City Council of Peachtree City
Minutes of Meeting
January 3, 2008
7:00 p.m.

The City Council of Peachtree City met Thursday, January 3, 2008, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present: Steve Boone, Don Haddix, Cyndi Plunkett, and Doug Sturbaum.

Announcements, Awards, Special Recognitions
Mayor Logsdon recognized Fredia Korda of the Stormwater Utility as the Employee of the Month for December and Acting Developmental Services Director David Rast as the Supervisor of the Quarter for the fourth quarter of 2007.

Oath of Office – New Council Members
Mayor Logsdon swore in Don Haddix and Doug Sturbaum as Council Members.

Election/Oath of Office – Mayor Pro-tem
Boone nominated Plunkett as the Mayor Pro-tem. Sturbaum seconded. The motion carried unanimously. Mayor Logsdon administered the oath of office.

Public Comment
There was none.

Agenda Changes
There were no changes.

Minutes
Plunkett moved to approve the December 3, 2007, workshop minutes, the December 6, 2007, regular meeting minutes, and the December 13, 2007, special called meeting minutes as written. Boone seconded. The motion carried 3-0-2 (Haddix, Sturbaum).

Monthly Reports
Plunkett noted that 37 commercial building permits had been issued in 2007 and asked what they were for. Acting Development Services Director David Rast said he was not positive, but pointed out that the number included tenant fix-ups, not just stand-alone buildings. Plunkett asked how many of the permits were stand-alone. Rast said not more than five to 10.

Plunkett noted that the crime rate continued to be low.

Logsdon asked Financial Services Director Paul Salvatore how sales tax collections were going. Salvatore said that the City was 16% into the budget year and had collected 15% of the sales tax. According to past trends, the amount collected in October and November was five to 10% below the average. Logsdon asked when the City would receive the December figures. Salvatore said he would have it the next day. Logsdon said he wanted to know how far behind they were.

Logsdon noted that the next PTC 101 class was not on the calendar. Acting Administrative Services Director/City Clerk Betsy Tyler said the class would begin in April and would be on the next calendar.

Consent Agenda

1. **Annual Indemnification Resolution**
2. **Authorization of Legal Organ – Today in Peachtree City**
3. **Appointment of Judge Pro Hac Vice – Jason Thompson**
4. **Alcohol License – Change in Licensee, Owner & Name – Dolce Atlanta-Peachtree**
5. **Consider Appointment to Recreation Commission – Mark Ballard, Vince Obsitnik, Shayne Robinson (Alternate)**
6. **Consider Appointments to Tourism Association – Bill Bexley, Kai Wolter**
7. **Consider Appointments to Airport Authority – John Cordner, Gerald Stuart (Alternate)**

Boone moved to accept Consent Agenda items 1-7. Haddix seconded. The motion carried unanimously.

New Agenda Items

01-08-01 Appoint/Reappoint Ethics Board Members

Logsdon noted there was an additional document on the dais – a memo to Mayor and Council dated December 20, 2007, with the subject, "Appoint/Reappoint Ethics Board Members." Plunkett moved to appoint/re-appoint the listed Ethics Board members. Boone seconded. The motion carried unanimously.

Those appointed to the Ethics Board were Tom O'Toole (Haddix) Mark Hollums (Haddix), D'Arcy Pitts (Sturbaum), and Sidney Warren (Sturbaum). The re-appointed members were Ronald L. Hall (Logsdon), Beth Brooks (Logsdon), David Downing (Boone), James McCaughey (Boone), Karen Lehto Horlak (Plunkett), and Susan Jones (Plunkett).

01-08-02 Nomination and Selection of Fayette County Board of Health Representative

Tyler briefly reviewed the requirements and noted that Plunkett had served in 2007. She continued that Council had discussed appointing a representative annually, but had the latitude to direct the appointment through the end of the Council Member's term. Logsdon asked if anyone wanted to serve and said he would serve unless another Council Member so desired.

Plunkett nominated Logsdon to serve as the representative to the Fayette County Board of Health for 2008. Boone seconded. The motion carried unanimously.

01-08-03 Consider Appointment of Council Member to Tourism Association

City Manager Bernard McMullen pointed out that the most recent changes to the Tourism Association by-laws required that a Council Member serve on the board of directors. The Council Member was to be appointed on an annual basis.

