City Council of Peachtree City
Minutes of Meeting
July 16, 2009
7:00 p.m.

Mayor Logsdon called the meeting to order at 7:01 p.m. Council Members present: Steve Boone, Don Haddix, Cyndi Plunkett, and Doug Sturbaum.

Announcements, Awards and Special Recognition

Mayor Logsdon recognized outgoing president of the Youth Girls Softball program, Mike Pullias. The Peachtree City Optimist Club presented a check to the Police Department for a bullet-proof vest for the Department's new K-9 officer, Maik, who was introduced by handler Corporal Andy Johnson. Cajen Rhodes was recognized as the Supervisor of the Quarter. Lauren Escalante of USA Pools and Peachtree City Volunteer Firefighter Jim Houghton were recognized for their assistance to Rhodes in reviving a heart attack victim at Kedron Fieldhouse on June 20. The July 4th parade winners were recognized. The winners included;

3rd Place Golf Cart - New Neighbor's League Club
2nd Place Golf Cart - The Micallef Family
1st Place Golf Cart - The Martz Family
Most Creative - The Starke Family (golf cart)
City Spotlight Award - Girl Scouts/Breast Cancer Survivor's Network
Mayor's Trophy - Timberline Construction
Most Patriotic - Delta Community Credit Union
Grand Marshal's Trophy - Peachtree City Golf Cars

Public Comment

There were no Public Comments.

Agenda Changes

There were no changes to the agenda.

Minutes

Sturbaum moved to approve the March 5, 2009, executive session minutes; June 18, 2009, regular meeting minutes; and the June 30, 2009, special called meeting minutes. Boone seconded. The motion carried unanimously.

Monthly Reports

There were no comments on the Monthly Reports.

Consent Agenda

1. **Alcohol License – NEW – PTC World of Beverage (formerly Arnie's)**
2. **Consider Ordinance Amendments – Sections 2-126, 2-149, 2-150, 10-33 & Sections 406, 1001, 1010 and 1014 of the Land Development Ordinance – Rename Developmental Services as Community Development**
3. **Consider Requests to Surplus Equipment – IT Department & Purchasing Agent**

4. **Consider Budget Amendments**
5. **Consider Additional School Crossing Guards**
6. **Consider Reclassification of Position – Senior Code Enforcement Officer to Housing Code Officer**
7. **Consider Evidence/Property Purge**
8. **Consider Acceptance of Drainage Easements – Lakeside Subdivision Drainage Improvements & Willowbend Road Culvert Replacement**

Haddix moved to approve the Consent Agenda. Plunkett seconded. The motion carried unanimously.

Copies of all PowerPoint presentations are included in the official meeting file.

Old Agenda Items

05-09-08 Consider Revision of Fee Schedule for Kedron Fieldhouse and Aquatic Center and Glenloch Pools (Swim Team Rates)

Leisure Services Director Randy Gaddo gave a brief review of what happened to date on changing the fees and of four options. Options A, B, and C were all based on a quarterly pass at varying rates for the programs. Council had not wanted to go that route. Gaddo noted that a per lane/per hour charge had been suggested as an option at the June 8 budget workshop. The recommended fees were based on research of similar facilities in the area. Gaddo continued that staff recommended a $3/lane/hour fee for schools and the Masters program. The schools had a 14-week season with an average of 150 swimmers per month, $7.50/swimmer/month, $1,000/month minimum payment. The revenue total for the schools would be $3,780. Changes to the Masters program would bring in an estimated $1,800 per year at $3/lane/hour for the 10-month season with an average 15 swimmers/month. The cost would be $12/swimmer/month with a $150/month minimum. The recommendation for the Southern Crescent Aquatic Team (SCAT) was $4/lane/hour for estimated revenue of $26,112. SCAT had an 11-month season with an average of 125 swimmers/month. The cost would be $19/swimmer/month, with a $2,000/month minimum. The estimated total annual revenue would be $31,692. The revenue was currently $9,000.

Gaddo continued that Option D had been discussed with the Fayette County School Superintendent and Athletic Director, who felt it was acceptable. Gaddo said they had also asked the officials to encourage booster clubs to provide additional funding to help the City offset costs for the Kedron bubble. Gaddo said SCAT was charged a higher rate because it was a for-profit organization. He continued that no out-of-County fees were addressed due to the small number on the school teams and in the Masters program. Ten percent of SCAT members were out-of-County residents and were already charged at a higher rate.

Jamey Myers, SCAT's head coach, said he felt the per lane/per hour fees were fair and equitable, but said SCAT was a 501(c)(3), a non-profit company, and a 33% increase in cost would be difficult for everyone. He said he had been working with Kedron Manager Scott McCord to bring in a triathlon program in the mornings. The only thing that could be done was to increase fees and programming. Every hour the pool was not used cost money. The per lane/per hour charge was good, but SCAT might not need eight lanes every practice. The recommended minimum was $2,000 per month for SCAT, but he would prefer the charge be based on actual usage. He did not know what his numbers would be in the fall.

