

In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

February 4, 2013

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

Transcript of the meeting held in the
City Council Room at Doraville City Hall,
3725 Park Avenue, Doraville, Georgia, Mayor
Donna Pittman presiding, before Theresa
Bretch, Certified Court Reporter, commencing
at approximately 6:30 p.m. on February 4,
2013.

* * *

1 PROCEEDINGS
2 MAYOR PITTMAN: Would everybody please stand
3 for the Pledge.
4 ---
5 (Pledge of Allegiance)
6 ---
7 MAYOR PITTMAN: Thank you, and welcome to
8 everyone.
9 Call the roll, please.
10 CLERK BRYANT: Councilmember Alexander?
11 COUNCILMEMBER ALEXANDER: Here.
12 CLERK BRYANT: Councilmember Fleming?
13 COUNCILMEMBER FLEMING: Here.
14 CLERK BRYANT: Councilmember Patrick?
15 COUNCILMEMBER PATRICK: Here.
16 CLERK BRYANT: Councilmember Dean?
17 COUNCILMEMBER DEAN: Here.
18 CLERK BRYANT: Sorry.
19 MAYOR PITTMAN: We do have two Council
20 members that possibly will not be here tonight. If
21 they come in, then we'll brief them on what's going
22 on, but we're going to move forward with the meeting.
23 I need approval of minutes for January 14th,
24 2013.
25 COUNCILMEMBER ALEXANDER: Motion to approve.

1 APPEARANCES:
2 Doraville City Council:
3 Mayor Donna Pittman
4 Councilmember Maria Alexander
5 Councilmember Brian Bates
6 Councilmember Trudy Jones Dean
7 Councilmember Pam Fleming
8 Councilmember Robert Patrick
9
10 Sandra Bryant, Acting City Clerk
11 Cecil G. McClendon, Jr., City Attorney
12 Leonid Felgin, Associate City Attorney
13 Riley McLendon, LLC
14 315 Washington Avenue
15 Marietta, GA 30060
16 (770) 590-5900
17
18
19
20
21
22
23
24
25

1 MAYOR PITTMAN: Second?
2 COUNCILMEMBER PATRICK: Second.
3 MAYOR PITTMAN: Discussion?
4 ---
5 (No response)
6 ---
7 MAYOR PITTMAN: Call the roll, please.
8 CLERK BRYANT: Councilmember Alexander?
9 COUNCILMEMBER ALEXANDER: Yes.
10 CLERK BRYANT: Councilmember Dean?
11 COUNCILMEMBER DEAN: Yes.
12 CLERK BRYANT: Councilmember Fleming?
13 COUNCILMEMBER FLEMING: Yes.
14 CLERK BRYANT: Councilmember Patrick?
15 COUNCILMEMBER PATRICK: Yes.
16 MAYOR PITTMAN: Okay. And I need a motion
17 for approval of minutes January 22nd, 2013.
18 COUNCILMEMBER ALEXANDER: Motion to approve.
19 MAYOR PITTMAN: Second?
20 COUNCILMEMBER PATRICK: Second.
21 MAYOR PITTMAN: Discussion?
22 ---
23 (No response)
24 ---
25 CLERK BRYANT: Call the roll, please.

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1 CLERK BRYANT: Councilmember Alexander?
 2 COUNCILMEMBER ALEXANDER: Yes.
 3 CLERK BRYANT: Councilmember Dean?
 4 COUNCILMEMBER DEAN: Yes.
 5 CLERK BRYANT: Councilmember Fleming?
 6 COUNCILMEMBER FLEMING: Yes.
 7 CLERK BRYANT: Councilmember Patrick?
 8 COUNCILMEMBER PATRICK: Yes.
 9 MAYOR PITTMAN: Thank you.
 10 Next on the agenda is Public Comments on
 11 agenda items only.
 12 Please limit your comments to three minutes
 13 and state your name for the court reporter. Please
 14 line up if you wish to speak.
 15 MR. TOM HART: Three comments.
 16 One is about the finance, was the comp time
 17 cap. The thing that's a question, that I have a
 18 question about, is why department heads are getting
 19 this comp time. And in that packet it includes that
 20 the Mayor also is getting Comp Time and it listed
 21 about 500 minutes of comp or 500 hours of comp time
 22 for the Mayor's office.
 23 The New Business which is Wholesale
 24 Businesses in C-2, an example of that is there's a
 25 business, a handbag store across from the -- the Nail

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1 Mall, both of which are apparently wholesale
 2 businesses, but the handbag store is in a location
 3 where the City Council voted to put a pawn shop -- for
 4 a conditional use as a pawn shop.
 5 That building never housed a wholesale
 6 business of any kind, and why is there a wholesale
 7 business in there now? That was put in at the same
 8 time the handbag -- the Nail Mall across the street
 9 was starting construction.
 10 That's just an illustration of things
 11 including the Moon Lingerie that popped up as
 12 wholesale businesses after the ordinance was passed in
 13 2009 about no more wholesale businesses in C-2.
 14 And it also brings up the question of
 15 transferability. You can't transfer the usage from
 16 one piece of property to the next piece of property.
 17 You could have a wholesale business in the northern
 18 end of town, and you can't transfer that usage to the
 19 south end of town on another parcel of land. That
 20 seems to be going on.
 21 With the audit, it seems that there is a
 22 series of things happening in the City that I think
 23 goes beyond just a simple audit, that perhaps a
 24 forensic audit is -- is due for the City to look into
 25 misuse of government property, misuse of permits,

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1 permits utilized where they knowingly are being -- the
 2 laws of the city are being violated.
 3 The last thing is this Green Infrastructure
 4 ordinance. I think that we need to combine
 5 architectural standards with a discussion of this
 6 ordinance. This ordinance has been around a long time
 7 -- I remember it was there when I was around -- that
 8 they want to get rid of curbing so they're going to
 9 have swales to control the water.
 10 But we have whole shopping centers like
 11 Pinetree Plaza that are four and five acres of asphalt
 12 with absolutely no control of the water coming off
 13 that piece of property. If anything needs curbing,
 14 it's the back side of that property so that could be
 15 contained and run down where it's supposed to.
 16 So anyway, that's just a few thoughts.
 17 Thank you.
 18 MAYOR PITTMAN: And for the record, this
 19 mayor does not receive comp time nor have I ever
 20 received comp time.
 21 Anyone else wishing to speak?
 22 ---
 23 (No response)
 24 ---
 25 MAYOR PITTMAN: Okay. Thank you.

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1 Mr. Strickland?
 2 MR. STRICKLAND: Evening, Mayor and Council.
 3 This is the second read of the Green
 4 Infrastructure Ordinance. The question was raised by
 5 Councilmember Bates last time about exactly where it
 6 was located, if we're going to put the four-foot
 7 sidewalks along at least one side; whereas, it
 8 originally was written both sides of all streets.
 9 That is going to be under 17.5 Subdivision
 10 Regs, (1) Streets; 17.5 Right of Way and Paving Width,
 11 and it will pertain to platted subdivisions only. So
 12 we would be looking at a developer coming in and
 13 actually building an entire subdivision, putting a
 14 road in there, and then once they build that road,
 15 whether or not they could do a sidewalk just on one
 16 side and wrap the cul de sac or if we actually wanted
 17 it on both sides.
 18 Be a rare instance in Doraville to have a
 19 brand new subdivision come in where they actually
 20 needed to punch in a new road, but it's not out of the
 21 realm of possibilities if they could combine parcels
 22 or something like that.
 23 I was unable to get in touch with
 24 Councilmember Bates to get his -- his feedback and did
 25 not know that he would be absent tonight, so. But I

