

In The Matter Of:

*City Council Meeting
City of Doraville*

*Before Mayor Ray Jenkins
September 2, 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 Tuesday, September 2, 2008.

* * *

[1] PROCEEDINGS
[2] **MAYOR JENKINS:** Meeting come to order.
[3] We've got a number of things to bring up
[4] tonight.
[5] Call the roll, please.
[6] **CLERK BLACKMON:** Councilmember
[7] Alexander?
[8] **COUNCILMEMBER ALEXANDER:** Here.
[9] **CLERK BLACKMON:** Councilmember Bates?
[10] **COUNCILMEMBER BATES:** Here.
[11] **CLERK BLACKMON:** Councilmember Fleming?
[12] **COUNCILMEMBER FLEMING:** Here.
[13] **CLERK BLACKMON:** Councilmember Pittman?
[14] **COUNCILMEMBER PITTMAN:** Here.
[15] **CLERK BLACKMON:** Councilmember Roche?
[16] **COUNCILMEMBER ROCHE:** Here.
[17] **CLERK BLACKMON:** Councilmember
[18] Spangler?
[19] **COUNCILMEMBER SPANGLER:** Here.
[20] **MAYOR JENKINS:** Mr. Bates, would you go
[21] up to the microphone, please?
[22] **COUNCILMEMBER BATES:** Good evening. A
[23] few months ago, this council passed a program
[24] that was designed to recognize residents and
[25] business owners and organizations for their

[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] Murray J. Weed, City Attorney
[11] Ms. Rhonda Blackmon, City Clerk
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[1] service to our city in helping make Doraville a
[2] great place to live -- that was called the
[3] Doraville Distinction Award -- and I'm pleased
[4] to make the first five presentations to our
[5] recipients this evening. They were nominated by
[6] our fellow citizens here in the city, and those
[7] nominations were sent to different municipali-
[8] ties for review and comment and ranking, and we
[9] received those back from the various reviewers,
[10] and we've got the first five recipients to be
[11] presented tonight.
[12] The first one, I don't believe that
[13] there's anybody here, but it is a business that
[14] has gone above and beyond in supporting our
[15] community. There is not an event that I can
[16] think of where they've not either provided some
[17] resource, food or whatnot to various community
[18] organizations. In addition, they also support
[19] our local schools by having a night each month
[20] where 10 percent of the proceeds go back to the
[21] city.
[22] So I'm very pleased to announce that
[23] the Chick Fil-A at Doraville Plaza is one of our
[24] first recipients of the Doraville Distinction
[25] Award. Is anybody here from them?

[1] Not able to make it. They're out
 [2] passing out free food somewhere. So
 [3] congratulations to them.
 [4] ---
 [5] (Applause)
 [6] ---
 [7] **COUNCILMEMBER BATES:** Our next
 [8] recipient is actually a dual award that is
 [9] presented to two individuals. These were
 [10] nominated by a member of the community who wants
 [11] everybody to know that they go above and beyond
 [12] in making our community look better.
 [13] And the actual nomination reads, they
 [14] have worked to exemplify what being a good
 [15] citizen is all about. For years, they've worked
 [16] extremely hard to make our city attractive with
 [17] no thought about recognition, just doing what
 [18] they think needs to be done. If we're going to
 [19] start paying tribute to Doraville citizens, can
 [20] think of no others who deserve it more than
 [21] these two.
 [22] And those nominations are for Doris
 [23] Roberts and Bridgette Weese.
 [24] ---
 [25] (Applause)

[1] **MAYOR JENKINS:** This is real good,
 [2] Tommy, and I sure do miss that store up there.
 [3] **MR. GALLOWAY:** I miss being here.
 [4] **MAYOR JENKINS:** I used to go up there
 [5] every day.
 [6] **MR. GALLOWAY:** Well, you can come by
 [7] and see what John and I are doing.
 [8] ---
 [9] (Applause)
 [10] ---
 [11] **COUNCILMEMBER BATES:** Our final
 [12] recipient for this term's Doraville Distinction
 [13] Award is an individual that epitomizes
 [14] community.
 [15] There's not been an event that I've
 [16] been involved with where she hasn't played a
 [17] role. And I've been actively involved in the
 [18] neighborhood association for a little bit over
 [19] seven years and, with recent events, I can't
 [20] think of something that she hasn't done to help
 [21] make that event better. Her involvement is
 [22] endless with the Northwoods Neighborhood
 [23] Association, the Seniors' Luncheon and numerous
 [24] other things. And it's my privilege and honor
 [25] to give the final award to Ms. Jackie Beyer.

[1] ---
 [2] **MAYOR JENKINS:** Thanks for everything
 [3] you do.
 [4] ---
 [5] (Applause)
 [6] ---
 [7] **COUNCILMEMBER BATES:** The next award
 [8] goes to a family as well who's been with the
 [9] city for a very long period of time.
 [10] The nomination reads, this business is
 [11] gone and this family has created a dedication to
 [12] remaining a Doraville business and a sense of
 [13] community and camaraderie. It's a small
 [14] business that had the fortitude to battle the
 [15] big boxes surrounding our area.
 [16] Unfortunately, that business has
 [17] recently closed, but we are more than honored
 [18] and pleased to recognize the Galloway family
 [19] with the Doraville Distinction Award and for all
 [20] their efforts that they've done in making
 [21] Doraville a great place to live. So Tommy
 [22] Galloway, if you'd come up.
 [23] ---
 [24] (Applause)
 [25] ---

[1] ---
 [2] (Applause)
 [3] ---
 [4] **MS. BEYER:** Thanks a lot.
 [5] ---
 [6] (Applause)
 [7] ---
 [8] **COUNCILMEMBER BATES:** The final thing
 [9] is a few weeks ago at Hightower Elementary
 [10] School, an organization here in the metro
 [11] Atlanta area did a pretty amazing thing. They
 [12] presented a little bit over 400 backpacks to
 [13] Hightower Elementary School. These backpacks
 [14] were collected at an event called Backpack in
 [15] the Park which was held in Grant Park in the
 [16] middle of August.
 [17] The group is called For the Kid, and
 [18] they have two events every year. One is a
 [19] Christmas toy drive and last year collected a
 [20] little bit over I believe it was 3,000 -- 5,000
 [21] toys and gift cards for kids who are
 [22] disadvantaged throughout the city.
 [23] And this is the third year that they've
 [24] done the Backpack in the Park, and they selected
 [25] three schools in the Atlanta metro region; one

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[1] school in the city of Atlanta, one school in
 [2] Dekalb County and then another private
 [3] organization.
 [4] And at the event, I heard them mention
 [5] who the schools were, and they said Hightower
 [6] Elementary School, and I was surprised and so
 [7] quickly went over there. We've got a resolution
 [8] to recognize the For the Kid organization. I'm
 [9] going to read it for you.
 [10] Whereas, For the Kid is a recognized
 [11] nonprofit organization incorporated in the state
 [12] of Georgia;
 [13] And whereas, on August 9th, 2008, the
 [14] For the Kid organization through support from
 [15] their corporate sponsors and many volunteers
 [16] organized an event entitled Backpack in the Park
 [17] which was held at Grant Park;
 [18] And whereas, For the Kid collected over
 [19] 900 school backpacks filled with school supplies
 [20] to benefit underprivileged elementary schools
 [21] throughout the metro Atlanta region;
 [22] And whereas, For the Kid through Dekalb
 [23] County School System selected Hightower
 [24] Elementary School as one of three recipients
 [25] throughout Dekalb County, Fulton County and City

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[1] of Atlanta public schools;
 [2] And whereas, on August 15th, 2008,
 [3] representatives from For the Kid presented
 [4] Principal Lewis and Hightower Elementary School
 [5] with over 400 backpacks filled with school
 [6] supplies;
 [7] The Mayor and Council of the City of
 [8] Doraville, Georgia, hereby resolve that the
 [9] members of this body wholeheartedly thank For
 [10] the Kid, their sponsors, their volunteers, and
 [11] the many individuals who generously gave of
 [12] their time and resources;
 [13] And be it further resolved that the
 [14] Clerk of the City of Doraville is authorized and
 [15] directed to transmit a copy of this resolution
 [16] to the president of the For the Kid
 [17] organization.
 [18] This resolution is presented to Mr.
 [19] Jorge Esteben who is representing the For the
 [20] Kid organization with us tonight, so if you
 [21] could come up, and let's thank them.
 [22] - - -
 [23] (Applause)
 [24] - - -
 [25] **MAYOR JENKINS:** Thank you, sir.

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[1] **COUNCILMEMBER BATES:** Thank you all
 [2] very much for your time.
 [3] - - -
 [4] (Applause)
 [5] - - -
 [6] **MAYOR JENKINS:** We're going to go ahead
 [7] with the moratorium. We've had a lot of
 [8] questions about the moratorium that was brought
 [9] up the other day, so I'm going to ask Murray to
 [10] go ahead and start this off and see what we can
 [11] do.
 [12] **ATTORNEY WEED:** Mr. Mayor, members of
 [13] the Council, last week the Mayor and Council
 [14] asked me to draft a moratorium in an effort to
 [15] halt some commercial development while the
 [16] Council continued to hire a planner, hire a
 [17] building inspector, continued to explore the
 [18] effects of the LEED ordinance, continued to
 [19] explore and maybe pass the retrofit-low-flow-
 [20] plumbing ordinance and for other various
 [21] reasons.
 [22] The Council adopted a moratorium
 [23] Thursday night, and that moratorium was 2008-12.
 [24] During the process of the discussion there -- it
 [25] was a very long or well-thought discussion by

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[1] the members of Council, and your input was
 [2] included -- you made some changes that night to
 [3] what is now 2008-12.
 [4] Some of the discussion revolved around,
 [5] as it always does, how to continue to allow
 [6] projects that were in process to continue on to
 [7] completion while at the same time preventing
 [8] projects that might be coming down the pipeline
 [9] until they could be better regulated, and that's
 [10] the eternal question in all moratoriums.
 [11] As part of that process, we had a
 [12] number of people who were seeking building
 [13] inspections for buildings that were essentially
 [14] permitted. The outer building was permitted but
 [15] the internal spaces had not been completed.
 [16] The internal spaces -- I'm just using
 [17] this as an example. Let's say it's a strip mall
 [18] type center which had been permitted but a
 [19] Subway was going to be tenant number one. Well,
 [20] the first version of the moratorium would not
 [21] necessarily have allowed that entity to come
 [22] into that facility without going before the
 [23] entire -- without a quorum of the Mayor and
 [24] Council having a hearing to allow that to happen
 [25] as a special circumstance.

[1] So what we did was I was asked to
[2] address an issue. And when working with the
[3] City Clerk, I developed some language that would
[4] deal with an exception that would provide for
[5] any project that's already been permitted where
[6] the interior space now requires some sort of
[7] additional building inspection would now be
[8] exempt from the moratorium purposes, and that is
[9] before you as 2008-12A. I sent that to you
[10] electronically today. I have another copy here
[11] obviously if you want to look at it further.

[12] In summation, moratoriums are hard.
[13] They're hard to craft and they are a broad net.
[14] And when you cast a broad net, some fish that
[15] you do not want to have, get caught in that net
[16] as universally applicable.

[17] It's hard to create a moratorium that
[18] provides good solid due process while at the
[19] same time is really effective. I think we've
[20] come as close as we probably can to achieving
[21] that goal by virtue of 2008-12A.

[22] Now, why are there two moratoriums?
[23] One has already been voted on and approved, so
[24] that really can't be changed other than by
[25] virtue of another moratorium, which is 2008-12.

[1] only way to really stop any unwanted project was
[2] to do a three-pronged approach. And missing any
[3] one of those prongs, some things that, you know,
[4] the City might not want might very well go
[5] through.

[6] **COUNCILMEMBER ROCHE:** I mean obviously
[7] if there's a -- because when we -- we basically
[8] brought everybody to a standstill. I mean there
[9] was no inspections at all, period, and so -- but
[10] we basically brought everything across the --
[11] everything that wasn't residential to a
[12] screeching halt --

[13] **ATTORNEY WEED:** Correct, and that --

[14] **COUNCILMEMBER ROCHE:** -- Thursday.

[15] **ATTORNEY WEED:** That was the purpose.
[16] And it is unfortunate that sometimes the good go
[17] in with the bad, but that's -- that is legisla-
[18] tion.

[19] I think what we've done now is we've
[20] tried to more narrowly tailor it to a more
[21] acceptable and palatable mechanism.

[22] **COUNCILMEMBER SPANGLER:** But also we
[23] had said that any of those projects that had
[24] already been permitted and started, that they
[25] would be able to come before the Council.

[1] So with that, I'll attempt to answer any
[2] questions you may have.

[3] **COUNCILMEMBER ROCHE:** I guess my main
[4] question was why would inspections be part of
[5] any of this moratorium?

[6] **ATTORNEY WEED:** Well, the concept is to
[7] prevent projects which haven't been appro-
[8] priately regulated yet. In order to do that, in
[9] conference with the City Clerk and based upon
[10] what we do on a day to day basis, there were
[11] three prongs to every project but all of them --
[12] Let me take that back. Different projects
[13] require different things.

[14] There are some projects where you would
[15] not have to get a certificate of occupancy, and
[16] yet a business could go in in a commercial area
[17] -- or a commercial business go into an area that
[18] wouldn't necessarily need a CO.

[19] The same thing is true for a building
[20] permit. There are commercial enterprises that
[21] could go into effect that wouldn't necessarily
[22] require a building permit.

[23] But almost all projects require a
[24] building inspection because that's actually part
[25] of the occupation tax payment process. So the

[1] **ATTORNEY WEED:** We did; that is
[2] correct. And that process was proving kind of
[3] unwieldy from the administration area. That's
[4] how we left it.

[5] The Council did have a thorough
[6] conversation about the fact that what did happen
[7] might very well happen, and how you resolved it
[8] in 2008-12 was that the built-in procedures of
[9] the first ordinance would have made all of those
[10] people come before you, and you agreed to do
[11] that.

[12] However, Friday and today, it was
[13] determined by admin that that process was
[14] becoming frankly unwieldy and I was asked to try
[15] to tailor it down some.

[16] **COUNCILMEMBER PITTMAN:** Okay. So we
[17] have people that are here tonight to discuss
[18] this.

[19] Is that new change going to eliminate
[20] that? Are they going to be okay or do they
[21] still need to talk to us tonight?

[22] **ATTORNEY WEED:** Apparently there are
[23] businesses here in accordance with the due
[24] process procedures set out in the ordinance,
[25] that are here to have their hearing with you to

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[1] see whether they can continue on or not.
[2] What the addendum does, and all the --
[3] all the amendment really does is if a project
[4] was permitted in chief and some subpart needs a
[5] building inspection, that can go forward without
[6] the hearing.
[7] But if it's a brand new project -- and
[8] I mean, you know, people came in with their
[9] packets today. It's obviously after August the
[10] 28th, and their appropriate mechanism is to come
[11] before you and plead their case.
[12] **MAYOR JENKINS:** Is there anybody here
[13] that would like to comment? Businesses.
[14] Yes, ma'am. Come up to the microphone.
[15] State your name, please.
[16] **MS. KANFENG-ADDINGTON:** Okay. My name
[17] is Helen, and it's Kanfeng-Addington.
[18] And we heard city of Doraville is very
[19] nice, it's very friendly to the international
[20] people, so we came here looking for a business.
[21] And we found Asian Square have a restaurant been
[22] closed for awhile, and we -- we just try and
[23] sign the lease in June 30th. And then we start
[24] decoration and we purchase a lot of equipment.
[25] And we been through the health department, fire

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[1] marshall, and I was here so many times, and then
[2] they told me you need a FOG, the permit. And
[3] then finally I called them last week and they
[4] said that the schedule was messed up.
[5] So finally they came today. I get the
[6] permit this afternoon, 2 o'clock, and then I
[7] came in, and they said, "Sorry, it's stopped.
[8] It's a moratorium."
[9] And then we sign the lease, and every
[10] monthly, the rent has cost -- it's 5,000.
[11] **COUNCILMEMBER BATES:** So is this --
[12] she's looking for the CO, the final?
[13] **CLERK BLACKMON:** No. She needs a
[14] business license.
[15] **COUNCILMEMBER BATES:** So every --
[16] **CLERK BLACKMON:** And she turned her
[17] packet in today and was rejected because it's
[18] after the 28th, but she had several items she
[19] had to get before she could turn that in.
[20] **MS. KANFENG-ADDINGTON:** Right.
[21] **CLERK BLACKMON:** She got her last item
[22] today.
[23] **COUNCILMEMBER BATES:** So it's complete?
[24] **CLERK BLACKMON:** Her packet is
[25] complete.

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[1] **MS. KANFENG-ADDINGTON:** I just request
[2] maybe an exception.
[3] **COUNCILMEMBER PITTMAN:** It's a
[4] restaurant?
[5] **MS. KANFENG-ADDINGTON:** Uh-huh.
[6] **COUNCILMEMBER SPANGLER:** Did she have
[7] the proper permits and --
[8] **CLERK BLACKMON:** She's got her FOG.
[9] The FOG is what --
[10] **MS. KANFENG-ADDINGTON:** Yeah,
[11] everything.
[12] **CLERK BLACKMON:** The fats, oil and
[13] grease --
[14] **MS. KANFENG-ADDINGTON:** I've got
[15] everything.
[16] **CLERK BLACKMON:** -- was the last thing
[17] she needed. And she brought that in today, but
[18] we didn't accept anything because of the
[19] moratorium. So she needs an inspection to be
[20] able to get her business license.
[21] **MAYOR JENKINS:** What is the next step
[22] on that? Come before this Council to vote on
[23] it?
[24] **CLERK BLACKMON:** Correct, because she
[25] needs an inspection.

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[1] **COUNCILMEMBER ROCHE:** She needs a
[2] permit, or what exactly would she need?
[3] **CLERK BLACKMON:** Her next step is to
[4] pay \$50.00 for John Calcaterra to go out and do
[5] a building inspection to make sure everything is
[6] up to code. And then she could come in and pay
[7] for her license after it's passed and get her
[8] license.
[9] **COUNCILMEMBER ROCHE:** So there's an
[10] inspection and a license.
[11] **CLERK BLACKMON:** Right. What's holding
[12] her up is the inspection.
[13] **COUNCILMEMBER ROCHE:** Right. But then
[14] once the inspection happens, then --
[15] **CLERK BLACKMON:** Then she's --
[16] **COUNCILMEMBER ROCHE:** -- we'll have a
[17] moratorium on the license, too, don't we?
[18] **CLERK BLACKMON:** No, because -- no.
[19] **COUNCILMEMBER ROCHE:** Okay. So once
[20] the inspection's done, then --
[21] **CLERK BLACKMON:** Then she's good.
[22] **COUNCILMEMBER SPANGLER:** So she
[23] actually -- she actually started her procedure,
[24] her process, before the moratorium.
[25] **CLERK BLACKMON:** She did but --

[1] **COUNCILMEMBER ROCHE:** Right.
 [2] **MS. KANFENG-ADDINGTON:** Yeah.
 [3] **CLERK BLACKMON:** -- but did not turn
 [4] anything in.
 [5] **MS. KANFENG-ADDINGTON:** Yeah, because
 [6] the Clerk told me, said, "You hold it."
 [7] **CLERK BLACKMON:** Yeah. We don't hold
 [8] the packet.
 [9] **COUNCILMEMBER BATES:** So this is a new
 [10] packet that's been presented today that is
 [11] complete with the exception of the building
 [12] inspection?
 [13] **CLERK BLACKMON:** Correct.
 [14] **COUNCILMEMBER BATES:** Okay.
 [15] **COUNCILMEMBER PITTMAN:** What is the
 [16] name of your business?
 [17] **MS. KANFENG-ADDINGTON:** Hong Kong.
 [18] **COUNCILMEMBER PITTMAN:** Hong Kong?
 [19] **MS. KANFENG-ADDINGTON:** Hong Kong
 [20] Chinese Restaurant. The location is 5150 Asian
 [21] Square. Because that's Hong Kong before it's
 [22] closed, so we want to open the business, so --
 [23] **MAYOR JENKINS:** Murray, what do we
 [24] need? Can we make a vote on that tonight?
 [25] **ATTORNEY WEED:** Mr. Mayor, I would just

[1] much.
 [2] **MAYOR JENKINS:** Anybody else?
 [3] Yes, sir. Come up the microphone, sir.
 [4] **DR. HODGE:** Good evening, Council
 [5] members and Mayor. I'm Dr. Rashan Hodge and
 [6] we're trying to -- we're in the last step of
 [7] opening a family practice center right around
 [8] the corner at 2830 Clearview Place, Suite 100,
 [9] and we're at the final stage.
 [10] **MR. CHOI:** Yes. We're actually in the
 [11] office park.
 [12] **THE REPORTER:** Could I get your name,
 [13] please?
 [14] **MR. CHOI:** I'm sorry. My name is John
 [15] Choi, (spelling) C-H-O-I, and I take care of the
 [16] management for Dr. Hodge.
 [17] And at this time, we're at the office
 [18] park in Clearview Place, and we do have a
 [19] medical clinic in that place, and he is actually
 [20] leasing one of the space in the office park to
 [21] run his medical clinic.
 [22] But at this time, we're trying to get a
 [23] city business license to open up the business
 [24] account and also to apply for insurance
 [25] companies, but at this time, when we came in

[1] have someone make a motion that under Section
 [2] 2(g) of the moratorium, that you have a due
 [3] process hearing with this applicant, and if you
 [4] deem it appropriate to let her move forward,
 [5] make that motion.
 [6] **MAYOR JENKINS:** Do I get a motion?
 [7] **COUNCILMEMBER BATES:** So moved.
 [8] **COUNCILMEMBER PITTMAN:** Second.
 [9] **MAYOR JENKINS:** Call the roll, please.
 [10] **CLERK BLACKMON:** Councilmember
 [11] Alexander?
 [12] **COUNCILMEMBER ALEXANDER:** Yes.
 [13] **CLERK BLACKMON:** Councilmember Bates?
 [14] **COUNCILMEMBER BATES:** Yes.
 [15] **CLERK BLACKMON:** Councilmember Fleming?
 [16] **COUNCILMEMBER FLEMING:** Yes.
 [17] **CLERK BLACKMON:** Councilmember Pittman?
 [18] **COUNCILMEMBER PITTMAN:** Yes.
 [19] **CLERK BLACKMON:** Councilmember Roche?
 [20] **COUNCILMEMBER ROCHE:** Yes.
 [21] **CLERK BLACKMON:** Councilmember
 [22] Spangler?
 [23] **COUNCILMEMBER SPANGLER:** Yes.
 [24] **MAYOR JENKINS:** Thank you, ma'am.
 [25] **MS. KANFENG-ADDINGTON:** Thank you very

[1] today -- after passing the fire marshall
 [2] inspection, when we came in today, they said
 [3] that there's been a little change, so we have to
 [4] be here today.
 [5] **COUNCILMEMBER ROCHE:** In this case, we
 [6] just need an inspection or a license?
 [7] **CLERK BLACKMON:** Same thing.
 [8] **COUNCILMEMBER PITTMAN:** And every-
 [9] thing's okay?
 [10] **CLERK BLACKMON:** Uh-huh.
 [11] **COUNCILMEMBER ROCHE:** What's the name
 [12] of the business?
 [13] **MR. CHOI:** Dr. Rashan Hodge Family
 [14] Practice.
 [15] **COUNCILMEMBER ROCHE:** All right. Do
 [16] you want to form the motion for us?
 [17] **ATTORNEY WEED:** Once again, Councilman,
 [18] I would say you had a due-process hearing in
 [19] accordance with Section 2 Subparagraph (g) of
 [20] the moratorium, and that the evidence having
 [21] come before you, you either grant or deny the
 [22] exception.
 [23] **COUNCILMEMBER ROCHE:** I make the motion
 [24] that we grant the exception.
 [25] **MAYOR JENKINS:** Second?

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[1] **COUNCILMEMBER ALEXANDER:** 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:** Thank you, sir.

[18] **DR. HODGE:** I appreciate it. Thank

[19] you.

[20] **COUNCILMEMBER ROCHE:** Welcome to

[21] Doraville.

[22] **MAYOR JENKINS:** Come on up, sir.

[23] **MR. VIDAL:** Hi there. My name's Tom

[24] Vidal. I represent Pacesetter Personnel at 5441

[25] Buford Highway.

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[1] We have simply outgrown our space, and

[2] last week we signed a lease with a gentleman at

[3] 5918 New Peachtree at Doraville Station to hope-

[4] fully relocate there to greater premises.

[5] And I guess what I need is to get sign

[6] permits, and nothing structural. I want like

[7] six light fixtures and outlets and a divider

[8] wall for my office and then just transfer my

[9] license or reapply so I can move up there. My

[10] current landlord is expecting us to vacate

[11] October 1. We're not forced to. If necessary,

[12] we could stay. But this gives us twice the

[13] space where we can continue to grow.

[14] **COUNCILMEMBER BATES:** And what type of

[15] business? I'm sorry?

[16] **MR. VIDAL:** Staffing, temp help.

[17] **COUNCILMEMBER PITTMAN:** It's like a

[18] labor pool?

[19] **MR. VIDAL:** Yes. And this would move

[20] us off of the main drag up by the train station

[21] where wouldn't have all the foot traffic down

[22] and around here, help us a lot.

[23] **COUNCILMEMBER PITTMAN:** Is that next to

[24] the grocery store?

[25] **MR. VIDAL:** Right next to the little

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[1] one-stop, yes.

[2] **MAYOR JENKINS:** Doraville Station.

[3] **MR. VIDAL:** Yes.

[4] **COUNCILMEMBER ALEXANDER:** Did we pass

[5] that resolution or ordinance that we --

[6] **ATTORNEY WEED:** The labor pool?

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

[8] **ATTORNEY WEED:** Yes.

[9] **COUNCILMEMBER ALEXANDER:** And how woul

[10] d

[10] this affect that or vice versa?

[11] **ATTORNEY WEED:** I don't know, other

[12] than when they go into their new space --

[13] Well, obviously, they have to comply

[14] with the labor pool ordinance now, and if they

[15] go into the new space, I'm certain they're going

[16] to have to comply with it then. I would assume

[17] that when they go into their new space, it

[18] frankly would be easier for them to comply if

[19] they have more room.

[20] **MR. VIDAL:** Absolutely.

[21] **ATTORNEY WEED:** But again, obviously I

[22] haven't looked at their space at all.

[23] **MAYOR JENKINS:** Have they got any

[24] paperwork in?

[25] **CLERK BLACKMON:** They tried to turn it

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[1] in today, and they called in for a sign permit

[2] but we rejected it.

[3] **COUNCILMEMBER FLEMING:** Are you

[4] familiar --

[5] **MR. VIDAL:** That's when I found out

[6] about the moratorium.

[7] **COUNCILMEMBER FLEMING:** Are you

[8] familiar with the labor pool ordinance that we

[9] have passed recently?

[10] **MR. VIDAL:** No, ma'am.

[11] **COUNCILMEMBER FLEMING:** Then, I make a

[12] motion to table this particular one until we get

[13] Mr. Vidal --

[14] **MR. VIDAL:** Vidal.

[15] **COUNCILMEMBER FLEMING:** Vidal. I'm

[16] sorry -- Vidal the information in regards to the

[17] labor pool ordinance and make us better equipped

[18] to be able to make a proper answer on this

[19] particular business.

[20] **ATTORNEY WEED:** If I could make a

[21] suggestion. If you could table it to a date

[22] specific, that's legally helpful so that the

[23] applicant never feels like he's in some kind of

[24] limbo. If you could determine a date specific

[25] and table it to that date.

[1] **COUNCILMEMBER SPANGLER:** Next council
 [2] meeting, which would be what?
 [3] **COUNCILMEMBER FLEMING:** Work session?
 [4] **COUNCILMEMBER SPANGLER:** No.
 [5] **COUNCILMEMBER FLEMING:** October?
 [6] **COUNCILMEMBER SPANGLER:** Yes.
 [7] **COUNCILMEMBER ROCHE:** Are we
 [8] anticipating -- I got to believe we're
 [9] anticipating having more of these hearings as
 [10] long as this moratorium is on. Obviously, we --
 [11] **COUNCILMEMBER ALEXANDER:** Not if we
 [12] pass 12A.
 [13] **COUNCILMEMBER BATES:** None of these
 [14] would be exempted from 12A.
 [15] **ATTORNEY WEED:** That's correct,
 [16] Councilman Bates; no, they're not. And this
 [17] gentleman would not be either even under 12A.
 [18] **COUNCILMEMBER ALEXANDER:** The first
 [19] lady just needed an inspection.
 [20] **ATTORNEY WEED:** She had to go through
 [21] the process to get it because she was stopped by
 [22] the main moratorium.
 [23] **COUNCILMEMBER PITTMAN:** So didn't you
 [24] say the work sessions, in extenuating circum-
 [25] stances, that we could vote on something?

[1] say that -- I mean turning to Rhonda here, I
 [2] don't know how many people are going to be
 [3] coming in each week.
 [4] **COUNCILMEMBER ROCHE:** Right.
 [5] **CLERK BLACKMON:** A lot.
 [6] **ATTORNEY WEED:** But she says a lot. So
 [7] I would say if you have one special called
 [8] meeting per week till the end of the moratorium,
 [9] then you can handle this gentleman and anybody
 [10] who comes in to the office for that week period.
 [11] **MAYOR JENKINS:** Before the work
 [12] session, the next work session.
 [13] **COUNCILMEMBER FLEMING:** So make that at
 [14] 5:30?
 [15] **MAYOR JENKINS:** Yeah. Well --
 [16] **ATTORNEY WEED:** That would be fine.
 [17] **MAYOR JENKINS:** Okay. Do I get a
 [18] second?
 [19] **COUNCILMEMBER PITTMAN:** Second.
 [20] **MAYOR JENKINS:** Call the roll, please.
 [21] **CLERK BLACKMON:** Councilmember
 [22] Alexander?
 [23] **COUNCILMEMBER ALEXANDER:** Yes.
 [24] **CLERK BLACKMON:** Councilmember Bates?
 [25] **COUNCILMEMBER BATES:** Yes.

[1] **ATTORNEY WEED:** Yes. And this is the
 [2] occasion.
 [3] **COUNCILMEMBER PITTMAN:** Well, I think
 [4] that that would be appropriate rather than
 [5] making him wait till the next Council meeting.
 [6] **COUNCILMEMBER ROCHE:** Right.
 [7] **ATTORNEY WEED:** Well, and once again,
 [8] if you table it, that's fine. If you vote on it
 [9] tonight, that's fine. That's up to you.
 [10] My only suggestion was to the
 [11] Councilman that if you are going to table it, if
 [12] you would table it to a date certain. That's
 [13] the best way of doing it legally.
 [14] **COUNCILMEMBER ROCHE:** I understand.
 [15] **COUNCILMEMBER PITTMAN:** My suggestion
 [16] would be to table it until the next work session
 [17] which would be -- I don't know what that date
 [18] is.
 [19] **COUNCILMEMBER ROCHE:** We can't vote.
 [20] **COUNCILMEMBER PITTMAN:** Yes, we can.
 [21] Is that correct?
 [22] **ATTORNEY WEED:** Well, state law says
 [23] any time you have a meeting, you can vote.
 [24] What you might want to do, though, is
 [25] to have a special called meeting, and I would

[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:** Yes.
 [10] **COUNCILMEMBER PITTMAN:** And what's the
 [11] date?
 [12] **COUNCILMEMBER FLEMING:** And repeating,
 [13] it would be September 15th at 5:30; is that
 [14] correct?
 [15] **CLERK BLACKMON:** Yes.
 [16] **COUNCILMEMBER BATES:** Thank you very
 [17] much.
 [18] **COUNCILMEMBER FLEMING:** That will give
 [19] you an opportunity and us also to review the
 [20] labor pool ordinance. Thank you very much.
 [21] **MR. VIDAL:** Perfect. Can I get copies
 [22] of that from --
 [23] **COUNCILMEMBER BATES:** From the Clerk's
 [24] office.
 [25] **MR. VIDAL:** Thank you very much.

