City Council of Peachtree City
Minutes of Regular Meeting
February 3, 2005
7:00 p.m.

The City Council of Peachtree City met Thursday, February 3, 2005, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:00 p.m. Other Council Members present were: Stuart Kourajian, Steve Rapson, Judi Rutherford, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown read a proclamation for LaCrosse Day on February 5.

Minutes

Rutherford moved to approve the December 2, 2004, executive session meeting minutes. Rapson seconded. The motion carried unanimously.

Rutherford moved to approve the January 20, 2005, regular meeting minutes. Rapson seconded. The motion carried 4-0-1 (Weed).

Monthly Reports

Brown noted that the annual Council Retreat was scheduled Friday-Saturday, March 18-19, at the Peachtree City Tennis Center. Brown pointed out that several fee and citation payments were now made on line. In YTD 2004, there were 78 transactions online. In YTD 2005, there had been 447 online transactions. Recreation program revenue was up $2,000 from last year. The top five accident locations for December were GA 54/Huddleston Drive, GA 54/Commerce Drive, GA 54/Planterra Way, GA 74/Kedron North, and GA 74/Crosstown Drive.

Kourajian noted that traffic sign maintenance had doubled and asked why. City Manager Bernard McMullen said it was basically maintenance. Kourajian also noted that the number of citizen complaints answered by Public Services had quadrupled. McMullen said a lot of the calls were due to storm damage and trees down on the cart paths. Kourajian said he viewed those as a request for service, not a complaint. McMullen said they counted any phone calls to Public Works. Rapson suggested calling those calls "work orders." Kourajian pointed out "citizen complaints answered" was not positive. McMullen said they would look at another way to identify the calls.

Consent Agenda

1. **Approve Homeland Security Grant for Police Department**
2. **Consider Change Order for the Library**
3. **Consider Fire Department FY05 ODP Grant**

Brown noted there was an additional document on the dais pertaining to Consent Agenda #3 – a memo from Fire Chief Stony Lohr to Mayor and Council dated January 31, 2005, with the subject "Fire Department FY05 ODP Grant."

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

Rapson moved to move up New Agenda Items 02-05-02 (Discuss EMS Tax District and Funding of Independent Study), and 02-05-01 (Discuss Joint Project for Extension of MacDuff Parkway by City, County, and Developer) to the top of the agenda. Kourajian seconded. The motion carried unanimously.

02-05-02 Discuss EMS Tax District and Funding of Independent Study

Brown noted there was an additional document on the dais – a copy of a PowerPoint presentation dated February 3, 2005, and entitled "Peachtree City/Fayette County EMS Tax Equity."

McMullen reported that the City and County staffs had been looking at the tax inequity in the Emergency Medical Services (EMS). The purpose of the discussions had been to eliminate City residents from paying for EMS services twice. McMullen continued that the issue had been on the County Commission's agenda on Thursday, January 27, and had been voted down. The purpose of this item on Council's agenda was to provide Council with a history and the facts. A copy of the PowerPoint presentation is included in the official meeting file.

McMullen briefly went over a history of the City's EMS. McMullen continued that the City was able to get advanced equipment because of donations from the industries in the City and the residents living in the City at the time. He noted that the City's EMS was doing a terrific job. He clarified that the City had no say in how the County managed its General Fund. McMullen said the City's residents paid about $500,000 for County EMS services that the City did not receive. Major points in the presentation included:

- The City EMS was funded through transport revenue and those using the service paid for the service;
- Fayette County partially funded its EMS through the General Fund, as well as transport fees, and all County residents paid;
- On October 7, 2004, the City requested that the County establish an EMS Special Service Tax District, which allowed those who received County services to pay for the service;
- The County had maintained four ambulances from 2001 through 2005;
- In June 2000, Fayette County Chief Jack Krakeel recommended moving five firefighter positions that were funded in the County's EMS budget to the fire department budget;
- The County's EMS positions increased from 24 in 2001 to 36 in the 2005 budget;
- The General Funds budgeted for EMS in the County increased from $605,253 in 2001 to $1,448,408 in 2005;
- The County's Fire District millage decreased from 3.78 in 2001 to 3.23 in 2005;

