**City Council of Peachtree City**
**Minutes of Special Called Meeting**
**June 21, 2006**
**6:30 p.m.**

The City Council of Peachtree City met in a special called meeting on Wednesday, June 21, 2006, in the Floy Farr Room at the Peachtree City Library. Mayor Logsdon called the meeting to order at 6:40 p.m. Other Council Members present were: Steve Boone, Stuart Kourajian, Cyndi Plunkett, and Judi Rutherford.

The purpose of the meeting was to hear a report on the CSX siding, consider approval of a 25 mph speed limit on Terrane Ridge and Planterra Way, discuss the millage rate established by Fayette County for unincorporated County residents, and discuss the EMS tax equity issue.

**I. CSX Report to Council on Siding Project**
Craig Camuso of CSX Railroad told Council that he understood the concerns. The siding was operational as of the evening of June 20. He said he had been working on the City's suggestions. Camuso continued that CSX-Georgia was part of a company that was in 23 states and covered 28,000 miles of track. The Georgia operation had approximately 1,600 miles of track through 60 counties, with a major intermodal facility located in Fairburn. Several other terminals and facilities were located throughout the state. Business had picked up the last four to five years, and the railroad was moving more freight than ever, which presented capacity problems. In August 2005, CSX announced a $400 million investment to upgrade capacity, which included passing sidings. In the northern U.S., the rails were double-tracked to allow for trains to go both directions. The south had single track, so sidings were created to get one train out of the way to allow another to go through. The purpose of the siding was not to park trains, but to get them out of the way.

Camuso said CSX had a list of considerations when the siding locations were selected. The list included whether or not right-of-way had to be purchased, whether there were public crossings involved, and environmental issues. In the City, there was no need to purchase right-of-way. There were two private crossings and one public crossing (County Road 104). The siding would not be in any wetlands. The location in the City met the criteria, and construction began on the Rock Spur crossing. After construction began, CSX heard about the other issues that should have been considered in the beginning.

Camuso continued that CSX believed it had the authority to close the private crossing located on GA 74 at the former Comcast site. He said the company had decided not to close the crossing and understood the property development issues. Camuso said CSX was committed to continuing the dialogue. The placement of the buffer for noise and aesthetics had to be off the right-of-way and in concert with operational procedures, but he committed the railroad to continuing the discussion. Camuso said the line was a low-density line for hazardous materials. The company would work with the Fire Department to upgrade the hazardous materials plan and to conduct any necessary training. He also understood an overpass north of the Comcast crossing was planned and committed to keeping the dialogue open. Camuso said he could not go beyond that.

Kourajian asked where the next closest siding was located. Camuso said there were several on the line, and most were located south of the City. The next one was located in Haralson, and it was the most active. The siding in the City would be able to accommodate longer trains. Kourajian asked how long much time would be involved. Camuso said the intent was to increase the sidings so the trains would not sit parked for a long period of time. It was hard to put a time frame on the waits, but the company wanted the trains to move as quickly as possible. He spoke to the company's operations office, and they would try to move trains on the siding as soon as possible. Hopefully, it would be no more than 20 minutes. Kourajian reiterated the siding was not a place to park a train. Camuso said he could not say that would not happen, but it would happen only if something happened on the line so trains could not move anywhere.

Plunkett asked when it was determined that the City met the criteria. Camuso said it was early in 2006. Plunkett asked if the railroad had an obligation to let a City know its plans. Camuso said that contact should have been made earlier, instead of after the Mayor contacted CSX. Kourajian asked who the point of contact was. Camuso said he was.

Plunkett asked if there was anything that could be done to keep the railroad from using the siding. Camuso said no. Logsdon said it mystified him that there was not a rural area where the siding could go rather than in a planned community. Camuso said he understood.

Boone asked what was recommended for the buffer between the railroad and the homes. Camuso said they would work with the City to put the buffer where the City determined it would be the best. Rutherford said there also needed to be buffering along GA 74 beside the crossing. She did not want to see the train. Since the crossing was to be kept open, there also needed to be visibility. Camuso said they would continue to work with the City engineer.

