

City Council of Peachtree City
Minutes of Regular Meeting
November 4, 2004
7:00 p.m.

The City Council of Peachtree City met Thursday, November 4, 2004, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:00 p.m. Other Council Members present were: Stuart Kourajian, Steve Rapson, and Judi Rutherford. Murray Weed arrived late.

Announcements, Awards, Special Recognition

Mark Brown of the Police Department was recognized as the Supervisor of the Quarter. John Paone was recognized for his work with U-Night 17 and 4 Nights in October. The Great Georgia Airshow Team was recognized for the 2004 show held October 9-10.

Monthly Reports

Brown announced that a community blood drive was scheduled Monday, November 8, 2:30-7:30 p.m., at The Gathering Place. The City offices would be closed November 25-26 for Thanksgiving, would close at noon on December 23 and all day on December 24 for Christmas, and would be closed on December 31 for New Year's. Mayor Brown noted that fire and EMS response times were down from last year, 4:33 minutes compared to 4:39 minutes last year. The top five accident locations for September were GA 74/Rockaway Road, GA 54/Huddleston Drive, GA 54/McDuff Parkway, GA 54/Wynnmeade Parkway, and GA 54/Planterra Drive.

Consent Agenda

1. Consider Amendment to Sec. 46-57 First/Youthful Offender Treatment

Rapson moved to adopt the proposed amendment to Sec. 46-57. Rutherford seconded. The motion carried unanimously.

New Agenda Items

**11-04-01 Consider Comments Concerning Alcohol Handling Permits –
Mark Smith**

Mark Smith addressed Council concerning the ordinance that required alcohol servers to obtain handling permits. Smith said he worked part-time at a local establishment that sold alcohol to adults. He told Council that people in the business at that level did not make much money, and he did not see the use of having a tax on one class of employee, and not others. Smith said there were background investigations in the military, but there was still crime on military installations. He continued that it was insulting to the Police Department since they were doing a fine job. Smith said he did not think there was a problem, unless there was some data that showed there had been an increase in crime. He had not been able to figure out why the ordinance had been put into place. He asked several people, but all had different stories. He asked Council if the people they kept from working because of the permits were the same people who would work in the school cafeterias or elderly care facilities. He asked Council if they were going to require the same of people who work at those facilities. Anytime government intruded into the life of citizens, it violated the right to privacy.

Police Chief James Murray said he brought the ordinance to Council for approval. He noted that the City was one of the few that did not require alcohol servers to be permitted. He continued that the City had three alcohol licenses for every square mile in the City. Murray said the industry that served liquor attracted some people that bore watching. He said there had been numerous incidents during the last three-four years of identity theft, credit card theft, drug sales, and other crimes involving servers in alcohol establishments. Murray noted that serving alcohol was a privilege, not a constitutional right. The permit requirement protected the citizens. Murray said the Department was three-quarters of the way finished with the process and had uncovered cocaine traffickers, credit card theft, and identity theft. One person in one restaurant stole 323 credit card numbers in a few weeks, then charged thousands of dollars worth of merchandise.

Brown noted that some businesses, such as childcare, required a background check. Murray said they did. He added that the Board of Education also ran checks on anyone who worked with children. Rutherford added that the City's Recreation Department also required background checks.

11-04-02 Public Hearing – Reaffirm Multi-family Moratorium

Brown noted there was an additional document on the dais – a memo to Mayor and Council from the Developmental Services Director dated November 1, 2004, with the subject "Multi-family Moratorium & Alternative."

No one spoke either in favor, or in opposition to, the issue. Brown closed the public hearing.

Brown said he wanted to exclude assisted living facilities from the multi-family moratorium. He noted the three criteria used for consideration of the moratorium – overburdening the schools, exhausting available resources, and an increase in traffic congestion. He said assisted living facilities did not fit the three criteria and that the 55 and over age category was one of the fastest growing demographics. Brown continued that all of the existing facilities in the City, as well as one just outside the City, were all at capacity and had waiting lists.

Kourajian said he did not like making exceptions because one exception led to another. He said all a property owner had to do was to ask Council to lift the moratorium. He did not see the point in changing the moratorium.

Brown agreed. He continued that they should all agree whether this type of multi-family housing was something they wanted to see in the community and was a legitimate need. He said assisted living facilities did not have the impact that other types of multi-family housing had on the community.

Rapson said he was not interested in changing any zoning to multi-family. He told Brown he understood his reasoning. He preferred that those interested in multi-family housing come to Council.

Rutherford moved to continue the multi-family moratorium for another year. Rapson seconded. The motion carried unanimously.