Boone nominated Plunkett to serve as the Council Member on the Tourism Association. Haddix seconded. The motion carried unanimously.

01-08-04 Consider Community Forum on City Web Site

Haddix explained that a forum on the web site would be a communication tool that would allow citizens to exchange, propose, and develop ideas, and put announcements up quickly. It was a good communication and asset tool that utilized the abilities of residents who did not want to serve on a committee or go by a schedule time. It could save the City money. Having the materials on an open forum would save on open records requests and staff time. It would save time for staff and Council. Material would be put up one time, and the citizens would know to look on the forum, which saved calls and e-mails to Council. He understood the concerns regarding moderation of the forum, but noted there were a lot of tools available at either a low cost or no cost. Anyone participating in the forum would have to register with their name and address. A forum was a valuable tool in this day of electronic communication.

Boone asked IT Administrator Matt Robinson about costs. Robinson said the costs could vary. There were many software packages, and the costs ranged from free to $200. Boone asked about monitoring the forum. Robinson said monitoring was a function of the software itself based on the specific package. The tools were built into the software.

Plunkett said that the packages could prevent cursing, but added that they did not have a mechanism that prevented someone from using correct language to slander someone. There was nothing to determine inappropriate content. Robinson said the decision on appropriate and inappropriate should be made from a legal perspective. The programs would allow the City to look for words or phrases, some of which could be inappropriate depending on how they were used. Plunkett continued that the sentence, "Plunkett is in the pocket of developers," had none of the terms that would trigger a response from the software, but it was a harmful statement. Boone asked if such a statement would become public record once it was on the forum. Haddix said that was where the moderator's function came in. The moderator would delete such a post. If it was really inappropriate, the poster could be warned or banned. The poster thread could be kept for legal purposes, but could be hidden from public view. The main avenue of defense was the moderator, but the site did not need to be moderated 24 hours a day. A bad post could have a life span of a few hours. Robinson added that there was software that would allow comments to be moderated prior to posting.

Logsdon said he was confused about deleting a comment since it became a matter of public record once it appeared on the forum. Robinson said it was applicable to all open records requests. City Attorney Ted Meeker said the comment could be taken off the board, but the City would maintain a record of it. Haddix said it would be kept for the moderator's eyes only.

Boone said that he did not have a problem with the cost, but with the time required for the moderator. Council should look at the forum during a workshop or at retreat. He would like more discussion and research. He did not like "blogging," but he did like informing the community if it worked right. He moved to add the topic to the retreat agenda or to a workshop. Plunkett said she thought the topic was for discussion only and asked if Council could act. Meeker said the item was for consideration. Plunkett seconded Boone's motion.

Logsdon said he had discussed the forum with Haddix, and he was almost sold on the idea. The City had tried different ways to improve communication with the citizens for the last two years, and it was getting better. He did not want a City "blog." He agreed that it should be a retreat item, so everyone could be better informed about the process. Plunkett said she wanted to know if other cities had forums and which ones were doing it right or wrong. Robinson said there were several cities listed, but he had others as well. Plunkett said she did not want to set up the forum only to close it down for inappropriateness.

The motion carried unanimously.

Meeker said staff needed an idea of what Council wanted. Monitoring the content was one issue. Boone said he wanted to know, from other cities, the number of hours staff had to monitor the forums, as well as the types of controls that were used. Sturbaum said he also wanted information on liability. McMullen said staff would contact other cities to see how the forums were moderated to find out and any issues they had encountered. Plunkett said there should also be a recommendation on what software format would be best. Logsdon asked Haddix to meet with each Council Member before the Retreat and discuss the topic since he was the best informed.

01-08-05 Consider Moratorium on New Commercial Development Proposals

Logsdon noted there were additional documents on the dais – a corrected copy of the proposed resolution, a memo to Council from Rast dated January 3, 2008, with the subject, "1992 Comprehensive Plan Goals vs. current ordinances," and an e-mail to Council dated January 3, 2008, from Matt Forshee of the Fayette County Development Authority (FCDA) with the subject, "Fayette County Development Authority," which addressed the FCDA's concerns.

