

City Council of Peachtree City
Minutes of Meeting
February 4, 2010
7:00 p.m.

The City Council of Peachtree City met Thursday, February 4, 2010, in the City Hall Council Chambers. Mayor Don Haddix called the meeting to order at 7:00 p.m. Council Members present: Vanessa Fleisch, Erik Imker, Kim Learnard, and Doug Sturbaum.

Announcements, Awards, Special Recognition

The graduates of the Junior Police Academy were recognized.

Citizen Comment

Imker addressed Council and commented on a budget meeting he held on January 30 with over 40 City residents. He highlighted budget concerns and a proposal for balancing the FY 2011 budget. He indicated there were many cost saving ideas that had been proposed. He wanted all citizens including City workers to participate in generating cost-saving ideas.

Agenda Changes

There were no changes to the agenda.

Minutes

January 21, 2010, Regular Meeting Minutes

January 21, 2010, Executive Session Minutes

Haddix noted there was an additional document on the dais – a change from Learnard on page 2 of the January 21, 2010, regular meeting minutes. Learnard moved to approve the January 21, 2010, regular meeting minutes with the change as noted. Sturbaum seconded. The motion carried 4-0-1 (Imker).

Learnard moved to approve the January 21, 2010, executive session minutes as written. Fleisch seconded. The motion carried 4-0-1 (Imker).

Monthly Reports

There were no comments.

Consent Agenda

1. Consider Sanitation Franchise – Integrated Recycling/Waste Solutions
2. Consider Budget Amendment – FY 2010
3. Consider Appointment to PCTA Board of Directors – Kim Westwood
4. Consider Appointment to DAPC – Donna O’Kelly

Sturbaum moved to approve the Consent Agenda. Fleisch seconded. The motion carried unanimously.

Old Agenda Items

There were no Old Agenda Items.

New Agenda Items

02-10-01 Consider Agreement with South Side Cycling Club

Leisure Services Director Randy Gaddo addressed Council. He explained that the South Side Cycling Club was a new club that formed to promote and advocate safety and road awareness for bicyclists and to encourage various types of cycling. The club was also a prerequisite for becoming a Bike Friendly Community, which was a goal the City had been working toward for some time. The club would sponsor various community-oriented activities, including rides on the City's golf cart paths, road rides, safety classes for children, bike maintenance classes, skill sessions, and others.

The agreement used the same format used by the youth associations and other special interest groups using City facilities. It had been reviewed by staff, the City Attorney, and the club board. The agreement was for one year and would be reviewed before renewal next January. The Recreation Commission approved the agreement on January 25, but they had concerns they would like to have addressed before renewing the agreement next year. One concern was that the agreement did not include a fenced account similar to the youth associations, where a minimum of \$5 per in-County resident and \$10 for out-of-County residents was charged at registration by the club and placed into a fenced account in the City budget that could only be used to improve the facilities they used or for operations and maintenance of the facilities. Because the club was new, the decision was made to leave the fenced account out for the first year to see how things went. The club was also asked not to hold any large events the first year without working closely with the City, and the club had agreed. The 2010 agreement specified one area, the 22-acre undeveloped tract adjacent to the Baseball Soccer Complex (BSC), that the club could improve to offer a higher level of riding. Plans were to improve and maintain an existing path in that area, with the Recreation Department assisting with signage and some site clearing.

Sturbaum asked if there were any construction concerns in that area. Gaddo said there were not. They planned to improve an existing path, and the improvements would not interfere with any activities at the BSC or any other construction going on in that area.

Learnard thanked Dan Christensen and the other club volunteers for meeting a need in the City and putting together a program for adults and kids.

Haddix asked for a motion, noting that he had requested that "should" be changed to "shall" in paragraph 10 for reporting any damages.

Sturbaum moved to approve the agreement with the South Side Cycling Club as amended and authorize the Mayor to sign. Learnard seconded. The motion carried unanimously.

02-10-02 Consider Agreements with Youth Associations

Gaddo asked Council to approve the agreements and authorize the Mayor to sign. He explained that the programs were all run by volunteer organizations, and the agreements were signed on an annual basis due to the turnover in the boards. There were four formats, all similar with slight variations for the facilities that were used. There was a general format for lacrosse, BMX, basketball, girls' softball, track, and football/cheerleading, as well as specific agreements for the three baseball associations, soccer, and hockey. The agreements had been reviewed by staff and

the City Attorney. If Council approved the agreements, they would be executed immediately by the associations.

