

City Council of Peachtree City
Minutes of Meeting
June 19, 2008
7:00 p.m.

The City Council of Peachtree City met Thursday, June 9, 2008, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present: Steve Boone, Don Haddix, Cyndi Plunkett, and Doug Sturbaum.

Announcements, Awards, Special Recognition

Logsdon recognized Chris Campbell of the Fire Department for 15 years of service and Joyce Horace of the Library for 10 years of service.

Public Comment

There was none.

Agenda Changes

Plunkett moved to hold agenda item 05-08-05 to the end of the Old Agenda Items. Sturbaum seconded. Motion carried unanimously.

Minutes

Plunkett moved to approve the minutes of the June 2, 2008, workshop; the June 3, 2008, workshop; and the June 5, 2008, regular meeting as written. Sturbaum seconded. Motion carried unanimously.

Consent Agenda

1. Alcohol License – Change in License Representative – Ruby Tuesday
2. Consider Appointments to Airport Authority – Richard Whiteley,
Gerald Stuart (Alternate)

Boone moved to approve the Consent Agenda as presented. Plunkett seconded. Motion carried unanimously.

Old Agenda Items

06-08-01 Consider Special Use Permit, Line Creek Retail

Logsdon noted an additional document on the dais, a memo from the City Planner entitled "Proposed Special Use Permit – Line Creek Retail Center (SR 54 West)."

City Planner David Rast addressed Council and reviewed the items that were covered at the last Council meeting. Staff and two members of the Planning Commission had worked with the developer, and Rast noted the issues were included in ordinance format. Rast said the Line Creek property on Highway 54 West included the right-of-way of Line Creek Drive and Line Creek Court and encompassed slightly more than 16 acres. The plan before Council that night differed slightly from the one at the June 5 meeting and from what had gone to the Planning Commission. The parking orientation was changed, possible access was provided to Planterra Way, and the buffer was increased slightly.

Rast said the zoning ordinance would include the building elevations of the grocery store near the highway and the building in the back. The buffer adjacent to Cardiff Park included the required 50-foot dedicated greenbelt, and additional plant material would supplement the existing trees, which had been surveyed. The applicant had provided cross-sections of the buffer showing the greenbelt, berm, and six foot screening fence. Rast said they were requiring the developer to build a step out to the property line on Planterra Way to provide for access there if needed. The area along Highway 54 had been cleared during the highway widening by Georgia Power, and Rast said the developer was proposing a raised building with a tiered landscape area stepping down to the highway.

Rast said that it appeared there would be minimal tree disturbance and grading if the center was connected to Planterra Way across from the Tennis Center. At the last meeting, the developer had also agreed to fund landscaping enhancements in the median of Highway 54, and Rast said the funding commitment was up to \$200,000, with the City obtaining design approval from the Georgia Department of Transportation (DOT). Rast said staff had been considering applying for another grant for landscaping in this area, but it appeared there would not be grant funding available for landscaping through the Transportation Equity Act (TEA) program.

Plunkett asked City Attorney Ted Meeker if Council approved the special use permit, would it set a precedent requiring Council to approve all future Special Use Permit requests. Meeker said no, and that Georgia law gave Council discretion. Plunkett asked if Meeker felt the ordinance before them detailed the conditions and was enforceable. Meeker said he and staff felt good about the ordinance tying down all the details.

Rick Lindsey, representing the applicant, addressed Council and said they had two requests for changes. Lindsey said Section 1.22 required payment for the median landscaping 15 days after final site plan approved, which was the same day the applicant would have to pay for the right-of-way abandonment. Lindsey asked if the landscaping funds could be paid later, and suggested payment prior to the issuance of any Certificates of Occupancy (CO). Plunkett asked Rast how likely it would be to have the landscaping plans approved by the time the site plan was approved, and Rast said he was comfortable with the later time. He modified the language of the proposed ordinance to "prior to issuance of the first CO for a building on the site." Plunkett said that should still coincide with the DOT permit approval.

