City Council of Peachtree City
Meeting Minutes
December 6, 2012
7:00 p.m.

The Mayor and City Council of the City of Peachtree City met in regular session on Thursday, December 6, 2012. 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

Recognize Police Department – 1st Place, Governor's Traffic Safety Challenge
Recognize CERT Graduates

Mayor Haddix recognized the Police Department for earning first place in the Governor's Traffic Safety Challenge. Members of the Community Response Team attended. The most recent Community Emergency Response Team (CERT) graduates were recognized, bringing the total graduates from the program to more than 620 adults and 108 teens.

Minutes

November 8, 2012, Regular Meeting Minutes

Learnard moved to approve the November 8, 2012, regular meeting minutes as written. Fleisch seconded. Motion carried unanimously.

Consent Agenda

1. **Consider Designating December 31, 2012, as Employee Holiday**
2. **Consider REVISED Development Agreement for The Gates**
3. **Consider Surplus of Vehicles**
4. **Consider Budget Amendments – Fiscal Year 2013**
5. **Consider Official Intent Resolution – FY 2013 Budgeted Capital Equipment**

Haddix noted there were additional documents on the dais concerning Item 5 – the staff memo and a copy of the resolution.

Imker moved to remove Consent Agenda items 1 and 2 from the list. Learnard seconded. Motion carried.

Learnard moved to approve Consent Agenda items 3, 4, and 5. Fleisch seconded. Motion carried unanimously.

1. Consider Designating December 31, 2012, as Employee Holiday

Imker said the employees were already off on Tuesday, January 1, adding the expense to the taxpayers for an employee holiday on Monday, December 31, was approximately $21,000. Imker suggested, with the current fiscal constraints, that the employees should use their vacation time if they wanted to be off on New Year's Eve rather than having the taxpayers foot the bill.

Dienhart agreed, adding that he had never gotten New Year's Eve off as an employee holiday. It was a regular work day for most people.

Learnard said staff was worth a million dollars, but the City did not have that to give them. She supported giving December 31 as an extra holiday, saying it would dovetail with what other governments and businesses were doing this year because of the way the calendar fell.

Dienhart said his company was not giving the day off, asking Learnard if she had December 31 off. Learnard said she was self-employed, and she would not be working.

Fleisch said she understood Imker's and Dienhart's concerns, but this was a different situation. She would vote in favor of the holiday since December 31 was on a Monday, adding that there was an allowance for Public Safety.

Haddix said he had owned his own company, and he had given himself the day off, but he had worked New Year's Eve in the military and when working for other companies. There was not a hard and fast rule. He also supported the additional holiday.

Imker recommended those in favor of the holiday make the motion, saying he did not want to move to deny the holiday.

Learnard moved to designate December 31, 2012, as an employee holiday. Fleisch seconded. Motion carried 3 – 2 (Dienhart, Imker).

2. Consider REVISED Development Agreement for The Gates
Imker noted the revised development agreement was for the Southern Pines Plantation annexation that was recently approved. He asked staff to go over the changes with him.

Imker noted that the original agreement had specified 38 acres would be donated to the City.

> 7. *The Developer shall donate to the City approximately twenty-seven (27) acres of land as greenbelt, ponds, wetlands and associated buffers as will be reflected on the final subdivision plat(s). This Property shall be deeded to the City as a part of the subdivision plat process.*

Planning and Zoning Administrator David Rast said the initial agreement had included 38 acres for roads and rights-of-way, greenbelt, ponds, wetlands, and buffers, but the developer wanted to keep the greenbelt, buffers, and detention ponds separate. Approximately 38 acres would be deeded to the City, including nine to 10 acres of roads and rights-of-way, and the remainder in greenspace, detention ponds, and buffers. Imker said that answered his questions.

> 9. *The Developer shall pay its pro-rata share of the design and installation of Pump Station 36 within the Meade Field Recreation Complex, in the amount of $76,828 as determined by and to be paid to the Peachtree City Water & Sewerage Authority.*
>
> *In addition, the Developer agrees to design and construct a sanitary sewer lateral from said pump station to the two existing restroom buildings on the Meade Field property.*

Imker continued that there had not been an actual dollar amount designated in the original agreement, and now $76,828 was specified in the agreement, which Imker said seemed to be a low cost for a pump station. Rast said a study had been done by the Water and Sewerage Authority (WASA) and Integrated Science & Engineering (ISE) on what was needed for the area. The costs had been divided among the entities involved, including the Somerby development. Imker asked if there had been a commitment from Somerby. Rast said not formally. The plan for Somerby had been approved with a private lift station, and the state had approved Somerby's plan. Now WASA was putting in a pump station, it was just a matter of getting the contribution from Somerby. Imker said staff should work on getting Somerby's contribution, as the private lift station would cost considerably more. Rast said all the entities had been working together, and Somerby planned to move forward with the regional pump station. Fleisch said there were six entities contributing to the lift station, which had been a deciding factor for Somerby.

Imker asked if the sewer would be covered at 100% of the cost to execute the plan. He did not want to wind up short on cash, with the City having to bail it out. Rast said the City had not been part of the negotiations, but the cost was based on real numbers prepared by WASA's engineers. Imker directed Rast to get official confirmation from WASA that the costs were covered.

