

**City Council of Peachtree City
Meeting Minutes
Thursday, February 18, 2021
6:30 p.m.**

The Mayor and Council of Peachtree City met in regular session on Thursday, February 18, 2021. Mayor Vanessa Fleisch called the meeting to order at 6:30 p.m. Others attending: Terry Ernst, Mike King, Kevin Madden, and Phil Prebor.

Agenda Changes

Ernst said he would like to move the Consent Agenda item to the New Agenda for the purpose of a short discussion. King moved to do that. Madden seconded. Motion carried unanimously.

Minutes

King moved to approve the February 2, 2021, workshop meeting minutes and the February 4, 2021, regular meeting minutes as written. Madden seconded. Motion carried 4-0-1, with Fleisch abstaining due to her absence from the workshop meeting.

New Agenda Items

Proposed Amendment to Sec. 6-51-Permitted Location for Special Events at which Alcoholic Beverages are Served or Sold

Prebor said he liked the idea of the amendment and wanted to add two more locations. Three Ponds would be a nice spot for an event, and he also wanted to include Kedron Fieldhouse.

King moved to approve the proposed amendment to Sec. 6-51-permitted location for special events at which alcoholic beverages were served or sold, with the addition of Three Ponds and Kedron Fieldhouse. Prebor seconded. Motion carried unanimously.

02-21-04 Purchase of Custom Rescue Engine

Fire Chief Joe O'Connor said this was a scheduled replacement of a 2006 model fire engine, identified by the fleet manager for replacement. They were going with the same brand as their last purchase, and to get the same model, they had budgeted for an increase in cost that was very close to the actual amount of \$649,984.50 from Sutphen, Inc., in Ohio.

King asked if they had to pay the money now or did they wait up to 18 months for the delivery of the vehicle? O'Connor said they typically did not take advantage of the pre-payment for the chassis on engines. The company would like half the money up front, then they would sit on it for a year and a half, and O'Connor said it was not worth it financially. They would just pay in full upon delivery.

Was there still value in the 2006 engine? Madden asked. Absolutely, O'Connor replied, and he would get together with the fleet manager and the purchasing agent to dispose of it according to procedure.

Madden moved to approve New Agenda item 02-21-04, purchase of custom rescue engine. Prebor seconded. Motion carried unanimously.

02-21-05 Appeal by Principle Outdoors, LLC. Regarding the Denial of Sign Permits

City Attorney Ted Meeker stated that the City adopted the sign ordinance in 2006, and this was the first time there had been an appeal. Principle submitted three signed permit applications to the City, Meeker explained. He noted that the documents Council was now receiving and the documents the appellant would give them were being made part of the official record. From a technical standpoint,

the City's zoning map, included in the appellant's documents, would also be part of the record, as would the Zoning Ordinance. There was an appeal process beyond this evening to Superior Court, he explained, so it was important that materials from both sides become part of the official record.

Principle presented the three signed permit applications on October 7, 2020, for the right-of-way along CSX. Denials were prepared by staff on October 16. The problem with the denials, Meeker stated, was that they were sent by email, and the ordinance called for them to be sent by certified mail or by personal service. That would be a focal point of discussion by both sides. Meeker said the ordinance required that because the applicant had appeal rights and their receipt of the denial triggered a starting clock for the period when appeal would be allowed.

This issue was brought to their attention around the end of the year. At that time, Planning and Development Director Robin Cailloux sent a letter to Principle denying the permits, and also, out of an abundance of caution, revoking any permits that arguably were issued by failing to send the original notice by certified mail or personal service.

The cases were clear, Meeker stated. Ordinances should provide a time limit in which everything should be considered, and Peachtree City's ordinance did that. They had to give the aggrieved applicant a chance to appeal, and that was what they were doing tonight. There was also a subsequent appeals process through the court system if they were still unsatisfied.

In his mind, Meeker remarked, it was not as much as ordinance issue as it was a process issue. The City did not dispute the statement that Principle did not receive the email denying the permits. Council would also hear that Principle did not consent to receive it by email, and that could not be disputed. The question became "what were the legal ramifications of a denial being sent by email rather than via certified mail or personal service?" Principle's attorney would argue that the permits were approved and issued because they didn't follow the Ordinance. There was nothing in the ordinance, Meeker continued, that supported that position. There was no default language that said if a denial was not sent, it was deemed approved.

