

In The Matter Of:

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

*Mayor Ray Jenkins Presiding
October 1, 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, October 1, 2007.

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[1] PROCEEDINGS
[2] **MAYOR JENKINS:** Meeting come to order.
[3] Appreciate everybody coming out, and we hope we
[4] have a good meeting for you and get a lot done
[5] tonight.
[6] I'm going to have Priscilla call the
[7] roll.
[8] **MS. MURPHY:** Councilwoman Hadden?
[9] **COUNCILWOMAN HADDEN:** Here.
[10] **MS. MURPHY:** Councilwoman Pittman?
[11] **COUNCILWOMAN PITTMAN:** Here.
[12] **MS. MURPHY:** Councilman Lowe?
[13] **COUNCILMAN LOWE:** Here.
[14] **MS. MURPHY:** Councilman Spangler?
[15] **COUNCILMAN SPANGLER:** Here.
[16] **MAYOR JENKINS:** I want to get the
[17] approval of the minutes. We got three sets of
[18] meetings to approve, and I'm going to go one at
[19] a time.
[20] I want to approve the minutes of the
[21] August the 6th, 2007 meeting. Do I get a
[22] motion?
[23] **COUNCILMAN LOWE:** Motion.
[24] **MAYOR JENKINS:** Second?
[25] **COUNCILWOMAN PITTMAN:** Second.

[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 Ed Lowe
[8] Hugh "Rick" Powell, City Attorney
[9] Ms. Priscilla Murphy, Consultant
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[1] **MAYOR JENKINS:** All in favor?
[2] Opposed?
[3] The August 29th, 2007 special called
[4] meeting. That was the one I believe on an
[5] update on the Dekalb County Service Delivery
[6] Schedule. Okay. I'd like to have a motion on
[7] that.
[8] **COUNCILWOMAN HADDEN:** So moved.
[9] **MAYOR JENKINS:** Second?
[10] **COUNCILMAN LOWE:** Second.
[11] **MAYOR JENKINS:** All in favor?
[12] **COUNCILMAN SPANGLER:** I'm going to --
[13] **MAYOR JENKINS:** Opposed?
[14] **COUNCILMAN SPANGLER:** -- abstain. I
[15] wasn't here.
[16] **MS. MURPHY:** We got one abstain.
[17] **MAYOR JENKINS:** Excuse me.
[18] **MS. MURPHY:** We got one abstain.
[19] **MAYOR JENKINS:** Okay. One abstain on
[20] the --
[21] **COUNCILMAN SPANGLER:** Yeah. I wasn't
[22] here.
[23] **MAYOR JENKINS:** It's the special called
[24] meeting.
[25] **COUNCILMAN SPANGLER:** Right. I wasn't

[1] here for that.
 [2] **MAYOR JENKINS:** Oh, okay.
 [3] September the 4th, 2007 meeting. That
 [4] was a regular meeting. Do I have a motion?
 [5] **COUNCILWOMAN PITTMAN:** Motion.
 [6] **MAYOR JENKINS:** Second?
 [7] **COUNCILWOMAN HADDEN:** Second.
 [8] **MAYOR JENKINS:** All in favor?
 [9] Opposed?
 [10] **COUNCILMAN SPANGLER:** I'm abstaining on
 [11] that.
 [12] **MS. MURPHY:** I'm going to call it.
 [13] Councilwoman Hadden?
 [14] **COUNCILWOMAN HADDEN:** Aye.
 [15] **MS. MURPHY:** Councilwoman Pittman?
 [16] **COUNCILWOMAN PITTMAN:** Aye.
 [17] **COUNCILMAN SPANGLER:** Councilman Lowe?
 [18] **COUNCILMAN LOWE:** Aye.
 [19] **MS. MURPHY:** Councilman Spangler?
 [20] **COUNCILMAN SPANGLER:** I'm going to
 [21] abstain. I missed that meeting.
 [22] **MS. MURPHY:** Okay.
 [23] **MAYOR JENKINS:** You were at that
 [24] meeting, weren't you?
 [25] **COUNCILMAN SPANGLER:** No. I missed

[1] cost so much more to finish it.
 [2] **MS. MURPHY:** And Mayor --
 [3] **MAYOR JENKINS:** Wait a minute. We'll
 [4] ask the Council about this.
 [5] Bob has suggested that Mr. Hart finish
 [6] it. Now, I just -- like I say, without the help
 [7] of the Maintenance, it would cost so much for
 [8] him to hire people to get it done. We cannot
 [9] afford to do that.
 [10] **COUNCILMAN SPANGLER:** Well, that's
 [11] fine. I think the Maintenance Department would
 [12] be fine if they're able to help him finish it.
 [13] **MAYOR JENKINS:** With maybe his super-
 [14] vision.
 [15] **COUNCILMAN SPANGLER:** Right.
 [16] **MAYOR JENKINS:** Well, then, on that,
 [17] would you make that in the form of a motion?
 [18] **COUNCILMAN SPANGLER:** I make a motion
 [19] that Mr. Hart be allowed to finish the sidewalk
 [20] with the Maintenance Department's help, with
 [21] moneys that he has left in his budget.
 [22] **MAYOR JENKINS:** Money that's left in
 [23] his budget.
 [24] And what are we going to do when he
 [25] doesn't have any more money?

[1] that meeting.
 [2] **MAYOR JENKINS:** I'm going to get
 [3] Priscilla to give us an update on the Chestnut
 [4] Drive sidewalks. We're still trying to figure
 [5] out where some of the -- how much money we have
 [6] left and all.
 [7] Priscilla, can you bring an update on
 [8] that?
 [9] **MS. MURPHY:** So far, the total cost
 [10] spent on the project is \$21,134.45. But of
 [11] that, the County's paid \$11,900, and there was
 [12] pavers sold for \$1,455, so the City's cost in it
 [13] so far has been \$7,700.
 [14] **COUNCILMAN SPANGLER:** Okay. So there's
 [15] about what?
 [16] **MS. MURPHY:** 2,300.
 [17] **COUNCILMAN SPANGLER:** 2,300 left?
 [18] If I'm not out of line, I'd like to
 [19] make a motion that Mr. Hart be able to finish
 [20] the sidewalk with the moneys that's left.
 [21] **MAYOR JENKINS:** I'm sure he won't be
 [22] able to finish it with the 2,300, Bob.
 [23] I agree with you. I don't have any
 [24] problem with Mr. Hart finishing it with the
 [25] Maintenance working with him so that it won't

[1] **MS. MURPHY:** Well, there's possible
 [2] more paver sales, too.
 [3] **MAYOR JENKINS:** Well, we'll have to
 [4] sell some more. We have a few that's sold. If
 [5] we can find out where the people that's doing
 [6] the engraving is.
 [7] **MS. MURPHY:** I know where that is.
 [8] **MAYOR JENKINS:** Okay. So what are you
 [9] saying? Finishing it with donations from the
 [10] people on bricks?
 [11] **COUNCILMAN SPANGLER:** With the moneys
 [12] that he has left, with the Maintenance
 [13] Department's help, I feel like -- and whatever
 [14] additional moneys that can come in from the sale
 [15] of the pavers, I feel like he should be able to
 [16] finish it.
 [17] And we might ask Mr. Hart if he thinks
 [18] he can.
 [19] **ATTORNEY POWELL:** Do you want to?
 [20] **MR. HART:** Yes.
 [21] I think the \$2,300 is more than enough
 [22] money to finish it.
 [23] **MAYOR JENKINS:** More than enough?
 [24] **MR. HART:** Because we bought a tractor-
 [25] trailer load of pavers when we bought the

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[1] pavers, so we've already paid for that part.
 [2] And we'll get additional moneys in from selling
 [3] brick pavers, and there's a little bit -- I
 [4] think there's about maybe 10 yards of concrete
 [5] left to be purchased, and that's the only,
 [6] really, expense we have.
 [7] **COUNCILMAN SPANGLER:** So what you're
 [8] saying is, Mr. Hart, for \$2,300 you can finish
 [9] the sidewalk?
 [10] **MR. HART:** Yeah. I think there's five
 [11] pavers for every 10 feet. So there's about 80
 [12] feet, so you have that many more pavers to be
 [13] sold. So we'll get money in from that, too. So
 [14] that's more than enough money to finish.
 [15] **MAYOR JENKINS:** Okay. Your motion is?
 [16] Can you read the motion?
 [17] **MS. MURPHY:** The motion is to allow
 [18] Mr. Hart to finish the sidewalk along with the
 [19] assistance of our Maintenance Department, with
 [20] the \$2,300 left in the budget and any paver
 [21] sales revenue.
 [22] **MAYOR JENKINS:** Okay. Do I have a
 [23] second?
 [24] **COUNCILWOMAN HADDEN:** I have a second.
 [25] **MAYOR JENKINS:** Okay. Would you call

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[1] the roll, Priscilla?
 [2] **MS. MURPHY:** Councilwoman Hadden?
 [3] **COUNCILWOMAN HADDEN:** Aye.
 [4] **MS. MURPHY:** Councilwoman Pittman?
 [5] **COUNCILWOMAN PITTMAN:** Aye.
 [6] **MS. MURPHY:** Councilman Lowe?
 [7] **COUNCILMAN LOWE:** Aye.
 [8] **MS. MURPHY:** Councilman Spangler?
 [9] **COUNCILMAN SPANGLER:** Aye.
 [10] **MAYOR JENKINS:** Good.
 [11] Zoning ordinance update. Some of you
 [12] wasn't here during the work session, so I'm
 [13] going to let Johnny Lawler come up and bring us
 [14] up to date.
 [15] **MR. LAWLER:** Yes, Mayor. What I did
 [16] after being authorized by you, by the Council,
 [17] is to review the last draft of the proposed
 [18] Zoning Ordinance from your contractor.
 [19] And I reviewed it as to form and
 [20] content and then I also reviewed all the written
 [21] comments by others that were given to me. And
 [22] after editing it on the first review with my own
 [23] comments, I went back and included or deleted
 [24] items as a result of the comments that were
 [25] provided in writing.

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[1] And after that edit, City Attorney Rick
 [2] Powell and I met, and we are now putting it in a
 [3] form that includes all of what I did and it
 [4] includes additions and deletions and also things
 [5] that will need to be adopted by the Council
 [6] outside of the Zoning Ordinance or at least
 [7] recommendations. My time does not include those
 [8] things, but such as the Tree Ordinance and
 [9] administrative procedures for the Building
 [10] Codes.
 [11] And I believe that a Conservation
 [12] Subdivision ordinance needs to be included in
 [13] the ordinance, and Mr. Powell is doing that
 [14] right now. It is in the draft that will be
 [15] presented to you.
 [16] And that's where we stand right now.
 [17] **COUNCILWOMAN HADDEN:** I have a ques-
 [18] tion.
 [19] **MAYOR JENKINS:** Yes.
 [20] **COUNCILWOMAN HADDEN:** Mr. Lawler, does
 [21] our comprehensive land use map currently have a
 [22] Conservation Subdivision?
 [23] **MR. LAWLER:** No. What a conservation
 [24] subdivision does --
 [25] Are you talking about the zoning map?

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[1] **COUNCILWOMAN HADDEN:** No, sir. The
 [2] Zoning Ordinance should kind of hold hands with
 [3] the Comprehensive Land Use Plan.
 [4] **MR. LAWLER:** The Land -- I do not know.
 [5] I did review your Comprehensive Plan a long,
 [6] long time ago. I don't know if it specifically
 [7] talks about a Conservation Subdivision or not.
 [8] That's not usually shown on the map because it
 [9] usually applies to lower density residential
 [10] areas that you can compact the density, usually
 [11] as a use by right.
 [12] If you compact the density -- say you
 [13] allow 50 houses -- I'm just using these round
 [14] figures -- 50 houses on five acres, well, you
 [15] put the houses --
 [16] That's assuming too large of a number,
 [17] and somebody's going to misconstrue this.
 [18] Let's say you allow 10 houses on 10
 [19] acres. Let's say that. And so you're allowed
 [20] to put the 10 houses on three acres, compact
 [21] them. You get -- the developer gets to build
 [22] less road and he'll leave those other seven
 [23] acres as greenspace. That's basically a -- and
 [24] it is mandated because of the stormwater and
 [25] having -- being able to get the water down to

[1] the -- into the water table.
 [2] **COUNCILWOMAN HADDEN:** Okay.
 [3] **MR. HART:** We already have a
 [4] Conservation Subdivision.
 [5] **MR. LAWLER:** Is it included in the
 [6] Zoning Ordinance?
 [7] **MR. HART:** (Inaudible)
 [8] **MR. LAWLER:** Well, but we're talking
 [9] about the proposed one.
 [10] **MR. HART:** It's in the current one. We
 [11] have one now. We have a Conservation
 [12] Subdivision ordinance in the current ordinance.
 [13] **MR. LAWLER:** Okay. Well, this proposed
 [14] ordinance if adopted will take the place of the
 [15] whole thing, so it needs to be included in the
 [16] new ordinance.
 [17] Any other questions?
 [18] **COUNCILMAN LOWE:** Do you want me to
 [19] make a motion about the extra hours?
 [20] **COUNCILWOMAN PITTMAN:** (Inaudible)
 [21] **MAYOR JENKINS:** Yes. What we need is a
 [22] motion on that to allow up to 40 more hours.
 [23] That was what I suggested. Whatever Council
 [24] wants to do.
 [25] **COUNCILMAN LOWE:** I make a motion.

[1] make a nomination, and then those two
 [2] collectively would select the third. And I
 [3] believe the existing survivor is the one that
 [4] was selected by the two sitting.
 [5] So you have the right to make one, and
 [6] then from whichever district did not -- then, is
 [7] left, the Council would choose.
 [8] **MAYOR JENKINS:** Well, I'm not prepared
 [9] tonight to put one on there.
 [10] **MS. MURPHY:** He can still --
 [11] **MAYOR JENKINS:** If somebody has a
 [12] suggestion.
 [13] Yes, ma'am?
 [14] **MS. MURPHY:** The ordinance is not
 [15] different when they are replaced? Is there a
 [16] provision that makes the nominations different
 [17] if they're replaced or --
 [18] **MAYOR JENKINS:** I thought it was that I
 [19] couldn't make another one on that.
 [20] **MS. MURPHY:** Because it was my under-
 [21] standing that both nominations had to come from
 [22] the Council, but I may be wrong.
 [23] **ATTORNEY POWELL:** Have you got the
 [24] ordinance?
 [25] **MR. GRANT:** Yes, sir. I may be able

[1] **MAYOR JENKINS:** Possibility it won't
 [2] take that much.
 [3] Do I get a second?
 [4] **COUNCILWOMAN PITTMAN:** Second.
 [5] **MAYOR JENKINS:** Call the roll,
 [6] Priscilla.
 [7] **MS. MURPHY:** Councilwoman Hadden?
 [8] **COUNCILWOMAN HADDEN:** Aye.
 [9] **MS. MURPHY:** Councilwoman Pittman?
 [10] **COUNCILWOMAN PITTMAN:** Aye.
 [11] **MS. MURPHY:** Councilman Lowe?
 [12] **COUNCILMAN LOWE:** Aye.
 [13] **MS. MURPHY:** Councilman Spangler?
 [14] **COUNCILMAN SPANGLER:** Aye.
 [15] **MAYOR JENKINS:** Motion carried, Johnny.
 [16] Thank you.
 [17] On the Ethics Committee nominations, I
 [18] nominated Mr. Alan Malcolm. So he's not on the
 [19] Ethics any more, so we're going to have to go to
 [20] the Council to get new nominations for that.
 [21] Do I have any suggestions on that?
 [22] **ATTORNEY POWELL:** Actually, Mayor, you
 [23] could make a nomination to replace him because
 [24] that was -- the ordinance itself contemplates
 [25] you would make a nomination, the Council would

[1] to answer.
 [2] **ATTORNEY POWELL:** Yeah. Sure.
 [3] **MR. GRANT:** Shall I start from the
 [4] beginning? It might clarify everything.
 [5] Gordo Grant.
 [6] (Reading) "At the beginning of each
 [7] term, the Mayor shall appoint the first member
 [8] to the Committee. The City Council shall
 [9] appoint the second member who shall not reside
 [10] in the election district in which the other
 [11] member appointed by the Mayor resides. The
 [12] third member shall be appointed by the first two
 [13] above members." Da-da-da-da-da.
 [14] "A member of the Ethics Committee may
 [15] be removed by majority vote of the City Council
 [16] at any time. In the event of a vacancy on the
 [17] Committee during a term of the Committee, the
 [18] City Council shall appoint the new member to
 [19] serve for the balance of the term."
 [20] **MAYOR JENKINS:** Thank you, sir.
 [21] So does the Council have a nomination?
 [22] Are you prepared tonight, or next meeting or
 [23] what?
 [24] Do I get a motion we table that till
 [25] the next meeting?

