

City Council of Peachtree City
Minutes of Meeting
September 6, 2001
7:00 p.m.

The City Council of Peachtree City met in regular session on Thursday, September 6, 2001, 7:00 p.m., in the City Hall Council Chambers. Mayor Robert L. Lenox led those attending in the Pledge of Allegiance. Other Councilmembers present were: Carol Fritz, Annie McMenamin, Steve Rapson, and Dan Tennant.

Announcements, Awards, Special Recognition

Mayor Lenox presented a proclamation to VFW Post 9949 members Frank Hyde, Bob Konrad, and Bill Aleshire recognizing the post's status as an All-American Post and Hyde as an All-American Commander and "Mr. VFW" in Peachtree City. Lenox proclaimed September 15-October 15, 2001, as Hispanic Heritage Month with Martha McGlade translating the proclamation into Spanish. Lenox presented the Fayette County Public Safety Games winner's trophy to Corporal Blackburn and Corporal Jantosciak of the Peachtree City Police Department. The Fayette County Recreation Department hosted the annual event and teams from all the county's public safety agencies participated.

Lenox told the audience that the Council had decided to give each Council candidate two minutes to announce their candidacy during Council meetings. Frank Murphy announced he was a candidate for mayor. Other candidates would have the same opportunity at upcoming meetings.

Approval of Minutes

Rapson moved to table the minutes of the August 4 budget workshop. McMenamin seconded. The motion carried 4-0, with Tennant abstaining. McMenamin moved to approve the minutes of the August 16 regular meeting. Fritz seconded. The motion carried 4-0, with Tennant abstaining.

Consent Agenda

- Change in Alcohol Licensee – Pizza Hut
- Consider Alcohol Licensee – Don Pablo's
- Consider Appointments to the Planning Commission – Wes Saunders, Robert Buckley, Robert P. Learnard (alternate)
- Consider Amendments to the Soil and Sedimentation Ordinance

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

Old Agenda Items

- 08-01-04 **Public Hearing – Rezoning and Annexation Request – Wieland property, MacDuff Parkway**

— Lenox read the rules for public hearings and established a time limit of 30 minutes for each side. Dan Fields, the representative for John Wieland Homes and Neighborhoods, Inc., requested that an 80.65-acre tract, part of the Centennial subdivision, be annexed into the City and zoned GR-4 (General Residential-4). Fields said when they requested a rezoning from the Fayette County Board of Commissioners for the tract the Commissioners were concerned about safety since the county's only access to the parcel was through the city's property. His company felt the best way to handle the issue was to ask the City for annexation. Rezoning conditions on the adjacent property (approximately 100 acres located in the City) in the Centennial subdivision restricted the number of lots in the subdivision to 350 lots. Fields pointed out the tract was bordered by the City on the west, east, and south and the access to the property was via MacDuff Parkway. He said the developer intended to extend the road to the north end of the property to connect to another property in the county, owned by Pathways Communities.

Fields continued that the concept plan had been discussed with staff and critiqued by a number of people. Wieland Homes felt it was a very good plan that offered several different types of housing – town homes and homes with small yards. Fields said they felt there was a demand for this type of lifestyle, especially in Peachtree City where people could get on the cart paths and golf courses and would not be tied to maintaining their yards. The homeowners association would maintain the town home yards while homeowners would maintain the single-family homes with small yards. There were also larger lot sizes and homeowners would maintain those yards.

— Fields said the elevation of the school property was another issue. In the original rezoning, the school site was located on the southern boundary of the property and that site wouldn't work for the Board of Education. Fields said they had worked with the Board of Education for three months. They agreed to lower the elevation at the entrance to the new school to 870 feet so the site would work for the Board of Education. Fields added he received a letter from the Board of Education that day that said they were agreeable to the donated site.

