

CITY COUNCIL OF PEACHTREE CITY

Minutes of Meeting

September 5, 1996

7:00 p. m.

The City Council of Peachtree City met in regular session on Thursday, September 5, 1996, at 7:00 p. m. in the City Hall Council Chambers.

Mayor Lenox led those in attendance in the pledge of allegiance. Present were: Councilmembers Annie McMenamin, Caroline Price, Jim Pace, and Bob Brooks.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor presented a Proclamation to the Daughters of the American Revolution for Constitution Week.

Mayor presented ten-year pin to Claudia Stapleton.

Mayor presented Employee of the Month Award to Susan Taylor.

Lenox gave a public update on the status of efforts by the Council and the Water and Sewerage Authority to acquire Georgia Utilities. The status report is made a part of the official minutes and attached hereto.

ADDITIONAL AGENDA ITEMS

There were no additional agenda items.

MINUTES

McMenamin made a motion to approve the August 15, 1996 minutes as presented. Pace seconded the motion. Motion carried unanimously.

OLD AGENDA ITEMS

There were no old agenda items.

NEW AGENDA ITEMS

09-96-01 Public Hearing - Hyde Ethics Investigation

Lenox indicated the procedure for the Public Hearing in the Hyde ethics investigation as follows:

- Attorney Phil Grant would introduce the Ethics Investigation Report into evidence for the city.
- Mr. Hyde would then have an opportunity to present evidence, testify, or call other witnesses.
- If Mr. Hyde testified or called other witnesses, Grant would have the right to cross-examine Mr. Hyde or other witnesses on behalf of the city.
- Grant and Mr. George Rosenzweig, attorney for Mike Hyde, would make closing remarks to the Mayor and Council.
- The Mayor and Council could deliberate in executive session, but without voting or indicating their votes.
- Grant directed that Mayor and Council must vote and give their decision in public session.

Lenox advised that since this was a semi-judicial process, there would be no public comment or input, that Council was trying to conduct a strictly evidentiary hearing and their decision would be based on that evidence. Lenox then requested that Grant present the evidence for the city.

Grant addressed Council and introduced the Ethics Investigation Report and stated that he and Mike Hyde's attorney, Mr. Rosenzweig, had agreed that rather than having to produce witnesses, documents, and tapes showing things that were set forth in the report, the report itself was being introduced and any objections such as hearsay and not being able to cross examine witnesses would be waived by Mr. Hyde.

Grant then summarized the basic findings of the report which dealt with Hyde's participation on the Land Use Task Force which was created last year and the fact that this property was owned by Mr. Hyde and his wife and was zoned for large acreage lots. Grant said the Land Use Plan was changed with respect to approximately 31 to 32 acres. The Land Use Task Force recommended the change to allow smaller lot sizes on the property owned by Hyde and his wife. Mr. Hyde's participation on the task force and his discussions and so forth were the issues as far as the Ethics Code was concerned. Grant indicated he felt Hyde's participation on the task force was not in violation of the Code of Ethics. The minutes and Hyde, himself, indicated that he did, in fact, vote on the approval and recommendation to the Council of the update to the Land Use Plan at the

Planning Commission meeting and it included a change to his property which was a favorable change financially. Grant said he found this did constitute a violation, in his opinion, of the city's Code of Ethics, Section 2-9.9.

Grant said he found there was no violation regarding Mr. Hyde's dealing with neighboring property owners in attempts to purchase their property and the negotiations with them because it did not involve his role as a Planning Commission member at all. Grant said this was simply his negotiations as a private citizen for property.

Grant pointed out additionally that the report indicated Hyde said he had talked with David Piet before voting on the changes to the Land Use Plan as a member of the Planning Commission. Grant indicated in the report that Piet said no, Hyde had not asked him. Grant said he spoke with Piet again today at Rosenzweig's request and Piet said, at that point, he could not swear under oath that he did not ask, but that he did not recall Hyde asking and did not recall it being an issue. Basically, the factual findings in the report speak for itself and are presented as the city's evidence.

