

In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

January 7, 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 6:30 p.m. January 7, 2013.

* * *

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1 APPEARANCES:

2 Doraville City Council:

3 Mayor Donna Pittman

4 Councilmember Maria Alexander

5 Councilmember Brian Bates

6 Councilmember Trudy Jones Dean

7 Councilmember Pam Fleming

8 Councilmember Karen Pachuta

9 Councilmember Robert Patrick

10 Sandra Bryant, Deputy City Clerk

11 Cecil McLendon, City Attorney

12 Leonid Felgin, Assistant City Attorney

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1 PROCEEDINGS

2 MAYOR PITTMAN: Welcome to everyone, and

3 happy New Year.

4 If you could please rise for the pledge.

5 - - -

6 (Pledge of Allegiance)

7 - - -

8 MAYOR PITTMAN: Thank you.

9 If you could call the roll, please.

10 CLERK BRYANT: Councilmember Alexander?

11 COUNCILMEMBER ALEXANDER: Here.

12 CLERK BRYANT: Councilmember Bates?

13 COUNCILMEMBER BATES: Here.

14 CLERK BRYANT: Councilmember Dean?

15 COUNCILMEMBER DEAN: Here.

16 CLERK BRYANT: Councilmember Fleming?

17 COUNCILMEMBER FLEMING: Here.

18 CLERK BRYANT: Councilmember Pachuta?

19 COUNCILMEMBER PACHUTA: Here.

20 CLERK BRYANT: Councilmember Patrick?

21 COUNCILMEMBER PATRICK: Here.

22 MAYOR PITTMAN: Okay. I need approval of

23 minutes for December 3rd, 2012.

24 COUNCILMEMBER ALEXANDER: So moved.

25 MAYOR PITTMAN: Second?

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1 COUNCILMEMBER PACHUTA: Second.

2 MAYOR PITTMAN: Discussion?

3 - - -

4 (No response)

5 - - -

6 MAYOR PITTMAN: Call the roll, please.

7 CLERK BRYANT: Councilmember Alexander?

8 COUNCILMEMBER ALEXANDER: Yes.

9 CLERK BRYANT: Councilmember Bates?

10 COUNCILMEMBER BATES: Yes.

11 CLERK BRYANT: Councilmember Dean?

12 COUNCILMEMBER DEAN: Yes.

13 CLERK BRYANT: Councilmember Fleming?

14 COUNCILMEMBER FLEMING: Yes.

15 CLERK BRYANT: Councilmember Pachuta?

16 COUNCILMEMBER PACHUTA: Yes.

17 CLERK BRYANT: Councilmember Patrick?

18 COUNCILMEMBER PATRICK: Yes.

19 MAYOR PITTMAN: Okay. I need a motion to

20 approve minutes for December 17th, 2012.

21 COUNCILMEMBER ALEXANDER: So moved.

22 MAYOR PITTMAN: Second?

23 COUNCILMEMBER DEAN: Second.

24 MAYOR PITTMAN: Discussion?

25 - - -

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1 (No response)
 2 - - -
 3 MAYOR PITTMAN: Call the roll, please.
 4 CLERK BRYANT: Councilmember Alexander?
 5 COUNCILMEMBER ALEXANDER: Yes.
 6 CLERK BRYANT: Councilmember Bates?
 7 COUNCILMEMBER BATES: Yes.
 8 CLERK BRYANT: Councilmember Dean?
 9 COUNCILMEMBER DEAN: Yes.
 10 CLERK BRYANT: Councilmember Fleming?
 11 COUNCILMEMBER FLEMING: Yes.
 12 CLERK BRYANT: Councilmember Pachuta?
 13 COUNCILMEMBER PACHUTA: Yes.
 14 CLERK BRYANT: Councilmember Patrick?
 15 COUNCILMEMBER PATRICK: Yes.
 16 MAYOR PITTMAN: Okay. We need to make a
 17 slight amendment on the agenda here. Actually, 11(c)
 18 should go with -- under New Business should go with
 19 under (a) under Old Business No. 10, so we're just
 20 going to consolidate those two.
 21 And then we are going to remove the
 22 Commercial Design Standards. I believe Mr. Patrick
 23 only wanted to make sure and assure that we got a
 24 date, and that will be next Monday. I think all of
 25 you received that agenda today.

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1 Do we need a motion to do that or can we
 2 just move it?
 3 ATTORNEY McLENDON: You would make a
 4 motion to amend the agenda.
 5 MAYOR PITTMAN: Okay. Could I get a
 6 motion to amend the agenda accordingly?
 7 COUNCILMEMBER ALEXANDER: Motion to move
 8 Item (c) under New Business to be discussed at the
 9 same time as item under (a) of Old Business, and to
 10 remove Item No. (b) Commercial Design Standards from
 11 New Business.
 12 MAYOR PITTMAN: Actually, maybe I heard it
 13 wrong.
 14 COUNCILMEMBER BATES: To move (c) under
 15 Old Business so she could get --
 16 COUNCILMEMBER ALEXANDER: Old Business
 17 (a).
 18 MAYOR PITTMAN: Under the New Business, I
 19 mean. Yeah, okay.
 20 Brian, is that okay with you?
 21 COUNCILMEMBER PACHUTA: That's good, yeah.
 22 MAYOR PITTMAN: Okay. Second?
 23 COUNCILMEMBER DEAN: Second.
 24 MAYOR PITTMAN: Discussion?
 25 COUNCILMEMBER FLEMING: So we're moving

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1 10(a) to 11(c)?
 2 COUNCILMEMBER BATES: The other way
 3 around.
 4 COUNCILMEMBER DEAN: No. The reverse.
 5 COUNCILMEMBER DEAN: No, the reverse.
 6 COUNCILMEMBER ALEXANDER: 11(c) to 10(a).
 7 COUNCILMEMBER FLEMING: That's the way
 8 that Ms. Alexander said it? Okay.
 9 COUNCILMEMBER ALEXANDER: Yes. I think.
 10 MAYOR PITTMAN: Call the roll, please.
 11 CLERK BRYANT: Councilmember Alexander?
 12 COUNCILMEMBER ALEXANDER: Did you get a
 13 second?
 14 MAYOR PITTMAN: She did.
 15 COUNCILMEMBER ALEXANDER: Okay. Yes.
 16 CLERK BRYANT: Councilmember Bates?
 17 COUNCILMEMBER BATES: Yes.
 18 CLERK BRYANT: Councilmember Dean?
 19 COUNCILMEMBER DEAN: Yes.
 20 CLERK BRYANT: Councilmember Fleming?
 21 COUNCILMEMBER FLEMING: Yes.
 22 CLERK BRYANT: Councilmember Pachuta?
 23 COUNCILMEMBER PACHUTA: Yes.
 24 CLERK BRYANT: Councilmember Patrick?
 25 COUNCILMEMBER PATRICK: Yes.

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1 MAYOR PITTMAN: Okay. Thank you.
 2 Next on the agenda is Public Comments on
 3 Agenda Items only. If you wish to speak -- please
 4 line up at the podium if you wish to speak, limit your
 5 comments to three minutes and state your name for the
 6 court clerk.
 7 If you wish to speak, please line up;
 8 agenda items only.
 9 MS. SUSAN CRAWFORD: Susan Crawford.
 10 I heard about Ruby leaving and I was very,
 11 very saddened to hear that. I've dealt with her in
 12 the past, and she's always been great, helpful and
 13 attentive and capable.
 14 This isn't just a job like answering the
 15 phone. This is a really integral part of our city and
 16 who gets to do what where. She is the permitting
 17 person, and I would hope --
 18 Okay. Here's what -- she had 16 years'
 19 experience, and I believe she said 16 years with
 20 Dekalb County, two years with Gwinnett and four years
 21 here. That's a lot of experience, and she herself was
 22 kind of swamped.
 23 I believe she made \$34,500 for what she
 24 did, and I'm wondering if you tried to maybe offer her
 25 a little more money as an incentive, but this is not

1 my concern.
2 But who you get in there is my concern,
3 because I live here and I'm hoping that your standards
4 will be very high and that you will find somebody with
5 every bit as much experience.
6 Thank you.
7 MAYOR PITTMAN: Ms. Calvert?
8 MS. GINNY CALVERT: Ginny Calvert.
9 On New Business (a) Charter Changes, a lot
10 of us don't do computers, and I would like to see -- I
11 mean we have meetings twice a month. If you're going
12 to make a change, I would like to see what it is
13 you're changing and to what you are changing it to,
14 itemized, and elucidate a little more on each thing
15 that you're changing, please.
16 MAYOR PITTMAN: Thank you, Ms. Calvert.
17 MR. STUART ANDERSON: Stuart Anderson.
18 I want to urge you to lift the hiring
19 freeze and let Tammy hire some people to fulfill her
20 needs.
21 Down those same lines of hiring, I want to
22 urge the City Council to make time with the new city
23 manager interviews to allow enough time for all of you
24 to ask all the questions -- all the questions -- you
25 want to ask. And if you have to recall these people

