

City Council of Peachtree City
Minutes of Meeting
January 17, 2002
7 p.m.

The City Council of Peachtree City met Thursday, January 17, 2002, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:00 p.m. Other Council Members present were: Annie McMenamin, Steve Rapson, Dan Tennant, and Murray Weed.

Announcements, Awards, Special Recognition

Brown recognized David McDaniel as Employee of the Month for December 2001 and Employee of the Year for 2001. Tony Wood was recognized as Supervisor of the Quarter for the 4th Quarter of 2001 and Supervisor of the Year for 2001. Brown proclaimed January 20-26 as Kiwanis Week in Peachtree City. January 21 was proclaimed as Martin Luther King, Jr. Day in Peachtree City.

Approval of Minutes

McMenamin moved to approve the January 3 meeting minutes with corrections. Tennant seconded. The motion carried unanimously.

Rapson moved to approve the December 20 meeting minutes with corrections. McMenamin seconded. The motion carried 3-0-2 (Brown and Weed abstained).

Consent Agenda

Consider Bid for Highway 54 Landscaping

Brown said the landscaping bid was for the Highway 54 median. Basinger said the bid came in about \$5,000 over budget. Basinger recommended the additional money come out of the Public Improvement Program (PIP) Contingency Fund. The landscaping started in front of the Wyndham Peachtree Conference Center and ended at Peachtree Parkway. Basinger reminded residents to drive carefully through the area when the work began. McMenamin moved to approve the consent agenda as presented. Rapson seconded. The motion carried unanimously.

Old Agenda Items

12-01-02 Public Hearing – Easement Request – St. Andrew's Square

Brown said that the applicant had requested the hearing be continued until February 7. It was originally scheduled for January 3, but was continued until January 17 due to the inclement weather. Tennant moved to continue the public hearing until February 7. Weed seconded. The motion carried unanimously.

01-02-02 Alcohol License – NEW – Famous Fish Company

Administrative Services Director/City Clerk Jane Miller told Council that staff had attempted to contact the applicant, Bruce Scott, several times, and asked if Mr. Scott was present. He was not. Miller said the paperwork was in order, but Chief Murray was still waiting on some information since it was an international criminal history. Murray said he talked to Scott and reminded him to come. Brown moved to table the public hearing until the end of the agenda to see if Mr. Scott would arrive. Rapson seconded. The motion carried unanimously.

12-01-09 Appoint New Members to the Public Safety Retirement Committee

Brown said Rapson and Weed had expressed interest in participating on this committee. McMenamin moved to appoint Rapson and Weed to the Public Safety Retirement Committee. Tennant seconded. The motion carried unanimously.

01-02-05 Discussion of GEM/NEV Vehicles

Bill Wood, the attorney for Global Electric Motorcars (GEM), addressed Council concerning the tax credit for the GEM vehicles. Wood explained that the company was a subsidiary of the Chrysler Corporation and that GEM had sold and titled its vehicles in Georgia since 1999. Around 47 of the vehicles had been sold and licensed with no problems since that time. During the last session, the state legislature adopted a tax credit for zero emissions vehicles. The GEMs fell under that category. Around December 15, Tony Jackson, the income tax conferee, reviewed the legislation and concluded that vehicles that weren't registered and titled weren't entitled to the tax credit. The Department of Motor Vehicle Safety (DMVS) looked at it and a notice was sent to the tax commissioners to stop registering the vehicles until the DMVS decided whether the vehicles met the definition of motor vehicle. Wood said they had been working with DMVS, the Attorney General's office, the Department of Revenue, and members of the Georgia Legislature to get through it. As far as the statute existed, there was nothing in writing, but Wood said the company understood the problem the state was having with the vehicles but felt the state code was very clear and that the GEMs should be registered and titled in Georgia. The vehicles met the federal requirements for low speed vehicles, a new vehicle category created by Congress in 1998. Wood said he was scheduled to meet the next day with a Georgia legislator who was instrumental in the tax credit bill. He continued that several legislators were very interested in this. A four-page analysis was sent to DMVS pointing out that GEMs should be eligible for the tax credit.

