City Council of Peachtree City
Minutes of Meeting
December 6, 2007
7:00 p.m.

The City Council of Peachtree City met Thursday, December 6, 2007, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present: Steve Boone, Mike Harman, Stuart Kourajian, and Cyndi Plunkett.

<u>Announcements, Awards, Special Recognitions</u>
Mayor Logsdon recognized Clint Murphy for 10 years of service with the Fire Department. Logsdon recognized the recent graduates from the Community Emergency Response Team (CERT) program and the program coordinators – Major Mike Dupree and Captain Stan Pye of the Police Department and Lieutenant Joe O'Conor of the Fire Department. Outgoing Council Members Stuart Kourajian and Mike Harman were recognized for their service on City Council.

<u>Public Comment</u>
There was none.

<u>Agenda Changes</u>
There were no changes.

<u>Minutes</u>
Harman moved to approve the November 15, 2007, regular meeting minutes as written. Plunkett seconded. The motion carried unanimously.

<u>Consent Agenda</u>

1. **Consider Mutual Aid Agreements**
2. **Consider Surplus of Old Hazmat Team Trailer**

Harman asked if the hazmat trailer was still in good condition. O'Conor said it was, but the trailer had been in storage for two years. Fayette County had a need for a trailer. Harman asked if the surplus of the trailer was a good will gesture. City Manager Bernard McMullen noted that it was good will. The trailer was originally jointly purchased by the City, Fayette County, and the City of Fayetteville, which were all members of the County's hazmat team. The trailer was just registered in the City's name.

Boone moved to approve the Consent Agenda as presented. Harman seconded. The motion carried unanimously.

<u>Old Agenda Items</u>
10-07-05 Consider Proposed Changes to PCTA Bylaws and Articles of Incorporation Relating to Make-up of Board of Directors
Stanley Phillips, vice-chairman of the Peachtree City Tourism Association (PCTA) Board of Directors, addressed Council. Logsdon noted that the changes included increasing the board from five members to seven, one of whom would be a Council Member, and the other a citizen-at-large. Another proposed change was to increase the quorum to four members.

Harman asked why a seven-member board was needed. Phillips said the members felt it would be best to expand the board so attendance would be better due to traveling. It was also a way to add a Council Member on the board again for City input on board decisions. Harman asked if there was a problem getting members to show up for meetings. Phillips said that the Council had removed the Council representative a few years ago; the board still retained five members. Council had asked that a representative be added to the board again, so it was a way to address that request. Kourajian noted that not everyone on Council agreed about adding a Council representative to the board. Phillips said their decision was made based on Council's proposal.

Harman pointed out that the board also had three non-voting members. He did not support having a Council Member serve on any commission or authority because it diminished the purpose of the boards. He asked if any of the board's members had been terminated due to the 75% attendance requirement in the PCTA's bylaws. Phillips answered that no one had been terminated. Harman said that attendance did not seem to be an issue. Phillips said it was just one aspect of the proposed changes. Harman asked Phillips to make a case for a seven-member board. Phillips said Council proposed expanding the board for City representation. To keep an odd number, two more members had to be added. Adding more people also gave more input and knowledge as the PCTA grew and expanded. Only one of three non-voting members attended meetings, but that member had been very helpful, even without voting rights.

Logsdon noted that he and Plunkett had been the driving force behind the proposed changes. He pointed out that the City owned the amphitheater and the tennis center. Because the City owned the facilities, it was appropriate to have a Council Member on the board. Plunkett added that they had asked McMullen to research with one of the attorneys whether it was appropriate to have a Council Member sit on the board. She understood from the research that it was appropriate and recommended that a Council Member serve on this board. McMullen said he had asked to the law firm that created the documents for the 501(c)(6) corporation about this issue. The firm's recommendation was that a Council Member serve on the board because of the amount of hotel/motel tax money received by the PCTA. He continued that the PCTA also did things the other commissions and authorities did not do, such as coordination and support with City departments for special events. If the City wanted to expand tourism, then it would be good to have a Council representative on the board to deal with those issues. If more special events were going to be held, it would take coordination with the Fire Department, Police Department, Recreation, and Public Works.

Plunkett pointed out that one of the concerns regarding a Council Member serving on the board was politics. Council would reappoint or re-approve the representative every January, so members would rotate in and out. City Attorney Ted Meeker clarified that it was an accounting firm that coordinated the non-profit status of the PCTA. He was the law firm that worked on the corporation. He clarified that the accounting firm had been consulted due to any concerns from an Internal Revenue Service (IRS) standpoint.