1 what they are. That's been outlawed about 20 years
2 ago. I don't think our attorney uses those words --
3 or anyone living in the same household from holding
4 positions on the City Council. We can't have two.
5 Why don't we leave this up to the
6 electorate? That's what -- that's what we're here
7 for. We get to vote. You don't tell us who -- who
8 can vote and who can't. This might have been good
9 back in 1960 but it doesn't apply today.
10 And I noticed that of the sitting members
11 for four years, four of them aren't married, don't
12 have any children. I don't know what their other
13 relationships are and I don't really want to know.
14 Otherwise, what we're going to do is we
15 have a campaign and say, "Oh. Who do you live with?
16 Who's there?" "Oh." It'll open up all kinds of doors
17 that shouldn't be opened up.
18 This thing shouldn't even be on the
19 agenda. Thank you.
20 MAYOR PITTMAN: I respectfully ask
21 everyone to please turn your cell phones off, please.
22 If you have not already, please turn your cell phones
23 off.
24 MS. BONITA HOFFMEISTER: Bonita
25 Hoffmeister, Oakcliff Estates.

1 up and ask them again or the next day or whatever,
2 this is the most important person you're going to hire
3 in the time that you're spending in office, period.
4 MAYOR PITTMAN: Thank you, Stuart.
5 MR. JOE O'CONNOR: Joe O'Connor,
6 Northwoods.
7 My theme is "Back to the Sixties," 1960's.
8 (Cell phone rings.) And I wouldn't have
9 had one of these back then. Oh, man. Sorry.
10 The first thing is the job position of
11 Ruby's. She was a professional and really a nice
12 person. This should be posted and advertised. In
13 case you haven't noticed, Ruby was a minority. Let's
14 make sure this city does what it's supposed to do when
15 it comes to posting and advertising and we meet all
16 EEO and other governmental laws, and that's all I have
17 to say on that.
18 Hiring somebody from the library who earns
19 more than 20 percent is not a savings, and she has no
20 -- she hasn't had 15 years doing this. So we'd better
21 find somebody that can do it and not overpay them.
22 They shouldn't earn anything more than Ruby.
23 My next thing is Ms. -- that's who
24 sponsored this: Pam -- This not permitting family
25 members, partners, common-law members -- I don't know

1 Item 11(a), Legislative Charter Changes.
2 I've been coming to these meetings for close to a
3 decade now and I've not happy with everything that's
4 going on.
5 I want to remind you in the galley, you
6 always have the option to cede from this city. You
7 that are in the older section, Tilly Mill, have the
8 possibility of going to Dunwoody, and just keep that
9 in mind.
10 [To the Council] You, too, up there.
11 Thank you.
12 MR. TOM HART: I was listening to the
13 Dekalb County thing going on where they have a --
14 they've convened a jury.
15 MAYOR PITTMAN: Mr. Hart, that's not on
16 the agenda.
17 MR. HART: Well, it seems to apply here.
18 MAYOR PITTMAN: It's not on the agenda.
19 MR. HART: Okay. Legislative charges. I
20 mean, okay, God bless you all; it's comic relief.
21 We want to change it to five members of
22 the Council because we have an election coming up. We
23 wanted to keep people in --
24 MAYOR PITTMAN: Mr. Hart, that's not on
25 the agenda either. That has --

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1 MR. HART: -- the same household from --
2 MAYOR PITTMAN: -- been removed.
3 MR. HART: Is that on the agenda?
4 MAYOR PITTMAN: Ms. Fleming's --
5 MR. HART: Okay.
6 MAYOR PITTMAN: -- agenda item is.
7 MR. HART: And I think everybody in the
8 audience knows that that came from an e-mail that was
9 sent out that was supposed to be privileged
10 information. Somebody from the legislative body read
11 the private e-mail and then proposed this legislation
12 because a spouse of one of the Council members was
13 proposed to be running for office.
14 Okay. So this is all based on something
15 -- information that was private information. So more
16 is going to come out about this whole thing, but it
17 just -- it just speaks to the problem that we have
18 here.
19 This isn't a city to tax people so that
20 you can keep your buddies in office and promote people
21 within the organization that are already being over-
22 paid to begin with.
23 We have a librarian that's going to be
24 transferred to City Hall that has no background. The
25 person just leaving has 18 years of experience doing

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1 her job from Dekalb County first for 16 years and then
2 comes over to the City of Doraville. She knows the
3 zoning law; she knows the building codes. She was
4 getting paid basically 32 grand a year. So you're
5 going to bring somebody for 43 thousand-plus that's
6 being overpaid in the library, to begin with, down to
7 City Hall so we can overpay them down here to not do
8 their job.
9 This -- you know, everything on the agenda
10 tonight speaks to poor management and mismanagement of
11 the people's time and money.
12 And I won't even get into the commercial
13 design standards. They need to go look at page --
14 MAYOR PITTMAN: That's been removed off
15 the agenda, sir.
16 MR. HART: It's off the agenda?
17 MAYOR PITTMAN: Yes, sir.
18 MR. HART: It what?
19 MAYOR PITTMAN: Yes, sir. It has been
20 removed off the agenda tonight. It will be a meeting
21 Monday night to discuss.
22 MR. HART: Thank you.
23 MAYOR PITTMAN: Okay. Thank you.
24 Next on the agenda is to lift the hiring
25 freeze. Yes, we're very sad to hear that we do have

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1 an employee that will be leaving.
2 We do have an employee that I feel would
3 be qualified to be moved from the library. She's been
4 with the City 10 years. She has worked in that
5 department in the past. And she has a degree; she's
6 bilingual. She, I think, would be a real asset. She
7 works down here during the week to help us out
8 anyways.
9 And what I really need from the Council is
10 to lift the hiring freeze for Tammy to be able to hire
11 her part-time employee to fulfill that position.
12 Council?
13 COUNCILMEMBER PACHUTA: I just have the
14 same question I asked earlier today, and I don't know
15 who can answer.
16 What is typical salary for a permits
17 clerk? Because I looked at the DCA salary survey, and
18 that wasn't like a choice, so, and there were similar
19 jobs and I didn't have a good job description to be
20 able to look at that.
21 MAYOR PITTMAN: We did, too. We did a big
22 search trying to find it, and the only thing we could
23 find anywhere, I believe, was in St. Paul, Minnesota,
24 and it is the same job description, and they make
25 forty thousand eight eighty-two to fifty-five thousand

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1 nine thirty.
2 COUNCILMEMBER DEAN: Well, perhaps --
3 MAYOR PITTMAN: So we did the same thing.
4 COUNCILMEMBER DEAN: -- the more relevant
5 question would be, Will she be able -- will the person
6 wanting to fill in that position be willing to take
7 the pay that Ruby was making? I mean, because I have a
8 lot of issues with this, number one. I believe that
9 we should -- we should put out for it, I mean, and
10 this is paid for by taxpayer dollars, and I think that
11 we should definitely --
12 COUNCILMEMBER PACHUTA: Can I --? I
13 didn't want to discuss a particular employee because
14 I'm --
15 COUNCILMEMBER DEAN: Right.
16 COUNCILMEMBER PACHUTA: -- just asking
17 about what the average salary is, but if we're going
18 to discuss any actual employee, I would prefer we go
19 in Executive Session --
20 COUNCILMEMBER DEAN: Okay.
21 COUNCILMEMBER PACHUTA: -- because then it
22 gets specific versus general.
23 So can I make a motion we go into
24 Executive Session --
25 ATTORNEY McLENDON: That would be --

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1 COUNCILMEMBER PACHUTA: -- for personnel?
 2 MAYOR PITTMAN: Yes.
 3 ATTORNEY McLENDON: If that's where we
 4 want to have the conversation before making that
 5 decision.
 6 COUNCILMEMBER DEAN: Okay. Because it is
 7 directly related to whether or not we lift the hiring
 8 freeze for the library; right?
 9 ATTORNEY McLENDON: So if somebody -- we
 10 could move into Executive Session and have a specific
 11 discussion regarding --
 12 COUNCILMEMBER PACHUTA: And --
 13 ATTORNEY McLENDON: -- any of this.
 14 COUNCILMEMBER PACHUTA: -- would it be
 15 possible to have Mr. Cooley and Ms. Henry in Executive
 16 Session with us?
 17 ATTORNEY McLENDON: Absolutely.
 18 MAYOR PITTMAN: And Lisa as well.
 19 ATTORNEY McLENDON: Absolutely.
 20 MAYOR PITTMAN: Okay. Do I get a motion?
 21 COUNCILMEMBER PACHUTA: Yeah. That's my
 22 motion.
 23 MAYOR PITTMAN: Second?
 24 COUNCILMEMBER PATRICK: Second.
 25 MAYOR PITTMAN: Discussion?

