

**City of Peachtree City
Minutes of Meeting
September 4, 2003
7:00 p.m.**

The City Council of Peachtree City met Thursday, September 4, 2003, 7:00 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Annie McMenamin, Steve Rapson, Dan Tennant, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown proclaimed September as National Drug and Alcohol Addiction Recovery Month.

Approval of Minutes

Tennant moved to approve the July 24, 2003, budget workshop minutes as amended. Weed seconded. The motion carried unanimously.

Rapson moved to approve the August 7, 2003, regular meeting minutes as amended. Weed seconded. The motion carried unanimously.

McMenamin moved to approve the August 11, 2003, budget workshop minutes as amended. Rapson seconded. The motion carried unanimously.

Monthly Reports

Brown noted several upcoming events – Great Georgia Air Show, September 6-7; Election Qualifying, 8:30 a.m. on September 8 through 4:30 p.m. on September 12; Shakerag Arts & Crafts Festival, September 20-21; Alzheimer's Memory Walk, October 11; Great Chili Challenge, October 25; 4 Nights in October 2-5; Light the Night Walk, October 4.

Consent Agenda

- 1. Adopt Amendment to GMEBS Retirement Plan to Comply with Changes in Federal Law**
- 2. Consider Revisions to CAR 9-4, Budgetary Policies**

Weed moved to approve the Consent Agenda. Tennant seconded. The motion carried unanimously.

Old Agenda Items

08-03-02 Request for Exception to Golf Cart Ordinance (Motorized Scooter)

Jim Born, the citizen who requested the exception, did not attend the meeting. City Manager Bernard McMullen reported that staff had looked at the request and he had discussed the request with Police Chief Jim Murray and City Attorney Ted Meeker. McMullen pointed out there were concerns for safety and with the mixed uses currently authorized by the ordinance. He noted the vehicle could be used on and off the paths, which presented more concerns. Staff's recommendation was that Council not approve the request.

Weed clarified that Mr. Born asked for an exception to the ordinance. He noted there was no provision in the ordinance for a variance from it. Council could not grant a variance. He said if Council were to follow staff's advice, then Council would take no action. McMullen said yes.

Brown said he had visited the business that was selling the scooters. Brown asked McMullen if staff had spoken with local businesses regarding the scooters so they could inform purchasers. McMullen said he had spoken to the store manager. Brown continued that there was also a three-wheeled version of the scooter, similar to an electric wheelchair, that might have uses for the senior and handicapped population. He said the three-wheeled version was much more sedate and might be something to consider in the future.

McMenamin noted that once Council allowed an exception for one person, then it pretty much opened it up for anybody to use a similar vehicle. She expressed concern about discrimination. Weed said they could possibly make some exceptions, but those exceptions had to be objective and would require findings for support. Brown noted that something related to Americans with Disabilities guidelines could be considered.

Rapson said Council did not want to send mixed signals. He pointed out that there was an exception in the ordinance, Section 78, 94-8, for electric and conventional wheelchairs, but electric and gas scooters were specifically prohibited in Section 78, 95-9. Until a change was made to the ordinance, the scooters would be prohibited. He said he concurred with staff's recommendation.

McMenamin said staff had made a good case. Meeker said no action by Council was appropriate.

Brown asked McMullen if scooters were considered two or three-wheeled vehicles. McMullen said two-wheeled. Brown said that three-wheels were not classified as a scooter. Rapson pointed out that scooters were not defined in the ordinance. Weed said it was appropriate to use the dictionary's definition if there was not a specific definition in the ordinance.

New Agenda Items

09-03-01 Consider Drainage Issue – Creekside Way

Jackie Davis, owner of the property at 501 Creekside Way, addressed Council. She said she and her husband discovered two culverts on Ebenezer Road near their back property line that were not properly installed. The water from the culverts emptied onto the greenbelt, then directly onto their property. She said they had asked the City to connect the pipes properly and had not asked for damages. Davis also had photos of the area for Council.

Davis continued that Public Works Director Bobby Thompson had visited their property in February to look at the problem and told them the City would take care of it in two to

three months. In June, Thompson informed the Davises the matter was out of his hands and had been turned over to City Engineer Troy Besseche. Besseche visited the property and issued a report, which the Davises received on June 13.