Haddix pointed out that the City was reaching build-out, and there were a number of issues to look at for the future. All retail development was not equal and had positives and negatives. Big box development was negative. The City was slipping further behind on spending and part of it was due to retail. The emphasis needed to shift from retail to office/industrial. The Comprehensive Plan needed to be backed by law. The Comprehensive Plan required commercial and industrial development to alleviate the tax burden for the citizens. It also required environmental, economic, and traffic impact studies. Currently, the City either did not have ordinances in place to carry out the function or the ordinances were insufficient or flawed. Haddix referred to the City's recent lawsuit involving Lowe's, which the City lost because it had been operating on personal opinion regarding what was acceptable in general industrial zoning. The City had to nail the ordinances down. The way to stop any more retail from coming in was to have a moratorium in place aimed at retail development and the work on the ordinances. The court also said that big boxes could be built in the industrial area. The only way to stop that was to have the moratorium in effect while the City was working on the ordinances to better control retail development. The moratorium was not aimed at offices, industrial, or employer-based manufacturing, only retail.

Boone noted that he had sent an e-mail to the City Manager expressing his concerns about whether the ordinances supported the Comprehensive Plan and thanked Rast for his memo. He said the City's ordinances could speak for themselves. A moratorium sent the wrong message to the Fayette County Development Authority and the Fayette County Chamber of Commerce. Both organizations were working to help the City fill its commercial buildings and industrial park. It also opened a potential for legal action against the City. He continued that the Planning Commission would be looking at the ordinances supporting the Comprehensive Plan in the next few months and recommending any necessary changes. Changing and tightening the ordinances would do as much as a moratorium. Haddix said nothing in the ordinances defined a complete economic study, environmental study, or traffic study. Nothing outlined any reparations for not meeting what the studies promised. The City lost the Lowe's lawsuit on personal opinion. If it had been covered in the current ordinance, the City would not have lost the case.

Sturbaum said he was in favor of a moratorium. He did not see it hindering development or sending the wrong message. The City would be strengthening the ordinances and working on the future playbook as time moved forward. Boone said staff was working on those ordinances currently. The staff was talented and would bring the playbook to the Planning Commission and Council. Any developer who came into the City was looking at the economic impact. Retail brought in revenue. He agreed that offices and industry would be preferable to retail, but a moratorium attacked what the state and the FCDA had just done by bringing in SANY. A moratorium sent the wrong message.

Richard Spain, Bob Barnard of the Midwest Georgia Homebuilders Association, Rick Lindsey representing Columbia Properties, Bruce Fleisher of Dominion Partners, Juan Matute, Keith Larson, Russell Burns, and Jill Bowers spoke regarding the proposed moratorium. Their comments included:

- There was concern and confusion regarding what development the moratorium would affect. The feeling was that industrial development should not be impeded.
- There was confusion as to whether approved projects and projects in the process were included in the moratorium.
- It was not easy to get projects through the City's process, and the City had done an exceptional job of making the components work together.
- A moratorium sent a negative message, impacted jobs, and could be unconstitutional.
- A moratorium should be implemented when there were specific issues with roads or sewer. Changing or tightening the ordinances was part of the City's ongoing business.
- Input should be taken from all areas of the community. Office space was already at a maximum in the City. Office space did not generate the tax dollars retail did.
- Dominion Partners' representative noted their project was residential, but had a commercial designation and asked to be excluded from the moratorium.
- During the last election, the voters had placed people on Council to ensure developers did not overrun the City. The City's legislation needed to be addressed.
- The City had been remiss in moving forward and needed to protect residents and its business partners against unwanted development.

Haddix explained that he was not proposing a blanket moratorium. He structured it strictly for retail. Studies had shown that all retail was not good, and big box development actually had a negative economic impact. A moratorium would give the City a breather to get the ordinances in place in a reasonable, well thought-out manner and would not affect any existing retail or anything currently in the process.

Boone noted that the City had 78.7 commercially-zoned acres left undeveloped, which was not a lot. He suggested passing the torch to staff to propose the needed changes in the Comprehensive Plan and the ordinances. The capable Planning Commission and Council would both have a chance to look at it. The tax revenue from commercial developments offset the millage rate. He was adamantly opposed to a moratorium.

