City Council of Peachtree City
Meeting Minutes
January 10, 2013
7:00 p.m.

The Mayor and City Council of the City of Peachtree City met in regular session on Thursday, January 10, 2013. Mayor Haddix called the meeting to order at 7:00 p.m. Other Council Members in attendance: George Dienhart, Vanessa Fleisch, Eric Imker, and Kim Learnard.

Announcements, Awards, Special Recognition

Proclamation for Kiwanis Week

Recognize Employee of the Year – Police Corp. Chris Hyatt

Mayor Haddix proclaimed January 21 – 27 as Kiwanis Awareness Week. Several members of the Kiwanis Club of Peachtree City accepted the proclamation. Haddix recognized Corporal Chris Hyatt as the 2012 Employee of the Year.

Haddix noted 2013 was another election year, and three seats were up for election. He continued that, by ordinance, campaigning was not allowed in City Hall. Outside the building was fine, but there should not be any buttons, handouts, stickers, signs, or campaign speeches at the meetings. There would be no public comment supporting, opposing, challenging, correcting, or any other form of politicking. Haddix said that applied to the public and elected officials alike, adding it should be left at the door.

Election and Oath of Office for Mayor Pro-tem

Imker nominated Fleisch to serve as Mayor Pro-tem. Learnard seconded. Motion carried 4 – 1 (Haddix). Haddix administered the oath of office to Fleisch.

Monthly Reports

Haddix made the following statement concerning the legal fees as listed in the November 2012 Finance Report:

> *When the Councilmembers voted to settle the legal actions against them they said they didn't want to cost the taxpayers any more money even though they could have won. That is a false claim. They could not have won. To date, I have said nothing, waiting for the legal costs to be reported. Tonight, costs are in the packet and it is my turn to make a statement.*
>
> *On page 26, on the Litigation Services page, you see a charge by Henderson and Hundley for $2,445.00 reported as being for Haddix vs. City Hall. I questioned Staff on this being the actual total of new changes on this issue, as it had to be higher. The records given to me show a much higher total. From August through November Laurel Henderson billed the City for $5,517.12, all generated by the Councilmembers from April, 2011, through November, 2012, the legal fees totaled $10,467.12. Add in the GIRMA (Georgia Interlocal Risk Management Agency) restitution giving a grand total of $20,433.52*
>
> *So, who is responsible for those expenses?*
>
> *When the Councilmembers found out about the lawsuit filed by Harold Logsdon against me, at the same time I found out, they declared me guilty of slander and libel and told the City Attorney I was not to be indemnified. They did so solely upon the word of Harold Logsdon, never asking anyone else who was party to matter about the truth of the accusation. A political decision, not a legal one.*

As GIRMA later stated, that forced me to hire my own lawyer, which was a justifiable expense under my personal GIRMA coverage that I was fully entitled to. GIRMA also stated there was mishandling of the matter initially. They stated I should have had their representation from day one. That, contrary to the lawsuit, I did act as Mayor fully within the duties of my office.

Even with the ruling by GIRMA, the Councilmembers continued to declare me guilty of slander and libel. They also added accusations of stealing for the taxpayers. They did so on the Dais, in the newspapers and even on TV. They appealed to GIRMA to reverse their decision and take back the money, which GIRMA refused to do.

When I threatened legal action, if they reduced my salary, Councilman Imker said I didn't have the money to sue them. The others backed him. They proceeded to reduce my salary, thinking I had no recourse against them.

But, I did hire a lawyer. They were legally threatened with a lawsuit for the salary. A second lawsuit was threatened for slander and libel. They settled and gave me back my salary and were forced to retract their accusations in the Settlement Agreement.

Bottom line here is if the Councilmembers had backed the full and proper handling of this matter at the beginning, the Logsdon lawsuit would have gone away quickly and cheaply, because three foundational claims in the lawsuit would have been refuted on day one.

The lawsuit didn't end out any kindness of the heart. There were facts laid on the table that caused the dismissal.

The Councilmembers claimed I had to ask their permission to file with GIRMA. That was a false claim and admitted to in the Agenda Item on the ordinance requiring notification of Council of any lawsuit. No permission was ever needed.

The Councilmembers claimed they had to authorize payment of a bill from GIRMA. Again, a false claim admitted to during the Agenda Item.