City Attorney Ted Meeker said a change needed to be made to paragraph 15 regarding any damages noted. The word "should" needed to be changed to "shall." Meeker asked Gaddo if the groups were the same as last year. Gaddo said they would be individualized with the name of the each association at the top.

Sturbaum asked the City Attorney if there was any conflict for him since he was the president of the Little League organization. Meeker said there was not. It was the same contract with no special benefit given over another organization.

Learnard moved to approve the agreements with the youth associations with the change to the verbiage as noted and authorize the Mayor to sign. Sturbaum seconded. The motion carried unanimously.

02-10-03 Consider Amendment to Amphitheater Fee Schedule

Amphitheater Manager Nancy Price said that, at the January 21 meeting, Council had directed staff to propose a rental fee for use of the facility by all public and private Fayette County schools. Price said the proposal included two different price structures – \$150 fee for the facility for a school event and \$150 plus 20% of the net profit for a national act.

Sturbaum said that some schools used local churches for their events, asking if use of the Amphitheater might impact the schools' use of the churches. Price said the Amphitheater was a special venue that would not compete with the churches and would not be optimal in all cases.

Learnard clarified that the facility could be used by school groups, such as the band or chorus. Price said yes.

Fleisch moved to approve the Amphitheater fee schedule. Sturbaum seconded. The motion carried unanimously.

02-10-04 Discuss Code Enforcement Fee Schedule

Interim Community Development Director/City Planner David Rast said Council had asked staff to research other jurisdictions and he clarified that the discussion regarded the fine schedule for Code Enforcement violations. Rast said other jurisdictions had a fine schedule that allowed citizens the opportunity to pay the fine in advance rather than go to Municipal Court to wait for the judge to set the fine. Areas in the ordinance regarding the violations had also been identified for updates, and those changes would be on the February 18 or March 4 agenda. Staff would continue to look at the fine schedules in other Class B cities. If Council decided to move forward, staff would meet with the City Solicitor and the Municipal Court Judge to discuss the appropriate fines, and then bring those fines to Council for adoption.

Haddix and Sturbaum agreed that information should be gathered.

Learnard asked for examples of the violations. Rast said staff had looked at comparing the most common offenses that citations were issued for, including high grass, parking on lawns, swimming pool, and fence violations. Staff was looking at the historical information on the types of citations and the fines imposed and comparing that with what other cities had in place. A fine schedule would give residents the opportunity to pay the fine in advance and avoid going to Court, which was similar to the process for most traffic tickets.

Imker said this was definitely an approach the City should take. Rast added that areas in the ordinances had been identified that needed tweaking to allow Code Enforcement to do their jobs and resolve the issues, rather than letting them drag on for a long time. He hoped to bring something back at the March 4 meeting.

The Council consensus was to move forward. Fleisch asked if the changes would include items discussed at the February 2 workshop. Rast said it would.

02-10-05 Consider Tree Removal Permit Fee Schedule

Rast said that staff had also been asked to look charging fees for tree removal permits. Several years ago, the Vegetation Protection and Landscape Ordinance had been updated. The Planning Commission and a citizen committee had reviewed the ordinance and recommended changes. The committee had recommended charging for permits to remove trees on residential property, but Council had not approved that recommendation.

Rast noted that 930 residential permits were issued in FY 2009, and 5,151 trees had been removed. The permit fee potential for FY 2009 could have been \$23,250. (A copy of the PowerPoint presentation is included in the meeting file.) He also showed a map of where the trees were removed, showing where the permits had been issued. Rast continued that 549 permits were issued in FY 2004 with 4,724 trees removed and a permit fee potential of \$13,725. In FY 2005, 1,018 permits were issued, 6,583 trees were removed, with the permit fee potential of \$25,450. In FY 2006, 1,069 permits were issued, 7,202 trees were removed, and the permit fee potential was \$26,725. In FY 2007, 1,256 permits were issued, 7,834 trees were removed, and the permit fee potential was \$31,400. In FY 2008, 1,072 permits were issued, 6,330 trees were removed, and the permit fee potential was \$26,800. To date in FY 2010, 252 permits had been issued, 1,234 trees were removed, and the permit fee potential was \$6,300. The total number of permits issued from FY 2004 to date was 6,146 with 39,058 trees removed. The total permit fee potential over the six-year period was \$153,650. Rast pointed out the trees referenced were removed after a certificate of occupancy was issued for the homes.

