **COUNCILWOMAN HADDEN:** Some of them, you

[9] can't tell from Buford Highway, if it's over a

[10] doorway or not. You're going to have to be able

[11] to tell the numbers.

[12] **COUNCILMAN HART:** Well, can we get some

[13] input from the Police Department on this matter?

[14] I mean they're the ones --

[15] **COUNCILWOMAN HADDEN:** That's where I --

[16] **COUNCILMAN HART:** -- looking for the --

[17] **COUNCILWOMAN HADDEN:** -- got the input

[18] from to begin with.

[19] **COUNCILMAN HART:** Okay.

[20] **MS. MURPHY:** Council --

[21] **MAYOR JENKINS:** Anything else, sir?

[22] **COUNCILMAN HART:** So is Code

[23] Enforcement going to go around and measure

[24] people's lettering on their mailbox now?

[25] **ATTORNEY POWELL:** Look in that

[1] **MAYOR JENKINS:** And that would have to

[2] go before the Planning Board?

[3] **MR. ANDERSON:** No.

[4] **COUNCILMAN HART:** It will have to go to

[5] the regional post office down at Crown Central

[6] down there.

[7] **MAYOR JENKINS:** Call for the motion.

[8] **MS. MURPHY:** Councilwoman Pittman one

[9] more time?

[10] **COUNCILWOMAN PITTMAN:** Aye.

[11] **MS. MURPHY:** Councilwoman Hadden?

[12] **COUNCILWOMAN HADDEN:** Aye.

[13] **MS. MURPHY:** Councilman Lowe?

[14] **COUNCILMAN LOWE:** Aye.

[15] **MS. MURPHY:** Councilman Hart?

[16] **COUNCILMAN HART:** No.

[17] **MS. MURPHY:** Councilman Spangler?

[18] **COUNCILMAN SPANGLER:** Yes.

[19] **MS. MURPHY:** Mayor, that's 4 to 1.

[20] **MAYOR JENKINS:** Thank you.

[21] (Whereupon, there was a brief recess.)

[22] **MAYOR JENKINS:** Okay, John.

[23] **CHIEF KING:** Mayor and members of the

[24] City Council, citizens, just going to talk about

[25] a couple of things and try to keep this short.

[1] direction to ask that question.

[2] **MAYOR JENKINS:** Call the roll,

[3] Priscilla, please.

[4] **MS. MURPHY:** Councilwoman --

[5] **MAYOR JENKINS:** Wait a minute.

[6] Go ahead.

[7] **COUNCILMAN HART:** I have no question.

[8] I mean it's a legitimate question. A lot of

[9] people have these little ornate little things on

[10] their mailbox.

[11] **CHIEF KING:** We'll only enforce the

[12] ordinances as written, sir, exactly as written.

[13] No more, no less; not even an inch.

[14] **COUNCILMAN HART:** Well, I mean y'all

[15] are going to have to field the phone calls when

[16] Ms. Whatever and her little cast iron thing gets

[17] a ticket because her number's not quite tall

[18] enough.

[19] **COUNCILMAN SPANGLER:** Mayor, we have

[20] somebody in the audience, too.

[21] **MAYOR JENKINS:** Sir?

[22] **COUNCILMAN SPANGLER:** Stuart has a

[23] question.

[24] **MR. ANDERSON:** Stuart Anderson.

[25] They'll just have to ask for a variance.

[1] Just kind of want to update. This

[2] weekend we had a homicide in the rear of Roland

[3] Center, and it appears that the motive was

[4] robbery. And we're still not quite sure what

[5] the weapon was but it was not a firearm. It

[6] appears to be blunt trauma to the --

[7] The victim was found dead the next

[8] morning, and our investigators have several

[9] leads, and it appears to be a gang-related

[10] homicide.

[11] We've been also assisting the city of

[12] Chamblee in their homicide, and it appears that

[13] there's some similarities in their homicide and

[14] our homicide. So we're working together with

[15] them and trying to help them out, and they're

[16] helping us out an incredible amount.

[17] Additionally, there was a report that a

[18] homicide occurred at the Sequoia -- one of the

[19] Sequoia fields and the body was found out in

[20] unincorporated Dekalb County, but that

[21] information did not come out to be factual, but

[22] that's --

[23] We are currently in a -- the summer's

[24] been a rough one, not just the city of Doraville

[25] but basically the whole metropolitan Atlanta.

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[1] We have incidents of basically youths and gang-related activity.  
[2]  
[3] Our officers have been extremely busy trying to deal with that. Sergeant Welch is our point man on gang-related issues. I know several of you-all have heard some of his presentations in the neighborhoods. But it's been very busy.  
[4]  
[5] Just understand that -- you know, it still does not affect our response. We treat every one of the calls that we get with due diligence. But just understand that our detective division and our uniform officers currently are trying to get the perpetrators of this homicide in custody.  
[6]  
[7] The second event was thanks to a call from one of our concerned neighbors, we developed the probable cause to do a search warrant at a house on Lambeth Circle that led to the arrest of two males and two females that were running a house of prostitution at that address. While our officers were there, one of the customers arrived, and we detained him and got a good statement.  
[8]  
[9] So our plan is to work with the

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[1] District Attorney's office, and if there's any way that we can try to seize the house, we will move to seize the properties. That's going to be a change not only in the way we approach, you know, criminal activity in our neighborhoods, but it's also going to be -- I got to work on the District Attorney's office to move to seize real property because they've been hesitant in the past. But I think Gwen Keyes will -- will work with us. Especially homes who are operating in the criminal enterprise in our neighborhoods, we're going to try to move on.  
[2]  
[3] But this case would have never -- would have never been done had not a concerned citizen called us and told us, hey, there's something going on there; we're not sure quite what's going on. We were able to develop the probable cause to get us an arrest -- a search warrant so we could enter the home.  
[4]  
[5] As you heard tonight, the report from one of the bar owners is that a bar is being opened in the old bowling alley. I talked to Chuck about this when they first applied for their permit. And believe me, we have tried very hard to use the existing ordinances to try

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[1] to curtail those kind of businesses.  
[2] And I don't know. Chuck, are you still here?  
[3]  
[4] I mean there was just -- there's not -- you know, at this point, I don't know, Chuck, if from your side of the house, whether there's a way that we can keep this kind of establishment from coming in under our ordinances.  
[5]  
[6] It is affecting right now the other bars in that neighborhood, and, as you heard from the business owner, it's going to affect, you know, the competition.  
[7]  
[8] But I think that the steps that you took tonight will help also curb those kind of clubs where Doraville won't be so attractive to being the "bar central" basically of north Dekalb County. By increasing those receipts for food, I think it'll make it less attractive for those businesses to take place.  
[9]  
[10] Right now, Chuck and I are working on looking at the parking, see if there's a way that we can try to curb some of the impact of the large bar. And basically, it will be of the impact of International Ballroom or the old Far West.  
[11]  
[12]  
[13]  
[14]  
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[18]  
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[24]  
[25]

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[1] The good thing about it, it is located more in a more commercial area and the impact on noise won't be as drastic as the Far West currently is, although they've moved -- they've put a lot of money into soundproofing it, but the parking and the traffic is still an impact, but, luckily, they don't have events as often as they used to.  
[2]  
[3] But it's still something that as you're looking at your ordinances, think about places like this bowling alley and establishing a bar and look for ways to try to curb some of these type of establishments.  
[4]  
[5] If y'all can picture the place where the old farmer's market was located, it's going to be a flea market opening there, and we tried really hard to curb some of those activities. And what concerns me right now is that we have a number of businesses that tend to attract less-than-desirable type customers: tattoo parlors and body piercing.  
[6]  
[7] And currently there's several, you know, applications which are pending through the system, and I ask you to consider putting a moratorium on allowing any businesses to open a

[1] tattoo or body art establishment in Doraville  
[2] for at least a couple months so at this time it  
[3] buys you-all time to develop an ordinance that  
[4] will curb some of these businesses. Because  
[5] this place where it's going be where the old  
[6] farmer's market is, basically it's going to be a  
[7] flea market and now you're going to pile in --

[8] You know, we already got a large number  
[9] of labor pools that's attracting, you know, a  
[10] very transient element in our community. But  
[11] bringing in tattoo parlors and body art; you  
[12] know, one, okay, but I think there's three  
[13] applications.

[14] Sorry, Chuck. There's currently three  
[15] applications?

[16] **MR. ENTSMINGER:** Three -- two or three  
[17] for tattooing and one for body piercing.

[18] **CHIEF KING:** So clearly, now, these are  
[19] also governed by the Dekalb County Health  
[20] Department. They're governed by several  
[21] agencies.

[22] But I ask you to consider, you know,  
[23] placing a moratorium for at least three to four  
[24] months as a minimum to buy us time to develop a  
[25] more comprehensive city ordinance to be able to

[1] have to do is pass the initial health screening  
[2] and they get it. And once they're in the door,  
[3] sir, you know, all the businesses, the  
[4] undesirable businesses we have in the city.  
[5] Once you get them in, it is almost impossible to  
[6] get them out, sir.

[7] **MR. ENTSMINGER:** Mr. Hart, on those  
[8] tattoo parlors, they have to have special  
[9] treated walls, sterilization, disposal of the  
[10] needles, disposal of the ink. And once they get  
[11] that from the Health Department, the Health  
[12] Department gives them a clear bill. And the  
[13] walls have got to go up. They can't do  
[14] tattooing out like a flea market. Somebody on a  
[15] bench there and them tattooing, they can't do  
[16] that.

[17] **CHIEF KING:** So we're attacking this  
[18] from a number of perspectives, sir.

[19] **COUNCILMAN HART:** Well, and another  
[20] problem is that the flea market is on one side  
[21] of Buford Highway and all the housing for the  
[22] people that are going to go to the flea market  
[23] are on the other side of Buford Highway.

[24] **CHIEF KING:** Absolutely, sir.  
[25] It is not a very smart -- what the

[1] attack, you know, a potential problem just like  
[2] you did the massage -- you know, massage  
[3] parlors.

[4] Now, you know, the ordinance requires  
[5] now to have a license, State-licensed masseuse  
[6] is the only way that they can get, and they have  
[7] to go to school and get that. In the old days,  
[8] all you had to do is say is, hey, I'm a  
[9] masseuse, and you got a permit. We couldn't  
[10] stop them.

[11] But these are the kind of establish-  
[12] ments that I ask you to consider trying to pass  
[13] an ordinance or at least put in a moratorium so  
[14] we can stop these places from coming in in  
[15] between the two sets of ordinances, zoning  
[16] ordinances that we're currently considering.

[17] **COUNCILMAN HART:** Well, number one is  
[18] it's sort of a could we stop short term on the  
[19] basis of health situation? We're not really  
[20] geared up to handle that sort of thing right now  
[21] till they put those things in place so that we  
[22] can accept those kinds of businesses.

[23] **CHIEF KING:** The problem, sir, is that  
[24] currently they are going to Dekalb County to get  
[25] into Dekalb County Health Department. All they

[1] problem is is under the current development, you  
[2] know, our avenues to stop that kind of -- that  
[3] kind of business is in those city codes. And  
[4] without you giving us the weapons to fight this,  
[5] it's going to be very difficult, I mean unless  
[6] you want tattoo parlors in the city.

[7] **COUNCILMAN HART:** Which brings the  
[8] question, are we doing anything about jaywalking  
[9] and that sort of thing?

[10] **CHIEF KING:** Sir, we do within the  
[11] constraints that we have with the manpower.

[12] **COUNCILMAN LOWE:** Mr. Mayor? Pardon  
[13] me.

[14] **CHIEF KING:** Yes.

[15] **COUNCILMAN LOWE:** I'd like to make a  
[16] motion that we put a moratorium on the suggested  
[17] establishments the Chief just mentioned.

[18] **MAYOR JENKINS:** How long?

[19] **COUNCILWOMAN HADDEN:** I want it to go  
[20] through December 31st this year. That would  
[21] give us enough.

[22] **COUNCILMAN LOWE:** That's fine, yeah.

[23] **COUNCILWOMAN PITTMAN:** Yeah.

[24] **MAYOR JENKINS:** Do I get a second?

[25] **COUNCILWOMAN PITTMAN:** Second.

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[1]           **MAYOR JENKINS:** Okay. Discussion?  
 [2]           **ATTORNEY POWELL:** Just to advise you-  
 [3] all so that if something happens and it gets  
 [4] issued, you won't think the City employees  
 [5] ignored the moratorium, if the proper  
 [6] application has been made already, we may not be  
 [7] able to prevent it, but passing this moratorium  
 [8] certainly doesn't hurt anything.  
 [9]           **CHIEF KING:** Well, the applications  
 [10] perhaps have been made but no permits have been  
 [11] issued. And I think as long as no permits have  
 [12] been issued, I think we have -- you know,  
 [13] they'll still be acted on at the time they come  
 [14] up.  
 [15]           **COUNCILMAN LOWE:** I didn't mean to  
 [16] interrupt you but --  
 [17]           **CHIEF KING:** No, sir. No.  
 [18]           **COUNCILMAN LOWE:** -- I wanted to get  
 [19] that in.  
 [20]           **CHIEF KING:** I appreciate it, sir.  
 [21] That's what I needed.  
 [22]           **ATTORNEY POWELL:** It certainly won't  
 [23] hurt to go forward with it.  
 [24]           **MAYOR JENKINS:** Right, right.  
 [25]           **MR. ENTSMINGER:** No fees have been

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[1] accepted on those applications that have come  
 [2] in.  
 [3]           **MR. ANDERSON:** I apologize, but make a  
 [4] motion first to amend the agenda and then make a  
 [5] motion to have the moratorium. Otherwise --  
 [6]           **MAYOR JENKINS:** This is in his report.  
 [7] We don't have to have a motion to --  
 [8]           **MR. ANDERSON:** Okay. Just didn't want  
 [9] us to get in trouble legally so they can come  
 [10] back at you.  
 [11]           **CHIEF KING:** And the last item --  
 [12]           **COUNCILWOMAN PITTMAN:** We didn't vote  
 [13] on it.  
 [14]           **ATTORNEY POWELL:** They need to vote on  
 [15] it.  
 [16]           **CHIEF KING:** I'm sorry. I apologize.  
 [17]           **COUNCILWOMAN PITTMAN:** We didn't finish  
 [18] voting. We didn't finish voting on it. I  
 [19] second it, so you need to --  
 [20]           **MAYOR JENKINS:** We got to call the  
 [21] roll.  
 [22]           **MS. MURPHY:** Councilwoman Pittman?  
 [23]           **COUNCILWOMAN PITTMAN:** Aye.  
 [24]           **MS. MURPHY:** Councilwoman Hadden?  
 [25]           **COUNCILWOMAN HADDEN:** Yes.

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[1]           **MS. MURPHY:** Councilman Lowe?  
 [2]           **COUNCILMAN LOWE:** Aye.  
 [3]           **MS. MURPHY:** Councilman Hart?  
 [4]           **COUNCILMAN HART:** Aye.  
 [5]           **MS. MURPHY:** Councilman Spangler?  
 [6]           **COUNCILMAN SPANGLER:** Yes.  
 [7]           **MAYOR JENKINS:** Thank you.  
 [8]           **MS. MURPHY:** It's unanimous, Mayor.  
 [9]           **MAYOR JENKINS:** Thank you.  
 [10]           **CHIEF KING:** Thank you very much.  
 [11]           The last item, I know all of y'all are  
 [12] getting a bunch of calls over code enforcement  
 [13] and I know that's put a lot of political  
 [14] pressure on many of y'all. I don't think  
 [15] anybody gets more calls than probably the Mayor  
 [16] does. But, you know, please understand, it's  
 [17] what our citizens have asked for for now three  
 [18] years.  
 [19]           And they're enforcing the ordinances.  
 [20] We are not telling our new employees -- we tell  
 [21] them, read the ordinance and enforce the  
 [22] ordinance. We've issued a number of warnings.  
 [23] Very few citations still have been issued. The  
 [24] majority of the activity has been warnings and  
 [25] the majority -- I will tell you, the majority of

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[1] the people have complied and are working to fix  
 [2] the properties.  
 [3]           I know this is a very touchy subject  
 [4] and I know that you-all are getting a lot of  
 [5] political pressure on it. I understand that.  
 [6] But just understand that our employees are doing  
 [7] -- are doing what they're supposed to. They're  
 [8] doing what their oath of office is called for.  
 [9]           And I thank you for continuing to  
 [10] support our department and our efforts.  
 [11]           **COUNCILMAN HART:** I have a question.  
 [12]           **CHIEF KING:** Yes, sir.  
 [13]           **COUNCILMAN HART:** The murder that  
 [14] happened at a bus station.  
 [15]           **CHIEF KING:** Yes, sir. It is the old  
 [16] Adame -- it is the old Adame bus station, not  
 [17] ours.  
 [18]           **COUNCILMAN HART:** Okay. So that wasn't  
 [19] on Shallowford Road or --  
 [20]           **CHIEF KING:** No. We had one at the  
 [21] back of La Union behind the Roland Center is  
 [22] where our homicide occurred, sir.  
 [23]           **COUNCILWOMAN PITTMAN:** Was that a  
 [24] person that was just random walking or --  
 [25]           **CHIEF KING:** No, ma'am. We believe at

[1] this point that he was going from one of the  
[2] bars, going towards his home, walking through  
[3] the back, and he lived in the Shallowford  
[4] Gardens Apartments, ma'am.  
[5] **COUNCILMAN HART:** Okay. And the reason  
[6] why I asked that, that area over there on South  
[7] Peachtree Road and going down to New Peachtree  
[8] and behind the gas station there and the bus  
[9] station there and the old -- they used to have  
[10] an Italian restaurant right there on the right  
[11] going down.  
[12] **CHIEF KING:** Yeah. That is Roland  
[13] Center, yes, sir.  
[14] **COUNCILMAN HART:** I mean does Code  
[15] Enforcement just like wander by there just every  
[16] once in a while?  
[17] **CHIEF KING:** I don't understand your  
[18] question.  
[19] **COUNCILMAN HART:** I mean the whole  
[20] place is -- I mean I had a chance. We went to a  
[21] grand opening for this -- it was a seafood  
[22] restaurant on Buford Highway right there at  
[23] Shallowford Road and Buford Highway, and I want  
[24] to tell you the food was excellent.  
[25] And I had a chance to walk up and down

[1] these buildings as you go down Buford Highway.  
[2] And quite frankly, you know, it was sort of like  
[3] putting lipstick on a pig. You've got this -- I  
[4] mean if they're not going to take care the  
[5] buildings and the properties there and they  
[6] don't cut the grass, they don't trim the trees;  
[7] they don't do anything. Okay? And that just  
[8] encourages this kind of, you know, sort of bad  
[9] behavior.  
[10] I mean you can check out Moustache  
[11] Mike's, but that parking lot there in front of  
[12] Mozart's and the rest of it, it's a mess.  
[13] Mozart's Bakery, you can go in and get a nice  
[14] cup of coffee, but the place is a mess. As you  
[15] go down the street, it's one thing right after  
[16] another, you know, code violations. There's  
[17] signage and yada-yada as you go down Buford  
[18] Highway.  
[19] And where that murder occurred or  
[20] whatever happened there near that little bus  
[21] station right there, you go down South Peachtree  
[22] Road, I mean it is absolute a mess. Okay? Cars  
[23] parked every which on top of everything. Junk  
[24] cars --  
[25] **CHIEF KING:** No, sir.

[1] Buford Highway and check all the stuff out in  
[2] back of that little section. Took a little foot  
[3] patrol at night there, you know. And the place  
[4] is --  
[5] **CHIEF KING:** Be careful, sir.  
[6] **COUNCILMAN HART:** I know. I know.  
[7] But I'm telling you it's like I mean,  
[8] Code Enforcement could spend a lifetime down  
[9] there.  
[10] **CHIEF KING:** Sir, the priorities, the  
[11] priorities that I've received not only from the  
[12] Mayor and, I think, from the community is to  
[13] work on the residential areas primarily but  
[14] still not forget the commercial areas they have  
[15] not gotten to.  
[16] Sir, they just got on the street just  
[17] recently. But they're working in the neighbor-  
[18] hoods first, sir.  
[19] **COUNCILMAN HART:** If you go down Buford  
[20] Highway -- and they planted all those nice  
[21] little trees and shrubs and spent 7.2 million  
[22] dollars on the streetscape, and nobody's taking  
[23] care of their grass. Okay?  
[24] So what's behind it is -- I mean, you  
[25] know, you could write a book on each one of

[1] **COUNCILMAN HART:** -- no tags.  
[2] **CHIEF KING:** That's not in the city.  
[3] **COUNCILMAN HART:** Well --  
[4] **CHIEF KING:** That is outside the city  
[5] limits. South Peachtree Road south of where  
[6] that little bus station is --  
[7] **COUNCILMAN HART:** Okay. Well, there's  
[8] a little --  
[9] **CHIEF KING:** -- it's in Chamblee.  
[10] **COUNCILMAN HART:** It's kind of  
[11] confusing because there's a Doraville sign as  
[12] you go down toward Chamblee on New Peachtree  
[13] Road.  
[14] **CHIEF KING:** Right, sir. But that  
[15] street past the bus station, sir, is in the city  
[16] of Chamblee.  
[17] **MAYOR JENKINS:** Code Enforcement is  
[18] working on that.  
[19] **COUNCILMAN HART:** Well, Code  
[20] Enforcement might --  
[21] Okay. At the swimming pool over here,  
[22] we have a trailer that's been sitting there for  
[23] months on City property. Okay? It shipped  
[24] containers. It's a wholesale place that handles  
[25] nail supply and beauty supplies. And I don't

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[1] know what they do for a living, but the place,  
[2] there's never anyone in there. But their  
[3] trailer, their trash, their dumpster is all  
[4] sitting on City property. Okay? So --  
[5] **CHIEF KING:** I wasn't aware of that,  
[6] sir.  
[7] **COUNCILMAN HART:** Yeah. Well, I've  
[8] mentioned it many, many, many times.  
[9] **CHIEF KING:** To whom, sir?  
[10] **COUNCILMAN HART:** City Hall, because we  
[11] were trying to clean up the pool area for the  
[12] grand opening. And again, nothing was done  
[13] about it.  
[14] **CHIEF KING:** Sir, if you give me a  
[15] location to go check out, we'll go and check it  
[16] out, sir. We don't just ignore information from  
[17] a member of City Council.  
[18] We will check it out first thing in the  
[19] morning, sir. I will have an officer to go and  
[20] check it out. And if it's in violation, sir, we  
[21] will -- we will issue a warning.  
[22] **COUNCILMAN HART:** I mean it's not only  
[23] like the trash in the parking lot; I mean to the  
[24] buildings, to the debris, you know. I mean you  
[25] got a trailer that's sitting right on City

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[1] property -- dumpsters, garbage.  
[2] **MAYOR JENKINS:** I'll check it in the  
[3] morning.  
[4] **COUNCILMAN HART:** Okay.  
[5] **MAYOR JENKINS:** I didn't know it was.  
[6] **CHIEF KING:** Sir, pending any other  
[7] comments, that concludes my briefing.  
[8] **MAYOR JENKINS:** Thank you.  
[9] Bill Adams, would you come up to the  
[10] podium, please? Yes, sir.  
[11] **MR. ADAMS:** My name is Bill Adams. I  
[12] live at 3611 Oakmont Avenue. I've lived there  
[13] over 30 years. Mr. Mayor and Council Members,  
[14] thank you for letting me appear before you  
[15] tonight.  
[16] First of all, I want to talk about code  
[17] violations, what Chief King just said.  
[18] By the way, that was a good deal you  
[19] got on that 2:00 a.m. You cut a lot of time  
[20] down.  
[21] **CHIEF KING:** Thank you.  
[22] **MR. ADAMS:** I was visited by Sergeant  
[23] Lowe about two years ago about a travel trailer  
[24] that was setting in my driveway. He told me I  
[25] had to move it, and I said, there's one right

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[1] down the street that's been there four years.  
[2] Damn thing's still down there.  
[3] I got a call from Mr. Mayor Jenkins,  
[4] and when him and I was on the phone, I got --  
[5] I've received three phone calls from him since  
[6] I've been up here talking to him, but the last  
[7] one was last Friday. And he said the code had  
[8] been changed since Sergeant Lowe had talked to  
[9] me, said John just gave him a copy of it.  
[10] I'd like to see the copy and see when  
[11] y'all changed the law, because y'all have been  
[12] making me pay storage for mine and let the other  
[13] people get by with it.  
[14] Now, Mayor Jenkins told me, he said,  
[15] Bill, you can let it be in your driveway or you  
[16] can have it beside your house but it has to be  
[17] on your driveway on concrete.  
[18] Ride around Doraville; you see gravel.  
[19] But Bill Adams got to put his on concrete.  
[20] Now, has the law been changed? Can --  
[21] **MAYOR JENKINS:** The ordinance has been  
[22] changed so you can have it in a front or side  
[23] yard.  
[24] **MR. ADAMS:** When was it changed, Mr.  
[25] Mayor?

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[1] **CHIEF KING:** February 6, 2006, sir.  
[2] **MAYOR JENKINS:** 2006.  
[3] **MR. ADAMS:** So I think you ought to  
[4] reimburse me for about 18 months of storage.  
[5] **MAYOR JENKINS:** Mr. Lowe was the one  
[6] who made me aware that the ordinance had been  
[7] changed. That's the reason I called you and  
[8] brought you up to date on it.  
[9] **MR. ADAMS:** I appreciate you telling me  
[10] because up until this time --  
[11] Now, Sergeant Lowe did tell me I could  
[12] bring it by the house, unload it, you know, a  
[13] day or two and offload it and all that.  
[14] But about the time that Sergeant Lowe  
[15] came by, Mr. Lang called me. Lamar and I have  
[16] been friends for 40-something years. He said,  
[17] "Bill, I've been getting complaints on your  
[18] camper, a S-10 you have setting in your yard  
[19] with a sign sale on it," on a camper and a truck  
[20] setting in my yard, and it was setting on the  
[21] grass. It was my nephew's, who'd passed away,  
[22] and I was on the note with him, and I had to pay  
[23] it off and I had to sell it.  
[24] But they came by. I was at home. They  
[25] didn't knock on the door. They just put that

[1] little note -- and I've policed enough, probably  
 [2] as long as anybody in this room -- note on the  
 [3] windshield. But I got it out of the way.  
 [4] Another thing. I want to commend the  
 [5] Mayor and Council for paying Chief King while he  
 [6] was over in Iraq his full salary. There's less  
 [7] than 10 percent of the people who would do  
 [8] that -- cities, companies, whatever.  
 [9] My wife worked in customer service for  
 [10] 3-M Company for 35 years. She retired. And as  
 [11] big a company as 3-M Company --  
 [12] **MAYOR JENKINS:** We usually give three  
 [13] to five minutes. Now you're going to have to --  
 [14] **MR. ADAMS:** Okay.  
 [15] **MAYOR JENKINS:** -- move along here.  
 [16] **MR. ADAMS:** Okay.  
 [17] **MAYOR JENKINS:** And I don't believe  
 [18] what you're referring to is on --  
 [19] **MR. ADAMS:** I'm sorry. You didn't tell  
 [20] me this earlier or I would have --  
 [21] **MAYOR JENKINS:** It's not on the  
 [22] agenda --  
 [23] **MR. ADAMS:** -- got her to do it in  
 [24] shorthand.  
 [25] **MAYOR JENKINS:** -- what you are

[1] didn't hear no yell, "I'll reimburse you because  
 [2] I made you move your camper and we didn't make  
 [3] other people make theirs," so I wouldn't advise  
 [4] you to ask for my vote. But I do need a copy of  
 [5] that ordinance if I could get it, please.  
 [6] **MAYOR JENKINS:** We'll get you one, sir.  
 [7] **MR. ADAMS:** Thank you.  
 [8] **CHIEF KING:** Mr. Adams, if you want to,  
 [9] sir, I will give you a copy of the ordinance  
 [10] that I've got in my hand.  
 [11] **MR. ADAMS:** I'll take that. I  
 [12] appreciate it.  
 [13] **CHIEF KING:** Not a problem, sir.  
 [14] Sir, respectfully, as regards to  
 [15] Mr. McElroy, he submitted his resignation; I  
 [16] accepted it. Out of respect to him, I'm not  
 [17] going to discuss it, just like it would be -- it  
 [18] would be improper for me to make any comments  
 [19] about Tommy McElroy just like it would be  
 [20] disrespectful and improper for me to make  
 [21] comments about your stay at the Doraville Police  
 [22] Department. It's just we don't do that. We  
 [23] don't do that in this public hearing and we  
 [24] don't do that to people that we care for.  
 [25] That's the bottom line.

