City Council of Peachtree City
Minutes of Meeting
May 16, 2002
7 p.m.

The City Council of Peachtree City met Thursday, May 16, 2002, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:00 p.m. Other Council Members present were: Annie McMenamin, Steve Rapson, Dan Tennant, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown proclaimed May 19-25 as EMS Week. Police Officer Erik Powell was recognized as Employee of the Month for April. Building Official Tom Carty was honored for being named Georgia's Building Official of the Year.

Approval of Minutes

McMenamin moved to approve the April 18, 2002 minutes as written. Rapson seconded. Weed noted that the recorder was not working during the meeting and some of his comments were not included in the April 18 minutes. Weed continued that he had contacted the recording secretary earlier in the afternoon with his proposed changes; however, the recording secretary had not been able to make the changes so Council could look at them prior to the meeting. McMenamin moved to table the April 18 minutes until the June 6, 2002, meeting. Rapson seconded. The motion carried unanimously.

Rapson moved to approve the May 2, 2002 minutes with changes. Weed seconded. McMenamin noted that it was appropriate for the minutes to just list the motions made, who seconded the motion, and the vote. The dialogue was available to anyone who wanted to listen to the tape. McMenamin continued that Council might want to decide if it wanted to go that way in the future. Weed said McMenamin was correct and that the minutes should also include who attended the meeting. The motion carried unanimously.

Consent Agenda

1. Change in License Representative for Chili's Grill and Bar
2. Change in Licensee and License Representative for Village Chevron
3. Declaration of Surplus – Ladder 8

Rapson commented on Consent Agenda Item # 3. He explained that typically the funds received when such items were surplused were placed in the General Fund and incorporated into subsequent budgets. He noted that the Fire Chief, in his memo, had requested the funds be held in reserve for another date. Rapson counseled against putting the money in any special fund and tagging it for future equipment acquisition. City Manager Jim Basinger pointed out that whatever the Fire Department needed would be funded anyway. Rapson moved to approve the consent agenda with that clarification. Tennant seconded. The motion carried 5-0.

Old Agenda Items

02-02-03 Consider Amendment to the Intergovernmental Agreement with the Development Authority

01-02-11 Consider Amendment to the Intergovernmental Agreement with the Airport Authority

Brown moved that items 02-02-03 and 01-02-11 be continued indefinitely until such time as the City had a valid agreement with both the Airport Authority and Development Authority, and that the City Council appoint special legal counsel to represent the City in this matter. As part of this motion Brown requested that Councilman Weed be chosen to select some candidates to fill the interim position as special legal counsel for the City Council to review. Once the list of candidates was compiled, the City Council would convene for a specially called meeting to make a selection. Weed seconded.

McMenamin asked for clarification on the motion. Brown replied that Council was recognizing the fact that it did not have a valid contract with the Airport Authority and the Development Authority.

Weed clarified his position and said he did not know if Council had a valid contract with the Airport Authority and Development Authority. He thought it was necessary to appoint independent special counsel to review the facts of the situation and to make that determination and to advise the Council on these issues.

McMenamin questioned if they were talking about the intergovernmental agreement that Council had with the Authorities about the refunding of the money in lieu of the shortfall. Brown said no, that they wanted to delay the amendments until Council had a definitive decision on the agreements with the Authorities.

McMenamin called for a point of order. She noted this was not on the agenda for discussion. She said Council was to discuss the amendments to the intergovernmental agreements. She continued that there was no point of discussion on any other intergovernmental agreement. Brown said that was correct.

McMenamin asked for a point of order that Council could not have any discussion on that at this time. Brown noted that the motion was to continue those items indefinitely. Basinger told Council that City Attorney Rick Lindsey would be at the meeting, but was running late due to another commitment.

McMenamin again expressed concern that the item being discussed was not on the agenda. Weed pointed out that Title 50 allowed Council to bring up matters that were not on the formal agenda. McMenamin agreed and added that Council could discuss it, but could not take action on it.

Weed disagreed and noted there was currently a motion and a second on the floor and Council was discussing it. McMenamin said she would abstain from the vote.

