City Council of Peachtree City
Minutes of Regular Meeting
August 19, 2004
7:00 p.m.

The City Council of Peachtree City met Thursday, August 19, 2004, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:05 p.m. Other Council Members present were: Stuart Kourajian, Steve Rapson, Judi Rutherford, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown recognized Morgan Tyus as the winner of the Georgia Pre-teen Scholarship Program. Matt Robinson was recognized for his certification as a support professional. The Financial Services staff was recognized for receiving the Government Finance Officers Association's Award for Distinguished Budget Presentation for the Fiscal Year beginning October 1, 2003. Heather Lackey of the Police Department was recognized as the July Employee of the Month. Max Elias was recognized for his service as Mayor Brown's summer intern. The Optimist Club presented a check to the Police Department for the Challenge Coin Program.

Minutes

Rutherford moved to approve the July 22, 2004, Budget Workshop minutes. Rapson seconded. The motion carried unanimously.

Consent Agenda

1. **Consider Budget Amendments**

Rutherford moved to approve the Consent Agenda. Rapson seconded. The motion carried unanimously.

VII. Old Agenda Items

08-04-02 Public Hearing – Consider Rezoning Request – AR to OI – 153 Senoia Road

Roger Norton spoke to Council on behalf of the applicant, Dennis Broderick, the property owner. Norton said he wanted to move his office from Newnan to Peachtree City. He currently had the parcel under contract. The applicant requested the 1.38-acre tract be rezoned from AR Agricultural Reserve to OI Office Institutional. Norton said the property would be used as an office. He continued that his company did not own any large equipment and all work was subcontracted. The office would primarily serve as the location for secretarial work, financial work, and weekly meetings. He said there was a good border between the house and the neighbors, and the proposed use did not interfere with the Land Use Plan.

City Planner David Rast told Council there were several residential tracts on Senoia Road viewed for re-development into OI Office Institutional. Staff felt OI was a less intense use for the tracts due to the depth of the properties, the location, the fact that properties backed up to AMLI Apartments, and the location of industrial zoned properties across the street. The tract was designated as OI in the Land Use Plan. The tract was large enough to accommodate a freestanding building and parking. Under the best scenario, all of the tracts would be combined for an overall development. The applicant wanted to use the existing house, and any renovation would be to the inside and to the existing driveway. There would be little, or no, impact on the adjoining property owners. Staff recommended approval of the rezoning. He pointed out that the rezoning complied with the Land Use Plan, met the intent of the OI zoning, and the impact would be negligible to the surrounding property owners.

No one spoke in favor of, or in opposition to, the proposed rezoning.

Kourajian asked Rast about recommendation #4 regarding outside storage of equipment and vehicles, and questioned whether that was appropriate under OI zoning. He also asked if another owner would have to adhere to the same stipulations. Rast said a new owner would have to adhere to the restrictions with the property from here on out. He noted that in OI zoning there could be no outside displays or storage. Because the structure was residential, the stipulation was made to ensure building supplies did not end up stored in the back yard due to surrounding residential property.

Rapson said he had a few changes to the recommendations/stipulations, and he wanted to make sure the applicant agreed to the changes. Rapson said his concern was not what Norton would do with the property, but what redevelopment might do. He said he asked the City Manager to talk to Tyrone about the rezoning, since the parcel was at the gateway to their City, and Tyrone said the rezoning was fine. Rapson said he wanted the word "major" stricken from recommendation #2, so there would be no modifications to the exterior of the building. Norton said taking out "major" was fine, but if he needed to protect the visibility of the rear of the property then he might want to put up a privacy fence later. Rapson said another concern he had was that, without putting it in the stipulations, there would be no control if Norton sold the property. Norton said he did not want storage at that location. He continued that there were rarely more than three vehicles in the driveway. Rapson said he would like the sentence to read "at this time" and strike the entire clause "entirely screened from view."

