City Council of Peachtree City
Minutes of Meeting
February 21, 2002
7 p.m.

The City Council of Peachtree City met Thursday, February 21, 2002, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:00 p.m. Other Council Members present were: Annie McMenamin, Steve Rapson, Dan Tennant, and Murray Weed.

Announcements, Awards, Special Recognition

Brown and Fire Chief Stony Lohr recognized Joel Graham and Scott Walker for their help with an accident on January 9. A 15-year pin was presented to Donald Jordan, Parks Supervisor for Leisure Services. March 4—8 was proclaimed as Exceptional Children's Week in Peachtree City.

Approval of Minutes

McMenamin moved to approve the January 23 workshop meeting minutes as written. Weed seconded. The motion carried 4-0-1 (Tennant). Council Member Tennant was unable to attend the meeting.

Consent Agenda

1. **Adoption of Short Term Work Program/Capital Improvement Element**
2. **Add Distilled Spirits to Thai Spice Alcohol License**
3. **Consider Ordinance on Wieland Annexation**
4. **Consider Construction Contract Award on the Smoke & Burn Training Building**

Basinger reminded Council that the paperwork on the Short Term Work Program/Capital Improvement Element had been misplaced somewhere between the Atlanta Regional Commission and the Department of Community Affairs. The paperwork was found and approved by the ARC and DCA. Basinger recommended Council approve the Resolution of Adoption

McMenamin asked Basinger to read the ordinance on the Wieland annexation for the benefit of the public. Basinger said it was housekeeping and placed the action in ordinance form. Weed said he intended to abstain from the vote on this item since a prior Council approved the annexation. Christy Jindra, who was acting on behalf of City Attorney Rick Lindsey, said all members of Council could vote on the matter. It was just a housekeeping matter.

Rapson said the construction contract on the Smoke and Burn training building came in under budget.

Rapson moved to approve numbers 1, 2, and 4 of the consent agenda. McMenamin seconded. The motion carried unanimously.

Rapson moved to approve number 3 on the consent agenda. Tennant seconded. The motion carried 4-0-1 (Weed abstained).

Old Agenda Items

10-01-10 Budget Reduction Update

Salvatore said this was the second bi-monthly budget update. He explained that Attachment 1 detailed the original budget reduction plan. Four major areas were identified by staff as areas where there would be revenue shortfalls. At the 20% level, a $1.4 million shortfall was predicted by December.

Salvatore said he now had data for four months, or one-third of the year. Attachment 2 showed the current status of the budget, which was a 4% shortfall. Revenues were up about 6%. Salvatore explained that court fines and building permits were ahead. The problem areas were interest earning and the hotel/motel tax. Salvatore attributed most of the shortfall to LOST, which now was about right on budget. Brown asked how many months of LOST figures Salvatore had received. Salvatore said his figures went through January, four months or one-third of the year.

Salvatore recommended leaving some of the funds impounded, but also recommended the release of some of the impounded funds. Funds recommended for release from the Contingency Plan included The Gathering Place expansion, playground improvements, half pipe skate ramp replacement, facility buildout plan, asphalt roller (lease payments), rubber tire fork lift (lease payments), operating funds, and cash reserve usage. Operating Funds recommended for release included Public Works, bobcat skid loader; Recreation (Kedron Fieldhouse), replace broken water fountain; Fire Department, two personal computers; Administrative Services, books & periodicals, election training, personal computer; Developmental Services, cleaning services, education & training, two personal computers. The recommended funds for release from the Contingency Plan totaled $619,259; however, only about $120,000 was targeted for immediate expenditure. The total for the recommended funds for release from the Operating Fund was $35,700. Salvatore said there was still $844,000 remaining in the Contingency Plan.

Rapson said he agreed with everything Salvatore had said. He amended staff's recommendation to include the remaining computers, and the associated hardware and software in the budget valued at about $10,000. It was important to replace the computers in a timely manner and it helped with efficiency and productivity. Rapson put that in the form of a motion. Brown and McMenamin asked Rapson to clarify which computers and equipment he was talking about. Rapson said it included two each in the Fire Department, Developmental Services, and Public Works; one in Public Information, another four in Developmental Services; and $3,960 associated with computer hardware and software for IT.