Everyone made mistakes, Meeker acknowledged, citing an old Atlanta case involving billboards where a series of permits were issued in error. The City discovered the error and asked for them to be taken down, but the applicant said they had validly issued permits and had a vested right. The Georgia Supreme Court said they did not have a vested right. There had been many cases that followed that principle. The reasoning was that people made mistakes, but it was the policy adopted by Council in its ordinances that had control. The only authority to bind the City was vested in Council.

The signs were denied on three grounds. One, they had since determined, was not a valid basis for denial. The zoning map showed that the CSX right-of-way did not have a zoning designation. Most of the sign regulations were dependent on the districts in which the signs were to be constructed, so that one issue was incorrect. There were, however, two valid bases for denial. Number one was the type of sign, which was a flashing or internally illuminated sign and was prohibited throughout the City, regardless of district. The second basis was a catch-all provision that said no sign could be taller than five feet. That also was not dependent on the zoning district. So even without the zoning classification, these were prohibited signs. That was important, because if they were not permitted signs, there was a good argument that there was no vested right or entitlement that they would otherwise have to the permit, regardless of the process.

After this evening, Council had up to 30 days to render a decision, Meeker stated. March 18 would be the latest they could render their decision. It would have to be a written decision, so after the vote, the

City Clerk would create a document informing the other side if the decision was reversed and the permits could be issued or if they were upholding the decision to deny. That decision had to be personally served or sent by certified mail.

If Council voted to uphold the decision denying the applications, the next process was known as Petition for Writ of Certiorari. Those types of cases often carried a bond requirement or a reference to a bond. Given that there was no money owed to the City, Meeker said he would ask Council to state in its decision that no bond was required.

Meeker said he was available for questions, but had made clear to the City Manager that he was not in a position where he could represent the City on this appeal and at the same time assist the judges, which was Council, with deliberations.

Scott Peters, the attorney for Principle, presented his documents for distribution to Council. He told Council they would accept service of any decision, so there was no need to worry about certified mail. He said they were not in disagreement with the City regarding many of the operative facts. There were three permit applications submitted on Oct. 7. Each was for a sign that was to be 10 feet, six inches by 30 feet constructed on property owned by CSX Railroad. He introduced Ryan Terrell and Charlie Gardner of Principle Outdoor. CSX had a lease agreement with Principle Outdoor to construct and operate the signs on its property.

The first issue, he began, was with the timeliness of the response. They had no basis to challenge that an email was sent, but Terrell had submitted an affidavit saying he did not receive it. In December, Peters said he sent a letter to the City asking about the applications. Ultimately the City did send the notice of denial in accordance with the ordinance, along with a notice seeking to revoke the permits. There were two Federal decisions that made clear that a sign ordinance, because it was a restriction on the expression of free speech, must have a time limit in which a response to a request must be made. The government must comply with that requirement, otherwise it was an unconstitutional prior restraint on free speech. Meeker had referred to the Corey Outdoor case with the City of Atlanta where a permit was issued in error and revoked. As a land use attorney, Peters said he hated that decision. Peters noted there was no case he could point to that was similar to the issue he was talking about this evening, but, because it was a First Amendment free speech issue, the failure to respond called into question the validity and constitutionality of the process. Based on that, the failure to properly respond in a timely manner, based on their own ordinance, rendered the ordinance inapplicable to Principle, and, therefore, they should be entitled to build their signs.

That was just one portion of their case, he stated, and was why they were here now, rather than in November or December. However, as Meeker acknowledged, the CSX property was not zoned by the City. What did that mean? The entirety of the sign ordinance was founded on the concept of zoning. He read from Sec. 66-1, which stated the purpose of the sign ordinance: *"This sign ordinance is adopted under the zoning authority of the city in furtherance of the more general purposes set forth in the zoning ordinance."* The sign ordinance was part of the zoning ordinance, and that was where it got its power. Sec. 66-2 was titled "Authority," and read: *"This chapter is enacted pursuant to Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983."* He said he had attached that section of the Constitution to his submission. In that section, the State delegated zoning powers to the county and municipal governments. The authority was all founded in the zoning. Sec. 66-4 was titled "Applicability." Subsection (1) gave the purpose: *"To establish a permit system to allow a variety of types of signs in commercial and industrial zones (which Peters noted they were not), and a limited variety of signs in other zones (again, he stated, they were not), subject to the standards and the permit procedures of this chapter."* Nothing in the sign ordinance applied to property that was not zoned, Peters commented. By not zoning the CSX property, they had not subjected it to the zoning ordinance.

