

City Council of Peachtree City
Minutes of Meeting
December 4, 2008
7:00 p.m.

The City Council of Peachtree City met Thursday, December 4, 2008, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:01 p.m. Other Council Members present: Steve Boone, Don Haddix, Cyndi Plunkett, and Doug Sturbaum.

Announcements, Awards, Special Recognition

Mayor Logsdon, Police Chief Skip Clark, and Police Captain Stan Pye recognized the graduates of the most recent Community Emergency Response Team (CERT) class. Mayor Logsdon swore in four police officers – Kenneth Ralls, Jamaal Greer, Robert Kloznick, and Katrina Freund.

Public Comment

Al Yougel showed photos of the landscaping designed by the Garden Club and installed by the Recreation Department recently at the gazebo at the Luther Glass Memorial Park (aka Three Ponds). He noted that it was a perfect example of a community need met through cooperation between residents and the local government. There was a program for more landscaping in front of the Frederick Brown, Jr., Amphitheater.

Agenda Changes

There were none.

Minutes

Boone moved to approve the November 6, 2008, regular meeting minutes as written. Haddix seconded. The motion carried unanimously.

Monthly Reports

City Manager Bernard McMullen showed a PowerPoint of the donations given to the City in November. (A copy of the PowerPoint is included in the official meeting file.) Plunkett asked about the CERT donation from Giorgi (\$75). McMullen noted that Police Chief Skip Clark would have the information later in the meeting.

Consent Agenda

1. Consider Contract – Amphitheater Sound & Lighting
2. Consider SCBA Bid

Plunkett moved to approve Consent Agenda Items 1 and 2. Boone seconded. The motion carried unanimously.

Old Agenda Items

There were none.

New Agenda Items

12-08-01 WASA Update

Peachtree City Water and Sewerage Authority (WASA) Chairman Wade Williams introduced fellow member Phil Mahler and General Manager Larry Turner. Turner showed aerial photos of the Rockaway waste treatment facility (four million gallons per day) located behind WASA's administrative offices and next to the Baseball Soccer Complex (BSC) and the Line Creek facility (two million gallons per day) located near the south end of the Falcon Field runway. Both of the facilities were state-of-the-art and provided treatment to a level adequate for re-use. Irrigation water for the BSC was provided from the Rockaway plant. The Line Creek facility had provided water to Planterra Golf Course for four or five years. (A copy of the PowerPoint presentation is included in the official meeting file.) Turner noted that WASA had 35 pump stations, one million feet of gravity sewers, and 4,030 manholes. The equipment included a vac truck that cleaned out the sewers through the manholes, a truck small enough to get down the cart paths, and a tracked vehicle with a camera that could go into the sewers to look for cracks and problems.

Turner continued that there had been a recent rate increase, and he briefly discussed the reasons. The annual revenues had decreased from \$6,586,252 in 2004 to \$5,813,829 in 2008. Turner attributed some of the loss in revenue to the closing of Photocircuits in 2005. Revenues dropped \$500,000 in 2008, which was consistent with the watering restrictions during the drought. The anticipated revenue in 2009 was \$5,907,500. Last year, WASA had supplemented the revenue stream from its reserve and would take \$300,000 from the reserves this year. The last rate increase was in February 2002.

Turner continued that Peachtree City ranked near the bottom of a survey of monthly sewer bills done in October 2008 by the Metropolitan North Georgia Water Planning District. The City's rate for 7,000 gallons was currently \$30.66. The highest rate was \$55.35 in Tyrone, and the lowest was Fayetteville at \$30.20. Two rate increases would be coming up – a five percent increase went into effect on December 1, which would put the bill for 7,000 gallons per month at \$32.20; and a five percent increase on October 1, 2009, which put the bill for 7,000 gallons per month at \$33.81. Even with the increases, the City would remain in the bottom half of the cities surveyed.

Turner said the City had adequate capacity. The next steps included focusing on sewer rehabilitation, bio-solids, and market re-use. Turner explained that the lines in some areas of the City needed to be replaced due to age and poor materials. There were also root problems in some areas, as well as infiltration inflow problems. Currently, the bio-solids (sludge) were taken by truck to Plains, Georgia, where they were composted using peanut hulls as the bulking agent. WASA was basically hauling a lot of water, and the costs continued to increase due to the cost of fuel and transportation. They were looking at alternatives, including a joint venture with Newnan Utilities or a mechanical rotary drum drying process on site, so what was hauled away would be 30% water rather than 80% water.

Increasing the market for WASA's re-use water was another avenue to help with the costs. The problem would be getting it to the site, and Turner said they would work on that during the next few years.

Sturbaum thanked Turner and the WASA members for deferring half the rate increase to 2009 to help people during the trying economic times. Logsdon said he hoped they would be able to market the re-use water. Sturbaum noted that water was becoming a valuable commodity, and WASA was leading the pack.

