

City Council of Peachtree City
Minutes of Meeting
September 4, 1997
7:00 p.m.

The City Council of Peachtree City met in a regular session Thursday, September 4, 1997, at 7:00 p.m. in the City Hall Council Chambers.

Mayor Lenox led those attending in the pledge of allegiance. Council members present were: Robert Brooks, Jim Pace, Caroline Price and Annie McMenamin.

ADDITION OF AGENDA ITEMS

There were no added agenda items.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox presented a Proclamation to Kid's Day/America/International

Mayor Lenox presented Awards of Recognition to Richard Thompson, Opal Murray, and Joe Wassell for their service on the Commission on Children and Youth.

MINUTES

Pace made a motion to approve the minutes of the August 21, 1997 meeting as presented. McMenamin seconded the motion. Motion carried unanimously.

OLD AGENDA ITEMS

8-97-01 Accept Feenaghty Ethics Report

City Attorney Jim Webb addressed Council and said that the report had been presented at a previous Council meeting, but he felt it would be helpful to the public if he read the report before appropriate action was taken. A copy of the report is attached and made a part of these minutes herein. Webb said further he recommended this matter be closed with no further action. In addition, even though Mr. Feenaghty's allegations were somewhat ambiguous, the allegations could have been construed to have been particularly directed at Mayor Lenox and Councilmember McMenamin and recommended that Mayor Lenox and Councilmember McMenamin abstain from any vote or discussion regarding any action Council may elect to take based on his report.

Based on the recommendation of the City Attorney, Price made a motion to close the matter of the Feenaghty Ethics Complaint with no further action. Pace seconded the motion.

Brooks commented that despite the fact that some of the initial charges were somewhat vague, he felt it needed to be emphasized that the City Council, the Mayor and City staff always viewed these matters as extremely important and that all business of the City needed to be conducted in as ethical a manner as possible, not only in the way it was conducted, but also in the appearance. Brooks thanked City staff for cooperating and handling the matter in a very quick and prudent manner.

That being said, Brooks asked that all in favor of the motion, please signify by saying aye. Motion carried unanimously with McMenamin and Lenox abstaining.

NEW AGENDA ITEMS

9-97-01 Public Hearing - FY 98 Budget

Mayor Lenox said the request for Council to consider the FY 98 Budget would be conducted as a public hearing.

City Manager Jim Basinger addressed Council and said that the Public Hearing was the final step in the budgetary process which started some five months ago. During this period the Director of Financial Services and he met with the directors and chiefs on three separate occasions to develop the budget - line item by line item. Additionally, Mayor Lenox met with the directors and chiefs and conducted a line item review of the budget. Finally, on July 24 in a budget workshop, Council reviewed the budget with the directors and chiefs. Also, at the August 7 Council meeting, Council reviewed the 1998 Five Year Public Improvement Program. So there had been many hours of detailed review, planning and cutting to reach this point since the budgetary process started back in March.

Basinger said further that Council had met with each director and chief at a budget workshop on July 24, to review the operating budget for each department within the City and that it was a comprehensive, line item budget reviewed by Council. Basinger stated that staff was seeking approval for the comprehensive City budget which included both the Operating Budget and the budget for the Public Improvement Program and that there were no changes made by Council at the workshop on the operating budget. Since the workshop, there have been no material changes to the budget.

Additionally, at the Council meeting on the 1998 Public Improvement Program, Council had required staff to evaluate a piece of night vision equipment, referred to as a Thermal Imaging System, for the Fire Department that was recommended by a citizen for possible inclusion in this budget at a cost of \$25,000 per unit. Basinger said a memo from Volunteer Sam King of the Fire Department Equipment Committee had been provided regarding the status to-date of the

evaluation of the system. In essence, the Committee did recommend purchase of the system. Basinger advised, however, that there were several types of devices and the Committee had not determined at this time which device to recommend or in what quantity. In anticipation of a recommendation from the committee to purchase this equipment, funds for the system had been placed in the Public Improvement Program Contingency Fund, as noted on the chart which was also provided. Basinger said Chief Reed and Committee member Sam King were here tonight to answer any questions Council might have on the evaluation process to-date. Further, this item was the only change to the Public Improvement Program.

Basinger said, as reflected on the chart, the proposed budget totaled \$18,189,768 and was an 11.46 percent increase over the 1997 budget. However, if you excluded the funds repaid to the City that were loaned to WASA for the purchase of the Georgia Utilities Company, the total 1998 budget increase was 6.87 percent. This 6.87 percent increase was further impacted by several large carryover funds, which were reflected on the chart. Basinger asked that Council please note on the chart that the Operating Budget was set at \$9,160,616 and that he would have additional comments on the Operating Budget later in the presentation. Basinger stated further that the Public Improvement Program accounted for a large part of the budget and was set at \$2,178,803, and also included \$2,127,520 for rebudgeted projects from this year which had not been completed and that this was one of the carryover items referred to as having had a major impact on the percentage increase in the total budget. Another item which had the same impact was the \$1,173,078 in self insurance reserve funds that were being carried over. Further, one of Council's goals for many years had been to have one million dollars in the Self Insurance reserves. Basinger said from staff's perspective, it was certainly gratifying to have finally reached Council's goal of having a million dollars in the fund.

