

City of Peachtree City
Minutes of Meeting
March 20, 2003
7:00 p.m.

The City Council of Peachtree City met Thursday, March 20, 2003, 7:05 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Annie McMenamin, Steve Rapson, Dan Tennant, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown read a proclamation of appreciation to State Senator Mitch Seabaugh for his efforts regarding traffic improvements in the City.

Approval of Minutes

Weed moved to table the March 6, 2003, regular meeting minutes. Rapson seconded. The motion carried unanimously.

Consent Agenda

- 1. Alcoholic Beverage License – Change in Location – Ribs Inc.**
- 2. Consider Amendments to Traffic Ordinance**
- 3. Consider Amendments to CAR 8-3**
- 4. Consider Amendments to CAR 3-8**
- 5. Consider MOST Resolution**
- 6. Consider Amendments to Ethics Ordinance**
- 7. Consider Bid for Backhoe**
- 8. Consider Changes to Land Development Ordinance – Street Signs, House Numbers**
- 9. Consider Budget Amendments**
- 10. Consider Sale of Surplus Vehicles at County Auction**
- 11. Consider Series 1993 A and B Bond Refinancing**

Brown noted that staff had asked to table Consent Agenda Item #2 until the next meeting.

Tennant asked the Mayor to explain how it was decided which items would go on the Consent Agenda. Brown said that generally the Consent Agenda was an efficient way to take care of things that were housekeeping issues. Items were also included on the Consent Agenda if it was felt there would be no objection from any Council Member. The items usually passed with a unanimous vote rather than having to take care of each one individually. Brown noted that Council Members could pull any item off the Consent Agenda if they wanted to discuss it.

McMenamin said she had discussed the matter with Administrative Services Director/City Clerk Jane Miller and Miller said items on the Consent Agenda should be housekeeping. McMenamin continued that Miller said most of the items had come out of Retreat. Staff felt there had been a consensus among Council on the items, although no action had been taken on the items at the Retreat. McMenamin asked for more in-depth

concern when placing items on the Consent Agenda. She added when the Consent Agenda was added the intent was not to get through the meeting more quickly.

Tennant agreed with McMenamin and said they needed to err on the side of caution when it came to public discussion on some items. Rapson said most of the items on the Consent Agenda were housekeeping issues or matters Council had already discussed. Rapson noted that the charter said that anyone, not just a Council Member, could pull an item off the Consent Agenda for discussion. McMenamin noted that when items were placed on the Consent Agenda the public got the impression that the matter had already been decided and they would not have an opportunity to speak.

McMenamin moved to remove items #3, #4, #5, and #6 from the Consent Agenda. Tennant seconded. Rapson felt if any member wanted to remove an item from the Consent Agenda then it was removed. He did not believe there should be a vote if a Council Member felt the item was important enough to be discussed. He directed City Attorney Ted Meeker to check into the matter. The motion carried unanimously.

Tennant moved to approve Consent Agenda items #1, #7, #8, #9, #10, and #11, including the additions and changes on the dais. McMenamin seconded. The motion carried unanimously.

3. Consider Amendments to CAR 8-3

(City Council Funding for Non-Profit Organizations in Fayette County)

Bonnie Campbell, director of the Fayette County Council on Domestic Violence, addressed Council. She handed the Council Members the 2002 year-end report and domestic violence reports from each of the County's law enforcement agencies. Campbell told Council the non-profit organization provided a real service to the City. She said she hoped Council continued to support those services since they provided a lot for the health and safety of the residents. She added that a majority of the reports came from Peachtree City. Campbell noted that only one out of 10 domestic violence incidents were reported to the police, according to FBI statistics. She said that a lot of the people seen by her organization had never called the police.

Campbell continued that the Fayette County Council on Domestic Violence assisted 416 people in 2002. About 28% of those who received assistance came from Peachtree City. Services included crisis counseling and management, and housing. Campbell continued that 49% of the women who attended the support group were from Peachtree City. The organization also provided prevention services and 63% of those who attended the presentations were Peachtree City residents.

Campbell continued that her organization had a good working relationship with Peachtree City's Police Department. Hopefully, her organization's assistance made the police officers' work safer. The police were required to give the organization's brochures out on every domestic violence call. Campbell added that the organization also helped men and hoped they served the needs of all the community, including the children.

