

City Council of Peachtree City
Minutes of Meeting
April 15, 1999
7:00 p.m.

The City Council of Peachtree City met in a regular session, Thursday, April 15, 1999, at 7:00 p.m. in the City Hall Council Chambers. Mayor Lenox led those attending in the pledge of allegiance. Other Council members present were: Annie McMenamin, Bob Brooks, Carol Fritz and Jim Pace.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox presented the employee of the month award to Harvey Stokes.

ADDITIONAL AGENDA ITEMS

Mayor Lenox made a motion to add agenda item 4-99-17 - Consider Bid for Fire Engine. Pace seconded the motion. Motion carried unanimously.

McMenamin made a motion to add agenda item 4-99-18 - Discuss City Clerk Duties. Brooks seconded the motion. Motion carried unanimously.

MINUTES

McMenamin made a motion to approve the minutes of April 1, 1999, as presented. Pace seconded the motion. Motion carried unanimously.

OLD AGENDA ITEMS

03-99-02 Public Hearing - Variance - Photocircuits

Mayor Lenox said there had been a request from the citizens to table the issue until the next meeting. Receiving no motion from Council to table the issue, Lenox read the rules for conducting a public hearing and gave each side one-hour to speak on this issue. Mark Bunker of Photocircuits addressed Council to present the variance request. He said Photocircuits had purchased the old Franklin Products building at 320 Dividend drive and that it was currently classified as non-conforming because a portion of its parking lot encroached into the setback on Kelly Drive. He requested a variance to correct the encroachment.

He also requested another variance to allow for an encroachment into the setback along Dividend Drive for the creation of a new parking area. He said the facility would be used for finishing operations such as final inspections, packing and shipping.

— Jim Williams, Director of Developmental Services, spoke in favor of granting the variances. He felt an additional buffer at the rear of the site was more important than the encroachment into the front setback. He also felt it was important to prohibit a curb cut on Kelly Drive.

Hearing no one else speak in favor of the variance, Lenox asked to hear from those opposing the variance. Eric Snell, Rob Rothly, Steve Brown, Bob Brown, Lisa Jones and Eileen Shaw all spoke in opposition to the variance on behalf of the Planterra Homeowner's Association and the Action Committee formed by Mayor Lenox. They were concerned that they had only been given two days notice of the new site plan although there had been open dialogue between Photocircuits, the City and citizens for over a month. It was also pointed out that the plan was dated July 1998. Because the information was withheld from them, they felt they did not have adequate time to review the plan, and therefore, felt compelled to speak in opposition to it. Councilman Brooks pointed out that the variance request had not changed, only the site plan.

— McMenamin asked that Council separate the two variance requests when making their decision. Lenox said Council had specifically tabled the variance request to this specific meeting on April 15. He did not agree that the citizens were not given adequate time to review the information. The citizens pointed out they had been involved in ongoing discussions with Photocircuits for over two years, and as a result of the action committee appointed by the Mayor, they felt they were very close to achieving quantifiable goals. Issues the citizens felt could be addressed included the noise coming from the existing Photocircuits plants, safety procedures and inspections for hazardous materials. Mr. Brown read City Ordinance Sections 601a, 601d & 1202 h to support his opinion that Council did not have to approve the variance requests.

Hearing no one else speak in opposition, Lenox asked if there were any questions. Hearing none, Lenox opened the floor for Council debate. Pace said the City could not take Photocircuits' land, and that Council would not be approving a site plan. McMenamin said Council had set a precedence of granting variances to bring similar existing structures into compliance.

— Brooks made a motion to grant a variance to bring the existing encroachment along Kelly Drive into compliance with the following conditions:

There shall never be an access drive constructed from Kelly Drive to the Photocircuits property at 320 Dividend Drive; A strip of existing pavement adjacent to the Kelly

Drive property line and west of the existing wall should be removed. The strip to be removed should be at least 20 feet deep and then fully landscaped; A landscape plan must be prepared to provide the property mitigation landscaping adjacent to both encroachment areas as a part of the overall landscaping of the redevelopment project. McMenamin seconded the motion. Motion carried unanimously.

Pace felt it was important to do whatever was necessary to protect homeowners by providing the maximum buffer to protect the homeowners. He suggested planting Bald Cypress trees at the City expense to help provide a buffer.

