City Council of Peachtree City
Minutes of Meeting
January 20, 2011

The City Council of Peachtree City met Thursday, January 20, 2011, 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

Mayor Haddix proclaimed the week of January 24 – 30 as Kiwanis Week in Peachtree City. James Beato of the Police Department was recognized as the Employee of the Month.

Agenda Changes

Sturbaum moved to move the New Agenda Items in front of the Old Agenda Items for the purpose of debate and research. Learnard seconded. The motion carried unanimously.

Minutes

Sturbaum moved to approve the December 20, 2010, regular meeting minutes and the January 4, 2011, workshop minutes as presented. Learnard seconded. The motion carried unanimously.

Monthly Reports

Learnard referred to page 26 of the agenda packet, which was the Information Technology (IT) monthly report, pointing out that, based on the end-user surveys IT received, 64% were extremely satisfied with the service they had received and 38% were very satisfied. She said that was very commendable.

Sturbaum thanked the organizations and individuals who made donations to the City in November and December.

Imker referred to the Recreation report, noting that revenue for FY 2011 was $61,117 through December. The original budgeted amount for FY 2011 was $536,521. He said collections at the quarter-year mark should be higher, asking if more was expected in the spring. Leisure Services Director Randy Gaddo said that October – December were historically slow months for the department. The revenue would increase later in the year. Imker asked Gaddo if he anticipated meeting the target for revenues. Gaddo said yes.

Imker noted that the City had written a check for $13,250 in support of construction/design work for gravity sewer line #35 (page 20 of the packet), asking if that was not a Water and Sewerage Authority (WASA) responsibility. Interim City Manager Nikki Vrana said the check was for the sewer line connection for Station 84 on Crabapple Road.

Consent Agenda

1. **Consider Acceptance of Grant from Sam's Club**
2. **Consider Budget Adjustments – FY 2011**

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

New Agenda Items

01-11-10 Consider Elimination & Reclassification of 3 Positions (Public Works)

01-11-11 Consider Reclassification of Position (Public Works)

Human Resources Administrator Ellece Brown addressed Council, noting that the Public Services director had been reviewing the positions in the department and found some employees were actually doing the work of a different job title. She noted that a commercial driver's license (CDL) was not required for the current Tandem Truck Driver position; however, the tandem truck could not be loaded to its weight limit if the driver did not have a CDL. The job description was updated and submitted to the Mercer Group, which recommended the grade be changed from a level 71 to level 72, an impact of $580, which could be absorbed by Public Works budget), and the title be changed from Tandem Truck Driver to Heavy Truck Driver.

Vrana said Brown had just gone over agenda item 01-11-11, noting that agenda item 01-11-10 asked for the reclassification of several positions.

Imker asked Meeker if this was procedurally correct. Meeker said the motions could be taken in tandem if that was Council's wish. Imker moved to consider 01-11-10 Consider Elimination & Reclassification of 3 Positions (Public Works) and 01-11-11 Consider Reclassification of Position (Public Works) at the same time. Sturbaum seconded. The motion carried unanimously.

Brown continued that staff recommended eliminating three Maintenance Technician III positions in the Public Services Department, replacing them with two Heavy Truck Drivers and one Heavy Equipment Operator (agenda item 01-11-10). She said the director found that the employees were actually doing the functions of different job titles. The reclassification would ensure the job titles matched the job duties. The new positions would be promotional opportunities in the department, and employees would go through the job bid process. The impact would be $1,000 to $4,000 for each position, depending on who was placed in the positions, and Special Purpose Local Option Sales Tax (SPLOST) funds would cover those expenses. Haddix asked if the City would need to hire additional people to fill the slots. Brown said no, the net change would be the same number of positions. The duties employees were performing were those that required a different job title.

Sturbaum moved to approve New Agenda Items 01-11-10 Consider Elimination & Reclassification of 3 Positions (Public Works) and 01-11-11 Consider Reclassification of Position (Public Works) from a Tandem Truck Driver to a Heavy Truck Driver. Fleisch seconded. The motion carried unanimously.

01-11-12 Consider Amendments to Recreation Fee Schedule

Gaddo said the proposed fee increases dealt primarily with the Baseball/Soccer Complex (BSC), Meade Field, Riley Field, Braelinn, and Glenloch (soccer, baseball, softball, lacrosse, and football). The fees were more in line with similar facilities in the area, but were still competitive. Non-tournament rentals would be to companies, groups, or families that needed one or two fields for short periods of time. Tournaments were normally held by youth associations (tournaments/camps/clinics outside of the normal season) or commercial promoters who needed the fields for an entire weekend or longer. The fee amendments did not impact City or County residents or civic/church/school fees. They did impact City/County commercial, out-of-county residents and commercial, and youth association tournaments.

