City Council of Peachtree City
Minutes of Regular Meeting
July 15, 2004
7:00 p.m.

The City Council of Peachtree City met Thursday, July 15, 2004, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:00 p.m. Other Council Members present were: Steve Rapson, Judi Rutherford, and Murray Weed. Stuart Kourajian was out of town.

Announcements, Awards, Special Recognition
Mayor Brown recognized Brenda Rogers on obtaining certification as a Human Resources Manager, Betsy Tyler for obtaining certification as Deputy City Clerk, and Laura Oles obtaining her certificate of Local Government Management. Robert Ames was recognized for his service on the Planning Commission. The Southern Crescent Lightning Basketball Team was recognized for its first place league standing and for Coach Litterial Green being named as Coach of the Year. The award winners from the 4th of July parade were recognized: Golf Cart, first place – Charles Micallef, second place – Ted's Montana Grill, third place – Gary Seibert; Grand Marshal's Trophy, Delta Airlines; Mayor's Trophy, Braelinn Village Animal Hospital; Most Patriotic, Sons of the American Revolution; and Most Creative, Trinity Fellowship Church.

Minutes
Weed moved to approve the June 21, 2004, Special Called Meeting Minutes and the June 24, 2004, Special Called Meeting Minutes as presented. Rutherford seconded. The motion carried unanimously.

Monthly Reports
Brown announced that the Last Fling was scheduled on Saturday, August 7, 11 a.m., at Shakerag. City offices would be closed on Labor Day, Monday, September 6. Brown pointed out that Part 1 Crimes, the most serious crime classification, had increased by only one over last year's numbers. The top five accident locations for May were Highway 54/Planterra Drive, Highway 54/Highway 74, Highway 54/Huddleston Drive, Highway 54/Line Creek, and Highway 54/Peachtree Parkway. Brown noted that almost 15,000 feet of the cart path had been paved this year compared to 4,700 feet in Fiscal Year (FY) 2003.

Consent Agenda
1. **Alcoholic Beverage License – Change from Package to Consumption – Saffron Market**
2. **Consider Appointments to Library Commission**
3. **Consider Budget Amendments**
4. **Consider Fire Department Generator for Surplus**

Weed moved to approve Consent Agenda Items 1-4. Rutherford asked to remove Consent Agenda #3, Consider Budget Amendments. Weed accepted that as a friendly amendment. Rutherford then seconded the motion.

Rapson disclosed that his mother-in-law was the appointment for one of the Library Commission positions.

The motion to approve Consent Agenda Items # 1, 2, and 4 carried unanimously.

3. Consider Budget Amendments
Rutherford asked why QuickBooks software was needed for the Development Authority books. Financial Services Director Paul Salvatore said the Development Authority had all of its records on QuickBooks. There was a transition when the City took over the Tennis Center and Amphitheater, which were then taken over by the Tourism Association. There were many transactions that had to be finalized due to final audits being conducted. The only way to update the books to get the final numbers was to purchase QuickBooks. Salvatore pointed out that the Development Authority was considered a component unit of the City for the City's audit.

Rutherford asked if the information could be converted to Excel, then brought into the City's system. Salvatore said the Development Authority books were also on the Macintosh version of QuickBooks and the City needed the Windows version.

Rutherford asked if anyone had looked for a PC version of QuickBooks in the Development Authority's inventory. She noted that the Authority was supposed to buy a PC version of the program to use at the Amphitheater, and the software never came to the Amphitheater. System Administrator Matt Robinson said he had audited the Tennis Center's inventory and did not find that software. Salvatore noted they needed to buy the program for the City to complete the Development Authority's financial statements in order to complete the City's financial statements.

Rutherford asked if the City would have to update the QuickBooks program every year, or if the Development Authority would be transferred to another system. Salvatore said the Development Authority was now set up as a new department within the General Fund for any new business, which was minimal at this point.

Rapson clarified that the City was buying a licensing version to finish the conversion of the Development Authority books so the information could be included in the City's records for the audit. Salvatore agreed. Rapson also clarified with City Attorney Ted Meeker that he could vote on the matter since the Development Authority was only the reason for purchasing the software. Meeker confirmed this.