10. *At the time of recording of the first final plat for The Gates, The Developer shall donate $10,000 to the City to be used for the design and construction of a freestanding city sign adjacent to SR 74. Said sign shall be incorporated into the overall berming and landscaping plan to be located within the tree save and landscape buffer adjacent to SR 74.*

11. *The Homeowners Association for The Gates will be responsible for maintaining the landscaping around the sign referenced in item 10 for a minimum of 20 years.*

Imker referred to the new southside entrance sign, noting the developer agreed to the maintain the sign and its surroundings. The old agreement required SPP to donate $24,000 to the City for the sign and the maintenance. The new agreement said the homeowners' association would take care of the "Welcome to Peachtree City" sign for 20 years. Imker said the $24,000 was equal to $100 per month over 20 years, but maintaining the sign and the area around it would not cost that much. He would rather have the City get the money to take care of the sign.

Rast said the sign would be located in the streetscape and landscape buffer area next to SR 74. The developer and/or the HOA would be required to maintain the sign and area in perpetuity. The $24,000 figure was used to quantify the contribution to the City. Imker asked why the $24,000 was included in the original agreement, adding that the HOA would accumulate the funds, use $1,000 to $2,000 in maintenance for landscaping for the 20 years, then the rest would be used for other maintenance. The City had an agreement for $24,000 and would not see it.

Fleisch pointed out that the maintenance of the sign was not included in the agreement, only the landscaping. She asked if there was a way to include language for Council to approve whatever documents the HOA put forth, so the City would get the maintenance needed. Haddix asked whether the HOA would be in perpetuity or if it was an HOA that expired in 20 years. Rast said he did not know. Haddix encouraged the developer to go under the Queen of England language to make the HOA in perpetuity rather than the 20 years. He did not believe the City should tell the HOA what to plant in the landscaping, rather they should take care of it as the members determined as long as there was a commitment and they were paying for it.

City Attorney Ted Meeker said Council could reject the changes to paragraph 11. Imker said that was what he wanted to do. Meeker said the motion should include the wording, "rejecting the changes in paragraph 11."

Learnard asked if that meant the City would be responsible for maintaining the sign. Meeker asked if Council wanted to put the language taken out back in place. Haddix said the superior language would be that they have a perpetual HOA agreement so it never expired, with the written condition in the deed that the HOA maintain the entrance.

Learnard said it appeared that neither Haddix nor Imker trusted the HOA to maintain the City sign. Imker said he trusted them to do that, but he did not believe it would cost $100 a month.

Meeker said the original language was, "the developer shall donate $24,000 to the city for maintenance of the city sign and associated landscaping." The change to paragraph 11 required the HOA to take care of the landscaping for a minimum of 20 years.

Learnard clarified the Imker wanted the developer to donate the money to the City for the maintenance of the sign and landscaping. Imker said yes, adding that was what both parties agreed to during the annexation process.

Imker asked if Council could conditionally approve the agreement except for paragraph 11, and work on the paragraph at the next meeting. Meeker said Council did not have to approve anything. He would rather there be a "meeting of the minds" for the entire agreement.

Imker moved to continue Consent Agenda item 2. Fleisch seconded. Motion carried unanimously.

New Agenda Items

12-12-01 Public Hearing – Consider Variance Request to Rear Building Setback, 604 Skipping Rock Lane

Rast said applicants Victor Soto and Laurie Greer were asking for a variance to encroach two feet into the required 30-foot rear building setback for R-12 Residential zoning. He continued that the homes in Wilshire subdivision were on approximately one-third of an acre and were fairly large. The two-story home had been built on 2001 on a pie-shaped lot in the cul-de-sac. The sunroom on the house had been chamfered so it would not encroach into the rear building setback. The applicants planned some extensive renovations to the home and were requesting the variance so they could square off the chamfered corner, which would give them more space and be more aesthetic. Rast said there were letters of support from the neighbors. After looking through the criteria for approval listed in the Code of Ordinances, Rast said there was a hardship with the shape of the lot and placement of the home. Staff recommended approval with three conditions:

1. *The variance shall be limited to an encroachment of no more than two feet into the rear building setback. There shall be no additional encroachments permitted without first securing additional variances.*

2. *The Applicant shall provide an updated Foundation Survey identifying the exact location of the home and improvements as part of the Building Permit process.*

3. *Following completion of construction and prior to issuance of a Certificate of Occupancy, the Applicant shall provide a revised Foundation Survey identifying the location of the new structure. The purpose of this survey is to ensure the new construction does not encroach any further into the building setback than permitted by this variance.*

Mayor Haddix opened the public hearing.

Bob Barnard, contractor for the applicants, said Rast had done a great job of explaining the issues with the property and asked/ Council to approve the variance.

No one else spoke. The public hearing closed.

Learnard said she agreed with staff's recommendations. Council had no other comments.

Learnard moved to approve the request for a variance to the rear building setback at 604 Skipping Rock Lane. Fleisch seconded. Motion carried unanimously.

12-12-02 Public Hearing – Consider Variance Request to Sign Ordinance, My House Restaurant, 2775 SR 54 W

Rast noted the request was for a variance to the Sign Ordinance. The restaurant recently opened. When a business was located on the SR 54 West corridor, staff had to look at the Sign Ordinance and the SR 54 West Design Guidelines, which were fairly specific about the construction of signs for the corridor. Rast continued that this sign was the result of unintended consequences. The sign had been fabricated and installed without any drawings submitted to staff for review. When a drawing had been submitted, the size of the graphics had increased, which had caused the size of the cabinet to increase. Signs were limited to 50 square feet by the SR 54 West Design Guidelines. The restaurant sign was 58 square feet. In addition, per Section 66-15(9) of the Sign Ordinance, signs could not interrupt architectural features. This sign extended above and below the exterior insulated finish systems (eifs) band on the structure.

