**City of Peachtree City**
**Minutes of Regular Meeting**
**June 3, 2004**
**7:00 p.m.**

The City Council of Peachtree City met Thursday, June 3, 2004, 7:00 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Stuart Kourajian, Steve Rapson, Judi Rutherford, and Murray Weed.

**Announcements, Awards, Special Recognition**

Mayor Brown recognized the Starr's Mill High School Girls Soccer Team as the State AAAAA runners-up.

Brown announced that a workshop on the proposed smoking ban would be held Wednesday, June 16, 6 p.m., at City Hall. A draft copy of the ordinance was on the City's website. Everyone interested was welcome to attend the workshop.

Brown moved to move agenda item 06-04-01 Consider Annexation Request Process before agenda item 05-04-11 Consider Request from John Wieland Homes & Neighborhoods to Lift Annexation Moratorium. Rapson seconded. The motion carried unanimously.

**Minutes**

Rutherford moved to approve the May 6, 2004, regular meeting minutes as amended. Rapson seconded. The motion carried unanimously.

Rutherford moved to table the May 20, 2004, regular meeting minutes until the June 17 meeting to give Council time to look over the proposed changes. Rapson seconded. The motion carried unanimously.

**Monthly Reports**

Brown noted the July 4 activities that would be held on Saturday, July 3. The parade started at 9 a.m., the concert started at 7 p.m., and the fireworks started at 9:30 p.m. City offices would be closed on Monday, July 5.

Brown noted that lawsuit legal fees were down substantially – over $94,000 last year compared to just over $33,000 this year. Brown said that alcohol and drug-related arrests had increased significantly. The top five accident sites for last month were GA 54/Huddleston Road, GA 74/Peachtree Parkway, GA 54/GA 74, GA 54/Planterra Drive, and GA 54/Line Creek.

Rutherford noted that response times for the Fire Department had improved even though there were more calls.

Rapson said he was working on a project called Health Indicators for Fulton County, which indicated whether a city or county was healthy from a residential, commercial, and environmental viewpoint. The City's single-family residential permits were up 35%, and pool additions and fences were up 15%. There was an increase in numbers attending Recreation classes, as well as per capita library circulation. Street patching had gone up two and one half times, cart path paving was up one and one half times, and vandalism repairs were down 82%.

Rapson asked if the Briefing on the Status of TDK Blvd. Extension under Council/Staff Topics could be moved to the beginning of the meeting so members of the Airport Authority attending the meeting could hear the briefing.

City Engineer Troy Besseche briefed Council. Besseche said the runway safety area at the north end of the runway extended 1,000 feet beyond the runway and over the proposed road. City staff met with Airport Authority members, airport staff, and the Federal Aviation Administration (FAA) to look at alternatives to resolve the conflict. They had looked at a couple of ideas, and the proposal to realign the road prior to construction around the runway safety area looked like the best solution; however, that route was in conflict with holes five and six at Planterra Ridge Golf Course. The holes would have to be relocated. The golf course liked the proposal since the holes could be improved, and they would be able to include Lake McIntosh to create a water hazard.

Besseche said they were now looking at how to accomplish the alternate proposal, and some scheduling problems had been created. He continued that the bridge construction would control the timeline of the project. They were looking at the schedule and funding for the realigned portion of the road, as well as right-of-way acquisition. Staff met with the FAA last week to see if federal or state funds were available, but timing was an issue. No commitments regarding funding could be made at this point.

Rutherford asked what the timeframe for construction was. Besseche said construction should be complete next summer, barring any snags with property acquisition.

**Consent Agenda**

1. **Consider CSX Agreement – Multi-use Bridge Project Inspection Services**
2. **Consider Extension of Term of Library Commissioner**
3. **Consider Georgia Transmission Corporation Easement Modification**
4. **Consider Budget Amendments**
5. **Consider Provider for Compressed Natural Gas**
6. **Consider Planning Commission Appointments**

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

**Old Agenda Items**

**05-04-03 Consider Variance Request – 310/312 Peachtree Parkway North**

Brown noted there were additional documents on the dais – an interoffice memorandum to Mayor and Council from the City Engineer dated June 1, 2004, and entitled Variance

Request, 310/312 Peachtree Parkway North; a letter dated May 28, 2004, to Jeff Williams at TDK; and a site map from Peachtree Holdings, LLC, dated January 8, 2002.

Besseche referenced some photographs he took on the site and noted that staff had been directed to look at sight distances for the original proposed location (Point #1) for the driveway, the northernmost portion of the tract. The sight distance looking south at that location measured 159 feet.

