City Council of Peachtree City
Minutes of Meeting
January 21, 2010

The City Council of Peachtree City met Thursday, January 21, 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, Kim Learnard, and Doug Sturbaum. Erik Imker was unable to attend.

Announcements, Awards, Special Recognition

Mayor Haddix proclaimed the week of January 25-31 as Kiwanis Week in Peachtree City. Haddix swore in newly-hired Police Officers Ken Foster and Bryan Andrews. Police Lieutenant John Jenkins was recognized for 20 years of service.

Public Comment

Beth Pullias of the Peachtree City Civic Association (PTCCA) updated Council on the organization. Pullias said that she had been elected as president of the PTCCA, and they were currently working on a position paper on telecommunications towers and the zoning issues regarding them.

Agenda Changes

There were none.

Minutes

Sturbaum moved to approve the January 7, 2010, regular meeting minutes and the January 7, 2010, executive session meeting minutes. Fleisch seconded. The motion carried unanimously.

Haddix clarified that comments from the public would be accepted during the meetings on agenda items, but there must be structure. In the past, the comments had gotten out of control, and citizens had debated citizens, Council, and staff. The point of a Council meeting was to provide information to Council to help them make decisions. All comments and questions should be directed to the chair, otherwise the process broke down. Public comments would be allowed within that structure.

Sturbaum moved to approve the Consent Agenda. Learnard seconded. City Attorney Ted Meeker pointed out that the Mayor had not yet called the Consent Agenda. Sturbaum withdrew his motion, and Learnard withdrew her second.

Consent Agenda

1. **Consider Alcohol License – NEW – Hilton Garden Inn**
2. **Consider Request to Surplus Obsolete Technology Equipment**

Sturbaum moved to approve Consent Agenda items 1 and 2. Learnard seconded. The motion carried unanimously.

Old Agenda Items

11-09-CA1 Consider Agreement with Technical College System of Georgia (formerly Griffin Tech) for Use of City Facility for English as a Second Language (ESL) and General Education Diploma (GED) Classes

Leisure Services Director Randy Gaddo addressed Council, noting that the original agreement to use space in the Amphitheater Ticket Office building for classes had been approved on November 5, 2009. As the agreement made its way through the state system, the officials asked if their standard agreement could be used. The City Attorney and staff had reviewed the agreement. The terms were the same. The format of the agreement was changed, and references to Griffin Tech had changed to reflect the school's new name. Gaddo added that there had been an error in the square footage in the agreement (1,854 square feet was changed to 1,584 square feet) that had also been corrected. Gaddo asked Council to approve the re-formatted agreement and authorize the Mayor to sign the agreement.

Fleisch moved to approve the lease with the Technical College System of Georgia with the correction noted on the square footage and to authorize the Mayor to sign said agreement. Sturbaum seconded. The motion carried unanimously.

New Agenda Items

01-10-07 Consider Options for Hotel/Motel Tax

(A copy of the PowerPoint presentation is included in the meeting file.) City Manager Bernard McMullen went over the recent changes in legislation regarding how hotel/motel taxes could be used in the state. The changes included simplifying the law, as well as an increase in the maximum amount that could be collected (6% to 8%) and how the hotel/motel revenue could be used by local governments.

McMullen noted that the City currently collected 6% (an estimated $768,162 per year) from the local hotels and motels. McMullen went over the existing hotel/motel tax distribution in the 2010 budget, saying that 2% ($256,054) went into the City's General Fund per the former legislation. The remaining 4% ($512,108) had to be contracted with an outside agency to expend the funds. There were various options in state law, and the City contracted with the Peachtree City Tourism Association (PCTA), a qualified 501(c)(6). The PCTA disbursed 0.8 % ($102,422), or 20% of the total given to them, to the Peachtree City Airport Authority (PCAA) and used the remaining 3.2% ($409,686), or 80%) for its operations, which included the enhancement of tourism in the City.