Staff recommended the variance not be approved, adding staff had worked with all the tenants in the area to ensure they got the maximum size possible.

The public hearing opened.

Mike Ray, owner of the restaurant, told Council he had spent most of his life savings on the restaurant. His business had created 32 jobs, and payroll budget was over $500,000. He had called the City to find out his options, and he was told his sign contractor had built the sign out of conformance. He asked Council for any options since he did not have a lot of money left.

LaVerne Jones, owner of Sign a Rama and the applicant, told Council the graphics for the sign ha been approved by Ray and his wife. He sent the graphics to his vendor for manufacturing. He was told at that time the thickness of the letters had to be one and one-half inches wide in order to get the lights in underneath, which made the whole sign bigger. The original design had not covered the eifs or keystone. He turned in the paperwork into the City, and the approval normally came within one to two days. Jones said he turned the application in around the time a member of staff left the City's employ, and his application had been found at the Front Desk. The sign was delivered, and Jones had not heard back from the City. They went ahead and installed the sign, knowing it did not meet the required size. He explained what caused the size of the sign to increase, saying that the lighting and everything else met the code. It was just a little too big. It was their mistake for not doing what needed to be done to get the lights in the sign.

No one else spoke. The public hearing closed.

Dienhart said the City bore some of the responsibility for dropping the ball with the application for the permit. He did not want the owner to bear more expense because the City did not process the application properly. Meeker pointed out that, per the Sign Ordinance, a sign was not to be installed until a permit was secured. Silence on the City's part was not approval of a permit. Since there was a delay, it was incumbent upon the sign's installer to check with the City. Signs were not to be installed without a permit in hand.

Learnard said it sounded like an honest mistake, but she could not support the variance, adding that many businesses had gone though multiple iterations with their signs.

Imker asked if there were any other signs that exceeded the limits set in the Sign Ordinance. Rast said NCR had asked to have two wall signs on their building; however, the ordinance had been modified to allow buildings that sat on a corner to have a sign facing each roadway. The most recent variance was for the sign at SANY. When the design for the sign was superimposed on the building drawings, it looked like a blip. Requests had also been made from the Delta Credit Union and others. He added the SANY sign was not visible from the road.

Haddix recalled that one of the reasons SANY had been granted a variance was because the sign could not be seen from the road, and it looked in scale with the building. Dienhart said the restaurant sign did not seem overpowering on the building.

Learnard said, if Council approved the variance, they could throw the sign ordinance out the window.

Fleisch agreed it would be precedent-setting if the variance were approved. The sign manufacturer knew the sign might not meet the requirements. The City had to maintain consistency with its ordinances.

Haddix said that SANY's sign had also been about visibility. The sign was not visible from the highway, while the restaurant's sign was very visible. Approving the ordinance effectively changed the size requirements for signs throughout the City.

Dienhart suggested that if the measurement had not been squared off, then the sign might still meet the 50 square-foot requirement. Haddix pointed out the sign covered the architectural features. Nothing could correct that but to change the sign size.

Imker said he was looking for some reason to approve the variance. The business clearly accepted the error. Imker asked Meeker if there were any acceptable reasons to approve the variance. Meeker read from the criteria for a hardship variance to the sign ordinance (Section 66-7(i):

> *(1) Where the proximity of existing signs on adjoining lots causes the subject property to be ineligible, due to spacing requirements, for a sign of the type sought; or*
>
> *(2) Where visibility of a conforming sign from the proposed street and within 50 feet of the proposed sign would be substantially impaired by existing trees, plants, natural features, signs, buildings or structures on a different lot; and*
>
> *(3) Placement of the sign elsewhere on the lot would not remedy the visual obstruction;*
>
> *(4) Such visibility obstruction was not created by the owner of the subject property; and*
>
> *(5) The variance proposed would not create a safety hazard to vehicular traffic or pedestrians as determined by the city engineer.*
>
> *Variances shall be limited to the minimum relief necessary to overcome the hardship. No variances shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist.*

Meeker pointed out the situation was not considered a hardship per the ordinance.

Imker asked if there had been similar situations. Rast said some variances had been granted to the Sign Ordinance years ago. Since the Sign Ordinance had been updated several years ago, there had only been two applications for variances, SANY, which had been approved, and the Delta Credit Union's, which had been denied. The City had not gotten many variance requests for signage. No one had done anything intentionally. But even on a case-by-case basis, the City would be seen as being lenient with the ordinance if the variance were approved. If staff had seen the drawings before the sign was installed, they could have identified the issues during the process.

Dienhart asked about the variances granted in the past. Rast said that, when amending the ordinance several years ago, staff had tried to write the ordinance so it was easier to understand. Some of the reasons for the variances in the past had been because of the many ways the ordinance had been interpreted.

Learnard moved to deny the variance request to the Sign Ordinance at 2775 SR 54 West. Fleisch seconded. Motion carried 4 –1 (Dienhart).

12-12-03 Public Hearing – Consider Step One Annexation Request, Foot Pain, LLC, SR 54 East
Rast pointed out the property was located in the SR 54 East corridor. The Peachtree Medical Building was completed a few years ago, and they were in the process of expanding the structure. Builder Chuck Ogletree had submitted the annexation application for the 4.398-acre tract. The application was just for the Peachtree Medical Building tract.

Imker asked what the story was on the other properties in the area. Rast said Ogletree had information on the other properties.

The public hearing opened.

Ogletree addressed Council, noting that he was one of the owners of Foot Pain, LLC, which operated the 26,000 square-foot medical building. All the tenants were medical-related. They were adding another 20,000 square feet to the building. Piedmont Internal Medicine would be the tenants in the lower section of the addition. The annexation request had been made to get access to sewer. Ogletree said he could complete the addition on septic, but he preferred to be on sewer.