Sturbaum favored the moratorium. He said the City needed to look at the ordinances. He complimented staff and the Planning Commission for its efforts, but noted a moratorium would give staff time to do the research that was needed. Council would have to look at taxes anyway, but also needed to look at where the City would be in 15 years. He noted that a moratorium would provide a cooling off period to give the City time to look at the ordinances.

Plunkett pointed out that the moratorium would not stop big boxes from going into the industrial park since it was for commercially zoned property. There was not a lot of retail that did not have a conceptual site plan in place. She agreed that government moved slowly. A moratorium would give the City time to work on ordinances, but if Council agreed there were certain things that needed to be worked on, then they should work on those things. She preferred doing that opposed to putting the City in a situation where the moratorium would be challenged and could not win. An aggressive timeline to tweak the ordinances could be set.

Haddix said the proposed moratorium was not linked to commercial zoning, but commercial planning. The trigger would be a retail proposal, not if it was located in a commercially-zoned area. The City lost under the big box (special permit) ordinance because it had exclusion clauses that had been exercised in the past. It was not just about the land left, but also redevelopment and annexation. The moratorium looked at every commercial plan down the road.

Plunkett asked Meeker how a moratorium would affect current commercially-zoned properties with buildings already in existence and whether it would stop another building being put in place. Meeker said if a new conceptual plan was submitted for re-development of a center, then the moratorium would apply. If the plan was a change or remodel to an approved plan, then it would not apply. Plunkett said she did not think that the moratorium mechanism would fix the problems.

Logsdon said that, based on the Georgia Municipal Association (GMA) training he had attended, a city received \$3.45 back in tax revenue for every \$1 the city spent on commercial, in general. Retail worked to the City's benefit. There was a timeline in place for the Comprehensive Plan update, which was scheduled to come before Council for a vote in April. Once the Comprehensive Plan was in place, the City would start to work on the ordinances to support the plan. The City had to follow through with the Comprehensive Plan; it was important to stay the course and get the ordinances in place to support it. The City had followed the plan. It needed tweaking now and then, and the City was in that process. He noted that Doug McMurrain (Capital Cities Development and RAM Development) had submitted a site plan for SR 54 West. He did not like it, but McMurrain had to file the plan to get it in under the wire of the proposed moratorium. Columbia Properties had also filed its site plan to get in under the wire. It was more prudent to stick with the plan and the timeline. The timeline could be adjusted so the ordinance amendments could be done more quickly.

Plunkett said that, in the meantime, the City could extend the big box restrictions into the industrial park. The City could also look at some of the allowed uses in the industrial park and fix those with ordinance amendments. Work on these items would tie in with what would be suggested in the Comprehensive Plan update. The work could be done aggressively. A moratorium would not fix what Haddix wanted it to fix, and it also created a lot of issues the City did not need to deal with.

Boone moved to not approve the moratorium on new retail or commercial development. Plunkett seconded. The motion carried 3-2 (Haddix, Sturbaum).

01-08-06 Consider Bid – Catch Basin and Pipe Cleaning

Stormwater Utility Manager Mark Caspar addressed Council. He noted that the catch basin and pipe cleaning would keep the City in compliance with the Phase II Notice of Intent (NOI) for Municipal Separate Storm Sewer Systems (MS4), which required the City to make an effort to inventory and maintain its infrastructure. The bid also included any needed video inventory of the infrastructure. The bid was based on the inventory of the last two years. Staff recommended the bid be awarded to Rhino Services of Palmetto for an amount not to exceed $60,000.

Sturbaum noted that Rhino's bid was considerably less expensive in six of the categories and asked why that was so. Caspar speculated that it was most likely due to Rhino's closer proximity to the City than the other bidders, which meant its mobilization costs would be less. Rhino could respond to an emergency in 30 minutes, while the other bidders required 60 minutes and one needed 72 hours. Rhino also already had the contract for street sweeping in the City, which could also have an effect on the cost.

Boone asked what the past experience had been with the company. Caspar said that Rhino Services had done an outstanding job with the monthly street sweeping over the last year.

Boone moved to approve the bid from Rhino for catch basin and pipe cleaning for an amount not to exceed $60,000. Sturbaum seconded. The motion carried unanimously.

01-08-07 Consider Bid – Station 83 Remodel

Fire Marshal John Dailey asked Council to approve the bid for $224,740 from Hulon Construction and General Contracting Company, LLC, for the addition to Fire Station 83 located on Peachtree Parkway South.

