City Council of Peachtree City
Minutes of Meeting
April 17, 2008
7:00 p.m.

The City Council of Peachtree City met Thursday, April 17, 2008, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present: Steve Boone, Don Haddix, Cyndi Plunkett, and Doug Sturbaum.

Announcements, Awards, Special Recognitions

Mayor Logsdon recognized Gary Meyer of the Fire Department as the Employee of the Month. Maxine Barbour of the Fire Department was recognized as the Supervisor of the Quarter for the first quarter of 2008. The Kiwanis Club of Peachtree City presented the Police Department with a $4,000 check to purchase automated external defibrillators (AEDs) for the Citizen Emergency Response Team (CERT) trailers.

Agenda Item 04-08-06 Swearing in of Police Chief was moved to "Announcements," and Mayor Logsdon swore in H.C. "Skip" Clark as Police Chief.

Public Comment

There was none.

Agenda Changes

There were no agenda changes.

Minutes

Boone moved to approve the March 6, 2008, regular meeting minutes; the April 2, 2008, special called meeting minutes; and the April 3, 2008, regular meeting minutes as written. Haddix seconded. The motion carried unanimously.

Consent Agenda

There were no Consent Agenda items.

Old Agenda Items

03-08-03(c) Consider Non Profit Funding Request – Fayette Senior Services

Logsdon noted there was an additional document on the dais – the FY 2006-2007 tax return for Fayette Senior Services. Acting Administrative Services Director Betsy Tyler noted that Fayette Senior Services requested funds on an annual basis, usually for $7,500. This request was for the $7,500 and an additional $8,000 to cover increases in the cost of providing the Congregate/Home Delivered Meals program. Tyler said staff needed direction on how much funding to include in the FY 2009 budget. Revisions to CAR 8-3 Non-Profit Funding made at the April 3 meeting gave Council some latitude regarding emergency requests.

Plunkett asked Tyler if she would present all of the requests and let Council determine whether the request was an emergency or not. Tyler said she would do as directed by Council. Plunkett said that Council should provide more direction regarding the definition of an emergency. Logsdon said staff was obligated to pass requests on to Council, and Fayette Senior Services had made the request, which Tyler had presented to Council.

Fayette Senior Services Executive Director Debbie Britt said her agency was asking for funding assistance in exchange for services provided to residents of the City. The services covered basic needs for senior citizens at risk. The services included transportation, home-delivered meals, congregate meals, case management services, information and referral services, caregiver respite, kinship care, adult daycare, and in-home services. The organization provided services to 435 County residents age 60 and older, including 130 City residents. Costs for the services continued to rise. The 130 City residents received two or more of services provided. Britt asked for consideration in two areas where a shortfall had been identified – the home-delivered meals and congregate meals required by the Older Americans Act. Eighty-two City residents received home-delivered or congregate meals, an increase from 52 in 2007. Fayette Senior Services received federal, state, and local funding amounting to $216,725 for all its services. The total annual expense for congregate/home-delivered meals was approximately $245,000, and a shortfall of $29,000 was expected. Approximately 28% of the total shortfall, the additional $8,100 that was requested, would be the City's share. She said they were only asking for money for immediate needs. With the increase in the senior population, the needs would continue to increase in 2009. The program's allocation of federal and state funding was based on the 2000 census and would not be re-evaluated until 2012. The County had one of the fastest growing senior populations in the state. Britt continued that Fayette Senior Services looked to be self-sustaining.

Logsdon asked if Britt had numbers outside the City limits. Britt said they were also addressing the shortfall with the other municipalities and the County in proportion to the number of citizens served from those entities. Logsdon said he wanted to ensure the City was not double taxed on this since the City paid County taxes. Britt noted that the organization was not fully funded, and they felt it was equitable to identify and share the shortfall based on the number of citizens served by an entity. Plunkett said it was a County function to fund the organization. She did not want to end up in the same situation the City had faced with EMS in the past. Britt clarified that Fayette Senior Services was not a County agency, but a non-profit organization that served the County as required by the federal government. Plunkett said that the County was required to provide the services. Britt clarified that her organization was the only one in the state that served one specific County, which was a cost savings to the taxpayers. She reiterated that the City was not being asked to pay the entire shortfall, but its share for the City's residents that were served.

