

City Council of Peachtree City
Minutes of Meeting
April 7, 2011

The City Council of Peachtree City met Thursday, April 7, 2011, in the City Hall Council Chambers. Mayor Don Haddix called the meeting to order at 7:00 p.m. Council Members present: Vanessa Fleisch, Erik Imker, Kim Learnard, and Doug Sturbaum.

Announcements

Mayor Haddix introduced Jim Pennington, the new City Manager.

Minutes

Learnard moved to approve the March 3, 2011, special called meeting minutes as written and the March 17, 2011, regular meeting minutes with one change as noted on page 8. Fleisch seconded. The motion carried unanimously.

Consent Agenda

- 1. Consider Stormwater Drainage Easements**
- 2. Consider Right-of-Entry Agreement**
- 3. Consider Appointment to Development Authority – Dan Adams**

Haddix noted there was an additional document on the dais – the memo regarding the recommendation of Dan Adams.

Imker moved to remove Consent Agenda item 2 for more discussion. Learnard seconded. The motion carried unanimously.

Learnard moved to approve Consent Agenda items 1 and 3. Fleisch seconded. The motion carried unanimously.

2. Consider Right-of-Entry Agreement

Imker said the item dealt with a stormwater survey and other engineering issues in the Wal-mart area. He was confused by where the funds would come from and the amount, asking whether the bond amount of \$266,000 was for the entire project and if the costs for the survey were separate. He also asked whether the funds would come from the engineering budget or the stormwater budget.

Public Services Director/Stormwater Manager Mark Caspar said the engineering budget reference was an inadvertent mistake. The funds would come from the engineering part of the project's line item in the stormwater budget, and the work was part of the stormwater utility bond. Imker clarified that \$266,000 of the bond funds would cover all the work. Caspar said that was correct. The portion under discussion was just part of the preliminary work, which was the upfront survey. A hydraulic analysis and conceptual plan needed to be done. The project would be bid out after the final plan was completed, and Council would be asked to award the bid.

City Attorney Ted Meeker clarified that the Stormwater Utility's bond was for \$3 to \$4 million, but the project was included and proceeds from that bond were towards all phases of the project.

Imker moved to approve Consent Agenda item 2. Fleisch seconded. The motion carried 5-0.

New Agenda Items

04-11-01 Public Hearing – Consider Amendments to Outdoor Display Ordinance Regulating the Use of Walking Advertising

Community Development Director/City Planner David Rast said the proposed amendment was to Section 908.7 of the zoning ordinance, regulating the use of hand-held signs and costumes. Work had been done on the ordinance for some time. Council had requested the amendments in 2009. Staff worked with the City Attorney to come up with guidelines. They had researched the ordinances in other jurisdictions, and workshops had been held, as well as a public hearing before the Planning Commission. At first, an outright ban had been considered. After the workshops, the Planning Commission felt they should come up with a way to allow hand-held signage and walking advertising on a regulated basis, and the Commissioners had recommended that be done through the use of a temporary special events permit.

Rast continued the elements of a temporary special events permit would allow businesses to use this type of advertising several times a year, and the components of the permit would include an application (which would include a copy of the signage), approval of the property owner, a fee of \$25, limit on the sign size to six square feet total (would include language on where to hold, could draw attention to the particular property), location (could not stand within City, County or state-owned right-of-way and at least 25 feet from the edge of pavement), timeframe (permit valid for no more than five consecutive days with at least 30 consecutive days between permits, limited to four per calendar), number of permits (limited to one permit per individual), and non-profit organizations. Rast said the Planning Commission felt walking advertising should not be allowed for one group and not another, the restrictions would be the same for non-profit organizations. Rast said that, while Planning Commission recommended approval of ordinance regulating the signage, a proposed ordinance with language banning the signage had also been provided for Council's consideration.

The public hearing opened.

Debbie Sanders, owner of the Picnic Basket and Curves on Kelly Drive, said the signage meant the difference between her restaurant being open or not. She noted that many of the people who supported her were unable to attend the meeting since it was Spring Break. If the use of walking signs had been abused over the last two years, she would support restrictions, but there were really two businesses utilizing that type of advertising in the City, the We Buy Gold store and herself. The proposed regulated use would be the same as a ban for her since her property was located at Dividend Drive/Kelly Drive, and her advertiser stood on SR 74. Sanders said she had permission from another business for her advertiser to stand on their property, which has frontage on SR 74. It was the only way people knew where her business was located. Sanders said advertising in all the different venues in the City cost, at a minimum, approximately \$400 per month. That advertising also did not reach the majority of people who ate lunch in the City,

as they might live in Fayetteville, or Newnan. The walking sign on SR 74 was a reminder. She attributed 45% of her daily customers to seeing the sign on SR 74. She asked everyone who came in how they heard about the restaurant. Word of mouth was not enough. She had done her advertising in "The Savvy Shopper" and the others that were mailed to residents. Sanders referred to three other restaurants whose owners had come to the meetings in the beginning, noting they were all closed now. She said 18 months ago she had used a walking sign to advertise for Curves, and 30 new people came in the first week. Having the walking sign on Dividend or Kelly would not do much good either. Businesses should at least have the opportunity to promote themselves in a way that cut through the clutter of print advertising. She did not understand why Council did not support small business or free speech.