Ogletree continued he met with WASA, and both parties felt it would be advantageous to seek annexation into the City. As for the neighboring tracts in the County, Ogletree said several of the property owners were receptive to annexation. One small tract owned by Jan Trammell, located at the intersection of Sumner Road and SR 54, was in a trust and nothing could happen. Ogletree said he had tried to contact the owners of the senior facility, but had not gotten any feedback.

Ogletree said the property would be an asset to the City. It was a known entity that would add to the City's tax digest and would not be a drain on City services.

Iris Salzman said she had no objection to the building, but she was concerned about any variances that might be needed for the property if it was annexed into the City. She expressed concerns about possible access to Sumner Road and traffic safety with trucks that might use that access, as well as golf cart access. She also asked that any trees cut down be replaced to form a buffer.

Mel Salzman noted there was no sewer in that section, and he was concerned the residential homes in the area could be forced into hooking up to the sewer system. He was also concerned about additional traffic activity on Sumner Road.

The public hearing closed

Haddix assured the Salzmans that they would not be forced to hook up to the sewer system. He added the Publix and Stein Mart also wanted to be annexed, but decided to wait until the economy improved due to the more stringent zoning requirements in the City. Haddix said he would like to annex the entire triangle so it could be brought under the City's standards.

Learnard asked if an island would be created if the City annexed the Foot Clinic property and all of the area except for the small tract at the intersection of Sumner Road and SR 54. Meeker said it would not since the tract backed up to City property, and there would still be unincorporated Fayette County below it.

Fleisch asked if the area was one of the growth boundary areas. Rast said it had not been specifically defined, but the boundary had been identified along Sumner Road. Fleisch said the building would be quite large to be on a septic system. Ogletree said he could finish the building on a septic system. There were options, but he preferred to be on sewer.

Imker said he appreciated the concern of the residents in the area. He agreed with their concerns about access to Sumner Road. If Council approved the Step One application, the Planning Commission would be the first to review the annexation application. He understood why businesses would want access to Sumner Road. The Mayor was correct that no one could force the residents to go on sewer. Imker said staff and the Planning Commission would work with the developer to address the residents' concerns, but he had concerns about the other properties in the area. He asked if the annexation was for one particular property or the entire triangle of land. Meeker said there was only an application for one property before Council.

City Manager Jim Pennington added that, if the other properties in the area wanted to be annexed if this one was approved, then another Step One application had to be submitted.

Fleisch asked if this request could be tabled to see if the other annexation requests would be submitted, as doing it one at a time looked like hopscotch rather than a contiguous border. Ogletree said time was an issue in this case. The building was supposed to be completed in April. If they waited another 30 days for the other owners to join in, then it would be too late for this building. A decision needed to be made soon.

Fleisch asked if the capacity of the pipe would be an issue for WASA if the other properties owners were to seek annexation, saying it was not just the presence of sewer. Meeker said the state regulations pertained to availability. He said the City had to allow hook-ups to sewer if the availability was within 200 feet. Learnard asked if that could be done in this area. Ogletree said it had not been laid out, but he thought it could be done.

Pennington said he had spoken to Stephen Hogan at WASA, and Hogan had indicated the capacity was there.

Haddix asked if Council could approve the Step One application with the condition to allow other properties to join in if they chose to. Meeker said that could be done, but the other properties would still need to come in with a formal request.

Imker asked the residents if they understood approval of the Step One application was not approval of an annexation. They would be able to participate in the Planning Commission process. The residents responded they did. Haddix asked that the residents specifically be notified of the Planning Commission meetings and public hearings on the annexation.

Learnard moved to approve the Step One annexation request from Foot Pain, LLC. Imker seconded. Motion carried 4 – 1 (Fleisch).

12-12-04 Public Hearing – Consider Amendment to Zoning Ordinance, Art. X, Sec. 1007, LI Light Industrial District

Rast said staff had asked Council at the November 8 meeting what their preference was concerning adding a beauty or barber shop in Limited Industrial (LI) zoning. Council's consensus at that time had been to adopt a text amendment rather than rezoning a particular property on Clover Reach. The Planning Commission had recommended the text amendment be approved 4-0-1.

The public hearing opened.

Shane Buffkin addressed Council, asking them to approve the amendment to the zoning ordinance. He hoped to buy the property on Clover Reach and move his business from its current location on Dividend Drive. The move would create more jobs in the City. He was available to answer any questions.

No one else spoke. The public hearing closed.

Learnard said the text amendment was good idea, and she supported it.

Imker moved to amend the zoning ordinance as shown in the meeting packet. Fleisch seconded. Motion carried 4 – 1 (Haddix).

12-12-05 Consider Bid for Bridlepath Stream Rehabilitation – Georgia Development Partners

Public Services Director Mark Caspar addressed Council, saying this was the final project from the original Stormwater Utility bond. A few years ago, there had been a path realignment due to the dam. This project included removing the dam from the existing detention pond to allow the stream to restore its original flow pattern while re-vegetating the stream bank.

Staff recommended the project go to the low bidder, Georgia Development Partners for $126,430.18. The cost was $40,000 over the projected cost, and there was additional money available in the contingency line item of the bond.

Dienhart moved to approve the bid for the Bridlepath stream rehabilitation from Georgia Development Partners at an amount not to exceed $126,430.18. Learnard seconded. Motion carried unanimously.