Haddix said he supported helping the elderly, but it made more sense to ask the County for the entire amount than to ask each separate entity. All homeowners in the County paid a County tax. Britt said the County did provide support well beyond the areas where there were shortfalls. Boone asked Britt if she had asked the County's civic clubs. Britt said she was new to Fayette Senior Services and had not built the relationships yet that her predecessor had. The organization did rely on charitable contributions, and she looked forward to forging relationships with community partners. The County simply had a fast-growing senior population, and they were trying to keep up with it.

Plunkett suggested that Council consider the additional funds for FY 2009, but said the City should talk to the County about how the funding could be done better. Britt said that it would be more efficient to have the funds come from one source, and she welcomed the opportunity to work more collectively.

Plunkett moved to allow, on a one-time basis pending funding for the City, staff to consider an additional $8,100 contribution to Fayette Senior Services. Boone seconded.

Haddix asked Britt if there was procedure to screen out those who abused the system. Britt said all the clients were assessed by case managers. Certain criteria had to be met, and the organization was tightly governed by the Atlanta Regional Commission (ARC).

Boone agreed that dialogue should be opened with the County regarding consolidating the effort. City Manager Bernard McMullen suggested that the discussion be put on the agenda for the next Association of Fayette County Governments meeting.

The motion carried unanimously.

03-08-03(d) Consider Non Profit Funding Request – Honor Flight
Tyler noted the Gail Sparrow was unable to attend the meeting, but Sparrow did understand staff's position on the request based on the anti-gratuities laws and City policy. While the cause was certainly worthy, staff did not recommend Council approve the request.

Plunkett moved to deny the funding under the provisions of CAR 8-3 to avoid any violation of anti-gratuity laws. Boone seconded. The motion carried unanimously.

03-08-07 Consider Rezoning, GC to LUC-21, Wisdom Road (Fairfield Inn)
McMullen noted that the applicant had requested this item be postponed until the May 15 meeting.

Boone moved to postpone the agenda item to May 15. Sturbaum seconded. The motion carried unanimously.

Logsdon noted that State Senator Ronnie Chance was at the meeting. Chance gave a brief update on the 2008 legislative session.

New Agenda Items
04-08-07 Public Hearing – Consider Variance to Rear Setback, 147 Long Leaf
Mike and Brooke Svoboda asked Council to approve their variance request for a 10.5-foot encroachment into the rear building setback in order to construct a 12-foot by 18-foot sunroom onto the rear of their home. Mrs. Svoboda said the house was on the market, and the biggest complaint was that it did not have a lot of usable square footage. The home backed up to the City greenbelt, and the sunroom would have a nice view and add value to the property. Their neighbors had written letters of approval that were included in the meeting packet.

The public hearing opened. Mary Seward, a real estate agent, noted that she had a client interested in the property, but the square footage was not adequate. The client was interested in having a sunroom.

Karla Grady White, the listing agent for the home, said the property had been on the market for one year and had not sold due to the square footage, according to the feedback. She said the sunroom addition would improve the competitive market analysis for all the homes in the neighborhood. White noted that the situation fit the special exception variance.

Phyllis Aguayo pointed out that developers convinced the City that the cluster subdivisions were good because people wanted smaller homes and lots. At the time, there had been a lot of debate. Now, the City was reaping the results. The variance requests were eating into the setbacks, greenbelts, and buffers. She empathized with the owners who wanted to build further back into the setback, but she urged Council to not consider such development in the future. She was concerned that approval of the variance would set a precedent that would make it difficult for Council to deny similar requests in the future and destroy the concept of the setbacks.

The public hearing closed.

Plunkett asked if any trees had to be removed to build the sunroom. Mrs. Svoboda said no trees would be removed, and the greenbelt behind the home was approximately one to one and one-half acres in size.