1 think it would be, just based on the Council's wishes,
 2 we could change it to at least one side of all streets
 3 or we could leave it for both sides of the streets,
 4 keeping in mind that this pertains to a new platted
 5 subdivision.
 6 MAYOR PITTMAN: Okay. Ms. Alexander,
 7 questions?
 8 COUNCILMEMBER ALEXANDER: *I think there was*
 9 another question, too, if there was any kind of
 10 variance allowable on this if there was a geography
 11 challenge, and I thought legal was going to look into
 12 that.
 13 ATTORNEY McLENDON: It would be part of your
 14 planning process.
 15 COUNCILMEMBER ALEXANDER: Okay.
 16 ATTORNEY McLENDON: And yeah, you would, in
 17 that process. Especially if you put it as at least
 18 one side of the road, it would, by definition, have
 19 sort of a discretion for us to approve the plan.
 20 MAYOR PITTMAN: Mr. Patrick?
 21 COUNCILMEMBER PATRICK: I guess my
 22 preference is is to keep it on both sides.
 23 ATTORNEY McLENDON: Okay.
 24 COUNCILMEMBER PATRICK: I just think that's
 25 an amenity that helps build the neighborhood,

1 especially helps sell the house I think a bit faster,
 2 and I think it would be better for us.
 3 MAYOR PITTMAN: Okay. Ms. Fleming?
 4 COUNCILMEMBER FLEMING: I'm open on that.
 5 My first impression was on both sides, but I really
 6 think it depends on the subdivision size, you know.
 7 MR. STRICKLAND: Absolutely.
 8 COUNCILMEMBER FLEMING: As far as, you
 9 know --
 10 MR. STRICKLAND: Four -- four houses --
 11 COUNCILMEMBER FLEMING: -- if it's only one
 12 acre --
 13 MR. STRICKLAND: -- compared to --
 14 COUNCILMEMBER FLEMING: -- or two acres,
 15 you know, I'm not so sure we need it on both sides of
 16 the street. So I'm open on that as far as that's
 17 concerned.
 18 My concern is this particular ordinance that
 19 we're reviewing this evening again is for new,
 20 correct? and we're not addressing any of the problems
 21 that we presently have with stormwater issues --
 22 MR. STRICKLAND: No.
 23 COUNCILMEMBER FLEMING: -- you know.
 24 MR. STRICKLAND: I mean there's -- there's a
 25 lot of things being addressed for any type of

1 development. It's just that once you get to 17.5,
 2 you're dealing strictly with new subdivisions --
 3 COUNCILMEMBER FLEMING: Right.
 4 MR. STRICKLAND: -- not commercial.
 5 COUNCILMEMBER FLEMING: But existing
 6 problems that we may have, those streets that don't
 7 have curbing, that have extreme runoff, you know, into
 8 the yards and, you know, Chestnut Creek and, you know,
 9 etc., etc., things like that, we're not really
 10 addressing that in this ordinance.
 11 MR. STRICKLAND: This is for new
 12 construction.
 13 COUNCILMEMBER FLEMING: That's -- I just
 14 wanted to be sure.
 15 MR. STRICKLAND: Yes, ma'am.
 16 MAYOR PITTMAN: Ms. Dean?
 17 COUNCILMEMBER DEAN: I would actually prefer
 18 to move this to a later agenda so that Mr. Bates and
 19 Ms. Pachuta can participate in this conversation.
 20 And we are going on architectural standards
 21 on the 11th; is that correct?
 22 MAYOR PITTMAN: Yes.
 23 COUNCILMEMBER DEAN: Would that be something
 24 that the others are amenable to?
 25 COUNCILMEMBER ALEXANDER: Are there any

1 State deadlines that we're not going to make if we
 2 don't pass this ordinance?
 3 MR. STRICKLAND: There's a -- it's a -- It's
 4 kind of a soft deadline for about the middle of this
 5 year.
 6 COUNCILMEMBER ALEXANDER: Okay.
 7 MR. STRICKLAND: So as long as we're kind of
 8 -- as long as we're, you know, moving it forward.
 9 MAYOR PITTMAN: So if you want to put this
 10 on the next agenda, please.
 11 CLERK BRYANT: Okay.
 12 MAYOR PITTMAN: Okay. So the 11th or the
 13 next Council meeting?
 14 COUNCILMEMBER DEAN: Next Council meeting.
 15 MAYOR PITTMAN: Okay.
 16 MR. STRICKLAND: The 19th; right?
 17 COUNCILMEMBER FLEMING: Correct.
 18 MAYOR PITTMAN: Well, it's --
 19 MR. STRICKLAND: 18th?
 20 COUNCILMEMBER FLEMING: No.
 21 MAYOR PITTMAN: That is a holiday.
 22 MR. STRICKLAND: 18th's a holiday. It's the
 23 19th.
 24 CLERK BRYANT: The 19th.
 25 MAYOR PITTMAN: Okay. Thank you, Mr.

1 Strickland.

2 MR. STRICKLAND: But we do have another --
3 so there's another ordinance that deals with this,
4 but it's with zoning and so that ordinance has to go
5 through Zoning Procedures Act. So I'll actually get
6 you--all that ordinance also; you can look through it.

7 But then the Council will have to recommend
8 that that ordinance go through the Zoning Procedures
9 Act and be sent to the Planning Commission. Just kind
10 of a -- a heads-up. And then you'll have both
11 ordinances and all of the changes we're looking at.

12 MAYOR PITTMAN: Thank you very much.

13 MR. STRICKLAND: Thank you, Council.

14 MAYOR PITTMAN: Major, do you have anything?

15 - - -

16 (No audible response)

17 - - -

18 MAYOR PITTMAN: Okay. Thank you.

19 Okay. The next is Ms. Ferguson, finance
20 department.

21 MS. LISA FERGUSON: I put this agenda item
22 together so that we could deal with the issues that we
23 have going on with our comp time.

24 When I came to work here, I inherited the
25 system that we've been doing where we've been giving

1 people comp time instead of overtime and, as a result,
2 we've got a number of people that are way over the cap
3 in the ordinance, and I just want to either change the
4 ordinance or get a directive from you on how to
5 proceed.

6 I had suggested in the ordinance that we
7 raise the cap, and I understand from Ms. Alexander and
8 Ms. Fleming that the cap used to be higher and there
9 was a reason that it was changed.

10 So it's entirely up to you whether we change
11 the cap or not, but I do need a directive on changing
12 from giving people comp time back to giving people
13 overtime and I need a directive on paying out the comp
14 time.

15 MAYOR PITTMAN: Okay. And what was your
16 suggestion on that?

17 MS. FERGUSON: We need to pay out all of the
18 comp time that is over the cap. Right now, the cap is
19 80 hours, and if you'll look in the agenda packet,
20 that would require us paying out a minimum of \$85,000,
21 which we have a liability on the books right now and
22 we have the money in the budget to pay it, so at any
23 level, we would be okay paying out the comp time.

24 MAYOR PITTMAN: Okay. Thank you.

25 Ms. Alexander?

1 ignored. I think they were compensating for positions
2 that they no longer have, so.

3 Mr. Patrick?

4 COUNCILMEMBER PATRICK: The amount that was
5 accrued, this eighty-five, nearly eighty-six thousand
6 dollars, what was the time that that was generated
7 over?

8 MS. FERGUSON: Okay. We had a balance of
9 \$118,000 at the end of June, so the difference is
10 about \$35,000 for the first six months of this year.

11 And I'm going to be doing a budget amendment
12 at the next Council meeting to move some money from
13 the police department to the 911 to deal with this
14 issue. The police department and the 911, they won't
15 get any additional money; it'll just be a shift from
16 one department to the other, because they have people
17 filling in. And we've been trying to capture the
18 overtime that's spent in 911 in the 911 department as
19 opposed to it going to the department that the
20 employee is actually assigned to.

