City Council of Peachtree City
Minutes of Meeting
May 20, 2010
7:00 p.m.

The City Council of Peachtree City met Thursday, May 20, 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.

<u>Announcements, Awards, Special Recognition</u>
Recognize Citizens Police Academy Graduates
Mayor Haddix, Major Mike Dupree, and Captain Stan Pye recognized the Citizens Police Academy graduates.

<u>Citizen Comment</u>
Beth Pullias, Peachtree City Civic Association (PTCCA) president, addressed Council regarding the proposed amendments to the animal control ordinance. She presented Council with a letter from the PTCCA (a copy of the letter is included in the official meeting file), noting that the PTCCA was in favor of eliminating "voice control" from the ordinance. She noted that 1,860 homes were represented by the PTCCA, and 61% of those homes supported the Association's position.

Robert Brown recalled that he had asked Council to consider restricting gas-powered golf carts at one time, and he had not seen anything done. He continued that, during the past week, he and his dog, that was on a leash, had been run off the cart path by a monster golf cart that was jacked up with big, fat tires. He asked Council to again consider restricting gas-powered golf carts.

Al Yougel, Keep Peachtree City Beautiful director, reported on the organization's April activities, which including cleaning up an illegal dump site near Atlanta Regional Airport-Falcon Field, putting out "away from home" recycling bins for tournaments at the Baseball/Soccer Complex, participating in Fayette County's Earth Day festivities, assisting with Boy Scout Troop 75's trash collection on the cart paths at World Drive, and participating in World War II Days at Atlanta Regional Airport-Falcon Field, Earth Day Market at The Avenue, and the Relay for Life at the Kiwanis Fairgrounds. April's community service hours were 537 for a year-to-date total of 5,611. Drop-off materials collected in April included 17,460 pounds of cardboard, 5,080 pounds of plastic, 513 pounds of aluminum, and 10,900 pounds of glass.

<u>Agenda Changes</u>
Fleisch asked City Attorney Ted Meeker if she needed to recuse herself from voting on the proposed Vacant Building Ordinance since she was a realtor. Meeker asked Fleisch if she owned any vacant buildings, and Fleisch said she did not. Meeker said he was not aware of any conflict.

Fleisch moved to continue 04-10-11 Consider Vacant Structure Registration Ordinance and 05-10-04 Consider Amendments Section 908 Accessory Uses regarding Walking Signs indefinitely. Sturbaum seconded. Imker asked for an explanation of "continuing indefinitely." Haddix stated that they would not be considering it for now. No future date had been set, so it might come back or it might never come back before Council at all. The motion carried unanimously.

Haddix clarified that both items would be continued indefinitely. An unidentified resident asked why, and Haddix said Council was not privileged to go into that.

Minutes

May 4, 2010, Workshop Minutes
May 6, 2010, Regular Meeting Minutes
May 6, 2010, Executive Session Minutes

Sturbaum moved to approve the May 4, 2010, workshop minutes; May 6, 2010, regular meeting minutes; and May 6, 2010, executive session minutes as written. Fleisch seconded. The motion carried unanimously.

Consent Agenda

1. **Consider Alcohol License – NEW – Café Phoenicia, 2771 Highway 54 West**
2. **Consider Amendments to Erosion and Soil Control Ordinance**

Imker asked that the items be considered separately. Sturbaum moved to break out Consent Agenda Items 1 and 2 separately to be heard and voted on. Imker seconded. The motion carried unanimously.

1. Consider Alcohol License – NEW – Café Phoenicia, 2771 Highway 54 West

Applicants Ali Mansour, owner, and Nour Rabai, general manager, addressed Council. Rabai said they had just heard that night that there were concerns and asked if there were any questions of them.

Sturbaum asked for an overview of the type of business a hookah bar conducted. Rabai explained that it would be a restaurant/bar/grill. He continued that smoking flavored tobacco from a hookah was done on a daily basis in their Middle Eastern culture. There were many similar restaurants in Atlanta, and they were aware of the requirements for alcohol and allowing smoking in an establishment. Sturbaum asked if an appropriate air filtration system would be installed. Rabai said it would be in place prior to the opening.