Rapson added a new stipulation regarding the setback requirements. A 75-foot setback on each side was required for OI property adjacent to residential property. Rapson noted that could not be done since one side had less than 75 feet. Rapson said he wanted to define the box that defined the setbacks. The front setback would be 40 feet, the rear setback would be 75 feet, the side setback to the Harrell tract would be 55 feet, and 70 feet on the side adjacent to the Robinson tract. Rapson included a non-disturbance buffer of 40 feet on the north, south, and east sides of the property. Norton said he had no problem with that, and that staff had indicated if he ever had a desire to redevelop the parcel then `he would have to come back to staff and Council.

Meeker suggested phrasing the stipulation so that no structure on the property could be expanded into those areas described.

Rapson moved to approve the rezoning to OI with the seven conditions presented by staff with the following changes: #2 – that the word "major" be struck; #4 – that the words "unless they are entirely screened from view" be struck; and #8 – that the language "that the building setbacks in regards to expanding the structures on the property to be such that the front setback be 40 feet, the rear setback would be 75 feet, the setback from the Harrell tract would be 55 feet, and the Robinson tract would be 70 feet, and to include a non-disturbance buffer along the north, south, and east of 50 feet. Weed seconded.

Rapson said he was trying to protect the vegetation that screened AMLI and the residences. Rapson accepted an amendment to change the non-disturbance buffer to 40 feet. Weed seconded the amendment. The motion carried unanimously.

08-04-CA3 Consider Amendment to Sec. 2-336c Relative to Filling Unexpired Terms on Commissions and Authorities

Director of Administrative Services/City Clerk Jane Miller addressed Council and said staff had been directed at the August 5 meeting to add a requirement that alternates would be required to attend a certain number of meetings and to clarify the 12 months to an appointment for an unexpired term. Miller continued that staff had tried to clarify the 12 months and set a minimum of 50% attendance at regular and called meetings by an alternate.

Rutherford said a list of the commission and authority members, and their terms, had been included and she noted that the terms of three members of the Recreation Commission would expire in 2005. She asked if it would be possible to stagger one of the terms, so there would not be a possibility of replacing three members at one time. Miller said that could be done. Miller added there was some flexibility in the attendance requirement, if there were legitimate reasons for missing meetings.

Rutherford moved to approve the amendment to Sec. 2-336(c) relative to filling unexpired terms on commissions and authorities. Kourajian seconded. The motion carried unanimously.

08-04-06 Consider Agreement with Coca-Cola for Field of Hope Scoreboards

Leisure Services Director Randy Gaddo asked Council to reconsider its decision on the agreement with Coca-Cola made at the August 5 meeting and authorize the City Manager to sign the agreement. He said the contract had been changed so that the agreement went through December 2005, rather than a year-to-year renewal for 10 years. He continued that the City had an agreement with Coca-Cola for the last 10 years. The scoreboard for the Field of Hope needed to go in by the October 2 opening. Council had recommended putting out a Request for Proposal (RFP) to be more inclusive, and staff agreed, but it would take time to think through the RFP and get it ready. He said a lot of people would also be affected by any change, particularly the youth sports organizations. Gaddo said it took time to get the scoreboards ordered and put in and Coca-Cola was able to do that quickly.

Weed asked Meeker if Council would violate any City policy or ordinance by not sending out an RFP. Meeker said no. He continued that the contract had an automatic renewal unless there was a 60-day notice prior to the end of the year. Brown clarified that the agreement did not affect any facilities without a scoreboard that might use another company. Gaddo said yes.

Rutherford moved to have the City Manager sign the agreement with Coca-Cola for the scoreboards for a period to extend through December 2005. Rapson seconded. The motion carried unanimously.

08-04-07 Consider Ordinance Regarding Smoking in Public Places

Brown noted there was an additional document on the dais – a proposed change to the ordinance from him dated September 19, 2004, to Sec. 42-120 Prohibition of Smoking in Places of Employment. Brown gave an overview of the changes to the proposed ordinance recommended at the last meeting.

