

City Council of Peachtree City
Minutes of Meeting
September 15, 2005
7:00 p.m.

The City Council of Peachtree City met Thursday, September 15, 2005, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:05 p.m. Other Council Members present were: Stuart Kourajian, Steve Rapson, Judi Rutherford, and Murray Weed.

Announcements, Awards, Special Recognition

Art Swahlen was recognized as the Employee of the Month. Mayor Brown read the proclamation for Hispanic Heritage Month in English, and Marta Maria Ramos read the proclamation in Spanish. A proclamation for Constitution Week was read.

Minutes

Rutherford moved to approve the September 1, 2005, regular meeting minutes as written. Rapson seconded. The motion carried 4-0-1 (Kourajian).

Consent Agenda

1. Alcohol License – Change in Licensee – Eckerd #2026, #3458, #6743
2. Alcohol License – Change in License Representative – Eckerd #2026
3. Alcohol License – Change in Location, Licensee, and License Representative – Georgia Shrimp Company
4. Alcohol License – Change in License Representative – Romano's Macaroni Grill

Weed suggested combining all of the Consent Agenda items since they were all alcohol license-related items. Weed moved to approve each of the alcohol license changes referred to under V 1,2,3, and 4 under the agenda. Kourajian seconded. The motion carried unanimously

Old Agenda Items

09-04-17 Consider Alcohol License for Three Dollar Café

Administrative Services Director/City Clerk Jane Miller addressed Council. She explained that the license had been granted last year and paid for, but had expired due to the delays in getting the business open. She continued that the 2005 fee had been paid in December, but the business had not opened within the required six-month time frame. The owner had again applied for a license for the facility. No additional fees were due for this year, but he would be required to pay for 2006.

Clyde Cornell, the licensee and license representative for the business, told Council that the remaining construction should begin at the end of the month. The business should open in 45 days.

Rutherford moved to grant the alcohol license for the Three Dollar Café. Rapson seconded. The motion carried unanimously

New Agenda Items

09-05-09 Consider Amendments to Motorized Cart Ordinance (Registration)

Miller noted that Council had approved the timeline and fee schedule for the proposed program at the August 4 meeting. She continued that the information the City had on the carts was no longer valid. All carts would be re-registered during 2006 using a staggered program. After the discussion in August, the ordinance needed to be modified to reflect the new registration and fees.

Miller continued that another change in the ordinance had been added – a prohibition on modifying golf carts beyond the manufacturer's specifications as far as speed, height, width, and noise emission. She explained that many carts no longer looked like golf carts, and staff was concerned that they might no longer technically be golf carts. Some were too high to go through tunnels, and many were too wide for the paths. Brown said that meant no more 15-inch mud tires or lift kits. Miller added that the amendments also reflected a requirement for golf cart registration every five years. Rutherford asked if the changes included the fact that emissions certificates were no longer required for gas-powered carts. Miller said that requirement had been struck since it was not permitted by the state.

Rutherford asked City Attorney Ted Meeker if he had read the proposed ordinance. Meeker said he had and the wording was fine.

Brown asked what could be done about the older gas golf carts. He noted that many were very noisy and smoky. The newer models ran much cleaner. Meeker said there was nothing the City could do under state law as currently written. The carts qualified under state law.

Rutherford moved to approve the amendments to the motorized cart ordinance. Kourajian seconded.

Cliff Stern asked if he could address Council regarding the proposed amendments. He asked how the City would check to see if a golf cart had been modified beyond the manufacturer's specifications. He also asked if the rules would be published, and how the plan would be implemented. Meeker said it was up to the police, or whoever brought the charge, to determine if a cart had been modified, which included getting the specifications from the manufacturer. One that appeared to be modified would be checked.

Stern asked why the changes were under consideration. Brown said there were issues with the lift kits. The vehicles were tearing up culverts. Meeker added that the wear and tear of the larger vehicles on the cart paths as well as speed were concerns. The modifications allowed the vehicles to go much faster, which created safety issues on the paths.

Stern asked if this was an issue of a few driving too fast. Everyone owned cars that exceeded the City speed limits. Weed said cars could not be driven on the paths, which involved pets, children, runners, and walkers. Stern agreed, and added that if he

exceeded the speed limit he would get a ticket. Stern continued that carts could be regulated or programmed to go 15 or 19 miles per hour (mph). He said "speed" should be clarified. Rutherford said that the ordinance clarified the issue. She continued that Global Electric Motorcars (GEMs) were required to have governors so they could not go over 20 mph, but were allowed on streets with a speed limit of 35 mph or lower. On the cart paths, the GEMs had to have a governor.

Stern pointed out there were different sized motors for golf carts. He questioned whether it would be against the ordinance to replace a smaller motor with a larger motor made by the manufacturer. Rutherford said it probably would not be in violation because of the ratios. She had to buy a golf cart that the motor fit. Stern asked if extended carts fell under the same category. Brown said length did not apply. Meeker said motorized carts were defined by state law in terms of speed and number of occupants. Brown described the typical six-seat golf cart and asked Meeker if that would be prohibited. Meeker said length was not mentioned in the ordinance, only speed, height, width, and noise emission. Rutherford noted manufacturers did make six-seat carts. Brown said some were also cut and modified to six seats. There was a shop in town that did those modifications.