Rapson asked if McMenamin had been provided with the same information as the rest of the Council. McMenamin said no. She asked how Council could discuss something that was obviously discussed behind the scenes and felt it should be discussed publicly.

Rapson said he took offense to McMenamin's comments about discussions "behind the scenes" and said he was provided information on Saturday in reference to some research that Mr. Brown had done in regards to these contracts. He believed the Mayor's motion was based on that. Rapson continued that if McMenamin had not received the same information, he had the same issue that she did.

Weed said it would be appropriate for McMenamin to be provided the same information as the other Council Members. Brown said he would be glad to provide McMenamin with the information.

Brown explained to the public that there was a possibility there was not a valid agreement with both of the authorities. In doing some research, he discovered that there were some documents that were stated as draft documents that were presented in a meeting in June 2001 with the former Mayor given permission to sign off on those agreements if they were not substantially altered.

McMenamin again called for a point of order and stated that the discussion had nothing to do with the agenda. Brown said it had everything to do with the agenda. If there was not a valid agreement to start with, Council could not amend said agreement.

Weed pointed out that both the Development Authority and Airport Authority had refused to limit the two sub-agreements that were in the agenda packet in any way. McMenamin said that was what she thought Council was supposed to discuss at the meeting. Weed said they were trying to do that underneath a motion and the appropriate second. Weed continued that obviously if the original agreements were invalid, then amendments to those agreements would be inappropriate too. Weed said that was called an *ultra vires* act, an act the Council did not have the authority to perform, so they are part and parcel the same thing.

Airport Authority Member Jerry Cobb and Development Authority Executive Director Virgil Christian asked to speak. Brown said no to both.

Brown repeated the motion. He moved that Council continue items 02-02-03 and 01-02-11 indefinitely until such time as the City had a valid agreement with both the Airport Authority and the Development Authority and that the City Council appoint special legal counsel to represent the City in this matter. As part of this motion, Brown requested that Councilman Weed be chosen to select some candidates to fill the interim position as special legal counsel for the City Council to review. Once the candidates were compiled, the City Council would convene for a special called meeting to make a selection. The motion carried 4-0-1 (McMenamin abstained due to the fact that she did not think it was a valid agenda item).

12-01-09 Consider Public Safety Retirement Plan

Administrative Services Director Jane Miller addressed Council and reminded them that the City had been discussing public safety retirement for 12 years. She continued that the City needed to look at older employees performing public safety functions and said the retirement plan was getting critical. She pointed out that the workforce had gotten older and both departments had a lot of longevity. Staff felt it was time to take action. Work began on the plan last year and time ran out with that Council and the new Council was established in January. Based on the actuarial studies that had been done, Miller said the option the Public Safety Retirement Committee was looking at, and recommending, was age 55 (fifty-five) with a minimum of 10 (ten) years of service. She continued that currently anyone who retired at 55 took a 50% (fifty percent) hit in his or her retirement benefit. Studies indicated that the physical requirements of public safety jobs were very demanding on employees in their mid-fifties and older. The City did not provide medical coverage for retired employees and those who retired at 55 (fifty-five) had a 10-year (ten-year) bridge until Medicare was available. The Committee suggested tying medical insurance for the employee only to length of service for public safety employees, and the formula was 10 (ten) years of service – the City would pay 25% (twenty-five percent) of medical; 15 (fifteen) years of service – 50% (fifty percent); 20 (twenty) years – 75% (seventy-five percent); and 25 (twenty-five) or more years – 100% (one hundred percent).

Miller continued that, from an actuarial standpoint, the Committee had good numbers on the retirement plan itself, but the medical costs were harder to get a handle on. To try and come up with a baseline figure, the committee looked at the research done last year when employee medical insurance was up for bid. The premium information was used as an indicator of the cost. Miller said the figures probably would not cover all costs because the City's exposure would be up to $40,000 per person for medical. She did not think the City would spend $40,000 per person, but cautioned that the numbers provided could be low. The retirement figures could however be higher than what the actual cost would be. The figures were predicated on the basis that everyone who could retire at 55 (fifty-five) would choose to do so. If not, the cost of the pension fund would be lower.