Brown asked Wood if he was filing suit or planning to litigate. Wood said legislation had been drafted and would be ready to be introduced if the DMVS decided the GEMs didn't qualify for the tax credit. Brown asked how that would affect residents who bought the vehicle in 2001. Wood said that the legislation didn't say the vehicles had to be registered and titled by the end of the year. He added that the legislators were aware that the delay in registering the vehicles was beyond the taxpayers' control. Wood pointed out that the tax legislation stated if the qualifying vehicle was bought in Georgia, certified by the Department of Natural Resources Environmental Protection Division, and registered in Georgia, the owner of the certificate of title was entitled to a \$5,000 tax credit per vehicle. Wood continued that GEM had sent a letter to its dealers stating the company would buy back the vehicles and hoped the dealers would send the letters out to their customers. He explained that the manufacturer didn't want to get between the dealers and their customers so the letters weren't sent directly to the customers. Brown asked if the City could have a copy of the letter to show interested citizens and Wood said he would e-mail or fax a copy.

Rapson asked what kind of action needed to be taken to help those residents that had been given 30-day temporary tags, especially since the end of the time period was approaching. City Attorney Rick Lindsey recommended Council pass a resolution granting another 30 days. He said it might have to be re-visited at the second meeting in February and extended. If the state decided to register the vehicles, the problem was solved. If the state refused to register the GEMs, GEM owners would have to come to City Hall and register the vehicles like golf cart owners do. Lindsey's recommendation was for Council to pass a resolution granting a 30-day window excluding the GEM owners from having to register with the City Clerk and allowing the GEMs to

operate on the same streets on which golf carts were allowed. Brown asked if the golf cart ordinance would need to be re-drafted. Lindsey answered that if the state took the position that the vehicles shouldn't be registered then the City would have to revise the ordinance.

McMenamin moved Council approve the 30-day resolution as recommended by the City Attorney. Rapson seconded. The motion carried unanimously. Tennant asked if that meant 30 days from the expiration of the temporary tag. Lindsey said 30 days from this meeting date, which should be close to the second Council meeting in February.

New Agenda Items

01-02-06 Discuss List of Appointed Positions/Staff Recommendations

Brown explained that he had asked for this agenda item. Since there was a new mayor and council members, he felt Council needed to know who filled what position. No action was needed. He wanted to make sure everyone knew and that it was included in the official meeting packet. Brown continued that interested citizens could pull it up on the website.

01-02-07 Appointment of Legal Organ

Administrative Services Director/City Clerk Jane Miller explained that Council appointed the legal organ on an annual basis. This year there was a question of whether or not the City could use multiple legal organs. Miller said the City could have more than one legal organ, but would need to advertise each ad in each newspaper each time. Miller said there could be time constraints, as well as additional costs, in using more than one newspaper as the legal organ. Miller explained that each newspaper determined their charges in a different manner so staff took two ads and checked on the price for each ad. The least expensive was the Fayette Daily News. The next least expensive was The Citizen; however, the editor had requested the paper not be considered because of the paper's earlier support of candidates elected to Council. The Atlanta Journal-Constitution was the most expensive. Miller said press releases were sent to all the newspapers. Miller said staff recommended the Fayette Daily News continue as the legal organ. She pointed out that the paper was published five times a week, which met Council's deadlines as well as the Planning Commission's.

McMenamin stated that delivering in the information in a consistent manner was more important than spreading it out in several newspapers. She moved to appoint the Fayette Daily News and Today in Peachtree City as the legal organ. Rapson seconded. The motion carried unanimously.