The concept under Georgia law was that anyone was entitled to do whatever they wanted with their property. Zoning was in derogation of that common law. Zoning was an authority granted by the government to limit the uses you were allowed. The case law was clear: because it was in derogation of common law, you must strictly construe it in favor of the free use of property. Peters said if they did not have the exercise by Peachtree City of the zoning authority over the CSX property, that meant there was no limit or control that Peachtree City could exert to limit that use. They were back to the property rights that began before zoning existed, which said you could do whatever you wanted, as long as it was not criminal. Outdoor advertising was a legal business. It was not legal in Peachtree City's ordinances, but it was legal in a criminal sense.

Prebor asked him if he said it was not legal under their ordinances. Peters said the question was not whether it was legal under City ordinance, but whether it was legal in terms of criminality. The ordinance was not the issue. When a government said that as long as the use was legal, you were entitled to do it, it was a criminal legality.

Peters mentioned the height issue, pointing to Article III, Sec. 66-11 of the sign ordinance, which he said further showed the inapplicability. *"The sign standards by district in this section apply to all zoning districts within the city. The districts are defined by the zoning ordinance, appendix A to this Code, and referenced on the official zoning map of the city."* Peters pointed out that it didn't say "all property," it said "all zoning districts," and this property was not zoned. A reduction of the zoning map was included in their materials and showed this.

The City referred to Sec. 66-15 and Sec. 66-16 in its response. Both were contained within Article III and, as such, did not apply. He also pointed out Sec. 66-21, which was not contained in the City's response, and stipulated a maximum height and size for signs in the City. That was also in Article III, which only applied to zoning districts. Their property was not in a zoning district, so therefore this was not applicable.

Internal illumination was another issue. Peters said they were not in the belief that the City enforced this requirement. Just driving here, he stated, he noticed two signs that had internal illumination. Panda Express had a back-lit sign, and the RaceTrac gas station displayed fuel prices through an internally-lit sign. To the extent that was a prohibited use, allowing it would be a use variance, which was not permitted, but here the City did permit it.

Further, he went on, the entire scheme of the sign ordinance started with an unconstitutional premise: that every sign was illegal, unless they said it was legal. The Georgia Supreme Court had said that was an unconstitutional way to write a sign ordinance. A sign ordinance should start with the First Amendment concept that we are guaranteed free speech. Any limitation imposed by the government had to be reasonable. A United States Supreme Court decision called *Central Hudson* was a seminal case when you were looking at limitations on free speech. There was a four-part test. First, you asked if what you were doing was illegal or misleading? That answer was "no." Next, you looked at what were the interests of the government and were they narrowly tailored to achieve those interests? In *Fulton County v. Galberaith*, the Georgia Supreme Court said setting up a scheme where every sign was illegal unless they told you it was legal, was not narrowly tailored. It was flipping the First Amendment on its head and said you have no right of free speech unless I tell you that you do. That was not how free speech was supposed to work. Peters said they submitted to Council that the way the entire sign ordinance was written would be deemed unconstitutional.

For those reasons, he concluded, they believed the sign ordinance bore no limitation on the right of Principle to construct these signs. It was based on the zoning power, and the City had not exerted its zoning power over the CSX property. The only principle it needed to comply with would be the building ordinance. There was no issue that that had not been satisfied. They requested Council reverse the decision to deny these permits and grant the request for building permits that would allow the signs to be constructed.

Peters offered to answer questions, and King asked if he could tell him how many cities had zoned their railroad rights of way? King said he knew of no other use other than railroad buildings. Peters said he could not tell him everywhere, but he did know that a lot of them used to be zoned industrial. Issues arose with that when you had a railroad running through a residential area. A number of jurisdictions, including Cobb County and maybe the City of Atlanta, had created a transportation zoning category and zoned the railroad property to that. Other jurisdictions just zoned it with adjoining non-railroad property.

King asked how many highways were zoned? They were thoroughfares and had signs. They did not have the sign ordinance issue on the two State highways that ran through town. The signs Peters mentioned earlier—were they right on the side of the road or were they on the property itself? King recalled that they had to do a variance to allow for a larger sign at Michael's in The Overlook because otherwise you wouldn't have been able to read it.

