City Council of Peachtree City
Minutes of Meeting
August 16, 2007
7:00 p.m.

The City Council of Peachtree City met Thursday, August 16, 2007, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:03 p.m. Other Council Members present: Steve Boone, Mike Harman, Stuart Kourajian, and Cyndi Plunkett.

Announcements, Awards, Special Recognitions
There were none.

Oath of Office – New Council Member Mike Harman
Logsdon gave the oath of office to Harman.

Public Comment
There was no public comment.

Minutes
Plunkett moved to approve the July 30, 2007, special called meeting minutes-a.m.; July 30, 2007, special called meeting minutes-p.m.; August 2, 2007, regular meeting minutes; and August 6, 2007, special called meeting minutes as written. Boone seconded. The motion carried 4-0-1 (Harman).

Consent Agenda

1. **Alcohol License – Change in Licensee and License Representative – Rite-aid #11778, #11779, and #11780**
2. **Consider FY 2008 Official Intent Resolution**
3. **Consider Appointments to the Planning Commission – Martin Mullin, Theo Scott, Lynda Wojcik (Alternate)**

Boone moved to approve Consent Agenda items 1-3. Kourajian seconded. The motion carried unanimously.

Old Agenda Items
07-07-08 Public Hearing – Increase in Mayor and Council Salaries
Logsdon asked Plunkett to go over the amounts to be considered. Plunkett said they were looking at a salary of $18,000 for the Mayor's position and $12,000 for Council Members.

Residents who spoke included Richard Spain, Beth Pullias, Bob Brown, and Nancy Ruck. Their comments included:

- According to the Department of Labor, there was a 193% increase in salaries due to inflation since 1985. The City staff salaries had increased, on the average, 244% since 1985. Statistics showed the increase was worth it.
- Council was worth every penny.
- The current hourly rate for one year, based on 236 hours a year, was $25.42 for Council Members and $38.14 for the Mayor. Doubling the salary doubled the hourly rate, which

was quite high and more than what most residents made. Most people only got a 2% to 3% raise, not 100%.

- The greatest impediment to running for Council was the filing fee. Increasing the salary increased the filing fees, which was set at 3% of the salary. Fewer people would be willing to put out $360 just to run for Council.
- If the reason for the increase was to get more people to run for office, then the filing fees should also be lowered.
- Taxes were also increasing.
- No one got their salary doubled in one year.

The public hearing closed.

Plunkett noted that the 3% filing fee for candidates was set by the state, and that was an unanticipated consequence of raising the salaries. While 100% sounded like a big raise, not many people would stay in the same job for 22 years without any raise. The raise would have been insignificant if it had been spread out over the 22-year period. She said it was very hard to ask for a raise for yourself. She had heard what people said and would incorporate it into her motion.

Plunkett moved to increase the Mayor and Council salaries to $18,000 and $12,000, respectively, set increase to occur after the election in 2009, and begin in total in January 2010, in addition that the Mayor and Council be treated like part-time employees for the purposes of the 457 plan effective immediately, which had no cost to the City. Boone seconded.

Kourajian said there would not be a raise for anyone currently on Council, unless one of the current members ran again. He believed the compensation should be better, but not for anyone currently sitting on Council unless they were re-elected. Kourajian said he ran for Council because he wanted to give back to the community, and he put in the hours and made the sacrifices he needed to. He supported the increase, but was not running again, so he was not doing it for himself. The numbers were fair.

Logsdon said he had been asked why he had been silent. He had been focusing on additional revenue generation without raising taxes for almost a year. He was weighing in heavily on the tax reform coming before the state legislature, and on transportation and redevelopment. He commended Plunkett on her work. This was a difficult issue that affected every member differently. He would abstain from the vote. Kourajian asked Logsdon why he would abstain. Logsdon said he had reasons. He would not vote against it. It was the right thing for the City. There were some things weighing on his mind. He would yield to wishes of his fellow Council Members.

Harman asked Plunkett why she included the 457 plan in the motion. Plunkett said it was a retirement option that the City employees had and was basically a deferred retirement plan. The City did not match it. Council had never been able to participate and defer some of their salary. It might be a preference for some Council Members. City Manager Bernard McMullen explained that the City had both a 401, which the City contributed to, and a 457 plan, which allowed employees to contribute to a tax-deferred plan. Plunkett said the 457 would be a housekeeping issue, and all the City's part-time employees were allowed to participate in the plan.

Kourajian asked if it would save the City any money if Council Members elected to participate in the 457 plan. Finance Director Paul Salvatore said that the City would have to pay the FICA and Medicare portion, but there would be a savings on the federal withholding tax.

Harman said it was hard to vote for a raise for oneself, but as a citizen he would have to say it was needed. Coming from a volunteer position, he did not feel he was in a good position to judge. As a private citizen, he would probably support it. Plunkett said she agreed that it was difficult to vote for a raise for oneself, even though everything justified it. By framing the motion the way she did, Plunkett said it accomplished what she wanted to see happen. The bottom line was the elected officials could rescind it in 2010 if they did not want it.