Boone asked if the project was included in the budget. McMullen said it was in the Public Improvement Program (PIP). Boone clarified that the project had been on the books for some time. Dailey said it had. There had been some issues, including clarification on some architectural site issues and how water runoff would be managed, as well how the sewage would get to the septic tank on the site. It was a considerable distance to the sewer line and would be costly to tie into the system.

Logsdon pointed out that the current budget had $127,000 for the project, with $98,000 coming out of the 2007 PIP. Fire Chief Ed Eiswerth noted that $127,000 had been budgeted for the project four or five years ago. Staff knew the estimate was too low a few years ago, but his predecessor had not wanted to increase the estimate. The project had gone through the bid process twice, and the cost for the sewage was more than originally projected.

Logsdon noted that $32,711 would be left in the 2007 PIP contingency and asked if there were any other ongoing projects that might need those funds. McMullen said the other project in the 2007 PIP contingency was the Police Department renovation. There was also $200,000 in the 2008 PIP contingency. In addition, the City had received the $200,000 reimbursement for the TDK Boulevard extension from Fayette County. Additional contingency funds were available.

Plunkett asked if the TDK reimbursement was included in the FY 2008 budget. McMullen said the returned TDK funds had not been included in the budget, although it had been discussed. The reimbursement had been included as revenue in the FY 2008 budget. There were six different PIP contingency accounts. Each year, the City looked at the accounts to determine if funds needed to be left for any uncompleted projects. The FY 2005 PIP contingency fund had $33,000 left: the FY 2006 fund had $55,000 left. There was $39,000 left in the contingency funds from earlier years. There was a total of $557,000 in contingency funds left for all the projects that had not been completed. While there were other demands on the remaining $37,000 in the 2007 PIP contingency, there were other funds from which the City could draw if needed.

Boone moved to approve the bid from Hulon Construction and General Contracting Company, LLC, for the Station 83 remodel for the bid amount of $224,740. Sturbaum seconded. The motion carried unanimously.

01-08-08 Consider Bid – Landscaping and Grass Cutting Services

Public Services Director Tom Corbett addressed Council and said he and Leisure Services Director Randy Gaddo both recommended Council award the bid to TruGreen LandCare of Stone Mountain, which was part of TruGreen ChemLawn. Corbett noted that there was a large variance in the bid returns, adding that the bids on the lower end were closer to market price for the services. He added that the company had a high presence in the community working with the Board of Education, which probably had some effect on the low bid that was submitted. Corbett continued that he talked to 29 communities when he put the specifications together. This was an initial look at outsourcing some services. He pointed out that no employee would lose their position in either department. Two open positions in each department had been redlined to help cover the cost. The work would cost the City $140,208 this year. The areas included the landscaping on SR 74 North and SR 54 East, the grass-cutting along the rights-of-way and the shoulders. The bid for the same work was $45,420.

Logsdon asked if the company provided its own machinery and fuel. Corbett said they provided everything. Corbett noted that the outsourcing of grass-cutting was a growing item in municipal and county government. It was a highly competitive market, and 29 companies had submitted bids.

Plunkett asked if the City would supplement the service when special events were scheduled that did not fall within the grass cutting cycle. Corbett said that it would, but noted that the areas involved in the bid were not usually involved in those activities. If this contract worked well, then staff would look at including other areas. Plunkett asked Gaddo if the bidder would meet the current standards for the sports fields. Gaddo said that the fields would be cut once a week, and the City would oversee the work to ensure the standards were met. His department would still have its own mowers that could be mobilized if needed. Corbett added that one of the specifications was that the City standards had to be met. If the work did not meet the standards, then the company would have to come back and do it again.

Plunkett moved to allow the Mayor to execute a contract for certain landscaping and grass cutting services with TruGreen LandCare as itemized in the memo for $45,420.43. Boone seconded. The motion carried unanimously.