A roadway was public property, Peters responded. It was owned by the government. CSX Railroad was private property. They could not zone property belonging to the Georgia Department of Transportation (GDOT). Similarly, they did not have to comply with their own zoning ordinance on a local road. The railroad had certain rights similar to a utility, under Federal authority, to carry out their function. Generally, the City could not stop the railroad from laying track on their property. However, if it was zoned, they could stop the railroad from turning an old train depot into a shopping center. Once they got outside the purpose for which they were exempt from zoning, which was being a railroad, the local government had the power to exert zoning authority. If the City had chosen to zone the property, he would not be able to argue that the sign ordinance did not apply. However, they did not zone it.

King again noted that they did not zone highways, even though they could run adjacent to residential areas. Peters stated that was government property. King said City Hall was zoned a certain way, even though it was government property. If it was zoned and owned by Peachtree City, Peters replied, they still did not have to comply with the zoning.

If they granted this appeal, King remarked, they had opened Pandora's box regarding signs. They always had vigorously enforced the sign ordinance. He just wanted Peters to know what he was up against.

Peters said he knew they did not like what he was saying, and they could close the door behind them, but they had submitted their applications and, under the law, were entitled to have them granted. Legally, he believed they were entitled to them.

City Manager Jon Rorie noted that Meeker could not serve them in an official capacity, so there was a question of where to bring this to an end. This was an appeals process for the denial of the permits. They had heard two different legal opinions wrapped around case law and concepts of Constitutional law. They had 30 days to make a decision. Rorie said it was his position that they deny the permits and uphold staff's decision.

Fleisch asked for a motion. Madden said he had a few questions, but Fleisch said they should follow Rorie's advice and would be better off having a vote now.

Madden moved to deny New Agenda item 02-21-05, appeal by Principle Outdoors, LLC. regarding the denial of sign permits. King seconded. Motion carried unanimously. Meeker asked that the motion be amended to waive any bond requirement. Madden did so, and Prebor seconded. Amended motion carried unanimously.

02-21-06 Public Hearing - Text Amendment to the GR, General Residential, Zoning District

Cailloux said there had been Staff Topics on this at Council meetings prior to the pandemic, and Council had directed staff to review the maximum attached General Residential (GR) density and bring it back in line with how the City was actually developed. At a second meeting, a proposal was brought before Council that slashed the density in half, from 25 units per acre to 12 units per acre. It also added some caveats in the Limited Use Commercial (LUC) zoning district because the LUC zoning district referenced the GR district. The proposal would allow 20 attached units per acre in a development that had at least 50% ground floor commercial or office use. That was in compliance with the Comprehensive Plan, which encouraged development in the village concept. Mixed use developments such as this were appropriate in those village centers.

Staff recommended approval of this amendment, as per Council's direction.

Fleisch opened the public hearing. There were no comments, and she closed the public hearing.

Prebor asked when this would take effect if they approved it? It would be immediate, Cailloux replied. Prebor said he asked because he saw someone posting online about it, and he was glad it would take effect immediately. Cailloux told him there were no vested requests from anyone seeking a higher density than this.

Prebor moved to approve New Agenda item 02-21-06, text amendment to the GR zoning district. Madden seconded. Motion carried unanimously.

02-21-07 Public Hearing - Text Amendment to Zoning Ordinance Article XIII, Amendment

This also had been recently discussed during the Staff Topics. Essentially, Cailloux explained, the State required one public hearing for rezoning actions. Peachtree City's ordinance required two, one held by the Planning Commission and another by City Council. Council was the only deciding body when it came to zoning decisions.

Staff recommended that they take the Planning Commission's public hearing and transform it into a public workshop. Losing that hearing category would loosen the rigidity of the proceedings, Cailloux stated. It would take it out of that quasi-judicial category and allow for a more open and nuanced dialogue between the public and the applicant before it came to City Council for the official public hearing.

This amendment removed the Planning Commission public hearing step and added a workshop step. The workshop would still be advertised and allow for public comment, but it would reduce the evidentiary burden of a public hearing, which would remain in the authority of City Council. Staff recommended approval.

Fleisch opened the public hearing. There were no comments, and she closed the public hearing.

King said he was happy with the amendment as written. Ernst agreed. Fleisch said she thought it would lead to more fruitful discussions, and Ernst said it would take some of the heat off the Planning Commissioners.

Rorie pointed out that the Zoning Ordinance was adopted in 1977, and asked what had changed in the 43 years since then?