McMullen showed how the 6% could be distributed in the FY 2010 budget under the new legislation. Three percent ($384,081) could now be used for the City's General Fund. He split the remaining 3% into 2% ($256,054) and 1% ($128,027). Of the 3%, 2.5% (2% plus 0.5% of the 1%, $320,068) would go directly to the PCTA, and 0.5% ($64,014) would be distributed to the PCAA, with the remaining 2% ($256,054) used for PCTA operations. The remaining 0.5% of the 1% ($64,014) would be used for tourism product and development, which, as defined by the Georgia Municipal Association (GMA), included sports arenas, visitor information or welcome centers, way-finding signage, museums, parks and trails, and performing arts centers. McMullen explained that, under the new legislation, the City would have to contract out 2.5% of the 6% to a qualified marketing firm, which could be the PCTA.

If Council increased the hotel/motel tax to 7%, the City should receive an estimated $896,189. The General Fund would receive $384,081 (3%). Of the remaining 4%, $128,027 (1%) would be used for tourism product and development, and $384,081 (3%) would be distributed to the PCTA, with $307,265 (2.4%) reserved for PCTA operations and $76,816 (0.6%) earmarked for the PCAA.

If Council increased the hotel/motel tax to 8% ($1,024,216), the General Fund would receive $384,081 (3%). The remaining 5% would be divided into a 2% distribution ($256,054) and a 3% distribution ($284,081), with 1.5% ($192.040) earmarked for tourism product and development, and the remaining 1.5% being added to the 2% distribution that would go to the PCTA (3.5%, $448,095). The PCTA distribution would include 0.7% ($89,619) for the PCAA and 2.8% ($358,476) for PTCA operations.

McMullen clarified that the existing 6% hotel/motel tax distribution included $256,054 designated for the General Fund: $512,108 for tourism, conventions, and trade show promotion (including the funds for the PCAA); and nothing for tourism product and development. Under the new law at the 6% rate, the General Fund would receive $384,081; $320,068 would go to tourism, conventions, and trade show promotion; and $64,014 would be used for tourism product and development. The City could manage the funds for tourism product and development, but would have to account for how it was spent.

If an increase in the hotel/motel tax to 7% were approved, the General Fund would receive $384,081; $384,081 would be distributed to tourism, conventions, and trade show promotion; and tourism product and development would receive $128,027. An increase to 8% would bring $384,081 to the City's General Fund; $448,095 to tourism, conventions, and trade show promotions; and $192,040 to tourism product and development.

McMullen said that the next step was to meet with the hotels and conference centers to get their input on projects that would enhance visitors coming to the City, or determine other opportunities to attract people to stay longer. Any recommendation to Council to increase in the rate would be based on those projects. If Council wanted to increase the hotel/motel tax, then a resolution would be presented for Council approval that would be sent to the state legislature for approval as local legislation. After the legislation was signed by the Governor, then the tax would increase two months later.

Haddix stressed that Council would only be voting that evening on whether or not to talk to the hotels and look at enhancing the ability to promote the City.

Sturbaum felt it was a good idea for staff to at look at the issue with the hotels and the PCTA to see what could be done to tout the City's wares.

Learnard asked what the time frame was. McMullen said that, for this calendar year, the local legislation had to go to the County's legislative delegation and was tied to the crossover date. The legislation had to start in the House. The session had already started, and the legislature only had 40 business days.

Sturbaum moved to approve staff to look at the options for the hotel/motel tax. Learnard seconded. The motion carried unanimously.

