

City Council of Peachtree City
Minutes of Meeting
August 3, 2006
7:00 p.m.

The City Council of Peachtree City met Thursday, August 3, 2006, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present were: Steve Boone, Stuart Kourajian, Cyndi Plunkett, and Judi Rutherford.

Announcements, Awards, Special Recognitions

Mayor Logsdon recognized the graduates of the Citizen Police Academy.

Public Comment

There were no Public Comments.

Minutes

Rutherford moved to approve the June 21, 2006, special called meeting minutes; June 21, 2006, budget workshop minutes; July 13, 2006, special called meeting minutes; and the July 20, 2006, special called meeting minutes, 7 a.m., as written. Boone seconded. The motion carried unanimously.

Monthly Reports

Rutherford noted that the number of Fire Department calls were continuing to increase, but were still answered in less than five minutes. Plunkett noted that the jail fund balance continued to go up and suggested that a meeting should be scheduled between the parties to discuss the issue for next year. Kourajian asked why Halloween was on the calendar. Public Information Officer/Deputy City Clerk Betsy Tyler said it was because the City usually received many phone calls regarding the date for trick-or-treating, which was always on Halloween. Rutherford noted that people sometimes wanted to celebrate on Friday rather than Tuesday. Rutherford said it would be interesting to see if the accident statistics changed now that GA 54 was open.

Consent Agenda

1. Consider Changes to PCTA Bylaws
2. Consider Appointments to the Tourism Association – Art Ferreira,
Chuck Micallef

Rutherford moved to approve the Consent Agenda. Kourajian seconded. The motion carried 4-1 (Plunkett).

Old Agenda Items

07-06-02 Consider Funding for Conceptual Design of The Gathering Place and Baseball/Soccer Complex Expansion

City Manager Bernard McMullen noted there was an additional document on the dais – a spreadsheet from Finance Director Paul Salvatore entitled “Old Agenda Item No. 07-06-02, Consider Funding of Conceptual Design – Gathering Place/BSC, August 3, 2006.”

Salvatore said Council had asked that this item be placed on the agenda for this meeting at the July 20 public hearing on the budget. He recommended that the \$10,000 for The Gathering Place design be funded from Council Contingency, which would leave \$47,000 in Council Contingency. The design for the BSC expansion (\$30,000) was to be funded from the FY 2006 PIP Contingency, which would leave \$163,091 in that account.

Rutherford moved to do The Gathering Place design with the \$10,000 coming out of Council Contingency, leaving \$47,000 in that account and to move forward with the BSC expansion for \$30,000 with the money coming out of the PIP Contingency for FY 2006, leaving \$163,000 there. Plunkett seconded. The motion carried unanimously.

New Agenda Items

08-06-01 Consider Budget Adjustments, including New Police Officer Position

Salvatore noted that this agenda item had also been requested at the July 20 meeting. The first adjustment to the FY 2006 budget was a decrease in the scope of the improvements for the Riley Field parking lot. The budgeted revenues and expenditures had been decreased in the amount of \$170,000, leaving \$75,000 in the account. The corresponding debt service was decreased by \$16,179.

Salvatore continued that the other adjustment was to add a police officer position for FY 2006, so they could advertise for the position. The action had to be taken to add a police officer by September 1, 2006, in order for the officer to be able to get into the September class at the Police Academy.

McMullen noted that there had been a request to remove this item from the Consent Agenda. Kourajian added the documentation had not changed.

Rutherford moved to approve the budget adjustments, including the new police officer position. Kourajian seconded.

Boone said he was adamantly opposed to adding the officer. Logsdon clarified this was a fourth police officer. McMullen said the request had been to fund an additional officer in FY 2006 so the officer could start the Police Academy in September. The position would be funded through the rest of FY 2006 and next year. Rutherford said the funding was so the officer could begin the academy in September. Logsdon said there were no applications, so that might not be accomplished.