Imker said he understood the hookah concentrated the smoke of the tobacco and asked if it was dispersed into the restaurant. He asked if patrons had to be over the age of 18. Rabai said yes. Imker asked how long they had been in Peachtree City. Imker pointed out that Police Chief H.C. "Skip" Clark had found no issues in the background investigation. He continued that he did not want to deny any multi-cultural sites/environments, but wanted to understand it in more detail. He wanted to see the establishment and discuss it. He would prefer to continue the alcohol license approval until the next Council meeting.

Learnard asked what the anticipated time frame was for opening the business. Rabai said they had already signed the lease, and the license was only for beer and wine, no liquor. The build-out would take approximately six to eight weeks, but they could not move forward without Council's approval.

Imker asked if they were waiting for any documentation from the County so they could proceed with the restaurant. Rabai said not at that time. Rabai said the business would be a bar, and they understood the requirements for food. Learnard asked how this business was any different from any other restaurant with a bar, such as Taco Mac. Meeker clarified that Taco Mac was primarily a restaurant. Imker said there were concerns from neighboring businesses about the smoke. Rabai said the smoke was very different from cigarettes and cigars. The smoke did not have a harsh smell, was very light, and evaporated very quickly. There would be no problem with the right air filtration system. Learnard said she saw no difference between this business and any other bar that allowed smoking. Rabai said there were a lot of young adults that wanted to go to something in the City, rather than go to Atlanta. They wanted to bring their culture to the City.

Rick Fehr of the Fayette County Health Department addressed Council, adding he had researched hookah smoking after receiving Council's request. He said that the Centers for Disease Control and the World Health Organization had both taken the position that people who used a hookah inhaled significantly more smoke than from a regular cigarette or cigar, maybe 10 times more. Imker said that smoking was a personal choice and asked if there were any regulations regarding smoking a hookah specifically. Fehr said there were no regulations regarding that particular device. Rabai said that there were no chemicals added to the tobacco as there were in cigarettes; it was a fruit-flavored tobacco product.

Sturbaum asked if patrons would buy the tobacco on the premises or bring their own. Rabai said patrons would have to purchase the tobacco from them. Fehr added that the tobacco used in hookahs contained the same carcinogens as cigarettes, according to all literature he had read. Learnard reminded everyone that Council was considering an alcohol license. This would be a new establishment. She believed in the free market, and if the market bore the product, then that was good. Sturbaum agreed with Learnard; he was interested in the control of the smoke.

Haddix asked if there were any other permits, other than the food service permit, that would be needed from the County for this facility. Fehr said there were regulations that had to be followed for the food service permit. He added that, under the Georgia Smoke Free Air Act of 2005, no employees or patrons under the age of 18 would be allowed, the same exemption as other bars. Haddix asked Fehr if there were any issues that would interfere with an alcohol license. Fehr said not per their statement that no employees or patrons under the age of 18 would be permitted, and there were requirements under the Smokefree Air Act on how to do that.

Sturbaum moved to approve Café Phoenicia as Consent Agenda 1 to receive their alcohol license. Learnard seconded. The motion carried unanimously.

2. Consider Amendments to Erosion and Soil Control Ordinance

Imker said that the staff memo had indicated there would be no budget or financial impact due to the changes, but there was a fee of $80 per acre. Stormwater Manager Mark Caspar said that was the standard fee assessed by the state for a land disturbance permit for a new site development. Meeker pointed out that the changes had been mandated by the state.

Sturbaum moved to approve the amendments to the Erosion and Soil Control Ordinance. Fleisch seconded. The motion carried unanimously.