21 COUNCILMEMBER PATRICK: And again, just to
22 hear you say, this is generated from what date
23 specific coming forward?

24 MS. FERGUSON: It -- it's -- we had \$118,000
25 at the end of June sitting there, and so from July 1

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1 until the pay period that we just got paid was about
2 \$35,000.
3 And we were expecting this because we knew
4 people were working overtime, but my issue is that we
5 need to be paying it out instead of letting it
6 accumulate.
7 COUNCILMEMBER PATRICK: I agree with you.
8 MAYOR PITTMAN: Ms. Fleming?
9 COUNCILMEMBER FLEMING: The first question I
10 have is on the -- the last page of your report. Just
11 so that I understand it, capping it at 80 hours, the
12 payout required at this moment would be \$85,578.75?
13 MS. FERGUSON: Correct.
14 COUNCILMEMBER FLEMING: But the remaining
15 liability is \$70,679.04?
16 MS. FERGUSON: Correct.
17 COUNCILMEMBER FLEMING: So \$155,000.
18 MS. FERGUSON: It's \$156,257.79.
19 COUNCILMEMBER FLEMING: Okay. In comp -- in
20 comp moneys.
21 MS. FERGUSON: Over a year-and-a-half/two
22 years.
23 COUNCILMEMBER FLEMING: And though I can
24 appreciate people having to fill in, we had to go
25 through a reduction in force and those positions in

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1 the process have been filled in somewhat of a fashion.
2 I still think there needs to be more
3 scrutiny in the departments that are excessive in comp
4 time and overtime.
5 I agree with you as far as paying it as they
6 earn it as far as overtime rather than accumulated
7 comp time, but -- and I'm not directing my comments
8 directly to you as finance director, but those
9 directors need to scrutinize each and every employee
10 that they have as to whether the overtime is truly
11 needed or not, so.
12 And as I said several weeks ago when we
13 authorized PTO to be taken until 1/31/13, is that when
14 we do receive a city manager on board, I don't think
15 he's going to be too thrilled with what's happening.
16 So those are my comments.
17 COUNCILMEMBER DEAN: Just for -- how much
18 money did we have in reserve at the end of January; do
19 you know?
20 MS. FERGUSON: Money as far as what?
21 COUNCILMEMBER DEAN: That we have in our
22 reserve accounts in terms of anything that we have.
23 MS. FERGUSON: There's \$65,000 in the
24 contingency in the budget.
25 COUNCILMEMBER DEAN: Uh-huh.

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1 MS. FERGUSON: I'm not sure what else --
2 COUNCILMEMBER DEAN: Okay. All right.
3 MS. FERGUSON: -- you would need.
4 COUNCILMEMBER DEAN: I sent you an e-mail
5 earlier asking -- we spent a lot of time on this issue
6 last year because we were working with the Flex H.R.
7 company that we were paying \$5,000 a month to help us
8 resolve this issue specifically.
9 MS. FERGUSON: They did not deal with any
10 comp time during the time that I've been here.
11 COUNCILMEMBER DEAN: Okay. But we had those
12 discussions. I mean we had -- because we had to lower
13 the amount, and and they stood up there and they said
14 this is recommended, etc., etc.
15 So it's kind of frustrating that we're back
16 kind of undoing what we spent so much time doing
17 originally. And again, this is -- I know this is not
18 you at all, but why do we keep -- why are we not in
19 compliance with this?
20 MS. FERGUSON: The payroll system was not
21 set up that way, and I realized this when I started
22 looking at the PTO when were talking about the PTO in
23 December.
24 COUNCILMEMBER DEAN: Uh-huh.
25 MS. FERGUSON: So I realized the extent of

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1 what was going on, so I started working on how to fix
2 it.
3 COUNCILMEMBER DEAN: Well here -- here is --
4 Just looking through these things, we have, for
5 example, the E911 center. Okay. It currently has
6 eight approved full-time positions. Okay. We have
7 currently six and a half; right? Or six full-time
8 positions and one part-time.
9 So we have for that alone, what is it,
10 \$55,000? \$55,696 that we're putting into this fund.
11 My question is this: How many hours are
12 employees using for that? I mean, because if we take
13 Officer So-and-So who makes \$25.00 an hour and Officer
14 So-and-So who makes \$15.00 an hour going in there and
15 working the E-911 system, then at time and a half,
16 the range is different, So do we know the range that
17 the employees are being paid who are filling in for
18 those -- those positions?
19 MS. FERGUSON: Primarily, it's the
20 lieutenants and the captains that are filling in
21 because -- Because we're not paying overtime, we can't
22 get the lower-paid employees to come work because it's
23 voluntary.
24 COUNCILMEMBER DEAN: Okay. And so they
25 are -- they are getting compensated by time and a half

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1 in time.
2 MS. FERGUSON: So we're hoping that if we go
3 back to paying overtime, that we will be able to get
4 some lower-paid employees to come and work and it will
5 ultimately lower our cost, and hopefully it will make
6 it a little bit more attractive to come work here,
7 because why would you come and work if you're going --
8 know you're going to be working 90/100 hours every two
9 weeks and not getting paid for it?
10 COUNCILMEMBER DEAN: But ultimately, if we
11 buy them out with this time, then they are going to
12 get paid for it; right?
13 MS. FERGUSON: They're -- they are going to
14 get paid for it now, but for a year and half, they've
15 been accumulating comp time and there's been no
16 relief.
17 COUNCILMEMBER DEAN: Well, if we came up
18 with a system, I mean, because this comp time -- And I
19 worked within this system many, many, many -- I mean
20 for many companies, and we have a use-or-lose policy.
21 We can carry over --
22 MS. FERGUSON: You can't --
23 COUNCILMEMBER DEAN: -- blank amount.
24 MS. FERGUSON: You can't use or lose comp
25 time.

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1 COUNCILMEMBER DEAN: All right.
2 MS. FERGUSON: No, you can't do that. You
3 can do it with PTO but you can't --
4 COUNCILMEMBER DEAN: PTO?
5 MS. FERGUSON: -- you can't do it with comp
6 time.
7 So our best course of action right now is to
8 pay out the comp time and quit giving people comp time
9 and just pay them overtime.
10 COUNCILMEMBER DEAN: What about using part-
11 time or temporary people, hiring like a temporary
12 agency for the 911?
13 I mean here's what -- I'm looking at this,
14 and I'm going, wow, okay, there's a lot here. So is
15 the 911 -- and this is a big, a big issue that I'm not
16 -- I'm just using it as an example. But is this cost
17 effective? because this is costing us this much for
18 this, and there's no --
19 I mean how long have these positions been
20 open and why are they so difficult to fill?
21 MS. FERGUSON: The comp-time issue is part
22 of the reason they're difficult to fill, because
23 people don't want to come work here because they know
24 they're not going to get paid overtime.
25 So we're -- we put the part-time positions

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1 in several months ago; we've managed to get one person
2 to come work. We need to get the other three filled
3 so that we can have some relief for these people.
4 And if we can do that, then we won't be
5 having so much overtime and so much comp time, but
6 it's, you know, one more thing that needs to be fixed.
7 COUNCILMEMBER DEAN: All right. Again, this
8 480 hours, that's incredibly excessive and I would not
9 vote for that a tall.
10 And it's -- I mean it seems like a
11 managerial problem, you know, I mean that -- that --
12 the time inefficiency. It just seems to me that this
13 is a managerial problem only because it happens every
14 year, and we seem to be putting Band-Aids on this same
15 issue, hoping that this is going to be the magic one
16 that sticks, and it doesn't, and so we're having the
17 same discussions.
18 MS. FERGUSON: We're going to continue to
19 have issues like this until we get our positions
20 filled, and making these changes to what we're doing
21 with the comp time I think is going to help with that.
22 COUNCILMEMBER DEAN: But we had this issue
23 last year when the comp time -- when we had -- when we
24 were able to roll over more, more comp time; right?
25 MS. FERGUSON: My position is that we should