City Planner David Rast noted that the Center Green subdivision was more of a starter home subdivision when it was first built. The property was zoned GR-4, four lots per acre, and required a minimum building setback of 30 feet. The rear of the property abutted a City greenbelt. The foundation of the home was approximately one and one-half feet into the rear setback. The situation was similar to the variance granted on April 3 for 516 Clearwater Cove. The sunroom would be located off the existing living area and breakfast area. There was no other place on the structure to build an extension. The greenbelt was heavily wooded. The addition would be visible only by the homes on either side, and the property owner had letters from them in support of the request. There was not a homeowners association. Rast said the City would get more variance applications of this type, which would encourage people to move into the existing neighborhoods. Staff recommended approval.

Sturbaum asked if a patio or outside area was planned off the door. Mrs. Svoboda showed the door location on the diagram. Sturbaum asked if the area would be grass or brick pavers. Mrs. Svoboda said there would be some type of surface.

Boone said he did not have a problem with the variance. It was a great idea to revitalize the older homes as long as it was in compliance with the staff recommendations. Logsdon read the conditions in the staff memo.

Haddix said he would be more comfortable if there was no possibility of further intrusion of concrete pads into the setback. City Attorney Ted Meeker suggested a condition be added that stated, "no additional impervious surface beyond the foundation." Rast said that would be added to the conditions.

Sturbaum moved to approve the variance to the rear setback at 147 Long Leaf with the three conditions and with the additional condition as stated by the City Attorney. Haddix seconded. The motion carried unanimously.

04-08-08 Presentation of the 2007 Financial Statements

Miller Edwards of Mauldin & Jenkins, the City's audit firm, addressed Council. He noted that the City had a good fund balance, which had increased to approximately $10 million in the General Fund. There were approximately $26 million in General Fund revenues. The City had a very favorable budget process, especially with budget amendments. The budgeted to actual looked very good. The City budget was administered well, and that started at the top. The City was unique and had a very large General Fund for its size. There were not many special revenue funds, which was good. For a growing City that liked to re-invest in itself, the fund balance was where it should be. Edwards continued that the management discussion analysis and transmittal letter were written in laymen's terms and explained why things were the way they were. The City also received the certificate of achievement from the Government Finance Officers Association (GFOA) for several years. The City went beyond preparing the basic information and included trend information, demographics, economics, and the largest employer. The information was the key to understanding the community and its financial information.

Edwards continued that his firm tested the internal controls and looked at their design, which were very good. They found an audit adjustment. New standards were in place, and there was no choice but to make the adjustment a "find." An amount that Council had agreed to fund was not on the books. It had been included in the budget process, but not as a commitment or liability. Plunkett asked if that was the stormwater utility money. Edwards said it was. It was an isolated situation and was a unique situation. The audit got cleaner every year. Staff did a very good job. The City only had three audit adjustments, but most cities had hundreds. Management was aware of the adjustments and in agreement.

Logsdon asked what the standard was that classified the find as a material weakness. Edwards said auditors had to assess materiality, which included quantitative and qualitative elements. Typically for governments of the same size, they would look at the General Fund revenues and multiply them by a sliding scale percentage, which determined the materiality. In this case, the materiality was right at the threshold of the adjustment. A material weakness was a situation in which an error in the statement could have occurred that was material. There was also a new term called a "significant deficiency," which was considered approximately 20% of materiality. Anything below that, if the auditors did not think it was significant, was considered a management point. Edwards said they did not have any management points to offer because they had been met over the years.

Plunkett said she hoped the residents would have confidence in the Finance Department and thanked staff.

04-08-09 Consider Acceptance of Bridge Donation (Picnic Park to Drake Field)

City Engineer Dave Borkowski said that staff recommended that the City accept a $12,000 donation from TriPTC, Inc., for a foot bridge to span the small creek between Drake Field and

Picnic Park contingent on approval of the wetlands issues. Another $7,700 would be needed for the wetlands assessment and permitting from the Corps of Engineers. Borkowski stressed that the bridge construction was contingent on the floodplains and wetlands issue. He said they hoped to get a "no rise" evaluation, and that the issue was with the creek itself, not Lake Peachtree. The Army Corps of also needed to look at the area.