Lenox made a motion to table action on the second variance request and to send the site plan to the Planning Commission for a public hearing for a recommendation prior to Council taking final action. Brooks seconded the motion. Motion carried unanimously.

Lenox made a motion to take a five-minute recess. Brooks seconded the motion. Motion carried unanimously.

NEW AGENDA ITEMS

04-99-10 Public Hearing - Rezoning - 427 Hwy 74 North from AR to LC

Lenox called the hearing to order and gave each side 20 minutes to debate the issue. He asked first to hear from the applicant and those supporting the issue.

Mr. Nathan Esparza, the owner of R. N. Esparza Realty Inc., addressed Council and explained he recently purchased the property at 427 GA Highway 74 North for his real estate business. He said the property was not currently zoned for commercial use, and he was requesting that it be rezoned to an appropriate classification. He said he intended to use the existing building for a short period of time (possibly several years) until he was able to construct a new and larger building for his business. He said he was fully aware that the site was currently a non-conforming use in terms of setbacks, buffers, and sewage disposal. He said he intended to bring the site into compliance in all respects when he constructed his new office.

Jim Williams explained that the tract was 0.63 acres (27,325 square feet) in area, and was currently zoned AR Agricultural. The previous owners were Mr. and Mrs. Raymond Banks, who lived on the site for many years and operated a landscaping business on the property as well. He said the LC zoning district would permit the use as requested because it was a business that rendered a personal service and the building was less than 6000 square feet. Williams also said the Land Use Plan

— recognized that the property was non-conforming and recommended it be redeveloped for an office use, as proposed. He said the Planning Commission, at its meeting on March 22, 1999, approved the proposal and recommended that Council rezone the property as requested. No one spoke in opposition at the Commission's public hearing. Williams said staff recommended the rezoning be approved to LC Limited Commercial, as requested, with the following conditions:

1. That the property be connected to the sanitary sewer system, and the existing septic system be removed;
2. That all the existing outbuildings on the site be removed;
3. That the existing overhead utility lines be relocated underground;
4. That a continuous 20-foot wide buffer be maintained across the rear of the property, and that a 6-foot high privacy fence be installed to provide a separation between the site and the residential lots (that fence must match any fence to be constructed as a part of the adjoining Sherwin Williams project); and
5. That the existing residential structure must be rehabilitated to properly serve as a professional office; that it must meet all building and life safety codes; that it must present a pleasing appearance for the adjoining properties and motorists on GA 74; and that it must be properly maintained on a regular basis until it is replaced with a new, conforming structure.

— Hearing no one else speak in favor of the rezoning, Lenox asked to hear from those who wished to speak in opposition. Hearing none, Lenox asked if there were any questions and then opened the floor for Council debate.

Pace said he did not want the residence to become a permeant commercial building, but he did not have a problem with remaining for two years. McMenamin said she had the same concern, but she felt that there were positive changes being made with the addition of the privacy fence

Fritz pointed out that when the City adopted the Buffer Ordinance, the City had already acknowledged the fact that the property would need to be addressed individually because it could not be developed with new buffer ordinance.

— Brooks made a motion to approve the rezoning as requested with the conditions recommended by staff. McMenamin seconded the motion. Motion carried unanimously.

04-99-11 Public Hearing - Variance Malmer - 100 Monterey Drive

Lenox called the hearing to order and gave each side 20 minutes to debate the issue. He asked first to hear from the applicant and those supporting the issue.

Williams said Mr. Terry Malmer, the owner of Lot 1, Cypress Pointe, desired to install a swimming pool in his rear yard. When he made an application for a permit for the pool, it was discovered his existing house encroached beyond the building line parallel to Braelinn Road. He was informed by the Building Department that the encroachment problem would have to be corrected before a pool permit could be issued. Consequently, he submitted a request for a variance for the encroachment.

In researching the variance issues, it was discovered Lot 1 was originally recorded as part of a 3-lot subdivision. This was done prior to the construction of the entire subdivision in order to allow the developer, Hayes/Johnson Communities, to build three model homes concurrent with the subdivision construction. This change in the usual subdivision construction process was done to accommodate the developer's marketing program. A copy of the 3-lot subdivision showed the building line parallel to Braelinn Road was 10 feet. Following the recording of the 3-lot subdivision on October 18, 1993, a building permit was issued for a house on Lot 1 on October 26, 1993. The site plan for that house indicated that the proposed house was shown outside the established 10-foot building line. A foundation survey for the house on Lot 1 was approved on December 28, 1993. A copy of that survey showed that the house, in fact, was constructed outside the 10-foot building line.

