

City Council of Peachtree City
Meeting Minutes
August 16, 2012
7:00 p.m.

The Mayor and City Council of the City of Peachtree City met in regular session on Thursday, August 16, 2012. Mayor Haddix called the meeting to order at 7:00 p.m. Other Council Members in attendance: George Dienhart, Vanessa Fleisch, Eric Imker, and Kim Learnard.

Announcements

Mayor Haddix recognized the winners of the ONE Peachtree City Bookmark Design Contest sponsored by the Friends of the Peachtree City Library, Library, and Planning and Zoning. The gold award winner was Carrie Grimes and the silver award was given to Helen Hu. Honorable Mention was given to Jacqui van Zyl, Caroline Smith, Katie Grace Rowland, Delaney Loftis, Lynnnann Koh, Caelyn Grimes, Kylie Dickinson, Rylee Campbell, and Raaga Bramhadevi. The Kiwanis Club of Peachtree City presented Police Chief H.C. "Skip" Clark and Cpl. Paul Smilley with a check for the Drug Abuse Resistance Education (DARE) program. The graduates of the most recent Fire Department Recruit Class were recognized, and the Fire Explorer Post was recognized for its participation at the Illinois Fire College. Fire Captain Ron Mundy was recognized as the Supervisor of the Quarter.

Report from Fayette County Development Authority (FCDA) – Matt Forshee

Matt Forshee, FCDA president/CEO, gave Council an overview of what had happened since hiring Chris Daniel to assist with business retention and expansion (BRE). Forshee said Daniel had been working to develop relationships with companies and to introduce programs. Daniel had met with several companies in the Industrial Park. Seven active expansion projects had been identified that would constitute \$137 million in new investment in building and equipment and 357 new jobs. Forshee said they were creating a comprehensive BRE survey to identify opportunities and challenges for business and industry, as well as working in partnership with Learnard's College & Career Academy initiative with the Fayette County Board of Education.

Forshee continued that, since April, they had promoted the City's sites to 35 potential industrial and office projects, and they were currently working on three confirmed projects that should be announced later this year. Project 1 was an international manufacturer of animal pharmaceutical/biologics that would bring \$15 million in new investment and more than 50 jobs. The company had made an offer on a site, and the due diligence was underway. Project 2 was an international production and education facility that would bring \$50 million in new investment and more than 400 jobs. The company was in final site negotiations. Project 3 was a U.S. manufacturer of consumer goods that would bring \$4 to \$8 million in new investment and 125 or more jobs. The company had determined Peachtree City was the right location, and it was currently negotiating for a greenfield site or an existing building.

Forshee said Daniel had also coordinated with City staff on issues brought up by North American Electronics Components, LLC (NAECO) and Panasonic. He continued that a semi-annual presentation (February and August) would be made to Council, and by August 31, the initial written report would be presented to City Manager Jim Pennington with information on staff activities, job growth/loss statistics in Peachtree City, business formation statistics, general wage and salary statistics, economic impact statistics, new projects worked, contacts with existing businesses, updates to the City's Planning Department's development statistics, and other statistical information.

Haddix said he had spoken with the NAECO owner, and the owner was very happy with the FCDA. He thanked Forshee and Daniel for their hard work.

Imker asked Daniel if he had met with the large shopping centers, noting the centers and the small businesses surrounding them needed assistance maintaining their vitality. Daniel said the initial focus had been on manufacturing and industry. Imker said not to leave the others out. He asked Daniel if there was anything on the City website about him so new businesses could contact him. Daniel said there was a link on the City website to the FCDA website, and Daniel had his own page on the FCDA. Imker asked Daniel if he had any interaction with the City's boards and authorities yet. Daniel said he worked closely with Forshee to learn about the resources that were available and to make the connections that were needed. Forshee added there was a slide missing from the PowerPoint presentation, adding Daniel had worked with the Water and Sewerage Authority (WASA), Convention & Visitors Bureau (CVB), and the Peachtree City Airport Authority (PCAA).

Imker asked Daniel about his knowledge of statewide and local tax incentives to assist in selling the area to potential businesses. Daniel said he was familiar with the incentives offered by the state, noting the strongest incentive now was the census tract incentive available in the Industrial Park. The individual City incentive had come into play occasionally, but most of work to this point had been making introductions and making sure businesses knew he was available as a resource. Imker asked Daniel to review the minutes of this meeting when they were published to review the questions he had asked and to help him remember what was discussed.