Dick Knitter told Council he was a non-smoker, but there was altogether too much legislation and Council should consider the differences between public and commercial venues. The community of nonsmokers should deal with the owner of commercial venues. People had no choice to go to public venues, and those venues should be covered by legislation.

Keith Johnston, owner of WK Café, said he took an informal poll of restaurants in the City and found that most of the restaurants were non-smoking. He continued that any type of food was available to nonsmokers at nonsmoking restaurants. He believed that a smoking ban was something the citizenry should decide. Businesses would be affected by a ban. Johnston agreed smoking was a health issue, but he said there should be reasonable measures taken to protect patrons.

Curt Wagner urged Council to approve the ordinance. He said it was true there were places that were no smoking and pointed out that the airline industry gained riders when it went nonsmoking. He said it was time for businesses to look after their employees.

Fran Baudhuin also urged Council to approve the ordinance. She said the ordinance protected children as well as customers and employees who did not have a choice.

Rutherford said they had discussed a separate policy for City facilities and asked if a draft of the policy was underway. City Manager Bernard McMullen said smoking at City facilities was addressed in other areas in the ordinances and they were getting everything together to put into ordinance form to bring to Council. Rutherford asked how that affected City vehicles. McMullen said smoking was not allowed in City vehicles.

Rapson said he was concerned about two items. He cited Sec. 42-117, the definition of bar. He noted that no one under the age of 18 would be admitted to a bar. He questioned whether it should be anyone under 21, since the legal age to drink was 21, although he knew people were considered adults at 18. He was concerned about employees who might be under 21. Kourajian asked if the legal age to buy cigarettes was 18. Kourajian said he was fine with allowing 18 year-olds in bars since they could buy cigarettes and were considered adults. Brown said the state considered 18 year-olds to be responsible adults and allowed them to serve alcohol. The age requirement kept the City parallel with what the state was doing.

Weed disagreed with Rapson on the matter. He recalled his college days and said an entire class of people who could ordinarily socialize would not be able to do so. He felt it would be wrong to not allow those between 18 and 21 to socialize with their friends in a bar setting. Rutherford pointed out that the underage friends frequently served as designated drivers.

Rapson said since the positive air requirement had been removed he saw no reason to wait 90 days to implement the ordinance. He referred to Sec. 42-133 and said he would like to see the ordinance effective in 60 days. He said that was enough time to get the required stickers and notify patrons.

Weed said he had not been at the meeting for the last vote, but people had approached him about the ordinance, specifically families who wanted to go to a particular sports bar with their younger children to watch Monday night football games. Weed said they wanted a choice on whether to go to a smoking environment. He researched if it would be feasible to set hours when smoking was allowed, but found there was no way to get all the toxins out of a building, even with hour limitations. It was clear that smoking was a health issue. People had an inherent right to make bad decisions for themselves, but not for other people. The issue was not smokers and nonsmokers rights, but individual responsibility.

Weed continued there were a few technical concerns in the ordinance. Under Sec. 42-117, Weed said the phrase should be "pipe, weed, or plant." A period was needed at the end of the sentence under Sec. 42-122(4). Under Sec. 42-124(a), the phrase "available for purchase" should be removed. Kourajian said that part of the ordinance meant businesses could not make their own signs. Weed said there was a sign standard and the wording should be more along the lines that signs conforming to the standard were available for purchase. Weed said the sentence was confusing. Rapson suggested adding the attachments to the ordinance that showed the sign design. Weed said a sentence incorporating the exhibit should be added to that section.

Weed continued that the language under Sec. 42-128 was mandatory and asked what plan of action was in place. He said he did not want to legislate something without a clear plan or program. Brown explained that literature from different organizations would be available, or on file, and maybe they could do something with the schools. Rapson suggested changing "will" to "may." Weed accepted that recommendation.

