City of Peachtree City
Minutes of Regular Meeting
March 18, 2004
7:00 p.m.

The City Council of Peachtree City met Thursday, March 18, 2004, 7:00 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Stuart Kourajian, Steve Rapson, Judi Rutherford, and Murray Weed.

Announcements, Awards, Special Recognition
Mayor Brown recognized Anita Glenn from the Building Department as the Employee of the Month for February.

Minutes
Rutherford moved to approve the March 4, 2004, regular meeting minutes as presented. Rapson seconded. The motion carried unanimously.

Consent Agenda

1. **Consider Appointments to WASA**
2. **Alcohol License – Change in License Representative – Flat Creek Golf Club**
3. **Alcohol License – Change in License Representative – Braelinn Golf Club**
4. **Declare Surplus Property**

Rutherford moved to approve the Consent Agenda. Kourajian seconded. The motion carried unanimously.

Old Agenda Items
02-04-07 Kathie Cheney – Request to Address Council Regarding Smoking in Public Buildings
Kathie Cheney told Council that six years ago she had served on the City's smoking committee, which came up with the signs posted in the City's businesses that inform people whether smoking was allowed in the building or not. Cheney said those signs might be the reason she had not had a stroke in the last few years. Cheney said she was an example of what could happen due to exposure to secondhand smoke, which was from her workplace. She explained that she had had surgery for two smoker's diseases and had not smoked her first cigarette. Sixteen years ago she was diagnosed with smoker's throat cancer and she recently had surgery for a clogged artery. Cheney said her cholesterol was perfect and she had no risk factors; her artery had been clogged by tobacco smoke, which caused stickiness in blood.

Cheney continued that the Board of Health had asked each municipality in the County to consider a smoking ban in October, which was the time of her surgery. The city of Helena, Montana, had a smoking ban in place. A study conducted showed that the heart attack rate dropped 58%, but only in the zip code areas protected by the smoking ban. The other areas had no noticeable change. The state overturned the City's ban and the heart attack rate went up. Cheney said the study was a reflection of what doctors had understood for a long time, but they were just now getting the statistics to support it.

Cheney said she approached the restaurants with the red "smoke present" signs about a year and a half ago and asked owners why they had not ventilated their buildings. Cheney explained that the idea was to contain the smoke in the bar area, so restaurant customers would not be bothered. She pointed out that not one restaurant had done anything. The only buildings in the City with proper ventilation were industries in the Industrial Park, which were designed that way for other concerns, and the new Wal-Mart, which had a separately ventilated employee break room. Cheney continued that there was a difference between accommodating and encouraging smoking. The restaurant owners told her the competition would not allow them to ban smoking. Cheney said businesses could not be expected to put their biggest customers out the door. She explained that the highest profit margin in a restaurant was from alcoholic drinks and smokers were drinkers.

Cheney said the best possible solution was Senate Bill 507, the Georgia Smokefree Air Act of 2004. She said the bill simply stated that smokers would have to step outside to smoke. Cheney said the state bill was the fairest way to stop smoking in public buildings. Everyone would be playing by the same rules and would have a year to decide whether to invest in separate ventilation or not. Ventilating smoke increased air conditioning and heating costs. She pointed out that recirculating the air only masked the warning signs of secondhand smoke by filtering the smell and the smoke itself, but not the danger. Cheney requested Council consider passing a resolution in support of SB 507 and also asked everyone to call their state officials and voice their support for the bill.

Brown said he supported the bill. Cheney reported that the bill had passed the Senate with a vote of 45-7 and was currently in the House's Governmental Affairs Committee. She said a well of support was needed from the citizens to get the bill out of the committee and not have it be gutted in the process.

Rapson said he had done some research on his own and had been quite surprised. Fifty million people consumed tobacco products every day. Out of that 50 million, a third were regular users and half were lifetime users. He said about one third of the lifetime users would die because of smoking. Smoking killed 440,000 smokers a year and 53,000 non-smokers. Smoking was the third leading cause of preventable deaths in the U.S. Rapson agreed with Cheney that separating smokers and non-smokers in restaurants was not enough since the air was re-circulated. Rapson said tobacco was the only legal product in the U.S. that led to death and disability when used as directed. Philip Morris, a leading cigarette manufacturer, had posted this on its website:

> Secondhand smoke, also known as environmental tobacco smoke or ETS, is a combination of the smoke coming from the lit end of a cigarette plus the smoke exhaled by a person smoking. Public health officials have concluded that secondhand smoke from cigarettes causes disease, including lung cancer and heart disease, in non-smoking adults, as well as causes conditions in children such as asthma, respiratory infections, cough, wheeze, otitis media (middle ear infection) and Sudden Infant Death Syndrome. In addition, public health officials have

> concluded that secondhand smoke can exacerbate adult asthma and cause eye, throat and nasal irritation. We also believe that the conclusions of public health officials concerning environmental tobacco smoke are sufficient to warrant measures that regulate smoking in public places.