Public Comment

Marcia Hendershot discussed curb appeal with Council, saying it applied not only to residential areas, but also was important to economic development. She told Council she had visited Newnan recently and, despite the tacky signs, it looked good. There was edging along the curbing and the gutters were clean. She realized the people doing the work were state prison inmates. She asked if the City was aware of the program, asking Council and staff to consider it.

Agenda Changes

There were none.

Minutes

August 2, 2012, Regular Meeting Minutes

August 9, 2012, Special Meeting Minutes

Haddix noted there was an additional document on the dais – a copy of the August 2, 2012, regular meeting minutes. Learnard moved to approve the August 2, 2012, regular meeting minutes and the August 9, 2012, special meeting minutes as written. Fleisch seconded. Motion carried unanimously.

Monthly Reports

Haddix noted there were three reports on the dais – the Fire, Recreation, and the Facilities Authority bond report. There were no comments.

Consent Agenda

- 1. Consider Alcohol License – NEW – My House Restaurant, 2775 Hwy 54 West**
- 2. Consider Budget Amendments – FY 2012**

Fleisch moved to approve the Consent Agenda items 1 and 2. Learnard seconded. Motion carried unanimously.

New Agenda Items

08-12-07 Public Hearing – Consider Variance to Rear Setback – 305 Harcourt Place

The public hearing procedures were read by Public Information Officer/City Clerk Betsy Tyler.

Planning & Zoning Administrator David Rast said this variance was for a deck encroachment in the Sagamore subdivision. The owners of property were Sam Holoviak and Catherine Sullivan. The home was located on the cul-de-sac at the end of Harcourt Place, all the property located behind the home was City-owned greenbelt, and the area between the property and SR 74 was over 100 feet and was heavily vegetated. The pie-shaped lot was 40 feet wide at the road and just over 140 feet wide in the back. The house was 43 feet back from the front property line. There was a 20-foot building setback on the rear property line even though the tract backed up to City-owned greenbelt. The back of house was 22.4 feet from the rear property line. Rast continued that applicants planned to build a deck on the rear of the home. A small patio was located in the back, and the yard dropped six to eight feet from the edge of the patio to the greenbelt. The owners wanted to increase the size of the outdoor living space and replace the patio with a deck that extended beyond the rear building setback. Rast said the home was built on fill, and the fill line blended toward the greenbelt.

Rast said staff recommended approval of the variance, initially recommending the encroachment be no more than eight feet into the 20-foot building setback, which Rast said Holoviak would address when he spoke. The requirements for the recommendation included an updated foundation survey, both before and after the deck was built, to ensure the encroachment was correct.

Sam Holoviak, applicant for the variance, asked Council to consider an encroachment between eight and 15 feet into the rear building setback. He was not sure how big the deck would be. The drawings had been done by a contractor, then he had planned to do the work himself, but he would rather have the work done by a local contractor. He and his wife bought the home three years ago and wanted to enhance its value and to enjoy the outdoors. This was their retirement home, and they intended to be in the City a long time.

Haddix opened the public hearing. No one spoke for or against the variance. The public hearing closed.

Fleisch noted the stakes shown in a picture of the backyard, asking how far out they were. Holoviak said they were 10 to 11 feet out. He also had letters of support from his neighbors.

Learnard asked Rast to explain how to keep the project from expanding into the greenspace. Rast said applicants were required to submit a foundation survey when applying for a building permit. Approval of this variance request would allow the homeowner to encroach into the building setback a specific distance. In this case, after the deck was built, a revised foundation survey would be required showing the limits of the new deck to ensure they had complied with the conditions of the variance.

Learnard clarified that without a variance the applicant could only take the deck out another two feet past the edge of the patio, asking how far the deck could go out on the side. Rast said Sagamore was a cluster subdivision so the sides probably had zero lot lines, but there was a separation between the actual units. Usually the front setback was 15 feet, 20 feet for the garage. Due to the angle of this lot, the home was set back 40 feet from the property line, further than some of the other homes in the neighborhood.