01-10-08 Consider Lease Agreement with Dog Park Association

Haddix noted there was a modified agreement on the dais, as well as an e-mail from a citizen with a response from Steve Brown. Gaddo said the Dog Park Association had been the caretaker of the Dog Park for many years as a volunteer 501(c)(3) non-profit organization. They had done a commendable job of taking care of the park and raising money for capital improvements. The Dog Park Association board had asked to be appointed as the City's agent for the management and operation of the Dog Park, with the exception of routine trash collection and disposal, which would be done by the Parks and Recreation crew. The City would be responsible for utilities, which was mainly water. If Council approved the agreement, the Association would remit all out-of-County fees to help offset water and trash collection costs. As the agent for the Dog Park, the Association, in consultation with the City, would also determine fees, memberships, and other charges associated with operation of the park, as well as establishing and enforcing rules and regulations. The fees would be established based on the cost of maintaining and improving the facility. The agreement required close coordination between the Recreation Department and the Dog Park Association. Any proposed capital improvements would funnel through the Recreation Department to Council for final approval in most cases. Gaddo said the Recreation Commission considered the proposed agreement at a special called meeting held January 12 and recommended approval. A Recreation Commissioner would also be appointed as a liaison to the Dog Park Association and would make regular reports to the Recreation Commission.

Gaddo noted there had been one change to the agreement. The following wording had been added to Section 2.1 Operations – *The Manager will provide up to three weeks of access time, during normal hours of operation, to the general public for no charge on a schedule selected by the Manager. This schedule will be provided in advance to the City's Department of Recreation and a press release will be forwarded to the City for distribution announcing the access prior to the selected periods of time.*

Steve Brown, president of the Dog Park Association, addressed Council, saying that the Association had approached the Recreation Commission with what they wanted to do and had answered all the questions. He continued that user fees for City facilities were not new, and several venues had them, including Kedron Fieldhouse, the Tennis Center, and the Amphitheater. The proposed agreement resembled the agreement for the Tennis Center operation very closely. Brown said the Dog Park was unlike anything else in the City, and it was used continuously by animals and people. The rules were posted at the park, and the park required a lot of attention, daily maintenance and upkeep, and required more face-to-face interaction with the users than other venues in the City. The American Kennel Club recommended user fees to help generate revenue, and charging fees was a method routinely used across the country.

Brown continued that the Dog Park had never been a line item in the City budget. The City had provided the land and an initial $5,000 for the park. The previous Association board had done yeoman's work and burned out. The proposed agreement was tailored to meet the needs of the Dog Park. With the reduction of the Recreation maintenance staff, the Association had been doing a lot of the work themselves. If the City wanted to take over and do the maintenance on the park, there was no one to do that. The City had mandated that the Association provide liability insurance, and they supported that requirement. He said out-of-County users had not been allowed at the park in the beginning, but they had come anyway. The Association's constitution and by-laws had changed to include the out-of-County users. Approximately 40% of the membership was from outside the County, and they paid a higher membership fee in lieu of taxes.

Brown said there was criticism that the Association was trying to do something different. Brown noted that he had been part of the 2002 discussion on the park while serving as mayor. Brown read the following comments from Council Member Annie McMenamin from the June 6, 2002, City Council minutes: *She said she did not have a problem with donating the land for a dog park, but she was stunned at the cost of the fencing, running the water lines, the total amount, and then taking the money from Council Contingency. After some research, McMenamin said it became clear that the users provided most dog parks. In many cases, the community provided the land, but the users provided the maintenance and the infrastructure.* Brown said that the ongoing costs had been part of the first discussions on the Dog Park. He added that Carol Fritz, a former Council Member who spoke at the June 6, 2002, meeting, had noted that she and then-City Manager Jim Basinger had researched the issue when she was on Council and found that users supported most dog parks, not the cities. The Association was continuing what the park had been built on. It had always been user driven.

Brown then answered criticisms regarding costs in an e-mail that he had received. (Brown provided a copy of the e-mail, which is included in the meeting file.) The criticism was that the website could be done by the members, and Brown said the website worked very well, but no one on the board had the expertise. Another item was to get rid of the post office box and use the treasurer's home as the mailing address. Brown said there could be issues if the treasurer left or the office changed hands. It would not be a wise business decision. The poop bags featured the logo of the company that made the bags, not the Dog Park Association's logo. Another criticism was to have scout troops help with the maintenance. Brown said volunteers from many organizations helped with maintenance, but adults were needed on occasions when a bobcat had to be used.