Rast continued that there had also been many complaints from residents in older neighborhoods when tree companies had gone door-to-door soliciting work. The updated ordinance had protected homeowners by requiring tree removal companies to be licensed and bonded, and the approved companies were listed on the back of the permit. The ordinance had helped with companies that cut the trees down and left the mess behind.

Rast explained that, when a resident applied for a permit, a staff member went to inspect the trees to ensure they were not specimen or protected trees. For the most part, the permits were approved since the ordinance did not have lot of teeth to prevent tree removal. If the trees were

healthy and posed no danger, staff would speak to the owner and try to convince them to preserve the trees, which worked in some cases. There was also a time when timber prices were high and logging companies went into certain areas and convinced homeowners to cut down trees.

When the fee was initially recommended to Council when the ordinance was updated, Council adopted the ordinance without the requirement for the fee. It took time to inspect and follow-up on permits, and the permit fee was an effort to re-coup staff costs. Staff recommended a \$25 fee be implemented, which was low compared to the amount of staff time involved.

Fleisch asked if the Tree Board had helped with the earlier changes to the ordinance. Rast said a Tree Board had been included when the ordinance was updated, but the group had never been formalized. The board had been a requirement for the Tree City USA designation several years ago; however, running the board would also take staff time. Fleisch expressed concern about the number of trees taken down. She felt that such a committee might come up with another way to save trees. Now, the City was accounting for the trees, but not conserving them. She was also concerned about the types of trees coming down. Rast said more trees were taken down in 2005, 2006, and 2007. There had been a couple years of pine beetle infestation, especially in areas with thickets of pines. Now that the drought was over, the problem with pine beetle infestations had been alleviated. The economy was another factor influencing the decline in permits.

Haddix asked if anyone had any opposition to the proposed fees.

Juan Matute said he was not opposed to the fee, and the trees were what attracted him to the City. He chose the lot in his neighborhood with the most trees, but trees did not live forever. He had to take some down due to disease or leaning and falling, and he was vigilant on taking care of the trees that were left. He felt residents should not be penalized for removing trees due to disease or safety concerns.

Haddix said he also had to take down some trees due to disease, but the fee was not to penalize people, but to cover the staffing costs. Either the homeowner or the taxpayer would have to pay for the staff time.

Sturbaum agreed that the number of trees taken down since FY 2004 was staggering, but trees had to come down when there was an infestation. The permit was one way to protect the trees, and the fee would help recoup the administrative costs.

Learnard asked if the fee would be per visit by staff. Rast said it would be charged per application. Staff time was involved when trees were diseased, but those trees needed to come down. Staff had talked about how to differentiate between trees removed for safety and those removed because the owner just wanted to take them down. Sturbaum suggested charging the fee for cosmetic removal, but waiving it if there was a disease or danger to life, limb, and property.

Meeker clarified that the fee was for one permit, which could cover five trees. The charge was not \$25 per tree.

McMullen said that he would rather not make exceptions in the fee because people could argue about the exception, especially if staff disagreed whether danger was the reason to remove a tree.

Learnard asked what other permits costs. Rast said a roofing permit was \$50, fence permits were \$25 or \$30, and the various building permits were based on a sliding scale based on the amount of work being performed.

Imker said he was tempted by the money the City could receive for the permits, but he was disappointed the City was starting to "fee" citizens for everything possible. At this point, he did not support this fee. Haddix said if a fee was not charged, then property taxes would pay for the costs. Imker said staff was paid from the General Fund, which was created from dozens of revenue sources. Specifically identifying one source of revenue to pay for administrative costs for tree permits was not valid. Haddix said that administering the permits consumed time, and ultimately someone would pay for the time.

Haddix said an area of widespread blight could be an exception. Rast said that was the case with Camp Creek Estates, where a large number of pine trees throughout the subdivision had to be taken down so the pine beetles would not spread.

Beth Pullias said the purpose of the permit seemed to be to account for the trees and keep track of what was disappearing and why. It was valid to track the trees and to charge a fee to do so. Her concern was enforcement. The City needed to ensure all the homeowners associations (HOA) knew a City permit was required since some residents had their trees removed through the HOA. She said she was an HOA president, and she had not known until this meeting that a permit was required.

