City Council of Peachtree City
Minutes of Meeting
July 15, 2010
7:00 p.m.

The City Council of Peachtree City met Thursday, July 15, 2010, in the City Hall Council Chambers. Mayor Don Haddix called the meeting to order at 7:00 p.m. Council Members present: Vanessa Fleisch, Erik Imker, Kim Learnard, and Doug Sturbaum.

Announcements, Awards, Special Recognitions

Mayor Haddix presented awards to the float and golf cart winners from the July 4th parade. The winners included:

Grand Marshal's Trophy – Heritage Christian Church
Mayor's Trophy – Cub Scouts Pack 75
Most Creative Trophy – Teki Tripper
Most Patriotic – Jump 2 It
City Spotlight Award – Delta Credit Union
1st Place Golf Cart – CERT
2nd Place Golf Cart – Micallef Family
3rd Place Golf Cart – Canongate Golf Clubs

Police Sergeant Kay Crider and Lieutenant John Jenkins recognized the Junior Police Academy graduates. Police Chief H.C. "Skip" Clark and Captain Stan Pye recognized the members of the Teen Community Emergency Response Team (CERT) Class. Linda Morton of the Court Office was recognized as Employee of the Month for June, and Police Sergeant Heather Jones was recognized as Supervisor of the Quarter.

Citizen Comment

There were no comments.

Agenda Changes

Imker moved to move "07-10-11 Discuss and Consider Expansion of The Gathering Place" to the first item under New Agenda Items. Sturbaum seconded. The motion carried unanimously.

Sturbaum moved to continue "07-10-05 Consider Amendment to Code of Ordinances, Telecommunications Towers and Antennas Ordinance or Extend Moratorium on Requests for New Applications" until August 19 and to extend the moratorium to that date. Learnard seconded. The motion carried unanimously.

Minutes

June 17, 2010, Regular Meeting

Fleisch moved to approve the June 17, 2010, minutes as amended. Learnard seconded. The motion carried unanimously.

Monthly Reports

Keep Peachtree City Beautiful (KPTCB) Director Al Yougel reported on the organization's activities for May and June. A copy of the PowerPoint presentation is included in the meeting file. The activities included collecting 46 bags of recyclables from McIntosh High School, assisting with the Relay for Life at the Kiwanis Fairgrounds, assisting with the annual City Spring Clean-up, the Walmart playground clean-up, speaking on franchise fees and the RecycleBank program at the Keep Georgia Beautiful spring conference, working with volunteers from Trinity Fellowship Church, cleaning up Shakerag Knoll, providing recycling bags for the Sub-State Baseball Tournament held at the Baseball Soccer Complex and Braelinn, a Father's Day clean-up, providing trash cans for the Huddleston tunnels, loaning recycle bins to Sigvaris, and being named in the August issue of ***Walmart World*** magazine for working with the local employees. Yougel also reported that the illegal dump site located near Falcon Field, which was cleaned up in April, was once again the site of illegal dumping. Community service hours in May totaled 691, and 821 hours were reported for June.

Imker referred to the Human Resources lawsuit fees on page 21 of the meeting packet, noting that the year-to-date total for FY 2010 ($23,699.60) was $27,000 less than FY 2009 ($50,844.26) He also noted there was a $75,000 difference between the year-to-date numbers for fines collected for Municipal Court (FY 2009 – $1,085,396.16; FY 2010 – $1,158,939.93). He asked if there was any reason for that, adding that it could affect the end-of-year projections positively. Administrative Services Director Nikki Vrana said the difference on the lawsuit fees was an anomaly for Human Resources, but staff did see the trend continuing in Municipal Court. Imker asked about the Jail Fund Balance, which only had $90,048.70 left for FY 2010 compared to $156,004.69 in 2009. He was concerned the City could run of money for that purpose. Vrana said more people were choosing jail time as restitution since they did not have the financial ability to pay fines.

Imker pointed out that $33,000 year-to-date more had been collected at Kedron Fieldhouse & Aquatic Center than last year (FY 2010 – $97,364.00, FY 2009 – $64,625), and approximately $1,000 had been generated by the first two weeks of open gym fees. Leisure Services Director Randy Gaddo said he had seen the numbers for July, adding that revenue at Kedron had surpassed the total for FY 2009.

Imker said the City could wind up in a better financial position than originally projected. Financial Services Director Paul Salvatore said the information in the budget document was the most updated. Revenues generally ran about 60 days behind, and there would still be bills coming in after September 30. He would update the projections closer the end of the fiscal year. Hopefully, the City would end up with more in the fund balance than projected.

Imker noted that the City received $4,660 in donations in May, including a $4,000 donation from Clothes Less Travelled for the Community Emergency Response Team (CERT). He thanked everyone for their contributions.

Consent Agenda

1. **Consider New Alcohol License – Formosa Deli**
2. **Consider Reclassification of Leisure Service Crew Leader Positions**
3. **Consider Budget Amendments – Fiscal Year 2010**
4. **Consider Expansion of Fire Station 84 – Architectural Services – Option C**

Haddix noted there was an additional document on the dais – an organizational chart for the Leisure Services Division.

Imker moved to remove Item 4 from the Consent Agenda and address it separately. Learnard seconded. The motion carried unanimously.

Sturbaum moved to approve Consent Agenda Items 1–3 as listed. Fleisch seconded. The motion carried unanimously.

4. Consider Expansion of Fire Station 84 – Architectural Services – Option C
Imker said that the fee for architectural design services seemed rather high. The fees ranged from $55 per hour for clerical to $225 per hour for the principal architect. City Engineer Dave Borkowski explained that the hourly rates listed in the staff memo were for anything not defined by the scope of services or for a change order. He continued that there was a lump sum not-to-exceed amount of $56,800. Based on past experience, Borkowski said the fees were reasonable for a project of this size. The total architectural fees were 9% of the project cost, which was typical. He added that the fees also included project administration and weekly inspections during the construction.