12-12-06 Consider Bid for Shakerag Sewer Project – Site Engineering

Caspar noted this was a Facilities Authority bond project, and it was the restoration of the sewer line for the Amphitheater, Gathering Place, and Public Works. To pay for the $59,000 overage based on the project cost, staff recommended postponing the Riley Field sewer project and moving around savings from other projects in the Facilities Authority bond. Caspar continued that the original sewer line at Shakerag would be abandoned. The new alignment allowed a new main and eliminated two pump stations. An oil/grease separator would also be installed, which would help with problems in the system caused at the Amphitheater.

Learnard asked when the work would start. Caspar said a pre-construction meeting would be held as soon as possible. Staff had already reviewed the project and had found some savings. There were 90 days built in to get the work done.

Imker asked if the work would also address problems with the restrooms by the BMX track. Caspar said that work was being done separately by Fitzgerald Plumbing. It would have cost more if it had been part of this bid.

Learnard moved to approve the bid from Site Engineering for $241,350.50. Fleisch seconded. Motion carried unanimously.

12-12-07 Consider Bid for Janitorial Services – Building Maintenance Services, C&T Janitorial, and In-Source Janitorial Services for Specific Facilities

Learnard moved to approve two bids for janitorial services – one to Building Maintenance Services for $15,342 and one to C&T Janitorial for $4,392 as shown in the Council packet. Fleisch seconded. Motion carried unanimously.

Staff noted there was another component to the recommendation. Community Services Director Jon Rorie said staff also recommended hiring an additional four to six part-time Maintenance Tech I positions in the Building Maintenance Department to cover 4,680 labor hours per year to provide janitorial services for the Library, Glenloch Recreation Center, Kedron Fieldhouse, and Public Works facilities.

Learnard moved to reconsider the agenda item. Dienhart seconded. Motion carried unanimously.

Imker moved to approve the recommendations for janitorial services. Fleisch seconded. Motion carried unanimously.

12-12-08 Consider Bid for Mini Excavator – Lashley Tractor

Caspar told Council this was for a piece of vital equipment used primarily on the cart path system. It was more versatile than a backhoe and could trim along the cart path with a bush hog implement since it could operate in confined spaces. Staff had budgeted $64,000 for the equipment, and the bid had come in higher. Staff recommended the bid of $65,242 from Lashley Tractor.

Haddix asked how much labor savings was involved. Caspar said it was five seconds versus 10 – 15 minutes for a five foot by five foot square area.

Learnard moved to approve the mini-excavator from Lashley Tractor Sales for the bid amount of $65,242. Imker seconded. Motion carried unanimously.

12-12-09 Consider Bid for Recreation Administration Building Renovation – Albion Scaccia

Community Services Director Jon Rorie told Council the bids ranged from $363,000 to $614,000, but the difference between the various increments of the bid was $10,000. The scope of the project had narrowed. Items removed from the project included an exterior stairwell and a drive-under canopy in the front, and items of similar nature. Also removed was the parking in the back, the drive-through on the front, and the expanded parking.

Rorie said during the bid evaluations, staff discovered the duct work for the HVAC upgrade had been left out of the bid, and the change order to include it would bring the low bid to $371,000.

Staff's recommendation was to move forward and award the bid to Albion Scaccia for $363,625, remembering there was a change order that would need to be approved immediately. Rorie asked Council to leave the approved budget for the project at $462,000 intact for project completion to include construction administration, change orders, and optional portions of the project. The main issue going forward would be parking. There were only six parking spaces at the facility. Rorie noted that, at The Gathering Place that day, there had been 22 cars, and all the handicapped spaces were in use. The goal to enhance the parking was to utilize Public Works and Engineering to expand parking at the site and to add more handicapped spots,

Fleisch asked how quickly the work that would be done by the City would be completed. Rorie said work on the parking would start quickly.

Financial Services Director Paul Salvatore asked Rorie to explain the $52,000 budgeted for Pond & Company for construction administration. Rorie said that was an extreme overestimation. Staff expected the cost to come in under $52,000.

Fleisch moved to approve the bid to upgrade the Recreation Administration Building to Albion Scaccia in the amount of $363,625 and that the approved budget of $462,000 remain intact for the project to address any change orders moving forward. Learnard seconded. Motion carried unanimously.

12-12-10 Discuss/Consider Hotel/Motel Tax

Fleisch said the hotels, the Convention and Visitors Bureau (CVB), the Recreation and Special Events Advisory Board, and the City's Recreation Department were working together to bring additional revenue to the City by using its recreational facilities as tournament locations. The City had hosted tournaments in the past, reaping some economic benefit; however, with Council's affirmative vote, the alliance would be formalized between those groups. To use the City's facilities as an economic development tool, it was important for all the groups to work together to make it happen. It had taken a year to reach a consensus, and as a part of the partnership, the hotels and businesses saw the benefit to their bottom line of raising the hotel/motel tax to 8%. They were investing in their businesses by agreeing to partner with the City in maintaining and providing the funds for an organizational structure that would secure quality tournaments to fill their hotels with patrons who participated in these events and paid this tax.

Fleisch said the City had hosted tournaments for years, but there had never really been active involvement by the City in promoting the events or any measuring of their economic impact. In October, the CVB asked Don Schumacher of the National Association of Sports Commissions to give a workshop on tournaments. His organization helped its members recruit good tournaments to their communities. Schumacher toured the City facilities as did the Atlanta Sports Council. They all agreed that the City's facilities were competitive and good enough to hold quality tournaments. Schumacher recommended a sports council be formed. CVB Executive Director Nancy Price began that process, pulling in members from across the county. Tournaments were a good business. No matter how bad the economy, Fleisch said parents always wanted their children to compete in quality tournaments.

