City of Peachtree City
Minutes of Regular Meeting
May 20, 2004
7:00 p.m.

The City Council of Peachtree City met Thursday, May 20, 2004, 7:00 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Steve Rapson, Judi Rutherford, and Murray Weed. Stuart Kourajian came late.

Announcements, Awards, Special Recognition

Mayor Brown recognized Employee of the Month, Jay Hughes. Brown recognized the Rising Starr Lady Panthers Volleyball Team, who were undefeated during regular season and won the County Championship 3-0. Brown also recognized Rising Starr Middle School for being recognized for the *Georgia Lighthouse School to Watch* award. Recognized outgoing Peachtree City Youth Council Members' Shelby Barker and Daniel Hunter. Recognized Community Action Day Volunteers.

Minutes

Rutherford moved to approve the April 16-17, 2004, annual retreat meeting minutes as amended. Weed seconded, but amended the motion contingent upon confirmation of Page 7, Paragraph 14, and the last bulleted item relative to the question of consensus. The motion carried unanimously.

Consent Agenda

1. **Alcohol License – Change in Licensee and License Representative – Peachtree City Texaco**
2. **Consider DOT LARP Contract**

Rutherford moved to approve the consent agenda. Rapson seconded. Motion carried unanimously.

Old Agenda Item:

02-04-07 Kathie Cheney – Request to Address Council Regarding Smoking in Public Buildings

Brown indicated there were additional documents on the dais in this regard (a memo from Brown to Council dated May 18, 2004, entitled Kathie Cheney – Request to Address Council Regarding Smoking in Public Buildings and various papers on second-hand smoke; and stated that Kathie Cheney had agreed to establish a committee to draft an ordinance. Brown said Council had supported the State ordinance, which had not passed the House. Brown said further that anyone interested in participating on the committee should come to a workshop that would be scheduled to draft an ordinance banning smoking in public buildings. The workshop would be advertised in the newspaper and placed on Peachtree City's web site. Brown made a motion to table the item and schedule a workshop. Rutherford seconded the motion. Motion carried unanimously.

New Agenda Items:

05-04-09 Public Hearing – Consider Rezoning Request – Sanders/Cash & Hughes Tracts, Greenwood Lane, ER to R-43

Brown called the Public Hearing to order and noted there were additional items on the dais in this regard (a memo from David Rast to Mayor and Council dated May 20, 2004, entitled Proposed Rezoning: Sanders/Cash and Hughes tracts, Greenwood Lane). The applicant, Richard Simms, addressed Council and stated that he was requesting the rezoning of two parcels of land on Greenwood Lane. Simms said the rear portion was currently zoned ER, but that after discussing the rezoning with City Planner David Rast, he thought it would be more reasonable to request R-43 zoning for consistency. Simms said he had contacted the homeowners on Greenwood Lane as well as Mr. James Hughes, whose property was immediately north of the Sanders/Cash tract and that Mr. Hughes wished to sell his property and supported the rezoning. Simms said he would like to rezone the Hughes property to R-43 also. Simms said the R-43 zoning would lend itself to the small neighborhood with houses similar to Kedron Estates and that no more than three to four houses would be built at one time to cut down on construction in the area. Simms said additionally that the zoning was consistent with the recent Land Use Plan Update. Simms read a letter that Mr. Bill Kessler had written to David Rast in support of the rezoning request and stated that he had also received letters of support from Adrian Brooks and Doug Warner, both of whom lived across the street from the property on Greenwood Lane. Simms said he believed the R-43 zoning would be a good use for this property and promised to do a first class job.

City Planner David Rast addressed Council and stated that the property in question had two different zoning classifications. Rast said the R-43 zoning was consistent with the homes on Greenwood Lane. He said there were several tracts on the north side of Greenwood Lane that were de-annexed from Tyrone into Peachtree City and that the update to the Land Use Plan recommended that the property on the north side of Greenwood Lane be developed into smaller lots. He said Developmental Services had entertained a number of proposals over the years from developers, but that staff had not supported those proposals. Rast continued that staff recommended approval of the Simms application with the understanding that Simms had agreed to the preservation of trees and the alignment of an entrance road on Greenwood Lane.