Learnard asked how long the project would take. Borkowski said the construction should take three to four months. City Manager Bernard McMullen said the construction would be phased, so it could take up to nine to 10 months.

Sturbaum said that, if the project went out of scope, he wanted to ask the architect for a 10% discount. Borkowski said he would. McMullen said the billing rate included home office expenses and overhead; it was not the rate paid to specific person. He said it would be monitored closely.

Imker moved to approve Consent Agenda Item 4 Consider Expansion of Fire Station 84 – Architectural Services – Option C. Learnard seconded. Sturbaum asked Imker to accept a friendly amendment – to add not to exceed $56,800. Imker restated his motion, adding for a cost of $56,800 plus $1,000 for reimbursable expenses, not to exceed $57,800. Learnard accepted the amendment and seconded again. The motion carried unanimously.

New Agenda Items
07-10-11 Discuss and Consider Expansion of The Gathering Place
Gaddo addressed Council, noting that Council had directed staff to develop a plan and cost estimates at the June 17 meeting. The goal was to create a space equal to the existing large room at the facility. The existing plans from the 2007 bond referendum project were used, and the Leo Daly Company had provided the pricing estimates. The plan would add 3,750 square feet, with a passageway around the existing room to avoid interruptions. The wall would create a sound-buffered room for Music Alive or other active events with more noise than normal. There would be access doors to use both spaces for one event. The covered back porch, which was also used as programming space, would also be expanded. The estimated cost was $789,393, with architecture/engineering, site preparation, construction, and 10% contingency estimated to be

$669,393; furniture, fixtures, and equipment, $45,000; and bond issuance costs, $75,000. The annual debt service for a 5% 10-year general obligation bond would be $102,230. Gaddo added that, originally, an additional $25,000 from the General Fund had been needed to pay for the special election, but that funding would not be needed. Vrana explained that the County Elections Supervisor said the referendum could be added to November's ballot without any additional charge to the City.

Imker proposed a plan that would not require a bond, suggesting a one-time millage rate increase to raise the funds. He continued that the January 2011 citizen survey could be used to understand the support for an expansion to the senior facility. The survey would emphasize the cost of the project, more than $700,000, proposing a one-time millage rate increase for the November 2011 tax notice. The cost per tax payer could possibly be a one-time $35. Imker said this method avoided bond writing, legal fees, and interest costs, saving the City more than $300,000. He continued that generally a bond for less than $1 million was very costly.

Imker asked City Attorney Ted Meeker to confirm that the funding mechanism had to be in place to put the bond referendum on the ballot. Meeker said that Imker was correct. The law did not allow cities to use referendums as straw polls. There had to be an actual question with terms of the bond being issued and corresponding repayment of the bond to be approved by the voters.

Imker noted that the November 2007 referendum for the $2.9 million expansion of The Gathering Place had been defeated – 1,813 voted no, and 1,294 voted yes. He continued that the survey would have to have more than a 60% favorable response for him to support an expansion. He said it would take approximately 18 months to complete the project.

Imker proposed the following as the question on the January 2011 survey:

- *Do you support a ~* **(about)** *$700K Gathering Place expansion that will add ~* (about) *3,800 sq ft of floor space?*
    - *To pay for this initiative a <u>one year only</u> millage rate increase of ~* (about) *0.38 mils would be implemented for the November 2011 tax notice. This one time cost per average home owner would be ~* (about) *$40.*
    - *If council approves the project, completion of the expansion would take ~* (about) *18 months after go-ahead direction is given.*

Sturbaum said Imker had valid points regarding bond financing for the expansion.

Learnard asked Meeker to clarify the straw poll. Meeker explained that there was no authority for a municipality to conduct a straw poll using a referendum question, but that was different from a citizen survey used routinely to gather information on services and service levels.

Haddix asked for comments from the public.

Bonnie Milligan said the users wanted to provide input on the design, noting there were things the facility users were willing to do without to keep the costs down. Several groups were also willing to hold fundraisers to help reduce the cost to the citizens, possibly paying for the furnishings. Users could help reduce the cost to the public.

Janet Beebe said she used the facility every month for breast cancer support group meetings. They had to move to other venues to hold meetings due to lack of space. The Gathering Place needed more space. The plans could be sized down. She added that dividers would be good so the space could be used for more than one event at a time.

Haddix asked Milligan and her group to meet with staff to discuss changes. Milligan said she represented one exercise group and asked if she could get representatives from all the groups. McMullen explained that the floor plan that had been shown at the meeting was drawn very quickly since Council wanted to look at a bond on the next election ballot. He suggested waiting until an architect was on board before talking to the groups. What had been shown at the meeting was not a final design, but something done for a cost estimate.

Sturbaum said that, if Council did decide on a bond, they should look at other items that could be included to justify the cost.

Sylvia Boyer said the activities she liked might be curtailed if the City did not move forward with the expansion. She also belonged to the Fayette County Senior Center, but she wanted to see more in the City for seniors. The senior population was definitely growing.

Fleisch asked what the deadline was to move forward with a referendum in November. McMullen said Council must approve a referendum to be placed on the November ballot by August 5. Imker withdrew his support for putting the referendum on the ballot unless there were other items that could be combined so it would be cost feasible. He felt it would better to wait until January and do a survey. Fleisch agreed, adding that an August 5 deadline was too looming. Sturbaum, Learnard, and Haddix also agreed.

Fleisch said that the groups could start working on donations, adding that the $45,000 for furniture and fixtures would be a good thing to work on.

Imker said, based on his discussion with residents on the 2007 bond question, that there had been some issues. Sturbaum said that the 2007 bond also included two synthetic turf sports fields. Council had known it would be a challenge for that question, but had been surprised that The Gathering Place question had failed. Imker said he understood that staff and other City groups might have participated in the advocacy for the questions, which might not be legal.