Boone asked if there were sufficient funding in the Police Department budget to fund this position. McMullen said there would be sufficient savings in the FY 2006 budget to fund the position. Salvatore said the cost would be \$7,500 for one month. He said the issue would be the ongoing expense. Logsdon said his concern was a full year of salary that had not been in the proposed budget. McMullen said that would be addressed during the next agenda item. Council would need to vote on whether to add the fourth position.

Logsdon asked Police Chief James Murray if an officer could be hired prior to August 15. Murray said they had no qualified college graduate applicants. The paperwork could not get done in time for the September class. Rutherford said Council could approve it, but the money would not be going anywhere since there were no qualified candidates.

The motion carried 4-1 (Boone).

08-06-02 Consider Adoption of FY 2007 Budget

Salvatore noted the changes made to the FY 2007 budget since the budget hearing on July 20. The changes included:

- One of three police officers changed from nine to 12 months;
- One police officer position was created in FY 2006;
- Police vehicle costs were updated;
- Fire Department accreditation consultant was put on hold;
- Scope of the Riley Field parking improvements was reduced;
- A part-time parks monitor position was put back in the budget.

Salvatore pointed out that sufficient cuts were made in the Recreation budget, so the parks monitor was put back in the budget. He said the changes resulted in a net savings of \$1,685 to the appropriations. The use from the cash reserve before the changes was \$414,927. The amount needed from the cash reserve after the changes were made was \$413,242.

Salvatore continued that the budget as presented had one police officer for 12 months, and two police officers budgeted for nine months. He said he was looking for direction on whether to add a third officer for nine months. Rutherford asked what would be needed for a fourth officer. Salvatore said the addition of a fourth officer would increase the PIP by \$38,900 to purchase a vehicle, which would be offset by the equipment lease loan proceeds. The City would be left with an additional \$10,790 in annual debt service for the vehicle. The cost for a fourth officer would be \$58,875 – \$40,805, salary and benefits; \$10,790, vehicle payment; and \$7,280, equipment. The use of the cash reserve would increase to \$472,167.

Rutherford noted that the vehicles were not needed until June and asked when the vehicles would be purchased. Chief Murray said it would depend on when the state contract ran out. This fiscal year, the cars were ordered in January and were delivered in July. Rutherford said the first time an officer could be in a vehicle was July 1. She asked if the \$10,790 started on day one of the budget. Salvatore said the figure was for principal and interest for a vehicle for one year. If the time the City had the vehicles were less, then the costs would be less. Rutherford said she had a hard time buying vehicles in October for someone who would not be able to drive it until July. The budget should reflect that. Salvatore said the debt service could be cut in half if Council wanted to do that. Rutherford said they would not have to adjust the cash reserve as dramatically since they would not need to spend the money on car loans. Logsdon said they should minimize what was taken out of cash reserve. Rutherford said either way there should be less money coming out of the cash reserve. She said if the sole argument was how much money came out of cash reserve, the use of cash reserve included three vehicles starting October 1.

They were not going to buy the cars on October 1. The money could be moved from debt service to salary. Plunkett said if they had to use the cash reserve, she would rather the money be used for officers. Logsdon said he wanted to stop spending out of the cash reserves. Boone said they were looking at close to \$300,000 from the cash reserves to fund the new officers, which was what he was opposed to. All of the other directors had taken cuts and projects had been cut from the PIP. If the additional officers were warranted, he had no problem redirecting the funds.

Kourajian told Boone he understood his concerns but disagreed, especially after the news stories this week. The City had not seen the impact of the Target opening yet. Council's prime focus was public safety. He had no concerns yet, but Council needed to bolster the Department before there was an issue. Logsdon added that it was almost two years before a new officer was beneficial on the street. If they waited until an officer was needed, they would be two years behind. Plunkett said the chances were slim they would find four qualified candidates before January.