- The average response time in 2004 for the County was 4:16 and the City's average response time for the same period was 4:13;
- The County EMS responded to three calls in the City in 2004 and the City EMS responded to 16 calls in the County;
- The City's EMS budget for 2004 was $222,458 and EMS revenue was $262,570;
- The County proposed that the City enter an automatic aid agreement with the County, but did not address the issue of paying for services City residents did not receive;
- The 2004 evaluation of the City's EMS delivery system listed four options for the City,
    - The County could establish a dedicated EMS funding source which carved out the City and was similar to their fire-funding fee,
    - A shared services agreement could be negotiated,
    - The County could annually rebate to the City the EMS related general fund revenue collected from within the City,
    - The City could allow the County to provide EMS in the City, which would most likely require an increase in the Countywide millage rate to fund the service and could result in a potential net savings to City residents;
- Consolidation expenses would be a minimum total annual expense of $602,401,
    - 4 City fire engines upgraded to ALS would be $300,000, amortized at $37,500 a year,
    - The County would hire a minimum of 14 personnel to staff two ambulances at approximately $651,000 a year minus the current City EMS personnel expenses,
    - The City would have to pay the cost of supplies previously funded by revenue;
- The City provided a superior service at an economical cost;
- The County should do the right thing and establish an EMS Special Service Tax District to eliminate the inequitable tax burden on City residents and industry, which had been recommended by the Tax Equity Review completed by the Fayette County FUTURES Committee in 2000 and the City's EMS study completed in 2004.

Kourajian referred to page 8 and noted the costs Fayette County residents paid. McMullen said the City's share of the County's tax digest was about 35%, which meant the City paid about $500,000 for the County's EMS service.

Rutherford said that the City would lose two ambulances and pay $600,000 more if the County took over service in the City. She added that the City also had a mutual aid agreement with Coweta County.

Rapson noted that the County's EMS positions had increased 50% and their budget had more than doubled from 2001 through 2005, while the millage rate had gone down 15%. The City was subsidizing the County's EMS operation. Rapson said creating the tax district would not be difficult, since the County had already done it for fire service. The County provides fire services for the entire County, except Fayetteville and Peachtree City. The proposed EMS district would include all areas, except the City. Rapson said it would not be a huge effort to identify the parcels.

Kourajian asked how many ambulances the City had. Fire Chief Stony Lohr said the City had four ambulances. There were three front-line ambulances and one in reserve. The reserve ambulance answered calls when it was in, so the reality was there were three and one-half ambulances. Kourajian clarified that if the County took over the City's EMS services, the City would lose two ambulances, the coverage area would expand, and it would cost more to provide the service. Lohr pointed out that both services were excellent. The difference was that the County had more area to cover, which increased response times.

Brown said another problem critical to EMS services was traffic congestion, which was getting worse. Doubling the coverage for the City ambulances would compound the problem. The Commissioners admitted that the City was "double-taxed," but would not do anything about it. The County's staff also suggested a separate tax district.

Rapson asked if the matter violated House Bill 489. Meeker said he did not know if the County's 489 agreement was violated and did not know the status of the agreement. He said someone needed to call the Department of Community Affairs (DCA) and find out about the agreement.

Brown said they needed to decide what course of action to take and would come up with that in the near future.

02-05-01 Discuss Joint Project for Extension of MacDuff Parkway by City, County, and Developer

Brown noted there was an additional document on the dais – an e-mail from the City Manager to Mayor and Council dated February 3, 2005, with the subject "FW: McDuff Parkway Extension."

Developmental Services Director Clyde Stricklin said they had put some numbers together for the two alternatives for MacDuff Parkway. The estimates were derived from the existing known costs, as well as the cost of similar projects found in the County's Transportation Plan. Stricklin said the estimated cost of the extension of the road to the Comcast building on GA 74 to be $2,790,400 for 6,400 feet. The cost of extending the road to the proposed entrance in Kedron Village was estimated at $6,129,000 for 10,000 feet. The cost was about $400 per linear foot and included right-of-way purchase and landscaping. Stricklin noted there were a lot of wetlands involved, as well as a possible railroad bridge, and the costs included an additional ten percent for the additional engineering those things would require.