Kourajian asked City Attorney Ted Meeker if the Mayor could abstain from a vote with no reason. Meeker said Council Members always had the prerogative to abstain from a vote.

McMullen asked for clarification on contributing to the 457. Plunkett said that would be effective immediately since there was no cost to the City. For further clarification, she added to the motion that the $12,000 and $18,000 was to be paid out according to the ordinance.

Harman asked Plunkett to amend her motion to include no increase in pay, but to allow Council to put their salaries in the 457. Plunkett did not accept the amendment.

The motion carried 3-1(Harman)-1(Logsdon).

Boone moved to move Agenda Item 08-07-07 Consider Request from Planterra Ridge HOA to Reduce Speed Bumps to the top of the New Agenda Items. Plunkett seconded. The motion carried unanimously.

New Agenda Items

08-07-07 Consider Request from Planterra Ridge HOA to Reduce Speed Bumps

Greg Ward of the Planterra Ridge Homeowners Association (HOA) addressed Council. He asked Council to consider installing the speed bumps in a phased manner. He said that the purpose of the installation had changed. They were no longer trying to change behavior and stop the speeding; they were now maintaining behavior. The residents would like to reduce the speed bumps from nine to six, which would not violate any City code or engineering standards. He showed the locations.

Kourajian asked if any of the locations would change, or if it would cost the City any money. He noted that the HOA was buying the speed bumps. He questioned whether the City would incur any additional costs. City Engineer Dave Borkowski said the cost would be in staff time. He continued that, in staff's opinion, there would still be speed problems if there were less than nine speed bumps. The City would end up putting the bumps in anyway and would have to reevaluate the speed. McMullen clarified that Borkowski was not referring to Public Works time, which would require them to go out twice. If there were still complaints about speeding, then the Engineering Department would have to do the speed analysis and other things from the engineering side, which took a great deal of staff time. Kourajian asked why they could not consider putting the other three bumps back in as another phase. McMullen said that the HOA said they only wanted six. If there were complaints from other citizens, the process was to go out and establish factual data, which was done by doing the speed studies. Kourajian asked at what point the City went out to do a speed study. McMullen said the City Engineer checked with the Police Department on existing studies first, and if there were none, staff had to do a study.

Ward said the City would still get calls whether there were six or nine speed bumps. Boone agreed. McMullen said he was only clarifying where the extra staff time was. Boone said it was fine since the HOA was funding the installation. Plunkett said staff time was a nominal charge to protect citizens.

Plunkett moved to allow the Planterra Ridge HOA to put in six speed bumps under the supervision of the City Engineer. Boone seconded. The motion carried unanimously.

08-07-01 Public Hearing – Consider Rezoning – Stephens Tract (21.20 acres), GI to GC

Attorney Rick Lindsey spoke for the applicant, Columbia Properties. He pointed to the location on the map and said the 21.12 acres was located along SR 74. He noted that the original rezoning application, filed in December 2006, included the entire tract (123 acres) and big box stores. At that time, the owners met with the Wilshire HOA, and several public meetings were held. There had been a lot of concern about the big box stores. As a result, the applicant asked for a postponement of the rezoning in May. They were in talks at the time with another developer interested in a portion of the property. The rezoning request for that project would come before Council in September. This request was for GC along SR 74.

Lindsey continued that City Planner David Rast had supported a smaller commercial development along SR 74 frontage with a different use behind it. Lindsey said the proposed development complied with the goals of the Comprehensive Plan since the proposed center would complement Wilshire Pavilion, which was located across the highway from the tract. The Planning Commission had been supportive of their request for GC zoning with the condition that the applicant worked with staff and the HOA to look at restrictions on the property. Lindsey said City Planner David Rast had come up with an ordinance, which had gone through many revisions. Logsdon noted that there was an updated copy of the proposed ordinance on the dais. Lindsey said the ordinance had a list of uses that no one wanted to see on the property, and the applicant only disagreed on a couple of them.

Lindsey continued the permitted uses were very similar to the uses permitted in the current GC ordinance, but they wanted to discuss fast food restaurants. As for the conditional uses, any possibility of a big box was intentionally deleted from the ordinance. The conditional uses under Section 1006C1.3 dealt with uses that were bigger than 10,000 square feet and less than 32,000 square feet. There were some proposed uses that would fit in that category, which would be larger than 10,000 square feet, but definitely less than 32,000 square feet.

Lindsey said the process had been long. Columbia Properties had done a better job of reaching out to the community than any developer he had ever worked with. They had a vested interest in a quality commercial development. The company owned Wilshire Pavilion and wanted the development to complement that center.

