

City Council of Peachtree City
Minutes of Meeting
November 15, 2001
7 p.m.

The City Council of Peachtree City met Thursday, November 15, 2001, in the City Hall Council Chambers. Mayor Lenox called the meeting to order at 7:00 p.m. Other Councilmembers present were: Carol Fritz, Annie McMenamin, Steve Rapson, and Dan Tennant.

Announcements, Awards, Special Recognition

Mayor Lenox proclaimed November 30-December 1 as "Shop Peachtree City Weekend" and encouraged everyone to shop at the stores in the City. Amin Uddin of the Restaurant Management Group and Mike Jablonski, president of the Fayetteville Rotary Club, accepted plaques from the All Children's Playground recognizing both groups as Platinum Sponsors for their joint donation of \$10,700. Lenox presented Mike Rogers of the Police Department with a 20-year service pin. Gloria Reid, executive assistant at City Hall, was recognized as the Employee of the Month for October.

Approval of Minutes

McMenamin moved to approve the November 1 meeting minutes as written. Fritz seconded. The motion carried unanimously.

Consent Agenda

1. Consider Alcohol Licensee Change – Kmart #3978
2. Consider Alcohol Licensee/License Representative Change – Longhorn Steakhouse
3. Consider Alcohol License Representative Change – Holiday Inn Hotel & Suites
4. GMA Bricks & Mortar Finance Contract

Lenox moved to approve the consent agenda. McMenamin seconded. The motion carried unanimously.

Old Agenda Items

11-01-01 Public Hearing – Variance – Centex Homes

Lenox told Council that Centex Homes had requested another continuance until the December 6 meeting. Staff recommended the continuance be granted with the understanding that the mitigation plan that was in the process of submission might not be acceptable. Lenox added it was a serious problem and not easily solvable. Lenox moved to continue the public hearing on the variance request from Centex Homes until December 6. Fritz seconded. The motion carried unanimously.

11-01-03 Consider New Ordinance 54-13 Animals in the Parks

Leisure Services Director Randy Gaddo stated that the ordinance had been revised to include the recommendations from the November 1 meeting. The revisions were in paragraphs (a) and (c). In (a), a sentence was added to indicate that animals were banned from all tennis and outdoor basketball courts unless special permission was granted by the Recreation Department. The words "specially surfaced" were also taken out of the paragraph. The language gave the Recreation Department use of specific areas if deemed appropriate. Gaddo pointed out that a dog training class was planned for January and that the Pebblepocket tennis court would be rented to the dog

trainer. In the future, there might be other suitable areas for such uses, and the language gave the Recreation Department the ability to make those decisions. In paragraph (c), the new language allowed use of all park areas by animal owners, but required immediate removal of excrement by animal owners. Gaddo said the revisions gave his staff adequate support to approach people in the parks who might be in violation. Based on Chief Murray's comments at the last meeting, Gaddo and City Clerk Jane Miller discussed giving the parks monitor limited authorization to issue citations, and that was possible with authorization from the Mayor. Miller also indicated she would speak to the judge to come up with a standard fine for such offenses. Gaddo said fines up to \$1,000 were discussed, but he felt it might be good to have a table of standard fines. Since the last meeting, several citizens had contacted City Hall and asked that a similar policy cover the cart path system. Gaddo said it might be something Council wanted to discuss, but he didn't feel it fell under this particular ordinance and that the cart paths didn't fall under the Leisure Services Division.

McMenamin said she would like to add the cart paths to an agenda for discussion. Tennant and Rapson agreed. Rapson asked if a specific motion needed to be made in regard to the parks monitor. Gaddo said he understood that once the ordinance was approved, the issue of limited authority could be approached. Miller said the Mayor would swear in the parks monitor, which would give him the power to enforce that ordinance only and write citations.

Rapson and Tennant both said the ordinance now addressed all of their concerns. Rapson added that if cart paths were going to be looked at, the ordinance should also address parades since it had been an issue in the past.

McMenamin moved to approve the ordinance to add Article I, Section 54-13 to the Peachtree City Code of Ordinances and to provide for animals in the parks. Tennant seconded. The motion carried unanimously.

