

CITY OF PEACHTREE CORNERS
SPECIAL CALLED MEETING
June 28, 2012 @ 7:30pm

The Mayor and Council of the City of Peachtree Corners held a Special Called Meeting on Thursday, June 14, 2012 at 7:30pm. This Special Called Meeting was held at Robert Fowler YMCA, located at 5600 West Jones Bridge in Peachtree Corners, GA 30092. The following were in attendance:

Mike Mason, Mayor
Phil Sadd, Council Member, Post 1
James Lowe, Council Member, Post 2
Alex Wright, Council Member, Post 3
Jeanne Aulbach, Council Member, Post 4
Lorri Christopher, Council Member, Post 5
Weare Gratwick, Council Member, Post 6

Acting City Attorney, Bill Riley
Consultants, John Kachmar
Acting City Clerk, Joan Jones

PLEDGE OF ALLEGIANCE: Mayor Mason led the Pledge of Allegiance.

OPENING COMMENTS: Mayor Mason remarked on the revenue side of the upcoming budget, explaining what makes up the revenue such as the Tax Anticipation Note (TAN), Franchise Fees and Property Taxes. He reviewed the timing of receiving the various fees and when the TAN is to be paid. Service Delivery has to be considered, costs and revenues are changing all the times.

PUBLIC COMMENT: Bob Allen addressed council that everyone is learning about budgets, some items are on the high side, and there are unknowns. He understands having a balanced budget, but do you have to spend everything, what if there is a surplus.

Mayor Mason asked Mr. Kachmar to explain how a balanced budget works and what happens at the end of the year with any extra dollars. Mr. Kachmar stated a city normally puts these funds into fund reserves, however, council should avoid using these funds for ongoing expenses.

Mim Harris addressed the council explaining she respects the explanation of revenues and timing; however there are a lot of extras in this budget. She would like close representation and feels the citizens would like to be heard as we are hearing what you are saying.

William Monett asked about certain land within Berkley Lake. Attorney Riley said he would be happy to talk with Mr. Monett after the meeting.

Allen Peel asked council to consider a question and answer period within their meetings; it would be most helpful to have a feedback opportunity with the council

REPORTS and PRESENTATIONS: Attorney Riley presented the **Intergovernmental Agreement** for the Zoning and Permitting. The county has agreed to do the land use services, which will save a considerable

amount of money; however, they need a time line on when we will take over services. Attorney Riley outlined the numerous services, such as variances, reviews, inspections, zoning reviews, sign applications, public notices, on site inspections, erosion control inspections, open records requests, permits, etc. The council will need to purchase a \$5,000,000 policy per occurrence and we will need a liaison for the city. This individual will have to make the determination information is accurate and will be presenting the information given to them by Gwinnett County to this body. The County does not want to take on the liability, the codes are being modified and will be presented to council Saturday night. The sign ordinance will need to be separate, GIRMA has reviewed the County Sign Ordinance and recommends changes prior to the city adopting their own ordinances. There was council discussion on the cost of the liability coverage (estimated \$17-35K). Mr. Kachmar feels this IGA is pretty thorough, it is a complex process, this is a brand new experience for both the city and the county. Once this IGA is passed, the city has thirty days to provide a timeline. Council Member Sadd asked about the termination portion of the agreement.

Attorney Riley gave an overview of what we will be covered Saturday night and Sunday morning meetings. He will present a moratorium resolutions at both sessions (moratorium pertaining to planning & zoning along with licensures). He will present an omnibus ordinance which will take **Gwinnett County Ordinances** and adopt them as city ordinances, with certain changes such as word "county" changing to "city" for example. There will be ordinances adopted as emergencies (council can do emergency ordinances for thirty days) and certain ordinances will be handled as a First Read at the 12:01 meeting. This IGA will be on the July 1 agenda along with authorization to advertising for the zoning procedures hearings in order to comply with Zoning Procedure Acts.

Attorney Riley presented CD's to the Mayor and Council which were put together by Attorney Scott Bergthold, who is a leading attorney on **Sexually Oriented Businesses**, he understands the constitutional issues and represents cities throughout the United States. This is a very technical subject as it deals with free speech, Attorney Riley asked Mayor and Council to review and understand the documents and information on the secondary effects of strip clubs, book stores and other entertainment shops. Council needs to understand the secondary effects, and Mr. Bergthold will present information and evidence to the council on secondary effects.

Acting City Clerk announced the upcoming meetings on June 30th and July 1st at the Hilton Atlanta NE, 5993 Peachtree Industrial Blvd.

Attorney Riley reported to council there are 800 addresses that will not be included in the Georgia Power Franchise. They will not be able to include these addresses in the negotiation until the addresses can be determined. This will take some time to resolve.