[1] referring to.  
 [2] I don't know Tommy McElroy personally,  
 [3] but what bothers me, and I came up here to ask  
 [4] the Mayor. You know, if you work in a city and  
 [5] you're a city employee, you don't only have  
 [6] (inaudible). The Mayor and Council runs it.  
 [7] The Council really runs the city. Four votes  
 [8] from the Council, you're gone. The Mayor don't  
 [9] have a vote unless it's a tie.  
 [10] But y'all gave McElroy a proclamation  
 [11] for a job well done while Chief King was in  
 [12] Iraq, and the next thing I knew, he resigned.  
 [13] And I came up here to ask Mayor Jenkins why, and  
 [14] he didn't know. The Mayor of the city didn't  
 [15] know?  
 [16] So, you know, I called POST. And I  
 [17] don't know if y'all are familiar with POST or  
 [18] not, but it's Peace Officers Standard Training.  
 [19] And all police officers all over the state, if  
 [20] they've ever been disciplined or had a complaint  
 [21] on them, it's open records. You can get all the  
 [22] information you want. You may have to pay a few  
 [23] dollars for it but you can get it.  
 [24] Now, Mr. Mayor, if I could get a copy  
 [25] of that ordinance where it was changed. And I

[1] **MR. ADAMS:** Um.  
 [2] **CHIEF KING:** I'm sorry, sir. Let me  
 [3] answer your other question, sir. You never  
 [4] received a citation.  
 [5] **MR. ADAMS:** No.  
 [6] **CHIEF KING:** Lieutenant Lowe issued the  
 [7] warnings as he saw the ordinance. He noticed  
 [8] that the ordinance was vague after he gave about  
 [9] five warnings. Not just to you, sir. He gave  
 [10] five warnings throughout the city.  
 [11] He read the ordinance. He said, "This  
 [12] is not clear." He then came to the City Council  
 [13] and the City Council changed the ordinance  
 [14] because it was vague and ambiguous. The City  
 [15] Council then changed it where it said you can  
 [16] park it in your driveway, you can park it on the  
 [17] side of your house; you can have a trailer, but  
 [18] it needs to be parked on a hard stand. And  
 [19] that's what they changed, and that's why you  
 [20] never received a war- -- all you did is received  
 [21] a warning.  
 [22] **MR. ADAMS:** That's right.  
 [23] **CHIEF KING:** You never received a  
 [24] citation, sir, because the officer said, "This  
 [25] is not right; it's not clear." And that's what

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[1] caused the City Council to readdress that.  
[2] Sir, we, as a last resort -- and I've  
[3] said this to every member of this community.  
[4] As a last resort, we will issue a citation. We  
[5] will work with people. We will do our best to  
[6] try to get --  
[7] And I'm sorry, sir, that you had to pay  
[8] out of your own pocket to store the vehicle.  
[9] But at the time that you had that trailer, that  
[10] trailer was illegal.  
[11] The City Council changed the law. And  
[12] if the City Council decides to reimburse you,  
[13] that's their business. But sir, we can't pick  
[14] and choose which ordinance we're going to abide  
[15] by.  
[16] **MR. ADAMS:** Well, Sergeant Lowe is  
[17] mighty nice.  
[18] **CHIEF KING:** He's a professional, sir.  
[19] **MR. ADAMS:** But, now, like I said --  
[20] and I don't know, because you have -- you ride  
[21] around the city of Doraville, there's travel  
[22] trailers setting on gravel.  
[23] Now, am I going to be allowed to pour  
[24] gravel --  
[25] **CHIEF KING:** Sir --

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[1] **MR. ADAMS:** -- with mine over there?  
[2] **CHIEF KING:** -- currently if you're  
[3] asking me that, I'm going to have to go to Chuck  
[4] Entsminger to get that.  
[5] But right now, sir, I don't think so,  
[6] because the City doesn't allow that. In the  
[7] past, they allowed it. But it was abused, and  
[8] that's why the City Council changed that, that  
[9] ordinance.  
[10] **MR. ADAMS:** Thank you.  
[11] **COUNCILMAN HART:** Well, sir, I mean  
[12] there was a situation over on Barrylynn, there  
[13] was a situation over on English Oak where we've  
[14] got travel -- we've got travel trailers, we've  
[15] got motor homes -- 40-foot motor homes; no curb  
[16] cuts. When you work on a County road or -- or  
[17] those streets are owned by either Dekalb County  
[18] or G-DOT. Okay? They are in charge of the curb  
[19] cuts. Every one of these situations, we got  
[20] gravel driveways, no curb cuts, and the Code  
[21] Enforcement drives right on past them. Okay?  
[22] **CHIEF KING:** That is not accurate, sir.  
[23] **COUNCILMAN HART:** Well --  
[24] **CHIEF KING:** We've issued citations on  
[25] that house on Pinoak Circle and English Oak, and

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[1] the court did not -- we did not prevail in  
[2] court. We issued those citations, sir, and we  
[3] did not prevail.  
[4] **COUNCILMAN HART:** Same thing with  
[5] Barrylynn. We got two ambulances parked on the  
[6] gravel --  
[7] **CHIEF KING:** Sir, we have issued a  
[8] citation to that address. I was there  
[9] personally on that. And we did not prevail in  
[10] court.  
[11] **MAYOR JENKINS:** Thank you, Bill.  
[12] **CHIEF KING:** Sir, I can enforce the  
[13] law. That doesn't mean you're going to get an  
[14] instant conviction. If the judge does not agree  
[15] with us, if the judge does not agree with us,  
[16] sir. We were defeated in court on those two  
[17] locations. We issued citations at Barrylynn,  
[18] sir. Those two ambulances were very --  
[19] You're not the first one, sir.  
[20] Mr. Roche used to call me on that location all  
[21] the time.  
[22] Sir, it's not our willingness to go and  
[23] enforce the ordinance, sir, but if we are  
[24] defeated in court, then we have to come back and  
[25] ask you to change the ordinance.

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[1] **COUNCILMAN HART:** It's not the issue of  
[2] the gravel. There's no curb cut there. Okay?  
[3] You don't have a driveway on Buford Highway, you  
[4] don't have a driveway at a business, you don't  
[5] have a driveway period without a curb cut being  
[6] issued by Dekalb County or the Georgia  
[7] Department of Transportation. You are not going  
[8] to put a driveway in.  
[9] **CHIEF KING:** Sir, I guess I'm not  
[10] making myself clear, sir.  
[11] **COUNCILMAN HART:** Well, I --  
[12] **CHIEF KING:** We issued a citation and  
[13] we were defeated in court on that address on  
[14] Pinoak Circle, and on Pinoak at English Oak.  
[15] The other place on English Oak, that trailer was  
[16] put in before you changed the ordinance, before  
[17] you did not stop allowing gravel drives.  
[18] **COUNCILMAN HART:** The motor home and  
[19] all the cars parked behind the house, that's all  
[20] over the back yard, just fine.  
[21] **CHIEF KING:** So you're taking about  
[22] Pinoak at Spanish Oak.  
[23] **COUNCILMAN HART:** Yeah.  
[24] **CHIEF KING:** Yes, sir. We issued a  
[25] citation on that one and we were defeated in

[1] court.  
[2] **COUNCILMAN HART:** Well, that's the  
[3] point I'm trying to make. If those two cases  
[4] don't hold any water, there's dozens and dozens  
[5] of cases that don't even approach those.

[6] **CHIEF KING:** But sir, we made those  
[7] cases --

[8] **COUNCILMAN HART:** Well, people are  
[9] being fined and --

[10] **CHIEF KING:** -- when the ordinance --  
[11] when you had the ord- -- when you changed the  
[12] ordinance, that gave us more clear guidance so  
[13] we could approach it.

[14] But as long as you have that moratorium  
[15] where you still allow -- the only way to correct  
[16] that, sir, is by saying no gravel driveways are  
[17] allowed in the city, period.

[18] **COUNCILMAN HART:** It's not a matter of  
[19] a gravel driveway. There is no driveway because  
[20] there's no curb cut. They're parked. I don't  
[21] care if it's gravel on it or not.

[22] **CHIEF KING:** Sir, if you wish, I will  
[23] subpoena you as a witness and you can come and  
[24] help me make that case when we go to court  
[25] again.

[1] **CHIEF KING:** -- employees that I have.  
[2] **COUNCILMAN SPANGLER:** -- understand  
[3] that. But, you know, they all need to be -- if  
[4] you're going to visit one, you need to visit  
[5] all, and you can only go to court maybe on --

[6] **CHIEF KING:** But, sir --

[7] **COUNCILMAN SPANGLER:** -- one at a time.

[8] **CHIEF KING:** -- the only ones that I  
[9] could priorly approach it is with Mr. Hart's  
[10] contention that no -- that there's no curb cut.

[11] If there's not that set of circum-  
[12] stances, I'm not going to be able to approach  
[13] with the other ones. The only way to approach  
[14] it is by saying "no mas" on gravel driveways.

[15] **COUNCILMAN SPANGLER:** I am sure if  
[16] there's not a curb cut on one, there's probably  
[17] not on any of them.

[18] **CHIEF KING:** Sir, that is an unusual  
[19] case, sir, I will tell you. The one at Spanish  
[20] Oak and Pinoak is an unusual case because that  
[21] thing is hideous. There's no argument about  
[22] that, believe me.

[23] The Mayor and I have -- one of the  
[24] Council people got there, almost got threatened  
[25] with violence. I just -- it's not because of

[1] **COUNCILMAN HART:** I'd be glad to, along  
[2] with some --

[3] **CHIEF KING:** But, sir, but please --

[4] **COUNCILMAN HART:** -- along with  
[5] somebody from Dekalb County that can explain to  
[6] them there's nothing on that plat that says  
[7] there's a curb cut there.

[8] **CHIEF KING:** Sir, keep your fingers  
[9] crossed and we'll go to court together. I'm not  
[10] ashamed, sir. I'm not embarrassed to go and  
[11] make another case against those people. But  
[12] just don't expect success, sir, because we have  
[13] tried. And we were right at the borderline of  
[14] being -- harassing that home, sir. But we  
[15] will -- we will give it another shot, sir.

[16] **COUNCILMAN SPANGLER:** You know there is  
[17] more than just that one, Chief.

[18] **CHIEF KING:** Sir, we are taking them by  
[19] the ones that --

[20] **COUNCILMAN SPANGLER:** If we're going to  
[21] do one, we're going to do all of them.

[22] **CHIEF KING:** Exactly, sir. I can only  
[23] get one. I can only go after one at a time,  
[24] sir, with the amount of --

[25] **COUNCILMAN SPANGLER:** Well, I --

[1] lack of trying, sir.

[2] **COUNCILMAN HART:** It's another large  
[3] man.

[4] **CHIEF KING:** No. It's not the large --  
[5] large man. It's the large young man who lived  
[6] with him I think intimidated the former  
[7] councilman.

[8] **MAYOR JENKINS:** Thank you, John.

[9] **CHIEF KING:** All right, sir.

[10] **MAYOR JENKINS:** Bonita Hoffmeister.

[11] **MS. HOFFMEISTER:** Honorable Mayor and  
[12] City Councillors, my name is Bonita Hoffmeister.  
[13] I live at 3948 Spanish Oak.

[14] And while driving down New Peachtree, I  
[15] was almost hit by a semi with gas. And I'm  
[16] asking the City to work with the County to  
[17] coordinate the lights because what happens is  
[18] those truckers, the fuel truckers, come out of  
[19] those tank farms. If they stop before they come  
[20] under the railroad tracks, then they've got to  
[21] start up. They put on the gas. They have to  
[22] really put on the gas to go up the hill, and  
[23] then the light changes, and then they have a  
[24] real hard time stopping. And then not only  
[25] that, if they stop there, then they have to put

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[1] on the gas again to get up the hill to get to  
[2] Buford Highway, and then it's all downhill and  
[3] they have to make a sharp right-hand turn if the  
[4] light changes again. And again, we have a  
[5] fully-loaded semi with gasoline going down a  
[6] hill and trying to stop. That's almost  
[7] impossible for a trucker.

[8] I ask that you work with Dekalb County  
[9] to get those lights coordinated. I also ask  
[10] that you put a red-light camera there in view of  
[11] the truckers and in view of the new entertain-  
[12] ment center that's going to go in there. It  
[13] can't help but with the combination of those two  
[14] things, you're going to have a lethal  
[15] combination that will result in deaths. Thank  
[16] you.

[17] **MAYOR JENKINS:** Thank you.

[18] **COUNCILMAN HART:** That traffic light on  
[19] New Peachtree Road is probably the G-DOT, and it  
[20] was interesting. They asked -- there was a G-  
[21] DOT meeting on Buford Highway and they asked the  
[22] question, what exactly -- there was the meeting  
[23] in different towns and that sort, and they said,  
[24] what was the biggest thing that would help?  
[25] And they said, well, if we could

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[1] coordinate the signals so they could go down  
[2] Buford Highway without stopping at every traffic  
[3] light.

[4] And they said, well, you know, which  
[5] groups would you like? Is there any one area  
[6] that you'd like to coordinate the lights?

[7] And they said, well, going from --  
[8] going from Lenox Square to Buford Dam, if we  
[9] could get any two signals coordinated. You  
[10] can -- we can fly down PIB, we can go down all  
[11] the rest of the --

[12] Buford Highway is set so that you have  
[13] to stop at every single light, I mean, you know.  
[14] Is there no one in Dekalb or G-DOT that can  
[15] coordinate a traffic signal? They talk about  
[16] wasting gasoline.

[17] **MS. HOFFMEISTER:** Well, it's  
[18] particularly dangerous for the truckers  
[19] because --

[20] **COUNCILMAN HART:** Exactly. When they  
[21] come around --

[22] **MS. HOFFMEISTER:** -- they have a lot --

[23] **COUNCILMAN HART:** -- that corner, they  
[24] should be --

[25] **MS. HOFFMEISTER:** -- of stops.

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[1] **COUNCILMAN HART:** -- should be able to  
[2] go right up the hill and get out of there.

[3] **MS. HOFFMEISTER:** Yeah.

[4] **MAYOR JENKINS:** Susan Crawford?

[5] **MS. CRAWFORD:** Susan Crawford. I'll  
[6] make this quick. I know it's really late.

[7] But at our last ONA meeting, we  
[8] discussed that little park. I believe it's now  
[9] deemed "The Lost Park," Windsor Oak. And we  
[10] would like it, first of all, named maybe  
[11] something like The Oakcliff Area Cooperative  
[12] Garden, Oakcliff Neighbors Cooperative Garden,  
[13] something like that. And we would like it  
[14] prepared so that we can use it as a cooperative  
[15] garden so that people can cooperate and work on  
[16] something together and have maybe a vegetable  
[17] garden and a flower garden and what-have-you.  
[18] And I don't think it --

[19] **MAYOR JENKINS:** The Lost Garden. Is  
[20] that what you're talking about --

[21] **MS. CRAWFORD:** This is the one --

[22] **MAYOR JENKINS:** -- The Lost Garden?

[23] **MS. CRAWFORD:** -- yeah, that you had  
[24] done the surveying on some time ago.

[25] **COUNCILMAN HART:** Getting a lot of

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[1] digging.

[2] **COUNCILWOMAN HADDEN:** It's over a  
[3] pipeline easement, the gas pipeline easements?

[4] **MS. CRAWFORD:** Well, I mean the whole  
[5] park isn't, no.

[6] **MAYOR JENKINS:** Probably off of that,  
[7] they could use.

[8] **MS. CRAWFORD:** But that's how it  
[9] originally -- originally came to be.

[10] **MAYOR JENKINS:** That would be  
[11] excellent.

[12] **MS. CRAWFORD:** Okay. So, then, we can  
[13] start using it or --

[14] **COUNCILMAN HART:** I though the name was  
[15] The Lost Park.

[16] **MS. CRAWFORD:** Well, I mean that's kind  
[17] of -- now it's found itself, and you should give  
[18] it something a little more positive.

[19] **MAYOR JENKINS:** Rick, do you see any  
[20] problem with letting citizens use the place to  
[21] make a garden?

[22] **ATTORNEY POWELL:** So they can grow  
[23] vegetables for themselves? I don't think so.

[24] **MAYOR JENKINS:** You mean you don't  
[25] think you can do it?

[1] **ATTORNEY POWELL:** Right.  
[2] **MS. CRAWFORD:** Why not?  
[3] **COUNCILMAN LOWE:** It's been done  
[4] before.  
[5] **MS. CRAWFORD:** I've seen it in every  
[6] major -- in Toronto, New York City, Boston, I  
[7] mean little tiny places, the neighbors have  
[8] gotten together and done it.  
[9] **MAYOR JENKINS:** We did it over off of  
[10] Wheeler.  
[11] **UNIDENTIFIED SPEAKER:** You need sun.  
[12] **MS. CALVERT:** You need a lot of sun to  
[13] grow vegetables.  
[14] **MS. CRAWFORD:** We have sun. And if  
[15] there isn't quite enough sun, then you cut down  
[16] a couple of trees and make more sun.  
[17] (Overspeaking)  
[18] **MS. CRAWFORD:** Oh, come on. Nobody  
[19] even knew it was there until a year ago.  
[20] (Overspeaking)  
[21] **MS. CRAWFORD:** Now we're bleeding a  
[22] couple of trees?  
[23] **MAYOR JENKINS:** Rick, give me your  
[24] reason for saying citizens can't grow on City  
[25] property.

[1] **MS. ROBERTS:** That park was not a lost  
[2] park. That's been there for years --  
[3] **MAYOR JENKINS:** We know.  
[4] **MS. ROBERTS:** -- and everyone knew  
[5] about it. I mean that was not lost. Kids play  
[6] there. But it was never lost. I mean it was  
[7] always everybody knew about it.  
[8] **COUNCILMAN HART:** We can just call it  
[9] Lost and Found Park.  
[10] **MS. ROBERTS:** No. Everybody knew about  
[11] that park. It was not one that was just  
[12] discovered.  
[13] **COUNCILMAN SPANGLER:** No, we didn't say  
[14] that. Early on, it was -- it was lost because a  
[15] lot of us didn't know it was there. So it  
[16] wasn't like we were claiming it was a lost --  
[17] old lost park.  
[18] **MS. CRAWFORD:** Overlooked.  
[19] **COUNCILMAN SPANGLER:** Maintenance  
[20] Department has been cutting the grass every year  
[21] for the last 30 years.  
[22] **MAYOR JENKINS:** Who's next? Susan  
[23] Fraysse.  
[24] **MS. FRAYSSE:** Susan Fraysse with the  
[25] Ethics Committee. We had our first meeting in

[1] **ATTORNEY POWELL:** I don't think you got  
[2] -- I'll look it up, but it doesn't sound right  
[3] to me.  
[4] **MAYOR JENKINS:** Okay. Drewry Court.  
[5] John King used to live on Drewry Court. The  
[6] gentleman there grew vegetables for --  
[7] **COUNCILMAN LOWE:** Years.  
[8] **MAYOR JENKINS:** -- probably 30 or 40  
[9] years there.  
[10] **COUNCILMAN HART:** Yeah. That's a power  
[11] right-of-way. That --  
[12] **MS. CRAWFORD:** Well, this isn't a --  
[13] you know, a profitable enterprise I have in  
[14] mind. I just thought it would be nice to have  
[15] the neighbors get together and work on different  
[16] kinds of --  
[17] **MAYOR JENKINS:** Let us check into it  
[18] further.  
[19] **ATTORNEY POWELL:** Yeah. I never had  
[20] thought of that, so --  
[21] **MS. CRAWFORD:** Okay. So, then, next  
[22] meeting you'll -- you'll know?  
[23] **ATTORNEY POWELL:** Yeah, I'll --  
[24] **MAYOR JENKINS:** Yes, ma'am.  
[25] Ms. Roberts.

[1] this room on June 28th and we had our second  
[2] meeting in July on the 23rd. So at that  
[3] meeting, we approved the minutes from the first  
[4] meeting, and I have sent those by electronic  
[5] file to you, Priscilla, and to the Mayor for  
[6] distribution and sharing with the Council.  
[7] And if possible, I would like to  
[8] request that the Ethics Committee minutes be  
[9] posted on the web site for the City so that  
[10] anybody can see. We have the ordinance up  
[11] there. We may be going through some changes  
[12] with the ordinance. But material agendas and  
[13] minutes for the Ethics Committee will be  
[14] available in electronic form for being posted on  
[15] the web site if we can do that. There's already  
[16] something that says the ethics ordinance, so  
[17] maybe that's the link, and then off of that,  
[18] these files. We'd like to set that example.  
[19] I think I have wanted many, many, many  
[20] times to see an agenda about upcoming city  
[21] meetings or called Council meetings. I wasn't  
[22] aware of a meeting tomorrow night, but  
[23] apparently there is a work session that's been  
[24] called?  
[25] **MAYOR JENKINS:** Yes.

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[1] **MS. FRAYSSE:** Is that something the  
[2] public would want to know about that might be  
[3] made available on the web site?  
[4] **MS. MURPHY:** It's already on the web  
[5] site.  
[6] **MS. MURPHY:** Excellent. Well, I just  
[7] didn't check it today. So thank you.  
[8] So we want our minutes up there.  
[9] And I also forwarded over to Priscilla  
[10] and the Mayor and everyone the two forms that we  
[11] have, as a part of our work that the committee  
[12] is charged under our ordinance developed.  
[13] **MAYOR JENKINS:** Susan, hold on.  
[14] **MS. FRAYSSE:** Yes.  
[15] **MAYOR JENKINS:** Okay.  
[16] **MS. FRAYSSE:** The two forms. The  
[17] ordinance requires that we develop these forms  
[18] and that we get the form for the ethics  
[19] complaint approved -- it's either got to be  
[20] prescribed or approved by the Council. So we're  
[21] submitting that for your approval. It is based  
[22] on a composite of several forms that we saw and  
[23] the meetings and the input that we had from the  
[24] public, and it is ready for you to examine and  
[25] see if you think that meets our needs.

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[1] We don't have to, according to the  
[2] ordinance, get approval for the Request for the  
[3] Advisory Opinion form, but we voted to bring  
[4] that to you also for your review.  
[5] And we are at this point going to wait  
[6] on our rules of procedure, conduct and  
[7] procedure. We did develop those back in June  
[8] and we're following them, but there may be some  
[9] changes regarding the privacy of some meetings,  
[10] and we want that to be more spelled out in the  
[11] ordinance before we share that with the public.  
[12] Do you need a print copy, Priscilla, or  
[13] is the electronic copy adequate for you?  
[14] **MS. MURPHY:** The electronic should be  
[15] fine.  
[16] **MS. FRAYSSE:** And could I --  
[17] Yes, sir?  
[18] **ATTORNEY POWELL:** And Susan made a  
[19] change the day we looked, and I had -- I missed  
[20] something the first time I reviewed it, just  
[21] left out a couple of words, and so now the  
[22] current one she's sent around.  
[23] **MS. FRAYSSE:** Could I make a statement  
[24] for the --  
[25] I just noticed in the Dekalb Neighbor

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[1] that on August 1st, a story ran about one Dekalb  
[2] County school comes off the needs-improvement  
[3] list, and that was our very own Sequoia. So I'm  
[4] proud of them for that kind of accomplishment.  
[5] It's been tough to make that sort of progress,  
[6] but they are to be commended. So I'm excited  
[7] about that.  
[8] Thank you.  
[9] **MAYOR JENKINS:** If there's no more  
[10] citizens comment, we got one more item.  
[11] **COUNCILWOMAN PITTMAN:** We didn't get  
[12] any --  
[13] **MAYOR JENKINS:** Yes, ma'am.  
[14] **MS. RAWLINS:** Very short. Linda  
[15] Rawlins, Oakcliff.  
[16] The first comment was I don't know  
[17] exactly when the two cases were turned down on  
[18] the ordinance by judges, but did I not  
[19] understand that when we got our new ordinance  
[20] people that we would have a judge or judges that  
[21] would be familiar with the ordinances and be  
[22] positive with enforcement of them?  
[23] **MAYOR JENKINS:** Yeah, we've got one  
[24] assigned to that already.  
[25] **MS. RAWLINS:** And that will be more

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[1] positive.  
[2] **MAYOR JENKINS:** Yes.  
[3] **MS. RAWLINS:** Second quick question was  
[4] I've noticed last weekend between Jimmy Carter  
[5] and around Indian Trail or so on 85 North, they  
[6] have such wonderful beautification. Does anyone  
[7] know the funds that that was paid for with?  
[8] Our interstate area looks awful, and I  
[9] don't know if that was County-paid-for or what,  
[10] but it would be interesting to see.  
[11] **UNIDENTIFIED SPEAKER:** (Inaudible)  
[12] wildflowers (inaudible).  
[13] **MS. RAWLINS:** Oh, they've got -- oh,  
[14] they've got more than wildflowers. It's  
[15] beautiful.  
[16] (Overspeaking)  
[17] **COUNCILMAN HART:** What intersection is  
[18] that? Where is it?  
[19] **MS. RAWLINS:** It's on 85 North, I will  
[20] say between -- a little beyond Jimmy Carter and  
[21] around Indian Trail on that side theater thing.  
[22] **COUNCILMAN HART:** Okay. This is --  
[23] **UNIDENTIFIED SPEAKER:** CID?  
[24] **COUNCILMAN HART:** It's a remake of CID.  
[25] (Overspeaking)

[1] **COUNCILMAN HART:** It's a CID. They  
[2] really don't have a government. They just have  
[3] a state senator.

[4] **MS. RAWLINS:** Well, somebody has done a  
[5] wonderful job. I wish we could do something.

[6] **COUNCILMAN HART:** Well, we'll send you  
[7] a tax bill and we'll fire it up.

[8] **MS. RAWLINS:** I was just interested in  
[9] where it came from.

[10] (Overspeaking)

[11] **MAYOR JENKINS:** All right.

[12] **MS. ALEXANDER:** I've just got one  
[13] thing. Maria Alexander.

