

City Council of Peachtree City
Minutes of Meeting
February 16, 2006
7:00 p.m.

The City Council of Peachtree City met Thursday, February 16, 2006, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present were: Steve Boone, Stuart Kourajian, Cyndi Plunkett, and Judi Rutherford.

Announcements, Awards, Special Recognitions

Mayor Logsdon recognized Ursula Todd of the Building Department for 10 years of service.

Minutes

Rutherford moved to approve the January 25, 2006, workshop minutes as written. Boone seconded. The motion carried 4-0-1 (Kourajian).

Rutherford moved to approve the February 2, 2006, regular meeting minutes as written. Kourajian seconded. The motion carried unanimously.

Consent Agenda

1. **Alcohol License – Change in Ownership, Licensee, and License Representative – Hangar 74**
2. **Alcohol License – Change in Licensee (Yoon-Joo Kim Hartigan) and License Representative (Rory Don Evans) – Hartigan's Fine Wines, Spirits & Cigars**

Rutherford moved to approve the Consent Agenda. Kourajian seconded. The motion carried unanimously.

Old Agenda Items

09-05-09a Consider Amendment to Motorized Cart Ordinance (Registration)

Administrative Services Director/City Clerk Jane Miller said that, as staff began to implement the registration process, they realized that there was nothing specific in the ordinance regarding payment of the \$12 for decal replacement for out-of-city golf carts. The proposed amendment clarified the cost of for out-of-city golf carts.

Rutherford moved to approve the amendment to the motorized cart ordinance (registration). Kourajian seconded.

Kourajian asked how the City knew if the out-of-city owners had not paid. Miller said the owners were billed, and the payments were tracked. The owners were contacted twice by letter, then by phone. Those that still did not pay were told that the Police Department would be notified they were out of compliance. If the Police Department saw them, they could be cited for being out of compliance.

The motion carried unanimously.

Miller noted that when staff first presented the plan for re-registration, the schedule was to go by the golf cart number. After further discussion, the plan changed. The City would be divided into geographic zones and a letter would be sent to every address in the zone to ensure everyone was notified. There would be extra postage, but this should help locate residents with carts. The decals had been ordered. The process would start in March with out-of-city golf carts and businesses first. Rutherford said this should catch the golf carts that were not registered. Logsdon said there was the risk that people did not read mail addressed to "Occupant." Miller said there could be something on the envelope to indicate it was about golf carts. Kourajian asked if the apartment residents would also be notified. Miller said they were working on getting those addresses. The notices would not be sent to post office boxes, but to homes with a mailbox.

02-06-05 Consider Amendments to Stormwater Credit Manual

City Engineer Dave Borkowski pointed out that there were two additional documents on the dais – revisions to the cover page and the right-of-entry form. The revisions to the cover sheet included the addition of the date of original adoption and the revision date. The changes to the right-of-entry agreement clarified specifically what the agreement was for, which was for credit purposes. He added that the City Attorney had looked at the changes. Borkowski continued that other significant changes included adding a definition of best management practices. The amendments also clarified the deadline for turning in credits and refund policies in the "Basic Procedures" section. In addition, the single credit application was split to one for residential properties and one for non-residential properties. More eligible activities under the Watershed Stewardship Credit were added for residential parcels, and residents had the potential to earn up to 50% credit.

Kourajian asked what waterfront stewardship was. Borkowski explained that it included volunteering to clean up trash and debris through various programs such as Rivers Alive, Adopt-a-path, and Adopt-a-park. Eight hours were equal to 25% credit for one year. Logsdon said that adopting a mile would take more than eight hours a year. City Manager Bernard McMullen said that a minimum of eight hours was required for the credit. Borkowski said the Board of Education would earn credits system-wide, not just in the City. The curriculum would have to be approved by the stormwater manager. The educational credit would not exceed 50%. The right-of-entry form would be submitted with the application.

Rutherford asked if 50% was the maximum credit, or if a school received additional credit for detention ponds. Borkowski said the Board of Education had the potential to get more than 50% credit. If the curriculum was approved, the Board of Education received 50% credit, and then the individual schools could receive additional credit for ponds or water quality. Logsdon asked if the parents could receive any credit for any classes taught to their children. Borkowski said those credits applied only to the Board of Education.