— Staff also recommended some modifications to the Planning Commission recommendations. Fields addressed some of the modifications and asked for some changes. Under Modification #1 (Condition a of Staff Recommendations for Conditions of Approval, Proposed Annexation and Zoning, Wieland/Centennial Subdivision or Attachment G), Fields asked that the phrase "and it must be land that is acceptable to the Board" be struck from the conditions since a Board of Education representative was present at the meeting to accept the land. Fields added that the site would be consistent with what had been discussed with the school system over the last three months. Fields asked that #8 be amended from "The plan submitted as part of the annexation is illustrative only." Fields said they had worked with Wynnmeade residents after they expressed concern about the number of town homes located on the southwest boundary. The number of town homes was reduced from 65 to about 35, Fields said. It made for a better plan, he added. He continued that the plan had been critiqued and was acceptable to City staff as well as marketable for his company. He said it gave them a great concept plan and he realized they would have to appear before the Planning Commission to work out some details. Fields asked that the sentence be struck from the condition.

Tennant asked why the word "should" was highlighted in the modification to Condition a and asked why it wasn't "must be 20 acres." Fields explained that the school site north of the connector road was actually 22 acres, but the School Board did not want anything north of the wetlands area (Fields pointed the area out on the map) and that might be a little bit smaller than 20 acres. Fields said they didn't know how many acres it would be without the wetlands area yet. Fields said he would be happy to change "should be at least 20" to "must be at least 20 acres," but he said he would like for the Board of Education to accept what was shown on the plat in excess of 20 acres. Lenox asked Developmental Services Director Jim Williams if staff recommended the change to prevent the site being less than 20 acres. Williams commented that the site might actually work out to be a little less than 20 acres, but that staff's primary concern was that the site met the needs of the Board of Education. Tennant asked why not just make it 19 acres. Fritz suggested the condition read, "meets the needs of the School Board." She said if the school board was happy with the site, then they shouldn't quibble over the numbers. Rapson commented that it was just semantics and suggested asking Mike Satterfield, the Board of Education representative attending the meeting, what was acceptable. Rapson added that he didn't see the difference between "must" or "should" since both words implied a minimum of 20 acres. Rapson and Lenox both expressed concern that the word "must" forced the Board of Education to accept the wetlands area they did not want. Council agreed to leave the modification alone.

Lenox asked Fields about his objection to modification #8. Fields told Council he would like to tell Planning Commission the plan had been looked at by Council, by the County Commission, and by the staff, and was a plan that was consistent with what they would like to see in Centennial Place. Lenox commented that the plan wasn't illustrative, but was substantially the plan the developer planned to build. Fields said that was correct. Lenox stated that was an important point, because Council didn't want it to be an illustrative plan. Council wanted some concrete assurances that what they saw, subject to the usual modifications by the staff and Planning Commission, was substantially the plan. Fields pointed out that a fire station site had been added. He said that had been important to Council and to the developer as well. The fire station site was located across from the school site and would be donated as part of the initial phase, Fields said. The fire station would be a plus to Centennial and Wynnmeade. McMenamin asked if there was a problem with that being one of the conditions. Fields said it was part of the staff recommendations.

Rapson asked if the annexation were approved, would it include the conditions as well as the caveats. Fields went over the two changes the developer wanted to see in the conditions. The first was to modify item #1 of staff recommendations to strike the words "must be acceptable to the board." Fields added that Council would hear from the Board of Education during the meeting that the school site was acceptable. Fields also asked that the phrasing of #8 be changed. City Attorney Rick Lindsey suggested #8 be re-phrased to read "The plan submitted as part of the annexation request shall be developed substantially as shown to Council this evening." Council agreed with the phrasing. Rapson pointed out that Condition (h) included deed covenants about rentals and asked Fields if he was agreeing to that as well. Fields said yes. McMenamin asked Williams if he was comfortable with the changes to #8. Williams commented that the revisions were fine and that everyone was on the same wavelength.

— Rapson asked Williams to go through the steps required for the annexation. Williams answered that, if the annexation was approved as recommended, the land would be zoned GR-4, which was the same as the adjoining land and was reasonably consistent with the zoning on the Wynnmeade adjacent property. The role of the Planning Commission would be to look at the 80 acres and approve the concept plat for the subdivision portion in whatever phases the developer brought in. After the Planning Commission approved the phases, the construction drawings would be approved by the Planning Commission and the City Engineer. Then construction would take place and a final plat would be recorded. This was the last time Council would see the plans unless there was a drastic difference of opinion, Williams said.