Lori Peters said she was not a business owner, but came to the meeting to support small businesses. The economy was different than it was when the City was conceived. Businesses today needed all the help they could get. Ninety percent of purchases were impulse purchases, and businesses relied on impulse purchases. The economy was in trouble, and no one was giving any assistance. Commercial rental rates were still exorbitant. She said everyone should work together to help the small businesses, which would provide sales tax revenue. The community should be reliant on one another instead of being so restrictive on how things looked. The money made by the people walking with the signs could mean food on their table.

Jim Savage noted that no one had spoken in support of the ordinance, asking where the need to regulate the walking signs came from. He said he did not find the Picnic Basket or the We Buy Gold signs offensive. It seemed Council was going down the same road as banning gas golf carts. They might be trying to pass an ordinance in search of a problem.

Mike Healy, owner of Mike & C's, said that, without visibility, he guaranteed the Picnic Basket would be closed in a year if the walking signs were taken away. The signage had proven to be a successful marketing medium. He suggested grandfathering the existing businesses in the City and taking it away from the future businesses. Healy asked Council not to change the game in the middle of the fourth quarter. The economy was not good, and gas was approaching the \$4 level again. Council needed to work with small businesses. Healy noted there was no mention of political candidates running for office, which had proven to be effective. If they took it away from the businesses, then it must be taken away from politicians as well. Healy noted that he could put up a banner at his business for seven days once a quarter, and there was a government agency located a mile from his business that had had a banner up for a long time.

The public hearing closed.

Haddix said he had been a small business owner for 20 years, and he understood their concerns. He had been a City resident for 24 years, understanding that one of the major forces that attracted people to the City was the sign ordinance. It was a dilemma. Animated/flashing signs were not allowed, nor were portable signs put in the right-of-way. Nothing was more animated than a human being waving a sign around. It was in direct conflict with the City's sign ordinance. He understood that a partial ban was a complete ban for Sanders' business. He had gotten a lot of complaints about signs, and most of the complaints were about Sanders' sign. Sanders asked

why the people who were opposed to the signs were not at the meeting. Haddix said he could not answer that, but there were more than two signs. A business from Tyrone had used the walking signs in the City. They could be like Fayetteville with balloons and little signs on the side of the road. He asked whether the City should back off of other portions of the sign ordinance. The point was what they wanted the City to be on the signage side, which had been a major plus for the City. He understood all the components on the business side, but the decision was whether Council wanted to back away from the principles that made Peachtree City great for 50 years on the signage side. The City had never allowed animated signage in the right-of-ways, and they had to decide whether to plug the loophole or walk away from the rest of the sign ordinance.

Learnard said her personal preference was an outright ban. There was a certain spirit in the City. Now there might be two to five businesses, but a year from now, there could be 10 times that many, so Council had to keep an eye on the future. She assured those attending the meeting that no one was taking the issue lightly, and staff, City Attorney, and Planning Commission had spent countless hours on the issue. She said she would support the compromise.

Fleisch asked Meeker what the difference was with politicians who stood on the roadside. Meeker said that, under state law, the City could not really touch political signs, with the exception of restricting them from the right-of-way. There had been an outright ban years ago that led to complaints from the real estate industry and being able to show where property was located. More protection was given to political speech than commercial, so it could open up for commercial without allowing the same or more for political speech. The General Assembly passed a law that handcuffed what cities could do on political signage. In terms of grandfathering, it could be problematic from a regulatory standpoint and could be difficult when trying to determine whether a citation could be issued or not.

Sturbaum asked Healy what building he was referring to when he mentioned the banner. Healy said it was the Water & Sewerage Authority building. Meeker said he was not aware of any exemption that would allow the banner to stay up, but he would discuss it with staff.

Imker said his mindset had been to go along with the Planning Commission's recommendation, but after listening to the discussion, there might be other alternatives. He said it should be easy to take care of someone from another city using walking signs in the City with an ordinance change that could be taken care of at another time. He said Council needed to make sure it was done right, so whether the decision was that night or later would not make much of a difference. He suggested taking extra time to poll the businesses to see how many would use walking signs, asking if the ordinance could cap the number allowed to use them at one time. Meeker said he did not think that could be done, but he wanted to confirm it. Imker said the staff in Community Development could survey the businesses to find out how many were intent on using walking signs. If there were 20 to 30 businesses that wanted to do it, then there would be a problem with the image that would be created. He wanted to support the businesses, asking the other Council Members if they would consider a 30- to 60-day delay. Learnard asked what would happen during that time. Imker said staff would poll the businesses, get the information back to Council, then address the issue at a future meeting.