Miller said the Public Safety divisions supported the plan and the Committee recommended that Council approve the amendment to the retirement plan for field personnel with the option to retire at 55 (fifty-five) with 10 (ten) years of service and that medical be provided as discussed. Miller said there was an ordinance in the Council packet if Council decided to do that and would be forwarded to the retirement company. The plan year was October through November and the start date of the ordinance was July 1. Seed money ($100,000) had been set aside for the plan and part of that money would be used to fund it for this budget year and the remainder would be rolled over to FY 2003.

Tennant asked Police Chief Jim Murray and Fire Chief Stony Lohr to come forward and address recruitment and retention and how the retirement plan would affect it. McMenamin noted that her son-in-law was an officer in the Police Department and said she would abstain from the discussion and the vote.

Murray addressed Council and said the retirement plan had been worked on since 1990. Murray recognized the efforts of late Fire Chief Gerald Reed, as well as Council Member Rapson during his tenure as the City's Finance Director. Murray said the plan would be in line with federal agencies and would be a great recruiting tool. He continued that in a big department there were a lot of positions that could be filled by people who were up in age, but unfortunately they were not able to do the same thing in small departments. The plan set the standard for cities this size and gave some quality of life after putting in a lot of public service.

Lohr said Murray's comments also applied to the Fire Department. Lohr also acknowledged the efforts of Chief Reed and Rapson. Both departments were looking for quality people. Quality people on the emergency medical side and fire side were typically older because of the time needed to go through the extensive training. To get them to come and to stay required additional incentives, especially as it was more competitive with other agencies. Lohr continued that the early retirement program would get people to come and stay. It made the Fire Department more competitive and was a definite plus for recruiting and retention.

Brown asked Financial Services Director Paul Salvatore how comfortable he felt with the numbers. Salvatore answered that the projected amounts were based on 2½% (two and one-half percent) of covered payroll with a 5% (five percent) increase each year. Brown said his fear was that, under self-insurance, the City could find itself grasping for funds. Salvatore said that with self-insurance, the City's maximum exposure would be $40,000 per employee. Brown asked if there were any hard numbers on health care cost increases for the last five years. Salvatore said he was not prepared to answer that question, but it was hard to nail down an exact figure. Miller said, at a guess, that it would be in the low double digits.

Rapson said that, based on the current employees and current costs, he wholeheartedly supported the recommendation. He said it was the right thing to do. Tennant agreed and said he was a long-time proponent of this. Tennant moved to approve the ordinance as written for the public safety retirement program with an effective date of July 1, 2002. Weed seconded.

Rapson said Council needed to agree with Salvatore about the incremental funding for 2003. Rapson continued that he did not want to fund it for just this year, but forever. Tennant and Weed accepted the amendment. Tennant clarified the length of service for medical coverage and said 10-14 years was 25%, 15-19 years was 50%, 20-24 was 75%, and 25 years or more was 100%. Tennant amended the motion to reflect that clarification and Weed accepted the clarification. The motion carried 4-0-1 (McMenamin).

Chief Murray also thanked former Mayor Bob Lenox and former Council Member Carol Fritz for their work on the plan.

01-02-05 Discussion on GEM/NEV Vehicles

Brown said both pieces of legislation (HB 1439 and HB 1389) had been signed by Governor Barnes and the Department of Natural Resources had mailed out the tax credit certificates.

City Manager Jim Basinger reported that the Fayette County tag office had received an advisory e-mail that said registration would begin after June 1. He asked Council to continue the use of the vehicles on the cart paths for one more month.

Lindsey suggested Council consider extending the use of the vehicles on the paths until July 31 in case any delays came up. He pointed out that most laws became effective July 1.

Brown commented that the legislation signed by Governor Barnes included a requirement for a strobe light. The City needed to keep an eye on that and see what had been worked out with the manufacturer and what the turnaround time was to install the lights.

Murray reminded those attending the meeting that the low-speed motor vehicles were not golf carts, but automobiles, and all state laws that applied to automobiles applied to them, including the requirement that only licensed drivers operate them. Brown asked Murray to clarify that the vehicles did not need to be registered with the City. Murray confirmed that.

Tennant moved to extend the use of the GEM/NEV vehicles on the cart paths through July 31. Rapson seconded. The motion carried unanimously.