Haddix asked Holoviak to clarify whether he was asking for a 15-foot or eight-foot encroachment. Holoviak said he had initially applied for an eight-foot variance, which had

seemed reasonable. Now that he had spoken to a contractor and laid the stakes, the eight-foot distance was not aesthetically pleasing to himself or his wife, so he asked to revise his request to 15 feet.

Haddix asked Rast if the revision from eight to 15 feet required additional staff review. Rast said no. The change would be recorded with the foundation survey.

City Attorney Ted Meeker verified with Rast that Condition 1 would change from eight to 15 feet. Rast said yes.

Imker asked if any similar variance requests had been granted. Rast said other applicants had property that backed up to greenbelts and had requested to encroach into the rear building setback to increase the size of the home or deck. Some were approved, and others were not. The variance process had been revised a few years ago, and three different levels of variances were established. One was administrative, one was special exception, and one was a full variance. This request fell under the special exception category because it backed up to a greenbelt, did not have an impact on any adjoining properties, and the variance was isolated to this particular lot in this particular subdivision.

Imker said he found nothing exceptional or extraordinary about the request. He wanted to support the request, but he wanted to know if similar variances had been approved in the past; otherwise, any property owner that backed up to a greenbelt could claim their request was a special circumstance. The fact the lot was not perfectly rectangular or sloped down was not extraordinary. Imker said he was trying to find a specific circumstance, and without knowing of another that had been approved, he was having a hard time.

Learnard recalled a variance request from an applicant in Glenloch, when it was discovered the home was built in the setback. The owner either had not known it was in the setback or there had been a problem with the survey. It was an existing issue.

Imker remembered a variance that was denied for being one foot in the setback and the owner was told to re-do the building extension.

Rast said it was difficult to recall specific variances that had been approved. The lots in cul-de-sacs were not the rectangular-shaped lots. In most of those cases, staff had recommended approval of the variance requests. Rast read from Section 1207 – Review Criteria of the ordinance:

There are special circumstances applicable to the property, including location, shape, size, surroundings, or topography so that the strict application of this ordinance denies the property of privileges enjoyed by other property in the vicinity and under identical zoning district classifications.

Rast continued that because the lot was 40 feet wide at the street and wider at the back, it was referred to as a pie-shaped lot. Each zoning district had a minimum lot width. In order to meet the minimum lot width requirement, the home was pushed further back on the tract, which was specific to the tract. Rast said he did not know why the builder brought in the amount of fill they did, but it was obvious the rear portion of the home was built on fill.

Rast said staff and the applicant had also discussed building a retaining wall and bringing in more fill to level the yard. However, Rast said there would be a lot of damage done and it would also be difficult to get the equipment to the rear of the home. Rast said there had been other variances on similar-shaped lots.

Imker reiterated he wanted to support the request, but he wanted to give staff time to show him where Council had approved something similar in the past. He asked what the other Council Members were thinking.

Haddix said he was trying to recall ever granting a 15-foot variance, and he could not remember approving a request for that much depth. He was unclear on the past history.

Learnard said, even if Holoviak decided to make the encroachment eight feet, Council had to make the same decision. Learnard told Holoviak she wanted to allow them to get the maximum use of their home, but she felt if Council were to vote that night the request would be denied and the City would be opened up to a flood of requests.

Holoviak said he understood and appreciated Council's position. Once a standard was set, it was Council's choice to review any exceptions. He had to request a variance because he wanted to build a vertical structure that was taller than 18 inches. Without the variance, he could build a retaining wall 23 inches high with no engineering required. He could terrace it up three times to get over the nine-foot slope problem in his back yard and bring in two tons of fill dirt, and do it without regard to building setback.

Imker and Dienhart asked Rast to explain how that could happen. Rast said the Building Department had historically classified anything over 30 inches as a structure. Technically, the applicants could build a patio and retaining wall in the building setback as long as it was 30 inches from grade without seeking a variance. Imker said a concrete slab could be placed in the setback as long as the ground was level.

Dienhart said the options were to approve the variance request for a variance or make the homeowner spend the money to level out his yard and put in a patio. He said government was encroaching on the applicant's property rights rather than facilitating him in improving the value of his property and generating more property tax.

Haddix recalled a request where a pad behind a home was sitting fully in building setback. It had been legal because it was ground level. It had been a detached garage or structure in the past, and the applicant wanted to put the garage back on the slab. His request was denied because he wanted to build the structure on the slab.