The Councilmembers claimed they had to authorize reimbursement to me by GIRMA. Yet another false claim admitted to during the Agenda Item.

The Councilmembers claimed they had the authority to reduce my salary via the Budget. And again, another false claim so proven by a court ordering a Fayette County judge's salary, with back pay, be restored. The argument for taking his salary was the same as for taking mine.

The Councilmembers claimed I committed libel and slander. In fact, they had libeled and slandered me over a two year period and had to retract their accusations in the Settlement Agreement.

The Councilmembers claimed City indemnification could not be given for accusations of libel and slander. Yet, they gave themselves indemnification when accused of committing libel and slander.

The Councilmembers claimed it required a Council vote to give indemnification. Yet, they gave themselves indemnification without a vote.

The Councilmembers claimed it required a Council vote to hire a lawyer. Yet they hired a lawyer without a vote.

I was innocent of all charges. The Councilmembers broke laws, made false legal claims and committed the very acts, benefiting themselves; they said it was illegal for me to do.

The cost for this whole circus is the responsibility of the Councilmembers and no one else. If they had followed the law and done the right thing, this would have been over quickly in 2011.

That is my statement on this matter. After two years of accusations, it is my turn to set the record straight.

Dienhart ~~interrupted Haddix~~ commented at one point, saying it was ironic after the earlier announcement that Haddix was making a campaign speech. Haddix said he had not made a campaign speech, but had addressed a legal issue, telling Dienhart he was out of order.

Dienhart moved to replace the chair. Imker seconded. Haddix said that was not a valid motion. Imker asked City Attorney Ted Meeker if that type of motion could be made. Meeker said he needed time to research it as he had not had this happen before. Haddix said he had never heard of it either. It was not in the City ordinances.

Imker suggested Dienhart might have meant to vote on a ruling of the chair or to appeal the ruling of the chair. Dienhart agreed. Imker withdrew his second. Dienhart withdrew his motion.

Haddix told Dienhart he could speak when Haddix was finished, cautioning Dienhart that he would expel him from the meeting if he interrupted again. Dienhart asked whether that was legal. Haddix said it was. Meeker said Dienhart could appeal the ruling of the chair.

Haddix said he made his statement, adding that, as chair of the meeting, he had the right to the last say on any issue. He recognized Dienhart.

Dienhart said Haddix had been campaigning, and there was no reason to make the speech he had made. The issue had gone away, and it was a continuous embarrassment for the City. He saw no reason for Haddix to make the statement. Haddix said he had every right to address a grievance about the actions of others. Haddix said this was his first and last statement on the issue. Dienhart said he had been making statements in the blogs. Haddix said it was his first for the record. He was entitled to make his statement and to have the last word. Dienhart disagreed, saying the City could have won in court, but it would have been phenomenally expensive, which was why Council had settled the lawsuit. Haddix said everyone had a right to their own opinions and to self-defense. He had exercised those rights, and he would continue to exercise them if it was an ongoing issue. As far as the dais was concerned, Haddix said he was done if everyone else was done.

Imker said he had also reviewed the Monthly Reports and had noticed the item in the legal expense. He decided not to address it since they had decided to put the issue behind them, adding it was unfortunate the Mayor had brought the issue up and he wished it had not happened. Haddix said he had been waiting for all the numbers to come out. He could put it behind him if everyone was ready to move on.

Minutes

December 6, 2012, Regular Meeting

Imker moved to approve the December 6, 2012, regular meeting minutes as written. Learnard seconded. Motion carried unanimously.

Consent Agenda

1. **Consider Authorization of Legal Organ**
2. **Consider Annual Indemnification Resolution**
3. **Consider Bid for Ambulance**
4. **Consider Final Budget Amendments – Fiscal Year 2012**
5. **Consider Budget Amendment – Fiscal Year 2013**
6. **Consider Call for Election Resolution**
7. **Consider Alcohol License – NEW – Grazing Here, 2808 Highway 54 West**
8. **Consider Appointment of George Dienhart to the Peachtree City Public Facilities Authority**
9. **Consider Appointments – Peachtree City Airport Authority – Skip Barnette, Joe Woods**
10. **Consider Appointments – Peachtree City Convention & Visitors Bureau – Byron Perryman, Andrew Dunn**
11. **Consider Appointments – Peachtree City Water & Sewerage Authority – John Harrell, Tim Meredith**
12. **Consider Acceptance of Firehouse Subs Public Safety Foundation ($16,713.36) for Swift Water Rescue Team Dry Suits**

Imker moved to pull items 1 – 12 off the Consent Agenda and to consider them individually. Dienhart seconded. Motion carried unanimously.

