City Council of Peachtree City
Meeting Minutes
March 7, 2013
7:00 p.m.

The Mayor and City Council of the City of Peachtree City met in regular session on Thursday, March 7, 2013. Mayor Haddix called the meeting to order at 7:02 p.m. Other Council Members in attendance: George Dienhart, Vanessa Fleisch, Eric Imker, and Kim Learnard.

Announcements, Awards, Special Recognition

Mayor Haddix proclaimed March as Red Cross Month. The BMX Parents Association was recognized for its 30th anniversary. Billy Spezzano of the Recreation Department was recognized as Employee of the Month. LaGrange Police Chief Lou Dekmar, a member of the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), presented Police Chief H.C. "Skip" Clark with the Police Department's certificate of accreditation (gold standard).

10-minute Talks

Krista Gonce, Georgia Center for Child Advocacy

Gonce, the regional prevention coordinator, discussed the statewide child sexual abuse prevention initiative. The premise was that adults were responsible for the safety of children, and the goal was to make prevention the standard. Working in partnership with the South Carolina-based Darkness to Light program, the Center offered training for all adults who work with youth to help them recognize the signs of child abuse. The cost was $15 per person.

Agenda Changes

Learnard suggested switching the Old Agenda Items since "09-12-06 Facilities Bond Projects Status Report/Update" could take some time.

Imker moved to move consideration of the WASA appointments ahead of the other Old Agenda item. Learnard seconded. Motion carried unanimously.

Minutes

February 21, 2013, Regular Meeting Minutes

Imker moved to approve the February 21, 2013, regular meeting minutes as written. Fleisch seconded. Motion carried unanimously.

Consent Agenda

1. **Consider Alcohol License – NEW – Designs N Wine**
2. **Consider Transfer of Property to WASA for Pump Station**
3. **Consider Items for Surplus – Public Works**

Haddix noted that Item 2 had been moved to the March 21 agenda. Dienhart moved to approve Consent Agenda Items 1 and 3. Learnard seconded. Motion carried unanimously.

Old Agenda Items

01-13-CA11 Consider Appointments – WASA – John Cheatham, John Harrell, & Terry Garlock, William Holland as alternate

Imker sad it had been wise to allow additional candidates to offer their time to serve on the Water and Sewerage Authority (WASA). He noted that three of the four candidates were attending the Council meeting, and the fourth person sent an e-mail with an apology for being unable to attend. He thanked the candidates for attending. Imker said had spoken to all four people because he had realized the importance of the WASA operation. He noted that a resident's annual sewer bill was about $50 higher than the taxes paid on the average home in the City, adding he was excited to see a new group of citizen volunteers.

Haddix pointed out there had not been enough applicants to fill the seats, so they would have had to re-advertise anyway. Either way, Council would have been at the same point. Haddix said he understood Imker's point.

Imker moved to approve the recommendation in the agenda packet for the four individuals identified – John Cheatham, John Harrell, Terry Garlock, and William Holland as the alternate – to be appointed to the WASA. Learnard seconded. Motion carried unanimously.

09-12-06 Facilities Bond Projects Status Report/Update

Community Services Director Jon Rorie addressed Council, saying there had been 36 original projects. Twenty-eight were funded, 15 had been completed, and 10 were active and in progress. Eight projects had been "parked," with the initial funding reallocated to other projects, and three projects should be removed from the list. The City was on the downhill slope of completing the projects. Some of the lower priority projects had been completed by leveraging funding from the departmental budgets. There was also a lot of internal effort not reflected on the spreadsheets. As an example, Rorie said there had been some shrubs blocking the signs on McIntosh Trail. The shrubs were dug out and replanted at Braelinn Fields, where more landscaping had been needed. There were many projects moving forward that were not associated with the Public Facilities Bond, including upgrades at City parks completed by City staff.

