

City Council of Peachtree City
Minutes of Meeting
May 2, 2002
7 p.m.

The City Council of Peachtree City met Thursday, May 2, 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 12-18 as Domestic Violence Awareness Week. May was proclaimed as Older Americans Month. Brown read a proclamation designating May 2 as a Day of Prayer.

Approval of Minutes

McMenamin moved to approve the March 15-16, 2002, Retreat minutes. Tennant seconded. The motion carried unanimously.

Consent Agenda

1. Appointments to the Library Commission
2. Consider List of Surplus Items
3. Consider Library Meeting Room Policy
4. Consider Canceling July 4th Meeting

Brown read the Selection Committee's recommendation of appointments to the Library Commission. The Selection Committee recommended the re-appointment of Chris Clark and the appointment of Madge Quick. Sharon Marchisello was recommended to serve as an alternate.

Tennant noted that the surplus auction was slated for Saturday, June 8, and was a collaborative effort with Fayette County, Fayetteville, Tyrone, and the Board of Education.

Rapson commented that he was happy to see Chris Clark re-appointed to the Library Commission and that the revision to the Library Meeting Room policy was long overdue. Brown explained that the policy revision designated the meeting room at the Library for non-profit groups only since space was tight.

Weed told Council that he would like to take the Library Meeting Room policy item (#3) off the Consent Agenda and moved to approve the other three items (1,2, and 4). Rapson seconded. The motion carried unanimously.

Weed asked Clark, the Library Commission chairman, what he meant by non-profit. Clark said he understood Weed's concern. He continued that staff ran the proposed policy changes through the legal review and he would have to get a definition of non-profit to Weed. City Attorney Rick Lindsey told Council that if non-profit were restricted to 5013C groups only, then schools would not be able to use the room. Lindsey continued that he did not want to get into trying to define non-profit during the meeting without looking at it more closely.

Weed suggested putting the policy on the May 16 agenda so there would be time to get a definition of non-profit. He moved to table the Library Meeting Room policy so Council could get a definition of non-profit. Rapson seconded. The motion carried unanimously.

Clark asked Council if it wanted to go ahead and enforce the spirit of the policy at this time. Rapson said yes. City Manager Jim Basinger said the City had used the term non-profit for 20 years and had had no problems. He did not anticipate problems in the interim.

Leisure Services Director Randy Gaddo suggested Council take action on the Library Meeting Room policy so staff could enforce the policy with the understanding that there would be a definition at the next meeting. Tennant moved to approve Gaddo's suggestion. McMenamin seconded.

Weed said that the wording was not clear and he could not vote for the motion. Gaddo explained that enforcing the spirit of the policy would be difficult for staff and that staff needed something they could show people who might object to the new policy. Weed commented that if one of those people came into his office with the policy as it was now, he would challenge it because there was no definition of non-profit. The motion carried 4-1 (Weed). Brown directed Lindsey to bring Council a definition of non-profit at the next meeting.

Old Agenda Items

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

Tennant moved to table the intergovernmental agreement with the Development Authority until the May 16 meeting. He explained that he had questions for Executive Director Virgil Christian (Christian was unable to attend the meeting due to a function with the Fayette County Development Authority). McMenamin seconded. She said if a Council Member had questions it would be better to wait. The motion carried 4-0-1 (Rapson).

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

Tennant told Council he would like to treat both intergovernmental agreements as a package. Rapson agreed and said he still had some questions about the intergovernmental agreement with the Airport Authority. Basinger reminded Council that this was the second time the Airport Authority had come in with the agreement. Basinger added that in the question of fairness the agreement should be considered. Cathy Nelmes, Airport Authority chairman, told Council she would appreciate their considering the item that evening, but said the authority would come back again if Council was unable to do so.

Rapson said he had some questions for Nelmes and pointed out that the fundamental reason for the amendment to the intergovernmental agreement was to help the City with a budget shortfall, but the proposed agreement stated that if the shortfall was really bad, the Airport Authority would not give the money back to the City. Rapson continued that, in essence, that paragraph threw the shortfall back on the City. Rapson said he understood the Airport Authority's position that they might not be able to afford to give back any money, but he added that it was not fair to expect the City's residents to take up the entire shortfall.

