City Council of Peachtree City
Minutes of Meeting
January 3, 2002
7 p.m.

The City Council of Peachtree City met Thursday, January 3, 2002, in the City Hall Council Chambers. Mayor Pro-Tem Annie McMenamin called the meeting to order at 7:00 p.m. Other Councilmembers present were: Steve Rapson, Dan Tennant, Mayor-Elect Steve Brown, and Councilmember-Elect Murray Weed.

Oaths of Office

Reverend Keith Moore led those assembled in an invocation, and administered the Oath of Office to Steve Rapson. Judge Chris Edwards administered the Oaths of Office to Murray Weed and Steve Brown. Brown then thanked those who assisted in his campaign, dedicating his swearing-in to Mr. Marion Higgs, who lost his battle with cancer shortly before the election. Brown requested citizens to keep him and his family in their prayers so that he might choose the right path for Peachtree City. Reverend Dr. David Epps then led those assembled in a benediction.

Following a brief recess, Mayor Brown called the meeting to order at 7:20 p.m. and led those in attendance in the pledge of allegiance.

Announcements, Awards, Special Recognition

Brown announced that, due to the inclement weather, the awards would be postponed until the January 17, 2002, meeting.

Approval of Minutes

No minutes were submitted for approval.

Monthly Reports

Brown asked Council if there were any comments or questions relative to the monthly departmental reports. Rapson noted that the AT&T Broadband Cable complaints were very high, and suggested that staff look at the franchise agreement with a view toward putting some pressure on the system to make improvements in that area.

Election of Mayor Pro-Tem

Rapson made a motion to elect McMenamin as Mayor Pro Tem, saying she had represented the city with dignity and honor in the past. Tennant seconded the motion. Weed agreed that McMenamin had served well in this capacity in the past and had the time to be available for the duties of the office. Motion carried 4-0-1, with McMenamin abstaining. Mayor Brown administered the Oath of Office to Mayor Pro-Tem McMenamin.

Consent Agenda

1. Annual Indemnification Resolution
2. Update Radar Permits on New Roads and School Zones

McMenamin moved to approve the consent agenda as presented. Tennant seconded. The motion carried unanimously.

Old Agenda Items

12-01-02 Public Hearing – Easement Request – St. Andrews Square

Mayor Brown said that, due to the inclement weather, the hearing would be moved to the January 17 agenda.

New Agenda Items

01-02-01 Alcohol License – New – Ted's Montana Grill

Administrative Services Director/City Clerk Jane Miller said that the proposed License Representative, Mr. Craig Kellogg, had not been able to attend due to the weather. She said Council normally liked to have the representative present for new alcohol licenses, but indicated Mr. Kellogg needed to complete some training in Ohio prior to the restaurant opening, and he had delayed the training to be present that night. Therefore, his attendance would not be possible over the next two weeks. Miller said she had spoken with Mr. Kellogg and the restaurant's attorney, and felt they had a full awareness of the city's rules and requirements regarding alcohol. She asked if Council would be comfortable considering the request that evening. McMenamin noted this was an action that had been taken in the past if all the paperwork was in order. Weed expressed concern about taking action without representation on the part of the applicant. Miller assured Weed the applicant would be supportive of Council's assistance in working out the scheduling difficulties due to the weather. Tennant made a motion to approve an alcohol license for Ted's Montana Grill, with Mr. George W. McKerrow, Jr., as the Licensee and Mr. Craig David Kellogg as the License Representative. McMenamin seconded. Motion carried unanimously.

01-02-02 Alcohol License – New – The Famous Fish Company

Miller said that, due to the weather, Mr. Bruce Scott had been unable to attend the meeting. She requested that, due to the lack of a complete criminal history and Mr. Scott's absence, Council continue the item to the January 17 Council Meeting. McMenamin moved to continue the item until January 17. Rapson seconded. Motion carried unanimously.

