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SPECIAL CALLED MEETING AGENDA

Mike Mason, Mayor

Phil Sadd – Post 1, Council Member

Jeanne Aulbach – Post 4, Council Member

James Lowe – Post 2, Council Member

Lorri Christopher – Post 5, Council Member

Alex Wright – Post 3, Council Member

Weare Gratwick – Post 6, Council Member

May 8, 2012

SPECIAL CALLED MEETING

7:30 PM

Robert Fowler, YMCA

5600 West Jones Bridge Road, Peachtree Corners, GA 30092

A) CALL TO ORDER

B) ROLL CALL

C) PLEDGE OF ALLEGIANCE

D) OPENING COMMENTS

E) CONSIDERATION OF MINUTES

»April 17, 2012 Special Called Meeting Minutes

»May 1, 2012 Special Called Meeting Minutes

»May 8, 2012 Special Called Work Session Summary

F) PUBLIC COMMENT

G) REPORTS AND PRESENTATIONS

H) NEW BUSINESS

1. **02012-05-01 FIRST READ** and CONSIDERATION OF AN ORDINANCE CREATING THE POSITION OF CITY MANAGER FOR THE CITY OF PEACHTREE CORNERS, GEORGIA

I) MAYOR'S COMMENTS

J) EXECUTIVE SESSION

K) ADJOURNMENT

CITY OF PEACHTREE CORNERS
SPECIAL CALLED MEETING MINUTES
April 17, 2012 @ 7:30pm

The Newly Elected Mayor and Council of the City of Peachtree Corners held a Special Called Meeting on Tuesday, April 17, 2012 at 7:30pm. Having been sworn in by the Honorable Gwinnett County Superior Court Judge Warren Davis, in a ceremony hosted by the United Peachtree Corners Civic Association on Sunday, April 15, 2012, this INAUGURAL Special Called Meeting was held at Christ the King Lutheran Church, located at 5575 Peachtree Parkway, Peachtree Corners, Georgia 30092. The following were in attendance:

Mayor	Mike Mason
Council Member	Phil Sadd, Post 1
Council Member	James Lowe, Post 2
Council Member	Alex Wright, Post 3
Council Member	Jeanne Aulbach, Post 4
Council Member	Lorri Christopher, Post 5
Council Member	Weare Gratwick, Post 6

PLEDGE OF ALLEGIANCE: Led by Mayor Mason.

OPENING COMMENTS: Mayor Mason welcomed everyone to tonight's meeting and introduced Ms. Joan Jones who will be assisting with this meeting. He thanked Council Member Lowe for the city banners and signs for this meeting. In addition, Mayor Mason explained the procedure for public comments, stating this is an additional opportunity for the council to receive feedback from anyone on any topic and noted that in order to hear from as many people as possible, there will be a three (3) minute time limit per speaker, and asked for anyone wishing to speak to please complete a "Public Comment Card" and state their name and address for the record.

PUBLIC COMMENT: Mayor Mason called for Public Comment. Mr. Ed Stiles addressed the council regarding his concern on the appointment of a City Attorney and City Clerk that currently work for another city.

REPORTS and PRESENTATIONS:

NEW BUSINESS: Attorney William (Bill) Riley presented information to the Mayor and Council on his experience in working with new cities such as Sandy Springs, Dunwoody and Johns Creek and briefly explained the legislation and projects this Mayor and Council will address in the first few months of city hood, i.e. transitional services, land use and zoning issues along with policy developments. He offered the various services he is able to provide.

APPOINTMENT OF ACTING CITY ATTORNEY: After Mr. Riley's presentation Mayor Mason asked for consideration of Resolution 2012-04-01 approving the appointment of Acting City Attorney William Riley. Council Member Christopher motioned, seconded by Council Member Lowe to approve this resolution appointing William Riley, Acting City Attorney. During discussion Council Member Gratwick reiterated this is an interim position and Council Member Sadd voiced his appreciation on the extensive experience of Mr. Riley in the startup of a city. There being no further discussion, Mayor Mason called the motion and the motion carried unanimously. (***RESOLUTION 2012-04-01***)

