

**City Council of Peachtree City
Minutes of Meeting
January 6, 2011**

The City Council of Peachtree City met Thursday, January 6, 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.

Election for Mayor Pro-tem

Sturbaum nominated Imker to serve as Mayor Pro-tem for 2011. Fleisch seconded. The motion carried unanimously. Haddix noted that Imker had chosen to be sworn in at a later date.

Citizen Comment

Keep Peachtree City Beautiful Director Al Yougel discussed the "Bring One for the Chipper" program on January 8. Christmas trees would be accepted at Home Depot, Kedron Kroger, and the Recycling Center.

Agenda Changes

Staff requested that Old Agenda item 06-10-02 be tabled until after Council had considered the amendments to the Sign Ordinance. Sturbaum moved to move Old Agenda Item 06-10-02 Public Hearing – Consider Variance to Sign Ordinance, NCR after New Agenda Item 01-11-04. Imker seconded. The motion carried unanimously.

Minutes

Sturbaum moved to approve the November 18, 2010, regular meeting minutes; November 30, 2010, workshop minutes; December 2, 2010, regular meeting minutes; and the December 3, 2010, special called meeting minutes as written. Fleisch seconded. The motion carried unanimously.

Consent Agenda

1. Consider Authorization of Legal Organ – *Fayette County News/Today in Peachtree City*
2. Consider Annual Indemnification Resolution
3. Consider Resolution for Call to Election – Council Posts 1 & 2
4. Consider Budget Amendments – FY 2010
5. Consider Budget Amendments – FY 2011
6. Consider Right-of-Entry Agreement – Fire Station 83 Sewer Design
7. Consider Appointment of Alternate to WASA – Luis Valencia

Learnard moved to approve the Consent Agenda Items 1 – 7. Sturbaum seconded. The motion carried unanimously.

New Agenda Items

01-11-01 Consider Variance Request – Batting Cage at Baseball/Soccer Complex

Staff asked that the variance request be continued as staff was working with the Peachtree City Little League to find an alternate site. Sturbaum moved to continue the variance request for the batting cage at the Baseball/Soccer Complex until January 20. Fleisch seconded. The motion carried unanimously.

01-11-02 Consider Amendments to Chapter 2, Administration – Boards, Commissions, and Authorities

Community Development Director/City Planner David Rast said the amendments concerned membership on the Planning Commission, adding that the commission had been fortunate to have either an architect or landscape architect as a member of the board. If approved, language would be added to the ordinance regarding the appointment of a landscape/design professional. Haddix agreed that having someone with landscape or design experience was desired, but noted there could be unintended consequences. He said a previous member that had been an architect had supported 60-foot buildings, big boxes, and high density. He struggled with appointing a member with those qualifications who was against everything the City stood for, asking if there was a way around that. Learnard agreed, adding they always looked for people who were qualified and well-rounded to serve on the City's boards, commissions, and authorities. Education and engineering credentials would be at the top of the list for the Planning Commission. She asked if the requirement could ever be a problem.

Rast said there had been discussions that the City had usually been fortunate with the make-up of the board, but there had not always been a design professional on the board. Staff felt a board member with those qualifications would help when looking at the design ordinances, as well as help other commissioners when looking at projects in relation to the design guidelines. Sturbaum asked what the qualifications were for a registered architect/landscape architect. Rast said the qualifications included education and annual license renewal. They were required to take a professional examination and take continuing education credits. Over the last several years, the Planning Commission members had also attended Atlanta Regional Commission (ARC) training, which had been very beneficial to the new members.

Fleisch said the way the proposed amendment was written, "to the extent practicable" was not an absolute, adding that not everyone could visualize plans the way an architect could. Interim City Manager Nikki Vrana said a preference for design experience could be added to the application. Learnard said she had missed the phrase when reading the ordinance, and she could agree with that.

Sturbaum suggested that the sentence be added – "That if no one with the experience of a qualified design professional applied, the next most qualified applicant should be appointed." He asked City Attorney Ted Meeker if this sentence locked a design professional's place on the board. Meeker said the sentence implied that a design professional would be on the board, so if a design professional applied, then they would be on the board. Haddix said that was how he read it. Meeker said the sentence could be struck.