Lindsey then asked about Section 1.18, which prohibited any clearing or grading prior to DOT approval of the proposed traffic signal. Lindsey said they had applied for the signal, but asked if they could move forward with clearing and grading with the requirement that the berming, buffer enhancement, and fence installation be completed at the same time. That way Cardiff Park would still be protected, but no construction could start without the DOT approval of the signal. Plunkett asked Rast if the plan would be scrapped if the signal were not approved. Meeker said the signal was a condition of the approval of the plan.

Plunkett said if the City allowed them to move forward with grading while requiring the buffers, then even if the plan changed due to denial of the signal, the buffers would be in place. Rast said they would proceed with the site plan review process, the City would issue the final site plan

approval, they would apply for the land disturbance permit, and the berming and wall would be installed. Rast said he felt comfortable with this. Plunkett asked again if staff was comfortable with the language in the ordinance being enforceable. Rast said yes.

Haddix said he had received a citizen email saying the DOT had told them a signal at the intersection would not meet the DOT's requirements, and had been denied once already. Plunkett felt that was a strong reason to get the buffer and berming in place as soon as possible. Haddix asked if the developer could move the buffers if the signal was denied. Meeker said not under the Special Use Permit zoning. Plunkett added that, if there were no Special Use Permit and a developer wanted to build as zoned, the City could not require more than 30 feet of buffer. The Special Use Permit gave the City the ability to require additional buffering. Meeker said if any of the conditions could not be satisfied, the developer would have three choices – to ask Council to amend the zoning, to try to satisfy the existing zoning requirements, or to develop the property under the regular General Commercial (GC) guidelines.

Boone asked what the probability was of getting the signal approved. Lindsey said they were hearing from DOT that they were going to get approval.

Boone moved to approve the Special Use Permit, the stipulations in the ordinance, and the modified verbiage for Sections 1.18 and 1.22 as discussed. Plunkett seconded. Motion carried 3-2 (Haddix, Sturbaum).

**06-08-02 Public Hearing – Consider Lifting Multi-family Housing Moratorium –
Wieland's 89-acre Tract**

Logsdon said the applicant would present first, followed by staff, and then comments would be taken from the public. The public hearing protocol was read.

Dan Fields of John Wieland Homes and Neighborhoods addressed Council. Sturbaum asked if Fields had been invited to the Atlanta Christian College (ACC) Task Force meeting the following week, and Fields said he had. Sturbaum asked if Fields wanted to proceed this evening or to wait until meeting with the ACC Task Force. Fields said he would prefer to move forward because he had been meeting with another task force for several months. He was asking for the moratorium to be lifted so that they could dovetail discussions with ACC and determine what housing they might need. Fields said the moratorium had to be lifted to discuss the matter with City staff. Fields clarified that this was not a request to rezone property that evening. It was a request to lift a moratorium that was enacted to limit developers bringing projects to staff that Council was not interested in approving.

Fields stated that the 89 acres in question were parallel to Highway 74 and were currently zoned Industrial. The majority of the task force felt the zoning was incompatible with the other development in the area. The site plan, which included public input from two charrettes and numerous task force meetings, identified multi-family town homes in the center section. There had also been a suggestion to consider condominiums, and those were included. The northern part of the property showed a campus, which could be for offices or a college.

Fields said they were requesting lifting the moratorium to discuss townhomes, probably empty-nesters, and condominiums geared toward young professionals. The task force looked at the Land Use Plan, and the goal was for each village to have multiple housing types to serve a wide range of citizens. Fields said he felt the plan accomplished this goal. Although there was not a real feel for numbers of units, the college would need housing. However, Wieland could not move forward with conversations with staff while the moratorium was in place.

No one spoke in favor of the request.