Learnard, Council's liaison to the Recreation Commission, clarified that, if Council approved the agreement, she would have to pay $1 per visit or pay the annual membership to use the park. Brown said yes. The annual membership rates were $35/family, with out-of-County members paying $45/family. Learnard asked if the fees would allow the park to be self-sustaining. Brown said they would, and that the out-of-County fees would be used to offset the City's costs for water, garbage pick-up, and anything else.

Caren Russell commended the Dog Park Association for their work, but felt they had lost sight of what the park was for. She said it was a safe area for people to interact with their dogs off the leash. The agreement would operate the park more as an organized activity. The park was meant to be public and free. She noted that the original maintenance cost had been listed at $3,200 on the Association's website, and it was now $12,278, including $2,500 for the website fees. The $7,000 in memberships and donations should cover the $3,200. Now, people had to either have a membership or pay the $1 fee, which was a tax. Free access would be limited to select days. Russell noted that the list included $26,000 in improvements to the park, while other areas of the City were trying to maintain during the economic times. The only way to do that was to make membership mandatory. She suggested a simpler agreement, adding that a lockbox could be placed at the park with a sign that said donations were welcome, or there could be envelopes people could pick up to mail donations. Another way to raise funds would be to have an organized event/activity every three months with an entry fee. If public access was to be limited, then the City could charge the Dog Park Association a rental fee to use the park.

Brown clarified that there was an asterisk next to the $12,278 budget on the website. The budget for the website was $2,500, but a member had donated his professional services, so only $60 was paid for the website. There was no money in the emergency reserve account. They had a barter system with Xelk for the signage. They had a barter agreement with Jones Tree Service for rental equipment, and they got $3,000 of heavy equipment use for no charge. They had been very successful in bartering services for fees. The Adopt-a-Fence program was $100 each. A placard was adhered to the fence with the family's name and dog's name. The Adopt-a-Fence money was set aside for expansion. In December, the Adopt-a-Fence program set a record for the number of signs sold. He added that there was also a huge drainage problem at the Dog Park that would cost quite a bit of money to fix. Russell asked why a user fee was required if there was plenty of money for the expansion.

Learnard said there were clearly two worlds of thought on the issue. She suggested trying the agreement for a year, then re-visiting it. Enforcement would be tricky if a fee was mandatory to use the park. The maintenance was also labor intensive. She liked the idea of having free days, but was interested in trying the user fees for a year.

Sturbaum asked Brown how the out-of-County fees were set. Brown said they tried to come up with an estimate on the number of people coming to the park and the expenses, and that was the best guess. After a year, they would have a better idea of how the memberships and fees were working, and they would adjust the fees accordingly. It was a best guess estimate.

Fleisch said that, after a year, she wanted to look at the City charging the Association a rental fee. She had asked that the agreement include wording about the condition of the property if the Association ever dissolved. She was also interested in trying the user fees for one year. Brown said that, since the new board took over in April, the park was in much better condition. He reiterated that the only expense the City had incurred was the initial $5,000 to get started and the land.

Haddix said that, after three years of budgeting, he had learned nothing was free, but they would not know how it would work until they tried it. He agreed that a year's trial was a good idea.

Learnard moved to adopt the lease agreement with the Dog Park Association and authorize the Mayor to sign. Fleisch seconded. Learned asked Meeker if a time should be clarified. Meeker noted the agreement expired December 31, and the parties, by mutual agreement, could extend or cancel the agreement, provided that was done by the end of November. The motion carried unanimously.