Rapson read the following statement:

Basically since the last meeting, I've done extensive research concerning the separately ventilated system we asked City staff to attempt to incorporate into the proposed smoking ban. I've come to the conclusion that, while a separately ventilated system is a noble goal, in reality, it simply doesn't work because of current building standards and because it is cost prohibitive. In addition, I didn't want to implement a proposed smoking ban that did contain an exception for a separately ventilated system, because I have concerns that businesses that did go to the extra expense of putting in such a system would be out those dollars once the state of Georgia passes a statewide smoking ban. Therefore, at this point, I am willing to pass the smoking ban that Council discussed that evening with the modifications made tonight as well, since it does in fact protect over 97% of the residents and is closer to the goal I think we all share. I will also plan as a Council Member to send a request to next year's legislative package requesting the state of Georgia pass a statewide smoking ban to get the other 3% in the future. I think this approach is reasonable. I think it's a fair compromise, and, hopefully, it will encourage the state to do the right thing.

Brown moved to approve the Peachtree City Smoke Free Air Act as amended in the meeting book with the following changes: to Section 42-117 Definitions under the word "smoking" - put word "or" between pipe, weed, or plant; Sec. 42-122 (4), put period at end of last sentence; Sec. 42-124(a), put a period after the word "place" and strike the words "these signs shall be available for purchase" and add "An example of such sign is attached hereto as Exhibit A."; Sec. 42-128 Public Education, change wording to "<u>may</u> (not shall) engage in public education program;" and Sec. 42-133 Effective Date, strike the words "90 days" and replace with "60 days;" Kourajian seconded. Brown amended his motion to include the change in Sec. 42-120, add words "outdoor restaurant patios" after "vehicles." Kourajian seconded the amendment.

Rapson thanked Kathie Cheney and the existing restaurant and bar owners who helped work through the process. Brown noted the concern for children and pointed out that everyone under the age of 18 was safely out of harm's way in terms of secondhand smoke. The ordinance covered 98% of the non-residential structures in the City. The ordinance was approved 4-1 (Rutherford).

VIII. New Agenda Items

08-04-10 Public Hearing – Consider Variance Request – 828 Carnellian Lane

Russell Walter, the applicant, addressed Council regarding his request for a variance to encroach 6.5 feet into the minimum 15-foot side building setback in the R-22 Residential zoning district. Walter explained that the variance would allow an addition to his home that would provide an extra bedroom and additional office space. He continued that the lot had an odd angle to its shape and the original builder had placed the house on the property incorrectly. The variance was needed to put the addition on the east side (or back of) of the home. Walter said he had looked at different ideas, but the addition location requested was the only place to add to his home with minimal construction. He had contacted the properties directly affected and the Kedron Hills Homeowners Association. John Bowman, Walter's neighbor, whose property was directly affected, had written a letter stating he had no problem with the variance. The letter was included in the application package. He also noted that the Homeowners Association had also written a letter in support of the variance. He added that the Homeowners Association's architectural review board, as well as the Building Department, had to approve the plans for the addition.

Steve Pyeches, also a neighbor, said the addition would be a positive improvement and he asked Council to approve the variance.

Rast noted that Walter had been working on the variance for several months and his predicament was the reason the variance criteria were established. Walter was trying to enhance the livability of his home and had done his homework. There was no other place on the lot that could accommodate the expansion. The expansion would be completely in the rear. Rast said staff supported the variance. Approval of the variance would not set a precedent. Most of the homes were zoned R-22. This was one lot where the home had been pushed to the property line. Rast continued that Walter had gone into detail about his situation. He said R-22 zoning was for half-acre lots, and Walter's lot was bigger than that. The structure was just pushed to the property line.

Weed said he had gone to the site that day and added that Council did not usually vote in favor of variances since the standards usually were not applicable. The packages were usually poorly done. Weed told Walter his package was the best he had seen. Weed moved to approve the variance request. Rutherford seconded.