Mr. George Rosenzweig addressed Council and stated that he represented Mr. Hyde. Rosenzweig indicated it would not be productive to present any evidence but did want to address Council at the appropriate time regarding conclusions to be drawn from the report and some comments regarding what Council's appropriate action might be. At this time, Mr. Hyde would let the report speak for itself.

Grant made the following closing remarks:

The options Council had before them were to find if there was or was not a violation and act on that violation. The options were a public reprimand, public censure, or the possibility of termination. Further, the homeowners felt they were wronged and taken advantage of in this case. Also, public officials recognized the importance of avoiding not only the true, hard conflicts of interest, but appearances of conflict and it was important for the public to know the people who were representing them and who were acting on their behalf were being fair, impartial and had no hidden interest. In this case, Mr. Hyde did, in fact, vote on a change to the Land Use Plan that was financially beneficial to him although it was part of a large plan - it was not simply his property, but one of many being addressed in the Land Use Plan Update. Grant said he thought there was no question that better judgment would have been not to vote on that change which violated Section 2-9.9. Grant said further that Hyde used the change in the Land Use Plan to try to seek a change in the zoning of the property; however, during the change in the zoning, he abstained when it came before the Planning Commission. Grant said he felt a reprimand or censure was appropriate in this case because there had been a mistake committed and action needed to be taken, but that he did not *recommend* or *not* recommend termination and it was up to Council to weigh the seriousness of this matter.

Grant said that aggravating factors in this case were Hyde's service on the Land Use Plan, the non-disclosure of Hyde's interest before that group, and comments made by Hyde in favor of the Land Use Plan while on the task force.

Rosenzweig made the following closing remarks:

Rosenzweig expressed both on Hyde's part and his part the fact that they shared the view that ethics were extremely important, but argued that while Hyde certainly violated the city's Code of Ethics, removing him or firing him from the Planning Commission seemed like an unnecessarily drastic measure.

Rosenzweig said this particular complaint started with an ethics complaint which addressed task force activity. It also addressed complaints about allegedly bribing adjoining property owners to support a zoning application. On those clear issues - task force service and bribery - Hyde was found to be not guilty because it was determined that the Code of Ethics did not apply to the task force and perhaps this was something that should or could be looked at in the future.

In terms of Hyde's activity on the Planning Commission, it seemed that one significant thing Grant found was that Hyde's action in approving this update on the Land Use Plan was not a "zoning decision"; therefore, it did not invoke the state zoning ethics requirements. What was left, at that point in time, was the question of the city's Code of Ethics. There were two questions: 1) the question of disclosure of an ownership interest, and 2) that of disqualifying himself. In terms of disclosing his interest, rightly or wrongly, Hyde felt that since he had been in front of that very board before seeking rezoning of exactly the same property (in fact, as Rosenzweig understood it, the first time Hyde sat on that board, he had to disqualify himself because a rezoning application on this very property was pending), Hyde assumed that the people on the knew that he owned the property and did not make a formal disclosure. With the benefit of hindsight, to perfect the record and minutes, perhaps that should have been done, but Rosenzweig thought the disclosure point was the crux of things. Rosenzweig said he could not believe that most of the people on the City Council and Planning Commission did not know this was Hyde's property because he had been up for zoning applications a couple of different times and felt Hyde could not seriously be faulted for making a public disclosure of ownership in assuming that everyone knew. Hyde assured Rosenzweig that, in the future, if a similar issue came up, he would be absolutely certain it was endorsed in the minutes that he owned an interest and would not assume that people were aware of it.

Rosenzweig said the most serious question was whether Hyde should have disqualified himself when the Land Use Plan Update came before the Planning Commission. Technically, under the code, he should have. However, in mitigation, it seemed that the way the Land Use Plan Update was generally viewed that it was not, perse, implementing

legislative activity. In the minutes of the November 2, 1995 City Council meeting, when Council considered the Land Use Plan Update, there were statements in the minutes that the Land Use Plan Update was a "philosophical statement that needed further action by the Planning Commission and City Council."