Tennant asked if the School Board was going to announce the school site was acceptable, why the developer wanted the phrase taken out. Fields said they had gone through the site selection for a year and they wanted to know tonight that it was acceptable. Fields, and Lenox, agreed that the phrase became academic at that point.

— Mike Satterfield, facilities manager for Fayette County Schools, told Council the wetlands area posed a problem for the school system. In addition, there was a high area they were concerned might have rock in it and there was also a great difference in elevation from the wetlands area to the northern part of the property. Satterfield said the property didn't look good from a grading standpoint and was somewhat narrow. What had been presented to them was about 22 acres, Satterfield said (he pointed the area out on the map). Satterfield said there had also a road planned south of the wetlands area that connected to the future Wynnmeade expansion on the north side, as well as an acre that would come out for a fire station. After calculating all of that, the school system's engineering firm came up with a figure of 15 to 16 usable acres. The school system discussed the matter with City staff and with John Wieland Homes. One of the suggestions made was to move the road to the southern edge and move the fire station to the east side of the road. Those things helped out, Satterfield said. Now, the school board had a few options on using their elementary plan on the site. It was still not a balanced site and dirt would probably have to be brought in, he continued. Satterfield pointed to a small, triangular-shaped piece of land located north of the wetlands and stated the school system did not want that portion of the site. The Board of Education did not want to be responsible for maintaining the small parcel, especially after the area upstream was developed and there would be problems with sediment. He suggested the centerline of the wetlands area be the dividing line for the property and that the developer be responsible for that small piece of land. Doing that would bring the size of the site down to 18½ or 19½ acres, but that was all right with the school system, Satterfield said. The prototype plan worked well on the school site and the Board of Education was comfortable with the site. Satterfield thanked staff for their assistance and added that when there was a stumbling block, Williams gave suggestions that worked out. The geotechnical reports looked good so far, he continued. The Board of Education authorized him to tell Council the Board of Education would accept the site if John Wieland Homes donated it, Satterfield said.

— Rapson asked what would happen with the sliver of land the school didn't want, and if it would be donated to the City. Williams answered that was his suggestion and arrangements would be made to give it to the Board of Education if the schools ever needed it.

— Lenox commented that the timing was uncertain as to when the school board might build a school on the site. He asked if it was a permanent donation. Fields said they would make the donation as they would anywhere else that if the school wasn't built in a certain period of time the land would revert back to the developer. Fields pointed out that was important for two reasons. One was that it would get the school built so the developer benefited from the donation. The other reason was control over what would happen to the site if the school didn't go there. The County had requested the school site remain green, or open space. Fields stated the developer's intention was not to come back and ask for more than 350 lots. Rapson said, if there would be a time constraint on the school board, they needed to consider what would happen after that time. He said he felt the site should revert back to the City as green space. Lenox commented that having a neighborhood school was not only good design, but also it added to the value of the neighborhood. Wieland was taking a certain risk with the donation because there was no guarantee the school would be built before the houses. Lenox stated that Council's long-term intention was this would not be a developed site. He said every school site in Peachtree City had had a reversion clause and the question was how long and to whom the property reverted. He agreed with Rapson that somehow the reversion ought to be to the City as passive green space and it would be the City's responsibility to develop it so the neighborhood could utilize it. That would give the property some value and it would still be available if the Board of Education ever needed it.

— Rapson had questions for the City Attorney. He asked Lindsey about the County's opposition and stipulations regarding the annexation, which included a commitment for no more than 350 homes and the school donation, and if that put the City into mediation with the County. Lenox said that needed to be clarified and reported he had received phone calls from two County Commissioners who told him that at the original meeting two weeks ago, the Commissioners approved the annexation without reservations. He added that was what the minutes said and the vote reflected. They asked that their concerns be transmitted to Council with the request that Council do what was appropriate to make sure the issue was addressed, but left it to Council's discretion. Rapson said he was referring to the letter the City received from Greg Dunn, the Commission chairman. Lenox commented he couldn't get into details, but that the letter had not sat well with other members of the Commission. Rapson said he understood, but it was the only information he had from the elected official in charge. He said it became a legal question for the City Attorney. Lindsey said he needed to know exactly what was passed by the County Commission. Lenox said the County Commission chairman advised him in response to the Mayor's letter, and it was discussed at the Commission's September 5 meeting, that the City had done everything it needed to do relative to the County. Lenox said he was satisfied that the City had done everything they needed to do relative to the County.