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[1] **MAYOR JENKINS:** Come on up, sir.
[2] **MR. SEELKE:** My name is Whit Seelke. I
[3] own a small office building, multi-tenant office
[4] building, on Clearview Avenue.
[5] This is an O and I zoned building, just
[6] very general office use.
[7] I had a tenant today who came back for
[8] a business license and was told that he would
[9] not be able to get it because of the moratorium
[10] for 90 days. Most of my tenants are small
[11] businesses and they have plenty of other options
[12] where to go. And they're -- we're not going to
[13] be able to do any leasing if it's conditional on
[14] them coming before a hearing just to open an
[15] insurance or a mortgage brokerage sales office
[16] in an office building.
[17] Is that what every tenant would have to
[18] do in an existing office building? That was my
[19] understanding.
[20] **ATTORNEY WEED:** Would you like me to
[21] answer that question?
[22] **MAYOR JENKINS:** Yes.
[23] **ATTORNEY WEED:** And the reason I don't
[24] answer you directly is that I work for them --
[25] **MR. SEELKE:** Sure.

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[1] **ATTORNEY WEED:** -- not folks at the
[2] podium.
[3] The answer to the question, Mayor and
[4] Council, in my opinion would be yes. That's
[5] exactly the purpose of the moratorium and that
[6] is exactly what they would have to do.
[7] Once again, it is harsh, but that's
[8] what a moratorium is. It is a cessation of
[9] development, a very intentional and very
[10] purposeful thing for a limited time frame, in
[11] this case, 90 days, to get the proper ordinances
[12] in place. It isn't pretty but it is the law.
[13] So if those individual tenants would come here
[14] at your special called meetings, they would go
[15] through the process that the previous three
[16] people did and plead their case, and they've got
[17] the right to do that.
[18] **MR. SEELKE:** These are -- I'm a small
[19] business person. These are smaller business
[20] people, one- and two-person offices, no
[21] buildout. The only thing they need is a City of
[22] Doraville business license. They want to do
[23] business within the city of Doraville.
[24] It seems this is driving business away,
[25] and it means I won't be able to do any leasing

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[1] for 90 days at least. The tenant that came by
[2] today is gone. He tore up the lease and left
[3] because someone in Norcross could lease him the
[4] space today.
[5] So is there any way that businesses
[6] that are not trying to develop or do excessive
[7] buildout could be exempted from this? These are
[8] one-room offices.
[9] **MAYOR JENKINS:** Would he be under the
[10] same situation of coming before the Council as
[11] these people are doing?
[12] **CLERK BLACKMON:** He still needs an
[13] inspection before --
[14] **MAYOR JENKINS:** On a special meeting?
[15] **CLERK BLACKMON:** He still needs an
[16] inspection before the tenants move in.
[17] **ATTORNEY WEED:** When one applies to pay
[18] occupational tax in Doraville, the way the
[19] system is currently set up, the city performs a
[20] zoning check to make sure the business is
[21] allowed in that area, and also as part of that,
[22] they have to have a building inspection, and
[23] that process has been very, very effective for
[24] us for a number of years.
[25] This is an unfortunate situation, and

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[1] my heart does go out to you, but it's either
[2] black or it's white when a moratorium is in
[3] place.
[4] **MAYOR JENKINS:** My question is can he
[5] come before us as these other people have done
[6] on a special meeting?
[7] **ATTORNEY WEED:** Absolutely.
[8] **MAYOR JENKINS:** Okay. Do you
[9] understand that? It don't mean that you cannot
[10] let them come in, but you have to come before us
[11] whenever you get the clients.
[12] **MR. SEELKE:** Okay. I don't think they
[13] will do that, honestly. I don't. I think
[14] typically --
[15] The item that I am leasing them is a
[16] commodity item. They can get it anywhere. They
[17] don't have to be on my street. And I think
[18] realistically, that's one more barrier for them
[19] to overcome, and the uncertainty of the outcome,
[20] the delay that it would cause would be very
[21] detrimental to these small businesses.
[22] They aren't doing their business in a
[23] retail manner in which the specific location is
[24] important to them. There's no development.
[25] There's no buildout. I think it's going to be a

[1] real hardship on small businesses like mine that
[2] will just lose business.

[3] **MAYOR JENKINS:** I understand. But as
[4] he said, moratoriums hurt some people and help
[5] others, so --

[6] **COUNCILMEMBER ROCHE:** The ultimate goal
[7] of what we're trying to do here is to -- there
[8] are clearly gaps in our current zoning
[9] ordinances, and I guess it was four weeks/six
[10] weeks ago, whatever, we did make a motion to fix
[11] those gaps.

[12] Our concern now is that if we don't do
[13] something, then businesses will be able to come
[14] in and build here in Doraville that are
[15] essentially -- no business is going to want to
[16] locate here.

[17] And don't get me wrong. I hear you. I
[18] hear you loud and clear.

[19] **MR. SEELKE:** It sounds like what you-
[20] all are really aiming this at is businesses that
[21] are coming in and building or developing,
[22] building or developing something that is not in
[23] keeping with plans that you have for Doraville
[24] or that you'd like -- ideas that you'd like --

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

[1] took office -- Councilman Bates made an
[2] ordinance [sic]. There were four points in the
[3] ordinance and one -- or made a motion. One of
[4] those was a moratorium that was supposed to last
[5] until I think it was April 1st until we got a
[6] city planner.

[7] And how was that different than what
[8] we're doing today?

[9] **COUNCILMEMBER BATES:** That one did not
[10] include inspections. It was purely zoning
[11] applications, rezonings of variances.

[12] **COUNCILMEMBER ROCHE:** Okay. So
[13] whatever it was zoned for today would --
[14] whatever is valid in M2 today would be valid in
[15] M2. I see.

[16] **COUNCILMEMBER BATES:** That's correct.

[17] **COUNCILMEMBER ROCHE:** We did have some
[18] discussion about limiting this to that little
[19] speck on the map there.

[20] **ATTORNEY WEED:** Correct.

[21] **COUNCILMEMBER ROCHE:** And I know we
[22] went back and forth about that. We were
[23] concerned about the legalities of focusing on
[24] one little area and whatever.

[25] But I mean have we had any second

[1] **MR. SEELKE:** -- for Doraville.

[2] Mine is a completely a hundred percent
[3] existing.

[4] **COUNCILMEMBER ROCHE:** I understand.

[5] **MR. SEELKE:** And nothing has to be
[6] done. The light switch is turned on, and
[7] they're in business.

[8] So the building is, you know, a solid
[9] two-story building. It's not changing.

[10] **COUNCILMEMBER ROCHE:** Well, I under-
[11] stand. And like I said, I think we need to open
[12] this up with some more discussion tonight. I
[13] got to believe there's a different way because
[14] -- I understand what you're saying, believe me,
[15] and I certainly sympathize.

[16] As I said, just to restate, the goal
[17] was so that we didn't have a situation where
[18] Doraville had so many businesses coming in over
[19] the next 90 days until we're able to plug these
[20] holes in our zoning ordinance that Doraville is
[21] someplace that nobody would want to come and
[22] open up a business regardless of anything.

[23] Help me understand. Back in I believe
[24] it was November -- this is when Councilmen Bates
[25] and Alexander were on, but that was before I

[1] thoughts on potentially being able to do
[2] something like that or maybe just doing it
[3] within the -- just what's zoned currently as M2?

[4] **ATTORNEY WEED:** Well, let me back up a
[5] step.

[6] This moratorium is not a zoning
[7] moratorium. It in no way affects zoning or
[8] zoning applications --

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

[10] **ATTORNEY WEED:** -- at all. It hasn't
[11] been advertised underneath the Zoning Procedures
[12] Act. It's not intended to affect zoning.
[13] Zoning goes forward --

[14] **COUNCILMEMBER ROCHE:** I understand.

[15] **ATTORNEY WEED:** -- just like it always
[16] did.

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

[18] **ATTORNEY WEED:** And what this is,
[19] however, is a moratorium to prevent some
[20] commercial uses that Council may deem
[21] unpalatable based upon the future ordinances
[22] that were coming down the pipeline -- that were
[23] coming down the pipeline pretty fast.

[24] So what I would say to you is, could
[25] the scope of the ordinance be narrowed back down

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[1] to the original proposition? Arguably, yes.
[2] But once again, Thursday night, the Council
[3] elected to expand it citywide. And so we could
[4] change that decision and go back to, you know, a
[5] smaller subset or -- that's entirely up to the
[6] Council's decision.
[7] As your lawyer, I would advise you in
[8] the broadest terms, you've now had three
[9] hearings on 2008-12. The hearings, I think,
[10] went well. They went by the book. And now --
[11] and you are going to reopen this up to a certain
[12] degree in just a moment to deal with 12A. So
[13] that is a viable conversation for 12A if you
[14] want to narrow the scope back down. In a
[15] perfect world, I wouldn't necessarily advise you
[16] to do that because it appears inconsistent when
[17] looked at from an outsider's view. But that
[18] doesn't mean to say there aren't very good
[19] reasons to narrow the scope back down.
[20] **COUNCILMEMBER ROCHE:** I think we need
[21] to pursue this. Clearly, this is not working.
[22] I mean I was here Thursday afternoon and, you
[23] know, City Hall was all in an uproar, et cetera,
[24] et cetera.
[25] I hear what this gentleman says. I

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[1] mean I have a business, too, you know. You
[2] know, my business address happens to be my home
[3] address. I guess, you know, if for some reason
[4] I need to set up a different S corp, I guess --
[5] I can just see where it's not going to
[6] work very well unless we're going to have
[7] meetings every single day, and I don't know if I
[8] can be available for a special hearing every
[9] single day.
[10] And pretty soon, someone's going to
[11] come along with something at one of these
[12] special hearings and we're going to say no. And
[13] they're going to say, "Wait a minute. You said
[14] yes to everybody else and now you're saying no
[15] to us."
[16] I can see where this is just getting
[17] worse and worse. I can see this turning into a
[18] big mess.
[19] I understand what everyone's intent
[20] was, but there's got to be a better way to do
[21] this, and I'm all ears.
[22] **ATTORNEY WEED:** Are you asking me for
[23] an opinion?
[24] **COUNCILMEMBER ROCHE:** Yes.
[25] **ATTORNEY WEED:** In order to accomplish

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[1] your goal and not have a zoning ordinance in the
[2] time frame that you wanted to have it done in,
[3] this is the only way I know of we can do it, and
[4] I've been doing this a long time.
[5] It isn't perfect. It is ugly in some
[6] ways. But there is built into the system a due
[7] process hearing procedure where every tenant
[8] this gentleman wants to put forward can come
[9] before you and, for good cause shown, they'd
[10] probably get approved.
[11] So other people have been able to do
[12] that. I respect why this tenant -- why this
[13] gentleman feels like his tenants may not want to
[14] make that effort. Maybe his tenants aren't
[15] worth having if his tenants don't want to make
[16] that effort. I don't know. But it's obviously
[17] a decision you've got to make.
[18] Is it perfect? No. But is it the best
[19] way of legally doing it under the very tight
[20] parameters that we're stuck with now? My
[21] opinion is yes.
[22] **COUNCILMEMBER FLEMING:** May I make a
[23] suggestion and just throw it out here?
[24] What if we also included square footage
[25] of the building? What if we said --

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[1] **ATTORNEY WEED:** Entirely possible.
[2] **COUNCILMEMBER FLEMING:** -- in regards
[3] to these items applied to when the construction
[4] or building is over one thousand square feet in
[5] size --
[6] **ATTORNEY WEED:** Perfectly legal to do.
[7] **COUNCILMEMBER FLEMING:** -- or I don't
[8] know.
[9] **ATTORNEY WEED:** I don't know what the
[10] magic number would be to keep out things that
[11] you don't want, but yes, that's perfectly legal
[12] to do it that way.
[13] **COUNCILMEMBER PITTMAN:** You know, I'm
[14] sympathetic with this situation, but I don't
[15] really know any other way that we could possibly
[16] do this. You know, the thought was, you know,
[17] Buford Highway and over, or over here. And I
[18] personally think -- and again, I'm sorry, but I
[19] think we need to leave it as is. I don't know.
[20] I mean --
[21] **MR. SEELKE:** Could it be limited to new
[22] building permits?
[23] **ATTORNEY WEED:** It already is. But you
[24] have to -- but it can't be -- you have to cover
[25] building inspections in the context that we

[1] talked about earlier. It's a three-pronged
[2] approach, but any one of the missing prongs will
[3] not avoid what you had wanted to accomplish. It
[4] will not accomplish that goal.

[5] **COUNCILMEMBER BATES:** Mr. Mayor, the
[6] Clerk has --

[7] **CLERK BLACKMON:** I was just going to --
[8] If we did what he mentioned, I think it
[9] would still accomplish what they want by saying
[10] any buildouts -- any inspections that are
[11] required because there's a buildout. If there
[12] is no buildout, it would keep, still, someone
[13] that you didn't want from coming in, because
[14] they would have to change the building to adhere
[15] to what they were applying for.

[16] **COUNCILMEMBER SPANGLER:** Not
[17] necessarily. I mean there's buildings around
[18] that would not need to be structurally changed
[19] or cosmetically changed.

[20] **CLERK BLACKMON:** Okay. And they could
[21] still go in as --

[22] **COUNCILMEMBER BATES:** That's how we got
[23] here.

[24] **ATTORNEY WEED:** That's how we got here.

[25] **COUNCILMEMBER PITTMAN:** Exactly.

[1] **COUNCILMEMBER BATES:** The reason we got
[2] here is for a particular business on Buford
[3] Highway that we didn't want.

[4] **COUNCILMEMBER ROCHE:** Well, I think we
[5] also got here because of something over on
[6] Winters Chapel, too, because remember the little
[7] map had that little corner.

[8] **COUNCILMEMBER BATES:** That's how it
[9] started. But how it got expanded was, you know,
[10] extrapolating out to future businesses along
[11] Buford Highway.

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

[13] **MR. SEELKE:** Could specific zoning,
[14] current zonings be excluded? For example,
[15] office and institution?

[16] **ATTORNEY WEED:** We can't do it by
[17] zoning because that requires compliance with
[18] State law that would require advertising, and
[19] there's a time element here.

[20] Ordinarily, how we would have done it
[21] would have been by zoning.

[22] **COUNCILMEMBER SPANGLER:** When you rent
[23] out one of your office spaces, the person that
[24] you rent to still has to come to City Hall and
[25] apply for a permit; correct?

[1] **MR. SEELKE:** Yes, sir, a business
[2] license.

[3] **COUNCILMEMBER SPANGLER:** A business
[4] license, permit, whatever. Just about the same
[5] difference.

[6] So there's only one more step that they
[7] have to do, and that's to come before the
[8] Council, and I don't really see where that would
[9] be a problem.

[10] **MAYOR JENKINS:** I agree with that.

[11] **COUNCILMEMBER ROCHE:** Well, I think the
[12] reason we got here was because originally -- you
[13] know, it's been what? six weeks now since we
[14] made the original motion to modify our zoning
[15] ordinance. And if that had been, you know
[16] pushed and -- you know, right this minute, we
[17] don't even have a public meeting scheduled for
[18] this yet.

[19] **ATTORNEY WEED:** There may be a public
[20] meeting for the Planning Commission but there
[21] isn't one before the Mayor and Council.

[22] **COUNCILMEMBER ROCHE:** But we need to
[23] have -- don't we have to have a public meeting
[24] if we're going to do a zoning change, a change
[25] to the zoning ordinance?

[1] **ATTORNEY WEED:** Ultimately, yes.

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

[3] **ATTORNEY WEED:** Your next agenda items
[4] from me are going to include about five or six
[5] zoning type of ordinances, so -- zoning
[6] ordinances, so that's going to be your next
[7] agenda. From the legal department, our
[8] recommendation is going to be having a zoning
[9] night. It'll be a zoning fest.

[10] **COUNCILMEMBER ROCHE:** What's the
[11] earliest date we can schedule the public hearing
[12] for the zoning ordinance change?

[13] **COUNCILMEMBER FLEMING:** Fifteen days.
[14] You have to run one advertisement stating the
[15] time, place and purpose of the change, one time,
[16] fifteen days in advance of the final meeting
[17] where you actually adopt the zoning ordinance,
[18] map, whatever.

[19] **COUNCILMEMBER ROCHE:** Okay. So is
[20] there any reason why we can't go ahead and get
[21] that scheduled for looks like Thursday,
[22] September 18th? That would be more than 15
[23] days.

[24] **ATTORNEY WEED:** No, no reason that I
[25] know of, sir.

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[1] **COUNCILMEMBER ROCHE:** I think we just
[2] need to do that. We need to get this done. I
[3] don't want to point fingers. I'm just saying
[4] that this should have been taken care of some
[5] time ago.
[6] **COUNCILMEMBER ALEXANDER:** I believe --
[7] **COUNCILMEMBER ROCHE:** But this is where
[8] we are now.
[9] **COUNCILMEMBER ALEXANDER:** I believe we
[10] were supposed to get something from the Planning
[11] Commission regarding the prohibitive language,
[12] and we still haven't received that.
[13] **MAYOR JENKINS:** You have a meeting
[14] Thursday, sir?
[15] **MR. CRAWFORD:** Yeah, we actually have a
[16] meeting. I thought that I sent out an e-mail.
[17] And we're also waiting on other members of the
[18] community to submit stuff, which I didn't get.
[19] I got some from two members of the community but
[20] there was a third member of the community that
[21] was supposed to submit some definition changes,
[22] too, and I think he'll have those tomorrow. I
[23] believe he's sitting right out there.
[24] **MAYOR JENKINS:** You're meeting
[25] Thursday?

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[1] **MR. CRAWFORD:** Yes, sir.
[2] **COUNCILMEMBER ROCHE:** Well, Attorney
[3] Weed, you're going to be at that meeting
[4] Thursday?
[5] **ATTORNEY WEED:** Unfortunately, it's our
[6] annual city attorney conference and I'm a
[7] scheduled speaker, so I was not planning on
[8] attending that meeting.
[9] **COUNCILMEMBER ROCHE:** Can we change the
[10] schedule or something? I mean can we just make
[11] this happen?
[12] **MR. CRAWFORD:** May I say something? We
[13] accommodated the attorney twice, so maybe we
[14] could have somebody from your law firm show up,
[15] sir.
[16] **ATTORNEY WEED:** Absolutely. Or if the
[17] Council prefers, I'll make the Thursday meeting.
[18] **COUNCILMEMBER ROCHE:** We need to make
[19] this happen. We need to get this done.
[20] **COUNCILMEMBER ALEXANDER:** Are you
[21] available?
[22] **COUNCILMEMBER BATES:** Is Ms. Maine
[23] available?
[24] **ATTORNEY WEED:** Certainly. I mean I
[25] can ask.

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[1] Bearing in mind, you know, the local
[2] government sector would ordinarily be at the
[3] conference. And they did accommodate me due to
[4] my wife's surgery, and I appreciate that. Thank
[5] you. So bearing that in mind, I'll make sure
[6] that somebody's there. It'll be either myself
[7] or Ms. Maine.
[8] **COUNCILMEMBER ROCHE:** All right. I'd
[9] like to see if we can't go ahead and schedule
[10] this public hearing and get it on the calendar.
[11] The clock's ticking.
[12] **ATTORNEY WEED:** To clarify, ordinarily
[13] the city attorney doesn't go to the Planning
[14] Commission meetings. I'm glad to go to that
[15] meeting. What they accommodated me for was
[16] training for that group, which I had planned to
[17] do and was unable to attend. I'm happy to go to
[18] that meeting.
[19] But at the end of the day, the hearing
[20] you're talking about will be the actual hearing
[21] before this body, which requires the advertise-
[22] ment. A meeting before the Planning Commission
[23] wouldn't require that advertisement.
[24] **COUNCILMEMBER ROCHE:** I just want to
[25] make sure that when we have our hearing,

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[1] hopefully on the 18th -- and I guess we'll need
[2] a motion to do that -- that we're ready and that
[3] we have something on paper to wave around that's
[4] going to accomplish what it is we've been trying
[5] to accomplish for all this time. And whether
[6] that means you're physically or the attorney is
[7] physically present at that particular meeting or
[8] -- you know.
[9] **ATTORNEY WEED:** There'll be somebody
[10] there. I promise.
[11] **COUNCILMEMBER ROCHE:** Okay.
[12] **MR. CRAWFORD:** That meeting with Murray
[13] was for training purposes.
[14] **COUNCILMEMBER ROCHE:** That's fine.
[15] **MR. CRAWFORD:** That's what the meeting
[16] was about.
[17] **COUNCILMEMBER ROCHE:** I understand.
[18] But we need to get this done, you know, real
[19] soon. And I'm not blaming anybody. I
[20] understand scheduling and all that kind of
[21] stuff, but, still, we just need to get it done.
[22] **MAYOR JENKINS:** October the 18th is
[23] Doraville Days.
[24] **COUNCILMEMBER ROCHE:** No, September.
[25] **COUNCILMEMBER FLEMING:** To answer your

[1] question, Mayor, yes, October 18th is Doraville
 [2] Days, but he's referring to September 18th.
 [3] **COUNCILMEMBER ROCHE:** Yeah, 15 days I
 [4] think is the 17th.
 [5] **COUNCILMEMBER FLEMING:** To address your
 [6] specific situation right now, first of all, a
 [7] 90-day moratorium is the maximum days that we
 [8] have set. That does not mean -- correct me if
 [9] I'm wrong, Mr. Weed -- that we cannot sign off
 [10] on the 90-day moratorium when we have all of our
 [11] ordinances correct.
 [12] **ATTORNEY WEED:** The goal has always
 [13] been not to run it 90 days.
 [14] **COUNCILMEMBER ROCHE:** Right.
 [15] **COUNCILMEMBER FLEMING:** Correct. That
 [16] was the farthest reach out for us was 90 days.
 [17] So it could be a lot sooner than that. We're
 [18] just not sure.
 [19] **COUNCILMEMBER PITTMAN:** We're sorry.
 [20] If you could just be patient, you know, with us,
 [21] we'll get through this probably a lot sooner
 [22] than 90 days.
 [23] **MR. SEELKE:** Okay.
 [24] **COUNCILMEMBER PITTMAN:** And hopefully
 [25] maybe some of the tenants would be willing if

[1] **MAYOR JENKINS:** Murray?
 [2] **ATTORNEY WEED:** Yes, sir.
 [3] **MAYOR JENKINS:** Do we need to pass
 [4] either one of these moratorium ordinances?
 [5] **ATTORNEY WEED:** You've already passed
 [6] the first one, Mr. Mayor, and the second one
 [7] will be 2008-12.
 [8] And as I mentioned at the beginning of
 [9] the evening, the main change between the two
 [10] documents is the language that deals with
 [11] structures that are already permitted; however,
 [12] the internal space had not been building
 [13] inspected. If you adopt this amendment, then
 [14] they will be completely exempt.
 [15] **MAYOR JENKINS:** Okay.
 [16] **COUNCILMEMBER SPANGLER:** And when did
 [17] you give us copies of this?
 [18] **ATTORNEY WEED:** I sent it out by e-mail
 [19] this afternoon.
 [20] **COUNCILMEMBER SPANGLER:** About what
 [21] time?
 [22] **ATTORNEY WEED:** I don't know.
 [23] **COUNCILMEMBER SPANGLER:** Three some-
 [24] thing?
 [25] **ATTORNEY WEED:** Yes, sir, I believe so.

[1] it's possible to come to the -- I can't imagine
 [2] if they really wanted to do business, that they
 [3] would not be willing to do that.
 [4] **MR. SEELKE:** Well, I appreciate you-all
 [5] trying to work with us.
 [6] As a small business person and if I
 [7] just needed office space, I wouldn't be willing
 [8] to be waiting the possibility of 90 days when I
 [9] can go, you know, a mile and get the same
 [10] generic ugly office building right now, and
 [11] that's what we're seeing people do.
 [12] **COUNCILMEMBER SPANGLER:** They don't
 [13] have to wait 90 days right now.
 [14] **MR. SEELKE:** Right, right. And I
 [15] appreciate that.
 [16] **MAYOR JENKINS:** They don't have to wait
 [17] that long to come before the Council.
 [18] **MR. SEELKE:** And I appreciate your help
 [19] with this.
 [20] **MAYOR JENKINS:** When they come up to
 [21] get their business license, they can set up
 [22] the --
 [23] **COUNCILMEMBER ROCHE:** Just need to get
 [24] four of us in a room, basically.
 [25] **MR. SEELKE:** Okay. Thank you.

[1] It was -- it was late in the afternoon.
 [2] But I will say this. They did go out
 [3] late in the day. But just to assure the
 [4] Council, the only substantive change deals with
 [5] that one issue which is the shell buildings with
 [6] the interior space.
 [7] **MAYOR JENKINS:** Very good. Do I get a
 [8] motion?
 [9] **COUNCILMEMBER ALEXANDER:** Do we need to
 [10] waive first reading?
 [11] **ATTORNEY WEED:** Yes, you do.
 [12] **COUNCILMEMBER ALEXANDER:** I make a
 [13] motion we waive the first reading of Ordinance
 [14] Number 2008-12A.
 [15] **COUNCILMEMBER PITTMAN:** Second.
 [16] **MAYOR JENKINS:** Call the roll, please.
 [17] **CLERK BLACKMON:** Councilmember
 [18] Alexander?
 [19] **COUNCILMEMBER ALEXANDER:** Yes.
 [20] **CLERK BLACKMON:** Councilmember Bates?
 [21] **COUNCILMEMBER BATES:** Yes.
 [22] **CLERK BLACKMON:** Councilmember Fleming?
 [23] **COUNCILMEMBER FLEMING:** Yes.
 [24] **CLERK BLACKMON:** Councilmember Pittman?
 [25] **COUNCILMEMBER PITTMAN:** Yes.

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[1] **CLERK BLACKMON:** Councilmember Roche?
 [2] **COUNCILMEMBER ROCHE:** Yes.
 [3] **CLERK BLACKMON:** Councilmember
 [4] Spangler?
 [5] **COUNCILMEMBER SPANGLER:** No, because I
 [6] didn't get it in time to review it, Mr. Weed.
 [7] **ATTORNEY WEED:** Yes, sir. Understood.
 [8] **COUNCILMEMBER SPANGLER:** It was three
 [9] something and I was not home, so I didn't have
 [10] an opportunity.
 [11] **ATTORNEY WEED:** Councilman, I under-
 [12] stand your convictions. Absolutely.
 [13] **MAYOR JENKINS:** Do I get a motion to
 [14] pass -- is it 12A or --
 [15] **COUNCILMEMBER ALEXANDER:** 2008-12A.
 [16] **ATTORNEY WEED:** 12A.
 [17] **MAYOR JENKINS:** 12A.
 [18] **COUNCILMEMBER ALEXANDER:** So moved.
 [19] **MAYOR JENKINS:** Second?
 [20] **COUNCILMEMBER PITTMAN:** Second.
 [21] **MAYOR JENKINS:** Call the roll.
 [22] **CLERK BLACKMON:** Councilmember
 [23] Alexander?
 [24] **COUNCILMEMBER ALEXANDER:** Yes.
 [25] **CLERK BLACKMON:** Councilmember Bates?

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[1] **COUNCILMEMBER BATES:** Yes.
 [2] **CLERK BLACKMON:** Councilmember Fleming?
 [3] **COUNCILMEMBER FLEMING:** Yes.
 [4] **CLERK BLACKMON:** Councilmember Pittman?
 [5] **COUNCILMEMBER PITTMAN:** Yes.
 [6] **CLERK BLACKMON:** Councilmember Roche?
 [7] **COUNCILMEMBER ROCHE:** Yes.
 [8] **CLERK BLACKMON:** Councilmember
 [9] Spangler?
 [10] **COUNCILMEMBER SPANGLER:** I'll say no
 [11] again.
 [12] **MAYOR JENKINS:** Okay.
 [13] **COUNCILMEMBER ROCHE:** Now can I make a
 [14] motion to go ahead and schedule the public
 [15] hearing on the zoning ordinance changes on
 [16] September 18th?
 [17] **ATTORNEY WEED:** You don't have to make
 [18] that as a motion. You can, Councilman, but --
 [19] **COUNCILMEMBER ROCHE:** I don't know if
 [20] we -- I just want it to happen, so. Thank you.
 [21] **COUNCILMEMBER ALEXANDER:** And we're
 [22] going to cover multiple items in that hearing?
 [23] **ATTORNEY WEED:** Right. There'll be
 [24] maybe 7 to 8 ordinances.
 [25] **MAYOR JENKINS:** You say that's

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[1] September the 18th.
 [2] **COUNCILMEMBER ROCHE:** Right.
 [3] **CLERK BLACKMON:** What time?
 [4] **MAYOR JENKINS:** What day of the week is
 [5] that?
 [6] **COUNCILMEMBER ROCHE:** That's a
 [7] Thursday.
 [8] **MAYOR JENKINS:** The time?
 [9] **COUNCILMEMBER ROCHE:** Six?
 [10] **MAYOR JENKINS:** 5:30?
 [11] **COUNCILMEMBER PITTMAN:** Six is better.
 [12] **MAYOR JENKINS:** Six o'clock.
 [13] **COUNCILMEMBER ROCHE:** And the hope is
 [14] that we can end that meeting by calling off this
 [15] moratorium.
 [16] **MAYOR JENKINS:** I hope so.
 [17] **MR. CRAWFORD:** Mayor, Mr. Weed is
 [18] actually correct. He and I did discuss him
 [19] going to the function he had to go to. I told
 [20] Mr. Weed I didn't care. He said he could have
 [21] somebody else from his law firm present. I
 [22] declined.
 [23] There was no reason for Mr. Weed to be
 [24] at our next meeting. That was a mutual under-
 [25] standing between the two of us. So if Mr. Weed

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[1] is going to be there, it's because City Council
 [2] wants him.
 [3] **MAYOR JENKINS:** Okay. Stuart?
 [4] **MR. ANDERSON:** If you're going to have
 [5] zoning public hearings on September 18th, I ask
 [6] you to advertise for public hearings for the
 [7] Planning Commission previous to that, I guess.
 [8] I don't know how you're going to get that all
 [9] in.
 [10] You have the Planning Commission as an
 [11] authorized member, and they're supposed to have
 [12] meetings and they need to have public meetings,
 [13] public hearings on the zoning so that you can
 [14] have your public hearing on the zoning on the
 [15] 18th.
 [16] **MAYOR JENKINS:** I don't really
 [17] understand what you're saying, sir.
 [18] **MR. ANDERSON:** You're setting up so
 [19] you're going to have a Public Hearing, in caps,
 [20] so that you can decide on zoning, on the 18th.
 [21] **MAYOR JENKINS:** Yes, sir.
 [22] **MR. ANDERSON:** The Planning Commission
 [23] is also -- is an authorized member. If you're
 [24] going to have them have public hearings, you
 [25] need to advertise their public hearing in a

[1] timely manner ahead of your hearing.
 [2] **MR. CRAWFORD:** Stuart, what you mean by
 [3] this is that we should delve into the -- with
 [4] the community, delve into the zoning rewrite
 [5] prior to the public hearing that City Council is
 [6] going to have?
 [7] **MR. ANDERSON:** If they're going to have
 [8] a hearing on it, 06-21 mandates that you have a
 [9] hearing on it.
 [10] **MR. CRAWFORD:** Sure. That's fine with
 [11] us. We'll try to have a couple meetings before
 [12] that.
 [13] **MR. ANDERSON:** That's why it's close.
 [14] **MR. CRAWFORD:** So maybe September
 [15] should be moved to October.
 [16] **ATTORNEY WEED:** If I may, not to
 [17] belabor this, your current zoning ordinance does
 [18] not require an actual hearing before the
 [19] Planning Commission.
 [20] You created a Planning Commission by
 [21] Section 240. I'm with Mr. Anderson. If you
 [22] created it, you ought to use it.
 [23] The Zoning Procedures Act, 36-66-4 of
 [24] the O.C.G.A., the only requirement is that there
 [25] be an advertisement for the actual meeting where

[1] And you can either advertise to have a public
 [2] hearing before them, which would be nonbinding,
 [3] of course, and many communities do it that way.
 [4] But if you do that and run that ad, you're
 [5] probably going to have to push back your meeting
 [6] from September the 18th because Rhonda -- and
 [7] she's nodding -- is not going to have time to
 [8] run ads for both meetings to give 15 days for
 [9] both time frames unless the Planning Commission
 [10] wanted to meet, you know, the same day that you
 [11] met, which they could do that, too, or you could
 [12] push your meeting back.
 [13] **COUNCILMEMBER ROCHE:** I'm good with
 [14] that. I don't care. I just find that a
 [15] deadline helps to focus the mind, you know.
 [16] **MAYOR JENKINS:** Okay. Is that all we
 [17] need to do on that?
 [18] **COUNCILMEMBER BATES:** Well, the
 [19] question to this body is do we want the Planning
 [20] Commission to review and comment and hold
 [21] hearings on the proposed zoning changes that are
 [22] going to be presented by the attorney or are we
 [23] going to use the 18th or whatever date as the
 [24] first and only hearing on those proposed zoning
 [25] changes?

