

City Council of Peachtree City
Meeting Minutes
April 4, 2013
7:00 p.m.

The Mayor and City Council of the City of Peachtree City met in regular session on Thursday, April 4, 2013. Mayor Haddix called the meeting to order at 7:00 p.m. Other Council Members in attendance: George Dienhart, Vanessa Fleisch, Eric Imker, and Kim Learnard.

Announcements, Awards, Special Recognition

Mayor Haddix proclaimed April as Confederate History and Heritage Month. Glenn Allen from the Sons of Confederate Veterans accepted the proclamation. The weekend of April 27 – 28 was decreed World War II Heritage Days in Peachtree City. Chris Madrid of the Commemorative Air Force accepted the proclamation.

Presentation of annual Audit – Mauldin & Jenkins, CPAs, LLC

Financial Services Director Paul Salvatore introduced David Irwin of Mauldin & Jenkins, Certified Public Accountants, LLC, who announced the City had received a clean or unqualified opinion. Irwin continued that there were no audit findings, which was a testament to the quality work done by Salvatore and staff. Irwin said his firm audited approximately 180 cities, and there were audit findings in approximately 80% of those cities.

Irwin referred to the City's Certified Annual Financial Report (CAFR) for FY 2011-2012, which he said was the highest level financial reporting allowed by government financial standards. The City was one of the few in Georgia that had received the Government Finance Officers Association's (GFOA) certificate of achievement and excellence in financial reporting. Most cities did not report at such a high level. Irwin encouraged Council to read the Management Discussion and Analysis (MD&A) in the CAFR, which he said summarized the financial activity throughout the year.

Irwin continued that the Statement of Net Assets reported separately the governmental activities from the business-type activities, including the City's component units. The City had approximately \$118.2 million in total assets at year-end, offset by approximately \$35 million in liabilities, resulting in total assets or equity of approximately \$83.2 million. Of the \$83.2 million, approximately \$69 million was invested in capital assets and related debt, leaving the City with approximately \$10 million in net assets considered to be unrestricted at year-end. The City's component units had net assets of \$65.3 million, which was offset by total liabilities of \$30 million, leaving the total net assets of the component units at approximately \$35 million.

Irwin said the Statement of Activities reflected the net costs of providing governmental and business-type activities, reconciling to the Statement of Net Assets. The City's net asset position decreased from \$75.1 million in prior years to \$73.4 million at the end of FY 2012. The net assets for the City's business-type activities increased from \$9.6 million in prior years to \$9.78 million at the end of FY 2012.

The General Fund accounted for the majority of revenues received and the funds expended for the City. Irwin said the reported assets at year-end were \$22.6 million offset by \$11.7 million in liabilities, resulting in \$10.9 million in fund balance. Total revenues for the City were approximately \$27.7 million. Total expenditures were approximately \$25.1 million plus net other financing uses of another \$974,000, for total expenditures of approximately \$26.1 million. The fund balance (\$10.9 million) reported at year-end (September 30, 2012) was approximately five months' worth of future expenditures, which was a good financial position for the City.

Irwin discussed the City's enterprise funds, the Stormwater Fund and Amphitheater Fund. The Stormwater Fund had operating income of approximately \$284,000 at year-end, which was comparable to the prior year. The Amphitheater had an operating loss of \$32,000, which was

approximately \$47,000 less than last year's operating loss of approximately \$79,000. The total net assets of the Stormwater Fund were \$8.89 million and \$832,000 for the Amphitheater.

Irwin said the footnotes in the financial statement were basically the same as in prior years.

Haddix opened the floor for comments from the public.

Felix Kelley said the only negative appeared to be with the Amphitheater. If the City were a small company, it would be bought out in the next few weeks. There was more money coming in than going out, and there were surplus balances. The City looked like a company he would buy.

Robert Hamlin asked Irwin how the City compared to other cities when it came to the surplus. Irwin said it compared very well. Given the current economic circumstances, the City was in a pretty good financial situation.

