

**City Council of Peachtree City
Minutes of Meeting
November 4, 2010**

The City Council of Peachtree City met Thursday, November 4, 2010, in the City Hall Council Chambers. Mayor Don Haddix called the meeting to order at 7:00 p.m. Council Members present: Vanessa Fleisch, Erik Imker, Kim Learnard, and Doug Sturbaum.

Announcements

Mayor Haddix read and presented a proclamation for Retired Educators Day to representatives from the Fayette County Retired Educators Association.

Minutes

Learnard moved to approve the September 7, 2010, City Council/Planning Commission workshop minutes. Fleisch seconded. The motion carried 3-0-2 (Imker, Sturbaum).

Sturbaum moved to approve the October 21, 2010, regular meeting minutes. Fleisch seconded. The motion carried unanimously.

Consent Agenda

1. Consider Acceptance of Donation from Southern Regional Medical Center

Learnard moved to approve the Consent Agenda #1 Consider Acceptance of Donation from Southern Regional Medical Center. Sturbaum seconded. The motion carried unanimously.

New Agenda Items

11-10-01 Consider Request to FCBOC for Funding 2003 RTP Projects

City Engineer Dave Borkowski said staff recommended Council make a formal request to the Fayette County Board of Commissioners to fund two transportation projects – the improvements at the Peachtree Parkway/Crosstown Drive intersection and the Gateway Bridge on SR 54 West. In addition, staff recommended dropping the path project from Cooper Circle to the Baseball Soccer Complex (BSC) from the plan.

Borkowski continued there was no City funding available to fund the balance for the two projects. The balance needed for the Peachtree Parkway/Crosstown Drive intersection was \$774,529. The total cost was \$1,218,529, and \$444,000 in Transportation Improvement Program (TIP) funds were available. Borkowski added that TIP funds were administered by the Atlanta Regional Commission (ARC). The total cost for the Gateway Bridge was projected at \$1,681,762, with \$518,000 in TIP funding and \$134,000 in City funding. The balance needed was \$1,029,362. The balance needed for the Cooper Circle to BSC path was \$638,790, with the total cost estimated at \$838,000. The TIP funding for the project was \$200,000.

Borkowski noted that all three projects were in the TIP for partial funding; two of the three were also in the 2003 Fayette County Transportation Plan. The Parkway/Crosstown Drive intersection improvements and the Gateway Bridge were eligible for funding through the County's 70% Special Purpose Local Option Sales Tax (SPLOST) fund approved in 2004, which was why staff recommended Council officially request the funds.

If funding were approved for the Gateway Bridge project, staff and the new transportation consultant would need to start the Department of Transportation (DOT) approval process again, which could take several years. As for the Peachtree Parkway/Crosstown Drive improvements, the funding would enable the City to work with the DOT to revise the concept report, reducing the scope of the projects, which currently included a traffic signal and lane improvements. If the revisions were approved, the City could still use the TIP funds allocated for construction.

Staff recommended removing the cart path from Cooper Circle to the BSC since there was no City funding budgeted and no other funding options were available. The project had also scored low on the recent cart path master plan matrix.

Borkowski said Staff had explored transferring funds from one TIP project to another, but the Atlanta Regional Commission (ARC) had said via e-mail that could no longer be done. The final decision would be made after it was known whether the request for additional SPLOST funding was approved. He added that, if the TIP projects were not let for construction by June 2011, the ARC could not guarantee funding would still be available. If the Board of Commissioners approved the request, the City had \$134,000 for design of the Gateway Bridge from the City's SPLOST funds.

Learnard clarified that this had been discussed before, but the agenda item would allow for the formal request. Borkowski said yes.

Sturbaum moved to approve the request to the Fayette County Board of Commissioners for funding the 2003 RTP projects as presented by staff. Learnard seconded.

Imker asked if coming up with the \$134,000 from SPLOST funds for the design of the Gateway Bridge would reduce the funding available for future plans for road and path maintenance. City Manager Bernard McMullen said it would not, as it was part of the reallocation of the SPLOST funds recently approved by Council. Imker clarified that it would not reduce the \$1 million set aside in the budget. McMullen said that was correct.

