City Council of Peachtree City
Meeting Minutes
June 7, 2012
7:00 PM

The Mayor and Council of the City of Peachtree City held their regular meeting on June 7, 2012. Mayor Haddix called the meeting to order at 7:00 p.m. Other members attending: Vanessa Fleisch, George Dienhart, Kim Learnard, and Eric Imker.

Announcements, Awards, Special Recognition
Haddix and Police Captain Stan Pye recognized the most recent graduates of the Citizens Police Academy program. Pye noted the program began in 1992 and gave citizens a look at the operations of the department. Over 200 citizens had participated over the years. There would be an advanced program beginning in the fall.

Public Comment
Steve Thaxton of Smokerise Trace said he had requested at the last meeting that the Mayor repay the approximately $10,000 for his legal fees at the last meeting, and made the same request that evening.

Agenda Changes
There were none.

Minutes
Learnard moved to approve the minutes of the May 1, 2012, Workshop and the May 17, 2012, Regular Meeting. Fleisch seconded. Motion carried unanimously.

Consent Agenda
1. Consider Alcohol License – NEW – Grand Café, 282 Highway 74
Learnard moved to approve the Consent Agenda. Fleisch seconded. Motion carried unanimously.

Old Agenda Items
05-12-09 Discuss Lake Peachtree Sediment Removal
Dienhart said he had received numerous comments opposed to expanding/adding an island. Imker said he concurred with using Drake Field to remove the silt. Haddix agreed, but noted the agenda item indicated public comment would be accepted. Haddix also noted the Recreation and Special Events Advisory Board also supported that position.

Bill MacDonald said he was the chair of the Dragon Boat Races and International Festival committee. His concern with using Drake Field was to make sure it would occur during the winter off-season. He noted there were many events during the summer at Drake Field, culminating with the Dragon Boat Races on September 22.

Jim Dye said he lived on the lake across from the existing island. He was pleased with what he had heard from Council. Seeing what went on with the younger residents on the present island, he felt the activity should not be encouraged by adding another island.

Dan Kraus said he was pleased there would not be another island. He asked if this was the best time to have this size of an expenditure and asked if the source of the siltation was being addressed. He felt the drawbacks to delaying dredging were cosmetic, and the project could be postponed. This was a recurring cost and he asked that Council consider whether it was the right economic decision for the County at this time.

Keith Larsen noted he had sent a short presentation to Council. He acknowledged that the community loved the lake, but he felt the wrong question was being asked. There was nothing on the table to discuss the sources of the sediment and ways to reduce future costs. One of the biggest problems was the erosion of the eastern shore. He felt a good alternative would be to pump some or all of the sediment along the eastern shore to stabilize the tree line. The City needed to work with residents in looking at ways to enhance the lake, and he asked Council to inquire about this option with the engineering firm.

George Martin represented the Triathlon that held two annual events at Drake Field, each with approximately 1,000 participants. He said the club was primarily concerned about the timing of the dredging and asked the City to consider the spring and fall events.

Fleisch said she had asked Public Services Director Mark Caspar about moving the dredging to 2014 and if that would help with the scheduling. Martin said it would help because Lake McIntosh would probably be filled and would offer an alternate location for some of the events.

Marcia Brown said she lived directly behind the existing island. She felt the existing island created a liability. The City had originally maintained the island, but had not done so for several years. Now the trees had grown up, hiding teenagers who did not want to be seen. The police could not get to the island and had to wait for the children to return from the island. There had been bonfires, forts, tents, parties, screams at 3:00 a.m. She applauded Council's decision not to add to the island, but asked that they consider clearing the existing island and making some assurances that islands were off the table in future years. Otherwise, there would be the same temptation in the ensuing eight-year periods to add to the island or create another.

Jack Finn asked Council to remove the silt and not dump any more into the lake.

Caspar said removing the silt via Drake Field had been the preferred method for the County, but they had asked the City for its choice in the matter. This was now the City's preferred option, so the timing of the project was the only remaining question.