Williams said upon completion of construction of the infrastructure for the entire 39-lot subdivision, a new final plat was approved and recorded on February 15, 1994. This plat, which included the original three lots, contained an error on Lot 1. The building line parallel to Braelinn Road was shown as 20 feet rather than 10 feet. Unfortunately, this error was not discovered until Mr. Malmer submitted his variance request. Williams said that to add to Mr. Malmer's problems, at the same time he was trying to get his building line encroachment resolved, the Cypress Pointe Homeowners Association (HOA) voted to not approve his plans for a pool. They felt that if the variance was granted and the City issued a permit, the owner of Lot 1 may attempt to build the pool in spite of the HOA denial.

Williams said that based on his research, he felt the need for a variance was created by a drafting error at the time the final plat for the entire subdivision was recorded. Therefore, he recommended that the problem be corrected, not with a variance as

— requested, but with a replat of Lot 1. It was further recommended that the applicant's variance fee of \$50.00 be refunded because it should not have been collected in the first place.

Williams said if Council agreed with that approach, the staff would ask the firm that prepared both plats to make the necessary revision at no cost to the City or the homeowner. Of course, Council could also solve the problem with a variance, but staff felt that a plat revision would be a more appropriate course of action in view of how the problem originated. He said the disagreement between the owner of Lot 1 and his HOA regarding the pool is a deed covenant issue that should probably be privately resolved outside the public hearing on April 15th. It was the opinion of staff that it was not at all related to the variance situation and was probably beyond the City's regulatory authority once all the City's development codes and ordinances were properly addressed.

— Jim Webb, City Attorney, said he felt if the applicant would withdraw his variance request the City could refund his application fee and that would be the end of the matter. He did not feel the City should get involved with the homeowner association's disagreement. Lenox asked if that was acceptable to the homeowner. Malmer said that it was, and he withdrew his request.

Bill Craig addressed Council on behalf of the homeowner's association for clarification of the issue. He gave Council a letter from the homeowner's association stating they were opposed to the swimming pool. He asked Council to stop the issuance of the building permit. Webb said that as long as the property owner was not in violation of any laws, the City had to issue the permit. He said that the homeowner's association could file civil action against the property owner.

04-99-12 Request for Funding - Ayrshire Fiddle Orchestra Trip from Ayr, Scotland

— Mr. Jim Pittman, the Director of Fayette County Community Schools, asked Council for financial assistance in funding a visit by the Ayrshire Fiddle Orchestra from Scotland.

He explained the visit was the result of a group of local students enrolled in the Achievers International Program. This program teaches students about the business world through the formation and management of school-based import/export companies.

— They decide which products to market and interact with their counterpart students from Scotland who also enrolled in the Achievers International Program. As a result of this business learning experience, some of these students would become involved in business and industry in Peachtree City in the future. He said the orchestra would be arriving in Georgia on July 26 and would be performing at the Sam's Auditorium on July 29. Mr.

Pittman requested the City to pay up to \$2,335 to help defray costs of bringing the orchestra here and said that the City of Fayetteville and Fayette County have already agreed to pay that amount as well.

Pace made a motion to approve up to \$2,335 to assist the orchestra as requested and that the funds come from the Council Contingency Fund to be paid by the City Manager.

Brooks seconded the motion. Motion carried unanimously. Lenox said that Council does not make outright donations, but have the opportunity to provide neat recreational and cultural activities for the community.

04-99-13 Discuss Sewer Service to Senoia

Larry Turner addressed Council and explained that the Mayor and Council of Senoia could not attend the meeting due to a zoning meeting they had to attend. Mr. Bill Roy was present on their behalf.

Turner said the Mayor of Senoia had sent a letter requesting sewer service to Senoia. Turner felt that since Council would have to approve any service outside the boundaries of Peachtree City, he thought it would be best to bring the issue to Council's attention and ask direction before any time was spent on negotiations.