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[1] **COUNCILMAN SPANGLER:** Let's do it at
[2] the next meeting.
[3] **MAYOR JENKINS:** Table. Do I get a
[4] motion that we table that till the next meeting?
[5] **COUNCILMAN SPANGLER:** Motion.
[6] **MAYOR JENKINS:** Second?
[7] **COUNCILMAN LOWE:** Second.
[8] **MS. MURPHY:** Mayor, can we make that
[9] motion into -- can we say it's postponed to the
[10] next meeting instead of tabling? Because
[11] tabling usually means we're going to pick it up
[12] at the end of this meeting.
[13] **MAYOR JENKINS:** Very good.
[14] **COUNCILMAN LOWE:** Yeah.
[15] **MAYOR JENKINS:** Postpone until -- well,
[16] read the motion.
[17] **COUNCILMAN SPANGLER:** Motion to
[18] postpone the nomination until next meeting.
[19] **COUNCILWOMAN HADDEN:** I'll second.
[20] **MS. MURPHY:** Councilwoman Hadden?
[21] **COUNCILWOMAN HADDEN:** Aye.
[22] **MS. MURPHY:** Councilwoman Pittman?
[23] **COUNCILWOMAN PITTMAN:** Aye.
[24] **MS. MURPHY:** Councilman Lowe?
[25] **COUNCILMAN LOWE:** Aye.

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[1] **MS. MURPHY:** Councilman Spangler?
[2] **COUNCILMAN SPANGLER:** Aye.
[3] **MAYOR JENKINS:** Thank you. I'm going
[4] to let the Planning Board come forward. We have
[5] a variance request. And whoever's going to
[6] represent the Planning Board, come on up the
[7] mike, please, sir.
[8] And is Ms. Saraly Obregon in the
[9] audience?
[10] **MS. OBREGON:** Yes, I'm here.
[11] **MR. O'CONNOR:** Joe O'Connor, a member
[12] of the Planning Commission.
[13] On September the 17th, we held a
[14] hearing on the above Ms. Obregon's request for a
[15] variance. And basically what it was is a roof/
[16] stoop area, just a little extension from the
[17] home that was a few feet in variance.
[18] We went out and measured it. She came
[19] in and testified. After looking at it and the
[20] age of the house which is kind of grandfathered
[21] in because of its closeness to the roadway, we
[22] recommend to the Council that the variance be
[23] granted.
[24] **MAYOR JENKINS:** Would you come on up,
[25] ma'am? Would you like to make a comment?

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[1] **MS. OBREGON:** No. All the documents
[2] are included in the package I submitted. It's
[3] basically I'm encroaching I believe by three
[4] feet from the setback with the new porch that's
[5] built onto the house, and I'm just requesting a
[6] variance.
[7] **MAYOR JENKINS:** How much of a variance
[8] is it, Joe?
[9] **MR. O'CONNOR:** It's somewhere between
[10] three and four feet, I believe, from the road-
[11] way.
[12] **MR. ANDERSON:** From the roadway. It's
[13] -- it's -- It definitely requires a variance.
[14] It's -- from the roadway, if you add six feet or
[15] seven feet to that, you're into a 10 or 11 foot
[16] variance. The house itself is --
[17] I apologize. I'm Stuart Anderson. I'm
[18] on the Planning Commission as well.
[19] The house that Joseph mentioned was --
[20] the house is grandfathered in. The house in the
[21] first place is somewhat too close to the road.
[22] It's overgrown; had a nice porch covered it
[23] which made a variance required under that rule
[24] 705, Article 705, and we voted to grant the
[25] variance of noncompliance with 705.

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[1] **MAYOR JENKINS:** Okay. Do I have a
[2] motion?
[3] **COUNCILMAN LOWE:** I'll make a motion
[4] that we grant the variance.
[5] **COUNCILWOMAN PITTMAN:** I'll second
[6] that.
[7] **MS. MURPHY:** Councilwoman Hadden?
[8] **COUNCILWOMAN HADDEN:** Aye.
[9] **MS. MURPHY:** Councilwoman Pittman?
[10] **COUNCILWOMAN PITTMAN:** Aye.
[11] **MS. MURPHY:** Councilman Lowe?
[12] **COUNCILMAN LOWE:** Aye.
[13] **MS. MURPHY:** Councilman Spangler?
[14] **COUNCILMAN SPANGLER:** Aye.
[15] **MAYOR JENKINS:** Thank you.
[16] **MS. OBREGON:** Thank you.
[17] **MAYOR JENKINS:** Donna, do you want to
[18] go ahead with your --
[19] **COUNCILWOMAN PITTMAN:** First of all, I
[20] want to apologize. I had three wisdom teeth
[21] taken out and I have stitches so my mouth's not
[22] moving quite like it usually does.
[23] I'm going to skip down to e. if you
[24] don't mind because there's some employees here
[25] that I'd like to recognize.

[1] You know, we have some really great
[2] employees in the city. Oftentimes we don't hear
[3] anything unless it's something negative; people
[4] want to call and complain about rudeness or a
[5] variety of other things. So it's very
[6] refreshing to receive something that's very
[7] positive in regards to our employees.

[8] Recently, Ms. Hadden and I received a
[9] letter from Gerri Penn who is the vice president
[10] of the Dunwoody Homeowners Association. She is
[11] the vice president of code enforcement and
[12] zoning. And she wrote this letter on behalf of
[13] the North Dekalb Dunwoody Homeowners
[14] Association, and I just wanted to share this
[15] because it is a positive thing and wanted to
[16] recognize those employees because they're doing
[17] a really good job.

[18] (Reading) "Dear Councilmember Pittman
[19] and Hadden, I just wanted to tell you how much I
[20] appreciate Lieutenant Lowe's efforts in your
[21] Code Enforcement Department.

[22] "I spoke to Rhonda Blackman concerning
[23] 4483 Tilly Mill Road, the Quick Stop, and she
[24] had given me very useful information and
[25] suggestions and suggested I call Code

[1] I'm familiar with this, and it was
[2] hideous looking. They've had motorized -- it's
[3] a convenience store. It's down Tilly Mill. And
[4] they had all these motorcycles and three-
[5] wheelers just out all over the street and big
[6] signs.

[7] And so they acted on it and gave her
[8] correct information, and they were really
[9] impressed with the city of Doraville.

[10] If I could get you guys to stand up so
[11] we can recognize you, we really appreciate it.

[12] (Applause)

[13] **COUNCILWOMAN PITTMAN:** Okay. I don't
[14] know if any of you have met. But Officer Morrow
[15] and Officer Martin, if you'd like to stand
[16] again, these are our new Code Enforcement
[17] ladies. I've seen a big difference in the city.

[18] **MAYOR JENKINS:** And Mr. Lowe.

[19] **COUNCILWOMAN PITTMAN:** And Lieutenant
[20] Lowe has headed this up and done a wonderful
[21] job, and we're really proud.

[22] (Applause)

[23] **COUNCILWOMAN PITTMAN:** And Rhonda
[24] Blackman is not here tonight, but she also -- I
[25] had received another letter in reference to her

[1] Enforcement. She explained the code concerning
[2] a convenience store cannot have mixed use and
[3] sell motorized vehicles. The Quick Stop was
[4] also in violations with its signs.

[5] "Since then, Officer Morrow was out
[6] there and addressed the signs and the motorized
[7] vehicles. I left a message for Officer Lowe on
[8] Friday afternoon, and he has already returned my
[9] phone call this afternoon. He explained that
[10] when vehicles to be sold, though it is not -- it
[11] is allowed, the use is allowed, Officer Lowe is
[12] looking into some more, but it's in Dekalb
[13] County. His hands are tied once the permit has
[14] been issued.

[15] "I have made a suggestion that Dekalb,
[16] that before permits are issued, that the Permits
[17] Department check with Code Enforcement.

[18] "Once again, thanks to Rhonda Blackman,
[19] Officer Morrow and Lieutenant Lowe. They are
[20] all wonderful, and please let them know and the
[21] Mayor as well."

[22] So she was really impressed with how
[23] well and how accurate they handled this. They
[24] had lots of information and they went out there
[25] immediately.

[1] a while back on how helpful she was with another
[2] situation. So it's really nice to see people
[3] step beyond their boundaries and assist with
[4] something. So thank you.

[5] Okay. Speaking of something positive,
[6] the City has had a lot of negative things that
[7] have occurred recently, and I think it's time
[8] that we move forward with some issues.

[9] Right now, we have something pending in
[10] regards to one of our employees. It's just kind
[11] of out there in the air, and I would like to fix
[12] that tonight if possible.

[13] So at this time, I'd like to move to
[14] rescind the motion which was passed on August
[15] 6th and 7th Council meeting to replace John King
[16] with another police chief. I think we need to
[17] rescind that and let's move forward, because as
[18] it sits right now, we technically should be
[19] looking for another police chief, and that is
[20] not what we want to occur. So I move to rescind
[21] the motion.

[22] **COUNCILWOMAN HADDEN:** I second that
[23] motion.

[24] **MAYOR JENKINS:** Okay. Priscilla, will
[25] you read the motion back?

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[1] **MS. MURPHY:** The motion is to rescind
[2] the motion from the August 6th-7th meeting that
[3] was to replace the Chief with another chief, to
[4] reverse that motion.
[5] **MAYOR JENKINS:** Okay. All in favor?
[6] **MS. MURPHY:** Councilman Hadden?
[7] **MAYOR JENKINS:** Excuse me.
[8] **COUNCILWOMAN HADDEN:** Aye.
[9] **MS. MURPHY:** Councilwoman Pittman?
[10] **COUNCILWOMAN PITTMAN:** Aye.
[11] **MS. MURPHY:** Councilman Lowe?
[12] **COUNCILMAN LOWE:** No.
[13] **MS. MURPHY:** Councilman Spangler?
[14] **COUNCILMAN SPANGLER:** No.
[15] **MAYOR JENKINS:** I vote yes for the
[16] Chief.
[17] Move right along now.
[18] **COUNCILWOMAN PITTMAN:** Okay. Moving
[19] along.
[20] **A** while back, it was brought to us or
[21] our attention about the background checks for
[22] the tank farm drivers. There was some question
[23] whether we wanted to do it once a year or every
[24] two years. I was adamant on doing it once a
[25] year.

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[1] The problem we had was it was only for
[2] GCIC, which is in Georgia. The criminal
[3] background checks were only done in Georgia,
[4] which kind of leaves you hanging out there,
[5] because if they committed a crime in another
[6] state, we would not know that.
[7] And given what happens here, and we're
[8] just kind of a sitting target, I think there's a
[9] new law that has been passed that will allow us
[10] to do a national background check now. But in
[11] order to do this, we have to pass an ordinance
[12] within the city to allow this to happen.
[13] We have given Rick a copy of an
[14] ordinance that was sent by the GBI which may
[15] assist him in drawing up this ordinance.
[16] Also, because this is going to be time
[17] consuming, we'd like to increase the fees.
[18] They're \$25 now, and I think it would be
[19] necessary to move those up to \$65, and I would
[20] like to ask permission from the Council to allow
[21] us to move forward with drawing up the ordinance
[22] to do this as well as increase the fees.
[23] And before we do this, Chief, did you
[24] want to elaborate on anything?
[25] **CHIEF KING:** Yes, ma'am.

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[1] Currently, our Georgia Code only allows
[2] us to check the -- for employment purposes, the
[3] -- for the state of Georgia, within the state of
[4] Georgia. To be able to conduct nationwide --
[5] We did not realize at the time that we
[6] presented the initial ordinance that we have a
[7] lot of out-of-state drivers. There are drivers
[8] that come from other states to drive these
[9] trucks and employees that come.
[10] What we're -- now under this new law,
[11] what they will do is they will require people to
[12] submit fingerprints, so that we will be checking
[13] the fingerprints of the applicants nationwide.
[14] Of course it will increase the work
[15] load in the Police Department but it will be a
[16] much more thorough check because we will be
[17] checking databases across the nation. There
[18] will still be a slight delay. It's not as
[19] instantaneous as typing somebody's name, but
[20] it's a lot more accurate because we will be
[21] checking fingerprints now.
[22] My recommendation is that -- that --
[23] you know, initially it's not, and then sit down
[24] and have a discussion with the co-op to get them
[25] on board so they understand the benefit that

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[1] they're getting in addition to what they've
[2] gotten so far.
[3] **COUNCILWOMAN PITTMAN:** And I would hope
[4] Council would support this simply because often-
[5] times we do not find out, or it's just recently
[6] that something occurred where a driver had
[7] actually been committed -- had committed crimes
[8] outside of the state, and it was too late
[9] because they had committed another crime. So
[10] considering where we sit, I think it's really
[11] important.
[12] And I know there was some conversation
[13] about doing it every two years, but I really
[14] want to stick to what I'm saying as far as doing
[15] it once a year.
[16] And if we need to add additional
[17] personnel to help you with that, I think that we
[18] probably, with the increase, may be able to do
[19] that.
[20] **MAYOR JENKINS:** Do I get a second?
[21] **COUNCILWOMAN HADDEN:** I'll second, but
[22] I was going to ask a question to Mr. Pitfield.
[23] Mr. Pitfield, it was suggested that as
[24] many of us on Council as possible come to your
[25] third-Thursday-of-the-month meeting at the civic

[1] center and make sure that everything was all
[2] right with your people that you represent?

[3] **MR. PITFIELD:** May I?

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

[5] **MR. PITFIELD:** Okay.

[6] **MAYOR JENKINS:** Come on up. State your
[7] name, sir.

[8] **MR. PITFIELD:** My name's Tex Pitfield.
[9] I'm the president of Saraguay Petroleum.

[10] In fact, it was about a year ago that I
[11] approached you to try and extend the renewal
[12] process to two years, and I think you will find
[13] within the community that there is a great deal
[14] of dissatisfaction with the yearly renewal
[15] process, with people being on holidays.

[16] And I absolutely support John and his
[17] crew, but I know they're run ragged doing it.
[18] And I understand where you are on terms of the
[19] yearly thing, but I would suggest at this point,
[20] with great tenderness, if you want to keep one
[21] year and raise the rates, you better wear some
[22] very thick flack vests because it will get ugly.

[23] The cost -- personally, I don't
[24] consider a cost increase necessarily out of line
[25] in consideration of where the other forms of

[1] do this for two years, and I think if we go for
[2] two years, I could probably help you get this
[3] through. But again, like I said, the delays,
[4] people on holidays, the turnaround time, and
[5] then no sooner, they're back again. Just two
[6] years I think would make it so much easier for
[7] everybody and much more cost-efficient for the
[8] Police Department. Much more cost-efficient.

[9] **COUNCILWOMAN HADDEN:** That's why we'd
[10] like to possibly come and sit down with you and
[11] your people that third Thursday of the month.

[12] **MR. PITFIELD:** Okay. Well, I think
[13] that would be terrific. I will set that up.

[14] **MAYOR JENKINS:** Did you second the
[15] motion, Marlene?

[16] **COUNCILWOMAN HADDEN:** Yes, I did.

[17] **MAYOR JENKINS:** Okay. John, do you
[18] have any rebuttal on that year versus two years?

[19] **CHIEF KING:** Sir, I'm kind of torn. I
[20] see what Commissioner Pittman's saying. I mean
[21] yearly is probably a lot more thorough than
[22] they've been doing it, two years.

[23] The key is -- and but also got to
[24] understand that right now I have a secretary
[25] that is the secretary over the Detective

[1] background identification were. But you need to
[2] realize that it's, you know, a year ago, the
[3] I.D. badge that John King brought in after
[4] September 11th was state of the art. We were
[5] the only one in the country that had this thing.
[6] And as it stands right now, it's a running joke.
[7] Specifically, GCIC; specifically, yearly
[8] renewal.

[9] The TWIC is probably dead in the water.
[10] Do you know the TWIC? There's going to be a
[11] National Port of Transportation identification
[12] for oil workers, and I think that was going to
[13] be a five-year renewal, four-year renewal.

[14] And absolutely, I will support you all
[15] myself. The NCIC which, as Donna said, I think
[16] it's absolutely adamant and would have probably
[17] waylaid a lot of the issues we've had over the
[18] last couple years. So I think NCIC is
[19] absolutely the way to go.

[20] Yes, I have concern about the usual,
[21] you know, infringing upon my private rights and
[22] fingerprinting me, but I think we can actually
[23] get away with that. Hell, we do it with
[24] driver's licenses, so why not?

[25] But I would very much ask you to let's

[1] Division. She has normal duties every day. Any
[2] day that she takes off sick or has to go for
[3] training or goes on vacation, that puts them
[4] into -- into trouble.

[5] So that is -- you know, I did not know
[6] before we got into this discussion that the
[7] option was there to hire somebody for this. I
[8] did not know that was on the table. So I need
[9] to probably look at the cost analysis, how much
[10] it will cost to hire somebody to do this versus
[11] what we got right now.

[12] **COUNCILWOMAN PITTMAN:** If you would do
[13] that, that would be wonderful.

[14] **CHIEF KING:** We'll take a serious look
[15] at it.

[16] **MAYOR JENKINS:** All right. Donna,
[17] you've got a motion. Could you read that
[18] motion?

[19] **MS. MURPHY:** Was it a motion or was it
[20] just --

[21] **COUNCILWOMAN PITTMAN:** No, I --

[22] **MS. MURPHY:** (Inaudible)

[23] **COUNCILWOMAN PITTMAN:** I can --

[24] **MAYOR JENKINS:** Go ahead.