Imker referred to the millage rate increase a few years ago, saying the plan had been to increase the cash reserves, then draw it down the policy limit of 20%. This was done on purpose so the budget was not jerked around, and so the auditing and credit valuations would not look bad. There had been a steady, planned future for the City's financials, and now the City was seeing the fruits of that labor. At some point, some of the surpluses would be break even, which was part of the plan to get just the right amount of taxes from the citizens.

Public Comment

Dean Hadley had no comments; however, he served the Council Members with legal papers related to threatened or pending litigation.

Al Yougel of Keep Peachtree City Beautiful (KPTCB) addressed Council regarding Fayette County Earth Day 2013, which was slated for April 27, 10:00 a.m. – 3:00 p.m., at Shakerag Knoll. He continued that this was the sixth year for the Countywide event, which had rotated locations in the past. Peachtree City hosted the event last year at Shakerag, and the vendors and attendees were happy with the location, so the organizing committee voted to hold the event in the City every year. Yougel added the Police Department was sponsoring a shredding event and pill drop at Earth Day.

Minutes

March 21, 2013, Regular Meeting Minutes

Fleisch moved to approve the March 21, 2013, regular meeting minutes as written. Learnard seconded. Motion carried unanimously.

Consent Agenda

1. Consider Amendment #1 to Sprint Lease Agreement

2. Consider FY 2013 Budget Amendments

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

Old Agenda Items

03-13-02 Public Hearing – Consider Variance to Floodplain Management/ Floodplain Protection Ordinance, Somerby Project, Rockaway Road

Haddix noted that staff had asked to continue the agenda item to the April 18 meeting.

Learnard asked what staff was waiting for from the applicant. City Engineer Dave Borkowski explained that he had made comments on the application when it first came in, and Somerby had not yet resubmitted the application with the answers to the comments.

Learnard moved to continue this agenda item until the April 18 City Council meeting. Dienhart seconded. Motion carried unanimously.

03-13-04 Consider RFP for Library Roof Installation

Community Services Director Jon Rorie addressed Council, noting that staff had been asked to look into the warranty on the current roof at the March 7 meeting. He would go into the information he had received from Johns Manville, the manufacturing company, as well as the condition of the roof, and then ask Council to provide direction.

Rorie said the roof had been installed in October 2005. The warranty document required the City to establish a maintenance file, and no such file existed. The City's initial contact had been with the architect to coordinate repair of the roof, and there was no record of those repairs. After two years, the warranty became the responsibility of the manufacturer. The installation contractor was to be responsible for the first two years, and the contractor was no longer in business. The manufacturer required notification of repairs needed or completed, and no records existed with either the City or Johns Manville. In 2012, \$4,000 had been spent on repairs, with no claim made to the manufacturer. The 20-year warranty on the roof was limited to repairs only, not replacement, and only if those repairs were authorized based on the warranty documentation. Rorie added there had been a joint inspection of the roof with Johns Manville on March 22, and they walked the entire roof. Rorie continued that the warranty covered repairs only, and the roof would only be replaced if there was a problem with the product. It did not include punctures, rips, or tears that could be caused by workers on the roof or rocks thrown on the roof.

Rorie read from an e-mail dated August 27, 2007, that was from a technical service representative for the manufacturer. The representative was reporting on his two-year inspection of the roof. The representative had noted some areas in the site visit report, saying the "building owner is responsible for fixing that." He also had noted some areas in the report that required repair by the roofing contractor. The e-mail continued, "A few of the leaks that were being reported by the building management appear to be coming from parts of the roof that are not covered under the guarantee. One leak appears to be coming from the hole in the roof that was caused by a sharp rock that was thrown on the roof."

Rorie continued discussing the e-mail, which noted that another leak appeared to be coming from the skylight. At that time, based on the pictures taken of the area around the skylight, the area appeared to be fine. However, a recent photo taken of the same area showed four repairs. Rorie showed Council several photos of other repairs made to the roof since it was installed.