Phyllis Aguayo said the City had been looking at the area for many years, and Wilksmoor already had its fair share of high density housing. There would be a negative impact on traffic and the schools.

No one else spoke against the proposal. Logsdon closed the public hearing.

Logsdon noted that lifting the moratorium was not approval. Boone said he did not have a problem lifting the moratorium so conversations could continue with staff and the college.

Haddix said the reason for the moratorium had not ended, but there could be property for the college, and he saw potential reasons for lifting the moratorium if the college came. Without the college, there was no benefit to the City. He also said there was no way to realistically plan until there was a better idea of where the college would go. He felt that had to be identified first, and then the moratorium could be lifted to appropriately plan the whole area to include what the college would need. Haddix felt the request was premature.

Plunkett said she agreed with Haddix, but asked if not lifting the moratorium could hinder the efforts to attract the college. She said staff would not be able to be part of the conversations if they included multi-family development and suggested lifting the moratorium subject to ACC coming to the City. Haddix said nothing could be planned until and unless ACC presented a plan showing what they needed. Plunkett felt it might be better to include staff in the process up front. Haddix disagreed, saying the task force could talk to the college. Boone commented that, if the task force was talking about it, staff would have to be engaged.

Sturbaum said he would like to table the request until Fields had engaged with the task force, which could use Fields' input, even if they had to have a Special Called Meeting before July 17.

Logsdon said the original task force on the 89 acres had been assembled months ago. The General Industrial (GI) zoning did not fit with the area, and Wieland wanted to develop the property. The task force was composed of a good cross section of citizens to provide Council with guidance on what should go there. He said condos were not the answer, but he did not have a problem lifting the moratorium so staff could discuss the issue. Postponing the question for a month put the City and the ACC Task Force on a very short timeline to develop a presentation for ACC. Logsdon felt they should move forward, but would defer to the will of Council.

Sturbaum moved to continue the item to the next available meeting. Haddix seconded. Motion carried 4-1 (Boone).

05-08-05 Public Hearing – Consider Variance Request – Buffer, Northlake/Aberdeen Parkway

Melissa Griffis, Rosenzweig, Jones, Horne & Griffis of Newnan, addressed Council on behalf of the applicants, Richard Robertson & Tim Harper of H&R Land Development. The property was located at the corner of Northlake Drive and Aberdeen Parkway. The applicant was asking for a relaxation of the buffer requirements to proceed with the site plan that had already been approved.

Robertson addressed Council, saying their business was in Tyrone and both he and Harper were residents of Peachtree City. He said that a quick chronology of what had happened demonstrated why they were asking for the variance. In 2006, H&R was approached to build an office building on this site and lease space to the proposer. They came to the Planning staff to see if this would be viable, and were encouraged by what they were told. They purchased the property and began the conceptual site plan approval process. The property had been zoned GC for several years.

In 2006, the conceptual site plan was approved with conditions. One of the conditions included confirmation that the project was included in the hydrology study for Westpark. This was a lengthy process, and they learned that the City Engineer had determined this piece of property was not included in the Westpark hydrology study, requiring a new study and separate retention area. The final site plan was submitted in November of 2007, and was resubmitted in February after the remaining engineering issues were resolved. The plan was approved in March.

Robertson continued that the pre-construction meeting was held with staff, and his company then closed on their construction loan. A week and a half later, a City official called and told them to stop work. When he met with the City Planner and City Manager, he was told that additional buffer requirements had been discovered after all the approvals were given. Their only way to move forward with their approved plans was to obtain a variance.

Griffis said that, based on the assurances of staff that the project was consistent with the plan, her clients purchased the land. The final site plan was submitted and approved. Based on the reliance of that approval, they closed on a construction loan that continued to accrue additional costs daily.

Griffis said her client had a vested right to develop the property in accordance with the approved plan. There were special circumstances, namely that the site was a corner lot of less than one acre, and final approval had been granted. The variance request was being made because the owners would suffer hardship because, without the variance the site was not developable, and the applicant continued to incur debt while unable to develop. She added that the problem was not due to the intentional action of the applicants, who had proceeded with the process and followed the guidance of staff and the Planning Commission over the past two years.

