

City Council of Peachtree City
Minutes of Meeting
August 7, 2008
7:00 p.m.

The City Council of Peachtree City met Thursday, August 7, 2008, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present: Steve Boone, Don Haddix, Cyndi Plunkett, and Doug Sturbaum.

Announcements, Awards, Special Recognition

Mayor Logsdon recognized the Fire Department Explorer Post 209 members and sponsors for their outstanding performance at the recent Illinois Fire College National Hands-On Training. Logsdon recognized Police Captain Terry Ernst for 15 years of service to the City. Panasonic presented a check for \$13,000 to the Peachtree City Police Department to implement a K-9 program.

Public Comment

Al Yougel of Keep Peachtree City Beautiful (KPTCB) addressed Council and announced that copies of the Litter Attitude Survey being conducted by KPTCB were available at the meeting and at various City facilities.

Agenda Changes

There were none.

Minutes

Boone moved to approve the minutes of the July 17, 2008, Regular Meeting as amended. Haddix seconded. Motion carried unanimously.

Plunkett moved to approve the minutes of the July 30, 2008, Special Called Meetings as written. Boone seconded. Motion carried unanimously.

Monthly Reports

Plunkett noted that the Peachtree City Classic Road Race needed to be added to the Community Calendar. Plunkett asked the Financial Services Division to forward additional information on the bad debt item and on the Hotel/Motel Tax status. City Manager Bernard McMullen said that the City received a number of donations throughout the year without always giving recognition, and that item had been added to the monthly reports to ensure Council and the community were aware of the valuable contributions the City received during the year.

Consent Agenda

1. Alcohol License – Change in License Representative – Kroger #654
2. Alcohol License – Change in License Representative – Flat Creek Golf Course

3. Alcohol License – Change in License Representative – Braelinn Golf Course
4. Alcohol License – Change in License Representative – Planterra Golf Course
5. Alcohol License – Change in License Representative – Rite Aid 11778
6. Alcohol License – Change in License Representative – Rite Aid 11779
7. Consider Accepting Panasonic Donation to Police Department
8. Consider Surplus Sale of Fire Engine 85
9. Consider Ordinance for Use of Private Fire Hydrants
10. Consider Request to Surplus Obsolete Equipment

Plunkett moved to approve the Consent Agenda. Sturbaum seconded. Motion carried unanimously.

Old Agenda Items

05-08-05 Public Hearing – Consider Variance Request – Buffer, Northlake Drive/Aberdeen Parkway

Melissa Griffis of Rosenzweig, Jones, Horne and Griffis addressed Council on behalf of the applicant and said they had submitted the final plan on July 30, following multiple meetings with staff and the Mayor. The first variance request was to allow the applicant to place the stormwater control swales within the buffers adjacent to Aberdeen Parkway. This area would be disturbed due to the installation of the driveway. The applicant was committing to adding vegetation after installation. The second variance request was to reduce the 10-foot landscape strip along the rear of the property to a five-foot strip to allow the project to move away from Northlake Drive and Aberdeen Parkway. The final variance request was to reduce the required number of parking spaces from 44 to 36 spaces, which would still accommodate the development.

City Planner David Rast addressed Council and said the plan, with the exception of the drive and enhanced swale, maintained the 50-foot undisturbed buffer along Aberdeen Parkway. Likewise, the 25-foot landscape buffer adjacent to Northlake Drive would stay intact, with some additional vegetation returned around the drainage swale after installation. Rast continued that the Landscape Ordinance required a 10-foot distance between the parking area and the property line. In this case, the property to the side of the site was a cemetery, so it would not be impacted. The World Travel Partners building to the rear of the property was already developed and heavily wooded.

Rast said staff supported the three variances requested, and staff had worked closely with the applicant and their engineer. The variances would allow them to develop the site as planned and still abide by the majority of the City's development requirements.

No one spoke in favor of the request. Those speaking against the request included Robert Brown, Lynda Wojcik, Dale Moore, and Phyllis Aguayo. Their concerns included:

- The project should not have an entrance on Aberdeen Parkway.
- It was not the City's responsibility to assist developers by suspending the buffer requirements.
- This did not qualify as an extreme hardship for a variance.

- Aberdeen Parkway was one of the City's most beautiful roads and should be protected.
- The project was a big improvement over the original presentation, but should not be allowed to encroach into the undisturbed natural buffer.