11-04-03 Alcohol License – NEW – Big Daddy’s Oyster Bar

David Sutherland, applicant, addressed Council. Rutherford asked if the business would qualify as a bar or a restaurant. Brown asked Sutherland if he was familiar with the smoking ordinance and the requirement to meet the definition of bar. Sutherland said he was familiar with the ordinance and that his business would open as a bar. Kourajian asked when the bar would open. Sutherland said January 1.

Weed moved to approve the alcohol license for Big Daddy’s Oyster Bar. Kourajian seconded. The motion carried unanimously.

11-04-04 Alcohol License – Change in Owner – Chin Chin Restaurant

Brown noted there was an additional document on the dais – a memo to Mayor and Council from the City Clerk dated November 2 with the subject “Alcohol License – Chin Chin Restaurant.” Brown noted that the document included a satisfactory criminal history.

Hin Ming “Ricky” Yeung addressed Council. He told them he had worked at the restaurant for six years and had the opportunity to buy the franchise.

Rutherford moved to approve the alcohol license change in ownership for the Chin Chin Restaurant. Kourajian seconded. The motion carried unanimously.

11-04-05 Consider Speed Bump Survey Results and Smokerise Bid Award

Brown noted there were additional documents on the dais – a memo for Mayor and Council from the Smokerise Plantation Homeowners Association regarding Smokerise Plantation Speed Humps dated November 4, 2004, with an article from the *Atlanta Journal-Constitution* dated February 8, 2001, entitled “Residents Reluctant to See Road Paved, One of Peachtree City’s Last Country Lanes Will Be Wider, Lined with Fewer Trees.”

Brown noted that Council approved the speed humps for the neighborhood on March 4, 2004. This agenda item was to approve the low bid and to make a written agreement with the Smokerise Homeowners Association regarding payment of their portion.

Christy Dunkelberger, attorney for the Smokerise Homeowners Association, told Council the residents voted to approve and go after speed humps during a Homeowners Association meeting in April 2003. She clarified they were not referring to any survey taken by the Homeowners Association, but to an actual vote at the meeting to get a feel for the support of the traffic-calming devices.

David Cree told Council that a notice for the annual meeting was sent every year and was done prior to the April 2003 meeting. A ballot on the speed bumps, along with a self-addressed, stamped envelope that was to be returned prior to the Homeowners Association meeting was included with the notice. The ballots were counted at the

meeting. Sixty-nine percent of the respondents approved of putting in the speed humps, which exceeded the two-thirds requirement. Cree said there were two more ballots, also in favor of the traffic-calming devices, delivered to his home during the meeting. Over 75% of the homeowners participated in the vote.

Brown said Riverdale Paving submitted the lowest bid at \$25,160. Rutherford questioned where the funding would come from.

City Manager Bernard McMullen said there was sufficient funding in the line item established last year, plus \$6,000 taken from Council Contingency and put in a separate line item and carried over, so no funding was needed from the PIP Contingency.

Kourajian said he understood the cost estimate was \$18,000 and the lowest bid was 40% over the estimate. He asked what had happened. McMullen said the estimates were two years old and had not been adjusted. Part of the increase was because the job was small. He noted that the smaller the paving project, the more the per unit costs. Brown said there had also been a substantial increase in the cost of materials. McMullen noted that the first time the project had been bid, the bid had been \$41,000. Rapson pointed out that the homeowners would bear a portion of the cost. Kourajian asked if Riverdale Paving was any good. Assistant City Manager Colin Halterman said the company was one of the best around. Rutherford noted that a lot of cost estimates were put into the PIP and had never been adjusted. She added that Council would see more bids that came in way above the estimates unless the figures were adjusted.

Rutherford moved to approve Riverdale Paving for the Smokerise speed bumps bid award and that the Mayor be authorized to sign any documentation with the homeowners for their share, or reimbursement, of the cost. Weed seconded. The motion carried unanimously.

11-04-06 Hear Update of Stormwater Program and Consider Approval for Phase 4

Brown noted there was an additional document on the dais – a spreadsheet entitled “Peachtree City Stormwater Management Program Cost Service Analysis” dated September 30, 2004.

Ron Feldner, Integrated Science & Engineering, addressed Council. He acknowledged four members of the City’s Stormwater Committee who were attending the meeting – Dennis Chase, Dale Phenicie, Vijay Abdul, and Tony Fusco.

Feldner went over the four-step process that had been worked on during the last 18 months. Steps One and Two had been discussed at Council’s annual retreat. He would discuss Step Three, Stormwater Utility Data Development, at this meeting. Step Four was the Stormwater Utility Implementation.