Brown clarified that the numbers were not based on firm engineering, but were taken from similar projects. Stricklin said the numbers were a box-office guess.

Rapson said the City and County needed to work together with the developer to fix the problem and it needed to be in place with, or without annexation, and money this year for road projects, such as resurfacing, that were a component of the SPLOST and could be re-directed. Rapson said Council needed to agree that they needed to move forward with the extension of MacDuff Parkway and move forward with discussions with the County.

Rutherford agreed that the road needed to move forward whether the developer built in the City, or the County. She said they needed to look at getting the best road and the best road was a bridge over the railroad track, not an at-grade crossing. Kourajian said there was not a choice. Both roads were needed.

Weed asked Rapson what he wanted Council to do. Rapson said the City needed to go ahead and fund the design for the part of the road that would be located in the existing City limits. He wanted to pull all three parties together and move the road forward. Rapson moved to put his remarks in the form of a motion. Weed seconded.

Rutherford said she did not think they could require the developer to take part in discussions with the County. Brown agreed that they could not since the first step had not been approved. Rutherford continued that houses would be built in the area, whether it was annexed or not. She did not think they could commit the developer since there could be more than one for the entire area. Kourajian said he wanted to seek relief for the people who lived in the Westside now. Rutherford agreed and said they needed to go to the County now since people already lived in the area.

Rapson said Wieland already had an option on the land in the City and should participate in the discussion.

McMullen said the Centennial subdivision developer had already committed to building extending the road to the City limits. McMullen said the City had no additional requirements to build any road within the City limits.

Rapson asked City Attorney Ted Meeker if there was any reason the developer should not participate in discussions with the County. Meeker said the City should talk to the County before the City made a commitment to start designing the project.

City Planner David Rast noted that, when the Centennial project was originally proposed, a portion of the development was located in the County. The City lifted the annexation moratorium and annexed that portion into the City. As part of the annexation and rezoning agreement, the developer was required to provide a school site, a fire station site, and to extend MacDuff to the City limits. Those things would be done in part four of the development. The parkway would dead end at the City limits.

Weed asked if that had been taken into account when the costs were estimated. Stricklin said they had considered two things. The area just discussed was in one proposal. There was also a proposal to four-lane the parkway for ¾ mile north of GA 54. He said they might want to continue four-laning the parkway to the City limits. He said they had not included the Centennial developer's part in the cost estimates.

Rapson restated the motion and amended it to include a dollar amount. The motion was to re-direct $280,000 from the SPLOST funds for engineering and design to extend MacDuff Parkway from the City limits to the Comcast building on GA 74 in conjunction with the appropriate developer and the County. Weed seconded the amended motion.

Kourajian asked where the funds would be re-directed from. Rapson said from the Public Improvement Program (PIP) funds. Rapson continued that he did not want to hold up the MacDuff extension just because the County did not want to allow the annexation.

Kourajian asked if they could re-direct funds from the SPLOST. Meeker said they were not really spending SPLOST funds for the project. Rutherford said they would spend City funds they would not have to spend on City projects because of the SPLOST funds.

Weed agreed there was a need to extend MacDuff Parkway and Council should commit to it whether the property was annexed or not, and whether the County helped or not. He did not believe the funds would be wasted. Brown said he did not want to be in a black hole situation, where the City spent a few million dollars before the road was built.

Rutherford said she was not against spending money for traffic relief. She would rather approve the money without the money attached at this point. She wanted to sit down with the County first. She said they needed to start making progress at this meeting.

Rapson disagreed and said that, by attaching the money, it would carry more weight with DOT and the County. Weed said staff would not foolishly spend the money. The money did not have to be spent. Brown clarified that the City would set aside the money as part of the motion. If the County would not commit to help with the extension of MacDuff, then the money would be set aside and the City would look at other options.

Kourajian asked if the money would come back to Council before it was spent. McMullen said they would need intergovernmental agreements and contracts before the money could be spent. Rapson amended his motion to add that any intergovernmental agreements or contracts would come back to Council prior to expenditure of any dollars. Weed seconded the amendment. The motion carried unanimously.