Logsdon closed the Public Hearing.

Griffis readdressed the audience and noted the plan had originally been approved in March, and the applicant had since been working with staff to try to accommodate the buffers.

Plunkett asked if a variance was required for the entrance on Aberdeen Parkway. Rast confirmed that the entrance was already allowed, and only the swale was in question. Plunkett asked if reducing the strip beyond the parking area would leave enough trees or if more vegetation would need to be added. Rast indicated that there would be landscaping added as part of the landscape plan. Rast added that the vegetation within the required buffer would not count toward the site's landscaping requirements.

Rast said that, along Aberdeen Parkway, the lots that were part of Westpark included the 50-foot buffer, but their access was from Westpark Drive. This tract was an outparcel of the Aberdeen Shopping Center, and no limitations had been placed on their access to either Aberdeen Parkway or Northlake Drive. Boone reiterated that the curb cut on Aberdeen Parkway was allowed without a variance.

Haddix asked that, if there was any way at all for the developer to avoid the curb cut onto Aberdeen Parkway, they consider it. Boone echoed that he had concerns about safety with a drive in that location, which included a lot of trees and a significant curve. Rast said staff could work with the applicant, but thought the Fire Marshal might have a concern about removing one of the access points due to the length of the parking lot.

Haddix reiterated his request that the developer look for an alternative to the Aberdeen Parkway curb cut and moved to approve the variance request. Plunkett clarified that the drainage swale could encroach whether the drive was there or not, and Haddix agreed. Boone seconded the motion. Boone asked Rast to have the Fire Marshal and Police Department review the access and visibility issues. Motion carried unanimously.

06-08-08 Public Hearing – Consider Amendments, Specific Permitted Uses in Multiple Zoning Districts

Rast explained that staff had structured the presentation as a separate ordinance and motion for each zoning district in case Council had any concerns about individual proposals. Rast said that, over the past several months, staff had researched ordinances from over 20 jurisdictions in Georgia in an effort to update the City's zoning ordinances, many of which had not been updated since 1977. There were also districts that were no longer used, and staff recommended converting them to residual zoning districts to ensure no future zonings in that category were issued.

Sec. 1001, R-10, R-12, R-15 and R-22, One-family residential districts

This section had been updated to remove lighted golf courses, add recreational facilities, and tighten up some of the permitted uses. Rast said the majority of changes were housekeeping.

Former City Clerk Frances Meaders of Hip Pocket Road addressed Council and encouraged Rast to address definitions in the Zoning Ordinance once the permitted uses were completed. Logsdon closed the public hearing.

Plunkett moved to approve the changes to the ordinance amendment. Boone seconded. Motion carried unanimously.

Sec. 1002, R-43, One-family residential district

Rast said this was a residential district with a minimum lot size of one acre. Language was added to exclude mobile and manufactured homes, to allow neighborhood recreation centers, to add guest house as a conditional use with nine conditions, to remove cemeteries as a conditional use (had been rezoned Open Space), and to remove riding stables.

Robert Brown asked about guest houses and whether the condition ensured that the property would not be subdivided in the future. Rast said yes. Aguayo asked if the conditions ensured that the guest houses did not become permanent residences or rental units. Rast said those issues were addressed in the conditions. Meaders asked if daycare was still included in R-43, and Rast said that had been taken out.

Plunkett asked if an affidavit or notice could be filed with the deed when a guest house was involved, and City Attorney Ted Meeker said that was possible.

Plunkett moved to approve the ordinance amendment with the stipulation that staff develop some type of deed notice when guest houses were involved. Boone seconded. Motion carried unanimously.

Sec. 1002A VR, Villa residential

Rast said there was only one tract of land currently zoned Villa Residential, the TDK house on Peachtree Parkway North, and staff was recommending changing it to a residual zoning district.

No one spoke for or against the change. Boone moved to approve the ordinance amendment. Haddix seconded. Motion carried unanimously.

Sec. 1003 ER, Estate residential district

Rast said that the minimum lot size in this district was three acres. The permitted uses were essentially the same, with the same conditional requirements on guest houses, the deletion of cemeteries, and the deletion of private school.

No one spoke for or against the amendment.

Plunkett moved to approve the ordinance amendment with a notice attached to the deed on guest house restrictions. Boone seconded. Motion carried unanimously.