Imker disagreed. He said he would not want a requirement for Leisure Services commissioners to have a recreation degree or credentials or a law degree required of Council Members. He asked how far this could be taken. By inserting the requirement for design experience, they were reducing the pool of potential applicants. Learnard asked what would happen if they ended up with no applicant who had the credentials. Haddix and Sturbaum agreed that Imker's argument was persuasive. Haddix said the goal was good, but mandating a design professional might discourage others from applying.

Fleisch said the Planning Commission was different from the other boards. She did not see adding the requirement as precedent setting. Imker said he would not apply to the Planning Commission at all if he saw that requirement. Haddix said Imker's argument was winning him over. Sturbaum said that, while it was a benefit to have the design experience, other applicants also brought good things to the table. Fleisch said the agenda item should be continued.

Meeker said the requirement did not have to be in the ordinance, but could be a factor to be considered during the interviews. He continued that the Selection Committee would know the composition of the board during interviews, and if an applicant fit a certain criteria, that could be taken into account at that time. Sturbaum said he would rather have it as part of the process than in the legislation.

Learnard suggested that a question regarding design experience be included on the application. Vrana said the application form included a question on qualifications and professional affiliations. The question could be modified on the Planning Commission form.

Sturbaum moved to deny the amendment to Chapter 2, Administration – Boards, Commissions, and Authorities. Fleisch seconded. The motion carried unanimously. Meeker said staff would look at the application and make the appropriate notation.

01-11-03 Consider Amendments to Chapter 18, Building and Construction

Rast said the amendments were housekeeping issues. He explained that the Department of Community Affairs (DCA) identified the building code and amendments that the City had to adopt. In addition, the City could also augment the building code by adopting local amendments, which had been done through the years. Staff had discovered that the local amendments had not gone through the DCA approval process, so that had all been cleaned up. The proposed amendments had been reviewed by DCA, and an approval letter had been received. He asked Council to repeal Chapter 18 in its entirety and replace it with the ordinance in the meeting packet.

Sturbaum moved to approve the amendments to Chapter 18, Building and Construction as recommended by staff. Fleisch seconded. The motion carried unanimously.

01-11-04 Consider Amendments to Chapter 66, Signs

Rast said there were three sections that needed modification. Section 66-5(4) had wording issues, which resulted in a citation for a protest sign being thrown out of court. Staff had worked with the City Solicitor Marcia Moran on the modification, which would prohibit the activity in the future.

Rast said modifications to Section 66-15(5) would allow two wall signs for tenants in industrial zoning that had frontage on two streets. Tenants were currently limited to one wall sign. The City had received requests from companies that had frontage on two public streets about additional signage to help customers and visitors find the buildings. The amendment would allow the second sign, which would also have to meet the size criteria in the ordinance.

Section 66-15(17) addressed the regulation of signs in mixed-use developments. There had been issues regarding the interpretation of how the signs were regulated. He noted that in the newer phase of Kedron Village, the second floor was used as office space. The wording in the ordinance was based on office use even though the office space was in General Commercial (GC) zoning, making enforcement difficult. There were also issues at The Avenue and MacDuff Crossing. The amendment to the ordinance would regulate signage based on the base zoning of the property. It would be easier for tenants to comply with the ordinance and easier to enforce.

Imker asked if the changes to Section 66-15(5) dealt with NCR's sign issue. Rast said they did. NCR had both vehicular and building entrances on SR 74 and Paschall Road. One of the signs on the SR 74 side would be relocated to the Paschall Road side. Imker asked if NCR would need the variance if the amendment was approved. Rast said if the amendments were approved, then NCR would move one sign to the Paschall Road side of their property and would not need the variance. He reiterated that the amendment was just for industrial zoning.

Learnard asked if there would be any unintended consequences of approving the ordinance. Rast said staff had looked at the buildings in the Industrial Park, and there were only a few with frontage on two public streets. Learnard asked about the convenience store at SR 74 South/TDK Boulevard. Rast said that was a commercial property, and there should be no more signs there. Sturbaum asked about the Tiernan & Patrylo building at 611 74 South. Rast said the owners could put a wall sign up on the Dividend Road side of that property.

Haddix referred to another building that had two illegal signs on the front. He asked if there would be a way to offset that in some way. Rast said staff was looking at that issue, and another amendment would be brought forward to address where signage was located on a building.