New Agenda Items

11-01-04 Certify Election Results

Miller reported on the City's election and special referendum held on November 6. There were 18,268 registered voters eligible to vote in the election and 6,261 cast ballots, including absentees. The following votes were cast for mayor: Steve Brown, 2,851; Dan Lakly, 1,311; Frank Murphy, 569; Gary Rower, 1,412. The following votes were cast for Post 3: Nancy Faulkner, 1,749; Steve Rapson, 4,144. The following votes were cast for Post 4: Alison Chambers, 1,292; Carol Fritz, 1,920; Jerry Ostrowski, 369; Murray Weed, 2,175.

Bond Referendum votes were as follows:

- Bond 1 – Airport Authority Refinancing – Yes, 4,416; No, 1,680
- Bond 2 – Drake Field Improvements – Yes, 2,653; No, 3,415
- Bond 3 – Playgrounds/Picnic Shelters – Yes, 2,928; No, 3,174
- Bond 4 – Kedron Fieldhouse Expansion – Yes, 2,336; No, 3,747
- Bond 5 – Community Center Purchase – Yes, 2,528; No, 3,562

Miller submitted the election results for certification by Council and announced a run-off election would be held for Mayor and Post 4 on November 27.

Lenox moved to certify the election results. McMenamin seconded. The motion carried unanimously.

11-01-05 Consider Amendment to WASA Sewer System Agreement

City Attorney Rick Lindsey told Council that there was an amendment to the WASA Sewer System Agreement before them. Lindsey reminded Council that the City and WASA entered into an agreement in 1997 when the system was bought that dealt with the City guaranteeing the bond indebtedness of WASA. Lindsey pointed out that was only if WASA was unable to make the payments, which was unlikely. With the agreement, WASA was able to get a better interest rate and more favorable terms, which in turn, lowered the cost to the system users. WASA was considering floating another bond and would like to amend the agreement and asked the City to be the ultimate guarantor of payment, Lindsey said. Lindsey said it did not affect the City's ability to issue more bonds, but would give WASA a lower rate.

Tennant commented that he could not find a down side to the situation and asked Lindsey if there was one. He agreed with Lindsey that default was unlikely. Lenox pointed out there were actually two groups – sewer users and taxpayers, which were largely the same. He added that WASA had the unlimited ability to charge whatever it chose for its services, just as the City had the same ability to set the millage rate at whatever it chose. By lending WASA the City's credit rating, Council was saving the City a significant amount of money. Rapson said he read the entire agreement and asked WASA's General Manager Larry Turner to confirm that the special covenants in the agreement stayed in place and that it wouldn't count against the City's indebtedness structure. Rapson added that work to be done would include upgrading the Rockaway treatment plant so the Flat Creek plant could be decommissioned and the flow moved to Rockaway. The Line Creek plant would also be upgraded and WASA's administrative offices would be moved to the Line Creek plant, since the Flat Creek plant would close. Turner confirmed this. Rapson added that all those changes were contemplated when the system was purchased in 1997, and there were no surprises, and the financing terms were good.

Rapson moved to approve the amendment to the sewer system agreement as stated. Fritz seconded. The motion carried unanimously.

Lindsey asked for a motion and a vote to allow the mayor to sign the authorizing resolution that went with the agreement. McMenamin made the motion. Fritz seconded. The motion carried unanimously.

11-01-06 Consider Amendment to Annual License Fee Ordinance

Miller explained that insurance companies paid an annual license fee for the privilege to write policies in municipalities, and this practice was allowed by Georgia law. Population determined the fees each city collected. In the past, the City charged \$75 per company and another \$26.25 for additional locations. Based on the 2000 Census and an increase in population above 30,000, the City was now allowed to charge a \$100 fee for each company and \$35 for additional locations. The proposed ordinance reflected the changes.

Tennant asked what the estimated increase in revenue would be. Miller answered around \$6,200.

Rapson said it was just a housekeeping issue and mirrored what the state allowed based on the increase in population. Rapson moved to approve the ordinance as restated Section 74-92. McMenamin seconded. The motion carried unanimously.