Haddix asked Caspar to address the origin of the siltation problem, and Caspar said it primarily came from stream bank erosion, which was a naturally occurring process. This was evident on older farms that had meandering streams, which had removed sediment from one side of the stream and replaced it on the other.

Fleisch asked about cleaning off the island. Caspar said he wanted to check on the permitting that would be required, noting this element would have to be something the City undertook versus asking the County to do it.

Ed Outlaw, Shadowwood Lane, said he was also involved in the Dragon Boat Races in September. He said postponing the project until Lake McIntosh was available would help in scheduling future events.

Learnard confirmed with Caspar that the project would not begin before September 22 of this year.

Imker asked about the timing of Lake McIntosh. Caspar the last notification he received from the County indicated they were looking at a fill-time of two-years following approvals on the dam, which were expected in mid-July. Haddix noted that weather would remain a factor in completing and filling the lake.

Imker noted that the dredging would be done by Fayette County. Peachtree City residents would contribute via County taxes, but noted the project would not impact the City's budget. The School Board budget was a completely separate entity from both the County and the City.

Haddix said Council seemed to be on the same page regarding the use of Drake Field for dredging and asked when they should request the project. Fleisch asked about the 2014 date. Learnard said that she would like more information before a delay of that length, but reiterated the project would not begin before the September 22, 2012, event.

New Agenda Items

06-12-01 Discuss Request from Resident to Consider Selling a Portion of Platted Greenbelt

Planning and Zoning Administrator David Rast said Ming Lu of 706 Bostonian Terrace in Centennial had presented a request related to an unusual situation in the City. His lot dropped off 15 to 18 feet from the street to the rear property line. The greenbelt contained a large stand of bamboo that was growing into Lu's property. The neighboring property had been extended prior to the home being built. Lu was asking to purchase a segment of City-owned greenbelt to extend his lot to the same line as his neighbors to allow him to improve the existing deck. Rast indicated that there were no engineering issues relative to the request and the City still would have maintenance access to the pond in the greenbelt.

Haddix asked about the neighbor's property. Rast said the lot was replatted prior to the home being constructed or the final plat that dedicated the greenbelt to the City.

Haddix expressed concern about setting a precedent, and Rast said staff shared that concern. There had been cases in which residents had made the improvements in the greenbelt without asking, and had to come back to request a variance. In those cases, Council had not supported selling greenbelt. However, this situation was different from most lots.

Imker felt that there were enough unique factors not to make it a precedent-setting decision. Learnard disagreed, noting the packet usually contained a six-point litmus test on granting this type of thing. Rast said staff was not that far along in the process and there were still several steps the Lus would have to take.

City Attorney Ted Meeker clarified that this was just an initial request to see if Council had any interest in moving forward. Learnard asked if it would set a precedent or if it had been done before. Rast noted a couple of situations in which greenbelt had been traded to get existing paths on City property. Dienhart felt this was a different situation. Fleisch asked why Wieland had replatted one lot but not the other. Rast said he did not know, but thought there might have already been a contract on the Lu's house (the Lus were not the original owners), and the other lot did not have one. Rast also noted that the Lus had a deck that complied with the existing setbacks, but a portion was not usable. Mr. Lu wanted to add a covered section that would encroach into the existing setback, and staff had proposed a variance request. However, a variance would not address Mr. Lu's desire to level the back yard and make it usable.

Imker said there was a citizen who wanted to improve his property, which, through no fault of his, had not been expanded by the builder prior to construction as the neighboring lot had. He felt a variance would set more of a precedent based on the specifics of the case. He wanted to support the citizen.

Fleisch noted that Georgia was a *caveat emptor* state, and buyers purchased property "as-is." She felt selling greenbelt would set a precedent. Imker said they should make it clear that this did not set a precedent. Haddix said he felt this was much different than granting a variance, and was something Council had never done before.