Gaddo said the minimum charged was based on the average number of users at the per lane fee, then rounded down to the lower number, so they would have a known amount for budgeting purposes. Gaddo said the fact that SCAT was a non-profit was new information to him, and he needed to look into that. Myers said that, in the current economy, he did not know how many swimmers would be participating in the program. He might have to let some staff go if he had to pay $2,000 each month, but had fewer swimmers. McMullen added that the concern was that Council would be voting on the FY 2009-2010 budget at the August 6 meeting, and Kedron Fieldhouse was part of that budget. Plunkett said that if SCAT was a 501(c)(3), then she would approve the proposed fees with SCAT at a $3/lane/hour fee. Sturbaum suggested the minimum be changed to $1,500 per month. Myers said that was more in line with what they could do.

Sturbaum moved to approve the revision of the fee schedule for Kedron Fieldhouse and Aquatic Center and Glenloch pools (swim team rates) as stated with the changes that SCAT would be charged $3/lane/hour with a $1,500 per month minimum. Plunkett seconded. The motion carried unanimously.

06-09-01 Public Hearing – Consider Variance to Building Setback, 100 Hermitage Place

Logsdon noted that there were two additional letters on the dais pertaining to the variance request – a letter from The Coventry HOA Board and a letter from Joe Henebry, 112 Hermitage Place. Owner David Conner addressed Council, noting that the proposed addition to his garage would extend 4.2 feet into the side building setback. There would be a playroom above the garage. He added that he had shown his plans to his homeowners association (HOA) board, but their covenants did not allow the HOA to issue an opinion on the variance.

Interim Community Development Director/City Planner David Rast said staff had worked with Conner on the variance for a few months, noting that the variance had originally been on the June 18 agenda. The encroachment would be 4.2 feet into the 15-foot side building setback. Staff findings were that the request should be approved. The 0.588-acre tract abutted City-owned greenbelt on the side and the rear. It was a six-sided lot, which was somewhat uncommon, and the encroachment would not be noticeable from the front of the home. The placement of the home on the lot limited expansion on either side of the house without encroaching into the building setback. The home's floor plan would prevent expanding to the rear without significantly changing the interior layout of the home.

Rast said four conditions were recommended and included the following:

1. *The variance shall be limited to an encroachment of 4.2 feet as shown on the Boundary Survey prepared for David Conner (dated April 21, 2009). There shall be no other encroachments permitted without first securing additional variances.*
2. *A Foundation Survey shall be provided as part of the Building Permit process identifying this encroachment.*

3. *Following completion of construction and prior to issuance of the Certificate of Occupancy, the Applicant shall provide a revised Foundation Survey to the Building Official identifying the location of the new deck. The purpose of this survey will be to ensure the new construction does not encroach any further into the building setback than permitted by this special exception variance.*
4. *The existing fence along the side property line shall be removed from the City-owned greenbelt and located on the property line.*

The public hearing opened.

Steve Sironsky, Conner's neighbor, spoke in favor of the variance.

Steve Mitchell, who represented the HOA, said he expected the project to be done in a top-notch manner and did not expect it to fall outside what had already been done in the neighborhood in terms of renovations or remodels.

Phyllis Aguayo said she was concerned about the number of variances that were being granted. The practice of granting them so often tended to change the reasons to have setbacks and buffers. She had no problem with this particular request, but allowing such large footprints on such small lots to allow more houses in a subdivision led to the owners wanting to expand to go into the setbacks. The City was losing its buffers and greenbelts inch by inch.

Plunkett asked how many variances had been granted by this Council. Rast pointed out that this particular agenda was unique. Typically, there was one variance every couple of meetings.

Boone said the request was similar to one Council had granted not long ago with greenspace in the backyard. He had no issue with this request as the rigors were clear.

Haddix agreed with Boone, but noted there was no letter of approval from the HOA. He understood the covenants did not allow it; however, the HOA was free to grant an approval. He asked if the HOA was willing to do so.

Mitchell told Council he could take the request back to the board, but there was a committee looking at their covenants and trying to clarify what the HOA could do. He added that, at this point, the board felt it could not have an opinion on the variance since it was granted by Council. Haddix said there was a conflict between their declaration and the City. In that event, the covenants were rendered null, void, and inapplicable, which left the HOA free to issue an approval to be in line with the procedure to bring the request to Council. Haddix said he wanted to grant the variance, but he was unwilling to override an HOA. Mitchell said he could do that. Haddix asked Conner if he wanted to table the request. Conner said he did not want to have the request tabled. He had already tabled the request and taken it back to the board. The board looked at it and said they did not want to issue an opinion on a variance. The HOA relied on the issuance of the Building Permit, which he would not be able to get without the HOA approval.