— Fields said the intention was for the property to revert to open space. He said he couldn't answer whether the property should go to the City or to a land trust yet. A land trust might offer the developer tax benefits and protect the site, he continued. The overall intent was for the property to stay open space, whether the ownership was with the developer, the homeowners' association, or a land trust, Fields said. Lenox asked Williams if that was an issue that could be resolved by the Planning Commission as part of their process. Williams said it could be, but his preference was for Council to resolve the issue. Williams added that what Fields was suggesting was what staff would recommend. He said the City didn't need to get into the issue of ownership, but did

need to guarantee that the property wouldn't be subdivided for more houses. As long as Fields was ready to commit to some type of open space, whether owned by the City, homeowners' association, or a land trust, that should be enough for the County, Williams said. He added he was optimistic a school would be on the site within a couple of years. McMenamin asked Fields to clarify whether he meant the school had to be completed within five years or underway in five years. Fields said he meant construction should be started within five years.

Rapson expressed concern that Council was dictating another entity's time schedule and asked Satterfield if it should be seven to 10 years. Satterfield reminded Council that during the bond issue the Board of Education committed to building three elementary schools at a cost of \$10 million each and one high school, at a cost of \$30 million, over a four-year period. Ground had been broken for two of the elementary schools, one on Lester Road and one on 85 South, and the school system was trying to obtain land for the third elementary school. The board hadn't yet made a decision on whether this would be the third elementary school, if Council approves the annexation, or if it would be located between Kedron, Tyrone, and Burch Elementary to alleviate the growth in that area. The school system was looking at property in the Dogwood area, but nothing had been finalized, Satterfield said. Satterfield said he had a hard time agreeing to a five-year stipulation, especially if the Board of Education decided to build the school in the Tyrone area. The current building program wasn't scheduled for completion until 2004. By then the cost of the \$10 million elementary schools could increase by \$1 million or \$2 million and the Board of Education would have to find the money either by going back to the voters for a bond issue or by going to the state for growth funds for a fourth elementary school. He stated he couldn't tell Council the Board of Education would have the funds for a fourth elementary school and the question would have to go back to the Board of Education.

Lenox said he appreciated the problem and understood Wieland was ready to donate the land as long as the mechanism to do so preserved the developer's tax benefits. He continued that it seemed that with staff's help it could be worked out so all parties were satisfied. If Wieland wanted a five-year reversion clause, then there might be a way to work out that it would remain green space for another five years, then would become a school site again. He said as long as they agreed on intent, the actuality wasn't that difficult to achieve. Satterfield said 1,500 homes would be built there in the next few years and they would all be zoned to Peachtree City Elementary. He said something would have to be done; he just wasn't at liberty to discuss it.

Lenox opened the floor to anyone who wanted to speak in favor of the annexation. Steve Brown commented that anything that promoted senior housing in the area was positive. He added that would be the "best case" scenario in terms of traffic and schools. He said Wieland had already given a lot of on the project and had given a lot a land for the fire station and the school, as well as the 20% policy on rental agreements. He added he would like to see that in the North Wynnmeade project, too. Brown said there was a rental erosion problem going on there and this would stem the tide. It was a solid project and was great for the area, Brown said. Tennant asked Brown why he felt it would be an area for seniors. Brown replied that the project was designed for seniors and would be marketed to seniors. He said it was a hot market and that homes for seniors could not be built fast enough.

Tennant asked Fields to explain the "senior" aspect of the project. Fields answered that any time a maintenance-free lifestyle, such as large houses with small yards or an association that provided the yard work, was offered it attracted retirees. Tennant asked Fields if he would be willing to restrict the development to ages 55 and up in the covenant. Fields said no, since that type of lifestyle would also attract young professionals. A multi-generational subdivision was what they were looking for. Fields explained that seniors liked to have their space, but at the same time be part of a bigger neighborhood. The issue was whether the annexation would affect the schools one way or the other and Fields said the answer was no. He said they were asking for 350 units and the school system would get an acceptable school site. There was no change in density. The City would collect taxes and provide the services it would have to have provided anyway, Fields continued. The school site would help mitigate the effect on the school system. Fields asked Council to consider that when they made their decision and approve the suggested modifications.