Old Agenda Items

10-04-02 Consider Step One Annexation Application from John Wieland

John Wieland addressed Council. He told Council he had been building homes in the City for more than 25 years. He said their commitment was to keep the high quality. Their proposal was good for the citizens of the City and he asked Council for permission to move to the next stage of the process so they could work with the Planning staff.

Wieland said 88 acres were located in the City and 360 acres were located in the County. The advantages to annexation included the connection of MacDuff Parkway to GA 74, the opportunity to create four multi-purpose athletic fields, opportunity for relocation of a major civic use, such as a church, and the opportunity for additional upscale housing. Other benefits to the citizens included the opportunity for a mixed-use development combining housing and retail. The plan included multi-purpose fields, which provided a gathering place for the City, and a pavilion suitable for a variety of uses. Wieland said there was a need for Class A office space in the City, which would provide an opportunity for small business people to create a sense of place. Throughout the development, they would create greenspace and work to preserve Line Creek. Wieland said there would also be low-impact housing for seniors, singles, and couples.

Michael Medic and Dave Dorough went over the bubble plan for the proposed development. Brown said he liked the symmetrical design and that they had done a great job with the greenspace.

Wieland told Council they had defined greenspace tightly. He said they were not naïve about the demand for commercial areas in the City, but that was something they would work out with staff. His company had done a market survey and the demand was for nice office space with a sense of place and a sense of arrival. Brown asked if the development along the railroad tracks would front the tracks. Wieland said the back of the buildings would be to the railroad tracks. Brown said the Westside had been planned as industrial and that the City needed something fronting the railroad tracks that gave a palatable entrance to the City. He said there needed to be a nice view for those driving on GA 74. Wieland said they wanted to create something special. The construction would be expensive, but it would create a sense of place.

Kourajian said they had to be careful what they asked for. Everyone driving down GA 74 might turn in. Kourajian said extending MacDuff would create a cut-through traffic situation. He wanted it to look good, but not so people would cut through the area.

Weed read the following comment from the staff memo concerning the application:

At present, there are no budgetary impacts associated with this request. Should the project move to Step Two, a significant amount of staff time, legal fees, advertising costs, and the overall impact to the City's long-range infrastructure and maintenance budget will need to be considered. However, it should be noted that impact fees could be structured and incorporated into the rezoning that would offset some of these costs.

Weed asked staff for a number that would represent those costs. Meeker added that there were also advertising costs for public hearings. Rast said that approval of step one allowed the developer to move to step two. Meeker said there was no way to guess the legal costs, especially if the County objected. He said the cost could be minimal, or a lot. He said Stricklin and Rast would be knee-deep in work on the annexation for a couple of months. Weed asked Wieland if he was willing to pay the unknown staff costs so the citizens would not have to bear the burden. Wieland said they would consider it if there was a need for additional staff or overtime. Kourajian asked where the project might fall in the priorities. Rast said he did not deny that it would take a lot of time. He noted that the City took an active role in the annexation discussion held several years ago due to the former mayor's directive. This time the staff would be the facilitator and the burden would be on the developer. The project would probably qualify as a development of regional impact, which required the City to send information to various state agencies. Weed said there would be a significant impact on staff and annexation was a matter of choice rather than necessity.

Rapson reminded Dan Fields of Wieland Homes that he had agreed earlier (the first annexation application was heard by Council in October 2004) to develop a proposal for the 360 acres that would mirror the current zoning in the County. Rapson said that was not the plan before Council and that the developer must have decided the project would not work with the current zoning. Fields said he understood they were to come in with a concept plan and that was what they had done. He said Council also asked them to come back with a density calculation on what would be needed so the project would benefit the City and would work. Fields said they understood there would be an additional cost to the City during the study period, but he believed that the homes and the value they would add to the City would pay for itself. Fields said staff would have to study a possible rezoning request for the 88 acres in the City regardless. Wieland said if staff decided they needed to make a certain contribution to pay for the time spent on the project they were open to it.