Robert McLeston addressed Council and said he owned the lot next door that had been expanded prior to the construction of the home. When he purchased the lot, it was as it currently was. He said Lu purchased his lot at a considerably lower price due to the lot size. McLeston said he had concerns about trees being removed from the expanded area, which would enhance Lu's property but detract from his own. He was also concerned about Lu adding retaining walls, which could reroute water onto his property.

Haddix asked if McLeston was part of the Homeowner Association and if they had taken a position. McLeston said he was on the HOA and they had no prior notice about the request. Haddix said he always wanted comment from an HOA before approving anything.

Learnard said everyone knew the limitations of their property when they bought it, but she could not see any reason to sell City greenbelt. She said she would like to hear from Mr. Lu, but felt they could not selling greenbelt.

Mr. Lu said he purchased the house on the courthouse steps, and his main goal was to make the land usable and prevent the bamboo roots from encroaching into his foundation. Rast noted the overhanging trees could be trimmed at the property line.

Fleisch agreed that they could not begin selling greenbelt. While she understood the situation, the Lus purchased the property that it was configured this way. Imker asked if the City had changed plats previously, and Rast confirmed this. Dienhart asked what circumstances were. Rast said it had not been done after a plat had been recorded. The plat had a two-year maintenance window before the City assumed responsibility. The only other times were instances when there had been a discrepancy in the adjoining property lines or an issue of an easement. Rast said it was not something that was done regularly.

Dienhart agreed that the City should not begin setting this type of precedent. Haddix asked if they needed to vote. Learnard noted that four members had indicated that they were not interested in selling any greenbelt.

06-12-02 Consider Bid for Tennis Center Roof Restoration
City Engineer Dave Borkowski said staff was recommending that Council award the bid for Tennis Center roof restoration to N-TEC Systems for a lump-sum amount not to exceed $174,900.

Borkowski continued that the covered courts were approximately one acre in size. The roof and gutter system had been leaking for some time, eliminating the courts' usefulness during the rain. The project went out to bid on May 4, and 12 firms attended the prebid meeting. Five bids were ultimately submitted, ranging from N-TEC's low bid up to almost $400,000. The proposed method was a waterproof membrane that would go over the roof. The process would take approximately two months to complete due to it being a temperature-sensitive installation and would be impacted by wind.

Borkowski continued that funding was available in the capital project account. The project came in at approximately $6,000 over the estimate, and those funds could be allocated from the Facilities Authority bond.

Learnard asked if the courts would be closed for the duration of the project. Borkowski said they would still be usable, but the contractor would have to work with caution. Learnard asked if the skylights would be removed, and Borkowski confirmed that they would.

Imker said he was expecting a $200,000 project and was pleased that it came in lower than that.

Learnard moved to award the Tennis Center roof restoration to N-TEC Systems for a lump-sum amount not to exceed $174,900. Imker seconded. Motion carried unanimously.

06-12-03 Consider Approval of Agreement with Selective Designs for Construction of Founders Corner

Public Information Officer/City Clerk Betsy Tyler reviewed the History Time Line Project, noting that the committee had raised the $20,000 for the Cowan and Farr busts, which were completed and paid for. The committee had raised $17,500 of the Council-approved $35,000 for the Founders Corner and History Time Line, and was ready to move forward with the Founders Corner.

Committee member Jerry Peterson had completed the design for the Founders Corner and asked for quotes from two local firms for installation. Selective Designs had submitted a quote of $6,403 to install the stone wall, brick pavers, and the pedestals for the busts. There would need to be some electrical relocation, the purchase of one or more bronze plaques, and the acquisition and installation of a lamp post and landscaping as part of this phase of the project.

The City Attorney had indicated that, since this was a project on City property, Council needed to authorize the agreement with Selective Designs. The committee was asking that Council approve the agreement and authorize expenditure of up to $15,000 toward the Founders Corner portion of the project.