Rutherford said she had also visited the site and that the lot was strange. Rapson said he wanted to stipulate, for the record, that the lot had an unusual configuration, had an odd shape, and the property lines were not parallel to the home. The west side the garage was slab on grade and would impose an unusual hardship. All the neighbors were in favor of the variance. Rapson said those were all special circumstances and he wanted them on the record. Weed made a friendly amendment to the motion to include the special circumstances. Rutherford seconded the amendment.

Brown said it was unfortunate that the contractor had dropped the house in the wrong place on the lot, but he could not classify that as a hardship, which might not be applicable to other people in the subdivision, or in the City. He noted that he had only voted in favor of two variance requests. There were also several arbitrary variances granted in the subdivision. Brown said he understood what the Walters were trying to do, but he did not think the request met the hardship criteria even though the neighbors supported the request. Rapson said that was why he wanted the stipulations as part of the record.

Meeker said that Rast's condition had not been included in the motion. Rapson added the staff condition for landscaping to be added after construction and for the plan to be evaluated by staff to the motion as a friendly amendment. Weed seconded the amendment. The motion carried 4-1 (Brown).

08-04-11 Public Hearing – FY 2005 Budget and PIP

McMullen said he was pleased to present the FY 2005 budget. He continued that the budget had gone through an extensive process and that the budget was good and sound.

Financial Services Director Paul Salvatore told Council the total budget was $29,584,777, including $3 million in carryover projects. The new appropriations were $26,558,679. The increase in the new appropriations over last year was just under $1 million, or 3.8%. Forty-one percent of that increase, or $403,000, was due to the general obligation (G.O.) bond for the library renovation/expansion. Salvatore pointed out that salary savings due to vacancies in the amount of $509,000 was included.

Salvatore said the general fund budget was $24.4 million, with total revenues of $23.1 million and a surplus carryover of just under $1.3 million. The departmental operating budget was $21 million, which included a 6.2% increase that was within the financial model that generally used 6.5%. Ten new full-time positions, 70% of which were public safety, were included. The Council Contingency fund was $100,000.

Salvatore continued that staff had completed a three-year revenue survey during the year and had implemented several changes. The City would receive less money from the Local Option Sales Tax (LOST), or 1.1% less than last year. There was a 5.8% increase in LOST projected, but the City would receive only an approximate 2.7% increase. The ad valorem tax rate would remain at 5.283 mills. Rapson clarified that the millage rate would not increase, even with the library expansion G.O. bond approved by voters by referendum.

Salvatore said expenses were estimated at $24.4 million. Expenses included $100,000 for Council Contingency, $15,000 for non-profit organizations, and 10 new full-time and two part-time positions. The new positions included three police officers, three firefighters, a fire marshal, Public Works maintenance technician for cart paths, an administrative assistant for Administrative Services, and a purchasing agent. Rapson noted that the administrative assistant would be paid for by a new revenue category and the fire marshal cost was offset by an increase in revenues as well. The part-time positions included a maintenance technician at Kedron Fieldhouse and a part-time planning assistant. Rutherford noted that the Kedron maintenance technician would not cost more money and that the assistant planner was a temporary position.

The Public Improvement Program was $1.9 million, plus a $3 million carryover, for a total budget of $4.9 million. Salvatore briefly went over the details for the PIP, which included the realignment of the Huddleston/Dividend intersection, path connections for the LCI program, Public Works and Fire Department, equipment purchases, work on Meade and Riley Field parking improvements, and improvements to the fire stations. The PIP contingency fund had $300,000, which would be needed due to the construction projects. Carryover projects included public works projects on GA 54 and GA 74, the railroad bridge, utility relocation, the satellite auto facility, resurfacing of the Kedron pool, funds for the GA 54 cart path bridge, and the bridge culvert under the railroad.

Special Revenue Funds included the hotel/motel tax, which was projected at $946,308. The other special revenue funds basically carried over the current balances.