Other statements Rosenzweig made reference to in the minutes were:

- that it was "a general policy statement"
- that "the approval of the Land Use Plan Update was a report and was not approving all the recommendations"
- that "Council's work was something very separate from the report"
- that "the real work would start by holding public hearings and constructing ordinances"

Rosenzweig said he thought Hyde's view was the same as stated in the minutes that this was policy, a statement of goals, and that the real work was implementing legislation where zoning applications were sought and approved and heard and voted on. The facts stated there was no question that Hyde did disqualify himself.

Rosenzweig said further that it was difficult for him to believe this was the first time in Peachtree City there had ever been a vote on something city-wide that involved all undeveloped property in the city where there was not someone, somewhere in the process, who likewise owned property, adjoined property, abutted property, or had a family member who owned property that was somehow impacted by the sweeping, philosophical policy statements of the Land Use Plan. Rosenzweig said he did not know how the city could function if we expected everyone who had any interest in property impacted by the Land Use Plan to disqualify themselves.

Rosenzweig said Grant's suggestion that given that sort of scenario, Hyde should have asked the City Attorney for an opinion on what to do. Hyde did not do this, but next time, Rosenzweig said he was sure Hyde would ask. Rosenzweig voiced his skepticism that Hyde was the first, or only person, or in the vast minority of people who have sat in legislative positions in this city and had not disqualified themselves when they had property that was impacted by the Land Use Plan. Rosenzweig said that when a city-wide policy statement like the Land Use Plan was voted upon that it was indeed an ethical violation for everyone who owned property impacted by the plan not to disqualify themselves. Rosenzweig said Hyde had been a good servant and it seemed harsh and unfair that punishment would include removing him from the Planning Commission.

Webb asked Grant to state publicly for the record, whether he found any evidence of any criminal wrongdoing that should be reported to the District Attorney. Grant answered that he had found no violation of any criminal law during the investigation

Lenox polled Council as to whether they would like to discuss the matter in executive session or publicly. Council voted unanimously to discuss it publicly.

Price remarked that from what she understood this evening there was no criminal violation, but there was an admittance of a technical violation in terms of the Ethics Code and some action did need to be taken. However, Price did not want this hearing to obscure the fact that valuable service had been given by Hyde. Price said she felt a reprimand or censure should be devised that specifically related to the testimony heard that evening.

Brooks stated that in his investigation and conversations with other members of the Planning Commission, Hyde's peers said he had not tried to influence any of their thoughts, behavior, actions or deeds when they considered the Land Use matters or the zoning matters. Further, Hyde's long-term participation and contributions to the Planning Commission over the last few years had been commended by his peers and city staff. Brooks said the City Code addressed the issue that Peachtree City was a community where a significant amount of people owned land and that they were going to participate in the process and that the code left it somewhat vague as far as what the appropriate discussion was in pointing out what land you owned to other individuals. A significant portion of the Land Use Task Force was made up people who owned land - PCDC was involved in the Land Use Plan Update and they were significant land owners. Brooks stated further that to the people who participated - Council, Planning Commission, and city staff - it was no secret that Hyde's family owned that land; particularly, with zoning matters having been brought forward by Hyde's family in the last ten years on that property. Brooks said he could easily see, in an informal setting, that it would have been a common assumption that most of the individuals participating knew that Hyde owned that property and that it was not a secret he was keeping from anyone and Brooks thought it would be remiss not to admit that and this whole process was overlaid with poor communication between citizens and city staff and felt that when Council decided it was acceptable to the citizens that the Land Use Plan be modified in that area, Council was acting under the perception that it was not a problem and the neighbors in that area were agreeable to slight changes in density for the betterment of the whole area. That, in essence, was what caused Council to approve staff recommendations and could not personally link that to Hyde's vote one way or the other. However, in the case of Hyde's vote, it was clear that there was a technical violation of the code and felt that because of the nature of the situation and how strongly Council felt about the matter, his recommendation would be to censure Hyde this evening and work to clear up the issues.