[14] When I took my recycling yesterday to  
[15] Honeysuckle, on the other side of the last  
[16] recycling bin there are 15 barrels of industrial  
[17] roofing cement, so someone has dumped them  
[18] there.

[19] **MAYOR JENKINS:** We're aware of that,  
[20] yes, ma'am.

[21] **MS. ALEXANDER:** Okay. All right.

[22] **MAYOR JENKINS:** We're trying to find  
[23] somebody that might could use it.

[24] **MS. ALEXANDER:** Okay.

[25] **MAYOR JENKINS:** One more.

[1] **MR. ANDERSON:** He's got a point, but  
[2] are you going to -- if you do that --

[3] **MAYOR JENKINS:** It's not commercial.

[4] **MR. ANDERSON:** It is.

[5] **COUNCILMAN SPANGLER:** Yes, it is.

[6] **UNIDENTIFIED SPEAKER:** It's residential  
[7] property. I mean you're talking about Mr. Lang  
[8] owns several houses and they're considered  
[9] residential. They're not commercial properties.

[10] **UNIDENTIFIED SPEAKER:** That's right.

[11] **MR. ANDERSON:** The only fee is for like  
[12] a variance type of thing. Otherwise, Mr. Lang's  
[13] properties aren't paying any fees.

[14] It's if somebody comes forward and they  
[15] want a variance for a commercial operation, then  
[16] the fees should not be the \$100 homeowners' fee;  
[17] it should be a commercial fee.

[18] **UNIDENTIFIED SPEAKER:** No.

[19] **UNIDENTIFIED SPEAKER:** No.

[20] **MR. ANDERSON:** Stuart, he would not  
[21] be -- if he was going to open a commercial  
[22] business, he would have to get a rezoning. He  
[23] couldn't do it in R-1.

[24] **UNIDENTIFIED SPEAKER:** That's right.  
[25] (Overspeaking)

[1] **MR. ANDERSON:** Sorry to bother you.  
[2] On the Tuller discussion earlier about  
[3] fees, since he was a -- and subsequent  
[4] situations like him. Since that house is for  
[5] rent, let's say it's an enterprise. I think  
[6] that their fees for variance and activities of  
[7] that nature should be \$700 rather than \$100  
[8] because they're not living there.

[9] **MAYOR JENKINS:** Now, where is this?

[10] **MR. ANDERSON:** We had the Tuller  
[11] hearing a little while ago earlier in this  
[12] meeting.

[13] **MR. ENTSMINGER:** Eula Circle.

[14] **COUNCILMAN LOWE:** Eula Circle.

[15] **MR. ANDERSON:** 4004 Eula Circle.

[16] **MAYOR JENKINS:** I know where you're  
[17] talking about.

[18] **MR. ANDERSON:** Right. And it just --  
[19] it occurred to me when he was talking about  
[20] fees and whatnot, that since he -- he had  
[21] similar situation like that in rental  
[22] properties, et cetera, they should be charged  
[23] the commercial fee rather than the residential  
[24] fee since they don't live there.

[25] **MAYOR JENKINS:** Chuck? What about it?

[1] **MAYOR JENKINS:** Thank you, Mr. Stuart.  
[2] **COUNCILMAN SPANGLER:** Will you check on  
[3] that?

[4] **MAYOR JENKINS:** We appreciate it.  
[5] Come on up, ma'am.

[6] **MS. CRANE:** I'm Eleanor Crane. Annex  
[7] me. I live --

[8] **MAYOR JENKINS:** Yes, ma'am.

[9] **MS. CRANE:** -- in Sequoia Woods. What  
[10] happens in Doraville affects all of us.

[11] **MAYOR JENKINS:** That's right.

[12] **MS. CRANE:** So annex me, please.

[13] **MAYOR JENKINS:** She got down on her  
[14] knees and prayed that the annexation would go  
[15] through, but it didn't.

[16] **MS. CRANE:** Well, you see, I can't  
[17] really get down on my knees. That's the  
[18] problem.

[19] **MAYOR JENKINS:** Okay. Anybody else  
[20] right quick?

[21] Okay. We're going to come up to the  
[22] table, and Mr. Hart is back on the agenda. Told  
[23] him we'd put him at the last.

[24] **MS. MURPHY:** Well, Mayor, we have two.  
[25] We have Mr. Hart and Mr. Spangler. There was

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[1] two that was --

[2] **MAYOR JENKINS:** They're together on it.

[3] **MS. MURPHY:** I'm not sure.

[4] **COUNCILMAN SPANGLER:** We're not

[5] together.

[6] **MS. MURPHY:** They're not together.

[7] They're separate.

[8] **COUNCILMAN HART:** Having read that, I

[9] think that what we're going to do is we're going

[10] to announce what the subject matter is, a brief

[11] discussion and then go into executive session on

[12] the matter.

[13] Is that proper?

[14] **ATTORNEY POWELL:** Are you going to go

[15] ahead and start?

[16] **COUNCILMAN HART:** Okay.

[17] **MAYOR JENKINS:** Wait just a minute. If

[18] you mention any names, we'll have to get

[19] permission from counsel to go into executive

[20] session. Are you going to mention any names?

[21] **ATTORNEY POWELL:** That's not the law,

[22] Mayor.

[23] **MAYOR JENKINS:** Okay.

[24] **ATTORNEY POWELL:** I'm sorry. I know

[25] that's not a popular opinion, but if I'm asked a

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[1] legal opinion, I have to give it.

[2] **MAYOR JENKINS:** Very good. That's what

[3] I want.

[4] **ATTORNEY POWELL:** Okay.

[5] **MAYOR JENKINS:** I'm just saying that as

[6] far as I'm concerned, if we go to executive

[7] session, it'll be by vote of the Council.

[8] **ATTORNEY POWELL:** Right.

[9] **MAYOR JENKINS:** Okay?

[10] **COUNCILMAN HART:** Okay. There's two

[11] things: committees, bias on the committees,

[12] committees that were basically put together to

[13] assist the City Council and basically give

[14] citizen input into things that are going on with

[15] the city.

[16] In some cases, we've been in a

[17] situation where the committees may obligate the

[18] City, involve themselves in lawsuits. In some

[19] cases, the committees have gone past what they

[20] were supposed to be doing. And most of that's

[21] the City Council's problem because they didn't

[22] give them proper guidance. In other cases,

[23] we've got cases -- we've got committees where

[24] the people are supposed to be doing something

[25] and they in turn are doing it just the opposite

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[1] of what they were tasked to do.

[2] And so we would like to have an

[3] executive session on committees, about what

[4] we're going to do about it, and straighten this

[5] thing out before it gets any worse because we've

[6] almost gotten into a situations where we've

[7] gotten ourselves into possible lawsuits because

[8] of going just a little bit past where we're

[9] supposed to be.

[10] The second thing is a -- is a police

[11] matter.

[12] **ATTORNEY POWELL:** Well, y'all are not -

[13] - you're not to the point now. I'm not just

[14] advising you. I have to advise all these people

[15] because they're going to vote whether to go into

[16] executive session.

[17] You're not at this point having a

[18] hearing on any particular matter, it doesn't

[19] seem to me, so I don't see --

[20] **COUNCILMAN HART:** Well, one is -- one

[21] is a police matter, the second one is a --

[22] **ATTORNEY POWELL:** Well, the police

[23] matter, for instance, would have to be brought

[24] out as to what the matter is.

[25] **COUNCILMAN HART:** Okay. Well, I mean

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[1] how specific do you want me to get?

[2] **ATTORNEY POWELL:** Well, if it's -- if

[3] it's -- the only way you could -- the only thing

[4] I can think of that would be grounds for

[5] executive session if it's a police matter would

[6] be an employee matter. And if it's an employee

[7] matter, then you would have to say what the

[8] employee -- who it is and what the issues are

[9] that you want the Council to consider.

[10] I know that's not a popular view --

[11] **COUNCILMAN HART:** Okay.

[12] **ATTORNEY POWELL:** -- but I think that's

[13] the law.

[14] **COUNCILMAN HART:** Okay. That would

[15] handle the police matter. What about the other?

[16] **ATTORNEY POWELL:** Well, if it's

[17] directed -- if it's about a particular person

[18] serving on a committee, as I told you earlier,

[19] two lawyers could argue either side of that one,

[20] whether that's even -- if you could even go into

[21] executive session on an appointed person.

[22] **COUNCILMAN HART:** Okay. Now --

[23] **ATTORNEY POWELL:** But it might be

[24] possible to do it. I did find --

[25] **COUNCILMAN HART:** I thought the purpose

[1] of an executive session when dealing with  
[2] personnel was not to perhaps embarrass the  
[3] people, and it would be a frank discussion  
[4] without being drug into the --

[5] **ATTORNEY POWELL:** The GMA comments are  
[6] right on point to say that you have to -- the  
[7] only grounds are for considering appointment,  
[8] employment, compensation, all those things  
[9] involving an employee or a public officer.

[10] But then is what I showed you earlier,  
[11] the matter has to be -- the evidence is  
[12] presented in public and it's only deliberated --  
[13] this exemption only allows closure of the  
[14] portion of the meeting during which the  
[15] governing body is discussing or deliberating one  
[16] of the actions, either --

[17] (Reading) but the portions of a meeting  
[18] during which city council or other agency is  
[19] receiving evidence or hearing argument on the  
[20] charges which led to a potential disciplinary  
[21] action or dismissal must be open.

[22] And this is straight out of a document  
[23] produced by GMA to advise counsel and city  
[24] attorneys.

[25] And so what I interpret that to be is

[1] represented, they would have the argument to the  
[2] Council why they should not do anything. That  
[3] would be in public. Then y'all could go into  
[4] private deliberation as to what you might want  
[5] to do, and then you'd come back out and vote in  
[6] public.

[7] Now, I know that other councils you may  
[8] have heard do it differently. But it's  
[9] getting -- people are understanding this better  
[10] and it's being discussed. And there have been  
[11] cases that point out, that would substantiate  
[12] exactly what I've just said. And this is not  
[13] something I've figured out on my own. This is  
[14] from the GMA book. It's pretty clear.

[15] **COUNCILMAN HART:** Okay. All right.  
[16] Well, it's come to our attention that there's a  
[17] couple problems with some of the committees, and  
[18] I'll take the Ethics Committee first.

[19] The Ethics Committee was formed  
[20] basically -- and correct me if I'm wrong, was  
[21] formed because we became a City of Ethics and so  
[22] we were required to have an Ethics Committee.

[23] **ATTORNEY POWELL:** You'd have to have an  
[24] Ethics -- you'd pass an ordinance. You have to  
[25] have an Ethics Committee. And GMA reviewed it.

[1] that you would have the hearing. It would  
[2] almost be like -- and I think that this is an  
[3] example -- like a trial. You'd have the trial  
[4] in open court. And the only difference here is  
[5] the jury goes back and deliberates but they also  
[6] vote in private.

[7] **UNIDENTIFIED SPEAKER:** Yeah.

[8] **ATTORNEY POWELL:** Here you have to come  
[9] back out and vote in public if you just -- if  
[10] after the deliberations it's decided you are  
[11] going to take some action.

[12] **COUNCILMAN HART:** So at what point is  
[13] an executive session, I mean?

[14] **ATTORNEY POWELL:** Just to discuss what  
[15] is going to -- might be done after you hear what  
[16] the issues are.

[17] **COUNCILMAN HART:** Okay.

[18] **COUNCILWOMAN PITTMAN:** You present the  
[19] issue in public.

[20] **ATTORNEY POWELL:** Yes.

[21] **COUNCILWOMAN PITTMAN:** Your argument is  
[22] in private or --

[23] **ATTORNEY POWELL:** Well, no.

[24] **COUNCILWOMAN PITTMAN:** -- in Council.

[25] **ATTORNEY POWELL:** If somebody was

[1] And then they had a committee, actually, not  
[2] just the people that are employed by GMA but a  
[3] committee of other municipal officials to review  
[4] the ordinance and then certify you as a City of  
[5] Ethics, and that was done a couple or three  
[6] years ago.

[7] **COUNCILMAN HART:** Okay. And there was  
[8] some guidance as to forming that and what they  
[9] were supposed to do.

[10] **ATTORNEY POWELL:** Yes.

[11] **COUNCILMAN HART:** And it's been my  
[12] impression in the past that the Ethics Committee  
[13] met it seemed like once every couple months.

[14] **ATTORNEY POWELL:** Well, I think that  
[15] only met when someone -- when there was a reason  
[16] to meet because of some accusation or some  
[17] charge being brought before them.

[18] Now, they actually probably didn't meet  
[19] and form the -- I may be wrong. I never saw any  
[20] rules to do what Ms. Fraysse had brought before  
[21] you today, their forms to use and those things.

[22] **COUNCILMAN HART:** Well, what triggered  
[23] the inquiry is because of the activity. Before,  
[24] you know, if nothing was brought up to the  
[25] Ethics Committee, there was no meeting of the

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[1] Ethics Committee. And now we got a situation  
[2] where we're, quote, meeting once a week and  
[3] we've got -- we have to have the minutes on the  
[4] thing, and we're forming all kind of little  
[5] things. Okay?  
[6] And what really got my attention was  
[7] sending -- people sending me e-mails of what I  
[8] consider inappropriate behavior by certain  
[9] members of the Ethics Committee.  
[10] The most important thing if we're going  
[11] to be an ethical city is that the ethics panel  
[12] has to be absolutely neutral in all situations  
[13] because, otherwise, it turns into the Salem  
[14] witch trials. It becomes -- you have to have  
[15] some people -- and I commend Mr. Harner because  
[16] he was an example of someone that -- I guess  
[17] that's the reason why he's an accountant. He  
[18] just looks at both sides of the ledger and was  
[19] just like sort of right down the middle of the  
[20] road when it came to things, and he would look  
[21] at things just on their -- on their merits.  
[22] And from what I know of the third  
[23] person on the Ethics Committee, the new member,  
[24] it seems to me -- he's kind of an outside guy,  
[25] he's a builder. He seems to be in it for the

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[1] right reasons.  
[2] But I got a couple of pieces of e-mail  
[3] that told me that that's not exactly what's  
[4] going on here, and I would hate to think that we  
[5] --  
[6] We're going into a very touchy  
[7] situation. We're going into an election where  
[8] things like ethics committees and City  
[9] government officials have to be absolutely  
[10] neutral in a situation where we've got a pretty  
[11] volatile election coming up.  
[12] And if we can't expect our Ethics  
[13] members to be neutral, they certainly can't be  
[14] on campaign election committees. They can't  
[15] involve themselves with fundraisers. They can't  
[16] involve themselves with situations where  
[17] they're, quote, helping get the goods on  
[18] somebody else.  
[19] That doesn't sound like a member of an  
[20] ethics committee to me. And I think that needs  
[21] to be straightened out and I think we need to go  
[22] in a private discussion on that.  
[23] But whoever's going to be on the Ethics  
[24] Committee has to be absolutely neutral. And if  
[25] nothing comes up and nothing unethical happens

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[1] or there's no case presented, I don't see  
[2] there's a reason in the world why they're  
[3] meeting. It seems like a political action  
[4] committee to me, and I just don't think that  
[5] that's the kind of thing we want to have.  
[6] **MR. GRANT:** Sir, may I --  
[7] **COUNCILMAN HART:** Yeah.  
[8] **MR. GRANT:** -- respond to that?  
[9] **COUNCILMAN HART:** Yeah.  
[10] **MR. GRANT:** My name is Gordon Grant.  
[11] Gordo Grant is what I go by. I'm on the Ethics  
[12] Committee.  
[13] I don't really know what circumstances  
[14] you might be speaking of, but --  
[15] **COUNCILMAN HART:** It wasn't you, sir.  
[16] I didn't hear anything about you.  
[17] **MR. GORDON:** Oh, no, no, no. And  
[18] that's fine. But I'd like to pat our committee  
[19] on the back because we're putting the forms in  
[20] place that now, if there is a conflict of  
[21] interest or something of that nature which you  
[22] see is unethical, the forms will be in place for  
[23] you to then fill out the process and move  
[24] forward with a formal complaint.  
[25] **COUNCILMAN HART:** Okay.

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[1] **MR. GRANT:** And to answer your question  
[2] about why we are meeting so frequently is  
[3] because we need to get these forms and these  
[4] things in place. We pride ourselves on  
[5] delivering what the ordinance requires us to  
[6] deliver, and that is to get these forms and get  
[7] every -- all these systems in place, and so we  
[8] are doing that as fast as possible and that's  
[9] why we're having more meetings.  
[10] **COUNCILMAN HART:** I understand that.  
[11] But it's sort of like Mr. Harner, who is a CPA,  
[12] you kind of go to him if you need to get your  
[13] taxes done versus the IRS who comes to your  
[14] house and wants to audit you, okay?  
[15] I'm looking for someone that I go see  
[16] and get my taxes filled out. I don't need the  
[17] guy to audit me. Okay? And that's -- I'm  
[18] getting the feeling that -- just from the e-mail  
[19] traffic that I've seen, that that is not the  
[20] case. And I'm sure you're not involved in that,  
[21] but there are a couple other people on your  
[22] committee -- and I think there's only three on  
[23] there -- that are, and that's what we'd like to  
[24] discuss.  
[25] (Overspeaking)

[1] **MAYOR JENKINS:** Excuse me. Are you  
[2] finished, sir?

[3] Ben?

[4] **MR. CRAWFORD:** Yeah. I was just going  
[5] to ask a question. It seems like this is very  
[6] ambiguous, and we're having this part of the  
[7] discussion with the community. If there's some  
[8] charges about the Ethics Commission, be very  
[9] specific so we can hear what it is you want to  
[10] go into executive session about. I mean instead  
[11] of being ambiguous, be to the point, be concise.  
[12] You have e-mails? Read them.

[13] **MS. CRAWFORD:** They have the right to  
[14] face their accusers, don't they?

[15] **MR. CRAWFORD:** Yeah. It would be nice  
[16] to hear what's going on.

[17] **COUNCILMAN HART:** Well, you know, one  
[18] of the e-mails that we have was I guess one of  
[19] our Council members sent out an e-mail that  
[20] didn't know it went to everybody in the world,  
[21] thought it just went specifically to one person,  
[22] where a member of the Ethics Committee is, you  
[23] know, involved in fundraisers, et cetera, and to  
[24] these little secret meetings to, you know, do  
[25] these fundraisers and stuff at the same time as

[1] **COUNCILMAN HART:** And she makes -- she  
[2] makes a comment on the Doraville Blog as an  
[3] editor of the Doraville Blog. Okay?

[4] **MS. CRAWFORD:** No, she doesn't have  
[5] anything to do --

[6] **MS. FRAYSSE:** That's not true.

[7] **MS. CRAWFORD:** -- with the Doraville  
[8] Blog.

[9] **COUNCILMAN HART:** Unsubstantiated  
[10] stuff.

[11] **COUNCILWOMAN HADDEN:** She's not even on  
[12] the blog.

[13] **COUNCILMAN HART:** Make accusations.

[14] You can't get on these things and  
[15] just -- just whatever you want to do and attack  
[16] people personally --

[17] **MS. CRAWFORD:** I mean she's not a  
[18] blogger.

[19] **COUNCILMAN HART:** -- and make  
[20] accusations and then -- and then turn around and  
[21] want to play neutral on an ethics panel.

[22] **COUNCILWOMAN PITTMAN:** Can I say  
[23] something real quick?

[24] **MAYOR JENKINS:** All right. Let me  
[25] correct one thing. Her name is Fraysse, not

[1] on the Planning Commission. You can't be  
[2] involved fundraisers and all these other things  
[3] and still be on the Ethics Panel.

[4] **COUNCILWOMAN HADDEN:** First, I will  
[5] object to that because there is nobody on the  
[6] Ethics Committee involved in any fundraising no  
[7] matter how you might want to interpret that.

[8] The individual is not here this  
[9] evening. It's not fair to that individual not  
[10] to be here and to have their side of the story  
[11] explained also. But that individual is not even  
[12] involved in fundraising or anything of the like.

[13] **COUNCILMAN HART:** The second person on  
[14] the panel has got before the -- there's minutes  
[15] and there's recordings of it that have gotten up  
[16] at that microphone right there and attacked me  
[17] personally. Okay? Now, I don't remember the  
[18] last time Matt Harner got up there when he was  
[19] on the Ethics Panel and attacked me personally.

[20] I was in the office in there the other  
[21] day and I was attacked personally.

[22] **MR. CRAWFORD:** Mr. Hart, which person?

[23] **COUNCILMAN HART:** Well, it was Susan  
[24] Frizzay (phonetic).

[25] **COUNCILWOMAN HADDEN:** Who?

[1] Frizzay.

[2] **COUNCILMAN HART:** Okay.

[3] **COUNCILWOMAN PITTMAN:** Can I say  
[4] something?

[5] **MR. CRAWFORD:** Tom, that's not her  
[6] blog, either. That's not correct.

[7] **UNIDENTIFIED SPEAKER:** Which blog is  
[8] it?

[9] **COUNCILWOMAN PITTMAN:** I want to say  
[10] something.

[11] **MAYOR JENKINS:** Go ahead.

[12] **COUNCILWOMAN PITTMAN:** First of all, I  
[13] really do appreciate the fact that they are  
[14] getting together the ordinance, and I have no  
[15] problem with that.

[16] **COUNCILMAN LOWE:** Right.

[17] **COUNCILWOMAN PITTMAN:** The forms;  
[18] that's fine. I think they did a very good job  
[19] on that.

[20] I do have a problem with someone and  
[21] some recent e-mails that were handed to me that  
[22] this person very evidently was in a plot to --  
[23] anything and everything they could possibly do  
[24] to get rid of me. I mean it's there in black  
[25] and white.

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[1] So how can someone who says they're  
[2] beyond reproach --  
[3] And I'm not speaking of you,  
[4] Ms. Fraysse.  
[5] **MS. FRAYSSE:** Thank you.  
[6] **COUNCILWOMAN PITTMAN:** -- you know,  
[7] when they do this type stuff.  
[8] You know, when they this type stuff, I  
[9] have a little problem with someone sitting on  
[10] the Ethics Committee doing that. And that's --  
[11] **MAYOR JENKINS:** Yes, sir.  
[12] **COUNCILWOMAN PITTMAN:** -- neither one  
[13] of you.  
[14] **MR. GRANT:** Again, Gordo Grant.  
[15] Please review and approve the forms.  
[16] And once these forms are in place, the system  
[17] will be complete to file your ethics complaint  
[18] and then it will --  
[19] **COUNCILWOMAN PITTMAN:** I don't believe  
[20] this is about a ethics complaint. I believe  
[21] this is about whether these people are going to  
[22] remain on this committee or not.  
[23] **UNIDENTIFIED SPEAKER:** Right.  
[24] **COUNCILWOMAN PITTMAN:** That's not about  
[25] an ethics complaint. As a Council, we can put

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[1] you on the committee or approve that you be on  
[2] the committee, or if there's a reason, take you  
[3] off the committee.  
[4] And I certainly feel -- and I feel like  
[5] he's a good person and he's very, very smart.  
[6] But given the light of what I have been given  
[7] recently, I really have a problem with this  
[8] person sitting on the Ethics Committee making  
[9] decisions on any one of us sitting up here when  
[10] possibly some of the same things that might be  
[11] filed, he is very guilty of.  
[12] **MR. GRANT:** I wish I knew the --  
[13] **COUNCILWOMAN HADDEN:** I'd like to see  
[14] it.  
[15] **COUNCILWOMAN PITTMAN:** Oh, I'll be glad  
[16] to give it to you.  
[17] **MAYOR JENKINS:** I've seen it.  
[18] **MS. FRAYSSE:** May I make a comment?  
[19] **MAYOR JENKINS:** Yes, ma'am.  
[20] **MS. FRAYSSE:** I need to clarify. We  
[21] have had exactly two meetings, the one in June  
[22] and the one in July. We are more active already  
[23] than the previous Ethics Committee, but we have  
[24] a big job to do. And we are following the  
[25] directions of the ordinance and we are

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[1] attempting to be as impartial and as fair and as  
[2] respectful as the behavior we're trying to  
[3] encourage in the Council and in meetings and  
[4] throughout the city.  
[5] And I'm listening to the charges that  
[6] Mr. Hart has made. He said that I have attacked  
[7] him personally. I am very grateful that  
[8] everything is on camera and you will be able to  
[9] go back through the minutes. We have a court  
[10] stenographer; you can find those sections.  
[11] I cannot think of any place where you  
[12] would have felt personally attacked other than  
[13] me mentioning that you seem to have objections  
[14] to the zoning ordinance, and Ray then said,  
[15] let's don't get personal, don't name names. And  
[16] that's the only time that I think you would have  
[17] any reason to feel attacked.  
[18] And if people -- if you as a committee  
[19] look at that piece of video and feel that I was  
[20] attacking, that would be a very different  
[21] outcome.  
[22] I have not attacked you.  
[23] I am not involved in any fundraising  
[24] for any political events.  
[25] I think you're right. Many of the

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[1] positions in City government need to be  
[2] apolitical or nonpolitical, and I'm trying to  
[3] honor that. I'm going to have an opinion about  
[4] issues that come up but I'm not throwing my  
[5] weight behind any candidate as I may have done  
[6] in previous elections, because of my  
[7] responsibilities on the Ethics Committee. I  
[8] take that seriously.  
[9] I have not attacked you in e-mails, I  
[10] have not attacked you in a blog, and I am not an  
[11] editor of the blog. I have an ONA neighborhood  
[12] group and I try to keep that friendly and  
[13] cordial and productive and positive and  
[14] respectful.  
[15] I have not attacked you in the office.  
[16] I saw you in the office within the last week.  
[17] We had very cordial conversation. And someone  
[18] came in and was protesting an ordinance, a  
[19] person going around and giving them a warning  
[20] because their grass was over 12 inches high.  
[21] That was a conversation we had with that  
[22] individual. I would welcome you to elaborate on  
[23] how you felt attacked by that conversation.  
[24] **COUNCILMAN HART:** I'm just glad we had  
[25] a piece of glass between yourself and myself. I

[1] was --  
 [2] **MS. FRAYSSE:** You were in no danger --  
 [3] **COUNCILMAN HART:** I was --  
 [4] **MS. FRAYSSE:** -- from me, Mr. Hart.  
 [5] **COUNCILMAN HART:** I was being cordial.  
 [6] You were not.  
 [7] **MS. FRAYSSE:** I think I'll need  
 [8] witnesses in any interactions with you in the  
 [9] future. But no, the people who were there I  
 [10] think would indicate that there was no threat  
 [11] intended.  
 [12] **COUNCILMAN HART:** When the Mayor had to  
 [13] stop you from a personal attack, I think it -- I  
 [14] think that tells the whole story.  
 [15] **MS. CRAWFORD:** I'm having trouble  
 [16] picturing this.  
 [17] **MS. FRAYSSE:** I said some members on  
 [18] the Council don't like the new tools of  
 [19] planning, and I said Mr. Hart doesn't. And  
 [20] that's when the Mayor said no, don't get into  
 [21] names.  
 [22] **COUNCILMAN HART:** Okay.  
 [23] **MS. FRAYSSE:** So I have carefully not  
 [24] used his name in any context since then.  
 [25] It's all on video, and I think that

[1] **MAYOR JENKINS:** Got a motion and a  
 [2] second. Any more discussion on it?  
 [3] **MS. MURPHY:** Councilwoman Pittman?  
 [4] **COUNCILWOMAN PITTMAN:** This is for just  
 [5] the --  
 [6] **MAYOR JENKINS:** Go into executive  
 [7] session.  
 [8] **COUNCILWOMAN HADDEN:** On what?  
 [9] **COUNCILWOMAN PITTMAN:** That's what I'm  
 [10] trying to clarify.  
 [11] **MAYOR JENKINS:** Ethics.  
 [12] **COUNCILWOMAN PITTMAN:** Yes.  
 [13] **COUNCILWOMAN HADDEN:** No. I think it  
 [14] should be open to the public no matter what.  
 [15] **COUNCILMAN LOWE:** Aye.  
 [16] **MS. MURPHY:** Councilman Hart?  
 [17] **COUNCILMAN HART:** Aye.  
 [18] **MS. MURPHY:** Councilman Spangler?  
 [19] **COUNCILMAN SPANGLER:** Yes.  
 [20] **MS. MURPHY:** Mayor, that's 4 to 1.  
 [21] **MAYOR JENKINS:** 4 to 1. We'll go into  
 [22] executive session.  
 [23] **MS. MURPHY:** We need everyone to leave.  
 [24] **MAYOR JENKINS:** Excuse me?  
 [25] **COUNCILWOMAN PITTMAN:** What did you

[1] would be part of the evidence you'd need to  
 [2] consider.  
 [3] **MAYOR JENKINS:** Figure out what you  
 [4] want to do.  
 [5] **COUNCILMAN HART:** Okay. The second  
 [6] part is a police personnel matter.  
 [7] **MAYOR JENKINS:** You finished with that.  
 [8] **COUNCILMAN HART:** Huh?  
 [9] **MAYOR JENKINS:** You're not going into  
 [10] executive session on that?  
 [11] **COUNCILMAN HART:** Yeah.  
 [12] **COUNCILWOMAN PITTMAN:** We need to  
 [13] finish that one.  
 [14] **COUNCILMAN HART:** On both of those.  
 [15] **COUNCILWOMAN PITTMAN:** You need to  
 [16] finish that one, though.  
 [17] **MAYOR JENKINS:** You need to finish it.  
 [18] **COUNCILMAN HART:** Okay. All right.  
 [19] Well, I'd like to go -- I'd like to make a  
 [20] motion to go in executive session.  
 [21] **COUNCILMAN SPANGLER:** Second.  
 [22] **COUNCILWOMAN HADDEN:** I can't hear.  
 [23] **COUNCILMAN HART:** I'd like to make a  
 [24] motion to go in executive session.  
 [25] **COUNCILMAN SPANGLER:** Second.

