

**In The Matter Of:**

*City Council Meeting  
City of Doraville*

---

*Before Mayor Ray Jenkins  
May 5, 2008*

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

Transcript of the proceedings held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Ray Jenkins presiding, before Theresa Bretch, Certified Court Reporter, commencing at approximately 7:00 p.m. on Monday, May 5, 2008.

\* \* \*

Page 3

[1] PROCEEDINGS  
[2] **MAYOR JENKINS:** Call the meeting to  
[3] order.  
[4] Call the roll, please.  
[5] **CLERK BLACKMON:** Councilmember  
[6] Alexander?  
[7] **COUNCILMEMBER ALEXANDER:** Here.  
[8] **CLERK BLACKMON:** Councilmember Bates?  
[9] **COUNCILMEMBER BATES:** Here.  
[10] **CLERK BLACKMON:** Councilmember Fleming?  
[11] **COUNCILMEMBER FLEMING:** Here.  
[12] **CLERK BLACKMON:** Councilmember Pittman?  
[13] **COUNCILMEMBER PITTMAN:** Here.  
[14] **CLERK BLACKMON:** Councilmember Roche?  
[15] **COUNCILMEMBER ROCHE:** Here.  
[16] **CLERK BLACKMON:** Councilmember  
[17] Spangler?  
[18] **COUNCILMEMBER SPANGLER:** Here.  
[19] **MAYOR JENKINS:** We need to approve the  
[20] minutes from the April 7th regular meeting. Do  
[21] I have a motion?  
[22] **COUNCILMEMBER ALEXANDER:** So moved.  
[23] **MAYOR JENKINS:** Second?  
[24] **COUNCILMEMBER BATES:** Second.  
[25] **MAYOR JENKINS:** No discussion?

Page 2

[1] **APPEARANCES:**  
[2] Doraville City Council:  
[3] Hon. Ray Jenkins, Mayor  
[4] Councilmember Maria Alexander  
[5] Councilmember Brian Bates  
[6] Councilmember Robert Spangler  
[7] Councilmember Donna Pittman  
[8] Councilmember Bob Roche  
[9] Councilmember Pam Fleming  
[10]  
[11] Hugh "Rick" Powell, City Attorney  
[12]  
[13] Ms. Rhonda Blackmon, City Clerk  
[14]  
[15] Ms. Priscilla Murphy, Consultant  
[16]  
[17]  
[18]  
[19]  
[20]  
[21]  
[22]  
[23]  
[24]  
[25]

Page 4

[1] Call the roll.  
[2] **COUNCILMEMBER BATES:** Councilmember  
[3] Alexander?  
[4] **COUNCILMEMBER ALEXANDER:** Yes.  
[5] **CLERK BLACKMON:** Councilmember Bates?  
[6] **COUNCILMEMBER BATES:** Yes.  
[7] **CLERK BLACKMON:** Councilmember Fleming?  
[8] **COUNCILMEMBER FLEMING:** Yes.  
[9] **CLERK BLACKMON:** Councilmember Pittman?  
[10] **COUNCILMEMBER PITTMAN:** Yes.  
[11] **CLERK BLACKMON:** Councilmember Roche?  
[12] **COUNCILMEMBER ROCHE:** Yes.  
[13] **CLERK BLACKMON:** Councilmember  
[14] Spangler?  
[15] **COUNCILMEMBER SPANGLER:** Yes.  
[16] **MAYOR JENKINS:** The Mayor's Comments,  
[17] I'm going to bring up somebody wanted a web site  
[18] update, and that was set up for the next update  
[19] will be middle of May, this month.  
[20] **COUNCILMEMBER ROCHE:** Okay.  
[21] **MAYOR JENKINS:** And what's your  
[22] question?  
[23] **COUNCILMEMBER ROCHE:** Well, my ques- --  
[24] I guess my concern is this: I mean a good web  
[25] site should be easy to be updated by each

[1] department head, et cetera, et cetera, and this  
[2] just seems to be taking a long, long time.

[3] I mean if it's not going to have that  
[4] kind of functionality to where each department  
[5] head can just go in there and put whatever they  
[6] want to on their web page --

[7] **MAYOR JENKINS:** I think we're still  
[8] waiting on everybody to decide on what the logo  
[9] is going to be.

[10] **COUNCILMEMBER ROCHE:** Well, I think  
[11] that we could probably use the current logo and  
[12] choose another logo later and go ahead and get  
[13] the web site up and get on with this.

[14] **MAYOR JENKINS:** Luke, can you get  
[15] together with Brandi tomorrow?

[16] **MR. LOWE:** I mean we always said it was  
[17] going to be the middle of May, and it's still  
[18] not the middle of May. So I'm not quite sure  
[19] what you --

[20] **COUNCILMEMBER ROCHE:** No. My concern  
[21] is that if it takes four months to get the web  
[22] site up and running --

[23] **MR. HOWE:** I --

[24] **COUNCILMEMBER ROCHE:** -- if one of the  
[25] department heads want to update their page on

[1] correct?

[2] **ATTORNEY POWELL:** I believe so.

[3] **MR. HOWE:** Yes, sir. I think we've  
[4] satisfied that.

[5] **MAYOR JENKINS:** That's a question  
[6] Ms. Fraysse brought up. She didn't come in  
[7] after she found out it was up to date on that.

[8] Is there any more questions about that?

[9] **COUNCILMEMBER ROCHE:** No. It just  
[10] seems to be taking an awful long time. Go  
[11] ahead. That's it.

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

[13] **COUNCILMEMBER ROCHE:** Thank you.

[14] **MAYOR JENKINS:** Advanced Disposal. I  
[15] thought they would be here tonight, and I see  
[16] he's not.

[17] He had come back with a counter-  
[18] proposal. He asked us for 96 cents, I believe  
[19] that was per person -- am I correct? -- per  
[20] household on the gasoline surcharge. So he come  
[21] back and he refigured it, and he got it down to  
[22] 76 cents per household.

[23] So I guess -- we did discuss this at  
[24] the work session, and I need some comment on  
[25] this, how you feel about it.

[1] the web site, is it all that difficult? I mean  
[2] does it take days and days?

[3] **MR. HOWE:** I would think, well, they're  
[4] going to have access and they're going to be  
[5] doing it, but I --

[6] You know, Miss Asadi was hired before I  
[7] came on. All this preparation, all the  
[8] budgeting for it and all the details were done  
[9] by the previous Council.

[10] I simply -- I think one Council member,  
[11] one former Council member, just put the kibosh  
[12] on everything during the election, and when I  
[13] came on, I sort of helped get it started again.

[14] So, you know, I'm not an expert on how  
[15] long it takes web sites, but she always said it  
[16] was going to be this long, and I just -- you  
[17] know, I took her for her word, so, you know --

[18] And again, I didn't hire her, you know,  
[19] and I think she's doing a great job. But I --  
[20] you know, I was not involved on the hiring  
[21] process, and I -- you know, as far as I know,  
[22] it's going, you know, according to schedule.

[23] **MAYOR JENKINS:** The question Miss  
[24] Fraysse asked about how to find current  
[25] ordinances, that is up to date now; is that

[1] **COUNCILMEMBER SPANGLER:** I say no.  
[2] Seventy-six cents is not a lot of money to some  
[3] of us, but to other people, it is. We just --  
[4] we've already had one rate increase, and I just  
[5] don't feel like we need to go with another one.

[6] **COUNCILMEMBER PITTMAN:** Well, I'm  
[7] sorry. I disagree with that because I feel that  
[8] it's expected, and I think anyone that has a  
[9] business at this time is suffering. So I think  
[10] 76 cents is fair, and I would say yes.

[11] **COUNCILMEMBER FLEMING:** And as a  
[12] comment, it's 76 cents per month, not per  
[13] quarter.

[14] **MAYOR JENKINS:** Per month; is that  
[15] right? Rick, I believe that's right.

[16] **ATTORNEY POWELL:** I don't know. I  
[17] don't have the letter with me.

[18] **COUNCILMEMBER PITTMAN:** Mayor, do you  
[19] have the letter?

[20] **MAYOR JENKINS:** Yes.

[21] **COUNCILMEMBER PITTMAN:** It's per month.

[22] **MAYOR JENKINS:** It's per month, for  
[23] residential customers.

[24] **COUNCILMEMBER SPANGLER:** So it's  
[25] \$3.04 --

Page 9

[1]           **MAYOR JENKINS:** Per month.  
 [2]           **COUNCILMEMBER SPANGLER:** -- a month?  
 [3]           **COUNCILMEMBER FLEMING:** I just wanted  
 [4] to clarify that for everyone; yes, sir. Thank  
 [5] you.  
 [6]           **MAYOR JENKINS:** Yeah. Go ahead. Thank  
 [7] you.  
 [8]           In other words, it would be three times  
 [9] that per quarter; right?  
 [10]           **COUNCILMEMBER FLEMING:** Yes, sir,  
 [11] that's correct.  
 [12]           **COUNCILMEMBER ROCHE:** So the total  
 [13] amount for each quarter will end up being I  
 [14] think it's forty-five now, plus that?  
 [15]           **COUNCILMEMBER FLEMING:** Two twenty-five  
 [16] plus eighteen.  
 [17]           **MAYOR JENKINS:** You're right at fifty-  
 [18] one.  
 [19]           **COUNCILMEMBER FLEMING:** Two twenty-five  
 [20] plus eighteen.  
 [21]           **COUNCILMEMBER ROCHE:** I'm sorry?  
 [22]           **COUNCILMEMBER FLEMING:** Two twenty-five  
 [23] plus eighteen.  
 [24]           **COUNCILMEMBER ROCHE:** Two twenty-five.  
 [25]           **COUNCILMEMBER FLEMING:** Two forty-

Page 11

[1]           **COUNCILMEMBER BATES:** So that actually  
 [2] equates to \$45.96 per quarter, and we're  
 [3] charging \$45.00. So as it sits right now, we're  
 [4] losing 96 cents per household.  
 [5]           **MS. MURPHY:** Well, on most of the  
 [6] households, we're paying the \$15 and change;  
 [7] but on some, the people that are exempt, we're  
 [8] paying only \$10 and change. So we're not --  
 [9] we're still losing because of the exemptions but  
 [10] not --  
 [11]           **COUNCILMEMBER BATES:** But the exempted  
 [12] folks aren't paying --  
 [13]           **MS. MURPHY:** At all.  
 [14]           **COUNCILMEMBER BATES:** -- at all. So --  
 [15]           **MS. MURPHY:** Right.  
 [16]           **COUNCILMEMBER BATES:** -- the exempted  
 [17] folks, we're paying \$10 per household and non-  
 [18] exempt folks, we're paying 96 cents extra per  
 [19] household than what we're collecting.  
 [20]           **MS. MURPHY:** Yes.  
 [21]           **COUNCILMEMBER BATES:** So we're -- on  
 [22] sanitation --  
 [23]           **MS. MURPHY:** We're still losing.  
 [24]           **COUNCILMEMBER BATES:** -- we're not at  
 [25] break-even.

Page 10

[1]           three.  
 [2]           **COUNCILMEMBER ROCHE:** Per quarter?  
 [3]           **COUNCILMEMBER FLEMING:** Uh-huh.  
 [4]           Seventy-six cents.  
 [5]           **COUNCILMEMBER ROCHE:** Oh, no. I got  
 [6] that. I was just saying plus the forty-five.  
 [7]           **COUNCILMEMBER FLEMING:** Oh, I'm sorry.  
 [8]           **COUNCILMEMBER ROCHE:** So it's going to  
 [9] be just under \$50.00 a quarter.  
 [10]           **COUNCILMEMBER SPANGLER:** What is it  
 [11] presently now, Ms. Murphy?  
 [12]           **MS. MURPHY:** Forty-five.  
 [13]           **COUNCILMEMBER SPANGLER:** Forty-five per  
 [14] quarter?  
 [15]           **MAYOR JENKINS:** Even.  
 [16]           **COUNCILMEMBER SPANGLER:** So it would be  
 [17] \$48.04?  
 [18]           **MS. MURPHY:** If that's what you-all  
 [19] decide.  
 [20]           **COUNCILMEMBER BATES:** Well, I think  
 [21] it's important to note that the --  
 [22]           And Priscilla, correct me if I'm wrong,  
 [23] but we're paying Advanced \$15.31 per month per  
 [24] household; is that correct?  
 [25]           **MS. MURPHY:** Yes.

Page 12

[1]           **COUNCILMEMBER SPANGLER:** Never have  
 [2] been.  
 [3]           **MS. MURPHY:** Right.  
 [4]           **COUNCILMEMBER BATES:** Well, first, for  
 [5] the record, Mr. Edwards needed to come down to  
 [6] 76 cents because that's per contract, the rate  
 [7] can't increase more than 5 percent per year. So  
 [8] he couldn't do 96 cents per contract.  
 [9]           It's the cost of doing business. I  
 [10] mean everybody's hitting it, and, you know, it  
 [11] stinks, but it's reality. And we can not do it,  
 [12] but we're going to eat it up somewhere else.  
 [13]           **COUNCILMEMBER SPANGLER:** Well, like I  
 [14] said at the work session, there's nothing wrong  
 [15] with putting RFP's back out. You know, we might  
 [16] want to consider doing that to get -- even go  
 [17] back to twice-a-week pickup.  
 [18]           - - -  
 [19]           (Brief discussion off the record among  
 [20] Council members.)  
 [21]           - - -  
 [22]           **MAYOR JENKINS:** Any more comments?  
 [23]           **COUNCILMEMBER PITTMAN:** Pam has a  
 [24] question.  
 [25]           **COUNCILMEMBER FLEMING:** I did have a

[1] question, Mayor. Was there an increase last  
 [2] year?  
 [3] **COUNCILMEMBER BATES:** According --  
 [4] **COUNCILMEMBER FLEMING:** Did he use the  
 [5] contracted 5 percent last year?  
 [6] **COUNCILMEMBER BATES:** It looks --  
 [7] **MAYOR JENKINS:** I don't think so.  
 [8] **MS. MURPHY:** I don't think so, Mayor.  
 [9] **COUNCILMEMBER BATES:** He went below 5  
 [10] percent. The 5 percent, from \$14.75 to \$15.31  
 [11] would have been 73 cents, and he went up 56. So  
 [12] he was lower than the 5 percent.  
 [13] **COUNCILMEMBER ROCHE:** I do think it  
 [14] might be worthwhile to . . .  
 [15] **COUNCILMEMBER BATES:** Rick, I didn't  
 [16] see in here. Is there a severance clause in the  
 [17] contract, do you know?  
 [18] **ATTORNEY POWELL:** That's if they're in  
 [19] default, I believe.  
 [20] **COUNCILMEMBER BATES:** Material breach?  
 [21] **ATTORNEY POWELL:** Yes.  
 [22] **COUNCILMEMBER BATES:** So there would be  
 [23] penalties to go out for bids and change vendors  
 [24] at this time?  
 [25] **ATTORNEY POWELL:** Unless we could claim

[1] users. I mean it opens a whole 'nother set of  
 [2] problems or questions that need to be answered,  
 [3] so --  
 [4] **COUNCILMEMBER SPANGLER:** So you make a  
 [5] motion to postpone it?  
 [6] **COUNCILMEMBER ROCHE:** Well, no. I'm  
 [7] just thinking that's a different issue. I mean  
 [8] I think before us is, do we pay for this rate  
 [9] change?  
 [10] **COUNCILMEMBER SPANGLER:** Well, just --  
 [11] **COUNCILMEMBER ROCHE:** But I think -- I  
 [12] think it's something that ought to be looked at  
 [13] but maybe the next meeting or the next agenda.  
 [14] **COUNCILMEMBER BATES:** Just -- just to  
 [15] put it out there, at our current rate that we're  
 [16] paying them and not collecting, we're losing  
 [17] \$19,584 a year in sanitation, of non-collectible  
 [18] monies. So if we're going to be a fiscally  
 [19] responsible government, then you can't build a  
 [20] hamburger or make a hamburger for 70 cents and  
 [21] sell it for 65 and expect to stay in business.  
 [22] **COUNCILMEMBER SPANGLER:** So what do you  
 [23] want to do? Start charging the seniors for --  
 [24] **COUNCILMEMBER BATES:** We're going to  
 [25] have to --

[1] he was in breach of the contract.  
 [2] **COUNCILMEMBER SPANGLER:** You've always  
 [3] said, Mr. Powell, that that could be done pretty  
 [4] easily.  
 [5] **ATTORNEY POWELL:** Well, we can -- we  
 [6] can try.  
 [7] **COUNCILMEMBER SPANGLER:** I'm just  
 [8] saying.  
 [9] **ATTORNEY POWELL:** Yes, we can try.  
 [10] **COUNCILMEMBER ROCHE:** I guess my  
 [11] question is how did we end up with a two-year  
 [12] contract?, when I thought it was a city  
 [13] ordinance, or whatever, that we couldn't do a  
 [14] contract for more than two years. That was  
 [15] before my time.  
 [16] **ATTORNEY POWELL:** In general, state law  
 [17] says that, but there are exceptions, and I  
 [18] believe this fits --  
 [19] **COUNCILMEMBER ALEXANDER:** Service  
 [20] delivery exceptions.  
 [21] **COUNCILMEMBER ROCHE:** I mean I think it  
 [22] might be worthwhile to bring this up again at a  
 [23] different time, because we have to ask the  
 [24] question, what happens if the annexation passes?  
 [25] You know, now we've got a whole bunch more

[1] **COUNCILMEMBER SPANGLER:** -- the sani-  
 [2] tation fee?  
 [3] **COUNCILMEMBER BATES:** -- evaluate a lot  
 [4] of different things in the next budget.  
 [5] **COUNCILMEMBER SPANGLER:** I'm just  
 [6] saying, though, for the record, do you want to  
 [7] start charging seniors?  
 [8] **COUNCILMEMBER BATES:** For the record, I  
 [9] think we need non-exempt residents, including  
 [10] myself, to pay the rate that we're being charged  
 [11] by the sanitation company, at the minimum.  
 [12] That's only appropriate, non-exempt or -- or --  
 [13] we're going to have to have that discussion.  
 [14] **COUNCILMEMBER SPANGLER:** You know,  
 [15] that's one of the benefits of living in the city  
 [16] of Doraville: when you do become of age, that  
 [17] you get some of these freebies. Okay? So I  
 [18] really would rather not attempt to do that.  
 [19] **COUNCILMEMBER BATES:** Well, what I'm  
 [20] advocating is that we do increase the surcharge  
 [21] for fuel at the 76 cents.  
 [22] **MAYOR JENKINS:** You make that in the  
 [23] form of a motion?  
 [24] **COUNCILMEMBER BATES:** I'll move that we  
 [25] accept the 76 cents a month surcharge.

Page 17

[1] **COUNCILMEMBER PITTMAN:** Second.

[2] **MAYOR JENKINS:** Any more discussion?

[3] **COUNCILMEMBER ROCHE:** Just that I mean

[4] I'll go ahead and support this, but I think we

[5] definitely need to look at this contract, I mean

[6] particularly in terms of what the annexation --

[7] the effect that the annexation would have on

[8] this. For all we know, we're going to annex --

[9] you know, half the people we're annexing will be

[10] exempt, you know. We could get in really -- in

[11] bad trouble.

[12] But you're absolutely right about the

[13] fiscal responsibility part.

[14] **CLERK BLACKMON:** Did that need to be

[15] voted on to add to the agenda or --

[16] **MAYOR JENKINS:** No, that's on the

[17] agenda, actually.

[18] **CLERK BLACKMON:** Under you?

[19] **MAYOR JENKINS:** It was under mine.

[20] **CLERK BLACKMON:** Okay.

[21] **MAYOR JENKINS:** I just didn't write it

[22] down.

[23] Yes, ma'am.

[24] **MS. MURPHY:** Can we decide on how much

[25] we're going to charge the residents during the

Page 18

[1] budget meetings instead of now? We just billed

[2] out for April, May and June and won't bill again

[3] until July.

[4] **MAYOR JENKINS:** All we have a motion

[5] for is that we raise the rates now. Whatever we

[6] do otherwise, we'll . . .

[7] **COUNCILMEMBER ROCHE:** But we don't have

[8] to pay the -- the next bill's not due until

[9] July?

[10] **MS. MURPHY:** No. Well, we pay Advanced

[11] Disposal every month. So we need to determine

[12] when this is going to start, too, or maybe that

[13] letter says when it's going to start. But we've

[14] already billed everything we're going to bill to

[15] the citizens already.

[16] **COUNCILMEMBER ROCHE:** All the way

[17] through July.

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

[19] **COUNCILMEMBER ROCHE:** So you're saying

[20] this'll be --

[21] **MS. MURPHY:** Through June.

[22] **COUNCILMEMBER ROCHE:** -- an increase in

[23] between, in the middle of a quarter.

[24] **COUNCILMEMBER BATES:** Well, I'll amend

[25] the motion to do the rate increase effective

Page 19

[1] with the July 1st billing both for collecting

[2] and paying.

[3] **MS. MURPHY:** Okay.

[4] **COUNCILMEMBER PITTMAN:** I'll second

[5] that.

[6] **MAYOR JENKINS:** Any more discussion?

[7] Call the roll, please.

[8] **CLERK BLACKMON:** Councilmember

[9] Alexander?

[10] **COUNCILMEMBER ALEXANDER:** Yes.

[11] **CLERK BLACKMON:** Councilmember Bates?

[12] **COUNCILMEMBER BATES:** Yes.

[13] **CLERK BLACKMON:** Councilmember Fleming?

[14] **COUNCILMEMBER FLEMING:** Yes.

[15] **CLERK BLACKMON:** Councilmember Pittman?

[16] **COUNCILMEMBER PITTMAN:** Yes.

[17] **CLERK BLACKMON:** Councilmember Roche?

[18] **COUNCILMEMBER ROCHE:** Yes.

[19] **CLERK BLACKMON:** Councilmember

[20] Spangler?

[21] **COUNCILMEMBER SPANGLER:** No.

[22] **MAYOR JENKINS:** Okay. Mr. Bates, item

[23] number 4.

[24] **COUNCILMEMBER BATES:** We talked at the

[25] work session of doing an either-and-or retreat

Page 20

[1] for staff/council -- staff/council relation team

[2] building.

[3] With the schedule of events -- well, on

[4] the city events that are coming up in May and

[5] June, I'm going to make a recommendation that we

[6] look at doing a Council retreat in the fall

[7] after we get through the summer months.

[8] Ms. Fleming has got some good

[9] information on a staff/council relationship

[10] course, and I think we've got a date set, so

[11] I'll let you talk about that.

[12] But as far as a Council retreat, I will

[13] be recommending that we do that in the fall.

[14] **COUNCILMEMBER FLEMING:** The council/

[15] staff relations class is one that would benefit

[16] all of the Council members and, of course, as

[17] you all know, we do have four brand new members.

[18] They will come on site into City Hall or at a

[19] designated location -- for instance, like the

[20] civic center -- for up to 20 people. And what

[21] we as Council had discussed at the work session,

[22] it would be the department heads or the

[23] directors of each department, the staff at City

[24] Hall, which would be about 17 total people if we

[25] all came. And I think we would want to try to

[1] make it as mandatory as possible because we all  
[2] need to know what we expect of our department  
[3] heads, and they need to know what is expected of  
[4] us as well.

[5] And they will come to our location,  
[6] like I said, for \$1400, and that's total for 20  
[7] people. Now, this particular class, either  
[8] online or singularly if one person wanted to  
[9] take it is \$215. So it is definitely a savings  
[10] for the City if we all do it at once, and I  
[11] think it would definitely benefit all of us.

[12] **COUNCILMEMBER ROCHE:** I think the  
[13] advantage of doing it on site with everybody in  
[14] the same room would be pretty big, because  
[15] obviously we could take it individually online.  
[16] But from what I understand, there's a lot of  
[17] role-playing issues --

[18] **COUNCILMEMBER FLEMING:** There is  
[19] indeed.

[20] **COUNCILMEMBER ROCHE:** -- and that sort  
[21] of thing, so there's a lot of interaction, too,  
[22] that obviously you're not going to get with an  
[23] online class.

[24] **COUNCILMEMBER FLEMING:** Yes, there is.  
[25] So -- I'm sorry. Go ahead, Mayor.

[1] **MAYOR JENKINS:** No, go ahead.

[2] **COUNCILMEMBER FLEMING:** No, sir. Go  
[3] right ahead.

[4] **MAYOR JENKINS:** Do we need any kind of  
[5] motion on that or just --

[6] **ATTORNEY POWELL:** Yeah, if we decide to  
[7] do that.

[8] **COUNCILMEMBER FLEMING:** Excuse me. I  
[9] don't believe I mentioned the date. The date  
[10] would be July 12th. I think the consensus was  
[11] July the 12th.

[12] **ATTORNEY POWELL:** You probably should  
[13] do a motion to show that y'all are in agreement  
[14] to do that.

[15] **COUNCILMEMBER BATES:** I'll make a  
[16] motion that we move forward with a staff/council  
[17] workshop for July the 12th.

[18] **COUNCILMEMBER ALEXANDER:** Second.

[19] **MAYOR JENKINS:** Any more discussion?  
[20] Call the roll.

[21] **CLERK BLACKMON:** Councilmember  
[22] Alexander?

[23] **COUNCILMEMBER ALEXANDER:** Yes.

[24] **CLERK BLACKMON:** Councilmember Bates?

[25] **COUNCILMEMBER BATES:** Yes.

[1] **CLERK BLACKMON:** Councilmember Fleming?

[2] **COUNCILMEMBER FLEMING:** Yes.

[3] **CLERK BLACKMON:** Councilmember Pittman?

[4] **COUNCILMEMBER PITTMAN:** Yes.

[5] **CLERK BLACKMON:** Councilmember Roche?

[6] **COUNCILMEMBER ROCHE:** Yes.

[7] **CLERK BLACKMON:** Councilmember

[8] Spangler?

[9] **COUNCILMEMBER SPANGLER:** No. And the  
[10] reason I say no is because I can't get off on  
[11] that date, off from work.

[12] **COUNCILMEMBER BATES:** IT discussion.

[13] At the work session, we talked about doing an IT  
[14] audit.

[15] Priscilla, did you by any chance get  
[16] any information regarding --

[17] **MS. MURPHY:** I gave it --

[18] **MAYOR JENKINS:** Yes --

[19] **MS. MURPHY:** -- to the Mayor.

[20] **MAYOR JENKINS:** -- we did.

[21] Explain to the audience what IT is,  
[22] please.

[23] **COUNCILMEMBER BATES:** IT is information  
[24] technology, and it is -- you know, in the world  
[25] of the internet and electronic communication and

[1] web sites and servers and all that good stuff,  
[2] it's really what keeps us functioning and  
[3] current with the trends that are happening  
[4] today.

[5] An IT audit comes through and looks to  
[6] make sure that what we're doing is appropriate,  
[7] that our security measures are in place, that  
[8] we've got appropriate software to manage the  
[9] usage that we're undertaking, that we're not  
[10] being duplicitous in effort -- i.e., one depart-  
[11] ment using one software and another department  
[12] using something different -- to make recommen-  
[13] dations on streamlining and to do a general  
[14] evaluation of the security of the -- of the  
[15] systems.

[16] You know, if you think about it, we've  
[17] got City Hall, we've got the Police Department,  
[18] we've got the courts that all need to be  
[19] connected electronically and do what we should  
[20] to make sure that those systems are secure and  
[21] safe.

[22] There was concern regarding, you know,  
[23] the cost of that.

[24] Did they provide cost, Mr. Mayor?

[25] **MAYOR JENKINS:** We went through GMA to

Page 25

[1] a company called MEMSWare that GMA recommended,  
 [2] and they want \$3,975 for the Police Department  
 [3] and \$3,975 for the rest of the entire city.  
 [4] **COUNCILMEMBER BATES:** Is that based  
 [5] upon the number of servers or --  
 [6] **MS. MURPHY:** Yes.  
 [7] **COUNCILMEMBER BATES:** And we've got how  
 [8] many servers?  
 [9] **MS. MURPHY:** Twelve.  
 [10] **COUNCILMEMBER BATES:** So this would  
 [11] equate to doing a financial audit of the books  
 [12] that's required every year. Personally, I think  
 [13] it would be a smart thing to do, but I'll leave  
 [14] that up to the Council to discuss.  
 [15] **COUNCILMEMBER ROCHE:** Yeah. And I  
 [16] think this initial audit would be more or less a  
 [17] network audit to make sure that all the hardware  
 [18] is right and the applications -- not too much  
 [19] the applications, but the operating systems are  
 [20] correct; that as Councilman Bates said, the  
 [21] security's in place, that we don't have any  
 [22] illegal software that someone may have loaded  
 [23] accidentally -- or of course, it would only  
 [24] happen accidentally -- people aren't playing  
 [25] blackjack, you know, or online, you know,

Page 26

[1] whatever, that sort of thing.  
 [2] So I think the first step would be to  
 [3] look at our network infrastructure, which is  
 [4] basically the hardware and the lines connecting  
 [5] them, et cetera, et cetera. And I like the  
 [6] idea, of course. That's kind of partly what I  
 [7] do for a living, so.  
 [8] But I would highly recommend that we go  
 [9] ahead with the GMA and the MEMS and have them  
 [10] come in and begin with that audit. In fact,  
 [11] I'll make that motion, that we go ahead and  
 [12] spend the just under \$8,000.  
 [13] I don't like spending money, either,  
 [14] but I think it's a long time since an audit's  
 [15] happened. And any good place, just as  
 [16] Councilman Bates said, you know, any accounting  
 [17] system needs a good audit to make sure that --  
 [18] that we're doing what's best. We don't have to  
 [19] necessarily have the latest software and the  
 [20] latest equipment on everything but we need to  
 [21] make sure that what we do have is safe and  
 [22] secure and that. So end of speech.  
 [23] But I make the motion that we go ahead  
 [24] and spend the -- actually, I think there's money  
 [25] in the budget in the Police Department and in

Page 27

[1] the City Hall for computer services, so I think  
 [2] the money would have already been budgeted,  
 [3] anyway.  
 [4] **COUNCILMEMBER BATES:** You know, we've  
 [5] got unspent resources in --  
 [6] **MS. MURPHY:** Yes.  
 [7] **COUNCILMEMBER BATES:** -- those  
 [8] departments --  
 [9] **COUNCILMEMBER ROCHE:** Exactly.  
 [10] **COUNCILMEMBER BATES:** -- that we can  
 [11] just allocate.  
 [12] **MS. MURPHY:** Yes.  
 [13] **COUNCILMEMBER ROCHE:** So my motion is  
 [14] that we spend that allocated money out of the  
 [15] budget to go ahead and get the network done.  
 [16] That's the first phase. We need to understand  
 [17] that's just the beginning. Later, we need to  
 [18] look at applications and a whole bunch of other  
 [19] stuff that I won't bore you with.  
 [20] **MAYOR JENKINS:** Second?  
 [21] **COUNCILMEMBER BATES:** Second.  
 [22] **MAYOR JENKINS:** Any more discussion?  
 [23] **COUNCILMEMBER BATES:** I will just  
 [24] follow up with they may also come back with  
 [25] recommendations that we haven't thought of on

Page 28

[1] best practices. So any time you have a third  
 [2] party that's independent, oftentimes you get new  
 [3] ideas that, you know, you can better implement  
 [4] and help the system and the process move along,  
 [5] so --  
 [6] **MAYOR JENKINS:** Call the roll.  
 [7] **CLERK BLACKMON:** Councilmember  
 [8] Alexander?  
 [9] **COUNCILMEMBER ALEXANDER:** Yes.  
 [10] **CLERK BLACKMON:** Councilmember Bates?  
 [11] **COUNCILMEMBER BATES:** Yes.  
 [12] **CLERK BLACKMON:** Councilmember Fleming?  
 [13] **COUNCILMEMBER FLEMING:** Yes.  
 [14] **CLERK BLACKMON:** Councilmember Pittman?  
 [15] **COUNCILMEMBER PITTMAN:** Yes.  
 [16] **CLERK BLACKMON:** Councilmember Roche?  
 [17] **COUNCILMEMBER ROCHE:** Yes.  
 [18] **CLERK BLACKMON:** Councilmember  
 [19] Spangler?  
 [20] **COUNCILMEMBER SPANGLER:** Yes.  
 [21] **MAYOR JENKINS:** Thank you.  
 [22] Citizens recognition award.  
 [23] **COUNCILMEMBER BATES:** At the last work  
 [24] session, I presented a draft on the newly-  
 [25] created or proposed-to-be-created Doraville

[1] Distinction Award which would be to recognize  
[2] residents, businesses and organizations that  
[3] work to make Doraville a great place to live,  
[4] for those who go above and beyond.

[5] We don't do a very good job of  
[6] recognizing those who work diligently to make  
[7] our city a great place to live, and those are  
[8] the residents and the volunteers who are out  
[9] there working day in and day out to really take  
[10] us to the next level. So barring any comments  
[11] or recommendations on changing the process, I  
[12] will put that out there for motion and vote.

[13] **COUNCILMEMBER ALEXANDER:** Where would  
[14] these documents be available? Will we have a  
[15] stack at City Hall?

[16] **COUNCILMEMBER BATES:** They would be  
[17] available on the new web site and at City Hall.  
[18] They would be available through our City Clerk.

[19] **MAYOR JENKINS:** Put that in the form of  
[20] a motion.

[21] **COUNCILMEMBER BATES:** Sure. I'll make  
[22] a motion that we adopt the Doraville Distinction  
[23] Award.

[24] **MAYOR JENKINS:** Doraville Distinction.

[25] **COUNCILMEMBER ROCHE:** You know, I guess

[1] **COUNCILMEMBER SPANGLER:** Okay. So what  
[2] happens if we have someone, a third or a fourth  
[3] person, that would be -- should get some type of  
[4] recognition? We just had a citizen that -- I  
[5] think he broke a record for enlisting, re-  
[6] enlisting in the service at the age that he was.

[7] **COUNCILMEMBER BATES:** I have got that  
[8] covered. There is a clause in the proposal that  
[9] says flexibility in awarding recognitions, and  
[10] it reads, "Should exceptional circumstances  
[11] arise in which it would be appropriate to  
[12] recognize an individual, organization or  
[13] business outside of the criteria established  
[14] herein or make an award outside of the time  
[15] period set herein or make an award or awards  
[16] that exceed the number established herein, the  
[17] City Council has the authority to grant such  
[18] exceptions."

[19] **MAYOR JENKINS:** Very good.

[20] **COUNCILMEMBER BATES:** Does that help?

[21] **COUNCILMEMBER SPANGLER:** Yes, sir. And  
[22] you know who I'm talking about.

[23] **COUNCILMEMBER BATES:** Yes, sir.

[24] **COUNCILMEMBER SPANGLER:** Mr. Tom  
[25] (inaudible).

[1] I would make it clear that the people doing the  
[2] deciding would not be people that live in  
[3] Doraville.

[4] **COUNCILMEMBER BATES:** Yeah. The  
[5] selection process as it's proposed is that the  
[6] City Clerk would identify three individuals who  
[7] are not living in or doing business with the  
[8] City of Doraville -- i.e., city clerks or city  
[9] administrators from different municipalities --  
[10] that would review the applications and the  
[11] nominations independently so that their  
[12] perception of bias or impropriety would be gone.

[13] **MAYOR JENKINS:** Who would be putting in  
[14] the applications?

[15] **COUNCILMEMBER BATES:** The applications  
[16] or nominations could be made by anybody --  
[17] employee --

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

[19] **COUNCILMEMBER BATES:** -- resident,  
[20] Council, business owner.

[21] **COUNCILMEMBER SPANGLER:** And how many  
[22] times a year are we going to do this?

[23] **COUNCILMEMBER BATES:** The proposed  
[24] process was for two awards, one in July and one  
[25] in December.

[1] **COUNCILMEMBER FLEMING:** Brian?

[2] **COUNCILMEMBER BATES:** Yes, ma'am.

[3] **COUNCILMEMBER FLEMING:** If this passes,  
[4] we need to remind everybody that they've got 25  
[5] days to submit their first application.

[6] **COUNCILMEMBER BATES:** Yeah. The first  
[7] deadline would be May 30th for the July  
[8] presentations, and we'll make these -- if it  
[9] passes, we'll make these available right away.

[10] **MAYOR JENKINS:** We've got a motion. Do  
[11] I get a second?

[12] **COUNCILMEMBER ALEXANDER:** Second.

[13] **MAYOR JENKINS:** Any more discussion?  
[14] Call the roll, please.

[15] **CLERK BLACKMON:** Councilmember  
[16] Alexander?

[17] **COUNCILMEMBER ALEXANDER:** Yes.

[18] **CLERK BLACKMON:** Councilmember Bates?

[19] **COUNCILMEMBER BATES:** Yes.

[20] **CLERK BLACKMON:** Councilmember Fleming?

[21] **COUNCILMEMBER FLEMING:** Yes.

[22] **CLERK BLACKMON:** Councilmember Pittman?

[23] **COUNCILMEMBER PITTMAN:** Yes.

[24] **CLERK BLACKMON:** Councilmember Roche?

[25] **COUNCILMEMBER ROCHE:** Yes.

Page 33

[1] **CLERK BLACKMON:** Councilmember  
 [2] Spangler?  
 [3] **COUNCILMEMBER SPANGLER:** Yes.  
 [4] **MAYOR JENKINS:** Okay.  
 [5] **COUNCILMEMBER BATES:** Thank you all.  
 [6] All right. My last item, the most  
 [7] exciting item of the agenda.  
 [8] **COUNCILMEMBER SPANGLER:** You have two.  
 [9] **COUNCILMEMBER ALEXANDER:** That's two.  
 [10] **COUNCILMEMBER BATES:** Well, I'm  
 [11] combining 7 and 8.  
 [12] **MAYOR JENKINS:** Okay. Good.  
 [13] **COUNCILMEMBER BATES:** This will be very  
 [14] short and sweet.  
 [15] There have been a number of residents  
 [16] who have talked to me about unfortunate  
 [17] accidents in our city parks and looking at  
 [18] finding a place in the city to create what's  
 [19] known in the city as an off-leash dog run or  
 [20] supervised dog run where people who have puppies  
 [21] and pooches can go out and let their dogs run  
 [22] and be supervised and get a little bit of  
 [23] exercise.  
 [24] The city does require -- we do have a  
 [25] leash law, and we do have -- thank you to

Page 35

[1] are operated, what their risk is, what their  
 [2] costs associated are; you know, do they do  
 [3] sponsor --  
 [4] I know Piedmont Park, and their dog run  
 [5] is sponsored. You know, they have vets and  
 [6] doggy daycares and people who actually advertise  
 [7] on the facility to help pay for the cost of  
 [8] cleanup and, you know, the doggy bags and things  
 [9] like that.  
 [10] So this is not something that's going  
 [11] to happen overnight, but we need to look and see  
 [12] if it's practical and viable, and if not, we  
 [13] will make it go away.  
 [14] **MAYOR JENKINS:** I've got a question.  
 [15] How would it be supervised?  
 [16] **COUNCILMEMBER BATES:** Well, the dog  
 [17] owners would supervise it. It's not a, you  
 [18] know, free run, drop-your-dog-off, go home. The  
 [19] owners would be responsible for being there and  
 [20] monitoring their dogs' behavior and, you know,  
 [21] intervening if something happened, and scooping  
 [22] appropriately. So it would be supervised by the  
 [23] -- by the owner.  
 [24] **MAYOR JENKINS:** Would this be a 24-hour  
 [25] situation or --

Page 34

[1] Ms. Blackmon for finding this -- we do have a  
 [2] requirement to pick up excrement. Accidents  
 [3] happen; people forget them; people forget the  
 [4] doggy bags, et cetera, et cetera.  
 [5] I'm going to ask that the Council allow  
 [6] me to form a committee to study both the  
 [7] receptacle pieces of equipment that would allow  
 [8] doggy bags to be there as well as evaluate the  
 [9] location and pros and cons of establishing an  
 [10] off-leash dog run park. And I have people who  
 [11] are interested in serving on said committee.  
 [12] Do I have permission?  
 [13] **MAYOR JENKINS:** No comments?  
 [14] **COUNCILMEMBER ROCHE:** Well, I --  
 [15] **MAYOR JENKINS:** I --  
 [16] **COUNCILMEMBER ROCHE:** I guess my  
 [17] concern -- sorry. Go ahead.  
 [18] **MAYOR JENKINS:** I would think about the  
 [19] liability of --  
 [20] **COUNCILMEMBER BATES:** Well, and that  
 [21] would be -- the charge of the committee would be  
 [22] to evaluate the cost, the insurance liability,  
 [23] you know, and look at -- there are a number of  
 [24] other municipalities that have off-leash dog  
 [25] runs, and we would, you know, look at how those

Page 36

[1] **COUNCILMEMBER BATES:** No. It would be  
 [2] bound by our city parks laws, which would be  
 [3] 11:00 to -- 7:00 to 11:00 or -- or dawn till  
 [4] dusk.  
 [5] **COUNCILMEMBER ROCHE:** Got a question.  
 [6] **MAYOR JENKINS:** Go ahead.  
 [7] **COUNCILMEMBER ROCHE:** Oh. I was going  
 [8] to say, we have a question, and I -- I'd like to  
 [9] make a comment, too, so. But we have a question  
 [10] in the audience.  
 [11] **MAYOR JENKINS:** Yes, ma'am. Give your  
 [12] name, please.  
 [13] **MS. HOFFMEISTER:** I certainly will.  
 [14] Haven't heard from me for a while.  
 [15] Bonita Hoffmeister, Spanish Oak Drive,  
 [16] Doraville.  
 [17] Brian, I'd like you to look into seeing  
 [18] if there's a possibility of some grant money in  
 [19] this even through County or the State, because  
 [20] we do have a lot of properties in Doraville that  
 [21] are right next to a creek, that are -- some of  
 [22] them are in bankruptcy now, foreclosures,  
 [23] especially the north fork of North Peachtree  
 [24] Creek. We've got about three homes right there  
 [25] that would make a wonderful dog run.