McMenamin also commended Hyde on his past service and said that she had served on the task force at the request of the Mayor and not as a regular citizen or a property owner. Using Attorney Grant's terminology about "aggravating factors", McMenamin said when the members of the task force were introduced that, to her best recollection, Hyde was introduced as a Planning Commission representative. There were no other members of the Planning Commission at that meeting or the two or three meetings after that until another member came. The other Commission member was not there representing the Planning Commission but to listen and bring them up-to-speed on these issues. McMenamin said when the Mayor appointed her to any committee or city function, she carried the Code of Ethics with her and felt Hyde had carried this Code of Ethics into the planning of the Land Use Task Force. At no time did Hyde identify himself as the land owner of the property when it was discussed. It came to their attention as the "Palmer" property while the Quit Claim Deed showed that the property had already been designated as Hyde property. McMenamin said she felt Hyde was politically, professionally and legally astute in this community and believed if he had been just a naive citizen serving in the best interest of the city, there would have been an immediate apology and it would have been spontaneous and she also believed that credibility and ethics were critical to local government and, as much she respected the opinions of Price and Brooks, she would recommend termination in the best interest of the citizens.

Pace stated he agreed with Brooks that better communication was vital and that he had asked how the neighbors felt about the proposed rezoning and was told the neighbors were fine with it - we now know that was not the case. Pace said he felt the key factor was the heart of the complaint - did Hyde use his role on the task force to exert influence on the other members of the task force to gain a profitable situation for himself? Pace commented that if there had been any inference that Hyde did try to exert undue influence on that committee and used his position unwisely, Pace would also vote for termination. However, if you listen to the tapes, they indicated that Hyde thought the people on the task force knew because he had made some comments on the tapes in response to Phyllis Aguayo that said "Phyllis, if you tell me who those people are that want those estate lots, I'll talk to them", which indicated that Hyde thought the people he was serving with knew he owned that property. Pace said it bothered him that the property was listed as the Palmer property and in researching this, Pace was told by Williams that that was the way it appeared on the maps; therefore, Pace said he could not judge whether this was a deliberate attempt to conceal it. Pace said he personally knew about the ownership of the property and Hyde had tried to rezone that property in 1991 and 1992 and it was well reported in the paper and that it was not a problem for him that Hyde owned property because other property owners such as PCDC were there not to make policy, but to recommend the best use of the remaining property within the city. Pace stated further that he did not know whether it would have been rational to say the Planning Commission did not know Hyde owned the property because they had already voted on it twice, so when Hyde voted on the overall plan, Pace thought it was interesting that no one questioned it.

Pace said he agreed the vote was a technical violation - the vote was 5-0 - if Hyde had abstained, it would not have changed the result and felt Hyde was not trying to do anything but approve a plan that had been developed over a long period of time by a lot of people working in a process on behalf of the city. Pace said in light of these facts, he felt Hyde had not done anything that would warrant termination but felt that a violation had been committed and a censure would be appropriate.

Lenox remarked the city did not appoint people to committees because they thought like them or lived in the same neighborhood, but actively tried to appoint people to commissions and authorities who represented different viewpoints in the community. Lenox said when Hyde was appointed they did not expect him to cease being contentious; particularly where his economic interests were concerned and that as a Planning Commissioner he had worked hard and done a good job in representing a viewpoint that the city needed to consider as a community and that was why he was appointed. Lenox stated further that in listening to the tapes, the testimony, and the folks, Hyde had not led the process but had not objected to what was happening and Hyde knew, as it went along, that it was not going to hurt his legal position if he wanted that land rezoned to have the Land Use Plan modified. However, it was important to note that Hyde did not lead the charge and that he was one among many. Lenox said he felt any ethical violation would warrant dismissal, but after listening to everything that was said, he would have to say that in the process the city appointed Hyde because he was what he is and always would be - he did have interests in the town and he would expect Hyde to favor those interests. Lenox said he felt Hyde owed the city an apology having presented the appearance of being unethical at minimum and felt he deserved to be censured because Hyde failed to protect that reputation the city had worked so long to build, but could not justify terminating him.