Davis said they disagreed with Besseche's report. Davis said Besseche wrote in the report that he supported the idea of continuing to allow the runoff across the Davis property. Besseche wrote the erosion on the property was attributed to natural erosion. Davis said they felt the pertinent facts of their property were not stated properly or were omitted. She said the report should have been neutral. Davis said if a report was needed it should have been about the culverts, which were running additional water to their property.

Davis said they contacted the City Manager and requested a meeting along with Council Member McMenamin on June 17. Temporary Interim Operations Manager Colin Halterman also attended the meeting at the Davis' home. McMenamin had recommended the problem be taken care of as soon as possible. On June 18, the Davises met with Mayor Brown, who said their problem was a bad mistake made by the City and the City would take care of it right away. She said that they received a copy of the bid for the work in July. They attended the July 24 budget workshop and discussed the matter with Council.

Davis told Council that they were now totally confused and concerned. For the first five months, they were advised this was a City problem and would be taken care of. Besseche's report appeared to have changed the position of the prior officials. Davis said they were asking Council to approve the funds for the project.

Brown addressed the City Engineer's report and said they had talked about the natural flow of the water, which went with the grade of the land. The Davis property was downhill. Brown noted that, when the water was channeled into a 20-inch to 26-inch culvert that ran under the street, the velocity changed and the water was concentrated, and he did not consider that a natural flow. He felt the Davises had a legitimate situation. Mr. Davis said they realized they lived in a drainage basin. Mrs. Davis added the water coming across Ebenezer Road was also a problem.

Chuck Pinkston addressed Council concerning the drainage/siltation problem within the Bridlepath area. Pinkston told Council he thought he had an agreement, then all of a sudden there was no money and nothing was being done.

Pinkston continued it had taken the City of Griffin five years to set up its stormwater utility and that Besseche said it would take over \$5.9 million to set up the stormwater utility for the City. Pinkston said the area needed to be cleaned up and the project was unfunded through 2005. He noted the project had been funded in 2002 for \$75,000 and that former City Manager Jim Basinger had said at Retreat not to take the funding away, but the money was cut.

Brown agreed there was a significant problem. He pointed out that the Griffin stormwater utility was a prototype. No one had done it before and the experts were now aware of what worked and what did not. A recent court decision from Columbia County upheld the fee structure for a stormwater utility. He said the process would be faster now.

Pinkston said he thought the Bridlepath problem was a separate issue from drainage. The problem had been there since 1959, when the area was originally plotted. The area should be maintained as the City ordinances required.

Brown said the problems had been around for decades and no one had ever said to go out and tackle the problem. There had been a band-aid approach to projects. The City was currently having a feasibility study done for the site and was applying for the appropriate permits. The \$75,000 that had been cut from the budget for Bridlepath would not touch what had to be done. He said the last report put the cost at \$200,000 at a minimum.

Besseche said he had several areas he could discuss and asked what Council wanted him to cover. Brown said he wanted a snapshot of where the City was today and what needed to be done in the future. Besseche said the City's stormwater management program was largely reactive. When issues came up, staff looked at them. Besseche pointed out that, unfortunately, maintenance projects were not popular projects and did not get a lot of support. Drainage complaints were routed to Public Works. Besseche said he was contacted if his support was needed for design or developing a solution. If the residents who complained did not agree with his assessment, Besseche said they could appeal to the City Manager, which the Davises had done.

As for where the City was going with stormwater, Besseche said a stormwater committee composed of staff, development people, and environmental people had met several times and worked to develop policy guidelines. They developed a water resource management ordinance, which laid the regulatory framework for the stormwater management program. Besseche said the City also responded to directives from the Atlanta Regional Commission and the Metropolitan North Georgia Water Planning District in the way of design guidelines. Besseche said they had developed policy documents, one of which addressed the extent of service. Besseche said the City would be responsible for stormwater on public rights-of-way and easements. Problems outside of that area would be addressed and would involve acknowledgement and approval from the City Manager. Besseche said Council also had a level of service document in their meeting packet, and the City had to decide what level of service to provide and how to pay for it. Besseche said the level of service document needed to be discussed, whether during a regular meeting or at retreat. There were \$9 million in stormwater projects.