— Nelmes said she was confident the authority was not going to have a problem if Council felt strongly about taking the paragraph out. She said this was something that most authorities used and the Airport Authority was having a look at it. She said that if Council felt strongly about taking the paragraph out, although she couldn't speak for authority now, they would bring the agreement up at their next meeting on May 8.

Brown moved to table the intergovernmental agreement with the Airport Authority until the May 16 meeting. Tennant seconded. Nelmes asked if there could be more discussion. Lindsey reminded Council that once the motion to table was made and seconded there could not be more discussion under Roberts Rules of Order. The motion failed 0-5

Nelmes asked for the next meeting date and was told it was May 16. Rapson said he would talk to Nelmes after looking at the drafts. Nelmes said she was glad she had this discussion with Council.

Rapson moved to table the intergovernmental agreement with the Airport Authority until the May 16 meeting. Weed seconded. The motion carried unanimously.

04-02-07 Consider Funding for Great Georgia Airshow

McMenamin noted, for the benefit of the public, that she was not a member of the Kiwanis Club of Peachtree City, nor was she a board member or honorary board member of the airshow. She said she probably would sell drinks at the event.

— Brown suggested, based on the last discussion and the information received from the airshow committee, that he had a compromise and would like to put it in the form of a motion. Rapson asked if there was anyone from the airshow present who wanted to address Council. McMenamin said allowing people to talk might keep there from being so many amendments to motions. Brown decided to have some discussion prior to a motion.

Greg Hall, chairman of the board of the Great Georgia Airshow, was available for questions. Rapson noted that the Kiwanis Club, the Confederate Air Force, and the Fayette Youth Protection Home had provided the seed money for the airshow in 2001. This year, the Kiwanis Club and the Dixie Wing of the Commemorative Air Force provided the seed money. Rapson continued that the information provided by the Airshow Committee helped him gather the facts, and he thanked them for their response.

McMenamin recalled that the first year of the airshow the warehousing for the concessions was outsourced and all the money left the community. As a result, the Kiwanis Club decided to take on the warehouse operation so the profit would stay in the community.

— Brown moved that the City pay a total of \$10,000 for public safety requirements for the 2002 airshow with the airshow allowed to use other qualified emergency service personnel other than Peachtree City personnel as long as they abided by a plan approved by the Peachtree City Fire and Police Chiefs. For 2003 and beyond, the City would adhere to CAM 8-3 in an effort to promote fairness and consistency to all non-profit organizations. Tennant seconded the motion for discussion purposes.

McMenamin told Brown that the way she read CAM 8-3, the regulation referred to a non-profit donation. McMenamin said the safety provided by the Fire and Police Departments was for the benefit of the health and safety of citizens on City property and highways. She continued that the airshow request was a direct cost for the safety of people on City property, not a donation. McMenamin stated that she did not feel the request fell under CAM 8-3.

Tennant clarified for the public that CAM 8-3 referred to funding non-profit organizations in Fayette County. He said there was a series of requirements. Rapson read CAM 8-3 for the benefit of the public. McMenamin added that the way she understood the City's position was that the public safety services were a contract with the City so the City would not have to incur overtime and the associated expenses. Basinger said doing it that way did save a little money. It also did not require mandatory overtime and allowed the Departments to ask for volunteers to work the event.

McMenamin continued that it was unfair to burden the airshow with that much cost. She pointed out that the contract had a lot in it required by the police and fire chiefs, which exceeded the basic requirements for an airshow. She said the cost was not driven to provide funds for the airshow. Rapson clarified what McMenamin was saying and said she was looking at the public safety costs as an incremental cost over and above what the airshow would have to pay. The incremental costs were primarily due to the City's comfort level. McMenamin continued that basically an ambulance and machinery to put out a fire was all that was required for the airshow and that the airshow committee had always catered to what the City wanted for public safety.

Tennant reiterated what he said at the April 18 meeting and said he still believed the airshow was a tremendous economic benefit and enjoyment to the City and the City should pay the public safety bill. Health and public safety were the first priority. He continued that Mayor Brown had consulted him about his proposed compromise and that he was willing to support the compromise, but he would rather take the funds out of Council Contingency. He added that part of the compromise was for the airshow to bump up the ticket price by 75 cents to pay for the rest of the cost of public safety.