01-02-08 Appointment of City Auditor

Financial Services Director Paul Salvatore told Council that the current contract for audit services expired with the completion of audit services for fiscal year 2001. Staff solicited bids for a three-year term and several firms expressed interest. The two viable proposals were received from Mauldin & Jenkins and Geeslin, Cordel, Johnson & Wetherington (the current auditors). Salvatore said a combination of five technical factors was used to evaluate and award criteria for the proposals. Mauldin & Jenkins scored higher on the technical factors primarily due to their more extensive experience with governmental audits and GASB 34, in particular. Salvatore said GASB 34 was the biggest change in governmental reporting history and was a federal mandate the City would have to comply with soon. In addition, the City would also realize a substantial cost savings

with Mauldin & Jenkins. Salvatore said staff recommended Council accept the proposal from Mauldin & Jenkins.

Rapson moved to approve staff's recommendation of Mauldin & Jenkins as the city auditor. Tennant seconded. McMenamin said that she really wanted to support Geeslin, Cordel, Johnson & Wetherington since they were a hometown firm and had done a wonderful job. While that weighed heavily, McMenamin said it would be hard to explain the difference in cost to the taxpayers. The motion carried unanimously.

01-02-09 Consider Fine for Operating GEM/NEV in "Street" Mode

Lindsey reported that he had discussed the fines with Municipal Judge Mitch Powell. The judge said he wanted some flexibility in the fines and viewed the fines already in place for the underage operation of golf carts as the fines for illegal operation of low speed motor vehicles. Powell would like flexibility in some cases. Lindsey said operating the vehicles in the higher speed on the cart paths was a safety concern of Council and the Police Chief. The cases would be prosecuted and the higher fines would be recommended. Lindsey recommended that Council not set a minimum fine and give discretion to the judge. Lindsey added that if there was a problem down the road, Council could address it at that time.

For the public's information, Tennant said a fine of not less than \$250 was the standard used. For the second offense, it was a fine of not less than \$500. Tennant advised against driving in the higher speed setting on the cart path since it would cost a lot of money.

01-02-10 Consider Status of Multi-Family Moratorium

City Manager Jim Basinger told Council the multi-family moratorium had been in place a number of years. He said it was just a matter of Council taking action unless they wanted to remove the moratorium.

McMenamin moved to continue the multi-family moratorium. Rapson asked Jim Williams if there were any areas in the City zoned for multi-family use. Williams said there was an area at Crosstown and Peachtree Parkway, but a senior facility was going there. No other areas were zoned for multi-family use.

Brown asked about any re-development situations and the possibility of ending up with apartments. Williams said some single-family subdivisions were zoned General Residential and someone could acquire the property and re-develop it. Williams said redevelopment plans in commercial zones would have to come before Council for approval, but not in General Residential areas. Rapson clarified and said they were already zoned for apartments, but just happened to have single-family subdivisions. Williams said there were a few churches in General Residential zoning, but the only undeveloped parcel zoned for apartments he knew about was at Crosstown and Peachtree Parkway.

Tennant seconded the motion with the clarification that the multi-family moratorium would be extended through December 31, 2002.

— Lindsey said he assumed Council had the same concerns as when the moratorium was enacted three years ago – overcrowded schools, traffic, and public safety. Weed asked Lindsey if there was a basis to extend the moratorium. Lindsey said the concerns were present the last three years. If someone believed the moratorium to be unconstitutional as applied to their property they could come to Council and discuss it. Weed agreed there was a procedural due process remedy in the moratorium. Lindsey recommended Council continue the same set of ordinances. The motion carried unanimously.

01-02-11 Consider Increase in Hotel/Motel Tax

Salvatore recalled that staff had reported at the December 20 Council meeting that the City was experiencing a revenue shortfall of 38% in Hotel/Motel taxes. Salvatore continued that the City's contingency plan only addressed a 20% shortfall in the Hotel/Motel tax. The Hotel/Motel tax was used to fund debt service payments on the Tennis Center expansion project. Council instructed staff to look at raising the tax from 5% to 7%. Salvatore said he talked to the City Attorney and, after researching it, they found the City could only legally raise the tax to 6%. Business had improved and the shortfall now was at 27%; however, Salvatore said he believed there would still be a downturn in the industry. Salvatore discussed some scenarios, which looked at a shortfall anywhere from 20% to 29.75% and included projections at the 5% and 6% rates. Salvatore said staff had a two-fold recommendation to make-up the projected shortfall. The recommendation was to raise the hotel/motel tax to 6% and to go back to the Development Authority and Airport Authority and negotiate to split the shortfall with them.