Gaddo continued that tournaments were generally harder on the fields than casual use and were rarely less than one day. The fields were tied up to the exclusion of other activities, so the recommended fee change was on a "per day" basis and reflected field use with and without lights. Gaddo added that the deposits in all categories had increased. Currently, the deposits were low and did not cover what needed to be done when the deposits had to be kept. He added that generally deposits were kept because the facilities had not been cleaned.

The current fees and recommended fees (recommended fees in ***bold italics***) are listed in the table below:

NON-TOURNAMENTS	**PTC/FC Commercial**	**OOC Resident**	**OOC Comm.**	**Deposit**
Per Hour	$25 ***$35***	$30 ***$50***	$30 ***$75***	$50 ***$150***
Per Day	$100 ***$125***	$125 ***$150***	$125 ***$160***	$50 ***$150***
Per Hour w/lights	$35 ***$45***	$40 ***$60***	$40 ***$85***	$50 ***$150***
Per day w/lights	$125 ***$150***	$150 ***$175***	$150 ***$200***	$50 ***$150***
TOURNAMENTS				
Tournaments/Camps/Clinics hosted by Youth Sports Assoc. w/o lights	$50/day/field ***$65/day/field***			$50 ***$150***
Same as above, with lights	$75/day/field ***$80/day/field***			$50 ***$150***
Tournaments/Camps/Clinics hosted by commercial promoters w/o lights	$125/day/field ***$185/day/field***			$50 ***$200***
Same as above, with lights	$150/day/field ***$210/day/field***			$50 ***$200***

Gaddo continued that 50% of the rental fees for tournaments be placed into a special account (fenced account) so those funds could only be used to replenish the field conditions after a tournament. He said the intent was to leverage those funds with budgeted maintenance funds and youth association funding to help with upkeep of the fields after tournaments, noting that a two-day commercial tournament would yield $740 into a fenced account.

In addition, Gaddo requested that Council approve the minimum per player/per season fee for Youth Association "fenced accounts." The current rate of $5/player/season for City and County residents and $10/player/season for out-of-county residents had been in place since 2004 and was paid at registration. The funding was used for field and facility maintenance that each association used. The expenditures were coordinated with the Recreation Department. The recommended change would be $5/player/season for City residents, $10/player/season for County residents, and $25/player/season for out-of-county residents. If approved, Gaddo said the fees would take effect during the next registration period, adding that the Leisure Services Commission had considered the increase in November and recommended approval.

Gaddo said that equipment rental fees were new to fee schedule, adding that there were two conference spaces in the Recreation Administration building that could seat 15-20 people each and were available for weekday meetings. The rentals were geared to home-based and small businesses needing meeting space, and the renters generally needed audio/visual equipment. The suggested rental fees were laptop, $35/rental day; LCD projector, $50/rental day; and DVD/TV on cart, $50/rental day. The Leisure Services Commission reviewed the fees on December 20 and recommended approval. If approved, the fees would also apply to potential meeting space at other Recreation facilities, such as Kedron.

Learnard asked if the rental equipment would stay in the room. Gaddo said the equipment stayed in the building. Sturbaum asked if the refundable deposit would cover anything that went wrong. Gaddo said that, while they found people did not clean up after a meeting, they did not usually find undue damage over normal wear and tear. The deposit should cover staff time for cleaning adequately.

Sturbaum suggested breaking out the separate items for voting. Imker asked if there was a concern. Sturbaum said he had a concern about the non-tournament area as well as field rentals, but he did support the equipment rental. Sturbaum moved to consider the non-tournament increase, the tournament fee increase, and the rental costs on page 79 as separate items. Imker seconded. The motion carried unanimously.

Sturbaum moved to approve the increase in non-tournament fees as presented by staff. Imker seconded. The motion carried 4-1 (Sturbaum).

Sturbaum moved to approve the increases in tournament fees as presented by staff. Learnard seconded. The motion carried unanimously.

Sturbaum moved to approve the equipment rental rate fees for the laptop/LCD projector and dvd/tv on the rolling cart as presented by staff. Learnard seconded. The motion carried unanimously.

(NOTE: Additional discussion on this item continues on page 12)

Sturbaum moved to merge 01-11-13 Consider Amendments – Art. V, Sec. 505 & 506, Land Development Ordinance and 01-11-14 Consider Amendments – Art. VI, Sec. 602 & 603, Land Development Ordinance into one presentation and to vote on at one time. Imker seconded. The motion carried unanimously.