Besseche said the sight distance at Point #2, the existing drive at the TDK house, was much better. The sight distance south was about 350 feet, which was adequate.

Besseche noted another possible site that he had discussed with Nicholas Fouts, the property owner. Fouts had discussed a possible land swap with TDK in order to locate a driveway north of his property. The sight distance to the south at this location measured 250 feet.

Besseche said he and Fouts had also discussed how sight distances were measured and they agreed that it was best to take the most conservative and safest approach to measuring the sight distance, which was to assume the vegetation would be close to what it was currently along the Parkway, whether it was maintained by Fouts or the City.

Besseche said staff recommended Council deny the original variance request and approve access at the existing TDK driveway, which was listed as an access easement

Nicholas Fouts, property owner, addressed Council and told them that Besseche was taking the most conservative route with the sight distance. He said his property went to the centerline of the creek, which could be easily cleared of brush for a few feet to give a better sight distance. Fouts spoke with Jeff Williams of TDK earlier in the day and Williams was opposed to tying the driveway onto the parking area in front of the TDK house. Fouts added that Williams also preferred the land swap rather than having the driveway go behind the TDK house. Fouts noted that his request for a private driveway should be the last curb cut on Peachtree Parkway. He added that the driveway made more sense because of the street numbering and was more aesthetic.

Kourajian asked Besseche why he did not support another curb cut. Besseche explained that it was for safety reasons, as well as to preserve the purpose of the restriction in the first place, which was to preserve Peachtree Parkway as a scenic road. Besseche added that staff also did not feel the application met the requirements for approval of a variance request.

Weed asked Besseche to go over the criteria to be considered for a variance request. Besseche said he could go over them in general, but not specifically. City Attorney Ted Meeker noted the standards were on pages two and three of the memo.

Rapson referred to Proposal #4 and said it appeared as though all the vegetation would have to be removed. Besseche said there was a tree that blocked the view and he would feel comfortable if the tree was removed and the area kept clear. Besseche added that there were no guarantees in the future that a future owner or the City would maintain the sight distance. He continued that it was the nature of the Parkway to be shaded and the vegetation was allowed to grow.

Rapson said his concern was public safety. He noted that people were either driving at the speed limit or exceeding it in the vicinity of the driveway. He said it was hard for people at the TDK house to get in and out. Rapson said he would still be concerned even if the trees and bushes were taken out.

Kourajian said it would be difficult to buffer the driveway behind the TDK house since the driveway came right up to the house in some places. Kourajian said he understood about the sight distance going north, but pointed out there were already driveways in the vicinity going south and people should be slowing down. He asked if there could be something in the variance regarding maintaining the area to keep the sight distance. Besseche said the City would have to enforce it in the future, and it would be difficult if a future resident refused to maintain the area around the driveway.

Brown moved to deny the variance as proposed and to approve access at the existing TDK driveway. Weed and Rapson questioned whether it was necessary to approve the access point since it was already on the map. Meeker said he would add the access point to the motion as a clarification. Rapson seconded.

Rapson noted that the easement would be used when the property behind Fouts' parcel was developed. Fouts asked if it would not be better to use that easement for future development and not add his property to it. Rapson pointed out that the easement was on Fouts' property and was designed for a drive. Fouts said the land was not usable, except for the property owner behind him to access their property. Fouts said that was why the land swap with TDK was the option he preferred. Rapson said putting a road anywhere near the curve was a problem.

Weed told Fouts that he did not like voting against good people, but there had to be an extraordinary, exceptional, or peculiar condition to apply the variance standards in the code. He said the evidence was not there for him to vote in favor the variance and that the warrants had not been met. Weed said the traffic situation would only be worse if the variance request were approved.

Fouts said he was also concerned about safety when he looked at how the street numbers would go. Saint Andrew's was 316, TDK was 314, and his driveway would be 310 and 312 and located just prior to TDK. He felt the confusion that could be created for emergency vehicles was the only legitimate safety concern.

Rutherford noted previous discussions regarding the number of houses allowed on a private driveway. She asked if Council would be creating an illegal situation by approving the existing TDK driveway as the access to the Fouts' property. She noted that, if Mr. Stout built homes on his four-acre parcel, there would be more than two homes accessed by the driveway. Meeker said that problem could potentially be created down the road, but a variance request would be required of other property owners to use the easement.

The motion carried 3-2 (Kourajian, Rutherford).