— Development Authority member Tate Godfrey, the Development Authority's treasurer, said they were contacted that week to consider the issue. The Authority had not had a chance to meet and their next scheduled meeting was Monday, January 22. He said they were willing to sit down and talk about it and work with Council on the issue. The Development Authority had some concerns and would like to talk about it among themselves, and then come back to Council.

McMenamin pointed out that the City had a contractual agreement with the Development Authority and needed their cooperation and participation. Tennant noted for clarification that the contract could only be broken if both parties agreed to it.

Godfrey said part of the Development Authority's concern was that the increase from 3% to 5% was discussed in detail over a two- to three-year period. He understood that that increase had very specific uses and had to affect tourism and economic development, things that would potentially benefit the hotels.

— Tennant said he was concerned because time was money and felt Council needed to move on it. Rapson said the City was down \$70,000 now. Salvatore said if the shortfall stayed at 30% and the tax stayed at the 5% level the city would be about 29.75% short in hotel/motel tax collections, or about \$280,000. Rapson said that Council couldn't tell the Authority what to do, but could give direction. Godfrey said Salvatore had given him the spreadsheets and shown him the recommendations. He said he would like to take that to the Development Authority at the January 22 meeting and then get back to Council. McMenamin asked if a workshop should be called. Rapson said he would like to hear from the hotel representatives at the meeting. Weed said that staff had looked at the situation thoroughly. He continued that if the Development Authority could

— think outside of the box and come up with an alternate solution, he wanted to hear it. Godfrey said they would look at it on Monday, January 22, and get back as soon as possible with a report.

Brown said his concern, after reading the financial papers, was that the situation was so urgent that the governor called a special meeting with the hotel/motel people to discuss it. He continued that the financial papers weren't too optimistic and the City could have a real situation on its hands. Brown said something had to be done very quickly and there were going to be hard decisions to make. He explained to the public that the Development Authority and the Airport Authority shared the hotel/motel tax with the City getting a small portion. The shortfall would affect the City and Brown wanted to share the shortfall in a proportional manner.

Virgil Christian, executive director of the Development Authority, told Council he had met with the Tennis Center and the Amphitheater staffs and told them the staffs needed to participate. They were looking at postponing and cutting some items and were taking it very seriously.

Willis Granger commented that people were being encouraged to travel and he felt that increasing the tax would discourage travel. He acknowledged that a 1% increase wasn't much, but wondered what the impact would be on the hotel/motel industry. Salvatore said the City wouldn't know the impact unless the hotels and motels let them look at their records. He said he surveyed the surrounding counties and cities and the tax ranged from 3% to 8%. The Gwinnett County tax was 7%. Fulton and Clayton Counties and College Park had a 6% tax.

— McMenamin said Council had received letters from the local hotels asking Council to not raise the tax. She said they had a good argument. The letters pointed out their revenues were already down and that the local hotels didn't have the amenities to attract tourists as hotels in Atlanta did. They felt the City was sending their business somewhere else and their losses would continue.

— Rapson said he disagreed with that point. Raising the tax to 6% put the City in the same market as its neighbors. Rapson pointed out that business at the conference centers came from the east, the northeast, and the hotel/motel tax in New York was 15% to 16%. Rapson said he was in favor of increasing the tax to 6%. He continued that when the tennis center expansion came up he was the one screaming that it should be a bond question. The funding mechanism for the expansion was the 3% to 5% increase in the hotel/motel tax. In December, he was concerned when the financing came in because Council was aware that the hotel/motel tax revenue was down 35% to 38%. He said he spoke with the managers at each hotel and conference center and they all told him the same thing that had been heard from the rest of the state. They would be lucky to get what they got last year and they didn't see it turning around. In December, the hotels and motels were going to aggressively market new cliques and turn it around. The facts now were that the budget was \$70,000 in the hole and 29% less than what was budgeted had been received. At the prorated share the Airport Authority and Development Authority would have gotten, the City had paid them \$50,000 more than it should have. Rapson said if the hotel/motel tax wasn't fixed and if the authorities weren't directed to do something about the supplements they were given, the City, and therefore the taxpayers, would be left on the hook. The revenues weren't there and Rapson said it was unacceptable that the taxpayers would be responsible for that. Granger said he agreed, but that the City couldn't tax itself out of a recession.