Haddix said he supported putting such questions to the citizens. He suggested including the Kedron bubble on the survey since it also had a significant cost. Imker said there could be a whole list of items. If residents wanted them, they would have to pay for them. He suggested holding a workshop in October to prioritize a list before the January survey. Haddix and Sturbaum agreed.

07-10-01 Public Hearing – FY 2011 Budget
Salvatore said there had been three workshops and a town hall budget meeting where Council had gained input from the public, and state law required an official public hearing prior to adoption of the budget.

Salvatore went over the General Fund highlights, noting there was no funding for new employees in the proposed FY 2011 budget and that six full-time and four part-time positions from FY 2010 were not funded in FY 2011. There would be no raises for employees or Council. Funding for grass cutting had been increased by $21,000. Fourth of July expenses had been cut from the FY 2011 budget and were included in the Peachtree City Tourism Association (PCTA) budget. The proposed FY 2011 budget included $35,000 for the Development Authority of Peachtree City (DAPC), $881,450 cash funding for public safety vehicles in lieu of financing, and a 1.25 millage rate increase [Maintenance & Operation (M&O)].

Salvatore continued that the excess reserves anticipated for FY 2011 as a result of raising the millage rate would be formally committed to offset shortfalls anticipated in near future, adding that the Special Purpose Local Option Sales Tax (SPLOST) funds would be depleted by FY 2013 and the Local Option Sales Tax (LOST) would be renegotiated by 2013. Salvatore said that most of the remaining SPLOST funds were programmed for street and cart path resurfacing. He added that the LOST distribution was based on population, and other areas in the County had been growing while the City had not. Increasing the millage rate by 1.25 mills now would result in the lowest millage rate by FY 2015, compared to other millage rate options presented. The excess reserve funds were programmed to be eliminated (drawn down to 20% policy minimum) by FY 2015.

The total estimated revenue for FY 2011 was $26,777,747. Ad valorem taxes were estimated at $11,764,538 (43.9%); LOST was estimated at $6,587,035 (24.6%); other taxes, $3,001,872 (11.2%); franchise taxes, $2,410,507 (9%); other revenues, $41,178,073 (6.6%); fines and forfeitures, $1,151,239 (4.3%); licenses and permits, $741,063 (2.8%); grants and contributions, $356,050 (1.3%); and interest earnings, $64,417 (0.2%), less committed reserves amount of $1,057,047 (-3.9%).

Appropriations for the General Fund included Public Works, $3,255,883 (12.2%); Fire/EMS, $6,308,487 (23.6%); Police, $6,648,398 (24.8%); Recreation, $3,086,545 (11.5%); Library, $972,164 (3.6%); non-divisional and transfers, $3,007,250 (11.2%); Community Development, $936,047 (3.5%); City Council and City Manager, $301,379 (1.1%); Administrative Services, $1,232,153 (4.6%); and Financial Services/IT, $1,029, 441 (3.8%). The total for appropriations was $26,777,747.

Salvatore briefly went over the Public Improvement Plan (PIP), the remaining funds in the SPLOST budget, the Amphitheater budget, and Stormwater Utility budget, as well as the five-year models.

Haddix asked what the total millage rate would be in five years, with the proposed 1.25 mill increase. Salvatore said the current millage rate was 5.533 mills (M&O – 5.34 mills, bonds –

0.399 mills), and the projected millage rate in five years would be 7.168 mills, adding that it would need to be 0.85 mills higher if the City did not act now.

The public hearing opened.

Robert Brown said he did not see the reason to have a huge millage increase to build up more in the fund balance, and that the increase should kept to what was needed for the next fiscal year. He referred to the five-year model and the projected tax increase that would be needed to make up for using all the SPLOST funds, adding that the SPLOST revenue should be shown in the budget and pie charts until all the funds were expended. He urged Council to keep looking for more cuts before increasing taxes.

Caren Russell noted the Line Creek development agreement would have provided the funding needed to make the SR 54 West area look like the rest of the City. She asked Council to support staff so they could start looking for grants to fund that. The nearby large retail development in Coweta County was under construction, and they needed to show how different the City was from Coweta County. The look of the west side could lure some of the smaller retailers to the City.

Graham Bunker said it seemed like the time to go forward with the 1.25 mill increase. He said full funding for the DAPC was critical, especially for an expert that could bring in the industry. The City had to get its real estate moving forward and yielding income.

Scott Austensen said he did not see the need to increase taxes by 1.25 mills. They were still missing a Master Plan that was tied in to the budget. After public safety, Council needed to look at what was important to the City and prioritize those items. He did not support a 24% increase in the millage rate. The times were difficult for the citizens, and there was no need to increase the millage rate until Council had done that hard work.

Michael Posey said the country was pretty messed up, partly because of taxes, adding a 1.25 mill increase was extreme. He urged Council to keep taxes down, adding that it was ludicrous to increase the millage rate that much up front. He agreed with prior speakers, saying they were dead on the money.

Tim Lydell said he did not like to spend a lot of money on taxes. It was Council's job to decide on what was needed, and the residents' job to give input. Council had to be aggressive in protecting the City's AAA bond rating, even if it meant a 1.25 mill increase. The employees had shared a great deal of the burden, and they had not made the mess. Council could look at reducing manpower over time and look at services. They needed benchmarks and to look at ways to bring down future tax increases. A unique city cost money. One way for the City to make money was to recruit businesses, and that money would come back to the City's budget. He said the City should spend the money now and go after businesses to help keep the tax burden down. He fully supported funding the $150,000 for the DAPC.