Tennant asked Campbell how much her annual budget was and where the money came from. Campbell said the budget was \$141,000 and that Peachtree City had been very faithful with its contribution for 10 years. In addition to the \$6,000 given by Peachtree City each year, Fayette County gave \$10,000 annually. The Fayette Thrift Shop also provided money and Campbell said they had to hustle for the rest.

Brown asked if Peachtree City was the only city to provide funding and Campbell said yes. She continued that the County was in charge of the Crime Victims' fund and the organization also received \$10,000 annually from that fund.

Wallace Kite addressed Council on behalf of Fayette Senior Services. He explained that the organization was non-profit and 24% of the services, or \$120,000, which it had provided during the past year were for City residents. He continued that, to date, 36% of the home-based services were provided to City residents. Peachtree City gave the organization one percent of its funding.

Services provided include nutrition, case management, referral, in-home services, and the Friendship Center. Kite said they were raising all the money they could, but still had people on the waiting list and the list would get longer. The organization's programs allowed seniors to live independently in their homes as long as they could.

Bill Aleshire addressed Council and said he hoped Council would find another way to find money other than wiping out support for non-profit organizations. He added Peachtree City would suffer because the non-profit organizations would not be able to provide services.

Tennant said no one wanted to wipe out non-profit organizations. He said the reality was that the way the funds were disbursed was unfair.

McMenamin noted that the role of government was to provide for the health, safety, and welfare of its citizens. She said giving funds to the Fayette County Council on Domestic Violence was a clear matter of public safety. The organization protected people from criminal acts and the numbers continued to grow. McMenamin said the commitment by the previous Council to pay the rent for the safe house was very important. She continued that Fayette Senior Services was also a health and safety issue. McMenamin pointed out that in many cases the Fayette Senior Services workers were the only ones who checked on seniors on a daily basis. McMenamin said both organizations stood alone in the community and she would hate to see Council cut the budget for either one.

Tennant recalled that Council had been asked to fund a good cause recently and funded a portion of what the organization had asked for. He noted that until a few years ago any non-profit could request funding from Peachtree City. The previous Council decided it would budget \$25,000 for non-profit organizations and it would last until the money ran out. The money was given out on a first-come, first-served basis. Tennant said Peachtree

City was faced with a severe budget crisis and he asked to discuss at Retreat whether or not it was legitimate to fund these organizations.

Tennant continued that it was a two-pronged issue. He asked if it was the basic role of government to fund non-profit organizations and was it fair to do so on a first-come, first-served basis. He also questioned if they were spending tax money wisely. Tennant said there was only so much money Council could spend and Council had to make tough choices. He felt the process was flawed and that it was not fair to fund whoever jumped up first. Tennant said everyone contributed money on their own and that was how it should be done. He said he was not trying to pull the plug on good people, but to make it fair for everybody.

Tennant also expressed concern that there might be a double-taxation issue since Fayette County contributed to both organizations. He said the politics needed to be taken out. He did not believe government should give money to non-profit organizations. Tennant reiterated that the process was flawed and to continue to give money to non-profit organizations was difficult in the current economic times. He said politics was the art of compromise and it was incumbent upon Council to make sure everyone understood the consequences.

Rapson agreed with McMenamin and said there was a distinction between basic needs and general needs. He felt it was ultimately the responsibility of the County, but also fell on City residents. Rapson said he had no problem with giving money to non-profit organizations as long as the services to be provided were put in a legal document and the amount of money given was based on the number of City residents who were served. He stressed there needed to be a contractual document and limited exposure to Peachtree City. He said the donations could be made perpetual so Council did not have to address them every year. Rapson suggested grandfathering Fayette Senior Services and the Fayette County Council on Domestic Violence for one year. He said that protected Peachtree City because they were paying for services that benefited City residents, while allowing the two organizations to prepare within their budgeting process for next year.

Weed said he did not consider the contributions to be handouts. He considered them to be payments for services rendered. The non-profit groups were vendors and should be treated as such because they were providing valuable services. He wanted the organizations to do the best job they could. There was a policy in writing that everyone had access to. The process was fair as long as everyone was treated the same in the bid process. Some vendors got the bid and others did not; that was life. Weed felt prorating the contributions based on Peachtree City residents served was a good compromise and cleaned up the policy.

