

**City of Peachtree City
Minutes of Regular Meeting
February 19, 2004
7:00 p.m.**

The City Council of Peachtree City met Thursday, February 19, 2004, 7:05 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Stuart Kourajian, Steve Rapson, and Judi Rutherford. Murray Weed was out of town.

Announcements, Awards, Special Recognition

Mayor Brown recognized Jenifer Rowlinson for her assistance during a fire at the Village Park subdivision. Cindy Light and Marilyn DeLoose of Financial Services were recognized as the Employees of the Month for January.

Minutes

Rutherford moved to approve the January 15, 2004, regular meeting minutes with the amendments as presented on the dais. Rapson seconded. The motion carried unanimously.

Rutherford moved to approve the February 5, 2004, regular meeting minutes as amended. Kourajian seconded. The motion carried unanimously.

Consent Agenda

- 1. Consider Appointment of Judge Pro Hac**
- 2. Adopt Short Term Work Program (STWP)/Capital Improvements Element (CIE) Update**
- 3. Consider Appointment of Development Authority Members**
- 4. Consider Award of Janitorial Contract**

Rapson removed Consent Agenda #3 so he could abstain from that vote. Brown noted there was an additional document on the dais – a letter from the law firm of Stephen D. Ott regarding Consent Agenda #1.

Rutherford moved to approve Consent Agenda #1, #2, and #4. Kourajian seconded. The motion carried unanimously.

Rutherford moved to approve the Development Authority appointments as presented, but to change the terms so they would be more staggered. She noted that three people rolled off in one year and three more people rolled off the next year, which meant six of seven people could change in less than a year. Rutherford recommended leaving Fraas, Strickland, and Miller in 2008. Savage's term would end in 2006, Duffy would stay at 2005, and the two members currently on the Authority would roll off in 2007. Kourajian seconded. The motion carried 3-0-1 (Rapson).

Old Agenda Items

09-03-01 Consider Drainage Issue Update – Creekside Way

City Engineer Troy Besseche showed Council pictures of the area immediately downstream of Ebenezer Road, where the culvert drained. On the photos, Besseche noted the location of silt fencing put in by Public Works to temporarily mitigate some of the flow. Besseche noted that the leaf matter in the wooded area was mostly intact. He said the signs of stormwater runoff were visible, but that was about all. The water entered the Davis property near a landscaped garden area and eroded some of the groundcover. Besseche said the Davises dug a ditch that channelized the water and that had water in it, which Besseche said he believed was also fed by a spring or groundwater in the area.

Besseche showed photos of an area that he said would be the best location for improvements on the Davis property, but the improvements would cost well over the available \$46,000. Another option was to construct some interim improvements. The consultant suggested piping the section within the right-of-way to the next catch basin and putting in a baffle plate. This option would accommodate about four cubic feet per second, which was a very small amount. Besseche said they asked some contractors and engineers to take a look at the project. The determination was there was no way to construct the option for under \$50,000. The possibility of rock in the location also made it difficult to determine a construction price.

Besseche said they recommended building a rock filter dam to help mitigate the velocity of the water just downstream of the culvert. Besseche said that was really the only thing the City could do for the money. Besseche said a rock filter dam would do nothing more than what the silt fence was currently doing, but would look better.

City Attorney Ted Meeker said he did not want to make the situation worse, which would create a liability. Meeker reiterated that, in his opinion, the City had no liability now. He said Council needed to be mindful of the results of the dam.

Rutherford asked if the silt fence was in the right-of-way or on the Davis property. Besseche said the silt fence was in the right-of-way and the dam would also be in the right-of-way. The silt fence would be taken down when the dam was built.

Rapson said the City would assume no additional liability by putting in a permanent fix rather than a patch. Meeker said that was a fair statement, but the velocity of the water needed to be documented before and after the dam was installed.

Rapson asked Besseche to confirm that they were only talking about affecting 25% of the water that flowed onto the Davis property. Besseche confirmed the statement.

Kourajian asked where the water would go. Besseche said the dam would be about 18 inches high and that was the most accumulation there could be behind the dam. The water would filter through the gaps in the stone and the water would slow down before

going onto the Davis property. Rutherford said they would still get the same amount of water, but there would not be as much damage because there would be less force.

Rutherford asked Meeker if he was comfortable with the liability. Meeker said he was comfortable based on what Besseche said. Meeker added that he would be interested in seeing the results. Rutherford noted that if the velocity was less after the dam was finished, then no harm would have been done. Meeker said that was the theory.

