City Council of Peachtree City
Minutes of Meeting
April 16, 2009
7:00 p.m.

Mayor Logsdon called the meeting to order at 7:00 p.m. Council Members present: Steve Boone, Don Haddix, Cyndi Plunkett, and Doug Sturbaum.

Announcements, Awards and Special Recognition

Mayor Logsdon read proclamations for Honor Flight Fayette Day (May 4) and Toastmasters Week (April 19-25) in Peachtree City. The Youth Council Serving Fayette County recognized Brooke Thompson as the Youth Volunteer of the Quarter and Debbie Lemay as the Adult Volunteer of the Quarter. Pam Dufresne of the Administrative Services Department was recognized as the Employee of the Month for March, and Police Sgt. Matt Myers was recognized as the Supervisor of the Quarter for the first quarter.

Logsdon announced that NCR had dedicated its new service support call center on Monday, April 13. On Wednesday, April 15, the City learned that Aventure Aviation had been named Georgia and Southeast Exporter of the Year by the U.S. Small Business Administration. Earlier in the day of the meeting, Alcan Packaging had been named Georgia Medium Manufacturer of the Year.

Public Comment

Gary Chapman, Kedron Hills, addressed Council. He said people were always stopping in the acceleration lane at Peachtree Parkway turning north onto State Road (SR) 74. He asked if a sign could be placed to remind people not to stop, which could cause a rear-end collision. He also said too many drivers drove in the left lane of SR 74 while driving below the speed limit and asked that the law be enforced.

Agenda Changes

There were no changes.

Minutes

Boone moved to approve the April 2, 2009, regular meeting minutes and the April 7, 2009, workshop minutes. Haddix seconded. The motion carried unanimously for April 2, 2009, regular meeting minutes and 3-0-2 (Boone, Plunkett) for April 7, 2009, workshop minutes.

Consent Agenda

1. **Consider Bid – Police Vehicle Aftermarket Accessories**
2. **Consider Bid – F-750 Dump Truck Cab & Chassis**
3. **Consider Ordinance Amendment – Waive Golf Cart Registration Requirements for July 4th**
4. **Consider Request to Surplus Goods**
5. **Consider Alcohol License – NEW – Kobe Japanese Steakhouse**
6. **Consider Alcohol License – NEW – The Fred Catering (Maguires)**
7. **Consider Budget Adjustments – FY 2009**

8. Consider Stormwater Maintenance Agreement – Trek Bike Center

Haddix moved to approve Consent Agenda items 1-8. Boone seconded. The motion carried unanimously.

Old Agenda Items

03-09-01 Public Hearing – Consider Rezoning 3.7.001 acres, GI to LUR, Southpark International Industrial Park

Plunkett moved to continue Agenda item 03-09-01 to May 7. Sturbaum seconded. The motion carried unanimously.

New Agenda Items

04-09-07 Public Hearing – Consider Sign Variance, Global Aviation (World Airways)

Jacob Wolfe of A Sign Group, Inc., the sign contractor for the applicant, addressed Council. He said Global Aviation Holdings was approved for two wall signs in 2001. They were not requesting increased signage, only to change to the new logo. They were requesting to replace the existing HLH sign on the right side of the building with the Global Aviation sign and retain equal visibility for both logos from the roadway.

Steve Forsyth of World Airways presented a letter from Robert R. Binns, CEO of World Airways, requesting Council approval in updating an already approved sign. A copy of the letter is included in the official meeting file. The original signs were approved when World Airways moved to the City in 2001, and the recent acquisitions and name changes made differentiating both distinct companies sharing the building important.

City Planner David Rast addressed Council, saying that the final site plan was approved in 2000, and the building was constructed and the sign permit application was approved on September 4, 2001. That permit identified two signs, one measuring 7.5 square feet. The sign ordinance of the time limited wall signs on office buildings to no more than one sign not to exceed 30 square feet. Rast said he could find no record of a variance or an administrative variance to allow the second wall sign, which meant the sign permit was approved in violation of the ordinance.