APPOINTMENT OF ACTING CITY CLERK: Mayor Mason asked Ms. Jones to review her work experience. After Mrs. Jones' presentation, Mayor Mason asked for consideration of Resolution 2012-04-02 approving the appointment of an Acting City Clerk. Council Member Gratwick motioned, seconded by Council Member Wright to approve this resolution appointing Joan Jones, Acting City Clerk. During discussion, Ms. Jones, when asked by Council Member Lowe, confirmed she is able to work with the City of Peachtree Corners and Council Member Sadd reiterated this is an interim position. There being no further discussion, Mayor Mason called the motion and the motion carried unanimously. **(RESOLUTION 2012-04-02)**

DESIGNATION OF LEGAL ORGAN: Attorney Riley reviewed the Resolution 2012-04-02 designating the Gwinnett Daily Post as the legal organ for the City of Peachtree Corners so that all Public Notices, Meeting Notices and such will be published. Council Member Aulbach motioned, seconded by Council Member Christopher to approve this Resolution designating Gwinnett Daily Post as the city's legal organ. During discussion Mayor Mason asked for clarification that the website will still be utilized for notifications, Clerk Jones noted the website will have all notices and meetings along with the agenda packets, in addition, there will be an Agenda Summary posted within 24 hours after the scheduled meeting and the minutes will be posted on the website once they are approved by Mayor and Council. There being no further discussion, Mayor Mason called the motion and the motion carried unanimously. **(RESOLUTON 2012-04-03)**

GMA PUBLIC OFFICIALS INSURANCE: Attorney Riley reviewed this Action Item regarding the need for this insurance to be in effect and explained Georgia Municipal Association has offered to issue coverage until such time the city is able to send out formal bids. This action would approve having Director and Officer Insurance thru GMA and would give authorization to execute the necessary documents. Council Member Gratwick motioned, seconded by Council Member Wright to approve this type of insurance thru GMA. There being no discussion, the motion carried unanimously. **(ACTION ITEM)**

NOTIFICATION TO GWINNETT COUNTY: Attorney Riley outlined this Action Item and the need to give Gwinnett County notification regarding ancillary services and he needs the authority from council to proceed with the process as there is a sixty day (60) window once the process begins in order to be ready by July 1st. Council Member Aulbach motioned, seconded by Council Member Christopher to approve this Action Item and notify Gwinnett County regarding Certain Services to the new City of Peachtree Corners, Georgia. There being no further discussion, the motion carried unanimously. **(ACTION ITEM)**

CITY STARTUP CONSULTANTS: Attorney Riley introduced and asked John Kachmar to address the council regarding his thoughts on the process of starting up a city. Mr. Kachmar explained how he and Mr. McDonough would work jointly in an executive search for a city manager and various projects that need to be done during this same time such as a revenue forecasting, service delivery overviews, communication plan, governing system, work location site, etc. He presented an engagement letter to the Mayor and Council and briefly reviewed his work experience. Council Member Aulbach motioned, seconded by Council Member Lowe to approve and authorize the hiring of consultants John McDonough and John Kachmar to assist with the startup of the city. During discussion, Mayor and Council expressed having the right city manager in place as soon as possible will assist with all the other plans, the need to build the city's foundation the right way and the benefits of the learning curve from the consultants experience will only accelerate their goals for the city. When asked by Council Member Sadd, Mr. Kachmar explained they want to give the city a good product and are looking at approximately 120-150 day timeframe. There being no further discussion, Mayor Mason called the motion and the motion carried unanimously. **(ACTION ITEM)**

STRATEGIC PLANNING FACILITATOR: Mr. Kachmar gave a synopsis of the work Lyle Sumek does for

cities all over the United States, explaining he has a Doctorate in Governance, has been the City Manager of San Diego; his process is to conduct interviews with Council Members and Mayors and they work together to develop a consensus driven plan for 1-5 years or longer. He offered that with the City of Peachtree Corners it will probably be a 12-18 month strategic plan and some long term planning; the plans offer the Mayor and Council performance metrics to make sure things are on track and the staff knows the goals for the city. Council Member Sadd motioned, seconded by Council Member Gratwick to approve the Action Item and authorize the hiring of Lyle Sumek & Associates to help develop a Strategic Plan for Peachtree Corners. There being no further discussion, the motion carried unanimously. **(ACTION ITEM)**

MAYOR'S COMMENT: Mayor Mason thanked everyone for attending and extended the council's appreciation to Christ the King Lutheran Church for allowing this Inaugural meeting and their support of the city. He asked everyone to please go the interim website at www.cityofpeachtreega.com for all the meetings and notice information.