Plunkett thanked TriPTC, Inc., for the donation. Plunkett moved to accept the donation from TriPTC, Inc., contingent on the $7,700 for the wetlands fees. She asked staff to notify Council if the cost increased so adjustments could be made. McMullen said the funds should come from Council Contingency. Boone seconded. The motion carried unanimously.

04-08-10 Consider Accepting FEMA Grant Relative to Storm Water Alterations for Tinsley Mill Village

Borkowski noted that Tinsley Mill Village had experienced recurring flooding since the early 1970s. The City, County, and the Tinsley Mill Village Homeowners Association (TMHA) had worked on finding a solution for years. The homeowners hired a consultant to help with a grant from the Federal Emergency Management Agency (FEMA) and were awarded an $892,410 flood mitigation grant. An agreement between the City and TMHA was also included that allowed the City to accept the grant, pay all invoices, and submit reimbursement requests to FEMA and TMHA. FEMA would reimburse the City 75%, and TMHA would pay the remaining 25%.

Plunkett moved to accept the Tinsley Mill flood mitigation assistance program grant and authorize the Mayor to sign the agreement between the City and Tinsley Mill HOA and City Manager to sign the grantee-subgrantee agreement. Boone seconded. The motion carried unanimously.

04-08-11 Consider Approval of Task Order for Design and Permitting for Tinsley Mill

Borkowski asked Council to approve the task order from Integrated Science and Engineering (ISE) for the design and permitting of the flood control project in Tinsley Mill Village for an amount not to exceed $74,325.

Boone moved to approve the task order from ISE for design and permitting of the flood control project in Tinsley Mill for an amount not to exceed $74,325. Haddix seconded. Logsdon clarified that the money would be reimbursed from the grant. The motion carried unanimously.

04-08-12 Alcohol License – NEW – Piazza Fine Wines, Beer & Spirits

Tyler noted that there was a question as to whether the location of Piazza Fine Wines, Beer & Spirits met the required 500 yards from a nearby package store. The applicant had turned in a survey just prior to the meeting, and staff had not had time to review it in detail. Staff recommended approving the license contingent upon the survey showing compliance with the state requirements.

Boone moved to approve the alcohol license for Piazza Fine Wines, Beer & Spirits contingent upon the documentation provided to the City and state for the required 500-yard separation. Plunkett seconded. The motion carried unanimously.

04-08-13 Alcohol License – NEW – Sundried Tomato (The Fred)

Plunkett moved to approve the alcohol license for the Sundried Tomato to operate at The Fred. Haddix seconded. The motion carried unanimously.

04-08-14 Consider Intergovernmental Agreement for WASA – Re-use Water on Sports Fields

McMullen noted that the agreement had been discussed with Council previously. He explained that WASA would fund any infrastructure changes needed upfront. As the City used the water, WASA would be reimbursed. Logsdon noted it was the contractual agreement for what had been discussed and agreed to.

Haddix moved to approve the intergovernmental agreement between WASA and the City for the use of re-use water on the sports fields. Sturbaum seconded.

Boone noted that there had been concerns about the kids getting infections and viruses from the water. He understood that the water would be held in a detention pond and exposed to the sun long enough to kill the viruses. McMullen verified that the water would initially go to a holding pond at the Baseball Soccer Complex (BSC). He added that Leisure Services Director Randy Gaddo would work with WASA to look at any new technology that would address any residual viruses.

Plunkett suggested evaluating the use of the water in four months and reporting the results to Council. If there was a problem, then the City would stop using the water. Haddix added that WASA had assured Council that they would keep up with equipment and procedures. Plunkett said that there should be a more formal effort to let people know the results. McMullen said a notice could be placed in the **Update** at the end of the playing year. Haddix suggested quarterly updates.

Dennis Chase said he was familiar with the pond, and there was no evidence of five-day retention in the pond. The water would quickly contaminate the whole pond. He could not prove they would put virus-laden water on the field, but the City could prove it was not. He said using the water would put the City at risk. Logsdon said the issue had been debated, and he understood and respected what Chase had said. The issue had been researched, and re-use water was a common practice in many places. Chase reiterated that the decision put children at risk.

The motion carried unanimously.