01-11-13 Consider Amendments – Art. V, Sec. 505 & 506, Land Development Ordinance
01-11-14 Consider Amendments – Art. VI, Sec. 602 & 603, Land Development Ordinance

Community Development Director David Rast said the amendments were housekeeping issues. He said the sections were erroneously omitted when the Land Development Ordinance had been amended a few years ago, but the requirements had remained on the project data sheets, so nothing had been missed. Rast asked Council to reinstate Section 505 Conceptual Site Plan Submittal Requirements and Section 506 Final Site Plan Submittal Requirements into Article V.

Rast continued that Article VI in the Land Development Ordinance addressed the procedures for site plan approval. The amendments to Section 602 and 603 put everything in agreement.

Sturbaum said this was a housekeeping matter to streamline the process and increase efficiency. Sturbaum moved to approve the amendments to Article V, Sections 505 and 506 and Article VI, Sections 602 and 603 as presented by staff. Fleisch seconded. The motion carried unanimously.

Old Agenda Items

08-10-03 Consider Amendment to Traffic Ordinance, Art. III, Sec. 78-92

Public Information Officer/City Clerk Betsy Tyler said Council had discussed the ordinance the previous fall and had requested additional amendments. Staff continued to have concerns regarding administration and enforcement of the ordinance. The amendments to the ordinance would prohibit the registration of any more gas golf carts, grandfather the transfer of gas carts already registered, eliminate all gas carts in 10 years, exempt City maintenance/inspection/safety vehicles, exempt carts on local golf courses, exempt certain tourism events when all cart registration was waived, exempt disabled drivers with a valid permit, and allow dealers to replace gas rental carts during the next 10 years.

Tyler continued that State law prohibited any inspection of the carts as part of the registration, so staff could not verify whether a new registration was gas or electric. Staff could not verify the ongoing validity of disabled permits, and they could not verify if gas carts with decals complied with the changes to ordinance. She said that citizen complaints usually peaked after the 4th of July events, but the ordinance exempted any registration during the holiday and many more carts were rented and were on the paths at that time, so the amendment would not address those complaints.

Tyler added that an effective date was needed regarding the registration and the elimination if Council adopted the amendment that evening.

Haddix asked about state law prohibiting inspections and whether staff could verify whether a new registration was gas or electric. He said it was not an inspection for staff to verify whether a cart was gas or electric. Meeker said staff would not actually inspect a cart; it was somewhat of an honor system when people came in for the decals. It would be obvious when a gas cart was heard after the end date. Haddix said it would be the honor system when renewing a registration, adding that the bill of sale should also indicate whether a new cart was gas or electric. There was an ordinance in place to deal with improperly registered/non-registered carts.

Learnard asked if there were different decals for gas and electric. Tyler said there were not. Vrana said it could be incorporated into the decal replacement in 2011. The five-year replacement process started in April. Haddix suggested there be a sticker on the decal that differentiated between gas and electric.

Fleisch said the complaints dealt primarily with smell or loud sound of the gas carts. She met with Joel Cheek, president of the National Golf Cart Industry Association of America. She continued that she and Cheek had gone to Public Works with a decibel machine. They measured the City-owned golf cart, which they thought was a 1997 golf cart, and it had a decibel rating of 68. She continued that a pick-up truck had a decibel rating of 75. She learned that, for every decibel unit of 10, the actual sound power increased 100 times. The sound power of a lawnmower was much greater than a gas golf cart.

Fleisch addressed emissions, noting that prior to 1997 the Environmental Protection Agency (EPA) did not address emissions from gas golf carts. (A copy of Fleisch's PowerPoint is in the meeting file.) She said 44 of the 528 register gas carts in the City were manufactured prior to 1997. There were 11,663 golf carts registered. Since 2001, the EPA had regulated golf cart emissions, which were significantly less in this year's model than carts from 2001. The industry itself was cleaning up the carts. Fleisch said that the current EPA emission requirements for string trimmers and leaf blowers was 50, which was higher than golf carts and lawn mowers, which were less than 10. The emissions requirements had tightened over time, and currently the 2011 emissions (8) were less than half the 2001 level (18). The emissions measured included hydrocarbons and nitrous oxides (grams per kilowatt-hour).

Fleisch also looked at safety and speed, noting that gas and electric carts both had a top speed of 19.9 miles per hour when they came off the assembly line. Fleisch said the perception was that the gas carts were faster, possibly because they were louder than electric carts. The acquisition cost for both types was the same, yet Fleisch said the re-sale value of gas carts was higher.

Haddix said he understood the emission figures Fleisch presented were the production line standard, and asked whether a gas cart would operate as efficiently if it was not maintained. Fleisch said her idea was to put everything in perspective. She realized people did not like gas golf carts, and neither did she, but it was perception versus reality. She wanted to put the issue in perspective with 90 miles of paths and 528 registered gas carts. Haddix said he appreciated the research, but gas motors needed maintenance, which created another set of issues. Comparing the gas carts to mowers and blowers was like comparing apples to oranges. The mowers and blowers were used on private property, not the public path system.