Stern asked if the rules would be published. Brown said yes. Rutherford asked Stern if he had read the ordinance. Rutherford added that the ordinance was very specific and listed each thing. The police could not randomly decide a cart was modified. Stern asked if carts currently modified could be re-registered. Rutherford said those carts could not be re-registered. Rapson said he had only seen a few of the modified carts on the path. Stern said they were only seeing the visually modified carts. Rapson said the officers would not be doing modification checks on the paths, but would stop those that were obviously modified. Rutherford said there had been a question whether they were allowed or not under the current ordinance. The amendments clarified the situation. Rapson said the clarification was due to safety. Stern said people who drove recklessly would drive that way anyway.

Roger Weston told Council he was concerned about the manufacturer's specifications. He said a higher horsepower motor was put in stretch carts to ensure they could go up hills, which was a change to the specifications of the cart in its original form. If they could not change the motors, then they could not meet the customers' needs. Not meeting the specifications was specific. He said he had concerns as a dealer in trying to meet the letter of the law, yet trying to satisfy the customer's needs. Brown asked Meeker if that was covered. Meeker asked for time to answer.

Rapson suggested tabling the agenda item so the dealers could look at the ordinance. Brown said common sense told people that a heavier cart needed a bigger motor. Rapson said the ordinance constantly referred to manufacturer's specifications, and he doubted staff knew the manufacturer's specifications for most of the carts. It could be more than a length problem. Kourajian agreed that it would be better to take three weeks to work on something that could last for 30 years. Rutherford withdrew her motion.

Rapson moved to table the agenda item. Rutherford seconded. The motion carried unanimously.

09-05-10 Consider Resolution for Peachtree City Disaster Mitigation Plan

Fire Chief Stony Lohr addressed Council. He said staff recommended Council approve the resolution for the 2005 Fayette County/Peachtree City Pre-Disaster Hazard Mitigation Plan. The plan was prepared under the direction of the Fayette County Pre-Disaster Planning Board, which included representatives from the County, Peachtree City, Fayetteville, Tyrone, Brooks, Woolsey, and the Georgia Emergency Management Agency. It also included input from the Fayette County Local Emergency Planning Committee, the National Weather Service, the Board of Education, and the County Tax Assessor's Office. The public notice announcing the plan was available for public review and comment had been posted in the City's legal organ and on the City website. One citizen reviewed the plan, and no comments had been received.

The plan complied with the Federal Disaster Act of 2000. Identified hazards included flooding, with six significant events in the last 10 years. The areas primarily targeted included Tinsley Mills, property and contents valued at \$8.3 million; and the Perthshire/Stratford Court area, property and contents valued at over \$2 million. The City had three tornadoes in 25 years, 86 severe thunderstorms in 54 years (the most common occurrence); winter storms, nine in 15 years; drought, 12 in 53 years, and various haz-mat releases, 32 occurred at fixed facilities and 20 transport releases in the last 20 years. Four of the eight dams in the County were considered high risk, but none of those were located in the City. The dams were considered high risk because they were not in compliance with current laws and regulations.

The Georgia Emergency Management Agency and Federal Emergency Management Agency had approved the plan, which must be updated every five years. It was a working document, so things that were missed could be added. The City of Fayetteville had adopted the plan. Adoption of the plan was required to maintain eligibility for federal disaster mitigation funds, such as the funds the City received for the Tinsley Mill flooding mitigation. There was no cost to approve the plan, but if not approved, Lohr reiterated the City would lose eligibility for federal mitigation funding.

Rutherford moved to approve the resolution for Peachtree City Disaster Mitigation Plan. Rapson seconded. The motion carried unanimously.

09-05-11 Consider Resolution Changing Airport Authority Terms to Three Years

09-05-12 Consider Resolution Changing Water and Sewerage Authority Terms to Three Years

Brown noted there was an additional document on the dais – a letter to Mayor and Council from the Airport Authority dated September 15, 2005, regarding the term limits proposal position of the Airport Authority. Brown noted that Council had previously discussed changing the terms on the authorities to three years in an effort to create a sense of accountability and to provide Council with an opportunity to make any changes that might be needed.

Rutherford clarified that Council was not limiting the number of terms an authority member could serve. The proposal was to change the length of the terms, which was very different from term limits.

Weed corrected a misstatement of fact in the letter. He said he was not the author of the idea, but he did concur with it in broad terms. Airport Authority Chairman Jerry Cobb clarified that the reason the letter used the word "attributed" was due to a newspaper account.

Cobb told Council it would not be in the best interest of the airport to change the terms to three years. The Airport Authority (PCAA) opposed the change. Cobb continued that the PCAA dealt with long-range projects, but had no control over the funding process. Funding was from user taxes of the aviation system, which was part of the Federal Aviation Administration's airport improvement program. He said there was no chance of a member finishing even the simplest project in three years. There also would not be much continuity. New people would be coming in to manage projects they did not start. Cobb said the members felt they had done a good job and had responsibly managed approximately \$12 million in federal funding. The PCAA also received approximately \$125,000 in hotel/motel taxes from the City, which came from visitors, not the taxpayers. He continued that it was difficult to get motivated qualified members and would put the real responsibility in the hands of the manager who worked for the PCAA. He needed "worker bees," not meeting attenders. Changing the members every three years put the real responsibility in the hands of the manager of the airport, who worked at the pleasure of the authority.

Brown told Cobb he was assuming that people would change every three years. He said he could only recall one occasion that a member who applied for reappointment was not reappointed. Cobb said he realized that, but the possibility was there that the most senior person on the PCAA would have served only three years. Council wanted to change a charter that had been in place since 1984. Brown agreed it was in the realm of possibility, but was not realistic based on the historical decisions.

