City of Peachtree City
Minutes of Meeting
April 3, 2003
7:00 p.m.

The City Council of Peachtree City met Thursday, April 3, 2003, 7:05 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Annie McMenamin, Steve Rapson, Dan Tennant, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown read the Building Safety Week Proclamation and presented it to Building Official Tom Carty. Mayor Brown read the National Library Week Proclamation, which was accepted by M.T. Allen and others from the Peachtree City Library. Two teams from the Peachtree City Georgia Baseball Association were recognized as the national champions in their age groups and another team was recognized as the runner-up for the championship in its age division. Wayman Luke of the Fire Department was recognized as Employee of the Month.

Approval of Minutes

McMenamin moved to approve the March 6, 2003 minutes as amended. Rapson seconded. The motion carried unanimously.

Brown announced that Touch-a-Truck was scheduled Saturday, April 12, at Shakerag. McMenamin expressed concern that attendance might be down due to Spring Break.

The City's annual Spring Clean-up was slated for Saturday and Sunday, May 3-4.

City offices would be closed on Memorial Day, May 26. The annual Memorial Day parade would start at The Gathering Place and a ceremony was scheduled at City Hall Plaza following the parade.

Consent Agenda

1. **Consider Appointment to the Development Authority**
2. **Consider Adoption of LUC-19 Zoning (Leach Tract)**
3. **Consider Reinstatement of LUC-3 Rezoning (Westpark)**
4. **Consider Contract for Wrecker Service**
5. **Adoption of Resolution to Commit Local Funding to LCI Implementation Grant Application**
6. **Consider Request by Southern Conservation Trust to Sublease Office**
7. **Consider Resolution Regarding Fence Enhancements to the Bridge over CSX Railroad on Highway 54**

Rapson asked to pull # 1, 2, and 6 off the Consent Agenda. McMenamin pulled #4 off the Consent Agenda.

Weed asked if the LUC-3 was a text amendment. City Attorney Ted Meeker said Council had voted to rezone just a 5.02-acre portion of Westpark to LUC-17 zoning.

Meeker continued that the minutes reflected Council's intention to rezone just the 5.02-acre parcel from LUC-3 to LUC-17. Meeker said the proper term was clarification, not reinstatement. Only a small portion of Westpark had been rezoned to LUC-17, but when the ordinance was codified somehow the zoning for the remaining portion was dropped from the Code of Ordinances.

Rapson moved to approve Consent Agenda Items #3, 5, and 7. If #5 were approved, Rapson stipulated the funds would come from PIP Contingency. Tennant seconded. The motion carried unanimously.

1. Consider Appointment to the Development Authority

Brown moved to appoint Todd Strickland to the Development Authority for the term April 7, 2003, to April 7, 2009, and Jim Maniatis be appointed to serve as alternate to fill any vacancy that might occur. Weed seconded.

Tennant noted that one of Council's roles was to ensure the proper people were appointed to the City's commissions and authorities. He continued that the Development Authority had been through a time of turmoil and this six-year term would outlast those currently serving on Council. Tennant said the selection subcommittee was composed of Brown, Weed, Interim City Manager Colin Halterman, and Development Authority Chairman Tate Godfrey. Tennant said it was his understanding that the recommendation for the appointment was not unanimous, but the choice of two members of the subcommittee.

Brown said that Strickland was his and Weed's top choice. Maniatis was their choice as alternate. Halterman had selected Maniatis as the member and Strickland as the alternate. Godfrey's choices were Michael Laporte and Tyler Duffy.

Tennant said he had a great deal of admiration for anyone who served on the City's commissions and authorities and anyone who came forward to serve. Seven people had applied for the Development Authority and Tennant said he did not know any of them personally. He felt it was incumbent upon Council to consider the recommendations carefully. He said it was vital to remember the City did not have a lot of money to disburse to the Development Authority and Council had to capitalize on the resources in the community. Tennant said Strickland worked for his father's architecture firm. Tennant continued that Maniatis was a vice-president at Cooper Lighting, the City's largest employer. He felt it would be a negligent error on Council's part to not capitalize on what Maniatis brought to the table. The City was in desperate straits in terms of attracting business to the industrial park. Tennant said Strickland would be great on the Planning Commission. He asked Council to reverse the order and encouraged Strickland to continue as the Development Authority alternate.