Fleisch continued that the hotel/motel tax was currently at 6%, with the City receiving 2% for the General Fund. Four percent went to the CVB, with 3.2% used for operations and 0.8% given to the Peachtree City Airport Authority (PCAA). If the hotel/motel tax increased to 8%, the City would get 3%, with an agreement in place to provide a set amount to the PCAA. One percent of the remaining 5% would be used for City tourism products and development, which included the tournament facilities. The remaining 4% would be used by the CVB.

Until this year, there had been no measure of the success of the tournaments, and a goal of the past year was to start that process. To be successful, the City needed to know what was already being done and find a way to quantify for the hotels what the benefits of a partnership would be. A lacrosse tournament was held at both the Baseball Soccer Complex (BSC) and Meade Field in June. The tournament had come to Peachtree City for a few years, and the City knew parking was an issue for the 72 teams participating in this event. The City provided a shuttle service for parking, as well as continuous cleanup of the restroom facilities and trash.

After this year's tournament, Jon Rorie did an economic analysis of this event. He estimated there was a benefit to the City of approximately $200,000 for that weekend. This was a no frills economic impact study, meaning, multipliers were not used. It was basically an estimate of new dollars into the community. The City's recreation budget was $1.6 million dollars. Using that $200,000 as a benchmark for the size tournament that could be brought to the City, it was easy to see what the impact of just six tournaments a year could mean.

By formalizing this relationship, the City would not be investing in more infrastructure, but funding needed capital improvements and maintenance of certain recreational facilities the City already has. Fleisch noted that Bainbridge, Georgia, spent millions of dollars on a recreation facility to get tourism dollars. Peachtree City did not need to do that, but needed to maintain what was already here.

Fleisch continued that, this time last year, Council voted on increasing the hotel/motel tax, and the result had been a true lack of consensus. Some wanted a new structure at 6%; some wanted a new structure at 7%. Fleisch's position had been to keep it at 6% and at the old structure; but if the new structure were approved, then the rate needed to go to 7% to help protect the funding to the airport. The hotel/motel tax subsidy to the airport via the CVB was an arrangement made prior to the current Council, which Fleisch said was not the best situation for either group. One authority dependent upon another for funding was not the optimal scenario.

Fleisch continued that, at that time, it would not have been fair to change the rules on the CVB when it had only been in existence for only a few months and needed to gain credibility with the hotels because of past experiences with the defunct Tourism Association. Peachtree City was not a destination city with a built-in draw or attraction on which the hotels could capitalize. Her position had been, if the hotels wanted to have the rate raised, then they had to come to Council and tell them what they wanted. They would have to see the value in raising of the rate, which meant there needed to be some benefit to them that would help their bottom lines.

Fleisch continued the subject of the tax was brought up to her late last year, and it was pointed out that, if the tax was increased to 7% with the new structure, the CVB's budget would be less, which also left less for the airport. She reiterated the only way she saw any value in increasing the tax was if the hotels went along with it.

In June 2011, council reorganized the Leisure Services Division. Fleisch went over some of the findings due to the reorganization. Recreation was a huge part of the quality of life in the City.

Prior to the reorganization, there were 36 employees in the Leisure Services Division, including employees at Kedron Aquatic Center and The Gathering Place. As of the FY 2013 budget, there were 24 employees in the department, including employees at the Aquatic Center. There were no City employees at The Gathering Place, since staffing was part of the contract with Fayette Senior Services. The maintenance of the recreational facilities now lay with the Public Works Department and the newly formed Building and Grounds Division. Nine employees were transferred to those departments and were no longer a part of the Recreation budget. Fleisch said, in her opinion, the reorganization was still a work in progress. More tweaking was needed to make the City more efficient and to save money.

Fleisch went over the areas that had improved since the reorganization in June 2011:

1. Sports associations had been told in the past by maintenance staff that the City did not have money for repairs, so they had to either fund it through their fenced accounts or through their own accounts. The City abdicated part of its responsibilities in maintaining the facilities to the associations.
2. The sports association contracts had provisions that were never enforced by the City, including the collection of financial information and audits of the associations.
3. When the City rented out facilities to tournament promoters, very little, if any, oversight took place, and no inspections of the facilities were ever performed to assess conditions.
4. An electrical box at the BSC was replaced by an association, which was a concern due the liability of the City when associations took on this kind of work, even when a licensed contractor was used.
5. The code to turn on the lights at the Baseball Soccer Complex was pretty much known by everyone in Fayette County.
6. When attending a Georgia Municipal Association (GMA) convention this summer, Fleisch came across a company with a product that used a debit or credit card to charge users of the fields for the power when it was swiped. The combined total electric bill for all the recreational facilities was $157,000 annually. Fleisch had already asked a representative of the company to come to the City and meet with Rorie.
7. The City learned the concession stands and restroom facilities were open year round, despite only being used for half of the year. The electric bill for the Meade Field concession stand was $6,100 last year, or $512 a month. The machines in it had been running year round. Winterizing the sports facilities was currently under assessment.
8. The tennis courts, which were all resurfaced in 2012, had been in poor condition. One court at Blue Smoke was removed because it was built on a debris burial pit. The "crater" had been growing, and the court had been closed for over a year. The courts at Braelinn Park had been padlocked due to a potential safety hazard.
9. Braelinn Park baseball fields – the City had been paying Tru-Green to fertilize fields that had no grass. Fleisch said they were initially told the park did not have an irrigation system. It was later determined there was a system, and now the fields there were much better. Braelinn Park was in the overall worst condition of the facilities.
10. When not in use for recreational programming, the Gathering Place had been approved as a rental facility. There had been virtually no after-hours oversight of the facility by the City staff. The building was very tired and rundown looking due to the wear and tear of being an inexpensive rental facility. The building had been used for

children's parties, with one group using a large inflatable bouncing playground inside the building.