Brown recalled that a citizen had come to Peachtree City and asked for money to re-sod an athletic field at the high school under the CAR. Brown noted that the Board of Education could generate its own funds and asked if Council should take on their budgetary requirements. Brown said Council was responsible for the health, safety, and

welfare of the citizens. A woman being beaten was considered a health and safety issue. A senior who could not prepare food or get out was a legitimate welfare issue. He had no problems as long as everyone in the jurisdiction paid their fair share. Brown said some things were very legitimate concerns, but Council needed to draw the line at organizations that could legitimately fund themselves.

Rapson said the Board of Commissioners might be a better position to fund basic needs, but everyone needed to take ownership. He went through the procedure used by schools that requested contributions for playground equipment. There were several requirements, including a dollar for dollar match and a limitation that they could only ask for the donation every five years.

Weed said the Board of Education could allow City residents to use their facilities after hours. He continued that was what Peachtree City got from the vendor – the facilities were available to Peachtree City after school. Peachtree City was paying for something, but was also getting something in return.

McMenamin said they were discussing basic needs versus general needs and her concern was with basic needs.

Tennant noted there were so many worthy organizations. He pointed out that the Fayette Youth Protection Home was strictly private. A 15 year-old child was as important as an 85 year-old, but the difference was the 15 year-old could not vote. He said that was why the process needed to be de-politicized.

Rapson moved to approve CAR 8-3 as written with the following change in the very last sentence following “basic needs,” add “upon written request by organization that would be subject to a prorated allocation as noted above.” Also, the two organizations that had historically been funded, the Fayette County Council on Domestic Violence (\$6,500 for this year) and Fayette Senior Services (\$7,500 for this year) would fall under this CAR beginning with the new budget year. Financial Services Director Paul Salvatore noted that the donations had already been given this year. Weed seconded.

McMenamin said it served no purpose to vote. She said she was not in favor because these were such basic needs. McMenamin continued that she would be glad to go to the other cities and that she hoped they would begin to provide their fair share. McMenamin said the number of City residents served needed to be included, especially the numbers that included those times that the Council on Domestic Violence intervened before the police were called.

Rapson agreed and said he would also be willing to talk to the other cities. If they put up their fair share, there would not be an issue. Rapson said he wanted staff to determine what was the best objective count to be used. The numbers could be revised each year and the prorated donation would reflect the changes. McMenamin added that if Fayette

Senior Services or the Fayette County Council on Domestic Violence had specific concerns during the year they could address Council about their concerns.

Tennant said he was grateful for the hard work and volunteerism in the County to help those who needed it. He still felt the process was flawed and fundamentally unfair.

Weed said it was not about charity, but product. If the vendor did not give Peachtree City the product it wanted, then Peachtree City would get another vendor.

Brown said he did not want anyone to misconstrue Tennant's concerns. He noted that he knew for a fact Tennant was a generous giver. Brown encouraged everyone to get involved and give to charitable organizations.

The motion carried 4-1 (Tennant).

4. Consider Amendments to CAR 3-8
(Computer Systems Use by City Employees and Elected Officials)

Tennant said he needed a clarification regarding a statement on Page 2, Section F. He read the following portion of the CAR: For the purposes of this CAR, any e-mail sent or received by any elected official shall be considered enduring and must be kept pursuant to the City's Records Retention policy. Tennant asked if that meant he could not delete any e-mail he sent or received. Meeker said that was correct for any e-mail sent on his City account. Meeker added that as he read the Open Records Act the e-mails were to be treated the same as letters.

Rapson said he also had concerns and was assured by the Interim City Manager Colin Halterman and Systems Administrator Matt Robinson that as long as e-mails sent to his personal account were routed through his City account then he did not have to print them out and save them.

Tennant clarified that the City electronically saved any e-mail sent to or from the City e-mail address somewhere. Weed asked about a City e-mail sent to his personal account. Meeker advised that any e-mail regarding City business should be sent to the Council Member's City e-mail address so it could be saved. Tennant said his City e-mail address was actually routed to his personal e-mail address. Robinson pointed out those e-mails hit the City first and they could be copied before they were routed to Tennant's personal account.