Rast addressed Council saying the site was 0.96 acres and was zoned GC-General Commercial. An 11,000 square foot office building was proposed. Rast gave a presentation on the history of the site (The presentation is included in official meeting file).

Rast said in 1996 when the buffer ordinance was adopted, the former Director of Developmental Services provided letters to property owners in the area outlining how their property would be impacted. Staff met with the applicant from late 2005 through early 2006 and had reiterated the same requirements as outlined in the 1997 letter. The conceptual site plan included the buffer stipulated by that letter, and approval was granted on the condition that the existing vegetation in the 20-foot buffer should be preserved and protected, and that a revised conceptual site plan would have to be submitted if the project was not already included in the Westpark hydrology.

In November, it was confirmed that the site was not included as part of the Westpark hydrology. No revised conceptual site plan was submitted. Instead, a final site plan was submitted, and was given approval, but the stormwater and water quality features had been relocated to the buffer. Staff realized the plans were approved in error at the April pre-construction meeting and notified the City Attorney. The City Attorney interpreted the buffer requirements differently from the former Director and Rast, requiring a 50-foot buffer on Aberdeen Parkway. Rast acknowledged the City's error in approving the plan.

Rast said staff had put forward three alternatives. Staff had provided what they thought was correct for the conceptual site plan. The applicant was in error by not resubmitting the conceptual site plan, and by including the water quality features in the buffers in the final site plan. Rast said staff worked well with the applicant on other projects, but this site included errors on both sides.

No one spoke in favor of granting the variance.

Robert Brown opposed any variance to the buffer on Aberdeen Parkway.

Phyllis Aguayo said the City's buffers were important. She was sure the applicant had proceeded in good faith, but the buffers along the scenic highways were sacrosanct. Staff did not have a right to approve something against the ordinance. It had been a mistake that might have inconvenienced or cost the applicants, but the buffers were important to all citizens. She said that there had been errors committed, but providing a variance to the buffer requirements would compound those errors.

Griffis readdressed Council and said that the applicants' engineer felt the tract was included in the Westpark hydrology study.

Logsdon declared the public hearing closed.

Boone asked if the building could be reoriented to prevent encroachment into the buffers. Griffis said the applicant had looked at that, and the hydrology requirements prevented reconfiguration. City Engineer Dave Borkowski said the Westpark hydrology study was done in 1995, and staff

agreed to relook at it, but staff disagreed with the applicant's engineer because the site was in a separate drainage basin than the Westpark pond. Borkowski believed that the study was in error. Griffis said the study was done by the City.

Logsdon asked if obtaining a third opinion was appropriate. City Manager Bernard McMullen said that the lot was lower than the Westpark detention pond, and water could not run uphill. He did not feel an additional opinion was needed. Boone asked if the water quality feature could be put underground. Griffis said that reconfiguring the site would cost some of the required parking spaces.

Haddix asked if there were any options to enable the detention pond and allow the building to be moved back on the site. Griffis said there was already a pipe under the road.

Plunkett said Council recognized that there were errors on staff's part in this project, and they wanted to work with the applicant to help the situation. However, none of them were willing to grant the variance. Griffis said that, without waiving any of her client's rights, they had already met with staff and all options were shot down.

Robertson said he felt there was a solution here, and maybe there was a third party that could step in. Boone said he was leaning toward a third party and perhaps underground detention.

Logsdon said everyone wanted to protect the buffers. He asked McMullen if staff could meet with the applicant again to see if there was a way to accommodate them while maintaining the ordinances. McMullen confirmed that staff was willing to meet. The issues in the past had been allowing the detention in the buffers, and there was no way to move forward without the site being reconfigured, the building being moved, and detention being put underground.

