City Council of Peachtree City
Minutes of Meeting
November 6, 2008
7:00 p.m.

The City Council of Peachtree City met Thursday, November 6, 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 read proclamations for National Prematurity Awareness Day and "Find It in Fayette" for the Holidays Month. Logsdon presented Financial Services Director Paul Salvatore and Assistant Finance Director Janet Camburn with the Certificate of Achievement for Excellence in Financial Reporting FY2007-2008, which was awarded by the Government Finance Officers Association.

Public Comment
Al Yougel suggested that Council consider moving the announcements and public comment to the end of the agenda to encourage more participation for the entire meeting.

Agenda Changes
There were none.

Minutes
Boone moved to approve the October 16, 2008, regular meeting minutes as written. Haddix seconded. The motion carried unanimously.

Monthly Reports
Logsdon noted that a regular meeting was scheduled on January 1. He suggested Council hold both meetings in December and cancel the January 1 meeting. The members concurred. Logsdon noted that there was an approximate $300,000 budget shortfall at the end of September. Salvatore said the shortfall was on the revenue side, but the City had done better on the expense side and were almost right on the money as far as the projections. Since the FY2009 budget was adopted, a $1 million shortfall was expected for the current fiscal year due to the changes in the economy. The City Manager had sent an e-mail to the directors and chiefs asking for a five percent reduction in their budgets, which would help cover the shortfall. Plunkett asked that a revised budget meeting be scheduled early in 2009. City Manager Bernard McMullen said he hoped to have a proposal at the December workshop if everything was ready. Plunkett asked why the time Public Works spent on recycling had significantly increased, from 820 hours to 1,502 hours. McMullen said it was most likely due to the increase in the recycling operation and hauling the materials to a facility that collected them. Plunkett asked if the revenue was offsetting the additional hours. McMullen said he would find out. Logsdon noted that drug arrests for marijuana had doubled. Police Chief H.C. Clark noted that there were more aggressive traffic stops, more road safety checks, and path safety checks. Some of the arrests had come out of those activities. Logsdon pointed out that 6,308 hours had been spent picking up litter on streets over the last year, which was a lot of money to spend.

Consent Agenda

1. **Alcohol License – Change in License Representative – Line Creek Liquor**
2. **Consider Bid – Janitorial Services-American Facilities Services, Inc.**
3. **Consider Bid – Wrecker Service-Parker Wrecker Services**
4. **Consider Qualifying Location Permit Application – Tennis Center Restaurant Space**
5. **Consider Appointment to WASA – Mike Harman**
6. **Consider Acceptance of GEMA FY2005 Homeland Security Grant**

Logsdon noted there was an additional document on the dais regarding Consent Agenda #6. Plunkett moved to approve the Consent Agenda. Boone seconded. The motion carried unanimously.

Old Agenda Items

06-08-08 Public Hearing – Consider Amendments, Specific Permitted Uses in Multiple Zoning Districts

- ***Sec. 1006 GC, General commercial district***
- ***Sec. 1006A LUC, Limited use commercial***
- ***Sec. 1009 OS, Open space and conservation district***

City Planner David Rast noted that the proposed amendments were one of the topics for December 2 workshop and asked Council to continue the public hearing until the December 18 meeting. Plunkett moved to continue agenda item "06-08-08 Public Hearing – Consider Amendments, Specific Permitted Uses in Multiple Zoning Districts" until December 18. Haddix seconded. The motion carried unanimously.

New Agenda Items

11-08-01 Public Hearing – Reaffirm Multi-family Moratorium

Rast said the moratorium on multi-family development had to be reaffirmed every year per the ordinance. Staff recommended that moratorium be reaffirmed for another year.

Phyllis Aguayo said the moratorium had been looked at year after year for a very long time, and the citizens had expressed over the years that the City had adequate multi-family housing. The West Village actually exceeded the amount of multi-family housing planned for the area. She encouraged Council to reaffirm the moratorium and to respect the Land Use Plan and Comprehensive Plan.