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1 ---
 2 (No response)
 3 ---
 4 MAYOR PITTMAN: Call the roll, please.
 5 CLERK BRYANT: Councilmember Alexander?
 6 COUNCILMEMBER ALEXANDER: Yes.
 7 CLERK BRYANT: Councilmember Bates?
 8 COUNCILMEMBER BATES: Yes.
 9 CLERK BRYANT: Councilmember Dean?
 10 COUNCILMEMBER DEAN: Oh, yes. Sorry.
 11 CLERK BRYANT: Councilmember Fleming?
 12 COUNCILMEMBER FLEMING: Yes.
 13 CLERK BRYANT: Councilmember Pachuta?
 14 COUNCILMEMBER PACHUTA: Yes.
 15 CLERK BRYANT: Councilmember Patrick?
 16 COUNCILMEMBER PATRICK: Yes.
 17 ---
 18 (Executive Session)
 19 ---
 20 MAYOR PITTMAN: Motion to come out of
 21 Executive Session?
 22 COUNCILMEMBER PACHUTA: So moved.
 23 MAYOR PITTMAN: Second?
 24 COUNCILMEMBER FLEMING: Second.
 25 MAYOR PITTMAN: Discussion?

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1 ---
 2 (No response)
 3 ---
 4 MAYOR PITTMAN: Call the roll.
 5 CLERK BRYANT: Councilmember Alexander?
 6 COUNCILMEMBER ALEXANDER: Yes.
 7 CLERK BRYANT: Councilmember Bates?
 8 COUNCILMEMBER BATES: Yes.
 9 CLERK BRYANT: Councilmember Dean?
 10 COUNCILMEMBER DEAN: Yes.
 11 CLERK BRYANT: Councilmember Fleming?
 12 COUNCILMEMBER FLEMING: Yes.
 13 CLERK BRYANT: Councilmember Pachuta?
 14 COUNCILMEMBER PACHUTA: Yes.
 15 CLERK BRYANT: Councilmember Patrick?
 16 COUNCILMEMBER PATRICK: Yes.
 17 MAYOR PITTMAN: Okay. Thank you.
 18 Back to my agenda item, I am respectfully
 19 asking Council to please lift the hiring freeze so
 20 Tammy can hire her part-time person as full-time and
 21 to hire a part-time person for the few hours that she
 22 needs them.
 23 COUNCILMEMBER FLEMING: I'd like to make a
 24 motion to lift the hiring freeze so that Tammy's able
 25 to hire a part-time person to replace the part-time

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1 person that will be going to full time.
 2 MAYOR PITTMAN: And did you say part -- to
 3 hire a part-time person?
 4 COUNCILMEMBER FLEMING: Yes.
 5 MAYOR PITTMAN: Okay. Second?
 6 COUNCILMEMBER ALEXANDER: Second.
 7 MAYOR PITTMAN: Discussion?
 8 COUNCILMEMBER DEAN: Yeah. I would like
 9 to say that I believe we need a qualified permits
 10 clerk, and clearly I believe that our on-the-job
 11 training in this city has not been very successful.
 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: No.
 19 CLERK BRYANT: Councilmember Fleming?
 20 COUNCILMEMBER FLEMING: Yes.
 21 CLERK BRYANT: Councilmember Pachuta?
 22 COUNCILMEMBER PACHUTA: Yes.
 23 CLERK BRYANT: Councilmember Patrick?
 24 COUNCILMEMBER PATRICK: Yes.
 25 MAYOR PITTMAN: Okay. Thank you.

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1 COUNCILMEMBER ALEXANDER: And we need a
2 motion to lift the hiring freeze to hire a replace-
3 ment permits clerk, I believe.
4 MAYOR PITTMAN: Do we since that's an in-
5 house? We can do it just for a safety measure.
6 ATTORNEY McLENDON: Why don't we just do
7 that.
8 - - -
9 (Brief, inaudible discussion)
10 - - -
11 ATTORNEY McLENDON: Oh, I don't think we
12 need that to transfer across, I don't think.
13 Okay. Do it to be safe.
14 MAYOR PITTMAN: Never hurts.
15 ATTORNEY McLENDON: Better safe than
16 sorry.
17 MAYOR PITTMAN: That's what I meant.
18 ATTORNEY McLENDON: Let's throw it in
19 there.
20 MAYOR PITTMAN: Can I get a motion,
21 please.
22 COUNCILMEMBER ALEXANDER: Motion to lift
23 the hiring freeze to hire a replacement permits clerk.
24 MAYOR PITTMAN: Second?
25 COUNCILMEMBER FLEMING: Second.

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1 MAYOR PITTMAN: Discussion?
2 - - -
3 (No response)
4 - - -
5 CLERK BRYANT: Councilmember Alexander?
6 COUNCILMEMBER ALEXANDER: Yes.
7 CLERK BRYANT: Councilmember Bates?
8 COUNCILMEMBER BATES: Yes.
9 CLERK BRYANT: Councilmember Dean?
10 COUNCILMEMBER DEAN: No.
11 CLERK BRYANT: Councilmember Fleming?
12 COUNCILMEMBER FLEMING: Yes.
13 CLERK BRYANT: Councilmember Pachuta?
14 COUNCILMEMBER PACHUTA: Yes.
15 CLERK BRYANT: Councilmember Patrick?
16 COUNCILMEMBER PATRICK: Yes.
17 MAYOR PITTMAN: Thank you.
18 Next on the agenda is the Energy Excise
19 Tax, Mr. Howe.
20 COUNCILMEMBER ALEXANDER: No. We have the
21 Mutual Aid Agreement.
22 MAYOR PITTMAN: Oh, I'm so sorry.
23 Chief, Mutual Aid Agreement with Dekalb
24 County Schools.
25 CHIEF KING: Good evening, Mayor and

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1 members of the City Council and our citizens.
2 I was presented with an agreement by the
3 Dekalb County School System police, and they've sent
4 this agreement to all the police departments in the
5 Dekalb County area that have schools in their cities.
6 It's just a way to standardize and put everything in
7 writing on what is expected from one party or other.
8 I didn't see anything that caused me any concerns.
9 Our legal department has looked it over, and I don't
10 think they have -- I don't want to speak for them, but
11 I don't think they have any -- any issues on this.
12 MAYOR PITTMAN: Okay. Questions from the
13 Council. Ms. Alexander?
14 COUNCILMEMBER ALEXANDER: The only item I
15 had was on the last page, the effective date should be
16 2013.
17 CHIEF KING: Yes, ma'am. We've been
18 waiting for awhile, so.
19 COUNCILMEMBER ALEXANDER: Exactly.
20 MAYOR PITTMAN: Okay. Mr. Bates?
21 COUNCILMEMBER BATES: No questions.
22 MAYOR PITTMAN: Ms. Pachuta?
23 COUNCILMEMBER PACHUTA: Huh-uh.
24 MAYOR PITTMAN: Ms. Fleming?
25 COUNCILMEMBER FLEMING: No.

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1 COUNCILMEMBER PATRICK: No.
2 MAYOR PITTMAN: Ms. Dean?
3 COUNCILMEMBER DEAN: No.
4 MAYOR PITTMAN: Can I get a motion.
5 COUNCILMEMBER ALEXANDER: Motion to
6 approve the Mutual Aid Agreement between the Doraville
7 Police Department and the Dekalb County School
8 District.
9 MAYOR PITTMAN: Okay. Second?
10 COUNCILMEMBER PATRICK: Second.
11 MAYOR PITTMAN: Discussion?
12 - - -
13 (No response)
14 - - -
15 MAYOR PITTMAN: Call the roll, please.
16 CLERK BRYANT: Councilmember Alexander?
17 COUNCILMEMBER ALEXANDER: Yes.
18 CLERK BRYANT: Councilmember Bates?
19 COUNCILMEMBER BATES: Yes.
20 CLERK BRYANT: Councilmember Dean?
21 COUNCILMEMBER DEAN: Yes.
22 CLERK BRYANT: Councilmember Fleming?
23 COUNCILMEMBER FLEMING: Yes.
24 CLERK BRYANT: Councilmember Pachuta?
25 COUNCILMEMBER PACHUTA: Yes.