[1] final action is to be taken, and the only people
 [2] who can do that are you.
 [3] So if you still want to make the 18th,
 [4] Rhonda -- and I'm all about the advertising.
 [5] I'm fine with that. But Rhonda's going to have
 [6] a really tough time making both those ads
 [7] happen, and she doesn't think it's possible.
 [8] So we need for you to set back your
 [9] meeting to allow the other advertisement to go
 [10] through, so I just wanted to caution you about
 [11] that.
 [12] **COUNCILMEMBER ROCHE:** So you're saying
 [13] that we're required to have another meeting with
 [14] the zoning ordinance -- I mean, sorry -- the
 [15] Planning Commission?
 [16] **ATTORNEY WEED:** No, sir. I'm sorry.
 [17] There's only one meeting really
 [18] required --
 [19] **COUNCILMEMBER ROCHE:** Right.
 [20] **ATTORNEY WEED:** -- which is the meeting
 [21] with the Mayor and Council. That's the meeting
 [22] the statute addresses as far as getting
 [23] something passed into law.
 [24] You have built into your ordinances a
 [25] planning commission like many communities do.

[1] **COUNCILMEMBER ROCHE:** Well, I mean it's
 [2] not like we're passing a complete new zoning
 [3] ordinance. I mean it's just one section of one
 [4] zone.
 [5] **ATTORNEY WEED:** Well --
 [6] **COUNCILMEMBER ROCHE:** I understand that
 [7] that's a lot easier said than done.
 [8] But on the other hand, I know that
 [9] there's at least two or three documents floating
 [10] around of potential ways to do that. And maybe
 [11] it's just -- and I guess I'm frustrated because
 [12] I wanted to see this happen weeks ago.
 [13] **ATTORNEY WEED:** Let me throw this out.
 [14] I mean what I had in mind was more expansive.
 [15] As all of you know, I've prepared a number of
 [16] ordinances which we just haven't had time to put
 [17] before the Council yet --
 [18] **COUNCILMEMBER ROCHE:** Right.
 [19] **ATTORNEY WEED:** -- because of the way
 [20] the structure of the government's run. Those
 [21] ordinances are prepared and would be ordinarily
 [22] given to the Planning Commission first for them
 [23] to review and comment on, and then they'd go
 [24] back -- changes might be made or not made, and
 [25] they'd go back before the Council.

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[1] So if you want to focus on the one
[2] issue of the M1/M2 zone or M2P and those issues,
[3] then, you know, that's fine. But you're still
[4] going to have the same issue with the Planning
[5] Commission if you run an ad with them. They're
[6] either going to have to meet on the same day as
[7] the Council or the Council meeting will have to
[8] go further back in time.
[9] **COUNCILMEMBER ROCHE:** I just think
[10] that, you know, as this gentleman said and as a
[11] lot of other people have said -- and I don't
[12] mean to belabor the point either -- but you
[13] know, everything's basically at a standstill
[14] here in Doraville, and the sooner that we get
[15] this resolved, the better. And I think that the
[16] businesses and citizens of Doraville --
[17] You know, right now, it's hard enough
[18] getting anybody to go anywhere and do anything
[19] that's going to generate revenue for the city.
[20] So are you saying that we could bypass
[21] the Planning Commission?
[22] **ATTORNEY WEED:** I'm not suggesting
[23] bypass them. I'm just suggesting you don't run
[24] an ad for that meeting. And there'll be the
[25] ordinary announcement for it --

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[1] **COUNCILMEMBER ROCHE:** Right.
[2] **ATTORNEY WEED:** -- you know, but not
[3] run a formal ad that would be ZPA compliant
[4] because in my opinion that isn't required by the
[5] law.
[6] **COUNCILMEMBER ROCHE:** When is your next
[7] meeting scheduled?
[8] **MR. CRAWFORD:** Thursday.
[9] **MAYOR JENKINS:** Thursday night.
[10] **MR. CRAWFORD:** But what I was going to
[11] suggest is for us to have some meetings where we
[12] could deal with all the zoning, period, because
[13] there's definitely some work that needs to be
[14] done on the definitions which we came across,
[15] which was what I turned in to the City Council
[16] for tonight's meeting. And there are other
[17] people that have been -- in the community that
[18] have been involved in that.
[19] And I think a more realistic date
[20] instead of September 18th, because you have a
[21] 90-day moratorium anyway, would maybe be looking
[22] at mid October or the end of October so you
[23] don't -- so what you don't do is you don't come
[24] back and have something that's not workable for
[25] the city.

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[1] I mean I know we've been working on
[2] this thing a long time. But maybe we got a
[3] chance to get it right and we should just go
[4] ahead about doing it.
[5] And to answer your questions, we could
[6] have a couple of meetings.
[7] **COUNCILMEMBER ROCHE:** Right. I just
[8] want to stop turning away businesses from
[9] Doraville.
[10] **COUNCILMEMBER ALEXANDER:** I don't know
[11] that 90 days would be enough time --
[12] **COUNCILMEMBER ROCHE:** No.
[13] **COUNCILMEMBER ALEXANDER:** -- to
[14] accomplish the task.
[15] **COUNCILMEMBER ROCHE:** I agree.
[16] **COUNCILMEMBER ALEXANDER:** And I think
[17] we want to accomplish multiple tasks as we
[18] discussed the other night regarding businesses
[19] going in over there that are not necessarily
[20] palatable, more businesses going in on Buford
[21] Highway that we don't necessarily agree upon.
[22] We do need to get the zoning ordinance
[23] put to bed. But I think we need to try to focus
[24] on these particular tasks at hand right now that
[25] we want to accomplish including the official map

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[1] and various things of that that need to be
[2] handled right away.
[3] **COUNCILMEMBER ROCHE:** I have a
[4] question. Do we have a city planner? Did he
[5] accept our offer?
[6] **CLERK BLACKMON:** Yes, he did. He
[7] begins on September 15th.
[8] **COUNCILMEMBER ROCHE:** Okay. Do you
[9] want to start him earlier?
[10] **CLERK BLACKMON:** He was going out of
[11] town.
[12] **MAYOR JENKINS:** Okay. Is that all on
[13] that?
[14] Okay. Status on the sidewalk. We
[15] talked about this at the work session so we
[16] don't need any more discussion other than that's
[17] not over. But we're going to hold off on that
[18] until we get some of our finances straightened
[19] out.
[20] Inspection Services Assistant, Dekalb
[21] County or third party. We decided to use John
[22] Calcaterra, and he's dropped his prices down,
[23] until we get an inspector. And he's doing a
[24] good job, and he's doing it faster than Dekalb
[25] County and a lot cheaper. So I believe we said

[1] that was all right at the last -- on the work
 [2] session.
 [3] **COUNCILMEMBER PITTMAN:** Rhonda, did he
 [4] provide the information that we requested?
 [5] **CLERK BLACKMON:** All I have is his
 [6] application. I do not have his completed
 [7] certificate. I will ask him again tomorrow.
 [8] **MAYOR JENKINS:** Yeah. He gave me his
 [9] paperwork today. I don't have it with me,
 [10] though. He gave me all the paperwork that he's
 [11] -- it should be straightened out within a few
 [12] days, really.
 [13] That was your -- answered your
 [14] question?
 [15] **COUNCILMEMBER PITTMAN:** Uh-huh.
 [16] **MAYOR JENKINS:** Okay. John?
 [17] **CHIEF KING:** Mayor and members of the
 [18] Council, last year I provided this report but I
 [19] did it during the chief's comments (presenting).
 [20] And getting the comments from our auditor, we
 [21] needed to be officially on the agenda and then
 [22] basically present our report for our asset
 [23] forfeiture so I can comply with Federal law and
 [24] State law.
 [25] And this is the official one with the

[1] the same report is being forwarded both to the
 [2] U.S. Attorney's office and to the District
 [3] Attorney of Dekalb County since they're the
 [4] governing bodies in addition to you-all.
 [5] **COUNCILMEMBER FLEMING:** This is your
 [6] year-end report, not your budget necessarily?
 [7] **CHIEF KING:** That is correct. It is
 [8] the budget for last year's expenditures, ma'am.
 [9] **COUNCILMEMBER FLEMING:** Okay.
 [10] **CHIEF KING:** It's very difficult, and
 [11] the U.S. Attorney's office does not recommend
 [12] that you budget money that you potentially don't
 [13] have. You see what I'm saying?
 [14] More cases will be made during the rest
 [15] of the year. The money will be coming in or
 [16] maybe the money won't come in. But you can't
 [17] budget something that -- you know, have an
 [18] expectation that you're going to receive certain
 [19] amounts.
 [20] The plans -- I've covered this with
 [21] some of you-all. Some of the plans that we are
 [22] looking at using is updating our 911 system so
 [23] it has the interface between our 911 and our
 [24] laptop computers in our patrol cars.
 [25] The State budget has curtailed a lot of

[1] fancy cover (presenting).
 [2] This report is required by the State --
 [3] well, actually, not by the State, but by the
 [4] State and Federal and Department of Justice.
 [5] And basically this outlines our equitable
 [6] sharing agreement and the auditing of those two
 [7] funds, both the State asset forfeiture and the
 [8] Federal asset forfeiture.
 [9] In addition, we put a detail report of
 [10] what those expenditures so we could comply with
 [11] the auditor's categories for city budget audit.
 [12] Basically the requirement is that I
 [13] provide you a report. I've done this every
 [14] year, but now it's a more formal process. We go
 [15] on the agenda. This is our 2007-2008 asset
 [16] forfeiture report.
 [17] The auditor -- it is not required by
 [18] Federal law, but the auditor has asked that it
 [19] be presented before the Council and a motion
 [20] basically be presented, so, an acceptance of the
 [21] report. Basically that's what you're doing;
 [22] you're accepting my report.
 [23] And I can answer questions now or I can
 [24] answer any questions you may have at the work
 [25] session if you have any as you review this. And

[1] the crime lab activity. So what we're doing is
 [2] we're building an evidence processing, a small -
 [3] - although right now I think it's caught up in
 [4] the moratorium too. We're in the process of
 [5] building an evidence processing facility, a
 [6] small room where the dog kennels are, so we can
 [7] process our own evidence for fingerprints and
 [8] try to develop instead of sending it out to the
 [9] crime lab because it's all being basically put
 [10] back on -- the crime lab is not processing the
 [11] evidence because of the budget cut in the state.
 [12] And we're also looking at buying some
 [13] of the -- we're trying to look at a couple of --
 [14] I presented this to the CPA, a couple of the
 [15] ideas that we kicked around, some of the things
 [16] that we're trying to purchase to enhance the
 [17] capabilities of the Police Department.
 [18] But the big ticket items is the
 [19] interface between our 911 CAD center and our
 [20] laptop computers so when a police officer
 [21] reports a report in their laptop, it auto-
 [22] matically goes into our records management
 [23] software. That's a big ticket item, and that's
 [24] probably going to be over \$100,000 to get that.
 [25] And that is some of the targets that

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[1] we're trying to use asset forfeiture to improve
[2] our facilities.
[3] **MAYOR JENKINS:** Any questions?
[4] **COUNCILMEMBER SPANGLER:** What you just
[5] said, Chief, was that this is a budget report.
[6] So you don't have -- according to the auditor, I
[7] think I read something where this had to be done
[8] before -- you should have had a budget for this
[9] before the end of the year?
[10] **CHIEF KING:** No, sir. I have to
[11] provide a budget of how the expenditures were
[12] used and the categories that the money was used.
[13] **COUNCILMEMBER SPANGLER:** So it's after
[14] the fact.
[15] **CHIEF KING:** That's correct. Because
[16] if you start planning how you're going to spend
[17] the money and you don't have the money, there's
[18] some ethical issues that you get. And the
[19] Department of Justice won't allow us to do that
[20] because then we're projecting that we're going
[21] to seize monies that, if we don't have, we -- we
[22] get into -- we get into trouble.
[23] **COUNCILMEMBER ROCHE:** I'd like to look
[24] at this until next time if that's possible,
[25] because this was just handed to us.

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[1] **COUNCILMEMBER SPANGLER:** I think he
[2] said, Mr. Roche, that he would answer any
[3] questions we might have at the work session.
[4] **CHIEF KING:** Yes, absolutely.
[5] **COUNCILMEMBER ROCHE:** That's fine.
[6] **CHIEF KING:** The only thing that I'm
[7] asking is a receipt of the report. That's what
[8] I'm required is to provide you a report. And
[9] basically what I'm asking is for an
[10] acknowledgment that the Council has received
[11] this report.
[12] If you have questions, clearly I'll be
[13] happy to answer any of those questions not just
[14] now but throughout the rest of the fiscal year.
[15] **COUNCILMEMBER SPANGLER:** Why would you
[16] have to have a receipt that we received it?
[17] Everybody has seen us get it.
[18] **CHIEF KING:** Because in the last year,
[19] sir, the auditor could not look at the minutes
[20] and find where I submitted the report. We
[21] submitted the report because there's a record
[22] that it was submitted, but it was submitted
[23] during the chief's comments. So there was not
[24] an actual time stamp that a report was submitted
[25] to the governing authority.

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[1] **COUNCILMEMBER SPANGLER:** So what you're
[2] asking us to do is acknowledge that we received
[3] it --
[4] **CHIEF KING:** Yes.
[5] **COUNCILMEMBER SPANGLER:** -- but not
[6] that we agree.
[7] **CHIEF KING:** Well, the code section
[8] does not require you to agree. This is a report
[9] of how I spent the monies.
[10] The person that agrees is the U.S.
[11] Attorney's office, because if I'm in violation,
[12] the U.S. Attorney is the one that will come and
[13] put me in cuffs. That is what the code section
[14] states.
[15] **COUNCILMEMBER BATES:** So this report,
[16] just to be very clear, is informational only for
[17] the Council on how the monies were actually
[18] spent in the '07/'08 year --
[19] **CHIEF KING:** That is correct.
[20] **COUNCILMEMBER BATES:** -- because based
[21] on law, we don't have any control over this
[22] account. We can't tell you how to spend it. We
[23] can't tell you how not to spend it. This is an
[24] informational-only report.
[25] **CHIEF KING:** That's correct.

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[1] **COUNCILMEMBER SPANGLER:** And this is
[2] information that we should be getting every
[3] year.
[4] **CHIEF KING:** Every year, sir.
[5] And because of the auditor's comments,
[6] we wanted to make it an official, time-stamped
[7] agenda item so there will be a clear record that
[8] from years to follow there will be no doubt that
[9] the chief came and provided this report.
[10] I've done it every year I've been
[11] chief. I did it under chief's comments, and
[12] there was not a time record, not a time stamp.
[13] And that's what we're trying to -- we're trying
[14] to satisfy the auditors.
[15] **COUNCILMEMBER BATES:** So received by
[16] me.
[17] **CHIEF KING:** This doesn't preclude you
[18] from asking any questions or making any comments
[19] as to the use of the asset forfeiture.
[20] And I put some references there that
[21] you can look at for any additional information
[22] that you might have about what we use. We put a
[23] detail --
[24] Mr. Roche, you asked me before if I
[25] could put a detail report, and I added that, to

[1] outline exactly what each one of the purchases
[2] were used. Normally, that has not been part of
[3] the official presentation, but we added that for
[4] this occasion to make sure that there's absolute
[5] clarity where those monies were used.

[6] And again, this report also goes to the
[7] U.S. Attorney's office and it also goes to Gwen
[8] Keyes Fleming for her review because she governs
[9] State asset forfeiture -- the District Attorney
[10] of Dekalb County.

[11] **COUNCILMEMBER PITTMAN:** I acknowledge I
[12] received mine.

[13] **COUNCILMEMBER ROCHE:** Yeah, I got a
[14] copy.

[15] **CHIEF KING:** It probably needs to be in
[16] the form of a motion.

[17] **COUNCILMEMBER FLEMING:** I make a motion
[18] to accept the document, the asset forfeiture
[19] budget and report for fiscal year 2007/2008 for
[20] the City of Doraville Police Department, for
[21] review at the work session.

[22] **COUNCILMEMBER SPANGLER:** Second.

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

[24] **COUNCILMEMBER BATES:** Hold on. For
[25] review? Because we can't -- all we can do is

[1] receipt.

[2] **COUNCILMEMBER FLEMING:** But I threw in
[3] the review.

[4] May I state the motion again, please.

[5] I make a motion to accept receipt of the budget
[6] and -- the budget and report of the asset
[7] forfeiture funds for the City of Doraville
[8] Police Department.

[9] **COUNCILMEMBER BATES:** And I'll second
[10] that.

[11] **MAYOR JENKINS:** Call the roll.

[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] comment on it, so.

[2] **COUNCILMEMBER SPANGLER:** We can ask
[3] questions is what Mr. King just said.

[4] **COUNCILMEMBER BATES:** Right. But the
[5] document is the document. It's not going to
[6] change.

[7] **COUNCILMEMBER SPANGLER:** It may not
[8] change, but I think there are some questions the
[9] Chief is in agreement to answering if anybody
[10] has any.

[11] And a review, this two weeks -- I think
[12] what the Chief is doing is giving us two weeks
[13] to review it and then ask questions.

[14] **CHIEF KING:** Well, you can ask
[15] questions at any time, sir, but you won't be
[16] able to vote on it at the --

[17] **COUNCILMEMBER SPANGLER:** No. We don't
[18] have anything at all to do with this; correct?

[19] **CHIEF KING:** All you basically are
[20] voting -- you will be voting that you received
[21] it and accepted the receipt.

[22] **COUNCILMEMBER SPANGLER:** That is the
[23] motion Ms. Fleming just made was the motion to
[24] accept.

[25] **COUNCILMEMBER ROCHE:** Or acknowledge

[1] **CHIEF KING:** Thank you very much.

[2] Just the highlights, we provided -- and
[3] I want to make sure, because I listened to the
[4] City Clerk the last time where we our plan --
[5] and please correct me if I'm wrong. Our plan is
[6] to provide the statistics, the reports that you-
[7] all have requested at the work session. That
[8] way, you have time to digest it and discuss it
[9] and then we actually formally present them
[10] during the voting. Because the motion was made
[11] I think last work session, and I want to make
[12] sure that we get our timing right. Is that
[13] accurate?

[14] I want to make sure that I've got that
[15] right, because today we just -- well, what I did
[16] is I gave a bunch of reports to the City Clerk,
[17] but my intent is to give the same reports to the
[18] work session. And basically our report will be
[19] as of the last day of the previous month. I
[20] want to make sure that I'm tracking with what
[21] the City Council wants.

[22] I know you made your motion, and I want
[23] to make sure I did it right.

[24] **COUNCILMEMBER FLEMING:** I think our
[25] intent -- correct me if I'm wrong -- was that we

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[1] were to receive them at the work session --
[2] **CLERK BLACKMON:** Right.
[3] **COUNCILMEMBER FLEMING:** -- not receive
[4] them at the first meeting, because you should --
[5] the department head, it was the Council's plan
[6] -- the Mayor and Council's plan for all the
[7] department heads to review with the Mayor during
[8] that first 15 or 20 days of the month the
[9] progress of their department.
[10] **CHIEF KING:** I just want to make sure
[11] that we get the information at the right time to
[12] the City Clerk and not flood her, like today we
[13] flooded her with a bunch of reports.
[14] **CLERK BLACKMON:** Right, and I'm holding
[15] those --
[16] **CHIEF KING:** Yes.
[17] **CLERK BLACKMON:** -- till the 15th.
[18] **CHIEF KING:** So basically -- but the
[19] report will be as of the last day --
[20] **CLERK BLACKMON:** Of the previous month.
[21] **CHIEF KING:** -- of the previous month.
[22] I want to make sure that --
[23] **CLERK BLACKMON:** Absolutely.
[24] **CHIEF KING:** So we were generating
[25] that. Okay.

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[1] Just to give you-all highlights,
[2] basically, this will be the last issue that I
[3] bring unless any of the members of the Council
[4] have some questions.
[5] We had an unusual occurrence on last
[6] Sunday in the 3300 block of Hickory Wood. At
[7] about 4 o'clock in the morning, individuals came
[8] armed with a shotgun and shot at the house three
[9] times.
[10] In the process of our investigation, we
[11] discovered that we had eyewitnesses that watched
[12] the whole event, that never called the police,
[13] and a lot of the reason, because they're
[14] intimidated.
[15] And basically what we discovered
[16] through our investigation -- our investigators
[17] worked on this over the weekend -- is the
[18] members of the 18th Street Gang basically trying
[19] to intimidate an individual that lives in the
[20] neighborhood by basically shooting up his house.
[21] Our investigators were able to put the true
[22] perpetrators in custody and secure the shotgun
[23] that was used in the attack.
[24] But throughout our investigation, it's
[25] shown that basically this particular gang, we've

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[1] been worried about because there's not a lot of
[2] information available on the 18th Street.
[3] La Raza and all these other startup groups have
[4] a certain level of violence and attempt to avoid
[5] the city of Doraville because of the high
[6] profile of our police. This group is a lot more
[7] organized, a lot more violent, and the fact is
[8] they went and shot up a house just to intimidate
[9] somebody.
[10] The persons are in custody, but our
[11] investigation continues. Please, with your
[12] contacts with the community, please tell the
[13] people, even if they are scared, to call us and
[14] just leave an anonymous message if need be
[15] because we need everybody's help to be able to
[16] get these kind of crimes reported. Because
[17] without the community help, without the good
[18] description we got from this person, we would
[19] have been in rough shape trying to discover.
[20] These individuals who did this do not
[21] live in Doraville. They live in Norcross and
[22] they live in Gwinnett County but they came down
[23] to Doraville to try to intimidate this
[24] individual.
[25] Our robberies are dropping down

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[1] slightly but mostly are concentrated in the
[2] southern part of the city. The Shallowford Road
[3] apartment complex area tends to be the hot spot
[4] right now.
[5] And our auto entries, basically people
[6] breaking into a car to steal stuff, 20 occur-
[7] rences in one month. It is dropping slightly
[8] but it's still entirely too high and it's just a
[9] lot of people just leaving their bags in open
[10] view. So if you can please -- as you talk to
[11] citizens' groups, please reinforce to cover up
[12] the stuff that they leave in the cars and just
[13] to be alert and call us.
[14] Even if they don't know for sure
[15] something bad has happened, a lot of times it's
[16] just really important that we get a report,
[17] because this person witnessed the whole event
[18] and never called the police until we went and
[19] knocked on her door and actually got a statement
[20] from her.
[21] Pending any other questions from
[22] members of the Council, that concludes my
[23] report.
[24] **MAYOR JENKINS:** Thank you, John.
[25] Budget review, Priscilla. Priscilla's

[1] got all the paperwork, so we'll let her come up
 [2] with this. This is the '07 and '08 budget
 [3] review, not '09. This is strictly --
 [4] **MS. MURPHY:** That's right.
 [5] **MAYOR JENKINS:** -- '07 and '08.
 [6] **MS. MURPHY:** '07 and '08. It just
 [7] ended June 30th, '08.
 [8] **MAYOR JENKINS:** And this should catch
 [9] us up for last year on our being in the red or
 [10] whatever.
 [11] **MS. MURPHY:** If you will look at this
 [12] report, it has just the three columns on front,
 [13] the revised budget and proposed budget revisions
 [14] and then the revised budget. Last month, you
 [15] made some budget changes already. And what
 [16] we're asking for tonight is to basically break
 [17] out things into the different funds -- the
 [18] sanitation fund, the tree bank fund, E-911 fund
 [19] -- to separate them out so it can be more
 [20] clearly defined as to what funds each fund
 [21] balance is doing and make sure that we know how
 [22] we're doing in the general fund versus other
 [23] funds.
 [24] So mainly the big changes are to move
 [25] out sanitation, hotel/motel tax, E-911 revenue,

[1] the wall between the swimming pool and the
 [2] Police Department, so that's the reason for that
 [3] budget revision.
 [4] And we received additional legal bills.
 [5] That's on page 21. That's the increase for
 [6] that.
 [7] But most of them are just simply moving
 [8] out of one place where they were all together
 [9] into their own separate funds, and all the funds
 [10] are listed on page 27 through 32, the rest of
 [11] the funds -- hotel/motel, solid waste,
 [12] stormwater and the tree bank fund and the E-911.
 [13] So most of it is just moving things
 [14] from, to make it more clearly defined and
 [15] separated, into the different funds. So it
 [16] looks like a lot of changes, but basically they
 [17] were already in the budget and we were moving
 [18] them to another fund -- most of them are.
 [19] **COUNCILMEMBER ROCHE:** In the legal
 [20] funds -- and I'm looking at the 6/30, the legal
 [21] expenditures, and I'm showing for outside legal
 [22] expenses it was \$99,964 which was over their
 [23] budget of \$98,500. And I'm looking at the
 [24] document we had from the last time we got copies
 [25] of the document.

[1] the stormwater, and the tree bank out.
 [2] There was a just a couple of -- the
 [3] middle column is the revisions that we're trying
 [4] to get approved. There's just a couple areas
 [5] that we received more --
 [6] And you can tell, like on page 7 when
 [7] we moved out everything of the E-911 expendi-
 [8] tures, that's because of putting it in the
 [9] separate fund. That is on page 31 where it
 [10] shows as revenues and the transfer from the
 [11] general fund and the expenditures. So the
 [12] middle column is where we're moving it from or
 [13] asking for more.
 [14] The only ones that we're asking for
 [15] more is a little bit more on page 11 for the
 [16] general government. Mainly that's transfers to
 [17] other funds because we fall short in the solid
 [18] waste fund and we fall short in the E-911 fund.
 [19] And just a little bit of budget
 [20] corrections for increases where we fell short in
 [21] that department. And there was -- most of the
 [22] departments had no change because we adjusted
 [23] them last month.
 [24] And on page 20, under parks, we did
 [25] receive the bill for the study of the back wall,

[1] **MS. MURPHY:** Uh-huh.
 [2] **COUNCILMEMBER ROCHE:** And now the same
 [3] outside legal services for last year we're
 [4] showing as \$93,500. I'm not sure I understand.
 [5] It looks like it was originally budgeted at
 [6] \$98,500.
 [7] **MS. MURPHY:** And you're on page 19 --
 [8] **COUNCILMEMBER ROCHE:** Okay.
 [9] **MS. MURPHY:** -- of the other report?
 [10] **COUNCILMEMBER ROCHE:** Yes; 19 of 28,
 [11] draft number three. This is where we made the
 [12] adjustment out of savings for five --
 [13] **MS. MURPHY:** Right.
 [14] **COUNCILMEMBER ROCHE:** No, wait a
 [15] minute. Sorry. I got too many copies here.
 [16] **MS. MURPHY:** What I've done is on this
 [17] report, draft number three, is assuming that you
 [18] will accept our budget revisions. The budget
 [19] was \$93,500. That new -- that third column on
 [20] page 19 is assuming that you're going to
 [21] increase the budget to ninety-eight/five.
 [22] **COUNCILMEMBER FLEMING:** And the outside
 [23] legal services is GIRMA?
 [24] **MS. MURPHY:** Yes, it was the GIRMA
 [25] attorney.