Imker moved to approve agenda item 01-11-04 Consider Amendments to Chapter 66, Signs as presented by staff. Learnard seconded. The motion carried unanimously.

06-10-02 Public Hearing – Consider Variance to Sign Ordinance, NCR (tentative)

Sturbaum asked if action needed to be taken on the item. Meeker said if the hearing had not been re-advertised, then Council could move to continue it. Haddix said they should hold off on the request until the other amendments concerning location were done. Meeker said if the hearing was not re-advertised for this meeting, then Council could not deny the request. Imker said the request should probably be referred back to the Planning Commission or staff to be resolved in the context of the new ordinance. Meeker agreed, which was why he was asking to continue the item indefinitely.

Sturbaum moved to continue indefinitely the public hearing for the variance request for NCR. Fleisch seconded. The motion carried unanimously.

01-11-05 Consider Amendments to Chapter 78, Traffic

Rast said Engineering and the Police Department were available to answer any questions, noting there had been some enforcement issues with portions of the ordinance.

Rast noted that the proposed amendment to Section 78-6 was suggested by an officer, and City Solicitor Marcia Moran and Meeker had also helped with the language. The amendment would provide enforcement action so officers could cite those drivers who struck an object or damaged the property of a second party that was not on or along a "highway."

The modification to Section 78-17(a) clarified the areas where vehicles, including golf carts, could not be parked. Rast noted that an unintended consequence of restricting golf cart parking along the cart paths around McIntosh High School had led to carts being parked everywhere on Prime Point, including the private property of businesses. The amendment would allow officers to regulate parking in those areas, regulating damage to businesses' property.

The amendments to Sections 78-91(b), 78-92(a), and 78-93(f) dealt with where golf carts could and could not be driven on sidewalks. There were areas where sidewalks had been widened, and carts were using the sidewalks, which was a very dangerous situation. There were several sections of the ordinance that conflicted with each other. The amendments addressed those areas and gave the Police Department the ability to issue citations to golf cart drivers using the sidewalks where they were not allowed.

Sturbaum asked Police Chief H.C. "Skip" Clark if McIntosh High School had enough parking for the registered golf carts. Clark said it did not, and the overflow went onto Prime Point, including private property, which was a hardship for the home or business owner when it came to writing citations. Sturbaum asked how many carts were problems. Clark said there were about half a dozen that were problems. The Police Department received complaints from property owners all the time, but could not take enforcement action on private property. The amendment would allow them to issue citations for violations on private property. Warnings would be given first. If the violation continued, then the students would be cited. Fleisch asked if other areas around the school had problems. Clark said the carts just kept going around Prime Point and into the neighborhood.

Learnard asked if the students would be educated about the restrictions. Clark said the resource officer would make announcements, and there would be a grace period. They would also encourage students to ride the bus. They always tried to educate before going to enforcement.

Imker asked about the sidewalks along SR 74 and SR 54. He hoped violators received a warning the first time, asking if the Department kept a record of warnings that could be checked prior to issuing a ticket. Clark said that, in new situations, there was a grace period during which only warnings would be given, but once that grace period was done, it was up to the officer's discretion whether to issue a warning or citation. Imker asked if there was a way for an officer to check to see if someone had been issued a warning before. Clark said not to his knowledge. Keeping a database of warnings would be something new, adding that could be an item for discussion at Retreat.

Sturbaum asked for a clarification on the areas with sidewalks, specifically the area along SR 54 West. Borkowski said that the sidewalk along SR 54 West was intended to be a cart path, which was why the ordinance was worded as it was to give the City the ability to use signage where it

was appropriate. Imker asked why it was illegal for golf carts to be on the sidewalk further down the road and across the street on SR 54. Borkowski said 90% of the area was built as an eight-foot cart path. The City had been unable to acquire the needed private property in the other area and had only been able to put in a five-foot sidewalk.

Sturbaum asked Public Information Officer/City Clerk Betsy Tyler to ensure due notice of the areas where carts were and were not allowed was given to the public.