Basinger advised there were two other items of special interest on this chart. First, that the operating cash reserve was set at \$733,558. It was these funds that were carried over from year to year that kept us on a cash basis, particularly during the slow revenue period of November and most of December pending receipt of Ad Valorem Taxes. Basinger said the final item of interest on the chart was the Council Contingency Fund which totaled \$547,403. Basinger said normally, Council elected to supplement the fund with any additional Ad Valorem taxes that were above the budgeted amount.

Basinger explained that the key number to look at in his opinion was the increase in new money in the General Fund. As reflected on the chart, projected General Fund revenues totaled \$12,608,361 and represented a 5.88 percent increase over 1997 forecasted actual revenues. Basinger advised that Peachtree City's major sources of revenue continued to be Local Option Sales Taxes (or LOST funds) and Ad Valorem Property taxes. Basinger asked Council to please note that LOST was the largest source with a projected collection of \$4,158,913 in 1998 with Ad Valorem in second place at \$3,371,059. Basinger said there was a major increase in LOST revenues this year which resulted in a budget adjustment of \$750,000 and that allocation of these

funds were to be used to replace Leach Fire Station. These dollars accounted for the lions share of Public Improvement Program funds being carried over to 1998.

Basinger asked Council to look at the Operating Budget and review some of its key elements. The Operating Budget, which comprised all the Division budgets and totaled \$9,160,616, represented a 7.51 percent increase. Actually, when considering the self supporting recreation and court programs, the increase was 6.27 percent. The major part of this increase was for 10 additional positions at a cost of \$359,352. However, due to the elimination of one part-time and one full-time position plus a Fast Cop Federal Grant, the net impact on the budget for this year was \$150,863.

Additionally, at the workshop, Council expressed concern about the new Facilities Manager position which was being temporarily placed under Leisure Services at the Kedron Field House and Aquatics Center. After a number of meetings and discussions on this subject with the Director of Leisure Services and Public Services, staff had placed this position in the Public Services Division with initial emphasis being placed on support to the Field House and Aquatics Center. Additionally, some funds for professional services to assist in the development of a facilities maintenance program, and some funds for minor office renovations and furniture had been added to the Public Services Division budget to support this position

Another item of interest in the Operating Budget was that staff had projected a savings of \$67,822 in Communications costs based on consolidation of all communications throughout the County into the Consolidated Communications Center. Basinger said the City was now starting to reap some financial benefits from the consolidation.

Basinger said the key elements he had just discussed had been incorporated in the Operating Budget as reflected on the chart and that there were several additional charts that staff would like to share with Council containing information that could be of some interest.

Basinger explained that the first chart depicted the allocation of the Operating Budget among the various Divisions and to please note -- as expected -- that Public Safety Services received the lion's share of the dollars.

The next chart reflected the amount of the tax dollar that was spent by each Division. Also, Public Safety services received the most, and had spent 35 cents of each dollar, while Leisure Services spent 24 cents, Public Services 19 cents, Administrative Services 12, Developmental Services 6 cents and Financial Services 4 cents.

Basinger concluded his comments on the budget and thanked Council for their input and direction in helping to set priorities in the allocation of funds. He said he would also like to thank the Division Directors and the Police and Fire Chiefs for their cost conscious efforts during the

budgetary process. Basinger also thanked the Finance Director Steve Rapson, who did a yeoman job on the budget and deserved due credit.

Basinger advised that staff recommended approval of the proposed 1998 budget and stated that the staff was there to answer any questions.

Pace commented that the chart indicating the number of employees compared to the number of Peachtree City residents illustrates that Peachtree City had the fewest number of employees per number of citizens.

Price made a motion to accept the FY 98 Budget and the 5-Year Public Improvement Program as presented. McMenamin seconded the motion. Motion carried unanimously.

9-97-02 Appoint Planning Commission Member

Basinger addressed Council and said that the Selection Committee composed of Mayor Lenox, Councilmember Caroline Price, and he interviewed six (6) applicants for the vacancies on the Planning Commission and it was the recommendation of the committee that Mr. Willis J. Granger be appointed to serve a term from 10/1/97 through 9/30/00.

Basinger said the Selection Committee further recommended that Mr. Joe LoRe' be appointed to serve as an alternate to fill any vacancy which may occur during the next six month period.

McMenamin made a motion to accept the recommendation of appointments to the Planning Commission as stated. Brooks seconded the motion. Motion carried unanimously.

9-97-03 Dedication of Right-of-Way at Peachtree Parkway and GA 74 to DOT.