Rutherford moved to approve the amendments to the Stormwater Credit Manual. Boone seconded.

Kourajian asked how people, especially the single-family homeowner, would find out about the credits. Borkowski said information would be included with the bills directing people to the website for credit information. McMullen added that a four-page mailer would also be sent out to everyone next week. Borkowski said that everyone who got a bill would receive the mailer.

Plunkett asked who would monitor the streams and paths. McMullen said Public Works would monitor the cart paths, and that Dennis Chase would monitor the streams. He continued that all the criteria had not been developed. There would be specific trash bags for Adopt-a-Cardpath and Adopt-a-Street. Residents could call when they had completed the work, and Public Works would verify completion when the bag was picked up. Rutherford said it was based on the current Adopt-a-Mile criteria. Kourajian clarified that the eight hours had to be completed before receiving credit. McMullen said yes. Rutherford said the schools could also send home flyers with students that had residential credit information.

The motion carried unanimously.

New Agenda Items

02-06-08 Public Hearing – Consider Variance Request – Lot 1, Country Downs Subdivision (101 Leisure Trail)

Felton Taylor asked Council to approve his request for a 25-foot variance to build a detached garage due east of his existing parking pad. He said he had 4.58 acres, and the variance would allow him to save greenspace and concrete. Taylor explained that if the variance were approved, he would be able to build the structure behind the existing pad. Without a variance, he would have to put the structure behind his house, which would require additional concrete and electrical wiring. Taylor said the curvature of Crabapple Lane caused some problems with placement of the structure and the setbacks on the property. The proposed location was more convenient and would be directly off the existing parking pad. The garage would provide adequate space for a third vehicle, as well as storage for a riding lawnmower and utility trailer.

Plunkett asked Taylor about the cost of the additional concrete to build the structure on a site in compliance with the setbacks. Taylor said there was a patio with a brick wall, and he would have to have adequate space to get around that. He did not have exact numbers. The land behind the parking pad was fairly flat. The area in the back yard was sloped, and the entire back yard would have to be re-landscaped.

Rutherford asked Taylor if he was the original owner of the house, and whether it was pre-built. Taylor said he was the original owner, and he had contracted the house construction.

No one spoke in favor of, or against, the variance.

City Planner David Rast told Council that the tract was at the corner of Crabapple Lane and Leisure Trail. The tract was zoned ER Estate Residential, and all the lots in the subdivision were four to five acres in size. The minimum front setback was 100 feet for ER zoning. This lot was multi-frontage so the front building setback applied to both streets. Rast gave an overview of the tract's topography. He said Taylor also had concerns about the back areas of his home opening

up onto the structure rather than the natural area on the property. Rast said staff did not recommend approval of the request. Staff tried not to recommend variances for structures in the setback unless there was a dire situation. There were other places on the tract for the structure, other than encroaching into the setback.

Rutherford noted there were criteria that Council had to meet. Rast noted that the criteria were included in his position paper as "Attachment D." He continued that there were three criteria Council had to consider for variances – whether or not the special circumstances contributing to the request were peculiar to the particular property involved, whether or not the situation in which the request was being made posed an unnecessary hardship for the applicant, and whether or not the request was due to an intentional act of the applicant to violate the requirements of the ordinance. Rast continued that staff looked at the situation and whether a precedent would be set, especially with variances in the front setback. It would open the door for other property owners who wanted to build a structure in the setback. Structures were not just buildings; they included gazebos, pergolas, and fences. Rast clarified that anything over 36 inches in height was a structure. Boone asked if such variances had been allowed in the past. Rast said not to his knowledge. There had been requests for fences and a pergola, but all had been denied. Rutherford added that in one case the pergola was up, and the owner had to take it down. Boone asked if the request qualified as a hardship. Rutherford said a hardship would be a requirement. The building was something Taylor would like to do. Rast said the financial impact was not a requirement. There were also other areas on the tract where the structure could go without encroaching into the setback.

Kourajian said the biggest thing for him was that approving the variance would set a precedent. There was not a lot of foliage this time of year, so people would be able to see the structure. It would be difficult to turn down similar requests. Kourajian said he did not want to turn down any opportunity to improve property, but he could not support the request.