Fleisch moved to approve the agreement with Selective Designs to move forward with the construction of the Founders Corner in an amount not to exceed $15,000. Dienhart seconded. Imker recused himself from the vote due to a recent personal contract with the firm. Motion carried 4-0-1 (Imker).

06-12-04 Consider Renovation of Former Recreation Administration Building

Community Services Director Jon Rorie said staff was recommending moving forward with renovations to use the now vacant building for senior services. The remodel included structural upgrades to change the building from an office use to allow for other uses ($102,200) and a sprinkler system would be required ($92,500). Some elements had changed. Staff was recommending that the drive-under portico ($114,000) be removed and staff was looking at the purchase of a canopy ($4,500). The rear stairway tower and rear parking had been removed from the plan. The existing stairway on the side of the building needed significant repairs because it was separating from the building. Staff was recommending retaining the drop-off drive to the front door and the expansion of the side parking lot and conversion of all the spaces to handicapped spaces. He said he felt the City Engineering Department could design the drop off and parking area, and Public Works could install both separate from the design and construction contract.

Phase II of the project would include renovations of the lower level (after discussions with Fayette Senior Services) and the installation of the elevator and restrooms downstairs.

These changes would ultimately reduce both the design and the construction costs of the project. Staff was asking Council to authorized Pond & Company to design both phases of the project. Funds were included in the Facilities Authority Bond. The design would take eight to ten weeks, putting Phase I construction during the winter months.

Fleisch noted that the overall cost was $68 per square foot for the work at this building and the Gathering Place, versus $226 per square foot if the City had pursued an expansion at The Gathering Place.

Fleisch moved to approve Pond & Company to develop plans for Phases I and II of the renovations to the Recreation Administration Building. Dienhart seconded. Motion carried unanimously.

06-12-05 Consider Cancellation of July 5 & July 19 Council Meetings & Adding July 12 Meeting
Learnard moved to cancel the meetings on July 5 and July 19, 2012, and to schedule a Special Called Meeting on July 12, 2012. Fleisch seconded. Motion carried unanimously.

06-12-06 Consider Salary Adjustment for Mayor Haddix
Imker said the City now a budget shortfall of over $12,000 as the result of some unexpected expenses. The proposal before them included lowering the Mayor's salary to compensate for the $12,155 to compensate for recent expenditures. Imker noted at least 17 bills from the City Attorney that added expenses to the Haddix lawsuit discussed at the previous meeting, as well as the $9,969 payment to GIRMA to cover the case. The City could not recoup all of the funds in the current budget, but a new monthly salary, from $750 per month to $74.75 per month for the Mayor, would help to recoup those costs.

Haddix read the following statement:

> I am not going to going to engage in answering false claims, misrepresentations, or any of the rest said here. Being outnumbered four to one makes that an effort in futility, as they have no interest in the truth, only what they want to accomplish.
>
> For the last two and a half years, the majority on Council have given proof to the old adage if you cannot deal with the message, kill the messenger.
>
> In defending their political agendas, allies and mentors, such as Jack Smith and Ken Steele, they falsely accused me of many things in seeking my removal from the Regional Transportation Roundtable and in the Censure. They have sought to forcibly take control of the office of Mayor and tell me who I could talk to and what I could say. More than once, they have demanded my resignation from office.
>
> They do not talk or discuss. They ambush and demand.
>
> Their obsession to 'get me' does not serve Peachtree City. This is illustrated by Councilman Imker's recent soliciting of citizens in his efforts, where he said that I was a major problem for him and had to be dealt with.
>
> Councilman Dienhart, as a columnist, supported the Censure, disagreed with my position on Big Boxes, was angry at the removal of his friend and political adviser from a position within the City, and pronounced me unelectable, all before his election. Having grown up in Northern Indiana, his Illinois political training is obvious.
>
> Disagreements in politics are the norm and acceptable. Their efforts here cross the line and are damaging to those they claim to be representing, but are not. They are, in fact, representing themselves.
>
> This Agenda Item to reduce my salary to recover a legal insurance payment for actions as Mayor is one more such effort. GIRMA does not cover private citizens nor does coverage of elected or employees require Council approval. Let me repeat, here, no vote of Council is required.
>
> Several options are available to me if this Agenda Item is approved. They are, with comments:

1. Accept the reduction. That is off the table and unacceptable. It would only encourage future attacks and the use of this tactic on future Mayors.
2. Resign from office. Granting their repeated request for me to resign would also leave them in the position of having to explain to the citizens of Peachtree City how the large expenditure for a special election is justified and constitutes a service to the City. After all, as Councilwoman Learnard has said, if she has three votes she can do anything she wants. They have never needed me on their side to pass anything.
3. Taking legal action, preferably individually. They are trying to override a legal insurance payment. Win or lose, it would cost money to defend and consume time that could be better spent elsewhere. Another issue they would have to explain to the citizens.

If this matter ends, in totality, here and now, with a no vote, I am done with it. Peachtree City is tired of it.

In closing, they will make their decision on this matter. Then, I will make mine in response as and when appropriate, but not at this meeting.

Learnard said everyone wanted to have their say. The expenditure of $12,155 happened without the knowledge of Council or citizens, and that was inherently wrong. Her job was to protect the taxpayers. She never dreamed she would have to protect them from the Mayor, but that was the situation they found themselves in that evening.

Haddix noted Council did not have to know the content of all communications of the Mayor, as was evidenced by Councilmembers' outside discussions resulting in items added to the agenda without Haddix's knowledge. That was their right, but to make the statement that everything had to go through Council and the citizens before making a decision was pure baloney.

Fleisch said Haddix obviously thought this was politically motivated, but it was the difference between right and wrong. She said Haddix had crossed the line and the citizens knew that and that was why Council was acting.

Dienhart agreed that the matter was not political. What had happened was wrong and Council needed to act in the best interests of the citizens. Dienhart said he had asked the Mayor several times to return the money. Council had given him every opportunity to make this right before taking this action. It was a shame they had come to this and a shame this was how Haddix had chosen to lead the City.

Learnard moved to approve a budget adjustment to change the Mayor's salary from $750 per month to $74.70 per month for the remaining three months of FY 2012. Fleisch seconded. Motion carried 4-1 (Haddix).

<u>Council Staff Topics</u>
Pennington said staff was looking at the monthly reports and what would be included in those in the future to simplify the information and provide an update on projects rather than all the numbers.

Rorie and Salvatore gave a brief update on the Facilities Bond projects. Each project had been assigned to a project manager on staff. Four projects were showing as complete, nine were in the "accepting bids" phase. Every project manager had been given the goal of coming in at least 10% under the current cost estimate to help narrow the focus. This might not always be possible, but was the goal. Staff would be maintaining the spreadsheet as each project progressed and providing that information to Council.

Imker asked that the unallocated funding amount be updated regularly as project prices were finalized and the contracts were awarded.

Meeker said Council needed to enter Executive Session to discuss a real estate matter, pending or threatened litigation, and a personnel matter.

Learnard moved to convene into Executive Session for real estate, pending or threatened litigation, and personnel at 9:20 p.m. Fleisch seconded. Motion carried unanimously.

Executive Session

Learnard moved to reconvene into regular session at 10:15 p.m. Fleisch seconded. Motion carried unanimously.

Learnard moved to deny the claim and to send the response letter to John and Lee Mrosek. Fleisch seconded. Motion carried 4-0-1 (Haddix).

Learnard moved to deny the claim presented by Triad Construction in reference to the Fire Station 84 contract dispute. Imker seconded. Motion carried unanimously.

Fleisch moved to deny the claim of Ms. Cruz et al as such claim was presented. Dienhart seconded. Motion carried unanimously.

There being no further business, Learnard moved to adjourn the meeting. Imker seconded. Motion carried unanimously. The meeting adjourned at 10:17 p.m.

Betsy Tyler, City Clerk

Don Haddix, Mayor