Tennant asked Rapson to talk more about the $300,000 insurance premium windfall. Rapson pointed out that the budget had $292,023, which was included in the 6.2% increase in revenue projections Salvatore noted. If that amount were taken out, the revenues would be reduced to a negative 1.55%. The revenues were at a wash once the Airport and Development Authorities gave back the funds they were going to return from their supplements.

Basinger said the reason the insurance premium tax revenue was under budgeted was because the numbers were based on the 1990 census. The money the City received was based on the 2000 census. The City would continue to receive an increase in the insurance tax from now on.

Brown asked Rapson to repeat the motion. Rapson moved that Council approve staff's recommendation in $619,259 reflected in Attachment 3 allocated an additional $1,800 for Fire

Department computers, $2,700 for Public Works, $900 for Public Information, $3,096 for Information Technology and the remaining funds associated with Developmental Services, which was $1,800. Brown seconded. The motion carried unanimously.

01-02-05 Discussion on GEM/NEV Vehicles

Basinger said Council would need to extend the current authorization to allow GEMs to operate on the cart path system.

McMenamin moved to table the discussion until the end of the agenda or until Bill Wood came. Tennant seconded. The motion carried unanimously.

02-02-07 Consider "Pooper Scooper" Ordinance for Cart Paths and Parades

Leisure Services Director Randy Gaddo addressed Council concerning the revisions to the ordinance suggested by Council at the February 7 meeting. The revisions included changing the word "should" to "shall" in all references to action for pet owners to take. The wording was also broader and addressed the issues along cart paths, streets, and sidewalks. The original version only addressed streets and sidewalks during high-volume events such as parades. Gaddo said staff had no objections to any of the changes and recommended the addition of (4)(e) to section 70-36 of the Code of Ordinances. Gaddo continued that staff's biggest concern was enforcement. No staff was out monitoring the areas as they did the parks and sports fields. It would be reported mostly by citizens, could pit citizen against citizen, and take up valuable court time.

Rapson read an e-mail from a citizen who suggested using the wording "domesticated animals" instead of "pets." Rapson said that would take care of dogs, cats, horses, cows, and kids. Rapson said he would move to have that amendment to the motion made. Jindra said that change would be fine.

McMenamin said it would be hard to legislate common courtesy and this type of behavior. It would be up to citizens to bring the violators to court and to be willing to testify against someone.

Jindra suggested another change to the fifth line of the proposed revision, after the word container, which struck the phrase "to be sure they have a method to" and replaced it with the word "and." The change obligated people to carry the container and use it to pick up the excrement and remove the waste.

Bill McBride asked how the ordinance would apply to the natural area adjacent to the cart path. Gaddo said the intent was the cart path and the adjacent area; the areas where people tended to congregate and walk. Gaddo said the area included about 10 feet on both sides of the path. Brown asked if there was a City right-of-way along the cart paths. Basinger said that for the most part, the cart paths were in the greenbelt areas. Tennant suggested incorporating a six-foot right of way on either side of the cart path. McBride said his dog was always on a leash and went off the cart path, never on it. McBride said an ordinance was not needed, but it should be restricted to the paved surface. Gaddo told McBride he was one of the responsible owners, but some areas of the cart path and greenbelt blended into people's backyards. Gaddo felt there still had to be something that defined an area off the path, but not on people's private property.

Williams said the cart paths generally had a 20-foot easement, 10 feet on each side of the path. Gaddo said the 10-foot easement area was reasonable.

Rapson read the proposed ordinance with the proposed changes. Rapson said 10 feet seemed like a big distance, two or three feet seemed more appropriate. Weed read a proposal with a three-foot limit. McMenamin commented that people would be out on the cart path with a measuring stick. Weed said the first question Council needed to ask should be "was this ordinance necessary?" Brown agreed.

Basinger asked Council about restricting the use of private property and limiting the location to the actual path itself. Tennant said he was at a loss of what to do. There were laws to keep people from trespassing. He also said he did not know why they were looking at it. McMenamin said it was not something they wanted to get into and legislate. It came from citizen requests. Tennant said they kept talking about common sense and common courtesy. He said it felt like they were legislating themselves to death and maybe this should be left alone.