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1 CLERK BRYANT: Councilmember Patrick?
 2 COUNCILMEMBER PATRICK: Yes.
 3 MAYOR PITTMAN: Okay. Thank you.
 4 Thank you, Chief.
 5 Now next is the Energy Excise Tax IGA,
 6 Mr. Howe.
 7 MR. HOWE: This is an intergovernmental
 8 agreement with Dekalb County. They have elected to
 9 collect an energy excise tax for OCGA 48-8-113 I
 10 believe is the statute.
 11 This is pretty simple. Last year, the
 12 state legislature decided to repeal state and local
 13 sales tax on energy used in the production of
 14 manufacturing, but at the same time, they enacted the
 15 Energy Excise Tax Act which allowed local governments
 16 to recoup that loss, two cents of local sales tax.
 17 So if there's any questions . . .
 18 COUNCILMEMBER DEAN: What's our revenue?
 19 What is Doraville's current revenue base under the
 20 sales tax, do we know? Do we have that information?
 21 I mean it's hard when you're looking at
 22 these documents, because there are no figures. We
 23 don't have exact figures here.
 24 MR. HOWE: Well, nobody knows what we will
 25 collect. The department of revenue doesn't even know.

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1 COUNCILMEMBER DEAN: Well --
 2 MR. HOWE: This is new.
 3 ATTORNEY McLENDON: New tax. They've
 4 switched it around if I'm correct. I don't remember
 5 the exact legislative history, but I think what they
 6 did is they changed the location that this energy type
 7 tax would be done, and now it's at the county level,
 8 so I don't think you have a track record on this
 9 particular tax.
 10 COUNCILMEMBER DEAN: Okay.
 11 COUNCILMEMBER FLEMING: But would there
 12 not be franchise fees? Is that not the same thing?
 13 ATTORNEY McLENDON: It's a different
 14 thing. If they are franchisors, they still have to
 15 have a franchise agreement for this. This would not
 16 change that at all.
 17 COUNCILMEMBER FLEMING: Okay.
 18 COUNCILMEMBER BATES: So Luke, correct me
 19 if I'm wrong, but in reading this, this will be
 20 administered via HOST or in the same formula as HOST?
 21 MR. HOWE: It'll be allocated on the same
 22 formula as HOST.
 23 So we don't really have any manufacturing
 24 facilities that would qualify, but that doesn't
 25 matter. It's going to be collected county-wide and

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1 distributed based on the HOST -- distributed to all
 2 the cities who participate based on HOST.
 3 COUNCILMEMBER PACHUTA: Okay. Can you
 4 remind me how HOST is allocated? I don't know.
 5 MR. HOWE: Well, it's collected, of
 6 course, countywide and then it's --
 7 COUNCILMEMBER PACHUTA: Right.
 8 MR. HOWE: -- distributed to each city
 9 based on --
 10 COUNCILMEMBER PACHUTA: What's the basis?
 11 MR. HOWE: -- a formula.
 12 COUNCILMEMBER PACHUTA: Oh. It's a form-
 13 -- Is it based on population or --
 14 MR. HOWE: It's based on --
 15 COUNCILMEMBER PACHUTA: -- don't know?
 16 MR. HOWE: -- population.
 17 COUNCILMEMBER PACHUTA: Okay.
 18 MR. HOWE: That's a -- that's part of it.
 19 Lisa may be, you know, a better person to --
 20 COUNCILMEMBER PACHUTA: So it's a multiple
 21 -- Is it a multiple factor?
 22 MR. HOWE: It is, yeah.
 23 COUNCILMEMBER PACHUTA: Okay. So they're
 24 going to take the same formula. So any manufacturing
 25 anywhere within the county, then they're going to

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1 allocate based on the same population --
 2 MR. HOWE: Yes, ma'am.
 3 COUNCILMEMBER PACHUTA: -- and whatever --
 4 COUNCILMEMBER BATES: So this is not a --
 5 the County's already decided upon the tax, so this is
 6 not a City-initiated tax; it's just us --
 7 MR. HOWE: Agreeing to take the money.
 8 That's basically what we're --
 9 COUNCILMEMBER BATES: So the County's
 10 already going to collect.
 11 MR. HOWE: Yes. Yes, sir.
 12 It has not been adopted by the commission
 13 yet. It is on their calendar. It has been adopted by
 14 every city except for Decatur who Ms. Marist (ph) says
 15 they plan to adopt it. They're going to get to it
 16 later this month, but it's --
 17 COUNCILMEMBER DEAN: What --
 18 MR. HOWE: Yes, ma'am. Go ahead.
 19 COUNCILMEMBER DEAN: What are the pros and
 20 cons of opting out of this IGA and enacting our own
 21 excise tax?
 22 COUNCILMEMBER BATES: We can't because the
 23 County already has.
 24 COUNCILMEMBER DEAN: But it says --
 25 COUNCILMEMBER BATES: It says --

1 COUNCILMEMBER DEAN: -- (reading) "the
2 municipality may enact the excise tax by
3 ordinance . . ."
4 COUNCILMEMBER BATES: As long as the
5 County didn't.
6 COUNCILMEMBER DEAN: Okay.
7 MR. HOWE: Yeah, if the County did not
8 want. You know, some counties are not going to want
9 to do this, and the cities within those counties --
10 COUNCILMEMBER DEAN: All right. Okay.
11 MR. HOWE: -- can -- can --
12 COUNCILMEMBER DEAN: (Reading) "If the
13 municipality has not received written notice."
14 So we have received written notice on
15 that, so we have no option, right? We take it from
16 that or --
17 COUNCILMEMBER BATES: That's my under-
18 standing of it.
19 MR. HOWE: We either take the money or we
20 don't. That's -- that's our only option.
21 COUNCILMEMBER FLEMING: You made a comment
22 a moment ago in regards to we don't have any manufac-
23 turing locations that qualify.
24 MR. HOWE: Not really. We don't have any
25 -- any -- You know, the GM plant of course would have

1 COUNCILMEMBER DEAN: Okay. I have one
2 more question.
3 So is this up to 50 years or a 50-year
4 agreement, and what options -- what options do we have
5 to leave in the future if we so chose to? Is it 50
6 years?
7 MR. HOWE: It is a 50-year agreement.
8 It's a -- it's a boilerplate agreement. We can -- I
9 think it does mention, you know, an opt-out. I don't
10 -- I don't know why we would want to.
11 COUNCILMEMBER DEAN: Right.
12 COUNCILMEMBER FLEMING: And the only other
13 question I had was I realize that there's an inter-
14 governmental agreement attached, but are we supposed
15 to adopt this by ordinance?
16 ATTORNEY McLENDON: Not that I'm aware. I
17 have no impression that we would need to do that.
18 If we approve this contract, I believe
19 this is what we need to do. I don't think it has to
20 be approved by ordinance.
21 COUNCILMEMBER FLEMING: Okay.
22 COUNCILMEMBER PACHUTA: Have y'all looked
23 at the contract? because I know Dekalb cities had such
24 luck before with Dekalb an HOST distributions.
25 ATTORNEY McLENDON: The contract is

1 qualified.
2 COUNCILMEMBER FLEMING: Well, we have some
3 manufacturing locations over in District 1. I mean we
4 are manufacturing.
5 COUNCILMEMBER BATES: But we don't need to
6 have manufacturing to be --
7 MR. HOWE: It doesn't --
8 COUNCILMEMBER BATES: -- to receive --
9 MR. HOWE: -- really matter.
10 COUNCILMEMBER BATES: -- benefits on this.
11 COUNCILMEMBER FLEMING: I'm sorry?
12 COUNCILMEMBER BATES: We don't need to
13 have manufacturing to receive the revenue. They're
14 going to take the tax county-wide and distribute it
15 based upon the HOST formula, so we can have zero
16 manufacturing and still benefit from it.
17 COUNCILMEMBER FLEMING: No, I realize
18 that, but he made the comment that we didn't have any
19 qualifying manufacturing companies, and I just
20 wondering which ones qualify and which ones didn't, or
21 is it all manufacturing.
22 MR. HOWE: I was just trying -- I was just
23 trying to make the point that it doesn't matter
24 whether we have them or not.
25 COUNCILMEMBER FLEMING: Okay.