05-02-CA3 Consider Library Meeting Room Policy

Weed said he asked the City Attorney to work on a definition of non-profit and Lindsey had done so. Weed had added some comments and Lindsey had prepared a second version. Basinger told Council that the second version of the definition had been received, but staff was still discussing it. Staff recommended tabling the discussion.

McMenamin moved to table the Library Meeting Room Policy and the definition of non-profit until the June 6 meeting. Rapson seconded. The motion carried unanimously.

<u>**New Agenda Items**</u>

05-02-03 Public Hearing – Rezoning – Bostick Tract, E-R to O-I

Judy Bostick, property owner, addressed Council and said she wanted to rezone the parcel from E-R (Estate-Residential) to O-I (Office-Institutional). Brown asked Bostick if she agreed with the four conditions listed on staff's position paper on the proposed rezoning. Bostick replied that she was not in full agreement with the stipulations, but that she was willing to abide by the conditions.

City Planner David Rast told Council the property was currently zoned E-R (Estate-Residential) and was surrounded on two sides by the Peachtree City United Methodist Church complex currently under construction. Another church and Mowell Funeral Home were located across Robinson Road. The lot was 0.853 acres in size and the minimum lot size in E-R was three (3) acres. He continued that Bostick had asked for a variance to keep the single-family home on the parcel several years ago and the variance was granted. The parcel was designated as O-I (Office-Institutional) on the Land Use Plan, but had not been rezoned. Rast added that the parcel was designated as O-I in both the 1995 and 2002 Land Use Plan Updates.

Rast continued that the conceptual site plan that was presented maintained the original structure and added some parking to give an idea of what could happen on the property. The Planning Commission asked that the site plan not be considered as part of the approval. They felt work needed to be done, but the concept of changing the rezoning was fine. The Land Use Plan recommended the church be rezoned to O-S (Open Space). There had been some discussions with the church, but it had not been formally presented to the church. Rast explained that as Robinson Road developed the church would be a natural break between the O-I and OS and Residential zoning. The parcel would be limited to professional/office uses. Currently, the only access to the property was off Old Stagecoach Road and Rast said staff would like to limit access to the parcel to Robinson Road. He explained that significant improvements would be necessary to Old Stagecoach if it were the access road, and staff would like the road to remain gravel to serve the homes located there. The property was currently on septic and staff would like to put sewer in to service the O-I uses.

Rapson expressed concerns about staff's condition #3. The condition stated "That the developer of the site shall investigate the availability of public sewer service and connect to the existing system if it is economically feasible to do so or if it is required by a City ordinance or a public policy in effect at the time the property is actually converted to a permitted OI use." Rapson said if there was a sewer system, then people should connect to it.

Rast said connecting to the sewer system would depend on the use when the property was re-developed. He pointed out that a professional office would be a less intensive use than a dental office. He continued that Fayette County required buildings within 500 feet of a sewer line to connect to it.

Rapson asked the City Attorney if he was comfortable with the wording in condition #3. Brown asked Lindsey if any new building would have to connect to sewer if a developer razed the old building. Lindsey answered yes. Rapson asked if condition #3 could be changed to so that the tiein to sewer was contingent upon Planning Commission's approved of a conceptual site plan. Rick said that satisfied him, but he suggested that additional wording be included that, if the applicant was unhappy with the Planning Commission's decision, the applicant had the right to appeal to Council.

Mike Lorber, who was working with the Bosticks, asked where the sewer line was located. Rast showed the location on the maps, which showed the line, was contiguous to the Bostick property. Lorber asked if the church had been required to provide an easement for the sewer. If not, then the church could hold the Bosticks hostage and they would have to buy an easement from the church.

Tennant acknowledged that he was a member of the church and asked Lindsey if there was a problem with that. Lindsey said no. Carol Fritz addressed Council and said that WASA should be included in any discussion regarding the sewer.

Paul Fisher, who said he was a member of the church but was not a church representative, expressed concern about putting another curb cut on Robinson Road. Brown said the use would be light and there would be less wear and tear on Old Stagecoach.