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1 just not be giving people comp time at all.
2 COUNCILMEMBER DEAN: Right. And how can we
3 do that? because that's -- We can make it up in some
4 other way or even --
5 MS. FERGUSON: Well, the ordinance says that
6 it's -- it's by the employee's choice. And we've not
7 been doing it by the employee's choice; we've just
8 automatically been giving it to them.
9 COUNCILMEMBER DEAN: Or even something like
10 PTO time that has to be used within that time period,
11 within that pay period or the following pay period. I
12 mean that's -- I worked at places where they've done
13 it that way, too, so it doesn't get completely out of
14 control, I mean, because you're talking 480 hours. I
15 mean that's a huge -- that's a huge amount of time.
16 MS. FERGUSON: Uh-huh.
17 COUNCILMEMBER DEAN: And so even to have
18 someone come in and fill in this position or to pay
19 them, that's -- that's heavy.
20 MS. FERGUSON: Uh-huh. I don't disagree
21 that there is a staffing problem, and you know, I
22 can't -- I can't speak to how they staff.
23 COUNCILMEMBER DEAN: Right.
24 MS. FERGUSON: I just have to make sure we
25 can pay for it.

Page 25

1 COUNCILMEMBER DEAN: Right.
 2 MS. FERGUSON: And I don't know that we
 3 could get a temp agency in here to do that, because of
 4 the specialized codes and things that they use when
 5 they're dispatching for 911.
 6 MAYOR PITTMAN: There's training that has to
 7 take place.
 8 MS. FERGUSON: There's a lot of training
 9 that would have to go into that.
 10 COUNCILMEMBER DEAN: Well, I mean even -- I
 11 just don't understand in this economy. I mean I know
 12 someone right now who would be gladly -- gladly take a
 13 job that would pay him something, because he's going
 14 now to North Carolina.
 15 So it's hard to imagine that in this
 16 economy, that we can't fill -- How long have they been
 17 open? Do we know?
 18 MAYOR PITTMAN: Major, would you like to
 19 address some of these questions on how long they've
 20 been open? Do you know how long the positions have
 21 been open?
 22 MAJOR ATKINSON: They've been open on and
 23 off for awhile. I mean we've gone up in staff. And
 24 then we had one lady quit, she went back to school, so
 25 we're back down. And then we hired another one, and

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1 unfortunately, she did not work out and she left us,
 2 also, so now we're back down.
 3 COUNCILMEMBER DEAN: So how long is off and
 4 on? A year? Two years?
 5 MAJOR ATKINSON: A year, year and a half,
 6 two years.
 7 COUNCILMEMBER FLEMING: But didn't you
 8 promote to?
 9 MAJOR ATKINSON: Ever since Daniel Nichols
 10 left, which was January --
 11 MAYOR PITTMAN: Two years ago.
 12 MAJOR ATKINSON: January 2011, I believe.
 13 COUNCILMEMBER FLEMING: The two patrolmen
 14 that we -- that Mayor Pittman swore in a couple weeks
 15 ago, did they not come from the 911 department?
 16 MAJOR ATKINSON: One came from 911 and one
 17 came from the jail.
 18 COUNCILMEMBER PATRICK: Is there any special
 19 training that's required for being a 911 operator?
 20 MAJOR ATKINSON: Yes, sir. They have to go
 21 down to Forsyth, Georgia Public Safety Training Center
 22 and go through a 911 course.
 23 COUNCILMEMBER DEAN: How long does that
 24 course take?
 25 MAJOR ATKINSON: I would say it's a two-

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1 week course, I believe.
 2 MAYOR PITTMAN: It's two weeks, I think.
 3 MAJOR ATKINSON: A two-week course --
 4 MAYOR PITTMAN: Yes.
 5 MAJOR ATKINSON: -- and it has to be
 6 completed within the first six months of their
 7 employment.
 8 MAYOR PITTMAN: Okay. Ms. Alexander,
 9 anything else?
 10 Mr. Patrick?
 11 COUNCILMEMBER ALEXANDER: Ms. Ferguson, so
 12 do you want a motion now regarding leaving the cap the
 13 same and paying out the eight-five or what --
 14 MS. FERGUSON: Yes.
 15 COUNCILMEMBER ALEXANDER: -- what would you
 16 like?
 17 MS. FERGUSON: Yes. And a -- and a motion
 18 to cease -- a motion to just follow the ordinance and
 19 cease giving people comp time.
 20 COUNCILMEMBER ALEXANDER: Unless they --
 21 MS. FERGUSON: Unless they request it.
 22 COUNCILMEMBER ALEXANDER: -- are under 80
 23 hours.
 24 I make a motion to -- to leave the comp-time
 25 cap at 80 hours and to pay out the liability of

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1 \$85,578.75.
 2 MAYOR PITTMAN: Second?
 3 Do I get a second?
 4 ---
 5 (No response)
 6 ---
 7 MAYOR PITTMAN: Okay. Ms. Ferguson?
 8 COUNCILMEMBER PATRICK: Do you need action
 9 tonight or could we push this off until the rest of
 10 the Council is able to attend?
 11 MS. FERGUSON: We could probably push it to
 12 the next Council meeting but we need to do something
 13 fairly quickly.
 14 COUNCILMEMBER FLEMING: Well, the ordinance
 15 needs to -- we need full Council to make a decision on
 16 whether we're going to just have time-and-a-half
 17 overtime or whether we're going to have a cap of 80
 18 hours for comp time, etc., and I agree with Ms.
 19 Alexander that the cap should stay at 80.
 20 COUNCILMEMBER DEAN: Well, and this is our
 21 ordinance, right? So why did this happen for this?
 22 MS. FERGUSON: Yeah. The ordinance says
 23 that it's 80 hours and it also says that they're
 24 supposed to get paid time and a half for overtime and
 25 that they're only supposed to get comp time if they

1 request it in lieu of overtime.
2 COUNCILMEMBER DEAN: And so what happened?
3 MS. FERGUSON: I don't know. I wasn't here.
4 COUNCILMEMBER DEAN: Right; okay.
5 MS. FERGUSON: I'm just trying to regroup
6 and get us back on track.
7 COUNCILMEMBER DEAN: Well, see, that's what
8 I -- I definitely think that's a managerial problem
9 and that needs to be address, because this -- this --
10 again, we can't keep coming back with the
11 MAYOR PITTMAN: Major, what --
12 COUNCILMEMBER DEAN: -- same issues.
13 MAYOR PITTMAN: -- did you want to say?
14 MAJOR ATKINSON: We were told we couldn't
15 have overtime. We were told we had to have comp time.
16 COUNCILMEMBER FLEMING: Can we continue this
17 discussion right now?
18 MAYOR PITTMAN: If you want to, sir.
19 COUNCILMEMBER FLEMING: Ms. Alexander, you
20 were on Council with me, so correct me if I'm wrong.
21 Were they not using their comp time as a --
22 as a payout at the end of the year for their Christmas
23 and so that's the reason why we were not doing time-
24 and-a-half overtime?
25 COUNCILMEMBER ALEXANDER: I'm not sure what