1 relatively innocuous. What it basically says is that
2 we opt in and we all operate under the rules of the
3 tax. So I'm not -- there was nothing in the contract
4 that I felt concern about.
5 COUNCILMEMBER PATRICK: I guess with the
6 contract, it mentions mediation if there's a disagree-
7 ment.
8 ATTORNEY McLENDON: They're all talking
9 about if we all got into a wrangle over how the --
10 COUNCILMEMBER PATRICK: Correct.
11 ATTORNEY McLENDON: -- how it gets
12 distributed, but I think they just --
13 COUNCILMEMBER PATRICK: The question I had
14 was, was is if the mediator has to be selected by
15 mutual agreement and Dekalb chooses to just stonewall
16 and not accept any mediators, we're stuck; right? And
17 ultimately, if our dispute came down to we don't think
18 that the distribution is being calculated correctly
19 for Doraville or for anyone else, for that matter,
20 we're stuck.
21 ATTORNEY McLENDON: You wouldn't be stuck.
22 There would be methods to move forward. If somebody
23 refused in bad faith to appoint a mediator --
24 COUNCILMEMBER PATRICK: Yeah.
25 ATTORNEY McLENDON: -- I think you would

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1 end up in a place where you could drive that forward.
 2 COUNCILMEMBER PATRICK: Okay.
 3 ATTORNEY McLENDON: Just them saying, "Eh,
 4 I'm never going to" --
 5 COUNCILMEMBER PATRICK: Right.
 6 ATTORNEY McLENDON: -- "never going to,"
 7 then I'm going to say, "Well, you know, let's talk to
 8 a judge about that," because I think there's -- in any
 9 contract like this, there's going to be a duty of good
 10 faith.
 11 COUNCILMEMBER PATRICK: Okay.
 12 ATTORNEY McLENDON: And if they just were
 13 refusing to enter into -- or select someone without
 14 being able to show some good-faith basis, we might
 15 make them regret that.
 16 COUNCILMEMBER PATRICK: And then my last
 17 question is, is how do we double-check how it's being
 18 -- the tax is being collected and verify that we get
 19 our share?
 20 ATTORNEY McLENDON: One of my -- you know,
 21 one of my thoughts on this was we've just sort of gone
 22 through the machinations of sorting out the HOST. In
 23 that it's piggy-backing on the HOST, that didn't make
 24 me have a big red flag at that point, because I
 25 thought, well, this is finally sorted through, and if

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1 this is just going on the same rules --
 2 COUNCILMEMBER PATRICK: Same expectations.
 3 ATTORNEY McLENDON: -- you know, it wasn't
 4 like me -- like Karen pointed out, it's not like me
 5 saying, Uh-oh. We're going to have a brand new thing
 6 that's going to be calculated. It might be subject to
 7 all these challenges.
 8 I'm thinking, well, at least this one's
 9 put to bed, and we're going to be traveling under
 10 something that is relevantly well --
 11 COUNCILMEMBER PATRICK: All right. Thank
 12 you.
 13 ATTORNEY McLENDON: -- established at this
 14 point.
 15 COUNCILMEMBER PATRICK: Thank you.
 16 MAYOR PITTMAN: Ms. Alexander, anything?
 17 COUNCILMEMBER ALEXANDER: No.
 18 MAYOR PITTMAN: Mr. Bates, anything?
 19 COUNCILMEMBER BATES: I'm good. Thank
 20 you.
 21 MAYOR PITTMAN: Okay. Ms. Pachuta?
 22 COUNCILMEMBER PACHUTA: Huh-uh.
 23 MAYOR PITTMAN: Okay. So we need a
 24 motion?
 25 MR. HOWE: A motion to adopt the --

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1 MAYOR PITTMAN: Okay. I need a motion to
 2 adopt the Energy Excise Tax IGA.
 3 COUNCILMEMBER PACHUTA: So moved.
 4 MAYOR PITTMAN: Second?
 5 COUNCILMEMBER ALEXANDER: Second.
 6 MAYOR PITTMAN: Discussion?
 7 - - -
 8 (No response)
 9 - - -
 10 MAYOR PITTMAN: Call the roll, please.
 11 CLERK BRYANT: Councilmember Alexander?
 12 COUNCILMEMBER ALEXANDER: Yes.
 13 CLERK BRYANT: Councilmember Bates?
 14 COUNCILMEMBER BATES: Yes.
 15 CLERK BRYANT: Councilmember Dean?
 16 COUNCILMEMBER DEAN: Yes.
 17 CLERK BRYANT: Councilmember Fleming?
 18 COUNCILMEMBER FLEMING: Yes.
 19 CLERK BRYANT: Councilmember Pachuta?
 20 COUNCILMEMBER PACHUTA: Yes.
 21 CLERK BRYANT: Councilmember Patrick?
 22 COUNCILMEMBER PATRICK: Yes.
 23 MAYOR PITTMAN: Okay. Thank you.
 24 Mr. Howe, thank you very much.
 25 And next on the agenda is Ms. Dean, Agenda

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1 Packets. This was talked about before, and I believe
 2 that it was requested that legal make some changes,
 3 and I believe that they did that.
 4 We just wanted to be assured that if
 5 something pops up in between that deadline, especially
 6 from staff, that we would be allowed to get that on
 7 there, because occasionally we do have emer-gencies,
 8 so.
 9 ATTORNEY McLENDON: We have prepared the
 10 language. If there are any questions on it, it
 11 basically states that the requirement is 10 days in
 12 advance. It references the Open Meetings Act to state
 13 that if you wanted to add it, you have to meet the
 14 Open Meetings Act, which really just says there needs
 15 to be some necessity for it. You can't just not do
 16 it. There's got to be some basic necessity.
 17 And the final thing is we added in a
 18 section that said if it was not provided, that's not a
 19 basis not to move forward if the Council chooses to
 20 move forward if the documents come in late.
 21 We don't want to tie our hands on
 22 something that might be really important that we just
 23 had to do.
 24 So that was our language, and if it works,
 25 then we would accept any comments or modifications.

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1 MAYOR PITTMAN: Ms. Dean?
2 COUNCILMEMBER DEAN: Looks good to me.
3 MAYOR PITTMAN: Okay. Did you have
4 immediately? You want this to start immediately? Is
5 that your thoughts?
6 COUNCILMEMBER DEAN: Yeah, that would be
7 great.
8 MAYOR PITTMAN: So, then, it would be due
9 Wednesday; this week, Wednesday. Any agenda items
10 would be this Wednesday.
11 COUNCILMEMBER BATES: This is the first
12 reading of this ordinance.
13 ATTORNEY McLENDON: First reading?
14 COUNCILMEMBER ALEXANDER: Yes.
15 ATTORNEY McLENDON: Okay. Well, do y'all
16 want to waive first reading?
17 MAYOR PITTMAN: Oh, okay. So --
18 COUNCILMEMBER PATRICK: So that would put
19 us in line for beginning February?
20 MAYOR PITTMAN: So the first time didn't
21 count because we didn't have the update on the
22 ordinance?
23 ATTORNEY McLENDON: Well, the first time,
24 we just talked about the concepts, and then we've
25 actually put the ordinance --

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1 MAYOR PITTMAN: Okay.
2 ATTORNEY McLENDON: -- language together,
3 so that would be correct: this is the first reading
4 of this actual language.
5 MAYOR PITTMAN: Okay.
6 ATTORNEY McLENDON: So probably if you-all
7 wanted to waive it, you can, but if you wanted to push
8 it, we --
9 COUNCILMEMBER DEAN: Well, I know how
10 Mr. Bates feels about waiving first reading, so I'm
11 perfectly fine with the second one.
12 MAYOR PITTMAN: Okay.
13 COUNCILMEMBER BATES: Thank you.
14 MAYOR PITTMAN: Thank you very much.
15 COUNCILMEMBER FLEMING: But I do want to
16 make a comment in regards to the ordinance itself, and
17 I notice that you have made sure that the supporting
18 documents for the agenda-item cover sheets must
19 accompany the agenda-item cover sheet or it doesn't go
20 on the agenda. Correct?
21 ATTORNEY McLENDON: Yeah. We haven't
22 modified that language. We actually did provide a
23 provision that said if it was coming in late, we could
24 still get it on if there was a necessity for it.
25 COUNCILMEMBER FLEMING: Right; if it was

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1 an emergency where you needed to, you know, give it to
2 us on that same date, that's fine. But if it's just
3 an agenda-item cover sheet --
4 ATTORNEY McLENDON: Yeah. It says --
5 COUNCILMEMBER FLEMING: -- that's
6 referring to something but you're not -- but if the
7 Council member or the director is not attaching
8 documentation, as Ms. Calvert made the comment, then
9 it won't be accepted to be on the agenda.
10 ATTORNEY McLENDON: So, yes, what we've
11 done is said that supporting documentation should be
12 given at the time set forth with your package --
13 COUNCILMEMBER FLEMING: Okay.
14 ATTORNEY McLENDON: -- basically, and then
15 it sort of puts it to the meeting that you would
16 either say, no, we're tabling it because we didn't
17 have the information, or you would have, if there was
18 some necessity, the ability to move forward.
19 COUNCILMEMBER FLEMING: All right.
20 MAYOR PITTMAN: Okay.
21 [To Clerk Bryant] Yes, please, if you'll
22 put this on the next agenda.
23 COUNCILMEMBER ALEXANDER: I had some
24 additional questions.
25 This addresses the time that we're