Rutherford moved to approve the rock filter dam, to do a flow study before and after the dam was built, and that the cost not exceed \$2,000. Rapson seconded and asked the Davises what they thought about the plan.

Bobby Davis said he had not known about the rock filter dam. He said it could help the situation, but not as much as piping the water down the road would. Davis continued that, even with the piping and baffle, there might still be a problem. This option might help, but not as much as piping the water down the road. He noted there had not been a heavy rain during the last month, and heavy rain caused the most problems. Davis said their concern was that the problem was still there and the solution was to pipe the water down the road. He said that was what they would like to have done.

Rapson said he wanted to keep Council's commitment to the Davises and that the City would continue to pursue a solution with the stormwater utility. Davis said the dam would mitigate the matter some, but they would rather have the water running away from their property.

Rutherford rescinded the motion. Rapson seconded.

Besseche said a flow study was very complicated and it would be difficult to ascertain the exact amount of water that flowed through the dam. The dam would achieve velocity dissipation and was a best management practice recognized by the state's erosion control manual and by the Georgia Stormwater Management Manual. Rapson said Council would like to be able have documentation to support statements and protect the City's liability. Brown asked if this was a problem that would be handled by the stormwater utility. Besseche said the utility had to focus on issues in the right-of-ways and greenbelts and noted erosion problems near Rockspray Pond. He said the situation would qualify as a problem the utility would handle, but it would take time to do so.

Kourajian asked how Council would know if the dam was helping since there was no real way to measure anything. Besseche said the velocity of flow coming through the pipe would be dissipated once it entered the pool of water behind the filter dam. The water would then either spill over the top of the dam at a much lower rate or filter through the dam. Besseche continued that he could not provide numbers, but could provide research. Kourajian said he was curious to know how the dam would handle the water during a heavy rain. He said he understood the principle behind it and it should work.

Rutherford moved to construct the rock filter dam, not to exceed \$2,000 in costs, and to do a flow study to document the change in the velocity, or to document before and after with photos. Rapson seconded. The motion carried unanimously.

New Agenda Items

02-04-01 Alcohol License – NEW – Sofella's Grill

Abdelali Zemrani addressed Council. Rutherford moved to accept the recommendation to approve an alcohol license for Sofella's Grill and that Abdelali Zemrani be appointed as the licensee and license representative. Rapson seconded. The motion carried unanimously.

02-04-05 Consider Ordinance Amendment to Section 54-7 to Permit Alcohol at the Tennis Center Restaurant

City Manager Bernard McMullen noted that the ordinance permitted alcohol to be served at the Amphitheater and Tennis Center for certain events, but did not specifically allow alcohol to be served at the Tennis Center restaurant. The amendment would allow the restaurant to sell alcohol.

Rutherford moved to approve the proposed amendment to Section 54-7 of the Peachtree City Code of Ordinances to allow alcohol at the Tennis Center restaurant. Kourajian seconded.

Brown asked about the wording of the amendment, which read "city-owned restaurant." He suggested the ordinance read "restaurant at the city-owned Tennis Center." Brown noted that the City did not own the restaurant per se. Rapson said that, technically, the City did own the restaurant. Brown said the City owned the building, but not the restaurant. He noted that the applicant for an alcohol license was usually the person running the business, not the building owner.

Meeker said it was splitting hairs and he felt the wording was fine. Brown clarified that whatever restaurant was in the building that alcohol would be permissible.

The motion carried unanimously.

02-04-06 Consider Change in Travel Expense CAR 8-2

Public Information Officer/Deputy City Clerk Betsy Tyler addressed Council and explained that the policy had been written in 1985, at which time the City had adopted the Internal Revenue Service (IRS) reimbursement rate of 25 cents per mile. The change in the policy would allow the City to change its rate as the IRS reimbursement rate changed. She pointed out a minor change in the memo that the reimbursement rate was currently 37.5 cents per mile, not 37 cents per mile. Tyler said the other changes were housekeeping issues that clarified reimbursements.

Rutherford moved to approve the recommended changes to Travel Expense CAR 8-2. Rapson seconded. The motion carried unanimously.

02-04-07 Kathie Cheney – Request to Address Council Regarding Smoking in Public Buildings

Brown noted the Cheney had asked to table this item until the March 4 meeting.