Learnard noted that one amendment required cart owners to notify the City when their address or contact information changed. She asked if a person could be cited for that. Clark said the problem occurred when cart ownership was transferred or the owner moved, making it difficult and time-consuming to track the owner down. He compared it to the requirement to change the registration information for a car. Carts were stolen and recovered. If there was no way to get in touch with an owner, the carts were towed and impounded, which was a \$700 cost once the owner was located. When contact information was up-to-date, an owner could be called to come and pick up the cart. Learnard said she understood, but found it difficult to accept issuing a citation for failure to change an address for a golf cart. Clark said the intent was that compliance would be voluntary.

Imker moved to approve agenda item 01-11-05 Consider Amendments to Chapter 78, Traffic as presented by staff. Fleisch seconded. The motion carried unanimously.

01-11-06 Consider Amendments to Land Development Ordinance, Appendix B – Final Site Plan Approval Process

Rast said an expiration date on final site plans had never been established. The amendment would set a time limit of 12 months from the time a final site plan was approved. If a land disturbance permit had not been applied for within that time, the developer would have to submit a new plan. The intent was to not allow plans to go on and on. Currently, if a plan was approved under previous ordinances, new ordinances would not be applicable if the project was delayed for more than a year. Conceptual site plans already had an expiration date.

Learnard asked what the next step was after a site plan was approved. Rast said the next step was to get the land disturbance permit and start clearing land. The amendment stated that, if there was no activity to obtain the land disturbance permit within 12 months of approval, then the plan expired and would have to go through the process again. Sturbaum said the new plan would have to meet any changes in the ordinances that might have taken place since the original approval. Learnard asked if that was the industry standard. Rast said it was not uncommon. Most permits had some type of expiration date. Haddix said it would also prevent people from grabbing land, putting a plan together and keeping it open for years. Imker said he was comfortable with the change.

Sturbaum moved to approve the amendments to the Land Development Ordinance, final site plan approval process. Learnard seconded. The motion carried unanimously.

01-11-07 Consider Amendments to Land Development Ordinance, Appendix B – Vegetation Protection and Landscape Requirements

Rast said staff had been working on the modifications for several months. They found that the tree removal permit process was very time consuming with minimal impact. Currently, a permit was required to remove trees that measured three caliper inches. Code Enforcement visited the property to inspect the trees, then updated the database, and notified the homeowner whether the permit was approved or not. The City had only been able to deny permits a few times since there were also private property issues to be considered. The proposed amendments would protect specimen trees and protected trees, requiring a letter from a certified arborist before a permit would be issued. Currently, issuing the permits was more of a paper processing effort than tree protection. The amendments dealt with residential property only.

Rast said the modification to Section 1106(b) would not require a permit for trees that had been irreparably damaged or were a hazard to human life or property, noting there were areas of pine beetle infestation in the City where the trees had to be removed. A certified arborist licensed to practice in Georgia would have to make the determination.

Rast continued that the proposed modification to Section 1130 would require tree removal permits only for protected or specimen trees. Those trees were defined as an 18-inch caliper evergreen, a 15-inch caliper deciduous canopy tree, or a four-inch caliper understory tree.

Inge Guha-Biswas addressed Council, providing them with a copy of her concerns (a copy of Guha-Biswas' concerns is included in the meeting file). She asked Council what would be done with homeowners that did not adhere to the requirements, noting her neighbor had taken down three oaks and one elm trees on the property line, two of which were actually located on her property. The value of the lost trees was estimated at \$24,000. She felt adjacent property owners should be notified when tree permits were issued, as tree removal devalued property.

Guha-Biswas continued that homeowners should register good trees on their property along with the house registration. There should be a ban on tree-cutting of any size. Little trees that were cut down would never become big trees. She continued that homeowners could be taxed \$1 to \$10 every year, and the money should be used to hire tree-cutting companies to clean up the areas near the cart paths that present fire hazards during droughts. Homeowners should be fined who did not get permits and damaged curb appeal. She added that the removal of plant life by the lakes should also be prohibited. She asked Council to protect the trees for their value and beauty and to consider them as part of the value of taxes.

Haddix asked Meeker what could be done about trees on the property line. Meeker said the deciding factor was the trunk of the tree. If the trunk split the property line, then both property owners had ownership rights.