Sturbaum said he had concerns about safety and aesthetics. He also had concerns about non-profits. Sturbaum said he was more than willing to give more time to look at the issue more in depth based on what they had heard from local businesses, and two to four weeks longer would not do any harm. Fleisch asked what made people think there would be a proliferation of the signs if there were only a handful of signs now, but it was the future that was her concern.

Haddix said that, from personal observation, he was seeing more of them in other cities. They had to get them off the rights-of-way, which pushed them onto personal property, which meant they needed permission from those property owners. Industrial companies would not give permission for that. There would be issues with enforcement. He would like to find a way around the limitation for non-profits, but there were people who would find a way around that. He still supported a total ban, but was willing to look at feasible ways to help non-profits.

Imker suggested postponing the decision until the first meeting in May to give staff time to poll the businesses and the City Attorney time to see if the number of signs and locations could be limited. Sturbaum said he also wanted information on the person with an extended reach and property ownership versus individual tenants. Imker said there should also be something in the ordinance allowing only businesses located in the City to use that type of advertising, as well as differentiating the non-profits without getting into legal trouble. Imker noted this was the first time he had seen the ordinance as part of the voting body, and he was not in a hurry to see someone go out of business because of a rash decision. Imker said there was some confusion about businesses from other cities using hand-held signage in the City. Haddix said that was addressed in the ordinance. Rast said that, in the proposed ordinance, the use of hand-held signs would be limited to the property where the business being advertised was located. Imker said there were still several items for staff to look at.

Pennington said this was not new, and many cities had already dealt with the issues. There were model ordinances out there, and the proposed ordinance was somewhat of compromise. Others handled non-profits differently. Surveys were not always successful tools. Most of this issue had been generated by citizen complaints, which would not go away until there was something on the books. There was no problem putting off Council's decision. There might be loopholes to plug or unplug. He said staff should be able to come back with something in a few weeks. The issue was something that needed to come to a conclusion one way or the other. It was not the best economy, but the City and its appearance and quality of life had to be protected. Staff would look for alternatives, possibly doing a sample survey.

Haddix said the signs had to be gotten out of the rights-of-way, and non-profit organizations had to be addressed. Learnard said both those issues had been addressed in the recommended ordinance; her position had not changed. She was ready to vote on the compromise, which she felt was hard-earned and reasonable. If the majority wanted to give staff more time, she would support them. Pennington said the proposed ordinance mirrored at least three other cities he had worked in. Learnard said the walking signs were a trend that would continue and proliferate, adding that restrictions were needed.

Rast said Economic Development Coordinator Joey Grisham was finalizing a survey to business owners that would go out soon, suggesting a question about walking signs be added to that survey. Learnard asked if the question would be whether the businesses currently or intended to use hand-held walking signs to advertise. Imker said that had been his intent. Rast said it would be to that effect. Imker said if they found 30 businesses were considering the signage, then his decision would be made.

Fleisch said the fact that the proposed ordinance mirrored other cities was good. The compromise had been better than an outright ban. She did not like some of the walking signs, but it was a balance of the property and business owners. She was not sure what the survey would do. Her concern was that the survey would not make the proposed compromise any better. Meeker suggested that, since the survey would go out the next week, Council continue the item until the second meeting in May to allow time for the surveys to be returned.

Haddix asked if staff felt more guidance was needed. Meeker read the list of items – could the number of permits issued at one time be restricted, check with existing businesses on use of walking signs, would out-of-City businesses be allowed to advertise within the City. Sturbaum asked for information on location and property owners, on-premises versus off-premises.

Imker clarified he did support walking signs, but it was the first time he had been able to make a decision on the matter. He moved to readdress the issue on May 19. Sturbaum seconded. The motion carried unanimously.

04-11-02 Consider Bid – Sealing of City Hall

City Engineer Dave Borkowski said staff recommended awarding the bid for the recoating of City Hall to Engineered Restorations for an amount not to exceed \$54,476. He continued that the type of architectural block used in the building must be recoated every so many years to prevent moisture from intruding into the building. Engineered Restorations was the lowest most responsive bid. The company had been used before on other projects in the City. There was still a question as to whether the building would need to be primed first. If it did not, then \$43,794 would be the cost of the project. He added that \$76,489 had been budgeted for the project in the 2009 Bricks & Mortar loan.

Haddix asked how overdue the building was for the coating. Borkowski said he was unsure. The original coating had been good for five years, and he did not know when that was put on. The product that would be used this time was better, with a 10-year warranty.