**06-04-01 Consider Annexation Request Process**

City Planner David Rast told Council that staff had looked at the annexation processes used in different communities and the Development of Regional Impact requirements from the Department of Community Affairs. Staff recommended Council lift the annexation moratorium entirely and adopt the two-stage process for review of annexations recommended by staff.

Rast explained that the first stage was an overview of the process and included a general report from the applicant. The applicant's plan should adhere to the City's established comprehensive plan and would include the goals and objectives of the comprehensive plan and how the proposed plan for the annexation applied. After staff review, the initial application would go to Council for a decision on whether or not the applicant should move forward with the process. Council's approval to move forward with the process had nothing to do with whether the annexation was eventually approved.

Stage two of the process required very specific criteria regarding the number of units in the proposed development, taxes, services to residents, requirements from the City, and how the schools would be impacted. The Planning Commission would look at the application first, then the application would go to Council for a decision. Rast pointed out that the application was still in draft form. He continued that the application was very similar to the requirements for Developments of Regional Impact, an established document used throughout the area, and added some of the City's own criteria. Rast said the process would be comprehensive and he did not expect a flood of annexation requests should Council lift the moratorium. The process also gave staff some criteria in looking at properties outside the City that staff might want to consider bringing to Council for annexation.

Weed said he understood that the reason for the annexation moratorium was due the number of requests and the fear that staff would be overwhelmed. He asked Rast if that problem still existed. Rast said it did not. Rutherford pointed out that most of the work required for the application was on the part of the applicant. Weed said that in order to accomplish the procedure the City had to comply with the Zoning Procedures Act and run a legal notice not more than 45 days prior to and not less than 15 days prior to the public hearing. Weed asked if Rast was waiting for Council to tell him to proceed. Rast said yes. Brown noted that House Bill 709 had annexation language that made the process more controlled than it had been, and that bill went into effect on July 1.

Rutherford said she appreciated everyone's efforts. The onus was now on the applicant to do the legwork, but staff was involved from the beginning. Rutherford moved to initiate the text amendment to the zoning ordinance that would lift the moratorium on annexation. Rapson seconded.

Rapson noted that the first part of the application was for the applicant to provide information. If the City felt the plan fit in with the City's plan, then the applicant would move to Stage Two. Rapson had two recommendations for the process. He said, under the Housing provision in Stage One, he wanted to know the density of any development and what was going to be built. Rapson said he wanted to eliminate any doubt. Rapson also wanted to see the County's land use and zoning information for the property. Rapson said the information would help him make a better decision. Rapson asked Rast how much staff time would be involved since there were still items staff had to validate. Rast said he did not see staff time as an issue or to be overly time-consuming.

Weed asked if Council had to lift the moratorium to initiate the text amendment. Meeker clarified that lifting of the moratorium would be done in conjunction with the text amendment.

Rutherford amended her motion to initiate the text amendment to the zoning ordinance to potentially lift the annexation moratorium in the future and to include information on the property's zoning in the County or City where it was located. Rapson seconded.

Rast asked if Council wanted more information on housing in the application. Rutherford said no since some developments might be commercial, and that portion of the application would not be filled in. Rapson said he just wanted to know about the housing in detail. City Manager Bernard McMullen suggested that the applicant identify what types of development there would be if the plan were residential. Rutherford added McMullen's suggestion to her motion. Rapson seconded.

The motion carried unanimously.

**05-04-11 Consider Request from John Wieland Homes & Neighborhoods to Lift Annexation Moratorium**

Brown noted there were additional documents on the dais – a letter from Jim Whittle and an e-mail from David Kettelhut of the Peachtree City Youth Soccer Association. Brown asked McMullen and Meeker if the request should just be tabled. Meeker noted that the ordinance had to go through the Planning Commission process, so it should take about 45-60 days.

Rutherford moved to table the request for 60 days. Rapson seconded. The motion carried unanimously.

**05-04-13 Consider Funding for Development Authority Member Training**
McMullen said there had been a number of questions about this agenda item at the last meeting, and he had met with Development Authority Chairman Scott Formel. He noted that the next training for Authority members was October 13-14, which would be in FY 2005, but with pre-registration, the funding would be needed this fiscal year. The Development Day lunches were held once a quarter, so there would only be two at most remaining. The Holiday Luncheon was not until December and funding would not be required until the next fiscal year and would be included in the budget. McMullen said the maximum needed was $8,855.

Brown asked Meeker if, by paying these expenses, that would put the City in the position to pay the Development Authority's outstanding debts. Meeker said the funding could not be utilized for past expenses, but only for expenses from this point forward.

