

**City Council of Peachtree City
Special Called Meeting Minutes
August 21, 2012
6:15 p.m.**

The Mayor and City Council of the City of Peachtree City met in special called session on Tuesday, August 21, 2012. Mayor Haddix called the meeting to order at 6:16 p.m. Other Council Members in attendance: George Dienhart, Vanessa Fleisch, Eric Imker, and Kim Learnard.

Appointment of Ethics Board Member

Haddix noted the first item on the agenda was an appointment to the Board of Ethics, Mr. Randy Boyett. Haddix said he felt Boyett was not qualified to serve due to previous bias expressed in the newspaper. Haddix read from a January letter regarding recalling the Mayor as one example. More recently, Boyett had congratulated Mr. Steve Thaxton for filing the ethics complaint against the Mayor and saying the Mayor needed to be replaced.

Imker asked if anyone had any further comment. Hearing none, Imker moved to appoint Randy Boyett to the Board of Ethics. Dienhart seconded. Motion carried 4-1 (Haddix).

Haddix said the second item was to authorize Haddix's attorney in the ethics complaint. Imker asked to postpone that item until the Ethics Board had been empaneled.

Select Ethics Board for Complaint

Public Information Officer/City Clerk Betsy Tyler explained they would draw four names from the nine remaining representatives to serve on the Ethics Board for the complaint filed by Steve Thaxton against Mayor Haddix. Two additional names would be drawn as alternates. City Attorney Ted Meeker clarified that board member Mike LaTella had been designated as the chair, so he would automatically serve on the panel hearing the complaint, per the ordinance.

Tyler drew the following names to serve on the panel: Dan Haas, Tom O'Toole, Mark Hollums, and Randy Boyett. Eric Slepian and Cathy Nelmes were drawn to serve as alternates. No vote of Council was required.

Haddix then asked Council to address the appointment of his attorney in the ethics complaint.

Steve Thaxton asked to address Council. He said the reason he filed the ethics complaint was that the Mayor had caused the City to incur over \$12,000 in costs. Haddix asked if Thaxton was trying to try the case that night. Dienhart asked the Mayor to allow Thaxton to proceed. Haddix said the topic under consideration was the appointment of his attorney.

Thaxton said he had a proposal that might avoid unnecessary expenses for the City. Learnard said she would like to hear his proposal. Haddix allowed Thaxton to continue.

Thaxton continued that Haddix had caused over \$12,000 in unnecessary expenses for the City. The Ethics Ordinance outlined a simple process by which a panel of citizens would review a complaint filed. This did not require legal representation. Thaxton asked why Haddix wanted to use an Atlanta attorney to represent him in this process. At Haddix's request, Meeker responded that legal counsel was covered for the Mayor under the City's Indemnification Resolution. Thaxton said he understood it was permitted, but asked why Haddix felt it was necessary. Haddix said this was the firm he felt could best represent him in this situation.

Thaxton asked Haddix why he chose a high priced Atlanta attorney in lieu of a local, fully qualified, and capable attorney at a much lower cost. Haddix said his response was the same.

Thaxton then asked, in order to avoid unnecessary legal expenses for the City, would Haddix agree to go forward with the Ethics Review Panel without an attorney if Thaxton would commit to withdraw the complaint after the panel's review, won or lost.

Imker said he did not understand the proposal. Thaxton said there would be no punitive action, just the panel's determination. There was discussion that there was no punitive action possible, and Learnard noted there were six recommendations the panel could make. Haddix said Thaxton was trying to circumvent Haddix having the legal representation to which he was entitled. Thaxton said he was trying to avoid unnecessary legal expenses for the City. Haddix said Thaxton was playing semantics and wanted the panel process to proceed during which Haddix was entitled to representation. Thaxton agreed the Mayor was entitled to representation.

Haddix said if Thaxton did not want the expense to be incurred, he should withdraw the complaint. Thaxton said he was making a proposal to avoid any expenses. Learnard and Dienhart clarified that it would be more like an internal investigation. Imker said he did not understand how Haddix or Thaxton could make an agreement that could bind the Ethics Board from one of the duties and abilities granted to them.

Meeker attempted to clarify, saying that the hearing would play out and the Ethics Board would make a finding and, at that time, Thaxton would withdraw the complaint before the second phase, which involved the punitive recommendation. Meeker said the complainant could withdraw the complaint at any time in the process.

Audience member John Dufresne said Thaxton wanted to deny the Mayor legal representation. Thaxton began the process. He needed either to move forward with the process as laid out in the Ethics Ordinance or withdraw the complaint.

Haddix said, as a state arbitrator, the panel was dissolved once a decision was rendered. Thaxton said he was allowed to withdraw the complaint at any point. Haddix said the process would be complete, which would dissolve the panel. Council asked Meeker to review the ordinance, and Haddix said his answer was, "No." Haddix said this was a dead-end discussion and asked if Council agreed. There was no response.

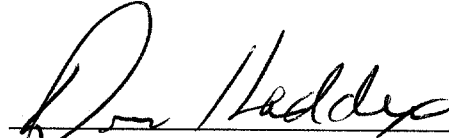
Meeker said the decision of whether there had been an ethics violation was separate from the decision to recommend punitive action, and the complaint could be withdrawn between those two actions. Haddix reiterated that his answer was, "No."

Thaxton said, in that case, he withdrew his complaint to avoid the indemnification of the Mayor and starting the clock rolling on coverage of the Mayor's legal fees. Meeker asked to have the withdrawal in writing. Imker asked what would happen to the timeline established by the ordinance if Thaxton did not submit the withdrawal in writing. Meeker said he would draft the appropriate language at that time, which he read as follows: "I hereby withdraw all portions of the Ethics Complaint, which I filed on August 13, 2012, against Don Haddix, Mayor." Thaxton signed the document, which was witnessed by Meeker and notarized by Tyler.

Imker asked if the Council needed to dissolve the panel established that night. Meeker said the complaint had been withdrawn, so the panel was automatically dissolved.

Imker thanked all those attending for their interest and thanked Thaxton for avoiding additional cost to the taxpayers.

Imker moved to adjourn the meeting. Learnard seconded. Motion carried unanimously. The meeting adjourned at 6:36 p.m.


Betsy Tyler, City Clerk
Don Haddix, Mayor