12-08-02 Consider Modification to PCTA FY09 Budget

Peachtree City Tourism Association (PCTA) Vice-Chairman Kai Wolter addressed Council regarding the changes to the FY09 budget. Wolter noted that Council had already approved the FY 2009 budget, but the original budget had included the revenues and expenses for the Frederick Brown, Jr., Amphitheater. The costs and revenue projections for the Amphitheater had been taken out of the budget since the City had taken over management of the venue.

Logsdon noted that the PCTA projected a surplus of \$53,475, and they had budgeted \$223,000 for four employees. He asked Wolter why they still needed four employees. Wolter said that the PCTA would need the employees to act as a true Convention and Visitors Bureau (CVB), which the board had not done before. The board believed that was what they needed to do that.

Plunkett moved to approve the PCTA FY 2009 amended budget. Boone seconded. The motion carried unanimously.

12-08-03 Consider Amendment – Purchasing Ordinance (Amphitheater Contracts)

Finance Director Paul Salvatore explained that the amendment was necessary to accommodate the contracts for the performances at the Frederick Brown, Jr., Amphitheater. There were critical timing issues, and the Amphitheater manager needed some flexibility for marketing purposes. A control procedure would still be in place since Council approved the budget. The Finance Department would review the contracts before they were signed, and the Mayor and City Manager would sign the contracts. Logsdon asked City Attorney Ted Meeker if he had reviewed the proposed amendment. Meeker said he had.

Sturbaum said that, after speaking with Amphitheater Manager Nancy Price, he had no problem with the proposed amendments and having the agreements signed in the proposed timeframe. He asked that everything be reviewed in a few years to see if there were any changes needed to ensure the success of the Amphitheater.

Haddix moved to approve the amendments to the Purchasing Ordinance for the Amphitheater contracts. Boone seconded. The motion carried unanimously.

12-08-04 Consider Amendments to Personnel Policy

Acting Administrative Services Director/City Clerk Betsy Tyler noted that the Personnel Policy was originally adopted by Mayor and Council in 1981, with the last major revision being done in 1991. A workshop on the policy was held in Fall 2007. The changes included housekeeping

items, such as changing the title of Personnel Manager to Human Resources Manager, clarifications for better understanding, changes for approvals due to growth of organization (Director/Chief instead of City Manager), changes due to changes in state or federal laws, and policy changes.

The recommended changes included the following:

- **Civil Leave (Page 36)** – Employees given time off with pay for jury duty or court unless they were litigants or had a personal interest
- **Bereavement Leave (Page 36)** – Full-time employees only

Plunkett read the list of relatives regarding bereavement leave, noting that step-parents, step-grandparents, and grandparent-in-law had been added to the list that included an employee's spouse, child, parent, grandparents, brother, sister, parent-in-law, sister-in-law, and brother-in-law. Sturbaum noted that the changes were standard across the government and private industry.

Tyler then discussed the following changes to the content:

- **Entrance at Minimum Salary (Page 4)** – City Manager would determine recruitment starting salary (versus Council)
- **Salary of Promoted Employee (Page 5)** – If an employee failed to successfully complete a probationary period following promotion, he would be reinstated if the position was vacant. If there were no vacant positions available for which he was qualified, the employee would be terminated (2007 City Council item).
- **Intra-departmental Transfers (Pages 11-12)** – City Manager did not have to approve intra-departmental transfers within the same pay range.
- **Demotion (Page 12)** – Reason for demotion would include acts violating laws
- **Disability (Pages 18 & 19)** – Authorized mandatory physician examination when disability was discovered that could create a dangerous situation
- **Reduction in Workforce (Page 19)** – Reduction in Workforce would be approved by Council; retention based on seniority, performance history, job skills (2007 City Council item)

Sturbaum referred to page 19, Reduction in Workforce...He suggested considering the date of offer of acceptance, or application if seniority became a factor.

- **Disciplinary Action (Page 21)** – A violation of any rule or regulation adopted by the City would grounds for disciplinary action
- **Reasons for Disciplinary Action (Page 24)** – Changes included use of tobacco products in any City building/vehicle, allegations of a felony or crime of moral turpitude, subordinates working for supervisors on personal time would be eliminated

Plunkett was concerned that a supervisor could threaten an employee with their job at the City if the employee was doing something during on their own time for the supervisor. Sturbaum pointed that, under Reasons for Disciplinary Action, page 24, an allegation of felony or crime of moral turpitude was just that. He suggested that the wording be changed to "conviction."

Meeker suggested changing "allegation" to "arrest" or "indictment." Sturbaum said that wording would be more definitive than "allegation," since action had been taken against the person.