Fleisch asked about the Gateway Bridge and the tunnel at MacDuff Parkway and how it would add to the connectivity. McMullen said users of the path on the west side of MacDuff Parkway would either go left through the tunnel to get to the retail development or go right to the Gateway Bridge to get to the Line Creek Nature Area and the retail area on the south side of 54 West. It would be another means of crossing over SR 54. Imker asked if the bridge would support residents on the Planterra side of SR 54 as well. McMullen said it would, adding there was a path from Planterra to the Nature Area.

Sturbaum restated the motion. Learnard re-seconded. McMullen clarified that the motion included cancelling the BSC path project. Sturbaum and Learnard confirmed this. The motion carried unanimously.

11-10-02 Consider Appointment of Interim City Manager

Haddix asked for a motion to adjourn into a short executive session for a personnel matter. Sturbaum moved to adjourn into executive session for personnel. Imker said he did not think that was necessary, asking if the matter could be discussed in public. City Attorney Ted Meeker said it was Council's prerogative. The motion died for lack of a second.

Learnard moved to appoint Nikki Vrana as the interim city manager effective January 1, 2011. Fleisch seconded. Sturbaum asked if Council had considered Randy Gaddo, which was why he had wanted to go into executive session. Learnard rescinded her motion.

Sturbaum moved to convene in executive session for personnel at 7:20 p.m. Learnard seconded. The motion carried unanimously.

The regular meeting reconvened at 7:27 p.m.

Fleisch moved to appoint Nikki Vrana as the interim city manager effective January 1, 2011. Sturbaum seconded. The motion carried unanimously.

11-10-03 Consider Reclassification of Cart Path Supervisor

Administrative Services Director Nikki Vrana explained that the reclassification was a housekeeping item. It was discovered through a review of job descriptions by the Public Services director that not all the duties of the cart path supervisor had been reported. When those duties were added, the pay grade changed (from grade 276 to grade 277), resulting in a pay increase of \$8.79 per pay period. The cart path supervisor would be compensated equally for the work that was done.

Sturbaum moved to approve the reclassification of the cart path supervisor as recommended by staff. Fleisch seconded. The motion carried unanimously.

11-10-04 Consider Authorization to Submit TE Grant Application

Planner/Economic Development Coordinator Tony Bernard said the Transportation Enhancement (TE) grant program had been set up by the federal government (administered by the state DOT) to enrich the experience of motorists, bicyclists, and pedestrians through enhancements to the transportation system. Staff was requesting the City submit an application for funding for enhancements on SR 54, from the intersection of SR 54/SR 74 to City limits on SR 54 West. The grant would fund 80% of the construction. A 20% local match was required, which would cover the planning and engineering costs. The additional costs associated with the request included \$50,000 for a two-year maintenance agreement and approximately \$16,000 per year after that for the increased maintenance costs associated with the landscape enhancement. As part of the grant application, staff was required to document that the City would provide the local match.

Learnard questioned the two-year maintenance agreement. McMullen said that, typically, as part of the bid specifications, contractors were required to provide two years of maintenance, which

provided for replacement of plantings that did not survive. After those two years, it would become part of the City's regular maintenance contract.

Imker asked if the matching funds had been included in the budget. McMullen said they had not, and additional funding would have to be approved by Council. Imker asked if the \$42,000 match would be needed the first year. McMullen said it would have to be appropriated when the grant was awarded. Imker noted that the memo stated the City had received over \$500,000 in this type of grant funding, and he could support spending \$40,000 to get \$200,000.

Learnard moved to approve the submittal of a grant application for funding as part of the TE grant program as presented by staff. Fleisch seconded. The motion carried unanimously.

11-10-05 Discuss and Consider RTR Mayoral Representative

Haddix noted the memo, which indicated several members of Council wanted to have the mayors in the County reconsider their vote on the representative to the Regional Transportation Roundtable (RTR). Haddix opened the floor for public comment prior to Council discussion.

Robert Brown asked Council to drop the agenda item, adding that it would be an extreme disservice to the City if the mayor of one of the smaller towns served on the board.

Ray Watt said they needed to find out more about the Three Rivers Regional Commission before making a decision. The last Council was always voting 3-2, and now the current Council was 3-2. Mayor Haddix should be the representative.