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1 supposed to have agenda items submitted but it doesn't
2 have -- address when the agenda packet is supposed to
3 be ready for us to review.
4 COUNCILMEMBER PATRICK: That's a good
5 point.
6 COUNCILMEMBER DEAN: Yes.
7 COUNCILMEMBER ALEXANDER: Furthermore,
8 regarding adding items to the agenda, I believe the
9 Clayton County District Attorney has filed an ethics
10 complaint regarding adding last-minute items to agenda
11 and taking action upon them.
12 ATTORNEY McLENDON: Actually, I've looked
13 at that because that sort of raised the red flag for
14 me when I saw that, when I saw that article that came
15 out, and the Open Meetings Act says there does need to
16 be a necessity for it.
17 So I think what you might have had down in
18 light of -- without me going to actually see what the
19 facts were, is that they were just making it pattern
20 and practice to sort of do what they wanted to do at
21 the last minute. And you know, it's all about public
22 notice.
23 But if there's a meeting -- it gets funny,
24 but if there's a meeting, the public's on notice there
25 is a meeting. And under the Open Meetings Act, the

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1 level of necessity is not real high. If you have a
2 reasonable discussion about, "Hey, this needs to move
3 forward. Let's get it on the agenda," I think you
4 probably clear that hurdle.
5 Having read that, we probably in the
6 future want to say, you know, "Why are we adding
7 this?" "Well, here's why we're adding it," and just
8 paper the record with a little bit on it.
9 It must have been pretty egregious for the
10 D.A. to get involved in that, and I can imagine some
11 areas where it could get like that. But you know, as
12 long as we have some basic understanding of why it's
13 coming on the agenda, I think we're going to be fine.
14 MAYOR PITTMAN: Okay. Anything else,
15 Ms. Alexander?
16 COUNCILMEMBER ALEXANDER: Well, I guess
17 the gist of this, the desire of this was to give
18 Council more time to review. You're just changing the
19 time period for Council to submit their items.
20 COUNCILMEMBER DEAN: And here's my -- and
21 I saw that, but is there -- is there a time stipulated
22 in the current, I mean? because we have to have it in
23 by noon on Wednesday before the meeting, but it
24 doesn't say, and now we don't. I mean sometimes it's
25 Thursday night, sometimes it's Friday afternoon, you

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1 know, so it doesn't -- Do we have --
2 ATTORNEY McLENDON: It wasn't in --
3 COUNCILMEMBER DEAN: -- a time set now?
4 Yeah. Right. And that's --
5 ATTORNEY McLENDON: -- our previous
6 language.
7 COUNCILMEMBER DEAN: I know. So I was
8 assuming it would be -- we submit all of the items is
9 what we are doing now, which is, you know, a day, a
10 day and a half, because that's what we've been doing.
11 COUNCILMEMBER ALEXANDER: But we get it
12 the Friday before the meeting --
13 COUNCILMEMBER DEAN: Or sometimes --
14 COUNCILMEMBER ALEXANDER: -- now.
15 COUNCILMEMBER DEAN: -- Thursday,
16 sometimes Friday.
17 COUNCILMEMBER ALEXANDER: Right.
18 COUNCILMEMBER DEAN: And it wasn't
19 written. It wasn't written in the ordinance.
20 COUNCILMEMBER PACHUTA: So we just need to
21 add a section like within --
22 COUNCILMEMBER DEAN: Right. Okay.
23 COUNCILMEMBER PACHUTA: -- three days or
24 within --
25 COUNCILMEMBER DEAN: Well, within --

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1 COUNCILMEMBER PACHUTA: -- two days --
2 COUNCILMEMBER DEAN: -- yeah, within 48
3 hours.
4 COUNCILMEMBER PACHUTA: -- of everyone
5 submitting their items.
6 MAYOR PITTMAN: Well, what Ms. Dean is
7 saying is if we do it on Wednesday, it'll be ready
8 that early week on Thursday/Friday like, except it'll
9 just be a week earlier.
10 COUNCILMEMBER DEAN: But we can state 48
11 hours --
12 MAYOR PITTMAN: Yeah, just --
13 COUNCILMEMBER DEAN: -- within 48 hours of
14 receipt of the documentation.
15 ATTORNEY McLENDON: So what we're going to
16 do, if I'm hearing, is --
17 COUNCILMEMBER FLEMING: Close of business
18 Friday.
19 ATTORNEY McLENDON: -- you want me to add
20 a section additionally that says once the items are
21 submitted, the agenda shall be prepared and posted
22 within 48 hours or by Friday --
23 COUNCILMEMBER DEAN: Close of business --
24 ATTORNEY McLENDON: -- or whatever you-all
25 --

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1 COUNCILMEMBER DEAN: -- Friday.
2 COUNCILMEMBER FLEMING: Close of business
3 Friday.
4 MAYOR PITTMAN: Close of business Friday.
5 COUNCILMEMBER FLEMING: -- Friday.
6 COUNCILMEMBER BATES: Can't do close of
7 business Friday because that's the 10th day.
8 ATTORNEY McLENDON: What do you want me to
9 do? Y'all tell me.
10 COUNCILMEMBER PACHUTA: I would just say
11 within 48 hours of receiving all the -- or 48 -- well,
12 two business days or --
13 COUNCILMEMBER DEAN: Right.
14 ATTORNEY McLENDON: Two business days.
15 COUNCILMEMBER FLEMING: Bear in mind --
16 ATTORNEY McLENDON: Sandra likes two
17 business days.
18 COUNCILMEMBER BATES: Two business days
19 puts it the Wednesday before the Council meeting.
20 ATTORNEY McLENDON: If we submit it 10
21 days early.
22 COUNCILMEMBER BATES: If it's January 21st
23 -- (counting) 20th, 19th, 18th, 17th, 16th, 15th,
24 14th, 13th, 12th -- the 11th is the 10 days. That's a
25 Friday.

1 So if it's two business days, that's
 2 Monday and Tuesday. That means that we can pick them
 3 up on Tuesday night the 15th, and we've got Wednesday,
 4 Thursday, Friday, Saturday --
 5 ATTORNEY McLENDON: So it's got to be --
 6 COUNCILMEMBER BATES: -- and Sunday.
 7 ATTORNEY McLENDON: -- submitted by
 8 Friday. If we're saying it has to be submitted 10
 9 days before a meeting, it has to be submitted by
 10 Friday, right?
 11 COUNCILMEMBER BATES: That's what it says
 12 right now.
 13 ATTORNEY McLENDON: That would be 10 days.
 14 So then what would happen is we'd have to
 15 hit it by -- You've got to give some time to prepare a
 16 package, you know. I mean two days is -- this is --
 17 We don't want to kill, I mean we don't want to whip
 18 Sandra.
 19 So you know, you are correct: If it was
 20 two days, that would mean you'd have half of Friday if
 21 everybody got it in at noon, and then Monday and
 22 Tuesday, Tuesday at noon.
 23 COUNCILMEMBER BATES: Which means --
 24 ATTORNEY McLENDON: That's up to y'all.
 25 We can make it whatever y'all want it to be.

1 ATTORNEY McLENDON: Everybody good?
 2 MAYOR PITTMAN: Thank you.
 3 Anything else, Ms. Dean?
 4 COUNCILMEMBER DEAN: No. That's good.
 5 MAYOR PITTMAN: Okay. Thank you.
 6 Next on the agenda is under new business,
 7 Ms. Fleming, Legislative Charter Changes.
 8 COUNCILMEMBER FLEMING: Yes. Presently in
 9 Chapter 5, Section 3 of the City of Doraville Charter,
 10 I am requesting to include additional requirements to
 11 safeguard against a quorum being elected and serving
 12 from one household and to avoid any possible nepotism.
 13 This would have to go before the
 14 legislature and also be voted on by the constituents.
 15 So this is not a Home Rule push-it-through-Council and
 16 so forth and so on.
 17 Because presently, right now, the only
 18 requirements for any elected official is that they
 19 live here one year and they're a registered voter.
 20 That's the only requirement.
 21 And I'm going to use Mayor Pittman for an
 22 example, and she already knows I'm going to use her as
 23 an example. If Mayor Pittman's husband decided to run
 24 for District 1 and her son decided to run for District
 25 1 and she ran for part-time mayor that would be coming

1 COUNCILMEMBER BATES: I mean the intent
 2 was to get us so we have two weekends to review the
 3 material.
 4 ATTORNEY McLENDON: Then, it's got to go
 5 out beyond 10 days.
 6 COUNCILMEMBER BATES: So that's 12 days.
 7 Then that's --
 8 COUNCILMEMBER DEAN: Okay. Twelve days.
 9 COUNCILMEMBER BATES: That's the Wednesday
 10 is 12 days.
 11 ATTORNEY McLENDON: Is that what we want
 12 to put?
 13 COUNCILMEMBER DEAN: Yeah.
 14 COUNCILMEMBER BATES: Then two days to
 15 turn it around. So it's -- so we get -- so we get the
 16 agenda packet 10 days prior to the meeting.
 17 ATTORNEY McLENDON: So we're going to say
 18 12 days, which basically on a regular Monday meeting
 19 will put us to Wednesday a week -- the Wednesday --
 20 COUNCILMEMBER BATES: Be this Wednesday.
 21 ATTORNEY McLENDON: So two days, which
 22 will mean, in essence, Friday afternoon it has to go
 23 out. Then you'll have that Friday, then you'll have
 24 the next week.
 25 COUNCILMEMBER BATES: Two weekends.