Debt service totaled $2.6 million, including new equipment loans of $526,000, and the new library bond debt service of $403,000. Salvatore said the challenge now was to eliminate the estimated .846 mill increase projected for next year. The original projected millage rate increase in FY 2006 was one mill, which had improved. Salvatore said they would work on fine-tuning the requirement during the new few months.

An unidentified resident asked what the $4,900 for traffic calming devices was. Salvatore said that figure was carryover. If any decisions on traffic calming were made in FY 2005, then funds would have to be supplemented.

Robin Lorber asked if the land for the 54 cart path bridge was included in the $598,000 in funding. Salvatore said $35,000 had been budgeted this year for the bridge design. Grant funds were included in the project cost, with the City paying about 20% of the cost. Rapson said it was important to note that the bridge would cost around $600,000 and the City had received $470,000 in grants. Lorber asked what the $598,000 would be spent on. Salvatore said land was included only if additional right of way was needed. Rapson said the $598,000 included the purchase of the bridge and the structural work to connect everything. The debt service to pay for the land was about $80,000 for the next 15 years and the debt service was not included in the budget for the bridge. Rast said the City did not get a landscaping grant for the bridge yet. He said the City would apply again at the end of the year for the next cycle of funding.

08-04-12 Public Hearing – Millage Rate
Salvatore noted this was the third and final hearing required by state law when the millage rate was not rolled back. The City had to advertise a tax increase due to the increase in assessments.

No one spoke either in favor or against the proposed millage rate. The hearing closed.

08-04-13 Adoption of 2004 Millage Rate
Rapson moved to formally adopt the 2004 millage rate as presented and authorize the Mayor to sign the appropriate forms to be filed with the Fayette County Tax Commission. Kourajian seconded. The motion carried unanimously.

08-04-14 Discussion on Golf Carts in the Industrial Zoned Areas, Tim Powers
Rast went over the update to the master plan and what had been presented to Council at Retreat. He said staff was pursuing several grants for the cart path system, most in the GA 54 West corridor, as well as grants for the multi-use bridge that would connect the north and south sides of 54 West. Ram Development, which was building most of the north side, had committed to installing the section of the path from the bridge to the tunnels under the highway at the CSX railroad. Rast said that DOT had committed to funding 80% of the cost of the tunnels several years ago. Staff had applied for grants for

tunnels under the CSX railroad through the Transportation Improvement Plan that would offset the City's 20% share of the cost. Another tunnel was planned under GA 74 to connect Market Place to Westpark. Another project that was part of the GA 74 widening was a tunnel just north of Paschal Drive. DOT had also committed to funding 80% of that tunnel.

Rast continued through the plan for the industrial park and said the City had another grant for a bridge to cross Flat Creek, which would connect Morallion Hills subdivision to Parkade Court, where Gardner-Denver and SST were located. Rast said DOT planned to build a new bridge over Flat Creek on GA 74 and the City was working with DOT to leave the old bridge in place for use on the cart path system. Rast said staff had identified paths that should be incorporated into the PIP and one of those paths would extend the full length of Huddleston Drive, from GA 54 to Paschall, including an at-grade crossing over the railroad track. Rast said staff was working with the Atlanta Regional Commission for transportation enhancement funding and had locked up some funding that would be incorporated into the PIP budget.

Brown said DOT had been listening to the City's concerns. He noted that DOT was working with the City regarding using the right-of-way to connect the cart path from Villa Point to Willow Road. They also needed to seriously look at Dividend Drive. He said the link should be easy to do once there was money for the asphalt. Rast explained that the right-of-way on Dividend Drive was still owned by the state since the road was built on the former GA 74. Rast said that fact could make the City eligible for some enhancement funding and would be an ideal location for a path.

