

City Council of Peachtree City
Minutes of Meeting
November 16, 2006
7:00 p.m.

The City Council of Peachtree City met Thursday, November 16, 2006, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present: Steve Boone, Stuart Kourajian, Cyndi Plunkett, and Judi Rutherford.

Announcements, Awards, Special Recognitions

Mayor Logsdon recognized Mike Rogers of the Public Services Department for 25 years of service with the City.

Public Comment

Robert Brown addressed Council concerning the traffic on GA 74 North. He encouraged Council to work with Tyrone, Fairburn, and the Department of Transportation to ameliorate the traffic before it got worse. Logsdon asked Brown to call him, at his convenience, to discuss what was being worked on regarding traffic.

Minutes

Rutherford moved to approve the November 1, 2006, special called meeting minutes. Kourajian seconded. The motion carried unanimously.

Consent Agenda

1. **Consider Appointment to Fayette County Library Board**
2. **Consider Station 83 and Station 84 Driveway Improvement Bids**
3. **Consider Approval of Bid for City Hall Roof**
4. **Consider Budget Amendments – FY 2006**
5. **Consider Budget Amendments – FY 2007**

Rutherford moved to approve the Consent Agenda. Boone seconded.

Plunkett asked how the appointment to the Fayette County Library Board worked. Rutherford said that Marie Washburn, the proposed appointee, served on the City's Library Commission and would represent the City on the County board, which had members from all the entities. Plunkett asked who recommended the person, and why Council had to approve it. Leisure Services Director Randy Gaddo explained that the County Commission approved the Library Board at that level, and the County Commission required that the City select someone to represent the City. Plunkett said she had no problem with the appointment; it was just different from the normal procedure.

The motion carried unanimously.

New Agenda Items

11-06-06 Public Hearing – Reaffirm Multi-family Rezoning Moratorium

Developmental Services Director/City Clerk Jane Miller addressed Council. She noted that the moratorium was enacted in 1999, which basically prohibited staff from accepting any rezoning applications that sought multi-family use without the applicant first asking Council to lift the moratorium for a specific project. The moratorium expired every year, and Council determined every November whether to reaffirm it. Staff recommended reaffirming the moratorium for 2007.

Robert Brown recommended that the moratorium continue. He asked if there were any requests to waive the moratorium. Rutherford said there had been at least three during the last two years. Plunkett noted there was a request at the November 2 meeting. Brown said the moratorium was achieving its objective and should be continued.

No one spoke in opposition.

Rutherford moved to reaffirm the multi-family rezoning moratorium for 2007. Plunkett seconded. The motion carried unanimously.

11-06-07 Consider Approval of Performance Based Contract with Trane

Public Services Director Tom Corbett addressed Council. He said this was a follow-up to the preliminary report presented a few months ago. The objective had been achieved. They had confirmed and modified some of the savings numbers. He said the City would spend the money one way or the other, either on energy costs or energy efficient equipment. Staff recommended Council accept the findings, approve the contract, and install the energy efficient improvements. Corbett pointed out that Doug Hennen of Trane was at the meeting and was available to answer questions.

Rutherford noted that lights and tankless water heaters were among the replacement equipment. She pointed out that two companies in the City made that equipment. Hennen answered that they would use Rinnai water heaters and Cooper Lighting fixtures.

Rutherford noted that the Tennis Center and Amphitheater were on the list of the City facilities. She questioned whether the City or the Peachtree City Tourism Association (PCTA) was paying for the recommended replacement equipment. She said there should be an agreement with the PCTA to pay for the upgrades at the Tennis Center and Amphitheater. Logsdon questioned if the PCTA was not similar to a management company for those facilities. Rutherford said the PCTA paid the City for services it provided, such as billing, but did not return any money to the City. The PCTA paid for events considered tourism related, such as the July 4th parade. The PCTA paid all the utilities and the bills, and the PCTA would benefit directly from the lower costs.

Logsdon asked if the City would receive any money if the PCTA had a windfall. McMullen said no; it would go into the PCTA's fund reserve. The City was required, by law, to give the PCTA two-thirds of the hotel/motel tax that was collected. Rutherford said the only way the City could give the PCTA less money was to lower the hotel/motel tax. Plunkett said the City could add events if the PCTA made a lot of money.

Logsdon recalled former Council Member Murray Weed, who was also serving on the PCTA, giving the City \$50,000 during a meeting about a year ago. McMullen said the PCTA reimbursed the City for the money spent on tourism events, such as the July 4th fireworks and parade. Prior to that, the money came from the City's General Fund. The City accounted for the money and time spent on those events, then the PCTA reimbursed the City. He added that the PCTA's finance committee wanted to look at formalizing a reimbursement agreement with the City.

Robert Brown asked if there had been a detailed cost benefit analysis on all the improvements. He noted that the payback for a tankless water heater was in excess of 10 years, since water had a low

cost and the tankless units were more expensive than regular water heaters. He asked if the City would get a significant discount on the price since many would be purchased. Rutherford said there was always a better deal when buying in bulk.