Kourajian thanked the railroad for keeping the Comcast crossing open. He asked if the train would ever block the crossing and the road. Camuso said that the train would currently block the crossing. There were only a few vehicles a week using the crossing now. Kourajian asked if there would be more safety precautions taken by the railroad if the crossing became a neighborhood outlet. Camuso said there was concern for using the crossing as the main access for the development. There would be more exposure for something bad to happen, and it would be a concern whether the siding was there or not. Logsdon asked if the railroad intended to close the Comcast crossing if an overpass was built. Camuso said the railroad would keep the discussion open, but the crossing would not close anytime soon.

Plunkett asked if CSX were aware of discussions with previous administrations regarding the Comcast crossing. Camuso said they had conversations a few years ago, but had heard nothing until April 2006. Plunkett noted there were upgraded crossing guard mechanisms that would alleviate some of the concerns. Camuso said there were. There were now quiet zones with four-quadrant gates. The train would not have to slow down or blow its whistle. Trains also did not have blow whistles when a crossing was closed.

Rutherford asked how much the traffic had increased. Camuso said only a few trains had been added. He clarified that "more traffic" did not mean more train trips; it meant adding cars. Rutherford asked how long it would take for 110 cars to pass through a crossing. Camuso said it depended on the speed of the track. Since the track had just opened, the trains were going 10 mph now, but would get faster as the track settled.

Fire Chief Stony Lohr said the closest siding to the new siding was in Tyrone, and there was also a siding between Kelly and Dividend. He asked if the switches were manually or remotely controlled. Camuso said he did not know, but he would get an answer. Ron Mundy asked if there were any statistics regarding an increase in derailments or collisions involving sidings. Camuso said he did not know. There were no statistics, but siding was made of upgraded materials and was safe. The chance of a head-on collision decreased.

## II. Consider Approval of a 25 mph speed limit on Terrane Ridge and Planterra Way

Police Chief James Murray said the homeowners association had requested that the speed limit be lowered. The Police Department asked the state for an update to the radar permit to add the 25 mph speed limit to it. It usually took months to get the permit back, but it was returned in a matter of weeks. He asked Council to approve the permit, sign it, so the change would become effective.

Rutherford moved to approve the 25 mph speed limit on Terrane Ridge and Planterra Way. Kourajian seconded. The motion carried unanimously.

## III. Discuss the Millage Rate Established by Fayette County for Unincorporated County residents and Incorporated County Residents

City Manager Bernard McMullen said that staff had put together a letter to the County Commission Chairman that the Mayor had signed in anticipation of the joint meeting between the Board and the Council. The item had not been advertised on the special called meeting agenda for the meeting, so it was not discussed.

Finance Director Paul Salvatore discussed the information in the letter. He referred to the 2005 Fayette County millage rate certification form. He noted there had been a .892 mill rollback for the unincorporated County residents. Rutherford asked why that had been done. Salvatore said that was the question. The rollback was listed as an insurance premium tax rollback. The state required that, when the net millage rate was calculated, there must be a rollback for local option sales tax. There were stipulations on when, or if, there should be a rollback based on the insurance premium tax. If the millage had not been rolled back, the County would have collected another $1.7 million from unincorporated residents, which would have allowed the Commissioners to rollback the incorporated tax rate.

Salvatore read from the 2005 Fayette County millage rate certification form:

*The Insurance Premium Tax proceeds must be used to fund one or more of the services indicated below within the unincorporated area of the county, however, if the insurance premium tax proceeds exceed the cost of the service, then the 2005 unincorporated millage rate must be rolled back for any amount not expended.*

Salvatore said the County had received $1.8 million in insurance premium tax. He said the rate should only be rolled back if at least that amount was not spent on services that benefited primarily the unincorporated areas. Rutherford noted that the applicable services included police protection, except protection provided by the sheriff; fire protection; curbside or on-site residential or commercial garbage and solid waste collection; curbs, sidewalks, and street lights; and other such services as may be provided by the county governing authority for the primary benefit of the inhabitants of the unincorporated areas of the county. She said EMS was not on the list.

Salvatore said the funds could be used for basically anything in the unincorporated areas of the County. He said the Marshal's office received $600,000. Salvatore said he broke out the County's FY 2006 budget (Attachment 3) and listed the services provided county-wide and non-county-wide. The value for the non-county-wide services was $5.5 million, which was well in excess of $1.8 million. Salvatore said the City's question was why rollback the millage rate for the unincorporated residents if they were receiving more than $1.8 million in services.