Brooks made a motion that City Council public censure Mike Hyde for an ethics violation of the Ethic's Code Section 2-9.9. Price seconded the motion. Brooks, Price, Lenox and Pace voted aye and McMenamin voted nay.

Webb pointed out to the public that the Code of Ethics provided that if Council elected to censure Mr. Hyde, it would have to be published in the newspaper of general circulation which served as the legal organ for the city within 15 days of the date of the censure and in that publication you have to state the circumstances that constituted the alleged violation, the transaction or matter to which the alleged violation related and the appointed official alleged to have violated this code.

09-96-02 Public Hearing - Driveway Variance - North Cove Subdivision

Lenox reviewed the rules for a public hearing which allowed each side an equal opportunity and established time limits of 20 minutes per side. During the hearing,

members of the City Council would become hearers and no action would be required until the hearing was declared completed. The applicant and those who supported the issue, including city staff as appropriate, would be heard first. Those who opposed the issue, including city staff as appropriate, would be heard second. Prior to closing the public input portion of the meeting, Council and any member of the public, would be given the opportunity to ask questions of either side. When Council was assured the input was complete, the public hearing would be ended and Council would then debate the issue in accordance with "Roberts Rules of Order" and render a decision. The public hearing was called to order and Basinger was requested to keep time.

Jim Strickland presented for the applicant and stated several meetings had taken place with the city and also with Mr. Lincicome as they tried to find the most appropriate way to look at that parcel of land. The land was approximately 12 acres in a triangular shape and when the buffers were taken out of it, there was a 50 foot buffer for a proposed parkway if it did occur and an additional 50 feet on the westerly side of the property. The property was analyzed with the potential of constructing a cul-de-sac with a 60 foot easement which would be a public road. Strickland said they found this did not serve them well even though the property was zoned R 22 which would be a half acre lot. There were certain restrictions that were discussed with city staff and they came up with this particular site plan which consisted of two cuts rather than three cuts in six lots. The lots averaged between 40,000 feet up to 78,000 feet - approximately an acre up to almost an acre and a half. Strickland said what they were asking for was a private road which would really be a drive and would serve all seven lots with two entrances and entrance treatments being done with similar sized roads that would be an eighteen foot road with street trees. Strickland said further that basically there were seven lots with a two-way private road or driveway which the seven lots would come off of. Strickland clarified for Lenox that there would be a homeowner's association.

Tom O'Connell, President of the Smoke Rise Homeowner's Association, addressed Council and stated that, although the Smoke Rise residents reserved their rights to question the final plat approval of North Cove, at this time they had no objection to the variance as explained by Mr. Strickland and his understanding was as follows:

- That there would be seven lots with approximately 40,100 to about 76,500.
- Lot prices would be approximately \$75,000.
- That there would be seven houses served by one driveway similar to a private road with extensions so that the driveways would go into the garages.
- That the home prices would be approximately \$400,000 or greater.
- That high-end custom builders would be used with a fifty foot buffer abutting the Smoke Rise Subdivision.

- The carpath depicted did not infringe on the Smoke Rise entryway that was presently there or the one Smoke Rise was trying to build.

Bill Lincicome addressed Council as a resident, the City Landscape Architect, and as a consultant on the North Cove project and said that, in all cases, he was acting on behalf of the city's best interest. Lincicome pointed out this parcel of land was awkward at best and sometimes small pieces of land were left which should be resolved from a planning and site development point of view. Lincicome stated he believed this particular instance was a win-win situation for all parties and commended city staff for recognizing the difficulties on the property and felt that this solution, given Peachtree City standards and the difficulties of the property, had:

- Satisfied the relationship to North Cove.
- Provided very adequate buffering and dimensional distance from the surrounding neighborhoods.
- Alleviated the problems of grading and gave the best possible presentation to Peachtree Parkway.