[1] And this is an exceptional program. It  
[2] does help your neighborhood and the status of  
[3] your neighborhood if we have something like  
[4] this. The one in Doraville -- I mean in  
[5] Dunwoody is run by the individuals, supervised  
[6] by the County, and is an exceptional facility  
[7] that we should try to match.

[8] Thank you.  
[9] **COUNCILMEMBER BATES:** Thank you.

[10] Yeah. There are some really great  
[11] examples of well-maintained facilities out  
[12] there, and, you know, we would be looking at  
[13] evaluating all of those. And that's a great  
[14] idea on the grants.

[15] **COUNCILMEMBER ROCHE:** Yeah. And I'll  
[16] just say I like the idea, but my concern is  
[17] this: I mean we have a limited amount of green  
[18] space, and anything we fence in for dogs,  
[19] obviously we're taking away from the rest of the  
[20] park.

[21] The second thing is that, you know,  
[22] right now we have English Oak Park -- my concern  
[23] is that somewhere along the line we're looking  
[24] at spending well over half a million dollars on  
[25] repairing the parks, as it is, and I'm just

[1] going to be checking on the cost and the  
[2] insurance?

[3] **COUNCILMEMBER BATES:** The committee --  
[4] the committee would be tasked with a number of  
[5] things. One would be practicality; cost as far  
[6] as maintenance, liability risk, exposure,  
[7] location, facility maintenance, sponsorship. I  
[8] think we can partner with Mr. Howe and look at  
[9] and follow up on Ms. Hoffmeister's suggestion on  
[10] grants.

[11] You know, this would be, you know, a  
[12] three, four, five, six-month process to make  
[13] sure that we do appropriate -- do our research,  
[14] get our ducks in a row. And it may come back as  
[15] not practical.

[16] **MAYOR JENKINS:** You want a motion to do  
[17] the study or just --

[18] **COUNCILMEMBER BATES:** I would just like  
[19] a motion to be able to form a committee to  
[20] study.

[21] **COUNCILMEMBER ALEXANDER:** I make the  
[22] motion.

[23] **COUNCILMEMBER BATES:** Thank you.

[24] **COUNCILMEMBER FLEMING:** Second.

[25] **MAYOR JENKINS:** Any more discussion?

[1] concerned that, you know, we need to keep our  
[2] priorities straight as far as repairing the  
[3] parks. I like dogs, but I like kids more, you  
[4] know.

[5] And I did ask my cat. She was against  
[6] it, I'm afraid, but --

[7] I would say that it's not a bad idea.  
[8] I'm just not sure that it's --

[9] **COUNCILMEMBER BATES:** Well, that --

[10] **COUNCILMEMBER ROCHE:** -- the highest  
[11] priority.

[12] **COUNCILMEMBER BATES:** That would be the  
[13] charge of the committee, and it's -- it's --  
[14] you're absolutely right. We've got much more  
[15] important things to do.

[16] But this is fun. I've been requested  
[17] to look into this. So that's why I'm asking the  
[18] Council to allow us to move forward with  
[19] investigating the practicality of doing it.

[20] And it would not be taking away any of  
[21] our existing parks. It would be looking for an  
[22] appropriate facility and location within the  
[23] city that is easily accessible and enhances the  
[24] city, not takes away from it.

[25] **COUNCILMEMBER SPANGLER:** So you're

[1] Call the roll, please.

[2] **CLERK BLACKMON:** Councilmember  
[3] Alexander?

[4] **COUNCILMEMBER ALEXANDER:** Yes.

[5] **CLERK BLACKMON:** Councilmember Bates?

[6] **COUNCILMEMBER BATES:** Yes.

[7] **CLERK BLACKMON:** Councilmember Fleming?

[8] **COUNCILMEMBER FLEMING:** Yes.

[9] **CLERK BLACKMON:** Councilmember Pittman?

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

[11] **CLERK BLACKMON:** Councilmember Roche?

[12] **COUNCILMEMBER ROCHE:** No.

[13] **CLERK BLACKMON:** Councilmember  
[14] Spangler?

[15] **COUNCILMEMBER SPANGLER:** I'm going to  
[16] say yes.

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

[18] Donna?

[19] **COUNCILMEMBER PITTMAN:** First of all, I  
[20] would like to thank everyone in the Quality of  
[21] Life unit for a great Cleanup Day. Those of you  
[22] that came out and the Council members that  
[23] participated, I really appreciate it. It was a  
[24] lot of fun. We picked up a big dump-truck load  
[25] of trash, and we hope to have another one coming

Page 41

[1] up this fall. It was really -- really a nice  
[2] event, nice weather.  
[3] We also have some other events that are  
[4] coming up. On May 10th, this Saturday, we're  
[5] going to be having a -- the Police Department  
[6] will be having the Child Awareness Day from  
[7] 12:00 to 3:00. Parking will be at the  
[8] courthouse. This is also a wonderful event. If  
[9] you have children, grandchildren or anyone to  
[10] bring out, please do.  
[11] Chief, do you want to elaborate on  
[12] that?  
[13] **CHIEF KING:** Just a little bit. It's a  
[14] great opportunity not only for not just the  
[15] Police Department, but the Fire Department and  
[16] all the other departments. I think the library  
[17] is participating too. Carol Stevens is coming  
[18] out too, and of course members of the Council  
[19] that signed up. I really appreciate you-all.  
[20] We still have openings in the dunk tank for  
[21] members of the Council that --  
[22] **COUNCILMEMBER SPANGLER:** What shift are  
[23] you going to be on?  
[24] **CHIEF KING:** Well, I'm going to be --  
[25] of course I got volunteered by Sergeant Lopez,

Page 42

[1] and I couldn't turn that down, you know.  
[2] Hopefully, all the tickets won't get sold out  
[3] early, but there'll be some extra opportunities  
[4] there for success.  
[5] Thank you, ma'am.  
[6] **COUNCILMEMBER PITTMAN:** And again,  
[7] that's this Saturday from 12:00 to 3:00.  
[8] On May 17th, we're going to be having a  
[9] free movie, Movies Under the Stars, at 6 o'clock  
[10] at Honeysuckle Park. We're showing Alvin and  
[11] the Chipmunks. This is a lot of fun.  
[12] We are going to be having concessions,  
[13] or you can bring your picnic. The movie will  
[14] start at dusk, and of course if we have  
[15] inclement weather, we'll reschedule it another  
[16] time.  
[17] But we don't want to miss that. It's  
[18] something really good the city's been asking for  
[19] for a long time, and I think we need to come out  
[20] and support this because it's better than going  
[21] to another city to do something like this. All  
[22] the other cities around us have various events,  
[23] and this is a lot of fun.  
[24] May 31st, we're going to be having the  
[25] tree planting beautification day at the Hugo

Page 43

[1] Arango Bridge. We're going to be planting about  
[2] 70 trees that Dekalb County has donated to us.  
[3] And also right after that, hopefully  
[4] around 12 o'clock, we're going to be doing a  
[5] dedication ceremony for a plaque dedicated to  
[6] one of our slain officers, Detective Arango. We  
[7] currently have a sign there now. The sign  
[8] continuously falls down. So ten years from now,  
[9] we don't want him forgotten, so we're going to  
[10] be placing a bronze plaque on the bridge in  
[11] honor of him. So we'll be having a small  
[12] ceremony, and hopefully we'll be able to have  
[13] his family present. And that's going to be on  
[14] May 31st.  
[15] **UNIDENTIFIED SPEAKER:** What time?  
[16] **COUNCILMEMBER PITTMAN:** Ten o'clock.  
[17] And then we hope to have the dedication ceremony  
[18] right after the tree planting. We're kind of  
[19] shooting for around 12 o'clock.  
[20] **MAYOR JENKINS:** John, Hugo Arango  
[21] memorial, when is that?  
[22] **CHIEF KING:** It's on the 13th, sir.  
[23] **MAYOR JENKINS:** Excuse me?  
[24] **CHIEF KING:** 13th.  
[25] **MAYOR JENKINS:** Of?

Page 44

[1] **CHIEF KING:** Of May, sir.  
[2] **MAYOR JENKINS:** Of May. You got any  
[3] special --  
[4] **CHIEF KING:** Sir, we got the building  
[5] -- we got the training center. It's going to be  
[6] dedicated in his name, sir. And also we'll  
[7] participate in the Dekalb County Memorial that's  
[8] coming up, you know. So there's a motorcycle  
[9] ride later on in the year that we want to --  
[10] **COUNCILMEMBER ROCHE:** Well, good.  
[11] **CHIEF KING:** Yes, sir. We have a  
[12] motorcycle ride later on in the year that we  
[13] want to --  
[14] **COUNCILMEMBER ROCHE:** Oh, really.  
[15] **CHIEF KING:** Yes, sir. We have a  
[16] motorcycle ride, and we'll make those  
[17] announcements as soon as we get the date  
[18] identified.  
[19] **MAYOR JENKINS:** Good. Thank you.  
[20] **COUNCILMEMBER BATES:** Chief, what's  
[21] happening on the 13th?  
[22] **CHIEF KING:** Sir, we're going to be  
[23] dedicating the training center.  
[24] **MAYOR JENKINS:** I'd like to take a  
[25] minute. I apologize. We have a guest in the

[1] audience. And I will apologize that you're  
[2] going to have to stand up and introduce  
[3] yourself, sir.

[4] **MR. STUBBS:** You're kind to say hello.  
[5] I'm Tom Stubbs, I'm from Decatur, and I want to  
[6] tell you it's been marvelous watching you.

[7] I'm a candidate for your Dekalb County  
[8] Superior Court, and like I said, I hail from  
[9] Decatur, so if elected, you will have a superior  
[10] court judge who is extraordinarily sensitive to  
[11] the pressures and needs and amazing things that  
[12] could be done in our cities and our county.

[13] But the special opportunities the  
[14] cities represent is something I think is  
[15] phenomenal. You-all are doing a great job.  
[16] Congratulations on that.

[17] I'm also a neighborhood association  
[18] president, so I've labored in that vineyard  
[19] many, many hours as all of you have.

[20] At any rate, my name is Tom Stubbs, and  
[21] you're kind to say hello. I didn't expect that.  
[22] I just was coming to say hello to folks after  
[23] the meeting. But I'll be here through the  
[24] meeting until the end and be happy to talk to  
[25] you later about the superior court judge seat.

[1] And this is something I think we're  
[2] going to work on in the future with a planner  
[3] and city attorney, of how to address this issue.  
[4] Dekalb County's code has the permit expires  
[5] after no inspection has been performed for 180  
[6] days, but they don't get into details about what  
[7] action is taken after that.

[8] I'd like to research some more muni-  
[9] cipalities and see how they address this issue.  
[10] I've also spoken to Mr. Entsminger about  
[11] possibly us having a limitation based on the  
[12] scope or the size of the project, because,  
[13] obviously, a huge development is going to  
[14] require years of development more than a single-  
[15] family home.

[16] But that's just a problem that we have  
[17] in the neighborhood, and I appreciate your help  
[18] on that. And if you could follow up again with  
[19] him, too, and see if he's going to get his  
[20] garage door up, I'd appreciate that --

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

[22] **COUNCILMEMBER ALEXANDER:** -- making  
[23] progress on that.

[24] **COUNCILMEMBER ROCHE:** Well, wouldn't  
[25] this -- would whatever we do apply to businesses

[1] That's an election in November, by the way, not  
[2] for a long time away.

[3] **MAYOR JENKINS:** Thank you, sir. Being  
[4] your opponent's not here, we don't have to give  
[5] equal time.

[6] **MR. STUBBS:** And I'm quite grateful for  
[7] that.

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

[9] **COUNCILMEMBER PITTMAN:** I just wanted  
[10] to mention, for Movies Under the Stars, you can  
[11] bring your blankets but it would be great if  
[12] you'd like to bring your lawn chairs also.

[13] **MAYOR JENKINS:** Maria?

[14] **COUNCILMEMBER ALEXANDER:** We discussed  
[15] in the work session about having building  
[16] permits that basically don't have any time  
[17] limitations. A homeowner can renew and renew  
[18] and renew again.

[19] We have a problem house over on Pinoak  
[20] Circle, and the Mayor has been working hard on  
[21] it. He has made some improvements. I hope he's  
[22] going to put up a garage door. He was over  
[23] there working all day today. So hopefully, the  
[24] neighbors have seen some improvement in the  
[25] yard.

[1] also? I mean I think Star Towers, they did  
[2] ground breaking some time ago, and there's been  
[3] no activity there at all. So I realize it takes  
[4] a long to build a Star Towers, but wouldn't we  
[5] want to have some type of thing from the time we  
[6] issue the permit till at least the beginning of  
[7] the work?

[8] **COUNCILMEMBER ALEXANDER:** Exactly  
[9] right. We really don't -- right now, our  
[10] current statute says the building permit expires  
[11] six months from the date of issuance, nothing's  
[12] been done.

[13] And again, on this home, you know, I  
[14] followed up too with the nuisance and abatements  
[15] law that the state has now, because we're  
[16] working on an issue like that with a burned-out  
[17] house on English Oak.

[18] **COUNCILMEMBER ROCHE:** Right. I saw  
[19] that.

[20] **COUNCILMEMBER ALEXANDER:** But as  
[21] Mr. Spangler and I discussed, we don't know that  
[22] any other municipalities have run into this  
[23] problem. I'm sure that some of them have. I  
[24] may ask Mr. Baggett what he suggests, from GMA.  
[25] But I just would like for us to put

Page 49

[1] something in place with our future zoning  
 [2] ordinances and our ordinances to prevent this  
 [3] from happening again.  
 [4] **MAYOR JENKINS:** I'll get you a report  
 [5] on Star Towers --  
 [6] **COUNCILMEMBER ALEXANDER:** Okay.  
 [7] **MAYOR JENKINS:** -- and put it in your  
 [8] box, everybody's box.  
 [9] **COUNCILMEMBER ALEXANDER:** Number 11 is  
 [10] the alcohol revocation. As discussed in the  
 [11] work session, we revoked an alcohol permit for  
 [12] the three-strikes law where a business had sold  
 [13] alcohol to minors three times and we revoked  
 [14] their license.  
 [15] Due to -- I don't like to use the term  
 [16] "loopholes," but due to restrictions of the law,  
 [17] you cannot constitutionally punish a family.  
 [18] You have one proprietor of the liquor license.  
 [19] You cannot punish an address, because, obviously  
 [20] he could be a rental tenant. So there is  
 [21] nothing to stop a business owner from selling  
 [22] his business to a close family relative --  
 [23] family friend or relative and them getting  
 [24] another liquor license. There's really no legal  
 [25] way to stop that.

Page 50

[1] So what was suggested and what we have  
 [2] done is we do not give them -- we're suggesting  
 [3] we do not give them two strikes any longer -- I  
 [4] mean three strikes. We give them two strikes.  
 [5] The first violation, the license will  
 [6] be suspended for 30 days, a fine of \$2500; the  
 [7] second violation, the license will be revoked  
 [8] and a fine of \$2500.  
 [9] This does not stop the problem but it  
 [10] punishes them quicker and hopefully will -- the  
 [11] punishment will cease the behavior.  
 [12] **COUNCILMEMBER SPANGLER:** Ms. Alexander,  
 [13] why couldn't we leave it at the three strikes  
 [14] and just add another \$2500 fine?  
 [15] **COUNCILMEMBER ALEXANDER:** I guess my  
 [16] problem was the punishment didn't even last 90  
 [17] days. So I don't know that the money issue  
 [18] would hinder them that much.  
 [19] With them having to go through the  
 [20] legalities of filing with the Secretary of State  
 [21] and the State board and us to get another liquor  
 [22] license, I think that -- that lapse of time is  
 [23] even more increased punishment, because they  
 [24] still have to do work to get another liquor  
 [25] license and be legal.

Page 51

[1] **COUNCILMEMBER SPANGLER:** I'm just  
 [2] saying it would be to our advantage to keep it  
 [3] at 90 days and get the additional \$2500.  
 [4] **COUNCILMEMBER ALEXANDER:** I think so.  
 [5] I mean I don't know how long. I just --  
 [6] **COUNCILMEMBER SPANGLER:** I mean three  
 [7] strikes, okay?  
 [8] Chief, what is the -- what is the first  
 [9] penalty for selling?  
 [10] **COUNCILMEMBER ALEXANDER:** I believe  
 [11] it's 10 days.  
 [12] **CHIEF KING:** It's 10 days, sir, and --  
 [13] **COUNCILMEMBER SPANGLER:** What fine?  
 [14] **CHIEF KING:** -- there is a fine. I  
 [15] think it's \$500.  
 [16] **COUNCILMEMBER ALEXANDER:** Yes.  
 [17] **CHIEF KING:** I think that's accurate.  
 [18] **COUNCILMEMBER SPANGLER:** Okay. So if  
 [19] we -- if we raise that \$500 fine --  
 [20] Can we do that, Mr. Powell, to \$2500?  
 [21] **ATTORNEY POWELL:** You could. That's  
 [22] the max. Yes, you can.  
 [23] **COUNCILMEMBER SPANGLER:** Okay. Why  
 [24] don't we look at doing that, Ms. Alexander, and  
 [25] I think that would probably help the problem.

Page 52

[1] **CHIEF KING:** Some of the discussion,  
 [2] sir, that has been, a lot of the people will  
 [3] come, especially the ones that come either here  
 [4] or going to court, you will start seeing that a  
 [5] lot of times that the businessperson will blame  
 [6] the employee. And you might want to keep that  
 [7] in the back of your mind that -- you know, that  
 [8] it's the business that you're going to hold  
 [9] responsible because, you know, they'll throw the  
 [10] blame on the employee, and the employee is long  
 [11] gone by the time we go to court or, you know,  
 [12] your actual reviewing.  
 [13] And we do these about twice a year, I  
 [14] mean, and so there's no secret in all the  
 [15] business community; they know we're going to  
 [16] check.  
 [17] **COUNCILMEMBER SPANGLER:** Is there any  
 [18] way we could increase that to three or four  
 [19] times a year?  
 [20] **CHIEF KING:** Yes, sir. Again, the City  
 [21] Council -- and it's not this City Council.  
 [22] Other City Councils have been very hesitant  
 [23] because they felt the Police Department was  
 [24] picking on the people selling alcohol. Yes, we  
 [25] can do it more often, yes, sir. But just

[1] understand that you're going to have a lot of  
 [2] crying in front of you.  
 [3] **COUNCILMEMBER SPANGLER:** Well, we're  
 [4] going to have a lot of crying if we make it two  
 [5] strikes, so that's what I'm looking at.  
 [6] I'd rather keep it at three strikes,  
 [7] increase the fine, and go to possibly three  
 [8] times a year on the --  
 [9] **CHIEF KING:** It can be done.  
 [10] **COUNCILMEMBER BATES:** Is the second  
 [11] violation right now 30 days?  
 [12] **COUNCILMEMBER ALEXANDER:** Yes.  
 [13] **CHIEF KING:** It's 30 days.  
 [14] **COUNCILMEMBER SPANGLER:** And what kind  
 [15] of a fine on the second?  
 [16] **CHIEF KING:** I think it's a thousand  
 [17] dollars, ma'am?  
 [18] **COUNCILMEMBER ALEXANDER:** Yes.  
 [19] **CHIEF KING:** I'm not . . .  
 [20] **COUNCILMEMBER SPANGLER:** And then the  
 [21] third time is?  
 [22] **COUNCILMEMBER ALEXANDER:** Revocation.  
 [23] **CHIEF KING:** Revocation.  
 [24] **COUNCILMEMBER SPANGLER:** Revocation.  
 [25] **COUNCILMEMBER BATES:** And a fine?

[1] **CHIEF KING:** If you start seeing the  
 [2] same folks coming before you, then you might  
 [3] have to, you know, approach this from a  
 [4] different direction.  
 [5] Right now, like Ms. Alexander says, you  
 [6] can't punish the address. You have to punish --  
 [7] **COUNCILMEMBER SPANGLER:** The owner.  
 [8] **CHIEF KING:** -- the owner.  
 [9] **ATTORNEY POWELL:** Just for the  
 [10] Council's benefit -- I'm not advocating any  
 [11] position here -- I have a file that I inherited  
 [12] from the prior city attorney, that goes back  
 [13] quite a while. And there are three or four  
 [14] places in the city that have I would say maybe  
 [15] not every time but I think almost every time but  
 [16] certainly almost every time that there's one of  
 [17] these stings run, they are caught. So whatever  
 [18] that -- for whatever that's good, I just wanted  
 [19] you to have that background.  
 [20] **COUNCILMEMBER ROCHE:** Is there any way  
 [21] we could go at it from a zoning standpoint to  
 [22] basically just rezone a property and say to  
 [23] something else? I don't know.  
 [24] **COUNCILMEMBER ALEXANDER:** We looked  
 [25] into that based on Mr. Baggett's

[1] **COUNCILMEMBER ROCHE:** Can we go 90 days  
 [2] on the second time?  
 [3] **COUNCILMEMBER SPANGLER:** No. Do we  
 [4] want to go 90 days on the second.  
 [5] **COUNCILMEMBER FLEMING:** That's what he  
 [6] just said. Why not?  
 [7] **COUNCILMEMBER SPANGLER:** Well, we might  
 [8] as just well go ahead and revoke it if --  
 [9] **CHIEF KING:** I think -- I think we were  
 [10] trying to correct -- we've had at least two  
 [11] businesses that get popped one time and they get  
 [12] popped a second time. They know that if they  
 [13] get popped again, they're going to lose their  
 [14] license. So then they turn around and sell the  
 [15] business for a dollar or whatever to their  
 [16] cousin and then it starts again.  
 [17] **COUNCILMEMBER SPANGLER:** That's why we  
 [18] need to increase the stake as you call it.  
 [19] **CHIEF KING:** Just understand that what  
 [20] you're going to have then is when they get  
 [21] popped the first time, they're going to turn  
 [22] around and sell the business to their cousin.  
 [23] **COUNCILMEMBER ROCHE:** Well, it'll still  
 [24] cost them \$2500 to sell alcohol to an underage  
 [25] person.

[1] recommendations. In case you don't know,  
 [2] Mr. Baggett's general counsel for the Georgia  
 [3] Municipal Association. And Augusta has tried  
 [4] that, and they have gone to court and somehow  
 [5] they've won. But he advised that if you went at  
 [6] it that way, you would probably be -- have to be  
 [7] prepared for long-time litigation. But they  
 [8] have been successful in the two cases that he  
 [9] referenced to us.  
 [10] **COUNCILMEMBER ROCHE:** That would be  
 [11] like in --  
 [12] **COUNCILMEMBER FLEMING:** Then we get --  
 [13] **COUNCILMEMBER ROCHE:** -- extreme  
 [14] situations.  
 [15] **COUNCILMEMBER FLEMING:** -- into spot  
 [16] zoning, and we don't want to --  
 [17] **COUNCILMEMBER PITTMAN:** Right.  
 [18] **COUNCILMEMBER FLEMING:** -- try and get  
 [19] into that.  
 [20] **MAYOR JENKINS:** We can't rezone. We  
 [21] have to have (inaudible).  
 [22] - - -  
 [23] (Overspeaking)  
 [24] - - -  
 [25] **ATTORNEY POWELL:** They turned down the

Page 57

[1] license for other reasons, because of where it  
[2] was.  
[3] **COUNCILMEMBER ALEXANDER:** Close to the  
[4] school and all that.  
[5] **COUNCILMEMBER BATES:** Well, I think  
[6] that first offense needs to hurt.  
[7] **COUNCILMEMBER ROCHE:** Right, exactly.  
[8] **COUNCILMEMBER BATES:** And 10 days and  
[9] \$500 doesn't hurt.  
[10] **COUNCILMEMBER ROCHE:** No. Thirty days  
[11] minimum and 2500 bucks minimum.  
[12] **COUNCILMEMBER ALEXANDER:** How are the  
[13] fines conveyed to the court so they know that  
[14] there's no negotiation in this fee?  
[15] **ATTORNEY POWELL:** This ordinance is  
[16] given -- will be given to the court, and they  
[17] will have that.  
[18] **COUNCILMEMBER BATES:** No negotiation,  
[19] though.  
[20] **ATTORNEY POWELL:** Right.  
[21] **COUNCILMEMBER ROCHE:** Then of course  
[22] we'd make copies available to everyone in town  
[23] with a liquor license, too.  
[24] **COUNCILMEMBER ALEXANDER:** Well, we  
[25] talked about mailing them.

Page 58

[1] **ATTORNEY POWELL:** I suggest --  
[2] **COUNCILMEMBER ROCHE:** Right.  
[3] **ATTORNEY POWELL:** -- that we furnish  
[4] this --  
[5] **COUNCILMEMBER ALEXANDER:** Right.  
[6] **COUNCILMEMBER ROCHE:** Of course.  
[7] **ATTORNEY POWELL:** -- whatever you  
[8] furnish to everybody as a mailer.  
[9] **COUNCILMEMBER ROCHE:** No, we're not out  
[10] to punish people; we're out to stop it.  
[11] **ATTORNEY POWELL:** Or delivery.  
[12] **COUNCILMEMBER FLEMING:** I had  
[13] questioned that, too, about the mail, because  
[14] then they can come back and say, "No, I never  
[15] got it." I think it should be hand delivered  
[16] and signed for.  
[17] **CHIEF KING:** Ma'am, what we did the  
[18] last time, and I think it worked very well, we  
[19] built redundancy. We hand delivered, we sent  
[20] them certified mail and we also put it on their  
[21] renewals when they come and renew for their  
[22] license, that they were notified then. So that  
[23] way, there's no physical way that they can say  
[24] "We weren't told."  
[25] So I would recommend that that be used,

Page 59

[1] the same methodology: hand delivery by the  
[2] Police Department, and the second is a certified  
[3] letter to the business owner, the registered  
[4] business owner. That would be my recommenda-  
[5] tion.  
[6] **COUNCILMEMBER ALEXANDER:** -- so  
[7] Mr. Powell had already drafted the ordinance for  
[8] us, and I assume that we want to change it now?  
[9] **ATTORNEY POWELL:** Well, you could have  
[10] a first reading and then we could amend it  
[11] before the next Council meeting if that's what  
[12] you so choose to do.  
[13] **COUNCILMEMBER BATES:** Well, the  
[14] question on the table is do we have two strikes  
[15] or three strikes.  
[16] **COUNCILMEMBER SPANGLER:** I think we  
[17] need to keep it at three strikes and raise --  
[18] again, raise the fine from \$500 to \$2500, and  
[19] the third time --  
[20] What do we do presently when we do the  
[21] revocation? Do they pay a fine now also or do  
[22] they just lose their license?  
[23] **ATTORNEY POWELL:** I don't recall. I  
[24] can tell you in a few minutes. I'm going to  
[25] call it up here.

Page 60

[1] **COUNCILMEMBER SPANGLER:** Well, why  
[2] can't we -- is it in there? Why can't we just  
[3] have them pay the fine again?  
[4] - - -  
[5] (Overspeaking)  
[6] - - -  
[7] **COUNCILMEMBER ALEXANDER:** Because first  
[8] violation -- this is how it currently stands.  
[9] First violation, the license shall be suspended  
[10] for a period of 10 consecutive days; second  
[11] violation, the license shall be suspended for a  
[12] period of 30 consecutive days; third violation,  
[13] the license shall be revoked. The minimum fine  
[14] for the first violation shall be not less than  
[15] \$500; the fine for any subsequent violation  
[16] shall not be less than \$1,000.  
[17] **COUNCILMEMBER SPANGLER:** Nothing for  
[18] the revocation?  
[19] **COUNCILMEMBER ALEXANDER:** I assume that  
[20] it would be another thousand dollars, the third  
[21] strike.  
[22] **ATTORNEY POWELL:** It says "not less."  
[23] **COUNCILMEMBER ALEXANDER:** Yes.  
[24] **ATTORNEY POWELL:** So the judge could  
[25] make it up to \$2500 but is not required to at

[1] the present.

[2] **COUNCILMEMBER SPANGLER:** Well, I think

[3] we need to change that and make it \$2500 on each

[4] offense, not less --

[5] **COUNCILMEMBER ROCHE:** For the first

[6] offense -- maybe \$2500 on the first offense with

[7] 30 days and then \$2500 on the second offense

[8] with 90 days, and then the third offense is

[9] revocation?

[10] **ATTORNEY POWELL:** Ninety days would be

[11] the same as putting them out of business, out of

[12] that business, so I don't know that there's --

[13] **COUNCILMEMBER SPANGLER:** We need to

[14] stick with 30?

[15] **ATTORNEY POWELL:** It's almost doing the

[16] same thing that this one does.

[17] **COUNCILMEMBER FLEMING:** I don't

[18] advocate having the first and second offense as

[19] the same amount of time and the same amount of

[20] money.

[21] **COUNCILMEMBER ROCHE:** No. That's what

[22] I'm saying. Oh, I see. The same amount of

[23] money (inaudible).

[24] **COUNCILMEMBER FLEMING:** Right.

[25] **COUNCILMEMBER PITTMAN:** So maybe I just

[1] them to have their business. So I mean it

[2] really depends on -- you know, we can close them

[3] all down if you want to do that.

[4] **COUNCILMEMBER ROCHE:** But if you -- I

[5] mean the problem is flipping licenses.

[6] **COUNCILMEMBER FLEMING:** Yes.

[7] **COUNCILMEMBER ROCHE:** I mean if you

[8] flip a license -- if someone says, "Okay. No

[9] big deal. I'll sell it to my wife for a dollar

[10] and then I can start all over again, and all I

[11] got to worry about is 500 bucks --

[12] **COUNCILMEMBER PITTMAN:** Right.

[13] **MS. MURPHY:** -- "versus if I got to

[14] worry about \$2500" -- I think, what's a license

[15] cost? about ten grand? "So I'm going to get

[16] nailed for --

[17] **COUNCILMEMBER ALEXANDER:** No.

[18] **COUNCILMEMBER ROCHE:** -- "2500 bucks

[19] the very first time."

[20] **COUNCILMEMBER ALEXANDER:** Locally, it's

[21] 1600, isn't it? A local license is 1600?

[22] **COUNCILMEMBER SPANGLER:** If I'm paying

[23] a \$2500 fine, I'm going to make sure that I

[24] educate all my employees that happen to be

[25] running that register to card all buyers of

[1] misunderstood, Mr. Spangler. What is your

[2] reasoning for giving them a third chance?

[3] **COUNCILMEMBER SPANGLER:** What's my

[4] reasoning? Well, you're hitting them harder in

[5] the pocket. So that's either going to make them

[6] -- make them do better or else it's going to

[7] give our sting -- our Police Department an

[8] opportunity to go in and do another sting and

[9] collect another \$2500. Okay? Then --

[10] **COUNCILMEMBER BATES:** My guess is is

[11] that if we raise this to \$2500 and 30 days,

[12] there are going to be businesses selling after

[13] that first one, and we're just going to -- we're

[14] never going to get to that second strike.

[15] **COUNCILMEMBER SPANGLER:** Well, your --

[16] **COUNCILMEMBER PITTMAN:** I thought our

[17] goal was to keep them from doing it, not

[18] collecting money necessarily. We want them to

[19] stop doing what they're doing.

[20] **COUNCILMEMBER SPANGLER:** Well, we do

[21] want that to happen, okay?

[22] But, now, if we close them all down,

[23] then they're going to go up to Norcross and buy

[24] their beer. We're going to lose the revenues

[25] from the license for them to sell the beer, for

[1] alcohol or cigarettes.

[2] **COUNCILMEMBER PITTMAN:** In my opinion,

[3] that should -- I'm a zero-tolerance person.

[4] That should be done right off the bat, anyway.

[5] **COUNCILMEMBER ROCHE:** Right.

[6] **COUNCILMEMBER PITTMAN:** They should

[7] know that. So giving them three tries, to me is

[8] just ridiculous. You know what I said last

[9] time. I --

[10] **COUNCILMEMBER SPANGLER:** Well, shut

[11] them down.

[12] **COUNCILMEMBER PITTMAN:** -- don't give

[13] them --

[14] **COUNCILMEMBER SPANGLER:** Shut them down

[15] after the first time.

[16] **COUNCILMEMBER FLEMING:** Mr. Powell,

[17] there is not a way to put in this ordinance

[18] that, upon revocation, no issue of a new license

[19] will be issued to that particular address?

[20] **COUNCILMEMBER ALEXANDER:** No.

[21] **ATTORNEY POWELL:** I don't believe so,

[22] because the landlord is not --

[23] **COUNCILMEMBER FLEMING:** For a period of

[24] 90 days or whatever?

[25] **ATTORNEY POWELL:** The landlord is not

Page 65

[1] at fault. And the only thing you could do is if  
 [2] you had a location that became a nuisance,  
 [3] there'd be some ways to regulate that. And I  
 [4] say "nuisance." It would be some other type of  
 [5] violations occurring there that would be even  
 [6] maybe stronger than a nuisance. But you  
 [7] couldn't just -- if there was -- a tenant  
 [8] violates, I don't believe so.

[9] **COUNCILMEMBER PITTMAN:** Again, I'm not  
 [10] a big advocate of giving them any more chances  
 [11] than we have to. I mean they're selling alcohol  
 [12] to underage kids and they're either killing  
 [13] other people or themselves, and I just -- I just  
 [14] think they should know that in the first place.  
 [15] They should train their employees right off the  
 [16] bat to know that. So giving them more chances,  
 [17] to me is just giving more opportunity for  
 [18] someone else to get out on the road and kill  
 [19] someone else.

[20] **COUNCILMEMBER SPANGLER:** Well, we were  
 [21] not really giving them any more chances. We  
 [22] were just going to stay with what we had except  
 [23] we were going to raise the fines. So, you know,  
 [24] you can cut down --

[25] **COUNCILMEMBER PITTMAN:** Well, you had

Page 66

[1] two chances, right?

[2] **COUNCILMEMBER ALEXANDER:** Yes.

[3] **COUNCILMEMBER SPANGLER:** You can cut it  
 [4] down to one if you want to, you know.

[5] **COUNCILMEMBER ROCHE:** Well, but the  
 [6] thing is, I mean think about it. Right now, if  
 [7] I'm an owner and I think it's worth my while  
 [8] financially to sell alcohol to anybody that  
 [9] comes in the door, because it's only 500 bucks;  
 [10] "Worst case, I get revoked. I got to spend  
 [11] another 1600 bucks. So that's what? \$2100.  
 [12] But if I know I'm going to get nailed for  
 [13] \$2500," it's not cost effective all of a sudden.  
 [14] I mean that's the way business is:  
 [15] they do what's cost effective. I mean I'm with  
 [16] Councilwoman Pittman about being zero tolerance.  
 [17] But if we don't make the first one hurt, then  
 [18] they can just reset the thing every time, so to  
 [19] speak.

[20] Like I said, that's the problem is they  
 [21] keep flipping it. "So big deal. Another 500  
 [22] bucks. Well, I'll pay the 500 bucks. Just the  
 [23] cost of doing business. And I'm still making so  
 [24] much money selling to everyone that comes in the  
 [25] door."

Page 67

[1] So whatever we do, we need to make the  
 [2] first one -- and if there is a second one --  
 [3] 2500 bucks. It's got to hurt. And the first  
 [4] one's got to be 30 days, not just 10 days. And  
 [5] I think the second one, if we can legally do it,  
 [6] make it 90 days. We need to make it --

[7] **COUNCILMEMBER SPANGLER:** Well, just  
 [8] like Mr. Powell said, if you're going to make it  
 [9] 90 days, you might as well just go ahead and  
 [10] close them down because they're going to go  
 [11] ahead and flip it. They're going to flip it  
 [12] after that. If you give them 90 --

[13] **COUNCILMEMBER ROCHE:** Right.

[14] **COUNCILMEMBER SPANGLER:** -- days, that  
 [15] gives them plenty of time to flip it.

[16] **COUNCILMEMBER ROCHE:** But when they  
 [17] flip it, if they continue their behavior,  
 [18] they're going to get nailed with \$2500 that  
 [19] first time again. You see what I'm saying?

[20] **COUNCILMEMBER SPANGLER:** Well --

[21] **COUNCILMEMBER ROCHE:** Now if you flip  
 [22] it, you only pay 500 bucks.

[23] **COUNCILMEMBER SPANGLER:** Well, we've  
 [24] already said we're going to raise the fine --

[25] **COUNCILMEMBER ROCHE:** Okay.

Page 68

[1] **COUNCILMEMBER SPANGLER:** -- to \$2500.

[2] **COUNCILMEMBER ROCHE:** Good.

[3] **COUNCILMEMBER SPANGLER:** However many  
 [4] times you want to do it. If you want to do it  
 [5] one strike you're out, \$2500, then let them flip  
 [6] it, then, that's fine. They're going to flip it  
 [7] anyway. There's nothing we can do to stop that.  
 [8] But we can hurt them with \$2500 each time  
 [9] regardless of how many strikes you give them.

[10] **COUNCILMEMBER BATES:** I just don't see  
 [11] at \$2500, you're going -- it's going to flip  
 [12] after the first time.

[13] **COUNCILMEMBER SPANGLER:** If you keep  
 [14] it --

[15] **COUNCILMEMBER BATES:** I don't think  
 [16] we're ever going to get to a third strike at  
 [17] \$2500.

[18] **COUNCILMEMBER ROCHE:** That's what we're  
 [19] hoping for.

[20] **COUNCILMEMBER BATES:** Well, because  
 [21] it'll flip; it'll be a new owner.

[22] **COUNCILMEMBER ROCHE:** But it still  
 [23] costs \$2500.

[24] **COUNCILMEMBER BATES:** Right. So  
 [25] whether it's three strikes or two strikes,

[1] they're going to be flipping after the first  
 [2] strike.  
 [3] **COUNCILMEMBER PITTMAN:** Yeah.  
 [4] **COUNCILMEMBER BATES:** So I'd keep it at  
 [5] two.  
 [6] **COUNCILMEMBER PITTMAN:** Keep it at  
 [7] what?  
 [8] **COUNCILMEMBER BATES:** Keep it at two.  
 [9] **COUNCILMEMBER SPANGLER:** It's at three  
 [10] now.  
 [11] **COUNCILMEMBER BATES:** Change it to two.  
 [12] **COUNCILMEMBER ALEXANDER:** So do we want  
 [13] to make a motion for this to be the first  
 [14] reading?  
 [15] **ATTORNEY POWELL:** If they're going to  
 [16] keep it at two, you can adopt it. You could  
 [17] waive the first reading and adopt it tonight.  
 [18] If that's what you're doing. I'm not suggesting  
 [19] but, but you just -- they were just talking of  
 [20] two.  
 [21] **COUNCILMEMBER PITTMAN:** I say keep it  
 [22] at two.  
 [23] **COUNCILMEMBER ROCHE:** And this  
 [24] ordinance does say \$2500 for --  
 [25] **ATTORNEY POWELL:** Yes, sir.

[1] Sorry.  
 [2] **ATTORNEY POWELL:** -- you have to waive  
 [3] the first reading.  
 [4] **MAYOR JENKINS:** Do I have a motion that  
 [5] we waive the first reading?  
 [6] **COUNCILMEMBER ROCHE:** I make a motion  
 [7] that we waive the first reading.  
 [8] **COUNCILMEMBER PITTMAN:** Second.  
 [9] **MAYOR JENKINS:** Second?  
 [10] **COUNCILMEMBER PITTMAN:** Second.  
 [11] **MAYOR JENKINS:** Call the roll, please.  
 [12] **CLERK BLACKMON:** Councilmember  
 [13] Alexander?  
 [14] **COUNCILMEMBER ALEXANDER:** Yes.  
 [15] **CLERK BLACKMON:** Councilmember Bates?  
 [16] **COUNCILMEMBER BATES:** Yes.  
 [17] **CLERK BLACKMON:** Councilmember Fleming?  
 [18] **COUNCILMEMBER FLEMING:** Yes.  
 [19] **CLERK BLACKMON:** Councilmember Pittman?  
 [20] **COUNCILMEMBER PITTMAN:** Yes.  
 [21] **CLERK BLACKMON:** Councilmember Roche?  
 [22] **COUNCILMEMBER ROCHE:** Yes.  
 [23] **CLERK BLACKMON:** Councilmember  
 [24] Spangler?  
 [25] **COUNCILMEMBER SPANGLER:** Yes.