Rutherford said the terms in the charter were those requested at the time. There was another side to the argument. At the end of a three-year term, a member might be willing to handle three more years, but might not want to serve another five years. She said more people might be willing to consider themselves "worker bees" for three years rather than five years. The PCAA and WASA had talked about term limits in their letters. She said Council was not limiting the number of terms a person could serve.

Brown said the essential point was there had been problems with an authority and the members' longevity had not helped. People who served three years and had done a good job would get reappointed. If a person was doing a horrible job and not acting in the best interest of the citizens, Council could get them out in three years. The City had no accountability for authorities. It was easier to remove all the Council Members than authority members. Members could only be removed if they broke the law or had not met the attendance requirement.

Cobb said that very few people served the entire five years. He knew of four who had not finished their terms on the PCAA since he had been on the authority. There was movement. Rutherford noted those people left without a great deal of detriment. Cobb noted that the Councils that followed this one might not feel the same way. Brown told Cobb his conclusion was not relevant to the facts.

Weed said there was always some institutional memory built into the system by staggering the terms. Cobb said the members were also accountable to each other, and the PCAA had asked members to leave. He pointed out that in those cases Council had only received the resignation letter. No one was trying to build their own kingdom. The PCAA's business and mandate was not in the political arena, but to take fiduciary responsibility for funds used at the airport.

Rapson said the issue was very emotional for everyone. His concern was the message Council was sending to the volunteers in the community. The purpose of an authority was to remove the political influence that judged the decisions. The members were supposed to be the people that had the extensive expertise and knowledge to run the authorities. There were strategic issues and an extensive learning curve. Both of the authorities were healthy, financially well run, had excellent reputations, and open communication. The members were the best and brightest. He did not think the system was broken; however, he understood both sides of the argument. Rapson did not see the need to reduce the term length. He did not think the state would change the terms.

John Gronner, WASA chairman, told Council that a high turnover rate on the authority could be detrimental. He noted that WASA had also delivered a letter to Council and read the letter to Council. WASA's letter addressed many of the same issues as the PCAA's letter.

Brown asked if reappointing members who did a good job would hamper the authority if the terms were for three years. Gronner said that members did move on after their terms were up. He said they needed, and wanted Council to appoint people with long-term goals. Gronner said there would be a decrease in the base knowledge if the terms were shortened.

Kourajian asked what was so magic about five years. Gronner said five years was a good number because the authority made decisions on rates, and other issues, that did not have to involve the Council. Kourajian told Gronner that his argument was the reason he liked three or four-year terms. Part of Council's responsibility was to appoint people to authorities. He had a say in the process if the terms were four years. Kourajian said he did not disagree that three years might be too short a term, but he did not support five-year terms. Gronner said a member became a functional part of the board with a five-year term. Brown said if the member did a good job they could be reappointed and serve six years or more. Gronner said they always had people who did not want to be reappointed. Brown said there were people serving on authorities and commissions who looked like they did not want to be part of the boards. It would be better to get them off the boards.

Kourajian asked if there was a standard for authority terms. Brown said the terms varied greatly. Weed said he had read hundreds of authority documents and there was no standard.

Rapson said WASA was a complex operation that was highly regulated. He read a list he compiled based on Gronner's remarks that covered the qualifications and knowledge required for members. The same list also applied to the PCAA. Even with five-year terms, Council could replace at least two members. Gronner said people who were bored would not apply for reappointment. He did not recall anyone who left early.

Weed said if authority members were happy with what they were doing, they were usually reappointed. Historically, incumbents were usually reappointed. Gronner said there was a trust relationship between WASA and Council. He did not see why anything needed to change. He said their process was not broken. He agreed that many people only served one term. If so, the term should be five years since time was needed for the learning curve. Brown said he had seen people that, by their fourth year, were just attending meetings and were not pulling their weight. Gronner agreed that might happen on other authorities, but it was not happening on WASA.

Kourajian said he did not believe in the "if it ain't broke, don't fix it" adage. The adage meant status quo. He said they should always be looking for ways to improve things.

Brown said the proposed change was no reflection on the authorities' performance. Both were doing a great job and had excellent staffs. However, situations could arise where Council had to be accountable. The authorities had no accountability to the citizens. Gronner said anyone could be removed for misconduct.

Cobb reiterated that three-year terms did not fit project lines. The projects generally ran four to five years. It was difficult to bring new members up to speed, and newer members were not totally productive until the third year. The airport was not a tax burden for the citizens. Brown agreed that none of the authorities were supposed to be a tax burden, but that did not mean they would not, or would not request to become a tax burden.

Weed said the discussion had been very civilized. He was always suspicious when power was concentrated in a few that were not accountable to the people. The proposed amendments had nothing to do with the people currently serving on the authorities. It was a basic philosophy of good government. Good government was accountable to the people. Council was the group most accountable to the public. After an authority member was appointed, they almost had to commit an ax murder in the street to be removed. Weed agreed with Kourajian that a reasonable compromise was four years, which equated to a Council term. Brown said he had no problem with the compromise.

Kourajian said he felt three years was just too short and did not give a member much productive time. Five years meant that at least one person was not accountable to the sitting Council. Rapson said Council should select at least a majority of the authorities even with five-year terms.

Rutherford said her interest was a lot of people were left behind because they could not commit to five years, which she thought lost a lot of good people. Rutherford said she had spoken to people who were interested in serving on the authorities, but felt they could not commit to an entire term. Five years was a long time. Some would not apply for reappointment because five years was too long. Potentially good people were lost because of the term lengths.

