

**City Council of Peachtree City
Minutes of Meeting
December 2, 2010**

The City Council of Peachtree City met Thursday, December 2, 2010, in the City Hall Council Chambers. Mayor Don Haddix called the meeting to order at 7:00 p.m. Council Members present: Vanessa Fleisch, Erik Imker, Kim Learnard, and Doug Sturbaum.

Announcements

Mayor Haddix recognized the City's Financial Services Department for receiving the Certificate of Excellence in Financial Reporting for the 2009 Comprehensive Annual Financial Report from the Government Finance Officers Association (GFOA). Assistant Finance Director Janet Camburn accepted the award for the department. The 11th class of graduates from Community Emergency Response Team (CERT) training was recognized, as well as the first and second place teams from the CERT state competition. The City's original team was broken down into two teams for the state competition, then took first and second place. Emily Lemay of the Peachtree City Youth Council presented the winner's trophy for the 2010 Trivia Contest to Police Chief H.C. "Skip" Clark.

Citizen Comment

Cyndi Plunkett, a former Council Member, thanked retiring City Manager Bernard McMullen for his service to the City.

Dan Christensen, president of the Southside Cycling Club, gave an update on the club's activities, adding they now had over 150 members. All the activities were listed on southsidecycling.com. Kiosk information signs had been installed at the mountain bike trailheads at Stinky trail, south of Crosstown Drive, and the Baseball/Soccer Complex (BSC). They were also donating two bikes and helmets to the Toys for Tots program in the County. They asked Council and staff to plan for bicycles in their transportation planning activities.

Robert Brown also thanked McMullen for doing a great job, then expressed his disappointment in Council's performance so far. He said Council Members Fleisch, Imker, and Learnard voted in one of the largest property tax increases in City history, dismissed the Mayor's proposal to consider moving to the Three Rivers Regional Commission and to stay in the Atlanta Regional Commission (ARC) where there would most likely be an 18% sales tax increase in a few years, and voted to remove the Mayor as the County's representative to the Regional Transportation Roundtable and replace him with someone known to not be a friend to the City.

Minutes

Sturbaum moved to approve the November 9, 2010, workshop minutes as written. Fleisch seconded. The motion carried unanimously.

Consent Agenda

1. Consider FY 2011 Budget Adjustments
2. Consider Agreement for Stormwater Pipe Cleaning Services – All Pipeline T.V. Inc.
3. Consider New Alcohol License – Dickey's Barbecue Pit, Braelinn Village

4. Consider Amendments to Retirement Plan

5. Consider Confidentiality Agreement – Troy and Banks

Haddix noted there were additional documents on the dais concerning Consent Agenda #5. Sturbaum moved to approve the Consent Agenda items 1 – 5. Fleisch seconded. The motion carried unanimously.

Old Agenda Items

08-10-03 Consider Amendment to Traffic Ordinance, Art. III, Sec. 78-92

Haddix noted there were four additional documents on the dais concerning the agenda item regarding the restriction of gas golf carts. Sturbaum moved to continue the consideration of the amendment to the traffic ordinance until the January 19, 2011, meeting pending further review by Council and staff. Imker seconded with a correction to the January 20 meeting. Sturbaum accepted the amendment. The motion carried unanimously.

11-10-12 Consider Resolution of Support – 2010 Fayette County Transportation Plan

Haddix noted the revised resolution was on the dais. City Engineer Dave Borkowski said staff had presented a resolution of support at the November 18 meeting, and since that time, a workshop had been held on the issue. All the path projects had been added to the County's transportation plan and all the comments had been addressed, except for the project added December 1. The County said the consultant was unavailable, so they had not been able to get it added to the plan. Staff would ensure the project was added. The latest version had all the revised wording regarding Council's support.

Imker addressed the following clause from the resolution and the portions of the final paragraph:

WHEREAS, The Comprehensive Transportation Plan reflects a lack of support and does not include recommendations for public transit infrastructure projects or for scheduled, or fixed-route transit service, including Concept 3;

NOW, THEREFORE, BE IT RESOLVED, that we, the Mayor and Council of the City of Peachtree City, Georgia, support the Peachtree City projects and priorities contained in the 2010 Comprehensive Transportation Plan. Additionally, the Mayor and Council reiterate their lack of support for funding for any portion of Concept 3 within Fayette County.

Imker said Council was supporting those items that reflected the City's desires, except for Concept 3, which he wanted to ensure was clear to everyone.