<u>Old Agenda Items</u>

05-10-01 Public Hearing – Consider Variance to Watershed Protection Buffer Ordinance, 614 Wingspread

Interim Community Development/City Planner David Rast gave some background on the request and why a variance had been requested. Interlochen was zoned R-22, and this lot was just over one acre and backed up to Lake Kedron. He continued that phase two of Interlochen was platted on May 10, 1993, and had been recorded with a 25-foot undisturbed buffer, plus an additional 25-foot buffer (a total of 50 feet), from Lake Kedron. Rast showed the location of the property on the lake (a copy of Rast's PowerPoint is included in the meeting file). Staff found that the subdivision plat had been recorded in error. He continued that, on September 25, 1990, the Council approved an ordinance that stipulated a 100-foot undisturbed buffer plus another 50-foot no impervious buffer. This lot and the others in phase two that abutted Lake Kedron were recorded in error. All but one of those lots had been developed. The house on the lot was within that 150-foot buffer.

Rast said the front building setback for R-22 zoning was 50 feet. This lot was pie-shaped and the front area was less than the minimum lot width, which had been determined by going back 110 feet from the front of the lot to get the minimum side setbacks. The lot would either not be buildable today or would have a much smaller house. The applicants, Robert and Daye Bexley, were the second owners of the property. The applicants proposed to build an elevated pool deck on the rear of home and to replace a series of wooden retaining walls installed by the prior owners, which were starting to rot and fall apart, with a modular block wall that would be more substantial for the pool and other amenities they wanted to add. A sanitary sewer easement bisected the rear of the property, and the retaining wall would be built along the upper edge of the sanitary sewer easement. The new wall would not encroach any further than the existing retaining wall, and in some areas, the wall would be closer to the house than the existing wall.

Staff recommended approval of the variance request. There would be no further encroachment into the setback than what was there today. The fact that the plat was recorded in error should be considered, as well as the fact that the lot would probably be unbuildable now. The variance should be limited to an encroachment of 48 feet into the 50-foot no impervious buffer. Staff would like to see a foundation survey as part of the building permit process that would identify existing encroachments, then another foundation survey should be submitted to ensure there was no further encroachments into the 50-foot no impervious buffer. The request had been reviewed by the City Engineer, who also supported the staff recommendation.

Nathan Lee, attorney for the Bexleys, said they had nothing to add to Rast's presentation, and they also had letters from both neighbors supporting the request. He asked to reserve time for rebuttal if necessary. Haddix noted there was an additional document on the dais – a preservation of constitutional rights letter from Lee on behalf of the Bexleys dated May 17, 2010.

The public hearing opened.

Jerry Peterson, the neighbor at 616 Wingspread, said that he was not opposed to the swimming pool, but was opposed to the location of the pump, as it was located at the base of the retaining wall and facing his home, which was about 35 feet from the property line. The bedroom windows and his office window were located on that side of the home. Pumps made noise, and he asked that it be moved to another location.

Jeffrey Young, who said he was a real estate investor, said he supported approval of the variance request.

Beth Pullias said she was not opposed to the variance, but asked how many lots had the same problem and whether there would be other issues. Rast said there were 16 lots platted in phase two along the lake, and 15 of those lots were developed. Council might see another variance request, but there had only been this one to date. The City had to abide by the watershed protection buffers.

Lee said the pump could not be moved anywhere else, and they had looked at the possibility. It could not be in the sewer easement, and there was not a pump strong enough to pump that far. The pump would be an Intelliflow, which was the quietest pump available. It would be totally enclosed and would be on a timer so that it would not run at night. He added that Peterson had three air conditioning units outside his bedroom window. Bexley added that the pool contractor had assured him the pump was the quietest that could be bought. It also had variable speeds and should run on the lowest speed most of the time. It would also be enclosed in a three-walled structure with a roof, which should also help with the noise.

The public hearing closed.

Learnard said there were six criteria in the ordinance that had to be met to grant a variance, and she saw no problem with the staff findings on the criteria.

Imker noted one of the criteria was that the proposed construction should not affect the homes that adjoined the subject tract. He asked if the neighbor would have any recourse if the pump noise was unacceptable. Meeker said the only recourse would be the standard nuisance process. The neighbor could file complaints with Code Enforcement or the Police. It was a hard standard to meet, but it could be done. Imker said they did not want to create any animosity between neighbors.