Weed clarified, and asked Meeker to verify, that during the auditing phase the Development Authority had always been considered a component of the City. By buying the QuickBooks program, the City would not be assuming the debt of the Development Authority. Meeker said the City would not be assuming the debt and was just trying to complete the audit.

Rutherford asked if there was any PC Anyware program that could convert the information without QuickBooks. Robinson said trying to connect a PC with a Macintosh would not be practical.

Rutherford moved to accept the budget amendments. Rapson seconded. The motion carried unanimously.

New Agenda Items

Rutherford moved to move Agenda Item 07-04-05 Consider Library Temporary Lease Agreement up in the agenda. Rapson seconded. The motion carried unanimously.

07-04-05 Consider Library Temporary Lease Agreement

Brown noted there were additional documents on the dais – a memo from the Leisure Services Director to Mayor and Council dated July 12, 2004, with the subject "Approval of Library Temporary Move Lease Agreement;" a letter to J.D. Holmes, president of PTC Properties, Inc., dated July 9, 2004, from Dar Thompson, president of Better Bodies, LLC; a letter from J.D. Holmes to Dar Thompson dated July 11, 2004; a copy of the sub-lease agreement; and a copy of the commercial lease.

Leisure Services Director Randy Gaddo addressed Council and asked Council to authorize the Mayor to sign the lease agreement, with conditions approved by Council, with Dar Thompson, president of ValuGym, Inc. Gaddo continued that the property was the Gold's Gym on Highway 74. The 15,000 square-foot space had ample room to operate the library. He added that very little had to be done to the space.

Gaddo continued that there were some amendments to the lease based on comments from Thompson, as well as Council Members, the City Manager, and the City Attorney. He asked Council to approve a 12-month agreement with a month-to-month extension up to 15 months with a 60-day advance notice prior to moving out to allow Thompson to market the space effectively. The lease would go into effect on September 1 and the bid for the library construction would be on the September 2 agenda. Gaddo said the only thing that would throw the library renovation/expansion schedule off track was if the construction bids were all way over the projected budget.

Gaddo said the estimate on construction time was 12 months, according to Michael Tomasi, lead architect for Leo Daley Company. The time would have been 15 months if the library had not moved out. Construction would take only 10 months if there were no weather delays or other problems. The cost of the lease per month was $12,540 plus utilities (which averaged $1,700), which came to $170,998 for 12 months, or $213,000 for a 15-month contract. The funding for the lease and the moving costs was included in the bond proceeds and was well within the $324,000 budgeted, although there might be some move-in costs. The total for the round-trip move and the lease was approximately $269,000.

Thompson told Council that the gym was moving out of the facility regardless of whether the library moved in. The move had been originally set for August 1, but would now be in September. He noted that originally they had discussed 18 months, then it was backed up to 15 months, and now they were talking about 12 months. Thompson said he had no problem with 12 months, but he would prefer an additional three months extension, than a month-to-month renewal. Rutherford and Rapson both noted that 60 days notice was required prior to moving out. Rapson said he was more comfortable with a month-to-month lease after the 12 months and noted that they would be able to give Thompson an exact time later.

Thompson said he wanted to help the City, but he did not want to be cornered and wanted to do what was fair. City Manager Bernard McMullen pointed out that, no matter where they were at in the process, they would have to give 60 days notice. Meeker noted that, from month #10 to the end of the construction, the City would get constant 60-day updates and would have a good idea at least 60 days out of when construction would be completed. Thompson said he wanted to limit his exposure.

Weed asked how far into the lease would the City know when the construction would be finished. Gaddo said, realistically, they should know at the 10-month point. Rapson said he wanted to structure the lease according to reality. Gaddo said Thompson could actively market the property while the library was in it. He added that someone looking for a space that large was usually planning a year ahead. Rutherford said Thompson should come in at 10 months and have the same conversation, then Council could guarantee when the library would be moving. Weed agreed and said it sounded reasonable. Thompson said that was fine and that he had a 12-month minimum guarantee.