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[1] **COUNCILMEMBER ROCHE:** So altogether
[2] last year, it was just under a hundred thousand
[3] in GIRMA legal fees.
[4] **MS. MURPHY:** Well, GIRMA, and we had
[5] another lawsuit that an outside attorney worked
[6] on, General Motors lawsuit.
[7] **COUNCILMEMBER ROCHE:** Okay.
[8] **COUNCILMEMBER FLEMING:** Are we having
[9] to take additional funds out of savings --
[10] **MS. MURPHY:** Yes.
[11] **COUNCILMEMBER FLEMING:** -- based on
[12] your report?
[13] **MS. MURPHY:** Yes. I think the last
[14] time we come before you, the amount possibly
[15] coming out of savings was close to \$450,000.
[16] **COUNCILMEMBER SPANGLER:** I thought it
[17] was five hundred and forty-four.
[18] **COUNCILMEMBER FLEMING:** No, it wasn't.
[19] **MS. MURPHY:** Oh. Five hundred and
[20] forty-five, and now it's just \$136,000 more.
[21] **COUNCILMEMBER SPANGLER:** And what do we
[22] attribute this \$136,000 more to?
[23] **MS. MURPHY:** Well, mainly when we moved
[24] -- we separated the funds, the funds that were
[25] making money such as the stormwater fund was

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[1] making it look like that the general fund was --
[2] that we had more income than we did. So this is
[3] the money that needs to come out of savings to
[4] balance the general fund. So basically we're
[5] not using any profit from our other funds to
[6] cover our general fund.
[7] **COUNCILMEMBER BATES:** And that's
[8] because those funds are restricted funds --
[9] **MS. MURPHY:** Right.
[10] **COUNCILMEMBER BATES:** -- that can only
[11] be used for those particular items.
[12] **MS. MURPHY:** That's right.
[13] **COUNCILMEMBER BATES:** So the stormwater
[14] money that came in can only be used for
[15] stormwater funds. That's a --
[16] **MS. MURPHY:** That's right.
[17] **COUNCILMEMBER BATES:** -- use-it-or-
[18] lose-it. Same with hotel/motel, E-911,
[19] sanitation.
[20] **MS. MURPHY:** That's right.
[21] **COUNCILMEMBER BATES:** So previously we
[22] were showing all the revenues under one lump sum
[23] which inflated the revenue side.
[24] **MS. MURPHY:** Yes.
[25] **COUNCILMEMBER BATES:** And now by

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[1] breaking out the funds and recording them or
[2] showing them based upon the specific uses, we're
[3] showing an additional deficit in general
[4] operations --
[5] **MS. MURPHY:** That's right.
[6] **COUNCILMEMBER BATES:** -- that was being
[7] offset by using restricted funds.
[8] Everybody follow that?
[9] **COUNCILMEMBER ROCHE:** Well, that, I
[10] got. But we're still out -- but we're saying
[11] now that we need to pull more money out of
[12] savings.
[13] **MS. MURPHY:** Right.
[14] **COUNCILMEMBER SPANGLER:** \$136,000 more
[15] ?
[16] **COUNCILMEMBER ROCHE:** \$136,000
[17] additionally out of savings.
[18] **MS. MURPHY:** Well, yes.
[19] **COUNCILMEMBER ROCHE:** I mean because
[20] the money is there but it's just been moved from
[21] one --
[22] **MS. MURPHY:** Right. The money's there
[23] in the other funds, but technically to balance
[24] the general fund, \$136,000 more out of savings.
[25] **COUNCILMEMBER BATES:** As an example, I
can give you a perfect example. In the draft

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[1] two budget, we pulled the \$99,000 that was out
[2] of the tree bank fund and put it in the revenue
[3] side. It had never been shown before.
[4] **MS. MURPHY:** Right.
[5] **COUNCILMEMBER BATES:** We pulled that
[6] money out of the tree bank fund and added it to
[7] the revenue side so that we could offset the
[8] expenditures that happened in the general fund.
[9] **MS. MURPHY:** Right.
[10] **COUNCILMEMBER BATES:** Now we're pulling
[11] that tree bank money back out of the general
[12] revenue side, showing it as a restricted fund
[13] that's only for trees --
[14] **MS. MURPHY:** Right.
[15] **COUNCILMEMBER BATES:** -- which then
[16] created a \$99,000 deficit on the general fund
[17] operations.
[18] **MS. MURPHY:** That's right.
[19] **COUNCILMEMBER BATES:** It's a social
[20] security lockbox.
[21] **MR. CRAWFORD:** Well, you take it and
[22] you never pay it back.
[23] **COUNCILMEMBER BATES:** Right. And this
[24] is making sure we don't take it.
[25] **MS. MURPHY:** Right.

[1] **COUNCILMEMBER ROCHE:** So how much of
[2] the \$136,000, I think was Mr. Spangler's
[3] question -- how much of that was attributable to
[4] the funds transfers versus just additional
[5] invoices that came in since?

[6] **MS. MURPHY:** Well, just the tree bank
[7] alone was ninety --

[8] **COUNCILMEMBER BATES:** Ninety-nine.

[9] **MS. MURPHY:** -- nine thousand of it.
[10] So there wasn't -- since last month when we come
[11] before you, there has only been more legal bills
[12] and the study on the wall was the main two that
[13] we've gotten since then.

[14] **COUNCILMEMBER SPANGLER:** And you
[15] mentioned the 911.

[16] **MS. MURPHY:** The 911, we're required to
[17] keep it separate as a separate fund. And what
[18] we did was extracted out the revenues which we
[19] already had in your previous report and the
[20] expenses that go against them. So mainly that
[21] just transferred out onto its own separate fund.

[22] **COUNCILMEMBER BATES:** So we used the
[23] 911 revenue from the phone bills --

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

[25] **COUNCILMEMBER BATES:** -- and then we

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

[2] **COUNCILMEMBER ROCHE:** Okay. But we're
[3] still saying the net effect is that, you know,
[4] we're going to have to take \$680,000 out of
[5] savings --

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

[7] **COUNCILMEMBER ROCHE:** -- to balance the
[8] budget for last year we over -- overspent or by
[9] transfers or whatever.

[10] So you're saying the transfer -- the
[11] effect of the transfer was about \$100,000.

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

[13] **COUNCILMEMBER ROCHE:** Roughly. So
[14] \$580,000 is from basically overspending our
[15] budget last year.

[16] **COUNCILMEMBER BATES:** Well, I disagree
[17] with that categorization. I think that there is
[18] a significant amount that's due to under-
[19] collection of -- or under our revenue side.

[20] We've got a million-four that didn't
[21] come in from the courts, and that's where that's
[22] -- we are not issuing the citations or not
[23] acting on those citations that were written or
[24] not collecting those citations that were bound
[25] over. So you're talking about a \$680,000

[1] need to do a transfer from the general fund of
[2] 500-some-odd thousand for the operations of the
[3] 911 center.

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

[5] I don't want you to think it's just
[6] because of this 911. We had those what I call
[7] dispatchers anyway before we were collecting the
[8] 911 revenue.

[9] **COUNCILMEMBER BATES:** They were all
[10] shown under the general operations and now --

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

[12] **COUNCILMEMBER BATES:** -- they're being
[13] shown separately --

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

[15] **COUNCILMEMBER BATES:** -- because of the
[16] restricted dollars from the 911 revenue.

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

[18] **COUNCILMEMBER BATES:** So it's not like
[19] we added dispatchers, because they've always
[20] been there. We just have to show them
[21] separately.

[22] **CHIEF KING:** You were paying for them
[23] under the operation but now you're targeting
[24] where that money comes from.

[25] **COUNCILMEMBER BATES:** I got you.

[1] overage on the budget. A million-four of that
[2] is directly attributable to not getting the
[3] revenue side on the municipal court fines. And
[4] that's not a here or there. That's just a
[5] matter of we budgeted 4.8 and we collected 3.2.

[6] **COUNCILMEMBER SPANGLER:** Well, it kind
[7] of sounds to me like we still have some huge
[8] deficits in the budget with some of the
[9] department heads.

[10] **COUNCILMEMBER BATES:** As I understand
[11] it, there are some overages in departments that
[12] are due predominantly to workers' comp
[13] insurance, group insurance and gasoline.

[14] Would that be fair?

[15] **MS. MURPHY:** That's the biggest
[16] overages is workmen's comp, gasoline, group
[17] insurance, and there was some because we
[18] underestimated some overtime.

[19] **COUNCILMEMBER SPANGLER:** Okay, now.
[20] Workers' comp and insurance usually goes up
[21] every year.

[22] **MS. MURPHY:** Based on -- the workmen's
[23] comp is driven by the amount of salaries that we
[24] pay out.

[25] **COUNCILMEMBER SPANGLER:** But it still

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[1] goes up every year because of the amount of
[2] salaries we pay go up also.
[3] **MS. MURPHY:** Typically, yes.
[4] **COUNCILMEMBER SPANGLER:** So each
[5] department head should allow a certain -- I mean
[6] there's got to be some way of judging a
[7] percentage that it's going to go up. I mean you
[8] might not get it right on the exact percent but
[9] you can get close.
[10] **MS. MURPHY:** We have to pay an estimate
[11] for what we think is going to be our premium for
[12] that year, and then we're audited annually and
[13] then catch up the difference or we get a refund
[14] check or credit.
[15] In this particular year, this fiscal
[16] year, we had to pay an additional \$37,000
[17] because we underestimated or didn't pay enough
[18] premium for the calendar year 2007. So we got
[19] audited and had to pay an additional \$37,000.
[20] **COUNCILMEMBER BATES:** But the
[21] department heads don't classify out --
[22] **MS. MURPHY:** No, they don't.
[23] **COUNCILMEMBER BATES:** -- the workers'
[24] comp. They have no responsibility for the group
[25] insurance, the workers' comp. That is done

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[1] through estimates through GMA and our -- and
[2] Blue Cross/Blue Shield.
[3] **MS. MURPHY:** That's right.
[4] **COUNCILMEMBER SPANGLER:** But that's a
[5] part of their budget; right?
[6] **MS. MURPHY:** It's in their budget, yes.
[7] **COUNCILMEMBER SPANGLER:** In their
[8] budget.
[9] **MS. MURPHY:** And we get one bill a year
[10] typically to fund the estimate for the premium
[11] and then we get the audit bill. So we've got --
[12] we don't really know until the time of the audit
[13] or we got a better rate of knowing what all our
[14] classifications are and where all our employees
[15] fit. So I have a better way of estimating it
[16] now, so we should be able to adjust our budget
[17] accordingly.
[18] **COUNCILMEMBER SPANGLER:** So what you're
[19] saying is in the future, we know now that we're
[20] going to have to estimate one or two percent
[21] higher for the insurance and for the workers'
[22] comp.
[23] **MS. MURPHY:** Well, if we add a bunch of
[24] employees, for instance, we know that based on
[25] the type of employee they are, how much per \$100

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[1] of their salary that we need to include for
[2] workmen's comp, and we can do a better job of
[3] that.
[4] **COUNCILMEMBER SPANGLER:** But does
[5] workers' comp go up every year if we don't
[6] change the amount of employees?
[7] **MS. MURPHY:** It's driven by salary, so
[8] yes, you're typically right. Due to raises and
[9] things like that, it does go up, and it can go
[10] up due to our experience mod, our accidents. It
[11] could go up or down based on our experience mod.
[12] **COUNCILMEMBER SPANGLER:** But we should
[13] have some kind of an idea about the percentage
[14] that it goes up each year.
[15] **MS. MURPHY:** We should have an idea,
[16] yes.
[17] **COUNCILMEMBER SPANGLER:** So we can look
[18] at our budget for this year and say, okay, we
[19] know that workers' comp's going to go up two
[20] percent.
[21] **MS. MURPHY:** Right.
[22] **COUNCILMEMBER SPANGLER:** And then we
[23] can adjust each department's --
[24] **MS. MURPHY:** And now we also know what
[25] we've estimated, or we're about to find out what

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[1] we're going to pay. We know what we've
[2] estimated for 2008. We also can find out what
[3] we're going to have to estimate for 2009 and
[4] make sure we adjust the budget for that last
[5] part of the year.
[6] **COUNCILMEMBER BATES:** Because the
[7] '07/'08 budget is reflecting the '07/'08
[8] estimate and not the '07/'08 actuals.
[9] **MS. MURPHY:** Well, actually it's
[10] reflecting the 2007 estimate and then the
[11] balance of the 2007, what's really owed.
[12] **COUNCILMEMBER ALEXANDER:** So that
[13] figure that we were going to make a copy of that
[14] invoice was \$275,059 or whatever. So you're
[15] saying now in addition to that, we owe another
[16] \$36,000?
[17] **MS. MURPHY:** Almost \$37,0000.
[18] **COUNCILMEMBER ALEXANDER:** \$300,000 in
[19] workers' compensation.
[20] **MS. MURPHY:** Yes.
[21] **COUNCILMEMBER ALEXANDER:** When is the
[22] last time we sent that out for RFPs?
[23] **MS. MURPHY:** We have typically always,
[24] that I know of, had it with the Georgia
[25] Municipal Association, the self-insured fund,

[1] and I don't think we've ever formally sent it
[2] out for RFPs.
[3] I've talked to them some about it. We
[4] have an experience mod with them. And that's
[5] sort of different, I think, than being out in
[6] the business type to get workman's comp quotes
[7] for the business side of it. And when we have
[8] checked on it informally, we're still getting
[9] better rates for our different classifications
[10] through the GMA, through our experience mod.
[11] Now, we could do that again, just check what it
[12] would take for maintenance or public safety,
[13] that type of thing, and see if we are getting
[14] the best rates.

[15] **COUNCILMEMBER ALEXANDER:** And just
[16] because these numbers are so high, in reviewing
[17] larger municipalities with larger budgets, they
[18] would have larger payroll, they're paying less
[19] money than we are.

[20] **MS. MURPHY:** Really?

[21] **COUNCILMEMBER ALEXANDER:** And I haven't
[22] called those other municipalities and asked them
[23] who they're insured with, but it seems like a
[24] lot of money.

[25] **MS. MURPHY:** And we can definitely

[1] **COUNCILMEMBER BATES:** In June of this
[2] year.

[3] **MS. MURPHY:** Yeah, June of '08.

[4] **COUNCILMEMBER ROCHE:** I guess my
[5] question is when did we find out that our bill
[6] was going to be a lot bigger than we budgeted
[7] for?

[8] **MS. MURPHY:** In June of '08.

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

[10] **MS. MURPHY:** Well, that was the audit.

[11] **COUNCILMEMBER BATES:** That's correct.

[12] But we actually knew that there was a
[13] bust in this, Mr. Roche, in the February
[14] financials.

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

[16] **COUNCILMEMBER ROCHE:** And we didn't
[17] adjust the budget then.

[18] **MS. MURPHY:** No, we didn't.

[19] **COUNCILMEMBER BATES:** That is correct.

[20] And we knew that there was a bust in
[21] the group insurance as well.

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

[23] **COUNCILMEMBER ROCHE:** Well, there were
[24] busts in other things, too.

[25] I mean the long and the short of it,

[1] check with GMA and versus outside workmen's comp
[2] carriers.

[3] **COUNCILMEMBER ROCHE:** So what was our
[4] total workmen's comp bill last year?

[5] **MS. MURPHY:** Three hundred and some-
[6] thing thousand.

[7] **COUNCILMEMBER ROCHE:** But it was over
[8] budget by \$37,000?

[9] **COUNCILMEMBER ALEXANDER:** Right.

[10] **COUNCILMEMBER BATES:** No. It was over
[11] budget by a lot more than that. The thirty-
[12] seven was how much we owed in '07 --

[13] **MS. MURPHY:** Right; the calendar year
[14] of '07.

[15] **COUNCILMEMBER BATES:** -- after an
[16] audit.

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

[18] **COUNCILMEMBER BATES:** But I think the
[19] projected budget amount was somewhere around the
[20] \$240,000 range and the actual bill came in at
[21] two seventy-five.

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

[23] **COUNCILMEMBER ROCHE:** So we knew about
[24] the \$37,000 at the end of January of '07?

[25] **MS. MURPHY:** No.

[1] though, is that we spent \$680,000 more than we
[2] took in last year.

[3] **MS. MURPHY:** Through our general fund,
[4] yes.

[5] **COUNCILMEMBER ROCHE:** Yes. So one way
[6] or another, we spent a lot more money than we
[7] took in last year.

[8] And so, now, what was our savings
[9] balance at the beginning and now? Do we have
[10] that handy? How much money do we have in the
[11] bank with CD's, et cetera, et cetera, now versus
[12] the beginning of the last fiscal year?

[13] **MS. MURPHY:** You mean June 30th this
[14] year versus June 30th of last year?

[15] **COUNCILMEMBER ROCHE:** Yeah. I'm just
[16] looking for what our balance is. I mean our
[17] balance is obviously less now in savings than it
[18] was before.

[19] **MS. MURPHY:** Yes, but it's only going
[20] to be this six hundred and eighty-something
[21] less, so we're still above six-and-a-half
[22] million dollars --

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

[24] **MS. MURPHY:** -- in the bank.

[25] **COUNCILMEMBER SPANGLER:** Even with

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[1] taking this over half a million dollars out,
 [2] it's still going to be six and a half million?
 [3] **MS. MURPHY:** Yeah.
 [4] **MAYOR JENKINS:** Yeah.
 [5] **COUNCILMEMBER SPANGLER:** What's going
 [6] to happen to our 2008/2009 budget when we have
 [7] to add this 600,000-plus back into it? When it
 [8] comes time to balance that budget, we're going
 [9] to have to pull another eight/nine hundred
 [10] dollars out of savings to balance that budget.
 [11] **MAYOR JENKINS:** No. We're going to try
 [12] to next year not let this happen again. That's
 [13] the reason we're going into it so deep.
 [14] **COUNCILMEMBER SPANGLER:** How are we
 [15] going to stop it, Mayor?
 [16] **MAYOR JENKINS:** We cut back.
 [17] **COUNCILMEMBER FLEMING:** It takes a
 [18] resolution for the other 136,000; correct?
 [19] **MS. MURPHY:** Yes.
 [20] **MAYOR JENKINS:** I really think we've
 [21] done real well.
 [22] If you'll check a lot of other cities
 [23] and a lot of businesses, they've had to cut back
 [24] a lot more than we have and they've had to cut
 [25] employees and everything.

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[1] We still have money in the bank. Even
 [2] after we take this money out, we're still going
 [3] to have money in the bank, and we've done that
 [4] by saving over the past five years, really and
 [5] truly.
 [6] And I say we need to move on with this
 [7] and take the money, whatever we need out of
 [8] savings -- and we still have money in savings --
 [9] and work together not to let it happen again.
 [10] That's what I've said all along.
 [11] **COUNCILMEMBER SPANGLER:** Well, my
 [12] question is do you have any idea five years ago
 [13] what we had in savings?
 [14] **MS. MURPHY:** When Mayor Jenkins took
 [15] office --
 [16] **MAYOR JENKINS:** It was less than what
 [17] we have in savings now.
 [18] **MS. MURPHY:** It was five million
 [19] dollars then when Mayor Jenkins took office.
 [20] **COUNCILMEMBER SPANGLER:** So we climbed
 [21] up to seven.
 [22] **MS. MURPHY:** Yes, sir.
 [23] **COUNCILMEMBER SPANGLER:** Now we're
 [24] going back down to less than seven. We're going
 [25] back down to --

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[1] **MS. MURPHY:** Six and a half.
 [2] **COUNCILMEMBER SPANGLER:** Six and a
 [3] quarter.
 [4] **MS. MURPHY:** Yes.
 [5] **COUNCILMEMBER SPANGLER:** So then
 [6] depending on what kind of plans we put in place,
 [7] if we don't put good plans in place and we let
 [8] this happen again this next year, then we're
 [9] going to be pulling a million dollars more out
 [10] of the savings. So then that's going to drop us
 [11] down to five and a quarter.
 [12] **MS. MURPHY:** Well, in the budget that
 [13] y'all have already approved, you've set aside
 [14] \$1,250,000 to improve the parks.
 [15] **COUNCILMEMBER SPANGLER:** Right.
 [16] **MS. MURPHY:** So that amount of money,
 [17] yes, will be coming out of possibly -- very
 [18] possibly coming out of savings, but you've
 [19] already set that aside.
 [20] **COUNCILMEMBER SPANGLER:** And so that
 [21] even throws it to more, so that could drop us
 [22] down to four and a quarter if we go over the
 [23] budget again this year like we just did for this
 [24] past year.
 [25] **MS. MURPHY:** If we go over.

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[1] **COUNCILMEMBER SPANGLER:** I mean, you
 [2] know, we're almost three quarters of a million
 [3] dollars over now for last year's budget --
 [4] **MS. MURPHY:** Right.
 [5] **COUNCILMEMBER SPANGLER:** -- that ended
 [6] June the 30th of 2008.
 [7] So what plans have we put in place to
 [8] not let this happen again for this next --
 [9] **COUNCILMEMBER BATES:** Well, I think the
 [10] biggest one is we're getting monthly financial
 [11] statements that we'll be able to look and catch,
 [12] you know, and see where revenues are,
 [13] expenditures are, based upon this point in time
 [14] compared with the budget.
 [15] So I think from a management stand-
 [16] point, we've got the financial policies now, the
 [17] financial reports now that are coming out and
 [18] hopefully will come out on a more timely basis.
 [19] And I understand we're doing year-end, and I
 [20] appreciate that. But if we're in month four and
 [21] we see that we're, you know, way over or way
 [22] under on a particular line item, we can move
 [23] very quickly with that department head and say
 [24] we need to address this.
 [25] **COUNCILMEMBER SPANGLER:** Well, we

[1] didn't do that this last year. We knew at mid-
[2] year we were over but we did not do anything.

[3] **COUNCILMEMBER BATES:** That is correct,
[4] and that's the fault of this body. This body is
[5] responsible for managing the finances of this
[6] government. And if we knew that we had a
[7] problem, we should have gone in February with
[8] the department heads, not June 30th or July 31
[9] or August 31. That was our responsibility on
[10] February 1st, on March 1st, on April 1st to look
[11] at those reports when we got them and say,
[12] "We've got a problem. Let's fix it now," and we
[13] didn't do that.

[14] **COUNCILMEMBER SPANGLER:** We shouldn't
[15] have had to do that.

[16] **COUNCILMEMBER BATES:** Yes, we should
[17] have. That is our responsibility.

[18] **COUNCILMEMBER FLEMING:** Mr. Bates,
[19] though, at the previous meeting -- and I believe
[20] it was an entire month ago -- you made the
[21] comment that in February some of the departments
[22] that went over budget were on target in
[23] February. So there was no way that we could
[24] have decided, "Okay. We need to increase their
[25] budget."

[1] disagree also because I think that this body --
[2] our job here is to approve and pass a budget.
[3] It's the executive branch and the department
[4] heads' responsibility to stay within that
[5] budget.

[6] If they can't stay within that budget,
[7] if the fuel prices go up or whatever, then it's
[8] their responsibility to come back to the Council
[9] and say "We need a budget adjustment." That did
[10] not happen.

[11] We can't operate, we cannot manage
[12] other people's departments for them. That's not
[13] our responsibility. We're here to set the
[14] budget and make the policy.

[15] **COUNCILMEMBER BATES:** I don't disagree
[16] with you at all, but if this body's job is to
[17] vote and approve to make those adjustments, we
[18] need --

[19] **COUNCILMEMBER ROCHE:** Not until they're
[20] brought to us. They weren't brought to us.

[21] **COUNCILMEMBER BATES:** Well, the depart-
[22] ment heads are not responsible for workers' comp
[23] and group insurance. That is a City function.
[24] That is a function that is brought to us and
[25] known as a lump-sum line item that happens over

[1] **COUNCILMEMBER BATES:** Well, with a few
[2] exceptions like gasoline, they were tracking on
[3] target through April or May.

[4] We knew that there was a bust in the
[5] budget on the workers' comp and the group
[6] insurance in February. You can go back and pull
[7] the February financials, and that was there.
[8] That is our responsibility for us to make the
[9] adjustments to the budget.

[10] **COUNCILMEMBER SPANGLER:** How much for
[11] each department did that make a difference?
[12] Fuel and the insurance.

[13] **COUNCILMEMBER BATES:** Significant.

[14] **COUNCILMEMBER SPANGLER:** Significant?
[15] Give me a dollar figure.

[16] **COUNCILMEMBER BATES:** Well, the Police
[17] Department was almost \$40,000 over budget on the
[18] workers' comp insurance.

[19] **COUNCILMEMBER SPANGLER:** \$40,000 on
[20] workers' comp. Okay.

[21] **COUNCILMEMBER BATES:** So you can pull
[22] the budget and compare the numbers.

[23] **COUNCILMEMBER SPANGLER:** Well, you've
[24] already done it so --

[25] **COUNCILMEMBER ROCHE:** I think I have to

[1] the course of a year. That is not a department
[2] head responsibility. That is our responsi-
[3] bility.

[4] **COUNCILMEMBER ROCHE:** No, it's not.

[5] **COUNCILMEMBER BATES:** It is. It's our
[6] responsibility.

[7] **COUNCILMEMBER ROCHE:** It's not our
[8] responsibility.

[9] **COUNCILMEMBER BATES:** It is the City
[10] Council's responsibility.

[11] **MS. MURPHY:** When we did give the
[12] financials in February or at mid-year review, we
[13] did talk about the different ones that were
[14] over, and I believe then the Council decided to
[15] wait until -- it was so close to year-end, wait
[16] till year-end and then make the adjustments. I
[17] think that y'all made a conscious decision not
[18] to make any adjustments at that time.

[19] **COUNCILMEMBER BATES:** And if we did
[20] that, then that's an error and a mistake on my
[21] part because we should have made those adjust-
[22] ments.

[23] But I absolutely agree with Ms. Fleming
[24] and Mr. Roche that the overruns and the
[25] management of the budget and the finances are

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[1] department heads' responsibility. There are
[2] elements within the budget that are out of their
[3] control, and those are items that need to be
[4] addressed and controlled from this body.
[5] Because we know that there's a bust, and that is
[6] something that is not in their control.
[7] **COUNCILMEMBER SPANGLER:** Well, and if
[8] the department heads had come before the Council
[9] and said, "We need this amount of money added to
[10] our budget," we would have voted to add that.
[11] **COUNCILMEMBER BATES:** I think we'd look
[12] at this as a very big learning curve on what our
[13] policies and procedures are for this body, and,
[14] you know, to get with the department heads and
[15] make sure that they have a thorough under-
[16] standing of what their monthly expenditures are.
[17] **COUNCILMEMBER ALEXANDER:** And they were
[18] not receiving monthly financial reports.
[19] **COUNCILMEMBER SPANGLER:** Well, the
[20] thing of it is, Ms. Alexander, they don't need
[21] monthly financial reports.
[22] **COUNCILMEMBER ALEXANDER:** We do.
[23] **COUNCILMEMBER SPANGLER:** They have a
[24] certain amount of money that they're allowed to
[25] use per year. They know what their limitations

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[1] are, okay, from month to month. If they
[2] overspend this month, they know next month they
[3] don't spend quite as much. They have to spend a
[4] little bit less.
[5] **COUNCILMEMBER ALEXANDER:** But you have
[6] invoices coming to this building such as
[7] stormwater, such as Atlanta Gas, such as Georgia
[8] Power, that are posted to their accounts. If
[9] they don't have a monthly report, how do they
[10] know how much was posted against their accounts?
[11] **COUNCILMEMBER SPANGLER:** I'm just
[12] saying that most department heads or the
[13] department heads would have a -- should have had
[14] a better picture of where they stood from month
[15] to month even without a financial statement.
[16] And I'm not sure --
[17] **MS. MURPHY:** Well, most of the
[18] department heads during the budget work sessions
[19] that we had with the Mayor, they knew where they
[20] stood as far as --
[21] **COUNCILMEMBER ROCHE:** Yeah. Most
[22] departments stayed within budget.
[23] **MS. MURPHY:** And they do know where
[24] they stand to a certain degree.
[25] But Councilmember Alexander is right.

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[1] There's things that come through City Hall.
[2] Group insurance, workmen's comp, all the
[3] utilities come through City Hall but they don't
[4] necessarily see all of those bills.
[5] **COUNCILMEMBER SPANGLER:** But when they
[6] do their budget, okay, for the year, okay --
[7] They did their budget back in June to
[8] start in July, correct, for this year?
[9] **MS. MURPHY:** Y'all adopted the budget
[10] in June, yes.
[11] **COUNCILMEMBER SPANGLER:** Okay. But
[12] they had to give you their information for a
[13] full year in advance.
[14] **MS. MURPHY:** They gave -- they worked
[15] with the Mayor where they --
[16] **COUNCILMEMBER SPANGLER:** Well, I mean
[17] they gave the City, okay; not you, but the City.
[18] **MS. MURPHY:** Yes.
[19] **COUNCILMEMBER SPANGLER:** Okay. I'm
[20] just addressing you because you're speaking and
[21] answering the questions. Okay.
[22] But the thing of it is they knew that
[23] they had the full year and that's what their
[24] budget was.
[25] Okay. Now, there's some issues or some

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[1] items that they may not have control over like a
[2] raise in the insurance or whatever. But there's
[3] some items that they could have cut or they do
[4] have control over that may have been a problem.
[5] That's what I'm saying.
[6] **MS. MURPHY:** Yeah, I -- I guess. When
[7] they give what they want for the year, they
[8] don't realize what the Council's going to do
[9] about raises, either, and we don't usually know
[10] what the Council's going to do about raises
[11] until they adopt the budget. And at that time,
[12] that's when the items that are driven by the
[13] salaries, the workmen's comp and all of that
[14] that's driven by the salaries, that's when we
[15] pretty much know that figure.
[16] So the department heads are not really
[17] coming to the Mayor, saying, "I want this amount
[18] of money," because we don't know what they -- on
[19] salaries, so to speak, because we don't know
[20] exactly what the Council is going to do on
[21] raises. So a lot of times, they don't come with
[22] their salaries or retirement or workmen's comp,
[23] to be honest. They don't come talking about
[24] those things.
[25] **COUNCILMEMBER SPANGLER:** Okay. But if

[1] I were a department head and I knew I had so
[2] many employees, I knew that I had fixed
[3] expenditures and that I had other expenditures
[4] that may not be fixed, and I was given a certain
[5] amount of money, then if something goes up like
[6] my insurance, then I need to drop down, either
[7] drop down or come before the Council and the
[8] Mayor or whatever to ask for more money instead
[9] of waiting until the end of the year and going
[10] over on my budget.

[11] **MS. MURPHY:** They could do that during
[12] the year if they chose to do that.

[13] I mean they have some line items that
[14] go over and some that don't go over, and
[15] normally those offset each other in the past.

[16] **COUNCILMEMBER SPANGLER:** Well, if I see
[17] that I'm going over on my insurance, then I know
[18] I need to make a cutdown on other expenditures
[19] that's not fixed, intangible.

[20] **MS. MURPHY:** They can do that.

[21] **COUNCILMEMBER SPANGLER:** Okay. So
[22] that's what I'm saying is what kind of controls
[23] are we going to put in place for this not to
[24] happen for this budget year?

[25] **MAYOR JENKINS:** By the monthly reports

[1] budget plan that would hopefully reduce some of
[2] the financial spendings.

[3] I do agree, though, that we need to
[4] find some way of implementing budget discipline,
[5] and I'll be happy to put that on the agenda for
[6] next month and we can start sorting that out
[7] then, because, otherwise, it's going to be next
[8] month before we get out of here tonight. So --

[9] **MAYOR JENKINS:** Okay. That's what --
[10] **COUNCILMEMBER ROCHE:** -- can we do
[11] that?

[12] **MAYOR JENKINS:** -- I was saying. We
[13] need to move on.

[14] **COUNCILMEMBER ROCHE:** Would that be
[15] good with you, Mr. --

[16] **MAYOR JENKINS:** I think everybody's
[17] said their say, and I think we need to move on.

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

[19] **MS. MURPHY:** I'd like to make sure that
[20] we get these budget revisions approved as well
[21] as the budget for the confiscated assets
[22] approved in tonight's meeting if we can.

[23] **MAYOR JENKINS:** John said his did not
[24] have to be approved.

[25] **CHIEF KING:** It's a special revenue

[1] that we're going to get, and then we'll confront
[2] each department head at that time rather than
[3] let the people --

[4] **COUNCILMEMBER SPANGLER:** So what
[5] happens --

[6] **MAYOR JENKINS:** That's what we're
[7] trying to eliminate here tonight.

[8] **COUNCILMEMBER SPANGLER:** Well, what
[9] happens, Mayor, if that department head is
[10] \$30,000 over for that month?

[11] Does he have to cut back the next month
[12] \$30,000 or are we going to let him accumulate or
[13] let that department head --

[14] **MAYOR JENKINS:** According to what it
[15] is.

[16] **MS. MURPHY:** That would depend on what
[17] is needed or what the item is.

[18] **MAYOR JENKINS:** That's right. If it's
[19] something that is needed, we'll up his budget.

[20] **COUNCILMEMBER ROCHE:** Can I make a
[21] suggestion? I mean obviously we're at this
[22] point where we have to take more money out of
[23] savings to clear last year's budget. I mean we
[24] don't have a lot of choice on that.