Dienhart asked if that had happened prior to the special exception type of variance, adding the request met the criteria of a special situation. Haddix said that was the point, asking if this should be considered a special situation. Dienhart said the ordinance might be bad, but he felt the request met the requirements for a special exception. Haddix agreed, saying Council was bound to make the decision by ordinance and its impact. He had no problem with what the applicant wanted to do, but he had questions about the ordinance and the future in other areas. People had been required to remove things in the past.

Learnard asked Rast to clarify that Holoviak could extend the concrete pad into the setback and terrace the ground up to 30 inches. Rast said that was correct.

Imker said he wanted to help, but he wanted the data regarding similar variances, then he could make up his mind. He was leaning towards approval based on the information just provided on what could be done without a permit or variance. Imker asked Rast if he could find another pie-shaped property that had asked for an encroachment into the building setback. Rast said he could definitely do that. He added that Holoviak traveled often for work, and he had rearranged his schedule to be at the meeting.

Fleisch and Learnard wanted to make a decision at the meeting. Haddix noted some in the audience appeared to have an example and asked the citizen to speak.

David Conner said he had also applied for a special exception variance four years ago. He also had a pie-shaped lot, and his was a special exception because the other, more square lots in his neighborhood could build the same thing he wanted to without having to apply for a variance. Haddix recalled Conner had also added some landscaping that had encroached into the City greenbelt, which Conner had to restore. Conner said the fence on the property, installed by a previous owner, was two feet over the property line, and he had to move about 200 feet of fence about two feet.

Learnard said she had not understood until this meeting that a homeowner could extend something into the setback depending on whether it was flat or not. It was government at its worst to turn down the request so Holoviak could spend thousands of dollars bringing in fill and adding pavement. Her inclination was to approve the request. Dienhart agreed.

Fleisch moved to approve the variance for 305 Harcourt Place. Dienhart seconded. Meeker asked Fleisch to amend her motion to include the staff conditions and the change from eight feet to 15 feet in Condition 1. Fleisch amended her motion. Dienhart seconded the amendment. Motion carried unanimously.

08-12-08 Public Hearing – Consider Variance – 240 Masters Drive South

Rast said this was another variance request for a home on a cul-de-sac. All of the lots in the Masters Square subdivision were 110 to 115 feet in depth. The back of this home was set back a bit further on the lot than the others, and it was 21 feet from rear property line. A deck was built on rear of the home as part of the initial construction, and the existing deck encroached into the 20-foot rear building setback.

Rast said that, until the late 1990s, the Building Department had not looked at decks during inspections. There had been a number of situations where decks built prior to that time encroached into the building setbacks. Most of those had been corrected through the administrative variance process. The situation met all the criteria for an administrative variance. Rast continued that Bryan and Pam LaBrecque, the applicants, were not the original homeowners. Rast said staff's first recommendation for approval of the variance was to correct the deck encroachment through the administrative variance process. The LaBrecques would like to put a roof over the deck and screen in the porch, which required the variance.

Rast said staff had reviewed the application through the special exception criteria. Many similar variances had been approved prior to the special exception variance. In this case, the house backed up to a golf course, and the homeowners had support from the golf course, homeowners association (HOA), and neighbors. Staff recommended approval of the variance request for no more than two feet. Rast said the administrative variance would be reviewed by him, the City Manager, and the Mayor, adding it was a housekeeping and paperwork issue.

Haddix opened the public hearing.

Pam LaBrecque asked Council to approve the variance for the deck roofing and enclosure, adding they had support from their neighbors and the golf course, as well as the HOA.

Al Yougel, noting that Masters Square also had privately owned streets such as Cypress Pointe, asked Council to open their hearts and give the applicants a break.

No one spoke against the variance. The public hearing closed.

Learnard clarified the encroachment of the deck could be taken care of through the administrative variance process, adding she was surprised that had not happened before this request was scheduled. Rast said that could have been done; there was no fee for an administrative variance.

Imker asked if the applicant would have had to tear down the deck if they had gotten a permit when the deck was found to be in the setback in the past. Rast said, if a building permit were applied for now, it would not make it through the review process. The safeguards that were in place included a review of the plans for zoning, setbacks and other items by Engineering staff and Planning staff before plans were sent to the Building Department. Rast said there had been a similar situation in Cardiff Park, where the decks on the homes were built in the setback, which was one of the reasons changes were made to the submittal and review requirements for building permits. Twenty-six of the 28 homes in Cardiff Park would have had to remove the decks, with no outside living off the main level. Staff had looked at variances for each lot, which would have required a great deal of time. The zoning was modified to allow the decks to remain with the caveat that anyone wanting to enclose the decks would have to come to Council for a variance.