[1] **COUNCILMEMBER ROCHE:** -- the first  
 [2] offense.  
 [3] **COUNCILMEMBER PITTMAN:** Yes, it does.  
 [4] **COUNCILMEMBER SPANGLER:** Now, what  
 [5] about the second time?  
 [6] **ATTORNEY POWELL:** It's \$2500.  
 [7] **COUNCILMEMBER FLEMING:** And revocation.  
 [8] **COUNCILMEMBER ROCHE:** And revocation.  
 [9] **ATTORNEY POWELL:** The fine for any  
 [10] violation shall be \$2500.  
 [11] **COUNCILMEMBER ROCHE:** Okay.  
 [12] **COUNCILMEMBER SPANGLER:** And license  
 [13] gone.  
 [14] **ATTORNEY POWELL:** Well, yes. That's in  
 [15] a different section, yes.  
 [16] **COUNCILMEMBER BATES:** After two, yes.  
 [17] **COUNCILMEMBER SPANGLER:** The second  
 [18] time, it's going to be \$2500 plus the loss of  
 [19] license.  
 [20] **ATTORNEY POWELL:** Yes, sir.  
 [21] **COUNCILMEMBER SPANGLER:** Okay.  
 [22] **COUNCILMEMBER ROCHE:** Well, I make a  
 [23] motion that we pass it as it is.  
 [24] **ATTORNEY POWELL:** Well --  
 [25] **COUNCILMEMBER ROCHE:** First reading.

[1] **MAYOR JENKINS:** Do I have a motion we  
 [2] pass the ordinance on the first reading?  
 [3] **COUNCILMEMBER SPANGLER:** Yes.  
 [4] **MAYOR JENKINS:** Motion.  
 [5] **COUNCILMEMBER SPANGLER:** Motion to pass  
 [6] it on the first reading.  
 [7] **COUNCILMEMBER PITTMAN:** Second.  
 [8] **MAYOR JENKINS:** Call the roll, please.  
 [9] **CLERK BLACKMON:** Councilmember  
 [10] Alexander?  
 [11] **COUNCILMEMBER ALEXANDER:** Yes.  
 [12] **CLERK BLACKMON:** Councilmember Bates?  
 [13] **COUNCILMEMBER BATES:** Yes.  
 [14] **CLERK BLACKMON:** Councilmember Fleming?  
 [15] **COUNCILMEMBER FLEMING:** Yes.  
 [16] **CLERK BLACKMON:** Councilmember Pittman?  
 [17] **COUNCILMEMBER PITTMAN:** Yes.  
 [18] **CLERK BLACKMON:** Councilmember Roche?  
 [19] **COUNCILMEMBER ROCHE:** Yes.  
 [20] **CLERK BLACKMON:** Councilmember  
 [21] Spangler?  
 [22] **COUNCILMEMBER SPANGLER:** Yes.  
 [23] **MAYOR JENKINS:** Maria?  
 [24] **COUNCILMEMBER ALEXANDER:** The last item  
 [25] I had was again something that we'll discuss in

Page 73

[1] the future. It was regarding the rental  
[2] provision in the zoning ordinance. The way it's  
[3] written now, it restricts one from having a  
[4] roommate that is not a relative in their home.  
[5] And I think we were -- this is something we were  
[6] going to discuss in the future because we want  
[7] to protect individuals' rights but we don't want  
[8] to encourage the boarding house situation which  
[9] we have. So I think this is something that  
[10] requires more research and -- from the city  
[11] attorney and planner.

[12] **ATTORNEY POWELL:** My recommendation  
[13] would be to include it in the new zoning  
[14] ordinance and adopt it and just do it all at the  
[15] same time --

[16] **COUNCILMEMBER ALEXANDER:** Uh-huh.  
[17] **ATTORNEY POWELL:** -- rather than --  
[18] **COUNCILMEMBER ALEXANDER:** Right.  
[19] And that's all I had.

[20] **MAYOR JENKINS:** Mr. Roche?  
[21] **COUNCILMEMBER ROCHE:** Yes. The next  
[22] one was wholesale store regulations.  
[23] I got a tip from someone earlier in the  
[24] month that Doraville was going to be mentioned  
[25] in the Atlanta Magazine. And it took a while

Page 74

[1] for the article to come out, but essentially  
[2] there was an article in the Atlanta Magazine. I  
[3] forget the title of it now. It was talking  
[4] about counterfeit things like counterfeit  
[5] purses, counterfeit jeans, that sort of thing.  
[6] And it didn't specifically mention Doraville was  
[7] -- the wholesalers were selling this stuff but  
[8] they did mention that, you know, replicas were  
[9] happening here.

[10] It's very difficult to prosecute  
[11] someone, from what I understand, if they make a  
[12] replica. Like instead of Chanel, they may call  
[13] it Chanute or something but everything else  
[14] looks the same, but that's not really a  
[15] counterfeit. Now, if it says Chanel and it's  
[16] made by someone who's not Chanel, that's a --  
[17] that's a counterfeit, and we can definitely do  
[18] something about that.

[19] I spoke to Chief King, and I think the  
[20] issue we had was we had an ordinance but there  
[21] were no real -- there was no real teeth to it, I  
[22] suppose. We had an ordinance. It wasn't legal  
[23] to sell this or display this in town, but we  
[24] didn't have any penalties for it.  
[25] So we asked Attorney Powell to draw up

Page 75

[1] an ordinance that does provide for some  
[2] penalties for this. And I don't know that a  
[3] single person would ever be prosecuted under  
[4] this penalty, but I think what we should do, as  
[5] we talked about with the liquor laws, I think  
[6] that the wholesalers and the retailers in  
[7] Doraville need to be put on notice that we're  
[8] going to be keeping an eye on this.

[9] I know there's a lot of good  
[10] businesses, and they act right and they're good  
[11] corporate citizens and the whole nine yards,  
[12] but, you know, Doraville, unfortunately in some  
[13] ways, you know, has a reputation of, you know,  
[14] the wild west, you know.

[15] Personally, I don't think we should  
[16] have storefront wholesalers. You know, the  
[17] wholesalers need to be back someplace else. And  
[18] why would I be willing -- if I'm not going to  
[19] sell to the general public, why would I be out  
[20] there? I've been in a couple of these stores  
[21] myself. I've never actually tried to buy  
[22] anything, but --

[23] So anyway, I think this would be a good  
[24] start to just put them on notice that, "Oh, by  
[25] the way, we're keeping an eye on you now." And

Page 76

[1] then maybe, you know, we can look at the  
[2] ordinance about what if you sell to someone.  
[3] The thing about wholesalers, they don't charge  
[4] sales tax. And the rumor is that that's why  
[5] they're calling themselves wholesalers. You  
[6] know, technically, you're supposed to have a  
[7] card and the whole nine yards, and maybe that's  
[8] -- that's something else we can look at later.

[9] But I think this is a good first step  
[10] to at least, again, put people on notice and  
[11] raise the issue. And I'd ask for a motion to  
[12] pass the first reading --

[13] **ATTORNEY POWELL:** Waive the first  
[14] reading?  
[15] **COUNCILMEMBER ROCHE:** -- or waive the  
[16] first -- oh, yeah -- waive the first reading of  
[17] this ordinance.

[18] **MAYOR JENKINS:** Talking about taking  
[19] their license. Actually, what you're talking  
[20] about is state law, not city law.

[21] **ATTORNEY POWELL:** No. Mr. Mayor, this  
[22] is selling counterfeit or improperly marked  
[23] goods. And actually in this language, it says  
[24] "substantially indistinguishable from." And so  
[25] you would either get into some what Councilman

[1] Roche was talking about that Doraville was  
 [2] criticized for.  
 [3] **MAYOR JENKINS:** We have done this  
 [4] before.  
 [5] **ATTORNEY POWELL:** And this would -- our  
 [6] current ordinance did not provide protecting the  
 [7] occupation li- -- the business license, and  
 [8] that's why this beefs that up.  
 [9] I think what you're referring to,  
 [10] Mr. Mayor, is the collection of the tax, and  
 [11] that is state.  
 [12] **MAYOR JENKINS:** Yes.  
 [13] **ATTORNEY POWELL:** That is a state  
 [14] issue. And I believe that we're trying to get  
 [15] the state to start doing this.  
 [16] **CHIEF KING:** We can do that.  
 [17] The only thing that I would ask is  
 [18] would you consider also giving the investigators  
 [19] the authority also to do the auditing of their  
 [20] records, because currently we do not have the  
 [21] authority to ask for their business records so  
 [22] we could use those as evidence to prosecute  
 [23] those cases.  
 [24] **COUNCILMEMBER ROCHE:** Well, currently,  
 [25] the authority comes from the City Clerk; right?

[1] there that are not paying their fair share,  
 [2] which is unfair to the people that are. But I  
 [3] didn't want to do the whole thing at once.  
 [4] **CHIEF KING:** No problem, sir. Just  
 [5] something --  
 [6] **COUNCILMEMBER ROCHE:** Save something  
 [7] for the next meeting.  
 [8] **CHIEF KING:** -- for your consideration.  
 [9] **COUNCILMEMBER ROCHE:** Yeah.  
 [10] **CHIEF KING:** Because I don't know if we  
 [11] have that vehicle right now.  
 [12] **COUNCILMEMBER BATES:** Well, the problem  
 [13] with auditing sales tax is that's a Department  
 [14] of Revenue issue, and they don't do point of  
 [15] sales collection. So we have to go through the  
 [16] Department of Revenue to -- to --  
 [17] **COUNCILMEMBER ROCHE:** But the City  
 [18] occupational tax.  
 [19] **COUNCILMEMBER BATES:** Occupational tax  
 [20] is a different story.  
 [21] **ATTORNEY POWELL:** Yes. And we can  
 [22] audit that, and in fact we did get in and did do  
 [23] some investigation of the tank farms. One of  
 [24] our former council members thought that they  
 [25] were not paying, and we went in and did some of

[1] **CHIEF KING:** Yes. The only person  
 [2] right now is the City Clerk that has the  
 [3] authority to ask for an audit.  
 [4] **COUNCILMEMBER ROCHE:** But I mean  
 [5] obviously the officer could always ask the City  
 [6] Clerk for that -- you know, to do that.  
 [7] **CHIEF KING:** We've never done it.  
 [8] That's -- that's why we -- we've never asked for  
 [9] those records because we knew we didn't have the  
 [10] authority.  
 [11] **COUNCILMEMBER ROCHE:** No, no, no. But  
 [12] what I'm saying is if there was a store or a  
 [13] business and you thought there was good reason  
 [14] to check, couldn't you simply request that from  
 [15] the City Clerk --  
 [16] **CHIEF KING:** Yes, sir.  
 [17] **COUNCILMEMBER ROCHE:** -- and have the  
 [18] City Clerk request those?  
 [19] **CHIEF KING:** Yes.  
 [20] I don't now if the City as an entity  
 [21] has ever audited any records of any business  
 [22] like that in the past.  
 [23] **COUNCILMEMBER ROCHE:** Yeah, and I know  
 [24] that's a whole 'nother issue.  
 [25] I have to believe there's people out

[1] that.  
 [2] **COUNCILMEMBER ROCHE:** Because, again,  
 [3] the City Clerk has the authority to do that.  
 [4] And so if, you know, they thought there was  
 [5] reason to do that, I think we could request that  
 [6] from the City Clerk.  
 [7] **CHIEF KING:** Okay, sir.  
 [8] **COUNCILMEMBER ROCHE:** But the question  
 [9] at hand is obviously to waive the reading.  
 [10] **ATTORNEY POWELL:** But we could amend  
 [11] the occupation tax ordinance to provide what the  
 [12] Chief is asking for.  
 [13] **COUNCILMEMBER ROCHE:** No. I --  
 [14] **ATTORNEY POWELL:** You may want to  
 [15] consider that, but not tonight obviously.  
 [16] **COUNCILMEMBER ROCHE:** Some other time.  
 [17] **ATTORNEY POWELL:** Yes.  
 [18] **COUNCILMEMBER ROCHE:** So I make a  
 [19] motion that we waive first reading on this  
 [20] ordinance.  
 [21] **COUNCILMEMBER SPANGLER:** I'll second.  
 [22] **MAYOR JENKINS:** Call the roll, please.  
 [23] **COUNCILMEMBER SPANGLER:** This is only  
 [24] for the counterfeit goods; right?  
 [25] **COUNCILMEMBER ROCHE:** Yes.

Page 81

[1] **COUNCILMEMBER SPANGLER:** A business  
 [2] that is caught selling counterfeit goods.  
 [3] **COUNCILMEMBER ROCHE:** Right.  
 [4] And what's important is we make sure  
 [5] that everybody gets a copy of this, all the  
 [6] business owners.  
 [7] **CLERK BLACKMON:** Councilmember  
 [8] Alexander?  
 [9] **COUNCILMEMBER ALEXANDER:** Yes.  
 [10] **CLERK BLACKMON:** Councilmember Bates?  
 [11] **COUNCILMEMBER BATES:** Yes.  
 [12] **CLERK BLACKMON:** Councilmember Fleming?  
 [13] **COUNCILMEMBER FLEMING:** Yes.  
 [14] **CLERK BLACKMON:** Councilmember Pittman?  
 [15] **COUNCILMEMBER PITTMAN:** Yes.  
 [16] **CLERK BLACKMON:** Councilmember Roche?  
 [17] **COUNCILMEMBER ROCHE:** Yes.  
 [18] **CLERK BLACKMON:** Councilmember  
 [19] Spangler?  
 [20] **COUNCILMEMBER SPANGLER:** Yes.  
 [21] **MAYOR JENKINS:** Thank you.  
 [22] **ATTORNEY POWELL:** Now you need a motion  
 [23] to adopt it.  
 [24] **COUNCILMEMBER ROCHE:** Okay. I make a  
 [25] motion to adopt it.

Page 82

[1] **COUNCILMEMBER SPANGLER:** Second.  
 [2] **MAYOR JENKINS:** Second?  
 [3] **COUNCILMEMBER SPANGLER:** Second.  
 [4] **COUNCILMEMBER BATES:** Who will be the  
 [5] -- Chief, will your police officers be the  
 [6] enforcing agent of this?  
 [7] **CHIEF KING:** And the City Clerk.  
 [8] **COUNCILMEMBER BATES:** So are you guys  
 [9] going to have to learn how to spot a fake Gucci  
 [10] from a real Gucci?  
 [11] **CHIEF KING:** What we do, sir, is we get  
 [12] the private investigators from the companies  
 [13] that -- you know, like Chanel, like Ray-Ban.  
 [14] They come and work with us, and they actually  
 [15] are the experts and they're the ones who testify  
 [16] to the fact that, you know, those items are  
 [17] counterfeit.  
 [18] What we want to do is use -- what we  
 [19] want to be able to do is use the City Code to be  
 [20] able to get our foot in the door, and then if  
 [21] it's such a volume or such an extent of a  
 [22] violation, then we can use that investigation to  
 [23] take the case to state or federal court as  
 [24] needed.  
 [25] **COUNCILMEMBER BATES:** Will the business

Page 83

[1] owners be advised that we'll be doing periodic  
 [2] spot checks on compliance with this ordinance  
 [3] or --  
 [4] **CHIEF KING:** No, sir. I --  
 [5] **COUNCILMEMBER BATES:** -- are we just  
 [6] going to do it randomly or --  
 [7] **COUNCILMEMBER ROCHE:** We can give them  
 [8] a copy of this.  
 [9] **CHIEF KING:** Oh, they're going to get a  
 [10] copy of the new ordinance, but like -- it's like  
 [11] announcing, you know, "Don't go rob people."  
 [12] **COUNCILMEMBER BATES:** Right.  
 [13] **COUNCILMEMBER ROCHE:** I just think it's  
 [14] time we sent a message to the business owners  
 [15] here in Doraville and potential business owners  
 [16] here in Doraville that, you know, the types of  
 [17] businesses we want on our main drags in  
 [18] Doraville --  
 [19] **COUNCILMEMBER BATES:** But just --  
 [20] **COUNCILMEMBER ROCHE:** -- are going to  
 [21] be of better quality.  
 [22] **COUNCILMEMBER BATES:** The authority is  
 [23] going to be the representatives from the  
 [24] companies to come in and evaluate.  
 [25] **CHIEF KING:** They're the ones that are

Page 84

[1] the -- they're the ones that will determine  
 [2] whether something is -- is fake or it's close  
 [3] enough to be, and they're the experts. So we  
 [4] use their testimony and their assistance to get  
 [5] -- you know, to be able to spot something that  
 [6] is fake.  
 [7] In the past, we've done these investi-  
 [8] gations. They've been relatively successful.  
 [9] The problem is is that we had to seize all the  
 [10] stuff and then store it somewhere, and we had  
 [11] two 18-wheeler trailers at the back of the  
 [12] police station for like six months waiting for  
 [13] the -- for the Dekalb County Solicitor's Office  
 [14] to prosecute, and it just sat there.  
 [15] **COUNCILMEMBER ROCHE:** Couldn't you just  
 [16] seize one purse?  
 [17] **CHIEF KING:** No, sir. You have to  
 [18] seize everything. Because then -- you know, in  
 [19] the past, we had other agencies within the city  
 [20] that were also participating. This is a long  
 [21] time ago. I know that's what the Mayor was  
 [22] referring to. And the problem was is that those  
 [23] agencies were seizing the stuff and then they  
 [24] lost accountability of it.  
 [25] **COUNCILMEMBER ROCHE:** Right.

[1] **CHIEF KING:** And that evidence either  
[2] got lost or it was converted to other -- other  
[3] -- so you have to secure the evidence.

[4] **COUNCILMEMBER ROCHE:** Right. And I  
[5] believe this lays the groundwork. I don't think  
[6] we're going to pass this, and suddenly all the  
[7] wholesalers are going to go out of business  
[8] tomorrow.

[9] **CHIEF KING:** I think the message, sir,  
[10] is very important and I think it -- and it gives  
[11] us a little leeway just to be able to start  
[12] working those more effectively.

[13] **MAYOR JENKINS:** We got a motion and a  
[14] second. Did you make a motion to pass it?

[15] **COUNCILMEMBER ROCHE:** Yes, and it's  
[16] been seconded.

[17] **MAYOR JENKINS:** Okay. Call the roll.

[18] **CLERK BLACKMON:** Councilmember  
[19] Alexander?

[20] **COUNCILMEMBER ALEXANDER:** Yes.

[21] **CLERK BLACKMON:** Councilmember Bates?

[22] **COUNCILMEMBER BATES:** Yes.

[23] **CLERK BLACKMON:** Councilmember Fleming?

[24] **COUNCILMEMBER FLEMING:** Yes.

[25] **CLERK BLACKMON:** Councilmember Pittman?

[1] There have been situations where I put  
[2] things on the agenda and then thought, well, you  
[3] know, we've kind of sorted it out during the  
[4] work session and it doesn't really need to be on  
[5] the agenda anymore. There have been other  
[6] situations where we've put things on the agenda.  
[7] It's a no-brainer. And we discussed it, we  
[8] decided what we were going to do, but we can't  
[9] vote on it, and we have to wait two more weeks  
[10] or maybe three more weeks depending on how the  
[11] month runs to be able to vote on the -- vote on  
[12] the motions. And sometimes we forget what we  
[13] decided to do, you know.

[14] The other issue I guess is that in the  
[15] summer, we typically -- the Council typically  
[16] votes to have just one meeting per month during  
[17] the summer. Well, currently, if we don't have a  
[18] work session, we don't have an agenda.

[19] **MAYOR JENKINS:** You make the agenda at  
[20] the first of the next meeting. There's no  
[21] problem there.

[22] **COUNCILMEMBER ROCHE:** Well, I was told  
[23] that the agenda had to be set before the work  
[24] session.

[25] **MAYOR JENKINS:** But not --

[1] **COUNCILMEMBER PITTMAN:** Yes.

[2] **CLERK BLACKMON:** Councilmember Roche?

[3] **COUNCILMEMBER ROCHE:** Yes.

[4] **CLERK BLACKMON:** Councilmember  
[5] Spangler?

[6] **COUNCILMEMBER SPANGLER:** Yes.

[7] **MAYOR JENKINS:** Go right ahead.

[8] **COUNCILMEMBER ROCHE:** At the beginning  
[9] of our term, we made a motion and we changed how  
[10] we handled meetings. Currently, we have a work  
[11] session in the middle of the month, and to get  
[12] anything on the agenda, it has to be I think  
[13] submitted by that Thursday before the 15th or  
[14] whatever the middle -- the second meeting, the  
[15] Thursday before the second Monday of the month.  
[16] And that's your agenda and that's a work  
[17] session. And during the work session, we cannot  
[18] vote on anything, we can't pass anything; we  
[19] can't do anything, really.

[20] And then that identical agenda except  
[21] for adding things like citizen comments is the  
[22] agenda that happens in our first meeting of the  
[23] next month; for instance, tonight. This agenda  
[24] that we have tonight is almost identical to the  
[25] one --

[1] **ATTORNEY POWELL:** I believe the  
[2] ordinance that I drafted said that it has to be  
[3] in by Thursday before the --

[4] **COUNCILMEMBER ROCHE:** Work session.

[5] **ATTORNEY POWELL:** -- work session, or,  
[6] if there's no work session, the Thursday before  
[7] the meeting.

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

[9] **ATTORNEY POWELL:** I believe that's --

[10] **MAYOR JENKINS:** That's what I'm saying.

[11] **ATTORNEY POWELL:** -- what it says.

[12] **COUNCILMEMBER ROCHE:** Okay.

[13] Well, anyway, if someone needed  
[14] something today, if there was something like a  
[15] variance or whatever that was urgent and the  
[16] Council needed to vote on and it was today, they  
[17] would have to wait, what? It would be a solid  
[18] month from now, I believe. And depending on  
[19] when that happens, you could be looking at six  
[20] weeks away just to get action from the City  
[21] Council on an issue, and I just think that's way  
[22] too long.

[23] I think we have an annexation coming  
[24] up, we've got budget coming up, we've got so  
[25] much going on. And I think it would be better

Page 89

[1] if we could clear some of these issues off the  
[2] agenda at the middle meeting, so --  
[3] And that was -- you know, my suggestion  
[4] was that we allow -- we can make votes during  
[5] the middle of the meeting -- I'm sorry -- we can  
[6] vote at both meetings, we can pass motions and  
[7] vote on them; and second is that we would have a  
[8] fresh agenda for each meeting.  
[9] And I know different Council people  
[10] have different opinions or ideas on this, and  
[11] I'm kind of throwing it open for discussion.  
[12] **COUNCILMEMBER SPANGLER:** Well, I think  
[13] if we have something that's urgent that comes  
[14] up, the Mayor can always call a special meeting  
[15] and we can vote on it.  
[16] **COUNCILMEMBER ROCHE:** Very recently --  
[17] in fact, it was once done be- -- you know,  
[18] obviously, if we needed to add something to the  
[19] agenda, we can do that I think with the majority  
[20] of the Council people, but if it's at the work  
[21] session, we still can't vote on it.  
[22] Also, the City of Duluth is currently  
[23] being sued for doing exactly that. They voted  
[24] to put something on the agenda and then passed  
[25] it, and they're being sued now under the Open

Page 90

[1] Meetings laws. We have to be very careful about  
[2] calling special meetings just so that we can  
[3] vote on something, or automatically adding  
[4] things to the agenda. I think routine stuff  
[5] adding to the agenda is not a big deal, but I  
[6] just don't want to get us in trouble with the  
[7] Open Meetings laws or whatever.  
[8] **COUNCILMEMBER PITTMAN:** You know,  
[9] Mr. Roche, I'd expressed to you that I was not a  
[10] big advocate of not having a work session. I  
[11] think we certainly need to have a work session  
[12] to be able to do the research and check things  
[13] that we need to prior to our upcoming meeting,  
[14] and it has been a good thing. We've done it  
[15] several different ways. And I don't know that,  
[16] in the work session, that you can legally vote  
[17] -- if there was a way on certain things, maybe  
[18] -- but I don't think that you can without  
[19] calling it a meeting.  
[20] Is that correct, Rick?  
[21] **ATTORNEY POWELL:** You've got to -- it's  
[22] got to be a meeting.  
[23] **COUNCILMEMBER ROCHE:** Well, as things  
[24] are added to the agenda, I mean -- and I saw it  
[25] all last year -- we still do it now. I mean if

Page 91

[1] there's something that needs more research or  
[2] whatever, several times, things were tabled to  
[3] the next meeting or postponed to the next  
[4] meeting. Some issues are like that, and it's  
[5] all right and good that we do that. A lot of  
[6] issues, though, that are basically routine, we  
[7] can bring up the motion, pass it, and then we  
[8] don't have 23 items on our agenda every meeting.  
[9] **COUNCILMEMBER PITTMAN:** I agree, you  
[10] know, it would be nice to meet a little quicker  
[11] if we possibly could. But again, we've tried it  
[12] several different ways in the past Council, and  
[13] we've just found it was more effective. And it  
[14] may not move as fast as you want it to, but I  
[15] still think that we should continue on with our  
[16] work sessions and then have a meeting.  
[17] That's just my thoughts.  
[18] **COUNCILMEMBER ROCHE:** Okay.  
[19] **COUNCILMEMBER PITTMAN:** That's my  
[20] thoughts.  
[21] **COUNCILMEMBER ROCHE:** I understand.  
[22] Well, I'm going to make a motion that  
[23] we allow voting during the middle meeting and  
[24] have a fresh agenda at both meetings per month.  
[25] **MAYOR JENKINS:** You say the motion is

Page 92

[1] to have voting on the middle meeting?  
[2] **COUNCILMEMBER ROCHE:** To be able to  
[3] vote at both meetings per month and a fresh  
[4] agenda for both meetings per month.  
[5] **MAYOR JENKINS:** In other words, you  
[6] should put in there you want to eliminate the  
[7] work session. Is that correct?  
[8] **COUNCILMEMBER PITTMAN:** Well, you can't  
[9] vote at the work session.  
[10] **COUNCILMEMBER ROCHE:** That may be  
[11] collateral damage, I guess.  
[12] **MAYOR JENKINS:** Okay. Give me your  
[13] motion again.  
[14] **COUNCILMEMBER ROCHE:** I make a motion  
[15] that we make both meetings voting meetings and  
[16] have fresh agendas at both meetings per month.  
[17] **MAYOR JENKINS:** Okay. Do I get a  
[18] second?  
[19] Do I get a second?  
[20] **COUNCILMEMBER ROCHE:** Guess not.  
[21] **MAYOR JENKINS:** Motion denied for the  
[22] lack of a second. Thank you.  
[23] **COUNCILMEMBER FLEMING:** I am on deck  
[24] for this one. I just felt that we need to  
[25] readdress -- and this is one of the reasons why

[1] we do need the work sessions, is that we need to  
[2] readdress and identify the procedures for  
[3] Council information requests. And I'm still a  
[4] little bit confused about what information that  
[5] we have decided on should go to every single one  
[6] of us. And I believe at the work session we  
[7] were trying to find out whether there was an  
[8] actual policy, a written policy at the present,  
[9] for us to review.

[10] **COUNCILMEMBER ALEXANDER:** And in these  
[11] minutes, these minutes from October 15th,  
[12] Ms. Murphy references a policy; but I don't know  
[13] if it's in writing, if it's verbal or what it  
[14] is.

[15] **ATTORNEY POWELL:** My recollection was  
[16] that Mr. Spangler made a motion and it passed,  
[17] but my recollection was that I don't believe I  
[18] ever drafted anything.

[19] - - -  
[20] (Inaudible conversation among Council members.)  
[21] - - -

[22] **COUNCILMEMBER ALEXANDER:** Yeah. I mean  
[23] I can -- I can go back and research previous.  
[24] But specifically in this one, Ms. Murphy says,  
[25] we have a policy in place that if one Council

[1] **COUNCILMEMBER SPANGLER:** No. But do  
[2] you want to start being charged for information?

[3] **COUNCILMEMBER ALEXANDER:** I think you  
[4] guys were going to set up a fee.

[5] **COUNCILMEMBER SPANGLER:** Well, I don't  
[6] think -- I personally did not want the fee.

[7] **COUNCILMEMBER ALEXANDER:** Uh-huh.

[8] **COUNCILMEMBER SPANGLER:** Now, if that's  
[9] what you want, then, it's up to you.

[10] **COUNCILMEMBER ALEXANDER:** I guess I  
[11] want to know what the existing policy is.

[12] **COUNCILMEMBER SPANGLER:** The existing  
[13] policy was if one Council member requests  
[14] information of any kind from any department  
[15] head, or City Clerk, or Mayor, that all Council  
[16] people should have the same information if --

[17] **COUNCILMEMBER ALEXANDER:** Correct.

[18] **COUNCILMEMBER SPANGLER:** -- they so  
[19] desire.

[20] **COUNCILMEMBER ALEXANDER:** Correct.

[21] **COUNCILMEMBER SPANGLER:** They don't  
[22] have to take it, but they should be offered that  
[23] information.

[24] **COUNCILMEMBER FLEMING:** Okay. And I  
[25] guess that's the reason why I really wanted to

[1] person gets something, then we all get it.

[2] **ATTORNEY POWELL:** That is not what this  
[3] resolution's addressing. This is a separate  
[4] issue about the requests for information is what  
[5] Mr. Roche had brought up. That's what this  
[6] resolution is that I presented -- that I sent to  
[7] everybody addresses. It's just that you're all  
[8] advised if somebody makes a request for  
[9] information. That's all this does.

[10] **COUNCILMEMBER BATES:** This resolution,  
[11] though, limits it to the City Clerk. So  
[12] requests for information from other department  
[13] heads are not covered under --

[14] **ATTORNEY POWELL:** Okay. That certainly  
[15] could be expanded if that's what needs to be.

[16] **COUNCILMEMBER ALEXANDER:** I guess I  
[17] want to know what previous Council had in place,  
[18] because I do know that they had something in  
[19] place and they were going to modify it to  
[20] address the issue of charges incurred upon those  
[21] requests.

[22] I believe what was not addressed -- and  
[23] Mr. Spangler, I think, tabled his request at  
[24] that meeting -- the charges were addressed but  
[25] not the actual process.

[1] readdress it, because now we're getting into the  
[2] internet more and more about e-mailing requests,  
[3] and things are not actually handwritten and  
[4] brought into City Hall. So telecommunications,  
[5] whether we're, you know, doing it on the phone,  
[6] whether we're requesting something by the phone.  
[7] I think we just need to be absolutely specific  
[8] as to what the policy's going to be. That's the  
[9] reason why I just felt that we needed to  
[10] readdress the policy.

[11] **COUNCILMEMBER ALEXANDER:** And what it  
[12] is and what --

[13] **COUNCILMEMBER FLEMING:** Exactly.

[14] **COUNCILMEMBER ALEXANDER:** -- we want it  
[15] to be, because I don't think we have a clear  
[16] picture on what it is.

[17] **COUNCILMEMBER PITTMAN:** Right. And as  
[18] far as the fee schedule, we had discussed at one  
[19] time up to a certain point it would be free, and  
[20] then after that -- I mean if you're getting a  
[21] thousand pages, obviously, I think you should be  
[22] charged for it, and the time that it's going to  
[23] take for the staff to prepare that, because  
[24] we've had some big requests in the past. You  
[25] know, one or two pages, no, but we need to set a

Page 97

[1] fee scale.

[2] **COUNCILMEMBER ROCHE:** Yeah. And I

[3] guess this particular resolution, which, by the

[4] way, we passed unanimously, all it talks about

[5] is when someone makes a request for information,

[6] then everyone's aware. Like if I submitted an

[7] Open Records request at the library, and then

[8] the first thing the City Clerk would do -- well,

[9] according to this, anyone --

[10] The City Clerk is going to get all Open

[11] Records requests regardless of the department.

[12] Am I right about that?

[13] **CLERK BLACKMON:** Supposed to.

[14] **COUNCILMEMBER ROCHE:** So part of the

[15] processing of that Open Records request or that

[16] request for information would be that you would

[17] copy that thing, "Bob Roche wants to know who's

[18] behind on their library fines," or something,

[19] and make a copy and put it in everyone's

[20] mailbox.

[21] **COUNCILMEMBER PITTMAN:** So we just --

[22] I'm sorry.

[23] **COUNCILMEMBER ROCHE:** That way, we all

[24] know what's going on.

[25] I'm sorry.

Page 98

[1] **ATTORNEY POWELL:** Mr. Roche, what I

[2] drafted is not clear in that point, who the

[3] request is made to. In re-reading this, the

[4] words I put down here aren't clear there.

[5] **COUNCILMEMBER ROCHE:** Okay.

[6] **ATTORNEY POWELL:** So you --

[7] **COUNCILMEMBER ROCHE:** We can fix that,

[8] then.

[9] **ATTORNEY POWELL:** Yes. But we

[10] certainly would -- would you want it any request

[11] of just the City Hall or --

[12] You just mentioned something about the

[13] library is the reason I'm --

[14] **COUNCILMEMBER PITTMAN:** So it should be

[15] all Open Records requests or are we talking

[16] about all information requests?

[17] **ATTORNEY POWELL:** The way this is

[18] written is all -- any information -- requests

[19] for information by a City Council member,

[20] whether electronic or written and whether or not

[21] covered by the Open Records Act. It's just the

[22] request for information.

[23] **COUNCILMEMBER ROCHE:** The City Clerk is

[24] directed to furnish the Mayor and all City

[25] Council members. So this assumes that

Page 99

[1] eventually the City Clerk would get a copy of

[2] the request for information.

[3] **ATTORNEY POWELL:** But it might -- I

[4] guess what you pointed out that I hadn't thought

[5] about, that you could send it directly to a

[6] department head.

[7] **COUNCILMEMBER BATES:** Mr. Mayor?

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

[9] **COUNCILMEMBER BATES:** Move to table.

[10] **MAYOR JENKINS:** Excuse me?

[11] **COUNCILMEMBER SPANGLER:** Why do you

[12] want to postpone?

[13] **COUNCILMEMBER BATES:** Well, we don't

[14] have a clear understanding of what the existing

[15] policy is. We don't have it in writing. We

[16] don't know exactly what the language is.

[17] There are nuances with this as to who

[18] is responsible for forwarding information, who

[19] gets it, is it electronic, is it verbal? does

[20] everything go through the City Clerk? does it

[21] come through the department heads?

[22] I think there are a number of questions

[23] that need to be resolved before we pass another

[24] policy or resolution that may be in conflict

[25] with an existing policy, which none of us have a

Page 100

[1] written copy of said policy.

[2] **COUNCILMEMBER ROCHE:** Well, actually

[3] this would supersede any existing policy

[4] because, again, it was brought up in a work

[5] session.

[6] **COUNCILMEMBER BATES:** No. That --

[7] **COUNCILMEMBER ROCHE:** And then it was

[8] voted on and a motion was made.

[9] **COUNCILMEMBER BATES:** Actually, no.

[10] There are two different pieces of information.

[11] This is so that I get a copy of your request for

[12] information. The previous policy is I get a

[13] copy of the actual results of the request for

[14] information.

[15] **COUNCILMEMBER ROCHE:** Exactly. That's

[16] why I made the motion and that's why I made this

[17] resolution, because it's a different thing.

[18] **COUNCILMEMBER BATES:** But this does not

[19] supersede that. This is a supplement to. So we

[20] would --

[21] **COUNCILMEMBER ROCHE:** Exactly.

[22] **COUNCILMEMBER BATES:** -- be getting,

[23] then, copies of requests for information and

[24] copies of the actual results of the request for

[25] information.

[1] **COUNCILMEMBER SPANGLER:** Mr. Powell,  
 [2] could you go back and look at the minutes and  
 [3] draft -- well, I mean it's already passed and  
 [4] should have already drafted.  
 [5] **COUNCILMEMBER ROCHE:** It was passed;  
 [6] it's over.  
 [7] **COUNCILMEMBER SPANGLER:** But can you go  
 [8] ahead and type that up, the policy that we had  
 [9] in place before?  
 [10] **ATTORNEY POWELL:** I will -- one of us  
 [11] will find whatever that motion and get it to all  
 [12] of y'all before the next work session. Is that  
 [13] reasonable?  
 [14] **COUNCILMEMBER SPANGLER:** Okay.  
 [15] **ATTORNEY POWELL:** And then we can  
 [16] discuss it, what needs to be done.  
 [17] **COUNCILMEMBER SPANGLER:** Then we can  
 [18] add this too.  
 [19] **ATTORNEY POWELL:** Or make them --  
 [20] coordinate them or whatever you --  
 [21] **COUNCILMEMBER SPANGLER:** But in the  
 [22] meantime, since we did pass that motion, then  
 [23] any requests that are made, we should have --  
 [24] **COUNCILMEMBER ROCHE:** Right.  
 [25] **COUNCILMEMBER SPANGLER:** -- the

[1] - - -  
 [2] **MAYOR JENKINS:** Meeting come to order.  
 [3] Pam, number 16?  
 [4] **COUNCILMEMBER FLEMING:** Yes. Item  
 [5] number 16 is a policy to adopt a progressive  
 [6] discipline action plan and to dissolve the at  
 [7] will in our employment manual.  
 [8] Presently, the City of Doraville has an  
 [9] employee manual dated August 2nd, 2003, that  
 [10] we're presently using; however, we are in the  
 [11] process of updating that. But prior to sending  
 [12] it to a labor attorney for approval, I felt that  
 [13] this was something that needed to be addressed  
 [14] so that we can begin this right now.  
 [15] "Employment at will," the term is that  
 [16] the Council and Mayor have a right, and actually  
 [17] directors of the department, have the right to  
 [18] fire with or without cause at any time, and I do  
 [19] not feel that that is something that the City  
 [20] should be doing to its employees.  
 [21] It is a state of Georgia -- I mean the  
 [22] state of Georgia is at will. However, the City  
 [23] does not have to be, necessarily. We can have  
 [24] that provision in our personnel manual.  
 [25] So I am requesting that the City

[1] privilege of receiving any information that we  
 [2] so desire.  
 [3] **COUNCILMEMBER FLEMING:** I second to  
 [4] table until the work session.  
 [5] **MAYOR JENKINS:** Any more discussion?  
 [6] Call the roll, please.  
 [7] **CLERK BLACKMON:** Councilmember  
 [8] Alexander?  
 [9] **COUNCILMEMBER ALEXANDER:** Yes.  
 [10] **CLERK BLACKMON:** Councilmember Bates?  
 [11] **COUNCILMEMBER BATES:** Yes.  
 [12] **CLERK BLACKMON:** Councilmember Fleming?  
 [13] **COUNCILMEMBER FLEMING:** Yes.  
 [14] **CLERK BLACKMON:** Councilmember Pittman?  
 [15] **COUNCILMEMBER PITTMAN:** Yes.  
 [16] **CLERK BLACKMON:** Councilmember Roche?  
 [17] **COUNCILMEMBER ROCHE:** Yes.  
 [18] **CLERK BLACKMON:** Councilmember  
 [19] Spangler?  
 [20] **COUNCILMEMBER SPANGLER:** Yes.  
 [21] **MAYOR JENKINS:** What about a 10-minute  
 [22] break?  
 [23] **COUNCILMEMBER ROCHE:** Sure.  
 [24] - - -  
 [25] (Brief recess.)

[1] acknowledge the employment with cause and  
 [2] dissolve the employment at will portion of the  
 [3] employee manual, which would be Section 1.3.  
 [4] **MAYOR JENKINS:** Any discussion?  
 [5] Do you make that in the form of a  
 [6] motion?  
 [7] **COUNCILMEMBER FLEMING:** I make a motion  
 [8] to dissolve the at-will section of the employee  
 [9] manual, which is Section 1.3, and insert it with  
 [10] or replace it with employment with cause.  
 [11] **MAYOR JENKINS:** Do I get a second?  
 [12] Do I get a second?  
 [13] **COUNCILMEMBER ALEXANDER:** Just a  
 [14] minute.  
 [15] **COUNCILMEMBER BATES:** Hang on, Mr.  
 [16] Mayor.  
 [17] **COUNCILMEMBER PITTMAN:** Hold on a  
 [18] second.  
 [19] **COUNCILMEMBER FLEMING:** Mayor, we  
 [20] changed an agenda item, so I apologize. I had  
 [21] given everyone this as agenda item 18 and it's  
 [22] really 16.  
 [23] **ATTORNEY POWELL:** We would then draw an  
 [24] ordinance to do this, because the manual was  
 [25] adopted by ordinance. But y'all can go ahead

Page 105

[1] and do that just tonight if you so choose to.

[2] **COUNCILMEMBER FLEMING:** Okay. So we

[3] would have to have an ordinance rather than

[4] amending our present personnel manual?

[5] **ATTORNEY POWELL:** Well, we adopted the

[6] manual by ordinance as part of the -- and it's

[7] in the Code, that reflects the manual.

[8] **COUNCILMEMBER FLEMING:** I see.

[9] **COUNCILMEMBER ALEXANDER:** Where is the

[10] Attachment A from?

[11] **COUNCILMEMBER FLEMING:** I'm sorry?

[12] **COUNCILMEMBER ALEXANDER:** Where is the

[13] Attachment A from?