Rapson asked Bostick what her feelings were about connecting to sewer. Bostick said there were two septic tanks on the property. She knew the systems would be in the way of the parking. Bostick continued that she did not think office use would work without tying into the sewer system. Brown asked Rast if there were a sizable addition to the building, would the building have to hook into sewer. Rast answered probably. Brown closed the public hearing.

Rapson moved to approve the recommendation to rezone the Bostick property from E-R to O-I with conditions 1,2, and 4. In addition, condition #3 would include that the Planning Commission determine whether or not the property would be connected to sewer and the applicant could appeal the Planning Commission's decision to Council. Tennant seconded. The motion carried unanimously.

05-02-04 Consider Airport Authority Bond Resolution and Approval of Bond Purchase Agreement

Basinger told Council that Todd Barnes was on his way and asked Council to move the item to the end of the agenda. Brown moved to table the agenda item to the end of the meeting. Rapson seconded. The motion carried unanimously.

McMenamin asked to move 05-02-07 forward since there were Booth Middle School students attending the meeting who might want to speak. Weed moved the agenda item be moved forward. Rapson seconded. The motion carried unanimously.

05-02-07 Consider July 4th Parade Candy Policy

Leisure Services Director Randy Gaddo addressed Council and told them that staff recommended the candy either be handed out by people walking alongside floats or soft-tossed to the back of the crowd. There had been incidents of young children and adults coming out on to the parade route and there had been several close calls. Some feet had been run over. After each parade, a committee composed of all the departments involved in the parade met and went over the details of what happened during the parade. The committee felt there was a considerable safety issue involving the throwing of candy and this was staff's recommendation. This was an attempt to provide a safer environment.

McMenamin introduced the Booth Middle School students and said the students had discussed the issue during a mock City Council meeting.

Keegan Vinings said she was opposed to not throwing candy during the parade. She pointed out that many kids came to the parade for the candy. Businesses advertised and even the Mayor had handed out campaign flyers at the last parade. Her recommendation was to make the parade safer, possibly making it only for golf carts.

Booth teacher Beth Loftin told Council that a person who was running for office had addressed the class and was concerned the politicians would not be able to throw campaign items. She agreed it was a safety issue, but there were other ways to deal with the problem such as putting up barricades or having volunteers walk along and keep people back.

Rapson commented that there were three considerations discussed at the workshop held prior to the meeting. One was to direct City staff to provide information on safety issues. The second was to change the order of the parade and have the golf carts first. The third was to go to civic organizations and get them to help keep the crowd back in dense areas. Rapson continued that the large floats driven by trucks needed spotters to walk next to them as well.

Tennant noted that all of the suggestions were essentially common sense and it was good to state them. He said this was one of those things Council needed to stay out of and leave to the common sense of the community.

Lindsey said his concern was liability. He agreed that the larger floats needed people to walk alongside them. The incident in Douglasville had put everyone on notice that people could get hurt. Any good idea could be taken to the extreme, but any float over a certain size must have a spotter, which should be made the responsibility of that entry. There needed to be a rule that stated it. Lindsey said it should be the responsibility of the entrant to have spotters to walk alongside and watch out for children. Brown suggested one person for every 10 linear feet. The length would include the float and the vehicle that pulled it. Lindsey said the big tractors and trucks were the problem, as well as golf carts that pulled trailers.

Weed commented on one thing that had come out of the student discussion and that was parental control. He felt that was the solution, but added that parental control could not be legislated. He acknowledged that parents needed to control their children. Weed said he did not think there needed to be an ordinance regarding the parade, but he felt spotters were a vital part of the discussion.

Rapson said he did not think mandating spotters would work since most of the floats had someone walking alongside them anyway. Changing the order of the parade was good. He felt those things were really staff directions and did not need to be in ordinance form. Weed agreed. He thought the spotter issue had been resolved and that depending on the size of the float there should be at least two spotters. He felt the spotters were a vital part **of the plan**.

Council thanked Ms. Loftin and her students for attending the meeting and participating in the discussion.