Rutherford moved to accept the final report of the energy performance contract prepared by Trane and to execute a performance-based contract with Trane based on the scope of work set forth in the findings. Boone seconded. The motion carried unanimously.

11-06-08 Consider Intergovernmental Agreement with PCAA for Vehicle Maintenance

Corbett said there was a similar agreement in place with the Water and Sewerage Authority (WASA) to maintain their equipment, which had worked well for both entities. The Peachtree City Airport Authority (PCAA) wanted to do the same for approximately nine pieces of equipment, primarily tractors and small dump trucks. Corbett said his department felt they could be worked in. Public Services looked after 560 pieces of equipment, and nine pieces would be a trickle.

Rutherford asked City Attorney Ted Meeker if he had looked over the agreement. Meeker said he had.

Rutherford moved to approve the intergovernmental agreement with the PCAA for vehicle maintenance. Kourajian seconded.

Kourajian asked if the City had any liability if a lug nut fell off. Meeker said the City had full indemnification from the PCAA in paragraph two of the agreement.

The motion carried unanimously.

Kourajian asked Corbett if the PCAA understood that City vehicles had priority. Corbett said they did. He added that everything from the outside worked in a priority arrangement, since a piece of fire equipment obviously had priority.

Rutherford asked if anyone had spoken to Fayetteville about possibly working on its vehicles once the new facility had been built. McMullen said he had gotten the information from Corbett, but had not gotten very far with that yet.

11-06-09 Consider Appointment of Municipal Court Judge to be Effective January 2007

Miller noted that Eric Maxwell, the current judge, had notified that City that he would not have time to serve since he would be taking office as a County Commissioner in January, but he would like to remain as the judge pro hac. The Requests for Proposal (RFPs) had been sent out, and three responded – Stephen Ott, Carlton Jones, and Mary Skene. All three were qualified and had extensive experience. Ott had quoted an hourly rate of \$95 for court and \$115 for after hours. Both Jones and Skene quoted a flat rate of \$115 an hour for all services. Ott had the lowest rate and had also worked for the former City Attorney. Miller said that staff recommended Ott be appointed as the Municipal Court Judge and that Eric Maxwell be appointed as the Judge Pro Hac effective January 1, 2007.

Rutherford asked if there was any conflict of interest for Maxwell. Meeker said he had confirmed with the Judicial Qualifications Commission that this was not a black and white issue. The issue had

come up in other jurisdictions, but the judge had always stepped away from the judicial role to avoid the appearance of a conflict. Maxwell would have to judge for himself if there was a conflict. There was nothing specific, but there was a vague duty that a judge should avoid the appearance of a conflict. Logsdon said he had spoken to Maxwell, and Maxwell felt he could continue as the judge without a conflict, but time was a big concern since he would be a new commissioner.

Plunkett asked if the appointment was renewed every year or three years. Miller answered three years. She said if there was conflict, the City could advertise for a judge pro hac. Meeker added that if Maxwell determined there was a conflict, the City could send out an RFP.

Boone moved to appoint Stephen D. Ott as Municipal Court Judge and Eric Maxwell as Judge Pro Hac effective January 1, 2007. Kourajian seconded. The motion carried unanimously.

Council/Staff Topics

Update on Closure of Clover Reach Pool

Gaddo pointed out that Clover Reach was a summer pool open from the end of school to mid-August when school started. There had been a discussion earlier in the year regarding closing the pool. The Recreation staff and the Recreation Commission had reviewed the issue and decided to continue tracking attendance and revenue. The pool was serving a valid purpose, and it would become more useful as the Clover Reach area re-developed. The neighborhood was in the early stages of transitioning from older established residents to families with young children. If that trend continued, more people would use the pool and the playground. The pool had the largest increase this year of the three summer pools in swim lessons and daily walk-ins. There were 930 visitors, which was up from the 570 in 2005. It was also used as a back-up if any of the other pools were contaminated and had to be closed, which happened about once a week. Gaddo continued that the private summer camps, such as the day care centers, used the Clover Reach pool for their programs because it was more contained.

Gaddo continued that there would also be an issue if the pool were closed. The City could not just walk away. There had been discussions about turning it into a spray park, but Gaddo said the neighborhood would not be able to handle the traffic that would generate. At an annual cost of \$21,000, the pool was well worth keeping open.

Boone felt the key was the transition of the neighborhood to younger families. Kourajian said \$21,000 was expensive for 930 visitors, but agreed that it should be watched. Gaddo said another year would give staff and the Recreation Commission time to consider what needed to be done in the event a decision was made to close the pool.

Plunkett said she felt the City did not have to keep the pool open just because someone gave it to the City. Plunkett said, in her opinion, the money would be better spent on other things. It was an expensive luxury and was the size of a postage stamp. Gaddo said that there had been \$3,500 in revenue between the swim lessons and daily visitors.