Rapson questioned section #11 in the lease, which included a clause regarding the type of insurance required for the lease. He noted that City was self-insured. Meeker said they were not self-insured and had GIRMA insurance. Administrative Services Director/City Clerk Jane Miller said the space would be covered under the City's policy.

Rutherford asked Gaddo if the builders would be able to start construction the day after the bid was approved by Council. Gaddo said the approval was on the September 2 agenda and the plan was to start moving almost immediately after the approval. Gaddo said the library should be ready for the builders to start on September 14, and that was part of the bid package. Rutherford asked if other properties were looked at. Gaddo said they looked at several properties and none of them matched what was needed, and there were also problems with short-term leases.

Rutherford moved to approve the temporary lease agreement for 12 months to be revisited in the 10th month to determine if a longer time was needed. Rapson seconded. The motion carried unanimously.

07-04-01 Consider Ordinance to Prevent Trains from Blocking Intersections
Police Chief James Murray addressed Council and told them this potential problem had been discovered by accident when a caregiver could not get through to a private residence because the train blocked the intersection. After searching the ordinances, they discovered the City had no ordinance to address the problem. They checked with other cities, including Hapeville, and found an ordinance that gave the City the authority to cut the train in event of an emergency. Weed added that Tom Drake was the grade crossing manager at the Department of Transportation and it would be good to also call him. Rutherford noted that she had attended the railroad session at the Georgia Municipal Association conference and would also provide the Police Department with that information.

Rutherford asked Meeker if he had seen the ordinance. Meeker said yes. Rutherford moved to approve the new ordinance for the obstruction of roads, streets, and railroad highway grade crossings by railroad corporations and railroad crews Weed seconded. The motion carried unanimously.

07-04-02 Consider Appointment of Municipal Court Solicitor
Brown noted there was an additional document on the dais – a memo from Administrative Services Director/City Clerk Jane Miller dated July 15, 2004, with the subject "Request to Table Agenda Item 07-04-02."

Rutherford moved to table the item as requested so staff could do more research, part of which was to see if the City could hire someone as a part-time City employee, to reach more firms if it had to go back out to bid, and to increase the income of the current solicitor until September 30 as requested. Rapson seconded. The motion carried unanimously.

07-04-03 Consider Adding Administrative Fee to Municipal Court Citations
Miller said staff recommended adding a $4 administrative fee to municipal court citations, except fees set by the state. She noted there had been a significant increase in citations over the last six months and that citations had increased by 1,500 over the same period last year. Miller said that amounted to a 40% increase in citations, plus an increase in paperwork due to state law changes and an add-on for indigent care. There were also glitches on the state's part in their ability to receive some paperwork electronically, so forms had to be mailed. Miller continued that another position had been requested for Administrative Services in the FY 2005 budget and about half of that person's time would be spent in Court. She said it was important the work be done correctly and the court staff had been putting in a lot of hours.

Weed asked Chief Murray why the caseload had increased so much. Murray pointed out that the traffic flow through the City had increased, plus the Department had been at full staff for the last few months.

Miller added that there were now eight courts per month instead of four, and although the citations had not doubled, the workload had increased. Rutherford asked why they did not ask for a $5 administrative fee. Miller said there was no magic number, but $40,000 funded the new position.

Rapson said his concern was that the fee covered the additional person. Miller said $5 would more than adequately cover the new position.

Rutherford moved to recommend the administrative fee be added to the citations, but adjusted the fee to $5 on all citations except those controlled by state law to cover the increase in the cost of processing. Rapson seconded. Rapson and Rutherford pointed out that just because Council approved adding the administrative fee, it did not mean they would approve the request for the additional position. The motion carried unanimously.

07-04-04 Discuss County Transportation SPLOST

Brown noted that Council Member Kourajian could not attend the meeting and had asked to hold the vote until the next meeting. Rutherford asked if Kourajian should be part of the discussion, as well as the vote. Brown said he was sure there would be discussion at the next meeting as well. Brown noted there were additional documents on the dais – a letter from City Attorney Ted Meeker to the City Manager dated June 11, 2004, and a Six Year-SPLOST Comparison.