Imker said opinions on this issue were much divided among Council and the citizens, adding the issue was similar to smoking or seatbelts. The issue was on the borderline. He had read comments in the paper, with bloggers asking why staff time was being wasted. Imker said he had asked for the issue to be continued so he could have private discussions with the Mayor on how to implement the changes. Staff had spent zero hours on the issue since that time. They had different ideas on implementation, and Imker said it should be as simple as possible. He agreed with staff that the ordinance, as presented, was too complicated, and he suggested setting a 10-year grace period with the current ordinances. He said there should only be one sentence added to the current ordinance – "All gas golf carts are banned from Peachtree City public cart paths as of 2021." There would be no problem with grandfathering or enforcement, and everything would go away in 10 years. It should be kept simple.

Imker continued that the argument about intruding on a person's rights was weak, saying gas carts crossed the threshold into public affairs. It was not a safety, range, speed, or environmental issue. Threats of lawsuits did not have merit. Imker said he had discussed with the City

Attorney whether or not Council had the ability to ban gas carts, and he was told yes. Cars, trucks, motorcycles, scooters, and more were already banned from the cart path. Council had been instructed that they had the authority to control the public cart paths. He reiterated that all gas carts, including City-owned golf carts, should be banned effective January 1, 2021. Imker said he asked to continue the matter until now so everyone would have time to think about it. He asked Haddix for his input.

Haddix said he had no heartburn over which way the vote went. He had taken a position on the relevancy of the ordinance. Just banning gas carts in 10 years was a simple non-starter because if a Council 10 years ago had banned something in 10 years, the first thing he would have done would be to make a motion to override the ban and get rid of it. People would forget in 10 years. He understood the argument and position, but he thought it was a waste of time.

Imker said that was an excellent point that people would need reminding. They would have to check a box reminding them when they registered or renewed a cart. The City would also make sure the citizens were reminded every year.

Learnard said that, as a distance runner, she spent a lot of time on the paths. She thought the gas carts had already been banned, and at the beginning, she agreed that the carts smelled terrible. As she had done her homework on the issue, her opinion had changed. The duration of gas carts was much longer; they were always ready to go. She had received many communications from senior citizens who chose gas carts for that reason. A five-gallon tank of gas could last a year. They were favored by many because they were more powerful and had greater range than electric carts. An electric cart could go 24 miles on a full charge while a gas-powered cart could go 150 miles. Visitors rented gas carts for an entire weekend because they knew they would not have to be recharged, which was one reason the local golf cart companies used gas carts for their rental fleets almost exclusively.

Learnard continued that registration was a concern. Staff would not be able to verify whether a cart was gas or electric when it was registered. The issue went much further than staff time. There were enforcement issues for the Police Department. Recharging stations had been suggested, but that discounted the truth about how long it took to effectively recharge a cart. Learnard said if there were a safety-related reason to ban the gas carts, then she would consider it. She said her background was in the automotive industry, noting that the automotive industry had to put sound into their quiet electric vehicles because they were involved in more pedestrian accidents than their internal combustion engine vehicles. As annoying as the sound was, it protected people.

Learnard asked Fire Chief Ed Eisworth to discuss the incidences of fires caused by electric and gas golf carts. Eisworth said he had gone through 10 years of records. There had been 24 golf cart fires, one of which involved a gas cart. Six of the fires resulted in structure fires; 18 were outside. The gas cart was outside when it caught on fire.

Police Chief H.C. "Skip" Clark said the Police Department did not have the authority to stop a golf cart unless there was a reason. If there was a legal reason to stop a cart, additional followup and investigation would be required because of all the exemptions. There were no enforcement powers to inspect carts unless there was another violation.

Haddix asked if the same was not true of electric carts with oversize wheels and going too fast. Clark said that going too fast was a reason for a stop. Oversize wheels were not a violation that he knew about. Tyler confirmed that the ordinance only addressed the weight and speed of a golf cart as prescribed by the state. Learnard asked, if a cart was pulled over for cause, what needed to be done to determine if a cart was legally registered. Clark said the officer would have to go back to the office to determine if a gas golf cart was legally registered. It could not be done as quickly as it could be for a car.

Imker said he could not support the changes to the ordinance as written. It put an undue burden on staff. The only alternative was to keep everything the way it was, and in 10 years, gas carts would not be allowed. Haddix said it kept coming back to enforcement, wondering why there was an ordinance to begin with if everything was unenforceable.

Fleisch said her basic premise was that it should be consumer choice, and Council should not be involved with it. It was a question of rights. If Council chose to devalue property and had the power to ban something, it should be done judiciously and with a great deal of research, especially when an ordinance was passed because people did not like something.