1 So to me, it shouldn't be an option. This
2 is my opinion on this particular issue: It shouldn't
3 be an option of whether, "Okay. Am I going to take it
4 as time and a half on this check," or "Let me accrue
5 it to comp time." We ought to have it one way or the
6 other.
7 And the better liability for us is to pay it
8 when they earn it, not two or three years from now
9 with the 80 cap and sitting in a bucket all the time.
10 And it just needs to be more of a visual scrutiny for
11 the entire city.
12 MAYOR PITTMAN: Major, my understanding
13 from the Chief -- and he's not here tonight -- was
14 that you would not have been able to run the 911
15 department because we did not have proper staffing.
16 MS. FERGUSON: That was my understanding as
17 well.
18 MAYOR PITTMAN: We would not be able to keep
19 911 going without being able to utilize -- there was
20 not enough employees to utilize that. That is what
21 the Chief said.
22 COUNCILMEMBER FLEMING: And I agree with
23 you, Mayor Pittman.
24 However, we've got \$89,170.92 currently that
25 we owe the police department on top of the fifty-

1 the reasoning was, but every -- we had a -- a large
2 amount of people that were maxed out at 480 hours.
3 We've got audit findings because that -- those moneys
4 were not properly budgeted. And so there was no end
5 in sight, it was always 480 hours, and it was -- it
6 was a liability that was out there. That's why we
7 made a very large payout -- I can't remember what
8 budget year it was -- to buy the comp down -- comp
9 time down to 80 hours and we put this cap on it.
10 COUNCILMEMBER FLEMING: Okay. And Major, I
11 agree with you. We did say no overtime.
12 But to me, that means no overtime -- that
13 doesn't mean you can say, "Oh, well, I'm going to work
14 over and just call it comp time." I would have
15 thought that that meant you guys need to not -- not
16 "you guys;" the police department -- that the City,
17 because were on such a budget financial crunch here,
18 that all department directors needed to be
19 scrutinizing every single employee and -- and make
20 sure they fell within the realms of their specific
21 hours worked and not go over.
22 So this catch-22 of saying, "Well, no, I'm
23 not going to get any overtime but I'm going to have it
24 in comp-time hours at time and a half," well, we're
25 now going to pay it all out anyway.

1 five/six in E911. So if it -- It's more than just
2 E911 that we need to be addressing here.
3 MS. FERGUSON: Well, there's also vacancies
4 in the police department, in the jail. And until we
5 get those positions filled, we're going to have to use
6 people who are already working a full schedule to fill
7 in because we can't leave public safety unmanned.
8 COUNCILMEMBER DEAN: But this is --
9 MS. FERGUSON: We just can't do it.
10 COUNCILMEMBER DEAN: And this, with the 911
11 center, I mean this is where we're using lieutenants
12 and captains to do that now. Okay, they've been doing
13 that, answering the phones: right? And I would assume
14 that that's kind of an entry level position but we are
15 paying them at their normal rate of pay, which seems
16 incredibly excessive just --
17 MS. FERGUSON: We can't change their rate of
18 pay just because they're sitting --
19 COUNCILMEMBER DEAN: They're going to --
20 MS. FERGUSON: -- at a different --
21 COUNCILMEMBER DEAN: -- a different job
22 description.
23 MS. FERGUSON: Right.
24 COUNCILMEMBER DEAN: Well, see, that's what
25 I I was saying. This does not make sense to me at

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1 all, and if we can't afford something, then that's
 2 something else that we should look at.
 3 But this is -- we're talking about a total
 4 of \$156,257.79. That's a lot of money for something
 5 that's not supposed to be there.
 6 MS. FERGUSON: And it's -- but it's over a
 7 long period of time. It's not like it happened last
 8 week. It's been --
 9 COUNCILMEMBER DEAN: How much -- do you know
 10 how much, a breakdown, how much was last year's?
 11 MS. FERGUSON: At the end of June 2011, it
 12 was a \$115,000. I believe that they accrued some in
 13 the 2011-2012 year but it was paid out to the estate
 14 of the officer who was killed in the line of duty, so
 15 at the end of June this past year, it was \$118,000.
 16 COUNCILMEMBER DEAN: Okay.
 17 MS. FERGUSON: So it's been sitting there
 18 for awhile.
 19 COUNCILMEMBER DEAN: But we had 40 thousand.
 20 That's last June?
 21 MS. FERGUSON: Since, yeah.
 22 COUNCILMEMBER DEAN: That's still 41
 23 thousand over that amount from last June to now;
 24 right?
 25 MS. FERGUSON: We've been short two people

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1 in 911 and six positions in police since June, so
 2 people are filling in wherever we can get them to fill
 3 in, and we've got to pay for that or we've got to make
 4 some other decisions about what kind of services that
 5 we want to provide.
 6 COUNCILMEMBER DEAN: Right.
 7 MAYOR PITTMAN: Okay. We have a motion.
 8 Did anyone want to make a second?
 9 ATTORNEY McLENDON: One thing just to point
 10 out procedurally, you've got I think two things on the
 11 table. One is the issue of authorizing a payout,
 12 which is an action item. And then I think the
 13 ordinance itself is just a first read if it's an
 14 ordinance we got coming forward.
 15 MS. FERGUSON: Well, the ordinance has the
 16 change in the cap and it also has some other small
 17 changes to the payroll process.
 18 ATTORNEY McLENDON: So if this --
 19 MAYOR PITTMAN: Well, it is the first read,
 20 so --
 21 ATTORNEY McLENDON: -- is a first read --
 22 MAYOR PITTMAN: -- should the motion just
 23 read the payout?
 24 ATTORNEY McLENDON: -- if you did the
 25 payout, we could move the ordinance to the next

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1 meeting when you might have everybody here, and that
 2 would be the second read and you could deal with at
 3 those issues at that time.
 4 COUNCILMEMBER ALEXANDER: And my counter to
 5 that is why do I have to make a motion to do the
 6 payout when, according to the ordinance, we were
 7 supposed to pay it out anyway?
 8 ATTORNEY McLENDON: I don't disagree with
 9 you on that.
 10 MS. FERGUSON: You don't -- you don't have
 11 to. But I don't know what happened in the past and I
 12 don't know why whoever was doing the payroll set it up
 13 this way, so I would feel better if you made a motion
 14 that gave me permission to do that.
 15 COUNCILMEMBER DEAN: On this also I'm
 16 assuming that the Mayor is going to be changed to city
 17 manager when the city manager comes in?
 18 MS. FERGUSON: Yes.
 19 COUNCILMEMBER DEAN: Okay. And also do all
 20 of the department heads and acting department heads
 21 know how to use the online attendance system?
 22 MS. FERGUSON: Yes.
 23 COUNCILMEMBER DEAN: Okay.
 24 MAYOR PITTMAN: Maria, did you want to --
 25 COUNCILMEMBER ALEXANDER: So I will --

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1 Well, my motion didn't get a second, so I'll
 2 make a motion to approve the payout of \$85,578.75.
 3 MAYOR PITTMAN: Thank you.
 4 Do I get a second?
 5 - - -
 6 (No response)
 7 - - -
 8 COUNCILMEMBER ALEXANDER: So we'll leave
 9 this on --
 10 MAYOR PITTMAN: That's --
 11 COUNCILMEMBER ALEXANDER: -- the agenda for
 12 the next meeting.
 13 COUNCILMEMBER DEAN: And --
 14 COUNCILMEMBER FLEMING: Thank you very much.
 15 COUNCILMEMBER DEAN: -- also --
 16 COUNCILMEMBER FLEMING: Yes, the 19th.
 17 COUNCILMEMBER DEAN: But on page 10 of 13,
 18 it says, okay, take the time off as compensatory time,
 19 compensatory time on page 10 of 13.
 20 - - -
 21 (Councilmember Bates entered the Council room.)
 22 - - -
 23 MAYOR PITTMAN: Oh, Brian's here.
 24 COUNCILMEMBER DEAN: Was this added?
 25 MS. FERGUSON: Yeah, it was added. It's