Haddix agreed that, when serving as president of his HOA, he had to stop people from taking down trees in the past. He noted that taking down trees harmed the value of the neighborhood, especially in subdivisions without an HOA. He asked if there was any way to incorporate that concern into the permit. Rast said HOAs had been discussed initially. The covenants had expired in the older subdivisions, and it was fair game for people to do what they wanted. There had been a significant number of complaints when new people moved in and took down trees. The City would continue to see that issue as covenants expired. Currently, applicants that lived in subdivisions with HOAs had to provide a letter of approval from the HOA to get the permit.

Learnard asked what happened if trees were cut down without a permit. Rast said they were cited and brought to Court. The fine schedule was associated with the caliper inches of the trees removed. There was no requirement to replace trees. Learnard felt there should be a full court press to let the public know permits were required. Fleisch said she had spoken to the Public Information Officer about the issue. Her concern was that a fee would be collected, but the City had not gone with the intent of the ordinance, which was to account for the trees and also to preserve them. She would like to see some public education regarding the number of trees being taken down and about conserving them.

Mary Giles questioned whether the tree companies were required to pull the permit for the homeowners, adding that it was very rare for a homeowner to take down their own trees. Rast

said the permit was available on online, but the process was the same whether the homeowner or the tree company applied for the permit.

David Ott said he lived in a newer subdivision where the land had been cleared. He asked if he would have to pay \$25 to take down a smaller sapling compared to a number of trees on a wooded lot. He suggested a sliding scale based on the number of trees be considered. He also suggested returning a portion of the fee if the owner submitted proof that the tree taken down had been replaced.

Rast clarified that permits were required for trees larger than three caliper inches at breast height (four and one-half feet). A letter from a certified arborist was required for removal of specimen trees.

Haddix asked Council if they wanted to approve the fees with the suggested changes or have staff make the adjustments and bring it back for approval. Sturbaum said he would like for staff to look at the fee related to the number of trees, and then bring it back for another look. He moved to continue the tree removal permit fee schedule to February 18 for staff to look at coming up with a graduated scale. Learnard asked to add the possibility of a credit for replacing the trees. Fleisch also had questions about Tree City USA. Sturbaum withdrew his motion. Haddix said there should be an exception for an epidemic of tree disease.

Sturbaum moved to continue the tree removal permit fee schedule until February 18 for staff to look at the four points made by Council. Learnard seconded. The motion carried unanimously.

Council/Staff Topics

Presentation of the GIS Web-Map

Tony Whitley, systems specialist – Geographic Information System (GIS), gave an overview of the City's new online mapping format, reviewed the uses of GIS, and asked for feedback from Council. (A copy of his PowerPoint presentation is included in the meeting file.) Whitley gave a demonstration on how to use the GIS web-map. He noted that they were creating an interface so staff could update the mapping data from the field, creating links/options to allow the public to report problems via the online map, and continuing to add data layers.

Presentation of GovQA Web-based Software

Administrative Services Director Nikki Vrana said this program had been in the works for approximately one year. One way to provide better communication with citizens was to provide an integrated data system. Information came from different avenues. People called, emailed, sent letters, used the City website, or stopped by various departments to report problems. The information was routed to the correct department/employee. The City currently had separate databases for issues involving Code Enforcement, stormwater, engineering, traffic, public works, Comcast, and general concerns. From a management standpoint, there was no top level overview of the information. In 2008, staff also looked at constituent relationship management systems (CRM). Staff knew what they wanted in a database, but needed to identify all of the existing needs for a new system. Webinars were held with key employees in the different departments, and all were interested in a single consolidated system. One particular need regarded e-mails that Council received about different problems. Currently, Council would

request the information from the City Manager, who then contacted the staff person for the information. Hopefully, Council would receive the information within 24 to 48 hours. There would be read-only access to the new system, and Council would be able to check on the real-time progress of an issue/problem/situation.