Lindsey noted that many of the requested exemptions were currently permitted. An applicant would be allowed, under the current GI zoning, to put in an automobile washing facility. Other uses that were currently permitted included gas stations, car repair, fast food restaurants, warehouses, and a blood bank. Columbia agreed with staff and the HOA on most of the uses, but disagreed on a few. The proposed ordinance only allowed one fast food restaurant, and they would like to increase that to two with a drive-in window for the entire parcel. They would like for the fast food definition to exclude coffeehouses. The concerns from City staff about fast food were regarding the trash that often came with such establishments. The coffee shops usually had an older clientele. They were not in talks with anyone, but would like that ability. Lindsey said that the draft ordinance also prohibited the sale of alcohol (a liquor store), and they were talking to a fine wine store that wanted to locate there. He noted that there was a liquor store in Wilshire Pavilion that backed up to the residences. Lindsey said he did not understand the gas station exemption, which had also been a concern of the Planning Commission. There were no gas stations on that side of SR 74 from I-85 to SR 85. If a gas station ever went up on that side of the highway, the City would do what had always been done to keep the station from becoming an eyesore or nuisance.

Lindsey continued that the only other requirement they had an issue with was under the landscape requirements, Section 1006C.1.4(a). The last paragraph required the applicant to provide a 50-wide landscape buffer between the commercial property and the adjacent tract, which was above what the current GC ordinance required. GC areas that abutted residential areas were required to have a 75-foot building setback, not a 50-foot buffer. There was a big difference. They would adhere to the setback, but asked Council to remove the 50-foot buffer and allow them to coordinate with the neighboring developer to put up the appropriate landscaping and division between the properties. As of now, the applicant would be taking on a burden that should at least be shared. The way it was worded was onerous against the applicant.

Lindsey continued that there were two conceptual plans, one with the current alignment of Rockaway Road and one that showed the concept in the event Rockaway Road was realigned. They would like to have three access points on SR 74 and one on Rockaway Road. The developer was in negotiations with a pharmacy, small bank, and neighborhood hardware, and two of those buildings would exceed 10,000 square feet. An internal road would give people access to the individual parcels. Each parcel would be interconnected, with a small street across from Holly Grove Road in the event Rockaway Road was not realigned. There was one lot that was probably undevelopable since the back portion was within the 100-year floodplain. If Rockaway Road were realigned, the realigned road would bisect the property and take out two developable lots, and two access points on SR 74 and one point on Rockaway Road would be needed. Lindsey showed the location of the planned golf cart tunnel and noted that the HOA had asked several times if the tunnel could be moved to another area. Lindsey said the applicant was fine with whatever location was selected by DOT and the City. They would connect their cart path to it and make the project user-friendly. They wanted to be a good neighbor. This project was a win/win. They were very close to agreement, but needed to fine tune the last few areas.

Rast gave a brief history of the property. (A copy of his PowerPoint presentation is included in the official meeting file.) Each of the past proposals, which had ranged from single-family residential and cluster development to townhomes, had a commercial component adjacent to SR 74. He continued that the proposed plan should complement the existing center and was smaller than previous proposals. The tract was bordered by City-owned property and on one side by unincorporated Coweta County. He noted that a 50-foot buffer separated Wilshire Pavilion from Wilshire Estates. Columbia proposed that the tract's frontage area be the same as Wilshire Pavilion. The depth of the parcel ranged from 365 feet to over 700 feet at the largest part. The frontage along SR 74 was exactly the same as Wilshire Pavilion. The proposal was to have strictly outparcel development as opposed to a strip center. If Rockaway Road were developed, it would become a community collector, which had more stringent buffer requirements. There were no use restrictions in Wilshire Pavilion adopted as part of the zoning, but Columbia had been required to develop architectural, signage, and landscape programs that were adopted as part of the development. Access to the tract would be the same as Wilshire Pavilion, and the main entrance would align with the traffic signal.

Rast went though the proposed ordinance. The Wilshire Pavilion was the last development to receive a GC zoning rather than LUC zoning. There were some unacceptable uses in the blanket GC zoning, and staff, the HOA, and Columbia had worked together to come up with a list of permitted uses. He continued that the GC ordinance also limited the size of an individual building to 10,000 square feet. Larger buildings would be allowed as a conditional use. Two of the buildings proposed for the project exceeded 10,000 square feet. The uses would have to be approved as a conditional use.

The proposed permitted uses in the draft ordinance included the following: *(a) Retail business involving the sale of merchandise on the premises, provided no single tenant, owner, occupant, or business occupies more than 10,000 square feet; (b) Automobile parts sales, excluding the repair of vehicles on the premises of any business by the property owner, the tenant or customers shall be prohibited; (c) Business involving the rendering of a personal service on the premises; (d) Office for governmental, business, professional or general purposes; (e) No more than one freestanding, fast-food type restaurant with a drive-thru window for pick-up of food or drink orders; provided that this restriction shall not prohibit a freestanding restaurant from maintaining designated parking areas for patrons to pick up food orders to go or preclude individual tenants from maintaining drive-thru windows for pick-up of food or drink orders; (f) Indoor commercial recreation facility; (g) Publicly-owned building, facility or land; (h) Building, facility, or land for noncommercial park, recreation, thoroughfare or open space purposes; (i) Hotel or motel; and (j) Accessory use: See section 908.3.*

Rast referred to proposed permitted use *(b) Automobile parts sales* and said that the HOA was concerned that car repairs would take place in the parking lot. The building would be allowed in the proposed ordinance, but the repairs would not. Plunkett asked if an auto parts store and any repairs that might be made in the parking lot would be allowed in GI zoning. Rast said that the store was retail and would not be allowed, but an auto repair would be allowed. Plunkett noted that, according to Lindsey's statement, many of the allowed service uses in GC and GI were the same. She asked what those uses were.