Jim Richter told Council he was astounded, and they had no right to remove Haddix from the RTR. Council had nothing to do with the appointment, and they should have nothing to with removing him. He urged them to drop the matter.

Steve Brown said he supported all of Council. He knew they could work together to overcome obstacles within the body. He continued that the issue of the County moving from the Atlanta Regional Commission (ARC) to Three Rivers probably came up for a vote too soon, but there were things the County needed to seriously consider. He referred to the proposed Outer Perimeter map and the congestion map, saying those roads were mirrored in the Outer Perimeter plan. He had been told it would never get built because it was not an interstate but felt it would get built and would cut the County in half. The formula used for determining priority was based on congestion. In addition, there was the Concept 3 mass transit plan that regional representatives put in place with bus routes coming into the County from Clayton, Fulton, and Coweta counties, which did the County no good. Most of the routes were east-west, while the majority of County residents traveled north-south. During his term as mayor, the City received more money from DOT than any other four-year period in the City's history. He was unanimously chosen to chair the Metropolitan Atlanta Mayors Association (MAMA). There was a lot of hype from certain special interest groups, but the people in the regions cared about their districts. The six mayors in north Fulton County had put together their own project list, and they would get the funding because their roads were highly congested. While they had received \$80 million in federal planning grants to put their projects together, none of the County's leaders had

put anything together. The County could get some projects, but when looking at sheer numbers, the County's chances were not very good. The facts regarding Three Rivers had been skewed. Brown continued that he had not been allowed to speak at the Association of Fayette County Governments (AFCG) meeting. He had not been allowed to give an intelligent, opposing view to Fayetteville Mayor Ken Steele, who would be the representative to the RTR if it were not Haddix. Brown said Steele had done everything Clayton, Fulton, and DeKalb counties had wanted him to do. Brown wanted Haddix to do a good job.

Dolly Watt asked who wanted to remove Haddix from the RTR and why. Haddix said that question would be answered when the discussion came to Council.

Bob Ross said he had confidence in Council. Peachtree City was a great city, and it started with its leadership. Dealing with a regional government was a new issue, and everyone needed to slow down and gather more facts. They were doing the right thing by getting the facts and looking at alternatives. Before any action was taken they should look at who would replace Haddix, probably Mayor Steele, and his track record was not the best for the County.

Haddix closed public comment and opened the Council discussion.

Learnard said she had been thrilled when she first learned Haddix had been appointed to the RTR. She had believed there was no better person to fight for the City and the County. Fayette County had two representatives on the RTR. When the first move that was made was to make it clear that Fayette did not want to be in the group, she had to wonder how effective Fayette County could be in that group. Citizens in the City and County had a tremendous amount riding on these vastly important and critical issues. She had concerns about how effective Fayette County could be at this point.

Dolly Watt asked why they had not looked into moving to Three Rivers. She understood that would happen before kicking someone off the RTR. Fleisch said moving to Three Rivers had been discussed at the October 21 meeting. Watt said her impression was they were looking into both options further. She was very disappointed in Council. Haddix said the vote that night had been 3-2.

Imker echoed Learnard's comments. He said the County's reputation in the ARC had been irreparably damaged, and Haddix was a liability to the County if it remained in the ARC. According to his information, the other members of the RTR had noticed. Imker did not see how fruitful negotiations could take place when one person had identified himself as not wanting to be there. All they wanted at this meeting was to ask the County mayors to reconsider their vote.

Richter said Council was presumptuous to demand the Mayor's resignation when they had no authority to do so. They had no right to lambast an elected official. They should let him do his job. Nothing good would come out of this nonsense with three of the Council Members against the other two.

Robert Brown took extreme exception to Learnard's and Imker's comments that the County would not get anything because its representative was opposed to being a member of the ARC, saying the County would not get anything out of the ARC anyway. It was better to have someone who would stand up and fight for what was best for Fayette County than to have a representative that would vote for mass transit and the Outer Perimeter.

Fleisch said all Council was asking for the mayors to reconvene and choose another representative.

Sturbaum read the following statement:

Our last council meeting presented us with a situation and slides concerning the ARC and HB 277 along with the role Fayette County would play in this program going forward.