Learnard said families who chose gas carts did so for personal reasons. Only 5% of the residents had chosen gas golf carts. She did not like the smell, but she could live with it, noting that it was interesting that this issue and most of the complaints came up in July.

Sturbaum said any amendment brought forward had the right to due process and to be heard. Making it personal reduced the effectiveness. There were advantages and disadvantages to both gas and electric cars. He did not think a ban would decrease liberty, throw out rights, or crush the Constitution. He also worked in the automotive industry, and the costs of ownership of an electric car had many of the same issues. Sturbaum referred to an item cut from a United States House of Representatives' bill, noting that Kansas had requested over $400,000 for electrical charging stations from the federal government. He understood the arguments about personal choice and enforcement abilities. He had concerns about supporting a ban right now, saying maybe it could be reviewed in the future, but he could not support the ordinance changes at this time.

Imker moved to continue the agenda item indefinitely. Learnard seconded.

Haddix asked why the agenda item should be continued. With all the discussion, Haddix felt the amendments should be voted up or down, so they could be done with it. Learnard said if the ordinance was voted down, then it could not come up again for six months. If it was continued, it might not be any different. Sturbaum said that, if the ban was voted down, the issue could be brought back up by a member who voted in the majority before the six-month time frame was up. Imker said he could not support the ordinance amendments as they were written because of the burden it put on everyone, staff and the public. Sturbaum said he would also vote against it, but Council needed to either take action on the motion or Imker should rescind it.

The motion failed 2 (Imker, Learnard)-3.

Sturbaum move to deny the ordinance amendments for gas golf carts. Fleisch seconded. The motion carried unanimously.

01-11-01 Consider Variance Request – Batting Cage at Baseball/Soccer Complex
Sturbaum moved to continue the variance request for the batting cage at the BSC to February 3 because of advertising requirements. Fleisch seconded. The motion carried unanimously.

01-11-09 Consider Modifications to Hotel/Motel Tax Distribution Structure
Imker presented a chart that showed the hotel/motel tax distribution scenarios with the existing distribution structure at 6%, the new distribution at 6%, and the new distribution at 7%. (A copy of the chart is included in the meeting file.) Imker explained that under the current structure, the General Fund received 2% of the 6% [General Fund – $260,000; Convention & Visitors Bureau (CVB) – $520,000 for a total of $780,000]. Under the new structure at 6%, the City's General Fund would receive 3% ($390,000), the CVB would get 2.5% [$320,068, and 0.5% of that amount would go the Peachtree City Airport Authority (PCAA)], and 0.5% ($65,000) would go to tourism and product development, which would be contracted to the CVB for a total of $390,000. Imker reviewed the new distribution at 7%, noting the City would still get $390,000 for the General Fund, but the amount to the CVB would increase to $390,000, plus an additional $130,000 for tourism and product development, bringing the CVB back to $520,000.

Haddix said he preferred the new distribution at the current 6% rate. Imker said he preferred the new distribution at the 7% rate because it gave the City more income to help with the bottom line budget, which had been the purpose of the legislation. He said he understood the hotel industry's concern about a higher tax, but said people did not rent a hotel room based on the hotel/motel tax or the sales tax. The City was taxing visitors to the City, not its own residents. Everybody won. Imker said the sales tax was at 7% just 10 months ago, then went down to 6%; his suggestion was to reinstate that 1%.

Haddix said there had been concern that there was no project list, but the only item that had to be designated was a marketing group that handled the money. No project list was to be included when filed with the Department of Community Affairs (DCA). There was more flexibility than in the other structure. To him, it boiled down to the flexibility in the new structure. The new structure allowed the Convention & Visitors Bureau (CVB) to do things it could not do now, such as build paths, an amphitheater, or a sports center as a tourism product. Keeping the funding at the same amount and having more flexibility was best. Learnard asked if the flexibility was the same at 7%. Haddix said that, at 7%, the flexibility was the same; only the amount of the tax changed. Haddix said the additional 1% would impact the competitiveness of the City's hotels. Imker said the hotels had charged the 7% County tax until last spring. Meeker clarified that the sales tax was an additional tax on top of the hotel/motel tax.

Haddix said there had also been some concern about the enactment date. By state law, the legislation would pass on July 1. The law stated that the new rate could not take effect until two calendar months after the date of enactment. Council could designate October 1 as the date to begin collecting the higher rate, making it part of the FY 2012 budget process. Imker added that, if effective on October 1, then the CVB's budget would not have to change.