1. Consider Authorization of Legal Organ

Imker moved to appoint ***Fayette County News/Today in Peachtree City*** as the City's legal organ. Dienhart seconded. Motion carried unanimously.

2. Consider Annual Indemnification Resolution

Imker moved to approve the annual indemnification resolution for elected and appointed officials, except officials of authorities, and employees. Learnard seconded. Motion carried unanimously.

3. Consider Bid for Ambulance

Imker explained that one of the reasons for voting on each Consent Agenda item separately was because of the large amount of information Council had received after the initial meeting packet was published. Imker asked Interim Fire Chief Joe O'Conor to explain how the City's ambulances were replaced. O'Conor noted that the oldest of the four ambulances was 10 years old and was scheduled for replacement in 2013. In the past, the boxes had been remounted on new truck chassis, which had saved the City money. However, there were new standards in place for the boxes as well, and the decision was made to buy a completely new vehicle, which included several safety advantages. Four bids were received that met, with a few exceptions, the specifications. The lowest bid was for $127,152 from Custom Truck & Body Works, which was approximately $40,000 lower than the next closest bidder. Staff verified the vehicle met the specifications and updated standards. The amount budgeted was $153,000. In addition, staff recommended purchasing the manufacturer's extended warranty in the amount of $2,896, bringing the total to $130,042. Radios and equipment would be bid separately, but should not exceed $15,000. The entire project should come in under budget by at least $7,000.

Fleisch asked O'Conor if the remounted ambulances would be abandoned for subsequent purchases. O'Conor said several significant advancements had been made in the National Fire

Protection Association (NFPA) standards and the federal DOT KKK 1822D standards for ambulance construction, including crush resistance of the box, which could not be performed on a remount. O'Conor said it was a safety issue. The cost was less for this new truck than what had been paid for a remount in the past.

Imker asked if the other ambulances were scheduled for replacement in future budgets. O'Conor said they had forecasted the replacement years for the other ambulances in the department's budget planning. Imker said he wanted the citizens to understand the City was doing this the right way, adding he hoped the City would see some revenue when the old truck was sold.

Imker moved to approve the bid from Custom Truck & Body Works, Inc., from Woodbury, Georgia, for $130,042. Learnard seconded. Motion carried unanimously.

4. Consider Final Budget Amendments – Fiscal Year 2012

Imker asked Financial Services Director Paul Salvatore to go over the reconciliation of the FY 2012 budget, noting there were savings in some departments and overages?? in others. He asked Salvatore which departments did what and why. Imker said he just wanted a basic understanding.

Salvatore said the original projections for the surplus carryover had been just under $1.4 million. There had been some reallocations throughout FY 2012, and $430,000 had been appropriated from the surplus carryover, reducing the increase to $950,000. During the year, the projection was changed to $832,000. The actual unaudited increase in fund balance was approximately $1.5 million. He added that it appeared the City would make up the $430,000 that was appropriated, along with an additional $162,000. Salvatore added that the City actually ended up $592,000 better than what was budgeted.

Imker acknowledged the work that had been done by staff, noting staff had extra money their budgets and had not spent it, which was the most significant thing that happened in local government.

Salvatore said many residents had appealed their taxes, and the result was the City received $109,000 less than what had been budgeted, and it had held a strong tax base. He continued that Court had come in 13% below projections, and the hotel/motel tax came in 11% higher than projected. The budget amendments included adjusting the fund sources that had come in over and under projections.

On the expense side, Salvatore noted that any overages had to be covered at the department level per state law. He quickly went over some of the department budgets that had to be adjusted. Salvatore pointed out that staff generally budgeted for a salary vacancy savings of 2.5%, which was $633.131. The actual savings was exactly 2.5%. Salvatore reminded Council the figures were unaudited, so there could be additional adjustments.

Imker noted Council's stewardship of the budget, saying Council had made tough decisions three years ago and continued to make them. Council had an option on how to handle the budget three years ago, and Imker had said at that time they would not leave the budget cycle without a long-term fix in place. The fix was put in place, and as a result, the City continued to have a AAA credit rating. The only other cities in Georgia with that high of a rating were Alpharetta and Roswell. Imker said he had studied their budgets. The City would not get good interest rates without the care that had been taken to manage the budget. He thanked Council, staff, and the citizens who helped to do that.