There was some discussion regarding step-down zoning and Rapson said it seemed that the step-down approach was used, and that he was concerned about having an island of R-43 zoning.

Rast said one would not want anything with a higher density than one-acre lots, that 13 one-acre lots would not impact that neighborhood, and that the adjacent homeowners did not object.

Rapson asked if we were going to implement step-down zoning or spot zoning. He said Council had always been consistent as to how they applied step-down zoning and that this was a density issue and that 13 homes versus 9 homes was not that much difference, but did not think that question had been asked.Weed said the zoning on the property south of Greenwood Lane was zoned R-43, but other than that, there was no contiguous R-43 zoning. Rast said AR zoning was in a holding pattern, and that the City would possibly see more requests in the future. Rast said they were not talking about a huge number of homes and that this was recommended in the Land Use Plan.

Doris Cash addressed Council and stated that the property taxes on the front four acres had tripled over the past two years.

Charlene Peters addressed Council and said that residents in Kedron Hills were concerned that if the property were rezoned to one-acre lots, what would keep the others from being zoned as one-acre lots and it would also impact traffic.

Jim Care addressed Council and said he owned the property next to this tract and that it was zoned AR. He said further that in 1999, they had a problem getting emergency vehicles in the area. He said he did not intend to sell his land and that he had been there since 1974. He said his five acres would remain intact until he left Peachtree City. Mr. Care said he did not object to Mr. Simms' application for rezoning because Simms would take care of the erosion problem.

Phyllis Aguayo addressed Council and asked what were the circumstances for which we would change ER to R-43 and could anyone come in and divide the land. Aguayo asked what would they need to have that justified or merited changing the zoning and was all ER at risk.

Doris Cash addressed Council and said she was in favor of one-acre lots.

Brown closed the public hearing portion of the meeting. Weed asked Rast to tell him about the origin of R-43 south of Greenwood Lane. Rast said years ago, before Kedron Hills was conceived, Crabapple Lane was a gravel road through this tract of land in front of Sanders. Rast gave a brief history of Crabapple lane.

Weed asked about the origin of R-43 north of Greenwood Lane. Rast said this property was located adjacent to the King and Care tracts, and that a portion of those properties had also been located in Tyrone. When those portions had been de-annexed from Tyrone and annexed into Peachtree City, they were all zoned ER Estate Residential. The four acres of the Cash/ Sanders tract that was already in the city prior to the annexation in 1999 was zoned R-43 so that it would be consistent with the existing R-43 zoning located directly across Greenwood Lane from these parcels.

Rapson said it all happened in June 1999, and that everything above the line was in Tyrone and that the zoning was changed from AR to ER. Weed asked why the zoning was changed from AR to R-43. Rast said that AR was a holding pattern, and that in this case, when annexation/rezoning took place, City Council had recommended that 7.4 acres of the Sanders' tract be consistent with Greenwood Lane and Shallowford Lane.

Rapson talked about the ripple effect due to the fact that Mr. Care would probably do something with his land, and at that point, if Council rezoned to R-43, then the other two could go to R-43 and then put four homes on the site and that this was a ripple effect.

Rast said staff supported the request for rezoning, the property owners supported the rezoning, and the Board of Education supported the rezoning.

Brown made a motion to deny the rezoning request because the current zoning represented a classic step-down zoning case, and that the property de-annexed from Tyrone and rezoned to ER was done for a reason. Brown continued that Council had made a commitment to Tyrone when the Tyrone Town Council de-annexed the property, that it would be ER along the border. Rapson seconded the motion. Motion carried unanimously.

05-04-10 Consider Licensing of Alcohol Servers

Police Chief James Murray addressed Council and stated that this was an ordinance that the Police Department had presented to the Mayor and Council at Retreat asking that servers of alcohol obtain a license from the City and that the permit would require a background check. Murray said the Police Department had seen a major increase in crime by people working in businesses that sold alcohol in Peachtree City including internal theft, burglary, credit card theft and identity theft. Murray said further that the permit would ensure that people working in this industry would be held to a higher standard. Murray advised the City Attorney had reviewed and approved the draft ordinance.