Fleisch clarified that, at 6%, the City would take $130,000 into the General Fund, then budget the current $102,000 for PCAA funding, which was a net gain of $28,000 in the General Fund. Haddix said it could be looked at that way, or the money for the PCAA could be funded over to the CVB for distribution to the PCAA. He said it was a question of more flexibility and control. Theoretically, Council was determined to fund the airport, but the CVB did not want to do so. If the funding was in Council's hands, then the debate was gone. Haddix said that would not happen, but it was an example. Fleisch said then the PCAA would be a line item in the budget, subject to the budget process every year. Haddix said that was already happening because Council insisted the CVB fund the PCAA.

Financial Services Director Paul Salvatore said there would be an extra $130,000 in the City's control. To make the CVB and PCAA whole, Council would have to agree to budget the $130,000 back to them. Every penny the City kept was a penny taken away from those entities. Haddix said there was no way to build in safeguards for the future, noting that this Council had changed the Peachtree City Tourism Association to the CVB. Another Council could change it again. Imker said he would like to have an extra $130,000 in the General Fund from non-City residents.

Jim Savage addressed Council, noting he was a representative for the Commemorative Air Force (CAF) and a past manager for Falcon Field. He asked Amphitheater Manager/CVB Executive Director Nancy Price if the CVB could support the Great Georgia Airshow to the same extent as in past years if its budget was cut by $130,000. Price said she could not speak for the board, but they would have to go through the budget line by line to know. Savage noted that the distribution to the airport would be contingent upon the Council passing funds either to the CVB or directly to the PCAA. Price said that was correct. Savage said that, unless Council went with Imker's suggestion to go to 7%, to keep the budget consistent, the CVB would have to make decisions on a line-by-line basis on whether it could continue to support the fireworks, the airport, and everything else that the CVB did, asking Council why. Haddix said the funding agreement with the PCAA came about because Council stipulated the funding of the PCAA through the Tourism Association when it was formed. Council asked the board to take over the fireworks, too. Another Council could take everything back. Sturbaum noted that the agreement was year-to-year. Savage asked why it could not stay between the CVB and PCAA, adding that he agreed with Imker that Council should select the new procedure at 7%.

Fleisch pointed out that, even at 7%, the PCAA funding would funnel through the CVB, and there would be an immediate cut of $24,000. Imker said the 0.5% was a negotiated value between the CVB and the PCAA. It could be changed. It was just an example of how it was done. Fleisch reiterated that the CVB had only been in business for six months, and it was not a good idea to change the structure.

Haddix asked Price if the CVB had cut the funding for the PCAA. Price said the agreement with the PCAA was in place before she came. She understood the intent was to eventually wean the airport off the hotel/motel tax funds, but there were no percentages or dates in the agreement, except possibly a five-year period. There were no details. Haddix said the CVB had discussed cutting back on the PCAA funding. She knew there had been discussions to adhere to the agreement and make it more specific. Haddix said nothing was in stone for the CVB or Council. If they were looking to put airport protection in stone, it was not there. Sturbaum said it was important to support both entities, especially with proven directors who were moving forward. There had been contentious moments in the past, but he did not see that as an issue in the future. He said Imker had made some sound points about increasing the tax to 7%.

Imker moved to pursue implementation of the new hotel/motel tax rate structure pursuant to OCGA § 48-13-51(b). Learnard seconded. The motion carried 4-1 (Fleisch).

Learnard said the additional 1% tax on the hotel/motel industry was significant when those facilities were competitively bidding against conference centers in other counties, but she did agree with Imker regarding the additional money for the General Fund. Council had made big changes to the tourism and convention structure over the last year, changing the structure, creating the job-sharing agreement, and hiring a new director. She had every confidence the City was moving in the right direction to help the hotel/motel operators, hopefully minimizing any hit they would feel from a 7% tax.

Sturbaum said there were good and bad points regarding an increase to 7%. There would be benefits to the General Fund. He had spoken with John Crosby and the PCAA, as well as Price and the CVB. He was locked at 6%, but he wanted to get that money back into the entities' coffers. He wanted to keep them moving forward. Haddix said the consensus was unanimous that the CVB and PCAA be protected. Imker said he understood the possible impact of the 7% tax, but people visited the City to participate in activities in the City. They might save a $1 on their hotel room in Newnan or Fayetteville, but they would spend $2 on gas going back and forth.

Fleisch said Peachtree City was not a destination city. Because of that, the CVB was generating more revenue by creating tournaments and bringing in events that generated hotel/motel tax as well as sales taxes at restaurants. She felt doing anything that "monkeyed" with the formula was premature and undercut what was being done. Going from 6% to 7% in an economy where everything counted was not a good idea. Haddix agreed with Fleisch regarding the short time the CVB had been in operation, which was why he wanted the flexibility of the new structure at 6%. He wanted to give the CVB the rest of this year and another full year at 6% with the new structure, then look at the tax rate again. Imker said that would take additional legislative action, which he would rather not do. Meeker said that 2010 had been the first year of the new distribution, and all the cities that had changed to the new structure had gone to an 8% tax.