Rapson said it appeared that there would be about 650 homes. Wieland said that was about right. Rapson said that was approximately four to five times denser than what the County's zoning of the property allowed. The County had already fought that zoning and the density would be enough for the County to have a land use objection to the annexation, which would impact public safety. Rapson said the proposed plan would add 5,000 trips to the highway. The real problem with the site was the road, but that did not change the issue he had with annexation. The same people supporting the annexation would be the same people who would complain about the traffic congestion and would want the parkway four-laned in two years. Wieland acknowledged that the project was a big dream. He said great things came from big dreams. He told Council it was their job to weigh the positives and the negatives, and make a decision.

Rutherford noted that the process was new and asked Rast what his perception was of the next step in the process. Rast said the next step included sitting down with the developer and making sure everyone understood the process. They would also need to discuss it with Council and the Planning Commission to determine their part in the process. Rast continued that they also needed to coordinate with the County's Planning staff and keep them in the loop. Rast said Step Two included the full-blown analysis. They would eventually come back to Council with the annexation and rezoning requests. Rast suggested possibly bringing the project to Council as a series of workshops, or have Council and the Planning Commission attend the charettes with the developer. It was not fair to Council to wait six months to hear the entire plan. He said there would be a series of community efforts throughout the process. The fire and police departments would be involved. They had to get all the facts so Council could make a decision. He said the impact fees from the residential portion could be structured to help fund services and infrastructure that would be needed.

Rutherford asked when the County would be able to give its position on the annexation. Meeker said once the City received the application that, according to state law, the County would be notified. The County had to respond without objections or with objections. She asked if the County would have another chance to respond. Meeker said no. Rast said the City would have recommendations from the County, as well as other agencies and entities, before making a decision on the annexation. Rutherford asked what would happen if Council decided they did not like the way the plans were going. Rast said that if Council made it known midway through the process that they did not like the direction, there were two options. The developer could listen to Council and make changes, or keep going without making changes. Rast said the developer had always worked with the City in the past.

Weed said if the project moved forward that it sounded like one person would be dedicated to the project full-time. Stricklin agreed. Rutherford noted that the City had hired a part-time person to help that department catch up. Stricklin said that had been done. Rapson said he saw no point in wasting staff time and legal fees if the County had a bonafide objection.

Brown referred to the rezoning request from Pathway Communities for land in the County a few years ago. He continued that the judge ruled against the developer in the lawsuit because the land would remain in the County. One of the primary reasons the judge cited for his ruling was the emergency response time needed for fire and EMS services to come from Tyrone. Brown said he was doing his due diligence and would not service the area in the County with his fire, EMS, and police. The City should not pay for services provided in the County. He would not support the City's public safety people responding in the County.

Rapson said he wanted to fix the road, table the decision on the step one application, and discuss it with the County. He did not think it would take the County long to respond.

Rutherford recalled that Council had discussed contacting the other landowners in the area when Council heard the application request in October. Fields said they had contacted the landowners. Some landowners were interested and others had no interest at all. Fields said if the City annexed the land, then they would leave the road open for connection to the north. Fields said they were willing to participate equally to pay for a bridge over the railroad tracks. A safe crossing was needed, as well as another way out of the area. He said they could work with the County, City, and the developers to the north if they were to request annexation in the City. Wieland said they would work on the project one piece at a time. He did not want to spend a year on the project and have the City or County say no. They wanted to work with the City.

Brown said the County had to look at what would happen if the remaining property in the area stayed in the County. The road would at least allow the County to get emergency vehicles when needed.

Rapson said he was adamantly opposed to the proposed density, and he thought the County would be opposed. He said the density was a bonafide land use argument. He said the City needed to fix the road and they should discuss that with the County. He said it was a waste of time for the City to spend time on an annexation when the County would turn it down due to a bonafide land use argument. Kourajian said the County had no obligation to give the City an answer. Rapson said it was not unreasonable to ask.

Rapson moved to table the annexation application request and request that City staff give the information to the County staff so the Commissioners could look at the information at their next meeting and make a recommendation on whether they would support an annexation or not. Weed seconded.

Brown pointed out that Rapson was expecting the County to give an answer on a plan they had not even seen, and what could be a totally different plan after staff got involved.