— Weed said he was also concerned. If the Development and Airport Authorities did not think outside of the box and come up with another approach, and if the taxes were not increased, staff said the shortfall would be dealt with by using cash carryovers, the Council Contingency Fund, and the Public Improvement Program (PIP) Contingency Fund. At the end of the day, the money for something that wouldn't have passed as a bond issue would have to come from somewhere.

Rapson said Council wasn't asking the Development or Airport Authorities to do anything different than what Council had asked staff to do. He explained there were things in the PIP that the City wasn't doing because there wasn't enough cash.

Brown said that money would come from somewhere, whether the Recreation Department or Public Works. He said he would take Council's pro rata share out of the general fund, but wouldn't take the rest of it. The only alternative he had been given was to raise the tax to 6%.

Tennant agreed and said he was concerned about moving forward promptly. He speculated that people coming here wouldn't look at a 1% increase in the tax as a detriment.

Pam Kemp commented that when an organization was planning on booking 50 rooms at a conference center they would look at a 1% increase and that could make a difference. Peachtree City didn't have the amenities of New York City or Atlanta. Tennant said Kemp was right, but added that if the City wasn't 25% to 40% below projections they wouldn't be talking about it.

— Rapson said he would suggest raising the hotel/motel tax to 6% until the revenue started to come in and the shortfalls were made up. The tax would be lowered back to 5% as soon as the budget was back on even keel.

Weed recommended waiting until Council heard back from the Development Authority and Airport Authority to make a decision on the tax increase. Rapson said the Mayor sent a letter to the Development Authority on January 3 and it had had 13 days to come up with a plan. Tennant said to be fair there was a recession and everyone was hurting. Council was trying to be as fair as it could.

McMenamin said she was disturbed by the talk of putting the Tennis Center on the bond referendum when the bond referendum failed. She felt the Tennis Center would have failed because the citizens were against any kind of tax increase even when it was 32 cents a year to improve Drake Field. The reasons citizens embraced the idea of having a distinguished place like the Tennis Center as an amenity and to bring in economic trade and development was the fact that it wasn't coming out of their pockets. She wasn't interested in listening to the Council beleaguer the Tennis Center expansion as part of the problem when she thought it would help turn the economy around. McMenamin said the two issues should be separated. She was willing to listen to the hotel/motel increase argument and give the Development and Airport Authorities time to come up with solutions on their own.

— Kathy Nelmes, chair of the Airport Authority, said she was in the same position as Godfrey. The Airport Authority hadn't had time to meet, but wanted to help out. It was a financial crisis and the Airport Authority wanted to do its share. The next meeting was February 13, but a special meeting

— could be called. She was optimistic there would be an economic upturn and the money would be recouped in the future. McMenamin asked if the Airport Authority would be amenable to having a meeting next week and said Council was also going to have to call a meeting. Brown agreed and suggested the Airport Authority call a special meeting as soon as possible.

Phyllis Aquayo asked if there was any way the facilities' expansions could be delayed. Brown said that was something the Authorities needed to discuss. He added that it would be their call, but that Council would like them to take their share of the loss. How they did that and incorporated it into their budgets was up to them.

Tennant asked Lindsey to what extent the hotel/motel industry needed a heads up on a tax increase. Lindsey said there was no requirement except to advertise under the Open Meeting law. There was no legal requirement as to how far in advance they were to be notified of a tax increase. Rapson said it couldn't be collected until February 1 at the earliest.