Basinger said most of the complaints were from property owners and that it might be trespassing. Rapson asked what they were trying to address with the ordinance. Gaddo said it was citizen complaints. Most of the complaints received at his department had to do with the sports fields. City Hall received the other complaints. Miller agreed and added more of the complaints were about dogs off the leash.

Weed recalled that the proposed ordinance came about after looking at the problem of irresponsible pet owners leaving messes on athletic fields where children were exposed to the waste. Gaddo said yes and Council approved an ordinance prohibiting it. He continued that he had monitors and maintenance people who were out and could watch for it. Gaddo said there was a lot more control over that ordinance.

Basinger said if the ordinance was based on the number of complaints received at City Hall, then there was not a problem as far as the cart paths were concerned. Rapson said the ordinance should be shelved until it became a problem. The Council agreed.

New Agenda Items

02-02-12 Public Hearing – Variance – Ethan Allen Tract

Tim McKerrow and Brad Reardon of Phillips Partnership, the architectural and design firm for Ethan Allen, represented Ethan Allen during the public hearing. Reardon showed the location of the site at the corner of Highway 54 and Market Place Boulevard. The site was 2.4 acres and an 18,000-square foot Ethan Allen's was planned. Reardon stated that the City required a distance of 250 feet between curb cuts to qualify for a second building sign. Based on the site constraints, he said they wanted to reduce the distance to 240 feet. The challenges include over 850 linear feet for street frontage. The DOT had restricted access from Highway 54. It was mandatory to line up one of the curb cuts with Don Pablo's curb cut. The second curb cut was available along Market Place Connector. There was a grading issue to make the curb cut easier for users. Reardon said the curb cuts were 250 feet if calculated through the radiuses; however, in Peachtree City the distance was calculated along the curb. The building fronted on three streets.

McKerrow said the sign locations included the main entry to the building, which faced Highway 54. The additional sign would face Market Place Boulevard.

Developmental Services Director Jim Williams told Council staff recommended the variance be denied. Staff had made this interpretation many times. He acknowledged the number of signs was important to commercial owners. Staff felt if the interpretation were changed for this case, a number of businesses would come back to change theirs. The main point was one sign on the building properly identify it. Williams pointed out that most of the businesses in town had only one wall sign and did well. It would not be a hardship and staff recommended against the variance.

Weed asked for examples of similarly situated businesses. Williams said he could not name them off the cuff, but did point out Regions Bank and many restaurants with access off a street and then driveways that came in. Sometimes, those entrances could not be 250 feet apart so there were some creative interpretations. Williams said up to this point everyone had lived with it. He could not recall ever having a variance to the sign ordinance.

McMenamin said the important part was that Peachtree City had certain standards and had required other businesses and companies to do things that were not the norm for them. All had abided by the rules and regulations and had done well. She agreed with Williams and said it would set a precedent, not only for the future, but also for those currently in business who just wanted another sign. McMenamin continued that she was delighted to have Ethan Allen in the City.

Tennant agreed with McMenamin. He admitted that the 250 feet measurement was subjective; however, it came down to a fairness issue. Everyone had abided by it and it would be unfair to change the rules, even for just a few feet.

Bob Brown asked the developer where the front entrance to the business would be. Reardon said it faced Market Place Boulevard. Brown said they had gone through this before when the restaurants in the development wanted to face Highway 74. He recommended against the variance and encouraged Ethan Allen to put the entrance towards either Market Place Boulevard or Market Place Connector so they become a part of the shopping development.

Reardon read from the variance procedures and said if the size was due to various constraints, then the sign was allowed. He said it was their contention that the site was under specific constraints to reduce the 250 feet to 240 feet. Three roads go along the buildings and there were two building sides. In a more typical city, three signs would be allowed. The berm along Highway 54 limited the view. If 90% of the traffic going through was on Highway 54, that was where the front of the building needed to be located. Reardon felt two building signs would be sufficient and would not stand out. Ethan Allen had revised their elevations conform more to the look Peachtree City wanted. They just wanted to decrease the 250 feet to 240 feet on this specific site since they could not have a curb cut on Highway 54. If it were a typical site, it would be easy and a curb cut would be put on Highway 54 and the distance would be 250 feet.