No one else spoke for or against the moratorium. The public hearing closed.

Haddix moved to re-affirm the multi-family moratorium. Boone seconded. The motion carried unanimously.

11-08-02 Public Hearing – Consider Annexation Request, Hardy/Kidd/Whitlock/Wilksgrove Tracts

Bob Rolader of Scarborough and Rolader Development addressed Council, saying the 35-acre tract was located in the West Village (Wilksmoor) area that was an unincorporated island. He said his firm had approached the owners about annexation, and they were interested, but they had no plans to develop the property. The people would continue to live on their tracts. Approval of the request would clean up the boundaries for the City.

Rast reiterated that the parcels made up an unincorporated island of the County that was surrounded on all four sides by property within the City. The applicant and property owners had no immediate plans for the property, but wanted to annex into the City and work with staff to determine the best use.

Rast continued that, historically, when land was assembled and zoned for the City, a significant portion of the land was zoned to the Agricultural Reserve (AR) holding category. As each village developed, the property went from the AR zoning category to a more specific zoning category. Since 1987, the 1,700 acres that were initially zoned AR had been rezoned to various other zoning categories. Kedron Village had approximately 1,500 acres that had initially been zoned AR. Rast said the City had annexed approximately 1,800 acres over the years. Those tracts had site plans and were rezoned to various residential zoning categories.

Rast added that the Planning Commission, one of whom served on the 89-acre task force for the Wieland property, had recommended office use for this site rather than more residential. The Planning Commission unanimously recommended the rezoning be approved with the change in the zoning from the County's Agricultural Residential (AR) to the City's Agricultural Reserve (AR), and that the Land Use Plan designation be single-family low-density until the remainder of the village was planned.

The public hearing opened.

Beth Pullias, Frances Meaders, Phyllis Aguayo, and James Rabbit spoke. Their comments included:

- Annexing the property would resolve the illegality of the unincorporated island.
- People needed a better comfort level since the property would be annexed without a plan.
- There was concern about annexing the land without a plan.
- There was concern that the developer had plans in mind for the property.
- Once a property was in the City, it would be difficult to deny a rezoning request.
- An annexation request could always be denied; the City had time to consider the question and determine what would eventually happen on the property.
- There were questions regarding why the City wanted to annex the property and what the benefit to the City would be.

The public hearing closed.

Plunkett said the City would not gain anything by approving the annexation, but the annexation cleaned up the borders and had the property owners pay for the services that were, essentially, already provided by the City. Plunkett said sometimes the plan for an area was no plan. The property could stay AR forever, and would stay that way until a plan was presented, went through the process, and was approved by Council.

Logsdon asked City Attorney Ted Meeker what state law said about annexation and rezoning property afterward. Meeker said that, under current state law, nothing could be done for a year without notifying the County and giving them an opportunity to object. He explained that the County had the right to object to a more intense zoning classification. Logsdon clarified that Council also did not have to approve a rezoning request. Meeker said rezonings were always a legislative decision that had to be done in a constitutional manner. The test for that was whether the rezoning classification for the property resulted in a value equal to or greater than properties of the same classification.

Sturbaum said that, when the City had looked at the Atlanta Christian College proposal, this property was the first site considered for the college, so the potential for educational use had been considered.

Haddix said he recently attended a municipal law class, and the state basically said, "don't create an island, and if you do, get rid of it." The City was trying to get rid of the island. Meeker clarified that the entire Wilksmoor annexation area had been, in essence, an island of unincorporated Fayette County, with Tyrone to the north, the City to the south, and Coweta County to the west.

Boone said he did not have a problem with the request because it cleaned up a legal issue. Boone moved to approve the annexation request for the Hardy, Kidd, Whitlock, and Wilksgrove tracts and zone the property to AR Agricultural Reserve. Plunkett seconded. The motion carried unanimously.

