

**City of Peachtree City
Minutes of Meeting
December 5, 2002
7:00 p.m.**

The City Council of Peachtree City met Thursday, December 5, 2002, 7:00 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Annie McMenamin, Steve Rapson, Dan Tennant, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown recognized the contributors to the First Call Emergency Warning System. Fred Gisler, outgoing president of the Peachtree City Girls Softball Association, was recognized for his service.

Rapson asked City Attorney Rick Lindsey if it was permissible to add the LOST to the agenda under Council/Staff Topics. Lindsey said it was as long as there was only discussion.

Consent Agenda

- 1. Alcoholic Beverage License – Change in License Representative -- Kwickie/Flash Foods #246**
- 2. Consider Contracts for Police Vehicles and Equipment**
- 3. Consider Employee Christmas Holiday Schedule**
- 4. Execute Additional Right-of-Way Deeds for Highway 54**

Brown noted there were additional documents on the dais regarding item #1. Rapson thanked Chief Murray and his crew for doing an excellent job of pulling together the information for item #2.

McMenamin moved to approve the Consent Agenda. Rapson seconded. The motion carried unanimously.

Old Agenda Items

12-01-02 Discuss Status of Rye Property

McMenamin met with Rye and he had supplied a chronology of events. McMenamin noted Rye had complied with two of three conditions set by Council and asked Council to allow Rye more time and extend the deadline through the holidays to remove the retaining wall from City property. McMenamin suggested the work be completed no later than January 30.

Laura Grounsell, 107 Saint Andrew's Square, explained to Council that she and her husband were Rye's neighbors and asked Council if there had been any discussion regarding the water flow that had been diverted to their property due to Rye's work in his yard. Grounsell said Rye's drainpipes diverted all the water to their property.

McMenamin said she saw that all the water in the neighborhood went downstream from one house to the next.

Grounsell said they were the first to move into a house on the street and that Rye's work had considerably changed the flow of water. Brown asked Grounsell if they had discussed the matter with City staff. Grounsell said they had and reiterated that Rye had definitely changed the flow.

Building Official Tom Carty said staff had not looked at the Grounsells' property and suggested the City Engineer evaluate the situation.

Rapson noted that he lived in the Saint Andrew's subdivision and would abstain.

Brown moved to extend the deadline no later than January 30, 2003, to give the homeowner time to complete the job he had begun. McMenamin seconded.

Weed said that this Council had originally addressed the issue in February 2002 and Rye had been given clear instructions about what to do at that time. Rye appeared before Council again on September 19, 2002, and Weed asked Rye how much time he needed to complete the work. Rye said he needed 90 days. Rye built a wall illegally on City property and he had been given nine months to move it. Weed said the wall must come down and must come off the people's property.

The motion carried 4-0-1 (Rapson).

08-02-07 Consider Proposed Internal Road Connection from Maple Shade Subdivision (Crabapple Lane) to Adjoining Subdivision in Tyrone

Doug Dillard, attorney for developer Jimmy Halligan, addressed Council. He reminded Council that Maple Shade was one subdivision located in two cities. Council had requested that the Planning Commissions from the two cities meet and wanted to be assured that Tyrone approved the connecting road. Dillard said they were satisfied that all of Council's concerns had been met. He asked Council to approve the plan so the road could connect the subdivision.

Rapson asked Dillard about the amenity package for the subdivision. Dillard said there was a lake and there might be a clubhouse and a pool. Dillard added whatever was constructed would be available to all residents of the subdivision.

Brown noted that his main concern was people speeding through the subdivision and he felt the two stop signs at intersections on the connecting road would help. Dillard added that the city limits would also be clearly delineated.

Rapson said he was unclear on whether or not Tyrone had approved the plan with the connecting road and had directed the City Manager to call Tyrone, whose officials assured him everything was fine.

Brown said the next issue would be the golf cart paths. The City had different regulations from Tyrone. He added that this could become a problem throughout the County that would have to be addressed.

Ralph Hale told Council he was concerned that the connecting road would increase traffic on Crabapple Lane in front of the school.

City Planner David Rast explained that, as part of the school construction, the Board of Education was building a cart path from Crabapple Lane through the school property to the St. Paul's Lutheran Church area and the path system in Ardenlee. Halligan would have another cart path connection from Maple Shade. He continued that Tyrone had plans to extend their paths.

McMenamin moved to approve the internal road connection within the Maple Shade subdivision between the municipalities. Rapson seconded. Brown noted that Tyrone wanted to meet in January to discuss the matter. The motion carried unanimously.

11-02-02 Public Hearing – Variance – Lot 46, Wilshire Estates

Brown announced that the developer had withdrawn this agenda item.

New Agenda Items

12-02-01 Alcoholic Beverage License – NEW – Casa Vieja

Brown explained this was the second time Council would look at the alcoholic beverage license for Casa Vieja. The license was granted the first time, but there had been construction problems that caused the license to lapse. Brown continued that Council would also consider waiving the fee and not make the owner, Susannah Reyes, pay twice for the license.