Haddix asked Peterson if he was satisfied with what he had heard concerning the pump. Peterson said he had hoped it could be moved, but the insulated box with a top should help. He would discuss the issue further with Bexley.

Fleisch moved to approve the variance for 614 Wingspread. Learnard seconded. The motion carried unanimously.

New Agenda Items

05-10-03 Public Hearing – Consider Amendment to Section 908 Accessory Uses to Establish Regulations for Farmer's Markets

Rast said the proposed amendment contained language specific to farmer's markets, noting that there had been two requests to hold such markets in the last few months and both were doing well. The green market at The Avenue had been approved a few years ago as part of its special events/programs for City Circle. A non-profit organization had formed to run the Fresh South Market at Peachtree Crossing. Rast continued that, in the haste to get the markets up and going, staff realized that there was nothing in the zoning ordinance to address farmer's markets.

Rast said the City did not want the farmer's markets to become flea markets, so the proposed ordinance identified the products to be sold, primarily food products. Some tenants at the retail centers were holding cooking demonstrations at the markets, along with some other activities. The Fayette County Health Department was working with the vendors that sold prepared foods at the markets. Agricultural products were regulated by the state's Department of Agriculture, and vendors were required to display their permits. He added that Planner/Economic Development Coordinator Tony Bernard was working with the organizers to develop a set of guidelines that would go beyond the proposed ordinance. Rast said the Planning Commission unanimously recommended approval of the proposed ordinance.

The public hearing opened.

Trish Mahoney, the organizer and executive director of Fresh South Market, said she was obviously in favor of the proposed ordinance.

The public hearing closed.

Sturbaum said he supported the proposed ordinance, adding that the markets had the opportunity to attract other opportunities to the City. It was a good move.

Fleisch asked Mahoney if there had been any feedback from the merchants in Peachtree Crossing. Mahoney said the feedback had been great, and the market had brought a lot of traffic to the shopping center. The market supported local farmers, which helped develop the local economy. Many of the businesses in the shopping center were also locally owned, and she urged people to support local businesses.

Learnard said she had gone to the first farmer's market, and while there were a lot of interesting booths, there had not been a lot of produce. Mahoney said educating the public was one of the good things about the market. Within a year, the public would get to know what was produced locally and when, as well as how to preserve it. She added that most markets did not start until June. She had started early since many local farmers were providing produce in markets in Buckhead and other areas. She wanted time to be able to talk to them and convince them to stay on the southside. Patrons would see more vegetables in the coming weeks. On June 5, there would be four new vendors participating. The mission of the market was to provide nutrition education. The market would start in June next year and would probably run through November. The idea was that everyone needed good food and access to it.

Haddix said the markets were a real plus for the City, adding that the Development Authority of Peachtree City (DAPC) had been working with the business associations on such events.

Learnard moved to approve the amendment to Section 908 Accessory Uses to establish regulations for farmer's markets. Fleisch seconded. The motion carried unanimously.

05-10-05 Consider Amendment to Sign Ordinance regarding Internal Directory Signs
Rast said that several of the ordinance amendments coming up in the next few meetings were the result of the collaboration between staff, the DAPC, and the business associations. The proposed amendments to the Sign Ordinance were the result of working with the leasing agent for Braelinn

Village and their sign contractor to revise and update that sign program. Braelinn Village had a sign program in place when it was initially developed, which had been in place until the current renovation. The owner wanted to update the sign program and add more signage that would enhance walking in the center. He continued that the current Sign Ordinance did not allow more than one multi-tenant building directory per site and that was limited to six square feet and could be no more than 10 feet away from the building. There were several situations where office and industrial buildings were being subdivided into several smaller tenant spaces, and those buildings wanted to have directory signage for people coming onto the properties. Wall signage was also limited, so they were finding that people could not locate the businesses.

Rast continued that Braelinn Village had proposed three locations in front of the building where directory signs would be installed. The directory signs would blend in architecturally with the center and would be similar to directory signs found in malls. The signs would be down-lighted from the top, not internally illuminated. Rast noted that people going to the City's retail centers on the cart paths were often just dumped into the areas. Braelinn Village wanted to enhance the entrance to the site from the rear and the cart paths. There were three pass-throughs for carts at Braelinn, allowing the carts to get to the front of the center. Signage was proposed at the rear of the building to direct the golf carts. The signs would be similar in size to those at The Avenue, but would be limited to directories. There would be no advertising.