11-08-03 Public Hearing – Consider Rezoning, GI to LUR, 89.146 acres, Wilksmoor Village

Rast reported that staff and the Planning Commission were still working with John Wieland on the plan. Some changes had been requested based on the input during the Planning Commission's public hearing on October 27. More time was needed to incorporate the changes into the plan. He anticipated the plan would come before the Planning Commission on November 24 in a workshop format and the public hearing would be on December 8. It should come before Council on December 18. Staff recommended tabling the project based on how it progressed through the Planning Commission.

Plunkett moved to table agenda item "11-08-03 Public Hearing – Consider Rezoning, GI to LUR, 89.146 acres, Wilksmoor Village" indefinitely. Sturbaum seconded. The motion carried unanimously.

11-08-04 Consider Residential Waste/Recycling Contract

Purchasing Agent Angela Egan gave a PowerPoint presentation on residential waste and recycling. (A copy of the PowerPoint presentation is included in the official meeting file.) Egan said that staff recommended Council consider a franchise agreement with CLM Sanitation for solid waste collection and disposal, universal curbside recycling, and yard waste collection. The agreement highlights included weekly curbside solid waste collection, weekly single-stream recycling, weekly yard waste service, same-cost backdoor service to residents with medical issues, backdoor service available (non-medical) at an additional cost, a performance bond and cash bond, documentation of tonnage for all waste and recycling, and $10,000 the first year in elementary/middle school recycling education. The cost would be $44.85 per quarter, which was lower than the current average cost for garbage service alone in the City. Any rate increase would be tied to the federal Consumer Price Index and would not be more than five percent. It would be a one-year contract with four renewals, beginning April 1, 2009. There would be limited opt-out capability.

Egan compared the current cost to residents to the franchise. Cardinal Sanitation solid waste collection for $45.00/quarter, and recycling and yard waste service was not available. Republic All South Robertson offered solid waste collection for $49.83/quarter, solid waste collection and recycling for $66.33/quarter, and yard waste was not offered. Allied Waste Services offered solid waste collection for $45.60/quarter, solid waste collection and recycling for $69.60/quarter, and yard waste collection was not offered. The CLM Sanitation franchise would cost $44.85/quarter for solid waste collection, recycling, and yard waste collection.

Egan said the reasons for staff support of a franchise included reduced costs for virtually all residents, City-wide recycling would be available at no additional cost, outdoor burning would be reduced, the reduction in truck traffic would reduce the wear and tear on streets and improve safety, and it would improve Code Enforcement's ability to monitor and enforce *cleanliness of premises* laws.

Egan pointed out that the opt-out provisions were limited to a maximum of two percent of the customer base. If the limit were exceeded, the vendor could request a rate adjustment. Residents would be able to opt out once every 12 months, which would address extended absences, such as "snow-birds." Residents opting out would have to take their garbage to the County's Transfer Station or other approved location. There would be no additional vendors in town

Egan continued that residents routinely requested expanded access to recycling opportunities. She noted that one ton of paper was equal to 17 trees, one person consumed 400 pounds of paper each year, and City residents consumed 7,280 tons of paper annually. If the City achieved the recycling rate of 25% per year, 47,855 trees (98.4 acres), 14,560 barrels of oil, 50,960,000 gallons of water, and 29,848,000 kilowatt hours of electricity would be conserved annually just for recycling paper. In addition, Egan pointed out that recycling one aluminum can conserved enough energy to light a 100-watt bulb for 2.85 hours; recycling one plastic bottle conserved enough energy to light a 60-watt bulb for 6 hours; and recycling one steel can conserved enough energy to light a 40-watt bulb for 1.5 hours. She continued that the national recycling rate (percentage of waste stream recycled) was 33%, Georgia's 2009 target was 25%, Union City and Newnan recycled 25%, Fayetteville recycled 16%, the Fayette County Transfer Station's rate was 10%, and Tyrone recycled eight percent. The City's estimated rate was two to three percent.

Egan continued that the City could improve its recycling by establishing a program that was convenient (curb-side), universal, cost effective, and measurable. Recyclables accepted by CLM included cardboard (all types); magazines; phone books; newspapers; aluminum, steel, and tin cans, plastic containers, and glass. Egan introduced Jason Becker and Joe Chapman of CLM.