Logsdon said he did not want the HOA to issue an opinion on Council's opinion. Mitchell said the HOA could only rule on the architectural plans, and they had only seen Conner's drawings, not full architectural plans. Conner said he only had conceptual drawings, and the architect was waiting on the variance. He reiterated that he could not get a Building Permit without plan review by the HOA's architectural review committee.

Sironsky said he had actually received one of the first variances the City had granted. They had needed a six to eight-inch variance. The HOA board had not been involved in the variance process.

Boone moved to approve the variance. There was no second.

Plunkett asked Rast how many other lots in the neighborhood could ask for variances because of the greenspace. Conner said that his lot was one of only two six-sided lots and one of four that had sides that abutted greenspace. His was the only lot with a garage that faced greenspace. There were approximately 40 homes in the subdivision that abutted greenspace in the back.

Plunkett asked if the plan could be tweaked so that it did not encroach into the setback. Rast said that, when looking at the proposal, Conner was also trying to match the walls up with the existing uses inside the home. Rast said they could have a freestanding garage. Plunkett said that the City could only grant a variance if there were no other way to do it. If there was any other way to do it, even if it cost more, then the homeowner was responsible to do it. She did not hear yet that there was no other way. Conner said that, per the covenants, they could not have a detached garage. Another option had been to turn it slightly. If the plan was rotated seven degrees, then there would be a safety hazard getting into the garage and the complexity of the roof angles would not fit in with the style of the neighborhood. Oddly canted walls could be a problem if they were to sell the house.

Haddix said they could be opening up the potential for variance requests throughout the City, and they would be intervening between a homeowner and an HOA. Mitchell noted that their board operated in full compliance with the current covenants. The HOA was looking at the covenants and how they were listed, and they felt they could not issue an opinion on the request. Haddix said that, when there was a conflict with the City, the covenant in that area was rendered null and ineffective. Conner said that the board had chosen not to issue an opinion.

Sturbaum asked Mitchell what would happen if the HOA did not approve the architectural plans. Conner said he could not get a building permit until the HOA approved the plans.

Beth Pullias, president of the Kedron Hills HOA, said she had researched this issue and found there were no covenants that allowed an HOA to grant a variance. Only the City could do that. HOAs could grant architectural approval contingent upon the City granting a variance. Nothing gave the HOA any say on a variance.

Plunkett said that, in the past, HOAs had tentatively given approval of the structure, which was the missing link. Conner said he had given it to them and asked them to render an opinion, and the HOA had chosen not to. Plunkett said if the City did not follow the procedure that was in place there could be problems later. She noted that, in the past, there has always been a letter from the HOA regarding the proposed variance. City Attorney Ted Meeker said that there was nothing in the variance ordinance or procedure requiring HOA approvals. Typically, there was some comment from the HOA, and in this case, the subdivision's HOA felt it was not in the position to say anything about the request. Granting variances was truly a City function. Rast added that staff typically did not recommend approval on variances that HOAs opposed.

Conner explained that, in the past, the HOA had a couple of residents who looked at different building projects and approved them. The City knew to call those residents. There had not been an official architectural subcommittee. His expansion had been the first where the HOA was following the letter of the law (covenants). By doing so, the covenants prohibited the HOA from commenting either way on a variance request.

Sturbaum asked Conner if he agreed to taking down anything that did not fully comply with the HOA. Conner said he did. Haddix said there needed to be a written procedure on variances.

Boone moved to approve the variance request for 100 Hermitage Pace with the stipulations. Haddix seconded. Sturbaum asked for a friendly amendment that the architectural plans be approved by the HOA prior to submitting them to the City for the building permit. Boone and Haddix accepted the friendly amendment. The motion carried unanimously.

<u>New Agenda Items</u>

07-09-01 Public Hearing – Consider Adoption of Comprehensive Plan – 2009 Partial Plan Update

Rast explained that this was the standard update that was done each year to the Capital Improvement Element (CIE) and the Short Term Work Program (STWP) and sent to the Atlanta Regional Commission (ARC) and Department of Community Affairs (DCA). The proposed changes to the impact fees would be brought to Council at the August 6 meeting. He added that neither the ARC nor DCA had made any comments on the update.

The public hearing opened, and there were no comments.

Plunkett moved to approve the adoption of the 2009 Partial Plan update to the Comprehensive Plan. Sturbaum seconded. The motion carried unanimously.

07-09-02 Public Hearing – Consider Step One Annexation Application – Southern Pines Plantation (SR 74 South)

Rast addressed Council, saying that the County had rezoned the parcel, which was located just south of Rockaway Road and Meade Field, for a retail/office complex. The applicant proposed that the City annex approximately 18 acres of the overall 80-acre site. The overall tract included 21.8 acres designated as C-C Community Commercial, 5.8 acres designated as OI Office Institutional, and 52.4 acres designated as AR Agricultural Reserve. The County approved 177,200 square feet of office and retail space for the overall site. The 18-acre tract proposed for the annexation was located immediately south of and adjacent to the Meade Field sports complex. The applicant proposed that 14.14 acres be donated to the City for future expansion of the sports complex and the remaining 3.86 acres be designated for commercial use. That portion was located adjacent to SR 74 and would be used for offices.