Rapson said that by shortening the terms Council was saying they did not trust the volunteer boards. Rutherford said it did not say that to all of Council. She saw shortening the terms as getting the best people to the table. Weed asked Rapson if he was against term limits. Rapson said people who were doing a good job should be reappointed as many times as they wanted. He was delegating some of his authority to an authority member. Rapson said he was more agreeable to four-year terms. He did not think the Legislature would approve the change.

Rapson asked Cobb and Gronner what they thought. Cobb said if he had an option then he would take four years. He said respected Rutherford's position. He questioned whether there would be a better quality or sampling of people on Council if the terms were two years. Brown said the State legislators' terms were two years. Rutherford said Council terms should be three years, and she had been surprised Council terms were four years. Gronner said if he had a choice, then four years was better. There never seemed to be a lack of candidates.

Kourajian reiterated that it was a matter of accountability to him. Whoever served on Council should see all the authority and commission members during their time on the dais. Brown noted that that Council had made several appointments because members could not fulfill their terms. Rapson asked how long the Development Authority terms were. McMullen said they were four years. Rutherford added that commission terms were all three years.

Rapson moved that, in the spirit of compromise, Council look at four years and send that to the Legislature. Kourajian seconded. The motion carried unanimously.

Weed moved the same for the next agenda item (WASA terms). Rutherford seconded. The motion carried unanimously.

Brown noted for the record that there was an additional document on the dais for agenda item 09-05-10 – a letter to Mayor and Council from WASA Chairman John Gronner dated September 13, 2005, regarding the proposal to change the WASA terms to three years.

09-05-13 Consider Adoption of Revised Election Resolution

Rutherford moved to approve the adoption of the revised election resolution. She noted that the revision was to hold a run-off election, if needed, the first week of December rather than November 29. Rapson seconded. The motion carried unanimously.

09-05-14 Consider Authorization for Transportation Enhancement Grant Submittals

Brown noted there was an additional document on the dais – a memo to Mayor and Council from the City Planner dated September 9, 2005, with the subject, “Authorization to submit Transportation Enhancement grant applications.”

Developmental Services Director Clyde Stricklin addressed Council. There were two applications – one for GA 54 West median landscaping and one for the Lake Peachtree multi-use bridge widening. Stricklin explained that the median landscaping would fill in the 40-foot gap that would be left when the widening was completed. The total cost was \$300,000. The grant request was \$240,000, with a 20% City match, or \$60,000. Rutherford asked if the City knew there would be a gap. Stricklin said they knew about the gap, but had not known where the money would come from.

Stricklin said the wooden bridge would be expanded to 12 feet. He said they were not sure about the existing pylons, which would increase the cost. The costs could rise more in the next few months due to the hurricane and the increasing cost of steel. The total project cost was \$1.5 million. The grant request was \$1 million, with the City’s 20% match of \$500,000. Brown said the expansion would allow traffic to go two ways on the bridge.

Stricklin asked Council to approve the applications and the resolution of support, authorize staff to submit the applications, and the required budget adjustments. Stricklin said using staff to install the project would cut down on costs. The City’s share of the GA 54 landscape enhancements would come from \$20,000 in FY 2006 budgeted staff time and the remaining \$40,000 would be included in the FY 2007 budget, when the widening was complete.

The City’s share for the bridge replacement would come from reallocated SPLOST funds combining \$304,100 from the 74 North multi-use bridge replacement, \$74,340 from the MacDuff Parkway improvements that were no longer needed, and the \$121,560 already allocated for the bridge improvement. Stricklin said more people used the 54 bridge. He continued that they could apply for the 74 North bridge later when a funding source was identified. The 54 bridge was a higher priority. Rapson asked if there was another project that the MacDuff Parkway money could go to. Stricklin said the money was earmarked for widening MacDuff from two to four lanes. McMullen added that a study showed the widening was not required. The widening of MacDuff was a SPLOST project, so the money could not go to another project.

Kourajian asked why the SPLOST money could not be reallocated to another project. McMullen said the SPLOST money set aside for the widening of MacDuff Parkway could not be used for the design of the extension of the parkway since that would be adding a new project to the SPLOST list. The money could go to projects on the SPLOST list that would cost more, but they could not change the SPLOST list. The 54 bridge was on the SPLOST list.

Rapson said they were reallocating existing projects on SPLOST¹ to leverage the grants. If the grants fell through, the money would go back into the original projects. McMullen said that was correct.

Kourajian asked why they wanted to replace the multi-use bridge. He noted that \$500,000 was a lot of money. He asked how old the bridge was. McMullen said it was approximately 10 years old. Rapson said the match was closer to 33%. McMullen said the maximum grant amount was \$1 million. Rutherford said she was troubled by \$1.5 million to expand the bridge. She asked if the City could keep the money if the cost came in under the estimate. Kourajian said they should be able to as long as they paid the 20%. McMullen agreed. Rutherford said she was troubled that the cost was so much.

Kourajian asked why the bridge was chosen for replacement, when there were other projects. Stricklin said they wanted to replace the wooden bridge with a structure built to new standards. He said the bridge's condition had not been evaluated, but they preferred to replace it before it had to be replaced. Rutherford asked why the bridge was at the top of the list. Stricklin said the bridge was located in the center of the City, was the most used bridge in the City, and was not the best bridge to hold that distinction. Of the four eligible projects, staff felt this was the priority. Kourajian said he could support the grant request if the bridge was falling apart, but he could not support it if that was 10-12 years away. Stricklin said part of the concern was how long it would take DOT to decide to fund the project. It could take years.