11-01-07 Metro Van Pool Presentation

Developmental Services Director Jim Williams introduced Herb Wood from Metro Van Pool, who was to speak on the concept of vanpooling. Williams said the state's Environmental Protection Division's Clean Air Unit endorsed the vanpooling concept. The state was very committed to the concept and the City had experimented with it in the past. The City's Land Use Plan endorsed concepts of this nature, and the Livable Centers Initiative was based on bringing in innovative concepts so residents wouldn't have to rely on single-occupant automobiles or bringing trains into the City. Williams said it was a real and cost effective alternative. He asked Council for an endorsement of the vanpool concept and any support the City could provide Wood's business or similar businesses.

Wood said his company had attended a number of meetings with City staff and the Atlanta Clean Air Campaign. Peachtree City was beginning to experience stressful commuting. He noted it took him an hour and 40 minutes to drive to Peachtree City from Marietta; most of the time was spent on the last 11 miles. The traffic congestion, caused primarily by too many vehicles, led to increased air pollution which affected quality of life in the community. A comprehensive vanpool service provided by professional operators would offer commuters the most practical and least obtrusive means of shared ride transportation. Wood said they did not view their vanpool program as a competitor to traditional fixed route transit systems, but as a complementary mode designed to allow commuters to leave their cars at home and share the ride to work. Working with the City to persuade current single-occupant commuters to use vanpools and relieve traffic congestion might abate the pressure to introduce more traditional systems such as commuter rail.

Wood said his company, VPSI, has been around for 24 years and had operations in 30 cities with 3,500 vans in service. In Atlanta, the company was known as Metro Van Pool and had 122 vans serving the metro area. In the past, support was developed by calling on major companies such as Georgia Power, Home Depot, and Hewlett Packard. Those companies, under federal law, provided substantial support to employees who wanted to vanpool to work with a program called Commuter Choice, which was promulgated by the U.S. Department of Transportation, Internal Revenue Service, and U.S. Environmental Protection Agency. The program involved reimbursing for vanpool and bus fares of up to \$65 a month.

To develop interest in their program and to help develop safe park and ride lots, Metro Van Pool was working with select communities around Atlanta. The company was working with Rockdale and Cherokee Counties' governments to develop an identification program, with signs, and had developed three 500-car park and ride lots for vanpooling. Wood continued that they had developed a memorandum of understanding, a statement of intention, that pledged Metro Van Pool would provide its full range of services, including vehicles, insurance, maintenance, back-up service, a guaranteed free ride home, as well as the efforts of its community outreach staff. By

— signing the document, the City would agree to implement a public education program to explain the benefits of vanpooling and to help locate and provide convenient park and ride lots. Wood explained that the memo was not binding for either party and no money would change hands. His company's slogan in metro Atlanta is "Neighbors Riding with Neighbors."

Tennant asked Williams if there had been any discussion on parking lot locations. Williams said they had looked at various alternatives, one of which had been the Braelinn Church site, which would have come under public ownership if the bond question had passed. Even though it had not passed, Williams said they would still look at church sites because they were excellent for weekday parking for this type of service and were centrally located. No one had been approached about the parking lots since Council had not yet authorized anything. Tennant asked if there was an estimate on how many people would use the service in the first six months. Wood answered that the first six months were difficult and that it took a while to educate people about the benefits. He continued that only three or four vans might be going in the first few months, but then it would snowball and eventually there might be 25-40 vans.

— McMenamin told Wood his company's credentials were great, but asked about background checks on employees who were driving the vans. Wood stated the drivers would be fellow commuters from Peachtree City who would be qualified by the company from an insurance standpoint. McMenamin also expressed concern about liability of the company and the driver. Wood said they were fully covered with insurance and the only document required was a Volunteer Driver Agreement, which spelled out the driver's and the company's responsibilities. He added that Metro Van Pool took the entire responsibility, legal, financial, and otherwise. McMenamin said she was also concerned about other groups that might come in and seek Council's endorsement as well. She said she was looking for a generic guarantee about company background checks and proof of insurance. She was also concerned about any liability the City might have because of its approval.