11. Through the years, no less than 32 keys were given out to people who used the facility. When FSS began its contract with the City, people began coming by to drop off keys. The potential liability exposure to the City was enormous.
12. Keys to the Recreation Administration building were also in the public domain.
13. There was a huge misconception that there were extensive renovations done to the Gathering Place for FSS. The bulk of the approximate $60,000 was spent on replacing the flooring, replacing worn out HVAC units, and painting. All of this should have been done as part of regular maintenance, especially since the building was used as a rental facility.
14. Kedron – the insurance company estimated the fire damage at the Aquatic Center at approximately $607,000, which included payments for repairs and replacement of contents.
15. The tower at the BMX Track was not up to building code.
16. The contribution to the General Fund by the associations was as follows: $5 for City residents, $10 for Fayette County residents, $15 for out-of-county residents, which in 2010, equaled a $37,357 contribution to the General Fund towards the approximately $1.6 million Recreation budget.

Fleisch said she had also looked at how the City ran its special events. She had been working with a resident, Hector Herrera, on how the use of sponsorships could help the City. In October, she introduced Herrera to the Recreation staff, and he brought together sponsors to help defray the costs of this year's Hometown Holiday. It was a wonderful event that was put together rather quickly, but all involved realized how the City could build on this year's event to make it even better next year. This year's crowd was estimated at around 1,000 people.

The next step was to get sponsors to help show movies on the City Hall Plaza over the summer. Fleisch said it was important to establish the City Hall Plaza as a kind of meeting area where these kinds of activities could take place, since Peachtree City did not have a downtown area.

Fleisch said many good things had happened as a result of combined efforts to use the hotel/motel tax as a way to fund the City's recreational facilities, which had already yielded dividends to the City's residents. The parks were looking much better today than they did a year ago. The skate board park was forming an association. Pat and Chris Phillips had formed a non-profit and were working with the kids to help improve that facility.

Fleisch thanked Jon Rorie, Mark Caspar, Nancy Price, and all of the City employees who had worked so hard to get to the point to move forward on increasing the hotel/motel tax.

Fleisch said that, as a result of the idea to use the City's recreation facilities as an economic tool, the City had momentum to go on and do even more things. With Council's approval, this was just the beginning of a new chapter of positive growth for Peachtree City. Fleisch added she had worked hard over the last year to build consensus and develop a plan to bring more revenue to the City at the least cost to the tax payers.

Fleisch said there should be four motions – the first to increase the rate from 6% to 8%, a motion to amend the ordinance to reflect the change, approval of an intergovernmental agreement between the City and the CVB, and approval of an intergovernmental agreement between the City and the PCAA.

Dienhart said the important thing was the hotels and motels were on board with increasing the tax rate. Learnard agreed. Dienhart said, when considering a tax increase in a depressed economy, there had to be a real value.

Learnard asked how the agreement with the PCAA would change. Fleisch said the PCAA received 0.8% of the tax, or $102,000 annually. The City would pay the PCAA $8,500 each month. There was also a draw down provision in the agreement in the event the airport required less funding when the economy got better. Learnard asked if the way the PCAA was funded would change. Fleisch said the City would cut the check to the PCAA rather than the CVB. It was a more consistent way for both entities to handle their expenses.

Meeker noted that the PCAA funding had been part of the Tourism Association or CVB for years because the airport provided tourism-related services. Now it would be funded as a General Fund appropriation out of the percentage the hotel/motel tax the City was entitled to retain. The CVB would no longer be a conduit for the funding. The City could also have a multi-year agreement with the PCAA. The agreement had been structure at 10 years, which gave the PCAA a defined amount to use in their financial planning.

Learnard said the hotel/motel tax was probably the most complex part of the state tax code. There would be a net benefit to the City and the CVB.

Dienhart said the hotels had also done their homework.

Fleisch noted that the plan for the increase included hiring a person at the CVB that would be in charge of tournaments.

Imker said increasing the rate was a win-win all around. All the entities were on board with the proposed increase. It was not an increase in the property tax in the City, but in the tax paid by people visiting the City. He had asked staff to check other cities in the state for comparison, and out of the 50 – 60 checked, all were at 8% but two or three that were at 6% or 7% and not located near a large municipal area. He noted that there were areas that had taken the hotel/motel tax and put into improving their facilities, which in turn had snowballed into additional revenue, which was why the hotels supported an increase.

Haddix said he did not agree. Haddix said page 2 of Fleisch's proposal showed the CVB currently received $569,200.00 at the 6% rate. Page 3 of the proposal showed the CVB receiving $569,200.00 under the 8% rate, which was no gain. Page 2 showed the City receiving $286,000 into the General Fund at 6%. Page 3 showed the City receiving $426,900 into the General Fund, with $142,300 to be dedicated to Recreation.

Haddix continued that the reality was the City was receiving $569,000 into the General Fund. There was not, and could not be, any guarantee the City would spend $142,300 more on Recreation than it already did. Even if that were so in the budget passed for 2013, the new Council in 2014 was not bound to do so as well. The simple fact was all Council had to do was appropriate the budget and designate the first $142,300 as per the agreement, then they would be free to spend the rest of the money any way they wished.