Mr. Larry McIntosh, 101 Tinsley Mill Road addressed Council and stated his concern for the people living in Smoke Rise and wanted to make sure there was adequate buffering and reiterated that Mr. Strickland had agreed with Mr. O'Connell that on a 50 foot, undisturbed tree line instead of the 25 feet depicted on the drawing and requested this be made an official part of what occurred.

Williams addressed Council on behalf of the city and stated that city staff recommended approval with the following conditions:

- The Planning Commission approved the concept (not the details) with the clear understanding it required a variance.
- The two driveways which would come out onto one of Peachtree City's most important streets would provide adequate site distance. The City Engineer would be required to work with the engineers on this project to make sure it was handled properly.
- The street should be made 18 feet wide so that it would be adequate to carry the heaviest equipment servicing the city but still not be so wide as to take down massive amounts of trees.

Gary Ricards, a resident of Smoke Rise, addressed Council and said he viewed this variance request as the least impactive to the Parkway.

Maxine Ricards, also a resident of Smoke Rise, spoke in opposition to the variance because she did not want the trees, animals, and environment disturbed.

Tom O'Connell addressed Council again to request that the presidents of the homeowner's associations be notified of upcoming variances or City Council action that affected their subdivision at the same it was published in the newspaper which was 15 days prior.

Lenox called the public hearing to a close.

McMenamin commented that it would be appropriate to get the word out to homeowners in advance and stated this would be an excellent addition to the city. McMenamin also remarked that staff recommendation was appropriate and that safety on the Parkway would be critical.

Price made a motion to approve the variance as requested with the condition that the City Engineer was satisfied with the access points on Peachtree Parkway with proper site distances. McMenamin seconded the motion. Motion carried unanimously.

09-96-03 Appeal to Buffers - The Commons

Lenox explained that he thought this was an appeal for a setback in terms of the fence line and some kind of guarantee that runoff would not be increased to the neighboring property owners.

Anna DeMello of 405 Walnut Grove addressed Council and read a statement. Highlights of the statement are as follows:

- Residents were deceived many years ago when they bought their properties in this ideal planned community.
- The previous owner of the majority of land in Peachtree City was The Equitable Life Insurance Company.
- Now PCDC owned and developed the land and did not want to abide by this policy.
- Their neighborhood was called Pinegate; obviously because of the number of pine trees, but now all the pine trees, hardwoods, and dogwoods in the back would be bulldozed.
- How could the Planning Commission and the city allow their property and its value to be damaged by higher density development and, in a sense, being built in the property line without any buffers and respect to their privacy.
- How could this have been approved when the buffers were specifically called for in the Land Use Plan in situations of different densities.

- Their legal rights to appeal the Planning Commission's approval of the concept plan were denied by the fact they they were not notified of the pending request last October.
- The residents of Pinegate would like the City Council to give them the same consideration all the previous neighborhoods in the city have received. This should be done to prevent their properties from being damaged and giving them undisturbed buffers.

Marie Agoochee, Tracey Banks, George Myers, Phyllis Aguayo, and Mona Duwell addressed Council and voiced the following concerns:

- Would like two weeks notice of construction in the future.
- Suggested a 50 foot buffer on the "Banks" property located on Hwy 74 near The Commons site.
- Requested that an investigation into the "slave graves" on this site take place before any action.
- Emphasized the importance of buffers and asked that this be taken into consideration on all future development as well as in regard to the Thoroughfare Plan.

Pace asked Webb what action could Council take in this issue because they were dealing with an approved plat.

Webb said based on his review of this particular parcel of property, the conceptual site plan for this property was approved in October of last year with certain conditions; one of which was the fence that has been the topic of discussion between the property owners and PCDC. Webb said further that the city's ordinances required an appeal to be filed within five days and there was no appeal filed within five days and that the city's notice requirements had been met. Webb said the only thing Council could address would be an interpretation of that approval of the conceptual site plan.

George Kadel of 104 Greensway addressed Council and stated he was concerned about the lack of notification and the locations where signs were posted. Lenox rebutted Cadell's statement saying that the city did everything in their power to publicize what is going on and that he felt the residents had to take some personal responsibility as well.