Raymond Engineering assessed the roof and rated it in poor condition after seven years, according to Rorie. He continued that infrared testing revealed approximately 167 square feet of damage below the roof covering. Moisture was found in the core samples taken from the insulation below the roof covering in seven identified areas. Rorie said the engineers rated the roof at 62 on a scale of 100. Roofs that scored between 60 – 70 were considered in poor condition, and repairs were between 10% – 20% of roof replacement costs. Rorie pointed out the rating was only two points above roofs rated between 50 – 60, which were classified as systems near the end of their economic lives.

Rorie showed a photo of a new leak that was located on top of a patched area. An April 2 e-mail to City Engineer Dave Borkowski from the manufacturer stated, "any damage inflicted upon the roofing membrane (punctures, holes, tears, or cuts) is not covered under the terms of the Johns Manville guarantee." Rorie said either someone threw another rock on the roof or the area blistered in the heat, creating a bubble that burst, which also was not part of the warranty.

Rorie contacted the manufacturer the day prior to the meeting, saying the roof was seven years old and the City did not feel an effective service level had been provided. He suggested creating a

partnership between the City and manufacturer to replace the roof, adding it made no sense to keep patching the roof and expecting a different outcome.

Rorie received an e-mail response on April 3 that read, "there are roughly 1000 LF (linear feet) of seams. Given the LF and a cost of \$5.00 a LF for labor and materials, the total amount JM will contribute in materials is \$5,000." Rorie added that, per the Raymond Engineering assessment, the repairs needed at this time would cost a minimum of \$14,000 to \$16,000.

Rorie said the question was ultimately when the City was going to pay for a new roof. He presented three options based on the assumption that the manufacturer would make repairs, even though there were already cases where the warranty did not apply. Option 1 was to keep repairing the roof as needed, with warranty repairs if applicable. In 2012, \$4,000 was spent on repairs to the roof. Rorie said the assumption was that \$5,000 per year would be spent on repairs. Using the 1.5% CPI/MPI (Consumer Price Index/Marginal Propensity to Import), the City would spend \$71,184 in repairs for the remaining 13 years on the roof warranty.

Option 2 was to delay the roof replacement, replacing it in 13 years (2026). Rorie said the current cost to replace the roof was \$260,000. Using a 1.5% CPI/MPI increase and no grant funding, the cost to replace the roof in 2026 was estimated at \$315,552, and Rorie reemphasized that the cost to get to the point where the roof would be replaced was \$71,184.

Option 3 was to replace the roof now. Rorie said the current bid from Rycars Construction, Inc., was for \$261,470. Grant funding from the state in the amount of \$100,000 was available, leaving the City with \$160,000 to contribute toward the new roof from Sikka Sarnafil with a new 20-year warranty. The future value in 2033 was estimated at \$293,958. The current Library roof was 45 millimeters (mm) thick and the seams were glued. A Sikka Sarnafil roof was 60 mm thick, was made of polyvinyl chloride (PVC) material, and was a mechanically seamed roof. City Hall had had a Sikka Sarnafil roof for seven years with no problems.

Rorie noted the estimated values were only assumptions, adding he did not know what to recommend to Council. The funding for a new roof would come from the Facilities Authority Bond, and \$100,000 of the cost would be reimbursed by the state grant. To get the grant funding from the state, the work on the new roof had to be completed by July 30. Rycars had the low bid, and all the reference checks had been completed and were good. Fleisch asked whose responsibility it would be to keep up with the information and data collection to keep the City in line with the warranty. Rorie said the one who did not get fired.

Felix Kelley noted both roofs were rubber or petroleum-based. He asked if a metal or ceramic roof had been considered, since they offered much longer lifespans. He also asked about solar panels and the federal grants available for them. Rorie said staff had looked at alternatives, but those should have been considered on the front end. Converting to a different type of roof and material would probably cost twice as much. Staff had spoken to Georgia Power about solar panels, but the City was not in the position to move on that as rapidly.