[25] **COUNCILWOMAN PITTMAN:** Well, I guess

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[1] the motion would be for Mr. Powell to go ahead
[2] and look into our drawing up an ordinance that
[3] will allow us to go forward with the NCIC versus
[4] the GCIC. In order to do that, we do have to
[5] have an ordinance. And to increase the fees to
[6] \$65, although I am adamant on once a year.
[7] Before we vote on that, I am willing to
[8] go to the co-op and listen to what they have to
[9] say. And if we come back to two years, okay,
[10] but if we go one year, then I'd really like for
[11] you to go ahead and look into the cost of adding
[12] an employee to help with that.
[13] **MAYOR JENKINS:** We can always change it
[14] later if we need to.
[15] **COUNCILWOMAN PITTMAN:** Yes. So we'll
[16] leave it at a year right now, and then after the
[17] co-op meeting, we'll go back and revisit that.
[18] **ATTORNEY POWELL:** Our ordinance will
[19] provide for one year, but having a second
[20] reading, you -- you override it.
[21] **COUNCILWOMAN PITTMAN:** Correct.
[22] **ATTORNEY POWELL:** Okay.
[23] **COUNCILWOMAN HADDEN:** So it's not
[24] really an ordinance yet. It's just being
[25] researched to be written up --

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[1] **COUNCILWOMAN PITTMAN:** Right.
[2] **COUNCILWOMAN HADDEN:** -- so that we can
[3] come to your meeting.
[4] **COUNCILWOMAN PITTMAN:** And Rick has a
[5] copy of the one from GBI to look at to kind
[6] of --
[7] **ATTORNEY POWELL:** Right.
[8] **COUNCILWOMAN HADDEN:** And there may be
[9] some type of compromise we can work out where
[10] maybe at the year anniversary, the birth date of
[11] the driver, or if he switches jobs or something,
[12] that something else can kick into place, but we
[13] can talk about it.
[14] **MR. PITFIELD:** That would be great. It
[15] starts at 11:45 on the third Thursday of the
[16] month. If you can follow Mr. Lowe, he's pretty
[17] good at finding his way for lunch.
[18] **MAYOR JENKINS:** Call the roll,
[19] Priscilla.
[20] **COUNCILMAN LOWE:** I think it's free for
[21] everybody, isn't it?
[22] **MR. PITFIELD:** It would be nice if all
[23] the Council members attended.
[24] **MS. MURPHY:** Did we get a second,
[25] Mayor, yet?

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[1] **MAYOR JENKINS:** Yes.
[2] **MS. MURPHY:** Councilwoman Hadden?
[3] **COUNCILWOMAN HADDEN:** Aye.
[4] **MS. MURPHY:** Councilwoman Pittman?
[5] **COUNCILWOMAN PITTMAN:** Aye.
[6] **MS. MURPHY:** Councilman Lowe?
[7] **COUNCILMAN LOWE:** Aye.
[8] **MS. MURPHY:** Councilman Spangler?
[9] **COUNCILMAN SPANGLER:** I'm going to say
[10] aye with the consideration that we're going to
[11] do it every year.
[12] **MAYOR JENKINS:** Okay. Motion carried.
[13] **COUNCILMAN SPANGLER:** Can't put a price
[14] on safety.
[15] **COUNCILWOMAN PITTMAN:** Right.
[16] Okay. The next subject is recycling.
[17] We've been talking about recycling for over a
[18] year now, and I think it's time that we move
[19] forward with something.
[20] I've been speaking with Advanced
[21] Disposal, who is our current sanitation carrier,
[22] and he's been going back and forth with
[23] corporate. And the offer right now is to do two
[24] months for free, which would be once-a-week
[25] recycling. On the day that your garbage is

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[1] picked up, they will send another truck out to
[2] do recycling.
[3] They will provide bins that look like
[4] this (indicating), although I had some people
[5] after the work session ask me about possibly
[6] some with wheels or something a little more
[7] feasible for someone that might have a health
[8] problem, and that's -- we can talk to him about
[9] that.
[10] As it stands, he's offering \$2.25 per
[11] household. That includes the bin, the two
[12] months free.
[13] We have some people that do not want to
[14] participate in that form of recycling. So the
[15] real question was whether we increase the fees
[16] to the people that do or if we just take the
[17] override ourself and bite the dust on the ones
[18] that do not.
[19] I personally think that we should do
[20] recycling at \$2.25 across the board and let's
[21] just do it. I think that's something we need to
[22] move forward with. But the Council members
[23] wanted Mr. Edwards to come out the next time and
[24] speak to us and answer questions. So I guess
[25] it's up to the Council now on how they want to

[1] do that.

[2] **MAYOR JENKINS:** Donna, we also talked

[3] about \$4.50 for --

[4] **COUNCILWOMAN PITTMAN:** Right. The

[5] increase --

[6] **MAYOR JENKINS:** -- the people that

[7] wanted it.

[8] **COUNCILWOMAN PITTMAN:** -- instead of

[9] \$2.25 be \$4.50 for those people that want it and

[10] no charge to the people that do not want it.

[11] The only place that I know that does

[12] not charge across the board is Dekalb County.

[13] Dekalb is strictly voluntary, but they're also

[14] much bigger. Most of the smaller cities, it's

[15] across the board; you pay for it whether you use

[16] it or not. It's kind of like yard waste and

[17] voting; you know, whether you vote or not, you

[18] still have to pay for it, and whether you

[19] utilize yard waste -- you know, if you put yard

[20] waste out or not, you still have to pay for it.

[21] And I think we need to move forward in doing

[22] something to protect our environment, so that's

[23] my thoughts on it.

[24] **COUNCILWOMAN HADDEN:** Yeah. We already

[25] have received an increase due to the price of

[1] Is that what you were saying, Bob?

[2] **COUNCILWOMAN PITTMAN:** Okay. So I

[3] guess the Council wants to bring Mr. Edwards in

[4] at the next meeting and discuss this with him;

[5] is that correct?

[6] **COUNCILMAN LOWE:** Right.

[7] **COUNCILMAN SPANGLER:** We also want to

[8] charge \$4.50 for the recycling, and those people

[9] -- I think it was mentioned in the work session

[10] that the people that didn't want it could bring

[11] their container back, sign a waiver saying that

[12] they didn't want to be charged for it --

[13] **COUNCILWOMAN PITTMAN:** Correct.

[14] **COUNCILMAN SPANGLER:** -- because a lot

[15] of people are recycling on their own and they're

[16] going to want to continue to recycle on their

[17] own.

[18] Is that right, Mr. Mayor?

[19] **MAYOR JENKINS:** Okay. Do we need to

[20] have a motion on that or bring him in and let

[21] him talk about it before?

[22] **COUNCILWOMAN PITTMAN:** I think that --

[23] **ATTORNEY POWELL:** There's no action at

[24] this point.

[25] **COUNCILWOMAN PITTMAN:** No. I think

[1] gas, so they've already gone up on us as it was,

[2] anyway.

[3] **COUNCILMAN SPANGLER:** We also agreed to

[4] meet with Mr. Edwards because since more people

[5] are going to be recycling, there's going to be

[6] less garbage to be picked up. So there may be

[7] some type of difference --

[8] **MAYOR JENKINS:** Offset.

[9] **COUNCILMAN SPANGLER:** -- offset in

[10] that.

[11] And we also recommended, I think,

[12] Mayor, that they go to \$4.50 on the -- on the

[13] recycling. The people that don't want to do it

[14] and presently are doing it on their own

[15] shouldn't be charged for it.

[16] **MAYOR JENKINS:** Well, that's what we

[17] discussed in the work session versus what she

[18] was referring to.

[19] We have a lot of people that cannot

[20] afford the \$4.50, and we also -- we put a letter

[21] out, and it was slightly over half that wanted

[22] it. So my personal opinion would be the \$4.50

[23] for the people that want it and not put it on

[24] some of the people that cannot afford maybe the

[25] \$4.50 a month.

[1] it's no action.

[2] I guess Council doesn't want to move

[3] forward with it at this time; they just want Mr.

[4] Edwards to come in at the next meeting, and we

[5] will do that.

[6] **MAYOR JENKINS:** That'll be the mid-

[7] month meeting.

[8] **COUNCILWOMAN PITTMAN:** Yes, sir.

[9] **MAYOR JENKINS:** It's going to be two

[10] weeks, and then we'll get this straightened out.

[11] Okay?

[12] **COUNCILWOMAN PITTMAN:** Okay. And

[13] that's what we will do.

[14] We've been talking a lot about --

[15] I'm sorry. Go ahead.

[16] **MS. CRAWFORD:** I'm confused. Could

[17] you --

[18] **MAYOR JENKINS:** Come on up to the

[19] microphone.

[20] **COUNCILMAN LOWE:** Give your name.

[21] **MS. CRAWFORD:** Susan Crawford. I'm

[22] confused.

[23] **MAYOR JENKINS:** It was originally

[24] brought up by Ms. Pittman --

[25] Can you hear?

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[1] **MS. CRAWFORD:** Do you want me to come
[2] back up there?
[3] **MAYOR JENKINS:** It was brought up \$2.25
[4] per person and everybody pay that \$2.25 even if
[5] you did not want it. Mr. Spangler and myself --
[6] and we talked about it quite at length at the
[7] work session, and we got a consensus, I believe,
[8] that we would to go \$4.50, and the people that
[9] did not want it wouldn't have to. They'd come
[10] up and sign a waiver that -- that they didn't
[11] want recycling, so they wouldn't have to pay the
[12] \$4.50.
[13] But if we went to the \$2.50 -- two-
[14] twenty -- what was it, \$2.25?
[15] **COUNCILMAN LOWE:** \$2.25.
[16] **COUNCILWOMAN PITTMAN:** \$2.25.
[17] **MAYOR JENKINS:** -- everybody would have
[18] to pay in order for us to be able to afford it.
[19] **MS. CRAWFORD:** Thank you. So this is
[20] something that's good for the environment. I
[21] just want to put in my two cents.
[22] And if people really can't afford the
[23] \$2.25, I understand that, but if it's just that
[24] they don't want to and it's kind of arbitrary, I
[25] hope you'll reconsider, because \$4.50 or

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[1] whatever it is is quite a bit for the rest of us
[2] who actually want the environment to survive.
[3] **MAYOR JENKINS:** And Donna, you didn't
[4] mention the two month free thing that --
[5] **COUNCILWOMAN PITTMAN:** Yeah, I did --
[6] **COUNCILMAN LOWE:** Yes, she did.
[7] **COUNCILWOMAN PITTMAN:** -- at the
[8] beginning, but I'll --
[9] **MAYOR JENKINS:** Okay.
[10] **COUNCILWOMAN PITTMAN:** -- I'll say it
[11] again. They're going to go ahead and give us
[12] two months free, but we can't move on that yet
[13] because they want him to come in and talk to us,
[14] so.
[15] **MAYOR JENKINS:** Okay. We'll have them
[16] on the agenda for the mid-month meeting.
[17] Okay. Go ahead, Donna.
[18] **COUNCILWOMAN PITTMAN:** Okay. In the
[19] past, we've been talking a lot about the beauti-
[20] fication project on Winters Chapel.
[21] I met with the County a while back, and
[22] they had agreed to give us 83 trees to plant
[23] along the Hugo Arango Bridge where there's
[24] actually grass area all the way down Winters
[25] Chapel, but it was so hot, we could not do that.

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[1] So her recommendation was in November,
[2] so we have a date set for November 10th at
[3] 9 o'clock. We're going to meet at the Hugo
[4] Arango Bridge and we're going to be planting 83
[5] trees. She's going to come a couple of days
[6] before and mark off where they're supposed to
[7] be, and Bobby and his maintenance crew is going
[8] to take, I think it's the augur, and dig the
[9] holes so we don't have to spend all day digging
[10] 83 holes. So all we have to do is plant the
[11] trees.
[12] **MAYOR JENKINS:** Is it augur or bore the
[13] hole?
[14] **COUNCILWOMAN PITTMAN:** Yeah. Oh.
[15] The Mayor said they bore holes, but dig
[16] the holes or whatever they do.
[17] Advanced Disposal is going to be
[18] watering the flowers throughout the season for
[19] their survival, I think it's a good chance in
[20] November.
[21] We're also going to coordinate this
[22] with the dedication ceremony of the bronze
[23] plaque for the Hugo Arango Bridge. In the
[24] afternoon when we're through with this, we're
[25] going to be getting together and unveiling --

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[1] it's a very nice plaque -- on the bridge, so
[2] it'll be something there forever.
[3] And I guess, Captain Atkinson or Chief,
[4] if y'all could make sure that their family is
[5] available on that date possibly? That would be
[6] really nice.
[7] **CHIEF KING:** (Nods head affirmatively.)
[8] **COUNCILWOMAN PITTMAN:** And I know Chick
[9] Fil-A is going to take part in this with some
[10] food and drinks for us on that day. So we want
[11] everybody to come out. They're going to furnish
[12] gloves, shovels and everything we need.
[13] It's going to be a really good,
[14] positive community activity, bring everybody
[15] together. And Dekalb County is partnering up
[16] with this, and I'm really proud that we're going
[17] to be able to do this. So mark that on your
[18] calendar.
[19] Okay. And last but not least, Mr. Hart
[20] had talked quite a bit about having a fire
[21] department in the city, and he has decided to
[22] move on to other things now.
[23] I really did not want this idea to die.
[24] I've actually been working on something for a
[25] couple months now. I've been speaking with the

[1] Fire Chief of Dekalb County. He is very adamant
[2] on working closely with us on making sure that
[3] we have a fire department. I spoke with
[4] Mr. Jones, Vernon Jones, this week. He's very
[5] interested in that, also, and will possibly work
[6] with us on their bond -- in their bond, to
[7] getting their bond money and making us part of
[8] getting a fire station.

[9] We do have to furnish some property.
[10] We do have some property in the city that I
[11] think would be most appropriate. All you need
[12] is one acre. It is 2 million dollars to build a
[13] fire station.

[14] There was some talk from some people of
[15] us having our own fire station, which one day
[16] that might be a great idea. But Sandy Springs
[17] is experiencing a great deal of problems right
[18] now. They, for one thing, have to have Fulton
[19] County back them up. They cannot have enough
[20] even for a small house fire.

[21] Also, this includes EMS services for
[22] our city. Even if we were to go with our own
[23] fire department, the State of Georgia does not
[24] allow you to pick your own ambulance service.
[25] They do that for you. And right now, it's

[1] **MAYOR JENKINS:** Mr. Spangler.
[2] **COUNCILMAN SPANGLER:** Yes, sir.
[3] I wanted to discuss the Open Records
[4] request policy. This was about a year ago it
[5] came before Council to charge Council members
[6] for Open Records requests, and it was not made
[7] in the motion of a resolution or an ordinance
[8] and it was just kind of let go.

[9] I made some Open Records requests, and
[10] I guess I'm being charged for them now. I don't
[11] know of any other municipality -- and maybe
[12] there is some, but I've checked with a few.
[13] They don't charge council people for Open
[14] Records requests. And so I just want to know
[15] what we're doing about this.

[16] **MAYOR JENKINS:** Well, the only comment
[17] I can make on it is that at one time when you
[18] asked for an Open Records, we brought the stuff
[19] out and set it out, and you looked through it
[20] all you wanted to. But it got to the point that
[21] we were having to take overtime man-hours to
[22] reproduce those articles and give them to you,
[23] such as the e-mails and all that.

[24] And I'm like you. I don't remember us
[25] putting anything in an ordinance either way.

[1] Dekalb County, so we would have to utilize them
[2] for that, anyway. And they were rated number
[3] one in the state of Georgia last year.

[4] So I was wanting to ask the Council if
[5] I can move forward with working with the Fire
[6] Chief in the County on making this happen. It
[7] won't be overnight, but it is something we can
[8] look forward to.

[9] **COUNCILMAN SPANGLER:** I think you did
[10] mention there was some bond money for that from
[11] Dekalb?

[12] **COUNCILWOMAN PITTMAN:** Yeah, the bond
[13] money, they're going to be approaching the
[14] legislature trying to get some bond money for
[15] new fire stations, and they wanted to include us
[16] in that because, obviously, I hate to say this,
[17] but we are a sitting target. And the response
[18] time, even a house fire -- I know we had a small
[19] brush fire over by Value City and it was traffic
[20] time, and the response time was not as good as
[21] it should have been. So it would be very nice
[22] to have that here for the city.

[23] And that's it.

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

[25] **COUNCILWOMAN PITTMAN:** You're welcome.

[1] And I'm not familiar with other cities.
[2] Is anybody familiar with any of the
[3] other cities that does this any other way than
[4] we do?

[5] **COUNCILWOMAN HADDEN:** No. But usually
[6] a Councilperson doesn't have to ask for
[7] materials with an Open Records request.
[8] Usually, we can call up and then go up, and
[9] whatever we want, and make copies of it.

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

[11] **COUNCILWOMAN HADDEN:** That's what I've
[12] had to do in the past.

[13] **COUNCILMAN SPANGLER:** Well, I've never
[14] been asked to do that. And all I've -- what
[15] I've been told was to make an Open Records
[16] request.

[17] And Chief, you've advised me to do that
[18] and some of the other people, you know, within
[19] the City has, and I've done it without any
[20] charge. Now all of a sudden, I'm being charged.
[21] So all I want to know, is this a new policy?
[22] And since I've been on City Council, I've made
[23] several Open Records requests and have never had
[24] to pay or been asked to pay or never been told
[25] anything different.