Brown noted that the bridge was not built to the current standards, or what was now considered adequate. Kourajian agreed, but asked if they should tear down everything that did not meet the newest standards. There were many other projects that needed help.

Weed asked Stricklin if there was time to do an analysis on the bridge. Stricklin said the deadline for the application was September 23. Kourajian asked if they could apply for the grant next year. Rutherford asked when the City knew the deadlines. Stricklin said they found out about the deadline on July 8. The consultants were asked to look at the projects and make recommendations, which staff got on August 11.

Brown said the bridge was heavily used. He would rather put the money in something on the ground than into two new projects. Rapson said they would not have to do the project just because they got a grant. Council would have to ratify the acceptance of the grant. Rutherford said they could not apply for the grant until the money was set aside. Kourajian said he would not support the grant application unless the bridge needed to be replaced in a year. Brown said they had to determine how long the process would take; it could be four years. Kourajian said the money could be spent on many other things.

Brown suggested putting a conditional approval in the motion. Weed asked if they could get an answer to Kourajian's questions. Stricklin said they could if Council authorized staff to submit the grant subject to having an inspection to make the determination. Meeker asked what the condition would entail. Weed said the motion would be pending on the report from a structural engineer as to the viability and lifespan of the wooden

bridge. Brown said if the lifespan exceeded the funding and engineering cycle, then the motion would be null and void. Meeker said that was pretty indefinite.

Kourajian asked how long it would take to get someone to look at the bridge and how much an evaluation would cost. Stricklin estimated the cost at \$2,000-\$3,000

Rapson asked McMullen what he recommended based on his engineering experience. McMullen said the bridge was heavily used and was narrower than the other bridges. It was a safety issue. If a car was on the bridge, no one else could be on it.

Kourajian asked Stricklin if he would have brought the project to Council if they did not have the SPLOST funds. Stricklin said no. McMullen clarified that they would have waited longer to bring a lot of the SPLOST projects to Council, including the bridge project. Rapson said they either had to rely on the staff recommendation and the experts and consultants, or they had a bad list of projects. Rapson said the project must be within the five-year window since it was on the list. McMullen said the bridge project was on the SPLOST list for 2007. Rapson recalled that Council made the point when the list was presented that all the projects were equally weighted and would have to come back before Council. Staff was supposed to be looking for ways to leverage the grant money. Rapson said staff was just following the plan. McMullen said the issue was that the initial estimate had been done in-house without a detailed engineering study. The figures had been adjusted for inflation, but had not been thoroughly studied. Hopefully, the current estimates were more realistic. Rapson noted the current price of steel and oil, and added that there was no way to include the dramatic increases as part of inflation. McMullen added that the list had been compiled quickly and there had not been time to do a detailed estimate of each project. Rapson said they still had to live within the confines of the list.

Rapson noted that Council would not have to fund the project until staff came back to Council to let the contract. Brown said the projects were not new and Council had approved all of them. Council needed to make a choice and decide whether or not to take advantage of the granting cycle. Council needed to realistically decide which projects could fall in the 80-85% of the projects that could be done with the SPLOST funds. Rapson said Brown's reasoning was sound. The dollars should be leveraged for grants.

Rutherford said they had more items on the SPLOST list than there would be money to pay for them. The cost was going to be more than the estimates in reality. They were going to have to go to outside vendors because the County would not be able to keep up with the work. The vendors would be going to the Gulf coast so the projects would cost more. She asked if the cycle for DOT was four years. Stricklin said the average cycle was four years, but it depended on the project. The project had to get there first.

Brown asked Council if they wanted to do the project. Kourajian said there was no need to if the bridge had 30 years left. Rapson asked how much of the SPLOST money was allocated to the project. Stricklin said \$121,000 was allocated. Rutherford said need was relative as well. It was probably structurally sound, but it was too narrow. Stricklin said the bridge was six feet wide. It might be possible to reuse the existing pylons now

because they were sound and make them last longer Weed asked Kourajian if he still needed to see an engineer's report. Kourajian said he felt the bridge was structurally sound, but did not need to see a report in eight days. The report should be done within the next year.

Rapson moved to approve staff's recommendation for the attached resolution in support and authorize staff to submit applications for funding for the 2006-2007 Transportation Enhancement Program as reflected. Weed seconded. Rutherford asked when the City would know if the grant requests were approved. Stricklin said they should find out in November Rapson said they could address Kourajian's concerns by then. The motion carried 4-1 (Kourajian).

09-05-15 Public Hearing – Consider Rezoning Wilks/Booker Tracts, Old Senoia Road (AR to LUC)

Brown said the applicant had agreed to continue the hearing due to a problem with advertising the rezoning. Rutherford moved to continue the agenda item until October 6. Rapson seconded. The motion carried unanimously

Rutherford directed that any public hearings be placed first on agendas. The other members said there should be an option to move a hearing to the end of the agenda.

09-05-16 Presentation on Use of Pesticides on Athletic Fields

Brown noted there was an additional document on the dais – a memo from Leisure Services Director Randy Gaddo to Mayor and Council dated September 13, 2005, with the subject, "Use of Pesticides on Athletic Fields."

Mike Jackson of TruGreen, the contractor responsible for the City's athletic fields, addressed Council. Jackson said there was no point in speaking to those who had made up their minds. There was a great deal of polarization on the subject and he was not going to debate. TruGreen was a service provider, and the City's residents were their customers. If the residents did not want pesticides applied to the fields, then they would not. Pesticides were a tool used in servicing the athletic fields.