Feldner continued that the Stormwater Committee had identified priorities. The top two priorities were funding needs and drainage infrastructure inventory and assessment. The

critical needs components included the drainage capital improvement program. Staff had identified 40-50 projects totaling \$9 million in capital improvement needs. The capital backlog continued to grow. Without an effort to fund the projects, the backlog would continue.

Drainage system maintenance was also critical. The City was aging and some of the culvert systems had reached their life expectancy. The pressing needs would be capital maintenance rehabilitation. Other cases would be proactive situations to deal with a growing system. The Georgia Environmental Protection Division (EPD) had laid out minimum maintenance activity requirements for communities that would be implemented in the coming years.

Feldner discussed regulatory compliance. Within the last 18 months, the City had come under the jurisdiction of the Water Planning District and the National Pollution Discharge Elimination System (NPDES) Phase Two Permit. Each of the permit elements had specific requirements driven by inventorying the system and maintaining the drainage system at a certain operation level.

Feldner said a stormwater utility provided the City with a mechanism to address all the issues in a comprehensive and thorough manner. He continued that two acronyms to be familiar with were Single Family Residential (SFR) and NSFR (Non-Single-Family Detached Residences), or the commercial and business component within the City.

Feldner explained that the stormwater advisory committee had categorized and prioritized the \$9.2 million worth of projects. About one-third of the projects, or \$3 million, was non-construction related. He said they had to figure out how the non-construction projects fit in with the overall prioritization.

Feldner noted that Tier One projects were projects considered to be high-risk for either property or infrastructure damage. They would be addressed first. Second Tier projects were considered lower risk, or nuisance projects, because the ponded water did not create a hazard.

Feldner said examples of Tier One projects were located on Wisdom Road and Dividend Drive. He said the failure of the culvert system at a specific point on Dividend Drive would result in failure of the road. The bottom of the culvert had rusted, and the ground had eroded away. On Wisdom Road, a washed out culvert section undermined the road. The stream was also eroding the bank towards the road.

Feldner explained that the costs of program had stayed constant, but priorities had shifted. Priority money had been shifted to maintenance due to the increased focus on maintenance because of the permits the City held. Some of the cost of service aspects of the capital program had shifted. Feldner explained that some systems might be in danger of imminent failure due to storms, and there needed to be money built in each year to address those situations when they occurred. The programmed capital improvement program would have an amortized system to set a systematic implementation plan for the

capital. The program would be proactive and reactive. Administrative costs were also factored in.

Feldner said 100% of the stormwater management program would be funded through the stormwater utility and the enterprise fund that would be established. Rapson asked where the three employees would be physically located. McMullen said he and Halterman had discussed locating the employees at Public Works. Feldner said there was one internal person, a stormwater program coordinator, who would coordinate all aspects of the program. The person could be shared elsewhere, but there would be a lot of activity.

Feldner continued that another aspect of Step Three was to categorize the parcels in the City. They did a representative sample of the SFR structures in the City to determine the median impervious area coverage, which was around 4,100 square feet. Feldner said they did a lot of research into the statistical significance of the sample and they felt comfortable with recommending that a flat rate bill be assigned to all single-family residential parcels. He said they would continue to evaluate that decision as more area information was gathered. The NSFR customers would receive a custom bill based on actual impervious coverage of their property. The initial billing rate would be \$3.96 per Equivalent Residential Unit (ERU) or 4,100 square feet of impervious area. A NSFR customer that had an impervious surface of three houses would multiply the ERU by three. The billing rate duration was five years.

Feldner compared the proposed ERU cost to others in the state. Decatur had the highest rate at \$5 per ERU. Fayetteville had the lowest cost at \$2.95 per ERU; however, Fayetteville combined it with the existing water and sewer operation, which helped with the cost. Communities that set the utility up from scratch had more costs upfront. The average in Florida, based on a survey of 100 utilities, was \$3.52. The ERU factors in other communities differed. Decatur's ERU was 2,500 square feet and Griffin's was 2,200 square feet. The monthly rate was calculated for the Kedron Kroger shopping center was \$200.

Feldner noted that, in July 2004, the Georgia Supreme Court upheld a ruling by the Columbia County Superior Court regarding stormwater utility setup and implementation in Georgia using the Columbia County method. Feldner said they were using the Columbia County method and were working with the City Attorney.

Feldner continued that everyone would pay, including churches, the Board of Education, and the City. The City would be its own biggest customer since the City would pay for all the roads, the cart paths, and City properties. The City had annually been spending \$300,000-\$400,000 on stormwater services between Public Works and the Engineering Department. The City's bill would be in the low \$300,000 range, so there would not be an increase in stormwater costs for the City.