Carl Westmoreland, attorney for the property owner, SPP Commercial Group, LLC, spoke on behalf of the applicant, noting the application was the first step in a collaborative process between the owners, the County, the Peachtree City Water and Sewerage Authority (WASA), and the City. He continued that they would request General Commercial GC zoning for the portion next to SR 74 with conditions similar to Wilshire Pavilion. They proposed to give the 14 acres abutting Meade Field to the City. There was a creek that ran perpendicular to SR 74 on Tract 2 and the sanitary sewer line would run up the creek. If the application to annex moved forward with the City, they would file to modify the commercial zoning that existed in the County. They planned to bring the Step Two application to Council in October.

The public hearing opened.

Bob Brown said he was not adamantly opposed to annexation where it made sense. They were asking that part of the overall property be annexed into the City for the benefit of sewer access for the entire project without having to adhere to the City's ordinances for the entire project. The City should either annex the entire portion or develop the portion in the County to the City's standards.

Phyllis Aguayo said there was not enough information to know if the annexation would be good or bad. She had the same concerns as Brown. Logsdon said the City would get that information if the Step One application was approved. Aguayo said there also needed to be a better understanding of what would be different if the property were not annexed.

Beth Pullias asked why the entire tract was not included in the request. Plunkett said that the back portion of the overall tract had been deeded to the County as part of the development agreement. Logsdon said all of that would become public information if Council approved the Step One application. Aguayo added that there needed to be a better understanding of the properties contiguous to the tract and how annexation would affect them.

Sturbaum said there was already a developed subdivision on one side of SR 74 and the Starr's Mill school complex was on the other. Plunkett pointed out that the property directly across from Tract 1 was in the City. Logsdon added that the City was not interested in annexing the world, but there were a few areas where it would make sense. Council told staff that if the property owner approached the City, then they should work with them. If it was any other property owner, then they should not waste their time.

Plunkett said she was interested in adding to the recreation facility and the buffer to the commercial development. In her opinion, the City would be providing the developer with a substantial service by providing sewer, so serious consideration should be given to size, signage, landscaping, and more. If the City provided sewer service, the buildings should look like they were part of the City. Haddix pointed out that those issues and questions were only resolvable if Council opened the door by approving the Step One application, and he was willing to do that.

Sturbaum moved to approve the Step One annexation application from Southern Pines Plantation (SR 74 South). Plunkett seconded. The motion carried unanimously.

07-09-03 Public Hearing – Consider Variance to Building Setback, 105 Woodsdale Drive

Property owner Jerry Neese addressed Council, saying he wanted to build a screened-in porch. The house was close to a creek so there were a lot of mosquitoes. They wanted to turn the current deck area into the screened-in porch and extend the deck space out to have a place for the grill. His subdivision did not have an HOA, but he had submitted letters from the majority of his neighbors, who were in favor of the variance. He would need a variance for the new deck that would extend four feet into the 20-foot rear building setback.

Rast noted that the Beechwood was a cluster subdivision with relatively small lots. The home's existing deck encroached 2.5 feet into the rear building setback, which could be corrected through the administrative variance process. He continued that Neese would like to put a roof over the existing deck and screen in the area, which also required a variance, then extend the deck to meet up with the change in plane of the home, which qualified under the special exception variance. He pointed out that the new deck would be at a lower level and could be built without the variance. The front of the home was at grade, but the lot sloped down to the creek, which ran under SR 74. The existing deck was off the main level in the back, which was about 50 inches higher than grade. They planned to maintain a single level on the main living level of the home. Rast said staff supported the variance request with four conditions:

1. *The Applicant shall apply for an Administrative Variance to correct the existing 2.4-foot encroachment into the 20-foot rear building setback. This variance shall be granted prior to issuance of the Building Permit for the proposed construction.*
2. *The variance shall be limited to an encroachment of no more than four feet into the required 20-foot rear building setback as show on the Boundary Survey prepared for Jerry Neese (dated May 18, 2009). There shall be no other encroachments permitted without first securing additional variances.*
3. *Following completion of construction and prior to issuance of the Certificate of Occupancy, the Applicant shall provide a revised Foundation Survey to the Building Official identifying the location of the new deck. The purpose of this survey will be to ensure the new construction does not encroach any further into the building setback than permitted by this special exception variance.*
4. *Granting this special exception variance does not indicate approval to cover or enclose the new deck. Any new roofed structure (enclosed patio, decks, sunrooms, etc.) shall not be permitted within the rear building setback without first securing a variance.*

The public hearing opened.

Bob Dalberg said that, with all the greenery in the backyard, no one should care.