[14] **COUNCILMEMBER FLEMING:** Now, the only

[15] thing that I'm doing right now is the 16, not

[16] 16A. And the A is from our 43 to 46 pages that

[17] we're inserting.

[18] **COUNCILMEMBER ALEXANDER:** Okay.

[19] **COUNCILMEMBER PITTMAN:** Will our

[20] employee manual supersede the state law?

[21] **ATTORNEY POWELL:** You do not have to be

[22] employee at will, employment at will. You can

[23] adopt a different.

[24] The employment at will is if there's

[25] nothing else adopted. By default, in Georgia,

Page 106

[1] it's employment at will.

[2] **COUNCILMEMBER BATES:** Ms. Fleming, this

[3] is the same information that you presented to us

[4] at the work session; is that correct?

[5] **COUNCILMEMBER FLEMING:** That is

[6] correct.

[7] **COUNCILMEMBER BATES:** I'll second the

[8] motion.

[9] **MAYOR JENKINS:** Any more discussion?

[10] **COUNCILMEMBER ROCHE:** Yes. No one

[11] believes more than I do that we need to treat

[12] our people right; we need to take care of the

[13] people that take care of us. I believe very

[14] strongly in the concept if someone has a

[15] performance issue, we do everything we can to

[16] improve that performance and bring it up to

[17] snuff.

[18] But I also think that we need the

[19] employment at will as a backstop, you know,

[20] because if we -- I'm afraid that if we take this

[21] action -- and I believe Mr. Powell said

[22] something and other lawyers that we've talked to

[23] have always said over, and over and over again,

[24] that you ought to stay employment at will; and

[25] so I would be against it just for that.

Page 107

[1] That doesn't mean we don't treat our

[2] people right. It doesn't mean we do all those

[3] other things, as I said. And I believe that

[4] there is a way legally to be able to write our

[5] employee manual in such a way that you can have

[6] both, so --

[7] I just think that we'd be looking at

[8] problems down the road if we got rid of

[9] employment at will.

[10] **COUNCILMEMBER PITTMAN:** And I at one

[11] time had agreed with Mr. Roche, but my concern

[12] is that if we leave employment at will and we'd

[13] like to think that no one would come in and just

[14] get rid of you for no cause. But it does

[15] happen, so I'm not going to be a real strong

[16] advocate on leaving it in there just based on

[17] that.

[18] **COUNCILMEMBER ALEXANDER:** I would feel

[19] a lot more comfortable if we had the GIRMA

[20] attorneys look at this before we would vote on

[21] it.

[22] **COUNCILMEMBER PITTMAN:** I thought --

[23] did we not already do that?

[24] **COUNCILMEMBER SPANGLER:** I don't think

[25] we have.

Page 108

[1] **COUNCILMEMBER PITTMAN:** Didn't we get

[2] their opinion?

[3] **COUNCILMEMBER FLEMING:** Yes.

[4] **COUNCILMEMBER PITTMAN:** Yes. I thought

[5] we did.

[6] **COUNCILMEMBER SPANGLER:** When did we

[7] get their opinion?

[8] **COUNCILMEMBER ROCHE:** And their opinion

[9] was to keep employment at will.

[10] **COUNCILMEMBER ALEXANDER:** But we also

[11] had other attorneys that said you could do it

[12] both ways, you could do it in the middle. I

[13] mean we've gotten probably five different

[14] opinions from five different attorneys.

[15] **COUNCILMEMBER ROCHE:** Well, I under-

[16] stand that. And they all said, yes, you could

[17] do it in certain ways. But --

[18] **COUNCILMEMBER SPANGLER:** But they

[19] strongly --

[20] **COUNCILMEMBER ROCHE:** -- every time

[21] they said what should you do, they always said

[22] employment at will is the strongest legal

[23] position.

[24] **MAYOR JENKINS:** You're saying to leave

[25] it in?

[1] **COUNCILMEMBER ROCHE:** Right.  
 [2] Employment at will is the strongest legal  
 [3] position in terms of if we have to let someone  
 [4] go, and they have -- it's very difficult to  
 [5] prove, apparently, that we didn't go to the  
 [6] letter of exactly our process and everything  
 [7] else.  
 [8] **COUNCILMEMBER ALEXANDER:** I think  
 [9] that's why we had discussed having documenta-  
 [10] tion.  
 [11] **COUNCILMEMBER SPANGLER:** I mean I like  
 [12] -- I like the idea of the documentation.  
 [13] **COUNCILMEMBER ALEXANDER:** Yes.  
 [14] **COUNCILMEMBER SPANGLER:** And I like the  
 [15] idea of this.  
 [16] **COUNCILMEMBER ROCHE:** Uh-huh.  
 [17] **COUNCILMEMBER SPANGLER:** But I would  
 [18] rather check with a labor attorney --  
 [19] **COUNCILMEMBER ROCHE:** Uh-huh.  
 [20] **COUNCILMEMBER SPANGLER:** -- to make  
 [21] sure that we're doing it the proper way.  
 [22] **COUNCILMEMBER FLEMING:** I'm trying to  
 [23] get us secure until we get our personnel manual  
 [24] sent to a GIRMA attorney or a labor attorney to  
 [25] advise us of corrections that possibly need to

[1] slate," that does not leave a good impression  
 [2] with the employees that we have under our  
 [3] employment.  
 [4] **COUNCILMEMBER SPANGLER:** Would you  
 [5] please explain?  
 [6] **COUNCILMEMBER ALEXANDER:** Mr. Roche's  
 [7] comment in the work session, I believe it was.  
 [8] **COUNCILMEMBER SPANGLER:** I want you --  
 [9] **COUNCILMEMBER ROCHE:** Which comment was  
 [10] that?  
 [11] **COUNCILMEMBER SPANGLER:** -- to explain.  
 [12] **COUNCILMEMBER ALEXANDER:** I'm sorry?  
 [13] I believe you made a comment in the  
 [14] work session about wanting with a -- a new mayor  
 [15] could come in and want to start with a clean  
 [16] slate, and you think they should be allowed to.  
 [17] **COUNCILMEMBER ROCHE:** Well, one of the  
 [18] people that ran for mayor basically said that  
 [19] that was what they wanted to do.  
 [20] **COUNCILMEMBER ALEXANDER:** And that, to  
 [21] me, does not exude goodwill toward our  
 [22] employees. I had a citizen come up to me after  
 [23] that meeting that said, "Why in the world would  
 [24] you want to work here?"  
 [25] **COUNCILMEMBER SPANGLER:** Well, we have

[1] be made or whatever. I am trying to secure  
 [2] every employee that we presently have, with some  
 [3] type of a discipline action plan, and I don't  
 [4] believe we can do that if we're stating that we  
 [5] are at-will employment.  
 [6] **ATTORNEY POWELL:** But if you're  
 [7] considering going back to employment at will, I  
 [8] can surely tell you you shouldn't do this. You  
 [9] shouldn't give the employee some rights and then  
 [10] come back and take them away.  
 [11] **COUNCILMEMBER ROCHE:** Exactly.  
 [12] **ATTORNEY POWELL:** Now, that's a legal  
 [13] opinion. That's not any personal opinion, and  
 [14] it's not that --  
 [15] And I'm not saying that you shouldn't  
 [16] go the direction you're going, Ms. Fleming, but  
 [17] I can tell you that it would be my advice not to  
 [18] do it until you knew for sure that's exactly  
 [19] what you wanted to do and it fits with the rest  
 [20] of the --  
 [21] **COUNCILMEMBER ALEXANDER:** I believe --  
 [22] **ATTORNEY POWELL:** -- the manual.  
 [23] **COUNCILMEMBER ALEXANDER:** -- the  
 [24] concerns are when you have a council member that  
 [25] I believe the quote was, "Start with a clean

[1] a mayor right now, Ms. Alexander, who is going  
 [2] to be here for what, three and a half more  
 [3] years? Okay. So I don't think we have to be in  
 [4] any big hurry.  
 [5] I'm all for this, okay, Ms. Fleming?  
 [6] I'm all for it. But like Mr. Powell said, the  
 [7] concern I would have is if we change it now and  
 [8] then later we have to go back to the at will,  
 [9] then there's going to be some huge problems.  
 [10] I would rather spend a little more time  
 [11] -- we had some more to do with the employee  
 [12] manual before we sent it to the attorneys; and  
 [13] at that time, then we need to discuss this with  
 [14] them.  
 [15] **COUNCILMEMBER ROCHE:** Yeah. And I want  
 [16] to make it clear that I mean, in principle, I'm  
 [17] absolutely wonderful with this. I think it's a  
 [18] great idea. But I can't think in terms of what  
 [19] I personally want anymore, because I've been  
 [20] elected to look out for the best interests of  
 [21] the town of Doraville.  
 [22] **COUNCILMEMBER PITTMAN:** Quite honestly,  
 [23] I don't think you're going to find an attorney  
 [24] anywhere that's probably going to tell you to  
 [25] take it out.

Page 113

[1] **COUNCILMEMBER ROCHE:** Right.

[2] **COUNCILMEMBER PITTMAN:** They're not

[3] going to tell you that.

[4] I think it's going to be up to the

[5] Council now to figure out what's the best for

[6] the City at this point. And in my opinion right

[7] now, I think that as Ms. Fleming said --

[8] **ATTORNEY POWELL:** Well, we can

[9] certainly do it if y'all decide to do it as part

[10] of the whole that whoever you have do it.

[11] **COUNCILMEMBER PITTMAN:** If you have a

[12] strong -- like she said, documentation, disci-

[13] plinary action, then I don't think you really

[14] have anything to worry about. And it does

[15] protect employees from someone coming in,

[16] potentially now or whether later down the road,

[17] and just saying, "I don't want you, I don't want

[18] you." And I am just not going to advocate that.

[19] **COUNCILMEMBER SPANGLER:** Well, you can

[20] take this document, and within a period of two

[21] weeks, you could terminate anybody. Okay?

[22] So I mean at any rate, the thing I like

[23] about it is progressive steps. Okay?

[24] And Chief, I think in the Police

[25] Department you probably already have something

Page 114

[1] like this.

[2] **CHIEF KING:** Mayor, if I'm permitted,

[3] I'm just saying, before I'm willing to come

[4] before you to recommend a termination of one of

[5] the police -- before I even come to talk to the

[6] Mayor and tell him, Mayor, we're going to have

[7] to let somebody go, I bring my documentation,

[8] because there's no way I would come before you

[9] if that employee appealed my decision unless I

[10] have a pretty strong case.

[11] So our discipline standards are there

[12] -- code of ethics, our employee rules -- but

[13] they all have to be documented. There's a lot

[14] of times that I've had a first-line supervisor

[15] that says "This guy needs to be fired."

[16] My first question, "Where's the write-

[17] up? Where is the counseling? Where is the

[18] training?" If that is not present, then, that

[19] doesn't exist.

[20] The problem is, I'll tell you very

[21] bluntly, is the department heads, because the

[22] protections are -- you know, are in the -- in

[23] for the employees, and the department heads

[24] don't have those protections.

[25] **MAYOR JENKINS:** Would you like to study

Page 115

[1] this more before you --

[2] **COUNCILMEMBER BATES:** Well, my only --

[3] **COUNCILMEMBER FLEMING:** No, sir.

[4] **COUNCILMEMBER BATES:** Ms. Fleming, I --

[5] **COUNCILMEMBER FLEMING:** There's a

[6] motion and a second.

[7] **COUNCILMEMBER BATES:** I'm absolutely in

[8] favor of this.

[9] **COUNCILMEMBER FLEMING:** There's a

[10] motion and a second.

[11] **COUNCILMEMBER BATES:** My only concern

[12] is the document that would go along with this

[13] process. Do we have those forms ready? When

[14] would this take -- when would this take effect?

[15] You know, if this takes effect tomorrow, do we

[16] have the paperwork and the processes in place to

[17] implement that?

[18] So I would -- I would be in favor of

[19] this with a start time down the road so that we

[20] can make sure that we get all of our documenta-

[21] tion prepared and are ready to implement with

[22] that process.

[23] But I absolutely agree with you on

[24] this.

[25] **COUNCILMEMBER FLEMING:** So what date

Page 116

[1] would you suggest, Mr. Bates?

[2] **COUNCILMEMBER BATES:** How long would it

[3] take us to get the appropriate forms prepared

[4] and the processes done and make sure the

[5] department heads understand the --

[6] **COUNCILMEMBER PITTMAN:** So you already

[7] have that in place.

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

[9] **COUNCILMEMBER PITTMAN:** How about --

[10] Rhonda, how about in place for other employees?

[11] **CLERK BLACKMON:** We don't have anything

[12] in City Hall. I don't know about the other

[13] departments. I can check on that.

[14] It's certainly very easy for me,

[15] anyway, to draw up forms based on somebody

[16] else's -- you know.

[17] **COUNCILMEMBER FLEMING:** I didn't

[18] include in our packet this evening an actual

[19] copy of a possible discipline action form. I

[20] only included Attachment A as the disciplinary

[21] action plan.

[22] As far as the form is concerned, I do

[23] have one available but I was not sure whether

[24] that was something possibly the City already had

[25] in place.

[1] **COUNCILMEMBER BATES:** It's something  
[2] that you gave us at the work session; is that  
[3] correct?  
[4] **COUNCILMEMBER SPANGLER:** But I really  
[5] don't feel like you have to have a formal form.  
[6] **COUNCILMEMBER ROCHE:** Oh, yeah.  
[7] **COUNCILMEMBER SPANGLER:** If you're  
[8] going to do --  
[9] **COUNCILMEMBER ROCHE:** You've got to  
[10] have a formal form.  
[11] **COUNCILMEMBER SPANGLER:** Oh, I mean you  
[12] can do -- you can do any kind of documentation  
[13] on any kind of piece of paper. You can do a  
[14] verbal, which you're going to write it down,  
[15] anyway. You can do a written. I mean you don't  
[16] have to have a form letter.  
[17] I wouldn't want a form letter. I mean  
[18] each person -- if you gave each person a form  
[19] letter stating whatever, I think it could be  
[20] some kind of legal problem.  
[21] If you just sit down and the department  
[22] head can type up or handwrite and say, "Okay,  
[23] I'm giving you a verbal warning for this  
[24] action."  
[25] **COUNCILMEMBER FLEMING:** Mr. Spangler, I

[1] **COUNCILMEMBER ROCHE:** -- in forms,  
[2] inconsistencies in training.  
[3] **COUNCILMEMBER SPANGLER:** -- to have  
[4] inconsistencies anyway, Mr. Bates, because  
[5] you're not going to have each --  
[6] Nobody else is going to use the same  
[7] system that the Chief uses.  
[8] **COUNCILMEMBER BATES:** Well, that's why  
[9] we need to be consistent with all departments --  
[10] **COUNCILMEMBER SPANGLER:** A form --  
[11] **COUNCILMEMBER BATES:** -- of having the  
[12] same --  
[13] **COUNCILMEMBER SPANGLER:** -- is not  
[14] going to make that happen.  
[15] **ATTORNEY POWELL:** There could be other  
[16] circumstances that I think would apply to the  
[17] Police Department that wouldn't apply to the  
[18] other departments. But with that in mind, the  
[19] basic stuff is going to be the same, and then  
[20] maybe put additional things for the Police  
[21] Department, but it should be -- should be  
[22] uniform with the basics.  
[23] **COUNCILMEMBER ROCHE:** Well, let me ask  
[24] you two questions. First of all, does this  
[25] confer property rights on the jobs themselves?

[1] think the usage of the action plan form is two-  
[2] fold. It shows the employee where they are now  
[3] and as the progression goes on.  
[4] **COUNCILMEMBER SPANGLER:** I understand.  
[5] **COUNCILMEMBER FLEMING:** And it's better  
[6] to do it on a form than it is to write something  
[7] up.  
[8] **COUNCILMEMBER SPANGLER:** Okay. I won't  
[9] argue with you on that, but you can do the same  
[10] thing without a form.  
[11] **COUNCILMEMBER ROCHE:** But if you don't  
[12] use a form, then you have -- we're exposing  
[13] ourselves to the charges of being unfair, that  
[14] one person does it one way, another person does  
[15] it another way, and then it's all -- you know.  
[16] Trust me.  
[17] **COUNCILMEMBER BATES:** Mr. Powell, if we  
[18] have inconsistencies of enforcement between  
[19] department heads, does that not open us up for  
[20] litigation?  
[21] **ATTORNEY POWELL:** Yes.  
[22] **COUNCILMEMBER ROCHE:** Or inconsis-  
[23] tencies --  
[24] **COUNCILMEMBER SPANGLER:** Well, you're  
[25] going --

[1] I don't know the details, but I under-  
[2] stand that if you work at a -- if we do it  
[3] wrong, a person literally has property rights to  
[4] their job.  
[5] **ATTORNEY POWELL:** It can do that.  
[6] **COUNCILMEMBER ROCHE:** It would cause  
[7] that to happen.  
[8] And the second thing is if we ever had  
[9] a problem with revenues or whatever -- and trust  
[10] me, if I can help it, we won't -- if we ever had  
[11] to lay someone off, what would be the effects on  
[12] that?  
[13] Personally, I think if we lay someone  
[14] off, we should have a severance package. But  
[15] aside from that, what would the effect of this  
[16] be on laying someone off? And then if we lay  
[17] one person off versus another person, how does  
[18] all that figure in?  
[19] **ATTORNEY POWELL:** You should provide  
[20] for that circumstance. And I haven't read this,  
[21] so I don't know.  
[22] **COUNCILMEMBER ROCHE:** No. Well, I  
[23] guess what I'm saying is if we had a situation  
[24] where we had to lay off someone from the  
[25] library --

Page 121

[1] **COUNCILMEMBER FLEMING:** This is a  
[2] discipline action plan. This is not termination  
[3] or exiting policies.  
[4] **COUNCILMEMBER ROCHE:** Right.  
[5] **COUNCILMEMBER FLEMING:** This is just  
[6] discipline. So laying off is not a discipline,  
[7] okay, so it is not addressed in this.  
[8] **COUNCILMEMBER ROCHE:** Couldn't expose  
[9] us to -- I mean if we had to lay someone off in  
[10] the library and they picked A instead of B,  
[11] couldn't B -- couldn't A who got laid off say,  
[12] "Well, wait a minute. You're treating me  
[13] unfairly because you didn't fill out the  
[14] document or whatever?"  
[15] **ATTORNEY POWELL:** Are we going to have  
[16] anything spelled out as to the procedures for  
[17] that?  
[18] **COUNCILMEMBER ROCHE:** I don't think we  
[19] have -- well, we have to -- if we're going to go  
[20] down this road, we need the training, we need  
[21] everything spelled out very -- very detailed.  
[22] I think we need that anyway, frankly,  
[23] because, again, we need to take care of the  
[24] people that take care of us, and I will not  
[25] allow anyone to my knowledge to be treated

Page 122

[1] unfairly if there's anything I can do about it.  
[2] I just think, as a city, for a  
[3] backstop, from a legal standpoint -- I've said  
[4] that already. So I just think we need to  
[5] consider all that when we take this action also.  
[6] And then as you said, it's basically a  
[7] no-return policy. Once we go down that road,  
[8] it's very, very difficult to come back if we  
[9] needed to.  
[10] **COUNCILMEMBER SPANGLER:** So what did  
[11] you just say?  
[12] **COUNCILMEMBER FLEMING:** He wanted to  
[13] know about laying off a person, which doesn't  
[14] apply to disciplinary action.  
[15] **COUNCILMEMBER SPANGLER:** No.  
[16] **COUNCILMEMBER ROCHE:** Well, I'm just  
[17] saying if we're going to go down this road,  
[18] we're going to have to deal with termination for  
[19] any reason.  
[20] **COUNCILMEMBER FLEMING:** That's in  
[21] Section --  
[22] **COUNCILMEMBER SPANGLER:** That would be  
[23] another part of the handbook that you need to  
[24] cover.  
[25] **COUNCILMEMBER FLEMING:** That's in

Page 123

[1] Section 7, Termination; and no, we weren't  
[2] addressing Section 7.  
[3] **COUNCILMEMBER ROCHE:** I guess my heart  
[4] tells me one thing and the lawyers tell me  
[5] something else. So up here, I'll listen to the  
[6] lawyers.  
[7] **ATTORNEY POWELL:** Well, now, I honestly  
[8] had not read this till now. This is an attempt  
[9] to address what you just said, Mr. Roche: This  
[10] manual shall not imply a negotiable contractual  
[11] agreement with employee nor shall continued  
[12] employment be construed as promised or  
[13] guaranteed.  
[14] **COUNCILMEMBER ROCHE:** Well, then, how  
[15] does that differ from at-will employment?  
[16] **COUNCILMEMBER FLEMING:** Continued  
[17] employment shall be based in part by performance  
[18] reviews and action plans.  
[19] **COUNCILMEMBER ROCHE:** But the whole  
[20] thing about the contractual --  
[21] **COUNCILMEMBER FLEMING:** Right here on  
[22] this one. Right here (indicating).  
[23] **COUNCILMEMBER ROCHE:** Right.  
[24] **COUNCILMEMBER FLEMING:** Now, this is  
[25] not an attorney statement. This is something

Page 124

[1] that I tried to draft so that we would, you  
[2] know, basically understand employment at will  
[3] versus employment with cause, or whichever we'd  
[4] like to notate it.  
[5] **COUNCILMEMBER ROCHE:** Well, put it this  
[6] way: if we had a department head that I think  
[7] was being unfair to their employees and firing  
[8] them, I would want to be able to fire that  
[9] department head.  
[10] **UNIDENTIFIED SPEAKER:** No, not one  
[11] person.  
[12] **COUNCILMEMBER ROCHE:** If they were  
[13] being unfair to their employees.  
[14] **UNIDENTIFIED SPEAKER:** Not one person.  
[15] **COUNCILMEMBER ROCHE:** Not me  
[16] personally, but the Council.  
[17] **COUNCILMEMBER PITTMAN:** But would you  
[18] not address that with that person? You just  
[19] wouldn't fire them. You wouldn't have some sort  
[20] of documentation in reference to that?  
[21] **COUNCILMEMBER ROCHE:** We do that with a  
[22] department head as the City Council.  
[23] **COUNCILMEMBER FLEMING:** Mayor?  
[24] **MAYOR JENKINS:** Pam?  
[25] **COUNCILMEMBER ROCHE:** It just gets

[1] bigger and bigger. I'm sorry.  
 [2] **MAYOR JENKINS:** Do you want to follow  
 [3] through your motion or do some more research on  
 [4] it?  
 [5] **COUNCILMEMBER FLEMING:** Sir, I'd like  
 [6] to follow through on the motion.  
 [7] **MAYOR JENKINS:** Okay. Call the roll.  
 [8] **CLERK BLACKMON:** Councilmember  
 [9] Alexander?  
 [10] **COUNCILMEMBER ALEXANDER:** No.  
 [11] **CLERK BLACKMON:** Councilmember Bates?  
 [12] **COUNCILMEMBER BATES:** No.  
 [13] **CLERK BLACKMON:** Councilmember  
 [14] Spangler?  
 [15] **COUNCILMEMBER SPANGLER:** No.  
 [16] **CLERK BLACKMON:** Councilmember Fleming?  
 [17] **COUNCILMEMBER FLEMING:** Yes.  
 [18] **CLERK BLACKMON:** Councilmember Pittman?  
 [19] **COUNCILMEMBER PITTMAN:** I guess no.  
 [20] **CLERK BLACKMON:** Councilmember Roche?  
 [21] **COUNCILMEMBER ROCHE:** No.  
 [22] **CLERK BLACKMON:** Councilmember  
 [23] Spangler?  
 [24] **COUNCILMEMBER SPANGLER:** You already  
 [25] called my name.

[1] had similar answers, that we could probably put  
 [2] both in there, and I would like to see how they  
 [3] would do that.  
 [4] **COUNCILMEMBER ROCHE:** And again, you  
 [5] know, I've worked in a lot of organizations over  
 [6] my career, and I've just seen so many times when  
 [7] situations have come up.  
 [8] I'm open to persuasion. If we can find  
 [9] a way to protect the City and still treat our  
 [10] people right -- I mean treating people right is  
 [11] the first thing.  
 [12] **COUNCILMEMBER PITTMAN:** You know, I  
 [13] just -- I'm just -- again, I like what you have,  
 [14] but I'm just -- I don't want someone to come in  
 [15] and just say, "I don't want you anymore. See  
 [16] you." And at this point --  
 [17] **COUNCILMEMBER ROCHE:** I don't want that  
 [18] either.  
 [19] **COUNCILMEMBER PITTMAN:** -- we have  
 [20] potential to have that happen.  
 [21] **MAYOR JENKINS:** Okay. The motion was  
 [22] no, so it will be put on the agenda again if it  
 [23] comes up again. Otherwise, it's law.  
 [24] **COUNCILMEMBER SPANGLER:** I would like  
 [25] to get it back on the agenda as quickly as we

[1] **CLERK BLACKMON:** Oh. I don't remember.  
 [2] Sorry.  
 [3] **COUNCILMEMBER FLEMING:** Can I ask a  
 [4] question since I'm really unfamiliar? How can  
 [5] you possibly second a motion and then vote "no"  
 [6] to it?  
 [7] **COUNCILMEMBER BATES:** Well, I wanted it  
 [8] for discussion. Ms. Fleming, I absolutely agree  
 [9] with moving it into an employment rights  
 [10] position, but there is information that I want  
 [11] to make sure that we are fully flushed out and  
 [12] have all of our T's crossed and our I's dotted  
 [13] with an understanding and expectations from  
 [14] across the board with all department heads on  
 [15] how this is going to be implemented and  
 [16] implemented appropriately.  
 [17] I think this discussion, much like at  
 [18] the work session, was healthy to have, and we  
 [19] will -- we will get there and I will be right  
 [20] there with you in voting for this when we're  
 [21] ready to do that.  
 [22] **COUNCILMEMBER PITTMAN:** And I, too,  
 [23] agree. It's absolutely a valid point. But I  
 [24] think my biggest thing that I was hesitant about  
 [25] is because all the attorneys that we did talk to

[1] can get the information.  
 [2] **COUNCILMEMBER FLEMING:** Yes.  
 [3] **COUNCILMEMBER PITTMAN:** So could we  
 [4] just --  
 [5] **MAYOR JENKINS:** That'll be fine.  
 [6] 17, Pam, annual performance?  
 [7] **COUNCILMEMBER FLEMING:** Yes, sir.  
 [8] Annual performance.  
 [9] Presently as I understand it, the City  
 [10] has an annual merit raise or performance  
 [11] appraisal evaluation for its employees annually,  
 [12] and that is once per year. We don't have a --  
 [13] in Section 2.4.2, Compensation and Administra-  
 [14] tion in our current employee manual, August 2nd,  
 [15] 2003, we do not elaborate on how it will be  
 [16] calculated nor how the performance appraisals  
 [17] will be conducted.  
 [18] So I drafted another amendment, and of  
 [19] course if Mr. Powell indicates that it needs to  
 [20] be an ordinance, that's fine.  
 [21] But I feel that the salary increases  
 [22] should be awarded one time per year based on the  
 [23] following criteria: and number one, an annual  
 [24] performance appraisal will be completed by the  
 [25] director for each employee by April 30th of each

Page 129

[1] year; number two, the award, if any, will be  
[2] calculated on the employee's present annual base  
[3] salary; number three, performance awards, if  
[4] any, will be submitted for salary change for the  
[5] first pay period in July of the same year.  
[6] And that's what I would like to add to  
[7] Article B of Section 2.4.2 of our employee  
[8] manual.  
[9] The calculation right now, so that you  
[10] are aware, is based on the beginning salary of  
[11] that person's position, not on their current  
[12] rate of salary that they're making.  
[13] **COUNCILMEMBER ROCHE:** I will make a  
[14] motion that we adopt this, whatever it is,  
[15] amendment to the employee manual as stated by  
[16] Councilman Fleming.  
[17] **COUNCILMEMBER ALEXANDER:** I second.  
[18] **COUNCILMEMBER BATES:** As I understand  
[19] it, as it sits right now, if someone is hired  
[20] today at \$30,000, in 15 years when they get  
[21] reviewed for their performance review, it's  
[22] going to be based, the percentage, upon \$30,000  
[23] whether or not they're making \$40,000 or not.  
[24] To me, that is awful. It's unconscionable that  
[25] you would penalize someone for their longevity

Page 130

[1] with the City, and you absolutely have my  
[2] support on this.  
[3] **ATTORNEY POWELL:** Doesn't this say what  
[4] you just said?  
[5] **COUNCILMEMBER BATES:** Yes. I was just  
[6] -- I was just clarifying.  
[7] **ATTORNEY POWELL:** No, no, no. Doesn't  
[8] it say it's on your --  
[9] **COUNCILMEMBER BATES:** It will be on the  
[10] present base salary, not on their starting  
[11] salary.  
[12] **COUNCILMEMBER FLEMING:** Yes, present  
[13] annual base salary, not on the --  
[14] **COUNCILMEMBER BATES:** Starting.  
[15] **COUNCILMEMBER FLEMING:** -- person's  
[16] starting position salary.  
[17] **ATTORNEY POWELL:** What is base salary?  
[18] **COUNCILMEMBER BATES:** What you make  
[19] without --  
[20] **COUNCILMEMBER FLEMING:** Without over-  
[21] time, without comp time, without sick pay.  
[22] **MAYOR JENKINS:** Would you make that a  
[23] motion?  
[24] **COUNCILMEMBER ROCHE:** I made a motion  
[25] and it's been seconded.

Page 131

[1] **MAYOR JENKINS:** Okay. Call the roll,  
[2] please.  
[3] **CLERK BLACKMON:** Councilmember  
[4] Alexander?  
[5] **COUNCILMEMBER ALEXANDER:** Yes.  
[6] **CLERK BLACKMON:** Councilmember Bates?  
[7] **COUNCILMEMBER BATES:** Yes.  
[8] **CLERK BLACKMON:** Councilmember Fleming?  
[9] **COUNCILMEMBER FLEMING:** Yes.  
[10] **CLERK BLACKMON:** Councilmember Pittman?  
[11] **COUNCILMEMBER PITTMAN:** Yes.  
[12] **CLERK BLACKMON:** Councilmember Roche?  
[13] **COUNCILMEMBER ROCHE:** Yes.  
[14] **CLERK BLACKMON:** Councilmember  
[15] Spangler?  
[16] **COUNCILMEMBER SPANGLER:** Yes.  
[17] **COUNCILMEMBER FLEMING:** Thank you.  
[18] **MAYOR JENKINS:** Variance request for  
[19] Redwood Street. We did discuss this, and I  
[20] believe everybody was in agreement. If you'd go  
[21] ahead and give the variance.  
[22] **COUNCILMEMBER SPANGLER:** I make a  
[23] motion that we give the variance.  
[24] **COUNCILMEMBER PITTMAN:** Second.  
[25] **MAYOR JENKINS:** Call the roll.

Page 132

[1] **CLERK BLACKMON:** Councilmember  
[2] Alexander?  
[3] **COUNCILMEMBER ALEXANDER:** Yes.  
[4] **CLERK BLACKMON:** Councilmember Bates?  
[5] **COUNCILMEMBER BATES:** Yes.  
[6] **CLERK BLACKMON:** Councilmember Fleming?  
[7] **COUNCILMEMBER FLEMING:** Yes.  
[8] **CLERK BLACKMON:** Councilmember Pittman?  
[9] **COUNCILMEMBER PITTMAN:** Yes.  
[10] **CLERK BLACKMON:** Councilmember Roche?  
[11] **COUNCILMEMBER ROCHE:** Yes.  
[12] **CLERK BLACKMON:** Councilmember  
[13] Spangler?  
[14] **COUNCILMEMBER SPANGLER:** Yes.  
[15] **MAYOR JENKINS:** Good. Committee  
[16] reports. Got any committees that want to report  
[17] tonight?  
[18] **MR. CONNOR:** Joe Connor, Planning  
[19] Commission. On the 15th of this month, we'll be  
[20] having a meeting to discuss an application by  
[21] Apex Environmental Services and also a request  
[22] for a variance that was put before the Council  
[23] for two properties on Tilly Mill Road. So that  
[24] will be 7 o'clock on Thursday, May 15th.  
[25] **MR. CRAWFORD:** (Inaudible.)

[1] **MR. CONNOR:** Oh. We did meet with the  
[2] owner of Apex today just to see exactly what his  
[3] business was and where it stood, and we invited  
[4] him to make his presentation to us. Sorry.

[5] **MAYOR JENKINS:** Thank you.  
[6] Any more reports, committee reports?  
[7] John, you got any reports?

[8] **CHIEF KING:** Yes, sir, just very  
[9] briefly.

[10] Just we've been able to successfully  
[11] get four of our five positions hired. Two of  
[12] our young officers have gone to the Police  
[13] Academy and should be graduating soon, and we're  
[14] getting two officers with prior experience in  
[15] other departments coming in to the agency. So  
[16] we should be up to speed.

[17] But unfortunately we just lost Officer  
[18] Hess. He has resigned and he's going to work  
[19] for Morrow P.D. We have his exit interview  
[20] available if you wish to take a look at it.

[21] So we've got four out of the five, but  
[22] now we're basically two short. So we're making  
[23] progress, but just understand it is very  
[24] competitive right now. The market right now is  
[25] extremely competitive.

[1] working closely with Gwinnett County West  
[2] Precinct, and we got a couple good leads. We  
[3] made a few arrests, but we're working these  
[4] cases to try to cut down. The whole Buford  
[5] Highway corridor is being hit pretty strongly.

[6] Our belief is that these individuals  
[7] are doing surveillance at the bank parking lots  
[8] and they're watching the customers go in and  
[9] withdraw monies and either taking them in their  
[10] bags, and then they'll drive and they'll follow  
[11] these individuals to a restaurant or a place of  
[12] business. Either that or put a small hole in  
[13] their tire and follow the car, as when the  
[14] person stops over to change a tire, they'll  
[15] offer to come and help you to change the tire.  
[16] In the meanwhile, they're breaking into your car  
[17] and getting your bank deposit or bank  
[18] withdrawals. So just please -- please talk to  
[19] all our neighbors and make this statement also.

[20] Also, those individuals that we put out  
[21] a lookout earlier a couple weeks ago on that  
[22] white pickup truck, we're still seeking those  
[23] individuals. So please be alert. If you see  
[24] somebody -- and it's usually -- our times, we've  
[25] been able to narrow it down from about 11

[1] You might want to consider as you're  
[2] approaching the budget time to start looking at  
[3] potentially allowing the Police Department to  
[4] increase a few of those positions that we  
[5] perhaps might need at the time that we have the  
[6] annexation if it comes -- if it's voted on. So  
[7] something for y'all to start thinking about:  
[8] you know, how many positions will you authorize  
[9] us so we can start hiring and processing those  
[10] applications? And I'm not going to ask -- it's  
[11] unreasonable for me to ask for all the alloca-  
[12] tions but maybe look at how many allocations you  
[13] will allow me to have so that we can start  
[14] preparing for that, you know, if the annexation  
[15] goes through.

[16] Again, I know I've said this in the  
[17] work session, I appreciate greatly the rollback  
[18] to 2 o'clock. That has had a significant impact  
[19] on the amount of our armed robberies and on  
[20] aggravated assaults. It's almost dropped.

[21] We still have a tremendous rate of cars  
[22] being broken into in the business centers.  
[23] We're working very closely with the banks and  
[24] using the shopping centers' video systems to be  
[25] able to identify these individuals. And we're

[1] o'clock to about 2:30 in the afternoon. Those  
[2] are the times we've been getting hit with our  
[3] burglaries in the neighborhoods.

[4] If you see anything -- you know, we've  
[5] seen -- we've had a couple reports where the  
[6] neighbor watched the individuals taking the  
[7] wide-screen TV and it just didn't look quite  
[8] right but didn't feel comfortable calling the  
[9] police.

[10] Take a chance. Call us. We'll go and  
[11] check it out. If they're perfectly legal, we  
[12] will check it out and we will let them go on  
[13] their way. But you know, we've had a couple of  
[14] those where a neighbor watched and gave us a  
[15] fantastic description, but we would have really  
[16] welcomed getting that phone call so we could try  
[17] to do something about it.

[18] Mayor, pending your questions or the  
[19] members of Council's questions, that's all I  
[20] have, sir.

[21] **MAYOR JENKINS:** Thank you.  
[22] **COUNCILMEMBER ROCHE:** I do have some  
[23] questions.

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

[25] **COUNCILMEMBER ROCHE:** A couple of

Page 137

[1] meetings ago, we brought up -- we were talking  
[2] about open government and reporting asset  
[3] forfeiture expenditures.  
[4] **CHIEF KING:** Yes, sir.  
[5] **COUNCILMEMBER ROCHE:** We haven't really  
[6] gotten an answer yes or no on this.  
[7] **CHIEF KING:** I was trying to schedule  
[8] with the Mayor and I'm still open to do that, to  
[9] be able to sit down in a small group so we can,  
[10] you know, be able to provide you the information  
[11] of not only the balances of the accounts but  
[12] also the restrictions and how we get those asset  
[13] forfeitures.  
[14] And so I talked to the Mayor, and we're  
[15] in the process of basically looking at what  
[16] y'all's schedules are and sitting down with  
[17] y'all.  
[18] **COUNCILMEMBER ROCHE:** Is there any  
[19] problem with making that information public?  
[20] **CHIEF KING:** No, sir. But the problem  
[21] is -- I have no problem making that information  
[22] public, but if you're going to make decisions  
[23] based without understanding the whole asset  
[24] forfeiture process, I think it would be -- I  
[25] think it would be better, more efficient,

Page 138

[1] knowing the restrictions, knowing the law, and  
[2] perhaps having maybe the City Attorney being  
[3] able to provide you with some of that guidance  
[4] on how the restrictions to use that.  
[5] I have no problem with providing it.  
[6] But I'm afraid to just come in and tell you, oh,  
[7] we have so much money, just as you're going into  
[8] the budget deliberations.  
[9] **COUNCILMEMBER ROCHE:** Exactly.  
[10] **CHIEF KING:** And that's why I wanted --  
[11] and that way, you --  
[12] **COUNCILMEMBER ROCHE:** That's why I  
[13] wanted to do it months ago before we even got  
[14] near the budget.  
[15] **CHIEF KING:** Sir, I just found out  
[16] about it a couple weeks ago that that was a  
[17] request.  
[18] And I wanted to sit down also in small  
[19] groups with members of the Council, so that way,  
[20] you would be absolutely free to ask any question  
[21] you ever wanted to know --  
[22] **COUNCILMEMBER ROCHE:** Good.  
[23] **CHIEF KING:** -- about asset forfeiture  
[24] instead of coming out here in front of the  
[25] public and then being -- you know, being

Page 139

[1] hesitant to ask a question you always wanted to  
[2] know because you're afraid that you might be  
[3] asking the wrong thing.  
[4] And that would be -- that would be my  
[5] recommendation, sir, but --  
[6] **COUNCILMEMBER ROCHE:** I understand.  
[7] **CHIEF KING:** -- whatever the Council  
[8] wishes.  
[9] **COUNCILMEMBER ROCHE:** As long as we're  
[10] working towards open government.  
[11] **CHIEF KING:** Absolutely, sir. And I am  
[12] actually due to provide you your annual,  
[13] required-by-law report to the Council at budget  
[14] time. I have to provide you with a report of  
[15] all the monies on all the accounts, on all the  
[16] expenditures, and those are required by law that  
[17] I have to provide you as part of my  
[18] certification process to the U.S. Attorney's  
[19] Office and to the District Attorney's Office of  
[20] Dekalb County.  
[21] **COUNCILMEMBER ROCHE:** Okay, because I  
[22] understand you did make a --  
[23] Officer Brown -- sorry -- Captain Brown  
[24] mentioned something the other day that I thought  
[25] was an interesting piece of news. I don't know

Page 140

[1] if we can bring that up now or not.  
[2] **CHIEF KING:** Sure. Well, you're  
[3] talking about the -- oh, the motorcycle.  
[4] Sir, we're in the process of getting  
[5] motorcycles. I'm trying to get the employees.  
[6] Now that I'm getting up to strength, as I see  
[7] our strength coming up in our force, I'm going  
[8] to send these employees to get them trained and  
[9] get them equipped so they can operate those  
[10] motorcycles that we're ordering.  
[11] **COUNCILMEMBER ROCHE:** Those Harley-  
[12] Davidson motorcycles.  
[13] **CHIEF KING:** Sir, those --  
[14] **COUNCILMEMBER ROCHE:** American made.  
[15] **CHIEF KING:** Yes, sir. Those are going  
[16] to -- those are the most cost effective.  
[17] Sorry, Tom.  
[18] **COUNCILMEMBER SPANGLER:** Better resale  
[19] too.  
[20] **CHIEF KING:** Excuse me, sir?  
[21] **COUNCILMEMBER SPANGLER:** Better resale.  
[22] **CHIEF KING:** Much better resale, yes,  
[23] sir.  
[24] **COUNCILMEMBER ROCHE:** Much better  
[25] resale.

[1] **CHIEF KING:** Maybe you can help me with  
[2] maybe at least one member of the audience that  
[3] might have an issue with --

[4] **COUNCILMEMBER ROCHE:** And if you swap  
[5] out the pipes, they'll know when you're in the  
[6] neighborhood.