Williams addressed Council and said the main points he wanted to make had already been made. The Planning Commission recommended approval, the County Commissioners felt annexation was the best thing, and the County's concerns had been addressed during the meeting. Staff felt it was a pretty good project and recommended approval, Williams said.

Frank Murphy asked if there was any access to Highway 74 on the north side of the property. Lenox answered not until Pathway Communities developed the property north of the area. Another citizen asked how much further MacDuff Parkway had to go before connecting with Highway 74. Lenox added the connection to Highway 74 was at the cable television facility. The distance was about $\frac{3}{4}$ mile. Citizens asked several question regarding the distance of MacDuff Parkway. Lenox said the goal was for MacDuff Parkway to come out at the cable television facility with a signal at the intersection, but added that the timing was out of the City's control.

Lenox asked if anyone would like to speak in opposition to the annexation and zoning or if anyone had further questions. Several citizens made comments from the floor and did not go to the microphone.

Satterfield pointed out in response to one of the citizen comments that MacDuff Parkway wasn't the only access to the school. He said the old Wynnmeade entrance was still there as a right-in, right-out only. He added that the Board of Education had also been concerned there would be only one entrance and way out.

Rapson asked how many stories the town homes would be. Fields answered two stories with some basements. Fields also pointed out that the covenants on the property were state-of-the-art covenants and would not run out.

The closest school to the area would be Peachtree City Elementary School, Lenox said. Satterfield said every elementary school in the County, with the exception of North Fayette, was already over capacity. In response to a resident's question, he said it wouldn't be a problem with a school on the proposed site being too close to other schools since they were already over capacity.

After a discussion as to whether to use the word "must" or "shall" donate 20 acres of land for a school site, Fields suggested the phrase be changed to "shall donate approximately 19 acres," instead of "at least 20 acres." Fields said it could be 18.5 or maybe 19.5 acres, but it would be up to the centerline of the creek. Lenox suggested, "it shall be 19 acres, more or less, as suitable for the development of a school."

Fire Chief Stony Lohr informed Council that the distance from the end of MacDuff Parkway to the AT&T cable facility was 1.2 miles.

Lenox called the public hearing to a close. Rapson recapped the discussion and said he felt green space should be controlled by the City. He said he would rather do that so, if the school system didn't use the site within the specified time period, the City would be able to donate the site back to the schools at a later time. Fritz felt it wasn't right and asked a lot of the property owners to narrow their choices. She pointed out that things could change in the next five years and another device would be available to accomplish the same goal. Fields said that under the governor's plan, the developer wouldn't get credit if the site were given to a city. There were more teeth in preserving it if the land was dedicated to a land trust. The intent was to keep the site open. If the school didn't want the site, it wouldn't matter who owned as long as it was restricted in perpetuity. To accomplish that, the developer would get more credit if the land were donated to a homeowners' association or to a land trust. Rapson expressed concern that, if the site were donated to the Greenspace Program, Council would be limited in future decision as to what could be done. He pointed out that if, in 20 years, the Board of Education wanted to build a school there it couldn't because of the limitations of the agreement. McMenamin stated the site wasn't being donated to the City in the first place and that she had a problem saying the City would be the owner of the property. Tennant said Council just wanted to be absolutely certain there wouldn't be a lousy break on that land one day and that a trust made the most sense. Fields said ownership wasn't the issue as much as getting to the point where the land would remain open space. He added they didn't want to see the site clear cut and used for ball fields.

Fritz asked Fields how long it would take to build out the project. Fields replied five to eight years. Fritz said she was concerned about restricting the Board of Education to such a tight time limit. Fields said he was willing to go seven years. Lenox said there were means to solve the problem, but not at the meeting. Williams suggested an easy solution from a real estate standpoint. The land would be donated to the Board of Education for a school. If not, then the land would revert to a trust for open space. It would be donated to the trust on the condition that it would be used for a school. If not used for a school, then the land would become open green space.