Rapson continued that New York, Idaho, and California all had state smoking regulations He asked why the federal government was not doing more and suggested it was because the tobacco lobbyists in Washington, D.C., were really good. Rapson said Council was charged with protecting the health and public safety of its citizens. He was not sure SB 507 went far enough, but he would support a resolution from Council.

Cheney noted that an amendment had been added to SB 507 restricting the proposed law to businesses with more than 20% of its income coming from food. She noted that was similar to other states.

Brown asked City Attorney Ted Meeker if Council was allowed to draft a resolution since the agenda item was a request to address Council. Meeker said that, according to the charter, they would have to wait until the next meeting. Kourajian said he supported the concept, but wanted to read the bill first. Brown noted that if they waited until the next meeting on April 1, the legislative session would be over. Rapson suggested writing a letter of support after all the Council Members had read the legislation and said whether or not they would sign it. Weed agreed.

02-04-CA8 Field of Hope Agreement

Brown moved to grant the agreement to the Field of Hope organization as written. Weed seconded. The motion carried unanimously.

03-04-01 Report from City Probation Services

Jenny Nichols Winter from Maximus, Inc., addressed Council regarding the probation statistics for 2003. Brown asked Winter to explain how the system worked. Winter noted that Court was held every Wednesday and, depending on the offense, people were placed on probation by the judge. A court fine was also included. Maximus collected the fines each month and charged a $35 monthly probation fee to supervise the probationers.

Brown said one initiative he was working on was to have the probationers who also have been assigned community service hours to pick up trash. Winter noted that two young men charged with littering recently spent their winter breaks from school picking up trash. Winter said the judge had to put the community service on the court order so she could tell the probationers they had to do their community service with Public Works.

New Agenda Items

03-04-06 Alcohol License – NEW – Three Dollar Café

Clyde Cornell, the applicant for Licensee and License Representative, addressed Council. Weed moved to approve the license for the Three Dollar Café and to name Clyde Cornell as Licensee and License Representative. Kourajian seconded. The motion carried unanimously.

03-04-07 Award Contract for Satellite Auto Shop

City Engineer Troy Besseche addressed Council and said the design work began in 2001, which was also the original implementation year for the project. The facility was a 3,600 square-foot pre-fabricated steel building that would house the City's emergency vehicles, as well as other vehicles, that were too large to fit in the existing facility.

Funds to build the shop were in the budget in 2002, but were cut due to budget constraints. Besseche said the project was delayed until this year. Besseche said some things had changed during that time, including regulatory constraints for stormwater, as well as other aspects needed to upgrade the building. Staff also looked at two alternatives for the project. The first option was to take out the site work and to have that work done by Public Works staff and equipment. Besseche said that option was not realistic. The second option was to change the pavement type from asphalt to concrete. Besseche said concrete would stand up to the heavy weight of the emergency vehicles better than the asphalt, and would last longer.

Besseche continued that the project was put out for bid earlier this year. Due to an irregularity in the way the addendums were sent out, the bids had to be rejected. The project was re-bid, and seven responses were received. He said Fincher Construction submitted the lowest bid for $468,595, which included alternative two. Besseche noted that all of the bids were over budget and explained that the budget was originally set in 1998. The budget had been updated, but they had not been able to account for events during the past year that affected steel prices and the availability of steel. The cost was $118,000 over the original budget of $350,000.

Financial Services Director Paul Salvatore added that a third party consultant had supported the project in the fleet study conducted a year ago, which was the reason the funding was included in the 2004 budget as a definite need. The plan was to fund the shop with a 15-year Bricks & Mortar loan. The debt service for the project would be $11,426 per year, depending on the debt service. Salvatore said $33,000 was budgeted for the project this year. He said they could put off the loan until the end of the year, which meant there would be no debt service payment this fiscal year. The $33,000 budgeted could be placed in a debt service fund and would pay the debt service for the next three years. Salvatore said that meant the debt service would not affect the budget until the fourth year. Salvatore asked Council to approve the bid and instruct the City Attorney to draft a reimbursement resolution for Council to adopt prior to spending any money on the construction so they could take money out of cash reserves, delay putting in for debt service and accrue interest, then reimburse the City. There would be no debt service until the next fiscal year.

Kourajian asked what the timeline for the project was. Besseche said it was 180 days, and construction would start in late May. Kourajian asked if the cost was a lump sum fixed price. Besseche said lump sum.

Rutherford asked about a bond and what would happen if the roof leaked, or the terms of the contract were not met. Besseche said the standard contract called for liquidated damages, which would be in effect if construction went longer than 180 days. He said a one-year warranty was required and roof warranties were longer.