McMenamin moved to deny the variance to the sign ordinance for the Ethan Allen tract at Highway 54 and Market Place Boulevard. Tennant seconded. The motion carried unanimously.

01-02-05 Discussion on GEM/NEV Vehicles

Bill Wood, the attorney for Global Electric Motorcars, updated Council on the current legislative action regarding low speed motor vehicles (LSMVs). There had been a lot of activity. Several bills were introduced and Wood brought two he wanted to discuss. The first was House Bill 1389, which was introduced by Representative Alan Powell. It provided amendments to the motor vehicle certificate of title and registration acts, and provided for low speed motor vehicles to be registered and titled in the state. Wood said this bill did not address the income tax credits at all. It was introduced on February 13, read twice, and was sitting in committee.

Wood said Bill 1389 was a good start, but the concern was getting the tax credits enacted by the legislature last year and getting the vehicles registered and titled. He said the word from the Governor's office was that the tax credit would be given to those who bought the vehicles in 2001, but would not be available to people who bought them after January 1. It would be left up to the cities and counties as far as authorization for streets. This bill came from Richard Royal who introduced and sponsored last year's legislation. The bill (House Bill 1439) was introduced on Monday. It was ordered engrossed (there can be no changes, amendments, or substitutions) and was already out of the House committee. It provided for people to get tax credit if they purchased their vehicles in 2001. It left it up to the municipalities to enact ordinances and set up some things such as one credit per taxpayer and that the vehicles could be driven only in daylight hours unless it complied with safety requirements that would be enacted by the Department of Motor Vehicle Safety. The bill provided the vehicles would not be registered and titled, which meant insurance had to come through homeowner's insurance as opposed to automobile insurance. Wood said House Bill 1439 was the Governor's bill and it was 90% sure that it would be enacted. The approach they were trying to take was to pass 1439 and get the tax credits in place, but also to get 1389, which provided for registration and title, passed to undo what 1439 did. Wood said the federal safety standard said the vehicles could only be on streets with a speed limit of 35 miles per hour or less. Tennant asked if 1389 addressed tax credits for vehicles purchased after January 1, 2002, or were those people just out of luck. Wood said 1389 only spoke to registration and 1439 addressed the tax credit. Wood continued that they had said if the economy got better, the tax credit could be reconsidered next year. Wood added there were no guarantees.

Brown asked if there was anything Council could do as far as phone calls or letters. Wood said telephone calls in support of both bills would be good. At face value, the bills were inconsistent regarding registering and titling, but the approach they were taking with the legislative leadership was that if 1439 was signed into law first and 1389 second, then 1389 would trump as to those areas where there was conflict. Wood said Cathy Cox and Ralph Hudgens had introduced bills a few weeks ago from the Republican side of the House, but acknowledged their bills were not going anywhere. Wood said Bill 1439 would likely go. Rapson agreed based upon his conversations during a recent visit to the Legislature. He said he also asked about 1389 and he was asked if he was from Peachtree City. Brown suggested Wood speak to Chick Krautler from the Atlanta Regional Commission, as the ARC was very interested in the legislation also.

Rapson moved to extend the authorization to use the low speed motor vehicles on the cart paths another 30 days. Weed seconded. The motion carried unanimously.

02-02-13 Consider Appointment of EMS/Medical Advisor

Chief Lohr addressed Council and recommended the appointment of Dr. Martha Ann (Vicky) Schuh as EMS/Medical Advisor to the Fire Department. Lohr said it was an uncompensated professional position. In accordance with state law, the Region IV Emergency Medical Services Council and Region IV Health Director Dr. Michael Brackett were the designated authorities for approval of EMS medical directors. Lohr continued that Schuh exceeded the requirements set by the state and was best able to meet the needs of the Department and the community. Lohr went over Schuh's qualifications. Dr. Perlman, Dr. Brackett, and the City Attorney had reviewed and concurred with the agreements.