[7] **CHIEF KING:** We're not going to swap  
[8] the pipes, sir.

[9] **MAYOR JENKINS:** John?

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

[11] **MAYOR JENKINS:** Have you considered  
[12] what happened the last time we got motorcycles?

[13] **CHIEF KING:** Yes, sir. I will tell  
[14] you, sir, first of all, we did not buy the right  
[15] type of motorcycles because I wasn't sure about  
[16] the commitment of the employees that were going  
[17] to be riding them.

[18] This time, my employee that's going to  
[19] be supervising the squad has given me assurances  
[20] in writing that he's fully committed to making  
[21] the program successful. And this kid, I trust  
[22] him. I trust him with my life. I think he'll  
[23] make it a success.

[24] **COUNCILMEMBER FLEMING:** So that officer  
[25] that's riding the motorcycle will also have an

[1] Rick, what do you have?

[2] **ATTORNEY POWELL:** I had given you-all  
[3] resolutions, and y'all approved last time one of  
[4] these contracts. These two contracts are with  
[5] Johns Creek, one to handle warrants from the  
[6] court and the other through the police  
[7] department.

[8] But I had mentioned that we had a right  
[9] to review these contracts in 60 days if it's not  
[10] working, and I realized later, I believe Mr.  
[11] Spangler made the motion, that the approval of  
[12] the contract was only for 60 days. And what I'm  
[13] coming back to you now is asking you to approve  
[14] -- pass these two resolutions to approve the two  
[15] contracts.

[16] But I do point out to you that the  
[17] police have a right to -- if it's not being cost  
[18] effective to them, to either increase the fees  
[19] or terminate the agreement.

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

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

[22] I don't expect the City of Johns Creek  
[23] to be really taking out or putting a lot of --  
[24] whole bunch of warrants. But the provision is  
[25] that they will pay for two hours' worth of work.

[1] automobile assigned to him as well?

[2] **CHIEF KING:** Yeah. We will use one of  
[3] our spares, ma'am, so in case of inclement  
[4] weather or something, I think he'll be able to  
[5] use one of the spare cars; yes, ma'am.

[6] **COUNCILMEMBER BATES:** Chief, on the  
[7] burglaries, was that any particular neighborhood  
[8] more than another?

[9] **CHIEF KING:** Normally in Oakcliff.  
[10] This is the -- typically, Northwoods usually has  
[11] a higher rate, but lately Raymond Drive is one  
[12] of the areas that's hitting us pretty hard. But  
[13] Raymond Drive, and then English Oak, the  
[14] apartments are getting hit pretty hard.

[15] My theory is -- and right now, I  
[16] haven't been able to prove it -- is that it's  
[17] people that are probably close by on our  
[18] northern suburbs that are coming in, and  
[19] basically because there's not a lot left to  
[20] steal up there, they're coming into our fair  
[21] city.

[22] Mayor, unless any other members of the  
[23] Council have any additional questions or  
[24] comments, sir, that's all I have, sir.

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

[1] Whether they use it or not, they're going to pay  
[2] for two hours of work from our TAC or our  
[3] terminal area coordinator to input the warrants.  
[4] So whether they use it or not, they're going to  
[5] pay for two hours' worth of her salary. That's  
[6] the rate that we've calculated.

[7] **COUNCILMEMBER SPANGLER:** So this is not  
[8] going to cost us any more money.

[9] **CHIEF KING:** No employee -- no  
[10] additional staffing, sir. This is --

[11] **ATTORNEY POWELL:** The worse it could do  
[12] is have -- for 60 days, they spend an hour extra  
[13] that they're not getting paid for, periodically,  
[14] and that's just --

[15] Like I said before, it seems to be a  
[16] no-brainer.

[17] **CHIEF KING:** I don't understand your  
[18] math.

[19] It's not going to cost us any more  
[20] additional money. This will actually --

[21] **COUNCILMEMBER SPANGLER:** It should  
[22] make --

[23] **CHIEF KING:** This will actually help  
[24] subsidize or pay for that employee's salary that  
[25] the City of Doraville and the taxpayers of

Page 145

[1] Doraville will not be paying.  
 [2] Sir?  
 [3] **COUNCILMEMBER ROCHE:** Do we need  
 [4] another motion or do we need a motion to put it  
 [5] on the agenda or --  
 [6] **CHIEF KING:** Thank you, sir.  
 [7] **ATTORNEY POWELL:** He has typically  
 [8] allowed me to bring things up. So if you could  
 [9] just make two motions to approve each.  
 [10] **MAYOR JENKINS:** Two motions?  
 [11] **ATTORNEY POWELL:** Yeah. You'll have to  
 [12] do each particular resolution.  
 [13] **COUNCILMEMBER ROCHE:** I make all the  
 [14] motions. Someone else make a motion.  
 [15] **COUNCILMEMBER SPANGLER:** I make a  
 [16] motion to adopt the resolution. Is that what it  
 [17] is, did --  
 [18] **ATTORNEY POWELL:** Yes.  
 [19] **COUNCILMEMBER SPANGLER:** -- you say,  
 [20] Mr. Powell?  
 [21] **ATTORNEY POWELL:** The resolution for  
 [22] the provision of tendering and maintaining court  
 [23] warrants. That's the first one.  
 [24] **COUNCILMEMBER SPANGLER:** Okay. Thank  
 [25] you. Thank you for the help.

Page 146

[1] **MAYOR JENKINS:** Second?  
 [2] **COUNCILMEMBER BATES:** Second.  
 [3] **MAYOR JENKINS:** Call the roll, please.  
 [4] **CLERK BLACKMON:** Councilmember  
 [5] Alexander?  
 [6] **COUNCILMEMBER ALEXANDER:** Yes.  
 [7] **CLERK BLACKMON:** Councilmember Bates?  
 [8] **COUNCILMEMBER BATES:** Yes.  
 [9] **CLERK BLACKMON:** Councilmember Fleming?  
 [10] **COUNCILMEMBER FLEMING:** Yes.  
 [11] **CLERK BLACKMON:** Councilmember Pittman?  
 [12] **COUNCILMEMBER PITTMAN:** Yes.  
 [13] **CLERK BLACKMON:** Councilmember Roche?  
 [14] **COUNCILMEMBER ROCHE:** Yes.  
 [15] **CLERK BLACKMON:** Councilmember  
 [16] Spangler?  
 [17] **COUNCILMEMBER SPANGLER:** Yes.  
 [18] **MAYOR JENKINS:** Okay. I need a motion  
 [19] on the second one.  
 [20] **COUNCILMEMBER PITTMAN:** Is that the  
 [21] resolution to approve and authorize the --  
 [22] **ATTORNEY POWELL:** For the City of Johns  
 [23] Creek for the Johns Creek Police Department.  
 [24] **COUNCILMEMBER PITTMAN:** Motion on that.  
 [25] **MAYOR JENKINS:** Second?

Page 147

[1] **COUNCILMEMBER SPANGLER:** Second.  
 [2] **MAYOR JENKINS:** Call the roll, please.  
 [3] **CLERK BLACKMON:** Councilmember  
 [4] Alexander?  
 [5] **COUNCILMEMBER ALEXANDER:** Yes.  
 [6] **CLERK BLACKMON:** Councilmember Bates?  
 [7] **COUNCILMEMBER BATES:** Yes.  
 [8] **CLERK BLACKMON:** Councilmember Fleming?  
 [9] **COUNCILMEMBER FLEMING:** Yes.  
 [10] **CLERK BLACKMON:** Councilmember Pittman?  
 [11] **COUNCILMEMBER PITTMAN:** Yes.  
 [12] **CLERK BLACKMON:** Councilmember Roche?  
 [13] **COUNCILMEMBER ROCHE:** Yes.  
 [14] **CLERK BLACKMON:** Councilmember  
 [15] Spangler?  
 [16] **COUNCILMEMBER SPANGLER:** Yes.  
 [17] **MAYOR JENKINS:** We have a couple of  
 [18] items we need to put on the agenda.  
 [19] I'd like to bring up the proposal for  
 [20] feasibility study on the area between the Police  
 [21] Department and the pool complex. Do I get a  
 [22] motion we put that on the agenda?  
 [23] **COUNCILMEMBER PITTMAN:** Motion.  
 [24] **COUNCILMEMBER BATES:** So moved.  
 [25] **MAYOR JENKINS:** This concerns the area

Page 148

[1] between the department. There's a --  
 [2] **COUNCILMEMBER FLEMING:** I haven't seen  
 [3] it. Go ahead.  
 [4] **MAYOR JENKINS:** I put it your box.  
 [5] **COUNCILMEMBER ROCHE:** Yeah, and I had a  
 [6] copy of it. I didn't bring --  
 [7] **COUNCILMEMBER FLEMING:** Oh, the Keck &  
 [8] Wood.  
 [9] **COUNCILMEMBER ROCHE:** -- it with me.  
 [10] **COUNCILMEMBER FLEMING:** And it says do  
 [11] in budget?  
 [12] **MAYOR JENKINS:** Keck & Wood.  
 [13] **COUNCILMEMBER FLEMING:** Okay. Thank  
 [14] you.  
 [15] **MAYOR JENKINS:** We had the engineers go  
 [16] out and do a study and tell us what they could  
 [17] do, and of course I thought everybody had this.  
 [18] But anyway, it amounts to --  
 [19] **COUNCILMEMBER SPANGLER:** I did get it.  
 [20] I just didn't bring it tonight.  
 [21] **MAYOR JENKINS:** It amounts to \$10,900  
 [22] to do the study, set up all the bids and  
 [23] everything, similar to the way we did the parks.  
 [24] And it's a \$10,900 study, and this is well  
 [25] needed. It is already in the budget.

[1] So I'm asking if we go ahead and do the  
[2] study and get this started on the budget that  
[3] we're working on now, the old budget.

[4] **COUNCILMEMBER SPANGLER:** I make the  
[5] motion to approve the bid.

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

[7] **COUNCILMEMBER ALEXANDER:** Second.

[8] **MAYOR JENKINS:** Okay. Any more  
[9] discussion?

[10] Call the roll.

[11] **CLERK BLACKMON:** Councilmember  
[12] Alexander?

[13] **COUNCILMEMBER ALEXANDER:** Yes.

[14] **CLERK BLACKMON:** Councilmember Bates?

[15] **COUNCILMEMBER BATES:** Yes.

[16] **CLERK BLACKMON:** Councilmember Fleming?

[17] **COUNCILMEMBER FLEMING:** Yes.

[18] **CLERK BLACKMON:** Councilmember Pittman?

[19] **COUNCILMEMBER PITTMAN:** Yes.

[20] **CLERK BLACKMON:** Councilmember Roche?

[21] **COUNCILMEMBER ROCHE:** Yes.

[22] **CLERK BLACKMON:** Councilmember  
[23] Spangler?

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

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

[1] **COUNCILMEMBER SPANGLER:** Yes.

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

[3] When are we going to bring it up? At  
[4] the next meeting?

[5] **COUNCILMEMBER SPANGLER:** I think we  
[6] need to get together probably at the work  
[7] session and we'll talk tomorrow.

[8] **MAYOR JENKINS:** Okay. Citizens  
[9] comments?

[10] **MS. HOFFMEISTER:** Bonita Hoffmeister,  
[11] Spanish Oak in Oakcliff.

[12] Councilor Alexander, I commend you on  
[13] the work that you have done to strengthen our  
[14] ordinances on our liquor license. I commend you  
[15] on your research. I find this extremely  
[16] refreshing that you've taken the effort to  
[17] consult with government authorities.

[18] And this is an issue that is not only  
[19] important to Doraville; it's important to  
[20] Dekalb. We are currently working on ordinances,  
[21] because it is a revolving door. And tonight,  
[22] you've shortened that revolving door span.

[23] But I think there is more laws that  
[24] could be -- ordinances that could be put in  
[25] place to prohibit the unacceptable behavior of

[1] We need to add to the agenda on the  
[2] city attorney business, and I'd like somebody to  
[3] make a motion.

[4] **COUNCILMEMBER SPANGLER:** I want to make  
[5] a motion that we postpone any decisions on the  
[6] city attorney until the next meeting. I think  
[7] there's some things that came up that we  
[8] probably would like to address.

[9] **COUNCILMEMBER ROCHE:** Yeah, I'll second  
[10] that motion.

[11] **MAYOR JENKINS:** Any more discussion?

[12] Call the roll.

[13] **CLERK BLACKMON:** Councilmember  
[14] Alexander?

[15] **COUNCILMEMBER ALEXANDER:** Yes.

[16] **CLERK BLACKMON:** Councilmember Bates?

[17] **COUNCILMEMBER BATES:** No.

[18] **CLERK BLACKMON:** Councilmember Fleming?

[19] **COUNCILMEMBER FLEMING:** Yes.

[20] **CLERK BLACKMON:** Councilmember Pittman?

[21] **COUNCILMEMBER PITTMAN:** Yes.

[22] **CLERK BLACKMON:** Councilmember Roche?

[23] **COUNCILMEMBER ROCHE:** Yes.

[24] **CLERK BLACKMON:** Councilmember  
[25] Spangler?

[1] some of our establishments that are too close to  
[2] residences and their operating hours.

[3] Dekalb is currently looking at a step  
[4] program for the hours of operation. In other  
[5] words, if you operate after midnight, your fee,  
[6] your license is higher. Also looking at parking  
[7] restraints. In other words, you have to give  
[8] your police force some teeth to enforce what we  
[9] as a community want to see.

[10] Secondly, it's getting close to  
[11] Memorial Day, the 4th of July, and once again  
[12] the City of Doraville can look to Duluth and  
[13] other cities and see the wonderful flags and  
[14] names of our fallen heroes and our service men  
[15] who have passed and who are no longer with us  
[16] and the honor they have been given by other  
[17] cities.

[18] I would like in this next budget for  
[19] the Council to look at doing something similar  
[20] here in Doraville. Also when it comes to  
[21] Christmas, more lights. In other words, let's  
[22] differentiate ourselves so the newscasters know  
[23] where Doraville is, so that we know Doraville is  
[24] a good place to live.

[25] Thank you.

Page 153

[1]           **MAYOR JENKINS:** Ms. Calvert, I believe,  
[2] is working on that as we speak.  
[3]           **MS. HOFFMEISTER:** Pardon?  
[4]           **MAYOR JENKINS:** Ms. Calvert is working  
[5] on what you --  
[6]           **MS. HOFFMEISTER:** Are you working on  
[7] that?  
[8]           **COUNCILMEMBER SPANGLER:** I'll make a  
[9] motion that we adjourn.  
[10]          **MAYOR JENKINS:** Do I get a second?  
[11]          **COUNCILMEMBER ROCHE:** We have one more.  
[12]          **MAYOR JENKINS:** Okay. Who is it?  
[13]          **COUNCILMEMBER PITTMAN:** Mr. Hart. Tom.  
[14]          **COUNCILMEMBER ROCHE:** Mr. Hart, citizen  
[15] comment.  
[16]          **MAYOR JENKINS:** Okay, Tom.  
[17]          **MR. HART:** I wore my Harley shirt just  
[18] for you.  
[19]          **CHIEF KING:** I know.  
[20]          **MR. HART:** But we need to get at least  
[21] one BMW so we'll at least have one bike that  
[22] runs.  
[23]                They make those in China now, don't  
[24] they?  
[25]          **MS. CALVERT:** What are you doing here?

Page 154

[1]            You're late.  
[2]            **MR. HART:** I had a question about  
[3] behind the swimming pool. Well, there's a  
[4] couple of questions about the swimming pool.  
[5]                Before I get to that, lighting on  
[6] Buford Highway. They put these new street lamps  
[7] on Buford Highway and they lit the place up like  
[8] a Christmas tree. Fortunately, Dekalb County is  
[9] paying for the light bill, but we're still  
[10] paying the light bill for the overhead lamps  
[11] that have been there for the last 30 years.  
[12]                In talking to Georgia Power, they still  
[13] think that we need those. Why are we paying the  
[14] power bill for them and why are they still  
[15] there, is the question.  
[16]            **MAYOR JENKINS:** Tom, we're doing a  
[17] study on that through Georgia Power as we speak.  
[18]            **MR. HART:** A study through Georgia  
[19] Power?  
[20]            **MAYOR JENKINS:** Yes.  
[21]            **MR. HART:** Well, Georgia Power is going  
[22] to tell you to keep them.  
[23]            **MAYOR JENKINS:** There's a certain  
[24] amount of candlepower that has to be on this  
[25] street, and until we determine if there's too

Page 155

[1]            much or too less, it will stay as it is.  
[2]            **MR. HART:** Okay. Have you contacted  
[3] the people that -- I gave the name to --  
[4]            **MAYOR JENKINS:** Yes. They're doing the  
[5] study now.  
[6]            **MR. HART:** Okay. The second thing, the  
[7] study behind the swimming pool. We have  
[8] buildings that are sitting behind the pool there  
[9] that are being utilized for -- I think one  
[10] fellow wanted to put a hot dog stand in there.  
[11]                Giving Keck & Wood \$10,000 for a study,  
[12] now, that's for what? I mean what are you  
[13] trying to do there? Is it a blank study like  
[14] we're going to give you an idea of what to do  
[15] there or --  
[16]            **MAYOR JENKINS:** That's exactly right.  
[17]            **MR. HART:** Okay. Well --  
[18]            **MAYOR JENKINS:** Get an engineer to tell  
[19] us what we need to do and do it the right way.  
[20]            **MR. HART:** I mean but you've got  
[21] probably 10 different options there. I mean you  
[22] have to tell them. Usually, an engineering  
[23] firm, you tell them you want to put a wall  
[24] there, you want to put a bridge there or you  
[25] want to put a two-to-one slope there or you want

Page 156

[1]            to put a garden there. You have to tell them  
[2] what you want to do, and they come back with a  
[3] set of drawings.  
[4]                But give an engineer a set of "just do  
[5] something," that's like telling somebody to go  
[6] paint your house. I mean what color do you  
[7] want?  
[8]            **MAYOR JENKINS:** Move along, Tom.  
[9]            **MR. HART:** Okay. All right. That's  
[10] all I have.  
[11]                Congratulate John on getting the bikes  
[12] for the neighborhoods.  
[13]                That's all I've got.  
[14]            **MAYOR JENKINS:** All right. Stuart?  
[15]            **MR. ANDERSON:** Stuart Anderson.  
[16]                It was something that came up in the  
[17] work session and it's relevant to the wholesale  
[18] deal. We're sending them, the businesses, a  
[19] notice that we're going to keep an eye on them.  
[20]                Another way to keep an eye on them --  
[21] and I want John to hear this -- is the same  
[22] method that we're busting alcohol deals. If you  
[23] go into a wholesaler and try to buy something,  
[24] they should ask you -- just like showing you're  
[25] 21 years old, they should ask you for your

[1] resale license. And I've gone into those  
[2] places, and they have generally asked me that:  
[3] have you got a license, resale license? So if  
[4] you did the same thing, not only would you be  
[5] sending them the information that you've already  
[6] decided to send them but you also give them a  
[7] better idea that they're being looked at. The  
[8] same sort of thing as busting them for the  
[9] alcohol: you just walk in and try to buy some-  
[10] thing, and if they don't ask you for your  
[11] business license or your resale license, then  
[12] they get a ticket for that as well as --

[13] Thanks.

[14] **MAYOR JENKINS:** Thanks.

[15] Anybody else?

[16] **COUNCILMEMBER BATES:** Motion to  
[17] adjourn.

[18] **COUNCILMEMBER ROCHE:** Second.

[19] **MAYOR JENKINS:** Call the roll.

[20] **CLERK BLACKMON:** Councilmember  
[21] Alexander?

[22] **COUNCILMEMBER ALEXANDER:** Yes.

[23] **CLERK BLACKMON:** Councilmember Bates?

[24] **COUNCILMEMBER BATES:** Yes.

[25] **CLERK BLACKMON:** Councilmember Fleming?

[1] **COUNCILMEMBER FLEMING:** Yes.  
[2] **CLERK BLACKMON:** Councilmember Pittman?  
[3] **COUNCILMEMBER PITTMAN:** Yes.  
[4] **CLERK BLACKMON:** Councilmember Roche?  
[5] **COUNCILMEMBER ROCHE:** Yes.  
[6] **CLERK BLACKMON:** Councilmember  
[7] Spangler?

[8] **COUNCILMEMBER SPANGLER:** Yes.

[9] - - -

[10] (Whereupon, the proceedings were adjourned  
[11] at approximately 9:35 p.m. the same day.)

[12] -o0o-

[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 12th day of May, 2008.

[16]  
[17]  
[18] \_\_\_\_\_  
[19] Theresa Bretch, CCR  
[20] Permit No. B-755

[21] [SEAL]

	<b>2:30</b> 136:1 <b>20</b> 20:20;21:6 <b>2003</b> 103:9;128:15 <b>21</b> 156:25 <b>23</b> 91:8 <b>24-hour</b> 35:24 <b>25</b> 32:4 <b>2500</b> 57:11;63:18;67:3 <b>2nd</b> 103:9;128:14	<b>able</b> 39:19;43:12;82:19, 20;84:5;85:11;87:11; 90:12;92:2;107:4;124:8; 133:10;134:25;135:25; 137:9,10;138:3;142:4,16 <b>above</b> 29:4 <b>absolutely</b> 17:12; 38:14;96:7;112:17;115:7, 23;126:8,23;130:1; 138:20 <b>Absolutely</b> 139:11 <b>Academy</b> 133:13 <b>accept</b> 16:25 <b>access</b> 6:4 <b>accessible</b> 38:23 <b>accidentally</b> 25:23,24 <b>accidents</b> 33:17 <b>Accidents</b> 34:2 <b>according</b> 6:22;97:9 <b>According</b> 13:3 <b>accountability</b> 84:24 <b>accounting</b> 26:16 <b>accounts</b> 137:11; 139:15 <b>accurate</b> 51:17 <b>acknowledge</b> 104:1 <b>across</b> 126:14 <b>act</b> 75:10 <b>Act</b> 98:21 <b>action</b> 47:7;88:20; 103:6;106:21;110:3; 113:13;116:19,21; 117:24;118:1;121:2; 122:5,14;123:18 <b>activity</b> 48:3 <b>actual</b> 52:12;93:8; 94:25;100:13,24;116:18 <b>actually</b> 11:1;17:17; 26:24;35:6;75:21;76:23; 82:14;96:3;100:2;103:16; 139:12;144:20,23 <b>Actually</b> 76:19;100:9 <b>add</b> 17:15;50:14;89:18; 101:18;129:6;150:1 <b>added</b> 90:24 <b>adding</b> 86:21;90:3,5 <b>additional</b> 51:3;119:20; 142:23;144:10,20 <b>address</b> 47:3,9;49:19; 55:6;64:19;94:20;123:9; 124:18;150:8 <b>addressed</b> 94:22,24; 103:13;121:7 <b>addresses</b> 94:7 <b>addressing</b> 94:3;123:2 <b>adjourn</b> 153:9;157:17 <b>adjourned</b> 158:10 <b>Administra-</b> 128:13 <b>administrators</b> 30:9 <b>adopt</b> 29:22;69:16,17; 73:14;81:23,25;103:5; 105:23;129:14;145:16 <b>adopted</b> 104:25;105:5,	25 <b>Advanced</b> 7:14;10:23; 18:10 <b>advantage</b> 21:13;51:2 <b>advertise</b> 35:6 <b>advice</b> 110:17 <b>advise</b> 109:25 <b>advised</b> 56:5;83:1;94:8 <b>advocate</b> 61:18;65:10; 90:10;107:16;113:18 <b>advocating</b> 16:20; 55:10 <b>afraid</b> 38:6;106:20; 138:6;139:2 <b>afternoon</b> 136:1 <b>again</b> 6:13,18;14:22; 18:2;42:6;46:18;47:18; 48:13;49:3;54:13,16; 59:18;60:3;63:10;67:19; 72:25;76:10;80:2;91:11; 92:13;100:4;106:23; 121:23;127:4,13,22,23; 152:11 <b>Again</b> 52:20;65:9; 134:16 <b>against</b> 38:5;106:25 <b>age</b> 16:16;31:6 <b>agencies</b> 84:19,23 <b>agency</b> 133:15 <b>agenda</b> 15:13;17:15,17; 33:7;86:12,16,20,22,23; 87:2,5,6,18,19,23;89:2,8, 19,24;90:4,5,24;91:8,24; 92:4;104:20,21;127:22, 25;145:5;147:18,22; 150:1 <b>agendas</b> 92:16 <b>agent</b> 82:6 <b>aggravated</b> 134:20 <b>ago</b> 48:2;84:21;135:21; 137:1;138:13,16 <b>agree</b> 91:9;115:23; 126:8,23 <b>agreed</b> 107:11 <b>agreement</b> 22:13; 123:11;131:20;143:19 <b>ahead</b> 5:12;7:11;9:6; 17:4;21:25;22:1,3;26:9, 11,23;27:15;34:17;36:6; 54:8;67:9,11;86:7;101:8; 104:25;131:21;143:20; 148:3;149:1 <b>alcohol</b> 49:10,11,13; 52:24;54:24;64:1;65:11; 66:8;156:22;157:9 <b>alert</b> 135:23 <b>Alexander</b> 3:6;4:3; 19:9;22:22;28:8;32:16; 40:3;50:12;51:24;55:5; 71:13;72:10;81:8;85:19; 102:8;112:1;125:9;131:4; 132:2;146:5;147:4; 149:12;150:14;151:12;	157:21 <b>ALEXANDER</b> 3:7,22; 4:4;14:19;19:10;22:18, 23;28:9;29:13;32:12,17; 33:9;39:21;40:4;46:14; 47:22;48:8,20;49:6,9; 50:15;51:4,10,16;53:12, 18,22;55:24;57:3,12,24; 58:5;59:6;60:7,19,23; 63:17,20;64:20;66:2; 69:12;71:14;72:11,24; 73:16,18;81:9;85:20; 93:10,22;94:16;95:3,7, 10,17,20;96:11,14;102:9; 104:13;105:9,12,18; 107:18;108:10;109:8,13; 110:21,23;111:6,12,20; 125:10;129:17;131:5; 132:3;146:6;147:5;149:7, 13;150:15;157:22 <b>alloca-</b> 134:11 <b>allocate</b> 27:11 <b>allocated</b> 27:14 <b>allocations</b> 134:12 <b>allow</b> 34:5,7,38;18;89:4; 91:23;121:25;134:13 <b>allowed</b> 111:16;145:8 <b>allowing</b> 134:3 <b>almost</b> 55:15,16;61:15; 86:24;134:20 <b>along</b> 28:4;37:23; 115:12;156:8 <b>Alvin</b> 42:10 <b>always</b> 5:16;6:15;14:2; 78:5;89:14;106:23; 108:21;139:1 <b>amazing</b> 45:11 <b>amend</b> 18:24;59:10; 80:10 <b>amending</b> 105:4 <b>amendment</b> 128:18; 129:15 <b>American</b> 140:14 <b>among</b> 12:19;93:20 <b>amount</b> 9:13;37:17; 61:19,19,22;134:19; 154:24 <b>amounts</b> 148:18,21 <b>Anderson</b> 156:15 <b>ANDERSON</b> 156:15 <b>annex</b> 17:8 <b>annexation</b> 14:24;17:6, 7;88:23;134:6,14 <b>annexing</b> 17:9 <b>announcements</b> 44:17 <b>announcing</b> 83:11 <b>annual</b> 128:6,10,23; 129:2;130:13;139:12 <b>Annual</b> 128:8 <b>annually</b> 128:11 <b>answered</b> 15:2 <b>anymore</b> 87:5;112:19; 127:15
<b>\$</b>	<b>3</b>			
<b>\$1,000</b> 60:16 <b>\$10</b> 11:8,17 <b>\$10,000</b> 155:11 <b>\$10,900</b> 148:21,24 <b>\$14.75</b> 13:10 <b>\$1400</b> 21:6 <b>\$15</b> 11:6 <b>\$15.31</b> 10:23;13:10 <b>\$19,584</b> 15:17 <b>\$2100</b> 66:11 <b>\$215</b> 21:9 <b>\$2500</b> 50:6,8,14;51:3, 20;54:24;59:18;60:25; 61:3,6,7;62:9,11;63:14, 23;66:13;67:18;68:1,5,8, 11,17,23;69:24;70:6,10, 18 <b>\$3,975</b> 25:2,3 <b>\$3.04</b> 8:25 <b>\$30,000</b> 129:20,22 <b>\$40,000</b> 129:23 <b>\$45.00</b> 11:3 <b>\$45.96</b> 11:2 <b>\$48.04</b> 10:17 <b>\$50.00</b> 10:9 <b>\$500</b> 51:15,19;57:9; 59:18;60:15 <b>\$8,000</b> 26:12	<b>3:00</b> 41:7;42:7 <b>30</b> 50:6;53:11,13;60:12; 61:7,14;62:11;67:4; 154:11 <b>30th</b> 32:7;128:25 <b>31st</b> 42:24;43:14	<b>4</b>	<b>4</b> 19:23 <b>43</b> 105:16 <b>46</b> 105:16 <b>4th</b> 152:11	
<b>1</b>	<b>5</b>	<b>4</b> 19:23 <b>43</b> 105:16 <b>46</b> 105:16 <b>4th</b> 152:11	<b>5</b> 12:7;13:5,9,10,12 <b>500</b> 63:11;66:9,21,22; 67:22 <b>56</b> 13:11	
<b>1.3</b> 104:3,9 <b>10</b> 51:11,12;57:8;60:10; 67:4;155:21 <b>10-minute</b> 102:21 <b>10th</b> 41:4 <b>11</b> 49:9;135:25 <b>11:00</b> 36:3,3 <b>12</b> 43:4,19 <b>12:00</b> 41:7;42:7 <b>12th</b> 22:10,11,17 <b>13th</b> 43:22,24;44:21 <b>15</b> 129:20 <b>15th</b> 86:13;93:11; 132:19,24 <b>16</b> 103:3,5;104:22; 105:15 <b>1600</b> 63:21,21;66:11 <b>16A</b> 105:16 <b>17</b> 20:24;128:6 <b>17th</b> 42:8 <b>18</b> 104:21 <b>180</b> 47:5 <b>18-wheeler</b> 84:11 <b>1st</b> 19:1	<b>6</b>	<b>6</b> 42:9 <b>60</b> 143:9,12;144:12 <b>65</b> 15:21	<b>6</b>	
<b>2</b>	<b>7</b>	<b>7</b> 33:11;123:1,2;132:24 <b>7:00</b> 36:3 <b>70</b> 15:20;43:2 <b>73</b> 13:11 <b>76</b> 7:22;8:10,12;12:6; 16:21,25 <b>7th</b> 3:20	<b>7</b> 33:11	
<b>2.4.2</b> 128:13;129:7	<b>8</b>	<b>8</b> 33:11	<b>8</b> 33:11	
	<b>9</b>	<b>9</b>	<b>9</b>	
	<b>A</b>	<b>9:35</b> 158:11 <b>90</b> 50:16;51:3;54:1,4; 61:8;64:24;67:6,9,12 <b>96</b> 7:18;11:4,18;12:8	<b>9:35</b> 158:11 <b>90</b> 50:16;51:3;54:1,4; 61:8;64:24;67:6,9,12 <b>96</b> 7:18;11:4,18;12:8	
	<b>abate</b>	<b>abatement</b> 48:14	<b>abatement</b> 48:14	

<p><b>apartments</b> 142:14 <b>Apex</b> 132:21;133:2 <b>apologize</b> 44:25;45:1; 104:20 <b>apparently</b> 109:5 <b>appealed</b> 114:9 <b>application</b> 32:5; 132:20 <b>applications</b> 25:18,19; 27:18;30:10,14,15; 134:10 <b>apply</b> 47:25;119:16,17; 122:14 <b>appraisal</b> 128:11,24 <b>appraisals</b> 128:16 <b>appreciate</b> 40:23; 41:19;47:17,20;134:17 <b>approach</b> 55:3 <b>approaching</b> 134:2 <b>appropriate</b> 16:12; 24:6,8;31:11;38:22; 39:13;116:3 <b>appropriately</b> 35:22; 126:16 <b>approval</b> 103:12; 143:11 <b>approve</b> 3:19;143:13, 14;145:9;146:21;149:5 <b>approved</b> 143:3 <b>approximately</b> 158:11 <b>April</b> 3:20;18:2;128:25 <b>Arango</b> 43:1,6,20 <b>area</b> 144:3;147:20,25 <b>areas</b> 142:12 <b>argue</b> 118:9 <b>arise</b> 31:11 <b>armed</b> 134:19 <b>around</b> 42:22;43:4,19; 54:14,22 <b>arrests</b> 135:3 <b>article</b> 74:1,2 <b>Article</b> 129:7 <b>Asadi</b> 6:6 <b>aside</b> 120:15 <b>assaults</b> 134:20 <b>asset</b> 137:2,12,23; 138:23 <b>assigned</b> 142:1 <b>assistance</b> 84:4 <b>associated</b> 35:2 <b>association</b> 45:17 <b>Association</b> 56:3 <b>assume</b> 59:8;60:19 <b>assumes</b> 98:25 <b>assurances</b> 141:19 <b>Atlanta</b> 73:25;74:2 <b>Attachment</b> 105:10,13; 116:20 <b>attempt</b> 16:18;123:8 <b>attorney</b> 47:3;55:12; 73:11;103:12;109:18,24, 24;112:23;123:25;150:2, 6</p>	<p><b>Attorney</b> 74:25;138:2 <b>ATTORNEY</b> 7:2,8;16; 13:18,21,25;14:5,9,16; 22:6,12;51:21;55:9; 56:25;57:15,20;58:1,3,7, 11;59:9,23;60:22,24; 61:10,15;64:21,25;69:15, 25;70:6,9,14,20,24;71:2; 73:12,17;76:13,21;77:5, 13;79:21;80:10,14,17; 81:22;88:1,5,9,11;90:21; 93:15;94:2,14;98:1,6,9, 17;99:3;101:10,15,19; 104:23;105:5,21;110:6, 12,22;113:8;118:21; 119:15;120:5,19;121:15; 123:7;130:3,7,17;143:2; 144:11;145:7,11,18,21; 146:22 <b>attorneys</b> 107:20; 108:11,14;112:12;126:25 <b>Attorney's</b> 139:18,19 <b>at-will</b> 104:8;110:5; 123:15 <b>audience</b> 23:21;36:10; 45:1;141:2 <b>audit</b> 23:14;24:5;25:11, 16,17;26:10,17;78:3; 79:22 <b>audited</b> 78:21 <b>auditing</b> 77:19;79:13 <b>audit's</b> 26:14 <b>August</b> 103:9;128:14 <b>Augusta</b> 56:3 <b>authorities</b> 151:17 <b>authority</b> 31:17;77:19, 21,25;78:3,10;80:3;83:22 <b>authorize</b> 134:8;146:21 <b>automatically</b> 90:3 <b>automobile</b> 142:1 <b>available</b> 29:14,17,18; 32:9;57:22;116:23; 133:20 <b>award</b> 28:22;31:14,15; 129:1 <b>Award</b> 29:1,23 <b>awarded</b> 128:22 <b>awarding</b> 31:9 <b>awards</b> 30:24;31:15; 129:3 <b>aware</b> 97:6;129:10 <b>Awareness</b> 41:6 <b>away</b> 32:9;35:13;37:19; 38:20,24;46:2;88:20; 110:10 <b>awful</b> 7:10;129:24</p>	<p>122:8;127:25;143:13; 156:2 <b>background</b> 55:19 <b>backstop</b> 106:19;122:3 <b>bad</b> 17:11;38:7 <b>Baggett</b> 48:24 <b>Baggett's</b> 55:25;56:2 <b>bags</b> 34:4,8;35:8;135:10 <b>balances</b> 137:11 <b>bank</b> 135:7,17,17 <b>bankruptcy</b> 36:22 <b>banks</b> 134:23 <b>barring</b> 29:10 <b>base</b> 129:2;130:10,13, 17 <b>based</b> 25:4;47:11; 55:25;107:16;116:15; 123:17;128:22;129:10, 22;137:23 <b>basic</b> 119:19 <b>basically</b> 26:4;46:16; 55:22;91:6;111:18;122:6; 124:2;133:22;137:15; 142:19 <b>basics</b> 119:22 <b>bat</b> 64:4;65:16 <b>Bates</b> 3:8;4:5;19:11,22; 22:24;25:20;26:16;28:10; 32:18;40:5;71:15;72:12; 81:10;85:21;102:10; 116:1;119:4;125:11; 131:6;132:4;146:7;147:6; 149:14;150:16;157:23 <b>BATES</b> 3:9,24;4:2,6; 10:20;11:1,11,14,16,21, 24;12:4;13:3,6,9,15,20, 22;15:14,24;16:3,8,19, 24;18:24;19:12,24;22:15, 25;23:12,23;25:4,7,10; 27:4,7,10,21,23;28:11, 23;29:16,21;30:4,15,19, 23;31:7,20,23;32:2,6,19; 33:5,10,13;34:20;35:16; 36:1;37:9;38:9,12;39:3, 18,23;40:6;44:20;53:10, 25;57:5,8,18;59:13; 62:10;68:10,15,20,24; 69:4,8,11;70:16;71:16; 72:13;79:12,19;81:11; 82:4,8,25;83:5,12,19,22; 85:22;94:10;99:7,9,13; 100:6,9,18,22;102:11; 104:15;106:2,7;115:2,4, 7,11;116:2;117:1;118:17; 119:8,11;125:12;126:7; 129:18;130:5,9,14,18; 131:7;132:5;142:6;146:2, 8;147:7,24;149:15; 150:17;157:16,24 <b>be-</b> 89:17 <b>beautification</b> 42:25 <b>became</b> 65:2 <b>become</b> 16:16</p>	<p><b>beefs</b> 77:8 <b>beer</b> 62:24,25 <b>begin</b> 26:10;103:14 <b>beginning</b> 27:17;48:6; 86:8;129:10 <b>behavior</b> 35:20;50:11; 67:17;151:25 <b>behind</b> 97:18;154:3; 155:7,8 <b>belief</b> 135:6 <b>believes</b> 106:11 <b>below</b> 13:9 <b>benefit</b> 20:15;21:11; 55:10 <b>benefits</b> 16:15 <b>best</b> 26:18;28:1;112:20; 113:5 <b>better</b> 28:3;42:20;62:6; 83:21;88:25;118:5; 137:25;140:22,24;157:7 <b>Better</b> 140:18,21 <b>beyond</b> 29:4 <b>bias</b> 30:12 <b>bid</b> 149:5 <b>bids</b> 13:23;148:22 <b>big</b> 21:14;40:24;63:9; 65:10;66:21;90:5,10; 96:24;112:4 <b>bigger</b> 125:1,1 <b>biggest</b> 126:24 <b>bike</b> 153:21 <b>bikes</b> 156:11 <b>bill</b> 18:2,14;154:9,10,14 <b>billed</b> 18:1,14 <b>billing</b> 19:1 <b>bill's</b> 18:8 <b>bit</b> 33:22;41:13;93:4 <b>blackjack</b> 25:25 <b>Blackmon</b> 34:1 <b>BLACKMON</b> 3:5,8,10, 12,14,16;4:5,7,9,11,13; 17:14,18,20;19:8,11,13, 15,17,19;22:21,24;23:1, 3,5,7;28:7,10,12,14,16, 18;32:15,18,20,22,24; 33:1;40:2,5,7,9,11,13; 71:12,15,17,19,21,23; 72:9,12,14,16,18,20; 81:7,10,12,14,16,18; 85:18,21,23,25;86:2,4; 97:13;102:7,10,12,14,16, 18;116:11;125:8,11,13, 16,18,20,22;126:1;131:3, 6,8,10,12,14;132:1,4,6,8, 10,12;146:4,7,9,11,13, 15;147:3,6,8,10,12,14; 149:11,14,16,18,20,22; 150:13,16,18,20,22,24; 157:20,23,25;158:2,4,6 <b>blame</b> 52:5,10 <b>blank</b> 155:13 <b>blankets</b> 46:11 <b>bluntly</b> 114:21</p>	<p><b>BMW</b> 153:21 <b>board</b> 50:21;126:14 <b>boarding</b> 73:8 <b>Bob</b> 97:17 <b>Bonita</b> 36:15;151:10 <b>books</b> 25:11 <b>bore</b> 27:19 <b>both</b> 19:1;34:6;89:6; 91:24;92:3,4,15,16; 107:6;108:12;127:2 <b>bound</b> 36:2 <b>box</b> 49:8,8;148:4 <b>brand</b> 20:17 <b>Brandi</b> 5:15 <b>breach</b> 13:20;14:1 <b>break</b> 102:22 <b>break-even</b> 11:25 <b>breaking</b> 48:2;135:16 <b>Brian</b> 32:1;36:17 <b>bridge</b> 43:10;155:24 <b>Bridge</b> 43:1 <b>Brief</b> 12:19;102:25 <b>briefly</b> 133:9 <b>bring</b> 4:17;14:22;41:10; 42:13;46:11,12;91:7; 106:16;114:7;140:1; 145:8;147:19;148:6,20; 151:3 <b>broke</b> 31:5 <b>broken</b> 134:22 <b>bronze</b> 43:10 <b>brought</b> 7:6;94:5;96:4; 100:4;137:1 <b>Brown</b> 139:23,23 <b>bucks</b> 57:11;63:11,18; 66:9,11,22,22;67:3,22 <b>budget</b> 16:4;18:1; 26:25;27:15;88:24;134:2; 138:8,14;139:13;148:11, 25;149:2,3;152:18 <b>budgeted</b> 27:2 <b>budgeting</b> 6:8 <b>Buford</b> 135:4;154:6,7 <b>build</b> 15:19;48:4 <b>building</b> 20:2;44:4; 46:15;48:10 <b>buildings</b> 155:8 <b>built</b> 58:19 <b>bunch</b> 14:25;27:18; 143:24 <b>burglaries</b> 136:3;142:7 <b>burned-out</b> 48:16 <b>business</b> 8:9;12:9; 15:21;30:7,20;31:13; 49:12,21,22;52:8,15; 54:15,22;59:3,4,6;61:11, 12;63:1;66:14,23;77:7, 21;78:13,21;81:1,6; 82:25;83:14,15;85:7; 133:3;134:22;135:12; 150:2;157:11 <b>businesses</b> 29:2; 47:25;54:11;62:12;75:10;</p>
<b>B</b>		<p><b>back</b> 7:17,21;12:15,17; 27:24;39:14;52:7;55:12; 58:14;75:17;84:11;93:23; 101:2;110:7,10;112:8;</p>		