Sturbaum moved to approve the resolution of support for the 2010 Fayette County Transportation Plan as placed on the dais by staff. Learnard seconded. The motion carried unanimously.

New Agenda Items

12-01-10 Monthly Reports

Haddix noted there was an additional document on the dais – the Code Enforcement Monthly Report, adding that the Keep Peachtree City Beautiful Report would also be made during the agenda item. City Manager Bernard McMullen said that he and staff had been working on the reports for a month or so in terms of revising the reports and how the information was presented. The reports would move to the second meeting of each month beginning in January, and the reports would have more up-to-date information.

Administrative Services Director Nikki Vrana said the department's report would continue to include the City Events calendar. The reports had been totally restructured. Previously, each department presented its information for the previous month, calendar year, and previous calendar year. Vrana said the presentation made it difficult to see trends. Staff felt the monthly trends would be better viewed on a graphical basis. At the end of the year, staff would begin giving surveys during exit interviews to determine any trends in people leaving jobs. As for Municipal Court, calculations included the number of citations issued and the number of citations closed. The numbers did not match up. There were generally two months between the date of the citation and the arraignment, and several factors could affect when a ticket was closed, including resets of court dates or bind overs to state court. Thirty-three percent of each fine collected was sent to various state agencies. The data collected each month by Public Information would help show areas where more public education was needed. Staff tracked complaints regarding Comcast and the garbage franchises, which helped monitor customer service levels that might need to be addressed in the franchise agreements. Open Records and discovery requests were time sensitive and took a large amount of time. The Occupational Tax data was new to the report. The report would include the number of new businesses registered, as well as the total number of businesses, employees, and top 10 employers. Sturbaum asked if the total could be labeled with the calendar year. The sanitation franchise fee collection would also be monitored. Haddix asked if there would be a breakout on the employment data on the home-based and non-home based businesses. Vrana said that could be added.

Learnard noted that the Council packet was available on the City website the Friday prior to the Thursday meeting. All the background information was available for the public to see. Vrana added that residents could also subscribe to the newsletter and the agendas.

Community Development Director David Rast said the report in the meeting packet was not the final version. January's report would separate the permits into residential, commercial, and industrial development. Currently, commercial and industrial were included in one category. The breakdown would include new commercial, new industrial, tenant finish, and miscellaneous, with the same categories for industrial. The inspections would be broken down as well. Under Housing Code Official, there would be categories for residential, commercial, and industrial. The rehabs would also be tracked, as would the number of new homes under foreclosure.

Assistant Finance Director Janet Camburn said her department's report had not really changed, but had been enhanced based on requests from Council. She went over the pages in the report. She said that, on the General Fund and Hotel/Motel Tax Fund Budget Comparison report, some entries were in boldface type in the table for General Fund Revenues by Major Categories, adding that those were the funds with less than 8.33% (percentage of budget year completed) of

the amount budget collected. The table for General Fund Expenditure by Division and/or Type also included boldfaced items, which noted more than 8.33% of the budget had been spent to date. Camburn continued with the Purchasing Department report, noting the expenditures under \$40,000 that had been approved by the City Manager and a table indicating the workload. She added that the Fixed Assets Purchased section would include a list of the items.

Systems Administrator Matt Robinson explained the graphs in the Information Technology (IT) reports, saying the charts were basically trend charts for the information that had been provided in previous months. The Primary Server Uptime – 13 Month Trend chart tracked seven of the primary servers and any instances of downtime lasting more than one hour. There were 11 servers, and the seven tracked were the most critical. Another chart was a workflow matrix for call volume showing the total amount of support calls taken. There were three categories of calls – low priority, medium priority affecting multiple people in a department or having time sensitivity, and high priority calls that were emergencies, such as massive server outages that affected multiple departments. They also tracked user satisfaction, as well as call resolution and the time required to resolve an issue. Website statistics were also tracked, including visits, which averaged 30,000 per month, as well as visits to goal-oriented pages. A visitor who visited the site several times within several days was considered a unique visitor to the site.

Fire Chief Ed Eiswerth said his staff had been working on benchmarks for 14 months, so changing the department's monthly report was fairly easy. The response benchmarks were based on National Fire Protection Association (NFPA) 1710 standards, which showed that reaction time was an area needing work. The department had cut that time in half. The charts also looked at Fire Department Response by Call Type and Fire Department Annual Response Totals, training hours, and quarterly focus area (inspections, hydrants, pre-plans, or public education).