Logsdon said he was going to accept public comment in no particular order.

Residents who spoke included Dick Allis, Bill Lechner, Sandy Jones, Alex Hirsch, J.R. Ramos, Will Knudson, David Ott, Marsha Hendershot, Julius Holt, Beth Pullias, Bob Smith, Michael Maguire, Erin McKiernan, Jeremiah, Phyllis Aguayo, Marge Lechner, Jeri Bosecker, Frank Deal, Al Yougel, and Ron Black. Their comments included the following:

- Letting citizens know who had the best deal was a good service, but it was not the City's place to make decisions for citizens.
- Free enterprise meant competition, and limiting the service to one company eliminated competition. Monopolies also created opportunities for gratuities.
- There was opposition to enforcing the franchise with a public nuisance law in municipal court.
- People who owned businesses had adequate means to dispose of trash.
- Government should not be involved in people's business, but this was one instance that needed government involvement to help protect resources.
- There was concern about the amount of air pollution so many different trucks created.
- People would not recycle if it was not easy.
- Those who in favor of the franchise felt it was a good program.
- Currently, the recycling truck came on a different day than the garbage truck for one of the providers.
- The City needed to catch up with the rest of the country and the world when it came to recycling.
- People would recycle if there were not an additional cost to do so.
- One resident allowed his neighbors to put their limited trash in his can, which was never full for weekly pickup.
- This was not a case of imposing on individual rights or imposing big government on the residents.
- The franchise provided residents with an opportunity to obtain something through economies of scale that individuals could not accomplish.
- The greater good really outweighed any perceived encroachment on civil liberties.
- Cardinal provided recycling as part of their service.
- If CLM owned the containers, that was a significant investment and Council should extend the initial term of the contract to three years, which would allow CLM to amortize the cost and possibly pass it on to the citizens.
- The agreement did not address the value of the recyclables, and a provision should be added for the City to share in the value of the collectable recyclables.
- There should be a higher opt-out because weekly pickup of a 95-gallon container would be too much for a lot of families who were recycling.
- Privatizing with one hauler provided positives that far outweighed the negatives.
- It was wise to go with one company in the City. Georgia law allowed cities to make this decision.
- Individuals should make their own decision. Many people cut out garbage service as a cost-cutting measure and took their trash to the County Transfer Station.

- Anything mandated by Council should be done as a tax, so people could take the deduction.
- There was concern about recycling for fluorescent light bulbs and batteries.
- There were questions as to who was ultimately responsible for garbage collection on rental homes – a landlord or renter.
- There was concern about the City's ability to manage the program and ensure that problems were addressed.
- Peachtree City's recycling rate was pathetic. The only way residents would recycle was if it were convenient and mandated. Council had to make it easier.
- One speaker had a problem with the selection of CLM. He had them for 13 months and fired them because they continuously missed his neighborhood.

There was a break from 9:10-9:20 p.m.

McMullen clarified that the two to three percent number for recycling was not people, but the estimated amount of recycled material. It was the amount of recycled material that Public Works collected based on the estimated total amount of garbage generated by the households in the City. Staff had gone to the numbers used by the industry (approximately 55 pounds of garbage per household per week) and the City's recycled materials records. Haddix noted that those numbers did not include the cans recycled at the fire stations or the plastic bags recycled at grocery stores. By definition, the City's numbers were low. McMullen said it did not, but that was part of the problem. No one knew. Logsdon agreed that the numbers were low, but added that the City was nowhere near 33%. Haddix agreed. McMullen said that there had to be a way to measure in order to obtain the goal. The franchise was the best way to do it.