Griffis asked if the City would be willing to select and pay for the third engineer. Logsdon said he could not speak for everyone, but he did not see that happening. He suggested additional meetings, with him sitting in, to see if they could find some alternatives. Griffis asked if a timeline could be set.

Meeker suggested continuing the item to the July 17 agenda and meeting with the applicant prior to that. Griffis asked for clarification on the setbacks and buffers that would be required. Logsdon said Rast would provide that the following day. McMullen said staff would have the stormwater consulting engineer look at the issue as well.

Meeker clarified that his interpretation of the buffer requirements was 50 feet on Aberdeen Parkway and 25 feet on Northlake Drive.

Haddix moved to continue the item until the July 17 meeting. Sturbaum seconded. Motion carried unanimously.

New Agenda Items

06-08-07 Overview/Discussion of Proposed FY 2009 Budget

Financial Services Director Paul Salvatore addressed Council and gave a brief review of the proposed FY 2009 budget (a copy of the presentation is included in the official meeting file). He said that, with no millage increase and no reduction in services proposed, there would be a lot of challenges in FY 2010. A survey would be conducted in early 2009 to obtain citizen preferences for potential budget cuts or tax increases for FY 2010.

Salvatore said the original departmental requests for FY 2009 would have required using \$5 million in fund balance. The proposed budget had reduced that amount to \$1.3 million, which kept the City within the target range for cash reserves. The top six priorities that were cut from the proposed budget totaled \$273,000 (or an estimated .16 mills).

Salvatore said a more detailed version of the budget was on the City web site. Logsdon asked if there was any citizen comment. Tim Lydell of Cardiff Park said he had emailed Council and staff some suggestions for long-term steps to address the funding issues. He recommended forming a task force to look at the budgeting process, and including members of the public who had expertise on the matter, to avoid having the problems that cities like Atlanta were facing.

Logsdon said he felt the City could cut funding to the Development Authority of Peachtree City (DAPC) because they had about \$15,000 in annual costs and had \$48,000 in the bank. He felt they could cut their operating costs to \$12,000 or less. He said he was making that recommendation for the budget. Logsdon said McMullen also had some information on recent ordinances in Holly Springs to increase traffic fines, with the increase designated to cover fuel costs in the Police Department. McMullen said Meeker was reviewing that ordinance, and they would forward additional information to Council.

Haddix disagreed with Logsdon's recommendation on the DAPC budget, saying the authority was starting to move forward and make progress. He felt it was not the right time to cut their funding. Logsdon said they had \$48,000 in the bank, and said they could approach the City for additional funding when those funds were gone.

Sturbaum thanked Lydell for his input, and said it was important to recognize that there were worldwide concerns about the U.S. economy. Sturbaum complimented staff on their work on the budget, saying that through good management, they were not looking at increasing taxes this year, but recognizing that they had to continue to plan for the coming years.

Logsdon said that they were also working on ways to improve sales tax collection at the state level.

Logsdon called for a five minute break.

06-08-08 Public Hearing – Consider Amendments, Specific Permitted Uses in Multiple Zoning Districts

Plunkett moved to continue the item to the July 17 agenda to allow the Planning Commission to finish discussing the proposed changes. Sturbaum seconded. The motion carried unanimously.

06-08-09 Public Hearing – Consider Request to Re-name Peachtree Crossings to Dan Lakly Drive

Sturbaum moved to continue the item to the July 17 agenda to allow for proper notification of affected property owners. Haddix seconded. The motion carried unanimously.

06-08-10 Public Hearing – Consider Variance, 113 Kraftwood Park, Front Setback

Gary Denny, the applicant, addressed Council and introduced their contractor, Bill McBride, of Timberland Construction. They were asking a variance to the front setback to build a front porch on the home. Denny said this would improve the curb appeal of their home, add comfort to the home, and add character to the neighborhood.