<p>83:17;156:18 <b>businessperson</b> 52:5 <b>busting</b> 156:22;157:8 <b>buy</b> 62:23;75:21;141:14; 156:23;157:9 <b>buyers</b> 63:25</p>	<p><b>cat</b> 38:5 <b>caught</b> 55:17;81:2 <b>cause</b> 103:18;104:1,10; 107:14;120:6;124:3 <b>cease</b> 50:11 <b>center</b> 20:20;44:5,23 <b>centers</b> 134:22 <b>centers'</b> 134:24 <b>cents</b> 7:18,22;8:2,10,12; 10:4;11:4,18;12:6,8; 13:11;15:20;16:21,25 <b>ceremony</b> 43:5,12,17 <b>certain</b> 90:17;96:19; 108:17;154:23 <b>certainly</b> 36:13;55:16; 90:11;94:14;98:10;113:9; 116:14 <b>certification</b> 139:18 <b>certified</b> 58:20;59:2 <b>cetera</b> 5:1,1;26:5,5; 34:4,4 <b>chairs</b> 46:12 <b>chance</b> 23:15;62:2; 136:10 <b>chances</b> 65:10,16,21; 66:1 <b>Chanel</b> 74:12,15,16; 82:13 <b>change</b> 11:6,8;13:23; 15:9;59:8;61:3;112:7; 129:4;135:14,15 <b>Change</b> 69:11 <b>changed</b> 86:9;104:20 <b>changing</b> 29:11 <b>Chanute</b> 74:13 <b>charge</b> 17:25;34:21; 38:13;76:3 <b>charged</b> 16:10;95:2; 96:22 <b>charges</b> 94:20,24; 118:13 <b>charging</b> 11:3;15:23; 16:7 <b>check</b> 52:16;78:14; 90:12;109:18;116:13; 136:11,12 <b>checking</b> 39:1 <b>checks</b> 83:2 <b>Chief</b> 41:11;44:20;51:8; 74:19;80:12;82:5;113:24; 119:7;142:6 <b>CHIEF</b> 41:13,24;43:22, 24;44:1,4,11,15,22; 51:12,14,17;52:1,20; 53:9,13,16,19,23;54:9, 19;55:1,8;58:17;77:16; 78:1,7,16,19;79:4,8,10; 80:7;82:7,11;83:4,9,25; 84:17;85:1,9;114:2; 116:8;133:8;136:24; 137:4,7,20;138:10,15,23; 139:7,11;140:2,13,15,20, 22;141:1,7,10,13;142:2,</p>	<p>9;143:21;144:9,17,23; 145:6;153:19 <b>Child</b> 41:6 <b>children</b> 41:9 <b>China</b> 153:23 <b>Chipmunks</b> 42:11 <b>choose</b> 5:12;59:12; 105:1 <b>Christmas</b> 152:21; 154:8 <b>cigarettes</b> 64:1 <b>cipalities</b> 47:9 <b>Circle</b> 46:20 <b>circumstance</b> 120:20 <b>circumstances</b> 31:10; 119:16 <b>cities</b> 42:22;45:12,14; 152:13,17 <b>citizen</b> 31:4;86:21; 111:22;153:14 <b>citizens</b> 18:15;75:11 <b>Citizens</b> 28:22;151:8 <b>city</b> 14:12;16:15;20:4; 25:3;29:7;30:8,8;33:17, 18,19,24;36:2;38:23,24; 42:21;47:3;55:12,14; 73:10;76:20;84:19;122:2; 142:21;150:2,6 <b>City</b> 20:18,23;21:10; 24:17;27:1;29:15,17,18; 30:6,8;31:17;52:20,21, 22;77:25;78:2,5,15,18, 20;79:17;80:3,6;82:7,19; 88:20;89:22;94:11;95:15; 96:4;97:8,10;98:11,19, 23,24;99:1,20;103:8,19, 22,25;113:6;116:12,24; 124:22;127:9;128:9; 130:1;138:2;143:22; 144:25;146:22;152:12 <b>city's</b> 42:18 <b>civic</b> 20:20 <b>claim</b> 13:25 <b>clarify</b> 9:4 <b>clarifying</b> 130:6 <b>class</b> 20:15;21:7,23 <b>clause</b> 13:16;31:8 <b>clean</b> 110:25;111:15 <b>cleanup</b> 35:8 <b>Cleanup</b> 40:21 <b>clear</b> 30:1;89:1;96:15; 98:2,4;99:14;112:16 <b>Clerk</b> 29:18;30:6;77:25; 78:2,6,15,18;80:3,6;82:7; 94:11;95:15;97:8,10; 98:23;99:1,20 <b>CLERK</b> 3:5,8,10,12,14, 16;4:5,7,9,11,13,17,14, 18,20;19:8,11,13,15,17, 19;22:21,24;23:1,3,5,7; 28:7,10,12,14,16,18; 32:15,18,20,22,24;33:1; 40:2,5,7,9,11,13;71:12,</p>	<p>15,17,19,21,23;72:9,12, 14,16,18,20;81:7,10,12, 14,16,18;85:18,21,23,25; 86:2,4;97:13;102:7,10, 12,14,16,18;116:11; 125:8,11,13,16,18,20,22; 126:1;131:3,6,8,10,12, 14;132:1,4,6,8,10,12; 146:4,7,9,11,13,15; 147:3,6,8,10,12,14; 149:11,14,16,18,20,22; 150:13,16,18,20,22,24; 157:20,23,25;158:2,4,6 <b>clerks</b> 30:8 <b>close</b> 49:22;62:22;63:2; 67:10;84:2;142:17;152:1, 10 <b>Close</b> 57:3 <b>closely</b> 134:23;135:1 <b>code</b> 47:4;114:12 <b>Code</b> 82:19;105:7 <b>collateral</b> 92:11 <b>collect</b> 62:9 <b>collecting</b> 11:19;15:16; 19:1;62:18 <b>collection</b> 77:10;79:15 <b>color</b> 156:6 <b>combining</b> 33:11 <b>comfortable</b> 107:19; 136:8 <b>coming</b> 20:4;40:25; 41:4,17;44:8;45:22;55:2; 88:23,24;113:15;133:15; 138:24;140:7;142:18,20; 143:13 <b>commend</b> 151:12,14 <b>comment</b> 7:24;8:12; 36:9;111:7,9,13;153:15 <b>comments</b> 12:22; 29:10;34:13;86:21; 142:24;151:9 <b>Comments</b> 4:16 <b>Commission</b> 132:19 <b>commitment</b> 141:16 <b>committed</b> 141:20 <b>committee</b> 34:6,11,21; 38:13;39:3,4,19;133:6 <b>Committee</b> 132:15 <b>committees</b> 132:16 <b>communication</b> 23:25 <b>community</b> 52:15; 152:9 <b>comp</b> 130:21 <b>companies</b> 82:12; 83:24 <b>company</b> 16:11;25:1 <b>Compensation</b> 128:13 <b>competitive</b> 133:24,25 <b>completed</b> 128:24 <b>complex</b> 147:21 <b>compliance</b> 83:2 <b>computer</b> 27:1 <b>concept</b> 106:14</p>	<p><b>concern</b> 4:24;5:20; 24:22;34:17;37:16,22; 107:11;112:7;115:11 <b>concerned</b> 38:1;116:22 <b>concerns</b> 110:24; 147:25 <b>concessions</b> 42:12 <b>conducted</b> 128:17 <b>confer</b> 119:25 <b>conflict</b> 99:24 <b>confused</b> 93:4 <b>Congratulate</b> 156:11 <b>Congratulations</b> 45:16 <b>connected</b> 24:19 <b>connecting</b> 26:4 <b>Connor</b> 132:18 <b>CONNOR</b> 132:18;133:1 <b>cons</b> 34:9 <b>consecutive</b> 60:10,12 <b>consensus</b> 22:10 <b>consider</b> 12:16;77:18; 80:15;122:5;134:1 <b>consideration</b> 79:8 <b>considered</b> 141:11 <b>considering</b> 110:7 <b>consistent</b> 119:9 <b>constitutionally</b> 49:17 <b>construed</b> 123:12 <b>consult</b> 151:17 <b>contacted</b> 155:2 <b>continue</b> 67:17;91:15 <b>continued</b> 123:11 <b>Continued</b> 123:16 <b>continuously</b> 43:8 <b>contract</b> 12:6,8;13:17; 14:1,12,14;17:5;143:12 <b>contracted</b> 13:5 <b>contracts</b> 143:4,4,9,15 <b>contractual</b> 123:10,20 <b>conversation</b> 93:20 <b>converted</b> 85:2 <b>conveyed</b> 57:13 <b>coordinate</b> 101:20 <b>coordinator</b> 144:3 <b>copies</b> 57:22;100:23,24 <b>copy</b> 81:5;83:8,10; 97:17,19;99:1;100:1,11, 13;116:19;148:6 <b>corporate</b> 75:11 <b>corrections</b> 109:25 <b>corridor</b> 135:5 <b>cost</b> 12:9;24:23,24; 34:22;35:7;39:1,5;54:24; 63:15;66:13,15,23; 140:16;143:17;144:8,19 <b>costs</b> 35:2;68:23 <b>council</b> 79:24;110:24 <b>Council</b> 6:9,10,11; 12:20;20:6,12,16,21; 25:14;30:20;31:17;34:5; 38:18;40:22;41:18,21; 52:21,21;59:11;87:15; 88:16,21;89:9,20;91:12;</p>
--	--	--	--	---

93:3,20,25;94:17;95:13,  
15;98:19,25;103:16;  
113:5;124:16,22;132:22;  
138:19;139:7,13;142:23;  
152:19  
**council/** 20:14  
**Councilman** 25:20;  
26:16;76:25;129:16  
**Councilmember** 3:5,8,  
10,12,14,16;4:2,5,7,9,11,  
13;19:8,11,13,15,17,19;  
22:21,24;23:1,3,5,7;28:7,  
10,12,14,16,18;32:15,18,  
20,22,24;33:1;40:2,5,7,9,  
11,13;71:12,15,17,19,21,  
23;72:9,12,14,16,18,20;  
81:7,10,12,14,16,18;  
85:18,21,23,25;86:2,4;  
102:7,10,12,14,16,18,  
125:8,11,13,16,18,20,22;  
131:3,6,8,10,12,14;  
132:1,4,6,8,10,12;146:4,  
7,9,11,13,15;147:3,6,8,  
10,12,14;149:11,14,16,  
18,20,22;150:13,16,18,  
20,22,24;157:20,23,25;  
158:2,4,6  
**COUNCILMEMBER**  
3:7,9,11,13,15,18,22,24;  
4:2,4,6,8,10,12,15,20,23;  
5:10,20,24;7:9,13;8:1,6,  
11,18,21,24;9:2,3,10,12,  
15,19,21,22,24,25;10:2,  
3,5,7,8,10,13,16,20;11:1,  
11,14,16,21,24;12:1,4,  
13,23,25;13:3,4,6,9,13,  
15,20,22;14:2,7,10,19,  
21;15:4,6,10,11,14,22,  
24;16:1,3,5,8,14,19,24;  
17:1,3;18:7,16,19,22,24;  
19:4,10,12,14,16,18,21,  
24;20:14;21:12,18,20,24;  
22:2,8,15,18,23,25;23:2,  
4,6,9,12,23;25:4,7,10,15;  
27:4,7,9,10,13,21,23;  
28:9,11,13,15,17,20,23;  
29:13,16,21,25;30:4,15,  
19,21,23;31:1,7,20,21,  
23,24;32:1,2,3,6,12,17,  
19,21,23,25;33:3,5,8,9,  
10,13;34:14,16,20;35:16;  
36:1,5,7;37:9,15;38:9,10,  
12,25;39:3,18,21,23,24;  
40:4,6,8,10,12,15,19;  
41:22;42:6;43:16;44:10,  
14,20;46:9,14;47:22,24;  
48:8,18,20;49:6,9;50:12,  
15;51:1,4,6,10,13,16,18,  
23;52:17;53:3,10,12,14,  
18,20,22,24,25;54:1,3,5,  
7,17,23;55:7,20,24;  
56:10,12,13,15,17,18;  
57:3,5,7,8,10,12,18,21,

24;58:2,5,6,9,12;59:6,13,  
16;60:1,7,17,19,23;61:2,  
5,13,17,21,24,25;62:3,  
10,15,16,20;63:4,6,7,12,  
17,18,20,22;64:2,5,6,10,  
12,14,16,20,23;65:9,20,  
25;66:2,3,5;67:7,13,14,  
16,20,21,23,25;68:1,2,3,  
10,13,15,18,20,22,24;  
69:3,4,6,8,9,11,12,21,23;  
70:1,3,4,7,8,11,12,16,17,  
21,22,25;71:6,8,10,14,  
16,18,20,22,25;72:3,5,7,  
11,13,15,17,19,22,24;  
73:16,18,21;76:15;77:24;  
78:4,11,17,23;79:6,9,12,  
17,19;80:2,8,13,16,18,  
21,23,25;81:1,3,9,11,13,  
15,17,20,24;82:1,3,4,8,  
25;83:5,7,12,13,19,20,  
22;84:15,25;85:4,15,20,  
22,24;86:1,3,6,8;87:22;  
88:4,12;89:12,16;90:8,  
23;91:9,18,19,21;92:2,8,  
10,14,20,23;93:10,22;  
94:10,16;95:1,3,5,7,8,10,  
12,17,18,20,21,24;96:11,  
13,14,17;97:2,14,21,23;  
98:5,7,14,23;99:7,9,11,  
13;100:2,6,7,9,15,18,21,  
22;101:1,5,7,14,17,21,  
24,25;102:3,9,11,13,15,  
17,20,23;103:4;104:7,13,  
15,17,19;105:2,8,9,11,  
12,14,18,19;106:2,5,7,  
10;107:10,18,22,24;  
108:1,3,4,6,8,10,15,18,  
20;109:1,8,11,13,14,16,  
17,19,20,22;110:11,21,  
23;111:4,6,8,9,11,12,17,  
20,25;112:15,22;113:1,2,  
11,19;115:2,3,4,5,7,9,11,  
25;116:2,6,9,17;117:1,4,  
6,7,9,11,25;118:4,5,8,11,  
17,22,24;119:1,3,8,10,  
11,13,23;120:6,22;121:1,  
4,5,8,18;122:10,12,15,  
16,20,22,25;123:3,14,16,  
19,21,23,24;124:5,12,15,  
17,21,23,25;125:5,10,12,  
15,17,19,21,24;126:3,7,  
22;127:4,12,17,19,24;  
128:2,3,7;129:13,17,18;  
130:5,9,12,14,15,18,20,  
24;131:5,7,9,11,13,16,  
17,22,24;132:3,5,7,9,11,  
14;136:22,25;137:5,18;  
138:9,12,22;139:6,9,21;  
140:11,14,18,21,24;  
141:4,24;142:6;144:7,21;  
145:3,13,15,19,24;146:2,  
6,8,10,12,14,17,20,24;  
147:1,5,7,9,11,13,16,23,

24;148:2,5,7,9,10,13,19;  
149:4,7,13,15,17,19,21,  
24;150:4,9,15,17,19,21,  
23;151:1,5;153:8,11,13,  
14;157:16,18,22,24;  
158:1,3,5,8  
**Councilor** 151:12  
**Councils** 52:22  
**Council's** 55:10;136:19  
**Councilwoman** 66:16  
**counsel** 56:2  
**counseling** 114:17  
**counter-** 7:17  
**counterfeit** 74:4,4,5,15,  
17;76:22;80:24;81:2;  
82:17  
**county** 45:12  
**County** 36:19;37:6;  
43:2,44;7:45;7:84;13;  
135:1;139:20;154:8  
**County's** 47:4  
**couple** 75:20;135:2,21;  
136:5,13,25;138:16;  
147:17;154:4  
**course** 20:10,16;25:23;  
26:6;41:18,25;42:14;  
57:21;58:6;128:19;  
148:17  
**court** 45:10,25;52:4,11;  
56:4;57:13,16;82:23;  
143:6;145:22  
**Court** 45:8  
**courthouse** 41:8  
**courts** 24:18  
**cousin** 54:16,22  
**cover** 122:24  
**covered** 31:8;94:13;  
98:21  
**CRAWFORD** 132:25  
**create** 33:18  
**created** 28:25  
**creek** 36:21  
**Creek** 36:24;143:5,22;  
146:23,23  
**criteria** 31:13;128:23  
**criticized** 77:2  
**crossed** 126:12  
**crying** 53:2,4  
**current** 5:11;6:24;  
15:15;24:3;48:10;77:6;  
128:14;129:11  
**currently** 43:7;60:8;  
77:20,24;87:17;89:22;  
151:20;152:3  
**Currently** 86:10  
**customers** 8:23;135:8  
**cut** 65:24;66:3;135:4

**D**

**damage** 92:11  
**date** 6:25;7:7;20:10;  
22;9:9;23:11;44:17;

48:11;115:25  
**dated** 103:9  
**datations** 24:13  
**Davidson** 140:12  
**dawn** 36:3  
**day** 29:9,9;42:25;46:23;  
139:24;158:11  
**Day** 40:21;41:6;152:11  
**daycares** 35:6  
**days** 6:2,2;32:5;47:6;  
50:6,17;51:3,11,12;  
53:11,13;54:1,4;57:8,10;  
60:10,12;61:7,8,10;  
62:11;64:24;67:4,4,6,9,  
14;143:9,12;144:12  
**deadline** 32:7  
**deal** 63:9;66:21;90:5;  
122:18;156:18  
**deals** 156:22  
**Decatur** 45:5,9  
**December** 30:25  
**decide** 5:8;10:19;17:24;  
22:6;113:9  
**decided** 87:8,13;93:5;  
157:6  
**deciding** 30:2  
**decision** 114:9  
**decisions** 137:22;150:5  
**deck** 92:23  
**dedicated** 43:5;44:6  
**dedicating** 44:23  
**dedication** 43:5,17  
**default** 13:19;105:25  
**definitely** 17:5;21:9,11;  
74:17  
**Dekalb** 43:2;44:7;45:7;  
47:4;84:13;139:20;  
151:20;152:3;154:8  
**deliberations** 138:8  
**delivered** 58:15,19  
**delivery** 14:20;58:11;  
59:1  
**denied** 92:21  
**depart-** 24:10  
**department** 5:1,4,25;  
20:22,23;21:2;24:11;  
94:12;95:14;97:11;99:6,  
21;103:17;114:21,23;  
116:5;117:21;118:19;  
124:6,9,22;126:14;143:7;  
148:1  
**Department** 24:17;  
25:2;26:25;41:5,15,15;  
52:23;59:2;62:7;79:13,  
16;113:25;119:17,21;  
134:3;146:23;147:21  
**departments** 27:8;  
41:16;116:13;119:9,18;  
133:15  
**depending** 87:10;88:18  
**depends** 63:2  
**deposit** 135:17  
**description** 136:15

**designated** 20:19  
**desire** 95:19;102:2  
**detailed** 121:21  
**details** 6:8;47:6;120:1  
**Detective** 43:6  
**determine** 18:11;84:1;  
154:25  
**development** 47:13,14  
**differ** 123:15  
**different** 14:23;15:7;  
16:4;24:12;30:9;55:4;  
70:15;79:20;89:9,10;  
90:15;91:12;100:10,17;  
105:23;108:13,14;155:21  
**differentiate** 152:22  
**difficult** 6:1;74:10;  
109:4;122:8  
**diligently** 29:6  
**directed** 98:24  
**direction** 55:4;110:16  
**directly** 99:5  
**director** 128:25  
**directors** 20:23;103:17  
**disagree** 8:7  
**disci-** 113:12  
**disciplinary** 116:20;  
122:14  
**discipline** 103:6;110:3;  
114:11;116:19;121:2,6,6  
**discuss** 7:23;25:14;  
72:25;73:6;101:16;  
112:13;131:19;132:20  
**discussed** 20:21;  
46:14;48:21;49:10;87:7;  
96:18;109:9  
**discussion** 3:25;12:19;  
16:13;17:2;19:6;22:19;  
23:12;27:22;32:13;39:25;  
52:1;89:11;102:5;104:4;  
106:9;126:8,17;149:9;  
150:11  
**display** 74:23  
**Disposal** 7:14;18:11  
**dissolve** 103:6;104:2,8  
**Distinction** 29:1,22,24  
**District** 139:19  
**document** 113:20;  
115:12;121:14  
**documenta-** 109:9;  
115:20  
**documentation**  
109:12;113:12;114:7;  
117:12;124:20  
**documented** 114:13  
**documents** 29:14  
**dog** 33:19,20;34:10,24;  
35:4,16;36:25;155:10  
**doggy** 34:4,8;35:6,8  
**dogs** 33:21;37:18;38:3  
**dogs'** 35:20  
**dollar** 54:15;63:9  
**dollars** 37:24;53:17;  
60:20

**donated** 43:2  
**done** 6:8;14:3;27:15;  
 45:12;48:12;50:2;53:9;  
 64:4;77:3;78:7;84:7;  
 89:17;90:14;101:16;  
 116:4;151:13  
**Donna** 40:18  
**door** 46:22;47:20;66:9,  
 25;82:20;151:21,22  
**Doraville** 16:16;28:25;  
 29:3,22,24;30:3,8;36:16,  
 20;37:4;73:24;74:6;75:7,  
 12;77:1;83:15,16,18;  
 103:8;112:21;144:25;  
 145:1;151:19;152:12,20,  
 23,23  
**dotted** 126:12  
**down** 7:21;12:5;17:22;  
 42:1;43:8;56:25;62:22;  
 63:3;64:11,14;65:24;  
 66:4;67:10;98:4;107:8;  
 113:16;115:19;117:14,  
 21;121:20;122:7,17;  
 135:4,25;137:9,16;  
 138:18  
**draft** 28:24;101:3;124:1  
**drafted** 59:7;88:2;  
 93:18;98:2;101:4;128:18  
**drags** 83:17  
**draw** 74:25;104:23;  
 116:15  
**drawings** 156:3  
**drive** 135:10  
**Drive** 36:15;142:11,13  
**dropped** 134:20  
**drop-your-dog-off**  
 35:18  
**ducks** 39:14  
**due** 18:8;49:16;139:12  
**Due** 49:15  
**Duluth** 89:22;152:12  
**dump-truck** 40:24  
**dunk** 41:20  
**Dunwoody** 37:5  
**duplicitous** 24:10  
**during** 6:12;17:25;  
 86:17;87:3,16;89:4;91:23  
**dusk** 36:4;42:14

**E**

**earlier** 73:23;135:21  
**early** 42:3  
**easily** 14:4;38:23  
**easy** 4:25;116:14  
**eat** 12:12  
**educate** 63:24  
**Edwards** 12:5  
**effect** 17:7;115:14,15;  
 120:15  
**effective** 18:25;66:13,  
 15;91:13;140:16;143:18  
**effectively** 85:12

**effects** 120:11  
**efficient** 137:25  
**effort** 24:10;151:16  
**eighteen** 9:16,20,23  
**either** 21:7;26:13;52:3;  
 62:5;65:12;76:25;85:1;  
 127:18;135:9;143:18  
**Either** 135:12  
**either-and-or** 19:25  
**elaborate** 41:11;128:15  
**elected** 45:9;112:20  
**election** 6:12;46:1  
**electronic** 23:25;98:20;  
 99:19  
**electronically** 24:19  
**eliminate** 92:6  
**else** 12:12;55:23;62:6;  
 65:18,19;74:13;75:17;  
 76:8;105:25;109:7;119:6;  
 123:5;145:14;157:15  
**else's** 116:16  
**e-mailing** 96:2  
**employee** 30:17;52:6,  
 10,10;103:9;104:3,8;  
 105:20,22;107:5;110:2,9;  
 112:11;114:9,12;118:2;  
 123:11;128:14,25;129:7,  
 15;141:18;144:9  
**employees** 63:24;  
 65:15;103:20;111:2,22;  
 113:15;114:23;116:10;  
 124:7,13;128:11;140:5,8;  
 141:16  
**employee's** 129:2;  
 144:24  
**employment** 103:7;  
 104:1,2,10;105:22,24;  
 106:1,19,24;107:9,12;  
 108:9,22;110:5,7;111:3;  
 123:12,15,17;124:2,3;  
 126:9  
**Employment** 103:15;  
 109:2  
**encourage** 73:8  
**end** 9:13;14:11;26:22;  
 45:24  
**enforce** 152:8  
**enforcement** 118:18  
**enforcing** 82:6  
**engineer** 155:18;156:4  
**engineering** 155:22  
**engineers** 148:15  
**English** 37:22;48:17;  
 142:13  
**enhances** 38:23  
**enlisting** 31:5,6  
**enough** 84:3  
**entire** 25:3  
**entity** 78:20  
**Entsminger** 47:10  
**Environmental** 132:21  
**equal** 46:5  
**equate** 25:11

**equates** 11:2  
**equipment** 26:20;34:7  
**equipped** 140:9  
**especially** 36:23;52:3  
**essentially** 74:1  
**established** 31:13,16  
**establishing** 34:9  
**establishments** 152:1  
**et** 5:1,1;26:5,5;34:4,4  
**ethics** 114:12  
**evaluate** 16:3;34:8,22;  
 83:24  
**evaluating** 37:13  
**evaluation** 24:14;  
 128:11  
**even** 12:16;36:19;50:16,  
 23;65:5;114:5;138:13  
**Even** 10:15  
**evening** 116:18  
**event** 41:2,8  
**events** 20:3,4;41:3;  
 42:22  
**eventually** 99:1  
**everybody** 5:8;21:13;  
 32:4;58:8;81:5;94:7;  
 131:20;148:17  
**everybody's** 12:10;  
 49:8  
**everyone** 9:4;40:20;  
 57:22;66:24;104:21  
**everyone's** 97:6,19  
**evidence** 77:22;85:1,3  
**exactly** 57:7;89:23;  
 99:16;109:6;110:18;  
 133:2;155:16  
**Exactly** 27:9;48:8;  
 96:13;100:15,21;110:11;  
 138:9  
**examples** 37:11  
**exceed** 31:16  
**except** 65:22;86:20  
**exceptional** 31:10;  
 37:1,6  
**exceptions** 14:17,20;  
 31:18  
**exciting** 33:7  
**excrement** 34:2  
**Excuse** 22:8;43:23;  
 99:10;140:20  
**exempt** 11:7,18;17:10  
**exempted** 11:11,16  
**exemptions** 11:9  
**exercise** 33:23  
**exist** 114:19  
**existing** 38:21;95:11,  
 12;99:14,25;100:3  
**exit** 133:19  
**exiting** 121:3  
**expanded** 94:15  
**expect** 15:21;21:2;  
 45:21;143:22  
**expectations** 126:13  
**expected** 8:8;21:3

**expenditures** 137:3;  
 139:16  
**experience** 133:14  
**expert** 6:14  
**experts** 82:15;84:3  
**expires** 47:4;48:10  
**explain** 111:5,11  
**Explain** 23:21  
**expose** 121:8  
**exposing** 118:12  
**exposure** 39:6  
**expressed** 90:9  
**extent** 82:21  
**extra** 11:18;42:3;144:12  
**extraordinarily** 45:10  
**extreme** 56:13  
**extremely** 133:25;  
 151:15  
**exude** 111:21  
**eye** 75:8,25;156:19,20

**F**

**facilities** 37:11  
**facility** 35:7;37:6;38:22;  
 39:7  
**fact** 26:10;79:22;82:16;  
 89:17  
**fair** 8:10;79:1;142:20  
**fake** 82:9;84:2,6  
**fall** 20:6,13;41:1  
**fallen** 152:14  
**falls** 43:8  
**family** 43:13;47:15;  
 49:17,22,23  
**fantastic** 136:15  
**far** 6:21;20:12;38:2;  
 39:5;96:18;116:22  
**farms** 79:23  
**fast** 91:14  
**fault** 65:1  
**favor** 115:8,18  
**feasibility** 147:20  
**federal** 82:23  
**fee** 16:2;57:14;95:4,6;  
 96:18;97:1;152:5  
**feel** 7:25;8:5,7;103:19;  
 107:18;117:5;128:21;  
 136:8  
**fees** 143:18  
**fellow** 155:10  
**felt** 52:23;92:24;96:9;  
 103:12  
**fence** 37:18  
**few** 59:24;134:4;135:3  
**fifty-** 9:17  
**figure** 113:5;120:18  
**file** 55:11  
**filing** 50:20  
**fill** 121:13  
**financial** 25:11  
**financially** 66:8  
**find** 6:24;93:7;101:11;

112:23;127:8;151:15  
**finding** 33:18;34:1  
**fine** 50:6,8,14;51:13,14,  
 19;53:7,15,25;59:18,21;  
 60:3,13,15;63:23;67:24;  
 68:6;70:9;128:5,20  
**finer** 57:13;65:23;97:18  
**fire** 103:18;124:8,19  
**Fire** 41:15  
**fired** 114:15  
**firing** 124:7  
**firm** 155:23  
**first** 12:4;26:2;27:16;  
 32:5,6;50:5;51:8;54:21;  
 57:6;59:10;60:7,14;61:5,  
 6,18;62:13;63:19;64:15;  
 65:14;66:17;67:2,3,19;  
 68:12;69:1,13,17;70:1;  
 71:3,5,7;72:2,6;76:9,12,  
 13,16,16;80:19;86:22;  
 87:20;97:8;114:16;  
 127:11;129:5;141:14;  
 145:23  
**First** 40:19;60:9;70:25;  
 119:24  
**first-line** 114:14  
**fiscal** 17:13  
**fiscally** 15:18  
**fits** 14:18;110:19  
**five** 39:12;108:13,14;  
 133:11,21  
**fix** 98:7  
**flags** 152:13  
**Fleming** 3:10;4:7;  
 19:13;20:8;23:1;28:12;  
 32:20;40:7;71:17;72:14;  
 81:12;85:23;102:12;  
 106:2;110:16;112:5;  
 113:7;115:4;125:16;  
 126:8;129:16;131:8;  
 132:6;146:9;147:8;  
 149:16;150:18;157:25  
**FLEMING** 3:11;4:8;  
 8:11;9:3,10,15,19,22,25;  
 10:3,7;12:25;13:4;19:14;  
 20:14;21:18,24;22:2,8;  
 23:2;28:13;32:1,3,21;  
 39:24;40:8;54:5;56:12,  
 15,18;58:12;61:17,24;  
 63:6;64:16,23;70:7;  
 71:18;72:15;81:13;85:24;  
 92:23;95:24;96:13;102:3,  
 13;103:4;104:7,19;105:2,  
 8,11,14;106:5;108:3;  
 109:22;115:3,5,9,25;  
 116:17;117:25;118:5;  
 121:1,5;122:12,20,25;  
 123:16,21,24;124:23;  
 125:5,17;126:3;128:2,7;  
 130:12,15,20;131:9,17;  
 132:7;141:24;146:10;  
 147:9;148:2,7,10,13;  
 149:17;150:19;158:1

**flexibility** 31:9  
**flip** 63:8;67:11,11,15,17, 21;68:5,6,11,21  
**flipping** 63:5;66:21; 69:1  
**flushed** 126:11  
**fold** 118:2  
**folks** 11:12,17,18;45:22; 55:2  
**follow** 27:24;39:9; 47:18;125:2,6;135:10,13  
**followed** 48:14  
**following** 128:23  
**foot** 82:20  
**force** 140:7;152:8  
**foreclosures** 36:22  
**forfeiture** 137:3,24; 138:23  
**forfeitures** 137:13  
**forget** 34:3,3;74:3;87:12  
**forgotten** 43:9  
**fork** 36:23  
**form** 16:23;29:19;34:6; 39:19;104:5;116:19,22; 117:5,10,16,17,18;118:1, 6,10,12;119:10  
**formal** 117:5,10  
**former** 6:11;79:24  
**forms** 115:13;116:3,15; 119:1  
**Fortunately** 154:8  
**forty-** 9:25  
**forty-five** 9:14;10:6  
**Forty-five** 10:12,13  
**forward** 22:16;38:18  
**forwarding** 99:18  
**found** 7:7;91:13;138:15  
**four** 5:21;20:17;39:12; 52:18;55:13;133:11,21  
**fourth** 31:2  
**frankly** 121:22  
**Frayssse** 6:24;7:6  
**free** 35:18;42:9;96:19; 138:20  
**freebies** 16:17  
**fresh** 89:8;91:24;92:3, 16  
**friend** 49:23  
**front** 53:2;138:24  
**fuel** 16:21  
**fully** 126:11;141:20  
**fun** 38:16;40:24;42:11, 23  
**functionality** 5:4  
**functioning** 24:2  
**furnish** 58:3,8;98:24  
**future** 47:2;49:1;73:1,6

**G**

**garage** 46:22;47:20  
**garden** 156:1  
**gasoline** 7:20

**gations** 84:8  
**gave** 23:17;117:2,18; 136:14;155:3  
**general** 14:16;24:13; 56:2;75:19  
**generally** 157:2  
**Georgia** 56:2;103:21, 22;105:25;154:12,17,18, 21  
**gets** 81:5;94:1;99:19; 124:25  
**GIRMA** 107:19;109:24  
**given** 57:16,16;104:21; 141:19;143:2;152:16  
**gives** 67:15;85:10  
**giving** 62:2;64:7;65:10, 16,17,21;77:18;117:23  
**Giving** 155:11  
**GMA** 24:25;25:1;26:9; 48:24  
**goal** 62:17  
**goes** 55:12;118:3; 134:15  
**good** 4:24;20:8;24:1; 26:15,17;29:5;31:19; 42:18;44:10;55:18;75:9, 10,23;76:9;78:13;90:14; 91:5;111:1;135:2;152:24  
**Good** 33:12;44:19;68:2; 132:15;138:22  
**goods** 76:23;80:24;81:2  
**goodwill** 111:21  
**government** 15:19; 137:2;139:10;151:17  
**graduating** 133:13  
**grand** 63:15  
**grandchildren** 41:9  
**grant** 31:17;36:18  
**grants** 37:14;39:10  
**grateful** 46:6  
**great** 6:19;29:3,7;37:10, 13;40:21;41:14;45:15; 46:11;112:18  
**greatly** 134:17  
**green** 37:17  
**ground** 48:2  
**groundwork** 85:5  
**group** 137:9  
**groups** 138:19  
**guaranteed** 123:13  
**Gucci** 82:9,10  
**guess** 4:24;7:23;14:10; 29:25;34:16;50:15;62:10; 87:14;92:11;94:16;95:10, 25;97:3;99:4;120:23; 123:3;125:19  
**Guess** 92:20  
**guest** 44:25  
**guidance** 138:3  
**guy** 114:15  
**guys** 82:8;95:4  
**Gwinnett** 135:1

**H**

**hail** 45:8  
**half** 17:9;37:24;112:2  
**Hall** 20:18,24;24:17; 27:1;29:15,17;96:4; 98:11;116:12  
**hamburger** 15:20,20  
**hand** 58:15,19;59:1; 80:9  
**handbook** 122:23  
**handle** 143:5  
**handled** 86:10  
**handwrite** 117:22  
**handwritten** 96:3  
**Hang** 104:15  
**happen** 25:24;34:3; 35:11;62:21;63:24; 107:15;119:14;120:7; 127:20  
**happened** 26:15;35:21; 141:12  
**happening** 24:3;44:21; 49:3;74:9  
**happens** 14:24;31:2; 86:22;88:19  
**happy** 45:24  
**hard** 46:20;142:12,14  
**harder** 62:4  
**hardware** 25:17;26:4  
**Harley** 153:17  
**Harley-** 140:11  
**Hart** 153:13,14  
**HART** 153:17,20;154:2, 18,21;155:2,6,17,20; 156:9  
**head** 5:1,5;95:15;99:6; 117:22;124:6,9,22  
**heads** 5:25;20:22;21:3; 94:13;99:21;114:21,23; 116:5;118:19;126:14  
**healthy** 126:18  
**hear** 156:21  
**heard** 36:14  
**heart** 123:3  
**hello** 45:4,21,22  
**help** 28:4;31:20;35:7; 37:2;47:17;51:25;120:10; 135:15;141:1;144:23; 145:25  
**helped** 6:13  
**herein** 31:14,15,16  
**heroes** 152:14  
**hesitant** 52:22;126:24; 139:1  
**Hess** 133:18  
**higher** 142:11;152:6  
**highest** 38:10  
**highly** 26:8  
**Highway** 135:5;154:6,7  
**hinder** 50:18  
**hire** 6:18

**hired** 6:6;129:19;133:11  
**hiring** 6:20;134:9  
**hit** 135:5;136:2;142:14  
**hitting** 12:10;62:4; 142:12  
**Hoffmeister** 36:15; 151:10  
**HOFFMEISTER** 36:13; 151:10;153:3,6  
**Hoffmeister's** 39:9  
**hold** 52:8  
**Hold** 104:17  
**hole** 135:12  
**home** 35:18;47:15; 48:13;73:4  
**homeowner** 46:17  
**homes** 36:24  
**honestly** 112:22;123:7  
**Honeysuckle** 42:10  
**honor** 43:11;152:16  
**hope** 40:25;43:17;46:21  
**hopefully** 43:3,12; 46:23;50:10  
**Hopefully** 42:2  
**hoping** 68:19  
**hot** 155:10  
**hour** 144:12  
**hours** 45:19;144:2; 152:2,4  
**hours'** 143:25;144:5  
**house** 46:19;48:17; 73:8;156:6  
**household** 7:20,22; 10:24;11:4,17,19  
**households** 11:6  
**Howe** 39:8  
**HOWE** 5:23;6:3;7:3  
**huge** 47:13;112:9  
**Hugo** 42:25;43:20  
**hurry** 112:4  
**hurt** 57:6,9;66:17;67:3; 68:8

**I**

**idea** 26:6;37:14,16;38:7; 109:12,15;112:18; 155:14;157:7  
**ideas** 28:3;89:10  
**identical** 86:20,24  
**identified** 44:18  
**identify** 30:6;93:2; 134:25  
**ie** 24:10;30:8  
**illegal** 25:22  
**impact** 134:18  
**implement** 28:3; 115:17,21  
**implemented** 126:15, 16  
**imply** 123:10  
**important** 10:21;38:15; 81:4;85:10;151:19,19

**impression** 111:1  
**improperly** 76:22  
**impropriety** 30:12  
**improve** 106:16  
**improvement** 46:24  
**improvements** 46:21  
**inaudible** 31:25;56:21; 61:23  
**Inaudible** 93:20;132:25  
**inclement** 42:15;142:3  
**include** 73:13;116:18  
**included** 116:20  
**including** 16:9  
**inconsis-** 118:22  
**inconsistencies** 118:18;119:2,4  
**increase** 8:4;12:7;13:1; 16:20;18:22,25;52:18; 53:7;54:18;134:4;143:18  
**increased** 50:23  
**increases** 128:21  
**incurred** 94:20  
**indeed** 21:19  
**independent** 28:2  
**independently** 30:11  
**indicates** 128:19  
**indicating** 123:22  
**indistinguishable** 76:24  
**individual** 31:12  
**individually** 21:15  
**individuals** 30:6;37:5; 134:25;135:6,11,20,23; 136:6  
**individuals'** 73:7  
**information** 20:9; 23:16,23;93:3,4;94:4,9, 12;95:2,14,16,23;97:5, 16;98:16,18,19,22;99:2, 18;100:10,12,14,23,25; 102:1;106:3;126:10; 128:1;137:10,19,21; 157:5  
**infrastructure** 26:3  
**inherited** 55:11  
**initial** 25:16  
**input** 144:3  
**insert** 104:9  
**inserting** 105:17  
**inspection** 47:5  
**instance** 20:19;86:23  
**instead** 18:1;74:12; 121:10;138:24  
**insurance** 34:22;39:2  
**interaction** 21:21  
**interested** 34:11  
**interesting** 139:25  
**interests** 112:20  
**internet** 23:25;96:2  
**intervening** 35:21  
**interview** 133:19  
**into** 20:18;36:17;38:17; 47:6;48:22;55:25;56:15,