Dienhart said the hard work had definitely paid off, and they needed to continue to work hard in the future. It was not the time to back off, but to make sure there was a follow-on plan for the future.

Fleisch asked Salvatore what Standard & Poor's and Moody's (bond rating services) were looking for when rating a city. Salvatore said they were looking for any new development, whether the City was spending down the Cash Reserve, as well as other factors. Fleisch asked if there were any other revenue issues they had asked about. Salvatore said they had asked about known factors that would affect revenue, such as a mass exodus of business, adding the City had provided a list of new businesses that were coming in.

Imker moved to approve the final budget amendments for FY 2012. Dienhart seconded. Motion carried unanimously.

5. Consider Budget Amendment – Fiscal Year 2013
Imker said the budget amendment was to add $9,300 to the training budget for Fire/EMS. Imker moved to approve the budget amendment for FY 2013. Salvatore said there was also an adjustment to move some grant funds from one account to another in the Fire Department budget. Learnard seconded. Motion carried unanimously.

6. Consider Call for Election Resolution
Imker moved to approve the call for election resolution. Learnard seconded. Motion carried unanimously.

7. Consider Alcohol License – NEW – Grazing Here, 2808 Highway 54 West
Imker moved to approve the new alcohol license for Grazing Here pending a satisfactory criminal history. Dienhart seconded. Motion carried unanimously.

8. Consider Appointment of George Dienhart to the Peachtree City Public Facilities Authority
Fleisch moved to appoint George Dienhart to the Peachtree City Public Facilities Authority (PFA). Imker seconded. Imker clarified this appointment was to replace former Council Member Doug Sturbaum, asking what happened with the officers. Meeker said that would be taken care of at the first meeting of the year for the PFA. Motion carried unanimously.

9. Consider Appointments – Peachtree City Airport Authority – Skip Barnette. Joe Woods
Haddix noted there was a memo on the dais. Fleisch moved to appoint Skip Barnette and Joe Woods to the Airport Authority. Imker seconded with the clarification that Joe Woods was the alternate. Fleisch accepted the clarification. Motion carried unanimously.

10. Consider Appointments – Peachtree City Convention & Visitors Bureau – Byron Perryman,Andrew Dunn
Haddix noted there was a memo on the dais. Dienhart moved to appoint Byron Perryman to the hotel/motel position alternate for the term ending on December 31, 2013, and Andrew Dunn to the recreation venue position for the term ending on December 31, 2014. Fleisch seconded. Motion carried unanimously.

11. Consider Appointments – Peachtree City Water & Sewerage Authority – John Harrell, Tim Meredith

Haddix noted there was a memo on the dais. Imker said he was not prepared to appoint additional members to the Peachtree City Water & Sewerage Authority (WASA), adding he was concerned about the way it was going. They were spending a lot of money on public relations to make the public forget about the increase in rates, and one of the proposed appointees had supported WASA taking out the most recent bond without the City's support, which would have increased rates again. Imker said it disturbed him that someone serving on a board did not seem to be serving the best interests of the citizens.

Dienhart agreed, saying it was obvious the best interests of the citizens were not represented by the candidate.

Fleisch suggested tabling the appointments and casting a wider net for volunteer candidates. Haddix said Council had to vote on these appointments before he could call for more interviews. He added that it could become an issue since there were only two members on WASA at this time. Tim Meredith currently served on the board, but his position had expired. Fleisch said she thought WASA had enough members for a quorum. Meeker clarified Meredith would stay in his position until someone was appointed. Haddix said if one of the three did not come to a meeting, then there would not be a quorum. Meeker said that was correct.

Haddix said he could not call for interviews if there were not seats open. Meeker said Council did not have to select anyone; they were nominees until they were appointed. Haddix said they could not advertise for volunteers since they already had nominees. Meeker said they could advertise for one position and an alternate.

Imker said he wanted to reject one of the nominees and continue the other at this time. He wanted to speak with the nominee before approving his nomination to ensure he would work in the best interests of the citizens.