Sturbaum asked what determined the size of protected trees. Rast said it a lot had to do with the expected size of the trees at maturity. Haddix pointed out that it took hardwoods a very long time to grow. He asked if there was a point, when the trees were 10 years or older, where they could not be cut down since it took 60 – 80 years for those trees to mature. Rast said the

different varieties had different growth rates. He did not know if a threshold could be determined or administered. Haddix asked if the ordinance could be made species specific, adding that he did not see any teeth in the ordinance. Rast said they only tracked the permits and trees taken down. They did not track those that were replanted. The process in place allowed staff to do little but to track the number of permits and trees taken down. Haddix said that, based on his 24 years in the City, the City was definitely being deforested and asked what could be done about it. Rast said that, in the past, the covenants and deed restrictions enforced by Peachtree City Development Corporation/Pathway Communities were very strict and had prevented trees from being taken down. The covenants had expired in many subdivisions, and those homeowners were now coming to the City for permits. He said one concern was the City's liability if a permit was denied and a tree fell across a garage the next day. There were many things to be considered.

Learnard said there was a vast amount of staff resources spent on an ordinance with no real teeth. People that had not been getting permits were not going to start. She felt they were sticking a toe in the water of an issue that had not been resolved. Sturbaum agreed, adding that he liked the idea of an arborist certifying whether a tree should be taken down as it would prevent tree-cutting companies from the camping-out scenario. He also liked the definitions.

Fleisch noted that homeowners were required to verify property lines, pointing out that lenders had not required surveys for many years. She asked if people had taken down neighbors' trees because they were not sure of the property lines. Rast said it had happened at least twice.

Imker said it sounded like anything with less than a four-inch caliper could be clear cut and anything over four inches required a permit. He asked Rast what had changed. Rast said the ordinance currently required a permit for any tree three caliper inches or larger. Imker said that was anything greater than very small. He felt the size of evergreen and deciduous trees should be protected, asking why a 17-inch evergreen tree could be cut down without a permit. Haddix said understory trees were also very important as they helped protect against erosion.

Imker said the issue would not be solved at this meeting. He understood something needed to be done about the paperwork and that clear-cutting of property had to be stopped. More time was needed, and he suggested putting a moratorium in place. Fleisch asked Meeker if that could be done, pointing out the liability that could be involved during storms. Meeker asked Council to let staff come back after researching the issue. Some exceptions were needed, such as the proposed modification to Section 1106.

Meeker asked for time to come back to Council with language about a moratorium. He continued that there had to be an exception, such as in Section 1106. Fleisch said it should be a conservation ordinance rather than an accounting ordinance and wanted to take the time to do it right.

Sturbaum moved to continue the amendments to Article XI, Vegetation Protection and Landscape Requirements indefinitely. Fleisch seconded. The motion carried unanimously.

01-11-08 Consider Future of Sims Road Extension

Fire Chief Ed Eiswerth noted his job was to look at the worst case scenario for the paving and extension of Sims Road to Astoria Lane. His department had conducted an unscientific study by going out that way to Piedmont Fayette Hospital. They also talked to Station 4 in the County, and most said they went out Crabapple East, which was also unpaved, but was an easier and quicker way to access parts of Kedron Hills than Peachtree Parkway. In 1994, the Fire Department was cut off from 12 houses in Smokerise because the bridges were flooded. There were parts of Kedron Hills that would be cut off in a similar situation. He would like to see the road paved and connected to the City, so they would have an emergency access when it was needed. They also went out the back way to the hospital if it was the closet way to get to the hospital.

Beth Pullias of the Kedron Hills Homeowners Association reported that a survey had been taken of their residents and the residents of Kedron Estates, adding that Eiswerth had attended their meeting to discuss the issue with the residents prior to their vote. They understood the need for the access for emergency vehicles and buses, but they were concerned about an increase in cut-through traffic in the neighborhood. There were no sidewalks in the neighborhood, and the residents felt paving the road would encourage traffic to cut through Kedron Hills. They understood the future needs, but felt paving the road now without another egress was a safety concern to the residents. There was a plan to extend a northeast collector south of Astoria Lane through Scott Bradshaw's property in Smokerise to SR 54. When that happened, the connection could be made without affecting the neighborhood.

Learnard asked Clark what benefit there would be to the Police Department. Clark said his department did not use Sims Road often. He suggested making the road one-way out until the future connector road was built, which would help with the emergency vehicles. He did not know if that was feasible, but it would address public safety's and residents' concerns.