Rapson noted the letter from the County Commissioners and said they needed an answer as soon as possible, or at least provide a consensus of opinion. He said he was willing to honor Kourajian's request to not take a vote, but said they needed to get the information to the Commissioners on how they felt for educational purposes alone.

Weed pointed out that Kourajian had long said he could not make this meeting and that the matter should be discussed when Kourajian could attend. Weed said they should also discuss it at this meeting.

Rutherford pointed out a piece of information, or misinformation, was whether or not the SPLOST would automatically be reconsidered next year if it failed this year. She said the County Commissioners would have to vote on the matter again next year to create the SPLOST request. Rutherford noted it was a County decision, and there was no guarantee it would be put to the voters again next year. She added that the Commissioners had said they would not reconsider the SPLOST again next year if it failed this year.

Rapson explained his Six-Year SPLOST Comparison chart, which included how the money would be allocated under the new law, under the County's offer, under the City's offer, and the variance between the offers and the new law. He pointed out that the difference between a 60/40 split and a 65/35 split was roughly $3.5 million. From a City perspective, the City was giving away 60% of the revenue the City would be due under the new law. Rapson said by doing so, the City said the County Transportation Plan was important and should be implemented. He continued that it was also critical to the City to initiate local projects, such as intersection improvements, golf cart path paving, or anything to do with transportation. The dollars were the same; the difference was where they were spent. Rapson said he did not know if this was a battle of the egos, but the issue no longer seemed to be about roads. He was not saying if he was for or against the SPLOST, but Rapson wanted people to be cognizant of the information. It was not just a City problem. Under the City's scenario, the City would receive a little over 13%. Under the County's scenario, the City would receive much less. Rapson said his position when the offer first came was to send a polite "no thank you" behind the scenes and work the matter out. The matter had to be settled with the County Commissioners.

Brown said there had obviously been a lot of discussion in the news and it had been consistently reported that 30% to 35% of the SPLOST went to the cities to split, but the County would get the lion's share of the 30-35%, or approximately 48% of the money. Rapson said the City could get $45.4 million under the new law, but he was willing to settle for $18 million.

Brown said the projects really did not matter; they were talking about equitable distribution of tax money and the City had a right to the equitable distribution of tax dollars. He reiterated that City residents were County taxpayers.

Rapson said his chart painted the picture and was based on the facts. He continued that he appreciated Brown's feelings and the County Commission Chairman's feelings. He said he wanted to let the citizens make up their own minds and take care of other issues on a personal level.

Rutherford said the 65/35 split offered by the County had come a long way. Now, the City could either receive $16 million, or nothing if the SPLOST failed. If the SPLOST were not reintroduced next year, then the City would still have nothing. It was always good to have more money and a lot of projects could get done with $16 million. She continued that the funding issues with the Fire Department and Recreation Department would continue. The City's residents paid for County services they did not receive. Rutherford said they should take the $16 million and work on the other long-term problems. They could look at setting up special tax districts, but should take the $16 million they otherwise might not ever see, then work hard to get back the tax money paid for services the City never received.

Brown said he asked City residents if they were willing to accept $0.30 in services if they paid $1 in taxes. The unanimous vote was no.

Rutherford reiterated that the fight needed to be over making sure tax equity went further than the SPLOST. Rapson said if the City did nothing and a five-year SPLOST was approved, then the City would get $11 million.

Weed said he swore an oath to represent the citizens of the City. The City ought to get around $45 million and they were considering agreeing with $18 million. He said he could not tell the public with a straight face that he abandoned them, knowing the City could get $45 million and he had sold out for $16 million. Weed continued that he believed there would be a reckoning with the voters for the Commissioners.

Brown said he did not buy the rationale that the County would not try the SPLOST again next year if it failed this year. They were going to kill both the cities and the County if they could not get their way.

Rutherford said she did not like the split, but as a representative of the taxpayers she had to look at other issues. She pointed out that the people from outside the County would be paying the sales tax. She said they needed to deal more with reality than fairness. They needed to focus on moving forward to develop the special districts needed to stop the tax burden on City residents.