Logsdon said Clover Reach was an area for focused redevelopment. Closing the pool would not enhance redevelopment. Plunkett said if the pool was part of the revitalization, then money should be put into it. Now it was costing the City money to run something that was inadequate. Rutherford said the use had almost doubled. She suggested keeping an eye on it. She agreed

\$21,000 was a lot to spend on the pool. If the area formed a homeowners association, it might be possible to give the pool to it. Gaddo noted that pools were expensive to operate in general. Rutherford said if it was the only pool in the community, then it would be a different matter. The City had to set priorities.

Proposed Legislative Action Recommendations

Rutherford noted that the Council usually put together a list of proposed legislative action items and notified the legislative delegation of what the City would like to see on the legislative agenda. There were some items that carried over from past years, such as the length of time people served on commissions and authorities.

Plunkett asked if a change to a city school system would be something that could be on the list. She knew some residents planned to bring the issue to the legislators' attention. Logsdon said that the Council, as a governing body, would not want to recommend that. Plunkett said Council should be aware that some members of the community were planning to discuss it with the City's representatives.

Rutherford said she would like to see term limits for commissions and authorities addressed, as well as issues regarding neighboring jurisdictions and water. The County was required to accept septic systems based on a report, and they could not question it. She continued that the County Board of Health was only responsible for certain size septic systems, and the state was responsible for larger ones, which often failed. The developers were bypassing the County.

Logsdon said that Representative Lakly had dropped off a package for each Council Member. The representative was proposing the redistricting of Fayette County so that Virgil Fludd and John Yates would each have a larger geographic portion. The other two representatives had less than seven precincts each, and their hearts were not in representing Fayette County.

Rutherford said inverse condemnation was another issue that Council should be very vocal about. Logsdon said that legislation was expected to drop the first week. There was a meeting with the GMA on November 28 in Fayetteville.

Meeker said his wish list included some proposed amendments to the motorized cart legislation, and the issue with GRTA over the last 12-16 months and clarification of GRTA's authority. He said he understood GRTA's point, but there needed to be clarification of their authority. He referred to the recent DRI approvals in Coweta County that imposed transportation improvements on the City and on Fayette County. He suggested that the approving jurisdictions should be required to enter into the appropriate agreements with other affected jurisdictions before the DRIs were approved.

Logsdon said utility franchise fees were another area since the counties were pushing to get paid the fees, which would happen at the expense of the cities. Meeker said GMA seemed to be handling that issue adequately. Meeker said there were also issues with the cable providers and phone service, which cut into the franchise fees paid by the telephone companies.

Logsdon said the proposal that counties would be able to veto any annexation was also important. He said that bill was expected to drop early also. Meeker noted that everything that did not go through last year would probably come back.

Plunkett asked if there was any information on the landscape plan for GA 54 West. McMullen said RAM Development had submitted the plans for approval. City Planner David Rast would review them. The hardscape installation would start the next week. Plunkett questioned whether the cart path would go in front of the existing buildings. McMullen said that was correct. Rutherford said it had to be landscaped so the bushes were above cart headlight level.

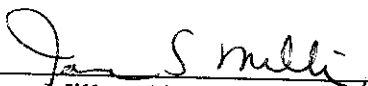
Kourajian asked what was happening with the Line Creek Nature Area. McMullen said Kourajian had asked him to review ownership of the land in the area. He went over a map, which was included in the official meeting packet, and who owned the parcels. Kourajian said that, based on the e-mails people were sending, people thought the City was selling the nature area. He clarified that was not happening. Rutherford said people had asked about exceptions to the big box ordinance. She clarified that there was no request for land swap yet, and there was no proposal for an exception to the big box ordinance. Kourajian said there were three things discussed at the November 2 meeting – the two developers were considering working together on the area, they asked if Council was willing to consider the possibility of a land swap, and when the developers did move forward, they would garner citizen input. Plunkett added that Council made it clear that they were only listening to the presentation.

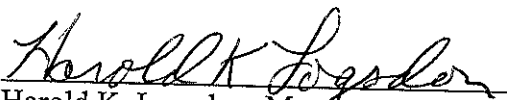
Kourajian asked if the City had received the traffic study on the McIntosh Village DRI. McMullen said it had been received, and they had tried to look at the cd. An e-mail was sent with instructions on how to open the cd. Plunkett asked McMullen to send his comments after he completed his review.

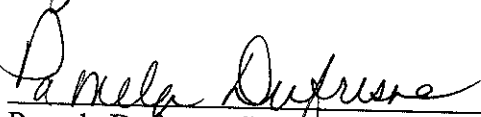
Rutherford moved to convene in executive session for threatened or pending litigation, a real estate matter, and a personnel issue. Boone seconded. The motion carried unanimously.

Rutherford moved to reconvene in regular session. Boone seconded. The motion carried unanimously.

There being no further business to discuss, Rutherford moved to adjourn. Plunkett seconded the motion. The motion carried unanimously. The meeting adjourned at 9:44 p.m.


Jane Miller, City Clerk


Harold K. Logsdon, Mayor


Pamela Dufresne, Recording Secretary