Lohr introduced Dr. Schuh who told Council that she was very impressed with the Fire Department. They knew what they wanted to do and would guide her in the right direction. She said she was excited to be teaching again and excited to serve Peachtree City.

Weed had a question for the City Attorney's office. He noted that the agreement was for 25 months and asked if it violated Sectiion 36-60-13, the multi-year contract law, in any way. He asked if the City Attorney had reviewed the agreement and said if it did not violate the contract laws, he was supportive. Jindra said he could not answer the question. He was not familiar with the contents of the document and did not know if Rick Lindsey had drafted an opinion or not. Weed suggested adopting the agreement contingent upon an opinion from the City Attorney. He thought the opinion would be that it did not conflict, but he wanted to hear it from the City Attorney.

Lohr said the form Weed referred to was the mandated form from the state. He knew Lindsey had looked it over.

Weed moved to approve and adopt the contract contingent upon an opinion from the City Attorney that the contract doesn't conflict with the multi-year contract clause O.C.G.A. Section 36-60-13. Brown seconded. The motion carried unanimously.

02-02-14 Consider Changing Council Meeting Time to 7:30 p.m.
Tennant said the Council meeting time had been 7 p.m. for a long time and that you don't change something that worked well without good reason. He continued that it was hard to judge if the people he had talked to were an accurate representation of how the public really felt. It was difficult to get home from work, eat, and get to City Hall by 7 p.m. The downside to a later start to the meeting was that the meetings would end half an hour later. It also kept the youth who attended up later. The proposed change was to make the meetings more consumer-friendly to give those who wanted to attend the chance to get here. Tennant acknowledged that anyone who really wanted to be at the meeting would attend whether it started at 7 p.m. or 7:30 p.m. Tennant added that it would be more convenient for him personally. He said he was just putting it out for discussion.

McMenamin said she liked the 7 p.m. time.

Carol Fritz commented that the staff was not being taken into consideration. She continued that staff sometimes started work at 6:30 a.m., worked all day long, and did not leave until after

meetings were over. They were not paid overtime. She urged Council to consider staff and added that if people really wanted to be at the meetings, they would be there.
Wayne Roberts told Council he got off work at 5:30 p.m. on the northside of Atlanta, did without supper, and attended the meetings. He said there had not been a shortage of people at the meetings. He added that 7:30 would suit him better, but he favored leaving it at 7 p.m.

Tennant said the main downside was trying to get the youth out and they could always excuse them at 8:30 or 9 p.m. His concern was whether the average person had time to get home, and then get here. Brown added that Council was gearing up to put the meetings on the cable access channel. They would be tape-delayed and on several times during the week. Rapson said he worked downtown and could get here by 6 p.m. A later time would be more convenient, but he really had no preference one way or the other. He did like Tennant's suggestion of letting the students leave early and have Betsy Tyler sign their agendas.

McMenamin recommended leaving the time at 7 p.m. unless Council heard a consensus that there should be a change.

02-02-15 Consider Approval of Land Use Plan Update
Brown said he and Weed had discussed continuing this item until the next meeting due to the large amount of information they were given and the short amount of time they had to look over it. Brown said he would like more time to review the information. Weed said he wanted to talk to Jim Williams about it and two (2) more weeks would give them time to do so. McMenamin said most were housekeeping items and had no problem with delaying it. Rapson said there were also some issues he wanted to get up to speed on and moved to table the land use plan update until the next agenda on March 7. Tennant seconded.

Brown added that a dual workshop meeting was scheduled with Council and the Planning Commission on Monday, February 25. The workshop would be a good opportunity to ask questions and have discussion. The motion carried unanimously. Rapson suggested the Council Members bring the information with them to the next meeting so it would not have to be reproduced again.

02-02-16 Update on Moratorium Committees' Progress
Williams said the committees were meeting and were doing a terrific job. There had been real progress on the Overlay Committee, which was looking at the Highway 54 West area. The Stormwater Committee was moving rapidly towards recommending an ordinance that would be brought forward. The Tree Committee was doing exciting work on protecting trees in development of the residential and commercial areas. Some of their work was dovetailing with the Stormwater Committee. The Ordinance Review Committee was a pull-it-all-together committee. It was looking at all the information and putting it together in a package form to take to the Planning Commission and ultimately to Council for enactment. Lots of good things were happening and there was good participation in the committees. Williams said he thought Council would be pleased with the results.

