City Council of Peachtree City
Minutes of Meeting
July 19, 2007
7:00 p.m.

The City Council of Peachtree City met Thursday, July 19, 2007, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present: Steve Boone, Stuart Kourajian, Cyndi Plunkett, and Judi Rutherford.

Announcements, Awards, Special Recognitions

Mayor Logsdon recognized Kathy Thomas of the Building Department as the Employee of the Month. Logsdon recognized David Williamson of the Fire Department as the Supervisor of the Quarter. Logsdon and Leisure Services Director Randy Gaddo presented the July 4th parade winner trophies. The winners included:

Golf Cart Division – 1st place, New Neighbors League; 2nd place, Chuck Micallef; and 3rd place, Teressa's Doggie Boutique
Most Creative – Cub Scout Pack 75
Most Patriotic – Peachtree City Optimist Club
Mayor's Trophy – Delta Credit Union
Grand Marshal's Trophy – C.E.R.T.

Public Comment

There was no public comment.

Minutes

Logsdon noted there was an additional document on the dais – Mayor Logsdon's changes to the June 7, 2007, regular meeting minutes. Rutherford moved to approve the June 7, 2007, regular meeting minutes as amended; and the June 14, 2007, special called meeting minutes; June 20, 2007, workshop minutes; June 21, 2007, regular meeting minutes; and the July 5, 2007, special called meeting minutes as written. Plunkett seconded. The motion carried unanimously.

Monthly Reports

There were no comments regarding the Monthly Reports.

Consent Agenda

1. **Alcohol License – Change in Licensee & License Representative – Smokey Bones**
2. **Consider Bids for Hydraulic Excavator**

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

Old Agenda Items

16-07-08 Consider Committee Appointments to Name Peachtree City's "West Village"

Logsdon noted there was an additional document on the dais – a list of the people who had volunteered to serve on the committee. Rutherford moved to approve the list as presented on the dais. Kourajian seconded. The motion carried unanimously.

The residents named to the committee were Scott Garris, Jerry W. Parker, Merrilyn Arnold, Rebecca Gourlay, Tracy Bell, Bill Holland, Bridget Jones, Robert Brown, Rosemary Riccio, Dave

Lowry, Julie Taylor, Tamara Allen Moore, Audrey Malagon, and Jerry Peterson. Former Mayor Fred Brown would serve as chairman.

06-07-14 Consider Bond Referendum on November 2007 Ballot for Expansion of Baseball Soccer Complex and The Gathering Place

Gaddo addressed Council. (A copy of his PowerPoint presentation is included in the official meeting file.) Gaddo noted that, in order to put referendums on the November 6 ballot, the resolution calling for the referendums had to be submitted to the Justice Department 60 days before the election for pre-clearance and inclusion on absentee ballots. Staff's target was August 1 for submission. He continued that staff recommended the 11,375 square-foot expansion with a standard kitchen for The Gathering Place. Gaddo said the expansion would fulfill the space requirements for anticipated program growth in all demographic populations. The seniors would primarily use the facility during the daytime, Monday-Friday, and others would use it after hours and weekends. The recommendation considered the facility's multipurpose functions now and in future and fulfilled the need for indoor programming/activities space associated with a community center.

Gaddo continued that the Recreation Master Plan cited the need for multi-purpose activity center as second highest priority (of 12), just behind additional fields at the Baseball Soccer Complex (BSC). Determining the use for 22 acres at the BSC and finalizing Gathering Place expansion were fifth and sixth on the list. Determining a solution for noise and parking at Riley Field was 10th on the list. The two proposed projects addressed five of the top 12 priorities identified in the Master Plan.