01-08-09 Consider Ordinance Amendment – Street Design Standards, Private Streets

Rast noted that this ordinance had been updated. Some developers had built private streets that did not meet the City's standards in order to build more homes in some of the cluster home subdivisions. The homeowners associations (HOAs) in those subdivisions owned the streets inside the developments and were responsible for maintaining the streets. The first homeowners usually knew the streets were private, but as the properties changed hands the subsequent homeowners were not aware of the ownership. The City had received calls from individual homeowners and HOAs asking the City to maintain or repair the streets. Staff met with those HOAs to discuss taking over the streets, but the streets could not be brought up to current City standards due to the setback issues. Private streets were not appropriate in any of the pending subdivisions. Staff did not want to allow any more private streets and asked Council to strike them from the ordinance.

Haddix asked how the change in the ordinance would affect any future condominium complexes. Rast said multi-family and retail projects were platted as an entire lot, not as individual lots.

Plunkett moved that the City no longer allow private streets in single-family development and to adopt the amendment to the ordinance. Boone seconded. The motion carried unanimously.

01-08-10 Consider Ordinance Amendment – Street Design Standards, Procedures for Renaming a Public Street

Rast noted that the proposed amendment was a housekeeping issue. Currently, the process required the request, which included signatures of the property owners on the street, go to the City Planner, who checked with Fayette County E-911 to determine if the name was acceptable. The request was then forwarded to the Planning Commission for action. The proposed amendment would require the request to be heard by Council. Sometimes there might be information that the Planning Commission might not know, and Council would be aware of the change. There had been one street renaming request in the last 10 years. Stallings Road was changed to Aviation Way when the street was paved.

Plunkett asked why there was a fee. Rast said there were advertising requirements, and the fee brought the process in line with variance procedures.

Plunkett read a portion of the proposed amendment that would require 51% of the residents on a street to sign the request. She noted that there were no homes that fronted MacDuff Parkway, so what would happen in that case. Rast said that street was a major collector in the City, and a resident would go to a Council Member, who would make the request. Plunkett suggested the language be changed to be more concise. Logsdon said a resident that wanted to change the name of a major thoroughfare could just approach Council. McMullen pointed out that no one fronted most of the City's collector roads. Changing a street address caused expenses for the people who lived on a street. Rast noted that another section of the ordinance addressed the renaming of streets by the City itself.

Sturbaum moved to accept the amendment to Article VIII Requirements for Streets and Other Right-of-ways in the spirit of procedures for renaming a public street. Plunkett seconded. The motion carried unanimously.

01-08-11 Consider Hiring Consultant to Assist with Legislative Issues

Logsdon asked Council to consider hiring a consultant to assist with issues in the upcoming legislative session involving Georgia Regional Transportation Authority (GRTA) legislation. The intent was to be proactive so the City did not find itself in the same situation it was in last year regarding the Coweta County Developments of Regional Impact (DRIs) and the TDK Boulevard extension. The proposed legislation would give the jurisdictions involved in a DRI with cross-jurisdictional impact to have the same authority to override GRTA. The legislation was good, and Logsdon had met with Lt. Gov. Casey Cagle and Senator Ronnie Chance. It was time to hire a consultant to knock on doors at the Capitol and get the legislation moving. The same consultant could also work on the Point of Sale issue.

Plunkett moved to hire a consultant at $7,000, which would come from the TDK refund. It should be a joint effort and the City should look for the County and the other County municipalities to contribute and to put the matter on the next Association of Fayette County Governments (AFCG) agenda. Boone seconded. The motion carried unanimously.

<u>Council/Staff Topics</u>

Update on Police Department Renovation

City Engineer Dave Borkowski reported that the contractor was working steadily on the building. All the wall and ceiling tile demolition was complete. They were currently removing the floor coverings. The wall had been removed to expand the evidence room per the contract, and the block walls and the ceiling were up. The HVAC modifications were ongoing. The major equipment was on order, and the existing duct work had been cleaned per the contract. A third party architect had completed a review of the exterior schemes of the building. He should receive the report on Monday, January 7, along with a cost estimate for the work.

Plunkett asked if anything unexpected had been found. Borkowski said that they found the walls had not been built per the plans. There were issues with the flashing and the weep holes. Plunkett asked if the costs were in line to this point. Borkowski said he would get more information on the cost from the third party architect's report. Plunkett asked to have that information at the Council workshop the following week. McMullen said a workshop was scheduled, but staff had not heard from one of the consultants regarding an agenda item. There were two other items on the agenda. Plunkett said she would like a memo on the report if possible. McMullen said they would bring copies of the report to the workshop.