Rutherford moved to deny the request for Lot 1, Country Downs subdivision. Kourajian seconded. The motion carried unanimously.

02-06-09 Public Hearing – Consider Amendments to the Sign Ordinance

City Attorney Ted Meeker told Council that staff been directed to do a comprehensive re-write of the ordinance last year. They had noticed areas that needed to be modified and tweaked, particularly from the enforcement standpoint. The proposed amendments made those modifications and also addressed the issue of signs in the right-of-way. Under the ordinance approved last year, signs were not allowed in the right-of-way. The amendments permitted signs in the right-of-way, while limiting the time and size of those signs.

Rutherford asked if yard sale and real estate signs would be permitted. Meeker said yes. Plunkett asked if the signs would be dated. Meeker said the signs would be dated and were allowed to be up for two weeks. If any sign was not dated or was outside of the two-week window, then Code Enforcement could take them. Rutherford asked if realtors would have to get new signs or if they could just change the date. Meeker said that there was no problem with the true real estate "for sale" signs that were placed in the yards. The real estate directional signs

would have to put up new signs every two weeks. Meeker said they could put on new stickers or re-date the signs every two weeks. Plunkett clarified there would be no charge except for buying the signs.

Logsdon said he had a series of questions. He referred to page 20, Section 66-17(a) – only one real estate sign per property was permitted. Logsdon said that homes on the golf courses usually had “for sale” signs in the front yard and in the back yard, along the golf course. He questioned whether that should be allowed. Meeker said that was not allowed under this regulation. Kourajian said that had never been allowed. Rast said that many times the signs were not actually on the homeowner’s property, but were located on the City greenbelt or on golf course property. Kourajian asked Logsdon if he wanted to make a special exception for homes on golf courses. Rutherford said that had always been a violation. Logsdon said he would rather allow two signs. Rutherford asked if he wanted to do that for everyone or just the residents with homes on golf courses. Logsdon said it should be allowed for everyone. Meeker said that was insignificant from a legal standpoint; it was up to Council. Kourajian said that would have the potential of doubling all the real estate signs. Meeker said people also had the right to have a temporary sign; however, temporary signs could not be commercial in nature. Logsdon said it happened all over town all the time, but was not a big deal. Kourajian noted that the ordinance had always only allowed one real estate sign. Logsdon said everyone was breaking the law. Rutherford said every house for sale in the City could have two signs.

Plunkett asked if the Board of Realtors had been notified of the public hearing. She noted they had attended previously. Rast said the Board of Realtors had not been specifically notified. They had talked to a number of realtors to let them know that the original guidelines had been re-inserted. Code Enforcement had also gathered up the signs in the right-of-way recently.

Plunkett asked if the changes for the yard sale and real estate direction signs opened the door for commercial advertising. Meeker said yes. He referred to page 24 of the ordinance, which allowed quasi-commercial and non-commercial signs as long as they complied with the size and color requirements. Meeker said they were trying to be fair to everyone. Rutherford said Council only wanted to allow the yard sale and real estate directional signs. Plunkett said that created a constitutional question because once the door opened for some, it had to open for all. Meeker said that was right from the non-commercial speech standpoint. From the commercial speech or quasi-commercial standpoint, it was not as significant. If commercial signs were allowed, they had to allow non-commercial signs. Rutherford asked what was considered non-commercial speech. Meeker said it was religious speech, political speech, or anything that did not advertise a product.

Plunkett asked if there was a limit to the number of signs. Meeker said there was no limit. Rutherford asked if they could make the ordinance specific to real estate and take the risk. Meeker said he did not recommend that Council do that. Rutherford asked if it was all or nothing. Meeker said that was correct. Plunkett noted that yard sale signs were basically up for 24 hours. Plunkett suggested making the ordinance really restrictive and allow the signs for 72 hours. She said that would put the onus on realtors, but they would still have their signs. Those who put up the other types of signs might not be as apt to change the signs so often. Meeker said

allowing commercial speech and not allowing non-commercial speech would not be good from a legal standpoint. Commercial speech could be discriminated against, but non-commercial speech could not be discriminated against. It was the purest form of expression under the U.S. Constitution.