[25] And the next thing on the agenda was a

[1] fund, sir. It's just like the 911. And I think
[2] -- you know, I just talked to my staff, and I
[3] think because it gets rolled into the budget
[4] like a special revenue like 911, like the tree
[5] ordinance, it's got to be adopted by the
[6] Council.

[7] **COUNCILMEMBER SPANGLER:** It has to be
[8] adopted but not approved? I mean I --

[9] **CHIEF KING:** I think it's the same
[10] thing.

[11] **COUNCILMEMBER SPANGLER:** How can we
[12] approve it if we haven't had a chance to look at
[13] it or we don't know what we're approving?

[14] **CHIEF KING:** You're approving -- sir, I
[15] guess I --

[16] **MAYOR JENKINS:** John, didn't we agree
[17] that this is coming up on the work session?

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

[19] The only -- the thing -- the reason for
[20] the delay, Mr. Spangler, is that I had to get
[21] the auditor that audits this account, first, to
[22] give it to me. Once I got it, and I've got the
[23] signature of the Mayor and my signature
[24] submitted to DEA and to the Department of
[25] Justice, then it's ready for the approval of the

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[1] governing body.
[2] This gets rolled in just like a special
[3] revenue, like 911, like the tree -- the tree --
[4] **CLERK BLACKMON:** Tree bank.
[5] **CHIEF KING:** -- tree bank, like all
[6] these special revenues. So it gets rolled in
[7] into the general budget of the city and it has
[8] to be approved as a budget.
[9] **COUNCILMEMBER SPANGLER:** But what I
[10] can't understand is why would we have to approve
[11] it when we had no knowledge of how you got it or
[12] how you spent it or we don't have --
[13] **CHIEF KING:** Because the auditor --
[14] **COUNCILMEMBER SPANGLER:** -- an
[15] opportunity --
[16] **CHIEF KING:** Because the auditor said
[17] that we need to. I don't --
[18] **MS. MURPHY:** Our auditor requires it.
[19] **COUNCILMEMBER SPANGLER:** Pardon me?
[20] **MS. MURPHY:** Our auditor requires it.
[21] And he is okay with it being approved at this
[22] time after the year has ended and approving the
[23] budget for what actually occurred.
[24] **COUNCILMEMBER ALEXANDER:** Shouldn't
[25] that be broken it out between Federal and State

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[1] since they're two different funds?
[2] **CHIEF KING:** It is broken down.
[3] **COUNCILMEMBER ALEXANDER:** This says
[4] confiscated assets fund. Is it broken down on
[5] the budget? It's not broken down on this
[6] financial statement.
[7] **MS. MURPHY:** Well, it's not --
[8] **CHIEF KING:** It's two reports, ma'am.
[9] The first one I think is --
[10] **COUNCILMEMBER ALEXANDER:** I'm talking
[11] about the document she gave us.
[12] **CHIEF KING:** Oh.
[13] **MS. MURPHY:** It's not on mine at all
[14] because I didn't have a copy of it, either, so
[15] it was not on mine. If he gave two different
[16] ones, one for his Federal and one for State,
[17] that's what I'm going to include in mine.
[18] **COUNCILMEMBER ALEXANDER:** Okay. So
[19] you'll change yours, then?
[20] **MS. MURPHY:** Right.
[21] **MAYOR JENKINS:** Priscilla, you said you
[22] needed a motion on his and on our budget?
[23] **MS. MURPHY:** I'd just like to make sure
[24] we have a motion that says you approve these
[25] budget revisions as well as you approve the

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[1] budget that was sent in the reports that the
[2] Chief turned in.
[3] **COUNCILMEMBER BATES:** We've already
[4] approved -- noted that we received that report.
[5] **COUNCILMEMBER SPANGLER:** Received it.
[6] We didn't approve it.
[7] **COUNCILMEMBER FLEMING:** But she needs a
[8] motion to approve it is what we're now being
[9] told.
[10] **COUNCILMEMBER BATES:** Do we need to
[11] have a motion to approve the asset forfeiture
[12] accounting?
[13] **ATTORNEY WEED:** Okay. Let's talk about
[14] this as far as my understanding. I had a
[15] conversation with the State Auditor's office.
[16] They confirmed the opinion of the local auditor,
[17] James Whitaker, that what he wanted was during
[18] each budget cycle during the year, that the
[19] Chief would project what he thought he would get
[20] in asset forfeiture monies, and at the end of
[21] the year when the actual numbers came in, that
[22] the Mayor and Council would approve that as a
[23] budget amendment to the budget to make the State
[24] satisfied. That's what the State Auditor
[25] requires.

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[1] Now, that isn't approval of any of the
[2] individual expenditures because you're not
[3] allowed to do that under the Federal and State
[4] laws.
[5] All you're doing is approving a blank
[6] number, essentially, a made-up number originally
[7] when you first approve a budget projection, and
[8] then you are approving a final number at the
[9] year end. So that approval is required, so to
[10] speak.
[11] With regard to the asset forfeiture
[12] package generally, I think, you know, legally, I
[13] would be satisfied with the fact that the Chief
[14] can go to the Feds and the D.A. and say, "You
[15] were aware of how much was in it. You were
[16] given a report."
[17] Now, if, you know, Priscilla is asking
[18] you to approve that as well, I see no reason why
[19] you shouldn't do that, but I don't know that
[20] it's necessarily -- it's not required by Federal
[21] law that I'm aware of.
[22] What is required by the State, State
[23] auditing purposes is that general budget with
[24] Item X in it and then the final real number at
[25] the end of the day.

[1] I hope that's helpful.
 [2] **MAYOR JENKINS:** Should that be in one
 [3] motion?
 [4] **ATTORNEY WEED:** Sure. Yes, sir.
 [5] **MAYOR JENKINS:** Do I get a motion from
 [6] the table?
 [7] **COUNCILMEMBER FLEMING:** I have discus-
 [8] sion.
 [9] Mr. Weed, you just -- at the start of
 [10] the conversation, you had called the State, and
 [11] they confirmed what Mr. Whitaker had said, our
 [12] auditor, that the asset forfeiture account, must
 [13] be budgeted in advance of what they plan or what
 [14] they --
 [15] **ATTORNEY WEED:** -- really get.
 [16] **COUNCILMEMBER FLEMING:** -- what they
 [17] estimate what they're going to get that year.
 [18] **ATTORNEY WEED:** That is the opinion of
 [19] the State Auditor's office and James Whitaker's.
 [20] **COUNCILMEMBER FLEMING:** Okay.
 [21] **ATTORNEY WEED:** As related to me
 [22] directly.
 [23] **COUNCILMEMBER FLEMING:** Okay. So this
 [24] is a financial report of the entire year and not
 [25] the budget.

[1] **COUNCILMEMBER FLEMING:** Also, we needed
 [2] to have a projected budget --
 [3] **CHIEF KING:** Yes, ma'am.
 [4] **COUNCILMEMBER ROCHE:** For next year.
 [5] **COUNCILMEMBER FLEMING:** -- based on for
 [6] 2008-'09, to be in compliance with the State and
 [7] Mr. Weed's understanding of their opinion of
 [8] what our auditor said.
 [9] **CHIEF KING:** And I'm working through
 [10] Mr. Whitaker and the U.S. Attorney's office to
 [11] make sure that I don't get -- because there's a
 [12] difference of opinion between what Mr. Whitaker
 [13] says and what the U.S. Attorney's office says.
 [14] I'm trying to find middle ground between those
 [15] two bodies.
 [16] **COUNCILMEMBER FLEMING:** I was just
 [17] going by what Mr. Weed --
 [18] **CHIEF KING:** I --
 [19] **COUNCILMEMBER FLEMING:** -- confirmed by
 [20] the State.
 [21] **CHIEF KING:** Yeah.
 [22] **COUNCILMEMBER FLEMING:** Okay. So we
 [23] need to approve the financial report that Chief
 [24] King supplied for us for the year 2007/08.
 [25] **COUNCILMEMBER SPANGLER:** My question is

[1] **COUNCILMEMBER ROCHE:** For next year.
 [2] **CHIEF KING:** That's for last year.
 [3] **ATTORNEY WEED:** That sounds accurate to
 [4] me. I haven't really -- obviously, I haven't
 [5] had time to read it, but it does say -- what
 [6] I've got here says Budget and Report, '07/'08
 [7] Fiscal Year, on the cover. That's what I have.
 [8] **COUNCILMEMBER FLEMING:** But it's an
 [9] actual financial report; is it not --
 [10] **COUNCILMEMBER ROCHE:** Yes.
 [11] **COUNCILMEMBER FLEMING:** -- Chief King?
 [12] **CHIEF KING:** Ma'am, what it is is last
 [13] year's total amounts taken in and every item,
 [14] every check that was written out.
 [15] **COUNCILMEMBER FLEMING:** It's a finan-
 [16] cial report.
 [17] **CHIEF KING:** Yes, ma'am.
 [18] **COUNCILMEMBER FLEMING:** Okay.
 [19] **CHIEF KING:** And it's required by the
 [20] Department of Justice for me to provide a report
 [21] to the governing authority.
 [22] **COUNCILMEMBER FLEMING:** Correct.
 [23] **CHIEF KING:** And that's what I'm trying
 [24] to satisfy: my requirement to the Federal
 [25] government.

[1] and I think I just heard that we're supposed to
 [2] get a budget -- okay -- we're supposed to get a
 [3] budget before this is final.
 [4] Did we get a budget for this for the
 [5] 2007/2008 fiscal year?
 [6] **CHIEF KING:** No, you did not, sir.
 [7] **MS. MURPHY:** That's why I want some-
 [8] thing approved.
 [9] There's been a couple ways that our
 [10] auditor has suggested; one, to wait until the
 [11] year is over like we've done in the past; or
 [12] two, take what we have in the bank, in those
 [13] bank accounts at the end of the fiscal year --
 [14] for argument's sake, let's just say there's
 [15] \$10,000 left in the bank -- we could say we're
 [16] going to budget to spend that \$10,000 and then
 [17] adjust the budget as things happen or the end of
 [18] the year comes. And these are things that the
 [19] Chief is working out.
 [20] But I know that we need an approved
 [21] asset forfeiture budget because it is a special
 [22] revenue fund and it is part of our audit.
 [23] **COUNCILMEMBER SPANGLER:** But how can we
 [24] approve it if we didn't get the budget to start
 [25] with?

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[1] **MS. MURPHY:** In the past, you have
[2] approved it at the end of the year. And our
[3] auditor at this point is agreeable to that, is
[4] my understanding: that he's fine with it being
[5] done after the year is over.
[6] **COUNCILMEMBER ROCHE:** Clearly, our
[7] whole budget process needs to be looked at, I
[8] mean. But I think for the time being, we -- I
[9] mean we don't have a choice. We pretty much
[10] have to approve these budgets for last year.
[11] **COUNCILMEMBER SPANGLER:** We do? Do we
[12] have to approve both of them?
[13] **MS. MURPHY:** Yes. Well, you don't have
[14] to approve them; but then under your reportable
[15] conditions of your audit, it will say that you
[16] violated State law and didn't approve your
[17] budget.
[18] **COUNCILMEMBER ROCHE:** And we will
[19] potentially lose eligibility for grant --
[20] **MS. MURPHY:** You can.
[21] **COUNCILMEMBER ROCHE:** -- money and
[22] stuff like that. We could lose --
[23] **MS. MURPHY:** There's a possibility.
[24] **COUNCILMEMBER ROCHE:** -- that anyway,
[25] frankly, for just overspending.

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[1] **COUNCILMEMBER SPANGLER:** What are the
[2] other conditions that we would lose potential
[3] grant monies or what other conditions?
[4] **MS. MURPHY:** For not filing your audit
[5] on time.
[6] **COUNCILMEMBER SPANGLER:** For being over
[7] on your audit?
[8] **MS. MURPHY:** No. But, see, that is a
[9] function of the budget process. As long as you
[10] have a balanced budget, you wouldn't be over on
[11] your audit.
[12] **COUNCILMEMBER SPANGLER:** But it has to
[13] be in on time.
[14] **MS. MURPHY:** Yes.
[15] **COUNCILMEMBER ROCHE:** Well, I think we
[16] need to go ahead and straighten out last year's
[17] budget by making this motion and then move on
[18] and then look at a new process for next year.
[19] **MAYOR JENKINS:** Do I get a motion?
[20] **COUNCILMEMBER FLEMING:** I'd like to
[21] make a motion to accept the budget and financial
[22] report for the year 2007/08 for the asset
[23] forfeiture funds for the Doraville Police
[24] Department.
[25] **COUNCILMEMBER ROCHE:** And I'll second

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[1] that.
[2] **MAYOR JENKINS:** Call the roll.
[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:** No.
[17] **COUNCILMEMBER FLEMING:** I'd like to
[18] make a motion to adopt the 2007/2008 financial
[19] report --
[20] **COUNCILMEMBER ROCHE:** Revised budget.
[21] **MS. MURPHY:** It's budget revisions.
[22] **COUNCILMEMBER FLEMING:** -- revised
[23] budget revisions --
[24] Is this a resolution we're going to --
[25] we're going to take one thirty-six or just we're

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[1] going to adopt the --
[2] **MS. MURPHY:** A resolution.
[3] **COUNCILMEMBER FLEMING:** Pardon me?
[4] **MS. MURPHY:** A resolution for the one
[5] thirty-six.
[6] **COUNCILMEMBER FLEMING:** Okay. I'd like
[7] to make a motion to make a resolution to
[8] withdraw \$136,413.18 from savings to adjust our
[9] 2007/2008 budget.
[10] **COUNCILMEMBER ROCHE:** I'll second that.
[11] **MAYOR JENKINS:** Call the roll.
[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:** I will say

[1] yes, but I do hope that there is a plan in place
 [2] to keep this from happening again for next year.
 [3] **COUNCILMEMBER FLEMING:** Did we also
 [4] have to make a motion to adopt this as our final
 [5] budget?
 [6] **MS. MURPHY:** No.
 [7] **COUNCILMEMBER FLEMING:** All right.
 [8] **MS. MURPHY:** Just the revision.
 [9] **COUNCILMEMBER ALEXANDER:** Okay. Well,
 [10] I just want to make sure to get Ms. Murphy in
 [11] compliance on the audit. You are going to --
 [12] **CHIEF KING:** She will be provided a
 [13] report. We got --
 [14] **COUNCILMEMBER ALEXANDER:** You got it
 [15] worked out so she can complete her budget.
 [16] **CHIEF KING:** Yes.
 [17] **COUNCILMEMBER FLEMING:** Doraville Days.
 [18] We are trying to be in compliance with, legally,
 [19] some forms, and we have to have volunteer
 [20] waivers so if you get hurt, we can have all the
 [21] information on here. So I've got copies of the
 [22] volunteer agreement in case anybody wants to
 [23] volunteer, so we can send you a thank-you card
 [24] and all that.
 [25] Also, if you volunteer for four hours,

[1] Well, maybe they're not paying taxes today, but
 [2] the savings that we have today in the bank are -
 [3] - that's where that money came from. So I
 [4] believe that senior citizens have just as much
 [5] say about what we do here as anyone else,
 [6] whether you happen to be paying property taxes
 [7] that year or not.
 [8] We are talking about doing some
 [9] information technology solutions that'll help.
 [10] We're doing a lot of good things that'll help,
 [11] but I think we need to set some policies. As
 [12] Mr. Bates had mentioned, ultimately the budget
 [13] and the spending and all that, setting that
 [14] budget is our responsibility.
 [15] Two weeks ago, I presented something.
 [16] I called it "Save Doraville." It should have
 [17] been "Doraville Saves" or something like that.
 [18] But these are basically just actions that we can
 [19] take that will almost immediately begin to hope-
 [20] fully reduce the spending of Doraville and hope-
 [21] fully get so that next year we don't have to
 [22] take another \$700,000 or whatever out of savings
 [23] to balance the budget.
 [24] You know, I don't want my tenure up
 [25] here to be marked by having less and less money.

[1] you're getting a Doraville tee-shirt, a
 [2] Doraville Days tee shirt (indicating). Okay.
 [3] That's what the design is and that's the road
 [4] race design.
 [5] **MAYOR JENKINS:** Okay. Ten-minute
 [6] break.
 [7] - - -
 [8] (Recess)
 [9] - - -
 [10] **MAYOR JENKINS:** The next item on the
 [11] agenda is Bob Roche.
 [12] **COUNCILMEMBER ROCHE:** Well, we just had
 [13] a discussion about the budget, and I guess maybe
 [14] it's a little better to not talk so much about
 [15] the budget but talk about the spending.
 [16] You know, the budget is the budget and
 [17] all that, but one thing we need to do is we need
 [18] to stop spending more money than we take in.
 [19] You know, I had a conversation earlier today.
 [20] Over the course of the budget hearings,
 [21] I remember someone making the comment to me.
 [22] They said, "You know, it's interesting, because
 [23] all the people in the audience at the budget
 [24] hearings, none of them pay taxes," because you
 [25] know, they're senior citizens or whatever.

[1] I want there to be a lot more savings in the
 [2] bank, more savings in the bank at the end of my
 [3] tenure than at the beginning.
 [4] And we have the GM property closing and
 [5] we have annexation coming, which is going to
 [6] increase our expenditures whether we want to or
 [7] not. It's going to be a couple years before any
 [8] revenues come online for that.
 [9] If anyone's ever picked up a newspaper
 [10] anywhere in the last, you know, several months,
 [11] you see every city is going through the same
 [12] types of situations, cutbacks, and a lot of
 [13] cities unfortunately are having to lay off
 [14] police officers, stop services, et cetera,
 [15] et cetera. I don't think we have to go that far
 [16] if we are prudent and take the right actions
 [17] today.
 [18] I handed this out last time. I've made
 [19] a couple of minor adjustments. I'll read
 [20] through it very quickly because it's kind of
 [21] late. This applies to all departments. This is
 [22] a financial plan, policies, whatever you want to
 [23] call it.
 [24] For personnel, no layoffs, no salary
 [25] reductions, period. I think layoffs are

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[1] counterproductive financially. At least that's
[2] been my experience.
[3] **A** hiring freeze. I did make a change
[4] to this. No new hires, except we do need a city
[5] inspector and I definitely think we need a
[6] permits clerk. And the reason why those two are
[7] exceptions is because that's where money comes
[8] in. That's the revenue side. We need to
[9] protect that revenue as much as possible.
[10] If it's an open position or a vacated
[11] position, we're not going to fill that position,
[12] at least not now.
[13] And I should hasten to add that this is
[14] only for maybe -- you know, this only lasts till
[15] the end of the fiscal year. You know, once
[16] revenue comes back online, then we can readjust
[17] it the other way.
[18] Now, interdepartmental transfers are
[19] allowed if approved by the Mayor or the Council.
[20] Overtime, I think we've pretty much
[21] eliminated overtime already.
[22] Comp time, I adjusted this upwards. We
[23] should pay off accrued comp time over 40 hours.
[24] We have this liability right now. We're not
[25] sure how much it is, but basically we owe a lot

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[1] of people a lot of money potentially, and I
[2] think we need to put a process in place as soon
[3] as possible to reduce our liability for comp
[4] time. And whether we pay them cash or we force
[5] people to take comp time or whatever, we need to
[6] do something very quickly because I don't want
[7] -- I think we should not get to the point to
[8] where --
[9] The next thing says no employee shall
[10] have more than 40 hours comp time at the end of
[11] any quarter. So if it comes up to the end of
[12] the quarter and you got 42 hours, you get to
[13] take two hours off, you know, because we just
[14] can't accumulate this.
[15] Medical insurance charges. Essentially
[16] now it is essentially free. It is free whether
[17] you have 15 dependents or one dependent. And I
[18] think it's only a token amount, but I think that
[19] we should charge \$25 per dependent per month.
[20] So if you have three dependents, you pay \$75; if
[21] you have one, you pay \$25.
[22] Council salaries. And I changed this
[23] to be voluntary. I'm willing to cut my personal
[24] salary by 10 percent until the end of the fiscal
[25] year. And like I said, that's -- you know, I

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[1] hope everyone else'll do that too.
[2] Training and travel. We need to limit
[3] the trainings necessary just to keep or maintain
[4] your legally mandated certifications. Obviously
[5] if you're in the police academy, obviously
[6] that's something that has to be there if you
[7] need it.
[8] But any kind of voluntary training or
[9] any nice-to-haves, you know, we just can't
[10] afford it right now. A couple of years from
[11] now, we can probably afford it.
[12] You know, like finishing off the City
[13] Clerk's certification, obviously we need to take
[14] care of that because we're already committed to
[15] doing that.
[16] And that goes for travel too. And then
[17] if we're going to do any travel, that needs to
[18] be approved at the Mayor's level for any
[19] training at all, I think.
[20] Drive-home cars, all departments
[21] limited to a 25-mile radius. And there's
[22] several ways to implement this. If you have two
[23] policemen that live in the same area, they can
[24] car pool that time. Just get them on the same
[25] shift. And that way, they have their drive-home

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[1] cars; there are just two people in the car, you
[2] know.
[3] Fuel is costing a fortune right now,
[4] and we need to -- you know, a lot of cities
[5] don't even have drive-home cars or they're
[6] limiting it. They're limiting it more and more.
[7] And now it's just completely unlimited. Or you
[8] can car pool. Park the cars at a fire station
[9] and drive your car the rest of the way,
[10] whatever. I've talked to a couple different
[11] agencies in the area, and they have various ways
[12] of dealing with that. I think Gwinnett County,
[13] you only get 15 miles. Fifteen miles, and you
[14] got to park your car and drive your own car the
[15] rest of the way.
[16] No capital expenditures over \$5,000
[17] unless approved by Council. Where possible,
[18] postpone or cancel capital expenditures, and
[19] requests must show clear cost benefits and the
[20] return on investment.
[21] And at the same time, if we didn't do
[22] this -- and this is part of why the budget's
[23] messed up is we approved to purchase I believe
[24] it was a clam truck or lawn mower or whatever
[25] for the -- but we didn't adjust the budget. We

[1] said, "Yes, you can spend the money," but we
 [2] didn't show that reflected in the new budget.
 [3] So that showed us as being over budget by 30
 [4] grand or 130, whatever it was.
 [5] So I mean going forward, I think it
 [6] goes without saying we need to start making
 [7] budget adjustments when we change our decisions
 [8] about spending money.
 [9] Central Avenue sidewalk project. I
 [10] pushed for that. I got -- you know, we all
 [11] voted for it. I love the idea, it's absolutely
 [12] necessary; but until we get some money, I don't
 [13] think we can do it right now. You know, for the
 [14] moment, we have Park Avenue, you know, and I
 [15] walked back and forth to MARTA, and it's still
 [16] dangerous, but whatever.
 [17] Parks. We will finish the current
 [18] projects for English Oak and Autumn Park but I
 [19] think that we need to stop. I think, at that
 [20] point, no new projects until we get some kind of
 [21] funding.
 [22] Now, if someone gives us a grant to do
 [23] it, by all means. It's just like when someone
 [24] gives us money to pave the roads, you know, to
 [25] the -- to the maintenance department, we need to

[1] have to -- it gets political. I'll just leave
 [2] it at that, so. It could be.
 [3] The Mayor is allotted 10 hours per
 [4] month for general legal questions.
 [5] It's not the City Attorney. He can't
 [6] slam the phone down on us. I mean it's up to us
 [7] to maintain that discipline.
 [8] This does not apply to ordinances,
 [9] et cetera. If we put something on the agenda
 [10] and needed -- you know, obviously, that's what
 [11] the attorney is for, so that's fine.
 [12] And then lower priority ordinances, I
 [13] took something off the agenda for this month,
 [14] you know, and part of it was because I knew it
 [15] was going to cost money to do that.
 [16] And if possible, we should provide --
 [17] for instance, when I brought the LEED thing, we
 [18] basically stole the LEED ordinance from
 [19] Chamblee. You know, it was already there; it
 [20] was written. It was just a matter of cleaning
 [21] it up and using it. And I think that as much as
 [22] possible, plagiarism is a good thing when it
 [23] comes to creating new laws. It saves us money.
 [24] General operations. I think we need to
 [25] look at potentially a four-day work week or

[1] adjust the budget and definitely pave those
 [2] roads.
 [3] City Attorney and legal costs. I upped
 [4] this slightly. We wanted to limit it to 66
 [5] hours, which is ninety -- nine thousand nine
 [6] hundred dollars per month.
 [7] We went round and round with this
 [8] because the City Attorney represents the Mayor
 [9] and the Council. And one way to do this -- and
 [10] I'm just as guilty as anyone else. I have a
 [11] question, "Gees. I wonder what's --" you know,
 [12] and I'll call the City Attorney, whatever.
 [13] Anyway, the new policy would be that
 [14] the city councilmembers are each allowed two
 [15] hours per month to speak to the City Attorney
 [16] about whatever it is, because a lot of times we
 [17] just need advice or, "You know, is this a good
 [18] idea?" "Is this not a good idea?" And if you
 [19] exceed that two hours, then the next month, you
 [20] only get one half hour or whatever's left over.
 [21] And that way, we have to apply some kind of
 [22] discipline on our City Council people.
 [23] I think right now we have a policy that
 [24] says basically no one can talk to the attorney.
 [25] Well, the problem with that is, you know, you

[1] maybe a half day on Friday. I know that there's
 [2] been some talk of doing that already. But just
 [3] think, if we shut down City Hall on Fridays or
 [4] some day during the week, you know, the power's
 [5] not on, et cetera, et cetera. It's a good cost
 [6] saving thing that I've seen other cities
 [7] implement, so.
 [8] Jail charges. This is brand new
 [9] contracts going forward. I think we should be
 [10] charging at least \$60 per day. But more
 [11] importantly, I think we should charge at least
 [12] \$20 minimum. If a prisoner comes in that door,
 [13] bang, 20 bucks. Because, you know, from what
 [14] I've seen, I think the way it's written now,
 [15] someone could come in and you go through all the
 [16] process of in-processing -- and I don't know
 [17] what that process is, you know -- and by the
 [18] time you lock him up, you know, his cousin's out
 [19] there with the bail money or whatever and you
 [20] turn right around and turn him loose, and we get
 [21] like \$8.63 or whatever it is. I don't see how
 [22] that's cost effective. I think it should be at
 [23] least \$20 minimum to make it so that we can at
 [24] least cover our expenses. And I don't know what
 [25] those expenses are, but that's a whole 'nother

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[1] issue.

[2] And then as far as insurance -- and I'm

[3] talking about workmen's comp, et cetera --

[4] follow up on Councilman Bates' suggestion which

[5] is to explore alternatives for cheaper workmen's

[6] comp, et cetera, et cetera, insurance plan.

[7] These are positive actions that we can

[8] take today to save money and to make certain

[9] that, again, we don't spend all of our savings.

[10] That's why I had lunch with the Chief of Police.

[11] We discussed some of these issues. I know some

[12] other comments were made. I didn't get a whole

[13] lot of feedback, frankly, from other people, so

[14] I'm just going to I guess make a motion that we

[15] adopt this.

[16] So I make a motion that we adopt the

[17] Save Doraville financial plan.

[18] **UNIDENTIFIED SPEAKER:** No, no,

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

[20] **COUNCILMEMBER SPANGLER:** I'm not going

[21] to give a second, Mayor, but I would like to

[22] hear the plans that you have in place.

[23] I think Mr. Roche has some good ideas

[24] in this, and we discussed it at the work

[25] session. And there's some other things that I'm

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[1] sure that we could do to cut the budget. And I

[2] think as we said in the work session, this was a

[3] start of looking at what we need to do with the

[4] less revenues we're going to have from GM and

[5] the franchise fees. So I'm not going to second

[6] the motion, but I do agree that we do -- there

[7] are some things in here that we can -- can and

[8] should be doing.

[9] **MAYOR JENKINS:** I agree with a few of

[10] them, but adopting this whole thing, though, I

[11] wouldn't.

[12] And as far as my plan, my plan is, as

[13] Mr. Bates and all the others say, we're looking

[14] -- look at this stuff monthly and see that it

[15] don't happen again.

[16] We're going to cut back on overtime,

[17] which I already have. Everybody knows that.

[18] **COUNCILMEMBER SPANGLER:** Has all the

[19] departments cut back on their overtime?

[20] **MAYOR JENKINS:** Most of them, yes. I

[21] haven't got through to all of them yet.

[22] The City Attorney, I have put out a

[23] motion to the Council mainly, not the department

[24] heads, that they would go through me before they

[25] call. And that don't mean that if it's some

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[1] kind of an emergency or something. Because we

[2] are overlapping on a lot of things that are day-

[3] to-day activity and calling Mr. Weed.

[4] And then a lot of people will send an

[5] e-mail to the other councilmen and refer it to

[6] Mr. Weed. Okay. He has to look at it. He has

[7] to answer it. And I guess he feels like he

[8] should answer it.

[9] That's some of my stuff. But as far as

[10] all of this, no. There's some good items in

[11] here. But approving all of that, no.

[12] **COUNCILMEMBER SPANGLER:** I'm just

[13] saying that I agree we need to have a better

[14] plan than just looking at the monthly

[15] financials. You know, there's ways that we need

[16] to seriously look right now at cutting.

[17] **MAYOR JENKINS:** Well, I'm working on

[18] some already. I just explained.

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

[20] but you -- I mean there's -- you didn't pick out

[21] maybe you should and we could address this at a

[22] separate meeting. But you know, we need to look

[23] at this as a council, as a body, governing body,

[24] to see what we can use and then make any

[25] additions to it the best we can.

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[1] **MAYOR JENKINS:** I agree with you, but

[2] he made the motion to adopt the whole thing. I

[3] would not agree with that. We didn't get a

[4] second.

[5] Do I get a second?

[6] Motion died without a second.

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

[8] **COUNCILMEMBER FLEMING:** Thank you for

[9] trying, though.

[10] **COUNCILMEMBER ROCHE:** Well, something

[11] needs to happen, I mean clearly. And you know,

[12] ultimately we're responsible and ultimately

[13] we'll be responsible to the voters.

[14] **MAYOR JENKINS:** I hope we all are

[15] working on it, Bob, without going to this

[16] extreme.

[17] **COUNCILMEMBER ROCHE:** Well, I haven't

[18] heard about it.

[19] **MAYOR JENKINS:** You won't listen.

[20] You're next on the agenda.

[21] **ATTORNEY WEED:** Mr. Mayor, item number

[22] five was the gender preference to non-

[23] discrimination statements.

[24] **MAYOR JENKINS:** What did you say?

[25] **ATTORNEY WEED:** I was going to -- I

[1] thought you wanted me to talk about item number
[2] five.

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

[4] **COUNCILMEMBER ROCHE:** Well, essentially
[5] that's -- that's exactly it. We had added
[6] gender preference, sexual preference to the new
[7] version of the employee manual, and that was
[8] passed unanimously by the Council, I think. But
[9] the problem was the employee manual is kind of
[10] languishing out there and we're not sure when
[11] that's going to take effect. So I put this on
[12] the agenda to go ahead and have it as a separate
[13] stand-alone ordinance that would apply -- that
[14] would extend these protections to people.

[15] And you just handed out a copy, and the
[16] copy seems to be incomplete because it only
[17] talks about the police employee manual.

[18] **ATTORNEY WEED:** Well, actually --

[19] **MAYOR JENKINS:** Let me ask a question.
[20] Do you have an ordinance on this?

[21] **ATTORNEY WEED:** I do, yes, sir.

