City Council of Peachtree City
Meeting Minutes
February 4, 2016
7:00 p.m.

The Mayor and Council of Peachtree City met in regular session on Thursday, February 4, 2016. Mayor Vanessa Fleisch called the meeting to order at 7:00 p.m. Others attending: Terry Ernst, Mike King, Kim Learnard, and Phil Prebor.

Minutes

January 21, 2016, Regular Meeting Minutes

King moved to approve the January 21, 2016, regular meeting minutes as written. Ernst seconded. Motion carried unanimously.

Agenda Changes

Learnard moved to pull Consent Agenda item 4 off for discussion. Prebor seconded. Motion carried unanimously.

Consent Agenda

1. **Consider Appointment of Airport Authority Member(s) (PCAA) – Michael Mitchell, Gregory Garmon (Alternate)**
2. **Consider Appointment of Convention & Visitors Bureau (CVB) Member(s) – Scott Porter (Business), Rick Adlington (Hotel/Motel Alternate)**
3. **Consider Appointment of Recreation & Special Events Advisory Board Member(s) – Shayne Robinson, Chris Bains (Alternate)**
4. **Consider Appointment of Water & Sewerage Authority (WASA) Member(s) – John Dufresne, Frank Ward (Alternate)**
5. **Consider Budget Adjustment – History Timeline Donation**
6. **Consider Revised Fees – Planning, Engineering, Building, and Fire Marshal**
7. **Consider Ratification of Emergency Change Order – Spear Road Culvert Repairs (Unsuitable Soils)**
8. **Consider Stormwater Ordinance Amendment – Exemptions for Runways/Taxiways**

Ernst moved to approved Consent Agenda items 1, 2, 3, 5, 6, 7, and 8. King seconded. Motion carried unanimously.

4. **Consider Appointment of Water & Sewerage Authority (WASA) Member(s) – John Dufresne, Frank Ward (Alternate)**

Learnard asked Council to consider tabling this item until she could learn more about the candidates.

Ernst said he was on the selection committee for WASA, and he disagreed. Ernst moved to approve Consent Agenda item 4. King seconded. Motion carried 4-1 (Learnard).

King thanked everyone who applied for a position on the City boards, saying he sat in on two of the four selection committees. Not everyone could be approved and appointed, but the quality of the applicants said a lot about the City, and he appreciated citizens' willingness to get involved in City government.

Fleisch agreed, saying they had been asked to fill three-, four-, and five-year terms on the boards voluntarily, and Council appreciated their service.

Old Agenda Items

12-15-05 Consider Financing for Municipal Broadband Initiative or Alternate Service Option

City Manager Jon Rorie noted the agenda item said read "Consider Financing for Municipal Broadband Initiative or Alternate Service Option." The alternate service option was the big "or." The presentation would focus on the City building its own fiber network or looking at the alternate option. Most of his discussion would focus on the alternate option. Rorie said the Public Facilities Authority met prior to the Council meeting, and the financing for the municipal broadband project had been approved contingent on approval by City Council.

Rorie briefly went over the timeline for broadband, noting work had begun in February – March 2015. Staff had done a lot of due diligence on this project trying to determine the best option for the City. The City's particular data needs included GIS/mapping performance for Public Safety and Public Works sites, offsite video backup for the Police Department (not currently done), camera security systems for facility security that could be located at a central site, increased wireless bandwidth for facilities, ability to utilize higher bandwidth internet connections through City Hall internet (no bottlenecks for internet connection), reliable access at fire stations and maintenance facilities, and electronic plans submissions for the Building Department.

Rorie said the current internet speed was 100 Mpbs, with 100 MB between buildings. The FY 2016 budget plan included an upgrade to 250 Mpbs for internet at approximately $80,000 annually. The FY 2016 budget also planned for one-gigabyte bandwidth between buildings. The broadband proposal would have provided 1.5 Gbps for internet speed, with a 10-gigabyte bandwidth between buildings.

The options were to buy and pay higher costs for more capacity from fiber service providers or to build, which meant installing and operating a municipal fiber optic network, Rorie pointed out. There were pros and cons for both options.

Staff met with the private providers in the City and asked what the charge would be for 1.5 Gbps and 10 GBs between buildings. Some of the providers had amended their proposals, as well.

Rorie asked Allen Davis of Community Broadband to discuss how the City got to this point. Davis said the City had gone through the entire process for the municipal broadband option. Along the way, the City administration had asked what would happen if they went out to the private providers and got quotes for the same level of service the City's proposed fiber network would provide. Proposals had come back from four vendors (although one was not part of the discussion), all private providers, and all had been given the same exact specifications. The quotes had been returned with no capital investment on the City's part.

Davis provided the following information regarding costs:

Service Provider	Monthly Cost	Annual Cost
AT&T	$134,034	$1,702,012
Comcast	$37,737	$452,844
NuLink	$8,714 **($7,710 revised)**	$104,568 **($92,520 revised)**
PTC Government Network	$37,350 **($36,500)**	$448,198 **($437,000)**

Davis said AT&T was ready to move forward. Comcast had applied for permits to build fiber infrastructure to certain City facilities on the list, but had withdrawn the permit applications.