Brown added that minutes from the committees were available on the City website and there were some bulletin boards with information. Williams added there might be some discussion at the Council/Planning Commission workshop on Monday, February 25.

02-02-17 Discussion on the Creation of Public Information Workshops with the Development Authority and PTC Recreation Commission Regarding the Future Possibility of a Sports and Entertainment Authority

Brown said he had this item placed back on the agenda. One of the concerns was that it was being rushed. Brown added there needed to be further discussion, and there needed to be some kind of venue to discuss the issues. Brown said he made a grave error and had completely left the Recreation Commission out of everything. Brown wanted to set up some workshops where Council could meet with the concerned bodies, possibly once a month.

McMenamin stated she had been on Council for 12 years and had 22 to months to go. She was opposed to the proposed authority and saw no need to set up any meetings. McMenamin said she would not approve any authority in the concept suggested for the next 22 months unless she was assured of the viability and necessity of such an authority. She read an article in the February 20 edition of the Atlanta Journal Constitution, which quoted Mayor Brown. She also read portions of several e-mails.

McMenamin read the list of names of Leisure Services Department employees. She noted the awards earned by the department and Recreation Commission: Carolyn Stanton, Georgia Parks and Recreation Program Section Professional of the Year 2001; Peachtree City Parks & Recreation Department, Outstanding Agency of the Year 2000 for the Population Category 20,000 to 70,000; Luther Holt, Outstanding Volunteer of the Year 2000 for the Population 20,000 to 70,000; Earl Spell, Jr., Outstanding Volunteer of the Year 1999 for the Population 20,000 to 70,000; and the 1999 Aquatic Section Innovative Programmer's Award.

McMenamin asked how the City could improve on the best. She read from another e-mail and asked DAPC Chairman Tate Godfrey to respond to items in the e-mail. Brown asked to have some discussion first before calling on others. McMenamin stated there was a 15-year contractual agreement with the Development Authority and there was a specific use for the hotel/motel tax. The 15-year agreement cannot be broken unless both parties agreed. She asked Brown how he expected her to support any workshop relating to a new authority or any such discussion.

Rapson stated that he would abstain from discussion for reasons previously stated.

Brown said McMenamin gave a wonderful historical perspective of the Recreation Department and the Recreation Commission. He continued that the purpose of the workshops was for openness, to let people have an open discussion, and to let people know the facts about the situation. Brown said he was not asking for action on anything, just public discussion. McMenamin stated she had 22 months left on Council and would not approve any authority unless it was proven to her that it was a different type of authority and did not impact the hotel/motel tax to the Development Authority. It was stated in the contract that the hotel/motel tax was to support the DAPC's indebtedness.

Tennant said that the subject of the agenda item was for discussion of public information workshops with a note that the Mayor asked for it to be placed on the agenda. Tennant continued that the timing was not that great in light of the meeting on February 7. He also cited that the legislature had to enact a new authority and that would not happen for at least another year at the earliest. While he believed the discussion should have been put off for a few months, Tennant said he had no problem discussing the concept or setting up workshops. He thought Brown's intent was to brainstorm, get some ideas, and additional information. It might take a year before it was decided if another authority would be good or bad. Tennant said he personally was not sold on the idea of a sports and entertainment authority at this time, but said he had a lot to learn. Tennant continued that he did not fault the Mayor for putting the item on the agenda, but felt it should have waited.

Weed commented that the last meeting lasted until 1:30 a.m. and everyone expressed his or her thoughts and feelings. He said he gotten more input since then from people who asked him to consider it from every possible angle. He stated that he did not think a sports and entertainment authority was a bad idea. The mistake he personally made at the last meeting was because of his legal background. He knew that an authority could be created, and then nothing could be done with the authority. Most people naturally assumed that if something was created something had to be done with the creation. His reasoning was that he agreed with the philosophy to go ahead and create the authority legally, but not to do anything with it until after it was workshopped. Weed still supported the idea of workshops. He continued that no model or system was perfect and things could always be improved upon. He was meeting with members of the DAPC and intended to meet with all of the Recreation Commissioners. He said he had received an idea for a model after a meeting today that might increase the responsibilities and power of the DAPC. His agenda was to have the idea talked about and see if there were other models or ways of doing the project. He said he was willing to look at them. He said Council would never get to that point if it was assumed that what the City had now was perfect.