Mayor Mason announced there was no need for an **Executive Session** and called for a motion to adjourn.

ADJOURNMENT: Council Member Christopher motioned, seconded by Council Member Wright to adjourn the meeting. There being no further discussion, the motion carried unanimously and the meeting was adjourned.

Approved,

Mike Mason, Mayor

Attested,

Joan Jones, Acting City Clerk

CITY OF PEACHTREE CORNERS
SPECIAL CALLED MEETING MINUTES
May 1, 2012 @ 11:00AM

The Mayor and Council of the City of Peachtree Corners held a Special Called Meeting on Tuesday, May 1, 2012 at 11:00am. This Special Called Meeting was held at Robert D. Fowler YMCA located at 5600 West Jones Bridge Road in Peachtree Corners, Georgia 30092. The following were in attendance:

Mayor	Mike Mason
Council Member	Phil Sadd, Post 1 - Absent
Council Member	James Lowe, Post 2
Council Member	Alex Wright, Post 3
Council Member	Jeanne Aulbach, Post 4
Council Member	Lorri Christopher, Post 5
Council Member	Weare Gratwick, Post 6
Acting City Attorney	Bill Riley
Acting City Clerk	Joan Jones

PLEDGE OF ALLEGIANCE was led by Mayor Mason.

OPENING REMARKS: Mayor Mason thanked everyone for attending and reminded everyone of tonight's work session at 7:30 here at the YMCA.

PUBLIC COMMENT: Ms. Ali Stinson addressed the council and voiced her concern regarding the lack of public notifications of the council meetings and recited Section 8.11 D & E of the City Charter as it pertains to the transition timeline. She commented the city needs to lay a good foundation and not rush as the deadline is not until December 2013.

REPORTS & PRESENTATIONS: Acting City Attorney Riley commented he will review the two agenda items.

NEW BUSINESS

CORRESPONDENCE TO GWINNETT COUNTY: Acting City Attorney Riley presented a letter to the Mayor and Council and requested their authorization to submit the letter to Gwinnett County as soon as possible. He explained the letter has two purposes, 1) to request Gwinnett County initiate a 90 day moratorium on certain services and 2) to notify Gwinnett County the City of Peachtree Corners intends to take over certain services as of midnight June 30, 2012. Attorney Riley further explained he has been advised by Gwinnett County the request needs to come from the City of Peachtree Corners Mayor and Council and as the County has a meeting this afternoon, this is the reason for this 11am Special Called Meeting as he would like to deliver this letter to Gwinnett County for their consideration.

In addition, Attorney Riley reviewed how the transition of services works and what will happen during these overlapping days. He addressed the council's concern regarding how a moratorium would affect businesses, possible zoning issues, how this can be communicated to the public and what may happen if a moratorium is not in effect. Attorney Riley explained to council this moratorium may be lifted earlier, but this allows the city time to plan and consider their services. Council Member Gratwick motioned, seconded by Council Member Christopher to authorize Acting City Attorney to deliver the letter regarding transfer of power to Gwinnett County. There being no further discussion, the motion carried unanimously. (***ACTION ITEM***)

TRANSFER OF POWER RESOLUTION: Acting City Attorney presented this draft resolution for council to review as no action will be needed at this time; explaining the procedure for adoption as this involves zoning issues, fees, licensing issues etc. No action was taken on this resolution at this time.

MAYOR'S COMMENTS: Mayor Mason thanked everyone for attending and reminded everyone the city is proceeding cautiously in order to make the best determination for its citizens and businesses.

No Executive Session was held.

Council Member Aulbach motioned, seconded by Council Member Christopher to adjourn. There being no further discussion, the meeting was adjourned.

Approved:

Mike Mason, Mayor

Attest:

Joan Jones, Acting City Clerk

CITY OF PEACHTREE CORNERS
SPECIAL CALLED WORK SESSION SUMMARY
May 1, 2012 @ 7:30PM

The Mayor and Council of the City of Peachtree Corners held a Special Called Work Session on Tuesday, May 1, 2012 at 7:30pm. This Special Called Meeting was held at Robert D. Fowler YMCA located at 5600 West Jones Bridge Road in Peachtree Corners, Georgia 30092. The following were in attendance:

Mayor	Mike Mason
Council Member	Phil Sadd, Post 1 - Absent
Council Member	James Lowe, Post 2
Council Member	Alex Wright, Post 3
Council Member	Jeanne Aulbach, Post 4
Council Member	Lorri Christopher, Post 5
Council Member	Weare Gratwick, Post 6
Acting City Attorney	Bill Riley
Acting City Clerk	Joan Jones

PLEDGE OF ALLEGIANCE was led by Mayor Mason.