Haddix said they had to make a decision, and he had not been persuaded to move from 6%. Learnard said moving to the new structure at 6% did nothing. She supported increasing the tax to 7% so everyone got the same amount of money as they were currently receiving, and it could help keep the City from another budget crunch.

Fleisch asked if the intergovernmental agreement for the PCAA funding could be between the PCAA and Council, taking the CVB out of the process. Meeker said the City could keep the funds it was entitled to under the new structure and have a direct contract with the PCAA. Haddix said he would support such an agreement if it made Fleisch more comfortable. There would be flexibility, the PCAA would be protected, and everything would be simplified. Sturbaum also supported that option.

Imker moved to approve the ordinance and adopt the resolution establishing the hotel/motel tax rate at 7% with 3% to the general operations of the City, 2% to the CVB, and 1% to tourism product development. Learnard seconded. The motion carried 3-2 (Haddix, Sturbaum).

Meeker said he would bring the ordinance back to Council for the effective date once the General Assembly had approved the legislation.

Vrana pointed out that Council had split the votes for agenda item 01-11-12, and a vote was also needed to establish the fenced accounts for the tournament fees. Meeker said a motion was needed to reconsider the agenda item.

Learnard moved to reconsider agenda item 01-11-12. Imker seconded. The motion carried unanimously.

01-11-12 Consider Amendments to Recreation Fee Schedule (additional discussion)
Gaddo said staff was unsure if the motion on the tournament fees included the recommendation for the fenced accounts. Sturbaum asked if it needed to be clarified for the record. Meeker said that would be the best thing to do.

Imker said the fenced accounts tied the City's hands by restricting the flexibility of the funds obtained by the City from the participants and directing them to a specific use. Salvatore explained that it would all be new revenue. With the fenced account, half of the tournament fees would go into the General Fund and half would go into the specific fenced account, so the funding would be there to help repair/take care of the fields after the tournaments. Imker said that could be done through the budget process, and all the fees should go to the General Fund. The director should let Council know during the budget process how the budget should be set up. Gaddo said the budget had been so restrictive the last few years that the youth associations had picked up many of the maintenance items. The associations felt it was unfair for them to spend their time, money, and effort to get the fields in shape after the City held a tournament. The tournaments brought money into the City, but they were not putting anything back into the fields to keep them in the condition the City users expected. Gaddo said it was difficult to perform field maintenance during normal play.

Salvatore said the fenced accounts would be named for the facilities. There would be a fenced account for soccer to repair the fields after a soccer tournament. They would not be co-mingled with baseball funds. Imker said was an internal City Manager/Recreation Department job. Council dealt with the entire budget and should not be optimizing one area to enable a certain group to be guaranteed a certain amount of money. Salvatore said if all the funds went into the General Fund, then a revenue item could be set up to see where the money was coming from; then during the budgeting process, that money could be allocated to those areas. Imker said he sympathized with the associations, but he had a problem with earmarking money for a specific sub-group when the budget picture for next year was not known.

Gaddo said his department was trying to help support another function in the City, tourism, by offering the fields for tournaments several times a year. The fields could not be beaten to death, so they might have to revisit the whole idea. They were trying to find a middle ground to host the tournaments yet keep the fields in an acceptable condition. Imker told Gaddo he could make those arguments during the budget process and advocate for the funding that was needed. Sturbaum said they did not have to take action on the fenced account. Vrana said 100% of the fees would go to the General Fund until something different was done. Vrana noted the first tournament was in March. Staff could assess the damage after the first tournaments and come up with an expense estimate on what it took to get the fields back into condition. Setting up an expense account for field repair might provide a tracking mechanism.

Haddix noted that many of the fees were established based on what it took to repair the fields, saying that implied a dedication of the money to repair the fields, which was a point of discussion for later. Imker said that would give time to see what was needed and to incorporate the field repairs into next year's budget.

Sturbaum moved to continue the fenced account issue to the first meeting in April. Fleisch seconded. The motion carried unanimously.

Gaddo said staff had not heard any action on increasing the fees for the current fenced accounts. The recommendation was to increase the rates on the three tiers.

Imker moved to raise the minimum level of the youth sports association fenced accounts from the current \$5 for in-County and \$10 for out-of-county to \$5 for City residents, \$10 for County residents, and \$25 for out-of-county. Fleisch seconded. The motion carried 4-1 (Sturbaum).