<p>19;76:25;96:1,4;126:9; 134:22;135:16;138:7; 142:20;156:23;157:1 <b>introduce</b> 45:2 <b>investi-</b> 84:7 <b>investigating</b> 38:19 <b>investigation</b> 79:23; 82:22 <b>investigators</b> 77:18; 82:12 <b>invited</b> 133:3 <b>involved</b> 6:20 <b>I's</b> 126:12 <b>issuance</b> 48:11 <b>issue</b> 15:7;47:3,9;48:6, 16;50:17;64:18;74:20; 76:11;77:14;78:24;79:14; 87:14;88:21;94:4,20; 106:15;141:3;151:18 <b>issued</b> 64:19 <b>issues</b> 21:17;89:1;91:4, 6 <b>item</b> 19:22;33:6,7;72:24; 104:20,21 <b>Item</b> 103:4 <b>items</b> 82:16;91:8; 147:18</p>	<p>120:4 <b>jobs</b> 119:25 <b>Joe</b> 132:18 <b>John</b> 43:20;133:7; 141:9;156:11,21 <b>Johns</b> 143:5,22;146:22, 23 <b>judge</b> 45:10,25;60:24 <b>July</b> 18:3,9,17;19:1; 22:10,11,17;30:24;32:7; 129:5;152:11 <b>June</b> 18:2,21;20:5</p>	<p>50:16;58:18;64:8;72:24; 90:25;141:12;143:3; 154:11 <b>late</b> 154:1 <b>lately</b> 142:11 <b>later</b> 5:12;44:9,12; 45:25;76:8;112:8;113:16; 143:10 <b>Later</b> 27:17 <b>latest</b> 26:19,20 <b>law</b> 14:16;33:25;48:15; 49:12,16;76:20,20; 105:20;127:23;138:1; 139:16 <b>lawn</b> 46:12 <b>laws</b> 36:2;75:5;90:1,7; 151:23 <b>lawyers</b> 106:22;123:4,6 <b>lay</b> 120:11,13,16,24; 121:9 <b>laying</b> 120:16;121:6; 122:13 <b>lays</b> 85:5 <b>leads</b> 135:2 <b>learn</b> 82:9 <b>leash</b> 33:25 <b>least</b> 48:6;54:10;76:10; 141:2;153:20,21 <b>leave</b> 25:13;50:13; 107:12;108:24;111:1 <b>leaving</b> 107:16 <b>leeway</b> 85:11 <b>left</b> 142:19 <b>legal</b> 49:24;50:25;74:22; 108:22;109:2;110:12; 117:20;122:3;136:11 <b>legalities</b> 50:20 <b>legally</b> 67:5;90:16; 107:4 <b>less</b> 25:16;60:14,16,22; 61:4;155:1 <b>letter</b> 8:17,19;18:13; 59:3;109:6;117:16,17,19 <b>level</b> 29:10 <b>li-</b> 77:7 <b>liability</b> 34:19,22;39:6 <b>library</b> 41:16;97:7,18; 98:13;120:25;121:10 <b>license</b> 49:14,18,24; 50:5,7,22,25;54:14;57:1, 23;58:22;59:22;60:9,11, 13;62:25;63:8,14,21; 64:18;70:12,19;76:19; 77:7;151:14;152:6;157:1, 3,3,11,11 <b>licenses</b> 63:5 <b>life</b> 141:22 <b>Life</b> 40:21 <b>light</b> 154:9,10 <b>lighting</b> 154:5 <b>lights</b> 152:21 <b>limitation</b> 47:11 <b>limitations</b> 46:17</p>	<p><b>limited</b> 37:17 <b>limits</b> 94:11 <b>line</b> 37:23 <b>lines</b> 26:4 <b>liquor</b> 49:18,24;50:21, 24;57:23;75:5;151:14 <b>listen</b> 123:5 <b>lit</b> 154:7 <b>literally</b> 120:3 <b>litigation</b> 56:7;118:20 <b>little</b> 33:22;41:13;85:11; 91:10;93:4;112:10 <b>live</b> 29:3,7;30:2;152:24 <b>living</b> 16:15;26:7;30:7 <b>load</b> 40:24 <b>loaded</b> 25:22 <b>local</b> 63:21 <b>Locally</b> 63:20 <b>location</b> 20:19;21:5; 34:9;38:22;39:7;65:2 <b>logo</b> 5:8,11,12 <b>long</b> 5:2,2;6:15,16;7:10; 26:14;42:19;46:2;48:4; 51:5;52:10;84:20;88:22; 116:2;139:9 <b>longer</b> 50:3;152:15 <b>longevity</b> 129:25 <b>long-time</b> 56:7 <b>look</b> 17:5;20:6;26:3; 27:18;34:23,25;35:11; 36:17;38:17;39:8;51:24; 76:1,8;101:2;107:20; 112:20;133:20;134:12; 136:7;152:12,19 <b>looked</b> 15:12;55:24; 157:7 <b>looking</b> 33:17;37:12,23; 38:21;53:5;88:19;107:7; 134:2;137:15;152:3,6 <b>lookout</b> 135:21 <b>looks</b> 13:6;24:5;74:14 <b>loopholes</b> 49:16 <b>Lopez</b> 41:25 <b>lose</b> 54:13;59:22;62:24 <b>losing</b> 11:4,9,23;15:16 <b>loss</b> 70:18 <b>lost</b> 84:24;85:2;133:17 <b>lot</b> 8:2;16:3;21:16,21; 36:20;40:24;42:11,23; 52:2,5;53:1,4;75:9;91:5; 107:19;114:13;127:5; 142:19;143:23 <b>lots</b> 135:7 <b>LOWE</b> 5:16 <b>lower</b> 13:12 <b>Luke</b> 5:14</p>	<p><b>mail</b> 58:13,20 <b>mailbox</b> 97:20 <b>mailer</b> 58:8 <b>mailing</b> 57:25 <b>main</b> 83:17 <b>maintaining</b> 145:22 <b>maintenance</b> 39:6,7 <b>majority</b> 89:19 <b>makes</b> 94:8;97:5 <b>making</b> 47:22;66:23; 129:12,23;133:22; 137:19,21;141:20 <b>manage</b> 24:8 <b>mandatory</b> 21:1 <b>manual</b> 103:7,9,24; 104:3,9,24;105:4,6,7,20; 107:5;109:23;110:22; 112:12;123:10;128:14; 129:8,15 <b>many</b> 25:8;30:21;45:19, 19;68:3,9;127:6;134:8,12 <b>Maria</b> 46:13;72:23 <b>marked</b> 76:22 <b>market</b> 133:24 <b>marvelous</b> 45:6 <b>match</b> 37:7 <b>Material</b> 13:20 <b>math</b> 144:18 <b>max</b> 51:22 <b>may</b> 25:22;27:24;39:14; 48:24;74:12;80:14;91:14; 92:10;99:24 <b>May</b> 4:19;5:17,18;18:2; 20:4;32:7;41:4;42:8,24; 43:14;44:1,2;132:24 <b>maybe</b> 15:13;18:12; 55:14;61:6,25;65:6;76:1, 7;87:10;90:17;119:20; 134:12;138:2;141:2 <b>MAYOR</b> 141:1 <b>mayor</b> 111:14,18;112:1 <b>Mayor</b> 8:18;13:1,8; 21:25;23:19;24:24;46:20; 76:21;77:10;84:21;89:14; 95:15;98:24;99:7;103:16; 104:16,19;114:2,6,6; 124:23;136:18;137:8,14; 142:22 <b>MAYOR</b> 3:2,19,23,25; 4:16,21;5:7,14;6:23;7:5, 12,14;8:14,20,22;9:1,6, 17;10:15;12:22;13:7; 16:22;17:2,16,19,21; 18:4;19:6,22;22:1,4,19; 23:18,20;24:25;27:20,22; 28:6,21;29:19,24;30:13, 18;31:19;32:10,13,33,4, 12;34:13,15,18;35:14,24; 36:6,11;39:16,25;40:17; 43:20,23,25;44:2,19,24; 46:3,8,13;47:21;49:4,7; 56:20;71:4,9,11;72:1,4,8, 23;73:20;76:18;77:3,12; 80:22;81:21;82:2;85:13, 17;86:7;87:19,25;88:8, 10;91:25;92:5,12,17,21; 99:8,10;102:5,21;103:2; 104:4,11;106:9;108:24; 114:25;124:24;125:2,7; 127:21;128:5;130:22; 131:1,18,25;132:15; 133:5;136:21;141:9,11; 142:25;143:20;145:10; 146:1,3,18,25;147:2,17, 25;148:4,12,15,21;149:6, 8,25;150:11;151:2,8; 153:1,4,10,12,16;154:16, 20,23;155:4,16,18;156:8, 14;157:14,19 <b>job</b> 6:19;29:5;45:15;</p>
<b>J</b>	<b>K</b>			
<p><b>jeans</b> 74:5 <b>JENKINS</b> 3:2,19,23,25; 4:16,21;5:7,14;6:23;7:5, 12,14;8:14,20,22;9:1,6, 17;10:15;12:22;13:7; 16:22;17:2,16,19,21; 18:4;19:6,22;22:1,4,19; 23:18,20;24:25;27:20,22; 28:6,21;29:19,24;30:13, 18;31:19;32:10,13,33,4, 12;34:13,15,18;35:14,24; 36:6,11;39:16,25;40:17; 43:20,23,25;44:2,19,24; 46:3,8,13;47:21;49:4,7; 56:20;71:4,9,11;72:1,4,8, 23;73:20;76:18;77:3,12; 80:22;81:21;82:2;85:13, 17;86:7;87:19,25;88:8, 10;91:25;92:5,12,17,21; 99:8,10;102:5,21;103:2; 104:4,11;106:9;108:24; 114:25;124:24;125:2,7; 127:21;128:5;130:22; 131:1,18,25;132:15; 133:5;136:21;141:9,11; 142:25;143:20;145:10; 146:1,3,18,25;147:2,17, 25;148:4,12,15,21;149:6, 8,25;150:11;151:2,8; 153:1,4,10,12,16;154:16, 20,23;155:4,16,18;156:8, 14;157:14,19 <b>job</b> 6:19;29:5;45:15;</p>	<p><b>Keck</b> 148:7,12;155:11 <b>keep</b> 38:1;51:2;52:6; 53:6;59:17;62:17;66:21; 68:13;69:4,16,21;108:9; 154:22;156:19,20 <b>Keep</b> 69:6,8 <b>keeping</b> 75:8,25 <b>keeps</b> 24:2 <b>kibosh</b> 6:11 <b>kid</b> 141:21 <b>kids</b> 38:3;65:12 <b>kill</b> 65:18 <b>killing</b> 65:12 <b>kind</b> 5:4;22:4;26:6; 43:18;45:4,21;53:14; 87:3;89:11;95:14;117:12, 13,20 <b>King</b> 74:19 <b>KING</b> 41:13,24;43:22, 24;44:1,4,11,15,22; 51:12,14,17;52:1,20; 53:9,13,16,19,23;54:9, 19;55:1,8;58:17;77:16; 78:1,7,16,19;79:4,8,10; 80:7;82:7,11;83:4,9,25; 84:17;85:1,9;114:2; 116:8;133:8;136:24; 137:4,7,20;138:10,15,23; 139:7,11;140:2,13,15,20, 22;141:1,7,10,13;142:2, 9;143:21;144:9,17,23; 145:6;153:19 <b>knew</b> 78:9;110:18 <b>knowing</b> 138:1,1 <b>knowledge</b> 121:25 <b>known</b> 33:19</p>			
	<b>L</b>			
			<b>M</b>	
			<p><b>ma'am</b> 17:23;32:2; 36:11;42:5;53:17;142:3,5 <b>Ma'am</b> 58:17 <b>Magazine</b> 73:25;74:2</p>	

<p>80:22;81:21;82:2;85:13, 17;86:7;87:19,25;88:8, 10;91:25;92:5,12,17,21; 99:8,10;102:5,21;103:2; 104:4,11;106:9;108:24; 114:25;124:24;125:2,7; 127:21;128:5;130:22; 131:1,18,25;132:15; 133:5;136:21;141:9,11; 142:25;143:20;145:10; 146:1,3,18,25;147:2,17, 25;148:4,12,15,21;149:6, 8,25;150:11;151:2,8; 153:1,4,10,12,16;154:16, 20,23;155:4,16,18;156:8, 14;157:14,19  <b>Mayor's</b> 4:16  <b>mean</b> 4:24;5:3,16;6:1; 12:10;14:21;15:1,7;17:3, 5;37:4,17;48:1;50:4;51:5, 6;52:14;63:1,5,7;65:11; 66:6,14,15;78:4;90:24, 25;93:22;96:20;101:3; 103:21;107:1,2;108:13; 109:11;112:16;113:22; 117:11,15,17;121:9; 127:10;155:12,20,21; 156:6  <b>meantime</b> 101:22  <b>meanwhile</b> 135:16  <b>measures</b> 24:7  <b>meet</b> 91:10;133:1  <b>meeting</b> 3:2,20;15:13; 45:23,24;59:11;79:7; 86:14,22;87:16,20;88:7; 89:2,5,8,14;90:13,19,22; 91:3,4,8,16,23;92:1; 94:24;111:23;132:20; 150:6;151:4  <b>Meeting</b> 103:2  <b>meetings</b> 18:1;86:10; 89:6;90:2;91:24;92:3,4, 15,15,16;137:1  <b>Meetings</b> 90:1,7  <b>member</b> 6:10,11;95:13; 98:19;110:24;141:2  <b>members</b> 12:20;20:16, 17;40:22;41:18,21;79:24; 93:20;98:25;136:19; 138:19;142:22  <b>memorial</b> 43:21  <b>Memorial</b> 44:7;152:11  <b>MEMS</b> 26:9  <b>MEMSware</b> 25:1  <b>men</b> 152:14  <b>ment</b> 24:11  <b>mention</b> 46:10;74:6,8  <b>mentioned</b> 22:9;73:24; 98:12;139:24;143:8  <b>merit</b> 128:10  <b>message</b> 83:14;85:9  <b>method</b> 156:22  <b>methodology</b> 59:1</p>	<p><b>middle</b> 4:19;5:17,18; 18:23;86:11,14;89:2,5; 91:23;92:1;108:12  <b>midnight</b> 152:5  <b>might</b> 12:15;13:14; 14:22;52:6;54:7;55:2; 67:9;99:3;134:1,5;139:2; 141:3  <b>Mill</b> 132:23  <b>million</b> 37:24  <b>mind</b> 52:7;119:18  <b>mine</b> 17:19  <b>minimum</b> 16:11;57:11, 11;60:13  <b>minors</b> 49:13  <b>minute</b> 44:25;104:14; 121:12  <b>minutes</b> 3:20;59:24; 93:11,11;101:2  <b>miss</b> 42:17  <b>Miss</b> 6:6,23  <b>misunderstood</b> 62:1  <b>modify</b> 94:19  <b>Monday</b> 86:15  <b>money</b> 8:2;26:13,24; 27:2,14;36:18;50:17; 61:20,23;62:18;66:24; 138:7;144:8,20  <b>monies</b> 15:18;135:9; 139:15  <b>monitoring</b> 35:20  <b>month</b> 4:19;8:12,14,21, 22;9:1,2;10:23;16:25; 18:11;73:24;86:11,15,23; 87:11,16;88:18;91:24; 92:3,4,16;132:19  <b>months</b> 5:21;20:7; 48:11;84:12;138:13  <b>more</b> 7:8;12:7,22;14:14, 25;17:2;19:6;22:19; 25:16;27:22;32:13;38:3, 14;39:25;47:8,14;50:23; 52:25;65:10,16,17,21; 73:10;85:12;87:9,10; 91:1,13;96:2,2;102:5; 106:9,11;107:19;112:2, 10,11;115:1;125:3;133:6; 137:25;142:8;144:8,19; 149:8;150:11;151:23; 152:21;153:11  <b>Morrow</b> 133:19  <b>most</b> 11:5;33:6;140:16  <b>motion</b> 3:21;15:5; 16:23;18:4,25;22:5,13, 16;26:11,23;27:13;29:12, 20,22;32:10;39:16,19,22; 69:13;70:23;71:4,6;72:1; 76:11;80:19;81:22,25; 85:13,14;86:9;91:7,22, 25;92:13,14;93:16;100:8, 16;101:11,22;104:6,7; 106:8;115:6,10;125:3,6; 126:5;127:21;129:14;</p>	<p>130:23,24;131:23; 143:11;145:4,4,14,16; 146:18;147:22;149:5; 150:3,5,10;153:9  <b>Motion</b> 72:4,5;92:21; 146:24;147:23;151:2; 157:16  <b>motions</b> 87:12;89:6; 145:9,10,14  <b>motorcycle</b> 44:8,12,16; 140:3;141:25  <b>motorcycles</b> 140:5,10, 12;141:12,15  <b>move</b> 16:24;22:16;28:4; 38:18;91:14  <b>Move</b> 99:9;156:8  <b>moved</b> 3:22;147:24  <b>movie</b> 42:9,13  <b>Movies</b> 42:9;46:10  <b>moving</b> 126:9  <b>much</b> 17:24;25:18; 38:14;50:18;66:24;88:25; 126:17;138:7;155:1  <b>Much</b> 140:22,24  <b>muni-</b> 47:8  <b>Municipal</b> 56:3  <b>municipalities</b> 30:9; 34:24;48:22  <b>Murphy</b> 10:11;93:12,24  <b>MURPHY</b> 10:12,18,25; 11:5,13,15,20,23;12:3; 13:8;17:24;18:10,18,21; 19:3;23:17,19;25:6,9; 27:6,12;63:13  <b>myself</b> 16:10;75:21</p>	<p>103:13;122:9;148:25  <b>needs</b> 26:17;45:11; 57:6;91:1;94:15;101:16; 114:15;128:19  <b>negotiable</b> 123:10  <b>negotiation</b> 57:14,18  <b>neighbor</b> 136:6,14  <b>neighborhood</b> 37:2,3; 45:17;47:17;141:6;142:7  <b>neighborhoods</b> 136:3; 156:12  <b>neighbors</b> 46:24; 135:19  <b>network</b> 25:17;26:3; 27:15  <b>new</b> 20:17;28:2;29:17; 64:18;68:21;73:13;83:10; 111:14;154:6  <b>newly-</b> 28:24  <b>news</b> 139:25  <b>newscasters</b> 152:22  <b>next</b> 4:18;15:13,13;16:4; 18:8;29:10;36:21;59:11; 73:21;79:7;86:23;87:20; 91:3,3;101:12;150:6; 151:4;152:18  <b>nice</b> 41:1,2;91:10  <b>nine</b> 75:11;76:7  <b>Ninety</b> 61:10  <b>Nobody</b> 119:6  <b>no-brainer</b> 87:7;144:16  <b>nominations</b> 30:11,16  <b>non-</b> 11:17  <b>non-collectible</b> 15:17  <b>none</b> 99:25  <b>non-exempt</b> 16:9,12  <b>nor</b> 123:11;128:16  <b>Norcross</b> 62:23  <b>no-return</b> 122:7  <b>Normally</b> 142:9  <b>north</b> 36:23  <b>North</b> 36:23  <b>northern</b> 142:18  <b>Northwoods</b> 142:10  <b>notate</b> 124:4  <b>note</b> 10:21  <b>nother</b> 15:1;78:24  <b>nothing's</b> 48:11  <b>notice</b> 75:7,24;76:10; 156:19  <b>notified</b> 58:22  <b>November</b> 46:1  <b>nuances</b> 99:17  <b>nuisance</b> 48:14;65:2,4, 6  <b>number</b> 19:23;25:5; 31:16;33:15;34:23;39:4; 99:22;103:3,5;128:23; 129:1,3  <b>Number</b> 49:9</p>	<p><b>o0o-</b> 158:12  <b>Oak</b> 36:15;37:22;48:17; 142:13;151:11  <b>Oakcliff</b> 142:9;151:11  <b>obviously</b> 21:15,22; 37:19;47:13;49:19;78:5; 80:9,15;89:18;96:21  <b>occupation</b> 77:7;80:11  <b>occupational</b> 79:18  <b>Occupational</b> 79:19  <b>occurring</b> 65:5  <b>o'clock</b> 42:9;43:4,16, 19;132:24;134:18;136:1  <b>October</b> 93:11  <b>off</b> 12:19;23:10,11;64:4; 65:15;89:1;120:11,14,16, 17,24;121:6,9,11;122:13  <b>offense</b> 57:6;61:4,6,6,7, 8,18;70:2  <b>offer</b> 135:15  <b>offered</b> 95:22  <b>Office</b> 84:13;139:19,19  <b>officer</b> 78:5;141:24  <b>Officer</b> 133:17;139:23  <b>officers</b> 43:6;82:5; 133:12,14  <b>off-leash</b> 33:19;34:10, 24  <b>often</b> 52:25  <b>oftentimes</b> 28:2  <b>old</b> 149:3;156:25  <b>once</b> 21:10;79:3;89:17; 128:12;152:11  <b>Once</b> 122:7  <b>one</b> 5:24;6:10,11;8:4,5; 9:18;16:15;20:15;21:8; 24:10,11;30:24,24;37:4; 40:25;43:6;49:18;54:11; 55:16;61:16;62:13;66:4, 17;67:2,2,5;68:5;73:3,22; 84:16;86:25;87:16;92:24, 25;93:5,24,25;95:13; 96:18,25;101:10;106:10; 107:10,13;111:17;114:4; 116:23;118:14,14; 120:17;123:4,22;124:10, 14;128:22,23;141:2; 142:2,5,11;143:3,5; 145:23;146:19;153:11, 21,21;155:9  <b>One</b> 39:5;79:23  <b>ones</b> 52:3;82:15;83:25; 84:1  <b>one's</b> 67:4  <b>online</b> 21:8,15,23;25:25  <b>only</b> 11:8;16:12;25:23; 41:14;65:1;66:9;67:22; 77:17;78:1;80:23;105:14; 115:2,11;116:20;137:11; 143:12;151:18;157:4  <b>open</b> 89:11;118:19; 127:8;137:2,8;139:10  <b>Open</b> 89:25;90:7;97:7,</p>
		<p><b>N</b></p>		
		<p><b>nailed</b> 63:16;66:12; 67:18  <b>name</b> 36:12;44:6;45:20; 125:25;155:3  <b>names</b> 152:14  <b>narrow</b> 135:25  <b>near</b> 138:14  <b>necessarily</b> 26:19; 62:18;103:23  <b>need</b> 3:19;7:24;8:5; 15:2;16:9;17:5,14;18:11; 21:2,3;22:4;24:18;26:20; 27:16,17;32:4;35:11; 38:1;42:19;54:18;59:17; 61:3,13;67:1,6;75:7,17; 81:22;87:4;90:11,13; 92:24;93:1,1,96:7,25; 99:23;106:11,12,18; 109:25;112:13;119:9; 121:20,20,22,23;122:4, 23;134:5;145:3,4;146:18; 147:18;150:1;151:6; 153:20;154:13;155:19  <b>needed</b> 12:5;82:24; 88:13,16;89:18;96:9;</p>		
		<p><b>O</b></p>		

<p>10,15;98:15,21  <b>openings</b> 41:20  <b>opens</b> 15:1  <b>operate</b> 140:9;152:5  <b>operated</b> 35:1  <b>operating</b> 25:19;152:2  <b>operation</b> 152:4  <b>opinion</b> 64:2;108:2,7,8;  110:13,13;113:6  <b>opinions</b> 89:10;108:14  <b>opponent's</b> 46:4  <b>opportunities</b> 42:3;  45:13  <b>opportunity</b> 41:14;  62:8;65:17  <b>options</b> 155:21  <b>order</b> 3:3;103:2  <b>ordering</b> 140:10  <b>ordinance</b> 14:13;57:15;  59:7;64:17;69:24;72:2;  73:2,14;74:20,22;75:1;  76:2,17;77:6;80:11,20;  83:2,10;88:2;104:24,25;  105:3,6;128:20  <b>ordinances</b> 6:25;49:2,  2;151:14,20,24  <b>organization</b> 31:12  <b>organizations</b> 29:2;  127:5  <b>otherwise</b> 18:6  <b>Otherwise</b> 127:23  <b>ought</b> 15:12;106:24  <b>ourselves</b> 118:13;  152:22  <b>out</b> 7:7;12:15;13:23;  15:15;18:2;27:14;29:8,9,  12;33:21;37:11;40:22;  41:10,18;42:2,19;58:9,  10;61:11,11;65:18;68:5;  74:1;75:19;78:25;85:7;  87:3;93:7;99:4;112:20,  25;113:5;121:13,16,21;  126:11;133:21;135:20;  136:11,12;138:15,24;  141:5;143:16,23;148:16  <b>outside</b> 31:13,14  <b>over</b> 37:24;46:19,22;  63:10;101:6;106:23,23,  23;127:5;135:14  <b>over-</b> 130:20  <b>overhead</b> 154:10  <b>overnight</b> 35:11  <b>Overspeaking</b> 56:23;  60:5  <b>owner</b> 30:20;35:23;  49:21;55:7,8;59:3,4;66:7;  68:21;133:2  <b>owners</b> 35:17,19;81:6;  83:1,14,15</p>	<p><b>packet</b> 116:18  <b>page</b> 5:6,25  <b>pages</b> 96:21,25;105:16  <b>paid</b> 144:13  <b>paint</b> 156:6  <b>Pam</b> 12:23;103:3;  124:24;128:6  <b>paper</b> 117:13  <b>paperwork</b> 115:16  <b>Pardon</b> 153:3  <b>park</b> 34:10;37:20  <b>Park</b> 35:4;37:22;42:10  <b>parking</b> 135:7;152:6  <b>Parking</b> 41:7  <b>parks</b> 33:17;36:2;37:25;  38:3,21;148:23  <b>part</b> 17:13;97:14;105:6;  113:9;122:23;123:17;  139:17  <b>participate</b> 44:7  <b>participated</b> 40:23  <b>participating</b> 41:17;  84:20  <b>particular</b> 21:7;64:19;  97:3;142:7;145:12  <b>particularly</b> 17:6  <b>partly</b> 26:6  <b>partner</b> 39:8  <b>party</b> 28:2  <b>pass</b> 70:23;72:2,5;  76:12;85:6,14;86:18;  89:6;91:7;99:23;101:22;  143:14  <b>passed</b> 89:24;93:16;  97:4;101:3,5;152:15  <b>passes</b> 14:24;32:3,9  <b>past</b> 78:22;84:7,19;  91:12;96:24  <b>pay</b> 15:8;16:10;18:8,10;  35:7;59:21;60:3;66:22;  67:22;129:5;130:21;  143:25;144:1,5,24  <b>paying</b> 10:23;11:6,8,12,  17,18;15:16;19:2;63:22;  79:1,25;145:1;154:9,10,  13  <b>PD</b> 133:19  <b>Peachtree</b> 36:23  <b>penalize</b> 129:25  <b>penalties</b> 13:23;74:24;  75:2  <b>penalty</b> 51:9;75:4  <b>pending</b> 136:18  <b>people</b> 8:3;11:7;17:9;  20:20,24;21:7;25:24;  30:1,2;33:20;34:3,3,10;  35:6;52:2,24;58:10;  65:13;76:10;78:25;79:2;  83:11;89:9,20;95:16;  106:12,13;107:2;111:18;  121:24;127:10,10;  142:17;155:3  <b>per</b> 7:19,19,22;8:12,12,</p>	<p>21,22;9:9;10:13,23,23;  11:2,4,17,18;12:6,7,8;  87:16;91:24;92:3,4,16;  128:12,22  <b>Per</b> 8:14;9:1;10:2  <b>percent</b> 12:7;13:5,10,  10,12  <b>percentage</b> 129:22  <b>perception</b> 30:12  <b>perfectly</b> 136:11  <b>performance</b> 106:15,  16;123:17;128:6,8,10,16,  24;129:3,21  <b>performed</b> 47:5  <b>perhaps</b> 134:5;138:2  <b>period</b> 31:15;60:10,12;  64:23;113:20;129:5  <b>periodic</b> 83:1  <b>periodically</b> 144:13  <b>permission</b> 34:12  <b>permit</b> 47:4;48:6,10;  49:11  <b>permits</b> 46:16  <b>permitted</b> 114:2  <b>person</b> 7:19;21:8;31:3;  54:25;64:3;75:3;78:1;  94:1;117:18,18;118:14,  14;120:3,17,17;122:13;  124:11,14,18;135:14  <b>personal</b> 110:13  <b>personally</b> 95:6;  112:19;124:16  <b>Personally</b> 25:12;  75:15;120:13  <b>personnel</b> 103:24;  105:4;109:23  <b>person's</b> 129:11;130:15  <b>persuasion</b> 127:8  <b>phase</b> 27:16  <b>phenomenal</b> 45:15  <b>phone</b> 96:5,6;136:16  <b>physical</b> 58:23  <b>pick</b> 34:2  <b>picked</b> 40:24;121:10  <b>picking</b> 52:24  <b>pickup</b> 12:17;135:22  <b>picnic</b> 42:13  <b>picture</b> 96:16  <b>piece</b> 117:13;139:25  <b>pieces</b> 34:7;100:10  <b>Piedmont</b> 35:4  <b>Pinoak</b> 46:19  <b>pipes</b> 141:5,8  <b>Pittman</b> 3:12;4:9;19:15;  23:3;28:14;32:22;40:9;  66:16;71:19;72:16;81:14;  85:25;102:14;125:18;  131:10;132:8;146:11;  147:10;149:18;150:20;  158:2  <b>PITTMAN</b> 3:13;4:10;  8:6,18,21;12:23;17:1;  19:4,16;23:4;28:15;</p>	<p>32:23;40:10,19;42:6;  43:16;46:9;56:17;61:25;  62:16;63:12;64:2,6,12;  65:9,25;69:3,6,21;70:3;  71:8,10,20;72:7,17;  81:15;86:1;90:8;91:9,19;  92:8;96:17;97:21;98:14;  102:15;104:17;105:19;  107:10,22;108:1,4;  112:22;113:2,11;116:6,9;  124:17;125:19;126:22;  127:12,19;128:3;131:11,  24;132:9;146:12,20,24;  147:11,23;149:19;  150:21;153:13;158:3  <b>place</b> 24:7;25:21;26:15;  29:3,7;33:18;49:1;65:14;  93:25;94:17,19;101:9;  115:16;116:7,10,25;  135:11;151:25;152:24;  154:7  <b>places</b> 55:14;157:2  <b>placing</b> 43:10  <b>plan</b> 103:6;110:3;  116:21;118:1;121:2  <b>planner</b> 47:2;73:11  <b>Planning</b> 132:18  <b>plans</b> 123:18  <b>planting</b> 42:25;43:1,18  <b>plaque</b> 43:5,10  <b>playing</b> 25:24  <b>please</b> 3:4;19:7;23:22;  32:14;36:12;40:1;41:10;  71:11;72:8;80:22;102:6;  111:5;131:2;135:18,18,  23;146:3;147:2  <b>plenty</b> 67:15  <b>plinary</b> 113:13  <b>plus</b> 9:14,16,20,23;10:6;  70:18  <b>pm</b> 158:11  <b>pocket</b> 62:5  <b>point</b> 79:14;96:19;98:2;  113:6;126:23;127:16;  143:16  <b>pointed</b> 99:4  <b>police</b> 82:5;84:12;  114:5;136:9;143:6,17;  152:8  <b>Police</b> 24:17;25:2;  26:25;41:5,15;52:23;  59:2;62:7;113:24;119:17,  20;133:12;134:3;146:23;  147:20  <b>policies</b> 121:3  <b>policy</b> 93:8,8,12,25;  95:11,13;96:10;99:15,24,  25;100:1,3,12;101:8;  103:5;122:7  <b>policy's</b> 96:8  <b>pooches</b> 33:21  <b>pool</b> 147:21;154:3,4;  155:7,8</p>	<p><b>popped</b> 54:11,12,13,21  <b>portion</b> 104:2  <b>position</b> 55:11;108:23;  109:3;126:10;129:11;  130:16  <b>positions</b> 133:11;  134:4,8  <b>possibility</b> 36:18  <b>possible</b> 21:1;116:19  <b>possibly</b> 47:11;53:7;  91:11;109:25;116:24;  126:5  <b>postpone</b> 15:5;99:12;  150:5  <b>postponed</b> 91:3  <b>potential</b> 83:15;127:20  <b>potentially</b> 113:16;  134:3  <b>Powell</b> 14:3;51:20;59:7;  64:16;67:8;74:25;101:1;  106:21;112:6;118:17;  128:19;145:20  <b>POWELL</b> 7:2;8:16;  13:18,21,25;14:5,9,16;  22:6,12;51:21;55:9;  56:25;57:15,20;58:1,3,7,  11;59:9,23;60:22,24;  61:10,15;64:21,25;69:15,  25;70:6,9,14,20,24;71:2;  73:12,17;76:13,21;77:5,  13;79:21;80:10,14,17;  81:22;88:1,5,9,11;90:21;  93:15;94:2,14;98:1,6,9,  17;99:3;101:10,15,19;  104:23;105:5,21;110:6,  12,22;113:8;118:21;  119:15;120:5,19;121:15;  123:7;130:3,7,17;143:2;  144:11;145:7,11,18,21;  146:22  <b>power</b> 154:14  <b>Power</b> 154:12,17,19,21  <b>practical</b> 35:12;39:15  <b>practicality</b> 38:19;39:5  <b>practices</b> 28:1  <b>Precinct</b> 135:2  <b>preparation</b> 6:7  <b>prepare</b> 96:23  <b>prepared</b> 56:7;115:21;  116:3  <b>preparing</b> 134:14  <b>present</b> 43:13;61:1;  93:8;105:4;114:18;129:2;  130:10,12  <b>presentation</b> 133:4  <b>presentations</b> 32:8  <b>presented</b> 28:24;94:6;  106:3  <b>presently</b> 10:11;59:20;  103:10;110:2  <b>Presently</b> 103:8;128:9  <b>president</b> 45:18  <b>pressures</b> 45:11</p>
<p style="text-align: center;"><b>P</b></p> <p><b>package</b> 120:14</p>				