Brooks commented that Peachtree City had reached a point where buffers should be part of ordinances and directed city staff to draft an ordinance addressing this issue.

Tom O'Connell addressed Council again and suggested that any time a variance or zoning was requested to make it part of the process to notify adjacent land owners of their

intention by either telephoning or mailing a notice to them. O'Connell said perhaps the applicant could be made responsible for this notification.

Pace stated he felt that land owners should be notified by the developer prior to the beginning of construction.

Chase Broward of PCDC addressed Council and stated he felt PCDC had done what was required as far as the city was concerned and had met with the neighbors on a couple of occasions to work out the fine points and adjustments were made to the plan as a result of comments from the neighbors. Broward said additionally that PCDC had incorporated city staff and Planning Commission comments as well. Broward said further he felt that privacy would be maintained with the proposed fencing and visual elements had been discussed with the neighbors. Broward said PCDC was willing to provide some dollars for landscaping on the rear of their property as they see fit and look at each lot individually. Broward committed to provide better notification in the future. Brooks suggested that the Pinegate residents and Mr. Banks, whose property bordered Highway 74, meet with PCDC and city staff to resolve those issues.

A citizen inquired about the cemetery on the site and Broward said they had consulted with Mr. Leach and others in a position to know about the cemetery and that Leach had indicated if there were any graves outside the established lines of the cemetery when Mr. McWilliams owned the property that they had been plowed up. Further, PCDC had looked at the property again and had not been able to see anything outside the established lines of the cemetery, but felt clearly there was no evidence of graves. Brooks instructed city staff to follow up on the issue of the graves.

Brooks said there were expectations that were not being met regarding buffers which should be part of the ordinance as opposed to being part of a negotiating process. In addition, there was an expectation for notices to go out for variances and development.

Basinger suggested that staff could draft a change to the ordinance which would require buffers and investigate additional notification requirements which would be brought back to Council.

Price said she thought it would just be a matter of expanding the responsibilities of the applicant.

Price made a motion to deny the appeal to the buffers for The Commons Subdivision. Brooks seconded. Motion carried unanimously.

09-96-04 Public Hearing - FY 97 Budget

Basinger addressed Council and stated he would like to give the public a little background information on the extensive and time consuming process city staff went through in preparing the budget and getting it to the final point. First, the city's Director of Financial Services, Steve Rapson, developed the budgetary guidelines to be used in the initial preparation of the budget. The division Directors and Chiefs then prepared Budget I based on those guidelines. Budget I was reviewed by Mr. Rapson and himself with the Directors and Chiefs, who then agreed upon revisions and proceeded to prepare Budget II. The next step was to review Budget II with the Directors and Chiefs. Final revisions were agreed upon and the Directors and Chiefs prepared Budget III. Next, the Mayor reviewed Budget III with the Directors and Chiefs. Finally, a public workshop was held on July 25th whereby Council met with the Directors and Chiefs to review Budget III. From the council workshop came the final budget Council was reviewing tonight. Basinger said further there had been many hours of detail review, planning and cutting to reach this point since the process started back in March. Basinger said he felt it was important for the public to be aware of the arduous process city staff went through preparing this budget.

Basinger stated that Council, at a budget workshop on July 25, met with each Chief and Director to review the budget for each department with the city. This was a comprehensive review by Council and staff was seeking approval for the budget which was primarily the budget that resulted from the workshop. The only two changes since the workshop was a slight decrease in the Council Contingency Fund for financing the Post Office Connection to Clover Reach, which Basinger would comment on further, and a projected increase in cash carryover of \$148,647. This cash carryover increase resulted from staff's previous conservative revenue projections, and actual revenues to-date dictated this revised projected cash carryover. These funds were proposed to be placed in the Operating Cash Carryover line item (\$424,242 to \$572,889) which the city used to remain on a cash flow basis. Those were the only changes to the budget since the workshop.

