

**City Council of Peachtree City**  
**Minutes of Meeting**  
**May 1, 2008**  
**7:00 p.m.**

The City Council of Peachtree City met Thursday, May 1, 2008, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present: Steve Boone, Don Haddix, Cyndi Plunkett, and Doug Sturbaum.

**Announcements, Awards, Special Recognitions**

Mayor Logsdon recognized Ron Mundy of the Fire Department for 25 years of service. Logsdon proclaimed May 5-9 as Building Safety Week. Members of the West Georgia Building Inspectors Association presented the City with a \$500 check for the City's smoke detector program. Financial Services Director Paul Salvatore and Assistant Finance Director Janet Camburn were recognized for receiving the 2008 Distinguished Budget Presentation Award from the Government Finance Officers Association.

**Public Comment**

Ric Hunt addressed Council regarding the prohibition of brown bagging at the City's restaurants. He said it should be an issue between the restaurants and the public. He gave Mayor Logsdon a letter with 180 signatures and asked to have the matter on the regular agenda for a fair discussion.

**Agenda Changes**

There were no changes.

**Minutes**

Boone moved to approve the April 17, 2008, regular meeting minutes as written. Haddix seconded. The motion carried unanimously.

**Monthly Reports**

There were no comments on the Monthly Reports.

**Consent Agenda**

1. Consider Auction of Surplus Property
2. Consider Budget Adjustments
3. Alcohol License – Change in Licensee and License Representative – El Ranchero, Braelinn Village
4. Consider Revision to Floodplain Ordinance

Logsdon clarified that the change to the floodplain ordinance was something that had to be done. City Manager Bernard McMullen noted that the only change to the floodplain ordinance (Consent Agenda #4) was a date.

Plunkett noted some of the items on the surplus property list, such as a chair made from a tree, asked why the City could not throw away some of items on the surplus property list that had no apparent value. City Attorney Ted Meeker said the state had a process that had to be followed, and everything had some value.

Plunkett moved to approve the Consent Agenda items. Boone seconded. The motion carried unanimously.

### **Old Agenda Items**

#### **02-08-18 Discussion/Consideration on Repair of Police Department Building**

City Engineer Dave Borkowski addressed Council and said that staff continued to recommend the repair of the building. Borkowski referred to the first report on groundwater, which was done 2004. United Consulting was hired to perform geotechnical investigations, and no groundwater was found in the five-foot deep well adjacent to the building. Staff continued to pursue the possibility of groundwater infiltration. In August 2006, United Consulting performed another geotechnical analysis of the building and its perimeter in order to rule out groundwater. Twelve wells ranging from six feet to over 14 feet in depth were installed inside and around the building. The wells were sampled on August 8, August 10, and August 17, and no groundwater was encountered in any of them. United Consulting's summary noted that the excessive moisture in the building was not because of shallow groundwater or saturated soils. However, the soils did contain significant "fines," silt and clay particles, that posed a greater than normal potential to hold water, which could result in a "perched" water condition when combined with improper site drainage around the building. Borkowski said that there had been some confusion about groundwater. Over the years, various consultants and air quality people had referenced groundwater as a likely source, but all of those reports recommended additional study.

Borkowski continued that staff had wanted to ensure lack of rain had not influenced the results of the tests. Borkowski referred to the rainfall scorecard included with the memo prepared for the meeting, and noted that the wells were dug when there had been well over eight inches of rain for the month, which was above average. The wells had been monitored since 2006, and groundwater had been found in very few of the wells since that time. Wells 1, 3, 6, 11, and 12 were the wells that had some groundwater periodically. The drainage in those locations was very poor, creating what was basically a bathtub situation. Based on this data and a myriad of other reports, staff concluded that the problem with the moisture was not due to groundwater inundation. There were several sources that led to the water vapor problem, including HVAC issues, wall and building construction, and exterior drainage issues. The existing renovation contract with R.L. Ward dealt with the HVAC issues. The ensuing renovations would deal with the other issues. He added that, generally, geotechnical engineers were not concerned with groundwater during foundation design unless the groundwater was three to five feet from the foundation. When groundwater was closer, the design would include a French drain system or active sump system to get the water away from the foundation.

Borkowski said the plan to address mold issues in the building included removing all of the interior drywall and insulation on the exterior walls. Atlanta Environmental, Inc., had been contracted to develop a mold remediation plan and to perform a clearance survey when the remediation was done. Staff would continue to get air samples in the building after it was occupied.