Sturbaum asked if there was a way to define and identify illegal vendors. Acting Administrative Services Director/City Clerk Betsy Tyler said that, per the Code of Ordinances, the garbage vendors were required to indemnify and hold the City harmless for operating on its streets. Four vendors (AllSouth, Allied Waste, CLM, and Cardinal) had signed and filed the appropriate indemnifications. She had heard reports of other vendors in the City. Sturbaum asked if Waste Management, the preferred provider for Planterra Ridge, was considered an illegal vendor per the terms set by the City's ordinance. Tyler said yes. Sturbaum asked if Tyler had contacted the illegal vendors. Tyler said that, if the City knew who they were, the vendors were contacted.

Haddix said he supported recycling, but did not feel it should be mandated. People had to be educated to do it, not mandated. He believed the City would go over the two percent opt-out number quickly since a lot of people provided for themselves in other ways. He wanted recycling, but the proposed franchise was not the right way to do it. People needed to understand why recycling was important before they would do it.

Chapman, one of the CLM representatives, told Council that the company had been in business for over 20 years. It was a private company, family-owned and operated. They served four cities on the I-85 corridor, and each offered recycling. Recycling was the magic word. There was a greater opportunity for savings with greater numbers of customers. Currently, five companies operated in the City. It was possible to have eight trucks on any one street with five trucks for trash and another three for recycling. His company proposed three trucks. Chapman pointed out that vacant houses did not count against the opt-out. The limited opt-out was meant to deter people from piling up trash. The revenue stream had to be met to offer the services for the agreed price. Plunkett asked if the recycling would be single-stream, which meant it all went in one bin. Chapman said it would be single-stream or co-mingled, which was a very economical way to gather recyclables.

Becker, also of CLM, added that every hauler currently serving the City had bid on the service, and most of the bids included new trucks and containers. There would be fewer trucks on the road, and the new trucks had stricter emission standards to meet, which would reduce the pollution. Trash collection and recyclable pick-up would be done on the same day in a neighborhood, so there would be no trucks the rest of the week.

Logsdon said there was some work to do; the two percent opt-out was a challenge. Plunkett added that, if her entire subdivision opted out, it would exceed the two percent limit at 2.6%. In her own case, she would not really get a savings with the proposal. The free market would deal with recycling when all the vendors recognized it was being done at no additional fee. She suggested the City could deal with recycling more efficiently, noting that Newnan required vendors to offer free recycling.

Boone said he believed in recycling and its importance to the environment. The City's recycling level was way below 33%; however, he also believed in freedom of choice and encouraging residents to make a deal with their own providers. There were issues with the number of trucks on the streets and pollution, but freedom of choice was important.

Haddix noted the large size of the recycling container, adding that they were usually smaller. He had been told by one of the vendors that the smaller bins had been rejected. McMullen explained that, when staff had spoken with the vendors during the pre-proposal meetings, the reason for the larger bins was to encourage recycling. It did not take long to fill up the smaller bins.

Boone clarified that the residents who opted out would not be able to go to another vendor, according to how the agreement was written. McMullen explained that all of the vendors said they could not recycle economically unless there was a franchise. If a significant enough number opted out so it was economical for other vendors to come in, there would not be a franchise. McMullen's recommendation and assessment was that, unless there was a franchise with a vast majority participating, the vendor could not recycle economically. The vendors were currently charging from $10 to $15 extra per quarter for recycling. Plunkett said that, from her own experience, she knew it could be done. Planterra Ridge's homeowners association had also worked it out for their subdivision.

Logsdon asked why all of the vendors could not offer recycling at no additional cost. Becker said that, in the industry, there had been vendors that picked up the trash and recycling at the same time with the same truck. It did not work. The haulers that charged an extra rate for recycling were sending a separate truck and doing it the proper way. Plunkett asked Becker if the vendors were required to keep records of the trash and recycling they collected. Becker said certain municipalities required it, but the City did not. He added that putting the trash and the recycling in the same truck was not recycling. The worst case scenario was that if enough people opted out, they would need to look at increasing the cost for service. The Cardinal representative in the audience said that the state required vendors to fill out "Reduction in Waste" forms and to keep their receipts from the recycling facility. Other cities mandated vendors provide recycling, cash bonds, and performance bonds, and that would alleviate some of the issues.