Basinger addressed Council and said that a request had been made to deed 0.068 acres of the North Parkway right-of-way to the Department of Transportation and that this small piece of land was actually in the intersection of GA 74 and Peachtree Parkway. The area would be the maintenance responsibility of DOT; however, DOT would only maintain property they own. Basinger said staff recommended that Council deed the 0.068 acres to DOT.

Price said she saw this as a housekeeping item and made a motion to approve the dedication of right-of-way at Peachtree Parkway and GA 74 to DOT and that the property be deeded to the Georgia DOT as requested. Brooks seconded the motion. Motion carried unanimously.

9-97-04 Consider Variance - 100 Fortress Drive

Lenox said this matter would be conducted as a public hearing and each side would be allowed equal opportunity to the floor and have ten minutes to present their case. During the presentation City Council would become hearers and no action was in order until the hearing was declared completed. The applicant and those supporting the issue would be heard first, those opposing the issue would be heard second and prior to closing the public input portion of the meeting, Council and any member of the public would be given the opportunity to ask questions of either or both sides and when he was assured that input was complete, the public hearing would be ended and Council would debate the issue in accordance with Roberts Rules of Order and reach a decision.

Lenox called the public hearing to order and stated that Mr. Galen Schlagel, who owned the property, was unable to attend to make the presentation.

Director of Developmental Services Jim Williams addressed Council and said Mr. Schlagel moved to Peachtree City fairly recently and bought a house at 100 Fortress Drive in Wynnmeade Subdivision. Williams stated the house was constructed in 1977 and it was not until Mr. Schlagel wanted to build a deck on the rear of the house and presented a survey to the Building Department that it was discovered the property encroached into the front building line area 1.7 feet. This had gone undetected for all those years and had caused no one in that neighborhood any problems; however, it was a violation one of the laws of the City. Mr. Schlagel filed for a variance to correct it. Williams said further this was not a zoning matter, it was a Land Development Ordinance matter in that the building line was separate from the zoning setbacks. Williams said the building line was established to try to get all the houses in a uniform distance back from the street and the house at 100 Fortress Drive did look like all the other homes and there was no noticeable difference. Williams advised that staff recommended approval of the variance request so that Mr. Schlagel could complete the deck and continue to improve his property.

Mr. Barber of 150 Wynnmeade spoke on behalf of the variance stating he had the same problem with his home and any improvements to the neighborhood were greatly appreciated.

Having no one to speak in opposition to the variance, Lenox called the public hearing to a close so that Council could make a decision.

Brooks made a motion to approve the variance requested by Mr. Galen G. Schlagel as described in the position paper. Pace seconded the motion. Motion carried unanimously.

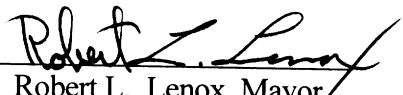
Lenox made a motion to adjourn the meeting into executive session to discuss an update on a lawsuit matter. Price seconded the motion. Motion carried unanimously.

EXECUTIVE SESSION

Brooks made a motion to authorize Mayor Lenox to sign a Sales Purchase Agreement to acquire real estate. McMenamain seconded the motion. Motion carried unanimously.

Brooks made a motion to authorize Mayor Lenox to sign a Sales Agreement to sell real estate.

Price made a motion to adjourn the meeting. McMenamain seconded the motion. Motion carried unanimously and the meeting adjourned at 9:20 p.m.

Attest: 
Robert L. Lenox, Mayor


Gloria Strobel, Acting City Clerk

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July 29, 1997

Mayor and Council
City of Peachtree City
151 Willowbend
Peachtree City, GA 30269

Re: Feenaghty Ethics Complaint

Dear Mayor Lenox and Council Members:

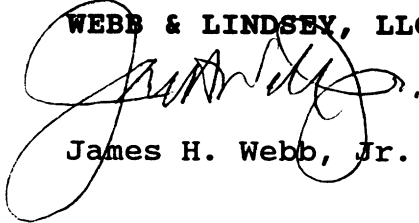
Mr. John Feenaghty previously filed an Ethics Complaint with the City questioning whether or not certain acts of the Mayor and Council were ethical. The Georgia Bureau of Investigation conducted an investigation and found no evidence whatsoever of illegal or unethical conduct. Our office has also investigated the allegations. I have likewise concluded that there is no evidence of unethical or even inappropriate conduct and that all of the Mayor and Council's actions were well within the law and ethical standards and were in the best interest of the citizens of the City of Peachtree City.

You might find it interesting to note that in spite of repeated requests Mr. Feenaghty would give me no evidence to support his allegations and was completely uncooperative in my investigation. His frivolous complaint cost the citizens \$1,300.80 in attorneys fees.

I recommend this matter be closed with no further action taken.

Sincerely,

WEBB & LINDSEY, LLC


James H. Webb, Jr.

JHWJR/rs