Ernst moved to approve New Agenda item 02-21-07, text amendment to Zoning Ordinance Article XIII, amendment. King seconded. Motion carried unanimously.

Council/Staff Topics

2021 Citizen Satisfaction Survey Result

City Clerk Yasmin Julio said the City conducted a survey every couple of years to encourage citizen engagement and assess thoughts, opinions, and feelings. It was opinion based, not a scientific survey, and participants were self-selected. She noted that surveys on social media could lead to biased data and low response rates, and surveys that took more than eight to 10 minutes to complete would have a lower response rate. Balance was important because repeated requests to complete surveys sometimes produced negative results. There sometimes were responses from people who thought they were residents, but actually lived outside the city limits. Online surveys also limited who could respond, she said, because not everyone had internet access, especially older residents. Opinion-based surveys had a margin of error.

The survey was open from January 28 through February 8. It was posted on the City website, the City, Police and Fire department social media pages, in PTC updates, and in the newsletter. It was posted five times on Facebook with one boost in that two-week period and reached 8,353 people on Facebook, with 544 engagements. Engagements meant people who clicked on the item. Just from the City's Facebook page, there was an 11% return with 993 respondents.

In the 2010 survey, 64% reported living in a household with no children; this year, 68% did. In 2010, only 3% reported a head of household under age 35; in 2021, it jumped to 14%. Another big increase was in the 65 and older category, which was 30% in 2010 and 38% this year. In 2016, the survey first included a question on the number of household members age 50 or older. That year, 34% of the households reported no one in that age bracket, but that dropped to 21% in 2021. Households with two members age 50 or older went from 47% in 2016 to 56% this year. Again, this showed the aging population in Peachtree City.

Next, Julio presented data gathered by CivicPlus, the company that hosted the City website, showing the top visited pages by people who used the website. The path and golf cart pages were most popular, with 43,000 visits, followed by the library, with 41,000 visits, while other services got around 36,000 visits. There were about 14,000 visits to both the Kedron Fieldhouse and Aquatics Center page and the lakes and fishing pages. Approximately 11,000 visits went to the Police Department. That was a good number, but a big difference from the cart path pages, she noted.

Another survey question asked about using the website, and most respondents were pleased with both the ease of navigation and the amount of information.

Rorie said he wanted to emphasize this was just a snapshot of the opinions and feelings of a very small subset of the 35,000 population. It was not statistically valid. He asked Council where they would fall in terms of ease of navigation?

Ernst said he was on the site a lot and did not find it difficult to navigate.

Prebor, while noting that he considered himself internet savvy, said there were times when he had trouble locating information. Rorie remarked that there was a lot of stuff to scroll through on the landing page. Prebor said he wished he could speed up the video of the Council and Planning Commission meetings to get to the topics he needed to see.

There was nothing statistically valid about this survey, Rorie remarked, but they did a lot of things based on the thoughts, opinions, and feelings of a few people. If they were going to have this technology, they needed to constantly improve their ways of disseminating information and engaging the public.

Ernst pointed out that there were only about 1,000 survey participants out of 35,000 residents.

Government had to be ever-changing with the times, Julio commented. They should try different methods to reach all residents, but the problem was that you would make some people happy, but some people didn't want to change. They did keep getting better and better, Prebor remarked, and Julio agreed.

They also polled respondents on their satisfaction with the library, the Kedron Fieldhouse and also the frequency and types of community events and recreation programs. Most people were satisfied, but a sizable number said they were unaware of the activities at Kedron. That could be attributed to many reasons, and Julio said she did not want to guess why.

Ernst said they might not be asking the question about Kedron the right way. Julio said it seemed to be that those responses were from people who did not utilize the services. Madden said maybe the older population did not play basketball.

Another question asked respondents to rate the overall condition of the parks and athletic fields. About 85% felt they were "good." Prebor and Fleisch noted that number would have been very different a few years ago before Council approved needed repairs and maintenance. About 40% of households said they used the parks and fields once a month or less often, and that could be the reason they chose the "not applicable" answer to the question about the Kedron Fieldhouse.

The Police Department had some required questions related to the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) accreditation, but Julio said they decided to make it about all of Public Safety. More than 96% said that during their last interaction, the police or fire personnel were competent in the services they provided. About 47% said they had had no contact with the police in the last three years.