Rast continued that the changes proposed to the ordinance would not be limited to Braelinn Village. There was a need for internal directory signage, and the size of the signage was based on those at The Avenue. The signs would be no wider than four feet or taller than seven feet, with a display area of three feet by six feet. The signs would have to be at least 400 linear feet from each other to serve the purpose of directory signage and located at least 200 feet from the closest public street right-of-way. They would also be required to be located in landscaped areas and illuminated with indirect low-level lighting. The Planning Commission had recommended approval of the proposed amendments.

Haddix asked why the signs could be seven feet tall, which seemed excessive. Rast noted the signs at The Avenue were no taller than seven feet and no wider than four feet. Learnard asked if the signs would be on concrete with landscaping around the base. Rast said half of the signs at The Avenue were in the pedestrian areas in front of the stores and some were in landscaped areas. Some could be raised and lowered, but were no taller than seven feet. Learnard asked how easy it would be to change the signs when tenants changed. Rast said there would be an insert panel or a glass panel that could be removed to replace the graphics.

Fleisch said the Georgia Tech students had determined in their study that different signage was needed, but the City's signage was part of its uniqueness. She clarified that the signs would be strictly internal and would not be seen from the street. Rast said that was correct; the intent of the signage was to direct shoppers to particular tenants. He continued that staff had looked primarily at The Avenue to determine the number of signs that would be allowed. The Avenue had seven signs, one sign for approximately every 28,000 square feet. Braelinn Village would have fewer. Staff felt one sign for every 25,000 square feet of total building square footage put everyone on a level playing field, noting that Peachtree Crossing could have four directory signs and Kedron could have seven. Learnard clarified that the number of signs depended on the square footage of the center. Rast said that was correct, but the signs would be similar in size in all the areas.

Juan Matute said he liked that idea of the signage. He suggested that the lettering and script be the same in each area so the signs would not look tacky as tenant names changed. He continued that there was also nothing worse than looking in the windows of vacant stores and seeing all the stuff left in the store. He asked if something could be done that would mask the emptiness of those storefronts.

Mary Giles said she was concerned about vandalism of the signage and the appearance of them long-term, especially those signs in the back of the shopping center.

Beth Pullias said she liked the idea of the internal signage, but she was not comfortable with all the centers being created equal. It was difficult to see all the stores at Braelinn Village when standing at one end of the center, but someone could see all the stores at Kedron Village. She also felt that the square footage requirement could lead to more signs than were needed. Each center should be treated separately.

Haddix said the seven-foot height of the signs bothered him. He did not like the signs at The Avenue.

Imker agreed with Matute concerning the lettering and asked if the ordinance included any requirement to keep the signs accurate, or updating them within 30 days of a business leaving or closing. Rast said the Sign Ordinance had been updated about a year ago there had been a requirement to remove the signage and refurbish the storefront, including the monument sign at the front of a shopping center. He added that each development had its own master sign program, which included verbiage regarding font and colors. He said that Bernard worked with contractors to develop a program specific to the center. The fonts, graphics, and other items were addressed in each sign program, but the parameters were set by the ordinance.

Learnard read from the approved minutes from the April 26 Planning Commission meeting regarding the proposal included in the Council packet – *Bernard had been working with Braelinn Village and their sign contractor to develop a new sign program for the center. It was being based on the sign programs that had been used at Kedron Village and The Avenue.* Learnard asked for clarification on which centers would be affected. Rast said the proposed changes came about as staff was working through the master sign program for Braelinn Village. Staff took what was being proposed for Braelinn Village and compared it to what had been approved for The Avenue, so elements from both were incorporated in the proposed changes.