Council/Staff Topics

Hot Topics

Vrana said the studies for the MacDuff tunnel were complete, and the wetlands had been flagged and surveyed. Plans were sent to the design firm for the walls. Once that was completed, ISE would send the plans to the City for review. It would probably take a few months.

Meeker said there had been questions about the proposed tree moratorium, which he said could be done with a caveat for any hazardous conditions. Council consensus was to bring the proposed moratorium to the February 3 meeting.

Vrana said the funding for the traffic study at Crosstown/Peachtree Parkway had come in from the County. The study had been delayed due to the weather. Pond and Company had done a cost estimate and the drawings for the right-turn lanes. The study would include comparisons to a signalized intersection. The cost estimates should be available by the February 17 meeting.

Vrana continued that Borkowski had gotten the permit application for the flashing light at the Baseball/Soccer Complex. The City was responsible for the power source. Borkowski and Gaddo were working on the funding, and Borkowski was working to complete the permit.

The burn at Lake McIntosh had not yet taken place. Vrana said staff was trying to find out the new dates.

Vrana said that Centennial had forwarded concerns about detention ponds in the subdivision. The slope of the ponds and the mucky, wet conditions made it difficult to get equipment in there. They would have to remove the trees from the tree line around the ponds to access them. Public Works crews had gone out to assess the issues. Imker asked if there was a timeline. Public Works Superintendent Scott Hicks said the ponds were supposed to be dry ponds, but they were holding water. They found the reason for that, and it was being fixed. It should take a week to complete all the work. The slopes were almost vertical, making it difficult to get equipment in without having a tow vehicle to pull it out. If it was too wet, equipment could be lost. Hicks expected to resolve the issue in a few weeks.

Learnard commended Vrana for the difficult decision of closing the City for two days to keep employees safe during the recent ice storm. Vrana thanked Eisworth, Clark, and Public Services Director Mark Caspar for their departments' efforts, saying there had been great interdepartmental communication. The Public Works crew did a great job. Imker commended Sany Corporation, who offered a road grader to assist in the snow and ice removal efforts. Haddix, who had given the State of the City address to the Peachtree City Rotary Club that day, said the Rotary also extended their compliments to Public Works and City staff.

Imker addressed Haddix regarding recent comments the Mayor made about the FY 2011 budget and the out years through FY 2015. He showed a PowerPoint of the five-year millage rate scenario (a copy is included in the meeting file). Imker said the discussions on the millage rate had been misrepresented. He noted that the five-year model had been created by Financial Services and showed any future millage rate increases that might be needed. Imker continued that he had read over and over again Haddix stating the plan instituted last year that began with a 1.25 mill increase included greater than 0.5 mill increases in the out years, and he wanted to correct that. It was actually the 0.50 mill plan that included a greater than 0.5 mill increases in the out years, with a total cumulative increase of 2.836 mills. The Mayor was talking about his own plan. The 1.25 mill plan had increases of 0.213 increases in the out years for a total increase of 2.102 over the five years. Imker took exception to being mischaracterized, adding that the expected 0.213 mill increase was now down to approximately 0.1 mill because of the additional $130,000 from the redistribution and increase of the hotel/motel tax. Council would manage the 0.213 mill increase out, maybe to the point of a tax decrease. Imker said he could not promise that, but he would work with the directors and chiefs to achieve it. He did not want to hear any more that, "three of the five council members voted for 1.25 and looked forward to additional potentially greater than 0.5 mill increases in the future."

Haddix said he did not want to get into an argument, adding that was not his plan. If Imker wanted to talk about the 0.5 mill plan, the plan with 0.5 mill increases in the out years was not his plan. His plan had no increases in the out years. He asked Imker not to misrepresent him, saying his statement was, "what was proposed was a 1.25 mill increase with four consecutive 0.5 mill increases and potentially greater after." The full statement included, "unless it could be managed down." Imker said the approval of the 1.25 mill increase was based on the scenario shown. Imker said he wanted to make sure he did not hear 1.25 and 0.5 in the out years again. Haddix asked for one clarification – he could not tell Imker what he could say any more than Imker could tell him what to say, adding it was time to move on.

Learnard moved to reconvene in executive session for real estate, pending or threatened litigation, and personnel at 9:20 p.m. Fleisch seconded. The motion carried unanimously.

Sturbaum moved to reconvene in regular session at 10:48 p.m. Learnard seconded. The motion carried unanimously.

Learnard moved to deny the claim from Tinsley Mill as such claim was presented. Sturbaum seconded. The motion carried 4-1 (Imker).

There being no further business to discuss, Sturbaum moved to adjourn. Learnard seconded. The motion carried unanimously. The meeting adjourned at 10:50 p.m.

Pamela Dufresne

Pamela Dufresne, Deputy City Clerk

Don Haddix

Don Haddix, Mayor