Mark Hollums, chairman of the DAPC, said the DAPC had been funded at the same rate, $35,000, for the last six years. With the exception of the support from Financial Services, the rest of the DAPC staff support came from Community Development, which also needed more staff. The DAPC needed one full-time employee. The members were working with the merchants at all the shopping centers. Industry was the economic base for the City. The Fayette County Development Authority (FCDA) was the marketing arm for the County as far as the state was concerned. The local board had worked with the FCDA and the Fayette County Chamber of Commerce on many projects. They had worked on Atlanta Christian College for two years (still no decision on where to re-locate). They did the study on reducing Sany's impact fees and were working with Sany on developing a relationship with the Peachtree City Airport Authority (PCAA). They tried to be team players. They had had nothing but great support and were starting to see the dividends. However, the board members were getting burned out. He asked Council to reconsider the amount of funding for the DAPC. The City had been a victim of own success. The population was not poor; so many entities would not work with the City. The DAPC had demonstrated it was frugal. The City could not keep burning out the members.

Hollums asked Council to consider a compromise – 0.1 mill earmarked for the DAPC. Hollums said, in his opinion, to not appropriately fund the DAPC was penny wise and pound foolish.

The public hearing closed.

Haddix thanked everyone for their comments. He said he staunchly supported the DAPC. The City had to have an economic development component. The City had an economic development coordinator on staff, Tony Bernard. To hire another part-time employee would effectively add another employee to the Planning Department to do City work. The City had no economic development and relied totally on tax increases to finance its future. Haddix said that was a dead end, only taking more money out of the homeowners' pockets.

Imker said everyone had heard his position over and over again. He took exception to some of things that had been published and attributed to him. Imker said some of his comments were directed at the Mayor, saying he was sure the Mayor did not intend for his comments to be mean-spirited, but to get his position out. Imker referred to a June 18 article in ***The Citizen*** written by John Munford, who wrote there was "no stomach to do so by the other four members of Council." Imker said the implication was that he had said that. He clarified that Munford wrote that; he did not say it. He was more professional than that. Imker referred to article written by Haddix, noting that Haddix stated that Imker had proposed the 1.25 mill increase at the June 15 workshop. Imker said he had listened to the meeting recording, adding that he had said they still needed to find another $2 million without cutting services or using City reserves, and the only way to do that was a 1.25 mill increase. He asked only to see a model with a 1.25 tax increase. He did not support a tax increase. A 0.5 mill increase would not solve the deficit issue.

Imker referred to one of the recent workshops, saying they had agreed that, when SPLOST went away, the tax rate would have to be raised accordingly to make up for the loss of funding for day-to-day operations. They also agreed that the millage rate should be lowered by the corresponding amount if another SPLOST was approved. The SPLOST just ended, which was

$1.5 million each year or a 0.75 mill increase. The City needed that money now to pay those bills that would come in 2013 and 2014. He said it was unconscionable to ignore Council's own budget guidance after one meeting. Fleisch and Learnard had already seen how the future would be affected by a larger increase. The money was needed upfront to pay for the future. At the end of this five-year period, the City would have a balanced budget moving forward. The projected smaller increases during that period could be easily eliminated through managing the budget. The previous Council approved a budget for FY 2010 that was $660,000 more than what would actually be received. This Council had a reasonable model for five years that could be executed. Imker referred to the recreation program fees in FY 2010, which had been projected at $706,000. The anticipated actual revenue was only $503,000 because the previous Council had agreed to raise the fees, but had not implemented the fee increase. This Council was using conservative numbers, and he fully anticipated a favorable result at the end of the next year. The cash reserve would be set aside and the additional funds would be committed. The City would not buy anything in the future without being able to pay for it. He believed this Council had the gumption to follow its own guidance.

Imker noted that the decrease in the fair market value had lowered the tax digest by 4.5%, which was equivalent to another 0.25 mill increase in the millage rate. If Council wanted to maintain service at the current level, it would take a one mill increase (0.75 mills to make up the SPLOST and 0.25 mills for the decline in the tax digest). Imker said he had presented options to lower expenditures, including furloughs, salary cuts, and less employees. He understood Council would not accept that, but he had to make his position known.

Sturbaum asked Imker why he had done all the work and had reasons for a 1.25 mill increase, but did not support the 1.25 mill increase. Imker said he supported a zero mill increase. The residents knew he was coming in to shake things up on the expense side of the budget and provide budget discipline. Haddix asked why they had sat through the workshops with the impression that three members supported a 1.25 mill increase. Imker said the 1.25 mill increase model, if there were no cuts in service, had made the most sense of any of the models. Imker said normally the budget was approved first, then the millage rate hearings were held. If Council was going to flip the process, they would have to have a serious discussion on the millage rate change. It would not be easy, and they would have a budget by the end of September.

Haddix said that was the clarity he had asked for, recalling that Imker had said he might support a 1.25 mill increase, but probably would not. Clarity was needed from every member so Council could move forward to the final budget. Haddix asked Imker if his position was no increase in the millage rate. Imker said there had not been a motion, and he was not going to commit himself at this point. Haddix said they could not afford to reach the final part of the process with a 2-2-1 split. Imker said he was not going to take the position that he would not change his mind unless he got his way.

Haddix said there were two issues to resolve – funding for the DAPC and the millage rate. Two members supported a 1.25 mill increase, two supported a 0.5 mill increase, and one supported no increase. The City could not depend on tax increases for the future; there had to be a vision. At this point, Council could not approve a millage rate.

Learnard asked Salvatore about the time schedule. Salvatore said Council had to wait at least one week from this meeting to adopt a budget.

Haddix said the City had to fund the DAPC and get away from the idea that all revenue came from taxes and more taxes. They had to get out of the old box. The only growth in the last four years had been excess retail.