Fleisch said the County would spend \$400,000 to pave Sims Road. Vrana clarified that the cost to connect Sims Road to Astoria Lane was \$34,000. Borkowski said that, unless the County could connect to more than the few houses on Sims Road, he understood the expense was not justified, which was why the County had asked the City about making the connection. He said having the section within the City be one way could be a good solution, adding that seemed to satisfy both arguments. The road would not have to be as wide, which was one thing that could be done to discourage cut-through traffic. Fleisch noted that there were several stops down Astoria to Loring Lane, which she felt would also discourage cut-through traffic. Borkowski said there would be signage, but there would be an enforcement issue if there was the ability for people to use it as a two-way street. Sturbaum felt they should at least look at making it one way out of Kedron Hills.

Pullias asked if the County would have a say in the matter. Borkowski said the idea had just come up, so it had not been discussed with the County. Learnard said she would like to know the impact the paving would have on the sanctioned school bus routes. Fleisch asked if the County had a deadline for an answer. Borkowski said he had not been given a time frame. He would need to talk to the Board of Education, also.

Sturbaum moved to continue Sims Road extension indefinitely. Learnard seconded. The motion carried unanimously.

A break was called at 8:35 p.m., with the meeting reconvening at 8:44 p.m.

01-11-09 Consider Modifications to Hotel/Motel Tax Distribution Structure

Haddix said that, unless he misunderstood, he sensed no interest in increasing the hotel/motel tax rate. Learnard confirmed that the options were to leave the hotel/motel tax as it was, and changing to any of the alternate structures would add money to the General Fund. Changing the structure would add tourism and product development as a component as well. Changing called for a repeal of the existing hotel/motel tax law and an identification of the new rate and the purposes. She continued the new purposes were quite broad and could be administered by an entity meeting the qualifications, which could be the Convention & Visitors Bureau (CVB). At the 6% rate, the City's share increased, but the CVB and Peachtree City Airport Authority (PCAA) shares decreased, while \$64,000 would be available for the new tourism and product development component. At the 7% rate, the City share would increase and the CVB and PCAA shares would drop, but the new component figure would increase to \$128,000. At 8%, the City's share increased, the CVB and PCAA shares dropped about 12%, and the new component share would increase to \$192,000.

Learnard continued that she understood the hotels opposed the modifications, and the CVB would take a hit under all the scenarios. If the Council did decide to make a change, the existing law would have to be repealed, as well as the purposes. She sensed that the hotel/motel operators opposed the new structure, adding they would feel the impact of a 37% drop in CVB funds. The hotel/motel operators also felt they would lose their competitiveness if a 7% tax was approved. Under any of the new scenarios, the CVB would take a hit and possibly need the City to pick up the cost of the fireworks or other events. The CVB, its leadership, and its agreement with the City were all fairly new. Learnard said if the conversation had focused on the needs the City that had not been addressed by the CVB, then a change would make more sense.

Haddix said the new options provided flexibility. The Tourism Association had wanted way-finding signage, which could not be done under the current law. There were things the CVB wanted to do that they could not do under the current scenario, but they could under the new structure. The City would get more money under any of the new distribution options, but the City could also turn around and give the money back to the CVB for the fireworks and the PCAA, giving them the same amount they currently received. He had no interest in taking money away from the CVB or PCAA, but he did want to give them more flexibility. It would take several months to go through the process.

Haddix asked Meeker if the governor signed the legislation and if it was enacted at that time. Meeker said any change would be an act of the legislation, and the Governor must sign the legislation, then a local ordinance would have to be adopted to implement the change. Haddix said a new structure would come into play reasonably close to the end of the budget cycle for 2012, so there would be approximately three months to make any budget adjustments that would be needed.

Learnard asked if there was a list of needs/projects that the City had not been able to do that could not be done through the CVB under the current restraints. Imker said he did not see the project list as an issue. There were so many areas where the money could be used, such as verifying staff time under one of the clauses or operating the Visitors Center. The CVB could use the money as they used it now by justifying it under the new structure's criteria.

Fleisch said one reason they had looked at changing the distribution nearly a year ago was because of the depletion of the General Fund and use of cash reserves. That reason had been taken care of with the millage rate increase. She felt the structure should be left as it was at 6%. It did not seem to hamper the CVB, adding that the City's hotels competed against Coweta with a 5% hotel/motel tax and Fulton with a 7% tax rate. It was most important for all the entities to find a way to work together.