Brown said staff had compiled five pages of stormwater problems at a cost of \$9,269,500. The City's annual budget was only \$27-\$28 million. The City had to have an additional revenue source to take care of the problems and that would be through a stormwater utility. Brown said it was absolutely essential to get the utility underway as

soon as possible. Besseche said they were waiting on an interim report on the stormwater utility, and that the feasibility study should be ready in December. They were looking at an 18-month implementation schedule for a utility.

Weed asked when the Bridlepath area would get relief if Council approved the \$75,000. Besseche said a lot of permitting was involved and there were wetlands and jurisdictional water issues to deal with. Besseche said that was why it was taking so long for the Bridlepath project. Pinkston noted that the \$75,000 approved amount was in 1999 dollars and the project had been delayed a long time. Besseche said as far as the schedule was concerned, he would have a better idea after meeting with the Pinkstons. He said it would take six to nine months for permitting if individual permits were not needed. If there were no mitigation costs, Besseche said they could probably start the work next fall. He added mitigation costs could be very expensive.

Jeanine Dunlap, a neighbor of the Pinkstons, reminded Council that when they left the Retreat in March they were told the work had been funded. The creekbed was now so filled with silt that the area was just one big island between their property and the spillway. Dunlap said they just wanted the creek to flow. She added that trees were falling. Thompson said an eight to 10-foot wide channel with an access bed on top was needed so the area could be properly maintained. Dunlap said she just wanted it dredged so the water would flow.

Brown noted that if this was a Corps of Engineers project, then the City had to go through the process. The City could get in major trouble if this turned out to be a Corps project. He said there were furious people all over the City, and there had been decades of neglect. If \$75,000 would not fix it, then the City had a problem. He continued that the Corps of Engineers would dictate what the City had to do and that the City could not even access some properties or they could not get equipment in.

Weed said there were apparently two serious problems, and allegedly the City had made commitments. He asked if the \$75,000 had been for all the stormwater projects or just Bridlepath. McMullen said the \$75,000 had been intended just for the Bridlepath project. Pinkston said he did not know where the \$75,000 figure came from.

Rapson said the two projects were getting interwoven with the stormwater utility. He recalled that in 2002 Council had raped and pillaged the capital plan for a couple of million dollars to balance the budget and the \$75,000 for Bridlepath had been included. At Retreat, Council realized the money should go back into the budget and the commitment was made. Rapson continued that the \$50,000 for the Davis' problem came later. Rapson agreed with Mayor Brown that they were stormwater problems, but Council made a commitment to take care of the \$75,000 problem. If that amount was now \$275,000, Council needed to discuss the additional funds. Rapson said he was prepared to motion to put \$75,000 in the budget for Bridlepath. He said Council made the mistake and took the project out of the budget. Rapson said the \$50,000 and anything over \$75,000 were stormwater utility issues that Council needed to look at and decide, as

a City, how to handle. Pinkston agreed and said there was no way to know what the Corps of Engineers would say was needed. Pinkston said \$75,000 would not do any good if it took out a few trees.

Tennant said Council was trying to say they wanted honor to the commitment on Bridlepath. He said they were not interested in breaking promises. It might be a band-aid relatively speaking. Tennant said they wanted to do the right thing, but appreciated the residents trying to understand the big picture.

McMullen said the Bridlepath project was not being held up because of money issues. He continued that the first step was a feasibility study and that was funded and ongoing. The study should be finished by the end of the month and, until then, staff would not know the cost to correct the problem.

Weed asked what the time frame would be to complete the project once Council authorized the expenditure. McMullen said the Bridlepath project could be done this fall. McMullen continued that the \$50,000 for the Davis project was an estimate to re-route the culvert, but he added that was not necessarily a complete solution. He said they did not want to fix one problem only to create another problem downstream. McMullen said they could start taking the same steps as were being taken now on the Bridlepath project.