No one else spoke for or against the variance.

Sturbaum asked Neese if he had a letter from the neighbor at 107 Woodsdale, noting there were letters of support from several neighbors. Neese said that neighbor had been out of town for several weeks and he had not been able to get his signature.

Haddix moved to approve the variance to the rear building setback for 105 Woodsdale with the four conditions. Boone seconded. The motion carried unanimously.

07-09-04 Public Hearing – Consider Variance to Building Setback, 123 Crown Court

Sturbaum moved to continue the public hearing on the variance to the building setback for 123 Crown Court until August 6. Haddix seconded. The motion carried unanimously.

07-09-05 Public Hearing – Consider Variance to 25' Wetlands Buffer and to Allow a Private Basketball Court to Encroach Into a City-owned Greenbelt, 128 Century Park Place

Logsdon noted there was an additional document on the dais – a letter from the Centennial HOA. Rast said he received a call that day from the applicant, who was in Washington, asking that the public hearing be continued until August 6.

Boone moved to continue the public hearing on the variance for 128 Century Park Place to August 6. Haddix seconded. The motion carried unanimously.

07-09-06 Public Hearing – FY 2010 Budget

Financial Services Director Paul Salvatore said the proposed budget was balanced without any projected use of cash reserves. It included a proposed millage rate increase of 0.244 mills, which was a reduction from 2.25 mill increase originally projected. The proposed budget included no merit or standard salary increases for employees and no salary increases for Mayor and Council. One new police detective and one new officer (only funded for six months of the fiscal year) were included in the budget, and the assistant planner position had been moved from contract to full time.

The General Fund estimated revenues were $26,300,530 with the following breakdown – taxes [ad valorem, local option sales tax (LOST), franchise, other], $22,370,064; licenses & permits, $767,569; grants, $200,711; charges for services, $1,314,533; fines & forfeitures, $1,127,852; and investments & other, $519,801. General Fund appropriations totaled $26,300,530, which was a decrease of $1,181,161 (4.3%) over the FY 2009 appropriations total of $27,481,691. The appropriations for the FY 2010 proposed budget included personnel services (66.5%), $17,483,491; purchased/contracted services, $3,217,567; supplies, $2,850,563; capital outlay, $87,031; debt service, $2,325,292; and other, $336,586.

The proposed budget breakdown per department included Fire/EMS (23%), $6,046,833; Police (24.6%), $6,482,919; Recreation (12.8%), $3,357,901; Library (3.9%), $1,020,675; Public Works (12.4%), $3,257,420; Non-Divisional & Transfers (9.4%), $2,479,840; Developmental Services (4.2%), $1,099,709; City Council & City Manager (1.4%), $366,714; Administrative Services (4.2%) $1,114,504; and Financial Services/IT (4.1%), 41,074,015.

Salvatore continued with the challenges for FY 2010 and the future. The LOST revenue had decreased by $453,723 (6.34%) from FY 2007 to FY 2009. Staff projected a decrease of $356,537 (5.32%) from FY 2008 to FY 2009. Annual revenues were currently $810,000 less than FY 2007 levels. The FY 2010 budget was based on the same projection for FY 2009 (0% increase). The estimates for future years were also less than originally projected.

Any growth in the tax digest would be from new growth. Revaluations were not expected to increase in the near future due to changes in the state law, which also impacted future growth projections. Investment income would also be affected. Both interest rates and cash reserve levels had dropped considerably, thus reducing investment income projections. The income dropped by $203,000 (35%) from FY 2007 to FY 2008 and was projected to drop $172,000 (55%) from FY 2008 to FY 2009. Annual revenues were currently $375,000 less than FY 2007 levels. Building permit revenues had also dropped. The annual revenues were currently $225,000 less than FY 2007 levels. The permit revenues had been coming in slower than expected due to a slump in the housing industry, and recovery was uncertain.

Salvatore continued that the City had relied heavily upon the use of one-time revenues to balance the budget. Staff projected use of approximately $1 million in FY 2009 cash reserves to balance the General Fund operating budget. The City needed to decrease reliance upon use of cash reserves to balance the budget in order to maintain adequate fund balance levels in the future. The proposed FY 2010 budget did not include any use of cash reserves to balance the budget, but it did include a millage rate increase.

Salvatore continued that the current millage rate included 5.122 mills for maintenance and operation and 0.411 for bond for a total of 5.533 mills, which had been the same total rate since FY 2006. The proposed millage rate was 5.777, which included a 0.25 mill increase in maintenance and operation (5.372 mills) and a 0.006 decrease in bond (0.405). The reasons for the 0.244 millage increase included the existing budget deficit from prior actions, including the Library bond (there was never a corresponding rate increase after the voters approved the referendum) and the addition of 21 full-time and 10 part-time Public Safety positions since FY 2006. Additional reasons included the reinstatement of raises in FY 2011 (0.245 mill increase projected in FY 2011 even with the 0.244 mill increase in FY 2010) for approximately $780,000; no funds had been included in the General Fund budget for paving, which would be needed if the SPLOST was not renewed; the funding of two new Police Department positions; and the Citizen Survey supported an increase in the millage rate.