Rast continued that the current application was to replace both the World Airways sign at 26 square feet and the Global Aviation Holdings sign at 56 square feet. To allow this, Council would have to grant a variance to allow two wall signs and a variance to allow a wall sign to exceed 30 square feet. Staff's recommendation was that the variance be denied because the permit approved in 2001 was in error. The request to replace both signs with two signs violated the current ordinance and exceeded the current size limitations. Rast added that the City's sign ordinance was one of the things the City had strictly enforced over the years, and no variance to the ordinance had been granted. Rast said his concern was that, if this variance were to be granted, the City would receive similar requests from other multi-tenant office buildings.

Phyllis Aguayo said that the reason Peachtree City was such a special place was due to the ordinances, such as the sign ordinance, that had been in place and been enforced. She asked that Council not set a precedent, even though the City was glad to have Global Aviation. She also said she hoped the City would revisit the visibility of utilities on commercial buildings.

Hearing no further comment, Logsdon closed the public hearing.

Boone asked Rast why the City had not addressed the previous violation of the sign ordinance. Rast said that they had obtained approval for both signs, and staff had not followed up on it. Plunkett asked if they were putting up a sign the same size as the HLH sign, would the City allow it. City Attorney Ted Meeker noted that, legally, the second sign should come down. He continued that Georgia law provided that there was no vesting of rights for permits that had been granted in error.

Logsdon asked why the Global Aviation sign needed to be so large. Wolfe showed a visual example of the layouts and the visibility from the road.

Boone noted that the same issue came up when Delta Community Credit Union had changed their logo, and they had to reduce the sign to the legal size. Plunkett noted that, even if the Global sign were to be reduced to 30 feet, the second sign itself was not legal. Haddix asked if any further research needed to be done regarding the erroneous permit and Global's legal position, and Meeker said no.

Haddix made a motion to deny the request from World Airways for a variance to the sign ordinance. Sturbaum seconded. The motion carried unanimously.

04-09-08 Annual Audit Presentation (FY 2007-2008) – Moore & Cubbedge

Tammy Galvis of Moore and Cubbedge, the City's auditing firm, presented the results of the City's annual audit. Galvis said this was the first year of the firm's auditing contract, and she commended the finance staff for the shape in which the records were kept. She indicated that one of the new procedures was a closer review of the internal controls, and they found no material weaknesses. She said she anticipated the City receiving the Certificate of Achievement in Financial Reporting again this year.

Donald McGrath of Moore and Cubbedge then reviewed two new accounting standards required by Government Accounting Standards Board (GASB) 45. One of these related to accounting and financial reporting by employers for post-employment benefits other than pension (such as for public safety early retirees). These were benefits the City had obligated itself to pay. Previous standards had allowed a reporting of this cost in a "pay as you go" method. The new standard required an actuarial evaluation of the costs as employees were earning it, and accrual as it was earned rather than waiting until the employee retired to show the cost.

McGrath continued that there were also new risk assessment standards for auditors, requiring auditors to obtain an understanding of the entity's internal controls (checks and balances) and determine if the controls had been implemented. McGrath indicated that they had found no instances in which the City was not following its internal controls. He stressed that it was critical for those internal controls to be continuously reassessed.

No action by Council was required.

04-09-09 Consider Alcohol Ordinance Amendment – Hours of Sale

Public Information Officer/City Clerk Betsy Tyler addressed Council, noting that the proposed amendment was a response to a request made by the local establishments (bars, restaurants, and hotels) for an increase in the hours of sale on Saturday nights. Additional conditions had also been added that staff felt needed to be in place if Council approved the extended Saturday hours. Tyler continued that, currently, the bars were required to close at midnight on Saturdays, but there was no closing requirement for the other nights. The compromise for extending the hours on Saturday were to close at 2 a.m. each day and to require the installation of surveillance equipment at the main customer and employee entrances, as well as the main parking areas immediately adjacent to the establishment. Tyler continued that, if an establishment wanted to sell alcohol on Sundays between 12:30 p.m. and midnight, 50% of the revenue had to come from food (or rooms for hotels). The Sunday Sales requirements did not apply to the extended hours of sale on late Saturday/early Sunday morning. Staff recommended that, if the amendment was approved, a $500 fee be imposed for the late hours.

Jason Kruse, representing Y-Knot Sports Bar, recalled that when the City's smoking ordinance was passed several years ago, provisions were made to allow smoking in the bars so they would not lose customers to nearby entities that allowed inside smoking. There were no fees for that privilege. The bars already paid a $500 fee to serve on Sundays, which the owners of Y-Knot felt should include the early morning hours. Y-Knot also already had cameras at both entrances and throughout the facility. The parking lot on Northlake Drive was away from the front door. A camera on the front door would not show anything in the parking lot. He added that Y-Knot was not interested in staying open until 2 a.m., but they were interested in closing at 1 a.m.