Logsdon said they had discussed the issue at the workshop, and they had decided on three officers. The discussions kept going, and a fourth officer was added. He said, when you looked at it closely, the money was coming out of cash reserves. Boone said they could put \$300,000 in the cash reserves, then hire officers when they were needed. Rutherford suggested postponing the budget for two more weeks, and going to the directors and telling them to take \$413,000 out of the budget so cash reserves were not needed. She said they had already cut what they wanted to spend. She was not happy taking money out of cash reserves since it was a form of deficit spending. The additional personnel were needed. She said they had approved a millage increase to pay for public safety. Boone said they had asked for a millage increase, but would be difficult in the community for those on fixed incomes. They should look at paying down debt and upcoming debt service. Rutherford asked Boone if he was ready to postpone the vote and take another \$400,000 out of the budget. Kourajian said they could also vote.

Salvatore said he had run some numbers on the debt service. Cutting the debt service for six months on the three vehicles decreased the amount from \$32,370 to \$16,185. For four vehicles, the net savings would be \$21,580, so the debt service for the first year would be approximately \$37,000. The amount taken from cash reserves would be approximately \$450,000.

Logsdon opened the floor for comments from the public. Dr. Steven Wanderman told Council that public safety was the backbone of a city. People were coming from all over, and Council needed to do more to protect the community. Linda Wojcik said it was incumbent upon the City to have more officers visible in the community, especially since Council was considering more annexations. Betsy Dodds, Senior Adult Council chairperson, thanked Council for helping to further their plans to expand The Gathering Place. As the senior population grew, the expansion would be more important.

Rutherford moved to adopt the FY 2007 budget resolution with the fourth police officer. Plunkett seconded.

McMullen clarified that the interest on four vehicles was to be reduced for six months. Rutherford said that was correct. Rutherford said if the money was not spent, then it stayed in the cash reserves. It was a very difficult decision. The citizens were paying a lot of taxes, but were getting a lot of services from the City. Unfortunately, the word did not always get out that the tax bill included more than the City. It was critical to the community to provide public safety. Recreation was the next core element of what the City provided. There was no cheap way to do any of it.

Boone complimented staff on the work done on the budget. It had been an arduous task, and a lot of thought had gone into it.

The motion carried 4-1 (Boone).

Logsdon also commended staff. He said the workshops had been good, and it had been a learning experience for him.

08-06-03 Consider Intergovernmental Agreement with Development Authority of Peachtree City (DAPC)

Assistant Finance Director Janet Camburn said the agreement basically formalized what had been going on for approximately three years. The City Attorney had drafted the agreement, and the DAPC had approved it in June.

Rutherford asked what was different between this agreement and the previous intergovernmental agreement with the DAPC. Meeker said there was not an agreement currently. The past agreements had dealt with management of the facilities. Meeker added that the agreement was housekeeping and formalized the services the City provided.

Rutherford moved to approve the intergovernmental agreement with the DAPC and to authorize the Mayor to sign it. Boone seconded. The motion carried unanimously.

08-06-04 Consider Alcohol License Fee for Wholesale Business

Public Information Officer/Deputy City Clerk Betsy Tyler noted that Council had an application to consider for a wholesale alcohol license. The ordinance provided for wholesale licenses, but a fee had never been set. The City had never had one before. Staff surveyed several cities and the fees ranged from no fee (only charging for the business license) to \$2,000 for those that sold distilled spirits. Staff recommended that the application fee for the background check be charged, but no additional fee. Wholesalers were heavily regulated by the state, and they did not sell directly to the public. Staff recommended they pay the application fee, which covered the background check for a license, plus the occupational tax fee. The application fee was \$200 and covered the licensee and license representative.

Kourajian asked if the City had any other wholesalers, other than alcohol. Tyler said there were other types of wholesale business. Kourajian asked if this was coming up only because it was alcohol. Tyler said that was correct.

Rutherford moved to adopt the \$200 application fee for an alcohol wholesale business. Meeker added that there be no additional license fee, but they were subject to the occupational tax. Kourajian seconded.