Salvatore went over the five-year model based on the staff recommendation of a 0.244 mill increase. He also went over the model with Option A (no millage rate increase in FY 2010) and Option B (a 0.125 mill increase in FY 2010).

Logsdon said he still advocated no millage increase. He would rather give the economy a chance to help get the budget back in shape. There would automatically be a $282 increase from the state without the Homeowners Tax Relief Grant (HTRG). The residents still got a bargain, and he felt the budget could go another year without a millage increase.

The public hearing opened.

Bob Brown thanked McMullen and Salvatore for their hard work, noting that the more residents paid in taxes, the less they would have to spend in stores, so less LOST funds. Brown said that, given the current economic situation, employees would not leave because they had a job. In order for a government workforce to be competitive, it had to do the job with less people because a government employee cost more than a private sector employee. Brown noted that the City referred to $250,000 as the average home value. He believed it was higher at $340,000.

Scott Austinson said he appreciated the clarity of the budget, but as the spokesman for the Hyde Park subdivision, they were not certain funds were appropriated for the extension of the cart path to Carriage Lane, which would allow residents in that area access to the path system. They felt stranded, and they wanted to register their concern. He asked whether the project would be carried out. McMullen said that there were two phases planned to get the path system from Carriage Lane to Peachtree East (Publix shopping area). The Georgia Department of Transportation (DOT) required landscaping along SR 54 so there would be no issues with golf cart headlights and the highway traffic, which was the first phase. The landscape project would go to bid in a few weeks. Currently, the City did not have funding for the paths. If the new SPLOST was approved in November, there would be funding for new path construction. He continued that the City did not plan to list specific projects for the new SPLOST, but more general line items such as bridges, paths for tunnels, path extensions, and street resurfacing, rather than an itemized list. Major projects would be listed, but the Carriage Lane paths were more of a medium project.

Plunkett compared the Cart Path Master Plan to a wish list showing where the City wanted to go in the future, but there might not be any funding attached. Austinson said there was no qualification on the master plan that it was a wish list or subject to funding. Had they known it was a wish list, they would have been talking to Council for the last two years. McMullen said that, until the last two years, the City funded $100,000 in the Public Improvement Program (PIP) for extensions. It was one of the things that had to be cut in the last two years due to budget shortfalls, and it was not part of the proposed FY 2010 budget, either. The priority was to maintain existing infrastructure. Austinson said he would like to ensure that the paths were included in the 2009 SPLOST referendum.

Tim Lydell referred to the budget workshop held on December 2, pointing out that he felt there had not been enough cuts in the FY 2009 budget. He was reasonably pleased with the proposed FY 2010 budget. He noted that, according to the Bureau of Labor Statistics, the typical public employee made $11.20 more per hour than the private sector. He asked the City to look at the employee benefit packages and how they were funded going forward. Private industry had had significant problems with pension plans, leading some companies to bankruptcy.

Sue Memmer said the employees were part of the reason she lived in the City. They needed to be rewarded before they were lost. The employees had already taken cuts in benefits and pay.

Cris Lemay asked Salvatore to clarify the whether the additional Public Safety people and funding had been since 2006. Salvatore said they were, and the figure included the additional positions in the FY 2010 budget. Lemay said he respected Public Safety employees and what they did. He had always advocated raising the millage rate, until he saw the number of Public Safety employees. Other employees were being cut, but Public Safety added more employees, vehicles, and dogs. The City needed to look at other things than Public Safety.

Dan Masrey said the City was very well managed. It was better to be conservative with the budget. No one could really afford a millage rate increase. Property values also were not increasing as they should.

The public hearing closed.

McMullen explained that the average home value of $250,000 was taken from the tax digest, which was not necessarily the average price that the real estate industry or any other industry used. He added that the proposed budget would be on the August 6 agenda for Council consideration.

No vote was required.

Council called for a short break at 10:01 p.m. The meeting reconvened at 10:11 p.m.