Imker moved to reject the recommendation to appoint Tim Meredith the WASA board. Dienhart seconded. Haddix said this was hard because the selection committee had a long debate on this appointment. Motion carried 4 –1 (Haddix). Haddix added that it was hard to get nominees and this would not make it any easier.

Haddix said he and Learnard both wanted to appeal to the public to step up and volunteer for WASA, and he did not feel this would help.

Imker clarified that he wanted the public to know WASA still had a functioning quorum, including Meredith, who would remain on the board until he was replaced. He wanted to have a public discussion with the citizens about WASA and its continued existence. He was surprised no one was stepping up to serve with the recent rate hike. He wanted the public discussion to happen.

Dienhart said it was an important issue. People were upset about the rate hike. He did not feel the people running WASA were doing so at the residents' behest. They seemed to have made some questionable decisions.

Imker moved to continue John Harrell's selection and to advertise for all open WASA positions, making sure Meredith remained on the board pending his replacement by appointment. Learnard seconded. Motion carried unanimously.

12. Consider Acceptance of Firehouse Subs Public Safety Foundation Grant ($16,713.36) for Swift Water Rescue Team Dry Suits

Haddix noted there was an additional document on the dais.

Dienhart said the Fire Department had done a fantastic job of securing the grant. The public owed them so much, and they were going out on their own to find money for the equipment they needed.

O'Conor recognized Firefighters Matt Peczka and Andrew Dalton, who worked to get the funding. He continued that the two had worked with the Firehouse Subs franchisee in Newnan a year ago to get the grant package together. The department had been a finalist last year, and they had polished the application and re-submitted this year. The grant was for just over $20,000. O'Conor publicly thanked the two firefighters.

Learnard moved to accept the Firehouse Subs Public Safety Foundation ($20,003.90) for Swift Water Rescue Team dry suits. Dienhart seconded. Motion carried unanimously.

<u>Old Agenda Items</u>

12-12-CA2 Consider REVISED Development Agreement for The Gates

Planning & Zoning Administrator David Rast presented the latest revisions to the agreement.

Rast said staff had a schematic for a welcome sign based on the existing sign at SR 74/SR 54. The cost estimate was $15,000, but could be more or less depending on the ultimate design. It would be located within the 50-foot landscape buffer along SR 74, and per the zoning, it would be owned and maintained by either the owners of the office buildings or the homeowners association (HOA), or both. Rast said the City did not have a landscape plan for the area, adding those were part of the plat review process through staff and the Planning Commission. Rast read several sections from the LUR-16 zoning ordinance, which stated the landscaping in the buffer and around the sign would be maintained by the HOA or the office tract owners, or both, in perpetuity. Rast clarified that the applicant had provided a copy of the agreement they had worked out with WASA and the Somerby tract owner, which was a stand-alone agreement between the entities that defined the responsibilities for funding the pump station.

Haddix asked if the HOA agreement could be perpetual, similar to the Queen of England agreements, which would take care of the maintenance on the gateway sign. Bob Rolader said there would be a mandatory HOA for all homeowners and for the office park portion of the development. Any maintenance requirements would be shared by those tenants. Haddix said one form of agreement let the covenants expire in 20 years, while another form was sefl-renewing. Meeker added that a statute was approved a few years ago that allowed HOA covenants to automatically renew to get around the rule of perpetuity, and staff could make sure that language was included to ensure there was an understanding about the landscape and sign maintenance. Rolader added that the deeds would include mandatory covenants for the HOA and office buildings as well. The HOA and the business association would share the costs of maintaining the sign and landscaping.

Fleisch asked if the raised median would be included. Rolader said anything to do with landscaping and landscape maintenance would be under the maintenance requirements, and the HOA and the business owners association would share in the cost. Fleisch asked if lights and an irrigation system would be included. Rolader said he understood the landscape plan had to be reviewed by the City's landscape architect and then go to the Planning Commission.

Imker said he was still concerned about the landscaping and the sign. There was a $24,000 commitment from the developer to provide maintenance. He asked what the original intent of the agreement was, and whether the $24,000 had always been in the agreement or not. The developer's chart identified five areas of contribution: $36,000 for paths, $60,000 for sewer, $160,000 for land, and $34,000 for the sign, as well as another $590,000 in additional contributions from the developer for buffers, rights-of-way, and other things. The $34,000 for the sign was specifically broken out into two pieces -- $10,000 for the sign, and $24,000 for maintenance. Imker referred to paragraph 11 in the agreement, which included the $24,000, adding staff had put that in the development agreement, not unilaterally, but based on the developer's chart. The $24,000 was to be provided by the developer, not the future residents of The Gates community. The developer changed the agreement to say the area would be maintained by the HOA for 20 years. Imker did not agree with the change and wanted the City to get the $24,000, which was the original intent. The only solution Imker could see was for the developer to put the $24,000 in escrow and let the HOA use it for the maintenance for 20 years.