Murray clarified for Brown that the permit would be good for one year and that the permit holder would be allowed to transfer the permit from one establishment to another. Murray advised further that a lot of businesses did not require background checks, but that now they could be assured that good background checks were conducted.

Rutherford asked if the Police Department had contacted any businesses in town in this regard. Murray confirmed they had not contacted the businesses because there were over 75 alcohol licenses in the City. Murray confirmed for Rutherford that the cost of the permit would be $25 per year and would take effect 90 days from today (May 20, 2004).

Rapson asked Financial Services Director Paul Salvatore how the City would fund this item if it were to take effect 90 days from today. Salvatore said the cost would be $26,000 and that there were ample funds in the Cash Reserve and the Council Contingency Fund for overages.

Rutherford made a motion to approve the licensing of alcohol permits. Rapson seconded the motion, but amended the motion, stating that the funding should come from the Cash Reserve for this purpose. Motion carried unanimously.

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

Dan Fields, Vice President, John Wieland Homes & Neighborhoods, addressed Council and stated that he was requesting the lifting of the annexation moratorium to consider approximately 365 acres located north of the Centennial neighborhood. Last year the property was rezoned by the County for Pathways to R-70. Pathways challenged the R-70 in court unsuccessfully, and today the property is in unincorporated Fayette County. In January, following the November judgment, Wieland entered into a contract with Pathways to purchase the property and did so the early part of 2004. There was no zoning contingency, they closed on the property and the property is currently zoned R-70. Shortly after closing, Wieland was approached by Mayor Brown whose concerns were 1) the road connection and the possibilities of MacDuff Parkway being extended to SR 74, 2) the possibilities of some soccer fields that would help support the soccer program, 3) buffers along Line Creek and how they might be able to go from what the property was currently zoned in the county to something that might better serve the residents in the county regarding water quality, 4) senior housing, and the possibility of adding some affordable homes for people who work in the government. Brown clarified that the housing for government workers did not include City Council members, but the suggestion was intended for Police, Firefighters, etc.

Fields said they understood that part of the process for lifting the annexation moratorium was to come before Council and ask that Council consider this request to lift the moratorium. Fields said further they had received numerous calls from the residents of Wynnmeade, Centennial, and residents that commute to/from Coweta County. Fields indicated he had also met with representatives from the CSX Railroad as well as County representatives to discuss the possibilities and the safety issues if MacDuff Parkway was to be extended.

Fields suggested that a public *charette* or workshop be scheduled for either June 15 or June 17 in order to begin conversations in this regard. The charette would be open to all citizens to determine what plan would be feasible. Fields stated he wanted input from the citizens to find out if they were open to the idea of annexation and then work with staff for a plan that would be beneficial to Peachtree City, John Wieland and the citizens that live in the area.

Brown asked for clarification that Wieland actually owned the property in question and Fields confirmed they had purchased the property in February. Brown asked Fields to confirm again that they owned the property and did not just have an option on the property. Fields confirmed. Fields said further that on this particular one, the current zoning was R-70 and that they had determined that the project was feasible and purchased the property, and that it was not purchased subject to rezoning or annexation.

A resident of Centennial addressed Council and stated that he felt it was a win-win situation for the City, the residents and John Wieland. He stated he thought MacDuff Parkway should be four-laned to be effective.

A resident of McIntosh Corners, who had moved to Centennial, addressed Council and stated he had been a resident since 1982 and he thought it made sense to lift the moratorium so that discussions between City staff and John Wieland could take place. He said he thought it would benefit the City.

Rich Parlontieri addressed Council and stated that there was a potential for a church site in this area, that he represented Christ Our Shepherd Lutheran Church and that the Church was looking for a 20-30 acre site to expand the Church. He thought Council should lift the annexation moratorium for discussion to look at the Land Use Plan to see what would fit and how it would tie together.