Safety was a big component of quality of life, and no one reported that they felt very unsafe in Peachtree City. A few said they felt somewhat unsafe, and Julio said they left comments explaining that, while others were unsure, but 98% reported feeling safe in the community.

They also asked how respondents felt the attitudes and behaviors of City employees were compared to other cities. Fewer than 2% felt they were less polite than other cities, but most felt they were more polite than elsewhere. About 40% said they were about the same as anywhere else. Fleisch commented that was very good.

More than 70% reported they were satisfied with the local government services, while another 20% were neither satisfied nor dissatisfied. The survey also sought to discover which areas people were less satisfied with. While there were generally high marks in all areas, around 70% said they were not satisfied with overall traffic flow. Also, 71% were unsure regarding senior services, and Julio said,

considering the high number of seniors who responded to the survey, she would have thought that number would not have been so high. There were a lot of seniors who were not utilizing or not aware of the services offered. Police were on top, with Fire/EMS second, and overall appearance was third.

Rorie cautioned Council not to read too much into this. They knew that they would find an overabundance of respondents focused on traffic. However, there were 24 square miles of city, and most of the complaints about traffic were about the 10,000 or so square feet that made up the SR 54/74 intersection. Over the last 10 years, street paving and maintenance had been an issue.

He asked Council when was the last time they got a complaint about grass not being mowed? Mowing the grass was one of the main things a city could do in terms of economic development. They budgeted the salary of one full-time position for overtime to keep the grass cut and the weeds down in the summer. That had worked out well, and he didn't get emails any more about weeds.

Julio read three comments related to traffic. One said the biggest issue was SR 54/74 traffic, especially at rush hour and on the weekends, while another said traffic at the intersection should be a priority. A third stated that Peachtree City was a wonderful place, but traffic at SR 54/74 was the one overwhelming issue.

The survey asked about the top components for a high quality of life, and having a low crime rate came in first, listed by nearly 90% of respondents, with comments lauding the Police for their presence in the community. Another person mentioned they had called 911 three times, and police or fire responded within three minutes. Another mentioned the positive interactions with police. Another commented that the police needed to stop everyone who blocked the SR 54/74 box, while another complained that the police presence looking for speeders was ridiculous. You would never make everyone happy, she concluded.

The multi-use path system was mentioned as the second highest component for a high quality of life. Some people noted that more paths were needed, especially in the Glenloch area. Another said they supported a tax increase, if needed, to maintain the paths and parks. One respondent said their special needs son was able to drive along the paths. They also mentioned the Tennis Center and the friendliness of the people, along with the programs for special populations. Another person said the path systems and Lake Peachtree were what kept them here.

Julio pointed out this was just a small sampling of opinions. They could conduct another survey in two weeks and get completely different results.

Once GDOT began building the displaced left turn at SR 54/74, Fleisch remarked, there could be an interesting survey.

Julio said the next survey would concern budget priorities and would be released in March, 2021, at the time staff was working on budget preparation.

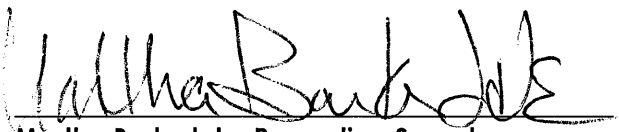
Rorie said he believed the multi-use path system was the number one amenity associated with living in Peachtree City, and he frequently reminded people that they invested about \$2 million a year in a \$20 million asset. They had a fiscal and a fiduciary responsibility to maintain all public assets. The path system was, more or less, a 100-mile park.

They wanted to conduct an additional budget survey to determine how much people were willing to spend for specific services. For instance, how much would they be willing to spend for the multi-use

path system? What would be the mechanism? A quarter mill of taxes generated about \$750,000, so they could calculate how much an additional \$50 would be. They also needed to look at how much it would cost of additional enforcement on the paths. He acknowledged they would get the opinions for a small percentage of the population, but they often made decisions based on the opinions of a few people. He was interested in how much people would be willing to spend to protect the assets of the City.

King moved to adjourn to executive session to discuss pending or threatened litigation and the acquisition or sale or disposal of real estate. Ernst seconded. Motion carried unanimously. The meeting adjourned at 7:45 p.m.

The Council reconvened in regular session at 8:44 p.m. There being no further business, King moved to adjourn the meeting. Madden seconded. Motion carried unanimously.



Martha Barksdale, Recording Secretary



Vanessa Fleisch, Mayor