Haddix said, long term, there would be more bang for the buck if the HOA took care of the sign and landscaping. Rolader said he understood the City wanted the sign, but did not want to maintain it, which made sense. The sign was a small part of the project. The developer would be feeding money to the HOA for five to six years. Many developers called that a loan to the HOA. When the HOA was up and running, the developer took the money back. Rolader said that was not their intention. Rolader continued that the City had two options – to let the HOA and business owners maintain the sign and landscaping forever or to accept the $24,000 and send a crew out to maintain the area, which Rolader understood the City did not want to do.

Haddix said a perpetual agreement was the cheapest way to go. It was easy to spend $1,500 to $2,000 per year on landscaping, which meant the $24,000 would be gone in 12 years. He said it was better for the HOA to have the responsibility and establish its own standards for consistency throughout the development. He knew the sign would be taken care of.

Dienhart asked about the possibility of the homeowners dissolving the HOA covenants in future. Haddix said that could happen, but there had to be 100% agreement from the homeowners. It would also be in the deeds. Rolader said the homeowners would want to take care of their property.

Fleisch was concerned that the original estimate for the sign had been $10,000, and it was now estimated at $15,000. Rast explained there had never been a concept for the sign. Staff had come up with a design that was compatible with the civic sign at SR 54/SR 74, but it could be scaled back. Rolader said, if the City liked the concept, they would commit to building the sign with a $15,000 cap. They would be able to build it cheaper than the City or a sign company.

Haddix said he supported that.

Imker asked for assurances from staff that the $24,000 was not a show stopper, asking if there was anything else like this in the City where the HOA took care of the landscaping outside of their subdivision. Rast said Centennial had a similar situation. The Centennial HOA maintained the landscaped areas owned by the City on MacDuff Parkway just beyond the Cedarcroft subdivision entrance, as well as all of the internal landscaping. There were several subdivisions where the HOAs maintained their monument signs and entrances to their developments. Rast said staff used the Centennial model for this development. Haddix added his subdivision had maintained the Dover Square entrance for 26 years.

Imker said he had been convinced the HOA was the proper way to go with the perpetuity language, and it was a long-term solution.

Imker moved to approve the development agreement as presented to Council with the changes to paragraph 10 – changing $10,000 to $15,000 based on the concept; and at the end of the first sentence right after "SR 74/SR 54," a comma to be inserted and "or shall construct such sign" added. The changes to paragraph 11 included adding a comma and the words "and the sign itself" after "the HOA of The Gates should be responsible for maintaining the landscaping around the sign." Additional language should be added to paragraph 11 to provide for extension of the covenants beyond the 20 years in accordance with Georgia law. Learnard seconded. Motion carried unanimously.

New Agenda Items

01-13-01 Consider Appointment to Council Director Seat on Convention & Visitors Bureau

Dienhart nominated Fleisch for the appointment to the Council director seat on the Convention & Visitors Bureau. Learnard seconded. Motion carried 4 – 1(Haddix).

01-13-02 Consider Lease/Purchase Schedule #2 via Governmental Finance Corp. with JP Morgan Chase

Imker moved to approve Lease/Purchase Schedule #2 via the Governmental Finance Corporation with JP Morgan Chase. Dienhart seconded. Motion carried unanimously.

01-13-03 Consider Changes to Recreation Fees

Community Services Director Jon Rorie addressed Council, saying staff was trying to close the loop on recreation fees, noting Council had already approved an increase in programming fees and facility rental fees. Staff had also been asked to look at the Special Event process.

Rorie gave a brief overview of the finances for Kedron Fieldhouse and the Recreation Department, noting the Recreation budget included revenues of $439,000, with $1,510,878 in expenditures. Revenues were 20% of the budget, and personnel costs ($514,000) were 34% of the budget. Kedron's budget included revenues of $412,000, with expenditures of $653,000. Revenues were 63% of the budget, and personnel costs ($172,000) were 26%. Rorie added that Recreation's employees included all of the full-time employees, as well as the seasonal employees at Recreation, which included The Fred. Rorie said they were working to close the gap, adding Recreation would never be 100% fully funded by fee revenue.