Rutherford asked if anyone had looked at any of the available properties in the Industrial Park to see if they met the needs. Besseche said they had looked at the old Leach fire station, but it was not acceptable due to the age of the building and the presence of asbestos. The building also was oriented for expansion. Besseche added that the location for the satellite auto shop would also work to the City's advantage. The building would be oriented so it could be expanded onto the adjacent property in the future.

Rapson suggested there might be other empty buildings, or warehouses, in the Industrial Park that could be used. Salvatore said, according to the fleet study, that satellite auto shops were not preferred because of increased costs and spreading everything out. He pointed out that the proposed location was adjacent to land owned by the Water and Sewer Authority. In the future, the existing Public Works facility could be decommissioned and moved to the one location behind the Police Department. The existing Public Works facility could be used for other purposes.

Rutherford asked about the use of the facility if the fleet work was sub-contracted. City Manager Bernard McMullen said it would not affect sub-contracting the work. The existing facility had neither the size bay that was needed nor the number of bays needed to work on the City's fleet. The study called for four bays and the satellite shop would bring the City up to four bays,

Kourajian asked if it was possible there was anything available that could accommodate the City's needs and if there were any time constraints on the bid. Weed also asked if staff could look at other properties and how long it would take. McMullen noted that the bid was good for 60 days.

Rapson said his concern was that the project was part of the comprehensive master plan regarding how the City would work with the existing facility and the new facility. The location was central, with access off GA 74. Rapson said any available buildings would still have to be reconfigured to get the vehicles in and out, and then they were putting fire trucks and pumper trucks in the Industrial Park. He said he was ready to approve the project with the caveat from Salvatore regarding the funding and debt service.

Weed said he assumed there were staff members who were competent to look at other industrial/commercial facilities and make a determination, but asked if they would have to hire consultants. McMullen said staff could look at other facilities. McMullen said they might not be able to find a property with the bay height needed, but they could do a search through a commercial real estate company. The bay height needed was not a common size found in normal warehouse facilities.

Brown said the Police Department was one of the largest parts of the fleet and the vehicles had to be rotated in the most efficient way possible. The new shop would be conveniently adjacent to the Police Department and the shop site would fit the needs for the next two phases. Brown also said there could be problems with retrofitting another building. The immediate needs would be met, but future needs might not be met. Besseche noted that most properties in the Industrial Park were larger than needed.

Rapson said the request to look at other properties was reasonable. He suggested tabling the vote for two weeks to allow staff to look at other properties.

Kourajian moved to table the agenda item for two weeks to allow staff to look for another space that could be reasonably retrofitted for the City's needs. Rapson seconded. The motion carried unanimously.

03-04-08 Consider Special Events Policy

Brown said the Tourism Association had requested that the policy be tabled to give them a chance to review it.

Rutherford moved to table the policy until the policy was ready for the agenda. Rapson seconded. The motion carried unanimously.

03-04-09 Consider Request to Waive Fees for Use of Kedron Fieldhouse

Brown noted there were additional documents on the dais – a memo from Scott McCord to Randy Gaddo dated March 18, 2004, on Fayette County Board of Education Usage of Starrs Mill; and a memo from the Director of Leisure Services to Mayor and Council Members dated March 18, 2004, on Request for Adjusted Fee Schedule, Southern Crescent Lightning Basketball; and a memo from the Director of Leisure Services to Mayor and Council Members dated March 16, 2004, on Request for Waiver of Fees, Kedron Basketball

McMullen verified that the March 18 memo superseded the March 16 memo.

Brown moved to allow agreement between Southern Crescent Lightning Basketball Team and the City under provisions in the March 18, 2004, memo from Leisure Services Director to allow the use of one court at Kedron Fieldhouse from 9-10:30 a.m., Monday-Friday, from April 19 to May 28, $10 per player per month fee, with the players providing eight free clinics for local youth or adults, and contingent upon the team's ability to render a contract with the Fayette County Board of Education. Rutherford seconded. The motion carried unanimously.

Council/Staff Topics

Rapson noted that at the last Council meeting they had noted that the warrants had been met for traffic lights at the Phase 1 section of the Kedron shopping area. The lights would be located at Peachtree Parkway and the Kedron shopping center and at GA 74 and Georgian Park. Besseche said they were getting information and he would write a letter to the developer. He pointed out that the City would have to maintain the traffic light on the state highway. Rapson said, from a public safety perspective, that the warrants had been met and the developer needed to put in the traffic signals to make the area safer.

There were no other Council/Staff topics. Meeker said there was pending and threatened litigation to discuss in executive session.

Weed moved to reconvene in executive session for pending and threatened litigation. Rutherford seconded. The motion carried unanimously.

Rutherford moved to reconvene in regular session. Weed seconded. The motion carried unanimously.

There being no further business to discuss, Rutherford moved to adjourn the meeting. Rapson seconded. The motion carried unanimously. The meeting adjourned at 8:07 p.m.

Pamela Dufresne

Pamela Dufresne, Recording Secretary

Stephen D. Brown, Mayor