Rorie went over the Facilities Bond funding, pointing out that any funds left from the projects were being reallocated to the Library roof, which would be discussed later in the meeting. He said the project began with an engineering assessment, and the quotes had come in 23% higher than the estimated cost. Rorie researched the difference in the cost, and he had compared the Library project to the City Hall roof, which had the same type of roof put on in 2006. The City Hall roof was approximately 11,000 square feet, and the cost was approximately $80,000. The Library roof was three times the size of City Hall's, and seven years later, the cost was $268,000. While it was an over-budget bid, Rorie said the bid was still very reasonable. The funds would be reallocated. Rorie said staff would continue to look at every dollar and seek the second right answer.

Dienhart asked what went wrong with the cost of the Library roof. Rorie said the only thing wrong was the opinion of the probable cost on the front end. Nothing had been wrong with the specifications or the bid process. Staff's opinion was the original estimate had been low.

Dienhart said he wanted staff to follow-up on this. Rorie said staff was already doing so. Dienhart asked if the City could recoup any of the money paid to the engineering company that provided an estimate that was off by 20%. Rorie said no, most of that was spent on the specifications, not the cost estimate.

Fleisch recalled waiting to hear about the state grant around the same time last year. It seemed to take the engineering company a long time to come up with the specifications, and she wanted to hold their feet to the fire.

New Agenda Items

03-13-01 Public Hearing – Consider Variance to Watershed Protection Buffers, 404 General Hardee Square (North Cove)

Haddix noted there was an additional document on the dais – a copy of the letters from the neighbors.

City Planner David Rast addressed Council, noting the request for a variance to Sections 1004(b)(4)a (100-foot undisturbed natural buffer area for a water supply, measured from normal pool elevation or stream bank, to be maintained) and 1004(b)(4)b (impervious surfaces prohibited within 150 feet of normal pool elevation or stream bank) of the City's Watershed Protection Buffer Ordinance. North Cove was a cluster subdivision on Lake Kedron. The lots were small, and the zoning allowed for special character [Limited Use Residential (LUR)-3]. The subdivision was designated as Multi-family on the Land Use Plan because of the density.

Rast continued that the lot backed up to Lake Kedron. The intent of the 100-foot undisturbed buffer was to filter out sediment before the drainage water entered the lake. Property owners were allowed to limb up trees that blocked the view of the lake and to remove noxious vegetation. Staff usually went out on a lot-by-lot basis to work with homeowners and landscape contractors. In addition there was also a 150-foot no impervious buffer designed to filter out sediment. The no impervious buffer was used to place sewer and utility lines. The no impervious buffer encroached onto the Wintertons' property. The lot was 0.175 acres in size, or 7,500 square feet. The home was designed to open up to the side yard, which faced Lake Kedron.

Rast added that residents had been allowed to put some things within the no impervious buffer, including concrete pavers, which could be considered impervious. Staff had required those items to be installed on a sand or gravel base so the water could travel through them and percolate into the ground, which met the intent of the ordinance.

Greg Arnold, the architect for the Wintertons, requested Council reduce the no impervious buffer from 50 feet to 35 feet to allow for 12-foot by 12-foot pool and spa area, noting the patio area already extended that far into the buffer. There would also be a structure to house the pool equipment that would complement the home and grill housing. The equipment building would be incorporated into the retaining wall. All the surface drainage would be piped into a perc chamber, which was a large perforated pipe with a gravel pit. Arnold said the homeowners association (HOA) architectural review board approved the plans, adding there were letters from several neighbors who supported the variance.

Rast added that an approximately 250 square-foot area would be used. He continued there were two ways of looking at the variance. One was reducing the no impervious buffer from 50 feet to 35 feet or allowing the pool to encroach into the buffer, which was the way staff preferred. All of the other improvements would be constructed on a sand base.

Haddix opened the public hearing. No one spoke for or against the variance. The public hearing closed.

Learnard asked Arnold to go over the cistern/pipe structure and whether it was above or below ground. Arnold said it would be below ground, adding they would perforate a large pipe, then they would auger gravel into a trench, forming a reservoir that held the water until it dissipated into the soil. It would also take rainwater from the downspouts. Learnard asked what the total amount of impervious surface would be, including the pool, spa, and patio. Arnold said the new area would be 250 – 300 square feet, and 250 square feet of impervious surface was already in the buffer.