02-04-08 Comments from Volunteer Firefighters

Robin Lasky, president of the Peachtree City Volunteer Firefighters Association, Gary Half, treasurer of the Peachtree City Volunteer Firefighters Association, and Dr. Martha Shuh, the Fire Department's medical director, addressed Council. Lasky noted that the City contracted with ESCi, a consulting firm, to evaluate the Fire Department and make recommendations in response to a request for additional on-duty personnel. Lasky continued that Emergency Services Consulting, Inc. (ESCi) was to spend time with the Department and prepare a draft report, then come back, review the draft, and make appropriate revisions before preparing the final report to Council. Lasky said that did not happen. She cited several problems with the report including incorrect data, inaccurate conclusions, and references to another fire department. Lasky said attempts to make corrections were futile and the document remained, for the most part, unchanged. In response to the report, the firefighters had drafted a letter about their concerns that Lasky distributed to Council (a copy is included in the official meeting file). Lasky asked Council to consider the letter as they contemplated the recommendations of the report. Half read the body of the letter to Council.

Shuh told Council she was attending the meeting to support the Fire Department and to defend the City's citizens. She said the consultants interviewed her about a year ago and again about 45 days ago. Shuh said it was important to understand automatic aid and who prioritized calls to understand the ramifications of the recommendations and decisions made based on the recommendations.

Shuh noted the report recommended cutting the number of ambulances. She said the paramedics and emergency medical technicians (EMTs) exceeded standards and saved lives every day. She noted that sending fire engines on medical calls cost more money and that the vehicles were not as safe on the streets.

Shuh asked Council to listen to the experts in the City before making any decisions and to respect them as professionals.

Brown pointed out that the Council had not seen the report yet. He asked Shuh to go through the draft and cite specific areas, which would allow for comparisons. Brown said he was concerned there was a lack of quality control in the communications center.

Rapson said Council did not make decisions that affected public safety in a vacuum. He assured the firefighters and Shuh that he did not automatically embrace what a person with the title consultant said. Prioritizing calls and staff levels were decisions Council would make and those decisions had staffing ramifications. He said the more information Council had, the better decision it would make. Rapson said the consultants came because they had some expertise and he expected to find the answers somewhere in the

middle ground. Rapson said there would probably be several workshops before any decisions were made.

McMullen said the reports were in the Council Members' boxes and that ESCi was scheduled to make a presentation to Council at the March 4 meeting. McMullen said he could have the staff memo ready by Friday, February 20, rather than Friday, February 27, to give Council more time to look over the material. Rapson he would rather hold a workshop before the consultants came to give their presentation. Rapson said he would rather both parties came together to look at the areas of disagreement. McMullen said the consultants had already made their airline reservations. McMullen said nothing would be settled at the March 4 meeting. He continued that this was a complicated issue and there was input from both sides.

Rutherford and Kourajian both said to let the consultants make their presentation on March 4. Rutherford said delaying the presentation just pushed the matter further down the road. Brown asked the firefighters to get their information to Council as soon as possible.

Council/Staff Topics

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

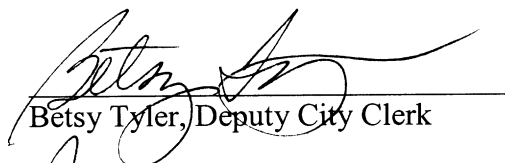
Rutherford moved to reconvene in executive session for pending and threatened litigation after a short break. Rapson seconded. The motion carried unanimously.

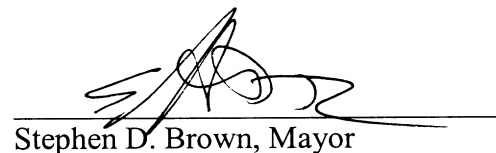
Rapson moved to reconvene in regular session. Rutherford seconded. The motion carried unanimously.

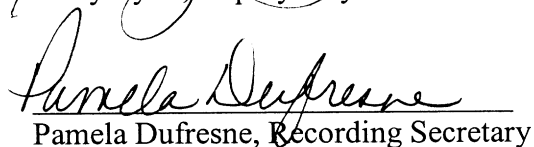
Rutherford moved to reconvene in executive session for a personnel matter. Rapson seconded. The motion carried unanimously.

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

There being no further business to discuss, Rutherford moved to adjourn the meeting. Kourajian seconded. The motion carried unanimously. The meeting adjourned at 8:45 p.m.


Betsy Tyler, Deputy City Clerk


Stephen D. Brown, Mayor


Pamela Dufresne, Recording Secretary