Declan Roche of Tavern on 74 and Grinds and Wines said they were adamantly in favor of the proposed amendment and agreed with the hours for the rest of the week. He continued that the recession had affected business, as had the addition of Sunday Sales in Newnan and Fayetteville. Sales had dropped dramatically after 9 p.m. on Saturday nights. Everyone was going to Coweta County. They had found a lot of binge drinking began around 10 p.m. as customers drank hard and fast, then left to go elsewhere. They were in favor of the security requirements, and they were ready to upgrade their system. Their businesses employed 25 people and earned more than $1 million annually. The increase in hours would greatly affect the survival of their business.

Dave Sutherland of Big Daddy's Oyster Bar agreed that times were hard. He was celebrating his fourth anniversary and hoped to be around a lot longer. Saturday was the best leisure day of the week. Cutting off alcohol sales at midnight on Saturday was shutting business down at its peak. He had no problem with either the additional security cameras or the $500 fee.

Jamie Gagarin of The Red Room said the later Saturday hours in nearby cities were having a huge impact on Saturday nights. The request was revenue-generated, and it would be a win-win for the City and the establishments. There would be no additional expense to the City to extend the hours of sale.

Police Chief H.C. "Skip" Clark pointed out that there was currently no regulation on hours six nights of the week. He felt imposing a 2 a.m. closing time every night was a good trade-off.

Currently, customers could order as many drinks as they wanted before midnight. Staff would regulate the hours. The bar owners' responsibilities regarding over-serving would be the same. Hopefully the later hours would cut down on the binge drinking.

Logsdon clarified that the proposed amendment would require the bars to shut down at 2 a.m. every day. Tyler confirmed that, adding that nothing could go on between 2 a.m. and 7 a.m. any day of the week, including deliveries.

Plunkett said that Council could change the ordinance to require the bars to close at 2 a.m. every other night of the week except Saturday. They technically did not have to negotiate for two hours on Saturday. However, she pointed out the contradiction in the current ordinance that allowed people to drink all night on Friday, but made them stop at midnight on Saturday. Haddix agreed that the City did not need to give the owners anything for Saturday night for 2 a.m. the rest of the week. The real issue was Saturday night closing.

Boone said it would behoove the bar owners, no matter how late they were open, to get a cab or a designated driver for someone who was inebriated. It put people in more jeopardy when they drove to another county to drink later, then drove back into the City. Keeping them in the City was a better solution than having people drive 10-15 miles under the influence. He had no problem with extending the sale hours as long as the owners kept control. His concerns were undesirables coming in from other places.

Boone moved to approve the amendment to the alcoholic beverage ordinance for hours of sale. Tyler asked if the proposed fee was included. Boone said it was. The motion died from lack of a second.

04-09-10 Consider Solid Waste Ordinance Amendment and Non-Exclusive Franchise Agreement Format

Tyler said that, after opting to forego an exclusive franchise in 2008, Council had asked staff to look into incorporating some of the elements that had been proposed for the exclusive franchise into the City's solid waste ordinance. The proposed ordinance amendments and draft non-exclusive franchise agreement would ensure all private companies providing curbside service included recycling in the base cost of services. The proposed amendments to the ordinance would change the requirements for providing service from indemnifying the City to entering a non-exclusive franchise agreement, would mandate franchisees to offer single-stream curbside recycling as part of the base price of services, would require the franchisees offer curbside collection of yard debris (not part of the base price), and would impose a $1 per customer per calendar quarter franchise fee.

The proposed agreement allowed any franchisee to establish rates and levels of service, including any negotiated rates for exclusive neighborhood service, required that recycling be included in the base price for garbage collection, and required that yard waste collection be available at a rate to be determined by the franchisee. In addition, the proposed agreement would hold any franchisee responsible for customer service and customer satisfaction, would require a municipal contact separate from customer service for staff to contact in emergencies (evictions, Code

Enforcement issues, spills), would require notification to the City for discontinued service for non-payment, would establish insurance coverage requirements and recourse for damages, and would provide for termination if franchisee did not collect garbage or if the City opted for an exclusive franchise at a future date.