Jackson said he helped develop their program 14 years ago A certified toxicologist consulted with the company and was willing to make a presentation to the soccer organization. The offer had been accepted, but the presentation had not been scheduled. Jackson's subject was agronomy He gave a quick overview of his background, which included using natural alternatives. If the City wanted a natural organic program, his company could do that. As a subject matter expert, there were no viable effective alternatives to the standard products used today His company had tried them and was still searching. His company could use natural products; however, the City could expect the investment of the taxpayers to decline over time. Weeds would emerge. Jackson said he had discovered that a pesticide had been applied to the City's organic test field. The class of chemistry used in the herbicides were used in pesticides and also used in drugs that controlled Type 2 diabetes.

Jackson said he probably would not be at the meeting if not for the blue coloring used when the fields were treated. TruGreen had been the City provider for seven years, and also serviced the U.S. Environmental Protection Agency (EPA). The EPA specifically requested the company treat the children's playground. The EPA was created to protect people from irresponsible use of pesticides, among other things. Jackson said he used the service on his own lawn for 10 years and his 10-year old daughter was perfectly healthy. He could only give anecdotal stories, but the toxicologist that would come to the soccer meeting would be able to specifically address those issues with parents.

Jackson continued that there had been vicious attacks against his company. They did not apply anything classified as a poison or known human carcinogen. The industry was well regulated. Jackson pointed out that people could not assume that natural organic substances were safe. Many of the products had not been tested for human or for environmental safety. The fields were created for everybody, not just small vocal groups.

Weed asked Jackson how long it would take before the fields lost their quality. Jackson explained that weeds ran in cycles. There were annual (spring and winter) and perennial weeds. The next application for the soccer fields was scheduled on September 19, and was the perfect time to start preventing winter annual weeds. He said there would not be a decline overnight, but probably in three to six months. The grass was dormant in the winter. The City's facilities were among the finest in the state. He said the City might be jeopardizing a good investment. Weed asked if there were any non-synthetic alternatives that would keep the fields at the current level. Jackson said they would patent them if there were and they would use them. His company rejected manmade substances that did not work, too.

Corinne Risch represented the parents who opposed the pesticide spraying and gave a PowerPoint presentation in support of their position. She said the argument was that the pesticides were safe in their diluted form, but notices would not be posted if the pesticides were totally safe. Risch agreed that it was not in their interests to let the fields decay. She said it was not known how significant the exposure to the chemicals had been over the years, but they had become aware of the exposure because of the use of the blue/green dye. Two children had been rushed to the emergency room with life-threatening allergic reactions. Many were sick with headaches and malaise. Toxins built up over time. Risch continued that the studies done on animals did not parallel the human experience. The EPA and FDA studies did not reflect real life. Children were more susceptible due to the nature of their play. A teaspoon of poison was more toxic for children than adults. The Council Members were given Material Safety Data Sheets (MSDS) that were required to be available to the public from companies that used chemicals, according to Risch. She said she had the MSDS for five of the 13 chemicals used on the fields, which Risch said were toxic and carcinogenic. Risch presented data from a peer study that showed a relationship between pesticide exposure and tumors.

Risch introduced Bill Langworthy, the father of one of the children who suffered a severe reaction. He told Council his daughter was one of the children rushed to the emergency room. Langworthy was told her condition was an allergic reaction to the chemicals. She had also other less severe reactions.

Weed asked Risch what the parents wanted and what Council could do. Risch said they wanted healthy children and healthy fields. She asked that no taxpayer money go to fund toxic products on the athletic fields or public park areas. The parents were asking for alternative turf and for the City to contract with a company that provided suitable alternative turf care and pest control. She said the Recreation Department had designated a test field that was evaluated every six months. They would also like a field set aside that would not be treated at all. She said they were asking for three to six months to make a determination, not two years. The use of pesticides was an unacceptable risk to children's health.

Dennis Chase told Council that he sympathized with the parents, but they had jumped to a conclusion beyond the evidence. It was clear there was a problem, but it was not clear what had caused the problem. Chase continued that he told Council in 1995 that there was a problem with the water used on the fields based on the toxicity in Line Creek at that time. The problem had not been solved. He referred to some work he was doing with mussels in Line Creek. He checked them in July, but they were dead when he checked them in August. Chase said something was going down the stream. The parents were asking the City to take drastic action that might not be prudent. Pesticides did not equate to the problem. Millions of children played on grass treated with pesticides and this could not be the only place with problems. The first step should be to verify if other areas in Georgia and in the southeast were facing the same problem. If so, pesticides might be the problem. Something was obviously wrong. Chase had previously recommended the City sample the water and the sediment in the holding pond. The toxic, or dangerous, material could settle out over time. The tests on the water at that time had been negative, but that did not mean something was not there. Chase added that most companies recommended people stay off the fields for at least 24 hours after treatment. If pesticides were the problem, the problem should be statewide. There needed to be a better analysis of what was happening. Chase said he was not down playing the issue, but they should be careful before taking action.

Rutherford asked if the fields were still watered from the same source. McMullen said they were. Kevin Pheifer said this was a huge nationally recognized issue. Seventeen states had passed regulations. Council could do the research themselves. If the solution was letting weeds grow, so be it.

Debbie White, the president of the soccer association, addressed Council. She said the association fully supported a safe environment for the children. There was also an obligation to maintain the City's investment in the soccer fields. They also supported a test field for alternative methods. She asked that the City keep looking for a suitable alternative. She said that, in addition to closing the fields for 24 hours after treatments, practices were optional for 48 hours after spraying. If a link was established, the company would be out of business due to the lawsuits that would be filed. This was a legitimate concern.