Brown said he was very concerned about the legal expenses, especially if the Development Authority kept the same attorney. Brown said the Authority's attorney was also a creditor and was the attorney of record for the loans taken out by the Development Authority. He said he would not approve payment for legal services to someone who was a creditor.

Rutherford clarified the expenses through the end of the fiscal year. She said the total she calculated was $3,800. McMullen said the Development Authority's request was for the whole year since they had no funding at all this fiscal year. Kourajian asked if the Authority had had legal and administrative expenses to this point. McMullen said the expenses had accumulated, but had not been paid.

Kourajian asked if Council approved money for a year, would any of the funds go to pay back pay. McMullen said, based on Meeker's determination, the only thing that could be done was to pay expenses from this date on forward. Meeker said any time old expenses were paid, there was a blending of old debts. Kourajian asked how the Development Authority was different today than it was yesterday. Meeker said the Development Authority had not gotten any funding from the City and would now get funding. McMullen agreed that the money needed for the remainder of the fiscal year would be about $3,800.

Rutherford moved to approve the following funding for the Development Authority for four months: $255 for Chamber of Commerce dues, $1,000 for training; $400 for four months of administrative fees; and $500 a month for legal fees that must go out to bid and could only be awarded to anyone who was not a creditor of the Authority; and $200 for one luncheon. Brown seconded.

Kourajian asked for clarification of the term creditor and whether an entity would be a creditor to the Development Authority or to the City. Brown and Rutherford both said Development Authority. McMullen said the total would not exceed $4,250.

The motion carried 4-0-1 (Rapson).

**New Agenda Items**

**06-04-02 Consider Kedron Village Expansion Conceptual Site Plan**

Brown noted there were additional documents on the dais – a site plan from Phillips Partnership marked CP-5; a letter from Peachtree Law Group to Mayor and Council on behalf of St. Simon's Cove Homeowners Association; and a packet of documents marked October 10, 2003, from David Rast, City Planner, to Planning Commission and Applicant entitled Kedron Village retail center, Phases 2 and 3.

Rast noted that Council had received a revised conceptual site plan for the Kedron Village expansion and a memo dated May 28, 2004, with facts outlining the site plan and staff's conditions and recommendation. He continued that the site plan had been compared to the consent order terms, and staff's position was that the plan met the consent order terms. There had been some issues about subdivision of the property and setbacks, and the revised plan submitted on Wednesday, June 2, had included the changes. Rast said Conditions 1, 2, and 3 could be deleted from staff's memo to Council dated May 28, 2004. Rast said it was staff's recommendation that Council approve the conceptual site plan with the remaining conditions listed in the staff memo.

Brown said Council had received a substantial amount of material just before the meeting and he felt very unprepared for such a substantial issue. He continued that Council had also received a statement of needs from the St. Simon's Cove subdivision, and he wanted more time to examine everything and to let the St. Simon's representatives look at the current plan (CP-5). Brown said other information had referenced CP-3 and CP-4, and he had not seen CP-4. He noted that the Kedron homeowners had seen CP-5. Rast explained that the only difference between CP-5 and CP-3 was how the internal lot lines were drawn.

Brown moved to table the concept plan until the next meeting to give everyone, including the homeowners in the area, time to review the plan and staff time to revise its position paper to show which conditions had been met. Kourajian seconded.

Rapson agreed that Council could make a mistake after receiving the information at the 11th hour. He also had not had time to review the new information. He noted that a lot of people were at the meeting and suggested they be given a chance to speak.

Rapson asked if it was appropriate to have comment if there was a motion to table the time. Meeker said Council was then adding another agenda item, a public hearing. Once there was a vote to table an item, it was done. Weed noted that the comments might not be based on all the facts, but said if the people wanted to be heard, then he wanted to hear what they had to say.

Weed asked Brown to withdraw his motion. Brown withdrew his motion. Kourajian withdrew his second.

George Rosenzweig, attorney for Faison, the developer, told Council he was almost at a loss for words. He said there seemed to be no process. There was a clear court order on who the parties were and who had the right to do what. There was a City code that set forth requirements for a conceptual site plan. Conceptual site plans were fluid by nature, and it was not unusual to have minor technical tweaks to the plan. The last minute changes were technical setback requirements for commercial subdivisions. Rosenzweig noted that he had not seen the letter from the St. Simon's Cove subdivision, but they were not a party to the lawsuit. The road was located to protect St. Simon's interests. The St. Simon's residents had not shared their concerns with the developer. The hearings had been well advertised and were well known. Rosenzweig said there was a problem with scheduling if the plan were tabled. There were people attending the meeting ready to be heard. To de-rail the process based on someone who was not a participant in the lawsuit was unfair.