Godfrey said the Development Authority would address it with all seriousness and get back to Council as quickly as possible. He pointed out that the increase from 3% to 5% was earmarked for a specific project and they might not be able to back off that project. They would find other ways and would be as creative as they could be. He commended Christian, who had already started working on it.

— Nelmes said it would affect the whole community and it was an unfortunate situation regardless whose pocket the shortfall came out of. Airport Manager Jim Savage said the action to increase the tax needed to be as timely as any action the authorities took. He said if Council took action at the meeting, it would help the Authority in planning.

Rapson moved to increase the hotel/motel tax from 5% to 6% with the understanding from Council that as soon as the shortfall is made up it would be lowered back down to the 5% level. The intent was to not collect any more money than was budgeted as quickly as possible.

Lindsey suggested the wording indicate that effective February 1, 2002, the hotel/motel tax would increase from 5% to 6%, with directions to staff that as soon as the shortfall was made up to place it on the agenda for consideration to move the tax back down to 5%. Tennant seconded. The motion carried unanimously.

Rapson said there were two ways to split the funding shortfall based on a 25% loss. He continued that he chose 25% because he didn't think it would stay at 30%, but he didn't think it would get to 20%. Based on a 25% loss and a February 1 implementation date of the 6% tax, the shortfall would be about \$160,000. Salvatore used formulas associated with the entire contribution to the Development Authority and the Airport Authority to figure out the weighted percentage for each entity. The percentages were 48% for the Development Authority, 31% for the Airport Authority, and 21% for the City.

— Rapson proposed a counter recommendation. He said when Council made the determination to take the tax to 5%, it was done with the understanding that the existing debt for the Airport and the Development Authorities was already coming to the City. He suggested taking the supplements

the City gave to the Authorities, in addition to the new debt generated from the improvements, and the entire contribution from the City. He said that shifted the impact on the Development Authority, was a big shift for the Airport Authority, and the City ate the difference. He said that \$160,000 shortfall would be \$82,000 for the Development Authority; the Airport Authority would be responsible for \$32,000, and the City would make up the remaining \$42,000.

McMenamin said she felt Rapson's numbers were good, but she suggested the Airport and Development Authorities should get together after their meetings and work out something between them before coming to Council. Rapson said Council should probably go ahead and set a date for the Authorities to come back for discussion. Godfrey asked if the recommendations could be put on paper so the Development Authority could look at them.

Brown asked Lindsey if the intergovernmental agreement would need to be modified, amended, or re-written. Lindsey replied that it was usually amended, but it would depend on what was done. He was sure there was a provision that modifications were to be made in writing. He said he would take care of it once a decision was made. Rapson said there should be the same caveat that the intergovernmental agreement would be resurrected once the shortfall was gone.

Weed asked Nelmes and Godfrey if they felt that they had received adequate direction from Council. They both said yes.

A workshop was scheduled for Wednesday, January 23, 7 p.m., with the Development and Airport Authorities. Friday, January 25, was chosen as a back-up date.

01-02-12 Consider Policy for Requests for Legal Opinions

Basinger said it had been suggested that a policy be set up for requests and distribution of legal opinions. Basinger read the recommended policy for the benefit of the public.

Brown said the policy allowed everyone to stay informed on any requests that were made and to make sure no one was left out of the loop. He said it was in the form of a CAR (City Administrative Regulation) and would be put in the manual if approved. McMenamin added that it also let Council know where the costs for the City Attorney were coming from.

Tennant asked what happened when a telephone call was made to Lindsey with a question and a response was made orally. He said the CAR specified written legal opinions, but he felt more comfortable with the wording "any legal opinion." He said he would like to see the word "written" taken out. McMenamin disagreed and said there might be instances where a Council Member would call the attorney and tell him what direction they were moving in and ask if that was okay.