1 up, that would -- and they won their election, that
 2 would put three family members sitting up here, and I
 3 would find that that -- or under one household. I
 4 would find that that might present a problem of
 5 impartial voting as far as the constituents are
 6 concerned or for the betterment of the city.
 7 So that is the reason why I have proposed
 8 an additional requirement. And of course Council can
 9 either say no, that they don't want to put forth this
 10 legislation.
 11 But then again, legal counsel would have
 12 to comment on my wording that no more than one family
 13 member, partner, common-law member or anyone living in
 14 the same household may hold an elected position and
 15 serve at the same time, is what I would -- is what I'm
 16 requesting.
 17 MAYOR PITTMAN: Okay.
 18 COUNCILMEMBER DEAN: All right. I would
 19 like to make a statement.
 20 Upon learning about this agenda item, I
 21 prepared this statement for the record: "I have
 22 reason to believe that motivation for this agenda item
 23 was set in motion by an e-mail that I sent out to a
 24 citizen and friend from my individual City of
 25 Doraville e-mail account on October 28th, 2012.

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1 "The e-mail reads as follows: 'Hi,'
 2 Friend, 'After talking about it extensively with Steve
 3 this weekend, he has decided to run. I hope this
 4 doesn't interfere with any plans you have regarding
 5 this matter. I know you are undecided. We really
 6 need to get someone in place now to ensure a victory.
 7 I'll call you about this tomorrow. I hope you had a
 8 great weekend,'" end of e-mail.
 9 "My husband, Steven Dean, and I were and
 10 are still in the discussion phase of this idea.
 11 However, I'm now greatly concerned by the events that
 12 led us here today. I'm concerned because, clearly, my
 13 individual City e-mail account was accessed without my
 14 authorization and without first informing me.
 15 "At a minimum, such an action is an
 16 invasion of my privacy and certainly is a breach of
 17 ethics by the City official responsible. Distur-
 18 bingly, the individual who accessed my City e-mail
 19 account did it without following legal open-records
 20 protocol and without formally submitting an O.R.R."
 21 Sandra, will you confirm, please, that an
 22 O.R.R. was not filed to access my e-mail account?
 23 CLERK BRYANT: No.
 24 COUNCILMEMBER DEAN: Okay.
 25 "Furthermore, a City official not only

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1 read my e-mail communication but subsequently shared
 2 its contents with at least two other Council members
 3 sitting on this dais tonight.
 4 "I intend to file a complaint with the
 5 City of Doraville's Ethics Commission against the
 6 elected official. I also intend to see if other
 7 governmental oversight agencies should be contacted
 8 related to this matter.
 9 "I believe that the City official who
 10 accessed my City e-mail account required technical
 11 assistance to do so. Therefore, I also intend to
 12 determine who was responsible on the technical end and
 13 proceed to hold him, her or them accountable as well.
 14 "You can expect to hear more from me in
 15 the future in this matter because I am going to keep
 16 it on the record."
 17 COUNCILMEMBER FLEMING: Well, if I knew
 18 about in October, it would have been on November's
 19 agenda.
 20 COUNCILMEMBER DEAN: I said what I had to
 21 say.
 22 COUNCILMEMBER FLEMING: So I don't know
 23 anything about you and Steve.
 24 COUNCILMEMBER BATES: Mr. McLendon, is
 25 this legal?

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1 ATTORNEY McLENDON: I think the
 2 legislature can do it.
 3 It's not certainly something that would be
 4 Home Rule because you could not --
 5 COUNCILMEMBER FLEMING: Can't change the
 6 election voting?
 7 ATTORNEY McLENDON: It would be -- it
 8 would be something that wouldn't be able to go out
 9 under Home Rule. But I would think that if it were
 10 something that the legislature put in place, that you
 11 probably could do it.
 12 COUNCILMEMBER BATES: I mean if -- using
 13 Ms. Fleming's example, if the residents want to elect
 14 Mayor Pittman, her husband and her son to the City
 15 Council, have at it.
 16 ATTORNEY McLENDON: There's nothing to
 17 prohibit it at this time, nothing at all.
 18 COUNCILMEMBER BATES: I'm not interested.
 19 MAYOR PITTMAN: Be assured nobody in my
 20 family would want to run.
 21 COUNCILMEMBER FLEMING: Anyone else from
 22 Council want to make a comment?
 23 COUNCILMEMBER PACHUTA: Yeah. Just if the
 24 electorate wants spouses or whatever to sit on the
 25 same board, fine, let them. That's -- you know.

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1 COUNCILMEMBER DEAN: Well, and also what
 2 about Council members who are potentially involved
 3 with candidates not in the same household? I mean if
 4 we're going to go there, we might as well open the
 5 door.
 6 MAYOR PITTMAN: Okay. Next on the agenda
 7 is I believe Executive Session to discuss --
 8 ATTORNEY McLENDON: Pending litigation.
 9 MAYOR PITTMAN: -- pending litigation.
 10 COUNCILMEMBER PACHUTA: I make a motion to
 11 go into Executive Session to discuss pending
 12 litigation.
 13 COUNCILMEMBER PATRICK: Second.
 14 MAYOR PITTMAN: Discussion?
 15 - - -
 16 (No response)
 17 - - -
 18 MAYOR PITTMAN: Call the roll, please.
 19 CLERK BRYANT: Councilmember Alexander?
 20 COUNCILMEMBER ALEXANDER: Yes.
 21 CLERK BRYANT: Councilmember Bates?
 22 COUNCILMEMBER BATES: Yes.
 23 CLERK BRYANT: Councilmember Dean?
 24 COUNCILMEMBER DEAN: Yes.
 25 CLERK BRYANT: Councilmember Fleming?

1 COUNCILMEMBER FLEMING: Yes.
 2 CLERK BRYANT: Councilmember Pachuta?
 3 COUNCILMEMBER PACHUTA: Yes.
 4 CLERK BRYANT: Councilmember Patrick?
 5 COUNCILMEMBER PATRICK: Yes.
 6 MAYOR PITTMAN: Thank you.
 7 ---
 8 (Executive Session)
 9 ---
 10 MAYOR PITTMAN: Need a motion to come out
 11 of Executive Session.
 12 COUNCILMEMBER PACHUTA: Motion to come out
 13 of Executive Session.
 14 MAYOR PITTMAN: Second?
 15 COUNCILMEMBER PATRICK: Second.
 16 MAYOR PITTMAN: Discussion?
 17 ---
 18 (No response)
 19 ---
 20 MAYOR PITTMAN: Call the roll, please.
 21 CLERK BRYANT: Councilmember Alexander?
 22 COUNCILMEMBER ALEXANDER: Yes.
 23 CLERK BRYANT: Councilmember Bates?
 24 COUNCILMEMBER BATES: Yes.
 25 CLERK BRYANT: Councilmember Dean?