Tim Powers told Council he had been in the Industrial Park for 20 years and that golf carts using the road had become a safety issue. Powers said he had made two police reports regarding the situation. He pointed out that the speed limit on Huddleston Road was 30 miles per hour, and Dividend's speed limit was 40 miles per hour. Golf carts could only go about 12 miles per hour. Powers said he had 18 trucks on the road everyday. Huddleston Road was not a cart path, but an industrial park. All drivers were required to operate in a safe manner, but had to contend with golf carts that did not have brake lights, headlights, or use turn signals. His concern was that when a wreck occurred, the truck owner would be responsible. He said it all boiled down to safety. Powers continued that trucks emptying dumpsters was another problem that created congestion that would have to be dealt with sooner or later. A cart path parallel to Huddleston Road was needed. He continued that 16-year olds did not need to be riding around under 18-wheel trucks. They created an obstacle, and the police said his only option was to talk to Council. Powers noted that golf carts would not be a benefit when someone was killed.

Rast said Huddleston Road had been identified as one of several study areas. Every golf cart dealer and repair shop was located on Huddleston Road. The Planning Commission wanted to work on a plan for the area. The study was next on the list after the tree and landscape ordinance. Grant cycles were coming up again and the cost of a path on

Huddleston would be around $200,000 because of the length. Some of the planned cart paths could be moved up. Rast agreed there needed to be safe access to the area and said they should work on it fairly quickly.

Kourajian asked Police Chief Jim Murray what could be done with carts on the City streets. Chief Murray said the problem was there was no cart path in the area. Carts and electric cars were banned from roads with speed limits over 35 miles per hour. They were also banned on all major collector roads and any road that had a cart path. Murray said Council could ban golf carts from those roads, but then the businesses could not do business. Brown agreed that part of the problem was the golf cart was now seen as a residential type of transportation. He noted that many employees in the industrial park were driving their golf carts to work and the City should find a way to accommodate that. Murray added that golf carts on the road did not give right-of-way to cars and trucks, and that created a dangerous situation. Many of the golf carts were using the industrial roads rather than going through Planterra Ridge. Brown said several companies were also asking to get on the path system, such as Gardner-Denver and the FAA facility.

Rapson clarified that Council acknowledged there were shortcomings in the path system and directing staff to work on a plan to address those shortcomings in the future. Weed agreed there were problems that needed to be fixed and moved up in priority.

McMullen said staff wanted to put together a program that included when the work could realistically be expected to be done, as well as the cost. He said there were also a number of issues in the residential areas. Rutherford asked if the cart path work could be added to the SPLOST. McMullen said cart path work was on the SPLOST, but the projects were not specific.

Robin Lorber asked if the money from the 54 West bridge could be put into the path system. Brown said thousands of people resided on the west side of the City that would use that bridge on a daily basis. Rast said the money for the bridge could not be used for the path system. He added that the County was also developing a path system, and most of the funding was grant-driven. Brown noted that the City would eventually link into the other path systems, and that Tyrone and the City were already linked at the Crabapple Road area.

08-04-15 Conflicts with Roadside Parking in Industrial Zoned Areas, Tim Powers

Fire Marshal John Dailey told Council that the complaint from Tim Powers regarding on-street parking had been investigated and it had been determined there was a problem, concentrated on the inner perimeter of D-Bob, Auburn Court, and Tiger Way. The two larger businesses in the area were Fitzgerald Plumbing and McWilliams Collision Center and most of the on-street parking seemed to be associated with those companies. Dailey said the on-street parking, sometimes on both sides of the street, made it difficult for vehicles, much less fire apparatus, to get through the area. Dailey recommended that the interior portion of the streets be a "No Parking" area. There should be no parking in the area of fire hydrants or within 30 feet of any intersections. Dailey pointed out the area on the map.

Kourajian asked if there just was not enough parking in the area. Dailey said the roadside parking in the area had increased significantly. Brown noted that several businesses in the area had fleets.