Rast referred to *(e) No more than one freestanding, fast-food type restaurant.* The HOA wanted only one fast-food restaurant with a drive-in window, but it did not preclude a coffeehouse with a drive-in window.

Rast continued that the proposed uses that would not be permitted included the following: *(a) Any business whose primary business is the sale of alcohol; provided that this restriction shall not prohibit individual restaurants from selling beer, wine, distilled spirits or other beverages; (b) Cocktail lounge, disco or dance hall; (c) Automobile repair facilities, including oil change facilities and emissions testing centers. The repair of vehicles on the premises of any business by the property owner, the tenant or customers shall be prohibited; (d) Automobile washing facilities; (e) Automobile sales and leasing (new and used vehicles); (f) Boat sales and leasing (new and used); (g) Establishments whose primary business is the sale of gasoline or diesel; (h) Animal hospitals or veterinary clinics with outdoor kennel facilities; (i)Adult novelty stores, book stores, entertainment centers, theatres, and amusement facilities, peep shows and massage parlors, provided that this restriction shall not prohibit a day spa from locating within the development; (j) Bingo parlor, bowling alley, pool hall, billiards parlor, skating rink and roller rink; (k) Electronic gaming centers where the primary business is from game playing; (l) Pawn shops, second hand stores, closeout or liquidation stores, flea markets, bankruptcy or fire sales, provided that this restriction shall not prohibit a consignment store from opening within the development; (m) Blood bank and plasma centers; (n) Tattoo parlors; (o)Check-cashing facilities; (p) Facilities for dumping, disposal, incineration or reduction of garbage or refuse; (q) A site for day laborers to congregate or to solicit work; (r) Transportation facility or terminal; (s) Self-service storage facilities, i.e., mini-warehouses; (t) Off-street auto parking facility; and (u) Open yard for the sale, rental, and/ or storage of materials or equipment, including junk or salvage materials.*

Plunkett asked how *(j) Bingo parlor, bowling alley, pool hall, billiards parlor, skating rink and roller rink* differed from *(f) Indoor commercial recreation facility* under the allowed uses. Rast said that indoor facilities were included to cover businesses like children's gyms.

Harman noted that a few points were still being worked out. Rast said they were hopeful those issues would be resolved with the input from Council. They were at an impasse with the developer and the HOA.

Rast continued that the minimum buffers had been identified in the proposed ordinance. The 50-foot landscaped buffer would protect what went on the remainder of the Stephens' property. Staff recommended approval of the rezoning with conditions. The Planning Commission had also recommended approval, and they had wanted the applicant and the HOA to work out the issues before Council considered the rezoning.

Laurie Farmer, president of the Wilshire HOA, said she was not speaking for or against the rezoning. It had come a long way from the regional concept that had originally been proposed. She said the area was the gateway to the City on the southside and asked Council to protect the neighborhood center, the purpose of which was to serve the surrounding neighborhood. She noted that Wilshire Pavilion was approximately 15.8 acres. The proposed center with the Rockaway Road realignment was approximately 16 acres, and the center would be approximately 21 acres if the road were not realigned. She said they were at an impasse on a few issues, which was due to the wording of the ordinance. Clarification on the wording was needed. Wilshire Pavilion had a few outparcels, while they were proposing eight outparcels. The HOA did not want any fast food, and Columbia had insisted on drive-through restaurants. The compromise had been no more than one fast food-type restaurant. Now, Columbia was asking for two. The HOA was also concerned that hotels/motels were a permitted use. Farmer said that Rast had assured her that that was not a concern for Columbia Properties. Bruce Gleissner of Columbia told her that the senior facility would have rooms for guests, which addressed the hotel/motel issue and that use should be removed. Farmer continued that the HOA's concern about auto parts stores was that kids would repair their cars in front of the stores. Columbia told her they would reference that in the lease and would fine a business that let it occur. She did not think the enforcement would last very long, and the City would be left with it. As for the non-permitted uses, Farmer said the residents did not want a package store to be the first thing people saw when they drove into town.

Farmer said there was also a safety concern regarding the golf cart tunnel location. A more direct route would be at Holly Grove Road. There was also a concern about cut-through traffic and increased traffic on Holly Grove Road, which went through the middle of the neighborhood. The HOA and the City Engineer had a meeting on the traffic mitigation issue scheduled in two weeks. Farmer requested Council extend the public hearing to resolve the issues or to take the issues back to the Planning Commission. She said the development would be this Council's legacy to the southside of the City. Plunkett asked Farmer what the residents would like to see on the remaining acreage in the event Council turned down the proposed rezoning for the senior facility. Farmer said they would support a medical or educational facility. There were many options to consider if the senior housing was not approved.