Sec. 1004 GR, General residential district

Rast said this district had been used for both single and multi-family development. The proposed changes included adding septic systems due to the existence of some, and deleting daycare and care homes. Rast noted that Southland Nursing Home was currently in a GR designation, but would be updated with the update of the zoning map.

No one spoke for or against the amendment

Plunkett moved to approve the ordinance amendment. Sturbaum seconded. Motion carried unanimously.

Sec. 1005 LC, Limited commercial district

Rast said two tracts in the City currently had this zoning, the Sherwin Williams and adjacent Davis Chiropractic tract, and staff was recommending making this a residual district.

No one spoke for or against the amendment.

Plunkett moved to approve the ordinance amendment. Sturbaum seconded. Motion carried unanimously.

Sec. 1005 OI, Office institutional district

Rast said the proposed changes included a more comprehensive list of professional services (a notation that the professional services could not include the sale of merchandise), to expand on the allowance for a Masonic Lodge to cover non-commercial club or lodge, the addition of banks and financial institutions, and of educational institutions.

No one spoke for or against the proposed amendment.

Plunkett moved to approve. Boone seconded. Motion carried unanimously.

Sec. 1006 GC, General commercial district

Sec. 1006A LUC, Limited use commercial

Plunkett and Haddix indicated there were some ongoing concerns over both the commercial zoning categories, and Plunkett moved to table the GC and LUC portions and public hearings. Haddix seconded. Meeker noted that the items would need to be re-advertised before coming back to Council. Motion carried unanimously.

Sec. 1007 LI, Limited industrial district

Rast said the changes proposed to the Limited Industrial district included changing the name from Limited to Light Industrial to differentiate more clearly from Limited Use

Industrial. Staff had a conditional use addressing indoor and outdoor athletic training facilities added to both the LI and GI districts, with conditions to protect the users of those types of facilities. One item they wanted to add was a designated travel route between the building and any outdoor portion of the facility to keep users separated from the industrial traffic.

Sturbaum noted that subsection 6 indicated children to be picked up by their parent, and he asked about changing it to parent, guardian, or authorized designee. Plunkett agreed that authorized designee should be the verbiage used.

Lloyd Thompson of The Home Plate asked if his proposed facility in the old TDK building would be compliant, and Council said yes.

Council by consensus held the vote on this item until the revised language could be reviewed later in the meeting.

Sec. 1008 GI, General industrial district

Rast said staff had removed golf courses as a permitted use, and the Planterra golf course would need to be rezoned to match the other two courses. Staff had added the verbiage about indoor/outdoor athletic training facilities.

Council by consensus held the vote on this item until the revised language could be reviewed later in the meeting.

Sec. 1009 OS, Open space and conservation district

Rast said the current classification was Open Space/Conservation District, and included greenbelts, golf courses, schools, some churches, and government buildings. The proposed language separated the category to Open Space – Public District (OSP) and Open Space-Conservation District (OSC) to help differentiate between the types of uses.

Undeveloped natural land, paths, trails, playgrounds, picnic areas, already established cemeteries, stormwater detention facilities, and utility distribution would be within the OSC district. The intent was to conserve and protect natural areas. Rast said OSP was also intended to preserve natural areas and would also allow public buildings and land, recreation facilities, public or private golf courses, public or private boat docks, telecommunications towers, and churches.

Lynda Wojcik said she was basically in favor of the changes, but asked that the undeveloped OS land be designated OSC so it would have to come back for rezoning before anything was built on it.

Plunkett said a map would be needed showing which City parcels would be zoned into which category.

Frances Meaders said she supported modifying the OS zoning to delineate where things might be built, and where they could not. Robert Brown said his concern was that that both government and private land that could fall under the OSP district, and some sites in that zoning category had buildings and some did not. He felt those issues should be separated.

Phyllis Aguayo said that, in the Comprehensive Plan process, the public was upset about the loss of trees, and that passive recreation and natural spaces needed to be retained and protected.

Richard Spain noted that, in another zoning category, the term "legitimate" was used when talking about places of worship, and he recommended making this section consistent.

Haddix moved to table this item. Sturbaum seconded. Meeker said the item would need to be re-advertised before coming back to Council. Motion carried unanimously.