1 just -- it has to do with weather emergencies and it
 2 just says that they can take comp time or PTO if
 3 they -- if they're out for a weather emergency.
 4 COUNCILMEMBER DEAN: Okay.
 5 MAYOR PITTMAN: Councilman Bates is here, if
 6 you want to wait to enter him into the discussion.
 7 Hello.
 8 COUNCILMEMBER BATES: Good evening. My
 9 apologies.
 10 MAYOR PITTMAN: We are in the midst of the
 11 conversation of paying the comp time for the
 12 department that has the excess.
 13 Ms. Alexander had just made a motion and we
 14 hadn't gotten a second yet, and we were asking for
 15 discussion and -- or moving it to the next agenda.
 16 We can move it to the next agenda; it's up
 17 to you-all.
 18 COUNCILMEMBER BATES: Please continue.
 19 MAYOR PITTMAN: So we were in the process of
 20 moving it to the next agenda. So just move it to the
 21 next agenda.
 22 ATTORNEY McLENDON: The ordinance was the
 23 first read, so it moves on to the next agenda. The
 24 action item, to the extent it's necessary, failed, and
 25 it could be put on the next agenda if you chose to

1 COUNCILMEMBER FLEMING: So you're paying out
 2 only the "Payout Required" column. You're not going
 3 to pay out all of the liability; is that correct?
 4 MS. FERGUSON: No. We're going to pay out
 5 everything over 80 hours.
 6 COUNCILMEMBER FLEMING: Everything over 80.
 7 MS. FERGUSON: Yes.
 8 COUNCILMEMBER ALEXANDER: It's \$85,000.
 9 MS. FERGUSON: Yes.
 10 ATTORNEY McLENDON: Okay.
 11 MS. FERGUSON: And we're going to -- and
 12 we're going to cease giving people comp time unless
 13 they specifically request it as it is written in the
 14 ordinance.
 15 COUNCILMEMBER ALEXANDER: But as long as
 16 they're under 80 hours.
 17 MS. FERGUSON: Ordinance doesn't say that.
 18 It's --
 19 COUNCILMEMBER ALEXANDER: It says cannot
 20 exceed 80 hours.
 21 MS. FERGUSON: It says that people get comp
 22 time if they request it, and they can't exceed 80
 23 hours.
 24 COUNCILMEMBER ALEXANDER: They cannot exceed
 25 80 hours, exactly.

1 again.
 2 MS. FERGUSON: Do we need to bring it to the
 3 next agenda or we just need to comply with the
 4 ordinance?
 5 ATTORNEY McLENDON: I think Councilman
 6 Alexander makes a good point.
 7 COUNCILMEMBER ALEXANDER: It's in the
 8 ordinance --
 9 COUNCILMEMBER DEAN: It's in the ordinance.
 10 COUNCILMEMBER ALEXANDER: -- anyway.
 11 COUNCILMEMBER DEAN: Yeah.
 12 MS. FERGUSON: So we can just go ahead and
 13 change our policy and comply with the ordinance as
 14 it's written?
 15 COUNCILMEMBER DEAN: Well, it's not even
 16 changing the policy. This is supposed to be what
 17 we're doing anyway.
 18 MS. FERGUSON: Right, but the --
 19 ATTORNEY McLENDON: We will comply with the
 20 ordinance as written, because otherwise --
 21 COUNCILMEMBER DEAN: Starting today?
 22 ATTORNEY McLENDON: Okay.
 23 MS. FERGUSON: Can we start tomorrow?
 24 because I got to run payroll and it's already in
 25 there.

1 MS. FERGUSON: That's correct.
 2 But it says in Section 4.3.2 that,
 3 "Employees requesting compensatory time off in lieu of
 4 overtime pay may accrue up to a maximum of 80 hours."
 5 It doesn't say that they are required to take comp
 6 time up to 80 hours. So they --
 7 COUNCILMEMBER ALEXANDER: But they cannot go
 8 over 80 is what my thing was.
 9 MS. FERGUSON: Right.
 10 COUNCILMEMBER ALEXANDER: Okay.
 11 MS. FERGUSON: So --
 12 MAYOR PITTMAN: Sandra, you got that?
 13 MS. FERGUSON: So we're going to change the
 14 ordinance to say 80 hours but we're still going to
 15 move forward with the second read on the other changes
 16 that have to do with the payroll process?
 17 COUNCILMEMBER FLEMING: I still want us to
 18 discuss that, because I'm not in favor of comp time at
 19 all, just time-and-a-half.
 20 MS. FERGUSON: Right. But what I'm saying
 21 is we're going to leave the cap at 80 --
 22 COUNCILMEMBER FLEMING: Yes.
 23 MS. FERGUSON: -- and not change the
 24 ordinance as it affects that.
 25 But there are some other changes in here

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1 that have to do with recording time and that kind of
2 thing that need to be changed, because when the
3 ordinance was written, we were doing paper time
4 sheets, and the changes just reflect the change to an
5 online time system. So the second read will not be on
6 the comp time cap; it will just be on changes to the
7 payroll process.

8 COUNCILMEMBER DEAN: On page 6 of 13 -- and
9 I'm at the end of paragraph three -- it said, "time
10 off requests and time sheet change requests for their
11 departments," and then "to the City Clerk's office" is
12 marked out. Should that be "to the Finance
13 Department?"

14 MS. FERGUSON: Yes; it says to the finance
15 department.

16 COUNCILMEMBER DEAN: It doesn't on this, not
17 on my copy.

18 "To the City Clerk's office" is marked out,
19 and then the only thing left there is "in a timely
20 manner."

21 Do you see that?

22 ATTORNEY McLENDON: Yeah.

23 MS. FERGUSON: Oh. They come --

24 COUNCILMEMBER FLEMING: It says, "for their
25 departments in a timely manner." It doesn't say to

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1 their departments in a timely manner.

2 MS. FERGUSON: The time-sheet system sends
3 everything to the finance department --

4 COUNCILMEMBER DEAN: Okay.

5 MS. FERGUSON: -- so it's not -- they're --
6 they're just not sending a physical piece of paper to
7 the City Clerk's office.

8 COUNCILMEMBER DEAN: Okay.

9 MAYOR PITTMAN: All right. We will put this
10 on the next agenda.

11 And welcome to Commissioner Stan Watson.
12 Nice to have you here tonight.

13 COMMISSIONER STAN WATSON: Thank you so
14 much, Ms. Mayor.

15 MAYOR PITTMAN: Thank you.

16 MS. FERGUSON: Thank you.

17 MAYOR PITTMAN: Thank you.

18 Okay. Next on the agenda is New Business,
19 Wholesale Business in C-2, Councilmember Jones, Dean
20 Jones, Jones Dean.

21 COUNCILMEMBER DEAN: I just have a couple of
22 questions for Mr. Cooley.

23 MR. JOE COOLEY: Good evening, Mayor,
24 Council.

25 COUNCILMEMBER DEAN: Could you please give

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1 me an estimate on the number of wholesalers that have
2 been approved to operate in C-2 or any other district
3 based on the legal nonconforming status provision.

4 MR. COOLEY: No, ma'am. We don't keep those
5 records. Those records are kept by the Clerk's
6 office.

7 COUNCILMEMBER DEAN: Okay. And I -- I put
8 in an O.R.R. for that, so I should be getting that
9 shortly.

10 MR. COOLEY: That's why I said the Clerk.

11 COUNCILMEMBER DEAN: But there have been
12 some; is that correct?

13 MR. COOLEY: Oh, I'm sure that there have
14 been permits issued for wholesale in areas that were
15 grandfathered. There have been other ones issued for
16 retail.