City Attorney Ted Meeker said that the millage rate should be rolled back if more money was collected than spent. Plunkett said the incorporated areas should not subsidize the unincorporated area. Rutherford clarified that the unincorporated area should not have gotten a rollback. McMullen said that was staff's opinion.

Rutherford asked if anyone else had looked at the information. McMullen said they had looked at how other counties did it. Salvatore said Henry County had the LOST rollback the way it should be done, but did not have anything for the unincorporated area for the insurance premium rollback. Salvatore noted that Henry County also noted duplication of services and rolled back the rate for the cities that provided the same services. McMullen said that, in addition to the rollback for the insurance premium tax, the County did not account for the duplication of services. Salvatore said the County only rolled back the rate for incorporated residents for fire service because of the special districts. He said there were other services that should be included in addition to fire. Rutherford asked what other services were duplicated in addition to recreation, fire, planning and zoning, and EMS. McMullen said the duplicated services included engineering and fleet maintenances, marshal's office, permits and inspections, and planning.

Kourajian asked what should be done. Logsdon said they would wait for the Commissioners to respond. McMullen said he had not heard anything yet. Logsdon said he spoke with Commission Chairman Greg Dunn, and the commissioners were looking at the letter. Plunkett said if the City were wrong, then the Commissioners needed to tell the City why.

Assistant Fire Chief Ed Eiswerth said that basically the City taxpayers were paying a higher millage rate than unincorporated citizens for services they did not receive. Logsdon said that was the position the City was taking.

Rutherford asked staff if there was anyone at the state level that could be consulted about the issue. McMullen said Salvatore had talked to the Department of Revenue, and they were seeking an answer. Rutherford asked if the Georgia Municipal Association (GMA) had been contacted. McMullen said they had not. Council agreed that it would be good to contact GMA.

Logsdon asked if another letter should be sent if there was no formal response by July 5. The consensus was yes.

Plunkett asked if the issue affected the City's budgeting process. McMullen said it did not. Rutherford asked if the other municipalities had been copied on the letter. McMullen said he sent a copy to Fayetteville and Tyrone. Rutherford asked if the matter could be placed on the agenda for the Association of Fayette County Governments meeting on July 11. McMullen said yes. Salvatore added that the County had to set the millage rate by August 1, so it was a good time to discuss the issue. Rutherford asked if the City's representative to the Board of Commissioners had been contacted. Logsdon said the letter would be sent to the City's representative.

**IV. Discuss the EMS Tax Equity Issue**
McMullen said that, subsequent to the June 7 joint meeting with the Board of Commissioners, Council asked staff to put together a white paper on the EMS tax equity issue, which was given to Council prior to the meeting. Council also asked for information regarding the financial impact. The inequity actually began in 1987 as far as citizens paying for the services twice. He said staff was working to gather information.

Lohr went over the white paper. The City's EMS became separate in 1979 for a variety of reasons. City residents did not want to wait for an extended period of time for EMS to arrive from outside the City. Most of the medics at that time were all volunteer, and the only training offered was from the County during the workweek.

Lohr said Fayette County's EMS care was not being criticized. Both the City and the County provided an extremely high level of service as far as quality of people and equipment. The difference was time and distance. Both services had paramedics trained to the critical care level, which was the highest level. The City service provided service to a smaller area, so there was a greater probability of having help when it was needed. According to the FY 2005 County radio report, the County's average response time was five minutes, 11 seconds. The City's average time was four minutes, 16 seconds. The response time for the County's ambulances was nine minutes, two seconds. The times would be similar if they came into the City because they were trying to cover more area per unit. If the County were to cover the City, only three units would be provided. The locations had not been specified. The logical placement was one in the far north of the City, and the other in the far south, which would be best for the County. Lohr continued that most of the City's calls were in Stations 81 and 82 territory, which was the center of the City.

Lohr continued that the County selected the consultant hired in 2000. The consultant's opinion was that the City was correct in that the County should not put so many people under the medical staff in the General Fund. They should be accounted for in fire budget. The County initially said they would do that, but increased the staffing on the medical side from 15 to 40 instead of going down from 15 to 10. Rutherford clarified that the County had been putting fire personnel in the EMS budget, but had not added an ambulance until this year. Lohr said the County added a fifth ambulance in May 2006 at Station 4, which served the area with the highest density of calls.