City staff began working with GovQA in August 2009 and budgeted for the software in the Community Development FY 2010 budget since Code Enforcement had been identified as the segment that would get the "biggest bang for the buck." GovQA was a web-based system that cost \$7,500 for implementation and a one-year subscription. The contract was negotiated with a locked-in cost of \$200 per month for year two and beyond, or \$2,400 for a one-year subscription for the entire City with an interface on the website for citizens. There were no additional fees for hardware since it was a web-based system. It also provided the opportunity to create a mobile office for police officers and Code Enforcement, who already had computers in their vehicles. GovQA used a workflow system that the City was able to set up and would be able to modify if needed. It would also provide more accurate histories and reporting when fully implemented in all the departments.

Systems Administrator Matt Robinson gave a brief demonstration on how the system worked for Code Enforcement and a preview of how the citizen interface would work later in the year. He noted that Code Enforcement began using the system on January 1. The target for City Hall to begin was late summer, with citizen interface targeted for fall. Public Works and the Stormwater Utility should begin using the system in the winter, with Traffic uses scheduled to start Spring 2011. Robinson added that the Public Safety fee would be a bit higher, but he would provide that information to Council later. Imker asked if a password would be needed to view information in the system. Robinson said a password would be required, and citizens would be able to create their own user names and passwords. Imker said it would be an open record, so citizens should be able to view the information. Robinson said the system was designed more for tracking individual complaints. He would check with the vendor to see if the system allowed for open access and see if open access could be provided for citizens.

Standardization of Format for Bylaws of Commissions & Authorities

Vrana said staff had been asked about standardization of commission and authority bylaws, noting that there were inconsistencies in the layout of the documents. Some documents only had excerpts from meeting minutes indicating that changes were made to the bylaws. Meetings were planned the next week with recording secretaries and staff support for the commissions and authorities to review several things, and they would discuss the inconsistencies and try to correct them. Vrana and Robinson demonstrated how to get to the bylaws and enabling legislation via the website.

Imker said he had a list of hot topics that he would like to include for updates every meeting. Since they were topics of interest to the public, he would like to continue the updates and hoped Council agreed.

Rast said that the SR 54 West/CSX multiuse path/tunnel project was moving forward. Due to the holidays, not being able to shut down traffic, and the weather, the contractor had asked to extend the completion date to March 16. The contractor felt the project would be completed

before that. The retaining wall on the Ethan Allen side was complete. The relocation of the water line was almost complete, then they would have to backfill the wall. The preliminary grading was done for the path connection down to the tunnel. On The Avenue quadrant, the grading was complete, and the base course was down. They were grading the Yard Time quadrant, the center line was staked, and a portion of the base course was down. The next big item was to reconstruct the driveway apron into Yard Time, which would take a few days. On the SR 54 East landscaping, the contractor would finish up that week except for cleaning up the right-of-way.

The SR 74/Paschall Road tunnel path connections had gone out to bid. Staff was in the final stages of obtaining easements for two of the tracts, which should be on the February 18 Council agenda for acceptance. The bids were due February 11 and scheduled on the March 4 agenda for Council approval.

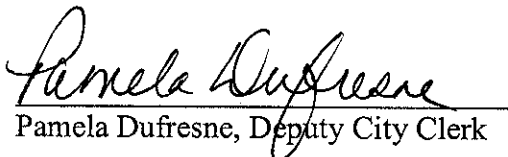
Rast continued that staff had followed up with the wireless carriers after the February 2 workshop on telecommunications towers and had given them tasks on items to present. The carriers had also identified some issues. Tentative meeting dates had been established – a March 8 workshop with the Planning Commission and an April 6 workshop with Council and the Planning Commission. The recommendations could be on the April 16 Council agenda. Imker asked if any applications had been received. Rast said not that he was aware of.

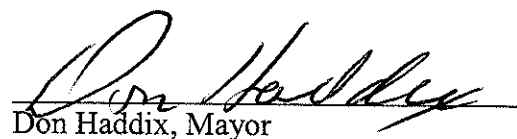
Imker asked if the “hot topics” could be included at this point in every meeting for just a few minutes. A quick statement would let the citizens know what was going on, even if the update was “no change.”

Sturbaum moved to convene in executive session for threatened or pending litigation and personnel at 8:46 p.m. Learnard seconded. The motion carried unanimously.

Sturbaum moved to reconvene in regular session. Learnard seconded. The motion carried unanimously.

There being no further business to discuss, Sturbaum moved to adjourn. Learnard seconded the motion. The motion carried unanimously. The meeting adjourned at 9:30 p.m.


Pamela Dufresne, Deputy City Clerk


Don Haddix, Mayor