The Mayor discussed several slides to the group two weeks ago. It was voted to remain in ARC. The Mayor then noted that he would push for the improvement of the 85/74 intersection which is in Fulton County but helps Fayette. That sounds like teamwork.

Last Friday afternoon, a letter seeking the resignation of the Mayor off the RTR was transmitted out to the Mayor, Mr. Meeker and I. This is not the way to conduct business. This council is not guided by the rules of "Survivor". You do not vote someone "off the island" because you disagree with them. I would hope that there is not a level of this support at the ARC since others may disagree at the RTR on project allocations. I would expect an agency with this much responsibility and potential taxpayer funding to encourage alternative opinions and address said issues.

There is entirely too much "big government" happening in today's time. There is nothing wrong in objecting to a position or offering an alternative. This issue was evident this past Tuesday.

Democracy is built on disagreements and stating that one would be ineffective based on a position is incorrect. Kennedy did not remove Adlai Stephenson at the UN Debates during the Cuban Missile Crisis and it paid off immensely. The Mayor should not resign based on his critique.

In closing, stay on the RTR, work with the other members and use our county transportation plan to the maximized position available. We as a council should support your efforts at the RTR and bring forward ideas similar to what your fellow county mayors will bring forth.

Steve Brown said that, when HB 277 was in the news, the Fulton County mayors got together and demanded the entire 10-county region conform to their will and make everyone pay for Metropolitan Atlanta Rapid Transit Authority (MARTA). They had since quieted down, someone was consoling them, and they would try to get their way. Brown recalled he was the

odd person out on the TDK Boulevard extension. Everyone had said it would relieve 25% of the traffic on SR 54 West. Brown said the road had nothing to do with traffic relief. The road was later abolished, and his predecessor as mayor had to admit the extension of the road into Coweta County was not in the best interests of the City. Haddix had been looking for alternatives, which was not a bad thing. The "we're all going to go along to get along" attitude at the ARC level would not work. Everyone had an equal vote on the RTR, but the RTR did not select the projects. The projects filtered through several layers of committees, then the RTR voted on what was handed to them. If there was nothing on the plate, it did not matter if there was equal representation or not. The referendum was based on popular vote, which was where Fayette County would be slaughtered. Every registered voter in the County could vote no, and the County would still lose.

Fleisch said it was a misconception that Peachtree City was the only city asking Haddix to be replaced as the RTR representative. She read from a letter dated November 4, 2010, from the Town of Tyrone that had been signed by Council Members Tracy Young, Eric Dial, Ken Matthews, and Gloria Furr and just approved at their meeting that same night. The letter read:

Several months ago, a debate began about leaving the Atlanta Regional Commission (ARC) and joining the Three Rivers Regional Commission (TRRC.) The reasons for leaving ARC are primarily related to the Transportation Investment Act of 2010 (HB 277.) This debate began with Mayor Don Haddix, Mayor Don Rehwaldt, and Steve Brown announcing their desire to move to TRRC. We, the undersigned, recognize their views and opinions but do not wholly support them.

After reviewing the pros and cons of such a move, the Council publicly discussed this topic at length and the consensus was to remain with the ARC. With the amount of information provided, the Council has decided that leaving ARC to join TRRC is not in the best interest of the citizens of Fayette County.

Due to the adverse effect this public debate is likely to have on Fayette County, we believe it would be wise for Mayor Haddix to resign as Fayette County's Mayoral Representative to the Regional Transportation Roundtable. This recommendation is in conjunction with that of the Peachtree City Council dated October 29, 2010.

We respectfully request that the mayors reconvene for the specific purpose of electing a new representative to serve on the Regional Transportation Roundtable.

Fleisch added that the motion was also being voted on that night in Fayetteville and Woolsey. Imker added that he had spoken to Brooks and Woolsey, and those mayors also felt the County had been damaged by the representation on the RTR.

Bob Ross said no one-month tenure could irreparably damage a position on a board that would meet for a year. He had listened to other Councils, but he had elected this Council, and they were the ones who would carry out what was best for the City and the County. He asked if the other officials in the County had done the work that Haddix and the Council had done. He did

not think they had the basis to make the decision. Their opinions were a piece of the puzzle, but not overwhelming evidence.