Sturbaum said the vote needed to be at least 3-2 to approve the FY 2011 budget. The DAPC had done a lot of good work, and they needed a director who could go out and recruit businesses and jobs. The City needed to give the DAPC the ability to deliver. The industrial complex needed to be filled and re-developed. They could control the economic situation in the City by putting people to work so they would shop locally and generate income for the City.

Imker said he would not threaten not to support a tax increase unless the second retirement plan was eliminated to save $170,000. Sturbaum asked Imker if he would be more willing to accept a tax increase if the second retirement was removed from the budget. Imker said that was not his position. Learnard asked Imker if he was taking the same position as the Mayor, that he would not support any budget without $150,000 for the DAPC. Haddix said he was being upfront about his position. This was the third year of this battle, and he was not going to cave again. Imker said he would cave if he did not get his way.

Learnard said the City had a dedicated staff that could do the job that Council needed done. At the March Retreat, she was amazed at what the Community Development Department had to do, noting everything that had been done just for this meeting. She pointed out that one of those employees had taken on the extra duties of economic development coordinator and was working with the DAPC. She believed the impetus for $150,000 had been randomly generated. She had tried to find a reasonable compromise with a part-time economic development coordinator on City staff that would liaise with the DAPC and assist the Planning staff. It would take away a lot of the fundamental tasks from the DAPC and free up the volunteers to work on what they needed to do. She had found areas where a similar position had been very successful. Her suggestion was the only compromise brought to the table. Council should be coming together. She asked Haddix if he felt he had worked in a positive spirit to reach a reasonable compromise. Haddix said the discussions with the DAPC began in December 2009. The proposed budget had been worked on for two and one-half years. Tony Bernard did a fantastic job, but staff could not do the legal functions of a development authority. A City employee did not have the authority to recruit industry and offer initiatives that could be offered by the DAPC.

Learnard said, per the *Georgia Development Authority Handbook* put out by the Fanning Institute, the purpose of a development authority was to provide advantageous financing to help bring projects to the community. She had suggested a staffer, coordinator, and support. She had never suggested a director. She had seen no goals, metrics, target tasks, or objectives. She asked how the cost would be justified. She had put a reasonable compromise on the table and been told there would be no compromise.

Sturbaum said, if Bernard needed assistance so he could work on an economic development model, then they needed to look at that. He wanted to give the DAPC the money to put those metrics in that Learnard wanted to see. He would like an executive director to analyze all the empty space in the City, map it out against the corporations in the southeast and the country that were looking at relocation, and actively seek to fill the inventory. They needed to look at the types of corporations that were looking for the specific types of employees that were in the City. No one had said to give $150,000 to the DAPC and not put a metric on it.

Hollums said they had been looking at some of the items discussed for some time. It had been a goal to pull all of that together for a long time, but they did not have the staff to do what was needed. The DAPC also wanted to do an industrial survey, find out how many people lived in the County. Per the Department of Labor, the County's workforce was 70% white collar, but 70% of the jobs within a 15-minute drive of the City were blue collar. Hollums added that all he did was put out fires. Hollums said he was talking about hiring a part-time person to answer the phones so the members could do the job they were supposed to do. Other boards in the City functioned as a board of directors and had staff; the DAPC did not even have a phone. Learnard asked if there were job tasks for the paid person. Hollums said they could be developed; the board had only given the City a budget of what could be done with the money.

Sturbaum said the DAPC needed funding. Haddix said there were two issues – more help was needed in Community Development and the DAPC needed funding to bring in resources.

07-10-02 Public Hearing – Consider Variance to Watershed Protection Buffer, 306 The Enclave

Haddix noted there was an additional document on the dais – an e-mail from the neighbor at 307 The Enclave opposing the variance.

Chick Winship, the property owner along with his wife Flo, addressed Council. He said a variance was required for the pool they wanted to install on the back end of their house. The watershed (150-foot buffer from the lake) came to the back of their home. He showed overhead photos, noting the contour of the lake along their property. There was a stormwater creek on the property, and a retaining wall was planned on the backside of the pool that would direct any runoff through the rest of the property and along more pervious land than it currently ran. They understood the 150-foot buffer, but were concerned about how the buffer arc was drawn. If the arc was moved just slightly, the entire pool would be outside the buffer area. The position from their back yard to the closest point was 200 feet. They would need a 25-foot variance for the pool. Roughly 60-70% of their property was unusable due to the various setback requirements. There was nothing else they could do to put in anything that was usable because of the shape of the lot and the fall off. There were numerous pools around the lake, and they understood Council's reluctance to approve variances. The contour of the watershed was the problem.

Winship continued that they wanted to put the pool in responsibly with the environment in mind without any negative effect on Lake Kedron. They had a plan for better flow from the back of the house than there was today. It was a special situation. There was plenty of land; they just could not put the pool in without a shoe horn due to all the buffers and setbacks. Winship referred to a variance approved on May 20 for a home in Interlochen due to some existing construction problems, adding that the lots to the right of their home were very steep and there was a golf cart path that ran behind the homes to the left. Those residents were able to put a pool between their homes and the cart path. He said there was not a City-owned greenbelt behind their home; they owned the property into the lake.

Community Development Director/City Planner David Rast addressed Council, noting that several homes around the lake had pools. Staff had looked at the foundation surveys of those pools, and none of them encroached into either the 100-foot natural buffer or the 50-foot no impervious surface buffer, which was required for properties that abutted a drinking water reservoir, with the exception of the one in Interlochen that received the variance. The buffers were measured from the normal pool elevation of the water. Rast continued that the water resources protection ordinance had been adopted prior to the development of Southern Shore. Most of the lots on cul-de-sacs were pie-shaped with a minimum building setback of 40 feet required for R-15 zoning districts. Because the tract is irregularly shaped, the front building setback was established by the depth that would create the minimum lot width along the front building setback line. The front building setback was established at 55 feet from the property line for the Winships' tract. The home was constructed 60 feet from the front property line and the rear of the home abutted the 50-foot no impervious surface buffer.