Other residents who spoke included Al Doeve of the Wilshire Pavilion Merchants Association, Bob Brown, Beth Pullias, Russell Burns, and Juan Matute. Their concerns included the following:

- Council should take more time to resolve the issues.
- The businesses in the area supported the Wilshire Estates HOA.
- The City could not get back the GI property, and industry added a significant economic base to the City.
- The shopping center should have a cohesive look, rather than allow outparcels to develop separately.
- The impervious space should be limited and as many trees as possible should be saved.

- It was unfair to allow a liquor store in one commercial development and not allow one in another.
- The rezoning should go back to the Planning Commission and be done in conjunction with the Dominion project.
- The City should take a more active role and a holistic view of commercial development since new commercial establishments that remained empty were a blight.
- Developers should do something with the empty space before coming to Council for new spaces.

Lindsey said they appreciated the comments, and there had been a lot of discussion on the plan to make it look as nice as it could. The magic in the City was what had gone on the ground – the landscaping, the architecture, and the buffering. The architecture would coordinate with what existed in Wilshire Pavilion, and the landscaping would complement the area. The applicant understood the area was a gateway to the City and wanted it to look nice. The developer agreed with the HOA on auto repairs in the parking lot. If an AutoZone were built, it would look like everything else in the City. The applicant wanted the ability to have no more than two fast food restaurants. If the zoning was GI or LI, then there could be more than two fast food restaurants. Wilshire Pavilion had none of the restrictions that the HOA wanted to impose on this center. The developer had discussions with an upscale wine store. The parties would never see eye to eye, but the applicant wanted some flexibility.

Kourajian asked Rast how many fast food restaurants could go in GI zoning. Rast read the portions of the ordinance pertaining to restaurants in LI and GI zoning. There could be a significant number of fast food restaurants in either zoning. Other allowed uses included auto repair, animal care, auto sales and service, building materials, and construction facilities.

Kourajian asked why change the zoning to GC if everything they wanted to do was allowed under GI zoning. Lindsey said there was a blur in the City's zoning regarding what was allowed in GC and GI zoning. He noted an area that backed to Kelly Drive that had a dance boutique, a golf sales store, and other typical retail uses. A wine store or grocery store could not go in GI zoning. More traditional retail uses, like a dollar store, could clearly go into GC zoning, but it would be stretch to put it in GI zoning.

Logsdon said he supported the GC zoning because the City could specify what could go into the area. With GI zoning, there could be something the City did not want at the gateway to the City. The move to GC zoning needed to be made, and the area should be designed to make the gateway area look good and obtain the homeowners' support. The developer was willing to work with the HOA and the City. Logsdon said he supported a 50-foot buffer. Conceptually, this type of development was good for the City.

Plunkett moved to table the rezoning for one month to see the details ironed out and as one last ditch effort for all the parties to agree on the three items. Harman seconded.

Andy Campbell of Columbia Properties said the City had been looking at their plans for a year. The plan had changed due to the residents' outcry about the big boxes. They took that plan off the table and met with the HOA with this concept. According to their analysis, it was critical to have the commercial in front and to subsequently have the assisted living on the back of the property. It was not economical for them to build something that sat empty. There needed to be a number of different uses for the project to be successful. If the rezoning was tabled, the project could fall apart.

Kourajian said Council had received the packet the Friday before and had gotten a new document with changes just prior to the meeting, as well as more information from all the parties. It was not a fair request to ask for a decision at this meeting.

Plunkett amended her motion to table the rezoning until September 6. Logsdon seconded the amendment.

Boone said they could make a decision at this meeting and leave it up to staff to work things out with the developer and the HOA. Kourajian said he could not agree and was not in favor of agreeing with whatever they came up with. Logsdon said he could make a decision at this meeting, but a three-week delay would be best for all parties.

Harman asked why they could not build what they wanted under GI zoning. Kourajian said he recalled the free standing liquor store. Lindsey said there would be some businesses that would not fit, such as a nail salon or dollar store. Campbell added that it was a very gray area, and it was tough to work in a gray area. They would rather have everything in black and white. Logsdon said it could be done with GI zoning, but the City would not have as much control over the architectural standards, which was why the developer was encouraged to ask for GC zoning.

Lindsey asked that the discussion on the details be limited to the liquor store, fast food, auto parts stores, and hotels. He understood Council's position, but did not want to go backward.

Kourajian noted the letter that had been dropped off just prior to the meeting (the constitutional rights letter from Lindsey dated August 16, 2007, is in the official meeting file.) He asked how the City would be taking the property by denying the rezoning request. Lindsey said the letter was required by state law to preserve the constitutional argument. He briefly explained the process. Zoning was a police action that was strictly construed by the court system and narrowly looked at. The general parameters of the argument had to be set before Council made a decision.