Reyes told Council that Casa Vieja would be a Mexican restaurant in the Wilshire Pavilion. Because of construction problems, she had been unable to open within the six months required by City ordinance and she had to re-apply for the license.

Weed moved to approve the alcoholic beverage license for Casa Vieja and to waive the fee. McMenamin seconded. The motion carried unanimously.

12-02-02 Alcoholic Beverage License – NEW – The Meat and Mustard

Applicant Bruce Scott told Council the restaurant would be located in the former Café Havana site and would specialize in roasts. He described the restaurant as an "upscale Cracker Barrel."

Weed moved to approve Bruce Scott as the licensee and license representative on the alcoholic beverage license for the establishment named The Meat and Mustard. Rapson seconded. The motion carried unanimously.

12-02-03 Alcoholic Beverage License – Change in License Representative and Addition of Distilled Spirits – Valentino's

Weed noted that both Bob and Mike Stieber had helped with his campaign and he would abstain from voting.

McMenamin moved to approve Michael Stieber as license representative and the addition of distilled spirits to the alcoholic beverage license for Valentino's. Rapson seconded. The motion carried. 4-0-1 (Weed).

12-02-04 Discuss Proposed IRS Revisions to GMEBS Retirement Plan

Administrative Services Director Jane Miller told Council this was actually a two-part item. She said the Georgia Municipal Association (GMA) had submitted the Georgia Municipal Employees Benefit System (GMEBS) master plan to the IRS for review to ensure continued tax-qualified status. The IRS approved a new format and GMA forwarded the information to the City for approval. Miller said the adoption agreement needed to be re-approved, and then GMA would put the plan in the final format and send it back to the City.

GMA recommended the City incorporate the "Terminated Vested Death Benefit" into the plan. Miller explained this would allow benefits to be paid to beneficiaries of vested employees who left City employment prior to retirement and died prior to applying for benefits. The cost was estimated to be one-tenth (1/10th) of 1% of payroll, or approximately \$9,000, annually.

McMenamin said she would abstain from the vote since her son-in-law was a police officer. Rapson also said he would abstain since his son-in-law was also on City staff. Lindsey said the Council Members could vote on the adoption agreement, but not the change in the Terminated Vested Death Benefit.

Rapson moved to adopt the agreement as presented. Weed seconded. The motion carried unanimously.

Brown moved to add the Terminated Vested Death Benefit to the defined benefit plan. Lindsey recommended Council specify Option A since the cost was an estimate. Brown amended his motion to specify Option A Death Benefit to the GMEBS retirement plan. Tennant seconded.

Tennant asked where the additional \$9,000 would come from. Miller said the cost increase would not come into play until November 2003 when the actuarial study was done and the cost could be put into the budget.

Financial Services Director Paul Salvatore told Council the total cost for the plan was \$925,000 and the increase would be taken care of during the budget process for next year. He said there was a line item that could absorb the increase due to salary vacancies.

The motion carried 3-0-2 (McMenamin, Rapson).

12-02-05 Consider Funding Request from The Association of Village PRIDE

Executive Director Opal Murray addressed Council and explained The Association of Village PRIDE (AVP) was a non-profit youth development agency that served youth in Fayette County. The program served around 90 youth, and 43 of those youth lived in Peachtree City. She said there were three components to the program. One was an after school program at Harmony Village for children who attended Oak Grove Elementary School, which served about 30 students. The Rites of Passage program helped middle school students develop a sense of purpose. The Youth Leadership Corps was designed for high school students and they had adopted the Youth Leadership 101 program. The program was designed for students who did well academically, but needed support to advance. The curriculum included tolerance and

ethical leadership and prepared the students to become leaders. In addition, the AVP was developing a mentoring program and a family support program.

Murray discussed the Board of Directors and how the organization was set up. She also discussed the budget and how funds were spent. The AVP requested \$5,000 from the City to support the Youth Development Program. The funds would be used to offer tutoring and youth leadership development training for school age children residing in Peachtree City. The funds would also be used for field trips and administration. Murray said 43 of the nearly 90 students enrolled in the program were Peachtree City residents and attended Oak Grove, Booth Middle School, and McIntosh High School. Murray said the AVP worked with children so they could understand citizenship and learn to make healthy choices.

Brown noted the support for the AVP from the Board of Education. He gave the Board of Education a great amount of credit for helping students who needed help to prosper. He said if the Board of Education supported the program, he did, too.

Rapson asked how the organization received funding. Murray went over the AVP's funding sources. Foundation grants received by the AVP included the Community Foundation for Greater Atlanta and the Arthur M. Blank Family Foundation. Murray said they were also looking at other grant sources. She said that the organization was planning a special event for 2004 and hoped to raise about a third (1/3) of the budget from the event. The Harmony Village clubhouse had also been designated as a classroom, which allowed the program to receive supplies from the school system.