McMenamin agreed with Tennant. She said she had a friendly relationship with Strickland and his family and felt Strickland would be invaluable to the Planning Commission and hoped he would apply. McMenamin said she did not know Maniatis, but believed his appointment would be invaluable. She pointed out that Maniatis moved in the network of international business and hoped the other Council members would reverse their decision.

Weed thanked Tennant for sharing his concerns, but disagreed with Tennant's point of view. He said he wanted to explain why he fell on the other end of the vote. Weed continued that he had worked hard to maintain and recreate a good relationship with the Development Authority and he was committed to that. The Authority was interested in moving forward and the question as to who was the best person to serve had to be answered. He said he had looked at the qualifications carefully. Weed said Maniatis was a wonderful candidate and would be a vital member of the Development Authority in the future. Weed pointed out that Strickland's degree was in economics and Maniatis' degree was in human resources. Maniatis' position with Cooper Lighting was as vice-president, but his specialty was human resources. Strickland's specialty was commercial and residential development. Strickland's degree was in economics and a vital function of the Development Authority was economic development. Weed said those things weighed heavily in favor of Strickland. Weed also noted that Maniatis had been an active member of the Fayette County Chamber of Commerce and Strickland had worked on the LCI committee, the Overlay Committee, and the Westside Annexation committee. Strickland had a long-term record of public service. Weed continued that Strickland had lived in the City since he was five years old and Maniatis had only been here a few years. While serving as the alternate, Strickland regularly attended Development Authority meetings and Maniatis had not attended any. Weed pointed out that attending meetings was not a requirement to serve on the Authority. Weed said Todd Strickland was the best candidate and that he hoped Maniatis would re-apply.

Brown said he knew both candidates and they were both very fine. Strickland was passionate about the Development Authority and had been attending the meetings. One of the frustrations when people came forward to serve was that they had never attended any meetings to see what the boards were about. Brown said that was one reason Strickland was selected as the alternate to the Development Authority the last time was that he had not had enough exposure to the Development Authority. He noted that Strickland's company was nationally known and had been featured in national publications. He said Strickland was honest, true to his beliefs, courteous, and civil. Brown continued that Maniatis was quite capable. Brown noted that the chairman of the Development Authority had neither candidate as his choices. He said the appointment was becoming a very political matter and they were seeing where the fence was beginning to divide.

McMenamin and Tennant asked Brown what he meant. Brown said it was just becoming very political. McMenamin said it was not the first time she had objected to an appointment and asked to table the matter.

Tennant noted that when Bob Truitt's term on the Development Authority was up Truitt had not been re-appointed because Council felt the Authority needed fresh blood. Truitt was a good man, but had already served five six-year terms. He said this was the opposite situation. He felt there could be a potential conflict of interest with Strickland's firm. Brown said that could also be said about other members of the Development Authority. Weed felt Council could trust Strickland to realize when there was a conflict and act accordingly, just as the other members of the Authority did.

McMenamin said Strickland was a wonderful young man, but all the committees he had served on were Planning Commission-type committees and maintained that was where Strickland belonged.

Brown called the question. The vote was a tie, 2 (Brown, Weed)-2 (McMenamin, Tennant).

McMenamin moved to appoint Jim Maniatis to the Development Authority for the same time frame as stated and Todd Strickland as the alternate. Tennant seconded. The vote was a tie, 2 (McMenamin, Tennant)-2 (Brown, Weed).

Brown noted that by state law Doug Warner remained on the Development Authority. City Attorney Ted Meeker confirmed the statement and said Warner remained on the board until there was a replacement selected.

Rapson noted that he had to abstain from the discussion and vote on Consent Agenda #1 and #6 because of a conflict of interest.

2. Consider Adoption of LUC-19 Zoning (Leach Tract)

Rapson noted he had the sole vote against the rezoning. He said a good job had been done outlining the permitted uses; however, he was still against the rezoning.