Rutherford asked if the City could limit commercial speech. She wanted to be very specific and not interfere with non-commercial speech except for the size and color. Logsdon asked how many political signs were allowed during election season. Meeker said it was unlimited during the campaign season.

Rutherford asked if commercial window signs could be smaller and if the number could be limited. Rast said they had included language regarding window signs on page 18. The signs were allowed in General Commercial, Limited Commercial, and Limited Use Commercial zoning. The signs would all have to be of the vinyl adhesive variety, rather than paper signs. He continued that shoe polish on windows was also prohibited. Rutherford asked why six windows could display signs. Rast said that was from the previous ordinance. Rutherford asked if they could replace six with three windows. Kourajian suggested using size instead. Meeker asked if staff could look at that and bring it back to Council. Rutherford said that would be fine. She said she did not want to restrict anyone's speech, but window signs were visual pollution. Plunkett asked if the only other option was to allow no signs. Meeker said yes.

Meeker referred to page 24 regarding the duration of signs. He said the signs were good for 14 days, then they had to buy another sign. Rutherford said she did not want them to have to buy another sign. Meeker said the City had never sold real estate signs. Miller said the real estate directional signs were not available at City Hall. City Hall only had yard sale signs, and had discussed having blank card stock that was the right color and size for the other signs. Rutherford asked Miller if people would have to get a permit to put up those signs. Miller said, as she understood the ordinance, the sign had to come down at the end of 14 days. Rutherford said they should be able to change the date at the end of a 14-day period. Meeker said from a practical standpoint Code Enforcement would be looking at the dates. There had to be a certain amount of honesty from the people putting up the signs and from Code Enforcement. Rutherford said they should not have to go out and physically move the sign so it can remain up for another 14 days. Kourajian said the only solution was to change the date or change the sign.

Logsdon pointed out that yard sale signs could not go out until after 7 p.m., which was after dark during the winter. He suggested changing the time to 5 p.m. Meeker said staff had no problem with that suggestion. Most of the changes were on page 24. Meeker went through the suggested changes.

Logsdon, Kourajian, and Plunkett expressed concern about the time limit and whether there would be a limit to the number of times a sign could be up for 14 days. Changing the date on a sign made it a new sign. Meeker said that could be a problem, especially in the summer when the sun and rain would damage the sign. McMullen said that was the current situation. He continued that the objective was to make sure there were not signs posted that were no longer

valid for an extended period of time. Realtors would only go out and change signs every 14 days if the sign was valid.

Plunkett said the City would have the same issue with non-commercial signs. The sign could stay up for five years, or 50 years, as long as the date was changed every 14 days. Rutherford said that in order to get what Council wanted, the signs had to be changed every 14 days.

Rutherford asked what Council needed to change to ensure the commercial signs were only yard sale and real estate signs. Meeker said the motion would be to approve the sign ordinance as presented with the following changes – page 24, paragraph 4(d) change 7 p.m. to 5 p.m.; delete paragraph 6, which read “other commercial or quasi-commercial speech;” re-designate paragraph 7, non-commercial speech, as paragraph 6.

Rutherford moved to approve the sign ordinance as presented with the following changes – page 24, paragraph 4(d) change 7 p.m. to 5 p.m.; delete paragraph 6, which read “other commercial or quasi-commercial speech;” re-designate paragraph 7, non-commercial speech, as paragraph 6. Kourajian seconded.

Logsdon asked to amend the motion to allow two real estate signs as was being done today. Plunkett seconded the amendment. Plunkett asked if that could be restricted to those homeowners with public access to the back of their property. Meeker said that could exclude the golf courses since they were privately owned. Plunkett explained that people on the path system might want two signs. Meeker said the simplest way to do that would be to allow one sign in front and one sign in back. Kourajian said he did not like that. Logsdon said if the ordinance did not allow two signs, then he would insist that Code Enforcement pull the signs. He said the real estate people had been doing it for years. Kourajian said he did not see a reason to make it legal because people were doing it. Plunkett withdrew her second to the amendment. Boone seconded the amendment. The vote on the amendment on the motion failed 2-3 (Rutherford, Kourajian, Plunkett).

The vote on the original motion carried 4-1 (Logsdon).