Sturbaum noted that lifting the foundation was not an option to get rid of the groundwater. He asked if there would be a system to remove any groundwater that had been reported under the foundation. Borkowski said that staff did not feel it was true groundwater, but water sitting around the building and being picked up in the wells.

Logsdon asked if anyone attending the meeting had any comments, and no one offered any comment. He thanked staff for their work. He supported staff's recommendation to repair the building. All of the reports said the groundwater was there, but was not the problem. The groundwater had been dealt with, but was not the problem based on what he had read.

Boone said he did not have a problem with the staff recommendation. The research had been extensive, and the experts had given an analysis of what needed to be done. He could not see purchasing or rebuilding another facility to accommodate the Police Department. It would be cost prohibitive for the taxpayers, and he was not willing to pass the burden onto the taxpayers.

Sturbaum said he did not support the repair of the building. He still believed there was a groundwater issue. He noted other reports that referred to groundwater, including an August 2005 report that noted the moisture coming through the floor was higher than a factor of three to four. His concern was that all aspects of the building would not be repaired. Sturbaum said he respected the opposing position and complimented staff on their work. However, Sturbaum said he could not support the repair program as proposed. Logsdon asked Sturbaum if he had another proposal. Sturbaum said other facilities had been looked at and numerous options had been weighed. He did not have a solution right now, but he would like to keep looking.

Haddix said that an excellent building had been found, but the cost had gone from a small cost or donation to full market value. At that point, the building was not an option. He still saw issues with the existing building. He respected the engineering position, but he had seen statements in the reports that supported the groundwater issue. The ground had been soaking wet during the drought. One report was done when there was a 9.3-inch rain deficit, and the report noted the ground was wet. The water was coming from somewhere. An inspection of the property was done in 1999, but they had not built where they inspected. The building was at least 250 feet off the site that was inspected and had a completely different lay of the land. His past experiences told him there were groundwater issues. Haddix agreed with staff about the exterior of the building. It was badly built. The groundwater issues were still there and were not going away.

Plunkett noted that she had voted against repairing the building the first time in October 18, 2007, but she had heard more in support and had more confidence regarding the repair this time. She asked Haddix how long Council should wait before making a decision on the repair or committing to spend \$5.5 million on a new building. Haddix said the City had been fixing the building for seven years, but it had never stayed fixed, which was the problem. The repairs had cost more than the initial cost of the building. A short-term savings would turn into a long-term loss. Plunkett said the fix would have been a long-term solution if it had worked. There was no place for them to go, and they could not build a \$6 million building overnight. She asked whether Council would be a better steward by spending the additional money to remediate the problems and get rid of the mold than by waiting indefinitely for a choice Council might not have. Haddix said there were experts who said the building could not be fixed. There might not be a report from them, but those experts had contacted some of the Council Members. The answer was not clear cut even on the experts' side. A short interim term to locate an alternative would be better.

Logsdon said the cost of the repairs was going to be more than a half million dollars. The problem had been identified before any member of Council had taken office. The experts had been assembled over the last few years to address the problem, and the due diligence had been done. Council had listened to the experts, and it was time to make a decision.

Boone said the experts had pointed out that the flow of moisture from the exterior into the walls was because of the poor construction. The recommended repairs would fix the problem. It would almost be a brand new building, and it should last a long time. Boone moved to fix the Police Department with the prescribed renovations as brought out by the engineering experts and engineering staff. Plunkett seconded the motion and asked Boone to add two items to his motion – a report from the mold remediation and that an additional mold check be done before the Department moved backed in. In addition, Plunkett asked that mold checks be done on a regular basis at the highest standard. Borkowski said he would ask the industrial hygienist how often the checks should be done. Plunkett told Boone she would second the motion if he agreed with her conditions. Boone restated the motion with the additions suggested by Plunkett. Plunkett seconded. The motion carried 3-2 (Haddix, Sturbaum).

Plunkett said Council needed to make a decision regarding the proposed settlement agreement with Leslie Contracting. She noted that Leslie Contracting, the original contractor on the Police building, had agreed to work with the City to remediate the problems with the building. By working with Leslie and accepting the agreement, the City would save approximately \$177,000. Meeker added that Leo Daley prepared the plans for repairs, and there was an agreement by Leslie to do the work. Leo Daley would supervise the work. Plunkett said she had checked out Leo Daley and heard only great things. Boone noted that it was admirable for Leslie to come forward and save the City money.

Plunkett moved to accept the settlement agreement proposed by Leslie Contracting. Boone seconded.