Kourajian felt it would be fine to increase the board to seven members, but did not see any benefit to having a Council Member on the board. There could be a tendency for the other members to could put more weight behind a Council Member's perspective. There was a lot of money going through the board's hands, but the Airport Authority (PCAA) and Water and Sewerage Authority (WASA) also handled a lot of money. Plunkett pointed out that the City owned the facilities and leased them to the PCTA, which was a different situation from the other authorities. The Council Member's vote would be one out of seven and could be voted down.

Harman said the City Manager might be the best person to serve on the board, as a non-voting member. Kourajian agreed that a staff person would be best to represent the City. Harman said a staff person would not have the ultimate vote, but would have the City's best interest at heart.

Logsdon said he supported the recommended changes. He suggested trying it for a year to see how things worked, then re-evaluating the changes a year from now. Harman said there could be a stalemate on who to appoint. Plunkett noted that she had voted for herself for another appointment.

Kourajian asked if Council was trying to solve a problem by asking for the changes. Phillips said having a Council Member on the board would give the City more foresight on events, which was how it was when a Council Member served on the board. The Council representative could make the other members of Council aware of what was being discussed.

Harman asked McMullen if there was anyone on staff who would be better suited to serving on the board. McMullen said he would certainly look at Leisure Services Director Randy Gaddo. He noted a lot of items were coordinated between his department and the PCTA, but there was a possibility Gaddo would be overloaded. Harman said that a Council Member could be overloaded also.

Boone said he agreed with McMullen. As long as the PCTA received the hotel/motel tax, a Council Member should have oversight and input. He did not feel a Council Member would overwhelm the other members on a vote. Phillips noted that the Recreation Commission chairman was also the chairman of the PCTA. Plunkett added that one of the designated members was the Recreation Commission chairman, so that department was represented at the PCTA meetings.

Meeker pointed out that the voting requirement had not been addressed. Phillips said they proposed changing the quorum to a majority. In the event only four people attended a meeting, then the votes that were taken had to be unanimous.

Plunkett moved to approve the proposed changes to the Peachtree City Tourism Association bylaws and articles of incorporation as stated. Boone seconded. The motion carried 3-2 (Harman, Kourajian).

10-07-17(b) Consider Alcohol Ordinance – Special Events, Brown Bagging, Definition of Premises

Acting Administrative Services Director/City Clerk Betsy Tyler noted that she had worked with Tim Dunlap of Canongate Golf on the proposed changes pertaining to the golf courses. The language in Section 6-122 had been changed. The sale of alcohol was authorized on the golf course premises, but not where the courses intersected with public streets or public cart paths. The language stipulated "malt beverage in the manufacturer's original container as the receptacle" outside the building. She continued that Dunlap had asked if the individual serving bottles of any alcoholic beverage could be sold outside the building. Tyler said the attorney who drafted Newnan's ordinance told her the limitation to malt beverages had been a compromise. Dunlap pointed out that most of the golf courses had the small containers, which were dispensed by employees to the golfers, who mixed the alcohol.

Plunkett asked about the different types of alcohol licenses in the City. Tyler explained the City had three types of pouring licenses – beer, wine, and distilled spirits. Restaurants that served beer and wine had both licenses. The distilled spirits license covered beer, wine, and distilled spirits. Plunkett said she did not favor liquor on golf courses. Kourajian agreed. Tyler pointed out that the proposed ordinance only covered malt beverages, but wine was also available in single-serving bottles. Dunlap suggested putting the word "only" in front of malt beverages so the ordinance was clear.

Boone asked whether the beverage carts would be allowed to cross City streets. Tyler noted that the golfers could not have open containers on City property. The carts selling closed containers could cross over the City roads. There needed to be some signage on the courses alerting golfers that they could not have open containers on the public streets. Plunkett asked Police Captain Terry Ernst if there were any enforcement concerns. Ernst said the Department would comply with what the ordinance required.

Harman moved to approve the changes to the alcohol ordinance to encompass special events and brown-bagging with the changes as noted. Meeker said the following wording would be added to Sec. 6-122(b) – insert the word "only" before malt beverages and add the wording "and wine" after malt beverages. Tyler added "in the manufacturer's containerized single serving receptacle." Kourajian seconded. The motion carried unanimously.

11-07-07 Consider Name for West Village

Tyler said the citizen committee had unanimously recommended Wilksmoor as the name for the fifth village. The name met the criteria of a Scottish theme, recognized the history of the area, and did not repeat any of the names already used. Public comment had been taken for one month, and four comments had been received.

Boone moved to accept the committee recommendation of Wilksmoor as the name for the West Village. Harman seconded. The motion carried unanimously.

11-07-17 Consider Ordinance Amendment – Allow Segways on Cart Path

Tyler noted that staff had been asked to draft an ordinance to allow Segways on the cart paths. There were not many changes. The ordinance already included a definition for an electronic motorized personal assistance device. Segways had been included in the definition of motorized skateboards, and she had modified that part of the ordinance so motorized skateboards and scooters were separately defined and still prohibited. The registration requirement was also included. The rules were changed to allow registered Segways on the path, but not unregistered Segways. Segway operators would need to have either a driver's license or be at least 18 years of age. Segways would be prohibited from the same roads as golf carts and low-speed electric vehicles. A speed limit definition was added, which was a state limitation.