Merrilyn Arnold, President of the Wynnmeade Home Owners Association, addressed Council and stated that there were a lot of people in her subdivision who were for the annexation and some who were against it, and pointed out that Council should bear in mind the fact that there was more than just Wynnmeade residents to consider. She said further that there were lots of people on this side of town and that if there were anything that would impact them, they would like to know about it ahead of time. Arnold said she wanted to make sure that everything that impacted the interests of one resident, also impacted other residents.

Brown asked Arnold if she saw the lifting of the annexation moratorium as something that was a subversive act against the Wynnmeade Subdivision. Arnold said she did not think so. Rutherford said this had to do with the Cal Beverly newspaper editorial, that it had upset the Mayor and now he wants to talk about it in a public forum and asked if Council could just get on with the business at hand. Weed said that the Council had always been helpful to Wynnmeade. In fact, the nuisance abatement law was written on Arnold's kitchen table, but that had nothing to do with the annexation issue.

Mark Merritt, Vice President of the Peachtree City Soccer Association, addressed Council and stated that, as a representative of the Soccer Association and as a citizen of Peachtree City, he would like Council to allow the professional staff of Peachtree City to engage in discussions and weigh the pros and cons and give the community the information. Merritt said the Soccer Association would also like to give input and that the Soccer Association felt they had been a pawn in this regard because they had never been asked for their input by City staff or John Wieland.

Brown confirmed that he had had several informal discussions with representatives of the Soccer Association. Merritt said he would like to understand the ramifications the Soccer Association had been denied. Merritt said further he would like the ability to ask questions of the Planning Commission, the City Manager, etc., so the Association could put their position together. Brown advised that the charette had been proposed for that purpose. Rapson said he thought all the associations should make the decision.

Rich Parlontieri addressed Council again and stated that he had chaired the Planning Commission for a number of years and that Peachtree City had originally planned for 80,000 people at build-out. He stated further that Council had considered annexation of this property around 1989, that PCDC had presented the plan, and that Council had rejected the plan. He said they had considered traffic relief, alternate routes, boundaries, the fact that Tyrone was becoming more aggressive towards Peachtree City's borders and that it was too important not to have staff involved in planning.

Robin Lorber addressed Council and asked how the charette would be advertised because she wanted to make sure the word got out.

Fields addressed Council again and said that all Wieland wanted Council to do was give consideration for what they thought would be an exciting plan and give them an opportunity to have citizens provide their input. He said Wieland had suggested the two dates of June 15 and June 17 to so that everyone would have an opportunity to attend one of the charettes.

Rutherford asked if Wieland had talked to other landowners in the area and thought the answer would be to talk to the other landowners in the area. Fields said they could discuss this at the charette. Kourajian said it would be a good idea to look at the whole area.

Rapson said he thought Council was missing one key point and that he thought for perspective, that Council needed to define the box and define the level of density, development, and infrastructure that Council discussed at Retreat and that he thought the proper way to do it was to define what Council thought was proper for annexation. He asked if this was the process they wanted to use for annexation.

City Attorney Meeker advised he would have a recommendation prepared by the June 3, 2004, Council meeting. Rapson said he did not want to take action until they had everything before them. Brown commented that it should go through staff because annexation was an arbitrary decision and the City could not be forced to annex land. Weed asked Meeker for an official opinion on the moratorium. Meeker said the moratorium meant Council was trying to prevent some harm that seemed about to occur. Weed said assuming this was true, and that the City had adopted a moratorium because of that purpose, if Council were to pick and choose a moratorium and what it was applicable to, and when the City did not have a moratorium and what it was not applicable to, was Council, in effect, debilitating the moratorium and the reasons for the moratorium. Meeker said the general answer to Weed's question would be yes, but with annexation, in part, it did not matter. Meeker said further if Council looked at lifting the moratorium, Council would have to question the underlying purpose for having a moratorium in the first place; however, in the grand scheme of things from a legal standpoint, the next item on the agenda (the Multi-Family Moratorium) was more critical to maintain the consistency of the moratorium than the Annexation Moratorium. Weed asked if there was a legitimate purpose for having and maintaining the moratorium. Brown said, absolutely, because there were no legal grounds for anyone filing for an annexation and going to court and suing the City to get annexed into the City, that it could not be substantiated.