[1] say?  
 [2] **UNIDENTIFIED SPEAKER:** Does he not have  
 [3] to say the name on the police action?  
 [4] **COUNCILWOMAN PITTMAN:** No. This is  
 [5] about --  
 [6] **COUNCILMAN LOWE:** This is ethics.  
 [7] **COUNCILWOMAN PITTMAN:** -- the ethics.  
 [8] **MAYOR JENKINS:** This is all --  
 [9] **COUNCILWOMAN PITTMAN:** This is all  
 [10] ethics.  
 [11] **MAYOR JENKINS:** -- ethics.  
 [12] **UNIDENTIFIED SPEAKER:** So you're going  
 [13] to do them one at a time.  
 [14] **MAYOR JENKINS:** We hadn't got into the  
 [15] police yet. Everybody will have to leave.  
 [16] (Executive Session)  
 [17] **MAYOR JENKINS:** We went into executive  
 [18] session, and we do have a motion to bring before  
 [19] the Council.  
 [20] And who's going to make the motion?  
 [21] **COUNCILMAN HART:** Oh. Do we have to  
 [22] make two motions or --  
 [23] **COUNCILWOMAN PITTMAN:** Two.  
 [24] **COUNCILMAN HART:** The first motion is  
 [25] to replace Alan Malcolm with a yet-to-be-

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[1] determined person on the Ethics Committee.  
[2] That's my motion.  
[3] **COUNCILWOMAN PITTMAN:** Second.  
[4] **MAYOR JENKINS:** Any more discussion?  
[5] Call the roll.  
[6] **MS. MURPHY:** Councilwoman Pittman?  
[7] **COUNCILWOMAN PITTMAN:** Yes.  
[8] **MS. MURPHY:** Councilwoman Hadden?  
[9] **COUNCILWOMAN HADDEN:** No.  
[10] **MS. MURPHY:** Councilman Lowe?  
[11] **COUNCILMAN LOWE:** Yes.  
[12] **MS. MURPHY:** Councilman Hart?  
[13] **COUNCILMAN HART:** Yes.  
[14] **MS. MURPHY:** Councilman Spangler?  
[15] **COUNCILMAN SPANGLER:** Yes.  
[16] **MS. MURPHY:** Mayor, that's 4 to 1.  
[17] **MAYOR JENKINS:** Motion carried.  
[18] We need another motion. Do I get  
[19] another motion?  
[20] **COUNCILMAN HART:** The second motion is  
[21] to replace Susan Frizzay (phonetic) on the  
[22] Ethics Committee.  
[23] **MAYOR JENKINS:** Go ahead and start  
[24] over. Make the motion.  
[25] **COUNCILWOMAN PITTMAN:** What's your

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[1] motion?  
[2] **COUNCILMAN HART:** The second one is to  
[3] replace Susan Frizzay with a yet-to-be-  
[4] determined member of the Ethics Committee.  
[5] **MAYOR JENKINS:** Wait a minute. It's  
[6] Fraysse.  
[7] **COUNCILMAN LOWE:** You don't want to  
[8] recommend anyone in her place?  
[9] **COUNCILMAN HART:** I'd just as soon, you  
[10] know, go with a clean slate.  
[11] **MAYOR JENKINS:** Do I get a second?  
[12] **COUNCILMAN SPANGLER:** Second.  
[13] **MAYOR JENKINS:** Any more discussion?  
[14] Call the roll, please.  
[15] **MS. MURPHY:** Councilwoman Pittman?  
[16] **COUNCILWOMAN PITTMAN:** No.  
[17] **MS. MURPHY:** Councilwoman Hadden?  
[18] **COUNCILWOMAN HADDEN:** No.  
[19] **MS. MURPHY:** Councilman Lowe?  
[20] **COUNCILMAN LOWE:** No.  
[21] **COUNCILWOMAN PITTMAN:** And I do feel  
[22] like there's an issue that needs to be  
[23] addressed, at least on what I -- I should have  
[24] done it a while ago --  
[25] **COUNCILMAN LOWE:** Well, I thought --

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[1] **COUNCILWOMAN PITTMAN:** -- and I don't  
[2] know how.  
[3] **MS. MURPHY:** Councilman Hart?  
[4] **COUNCILMAN HART:** Yes.  
[5] (Overspeaking)  
[6] **MS. MURPHY:** Councilman Spangler?  
[7] **COUNCILMAN SPANGLER:** I said yes.  
[8] **MS. MURPHY:** Mayor, that failed 3 to 2.  
[9] **COUNCILMAN HART:** Donna, you had a  
[10] motion?  
[11] **COUNCILWOMAN PITTMAN:** No, I didn't  
[12] have a motion. I just had a question for  
[13] Ms. Fraysse.  
[14] **MAYOR JENKINS:** That motion failed.  
[15] He's asking you do you want to make another  
[16] motion.  
[17] **COUNCILWOMAN PITTMAN:** No. I'm fine.  
[18] I just had a question for her that did disturb  
[19] me a little bit.  
[20] I've never known you to bash anyone. I  
[21] mean I have things in black-and-white here for  
[22] the other, but I don't -- I've never known.  
[23] But I did have a question recently that  
[24] came up on the e-mails where, oh, one day people  
[25] were bad-mouthing several Council members,

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[1] saying some really nasty stuff. And then the  
[2] next day, someone said something about an  
[3] additional Council member, and you called them  
[4] out, you told them that it was inappropriate for  
[5] them to be saying that.  
[6] I'm just trying to figure out what the  
[7] difference is. If one's doing it, then why are  
[8] they not inappropriate as well? I agree it was  
[9] inappropriate, but why was it okay the day  
[10] before for the person to badmouth some of us up  
[11] here but that wasn't inappropriate?  
[12] So I have a problem with someone  
[13] sitting on the Ethics Committee that's playing  
[14] that part. I wish you would pull yourself out  
[15] of that.  
[16] **MS. FRAYSSE:** Well, I can explain what  
[17] I think you might be seeing. I moderate a list  
[18] called the ONA-30340 -- ONA for Oakwood  
[19] Neighborhood Association, 30340, our Zip code.  
[20] So it's a group of 59 people who have  
[21] joined in online conversation about the  
[22] neighborhood. And it states very clearly this  
[23] is to be proactive in the neighborhood, to build  
[24] relationships, to help people get to know each  
[25] other. They're not bashing people. We're not

[1] criticizing. We don't -- in fact, I had to  
[2] recently expand the list, and I have guidelines  
[3] there and I let people know ahead of time: if  
[4] you want to rant and rave, there are other  
[5] places you can do that.

[6] **COUNCILWOMAN PITTMAN:** Right.

[7] **MS. FRAYSSE:** This is not for that.

[8] And I'm the moderator and I can look at  
[9] everything. But you know what? I don't. I  
[10] don't have time for --

[11] **COUNCILWOMAN PITTMAN:** So you're saying  
[12] you didn't see the other e-mails that --

[13] **MS. FRAYSSE:** I --

[14] **COUNCILWOMAN PITTMAN:** -- that went out  
[15] the previous day?

[16] **MS. FRAYSSE:** Yeah, there can be things  
[17] said, and it's really when it rises to a level.  
[18] I mean I tolerate a certain -- I'm a librarian.  
[19] I'm not for censoring people.

[20] **COUNCILWOMAN PITTMAN:** Uh-huh  
[21] (affirmative).

[22] **MS. FRAYSSE:** I'm selective about what  
[23] I choose to be involved with, and I'm going to  
[24] work with people. But when they cross over the  
[25] line, when they are personally attacking or

[1] about some of these issues if you are sitting  
[2] there reading this stuff and --

[3] **MS. FRAYSSE:** Well, I tell you, I --

[4] **COUNCILWOMAN PITTMAN:** -- censoring it  
[5] and --

[6] **MS. FRAYSSE:** I have some guidelines,  
[7] and I don't read everything. But when people  
[8] raise issues --

[9] **COUNCILWOMAN PITTMAN:** I disagree with  
[10] that. I disagree with that. I think if you're  
[11] going to sit on the Ethics Committee, you need  
[12] to withdraw yourself from that.

[13] **MS. FRAYSSE:** Well, you know what?

[14] Maybe what I need to do is say that I find the  
[15] work as the moderator and the work I do in my  
[16] neighborhood as essentially more interesting and  
[17] more validating for me as a citizen in the  
[18] community. I'm with Friends of the Library.  
[19] There are other ways that I can contribute.

[20] **COUNCILWOMAN PITTMAN:** And you do a  
[21] really good job.

[22] **MS. FRAYSSE:** And you know, I --

[23] **COUNCILWOMAN PITTMAN:** I mean you  
[24] really are but --

[25] **MS. FRAYSSE:** -- do it when I -- I have

[1] politically attacking --

[2] **COUNCILWOMAN PITTMAN:** And these people  
[3] were, clearly. In fact, I believe a citizen  
[4] actually questioned you on it the next day as to  
[5] why it was inappropriate and I'm not saying to  
[6] that person, but yet the other people, it was  
[7] okay.

[8] And I guess what I'm saying to you is  
[9] considering that you sit on the Ethics  
[10] Committee, do you not think it might be better  
[11] if you just pulled yourself from that and let  
[12] someone else do that?

[13] **MS. FRAYSSE:** No.

[14] **COUNCILWOMAN PITTMAN:** Because it's an  
[15] awful lot of garbage that goes on.

[16] I feel that way. I feel that you  
[17] should do that. I don't now about the rest of  
[18] the Council members.

[19] **MS. FRAYSSE:** Right.

[20] **COUNCILWOMAN PITTMAN:** But there's a  
[21] lot of garbage that goes through those e-mails.  
[22] It's just -- it's ridiculous.

[23] **MS. FRAYSSE:** Well --

[24] **COUNCILWOMAN PITTMAN:** So how could  
[25] you, though, address an issue that might come up

[1] the freedom to have an opinion about issues and  
[2] to get active with issues.

[3] The thing I don't do is try to be  
[4] partisan, try to support somebody just out of  
[5] loyalty when I really disagree.

[6] **COUNCILWOMAN PITTMAN:** But it gave that  
[7] appearance not only to me but to many others.  
[8] And that's what you don't want to do, sitting on  
[9] the Ethics Committee --

[10] **MS. FRAYSSE:** Right.

[11] **COUNCILWOMAN PITTMAN:** -- is give that  
[12] appearance.

[13] **MS. FRAYSSE:** Right.

[14] **MAYOR JENKINS:** Ms. Fraysse --

[15] **MS. FRAYSSE:** Yes, sir.

[16] **MAYOR JENKINS:** -- were you aware of  
[17] some of these e-mails?

[18] **MS. FRAYSSE:** Yes, and there --

[19] **MAYOR JENKINS:** Okay. That's all.

[20] **MS. FRAYSSE:** -- are also --

[21] **MAYOR JENKINS:** That's all I want you  
[22] to say.

[23] **MS. FRAYSSE:** Well, I don't read all of  
[24] them, but people would complain and I would look  
[25] back.

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[1] I'll tell you one thing, too, that  
 [2] happened. Sometimes people will have attacks  
 [3] going on in the other -- in an NNA group --  
 [4] **COUNCILWOMAN PITTMAN:** Right.  
 [5] **MS. FRAYSSE:** -- and I don't have  
 [6] responsibility for them. I can't really censor  
 [7] or --  
 [8] **COUNCILWOMAN PITTMAN:** But just --  
 [9] again, just so that there's no question of you.  
 [10] Not saying that you are. But there has been  
 [11] some question that you are possibly playing  
 [12] favorites or whatever.  
 [13] Would it not be better since you are  
 [14] serving on the Ethics Committee to remove  
 [15] yourself from being the moderator?  
 [16] **MS. FRAYSSE:** Well, what I will choose  
 [17] to do instead is remove myself from the Ethics  
 [18] Committee --  
 [19] **COUNCILWOMAN PITTMAN:** Okay.  
 [20] **MS. FRAYSSE:** -- because my interest in  
 [21] the community and the friendships that I've  
 [22] built up and the opportunity to --  
 [23] The problem, the biggest problem I see  
 [24] in the whole city is the lack of communication  
 [25] between --

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[1] **COUNCILWOMAN PITTMAN:** Absolutely.  
 [2] **MS. FRAYSSE:** -- all of the  
 [3] disconnected groups.  
 [4] **COUNCILWOMAN PITTMAN:** Absolutely.  
 [5] **MS. FRAYSSE:** And I think I can be more  
 [6] of a uniter and a supporter of -- of good  
 [7] neighborhood development and that sort of thing.  
 [8] **COUNCILWOMAN PITTMAN:** Well, you do a  
 [9] very good job and a very good job at the  
 [10] library.  
 [11] **MS. FRAYSSE:** Well, you can't do  
 [12] everything well, and so --  
 [13] **COUNCILWOMAN PITTMAN:** That's right.  
 [14] And I appreciate you stepping up the plate  
 [15] because I feel that if you couldn't do the  
 [16] other, I feel like that's probably the right  
 [17] decision, on my part. I'm the only -- I'm not  
 [18] the only one sitting up here, but --  
 [19] **MS. FRAYSSE:** I understand. I  
 [20] understand.  
 [21] If that -- if that becomes a criteria  
 [22] that you can't serve on the Ethics Committee and  
 [23] be a moderator of a group, even a nice, well-  
 [24] behaved group like the one I manage, then the  
 [25] choice I would make -- would have made if I had

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[1] known ahead of time that that was going to be a  
 [2] criterion --  
 [3] **COUNCILWOMAN PITTMAN:** I don't think  
 [4] it's a criteria. It's just a matter of the  
 [5] things that have taken place and transpired.  
 [6] **MS. CRAWFORD:** May I say something? I  
 [7] just want to say that during this time this was  
 [8] going on -- and I don't want to get into your  
 [9] personal life, but Susan was going through a  
 [10] very traumatic time in her personal life and  
 [11] possibly wasn't keeping track of all the  
 [12] nonsense that was going back and forth on the  
 [13] internet.  
 [14] **COUNCILWOMAN PITTMAN:** Yeah. And we  
 [15] respect that; we do.  
 [16] The only thing I was saying, that it's  
 [17] just -- the Ethics Committee is such a very  
 [18] important committee, that you do not even want  
 [19] to give a --  
 [20] **COUNCILMAN LOWE:** A hint.  
 [21] **COUNCILWOMAN PITTMAN:** -- a hint of  
 [22] something that you're doing wrong, so, you know.  
 [23] And I think, you know, again, what you  
 [24] serve on and what you do, you do an excellent  
 [25] job at. And I'm not even saying that was . . .

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[1] I just know there was some questions there, and  
 [2] I was just wanting to know if you would --  
 [3] If you prefer to remove yourself, then  
 [4] we appreciate you --  
 [5] **MS. FRAYSSE:** I think so. I --  
 [6] **COUNCILWOMAN PITTMAN:** -- doing what's  
 [7] best.  
 [8] **MS. FRAYSSE:** -- think I need to be a  
 [9] full citizen in all the ways that I can.  
 [10] **COUNCILWOMAN PITTMAN:** Okay.  
 [11] **MS. FRAYSSE:** And it would be too  
 [12] constraining for me to live my whole life in  
 [13] Doraville without ever giving anyone the  
 [14] opportunity to think that I might possibly, in  
 [15] some distant way, have some partisan view about  
 [16] something, because -- because I do. I have -- I  
 [17] -- I have some -- some --  
 [18] **MAYOR JENKINS:** Okay. That being said,  
 [19] we're going back into executive session.  
 [20] **COUNCILWOMAN PITTMAN:** No, no.  
 [21] **COUNCILWOMAN HADDEN:** First you got  
 [22] to --  
 [23] **MAYOR JENKINS:** What?  
 [24] **COUNCILWOMAN PITTMAN:** Somebody -- they  
 [25] -- you've got to explain what they're doing.

[1] **MAYOR JENKINS:** Oh, okay. I'm sorry.  
[2] I thought we'd already discussed it.

[3] **ATTORNEY POWELL:** Hadn't discussed it.

[4] **MAYOR JENKINS:** Go ahead, Tom.

[5] **COUNCILMAN HART:** This is a -- it is a  
[6] police matter. You have to tell me --

[7] **MAYOR JENKINS:** Wait a minute.

[8] **COUNCILWOMAN PITTMAN:** I thought you  
[9] were going to the other.

[10] **MAYOR JENKINS:** Wait a minute.

[11] **COUNCILMAN HART:** What? What are we  
[12] doing?

[13] **COUNCILWOMAN PITTMAN:** The commissions  
[14] first.

[15] **COUNCILMAN HART:** Oh, the commissions  
[16] first? Okay.

[17] All right. The second one is on the  
[18] Planning Commission, and we want to get the  
[19] Planning Commission in a place where it commu-  
[20] nicates with the City and the citizens of the  
[21] city but also offers proper advice to the City  
[22] Council and the Mayor, and it is to provide an  
[23] open forum where citizens of the city can -- in  
[24] a sort of a relaxed atmosphere, can look into  
[25] zoning matters, particularly things that are

[1] situation where we're starting to write zoning  
[2] for people or we get into a situation where  
[3] we're starting to, you know, offer building  
[4] advice, or we're getting in a situation where  
[5] we're getting into running people --

[6] You know, we don't have that many  
[7] employees in the City of Doraville that actually  
[8] -- you know, each person wears several hats in  
[9] the City. And they can't -- we can't have  
[10] people wander in there just doing stuff for them  
[11] or involving themselves.

[12] If you're a member of a planning  
[13] commission or an ethics commission, whatever it  
[14] is, you need to kind of like stay in that little  
[15] area. Okay? And it doesn't -- it's just --  
[16] it's a review of change in land use or changes  
[17] in a rezoning or change of usage of a piece of  
[18] property.

[19] And we have some pretty contentious  
[20] stuff come up here, that has to -- it, too, has  
[21] to be above board. It has to be clear that what  
[22] is, is just an open forum, and let the citizens  
[23] know what the laws are, the ordinances are and  
[24] what's pertinent to the matter, and they can get  
[25] a kind of feeling that they have a -- they can

[1] important in the neighborhood -- somebody's  
[2] trying to put a trash dump in there or they're  
[3] trying to do something. It offers the citizens  
[4] and open, relaxed forum to -- to look at all the  
[5] issues where we can't cover so much of it at the  
[6] City Council meeting because it's very short.

[7] And so the other planning commissions  
[8] or planning boards or whatever that I observe,  
[9] they were that sort of forum. It was like there  
[10] was a fairly large crowd depending on what the  
[11] topic was or what -- you know. But not so much  
[12] of the rezoning mailboxes, but if you get into  
[13] like a major development or something, everybody  
[14] in the city sort of shows up and they go through  
[15] all the details of that.

[16] And so the Planning Commission should  
[17] offer sort of advice to the City Council that we  
[18] can depend on. In other words, when they come  
[19] back with something from the Planning  
[20] Commission, it should be something that we could  
[21] pretty well sink our teeth into. I know that  
[22] Dekalb County and places like that use that sort  
[23] of advice to base a lot of their decision on it.

[24] And right now, we can't get into a  
[25]

[1] participate. They can know that this project  
[2] somebody's building, there's no sneaky stuff  
[3] going on and it's kind of an open deal. They  
[4] can find out what's going on.

[5] And so we just can't get into a  
[6] situation where -- where we get sued because of  
[7] decisions or e-mails floating around, e-mail  
[8] traffic going between that and builders and  
[9] people.

[10] It's a fairly restricted thing. You  
[11] have to take the hat off when you go home at  
[12] night. It's not a 24-hour job. Okay? And so I  
[13] think that's the reason why if some of these  
[14] panels get -- you know, maybe they should change  
[15] over every two years or something or have a --  
[16] you know.

[17] But we were going to discuss both when we  
[18] agreed on City Council when we were in private  
[19] session that we would handle both commissions  
[20] and to discuss both those matters and to make  
[21] sure that they were doing exactly what they are  
[22] supposed to be doing and no more, and that  
[23] meetings were as open as possible to the public,  
[24] that it was not restricted in any way so that  
[25] people knew when these things took place, they

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[1] could plan on being there when something was  
[2] really important to them. Okay?  
[3] If someone's going to put a transfer  
[4] station over in Oakcliff, you would kind of want  
[5] to know about that and you would like to have  
[6] all the details and know who are the players  
[7] are. And in that relaxed atmosphere, that  
[8] should be the case. And so that's what we'd  
[9] like to discuss now is the Planning Commission  
[10] and how we can make sure that that is operating  
[11] exactly how it's supposed to.  
[12] Yes, Ben.  
[13] **MR. CRAWFORD:** Yeah. There again, as I  
[14] said earlier when you had the first thing, if  
[15] you could be just a little more specific maybe  
[16] on how --  
[17] **COUNCILMAN HART:** Well --  
[18] **MR. CRAWFORD:** Specifically someone's  
[19] name or what the action was that was taken that  
[20] was inappropriate perhaps.  
[21] **COUNCILMAN HART:** Well, we had some  
[22] questions, and, you know, perhaps we can answer  
[23] some of them. I don't know how detailed we need  
[24] to be here.  
[25] **ATTORNEY POWELL:** If you're going --

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[1] planning on removing somebody, you need to --  
[2] **COUNCILMAN HART:** I don't know if we're  
[3] going to -- planning on removing somebody,  
[4] just --  
[5] **ATTORNEY POWELL:** Well, then, there's  
[6] no reason to go into executive session.  
[7] **COUNCILMAN HART:** Well, sometimes you  
[8] vote yes and sometimes you vote no.  
[9] I mean I'll put it up on the table  
[10] exactly what I'm concerned about.  
[11] **ATTORNEY POWELL:** Okay.  
[12] **COUNCILMAN HART:** I think that when you  
[13] go -- there was a little -- I'm a little  
[14] concerned about e-mail traffic between members  
[15] of the City Coun- -- the Planning Commission and  
[16] the builders themselves, that you don't need to  
[17] be talking to the builder. Okay? You're not  
[18] offering them a service.  
[19] **COUNCILWOMAN PITTMAN:** I think they  
[20] want to know specifically who you're speaking  
[21] about.  
[22] **MR. CRAWFORD:** Yeah. I'd like to know  
[23] specifically.  
[24] **COUNCILMAN HART:** Okay. I'll get very  
[25] specific. Okay?

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[1] I was a little concerned that a member  
[2] of the audience that it was never -- we never  
[3] knew what happened with Cat Sherlock.  
[4] The way I understand, there was a  
[5] little screaming and yelling going on. You  
[6] know, it's not the way you treat your fellow  
[7] commission people. I thought that was  
[8] intolerant, but we never knew the details of it.  
[9] There was an officer that was wondering  
[10] what happened to Tommy McElroy, and we don't  
[11] know that, either.  
[12] But it's kind of interesting to find  
[13] out when people suddenly just don't -- are not  
[14] on the committee any more, and there was a lot  
[15] of yelling and screaming, what the basis of that  
[16] was.  
[17] **MR. CRAWFORD:** Can I answer that  
[18] question there?  
[19] **COUNCILMAN HART:** Yeah.  
[20] **MR. CRAWFORD:** My name is Ben Crawford.  
[21] At that point there when that did happen, it was  
[22] up to the City Council at that point to decide  
[23] to investigate it or not. The City Council  
[24] decided not to investigate that.  
[25] **COUNCILMAN HART:** Well --

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[1] **MR. CRAWFORD:** It could have -- it  
[2] could have been taken further. It can be taken  
[3] up now. I don't have a problem with that.  
[4] **COUNCILMAN HART:** Well, we decided  
[5] we're going to clean -- we're going to clean out  
[6] some problems because we've got problems going  
[7] on in these little areas, that it just can't go  
[8] on and become a huge problem where the City ends  
[9] up getting sued over it. Okay?  
[10] **MR. CRAWFORD:** We have to be specific.  
[11] **COUNCILMAN HART:** Okay. All right.  
[12] And so when we had this variance with the thing  
[13] on Eula Circle, okay, I would like to know if  
[14] people that were involved with the house on that  
[15] zoning ordinance -- on the variance tonight with  
[16] the fellow from -- what was it? Tuller?  
[17] **COUNCILWOMAN PITTMAN:** Uh-huh  
[18] (affirmative).  
[19] **COUNCILMAN SPANGLER:** Tuller.  
[20] **COUNCILMAN HART:** Yeah. How many  
[21] people were involved -- from the Planning  
[22] Commission had some involvement with that guy's  
[23] house? I mean was there anybody --  
[24] **MR. CRAWFORD:** Are we talking about the  
[25] variance?