Rutherford asked how long it had been since the County last added an ambulance. Lohr said it had been at least five years. McMullen noted that the fire district millage rate had decreased during that time. Lohr said the probability of an ambulance being available when it was needed was greater in the City. The County had 99 square miles to cover compared to less than 25 square miles in the City. The square miles per unit in the County was 34.8, and it was 8.3 for the City. The probability of an ambulance being available when needed was much greater in the City. Mutual aid calls with the County had a 10 to one ratio because the County was over-committed on the number of units.

Rutherford asked if all the City's fire trucks were Advance Life Saving (ALS) equipped. Lohr said they were not, but a number were. Rutherford said the County's response time was based on getting ALS to the door, not necessarily an ambulance. Lohr said the City's department was trying to do less with the fire units to ensure they would be available when needed. In 2005, there were 1,596 calls per ambulance in the County compared to 645 per unit for the City.

Lohr continued that, depending on the document, the County either had 140 or 145 career personnel and 20 volunteers. The City had 46 career personnel and 15 part-time personnel that filled in when career personnel took time off and 60 paid volunteers. In 2005, the City collected $300,000 in EMS revenue compared to $241,395 in expenses.

Rutherford noted that there were 50 people in the County EMS budget that manned fire engines, not ambulances. She asked if the ambulance was left unstaffed when the fire engines went out. Lohr said he did not know. He said that, according to Jack Krakeel, Fayette County's Fire and Emergency Services Chief, the County would need 17 new EMS personnel and two ambulances if it provided EMS to the City. Rutherford added that, according to the information given at the joint meeting, the two ambulances could be located in Brooks and Tyrone. In addition, the City would have to upgrade its fire engines with ALS equipment and medications. Lohr said it would cost approximately $75,000 per unit to upgrade the City's engines to ALS. There were four engines. Lohr said if the City did not transport the patients, there would be no EMS revenue stream. The revenues would go to the entity responsible for transporting patients. McMullen said the City would still be the first responder, but patients would have to wait longer for transport. Rutherford said the County tax rate would go up, the City's tax rate would go up, and the City would have a lower level of EMS service. McMullen said the City residents would not wait longer for a paramedic to show up, but would most likely wait longer for transport.

Logsdon said the City was not going to give up EMS. The City's issue was to stop double-taxing by the County. Rutherford said that, to be fair, the County said to show expenses and why it would not be cheaper to spread the cost across the County. The response times would be about the same. The transport time would be longer, which could be critical. It would still cost the City more money, and she did not understand why the County did not understand the math.

Lohr said that, from an organizational perspective, splitting EMS and fire functions would significantly impact the Department. Seventy-six percent of the City's current workload was medical. The City would lose highly-qualified people who would go somewhere else for full duty.

Lohr said from a control perspective that the City should hold on to the license to provide EMS service. He added that the licenses were hard to get, and if they were given up, the likelihood of getting one back was zero. Logsdon said the City started its own EMS based on a control issue in October 1979 with the County's concurrence. Over the last five years, the City had been overtaxed $1.15 million and had received nothing for it.

Kourajian asked what was the next step. Rutherford said the state had given the counties authority to provide EMS. She suggested the issue should be taken back to the legislature, and the legislation should be changed. Meeker said the preferred method was not the only method, and it could be as simple as a rollback for duplication of services. For now, he suggested the City continue with the process since the Comprehensive Plan was the deadline for the service agreement. McMullen said that February 2007 was the deadline. The EMS had been identified as an issue, as well as recreation funding and the identification of SPLOST dollars for paving, which would be to identify the money in the budget in terms of miles rather than listing specific streets.

Plunkett said the County would not give up voluntarily. The City really did not want to have to go down the road in place for entities that did not work out their service agreements. Meeker said it might be headed there, but was not there yet. The law was designed for there to be an agreement rather than a legal process. Rutherford said if no agreement was signed, then the Comprehensive Plan would not be accepted by the state, which meant the City would not be eligible for state grants and other things, but neither would the County. Logsdon said the City would pursue every avenue to bring the issue to a positive resolution. The worst-case scenario would be status quo. Rutherford said if the City had those funds, then the City's public services could benefit.

There being no further business to discuss, Rutherford moved to adjourn the meeting. Kourajian seconded. The motion carried unanimously. The meeting adjourned at 7:52 p.m.

Jane Miller
Jane Miller, City Clerk

Harold K Logsdon
Harold K. Logsdon, Mayor

Pamela Dufresne
Pamela Dufresne, Recording Secretary