05-02-04 Consider Airport Authority Bond Resolution and Approval of Bond Purchase Agreement

Todd Barnes of A.G. Edwards addressed Council and reminded Council that this was the Airport Authority debt refinancing that had been approved by the bond referendum in November 2001. He recapped the sale of the bond and said the bond would pay off four notes that the Airport Authority had that were outstanding and the pay-off amount was $1,510,000. The bonds went out to January 2015 and were locked in at a fixed rate, instead of a variable rate. The annual debt service would be approximately $160,000. He said Council needed to approve the bond ordinance, which formally authorized the sale of the bonds, the use of the official statement to market the bonds, the continuing disclosure certificate, the signing of the bond purchase agreement, and to levy an ad valorem to pay for the bonds. Barnes pointed out the Council used the hotel/motel tax to pay the debt service, instead of ad valorem taxes. The motion would be to approve the bond ordinance as presented.

Rapson moved to approve the bond resolution as presented. Weed seconded. Barnes clarified that it was a bond ordinance, rather than a resolution. Rapson restated the motion to approve the bond ordinance as presented. Weed seconded. The motion carried unanimously.

05-02-05 Consider COLA (Cost of Living Increase) for Some Retired Employees

Miller addressed Council and said there had been some discussion regarding employees who retired prior to October 1995 when there had been some improvements to the retirement plan. One of those retired employees had some questions, and that had been the impetus for staff looking to improve the benefits. The retirement payment was indexed to Social Security, and most of the benefits were calculated at 1.25% of salary. The improvements made in October 1995 increased the formula to 2%. There were four employees and two beneficiaries receiving the benefit based on the lower formula. Staff had discussed a one-time adjustment since these employees retired before the benefit enacted. Staff suggested a 10% one-time payment, which would cost about $20 a month. Miller continued that the pool of people would diminish over time.

Weed said he would abstain because Frances Meaders, one of the retired employees, was a dear friend and had worked on his campaign.

Rapson said he was in favor of granting the one-time payment and that it was the right thing to do. He said he would make it effective July 1 and moved to do so. Tennant seconded. The motion carried 4-0-1 (Weed).

Miller said staff would provide an ordinance for the Mayor to sign based on the motion.

05-02-06 Consider Amendment to CAR on Cash Reserve Policy

Salvatore reminded Council that Rapson had proposed changes to the CAR on the Cash Reserve Policy at this year's Retreat. The proposed changes were under Policy #8 – Types and Levels of Reserves. The proposed changes included reducing the target of Cash Reserves from 34% (thirty-four percent) to 24% (twenty-four percent). The Cash Reserves estimate for FY 2003 had been $5.1 million. The estimate with the proposed changes would be $3.6 million. Salvatore continued that rating agencies were just happy the City had a cash reserve policy on the books, whether it was 24% or 34%. The amount would be what Council was comfortable with and in consideration of what they wanted to do. Salvatore continued that sometimes Cash Reserves were used as a cash flow tool when the City was waiting on grant money or other funds. October 2004 had been set as the target for meeting the Cash Reserves policy.

Rapson explained that having a target reserve of 34% would drive staff to recommend millage increases for the next two to three years. Based on the next 10 years, lowering the cash reserve target would keep the millage rate the same. The City had a AA rating and to get a AAA rating the City would need to keep 50% (fifty percent) of the operating budget in reserve. Rapson said that would not happen in Peachtree City. Rapson said he tried to scale the City back down to something that was more than needed, but at the same time provided security for revenue stabilization funds and ongoing concerns in the Cash Reserves. The changes included an addition under "Special Considerations" that gave Council the ability to access the reserves. Salvatore said another clause had been added that gave staff the ability to combine some of the reserves if necessary.

Rapson moved that the reserve policy as drafted CAR 11-2 with the revised policy be adopted. Weed seconded. The motion carried unanimously.

Council/Staff Topics

Brown said there were two items for executive session, one real estate and one involving a lawsuit. Weed moved to recess from the regular meeting and to reconvene in executive session. Rapson seconded. The motion carried unanimously.

Brown moved to recess out of executive session and reconvene the regular meeting. Tennant seconded. The motion carried unanimously.

There being no further business to discuss, Brown moved to adjourn the meeting. Tennant seconded. The motion carried unanimously. The meeting adjourned at 9:15 p.m.

Pamela Dufresne, Recording Secretary

Stephen D. Brown, Mayor

Jane Miller, City Clerk