Dienhart asked City Attorney Ted Meeker what the legal options were for a substandard roof. Rorie said he did not know if the City could prove the roof was substandard. Dienhart said the fact someone could throw a rock from the parking lot and damage the roof showed it was substandard.

Haddix said he hated flat roofs, especially those that were petroleum-based. There had also been substrata roof damage, the current roof could go bad at any time, and it was a roll of the dice. Rorie said yes, adding there could also be mold and other issues moving forward, which was why the core samples were taken.

Meeker said the problems could be more of a design issue than a product issue. The question was whether the specifications were right for that kind of roof. Learnard said it appeared to be a combination of bad design and two sheets of thin material that had been glued together, especially if a rock thrown by a child could puncture the roof. Rorie said the low bid was probably considered when the specifications were written.

Learnard asked about the maintenance file that did not exist. Dienhart asked if the City could recreate the file based on previous billings. Rorie said staff could not clearly specify everything; some things were not clearly marked as roof repairs. Repairs were also made through the architect the first two years. Dienhart said the architect could be asked for any records they had. He felt the file could be recreated. Learnard said that would take staff time, and she believed they would discover the City would still be dealing with other issues.

Dienhart said if the way the roof was installed was the problem, then the City should be able to go after the architect, the installer, or someone.

Rorie said Public Works had only been responsible for the maintenance for the last 18 months of records. Prior to that Recreation had been responsible, and staff could find no record of repairs sent to Johns Manville.

Haddix summarized that the City had an improperly installed roof, where the manufacturer only covered repairs, and the installer had gone out of business, adding there was no one to pursue.

Meeker said claims against architects had a Georgia statute of repose of eight years. The building took place in 2004, so they would have to look very closely at the dates, but he believed the time might have passed. The manufacturer's statute of repose was 10 years from the date the material was sold, and the City would have to prove the material was defective, not poorly designed or installed. The fact it was a poor choice was on the City. Dienhart said he never heard of a rock being thrown on a roof causing a hole. Meeker said staff would have to look at that.

Learnard said if this happened with her house, she would take the grant money and replace the roof. Johns Manville claimed no responsibility under any realistic circumstances, so they needed to fix the problem and move on.

Haddix agreed, saying someone could have stepped on the rock on the roof to puncture it. He continued the roof was bad, and there was substrata damage. The roof would continue to be a problem, and it needed to go.

Al Yougel noted that there were usually Fire and Police on the Library roof during the Fourth of July fireworks, asking if the leaks were in that one area. Rorie said the leaks were all over the roof. Rorie said the roof needed inspection from time to time, and damage could occur during inspections on flat roofs. A new roof would have walking paths built into it.

Fleisch said the City could not lose the grant, given all the work that had been done to get it. Because of the Facilities Authority bond, a lot of good work had been done. She was angry that the City had not been keeping up with the documentation and getting done what needed to be done for the warranty and to keep Johns Manville accountable. She asked what was being done so this would not happen again, noting there were new roofs on other buildings. Rorie agreed that staff had to do a better job of tracking the repairs and warranties.

Imker said an inch was 254 millimeters, so 60 mm was less than 20% of an inch compared to the 45 mm thickness of the current roof. Unless a flaw was found in the material and because there were no records, it would be impossible to recover all the records or any money. He requested that Council

receive a briefing at Retreat every year on the City's infrastructure along with the required documentation. Dienhart said he wanted a full report on what was being done differently.

Rorie said staff met to find a better way to track this kind of information for the City as a whole, and there was software available to do that rather than having each individual department keeping its own spreadsheets. Staff wanted to discuss that with Council during Retreat.

Learnard moved to approve funding of \$261,470 to replace the roof on the Library. Fleisch seconded. Motion carried unanimously.

Dienhart asked Meeker to look into whether the City could recoup any of the money. Meeker said he would get with staff and report back to Council.