Rutherford said staff was being bombarded and that she thought the purpose of the moratorium was to give staff a buffer so they would not have to deal with anyone in the public who wanted to annex their property into Peachtree City. Brown disagreed with Rutherford's comments.

Rapson made a motion to table the item for two weeks until the June 3, 2004, Council meeting. Weed seconded the motion. Motion carried unanimously.

05-04-12 Consider Request from John Wieland Homes & Neighborhoods to Lift Multi-Family Housing Moratorium

Dan Fields, Vice President of John Wieland Homes & Neighborhoods, addressed Council and stated that the purpose of their request to lift the multi-family housing moratorium was to consider the possibility of town homes and duplex-type housing for seniors.

City Attorney Meeker advised that Council could not do anything for a number of months because Council needed to review data. Meeker said he did not want the annexation moratorium and multi-family housing moratorium tied together because they were two separate issues.

Meeker said if Council approved the process that Developmental Services would draft for the June 3 Council meeting, then he thought it would be part and parcel of the annexation application for the Council to review and consider and then lift the Multi-Family Moratorium as the subsequent item because it would all go together. By the same token it made no sense for Council to lift the Multi-Family moratorium for property that was not in the City, nor had the City decided to accept an annexation application.

Rutherford made a motion to deny the lifting of the Multi-Family Moratorium until the annexation request came back as part of that process. Rapson seconded the motion. Motion carried unanimously.

05-04-13 Consider Funding for Development Authority Member Training

Salvatore addressed Council and stated that he had a request from the Development Authority to provide funding. He said the City had previously provided funding for other needs such as the Directors and Officers insurance and audit fees. Salvatore continued that the Development Authority was not currently receiving revenue and that they were requesting funding for training and administrative expenses in the amount of $14,255. If Council approved the funding request, staff recommended the funds be taken from the Council Contingency Fund, which would leave a balance of $22,508 available.

Brown said he could see funding the $8,455, but did not want to fund the remaining expenses, which consisted of the Developer Day Lunch or the Holiday Luncheon with Industry Tourism and Trade.

Rutherford questioned the legal fees and asked if the Development Authority's attorney position had gone out for bid. McMullen said the Authority planned to continue with their current legal representation and that the requested funding was just an estimate.

Rutherford asked if the Development Authority had a long-term contract for their attorney. McMullen said he could not answer that question because the Chairman of the Development Authority, Scott Formel, was not in attendance this evening. McMullen said the recommendation was that the Authority would provide any invoices for legal or administrative support and the City would pay those invoices and that only the exact number of hours billed would be paid and that no funding would be transferred to the Development Authority. Weed commented that the City should not have a contract with the Authority for legal representation anyway. Brown said he was concerned because the attorney for the Authority was also a creditor, and that if the Authority maintained the current attorney, he could not support this.

Brown asked if it would have to be in the form of a loan that would be on the City's books as a receivable. Meeker said Council could do it as a loan or as a direct payment, that state law allowed cities to levy up to three (3) mils. Brown said he did not want to obligate the City to pay any outstanding debts for the Development Authority.

Weed said further that whatever Council decided, he wanted to be clear that in no way would the City absorb the debt. Weed said further that many of these things were basic training types of issues vitally needed for the Development Authority.

Rutherford said she thought the City could pay the training for the Authority and she wanted the Authority to have an attorney. Weed said he also wanted the Authority to have an attorney.

Weed began to make a motion, then asked McMullen when Council would have the answer on the attorney issue. The Mayor asked McMullen what the training dates were and asked staff to find out if the Development Authority members had made reservations for the training. Weed made a motion to table the matter until the next meeting so the City Manager could get the information. Rutherford seconded. Then Brown asked if all were in favor and everyone said "aye" except Rapson abstained.