02-06-10 Hear Comments on Alcohol Server Ordinance

Bob Stieber of Valentino's addressed Council. He said everyone had an agenda, and Council was responsible for balancing those agendas. Stieber said he understood Police Chief Jim Murray's position and wanted to present his position. The state of the hospitality industry had shifted from one extreme to the other. Before 9/11/2001, there was higher traffic in the businesses, there were more mom and pop businesses, and his business attracted the best employees available considering there was not a local college. Today, there was major restaurant growth in Fayetteville, Tyrone, and Coweta County. He noted there were only a handful of mom and pop restaurants. All the rumors of closings had come true. The number one issue for the industry was, and always had been, labor. He had learned what to look for and had made hiring adjustments. People who made mistakes could become good, hard-working employees. He did not trust everyone. The permit had been touted as a tool to screen potential employees. In order to apply for a permit, the worker had to have a job and a letter that

confirmed they had been hired. Some businesses had stopped selling alcohol because of the difficulty in getting the permits. Stieber asked why the Police Department had recently called and asked for a list of employees who served alcohol. His employees who served alcohol had permits.

Stieber continued that the information the Police Department received should be given to the employer, so the employer could make the decision on whether or not to hire an employee. The income the City had made from the permits should have already paid for the equipment. He said the fee should be lowered and made business specific. The Police Department also needed to lower expectations. The City was known for a "holier than thou" attitude, but that was not who the City was. People did not forgive others when they failed or erred, but Stieber said that was not how he felt. He continued that the City was infamous for luring sexual predators here online. He recommended mellowing the restriction to allow less than perfect people to serve alcohol. The police would know exactly where the people worked. If they broke the law, punish them. Allow the restaurant owners to make the decision. It was their responsibility to hire good people to help their business. Stieber said his business was at a crossroads. They had the opportunity to move to a bigger restaurant, which would require three times his current staff. He could barely keep the staff he had now. Big box restaurants in the City were closing because of the inability to maintain staff levels. There was a limited workforce. The young people left in the City were the ones that had been in trouble, were not going to school, and they were not allowed to work in the industry. Workers turned down in the City were able to get permits in Fayetteville and Coweta County.

Stieber said that his business had followed the law since it had been established. They were not looking for a business partner to tell them whom they could or could not hire. They had covered for the minors and the good employees who could not serve. It would not be as easy as the business grew. He asked Council to relax the law and allow them to operate efficiently. Stieber said he had a three-year employee. He knew the young man had been in trouble, and he did not take orders or deliver alcohol. The young man made a mistake. He was a good employee. His customers all supported the young man. He asked Chief Murray to reconsider and give the young man a permit. Stieber said the existing law could be improved for the better for the Police Department and the businesses. A small change would make a big difference in the industry.

Arnie Geiger told Council the ordinance was a travesty. It infringed on the individual rights of business owners and the person applying for a job. It was a hidden tax. Geiger continued that the ordinance had passed in May, but businesses did not know about it for months. It was a burden was on young people who wanted to work. He said he could not hire a part-time person and make them get a \$25 permit. As a businessperson, he knew whom he was hiring. He did not need the City as a business partner.

Angie Hiltzheimer of Big Daddy's said they had no problem with the permit. She continued that there should also be a required alcohol awareness program to go along with the permit. The applicants and the police could work together, and the program could be included in the cost of the license. The police would know the applicants had been trained in what they needed to know, and the employer would know his employees had been educated. Kourajian asked her if

she knew of such a program. Hiltzheimer said that the City of Atlanta had an online program with Georgia State University. Stieber said he knew of similar programs in Florida. Chief Murray said that the employer was responsible for ensuring his employees knew the law. The Police Department also offered to work with the businesses to provide training.

Melissa Walden and Katelyn Moran addressed Council. Both were employed by Beef O'Brady's and had worked there for several years. Walden said she had gotten into trouble for "Minor in Possession" and her job had been taken away. She continued that there were not a lot of jobs available, and now she had to work as a host, not a server. She said she had paid her fine, but was still being punished. Moran suggested that Council adopt a "grandfather" rule to allow those employed prior to the ordinance adoption to continue to work. She said all of their income was from serving tables. She understood that criminals could not work. She and Walden waited on tables during the day since most people did not order alcohol, but they could not work at night since they could not serve, which was when they made the most money.