Turner explained that after studying the future needs of the sewer system and projected expansions, he felt that Senoia would not be taking any capacity from the City. Brooks asked Turner to explain the dynamics of the expansion and asked if Senoia could build their own sewer system. Turner explained that the stream had a limited capacity to assimilate waste, and that because Peachtree City may have maximized that capacity, Senoia may not be able to obtain a permit.

Lenox said he had no objection to service Senoia because it was not a large amount of capacity, but he wanted to do a study to be absolutely sure that the City had sufficient capacity to meet the future needs of Peachtree City. He felt Senoia had a right to discharge capacity in the creek the same as Peachtree City. He asked that they also study the possibility of Senoia of obtaining a permit from the State separate from Peachtree City, which the City's sewer system could manage and operate on their behalf. Turner said wastewater allocation permits were usually on a first-come first-serve basis. Lenox also wanted to ensure that Cowetta County was also in favor of the matter.

McMenamin said she understood that Lenox had made a commitment to the citizens that the City would not extend service outside the City limits unless it was for the good of

the City. Lenox said he did not specifically make that statement. He said the commitment was that Council would have to approve any service outside Peachtree City. McMenamin asked that staff check on the issue to clarify the commitment. Brooks said he thought the commitment was that Council did not want to allow sewerage service outside the City limits to keep development outside the City borders to a minimum. Pace and Fritz both asked why this situation would be different.

Mr. Roy addressed Council and explained Senoia's request to negotiate sewer service. He said that without sewerage, he felt the City of Senoia would die. He said there was a desire to develop the down town area and that it could not be done with septic tanks. He also said there were two subdivisions that had failing drip irrigation systems and that many of the lower income homes had "outhouses". He said Senoia had received a \$500,000 grants for the low-income area of their City and that other grants were available. He said a study recommended five different alternatives with three of those recommendations to discharge into streams. He said Senioa did not feel that would be a good choice and felt it was best to protect the water resource.

Pace said the issue he was concerned about was a density issue. He felt that without sewerage, development would be limited to one and two acres. He did not want to see the density around the perimeter of Peachtree City increased. He said he was willing to sit down and discuss the issue because it involved addressing a sanitary issue.

Fritz asked Turner to make absolutely sure that Peachtree City would have sewerage capacity to meet buildout needs.

Lenox felt that in general Council was willing to discuss the issue, but that there would be no guarantee. Pace wanted to assure the citizens that Council was willing to discuss the issue because they were trying to solve a legitimate health problem.

04-99-14 Consider Ordinance - Purchasing Regulations

Joe Morton, Assistant City Manager, said staff discussed several proposed changes to the Purchasing Ordinance with Council at Council Retreat. The current ordinance was written over ten years ago with only minor changes since that time. Staff proposed several changes to increase the purchasing limits on verbal quotes, written quotes and sealed bids as follows:

Verbal quotes on purchases up to \$5,000.00.

Written quotes on purchases from \$5,001.00 - \$10,000.00.

Sealed bids on purchases over \$10,000.00.

Morton also recommended that the City Manager be allowed to approve purchases up to \$25,000.00 with a monthly summary to Council on all budgeted expenditures over \$10,000.00. He also recommended that a new section be added to allow use of the State of Georgia contracts for any products that are available to local governments. Morton felt the proposed changes would provide more effective and efficient purchasing function. Pace made a motion to adopt the amendments to the ordinance as presented. Fritz seconded the motion. Motion carried unanimously.

04-99-15 Declare Surplus Property

Morton said the City would be participating in a combined auction with the other government entities in Fayette County. He said it would be the first combined auction since the Fayette County Collaborative Purchasing Committee was formed. The auction would be held on May 1, 1999, at the Fayette County Public Works Facility on McDonough Road.

Morton said a consolidated surplus equipment list from all departments was provided to Council. He recommended a few changes to this list. He recommended removing the fire extinguishers listed on the Amphitheater surplus list. The extinguishers need to be inspected by the Fire Marshall, and if determined to be inoperable, they would be disposed of in the proper manner. Morton said staff would also like to add 12 Pony 486 computers to the list. The computers were being replaced as part of our computer upgrade and Y2K compliance program. Finally, he recommended adding the old phone board that was replaced several years ago at City Hall. Fritz asked if the old plans for the Amphitheater might have some historical value. McMenamin made a motion to declare the recommended items as surplus so that they can be sold at the auction. Pace seconded the motion. Motion carried unanimously.