Continued - Sec. 1007 LI, Limited industrial district

Rast clarified that condition 1007.3(7) should read, "Should the athletic training facility include both indoor and outdoor facilities, the owner of the property shall provide a designated sidewalk and/ or access route connecting the two facilities. The purpose of this designated connection is to separate patrons of the training facility from interacting with vehicular and/ or truck traffic."

Plunkett moved to approve the ordinance amendment with the change in wording regarding parent or authorized designee, and to include the wording Rast had outlined. Boone seconded. Motion carried unanimously.

Continued - Sec. 1008 GI, General industrial district

Plunkett moved to approve the ordinance amendment with the change in wording regarding parent or authorized designee, and to include the wording Rast had outlined regarding the designated connection. Boone seconded. Motion carried unanimously.

Sec. 1010 AR, Agricultural reserve district

Rast said the intent of district had been updated, and the changes were primarily housekeeping, with the exception of refining the guest house wording. Wording relating to riding stables was refined. On-site sewage was added to reflect existing uses.

Robert Brown noted a spelling error in item (g).

Plunkett moved to approve the ordinance amendment with a notice attached to the deed on guest house restrictions. Boone seconded. Motion carried unanimously.

Sec. 1011 R-1, One-family residential district

Rast said this was also recommended to be a residual zoning category. He noted that riding stable and cemetery had been deleted as conditional uses.

Meaders suggested adding language to help the older sections of town and to prevent older homes from becoming eyesores. She noted that there was a lot of rental property in the older neighborhoods and asked for some extra attention in those areas. Rast said that staff was in the beginning stages of looking at that issue throughout the City.

Boone moved to approve the ordinance amendment. Haddix seconded. Motion carried unanimously.

New Agenda Items

08-08-01 Public Hearing – Consider Step 1 Annexation Request, Peachtree East Shopping Center

Rick Lindsey, representing GDC Properties, said he had been before Council approximately two years ago when the client acquired the property. GDC Properties had acquired the property in late 2005 and wanted to bring it into the City. Lindsey had discussed the non-conforming issues with staff, and Lindsey had filed the application. The client understood that the approval allowed them to move forward with serious discussions with staff about possible annexation.

The biggest challenge was the signage at the center, all of which did not conform to the City's sign ordinance due to the internal lighting. Lindsey said his client found that it would cost between \$250,000 and \$300,000, and Rast had suggested establishing a seven-year period to replace as tenants changed.

Lindsey's client had withdrawn their initial application when Starbucks signed a lease, and their drive-through took out some of the parking. The applicant then decided to withdraw the application to ensure Starbucks could be secured for the center under the County requirements.

Lindsey said that the applicant was now ready to move forward with possible annexation so that conversations could move forward with staff to address the non-conforming issues.

Linda Wojcik recommended looking at the opportunity of what might be done with the center, and noted that the tax revenue might support additional police officers.

Robert Brown said he was not opposed to looking at it, but he would oppose the annexation unless it had significant enhancement and could be brought into conformance with City standards.

Phyllis Aguayo said the request had both advantages and disadvantages. However, she would hope that there would be more information on the impact, and there would be the

expectation that they would bring the property into conformance with City standards, especially the sign ordinance.

Plunkett said she agreed that a cost benefit analysis should be done, and she was concerned about the Publix sign. Haddix said that the general perception was that the development was part of the City. There were certainly conformance issues that could be addressed over time, and he felt it probably needed to be in the City.

Boone moved to approve the Step 1 Annexation request. Haddix seconded. Motion carried unanimously.

08-08-02 Public Hearing – Consider Step 1 Annexation Request, Hardy / Kidd / Whitlock / Wilksgrrove Tracts

Bob Rolader of Scarborough and Rolader, agent for the property owners, said this could be considered a housekeeping issue because the parcels were part of an existing unincorporated island. Rolader said his firm had no contract on the property and no interest other than cleaning up the island. The request would be to bring the property in at its existing AR Agricultural Reserve zoning.

Robert Brown said that, if there were a case for considering annexation, this appeared to be one.

Lynda Wojcik spoke against the request because the applicants were not specifying a zoning, and the City should know what would be done in the future when it annexed a piece of property.

Phyllis Aguayo said, while she liked the idea of bringing in property at the same zoning as it was in the County, AR was a holding category that would eventually be zoned to something else. The effort had always been to annex with zoning to assure what was going to happen on the site. She felt that, without that, there should be limits put on what could be developed, even if the zoning was not set at the time of annexation.