Rorie asked Davis about the quote from NuLink and why it was significantly lower than the other two providers. Davis said NuLink had a long-term presence as the City's internet provider. It was their option to do what was in their company's best interest. Rorie asked if NuLink's quote met all the bid specifications. Davis said it did. Rorie asked if it could lead to enhanced services for residents. Davis said it could, and very good options would be provided. This process had caused all the providers to increase their service and investment in the community.

King asked if the rate from NuLink would be good for five years. Davis said it would.

Rorie went over the pros and cons of the municipal broadband option, which would provide opportunities to improve the City's financial condition, promote economic development, reduce involuntary taxation, control fiber infrastructure, affect the contract with cell tower and micro sites (improved wireless), and provide additional choices for local businesses and schools.

The cons for municipal broadband included the assumption of all risks associated with operating a utility, development and maintenance of a customer base, maintenance of fiber infrastructure outside of buildings, addition of administrative costs such as accounting and human resources, requirement for a business operational plan and management, and an increase in City debt level.

The pros for NuLink included competitive and attractive pricing, same internet speeds as municipal broadband, same flexibility of bandwidth between facilities, no maintenance of fiber/equipment outside of buildings, no customer service responsibilities, no need for marketing efforts, elimination of any business risk of operating a utility, and facilitating the extension of fiber to residential neighborhoods.

The cons for the NuLink option included an ongoing expense of the City budget, no revenue to be realized (no General Fund subsidy possibility), could not be used for economic development incentives, no additional choices for local businesses or schools, no control over the fiber infrastructure in the City, and no ability to contract with cell tower or micro sites (improved wireless).

The NuLink contract option had an annual fiber lease cost of $92,820 and an annual debt service cost ($332,000 network equipment cost over five years) of $73,000, for a total annual cost of $165,820, and a one-time forfeit cost of $100,000 (bond attorneys, generating bid documents, etc.). The City would have to buy the pieces to support what was needed, which had been programmed into the municipal broadband option.

Municipal broadband would have $83,000 in annual operating expenses, annual debt service ($3.23 million project cost) over 10 years of $354,000, total annual expenses of $437,000, with annual revenue and net revenue/expenses to be determined.

Rorie continued that the terms of the NuLink proposal included a five-year fiber lease agreement; two contracts – one for fiber and one for internet services; declining termination fees for each of the first five years of the contract; and an annual cost of $70,320 for the fiber lease and $22,200 for internet services.

Rorie recommended Council approve the NuLink option. He asked Council to approve the Memorandum of Understanding (MOU) between the City and NuLink and authorize the City Manager to sign the agreement pending final review. If the terms changed, Rorie said staff would bring those changes to Council.

Ernst asked what the reliability factor was for NuLink. Rorie said there was no perfect provider. Ernst asked how long service was typically down. Davis said every provider had outages and problems. He had continually asked about the relationship between NuLink and the City. As a general statement, the responses about NuLink had been much more favorable than usual. Comcast and AT&T were huge companies with many priorities and no local presence of any significance. NuLink was Georgia-based, and the relationship with the City was a huge priority. Staff could reach out and touch NuLink and get a response. The specific requirements as far as network capability and operating service quality would be spelled out in great detail in the agreement.

Fleisch asked if additional locations were included in the quote. Davis said all City facilities would be served by dedicated fiber. Ernst said he wanted residents to understand the City would get a quality product from a supportive company. Davis said NuLink had been started by Newnan Utilities to serve that community, then sold. The current owners had continued to provide good community service.

Prebor said municipal broadband had been considered to improve economic development. He asked if NuLink would take the infrastructure down Dividend Drive so businesses would have access. Rorie said some businesses would take advantage, and some would not. The circumstances would be similar to those if the City built the service.

Ernst moved to approve the MOU between the City and NuLink, to continue working towards legally binding contracts for high-speed fiber lease and internet services, to authorize the City Manager or Mayor to sign the legally binding contract, pending final review and approval by staff, consultants, and the City Attorney, with the condition that if terms changed substantially from what was presented in the MOU, staff would bring the agreement back to Council, and to further move to continue consideration of the financing for the municipal broadband initiative. Learnard seconded. Motion carried unanimously.

<u>New Agenda Items</u>

02-16-01 Public Hearing – Consider Annual Re-adoption of Zoning Map & Ordinance

Planning & Development Director Mike Warrix addressed Council, saying annual re-adoption of the official zoning map and land use map and zoning ordinance was a housekeeping matter. It was fairly standard practice for cities and counties to annually re-adopt zoning maps to essentially provide some insurance that there was an official zoning map on file with the City and to help to eliminate any confusion when multiple maps could be floating around. The only changes to the map were those made by Council in 2015. Council was simply re-adopting the zoning map and zoning ordinance at this meeting, along with any changes made in 2015. The official maps would be filed with the City's Planning Department. The Planning Commission unanimously recommended approval at the January 11 meeting.