Jim Royal of Partners II Pizza said the industry paid probably \$175,000 a year in license fees, plus three percent each month for liquor. The industry needed a voice. The industry had worked with the City on the smoking ordinance. He recommended that Council hold a workshop with industry representatives and the Police Department. Rutherford said there would be no vote taken at the meeting.

Logsdon said he had listened to the comments. No action would be taken at this meeting. He wanted to talk to staff and take the comments into consideration. Royal said money was the bottom line, and the permits generated a lot of money. Chief Murray said the permit cost, personnel-wise, was more than the \$25 fee that was charged.

Boone said Royal's proposal was valid. He agreed there should be a workshop for all the parties work together and come up with a solution. Logsdon said he wanted to talk to staff before the next meeting. Chief Murray said he had no problem sitting down with the license holders to discuss the issue. There were 85 liquor licenses, so it would be better to talk to representatives. He continued that the permit process had removed a lot of criminals from the industry. It was a good idea to sit down with a group of individuals from the industry.

Rutherford asked why the Police Department had asked for a list of employees. Chief Murray said the ordinance required every owner to give a list of employees to cross-reference with the permit holders. There were also people in the industry who were paid under the table.

Boone asked why people who had paid for their crime were still being penalized. Chief Murray said he could not discuss criminal records, but certain crimes had a five-year requirement and less serious violations had a two-year requirement. A "minor in possession" charge had a two-year period, while felony charges had a five-year period. Stieber said he was looking for more individuality.

Rutherford said the problem with regulations was that there had to be parameters. Chief Murray pointed out there was an appeal process. Kourajian said the process should be revisited. Chief

Murray said there were areas of the ordinance that needed tweaking. There were not any problems with underage sales anymore. They had worked together in the past. They could work together now to come up with an agreement everyone could work with. Walden said she had to wait two years because of a "minor in possession" charge. The court had considered her not guilty, but she was turned down for a permit. Kourajian clarified that the Mayor was going to work with staff to come up with a plan.

02-06-11 Consider request for Lake Kedron Community Association to Plant Trees on Georgian Park

Mark Norris, president of the Lake Kedron Community Association, told Council they had been working with staff to come up with a plan to mitigate the impact of the Target shopping center to the community. They wanted to plant a row of trees in the greenbelt on either side of Regents Park. They had received a bid for the trees and had located a line along the edge of the greenbelt that would improve the appearance as well as protect the community from light and noise.

Kourajian asked McMullen and Rast if staff had approved the plan. McMullen confirmed that they had.

Plunkett moved to approve to accept the trees. Kourajian seconded. The motion carried unanimously.

02-06-12 Consider Request from Scarbrough & Rolader, LLC, for Sewer Connection Approval

Bob Rolader addressed Council. He said the property was a 215-acre parcel north of Starr's Mill High School and contained the confluence of Camp Creek and Line Creek, which was a sensitive water system for the County. Fayette County had approved their plan for a conservation subdivision with 63 homes. The property had been soil tested and there were three options – a large number of alternate septic systems, a spray field that would cross Camp Creek to the area called "the mountain" on the east side of Camp Creek, or to connect to the force main sewer that ran up the south side of the property. A gravity sewer was located 474 feet to the northwest corner of the property. A lift station was located on the school property to the southeast. He continued that they had a written agreement with the Board of Education to tie in to the sewer if they built a cart path along the school driveway. The density of the subdivision would remain at 63 homes. State law required that developments tie into sewer if it is within 500 feet. They needed Council approval to tie in to the sewer to follow that law. Rolader continued that they met with WASA and the lift station had capacity for the 63 homes.

Rolader continued that there were smell problems with the sewer during the summer when school was out, and the 63 homes could help alleviate that problem. The request was not precedent setting. The Chimneys subdivision was already tied into the sewer system. It was environmentally smart. There would be 115 acres of greenspace. Rutherford asked where the homes would be. Rolader said the homes would be in the western portion of the tract on one-acre lots.