04-08-15 Consider Contract – EMS Billing

McMullen noted that the agenda item needed to be continued to May 1 due to an issue that the City Attorney needed to review regarding the insurance documents.

Plunkett moved to postpone to the EMS billing until May 1. Boone seconded. The motion carried unanimously.

04-08-16 Consider Acceptance & Utilization Agreement for SR 54 Landscape Enhancements (Phase 4) TEA-21 Grant

Rast said the agreement was for Phase 4 of the SR 54 East landscaping grant that was awarded several years ago. The document was required to utilize the funds. The design was done in house, and the City had gotten all the approvals. The project was ready for bid, but could not be put out for bid until Governor Perdue lifted the restriction on releasing funds for landscape projects. Staff recommended the Mayor be authorized to sign the agreement so it could be forwarded to DOT.

Plunkett asked how long the agreement would be good for once it was signed. Rast said it was good forever. Plunkett asked if drought-resistant plants had been suggested. Rast said DOT had an approved list of plants for the right-of-ways. Rast and the Public Works landscape supervisor had a list of plants they wanted to see used in projects, and this project would use plants from that list.

Plunkett moved to authorize the Mayor to sign the acceptance and utilization agreement for SR 54 landscape enhancements (Phase 4) TEA-21 grant. Sturbaum seconded. The motion carried unanimously.

04-08-17 Consider Motorola Agreement for 911 Radio Reconfiguration

Plunkett said she had learned that there would be no cost to the City. Fire Chief Ed Eiswerth clarified that the agreement provided for replacing the City's older radios at no cost to the City. Meeker added that the replacement was due to an Federal Communications Commission (FCC) requirement.

Plunkett moved to accept the Motorola agreement for the 911 radio reconfiguration. Boone seconded. The motion carried unanimously.

04-08-18 Consider Insurance Broker Services Contract

Logsdon noted there was an additional item on the dais – a spreadsheet with the interview and cost scoring of the top four candidates. Tyler noted that staff had spent several months developing the Request for Proposal (RFP) and evaluating firms to act as the City's broker of record. The City currently had an insurance agent of record. Staff was looking for someone with the ability to provide a comprehensive evaluation of the City's insurance programs. Eleven proposals were received. Staff recommended Council approve McGriff, Seibels & Williams of Georgia for an amount not to exceed $47,500 per year, with three optional one-year renewals.

Plunkett asked if this was a new line item. Salvatore said it would be budgeted that same way as it was now. The City's current insurance agent worked on commission, and the cost was spread throughout the departments. Boone asked if the service would save money. Salvatore said the fees would be less than the commissions that were paid now. The service would also help the City get better discounts and wanted to start a wellness program to keep claims down.

Boone moved to approve the proposal for brokerage services from McGriff, Seibels & Williams of Georgia for an amount not to exceed $47,500 per year, with three optional one-year renewals. Plunkett seconded. The motion carried unanimously.

04-08-19 Consider FY 2008 Budget Adjustments

Salvatore noted that there was a significant shortfall in the Local Option Sales Tax (LOST), and the projected shortfall for the year was 11% or $850,000. There was not an immediate crisis for FY 2008. The overall shortfall was closer to $600,000 since the City was doing better in other revenue areas and with expenses. For FY 2009, the initial projection was that the City would receive $1 million less in LOST funds. Salvatore continued that they usually projected a four to five percent increase in LOST. The Fayette County Tax Commissioner had already put the word out that home assessment values would remain flat, so that projection had been cut by $150,000. Staff was being proactive. He expected the economic downturn to last a few years. Salvatore and McMullen had gotten the directors and chiefs together to look at their budgets. The adjustments ranged from computer supplies and equipment to cutbacks in education and training. The City's actuary said the retirement contribution could be cut back without hurting benefit payments or obligations. There were also savings in the debt service fund and in salaries.

Logsdon asked Salvatore to explain the savings on the pension contribution. Salvatore said that, in 2005, the City had a good year and had raised the funding level on the contributions. The investments had a good year, so a decision was made to keep the funding ahead. At the current funding level, the City was eligible for a full choice of investments. The City wanted to maintain that level and was well within the limits. This would be a one-time cut at the end of the fiscal year. It would not affect the City's ability to meet its pension obligations.