Haddix said a change would not be abrupt, taking many months to get through the process. In 2008 and 2009, there were things the Peachtree City Tourism Association (PCTA) could not do with the hotel/motel tax funds. He was not looking at taking the money away from the CVB, but at giving the CVB more flexibility in spending the funds, adding that the money could be used for way-finding signage, advertising that could not be done before, improvements to or construction of recreation facilities, or path construction. The goal was flexibility for the CVB.

Sturbaum said the PCAA had discussed a five-year business model in 2008 or 2009 to wean it off the hotel/motel tax funds. The airport was an economic engine that he did not want to jeopardize. Haddix added that, in the past, there had been problems with the PCTA not wanting to give the PCAA its share of the funds. If Council was in control of the funds, there would not be a problem giving the money to the airport.

Amphitheater/CVB Executive Director Nancy Price asked if that meant the PCAA would be funded through Council, adding that under any of the new options, the PCAA and CVB would be cut substantially. Haddix reiterated that Council could budget the additional funding to take care of that. The source of the funding would simply be moved around, and no one would lose anything. Price said she understood that, but the CVB was flourishing under Council's administration. The concern was the cut to the budget, adding that the CVB did have flexibility on spending the hotel/motel tax funds as long as the board approved the projects, or depending on the amount, whether Council approved the project. Everything listed under the new law could already be done by the CVB. She noted that, with the PCTA, the issue could have been budgetary rather than legal. As far she knew, the CVB was not restricted in how the funds were spent as long as the expense was validated as tourism-related. Haddix said that the old system was not as flexible as the new system.

Meeker said the old statute was not as specific as the new statute, and one reason for the change in the legislation was to clear up those issues. What could be done under product development was crystal clear under the new statute. Meeker asked Council for direction on what to include in the resolution. He said Council could leave the rate at 6%, then increase it to 7% in a few years, which would require another act going through the General Assembly. The statute required the resolution to specify the tax rate, identify the purposes for tourism development

purposes, and specify the allocation of proceeds. Whatever allocation was included in the resolution was locked in. The allocation rate and identification of projects had to be addressed in some form in the resolution. There had to be some idea going forward. Sturbaum clarified that it could be a stumbling point if those items were not properly addressed in the resolution. Meeker said there was also a possibility the Fayette delegation might not carry the resolution forward.

Learnard asked what the time limitations were. Meeker said the bill had to get there before crossover day, day 30 of the session, which was usually in March. There were also legal advertising requirements that had to be met, and the legislation could be introduced the next week. Once the law was passed, there were several ways to implement the ordinance. Morrow was still holding hotel/motel money until the agreement with their tourism board was finalized, which was currently being done. The same thing had happened with the PCTA while the City waited for the 501(c)(3) status to be approved. It could be put into effect any time after July 1.

Haddix said the Georgia Municipal Association had many groups that thought they were doing everything legally under the old statute, only to find out they were not. The new structure took away any doubt, which was an element of the flexibility. Meeker said the new legislation clearly eliminated some of the issues that were prevalent under the old legislation. A lot of cities and counties were still operating under the old statute.

Learnard said the new law was clear, and there should be a project list with numbers assigned to the projects. Meeker said he did not know if the list had to be that specific as purposes were different from projects. He said listing all the purposes under tourism product development would be sufficient. He recommended keeping the list as broad as possible. Haddix agreed, adding that recreational facilities and amenities could be anything from a bike path to a building. Meeker said the operational costs should be included and were permitted under the new statute.

Fleisch said if the allocation had to be done at the same time, she assumed the City would be in control of the tourism product development portion of the funding. Meeker said the allocation had to be specified.

Imker said they could specify that 0.5% was going to a laundry list of 12 bullets identified as legitimate uses of tourism product development funds, then get the details later on. Meeker said that, in theory, that was correct. Learnard felt there was a concept, not a plan. She wanted to flesh out the concept and approve the resolution on January 20. Haddix said they did not want to have a list of projects, but a list of applications. Learnard said she wanted to see that list. Haddix said Learnard wanted a specific list, and that was not what needed to be done. Meeker said his recommendation was to list the purposes in the resolution that mirrored what the statute listed as tourism product development. Haddix said that list was the City's list.