01-02-03 Consider Amendment to Ethics Ordinance

Brown said that, having concerns about the city's Ethics Board, he wanted to make sure those appointed to serve were of strong character and had no major felonies in their pasts. He felt this could be a major embarrassment to the city if such an issue came to light after the fact. Therefore, Brown had suggested mandatory criminal background checks on the potential board members prior to their appointment. McMenamin expressed concerns about this requirement, saying the city frequently asked for citizens to volunteer their time on boards. She said that, while she appreciated the importance of the ethics board, she was concerned about invading the privacy of individuals. She felt that, if someone had something on their record from 20 or 30 years ago, and if they had paid their debt to society, she would hate to see it resurface. Brown said his primary goal had been to ensure the integrity of those who would be ruling on ethics issues so that nothing could come back and embarrass the city. Brown asked if the results of the background checks would be public information, and City Manager Jim Basinger said he felt it would be, and Weed agreed that the information would be subject to open records requests. Rapson asked if a check could be limited to certain types of felonies, but Police Chief James Murray said that the reports would include any and all requests. McMenamin said she recalled a situation where an applicant for an alcohol license had an incident from his youth appear on the report, and he had later been exonerated. Tennant said that as long as the applicants were informed, he felt requiring the checks would be acceptable. He said it would be more of an embarrassment to the city if an indiscretion were exposed after an Ethics Board ruling than it would be to the individual prior to the appointment.

Brown then addressed the second proposed modification, saying he felt the city needed to establish continuing education for commissioners at the city's expense, and he would like to see the requirement to fulfill one course on ethics per year. Rapson said the amendment really had three components: 1) the criminal background check; 2) annual training requirement; and 3) appropriate training with the City Attorney as needed. Rapson felt that training modifications were not a problem and recommended voting on the amendments separately. Rapson made a motion to approve the modifications to paragraphs 3 and 5 relative to training requirements. McMenamin seconded. Motion carried unanimously.

Tennant reiterated that the city needed to ensure that the members of the Ethics Board were of the highest caliber. Rapson said his only concern was that the requirement had something of a "Big Brother" feeling. Brown said they had to consider if the position warranted the scrutiny. Weed said that when individuals stepped up for public service, even in an unpaid capacity, part of that service was a higher level of scrutiny. He felt confident all the nominees would pass, and added that, even if something appeared on the report, Council could take that into consideration and the incident would not necessarily exclude the individual from serving. Tennant made a motion to amend the ordinance to require background checks for the nominees. Weed seconded. Motion passed 4-1, with McMenamin opposing.

01-02-04 Consider Moratorium on Development Activity

Brown said the city had received numerous calls from interested parties concerned that they would not be able to attend due to the weather and requesting that the item be postponed. He said they had decided to discuss continuing the item to another date, and asked the

Councilmembers what date would be best. Tennant asked if the change could be placed in the newspaper if the meeting were held as early as Monday, and Basinger said that would be possible. Rapson felt the earliest date possible would be best, expressing concern that a rash of development plans could be submitted. Brown said the moratorium would address such cases. Rapson asked when the next Planning Commission meeting would be held, and staff confirmed it would be on January 14. After a brief discussion about individual members' schedules, Tennant moved to continue discussion of the moratorium to a special called meeting on Thursday, January 10, 2002, at 7:00 p.m. at City Hall. Rapson seconded. The motion carried unanimously.

01-02-05 Discussion on Tags for GEM/NEV Vehicles

Basinger said that Council had approved the use of Low Speed Motor Vehicles on the paths at the December 20 meeting with the understanding that the vehicles would be licensed by the state. Basinger said that the County had stopped issuing tags for the vehicles, per the state, and staff was working with them to straighten out the confusion on the issue. Rapson asked what the city's current position was on the issue, and Basinger said that, like automobiles, the vehicles had temporary 30-day tags and those were acceptable until the issue was resolved. Tennant asked if the vehicles were being issued a city golf cart registration sticker and Basinger said they were not. Weed said that, if the state refused to issue tags, the ordinance would be preempted after the fact, and that Council could revisit the issue, but would not be in violation of any laws.

Council/Staff Topics

McMenamin said that, historically, the Councilmember seating arrangement had begun with the Mayor in the center, proceeding with posts 1 and 2 to the right of the Mayor, and with posts 3 and 4 to the left of the Mayor. She announced that, as of the next meeting, Council posts would be in numerical order from left to right when viewed from the audience. Brown said this would reduce confusion in the event Council elected to televise the meetings.

There being no further business to discuss, McMenamin moved to adjourn the meeting. Rapson seconded. The motion carried unanimously. The meeting adjourned at 9:30 p.m.

Betsy Tyler

Betsy Tyler, Deputy City Clerk

Steve Brown, Mayor