Tim Wedemeyer said the green dye was used to see if pesticides had been applied and if they were still wet. He questioned whether there was a procedural problem. He

suggested that no chemicals be applied and that a blue ribbon panel be set up to look for another solution.

Jackson asked to correct some misstatements. An MSDS was not a public document, but a document OSHA required be provided to workers who handled the concentrates in the warehouse. His company provided the documents when asked because there was no reason not to do so. Companies also provided pesticide fact sheets. Earlier this year, his company had been contacted by the Department of Agriculture, which found TruGreen had not violated any laws. Some mistakes were made. The applicator ran out of flags on the last field and failed to post the field. The field that was not flagged was not the field in question. He continued that the FDA approved the blue dye as a food additive. The dye was used as a training tool for technicians so they could tell when they missed an area. A lot of people also thought not enough pesticides were applied. There was no debate when the dye was seen. Customers were notified with an invoice and a flag that was placed in the front of the yard.

Weed asked Jackson how long his company had been spraying the fields. Jackson said since 1998. Recreation Administrator Sherry McHugh said the City had sprayed the fields for the 12½ years she had been with the City. The City had used ChemLawn prior to TruGreen.

Kourajian asked about the dye. Jackson said the FDA approved the active ingredient in the dye as a food additive. Kourajian said he would like to see the information on the dye. Jackson said he would send the information. Brown noted that the City used the dye, too.

Rapson said he was uncomfortable putting pesticides on the fields not knowing if they were the problem or not. The kids' reaction led him to believe they were a problem. He asked if it would harm the City if the fields were not treated on September 19. Rapson said he was not attacking TruGreen. The water could be the problem. Jackson said the definition of "safe" was the absolute absence of danger in any form whatsoever. A decision could be made in 10 years that something was not safe. The National Cancer Institute had studied 32,600 TruGreen employees and found no association between the application of pesticides and the health problems of the applicators. Rapson again asked what would it do to wait 30 days until the issue was figured out. Council might, or might not, have an answer, but they would have more information. Jackson said the City could wait, but the risk was when the winter weeds germinated. If the City wanted the company to stop using pesticides, they would.

Kourajian asked if there was a window of time to treat the fields. Jackson noted that some products had dates to begin their use. There was significant risk if the pre-emergent was not put down in early September, but it also depended on the condition of the fields and the competitive level of the turf against the weeds. If weeds came up, they would have to be reactive and might need to apply more pesticides to correct the problem. He urged the City not to wait. The reason the date was set was for agronomic reasons.

Brown said staff had applied one natural application that had not worked. Brown said natural was not always safe. Too much of a natural product could also be detrimental.

McMullen clarified that no pesticides had been applied since September 2004. Jackson agreed. The test field had an infestation of army worms. McMullen asked if pesticides or insecticides were needed to kill the worms. Jackson said pesticides were classified as killing living organisms. Pesticides were not necessarily insecticides. The City had to deal with the army worms on the test field. Jackson said it was too late for his company to do anything if there were worms. They were not hard to control, but were difficult to get rid of. McMullen said Leisure Services Director Randy Gaddo notified him that the September 19 application would not be put down until further discussion with TruGreen. McMullen recommended doing something about the worms on the test field.

Rapson asked Jackson how much time he needed to get information to City staff. Rutherford asked how much damage would be done to the field. Jackson said it was a spectrum. The plants would continue to germinate and there would be gradual infestation. There was not a specific date. Langworthy said there might be more weeds, but they were talking about children's health. They needed to look at the available options. Brown pointed out that substantially more product might have to be applied to make the problems go away.

Rapson recommended that staff test the water in the pond and gather information from TruGreen, then compile the information and give Council a risk analysis. Rutherford said they needed to check the water and sediment. If the fields were watered at approximately the same time the fields were treated, then the problem could be the water or the sediment. Rutherford asked Jackson where they got the water used in their tanks. Jackson said it was City water.

McMullen said that Council was asking difficult questions. He did not know if staff could provide scientifically reliable information in 30 days. It was an unrealistic expectation. They could get experts from both sides and do some research. He said everything people did everyday was a risk. Kourajian agreed with McMullen. Staff would draw an unqualified conclusion based on the information received. McMullen continued that the lawn chemical industry was regulated and had standards. The organic industry had no standards to his knowledge. He was prone to rely on information from an industry that had standards. He was more concerned about putting something on the fields that was not regulated.

Rutherford said they needed to address Chase's concerns regarding the water and sediment. She reiterated that the September 19 application had been suspended. Gaddo was to come back with a recommendation on what to do about the fields. Rutherford said someone at the Recreation Department should have the experience to know when a field had a problem. Council could not make that decision for staff.

Weed said Council would make a decision based on the available information. There would be a drop-dead date eventually. The information would not be perfect. Council might make the wrong decision; they could take action and miss the problem. In the

short term, the City should not do anything and gather up the blue panel committee to look at the science. Ultimately, it would be a political decision based on what Council believed the science said. Kourajian said there could be other issues besides the pesticides and the water. Weed said they could only cover the most likely scenarios.

Brown said it would eventually be the choice that Council wanted. There were people on both sides of the issue. Weed said they could not quantify the risks. Rapson said staff would test the water and sediment, and Council would err on the side of safety for the children, and do nothing at this point. McMullen asked Council to let him get the testing company, and talk to Chase to find out what tests should be done.