Rast continued that the applicants proposed to build a pool on the rear of the home. A sanitary sewer easement ran through the property, and they planned to put a retaining wall along the easement, then build a pool, outdoor spa, golf cart garage, and to extend the driveway. There would also be a pool deck and stairs. A good portion of the construction would be in the 50-foot no impervious buffer. Staff felt that the variance request did not meet all the criteria required to approve a variance. There were some special circumstances on the property, but the other homes with similar situations had complied with the requirements. There were 38 lots in Southern Shore around Lake Kedron with pools. There were a number of lots with similar situations, and all the other pools had been built outside the buffers.

Rast continued that staff was concerned that approval of the request would open up the potential for more requests. Each would be evaluated on its own merit, but most would be compared to the variance granted for the property in Interlochen. There were some similarities between the Winship tract and the Interlochen tract. However, the Interlochen lot did not have the required buffers for the lake shown, and due to the shape of the lot, the building setback was well over 100 feet from the property line. Staff's position was that the variance not be approved. There were other locations on the property where a smaller pool and deck could be built without a variance.

The public hearing opened. No one spoke either for or against the request. The public hearing closed.

Imker noted that staff said a smaller pool and deck could be built without a variance. He asked Winship what size he proposed. Winship said they did not know as the plan presented was a conceptual plan only. They did not have property for a reasonable pool anywhere on the lot without going into the buffer area. They were willing to change the decking to a pervious material. Everything else was negotiable, but the pool could not be made out of wood.

Imker asked Rast where else the pool could be located. Rast said the pool could go in the location of the planned golf cart garage or the driveway extension. Winship said the golf cart garage was just an idea that had gone away, adding that there was a 20-foot drop in that area of the lot, which made the pool cost prohibitive based on their research.

Haddix asked Winship if they had looked into a suspended pool. Winship said that he was not sure what that was. One design included a retaining wall, with a tiered-down design, that did not go into the impervious zone, and that was the estimate that had been cost prohibitive. He said they could come back with another plan, but it would all be for naught if they could not go into the buffer.

Imker asked Rast why the request would set a precedent if approved and why it was different from the Interlochen variance. Rast explained that 16 lots in Interlochen had been platted without the watershed protection buffers shown on the plats. The houses encroached into the buffers. The tract that received the variance was also pie-shaped, and when the watershed protection buffers were imposed the house itself encroached into the buffers. If the watershed protection buffers had been shown on the plat, the minimum front building setback would have made the lot unbuildable. Imker clarified that the situations were similar, but there had been no clerical error on the Winships' plat as with the other situation. He said he was trying to find a way to approve the request. He asked what the impact would be if the variance were approved.

Meeker said that the buffers had been platted on subdivision approval. When the first person bought the house, they were aware of 150-foot total buffer. When a variance was approved in this instance, the next person could ask why they were any different. It was a domino effect. Learnard said she did not want to leave the City open to a lawsuit. Meeker said it was certainly open to argument. Imker reiterated that he was looking for an excuse that would not set precedent, something that made this lot special.

Rast pointed out that one factor in the Interlochen situation was the topography from the street level to the lake, which was a fairly significant drop. Southern Shore occupied much of the entire western boundary of the lake. Some lots had very gradual slopes, while others were steeper. While there was a change in grade on this lot, it was not as extreme as lots further north.

Haddix sympathized with the couple, noting he had tried to come up with an idea that would work when he visited the property. Winship said it was not just the expense, but there was also a huge technical challenge. With the arcs of all the buffers and setbacks, a pool could not be shoe horned onto the property. The pool would still be on the house side of the sewer easement. The pool would increase their property taxes. It came down to whether a similar variance had been granted before. They could not do it any other way, which was the reason he asked for a variance.

Imker asked Meeker if the City would have a case to deny variances that encroached into the 100-foot natural buffer. Meeker said they would still had a case for variances that encroached into the 100-foot. Meeker said yes, there were two different buffers. The 100-foot buffer totally prohibited everything, and the 50-foot buffer prohibited impervious surfaces.

Fleisch asked Winship if they were the original owners and whether they knew about the buffers. Winship said they were the original owners, and the buffers were on the plat. Haddix noted that the e-mail on the dais was from a neighbor opposed to the variance. Winship said they did not know that a neighbor opposed it. He had spoken to that neighbor that day, who told Winship his concern was how the fence was placed and whether it blocked the view of the lake from the bottom floor of his home. Winship told the neighbor the plan was conceptual only, and without a variance, the plan was dead.

Learnard said the decision was almost black and white in terms of the required criteria. She moved to deny the request for a variance. Fleisch seconded. The motion carried unanimously. The Council Members extended their regret to the Winships.

Sturbaum moved to extend the meeting past 11:00 p.m. Imker seconded. The motion carried unanimously. There was a break from 10:15 – 10:26 p.m.

07-10-03 Public Hearing – Consider Step 1 Annexation Request from SITUS Property Corporation for Southern Pines Tract

Ben Casey, president of LowTemp Industries, a 63-year old family-owned company located in Jonesboro, said they built custom kitchen fit equipment for hospitals, restaurants, and schools and had 165 employees. Casey introduced his father, Bill Casey, and Mike Gray of Panattoni Development Company.

Gray said the 77-acre property was owned by Southern Pines. The property was more than needed, but had room for expansion. They planned to build a first-class fabrication, distribution, and office facility. They liked the 18 acres of wetlands and creeks on the property, which provided a nice environment for the employees. The 142,000 square-foot building would be on the front of the site, with the entrance off Rockaway Road, so trucks would have access to the traffic signal. The truck traffic would be low, with an average of 25 trucks per week. The loading area would be screened with landscaping. The company was currently located in a 63-year old 200,000 square-foot building that had been added on to nine different times. Moving into a state-of-the-art, investment grade building would allow them to become more efficient and provide room to grow. They were out of room on site in Jonesboro. It would be $7 million investment. The site would be well-buffered from neighbors, and they would be willing to include a non-disturbed buffer to protect their property as well as the adjacent neighborhood.