Robinson noted that upon approval of the CAR Council Members could just forward any e-mails to their City e-mail account and they would have it. He said the members could also send copies of any e-mails regarding City business to their City e-mail accounts and he would have it. Robinson noted that anything sent to the City accounts was not a problem, just the replies. He reiterated the changes to the CAR were to facilitate open records requests and records retention.

Weed asked if it would just be easier to have people send him actual letters or make phone calls. He noted the point of e-mail was to make government convenient for the people.

Tennant asked why the CAR had to be amended if the City already kept records of the e-mails. Rapson said there was a distinction in the CAR originally between transitional and enduring. Enduring meant something that set policy. Rapson said anything a Council Member said, whether joking or not, could be perceived as making policy whether it really was or not. Tennant felt the wording needed to be cleaned up since it was confusing.

Meeker said he had just received some proposed language from the Public Information Officer/Deputy City Clerk that needed to be added to the CAR to address these issues. He asked Council to table the CAR until that could be done. Meeker explained that he did not want to read the language and have Council consider it. He would rather they had it before them for consideration.

Weed said that under Title 50 of the Open Records Act anyone could ask for a tape. He asked what about messages left on his home voice mail. He asked if he could delete them from the tape or if he had to keep them. Meeker said it could be carried to an extreme. Meeker advised that in terms of written communication it was better to err on the side of caution.

Tennant moved to table the item until the next meeting at the City Attorney's request. Rapson seconded. The motion carried unanimously.

5. Consider MOST Resolution

Financial Services Director Paul Salvatore told Council that legislation had been introduced during this session of the General Assembly that would give citizens of cities the opportunity to vote to impose a one percent sales tax in their jurisdictions. The Georgia Municipal Association (GMA) was asking for support for the legislation.

Brown said the MOST (Municipal Option Sales Tax) would give a viable option to take care of some capital projects such as roads and bridges. It was a nice way to take care of the City's own business in its own municipality. He noted that the LOST (Local Option Sales Tax) and SPLOST (Special Local Option Sales Tax) were both controlled by the County. Brown continued that if the voters decided to do it, it would get done.

Tennant said he had spoken to Senator Seabaugh about the MOST and that Seabaugh was against it. He continued that a short-term tax invariably became long-term. He understood that the decision was in the hands of the people, but when times were bad the people were taxed more.

Brown noted that the MOST was a one-cent tax for a limited five-year period. He pointed out it would be a way to generate revenue for the Highway 74 widening without raising taxes or slashing the budget.

McMenamin said she also opposed the MOST. She felt it was just another layer of tax on the citizens. She said it was a shelf tax the City could pull down when it wanted to use it. Government would look forward to the money and would still expect it when the MOST was over.

Rapson said anything the citizens could decide was good. He said he was in favor of the citizens doing a self-imposed tax. Tennant said citizens could not vote to take a tax away. Rapson said that was called a HOST. Rapson continued the MOST was limited to five years and was just another option and the citizens would vote on how the capital funds were spent. Rapson added the House was trying to add language to the legislation that would allow the MOST to go away once the amount of money needed was raised.

Rapson moved to approve the MOST resolution and that the Mayor be authorized to sign the resolution. Weed seconded. McMenamin noted that a letter should go with the resolution that said the vote was not unanimous. The motion carried 3-2 (McMenamin, Tennant).

6. Consider Amendments to Ethics Ordinance

Tennant noted that the document before Council did not show the proposed changes to the ordinance. He pointed out that the online meeting packet also did not reflect the changes. Tennant said he wanted something that would show the citizens the changes. Tennant moved to table the ordinance until the next meeting so that the changes could be incorporated into the document. Rapson seconded.

Weed told Tennant that this was essentially a different document. The Ethics Committee had worked for three and one-half months with the approval of the City Attorney. Weed said basically the original ordinance in the codebook would be completely lined through and then there would be a separate ordinance.

Tennant said what he was interested in was something that gave the public the ability to see what had changed. He noted the document was 16 pages long and the public did not know what the changes were. Weed said the work could be done, but at the end of the day the original ordinance would be completely lined through. He said they would have a 60-page document with one of the ordinances essentially lined through.