Kourajian said The Chimneys did not count since its connection to the sewer was part of the agreement to purchase the system. He asked if the sewer had gone outside the City. Rutherford said there were individual homes outside the City on the sewer system. Kourajian asked if there were any subdivisions outside the City served by the sewer system. Larry Turner, the WASA general manager, said Dogwood Church in Tyrone was also connected to the sewer, but there were no subdivisions. There was adequate capacity at the pump station and at the Rockaway Road treatment plant. Rolader noted that the homes would still be built if Council turned down the request. The question was whether to use alternate systems or a spray field that close to a water system. There were already homes in Jefferson Woods with failing systems. Kourajian expressed concern about the traffic on Redwine Road.

Rutherford moved to approve the request from Scarbrough and Rolader for sewer connection approval. Boone seconded. The motion carried unanimously.

02-06-13 Consider Approval of Letter to National Delegation Concerning Local Telecommunications and Cable Franchising

Meeker told Council the letter addressed current legislation in the United States Senate and was self-explanatory. The legislation would impact the City's ability to regulate its right-of-way and to regulate cable franchises in the City. The draft was prepared based on information from the Georgia Municipal Association (GMA) and other national organizations.

Rutherford moved to approve the letter to the national delegation concerning local telecommunications and cable franchising. Boone seconded. The motion carried unanimously.

02-06-14 Consider Resolution on State Legislation on Annexation and County Authority

Meeker said GMA also brought this to the City's attention. The legislation would give counties veto power over any annexations. There was currently a process in place for cities and counties to resolve any land dispute objections that were raised in the event the annexation resulted in a more intense land use. The current process was a compromise between GMA, the Association of County Commissioners of Georgia (ACCG), and the legislative delegations involved in the process. The proposed legislation would dramatically impact cities in terms of the ability to annex property.

Rutherford moved to approve the resolution on state legislation on annexation and county authority. Boone seconded. The motion carried unanimously.

02-06-15 Consider Award of Bid for HVAC Units at Kedron Fieldhouse

Leisure Services Director Randy Gaddo told Council that the two HVAC units in the back of the fieldhouse needed to be replaced. Bid packages were sent to 43 contractors, and 18 attended the pre-bid meeting. Nine submitted bids. Powers Heating & Air was the low bidder at \$41,000, which was \$1,000 more than budgeted. He said they should be able to absorb the additional \$1,000 through savings in the Kedron budget.

Rutherford moved to approve award the bid for the HVAC units at Kedron Fieldhouse to Powers Heating & Air for \$41,000 and that the extra \$1,000 be absorbed by the Kedron operating budget. Kourajian seconded. The motion carried unanimously.

02-06-16 Consider Approval of Stormwater Utility Budget

Financial Services Director Paul Salvatore said there were four specific items for approval – the budget, two job descriptions for the positions included in the FY 2006 budget, the General Fund budget reallocation to pay the City's own stormwater bill, and the billing methodology for handling invoices. The methodology included generating electronic bills in-house and having an outside vendor print and mail the bills. The items required Council action in order to move forward with implementation of the utility.

Rutherford asked how the billing would be handled. Salvatore said staff had selected a vendor that worked closely with the City's current software system, Incode, which was the most efficient, customer friendly, and cost effective method. Rutherford asked if additional software was needed. Salvatore said there was a software package that integrated with the General Ledger and Building software. It all interfaced.

Rutherford moved to approve the stormwater utility budget. Boone seconded. Rutherford clarified that, by approving the budget, the positions would also be approved. Plunkett clarified that Council would review the budget every year. Salvatore said Council was actually approving the FY 2006 column and that it was effective immediately. Rutherford amended her motion to approve the stormwater utility budget for FY 2006 effective immediately. Boone seconded the amended motion.

Kourajian questioned the increases in tier one and tier two. McMullen said the numbers reflected the increase in the number of residential units available. Boone asked if that covered the capital improvements. McMullen said yes.

The motion carried unanimously.

02-06-17 Consider Pursuit Cars and Required After-market Accessories

Assistant Finance Director Janet Camburn said staff recommended the purchase of 10 Crown Victoria vehicles from Allan Vigil Ford for \$326,590. The bid price included all of the after-market items except the 800 mhz radios. Staff recommended the purchase of ten 800 mhz radios with software and setup from Diversified Electronics for \$33,910.