Willis Granger asked if this was an attempt to deny access to the City Attorney or if it was for billing reasons. Rapson said it was an attempt to find out who was costing the City so much money for legal services. Rapson continued that, before that Council Member got out of control, the other four would put that person back in place.

Brown said there were other instances where two or three Council Members would know about an issue and the others didn't. Tennant said that keeping everyone in the loop was the most important part.

Rapson said his concern was common sense and didn't know if it should be in a CAR. He said if Lindsey was asked for a legal opinion that would generate a lot of hours, Rapson hoped he would come back to Council or notify the City Manager before proceeding. Lindsey said he tried to do that, or to suggest another way to do something before having him do it. Lindsey continued that he got a lot of calls from Council Members with concerns such as living in the same subdivision as someone with a variance request and asking if they could vote on it. If it were just a Council Member asking if something was a conflict or the Police Chief or Jim Williams calling with something, it would increase the legal bill if Lindsey had to come back with a written opinion. He recommended that Council be notified of any opinion oral or written that had any effect on Council. Council directed Lindsey to take another look at the CAR and bring it back to the next meeting.

01-02-13 Consider Van Pool Policy

Jim Williams told Council that the City had been looking at ways to effectively participate in the Clean Air Program for the past year. One way to do it with the least impact and least amount of input on the City's part was the ride-share program, which was simply to put more than one person in a car headed to Atlanta. The ride-share concept could expand from car-pooling to vanpooling. Herb Wood had given a presentation on his company, Metro Van Pool, at the November 15 meeting. Council had some concerns about liability and other issues and it had been referred to the City Attorney for an opinion. The City Attorney determined that Council could endorse the concept without endorsing Metro Van Pool. Williams said he agreed with Lindsey. He recommended Council endorse the concept of vanpools and for staff to work with those interested in providing the service.

Brown asked if there were benefits, other than the obvious ones, from the Atlanta Regional Commission (ARC) or the Georgia Regional Transportation Authority (GRTA) for endorsing or sponsoring such a program. Williams said yes, but it would be an indirect benefit. The Environmental Protection Division sponsored the program and the extent to which the City sponsored programs to their benefit would pay dividends later on.

McMenamin asked if serving as a general resource center meant there would be brochures in the front lobby. Williams said the information would be available as part of the planning function to people with property that could share parking. It wouldn't be a promotional blitz, but the City would be a clearinghouse of information for people who wanted it.

McMenamin moved that the City support the concept of the ride-share and van pooling programs and for the City to serve as a general resource center for such information. Rapson seconded.

Weed asked McMenamin to entertain a change that the City serve as a non-exclusive resource center. He said that would make it plain that the City didn't support any one company. McMenamin commented that staff had done a lot of research on Metro Van Pool and found it to be legitimate. Weed said that the City should be careful that so that it didn't appear to be researching

companies, adding that Council would not allow an exclusive resource provider. If the City were going to research all providers and pick and choose between providers then it would appear that the City was not really being non-exclusive. Weed said in for a penny, in for a pound. She said she hesitated to throw it out to any company to use the City as a resource center and said staff should have some ability to do some background research on providers. Rapson suggested McMenamin not endorse this particular service provider. McMenamin agreed. Weed agreed and supported Rapson's suggestion. Rapson seconded.

Eugene Miller expressed his concern about City vehicles that parked and idled, adding that was the worst kind of pollution. McMenamin said that was something the City could take a look at. She understood that for the police it had to do with quick response times.

Willis Granger asked if the City had any rules and regulations governing vanpools. McMenamin said that was a concern when they heard the presentation on November 15 and that was why Council asked the City Attorney for an opinion to make sure the City would not be involved legally. Granger asked if there was a regulatory agency that oversaw vanpools. Herb Wood said the ARC regulated his company.

The motion carried unanimously.

12-01-09 Consider Canceling or Rescheduling the April 4 Council Meeting

Basinger told Council that the April 4 meeting was during the school system's spring break and conflicted with plans for trips already scheduled. At this time, there were no items on the agenda for that meeting. Basinger said Council could cancel the April 4 meeting, or reschedule it in case something came up.