Tyler added that the haulers who participated in the exclusive franchise Request for Proposal (RFP) process had been included n the finalization of the ordinance and agreement wording.

Haddix said that two companies had rolled the recycling fee into their base fee. He did not want to see the curbside recycling requirement cause the companies to jack up their fees. Tyler said it was more costly to provide recycling for fewer people, which required putting the trucks on the streets for minimal results. Requiring that recycling be included allowed more to participate in the program. It would be mandatory for the companies to offer curbside recycling at no additional cost, but it would not be mandatory for customers to participate.

Plunkett said there was no reporting mechanism. She asked if the companies that signed the franchise agreement could be listed on the City website along with information on their rates. Tyler said there would be a form for the haulers to fill out asking for that information, and that could be posted. Plunkett said it would also let other haulers know if their rates were reasonable or not.

Plunkett said she saw no checks and balances for the use of the prospective franchise fees. Tyler said, if the ordinance amendments and agreement were approved, it would be 120 days before the ordinance became effective. Keep Peachtree City Beautiful (KPTCB) would not get any franchise fees until the contracts were in place. Plunkett said the citizens would not be happy with the City taking $40,000 without more explanation for its use. Logsdon agreed, adding that a plan needed to be in place before any money was collected, and there should be internal controls to ensure how the money was used. Sturbaum agreed.

Sturbaum noted Paragraph 3.3 of the franchise agreement, which stipulated that residents must put carts at the curb by 7 a.m., and asked if that time would be a problem. Some of the current providers required carts to be at the curb by 6 a.m. Tyler said that the proposed agreement had been sent out to all the providers, and although comments had been made about several sections, no one expressed concern about the times. Sturbaum asked that the City reiterate to the haulers that the time to have carts at the curb was 7 a.m.

Mary Ann Grove said that the article in the newspaper (***The Citizen***) had seemed to indicate that the City would be assigning garbage companies throughout the City. Council and staff clarified that was not the action being taken, only requiring any company wishing to provide service anywhere in the City to sign the franchise agreement. Residents would still have a choice in providers.

Brian Dingivan said his concern was about the $1 fee for KPTCB, especially for education purposes. He said there were environmental protection grants at the federal and state levels for up to $25,000 to cover recycling and litter education, and asked what other funding sources

KPTCB had researched. Plunkett noted that the City seldom qualified for grants due to the high income demographic of the community.

Jim Savage said how the franchise fee funds would be spent should be determined before it was collected. Tyler explained that the City would have an agreement with KPTCB on the services that would be provided for the funding. Savage said nothing should be done without a plan.

Al Yougel, the KPTCB executive director, said that he had no objection to having a budget. He went over a few items that would cost money. He said the average person in Georgia created 4.5 pounds of litter each day, more than half was recyclable. The City had to increase its recycling rate before the state or federal government required it. The state planned to start its recycling campaign on June 1. It could not be done with just the drop-off stations; there was never enough participation.

Sturbaum moved to approve the ordinance amendment and non-exclusive agreement format, with the amendment that the franchise fees to KPTCB be budgeted and be audited by the City Manager. Plunkett requested a friendly amendment to postpone the franchise fee portion of the ordinance until staff brought back the KPTCB budget and plan. Plunkett said the plan might call for $2 or 50 cents, but there needed to be an approved plan and budget before a fee was collected. Tyler said the ordinance amendments also included the $1 franchise fee. Plunkett said to approve the entire ordinance except for that one section. Sturbaum accepted the amendment. Haddix seconded. The motion carried unanimously.

04-09-11 Consider Ordinance Amendment – Article IV, Procedure for Plat Approvals and Construction Authorization for Subdivisions

Rast said staff had been updating the land development ordinances based on how business was conducted today to give staff and the applicant a clear understanding of what was required. The changes were not drastic. Plat approval dealt primarily with subdivisions, and it might be several years before the City would get any more residential development. The next step would be to update all the checklists for applicants so they would know exactly what the City was looking for.

Sturbaum clarified that approval of the amendment would streamline the process and help the applicants on the front end to save time and money for both parties. Boone added it put more rigors to the process.