- **Grievance Procedures (Page 26)** – Human Resources Manager would give recommendation rather than ruling, with City Manager making final decision
- **Appeals (Pages 28 & 29)** – Appeal hearings must be public hearings per state law
- **Appeals (Page 28)** – Appeals Board would make recommendation rather than decision, City Manager would make the final decision
- **Appeals (Page 28)** – Ability to appeal the City Manager's decision to the Mayor and Council
- **Appeals (Page 29)** – Increased Council response time from five to 15 days

Boone asked if the appeals would come to City Council. Tyler said that, generally, the appeals were heard by a board of several managers. Human Resources Manager Brenda Rogers explained that an appeal of the Appeals Board's decision would go to Council, but they would only review the information and would not hear any testimony. Sturbaum asked if the employee's supervisor would sit on the board. Tyler said there was pool of 10 employees designated for the Appeals Board. The employee chose five from the pool, and the City determined which three would sit on the Appeals Board. This would exclude anyone who might have a conflict.

- **Hours of Work (Page 30)** – Work schedules established by Directors/Chiefs, approved by City Manager
- **Holidays (Page 30)** – Increased holiday pay for regular full-time Firefighters to 10.71 hours; Holiday Pay would no longer be earned while on leave after Family and Medical Leave Act (FMLA) had been exhausted
- **Sick Leave (Page 33)** – Director/Chief approval of limited sick leave use for family members (versus City Manager)
- **Sick Leave (Page 33)** – City Manager (versus Mayor & Council) approval for an employee on Workers' Compensation to use their leave to make up the pay difference under appropriate circumstances

Tyler said if an employee had time on the books that could be used to compensate for the difference between regular pay and Workers' Compensation, they could use it to do so. Plunkett asked why approval was needed. Rogers explained that Workers Comp only paid a percentage of an employee's salary, and they used that as a way to get people back to work. It was very rare that an employee would be allowed to make up the difference, but if they had the time and a reason for needing it, they could request it. Rogers said Workers' Comp was different from short-term disability. Supplementing the income was not allowed under short-term disability. Haddix said they were using something they were entitled to instead of direct pay. Plunkett said the City could have a person out on Workers' Comp and be paying someone to do their job at the same time potentially. Sturbaum said it would just be paying the differential between Workers Comp and the employee's salary.

- **Military Leave (page 35)** – Federal law allowed up to 18 days (144 hours) per year for Military Leave; added benefits to makeup difference in military pay (2007 City Council Item)

Tyler noted there had been changes in federal law regarding military leave. Council had also asked staff to look what could be done when the military compensation was less than the employee's City salary. Logsdon asked how long the City would be required to make up the difference in the compensation. Sturbaum noted Section 2 on page 36, which stated that the City should compensate an employee for earnings equal to the City salary when activated during a declared conflict. Plunkett asked if that was federal law. McMullen said that was a City policy, adding that the City did not make up the difference in pay due to normal Reserves or National Guard commitments. Logsdon questioned what would happen if the employee stayed on active duty for 10 years. Boone recalled that employees called up for a certain period of time were guaranteed their jobs when they completed active duty. Logsdon said the question was how long the City would make up the difference in any disparity in pay. McMullen said the City did not have a time limitation. Sturbaum asked staff to find out if there was a standard time limit and to use that in the policy. Boone suggested also checking federal law. Logsdon noted there was case law that would require the City to give someone their job back if they were gone for 10 years. Tyler said an employee could return to the City without loss of seniority within 90 days after honorable discharge from service. An employee disabled during military service had an additional year. Plunkett said there should probably be language regarding employees that volunteered to stay on active duty as opposed to those called to active duty.

- **Leave Without Pay (Page 37)** – Training and military service included for leave without pay
- **Public Inspection of Personnel Records (Page 39)** – Change in status of personnel records confidentiality to comply with state Open Records laws
- **Retention of Records (Page 39)** – Change in personnel records responsibility to ensure the safekeeping of information deemed confidential by state and federal law
- **Outside Employment, Page 40** – Outside employment to be approved by Director/Chief (vs. City Manager)

Plunkett referred to page 2, noting that many cities were looking at voluntary and involuntary 30-hour weeks to help with budget issues. The employees received less pay, but retained full-time status and benefits. Rogers said she had spoken to the insurance carrier about that and was told that it could be done on a temporary basis. Employees could be furloughed eight hours a month (four hours a pay period) and still retain benefits. Logsdon asked what would happen with the insurance if a four-day work week became a permanent change for a position. Rogers said that Council would have to decide if full-time employment was 32 or 40 hours. The City's current plans required employees to work 40 hours a week to get the benefits. Plunkett clarified that it was considered temporary if it was left open-ended. Rogers and Meeker said yes.