Haddix said the free market would work if given a chance. Sturbaum said the City could work with the vendors on the issues, which left the citizens with freedom of choice and allowed the City to work on its recycling goals.

Boone moved to table the decision until all the questions were answered. Haddix seconded.

McMullen said he was not clear on all the questions and asked Council to e-mail them. Haddix said they needed clarity on the mandated bonds, the requirements and costs for recycling, and whether recycling could be offered at no additional cost on the free market side of the question. Plunkett added that Newnan and Fulton County had ordinances mandating recycling at no additional fees for vendors operating in their communities. McMullen said that offering recycling was one thing, but including it the base price was another. Plunkett said recycling should be included in the base price. Services such as yard waste or back door service should be additional fees. Sturbaum said there should be some accountability for the measurables from the vendors, which would help the City measure itself against the 33% average. The Cardinal representative said that report was a requirement that the City was not enforcing.

The motion carried unanimously.

11-08-05 Consider Proposal – Design Services, Lake Peachtree Path Bridge
City Engineer Dave Borkowski addressed Council and said that staff recommended the design for the replacement project be awarded to Neel-Schaffer, Inc., for $76,246.

Plunkett moved to award the design for the Lake Peachtree Path Bridge to Neel-Schaffer, Inc., not to exceed $76,246. Boone seconded. The motion carried unanimously.

11-08-06 Consider Ordinance Amendment – Lodging Tax
Tyler reported that the proposed amendment was housekeeping due to a change in the state law. It extended the lodging tax on residents staying long-term in hotels from 10 days to 30 days.

Sturbaum moved to approve the amendment to the Lodging Tax ordinance. Haddix seconded. The motion carried unanimously.

11-08-07 Consider Tri-Party Agreement for Construction of Bridge over CSX Railroad
Plunkett asked Meeker if the City had any obligations under the agreement. Meeker said the City had no obligations other than the routine work and inspection of the bridge. CSX also had an obligation to inspect the bridge.

Plunkett moved to approve the tri-party agreement for construction of the MacDuff Parkway bridge over the CSX Railroad and authorize the Mayor to sign the agreement between CSX Railroad, Brent Scarbrough and Company, Inc., and the City. Sturbaum seconded. The motion carried unanimously.

Council/Staff Topics

Rast gave Council an update on the CSX Railroad/SR 54 West multi-use bridge path connections, noting that, on October 30, the Planning staff hand-delivered three sets of bid documents and approved construction and right-of-way plans for the path project to Haley Fleming at the Atlanta Regional Commission (ARC). On October 31, staff resubmitted some of the forms that had been "recently changed" by the Georgia Department of Transportation (GDOT), but had not been put on their website. A form needed to be submitted for GDOT review requesting that they waive the Final Field Plan Review requirements (FFPR) for this project. GDOT now required this for all projects, no matter what the size or scope. Once this was submitted, it should take less than two weeks to make the determination. When the FFPR documents were submitted, the ARC would forward the submittal package to GDOT, and it would take 30-45 days to determine if everything was complete. Once this determination was made, GDOT would notify the ARC, who would submit Form 1625 to the Federal Highway Administration (FHWA) requesting that funding be allocated for this project. Review of this form would take between 60-90 days. When the funding was allocated, ARC would send the City a Notice to Proceed, and the project could go out for bid. The bid period was no less than 60 days, and each contractor must guarantee their bid amount for no less than 120 days. Before the City could award the contract, GDOT must review and approve the City's bidding procedures. The City must also contact ARC, and they included this amount in the contract between the City and FHWA/ GDOT, which must be approved by Council.

Rast continued that the GDOT had placed a moratorium on all new construction projects until they were assured funding was available. Even if the City went through this process, there was no guarantee funding would be released and/or available. In essence, the City would be put on a waiting list with all of the other construction projects throughout the state until GDOT determined which projects should receive funding. At best, it looked like it would be no less than 150-180 days before there would be any approvals to construct this project, and even then, there was no guarantee there would be funding available.