Kourajian asked if the proposed amendments specified one person per Segway. Tyler said it did not. Kourajian said that needed to be included.

Harman noted that Council had suggested the age restrictions be the same as for golf carts at the previous meeting. Tyler said there had been varying suggestions. She had included the most restrictive language and hoped Council might come to a consensus. Logsdon noted that the age for golf carts was 15 with a learner's permit. Council had directed the age for Segway operators to be 18 or to have a valid driver's license. Plunkett asked if an 18-year old who had lost their license would be able to operate a Segway. Kourajian said they would.

Plunkett asked if liability insurance would be required. Tyler said it was strongly recommended and was included on every piece of information. All the literature would be updated to include the Segway rules.

Kourajian asked where the decals would be located on the Segways. Tyler said one sticker would have to go on the front. Paul Vereb, owner of the local store, said the decals could go on the front, but he was willing to see what it would take to get thinner decals. McMullen suggested Council allow staff to work with the dealer on the decal location. Plunkett said she did not want to re-tool the decal. The Segways should accommodate the City's system. Vereb said the current stickers would fit on the front. Boone suggested that the decal could go on a plate on the front. Vereb said that was an option, but there was also an accessory bag that could go on the front. The front of the handlebar would be a good place. McMullen said they would look at using the existing decals.

Kourajian moved to amend the City traffic ordinance to permit Segways or electric mobility personal assistance devices on the paths as amended with a single user. Boone seconded.

Nancy Larson said she could see Segways being used in an airport or on the streets coordinating the July 4th parade, but life on the cart paths was dangerous. She stated her opposition.

Linda Wojcik recalled that the Council had voted against the Segways last spring and asked what had changed. Segways would be a dangerous addition to the cart paths. The age limit for golf carts was not followed.

Bob Brown suggested that, as part of the registration, Segway owners and operators be required to sign a waiver of damages not to sue the City if they were injured on the cart path.

The motion carried 4-1 (Plunkett).

11-07-18 Consider Postponing Concept Approval of Intersection Improvements for Walt Banks/Peachtree Parkway and Crosstown/Peachtree Parkway until January 17

Logsdon moved to postpone the agenda item. Harman seconded.

Council briefly discussed what they wanted to know about the proposed improvements. McMullen noted that part of the issue was the projects were funded by state money. To use the state funds, the solution that was implemented had to take care of the 20-year demand. If not, then the City could not use the state funds for the projects. He understood the Council wanted to meet with the City Engineer and the consultants to discuss the projects. An e-mail regarding the meetings had been sent to Council that day, as well as to the Council Members-elect.

The motion carried unanimously.

New Agenda Items

12-07-01 Consider Cancellation of December 20 Meeting

Kourajian moved to cancel the December 20 meeting. Harman seconded. The motion carried 4-1 (Plunkett).

12-07-02 Consider December 31 as Employee Holiday

Harman moved to approve Monday, December 31, as an employee holiday for 2007 only. Boone seconded. The motion carried unanimously.

12-07-03 Consider Update of Financial Policies

Finance Director Paul Salvatore explained that the update of the policies was based on the practices currently in use. No new provisions had been included. The Stormwater and SPLOST funds had been added since the last update. The policy concerning cash reserves and the PIP contingency had also been clarified. Logsdon clarified that the update brought the policy in line with practice. Salvatore said that was correct. The changes would clean up the policy before going into the next budget process.

Kourajian moved to approve the update of the financial policies per the attached document in the packet. Boone seconded. The motion carried unanimously.

12-07-04 Consider Development Agreement with Dominion Partners/Somerby Rezoning

Meeker pointed out that the development agreement included all the zoning conditions and the ordinance. The agreement would be recorded in the deed records so anyone, now or in the future, that had an interest in the property would know about the zoning conditions. Kourajian asked what would happen if Council denied the agreement. Meeker said the zoning was already in place. The agreement only served to put the conditions on record in the courthouse. Kourajian asked if the developer would be able to start construction if Council denied the agreement. Meeker said the agreement was a condition of the zoning ordinance. Plunkett noted there would be some exposure if that occurred. Meeker agreed.

Harman moved to approve the development agreement between Dominion Partners and the City and to authorize the Mayor to sign the document. Boone seconded. The motion carried 3-2 (Kourajian, Plunkett).