[1] **COUNCILMAN HART:** No. Forget the  
 [2] variance. We're talking about this -- there's  
 [3] all kind of stories.  
 [4] **MR. CRAWFORD:** I mean actually I'm  
 [5] really confused, because the way I dealt with it  
 [6] as the chairman of the Planning Commission is to  
 [7] get the package from City Council --  
 [8] **COUNCILMAN HART:** Right.  
 [9] **MR. CRAWFORD:** -- and we were supposed  
 [10] to --  
 [11] **COUNCILMAN HART:** I got all that,  
 [12] but --  
 [13] **MR. CRAWFORD:** We were supposed --  
 [14] No, but hear me out, Tom.  
 [15] **COUNCILMAN HART:** Okay. Okay.  
 [16] **MR. CRAWFORD:** We were supposed to go  
 [17] over all that stuff.  
 [18] Any communications between Mr. Tuller  
 [19] and myself did not happen. I was not aware of  
 [20] any --  
 [21] I was aware of some attempts by  
 [22] Mr. Tuller to contact one of the members of the  
 [23] Planning Commission. But I do not think that  
 [24] that was perhaps handled in a bad way because I  
 [25] think the person was rebuffed and told to deal

[1] **COUNCILMAN HART:** -- it's both, both  
 [2] sides of this issue. Okay?  
 [3] And I'll be very specific. Okay. On  
 [4] this thing with the Tuller house --  
 [5] **MR. CRAWFORD:** Okay.  
 [6] **COUNCILMAN HART:** -- there was some  
 [7] traffic going on about people writing to him or  
 [8] discussing with this person.  
 [9] **MR. CRAWFORD:** Who?  
 [10] **MAYOR JENKINS:** Go ahead and --  
 [11] **MR. CRAWFORD:** No. But who was doing  
 [12] it?  
 [13] **COUNCILMAN HART:** Okay. The second  
 [14] thing that came up was someone in the Planning  
 [15] Commission had either offered to purchase the  
 [16] house or there was some discussion with someone  
 [17] where they are competing over the purchase of a  
 [18] house.  
 [19] **MR. CRAWFORD:** What person? I am  
 [20] asking what person was that.  
 [21] **COUNCILMAN HART:** Okay. They brought  
 [22] up that Stuart was talking to some guy about  
 [23] buying a house, and then I heard your name  
 [24] buying a --  
 [25] **MR. CRAWFORD:** My wife and I looked at

[1] with us as a group. That was the information  
 [2] that I got. And I don't know anything other  
 [3] than that, but that's the information I got in  
 [4] that situation. There may be other situations  
 [5] I'm not aware of.  
 [6] **COUNCILMAN HART:** Okay. And I  
 [7] appreciate that.  
 [8] I mean I think what's going on here  
 [9] is -- and also, the people from the city should  
 [10] expect the behavior of these people on this  
 [11] panel to not be involved in, for an example,  
 [12] when there's these big rezoning areas or there's  
 [13] big variances discussions going on; that the  
 [14] City Council members as well as Planning  
 [15] Commission members shouldn't be having these  
 [16] private meetings with the builders. I mean  
 [17] that's a huge problem. Okay?  
 [18] **MR. CRAWFORD:** When did that happen?  
 [19] **COUNCILMAN HART:** And e-mail traffic  
 [20] going back and forth between --  
 [21] **MR. CRAWFORD:** But Tom, you've just  
 [22] made an accusation. You said City Council  
 [23] members and Planning Commission members --  
 [24] **COUNCILMAN HART:** I said --  
 [25] **MR. CRAWFORD:** -- had a meeting.

[1] that house months and months and months before  
 [2] he even bought that house.  
 [3] **COUNCILMAN HART:** Okay.  
 [4] **MR. CRAWFORD:** We had no involvement  
 [5] with Tuller or anything else.  
 [6] Is that not correct? We looked at that  
 [7] house? Remember that old house?  
 [8] **MS. CRAWFORD:** Yeah. We looked at  
 [9] about 20 houses.  
 [10] **MR. CRAWFORD:** I know. And it was an  
 [11] old house that was falling down. I had no  
 [12] interest in that house.  
 [13] **COUNCILMAN HART:** I'm just saying the  
 [14] guy with -- the guy with the --  
 [15] **MR. CRAWFORD:** No. I mentioned that to  
 [16] the guy right up front. The guy had no problem  
 [17] with it.  
 [18] **COUNCILMAN HART:** Okay.  
 [19] **MR. CRAWFORD:** I said the house was in  
 [20] very terrible repair and I could see why some-  
 [21] body --  
 [22] **COUNCILMAN HART:** Okay.  
 [23] **MR. CRAWFORD:** -- would want to fix it  
 [24] up.  
 [25] **COUNCILMAN HART:** And Stuart, could you

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[1] answer that same question as far as --  
[2] **MR. CRAWFORD:** That's my involvement  
[3] there. That's all the contact. I'll give you  
[4] the realtor's name. I think I've even got it in  
[5] my wallet.  
[6] **COUNCILMAN HART:** Okay, but --  
[7] **MR. CRAWFORD:** If you want, you can  
[8] verify it.  
[9] **COUNCILMAN HART:** Okay. All right.  
[10] **MR. ANDERSON:** Mr. Tuller, Mike Tuller,  
[11] Michael was the brother. I call them "the M & M  
[12] brothers" because I can't tell which of them  
[13] apart.  
[14] Michael Tuller was the fellow here  
[15] tonight, and Mark Tuller, who is the guy that  
[16] owns the house across the street from me, there  
[17] have been two statements made by Michael Tuller  
[18] and/or Mark Tuller wherein Michael or Mark said  
[19] that I said in a heated way that he had stolen  
[20] the house out from under me, the house across  
[21] the street from me which was for sale.  
[22] I did have a conversation with him when  
[23] he purchased the house. And I have certainly  
[24] never said that he stole the house out from  
[25] under me, so that was simply a lie. I apologize

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[1] to him; he's not here to defend himself. But it  
[2] was simply a lie.  
[3] I did probably make him mad because I  
[4] went on a bit about how the Ashford Apartments  
[5] down below on Valley Stream had lessened the  
[6] value of his house since it was -- since we had  
[7] noise pollution and a lot of pollution and stuff  
[8] now and that unscrupulous real estate people  
[9] were damaging the properties.  
[10] But I certainly never told him that I  
[11] stole the house from under him [sic], and I  
[12] never bid on that house. If I'd had the money,  
[13] I might have thought about buying the thing, but  
[14] I'm not in that business, you know.  
[15] But I did go over there and have a  
[16] discussion with him, primarily, I think, to let  
[17] him know that I knew that he was renting the  
[18] house and that I was keeping an eye on it for  
[19] him, quite honestly. But there was no -- there  
[20] was no antagonism between me and him, but, you  
[21] know.  
[22] **COUNCILMAN HART:** Okay. The next part  
[23] of that is when you offer a -- the guy's  
[24] applying for a variance. He wants you to do  
[25] something for him. Okay?

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[1] Now, he had a whole list of things he  
[2] didn't do for us, that he should have done.  
[3] Okay?  
[4] But what concerned me in this thing was  
[5] the building advice being offered to the fellow,  
[6] and you're exchanging, okay, you can get a  
[7] variance if you do these things, and very  
[8] specific about the repairs.  
[9] **MR. CRAWFORD:** Tom. Tom.  
[10] **COUNCILMAN HART:** What was that about?  
[11] **MR. CRAWFORD:** That did not have to do  
[12] with --  
[13] I can't speak for Jim. He's still  
[14] here; he can speak for himself. Rich is not  
[15] here.  
[16] It didn't have to do with --  
[17] Our opinion was to grant the guy the  
[18] variance with conditions, conditions to be set  
[19] -- and that's the way the minutes should reflect  
[20] -- conditions to be set by the City Council and  
[21] whatever inspections were required by the City.  
[22] Nothing to do with us. That has  
[23] nothing to do with me. I don't spend -- like  
[24] you said earlier, when we get done with it --  
[25] it's not a full-time job. I don't put any more

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[1] time into this than I have to.  
[2] **COUNCILMAN HART:** Okay. And that --  
[3] **MR. ANDERSON:** It was not us.  
[4] **COUNCILMAN HART:** And that's where it  
[5] should --  
[6] **MR. CRAWFORD:** That's what our  
[7] discussion was.  
[8] Our discussion was not what had to be  
[9] done to fix the property, to fix the addition.  
[10] Our opinion was that to approve it with the  
[11] conditions that the City set. That was it.  
[12] That was the decision that was made that night.  
[13] All that other stuff is not stuff that  
[14] we would tell the City to do. The vote was on  
[15] -- was to approve with conditions set by City  
[16] Council. That's it.  
[17] **COUNCILMAN HART:** Okay.  
[18] **MAYOR JENKINS:** Cat, would you stand  
[19] up, please?  
[20] **MS. SHERLOCK:** My name is Cat Sherlock  
[21] -- excuse me -- and I'm a former member of the  
[22] Planning Commission.  
[23] And one of the things I heard the  
[24] Applicant say this evening was that he received  
[25] an e-mail back from the Planning Commission with

[1] -- his characterization, I think, was insulting,  
 [2] and I don't remember the rest of it.  
 [3] The reason why I resigned from the  
 [4] Planning Commission was not that I got verbally  
 [5] beat up on. The reason why I resigned from the  
 [6] Planning Commission was because I saw real  
 [7] serious concerns with the ethics of Stuart  
 [8] Anderson. I voiced them to the Planning  
 [9] Commission, and, as far as I was concerned, they  
 [10] rolled over. That had happened three times in a  
 [11] year. Three times, you're out as far as I'm  
 [12] concerned.  
 [13] I believe that there are behavior  
 [14] boundaries and relationship boundaries in an  
 [15] appointed position when you serve the citizens.  
 [16] You don't make financial advantage, you don't  
 [17] make political advantage and you don't use it to  
 [18] grind an ax. I have seen that happen.  
 [19] I resigned and did not bring it to the  
 [20] City Council because I believed it was the  
 [21] Planning Commission's job to take care of that.  
 [22] And if we have yet another example of that,  
 [23] then, they didn't.  
 [24] Who sends the letter to the applicant?  
 [25] **MR. CRAWFORD:** If a letter got sent to

[1] It depends on which e-mail you're  
 [2] talking about. Are you talking about the one  
 [3] that was the minutes? Is that what you're  
 [4] talking about?  
 [5] **MS. SHERLOCK:** No. I'm talking about  
 [6] what went to the applicant.  
 [7] **MR. CRAWFORD:** I'd have to see the  
 [8] e-mail.  
 [9] **MS. SHERLOCK:** Do you remember reading  
 [10] the Planning Commission e-mail that went to the  
 [11] applicant?  
 [12] **MR. CRAWFORD:** I've read many Planning  
 [13] Commission e-mails. If somebody has a copy of  
 [14] the e-mail, I'd like to glance at it right now  
 [15] and just read it to refresh my memory.  
 [16] I do look at a lot of e-mails. I look  
 [17] at --  
 [18] **MS. SHERLOCK:** Okay.  
 [19] **MR. CRAWFORD:** -- a lot of e-mails at  
 [20] work, too.  
 [21] **MS. SHERLOCK:** This is the end of my  
 [22] comments.  
 [23] **MAYOR JENKINS:** Thank you.  
 [24] **MR. CRAWFORD:** I'll go look back  
 [25] through my e-mails on the computer and see if I

[1] the applicant, it should have gone --  
 [2] Well, no letter should have gotten sent  
 [3] to the applicant other than just maybe to let  
 [4] them know that there's going to be a public  
 [5] hearing on this thing.  
 [6] **MS. SHERLOCK:** Ben, did we agree very  
 [7] early in the Planning Commission that any mail  
 [8] that came from us would go U.S. Mail?  
 [9] **MR. CRAWFORD:** Actually, Cat, we have  
 [10] another set of bylaws.  
 [11] **MS. SHERLOCK:** Okay. So now you can  
 [12] e-mail.  
 [13] **MR. CRAWFORD:** We have another set of  
 [14] bylaws. Let me finish. We have another set of  
 [15] bylaws. And the way it works is the e-mails  
 [16] will be sent to all the Planning Commission  
 [17] members. We will review them and then respond  
 [18] to the secretary with any changes that need to  
 [19] be made.  
 [20] **MS. SHERLOCK:** So you guys saw the  
 [21] e-mail that this applicant alluded to?  
 [22] **MR. CRAWFORD:** Actually, I probably saw  
 [23] it after the fact, which is my own fault, and  
 [24] I'll take my responsibility for my own actions  
 [25] but not for somebody else's.

[1] can find it.  
 [2] **MAYOR JENKINS:** Wait just a minute.  
 [3] **MR. CRAWFORD:** In all fairness --  
 [4] **MAYOR JENKINS:** Rick --  
 [5] **MR. CRAWFORD:** -- I look at a lot of  
 [6] e-mails. I serve on --  
 [7] **MAYOR JENKINS:** -- don't you think we  
 [8] ought to go into executive session?  
 [9] **MR. CRAWFORD:** -- variances at work. I  
 [10] get hundreds of e-mails.  
 [11] **MAYOR JENKINS:** You think we've had  
 [12] enough evidence to go in executive --  
 [13] **ATTORNEY POWELL:** Well --  
 [14] **MR. CRAWFORD:** I'd have to see it.  
 [15] **COUNCILMAN HART:** Okay. I guess, Ben,  
 [16] the main concern here is that this is a planning  
 [17] commission. It's not community development.  
 [18] **MR. CRAWFORD:** I -- I agree.  
 [19] **COUNCILMAN HART:** Okay? You're not  
 [20] making, you know, contractual arrangements for  
 [21] how to fix the house.  
 [22] **MR. CRAWFORD:** No, sir, not at all.  
 [23] That was not the case in this meeting.  
 [24] **COUNCILMAN HART:** And I got real  
 [25] concerned about that because the last couple

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[1] times we've done this --

[2] **MR. CRAWFORD:** Tom, if you look at the

[3] minutes of the meeting, if you look at the

[4] minutes of the meeting and read the minutes of

[5] the meeting, the minutes were done up by the

[6] secretary but they were also recorded.

[7] If you listen to the recording care-

[8] fully, you'll hear everything that transpired at

[9] the meeting. I suggest you listen to the

[10] recording.

[11] **MS. SHERLOCK:** What about what went to

[12] the applicant?

[13] **MR. CRAWFORD:** Well, that, I'd have to

[14] see it, Cat, honestly.

[15] **MS. SHERLOCK:** Well, you're the chair.

[16] You should have seen it.

[17] **MR. CRAWFORD:** Maybe I saw it. Like I

[18] said, I'm not playing ignorant here. I see a

[19] lot of e-mails, and you'd have to ask Richard

[20] and Jim and myself which specific e-mail it is.

[21] And I don't print them all out, but

[22] I'll see if I have it in the computer. I'll

[23] review all e-mails that came from the secretary.

[24] That's all I can say.

[25] **COUNCILWOMAN PITTMAN:** See --

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[1] **COUNCILMAN HART:** Okay, because --

[2] **MR. CRAWFORD:** If there was a communi-

[3] cation --

[4] **MAYOR JENKINS:** Wait just a minute.

[5] **MR. CRAWFORD:** -- from a member --

[6] **MAYOR JENKINS:** Hold on just a minute.

[7] **COUNCILWOMAN PITTMAN:** Can I just say

[8] something? The issue's not -- my understanding

[9] here, just correct me if I'm wrong -- is not

[10] with Mr. Crawford.

[11] **MR. CRAWFORD:** No, but it concerns me

[12] also.

[13] **COUNCILWOMAN PITTMAN:** But it concerns

[14] someone else, I think, and that's what --

[15] **COUNCILMAN HART:** No, no, no. Let me

[16] speak clearly. My problem is -- and I don't

[17] know where the problems are, but we've got a

[18] situation where they're supposed to -- the

[19] citizens of the city and the City Council and

[20] Mayor depend heavily on your group operating

[21] these open meetings so people can fairly see

[22] what's going on.

[23] **MR. CRAWFORD:** They are open.

[24] **COUNCILMAN HART:** Okay? They have to

[25] be completely transparent.

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[1] **MR. CRAWFORD:** They are. They are open

[2] and they are transparent.

[3] **COUNCILMAN HART:** It can't have an

[4] agenda like a redevelopment committee or some-

[5] thing --

[6] **MR. CRAWFORD:** There's no agenda.

[7] **COUNCILMAN HART:** -- or being a

[8] cheerleader for something.

[9] **MR. CRAWFORD:** There's no agenda and

[10] nobody's cheering for anything.

[11] **COUNCILMAN HART:** Okay.

[12] **MR. CRAWFORD:** Also, if you look at the

[13] vote that happened that evening, Mr. Anderson

[14] abstained from the vote, and you'd have to ask

[15] his reasons for abstaining from the voting.

[16] But there was four in favor. Even

[17] though you guys disagreed with us, we did have

[18] logical reasons why we thought that it would be

[19] in that neighborhood's best interest to go ahead

[20] and approve.

[21] **COUNCILMAN HART:** Final question. What

[22] was the Planning Commission's job of asking

[23] Mr. Entsminger to provide them information on

[24] construction?

[25] **MR. CRAWFORD:** I didn't ask for it.

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[1] Sorry.

[2] **COUNCILMAN HART:** I don't know.

[3] **MR. CRAWFORD:** I did not ask for that,

[4] I did not request that, and I don't know if Jim

[5] Entsminger --

[6] **COUNCILMAN HART:** He's the building

[7] official. He runs the Building Inspector's

[8] Office.

[9] **MR. CRAWFORD:** Tom, who requested it?

[10] I want to know. I didn't request it.

[11] **MAYOR JENKINS:** Mr. Entsminger?

[12] **COUNCILMAN HART:** Mr. Entsminger?

[13] **MR. ENTSMINGER:** I don't believe that

[14] anybody requested it.

[15] (Overspeaking)

[16] **THE COURT REPORTER:** I'm sorry,

[17] Mr. Entsminger. Say it again, please, sir?

[18] **MR. ENTSMINGER:** I didn't get an

[19] e-mail.

[20] **MR. CRAWFORD:** I didn't request any-

[21] thing in e-mail. If it's an e-mail from me --

[22] **COUNCILMAN HART:** Okay. So we're

[23] trying to address two things: screaming and

[24] yelling at the meeting, and the committee being

[25] operated like it was originally designed to

[1] operate as being the --  
[2] **MR. CRAWFORD:** Tom, my e-mail address  
[3] is weld3@aol.com. That's my e-mail address. It  
[4] has been that way for years.  
[5] **COUNCILMAN HART:** Does anybody else  
[6] have any questions?  
[7] **COUNCILWOMAN PITTMAN:** Can I just say  
[8] something? You know, with all due respect, I  
[9] think you do a really good job.  
[10] The only problem I'm having here is not  
[11] with anyone else. The only problem I'm having  
[12] here is quite some time ago, Mr. Anavitarte had  
[13] brought up some issues. I thought because it  
[14] was a lot of he-said/she-said at the time, that  
[15] it was inappropriate the way it was going.  
[16] And I had said in that meeting that  
[17] because it was he-said, you said one thing and  
[18] somebody else said something else, if anything  
[19] else arose in a conflict with you, that, without  
[20] question -- you remember this -- without  
[21] question, we would just say, you know, "We're  
[22] sorry. We no longer need your services." And  
[23] since then, there's been a whole lot of  
[24] conflicts, and that does concern me a little  
[25] bit.

[1] voices --  
[2] **COUNCILMAN HART:** But -- but --  
[3] **MR. CRAWFORD:** -- raised voices. And  
[4] I'll use the term "raised voices," Mr. Hart.  
[5] **COUNCILMAN HART:** Okay. Well --  
[6] **MR. CRAWFORD:** Raised voices between  
[7] Ms. Cat Sherlock and Richard Ballantine.  
[8] **COUNCILWOMAN PITTMAN:** Right. That's  
[9] exactly what I heard.  
[10] **MR. CRAWFORD:** That's what happened.  
[11] **COUNCILWOMAN PITTMAN:** That's what I  
[12] heard.  
[13] **COUNCILMAN HART:** Okay. It was  
[14] uncomfortable enough that the Mayor left, and I  
[15] think -- I don't know.  
[16] **MS. CRAWFORD:** I was there. I left.  
[17] **COUNCILMAN HART:** I don't know if  
[18] Sandra was there or Dorothy -- Dorothy was  
[19] there. They left.  
[20] **COUNCILWOMAN PITTMAN:** Well, and I knew  
[21] that. I knew that it was not you that had the  
[22] raised voices.  
[23] **MR. CRAWFORD:** No, I understood that.  
[24] I understood that.  
[25] But at that point, I was just a member,

[1] I think you do a really good job, but  
[2] what it boils down to is that, you know, it just  
[3] -- the conflicts keep coming, and I don't  
[4] understand exactly all the details on some of  
[5] them.  
[6] And my understanding, it was not  
[7] necessarily you that was doing some of the  
[8] yelling at the meeting. But to me, that wasn't  
[9] -- this is not an issue. But the continuous  
[10] times we see your name that there's an issue  
[11] here, that concerns me.  
[12] **MS. MURPHY:** Ms. Pittman, for the  
[13] record, are you speaking to Mr. --  
[14] **COUNCILWOMAN PITTMAN:** I am --  
[15] **MS. MURPHY:** -- Anderson --  
[16] **COUNCILWOMAN PITTMAN:** -- speaking to  
[17] Mr. Anderson --  
[18] **MS. MURPHY:** -- and not --  
[19] **MAYOR JENKINS:** Anderson.  
[20] **COUNCILWOMAN PITTMAN:** I am not  
[21] speaking to Mr. Crawford.  
[22] **MS. MURPHY:** Okay.  
[23] **COUNCILMAN HART:** Okay. Could someone  
[24] answer the question, who was yelling?  
[25] **MR. CRAWFORD:** There was raised

[1] and I was also -- and I don't know if  
[2] Ms. Sherlock will say this or not, but I've been  
[3] a mediator a lot in a lot of problems that have  
[4] occurred.  
[5] And now that I got elected to the  
[6] chairperson of the Planning Commission, my goal,  
[7] which I stated clearly to the Planning  
[8] Commission, was to get more involvement from the  
[9] community and try to get more people to attend  
[10] our meetings. That was my primary goal,  
[11] Mr. Hart.  
[12] **COUNCILMAN HART:** And since you're the  
[13] chairman of the Planning Committee --  
[14] **MAYOR JENKINS:** Where are we?  
[15] **COUNCILWOMAN HADDEN:** We need to go  
[16] into executive session.  
[17] **COUNCILWOMAN PITTMAN:** But Mr. Anderson  
[18] had something to say.  
[19] **MAYOR JENKINS:** Well, wait a minute.  
[20] Rick, should we go into executive  
[21] session?  
[22] **ATTORNEY POWELL:** If anyone chooses to  
[23] make a motion, you can do it.  
[24] **COUNCILMAN LOWE:** Well, now, Mr. --  
[25] **COUNCILWOMAN PITTMAN:** He had --

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[1]           **COUNCILMAN LOWE:** -- Anderson had  
[2] something to say.  
[3]           **COUNCILWOMAN PITTMAN:** He had something  
[4] to say.  
[5]           **MAYOR JENKINS:** Well, let's find out if  
[6] we're going into executive session.  
[7]           **COUNCILWOMAN PITTMAN:** Is there  
[8] anything that's going to be said any different  
[9] than what's already been said?  
[10]           **MAYOR JENKINS:** Did we get a motion?  
[11]           **COUNCILWOMAN PITTMAN:** No, but  
[12] Mr. Anderson wanted to say something first.  
[13]           **MR. ANDERSON:** Actually, I want to say  
[14] quite a bit.  
[15]           **MAYOR JENKINS:** Yeah, that's what I --  
[16]           **COUNCILWOMAN PITTMAN:** Well, it's --  
[17]           **ATTORNEY POWELL:** You can go ahead and  
[18] state --  
[19]           **MAYOR JENKINS:** Go ahead, sir. Come on  
[20] up to the podium.  
[21]           **MR. ANDERSON:** No. I'll do it right  
[22] from here. Thank you.  
[23]           **MAYOR JENKINS:** Well, you're going to  
[24] have to speak up so the lady can hear you.  
[25]           **MR. ANDERSON:** I'll do it. No problem

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[1] at all.  
[2]           E-mail. Anderson in blue at the top.  
[3]           Michael was referred to me from City  
[4] Hall as a phone call. I responded by asking for  
[5] an e-mail with his questions in respect to --  
[6] for open process, in respect for open process.  
[7]           His questions were when was his  
[8] brother's hearing, what were the procedures to  
[9] submit revised documents and when did the  
[10] documents need to be to the Planning Commission.  
[11]           I advised as to 7/26/07, 5:00 p.m.,  
[12] City Hall, five days prior and -- and five days  
[13] prior to the hearing. And that's referring to  
[14] when the materials need to come. Five days  
[15] prior to the hearing, and that I would answer  
[16] the procedural question in my e-mail response.  
[17] See below.  
[18]           I didn't want to give it to him  
[19] verbally. I wanted to give it to him in print  
[20] so he would know his process for resubmission.  
[21]           Michael was gracious with his apology  
[22] for his brother's presentation at the 7/2 City  
[23] Council meeting.  
[24]           That's a simple sentence which covers a  
[25] paragraph or two wherein the brother somehow

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[1] attacked me or did something -- said something  
[2] about apparently our conversation about this  
[3] house.  
[4]           From Michael Tuller. Stuart, I have a  
[5] few questions about the next step in the  
[6] variance --  
[7]           **MAYOR JENKINS:** Mr. Stuart.  
[8]           **MR. ANDERSON:** -- request process as it  
[9] relates --  
[10]           **MAYOR JENKINS:** Stuart.  
[11]           **MR. ANDERSON:** Yes.  
[12]           **MAYOR JENKINS:** Why do you want to read  
[13] all that?  
[14]           **MR. ANDERSON:** The hell I'm not.  
[15]           **MAYOR JENKINS:** We'll be here all  
[16] night.  
[17]           **MR. ANDERSON:** These people are  
[18] attacking me. This is what I sent and this is  
[19] what Mr. Tuller sent to me.  
[20]           **MAYOR JENKINS:** Okay. Well, I --  
[21]           **MR. ANDERSON:** You guys don't want the  
[22] facts and just have innuendo like all the rest  
[23] of --  
[24]           **COUNCILWOMAN HADDEN:** No. I can  
[25] clear --

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[1]           **MR. ANDERSON:** -- this stuff that has  
[2] been going down.  
[3]           **COUNCILWOMAN HADDEN:** -- what  
[4] Ms. Pittman said. I believe what Ms. Pittman  
[5] was referring to, and with all due respect, is  
[6] that last summer you came before us or however  
[7] it happened, and there were a list of grievances  
[8] that Council had with you then. And a lot of  
[9] them boiled down to wearing different hats and  
[10] being in a position of even it being more  
[11] sacred, if you will, than a Councilperson in  
[12] that you have to be more ethical.  
[13]           And you have been told by Mr. Lawler,  
[14] Mr. Powell on several occasions, and Council at  
[15] that time. And you agreed you'd step down if  
[16] you continued to do it. And that was that you  
[17] are supposed to remain neutral, and you  
[18] continued to interject yourself and your  
[19] opinions, especially about zoning, when you are  
[20] to deal with zoning and to be neutral on zoning.  
[21]           You've introduced yourself to some  
[22] developer and told them that their plan wouldn't  
[23] get through or something unless they did this,  
[24] this and this.  
[25]           You went down to Dekalb County, and to

[1] get into a meeting down there, you told them you  
[2] were a commissioner.