Dienhart asked what was currently in the no impervious surface buffer. Arnold said there was a poured concrete terrace. Dienhart said it appeared the plans would improve the drainage. Arnold said they were trying to increase the flow that was there now.

Haddix asked what the lifespan of the drainage system was. Arnold said pavers would last indefinitely if the base was good, but he preferred not to use pavers in shady areas like this one because moss would grow up between them, becoming a maintenance and safety issue. His preference was to use mortar step stone or architectural concrete.

Learnard asked if any of the letters from the neighbors were from Lots 18, 19, or 24. Andrea Winterton answered the question, but did not come to the microphone. Her remarks were inaudible.

Fleisch asked Rast if approving the variance would set a precedent. Rast said it had to be looked at on a case-by-case basis. There was already pervious pavement within the no impervious buffer. The majority of the no impervious buffer was located outside the property. There had been other variance requests from North Cove. A request to build a three-car garage that extended into the buffer had been denied. It would have been a massive structure that consumed a big part of the property. There had been variance requests regarding encroachments into the no impervious buffer. Some requests never made it to Council, going through the staff review process for low-impact projects. Rast did not believe approving the request would be precedent-setting to the point of having to approve any other variance.

Dienhart asked Rast if he felt the drainage would improve. Rast said that, with the improvements that were planned, the drainage would be more controlled.

Haddix said he had mixed feelings. He understood the arguments in favor of the variance. However, it was an encroachment, and Council had required people to remove things from the buffers in the past. Council had denied a swimming pool that encroached into the buffer, asking why this request was more acceptable. Rast said Council had required a homeowner to take out a basketball court that was built without a permit on City property. He noted Council had denied a variance for a pool in Southern Shore, but there had been other places on the property to locate the pool without getting a variance. There would also have been a greater impact on the buffer than the variance under consideration.

Haddix asked if there had been similar variances granted in North Cove. Rast said there had. Rast did not recall if they had been for pools, noting staff had met with homeowners on several lots about retaining walls, fountains, and pavers, mostly about smaller courtyard amenities. Haddix said the extent of the request concerned him.

Imker asked what would stop the request for the garage from coming back if Council approved this variance. Rast said staff would have to look at the request. Imker said the requests were the same, and the question seemed to be the magnitude of the intrusion. Rast said he would have to look at it. Imker said there were three options – to approve it, to disapprove it, or to disapprove it and tell the homeowner to rip out the patio area located in the buffer already. Haddix pointed out that the adjoining properties appeared to be prime candidates for the same thing.

Fleisch asked if the difference was basically between a large enclosed structure and the more open pool area. Rast said the garage had not just been an encroachment but a character change for the neighborhood. He did not recall if the HOA had been in favor of the garage or not. Fleisch said this lot was unique in North Cove as it was one of the row houses. Rast said most of the area along the lake was owned by the HOA. Most of the back yards were cleared to the 100-foot undisturbed buffer.

Haddix referred to a point made by Fleisch at another meeting, saying the owners knew what they were buying.

Learnard asked Arnold and Winterton to find letters in the packet they had provided from Lots 24, 18, and 19. If those three were fine with the variance, then Learnard said she would support it. Neither Arnold nor Winterton spoke into the microphone. Their comments were inaudible, but it appeared there were no letters from those homeowners. At least one of the property owners might have been traveling. Winterton said her back neighbor had told her he had no issues the variance.

Imker asked why this situation was unique. Rast said staff had looked at the proposed improvements and whether they could be relocated in the yard outside of the no impervious buffer. The pool, spa, and pool house were the only elements that would be located within the no impervious buffer, and there was really no other place for them to go in the yard. They were making an attempt to comply with the ordinance using the pervious pavers. The area was also secluded on the lot.

Learnard said she really did not like to have this many things going into the no impervious buffer. At the same time, she liked the improvements to the property, adding it was an extremely unique location. She would support it, but she wanted the two e-mails/letters from the other property owners to be included in the application file as a condition. She did not want to get a phone call.

Haddix said his problems were the size of the expansion into the no impervious buffer, and the possibility that when the undeveloped lots were built the owners would want to do the same thing.