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[1] **MAYOR JENKINS:** John, can you give a
[2] little light on that, please?
[3] **CHIEF KING:** Yes, sir. Normally we can
[4] handle for requests -- requests for information
[5] for the City Council. If it's something
[6] relatively simple that we can produce right
[7] away, there's no charge; we provide that
[8] information.
[9] But when the requests become so burden-
[10] some that we have to end up paying overtime or
[11] call in a contractor to deal with those
[12] requests, then I'm not budgeted for that. You,
[13] the City Council, has never budgeted for the
[14] overtime costs associated with that. So then
[15] I'm forced to take patrol cars off the street or
[16] juggle other priorities in the department.
[17] If I was -- if -- somebody has to pay
[18] for it. It's either the taxpayers if it's going
[19] to be provided for free to elected members, or
[20] the person requesting the Open Records.
[21] Under the Open Records law, it covers
[22] the reproduction and the costs associated with
[23] producing the information, and that's what we
[24] relied on.
[25] The first request that we had to

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[1] produce over I think it's 4,000 e-mails kind of
[2] broke the back of my department.
[3] **COUNCILMAN SPANGLER:** But again, Chief,
[4] that was your recommendation to me to ask for
[5] that, to do that Open Records request. Okay? I
[6] was not charged for that.
[7] Now, what I'm trying to ask tonight and
[8] all I want to know is are we going to have to
[9] start paying for any and all Open Records
[10] requests that we make?
[11] **UNIDENTIFIED SPEAKER:** Yes.
[12] **CHIEF KING:** Sir, the answer is
[13] twofold. If we're going to be going by the Open
[14] Records law, yes. If the motion and the
[15] ordinance gets passed where the City Council
[16] gets information free of charge, then I would
[17] respectfully request that my budget be adjusted
[18] to cover those overtime hours that will clearly
[19] be incurred by these requests of information
[20] because I don't have the moneys to pull to pay
[21] the overtime costs associated.
[22] So either -- it's either way, one way
[23] or the other. I have -- the information is
[24] available. We will -- you know, we'll provide
[25] it. But who pays for it? Either the taxpayers

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[1] or you. Well, whoever requests the information.
[2] One or the other.
[3] To me, when it's simple information,
[4] when it's producing, for example, a videotape of
[5] something, something that I have readily
[6] available, clearly, then I'm not going to charge
[7] any money. But if it requires taking staff and
[8] dedicating them into a hunt for information
[9] going into the archives, then it pushes my
[10] overtime budget, and I don't have -- I'm not
[11] budgeted for that.
[12] So whichever way the Council decides
[13] that they want to proceed in this, I'm fine.
[14] Currently, those are my options, sir. I hope
[15] I've answered your question.
[16] **COUNCILMAN SPANGLER:** Not really but --
[17] **CHIEF KING:** It might not be the answer
[18] that you want to hear.
[19] **COUNCILMAN SPANGLER:** Again, maybe we
[20] need to make a motion and maybe, you know, we
[21] need to discuss it with Mr. Powell. Maybe the
[22] next meeting we'll draw up something saying that
[23] -- defining what will incur expenses to the
[24] Council people or --
[25] **CHIEF KING:** Perhaps, sir, if the

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[1] Council can establish a threshold; you get --
[2] you know, if the information is readily
[3] available say within an hour or two of costs,
[4] then there's no charge. But if it requires
[5] additional -- you know, requires additional time
[6] where it requires somebody going and being taken
[7] off their normal duties to go and look for that
[8] information, then that will generate into the
[9] Open Records, you know, costs.
[10] But we try to use the lowest-paid
[11] individual to get that information. That is
[12] part of the Open Records laws. The first 15
[13] minutes are free. And then there's the charges
[14] for the copies. I think Mr. Powell can probably
[15] -- he deals with -- he gets a copy of every Open
[16] Records request that the City gets or that I
[17] get. I always forward a copy to Mr. Powell so
[18] he's aware of it in case of litigation down the
[19] road.
[20] Rick, is there anything else that I --
[21] **ATTORNEY POWELL:** I think he's
[22] accurately stated the Open Records law.
[23] What I would suggest is y'all instruct
[24] me to give you a memo by next time on charging
[25] for certain things and not others. And I

[1] believe there's some law on that, and I'm going
[2] to dig into it. Does that make some sense?

[3] **COUNCILWOMAN HADDEN:** That's great.

[4] **COUNCILMAN LOWE:** (Nods head
[5] affirmatively.)

[6] **ATTORNEY POWELL:** I'll address that as
[7] best I'm able to by next time.

[8] **CHIEF KING:** Mr. Spangler, the only
[9] thing I would ask, sir, that if the costs are --
[10] if it's not going to boil down to Open Records -
[11] - you know, Open Records law, and I am, you
[12] know, provided with the tasking to provide
[13] information, that if -- respectfully, if you
[14] could look at adjusting my budget so I can then
[15] cover the overtime costs so I'm not having to
[16] cut corners in other areas. That's the only
[17] thing I ask, sir.

[18] **MAYOR JENKINS:** Okay, Bob?

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

[20] **MAYOR JENKINS:** Okay. Thank you, John.
[21] Move right on, Bob.

[22] **COUNCILMAN SPANGLER:** Okay. I've got a
[23] resolution and an ordinance on the agenda that
[24] I'd like for Mr. Powell to read.

[25] **ATTORNEY POWELL:** Mr. Spangler has

[1] City Auditor.

[2] That's the resolution.

[3] **MAYOR JENKINS:** I'll ask the first
[4] question.

[5] We are at this time doing this. Am I
[6] correct, John?

[7] **CHIEF KING:** Yes, sir, we're undergoing
[8] the typical, every-year audit. Our auditor,
[9] Mr. Whitaker, has gone through the audit of all
[10] the accounts that we have under asset
[11] forfeiture. I don't know if Mr. Spangler would
[12] want to do an additional audit.

[13] **COUNCILMAN SPANGLER:** No. I'm asking
[14] does Mr. Whitaker actually and honestly do the
[15] audits or does someone else do the audits and
[16] Mr. Whitaker takes that information?

[17] **CHIEF KING:** Sir, I don't know if
[18] you've ever had a conversation with
[19] Mr. Whitaker. Mr. Whitaker doesn't take any
[20] word -- nobody's word, including mine, sir. He
[21] does a very thorough audit, sir.

[22] You might want to talk to Priscilla
[23] about how thorough the gentleman is, but he's
[24] pretty thorough, sir. He doesn't put his
[25] signature unless he audits.

[1] asked that I read two items.

[2] The first one -- and they'll be
[3] separate items -- this is a resolution directing
[4] the City Auditor to perform a full accounting
[5] and audit of all banking accounts maintained by
[6] the Doraville Police Department.

[7] (Reading) Whereas, it has been
[8] determined by the City Council for the City of
[9] Doraville that there are accounts maintained by
[10] the Doraville Police Department of both State
[11] and Federal forfeiture of funds; whereas, the
[12] City Auditor has in the past relied upon audit
[13] information furnished by an accountant/auditor
[14] outside of his office; whereas, it is important
[15] that all funds and property of the City be
[16] audited by the designated City Auditor;
[17] therefore, be it resolved by action of the City
[18] Council for the City of Doraville, Georgia, the
[19] City Auditor is hereby directed to perform a
[20] full accounting and audit of all banking
[21] accounts maintained by the Doraville Police
[22] Department and prepare an inventory of all
[23] property as a part of the audit for the fiscal
[24] year ending June 30, 2007, as a part of the
[25] regular financial statement and report from the

[1] The problem is, sir, or some of the
[2] confusion might be is that I have an additional
[3] auditor who's certified by the Department of
[4] Justice that he does that audit first.
[5] Mr. Whitaker says, "Thank you very much. That's
[6] nice to know." But he does his own audit of
[7] those accounts. He doesn't -- you know, he
[8] takes -- he doesn't take into consideration or
[9] he just doesn't gloss over what the auditor
[10] does. He does his own thorough audit, sir.

[11] But if, I guess, we are undergoing a
[12] current audit -- and perhaps Mr. Whitaker can
[13] answer that, those questions to you or come and
[14] maybe talk to you about how he does his audit of
[15] the asset forfeiture accounts. But he does a
[16] totally separate audit than the -- than the
[17] other auditor that I use.

[18] And the only reason I use another one
[19] is because I wanted to have a second look at the
[20] audit by an independent, separate auditor that
[21] reports to the Federal government as I'm
[22] required by Federal law.

[23] **MAYOR JENKINS:** More on that, Bob?

[24] **COUNCILMAN SPANGLER:** No. I just
[25] wanted to -- like I say, as Council member, I

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[1] think we're all -- or as Council members, we all
[2] want to make sure everything's done above board
[3] and, you know, for the Police Department's
[4] protection, I just wanted to make sure it's
[5] being done right.
[6] **MAYOR JENKINS:** Well, according to what
[7] he said, do you agree that it's being done
[8] right?
[9] **COUNCILMAN SPANGLER:** Well, I'm going
[10] to say I'm going to talk with Ms. Murphy and
[11] also talk with Mr. Whitaker --
[12] **MAYOR JENKINS:** Okay.
[13] **COUNCILMAN SPANGLER:** -- as to what
[14] Chief King advised.
[15] **MAYOR JENKINS:** Any time that he's
[16] here, we'll let you know and let you talk to
[17] him.
[18] **COUNCILMAN LOWE:** Do you want to
[19] postpone this, then?
[20] **COUNCILMAN SPANGLER:** Yes. Let's
[21] postpone this until such time I can talk with
[22] Mr. Whitaker and Ms. Murphy.
[23] **MAYOR JENKINS:** Okay, Bob.
[24] **COUNCILMAN SPANGLER:** Okay. The second
[25] one is an ordinance that --

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[1] Do you want to read that one, Rick?
[2] **ATTORNEY POWELL:** Well, they each have
[3] a copy of it. It's not in our form.
[4] **COUNCILMAN SPANGLER:** Well, I'll tell
[5] you what. Let's wait until next meeting, you
[6] put it in our form. Can we do that?
[7] **ATTORNEY POWELL:** Well, I have to be
[8] directed to do that.
[9] **COUNCILWOMAN PITTMAN:** Who drew this
[10] ordinance up?
[11] **UNIDENTIFIED SPEAKER:** It's illegal.
[12] **COUNCILWOMAN PITTMAN:** Who drew this
[13] ordinance up? I'm just curious.
[14] **MAYOR JENKINS:** I have no idea who done
[15] it.
[16] **COUNCILWOMAN PITTMAN:** Mr. Powell, did
[17] you?
[18] **MAYOR JENKINS:** What are you saying,
[19] Rick? I know you're supposed to make these
[20] ordinances and resolutions. And you're saying
[21] this one was not?
[22] **ATTORNEY POWELL:** Well, this was
[23] presented -- well, it was given to us before the
[24] last meeting, and then that was taken off of the
[25] agenda because of Mr. Hart qualifying for

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[1] office. And this -- yeah, I have a copy of this
[2] from before the last meeting.
[3] **COUNCILMAN SPANGLER:** And at that time,
[4] no one said that it was not the proper format.
[5] So what I'm asking is, could you put it in the
[6] proper format?
[7] **ATTORNEY POWELL:** If I'm directed by
[8] the Council to do such.
[9] **COUNCILWOMAN PITTMAN:** Can I just ask
[10] something, though? Is this -- format or not, is
[11] this even legal to do this? Look at Section
[12] Two. My understanding is that that would not be
[13] legal for us to even do.
[14] **ATTORNEY POWELL:** John, if you would
[15] address this because we have some other --
[16] **MAYOR JENKINS:** John, this is -- let me
[17] explain. This is an ordinance to place all
[18] accounts under the control of the City Clerk.
[19] This is in the same line with this other resolu-
[20] tion we have here, so that's the reason we're
[21] asking John to explain it.
[22] **CHIEF KING:** Sir, the section -- the
[23] Section Two, it says, all funds obtained through
[24] the Doraville Police Department as State and
[25] Federal forfeited property and money shall be

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[1] maintained in separate accounts through the
[2] office of the City Clerk as City Treasurer for
[3] appropriate accounting and expenditure pursuant
[4] to Federal law and Federal regulations and
[5] guidelines, State law where applicable.
[6] Sir, that would be contrary to the law.
[7] If those accounts were put under the control of
[8] the City Clerk as treasurer, that would not be
[9] reflecting what the current law is.
[10] The law is very clear, sir, and you can
[11] look what happened to the previous chief. It
[12] wasn't the City Council that went to jail for
[13] misusing the asset forfeiture. It was the chief
[14] of police. If you misuse those moneys, it's the
[15] chief of police who is responsible. That's why
[16] I'm audited every year and that's why I have to
[17] submit a copy of all the expenditures and all
[18] the moneys to the Federal government and I also
[19] am required to submit a report every year at
[20] budget time on where, how much money we had and
[21] how we spent that money and what it was for.
[22] **MAYOR JENKINS:** Move right on on the
[23] sections, John.
[24] **CHIEF KING:** Yes, sir. Section Three,
[25] it says all expenditures of Federal forfeiture

[1] funds shall be made with the recommendation from
[2] the Doraville Police Department for review and
[3] approval of such expenditure within the
[4] guidelines of Federal law, rules and
[5] regulations, by the Council.

[6] That would be a violation of the
[7] Federal statute also. Those funds are not
[8] public funds. Those are forfeited, you know,
[9] moneys taken from drug dealers, from criminal
[10] enterprises, and those are made not to replace
[11] or to supplant the budget. When we deal with
[12] the budget, that why I always ask you not to ask
[13] me to bargain with the budget in the asset
[14] forfeiture.

[15] Once you give me a budget, then we can
[16] talk about priorities and then we can apply
[17] those priorities. For example, the three patrol
[18] cars a year that the City budgets, that is not
[19] enough patrol cars to run the Police Department.
[20] What I do then, I'll turn around and I use the
[21] asset forfeiture money to buy those patrol cars
[22] to give me the additional patrol cars that I
[23] need every year.

[24] **MAYOR JENKINS:** Thank you, John.
[25] Do you still want Rick to --

[1] case. Once they make a determination, then they
[2] send us a check, an electronic check.

[3] Under the District Attorney's office,
[4] under the State rules, it's different. When we
[5] confiscate, we go into a house and we find, for
[6] example, drugs and money, you know, we
[7] confiscate. We give notice to the person that
[8] we're confiscating the money, and then we're
[9] allowed to put those moneys into a pending
[10] seizure account. We can't touch it. We can
[11] draw interest on it but we cannot touch it until
[12] we get a court order from the Dekalb County
[13] Superior Court giving us -- awarding us that
[14] money. Then we have to cut a check for 20
[15] percent of that and send it to the District
[16] Attorney, and then we send that check to them
[17] and then they give us the order saying, you're
[18] awarded it; you're awarded.

[19] Technically by the rules, I don't have
[20] to go through the audit process for state asset
[21] forfeiture, but because of the previous
[22] experience, we audit everything just to make
[23] sure that we stay above board on everything.
[24] Hopefully, that answers.

[25] **ATTORNEY POWELL:** To emphasize what the

[1] **COUNCILMAN SPANGLER:** No, no, not at
[2] this time.

[3] **MAYOR JENKINS:** So you don't want to
[4] make a motion?

[5] **COUNCILMAN SPANGLER:** No.

[6] **MAYOR JENKINS:** Okay. I'll allow --
[7] come on up to the mike.

[8] **MS. SHERLOCK:** My name is Cat Sherlock.
[9] I'm a citizen of Doraville, and in a previous
[10] incarnation I was involved with Federal
[11] regulations, so I have a question, please, to
[12] Chief King.

[13] My understanding is that in most juris-
[14] dictions, that asset forfeiture money goes to
[15] the D.A. and then comes to the law enforcement
[16] entity. Is that correct, sir?

[17] **CHIEF KING:** Not quite, ma'am.

[18] What happens, it depends on what -- if
[19] the case is a Federal case, all the money goes
[20] to the Federal government. We call a petition,
[21] what is called a DAG (phonetic). It's a
[22] Department of Justice form that the City
[23] Attorney signs also, and what I respect -- I
[24] request on the Federal government, a portion of
[25] those proceeds based on the participation on the

[1] Chief is saying, the money can up end up being
[2] returned to the --

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

[4] **ATTORNEY POWELL:** -- the defendant that
[5] it was taken from.

[6] **CHIEF KING:** The person puts a claim
[7] and says, you know, "I want my money," then we
[8] have to cut a check and give it back to them.

[9] **MS. SHERLOCK:** Yeah. That's the point
[10] I wanted to clarify is that there is another
[11] entity in there.

[12] **CHIEF KING:** Oh, absolutely.

[13] **MS. SHERLOCK:** Yeah, in the state.

[14] It's not that the money goes to the Police
[15] Department; it's that in counties, it goes to
[16] the county attorney or the county district
[17] attorney; and in cities, it usually goes to
[18] whatever county they're in.

[19] **CHIEF KING:** Yes, ma'am. If we do a
[20] case with multiple agencies, then we have to
[21] share with the agencies that participated in the
[22] criminal case. For example, we have a couple
[23] operations that we did with Sandy Springs, with
[24] Dekalb County Police, and we share according to
[25] what the District Attorney tells us is our cut.

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[1] **MS. SHERLOCK:** Right.

[2] **MAYOR JENKINS:** Thank you, Cat.

[3] Marlene?

[4] **COUNCILWOMAN HADDEN:** This is for

[5] Autumn Park. And for quite a few months, we've

[6] been talking about the streambank erosion in

[7] Autumn Park, and I'm going to paraphrase this.

[8] It's quite a lot of reading, but I think you'll

[9] understand how complicated it gets when you

[10] start trying to correct some problems with a

[11] stream.

[12] We're going to have to work with these

[13] people, and Council have allowed us to get an

[14] estimate of what it would cost us to have them

[15] help us oversee this project.