[3] **MR. ANDERSON:** When? What? When?  
[4] How? Who? Who said that?

[5] **COUNCILWOMAN HADDEN:** Let's just --  
[6] I'll "X" that.

[7] **MR. ANDERSON:** Who said that?

[8] **COUNCILWOMAN HADDEN:** I'll take that  
[9] back and just -- I'll get that off the table.

[10] But I'm just saying that you have --

[11] **MR. ANDERSON:** That's crazy.

[12] **COUNCILWOMAN HADDEN:** -- been told by  
[13] Mr. Lawler and Mr. Powell and asked by Council  
[14] to please be neutral in your position, and you  
[15] have not complied.

[16] And you did tell us last summer -- it  
[17] was either in August or September, this same  
[18] time last year -- that you would comply with our  
[19] request and adhere to Mr. Powell and  
[20] Mr. Lawler's explanations to you about how you  
[21] can't wear all these different hats if you're  
[22] going to serve in that position. And you agreed  
[23] to that, and you continued to serve in that  
[24] position and continued to do what you were  
[25] basically asked not to do or expected not to do

[1] **COUNCILWOMAN HADDEN:** We did.

[2] **MR. ANDERSON:** -- to look at the --

[3] **COUNCILWOMAN HADDEN:** We got it.

[4] **MR. ANDERSON:** -- zoning ordinance.

[5] **COUNCILWOMAN HADDEN:** We don't need it  
[6] any --

[7] **MR. ANDERSON:** And the way we looked at  
[8] it was to be critical.

[9] **COUNCILWOMAN HADDEN:** We got it.

[10] **MR. ANDERSON:** You have to be

[11] critical --

[12] **COUNCILWOMAN HADDEN:** We don't need it  
[13] any more.

[14] **MR. ANDERSON:** -- if you're going to  
[15] look at something.

[16] **COUNCILWOMAN HADDEN:** You think it's  
[17] critical.

[18] **COUNCILMAN HART:** It is critical.

[19] **COUNCILWOMAN HADDEN:** It is, but I mean  
[20] it's not -- you know.

[21] **MR. ANDERSON:** It better be.

[22] Otherwise, it's a rubber stamp if you're not  
[23] being critical about something.

[24] **COUNCILWOMAN HADDEN:** But you gave that  
[25] opinion.

[1] with regard to remaining neutral in your  
[2] position.

[3] **MR. ANDERSON:** Neutral in that I can't  
[4] take up for the City, you mean?

[5] **COUNCILWOMAN HADDEN:** You can take up  
[6] for the City if you don't want to be on the  
[7] Planning Commission.

[8] The Planning Commission, you have to --

[9] **MR. ANDERSON:** What's my job if I don't  
[10] take up for the City?

[11] **COUNCILWOMAN HADDEN:** You are --

[12] **MR. ANDERSON:** What's my job --

[13] **COUNCILWOMAN HADDEN:** You do not --

[14] **MR. ANDERSON:** -- if I don't --

[15] **COUNCILWOMAN HADDEN:** -- have an  
[16] opinion --

[17] **MR. ANDERSON:** -- take up for the City?

[18] **COUNCILWOMAN HADDEN:** -- on the zoning  
[19] ordinance until Council decides what the zoning  
[20] ordinance is going to be. Then you may have an  
[21] opinion on it as far as Council's opinion goes.  
[22] But as --

[23] **MR. ANDERSON:** Well, we're changing the  
[24] subject. The City Council asked the Planning  
[25] Commission --

[1] **MR. ANDERSON:** You're changing the  
[2] subject.

[3] **COUNCILWOMAN HADDEN:** You gave that  
[4] opinion as the Planning Commission person or as  
[5] Planning Commission.

[6] But there on out, as an individual  
[7] citizen, if you want to continue to voice an  
[8] opinion about such things, particularly the  
[9] zoning ordinance -- I'll pick on that one  
[10] because it's handy -- you are supposed to remain  
[11] neutral or not be on the Planning Commission.

[12] And you said last summer at this time  
[13] in August, that you understood these types of  
[14] things.

[15] **MR. ANDERSON:** Is that the feeling of  
[16] the rest of City Council, that after we did our  
[17] zoning rewrite evaluation, that at that point I  
[18] was to say and any other Planning Commission  
[19] person was to say nothing about the zoning  
[20] rewrite?

[21] **COUNCILWOMAN HADDEN:** If we asked --

[22] **MR. ANDERSON:** I'm asking --

[23] **COUNCILWOMAN HADDEN:** -- for an  
[24] opinion --

[25] **MR. ANDERSON:** -- the rest.

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[1] **MR. ANDERSON:** -- on the zoning.  
[2] **MR. ANDERSON:** I'm asking the rest.  
[3] **COUNCILMAN SPANGLER:** Well, we turned  
[4] over the zoning ordinance to the Planning  
[5] Commission --  
[6] **MR. ANDERSON:** Right.  
[7] **COUNCILMAN SPANGLER:** -- to review and  
[8] to ask for their feedback, their knowledge.  
[9] **MR. ANDERSON:** Which we gave you.  
[10] Which we gave you.  
[11] So I'm asking you, am I not and none of  
[12] the other Planning Commission people are allowed  
[13] to say anything about the zoning rewrite after?  
[14] Because we have now given our opinions and given  
[15] our 50 reasons for --  
[16] **COUNCILWOMAN HADDEN:** Not in public.  
[17] **MR. ANDERSON:** -- consideration and  
[18] stuff.  
[19] Not in public?  
[20] **COUNCILMAN HART:** Well, I mean in all  
[21] fairness to Stuart and Ben, the zoning rewrite  
[22] has changed so many times, it's a good thing  
[23] it's on a CD because there isn't enough paper in  
[24] Atlanta.  
[25] **MR. CRAWFORD:** Well, see, Tom, Stuart

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[1] agrees with your position and I don't, so two  
[2] different opinions.  
[3] **COUNCILMAN HART:** Well, you could --  
[4] you could --  
[5] **MR. CRAWFORD:** I don't --  
[6] **COUNCILMAN HART:** You don't want to  
[7] bring that to the table after you --  
[8] **MR. CRAWFORD:** No, but I'm just --  
[9] **COUNCILMAN HART:** -- stomped out of the  
[10] room last week.  
[11] **MR. CRAWFORD:** No. I'm just saying --  
[12] **COUNCILMAN HART:** That's not exactly --  
[13] **COUNCILWOMAN HADDEN:** I make a motion  
[14] we go into executive session.  
[15] **COUNCILMAN SPANGLER:** I think we're  
[16] really just off the subject here.  
[17] **COUNCILMAN HART:** Yeah.  
[18] **COUNCILWOMAN PITTMAN:** Second.  
[19] **MR. CRAWFORD:** No, but Tom, that's  
[20] exactly what I said.  
[21] **MAYOR JENKINS:** Wait just a minute.  
[22] I got a motion on the table.  
[23] Do I get a second?  
[24] **COUNCILWOMAN PITTMAN:** Second.  
[25] **MAYOR JENKINS:** The motion was to go

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[1] into executive session.  
[2] **MS. MURPHY:** Councilwoman Pittman?  
[3] **COUNCILWOMAN PITTMAN:** Yes.  
[4] **MS. MURPHY:** Councilwoman Hadden?  
[5] **COUNCILWOMAN HADDEN:** Yes.  
[6] **MS. MURPHY:** Councilman Lowe?  
[7] **COUNCILMAN LOWE:** Yes.  
[8] **MS. MURPHY:** Councilman Hart?  
[9] **COUNCILMAN HART:** Aye.  
[10] **MS. MURPHY:** Councilman Spangler?  
[11] **COUNCILMAN SPANGLER:** Yes.  
[12] **MS. MURPHY:** It's unanimous, Mayor.  
[13] (Executive Session)  
[14] **MAYOR JENKINS:** Meeting come to order.  
[15] We got no motion. We do have a  
[16] reprimand, I understand, and Mr. Ed Lowe is  
[17] going to read the reprimand on --  
[18] **COUNCILWOMAN PITTMAN:** One of them is  
[19] not here.  
[20] **COUNCILMAN LOWE:** Stuart's not here.  
[21] **CHIEF KING:** He's left.  
[22] **MR. CRAWFORD:** You can still read it,  
[23] and I'll --  
[24] **MAYOR JENKINS:** Okay. You can call him  
[25] and tell him.

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[1] **MR. CRAWFORD:** I'll call him and tell  
[2] him.  
[3] **COUNCILMAN LOWE:** This is what the  
[4] Council expects with the Planning Commission.  
[5] No outside contacts with applicants for  
[6] variance or zoning matters or with builders.  
[7] Make no more personal comments via e-mail or a  
[8] public forum. Tighten up your bylaws and please  
[9] maintain a professional manner at all times.  
[10] **MR. CRAWFORD:** Can I ask a question  
[11] here? These are directed at Stuart or the  
[12] Planning Commission?  
[13] **MAYOR JENKINS:** The whole Planning  
[14] Commission but --  
[15] **MR. CRAWFORD:** Oh. So the whole -- the  
[16] Planning Commission as a whole is being  
[17] reprimanded?  
[18] **MAYOR JENKINS:** No.  
[19] **COUNCILWOMAN PITTMAN:** No, that's not  
[20] true.  
[21] **MAYOR JENKINS:** No.  
[22] **MR. CRAWFORD:** I'm asking a question.  
[23] **COUNCILMAN HART:** No. Well, you  
[24] want --  
[25] **MAYOR JENKINS:** Go ahead and tell him.

[1] **COUNCILMAN HART:** More specifically,  
[2] it's Ben and Stuart are being reprimanded.

[3] **MR. CRAWFORD:** And what am I being  
[4] reprimanded for?

[5] **COUNCILMAN HART:** Well, it's the old  
[6] adage it takes two to tango. And between the  
[7] two of you, I don't know who starts and who ends  
[8] on, you know, personal attacks involving  
[9] yourself. And the bylaws are a little loose.  
[10] The fact that the Planning Commission is not  
[11] exactly being operated in a -- in a, I guess, a  
[12] professional manner right now. And it just --  
[13] it's to take the two leaders --

[14] And there's two leaders in that group,  
[15] as we see it, and that would be yourself --

[16] **MR. CRAWFORD:** Mr. Hart, there's only  
[17] one chairperson in that group --

[18] **COUNCILMAN HART:** Okay. Well --

[19] **MR. CRAWFORD:** -- and that's myself.

[20] And I've been to perhaps three meetings or maybe  
[21] perhaps four that I've been the chairperson --

[22] **COUNCILMAN HART:** Okay.

[23] **MR. CRAWFORD:** -- and I've handled  
[24] every single meeting.

[25] You can poll Mr. Ambrose and you can

[1] It's a job which involves citizen  
[2] access to these changes in zoning and land usage  
[3] and these ordinances. It allows people to view  
[4] this thing in an open manner.

[5] And if you-all are going to be in this  
[6] contentious manner with both the public as well  
[7] as the people you're doing your work for, then  
[8] it's not going to work.

[9] **MR. CRAWFORD:** I've never been in a  
[10] contentious manner with any -- any of the public  
[11] that's been in any of our meetings, and I've  
[12] never been in any contentious confrontation with  
[13] any applicant that's come into our meetings, and  
[14] I've never been in any confrontation with any  
[15] other member of the Planning Commission.

[16] Maybe you're mistaking me for Stuart.  
[17] I'm not Stuart. My name is Ben Crawford, and I  
[18] do a professional job on the Planning  
[19] Commission. I've always done that.

[20] **COUNCILMAN HART:** Okay. We appreciate  
[21] it.

[22] **MAYOR JENKINS:** Okay.

[23] **COUNCILMAN HART:** But that's how we  
[24] voted.

[25] **MR. CRAWFORD:** So I receive a

[1] also poll Mr. Ballantine and Mr. Anderson if you  
[2] like.

[3] I've handled the meetings in a  
[4] professional manner. I've given people that --  
[5] and there's some people probably here tonight  
[6] I've given opportunities to speak and put their  
[7] input in. I've handled all applicants in a  
[8] professional manner.

[9] So I feel like you're reprimand to me  
[10] is unfounded. I have put probably as much or  
[11] more effort into this as Stuart has. I may not  
[12] agree with Mr. Anderson on many occasions on  
[13] many points but I address those in the Planning  
[14] Commission meetings in a civil manner.

[15] As far as me and Mr. Anderson on a  
[16] personal level, while I was on vacation, he was  
[17] taking care of my plants. So obviously, I can  
[18] separate one issue from the other, Mr. Hart.

[19] So if there is a reprimand for me, I'd  
[20] like to know on what basis it is.

[21] **COUNCILMAN HART:** I'd say --

[22] **MR. CRAWFORD:** I'm asking a question.

[23] **COUNCILMAN HART:** I think your  
[24] statement speaks for itself. I mean it just --  
[25] you need to just tone the whole thing down.

[1] reprimand; is that correct?

[2] **COUNCILMAN HART:** Yes.

[3] **MAYOR JENKINS:** That's what the Council  
[4] voted, yes, sir.

[5] **COUNCILWOMAN PITTMAN:** My issue in the  
[6] reprimand was with Mr. Anderson.

[7] **MAYOR JENKINS:** Marlene also.

[8] **COUNCILWOMAN HADDEN:** Yeah.

[9] **MAYOR JENKINS:** Your issue is both of  
[10] them; is that correct?

[11] **COUNCILMAN HART:** Both of them. I've  
[12] seen this. You know, it's like two pit bulls in  
[13] the same --

[14] **MAYOR JENKINS:** And Bob, yours were  
[15] issues with both?

[16] **COUNCILMAN SPANGLER:** I --

[17] **MAYOR JENKINS:** Yes, right?

[18] **COUNCILMAN SPANGLER:** No, I -- I really  
[19] didn't say that.

[20] **MAYOR JENKINS:** Oh. Yours was just  
[21] one.

[22] **COUNCILMAN SPANGLER:** Pardon me?

[23] **MAYOR JENKINS:** Yours was just one.

[24] **MR. CRAWFORD:** Well, which Planning  
[25] Commission member, I mean, may I inquire?

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[1]           **COUNCILMAN SPANGLER:** I asked that  
[2] neither one of you be let go. Okay?  
[3]           I asked that we set some rules and that  
[4] you guys look at them and see if you could  
[5] follow them. I didn't want to get rid of either  
[6] one of you. Okay?  
[7]           I feel like both of you as long as you  
[8] do the job can be an asset to the City but we  
[9] sure don't need you going off doing some of the  
[10] things that you've been accused of.  
[11]           **MR. CRAWFORD:** Well, I haven't done  
[12] anything.  
[13]           As far as Mr. Anderson, if he stays on  
[14] the Planning Commission, he will not do anything  
[15] that's out of line again as far as, you know,  
[16] that goes.  
[17]           There's only one chairperson on the  
[18] Planning Commission, and that's myself.  
[19]           **MAYOR JENKINS:** Yes, ma'am.  
[20]           **MS. SHERLOCK:** My name is Cat Sherlock.  
[21] I'd like to ask Ben Crawford a question.  
[22]           **MAYOR JENKINS:** Yes, ma'am.  
[23]           **MS. SHERLOCK:** How many times did you  
[24] tell me that while on the Planning Commission?  
[25]           **MR. CRAWFORD:** Tell you what?

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[1]           **MS. SHERLOCK:** That you would ride herd  
[2] on Stuart and that he would not have any of  
[3] these boundary issues or ethic questions again  
[4] because you were going to make sure that he  
[5] behaved. How many times did you tell me that?  
[6]           **MR. CRAWFORD:** Okay. Probably numerous  
[7] times, Cat.  
[8]           **MS. SHERLOCK:** Yes, right.  
[9]           **MR. CRAWFORD:** But we had one other  
[10] remark also.  
[11]           **MS. SHERLOCK:** Good luck, you guys.  
[12]           **MR. CRAWFORD:** One other remark that's  
[13] being left off is that I also said it was up to  
[14] the City Council whether they were going to  
[15] remove a Planning Commission member or not. It  
[16] wasn't up to the Planning Commission. That was  
[17] my words verbatim.  
[18]           **MS. SHERLOCK:** That's -- and I accepted  
[19] it until I couldn't any more.  
[20]           **COUNCILMAN HART:** Okay.  
[21]           **MAYOR JENKINS:** Is that all?  
[22]           **COUNCILMAN HART:** It's getting late. I  
[23] mean --  
[24]           **MAYOR JENKINS:** Oh, is it?  
[25]           **COUNCILMAN HART:** This is when --

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[1]           **MAYOR JENKINS:** No. Are you finished?  
[2]           **MR. SPANGLER:** I mean I'm good with  
[3] whatever you-all want to do, I mean.  
[4]           **COUNCILMAN HART:** Okay.  
[5]           **MAYOR JENKINS:** Yes, ma'am. Wait just  
[6] a minute, please, ma'am.  
[7]           Are you finished?  
[8]           **COUNCILMAN HART:** Well, I had one more.  
[9]           **MAYOR JENKINS:** I keep asking you.  
[10]           Okay. Yes, ma'am.  
[11]           **MS. HOFFMEISTER:** Hello. I'm Bonita  
[12] Hoffmeister. And as a member of the Dekalb  
[13] Community Planning Commission, I will state one  
[14] thing. Once the Commission has voted on it, I  
[15] am free to write the councillors, to discuss the  
[16] issue with anybody, because my part and  
[17] involvement is legally over.  
[18]           And I don't think that you should be  
[19] roasting people if after the vote has been done,  
[20] then they are free to state their opinions as  
[21] citizens. They are no longer making any -- they  
[22] are no longer involved in the City's business.  
[23] They are involved in their own at that point in  
[24] time.  
[25]           **MAYOR JENKINS:** Thank you.

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[1]           **COUNCILMAN HART:** Thank you.  
[2]           **MAYOR JENKINS:** Okay. What else you  
[3] got to bring up, Tom?  
[4]           **COUNCILMAN HART:** This is a police  
[5] issue. Okay. This has to do with the Police  
[6] Department.  
[7]           And we have a whole list of issues, but  
[8] the main thing is whether we have a full-time  
[9] Police Chief, because during these past two  
[10] years, we haven't had a full-time Police Chief.  
[11]           We've got questions about neighborhood  
[12] patrols, code.  
[13]           **MAYOR JENKINS:** You're getting into  
[14] personal stuff, Tom. Neighborhood patrol is  
[15] personal. You got a personal vendetta because  
[16] they gave you a reprimand.  
[17]           And the Council voted to let this  
[18] gentleman go to Iraq and the Council voted to  
[19] let this man go to the Police Academy.  
[20]           **COUNCILMAN SPANGLER:** Mayor, I think  
[21] you need to let him finish.  
[22]           **MAYOR JENKINS:** Okay? Do you  
[23] understand what I'm saying?  
[24]           **COUNCILMAN HART:** This has nothing to  
[25] do with code enforcement. It has nothing to do

[1] with personal matters.  
[2] If I want to get into personal matters,  
[3] when I was robbed in my driveway five years ago  
[4] and the Police Department did nothing about it,  
[5] matter of fact, that particular instance is not  
[6] even recorded in the Police Department.

[7] The Mayor at the time -- that was  
[8] before your time -- decided that that situation  
[9] was -- I wouldn't worry about the eight grand.  
[10] I wouldn't worry about the \$8,000.

[11] That had to do with my mother was on  
[12] her deathbed. I was robbed in my driveway. I  
[13] had a police department who didn't care enough  
[14] about the citizen, being me, to take care of it.

[15] You were at Hugo's trial.

[16] **CHIEF KING:** Yes.

[17] **COUNCILMAN HART:** And ever since then,  
[18] I had one person that helped me in that  
[19] situation, and that was -- that was Lieutenant  
[20] Lowe. He asked me if I wanted to fill out a  
[21] police report.

[22] The other policemen involved in the  
[23] theft [sic] are gone. I never recovered my  
[24] money. But you wanted -- you want to talk about  
[25] personal issues, but that --

[1] This is beyond that personal issue.  
[2] This is as a City Councilperson looking out for  
[3] the citizens of the city. And this city  
[4] deserves the best, particularly with the amount  
[5] of money we're spending. Okay?

[6] We've asked for patrols. We've asked  
[7] for the neighborhood patrols, about speeding  
[8] problems we've got in the neighborhood. We've  
[9] asked about speed traps in the city, more  
[10] specifically on Buford Highway, with Tilly Mill  
[11] Road.

[12] We've asked simple questions like what  
[13] happened to Tommy McElroy. I mean you can tell  
[14] us that in the executive session.

[15] But we deserve some answers here and we  
[16] deserve -- we're paying out a lot of money for a  
[17] full-time police chief that also tells us that  
[18] he's going to stay out of the politics of the  
[19] city.

[20] **CHIEF KING:** What specifically are you  
[21] talking about, sir?

[22] **COUNCILMAN HART:** I'm talking about  
[23] when I go to dinner with certain people that  
[24] work for the City, that they're being called and  
[25] asked if they're okay because they're in the

[1] company of Thomas Hart.

[2] **CHIEF KING:** I have no idea. What are  
[3] you speaking about, sir? Can you be a little  
[4] bit more specific about that since you're  
[5] talking about my employment, and I'd really like  
[6] you to be --

[7] **COUNCILMAN HART:** Right.

[8] **CHIEF KING:** -- as clear as possible.

[9] **COUNCILMAN HART:** Okay. I have  
[10] problems with every morning going into the  
[11] Mayor's office and playing this game with the  
[12] Mayor, and my coming up here --

[13] **CHIEF KING:** What game is that, sir?

[14] **COUNCILMAN HART:** The game is that --

[15] **MAYOR JENKINS:** I'd like to know about  
[16] that.

[17] **COUNCILMAN HART:** -- my person is being  
[18] attacked.

[19] **CHIEF KING:** What do you mean by that,  
[20] sir?

[21] **MAYOR JENKINS:** Negative.

[22] **COUNCILMAN HART:** Okay. Mayor, this is  
[23] beyond you. Okay? This has to do with the  
[24] Council members.

[25] **MAYOR JENKINS:** How can you say it's in

[1] my office with me --

[2] **COUNCILMAN HART:** Well, okay.

[3] **MAYOR JENKINS:** -- it's not beyond me.

[4] **COUNCILMAN HART:** We have a person  
[5] that's also on the City Council that was  
[6] attacked personally, her personal life was  
[7] attacked. You seem to have engaged in that as  
[8] well.

[9] **CHIEF KING:** What do you mean by that,  
[10] sir?

[11] **COUNCILMAN HART:** Ms. Pittman was  
[12] attacked and being said that she had these  
[13] associations with different policemen, that her  
[14] family life was attacked. There's e-mail  
[15] traffic to substantiate that.

[16] **CHIEF KING:** And you are saying that I  
[17] participated in those attacks, sir?

[18] **COUNCILMAN HART:** Yes. Yes, you were.

[19] **CHIEF KING:** All right, sir.

[20] **COUNCILMAN HART:** And the thing is what  
[21] we need is a full-time policeman. We're  
[22] spending a lot of money on the Police  
[23] Department.

[24] **CHIEF KING:** But sir --

[25] **COUNCILMAN HART:** But most important --

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[1] **CHIEF KING:** Sir, will you please -- I  
[2] apologize for interrupting you, but you're  
[3] saying I'm not a full-time police chief. Can  
[4] you please explain exactly what you mean by  
[5] that?  
[6] **COUNCILMAN HART:** For example, during  
[7] the Drossman case, you were in Iraq. Okay?  
[8] **CHIEF KING:** That is correct, sir.  
[9] **COUNCILMAN HART:** Tommy McElroy's --  
[10] When they interviewed the -- when the  
[11] insurance company, insurance lawyers interviewed  
[12] all the people involved with the Drossman  
[13] case --  
[14] **CHIEF KING:** Yes.  
[15] **COUNCILMAN HART:** -- you were saying  
[16] that you knew nothing about Drossman or being  
[17] fired, okay, when in fact Tommy McElroy, it's my  
[18] involvement that he never went to the bathroom  
[19] without calling you in Iraq.  
[20] **CHIEF KING:** Sir, how would --  
[21] **COUNCILMAN HART:** And he definitely  
[22] wouldn't have fired somebody without being first  
[23] notified.  
[24] **CHIEF KING:** Sir, is the issue the  
[25] Drossman issue or the fact that I'm a member of

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[1] the National Guard? Is that the -- you say  
[2] "full-time."  
[3] **COUNCILMAN HART:** The National Guard  
[4] has absolutely nothing to do with it.  
[5] **CHIEF KING:** Sir, I disagree. I think  
[6] it has everything to do with it.  
[7] **COUNCILMAN HART:** Well, I think --  
[8] **CHIEF KING:** Because you're saying that  
[9] I'm not a full-time chief, and because I went to  
[10] Iraq, that is making me a part-time chief? Is  
[11] that -- am I characterizing this correctly or  
[12] not?  
[13] **COUNCILMAN HART:** You were certainly a  
[14] full-time chief. You were getting paid to be a  
[15] full-time chief.  
[16] **CHIEF KING:** Sir, you're not being  
[17] clear. Now, please, I beg you to be as clear as  
[18] you can possibly be.  
[19] You're saying that because I'm not a  
[20] full-time chief, and because of my service in  
[21] Iraq, I'm not a full-time chief.  
[22] **COUNCILMAN SPANGLER:** No, I don't think  
[23] that's what he's saying, Chief King.  
[24] **CHIEF KING:** Well, then, sir --  
[25] **COUNCILMAN SPANGLER:** I think he's

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[1] saying -- how many times have you been on leave  
[2] or vacation or FBI training or whatever since  
[3] you've been back from Iraq?  
[4] This has nothing to do with you being  
[5] in Iraq.  
[6] **CHIEF KING:** Well, the reason I'm  
[7] asking, Mr. Spangler, is because that is what  
[8] Mr. Hart has mentioned, the fact that I was in  
[9] Iraq, and the fact that this --  
[10] And I want to make sure --  
[11] **COUNCILMAN SPANGLER:** No, no. He  
[12] didn't --  
[13] **CHIEF KING:** -- because the City  
[14] Attorney will give you some pretty clear advice  
[15] on what the employer and what my rights are  
[16] under the -- under the Soldiers and Sailors  
[17] Relief Act.  
[18] **COUNCILMAN SPANGLER:** He did not --  
[19] **CHIEF KING:** I want to make sure we're  
[20] all --  
[21] **COUNCILMAN SPANGLER:** Well, I just --  
[22] **CHIEF KING:** -- up front.  
[23] **COUNCILMAN SPANGLER:** I just want to  
[24] say I did not hear him say or attack the fact  
[25] that you went to Iraq.