Brown moved to approve the LUC-19 zoning ordinance as submitted and to authorize staff to incorporate the document into the overall zoning ordinance of the City. Tennant seconded. The motion carried 4-1 (Rapson).

4. Consider Contract for Wrecker Service

McMenamin noted that the company had to consistently honor a 20-minute response time. She pointed out the company's place of business was located 15 miles to the west. She questioned whether the lowest bidder would be able to honor the terms of the agreement.

Meeker said he had not seen the contract.

Rapson said that was his concern the last time the matter was on the agenda. The contract had to be awarded to the lowest responsive bidder. Rapson said he and Chief Murray discussed the matter extensively. Chief Murray was to track the calls. If the company were found to be not responsive, the contract would be pulled.

Chief Murray told Council the contract was lucrative because of the number of vehicles towed. The companies understood the 20-minute response time and the response times would be monitored. The longer police officers had to wait on the wreckers the more it cost the City. Some of the services had employees who lived in and around the City. Murray said he considered 30-minute or more response times 50% of the time as not responsive. McMenamin said she was more concerned that an officer would waste time waiting on the service rather than being out doing the job. Murray said they were also looking for a responsible service that would stand by what it said customers would be charged. If the contract were pulled, it would be awarded to the next lowest bidder. All of the bidders appeared to be legitimate. Murray pointed out the lowest bidder had to come into town on Highway 54. He said he would be reasonable, but would hold the company to the 20-minute response time on 90% of the calls.

McMenamin asked what would happen if the company did not meet the response time requirement. Brown said the contract would come back to Council and Chief Murray could state his case. Rapson said they should not have to go back through the process and that the contract could go to the next lowest bidder. Meeker clarified that it would take a Council vote to cancel the contract and to re-bid the contract. Meeker clarified that former City Attorney Rick Lindsey had prepared the contract shortly before Meeker was appointed to the position in January. He added if staff was comfortable with the agreement he had no problem.

Weed said the performance clause was indefinite. He continued that the City owed it to the contractor to state what the standard would be. While he trusted Chief Murray to make the decision, Weed stated the performance standards on which Chief Murray based his decision should be clear.

McMenamin asked Murray for a ballpark figure of how many vehicles were towed every week or month. Murray said that would be difficult since there was wide range of vehicle types – trucks, cars, and golf carts. Murray noted the reason he was back with another contract was because the former service was not in compliance with what they charged people. Murray continued that the contract should be revisited every few years because labor costs and equipment costs changed. Murray recalled that at one time the City rotated between different wrecker services. He said the contract would be monitored closely and that he had no problem re-bidding the contract every two years.

Rapson noted the difference in price between the lowest bidder and the next one was substantial. Rapson said they would know within 90 days if there were a problem. Murray said he would know within 30-60 days.

Weed said the City Attorney needed to review the contract. Weed said he would feel better about the contract if the City Attorney looked at the contract and brought it back to Council.

McMenamin moved to table the contract for the wrecker service until the April 17 meeting. Rapson seconded. The motion carried unanimously.

6. Consider Request by Southern Conservation Trust to Sublease Office

Brown explained where the Southern Conservation Trust (SCT) office was located and how the City was involved in the lease. He noted the proposed tenant for the office space was the University of Georgia.

Rapson said he asked this item be pulled off the agenda since he had to abstain from the vote.

Weed said he had some questions regarding the current office space. Tori Stivers of UGA addressed Council. She said she currently rented office space on Dividend Drive and paid monthly rent. She dealt with seafood safety education, marketing, and some water quality. She said one benefit she could provide the City was assistance in stormwater education.

Weed said there was anti-gratuity clause in the state constitution and asked what UGA would give the city in exchange for free rent.

Stivers said she was a public servant and answered a lot of the public's questions. The SCT wanted her to become involved in stormwater runoff education. Stivers noted the building was next to the wetlands and that provided a perfect opportunity for stormwater education.