01-10-09 Consider Funding of Council Pay Raises

On August 16, 2007, the Council approved a pay increase for the Mayor and Council to $18,000 and $12,000 respectively effective January 1, 2010. The raises were not funded in the FY 2010 budget. Sturbaum stated that, in light of the current revenue situation, the funding of the pay raises should be postponed. Sturbaum moved to continue the funding of the Council pay raise indefinitely. Fleisch seconded. The motion carried unanimously.

01-10-10 Consider Salary Adjustment for Employees

Sturbaum said they also needed to continue to look at the revenue numbers for the Cost of Living Allowance (COLA) for the employees. Haddix said this was near and dear to him but he understood the current economy. Sturbaum moved to continue the salary adjustment for employees indefinitely. Fleisch seconded. The motion carried unanimously.

01-10-11 Consider Amendment to Smokefree Air Act – Inclusion of E-cigarettes

Public Information Officer/City Clerk Betsy Tyler addressed Council, saying that Council had asked staff to add e-cigarettes to the Smokefree Air Act. After speaking with the City Attorney, e-cigarettes had been included in the definition of "smoking" and "cigarette." The definitions were taken from the Master Tobacco Settlement Agreement in state code. Meeker added that the proposed amendment provided the same restrictions on e-cigarettes as those already in place for regular cigarettes. Tyler pointed out that there was a 90-day effective date in the ordinance to give staff time to notify businesses of the change.

Haddix asked if anyone from the public had anything to add. No one spoke.

Sturbaum said he had asked staff to take a look at this issue. Other governments had already moved on it. There had also been a ruling in the Washington, D.C., district court that the Food and Drug Administration (FDA) overstepped its authority by banning e-cigarettes, but the devices could be regulated under the Family Smoking Prevention and Tobacco Control Act. The FDA still had the authority to regulate e-cigarettes as a tobacco product. He felt it would be good to add them to the City's ordinance. It was similar to alcohol-free beer, which was still governed as an alcoholic beverage.

Fleisch said that, in her opinion, the Smokefree Air Ordinance was designed to protect people from second-hand smoke. E-cigarettes emitted water vapor and were too new. The case law was limited. If the FDA decided to regulate them as a tobacco product, she did not want to preemptively take away anyone's rights.

Haddix said he had also researched the issue, and toxins had been found in the water vapor. He did not see how the toxins that went into the "smoker's" mouth were not also going into the air. He felt including e-cigarettes in the ordinance was a good step.

Sturbaum moved to approve the amendment to the Smokefree Air Act to include e-cigarettes. Learnard seconded. The motion carried 3-1 (Fleisch).

01-10-12 Consider Reduced Amphitheater Rental Fees for High School Event
Amphitheater Manager Nancy Price asked Council to consider reducing the rental fee to $150 for a Starr's Mill High School Band Boosters fundraiser on April 24. She continued that the Band Boosters would cover the costs of cleaning, certificate of liability, and staff for the event. The normal non-profit rental rate was $1,500.

Fleisch said her only concern was that there needed to be a fee schedule for schools, and there needed to be a definition of schools. Price agreed, noting that such a schedule was in place in Fayetteville for the Villages Amphitheater, and it was a good tool to reach out to the community and use the venue when it was not normally in use.

Learnard reiterated that the City should put together a policy to be consistent in how the requests from schools were handled across the board. Haddix agreed. He said he had no problem with reducing the fee as long as there was background research done for the future. Learnard said, as long as the costs were covered, she was glad to see the Amphitheater used for such events because it brought people to the venue. Sturbaum added that it would be good for both the school and the community.

Learnard move to approve the reduced rental fee agreement for the Amphitheater by the Starr's Mill Band Boosters for the annual Night of Starrs fundraiser. Sturbaum seconded. The motion carried unanimously.

01-10-13 Consider Amendments to Finance Ordinance
Financial Services Director Paul Salvatore said the changes to the ordinance would allow some flexibility in the Purchasing Ordinance. Currently, a department head or chief had to put in a requisition that was approved by himself and the City Manager to spend even $10. They could only spend their petty cash without further approval. Staff surveyed other cities and found the system was antiquated. Most allowed director-level approval up to either a $500 or $1,000 limit. There would still be budget-checking involved. If an expenditure was not in the budget, it would be kicked out. Most of the other proposed changes were updates and housekeeping in nature.