Rorie compared what the City spent on recreation with other Class B cities. Of the six cities used in the comparison, the largest amount spent on recreation per capita was $119.70 in Gainesville, which had a population of 33,804 and a $4,046,175 recreation budget. Douglasville, population 30,961, spent $15.22 per capita and had a recreation budget of $471,279. Peachtree City (population 34,364) spent a total of $63 per capita on recreation ($43.97) and Kedron Fieldhouse ($19). The City's per capita expense was right in the middle of the Class B cities. The City's recreation budget was $1,510,878, and Kedron's annual budget was $652,793. Rorie continued that, when looking at the General Fund only, the cost of recreation ($31.21) and Kedron ($7.01) totaled $38 per capita. Recreation was budgeted at $1,072,345 and Kedron was budgeted at $240,919.

An electrical analysis of the City's recreation facilities showed the City spent $85,000 annually. The breakdown included baseball, $24,000; BMX, $2,500; football, $7,000; lacrosse, $8,000; soccer, $15,000; hockey, $10,000; adult softball, $8,000; and girls softball, $11,000. Rorie continued that there were nine concession stands, and the average cost of electricity for each was $4,000. Staff had turned off the electricity in the concession stands for the winter, and the early indication after one month was the City was saving 25% of the cost by just turning off the switch. Fleisch asked Rorie to explain what "turning off the switch" entailed. He said they were not keeping the freezers, refrigerators, or air conditioners running to keep candy cool during the winter, and the appliances and air conditioning were turned off or unplugged.

Recreation Administrator Cajen Rhodes addressed fees, noting that recommendations for recreation fee increases were presented at the May 1 workshop. Council approved the recommendations at the May 3 Council meeting as outlined. The recommendations were reviewed by the Recreation Advisory Board. A "10 visit" punch card was created for both gym and pool users, and that came out of the discussions. The swimming pool fees were reviewed as requested by Council. Daily fees stayed the same, quarterly passes were increased slightly, and an annual pass was created.

Rhodes continued that meetings with sports associations and instructors were held to get feedback. Sports association fee increases were implemented immediately. Facility rental rate increases and contract instructor fees were restructured reflecting recommendations that had been received. Special Event permit fees were created for presentation and approval.

Rhodes said the City had either facilitated or put on 55 special events in the last year. Currently, a $200 deposit was assessed for a special event and was returned at the conclusion of event. Staff time was used to process the permit application and to hold meetings to ensure a successful event with minimal impact on the community. Currently, the City provided supplies and support for events, including staff time, tables, chairs, barricades, bleachers, and other items. Recreation staff time was also used to work the events and to deliver items to the event sites.

Rhodes continued that the proposed fees for special events included an application fee of $25 for a Class 1 event (50 people or less), $50 for a Class 2 event (100 people or less), $100 for a Class 3 event (100 people or more), and $100 for a Class 4 event (3,000 people or more). The proposal included charging rental fees for tables ($4 each), chairs ($1 each), traffic barricades (50¢ each), pedestrian barricades ($4 each), traffic barrels ($1 each), traffic cones (50¢ each), 5,000 kilowatt or 10,000 kilowatt generators ($100/$150 per day), and electrical fees ($25). The recommendation also included packages of tables and chairs. Package 1 included 25 tables and 50 chairs for $100, and Package 2 included 50 tables and 100 chairs for $200. The fees were per event with a maximum of three days. Rhodes pointed out that the event organizers were already paying for what they needed from the Police, Fire, and Public Works departments.

For comparison, Rhodes said the 2012 Sprint Triathlon's actual labor cost to the City was $887.27. Under the new fee schedule, the City would receive $400 for the requested equipment and application fee, which would help in recouping some of the labor cost.

Fleisch said the City had basically been giving away the venues and staff support for the events for years. Rhodes said the City was overcoming years of providing things for free. Rhodes acknowledged the special events were a great value to the community, and staff did not want to force the events to leave the City. However, the City could not continue down the same path.

Rhodes said staff recommended approval of the fees as presented with an effective date of February 1, 2013, if approved by Council.