Weed asked Jerry Peterson of the SCT what the "quid pro quo" was for the SCT lease. Peterson said there was a philosophical understanding regarding the types of things the SCT did for the City. Peterson said the organization provided services for the Flat Creek Nature Center. Weed said he supported the sublease, but felt the contract needed to be revisited.

Weed moved to approve the lease contingent upon the City Attorney looking at the consideration for the sublease and the main lease. Weed said that would prevent a crisis before it became one. There should be a list of what the City was getting and a commitment that demonstrated the benefit of the sublease to the City. Peterson asked for an example of what should be included in the agreement. Weed said there should be a list of what the City was getting and what programs the SCT was involved in or would generate. Weed said if Stivers were to have education classes that would be enough "quid pro quo." The motion died for lack of a second.

McMenamin asked Peterson what the SCT asked of Stivers in return for the office space. Peterson said the organization worked with her on wetlands issues. Stivers would also be a presence in the building for the SCT. Peterson said the SCT did not currently have anyone in the building on a regular basis.

Weed suggested the following be added to the lease because is was in Mr. Peterson's letter to Council seeking the space: This effort by the University of Georgia complements the efforts and goals of the Conservation Center, that Stivers will help set up the environmental lab, that she will work on stormwater education program, and that she could provide an almost full-time person in the Nature Center. He said if that wording was included in the lease he would be in favor of it.

Tennant asked why they should create such havoc over something so simple. It was a 12-foot by 18-foot room. Weed said a contract was a contract. McMenamin suggested wording that included something about setting up a lab and working with the stormwater education program for the benefit of the SCT and the City. Tennant noted that was wording was included in the cover letter. Weed said the wording in the letter was not in the lease and he wanted it included in the lease.

Brown asked Peterson if he was agreeable to including the third paragraph of the letter in the lease. Peterson said no and added some things they were looking at working on with Stivers were a year out, or more. Weed said his point was that the City demanded services rendered back to the City with the non-profit organizations. Otherwise, the sublease would be a giveaway. Weed said he would rather have a clean contract, for SCT's benefit. Weed said the building was the people's facility and he did not support giving that away for no consideration.

McMenamin agreed with Weed. McMenamin continued that the SCT was not hiring Stivers, she would just be a presence in the building. She asked Peterson if the City would be subsidizing a UGA program. Peterson said yes, at least this program.

Tennant felt the changes to the contract would be overkill. He felt it was the antithesis of state and local governments working cooperatively together. He asked Peterson why he was so uneasy about the proposed addition to the contract. Peterson noted that sublease was for one little room in the basement and they would continue the things they had been doing.

McMenamin asked what would happen if McIntosh High School called and wanted to use the lab. She asked where they would make the decision about who would use the lab if the contract were not clear about those things. McMenamin said she was still not clear on what Stivers would do for the SCT.

Brown said an analogy might be the Carl Vinson Institute of Government at UGA. The institute provided similar services to local governments and this would be similar on the environmental side. He noted the institute charged a fee for its services.
Weed noted that the third paragraph of the request letter set the terms clearly. Until that was added to the lease, Weed said he could not support the sublease because it violated the anti-gratuity law.

Tennant said he just wanted the lease to be reasonable. He continued that based on Mr. Peterson's longevity in the City and his professionalism that the sublease should be granted. He moved to grant Peterson's request to provide 200 square feet of office space to Ms. Stivers to assist the SCT whatever manner deemed useful. There was no second.

McMenamin asked Peterson to get with the City Attorney work up wording the SCT and Weed were comfortable with and put it in the lease or another agreement. Peterson said the agreement would have to go to UGA for approval also. McMenamin said her concern was that the SCT had presented what Stivers would be doing and now Peterson said that UGA might not accept the lease, which included what Stivers would be doing for the SCT and the City.

Meeker said the primary agreement was between the City and the SCT. Any consideration issues would be between the City and the SCT. He suggested that he get together with Peterson and work on the wording and make sure there was adequate consideration. He said he was sure it could be handled quickly based on what the SCT did for the City.

Weed moved to table the SCT sublease until the document came back to Council. McMenamin seconded. The motion carried 4-0-1 (Rapson).