McMenamin pointed out that the airshow had to pay state taxes and increasing the ticket price increased the taxes. The non-profit organizations that ran the concessions also had to pay taxes. She suggested the possibility of the Recreation Commission coming in as a partner on the airshow. The Recreation Commission would become one of the recipients of the profit so that the City could recoup some of the funds spent on safety for the airshow. Brown said he thought that might be a good approach. Tennant added he did not want the airshow to leave Falcon Field and the City because it was good for the City.

Brown said he did not want the airshow to leave the City either, but he wanted something in place for the next event. A policy needed to be in place for doing these kinds of events and the City did not have one. The cost of public safety was coming out of taxpayers' pockets without a policy on fairness. Brown continued that there was also a consistency issue. If Council was using taxpayer funds, then a policy needed to be in place. The show itself created a need for a public safety presence and the one thing missing was a policy. Brown added it would be great for an audit to be in place and that Council needed to account for the funds.

Rapson called it "smoke and mirrors" to funnel the funds through a civic organization to pay overtime. He said if the City was going to do that then the airshow should be treated just like the July 4th festivities, Shakerag, and other City-sponsored events. He continued that he would like to see the City pay \$10,000 and would like to see an intergovernmental agreement in place. He wanted to see the City become a partner and treat the airshow as a typical reoccurring event. He would like to see it eventually become self-supporting. Rapson pointed out that there was a City ordinance that required a safety plan be in place for events that exceeded a certain number of people, and that was how the Police and Fire Departments got involved.

Lindsey noted that the airshow was a risky event and said he did not want the City to be on the hook if something happened.

Assistant Fire Chief Ed Eiswerth told Council the Fire Chief Stony Lohr would demand the same coverage for the airshow as in the past. Eiswerth pointed out there was a fire every year at the airshow because of the pyrotechnic display. A few years ago, an airplane crashed shortly after the end of the airshow. In the past two years, over 60 patients were treated. He continued that only 9-12 firefighters were on duty in the City on a daily basis, and if there were an incident, the City would have to take over. A small incident could be overwhelming without the same number of people available as in the past. If there were an incident, the Department would have to take it over regardless of who the airshow hired to work. As the Ops Officer for the Department, Eiswerth guaranteed Council he had the most people on duty those two days of the year. The Department had to be able to say yes or no on adequate coverage and one unit was not adequate. Eiswerth continued that the FAA regulations did not require anything.

Tennant told Eiswerth Council did not want to diminish the accountability and service provided. McMenamin added that the airshow had worked with the Fire Department from day one to provide what the Department felt was adequate coverage. Whatever way the vote went, Eiswerth stated he and Chief Murray would still require that there be adequate coverage.

Chief Murray pointed out that under the CAR and CAM currently in place, the Fire and Police Departments had to approve anything that came in. He added that the airshow was a four-day event for the Police Department, Friday through Monday until the planes left. Most security guards were not qualified to be police officers under state law. There were also instances where there might not be a coordinated effort. People coming in could not enforce any City ordinances, only state laws. The main concern for the Department was the safety of the citizens of the community and the people coming in for the airshow. Murray said he would not support other officers coming in as long as Peachtree City officers were available because of their knowledge, experience, and the coordinated effort that went into planning the airshow. Murray continued that Fayette County officers would not come in to work the airshow. Last year, Coweta County officers came in, but were the only ones who would come in and do traffic for \$25 an hour. If there were an incident at Falcon Field, the local police would still have to go in. The actual number of officers needed was less now than the first year because the plan had been revised and improved.

— Jerry Cobb, a member of the Airport Authority and the airshow committee, said they had produced a good airshow for a long time and did not want to cut down on protection. It was a City event that Council should be proud of. The committee was asking for the City's support. There would be an airshow and the money was not a donation. They were only asking for money for the public safety coverage required for the citizens concerned. Around 300-400 volunteers worked untold hours on the airshow.

Rapson pointed out that the motion on the floor did not solve the problem and they would be back talking about the same thing next year. If the City were going to save money over time, then there needed to be a policy or the money should be put in the budget every year. Some kind of intergovernmental agreement should be drawn up and ratified every year that spelled out how the money would be used. The goal was for the airshow to be self-sufficient. If the airshow had a bad year, the City would be on the hook and would not get any money back.