Kourajian asked if a wholesaler's employees would need an alcohol handler's permit. Meeker said they would not since they would not be selling to the public.

The motion carried unanimously.

08-06-05 Alcohol License – NEW – Imagen, Inc.

Darren Reindl, the applicant, addressed Council.

Rutherford moved to approve the wholesale alcohol license for Imagen, Inc., and that Darren Reindl serve as the licensee and license representative. Kourajian seconded.

Rutherford asked Reindl if he had a warehouse. Reindl said the warehouse would be located at 277 Highway 74 North. McMullen noted there was warehouse space on the bottom level of the building. Plunkett asked if it was only wine. Reindl said it would be wine only. Kourajian asked if this was a new business or if it was moving from another city. Reindl said it was a new business.

The motion carried unanimously.

08-06-06 Consider Step One Annexation Request from Group VI

City Planner David Rast said the request was for three parcels of land, approximately 13 acres, located near the Fayette County Animal Shelter and between GA 74 and Redwine Road. The tract was undeveloped, and there was a home on one of the parcels. Group VI had already started construction. Rast showed a map of the area and went over the zoning and land use. The office development was within 500 feet of sewer. Staff had contacted WASA and a connection could be made in the Wilshire subdivision.

Rutherford pointed out that the developer could request to connect to sewer whether the property was annexed or not since it was within 500 feet. Kourajian asked for clarification regarding the ability to connect to sewer. City Attorney Ted Meeker said that there was an EPD regulation that required projects within 500 feet of sewer to try to get connected to sewer. Plunkett asked if Council could refuse such a request. Meeker said Council could refuse, but the EPD would not be happy. Rast said he understood that the Fayette County Health Department should look to see if sewer was in the vicinity when an application for a septic system was submitted. Logsdon asked the developer what had happened at the Health Department. Carl Lange of Group VI said that they were not encouraged by the County to seek a sewer connection. Plunkett said if the sewer connection was required, then the City's system could just keep extending further and further into the unincorporated County. Kourajian asked if the land was within 500 feet of a manhole, or the closest parcel with a sewer connection. Rast said it was within 500 feet of a manhole. McMullen said he had discussed the issue with Larry Turner, the general manager for WASA. He continued that there was a difference of opinion on sewer availability between

WASA and the County Health Department. The requests had to be dealt with individually. Rutherford noted that the Board of Health met on September 12, and she would ask that the agenda include a discussion of "500 feet."

Carl Lange of Group VI addressed Council. He said the three tracts were contiguous between the Animal Shelter and the GA 74/Redwine Road intersection. The project would include commercial, medical office, and limited retail. Sewer was one issue, but the property owners wanted to be inside the City to protect the standards of what was being built. There was a strong desire to be in the City. Rutherford noted a 50-foot strip of land on the map and asked if it was intended to be a driveway. She asked what would happen since the property behind the tract was in the County. Lange said the three tracts had been merged, and there was no existing driveway. Lange said they had worked closely with DOT on the access on GA 74. Kourajian asked if the proposed annexation would create an island on the Redwine Road side. Lange said it would not since that property had access to Redwine Road.

Logsdon asked about the access to the development. Lange said they had worked closely with DOT and had a median cut on GA 74 as well as Redwine Road. There would be interparcel connection.

Kourajian clarified that the developer had approval for everything they were doing, but were only looking for a City address. Lange said they had approval for the middle property, which was under development currently. Nothing had been planned on the property that went up to Redwine Road. Logsdon noted that the entrance on GA 74 had been elevated and made sight-friendly for a driver's line of sight. Lange said they had worked closely with DOT to determine what were the optimum sights for drivers. They had been required to put in an extensive decel lane coming from the west on GA 74.