Old Agenda Items

03-03-CA4 Consider Amendments to CAR 3-8

Financial Services Director Paul Salvatore noted the changes to CAR 3-8. He noted the changes made regarding the manner in which e-mails were retained for records.

Weed expressed concern that there was nothing in the CAR that referred specifically to official government e-mail. He said right now the CAR applied to any e-mail he received and he could not comply with that. Weed asked that the wording be clarified to include any e-mail related to a person's function as a government official or to the City.

Meeker noted that any e-mails Weed received from Hapeville as City Attorney were protected, such as his e-mails with the City. He continued that ultimately the issue was controlled by state law and that he would err to the side of caution and the conservative view of the Open Records Act. Meeker said anything surpassed by state law he would add in accordance with the Georgia Open Records Act.

McMenamin moved to approve the changes to CAR 3-8, the Computer Usage System, in accordance with the Georgia Open Records Act. Rapson seconded. The motion carried unanimously.

<u>New Agenda Items</u>

04-03-01 Public Hearing – Variance – St. Andrew's in the Pines Episcopal Church

Kim Wilson addressed Council on behalf of the church. The church requested a nine-foot, four-inch encroachment into the building setback adjacent to Stevens Entry. Wilson explained that the property had an irregular shape and the church had tried to purchase an adjoining parcel for 10 years, but had been unsuccessful. She noted that the church's location on property had been determined because of the rock on the parcel. Because of the irregular nature of the site, rock, the liturgical design required by the Episcopal Church, and dual road frontage, the design had tried to minimize the intrusion into the setback.

City Planner David Rast told Council the property was zoned OS Open Space, which allowed churches as a conditional use with a minimum 40-foot setback. The lot was considered multi-frontage and was located at the intersection of Stevens Entry and Peachtree Parkway. A landscape buffer of 25 feet was required on Stevens Entry. Rast said the expansion, as shown, would have negligible impact on Stevens Entry. He said the vegetation in the setback would be monitored and could be augmented if necessary. Rast noted there was one residence on the opposite corner, but he did not feel there would be any negative impact from the variance. Rast said staff recommended approval and would work with the church to preserve the vegetation and augment the vegetation when construction was completed.

Rapson said the request met the criteria required for variances. He pointed out the special circumstances included the church's requirement that the nave be oriented to the east and that the rock and site limitations imposed a hardship. Rapson said there had been no intentional act by the church.

Tennant moved to approve the variance as submitted in the position paper. Weed seconded. The motion carried unanimously.

04-03-02 Public Hearing – Variance – McDonald's, Crossing East

Jim Wages of McDonald's spoke on behalf of Ben Alston, the franchisee for the restaurant, and addressed Council. Wages told Council the restaurant had "maxed" out the number of cars that could get through the drive-through at 100 per hour and the cars wrapped around the front of the building during peak hours. McDonald's applied for a variance for a 15-foot encroachment into the rear-building setback for a tandem drive-through lane to help alleviate the problem. Wages said they realized that another problem could be created as far as where the customers would go once through the line.

One of the problems staff addressed in the its position paper was that the internal drive connection would have to be removed and those looking for a parking place would have to leave the property and re-enter it to access the parking areas. Wages said about 65% of the restaurant's business was drive-through. Only about 15-20% would have to leave via the right rear driveway and come back on site. Wages said the real issue was the egress from the property with their neighbors, and McDonald's was willing to work with their neighbors to correct the situation. He said they were willing to work with Chick-fil-A to have an officer direct traffic at lunch, or make it a right-only exit so traffic could exit onto Highway 54 in a safe manner. Those who wanted to make a left turn would have to exit the shopping center on Peachtree Parkway and catch the traffic light.

Rast noted this was a unique situation. Staff spent a lot of time with Chick-fil-A and there had been significant modifications to the parking area. The concern was that getting through the drive-through sometimes caused a back-up out the entrance to the parking lot and into the shopping center or Highway 54. McDonald's had the same problem. Traffic was slow to get in, the drive-through was slow, and traffic was slow to exit. Rast felt there might be another solution other than getting traffic through the drive-through quicker.