Basinger advised Council that the proposed budget totaled \$14,581,232. The budget was impacted by a number of carryover funds which included \$725,000 in self insurance reserve funds, \$525,000 in Public Improvement funds for uncompleted projects in this year's budget that were to be carried over to 1997, and there was still \$50,000 in recreation bond issue funds to put the final touches on these projects. All of those carryover funds did significantly impact the total budget figure. For comparison purposes, there was a nine (9) percent decrease in the 1997 budget over the 1996 budget, which was attributable to all but \$50,000 of the \$3 Million recreation bond issue having now been spent on the new facilities.

Basinger said the key number to look at in his opinion was the increase in new money in the General Fund. This increase was projected to be \$357,051, or 3.39 percent increase over 1996 revenues. This minimal increase was due to several projected decreases in revenues in 1997. First, there was the proposed reduction in the millage rate of approximately .12 mills, which would reduce Ad Valorem taxes approximately \$90,000 dollars. This reduction was to compensate taxpayers for an increase in E-911 costs on the telephone bills due to the countywide consolidation of communications. Secondly, there was a projected reduction of approximately \$175,000 due to the possible acquisition of Georgia Utilities and the elimination of the franchise tax. Finally, there would be an approximate reduction of \$100,000 due to the deletion by the State of the city's authority to collect the Intangible Tax. Those were the major reasons for only a 3.39 percent increase in general fund revenues.

Basinger explained further that as for expenses, the Operating Budget, which comprised all the Division budgets, was proposed to be increased 5.50 percent. Actually, when considering the self supporting recreation and court programs, the increase was 5.29 percent. The major part of this increase was for 11 additional positions at a cost of \$236,275. Those positions included 1 police detective, 3 firefighter/EMTs, 3 maintenance workers, an engineering technician, a library technology coordinator, a recreation coordinator, and a computer system administrator. Basinger asked Council to note the majority of those new positions were in public safety and public works.

Other additional expenses included a \$128,000 increase in the Public Improvement Program. Debt service and self insurance budgets remained at relatively the same level as 1996. Self insurance funds were being temporarily used to fund the valuation and possible acquisition of Georgia Utilities. If the sewerage system was acquired, these funds would be repaid to self insurance once the revenue bonds were sold. (The cost of the valuation and acquisition attorney fees is projected to be approximately \$1,050,000.)

Basinger's final comment on the budget before Council was funding for the Council Contingency Fund. Since the Budget Workshop, Council had approved \$46,160 for the Post Office drive/Clover Reach connection. Thus, Council had \$219,084 that was being carried over from this year. The proposed budget included \$100,000 of additional funding for a total of \$319,084. Normally, Council elected to supplement this fund with any additional ad valorem taxes collected above the budgeted amount.

Basinger concluded his comments on the budget by saying thank you to the Council for their input and direction in helping to set priorities and allocation of funds. Basinger also thanked the Division Directors and the Police and Fire Chiefs for their cost conscious efforts during the budgetary process. Basinger thanked the city's

Finance Director, Steve Rapson, who did a yeoman job on the budget and deserved due credit.

Basinger advised Council that staff recommended approval of the proposed 1997 budget and said staff would answer any questions.

Pace requested that the budget be increased by an appropriate amount to fund a Public Information person who would be responsible for updating Channel 2 and notifying homeowners in a prompt and efficient manner and viewed this position as a liaison so that citizen's questions could be answered in a more timely manner and at the same time free up other city personnel's time.

Brooks said he supported the concept but felt that the position could not be funded until the job description could be drafted, and costs and qualifications determined. Brooks directed staff to look into the matter and suggested it could be funded from the Council Contingency Fund.

Pace suggested that perhaps the Public Information position could be augmented by volunteers.

Lenox made a motion to approve the FY 97 Budget. Brooks seconded the motion. Motion carried unanimously.

Lenox made a motion to take a brief recess and reconvene in Executive Session. Brooks seconded the motion. Motion carried unanimously.

EXECUTIVE SESSION

No action was taken in Executive Session. Lenox made a motion to adjourn. Brooks seconded the motion. Motion carried unanimously.


Gloria Strobel, Executive Secretary

Attest: 
Mayor