**03-13-10 Public Hearing – Consider Amendments to the City Charter (Final Adoption) –
Oath of Office**

Haddix open the public hearing. There were no comments from the public. The public hearing closed.

Fleisch moved to approve the amendments to the City Charter for the new oath of office. Learnard seconded. Motion carried unanimously.

New Agenda Items

**04-13-01 Public Hearing – Consider Adoption of Transmittal Resolution Authorizing Staff to
Forward STWP/CIE to Atlanta Regional Commission (ARC) and Department of
Community Affairs (DCA) for Review**

Planning and Zoning Administrator David Rast said this was the first of two presentations to be made based on the partial plan update for the Comprehensive Plan. Submittal of the document to the ARC and DCA for review was required every year. Rast said the Short Term Work Program (STWP), Capital Improvement Element (CIE), and the annual Impact Fee financial report had all been included in the packet for this meeting. Once the ARC and DCA completed their reviews, the documents would come back to Council for formal approval. Rast asked Council to approve the transmittal resolution, which allowed staff to send the information to the ARC and DCA.

Haddix opened the public hearing. There were no comments from the public. The public hearing closed.

Learnard moved to adopt the transmittal resolution authorizing staff to forward the Short-Term Work Program (STWP)/Capital Improvement Element (CIE) to the Atlanta Regional Commission (ARC) and Department of Community Affairs (DCA) for review. Imker seconded. Motion carried unanimously.

**04-13-02 Public Hearing – Consider Step One Annexation Request – SR 54 East – Several
Properties**

Rast said the combined total of the four tracts was 7.3 acres. He reminded Council that the Foot Pain Clinic, LLC, had submitted a Step One application that Council had reviewed in December 2012. The 4.38-acre tract was located on SR 54 East in unincorporated Fayette County. Council had approved the Step One application, authorizing the applicant to move forward with a formal submittal. The Step Two application was submitted and sent to the Planning Commission for review. The Planning Commission wanted the applicant to find out if some of the other property owners in the area, especially those to the south, were also interested in annexation. The applicant had done that, and the Step One request was resubmitted for four parcels in the area – The Foot Pain, LLC, tract; Paper Rose Studio (one acre); Cliff Bost (one acre); and The Palette Group (one acre). The combined acreage was 7.3 acres. Rast said, to give some perspective, the Step One application for a 28-acre tract in the SR 54 East owned by Scott Bradshaw was on the April 18 agenda. There were another five parcels in the area that were not included in either application. Rast added that the four parcels

asking for Step One approval at this meeting were zoned Community Commercial (C-C) within the County, except for the Paletta Group tract, which was zoned Office-Institutional (O-I).

The public hearing opened.

Chuck Ogletree, builder for The Foot Pain Clinic, spoke on behalf of the applicants. He noted that the Planning Commission had asked him to speak with the owners of the other three properties, and they had all said to go ahead with the combined application. The tracts went down SR 54 to Sumner Road. The applicants all wanted annexation for the same reason, access to sewer, although no one was having a problem at this time. There were also no development plans at this time.

Ogletree continued that the Foot Pain Clinic had created a good-looking building that would be at the entrance to the City. This building could set the precedent for future development in the area. If annexation were approved, the City would have more control over the other three tracts. Ogletree knew the residential neighbors had concerns about access to Sumner Road, but his tract had no interest in access to the road, nor did the other three tracts. The buffers along Sumner Road would have to be maintained according to the City's requirements.

William Astin of Sumner Place Court noted the conditions that the County set when the Foot Pain Clinic tract had been rezoned from residential (R-40) to C-C, including no access to Sumner Road and maintaining a very healthy greenbelt. He pointed out that the healthy greenbelt had disappeared. The residential neighbors were concerned about how the tracts would look in the future. The County had originally put the conditions in place in 1986, then again in 1999. The building looked great from the front, but not the rear, which was the side residents had to look at.