05-04-14 Consider Marketing Contract with Peachtree City Tourism Association

Brown noted there were additional documents on the dais in this regard (an e-mail from the City Manager to Mayor and Council dated May 20, 2004, entitled Marketing Contract Agenda item 05-04-14). McMullen explained that this was a contract to enable the Tourism Association to market various pieces of merchandise with the City's logo. McMullen continued that the Tourism Association would purchase the merchandise, which would then be sold at locations such as the Amphitheater, City Hall, Library, Recreation, etc., and were looking to capitalize on the items at the July 4th parade. McMullen said the contract was presented at the Tourism Association meeting on Wednesday, May 19, and that the Tourism Board had made one change to add Exhibit "A," which was a slogan and logo. McMullen said in addition, they had received three other comments from the City Attorney regarding revisions to the document. McMullen said he did not have time to get these changes on the agenda for the Tourism Association meeting last night, but that the changes were in Section One, third paragraph, which changed the language from *City Manager* to *City Council,* and that the paragraph on negotiations of disputes had been deleted.

Rutherford asked if this was a contract between the City and the Tourism Association and asked if it was appropriate for Rapson and Weed to vote on the contract. Meeker said yes, because they did not have a personal interest in the contract.

Brown said that in the third paragraph, Section A, did not need to include the use of the logo in whole or in part because it was a trademark and was covered universally. Meeker confirmed that was correct.

Rutherford made a motion to approve the contract between the City of Peachtree City and the Tourism Association and to incorporate the changes that were emailed to Council. Rapson seconded the motion. Motion carried unanimously.

05-04-16 Consider Changes to CAR 8-3

Administrative Services Director/City Clerk Jane Miller addressed Council and stated that Council had requested clarification in the existing CAR about the method used to determine the percentage of funding and that Council had suggested that staff develop a form for a more formal process. Miller explained that the revised CAR 8-3 clarified a little better just how the determination was made and noted that the City had been shorting some non-profit agencies by the way the percentage was being applied. Miller continued that the form incorporated basic information and financial information. She said for 501(c)3 organizations, the City would request a copy of their Tax Form 990, which contained financial data.

Rutherford asked if the application should be submitted by June 1st for the next fiscal year. Miller said yes.

Rutherford said she was pleased with the changes to CAR 8-3. Rapson said staff should contact the non-profits to advise them of the new requirements. Miller said the City had only regularly received requests from two agencies and that she had been in touch with them. Those two agencies had requests for FY 2004, which Miller would bring to the next Council meeting for consideration.

Rapson made a motion to adopt the changes to CAR 8-3. Rutherford seconded the motion. Motion carried unanimously.

05-04-17 Consider Agreement between City and Tourism Association for Distribution of Hotel/Motel Tax

Brown noted there were additional documents on the dais in this regard (an e-mail from the City Manager to Mayor and Council dated May 20, 2004, entitled FW: Hotel/Motel Tax Info and the Agreement for a Certain Portion of the Hotel/Motel Tax to be Expended to the Peachtree City Tourism Association for the Purpose of Promoting Tourism, Conventions and Trade Shows). Financial Services Director Paul Salvatore addressed Council and stated that the Tourism Association had obtained 501(c) 6 status, which enabled the City to distribute two-thirds (2/3) of the Hotel/Motel tax that the City currently receives in revenue to the Tourism Association. Salvatore said staff recommended that Council approve the agreement, and that if approved, a budget amendment would be forthcoming. He said a separate agreement would be entered into between the Tourism Association and the Peachtree City Airport Authority to provide funding to the Authority in an amount equal to the previous agreement between the Authority and the City and that the remainder of the Hotel/Motel tax provided to the Tourism Association would be used to promote tourism, conventions and trade shows as defined in O.C.G.A. §48-13-50.2.

Rutherford commented that this money was currently in the General Fund and asked what would happen to the money in the General Fund. Salvatore said general fund projects would be transferred over to the Tourism Association and paid by Hotel/Motel tax (i.e., fireworks for 4th of July). Brown pointed out that there was a spreadsheet attached and asked if there were any funds anticipated for the Development Authority. Salvatore said not out of the Hotel/Motel tax.