Fleisch asked when the Library was due to be sealed. Leisure Services Director Randy Gaddo said it would be included in the FY 2012 budget requests. Fleisch asked if it should be considered at this time if there was a price break. Financial Services Director Paul Salvatore said the vendor had been asked if there would be a price break for both buildings, and the vendor had said there was not. The only cost that might be avoided was the mobilization cost, which was a minor charge. Salvatore believed the last time the sealing had been done was in 2005. Prior to that, there had been a lot of damage, adding that all the walls in Council Chambers had to be replaced due to mold.

Sturbaum moved to approve the bid from Engineered Restorations in the amount not to exceed \$54,476. Fleisch seconded. Imker noted there would be \$22,000 left, asking if there was an estimate on the cost for sealing the Library at the same time. Salvatore said the Library had twice as much surface area as City Hall, so the estimate was approximately \$100,000. The motion carried unanimously.

**04-11-03 Consider Entering into Memorandum of Agreement for GATEway Grant
Landscape Project for SR 74 South**

Rast said the Memorandum of Agreement (MOA) was for the Georgia Transportation Enhancement (GATEway) grant for SR 74 South the City received a few years ago. The revised drawings had been sent to the Department of Transportation (DOT), and staff was waiting for the special encroachment permit to get the project out to bid. The MOA was part of the paperwork that had to be provided to the state. The MOA allows the City to expend funds for the project. Once the special encroachment permit was returned, the City would enter into a mowing and maintenance agreement as had been done for the other state highways, which would be returned to DOT and attached to the MOA.

Sturbaum noted there was nothing in the agreement for Appendix A or B. Rast said they were both blank. Appendix A would be the special encroachment permit, and Appendix B would be the mowing and maintenance agreement.

Fleisch referred to the landscaping on SR 54, in front of Westminster Cemetery, adding that there seemed to be some issues with it. Rast said the one year inspection was scheduled the next week, and the plant materials were still under warranty. All material that had not survived should be replaced.

Learnard moved to authorize the Mayor to sign the MOA for the GATEway grant project and authorize staff to submit the information to the DOT. Sturbaum seconded. The motion carried unanimously.

Council/Staff Topics

Imker said he was concerned about the interest earned on the cash reserves, noting that less than \$50,000 would be earned this year on \$6 to \$8 million. He said a lot of that was due to the investment duration, which was one year. The amount could easily be doubled or tripled if the investment was for longer than one year. Imker referred to CAR 9-3, noting that the policy referred to one-year durations. He asked staff to come back with a recommendation to change the investment times, adding that not all of the funds would be invested for two years. The simple change could increase the interest earnings to \$150,000. Staff could continue to ladder the investments, which was a standard investment strategy. He asked that staff bring back a recommendation with the pros and cons.

Fleisch asked about the progress on the storm clean-up and information on the May 7 clean-up day. Caspar said if they knew severe weather was coming, they made sure they would be ready to go. There had been a lot of limbs down and cart path blockages. They were still working on the clean-up. Cart Path Clean-up Day was May 7. Fourteen zones around the City had been

identified. They wanted to get everyone involved, adding that anyone interested should call Public Works. It was the same day as the big clean-up day at the Recycling Center.

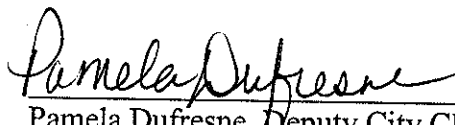
Jim Savage reported that he would serve as the interim airport manager at Atlanta Regional Airport – Falcon Field, and Bryan LeBreque, the alternate to the Peachtree City Airport Authority (PCAA), would serve as the airport director on a part-time basis while the PCAA searched for a new director. Savage apologized for the mix-up on April 6 for the Fallen Soldier event. He continued that, as late as Tuesday morning, the impression had been it would be a very low-key event, and it had turned into a big event that had grown rapidly. They had not properly advised the PCAA or Mayor and Council, ensuring Council things would be done better next time.

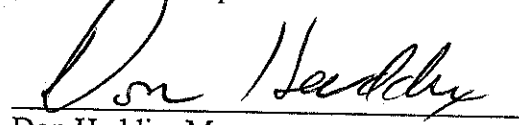
Sturbaum moved to reconvene in executive session for pending or threatened litigation at 8:17 p.m. Fleisch seconded. The motion carried unanimously.

Fleisch moved to reconvene in regular session at 9:00 p.m. Learnard seconded. The motion carried unanimously.

Fleisch moved to deny the claim of the Sullivan family as such claim was presented. Imker seconded. The motion carried 5-0.

There being no further business to discuss, Sturbaum moved to adjourn. Learnard seconded. The motion carried unanimously. The meeting adjourned at 9:02 p.m.


Pamela Dufresne, Deputy City Clerk


Don Haddix, Mayor