Brown said the new state law used the population share as a fall back position. When the County and the cities negotiated the LOST (Local Option Sales Tax), the County demanded population share. Something happened between the LOST negotiation and the SPLOST negotiation. Brown said it was a matter of who had the upper hand and it was a control battle. He read several excerpts from the County Commission's October 28, 2003 Special Called Meeting Minutes.

Page 7. "Chairman Dunn remarked that [the widening of] S.R. 54/S.R. 34 would not be a future priority because the money was already being spent." Brown said the money was spent from the City's general fund and paid in full from the City's tax money.

Page 11. Dunn: "He said there was more money being spent in and around Peachtree City right now for the next three or four years than had ever been spent in the county as a whole before. He said the price tag on the S.R. 54/S.R. 34 project were up in the $26 million range just to get from the Coweta County line down to S.R. 74." Brown said the City paid the price tag.

Page 12. "Chairman Dunn said they [the road funds] were State funds but the county had to move utilities [water pipes]. He said there were a lot of costs involved whenever a State road was built or widened. He said the local money was being spent and the taxpayers' money was also being spent in and around the City of Peachtree City almost exclusively on the big projects. He felt people would start to see some shifting of where the money was going to go into some road work in the future."

Page 13. "Commissioner Pfeifer said the State and Federal money was money that comes from the county and he felt this money should be spent by the county and be under its control." Brown said he felt most of the taxes were generated in the cities, not the County.

Page 14. Dunn: "He said Peachtree City was getting the lion's share of the effort at the State and local level right now and in five years it would be over at the other end [of the county]." Brown said this was the first discussion about the SPLOST and it was clear the money would not be spent in Peachtree City. It was the County's turn." Brown questioned whether the City ever had a turn with County money and said the answer was unequivocally no. He continued that the County had never given the City money for road projects.

Rapson said the County had currently agreed to put a five-year SPLOST on the ballot in the fall. The County was now proposing a 65/35 split with the possibility of a six-year SPLOST. He noted that the County had more to lose than the City if they did not get to a six-year SPLOST, which was $17 million for the County as opposed to $6 million for the City. Rapson reiterated that he felt the City should say, "no thank you and wish them luck with the five-year SPLOST." He said he showed the chart to 20 people and they asked why the City was willing to give up so much money. Rapson said he supported the Fayette County Transportation plan and why the projects were needed. Rapson said if he did not support the County's Transportation Plan, then he would never propose giving away $27 million.

Brown said there was no guarantee under the old law that any of the cities would get what they should. There was no schedule on when the dollars would be distributed. Rutherford said that was why there would be an intergovernmental agreement.

Brown referred to a June 11, 2004, letter from County Administrator Chris Cofty. The County had agreed to pay the City $150,000 for recreation for the building of a restroom next to the Kedron rink. Cofty wrote that the Board of Commissioners had directed County staff to remit the money on a monthly basis. Brown said the County had $35 million in reserves and had the audacity to pay the City $150,000 in 12 monthly installments. Brown noted that, when it was City's turn to pay, the City wrote one check.

Rutherford moved to table this item until the next meeting. Rapson seconded. The motion carried unanimously.

Council/Staff Topics
McMullen introduced Tom Corbett, the new Public Services Director. McMullen said Corbett would be a good addition to the City and that they were pleased to have him on board.

Rutherford asked who was responsible for mowing the grass on the east side of Highway 74. McMullen said the state was responsible, but the City had an agreement with the state for the City to mow in between the state's intervals.

McMullen noted that the FY 2004 budget books were available. The budget workshops were scheduled on Thursday, July 22, at 6 p.m., and on Thursday, August 12, at 6 p.m. Rutherford asked if each department head would make a presentation. McMullen said Salvatore would make a presentation and the department heads would answer questions. Rutherford asked for information on what had already been cut from the budget.

Rutherford thanked Gaddo for filling in as the interim Public Services Director.

There being no further business to discuss, Rutherford moved to adjourn the meeting. Rapson seconded. The motion carried unanimously. The meeting adjourned at 8:45 p.m.

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne

Pamela Dufresne, Recording Secretary