The public hearing opened.

Robert Brown said the City had been opposed to the County's retail zoning of the property. He felt the use was appropriate, and that the City should move forward on the proposed industrial use.

Brandt Herndon, president of the Fayette County Development Authority (FCDA), said he had toured the Jonesboro facility. LowTemp was the type of company the County would love to have, and the FCDA strongly supported the proposed annexation.

Mark Hollums agreed with Herndon, adding that LowTemp would be an excellent addition to the community.

The public hearing closed.

Sturbaum said Low Temp was a fine company, and he was pleased they were considering relocating to Peachtree City. Council had previously denied an annexation due to retail concerns. The Caseys were also committing to protect the natural buffer and the aesthetics in the area. It was a good opportunity.

Fleisch said she supported the annexation request, but asked if they had looked at any vacant property in the Industrial Park. Gray said they had looked at vacant sites, but had not been able to make the plan work. None of the other properties were big enough.

Sturbaum moved to approve the Step 1 annexation request from SITUS Property Corporation for the Southern Pines tract. Fleisch seconded. The motion carried unanimously.

07-10-03 Public Hearing – Consider Changing Street Name, Cobblestone Drive to Cobblestone Creek

Rast said the request was to change the name of the street from Cobblestone Drive to Cobblestone Creek. The City had been working to update the City's geographic information system (GIS) maps, and this was one of the glitches that had been found. The street had been platted as Cobblestone Drive, but the majority of residents and the County's 911 system used Cobblestone Creek. Rast added that the 44 residences in the condominiums had been surveyed, and 39 said they used Cobblestone Creek.

The public hearing opened. No one spoke for or against the street name changes.

Sturbaum moved to approve changing the street name from Cobblestone Drive to Cobblestone Creek. Fleisch seconded. The motion carried unanimously.

Meeker said that next four public hearings could be combined, but should be voted on separately.

07-10-06 Public Hearing – Consider Amendments to Section 1007, LI Light Industrial Zoning District

07-10-07 Public Hearing – Consider Amendments to Section 1008, GI General Industrial Zoning District

07-10-08 Public Hearing – Consider Amendments to Section 1009, OS-C Open Space - Conservation Zoning District

07-10-09 Public Hearing – Consider Amendments to Section 1009A, OS-P Open Space - Public Zoning District

Rast said one change was to remove Agricultural Resident (AR) zoning as a permitted zoning area for telecommunications towers and facilities, adding that AR was primarily a holding category for zoning. The Planning Commission and staff recommended that the towers be limited to property zoned LI, GI, and OS-P as a conditional use, adding that staff planned to bring the rezonings regarding Open Space-zoned properties in August. Staff proposed removing towers as a use from OS-C zoning.

The public hearing opened.

Mary Giles strongly objected to allowing cell towers or any communications equipment in OS-P zoning. She added that Council should have received e-mails from several residents in her area regarding that.

Fleisch said she also had concerns about allowing the towers in OS-P. She asked if the buffers would be what restricted the use in OS-P zoning. Rast said additional buffers would be recommended if the towers abutted schools, churches, day care facilities, or residences, adding that the towers would be allowed in the zoning districts as a conditional use. There would be specific criteria carriers would have to provide that would be reviewed by staff and the Planning Commission, while Council would decide whether to issue a permit. For City-owned parcels, Council would also have to enter into a lease with the carrier, which was another protective measure for parcels owned by the City.

Giles said her concern was future Councils, adding that the benefit from the finances might be the deciding factor. Haddix said they could not guarantee the future; those Councils could re-write the ordinances to what they wanted.

The public hearing closed.

Fleisch asked if taking the OS-P out of the mix would help, adding that not everything was zoned OS-P or OS-C yet. Rast said the other zoning districts had been discussed with the Planning Commission, such as larger General Commercial (GC) tracts (15 to 20 acres), and they looked at the search rings provided by the wireless companies. They might want to consider adding GC with special stipulations, but the City Attorney would have to help determine what was too restrictive. Fleisch pointed out that the carriers had already said the City was too restrictive at the workshop held earlier in the year.

McMullen added that the carriers had indicated that service was needed in residential areas. There was nothing else in residential areas but OS tracts for the towers to be located. If OS was taken out, there would be no locations for the towers where they were needed. Haddix added that the City would then be overly prohibitive. Meeker confirmed that was the risk factor in terms of the Telecommunications Act.

Imker asked about the OS property located behind the Police Department. Rast said staff had taken five or six sites in the City in the search ring and imposed the proposed setbacks. The site was one of those where a tower could be located. Imker said it appeared to be part of the Flat

Creek Nature Area. Rast said there was actually a small tract behind the Police Department that abutted the nature area. Haddix asked what the zoning was for the former Water and Sewerage Authority tract behind the Police Department. Rast said it was zoned LI.

The public hearing closed.

Sturbaum moved to approve the amendments to Section 1007, LI Light Industrial zoning district for the purpose of adding telecommunications facilities or structures as a conditional use. Fleisch seconded. The motion carried unanimously.

Imker moved to approve the amendments to Section 1008, GI General Industrial zoning district. Fleisch seconded. The motion carried unanimously.

Fleisch moved to approve the amendments to Section 1009, OS-C Open Space – Conservation zoning district. Learnard seconded. The motion carried unanimously.

Fleisch moved to approve the amendments to Section 1009A, OS-P Open Space - Public zoning district. Imker seconded. The motion carried unanimously.