17 Again, you will have to see the Clerk and
18 see what they've got. I could not tell you off the
19 top of my head.

20 COUNCILMEMBER DEAN: Okay. How many
21 businesses have been allowed to operate in C-2 or any
22 other district as wholesale and retail?

23 MR. COOLEY: Again, ma'am, you're going to
24 have to go through and -- They'll have to go through.
25 I don't have a record of that.

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1 All I have is when they come through, I look
2 at the zoning, see what they are, and say approved or
3 disapproved and make comments.

4 COUNCILMEMBER DEAN: Well, I recall reading
5 an application where you wrote, "Must be 100 percent
6 retail before wholesale." So I'm assuming that you
7 have some idea if there are any at all or if there are
8 none at all. And if --

9 MR. COOLEY: No, ma'am. I --

10 COUNCILMEMBER DEAN: -- there are none at
11 all --

12 MR. COOLEY: I cannot tell you a number. I
13 would love to, but I don't have the number of them.

14 COUNCILMEMBER DEAN: But it is a number?

15 MR. COOLEY: Beg your pardon?

16 COUNCILMEMBER DEAN: It is a number; it's
17 not zero?

18 MR. COOLEY: Zero is a number. But I cannot
19 tell you. I'm sorry.

20 COUNCILMEMBER DEAN: Okay.

21 MR. COOLEY: I cannot give you that
22 information now.

23 COUNCILMEMBER DEAN: Okay. All right.
24 Again, I've asked for that.

25 And is there any way a wholesale business

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1 can currently transfer their occupational tax placard
2 from one property to another even if that -- if that
3 property has not been grandfathered in to allow
4 wholesale?
5 MR. COOLEY: No, ma'am. Only if it's within
6 a building. The way our code reads about grand-
7 fathering, the whole building is grandfathered.
8 So as an example, if you had one wholesale
9 dealer in a shopping center --
10 COUNCILMEMBER DEAN: Uh-huh.
11 MR. COOLEY: -- and they went out of
12 business, and within the six months, someone else came
13 in, not just that suite but the entire building --
14 COUNCILMEMBER DEAN: Right.
15 MR. COOLEY: -- is grandfathered by our
16 code.
17 COUNCILMEMBER DEAN: Okay. And I am doing
18 this because I sent an e-mail asking this question
19 specifically.
20 The Mayor said that I could not ask
21 Mr. Cooley directly; I need to put it on the agenda
22 for discussion. But I find it strange that I was able
23 to ask Ms. Ferguson a question and she was able to
24 answer me.
25 Is there a reason for that?

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1 MAYOR PITTMAN: Actually, what you did and
2 what you requested in my opinion was inappropriate.
3 You were asking him for a written statement. You
4 weren't asking him --
5 And when you asked for this information, it
6 was large volume. It was a very large volume, and
7 we --
8 COUNCILMEMBER DEAN: Is that yes or no?
9 MAYOR PITTMAN: We have day-to-day
10 activities that they're doing, and when he is doing
11 what he is supposed to do every day and you ask for a
12 large volume --
13 COUNCILMEMBER DEAN: I asked one question.
14 MAYOR PITTMAN: And I'm answering you, and I
15 said --
16 COUNCILMEMBER DEAN: Yes or no?
17 Okay, Donna. Okay.
18 MAYOR PITTMAN: I said I don't have to give
19 you a yes or no. I'm giving you an explanation.
20 COUNCILMEMBER DEAN: No. I asked -- my
21 question was a yes-or-no question, okay. That was
22 why, that was why, and I told you then this was a
23 way --
24 MAYOR PITTMAN: But you're incorrect. That
25 is not the reason I told you that. And I told you

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1 that you could discuss with Mr. Cooley; I asked you to
2 please not --
3 COUNCILMEMBER DEAN: You said put it on the
4 agenda --
5 MAYOR PITTMAN: Yes --
6 COUNCILMEMBER DEAN: -- and I did.
7 MAYOR PITTMAN: -- I did.
8 COUNCILMEMBER DEAN: Okay.
9 MAYOR PITTMAN: Thank you.
10 COUNCILMEMBER DEAN: You're welcome.
11 The end for now.
12 MR. COOLEY: I did bring a copy of what we
13 incorporated into all the applications. This was
14 something that was done awhile back when the Council
15 clarified the intent that there was to be no
16 wholesales sales.
17 That was never clear until it was clarified,
18 I don't know. What is that? Four or five months ago?
19 COUNCILMEMBER DEAN: Moon Lingerie.
20 MR. COOLEY: No, ma'am.
21 Actually, Mr. Bates, Councilman Bates,
22 clarified that with people on the Council but it
23 wasn't particular about any particular item, because,
24 as you know, that actually never --
25 COUNCILMEMBER DEAN: Well, I can show you

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1 the minutes, on e-mailing tomorrow. Okay?
2 MR. COOLEY: That's fine.
3 But what I was getting at was at that point
4 we incorporated into the occupational-tax certificate
5 application a statement. And here's a copy of it.
6 You want to pass that around (presenting)?
7 Basically, that was incorporated just to
8 clarify to make sure we knew that the people applying
9 understood that wholesale was not allowed. It's clear
10 in there. It's basically --
11 And it goes back. This is the ordinance
12 that was in 2008.
13 COUNCILMEMBER DEAN: Uh-huh.
14 MR. COOLEY: And based upon your
15 clarification, the intent of the Council and the
16 Council's clarification of that, that is the process
17 we've been going through ever since.
18 What this does do is it allows us to -- All
19 the applications, even renewals that were coming
20 through, are having to sign these for the 2013.
21 Basically, it's certifying that they understand that
22 wholesale is not allowed.
23 COUNCILMEMBER DEAN: Sure. And so when
24 someone says to you, "I am going to sell" blank to
25 let's say salons and to the general public, how would

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1 you interpret that?
2 MR. COOLEY: Well, it depends if they're
3 selling it retail or if they're selling it wholesale.
4 COUNCILMEMBER DEAN: If you're selling to
5 salons in bulk?
6 MR. COOLEY: Ma'am, you can sell some
7 quantities, whatever you want to, as retail or
8 whole- -- I mean retail can be sold --
9 The difference between wholesale and retail
10 is whether it's tax exempt. And that's one thing
11 Councilman Bates has kind of helped take the lead on
12 getting some additional information. He's made
13 contact with the department of revenue to clarify some
14 of these things.
15 And we've been working with the other
16 departments. We've worked with quality of life and
17 the police department, the Clerk's office and with the
18 Councilman, and we're looking at trying to get all the
19 information we can regarding that aspect and how they
20 track it because they want to make sure that they're
21 getting their taxes also.
22 COUNCILMEMBER DEAN: So I'll wait till I get
23 my materials and we'll talk again.
24 MR. COOLEY: Any other questions?
25 - - -

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1 (No response)
2 - - -
3 MR. COOLEY: Thank you.
4 MAYOR PITTMAN: Thank you.
5 Major, did you have anything at all?
6 - - -
7 (No verbal response)
8 - - -
9 MAYOR PITTMAN: Okay. That's the only
10 department I believe we --
11 Lisa, anything else?
12 - - -
13 (No audible response)
14 - - -
15 MAYOR PITTMAN: Okay. Next will be Public
16 Comments. Please limit your comments to three
17 minutes.
18 MR. THOM ABBOTT: Thom Abbott from
19 Northwoods.
20 In the online check-in system that we're
21 proposing to do now for payroll, does an employee have
22 to be at a certain place to check in? Like is there a
23 computer in the police department, a computer in
24 public works where they check in?
25 - - -