Rapson said Tennant's concern was that the citizens had not had a change to look at the ordinance with the changes. Rapson said the citizens had the opportunity to look at the ordinance since it was part of the Retreat packet. The ordinance document before Council was also on the website.

The motion carried 3-2 (Rapson, Weed).

Weed beseeched the Ethics Committee to attend the next meeting so they could communicate all their hard work, which Weed said was apparently in vain. McMenamin disagreed and said she watched the committee struggle over the ordinance. She said she just had a couple of questions about the reasoning behind some of the changes and that was the reason she wanted to table the ordinance since the members said they were not prepared. Rapson asked McMenamin if she had her questions prepared so the committee members could have them. McMenamin said she had them marked and would get them to the committee.

New Agenda Items

03-03-03 Consider On-line Payment of Court Fees

Salvatore said Council had discussed in the past more ways to provide on-line services to citizens. Courtware Solutions, Inc. (CSI), the software company currently used by the City, developed a program that allowed for on-line payment of most citations. Salvatore said staff was looking for approval to offer the on-line service and to increase the technical fee from \$2 per ticket to \$5 per ticket to cover the cost.

Brown asked who else used the software. Robinson said there were several other users and they had been contacted recently. It was a very popular service.

Tennant moved to approve that Council authorize the service and to add a \$3 increase in the technology fee. Rapson seconded.

Robinson said they needed to get in touch with the software company and get set up. They additional fee would not be charged until the service was up and running. A resident asked if the fee would cover the credit card fee and Robinson said yes. Rapson clarified that the \$5 technical fee covered the cost of staff, equipment, and software.

The motion carried unanimously.

03-03-04 Consider Amendment to Section 2-9-2(8)

Salvatore noted that this was a housekeeping item and probably could have gone on the Consent Agenda. City Clerk Jane Miller picked up the problem when reviewing the Code of Ordinances. The amount of money that could be approved by the City Manager was different in this section than in the finance ordinance. Salvatore continued that with the amendment this ordinance would change anytime the finance ordinance was changed.

Rapson moved to approve the amendment to Section 2-9-2(8). Tennant seconded. The motion carried unanimously.

03-03-05 Consider Refund of Alcohol License Fees

Tennant said he had received a telephone call from John Proffitt, who was a campaign contributor, regarding Proffitt's difficult situation. Brown noted that Proffitt also contributed to his campaign. Weed said that Bob Stieber, who would also address

Council, was one of his supporters. Tennant requested Council consider reimbursing Proffitt \$3,700 for his alcoholic beverage license.

Proffitt told Council he opened his restaurant, Johnny Romano's, and it was very successful; however, his chef had a heart attack. He had to close the restaurant and was never able to use his alcoholic beverage license. Proffitt continued that now there were two permissible licenses for the same address since Council approved the change in address for Ribs Inc. With the duplication, the state had agreed to return his fee. Proffitt said that precedent indicated it was only fair for the City to do the same.

Deputy City Clerk Betsy Tyler went over a memo from the City Clerk that stated there were other businesses who paid fees and the businesses either had not opened or had closed after selling alcohol for only a few days. The businesses included Papaya Thai, Ashland Grille, and Peachtree Bottle Shop. She said staff did not recommend returning the license fee.

Rapson noted there had always been requests for refunds. He said the fee was a business expense. Rapson told Proffitt he was sympathetic, but business owners could not recoup the costs of advertising and renovation. It was just the expense of doing business. He understood that as a prudent businessperson Proffitt would not have spent the \$3,700 if he were not sure he would get it back.

Tennant pointed out that the chef had a heart attack. He asked the Council Members if it was not unreasonable and unfair to collect money from Mr. Proffitt if he could not benefit from the fee.

Rapson pointed out there were other businesses with similar circumstances and asked where Council should draw the line. He noted that Council often had to make judgment calls when making expenditures.

Stieber agreed that when a person went into business that person took chances. He continued that a license was not immediate and you had to pay before you could even start to play.

Rapson said he wanted to be fair and suggested tabling the matter and taking a look at it. McMenamin said Proffitt knew the City government and how to go through the process. She said this was a situation never encountered before and something that could be considered catastrophic. McMenamin said she did see a catastrophic situation and felt Proffitt should be repaid, but should be assessed some fee for staff time.