07-09-07 Consider Cancellation of Tinsley Mill Stormwater Grant (Removed from June 18 Agenda)

Logsdon noted there were additional documents on the dais – e-mails from David Witherow and Kathleen Tokuda concerning the grant. City Engineer Dave Borkowski gave a brief history of the Tinsley Mill flood mitigation assistance grant, which the City filed on behalf of Tinsley Mill Village. The City signed an agreement with Tinsley Mill on April 18, 2008, to administer the grant, which included options for Tinsley Mill to withdraw since they were required to provide the 25% match for the grant. Tinsley Mill provided a letter of credit for $95,000. On December 9, 2008, Tinsley Mill informed the City that they had only been able to collect approximately $40,000 and felt they would not be able to come up with the funds. A workshop was held on February 4, 2009, to discuss options. Borkowski said the project included the expansion of Lake Peachtree, and the City had gotten assessments to see what could be done to offset the 25% match. On May 13, 2009, the City sent a letter to Tinsley Mill offering to pay $78,000 for the necessary easements, which would lower Tinsley Mill's matching contribution to approximately $104,000. Tinsley Mill was responsible for approximately $223,000 for the matching funds. The grant was for $892,000. On June 1, the City received a formal letter from Tinsley Mill requesting to withdraw from the grant. It had been scheduled on the June 18 agenda, but the Tinsley Mill HOA asked to continue it so the board could discuss the matter further. On June 20, the Tinsley Mill HOA board voted to withdraw from the grant.

Borkowski said staff had looked at every option possible to help Tinsley Mill keep the grant. He continued that, if the project were abandoned, the Georgia Emergency Management Agency (GEMA) might need to be reimbursed approximately $18,000 for funds already spent. If this project were cancelled, then Flat Creek Villas project might also need to be cancelled or significantly modified because of the co-dependency of the design. It would also be very unlikely that the City would receive such grants in the future, and there would be no flood mitigation for Tinsley Mill. If Council elected to withdraw from the grant, staff recommended that the City receive either a certified check, or similar funding mechanism, for the $18,000 so the money could be returned to GEMA. Staff also wanted to hold another workshop with Flat Creek Villas to discuss the easements that would be needed up front from Flat Creek and Tinsley Mill, as well as the expectations of the Flat Creek project if the Tinsley Mill project went away.

Borkowski explained that the grant project was to have enhanced the berms along the edge of Cherry Branch and provide additional culverts for overflow, as well as internal drainage. The expansion of Lake Peachtree would have provided proper drainage for the overflow culverts. The Flat Creek Villas project would have upgraded the culverts under Flat Creek Road and provided proper drainage to Lake Peachtree. The Tinsley Mill project would have taken care of the water coming from Flat Creek Road. Borkowski said that, according to the City's agreement with Tinsley Mill, Council had to approve the withdrawal from the grant.

McMullen said there was an agreement between the City and Tinsley Mill for the grant. The City, not Tinsley Mill, had accepted the grant. Based on the recommendation from the Tinsley Mill HOA, staff was asking Council to cancel the grant. McMullen said staff was giving information on how not doing the project would affect Flat Creek Villas. Plunkett said the City could not do the project without Tinsley Mill's funding; there was not a choice. Haddix said staff was now trying figure out a stormwater solution for Flat Creek Villas. McMullen said the Flat Creek Villas project could be done once the City received the easements.

Dan Masrey, a Tinsley Mill resident, said he represented the HOA board. Their decision was based purely on economics. It was hard to walk away from the project, but there was no financial contribution from any where else. They had hoped the City would help them keep the grant or do a more streamlined project, but that did not sound feasible. The entire financial burden, except for the $78,000 for the easements, would be carried by their residents. The risk of the financial burden on their residents was too high. There were units in foreclosure, as well as units that had not paid the assessment. They felt they were bearing the burden of all the development created above their area. The City needed to take a closer look at what it was walking away from.

McMullen said the only way the City could do the project was if Tinsley Mill would make the decision to provide stormwater easements necessary to construct the project and for Council to accept the easements. The City would then pick up all the liability for future flooding. This was not the only area where there were problems. Staff did not recommend Council accept such easements if they were offered.

Meeker said that there were other areas with private streets where the City did not have stormwater maintenance responsibility. From a policy standpoint, it would set a precedent.

Bob Dalberg said that Tinsley Mill had always flooded, but rarely. Now it flooded yearly. There had not been any impact studies done for other neighborhoods. He asked Council to realize what progress had done to their area. He paid $39 a year for stormwater maintenance, but he got nothing from that.

Helen Pearce said she owned a unit in Tinsley Mill, but had not been kept up-to-date about what was going on with the project. They had received no notification until June about any HOA meetings, and she was out of the country. She had discovered that one of the ramifications of cancelling the grant was that the City would not get any more grants for flood control. She felt there was not enough information to cancel the grant at this meeting. Flat Creek had some of the same issues, and the City would need easements from Tinsley Mill for the Flat Creek project.

Ben Rodriquez, the Flat Creek Villa HOA president, asked the Tinsley Mill residents to get together to discuss the projects. The flooding continued to get worse, and the City had done less each year. He asked where the $35,000 had been spent for Flat Creek Villas. There had to be another way to do it without spending $1 million.

Masrey said Tinsley Mill wanted to do the project. They had not been able to collect the money because of the financial situations of the homeowners, making it difficult to come up with the funding. He suggested a special assessment on the entire City. All the water went into Lake Peachtree.