Harman asked Lindsey what was better or worse for the applicant – tabling the rezoning for three weeks or approving it without another fast food restaurant or liquor store as a permitted use. Lindsey said they were very close, and he would rather have three more weeks to see if the issues could be worked out. He did not want to end up in a courtroom. Harman said he felt it could be worked out at this meeting.

Rast noted that, if the rezoning were continued, it would allow the City to see how well the commercial component would work with the senior component since that rezoning request was scheduled on September 6.

Kourajian said Council should make the decision based on the information before them. Too many times during his tenure, Council had negotiated at the meetings, sometimes for the better and sometimes not. The meeting was not the place to negotiate.

The motion carried 4-1 (Boone).

08-07-02 Public Hearing – Consider Rezoning – Haynes Tract, ER to R-43

Melissa Griffis, an attorney with Rosenzweig, Jones & McNabb, spoke on behalf of the property owner, Thomas Haynes, Jr. The tract was 3.820 acres, and Haynes had owned the property for 30 years. He had previously requested a rezoning, and the Council had suggested he build a guesthouse rather than rezone the property. Haynes requested the previous rezoning due to his wife's health problems, and his son wanted to build a house close by. His son and his family lived in the guesthouse. Haynes' wife had died, and he was now experiencing health problems and wanted to move to a smaller home. The problem was the property had been for sale for over one year. No one wanted to purchase two homes. The property had no reasonable economic use as currently zoned. Hyde Park, which was located right behind the property, was zoned LUR. Some of those lots were less than two acres. A creek flowed through the parcel and was a natural dividing line. One tract would be two acres, and the other would be 1.820 acres, each with a home and driveway to Carriage Lane. None of the other homes on Carriage Lane had a guesthouse. This was an unusual property, and there was no other place in the City with the same applicable conditions. The original house was not built in the middle of the property, but to the side because of the creek.

Bob Brown, Monique Comiskey, Richard Spain, and Jane Carter spoke against the rezoning. Their comments included:

- The request was for spot zoning.
- The Hyde property was not a valid comparison due to the litigation.
- Several properties in the area had been for sale for several months. The rezoning would set a dangerous precedent to split the larger properties.
- The request went against the Land Use Plan.

Rast said the Shakerag Plantation subdivision was developed in the 1970s. All the lots exceeded three acres in size and were zoned ER. The Land Use Plan recommended that all the property west of Robinson Road remain low-density residential, and the City had kept the designation intact. One adjacent property was 3.68 acres, and another was a bit larger. Hyde Park did have some lots less than three acres in size, but that rezoning was the result of litigation. A previous rezoning request for this property was denied. The Planning Commission recommended that Council not approve the rezoning. Approval of the request would be spot zoning and would open up ER property for potential subdivision.

Plunkett asked at which meeting the applicant was told he could not rezone his property. Rast said it was at the July 5, 2001, Council meeting.

Harris pointed out that the adjacent property in Hyde Park was zoned LUR, and the Mascara tract was zoned ER, but was less than an acre. The property already had two houses, so the traffic was not a valid concern. Griffis reiterated that the property had no reasonable economic use as zoned. She noted that there had been some additional documents that she had sent, but had not seen in the information on the website. Griffis said she had not seen constitutional letter online. Logsdon said he had seen it when he read the information. Griffis said she wanted to ensure it was part of the record.

Kourajian said he empathized with Haynes' reasons for the rezoning, but as a Council Member he could not support the request. He hoped Haynes would be able to sell the property as it was. Kourajian moved to deny the request to rezone the Haynes tract. Plunkett seconded.

Logsdon agreed with Kourajian. There were definite concerns about the precedent it would set.

The motion carried unanimously.

08-07-03 Consider Local Government Lighting Project Agreement for Multi-use Tunnels at the SR 74 Sports Complex and Rockaway Road

Borkowski summarized the agreement. The DOT agreed to pay 80% of the construction costs of the tunnels if the City agreed to pay for the lighting design, electricity, and maintenance of the tunnels. Staff recommended approval. A contract was already in place for the lighting design.

Logsdon asked if a decision had been made on the location of the tunnels. Borkowski said the locations were set in stone. It was in the construction drawings and the right-of-way plans. If the City asked to change the location now and to incur more cost, then the state would probably not build the tunnels.

Boone moved to approve the lighting agreement for Rockaway Road and baseball complex tunnels and authorize the Mayor to sign the agreement. Harman seconded. The motion carried unanimously.

08-07-04 Consider Approval of Peachtree City Tourism Association FY 2008 Budget

Bill Bexley, treasurer of the Peachtree City Tourism Association (PCTA), introduced Lauren Yawn, the executive director, and Mary Camburn, business manager. Bexley said the board had approved the budget in July, and they would answer any questions.

Logsdon noted there was an additional document on the dais – the memo to Council dated August 7, 2007, entitled "Peachtree City Tourism Association – FY 2008," with a correction.