Haddix noted he had not seen any letters of endorsement from the local companies, like NCR, who would pay the extra 2% and were major industrial partners with the City and critical to its economy.

Haddix read from the City Charter:

> Sec. 2-6. Duties of councilmembers.
> *Councilmembers shall work with the mayor in establishing city policies, drafting ordinances, handling budgetary matters, and addressing any other matters which come before city council in order to carry out the powers and responsibilities as enumerated in Sec.1.1.*

Haddix said the first communication he saw on this proposal was when the packet was put on the web site, which Haddix said was done in violation of the City Charter. He continued that it was known by all on Council that the City's legislative delegation required a 5-0 vote by Council before they would approve anything sent to them.

Haddix said everyone on Council knew he had not supported an increase in the hotel/motel tax in the past and had stated he would not support any tax increases until they got spending under control. He opposed the tax increase.

Fleisch moved to approve an increase in the hotel/motel tax from 6% to 8%. Learnard seconded. Motion carried 4 –1 (Haddix). Haddix noted the state legislative delegation required a 5 – 0 vote.

Fleisch moved to approve the ordinance amending the hotel/motel tax provision in the Peachtree City Code of Ordinances as set forth in the Council packet. Imker seconded. Motion carried 4 – 1(Haddix).

Fleisch moved to approve the revised agreement between the City and the CVB as set forth in the Council packet, subject to the passage by the local delegation increasing the hotel/motel tax to 8% by the General Assembly during the 2013 legislative session. Dienhart seconded. Motion carried 4 – 1 (Haddix).

Fleisch moved to approve the agreement between the City and the Airport Authority. Learnard seconded. Motion carried 4 – 1 (Haddix).

12-12-11 Consider Intergovernmental Agreement to Back WASA Bonds

Haddix noted a draft of the agreement was on the dais.

Learnard moved to approve the preliminary form of the intergovernmental agreement between the City and WASA, subject to the approval of the final agreement in January after both entities reviewed it. Fleisch seconded. Motion carried unanimously.

12-12-12 Discuss/Consider Ordinance Amendment – Reporting of Claims against Elected/Appointed Officials

Learnard said several citizens had asked members of Council to find a way to keep what had happened this year with the payment of legal fees from happening again, where an elected official could submit a claim to Georgia Interlocal Risk Management Agency (GIRMA) for coverage without the knowledge of City Council. This amendment would not to prevent anyone from filing a claim, but would ensure Council was aware of it.

Haddix said the GIRMA policy was accessible to an elected official, whether the rest of Council knew it or not. The rest of Council was going to know, because as soon as something was filed, the newspapers and others could obtain the documents at the courthouses. It would be out there. There was no way around it. Council had known there was a lawsuit against him. It was really a pointless ordinance and was counterproductive. After the circus this year, Haddix asked why an ordinance should be created to enable the ability for another circus where the opinions were political not legal. There was no requirement for any elected official to ask to go to GIRMA. Haddix referred to the Ethics Ordinance, saying if someone brought a complaint against an elected official, the official was automatically protected and had access to a lawyer. There was no reason to turn it into something that had to be debated. The proposed amendment included wording that would require Council's opinion to be sent to GIRMA. Haddix said that went beyond just telling Council that a legal case had been filed. If they wanted an ordinance that just required telling Council when a lawsuit was filed, it should be written that way and he could support it. The proposed amendment opened the door to create more political opinion and another political circus. He could not support the amendment as worded.

Dienhart moved to approve Agenda Item 12-12-12 Discuss/Consider Ordinance Amendment – Reporting of Claims against Elected/Appointed Officials. Fleisch seconded. Motion carried 4 – 1 (Haddix).

12-12-13 Consider Change in January Meeting Dates

Imker said he was fine with moving the January 3 meeting to January 10, but he was not sure about moving the January 17 meeting to January 24, since a regular meeting would be held on February 7.

Learnard said meeting on the second and fourth Thursdays in January put Council opposite the County Commission. She suggested skipping the second meeting in January. She was looking forward to getting back on track.

Pennington said January 3 was not a good date for staff and others due to the holidays . January 10 was a good for everyone, and there might not be a need for a meeting on January 24. Pennington added they might need to hold a special called meeting held for bond issues during the time period. The consensus was Council preferred a called meeting.

Imker moved to cancel the January 3 and January 17, 2013, meetings and to hold a meeting on January 10, 2013. Learnard seconded. Motion carried unanimously.

Meeker asked that staff make sure the press was notified of the cancellations and called meetings.

<u>Council/Staff Topic</u>

Hot Topics

Pennington said more bids were coming up, and staff was ready to go. He also reminded Council of the dedication of the Lake McIntosh reservoir project the following day.

Learnard announced that an on-line needs assessment survey would be available for businesses to complete to gather information for the programs offered at the College & Career Academy. The survey results would drive the programming. There would be a link on the City website to the survey.

Haddix thanked staff for their work on Hometown Holiday, adding it was a great event all around. Pennington said the event was the perfect example of having an internal critique right after an event. The comments so far had been very positive.

Dienhart moved to convene in executive session to discuss threatened or pending litigation at 9:26 p.m. Learnard seconded. Motion carried unanimously.

Imker moved to reconvene in regular session at 9:35 p.m. Dienhart seconded. Motion carried unanimously.

There being no further business to discuss, Imker moved to adjourn the meeting. Learnard seconded. Motion carried unanimously. The meeting adjourned at 9:36 p.m.

Pamela Dufresne

Pamela Dufresne, Deputy City Clerk

Don Haddix

Don Haddix, Mayor