Imker said Council voted two weeks ago to stay in the ARC. The material presented by the Mayor had not given him all the pros and cons on making the change. Three Rivers had not even been asked if Fayette County could join. There were still many questions. After the Council vote on October 21, the Mayor was still out advocating a move to Three Rivers. The other RTR members had noticed that. Imker said he would not follow any path leading to an unknown destination.

Ray Watt asked why the vote had not been tabled on October 21. It sounded like no one could intelligently talk about Three Rivers as an alternative, possibly a better one. Fayette County would be a tail wagging the dog. Imker said he left the option open to vote again. When he had more information, his vote might change, but he could not do that now.

Robert Brown said it sounded as though Imker was ready to vote to ask the County mayors to oust Haddix as the representative even though no one knew where that would leave the County. Imker said he had a one-on-one with Mayor Steele and the mayors of Brooks and Woolsey. The misinformation and misrepresentation of points of their positions had been astounding. He could only go by what he had been told personally by those individuals. They were not lying to him, and he would not accuse them of lying.

Steve Brown said that Ken Steele and Jack Smith said they would not support mass transit at public meetings, but they voted time and time again to do so. Brown said he had stumbled upon some records at ARC that showed the vote. He also found that the County Engineer had been directed to vote for mass transit at his committee, too. He did not believe they were honest and upstanding guys. Brown continued that he, through MAMA, and Steele, through the GMA, had fought for legislation that would give fair and equal funding to municipalities under SPLOST. Prior to that, how much money each jurisdiction obtained was decided at the county level. Then, Steele said Fayette County did not have to comply with the legislation since it was a different situation. Peachtree City was shorted tens of millions of dollars and Fayetteville made out like a bandit. Ken Steele did not have a halo, and Brown said he could provide more stories. Brown referred to the October meeting of the AFCG, saying people were not allowed to speak when their opinions were feared. Brown continued that he had tried to counter a misinterpretation of what was going on, and Steele told him to put his hand down and that he could not speak. When Haddix had tried to speak, Steele said Haddix's opinion was not valid and they did not care about his opinion.

Scott Hollowell said he had attended that AFCG meeting and Haddix had been cut off, but he had plenty of opportunity to speak during the meeting. His understand was that only elected officials were allowed to speak at those meetings, and Brown was not in office at that point. Haddix said the floor was opened for public comment at the end of the meeting, and no one chose to speak. The only person denied the right to speak at any point was Steve Brown.

John Munford of *The Citizen* noted that he had attended the same RTR meeting Haddix attended, saying that another person specifically said the final vote on the project list was from the 21-member RTR. The list started with the regional transportation director and a five-person executive committee, but the final vote was with the full RTR.

Haddix said the RTR did have the final vote, but the RTR did not establish the projects on either the constrained or unconstrained list. The projects could be shuffled. The RTR could move projects off the unconstrained list to the constrained list, and vice versa, but they could not add projects to the list. The RTR did not establish who paid for what; the DOT did that. A city or county could submit projects, but the DOT determined whether it was a local, regional, state, or federal project and whether it met the criteria to be considered a project. As far as who was spreading all the information, it was Mayor Ken Steele who kept misrepresenting a lot of facts. He did not want to admit he supported rail in Fayette County. Haddix said he had been chastised by Steele for not supporting rail at a Chamber of Commerce luncheon in 2008. He read from an e-mail from Tyrone Mayor Don Rehwalt:

As I have attended almost all of the Governmental Affairs luncheons at the Chamber for the past 3 years it is difficult to recall any details except that I do recall that Mayor Steele was consistently in favor of transit coming to Fayette County (as were most of the attendees that spoke).