Beth Pullias said she was not necessarily against the annexation, but she attended the Atlanta Christian College task force meeting at which a Wieland representative said the land was being sold. She asked why it had not been annexed with the other properties.

Rolader said that, after speaking with the applicants, there were currently no contracts or offers on the property. The McWilliams property, already in the city, was the only one in play.

Haddix said that, at this point, it was appropriate to annex the property. Boone said he did not have a problem with approving Step 1.

Haddix moved to approve the Step 1 Annexation Request. Boone seconded. Motion carried unanimously.

08-08-03 Consider Adoption of FY 2009 Budget Resolution

Financial Services Director Paul Salvatore said that the only change since the public hearing was that the tax digest numbers had come in and had been slightly higher than estimated, reducing the use of reserves to balance the budget.

Plunkett moved to approve the FY 2009 Budget Resolution. Boone seconded. Motion carried unanimously.

08-08-04 Public Hearing – Millage Rates for 2008

Salvatore said the proposed millage rate for the 2008 tax year was 5.533 mills, the same as last year's rate. The current millage rate was broken down into two components – the bond millage rate of 0.548 mills and the Maintenance & Operation (M&O) millage rate of 4.985 mills. For 2008, the bond millage rate would be reduced by 0.137 mills to 0.411 mills, and the M&O millage rate would increase by 0.137 mills to 5.122 mills.

Salvatore continued that the M&O rollback rate was calculated at 4.976 mills, and the proposed rate was 5.122 mills. The difference of 0.146 mills (0.009 mills from rollback and 0.137 mills reallocated from bond millage) would generate approximately \$277,000 in tax revenue for FY 2009. For a property valued at \$245,000 fair market value, the annual tax increase was approximately 88 cents.

Salvatore said the 2008 City tax bill for a property valued at \$245,000 fair market value would be approximately \$3,400.89, which included the Fayette County School tax at \$2,304.96 (23.520 mills for both bond and M&O rates at 68% of the bill), the Fayette County incorporated tax at \$529.29 (5.400 mills at 16% of the bill), the City tax at \$542.23 (5.533 mills at 16% of the bill), and the state tax at \$24.50 (0.250 mills at 1%).

Robert Brown complimented staff and Council on holding the millage rate, and noted that he wished the School Board could have done the same.

Lynda Wojcik felt that the City should not be relying on reserves and should raise the millage rate to cover the shortfall.

McMullen said the citizens would not appreciate an increase in millage if, based on budget policies, the City did not really need it. Boone added that he agreed with a conservative approach in protecting reserves, but staff had made tremendous cuts to hold the millage rate, and he complimented staff on their efforts.

Logsdon declared the public hearing closed.

Sturbaum said 2008 had been a difficult economic year, and that 2009 could be even harder. He felt it was for the benefit of the City to adopt a budget without raising the millage rate.

08-08-05 Consider Adoption of the 2008 Millage Rates

Plunkett moved to adopt the bond millage of 0.411 and the maintenance and operation millage rate of 5.122, which included the .137 mills formerly in the bond millage rate and dedicated 0.019 mills to fund the annual appropriation to the Development Authority of Peachtree City, for a total millage rate of 5.533. Boone seconded. Motion carried unanimously.

08-08-06 Alcohol License – NEW – Kane Yama, 620 Crosstown Drive

Plunkett moved to approve an alcohol license for Kane Yama, with Mr. Tom Y.C. Huang as the Licensee and License Representative. Haddix seconded. Motion carried unanimously.

08-08-07 Consider Funding of Interchange Modification Report

McMullen said the item was discussed at the recent Association of Fayette County Governments meeting. The Tri-County Alliance [South Fulton, Fayette, and Coweta Counties (TCA)], of which the City was a member, was working to have the Georgia Department of Transportation speed up the improvements to the Highway 74/Interstate 85 interchange. The first step was to complete the Interchange Modification Report, which had a \$100,000 cost. Several other local entities were contributing funding (Fairburn and South Fulton Community Improvement District (CID) - \$50,000, Fayette County - \$40,000). McMullen asked Council to consider funding the remaining \$10,000 from Council Contingency funds.