Kourajian moved to approve the FY 2008 budget for the Peachtree City Tourism Association. Boone seconded. The motion carried unanimously.

08-07-05 Consider Master Lease Agreement – Draw #5, 2007 Police Vehicles

Logsdon noted there was an additional item on the dais – a copy of the certificate of coverage. Salvatore said this was a housekeeping item. It was a budgeted item, but the item had to come to Council before the draw.

Kourajian moved to authorize the Draw #5 against the Master Lease Agreement with the Peachtree City Governmental Finance Corporation and All Points Public Funding, LLC, in the amount of $409,634.83 and to authorize the Mayor and Financial Services Director to sign all pertinent documents. Boone seconded. The motion carried unanimously.

08-07-06 Consider Lease Agreement for Police Department

Logsdon noted there was an additional document on the dais – a copy of the commercial lease. Borkowski gave a brief summary of what had happened. He said they had a solution to repair the building, which included new flooring and modifications to and new HVAC equipment. Borkowski went over the timeline. (A copy of the PowerPoint presentation is included in the official meeting file.) The Police Department could not operate out of the existing building during the work and should move into the leased facility in October. It would take four weeks to move the operation. It should take seven months for the construction, with completion at the end of May so the Police Department could move back in June. The cost estimate for the repairs was $860,438.98, including the rent for the temporary facility.

Harman asked what type of floor barrier would be used. Borkowski said it was a specialized coating designed for high pH systems. The water vapor was coming up through the concrete floor and reacting with the potassium and hydroxides in the concrete and causing a high pH solution that was the cause of the delamination of the floor. It was not due to a static water level. There was no other system that would handle the pH. The system would not completely encapsulate the floors and would not go into the walls. Harman asked what would happen if it did not work. Borkowski said there was a 10-year warranty that the floors would not delaminate.

Borkowski continued that they negotiated the details of the lease with Peachtree City Properties. It was for nine months with an option to extend. There were some special stipulations regarding what needed to be done to the space by the landlord. Staff felt it was a fair agreement. There were some modifications to be done by the City before the Police Department could move in. The insurance issues had been ironed out. The rent would be $9,325.86 per month. In addition, the common area maintenance fee for various items was $3,223.73 per month. The nine-month lease period totaled $112,946.

Harman asked about the liquidated damages clause. Borkowski said it was in the scope of work for the contractor and was $500 per day.

Boone asked if this was budgeted. McMullen said that the City would pay for the lease out of the Bricks & Mortar loan for the Police Department building repair. The original budget had been $600,000, which was based on being able to stay in the building while the work was done. After staff learned the scope of the work needed, they realized the Police Department could not remain in the building. The cost for the Bricks & Mortar loan was approximately $19,000 per year. The total cost also included a 15% contingency.

Kourajian asked what would happen to items such as evidence while the building was unoccupied. McMullen explained that was why it would take a month to relocate. A space had to be modified for the evidence room. Kourajian asked if the facility would have holding cells.

Captain Stan Pye said that prisoners would be transported directly to the Fayette County Jail. Kourajian asked Pye if the Department was satisfied with the facility. Pye said they were. McMullen added that staff from throughout the City would be involved in the move.

Harman moved to authorize the Mayor sign the lease agreement for the property located at 2011 Commerce Drive for nine months with an option to extend at the cost per month as listed. Kourajian seconded. The motion carried unanimously.

Council/Staff Topics

Logsdon said he wanted to discuss expanding the make-up of the PCTA board. He asked the PCTA and City staff to look at the bylaws and consider adding two more positions to the board. Logsdon suggested that a Council Member be placed back on the board, as well as member of the Peachtree City Airport Authority since it received 20% of the hotel/motel funds, which were dispersed by the PCTA. He continued that it would also spread the work out among more people. Logsdon noted that some of the board members were involved in the tourism industry and traveled often, which created problems in getting a quorum for meetings. Having a Council Member on the board would give Council more input and oversight. Plunkett agreed with Logsdon. Kourajian said if a Council Member needed to be on that board, then there should be a Council Member on all the boards. The issue would be on the agenda for the first meeting in October.

Plunkett asked if the workshop on public safety pay had been scheduled yet. Kourajian suggested that the new Council Members might want to participate in that workshop. Plunkett said the workshop had to be held prior to working on the FY 2009 budget. Logsdon said January or February would be a good time. McMullen noted that the October workshop conflicted with the second session of Peachtree City 101. Logsdon said to schedule the workshop.

Plunkett asked about the golf cart path improvements at Peachtree Parkway North at the Kedron boat dock. She had received several e-mails with suggestions, which included re-painting the markings, adding a flashing light, and clearing the vegetation 10 to 15 feet from the roadway on both sides for better visibility. McMullen asked Plunkett to forward the e-mails to him. He noted that the crossings were being repainted now, starting within the school zones. Staff also needed to look at the line of sight and had discussed putting down reflectors.