Fleisch said this situation was pretty unique, and she would support it.

Dienhart said he had no problem with owners improving their property, which increased the value. They had gone to a great effort to make the pool fit into a small space, there was already an encroachment with the patio, and the drainage would be improved. Haddix said there were buffers and protected areas for a reason. Dienhart said this would be an improvement over what was there now. Learnard said that was why this was a difficult decision.

Imker said Council was there to help citizens thrive and improve, and he did not want to deny them that opportunity. He was in favor of the variance. Haddix said he understood all the arguments, he was not criticizing anyone. He was looking at the whole picture. He hoped the rest of Council understood his position.

Fleisch move to approve the variance to the Watershed Protection Ordinance at 404 General Hardee Square in North Cove with the three conditions set forth in the staff memo:

1. *The applicant shall continue to coordinate with City Staff to ensure disturbance within the no impervious buffer is kept to a minimum prior to, during, and following construction activities.*

2. *The variance shall be limited to the encroachment as shown on the Garden Plan for the Winterton residence as prepared by Greg Arnold, ASLA (dated January 22, 2013). There shall be not other encroachments permitted without first securing additional variances.*

3. *Following completion of construction and prior to issuance of a Certificate of Occupancy, the Applicant shall provide a revised Foundation Survey to the Building Official identifying the location of the new construction. The purpose of this survey is to ensure the new construction does not encroach any further into the no impervious setback than permitted by this variance.*

Learnard asked that the e-mails from the other property owners be added as a condition. City Attorney Ted Meeker said that should not be included in the motion because the condition was impossible to enforce.

Dienhart seconded. Motion carried 4-1 (Haddix).

03-13-02 Public Hearing – Consider Variance to Floodplain Management/ Floodplain Protection Ordinance, Somerby Project, Rockaway Road

Haddix noted there was an additional document on the dais – the staff memo, which included a request for continuance of the public hearing from the applicant.

Imker moved to continue Agenda item 03-13-02 until March 21. Learnard seconded. Motion carried unanimously.

03-13-03 Consider Bids for Pursuit Cars & Accessories for Pursuit Cars

Haddix noted there was an additional document on the dais – an updated staff memo.

Clark said the lowest bidder, All-Pro Auto Group, was not able to provide the vehicles since the order deadline for them had passed. The next lowest bid was from Team Chevrolet, with the bid price of $189,987 for seven 2013 Patrol Chevrolet Caprice 9C1 vehicles. The difference between the two bids was $168. Clark continued that staff recommended TransComm Services – Griffin for the purchase and installation of aftermarket accessories for $107,836.05.

Clark explained the process used when considering which vehicles to replace, adding the bids had come in $10,000 over the projected price. Additionally, staff requested Council declare 10 Police vehicles surplus so they could be disposed of either by reassignment in the City or auction.

Learnard moved to approve the purchase of seven vehicles for $189,987 and aftermarket accessories as presented in the staff memo. Imker seconded. Motion carried unanimously.

Clark added that the fleet would be reduced by two vehicles.

03-13-04 Consider RFP for Library Roof Installation

City Engineer Dave Borkowski said staff recommended the City award the Library roof replacement to Rycars Construction, Inc., for $261,470. He continued that there were many ongoing problems with the Library roof. The roof was in poor condition. The consultants had done detailed drawing and specifications so the requests for proposal (RFP) could be sent out to find a quality contractor. Four proposals were received, and they were evaluated for price, qualifications, and references. Rycars came out on top. The funding would come from the Facilities Authority bond, and the City would receive $100,000 reimbursement from the state after construction was completed.

Learnard asked how old the current roof was. Borkowski said it was re-roofed in 2005, adding there were several factors that contributed to the roof replacement. Learnard said she expected to get more than seven or eight years on a roof on her house, asking what had happened. Borkowski said there were several factors, including poor installation, as well as issues with the roof materials and the flashing. Borkowski said staff could continue to make repairs, but the constant repairs were weakening the roof. Learnard said she wanted to know why the City was in this position after only seven years. Dienhart said he wanted to know what was being done differently this time so the City was not in the same position in another seven years.