Fleisch noted there was only one corner of the deck that encroached into the rear building setback, which was very small, and three feet at the maximum.

Learnard moved to approve the variance for 240 Masters Drive South. Fleisch seconded. Motion carried unanimously.

08-12-09 Consider Wayfinding Sign Program

Rast said the wayfinding sign concept had been presented at a joint Council/Planning Commission workshop several months earlier. Staff was asked to take the signage concepts through the ONE Peachtree City process, and the comments on the directional signage had been favorable overall. The comments on the monument and village signage had been positive and negative, so that was not under consideration at this time. He continued that staff would like to move forward with the directional sign program, with this considered the pilot program. If approved by Council, the signs would be installed, then the public would be engaged to see if the signs were helpful.

The signs must comply with Department of Transportation (DOT) and Manual on Uniform Traffic Control Devices (MUTCD) standards. Rast showed a drawing of the concept sign considered by those participating in the ONE Peachtree City program, and a drawing of the sign once the DOT and MUTCD standards were applied. An earth-tone color theme with the City logo and variations of green were favored by the participants. The pilot program included six signs directing people to the McIntosh Trail complex – two on Peachtree Parkway, one north and one south of McIntosh Trail; two on SR 54, one east and one west of Peachtree Parkway; and the last two on SR 74, one north and one south of Kelly Drive. The signs would direct people to the Visitors Center, BMX track, and The Fred. Funding for the program was available, and staff would monitor public reaction to the signs before moving forward with additional phases of the

program. Rast said potential locations for other signs had been identified. Staff did not see wayfinding signs for every City facility, only for the major attraction areas.

Rast added the sign posts were another component. They were three-inch by three-inch powder-coated aluminum posts that did not rust, warp, or need painting. Staff asked for approval of Phase 1.

Dienhart said the signage was great, adding some of the places were not easy to find. Having the funding was even better. Learnard agreed.

Haddix said the signs conformed to what the citizens wanted at the recent roundtable discussions, but he wanted to ensure they understood two points – the signs had to conform to state and federal standards so they would be taller than they wanted, and the signposts had to be breakaway. Other than those items, he was pleased.

Learnard moved to approve the wayfinding sign program. Fleisch seconded. Motion carried unanimously.

08-12-10 Consider Request from Business Owner to Allow Food Trucks in Peachtree City

Rast referred to the roundtable discussions, adding that there were many comments about Peachtree City being a little different from other communities. Staff felt they were moving in the right direction with the Farmers Market, the Community Garden, and some of the events that had been organized. Another aspect could be what was known as a food truck lot. These were becoming more common in larger cities and had a "neat vibe" about them as far as being a place to meet people and hang out. He introduced Jimmy Daniel, who operated the food truck usually located at the entrance of the Farmers Market.

Daniel, owner of Grazing Here, said his company raised its own grass-fed beef for burgers. There were no antibiotics, hormones, steroids, or pesticides used since 1995. This was the movement of the food truck; customers could get authentic food from the truck rather than a restaurant, although they were building a restaurant in the City. Food trucks were found across the county. In north Atlanta on Howell Mill Road, the City was zoning a park for the lots that was overseen by the food inspection office and had the same requirements as restaurants. Food trucks did not survive unless something authentic and unique was offered. The food park in Atlanta was operated by a coalition that worked with the City government on how to operate correctly. He carried \$2 million in liability insurance, a \$5 million umbrella policy, and a \$1 million automobile policy on his truck. His truck currently served Piedmont Fayette Hospital.

Learnard asked what locations were being considered. Daniel said they had discussed several locations that were accessible by cars, golf carts, and pedestrians and would be safe for multiple trucks.

Learnard and Fleisch clarified that the discussion at the meeting was regarding the concept. Rast said staff was asking for Council guidance before spending the time researching and preparing the ordinance, adding this was how the Farmers Market had started. The Farmers Market was quite successful, as was the Community Garden. Many communities were looking at the same type of use. Rast said the food park in Atlanta was open seven days a week, while most of the ones he had researched operated one day a week. Staff needed to look at parking and restrooms as part of the site. They had already talked to Robert Kurbes of the Fayette County Health Department regarding food safety. Council direction was needed before too much time was spent on it at the staff level.