Leisure Services Director Randy Gaddo said his staff had been working on a way to report the revenue numbers of the major programs. He wanted to keep it to one page. They were working with Financial Services to validate the numbers, adding that there was disagreement between the numbers provided by the program coordinators and how Financial Services tracked them. Once the numbers were validated, they would have a graph format as well. They wanted to add Library fees and fines as revenue. There would also be some comments and analysis once the numbers were straightened out to explain why the numbers looked the way they did at certain points in the year. Once the tournament system was in place, they would report on tournament revenue and expenses.

Chief Clark said the Police Department had tried to condense the monthly report and look at areas that were commonly asked about. The report included Part I Crimes, DUI and Drug Arrests, miscellaneous Arrests, Calls Answered, and Traffic data, as well as the top five accident locations. Learnard noted SR 74/Kelly Drive was fairly new to the list of accident locations. She asked if there was anything specific that had been determined. Clark said the Community Response Team looked at that to see if there was a change in traffic patterns, and there was nothing specific to report yet. Sturbaum asked Clark to keep an eye on that, especially with the expansion at NCR, which was in the area. Clark said the Code Enforcement report was fairly new and was still a work in progress. They tried to indicate the predominant types of cases.

There was not a year-to-date analysis yet, and that would be the next step. After a year, they would tweak it to see if it provided the information Council wanted. Haddix asked about the difference between the numbers of cases that were unfounded versus the totals. Clark said not all the cases were captured in one month, so the numbers for violations, citations, and the number that were unfounded would not always correlate. There was a current case that was believed to be a violation, but it turned out there was no violation. The incident might happen in one month, but the citation might not be issued until another month when they had gone through the process. The reports would always include that lag.

Public Services Director Mark Caspar said that, in the past, the department had reported the number of hours spent in a particular area. They wanted to revamp the report to see how the department was doing, so they could try to improve. The report would include vandalism (graffiti in tunnels, fences, etc.), the number of new areas mowed and how long it took to get taken care of, as well as the average time taken to respond to a citizen complaint and to assign action. Caspar pointed out that some of those complaints could include site visits. A lot of the metrics were new, which was why there was no ongoing tracking yet. He continued that tracking Stormwater Maintenance was important, as the Stormwater Utility funded three equivalent employees who also worked on other crews, so they had to account for that time to ensure the General Fund was not paying for stormwater work. Under Cart Paths, the time to remove trees on the paths once reported would be tracked.

Caspar continued that time to respond to traffic sign maintenance issues and changing signs over to the new reflectivity and mixed letter standard would be tracked under Signs. All the street signs had to be changed to mixed lettering and high-intensity prismatic letters due to new federal regulations. The goal was to change 500 per year. Currently, they were able to handle the change in signs during routine maintenance or when signs failed, so it did not affect the budget. The changes would have to be completed by 2018 and were mandated by the Manual on Uniform Traffic Control Devices (MUTCD). Haddix said the residents needed to understand there were many things that the City was doing because it made the federal government happy. Robert Brown asked what the penalty was if the City did not comply. If there was none, the City should just ignore it. City Attorney Ted Meeker said the MUTCD was the standard to adhere to, and if the City did not comply with the standard, it could be held liable for any accidents/injuries that occurred.

Learnard asked if the annual goal listed in the report was a maximum. Caspar said that was a minimum number of hours. Caspar continued that the Contracted Services category included goals for the contractors to meet. The annual goal was the requirement the City wanted them to meet. The items to be tracked included the time for the contractor to remove trees once notified, the time for the landscaping and mowing contractor to resolve an issue once notified, and the time for the contractor to remove dead animals and debris from the road once notified.

Fleet maintenance had also been added and included timelines for preventive maintenance and the ratio of time spent on preventative maintenance versus other repair items. Staff wanted to ensure the preventive maintenance actually prevented something.

Keep Peachtree City Beautiful (KPTCB) Director Al Yougel recounted that the organization's activities over the last few months. Those activities included putting recycling containers at the Peachtree City Triathlon, Dragon Boat Races, Shakerag Arts & Crafts Festival, Peachtree City Classic 15K Run, Civitan's Chili Cook-off, the one-day baseball tournament, and collecting 3,300 pounds of recyclables at the Great Georgia Airshow in October. In addition, KPTCB built steps to make it easier to place recyclables in bins, worked with Peachtree City United Methodist Church on the bridge and pavilion clean-up and repair at the Lake Kedron dam, placed additional trash cans on the cart paths, and put deskside/breakroom recycling containers in City offices.