Sturbaum referred to page 7, Section 17E. The policy said a salary survey would be conducted every five to 10 years. Sturbaum preferred that a salary survey be conducted every five years due to the dynamics of the economy, which would allow salary review in a more accurate

timeframe consistent with the economy as a whole. Plunkett said that would work well in some areas, but the City could not always do what the survey suggested. McMullen noted there was a difference between a salary survey and a pay and classification study, which was more extensive. The Atlanta Regional Commission (ARC) usually did the salary surveys at no cost. Salary surveys were done more often than five to 10 years.

Sturbaum referred to page 10, Policy VII, Section 1 Probational Status. He suggested adding the word, "hired," to the first sentence, "Each applicant appointed or promoted to a position..." He asked if appointed was considered hired. McMullen said yes.

Sturbaum referred to page 17, Section 2A. Unsatisfactory. He asked if there was Performance Improvement Plan for employees. Rogers said if an employee received an unsatisfactory evaluation they could be terminated. Employees considered marginally satisfactory were placed on a 90-day probation and were evaluated every 30 days. The City did everything humanly possible to make the employee fully satisfactory in the 90 days. Sturbaum asked if it was possible for an employee to go from fully satisfactory to unsatisfactory. Rogers said it was. Sturbaum asked if there was an instrument for supervisors to discuss the sliding performance with employees. Rogers said the director or supervisor could do that at any time, but there was nothing formal. Tyler said that was where the disciplinary action came into play. All employees were on a six-month probation when hired, except for protective services, which was 12 months. Sturbaum said he wanted to ensure all the resources possible were available. Logsdon said that a drastic decline in performance should be obvious. Boone said if job performance was falling rapidly, then the manager or supervisor should call the employee in to address it. McMullen said that was the rationale for the next sentence, which required documentation that the employee was made aware of unsatisfactory performance prior to the evaluation and had been advised on what would be required to be considered satisfactory.

Sturbaum referred to page 19, Section 5. Reduction-in-Workforce. He had checked with his employer's human resources department regarding seniority. Sturbaum said they should define job skills, so they could be properly evaluated. Plunkett asked whether a reduction in force was always based on seniority. Tyler said it was under the currently policy. Sturbaum said, based on the changes, seniority would become a deciding factor rather than the primary factor. McMullen said any cuts would be based on seniority, employment history, and job skills best suited to the needs of the City. McMullen said the items had not been prioritized.

Plunkett said Human Resources had not heard from everyone looking over the policy yet, and she preferred continuing the policy to ensure everything was good.

Sturbaum moved to continue the consideration of the amendments to the Personnel Policy until the December 18 meeting. Haddix seconded. The motion carried unanimously.

12-08-05 Consider Appointments for Impact Fee Advisory Committee

The recommendation for membership of the Impact Fee Advisory Committee to review the Methodology Report of the City's impact fee consultant included representatives from the following groups - Planning Commission, Development Authority of Peachtree City, Fayette

County Board of Realtors, Home Builders Association, a residential developer, and a member of the public-at-large. Sturbaum moved to approve the appointments of the Impact Fee Advisory Committee. Haddix seconded. The motion carried unanimously.

**12-08-06 Consider Letter of Support for Safe Routes to School Grant Application
Being Prepared by Fayette County for Redwine Road Multi-use Path**

McMullen explained that the County was applying for the Safe Routes to School Grant to extend the golf cart path. The funds would be used to extend the County's cart path down Redwine Road to the Starr's Mill school complex. The path would cross Camp Creek and enter in the City. McMullen reiterated that no funding was required on the City's part, just a commitment to work with the County to get the grant to build the path. The City had identified this area in the Master Plan for the path system.

Plunkett moved to authorize the Mayor to send a letter of support for the Safe Routes to School grant application being prepared by Fayette County for the Redwine Road multi-use path. Sturbaum seconded. The motion carried unanimously.

Council/Staff Topics

Chief Clark noted that the \$75 donation was made by the CERT class. Boone asked how much money had been raised for the K-9 program. Clark said the Department received periodic donations to the K-9 fund. He had just gotten \$500 from Kroger. Others were dropped off at the station.

Plunkett asked about the bridge over the CSX railroad on SR 54 West. Developmental Services Director/Assistant City Manager Colin Halterman reported that staff had received one estimate on the cost of the project, and two more were expected. Halterman said they were just rough estimates, not bids.

Plunkett moved to convene in executive session to discuss personnel and pending or threatened litigation at 8:20 p.m. Sturbaum seconded. The motion carried unanimously.

Plunkett moved to reconvene in regular session at 9:31 p.m. Boone seconded. The motion carried unanimously.

There being no further business to discuss, Plunkett moved to adjourn the meeting. Boone seconded. The motion carried unanimously. The meeting adjourned at 9:32 p.m.


Pamela Dufresne, Deputy City Clerk


Harold K. Logsdon, Mayor