07-10-10 Consider Amended Articles of Incorporation and Bylaws for the Peachtree City Tourism Association

Kai Wolter, acting chairman of the Peachtree City Tourism Association, addressed Council, asking Council to approve the amendments to the Articles of Incorporation and bylaws and the name change from Peachtree City Tourism Association to Peachtree City Convention & Visitors Bureau.

Haddix asked what the acronym would be. Executive Director Nancy Price said it would be the Peachtree City Convention & Visitors Bureau or PTCCVB.

Imker referred to Bylaw 3.4 Removal of the Director, clarifying that Council had the authority to remove any member. Meeker said that section was a carry over from the existing bylaws and was correct.

Imker referred to Article VII Conflict of Interest and the hotel/motel tax. He asked, specifically, whether a member that worked for a hotel would have a conflict of interest since the funding source was the hotel/motel tax. Wolter said the board members were bound by the Code of Ethics oath. Since the hotels were the source of revenue, representation was paramount. He managed one of the hotels and had not come across any situation that could be a conflict of interest.

Haddix asked if there was a distinction between the hotels acting as a collection agency and the money coming from a board member's pocket. Meeker said the first thing to look at was material benefit. Serving as board member was voluntary and no compensation was paid. If it were a benefit to a particular member as opposed to the other hotels, then it was incumbent on that member to recuse himself from voting. In terms of the broad scope, members of the business community would serve on the board. If an event benefitted the hotels, it could also benefit other businesses in the City. If one hotel was designated instead of all of them for any specific event, that could be an issue.

Imker confirmed that the fiscal year was October 1 to September 30. Price said that was correct. Imker asked if the PTCCVB would continue to provide funds for the Peachtree City Airport Authority, the Amphitheater, and the July 4th fireworks. Price said yes. Meeker said that would all be part of the annual budget that would be submitted for Council approval.

Imker asked about the board members, noting that the term expiration dates for the seven members were of concern to him. He pointed out that one Council Member would be selected every year by Council, then three positions would rotate every two years. The way the bylaw was written, four would rotate out in 2011 and two in 2010. He would rather see three rotate out in 2010 and three in 2011. McMullen said one board member was listed with the term expiring in 2011. One position was earmarked for the chairman of the Recreation Commission. Mark Ballard was the current Recreation Commission chairman and would be a member of the PTCCVB Board of Directors as long as he served as chairman. He noted that David Ring was the chairman of the Recreation Commission for five years, also serving on the PCTA for five years because he was chairman. It was more likely that position would not be in sync with rotation due to the filling of that position.

Imker had asked each of the prospective members if it was their first time to serve on the board or if they had served on the PCTA. All but one had said they started January 1 and were recently appointed, all but Wolter, who had been on the PCTA since January 2008. His term was due to expire in December 2011. It seemed unfair to those who would rotate out in 2010 and 2011. Price said that Wolter was important in the transition. He brought a lot of knowledge and expertise. As for the others, they could be re-appointed to another term.

Imker asked if there were term limits. Haddix said Council would have to appoint the members. Wolter added that, based on his experience, it took 18 months or so to get comfortable with the position. If the term was only two or three years, there was very little time to be effective. There would be a lot of mentoring, and there was a learning curve. Haddix said there was no reason to keep people only one term. Learnard agreed. Haddix said the framework would be adjusted later if there were issues.

Sturbaum moved to accept the amended Articles of Incorporation and bylaws for the Peachtree City Tourism Association. Learnard seconded. The motion carried unanimously.

Council/Staff Topics

Hot Topics

McMullen said the Department of Transportation (DOT) was working on the subgrade for Rockaway Road, with the rock base to be put down in the next two weeks. The work should be completed by September 1. Staff was working with the home office of Camden Apartments on the necessary easements for the MacDuff tunnel. Except for the rain, the progress on the Paschall tunnel and paths had been good. They were working on extending the drainage underneath SR 74. They were hoping for a stretch of dry weather to start on the foundation for the walls.

Haddix asked what the financial impact was from tree damage from the storms. McMullen said the impact had been on the work for the path and street crews. They had been dedicated to that type of work. There were still a couple of trees on the side of the road that needed to be hauled down to the Recycling Center. They would probably need one additional grinding to take care of it.

Sturbaum asked if there was anything new on Park Place. Rast said there was something in the works.

Sturbaum asked if there was any progress on the walking signs ordinance. Meeker said he and Rast were working on that.

Imker said he would like to include Code Enforcement on the Monthly Reports, especially citations issued for residential non-upkeep, homeowner issues.

Imker said there could be a favorable revenue projection at the end of the fiscal year, and he would like for that money to be assigned to the Public Improvement Program. McMullen said there was always a variance between revenue and expense, and they would not know how much until the audit was done, which was usually in January. The excess money was then put into the fund balance. The next step in the process was the Retreat. Imker said he would like for the funds to be set aside, either to a committed reserve or assigned to a priority project. He continued that the October workshop should generate a list of issues for prioritization. Learnard agreed it would be good to take stock and prioritize.

Sturbaum moved to enter executive session to discuss threatened or pending litigation and a personnel matter at 11:20 p.m. Learnard seconded. Motion carried unanimously.

Imker moved to reconvene into regular session at 12:00 a.m. Learnard seconded. Motion carried unanimously.

Sturbaum moved to not pursue an additional appeal or take any further action on the Worley case. Imker seconded. The motion carried unanimously.

Learnard moved to authorize release of the City Attorney's legal opinion on lake buffers. Imker seconded. The motion carried unanimously.

There being no further business to discuss, Learnard moved to adjourn. Fleisch seconded. The motion carried unanimously. The meeting adjourned at 12:03 a.m.

Pamela Dufresne

Pamela Dufresne, Deputy City Clerk

Don Haddix

Don Haddix, Mayor