<p><b>pretty</b> 14:3;21:14; 114:10;135:5;142:12,14 <b>prevent</b> 49:2 <b>previous</b> 6:9;93:23; 94:17;100:12 <b>principle</b> 112:16 <b>prior</b> 55:12;90:13; 103:11;133:14 <b>priorities</b> 38:2 <b>priority</b> 38:11 <b>Priscilla</b> 10:22;23:15 <b>private</b> 82:12 <b>privilege</b> 102:1 <b>probably</b> 5:11;22:12; 51:25;56:6;108:13; 112:24;113:25;127:1; 142:17;150:8;151:6; 155:21 <b>problem</b> 46:19;47:16; 48:23;50:9,16;51:25; 63:5;66:20;79:4,12;84:9, 22;87:21;114:20;117:20; 120:9;137:19,20,21; 138:5 <b>problems</b> 15:2;107:8; 112:9 <b>procedures</b> 93:2; 121:16 <b>proceedings</b> 158:10 <b>process</b> 6:21;28:4; 29:11;30:5,24;39:12; 94:25;103:11;109:6; 115:13,22;137:15,24; 139:18;140:4 <b>processes</b> 115:16; 116:4 <b>processing</b> 97:15; 134:9 <b>program</b> 37:1;141:21; 152:4 <b>progress</b> 47:23;133:23 <b>progression</b> 118:3 <b>progressive</b> 103:5; 113:23 <b>prohibit</b> 151:25 <b>project</b> 47:12 <b>promised</b> 123:12 <b>proper</b> 109:21 <b>properties</b> 36:20; 132:23 <b>property</b> 55:22;119:25; 120:3 <b>proposal</b> 7:18;31:8; 147:19 <b>proposed</b> 30:5,23 <b>proposed-to-be-created</b> 28:25 <b>proprietor</b> 49:18 <b>pros</b> 34:9 <b>prosecute</b> 74:10;77:22; 84:14 <b>prosecuted</b> 75:3 <b>protect</b> 73:7;113:15;</p>	<p>127:9 <b>protecting</b> 77:6 <b>protections</b> 114:22,24 <b>prove</b> 109:5;142:16 <b>provide</b> 24:24;75:1; 77:6;80:11;120:19; 137:10;138:3;139:12,14, 17 <b>providing</b> 138:5 <b>provision</b> 73:2;103:24; 143:24;145:22 <b>public</b> 75:19;137:19,22; 138:25 <b>punish</b> 49:17,19;55:6,6; 58:10 <b>punishes</b> 50:10 <b>punishment</b> 50:11,16, 23 <b>puppies</b> 33:20 <b>purse</b> 84:16 <b>purses</b> 74:5 <b>put</b> 5:5;6:11;15:15; 29:12;46:22;48:25;49:7; 58:20;64:17;75:7,24; 76:10;87:1,6;89:24;92:6; 97:19;98:4;119:20;124:5; 127:1,22;132:22;135:12, 20;145:4;147:18,22; 148:4;151:24;154:6; 155:10,23,24,25;156:1 <b>Put</b> 29:19 <b>putting</b> 12:15;30:13; 61:11;143:23</p>	<p><b>Ray-Ban</b> 82:13 <b>Raymond</b> 142:11,13 <b>re-</b> 31:5 <b>read</b> 120:20;123:8 <b>readdress</b> 92:25;93:2; 96:1,10 <b>reading</b> 59:10;69:14,17; 70:25;71:3,5,7;72:2,6; 76:12,14,16;80:9,19 <b>reads</b> 31:10 <b>ready</b> 115:13,21;126:21 <b>real</b> 74:21,21;82:10; 107:15 <b>reality</b> 12:11 <b>realize</b> 48:3 <b>realized</b> 143:10 <b>really</b> 16:18;17:10;24:2; 29:9;37:10;40:23;41:1,1, 19;42:18;44:14;48:9; 49:24;63:2;65:21;74:14; 86:19;87:4;95:25;104:22; 113:13;117:4;126:4; 136:15;137:5;143:23 <b>reason</b> 23:10;78:13; 80:5;95:25;96:9;98:13; 122:19 <b>reasonable</b> 101:13 <b>reasoning</b> 62:2,4 <b>reasons</b> 57:1;92:25 <b>recall</b> 59:23 <b>receiving</b> 102:1 <b>recently</b> 89:16 <b>receptacle</b> 34:7 <b>recess</b> 102:25 <b>recognition</b> 28:22;31:4 <b>recognitions</b> 31:9 <b>recognize</b> 29:1;31:12 <b>recognizing</b> 29:6 <b>recollection</b> 93:15,17 <b>recommen-</b> 24:12 <b>recommend</b> 26:8; 58:25;114:4 <b>recommenda-</b> 59:4 <b>recommendation</b> 20:5;73:12;139:5 <b>recommendations</b> 27:25;29:11;56:1 <b>recommended</b> 25:1 <b>recommending</b> 20:13 <b>record</b> 12:5,19;16:6,8; 31:5 <b>records</b> 77:20,21;78:9, 21 <b>Records</b> 97:7,11,15; 98:15,21 <b>redundancy</b> 58:19 <b>Redwood</b> 131:19 <b>reference</b> 124:20 <b>referenced</b> 56:9 <b>references</b> 93:12 <b>referring</b> 77:9;84:22 <b>refigured</b> 7:21 <b>reflects</b> 105:7</p>	<p><b>refreshing</b> 151:16 <b>regarding</b> 23:16;24:22; 73:1 <b>regardless</b> 68:9;97:11 <b>register</b> 63:25 <b>registered</b> 59:3 <b>regular</b> 3:20 <b>regulate</b> 65:3 <b>regulations</b> 73:22 <b>relation</b> 20:1 <b>relations</b> 20:15 <b>relationship</b> 20:9 <b>relative</b> 49:22,23;73:4 <b>relatively</b> 84:8 <b>relevant</b> 156:17 <b>remember</b> 126:1 <b>remind</b> 32:4 <b>renew</b> 46:17,17,18; 58:21 <b>renewals</b> 58:21 <b>rental</b> 49:20;73:1 <b>repairing</b> 37:25;38:2 <b>replace</b> 104:10 <b>replica</b> 74:12 <b>replicas</b> 74:8 <b>report</b> 49:4;132:16; 139:13,14 <b>reporting</b> 137:2 <b>reports</b> 132:16;133:6,6, 7;136:5 <b>represent</b> 45:14 <b>representatives</b> 83:23 <b>reputation</b> 75:13 <b>request</b> 78:14,18;80:5; 94:8,23;97:5,7,15,16; 98:3,10,22;99:2;100:11, 13,24;131:18;132:21; 138:17 <b>requested</b> 38:16 <b>requesting</b> 96:6;103:25 <b>requests</b> 93:3;94:4,12, 21;95:13;96:2,24;97:11; 98:15,16,18;100:23; 101:23 <b>require</b> 33:24;47:14 <b>required</b> 25:12;60:25; 139:16 <b>required-by-law</b> 139:13 <b>requirement</b> 34:2 <b>requires</b> 73:10 <b>re-reading</b> 98:3 <b>resale</b> 140:18,21,22,25; 157:1,3,11 <b>reschedule</b> 42:15 <b>research</b> 39:13;47:8; 73:10;90:12;91:1;93:23; 125:3;151:15 <b>reset</b> 66:18 <b>residences</b> 152:2 <b>resident</b> 30:19 <b>residential</b> 8:23 <b>residents</b> 16:9;17:25;</p>	<p>29:2,8;33:15 <b>resigned</b> 133:18 <b>resolution</b> 94:6,10; 97:3;99:24;100:17; 145:12,16,21;146:21 <b>resolutions</b> 143:3,14 <b>resolution's</b> 94:3 <b>resolved</b> 99:23 <b>resources</b> 27:5 <b>responsibility</b> 17:13 <b>responsible</b> 15:19; 35:19;52:9;99:18 <b>rest</b> 25:3;37:19;110:19 <b>restaurant</b> 135:11 <b>restraints</b> 152:7 <b>restrictions</b> 49:16; 137:12;138:1,4 <b>restricts</b> 73:3 <b>results</b> 100:13,24 <b>retailers</b> 75:6 <b>retreat</b> 19:25;20:6,12 <b>Revenue</b> 79:14,16 <b>revenues</b> 62:24;120:9 <b>review</b> 30:10;93:9; 129:21;143:9 <b>reviewed</b> 129:21 <b>reviewing</b> 52:12 <b>reviews</b> 123:18 <b>revocation</b> 49:10; 59:21;60:18;61:9;64:18; 70:7,8 <b>Revocation</b> 53:22,23, 24 <b>revoke</b> 54:8 <b>revoked</b> 49:11,13;50:7; 60:13;66:10 <b>revolving</b> 151:21,22 <b>rezone</b> 55:22;56:20 <b>RFP's</b> 12:15 <b>Rhonda</b> 116:10 <b>Rick</b> 8:15;13:15;90:20; 143:1 <b>rid</b> 107:8,14 <b>ride</b> 44:9,12,16 <b>ridiculous</b> 64:8 <b>riding</b> 141:17,25 <b>right</b> 8:15,15;9:9,17; 11:3;17:12;22:3;25:18; 32:9;33:6;36:21,24; 37:22;38:14;43:3,18; 48:9,9;53:11;64:4;65:15; 66:1;75:10;77:25;78:2; 79:11;80:24;86:7;88:8; 91:5;97:12;103:14,16,17; 105:15;106:12;107:2; 112:1;113:6;126:19; 127:10,10;129:9,19; 133:24,24;136:8;141:14; 142:15,25;143:8,17; 155:16,19;156:9,14 <b>Right</b> 11:15;12:3;48:18; 55:5;56:17;57:7,20;58:2, 5;61:24;63:12;64:5;66:6;</p>
<p style="text-align: center;"><b>Q</b></p> <p><b>quality</b> 83:21 <b>Quality</b> 40:20 <b>quarter</b> 8:13;9:9,13; 10:2,9,14;11:2,18;23 <b>ques-</b> 4:23 <b>quicker</b> 50:10;91:10 <b>quickly</b> 127:25 <b>quite</b> 5:18;46:6;55:13; 136:7 <b>Quite</b> 112:22 <b>quote</b> 110:25</p>	<p style="text-align: center;"><b>R</b></p> <p><b>raise</b> 18:5;51:19;59:17, 18;62:11;65:23;67:24; 76:11;128:10 <b>ran</b> 111:18 <b>randomly</b> 83:6 <b>rate</b> 8:4;12:6;15:8,15; 16:10;18:25;45:20; 113:22;129:12;134:21; 142:11;144:6 <b>rates</b> 18:5 <b>rather</b> 16:18;53:6; 73:17;105:3;109:18; 112:10</p>	<p><b>Ray-Ban</b> 82:13 <b>Raymond</b> 142:11,13 <b>re-</b> 31:5 <b>read</b> 120:20;123:8 <b>readdress</b> 92:25;93:2; 96:1,10 <b>reading</b> 59:10;69:14,17; 70:25;71:3,5,7;72:2,6; 76:12,14,16;80:9,19 <b>reads</b> 31:10 <b>ready</b> 115:13,21;126:21 <b>real</b> 74:21,21;82:10; 107:15 <b>reality</b> 12:11 <b>realize</b> 48:3 <b>realized</b> 143:10 <b>really</b> 16:18;17:10;24:2; 29:9;37:10;40:23;41:1,1, 19;42:18;44:14;48:9; 49:24;63:2;65:21;74:14; 86:19;87:4;95:25;104:22; 113:13;117:4;126:4; 136:15;137:5;143:23 <b>reason</b> 23:10;78:13; 80:5;95:25;96:9;98:13; 122:19 <b>reasonable</b> 101:13 <b>reasoning</b> 62:2,4 <b>reasons</b> 57:1;92:25 <b>recall</b> 59:23 <b>receiving</b> 102:1 <b>recently</b> 89:16 <b>receptacle</b> 34:7 <b>recess</b> 102:25 <b>recognition</b> 28:22;31:4 <b>recognitions</b> 31:9 <b>recognize</b> 29:1;31:12 <b>recognizing</b> 29:6 <b>recollection</b> 93:15,17 <b>recommen-</b> 24:12 <b>recommend</b> 26:8; 58:25;114:4 <b>recommenda-</b> 59:4 <b>recommendation</b> 20:5;73:12;139:5 <b>recommendations</b> 27:25;29:11;56:1 <b>recommended</b> 25:1 <b>recommending</b> 20:13 <b>record</b> 12:5,19;16:6,8; 31:5 <b>records</b> 77:20,21;78:9, 21 <b>Records</b> 97:7,11,15; 98:15,21 <b>redundancy</b> 58:19 <b>Redwood</b> 131:19 <b>reference</b> 124:20 <b>referenced</b> 56:9 <b>references</b> 93:12 <b>referring</b> 77:9;84:22 <b>refigured</b> 7:21 <b>reflects</b> 105:7</p>	<p><b>refreshing</b> 151:16 <b>regarding</b> 23:16;24:22; 73:1 <b>regardless</b> 68:9;97:11 <b>register</b> 63:25 <b>registered</b> 59:3 <b>regular</b> 3:20 <b>regulate</b> 65:3 <b>regulations</b> 73:22 <b>relation</b> 20:1 <b>relations</b> 20:15 <b>relationship</b> 20:9 <b>relative</b> 49:22,23;73:4 <b>relatively</b> 84:8 <b>relevant</b> 156:17 <b>remember</b> 126:1 <b>remind</b> 32:4 <b>renew</b> 46:17,17,18; 58:21 <b>renewals</b> 58:21 <b>rental</b> 49:20;73:1 <b>repairing</b> 37:25;38:2 <b>replace</b> 104:10 <b>replica</b> 74:12 <b>replicas</b> 74:8 <b>report</b> 49:4;132:16; 139:13,14 <b>reporting</b> 137:2 <b>reports</b> 132:16;133:6,6, 7;136:5 <b>represent</b> 45:14 <b>representatives</b> 83:23 <b>reputation</b> 75:13 <b>request</b> 78:14,18;80:5; 94:8,23;97:5,7,15,16; 98:3,10,22;99:2;100:11, 13,24;131:18;132:21; 138:17 <b>requested</b> 38:16 <b>requesting</b> 96:6;103:25 <b>requests</b> 93:3;94:4,12, 21;95:13;96:2,24;97:11; 98:15,16,18;100:23; 101:23 <b>require</b> 33:24;47:14 <b>required</b> 25:12;60:25; 139:16 <b>required-by-law</b> 139:13 <b>requirement</b> 34:2 <b>requires</b> 73:10 <b>re-reading</b> 98:3 <b>resale</b> 140:18,21,22,25; 157:1,3,11 <b>reschedule</b> 42:15 <b>research</b> 39:13;47:8; 73:10;90:12;91:1;93:23; 125:3;151:15 <b>reset</b> 66:18 <b>residences</b> 152:2 <b>resident</b> 30:19 <b>residential</b> 8:23 <b>residents</b> 16:9;17:25;</p>	<p>29:2,8;33:15 <b>resigned</b> 133:18 <b>resolution</b> 94:6,10; 97:3;99:24;100:17; 145:12,16,21;146:21 <b>resolutions</b> 143:3,14 <b>resolution's</b> 94:3 <b>resolved</b> 99:23 <b>resources</b> 27:5 <b>responsibility</b> 17:13 <b>responsible</b> 15:19; 35:19;52:9;99:18 <b>rest</b> 25:3;37:19;110:19 <b>restaurant</b> 135:11 <b>restraints</b> 152:7 <b>restrictions</b> 49:16; 137:12;138:1,4 <b>restricts</b> 73:3 <b>results</b> 100:13,24 <b>retailers</b> 75:6 <b>retreat</b> 19:25;20:6,12 <b>Revenue</b> 79:14,16 <b>revenues</b> 62:24;120:9 <b>review</b> 30:10;93:9; 129:21;143:9 <b>reviewed</b> 129:21 <b>reviewing</b> 52:12 <b>reviews</b> 123:18 <b>revocation</b> 49:10; 59:21;60:18;61:9;64:18; 70:7,8 <b>Revocation</b> 53:22,23, 24 <b>revoke</b> 54:8 <b>revoked</b> 49:11,13;50:7; 60:13;66:10 <b>revolving</b> 151:21,22 <b>rezone</b> 55:22;56:20 <b>RFP's</b> 12:15 <b>Rhonda</b> 116:10 <b>Rick</b> 8:15;13:15;90:20; 143:1 <b>rid</b> 107:8,14 <b>ride</b> 44:9,12,16 <b>ridiculous</b> 64:8 <b>riding</b> 141:17,25 <b>right</b> 8:15,15;9:9,17; 11:3;17:12;22:3;25:18; 32:9;33:6;36:21,24; 37:22;38:14;43:3,18; 48:9,9;53:11;64:4;65:15; 66:1;75:10;77:25;78:2; 79:11;80:24;86:7;88:8; 91:5;97:12;103:14,16,17; 105:15;106:12;107:2; 112:1;113:6;126:19; 127:10,10;129:9,19; 133:24,24;136:8;141:14; 142:15,25;143:8,17; 155:16,19;156:9,14 <b>Right</b> 11:15;12:3;48:18; 55:5;56:17;57:7,20;58:2, 5;61:24;63:12;64:5;66:6;</p>

<p>67:13;68:24;73:18;81:3; 83:12;84:25;85:4;96:17; 101:24;109:1;113:1; 121:4;123:21,22,23 <b>rights</b> 73:7;110:9; 119:25;120:3;126:9 <b>risk</b> 35:1;39:6 <b>road</b> 65:18;107:8; 113:16;115:19;121:20; 122:7,17 <b>Road</b> 132:23 <b>rob</b> 83:11 <b>robberies</b> 134:19 <b>Roche</b> 3:14;4:11;19:17; 23:5;28:16;32:24;40:11; 71:21;72:18;73:20;77:1; 81:16;86:2;90:9;94:5; 97:17;98:1;102:16; 107:11;123:9;125:20; 131:12;132:10;146:13; 147:12;149:20;150:22; 158:4 <b>ROCHE</b> 3:15;4:12,20, 23;5:10,20,24;7:9,13; 9:12,21,24;10:2,5,8; 13:13;14:10,21;15:6,11; 17:3;18:7,16,19,22; 19:18;21:12,20,23;6; 25:15;27:9,13;28:17; 29:25;32:25;34:14,16; 36:5,7;37:15;38:10; 40:12;44:10,14;47:24; 48:18;54:1,23;55:20; 56:10,13;57:7,10,21; 58:2,6,9;61:5,21;63:4,7, 18;64:5;66:5;67:13,16, 21,25;68:2,18,22;69:23; 70:1,8,11,22,25;71:6,22; 72:19;73:21;76:15;77:24; 78:4,11,17,23;79:6,9,17; 80:2,8,13,16,18,25;81:3, 17,24;83:7,13,20;84:15, 25;85:4,15;86:3,8;87:22; 88:4,12;89:16;90:23; 91:18,21;92:2,10,14,20; 97:2,14,23;98:5,7,23; 100:2,7,15,21;101:5,24; 102:17,23;106:10;108:8, 15,20;109:1,16,19; 110:11;111:9,17;112:15; 113:1;117:6,9;118:11,22; 119:1,23;120:6,22;121:4, 8,18;122:16;123:3,14,19, 23;124:5,12,15,21,25; 125:21;127:4,17;129:13; 130:24;131:13;132:11; 136:22,25;137:5,18; 138:9,12,22;139:6,9,21; 140:11,14,24;141:4; 145:3,13;146:14;147:13; 148:5,9;149:21;150:9,23; 153:11,14;157:18;158:5 <b>Roche's</b> 111:6</p>	<p><b>role-playing</b> 21:17 <b>roll</b> 3:4;4:1;19:7;22:20; 28:6;32:14;40:1;71:11; 72:8;80:22;85:17;102:6; 125:7;131:1,25;146:3; 147:2;149:10;150:12; 157:19 <b>rollback</b> 134:17 <b>room</b> 21:14 <b>roommate</b> 73:4 <b>routine</b> 90:4;91:6 <b>row</b> 39:14 <b>rules</b> 114:12 <b>rumor</b> 76:4 <b>run</b> 33:19,20,21;34:10; 35:4,18;36:25;37:5; 48:22;55:17 <b>running</b> 5:22;63:25 <b>runs</b> 34:25;87:11; 153:22</p>	<p>126:5;129:17;146:19; 150:9;153:10;155:6 <b>Second</b> 3:23,24;17:1; 22:18;27:20,21;32:12; 39:24;71:8,9,10;72:7; 82:1,2,3;131:24;146:1,2, 25;147:1;149:7;157:18 <b>seconded</b> 85:16; 130:25 <b>Secondly</b> 152:10 <b>secret</b> 52:14 <b>Secretary</b> 50:20 <b>section</b> 70:15;104:8 <b>Section</b> 104:3,9;122:21; 123:1,2;128:13;129:7 <b>secure</b> 24:20;26:22; 85:3;109:23;110:1 <b>security</b> 24:7,14 <b>security's</b> 25:21 <b>seeing</b> 36:17;52:4;55:1 <b>seeking</b> 135:22 <b>seems</b> 5:2;7:10;144:15 <b>seize</b> 84:9,16,18 <b>seizing</b> 84:23 <b>selection</b> 30:5 <b>sell</b> 15:21;54:14,22,24; 62:25;63:9;66:8;74:23; 75:19;76:2 <b>selling</b> 49:21;51:9; 52:24;62:12;65:11;66:24; 74:7;76:22;81:2 <b>send</b> 99:5;140:8;157:6 <b>sending</b> 103:11;156:18; 157:5 <b>seniors</b> 15:23;16:7 <b>sensitive</b> 45:10 <b>sent</b> 58:19;83:14;94:6; 109:24;112:12 <b>separate</b> 94:3 <b>Sergeant</b> 41:25 <b>servers</b> 24:1;25:5,8 <b>service</b> 31:6;152:14 <b>Service</b> 14:19 <b>services</b> 27:1 <b>Services</b> 132:21 <b>servicing</b> 34:11 <b>session</b> 7:24;12:14; 19:25;20:21;23:13;28:24; 46:15;49:11;86:11,17,17; 87:4,18,24;88:4,5,6; 89:21;90:10,11,16;92:7, 9;93:6;100:5;101:12; 102:4;106:4;111:7,14; 117:2;126:18;134:17; 151:7;156:17 <b>sessions</b> 91:16;93:1 <b>set</b> 4:18;15:1;20:10; 31:15;87:23;95:4;96:25; 148:22;156:3,4 <b>Seventy-six</b> 8:2;10:4 <b>several</b> 90:15;91:2,12 <b>severance</b> 13:16; 120:14</p>	<p><b>shall</b> 60:9,11,13,14,16; 70:10;123:10,11,17 <b>share</b> 79:1 <b>shift</b> 41:22 <b>shirt</b> 153:17 <b>shooting</b> 43:19 <b>shopping</b> 134:24 <b>short</b> 33:14;133:22 <b>shortened</b> 151:22 <b>show</b> 22:13 <b>showing</b> 42:10;156:24 <b>shows</b> 118:2 <b>shut</b> 64:10 <b>Shut</b> 64:14 <b>sick</b> 130:21 <b>sign</b> 43:7,7 <b>signed</b> 41:19;58:16 <b>significant</b> 134:18 <b>similar</b> 127:1;148:23; 152:19 <b>simply</b> 6:10;78:14 <b>single</b> 75:3;93:5 <b>single-</b> 47:14 <b>singularly</b> 21:8 <b>sit</b> 117:21;137:9;138:18 <b>site</b> 4:17,25;5:13,22;6:1; 20:18;21:13;29:17 <b>sites</b> 6:15;24:1 <b>sits</b> 11:3;129:19 <b>sitting</b> 137:16;155:8 <b>situation</b> 35:25;73:8; 120:23 <b>situations</b> 56:14;87:1, 6;127:7 <b>six</b> 48:11;84:12;88:19 <b>six-month</b> 39:12 <b>size</b> 47:12 <b>slain</b> 43:6 <b>slate</b> 111:1,16 <b>slope</b> 155:25 <b>small</b> 43:11;135:12; 137:9;138:18 <b>smart</b> 25:13 <b>snuff</b> 106:17 <b>software</b> 24:8,11;25:22; 26:19 <b>sold</b> 42:2;49:12 <b>Solicitor's</b> 84:13 <b>solid</b> 88:17 <b>some-</b> 157:9 <b>somebody</b> 4:17;94:8; 114:7;116:15;135:24; 150:2;156:5 <b>somehow</b> 56:4 <b>someone</b> 25:22;31:2; 63:8;65:18,19;73:23; 74:11,16;76:2;88:13; 97:5;106:14;109:3; 113:15;120:11,13,16,24; 121:9;127:14;129:19,25 <b>Someone</b> 145:14 <b>someplace</b> 75:17 <b>sometimes</b> 87:12</p>	<p><b>somewhere</b> 12:12; 37:23;84:10 <b>soon</b> 44:17;133:13 <b>sorry</b> 8:7,9;21;10:7; 21:25;34:17;89:5;97:22, 25;105:11;111:12;125:1; 139:23 <b>Sorry</b> 71:1;126:2;133:4; 140:17 <b>sort</b> 6:13;21:20;26:1; 74:5;124:19;157:8 <b>sorted</b> 87:3 <b>space</b> 37:18 <b>span</b> 151:22 <b>Spangler</b> 3:17;4:14; 19:20;23:8;28:19;33:2; 40:14;48:21;62:1;71:24; 72:21;81:19;86:5;93:16; 94:23;102:19;117:25; 125:14,23;131:15; 132:13;143:11;146:16; 147:15;149:23;150:25; 158:7 <b>SPANGLER</b> 3:18;4:15; 8:1,24;9:2;10:10,13,16; 12:1,13;14:2,7;15:4,10, 22;16:1,5,14;19:21;23:9; 28:20;30:21;31:1,21,24; 33:3,8;38:25;40:15; 41:22;50:12;51:1,6,13, 18,23;52:17;53:3,14,20, 24;54:3,7,17;55:7;59:16; 60:1,17;61:2,13;62:3,15, 20;63:22;64:10,14;65:20; 66:3;67:7,14,20,23;68:1, 3,13;69:9;70:4,12,17,21; 71:25;72:3,5,22;80:21, 23;81:1,20;82:1,3;86:6; 89:12;95:1,5,8,12,18,21; 99:11;101:1,7,14,17,21, 25;102:20;107:24;108:6, 18;109:11,14,17,20; 111:4,8,11,25;113:19; 117:4,7,11;118:4,8,24; 119:3,10,13;122:10,15, 22;125:15,24;127:24; 131:16,22;132:14; 140:18,21;144:7,21; 145:15,19,24;146:17; 147:1,16;148:19;149:4, 24;150:4;151:1,5;153:8; 158:8 <b>Spanish</b> 36:15;151:11 <b>spare</b> 142:5 <b>spares</b> 142:3 <b>speak</b> 66:19;153:2; 154:17 <b>SPEAKER</b> 43:15; 124:10,14 <b>special</b> 44:3;45:13; 89:14;90:2 <b>specific</b> 96:7 <b>specifically</b> 74:6;93:24</p>
<b>S</b>				
	<p><b>safe</b> 24:21;26:21 <b>salary</b> 128:21;129:3,4, 10,12;130:10,11,13,16, 17;144:5,24 <b>sales</b> 76:4;79:13,15 <b>same</b> 21:14;55:2;59:1; 61:11,16,19,19,22;73:15; 74:14;95:16;106:3;118:9; 119:6,12,19;129:5; 156:21;157:4,8;158:11 <b>sani-</b> 16:1 <b>sanitation</b> 11:22;15:17; 16:11 <b>sat</b> 84:14 <b>satisfied</b> 7:4 <b>Saturday</b> 41:4;42:7 <b>Save</b> 79:6 <b>savings</b> 21:9 <b>saw</b> 48:18;90:24 <b>saying</b> 10:6;14:8;16:6; 18:19;51:2;61:22;67:19; 78:12;88:10;108:24; 110:15;113:17;114:3; 120:23;122:17 <b>scale</b> 97:1 <b>schedule</b> 6:22;20:3; 96:18;137:7 <b>schedules</b> 137:16 <b>school</b> 57:4 <b>scooping</b> 35:21 <b>scope</b> 47:12 <b>seat</b> 45:25 <b>second</b> 19:4;32:11; 37:21;50:7;53:10,15; 54:2,4,12;59:2;60:10; 61:7,18;62:14;67:2,5; 70:5,17;80:21;85:14; 86:14,15;89:7;92:18,19, 22;102:3;104:11,12,18; 106:7;115:6,10;120:8;</p>			

<p><b>speech</b> 26:22 <b>speed</b> 133:16 <b>spelled</b> 121:16,21 <b>spend</b> 26:12,24;27:14; 66:10;112:10;144:12 <b>spending</b> 26:13;37:24 <b>spoke</b> 74:19 <b>spoken</b> 47:10 <b>sponsor</b> 35:3 <b>sponsored</b> 35:5 <b>sponsorship</b> 39:7 <b>spot</b> 56:15;82:9;83:2; 84:5 <b>squad</b> 141:19 <b>stack</b> 29:15 <b>staff</b> 20:15,23;96:23 <b>staff/council</b> 20:1,1,9; 22:16 <b>staffing</b> 144:10 <b>stake</b> 54:18 <b>stand</b> 45:2;108:16; 120:2;155:10 <b>standards</b> 114:11 <b>standpoint</b> 55:21;122:3 <b>stands</b> 60:8 <b>Star</b> 48:1,4;49:5 <b>Stars</b> 42:9;46:10 <b>start</b> 16:7;18:12,13; 42:14;52:4;55:1;63:10; 75:24;77:15;85:11;95:2; 111:15;115:19;134:2,7,9, 13 <b>Start</b> 15:23;110:25 <b>started</b> 6:13;149:2 <b>starting</b> 130:10,16 <b>Starting</b> 130:14 <b>starts</b> 54:16 <b>state</b> 14:16;48:15; 76:20;77:11,13,15;82:23; 103:21,22;105:20 <b>State</b> 36:19;50:20,21 <b>stated</b> 129:15 <b>statement</b> 123:25; 135:19 <b>stating</b> 110:4;117:19 <b>station</b> 84:12 <b>status</b> 37:2 <b>statute</b> 48:10 <b>stay</b> 15:21;65:22; 106:24;155:1 <b>steal</b> 142:20 <b>step</b> 26:2;76:9;152:3 <b>steps</b> 113:23 <b>Stevens</b> 41:17 <b>stick</b> 61:14 <b>still</b> 5:7,17;11:9,23; 41:20;50:24;54:23;66:23; 68:22;89:21;90:25;91:15; 93:3;127:9;134:21; 135:22;137:8;154:9,12, 14 <b>sting</b> 62:7,8 <b>stings</b> 55:17</p>	<p><b>stinks</b> 12:11 <b>stood</b> 133:3 <b>stop</b> 49:21,25;50:9; 58:10;62:19;68:7 <b>stops</b> 135:14 <b>store</b> 73:22;78:12;84:10 <b>storefront</b> 75:16 <b>stores</b> 75:20 <b>story</b> 79:20 <b>straight</b> 38:2 <b>streamlining</b> 24:13 <b>street</b> 154:6,25 <b>Street</b> 131:19 <b>strength</b> 140:6,7 <b>strengthen</b> 151:13 <b>strike</b> 60:21;62:14;68:5, 16;69:2 <b>strikes</b> 50:3,4,4,13; 51:7;53:5,6;59:14,15,17; 68:9,25,25 <b>strong</b> 107:15;113:12; 114:10 <b>stronger</b> 65:6 <b>strongest</b> 108:22;109:2 <b>strongly</b> 106:14; 108:19;135:5 <b>Stuart</b> 156:14,15 <b>Stubbs</b> 45:5,20 <b>STUBBS</b> 45:4;46:6 <b>study</b> 34:6;39:17,20; 114:25;147:20;148:16, 22,24;149:2;154:17,18; 155:5,7,11,13 <b>stuff</b> 24:1;27:19;74:7; 84:10,23;90:4;119:19 <b>submit</b> 32:5 <b>submitted</b> 86:13;97:6; 129:4 <b>subsequent</b> 60:15 <b>subsidize</b> 144:24 <b>substantially</b> 76:24 <b>suburbs</b> 142:18 <b>success</b> 42:4;141:23 <b>successful</b> 56:8;84:8; 141:21 <b>successfully</b> 133:10 <b>sudden</b> 66:13 <b>suddenly</b> 85:6 <b>sued</b> 89:23,25 <b>suffering</b> 8:9 <b>suggest</b> 58:1;116:1 <b>suggested</b> 50:1 <b>suggesting</b> 50:2;69:18 <b>suggestion</b> 39:9;89:3 <b>suggests</b> 48:24 <b>summer</b> 20:7;87:15,17 <b>superior</b> 45:9,25 <b>Superior</b> 45:8 <b>supersede</b> 100:3,19; 105:20 <b>supervise</b> 35:17 <b>supervised</b> 33:20,22; 35:15,22;37:5</p>	<p><b>supervising</b> 141:19 <b>supervisor</b> 114:14 <b>supplement</b> 100:19 <b>support</b> 17:4;42:20; 130:2 <b>suppose</b> 74:22 <b>supposed</b> 76:6 <b>Supposed</b> 97:13 <b>surcharge</b> 7:20;16:20, 25 <b>sure</b> 5:18;24:6,20; 25:17;26:17,21;38:8; 39:13;48:23;63:23;81:4; 109:21;110:18;115:20; 116:4,23;126:11;141:15 <b>Sure</b> 29:21;102:23; 140:2 <b>surely</b> 110:8 <b>surveillance</b> 135:7 <b>suspended</b> 50:6;60:9, 11 <b>swap</b> 141:4,7 <b>sweet</b> 33:14 <b>swimming</b> 154:3,4; 155:7 <b>system</b> 26:17;28:4; 119:7 <b>systems</b> 24:15,20; 25:19;134:24</p> <p style="text-align: center;"><b>T</b></p> <p><b>table</b> 59:14;99:9;102:4 <b>tabled</b> 91:2;94:23 <b>TAC</b> 144:2 <b>talk</b> 20:11;45:24;114:5; 126:25;135:18;151:7 <b>talked</b> 19:24;23:13; 33:16;57:25;75:5;106:22; 137:14 <b>talking</b> 31:22;69:19; 74:3;76:19;77:1;98:15; 137:1;140:3;154:12 <b>Talking</b> 76:18 <b>talks</b> 97:4 <b>tank</b> 41:20;79:23 <b>tasked</b> 39:4 <b>tation</b> 16:2 <b>tax</b> 76:4;77:10;79:13,18, 19;80:11 <b>taxpayers</b> 144:25 <b>team</b> 20:1 <b>technically</b> 76:6 <b>technology</b> 23:24 <b>teeth</b> 74:21;152:8 <b>telecommunications</b> 96:4 <b>telling</b> 156:5 <b>tells</b> 123:4 <b>ten</b> 43:8;63:15 <b>Ten</b> 43:16 <b>tenant</b> 49:20;65:7 <b>tenancies</b> 118:23</p>	<p><b>tendering</b> 145:22 <b>term</b> 49:15;86:9;103:15 <b>terminal</b> 144:3 <b>terminate</b> 113:21; 143:19 <b>termination</b> 114:4; 121:2;122:18 <b>Termination</b> 123:1 <b>terms</b> 17:6;109:3; 112:18 <b>testify</b> 82:15 <b>testimony</b> 84:4 <b>Thanks</b> 157:13,14 <b>That'll</b> 128:5 <b>theory</b> 142:15 <b>there'd</b> 65:3 <b>there'll</b> 42:3 <b>thinking</b> 15:7;134:7 <b>third</b> 28:1;31:2;53:21; 59:19;60:12,20;61:8; 62:2;68:16 <b>Thirty</b> 57:10 <b>this'll</b> 18:20 <b>though</b> 16:6;57:19; 91:6;94:11 <b>thought</b> 7:15;14:12; 27:25;62:16;78:13;79:24; 80:4;87:2;99:4;107:22; 108:4;139:24;148:17 <b>thoughts</b> 91:17,20 <b>thousand</b> 53:16;60:20; 96:21 <b>three</b> 9:8;10:1;30:6; 36:24;39:12;49:13;50:4, 13;51:6;52:18;53:6,7; 55:13;59:15,17;64:7; 68:25;69:9;87:10;112:2; 129:3 <b>three-strikes</b> 49:12 <b>throw</b> 52:9 <b>throwing</b> 89:11 <b>Thursday</b> 86:13,15; 88:3,6;132:24 <b>ticket</b> 157:12 <b>tickets</b> 42:2 <b>till</b> 36:3;48:6;123:8 <b>Tilly</b> 132:23 <b>times</b> 9:8;30:22;49:13; 52:5,19;53:8;68:4;91:2; 114:14;127:6;135:24; 136:2 <b>tion</b> 59:5;109:10; 115:21;128:14 <b>tions</b> 134:12 <b>tip</b> 73:23 <b>tire</b> 135:13,14,15 <b>title</b> 74:3 <b>today</b> 24:4;46:23;88:14, 16;129:20;133:2 <b>together</b> 5:15;151:6 <b>told</b> 58:24;87:22 <b>tolerance</b> 66:16 <b>Tom</b> 31:24;45:5,20;</p>	<p>140:17;153:13,16; 154:16;156:8 <b>tomorrow</b> 5:15;85:8; 115:15;151:7 <b>tonight</b> 7:15;69:17; 80:15;86:23,24;105:1; 132:17;148:20;151:21 <b>took</b> 6:17;73:25 <b>total</b> 9:12;20:24;21:6 <b>toward</b> 111:21 <b>towards</b> 139:10 <b>Towers</b> 48:1,4;49:5 <b>town</b> 57:22;74:23; 112:21 <b>trailers</b> 84:11 <b>train</b> 65:15 <b>trained</b> 140:8 <b>training</b> 44:5,23; 114:18;119:2;121:20 <b>trash</b> 40:25 <b>treat</b> 106:11;107:1; 127:9 <b>treated</b> 121:25 <b>treating</b> 121:12;127:10 <b>tree</b> 42:25;43:18;154:8 <b>trees</b> 43:2 <b>tremendous</b> 134:21 <b>trends</b> 24:3 <b>tried</b> 56:3;75:21;91:11; 124:1 <b>tries</b> 64:7 <b>trouble</b> 17:11;90:6 <b>truck</b> 135:22 <b>trust</b> 120:9;141:21,22 <b>Trust</b> 118:16 <b>try</b> 14:6,9;20:25;37:7; 56:18;135:4;136:16; 156:23;157:9 <b>trying</b> 54:10;77:14;93:7; 109:22;110:1;137:7; 140:5;155:13 <b>T's</b> 126:12 <b>turn</b> 42:1;54:14,21 <b>turned</b> 56:25 <b>TV</b> 136:7 <b>Twelve</b> 25:9 <b>twenty-five</b> 9:15,19,22, 24 <b>twice</b> 52:13 <b>twice-a-week</b> 12:17 <b>two</b> 14:14;30:24;33:8,9; 50:3,4;53:4;54:10;56:8; 59:14;66:1;68:25;69:5,8, 11,16,20,22;70:16;84:11; 87:9;96:25;100:10; 113:20;119:24;129:1; 132:23;133:14,22;143:4, 14,14,25;144:2,5;145:9 <b>Two</b> 9:15,19,22,24,25; 133:11;145:10 <b>two-</b> 118:1 <b>two-to-one</b> 155:25 <b>two-year</b> 14:11</p>
---	--	--	--	---

<p><b>type</b> 31:3;48:5;65:4; 101:8;110:3;117:22; 141:15 <b>types</b> 83:16 <b>typically</b> 87:15,15; 142:10;145:7</p>	<p><b>used</b> 58:25 <b>users</b> 15:1 <b>uses</b> 119:7 <b>using</b> 24:11,12;103:10; 134:24 <b>usually</b> 135:24;142:10 <b>Usually</b> 155:22 <b>utilized</b> 155:9</p>	<p>23;98:17;107:4,5;109:21; 114:8;118:14,15;124:6; 127:9;136:13;138:11,19; 148:23;155:19;156:20 <b>ways</b> 65:3;75:13;90:15; 91:12;108:12,17 <b>weather</b> 41:2;42:15; 142:4</p>	<p>92:7,9;93:1,6;100:4; 101:12;102:4;106:4; 111:7,14,24;117:2;120:2; 126:18;133:18;134:17; 143:25;144:2;151:6,13; 156:17 <b>Work</b> 88:4 <b>worked</b> 58:18;127:5 <b>working</b> 29:9;46:20,23; 48:16;85:12;134:23; 135:1,3;139:10;143:10; 149:3;151:20;153:2,4,6 <b>workshop</b> 22:17 <b>world</b> 23:24;111:23 <b>worry</b> 63:11,14;113:14 <b>worse</b> 144:11 <b>Worst</b> 66:10 <b>worth</b> 66:7;143:25; 144:5 <b>worthwhile</b> 13:14; 14:22 <b>write</b> 17:21;107:4; 117:14;118:6 <b>write-</b> 114:16 <b>writing</b> 93:13;99:15; 141:20 <b>written</b> 73:3;93:8;98:18, 20;100:1;117:15 <b>wrong</b> 10:22;12:14; 120:3;139:3</p>
<p><b>U</b></p>	<p><b>V</b></p>		
<p><b>unacceptable</b> 151:25 <b>unanimously</b> 97:4 <b>unconscionable</b> 129:24 <b>under</b> 10:9;17:19;26:12; 75:3;89:25;94:13;111:2 <b>Under</b> 17:18;42:9;46:10 <b>under-</b> 108:15;120:1 <b>underage</b> 54:24;65:12 <b>undertaking</b> 24:9 <b>unfair</b> 79:2;118:13; 124:7,13 <b>unfairly</b> 121:13;122:1 <b>unfamiliar</b> 126:4 <b>unfortunate</b> 33:16 <b>unfortunately</b> 75:12; 133:17 <b>UNIDENTIFIED</b> 43:15; 124:10,14 <b>uniform</b> 119:22 <b>unit</b> 40:21 <b>unless</b> 114:9;142:22 <b>Unless</b> 13:25 <b>unreasonable</b> 134:11 <b>unspent</b> 27:5 <b>up</b> 4:17,18;5:13,22;6:25; 7:6,7,9;13:12,12;13:11; 14:11,22;20:4,20;25:14; 27:24;34:2;39:9;40:24; 41:1,4,19;44:8;45:2; 46:22;47:18,20;48:14; 59:25;60:25;62:23;74:25; 77:8;88:24,24;89:14; 91:7;94:5;95:4,9;96:19; 100:4;101:8;106:16; 111:22;113:4;114:17; 116:15;117:22;118:7,19; 123:5;127:7,23;133:16; 137:1;140:1,6,7;142:20; 145:8;147:19;148:22; 150:7;151:3;154:7; 156:16 <b>upcoming</b> 90:13 <b>update</b> 4:18,18;5:25 <b>updated</b> 4:25 <b>updating</b> 103:11 <b>upon</b> 25:5;64:18;94:20; 129:22 <b>urgent</b> 88:15;89:13 <b>usage</b> 24:9;118:1 <b>use</b> 5:11;13:4;49:15; 77:22;82:18,19,22;84:4; 118:12;119:6;138:4; 142:2,5;144:1,4</p>	<p><b>valid</b> 126:23 <b>variance</b> 88:15;131:21, 23;132:22 <b>Variance</b> 131:18 <b>various</b> 42:22 <b>vehicle</b> 79:11 <b>vendors</b> 13:23 <b>verbal</b> 93:13;99:19; 117:14,23 <b>versus</b> 63:13;120:17; 124:3 <b>vets</b> 35:5 <b>viable</b> 35:12 <b>video</b> 134:24 <b>vineyard</b> 45:18 <b>violates</b> 65:8 <b>violation</b> 50:5,7;53:11; 60:8,9,11,12,14,15; 70:10;82:22 <b>violations</b> 65:5 <b>volume</b> 82:21 <b>volunteered</b> 41:25 <b>volunteers</b> 29:8 <b>vote</b> 29:12;86:18;87:9, 11,11;88:16;89:6,7,15, 21;90:3,16;92:3,9; 107:20;126:5 <b>voted</b> 17:15;89:23; 100:8;134:6 <b>votes</b> 87:16;89:4 <b>voting</b> 91:23;92:1,15; 126:20</p>	<p><b>web</b> 4:17,24;5:6,13,21; 6:1,15;24:1;29:17 <b>weeks</b> 87:9,10;88:20; 113:21;135:21;138:16 <b>welcomed</b> 136:16 <b>well-maintained</b> 37:11 <b>weren't</b> 58:24;123:1 <b>west</b> 75:14 <b>West</b> 135:1 <b>what's</b> 4:21;26:18; 33:18;44:20;63:14;66:15; 81:4;97:24;113:5 <b>What's</b> 62:3 <b>Where's</b> 114:16 <b>Whereupon</b> 158:10 <b>whichever</b> 124:3 <b>white</b> 135:22 <b>whole</b> 14:25;15:1; 27:18;75:11;76:7;78:24; 79:3;113:10;123:19; 135:4;137:23;143:24 <b>wholesale</b> 73:22; 156:17 <b>wholesaler</b> 156:23 <b>wholesalers</b> 74:7;75:6, 16,17;76:3,5;85:7 <b>who's</b> 74:16;97:17 <b>wide-screen</b> 136:7 <b>wife</b> 63:9 <b>wild</b> 75:14 <b>willing</b> 75:18;114:3 <b>wish</b> 133:20 <b>wishes</b> 139:8 <b>withdraw</b> 135:9 <b>withdrawals</b> 135:18 <b>within</b> 38:22;84:19; 113:20 <b>without</b> 90:18;103:18; 118:10;130:19,21,21; 137:23 <b>Without</b> 130:20 <b>won</b> 56:5 <b>wonderful</b> 36:25;41:8; 112:17;152:13 <b>Wood</b> 148:8,12;155:11 <b>word</b> 6:17 <b>words</b> 9:8;92:5;98:4; 152:5,7,21 <b>wore</b> 153:17 <b>work</b> 7:24;12:14;19:25; 20:21;23:11,13;28:23; 29:3,6;46:15;47:2;48:7; 49:11;50:24;82:14;86:10, 16,17;87:4,18,23;88:5,6; 89:20;90:10,11,16;91:16;</p>	<p><b>Y</b></p> <p><b>y'all</b> 22:13;101:12; 104:25;113:9;134:7; 137:17;143:3 <b>y'all's</b> 137:16 <b>yard</b> 46:25 <b>yards</b> 75:11;76:7 <b>year</b> 12:7;13:2,5;15:17; 25:12;30:22;44:9,12; 52:13,19;53:8;90:25; 128:12,22;129:1,5 <b>years</b> 14:14;43:8;47:14; 112:3;129:20;154:11; 156:25 <b>you-all</b> 10:18;41:19; 143:2 <b>You-all</b> 45:15 <b>young</b> 133:12</p>
<p><b>W</b></p>	<p><b>W</b></p>		
	<p><b>wait</b> 87:9;88:17;121:12 <b>waiting</b> 5:8;84:12 <b>waive</b> 69:17;71:2,5,7; 76:15,16;80:9,19 <b>Waive</b> 76:13 <b>walk</b> 157:9 <b>wall</b> 155:23 <b>wants</b> 97:17 <b>warning</b> 117:23 <b>warrants</b> 143:5,24; 144:3;145:23 <b>watched</b> 136:6,14 <b>watching</b> 45:6;135:8 <b>way</b> 18:16;46:1;49:25; 52:18;55:20;56:6;58:23, 23;64:17;66:14;73:2; 75:25;88:21;90:17;97:4,</p>		
<p><b>Z</b></p>			<p><b>zero</b> 66:16 <b>zero-tolerance</b> 64:3 <b>zoning</b> 49:1;55:21; 56:16;73:2,13</p>