[16] And so first of all, the scope of

[17] services -- and I'm going to try to read as fast

[18] as I can -- it will be for the collection of

[19] necessary data, preparation and submittal of

[20] application to the Savannah District United

[21] States Army Corps of Engineers.

[22] Task 1 -- Protected Species Literature

[23] Review: to determine the presence of plant and/

[24] or animal species classified by the U.S. Fish &

[25] Wildlife Service as endangered or threatened on

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[1] application will require substantial input from

[2] Precision Planning.

[3] WEC will respond to comments received

[4] by the United States Army Corps of Engineers,

[5] EPD and City of Doraville during the permitting

[6] process.

[7] The costs of the proposed Scope of

[8] Services in Tasks 1 through 4 will be performed

[9] for a lump fee of \$9,500.

[10] And this just gives you an idea of how

[11] technical and how involved things have become

[12] for us in order to even fix a problem in some of

[13] our parks. And this is kind of our first try or

[14] stab at this, because we're going to have to

[15] move over to Halpern Park and go through this

[16] again. But at least we will have been through

[17] it the first time and we'll know what to expect

[18] the second time. Maybe it'll be a little bit

[19] more speedy for us.

[20] So tonight I'm going to ask Council to

[21] please approve the go-ahead for Wetland &

[22] Ecological Consultants to go ahead with their

[23] proposed scope of services, Tasks 1 through 4,

[24] as I briefly paraphrased.

[25] Yes.

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[1] the project site.

[2] They have to find out if there is any

[3] such thing.

[4] Task 2 -- Cultural resources: they

[5] have to do a study to find out with an archaeo-

[6] logical consultant and view historical and

[7] archaeological files to determine if previously

[8] recorded cultural resources are located within

[9] the project area.

[10] Task 3 -- the services rendered under

[11] this task will consist of preparation of special

[12] paperwork for the proposed streambank restora-

[13] tion plan -- which is what we want to get to --

[14] and supporting maps and restoration plan

[15] drawings required to illustrate points made in

[16] the text.

[17] Task 4 -- they will assist in the

[18] proposed project layout and site drawings,

[19] stamped and signed sediment and erosion control

[20] plans, description of the site including

[21] discussion of existing ecological values,

[22] discussion of what alternatives the applicant

[23] has considered to minimize and avoid encroaching

[24] upon the buffer. Also, please note that

[25] preparation of EPD stream buffer variance

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[1] Mayor?

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

[3] Excuse me.

[4] **MS. SHERLOCK:** I just wanted to ask,

[5] this is a request for proposal or this is the

[6] result of?

[7] **COUNCILWOMAN HADDEN:** This is the

[8] request for the proposal because we have to have

[9] a lot of these different permits from the Corps

[10] of Engineer, EPD, like you heard, the different

[11] type of studies that they will have to do.

[12] Maybe we've got the darter fish over there or,

[13] you know, save some birds or owls or whatever.

[14] But this all has to be documented nowadays, and

[15] we have to go by whatever their guidelines tell

[16] us in order to have our streambank mitigation

[17] process even given out for bid.

[18] **MS. SHERLOCK:** Okay. So for 9,500,

[19] this is their RFP to consult with them on what

[20] it's going to cost to actually do the project.

[21] **COUNCILWOMAN HADDEN:** Once they make

[22] this up, then we will put that out for bid so

[23] that the people can kind of come and we can try

[24] to find somebody to do the job for us.

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

[1] Do I get a second?

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

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

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

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

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

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

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

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

[10] **COUNCILMAN SPANGLER:** Aye.

[11] **MAYOR JENKINS:** Motion carried.

[12] **COUNCILWOMAN HADDEN:** Thank you,

[13] Council.

[14] Next is the employment contract with

[15] Chief King. Council received in their boxes

[16] last week the proposed employment contract for

[17] Chief King.

[18] Mr. Powell was to review the contract,

[19] but I guess there's been a new precedent set

[20] that we are now putting these out for other

[21] people to look at them. And it's been to the

[22] Georgia Municipal Association, and I don't know

[23] what they had to say, but then it went to

[24] another set of attorneys. And at 4 o'clock

[25] today, we received about a four-page letter back

[1] could do it.

[2] The reason that this was done is that I

[3] talked with the GMA, and Ted Baggett with GMA

[4] suggested that since GERMA is our insurance

[5] people, and these attorneys do labor employment

[6] law, that they take a look at this contract, and

[7] it's not costing the City anything to do that.

[8] So that's the reason I sent it to them

[9] to look at. And unfortunately, I got it last

[10] Wednesday. I sent it to them. He was out of

[11] town Thursday, and so that's the reason we

[12] didn't get it until this afternoon.

[13] And I apologize to the Chief, but that

[14] was --

[15] **COUNCILWOMAN PITTMAN:** So basically,

[16] you're wanting the Chief's attorney to fine-tune

[17] what they have come up with.

[18] **ATTORNEY POWELL:** I think that's -- I

[19] think that's -- that's where -- where we are.

[20] **COUNCILWOMAN PITTMAN:** Okay. Well, I

[21] second that motion, then.

[22] **COUNCILMAN SPANGLER:** Well, I got a --

[23] I got a question. If we're going to -- if we're

[24] going to have a contract for the Chief, why

[25] don't we have it for all those department heads

[1] outlining some concerns. And I sent that on to

[2] my attorney, Mr. John Nix, and I have been

[3] assured that those concerns are very easily

[4] addressed.

[5] And so basically what I'm going to do

[6] is I'm going to ask Council to allow Chief to go

[7] ahead and work with his attorney and have

[8] something in our boxes as soon as possible for

[9] our review so that at the next Council meeting

[10] we can approve the employment contract.

[11] **MAYOR JENKINS:** Is that in the form of

[12] a motion?

[13] **COUNCILWOMAN HADDEN:** Yes, sir.

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

[15] **COUNCILWOMAN PITTMAN:** Can I get some

[16] clarification on -- I think I saw a statement in

[17] here that said that it was not in the state of

[18] Georgia that you can have the contract or

[19] something to that effect? Is that --

[20] **ATTORNEY POWELL:** My understanding is

[21] in the employment contract area, these -- a

[22] contract of this nature would be allowed. Other

[23] contracts cannot extend beyond the present

[24] sitting council. But the employment contract is

[25] allowable for more than one council, so you

[1] and all the employees of the City? Why don't

[2] all of them have a contract?

[3] **ATTORNEY POWELL:** That's not a legal

[4] question. That's a matter of policy with the

[5] Council.

[6] **COUNCILMAN SPANGLER:** Well, would that

[7] be -- would that be legal if everybody had a

[8] contract?

[9] **ATTORNEY POWELL:** You could legally

[10] enter into other contracts. You can.

[11] **COUNCILMAN LOWE:** Would we determine

[12] the length of the term, whether it be one year

[13] or two years or five years?

[14] **ATTORNEY POWELL:** Well, you can do that

[15] in conjunction with the person that you were

[16] putting under contract, yes.

[17] **COUNCILWOMAN PITTMAN:** Well, I do feel

[18] if we're going to do for one department head,

[19] then we should do it across the board for all

[20] the department heads possibly.

[21] **COUNCILMAN SPANGLER:** All the depart-

[22] ment heads and any contracted work that we would

[23] have.

[24] **ATTORNEY POWELL:** Well, now, that's --

[25] that's a policy of the Council. That's not --

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[1] **COUNCILWOMAN PITTMAN:** I've got a
 [2] question.
 [3] **MAYOR JENKINS:** Wait just minute. We
 [4] haven't got a second on this yet.
 [5] **COUNCILWOMAN PITTMAN:** I did. I
 [6] seconded it.
 [7] **MAYOR JENKINS:** Priscilla, would you
 [8] read the motion?
 [9] **MS. MURPHY:** I think the motion was to
 [10] allow the Chief to get with his attorney to fine
 [11] tune the contract that we're working on.
 [12] **COUNCILWOMAN PITTMAN:** Based on the
 [13] information that we received from our attorneys.
 [14] **MAYOR JENKINS:** Is that -- was that
 [15] your motion, Marlene?
 [16] **COUNCILWOMAN HADDEN:** That is correct.
 [17] I'd like to say also that Chief's
 [18] attorney be allowed to talk to the GERMA people
 [19] so that we will have something viable by the
 [20] next meeting and we don't keep back and forth
 [21] like a tennis ball.
 [22] **MS. MURPHY:** And Ms. Pittman, she
 [23] seconded it.
 [24] **MAYOR JENKINS:** Excuse me?
 [25] **MS. MURPHY:** And Ms. Pittman, she done

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[1] little bit more security so I don't find myself
 [2] at 2:30 in the morning looking for a job.
 [3] **MS. MURPHY:** Councilwoman Hadden?
 [4] **COUNCILWOMAN HADDEN:** Aye.
 [5] **MS. MURPHY:** Councilwoman Pittman?
 [6] **COUNCILWOMAN PITTMAN:** Aye.
 [7] **MS. MURPHY:** Councilman Lowe?
 [8] **COUNCILMAN LOWE:** Aye.
 [9] **MS. MURPHY:** Councilman Spangler?
 [10] **COUNCILMAN SPANGLER:** I'll say no.
 [11] **MAYOR JENKINS:** Motion carried.
 [12] Okay. Is that all, Marlene?
 [13] **COUNCILWOMAN HADDEN:** Yes, sir.
 [14] **MAYOR JENKINS:** Okay. Mr. Powell.
 [15] **ATTORNEY POWELL:** I'm going to take the
 [16] ethics issues off because I don't have an
 [17] ordinance. I'd like to present it first to the
 [18] new council -- new members to let them review
 [19] before I present it.
 [20] **MAYOR JENKINS:** Okay.
 [21] **ATTORNEY POWELL:** So the next thing is
 [22] the MARTA contract, and I believe that each of
 [23] y'all have had copies of it a while back. And
 [24] what this does is allow the City to receive some
 [25] of the advertising fees that would be wherever

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[1] the second.
 [2] **MAYOR JENKINS:** Oh, okay.
 [3] Yes, sir. More comment?
 [4] **MR. HOWARD:** Yes, sir. My name's Clint
 [5] Howard, and I would like to know as far as if
 [6] for the contract for the Chief, if you're doing
 [7] department heads, what is it going to cost the
 [8] City, and has the City ever in the past had any
 [9] contracts for any of its department heads?
 [10] **MAYOR JENKINS:** We never have had, and
 [11] I don't know that we will do it for all depart-
 [12] ment heads, but we're going to do a study for
 [13] John at this time and we'll get into that later.
 [14] Is that --
 [15] **COUNCILWOMAN HADDEN:** Yes.
 [16] **MAYOR JENKINS:** -- agreeable?
 [17] Call the roll.
 [18] **MS. MURPHY:** Councilwoman Hadden.
 [19] **COUNCILWOMAN HADDEN:** Did you want to
 [20] know what the Chief says?
 [21] **MAYOR JENKINS:** Okay, John.
 [22] **CHIEF KING:** I might be able to shed a
 [23] little light.
 [24] The contract won't cost a penny except
 [25] for what you pay me already. It just provides a

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[1] the MARTA has bus stops with the seating, and
 [2] it's a sharing with MARTA, and then also they
 [3] can provide ones without advertising; but it has
 [4] to be agreeable between the City and MARTA.
 [5] So as far as from the legal side, it's
 [6] fine to sign.
 [7] **MAYOR JENKINS:** This is like a service
 [8] delivery strategy that we've had with the
 [9] County. The advertising that goes on these
 [10] MARTA shelters in our city, we'll get a small
 [11] portion of the advertising on that, and it helps
 [12] our economy.
 [13] **ATTORNEY POWELL:** And it also provides
 [14] for the contractor who has the advertising on
 [15] that is required to keep them clean. And MARTA
 [16] actually has patrols -- and I don't know how
 [17] effective that is, but -- to drive around to see
 [18] if they are clean.
 [19] The words in there sound good. Now, I
 [20] don't know that they're going to stay clean, but
 [21] that's the intent, and it will produce some
 [22] income for the City.
 [23] **COUNCILMAN LOWE:** And they (inaudible)
 [24] the contract --
 [25] **ATTORNEY POWELL:** Yes.

[1] **COUNCILMAN LOWE:** -- to keep it clean.
 [2] **ATTORNEY POWELL:** Yes.
 [3] **COUNCILMAN LOWE:** It contains in the
 [4] contract that they will indeed keep it clean.
 [5] **MAYOR JENKINS:** Everybody has a copy of
 [6] the contract.
 [7] **COUNCILWOMAN HADDEN:** I'd like to ask
 [8] that the City web site also have the 24-hour
 [9] hotline available in case we notice that we do
 [10] have some of those trash containers that have
 [11] filled up and have been filled up for a few days
 [12] on end, so that if we do notice then, we can
 [13] make that call. And they say that they have a
 [14] 24-hour hotline with repair and cleaning
 [15] capabilities. So I think that might come in
 [16] handy to have that on the web site.
 [17] **MAYOR JENKINS:** Very good.
 [18] **COUNCILWOMAN PITTMAN:** There's a
 [19] question there.
 [20] **MAYOR JENKINS:** Yes, ma'am.
 [21] **MS. HOFFMEISTER:** My name is Bonita
 [22] Hoffmeister. Again, I have a question to Rick
 [23] Powell concerning these bus stops.
 [24] The ones in Embry Hills have big
 [25] advertisements which are very, I consider,

[1] **COUNCILWOMAN HADDEN:** These people have
 [2] generally been very good to work with. We had
 [3] an incidence maybe four or five years ago. We
 [4] had a billboard -- I won't say which location --
 [5] that some people called in and found quite
 [6] offensive, and the company that had the bill-
 [7] board was called and they took action within 48
 [8] hours.
 [9] And so if you see something in the city
 [10] that you find offensive, call Mr. Powell and let
 [11] him know, because I think that they are more
 [12] than willing to try and work with us and make us
 [13] happy with any of their advertising.
 [14] **MAYOR JENKINS:** I gave Rick part of the
 [15] contract, and I want him to read it and what it
 [16] says about what goes in those.
 [17] **ATTORNEY POWELL:** (Reading) "No
 [18] advertising shall be permitted that in any way
 [19] denigrates the authority's organization or its
 [20] operation or its officers, agents or employees.
 [21] This prohibition includes advertising copy and
 [22] illustrations that state or imply or could
 [23] reasonably be expected to cause an inference
 [24] that the authority's service or operations are
 [25] anything but safe, efficient, affordable or

[1] offensive. And is there some kind of restraint
 [2] on what type of --
 [3] **ATTORNEY POWELL:** There is wording in
 [4] there as to limit what can be advertised, and in
 [5] certain areas it's restricted more than others,
 [6] for instance, in the stations. But there is --
 [7] there are some standards in there. I don't have
 [8] it committed to memory, but --
 [9] **MAYOR JENKINS:** Can we -- can we --
 [10] **MS. HOFFMEISTER:** What I have seen --
 [11] **MAYOR JENKINS:** Can we determine
 [12] partially what goes in there?
 [13] **ATTORNEY POWELL:** I believe that's set
 [14] out in the contract, the parameters of that.
 [15] **MS. HOFFMEISTER:** The advertising I've
 [16] seen, you know, some of it can be very, very,
 [17] what I find offensive or suggestive, and that is
 [18] not something that I think we want displayed in
 [19] Doraville. Thank you.
 [20] **COUNCILMAN LOWE:** Do we have an option
 [21] to get out of that in case they are offensive?
 [22] **ATTORNEY POWELL:** You mean to
 [23] terminate?
 [24] **COUNCILMAN LOWE:** The termination, do
 [25] we have a clause to terminate if we need to?

[1] convenient.
 [2] But it goes on with more restraints.
 [3] For instance, "No advertising in or upon the
 [4] authority's rail stations, rail cars or buses
 [5] shall include language, pictures or other
 [6] graphic representations that are unsuitable for
 [7] exposure to persons of a young age or immature
 [8] judgment."
 [9] And my impression is -- as I say, I
 [10] don't have all this committed to memory now, but
 [11] as I've read it before, I think the bus stops
 [12] are the same type regulations (inaudible).
 [13] And so I don't know why they would have
 [14] been allowed where they were except that
 [15] language, you could have them removed if it was
 [16] offensive.
 [17] **COUNCILWOMAN HADDEN:** Would you like a
 [18] copy of my --
 [19] **MS. HOFFMEISTER:** No. I just -- you
 [20] know, when you enter into a contract, with some
 [21] of the advertisements I've seen in the county
 [22] are not good, I don't think that's what you want
 [23] to project a positive image in Doraville.
 [24] **ATTORNEY POWELL:** Well, the only thing
 [25] I could suggest is if the Council wants to

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[1] postpone this and drive around and look at some
[2] of the stations. I mean that's the only thing I
[3] could think of now if you're hesitant to go
[4] ahead and approve it tonight.
[5] **MAYOR JENKINS:** What are the Councils'
[6] wishes?
[7] **COUNCILWOMAN HADDEN:** Is there a
[8] specific advertisement?
[9] **MS. HOFFMEISTER:** Well, the Bebe ones
[10] are pretty bad. The Bebe, (spelling) B-e-b-e.
[11] The advertisements they've had in Embry Hills
[12] are very suggestive.
[13] **COUNCILWOMAN HADDEN:** Maybe to check
[14] and see if --
[15] **UNIDENTIFIED SPEAKER:** We can't hear
[16] you. We can't hear what you're saying.
[17] **MS. HOFFMEISTER:** I was just stating
[18] that the (spelling) B-e-b-e ad that is at Embry
[19] Hills is a very suggestive one. Personally, it
[20] doesn't bother me, but if I had teenage girls, I
[21] would be protesting.
[22] **COUNCILWOMAN PITTMAN:** Well, it's a
[23] clothing store but --
[24] **MS. HOFFMEISTER:** Yes.
[25] **MS. CRAWFORD:** What is it suggesting?