04-99-16 Request from WASA for surplus vehicles

Morton said the Water and Sewerage Authority (WASA) requested that the City transfer one of its surplus natural gas vehicles to the Authority. The Authority was in the process of beginning a watershed assessment and had agreed to share the data with the City's Water Management Committee. In addition, the Authority proposed to pump out the Meade Field septic tanks and any other septic tanks the City has on a regular basis at no charge in exchange for the vehicle. Pace made a motion to transfer a 1996 Ford Crown

Victoria CNG vehicle to the Authority as requested. Fritz seconded the motion. Motion carried unanimously.

04-99-17 Consider Bid - Fire Truck

Five bids were received for a new fire engine and Basinger recommended the bid be awarded to the low bidder, Southern Emergency Products for \$236,109. He said there were adequate funds (\$260,000) in the PIP budget for the engine. Basinger said the vehicle would serve as a replacement for the 1988 pumper. Staff requested permission to order the vehicle as soon as possible because it would take 345 days to be delivered and they would like to have it prior to requesting a re-evaluation from ISO. McMenamin made a motion to award the bid as recommended. Fritz seconded the motion. Motion carried unanimously.

04-99-18 Clarification of City Clerk Duties

Mayor Lenox said it had been requested that Council review the job description, duties, and current situation with the City Clerk. He said there was an essential decision to be made as to what the City structure should be in terms of reporting and supervision of City Clerk. Lenox started the discussion by saying that there were as many as 500 cities in the state of Georgia and many of them were extremely small. He felt in those cities the City Clerk also served as the City Manager and was an essential employee. He felt that as cities get larger and more efficient, that was not necessarily the case. Lenox explained that a system was set up several years ago that had the City Clerk report to the Director of Administrative Services, even though the position is appointed by Council as required by State statute. He felt the current organization was proper, but said the question had been raised as to whether or not the organization should be different.

McMenamin said she felt she had been remiss in the entire time she served as a Council member because she always had the opinion that the City Clerk was appointed by Council and served at the pleasure of Council. She said there had been times when she needed advice or Council and would have liked to ask the City Clerk, but that the City Clerk was removed from Council. McMenamin said it was her understanding that there would be a closer dialog between the City Council and the City Clerk when the Clerk received certification. She recalled several discussions with Frances Meaders, a prior City Clerk, regarding job responsibilities. She said Council insisted the new clerk be certified before receiving the title and salary of the City Clerk. McMenamin felt City Employees had always been held to the highest standards, and she enjoyed the end results of a very dedicated group of employees. She said she never gave much thought

— to employee supervision or job duties. McMenamin said that there were specific jobs mandated by the City Ordinance in which the City Clerk was responsible. She felt if there were any reason that the City Clerk was not performing those duties, it should have already been brought to Council's attention. She said that perhaps Council should have been more conscious of the job duties and what they expected from the City Clerk. McMenamin stressed that the position of City Clerk is specifically addressed in the Charter and that it was the only position required to be appointed on an annual basis.

— Lenox said he agreed with McMenamin, but felt that those comments were relevant to all employees of the City. He expected the City Manager to operate just as a CEO of a company and hire, supervise, and train employees. He believed the City Clerk was just like any other employee and should be treated as such. He said State law mandated the Council to appoint a City Clerk, but absent that single factor, he expected the City Manager to supervise everything else. He said even though the State requires an appointment of a City Clerk, that employee still needed to report through a chain of command and be subject to all the personnel policies and procedures. He said he believed every employee should be given certain policies and procedures to follow and he viewed it to be the City Manager's responsibility to determine those policies and procedures. Lenox said the City Manager is provided with wide latitude on how information reaches Council. He said it may be entirely appropriate for a City the size of Morrow or Valdosta to use their City Clerk for legal advice. He felt that when a City reached the size and scope of Peachtree City it was more appropriate to rely on its City Attorney. He said the fact of the matter was that only on very rare occasions has Peachtree City ever conducted a meeting without its City Attorney present.