Tennant commented that if this was a bad year and it rained the whole time, and if the City kept throwing out enough red flags the airshow would go somewhere else. Brown said the way the public safety funding was done now just did not work. The problem was never solved. The group kept coming back each year. Tennant felt it was a gray area. He continued that Council was trying to make a decision on what benefited the City the most. The compromise might not fit the absolute letter of the CAM, but it benefited the whole community. The City should be a supporter. Brown added that after the airshow was over, the City and the airshow committee should get together and decide if the airshow would be a City-sponsored event. If the airshow became a City-sponsored event then there would be funding and everything else that went along with it. Brown said a decision needed to be made. Tennant agreed and said he would like to see it as a budgeted item. Rapson suggested that since the event took place at the airport, Council could provide an additional supplement to the Airport Authority to cover public safety for the airshow.

— Weed noted the concern of many Council Members was that they were using government funds to do something for a private entity. Weed said he thought that was fine to use City funds to support the private entity if the City got something of value back. The City paid for public safety and got an airshow and the economic development aspect and benefits. Weed continued that he did not want to create a bureaucracy that ran every event that came up. Council did not want to discourage private entities' creative ideas because those entities could do it better and cheaper on their own. The City paid and got a service. Rapson explained that his contention was he did not want Council to be in violation of the CAM. Weed replied that Council was buying a service from the group and that eased his mind regarding violating the anti-gratuities clause of the Constitution. Weed said either they were buying the service or not. If they were buying a service, they should proceed. Rapson and Brown disagreed with Weed. Rapson asked the purpose of having CAM 8-3 and Weed said he thought the CAM should be revisited. Tennant added that the pluses greatly outweighed the minuses.

— McMenamin read Rapson's comments from the July 7, 2001, meeting in which he equated the airshow to the July 4th festivities and said he would like to see Council pay for the public safety funding. She said she would like Council to consider funding \$20,000 to the airshow for Police and Fire with the intention that \$10,000 would go directly to Police and Fire. If profit was made, then the airshow would return \$10,000 to the City. That allowed Council to work with the airshow this year since the airshow depending on the funding based on comments from last year's minutes.

According to the minutes, it should have been put in the budget and the airshow committee was left with the idea it would receive fire and police protection from the City in 2002. She continued that either the last Council misled the airshow or this Council was not willing to support the previous Council's contention.

Brown called the question. The motion failed 2-3 (McMenamin, Rapson, and Weed).

Rapson told Council that his problem with CAM 8-3 was that it limited future funding to \$5,000 and that requests were limited to once every five years. He noted that the airshow was one of the City's few traditions. Rapson said that if the City was going to fund the public safety element of the airshow then it should be done one of two ways. The first way was to have the Police and Fire Departments adjust their budgets accordingly. Rapson continued that if it was cheaper for the airshow to provide public safety via a contract with the organization, then the Council could give the money to the Airport Authority and let them deal with it. McMenamin and Weed both felt that CAM 8-3 did not apply to this situation.

Murray explained that Fridays and Saturdays were the greatest workload for the Police. There had to be enough people to work the regular shifts, as well as to provide security for the planes and traffic control. The Fourth of July was the closest thing the City had to the airshow and it was completely sponsored by the City.

Brown asked Council to consider funding for this year, and then set up a dialogue with all the people associated with the event to come up with the optimal way to provide public safety services in future years. Tennant reiterated that, in the spirit of cooperation and in enticing a favorable atmosphere, the funds should be taken out of Council Contingency. Tennant said it was a fair, reasonable, and prudent use of City funds and Council should step up to the plate and do it.

McMenamin moved that Council enter into a contract for \$21,000 for airshow fire and safety security, and then sit down with the airshow committee to set up a plan that would benefit the City and the airshow board. Tennant seconded.

Wayne Roberts addressed Council and said they were talking about apples and oranges. He continued that the number of public safety personnel was something required by City staff for the event. Brown commented that the scope of the event required the additional public safety.

Carol Fritz also addressed Council and pointed out that the funds were not a donation, but a legitimate expense. She said the airshow did not have to do everything the City required.

Lindsey asked McMenamin and Tennant to amend the motion and add that the funds would come out of Council Contingency. McMenamin and Tennant agreed.