Gaddo continued that the BSC project included two lighted, multipurpose artificial turf fields, real Bermuda sports turf practice areas, a two-story restroom/concession/scoring building, 346 new parking spaces, and an optional cross country path around the BSC perimeter. The path would be a natural path, with mulch ground from the trees that would be cut down on the site. The final project cost would be $3,962,523, which included general conditions, site work, parking, construction, architectural/engineering fees, contingency, and bond closing costs. The total amount to be financed would be $4,047,523. Total annual expenses for a 15-year bond would be $419,863, which included $389,967 annual debt service and $29,896 annual O&M expenses. The estimated FY 2009 millage for debt service only was 0.201 mills, and the estimated FY 2010 millage for debt service and O&M was 0.217 mills. The estimated annual tax was $8.67 for $100,000. Total annual expenses for a 10-year bond would be $554,396, which included $524,500 annual debt service and $29,896 annual O&M expenses. The estimated FY 2009 millage for debt service only was 0.271 mills. The estimated FY 2010 millage, including debt service and O&M, was 0.286 mills. The estimated annual tax was $11.45 for $100,000.

The 11,375 square-foot expansion at The Gathering Place included one room that would seat 150, dividable into three rooms; five multi-purpose rooms that could be reconfigured for various uses; game room; class room; card room; outdoor programming space; and a standard, but enhanced, caterer-friendly kitchen. The project cost included general conditions, site work, parking, construction, architectural/engineering fees, furniture, fixtures and equipment, renovations to the existing facility to match new construction, contingency, and bond closing costs. The total amount to be financed was $2,884,510, which included $191,406 for furniture, fixtures, and equipment, estimated bond closing costs of $85,000, and design/construction/contingency costs of $2,608,104. The total annual expense for a 15-year bond was $474,752, which included $277,883 annual debt service and $196,869 annual O&M expenses. The estimated FY 2009 millage would be 0.144 mills for debt service only. The estimated FY 2010 millage for debt service and O&M would be 0.245 mills. The estimated annual tax for $100,000 was $9.81. For a 10-year bond, the total annual expense was $570,419, which included $373,550 in annual debt service and $196,869 in annual O&M expenses. The estimated FY 2009 millage for debt service only was 0.193 mills. The estimated FY 2010 millage for debt service and O&M was 0.295 mills. The estimated annual tax would be $11.78 for $100,000.

Gaddo continued that there was a difference of $230,150 between the average annual debt service payments for both projects. The total interest payment for the 15-year bond was $3,082,750, and the total for the 10-year bond was $2,045,500. If the bonds were issued in FY 2008, then $173,375 would be taken from the cash reserve to pay the interest on either bond. There was a difference of $134,533 in the average annual debt service payment between the two options for the BSC only. The total annual interest payment for the 15-year bond was $1,799,500; the total for the 10-year bond was $1,195,000. Both options would require $101,250 in cash reserves if the bond were issued in FY 2008. The difference in the annual debt service for The Gathering Place only was $95,667. The total annual interest payment for the 15-year bond was $1,283,250, and the total for the 10-year bond was $850,500. If the bond was issued in FY 2008, then $72,125 would be needed from the cash reserve for either option.

Additional staffing needs for The Gathering Place included one full-time supervisor, one full-time maintenance position, and two part-time leaders and two part-time maintenance people for nights and weekends. The total staffing would be three full-time and six part-time employees for 96 hours a week. The facility would be staffed during all open hours – Monday-Saturday, 8 a.m.-11 p.m.; and Sunday, 1-7 p.m. Gaddo compared the proposed staffing to the current staffing for the facility, which was 45 hours per week with one full-time coordinator and two part-time customer service people. The facility supervisor would be hired three to four months prior to the opening, and the others would be hired one to two months prior, in order to become familiar with the duties, operations, and to prepare for the opening. He noted that the annual O&M for The Gathering Place was $196,000, and two-thirds of that amount was personnel. The facility needed to be at full strength to market it.

Rutherford asked for the total of the two projects. Gaddo said it was $6.8 million. Rutherford said it would cost $3 million to borrow the money, so the City would spend $10 million on the projects. She said she wanted people to understand how much it cost to borrow the $6.9 million. She said Council was elected to make hard decisions, and a referendum would bypass Council. Logsdon said that Council had decided not to do the projects because of the tax increase. If the people wanted the projects and approved the referendums, then Council would do it. Rutherford said if the projects were not in the best interests of the City, they should not go out for referendum. Plunkett said the voters would accept the results of their own actions with a referendum. She said the projects were in the best interests of the City, and both were high priorities in the Recreation Master Plan. Logsdon agreed with Plunkett. He preferred letting the citizens decide.