Lenox moved that the annexation be approved with the area being annexed to be zoned GR-4 with the following conditions: 1. Subject to all of the recommendations as revised by staff and presented here and agreed to by the applicant tonight; 2. That it was Council's intention, in perpetuity, that no more than 350 units will be permitted; 3. That specifically the plan was a substantial representation of what will ultimately be developed subject to Planning Commission's input; 4. That the 20-acre school site shall, in perpetuity, be either a school site or open space and that the mechanism for meeting the requirements of the developer, the school

board, and the City shall be worked out by those parties and returned to Council for approval at the convenience of the parties. Tennant asked that the motion be clarified to no more than 350 units on the entire combined parcel. McMenamin seconded.

Tennant asked if, based on the letter the City received from the county, the City would have any trouble. Lindsey commented that, based on what he understood, the letter was not an accurate reflection of what the County Commission passed. The State said the County had the right to review the annexation request and the City had addressed the issues even if the letter was not accurate. Rapson pointed out the motion addressed both points. Lenox said he spoke to Dunn after the Commission meeting on Wednesday and Dunn told him there was no objection to the annexation itself and he felt the City had complied with the annexation resolution process. It was the first annexation to go forward since the review requirement was established and there was a certain amount of groping to make sure things were done in compliance, he said. Lindsey said there were administrative notifications involved and a lot of work to be done if the annexation was approved.

Citizens who did not use the microphone asked more questions from the floor. Fields said the homes in the project would sell in the high \$100,000 range. In response to a citizen question regarding future growth, Lenox said that another 350 acres or so north of the Wieland property was located in the County and was zoned for two-acre lots. Everything in the City had been planned for years and the Board of Education was aware of those plans, Lenox said. Satterfield commented that developers had donated a number of school sites and the school system would continue to provide schools appropriately. He said the Board of Education was currently pursuing property for a new high school and was seeking property in areas of growth. In answer to another question, Lenox said the City's master plan began in 1958 and the last major revision was in 1972. The original population was to have been 80,000 on 15,500 acres of land. The current population is 34,000, give or take 500, and the City was now 95% built out. The final population would be less than 40,000 people. The estimated population was 50,000 when Lenox took office 10 years ago, he said. Lenox pointed out that a lot of the problems the County was facing now were not of the County's making, but because of those around the County who did not plan as well. The motion carried unanimously.

01-01-10 Adoption of Charter Revisions and Administrative Ordinances

Lindsey told Council there had been no changes other than in Section 2.19 where "elected" was changed to "appointed." Other than moving a couple of the ordinances, the charter revisions and administrative ordinances were as presented at the last meeting and ready for consideration. He recommended Council consider the charter separately then adopt the ordinances as a group, as they do the consent agenda.

McMenamin said Council had gone over and over everything and moved that Council approve the charter and charter revisions. Fritz seconded.

Tennant pointed out Section 2.7, page 4, concerning the election of councilmembers. He said he did not have an answer, but was moved by a letter to the editor from the former City Clerk about the legitimacy of declaring posts. Lindsey said the City process was absolutely legal. The letter

suggested the two top vote getters be the Councilmembers without anyone needing to receive a majority of the votes. Lindsey said that could be done, but it was an issue that had to be adopted by the General Assembly and the Council did not have the power to change state law. Home Rule powers didn't extend to cities regarding the way the posts were held and changing the charter for elections. Lindsey said the City had done that in 1992 when the City changed the terms from two to four years and imposed term limits. He said the option could be considered and suggested the decision be made before the first part of February because it would have to go to the General Assembly. Any type of charter change that affected the form of government had to go to the General Assembly, Lindsey stated. A resolution regarding the change must be sent to the General Assembly, which must pass it, and that usually happened, he added. Lenox said that everything they did the last time clearly moved away from the plurality system and now no one could be elected to office in the City unless they received 50% of the vote. Lenox said he was elected mayor the first time with less than 50% of the vote and there were three candidates. Tennant said he didn't have a good solution, but felt it was a compelling argument. Lenox said the primary risk he saw was that, with two seats open and six or seven candidates, the top vote getters could win the election with 15% of the vote. Lindsey said that was more the parliamentary way of voting. Tennant said he thought it would be an interesting discussion. Lenox repeated the motion on the floor to approve Ordinance 770, the charter. The motion carried unanimously.