Plunkett asked why the project was not grandfathered in, and suggested that the City get its recently reelected state senator, state legislator, and GDOT on the phone to discuss it. Rast said that, at the City Manager's direction, staff had sent the plans to three contractors for an estimate for the City to build it without any grant funding. Logsdon asked if there was a problem with the City building the path connections. Rast said it could be done, since none of the grant money that the City could be reimbursed for had been spent. McMullen added that, according to the GDOT's local office, the City would only need an encroachment permit to build the path connections on its own. Plunkett asked to put building the paths at the City's expense on the earliest possible agenda.

Rast reported that he had received an e-mail that day from Dan O'Neill of Columbia Properties, who said that they had been told by Georgia Power and others that the transmission lines at the Wilshire Village commercial development would be located in the Fayette County Water System right-of-way. O'Neill expected to receive the written confirmation the next week. Logsdon said he had also received verbal confirmation that day. Boone clarified that the power company was piggy-backing on the water easement. McMullen added that the commercial development had a 60-foot tree and landscape buffer, and the Water System had 20 feet of easement, which left 40 feet for an undisturbed buffer. Rast said once the existing Oglethorpe power line was moved that buffer could be re-planted. Logsdon said the only restriction on planting would be that tall pine trees that could fall on the transmission lines would not be allowed.

Rast reported on an issue with the multi-use path system in Cedarcroft subdivision. He said a home under construction touched the existing path in one area. Staff had found that the path was not constructed in the center line of the easement, so the path needed to be moved. It was the developer's responsibility to move the path, and a letter would be written to the developer. Another issue with that section of the path was that the property owner on the other side had put up a fence that was in the path easement. Plunkett said the neighbors wanted the path removed, but her response had been that the City was built around the paths. The City needed to meet with the developer to see if the paths could be realigned to be less intrusive. Rast said the completion of the MacDuff Parkway path and tunnel to the retail development would alleviate some of the cut-through traffic in the subdivision. McMullen added that staff would provide an update. A letter had been sent to the developer that said the cart path had to be moved and the fence had to be relocated to allow it. Plunkett said a timeline was needed for that to be accomplished. McMullen said that, in the letter, it was stated that the City would not issue a certificate of occupancy for the house being built until the path situation was resolved.

Sturbaum asked if there was a report on getting a traffic signal at the Baseball/Soccer Complex (BSC). McMullen said that when the staff met with the GDOT and the DOT commissioner, there had been support. When he, Borkowski, and Rast met with GDOT this week, he did not get the same impression. He had received an e-mail from Lamar Pruitt, Thomas Howell's deputy, which did not relay the same thing that was said in the meeting. McMullen said he had already relayed that information to State Senator Ronnie Chance. He also confirmed with Howell that what he was told in the e-mail was that unless the warrants were met a light would not be installed. McMullen told Howell that, based on the criteria, the warrants would never be met. Howell's response was to wait until after the road widening was completed to see what the traffic looked like. Plunkett suggested Council consider sending a resolution expressing its frustration to the GDOT. Sturbaum agreed, adding he did not want to see any children hurt.

Plunkett moved to go past the 11 p.m. deadline, if needed. Boone seconded. The motion carried unanimously.

Plunkett moved to convene in executive session to discuss real estate, personnel, and pending or threatened litigation at 10:36 p.m. Boone seconded. The motion carried unanimously.

Sturbaum moved to reconvene in regular session at 10:58 p.m. Haddix seconded. The motion carried unanimously.

Sturbaum moved to approve raising the City Attorney salary to $125 per hour. Haddix seconded. The motion carried unanimously.

Haddix moved to approve acquisition of the path easement for the Cousins property as discussed in executive session. Boone seconded. The motion carried unanimously.

There being no further business to discuss, Sturbaum moved to adjourn the meeting. Haddix seconded. The motion carried unanimously. The meeting adjourned at 11:00 p.m.

Pamela Dufresne
Pamela Dufresne, Deputy City Clerk

Harold K Logsdon
Harold K. Logsdon, Mayor