Risch said they had found five alternative companies and that Gaddo had made the decision on which one to hire for the test field. She was not aware the company used bio-solids. The experiment had failed. Another company used a vegetable-based material, but the company said they did not receive the RFP. Risch said the Recreation Department said the RFP was sent to them. There was apparently some miscommunication. Active participation was needed. She continued that the studies were believable enough that the City needed to move away from chemicals. The blue-green dye was not the issue. It just alerted the parents to the chemicals on the field.

Weed told Risch she had come to the right place, but at the end of the day Council would make a decision based on the evidence presented. Hopefully, it would be the right decision.

09-05-18 Consider Request from Fayette County to Lower Lake Peachtree in October for Repairs

Brown noted the additional document on the dais – a memo to Mayor and Council from the City Manager dated September 13, 2005, with the subject, "Request to Lower Lake Peachtree in October."

Rutherford moved to approve the request to lower the lake. Rapson seconded. Brown said the request had been made so the spillway could be repaired. McMullen said staff would notify the homeowners association. Kourajian suggested sending notice to the newspapers, also. Rutherford asked to include information regarding the two warning sirens located in the City. The motion carried unanimously.

09-05-18 Consider Resolution for Special Election on Homestead Exemption

Brown noted there were two additional documents on the dais – a memo to Mayor and Council from the City Clerk dated September 14, 2005, with the subject, "Consider Resolution Calling for a Special Election on Homestead Exemption," and a copy of the resolution. Rutherford moved to approve the resolution for the special election on the homestead exemption. Rapson seconded. The motion carried unanimously.

09-05-19 Consider Request for Waiver of Fees for Use of Kedron Fieldhouse

Brown noted there was an additional document on the dais – a memo to Mayor and Council from the City Manager dated September 14, 2005, with the subject, "Request for

Waiver of Fees for Use of the Kedron Gymnasium.” Weed moved to approve the request to waive the fees for the Kedron Fieldhouse. Rutherford seconded.

Rutherford asked Council to note that the request was for a project to raise funds, and was not just a request to waive the fee.

Kourajian asked McHugh if there was anything else scheduled at the fieldhouse that day. McHugh said the calendar was clear. Kourajian said this was a terrific opportunity, but asked if this would set a precedent to waive fees at City facilities for non-profit uses. Brown said the City routinely provided support for non-profit events, such as the Alzheimer’s Walk. McMullen said staff could not waive fees without Council approval. The City’s regulations said a fee had to be charged. Kourajian said the causes were good, one for SAT tutorial classes and one to assist the displaced students in the County schools. He supported the request, but wanted Council to be aware that they could have other requests.

Alice Jones, Youth Council advisor for the Fayette County NAACP, said the students took on the projects to help their fellow students. The displaced students would also need to take the SAT. There was a cost to pay the tutors. Rutherford clarified that Hurricane Katrina displaced the students. Jones said it would take some time for those students to catch up.

Weed said, hopefully, there would not be another Katrina-sized disaster, which would help Council differentiate between this request and other good causes. Jones said the SAT classes were an ongoing program, but were specifically for evacuee students this year.

The motion carried unanimously

Council/Staff Topics

Brown thanked Matt Robinson, McMullen, and everyone involved in installing the new projection equipment. A meeting attendee commented that it was difficult to hear those speaking at the podium. Robinson noted that problem was often because the person was not close enough to the microphone. Robinson said he would also move the podium off to the side so everyone would be able to see the screen.

Brown noted that the library looked great. He said staff had done a great job managing the project.

Weed asked to respond to a recent Letter to the Editor, which indicated that the Tourism Association received hotel/motel tax. Weed said the Tourism Association did receive the tax, but the letter indicated there was some wrongdoing. He pointed out that the Development Authority had accepted the hotel/motel tax under unknown circumstances. The difference was that the Tourism Association was not using the tax for the operation of the venues. The association was using the funds for things related to tourism and taken some of the burden off the City, which was using different money to do those things. It was a completely different situation. Brown asked Meeker if there was a scam.

Meeker said that as long as the Tourism Association expended the funds for tourism-related functions as required by the state he was not aware of any scam. Rapson said the Tourism Association was doing what the Development Authority had done, but the difference was the venues were breaking even. The money the Development Authority had used to subsidize the two venues was now paid to the City for use on tourism-related activities. Weed corrected Rapson. He said one venue was not breaking even, but the company was.

Rapson asked if the City was doing anything to impede the progress of the TDK Boulevard extension. McMullen said no.

Rapson moved to extend the meeting past 11:00 p.m. Rutherford seconded. The motion carried unanimously

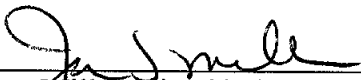
Rutherford moved to convene in executive session for pending or threatened litigation and a personnel matter. Kourajian seconded the motion. The motion carried unanimously

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

Rutherford moved to deny the claim of Paul Graffeo as the guardian of Alex Repczynski. Brown seconded. The motion carried unanimously

Rutherford moved to deny the claim of Angela M. Rice as such claim was presented. Rapson seconded. The motion carried unanimously

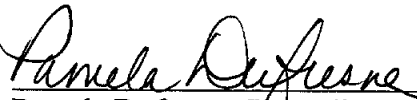
There being no further business to discuss, Rapson moved to adjourn. Weed seconded the motion. Motion carried unanimously. The meeting adjourned at 11:28 p.m.



Jane Miller, City Clerk



Stephen D. Brown, Mayor



Pamela Dufresne, Recording Secretary