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1 (No response)
2 - - -
3 MR. ABBOTT: That's a question.
4 MAYOR PITTMAN: It is, but this is typically
5 just comments, and we'll be glad to speak with you
6 afterwards.
7 MR. ABBOTT: Okay. Well, because I'd like
8 to know, because otherwise I could sign in at six
9 o'clock in the morning at my house and show up at 8:30
10 at work, and unless the supervisor's paying attention
11 to what's going on, our finance person is just going
12 to get a paper at the end of two weeks saying, "Oh,
13 God. Johnny came to work at six o'clock in the
14 morning," and he didn't.
15 So sounds to me like it's a ludicrous system
16 unless there's some serious control on where that
17 employee can actually physically check in, and I would
18 think it would be at a computer in a place where they
19 know it is. Otherwise, unless you're going to track
20 it by I.P. addresses. And who on earth is going to
21 manage that? That's just absolutely crazy.
22 And then going back to this whole employee
23 issue with the police department and various
24 departments and everything, I'm not going to profess
25 to know all about this but I will just say, if we're

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1 taking a 25-dollar-an-hour employee and putting them
2 in a ten-dollar-an-hour job, that's just stupid.
3 If we're talking 80-some/90-some thousand
4 dollars you're just authorizing to pay out for
5 overtime, I bet there's some people out there that
6 would work for \$25,000 a year for those positions, or
7 something, and we'd have a body in there that we'd be
8 paying and you wouldn't have to be paying overtime or
9 comp time.
10 It just -- as Councilman Dean said, it just
11 sounds like a lack of management second to none on
12 these departments. It's just -- it's absolutely
13 crazy. Thank you.
14 MS. CINDY BRADFORD: Cindy Bradford,
15 Northwoods.
16 Wholesale is defined as the sale of goods or
17 merchandise to retailers or other professional
18 business users or to other wholesalers and related
19 subordinate services. In general, it is the sale of
20 goods to anyone other than a standard consumer.
21 I didn't -- I don't hear anything in here
22 about sales tax, so maybe we need to continue working
23 on our definitions. Thank you.
24 MS. SUSAN CRAWFORD: Susan Crawford,
25 Oakcliff.

1 I'm sure that this is something I just don't
2 understand, because, to me, it seems very simple. If
3 we have -- our ordinances now say that if there's a
4 wholesale business that goes out of business in a mall
5 that has another wholesale business in it, then
6 wholesale can continue. And if these wholesale
7 businesses have signs in the windows as the shopping
8 center near me where Burlington is -- and Burlington's
9 great, but almost everything is wholesale, and many of
10 these places say wholesalers only. I mean I can't
11 even go into 9/10ths of the businesses in my area let
12 alone use them.

13 So I thought we were "out-ordinancing" -- I
14 don't want to say outlawing, but I thought we were
15 trying to do away with wholesalers in C-1/C-2. Right?

16 I guess can we nod even if that can't be
17 answered --

18 COUNCILMEMBER DEAN: I was under --

19 MS. CRAWFORD: -- that that's --

20 COUNCILMEMBER DEAN: -- the same impression.

21 MS. CRAWFORD: -- the direction we're --

22 Okay. So in that case, why don't we change
23 the ordinance? I mean it's your ordinances. Change
24 them.

25 Why say six months after, this

1 MR. HART: I think it's kind of odd that the
2 planner can't remember one store when I can remember
3 about 15.

4 Wholesale business is not about sales tax.
5 It's about use. It's about the use of that product by
6 another business to run their business.

7 For example, in motor fuel. Motor fuel
8 could be collected at the refinery end before it even
9 gets to the state of Georgia going to the end user,
10 who decides to pay for that sales tax, etc., on the
11 front end of that shipment. Okay? Or if you buy a
12 chair or truck that's used in your business, okay, and
13 you're buying it bulk from Beaudry Ford, you know,
14 10/20 trucks at a time, that's a wholesale trans-
15 ction, okay, but you're still paying sales tax on it.

16 Sales tax has got nothing to do with it.
17 Y'all passed an ordinance you wanted to get rid of the
18 wholesalers and move them into another district in the
19 city and open up C-2 for your retail commercial
20 businesses.

21 That was the thought behind it, that's --
22 that was the discussion, except you never implemented
23 it because they fired the planner and they hired
24 another planner that doesn't seem to understand what
25 wholesale is about.

1 grandfathering? Why do we want to grandfather in
2 something that wants nothing to do with us? I mean
3 why not just say, "Forget the six months.
4 Immediately. When a business closes, that's it." It
5 reverts to the original or the legal zoning, which is
6 C-1/C-2.

7 And it will still be wholesale -- I mean
8 don't worry. We have plenty of it.

9 But when that particular person decides,
10 "Eh, I don't want to do this any more. I'm going
11 elsewhere," fine. I mean why would we want to keep
12 that spot open for people we don't know, we haven't
13 dealt with in business?

14 It's not like a friendship kind of thing.
15 These are strangers. Why would we keep that option
16 open for six months?

17 COUNCILMEMBER DEAN: Well --

18 MS. CRAWFORD: Maybe it's something to
19 consider if you can't answer me.

20 Yes?

21 MAYOR PITTMAN: Actually, now, this is just
22 comment time.

23 MS. CRAWFORD: I -- I realize that.

24 Maybe you could think about it.

25 MAYOR PITTMAN: Yeah. Thank you.

1 And we have multiple exhibits of what's
2 happened in the last year, of wholesale businesses
3 opening.

4 And when we're talking about this
5 transferability, we're talking about Pinetree Plaza.
6 It's sitting on five separate lots of record. We have
7 a commissioner from Dekalb County; he'd be interested
8 in that. Okay. You can't go from one end of the
9 shopping center to the other without going to another
10 lot. There's no grandfathering in that center. We
11 were not -- we're not doing that.

12 Talk about things passing through the
13 planner's office, "the poop factory." And the
14 commissioner would be interested in that, because they
15 got screwed out of all this money when the guy was
16 pumping it into your sewer system without paying you
17 dollars. Okay? Where was that money collected?

18 This is like the comp time. There is no
19 management in the City right now. It's like the
20 ship's running around in the water with no rudder.
21 Nobody's at the steering wheel.

22 No wholesale means no wholesale in C-2.
23 It's not turn the page sideways and see if we can
24 figure it out.

25 We're not defining the word "is" is. "No

1 wholesale" is no wholesale, but the Mayor's office and
 2 the planning office doesn't seem to understand that.
 3 Thank you.
 4 MAYOR PITTMAN: Motion to adjourn?
 5 COUNCILMEMBER ALEXANDER: So moved.
 6 MAYOR PITTMAN: Second?
 7 COUNCILMEMBER BATES: Second.
 8 MAYOR PITTMAN: Discussion?
 9 ---
 10 (No response)
 11 ---
 12 MAYOR PITTMAN: Call the roll, please.
 13 CLERK BRYANT: Councilmember Alexander?
 14 COUNCILMEMBER ALEXANDER: Yes.
 15 CLERK BRYANT: Councilmember Bates?
 16 COUNCILMEMBER BATES: Yes.
 17 CLERK BRYANT: Councilmember Dean?
 18 COUNCILMEMBER DEAN: Yes.
 19 CLERK BRYANT: Councilmember Fleming?
 20 COUNCILMEMBER FLEMING: Yes.
 21 CLERK BRYANT: Councilmember Fleming?
 22 COUNCILMEMBER FLEMING: Just as quiet as you
 23 were.
 24 MAYOR PITTMAN: She said yes.
 25 CLERK BRYANT: Oh.

1 Councilmember Patrick?
 2 COUNCILMEMBER PATRICK: Yes.
 3 MAYOR PITTMAN: Meeting adjourned. Thank
 4 you.
 5 ---
 6 (Meeting adjourned at approximately 7:25 p.m.)
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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 transcript
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 16
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 18 Theresa Bretch, CCR
 19 Permit No. B-755
 20
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