Weed asked Rosenzweig if he was alleging that Council was violating the consent order by tabling the plan. Rosenzweig said it was unfair, but tabling the plan did not violate the consent order.

John Turner of St. Simon's Cove said he understood the frustration, but his subdivision had been involved in the process. He said the residents felt they were being represented, but had not been told before the settlement and never had any idea the entrance would be moved from Regents Park to a new location behind their neighborhood. Turner said their residents had discussed buffering with Rast and then the road was moved to a location behind their subdivision. No one was called, and the residents were never asked if this entrance was a better one than Regents Park. Turner said his subdivision's residents never said the developer could not put the entrance there, but had tried to come up with an alternative that would work for all the neighborhoods. Turner said they were very concerned about safety since St. Simon's was at the end of a downhill slope, was on a curve, and thousands of cars would be making left turns in both directions on Georgian Park.

John Hedge of the Lake Kedron Homeowners Association told Council that he and Tim Wedemeyer had both met with the St. Simon's Cove Homeowners Association president, who was Bill Small at the time, about the consent order. Hedge said item 2a of the consent order addressed the outparcel and shared parking. Item 2i addressed the installation of reasonable traffic calming measures. Hedge said they reserved their right under points three, four, and five of the consent order, which dealt with a site plan that complied with the consent order and items related to the final site plan.

Hedge said the biggest issue in the plan was parking, both the parking shown on the plan and the parking that was required. The minimum number of spaces required by the City was 924 spaces, and the plan showed 1,154 spaces. The last sentence of 2a in the consent order read "The outparcel may share parking with other developed areas." Hedge said the critical word was "may." He continued that "may" allowed the developer the right to use other parking spaces. One of the requirements of the settlement was that the outparcel structure use existing parking spaces for the other square footage. Hedge said it was a requirement. "May" meant an implied right in this sentence. He said the legal interpretation was that "may" meant "shall; must." Hedge said they had an absolute right to use existing parking, not the right to see if they wanted to use it or not. Hedge gave the Council Members a copy of the agreement signed on March 25 when the terms of the consent order were negotiated. He noted that Rosenzweig had signed on behalf of the developer. Hedge alluded to bullet point three, which read, "Additional development of the one remaining outparcel, not to exceed four acres, to no more than 50,000 retail square feet with shared parking." Hedge continued that the site plan used every square foot of bricks and mortar, or blacktop, allowed. The plan violated the spirit of the consent order.

Hedge continued that the agreement also noted three parcels of property – the Target property under contract for disposition, which took virtually all of the available greenspace; the outparcel with the detention pond; and the remaining piece, which was 90,000 square-feet of retail space and all of the parking. Hedge said he wanted the calculations for the impervious surface for the development broken down into the three parcels. The only open space for the runoff was north of the development and was 20-30 feet higher in elevation than the midpoint of the parking lot. Hedge said the runoff from so much impervious surface would all go downhill to the stream, and there was nothing to buffer that. Hedge said he did not think the plan complied with the consent order. Brown asked Hedge to write down his points and send them to him.

Cindy Zeldin, newly elected president of the St. Simon's Cove Homeowners Association, asked Council why the entrance was changed from Regents Park. Zeldin said she had only lived in the City for three weeks and did not have any knowledge of what had gone on before she moved. Brown said there was a long answer, and he would get the information for her. Rutherford pointed out that the City wound up in court over the Regents Park entrance. Zeldin said she was very concerned about the safety factors and truck traffic on Georgian Park.

Turner said their subdivision was told about the entrance after the consent order was signed. Brown said when the vote was taken on whether to accept the consent order, he had called Hedge into the executive session meeting and asked him if the entrances were acceptable. He also asked Hedge if the St. Simon's residents and the condominium residents had been told about the changes and Hedge said they had not. Tim Wedemeyer confirmed with Brown that the only meeting with St. Simon's Cove was later that day, after the Council vote.

Rosenzweig addressed some of the questions asked by the residents. He pointed out that there was shared parking with the outparcel and the non-Target commercial tract. He continued that traffic-calming measures were at the discretion of the City Engineer, and there would be a final report. Traffic calming was also a final site plan issue. Rosenzweig said the commercial parcel had a pervious surface that should meet the ratio. On the final site plan, they would have to meet the 75% requirement. The City required minimum parking, not maximum parking. Rosenzweig pointed out there were also a lot of golf cart spaces, and the ratio might be deceptive because of that.