McBride said his firm had acquired a permit for the project and drew the plan based on the plat provided by the homeowner. They knew it was close to the front setback, and the permit was granted with the requirement to have a foundation survey. The survey revealed that the proposed porch was more than five feet into the setback in one corner. He said the project would enhance the property, and several neighbors were in favor of the project.

Rast said in this particular situation, the cul-de-sac and right-of-way encroached into the property, creating an odd shaped lot. The house was aligned with neighboring homes, but the setback curved closer to the home. The existing home did not encroach, but the proposed addition did by 5.3 feet on one corner.

Rast said staff looked at the position of the house and the position of the adjoining homes. Rast clarified that, on another home in Foreston Place for which staff recommended denial, the house was on a rectangular lot at the setback, so the addition brought the home closer to the road than the surrounding homes. Rast said staff was recommending approval based on the new variance criteria, noting the special conditions of the lot deprived the owner of options available to the neighbors. The two conditions staff was recommending were that the variance be limited to no more than 5.3 feet into the established 40-foot front building setback, and that the architectural design of the proposed addition, including exterior building materials, roof lines, and color sections, shall be the same as those used on the existing home.

Haddix asked if enclosing the porch, if the owner ever wanted to, would visually bring the house forward. He felt that, as long as the porch was not enclosed, he thought it was acceptable. Plunkett asked how this differed from a deck being allowed to encroach. Rast said the roof to the porch brought it under the building requirements.

Tim Lydell spoke in favor of the request, saying it was an accident of design because of the cul-de-sac, and the porch seemed to fit well with the home. No one else spoke in favor of the request. No one spoke in opposition to the request.

Plunkett asked why the lines to measure the distance from each corner to the street were not parallel. McMullen said it was caused by the arc of the cul-de-sac and the ordinance requirement that the shortest distance from the corner of the structure to the right-of-way be used. Plunkett asked what future variances this could spark. Rast said that the City had between five to 10 variances per year in prior years. There had been a few more this year due to people waiting for the update to the variance process, but he did not see this request creating additional problems. Each variance request was evaluated on its individual merits, and they had looked at the hardship of this lot and the comparison to the other homes on the street. Rast said they could add Haddix's condition to the variance to ensure the porch would not be enclosed in the future.

Haddix said that his criteria included it being in line with the rest of the homes, and the structure was open so it did not visually encroach. He also agreed that Council did not want to set a precedent.

Boone said he did not have a problem with the current request, but agreed with the prohibition against any additional concrete pad or enclosure of the porch. Sturbaum agreed and felt the porch added to the home

Sturbaum moved to approve the variance for 113 Kraftwood Park with the two conditions presented and the addition of a requirement that the porch was to remain open. Boone seconded. Motion carried 4-1 (Plunkett).

06-08-11 Consider FY 2009 Funding Request - Promise Place

The request was for \$7,500 to be included in the FY 2009 budget line item for non-profit funding. Plunkett and Logsdon asked if this was the same request as approved every year, and Acting Administrative Services Director/City Clerk Betsy Tyler confirmed that it was.

Plunkett moved to include the request in the FY 2009 budget, subject to available funds. Boone seconded. Motion carried unanimously.

06-08-12 Consider Approval of Ground Lease Agreement for Regents Park Extension

Meeker said that, at the mutual request of City staff and the applicant, they were asking Council to table the item indefinitely. Sturbaum moved to table the item until further notice. Haddix seconded. Motion carried unanimously.

06-08-13 Consider Bid - Ford F-250 for Police Department

Police Chief Skip Clark addressed Council and said that bids had been taken on one F-250 Ford pickup truck for the Police Department to use for emergency response. Allan Vigil Ford submitted the low bid of \$33,396.00.

Plunkett moved to approve the purchase of a Ford F-250 truck from Allan Vigil Ford for a price not to exceed \$33,396. Boone seconded. Motion carried unanimously.