Sturbaum also liked the idea of using similar fonts, and he was willing to give some leeway to Braelinn Village since the City was working on the ordinance. He would like to include requiring the same font for all businesses in the proposed amendments. Learnard said it was a small boost for the tenants, and she supported it. Imker asked Sturbaum if he wanted to use the same font in all the villages. Sturbaum clarified that each village shopping center should use the same font for its businesses within that specific center. Rast said the fonts could be addressed in the ordinance by referring to the master sign program since each program was specific to a center. Haddix asked if Council also wanted to include colors in the ordinance. Sturbaum said that should depend on the color scheme for the village center to keep the continuity. Fleisch said the plans for the signs would be presented to staff anyway, so anything inconsistent with a shopping center's master sign program would raise a red flag.

Fleisch moved to approve the internal directional signs amendment to the Sign Ordinance. Sturbaum seconded. Haddix asked if the issue of the fonts should be in the motion. Fleisch withdrew her motion. Sturbaum withdrew his second.

Sturbaum moved to approve the amendments to the sign ordinance regarding internal directory signs with the addition of a requirement for similar fonts per village (paragraph i). Fleisch seconded. The motion carried unanimously.

Haddix asked Council if they wanted staff to look at screening windows in vacant stores. Rast said staff was going through the Sign Ordinance. The vacant store issue was a concern for other tenants as well, and they wanted to protect the integrity of the sign ordinance. They had found that the City needed to update its ordinances regularly to ensure they were easy to interpret and enforce. Additional changes would be coming before Council soon, and screening vacant store windows could be added to the Sign Ordinance.

05-10-06 Consider Non-profit Funding Request for FY 2011 from Fayette Senior Services

Administrative Services Director Nikki Vrana said staff was asking for guidance on the non-profit funding request from Fayette Senior Services. The City had a policy (CAR 8-3) that allowed non-profit organizations to request funding for services not provided by the City, such as home-delivered meals, in-home personal care/homemaker services, and non-medical transportation for seniors. In the past, the request had been for $7,500. In FY 2009 and 2010, Fayette Senior Services requested an additional $8,130 for a total of $15,630 due to the revenue shortfall associated with increased demand for service, higher costs of providing services, and decreased revenue due to the economy. Fayette Senior Services requested $15,630 for FY 2011 for the same reasons.

Imker asked Debbie Britt, Fayette Senior Services executive director, what their total annual budget was. Britt said it was approximately $1.3 million. Imker said he did not have a problem with the increased amount of the request. He said he read that the City had a policy to set aside $25,000 for donations. Vrana verified that no more than $25,000 could be set aside. Imker said he did not have a problem with the donations, and it was good for the City to support non-profits. The requests on the agenda from Fayette Senior Services and Promise Place would take over $23,000 of the funds set aside. He asked if any other non-profits had come to the City for money. Vrana said there were no others, adding that any requests for funding had to be approved by Council prior to June 1 each year. Imker asked if the deadline was publicly announced. Vrana said it was not, and said the City had been approached by other organizations, including KPTCB and the Fayette County Board of Education for funding running tracks.

Imker asked Britt if the majority of her program's funding was from grants. Britt said 30% was from federal and state funds, 8% from local government, and the remainder was from program fees, grants, and private donations. Imker pointed out that any federal, state, county, or City grants came out of the residents' pockets as taxes, even though it might be a miniscule amount.

He asked if Meals on Wheels would cease without the City's contribution. Britt said it would not, but there would be a reduction in service, and possible elimination of some services.

Imker asked if any non-profit could apply for the City funds, adding he did not want to end up with no funding available. Vrana said the organization had to fulfill a basic need, and there were not many organizations that did that. Haddix added that other groups had asked for funds and been denied because they had not met the criteria.

Fleisch said she was familiar with the Meals on Wheels program, noting that Fayette Senior Services also worked with the disabled adult children of seniors. She supported the request.

Sturbaum moved to approve the non-profit funding request for FY 2011 from Fayette Senior Services. Fleisch seconded. The motion carried unanimously.

05-10-07 Consider Non-profit Funding Request for FY 2011 from Promise Place

Sturbaum moved to approve the non-profit funding request from FY 2011 from Promise Place in the amount of $7,500. Learnard seconded. The motion carried unanimously.