Sturbaum noted that he did purchasing for a living and said this was standard procedure because it reduced soft costs in transaction processing. It reduced the internal costs of the purchase, helped speed it along, and $500 was a non-capital expenditure. With the budgetary checks and balances, it would be kicked back if the purchase was over budget.

Sturbaum moved to approve the amendments to the Finance Ordinance as stated by staff. Learnard seconded. The motion carried unanimously.

01-10-14 Consider Memorandum of Understanding – Fayetteville Police Department
A Memorandum of Understanding (MOU) between the City's and Fayetteville's Police Departments had been in place since late 2007 regarding the Special Response Teams (SRT) to share resources

and train together. The revision to the MOU was for a more combined effort to share existing resources, personnel, and to unify the command of the teams under one command.

Sturbaum moved to approve the MOU with the Fayetteville Police Department. Fleisch seconded. The motion carried unanimously.

01-10-15 Consider Lake Peachtree Multi-Use Path Bridge Expansion

City Engineer Dave Borkowski said the expansion was a Special Purpose Local Option Sales Tax (SPLOST) project to replace the existing bridge over the lake. The seven-foot wide bridge spanned 160 feet and was at least 19 years old. The path segment was heavily used. It was not currently wide enough for two carts to pass and was almost too narrow to allow a cart to pass pedestrians or bicycles. Borkowski said the engineering firm of Neel-Shaffer was hired to perform the design and prepare a concept report outlining the advantages and disadvantages of replacing the bridge. Included in the expansion would be widening the path from Lake Peachtree to City Hall.

Borkowski continued that the engineering firm found the existing foundation was in good condition and the most significant repair needs were to replace the railings to a cart-resistant type and to repair the spalling concrete in the substructure. Three options had been presented, and Borkowski said that staff recommended Option 3.

Option 1 was a prefab steel through truss with an estimated cost of $650,000. Borkowski said the major advantage of this option was there would be no new construction in creek/lake. The major disadvantages were that the bridge would obstruct the view of Lake Peachtree and the higher cost due to the length of the span.

Option 2 included dual pre-stressed concrete bridges at an estimated cost of $600,000. The major advantage to Option 2 was that the existing path could stay in service during the majority of the construction and only close for safety issues. The major disadvantage was the significant widening into the lake and the need for retaining walls.

Option 3 was to widen the existing structure at an estimated cost of $470,000. The major advantages included maintaining the view of the lake, minimizing the disturbance in the lake, and lower overall cost. The major disadvantage was that the existing path would need to be closed for two to four weeks, and the detour would be approximately 3.3 miles.

Borkowski said staff believed the advantages to Option 3 outweighed the disadvantage of the required. The project was budgeted for $851,700 in SPLOST funds, and $76,246 had been encumbered for the design. The estimated construction/design cost for Option 3 was $470,000, with a total project cost of $526,246. The potential savings of $305,454 could be used to widen the path to City Hall and expended on other eligible SPLOST projects.

Steve Brown asked if the bridge abutments for Option 1 could be lowered to help with the view of the lake and still have the best bridge. Borkowski said, if the bridge were lowered, then there wouldn't be enough headroom for the path that went underneath. Additionally, if the trusses were lowered, they would have to adjust the grade 5% on either side to meet the Americans with Disabilities Act (ADA) requirements.

Beth Pullias asked if it would be possible to complete the construction before school was out since the path segment was heavily used during the summer, as well as by people going to the

Amphitheater. Borkowski said they would have to coordinate with Recreation to find a good time to do it.

Robert Brown said he read the Neel-Schaffer analysis, and they had done a good job. Option 3 obviously saved money, even with the bridge out of service. The impact would be lessened if it was done before school was out.