Rapson asked whether they were talking about hard costs, such as employees, or items in the PIP. McMullen said the City's cost now included items in the PIP, as well as reactive work and repairs done by Public Works. Rapson said the City would have to budget

\$340,000 per year for the stormwater fee. He asked how much money could be taken out of the PIP because the work would be done by the stormwater utility. McMullen said the City was spending about \$300,000 now. Feldner said the utility's three-man crew would do the work. If a second crew from Public Works had to be brought in, then the cost for that crew would be charged back to the stormwater utility.

Feldner addressed Step Four. He said the impervious surface data would be updated with new color aerial photography. He had been working with City staff on what needed to be obtained. The cost was built into the budget. The stormwater enterprise and rate ordinance would also be developed as part of Step Four. The ordinance would establish the separate accounting entity. The rate ordinance would set the user fee classes. A key aspect in the Columbia County case was to set up a mechanism to allow customers to seek a credit. On-site stormwater controls would reduce the burden on the City's system. The procedure to procure, and maintain, a stormwater credit would be clearly laid out. The master account file would be the individual customer bills. A customer service training manual would be developed and City employees would be trained. There would be a method for people to appeal their bills if they thought the bill was incorrect.

Feldner said they were looking at possibly issuing bills in early 2006. The 2006 date gave them plenty of time to get everything together. He said February 2006 would be the outside date to send out bills.

Rutherford noted that the Fayette County Water System did the billing for the City's Water and Sewer Authority (WASA). She suggested they might also be interested in the stormwater utility billing. Feldner said that option had been discussed with staff, but the County's Water System charged \$1 per bill that was sent out and might be cost prohibitive. Rapson said the City could create its own utility department and share billing with WASA.

Brown said there was a staff recommendation to approve the Step Four funding authorization at \$175,000. Rutherford moved to approve the Step Four funding. Rapson seconded. The motion carried unanimously.

Council/Staff Topics

Brown noted there was an additional document on the dais – an e-mail from Betsy Tyler to Mayor and Council dated November 1, 2004, with the subject "11/04 Council/Staff Topic –2005 Legislative Issues." Brown said this was the list of concerns Council sent to the Fayette County legislators on issues of concern to the City. One of the issues was for tiered licensing for neighborhood electric vehicles (NEVs). Brown noted that the Global Electric Motorcars (GEMs) were safer vehicles. According to state law, a person had to be licensed to drive either vehicle. Brown said the requirement to register the vehicles was being removed. He continued that a lot of seniors used golf carts as their primary form of transportation. Many were interested in GEMs since they had sealed doors and were more reliable in the winter. The Senior Adult Council supported the tiered licensing. Brown said the tiered licensing would be only for seniors, not teens. Kourajian said the list should also be prioritized. Weed asked how the list would be

prioritized. Brown suggested that staff look at prioritizing the issues first, then send that list to Council for feedback.

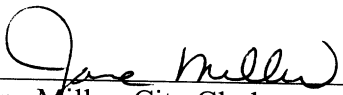
Brown said the five-minute video clip he made for COMCAST on the Special Purpose Local Option Sales Tax had been shown on the private channel owned by COMCAST, not on a government access channel. Brown said COMCAST wanted to have an equal time opportunity, and no government funds had been spent on the video. A COMCAST representative spoke with the City Attorney to ensure the video clip was not in violation of the City Attorney's opinion, which allowed Council to comment as individuals.

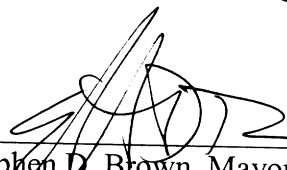
Rapson asked that a U.S. flag be placed on the GA 54 bridge. Administrative Services Director/City Clerk Jane Miller said there had been a flag on the bridge, but it had been stolen. Rapson said as long as the country was at war that he wanted to display a flag on the bridges.

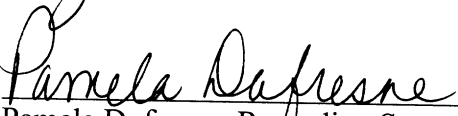
Rutherford moved to reconvene in executive session to discuss pending litigation and personnel issues. Rapson seconded. The motion carried unanimously.

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

There being no further business to discuss, Brown moved to adjourn the meeting. Rutherford seconded. The motion carried unanimously. The meeting adjourned at 9:06 p.m.


Jane Miller, City Clerk


Stephen D. Brown, Mayor


Pamela Dufresne, Recording Secretary