Borkowski said that was why they were working with an architect, to ensure the same thing would not happen again. There would also a 20-year warranty on the roof. Learnard asked how long the warranty was on the current roof. Borkowski said 20 years. Borkowski said staff felt it was in the best interests of the City to replace the roof with better materials and installation rather than keep making warranty calls. Dienhart said the City should not be paying for the warranty calls. Borkowski said the City had done some of the work so it could be done quicker. Fleisch asked if that had voided the warranty. Borkowski said it had not.

Fleisch asked who installed the roof. Borkowski said the company was no longer in business, but the manufacturer was still in business.

Dienhart said he was not in favor of getting a new roof when the City could still get warranty work done. Learnard said she was not opposed, but was looking for facts. Under warranty usually meant things were fixed or replaced at no charge. Borkowski said it was difficult getting the manufacturer to do the warranty work in a timely manner, which was one of the reasons staff recommended the new roof. To keep books from getting wet, the repairs had to be made by the City.

Dienhart suggested that Meeker draft a letter to the manufacturer explaining the problems and telling them to fix the roof immediately. Borkowski cited the $100,000 grant from the state, adding that was one of the reasons staff decided to pursue a new roof.

Rorie said the roof had been put on in 2005. From what he understood, staff had chased around the leaks, and there was a patchwork of repairs. Every time a repair was made they were plugging to the rubber membrane, which further weakened it.

Haddix asked if the warranty included full replacement. Rorie said the warranty was only for repairs, so the same cycle would continue. Haddix said there had been problems with the Library construction since he had come on Council, and he was very frustrated. Rorie said staff had inherited the problems, and they were trying to take care of them.

Meeker said he had not seen the warranty, but there were three courses of action Council could take. They could reject the bid and pursue the warranty. They could continue the agenda item for two weeks to give him time to look at the warranty. They could approve the bid conditionally subject to a review of the warranty. Meeker said he was learning toward the second option.

Fleisch asked who recommended Rycars. Meeker said sometimes the low bids presented problems, but staff was compelled to go with them. Staff considered those issues, and they came back with the position that Rycars' other customers were satisfied. Haddix said some private companies threw out the highest and the lowest bids to begin because the high bid was too much and there was something wrong with the low bid. Meeker said private companies had more leeway to do that. Sometimes governments gravitated to the low bid automatically.

Borkowski said Rycars was an international company with an office in Atlanta. One of the reasons staff chose to go with a request for proposal (RFP) was because they wanted to weigh project experience heavily. Rycars had done eight projects in five years on the same type of roof. All the customer responses had been good.

Imker asked if there would be any problem with the grant if the agenda item was continued. City Manager Jim Pennington said there would be enough time if Council made a decision in two weeks. Rorie added that staff would let the state know what was happening.

Learnard moved to continue the agenda item until the next Council meeting (March 21). Fleisch seconded. Motion carried unanimously.

03-13-05 Consider Bid for 50-foot Boom Lift

Public Services Director Mark Caspar said staff had budgeted for a 30-foot boom in the 2013 Public Improvement Program (PIP). Since taking over more facilities maintenance, staff had found the need to rent a 50-foot boom quite often, at a cost of $1,500 per month. The 50-foot boom had been used to put up lights at Christmas, to pressure wash the Library, and to limb the trees at Pebblepocket Park. Caspar said there was not a cost savings to buy a used boom, which had no warranty, adding replacing the batteries would cost $500 – $600.

Caspar continued that $27,000 was budgeted, and the 50-foot boom would cost $38,876, which would be $2,600 more in debt service per year. He pointed out that amount would be eaten up in two months to rent the taller boom. Staff recommended awarding the bid to Hertz Equipment Rental for $38,876.

Learnard moved to approve the bid from Hertz Equipment Rental for the JLG T500J Boom Lift for $38,876. Fleisch seconded. Motion carried unanimously.