Mary Giles said she supported Option 3, saying she could live with closing the path. Her concern was whether the existing supports would continue to be in good shape after the expansion or if they would become a maintenance issue in five to 10 years. Borkowski said he had not specifically asked that question of Neel-Schaffer, but the supports should be good for at least another 19 years since there were no problems with the piles. He would clarify that concern with the engineers.

Fleisch asked about the engineering company's reputation. Borkowski said the City was using the company for another project. They had been selected through the Request for Proposal (RFP) process. The company was very knowledgeable about bridges, and he was confident of their recommendations.

Sturbaum asked if there was a difference in the longevity between Option 3 and Option 1. They might be saving money upfront, but he wanted to ensure they would not be spending it later. Borkowski said he could clarify with the engineers on the life of the piles versus using steel option with no piles.

Learnard asked if pre-cast concrete was preferred over poured concrete. Borkowski said it was basically a cost issue, and staff recommended the pre-cast concrete because it would shorten the time the bridge was out of service.

Sturbaum asked if the construction could be done on the weekends to shorten the time. Borkowski said that could be put into the contract.

Haddix asked if the pre-cast concrete would be pre-stressed. Borkowski said if it was pre-cast, then he imagined it would be pre-stressed, but he would confirm with the engineers.

Sturbaum said he supported Option 3 and asked staff to verify the longevity of the existing supports and whether construction could be done on the weekends. Sturbaum moved to approve the expansion of the Lake Peachtree multi-use path bridge with Option 3 as recommended by staff. Learnard seconded. The motion carried unanimously.

Council/Staff Topics

Animal Control Ordinance – Review Ordinance, Comparison with Other Jurisdictions, Statistics

Tyler recounted that, on November 5, 2009, resident Daniel Brown had asked Council to consider a ban on pit bulls or enacting additional legislation specific to the breed. The request included the following recommendations if a full ban was not enacted – dogs muzzled when on public streets/paths, limit of one pit bull, mandatory liability insurance, mandatory proof of vaccinations, and a definition that included Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier breed of dog or any mix of those breeds. Staff had been directed to bring back more information in 90 days on whether a ban/restriction was legal and/or effective and local statistics.

Tyler's presentation (a copy of the PowerPoint presentation is included in the meeting file) included statistics from an American Veterinary Medical Association (AVMA) study and the American Society for Prevention of Cruelty to Animals (ASPCA) that showed that unneutered male dogs were 2.6 times more likely to bite, and chained/tethered dogs were 2.8 times more likely to bite. According to 2006 statistics, the dogs involved in 97% of fatal dog attacks were not spayed/neutered, 78% were guard/image dogs vs. pets, and 84% were maintained by reckless owners or the dogs were abused/neglected. Tyler continued that the concerns about the effectiveness of breed specific legislation included "bad" owners who switched breeds, causing different "bad" breeds. The dogs would go into hiding; the people would keep the banned breeds, but would not properly care for them. Good owners and dogs would be punished, creating the hardship of what to do with the banned dog. A breed-specific ban would also create a false sense of security, with the focus turning to the banned breed versus overall leash laws, spay/neuter laws, and other regulations.

Tyler continued that 121 animal bites (85 from dogs, 32, from cats, and 4 from other animals such as foxes and bats) were reported in 2009 in Fayette County. According to the Peachtree City Police Department records, there were eight dog bites in 2009. According to the breakdown of dog bites per breed for 2009 in the County, mixed breeds had the most bites recorded at 11, Labrador Retrievers were next with nine, and Pit Bulls ranked third with six bites.

Tyler continued that, according to City ordinance, the owners of vicious animals could not allow them to run loose, must have them on a six-foot or less leash, must muzzle them when off property, and must have a fenced in area in the yard if the animal was kept outside. No tethering was allowed. The penalties for violation of the ordinance included a fine up to $1,000 and/or up to 180 days in jail.