Mel Salzman, Sumner Place Court, had the same concerns. He showed Council photographs of the 50-foot greenbelt, which Salzman said was now less than 30 feet of some kind of shrubbery. He could see the dumpsters, the detention pond, and the wrought iron fence that surrounded it, along with a concrete wall. He continued that there had been a berm at one time, which had blocked some of the noise, along with trees and heavy shrubbery. There was a view of SR 54 from the residential street. If Council had more control over the development than the County did, then he was more in favor of the annexation. Meanwhile, they were waiting for the dumpster to be put in place. They could hear garbage trucks at 5:30 a.m. at Publix across the highway. He asked what would be done to protect the residents' view and sound levels.

Robert Hamlin, Prestige Point, reiterated that the greenbelt was not what it was supposed to be, adding the detention pond looked like a swale. He asked Council to consider improving that if the area was annexed into the City. He asked Council to protect the community and the homeowners that had been there for years.

Ramiro Martinez, Sumner Place Court, said he wanted to see an improvement in what was there today. He felt annexation could be a win-win. The residents wanted a better view of the back of the building.

Felix Kelley said he did not have a dog in this fight since he lived in The Highlands, but the residents had been offended by the commercial development on SR 54, saying it would have been better if the businesses had to come to Rast and the Planning Commission. The medical building would have a jungle behind it if it was located in the City. He suggested annexing a whole lot of land and building it to City standards.

Paul Williams, Astoria Lane, said his concern was for the long-term plans for the area. This appeared to be the first domino in a series of events that could take place in the next few years. There were still several hundred acres in the northeast corner of the City to be developed, and he understood there was a 10-year conservation tax abatement on that land that expired this year. He asked Council and

the Planning Commission to consider the annexation relative to traffic and development plans for the area.

The public hearing closed.

Haddix said he was not hearing any concern about the proposed annexation, but about doing it the right way and reestablishing the berms and trees. He added the Planning Commission had also been concerned about more trees and berms, and giving the residents what they had asked for. He did not think the City should go annexation "crazy" in the area, but a future development/land use plan was needed.

Ogletree said the property had been developed according to what was in place in Fayette County at the time. He understood the concerns. If the property was annexed, he would ask for additional parking, and he would have to go through the Planning Commission. At that time, the buffer would be addressed. If the property was not annexed into the City, it would remain as it was. They were open to enhancing the buffer, but it could be addressed

Dienhart said that, if he were a neighbor, he would also be unhappy. He was not against annexation, and he was glad to hear the applicant would work on the buffer.

Imker asked whether the buffer was supposed to be 30 feet or 50 feet. Ogletree said the County required a 25-foot undisturbed buffer and a 50-foot impervious setback. The development did not encroach into the 25-foot undisturbed buffer. The back of the detention pond wall was on the 25-foot line. There had been a heavy buffer beyond the 25-foot line, but it was taken down. Salzman said the 25-foot buffer had been totally cleared. The conversation continued; however, no one spoke into the microphone.

Imker asked Ogletree to confirm that the other property owners would not want access to Sumner Road. Ogletree said he had spoken with the other owners, and there were no plans to access Sumner Road, adding that the City could make that a condition of rezoning. Imker asked for a definition from staff of a Step One annexation. He wanted everyone to hear what was being approved at this meeting.

Meeker noted that approval of a Step One application by Council allowed the process to move forward. The Step Two application would go through a full review by the Planning Commission, including the zoning and any conditions, and then the application would come back to Council for formal approval, with any conditions, or rejection. Annexation authorized the City to impose additional conditions that rezoning did not allow. This was not the time to discuss the conditions. Meeker reiterated that if the Step One application was approved at this meeting, this was not the last time Council would see it.

Haddix asked if the landscaping would include understory and canopy trees. Rast said it would, adding that he wanted to compare the City and County landscape ordinances, and the applicant would have to install anything required by the City's ordinance, primarily enhancing the buffers along SR 54 and between the parking lot and Sumner Road. Haddix assured the residents the City would require more trees.