Haddix noted that, per the ordinance, the City Planner received the applications and requests. The City did not currently have a City Planner. He asked what would happen with the process. Meeker said staff had discussed this and would ask Council to designate the Developmental Services Director as the City Planner at the next meeting. The Developmental Services Director/City Planner would be designated as such until further action by the Council.

Sturbaum moved to approve the ordinance amendment for Article IV, Procedure for Plat Approvals and Construction Authorization for Subdivisions. Plunkett seconded. The motion carried unanimously.

04-09-12 Consider Ordinance Amendment – Article V, Plat Specifications
Rast said the proposed amendment addressed the specific information required on the plats. The changes would clarify what staff was looking for when the documents were submitted. Staff had looked at plat notes and certificates applied to the final plats and had updated and amended many of them. The most significant changes included bringing to Council for approval any road, greenbelt, or easement dedicated to the City. Staff would be required to go out and inspect those properties and look for issues that might cause concern, then address the concerns or recommend that Council not accept the property. The Article IV amendment provided a timeline for new plat approval. Article V would also assist the City with the inventory of its property.

Phyllis Aguayo asked if there were any reduction of standards, and Rast indicated there were not.

Plunkett moved to approve the ordinance amendment, Article V, Plat Specifications. Boone seconded. The motion carried unanimously.

04-09-13 Consider Reclassification of Part-time Customer Service Representative II
Plunkett moved to approve the reclassification of the part-time customer service representative II (CSR II), the reclassification of staff assistant – Administrative Services to CSR II – Court Clerk, and there reassignment of existing part-time hours in the budget to part-time staff assistant – Administrative Services.). Sturbaum seconded. The motion carried unanimously.

04-09-14 Consider MOA with Fayette County for Future Conditions Floodplain Study
Sturbaum moved to approve the memorandum of agreement with Fayette County for a future conditions floodplain study. Haddix seconded. The motion carried unanimously.

Council/Staff Topics

Report on Out-of-County Trends for Instructional Classes
Leisure Services Director Randy Gaddo noted that on August 21, 2008, Council approved a reduction in out-of-County fees from 50% to 25% over the cost for County residents for a one-year trial basis. He said the change did not get implemented at that time. However, staff did look at the out-of-County (OOC) participation trends. (A copy of Gaddo's PowerPoint presentation is included in the official meeting file.) In 2007, the revenue from OOC participants was $13,362 compared to $169,821 from in-County participants. In 2008, the revenue from OOC was $12,482, while in-County revenue was $179,603. Gaddo continued that the City Manager also approved a staff recommendation for the City to absorb the internet charges for on-line registration that year, and the total for internet sales increased from $12,215 in 2007 to $96,264 in 2008. It was also the first year for on-line advance camp registration.

Gaddo said the question was whether the City wanted to boost revenue by offering an incentive for more OOC participation. The 50% increase in the fees was meant to limit OOC participation. The City allowed County residents one week for advance registration. He continued that it did not cost the City more to provide classes for OOC participants, and OOC registration would help to fill out some classes. Gaddo said that Art Sivertsen, the youth program coordinator, had informally polled a mothers group at a local church on whether they took classes in the City. The OOC mothers said proximity and cost prevented it, but they would drive further to attend classes in the City if the cost was reasonable. Gaddo said staff felt the 25% reduction should be implemented. They would continue to follow the trends and report to Council. If Council preferred, the reduction would begin immediately.

Sturbaum asked how the current economy was impacting the issue. Gaddo said that, in the past, the OOC fee was $5 to $10 over the cost for County residents. He felt that the 50% increase and the problems with the economy had caused the drop in participation. It had gone up over time but never to the previous levels, and began really dropping off when the economy got bad.

Plunkett asked if swimming classes were included. Gaddo said there was an OOC fee, but swimming lessons was done by USA Pools separately, with the City receiving a percentage.

Council directed staff to proceed.

Boone moved to convene in executive session to discuss threatened or pending litigation at 8:45 p.m. Sturbaum seconded. The motion carried unanimously.

Sturbaum moved to reconvene in regular session at 8:57 p.m. Boone seconded. The motion carried unanimously.

There being no further business to discuss, Sturbaum moved to adjourn the meeting. Haddix seconded. The motion carried unanimously. The meeting adjourned at 8:57 p.m.

Pam Dufresne
Pam Dufresne, Deputy City Clerk

Harold K Logsdon
Harold K. Logsdon, Mayor