Lindsey said he also needed a motion to give him the authority to present the charter to the City's elected representatives who will present it to the General Assembly at its next session in January. McMenamin moved to do so. Fritz second. The motion carried unanimously.

McMenamin moved to approve the administrative ordinances. Tennant seconded. The motion carried unanimously.

08-01-06 Adoption of FY 2002 Budget

City Manager Jim Basinger commented that getting the budget ready had been a long and arduous, but very productive, process that resulted in the absolute minimum increase. The FY 2002 budget totaled \$29 million, including \$3.5 million in carryover funds from previously funded projects and \$2.7 million in cash reserves. Increasing the cash reserve fund was a major goal of Council and staff. Funding the cash reserve was fiscally prudent and Council was moving in the right direction for the years ahead. Basinger continued that the operating budget for FY 2002 was \$14.2 million, an increase of 5.74% over this year's budget. The increase included \$100,000 to fund an early retirement program for Public Safety employees. The budget was limited to one full-time and one part-time new employee positions. The Council Contingency Fund was reduced from \$700,000 to \$550,000. In the area of Self-Insurance, the unrestricted self-insurance fund was funded at \$1.1 million. The staff was currently evaluating bids from insurance companies for employee health insurance. Staff would bring those bids before Council in the immediate future. The Public Improvement Program (PIP) totaled almost \$3.8 million in new appropriations. Major items included a \$600,000 fire ladder truck, a payment of \$470,000 towards the purchase of Drake Field, and just over \$650,000 for the maintenance of streets and cart paths throughout the City. A key change in the financing of the PIP was the use of the GMA Bricks & Mortar Program for some of the facility and equipment

purchases. Basinger pointed out that was a change in Council policy of paying cash for facilities and equipment and meant that future residents who benefited from the facilities would share in the cost of them.

Basinger continued that staff projected just over \$18.1 million in general fund revenues, an increase of 11.21% over this year's projected revenues. The increase was conditioned upon Council's decision to increase the ad valorem property tax rate from 3.84 mills to 4.35 mills, an increase of .51 mills, or 13.28%. However, Basinger said upon receipt of the tax digest from the tax commissioner's office, it appeared that \$40,000 more than projected in the budget would be generated in revenues. The increase would allow Council to reduce the recommended millage rate from 4.35 to 4.31 mills if Council decided to do so, Basinger said. Staff recommended that Council take that action at the public hearings on the tax digest on September 20 at 9 a.m. and 6:30 p.m. and on September 27 at 9 a.m. Basinger said staff recommended Council approve the FY 2002 budget by approving the budget resolution.

Rapson stated that everyone knew where he stood. He agreed the millage was headed in the right direction and was in favor of that, but he said he would still vote against the budget because he did not think the property tax needed to be increased.

Lenox moved that Council adopt the FY 2002 budget resolution. McMenamin seconded. Tennant commented that he had not been able to attend the budget workshops and public hearing, but he agreed with Rapson and could not support the budget for the same reasons. The motion carried 3-2 with Rapson and Tennant against the motion.

New Agenda Items

- 09-01-01 Consider Amendment to the Golf Cart Ordinance**
- **Allowing 12, 13, and 14-Year Olds to Drive Golf Cart When
Accompanied by Their Grandparents**
- **Requiring Golf Cart Insurance**

Tennant said he and McMenamin received an e-mail from Mr. and Mrs. Gabby, who asked Council to consider changing the Golf Cart Ordinance to allow 12, 13, and 14 year olds to drive a golf cart when accompanied by their grandparents. He continued that he was happy with the way the ordinance had been drafted. He said he had no problem accommodating grandparents.

McMenamin said she understood the request, but added the golf cart ordinance did not happen overnight. Many meetings and hours were spent on it, and she said if she considered any change it would be to tighten the ordinance and make it tougher. She was not interested in any changes to the ordinance without input from the police and citizens. She moved that Council not approve any changes to the golf cart ordinance. Fritz seconded.