1 State law, County law as well as City law, and it's
 2 important.
 3 And there's a saying in the 12-step
 4 programs, "If nothing changes, nothing changes." You
 5 have to start the changes.
 6 MS. CALVERT: I want to read something
 7 from the Free Dictionary Dot Com. It's on Home Rule.
 8 (Reading) Home Rule: the power of local
 9 city or county to set up its own system of governing
 10 and local ordinances without receiving a charter from
 11 the state which comes with certain requirements and
 12 limitations.
 13 The concept has become popular with so-
 14 called libertarians, survivalists and others who would
 15 like to divorce local government from as much as --
 16 from as much state regulation as possible. However,
 17 few cities and counties have chosen this route. For
 18 example, in California, there is one small county,
 19 Colusa, out of 58 which has chosen home rule. This
 20 does not mean that they will not take state funds for
 21 local government. However, it doesn't say anything
 22 about state funds being offered or them being able to
 23 get them.
 24 It also says in another place as a noun,
 25 it is (pronouncing) -- boy, this word gets me every

1 COUNCILMEMBER DEAN: Yes.
 2 CLERK BRYANT: Councilmember Fleming?
 3 COUNCILMEMBER FLEMING: Yes.
 4 CLERK BRYANT: Councilmember Pachuta?
 5 COUNCILMEMBER PACHUTA: Yes.
 6 CLERK BRYANT: Councilmember Patrick?
 7 COUNCILMEMBER PATRICK: Yes.
 8 MAYOR PITTMAN: Thank you.
 9 Next on the agenda is Public Comments.
 10 Three minutes for your public comments.
 11 Doesn't have to be on agenda items only. Please come
 12 up to the podium. If you wish to speak, please line
 13 up at the podium.
 14 MS. CRAWFORD: Susan Crawford again.
 15 Not to beat a dead horse, but I guess we
 16 didn't -- we don't get the outcomes of the Executive
 17 Session, and I guess that's why they're executive
 18 sessions, but I can -- And I see that you've voted to
 19 go ahead and do this library thing that's tangen-
 20 tially connected to the other part, but I hope that
 21 you will please consider that this affects all of our
 22 lives.
 23 This is not, like I said, just a
 24 receptionist. This is somebody who makes or enforces
 25 rules and should have a very working knowledge of

1 time -- unlimited, which means power, supreme power.
 2 Do we really want our body up here to be
 3 governing us with this type of ruling?
 4 I have a lot of other things to say but
 5 I'll wait until another time to bring some of this up
 6 to your attention. Thank you.
 7 MAYOR PITTMAN: Thank you, Ms. Calvert.
 8 MR. HART: I'd like to echo what Susan
 9 said about the library transaction. It seems like the
 10 more you try to do something about what goes on here,
 11 the further we get -- we dig ourselves a big hole.
 12 And once again, every meeting, it seems
 13 like we're offered an opportunity to move the city
 14 forward and we choose to jump right back in the hole
 15 again. I just don't -- I'm just trying to figure out,
 16 what is your purpose here. I mean do you have an idea
 17 of where you want to go with this or is this marking
 18 time and collecting a paycheck and purposely screwing
 19 the place up?
 20 But you would think you would put out an
 21 open bid to the people that already work at the city,
 22 the police department, etc., for this job as a permits
 23 clerk, for it's such an important position.
 24 All the problems we've had over the last
 25 six years, particularly the last four years, center

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1 around issuing permits to people that build the wrong
2 stuff. And you would think at this point after making
3 about 50 mistakes, that it would center around getting
4 people in the building office and the permit office
5 that have a wild dream of what they're doing, but you
6 chose not to do that, and not only didn't put in an
7 open reference to the outside world as well as the
8 current employees but you chose someone that had no
9 experience.

10 On top of that, you're going to pay them
11 ten/twelve thousand dollars more than you should, and
12 then you use as a reference Minnesota. What does that
13 have to do with it? How about something like a little
14 closer like Ringgold, Georgia?

15 I mean you guys -- every meeting in this
16 -- I'm sitting in the audience, and these people on
17 the same bus, the neighborhood as well -- Are we
18 shipping you in from Mars or something? Do you not
19 have any contact with the local people at all?

20 You know, we have one Council member that
21 worked as a permits clerk in Norcross. You would
22 think that that person would have a clue. No.
23 Throw that experience right out the window. Let's go
24 get the librarian that doesn't know anything about
25 what we're doing here.

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1 Okay. Let's think back why that librarian
2 was moved to the library. She wanted to get away from
3 the clerk because she didn't like -- she was forced to
4 do too much work. Then after that clerk left, she
5 wanted to move back down here again except the Council
6 at the time wouldn't let her move. We overpaid all
7 the librarians because she was making too much money
8 here and she transferred there. Instead of lowering
9 her salary, we just raised everybody other's salary
10 up.

11 You don't learn from the past, you don't
12 learn from the present. This audience doesn't get it,
13 because you obviously don't. Thank you.

14 MS. CINDY BRADFORD: Cindy Bradford,
15 Northwoods.

16 I'm assuming in your executive session
17 when you decided to hire somebody with no experience
18 and pay them eight to twelve thousand more than what
19 the position is paying the person that is leaving,
20 that you found some loopholes and interpretations
21 through the EEOC that you could get around to make
22 sure that the clerk that is leaving doesn't sue us for
23 being underpaid for the years that she worked here.

24 And I also just want to make a statement
25 that I'm appalled that none of you are appalled to

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1 find out that private e-mails are being read that are
2 sent to [sic] City Hall. I, for one, am just
3 appalled, and it's not going to make me be careful
4 with my e-mails that I send to anybody because I don't
5 really care, but I'm appalled that they are being
6 read. I think it's ridiculous and I think it's
7 unethical.

8 Thank you.

9 MR. TOM WHALEN: Tom Whalen, Oakcliff.

10 I just wanted to comment on the nepotism
11 issue, which is that if -- if two candidates were of
12 the same household, I would certainly as a voter want
13 to have the right to consider that, and other things
14 being equal, I might not want to vote for two
15 candidates in the same household. However, other
16 things are rarely equal.

17 MR. CHARLES LIVINGSTON: Charles
18 Livingston.

19 Well, I want to talk about the same thing.
20 This business of hiring somebody from the library to
21 come down here really, really gets me. You know, it's
22 the same old thing you-all -- four fifths of you have
23 been doing for six -- maybe you've been doing this
24 over the years: If you have a choice of two or three
25 people, you just almost always get the least qualified

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1 person.

2 I don't know why you insist on doing it.
3 You refuse to listen to your constituents. You are
4 all elected to -- to represent your constituents,
5 which you do not do that.

6 Just to give you an idea of what I'm
7 talking about, [to the audience] will everybody here
8 that did not want the library person to have this job
9 raise your right hand?

10 MAYOR PITTMAN: That's not appropriate,
11 Mr. Livingston.

12 MR. LIVINGSTON: I just want to show you
13 what you're up --

14 MAYOR PITTMAN: I understand --

15 MR. LIVINGSTON: You guys --

16 MAYOR PITTMAN: -- but that's not
17 appropriate, so.

18 MR. LIVINGSTON: Well, hell it's not.
19 You're -- you know, you guys are doing
20 whatever's under your agenda for whatever reason. I
21 don't know where you're coming from.

22 This gal that you're bringing down here
23 has worked up at the library. I'm a big reader. I'm
24 up there several times a month. Every time I go in
25 there, all the other girls are working; this one is

1 not. You know, every time I go in there, she's on her
2 cell phone or something. That's -- that's the way she
3 is. And when you do -- if you call there, if you
4 happen to get her on the phone, it's like talking to a
5 stump. I mean she doesn't know anything.

6 And everybody out here has told you how
7 they feel about it, but you -- you insist on doing
8 just the opposite of what your constituents want you
9 to do. I don't know where you're coming from. I mean
10 it seems like you would have a little pride that you
11 would want to do what is good for the city, but,
12 instead, you do the exact opposite, and I just -- I
13 just don't know where you're coming from.

14 I want y'all to think on this and sleep on
15 it tonight, and I hope you're proud of what you've
16 done, because you guys are making some mistakes. Most
17 of you, not all of you, but you know who you are.

18 Have a good one.

19 MAYOR PITTMAN: Motion to adjourn?

20 COUNCILMEMBER ALEXANDER: So moved.

21 MAYOR PITTMAN: Second?

22 COUNCILMEMBER DEAN: Second.

23 MAYOR PITTMAN: Discussion?

24 ---

25 (No response)

1 ---

2 MAYOR PITTMAN: Call the roll, please.

3 CLERK BRYANT: Councilmember Alexander?

4 COUNCILMEMBER ALEXANDER: Yes.

5 CLERK BRYANT: Councilmember Bates?

6 COUNCILMEMBER BATES: Yes.

7 CLERK BRYANT: Councilmember Dean?

8 COUNCILMEMBER DEAN: Yes.

9 CLERK BRYANT: Councilmember Fleming?

10 COUNCILMEMBER FLEMING: Yes.

11 CLERK BRYANT: Councilmember Pachuta?

12 COUNCILMEMBER PACHUTA: Yes.

13 CLERK BRYANT: Councilmember Patrick?

14 COUNCILMEMBER PATRICK: Yes.

15 ---

16 (Meeting adjourned at approximately 8:05 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
5 was taken down, as stated in the caption, and the
6 proceedings were reduced to typewriting under my
7 direction and control.
8 I further certify that the transcript is a true
9 and correct record of the evidence given at the said
10 proceedings.
11 I further certify that I am neither a relative
12 or employee or attorney or counsel to any of the
13 parties, nor financially or otherwise interested in
14 this matter.
15 This the 14th day of January 2013.

16 _____
17
18 Theresa Bretch, CCR
19 Permit No. B-755

20 [SEAL]
21
22
23
24
25

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