Gaddo continued that, if the bonds were approved in November, it would take one to two months to process the bonds. The advertising for the design and engineering RFP would begin in January 2008 and would be awarded in February/March 2008. The bids for the construction projects would go out in July/August, with award in September/October. The construction should take 12 months and should be completed by September/October 2009.

Kourajian asked why the five-year millage increase was included. Finance Director Paul Salvatore said that Rutherford had asked for the five-year models to compare the millage rate increase for five years under both scenarios. The rate in the model was just to cover the bonds. Kourajian said the important thing was how much it would cost a taxpayer per year. Salvatore said the $100,000 figure was a benchmark, so people could estimate the tax based on their property values. Kourajian asked about the cash reserve use in FY 2008. Salvatore explained that would only be to pay any interest owed on the bonds for FY 2008, and the interest earnings on the bond proceeds would offset that amount. He continued that, based on the underwriters' numbers, the City could close on the bonds by January 1. If that happened, an unbudgeted interest payment would be due on July 1. A 5% estimated interest rate had been budgeted, but they hoped to get the bonds for around 4.5%. Kourajian asked what other bonds were listed on the tax bill. Salvatore said that the bonds were not individually broken out on the tax bill. City taxpayers currently paid 0.55 mills for City bonds.

Rutherford asked City Attorney Ted Meeker how the procedure would work. Meeker said it would work the same as it had for the library bond. Council and staff could not advocate for the bonds. The users would be the advocates. Gaddo said the Library Commission had assumed the role. The different user groups could also be advocates. Rutherford asked if the Recreation Commission could advocate for the referendum since they were appointed by Council. Meeker said they could on their own time. City funds could not be used for flyers or informational material. Gaddo said the Library Corporation had provided funds. Plunkett asked if the Peachtree City Tourism Association could serve as advocates. Meeker said their attorney would have to answer that.

Logsdon said several people had asked to speak and asked that comments be kept to two minutes. Residents who spoke included Jim Schirm (Senior Adult Council), Ben Gross (Pioneers Club), Joe Frazar (Kiwanis Club of Peachtree City, Recreation Commission), Lee McCoy (VFW Post 9949), Tim Lydell, Jim Dowds, Larry Overton (Starr's Mill High School lacrosse program), Linda Wojcik, Phyllis Aguayo, Robert Brown, and Ken Martin. Their comments included the following:

- The seniors were in agreement that, with the expansion, The Gathering Place would transcend to a multi-purpose facility to serve the community.
- Seniors felt the additional tax money would benefit the community.
- The Pioneers Club, VFW Post 9949, and the Kiwanis Club of Peachtree City supported the proposed expansion of The Gathering Place.
- Many civic clubs were looking for affordable places to meet.
- There was concern that the City could not afford the operating expense in the future without a significant increase in the millage rate.
- People moved to the City because of the facilities, and The Gathering Place was a jewel.
- There was concern regarding the artificial turf costs and suggestions on other companies to contact for pricing.
- There was an interest in seeing how much a five-year bond would cost the City.
- The potential costs should be spelled out precisely in understandable language.
- There was a concern about the use of storage space at The Gathering Place by private groups and clubs.

- The Gathering Place provided opportunities for seniors to be involved; it was difficult to put a value on facilities that allowed people to be active.

Plunkett moved to put both items on a bond referendum for the 10-year plan and to include specific language on the ballot so people would know exactly what they were voting for and how much it would cost. Boone seconded. The motion carried 4-1 (Rutherford).