Rast said there was a very tight circulation pattern around the building, which clogged at times, but allowed people to stay on the property. Staff did not support people having to get back on the shopping center road to re-enter the property. Rast continued that a dual drive-through would be unique to the City. The parking at the restaurant was already tight and it did not appear the tandem drive-through would work. He did not know if it boiled down to traffic or internal operation. Rast said staff was opposed to the plan and encouraged the applicant to work with staff on another solution.

Brown said he had reviewed the site plan and felt the applicant was between a rock and a hard place. He asked the applicant to go back and re-examine the plan with staff. He said there would be a significant problem with cars stacking and noted that Chick-fil-A's traffic flow was better now.

McMenamin asked if it would be better to withdraw the variance request rather than to deny it. If the request were to be denied, McMenamin asked if there was a waiting period. Rast said the time limit was just for rezonings. He pointed out that the restaurant might need some variance even with another plan. McMenamin asked if the variance could be tabled back to the Planning Commission. Rast noted that the variance had not gone to the Planning Commission, but the Commission could look at the plan in a workshop and then the applicant could bring their request back to Council.

Brown moved to table the variance request from McDonald's at Crossing East back to the Planning Commission for a workshop. Tennant seconded. The motion carried unanimously.

04-04-03 Hear Pension Consultant Report

Salvatore reminded Council there had been a lot of discussion about finding ways to reduce the costs of the pension plan or gain more stability in the level of contributions. A consultant helped staff look at the options. They looked at the defined benefit contribution plan, the defined benefit plan administrator, and the public safety pension.

Clark Weeks of Actech, Inc., addressed Council regarding his analyses of the City's pension plans/benefits. Weeks discussed his analyses of the possibility of realizing a cost savings from converting the current defined benefit pension plan into a defined contribution plan, an evaluation of the City's current defined benefit pension plan administrator (Georgia Municipal Employee Benefits System – GMEBS) and other options for plan administration, and a review of the Public Safety Early Retirement benefit plan and the impact of making changes to the plan.

Weeks said the cost of the current plan was 5.8% of payroll. The actual expense this year was about 8.5% of payroll. The plan had $4 million in assets, but the plan was shorted about $600,000 on investment returns last year. Weeks looked at ways to reduce the costs of the plan and noted that the pension plan would not reach maturity for 10-15 years since the City was young. GMEBS was 60% invested in equities. Weeks noted that if the City administered the plan on its own it would be limited to 50% investment in equities. Another legal preclusion for a stand-alone plan was that real estate could not be an investment.

Weeks said changing the plan was roughly cost mutual. He continued that the big driver on whether it would be a prudent decision or not was dependent on the level of control the City wanted in its investment approach. Weeks added the City should also consider if it wanted 60% equities for the long haul. Rapson noted the rate of return would be three and one-half times better than what it was currently.

Salvatore summarized Weeks' presentation. He said no action was required to change the plan from defined benefit to defined contribution or to make changes to the current formula.

Salvatore said it was a judgment call whether to make changes to the plan administrator. He said a change could achieve more stability in the plan and that he did not realize how rich GMEBS was with equities. Salvatore said that was good in good times, but not in bad economic times. He suggested staff continue to work with Weeks and look for a different administrator. Salvatore continued that there would be some inconvenience in not working with GMEBS, but that could work out with an administrator that gave more stability.

Rapson said it was more of a change in the process and he was in favor of staff pursuing the information. McMenamin said she had to abstain from the vote since her son-in-law worked for the City. Rapson said he also had a son-in-law who worked for the City. Meeker said that it was fine for them to vote on the matter since there would be no direct benefit to the Council Members.

Salvatore noted that the benefit formula stayed the same, but a change would help the City in administering the plan. Meeker said that Council needed to provide instructions to staff at this meeting and that the changes would be discussed more when the plan came back to Council for a vote. Salvatore said staff needed action on whether or not to proceed.