Rapson said he supported ridesharing and vanpooling, but shared McMenamin's concerns. Wood's company had good credentials, but there could be others providing the same service that would approach the City in the future. When the City endorsed an entity, regardless of what the entity was doing, it left the impression that the City sanctioned it. Rapson said that, to have a level of comfort, he needed more information. Wood offered to have the City Attorney or anyone else check his company's credentials. McMenamin told Wood it wasn't about his company, but was a concern about future companies as well. McMenamin expressed concern about the liability of churches or businesses that let their parking lots be used.

Lindsey agreed there were a lot of legal issues that needed to be addressed. Lindsey added he wasn't comfortable with endorsing any one company. Council could endorse trying to find ways to reduce miles driven in a day, to reduce pollution, to reduce stress, and be a source of information. Lindsey said Council could endorse using one company, but would feel more comfortable after looking at it more and understanding what the City was getting into.

— McMenamin stated she wanted assurances, not just from Metro Van Pool, but from any other companies that would offer the same service, that the drivers were legal and competent. Wood said his company could do that. McMenamin said a policy should be established on what was

expected when a pooling service came to City and asked to be endorsed by Council. Wood added his company had a standard Hold Harmless Agreement that would be provided to entities that provided parking, which relieved them of responsibility for anything that happened during the day.

Lindsey pointed out there seemed to be a consensus on the Council to do whatever they could to help air quality. He suggested Council give direction to staff to look into a policy about what they wanted and bring it back to Council. He added that would answer some of Council's question and provide more definitive answers. McMenamin said she was very supportive of the concept and there had been a limited bus system operating in the City already.

Lenox commented that the key element was that Council was being asked to introduce the concept to the public. Council could do that on behalf of anyone deemed to be a qualified operator. Council needed to determine if VPSI was a qualified operator and communicate the concept, then beyond that the City wasn't party to any other agreements. Council did have a responsibility to investigate any company Council recommended.

Rapson agreed and pointed out that if the vanpooling got off the ground it might stop MARTA from coming to the City. Wood added his company had contracts to run vanpools in many of the country's major metropolitan areas. Tennant commented that everyone seemed to be sold on the concept as long as concerns were addressed. Fritz added that a set policy also needed to be established for anything that came up in the future.

11-01-08 Rockspray Easement Request

Williams stated the house located at 138 Rockspray Ridge was built in 1985 and the driveway nicked the corner of the City-owned greenbelt adjacent to the lot. The builder found it convenient to swing the driveway over to miss the catch basin. Rather than make an adjustment to the site plan, the builder just shifted it over. Williams said no one caught it before and it had become an issue in the sale of the property. Staff felt the way to deal with it would be to grant an easement for the corner of the driveway and let the status quo continue, Williams said. To rip up the driveway and relocate it would be unfair since the owners had nothing to do it. He added that it wouldn't create any kind of precedent the City would have trouble defending. Staff recommended granting the easement.

Fritz commented that the same thing happened at her house and they had to cut part of the driveway off before closing on the house. Rapson asked about charging the owners \$10 for the easement.

McMenamin moved to grant the driveway easement and charge the owner \$10 for consideration of the easement. Fritz seconded. The motion carried unanimously.

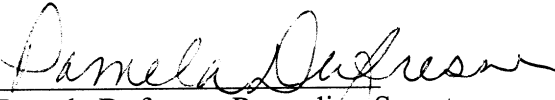
Council/Staff Topics

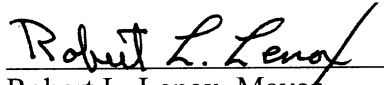
Miller reminded Council and those attending the meeting that the run-off election was scheduled for November 27. She added that people who were eligible to vote on November 6, but were unable to do so, were eligible to vote in the run-off election.

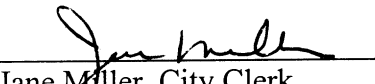
— Lenox announced there were two items for executive session, one personnel matter and an update on a lawsuit. Lenox moved to take a brief recess then reconvene in executive session. McMenamin seconded. The motion carried unanimously.

McMenamin moved to adjourn from executive session. Fritz seconded. The motion carried unanimously.

There being no further business to discuss, McMenamin moved to adjourn the meeting. Fritz seconded. The motion carried unanimously. The meeting adjourned at 8:20 p.m.


Pamela Dufresne, Recording Secretary


Robert L. Lenox, Mayor


Jane Miller, City Clerk

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