Weed said he was originally going to propose that Wieland pay every cost the City incurred for the annexation request outside of what could be covered by impact fees. Weed said that would not be fair since he was not going to support this annexation, or any annexation. He did not want to waste the Wieland's time and money. He said another ½ person had been added just to meet the workload without the project even being on the table. Brown pointed out that the additional person was to work on the 2007 comprehensive plan review. Rutherford said that was because staff would not have time to work on the plan. Kourajian questioned whether the City should wait to act on plans until there was time for staff to work on them. Weed said the annexation request was not a vital interest for the City. Annexation was purely a choice, but the extension of MacDuff Parkway was not a matter of choice. Weed was in favor of extending the road. Kourajian said there was no guarantee the County would help build the road. Weed said there was no guarantee the County would not. Rutherford said they could also annex the property the road would go through in the County.

Wieland told Council he would be more than happy to pay the incremental costs caused by the request.

The next County Commission meeting was scheduled February 10. Rast noted that the next Council meeting was February 17, and there was a joint Planning Commission/Council workshop on February 10. Rapson amended his motion to table the Step One annexation application until the March 3 meeting. Weed seconded the amendment. The motion carried 3-2 (Brown, Kourajian).

New Agenda Items

02-05-03 Alcohol License – NEW – Carrabba's Italian Grill

Charles Gallagher, attorney for Carrabba's, addressed Council. He told Council that the restaurant would open on March 28.

Weed moved to approve the license for Carrabba's Italian Grill. Rutherford seconded. The motion carried unanimously.

02-05-04 Consider Contract with A-Dale Communications for Marketing Brochure

Brown noted there was an additional document on the dais – an e-mail from the City Manager to Mayor and Council dated February 3, 2005, and the subject "FW: Agenda for February 3, 2005." Public Information Officer/Deputy City Clerk Betsy Tyler addressed Council and told them the City had an opportunity for a marketing brochure. She noted that the City's primary developer had spent hundreds of thousands of dollars on marketing materials. Now that the developer had moved to other areas, there was a void. A lot of people e-mailed, called, or visited City Hall to obtain information. The visitors were given informative City brochures, but they gave no sense of how it felt to live in the City.

Tyler continued that the City, a premiere Atlanta location, still needed to cultivate a market and work on attracting businesses. They had been offered an opportunity to do that at little, or no cost to the City. The company would supply writers, photographers, and do the layout. The company would solicit advertising based on a recommendation from the City. The company was also looking at partnering with real estate companies and the Tourism Association. The City would receive at least 2,500 brochures at no cost.

Brown asked if the City would be able to use the brochure on the City website. Tyler said they could get a letter of commitment to do so. The company would own the text and photography. Rutherford said she did not want the ads to go on the website. Brown said if the company was willing to do it without the ads, then it would be a huge plus to have the brochure on the website. Tyler noted there was limited "feel good" information on what it was like to live here on the website. Tyler said if the company could not sell enough ads there would be no brochure.

Rutherford asked if the City sent the brochure out for proposal, or if the company walked in with the proposal. Tyler said the company walked in; however, she had spoken with local printing companies. Only one company was interested in working with the City on something, but they did not have writers and photographers. Tyler said she was going to follow up with that company. Rutherford said she just wanted to ensure they were not violating any laws.

Rapson moved to approve a contract with A-Dale Communications for the marketing brochure and to delete everything but the first sentence in paragraph five, as recommended by the City Attorney, and to include a rider to put the brochure on the website and authorize the City Manager to sign the agreement. Weed seconded.

Weed, also the chairman of the Tourism Association, said the brochure would be a joint effort. The repairs had been completed to the building at the Tennis Center that would serve as a visitors bureau. The next step was to figure out volunteers and staffing, as well as collecting information to distribute.

Kourajian asked what would happen when the 2,500 brochures ran out. Tyler said, if the product was good, she had $5,000 in her budget for marketing. The cost of additional brochures would depend on the number of pages. Kourajian asked if the City would have the distribution rights. Tyler said that, according to the contract, the distribution was left to the City. Kourajian asked if the company would publish another brochure in a year. Tyler said they planned at least a two-year duration period for the brochure. Meeker said they could change paragraph G of the contract by striking "at the address of the," and adding, "deliver to client only." Rapson amended his motion to include the change to the agreement. Weed seconded the amendment. The motion carried unanimously.