Rapson moved to approve the modifications to the early retirement provision for the police and fire as outlined under agenda item 04-03-03. Weed seconded. Meeker requested the motion be amended to direct GMEBS to draft the changes and forward them to the City. Rapson and Weed accepted the amendment. The motion carried 4-0-1 (McMenamin).

04-03-04 Hear Issues with Ashland Grille/Development Authority

Scott Bradshaw, vice-chairman of the Development Authority, asked Council if he could make a statement. He issued an invitation to Bob and Mike Stieber to come to a Development Authority meeting to discuss their issues.

Tennant said he wanted to try to avoid a situation of things coming before Council before the appropriate commission or authority had heard them.

Bob Stieber gave the Council Members a file of letters and e-mails he had collected since October 27. He said they had lost a lot of money and that was his responsibility. He noted that in business you took chances. Stieber said he had been led on and lied to.

Tennant said he understood there was a great deal of frustration, but he felt it would behoove the Stiebers to go the Development Authority and make their presentation in an effort to rectify the problems.

Stieber said the things he had to talk about were not new to the Development Authority. They had dealt by correspondence and e-mails since August 2001. Nothing had happened and nothing had changed. Stieber said he was not looking for money, but was trying to protect the rest of the citizens. Stieber continued that he and his brother cared about the City and were very involved. The Development Authority had run rampant and was not answerable for their action. He felt it was important for Council to understand the way business was done by the Development Authority and its executive director. Stieber said they had nothing to hide and were not the bad guys. The Development Authority determined they wanted the Stiebers out of the property and did not do what they said they would do. Stieber said they performed work and were not paid. They had only dealt with the executive director. He asked Council if they could come back to Council if nothing was resolved with the Development Authority.

Brown said Council did not want to restrict their freedom of speech.

Stieber said they were not after the Development Authority and that, individually, they were good people. He believed what happened was the result of a lack of leadership, control, and monitoring of what happened on the property. He said the problems went to how the executive director operated. Stieber said they would take up the Development Authority's offer, but would come back to Council afterward.

Tennant asked if the Stiebers' objective was to resolve the problems or to tell people what happened so it would not happen to them. Stieber said he did not know if there was any resolution. He told Council that they were responsible as the City's leaders to make sure it did not happen to anyone else. Stieber said he would see what happened with the Development Authority and asked the Council Members to read the documents had left. Tennant said it was gracious of the Stiebers to go to the Development Authority and said that maybe things could be smoothed out.

Stieber said he felt a lot of the problems had to do with Tom Farr's passing. Since Farr's death, the Development Authority had had no real leadership and that was when things started to fall apart.

04-03-05 Discuss Development Philosophies

Brown told Council that he had become very active in transportation on a local and regional level and wanted to share some of the things he had learned.

McMenamin asked Brown if this discussion might not be more appropriate for a town hall meeting. Weed asked Brown what his goal was.

Brown said he wanted to discuss land planning issues and transportation.

Tennant said he did not know if a Council meeting was an appropriate venue. He continued that he did not know if it was appropriate for any member of Council to discuss philosophies. Brown asked Tennant about his idea to put a beach at Lake Peachtree, which was discussed at Retreat. McMenamin noted that the beach required action and money from Council. Tennant said the topic seemed more like a campaign issue rather than an agenda item. Rapson said the discussion should be under Council/Staff Topics on the agenda. McMenamin noted that the Council Members gave their philosophies when they voted.

McMenamin moved that Council not hear the discussion at the meeting, but at a called workshop or town hall meeting so the information could be given to the public so the public could decide whether to attend the meeting or not. Tennant seconded.

Tennant said to him the issue was a matter of whether or not Council Members should place their beliefs on a particular subject as an agenda item. Weed asked if a policy or ordinance determined who could place an item on the agenda. Tennant asked if Council were setting a precedent it would regret later on.

Brown said the word "philosophy" had thrown people off. Rapson said Council could not restrict the Mayor's speech because he was the Mayor. He was also a citizen. Weed agreed and said it was an appropriate venue once the Mayor told Council what he wanted to achieve. However, that same goal could be accomplished at a workshop.