Yougel continued that a total of 828,861 pounds (414.4 tons) of cardboard, plastic, aluminum, glass, and paper had been collected over the last year, with a landfill avoidance cost of \$16,576 at \$40 per ton. Since November 2009, a total of 8,257 community service hours had accumulated, with 572 hours recorded in October.

Yougel reported that Waste Management would be donating 95 rolling bins for use at the Baseball/Soccer Complex. They had also collected one and one-half truckloads of old tax forms from the Library for recycling. He said a lot of progress had been made over the last year.

12-02-10 Consider Employment Agreement for Economic Development Coordinator

Vrana said the agreement with Joey Grisham was the standard agreement used with the two other contract employees currently with the City. She asked Council to authorize the City Manager to sign the agreements. Upon Council's approval, Grisham would start work on January 3.

Imker asked how many applications the City had received for the position. Vrana said over 70.

Sturbaum moved to approve the one-year renewable agreement with Joseph Grisham for the economic development coordinator position and authorize the City Manager to sign. Learnard seconded. The motion carried unanimously.

12-03-10 Consider Cancelling December 16 Meeting

Learnard moved to cancel the December 16 Council meeting. Fleisch seconded. The motion carried unanimously.

12-04-10 Consider Moratorium on Pain Management Clinics

Meeker said other cities had put a similar moratorium in effect. There were a number of problems with the operation of the clinics, and there was nothing in Georgia law the City could do to prohibit the clinics *per se*. The General Assembly would be looking at legislation during the 2011 session to see if they could create some of the regulatory framework that Florida had put in place. A number of local ordinances had been adopted in Florida that served as a very good model that, if Georgia law would allow, the cities could put into effect. The clinics were commonly known as "pill mills."

Chief Clark said the issue here was the same as in Florida. When Florida tried to regulate the clinics, many closed or moved to other states. What happened in the City was typical. The clinic opened up in a shopping center with a doctor that initially came in to see patients, then the

doctor left the area. People would continue to come to the clinic, which took credit cards or cash, but did not accept insurance, to renew their prescriptions. The City had made arrests in this instance. Many of the patients were from outside the City and state. There was no way in Georgia to regulate doctor shopping or getting more than one prescription. The moratorium would give staff time to research the issue before there were more of these types of businesses locating in the City. Six months ago, the department had closed down what appeared to be a legitimate enterprise that was strictly there for profit with a doctor that might, or might not, be on the premises. In this case, a fraudulent doctor had worked at the clinic for a few days, then gone back to Florida, and the employees at the clinic had forged the prescriptions. Haddix said he knew this was a big area of concern.

Imker asked if there were not legitimate clinics operating. Clark said there were legitimate doctor's offices that helped people manage pain after an evaluation. For the problem clinics, people went to these clinics to get their prescriptions renewed, paid their money, then left.

Haddix said he had been helped by a pain management clinic, but the treatment was more hands on. He did not just walk in and get pills. Clark said if they took insurance they were not as suspect, but these were cash and credit card businesses. They might be skirting the law at this time, but it did not work to legislate them after they were already here.

Imker asked how a person would know if a clinic was being managed correctly. He did not want to deny an opportunity to a legitimate business. Meeker said the moratorium could always be lifted for a legitimate business, as with any other moratorium. Imker said a person could open the legitimate clinic after doing the proper paperwork if Council agreed to lift the moratorium. Meeker said that was correct.

Haddix asked if a legitimate clinic would fall under the category of pharmacy or doctor's office. Meeker said that, typically, they would. He noted there was a pain consultant's office at Fayette Community Hospital. Based on his recollection of what was offered, that clinic did not fall *per se* under what they were trying to do with the moratorium. It was hard to distinguish, and unfortunately, there were some opportunities that might wash away due to some bad apples. Haddix said a pharmacy would go through a licensing procedure with a pharmacist licensed by the state. He had great success with treatment for pain by a licensed physician operating out of an office.

Robert Brown said he had used the Pain Consultants of Atlanta, which operated out of Piedmont-Fayette Community Hospital. Pain management was one of their offered services provided by a licensed physician. His concern was about the wording of the definition of pain management clinic, saying that clinic would also fall under what was written.

Sturbaum read from the resolution, "some pain clinics had no interest in the diagnosis and treatment of medical issues or problems that are resulting in pain being experienced by the patient, but are operated solely with the purpose to write prescriptions for highly addictive pain medications...." Later in the resolution, the resolution referred to "primary pain treatment," so

those issues were addressed in the resolution. Clark said one difference was a legitimate clinic took insurance, examined people prior to prescribing medication, and kept records.