Kourajian asked for an update on the CSX cart path bridge. Rast said he had spoken to Matt Houser, the consultant, and they had received comments from Moreland-Altobelli, DOT's engineer. The latest versions of the plans were under review by DOT and Moreland-Altobelli. Logsdon said he had seen the log kept by staff, and completing the bridge was not due to a lack of effort from staff. Plunkett suggested talking to the legislature about the DOT processes. Kourajian asked how it was found that an approval had been issued. McMullen said the Rast and Planning Assistant Tony Bernard called on a regular basis. The issue was the process, which was the same for a road and what was in essence a sidewalk. There needed to be different levels of scrutiny and review for different types of projects. One step had been approved after two weeks, which would only have put the City two weeks ahead in the rest of the process. Rast said that the actually preliminary construction plans were done a while ago, but DOT would not let

Moreland-Altobelli review them until the environmental clearance was received. Everything bogged down in the environmental process. The majority of grant-funded projects were at a standstill. Logsdon said he told Governor Perdue's staff that the most frustrating thing for newly-elected officials was dealing with the state government. The system was broken.

Planning Commission Update

Rast noted this commission was one of the best. (A copy of his PowerPoint presentation is included in the official meeting file.) They had good interaction and had gotten a lot accomplished. The members included Marty Mullin, chairman; Theo Scott, vice-chairman; Patrick Staples, John McCann, and Larry Roach. Lynda Wojcik had been appointed at this meeting as the alternate. Mullin and Scott were also re-appointed.

Among the accomplishments were all members either graduating or attending classes sponsored by the Atlanta Regional Commission, workshop sessions being implemented for all development projects, the members meeting with applicants outside of regularly scheduled meetings, having representation on the Comprehensive Plan Advisory Board, and task forces/advisory boards were studying various planning projects.

During the previous year, the Planning Commission had reviewed 30 conceptual site plans, 14 landscape plans, two concept plats, six rezoning permits, three annexation requests, and nine ordinance revisions. The projects under construction/ review included The Shoppes at the Village Piazza, Lexington Lofts and retail building, Braelinn Office Park, Towne Club at Peachtree City, Hilton Gardens hotel, BB&T office building, Kedron Office Park, Commerce Pointe office building, OMNI Fuels, and the First Baptist Church community life building. Pending projects included State Road 54 W retail (Line Creek tracts), State Road 74 South retail (Stephens tract), Somerby of Peachtree City (Stephens tract), the Wieland subdivision (West Village), and the Levitt & Sons subdivision (West Village). The members were actively assisting staff with the Comprehensive Plan update, ordinance revisions, architectural review, site inspections, working with applicants, and the update to zoning and land use maps.

Plunkett noted that, in the future, the board members should attend meetings when updates were done. Rast apologized and said he had not notified the members in a timely manner.

Update on the City's 50th Anniversary Celebration

Leisure Services Director Randy Gaddo briefed Council on the plans for the celebration. (A copy of his PowerPoint presentation is included in the official meeting file.) He said the City's logo would include wording about the anniversary and that formal approval of logo would be requested at future council meeting. The committee was exploring ways to use the logo on staff uniforms, special letterhead, and unique promotional items such as 50-year coins or miniature golf carts.

The plans included a 50th anniversary history book put together by the Friends of the Library committee, which would be supported by library staff. They were exploring various publishing options and planned to have it on sale prior to 50th anniversary. The funds would run through the Friends of the Library, which was a 501(c)(3) corporation.

Gaddo continued that a nationwide, locally-owned company had offered to sponsor a golf cart parade that would attempt to break the world record for most golf carts in single procession. They were in discussion with the company, but they were significant logistical issues including where to start/finish, the route, and how to avoid interfering with normal traffic – public safety.

The premiere event for the 50th anniversary celebration would be the Touch the World in Peachtree City/Rotary Club Dragon Boat Races. The Dragon Boat Races would be held at Drake Field and would be supported by international food and entertainment at Touch the World, which would be at the City Hall/Library plaza. The first event would be held on October 6, 2007, and would bring the local community and businesses into the 50th celebration. There were nearly 20 teams already, and advertising had just started. The goal this year was 50 teams. Several food and entertainment vendors were already on board.

Gaddo said he was working on an operational plan to pull all elements together and to act as planning guide so many different groups could coordinate their activities and events with 50th focus. The groups included youth sports, churches, civic groups, schools, and businesses. Other conceptual ideas were being considered, including 1959 band at amphitheater.

Harman moved to convene in executive session for threatened or pending litigation and personnel. Boone seconded. The motion carried unanimously.

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

Plunkett moved to extend the meeting beyond the 11 p.m. deadline. Kourajian seconded. The motion carried unanimously.

Plunkett moved to not file an appeal in the GRTA case. Boone seconded. The motion carried unanimously.

There being no further business to discuss, Plunkett moved to adjourn. Logsdon seconded. The motion carried unanimously. The meeting adjourned at 11:07 p.m.

Betsy Tyler, Acting City Clerk

Harold K Logsdon

Harold K. Logsdon, Mayor

Pamela Dufresne

Pamela Dufresne, Recording Secretary