Haddix continued that he had been told he was not doing it right; that he should be worried about projects. He held up his RTR handbook. The schedule for the fourth quarter included adopting criteria for the projects list, not put the list together. The DOT already had over 5,000 projects on the list because they had been pulling them from the counties' transportation projects. The first quarter of 2011 was when cities could submit extra projects. They could not submit them earlier because there was nothing to evaluate them by. There was no criteria list. In the second quarter, DOT was scheduled to evaluate the projects and whether they fit the criteria list that the director established. If they did, the projects would move forward. The point for submitting projects was not until next year. The DOT established the pricing on projects and determined if a project met the criteria, as well as its impact and prioritization. The RTR could play with the list in limited scope, then vote the list up or down. Haddix asked whether the Council Members had read the bill. Fleisch, Imker, Learnard, and Sturbaum said they had. Haddix asked if there was power of removal in the bill. Fleisch said there was not. Haddix asked Meeker if there was anything in the bill about the power of removal. Meeker said the consistent answer was no. Haddix said Council had no power to remove him. The mayors had no authority to remove him. Fleisch said they appointed him, and she believed they had the power to remove him. Haddix said there was no power of removal in the bill, and Meeker had just concurred that was not in the bill.

Sturbaum said the discussion needed to end, and Haddix needed to go do his job at the RTR.

Fleisch moved to request that the mayors of Fayette County reconvene and select a new regional transportation representative. Learnard seconded.

Sturbaum referred to Morse vs. Jacky, 1906, when the Courts had ruled that when a civic municipality or a county made a motion of something it had no authoritative or administrative authority on; it was rendered null and void. Fleisch said they were only making a request. Sturbaum removed himself from the vote. Meeker said he viewed it as similar to resolution; they were speaking out on a topic.

Haddix said it was a pointless resolution because there was no authority to remove him. He referred to the comments that he was alienating the other members of the RTR. He said he had been approached by DOT and other agencies. They were trying to pacify him. He sat next to the Clayton County chairman, and they got along fine. He got along well with the other members of the board. There was no combat going on. They all agreed in some areas. He had brought up that golf carts were not allowed. He was getting other mayors on board to change that element of the criteria to allow golf cart projects to be funded. He would get that through. He was the only one attending the meetings, and the information was coming from Ken Steele, who had an agenda. He had been to all the meetings, and the RTR members agreed things needed to change. They all agreed on Concept 3, which was part of HB 277, and would be on the project list. He explained that Concept 3 included a bus line from Newnan to Peachtree City to Fayetteville, then splitting into four or five prongs, some going into Clayton County. There was a rapid bus line and commuter rail with stops in Tyrone, Peachtree City, and Senoia. It would not happen, but if it was with Concept 3 as a constrained list item, it would happen. Fayette County had no say in that constrained list. He was not resigning, and they could not remove him. Council could not get the mayors to remove him.

Imker said a change could happen. According to HB 277, the RTR was not finalized until the next week. Haddix said that was false. Fleisch added that the formal RTR list had to be set by November 10, according to the bill. Haddix read, "The roundtable membership must be chosen by November 10." Haddix said his name was on the membership list. Imker said that, if Haddix's name was on the list on November 10, he would apologize at a public meeting.

The motion carried 3-2 (Haddix, Sturbaum).

Council/Staff Topics

Hot Topics

McMullen reported that the soil work on the Camden Apartments' property for the path to MacDuff Tunnel should be done the next week. The analysis would be sent to City Engineer Dave Borkowski, who would revise the cost estimate for the project.

Sturbaum said he had received an e-mail about the Community Emergency Response Team (CERT) winning first and second place at a competition in Columbus. Based on the e-mail, the eight-person team had been broken into two teams, then took first and second place. They also received approximately \$4,000 in equipment. Police Chief Skip Clark said they had just gotten back, and he would get the information to Council by the next meeting.

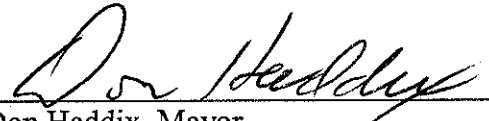
Sturbaum moved to reconvene in executive session for the potential acquisition of real estate and personnel matters at 8:28 p.m. Fleisch seconded. The motion carried unanimously.

Sturbaum moved to reconvene in regular session at 8:44 p.m. Imker seconded. The motion carried unanimously.

Sturbaum moved to approve the separation agreement with John Dailey. Fleisch seconded. The motion carried unanimously.

There being no further business to discuss, Learnard moved to adjourn. Sturbaum seconded. The motion carried unanimously. The meeting adjourned at 8:44 p.m.


Pamela Dufresne, Deputy City Clerk


Don Haddix, Mayor