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[1] **CHIEF KING:** I will disagree with you,  
[2] sir, because I think this has all to do with  
[3] this.  
[4] **COUNCILMAN HART:** No. The only mention  
[5] I made was the phone calls going between you and  
[6] Tommy McElroy. You clearly knew everything  
[7] about what was going on with --  
[8] **CHIEF KING:** Sir --  
[9] **COUNCILMAN HART:** -- the Drossman case.  
[10] **CHIEF KING:** That is not accurate, sir.  
[11] That is not accurate. I knew about it after the  
[12] fact.  
[13] And sir, if you care to even listen to  
[14] me -- and I don't -- and I'm not sure whether  
[15] you will listen to me or not -- my remarks to  
[16] Tommy from Iraq over a satellite phone is,  
[17] "Tommy, I'm not there to make that decision.  
[18] You're going to have to make that decision there  
[19] just like if I was there. I can't make that  
[20] decision for you. If you see the facts are  
[21] there, then make the decision. We will look at  
[22] it when I get back."  
[23] Sir, that's the only decision I --  
[24] that's the only thing I could have told him.  
[25] Sir, if we can get -- if we are going

[1] to get into the fact that I went to the FBI  
[2] Academy, I sought permission from my boss. He  
[3] agreed to give me permission to go.  
[4] I have never put a single -- if you  
[5] calculated the amount of time that I've put into  
[6] this job in the last sixteen years -- about  
[7] fifteen years that I worked for the city, I  
[8] haven't been compensated for half of the time.  
[9] If that is an issue, please spell it  
[10] out for me, what my hours of operation are to  
[11] be.  
[12] The reason I have not been able to  
[13] address the issues, for example, patrolling, is  
[14] because you're giving me a very finite number of  
[15] policemen. I have not been able to deal with  
[16] all the problems that you bring out.  
[17] And I also take my direction from the  
[18] Mayor. I have to -- sir, every morning, I sit  
[19] down with the Mayor. I give him a criminal -- a  
[20] crime briefing. Sir, that is my duty as the  
[21] Chief of Police.  
[22] We're not talking about you. I'm not  
[23] talking about any -- I wish -- honestly, I wish  
[24] I didn't have to deal with any of you-all  
[25] because it makes my -- because it makes my job

[1] **CHIEF KING:** I guard --  
[2] **COUNCILMAN HART:** A perfect example --  
[3] a perfect example is the raid on this house the  
[4] other night. Okay?  
[5] **CHIEF KING:** Yes, sir.  
[6] **COUNCILMAN HART:** I had an instance on  
[7] July 4th where the kids were going to shoot  
[8] fireworks off, but they didn't go down there  
[9] because there was -- there was a person  
[10] brandishing a weapon. Okay? And he was taking  
[11] pictures of the kids, and they were afraid.  
[12] Okay? Particularly one of the kids that --  
[13] **CHIEF KING:** Sir, I was never made  
[14] aware that there was a --  
[15] **COUNCILMAN HART:** Particularly one of  
[16] the --  
[17] **CHIEF KING:** -- they were taking  
[18] pictures of the children. You never made that  
[19] claim, sir.  
[20] **COUNCILMAN HART:** Particularly one of  
[21] the kids that comes from the inner city. He's a  
[22] little -- he's a little -- he's scared to death  
[23] and, you know, he's got friends that have been  
[24] shot and killed. Okay? He's terrified of this  
[25] guy threatening him. Okay?

[1] -- now, I'm not being disrespectful; I'm not;  
[2] please -- because of the politics involved in  
[3] this. I'm dealing with the City's business in  
[4] the running of my police department, and I --  
[5] Sir, if the fact -- if you wanted to  
[6] speak with the Mayor, I've always asked you,  
[7] tell me to step out and I will step out and I  
[8] will take my turn.  
[9] **COUNCILMAN HART:** I think you made the  
[10] statement that you don't want your patrolmen to  
[11] be talking to the Council members; it has to go  
[12] from the top down. In other words, if you need  
[13] to have a conversation with the Police  
[14] Department, it is strictly with John King and  
[15] John King only.  
[16] **CHIEF KING:** I would prefer it that  
[17] way, sir.  
[18] **COUNCILMAN HART:** Okay. But that  
[19] access is not across the board to all the City  
[20] Council people.  
[21] **CHIEF KING:** What do you mean by that,  
[22] sir?  
[23] **COUNCILMAN HART:** What I'm saying is  
[24] that you tell the policemen you don't want the  
[25] politics involved. Okay?

[1] The kids bought \$700 worth of  
[2] fireworks. They go every year down to the park,  
[3] every year down to Brook Park to shoot the  
[4] fireworks.  
[5] **CHIEF KING:** Sir --  
[6] **COUNCILMAN HART:** It's an annual event.  
[7] Okay?  
[8] **CHIEF KING:** Sir, that is fine, sir.  
[9] **COUNCILMAN HART:** So the officers show  
[10] up, and first thing they say to me is like what  
[11] are you doing here? Why didn't you have one of  
[12] the parents call? What are you doing here?  
[13] **CHIEF KING:** Sir, if you'll let me  
[14] explain. The week prior -- two weeks prior to  
[15] that Council meeting, I had several members of  
[16] the City Council and people in this audience  
[17] came to me, "What are you going to do about the  
[18] fireworks? We need that to stop because of all  
[19] the drought and because we are worried about  
[20] fire."  
[21] I then got you a copy of the fireworks  
[22] laws, and I put in every one of y'all's boxes  
[23] and asked you to please publicize --  
[24] **COUNCILMAN HART:** Well, see --  
[25] **CHIEF KING:** -- the law. I did not

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[1] expect that you were going to go and sponsor a  
[2] law-breaking activity at the park.  
[3] **COUNCILMAN HART:** I didn't sponsor  
[4] that, but you seemed to have your own fireworks  
[5] display at the Police Department over here after  
[6] they confiscated the fireworks.  
[7] **CHIEF KING:** What do you mean --  
[8] **COUNCILMAN HART:** And you're telling --  
[9] **CHIEF KING:** -- by that, sir?  
[10] **COUNCILMAN HART:** Then you're telling  
[11] me you took all the fireworks and put it in a  
[12] 55-gallon drum of water.  
[13] **CHIEF KING:** That is the report that  
[14] was given to me, sir. There was no such --  
[15] **COUNCILMAN HART:** That's not --  
[16] **CHIEF KING:** -- celebration.  
[17] **COUNCILMAN HART:** That's not what  
[18] happened behind the Fire Department -- I mean  
[19] behind the Police Department.  
[20] **CHIEF KING:** Sir, when? Give me the  
[21] specifics, sir, because I am not aware of any of  
[22] -- if that happened, sir, that would have been  
[23] improper.  
[24] **COUNCILMAN HART:** So we have some  
[25] groups of people that can talk with the Police

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[1] Department. I used to know -- I used to know a  
[2] lot of policemen before I got in this office,  
[3] and since I've been in this office, I don't even  
[4] know anybody in the Police Department.  
[5] **CHIEF KING:** Sir, what do you mean by  
[6] that?  
[7] **COUNCILMAN SPANGLER:** What he's trying  
[8] to say --  
[9] And Tom, I don't mean to jump in on  
[10] you.  
[11] -- but certain ones of us are treated  
[12] better than others. Okay?  
[13] Now, you've lied on me. Now we're  
[14] going to get this all out in the open. Okay?  
[15] You've lied on me, and you've also lied on  
[16] Ms. Pittman and you just about ruined her life.  
[17] Now, I --  
[18] **CHIEF KING:** Sir, I have --  
[19] **COUNCILMAN SPANGLER:** -- have a  
[20] witness, John. I have a witness.  
[21] **CHIEF KING:** Okay, sir.  
[22] **COUNCILMAN SPANGLER:** So we can do  
[23] whatever. I'll get the witness.  
[24] **CHIEF KING:** Okay, sir.  
[25] **COUNCILMAN SPANGLER:** Twice. Twice

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[1] that I met with you. And you know, there's been  
[2] several -- several things. You lied on me about  
[3] trash in the yard, the article in the paper.  
[4] We can go into an executive session  
[5] and, you know, air the rest of this out if you  
[6] want. I don't know whether everybody wants to  
[7] hear the whole thing or not. But, you know, you  
[8] need to respect Mr. Hart, let him finish, and  
[9] then I'll finish.  
[10] **CHIEF KING:** I apologize, sir. I'll  
[11] let -- I'll let Mr. Hart finish.  
[12] **COUNCILMAN HART:** I want to know  
[13] about -- I want to know about Tommy McElroy. I  
[14] want to know about the POST violations.  
[15] **CHIEF KING:** Which POST violations are  
[16] you speaking of, sir?  
[17] **COUNCILMAN HART:** Involving yourself  
[18] and I think it was Jamey Brown --  
[19] **CHIEF KING:** Yes, sir.  
[20] **COUNCILMAN HART:** -- about being on  
[21] probation.  
[22] **CHIEF KING:** Yes, sir.  
[23] **COUNCILMAN HART:** I want to know about  
[24] the fact that we've asked repeatedly, repeatedly  
[25] for patrols in the neighborhoods, about speeding

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[1] on some of these side streets and endangering in  
[2] some of these areas where there's kids.  
[3] We've asked -- we've suggested  
[4] different ways like motorcycles or whatever it  
[5] is that we could get something in the  
[6] neighborhood. And, you know, we've got people  
[7] complaining about why we don't have any in the  
[8] neighborhood when they're going to school and  
[9] they're speeding through the neighborhoods, yet  
[10] we're blocking traffic out on PIB giving people  
[11] tickets for, you know, running the gore, you  
[12] know. The people over at the Porsche store are  
[13] complaining about here's Doraville blocking the  
[14] rush-hour traffic, handing out tickets in the  
[15] gore. And meanwhile, we haven't got a single  
[16] policeman in the neighborhood.  
[17] You know, I drive down Chestnut, and  
[18] why do I have to call PD and tell them about 14  
[19] cars or seven cars parked in a no-parking zone?  
[20] The reason why I had to do it is because  
[21] nobody's driving down the street. Nobody's down  
[22] that street.  
[23] We had a tanker truck full of liquid  
[24] oxygen got all tangled up on Chestnut. It was  
[25] 35 minutes before anybody came out there, and

[1] the truck was gone then.  
[2] You response time used to be --  
[3] I had a car that was stolen out of my  
[4] driveway or attempted to be stolen out of my  
[5] driveway, but Doraville got them. The  
[6] response -- they were on the radio, I was on the  
[7] phone. They came in my driveway and they caught  
[8] the guy. And that has deteriorated to the point  
[9] where it may be 30 or 40 minutes now.  
[10] You call 911 service. You go down to  
[11] the end of the street which is right here in  
[12] front of your Police Department, you're going to  
[13] get Chamblee's 911.  
[14] And that's not me. That's Jimmy  
[15] Whitaker, the guy that does the audit for the  
[16] City.  
[17] So we're paying for the best there is,  
[18] okay, except the technology is not working, the  
[19] neighborhood patrols are not working.  
[20] We're up there on PIB. I understand  
[21] the whole deal. You go out, you got 750,000  
[22] cars coming through here.  
[23] But the citizens of this city deserve  
[24] better. Okay?  
[25] And it's not because we don't have some

[1] And the thing is that's my fault. Okay?  
[2] But what goes on at Buford Highway and  
[3] what goes on in these neighborhoods over here  
[4] that are absolutely filthy except they're given  
[5] a pass.  
[6] I'm just -- you know, the list goes on  
[7] and on and on. Well, what do you want for six  
[8] and a half million bucks?  
[9] And some of those junior officers  
[10] deserve a little better shake than they're  
[11] getting.  
[12] I'm tired of hearing these stories  
[13] about a police car running around north; they're  
[14] almost in -- they've living in South Carolina.  
[15] That doesn't offer any better response time for  
[16] us.  
[17] And I think a lot of this has to do  
[18] with the Chief, you know. I don't -- I -- you  
[19] know, I think you're absolutely one of my heroes  
[20] for going to Iraq.  
[21] **COUNCILWOMAN PITTMAN:** Can I say  
[22] something --  
[23] **COUNCILMAN HART:** I will never ever --  
[24] **COUNCILWOMAN PITTMAN:** -- now that my  
[25] name has been put out there?

[1] good policemen there because we have a lot of  
[2] great policemen, and some of them used to be  
[3] what I considered my personal friends.  
[4] Haven't talked to them in years because  
[5] we have this situation where we're getting rid  
[6] of policemen and people who work for the Police  
[7] Department. For what reason, I don't know.  
[8] They just disappear.  
[9] And I think we need some answers  
[10] concerning the Tommy McElroy situation.  
[11] We need to know what the heck is going  
[12] on with things like 911.  
[13] What's the deal with Buford Highway  
[14] with these miniature 35-mile-an-hour signs and a  
[15] cop sitting in the driveway there handing out  
[16] tickets like popcorn, okay?  
[17] We got people over on Addison Drive  
[18] over there with flashlights yelling and  
[19] screaming at the speeders coming down the  
[20] street, and nothing's being done about it.  
[21] We got Code Enforcement -- okay, you  
[22] know, I got a warning for my deal. I'm working  
[23] on the zoning ordinance and everything else  
[24] instead of cutting my grass which I should have  
[25] been doing, okay, but I've been busy working.

[1] Since my name has been put out there,  
[2] if you recall, that I did tell you that I needed  
[3] to address some issues with you when you got  
[4] back, and I would still like to do that,  
[5] especially now --  
[6] **CHIEF KING:** Absolutely, ma'am.  
[7] **COUNCILWOMAN PITTMAN:** -- but I would  
[8] prefer to do that in executive session.  
[9] I mean if you want it out in the open,  
[10] I can. But I had been informed of some things,  
[11] and I intended to get with you with the Mayor  
[12] and talk to you, and I was -- I just not to do  
[13] it in an open forum.  
[14] **CHIEF KING:** May I respond now, sir?  
[15] **COUNCILMAN HART:** (Nods head  
[16] affirmatively.)  
[17] **CHIEF KING:** Sir, I'll start from the  
[18] bottom because I want to make sure that I stay  
[19] in order.  
[20] Response times in the city of Doraville  
[21] have not decreased, sir. They absolutely have  
[22] not. I have not been able to respond as quickly  
[23] as possible -- as quickly as you probably would  
[24] want me to on dealing with the commercial  
[25] ordinance. You let -- you authorized me to hire

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[1] two people. With the supervisor, that's three.  
[2] And the pressing issue that the -- the priority  
[3] of effort that I got from both the Mayor, and I  
[4] believe at the time was you members of the City  
[5] Council, was to start on the neighborhood. If  
[6] that has changed, you never told me that.  
[7] We have worked some commercial  
[8] ordinances, but this staff is working their  
[9] tails off, sir. They're working hard.  
[10] I won't comment on the warning, sir,  
[11] because they were doing their duty, sir. They  
[12] did not single you out.  
[13] **COUNCILMAN HART:** That is not the  
[14] issue.  
[15] **COUNCILMAN HART:** Okay, sir. But you  
[16] seem to have an issue with the fact that they're  
[17] working more in the neighborhoods than they are  
[18] in the commercial areas.  
[19] **COUNCILMAN HART:** No. I'm talking  
[20] about them -- and this is something that they're  
[21] -- they're hitting these people. Like Mr. Ruis  
[22] was a -- I mean the guy's a heart patient.  
[23] Okay? I took Rick Powell over there, and I'll  
[24] be darned if we could find out what the heck was  
[25] wrong with the house. Okay?

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[1] Meantime, you got this thing with 15  
[2] cars parked everywhere, you got seven -- you  
[3] know, I mean it's like you got a wild west going  
[4] on, and they drive right on past it. The  
[5] policemen driving down Chestnut -- thank God  
[6] they just put a stripe on the road, okay? But  
[7] why do I have to call about parked cars and why  
[8] do I have to call about stuff going on. Okay?  
[9] And then I sit there in that corner while I'm  
[10] putting those bricks in, and the stuff's  
[11] happening right in front of me, and nobody shows  
[12] up thirty minutes later.  
[13] I had a traffic accident right here on  
[14] Central Avenue. The people in the radio room  
[15] don't even know where Central Avenue is. The  
[16] bus bar at Central Avenue and New Peachtree  
[17] could not find Central Avenue. I said drive --  
[18] you know, why do you have to tell them where  
[19] Chestnut is? Why do I have to repeat my name  
[20] five and six times when I talk to the radio  
[21] operator?  
[22] **CHIEF KING:** Sir, you never made -- I  
[23] mean you're ambushing me here on something that  
[24] you have never mentioned to me. And that's  
[25] okay. That is clearly your -- your right as an

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[1] elected member of the City. But you never made  
[2] this issue or several of these other issues, and  
[3] I'll continue to address them if you'll allow me  
[4] to, sir.  
[5] But you have not told me that there was  
[6] an issue with response time to an accident scene  
[7] on Central Avenue. This is the first I've ever  
[8] heard. And I've been pretty methodical about  
[9] when you make a complaint about response, I go  
[10] and do the research and then I show where we  
[11] made -- either we dropped the ball or we are --  
[12] I feel that we are correct. I've always been  
[13] very respectful about returning and responding  
[14] to those complaints.  
[15] Addison Drive, sir, I never heard from  
[16] you an issue. The Mayor made me aware of that  
[17] situation, and I started posting officers there  
[18] as much as I could.  
[19] Sir, we got 911 calls that we're  
[20] answering. And if you're -- if you're telling  
[21] me that you want me to post somebody on a  
[22] particular street, I will do so. But I try to  
[23] follow the direction on the day-to-day basis  
[24] from the Mayor.  
[25] The 30-mile-per-hour speed signs. sir,

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[1] I don't do signs. I don't post signs. I don't  
[2] build them. I don't -- you -- you create the  
[3] speed ordinance, but then Bobby Pittman through  
[4] Dekalb County puts the signs, sir. I don't have  
[5] any control over that.  
[6] 911, sir. I have reported to you  
[7] numerous times of the conflicts that we're  
[8] having with Dekalb County. The City Attorney is  
[9] aware of it. We're trying to -- we're trying to  
[10] negotiate a release from Dekalb County  
[11] government to let us have control of our 911  
[12] tower, sir. I am working the best I can through  
[13] the legal channels, sir, to get that.  
[14] Speeding, sir. We are trying to --  
[15] sir, we're only authorized to run speed, you  
[16] know, detection devices in certain portions of  
[17] the city. When you started going to the number  
[18] of calls --  
[19] And realize, sir, I am short of staff.  
[20] I've been short of staff quite some time.  
[21] I took my traffic squad offline so they  
[22] could come and work this, so they can work and  
[23] get in the neighborhoods. And sir, the officers  
[24] are in the neighborhoods. You might not be  
[25] seeing them, sir, but if you --

[1] I was not prepared that I was going to  
[2] be, you know, addressing the City Council for  
[3] the survival of me and my employment here, but  
[4] if you had given me a little bit of warning, I  
[5] would have given you the statistics and I'll  
[6] show you where our 911 calls, how many times our  
[7] officers are in the neighborhood.

[8] We are in the neighborhood. Maybe not  
[9] as much as you would want us to be, but I have  
[10] to balance the needs of the department  
[11] throughout the city.

[12] The POST violation, sir. I'll be very,  
[13] very frank with that, sir. When I took over as  
[14] the Doraville Police Chief, the previous Chief  
[15] of Police decided that he was going to have --  
[16] What is it?

[17] **UNIDENTIFIED SPEAKER:** FN.

[18] **CHIEF KING:** Oh, yeah. FN 57's.

[19] That was the type of weapon that he  
[20] chose to go to. The rounds in that, in that  
[21] weapon, were armor-piercing.

[22] **COUNCILMAN HART:** Armor-piercing, yes,  
[23] I know.

[24] **CHIEF KING:** When I went to speak to  
[25] Dekalb County and to Chief Johnson in Chamblee,

[1] **CHIEF KING:** I disagree with that, sir.  
[2] **COUNCILMAN LOWE:** That's what you told  
[3] us.

[4] **CHIEF KING:** Sir, that was what I was  
[5] accused of. And I still to this day, sir, I  
[6] disagree with that.

[7] I was not there to count the holes.  
[8] POST did not have a standard for that, sir.  
[9] They created a standard after my situation.

[10] I went and successfully fought with --  
[11] went to the POST board and was successful in  
[12] getting a probation, and they closed the case.

[13] But sir, it was not a thing that John  
[14] King wanted to change weapons. It was something  
[15] that we had to do. Had we not, we would have  
[16] continued carrying weapons with armor-piercing  
[17] ammunition, and none of these agencies would  
[18] have backed me up. And it was something that --  
[19] it was not something that John King woke up one  
[20] day and decided hey, we want to do.

[21] **COUNCILMAN LOWE:** I'm not talking about  
[22] the weapons. I'm talking about falsifying  
[23] records.

[24] **CHIEF KING:** Sir, it was a C-11 that I  
[25] signed because I was the only firearms

[1] they said, "Look, John." And I went to repair  
[2] the damage done between our agencies. I then  
[3] went to Chief Johnson, and he said, "John, you  
[4] got to get rid of those weapons."

[5] Sir, I got rid of the weapons and then  
[6] I transitioned to Glocks. Sir, I was the only  
[7] POST certified firearms instructor in my agency.  
[8] Jamey Brown is a Glock firearms instructor, not  
[9] a POST firearms instructor. We did the  
[10] presentation, we went through the training.

[11] Sir, I was a brand new chief. I had to  
[12] come across the street to deal with issues at  
[13] that time because we were going through the  
[14] middle of the Ron Davis situation. And I came  
[15] across and I was not present when they were  
[16] counting holes on targets across the street.

[17] **A** disgruntled employee who later left  
[18] the city filed a complaint on me because I was  
[19] not there to count the holes on the -- on the  
[20] targets. That was my crime.

[21] POST did not have a rule saying you  
[22] must be there to count the holes in every one of  
[23] those targets.

[24] **COUNCILMAN LOWE:** But you falsified the  
[25] training record.

[1] instructor certified.

[2] And what's going on now, sir, is that I  
[3] was able to satisfy POST, but apparently I have  
[4] not been able to satisfy you and perhaps some of  
[5] the other members of the City Council, so I'm  
[6] being tried for the same offense for a second  
[7] time.

[8] **COUNCILMAN LOWE:** But if you were  
[9] innocent, you wouldn't be put on probation;  
[10] right?

[11] **CHIEF KING:** Sir, it was one of those  
[12] situations where I was the Chief of Police, and  
[13] they -- and they wanted to make an example out  
[14] of me because they did not have a rule.

[15] But, sir, I could -- there was no  
[16] investigation to this, and there's still no  
[17] investigation because I came to you, to the  
[18] members of the City Council. And I believe,  
[19] Mr. Hart, you were present at that time.

[20] But since my whole career is on the  
[21] line, let's put it out in the open. The reason  
[22] I made that decision is because the Doraville  
[23] Police Department could not survive unless we  
[24] were being backed by other agencies. It was not  
[25] something that John King wanted to do.

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[1] If anybody here would have shown me  
[2] there was a better way to do this, I would have  
[3] absolutely done it.  
[4] First of all, I was involved in a  
[5] situation where my previous boss was being  
[6] indicted, and that was in the middle of a GBI  
[7] investigation. I did not have a lot of options.  
[8] Sir, the issue with Tommy McElroy, I  
[9] respectfully -- and I respectfully ask not just  
[10] on behalf of John King, on behalf of Tommy, that  
[11] his privacy be protected, and because I made a  
[12] promise to him, and I need to stand up for that.  
[13] The issues between me and Tommy are  
[14] very personal. And clearly, I will need to talk  
[15] to Mr. McElroy before -- or ask you that you let  
[16] me talk to Mr. McElroy before we discuss that in  
[17] executive session or in open session.  
[18] **COUNCILMAN HART:** Well, I mean with  
[19] Tommy McElroy, I think it's important for the  
[20] City Council and the Mayor, that the Acting  
[21] Chief while you were away, he got commendations.  
[22] People gave him plaques. You know, Tommy was --  
[23] you know, we felt we had more communications  
[24] with the Police Department when Tommy Mack was  
[25] here, because when we called him, something got

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[1] done. Okay? There was some access there. Not  
[2] for personal uses. I mean not like I could call  
[3] up and hassle somebody about something. It was  
[4] important that we had communication.  
[5] And the thing is, when you got back,  
[6] Tommy Mack's gone. And then you ask the Mayor;  
[7] he has no idea.  
[8] The fellow that came in here who used  
[9] to be a Doraville policeman that worked with  
[10] him, you know, has no idea. He calls up.  
[11] People call me up: what happened to him?  
[12] **CHIEF KING:** But, sir, and what I told  
[13] the gentleman is the same thing that I will tell  
[14] you, sir, is that there's certain issues with --  
[15] with people's employment, that if somebody  
[16] resigns and I accept their resignation --  
[17] Now, Tommy -- you know, Mr. McElroy had  
[18] the option to come before the City Council, and  
[19] he decided not to take that. And I understand,  
[20] and I respect that.  
[21] Now, you know, it's just like  
[22] Mr. Adams. Mr. Adams, you know, I will not talk  
[23] about Mr. Adams' previous employment because  
[24] it's not --  
[25] You know, unless the City Attorney, you

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[1] know, waives any personal liability that I have.  
[2] Then I will discuss it.  
[3] But out of respect, you know, because I  
[4] did give my word to him --  
[5] **COUNCILWOMAN PITTMAN:** Well, we've been  
[6] asked --  
[7] **CHIEF KING:** -- that I will not discuss  
[8] it.  
[9] **COUNCILWOMAN PITTMAN:** Excuse me.  
[10] We've been asked a lot of questions, and I think  
[11] that would be fair if you could speak to him and  
[12] then maybe come back to us in executive session.  
[13] Did you ask him to resign or did he  
[14] just resign on his own?  
[15] **CHIEF KING:** I asked him to resign,  
[16] yes, and he accepted.  
[17] **COUNCILMAN SPANGLER:** What conditions  
[18] did you ask him to resign? Was it either you  
[19] resign or I'm going to terminate you?  
[20] **CHIEF KING:** I asked him to resign. If  
[21] I did not, I would have to continue the  
[22] investigation that I was starting to conduct,  
[23] and if the results of investigation were heading  
[24] in the way they were, they I would have ended up  
[25] having to terminate.