Rosenzweig addressed safety and truck traffic questions. He said the trucks would use the first entrance off Georgian Park and the entrance across from Amli Apartments. The plan complied with the court order, and the City Attorney and planner had given their opinions. He said it was hard to conceive that St. Simon's Cove had not had the opportunity to be involved since there had been a number of hearings and stories in the newspaper.

Brown reiterated that he had not seen the changes to the site plan until the morning of the special called meeting. Brown said if he had not seen them, then he knew the other residents had not seen them.

Rapson said Rosenzweig had used the term "de-rail" several times. Rapson said he represented the people of Peachtree City and he had not been at the meeting where the vote to accept the consent order was taken, but he had met with the developer's attorneys three weeks prior to the vote on the consent order. At that time, the 50,000 square-foot parcel and the road were not on the site plan and he did not see them until after the vote. He said the 50,000 square-foot outparcel was news to him. Rapson said he would argue over substantial compliance and wanted input from all involved. Rapson continued that there were still eight major problems with the conceptual site plan and he was not going to approve anything at the 11$^{th}$ hour. This was the last major development the City would see, and staff and the developer had worked well together. Staff should have made sure the developer had gotten the staff comments on the conceptual site plan earlier.

Rutherford said every resident in the City had a concern with everything that happened in the City. The public hearings had been long and arduous. The people of St. Simon's had chosen not to use that opportunity. Everyone was given the opportunity to be involved and could have attended every meeting, since it was in their neighborhood. Council and staff had talked to everyone at the state they could, but the state was not going to give a curb cut on GA 74. She understood that everyone wanted to be heard and she agreed there were too many parking spaces. Rutherford asked what Council would do in two weeks that it could not do at this meeting.

Brown said he would be better informed in two weeks and wanted to make an informed decision. Rutherford said every public meeting had been an opportunity for every resident to attend and learn about the project.

Rapson said he did not know the details until after the consent order had been signed. Weed told Rapson that he had made a personal choice not to attend the special called meeting. The others chose to attend and Weed stood by that vote. Weed said he was in favor of tabling the plan since they did get everything late. Rapson said he made plans to have his vehicle serviced prior to the notice for the special called meeting and his problems with the consent order were known that day. Weed told Rapson that Rapson was not present at the meeting to tell Weed what he thought.

Brown moved to table the conceptual site plan until the next meeting to give time to do more research. Rapson seconded. The motion carried 4-1 (Rutherford).

**06-04-03 Consider Request from Fayette Senior Services for Funding**
Administrative Services Director Jane Miller addressed Council and noted that they had clarified the process for determining funding for non-profit organizations at the May 20 meeting. Previously, Fayette Senior Services had requested $7,500 and Council awarded the agency $2,250 earlier based on the percentage calculation that had been clarified. They were now asking for $5,250, the remainder of the $7,500 to which the organization was entitled under the revised policy.

Rapson moved to approve the request from Fayette Senior Services. Weed seconded. The motion carried unanimously.

Rutherford moved to authorize the Mayor to sign the agreement. Rapson seconded. The motion carried unanimously.

**06-04-04 Consider Request from Fayette County Council on Domestic Violence for Funding**
Brown noted that there was an additional document on the dais – 990 Organization Exempt from Income Tax dated June 30, 2003.

Miller said the Council on Domestic Violence had sent a request earlier in the year for $7,500. Miller said she held the request since Council was to discuss funding for non-profit organizations at Retreat. The request was for $7,500.

Rapson moved to approve the Fayette County Council on Domestic Violence for funding and to authorize the Mayor to sign the agreement. Rutherford seconded. The motion carried unanimously.

**06-04-05 Consider CAR on Consent Agenda**
Miller noted that Council had discussed establishing a written regulation on criteria for what went on the Consent Agenda.

Rutherford asked where the $250,000 or less amount came from. McMullen said the amount came from him. Rapson said the amount was also discussed at Retreat. He continued that even though a $600,000 amount might be budgeted, Council still wanted to know when the contract was approved. Rutherford said she knew that many of the items had been approved in the budget, but she felt Council should still look at the contracts since it was still a quarter of a million dollars of taxpayer money.

Kourajian said the amount was already budgeted, so it had been approved. Rutherford said it was good when the Mayor read all of the items on the Consent Agenda so the public would know what was to be voted on. She said they always let people talk at meetings, but then they voted on a $250,000 item and people did not even know what had been done. She reminded Council about the skateboard park monitor who came to a meeting because his position was being reclassified to The Gathering Place and lost his job before he knew about it because the matter was on the Consent Agenda.