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

[23] **ATTORNEY WEED:** Councilman Roche
[24] indicated the origin of the ordinance.

[25] Ordinarily, personnel policies are

[1] policy effective on them as well.

[2] This ordinance achieves that.

[3] I did not complete what is referred to
[4] as Exhibit A. The reason why I didn't complete
[5] that yet is I didn't know until today --
[6] Councilman Roche asked me for the sources for
[7] the information that I had gotten with regard to
[8] some of the suggested changes that you had
[9] discussed before I came here, and I haven't had
[10] a chance to send him all that information yet
[11] because I was still collating it.

[12] I've got two different versions of the
[13] changes to the personnel policy, one from
[14] Mr. Powell and one that Rhonda kindly prepared
[15] for me sometime ago, and just confirmed with her
[16] that apparently the vacation policy changes were
[17] actually approved by Council some months ago.
[18] But once again, they never got adopted into the
[19] entirety of the personnel policy change.

[20] So with that, I would like some more
[21] time to refine Exhibit A. But more importantly,
[22] in the exercise of writing this ordinance, it
[23] occurs to me that my best advice to Council
[24] would be to adopt a new personnel policy rather
[25] than piecemeal it. And I don't know if that's

[1] sometimes done by ordinances and sometimes
[2] they're stand-alone documents approved by the
[3] council. In your case, you've actually adopted
[4] an ordinance that in effect adopts the personnel
[5] policy.

[6] I was asked by Councilman Roche to just
[7] make one modification in the anti-discrimination
[8] section of the existing personnel policy to
[9] include that sexual preference would no longer
[10] be included.

[11] When we originally talked about it, my
[12] impression was that he wanted gender -- gender
[13] expression to also be eliminated. But
[14] apparently that was discussed some months ago
[15] and the Council decided not to pursue that line
[16] of change.

[17] At your last meeting, at the work
[18] session, during the conversations with regard to
[19] the subject, there was conversations about
[20] dealing with the vacation policy, dealing with
[21] the issue of paying the Council -- the City
[22] paying for certification training and making
[23] sure that the Police Department standard
[24] operating procedures were included in this -- in
[25] consideration of making this anti-discrimination

[1] realistic or possible. And if you want to
[2] continue on with, you know, changes here and
[3] there, we can certainly do it that way.

[4] **COUNCILMEMBER ROCHE:** Well, I'm sorry.
[5] I'm confused.

[6] The vacation, I mean we did pass that.

[7] **ATTORNEY WEED:** You did, that's
[8] correct, but it never -- you've never -- it's
[9] never been incorporated into a complete
[10] personnel policy because that's never been
[11] revised based upon the notes that I received
[12] when I got here.

[13] **COUNCILMEMBER ROCHE:** Okay. But after
[14] the Council passed that, we made a motion and we
[15] passed it, what's the next step in making that
[16] happen? I mean I don't get this.

[17] **ATTORNEY WEED:** Well, the next --

[18] **COUNCILMEMBER ROCHE:** I'm sorry. Maybe
[19] --

[20] **MS. MURPHY:** I'm sorry. Council did
[21] not pass it.

[22] **COUNCILMEMBER ROCHE:** We did not pass
[23] it?

[24] **MS. MURPHY:** No.

[25] **COUNCILMEMBER ROCHE:** I thought we did.

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[1] **COUNCILMEMBER FLEMING:** If memory
[2] serves, it was on an e-mail a couple weeks ago
[3] that I pulled out a pending ordinance from
[4] February 28th from Mr. Powell, and his
[5] understanding of what we approved was not what I
[6] understood.
[7] I e-mailed Ms. Alexander with it and I
[8] was trying to get in touch with the Mayor. And
[9] Mr. Weed indicates that he does have that in his
[10] pending file from Mr. Powell. But what he wrote
[11] was not what I thought our understanding was.
[12] And it encompassed the vacation time, the sick
[13] time and comp time.
[14] **MAYOR JENKINS:** We talked about that --
[15] **COUNCILMEMBER FLEMING:** Yes.
[16] **MAYOR JENKINS:** -- but it never passed.
[17] **COUNCILMEMBER ROCHE:** And I guess my
[18] concern is this. It was never my intent to deal
[19] with all those other issues with this particular
[20] agenda item.
[21] My only concern here was I know of two
[22] places in the employee manual and I believe it
[23] was one place in the policemen's employee manual
[24] where there's a statement about who we
[25] discriminate -- or who we don't discriminate

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[1] against. And as far as I'm concerned, in
[2] Doraville, we don't discriminate against people
[3] based on their sexual orientation or their
[4] sexual preference, and we need to add that as
[5] the Council did agree to do.
[6] And I want to make that part of today
[7] instead of waiting for some day in the future
[8] when we finally approve a new employee manual.
[9] That was my only intent. All this other stuff
[10] is fine, but, you know, I think it needs to be
[11] handled separately because I think it just
[12] clouds the issue.
[13] **ATTORNEY WEED:** And I don't disagree
[14] with the councilman but, you know, obviously I
[15] did what I thought I was told to do.
[16] So whatever the Council wants. If you
[17] want to continue to pursue minor changes in a
[18] major document through this vehicle or a series
[19] of small ordinances, you know, that's entirely
[20] up to the Council.
[21] **COUNCILMEMBER ROCHE:** Well, my request
[22] would be to just simply do whatever it is we
[23] need to do to change those three non-
[24] discrimination statements to include sexual
[25] orientation and sexual preference, and I'd like

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[1] to make a motion to do that.
[2] **MAYOR JENKINS:** Do I get a second?
[3] **COUNCILMEMBER BATES:** Can I ask a
[4] question?
[5] **COUNCILMEMBER ROCHE:** Sure.
[6] **COUNCILMEMBER BATES:** The sexual
[7] preference, is that the gender identity or
[8] gender expression?
[9] **COUNCILMEMBER ROCHE:** Sure.
[10] **ATTORNEY WEED:** My intention was the --
[11] there were two issues, which sexual preference
[12] would be under gender preference, and then
[13] gender identity was a separate issue which my
[14] understanding was was off the table from your
[15] prior conversations before I got here.
[16] **COUNCILMEMBER BATES:** Off the table but
[17] to be discussed.
[18] **ATTORNEY WEED:** That's up to you.
[19] My understanding was from the notes
[20] that I've read through and people have been told
[21] that that was not something you wanted to pursue
[22] as a group in a finalized personnel policy, so.
[23] However, I didn't understand that until after
[24] I'd done the first draft of this ordinance that
[25] you saw at the last work session. I have since

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[1] then taken those references out.
[2] **COUNCILMEMBER ROCHE:** I think when we
[3] did the employee manual we were talking about
[4] gay people and we were not going to -- you know,
[5] however -- whatever the legal term is for that,
[6] that Doraville is not going to discriminate
[7] against gay people.
[8] **COUNCILMEMBER BATES:** If you would be
[9] amenable to an amendment to your motion for it
[10] to read to include sexual orientation as part of
[11] the nondiscrimination clause.
[12] **COUNCILMEMBER ROCHE:** That's fine. I
[13] think that's what we agreed on in the --
[14] **COUNCILMEMBER PITTMAN:** I believe it
[15] says that.
[16] **COUNCILMEMBER ROCHE:** Right.
[17] **COUNCILMEMBER ALEXANDER:** I think it
[18] already says it.
[19] **COUNCILMEMBER BATES:** I thought we had
[20] already adopted that language.
[21] **COUNCILMEMBER ROCHE:** No. It was
[22] adopted into the draft version of the employee
[23] manual that never went anywhere.
[24] **ATTORNEY WEED:** That has never been
[25] passed.

[1] **COUNCILMEMBER BATES:** If you're
 [2] amenable, I will second that motion.
 [3] **COUNCILMEMBER ROCHE:** That's fine.
 [4] **MAYOR JENKINS:** Anymore discussion?
 [5] **COUNCILMEMBER FLEMING:** I think the
 [6] more times that we amend and keep amending, we
 [7] will never get around to doing the final book.
 [8] And it's the same thing with the zoning
 [9] ordinances, and I think we're coming up with
 [10] another code of ethics, which we've already got
 [11] code of ethics from '07, we've got a code of
 [12] ethics '06, and the amendments on top of the
 [13] amendments, I think we need to call a halt to it
 [14] pretty soon here.
 [15] **COUNCILMEMBER BATES:** Absolutely.
 [16] **COUNCILMEMBER ROCHE:** I agree with
 [17] that, too. But in the meantime, until we get
 [18] our act together to do that, I think we need to
 [19] take this action.
 [20] **COUNCILMEMBER ALEXANDER:** So what
 [21] exactly is the purpose of this motion? To give
 [22] a directive to the City Attorney or for us to
 [23] approve a document I haven't seen?
 [24] **COUNCILMEMBER BATES:** It would be to
 [25] add sexual orientation in the nondiscrimination

[1] **COUNCILMEMBER PITTMAN:** I thought we
 [2] were going to be putting out RFPs for someone to
 [3] do our personnel handbook.
 [4] **ATTORNEY WEED:** Essentially all that
 [5] I'm really asking for -- and it wouldn't really
 [6] require a motion -- is that if you-all agree
 [7] that you would like me just to narrow the scope
 [8] of this ordinance down to what Councilman Roche
 [9] originally intended, then I will do that.
 [10] **MAYOR JENKINS:** Well, we have a motion
 [11] and a second on the table, so we'll have to --
 [12] **COUNCILMEMBER ROCHE:** Yeah. I mean
 [13] like I said, whatever it takes to make this part
 [14] of the current body of laws in Doraville, that
 [15] we do not discriminate.
 [16] **MAYOR JENKINS:** Okay. Call for the
 [17] motion. Call the roll.
 [18] **CLERK BLACKMON:** Councilmember
 [19] Alexander?
 [20] **COUNCILMEMBER ALEXANDER:** No.
 [21] **CLERK BLACKMON:** Councilmember Bates?
 [22] **COUNCILMEMBER BATES:** Yes.
 [23] **CLERK BLACKMON:** Councilmember Fleming?
 [24] **COUNCILMEMBER FLEMING:** Yes.
 [25] **CLERK BLACKMON:** Councilmember Pittman?

[1] clause in our employee handbook.
 [2] **ATTORNEY WEED:** If this is helpful, the
 [3] ordinance is going to look almost exactly like
 [4] the ordinance you received at the work session.
 [5] The only addition to it would be coverage for
 [6] the SOP, for the Police SOP. That didn't come
 [7] up until the night of the work session, which is
 [8] an appropriate time to discuss it, and then the
 [9] elimination of the gender identity language.
 [10] So what you'd be adopting would be
 [11] essentially that original ordinance. And I'm
 [12] not suggesting that you vote on an ordinance you
 [13] haven't seen but so you know what -- what it --
 [14] **COUNCILMEMBER ROCHE:** We're basically
 [15] inserting two words into the discrimination
 [16] [sic] statements, wherever they exist --
 [17] **ATTORNEY WEED:** Correct.
 [18] **COUNCILMEMBER ROCHE:** -- and I think
 [19] there's three right now. There may be another
 [20] one, but --
 [21] **MAYOR JENKINS:** Are we saying that if
 [22] we vote on this, we're just passing it; we're
 [23] not fixing it? Is that true?
 [24] **COUNCILMEMBER ROCHE:** No. We're
 [25] changing our nondiscrimination policy.

[1] **COUNCILMEMBER PITTMAN:** Yes.
 [2] **CLERK BLACKMON:** Councilmember Roche?
 [3] **COUNCILMEMBER ROCHE:** Yes.
 [4] **CLERK BLACKMON:** Councilmember
 [5] Spangler?
 [6] **COUNCILMEMBER SPANGLER:** Yes.
 [7] **COUNCILMEMBER ALEXANDER:** Can I request
 [8] a copy of that document since I don't seem to
 [9] have it?
 [10] **ATTORNEY WEED:** Which one?
 [11] **COUNCILMEMBER ALEXANDER:** I don't have
 [12] anything right now.
 [13] **ATTORNEY WEED:** Okay.
 [14] **COUNCILMEMBER ALEXANDER:** Thank you.
 [15] **MAYOR JENKINS:** Maria?
 [16] **COUNCILMEMBER ALEXANDER:** I'm going to
 [17] request that this be added to the work session
 [18] agenda because I still don't have all my
 [19] information from GMA.
 [20] I did speak to Sherry Rousseau who is
 [21] supposed to be doing some research on tornado
 [22] sirens. She did mention that I guess the Chief
 [23] is aware of this, because some citizens
 [24] mentioned that the tornado sirens could be used
 [25] in case of a hazardous condition at the oil tank

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[1] facilities, and she did mention that I believe
[2] it was two years ago that the weather radios now
[3] have a capacity to broadcast emergency
[4] announcements such as if something happened at
[5] the oil tanks, which I wasn't aware of that.
[6] I do have -- I made 50 copies of this.
[7] September is Preparedness Month. How
[8] appropriate regarding the hurricane. And this
[9] is off Ready.gov web site. This is an emergency
[10] supply list. It has suggestions on emergency
[11] kits to have ready in your home in case of an
[12] emergency, and I ran off some copies of these to
[13] hand out.
[14] Like I said, I respectfully request
[15] that this remain on the agenda because I'll have
[16] more information from GMA.
[17] **MAYOR JENKINS:** Okay.
[18] Brian?
[19] **COUNCILMEMBER BATES:** Yes, sir. I'm
[20] going to try to go through these as quickly as
[21] possible.
[22] We had a presentation from Steve
[23] Labovitz, who's an attorney with McKenna, Long &
[24] Aldridge, regarding establishment of a TAD or a
[25] Tax Allocation District.

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[1] Mr. Roche, Mr. Spangler, Ms. Alexander,
[2] the Mayor and myself were in attendance, and
[3] that was a very informative presentation on how
[4] to go about establishing a Tax Allocation
[5] District. And I think that would be something
[6] that we would look at moving forward down the
[7] road but nothing to act on this evening.
[8] Item 8, the GMA Revenue Recovery
[9] Program. Rhonda, were you able to get any
[10] pricing from them on that?
[11] **CLERK BLACKMON:** Not on that item, no.
[12] **COUNCILMEMBER BATES:** Okay. So I will
[13] request that that be moved to the September work
[14] session.
[15] Item number 9 goes away.
[16] Item number 10 goes away. We've
[17] already addressed that with Ms. Murphy, so that
[18] goes away.
[19] **ATTORNEY WEED:** Actually, Councilman,
[20] item number 9, I'd like to address that real
[21] quickly.
[22] **COUNCILMEMBER BATES:** Sure.
[23] **ATTORNEY WEED:** One subpart of that was
[24] the agreement with James Whitaker. I contacted
[25] James. I did a contract review of the

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[1] engagement letter that he sent that the Mayor
[2] signed. Because the amount goes beyond \$5,000,
[3] I would prefer that the Council actually adopt
[4] that in the form of a contract with a sole-
[5] source vendor just to make everything clean.
[6] **COUNCILMEMBER BATES:** Is that something
[7] we need to do tonight?
[8] **ATTORNEY WEED:** I would like you to do
[9] it tonight.
[10] **COUNCILMEMBER BATES:** Then, I so move
[11] that we adopt the agreement as a sole-source
[12] vendor for the 2007/2008 audit.
[13] **MAYOR JENKINS:** Second?
[14] **COUNCILMEMBER PITTMAN:** Second.
[15] **COUNCILMEMBER SPANGLER:** Why would --
[16] can we have a little discussion?
[17] **MAYOR JENKINS:** Yeah, go ahead.
[18] **COUNCILMEMBER SPANGLER:** Why would we
[19] want to do this now, Mr. Weed?
[20] **ATTORNEY WEED:** Well, because the
[21] original letter agreement, it's my understanding
[22] from the Clerk that it was never formally
[23] adopted by the Mayor and Council, and it is in
[24] effect a contract. And the contract is for a
[25] sum of I believe \$16,000 -- sixteen to eighteen.

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[1] And you know, the ordinances require that
[2] anything above \$5,000 would require some form of
[3] RFP unless it's a sole-source vendor or a couple
[4] of the other exceptions. So I would like to see
[5] it adopted formally just to make sure that it's
[6] done appropriately for the record.
[7] **COUNCILMEMBER SPANGLER:** Okay. So
[8] we're just going to do the contract for one
[9] year?
[10] **ATTORNEY WEED:** Yes, sir. The contract
[11] actually terminates at the end of this year, and
[12] Mr. Whitaker assures me that his work will be
[13] done by December 31st.
[14] **COUNCILMEMBER SPANGLER:** So then at
[15] that time we put out RFPs for another auditor?
[16] **ATTORNEY WEED:** That's up to you. You
[17] can.
[18] **COUNCILMEMBER SPANGLER:** Or we can
[19] maintain Mr. Whitaker's services.
[20] **ATTORNEY WEED:** Correct; yes, sir.
[21] **COUNCILMEMBER SPANGLER:** Okay. I'm
[22] good, Mayor.
[23] **MAYOR JENKINS:** All right. Call the
[24] roll.
[25] **CLERK BLACKMON:** Councilmember

[1] Alexander?
 [2] **COUNCILMEMBER ALEXANDER:** Yes.
 [3] **CLERK BLACKMON:** Councilmember Bates?
 [4] **COUNCILMEMBER BATES:** Yes.
 [5] **CLERK BLACKMON:** Councilmember Fleming?
 [6] **COUNCILMEMBER FLEMING:** Yes.
 [7] **CLERK BLACKMON:** Councilmember Pittman?
 [8] **COUNCILMEMBER PITTMAN:** Yes.
 [9] **CLERK BLACKMON:** Councilmember Roche?
 [10] **COUNCILMEMBER ROCHE:** Yes.
 [11] **CLERK BLACKMON:** Councilmember
 [12] Spangler?
 [13] **COUNCILMEMBER SPANGLER:** Yes.
 [14] **ATTORNEY WEED:** Thank you, Council.
 [15] **COUNCILMEMBER BATES:** Item 10 went
 [16] away.
 [17] Item 11, we've already done. I just
 [18] want to remind everybody that the nominations
 [19] for the December presentations are due by
 [20] October 31. The Clerk has forms in her office
 [21] if you would like to nominate a neighbor, a
 [22] resident, a business or an organization from the
 [23] city.
 [24] Item number 12. Were we able to get
 [25] information from GIRMA?

[1] **CHIEF KING:** I think you've set that,
 [2] the body of the City Council. Like I'm bonded
 [3] because my position requires it to be. But you
 [4] set the requirement, and we fulfill the require-
 [5] ment.
 [6] **COUNCILMEMBER SPANGLER:** So who set the
 [7] requirements for the bookkeeper to be bonded?
 [8] **CHIEF KING:** I didn't.
 [9] **ATTORNEY WEED:** No one has.
 [10] **COUNCILMEMBER SPANGLER:** Well, I
 [11] thought I've seen something or heard something
 [12] that we were going to start making or having
 [13] them be bonded for up to a million dollars, the
 [14] bookkeeper.
 [15] **ATTORNEY WEED:** Now, I will say that
 [16] many governments require that persons who handle
 [17] funds for the city are bonded; however, that's
 [18] always a matter of choice.
 [19] There are some positions that are
 [20] statutorily required to be bonded. I believe
 [21] the tax commissioner, in the Georgia
 [22] Constitution. I think every county sheriff's
 [23] got to be bonded. I think other law enforcement
 [24] officials like the Chief. Some of those things
 [25] are done specifically by Georgia statute, but

[1] **CLERK BLACKMON:** You should have it in
 [2] front of you. It's three pages, I believe,
 [3] their information on bonding.
 [4] **COUNCILMEMBER SPANGLER:** While we're on
 [5] this agenda item, I would like to ask all the
 [6] department heads, not only the Chief -- he's the
 [7] only one here. I think Corally's already --
 [8] **COUNCILMEMBER BATES:** Corally's here.
 [9] **COUNCILMEMBER SPANGLER:** Oh. Corally
 [10] is here?
 [11] Do we have all of our vendors -- do we
 [12] have them being bonded? Do we have copies of --
 [13] **CHIEF KING:** No, sir, I don't.
 [14] **COUNCILMEMBER SPANGLER:** So none of
 [15] your vendors are bonded?
 [16] **CHIEF KING:** No. You said all of them.
 [17] Not all of them are bonded.
 [18] **COUNCILMEMBER SPANGLER:** And why would
 [19] we not have all of them put up a bond?
 [20] **CHIEF KING:** I've never been asked to
 [21] provide -- requested to provide bonding, but I
 [22] can ask them.
 [23] **COUNCILMEMBER SPANGLER:** What
 [24] determines who has to be bonded? Is it somebody
 [25] that handles money or is it --

[1] the statutes don't filter down to every single
 [2] position in the government.
 [3] So for those positions where it's not
 [4] statutorily required, it's just a business
 [5] decision about weighing the amount of risk in a
 [6] position against whether or not you want to have
 [7] it bonded.
 [8] **COUNCILMEMBER SPANGLER:** Okay. So who
 [9] all of the vendors that we have in the city
 [10] doing business with the City now are required to
 [11] be bonded?
 [12] **ATTORNEY WEED:** I have no idea.
 [13] Since I have been city attorney here,
 [14] my best advice to you would be not that every
 [15] vendor be bonded but that every vendor have
 [16] insurance and that they have at least a policy
 [17] of a minimum of one million dollar coverage.
 [18] And that's in all the contracts that I prepare
 [19] for you with vendors. I always include that
 [20] clause in them. But then again I've been here
 [21] just a couple months. You know, what occurred
 [22] until that, I don't know.
 [23] But that's my best advice would be for
 [24] positions that handle money, I would suggest
 [25] bonding. For all vendors, I would suggest a

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[1] minimal amount of insurance that they have
[2] coverage.
[3] **COUNCILMEMBER ROCHE:** Handling money
[4] doesn't mean necessarily cash. It could be the
[5] accounting process. It could be --
[6] **ATTORNEY WEED:** Yes, sir.
[7] **COUNCILMEMBER ROCHE:** -- online
[8] payments. It could be --
[9] **COUNCILMEMBER SPANGLER:** Well, I think
[10] we're going -- we're going to do that. I think
[11] we just need to make a rule right across the
[12] board that everybody has to have a million-
[13] dollar insurance policy or be able to be bonded
[14] up to a million dollars.
[15] **COUNCILMEMBER BATES:** For the vendors?
[16] **COUNCILMEMBER SPANGLER:** For all the
[17] vendors. If we're going to do it for one, we
[18] should do it for them all.
[19] **ATTORNEY WEED:** That would make the
[20] lawyer happy and probably risk manager, but
[21] that's a business decision.
[22] **COUNCILMEMBER BATES:** I will -- because
[23] I want to investigate this particular item a
[24] little bit more. We did provide -- the Clerk
[25] was able to provide us with a copy of the

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[1] bonding, the risk management coverage for our
[2] employees. Is that correct?
[3] **CLERK BLACKMON:** Yes. But it also
[4] includes anyone like Priscilla because she works
[5] close with the City Hall, and it also blankets
[6] those subcontractors who work directly with the
[7] City personnel.
[8] **COUNCILMEMBER SPANGLER:** It does cover?
[9] **CLERK BLACKMON:** Yes.
[10] **COUNCILMEMBER ALEXANDER:** Where does it
[11] say that?
[12] **CLERK BLACKMON:** I have not read it.
[13] I'm going by what Becky McCarthy at GIRMA told
[14] us today on the phone, when she e-mailed us.
[15] She specifically stated that.
[16] **COUNCILMEMBER BATES:** Okay. I will
[17] request that this be put back on the September
[18] so that I have a chance to take a look at this.
[19] Ms. Murphy has a question, Mayor.
[20] **MAYOR JENKINS:** Yes, ma'am.
[21] **MS. MURPHY:** Mayor, excuse me. I guess
[22] I'm a little in the dark. I didn't know
[23] anything about a million dollar bond.
[24] Does this have something to do with the
[25] contract that I turned in a couple weeks ago,

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[1] some information that you-all have or that
[2] you're working on?
[3] **MAYOR JENKINS:** I think so.
[4] **MS. MURPHY:** Okay.
[5] **COUNCILMEMBER BATES:** Well, this is --
[6] this is in relation to all of our vendors who
[7] have access to sensitive information or
[8] finances. It's not particular to any one vendor
[9] or employee. It would apply to the courts and
[10] to the Police Department as well.
[11] **MS. MURPHY:** Okay. I just asked
[12] because Councilmember Spangler mentioned a
[13] million dollars for me in particular.
[14] **COUNCILMEMBER SPANGLER:** I've heard
[15] something or I've seen something that brought
[16] that to my attention. I'm just saying if we're
[17] going to do it for one vendor, we're going to do
[18] it for all.
[19] **COUNCILMEMBER BATES:** And that's infor-
[20] mation that I'm unaware of.
[21] **MS. MURPHY:** Okay.
[22] **COUNCILMEMBER ROCHE:** But it may well
[23] be that, you know, our bookkeeper's already
[24] covered under this (indicating).
[25] **CLERK BLACKMON:** According to GIRMA,

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[1] she is.
[2] **COUNCILMEMBER ROCHE:** Well, great.
[3] **CLERK BLACKMON:** According to
[4] Ms. McCarthy.
[5] **MAYOR JENKINS:** You also have bonded
[6] through your company; is that correct?
[7] **MS. MURPHY:** I have insurance and
[8] errors and omissions, workmen's comp, general
[9] liability, all that insurance, consistently for
[10] 19 years.
[11] **MAYOR JENKINS:** Okay.
[12] Brian?
[13] **COUNCILMEMBER BATES:** Yes, sir. Item
[14] 13, LEED and LEED-EB for existing buildings.
[15] Mr. Roche had put forward the legal
[16] limits, which I absolutely agree with.
[17] What I'd like for us to do as a matter
[18] of cost savings for the future is on existing
[19] buildings, that we want to incorporate as many
[20] energy efficient items that we can. And that
[21] would be motion sensors on light switches for
[22] restroom facilities, low-flow fixtures for
[23] bathroom equipment, bathroom facilities and
[24] things along that nature so that the municipal
[25] government is setting an example of energy

[1] efficiency and responsibility in a green
[2] environment that we're going to mandate for our
[3] business and residential community.

[4] So I think, Mr. Roche, that you had
[5] sort of agreed to look at some options for the
[6] existing buildings, and if I'm speaking
[7] incorrectly, please let me know.

[8] **COUNCILMEMBER ROCHE:** I think we were
[9] talking about adding the municipal buildings and
[10] existing buildings. I don't have that --

[11] **COUNCILMEMBER BATES:** Well, the
[12] municipal buildings are required under the LEED
[13] ordinance, that any new facilities --

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

[15] **COUNCILMEMBER BATES:** -- that they
[16] would be in compliance with the LEED ordinance.

[17] **COUNCILMEMBER ROCHE:** We're not talking
[18] about retrofitting.

[19] **COUNCILMEMBER BATES:** No. That's a
[20] very expensive --

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

[22] **COUNCILMEMBER BATES:** -- procedure.

[23] And I would want the municipal government to
[24] take the lead -- no pun intended -- on retro-
[25] fitting simple things like putting in, you know,

[1] replacement?

[2] There's frequent times when I come up
[3] here during the weekend or at night and the
[4] bathroom lights are on or the lights are on, you
[5] know, in the hallway or someplace.

[6] **COUNCILMEMBER SPANGLER:** Do you turn
[7] them off?

[8] **COUNCILMEMBER BATES:** Absolutely.

[9] But those things, again, while minimal,
[10] will add up. If we're looking at doing that in
[11] all of our municipal buildings as part of a
[12] comprehensive review of our expenditure
[13] policies, yes, there will be a short-term hit on
[14] the installation purchase.

[15] But is that offset by long-term savings
[16] on the electrical and water bills? That's a
[17] question that I don't have the answer to, which
[18] is why I brought it up for discussion. Wonder
[19] if that's something that we want to investigate
[20] if it makes long-term sense on a cost-savings
[21] environment, and, if so, then that would be
[22] something that I would recommend that we adopt
[23] too.

[24] **COUNCILMEMBER ROCHE:** I guess it would
[25] be -- you know, maybe survey the department

[1] automatic sensors on the light switches so that
[2] when you leave the bathroom the lights go out
[3] after a certain amount of time, and looking at
[4] putting those things in place to cut down,
[5] however minimal it will be, on the electrical
[6] bill, and low-flow fixtures for the plumbing
[7] needs to save monies there wherever possible.

[8] **COUNCILMEMBER ROCHE:** Yeah. I like the
[9] idea. I guess my concern was that if we were
[10] going to do something like that, it would be for
[11] replacements.

[12] **COUNCILMEMBER BATES:** Well, I think --

[13] **COUNCILMEMBER ROCHE:** I'm not sure if
[14] we want to go back and --

[15] Again, I'm Mr. Save-It right now. I
[16] don't know that we can afford to go out and
[17] replace all of our light switches with motion
[18] sensors right now.

[19] **COUNCILMEMBER BATES:** Well, I think the
[20] question would be what would be the cost savings
[21] that we would see over the long period by
[22] replacing that light switch today. We spend
[23] X-number of dollars today, and over the course
[24] of two months, five months, five years, what
[25] would be the anticipated savings on that

[1] heads, you know, and find out what it would cost
[2] to do something like that and maybe get the
[3] maintenance people involved.

[4] **COUNCILMEMBER SPANGLER:** I agree with
[5] Mr. Bates. I think we can do some checking and
[6] probably we could show over -- just like with
[7] the LEEDs building, you know, like he said, over
[8] the course of four to five years, that you would
[9] recoup your money for going green. I think we
[10] could probably do the same thing here. We may
[11] not want to do every building, but we could
[12] start with one building and do the motion
[13] sensors or we may do all the buildings with the
[14] motion sensor and then come back six months and
[15] do the low-flow plumbing.

[16] **COUNCILMEMBER BATES:** I would ask that
[17] we look into the costs associated with putting
[18] in those types of energy efficient equipment,
[19] and if we need to do one building at a time over
[20] the course of the next two years, then --

[21] **COUNCILMEMBER SPANGLER:** And there may
[22] be some grant money for this.

[23] **COUNCILMEMBER BATES:** And there
[24] absolutely might be.

[25] **COUNCILMEMBER ROCHE:** So you weren't

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[1] talking about necessarily passing an ordinance
[2] to enforce this.
[3] Okay. I understand. I guess it would
[4] come from your department heads.
[5] **MAYOR JENKINS:** Some of these items
[6] we've already done and we're doing as we get to
[7] them.
[8] **COUNCILMEMBER BATES:** Got you.
[9] Item 14. I will make a motion that we
[10] add the receivables and payables aging report to
[11] the list of monthly reports that we get from
[12] department heads.
[13] **COUNCILMEMBER ROCHE:** I'll second that
[14] motion.
[15] **MAYOR JENKINS:** Call the roll.
[16] **CLERK BLACKMON:** Councilmember
[17] Alexander?
[18] **COUNCILMEMBER ALEXANDER:** Yes.
[19] **CLERK BLACKMON:** Councilmember Bates?
[20] **COUNCILMEMBER BATES:** Yes.
[21] **CLERK BLACKMON:** Councilmember Fleming?
[22] **COUNCILMEMBER FLEMING:** Yes.
[23] **CLERK BLACKMON:** Councilmember Pittman?
[24] **COUNCILMEMBER PITTMAN:** Yes.
[25] **CLERK BLACKMON:** Councilmember Roche?