05-10-08 Consider New Position, Business Manager – Amphitheater/Tourism

Vrana noted the new position was the result of the agreement between the City and the Peachtree City Tourism Association (PCTA) to provide personnel services. In order for the City to employ the business manager for the Amphitheater and PCTA, the City needed to list the position in its salary schedule. The job description had been forwarded to the Mercer Group, who analyzed staff's analysis of the factoring for salaries. The request was to approve the position so the transfer would be effective June 1.

Learnard clarified that it would be a new full-time position doing double duties. Vrana said yes, adding that the salary would be divided per the agreement and one person would fulfill the duties of business manager for the Amphitheater and the PCTA. Learnard asked if the employee would report to the executive director of the PCTA. Vrana said yes.

Learnard moved to establish the new position of business manager for the Amphitheater and PCTA with the shared arrangement. Fleisch seconded. The motion carried unanimously.

05-10-09 Consider Budget Amendments – FY 2010

Financial Services Director Paul Salvatore said the budget amendments were usually routine in nature and on the Consent Agenda, but one of the items was significant in nature and required discussion. Salvatore said the funding for the path extensions to the MacDuff Parkway tunnel was included at a cost $156,312. The project would be paid for it with the savings on the Flat Creek bridge path extension project from the 2007 Bricks & Mortar loan. The bond attorney had verified that it would be fine to transfer the unused funds from the Flat Creek bridge path extension project to another capital project. The remaining funds totaled $146,312, and Ravin Homes, the developer for Cedarcroft, was putting in the remaining $10,000, to fund the new project. McMullen noted that the City had received a verbal commitment for the funds from the Cedarcroft developer.

Imker said it appeared that the $146,000 transfer was going to two different places. Salvatore said it was a "transfer to" and a "transfer from" between funds, an expense to one fund and revenue to another fund. Fleisch said that basically enough money had been saved from the Flat Creek project to fund the MacDuff Parkway project with the additional funds from the developer. Imker clarified that it was the City's decision to prioritize the MacDuff Parkway project and spend the leftover funds on it. Haddix said that was correct, adding that there were people selling their homes because of the traffic through Cedarcroft. He said it should also enhance the City's revenue sources since more people would be exposed to the businesses along SR 54 West. Over time, the City could get the money back through increased sales taxes.

Rast said staff had looked at a few options for the path extensions, as there might be wetlands issues. An easement would be needed from the apartment complex. The engineering plans were not complete, but the Georgia Department of Transportation would not be involved, so there should not be any problems with delays. Haddix said the owner of the RAM property was interested in contributing to the project at one time and asked if he would be contacted about contributing funding. Rast said definitely. He showed where the path extensions would be located, adding that the extensions should alleviate some of the traffic through Cedarcroft. He continued that the path extensions had been planned for many years. Learnard asked if the project was considered the fix for Cedarcroft. Haddix said that was the goal. Rast explained that the paths through Cedarcroft were designed as internal paths for the subdivision, and the subdivision residents had borne the brunt of everyone on the north end of the City going to the shopping area. Council consensus was that they liked the proposed design and that it should cut down on the traffic through Cedarcroft.

Pullias asked if the paths through Cedacroft would be closed when this project was completed. She felt they should remain open so there would be multiple ways to get to the shopping area. She noted that the project had not been engineered yet and asked if it could cost more than $156,312.

Imker asked if the project would be done by the end of calendar year 2011. Rast said staff had a concept design, but there were potential wetland issues and a stream crossing exiting the tunnel. There were funds to take care of that. The process had stopped after the concept design because there were not funds. Imker asked that, after the budget amendment was approved, milestones for the project should be identified and reported so everyone could see the progress, possibly every three to six months. McMullen said there would be a quarterly update.

Salvatore said there were two budget amendments, noting that the second amendment was more routine and balanced.

Imker moved to approve the budget amendment for FY 2010 for the funding of the cart path extensions at MacDuff tunnel in the amount of $156,312. Fleisch seconded. The motion carried unanimously.