Fleisch moved to approve the changes to the Recreation Special Event fees. Learnard seconded. Motion carried unanimously.

<u>Council/Staff Topics</u>

Hot Topics

City Manager Jim Pennington said a Notice to Proceed would be going out to investigate a problem on Hip Pocket Road. There was a severe stormwater issue approximately 1,500 feet from the intersection with McIntosh Trail. A 36-inch stormwater line had apparently collapsed and would have to be removed and, most likely, replaced with a larger pipe. The pipe that collapsed took water runoff from SR 74, and when the highway was widened, and detention was missing. Another 23 acres also flowed into that site. This was the third episode on Hip Pocket. This was one of the reasons for the Capital Improvement Plan.

Two weeks of workplace harassment training classes were scheduled for the end of January. The training would be conducted by the law firm of Elarbee, Thompson, Sapp & Wilson, LLP. It was mandatory for all employees and would start January 23.

Pennington continued that staff was working on updating the City Administrative Regulations and Manuals (CARs and CAMs), which were the City's policies. Teams were working on them and trying to consolidate and update them. He hoped to complete the project by May. The second project was a complete revision of the Personnel Policy, which Pennington said was good when it was created, but it was now cumbersome and had too many steps and too many things that needed revision.

Pennington said it was also time to assess Public Safety operations. There were good people working in the departments, and now was the time to find out if changes were needed.

In spring or early summer, a request for proposal for a pay/classification study would be sent out. Pennington noted that one had not been done for 10 years. Dienhart asked if pay would go to a merit based system. Pennington said it was merit-based system, but it had not been used. The evaluations and the merit-based system were separate entities, and staff was working on that in-house. The evaluation system in place was cumbersome and needed revision. Dienhart noted the new Human Resources software would allow staff to determine the costs of projects. Pennington said staff did not want to put the new software on the system until it was working as it should, adding the City was now with Presidio as the Information Technology management company.

A national search would be conducted for the Fire Chief position. Pennington said that did not exclude any internal candidates. He had found a national search was an effective tool. Council would make the appointment.

Fleisch thanked Learnard, Pennington, and other members of staff for attending the Association of Fayette County Governments (AFCG) meeting on January 8. Fleisch added that training for the AFCG would be conducted by the Carl Vinson Institute on February 9 in the City.

Learnard said she received an "atta boy" email on December 26 from a resident regarding a huge tree that had fallen across the road. The resident praised Public Works employees Marty Davis and Demarcus Hunter for their cheerful attitudes when they came to remove the tree.

Haddix said he had received an "atta boy" from a resident regarding the behavior of a police officer who gave her a ticket on Spear Road. The resident said, except for getting the ticket, it was a pleasant experience and the officer was wonderful.

Imker noted that Lake McIntosh was filling due to the recent rains, and the bottom of the lake was covered. The park area was not completed yet, but it was a first-class development.

Imker referred to a recent letter in ***The Citizen*** from a resident who sent in photos of furniture in a dumpster that had been removed from the Recreation Administration Building prior to starting the renovation. The resident claimed in the letter the City was wasting money by throwing away good furniture. Imker thanked staff for sending correct information on what was happening, and he read the letter sent by staff. The staff letter included a phone number and e-mail address so citizens could address any concerns. Imker continued that the staff letter explained that all useful items had been removed, and the remaining furniture had been damaged during the June 2012 arson fire at Kedron Fieldhouse. Other items remained after a public sale in March 2012. Imker urged residents to contact the City before writing similar letters.

Dienhart thanked Public Information Officer/City Clerk Betsy Tyler for her quick and professional response in getting the correct information out to the public after the letter was published. Pennington noted that the Recreation Administration basement had become the dumping spot for the City over the years, and many of the items were mildewed. Pennington praised staff for the work done in getting rid of the items, adding there were still items in the basement that could be used or sold.

Dienhart moved to convene in executive session to discuss threatened or pending litigation at 9:19 p.m. Learnard seconded. Motion carried unanimously.

Imker moved to reconvene in regular session at 9:49 p.m. Fleisch seconded. Motion carried unanimously.

There being no further business to discuss, Fleisch moved to adjourn the meeting. Imker seconded. Motion carried unanimously. The meeting adjourned at 9:50 p.m.

Pamela Dufresne
Pamela Dufresne, Deputy City Clerk

Don Haddix
Don Haddix, Mayor