Brown said the Consent Agenda was always published for review. Rutherford said people did not always realize what was happening when items were on the Consent Agenda.

Weed asked Rutherford if there was a magic number for consideration for inclusion on the Consent Agenda, $50,000 or $100,000. Rapson said $250,000. Rutherford said that would be fine. Brown reminded the Council that they could pull any item off the Consent Agenda for discussion.

Rapson said he would like to see one change to the CAR. He said if staff knew there was a bonafide conflict of interest for any Council Member, then the item should not be placed on the Consent Agenda.

Weed moved to approve the changed CAR with the additional change from Rapson. Kourajian seconded. The motion carried unanimously.

**06-04-06 Consider Request for Funding for Glenloch Baby Pool Upgrade**

Brown noted there were additional documents on the dais – a letter from the Mayor to Cat Sweeney; a letter to the Mayor from Cat Sweeney; and letters from Ellen McRae, Eileen Sargent, Cathy Shaw, Teresa Bowman, Beth Ross, and Michelle Cole.

Recreation Administrator Sherry McHugh addressed Council and said they were requesting $12,800 from Council Contingency to rework the Glenloch baby pool. The work included chlorination, filtration, and the addition of a water feature. Next year, the Recreation Department wanted to spend $40,000 to put in a pavilion, relocate the playground equipment closer to the tennis courts, and move the basketball court out into the park in a visible area. McHugh said they had requests from neighbors and the general public for some type of water feature in the baby pool.

Weed asked how much would be left in Council Contingency after this project. Rapson asked McMullen if the Tourism Association was getting ready to reimburse the City $67,000 for expenses. McMullen said the audit was underway to determine how much was to come back to the City.

Weed moved to approve the funding request for the Glenloch baby pool upgrade. Rutherford seconded.

Rutherford referred to the $40,000 to be spent in FY 2005 and said she would like for that to be done this year. She wanted to send a message that the neighborhood was important to Council and they wanted families there. Rutherford suggested a friendly amendment that $52,800 be spent, $40,000 from PIP Contingency and $12,800 from Council Contingency. Weed accepted the friendly amendment and Rapson seconded.

McMullen answered Weed's question saying approximately $19,600 would be left in Council Contingency. Weed asked if the $67,000 from the Tourism Association would go back into Council Contingency this year. Assistant Finance Officer Janet Camburn explained that the $57,000 that Council advanced was not for the Tourism Association, but was for the funds set up to run the Amphitheater and Tennis Center for the seven weeks the venues were operated by the City. Camburn did not anticipate that money going back into Council Contingency since there were not enough revenues coming into the venues during that time period. Rapson clarified that the loan to the Tourism Association (the $67,000) would be paid in full. Camburn said that was true. She continued that the Tourism Association paid back the loans to the City, but that had nothing to do with the $57,000 used during the time the City operated the venues.

Kourajian asked if the City had resources to move the 2005 upgrades up. McMullen said that was all contract work and bid packages would be sent out. Rapson added that FY 2005 started in October. If the work were done this year, then they would not have to wait another full cycle to get the work done, so the work would be expedited ahead a full year.

Kourajian was concerned that the work might take the venue away from the residents during the heavy summer usage time. McHugh said the soccer fields were not currently in use and they would only be relocating the playground equipment. The basketball court would be moved out into an open area where it could be seen and away from the tennis courts so those hanging out at the basketball court would not be heckling the tennis players. Kourajian said he wanted to make sure, since school was out and children would be using the park to play. McHugh said they might wait for school to start to move the playground equipment, but the pavilion could go up anytime.

The motion carried unanimously.

**06-04-07 Consider Transportation Enhancement MOU for Phase 4 of GA 54 East Landscape Enhancement Project**

Rast told Council several applications had been submitted to the GA Department of Transportation, and funding was awarded for the completion of the GA 54 East landscaping enhancements, which would complete the project from Peachtree Parkway to the eastern City limits by Lexington Circle. Items included in the project were the cart path in front of the cemetery and the landscaping required by DOT for the cart path.

The amount requested was $225,000 in total project costs, and the City was awarded $201,000, with a local match of $33,568. Rast said a lot of work would be done in-house and that could be used as part of the local match. The Memorandum of Understanding (MOU) had to be signed to get the process moving.

Rast continued that the landscaping project was in the proposed 2006 Public Improvement Program. The planning and engineering funds were in one fiscal year and the construction funds were in the next year. The in-house work that could be used included his time and Public Works time. Rapson noted they had to identify as much in-kind work as possible so cash would not have to be spent.