Rutherford noted that construction had already started and asked if it was not too late to adhere to City standards. The land had to be annexed, then zoned. She asked if the building would have to be grandfathered since it was already up. Lange said the building met the City's standard as far as the materials and architectural character. The City's landscaping requirements would be more restrictive. Rast pointed out the site had been heavily wooded, but was now totally cleared. The City had tree save and landscape buffers requirements. He said there was no vegetation between GA 74 and the building. He had not looked at the site plan specific to the City standards because they were not at that point yet, but there were things that did not meet the City ordinance. Rast said he had spoken with Pete Frisina of Fayette County's Planning Department, and there was a corridor overlay district for that portion of the County. The building was similar to others in the City, but the City would have tried to preserve the vegetation on GA 74. There were some significant variations from the City's ordinance.

Rutherford said this was just phase one, and staff was not supposed to work with the applicant, but Rast had been to the site. She was confused about staff working with the developer when that should not happen until phase two. McMullen said, according to the current ordinance, staff could provide and gather information, but could not make recommendations.

Boone said that, once the land was annexed, it should have to comply with the City's landscape ordinance, even though it was clear-cut now. Meeker said if the certificate of occupancy for the building was issued prior to the requested annexation, then they would not have to meet the City's requirements. Rutherford clarified that the City would have to take the building as it was. Plunkett said Council did not have to approve the annexation. Rutherford agreed that people seemed to not understand that the Council did not have to accept the annexation and did not have to give a reason why.

Logsdon said the City would expect revegetation if the application made it to phase two. Rutherford said the buffer was gone and could not be replaced. Logsdon said it could be replanted. Rutherford said that was not the same as a natural buffer. She continued that construction had already started, so there would be a grandfathered situation. Council should consider that the building construction had started and whether or not it met the City's setback requirements. Kourajian said he liked the idea of a natural boundary. The developer was asking for approval of the step one application, which allowed the developer to work with staff. He agreed with the concerns, and he was not ready to grant any variances. He was interested in allowing the developer to work with Rast to try and resolve the concerns. The building was going in regardless of whether it was in the City or the County.

Rutherford asked how the building could be adjusted if it was not up to the City standards. Plunkett said it was good for the developer to know Council's concerns. Lange said the building would be completed long after the potential annexation. He added that the landscape plan was very extensive, and they were willing to work with Rast to adapt the plan. Rutherford said that, once a buffer was stripped, it could not be put back. That was a serious concern. Boone and Kourajian said the buffer could be put back, just not with the original trees.

Kourajian moved to approve the step one annexation application from Group VI, but with no guarantee of approval of annexation into the City, but to work with staff on the concerns. Rutherford seconded. The motion carried unanimously.

Council/Staff Topics

Rutherford asked if the County's paver was fixed. McMullen said it was fixed. Rutherford noted there was a big mound of pavement on the grass on Peachtree Parkway, south of the fire station, and it should be moved before the grass died. McMullen said that was not unusual when they were cleaning, but it should be cleaned up.

Plunkett said the grass needed mowing in the City right-of-way on MacDuff Parkway. Kourajian noted that, the last time that happened, it was not the City right-of-way that needed mowing.

Kourajian asked if there was an update on the anti-litter campaign. Tyler said *The Citizen* and *Today in Peachtree City* had printed the press releases. More information was to be in the next issue of the *Update* and on Channel 26. The City was working on a potential ongoing project with the Kiwanis Club of Peachtree City, as well as the Keep Peachtree City Beautiful program. She had also received several calls from citizens.

Kourajian noted that there appeared to be garbage cans missing on the paths. McMullen said he would have to check with Public Services Director Tom Corbett on that and get back to Kourajian. Kourajian added that the area was a well-traveled path to a school.

Rutherford asked if letters had been sent to the garbage companies regarding their trucks. Tyler confirmed this and said she had gotten a call from one of the companies. She was still getting complaints about late pickups by Allied. Kourajian said he could understand late pickups since it depended on the work that day, but the garbage blowing out of the trucks was a bigger issue. Tyler said that continued to be a problem. The companies needed more trucks and drivers to meet the demand.