06-08-14 Consider Purchase of Telephone System - Leach Fire Station

System Administrator Matt Robinson addressed Council and said that, in reviewing the Emergency Operations Center (EOC) at Leach, it was found that the telephone system was inadequate. The quote was for a system compatible with the other systems in the City, and would allow the department to utilize the additional telephone lines at City Hall when the EOC was activated. Robinson said it was a brand name purchase because the vendor was familiar with the City's phone systems and had been involved in the majority of installations.

Haddix moved to approve the purchase of an NEC Elite IPK II phone system from American International Communications (AIC) for a price not to exceed \$7,294.93, with the funds to come from the General Administrative contingency account. Boone seconded. Motion carried unanimously.

06-08-15 Consider Approval for Construction Administration (Leo Daly) for Police Department Renovations

Borkowski said staff recommended approval of \$55,295 to perform construction administration services for the police station. Oversight was needed for the work being performed. The contract included reimbursable expenses.

Logsdon confirmed that the agreement was part of the funding already approved for the agreement. Sturbaum asked about the 10% added to reimbursable expenses, and why they would not be invoiced at cost. Jim Porter of Leo Daly said they would accept that change.

Plunkett moved to approve the construction administration contract with Leo Daly in the amount of \$55,295, with the stipulation that reimbursable expenses be billed at cost. Sturbaum seconded. Motion carried unanimously.

06-08-16 Consider Cancellation of July 3 Meeting

Boone moved to cancel the July 3 regular meeting. Haddix seconded. Motion carried unanimously.

06-08-17 Consider Waiving Golf Cart Registration Requirements for July 4th

Sturbaum moved to waive the golf cart registration requirements from July 3 to July 7 for the 4th of July holiday. Haddix seconded. Motion carried unanimously.

06-08-18 Consider Change Order Proposal from R.L. Ward for Police Station Mold Remediation and Drywall and Insulation Replacement

Logsdon noted the additional items on the dais. Borkowski said the proposal for the change order was before Council. R.L. Ward, the contractor for the interior work on the Police Station, had requested a change order for the necessary mold remediation and reinstallation of the drywall and insulation. Staff agreed with the mold remediation contractor selected, Global Prevention Services, and that the higher cost was warranted with the additional year warranty.

Plunkett said she was concerned about receiving a 36-page document the night of the meeting. McMullen said staff had received the proposal on Monday and was trying to expedite the process rather than postpone it until the July 17 meeting.

Sturbaum asked Porter if he was comfortable with the terms and conditions and felt they adequately protected the City. Porter said yes, and that they had put the agreement under a great deal of scrutiny and included a lot of detail.

Boone moved to approve the change order for R.L. Ward for mold remediation services and drywall and insulation replacement for a cost not to exceed the lump sum amount of \$134,200. Sturbaum seconded. Motion carried unanimously.

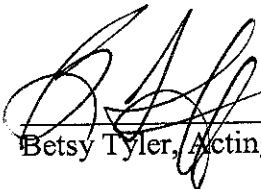
Council/Staff Topics

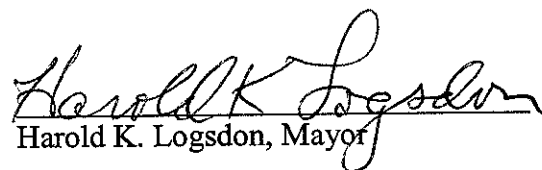
There were none

Plunkett moved to convene in executive session to discuss pending litigation and a personnel matter. Haddix seconded. Motion carried unanimously.

Boone moved to reconvene in regular session at 9:57 p.m. Haddix seconded. Motion carried unanimously.

There being no further business to discuss, Sturbaum moved to adjourn the meeting. Haddix seconded. Motion carried unanimously. The meeting adjourned at 9:57 p.m.


Betsy Tyler, Acting City Clerk


Harold K. Logsdon, Mayor