Rapson said the best case for this meeting would be to authorize the study for the Davis' project and authorize an additional \$62,000 for the Bridlepath project. Tennant said the problem would be what happened to the next 2-15 families with similar problems. Weed said there were no commitments to those people and they were responsible to do as the Davises and Pinkstons had done. Rapson pointed out that a commitment had been made to the Pinkstons and Davises, and the rest of the problems should fall under the stormwater utility. Brown said the City needed a study on the Davis' problem to make sure moving the culvert would not overload the system. He said the City wanted to correct the problem the right way.

McMullen said he also needed to point out that, for the Davis situation, the City did not necessarily have the easements or rights-of-way needed to fix the problems. The decisions Council made would significantly impact costs to fix the different problems. From an engineering perspective, there were culverts under the roads servicing stormwater now. If the City had an easement across the Davis' property, the City would be able to manage and maintain the problem, but the City did not have the easement.

Weed asked the Davises if they would grant an easement on their property so the problem could be corrected. Mrs. Davis said they would not. Rapson said the City could not maintain the system if they did not allow the City on their property. Mrs. Davis said they would be glad to write a letter giving the City permission to do what they needed to do, but they would not grant an easement.

McMullen said he was speaking in general terms and that policy needed to be set to enable staff to deal with the situations consistently.

Rapson noted that the City Manager had the authority to spend up to \$10,000 on studies through PIP Contingency. He said Council could direct the City Manager to have the study done for the Davis project.

Meeker noted that the Davis topic was on the agenda for discussion, but under the ordinance requirement, the Pinkstons had to go on a future agenda. Rapson moved to put the Pinkstons' problem on the next agenda. Weed seconded. The motion carried unanimously.

Brown said he was reluctant to put \$75,000 into another band-aid. He would rather put the funding toward a permanent fix. Rapson said McMullen, Salvatore, and Halterman would not let Council spend \$62,000 on a \$200,000 problem. They would come back to Council and Council would have to react. Weed said Council lived up to the commitment, but that might not fix the problem. Weed encouraged staff and the City Attorney, if necessary, to have an open and frank discussion with the Davises regarding an easement.

Rapson told the Davises that he understood they felt their problem was unique to their house, but such problems were not unique to the City. He told the Davises he appreciated their patience. Weed added that Council was trying to meet them halfway and asked that they be willing to do the same.

09-03-02 Adopt FY 2004 Budget Resolution

Finance Director Paul Salvatore said they were at the point in the budget process where Council should take action on the FY 2004 Budget. The legally required public hearing had been held and Salvatore had received the tax digest figures from the County. There was no change in the proposed millage rate based on the information from the County. Salvatore said the digest came within ½% of the tax digest figures he had projected. The millage rate public hearings would be held on September 18 at 6:30 p.m. and on September 25 at 7:30 a.m. and 6:30 p.m. Salvatore said he needed Council to take action to adopt the resolution and that staff recommended adoption.

Brown asked if the amount allotted to the Development Authority of Peachtree City was pending whatever agreement was reached at the intergovernmental agreement negotiations. Salvatore said the amount was based on the existing agreement. McMenamin cautioned Brown that the Development Authority now received non-resident tax money, and they would hear loud and clear objections from the residents if the burden of the Tennis Center and Amphitheater was put on the residents' backs. Brown said technically all the City facilities were on the backs of the taxpayers. McMenamin said those facilities were funded by the taxpayers, and the Amphitheater and Tennis Center were not. Brown said they were funded by taxes.

Rapson asked Meeker if he would be allowed to vote on the overall budget, even though it had funding in it for the Development Authority. Meeker said that Rapson could vote on the overall budget.

Weed moved to adopt the FY 2004 budget resolution. Rapson seconded.

Tennant read the following statement regarding his position on the budget adoption:

Several months ago, I made it clear as a campaign promise that I would not support higher taxes for Peachtree City residents, and would work toward a zero percent millage increase for the upcoming fiscal year. That was and remains a promise I take very seriously.

Despite comments from one critic that this was simply an election year gimmick, I want to state emphatically that this commitment comes from the heart, and I will not waver. I do not derive my self worth from being an elected official in PTC, as I have a wonderful family, a church life, a demanding full-time job and many outside interests. I take this job on council very seriously, but I would much rather lose an election and stand up for what I believe in than to win an election by caving in on my principles.