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[1] **COUNCILMEMBER ROCHE:** Yes.
[2] **CLERK BLACKMON:** Councilmember
[3] Spangler?
[4] **COUNCILMEMBER SPANGLER:** Yes.
[5] **COUNCILMEMBER BATES:** Thank you.
[6] Item 15, salary and job classification
[7] studies. Were we able to get any information
[8] from ARC or any of --
[9] **CLERK BLACKMON:** You-all asked me to
[10] pull the Carl Vinson study from prior, and that
[11] is only on the city clerks and the -- prior city
[12] clerk and prior building inspector, and I am not
[13] able to find it.
[14] **COUNCILMEMBER SPANGLER:** I thought that
[15] was also -- I thought it also covered the
[16] maintenance department.
[17] **CLERK BLACKMON:** I think it was only on
[18] those two people.
[19] **COUNCILMEMBER SPANGLER:** Do you
[20] remember, Ms. Murphy?
[21] **MS. MURPHY:** Two of them.
[22] **CLERK BLACKMON:** And I've looked
[23] through previous clerk's files and I cannot
[24] locate it but I'm still searching for that if
[25] you still want it solely on those two people.

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[1] **COUNCILMEMBER BATES:** I would like for
[2] us to move forward with getting pricing from
[3] various --
[4] **CLERK BLACKMON:** Okay.
[5] **COUNCILMEMBER BATES:** -- entities to
[6] help us actually do a comprehensive salary and
[7] job classification study.
[8] **MAYOR JENKINS:** For all employees?
[9] **COUNCILMEMBER BATES:** For all
[10] employees.
[11] **COUNCILMEMBER BATES:** So I will add
[12] that back to be put back on the September --
[13] **CLERK BLACKMON:** Yes.
[14] **COUNCILMEMBER BATES:** -- work session.
[15] Item 16, the ever-infamous employment
[16] manual. I will -- we have received notification
[17] from our City Attorney offering to write and
[18] adjust and provide the associated documents and
[19] reports, forms, et cetera, for our employment
[20] manual for a lump sum total, inclusive, of
[21] \$5,000, and that will move this project forward
[22] and get it over and done with.
[23] I will put that forward in the form of
[24] an official motion that we accept the proposal
[25] from Freeman, Mathis & Gary for a \$5,000

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[1] employment manual, inclusive, to include the
[2] employment manual and associated forms.
[3] **COUNCILMEMBER PITTMAN:** Second.
[4] **COUNCILMEMBER SPANGLER:** I would ask
[5] that we have a chance to give some input into
[6] the changes that we would like to see made in
[7] this employee manual.
[8] **ATTORNEY WEED:** Oh, yes, sir.
[9] **MAYOR JENKINS:** Oh, yeah. We'll be
[10] involved.
[11] **ATTORNEY WEED:** It's our intention to
[12] lock you in this room with sandwiches until you
[13] comply.
[14] **MAYOR JENKINS:** On the basis of saving
[15] money, how about \$4,000?
[16] **ATTORNEY WEED:** Well, Mr. Mayor, let me
[17] take that back to the powers that be, but I can
[18] probably talk them into it for you.
[19] **MAYOR JENKINS:** All right.
[20] **COUNCILMEMBER ROCHE:** Well, of course,
[21] on the heading, you know, employee manual is a
[22] pretty broad subject, you know. Maybe we could
[23] talk about zoning, you know.
[24] **MAYOR JENKINS:** Now, wait a minute. We
[25] got it down to four, and you're fixing to mess

[1] it up.
[2] **COUNCILMEMBER FLEMING:** Do you have any
[3] idea what the time frame will be once you've
[4] locked us in and, you know, we've decided what
[5] we're going to do?

[6] **ATTORNEY WEED:** Well, I think my
[7] understanding from Ms. Murphy and from Rhonda is
[8] that you've come very close many times. And I
[9] hopefully will be able to give you a product
[10] that will try to incorporate the notes that I've
[11] already received, and we can move you beyond
[12] minutiae into the big themes and make sure we've
[13] covered the big themes for you in advance of
[14] your first meeting.

[15] And we'll structure it. We'll have a
[16] limited number of meetings with a clear agenda
[17] for what we would like to accomplish for that
[18] meeting. Maybe up to three. But by the end of
[19] those meetings, you will have this project --
[20] you know, you will have it done, and it would be
[21] something you all will have agreed to or at
[22] least the majority of you have agreed to. So
[23] that's how we'll handle it.

[24] **COUNCILMEMBER ROCHE:** Well, my
[25] observation when we were doing the walk-through

[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] **COUNCILMEMBER BATES:** Thank you again.
[16] Item 17 is employee certifications
[17] policy, Mr. Weed. I think I was probably a
[18] little nebulous. Did we charge you with
[19] crafting --

[20] **ATTORNEY WEED:** I hope not. No, sir, I
[21] did not write that down as one of my duties so I
[22] didn't do anything on it.

[23] **COUNCILMEMBER BATES:** Okay. I will
[24] request that that be added back to the September
[25] agenda and that, Mr. Mayor, with your permission

[1] was that -- and I was just as guilty as anyone
[2] else -- is that we were pretending like we were
[3] -- we were worried about what you said, the
[4] minutiae, instead of focusing on the policies
[5] and the concepts. You know, we should just do
[6] the policies and concepts and you write the
[7] thing.

[8] **ATTORNEY WEED:** And a lot of this isn't
[9] rocket science. The laws have been established.

[10] The first thing we're going to do is
[11] make sure that the draft we give you is in
[12] compliance with the law, and where it can be
[13] changed, for your local preferences, that's when
[14] the fun starts.

[15] **COUNCILMEMBER SPANGLER:** That's when we
[16] get locked in the room.

[17] **ATTORNEY WEED:** Yes, sir, until you
[18] comply.

[19] **COUNCILMEMBER BATES:** Can we have
[20] pizza?

[21] **COUNCILMEMBER SPANGLER:** What do you
[22] think, Ms. Fleming?

[23] **COUNCILMEMBER FLEMING:** There's a
[24] motion and a second.

[25] **MAYOR JENKINS:** Call the roll.

[1] and approval, that we craft a policy that
[2] stipulates that it's the employee's
[3] responsibility to keep their certifications
[4] current and up to date.

[5] **COUNCILMEMBER FLEMING:** Can that be
[6] part of the employee manual?

[7] **COUNCILMEMBER BATES:** Well, you know,
[8] absolutely.

[9] **COUNCILMEMBER ROCHE:** Or possibly even
[10] the salary and job classification study.

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

[12] **COUNCILMEMBER ROCHE:** When we have a
[13] job description from number 15.

[14] **COUNCILMEMBER BATES:** Yes. I will pull
[15] that off and we will incorporate that into the
[16] previous two items. I think that's great.

[17] **CLERK BLACKMON:** I'm taking that off.
[18] I'm not adding that to the work session;
[19] correct?

[20] **COUNCILMEMBER BATES:** I'm sorry?

[21] **CLERK BLACKMON:** I was just verifying
[22] that I'm not putting it on the work session.

[23] **COUNCILMEMBER BATES:** You are not
[24] putting that on the work session with him, no.
[25] And that will conclude my items.

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[1] **MAYOR JENKINS:** Thank you.
 [2] Mr. Mike Tuller, are you here?
 [3] **CLERK BLACKMON:** No. They are going to
 [4] be heard at the Planning Commission meeting on
 [5] the 4th.
 [6] **MAYOR JENKINS:** Okay. Ginny Calvert?
 [7] **MS. CALVERT:** Well, I hear we talked
 [8] about a great many things this evening and we
 [9] talked about what, the million dollar bonds.
 [10] How much is that going to cost us?
 [11] Maybe the panel up here should have a million
 [12] dollar bond on themselves because they seem to
 [13] spend the most money in the city, each and every
 [14] one.
 [15] I'm talking for the people because I
 [16] can say I talk for the people because I do talk
 [17] to the people. I'm out there going door to
 [18] door, and I do talk to the different people.
 [19] We told you many times not to try to
 [20] run our Police Department. You are not equated.
 [21] Do you know the meaning of that word? It means
 [22] you are not intelligent enough to run a police
 [23] department.
 [24] **COUNCILMEMBER ROCHE:** Excuse me. If
 [25] you're going to insult us, I think you're

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[1] violating the ethics --
 [2] **MS. CALVERT:** Really?
 [3] **COUNCILMEMBER ROCHE:** -- you know. I
 [4] mean I'm going to call an end to this, Mayor.
 [5] **MS. CALVERT:** Am I really violating the
 [6] ethics? I'm sorry.
 [7] **COUNCILMEMBER ROCHE:** No, I don't think
 [8] -- I think that anyone that's appearing before
 [9] the Council and the councilpeople here, I mean
 [10] we can discuss issues, but when you get into
 [11] per- -- when you start insulting people, that
 [12] really goes over the line.
 [13] **MS. CALVERT:** I didn't particularly use
 [14] anybody's name.
 [15] **COUNCILMEMBER ROCHE:** Well, you
 [16] included us all, but anyway --
 [17] **MAYOR JENKINS:** Go ahead and move right
 [18] along.
 [19] **MS. CALVERT:** I think you ought to
 [20] stick to zoning and ordinances just because
 [21] they're a little on the boring side. But you
 [22] need ideas like Doraville Days to make our city
 [23] a place for people to want to stay and come back
 [24] to and to live in.
 [25] Our Police Department, as far as I can

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[1] see, the seven million or whatever dropped down
 [2] as much as it did was not caused by our Police
 [3] Department.
 [4] People are saying they don't see our
 [5] police very often in the neighborhoods. I guess
 [6] they don't cook or maybe they don't even go to
 [7] the bathroom. Or maybe they do go to the
 [8] bathroom and they miss the policeman going by.
 [9] However, does that mean we need more police on
 [10] the street? Uh-oh. There goes the budget
 [11] again.
 [12] I have spent two days in Northwoods,
 [13] two Saturdays, soliciting applications for the
 [14] crosses. Well, I used about a half a tank of
 [15] gas for those two days. Now, I can see where
 [16] the police, if they're going to drive through
 [17] our neighborhoods, are going to be using gas.
 [18] For us to try to cut them down, it means that
 [19] our Police Department can't be as efficient.
 [20] I talked to people in the annexation
 [21] areas, and their main concern was our police
 [22] department, whether there would be enough police
 [23] on the force to take care of their needs.
 [24] So you see, I do talk to a lot of
 [25] people, and I really feel that I can represent

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[1] them in a way that they need to be represented.
 [2] I don't think that our Council should
 [3] be trying to run all the different departments.
 [4] I think we have -- we don't need four to six
 [5] mayors. We have one that we voted for, and
 [6] that's Mayor Jenkins.
 [7] Thank you.
 [8] **MAYOR JENKINS:** Thank you.
 [9] Terence Byrne?
 [10] **CLERK BLACKMON:** He is not present.
 [11] **MAYOR JENKINS:** Charles Livingston?
 [12] **COUNCILMEMBER FLEMING:** We jumped over
 [13] Susan.
 [14] **MR. LIVINGSTON:** Susan Fraysse's first.
 [15] **MAYOR JENKINS:** Okay. I'm sorry.
 [16] **MS. FRAYSSE:** Councilman Roche, I can
 [17] tell you that according to my reading of the
 [18] current ethics policy --
 [19] And this is the one you can get to at
 [20] the bottom of the web page where all the other
 [21] -- you know, the table of contents, but the
 [22] current ethics policy is there. Unfortunately,
 [23] the old ethics policy also appears under our
 [24] city code, the MUNI code --
 [25] **COUNCILMEMBER ROCHE:** I saw that.

[1] **MS. FRAYSSE:** -- so we've got to clean
[2] all that up.

[3] It unfortunately only governs the
[4] members, you guys, and to the boards and
[5] appointed people and City employees. So unfor-
[6] tunately, citizens can be as insulting and
[7] abusive as they want to, apparently, at least
[8] unless we tighten up that aspect of it.

[9] **COUNCILMEMBER ROCHE:** And we need to
[10] look at that, obviously.

[11] **MS. FRAYSSE:** Yes, maybe so. But I
[12] think that's coming up later on tonight in this
[13] agenda.

[14] I just want to say thank you. This is
[15] what I was able to print out today from the City
[16] web site, so this is the most current. It may
[17] not be perfect. There is a little chip that
[18] Rhonda and I know about that was left off of
[19] this map.

[20] But this is the zoning map. That's the
[21] issue I've been addressing most recently, to
[22] have the current information, the correct
[23] information, the most accurate information, the
[24] official information all coincide on the web
[25] page.

[1] answer that.

[2] **CLERK BLACKMON:** As current as I know.

[3] **MS. FRAYSSE:** Current until proven --

[4] **CLERK BLACKMON:** The correction that
[5] was made on this the little piece to the left
[6] that's sticking out that was missing off of that
[7] signed zoning map, and that is the only
[8] correction that I made thus far.

[9] **COUNCILMEMBER SPANGLER:** What happened
[10] to that map --

[11] **MR. ANDERSON:** I don't think that's
[12] current is what I'm saying.

[13] **COUNCILMEMBER SPANGLER:** -- that we
[14] adopted last year?

[15] **CLERK BLACKMON:** Well, the one that
[16] Susan has is the one that was adopted, but that
[17] little piece was left off by Keck & Wood, and I
[18] had them correct it. So it's the same map.

[19] **COUNCILMEMBER SPANGLER:** This one's
[20] been corrected.

[21] **CLERK BLACKMON:** Right.

[22] **COUNCILMEMBER FLEMING:** What's the red
[23] meaning? because I can't see the legend.

[24] **MR. ANDERSON:** There's two types of
[25] density there.

[1] Behind you is one I would even like for
[2] the Mayor to go over and autograph and date that
[3] one with the date that's in this version, April
[4] 7th, 2008, and for all the older versions that
[5] are floating around to be marked "superseded by"
[6] or whatever. You know, maybe the attorney can
[7] tell you what the language is that you say "This
[8] is no longer the most current and in effect."

[9] So I'm very grateful to have this. And
[10] it's not perfect. We're always going to find
[11] little things that we need to change. But
[12] having, you know, something we all agree on,
[13] this is as perfect as we can make it right now,
[14] so thank you very much.

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

[16] **MR. ANDERSON:** Susan, is this current?

[17] **MS. FRAYSSE:** I think that is the same
[18] thing that you have on the web site.

[19] **MR. ANDERSON:** This little section
[20] right there; is that correct?

[21] **MS. FRAYSSE:** Oh, it looks like what we
[22] have on the web site.

[23] I'm just saying that Rhonda --

[24] **MR. ANDERSON:** No. I'm just asking.

[25] **MS. FRAYSSE:** Rhonda is qualified to

[1] **CLERK BLACKMON:** That's C1.

[2] **COUNCILMEMBER SPANGLER:** So are you
[3] going to sign this one?

[4] **MAYOR JENKINS:** That one's signed. The
[5] latest one's signed.

[6] **COUNCILMEMBER SPANGLER:** So this one is
[7] signed, Rhonda?

[8] **CLERK BLACKMON:** This one has not been.
[9] I just received it Friday.

[10] **MAYOR JENKINS:** Is it the same as the
[11] one that's been signed?

[12] **CLERK BLACKMON:** It is the same except
[13] for that little piece.

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

[15] **CLERK BLACKMON:** It is the same except
[16] for the little piece on the left side --

[17] **MAYOR JENKINS:** Okay. Then we'll sign
[18] it.

[19] **CLERK BLACKMON:** -- that exceeds our
[20] border of --

[21] **MAYOR JENKINS:** We'll sign it, then.

[22] **MS. FRAYSSE:** I would like to say that
[23] my next campaign will be to get them to remove
[24] the extra Buford Highway label that's inappropri-
[25] ately marked on the annexation map over

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[1] there. And when I give out those maps, I always
[2] cross it off because it makes us look like
[3] idiots that we've got Buford Highway in two
[4] different places. One is correct and one is
[5] just completely wrong. It's south of Oakcliff
[6] near 85. I don't know why we didn't catch that
[7] before, but I think Keck & Wood owes us some new
[8] versions of that map also.

[9] **MAYOR JENKINS:** Okay. Thank you.
[10] Charles?

[11] **MR. LIVINGSTON:** Since I was placed on
[12] the agenda, a lot has gone on in this little
[13] city and I've had a lot of comments from some of
[14] my fellow neighbors and various people around
[15] the city.

[16] And I had kind of a specific agenda
[17] when I asked to be on the agenda, but I've got a
[18] little more, and I can't tell you just how long
[19] it's going to take. I would ask your
[20] indulgence. I know that in the past, a couple
[21] meetings ago, you had somebody talk about the
[22] LEEDS concept, and I know he had got quite a
[23] little bit of time. I won't take anywhere near
[24] that much time, but again I ask your indulgence.
[25] I do guarantee that everything I've got to say

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[1] is for the good of the city and the neighbor-
[2] hoods, and I hope to not be wasting any of your
[3] time.

[4] The first thing that I want to talk
[5] about is I have actually a few suggestions and
[6] constructive comments about things that we might
[7] possibly do relative to the budget.

[8] One of the things that a lot of us are
[9] kind of upset -- I won't say "upset," but the
[10] word would be "concerned about" -- is the cost
[11] that the City is having to endure for our legal
[12] representation.

[13] The first ten weeks of our current
[14] setup with Murray and his group has cost us
[15] about 57-and-a-half thousand dollars. And I
[16] know that when somebody comes in new like this,
[17] there's probably going to be a little more going
[18] on than might happen later. But at this rate,
[19] we're -- you know, we're on track to spend close
[20] to \$300,000 the first year if it doesn't let up.

[21] Councilman Roche just talked about some
[22] suggestions in his proposal that was vetoed
[23] about limiting time that various councilmen can
[24] spend and what have you.
[25] I think -- and I understand that the

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[1] Mayor has instigated something like this, too.
[2] I've talked to a other cities, and a lot of them
[3] don't let any of their councilmen or what have
[4] you talk to the mayor [sic] without going
[5] through either the mayor or the city manager or
[6] whatever. And so this is -- this is really not
[7] unheard of. So I know that steps were being
[8] taken to, you know, kind of move in this
[9] direction.

[10] You know, I've looked at what's gone on
[11] for the last ten weeks.

[12] And Murray, I want to address you. I
[13] am not making any accusations of impropriety or
[14] anything like this. There's some things that I
[15] don't understand.

[16] For instance, in July we were charged
[17] 5.5 hours for the Council meeting and 4.5 hours
[18] for the work session. And I attended both of
[19] those, and I don't remember anything lasting
[20] that long. But I can imagine that, you know,
[21] you have time preparing and what have you. This
[22] may be what it is.

[23] And another thing, the Luke Howe
[24] mediation, we were charged 4.5 hours for a
[25] meeting that I would say lasted about an hour

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[1] and 45 minutes. And again, that might be the
[2] same thing.

[3] Another item was that we were charged 6
[4] hours for research on the legality of having a
[5] surcharge on the moving traffic violations.
[6] That's \$900. To me, that's a lot of money, and
[7] that's just one example of --

[8] I don't know. Maybe you're charged to
[9] do that, but, you know, we could have talked to
[10] Holly Springs or some of these other cities that
[11] already have this sort of thing in place and
[12] kind of see what other people are doing.

[13] It's like I say, these are just the
[14] sort of things that come to mind.

[15] Now I need to back up just a minute.
[16] The things that I want to say tonight,
[17] continuing from where I am right now, I think
[18] that needs to be basically a monologue and let
[19] me just tell you of things that are on our minds
[20] and give you some suggestions that I think we
[21] might do. I think that if it's any other way,
[22] we're going to get bogged down and we're already
[23] very late. And if any of you want to come back
[24] at me and, you know, kind of -- if you don't
[25] like what I'm saying -- I know all of you might

[1] not like it -- you know, kind of do it on your
[2] time when you come up, because I think if we get
[3] into a dialog here, we're just going to get
[4] bogged down.

[5] Now, whatever we can do on our legal
[6] costs, we'll just have to wade into that and see
[7] what happens, but we're spending an awful lot of
[8] money, and it's the same thing as overruns or
[9] whatever. So we need to look into that.

[10] Now, another item that I don't know if
[11] you want to look at as a possible savings is
[12] this annual trip that is taken down to Savannah
[13] yearly for the Council members, the Mayor and
[14] some department heads. It's my understanding
[15] that this costs the City roughly \$20,000 a year,
[16] and this is kind of a perq. It's a nice perq.
[17] It's a thing that's been going on for years.
[18] But I'm not really sure what the City gets out
[19] of it, and I think there ought to be, you know,
[20] some steps to think about maybe discontinuing
[21] this. This is hard times. And it's still a
[22] perq, I think, and \$20,000 is a good little bit
[23] amount of money.

[24] Now, another thing that I think that
[25] our city is maybe overlooking as a potential

[1] mention -- and I've mentioned this before -- I
[2] would really like to see the City be a little
[3] more vigorous about enforcing the ordinances for
[4] residential houses and actually seeing more of
[5] these things result in citations and actual
[6] fines.

[7] During the first six months of 2008,
[8] from actually January 1st to June 8th, there
[9] were 869 warnings and there were 111 citations.
[10] Now, I don't have exact numbers. I've tried to
[11] get this. And with Mark Hambrick leaving, we
[12] were -- I think we were lacking on that, in a
[13] transition and we lacked a little bit there. He
[14] was going to provide this data to the gals with
[15] the court so we could get some exact numbers.

[16] But the best information I've been able
[17] to get so far is that on this 111 citations,
[18] approximately half of them were thrown out by
[19] the judges and resulted in just paying a \$25
[20] court cost. And I don't know. I think I heard
[21] something once that the ones that weren't thrown
[22] out resulted in fines of maybe \$140, \$150, some-
[23] thing like this.

[24] Now, both myself and Jim Ambrose back
[25] here have separately or at different times have

[1] source of income is, well, the fact --

[2] They're not overlooking it. It's
[3] coming. As I understand it, there are steps
[4] being made to have this surcharge on traffic
[5] fines that we've talked about.

[6] I missed the last work session. I had
[7] to go out of town. So I don't know if you-all
[8] discussed that, but it's my understanding that
[9] this is going to happen. It's my understanding
[10] that over the past several years the number of
[11] traffic fines have been something on the order
[12] of 1500 a month, maybe 18,000 a year, and with a
[13] \$10 increase or surcharge -- actually, it would
[14] have to be a little more than that. I under-
[15] stand that the way this works, you give part of
[16] that money to the various agencies, and the
[17] increase is actually maybe going to be somewhat
[18] more than that so it's a net increase of \$10 to
[19] the City. And I think this would be good. This
[20] number I think has not been used. If I under-
[21] stand, they budgeted somewhat less than that, I
[22] believe a hundred and -- that would be \$180,000
[23] a year for that much, and they budgeted maybe
[24] \$150,000 for that, give a little leeway there.

[25] Now, the other thing I wanted to

[1] set in on court cases so that we could hear what
[2] was going on for a specific case that was
[3] pertinent to what's happening in our area. And
[4] in each time, in each case, why, we both had to
[5] sit there through several cases that came up
[6] before the ones we wanted to see came up. And
[7] these included ordinance violations, and in
[8] nearly all cases, what we saw, they were thrown
[9] out. And what the judges are saying is that,
[10] "Well, you know, you had it cleaned up and it's
[11] okay now so we're not going to fine you."

[12] Well, the way this works, as many of
[13] you know, the ordinance gals, before they ever
[14] make a citation, they've warned them and done
[15] everything that they're supposed to do and maybe
[16] warn them two or three times. And by the time
[17] they make a citation, they need a citation. And
[18] you know, the judges are making this decision on
[19] their own and, you know, it's just -- it's not
[20] right.

[21] And I want to talk a little bit more
[22] about this in just a minute, but I know, you
[23] know, 111 citations, to me, during a six-month
[24] period, is really nothing. I could find the
[25] need for 50 in Doraville in a week.

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[1] But if you figure -- and you know,
[2] we're not going to go out trying to raise
[3] revenue that way like we have a quota or
[4] anything. But if we have 50 citations
[5] throughout the whole city per week and they
[6] averaged \$150 a citation, this would be \$390,000
[7] into the city.

[8] **MAYOR JENKINS:** Mr. Livingston, excuse
[9] me. How much time do you need, sir?

[10] **MR. LIVINGSTON:** A little bit more.

[11] **MAYOR JENKINS:** Usually when you get on
[12] the agenda, you'll see at the bottom it says
[13] five minutes. I'm not going against him, and
[14] somebody said something about the LEEDS people
[15] took. But that was a presentation.

[16] And I'm going to ask the Council how
[17] much time you can have.

[18] **COUNCILMEMBER SPANGLER:** Well, Mayor,
[19] just like I told you, you should have let
[20] Ms. Calvert have as much time as she needs --

[21] **MAYOR JENKINS:** She could have all. I
[22] didn't take her off.

[23] **COUNCILMEMBER SPANGLER:** -- Mr.
[24] Livingston could have the amount of time that --

[25] **MAYOR JENKINS:** Did I cut you off?

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[1] **MS. CALVERT:** No, sir, you did not.

[2] **MAYOR JENKINS:** I'm asking the Council.
[3] It's already 10:30.

[4] **COUNCILMEMBER ROCHE:** Can you hit the
[5] high points of what you have left to say?

[6] **MAYOR JENKINS:** All I'm asking you is
[7] how much more time you need, sir.

[8] **MR. LIVINGSTON:** Five or ten minutes if
[9] I could.

[10] I want to make a couple specific points
[11] here along with what I just talked about. And
[12] we're having budget issues. God knows we're
[13] having budget issues. I would like to propose
[14] that you consider forming a committee or a panel
[15] consisting of two councilmen and two citizens --
[16] of which I'd like to be one and I'd like to have
[17] Jim Ambrose be the other one, and I've already
[18] asked him if he would do this -- wherein we
[19] would become part of the process here a little
[20] bit.

[21] There's been a lot of frustration about
[22] people out here like myself feeling disconnected.
[23] And this committee would meet with depart-
[24] ment heads quarterly and kind of go through the
[25] financials for one thing. And this is not to

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[1] micromanage departments or anything like that
[2] but to go through what's going on and try to get
[3] a feel for -- you know, help everybody to get a
[4] feel for where they stand, and we would report
[5] back and become a part of this process.

[6] Not only will we meet with department
[7] heads, but on a quarterly basis we need to have
[8] a discussion with the judges. A lot of us feel
[9] like the judges -- the judges work for us, not
[10] the other way around.

[11] This has been discussed several times.
[12] Not a whole lot's been done on it. And I would
[13] think a panel such as I'm suggesting here could
[14] have a real effect on the city and it'll give --
[15] we're representing everybody. We're trying to
[16] help. We're not trying to battle or trying to
[17] lay the blame on anybody but we're trying to
[18] help make things work, and I really feel we
[19] could make a difference.

[20] Now, one of the big problems that we've
[21] got is in the Oakcliff area. This area has for
[22] years kind of gotten the short end the stick
[23] when it comes to ordinance enforcement. The
[24] Mayor has admitted this to different people, the
[25] Police Chief has and the ordinance guys have.

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[1] And we're basically, you know, just getting fed
[2] up with it. This has been going on. A lot of
[3] people will not admit it, but it has been.

[4] I take a walk through the neighborhood
[5] five nights a week. I don't leave the house
[6] till about quarter after 9:00 and I go about two
[7] miles through the neighborhood. And the things
[8] that I see included on Friday night, which is
[9] pickup day for garbage cans in our area, about
[10] every other house still has the trash cans out
[11] there. Never been any fines for this as far as
[12] I know. Large items on the curb that will have
[13] to be out there for several days. Never any
[14] fines. Branches, trees, et cetera, that won't
[15] be picked up for several days. Never any fines.
[16] Ladder trucks, work trucks, trailers. Never any
[17] fines. So many cars on the street that you can
[18] hardly drive down the street.

[19] Most of this is multi-family
[20] situations, and I feel like -- we all feel like
[21] the owners -- a lot of these are rental houses,
[22] and the owners of these houses need to be found
[23] out and fined, whatever you're going to have to
[24] do, because it's becoming rampant in our area.
[25] It really is.

[1] And one of the things, I talked to
 [2] several cities -- a couple of cities, Norcross
 [3] and Chamblee, about some of the things that they
 [4] do. And I had a couple of what I thought were,
 [5] you know, something that might be worth thinking
 [6] about. They didn't really do this for the
 [7] purpose of multi-family, but one of the things
 [8] that they're doing is that they're saying you
 [9] can have two cars in a garage but no more than
 [10] four outside in the driveway and the street.
 [11] And this has cut way down on some of this multi-
 [12] family stuff.

[13] And they also have something there,
 [14] they're saying no gravel at all. They won't let
 [15] you park on gravel. And also they're doing no
 [16] more than 35 percent of hard surfacing in the
 [17] yard so that there won't be this amount of, you
 [18] know, parking that's going on where people are
 [19] just manufacturing parking lots.

[20] Now I'll stop it there, seeing as how
 [21] we're being pressed for time here.

[22] The only other thing I want to do is --
 [23] **MAYOR JENKINS:** Let me make a
 [24] suggestion. Could you put this in writing and
 [25] give it to every one of the councilmen?

[1] can be out in the open or in the middle of the
 [2] porch or something but just behind the house, to
 [3] me, is the main thing, or you can have them in
 [4] an enclosed shed; but then you could also have
 [5] them in a carport, 1.8 feet from the house, or
 [6] on the side of the house, two feet from the
 [7] house.

[8] Well, what we've done there is we've
 [9] given them another avenue to -- you know, if
 [10] they're going to have these choices, people are
 [11] not going to put them behind the house, which is
 [12] what we're trying to get done.

[13] And so what I would like to see done is
 [14] for this thing to really -- they either can be
 [15] in an enclosed garage, behind the house, in an
 [16] enclosed shed, and if you can't do any of these,
 [17] if you live on a corner light or have other
 [18] physical restrictions, then the garbage cans
 [19] and/or the containers for the recycling will be
 [20] placed where they're least visible from the
 [21] street. And I think that's all you need, but I
 [22] think to do anything less is -- we might as well
 [23] not even do it.

[24] That's all I have. Thank you.
 [25] - - -

[1] **MR. LIVINGSTON:** Yeah, I can do that.
 [2] The only other thing I want to discuss
 [3] is the next item on the agenda, which is
 [4] bringing in the garbage cans. This was an
 [5] ordinance that I had talked to Donna Pittman
 [6] about and she was gracious enough to bring
 [7] before the Council. Murray wrote it up, and it
 [8] sounded pretty good. But then there were
 [9] objections from various people on the Council
 [10] about, you know, little things that -- you know,
 [11] exceptions to the ruling.

[12] And apparently it was presented at the
 [13] work session which I could not make -- I had to
 [14] be out of town -- and as it stands now, it
 [15] doesn't do much good for us because, you know,
 [16] the whole idea, which was brought out by this
 [17] fellow right here, Stuart, what we want to do is
 [18] have these things out of sight. So you know,
 [19] they're just not something we want to see is
 [20] garbage cans from the street.