03-13-06 Consider Brand Name/Sole Source for Emergency Pipe Lining – 1104 Hippocket Road

Caspar said staff had discussed the issues with the pipe recently with Council. There was a major hole over the center of the pipe underneath the road. The lining option was the most economical ($72,035) compared to a cost of $250,000 to open trench the pipe for replacement. He continued that Utility Asset Management, Inc., had worked for the City before, and it was the sole authorized vendor in the state for the product. Funds were available in the Renewal and Extension Line of the Stormwater Utility.

Learnard moved to approve the emergency pipe lining in the amount of $72,035 from Utility Asset Management. Fleisch seconded. Motion carried unanimously.

03-13-07 Consider Paying Off Remainder of Series 2002 G.O. Bond (Airport Refinancing)

Financial Services Director Paul Salvatore said the Series 202 General Obligation Bond was now callable, and the City had the opportunity to pay it off. The City could save $17,355 in interest payments by paying it off. The bond had one of the higher interest rates at approximately 4.5%. The remaining principle was $310,000. The total payoff would be $314,115, which Salvatore reiterated would save the City $17,355 in debt service. In the next tax levy, Council would also be able to reduce the bond millage rate by approximately 0.12 mills. The funds would be taken from the Cash Reserves, which were projected to be at 35% by the end of the fiscal year and would consequently drop to 34%, but that would not hurt the City's credit rating. This would be a one-time expense to reduce debt. The City's financial advisor, Todd Barnes, said paying off the bond would be a solid financial move. The question was whether Council was willing to give up liquidity to see a reduction in the bond millage rate.

Imker moved to pay off the remainder of the Series 2002 G.O. Bond (Airport Refinancing). Learnard seconded. Motion carried unanimously.

Salvatore said the payoff would occur on April 15. The bond attorneys would be notified the next day to provide the required 30-day notice on the payoff of the bond.

03-13-08 Consider Intergovernmental Agreement for the Title Ad Valorem Tax (TAVT)

Haddix noted there was an additional document on the dais – the staff memo. Pennington reported that he, Haddix, and Salvatore had met with the County Tax Commissioner along with representatives from the other municipalities to discuss the collection and distribution of revenue collected under the new TAVT (HB 386). The proposed intergovernmental agreement established the funding distribution. The base year was 2012. Residents would continue to pay the annual ad valorem tax on their current vehicles. After March 1, 2013, residents who purchased a new car in Georgia would pay the one-time TAVT of 6%. The tax commissioner would collect the two different taxes and distribute them. Pennington said no one could answer whether the change would be a positive or negative for the counties and municipalities. The assumption was it would break even. There were other caveats to the TAVT, such as, if a person went out of state to purchase a new car, they would pay the ad valorem tax on the new car. Pennington said signing the intergovernmental agreement was not a matter of negotiation. Council needed to approve the agreement and authorize the Mayor to sign it to get the revenues.

Haddix said the TAVT was complex and convoluted, and the City would end up on the losing end. Pennington agreed, saying his best guess was the City would lose money.

Imker asked how much revenue the City received from the ad valorem tax on vehicles. Salvatore said it was less than $1 million. He explained that the distribution would break even for a while, but would decline as the older cars were traded and sold. There were three pots of money – one-third went to the Board of Education and two-thirds went to the County and the cities. One-third of the two-thirds would be split based on the Local Option Sales Tax (LOST) distribution. The other one-third would be split based on any Special Purpose Local Option Sales Tax (SPLOST), but since there was no SPLOST, that one-third would also be based on the LOST. It would not be a benefit to the cities.

Imker asked what the underlying motivation was for the change in the tax, saying this could be a six-figure reduction in revenues in the future. Meeker said it had been to eliminate the birthday tax, which was when the ad valorem tax was due.

Imker moved to approve the intergovernmental agreement for the TAVT distribution. Fleisch seconded. Motion carried unanimously.

03-13-09 Consider Ratification of Settlement between City and Martine Piers

Meeker noted that Council had been aware there were two Equal Employment Opportunity Commission (EEOC) charges against the Fire Department. He reported both cases had been successfully mediated. The settlement in one case had been covered by the Georgia Interlocal Risk Management Agency (GIRMA). In the second case (Martine Piers), GIRMA had paid $250,000, and the City needed to pay $50,000. Ratification of the settlement was required under the Georgia Open Meetings Law.