Camburn said the City received three bids for the vehicles, and Allan Vigil submitted the lowest bid. The budget for the vehicles was \$330,000. The vehicles would be financed and the radios would be purchased with cash from the savings in the debt service fund that accrued from the delay in purchasing the vehicles. Rutherford asked if there had been a bid package for the radios. Camburn said the radios were sole source brand name to be compatible with the existing system used by the Police Department.

Kourajian asked what would happen with the old cars. Chief Murray said five of the cars would come off line because they had reached 100,000 miles and would go to other departments in the City that wanted them. Two were to be traded in for the new vehicles. Rutherford clarified that the cars were called pursuit cars because they were police vehicles, not because they were made to be high-speed pursuit vehicles. She asked if the radios would be compatible with state radios. Chief Murray said the state radios were part of the aftermarket package. The new radios met all the Homeland Security specifications. All the radios in the cars were six to seven years old, and as the radios were replaced they were transitioning to radios that met the Homeland Security requirements. Kourajian asked if Homeland Security had given a deadline to meet all the requirements. Chief Murray said they had not. Instead of trying to buy 40 cars at one time, he explained the Salvatore had come up with a plan to phase the cars in over four years.

Rutherford asked if the other cars would go to a website that sold government vehicles. Chief Murray said the City's cars had 100,000 miles of city driving on them when they came off line and were not worth enough to go to another police department. Logsdon said that govdeals.com had a lot of good deals and several area cities used it. Plunkett recommended that the City at least try the website and any proceeds could go towards the radios. She asked if the radios would be compatible with the GPS program that the IT department was working on. System Administrator Matt Robinson said it was an entirely different system and was designed for emergency services.

Rutherford moved to approve the bid package from Allan Vigil for \$326,590 and the Diversified Electronics radios for \$33,910, and that the cars coming off line that are not kept by the City be put on the govdeal.com website for disposal. Kourajian seconded.

Boone asked what would happen with the radios coming off line. Chief Murray explained that they were converted for use by Public Works or other departments.

The motion carried unanimously.

02-06-18 Consider Resolution Opposing Inverse Condemnation Legislation

Meeker told Council this was one of the scarier pieces of legislation he had seen in a while from a local government standpoint. The intent was to get compensation for property owners for setbacks and buffers required by ordinance. GMA was opposed to the legislation. Meeker said Council should be opposed from a fiscal standpoint, as well as a philosophical standpoint.

Plunkett moved to approve the resolution opposing the inverse condemnation legislation. Boone seconded. The motion carried unanimously.

Council/Staff Topics

Gaddo reported that a site had been selected for the tot lot playground that would be constructed with the funds given by Chadwick Homes. The playground would be built at Shakerag behind the gazebo in the wooded area. Some picnic tables were going to be placed there also.

Kourajian asked about the Center Green subdivision sign now that the sign ordinance had been approved. McMullen said that the purchase order was issued. The sign was ready and would be delivered next week.

Miller reported that that 83 residents had filled out the cards for the Senior Homestead Exemption. Forty were still waiting to return with income verification; the other 43 had qualified. Residents had until March 1 to apply for the exemption and until April 21 to bring in their income verification.

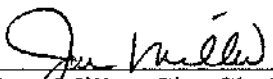
Kourajian noted that the sign was up at the Three Dollar Café.

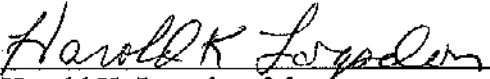
Rutherford asked if an agenda was available yet for Retreat. McMullen said he had sent it out a few weeks ago, but would send it again.

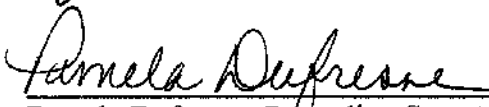
Rutherford moved to convene in executive session for threatened or pending litigation and a personnel matter. Kourajian seconded. The motion carried unanimously.

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

There being no further business to discuss, Kourajian moved to adjourn. Rutherford seconded the motion. Motion carried unanimously. The meeting adjourned at 9:37 p.m.


Jane Miller, City Clerk


Harold K. Logsdon, Mayor


Pamela Dufresne, Recording Secretary