Fleisch opened the public hearing. No one spoke for or against the re-adoption. Fleisch closed the public hearing.

Learnard asked for an explanation regarding the proposed amendment to Article 4 Enactment Clause of the Zoning Ordinance. Warrix said it was a text amendment, which would be to address the adoption date of the official map.

Prebor moved to approve the re-adoption of the zoning and land use maps as presented. King seconded. Motion carried unanimously.

King moved to approve the re-adoption of the Zoning Ordinance as presented. Ernst seconded. Motion carried unanimously.

02-16-02 Consider Contract Approval for Municipal Broadband System Construction
Due to the approval of the bid from NuLink earlier in the meeting, King moved to continue the approval of the municipal broadband system construction indefinitely. Ernst seconded. Motion carried unanimously.

<u>Council/Staff Topics</u>
Ordinance Amendment & Action Preview

- **Ordinance Amendment – Board of Health Fees**

Public Information Officer/City Clerk Betsy Tyler said the Fayette County Board of Health had requested the amendment, noting the Board of Health was the primary enforcer for the City's health ordinance. The amendment moved enforcement of the regulations and policies to the local courts for action rather than the State Board of Health. It also allowed for a more timely collection of annual fees. The Fayette County Board of Commissioners unanimously approved the ordinance amendment on December 12, 2015. Adoption was required by each municipality. Tyler said the amendment would be on the February 18 agenda, and Robert Kurbes from the Board of Health would attend that meeting.

- **Ordinance Amendment – Qualifications of Police Officers**

The proposed ordinance amendment related to the City's administrative ordinance and the qualifications and requirements for police officers. The proposed amendment was to adopt state code for the requirements of police officers, which would allow for any future changes in the state law without local amendments.

- **Ordinance Amendment – Collaborative/Cooperative Purchasing**

Purchasing Officer Angela Egan said using the cooperatives was allowed by state law, and Meeker said Council approval was needed. The proposed amendment would retain the existing County-wide collaborative purchasing agreement, but would allow additional cooperative purchasing agreements. Egan said there were many purchasing cooperatives. She was a member of the National Institute for Government Procurement, which was in the process of getting accreditation for a cooperative. Egan said she planned to ensure due diligence was done to ensure the vendor, city, or board cooperative was consistent with what the City required and the bidding process was something the City could support. She would be able to get a copy of the bid and the results, as well as speak to the vendor. It would increase efficiency and administrative time without the cost of any money.

Rorie said there were glitches in the ordinances staff was cleaning up. In addition, staff was also looking at the City Administrative Regulations/City Administrative Manuals (CARs/CAMs), which were the City's internal policies. It was poor management not to look at the ordinances and policies, and many of them needed to be updated or deleted depending on technology or changes in state law.

Rorie continued that, in November, the city managers and the county administrator met to discuss infrastructure improvements needed in the County. The possibility of a Special Purpose Local Option Sales Tax (SPLOST) was discussed at the December workshop. If approved, a SPLOST could provide the City with $6 million per year, with the potential to receive $30 million from a five-year SPLOST. Rorie said he had identified $82 million in potential projects in the City. The list needed to be narrowed down and prioritized in accordance with the community's and Council's desires. In order to have a SPLOST placed on the November 2016 ballot, an intergovernmental agreement had to be developed regarding the distribution of the funds, which was a discussion best handled by the elected officials, Rorie said. He asked Council to consider establishing an infrastructure prioritization board to prioritize the $82 million list, and for the board to be composed of one to two Council Members and three to five citizens recommended/selected by Council.

Prebor said he liked that idea. King and Ernst said they were willing to serve on the board. Learnard said she would like time to talk to citizens before submitting any names. Prebor asked if there would be citizen workshops. Rorie said the proposed board would hold set meetings with published notices, and the meetings would be open to the public. King said a 1% sales tax would have to be approved by the citizens, and he encouraged getting them involved. It could be the opportunity to catch up on all the work that was not done during the recession.

Learnard asked for an update on Lake Peachtree. Rorie reported that the dredging was moving forward, weather permitting. Based on some information he had gotten earlier, Rorie calculated rainfall was 22 inches above average. There was approximately 8,000 cubic yards of silt remaining in the area around All Children's Playground. He noted some silt fencing that had to be removed was under water, and the haul roads still had to be removed. Staff had authorized the contractor to haul 24 hours a day/seven days a week once everything had dried out and they could work, and staff would notify the residents adjacent to All Children's Playground about it.

Executive Session

Meeker announced there would be no Executive Session.

There being no further business, Learnard moved adjourn the meeting at 7:59 p.m. Ernst seconded. Motion carried unanimously.

Pamela Dufresne

Pamela Dufresne, Deputy City Clerk

Vanessa Fleisch, Mayor