Paul Lentz said the assessment was the equivalent of 10 years of flood insurance, but the project might reduce the risk of flooding for some units, but would not eliminate the risk. The proposal required Tinsley Mill to be responsible for cost overruns, which would be writing a blank check. It also required Tinsley Mill homeowners to give up land and the tennis courts. The proposal was unreasonable and risky. He asked Council to abandon the project.

McMullen said scaling back the project was not an option. The project had to fulfill the requirements of a 100-year storm, and it was also a grant requirement. It got back to the issue of the City improving private property. McMullen said the City probably would not get another grant for Tinsley Mill.

Plunkett asked if there was deadline for withdrawal. McMullen said staff met a representative from GEMA several months ago. The City was behind schedule now. Borkowski said the performance period of the grant was in September, which meant it should have been permitted by September.

At 10:55 p.m., Plunkett moved to extend the meeting past 11:00 p.m. Sturbaum seconded. The motion carried unanimously.

Plunkett asked if Tinsley had to have the entire grant match by September or by the time the project was completed. Borkowski said he would have to request an extension by the end of September.

Logsdon asked the Tinsley Mill homeowners attending the meeting if there was any chance at all they could come up with $104,000. The consensus was they could not. Sturbaum asked if they could do it in two weeks. McMullen said they already had the two weeks. Masrey reiterated that the residents felt they were responsible for a project that would benefit the entire City.

Much of the conversation from the audience was inaudible.

Plunkett moved to cancel the Tinsley Mill grant contract. Haddix seconded. The motion carried unanimously.

07-09-08 Consider Reduction in Force for Kedron Fieldhouse and Aquatic Center
Sturbaum moved to approve the reduction in force for Kedron Fieldhouse and Aquatic Center [Leisure Program Coordinator-Fieldhouse (one full-time position), Customer Service

Representative I (one part-time position - currently vacant), Maintenance Technician II (one part-time position), and Maintenance Technician III (one part-time position)]. Boone seconded. The motion carried unanimously.

07-09-09 Consider Bid – Lakeside Subdivision Drainage Improvement

Stormwater Manager Mark Caspar noted this was one of the bond projects. Sturbaum moved to approve the Lakeside Subdivision drainage improvement as submitted (Ronny D. Jones Enterprise Inc. – $363,964.22). Boone seconded. The motion carried unanimously.

07-09-10 Consider Bid – Willowbend Road Culvert Replacement

Plunkett moved to approve the Willowbend Road culvert replacement (Brent Scarbrough & Co., Inc. – $214,496) with understanding that the work would begin on September 27. Boone seconded.

Margie Yingling of First Baptist Church asked how the road closure would affect congestion on SR 54 on Sunday mornings. An officer did help with one area. She said the two churches would need another officer to help with the congestions. Police Chief H.C. "Skip" Clark said that would be doable.

The motion carried unanimously.

07-09-11 Consider Modification to PCTA Lease and Hotel/Motel Tax Agreement

Logsdon noted there was an additional document on the dais – the staff memo with the lease and hotel/motel tax agreement. Boone moved to approve the modification to the PCTA lease and hotel/motel tax agreement. Haddix seconded. The motion carried unanimously.

07-09-12 Consider Reclassification of Position – Planning Assistant to Planner/Economic Development Coordinator

Sturbaum moved to approve the reclassification of the Planning Assistant to Planner/Economic Development Coordinator (effective October 1, 2009). Haddix seconded. The motion carried unanimously.

07-09-13 Consider Battery Park Spillway Repairs

Haddix moved to approve the Battery Park spillway repairs (Engineered Restoration Inc. – $19,800). Sturbaum seconded. The motion carried unanimously.

07-09-14 Consider Resolution in Support of Fayette County Board of Commissioners Putting SPLOST on November Ballot

Boone move to approve the resolution in support of the Fayette County Board of Commissioners putting SPLOST on the November ballot. Sturbaum seconded. The motion carried unanimously.

<u>Council/Staff Topics</u>

Update on Developmental Services Changes – 90-day Follow-up Regarding Service Levels

Due to the time, McMullen said he would have the update sent to Council via e-mail.

Boone moved to convene in executive session for real estate, threatened or pending litigation, and personnel at 11:05 p.m. Haddix seconded. The motion carried unanimously.

Plunkett moved to reconvene in regular session at 11:17 p.m. Sturbaum seconded. The motion carried unanimously.

Plunkett moved to approve an amendment to the Land Swap Agreement with Fayette County to give the County a first right of refusal on the property that was being conveyed to the City to provide that, in the event that the City no longer used the property for governmental purposes, Fayette County should have the first right of refusal to re-acquire the property. Sturbaum seconded. The motion carried unanimously.

There being no further business to discuss, Boone moved to adjourn the meeting. Haddix seconded. The motion carried unanimously. The meeting adjourned at 11:18 p.m.

Pamela Dufresne

Pamela Dufresne, Deputy City Clerk

Harold K Logsdon

Harold K. Logsdon, Mayor