Dienhart asked the residents if their concerns had been addressed. The consensus was they had.

Haddix suggested moving on and letting the Planning Commission handle the issue when they reviewed the Step Two application.

Learnard asked Ogletree if they had met with the Water & Sewerage Authority (WASA) yet regarding tying into the sewer system. Ogletree said he had and planned to meet again, and that WASA

needed to know how many businesses planned to tie into the sewer system in order to know what size pump station would be needed.

Fleisch said the benefits had been evident when the property had been annexed on SR 74 South. A border was provided at Redwine Road, the aboveground utilities would be buried, and they would contribute to new golf cart paths, connect Meade Field to sewer, and participate in the cost of the regional lift station. The City had gotten hundreds of thousands of dollars in concessions. She had concerns about taxes and asked if the annexation would be worth it. The benefits of this location were not as evident. There would be a jagged entryway on one side of the highway, and there would not be a defined border. She asked if those concerns would be addressed in Step Two.

Dienhart said those questions should be answered in the Step 2 application. This was a smaller development than The Gates. Fleisch's questions were obvious, and the applicants probably had not gotten that far yet.

Rast added that would be a Step Two analysis, and because of the ordinance, staff had not been able to do any work, adding those were items included in the Step 2 presentation.

Haddix noted that the Police and Fire Departments already patrolled and served the area, so any tax dollars the City received would be a plus.

Imker asked what the timing of the process would be. Rast said a lot depended on when the application was submitted. He continued there were still four parcels in the area that had not asked about annexation. Staff preferred to evaluate the area as a whole, so Council would understand the entire package and so that long-range planning could be done. It would help with budgeting if there was an increase in service delivery. The City was limited by state law on when action could be taken. Staff would review the application, and then the Planning Commission would hold a public hearing. After the public hearing, the Planning Commission would send a recommendation to Council, and Council was required to hold a public hearing before making a decision on the annexation.

Imker suggested that the annexation application could be considered by Council at the second meeting in June, adding the citizens wanted to know when to expect it. Imker asked Ogletree if this would create a problem with his schedule for completion of the Foot Pain Clinic building. Ogletree said he and Rast had discussed the May 2 meeting. Rast said if he received the Step Two application within a few days, they could meet that schedule. Ogletree said he did not want this annexation to get bogged down with the 28-acre annexation.

Haddix said he looked at the annexation as protecting the citizens. The homeowners were not happy with how the area developed under the County, and bringing the parcels into the City protected the citizens.

Imker moved to approve the Step One annexation request for several properties as shown in the meeting packet. Learnard seconded. Motion carried unanimously.

Council/Staff Topics

Hot Topics

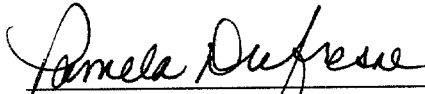
Rast asked Council if they had any direction regarding contact with the four remaining property owners in the SR 54 East area. Staff could not make contact with the property owners without Council authorization. Council consensus was for staff to contact the remaining property owners regarding possible annexation.

Learnard moved to convene in executive session for pending and threatened litigation at 8:49 p.m. Fleisch seconded. Motion carried unanimously.

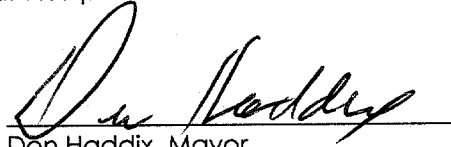
Imker moved to reconvene in regular session at 9:15 p.m. Learnard seconded. Motion carried unanimously.

Dienhart moved to authorize the City Attorney to sign the conflict waiver with Ellerbee Thompson on behalf of the City in reference to the Babb case. Learnard seconded. Motion carried unanimously.

There being no further business to discuss, Learnard moved to adjourn the meeting. Imker seconded. Motion carried unanimously. The meeting adjourned at 9:05 p.m.



Pamela Dufresne, Deputy City Clerk



Don Haddix, Mayor