Brown said his concern was economic development. The City's revenue streams were starting to stagnate and the City had to be in the position to look for more opportunities. A lot of industries had come in, but some had left. Jobs had been lost and spaces were vacant. He wanted to address those issues. He said he told the DAPC that if they were willing to work on those kinds of issues he would discuss leaving the Tennis Center where it was. They said they would do the best they could and try to show what they had. Brown said discussion hurt nothing and he felt there needed to be discussion. There could only be gain from putting the facts on the table. He would like to see open and frank discussion with all the people involved at various times. Nothing could be done until the next session anyway.

McMenamin said her concern was wasting the time of people attending meetings when the end result was nothing could be done about it. Brown said open discussion was never waste of time. McMenamin told Weed she did not understand how he, as an attorney, could overlook the contractual agreement.

Weed said there were two constitutional provisions. One was the intergovernmental contract clause, which provided the maximum of such contracts was a period of up to 50 years. There was also a constitutional-based provision, which stated that one council could not legally bind another.

Weed said there had been no official opinion from the City Attorney's office as to whether there was a conflict. He invited that opinion. If there was nothing that could be changed in regards to the contract, then he told McMenamin that she would be right. He said he would let the matter drop if Council was committed to a contract that was unchangeable.

McMenamin asked Brown if he had met with any of the Authority members or commissioners involved. Weed said he would answer and that he was scheduling meetings. He had already met with some Authority members as well as Virgil Christian, the DAPC executive director, and they had all said they were willing to talk about it in a workshop.

Brown said that the loss of jobs had never been part of the equation, nor had he ever said staffs would be combined.

Tennant recommended, so tensions could ease, that the matter be brought up in May or June, then maybe every other month. He said there was nothing wrong with discussion, but he thought it should not have been brought up so quickly. Brown said he wanted to ensure that Council did not wait until the eve of another General Assembly session. He said it was part of the process of getting together and having a valid discussion about what was going on.

Brown moved to continue the discussion until the second meeting in March, which would provide ample time for thought and discussion at Retreat. Weed seconded, but he agreed with Tennant that the item was on the agenda too soon. Weed said he had to second the motion because he supported the concept of talking about the matter. McMenamin was concerned that members of this Council ran on the agenda that the old Council was not listening to public input. The members had said publicly that they wanted the DAPC, the Recreation Commission, and the Chamber of Commerce to be part of the workshops. They were all here and McMenamin said they should be allowed to speak. Brown reiterated that it was not a public hearing; therefore public input was not required. Weed stated that he had not run on the agenda that the former Council refused to listen.

Tennant suggested pushing the matter back a little more. He said things were still too raw and recommended the discussion wait at least until the second meeting in April. Brown withdrew his motion. Tennant moved that the item be brought up for discussion at the second meeting in April (April 18) for the sole purpose of gathering information in order to make an intelligent decision about the sports and entertainment authority. Weed seconded. The motion carried 3-1-1 McMenamin voted against the motion and Rapson abstained.

<u>**Council/Staff Topics**</u>
Basinger said there vacancies coming up on the Library Commission and that two Council Members were needed for a selection committee. McMenamin and Weed said they would serve on the selection committee.

Brown said there were two legal matters and two real estate matters for executive session. Tennant moved to adjourn into executive session. Rapson seconded. The motion carried unanimously.

Weed moved to adjourn the executive session. McMenamin seconded. The motion carried unanimously.

McMenamin moved to respect Judge Pascal English's decision on the development moratorium and to abide by the ruling. Weed seconded. The motion carried unanimously.

There being no further business to discuss, Weed moved to adjourn the meeting. McMenamin seconded. The motion carried unanimously. The meeting adjourned at 10:15 p.m.

Pamela Dufresne, Recording Secretary

Stephen D. Brown, Mayor

Jane Miller, City Clerk