Fleisch said she was more convinced they should stick with what they had at 6%. The CVB had only been in existence for six months; it was a new small start-up business. Learnard said she was not opposed to changing the distribution, but she wanted to know more about it before voting. Imker said he would rather have the CVB budget done through the normal process, not

in the next few months. He was not concerned about identifying specific budget items. The CBV had the skill set to determine whether a budget item was tourism product development. Learnard asked about the CVB giving budget items back to the City such as the July 4th fireworks. Sturbaum said the City could budget those items back to the CVB to offset the loss.

Learnard asked what the time frame was for implementing a change if it was approved by the General Assembly. Meeker said it was rare that the governor actually signed every bill; most of it became effective on July 1 by operational law. Imker recommended keeping October 1 as the effective date so the CVB would have a specific budget for a full year.

If the legislation were approved, Fleisch asked if the agreement with the PCAA would be with the City rather than the CVB. Haddix said that might be better since the agreements had been rather contentious between the PCAA and CVB, and it might help wean the PCAA from the funding.

Sturbaum said that other issues were involved when Council first looked at changing the distribution earlier in the year. He did not see the harm in taking two weeks to ask questions. During that time, the PCAA would meet, and Sturbaum could talk with Price about his concerns. While the current Council would allocate the funds as needed, the change in the distribution needed to be a one-time hit. He did not want to hinder the two boards.

Sturbaum moved to continue to the modification to the hotel/motel tax distribution structure to January 20. Learnard seconded. The motion carried 4-1 (Imker).

Meeker asked Council what they wanted from staff. Sturbaum asked to see the resolutions approved by the General Assembly in 2010 to get a "best in class" idea of how the resolution should look. Imker said he wanted to see a draft resolution with that had everything required to go forward except for possibly changing a number. Meeker said he would forward a draft to Council by the next week, and he would research the last legislative session.

Learnard asked Sturbaum if he would firm up a game plan when he met with Price. Sturbaum said that would be part of the discussion. He wanted to know what items the City could absorb. He also wanted to discuss the five-year plan with the PCAA. He wanted the in-depth detail that would make him comfortable with a structure change. He said each Council Member should talk with Price and the PCAA. Haddix asked Financial Services Director Paul Salvatore to pull budget information on the PCAA and fireworks.

Salvatore said that distributions could be made through the budget or an intergovernmental agreement. Council could look at the list to see what Council/CVB wanted to put in an intergovernmental agreement.

Imker said if the hotel/motel tax rate was increased to 7% there would be an opportunity to lower the millage rate. Haddix said he shared the hotels' concern about increasing the hotel/motel tax rate.

Fleisch said the issue should be considered in a year. Not knowing all the ramifications put the CVB at a disadvantage, and they might find they did not have the flexibility they thought.

Council/Staff Topics

Hot Topics

Vrana said the geotechnical studies for MacDuff tunnel began before Christmas and should be available in early February.

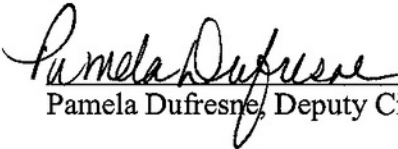
Vrana introduced Joey Grisham, the new economic development coordinator.

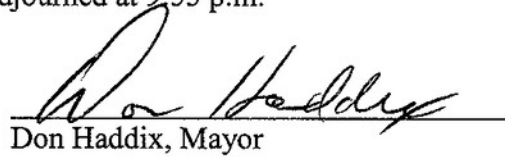
Sturbaum moved to reconvene in executive session for pending or threatened litigation and personnel at 9:28 p.m. Learnard seconded. The motion carried unanimously.

Sturbaum moved to reconvene in regular session at 9:50 p.m. Learnard seconded. The motion carried unanimously.

Sturbaum moved to begin legal proceedings to collect monies from two former firefighters and one police officer as a result of violation of training agreement. Learnard seconded. The motion carried unanimously.

There being no further business to discuss, Learnard moved to adjourn. Sturbaum seconded. The motion carried unanimously. The meeting adjourned at 9:55 p.m.


Pamela Dufresne, Deputy City Clerk


Don Haddix, Mayor