McMenamin pointed out that the City Clerk was the only employee addressed in the City's Charter and ordinance book that did not have any stated supervision. She felt that gave Council more flexibility in assigning duties. McMenamin said she had talked to a large number of City Clerks in the State of Georgia and found that it was rare that Peachtree City's Charter did not address supervision for the City Clerk. In regard to Lenox's comments about legal issues, she said that as part of certification training, all City Clerks take classes on municipal law and stay abreast of all legislative changes. She did not feel the City Clerk should be giving legal opinions, but that the clerk could certainly do research and save legal fees. She felt the City Clerk should play a key role in municipal law issues.

— Fritz said it appeared that the City Clerk's advice was being dismissed. She said there had been incidents when she had received conflicting information from management and the City Attorney and only after pushing the issue found out that, in fact, the City Clerk's

— advice had been correct. Fritz didn't understand Lenox's comments about the size of the City and why a City the size of Peachtree City would not want to have a clerk Council can go to. She felt Council should go to the City Clerk first.

Lenox disagreed. He said there were tough questions that he did not feel comfortable with asking a City Clerk, and he would rather go to the City Attorney directly for anything that was not routine. Pace felt the City Attorney and the City Clerk had both done a good job. He said this was not a discussion about performance, but about clarification of job duties.

He felt it was important to have a reporting structure and to have employees properly supervised. He said it was the essence of management to coordinate employees' work. Lenox did not see a problem with the structure, but felt it was a personal or personality problem. He said he would not have the City Clerk report directly to Council because they could not provide the daily supervision, performance assessments, coaching, training, etc. On the other hand, Lenox felt the very nature of the job needed to have communication with City Council, but he did not feel the job had the magnitude that would warrant the kind of reporting relationship as compared to senior management. He felt the job only required judgment, but for things that were fairly routine, such as occupational taxes and alcohol licenses. He felt that the City Clerk should report to someone, and he did not see what was wrong with the current chain of command.

— A citizen from the audience asked what prompted the discussion. Brooks said the City Clerk had asked Council to clarify her job duties and determine whether or not the chain of command was structured properly. He agreed that it was an awkward conversation to have in public, but that it was too general of a discussion to take place in executive session.

McMenamin did not agree that the City Clerk should be supervised by the Director of Administrative Services, because she felt that Director was in charge of the administrative/secretarial pool. She felt the City Clerk needed to be slightly removed from secretarial support although her services could be utilized if needed. McMenamin suggested obtaining feedback from the City Manager.

— Pace agreed with Lenox that the City Clerk should not report to Council, but suggested she report to the Assistant City Manager. Brooks did not know if it was appropriate to have her working with the Finance Department. He suggested that Council review the City Clerk's job description and compare the duties to those that are being performed.

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The City Clerk, Nancy Faulkner, addressed Council and explained that City Clerks throughout the State had various descriptions and duties, but that all City Clerk's served as a necessary link between the legislative body and administrative areas of government to ensure integrity of government. She asked that Council clarify what they expected from their City Clerk. She said she took an oath that she did not feel she could live up to unless there was an open line of communication with Council. She said she needed to be allowed to address them and speak to them about various concerns. She felt it was her job as City Clerk to serve as a liaison between the public, elective officials and governing body and that without direct communication, information could be obscure or withheld. She said she was not asking for a change in job duties, but rather clarification of those duties and for the City to acknowledge the responsibility of a City Clerk to ensure ethics in government. She said the purpose of each municipality having a City Clerk was so that there would be an impartial person looking out for the system by ensuring laws and rules were being followed. She felt that was in the best interest of the citizens as well as the elected officials. Faulkner said she had been taught there were three essential functions of the municipal government process: Council, to set legislation, direction and policy; the City Manager to administer those directions and policies; and the City Clerk and City Attorney to ensure ethics and integrity of government. She said City Clerks were supposed to remain unbiased and not to have opinions on issues, but rather to see that the system is working properly.

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McMenamin said she spoke with GMA earlier that week and was told there were some major changes involving the Open Records Law. She said it was absolutely critical that the City Clerk and City Attorney attend upcoming training in Savannah and to keep Council informed of changes in the law.

Lenox said they could have much discussion on the issue, but it was really a pretty old subject. He said it was true in the military as well as the business world that there needed to be a chain of command. He felt the 'top guy' in that chain of command needed to be responsible for communication and, in his opinion, it was the City Manager's job to keep Council informed of anything and everything that effected the City. He felt it was up to the City Manager to ensure there were no violations of the open meetings laws, ethics, regulations, ordinances or anything else. He said he wouldn't dream of giving that responsibility to anyone else, but the City Manager.