Rutherford moved to authorize the Mayor to sign the MOU for Phase Four of the GA 54 East Enhancement Project. Rapson seconded. The motion carried unanimously.

**Council/Staff Topics**

**Discussion on Summer Dress Policy for Council Meetings**

Kourajian asked if there was a dress policy for Council meetings. Meeker said the charter was silent on the dress code issue. Brown said a previous Council had brought up the issue. Brown felt that he should be in business attire since he gave out awards and the photos were on websites and in the newspapers. Kourajian said staff should also dress less formally during the summer. The Council Members left the matter at personal preference.

Brown noted that this year was the City's 45th anniversary and he suggested getting some pins to celebrate. McMullen said they were looking at prices and at least 500 would have to be ordered for a price break.

Kourajian recalled the May 6 meeting and the discussion on the July 4th parade. He said he understood the policies would be implemented next year; however, the 25% limit on commercial entries was apparently in place this year. Several businesses had contacted him already. Kourajian said he had no problem limiting the businesses, but was concerned that first-come, first-served might not be appropriate and might not be reflective of what should be in the parade. He asked if he misinterpreted what took place at the May 6 meeting.

Rapson said that, as a Council, they did limit the parade to 25% commercial, and that was the direction given to staff. There was a waiting list, but it was still in transition because they were still trying to estimate the space. The estimated parade length was one mile. Kourajian also was told the waiting list had been cut off. McMullen said it was little bit of both. McMullen said the total number of entries would be approximately one mile long. An estimate was done on the number of entries. For the last few years, there had been approximately 190 entries. The participants were asked how long their floats would be and the number of people participating. McMullen said it was an educated guess based on past history. This year the commercial entries were estimated at 42. Now there were only 147 total entries and they were at about 4,000 feet. Additional entries could be added using that process. Additional commercial people were being placed on the waiting list. McMullen noted that the number of commercial entries had grown so that last year about half of the parade was commercial.

McMullen said staff had responded to comments that there were too many commercial entries. Kourajian said he thought everything was going into effect next year and he believed that word had not gotten out to the businesses. McMullen said it was a misinterpretation by staff of Council's guidance. Weed and Kourajian were both concerned that out-of-county businesses might be included in the 42 entries. McMullen said that eight of the commercial entries were from Fayette County and two were from Coweta County. Rutherford said she thought the policy was that no entries were to be from outside the County unless they were politicians whose districts included the County and City. McMullen reiterated that it was misinterpretation by staff.

Rutherford pointed out that the parade had always been limited to a mile, and she was concerned about Kourajian's comment on first-come, first-served. She noted her experience and said there were two ways to do it – first-come, first-served, or line everyone up and give them a number. She said it was frustrating for someone who got up early to stand in line to lose a place to the person who came in at the last minute.

Kourajian said he did not want to solve the issue now, but there were businesses who missed the boat because they did not know commercial entries would be limited to 25% this year. Rapson said he had spoken to a few who did not get an entry in, but they knew the commercial entries were limited. They were unable to get through on the telephone to reserve a place. Rapson said he thought City businesses would take precedence over businesses from outside the City.

Weed asked if there would be any harm in giving a slot to those on the waiting list. McMullen said there would be no harm. There were 18 entries on the commercial waiting list. They would have to get the entry lengths from them. Based on the average length right now, they could accept around 193 entries. Rutherford suggested opening the waiting list up and taking entries until the parade was a mile in length. McMullen said if they added the 18 entries, then the commercial entries most likely would exceed 25%, but the parade would not exceed a mile. Rapson said he liked the idea that the first day of registration next year would be for City businesses only. McMullen said if it was going to be first-come, first-served, then entries should not be taken over the phone. Rutherford suggested possibly not taking phone entries until 10 a.m. McMullen said they would work on a policy.

McMullen announced that Tom Corbett had been hired as the new Public Services Director and that he would start on Monday, June 28. McMullen said the key advisory positions in the department had been left open so the new director could hire those people. Corbett, a Georgia native, was coming from College Park, Maryland.

Rutherford moved to reconvene in executive session for threatened or pending litigation. Rapson seconded. The motion carried unanimously.

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

Brown moved to authorize the City Attorney to file the lawsuit as discussed in executive session. Weed seconded. The motion carried unanimously.

There being no further business to discuss, Rutherford moved to adjourn the meeting. Rapson seconded. The motion carried unanimously. The meeting adjourned at 10:05 p.m.

Jane Miller

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne

Pamela Dufresne, Recording Secretary