Tennant asked if it was fair to charge for a service never provided particularly in light of the circumstances. McMenamin said she was also in favor of tabling the matter. Rapson said Council needed to talk to staff. Brown said if the matter was tabled Council needed to think about where the line would be drawn.

Weed pointed out that an alcoholic beverage license was a privilege and that Council could turn down anybody because they wanted to, with good reason.

McMenamin moved to table the matter until the next meeting with input from Council, City Attorney, and staff. Tennant seconded. The motion carried unanimously.

Brown asked Proffitt to provide documentation that the state had refunded the fee he paid to the state. Proffitt agreed to provide the documentation.

Council/Staff Topics

Meeker reported to Council that he met with State Representatives Westmoreland and Lunsford and Development Authority Attorney Mark Oldenburg at the Capital on Wednesday, March 19, and that Council needed to schedule a special called meeting next week to discuss the Recreation and Entertainment Authority legislation. Meeker said that, based on the meeting with Lunsford and Westmoreland, there were some options. Meeker continued that he hoped to have the information from legislative counsel on Friday, March 21, so he could prepare for the special called meeting. After a short discussion, Council agreed to hold the special called meeting on Saturday, March 29, at 7:45 a.m. Meeker said he would e-mail the documents to Council once he had them finalized. Meeker said he had on item of pending/threatened litigation for executive session.

Brown noted a recent newspaper article regarding increased staffing and funding for the Fire Department. He said a lot of numbers were being thrown out that might not be accurate. Brown said it might need to be discussed at another meeting. Rapson suggested directing Salvatore to clarify the numbers.

Salvatore said he spoke with the Fire Chief and Interim City Manager. He continued that the article criticized the idea of using consultants. Salvatore said everyone was in agreement that a consultant was the way to go, including the Fire Chief. The Requests for Proposal (RFPs) had gone out. Salvatore explained that the funds came from the surplus sale of #8 (a fire engine that had been replaced) for \$85,000. All of that money was going back into the Fire Department and a budget amendment would be forthcoming. Salvatore noted there were figures in the article that showed there would be a net savings to homeowners if the Insurance Service Office (ISO) rating improved. According to the article, the homeowners' insurance rates would decrease more than taxes would increase. Salvatore said that might be true in some cases, but he added some insurance companies might not give any discount based on the ISO rating.

McMenamin felt Salvatore's comments were very valuable and should be made to the public. She agreed that the matter should go on an agenda.

Salvatore also clarified that the article said the Fire Department's request were denied. He pointed out the requests were not denied since no action was taken at retreat or since.

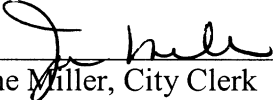
Rapson agreed with McMenamin and said he would like for staff to do an analysis because it looked like there was staffing involved in the article's analysis. He continued there would be other costs in addition to staffing, such as equipment costs. He directed Salvatore to get with Chief Lohr and come to a consensus. He agreed it was an appropriate agenda item.

Brown said it would also be good to find out what the acceptable level of protection was for the City. Salvatore said the proposal asked for recommendations to maintain an effective, efficient, and fiscally responsible operation. Rapson agreed that the study was long overdue and would help the Fire Department. Brown added that the study would also provide a rational scale to go on.

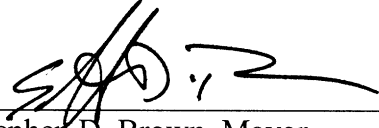
Brown moved to reconvene in executive session for a legal matter. Rapson seconded. The motion carried unanimously.

Tennant moved to reconvene in regular session. Rapson seconded. The motion carried unanimously.

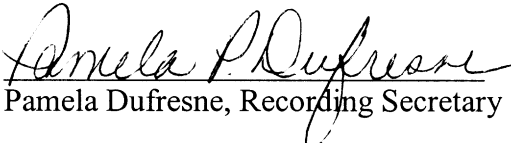
There being no further business to discuss, Tennant moved to adjourn the meeting. Rapson seconded. The motion carried unanimously. The meeting adjourned at 10:00 p.m.



Jane Miller, City Clerk



Stephen D. Brown, Mayor



Pamela Dufresne, Recording Secretary