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Faulkner said that other governments felt the same as Lenox, but that they clarified it in their Charter by designating the City Manager to also serve as the City Clerk. She said that if Council wished, they could amend their Charter to clarify the issue. Lenox said

— he would prefer to have the Director of Administrative Services designated as the City Clerk, supported by an administrative secretary. McMenamin said that had been the case when Frances Meaders was the City Clerk, but that the City had grown. She said that when Frances Meaders retired, as many as five positions were created.

Mildred Harris addressed Council and asked what was going on. Lenox said the City Clerk could have any job description, but must be appointed by Council. He said there was a difference of opinion as to the allocation of various job duties, assignments and reporting methods that had caused hard feelings among the employee group at City Hall and that Council was trying to respond to the issue. Harris said she knew Nancy for over nine years, and she did not know of a more loyal employee. She said Nancy always remained neutral in issues and that she felt she did her job very well. Brooks said there was an internal disagreement over the way the City Clerk should be utilized, and that after considering what was mandated, there was room for disagreement. Brooks read the charter as it related to the City Clerk.

— Bill Wheelock addressed Council and said he felt the issue sounded like a personnel action, and he was flabbergasted that it would take place in a public meeting. Lenox said it was important to note that there were some personnel overtones to the issue that Council was trying to avoid discussing in public, but that they felt that talking about the City higherarchy and structure should be addressed in public.

McMenamin said she had great respect for the City Manager, but that he stayed away from personnel issues. She liked Pace's recommendation to have the City Clerk report to the Assistant City Manager, and she felt the City Clerk should be removed from the secretarial pool so that she can respond to the needs of the City as needed. She said City Clerks throughout the State of Georgia take their jobs very seriously.

Jim Webb, City Attorney, suggested that the City Manager make a recommendation to Council as to the City Clerk's job description and chain of command. McMenamin appreciated Webb's opinion, but reminded him that the City Clerk was appointed by Council and served at their pleasure.

— Fritz said she would like to see the City Clerk doing her job as it needed to be done. Pace felt the issue was an added agenda item and that Council did not have to take action that night. He felt it was a valid issue to discuss publicly and perhaps privately, but he did not want to feel pressured into making a decision that night.

— Fritz made the statement that if the State mandated the appointment and training of a City Clerk then she felt that the duties taught in those classes should be performed by the City Clerk. Pace said he expected the City Clerk, as well as all employees, to communicate with Council if they had concerns about the operation of the City because he wanted the City to be operated in an open and ethical manner. He felt that Faulkner was asking to have her job duties clarified, and he believed there would be a good solution.

Brooks asked staff for a summary of State and Charter mandated duties of the clerk, as well as a copy of the City Clerk's oath. He also wanted to know what training courses were sanctioned by the State as well as what was expected from a City Clerk. Lenox said the City already had written information as to what was expected from its City Clerk in the form of a job description and a regulation on Open Meeting/Records. Brooks asked that the City Manager come back to Council with a recommendation at the next meeting.

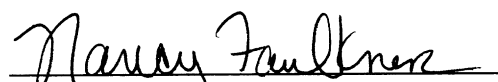
— Eric Snell addressed Council and felt that if Council appointed a City Clerk to work for them, then no one else should regulate duties or evaluate that employee. He felt the first and foremost role of the City Clerk should be dealing with Council, and they should regulate the performance. He used his administrative secretary as an example, stating that her services were available to others in the office, but that it was his decision as to what her duties and salary would be.

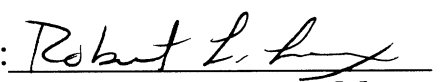
McMenamin made a motion to table the issue until the next meeting and instructed the City Manager to prepare his recommendation. Pace seconded the motion. Motion carried unanimously.

McMenamin made a motion to adjourn into executive session to discuss a legal matter. Fritz seconded the motion. Motion carried unanimously.

EXECUTIVE SESSION

No action was taken in executive session. McMenamin made a motion to adjourn the meeting. Fritz seconded the meeting. Meeting adjourned at 11:00 p.m.

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Nancy Faulkner, City Clerk

Attest: 
Mayor