Sturbaum moved to approve budget amendment 10-025 as presented by staff. Fleisch seconded. The motion carried unanimously.

05-10-10 Consider Position Reclassification – Parks Monitor

Vrana said the reclassification was for an existing position already in the salary schedule with an employee in the position. The reclassification would allow the parks monitor to issue citations for code violations. Funding was available for the remainder of the fiscal year.

Haddix said he supported the reclassification. This had been an issue every summer, and the reclassification was badly needed. Sturbaum agreed.

Imker moved to approve the position reclassification of the parks monitor from grade 270 to 272. Fleisch seconded. The motion carried unanimously.

05-10-11 Consider Acceptance of Donation from Dog Park Association

Tom Townsend, vice-president of the Dog Park Association's board of directors, addressed Council. He said the gazebo would be built in the expansion area of the park, and the goal was to have it open for the hot weather since the area was wooded, giving the dogs a cool place to go. He continued that, due to the topography of the park, owners could not see their dogs from the existing gazebo. Historical Concepts had designed the gazebo, and it would look very nice.

Salvatore said the gazebo would become City property upon completion and a value would eventually be needed so it could be put on the fixed asset list. Townsend said once it was built, it belonged to the City. Council thanked Townsend for the donation.

Learnard moved to accept the donation of the gazebo and seating area from the Dog Park Association as discussed. Fleisch seconded. The motion carried unanimously.

Council/Staff Topics

McMullen said Assistant Finance Director Janet Camburn would distribute the recommended FY 2011 budget books during the meeting. The first budget workshop was scheduled on June 1 and June 2, with the Town Hall budget meeting scheduled for June 10. Learnard asked what the difference was between the workshops and the Town Hall meeting. McMullen this was a new format, but the intention was for staff to present the budget at the workshops and get guidance and input from Council. The purpose of the Town Hall meeting was to present the information to the citizens for their input. All the meetings were open to the public. It was Council's decision whether or not to take public input and how much during the workshops. Haddix added that the focus of the Town Hall meeting was for citizens to talk to Council.

Hot Topics Update

McMullen reported that the City had received the encroachment permit from the Georgia Department of Transportation, the contracts had been signed, and the Notice to Proceed had been issued for the Paschall tunnel and paths. Work should begin the next week. The execution time was 90 days. The Planning Commission would hold a public hearing on the draft ordinance and application procedures on telecommunications towers on May 24. The public hearing before Council was scheduled on July 15. McMullen continued that it would take another four weeks to complete utility relocation for the realignment of Rockaway Road, then another two to three months for grading, constructing the road bed, and putting in the temporary poles for the traffic lights to open up the new alignment. It should be done by the end of September.

Sturbaum reported that the PCTA met to discuss moving to the Amphitheater offices. Staff was currently looking at the floor plans. Learnard asked what the impact of the move would be on The Gathering Place activities that were held in the Amphitheater building. McMullen said that the DAPC's intern was working on a plan for using the underutilized space at the Amphitheater offices, as well as concepts for using the larger space. In addition, Gaddo was working on data on who used the space and how on the (former) Southern Conservation Trust side of the building, to see which functions could be relocated and which could not move to other areas. Once he had all that information, McMullen said he would present it to Council to make a decision on which way to go.

Learnard moved to convene in executive session for personnel at 9:32 p.m. Fleisch seconded. The motion carried unanimously.

Sturbaum moved to re-convene in regular session at 10:58 p.m. Learnard seconded. The motion carried unanimously.

Sturbaum moved to extend the meeting past 11:00 p.m. Learnard seconded. The motion carried unanimously.

Sturbaum moved to re-convene in executive session. Learnard seconded. The motion carried unanimously.

Sturbaum moved to re-convene in regular session at 11:13 p.m. Imker seconded. The motion carried unanimously.

There being no further business to discuss, Sturbaum moved to adjourn. Learnard seconded. The motion carried unanimously. The meeting adjourned at 11:14 p.m.

Pamela Dufresne

Pamela Dufresne, Deputy City Clerk

Don Haddix

Don Haddix, Mayor