Tennant told Murray it looked like the organization did a lot of good things and he was thankful for that. He noted that less than one-half (1/2) of the program's participants were City residents. He asked where the funds from the City would come from. Salvatore said there was a \$25,000 line item in the budget for non-profit requests. Tennant said the City could be approached by many worthy organizations, but questioned if it was the role of government to give taxpayer money to worthy organizations. Tennant felt that should be done by the private sector and said he was uncomfortable with the concept.

Brown said he was familiar with the Harmony Village project and it was safe to say the funds would be used for the betterment of the City. Murray added that what the AVP did complemented the Council's goals for the community and the school's efforts. She said she was asking Council to help address the issues now before the youth became part of the justice system. McMenamin recalled in the past that the money had gone to enhance school facilities, such as playgrounds. She was concerned the program was a little outside of what the CAR stated. She asked how the program could meet what the CAR required.

Rapson noted there were three components of the CAR – basic needs, general needs, and public schools. He read the section of the CAR that pertained to general needs. Rapson said he felt the AVP was eligible for the \$5,000, but the organization could not come back for additional funding for five years. If the request was approved, Rapson said there needed to be an

agreement about the services to be provided before the check was written. He agreed with Tennant about the benefit to City residents and suggested Council allot \$2,500 instead of \$5,000.

Weed asked Murray how many Hispanic students participated in the AVP's programs. Murray said the programs were open to anyone who wanted to participate. Currently, she said there were three Hispanic students participating. The program has served African-Americans, Native Americans, and Euro-Americans. The program was open to all races.

McMenamin said she was not opposed to making a donation to assist with the Harmony Village program. She did not feel it was right to provide money that would be used outside the City. Murray said it was AVP's intent to supplement the cost of providing services to Peachtree City students.

Rapson said there was a valid CAR regarding non-profit organizations and he believed the AVP met the criteria in the CAR. He moved that the funding request be approved for the Association of Village PRIDE as stated, but at \$2,375, a prorated share for the 43 City students for the purposes outlined in the program and, further, to take it to a contract and reflect in that contract the benefits associated with entering into the agreement with the association. Weed seconded.

Lindsey said Council was usually asked to fund a specific program. Council would like to see an identified service in the contract. Lindsey suggested leaving the wording flexible so the services could be worked out with the AVP.

Rapson amended his motion to include identifying projects and to target the after school program at Harmony Village. Weed seconded the amendment.

Tennant said the CAR needed to be re-examined. Lindsey suggested discussing the CAR at Council's Retreat. Tennant asked where the contributions this year had gone. Salvatore said Council had approved \$7,500 for Fayette Senior Services and \$7,500 to the Fayette County Council on Domestic Violence. Rapson pointed out both organizations fell under the basic needs category and received funds every year. Weed said the request met the requirements of the CAR and the motion was tailored to meet the needs of Peachtree City. Council had narrowed the motion down enough so it served the City's children.

The motion carried unanimously.

Council/Staff Topics

Interim City Manager Colin Halterman announced that City Hall would be closed on Friday, December 6, noon-1:30 p.m., for the Employee Christmas Lunch. All Council Members were invited.

Rapson asked to discuss the Local Option Sales Tax and told Council he had tried to put on paper the difference between the City's offer versus the County's offer. Rapson went over his spreadsheet and looked at the offers. The County Commission met December 12. If the City did not accept the current offer, the split would go back to the original 50/50, which would be a loss

to Peachtree City. The difference between what the County proposed and what the City wanted was less than 1% (one percent). Rapson said he would like to see Council reach a consensus to call a special called meeting and let the County know they agreed. He continued that Brown could let County Commission Chairman Greg Dunn know Council would hold a meeting and agree to their terms. Brown said he agreed to that.

Brown noted that state law was ambiguous for LOST and that it came down to population. The census was the only reliable source of data on population. The state only broke down sales tax figures by county, not municipality. He said the only thing the City could do was to cross-reference its business applications with the County's model and that was not reliable. He continued that there needed to be some real help from the Legislature to work this out. Only one metro Atlanta county had decided on the LOST. Brown added that the Legislature was to consider a MOST (Municipal Option Sales Tax) this session, which would allow municipalities to hold a referendum to decide on an additional 1% (one percent) sales tax for infrastructure projects within the jurisdiction. If approved by the Legislature, the City could add a MOST for capital projects and to assist with matching funds for DOT projects.

A special called meeting was tentatively scheduled on Tuesday, December 10, at 7:30 a.m. Brown asked all Council Members to check their schedules so the date could be finalized on Friday, December 6.

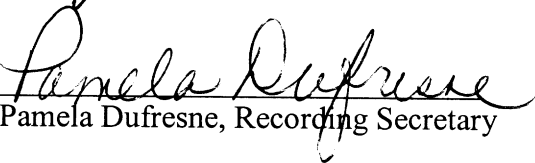
There being no further business to discuss, Tennant moved to adjourn the meeting. Weed seconded. The motion carried unanimously. The meeting adjourned at 8:25 p.m.



Jane Miller, City Clerk



Stephen D. Brown, Mayor



Pamela Dufresne, Recording Secretary