Rapson asked Dailey if he had spoken to Fitzgerald and McWilliams about the parking issue. Dailey said he had not spoken to them yet. Rapson said the City should at least attempt to notify those businesses before restricting parking. Brown said the parking situation was a bonafide safety issue. Rutherford said all the businesses had parking lots, but it was easier to park on the street and run into the business. Dailey said the issue was just complicated by delivery trucks and overnight package deliveries.

Brown moved to continue the item until the next meeting. Rapson said everyone along Tiger Way, Auburn Court, and D-Bob Industrial should be notified about the proposed restriction. Meeker said the parking restriction required an amendment to the City Code, and an ordinance should be ready. Brown moved to continue the item until the meeting and to notify the businesses involved. Kourajian seconded. The motion was approved unanimously.

Council directed the City Manager to decide who would notify the businesses. Weed asked Powers if he had achieved his goal regarding the parking situation. Powers said he had.

08-04-16 Consider Appointment of Judge Pro Hac

Miller informed Council that Municipal Court Judge Eric Maxwell was currently unable to handle Court duties and that it might be a few months before he could fully resume his duties. Judge Pro Hac Stephen Ott had been handling the duties, but had a conflict on one Wednesday in September and would not be able to conduct Court. There was also a possibility he would not be able to attend all of the hearings scheduled at the jail. Miller continued that there was not time to put out an RFP for another judge pro hac. Ott talked to the firm of Collins & Jones, and they had agreed to serve as the judge pro hac for $100 an hour. Miller requested that both attorneys be hired as the judge pro hac. Miller also requested that Ott's rate be increase by $10 an hour, which would be what Maxwell was paid, and that the increase continue as long as Ott served as the primary judge. Brown noted that this had happened suddenly and thanked Ott for stepping in and serving.

Rutherford moved to appoint Carlton Jones and Clay Collins as interim judges pro hac for municipal court at the $100 per hour fee and to increase Stephen Ott's rate by $10 an hour. Weed seconded. Miller and Rapson clarified that the additional $10 per hour for Ott was for the rates charged during normal working hours and after normal working hours. Miller asked that the increase be effective August 1. Rutherford accepted the amendment. Weed seconded the amendment.

Kourajian asked if there was a possibility that Maxwell could be out longer than two months and if an RFP should not be considered. Weed said Maxwell was doing better, and the indication was he would return in a reasonable amount of time. Rutherford suggested Council address the matter again in a month and see if an RPF was needed. Rapson said they could make the changes effective until Maxwell was ready to return to Court and determine if another RFP was necessary in 30 days. The consensus was to wait and see what would happen and for staff to keep in touch with Maxwell. Miller said Ott did not anticipate using the judge pro hac very often. Miller said she did not want to cancel court if Ott became ill or were called out of town.

The motion carried unanimously.

Council/Staff Topics

Rutherford asked who would serve on the interview committee for the court solicitor position and encouraged Meeker to serve on the committee. Weed, Rutherford, and Meeker volunteered to serve.

Rutherford commented on her use of the laptop computer during the meetings and said there was great potential. She noted the quality was better and there was the potential to store more information. They could access digital photos of maps and sites, as well as the Code of Ordinances. Council Members could also go to the main server and pull up documents. Weed asked if the Council Members would have to purchase their own laptops. System Administrator Matt Robinson said the City would purchase the laptops. McMullen said using the laptops would save on paper, copy machine wear and tear, and staff time. Weed said he would like to see an analysis.

Meeker said there was a matter of future or pending litigation for executive session. Weed moved to reconvene in executive session to discuss a matter of pending or threatened litigation. Rapson seconded. The motion carried unanimously.

Rutherford moved to reconvene in regular session. Rapson seconded. The motion carried unanimously.

There being no further business to discuss, Rutherford moved to adjourn the meeting. Rapson seconded. The motion carried unanimously. The meeting adjourned at 10:25 p.m.

Jane Miller

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne

Pamela Dufresne, Recording Secretary