OPENING REMARKS: Mayor Mason thanked everyone for attending. He explained the procedure for the Council Work Session, that it is a more informal meeting where the council is presented and discusses agenda issues. There is no public comment during a work session and the meeting is open to the public.

REPORTS & PRESENTATIONS: Consultant John Kachmar presented information on the creation of the City Manager position and asked for council feedback on what they are looking for in a city manager. He outlined the various ways the job will be advertised, reviewed a draft copy of the job advertisement and highlighted the duties, possible salary range and functions of the city manager. He noted this is preliminary information that has been put together, but he needs Mayor/Council feedback for any further changes or recommendations. During discussion, the consideration of residency was discussed, the timeframe to have someone on board, the need to advertise the final candidates, the interview process and the need to have highly qualified staffing as they will need to serve multiple functions/duties.

Acting City Attorney Riley presented the draft ordinance and explained the requirement for a First and Second Read before adoption. There was a brief discussion again on the time frame to get the right person on board and the need to have an ordinance in place creating the city manager position.

MAYOR'S COMMENTS: Mayor Mason thanked everyone for attending.

EXECUTIVE SESSION: Acting City Attorney Riley requested an Executive Session to discuss two legal matters. Council Member Christopher motioned, seconded by Council Member

Aulbach to go into Executive Session for two legal matters. There being no discussion, the motion carried unanimously.

Council Member Christopher motioned, seconded by Council Member Aulbach to adjourn out of Executive Session. The motion carried and the Work Session was resumed.

Council Member Christopher motioned, seconded by Council Member Lowe to adjourn. There be no further discussion, the meeting was adjourned.

Approved:

Mike Mason, Mayor

Attest:

Joan Jones, Acting City Clerk

**AN ORDINANCE CREATING THE POSITION OF CITY MANAGER FOR THE CITY
OF PEACHTREE CORNERS, GEORGIA**

WHEREAS, the City of Peachtree Corners Charter was adopted by the Georgia Legislature, HB 396 of the 2012 Session of the Georgia General Assembly, providing for the establishing of the City of Peachtree Corners and providing for its operation; and

WHEREAS, Article III (“Administrative Affairs), Section 3.10 of the City Charter provides that the City Council may create various administrative departments and directors for the City, and such directors shall be under the direct supervision of the Mayor of the City; and

WHEREAS, the Mayor and City Council find that the position of City Manager should be created to provide for orderly administration of the various departments of the City; and

WHEREAS, pursuant to Section 8.11, the City of Peachtree Corners is authorized, through its duly elected City Council, to pass Ordinances that bind the City prior to the official July 1, 2012 start of operations of the City.

THEREFORE, IT IS HEREBY ORDAINED by the Mayor and City Council for the City of Peachtree Corners that a position of City Manager for the City of Peachtree Corners is hereby created and provided for as follows:

Section 1: City Manager; Appointment, Qualification, and Compensation.

The Mayor shall appoint, subject to confirmation by the Council, for an indefinite term, an officer whose title shall be the “City Manager” and the City Manager shall serve at the pleasure of the Council. The City Manager shall be appointed without regard to political beliefs and solely on the basis of his or her executive and administrative qualifications with special reference to his or her educational background and actual experience in, and knowledge of, the duties of office as hereinafter prescribed. The City Manager shall receive such compensation as the Council shall determine appropriate.

Section 2: City Manager as Chief Administrative Officer.

The City Manager shall serve as the Chief Administrative Officer of the City of Peachtree Corners. The City Manager shall be responsible to the Mayor and Council for the proper and efficient administration of the affairs of the City over which said officer has jurisdiction.

Section 3: City Manager - Residency.

Residence at the time of appointment of a City Manager shall not be required.

Section 4: City Manager Powers and Duties Enumerated.

