

**City Council of Peachtree City
Peachtree City Planning Commission
Special Called Joint Meeting Minutes
Thursday, April 21, 2022
3 p.m.**

The Mayor and Council of Peachtree City met with the Planning Commission in a special called joint session on Thursday, April 21, 2022. Mayor Kim Learnard called the meeting to order at 3 p.m. Council members attending: Gretchen Caola, Frank Destadio, Mike King, and Phil Prebor. Planning Commission members who attended were Chairman Michael Link and Commissioners Paul Gresham, Mitzi Johnston, and Scott Ritenour.

Zoning and Development Legal Updates

City Attorney Ted Meeker said City Manager Jon Rorie had asked him to talk about a case the City of Brookhaven recently lost. Meeker, the City Attorney for Brookhaven, said he wanted to review some general guidelines to help officials in zoning considerations, but could not go into much detail about the Brookhaven case because he anticipated there would be an appeal.

Meeker explained there were two types of public hearings for zoning matters in Peachtree City. The State required one public hearing on a rezoning request, and City ordinance also required one public hearing on a variance request. A public hearing for a road abandonment was not required.

The Brookhaven case involved a request to build 30 single-family homes off Buford Highway. The developer asked the City to abandon the road, and Meeker said there was no agreed upon price.

Meeker cautioned the officials to remember that a public hearing was a quasi-judicial proceeding, and they were sitting like judges in the matter. He said they should not have contact or conversations with the applicant or with citizens. If they wanted to view the property in question, it would be best to do it from the greenspace or the road. Any contact with a party involved in the case could be used against them in court. Even an exchange with the property owner just asking permission to come on the property for a look could be considered an ex parte conversation, he stated. If they had a question about something before the hearing, they should ask City staff.

Destadio noted that they often received texts or emails about upcoming issues and copied them to staff and other Council members. Should he reply to the sender? Meeker said he could thank them for their interest, but not reply with anything of substance. They shouldn't debate the issue ahead of the hearing, but it was okay to share the emails.

Meeker again warned that he was limited in what he could say because of the Brookhaven case.

Destadio said he often visited sites, especially when he was on the Planning Commission and was reviewing landscape plans. Inevitably, someone would come out of the business or construction site and introduce themselves. Link said this often happened to him. Meeker stated they should avoid conversation about any upcoming decision.

Learnard asked about indemnification in the event of a huge lawsuit such as the Brookhaven case. Meeker explained that the City's defense costs would be covered through the Georgia Inter local Risk Management Agency (GIRMA), except in cases where an official knowingly took action contrary to

Georgia law. Two officials from Brookhaven were named in that suit, he continued, the Mayor and the City Manager.

Prebor asked Meeker to explain about ex parte conversations. Meeker said they were conversations with one party to the case where evidence was presented prior to the public hearing.

What about talking to neighbors? Destadio asked. Meeker replied that he could only offer advice, but those conversations opened Council up to criticism and charges of conflict of interest.

Link wondered if it was a legal risk if Staff to recommended approval, but the Planning Commission said "no?" Meeker told him the Planning Commission was insulated because it did not make the final decision. City Clerk Yasmine Julio echoed that, saying Council had agency in development, whether it involved land purchase or rezonings.

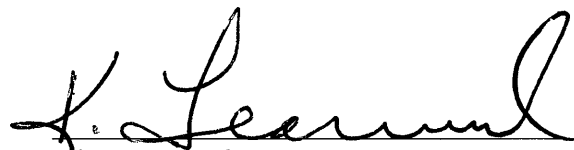
King recalled visiting a property where there was a request to build a shed in the setback, and the owner came out and talked with him. Was it okay to talk about the process, not the specific issue, with an involved party? Meeker said it would be best to tell them to direct questions to Planning and Development Director Robin Cailloux's office.

In another recent hearing, Prebor related, a neighbor had written a letter supporting the variance. They denied the variance, and now the property owner was going to put up a structure that would block the neighbor's view. He said he never saw the neighbor's letter before the hearing and wondered why they did not get those letters of support that were often submitted.

Cailloux said she hadn't been publishing the letters on the website due to privacy concerns, but she could start including them in the meeting packets. Prebor said since they could not have conversations with the neighbors, he would like to see those letters in advance.

Learnard thanked Meeker for the update. The meeting ended at 3:35 p.m.


Martha Barksdale, Recording Secretary


Kim Learnard, Mayor