Dienhart said he liked the concept. It would draw people to spend their money here, especially if they offered something not found in the local restaurants. He encouraged staff to identify the right types of trucks, something to differentiate this park from Atlanta's.

Daniel said that was a good point. There were some issues with having trucks in the same location seven days a week. It should be treated as a special event. Daniel said he had recommended to Kurbes that a panel should be appointed to ensure the right food trucks were chosen. He added that Tricia Stearns picked the vendors for the Farmers Market. It was more than a business. It was important to build a "compliance playbook" to ensure only the safest trucks were participating, as well as having a display of authentic foods that did not compete with local restaurants.

Learnard asked if the trucks needed access to electricity. Daniel said most of the trucks now had self-sustainable power, using gas generators and liquid propane gas. Learnard supported the idea.

Haddix said he supported the idea. He asked if there had been any feedback from local businesses and non-profit organizations that did special events. Rast said staff had not gone to that level yet. It was something that had to be considered. There was a great deal to figure out as far as the process was concerned. Staff had found some sample ordinances and guidelines. Some larger communities had alliances with their own operating standards.

Imker said Council needed to give staff guidance on where to begin. He did not want the City's image to be that of a flea market once a week. He asked Council to identify several locations in the ordinance that said so many food trucks would be in operation. He also asked for the ordinance to include food trucks at special events. Rast said the ordinance would have to be specific to the City's needs.

Imker moved for staff to proceed with development of an ordinance amendment to allow food truck lots and special events. Learnard seconded. Motion carried unanimously.

08-12-11 Consider Appointment of Board of Ethics Members for Ethics Complaint

Public Information Officer/City Clerk Betsy Tyler noted an ethics complaint had been received. The ordinance required Council empanel the board to hear the complaint within 15 days of receipt of a complaint. The ordinance stipulated four names be drawn to serve and two more names would be drawn to serve as alternates. The chairman elected by the candidates appointed earlier this year would also serve.

Imker asked how many names were in the basket. Tyler said, earlier this year, each Council Member and the Mayor had submitted two names for a pool of candidates for an Ethics Board. One of those candidates was elected by the others to serve as chairman. One of the candidates recently resigned due to moving out of town. There were now nine names, eight when the chairman's name was removed.

Imker said there was a conflict with the ordinance. There needed to be a ninth name in the bucket. Council needed an appropriate amount of time to take care of that. Dienhart agreed, since it was one of his candidates who resigned. Imker asked to continue the matter until the next Council meeting to give Dienhart time to submit another name. Tyler said forms had to be completed, as well as a satisfactory background check. Chief Clark said the background check could be expedited.

Meeker said the September 6 meeting was outside of the 15-day period. The appointment could be considered at a special called meeting prior to the August 21 budget workshop or during the August 27 special called meeting to set the millage rate. Haddix directed a special called meeting be held on August 21 at 6:15 p.m.

Meeker continued that he had to recuse himself from serving as an advisor to the board since he was listed as a witness. He recommended Council consider Laurel Henderson to advise the board, adding that Council must also approve the Mayor's selection of counsel under the City's Indemnification Resolution.

Haddix said he did not want to delay the appointment of his representation. Imker said he believed Haddix already had selected counsel, and it was only fair to know the billing rate. Haddix said it was \$300 per hour. Meeker said Council could approve both counsel selections at this meeting.

Dienhart moved to appoint Laurel Henderson as the advisor to the Ethics Board. Learnard seconded. Motion carried unanimously.

Imker said he preferred to wait until the special called meeting to appoint the Mayor's attorney. Haddix said that was unfair to him. Meeker said, under the Indemnification Resolution, Haddix's defense was a covered item. There was a request from Anne Wiggins of Balch & Bingham, LLP, that Council approve her as the Mayor's counsel. Imker said the vote would be taken at the August 21 meeting, which was when the clock would start. Haddix said the clock was running now. Imker said it would be enough time to prepare a defense. Haddix asked why he could not go ahead and get started on his defense. Imker said there was no need to appoint Haddix's attorney when it was not known how far it would go. Dienhart said the sooner the attorney was appointed the sooner she would start billing. Imker said he would support the counsel appointment when the names for the board were drawn. Haddix asked that the minutes reflect there were Council Members who wanted to delay approval of his counsel.