12-07-05 Consider Resolution on Opposition to HR 900 GREAT Proposal Pertaining to Tax Reform

Logsdon said that House Resolution (HR) 900 was a moving target. As of that day, Fayette County had not voted on their resolution, Fayetteville was changing the wording on theirs, and Tyrone had pulled it from the agenda. Logsdon recommended postponing the agenda item until the December 13 special called meeting to give him time to consider new wording since House Speaker Glenn Richardson had changed HR 900 again.

Plunkett said she hoped all the residents would find out what they could about HR 900 to see what Council perceived to be a mess for the City and the County. While the Council had no direct vote on it, there would be far reaching implications for the City and County, which would not be good. Boone and Kourajian agreed that HR 900 would be very bad for the County.

Logsdon explained that, if approved, the GREAT plan would replace property taxes with consumer sales taxes. It would also do away with exemptions and place a greater tax on groceries, legal fees, and services. It would take local control away from local citizens and move it to Atlanta. The City would have to go to the state to get a fire truck. The most recent changes to HR 900 would leave property taxes alone, but budgets would not be allowed to increase more than one percent per year. Last year, the City had to increase the budget 8% to allow for the police and fire personnel that were needed, which was done without raising property taxes. The proposed plan was now leaving the cities and counties alone, but proposed replacing the school tax with a sales tax. Council was fighting this bill hard.

Kourajian noted that residents over 65 did not pay school taxes, but the proposed changes would tax everyone. The quality of education in the County had always set it apart, which affected every homeowner's property values. Harman suggested that residents ask the candidates for the special election to Dan Lakly's seat about their position on HR 900.

Boone moved to postpone the agenda item until December 13 to allow the Mayor to change the wording. Kourajian seconded. The motion carried unanimously.

12-07-06 Consider Position Classification – Facilities Maintenance Manager

Tyler noted that Council had approved the position of facilities maintenance specialist as part of the budget, which was now being advertised. Having a subordinate changed some of the job factors.

Plunkett moved to approve the classification of facilities maintenance manager as stated. Harman seconded.

Harman asked if the person in the position currently was paid the maximum amount. McMullen said the employee was about mid-way in the pay range.

Kourajian asked when the specialist would be hired and proposed the position classification be effective when the specialist was hired. Tyler said staff proposed the re-classification be effective January 1. She explained that when the position was evaluated several years ago the consultants had looked at the position as a manager who did more directing and decision-making with contractors. When the new subordinate position was rated, there were some higher scores in the physical demands of the work environment and the person would actually be doing the work. Unfortunately, the consultant had not realized nor had the City clarified it when the position was rated several years ago that the manager was also doing the work. Two factors had been rated low. McMullen said that, based on the organizational chart, this was where the position belonged and noted that supervisors' pay was not reduced when there was a vacancy in a subordinate position. Kourajian said he preferred to wait for the classification to take place until the other person was hired. Harman said making it effective January 1 made it easier.

The motion carried 4-1 (Kourajian).

Council/Staff Topics

Boone asked for an update on the work at Huddleston Pond. McMullen reported that the work was going well. There had been one change regarding the pipes because what had been specified was not available. The issue had been resolved, and everything was looking good.

Plunkett asked if there was any word on the golf cart bridge on SR 54 West. McMullen said there was not a date yet. Plunkett said she still wanted one of the first two workshops in 2008 on public safety pay. Harman asked if it would not be better to have the workshop after the new police chief was hired. McMullen said staff was gathering information. He suggested discussing the matter at the 2008 Retreat.

Logsdon asked why the Council Retreat could not be held in Council chambers, the Tennis Center, or in the Floy Farr Room at the library, rather than the Wyndham. McMullen said the Retreat had been held at the Tennis Center before, but there was not enough room to do the presentations. If Council did not want to go outside of City facilities, then it could be held in Council chambers. The Council consensus was to hold Retreat in chambers. McMullen said that had been the back-up plan.

Plunkett reported that the 88-acre task force had held its first charette. Approximately 20 residents attended and had a good discussion. Two more charettes were planned after the first of the year. Logsdon said he had received a call that day from Atlanta Christian College. The college was interested in the 88 acres for a liberal arts college. Logsdon noted that Clayton State's satellite program would open in the City after January 1.

Plunkett moved to convene in executive session for threatened or pending litigation and a personnel matter at 8:23 p.m. Boone seconded. The motion carried unanimously.

Harman moved to reconvene in regular session at 8:47 p.m. Kourajian seconded. The motion carried unanimously.

Harman moved to have an outside source review a City matter. Boone seconded. The motion carried unanimously.

There being no further business to discuss, Plunkett moved to adjourn. Kourajian seconded the motion. The motion carried unanimously. The meeting adjourned at 8:50 p.m.

Harold K Logsdon

Betsy Tyler, Acting City Clerk

Harold K. Logsdon, Mayor

Pamela Dufresne

Pamela Dufresne, Recording Secretary