02-05-05 Consider Soil Compaction Ordinance

Brown noted there was an additional document on the dais – an e-mail from the City Manager to Mayor and Council dated February 3, 2005, and the subject "FW: Agenda for February 3, 2005." Weed said he asked for the minor change in the ordinance. He said when an ordinance referred to another law or canon that a copy of the law should be available to the public if requested. It was procedural due process. Weed said the words "and is available for inspection in the office of the Building Official of the City of Peachtree City" would be added to the end of subsections (a) and (b).

Rutherford moved to approve the Soil Compaction Ordinance with the changes. Rapson seconded.

Rapson clarified that there was not a fine associated with the ordinance, but a stop work order would be issued if a violation was found. McMullen said that was correct. Kourajian clarified if a building did not meet the standards, that the City was not liable. Meeker said the City was not liable under current Georgia law.

The motion carried unanimously.

02-05-06 Consider Amendment to QK4 Contract

Stricklin said that when the City entered into the design services contract they were not sure how much the service would be used. The contract had been limited to $100,000. He said they were now at $87,000-plus. They have estimates for some of the upcoming projects. Stricklin said they estimated they would need an additional $200,000 for the contract. The items they needed QK4 for were already in the budget. Rapson said it was really a blank purchase order not to exceed $300,000. McMullen said the funding for the projects had been approved and would not come before Council.

Rutherford moved to approve the amendment. Weed seconded. The motion carried unanimously.

02-05-07 Consider GDOT Management Agreement for GA 74 North Multi-Use Tunnel

Brown said staff had requested this agenda item be tabled. Rutherford moved to table the agenda item. Weed seconded. The motion carried unanimously.

02-05-08 Consider Tinsley Mill Sewer Rehabilitation Project

City Engineer Dave Borkowski addressed Council. He said the sewer line to Tinsley Mill was in poor condition and had low capacity. The line crossed City property in three places so three easements were needed to allow the Water and Sewer Authority (WASA) to do the work.

Weed asked what would be done to mitigate the greenbelt disturbance. Borkowski said the grass and trees would be replanted. Brown noted there would be a permanent open space where the line ran. Borkowski said the area was cleared when the line was installed, but some residents had planted trees in the easement. WASA had agreed to replace those trees, but to plant them in other places. Brown asked about the caliper of the replacement trees. Rast said that, according to the ordinance, trees were not to be planted in the easements, and public utilities were not responsible for replacing those trees. Rast said WASA was going above and beyond what was required. Weed said Council just wanted to make sure trees removed on City property were replaced by trees of similar caliper. Weed said there was nothing in the easement to address the issue. Borkowski said he had not discussed replacing trees on City property with Scott McDonald of WASA, because there should not be any existing trees. Rapson said it was noted in the bottom of Attachment B that the area should be replaced as close as possible to the existing condition before the work was done. Rutherford said her concern was that the area torn up to get into the easements would also be replaced.

Kourajian moved to approve the easement request from WASA and authorize the Mayor to sign the easements. Weed seconded. The motion carried unanimously.

Council/Staff Topics

Rutherford said she had received calls from spouses of staff members who were very unhappy with the new health insurance carrier. She said apparently some physicians had been bumped out of the plan and there had been poor customer service when they called.

Administrative Services Director/City Clerk Jane Miller said one doctor had been notified that he was dropped from the plan. She said doctors usually were not dropped unless there was a problem. She said staff had called United Healthcare. Miller continued that there had been service problems. The City changed companies to save money and had gone with a large company where the City was a small fish. The City was in the process of establishing a relationship, but it was taking time. She assured Council that Human Resources was working on the issues on a daily basis.

Rutherford said the agent had assured Council that the company provided good service. Miller said the agent was also working on the City's behalf. She thought the problem could get resolved. There were some issues about what the company felt was reasonable to cover. Staff was establishing a relationship with people to get consistent service. Rutherford said she would like a follow-up on the first March agenda.

Rutherford moved to reconvene in executive session to discuss pending litigation. Rapson seconded. The motion carried unanimously.

Rutherford moved to reconvene in regular session. Rapson 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 10:15 p.m.

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne, Recording Secretary