Imker asked what threshold would determine if the moratorium was to be lifted. Meeker said staff would ask questions about the business and check to see if the zoning of the office location allowed clinics. They would have to look at the criteria based on the information they had. A lot of the answers would be based on the information received from the applicant. If the answer was an occupational tax certificate could not be issued under the moratorium, then the applicant would be informed they could ask Council to lift the moratorium.

Meeker said there was a set of criteria that had to be met, including the following – privately owned clinic, business, or, office; not affiliated with any facility for the treatment of the terminally ill, any facility for the treatment of drug addiction, any hospice; or any hospital; employed one or more physicians primarily engaged in the treatment of pain by prescribing pain medications; filled or dispensed those pain medications either at the same or a different location. Meeker said legitimate clinics typically handled things differently. Haddix said they also required a specialist's referral.

Sturbaum moved to approve the one-year moratorium on pain management clinics as recommended by staff. Fleisch seconded. The motion carried unanimously.

Council/Staff Topics

Update on Lake Peachtree Usage

Gaddo said Council had approved a rental policy and fee to allow the conference centers to use the lake. The good news was companies had expressed interest in using the boating events as team-building exercises during their training sessions. The bad news was none had committed, citing the economy, and had either cancelled or down-sized the conferences. The conference centers would know more in the spring because companies were holding off until after the first of the year to make decisions on training conferences. He had asked if there was anything the City could do to help with the process. The City had a 10-event limit per calendar year, and there were discouraging indications. A dragon boat company wanted to position eight to 10 boats in the City, then use the City as their hub to travel to other sites in the southeast. The limit of 10 per year lost the deal. There was an indication the company might want to revisit the possibility. Gaddo continued that, if the boats were located in the City, the prices for the conference centers would be lower, and they could pass that on to the customers, making the centers more competitive. Haddix asked whether the committee should be reconvened to look at the 10-event limit. Gaddo said it would be a good idea to get back with the Lake Peachtree Association to discuss the matter with the homeowners if the issue came back up. Council consensus was to reconvene the committee if it was necessary.

Hot Topics Update

McMullen reported that the cost estimate for the Camden Apartment's suggested alternate route for the MacDuff tunnel cart path was over \$400,000, which was well beyond the budget. He said

Borkowski would talk with the apartment complex about the acquiring the easement for the original path. If the easement could not be obtained, then staff would look at other options.

Fleisch asked when the burn for Lake McIntosh would start. Eiswerth said it would start any time. The contractor was well aware that no burning could be done on the Peachtree City/Fayette County side, but that restriction did not apply to the Coweta County side. They were to start this week, but had held off due to the rain. The smoke would be bad over Planterra Ridge and SR 74/SR 54. There was a lot to burn. Imker asked how long the burn would take. Eiswerth did not know. Haddix asked that information regarding the burn be provided to residents. McMullen said a notice had been published in the weekly *Updates*, which included the contact information at the County regarding complaints. He had spoken with County Administrator Jack Krakeel, who said only the regular burn permit allowed by state law was in the contract. Anything more than that would cost the County money. Sturbaum asked for everything that was done to be documented as an action plan, so a general procedure would be in place.

Sturbaum moved to convene in executive session for the potential acquisition of real estate and pending or threatened litigation at 8:46 p.m. Learnard seconded. The motion carried unanimously.

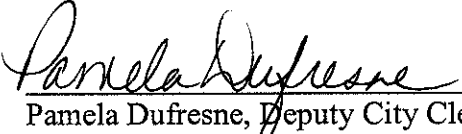
Sturbaum moved to reconvene in regular session at 8:51 p.m. Learnard seconded. The motion carried unanimously.

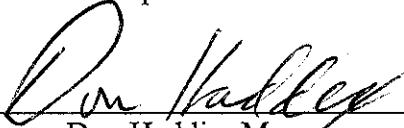
Sturbaum moved to reconvene in executive session for the potential acquisition of real estate, pending or threatened litigation, and personnel at 8:51 p.m. Learnard seconded. The motion carried unanimously.

Sturbaum moved to reconvene in regular session at 9:12 p.m. Learnard seconded. The motion carried unanimously.

Sturbaum moved to accept the donated land from Bob Barnard for two unbuildable lots in Wynnmeade to be designated as greenspace. Learnard seconded. The motion carried unanimously.

There being no further business to discuss, Sturbaum moved to adjourn. Learnard seconded. The motion carried unanimously. The meeting adjourned at 9:13 p.m.


Pamela Dufresne, Deputy City Clerk


Don Haddix, Mayor