Sturbaum asked if Leo Daley's supervision was spelled out in the settlement agreement. Meeker said it would be in a separate short form contract, but that was the agreement of the parties. Leslie Contracting was aware the City had retained the services of Leo Daley to supervise the contract.

The motion carried unanimously.

#### **New Agenda Items**

##### **05-08-01      Consider Transmittal Resolution for Partial Update to the Comprehensive Plan**

Planning Assistant Tony Bernard said the update was to the Short Term Work Program/Capital Improvements Element. The documents were required by the Department of Community Affairs (DCA) as a supplement to the partial update to the Comprehensive Plan that was submitted in 2007. Staff recommended approval of the resolution.

Haddix moved to approve the transmittal resolution for the partial update to the Comprehensive Plan. Boone seconded.

Plunkett asked if approving the resolution meant that the Recreation Department could not add anything to the Comprehensive Plan. Bernard said it did not. Sturbaum commended staff for the work done on the Comprehensive Plan update.

The motion carried unanimously.

**05-8-02      Consider Truck Bids for Leisure Services**

Leisure Services Director Randy Gaddo said staff recommended Council award the purchase of two Ford trucks to Allan Vigil Ford of Morrow for \$52,581. The bids were for an F-350 that would be specially equipped to haul irrigation equipment and tools. The F-250 would be used for general maintenance and pulling heavy loads. Sturbaum noted that the bids had exceeded the budgeted amount of \$42,000 and clarified that there was enough funding to cover the difference. Gaddo said there was. Sturbaum asked Salvatore if it would affect the budget savings in a significant way. Salvatore said it would not. Plunkett asked if the trucks were necessary and mandatory for the continuation of business this year. Gaddo said they were absolutely needed.

Sturbaum moved to accept the bid from Allan Vigil not to exceed \$52,581 for one F-250 pickup and one F-350 pickup for Leisure Services. Haddix seconded. The motion carried unanimously.

**05-08-03      Consider Truck Bids for Public Works**

Public Services Director Tom Corbett said four vehicles were bid, but the budgeted amount had come up short. There was just not enough money to cover the fourth vehicle, and it would be re-bid at a later date. One of the trucks to be replaced was a 1991 model with 124,000 miles on it. Another truck had 59,000 miles, but was a vehicle that should be judged by engine hours. When vehicles came up in the five-year plan, they looked at them to see if they could go another year. The vehicles to be replaced would require extensive maintenance to keep on the road. The third vehicle was new and would be used for the building maintenance function. Plunkett asked if three or four vehicles had been budgeted. Corbett said four vehicles had been budgeted. Plunkett noted there would not be a savings at all by not purchasing the fourth vehicle. Corbett said there would not be savings.

McMullen said that, following discussions with the vehicle manager, the City historically had used smaller pick-ups, but they did not have enough power to do the jobs. There were also safety issues when the smaller trucks pulled trailers and had to stop. The smaller trucks had been budgeted prior to the discussion with the vehicle manager. Corbett added that the bigger vehicle would last longer in the longer run. McMullen noted that the smaller trucks had gas engines, while the larger trucks had diesel engines, which were less expensive to maintain and had longer lives.

Logsdon asked if the biograde diesel fuel cost less. Corbett said it was two to three cents per gallon less. Logsdon noted it was just better for the environment.

Boone moved to purchase three Ford F-350s not to exceed \$87,572. Haddix seconded. The motion carried unanimously.

**Council/Staff Topics**

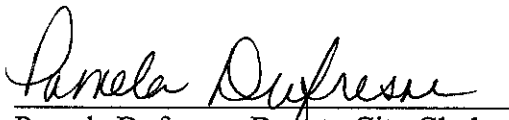
There were no Council or staff topics.

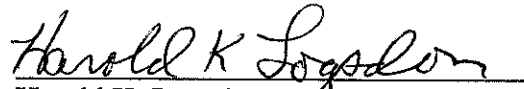
Plunkett moved to convene in executive session for threatened or pending litigation and a personnel matter at 7:59 p.m. Boone seconded. The motion carried unanimously.

Boone moved to reconvene in regular session at 8:21 p.m. Haddix seconded. The motion carried unanimously.

Plunkett moved to initiate the necessary legal action against Cobb & Associates and related parties regarding the design of the Police building. Sturbaum seconded. The motion carried unanimously.

There being no further business to discuss, Haddix moved to adjourn. Sturbaum seconded the motion. The motion carried unanimously. The meeting adjourned at 8:23 p.m.

  
Pamela Dufresne, Deputy City Clerk

  
Harold K. Logsdon, Mayor