The City Manager shall have the power, and it shall be his or her duty to:

- (1) See that all laws and ordinances are enforced;

- (2) Appoint and employ all necessary employees and department heads of the city, provided that excepted from the power of this appointment are those officers and employees who by the Charter, State law, or any Ordinance of this City, are appointed or elected by the Council or departments not under the jurisdiction of the City Manager;
- (3) Remove employees employed by said officer without the consent of the Council and without assigning any reason therefore;
- (4) Exercise supervision and control of all departments and all divisions created in the Charter or that may hereafter be created by the Council except as otherwise provided in the Charter or other Ordinance of the City;
- (5) Attend all meetings of the City Council with a right to take part in the discussions, but having no vote. The City Manager shall be entitled to notice of all special meetings;
- (6) Recommend to the Council, after prior review and comment by the Mayor, for adoption such Ordinances, Resolutions, Policies, and measures as the City Manager may deem necessary or expedient;
- (7) See that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise are faithfully kept and performed and upon knowledge of any violation thereof to call the same to the attention of the City Attorney, whose duty it shall be forthwith to take such steps as are necessary to protect and enforce the same;
- (8) Make and execute all lawful contracts on behalf of the City as to matters within said officer's jurisdiction pursuant to an established Purchasing Policy and to the extent that such contracts are funded in the City's budget and approved by the City Council, except such as may be otherwise provided by law or other Ordinances of the City;
- (9) Act in accordance with Section 2.28 of the City Charter, by preparing and submitting to the Mayor, prior to the beginning of each fiscal year a budget of proposed expenditures for the ensuing year, showing in as much detail as practicable the amounts allotted to each department of the city government and the reasons for such estimated expenditures;
- (10) Keep the Council at all times fully advised as to the financial condition and needs of the city;
- (11) Make a report to the Council, as requested, showing the operations and expenditures of each department of the city government for the preceding month;
- (12) Fix all salaries and compensation of city employees in accordance with the city budget and the city pay and classification plan; and
- (13) Perform such other duties as may be prescribed by the City Charter or required by

ordinance or resolution of the Council.

Section 5: Emergencies.

In the case of a declared public emergency as defined in Section 2.23 of the City Charter, the City Manager may award contracts or make purchases for the purposes of meeting such emergency; but the manager shall file promptly with Council a report showing the necessity for such expenditures and, as promptly as possible, obtain approval of the City Council on all awarded contracts.

Section 6: Council Interference with Administration.

Except for the purpose of inquiries and investigations under Section 2.15 of the City Charter, the City Council or its members shall deal with city officers and employees who are subject to the direction or supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders directly to any such officer or employee, either publicly or privately.

Section 7: City Manager - Removal.

- (a) The Mayor and City Council may remove the City Manager pursuant to a majority vote of all duly elected Council members. The City Manager shall be an at-will employee as provided by the Charter and Georgia State Law and shall have no procedural administrative appeal rights as a result of said termination.
- (b) If the City Manager becomes disabled and/or is otherwise unable to carry out the duties of the office or if the City Manager dies, an Acting City Manager, as appointed by the City Manager or, if one is not so appointed, as appointed by the City Council, shall perform the duties of the City Manager until the City Manager's disability is removed or until the City Manager is replaced. Unless otherwise required by State or Federal law or otherwise by vote of Council, the City Manager shall not receive compensation during the period of time an Acting City Manager is performing the duties of the City Manager.

Section 8: Acting City Manager.

- (a) The City Manager may designate in writing any administrative employee of the city who shall exercise all powers, duties, and functions of the City Manager during the City Manager's temporary absence from the city or during the City Manager's disability. If such designation has not been made and the City Manager is absent from the city or unable to perform the duties of the office or to make such designation, the Council may, by resolution, appoint any qualified administrative employee of the city to perform the powers, duties, and functions of the City Manager until the City Manager shall return to the city, the disability ceases, or the Council appoints a new City Manager.
- (b) In the event of a vacancy in the office of City Manager, the Council may designate a person as Acting City Manager, who shall exercise all powers, duties, and functions of the City Manager until a City Manager is appointed.

Section 9: Mayor or City Councilmember serving as city manager.

Neither the Mayor nor any other member of the City Council shall be eligible for appointment as city manager or acting or interim City Manager during his or her term of office and for a period of two years after the end of his/her term as Mayor or City Councilmember.

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 2012.

Approved:

Mike Mason, Mayor

Attest:

Approved as to Form and Content:

Joan Jones, Acting City Clerk

William F. Riley, Acting City Attorney

(Seal)