Learnard asked what the procedure was after the names were selected. Meeker said the hearing had to be held within 60 days of the board selection. There were a variety of deadlines regarding the submission of evidence and documents. Learnard asked if Henderson would begin billing before the board convened. Meeker said Henderson would read the ordinance and be familiar with it prior to the hearing. Henderson was advising the board, not advocating for anyone.

Imker asked what Henderson's and Meeker's rates were. Meeker said Henderson's rate was \$150 per hour and his rate was \$110.

Imker said that, given the 60-day window, there was plenty of time. He read over the complaint when Tyler forwarded it. He did not want to speak for the complainant, but it did not look like it would more than 30 minutes to present the case. He said the Mayor might sue the City for recovery of his salary. He was not sure if the same lawyer was involved, but Imker wanted to ensure the billings were separate, and any action of the salary recovery was on Haddix's dime. Imker asked how long it would take to put a case together. The Ethics Board was not a court of law.

Meeker said it was a hearing, and both parties were afforded due process rights. The City had only had one other ethics complaint, and it had cost \$36,000 10 years ago (NOTE: this cost was incorrectly attributed to an Ethics complaint and applied to a personnel appeal that had occurred more recently). The City was not in the position to limit the number of hours it would take the Mayor's attorney to adequately defend him nor the time needed for Henderson to

advise the board. Imker said that was not his intent. Meeker said the board had 30 days to review the charges to determine if they were frivolous or not, and whether the complaint should move forward, and Henderson would be advising the board during the entire process. He did not know how much time it would take. Imker said Meeker's response had scared him regarding potential costs of the complaint.

Dienhart said it was ridiculous for the City to spend \$40,000 on a horrible mistake that could have been rectified much easier. Haddix asked Dienhart to step back, adding he did not know the facts, and he was sitting in judgment. Throwing out \$40,000 was a scare tactic. Dienhart said \$36,000 was spent 10 years ago, plus the \$10,000 Haddix owed the City. It would probably be \$60,000 or more. Haddix asked Dienhart if he knew what the ethics charge was 10 years ago, saying this was a legal issue, and they all needed to step back. Dienhart said it was a legal issue, and Council was bound to do what the Charter said to do, and Imker had asked good questions. Haddix said he had provided the information as requested. He had the right to an attorney, and he wanted to proceed.

Learnard asked Meeker if there was anything else that needed to be done. She asked Haddix to wait until Tuesday to kick off the 60 days.

Haddix moved to authorize the representation of Mayor Don Haddix by his legal counsel. The motion died for lack of a second.

No other action was necessary.

Council/Staff Topics

Hot Topics Update

Pennington said paving had begun on Peachtree Parkway North. A waterline located in the middle of the road had been hit that day. The contractor was trying hard to not interfere with school and keep traffic flowing.

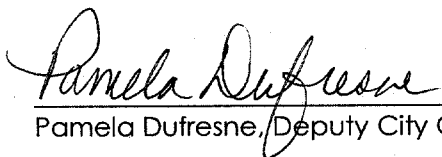
Cooper Lighting was testing a new light-emitting diode (LED) light and was using a location in the City for a test in conjunction with Georgia Power. The light was on Haddington Lane.

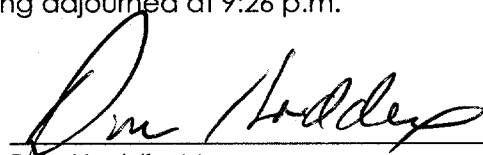
Learnard moved to convene in executive session for threatened or pending litigation at 9:18 p.m. Fleisch seconded. Motion carried unanimously.

Imker moved to reconvene in regular session at 9:24 p.m. Fleisch seconded. Motion carried unanimously.

Learnard moved to deny the claim by John Mrosek as presented. Fleisch seconded. Motion carried unanimously.

There being no further business to discuss, Learnard moved to adjourn the meeting. Fleisch seconded. Motion carried unanimously. The meeting adjourned at 9:26 p.m.


Pamela Dufresne, Deputy City Clerk


Don Haddix, Mayor