[21] And so the way the thing reads now --
 [22] this is no reflection on Murray, because he did
 [23] what people asked him. But the way it reads now
 [24] is you can put garbage cans in an enclosed
 [25] garage, you can put them behind the house, they

[1] (Applause)
 [2] - - -

[3] **MAYOR JENKINS:** Thank you.
 [4] **COUNCILMEMBER SPANGLER:** Mr. Weed, I
 [5] agree with the ordinance on the cans. We were a
 [6] little too liberal. If we could go back and
 [7] make it a little more simple like Mr. Livingston
 [8] said. I mean some people like Mr. Bates had
 [9] said that he could not put his behind the
 [10] property and he couldn't put it on the carport.
 [11] But if we could add those places Mr. Livingston
 [12] just mentioned, and if they can't do that, at
 [13] least put it in the least visible location.

[14] **COUNCILMEMBER ALEXANDER:** That's
 [15] subjective. Who is going to determine what is
 [16] least visible?

[17] **COUNCILMEMBER SPANGLER:** Well, I guess
 [18] the code enforcement people would.

[19] **COUNCILMEMBER ALEXANDER:** That's a
 [20] subjective thing. When I discussed this with
 [21] Mr. Livingston last night -- because my elderly
 [22] neighbor cannot put her trash can behind her
 [23] house, so every Friday night I drag it up her
 [24] driveway and it abuts against her house -- it is
 [25] behind the front line of the house the way the

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[1] ordinance is written. If you go northbound or
 [2] go west on Pin Oak Way, you can't see it. If
 [3] you go east on Pin Oak Way, you can see it.
 [4] **COUNCILMEMBER SPANGLER:** Well, it's in
 [5] the least visible location --
 [6] **COUNCILMEMBER ALEXANDER:** That's too --
 [7] **COUNCILMEMBER SPANGLER:** -- without
 [8] being behind the house.
 [9] **COUNCILMEMBER ALEXANDER:** She can't put
 [10] it behind her house.
 [11] **COUNCILMEMBER SPANGLER:** I say it's in
 [12] the least visible. Okay? So I mean that's --
 [13] **COUNCILMEMBER ALEXANDER:** But that's
 [14] subjective. How do you -- you have to have a
 [15] law that's enforceable. "Least visible." Who
 [16] determines least visible?
 [17] **COUNCILMEMBER SPANGLER:** Well, if you
 [18] look at all the things in this ordinance, it
 [19] leaves it wide open so you have no way of
 [20] enforcing any of it.
 [21] **COUNCILMEMBER ALEXANDER:** I believe
 [22] this was discussed with the Quality of Life
 [23] unit; is that correct?
 [24] **ATTORNEY WEED:** Yes.
 [25] **COUNCILMEMBER SPANGLER:** And they seem

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[1] to think they can enforce it?
 [2] **ATTORNEY WEED:** What was discussed with
 [3] Quality of Life were issues that they had and
 [4] the possible resolution to those issues.
 [5] I haven't given them this last version
 [6] of the ordinance to see if they felt like they
 [7] could enforce it or not. So that's the answer
 [8] to that question.
 [9] I feel confident they could enforce it.
 [10] It's enforceable.
 [11] **COUNCILMEMBER SPANGLER:** You know,
 [12] another thing, too, Mr. Weed, we spoke about at
 [13] the special called meeting -- and I've asked a
 [14] couple times that the ordinances be made more
 [15] simple, especially the ordinances that the
 [16] Quality of Life people are going to have to be
 [17] enforcing. And you said you would check into
 [18] that?
 [19] **ATTORNEY WEED:** I have endeavored to do
 [20] that.
 [21] You know, everything I draft -- I don't
 [22] try to make anything I draft more complicated
 [23] than it has to be to pass muster in front of
 [24] most logically the Georgia Supreme Court.
 [25] Legislation is written by elected officials,

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[1] most of whom are not lawyers. A vast majority.
 [2] It's a myth that the legislature is full of
 [3] lawyers. It's not. But after the ideas are put
 [4] forward, lawyers draft them. And they draft
 [5] them for other lawyers, that is true, because
 [6] the ultimate arbiter of whether it's a good
 [7] ordinance or a bad ordinance are lawyers who are
 [8] on the Georgia Supreme Court or the U.S. Supreme
 [9] Court. So I promise you that I always try to
 [10] make it as simple and as clear as possible.
 [11] I don't disagree with Mr. Livingston in
 [12] the sense of sometimes the exceptions might eat
 [13] up the rule. I included the exemptions that I
 [14] was asked to include and I crafted them as best
 [15] I could to preserve the intent of the ordinance.
 [16] Is it perfect? Probably not.
 [17] **COUNCILMEMBER FLEMING:** Well, I
 [18] definitely -- since we're now talking about the
 [19] trash ordinance, I definitely have an issue with
 [20] giving them five different areas in which to put
 [21] their trash receptacle. And then we come back
 [22] and we say if the occupant is unable to comply
 [23] with any of the standards set out in 5(a)
 [24] through (f), then the occupant can apply for an
 [25] exception from it in addition to disabled permit

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[1] of Section 15-48. So we're just basically
 [2] telling them, "Well, you can put it wherever you
 [3] want to. All you need is to come up here and
 [4] get a permit."
 [5] **ATTORNEY WEED:** Yes. I think that's
 [6] what the Council has provided.
 [7] The Council -- my instructions were to
 [8] -- the first version was much harsher. The
 [9] Council wanted to make changes to it which I
 [10] have done.
 [11] If you want -- and that's up to the
 [12] Council to decide. So I mean this is a good
 [13] conversation, but you craft the ordinance and I
 [14] put it into legal terms that hopefully will pass
 [15] Constitutional muster.
 [16] If you're asking what do I think of,
 [17] "Does this ordinance meet your goal?" generally
 [18] yes. "Is it filled with exceptions?" generally
 [19] yes, because that's what the Council wanted to
 [20] do at the last session. And I don't decide
 [21] what's right or wrong. That's not my business.
 [22] **MAYOR JENKINS:** Is this your item,
 [23] Donna?
 [24] **COUNCILMEMBER PITTMAN:** Yes, it is.
 [25] **MAYOR JENKINS:** Okay.

[1] **COUNCILMEMBER PITTMAN:** Is there any
[2] way to tighten this up --

[3] **ATTORNEY WEED:** Of course; yes, ma'am.

[4] **COUNCILMEMBER PITTMAN:** -- without -- I
[5] know Mr. Bates and there's neighbors in my
[6] neighborhood that just really do not have a back
[7] yard, so --

[8] **ATTORNEY WEED:** Members of the Council
[9] and even members of the audience, while I'm your
[10] city attorney, this is a basic fact of life:
[11] laws hurt. Things are black and white. A
[12] football field is a hundred yards. There's no
[13] good reason for it to be a hundred yards. It
[14] could be 98. Someone decided. And after it's
[15] decided, that's just how it is. Whatever laws
[16] you put into place, someone's going to get hurt;
[17] someone who's innocent is going to get caught
[18] and bad things will happen to innocent people
[19] because we're all flawed human beings, flawed at
[20] birth.

[21] And what I will tell you is can we
[22] tighten it? Absolutely. And I will tighten it
[23] in whatever way the Council would like me to
[24] tighten it and bring back another version and
[25] we'll see what happens next time. I'm happy to

[1] out-of-sight/out-of-mind clause.

[2] **COUNCILMEMBER PITTMAN:** In the whole,
[3] the left side of Chicopee in my neighborhood
[4] would have the same issue because there is not a
[5] back yard.

[6] **COUNCILMEMBER BATES:** My question --
[7] and this is going to be where we'll go back to
[8] the attorney and Chief -- is on the enforce-
[9] ability of the ordinance. And I agree with
[10] Mr. Livingston that one of the challenges that
[11] we've got is the enforcement side or the actual
[12] follow-through on citing or will our Quality of
[13] Life officers be able to enforce this ordinance
[14] and help ensure that the garbage cans are
[15] removed from the street and whether they become
[16] the out-of-sight law or as out-of-sight-as-
[17] possible law? Whichever way it happens, can we
[18] get that or is this unenforceable?

[19] **CHIEF KING:** Oh, we can enforce
[20] anything you write, I think. But understand --
[21] and just like Mr. Spangler said, make it clear,
[22] make it unambiguous. The person that will judge
[23] this initially will be the Quality of Life
[24] officer. Then it will be reviewed by the judge.
[25] I have no control over the fines or what the

[1] do that.

[2] **COUNCILMEMBER PITTMAN:** Could you
[3] please put this back on the agenda?

[4] **CLERK BLACKMON:** (Nods head)

[5] **COUNCILMEMBER PITTMAN:** Thank you.

[6] **ATTORNEY WEED:** Before we leave this
[7] item, though, does Council have any suggestions
[8] about what you'd like to leave out with regard
[9] to the exceptions?

[10] **COUNCILMEMBER PITTMAN:** Mr. Bates, do
[11] you see anything that we could pull out of there
[12] that would still solve your problem as well as
[13] some others'?

[14] **COUNCILMEMBER BATES:** Please don't put
[15] this as my problem. I am merely stating my
[16] personnel challenges --

[17] **COUNCILMEMBER PITTMAN:** But you're not
[18] by yourself.

[19] **COUNCILMEMBER BATES:** -- with that, but
[20] they are applicable to the majority of the
[21] people that live on my street, and that is -- I
[22] drove by again today to look at those who could
[23] or could not comply with an out-of-sight/out-of-
[24] mind ordinance, and the vast majority of the
[25] people on my street would be in violation of the

[1] sentences that a judge provides. I don't have
[2] that authority.

[3] **COUNCILMEMBER BATES:** I appreciate
[4] that. Let me craft the question a little bit
[5] differently.

[6] The ordinance allows for a waiver and
[7] exemption for whatever challenges --

[8] **CHIEF KING:** Special circumstances.

[9] **COUNCILMEMBER BATES:** -- special
[10] circum-stances. How is that information
[11] conveyed to the Quality of Life officers so as
[12] they're driving and patrolling -- wrong word --
[13] as they're driving and reviewing and enforcing
[14] the compliance with the laws, so that they're
[15] not citing and putting the big orange stickers
[16] on --

[17] **CHIEF KING:** Real easy, sir. When you-
[18] all grant those special cases, then that is
[19] transmitted through the Clerk to my department
[20] and that becomes part of our databases. All
[21] these addresses, all these -- you know, all
[22] these can be tagged under our database. But
[23] that has to be transmitted from the Council
[24] through the Clerk to our department and we make
[25] it part of the database.

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[1] Just understand, you know, what I've
[2] asked in the past is when you pass an ordinance
[3] that you make it where we can enforce it equally
[4] because we will enforce it equally. Some of
[5] them will be your supporters, some of them will
[6] be your detractors, and you will have to deal
[7] with them when they come before.
[8] But we will enforce the law equally,
[9] and that's what we've been trying to endeavor by
[10] having the Quality of Life unit assigned to the
[11] Police Department. That way, they have the
[12] political coverage.
[13] **COUNCILMEMBER ROCHE:** Councilman Bates
[14] brings up a very good point. I mean is the
[15] problem that people leave their trash cans out
[16] on the curb?
[17] **COUNCILMEMBER PITTMAN:** Can I just say
[18] I think this whole -- when I first brought this
[19] up was to make sure they're not still sitting on
[20] the curb --
[21] **COUNCILMEMBER ROCHE:** Right.
[22] **COUNCILMEMBER PITTMAN:** -- and not
[23] sitting in the front yard.
[24] The side of the house, the garage, the
[25] partially out of sight to me is not a problem

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[1] just as long as it's not sitting in the front
[2] yard --
[3] **COUNCILMEMBER ROCHE:** Exactly.
[4] **COUNCILMEMBER PITTMAN:** -- or sitting
[5] on the curb. and then somehow it kind of got
[6] molded into a lot of things. And our intentions
[7] were just to keep it out of the front yard and
[8] not in front of the house and not on the curb.
[9] **COUNCILMEMBER SPANGLER:** Have it picked
[10] up on a time limit.
[11] **COUNCILMEMBER PITTMAN:** A time limit;
[12] correct.
[13] **ATTORNEY WEED:** Let me say that most of
[14] those things are already covered in the law.
[15] The real origin of this really comes
[16] out of there was a -- it would have been legally
[17] possible to comply with the ordinance and the
[18] time frames that are set in simply by moving the
[19] garbage cans off of the curb and into the yard.
[20] That was the original problem. And that's
[21] technically true the way the ordinance is
[22] currently -- not my ordinance, but the ordinance
[23] in the code book is currently drafted.
[24] My instructions were to try to amend
[25] that ordinance in an effort to move the trash

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[1] cans away from the curb so that just putting it
[2] away from the curb but maybe in the yard
[3] wouldn't be enough for compliance.
[4] And with regard to the ordinance,
[5] although it's a large chunk of language, when
[6] you read it, it's really not very complicated.
[7] It's the duty of the person with the garbage can
[8] to move it away from the curb, or the recycling
[9] can, and it shall be put within an enclosed
[10] garage, at the rear of the building, serviced in
[11] a way so as not to be visible from the street
[12] frontage or serviced from property from the side
[13] frontage if it's a corner lot; can be located
[14] within a fully-enclosed garage, a fully-enclosed
[15] storage shed or closed storage rack but only
[16] where other accessory uses are allowed; it can
[17] be located within a wholly-enclosed rear back
[18] porch; it can be located in a carport within two
[19] feet of the service building or located within
[20] two feet of any side of the building -- behind
[21] the front of the building, and then I had to
[22] define what front was. That's it.
[23] **COUNCILMEMBER ROCHE:** But there's
[24] nothing here that says, for instance, if I've
[25] got a garage, I have to put it in my garage

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[1] versus why can't I just leave it within two feet
[2] of the side of the building.
[3] **ATTORNEY WEED:** No, it doesn't mandate
[4] that if you have a garage you have to put it
[5] within it. You have one of the five compliance
[6] options. And that was to accommodate -- once
[7] again, I'm not singling Councilman Bates out --
[8] was to accommodate certain parcels of land in
[9] Doraville the way they currently exist so as to
[10] not automatically make what you are doing
[11] illegal as long as they made an effort to move
[12] the garbage can somewhere closer to the
[13] building.
[14] **COUNCILMEMBER ROCHE:** I understand. We
[15] were talking about least visible, and my concern
[16] about least visible is that then you could be
[17] forced to put it in your garage. You know, my
[18] kitchen would be least visible.
[19] **ATTORNEY WEED:** Yeah, it's hard to
[20] define "least visible." I could make a
[21] definition for it, yes, but by the time I define
[22] it, it would be within 10 feet of blank, within
[23] five feet of X, something that you could
[24] objectively decide what "least visible" would
[25] be.

[1] **COUNCILMEMBER SPANGLER:** Well, I think
[2] what we were asking -- it seems pretty simple to
[3] me -- is that if they can't put it in a garage
[4] or they can't put it in a carport, they can't
[5] put it behind the house, then put it in the
[6] least visible spot for that particular layout of
[7] the yard or whatever.

[8] **COUNCILMEMBER ROCHE:** Outside.

[9] **COUNCILMEMBER SPANGLER:** But just we
[10] don't want it left down at the curb, we don't
[11] want it left in the middle of the yard.

[12] **ATTORNEY WEED:** I understand what you'd
[13] like to have happen. And what I would tell you
[14] as your lawyer is that that's hard to define,
[15] not impossible to define. But the least visible
[16] spot, it's going to -- you know, the enforcement
[17] officer is going to have to decide what the
[18] least visible spot happens to be. One way you
[19] could do it would be to have a hands-on parcel
[20] map located on the building with an X on it to
[21] indicate where, from now on, that's where your
[22] garbage cans will be located. You could do it
[23] that way. The problem is, you know, you'd have
[24] to collate every single lot and every single
[25] garbage can. I mean that's -- you know.

[1] possibly just -- this is really late -- table it
[2] till the next time and let's see if we can
[3] possibly get with code enforcement to see if
[4] they can feasibly enforce this and does it
[5] really accomplish what we're trying to
[6] accomplish by getting it out of the front yard
[7] and off the curb. I'm fine with it, though.

[8] **ATTORNEY WEED:** Well, I'm happy to do
[9] whatever Council would like.

[10] **MAYOR JENKINS:** Let's just table it and
[11] put it on the next work session agenda.

[12] **COUNCILMEMBER SPANGLER:** Can I make a
[13] motion, Mayor, that we adjourn the meeting
[14] tonight and pick it back up on Thursday night
[15] maybe?

[16] **COUNCILMEMBER FLEMING:** Thursday this
[17] week?

[18] **MAYOR JENKINS:** If we don't finish in
[19] an hour. If we don't finish in an hour, we'll
[20] adjourn the meeting.

[21] **COUNCILMEMBER ROCHE:** Well, these next
[22] ones are pretty quick I think.

[23] **MAYOR JENKINS:** Well, Chamblee
[24] resolution has already been taken care of.
[25] Ethics ordinance.

[1] **COUNCILMEMBER ROCHE:** Can we look and
[2] see what Chamblee and Norcross do with this?

[3] **ATTORNEY WEED:** I imagine they say put
[4] it behind the back of the house.

[5] **COUNCILMEMBER SPANGLER:** Well, with
[6] this, though, Mr. Weed, I could -- say like if
[7] we were to pass this, all I'd have to do is come
[8] down here to City Hall and get a special permit
[9] saying that I need to leave my trash can in the
[10] middle of my yard.

[11] **COUNCILMEMBER ROCHE:** Well, you need a
[12] hearing before the Council.

[13] **ATTORNEY WEED:** You have to come before
[14] Council and prove your case. You wouldn't
[15] automatically get it. You'd automatically get
[16] it if you were disabled and can prove you're
[17] disabled.

[18] **COUNCILMEMBER SPANGLER:** It doesn't say
[19] you have to come before Council. It says you --

[20] **ATTORNEY WEED:** But you have --

[21] **COUNCILMEMBER SPANGLER:** -- have to
[22] come to City Hall.

[23] **ATTORNEY WEED:** -- to come before
[24] Council.

[25] **COUNCILMEMBER PITTMAN:** Could we

[1] **ATTORNEY WEED:** This is the third time
[2] before you on the ethics ordinance. And
[3] essentially the main changes are it provides for
[4] -- one of the versions of the ethics ordinance
[5] allowed deliberations in private, which is
[6] probably a violation of the Open Records Act,
[7] and this version changes that.

[8] Another important change is that
[9] there's expanded coverage for conduct of members
[10] -- and the term "members" is defined -- and also
[11] employees, and also there is expanded coverage
[12] to appointed boards, committees or commissions.

[13] So those are the changes. It's been
[14] before you three times before tonight.

[15] **COUNCILMEMBER ROCHE:** I'd like to waive
[16] first reading on accepting the latest version of
[17] the ethics ordinance.

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

[19] **MAYOR JENKINS:** Has everybody read it?

[20] **COUNCILMEMBER PITTMAN:** We are --

[21] **COUNCILMEMBER FLEMING:** Hold on a
[22] second.

[23] **MAYOR JENKINS:** Did I get a second?

[24] **COUNCILMEMBER BATES:** I did.

[25] **MAYOR JENKINS:** You haven't read it,

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[1] Pam?

[2] **COUNCILMEMBER FLEMING:** Yes, I have.

[3] However, I didn't read where you indicated that

[4] the meeting -- where's the indication that the

[5] meetings are supposed to be -- that you

[6] mentioned just a minute ago?

[7] **ATTORNEY WEED:** That the meetings are

[8] open?

[9] **COUNCILMEMBER FLEMING:** Uh-huh.

[10] **MS. FRAYSSE:** It used to be a right to

[11] have a closed private meeting, in the older

[12] versions, and we took that out so you don't have

[13] that right.

[14] **ATTORNEY WEED:** And that's because you

[15] violate the Open Records Act which is a \$500

[16] fine.

[17] The difference is the Council do that

[18] because the state legislature said you could do

[19] that. You can deliberate in private on a

[20] personnel matter but you've got to receive facts

[21] in a public forum.

[22] A jury can do that, you know, because

[23] that's the way in America. It's been done for

[24] over 200 years, and, before that, that's how it

[25] was done in England.

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[1] However, because of the Open Meetings

[2] law, any panel which is not the city government,

[3] unfortunately it's been interpreted by case law

[4] that they can't deliberate in a private session.

[5] I ended up having to change Hapeville's

[6] ordinance for the same reason some time ago.

[7] **COUNCILMEMBER BATES:** So that would be

[8] only applicable to the ethics committee in their

[9] deliberations on --

[10] **ATTORNEY WEED:** Right. Not to you.

[11] Absolutely not. Yeah, this local ordinance

[12] wouldn't preempt State law.

[13] **MAYOR JENKINS:** Okay. We got a motion

[14] and a second. Anymore discussion?

[15] Call the roll.

[16] **CLERK BLACKMON:** Councilmember

[17] Alexander?

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

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

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

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

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

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

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

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

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

[2] **CLERK BLACKMON:** Councilmember

[3] Spangler?

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

[5] **MAYOR JENKINS:** On this next item --

[6] **CLERK BLACKMON:** That was just --

[7] **COUNCILMEMBER ROCHE:** That was just the

[8] first --

[9] **CLERK BLACKMON:** Waive first reading.

[10] **COUNCILMEMBER ROCHE:** -- waive first

[11] reading.

[12] **MAYOR JENKINS:** Oh, okay.

[13] **COUNCILMEMBER ROCHE:** I'd like to make

[14] a motion we pass this.

[15] **COUNCILMEMBER SPANGLER:** Second.

[16] **MAYOR JENKINS:** Call the roll.

[17] **CLERK BLACKMON:** Councilmember

[18] Alexander?

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

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

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

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

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

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

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

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

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

[3] **CLERK BLACKMON:** Councilmember

[4] Spangler?

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

[6] **MAYOR JENKINS:** The car lot ordinance,

[7] we need to get that passed tonight, and I'd like

[8] to make a suggestion that we adjourn the meeting

[9] after that.

[10] **ATTORNEY WEED:** Well, Mr. Mayor, the

[11] car lot ordinance is in the zoning code and it

[12] will be on the zoning list of items.

[13] **MAYOR JENKINS:** Okay. We want to make

[14] sure that it's in effect immediately.

[15] **ATTORNEY WEED:** Well, we can't -- we

[16] can't do it by virtue of zoning. The car lot

[17] regulations are set out in the M1 and M2 codes

[18] as clearly zoning. And that's how the ordinance

[19] is; it's constructed as a zoning ordinance.

[20] **MAYOR JENKINS:** Oh, okay.

[21] **COUNCILMEMBER ROCHE:** So we skip that

[22] for now.

[23] **CLERK BLACKMON:** I do want to let

[24] everyone know that the Hennessy Lexus is 6.23

[25] acres. Jim Ellis, I cannot find the acreage on

[1] it. Those are the two that you asked for.
 [2] **MAYOR JENKINS:** So on the car lot
 [3] ordinance, it will be in with --
 [4] **COUNCILMEMBER ALEXANDER:** The zoning.
 [5] **MAYOR JENKINS:** -- the zoning.
 [6] **COUNCILMEMBER ALEXANDER:** But he is
 [7] going to change it to six acres like we voted
 [8] on.
 [9] **MAYOR JENKINS:** I'd like to have a
 [10] motion we adjourn.
 [11] **COUNCILMEMBER ALEXANDER:** Do we want to
 [12] knock out that last ordinance? No?
 [13] **COUNCILMEMBER SPANGLER:** No.
 [14] Well, I make the motion we adjourn.
 [15] **ATTORNEY WEED:** One final thing I just
 [16] wanted the Council to understand. By the way,
 [17] ordinance 2008-12A did not pass. The majority
 [18] voted for it, but because you didn't have a
 [19] unanimous waiving first reading, that ordinance
 [20] is not passed, so I just want to remind you of
 [21] that.
 [22] **COUNCILMEMBER FLEMING:** Which one?
 [23] **ATTORNEY WEED:** That was 2008-12A.
 [24] That was the change -- that was the amendment to
 [25] the moratorium. Section 2-10 of the charter

[1] **ATTORNEY WEED:** I hear you.
 [2] **MAYOR JENKINS:** Okay. It is in effect?
 [3] **COUNCILMEMBER PITTMAN:** No.
 [4] **COUNCILMEMBER FLEMING:** No.
 [5] **ATTORNEY WEED:** It is not in effect.
 [6] **COUNCILMEMBER ALEXANDER:** It is not in
 [7] effect.
 [8] **CLERK BLACKMON:** Which means that I
 [9] cannot move forward with existing inspections
 [10] and permits.
 [11] **MAYOR JENKINS:** We passed an ordinance
 [12] to just take --
 [13] **CLERK BLACKMON:** It had to be unani-
 [14] mous.
 [15] **COUNCILMEMBER PITTMAN:** But it only had
 [16] to be unanimous for the --
 [17] **CLERK BLACKMON:** First reading.
 [18] **COUNCILMEMBER PITTMAN:** -- first
 [19] reading, not for the actual motion.
 [20] **ATTORNEY WEED:** But I should not have
 [21] let you vote on it, actually.
 [22] **MAYOR JENKINS:** She's right on that.
 [23] If you -- to waive the first reading, it had to
 [24] be 100 percent but not the motion on the
 [25] ordinance.

[1] requires that you have to waive first reading
 [2] unanimously or it doesn't pass. So I intend to
 [3] put that on the next available agenda unless you
 [4] tell me not to.
 [5] **COUNCILMEMBER SPANGLER:** When did you
 [6] give us this information on that moratorium?
 [7] **ATTORNEY WEED:** The Mayor contacted my
 [8] office to draft it around 9:30, 10 o'clock, and
 [9] I gave you the information on around -- today
 [10] around 3:00 or 3:30.
 [11] **COUNCILMEMBER SPANGLER:** Okay. And
 [12] this is why I didn't vote with the majority --
 [13] **ATTORNEY WEED:** Oh, absolutely.
 [14] **COUNCILMEMBER SPANGLER:** -- because I
 [15] did not have an opportunity, and I'm not going
 [16] to vote on something that I don't have an
 [17] opportunity to read.
 [18] **MAYOR JENKINS:** Okay.
 [19] **ATTORNEY WEED:** Councilman, I respect
 [20] your feelings on it, but I was asked today. I
 [21] generated it in a couple hours. I can't do
 [22] better than that.
 [23] **COUNCILMEMBER SPANGLER:** Oh, I under-
 [24] stand, but I just want you to understand why I
 [25] voted no.

[1] **COUNCILMEMBER ALEXANDER:** Correct.
 [2] **ATTORNEY WEED:** Well --
 [3] **COUNCILMEMBER FLEMING:** But we couldn't
 [4] have voted on it, Mayor.
 [5] **ATTORNEY WEED:** Technically, you should
 [6] not have voted on it the second time.
 [7] Because I felt intuitively something
 [8] was amiss, I looked it up as soon as you got
 [9] done voting on it. I was waiting for my
 [10] attorney's comments to tell you that so as not
 [11] to interrupt the flow of the meeting. But
 [12] Section 2-10 code says that you've got to waive
 [13] first reading unanimously.
 [14] **COUNCILMEMBER ROCHE:** But there will
 [15] probably be another hearing.
 [16] **COUNCILMEMBER SPANGLER:** I'm not going
 [17] to vote on something that I haven't had a chance
 [18] to read. Now, I get up at 3 o'clock in the
 [19] morning. I'm not going to sit here and read
 [20] this ordinance tonight when I should have had it
 [21] probably sometime last week.
 [22] **COUNCILMEMBER ROCHE:** We can put it on
 [23] the agenda of our next meeting.
 [24] **COUNCILMEMBER SPANGLER:** If you want to
 [25] have a special called meeting later in the week,

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[1] we can do that. Give me a chance to read it,
[2] okay? I'm not going to read it here.
[3] **COUNCILMEMBER ROCHE:** Councilman
[4] Spangler, I think --
[5] **MAYOR JENKINS:** Okay.
[6] **COUNCILMEMBER ROCHE:** -- the way the
[7] thing is written now, I'm sure that very soon
[8] we're going to be scheduling another hearing.
[9] And I think we could probably add it to the
[10] agenda for that next hearing --
[11] **ATTORNEY WEED:** That's fine.
[12] **COUNCILMEMBER ROCHE:** -- so that all
[13] the other people that need the waiver would be
[14] able to get it.
[15] **MAYOR JENKINS:** On a special called
[16] meeting, it's a hundred percent.
[17] **ATTORNEY WEED:** Yes, sir.
[18] **MAYOR JENKINS:** This is not a special
[19] called meeting.
[20] **ATTORNEY WEED:** That's correct, sir,
[21] but also it --
[22] **MAYOR JENKINS:** Well, then why? Why do
[23] you say it has to be a hundred percent but it
[24] has to be a majority on a regular meeting?
[25] **ATTORNEY WEED:** Well, it's Section 2-

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[1] 10, readings. I'll just get down to the juicy
[2] part. Provided that both -- it requires to
[3] readings.
[4] Provided that both readings of said
[5] ordinance may be had at the first meeting,
[6] either regular or special, upon unanimous
[7] consent of the council to that effect. And then
[8] provided further, et cetera.
[9] **MAYOR JENKINS:** Unanimous.
[10] **ATTORNEY WEED:** So essentially you have
[11] to waive it by unanimous consent either at
[12] regular or special called meeting.
[13] **COUNCILMEMBER ALEXANDER:** So what are
[14] we going to do to help Ms. Blackmon?
[15] **ATTORNEY WEED:** I would suggest as soon
[16] as Rhonda tells you she's got a group of four or
[17] five people who need special exceptions, that
[18] you have a special called meeting, adopt it
[19] then.
[20] **COUNCILMEMBER ROCHE:** And put it on the
[21] agenda for that.
[22] **ATTORNEY WEED:** And do both.
[23] **COUNCILMEMBER FLEMING:** Mr. Weed, is
[24] there no way that we can be e-mailed at the end
[25] of the day a list of applicants and what they're

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[1] requesting and then us send our replies via
[2] e-mail?
[3] **ATTORNEY WEED:** Unfortunately not.
[4] Thanks to the Open Records law and Open Meetings
[5] law, once again, that would constitute a
[6] meeting. It would be a legal meeting because
[7] you would be voting, you know, directly on a
[8] particular issue. And that isn't even covered
[9] by any kind of, you know, attorney-client
[10] privilege or attorney advice where you're giving
[11] me instructions. So my opinion would be no, I
[12] don't think you can do it that way.
[13] **COUNCILMEMBER ROCHE:** We need 24-hour
[14] notice, anyway, so.
[15] **MAYOR JENKINS:** You're saying the --
[16] I'm going to go back to the same thing. You
[17] said it had to be unanimous.
[18] It only has to be a majority on a
[19] regular meeting.
[20] **COUNCILMEMBER BATES:** Mr. Mayor, it has
[21] to be unanimous to waive the first reading.
[22] **MAYOR JENKINS:** Right; on a regular
[23] meeting, yes.
[24] **COUNCILMEMBER ROCHE:** Any time.
[25] **COUNCILMEMBER BATES:** Any time.

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[1] **COUNCILMEMBER ALEXANDER:** Any time.
[2] **MAYOR JENKINS:** Okay. Well, that's not
[3] the way I read it.
[4] **COUNCILMEMBER BATES:** Second.
[5] **COUNCILMEMBER PITTMAN:** Second.
[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] - - -
[22] (Meeting adjourned at 11:00 p.m. the same
[23] day.)
[24] -o0o-
[25]

[1] C E R T I F I C A T E

[2] STATE OF GEORGIA]

[3] COUNTY OF DEKALB]

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

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

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

[15] This the 12th day of September, 2008.

[16]

[17]

[18] Theresa Bretch, CCR

[19] Permit No. B-755

[20]

[21]

[SEAL]

[22]

[23]

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