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[1] **COUNCILMAN SPANGLER:** And you're not at  
[2] liberty --  
[3] **CHIEF KING:** At this point, sir,  
[4] because I gave my word to the man, I would  
[5] respectfully ask you to allow me to stand for  
[6] the promise I made him unless I call him and he  
[7] changes that.  
[8] But understand, sir, that once that is,  
[9] you know, out, then clearly then there's some --  
[10] there's other repercussions, and that's what I'm  
[11] trying to --  
[12] **COUNCILMAN SPANGLER:** Oh, I understand  
[13] that. I'm just saying that if Mr. McElroy was  
[14] to agree to come and meet with Council and you  
[15] in an executive session, and we would ask him  
[16] why he did resign, then he would -- he would  
[17] tell us the same thing, that for the very reason  
[18] that you terminated him or terminated or --  
[19] **CHIEF KING:** I don't want to answer for  
[20] Mr. McElroy, sir.  
[21] Now, what you're asking me is the  
[22] option that I gave him at the time that the  
[23] decision was -- and last November was the  
[24] decision -- is that that agreement would be void  
[25] and void between Mr. McElroy and myself. That's

[1] what you're asking me.  
[2] **COUNCILMAN SPANGLER:** No, no. I'm just  
[3] saying that if Tommy chooses, in front of you  
[4] and the Council --  
[5] **CHIEF KING:** And that would --  
[6] **COUNCILMAN SPANGLER:** -- in executive  
[7] session, to say why he decided to resign rather  
[8] than to be --  
[9] **CHIEF KING:** And that would --  
[10] **COUNCILMAN SPANGLER:** -- further  
[11] investigated.  
[12] **CHIEF KING:** -- make our agreement noid  
[13] and void. Just --  
[14] **COUNCILMAN SPANGLER:** Oh, that would  
[15] make your -- yes, but then we would -- we would  
[16] find out from --  
[17] **CHIEF KING:** But, sir, there's more in  
[18] this agreement than just the City of Doraville's  
[19] employment. There's a lot more to this.  
[20] So if that's what you're asking me to  
[21] do, then the agreement that I have with  
[22] Mr. McElroy would be noid and void.  
[23] **COUNCILMAN SPANGLER:** No. I'm just  
[24] saying. I just asked you a question. Okay?  
[25] I'm not asking --

[1] **COUNCILMAN SPANGLER:** Oh, yeah.  
[2] **CHIEF KING:** Because anything -- any  
[3] response that I make, sir, will have an  
[4] influence on that agreement that I have with  
[5] him.  
[6] **COUNCILMAN SPANGLER:** Okay.  
[7] **CHIEF KING:** It has to do with a whole  
[8] lot of other issues, sir, with Tommy.  
[9] **COUNCILMAN SPANGLER:** Well, what I'm  
[10] saying to you, John, is you told me personally  
[11] with a witness that you wanted me to -- I had  
[12] made an open-records request, and you asked me  
[13] to give you more than the 72 hours because you  
[14] were trying to help Tommy get on the police  
[15] force at Sandy Springs.  
[16] **CHIEF KING:** Yes, sir.  
[17] **COUNCILMAN SPANGLER:** I said not a  
[18] problem.  
[19] **CHIEF KING:** That is accurate, sir.  
[20] **COUNCILMAN SPANGLER:** But then it kind  
[21] of --  
[22] **CHIEF KING:** Other issues came into  
[23] play, sir, that were outside of John King's  
[24] control, sir. Other issues outside of Doraville  
[25] came into play, sir, that derailed my attempt to

[1] **CHIEF KING:** Because I --  
[2] **COUNCILMAN SPANGLER:** -- you to do  
[3] that.  
[4] **CHIEF KING:** And because I had a good  
[5] conversation with him. I made certain  
[6] assurances, and I'm living up to those  
[7] assurances to him.  
[8] But I also made some commitments to  
[9] him, and if those commit- -- and if that is  
[10] not -- if that is off the table, then everything  
[11] is off the table.  
[12] **COUNCILMAN SPANGLER:** Okay. I  
[13] understand. And that may be okay with him.  
[14] Now, you told me that you were trying  
[15] to help him get on with Sandy Springs.  
[16] **CHIEF KING:** Yes, sir.  
[17] **COUNCILMAN SPANGLER:** And evidently,  
[18] whatever you did, he can't get a job anywhere in  
[19] law enforcement.  
[20] **CHIEF KING:** Sir, that has nothing to  
[21] do with me, sir.  
[22] I would respectfully ask you, sir, that  
[23] if we're going to talk about Mr. McElroy  
[24] specifically, sir, that we at least give him an  
[25] opportunity to -- at least give him a call, sir.

[1] get him a job with Sandy Springs, sir.  
[2] And sir, I asked the Chief of Police of  
[3] Sandy Springs for a personal favor, and he  
[4] granted it until these other issues came up  
[5] which made that decision almost impossible, sir.  
[6] It was not an issue of me not trying,  
[7] sir. I lived up to my word to Tommy, sir. I  
[8] tried to get him a job with Sandy Springs, and I  
[9] had the commitment until these other issues came  
[10] up.  
[11] **COUNCILMAN HART:** It's like the tape --  
[12] well, it's like the recording of the Mayor. And  
[13] I don't know if that was Tommy McElroy or who,  
[14] who recorded the Mayor.  
[15] And then after that, you made a  
[16] statement that that was -- that you were going  
[17] to get the politics out of the situation --  
[18] **CHIEF KING:** Yes, sir.  
[19] **COUNCILMAN HART:** -- that that would  
[20] not happen again and if one of your police  
[21] officers went in and recorded the Mayor or  
[22] whatever it is, that was not going to happen  
[23] again.  
[24] **CHIEF KING:** Sir, Mr. McElroy did in  
[25] fact record the Mayor in the privacy of the

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[1] Mayor's office.  
[2] I never listened to the tape. I turned  
[3] over the tape to the Mayor because I'm not  
[4] interested on recording those conversations,  
[5] sir.  
[6] **COUNCILMAN HART:** And it's my under-  
[7] standing that something very similar just  
[8] happened again with one of your officers  
[9] recording Council people, et cetera.  
[10] **CHIEF KING:** What do you mean, sir?  
[11] **COUNCILMAN HART:** What I'm saying is  
[12] that we had this little -- this thing about the  
[13] code enforcement at my house.  
[14] **CHIEF KING:** Okay. So you're talking  
[15] about Lieutenant Lowe?  
[16] **COUNCILMAN HART:** Yeah.  
[17] **CHIEF KING:** Sir, Lieutenant Lowe  
[18] responded to a call for service. Our officers  
[19] by standard operating procedures on a call for  
[20] service are to record the call because to  
[21] protect themselves from being accused of  
[22] impropriety, sir. That's why that recording  
[23] took place.  
[24] That is part of our standard operating  
[25] procedure, sir. There's nothing secret about

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[1] that. The officer recorded himself because he's  
[2] trying to protect himself from being accused.  
[3] **COUNCILMAN HART:** Who was accusing him  
[4] of doing something?  
[5] **CHIEF KING:** Sir, officers get accused  
[6] all the time including chiefs of police, get  
[7] accused of all kinds of things all the time.  
[8] And if they don't have a recording --  
[9] And that is what our officers do. They  
[10] record the video. The video runs to record and  
[11] make sure that our actions are in accordance  
[12] with the policies and procedures of the Police  
[13] Department.  
[14] **COUNCILMAN HART:** Okay.  
[15] **CHIEF KING:** But sir, the rea- -- I  
[16] mean the fact that you're mentioning it, and  
[17] earlier you said that this was not about the  
[18] call at your house, I'm confused.  
[19] Is it about the call at your house,  
[20] sir, or is it not?  
[21] **COUNCILMAN HART:** It has to do with a  
[22] private conversation with an officer, private  
[23] conversation --  
[24] **CHIEF KING:** Sir, the --  
[25] **COUNCILMAN HART:** -- that that was made

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[1] public. And neither you nor the Mayor today,  
[2] when asked about it, both of you lied to me.  
[3] **CHIEF KING:** You have not asked me  
[4] about anything, sir.  
[5] **COUNCILMAN HART:** Okay.  
[6] **CHIEF KING:** I have not lied to you at  
[7] all, sir.  
[8] **MAYOR JENKINS:** I didn't lie to you. I  
[9] didn't answer you.  
[10] **CHIEF KING:** Sir, you didn't ask me if  
[11] there was a recording. If you asked me if there  
[12] was a recording, I will tell you, yeah, there  
[13] was a recording.  
[14] **COUNCILMAN HART:** Yes. And it was a  
[15] private conversation because the statement was  
[16] made before I even talked to him.  
[17] **CHIEF KING:** Sir, how -- you called --  
[18] **COUNCILMAN HART:** And then he --  
[19] **CHIEF KING:** -- the police to  
[20] complain --  
[21] **COUNCILMAN HART:** Then he made --  
[22] **CHIEF KING:** -- on the police.  
[23] **COUNCILMAN HART:** -- the statement when  
[24] it concerned the Mayor -- and then you turned  
[25] this disk over from Tommy McElroy to him and

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[1] said, that will never happen again while I'm in  
[2] office.  
[3] **CHIEF KING:** That's correct, sir.  
[4] **COUNCILMAN HART:** Okay. Then you  
[5] turned -- but then you don't do it to him; you  
[6] do it to me.  
[7] **CHIEF KING:** So it is about the police  
[8] being called at your house, sir.  
[9] **COUNCILMAN HART:** No. It has to do  
[10] with police officers -- you're involving  
[11] yourself with politics of the City.  
[12] **CHIEF KING:** First of all, sir, that  
[13] police officer was never directed to record a  
[14] conversation.  
[15] In a way, sir -- I'll be honest -- I'm  
[16] glad he recorded the conversation to protect  
[17] himself from this kind of accusation, because  
[18] that officer acted professionally, he did  
[19] exactly what he was supposed to, sir.  
[20] And he didn't do anything wrong, sir.  
[21] He absolutely did not do anything. Sir, you  
[22] were treated at that point as a citizen of the  
[23] city of Doraville. If you want to be -- if you  
[24] want to be --  
[25] **COUNCILMAN HART:** And today when you

[1] caught wind of this, why did suddenly that  
[2] became a motion picture in the Mayor's office?  
[3] **CHIEF KING:** Because if the --  
[4] **COUNCILMAN HART:** Why was that so  
[5] important?  
[6] **CHIEF KING:** Sir, the reason that was  
[7] important, sir, is because there were certain  
[8] statements made about corruption in the Police  
[9] Department and about me being involved in  
[10] politics and me influencing the Mayor on behalf  
[11] of Commissioner Hadden. And that is absolutely  
[12] false. I don't do that, sir.  
[13] I have a relationship with my mayor,  
[14] sir, I have to, because he's the full-time mayor  
[15] of the city.  
[16] **COUNCILMAN HART:** Uh-huh.  
[17] **CHIEF KING:** But, sir, you know if  
[18] you -- you were treated like any other citizen  
[19] in our city gets treated, sir, and that's why  
[20] that officer chose to record it. The officer --  
[21] Lieutenant Lowe acted professionally, sir. If  
[22] you object to be recorded, then --  
[23] **COUNCILMAN SPANGLER:** Then, don't call  
[24] the Police. Don't call them for anything and  
[25] then you won't be recorded. Is that true?

[1] **CHIEF KING:** Okay, sir.  
[2] **COUNCILMAN SPANGLER:** -- because I've  
[3] got some stuff that I don't really want  
[4] everybody to hear and you probably don't want  
[5] everybody to hear.  
[6] **UNIDENTIFIED SPEAKER:** Make a motion  
[7] and do it.  
[8] **COUNCILMAN LOWE:** Make a motion to go  
[9] into executive session?  
[10] **COUNCILMAN SPANGLER:** Make a motion to  
[11] go into executive session.  
[12] **COUNCILWOMAN PITTMAN:** Yes, because I  
[13] would like --  
[14] **COUNCILMAN SPANGLER:** Make a motion to  
[15] go into --  
[16] **COUNCILWOMAN PITTMAN:** -- to go ahead  
[17] and --  
[18] **COUNCILMAN SPANGLER:** -- executive  
[19] session.  
[20] **COUNCILWOMAN PITTMAN:** -- address that  
[21] issue.  
[22] **COUNCILMAN LOWE:** I second it.  
[23] **COUNCILWOMAN HADDEN:** I'd like to make  
[24] a comment.  
[25] **MAYOR JENKINS:** Okay. I got a motion

[1] **CHIEF KING:** Perhaps that's prob- --  
[2] **COUNCILMAN SPANGLER:** It's like -- it's  
[3] like me when I called and complained because I  
[4] had citizens and residents in Oakcliff call me,  
[5] and I called in. Then I get -- I get four  
[6] subpoenas that were actually illegal.  
[7] **CHIEF KING:** They were, sir, and I --  
[8] and we corrected that once you brought it to my  
[9] attention.  
[10] **COUNCILMAN SPANGLER:** How did -- how  
[11] did we correct it? I mean, you know, the damage  
[12] was done.  
[13] I mean, you know, I can see what  
[14] Mr. Hart's saying, John. Or Chief King. Excuse  
[15] me.  
[16] **CHIEF KING:** It's John, sir.  
[17] **COUNCILMAN SPANGLER:** No. Chief King.  
[18] You know, you treat all of us  
[19] differently. Okay? I mean I've had that kind  
[20] of treatment, the same as you're talking about  
[21] that he has.  
[22] You know, like I said, I'd rather talk  
[23] to you in private -- or not in private but  
[24] before the Council rather than the audience,  
[25] okay --

[1] and a second. Any more comments?  
[2] **COUNCILWOMAN HADDEN:** I have some  
[3] comments, Mr. Mayor.  
[4] **MAYOR JENKINS:** Yes, ma'am. Go ahead.  
[5] **COUNCILWOMAN HADDEN:** Okay. I guess  
[6] when one of the officers came to my house and  
[7] one of my vehicles was parked within 20 feet of  
[8] one of the neighboring driveways and asked me to  
[9] move it, I'm probably recorded, too. And I  
[10] guess when I got my speeding ticket, I got  
[11] recorded then probably, too.  
[12] And I know that they're in the  
[13] neighborhoods more because I have seen them in  
[14] the neighborhoods more.  
[15] And I can only say that I also know a  
[16] little bit about Mr. McElroy's background that  
[17] may be prohibiting him from --  
[18] **UNIDENTIFIED SPEAKER:** Is this for the  
[19] public or for closed session?  
[20] **COUNCILWOMAN HADDEN:** It's for the  
[21] public.  
[22] **UNIDENTIFIED SPEAKER:** Well, I think  
[23] the motion's been made. We're tired and --  
[24] **COUNCILWOMAN HADDEN:** I get my  
[25] discussion in. This is the right time according

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[1] to Roberts Rules --  
[2] **MAYOR JENKINS:** It's time for  
[3] discussion.  
[4] **COUNCILWOMAN HADDEN:** -- for  
[5] discussion.  
[6] -- that Mr. McElroy had been involved  
[7] in some physical altercations, one at Mama's  
[8] Country Showcase, and I believe he was arrested  
[9] by Dekalb County for that; and then I believe he  
[10] was involved in another altercation over here at  
[11] the Oasis at some type of bachelor party or  
[12] something where he again got in trouble, I  
[13] believe, with Dekalb County.  
[14] Now, I'm not positively absolutely sure  
[15] of some of these facts, but I do believe that  
[16] there were some things that went with that that  
[17] were probably having something to do with maybe  
[18] his difficulty in obtaining some employment now.  
[19] **COUNCILMAN SPANGLER:** I can't imagine  
[20] why it would affect his employment now when it  
[21] didn't affect his employment at the time that  
[22] these altercations were made. Okay?  
[23] **COUNCILWOMAN HADDEN:** That's because he  
[24] was working for us.  
[25] **COUNCILMAN SPANGLER:** I mean what we

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[1] probably need to do is -- and all of you I guess  
[2] have the right. It's an open-records request to  
[3] POST to go in and get this information and see  
[4] for yourself. Okay? I think that's probably  
[5] I'm going to do. Maybe some of the rest of you  
[6] want to do the same.  
[7] I honestly don't believe that if -- I'm  
[8] not going to say he didn't do it, but if he did  
[9] do those things, why did we promote him? Why  
[10] did we make him an acting chief? You know, if  
[11] he was that bad, why did we keep him on  
[12] employment as a police officer? Why did we put  
[13] that kind of trust into him. Okay? That's my  
[14] question.  
[15] **CHIEF KING:** Do you want me to answer  
[16] that now, sir, or do you want me to answer that  
[17] later?  
[18] **COUNCILMAN SPANGLER:** I'd rather we  
[19] finish in the executive session.  
[20] **MAYOR JENKINS:** I have a motion. Go  
[21] ahead and call the roll, please.  
[22] **MS. MURPHY:** Councilwoman Pittman?  
[23] **COUNCILWOMAN PITTMAN:** Yes.  
[24] **MS. MURPHY:** Councilwoman Hadden?  
[25] **COUNCILWOMAN HADDEN:** No.

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[1] **MS. MURPHY:** Councilman Lowe?  
[2] **COUNCILMAN LOWE:** Yes.  
[3] **MS. MURPHY:** Councilman Hart?  
[4] **COUNCILMAN HART:** Aye.  
[5] **MS. MURPHY:** Councilman Spangler?  
[6] **COUNCILMAN SPANGLER:** Yes.  
[7] **COUNCILWOMAN HADDEN:** Can Lowe vote on  
[8] this?  
[9] **COUNCILMAN LOWE:** Yes, I can. I most  
[10] certainly can.  
[11] **COUNCILWOMAN HADDEN:** Since his son's  
[12] on the Police Department?  
[13] **COUNCILMAN SPANGLER:** Yeah, he sure  
[14] can.  
[15] **COUNCILMAN LOWE:** I most certainly can.  
[16] **MS. MURPHY:** The motion carries 4 to 1.  
[17] (Executive session.)  
[18] **MAYOR JENKINS:** Meeting come to order.  
[19] I don't know what consensus we have  
[20] come to yet, but I guess the only thing we can  
[21] do is for somebody to make a motion.  
[22] **COUNCILWOMAN HADDEN:** I make a motion  
[23] that we adjourn because it's after 2 o'clock in  
[24] the morning.  
[25] **MAYOR JENKINS:** Do I get a second?

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[1] **COUNCILMAN HART:** I'd like to make a  
[2] motion. This has been a bumpy two and a half  
[3] years, three years.  
[4] **MR. CRAWFORD:** We can't hear back here.  
[5] I'm sorry.  
[6] **COUNCILMAN HART:** It's been a bumpy two  
[7] and a half, three years, and we just think that  
[8] the city needs to move on. And I'd like to make  
[9] a motion that we replace John King with another  
[10] police chief.  
[11] **MS. CRAWFORD:** Oh, my God.  
[12] **MAYOR JENKINS:** Wait just a minute.  
[13] Do we get a second to that?  
[14] **COUNCILMAN SPANGLER:** I'm going to  
[15] second.  
[16] **MAYOR JENKINS:** Any more discussion?  
[17] I'm going to say one thing on it. If  
[18] this is voted yes, this is the biggest mistake  
[19] this city will ever make, and I'll tell you why,  
[20] though. I am not for it. If people want to  
[21] vote that way, I feel sorry for you.  
[22] **UNIDENTIFIED SPEAKER:** Yeah.  
[23] **UNIDENTIFIED SPEAKER:** That's the worst  
[24] mistake this city's ever seen.  
[25] **MS. CRAWFORD:** Because it's the feeling

[1] of the city. It's your personal feelings --  
 [2] **MAYOR JENKINS:** That's right.  
 [3] **MS. CRAWFORD:** -- that is the basis.  
 [4] **MAYOR JENKINS:** That's the way I feel.  
 [5] **UNIDENTIFIED SPEAKER:** Yeah, I do, too.  
 [6] **UNIDENTIFIED SPEAKER:** Yes, that's  
 [7] right.  
 [8] **UNIDENTIFIED SPEAKER:** I second it.  
 [9] **UNIDENTIFIED SPEAKER:** It should be  
 [10] what the community wants.  
 [11] **UNIDENTIFIED SPEAKER:** That's right.  
 [12] It should be.  
 [13] **UNIDENTIFIED SPEAKER:** That's right.  
 [14] **UNIDENTIFIED SPEAKER:** We have some  
 [15] voice out here.  
 [16] **UNIDENTIFIED SPEAKER:** Not all of us, I  
 [17] mean, you know.  
 [18] **UNIDENTIFIED SPEAKER:** You're supposed  
 [19] to listen to your citizens, not dictate to them.  
 [20] **UNIDENTIFIED SPEAKER:** That's right.  
 [21] **MS. CRAWFORD:** You're not supposed to  
 [22] attack the people in your own city, and that's  
 [23] what you've done all night.  
 [24] **UNIDENTIFIED SPEAKER:** What they've  
 [25] done is an investigation. If they find --

[1] **MS. MURPHY:** Mayor, that's 3 to 2.  
 [2] **MR. CRAWFORD:** Mayor, I object. I feel  
 [3] like Mr. Lowe should abstain from voting because  
 [4] he has a son that's on the police force.  
 [5] **COUNCILMAN SPANGLER:** Doesn't work any  
 [6] more, Ben.  
 [7] **MR. CRAWFORD:** Now, I'm speaking --  
 [8] **COUNCILMAN SPANGLER:** Doesn't work any  
 [9] more.  
 [10] **MR. CRAWFORD:** -- and I'm making a  
 [11] request from the audience.  
 [12] **COUNCILMAN LOWE:** Okay. I'll answer  
 [13] your question. Okay?  
 [14] I went to an attorney, Mr. James  
 [15] Watkins --  
 [16] **MR. CRAWFORD:** All right.  
 [17] **COUNCILMAN LOWE:** -- and he looked into  
 [18] this area, and this is the letter that he wrote  
 [19] to me:  
 [20] Dear Mr. Commissioner Lowe, The other  
 [21] day you asked me whether or not it was proper  
 [22] for a City Councilperson to vote on an issue  
 [23] involving the City police department when the  
 [24] Councilperson's son is a member of the police  
 [25] force.

[1] **MS. CRAWFORD:** On everybody?  
 [2] **UNIDENTIFIED SPEAKER:** -- that our  
 [3] favorite person is not doing things correctly,  
 [4] then they have the right to investigate.  
 [5] **MR. CRAWFORD:** When I asked what the  
 [6] charges were against me, there was no answer.  
 [7] No. I'm just asking a question. I  
 [8] asked what I did wrong, and one of the City  
 [9] Council people, and I won't say who, could not  
 [10] respond. So if this is how we deal justice to  
 [11] the community, it is terribly wrong.  
 [12] **MAYOR JENKINS:** Okay. We understand  
 [13] that.  
 [14] Any more discussion?  
 [15] Call the roll.  
 [16] **MS. MURPHY:** Councilwoman Pittman?  
 [17] **COUNCILWOMAN PITTMAN:** No.  
 [18] **MS. MURPHY:** Councilwoman Hadden?  
 [19] **COUNCILWOMAN HADDEN:** No.  
 [20] **MS. MURPHY:** Councilman Lowe?  
 [21] **COUNCILMAN LOWE:** Yes.  
 [22] **MS. MURPHY:** Councilman Hart?  
 [23] **COUNCILMAN HART:** Aye.  
 [24] **MS. MURPHY:** Councilman Spangler?  
 [25] **COUNCILMAN SPANGLER:** Yes.

[1] It is my opinion that it is proper and  
 [2] legal for you to vote on police issues in the  
 [3] city of Doraville.  
 [4] O.C.G.A. 36-30-6 provides: it is  
 [5] improper and illegal for a member of a municipal  
 [6] court [sic] to vote upon any question brought  
 [7] before the council in which he is personally  
 [8] interested.  
 [9] The Georgia courts have construed the  
 [10] words "personal interest" to mean a financial  
 [11] interest. See Story v. City of Macon, 205 Ga.  
 [12] 590, 1949. The courts have been consistent in  
 [13] this holding. Therefore, unless you have a  
 [14] personal financial interest in a particular  
 [15] police matter, it is proper for you to vote on  
 [16] matters pertaining to the Police Department.  
 [17] I would caution you, however, that in  
 [18] the event of a matter that directly affects or  
 [19] relates to your son's employment with the  
 [20] department or any type of employment action that  
 [21] might be taken by the department which is  
 [22] appealed to the city court, it would be prudent  
 [23] that you recuse yourself from any such  
 [24] deliberation.  
 [25] I hope this will answer your question,

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[1] blah-blah-blah-blah-blah-blah.  
[2] **MR. CRAWFORD:** Can I ask one other  
[3] question if I could, Ed, before Mr. King --  
[4] **COUNCILMAN LOWE:** Sure.  
[5] **MR. CRAWFORD:** -- responds? And I've  
[6] been coming to city councils for a long time.  
[7] And almost every issue, like it appeared to me  
[8] -- the record may show different, but it  
[9] appeared to me you abstained from all votes that  
[10] involved --  
[11] **COUNCILMAN LOWE:** That's because --  
[12] **MR. CRAWFORD:** Let me finish.  
[13] It appeared to me -- and correct me if  
[14] I'm wrong -- that you abstained from many, many  
[15] votes -- let me phrase it differently -- that  
[16] had some effect with the Police Department.  
[17] **COUNCILMAN LOWE:** That is because  
[18] Mr. Jason threatened me with ethics.  
[19] **MS. CRAWFORD:** But now we don't have to  
[20] worry about ethics any more?  
[21] **COUNCILMAN LOWE:** But I went to  
[22] Mr. Watkins and he clarified that, okay.  
[23] **CHIEF KING:** Mayor, I would respect-  
[24] fully ask that there's clearly a conflict  
[25] between Mr. Watkins and myself, and I'm not

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[1] surprised that Mr. Watkins would render that  
[2] opinion.  
[3] I'm surprised he did not go to the City  
[4] Attorney, who is the city [sic] who we employ,  
[5] for personnel.  
[6] I took -- I was part of the effort to  
[7] remove Mr. Watkins as a City judge, and I'm not  
[8] surprised that Mr. Watkins would retaliate  
[9] against me in this way.  
[10] Looking at the City charter, since I  
[11] was not -- I'm not being fired by my supervisor;  
[12] I'm being fired by -- the City Council has  
[13] decided to reach past the Mayor and take this  
[14] action, then I respectfully request that my  
[15] appeal be heard in the Superior Court of Dekalb  
[16] County, as my right is under the charter.  
[17] **UNIDENTIFIED SPEAKER:** Amen.  
[18] **UNIDENTIFIED SPEAKER:** Amen.  
[19] **UNIDENTIFIED SPEAKER:** Amen.  
[20] **UNIDENTIFIED SPEAKER:** Amen.  
[21] **UNIDENTIFIED SPEAKER:** Amen.  
[22] **CHIEF KING:** And in all fairness,  
[23] please --  
[24] **COUNCILMAN LOWE:** Actually, it was the  
[25] Council who hired you to begin with, wasn't it?

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[1] **CHIEF KING:** No, sir, it was not. It  
[2] was the Mayor, and it was ratified by the City  
[3] Council. You were the only dissenting vote, and  
[4] that's a matter of the record.  
[5] I feel very strongly based on the  
[6] remarks that have been made tonight that my  
[7] military service has played a very key part in  
[8] this, and I intend to bring the full bearing of  
[9] the United States government on this decision  
[10] because I really feel that it's my military  
[11] service that has taken -- that has been placed,  
[12] based on the comments that you made, Mr. Hart,  
[13] and you, Mr. Spangler.  
[14] **COUNCILMAN SPANGLER:** No. The only  
[15] thing I said --  
[16] **CHIEF KING:** Sir, we -- let's argue in  
[17] court.  
[18] **COUNCILMAN SPANGLER:** Okay. Okay.  
[19] **CHIEF KING:** In all fairness, sir,  
[20] let's argue in court.  
[21] **UNIDENTIFIED SPEAKER:** Yeah. The  
[22] comment's of record.  
[23] **UNIDENTIFIED SPEAKER:** The comments are  
[24] on the record.  
[25] **COUNCILWOMAN PITTMAN:** Since they have

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[1] done this, do they need to appoint someone  
[2] that's going to be Acting Chief or are we just  
[3] going to leave it in limbo?  
[4] **COUNCILMAN HART:** No.  
[5] **MAYOR JENKINS:** Meeting adjourned as  
[6] far as I'm concerned.  
[7] (Whereupon, the meeting was adjourned  
[8] at approximately 2:10 a.m. on Tuesday, August 7,  
[9] 2007.)  
[10] -o0o-  
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[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  
[5] was taken down, as stated in the caption, and the  
[6] proceedings were reduced to typewriting under my  
[7] direction and control.

[8] I further certify that the transcript is a true  
[9] and correct record of the evidence given at the said  
[10] proceedings.

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

[15] This the 14th day of August, 2007.

[16]

[17]

\_\_\_\_\_  
Theresa Bretch, CCR

[18]

Permit No. B-755

[19]

[20]

[SEAL]

[21]

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