Plunkett asked Rast if it would be possible to have revisions to the big box (special use permit) ordinance by the January 17 meeting. Meeker said it was a zoning text ordinance. It had to go through the Planning Commission first, and advertising requirements had to be met. Rast said there were several ordinance amendments on the Planning Commission's January 14 agenda, which was the same week as the Council meeting. McMullen said the items were on the February 21 Council agenda. Plunkett said, if possible, she preferred the first meeting in February, but no later than the second meeting in February.

Haddix said that he and Sturbaum had inspected the Police Department headquarters building and asked if there was a drainage water barrier under the floor. Borkowski said there was plastic vapor barrier under the concrete. Haddix asked why water was getting in. Borkowski said the barrier was basically a vapor retardant. Vapor could still get through the concrete; it just happened. Haddix said the water damage began at the exterior wall and looked like it was coming in through the foundation and wall cavity. McMullen said that, after the ceiling tile came down, it was found that the gypsum board terminated slightly above the suspended ceiling, which left an air passageway. The exterior bottom of the different wall surfaces were not sealed per the specifications either, which left another passageway that could have contributed to the moisture in the building. He expected the report to recommend that the gypsum board be continued to the bottom of the beam to eliminate the passageway.

Haddix said he was concerned that the City would not get a guarantee that the problem was fixed. Borkowski said there would be a guarantee on the sealant, but no one would guarantee whether the repairs would work. All the consultants had come to the same conclusion regarding the repairs. A series of things had contributed to the problem. Haddix asked why the City was struggling so hard to save a building with bad construction, workmanship, and design. Borkowski said they had not reached the point where it would be cheaper to demolish the building and build a new one. Haddix said the building should come down and come off the site or the City could be in the same situation in three or four years. Boone and Plunkett recalled that the cost to buy more land and build another building would be slightly over $3 million. McMullen said they would ask the architects to provide a presentation on their report if Council wanted it. There was no argument that the building had not been constructed the way it should have been. They were getting a better design that was in line with the standards found in the good buildings in the area. The building was not experiencing the typical problems found in a building of its age. In his assessment, there were problems with the construction and the architectural oversight during the construction, which resulted in the problems the building had today. He did not expect those problems from the firm the City was using now. Haddix said that, if he was correct, potentially the side of the building would be stripped and sheathed with a vapor barrier, and new siding would be installed. McMullen said that was correct.

Sturbaum noted that there was an inherent design flaw because of the three materials used in the building. He asked if there would be a recommendation for one type of material. McMullen said he had asked for that recommendation. Plunkett asked if that would add to the cost. McMullen said the firm was already recommending that all the exterior surfaces be replaced. He and Borkowski agreed there should be one exterior surface, rather than the brick, metal, and efis that had been used. One material would help with cost and construction issues. The money had not been approved for that work.

Sturbaum asked Meeker if the City could seek any relief from the architect or builder. Meeker said the building was six years old. The discrepancies were discovered after the six-year limitation period. In terms of the design flaws, Georgia law allowed a two-year window, which had also expired. There was also was an issue of whether discrepancies were due to the plans or the way it was constructed. When it was all added up from a legal perspective, it was not worth pursuing.

Logsdon said he would like for Council to be more involved with the commissions and authorities. He asked each member to choose one board to attend the meetings so Council would have a more timely knowledge of what was happening with the boards. He was willing to take more than one. The assignments would be made at the January 17 meeting.

Plunkett moved to convene in executive session for threatened or pending litigation, real estate, and a personnel matter at 9:01 p.m. Sturbaum seconded. The motion carried unanimously.

Plunkett moved to reconvene in regular session at 9:43 p.m. Sturbaum seconded. The motion carried unanimously.

Plunkett moved to appoint Major Mike Dupree as Acting Police Chief until the position was filled. Boone seconded. The motion carried unanimously

Haddix moved to authorize payment of a legal claim against the City. Boone seconded. The motion carried 4-0-1 (Plunkett).

There being no further business to discuss, Boone moved to adjourn. Plunkett seconded the motion. The motion carried unanimously. The meeting adjourned at 9:46 p.m.

Betsy Tyler, Acting City Clerk

Harold K. Logsdon

Harold K. Logsdon, Mayor

Pamela Dufresne

Pamela Dufresne, Recording Secretary