Fire Chief Stony Lohr reported that there had been an airplane crash at 7:49 a.m. that day. It was a small single-engine, fixed-wing craft, and it crashed on the north end of the runway at Falcon Field. The initial report was the plane had taken off to the north and had lost power, but made it back to the airport. The pilot was killed on impact. He said they were reasonably sure of the pilot's identity. The FAA had not released the name yet, but the pilot was a City resident and was based at Falcon Field. The aircraft was considered flight worthy, but was classified as experimental. The National Transportation Safety Board had the right of first refusal on any crash with a fatality and had released responsibility to the FAA Flight Standards Office to continue the investigation. Falcon Field was shut down for one and one-half hours.

Chief Murray noted there had been a lot of publicity concerning the recent arrest of a drug dealer on the cart path. He continued that the suspected drug dealer was a local individual, age 24, who lived with his parents and was unemployed. Murray said he asked the judge for no bond and to restrict the person from the City. The judge set a \$42,000 bond. The parents had been very cooperative. Additional arrests would be coming. The suspect had a list of names of continual buyers, and the Department was familiar with the suspect's supplier. The Department was working on the issues with other agencies in the Atlanta area. They had uncovered crystal methamphetamine, crack cocaine, and numerous pills. Murray continued that there had also been a recent heroin overdose. The County's drug task force had made an arrest in The Avenue and at Pike's Nursery. He said he did not want anyone to think the cart paths were carte blanche to anyone who wanted to sell narcotics. The paths were under surveillance. The Department got information from people who saw suspicious things.

Murray continued that a 14-year old visiting his grandparents had also been attacked by three older teens as he was returning from Braelinn Village. He said the Department had information and knew who the suspects were. There was a community relations officer assigned to the area that had developed trust with the area residents. A majority of people in the apartments were good, law-abiding people, but were afraid to give the police information due to living in such close quarters. This had been a random act of violence. Murray said they had not seen any gang activity, but as the City grew and aged and the population changed, it would see those activities. The recent robbery at the Herb Shop was committed by an African-American male who robbed a person who was alone in the shop. There was no camera or alarm. The suspect had been positively identified as the same person who had robbed the Fayetteville store. There had also been an armed robbery in Hiram. The victims in the City and in Fayetteville had positively

identified the suspect in Hiram as the same person who robbed them. Murray said the City was not immune to crime, but there was only manpower to provide coverage in so many places. During the assault on the cart path, there had also been three accidents and two alarms going off at the same time. The Department targeted the heavily used areas of the path system for patrol during peak times. Calls for service had to be answered. The average response time for calls for service was now over six minutes. There had never been a major crime on the paths that had not been solved, but there was a difference between preventing crime and solving a crime. The Department often received information from people who did not want a reward. The residents were the eyes and ears on the paths and should call the police regarding anything suspicious.

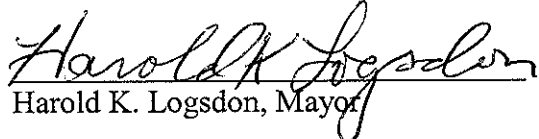
Rutherford moved to convene in executive session for threatened or pending litigation and a personnel issue. Boone seconded. The motion carried unanimously.

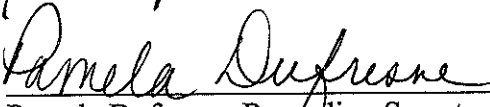
Logsdon moved to reconvene in regular session. Rutherford seconded. The motion carried unanimously.

Rutherford moved to authorize the Mayor to continue as the supervisor for the Police Department until October 1, 2006. Kourajian seconded. The motion carried unanimously.

There being no further business to discuss, Rutherford moved to adjourn. Boone seconded the motion. The motion carried unanimously. The meeting adjourned at 8:59 p.m.


Betsy Tyler, Deputy City Clerk


Harold K. Logsdon, Mayor


Pamela Dufresne, Recording Secretary