The bottom line is that Americans are overtaxed today by all levels of government. Despite the fact that staff and council have worked diligently to make the budget process as painless as possible, there is nonetheless a 12.3% tax increase proposed to balance this budget.

It is one thing to sit by idly and say you're against tax increases and vote accordingly. It is quite another to make general and specific proposals that would have balanced the budget without a tax hike. That is what I have done. I offered many suggestions and three specific plans that would have offered a zero percent millage increase without affecting public safety budgets in Peachtree City during the budget workshops. However, I am but one vote out of five and a majority will always prevail in a democracy.

Nonetheless, there is still such a thing as principle and that is what I stand on. In tough times, expenses and budgets can and should be cut to relieve the burden to taxpayers. This necessarily comes at a sacrifice because you simply cannot have your cake and eat it too. I believe there simply was not sufficient sacrifice in this budget, and I will never buy the argument that taxpayers don't care about how their money is managed as long as their services are provided.

The buck has to stop somewhere, and for me, that is now. I will not support a tax increase and I will not vote to approve this budget.

Rapson commended Tennant on his scenarios and asking for zero percent. He continued that he could not support Tennant's proposals since they affected the level of service the citizens expected and deserved. Rapson said he was supporting the budget because he wanted to maintain the service levels the citizens expected and deserved.

Weed said Council had poured over the budget last year and they knew the millage rate would have to increase this year. Taxes would also probably have to increase next year and they already knew that. Weed said the work was not done in a vacuum. Weed did not believe the citizens wanted to see radical changes in the service level, and he believed citizens were willing to pay for the privilege. He said that had been communicated to him. If people wanted less, they would not have moved to the City. The streets were cleaner, families were safer, and their children were better educated, and that all cost money. Weed said he would vote in favor of the budget.

Tennant said he had not proposed radical changes, but legitimate, sound, conservative, and fair ideas that would have balanced the budget without a tax increase. Tennant said the Council was the City's board of directors, and there would be no tax increase if they chose that option. The bottom line in difficult times was that sacrifices had to be made, just as in the private sector and family finances. Unfortunately, there was so much emphasis on service delivery at any cost that the tax spigot was turned on.

Weed said he fundamentally disagreed with Tennant's proposals. Cutting people directly affected services and all the work that was done. He said Tennant's proposals were not absurd, but were based on flawed logic. Tennant said he spent countless hours on his proposals and that 96% service delivery was not a radical change. Weed said Council cut \$1 million from last year's (FY 2003) budget and that was not turning the spigot on.

The motion carried 3-2 (Tennant, McMenamin).

Council/Staff Topics

Comprehensive Marketing Strategy

McMullen said staff was working on a comprehensive marketing strategy for the City and would like to start working with the Development Authority and the Airport Authority to develop and coordinate an image for the City. McMullen said they also wanted to look at efficiencies in terms of dealing with different marketing avenues, such as website development. McMullen said there were four websites for the three organizations, changes could be made more economically, and the City's image could be improved.

McMenamin asked if anyone had met with the Development Authority and Airport Authority to bring the organizations up to date. McMullen said staff had met with both and they were highly supportive. McMullen continued that they were working with Debbie Britt, a marketing strategy professional who had volunteered her services. McMullen said he saw a lot of positive things coming out of the meetings. Brown added

that Britt was getting them on the right track and was doing an excellent job of motivating staff. He said everyone had stellar comments about her efforts. Meeker announced that there two matters of pending litigation for executive session.

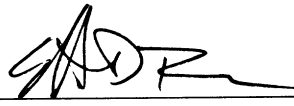
Rapson asked McMenamin why she voted against the FY 2004 budget. McMenamin said the question was called before everyone had commented. She said she had concerns throughout the process that Council had not been strong enough on itself. She said she also could not and did not support the budget with the assistant city manager position included.

Weed moved to reconvene in executive session for two legal matters after a short break. Tennant seconded. The motion carried unanimously.

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

There being no further business to discuss, Tennant moved to adjourn the meeting. Rapson seconded. The motion carried unanimously. The meeting adjourned at 8:50 p.m.


Jane Miller, City Clerk


Stephen D. Brown, Mayor


Pamela Dufresne, Recording Secretary