McMenamin and Tennant supported canceling the meeting. Tennant said if something pressing came up, a meeting could be scheduled for April 11 or the last week in March. Tennant moved to cancel the April 4 meeting. Brown seconded. The motion carried unanimously.

01-02-15 Consider Liaison to All Children's Playground Committee

Brown said that Council Member Weed had expressed interest in the position. He had served as vice-chair of the committee and had a special attachment to the project. Tennant nominated Weed as the Council liaison to the All Children's Playground Committee. McMenamin seconded. The motion carried unanimously.

Council/Staff Topics

Brown said Council was looking at creating a Recreation Authority and it would be a topic on the Retreat agenda. It would have to go to the General Assembly this year. McMenamin said it would be premature to do it this year when it hadn't even been discussed. It should be ready for the next legislative session. Lindsey said the session would probably be over by the Retreat, which was scheduled for March 15—16. He said models could be used and it could be ready to go, but Lindsey felt it was something Council should discuss. Rapson said he had dealt with Recreation Authorities before and felt comfortable with the process. Council looked at the time they would need to get it ready. Lindsey would send a packet of information for Council to look over.

McMenamin said she had asked for the discussion on televising Council meetings and asked that it be on the February 7 agenda. Brown said one of the considerations was that any projection equipment used should integrate into the television model. Brown said he would like to delay the discussion until Retreat. McMenamin felt it needed to be discussed at a Council meeting since few citizens attended the Retreat meetings. Brad Williams and Matt Robinson, as well as Dennis Payton, were gathering the information. Rapson said it would probably be two meetings since the information would be presented at one meeting and then it would be brought back as a bid.

McMenamin asked that staff be moved back to their former spot in Council Chambers. She said she had difficulty seeing the City Manager and City Attorney, especially if someone was standing at the podium. Weed said he also liked the previous set-up and suggested moving the podium closer to the dais. Kathy Nelmes commented that, as a speaker, she didn't like having staff behind her. Brown said part of the reason for moving things was to create a back aisle so people could leave easily. Rapson suggested Brown and McMenamin discuss the seating. Brown said he was trying to create freedom of movement. He said when there were large gatherings for hot topics people stood along the back and he was trying to make it easier. He said he was willing to modify it.

01-02-02 Alcohol License – NEW – Famous Fish Company

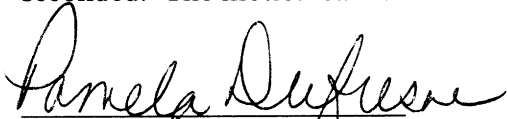
Lindsey reminded Council that the alcohol license had been moved to the end of the agenda in case the applicant was late. He suggested continuing the matter until the February 7 meeting. McMenamin moved to continue the alcohol license until February 7. Rapson seconded. The motion carried unanimously.

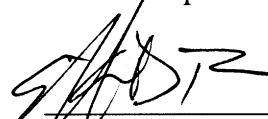
McMenamin moved to go into executive session for legal issues after a short break. Tennant seconded. The motion carried unanimously.

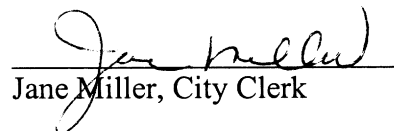
Brown moved to adjourn the executive session. Tennant seconded. The motion carried unanimously.

Council discussed holding a special called meeting to discuss the Jail Inmate Agreement. The Council Members agreed to hold a special called meeting prior to the planned workshop with the Development and Airport Authorities on Wednesday, January 23, or Friday, January 25. If the workshop were held on Wednesday, the special called meeting would start at 6:45 p.m. If the workshop was set for Friday, the special called meeting would begin at 6 p.m.

There being no further business to discuss, Brown moved to adjourn the meeting. Tennant seconded. The motion carried unanimously. The meeting adjourned at 10:15 p.m.


Pamela Dufresne, Recording Secretary


Stephen D. Brown, Mayor


Jane Miller, City Clerk