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[1] You said it's suggestive.
[2] **MS. HOFFMEISTER:** Well, I don't think
[3] that's exactly the image you want to be
[4] projected in Doraville.
[5] **UNIDENTIFIED SPEAKER:** I'm not familiar
[6] with it.
[7] **MS. HOFFMEISTER:** Pardon? It's rather
[8] suggestive clothing for teenagers.
[9] (Overspeaking from audience.)
[10] **COUNCILWOMAN PITTMAN:** I do agree that
[11] I think that Marlene is right, they're really
[12] easy to work with. And I think if something
[13] pops up in Doraville that's offensive, I can't
[14] imagine us calling saying this is offensive to,
[15] you know, and then possibly -- you know. And
[16] given the wordage in this, it looks like that we
[17] have something to base it on as well, so.
[18] **MAYOR JENKINS:** Yes, sir.
[19] **MR. KOONTZ:** My name is Steve Koontz.
[20] And I don't know how much money they're
[21] going to be paying us, but, in my opinion, we
[22] already have so many signs and so much ugly
[23] stuff in Doraville already, do we really want to
[24] be like adding more advertising signs and stuff
[25] at all the bus stops throughout the city? I

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[1] mean it's just more pollution. We've already
[2] got so many, like I said, ugly signs and stuff
[3] that we can't seem to deal with already and
[4] we're talking about adding more junk to clutter
[5] up the city. That's just what it looks like to
[6] me, you know.
[7] Unless we were getting really a lot of
[8] money for it, I don't think it's an improvement
[9] to the city. It's just more downgrading to the
[10] city than it's improving it. That's my opinion.
[11] **MAYOR JENKINS:** Do I have a motion?
[12] **COUNCILMAN LOWE:** I would suggest we
[13] postpone this so we can look into it a little
[14] bit deeper.
[15] **MAYOR JENKINS:** Do I get a second on
[16] that?
[17] **COUNCILMAN SPANGLER:** I second.
[18] **MAYOR JENKINS:** We got a second. Call
[19] it.
[20] **MS. MURPHY:** Councilwoman Hadden?
[21] **COUNCILWOMAN HADDEN:** Aye.
[22] **MS. MURPHY:** Councilwoman Pittman?
[23] **COUNCILWOMAN PITTMAN:** Aye.
[24] **MS. MURPHY:** Councilman Lowe?
[25] **COUNCILMAN LOWE:** Aye.

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[1] **MS. MURPHY:** Councilman Spangler?
[2] **COUNCILMAN SPANGLER:** Aye.
[3] **MAYOR JENKINS:** We'll postpone it until
[4] we do more research.
[5] Go ahead, Rick.
[6] **ATTORNEY POWELL:** The next thing is
[7] just y'all are aware that there was a suit filed
[8] by the Tullers, Mr. Tuller, because of the
[9] denial of the variance. And we've met with the
[10] attorneys, and our attorneys intend to actually
[11] at this point transfer it to Federal court.
[12] We could get a little more information
[13] and determine if you-all want to proceed if
[14] there's a resolution of it, but we need a little
[15] more information at this time.
[16] But I just wanted to -- and there will
[17] be an answer filed, and I believe they're going
[18] to ask that it be sent to Federal court because
[19] they are asking for more than just the variance
[20] being granted -- some damages.
[21] **MAYOR JENKINS:** Well, how does our
[22] attorneys think it looks?
[23] **ATTORNEY POWELL:** They feel like that
[24] it's -- the thing to do is to shift it to
[25] Federal court, and it'll be up to y'all whether

[1] you want to grant the variance.
 [2] **MAYOR JENKINS:** Okay. And that's all
 [3] you have?
 [4] **ATTORNEY POWELL:** That's all I have for
 [5] tonight, yes.
 [6] **MAYOR JENKINS:** John?
 [7] **CHIEF KING:** I just want to make this
 [8] as quickly as possible.
 [9] I guess I'll start off, if I can -- the
 [10] first item on really the items that I had on the
 [11] agenda was to --
 [12] **ATTORNEY POWELL:** It was the second
 [13] item.
 [14] **CHIEF KING:** I'm sorry -- the second
 [15] item is to allow the Police Department the
 [16] ability to sell the old gun trailer that has
 [17] been -- it's got a lot of lead contamination,
 [18] and the cost to decontaminate that trailer has
 [19] gotten so high. So basically we cleaned it out,
 [20] we used it as storage.
 [21] There's been a couple people who have
 [22] approached the City in an effort to buy that
 [23] trailer. We got two bids, and we're asking
 [24] people to submit. And I respectfully ask that
 [25] the City Council allow the City to sell the

[1] food. Rick --
 [2] **MAYOR JENKINS:** I hope they don't.
 [3] **CHIEF KING:** -- I think as the legal
 [4] counsel, I think you need to be careful about
 [5] making libelous statements like that. I hope
 [6] that's not what they're doing.
 [7] **MAYOR JENKINS:** What is yours, Donna?
 [8] **COUNCILWOMAN PITTMAN:** Mine's from
 [9] Clyde Armory and Police Protection Systems.
 [10] They offer \$10,100.
 [11] **MAYOR JENKINS:** Will you call the roll,
 [12] Priscilla, on the --
 [13] **CHIEF KING:** We will make sure that --
 [14] **MAYOR JENKINS:** -- on the highest bid?
 [15] **CHIEF KING:** -- part of stipulation --
 [16] we will make sure that part of the stipulation
 [17] is that is that the trailer not be located
 [18] inside the city of Doraville.
 [19] **MAYOR JENKINS:** Yeah. And no food, and
 [20] even (inaudible).
 [21] Call the roll.
 [22] **MS. MURPHY:** Councilwoman Hadden?
 [23] **COUNCILWOMAN HADDEN:** Aye.
 [24] **MS. MURPHY:** Councilwoman Pittman?
 [25] **COUNCILWOMAN PITTMAN:** Aye.

[1] trailer and the funds resulting from that sale
 [2] go into the general fund.
 [3] **COUNCILWOMAN HADDEN:** I make a motion
 [4] we allow the Police Department to sell the gun
 [5] trailer and turn the proceeds in to City Hall
 [6] for the general fund.
 [7] **COUNCILWOMAN PITTMAN:** Second.
 [8] **ATTORNEY POWELL:** Is that to the
 [9] highest bidder?
 [10] **COUNCILWOMAN HADDEN:** The highest
 [11] bidder.
 [12] **ATTORNEY POWELL:** Okay.
 [13] **MAYOR JENKINS:** And we'll say to the
 [14] highest bidder. Do I get a second on that? I
 [15] got a second.
 [16] How much is that?
 [17] **MS. MURPHY:** This is from Buford
 [18] Highway Farmers Market for \$16,000.
 [19] **MAYOR JENKINS:** Okay. What is yours?
 [20] (Inaudible)
 [21] **CHIEF KING:** No. They're not going to
 [22] -- that's -- we'll make it --
 [23] **ATTORNEY POWELL:** They're going to
 [24] store food?
 [25] **CHIEF KING:** They're not going to store

[1] **MS. MURPHY:** Councilman Lowe?
 [2] **COUNCILMAN LOWE:** Aye.
 [3] **MS. MURPHY:** Councilman Spangler?
 [4] **COUNCILMAN SPANGLER:** Aye.
 [5] **MAYOR JENKINS:** Good.
 [6] Go right on, John.
 [7] **CHIEF KING:** Thank you. First one also
 [8] is we'll respectfully request that City Council
 [9] allow us to engage LaserCraft. They're the
 [10] company now that's managing the red-light
 [11] cameras.
 [12] We did a survey of the intersection in
 [13] Doraville and Peachtree Industrial south at 285.
 [14] We had 47 persons -- 47 cars run that traffic
 [15] light in the span of three hours. They were the
 [16] highest red-light running.
 [17] The camera that we had on Buford
 [18] Highway reduced the level of -- the number of
 [19] accidents we have, and it's still, you know,
 [20] paying for itself.
 [21] We ask for permission to engage this
 [22] company to install a second camera. It is a
 [23] lease. So once either the accidents start
 [24] dropping or the revenues begin not to pay for
 [25] themselves, basically, we take the -- you know, we

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[1] conclude the lease. You know, we have them take
[2] the camera down once we start making the impact.
[3] **COUNCILMAN SPANGLER:** I think we talked
[4] about this before, Chief, and you were going to
[5] furnish us with a copy of the lease agreement?
[6] **CHIEF KING:** Well, yes, sir, but before
[7] -- the problem is, sir, the lease agreement is
[8] part of -- it's in the city record for the
[9] camera that we currently have.
[10] But I'm asking for permission to go and
[11] engage LaserCraft to give us a price of what it
[12] would cost to put in a camera.
[13] Before we have that installation, I
[14] will come back with a contract to give to City
[15] Council to -- to approve it. But before I let
[16] this company go through all the trouble of
[17] figuring how much it's going to cost, where to
[18] put the cameras, I want to have a pretty good
[19] feeling that y'all want to go with the project
[20] of installing a red-light camera at that
[21] location before I engage them.
[22] And there will still be a requirement
[23] of signing a lease contract, but that will have
[24] to come back to the City Council to have that
[25] contract signed.

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[1] Is that --
[2] **COUNCILMAN SPANGLER:** Yes, Chief.
[3] **CHIEF KING:** Okay. I don't know if any
[4] of the other members of the City Council have
[5] any other questions as relates to this.
[6] **MAYOR JENKINS:** Do I have a motion?
[7] **COUNCILWOMAN PITTMAN:** Motion.
[8] **COUNCILMAN SPANGLER:** Second.
[9] **MAYOR JENKINS:** Any more discussion?
[10] Call the roll.
[11] **MS. MURPHY:** Councilwoman Hadden?
[12] **COUNCILWOMAN HADDEN:** Aye.
[13] **MS. MURPHY:** Councilwoman Pittman?
[14] **COUNCILWOMAN PITTMAN:** Aye.
[15] **MS. MURPHY:** Councilman Lowe?
[16] **COUNCILMAN LOWE:** Aye.
[17] **MS. MURPHY:** Councilman Spangler?
[18] **COUNCILMAN SPANGLER:** Aye.
[19] **CHIEF KING:** Thank you very much.
[20] And the last item is I've been a member
[21] of the Dekalb County or the Buford Highway Task
[22] Force, and basically it's a group of not only
[23] law enforcement but also the CDC and an
[24] organization called PEDS and the Latin American
[25] Association. And basically what we've been --

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[1] the project has been to try to regulate or
[2] reduce the amount of speed or the rates of the
[3] speed on Buford Highway.
[4] As many of you-all know, half of our
[5] Buford Highway inside the City of Doraville is
[6] 35 miles an hour and then south of Park Avenue
[7] it jumps up to 45 miles an hour, and we wanted
[8] to get one speed limit for our whole city.
[9] DOT told us to go fly a kite the first
[10] time we approached them about a year ago. I
[11] think I made an initial -- initial report to the
[12] Council about this.
[13] With some gentle pressure, not only
[14] public but by a lot of elected officials, by a
[15] lot of law enforcement, by showing the
[16] statistics of the people that we're losing on
[17] this road, the DOT has decided okay, they'll
[18] consider it.
[19] What I -- what I respectfully ask, that
[20] the City Council vote on a resolution to support
[21] Dekalb County and the State of Georgia to reduce
[22] the speed limit or to have the speed limit on
[23] Buford Highway throughout the whole city of
[24] Doraville to 35 miles an hour.
[25] What DOT was -- would allow us, they

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[1] allowed all the way from Chamblee Tucker all the
[2] way to the county line, and Chamblee will have
[3] to do something similar for their portion. But
[4] this is an opportunity.
[5] But before they'll even touch this,
[6] they require -- they require a resolution by the
[7] City of Doraville and a resolution from Dekalb
[8] County, so that way, we can adjust our
[9] ordinance.
[10] It will also require our ordinance to
[11] be adjusted so that if people, you know, are
[12] breaking the speed limit, there'll have to be
[13] advertisement, they'll have to be public -- you
[14] know, a public relations campaign to show that
[15] the speed limit in this area is dropping. So
[16] it's not going to be sprung on people.
[17] But the beginning of that process will
[18] be passing a resolution by this body to
[19] accompany the resolution that will be required
[20] by Dekalb County to go to the State.
[21] And I respectfully ask that the City
[22] Council pass a resolution asking for the State
[23] DOT to adjust the speed on Buford Highway
[24] throughout the city of Doraville to 35 miles an
[25] hour.

[1] **COUNCILWOMAN HADDEN:** Can we pass this
[2] tonight requesting Mr. Powell to draw this for
[3] signatures?

[4] **ATTORNEY POWELL:** Do you know if it
[5] needs any specific language like some of those
[6] resolutions we just --

[7] **CHIEF KING:** It's just like a resolu-
[8] tion like when we request for the Department of
[9] Public Safety, for example, for a speed limit
[10] change on --

[11] **ATTORNEY POWELL:** Okay. Fine.

[12] **CHIEF KING:** -- any of our streets.
[13] It's the same process. It requires both
[14] Doraville and Dekalb County's resolutions.

[15] **COUNCILWOMAN HADDEN:** I wanted to say I
[16] did receive an e-mail about this, and it was --
[17] it broke it into dollars and cents and how much
[18] it was going to cost us for slowing the traffic
[19] down for a certain portion within our city
[20] limits.

[21] But I feel if it stops one person from
[22] getting hit or killed, there is no dollar amount
[23] you can put on that. And I'd like to make the
[24] motion to have this resolution drafted, pass it
[25] tonight so that all we have to do is sign it.

[1] in the year that John had did a traffic study
[2] on.

[3] **COUNCILMAN LOWE:** I thought so.

[4] **CHIEF KING:** That is a result of that
[5] traffic study, the one that you-all -- that we
[6] started and then we stopped and we joined with
[7] Dekalb County. That evidence was what turned
[8] DOT around to help us adjust, because before
[9] that, they were not going to touch it, sir.

[10] Thank you.

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

[12] **COUNCILMAN SPANGLER:** I second.

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

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

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

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

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

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

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

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

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

[22] **MAYOR JENKINS:** Committee reports. Do
[23] we have any committee reports?

[24] **MR. ANDERSON:** We already did it.

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

[1] **MAYOR JENKINS:** Second?

[2] **COUNCILMAN LOWE:** Second.

[3] **COUNCILMAN SPANGLER:** I second.

[4] Plus I think it will take a little bit
[5] off the --

[6] **CHIEF KING:** Yes, sir.

[7] **COUNCILMAN SPANGLER:** -- speed trap.

[8] **CHIEF KING:** A lot of the confusion --
[9] I think we have a lot of the confusion because
[10] people don't know. You know, they consider
[11] Buford Highway and they think "highway" means
[12] you can go 55. And with the density of people
[13] and apartment complexes that we have, people
[14] can't -- can't make --

[15] The problem is the DOT will not adjust
[16] the speed unless they do a -- they did a traffic
[17] survey. And if the majority -- if 85 percent of
[18] the people are traveling 55 miles an hour, they
[19] will not touch the speed limit. So we had to
[20] put some enforcement there to slow the speeds
[21] down so we could get to 85 percent.

[22] **COUNCILMAN LOWE:** You came up with that
[23] earlier, didn't you?

[24] **COUNCILMAN SPANGLER:** Yeah. This is
[25] one of the things that we come up with earlier

[1] Bonita Hoffmeister.

[2] **MS. HOFFMEISTER:** Good evening. My
[3] name is Bonita Hoffmeister. Honorable Mayor and
[4] City Councillors, I appreciate the letter that
[5] Mr. Powell wrote to the County.

[6] This was sent to the Dekalb County
[7] Police Department, states (reading): "The
[8] Doraville City Council has requested that I
[9] write you on behalf of several citizens of the
[10] city. The residents are concerned about
[11] numerous violations of the Dekalb County Adult
[12] Entertainment ordinance, Section 27-732; by the
[13] truth strip mall, Shooter's Alley and Rooster's
[14] Adult Entertainment and the movie theater
[15] located in Treasure Village at 58-0-85 [sic]
[16] Buford Highway and the adult bookstore,
[17] Starship, located in Shopper's Square at 5865-C
[18] Buford Highway. These shopping centers are
[19] located in Dekalb County but are adjacent to
[20] residential and commercial areas within the city
[21] of Doraville.

[22] "The City would appreciate your
[23] investigating the situation and advising the
[24] City of the results."