Haddix noted that everyone had strong feelings about this. Imker said he was upset with the inaccurate and misleading media headlines in the newspapers. The citizens were out $50,000, and GIRMA was supported by taxpayers, so the residents were out $300,000. Meeker added

GIRMA was supported by the residents of the member cities. Imker said the residents knew Council was taking corrective action, and the Human Resources policies had been abused by certain individuals. When the issues were brought to Council's attention, they were addressed.

Learnard pointed out that an outside entity had conducted mandatory sexual harassment training for every City employee. She had attended training, saying everyone had a responsibility for harassment in the workplace. She believed future problems would remain small because they would be reported early and consistently. She thanked Pennington for holding the training.

Dienhart moved to ratify the agreement and payment of $50,000. Imker seconded. Motion carried unanimously.

Council/Staff Topics

Hot Topics

Pennington said the sound system in Council Chambers would be examined. Court had experienced issues with the sound and the recording on March 6.

The Public Information Network for Electronic Services (PINES) would be down March 22 – 24, so the Library would be closed those days.

Pennington said there had been some questions from residents about the street lights at the intersections of SR 54/Peachtree Parkway, SR 54/Stevens Entry, and SR 54/Robinson Road, asking Borkowski to give an update.

Borkowski referred to the signal upgrades that had been performed by the state's Department of Transportation (DOT) in 2011. Staff discovered that putting the street lights back up had not been included in the scope of the project. Staff also found that DOT had a "hands off" policy on street lights. If a municipality wanted them, it was the municipality's responsibility. The only item DOT put up was the mast arm without a light at the top of the signal poles. Borkowski said staff was working on how to get the lights back, adding they had gotten an estimate from Georgia Power. The power company would maintain the street lights since the City did not have the necessary equipment. The cost would be $55,350 for the three intersections. The work included boring under the road because the electricity for the signals and the lights had to be separated rather than using the signal box as in the past. Staff had looked at the accident data for the intersections 16 months before the lights were taken down and 16 months after the lights were gone. The data for the accidents was essentially the same. Staff planned to further analyze the accident data to see whether the accidents occurred at night or during the day. If there was an issue with an increase in accidents at night, staff would come back to Council. Fleisch was surprised it had taken a year to get the information, directing staff to provide an update to the citizen. Borkowski said staff had been working with DOT and Georgia Power during that time.

Pennington referred to the lighting on the CSX golf cart bridge on SR 54, which had also had issues. Borkowski said staff had gotten prices to replace the lights, but also suspected the problem was with the photo sensors rather than the lights.

Caspar said a bid had gone out to fix the lights, and no bids were returned due to the additional safety requirements that would be needed. Due to the lights' location over the railroad, there were many safety requirements. A vendor had been found who was willing to do the work. The vendor believed the problem with the lights was with the photo cells due to the distance between the lights rather than to the lights not functioning. As one light went on, another light would go out because the sensor sensed daylight. Caspar said, if that was the problem, there were several alternatives to address the issue.

Imker said the lights were of aesthetic value, and it was a low priority to him until Council got the information on the accidents at the other intersections on SR 54.

Learnard commented that the astronomy programs recently sponsored by the Library were well attended. She thanked staff for arranging for the programs.

Haddix asked Clark about the left lane law recently passed by the State Legislature. Clark said he knew the legislation had been approved, but at this point he did not know the impact it would have in the City. Pennington noted the new law was specifically for expressways, and there were none in the City. Haddix said there would be e-mails about it, and it would better if Council had a uniform response. Clark said he would find out more information.

Fleisch moved to convene in executive session to discuss pending or threatened litigation and real estate at 9:32 p.m. Learnard seconded. Motion carried unanimously.

Dienhart moved to reconvene in regular session at 10:37 p.m. Imker seconded. Motion carried unanimously.

There being no further business to discuss, Learnard moved to adjourn the meeting. Dienhart seconded. Motion carried unanimously. The meeting adjourned at 10:38 p.m.

Pamela Dufresne

Pamela Dufresne, Deputy City Clerk

Don Haddix

Don Haddix, Mayor