Tyler compared the City's "leash law" [Sec. 14-34(a)] to the County's [Sec. 4-31(a)], noting that the only difference was that the County's ordinance did not include voice command. Enforcement of the City's animal control ordinances was vested with the Fayette County Animal Shelter and the City's Police Department. Tyler said Code Enforcement was somewhat involved, usually when there was an issue with the number of animals allowed in a zoning district. She added that the County was concerned with the voice command option in the City's ordinance, as it complicated their ability to enforce the City's "leash law." The Animal Shelter dealt with "leash law" violations, cruelty to animal issues, and vicious animal cases. Any additional enforcement powers would have to be adopted at the County level.

Tyler continued that there was no animal registration required with the City or County currently, there was no consistent reporting mechanism for bites, and there would be issues with mixed breed identification. The staff recommendation was to work with the County to enhance the "vicious" or "dangerous dog" process/ordinance, consider eliminating the "voice command" option from the "leash law," and to regulate the unattended tethering of dogs.

Brown said that unneutered dogs were definitely an issue, noting that most dogs that had to be pulled apart at the Dog Park were large breed unneutered males. In most cases, the owners encouraged bad behavior or did not correct the behavior. The issue was with bad owners.

Andy Jurchenko asked the impetus for the citizen request. Police Chief H.C. Clark said the man had been attacked by Pit Bulls the year before. The dogs were put down, and it had been an owner issue. The dogs ran loose all the time.

Sturbaum said there were a lot of concerns about the ordinance being breed specific. He agreed with the staff recommendation to look at "dangerous dogs" and "voice command."

Learnard agreed that they needed to look at "voice command" and questioned whether people really had voice control over dogs. Haddix said he had been attacked in his own yard by a dog under "voice command." He had problems with the "leash law" in general, including cats. When incidents occurred, Animal Control usually said they had to see the incident happen.

Jurchenko asked whether the current law could have handled the situation just mentioned. It seemed arbitrary to add more laws. Meeker said the laws could always be tightened, and the incident could have been handled under the current law. They wanted to tighten any loopholes. Jurchenko said loopholes were things not considered when laws were passed. This appeared to be a defect in the system versus a defect of the law. Meeker noted they were not privy to all the facts as to why the matter had not gone forward.

Learnard recounted a situation she dealt with of a neighbor's pit bull continuously coming into her yard. She had kept a log and called the Police. The dog owner was eventually ticketed. She said a mechanism that worked well was already in place. The City needed to do what it could to help the Police and get serious about enforcement.

Susan Schultz said it would be good to tighten the "dangerous dog" legislation. Citizens and the Police should be more empowered to do something.

Fleisch said she was concerned about "voice command" and the differences between the City and County ordinances, as well as the fees and penalties since the ordinance was written in 1980.

Sturbaum asked Brown to circulate the statistics around the Dog Park. Brown said some people bred their dogs, so neutering should not be mandatory. More input was needed on "voice command," since there was no demonstration of competency required by the ordinance. He suggested that the County set up a course to demonstrate whether dogs were under "voice command" or not, then the owners could be certified or permitted. Learnard said that "voice command" could not necessarily be demonstrated in a controlled environment.

Haddix agreed that bad owners were the problem, but the ordinance should be enhanced. Clark said "voice command" was unenforceable for the Police. Staff would bring something back to Council.

Sturbaum moved to convene in executive session for real estate and threatened or pending litigation at 9:10 p.m. Learnard seconded. The motion carried unanimously.

Sturbaum moved to reconvene in regular session at 10:22 p.m. Learnard seconded. The motion carried unanimously.

Sturbaum moved to accept property from the DAPC located in the industrial park that the National Weather Service had an antenna on. 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 10:23 p.m.

Pamela Dufresne

Pamela Dufresne, Deputy City Clerk

Don Haddix

Don Haddix, Mayor