[25] It's my understanding that no response

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[1] has occurred, is that correct? because this
[2] letter was written back on September the 7th.
[3] **MAYOR JENKINS:** (Shakes head nega-
[4] tively.)
[5] **MS. HOFFMEISTER:** Is there any other
[6] action that you think we as a city can take?
[7] **CHIEF KING:** Annexation.
[8] **MS. HOFFMEISTER:** Annexation, yeah.
[9] **MAYOR JENKINS:** Yeah, that --
[10] **COUNCILWOMAN PITTMAN:** That comes under
[11] code enforcement for Dekalb, part of it, because
[12] I recently -- someone in Dunwoody was having a
[13] problem with a house that was running a
[14] business, and they asked me could I help, and I
[15] e-mailed the Dekalb County supervisor, Code
[16] Enforcement, and it was actually shut down this
[17] week. So maybe we could try that angle.
[18] **ATTORNEY POWELL:** This went to the Code
[19] Enforcement section.
[20] **COUNCILWOMAN PITTMAN:** To Ms. Fleming?
[21] **ATTORNEY POWELL:** Well, they wouldn't
[22] give me an address --
[23] **COUNCILWOMAN PITTMAN:** Okay. We can --
[24] **ATTORNEY POWELL:** -- where to send it.
[25] **COUNCILWOMAN PITTMAN:** -- try e-mailing

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[1] this objection to her.
[2] **ATTORNEY POWELL:** So I fax'ed it. I
[3] was afraid if it just went to the general
[4] police, you know -- and maybe it got lost,
[5] anyway, because we -- but I fax'ed it to the fax
[6] number I was given for Code Enforcement.
[7] **COUNCILWOMAN PITTMAN:** I can give you
[8] that information. Maybe you can forward it to
[9] them. And I also cc'ed a copy to Mr. Jones'
[10] office. That always helps.
[11] **ATTORNEY POWELL:** Any assistance,
[12] because we've gotten no response.
[13] **COUNCILWOMAN PITTMAN:** We can try from
[14] that angle if you want to do that.
[15] **MS. HOFFMEISTER:** I would imagine that
[16] -- I know that some of these facilities were
[17] probably in before they did a zoning ordinance
[18] change --
[19] **ATTORNEY POWELL:** Right.
[20] **MS. HOFFMEISTER:** -- and are probably
[21] grandfathered in, but their grandfather clause
[22] should be pretty close to running out right now.
[23] And some of them were probably put in after the
[24] fact and therefore are --
[25] **ATTORNEY POWELL:** They're definitely

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[1] close together.
[2] **MS. HOFFMEISTER:** Yes.
[3] **ATTORNEY POWELL:** There's no question,
[4] because after -- the next morning after I went
[5] out --
[6] **MS. HOFFMEISTER:** You went, yeah.
[7] Never been in that part of town, huh?
[8] **ATTORNEY POWELL:** Not in the morning.
[9] **MS. HOFFMEISTER:** I appreciate the
[10] faxing of this and following up on it. Thank
[11] you very much.
[12] The second item I have on the agenda is
[13] the concrete barricades that are on New
[14] Peachtree Road. They're unattractive and they
[15] give the appearance when you drive to the MARTA
[16] station that it's kind of trashy in Doraville.
[17] I talked with Mayor Jenkins concerning
[18] making this an art project for the schools.
[19] I don't know if you followed up with
[20] Police Chief King.
[21] **MAYOR JENKINS:** I talked to John about
[22] it, and we're going to be -- we're going to the
[23] schools and we're going to be checking and see
[24] what we can do about it.
[25] What she proposed was to let the kids

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[1] do sculptures, raise those concrete pads off the
[2] -- where you can cut the grass around it, let
[3] them paint sculptures on it, so it won't look
[4] like graffiti of course, but I don't -- we have
[5] to --
[6] **MS. HOFFMEISTER:** Stack them a
[7] different way or, you know, make it an art
[8] project and you can award it and then do some-
[9] thing similar to what the children have
[10] proposed, because right now it just looks like a
[11] bunch of concrete that's been dumped.
[12] **MAYOR JENKINS:** That's what it is.
[13] **UNIDENTIFIED SPEAKER:** Yeah.
[14] **CHIEF KING:** No problem.
[15] **MAYOR JENKINS:** So John and I will be
[16] working on that and see how it'll look.
[17] Like I say, we want to make sure we
[18] don't make it look like graffiti.
[19] **MS. HOFFMEISTER:** Right.
[20] Well, I know last meeting you said
[21] you'd put a barrier, but I think that is
[22] dangerous, and I think their laying just like
[23] they are is a hazard also because undesirable
[24] people can hide behind them.
[25] But I think if you arrange them in some

[1] manner so that they look like art and maybe add
[2] some things or so forth, it's a good art project
[3] for the schools.

[4] **UNIDENTIFIED SPEAKER:** Where are they
[5] exactly?

[6] **MS. HOFFMEISTER:** New Peachtree Road.

[7] **CHIEF KING:** They're actually through-
[8] out the city. New Peachtree, there's a section
[9] of them. There's some down on Winters Chapel on
[10] the side of the road. We got them all over.

[11] (Overspeaking)

[12] **CHIEF KING:** They're strategically
[13] located if we ever shut down the tank farm
[14] facility.

[15] **MR. PITFIELD:** (Inaudible)

[16] **CHIEF KING:** Yeah, Tex pulled them in
[17] there for us with his trucks.

[18] **MR. PITFIELD:** I asked for the colored
[19] ones, but it was going to cost more than
[20] nothing.

[21] **UNIDENTIFIED SPEAKER:** Maybe we can put
[22] some advertising on them.

[23] **MR. PITFIELD:** Paint them purple if you
[24] want.

[25] **MS. HOFFMEISTER:** And the third item I

[1] they can't, if they will allow them to do it
[2] without voiding their contract, and then they'll
[3] get right on it.

[4] He's going to get back with me in the
[5] next couple of days.

[6] I also wanted to mention they were
[7] instrumental in helping me get Dekalb motivated
[8] to -- those of you that live in my neighborhood,
[9] the guardrail at the very end that's been torn
[10] down for quite some time, we were able to
[11] motivate Dekalb a little bit, and that was fixed
[12] a couple days ago. They even planted grass, so
[13] it looks really good.

[14] **MS. HOFFMEISTER:** That's fantastic.
[15] Thank you very much. Wish you all the success
[16] in the world.

[17] **MAYOR JENKINS:** Ms. Kay Bird?

[18] **MS. BIRD:** I first requested
[19] Mr. Anderson to make a brief statement.

[20] **MR. ANDERSON:** I pulled -- Stuart
[21] Anderson.

[22] **MAYOR JENKINS:** Wait a minute, now.
[23] What's going on?

[24] **MS. BIRD:** I'm just requesting that he
[25] make a statement that supports what I'm

[1] have on the agenda are our interchanges that
[2] come into the city. We have some plastic road
[3] barriers that have been left there for months on
[4] end; they've not been mowed.

[5] We, probably more than other city, in
[6] Doraville, have these entrances into our
[7] communities. Believe me, you can worry about
[8] your next-door neighbor's yard, you can worry
[9] about the towns that are up and down the
[10] commerce section up and down Buford Highway, but
[11] who's going to buy when the first thing you see
[12] is the intersection and it's not mowed.

[13] **COUNCILWOMAN PITTMAN:** I actually spoke
[14] with Ronnie Jones today who's the chief engineer
[15] with DOT. He's new to the position and he's
[16] really anxious to work with everybody.

[17] The entrances or the intersections here
[18] are contracted out, so what he's going to do is
[19] check and see if he can get them to expedite
[20] getting this mowed. He said they're in their
[21] third cycle right now, which means we're coming
[22] up but we don't know exactly when. So he's
[23] going to see if he can get them to expedite
[24] moving a little faster.

[25] On the other hand, he's going to see if

[1] presenting. He's validating the information
[2] that I have in here concerning him, which means
[3] he just was going to tell you that. He's going
[4] to validate that.

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

[6] I'm standing with Kay Bird and Bonita
[7] Hoffmeister tonight to certify or confirm the
[8] information used in this presentation is correct
[9] -- to my knowledge, is correct.

[10] **MS. BIRD:** Thank you. Good evening,
[11] everyone.

[12] I addressed a letter to Mr. Powell the
[13] last City Council meeting, and he kindly wrote
[14] me back. I'd like to read that letter, and I
[15] have a response for him also.

[16] And Bonita, you want to pass that out
[17] so the City --

[18] **MS. HOFFMEISTER:** Yes.

[19] **MS. BIRD:** Okay. Mr. Powell addressed
[20] the letter to me in response to my September 4th
[21] ante litem notice, saying, "The applicant
[22] presented revised site plans which did not
[23] require a variance."

[24] And we're referring here to the
[25] Peachtree H-Mart development.

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[1] "These plans were reviewed by Keck &
[2] Wood who gave an opinion that the plans met
[3] current requirements subject to the compliance
[4] with Doraville's ordinances. Mr. Entsminger
[5] advised the Mayor that the revised plans met all
[6] requirements. There was therefore no need for a
[7] variance. No zoning action was taken and,
[8] therefore, there was no requirement for any
[9] advice regarding zoning.
[10] "As a matter of clarification, the
[11] matter was not tabled by Mayor Jenkins. The
[12] applicant asked the matter be removed from the
[13] agenda for the May 21st, 2007, council meeting.
[14] Sincerely, Rick Powell."
[15] Mr. Powell -- I believe you have a copy
[16] there -- thanking him again for his letter.
[17] "First, you are correct that the May 21
[18] presentation by J. William Butler on behalf of
[19] Peachtree Pavilion was not tabled. It was
[20] withdrawn by Mr. Butler in an email that was
[21] read by Mayor Jenkins, with the closing request,
[22] 'I would appreciate being on the agenda for the
[23] next scheduled meeting on the first Monday in
[24] June.'
[25] "Whether tabled or withdrawn, we" fully

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[1] "expected that the variance request would be
[2] addressed in June. It was not. In fact, it was
[3] never addressed again, even though the Peachtree
[4] Pavilion representatives attended subsequent . .
[5] . council meetings. The next thing we hear is
[6] that a land disturbance permit has been issued
[7] by the city, granting Peachtree Pavilion the
[8] right to begin construction.
[9] "In reference to your paragraph 2: If
[10] Peachtree Pavilion presented revised site plans,
[11] how are we, the public, to be sure . . . the
[12] revised plans corrected the previous
[13] deficiencies in parking spaces?"
[14] I do see we have the site plans which
[15] has a place for revision. I have not read the
[16] date yet. There's a column for revisions there.
[17] I have not looked at the last date there. So
[18] I'm pleased to see that we have access to that
[19] now.
[20] "Not having enough parking spaces was
[21] cause enough for Pond and Company and the
[22] Doraville Planning Commission to recommend
[23] denying the variance the first time around.
[24] "The revised site plan documents and
[25] maps would clarify that. As public documents,

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[1] they should be readily available in response to
[2] an open records request. However, Stuart
[3] Anderson made an open records request," which
[4] you'll be receiving now, "on September 11, 2007,
[5] for copies of the revised site plan and the comp
[6] plan. He received a reply on September 18 from
[7] city hall that there would be a one- to two-week
[8] delay in providing those two items. His request
[9] for, quote, 'A copy of the land disturbance
[10] permit with the signed and printed name of an
[11] authorized inspector or official for the city of
[12] Doraville,' close quote, along with other
[13] requests, has been denied. As of today,
[14] Mr. Anderson has not received copies of two out
[15] of the 17 items that were promised.
[16] "As city attorney, I am sure you are
[17] aware that O.C.G.A., paragraph 50-18-70,
[18] subparagraph (f), requires that a response to an
[19] open records request must be provided within
[20] three business days, and, according to paragraph
[21] 50-18-74, if violated, is punishable by a fine
[22] not to exceed \$100.00.
[23] "I am also enclosing an open records
[24] request from me so that you can personally be
[25] sure it is acted upon in a timely manner. If

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[1] our open records requests continue to be
[2] ignored, there will be others who will make the
[3] same requests, and if necessary, we will take
[4] action, pursuant to the current Georgia Codes,
[5] on each of those requests.
[6] "In reference to your paragraphs 3, 4
[7] and 5: Per your letter of August 21, 2007, to
[8] the city inspector, concerning the Peachtree
[9] Pavilion Land Disturbance Permit,'The Peachtree
[10] Pavilion project meets the requirements of the
[11] City's ordinances, and in my opinion you should
[12] issue the land disturbance permit."
[13] I don't know if that was clear. That
[14] was a statement, written letter from Rick Powell
[15] to the City inspector.
[16] "It appears that the way the developers
[17] of H-Mart have 'met the requirements of the
[18] City's ordinances' is by changing the name from
[19] H-Mart to Peachtree Pavilion, calling it a
[20] shopping center, and not listing any particular
[21] business uses of the buildings. However, the
[22] current sign on the Peachtree Pavilion
[23] development property clearly lists H-Mart."
[24] And you're being provided pictures of
[25] that that were taken today.

[1] "However, the current sign on the
[2] Peachtree Pavilion development property clearly
[3] lists H-Mart. No matter what names or
[4] descriptions are given to the development, there
[5] are not enough parking spaces to meet the
[6] parking needs of such a development, per the
[7] requirements of the Doraville ordinances. Not
[8] having enough parking spaces to meet the needs
[9] of the usage of the buildings requires a
[10] variance. On receipt of the information from
[11] our open records requests, we will address the
[12] parking space problem in greater detail at the
[13] next city council meeting, so that everyone can
[14] fully grasp what is really taking place.

[15] "I welcome your comments. Sincerely,
[16] Kay Bird," copies to Mayor Jenkins, City Council
[17] members.

[18] Thank you.

[19] **MS. HOFFMEISTER:** In addition to
[20] addressing the followup that Kay is going to do
[21] next Council meeting, I have been in
[22] construction and related businesses in my career
[23] as an accountant. At no time have I seen so
[24] much dirt piled so high, so I went and examined
[25] the site.

[1] tonight, I think Susan has copies also, if
[2] anyone wants to see us after the meeting to
[3] review them.

[4] There was only one duplicate signature
[5] on there where one gentleman signed twice on two
[6] different pages.

[7] There have been allegations of
[8] forgeries. The only people collecting
[9] signatures were myself, Susan Fraysse and Brian
[10] Bates. I assure you that we signed affidavits
[11] on each page that the people were there signing
[12] in front of us.

[13] I am not -- there's also been
[14] allegations of the three of us intimidating and
[15] harassing people. I don't really think of any
[16] of us as very intimidating. I'm not aware of
[17] anyone who actually signed the petition making
[18] those accusations. But if anyone feels they did
[19] not sign of their own free will, they can go
[20] down and speak to Linda Lattimore at the Dekalb
[21] Elections Board and sign an affidavit to remove
[22] their signature.

[23] That being said, our application was
[24] approved. However, on the 24th, Bob, through
[25] attorney Wendell Willard, has challenged the

[1] The property to the east, when they
[2] submitted their hydrology site, had a creek.
[3] They filled that in and put a culvert in. That
[4] creek drains or appears to drain into this
[5] property. We are still looking into this. That
[6] pipe leads towards the pond that is directly
[7] south of this property. Therefore, it does not
[8] appear to be a sewer line; it appears to be a
[9] creek.

[10] We will be reviewing this and following
[11] up with you next Council meeting. Thank you.

[12] **MS. PACHUTA:** I'm Karen Pachuta.

[13] I just wanted to update everyone on the
[14] recall effort. We submitted the application on
[15] September 14th. We had a hundred signatures; we
[16] submitted 129. And I want to address some of
[17] the things that have been out there in the past
[18] few days.

[19] We only submitted original signatures.
[20] There are no copied-and-pasted signatures. The
[21] originals are down at the Dekalb Voter
[22] Registration and Elections Office which is on
[23] Memorial Drive in the same shopping center as
[24] the DMV. Anybody can go down there and look at
[25] them. I have copies of them here with me

[1] application. So we have to stop collecting
[2] signatures for now until a judge issues an order
[3] that we can continue. So as soon as that
[4] hearing is set, I will let everyone know and
[5] they can come to that hearing.

[6] Thank you.

[7] **MAYOR JENKINS:** We will have a few
[8] short Doraville citizens' comments.

[9] Let's make them short. Who is first?
[10] Come on up to the microphone, sir.

[11] **MR. BATES:** Mr. Mayor and Council
[12] Members, on October 13th, the Northwoods
[13] Neighborhood -- Brian Bates. On October 13th,
[14] the Northwoods Neighborhood Association will be
[15] having our annual neighborhood picnic. It is a
[16] potluck. The neighborhood association will be
[17] providing hot dogs, hamburgers, condiments and
[18] beverages, and we ask everybody who wants to
[19] come to bring a covered dish.

[20] It will be, again, Saturday, October
[21] 13th, from 11:00 to 2:00 p.m. at Brook Park. So
[22] we look forward to seeing all of our Northwoods
[23] neighbors there. Thanks.