Nelmes told Council there was concern that the airshow was kept affordable for families and they did not want to bump up the ticket price. Rapson suggested changing the amount of funding to \$25,000. Cobb pointed out that the City contract called for \$21,000.

Brown called the question. The motion carried unanimously.

New Agenda Items**05-02-01 Consider Model Rocket Ordinance**

Assistant Chief Eiswerth told Council the Fire Department had received inquiries regarding about model rockets.

McMenamin told Eiswerth she liked the idea of talking with so many different groups before coming up with an ordinance.

Bill Lechner, owner of the Hobby Stop, addressed Council about the proposed ordinance and said the ordinance basically followed the guidelines established by the Model Rocketry Organization and he agreed with the requirements. However, Paragraph (g) restricted the locations to two fields used almost year round by the soccer program and another location that was close to an elementary school. The guidelines provided were for safety, but he had a problem with the government saying how people spent their leisure time. He felt Council was over governing by telling people where they could shoot the model rockets.

Brown asked Lechner if, in his opinion, it would be better to delete the section on locations. Lechner said people should use common sense when looking for a location to shoot the model rockets. People should not fly kites near power lines either. He did not feel Council should restrict the locations. Lechner added that he sold a large number of model rockets to Scout troops and churches. He felt common sense should prevail unless the locations selected became a problem. Weed commented that he did not want to legislate the entire world and asked Lechner if he felt the ordinance was necessary. Lechner answered no.

Tennant asked Basinger if there had been any problems with model rockets reported and Basinger answered no. Tennant added that he felt it was a restriction of civil liberties and the proposed ordinance was meddling too far into people's affairs. Tennant moved to let the proposed ordinance drop. Rapson seconded. The motion carried unanimously.

Weed commended the Fire Department on the work done on the proposed ordinance and said it was done the way legislation should be done.

05-02-02 WASA Bond Issue Report

Larry Turner, director of the Peachtree City Water and Sewerage Authority, addressed Council. Turner said WASA had been working on a plant expansion and upgrade for several years. They hoped to have the plans finished next week and to put up the public notice on the permits next week. The bonds had been sold to finance the work on Tuesday, April 30. Turner introduced Todd Barnes of A.G. Edwards, the investment banker for the bond. The bond issue would close on May 24.

Barnes informed Council that \$15,345,000 in bonds were issued and that participation was good. He continued there were more orders than bonds. The bonds were for 20 years with an overall rate of 4.74 percent. The rating agencies affirmed the City's bond ratings. Barnes gave each Council Member a transaction summary and said he would be back in two weeks with a report on the Airport bond.

Council/Staff Topics

Basinger told Council a workshop had been scheduled on Thursday, May 16, at 6 p.m. to discuss throwing candy at the July 4th parade.

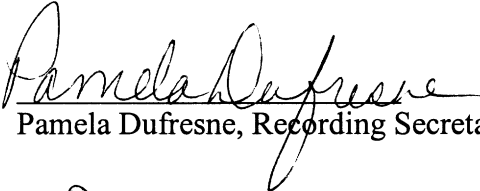
McMenamin commented that she had asked for an advisory opinion on discounts offered to City staff or Council by local businesses at the last meeting. Lindsey stated it was unethical, and said that if Council was interested in changing that Code of Ethics, then Council could do so. McMenamin asked if Council wanted to continue with it or was Council content with the Code of Ethics and the advisory. Brown said he would like the Ethics Board to discuss the matter.

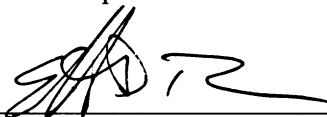
Weed noted that an easy way to respond to the question was "do not do it." He continued and asked why they would enter into a gray area when they could simply say no. Weed said it was too easy to cross that line and he was content with the policy. It was easier to say no, and he wanted the opinion expanded to include situations such as the Harley-Davidson motorcycle recently offered to firefighters and police officers.

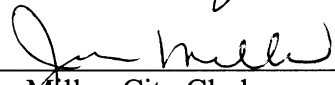
Brown said there were three real estate items for executive session. Brown moved to recess from the regular meeting and reconvene in executive session. McMenamin seconded. The motion carried unanimously.

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 10:00 p.m.


Pamela Dufresne, Recording Secretary


Stephen D. Brown, Mayor


Jane Miller, City Clerk