Logsdon expressed concern about cutting education for the Fire Department and EMS. Chief Eiswerth said the cuts would impact some, but the biggest cut was in the specialty training such as swift water rescue and dive water rescue. They also looked at other ways to cut expenses. He noted that one person would attend a conference instead of three. For one of the training courses, those attending would stay in a cabin owned by one of the firefighters instead of staying in a hotel, which would cut down on the costs. Officer training was cut, but would be done in-house.

Plunkett said she understood that some of the classes were not offered this year, so those could be moved to the next fiscal year. Eiswerth said they were ahead on some of the certification classes. They could live with what they were presenting. Senior staff had looked everything over.

Boone noted that, if the LOST increased, Council could look at additional budget amendments. McMullen said the directors and chiefs had recommended more cuts that what was recommended. There was still some flexibility in each department. Plunkett suggested leaving the pension cut off the table until September. It might not be necessary if things improved.

Haddix asked Eiswerth why there was a reduction in repair and maintenance. Eiswerth said the cut was based on the first six months maintenance record. The cut would not affect any critical equipment.

Sturbaum noted that they had previously discussed a list of critical items and a list of wants. He assumed that the cuts were the wants, not the more critical items. McMullen said that computer replacement had been on a three-year schedule in all the departments. Now they were looking at using the computer until it broke, then replacing it. The adjustment in Public Works was due to salaries and the conversion to contracts. There was now a six-month history, and they knew where cutbacks could be made. In some cases, the department heads were being creative in ways to save money. For FY 2009, staff would prioritize, especially with new programs, before bringing the budget to Council.

Plunkett moved to accept the FY 2008 budget amendments without the pension fund adjustment. Boone seconded. The motion carried unanimously.

Council/Staff Topics

Borkowski reported that the consultant had completed part of the right-of-way acquisition process that week for the CSX bridge/multi-use path, which meant the City could begin contacting the property owners within a week. The right-of-way acquisition would determine how long everything else took. The package needed go to DOT for permission to bid the project. The items left included utility coordination and a current environmental and historical documentation. The time limit had expired on the one that had already been submitted, so they would need to certify that nothing had changed. The right-of-way plans were approved; the construction cost estimate was done. Once DOT gave the notice to proceed, then the City would enter into a construction management contract with the DOT. There was not a time frame for completion, but it should be done in 2008.

Borkowski reported that the Huddleston Pond dam was done. They had to survey and certify that the dam was built according to the design, and the dock and path had to be finished. The work should be completed in a month depending on the weather. McMullen added that Gaddo was working with some people to improve the fish habitat, and he could also look at re-stocking the pond. Borkowski said some deciduous trees had been put in the lake to help with the fish habitat, and there had not been any fish kills.

Boone asked the status of the stormwater projects, specifically the 60-inch culvert on Flat Creek Road. Borkowski said the pipe-cleaning contract had been approved in January, and that culvert had not been cleaned yet. Boone noted that there was a smaller culvert in Interlochen that was completely blocked. Borkowski said they were not aware of that one and asked Boone to send him the location.

Sturbaum asked staff to find out how much it would cost to have an AED placed at Braelinn Field. League play was starting, and there should be an AED at the fields to meet league requirements. He noted that there was one at the BSC.

Plunkett moved to convene in executive session to discuss pending or threatened litigation. Boone seconded. The motion carried unanimously.

Plunkett moved to reconvene in regular session. Boone seconded. The motion carried unanimously.

Plunkett moved to reconvene in executive session to discuss pending or threatened litigation and a personnel matter. Boone seconded. The motion carried unanimously.

Sturbaum moved to reconvene into regular session at 9:30 p.m. Haddix seconded. The motion carried unanimously.

There being no further business to discuss, Sturbaum moved to adjourn the meeting. Boone seconded. The motion carried unanimously. The meeting adjourned at 9:30 p.m.

Pamela Dufresne
Pam Dufresne, Deputy City Clerk

Harold K Logsdon
Harold K. Logsdon, Mayor