Fritz said that she had researched the insurance question and found it was very complicated and opened a whole new can of worms. Unless there was a lot of research into the matter, she wasn't interested in changing the ordinance and would rather toughen it. Lenox pointed out that only two officials present had served in 1994 or 1995 when the ordinance was drafted. Hours were

spent on the topic, including this subject, Lenox said. One of the reasons a license wasn't required to drive a golf cart, residents were required to be 16, was because there were seniors who couldn't get a driver's license who drove golf carts. Lenox said he was sympathetic to grandparents, but was against tinkering with the ordinance after all the hours spent on it.

Rapson felt it was something to look at and suggested forming a committee to do so. He said there was now a lot of history on the cart paths. He said he was thinking about the grandmother who could not see, but whose 12 year-old grandchild could. The change would allow them to hop on a golf cart and go where they needed. He said he was opposed to the ordinance change, but not to forming a committee to look at it.

McMenamin said unless there was a tremendous outpouring from the citizenship to change it and there was some demand to spend the time and money, she was against it. She added even though the staff was salaried, spending time on this took them away from other things. Rapson asked if something could be put in the Update to get feedback. McMenamin commented that her 11 year-old granddaughter asked if she could drive the golf cart this weekend, and McMenamin told her no and that it was against the law, and she used the law as a crutch. If the law were changed, she would have a hard time saying no next year. She added it was very difficult for a grandparent to say no to a grandchild. McMenamin said if she took responsibility for her grandchild and the grandchild fell off the golf cart, she would never see that grandchild again. She said, personally, she would rather not have that flexibility. Fritz stated it was a personal issue, but it was also much broader than that. McMenamin agreed there was a liability issue as well, especially if the grandparent didn't have a driver's license as well.

Tennant said he gave it a great deal of thought and felt it was an issue that came down to civil liberties. He asked if the government or a grandparent should make the decision. He said, in his opinion, the grandparent should decide. He said he would be disappointed to see Council turn it back. A lot of grandparents lived in the community, Tennant said. Fritz agreed, but said many of them didn't know the laws and that was another issue. Tennant felt grandparents had enough judgment to make decisions for themselves. McMenamin suggested making the age limit 14, because she didn't think a 12 year-old should be driving a golf cart. She added she was very comfortable with the ordinance as it was. Rapson asked Lindsey exactly what was changed in the proposed amendment. Lindsey said only the word "grandparent" was added. Rapson said the grandparent he was worried about was the one who didn't, or couldn't, get a valid Georgia driver's license. Lenox called for the vote. The motion carried 4-1 with Tennant voting against the motion.

Council/Staff Topics

McMenamin asked staff to pull the lease between the Southern Conservation Trust and City Development Authority for the old Recreation Department building. She asked staff to check the lease and see if a notice of termination needed to be sent so an agreement could be worked out between the SCT and the Development Authority regarding use of the building. If shared usage was the intent, then an agreement needed to be written between the entities.

Lenox reminded those attending the meeting about the memorial service for former Mayor Howard Morgan on Saturday, September 8, 10 a.m., at First Presbyterian Church.

Rapson stated that he worked downtown and would not be able to attend all of the special called meetings on the millage rate. Rapson said he wanted to publicly say he was aware of the early meetings and wasn't missing the meetings because he was against the tax increase. Lenox added that the meetings were on a really tight schedule and asked Council to let the City Manager know if they couldn't attend.

Fritz announced that GMA was holding a conference in Peachtree City in August 2002 at the Wyndham Peachtree Conference Center.

Lenox moved to take a recess and reconvene in executive session to discuss a personnel matter. Rapson seconded. The motion carried unanimously.

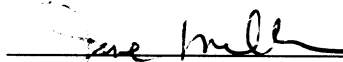
Executive Session

Council discussed a personnel matter. No action was taken.

McMenamin moved to adjourn the meeting. Fritz seconded. The motion carried unanimously.

There being no further business to discuss, the meeting adjourned at 10:00 p.m.


Attest: Robert L. Lenox, Mayor


Jane Miller, City Clerk