[24] **MS. SIMONETTI:** I'm Bryan Simonetti.
[25] Like the rest of you, I sort of looked

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[1] around for the last couple of months and thought
[2] can we not agree on anything? And I have a
[3] secret. I'm sorry. This is the first time
[4] anybody's ever done that to me.
[5] Isn't there anything we can agree on?
[6] And I can tell you yes, I have a secret, and it
[7] is in this month's Brookhaven Buzz.
[8] Thank you for getting this to me.
[9] We can all agree that the Doraville
[10] Library is a great asset to our city, I think.
[11] And I don't know anybody either up there on the
[12] podium or in the audience that would disagree
[13] with that. Y'all -- everybody should go out and
[14] hang out at the library.
[15] The Friends of the Doraville Library is
[16] just a few months old, I think six months-ish
[17] [sic]. Some of y'all have noticed some changes
[18] going on in the library which we have been a
[19] part of making a little bit more comfy for
[20] people to go in. It's my personal opinion that
[21] the members of the Friends of Doraville Library
[22] are the cream of the crop of Doraville
[23] residents, and I would even say present company
[24] excepted.
[25] But what's going on there now is I'd

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[1] like to give you each a challenge. The Friends
[2] are holding a used book sale on October 20th
[3] from 10:00 a.m. to 3:00 p.m. Any money from the
[4] sale is going to stay in Doraville either in the
[5] form of books or creature comforts, activities.
[6] We already have so many books donated
[7] that they're out of space in the library, and I
[8] have a lot of books in my house also. There are
[9] other people that are saving books. And what we
[10] lack right now are people.
[11] So we need volunteers to get organized,
[12] to separate the fiction from the nonfiction, the
[13] historical romance from the histories, the
[14] science fiction from the science fact, and we
[15] need friendly people to work the sale on
[16] Saturday.
[17] There's a sign-up sheet over at the
[18] library to sign up for when you want to come and
[19] help me -- unfortunately, it will be me that you
[20] come and help -- get ready to sort out books.
[21] You can come the Saturday before or any time
[22] from Wednesday on.
[23] And I'm going to challenge every single
[24] person up there to come and every single
[25] candidate for office, and I know some of y'all

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[1] have already decided to come to help us get
[2] ready. Just an hour or two. It's going to be
[3] fun. We won't talk politics. We'll just -- you
[4] know, it'll be fun, and I can actually be a nice
[5] person. Because we can have a good time and get
[6] along and look for the good things in Doraville
[7] as well as debate or disagreements.
[8] And that does not just stop with the
[9] candidates for office or the people up there;
[10] that's everybody, and I know most of you.
[11] If this is not a good weekend for you,
[12] though, and you just aren't going to be able to
[13] help on that, let me know because Breakfast with
[14] Santa -- right around the corner.
[15] **MS. CRAWFORD:** Excuse me, Bryan. What
[16] time?
[17] **MS. SIMONETTI:** The sale is from 10:00
[18] to 3:00 on the 20th, and it was in the Doraville
[19] newsletter that came out.
[20] **MAYOR JENKINS:** Yes, sir.
[21] **MR. FIEDLER:** I'm Ray Fiedler, Oakcliff
[22] Estates.
[23] And I just wanted to thank the Council
[24] this evening. I saw a lot of positive action up
[25] here tonight. I saw a lot of agreement on

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[1] things. You're working a lot better than you
[2] ever have. I'd like to keep it up.
[3] But I would like to say one thing. It
[4] appears that some of our Council members do not
[5] listen to their constituents. Now, when you
[6] hear the applause in the audience and then
[7] people call you on the phone and you don't
[8] respond and stuff like that, you're not
[9] listening to your constituents. You're
[10] listening to your own personal agenda. Please
[11] don't do that. Because if the thing that's
[12] going on in your head is too hard to bear that
[13] you can't focus on anything but that, please
[14] resign your position rather than be recalled.
[15] Thank you.
[16] **MR. O'CONNOR:** Joe O'Connor again.
[17] I forgot to announce that the Planning
[18] Commission will have a meeting August the 22nd
[19] at 7:00 p.m -- or actually, October 22nd, 7:00
[20] p.m., and the public is welcome.
[21] And we're going to be changing it in
[22] November to the second Monday of each month.
[23] But we know that variances and zonings
[24] are an important thing, and everyone's welcome
[25] to our meetings, so we hope to see you all out

[1] there. Thank you.

[2] **MS. HOFFMEISTER:** My name is Bonita

[3] Hoffmeister.

[4] Honorable Mayor and City Councillors,

[5] the house just south of English Oak Park is

[6] again for sale. I don't know if there any type

[7] of grants that are available to purchase that

[8] land, but it would be nice if the City could

[9] somehow manage to acquire that land.

[10] Thank you.

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

[12] **COUNCILWOMAN PITTMAN:** Could I say

[13] something to that?

[14] **MS. HOFFMEISTER:** Sure.

[15] **COUNCILWOMAN PITTMAN:** I don't know how

[16] familiar any of you are with Habitat for

[17] Humanity, but they just recently did something

[18] at Perimeter Mall, and he approached me about

[19] Doraville possibly participating in some type of

[20] something. So I don't know if that might be

[21] something that we could approach him about, but

[22] it's something very positive and very good. So

[23] if you're interested, we could kind of brain-

[24] storm and talk to him about something like that,

[25] because he's really wanting to get involved with

[1] Steve Koontz again.

[2] Back to my earlier comment about the

[3] appearance of our city, I know there's been a

[4] lot of controversy about the Quality of Life

[5] people going through the neighborhoods and

[6] stuff, and I'm not going to get into that

[7] tonight.

[8] But I'm wondering what it would take to

[9] have these same people go after some of the

[10] business properties in the city. Driving over

[11] here coming up New Peachtree, there was multiple

[12] properties that had like waist-high grass. Not

[13] like, you know, foot-high grass; it was like

[14] waist-high grass that hasn't been cut all

[15] summer. And to me, that's a lot more eyesore

[16] than some of the people that I've seen being

[17] cited in the neighborhoods. And just the whole

[18] -- that whole commercial part of the city

[19] doesn't look like it's had -- a lot of it has

[20] never had any yard stuff done the whole summer.

[21] And can those people cite the businesses too or

[22] is it just citizens that they have to --

[23] **MAYOR JENKINS:** They can. We'll --

[24] **MR. KOONTZ:** Well, can we maybe let

[25] them work on the Buford Highway area for a

[1] Doraville. In fact, just right outside the city

[2] limits, they just did a house that is not in

[3] Dor- -- it was in Doraville but not within the

[4] city, and it's really nice.

[5] **COUNCILWOMAN HADDEN:** They did a good

[6] job.

[7] **COUNCILWOMAN PITTMAN:** They did an

[8] excellent job.

[9] **MS. FRAYSSE:** I saw the article. Where

[10] is the house that they worked on?

[11] **COUNCILWOMAN PITTMAN:** You know what?

[12] Right off the top of my head, I cannot think of

[13] the name of the street, but it's --

[14] **MS. FRAYSSE:** I think that would be a

[15] good selling point to get people involved.

[16] **COUNCILWOMAN PITTMAN:** Right. So he's

[17] really -- again, he approached me. He found out

[18] what I did, and he and I talked.

[19] **MS. FRAYSSE:** And who is it?

[20] **COUNCILWOMAN PITTMAN:** I'll give you

[21] his name. I have his card. But again, I'm not

[22] real good with names by memory, but he's with

[23] Habitat for Humanity, so.

[24] I'm sorry, Steve.

[25] **MR. KOONTZ:** That's okay.

[1] little while?

[2] **MAYOR JENKINS:** Steve, I have been

[3] working on that going to different businesses,

[4] and it's worked every time I went. When I get

[5] time, I go out and I talk to businesses also.

[6] **MR. KOONTZ:** Okay. There's a lot of

[7] places, like I said, just up New Peachtree --

[8] **MAYOR JENKINS:** Yeah, I know.

[9] **MR. KOONTZ:** -- that really look bad.

[10] **CHIEF KING:** Steve, just so you don't

[11] think -- We've listened very, very carefully to

[12] the comments not only that you have made but

[13] some of the other people.

[14] The Quality of Life unit has been

[15] concentrating and their goals was to concentrate

[16] initially in the residential neighborhoods

[17] initially, but they have gone and working --

[18] they're working the commercial.

[19] As we get more of the problems focused

[20] and fixed in the neighborhoods -- and they're

[21] getting there, for the number of citations and

[22] the number of -- people voluntarily comply.

[23] They're shifting their effort now to the

[24] commercial. The majority of the problems are

[25] still in the residential because that's where we

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[1] get the most calls from this community.
[2] But we're not -- please don't think
[3] that we're totally disregarding the commercial
[4] areas. We are concentrating. As time passes,
[5] we will shift more of our effort into the
[6] commercial areas. I see that happening probably
[7] within the next 60 days or so.
[8] **MR. KOONTZ:** I mean is it more of a
[9] complaint-based thing? People start --
[10] **UNIDENTIFIED SPEAKER:** Yeah.
[11] **MR. KOONTZ:** -- calling in about --
[12] **CHIEF KING:** Initially.
[13] We also don't want to be accused of
[14] ignoring the calls we get from the community.
[15] But that's what we're dealing with.
[16] But as we get problems solved in the
[17] residential area, Qualify of Life is shifting to
[18] the commercial area. We already started doing
[19] that, but the priorities have been in the
[20] residential.
[21] **MAYOR JENKINS:** Mr. Livingston.
[22] **MR. LIVINGSTON:** Charles Livingston.
[23] This is directed at Rick.
[24] Rick, I don't know if you're aware of
[25] it. People in the audience have a hard time

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[1] hearing what goes on up here, and you're one of
[2] the culprits in case you don't know it.
[3] When you're at home, you can relax. I
[4] think we pay you enough to sit up as close to
[5] the mike as you can. In fact, as much as we pay
[6] you, I'd go get your own lapel mike.
[7] Pay attention to this. You're bad news
[8] when it comes to us trying to hear you.
[9] **ATTORNEY POWELL:** Okay.
[10] **MR. PITFIELD:** My name is Tex Pitfield.
[11] I'm the president of Saraguay Petroleum.
[12] And I think it's very important.
[13] Thank you, Mayor, for allowing me to
[14] address the audience and the Council, but I am
[15] not a voting nor am I a citizen of the city of
[16] Doraville.
[17] **MAYOR JENKINS:** You're a businessman.
[18] **MR. PITFIELD:** I am a businessman in
[19] Doraville, and Doraville very much keeps the
[20] roof over my family's head, so it's a very
[21] important part. I've been here 11 or 12 years
[22] now. And I think many of you will know that I
[23] was somewhat involved in the dilemma that we
[24] were facing over the last little while.
[25] So I say it very much to all of you on

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[1] Council and to all of you in the audience, that
[2] you need to make this bad blood go away, period.
[3] The city of Doraville has become the laughing-
[4] stock of the media within the state of Georgia,
[5] within the nation. And they are just itching to
[6] take another crack at the hillbillies within the
[7] city of Doraville, and you will all be the
[8] laughingstock of the world, I assure you.
[9] I have contacted Mr. Spangler numerous
[10] times. Sir, you have failed to respond to any
[11] of my phone calls or any of my e-mails. I'm not
[12] looking for your head on a stake as much as many
[13] people are. I am trying to resolve this thing
[14] amicably for everybody. And it is in the
[15] betterment and the total well-being of everybody
[16] on this Council and everybody in this city that
[17] we try and put this thing to bed.
[18] We don't want your resignation. I can
[19] handle the recall petition. I can make
[20] everything work to everybody's benefit. But
[21] unless I can get you, sir, and Mr. Lowe to at
[22] least meet me halfway, these people are just
[23] going to be tarnished. And it is a shame and a
[24] disgrace that a city such as Doraville should
[25] have to endure this type of publicity.

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[1] Thank you.
[2] **COUNCILMAN SPANGLER:** I just want to
[3] say to you, Tex, I did reply back to some of
[4] your e-mails. As we speak right now, there is a
[5] meeting planning to take place. You will be
[6] advised and you will be offered the opportunity
[7] to meet along with Mr. Lowe and Mr. Willard.
[8] **MR. PITFIELD:** Well, in five weeks of
[9] communication, that's the first time you've ever
[10] responded me with anything positive.
[11] **COUNCILMAN SPANGLER:** Tex, I've got a
[12] paper trail, so, you know, I do have records of
[13] we've gotten back to you. So let's just drop
[14] it.
[15] **MR. PITFIELD:** Well, I implore upon
[16] you, please. That is very positive. Let's put
[17] it to bed.
[18] Thank you.
[19] **MAYOR JENKINS:** One more.
[20] **MR. SPANGLER:** Ray, I make a motion we
[21] adjourn.
[22] **MR. FIEDLER:** I was up here earlier,
[23] and what I forgot to say is the candidates that
[24] have their signs in the neighborhoods, you might
[25] go by and check them. We had some pretty heavy

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[1] winds around Oakcliff Road and Pin Oak today,
[2] and a lot of the signs have blown into the
[3] street and interfering with traffic.

[4] Please take care of that. Thank you.

[5] **MAYOR JENKINS:** I have a motion on the
[6] floor that we adjourn. Do I get a second?

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

[8] **MAYOR JENKINS:** All in favor?

[9] (Whereupon, the meeting was adjourned
[10] at 9:15 p.m. the same day.)

[11] -o0o-

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[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
[5] transcript was taken down, as stated in the caption,
[6] and the proceedings were reduced to typewriting under
[7] my direction and control.

[8] I further certify that the transcript is a
[9] true and correct record of the evidence given at the
[10] said proceedings.

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

[15] This the 8th day of October, 2007.

[16]

[17]

[18] Theresa Bretch, CCR

[19] Permit No. B-755

[20]

[21]

[SEAL]

[22]

[23]

[24]

[25]

		absolutely 29:16; 30:14,16,19;64:12 abstain 4:14,16,18,19; 5:21 abstaining 5:10 access 106:18 accidents 88:19,23 accompany 92:19 according 57:6;64:24; 107:20 account 63:10 accountant 109:23 accountant/auditor 54:13 accounting 54:4,20; 60:3 accounts 54:5,9,21; 55:10;56:7,15;59:18; 60:1,7 accurate 22:23;27:20 accurately 52:22 accusations 111:18 accused 121:13 acquire 117:9 acre 45:12 acres 12:14,19,20,23 across 27:17;36:20; 37:12,15;72:19 acted 23:7;107:25 action 39:23;40:1; 54:17;79:7;97:6;105:7; 108:4;115:24 activities 114:5 activity 44:14 actually 28:7;30:22; 42:2,24;44:24;55:14; 68:20;76:16;84:10;97:16; 101:7;102:13;111:17; 115:4;116:19 Actually 14:22 ad 81:18 adamant 25:24;30:16; 33:6;45:1 add 19:14;28:16;101:1 adding 33:11;82:24; 83:4 addition 28:1;109:19 additional 8:14;9:2; 28:16;52:5,5;55:12;56:2; 61:22 additions 11:4 address 53:6;59:15; 97:22;109:11;110:16; 122:14 addressed 22:6;70:4; 104:12,19;106:2,3 addressing 109:20 adjacent 96:19 adjourn 124:21;125:6 adjourned 125:9 adjust 92:8,23;94:15; 95:8 adjusted 50:17;92:11	adjusting 53:14 administrative 11:9 adopted 11:5;13:14 adult 96:16 Adult 96:11,14 Advanced 35:20;43:17 advertised 78:4 advertisement 81:8; 92:13 advertisements 77:25; 80:21;81:11 advertising 75:25;76:3, 9,11,14;78:15;79:13,18, 21;80:3;82:24;101:22 advice 105:9 advised 48:17;57:14; 105:5;124:6 advising 96:23 affidavit 111:21 affidavits 111:10 affirmatively 44:7;53:5 afford 7:9;38:20,24; 41:18,22 affordable 79:25 afraid 98:3 afternoon 22:8,9;43:24; 71:12 again 22:18;23:16;31:3, 5;42:11;50:3;67:16; 105:16;106:3;112:20; 116:16;117:6;118:17,21; 119:1 Again 51:19;77:22 age 18:20;80:7 agencies 64:20,21 agenda 42:16;53:23; 58:25;85:11;99:12;102:1; 105:13,22;116:10 agents 79:20 ago 12:6;29:10;30:2; 47:4;79:3;91:10;103:12 agree 6:23;57:7;82:10; 113:2,5,9 agreeable 74:16;76:4 agreed 38:3;42:22 agreement 89:5,7; 115:25 ahead 20:18;32:24; 33:1,11;40:15;42:11,17; 67:22;70:7;81:4;84:5 air 24:11 Alan 14:18 allegations 111:7,14 Alley 96:13 allow 9:17;12:13,18; 13:22;26:9,12,20;33:3; 45:24;62:6;70:6;73:10; 75:24;85:15,25;86:4; 88:9;91:25;103:1 allowable 70:25 allowed 7:19;12:19; 22:11,11;63:9;65:13; 70:22;73:18;80:14;92:1	allowing 122:13 allows 27:1 along 9:18;25:17,19; 42:23;107:12;115:6; 124:7 alternatives 66:22 although 33:6;36:4 always 33:13;52:17; 61:12;98:10 ambulance 45:24 American 90:24 amicably 123:14 amount 91:2;93:22 analysis 32:9 and/ 65:23 Anderson 19:17; 103:19,21;104:5;107:3, 14 ANDERSON 19:12; 95:24;103:20;104:5 angle 97:17;98:14 animal 65:24 Annexation 97:7,8 anniversary 34:10 announce 116:17 annual 112:15 answered 51:15 ante 104:21 anxious 102:16 apartment 94:13 apologize 19:17;20:20; 71:13 appear 110:8 appearance 99:15; 119:3 appears 108:16;110:4, 8;116:4 applause 116:6 Applause 23:12,22 applicable 60:5 applicant 66:22; 104:21;105:12 applicants 27:13 application 65:20;67:1; 110:14;111:23;112:1 applies 12:9 apply 61:16 appoint 16:7,9,18 appointed 16:11,12 appreciate 21:20; 23:11;96:4,22;99:9; 105:22 Appreciate 3:3 approach 117:21 approached 29:11; 85:22;91:10;117:18; 118:17 approaching 46:13 appropriate 45:11;60:3 approval 3:17;61:3 approve 3:18,20;67:21; 70:10;81:4;89:15 approved 111:24
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