OLD BUSINESS:

FY 2013 BUDGET: Acting City Clerk read the Budget Ordinance and reminded council there has been a First and Second Read along with two Public Hearings on this ordinance. Mayor Mason called for a motion to approve this ordinance adopting the 2013 budget. Council Member Gratwick motioned, seconded by Council Member Christopher to adopt the 2013 Budget. During discussion Council Member Sadd motioned, Council Member Aulbach to amend the motion. For clarification purposes, both Council Member Sadd and Aulbach withdrew their motion to amend, then Council Member Aulbach motioned to amend the budget ordinance to allow for procedures to put controls on budget spending, she offered the following amendments and an explanation of each: 1) *Have a Mid-Year Budget Review*; 2) *Have a Zero*

Based Budget for FY 2014; 3) *Fund Balance Reserve-to call for the creation of an undesignated Fund Balance Reserve*; 4) *Millage Rate Reset*. Council Member Sadd seconded this amendment. Mr. Kachmar called for a point of order to clarify these amendments would be part of the future budget/financial policy manual, and asked if an additional statement could be made to make these amended items part of a future financial policy and procedures in order not to conflict with any other changes. Attorney Riley confirmed with both Council Members that this is the intent of their motion; Council Member Aulbach confirmed it is, Council Member Sadd confirmed this is the intent of his second to the motion. Attorney Riley explained now would be the time for discussion of the amendment on the floor. There being no further discussion, the amendment carried unanimously.

Council Member Aulbach made the following amendment to the motion, Council Member Gratwick seconded: under General Operations to reduce the following: *Prof. Svcs-Call Center to \$60,000; Prof. Svcs-Comprehensive Plan to \$75,000; Prof. Svcs-Communications to \$60,000; IT Equipment & Licenses to \$75,000; and under Facilities & Building to reduce the following: Technical Services to \$15,000; Furnishings to \$40,000 for a total budget reduction of \$120,000 and to place this \$120,000 into the reserves and the term undesignated reserves*. During discussion of this amendment, clarification was asked for the difference between contingency verses reserve fund; will Gwinnett County give us the revenue numbers so the council can take this into account with new budgets; motor vehicle tax revenues with the current changes and possible code enforcement revenues (currently part of the IGA) and the cost of litigation. Mr. Kachmar explained how only the council should have the authority to move line items in the budget and this would take two reads and how to obtain the goal of building the reserves; he gave a brief overview of the current motor vehicle tax process and changes. Attorney Riley explained the code enforcement will hopefully be a compliance issue and not revenue issue, you won't pay for services from the collection of code enforcement fines. There being no further discussion of this amendment, Mayor Mason called the amended motion and the amendment carried unanimously. Mayor Mason called for any other further discussion on the original motion. Council Member Sadd voiced concern on the high cost of the line items, this will cover "worst case" scenario, his expectation however is to be fiscally responsible, be responsible and diligent and to come under budget on every line item. Council Member Lowe explained making these few changes is responsible, there are lots of unknowns ahead, he is concerned about the franchise fees, this is an estimate and have we prepared enough. Mr. Kachmar explained this is a conservative budget and explained how the timing may affect the revenue stream (franchise fees and tax anticipation notes), there is a contingency built in and reserve funds. There being no further discussion, Mayor Mason called the main motion to approve the budget as amended. The motion carried with Council Members Sadd, Lowe, Aulbach, Christopher, Gratwick and Mayor Mason voting in favor of the motion and Council Member Wright opposing the motion. **(Ordinance 2012-06-03)**

CITY HALL LEASE: Mr. Kachmar reviewed the update lease with ADKC Realty Holdings for the leasing the facility at 147 Technology Parkway, that the changes (reduction of COLA, renewable each year for five years) requested by council have been reconciled. Council Member Christopher motioned, seconded by Council Member Wright motioned to approve this Action Item approving the revised contract for the city hall lease and authorizing the Mayor to sign the lease. During discussion, Council Member Sadd thanked Mr. Kachmar for working with this agreement, he had questions about late payments and the 5 day default. If the finance person cannot pay the bills on time, council needs to reconsider their finance director, bills should be paid on time. Attorney Riley explained this is a simple lease, the landlord has worked with the city and the city has a number of advantages (no escalation until 2014). There being no further discussion. The motion carried unanimously. **(ACTION ITEM)**

NEW BUSINESS:

Schedule of Fees: City Hall Lease: Attorney Riley explained these are the same fees that Gwinnett County charges; part of the IGA request. Council Member Wright asked what a TV inspection was. Council Member Christopher motioned, seconded by Council Member Gratwick to approve the Resolution Adopting a Schedule of Fees for the City of Peachtree Corners, Georgia. During discussion, clarification was made by Attorney Riley that these are county's fees and were just reformatted for the City of Peachtree Corners. The motion carried unanimously. **(Resolution 2012-06-07)**

MAYOR'S COMMENTS: Mayor Mason extended his appreciation for everyone's attendance, and explained there still an issue with expectation and we will figure out a way to get the communication out there.

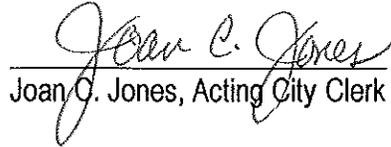
EXECUTIVE SESSION: No Executive Session Held.

ADJOURNMENT: Council Member Sadd motioned, seconded by Council Member Gratwick to adjourn the meeting. There being no further discussion, the motion carried unanimously and the meeting was adjourned.

Approved,


Mike Mason, Mayor

Attest,


Joan C. Jones, Acting City Clerk