Meeker noted that Council could vote to table the agenda item. Brown said he would withdraw the issue.

McMenamin felt the proper venue would be a town hall meeting or a workshop. She said she did not want to listen to philosophies at a meeting where she was compelled to take care of the City's business.

Brown said the words "goals and objectives" could be substituted for philosophies. Weed asked Brown if he wanted a buy-off from Council. Weed said if so, then he agreed with McMenamin that a workshop would be a more appropriate venue.

Rapson said the meeting was an appropriate venue since the issues concerned the City. He suggested that it would have been better to give Council a copy of the presentation earlier so Council would have known what Brown wanted to do. Weed said the same goal could be achieved with a workshop.

Tennant noted that Brown had obviously put time and energy into putting the presentation together. His concern was the precedent of Council Members bringing forth their ideas about anything and espousing personal views.

Brown said not everything in the presentation was his personal view. He said he was just trying to bring up points that would help in the future. He said it was not political in nature, but included things he learned at GRTA policy meetings and planning workshops that would affect the City.

Rapson said he would like a copy of the presentation.

Council/Staff Topics

Interim City Manager Colin Halterman noted that Council Member Weed had made a suggestion about the City's first aid kits. Weed told Council and staff that he had watched a gentleman collapse in the City Hall Plaza during the City Manager interviews. They had to search for City Hall's first aid kit. Weed said they found the kit later, but there was no map to tell where the kit was located. He suggested Council instruct staff to clearly identify where the kits were located in the City's buildings. Weed said there needed to be a consensus from Council.

Halterman said after he spoke to Weed, he called all of the directors and chiefs. He suggested the kits be moved into the reception areas or break rooms in each building and that everyone know where the kits were located.

Brown said there had been a request to "redline" the proposed ethics ordinance changes. The cost to do that would be around $500. Brown asked Council if they wanted to spend that much money on the project.

Rapson said he did not want to "redline" the document as long was the original ordinance and the amended ordinance were both available. He said he understood the concern, but it was a huge document and "redlining" it would require a huge amount of staff time. Rapson said he liked the "strike throughs" on ordinance changes, but added the benefit did not equal the cost.

Tennant requested the "redline" document and explained that he made the request because the document was dramatically different from the original. He said the average citizen could not go online and see the changes. Tennant said that to him it was a worthwhile expense if it informed citizens about why Council was changing the law. He added he was not in favor of spending money unnecessarily.

McMenamin said she considered the ethics ordinance as a new ordinance and that she could pull the old one up and compare the two documents. She continued that a "redline" would be a waste of time.

Rapson told McMenamin that one issue was the questions she had about the document and noted that he had not seen the questions. McMenamin said she was going to meet with Frances Meaders, a member of the Ethics Committee. She said her questions were for the committee, not for Council.

Weed felt it would be good to give the questions to the committee so the questions could be answered effectively. McMenamin said Meaders had already resolved some questions and that Meaders would take any questions she could not answer to the rest of the committee.

Tennant said under the circumstances that Rapson's suggestion was a good compromise.

Salvatore referred to a recent Letter to the Editor regarding the online payment of court fees. Salvatore said there was some confusion as to how the process would work. The increase in the technology fee was added to every ticket and would pay the merchant charge expenses and software maintenance fee for the service. Salvatore said the fee had been added to all tickets and increased the court fine revenue.

Rapson said he did not feel there was any confusion. Rapson said his comment was it was illegal to raise the fee to cover the expenses, but the technology fee would capture all of the expenses associated with City staff time and offset the three percent merchant charge.

Weed moved to reconvene in executive session for a personnel matter. Rapson seconded. The motion carried unanimously.

Tennant moved to reconvene in regular session. Rapson seconded. The motion carried unanimously.

There being no further business to discuss, Tennant moved to adjourn the meeting. Rapson seconded. The motion carried unanimously. The meeting adjourned at 10:50 p.m.

Betsy Tyler

Betsy Tyler, Deputy City Clerk

Pamela Dufresne

Pamela Dufresne, Recording Secretary

Stephen D. Brown, Mayor