Plunkett asked if Coweta County and Tyrone had been approached about contributing to the study. McMullen said that Joddie Gray of the South Fulton CID had asked, but no other funding had been proffered. Haddix noted that City residents were already funding a third of the \$40,000 from the County. Sturbaum said he would like to see Tyrone participate as well.

Plunkett said if the project was going to be cancelled due to lack of funding, then staff could come back to Council for the balance. She moved to approve funding in the amount of \$5,000 from Council Contingency, TCA to approach other entities to participate in the funding. Boone seconded. Motion carried 4-1 (Haddix).

08-08-08 Consider Proposal for Auditing Services

Salvatore said Requests for Proposal (RFP) had been sent to 13 firms, and six proposals had been submitted. The current audit firm (Mauldin and Jenkins) had scored highest on the technical proposals (75% of the score), but Moore & Cubbage was significantly less on the pricing (25% of the score). Staff recommended switching to Moore & Cubbage.

Plunkett moved to accept the proposal from Moore & Cubbage, LLP, for auditing services for the City for fiscal years 2008, 2009, and 2010, and to authorize the City Manager and Financial Services Director to enter into annual contracts for these services. Boone seconded. Motion carried unanimously.

08-08-09 Consider Extending Lease for Temporary Police Station

City Engineer Dave Borkowski said staff was recommending an additional 3-month extension to the lease for the temporary police facility. This was a new lease amount, \$12,560 plus the common area maintenance fees. The funds would be covered in the Bricks & Mortar fees for the renovations.

Plunkett asked if the time allotted would be adequate to complete the repairs, and Borkowski said yes.

Plunkett moved to approve the lease for three additional months in the amount of \$12,560 a month plus the common area maintenance fee of \$3,223.73, for a total amount of \$15,783.73 plus utilities, and to authorize the Mayor to sign the lease. Haddix seconded. Motion carried 4-1 (Sturbaum).

08-08-10 Consider Request from SouthTree Enterprises for a Water Line Easement on City-owned Property

Rast indicated that this pertained to the development on the site of the former Edward Jones office building on Highway 54, which was being redeveloped into offices for the Whitlock Financial Center. The size of the new building required automated fire sprinklers, but the water line to the site could not accommodate that. They had an option of boring under Highway 54 or accessing through City property to the water line on Waterwood Bend.

Rast said staff proposed three conditions:

- 1) The portion of the multi-use path disturbed by construction shall be reconstructed to current city standards immediately following construction activities;
- 2) The entire easement shall be fine graded, seeded and strawed immediately following construction activities; and
- 3) The applicant shall be responsible for paying all recording fees for the subject easement.

Plunkett moved to approve a 20-foot wide water line easement extending from Waterwood Bend to the Whitlock Financial Center with the proposed conditions. Boone seconded. Motion carried unanimously.

Council/Staff Topics

Logsdon introduced his intern, Brian Jack, who gave a brief presentation on Peachtree City's status in the annual CNN/Money Magazine "Best Places to Live" rankings. Jack indicated that the publication had only ranked cities with populations greater than 50,000 in 2006 and 2008, when Peachtree City had not been included. The comparisons also focused on different criteria each year.

Update on Energy Performance Based Contract

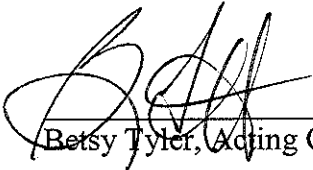
Public Services Director Tom Corbett gave a presentation (included in the official meeting file) on the Energy Performance Based Contract. In a comparison between February -June 2006 and 2008 (before and after the modifications were made), the

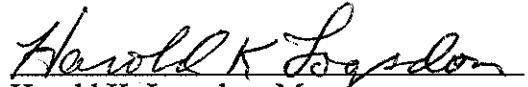
program had saved over \$6,000 at the Tennis Center and Amphitheater, and over \$29,000 at City Hall, the Library, and Kedron (for the five-month period).

Boone moved to go into executive session for a legal matter. Haddix seconded. Motion carried unanimously.

Plunkett moved to adjourn from executive session. Boone seconded. Motion carried unanimously.

There being no further business, Boone moved to adjourn the meeting. Haddix seconded. Motion carried unanimously. The meeting adjourned at 10:15 p.m.


Betsy Tyler, Acting City Clerk


Harold K. Logsdon, Mayor