Weed suggested that a paragraph be added to the agreement relative to the title to supplies, materials, equipment or other personal property remaining with the City.

Rutherford made a motion to approve the agreement between Peachtree City and the Tourism Association with the changes suggested by Weed. Rapson seconded. Motion carried unanimously.

05-04-18 Consider SPLOST Project List

Brown noted there were additional documents on the dais in this regard (an e-mail from City Manager to Mayor and Council dated May 17, 2004, entitled Peachtree City Project List for SPLOST). Weed read the second paragraph of Fayette County Commission Chairman Greg Dunn's May 17, 2004, letter in this regard.

> *Pursuant to current SPLOST requirements, all projects must be listed as "county" projects. Therefore, we are asking your city to provide us with your list of transportation projects to be included in the total county list as a means to achieve the overall goals of using the funds in accordance with the 70/30 formula as we have previously agreed.*

Weed said he wanted to make it very clear that Peachtree City never agreed to a 70/30 formula.

Rapson referred to Mayor Brown's letter in response to Dunn's letter dated May 17, 2004, and said he would prefer that the letter be signed by the entire Council and not just the Mayor. The Mayor was supportive of this recommendation.

McMullen said the county could vote and approve the project list in order to come up with the total amount. Or, they could take the projects out of the transportation plan.

Brown said the county, under the old guidelines – pre-July 1, 2004, have arbitrary authority to take things off the list and rearrange the priority list. The County was attempting to vote on the SPLOST list prior to the July 1, 2004, change in the law regarding SPLOST.

Rapson said by adopting and giving the list to the county, Council would be putting the county on notice that, if it passes, the county has to honor it. Rapson stated he was also opposed to the 70/30 formula, that Peachtree City needed to protect themselves. Rapson said hopefully, there would be further negotiations.

Weed asked Meeker if he had had an opportunity to review the Mayor's letter because he had concerns that City Council had implied they agreed to the 70/30 split. Meeker revised the Mayor's letter to include the sentence and Rapson read this into the record.

> *Rather, the attached simply responds to your request of May 17, and the unilateral decision by Fayette County with respect to Peachtree City' allocation.*

Rapson said he felt a 60/40 split was not equitable either, and that he hoped the county would reconsider because they were missing an opportunity.

Rutherford said she would like to see the city work with the county if we can get the split the city would be comfortable with and that she felt there were other serious issues that needed to be dealt with as far as City residents paying for services they do not get.

Brown made a motion to approve the letter that city staff submitted to the County Commission Chairman with the City Attorney's changes. Rutherford seconded the motioned. Kourajian amended the motion to delete the words "at all" in the second sentence of the second paragraph and to substitute "Fayette County" for the word "you" in the third sentence of the third paragraph. Rapson amended the motion to copy the Fayette County Commissioners and the Mayors of the surrounding municipalities in Fayette County. Brown accepted the friendly amendment. Rutherford seconded the amendments. Kourajian reiterated that he felt 60/40 was an acceptable split. After some discussion, Kourajian asked Council and Mayor Brown if they would support a 60/40 split and each member agreed. Motion carried unanimously.

Brown made a motion to continue the meeting past 11:00 p.m. Rutherford seconded the motion. Motion carried unanimously.

Rutherford moved to go into Executive Session. Rapson seconded. The motion carried unanimously.

Rutherford made a motion to end Executive Session. Rapson seconded. Motion carried unanimously.

Rutherford made a motion to authorize the Mayor to sign a contract for a land swap with John Proffitt, __________?? seconded. Motion passed unanimously.

Rutherford made a motion to deny the ante litem notice regarding the Cahill property. _______? seconded the motion. Motion carried unanimously.

There being no further business to discuss, Rutherford moved to adjourn the meeting. Weed seconded. The motion carried unanimously. The meeting adjourned at 11:28 p.m.

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Gloria Reid, Recording Secretary