New Agenda Items

07-07-01 Public Hearing – FY 2008 Budget

City Manager Bernard McMullen acknowledged the work of the department heads and chiefs in putting the budget together and thanked Council for their support through the process. Salvatore gave a brief presentation on the proposed FY 2008 budget. (A copy of the PowerPoint presentation is included in the official meeting file.) The General Fund total was $27,509,235. There would be no millage rate increase, but $852,536 would be appropriated from excess cash reserve to balance the budget. There was a 7% increase in the departmental operating budget, and a 9.25% increase in total General Fund appropriations. The Council Contingency fund was budgeted at $100,000. The budget included nine new Public Safety positions – three police officers (funded at 75% due to timing issues in hiring new recruits), three firefighter/paramedics, and three sergeant/paramedics. Additional new positions included an accounting manager, a building maintenance specialist (paid by funding to be determined from within the Public Works budget), and a full-time assistant city planner on a contract basis.

Salvatore continued that the Public Improvement Program (PIP) total was $1,998,452 and included the Flat Creek bridge ramps and path (Phase II), SR 74 South/Holly Grove tunnel construction, SR 74 South-BSC tunnel construction, Fire Engine 82 replacement, simulated firearm training equipment, and nine patrol vehicles (six replacement, three new). The FY 2008 SPLOST budget total was $1,542,597, which included the SR 74 South Frontage Road construction (Guthrie's to Gilroy's – east side of highway), the street resurfacing program, and the cart path widening and resurfacing program.

Salvatore continued that $3.4 million was budgeted for debt service. The FY 2008 additions included $107,046 for Fire Engine 82 replacement, $54,972 for six replacement police vehicles, $27,486 for three new police vehicles, and $34,646 for firearms training equipment. The Special Purpose/Authorities funding included $652,947 (two-thirds of hotel/motel tax collections) for the Peachtree City Tourism Association and $35,000 for Development Authority operating expenses. Rutherford asked about the funding for the Airport Authority. Salvatore said the Airport Authority received a portion of the funds allocated to the Tourism Association.

Salvatore said the combined budget total was $36,459,478, including General Fund expenses, $27,509,235; capital projects (PIP), $1,998,452; SPLOST projects, $1,542,597; Stormwater Utility, $2,964,332; debt service, $3,411,350; and the hotel/motel tax fund, $979,420.

Plunkett asked for a clarification on the $857,000 from the cash reserve. Salvatore said the target cash reserve was 20% of the budget. Currently, there was an amount in excess of the 20%. Spending the $857,000 would get the City closer to the target. The use of the cash reserve could be offset by the interest on the bonds. Boone added that the cash reserve had an additional $2 million or more over the target and was at about 28%. Salvatore said that was correct.

Robert Brown asked what the dollar increase was from the increase in the tax digest. Salvatore said there had been just under 4.5% growth in the tax digest, 40% of the growth was due to reassessments and 60% to growth.

Tim Lydell stated he was not running for Council, but had attended all the budget workshops. He was disappointed more people were not interested in the budget, since it was the basis for taxes. The City should be careful to ensure it could pay for what it wanted. The population growth was starting to plateau, and the City had to look at how to pay for all the fun it was having. The millage rate would have to go up. If approved, the bond issues would increase the City's debt by 37%. The Council should demand zero-based budgeting that looked at a strategic plan. Everything must be justified. It was critical that budgeting be done well and efficiently. The City did not spend money it did not need to, but people who set up budgets always had cushions. If people knew and understood why they were paying taxes, then they would pay them.

Linda Wojcik asked why basically the same amount was budgeted for fire and police, according to the pie chart. Kourajian said it was more than personnel; it was the entire budget. Wojcik asked about the pay increase for the Police Department. Rutherford said it was a 4.5% increase in pay for new hires up through corporal. Logsdon said the starting salary was increased to help recruiting.

Beth Pullias asked if the West Village impact fees were incorporated into the budget. Salvatore said not for FY 2008 because they would have minimal impact. Plunkett noted that the impact fees for the area were to include funds for the BSC expansion. Salvatore said the financial model for the impact fees showed a portion of the debt service for the BSC paid by impact fees. The impact fees would be an additional source to pay the debt service. McMullen noted that the millage rate was based on the tax digest. There was a fixed amount of money that had to be raised in order to pay the bonds. As the digest went up, the millage rate should go down. Plunkett asked if there was an anticipated amount of impact fees for the BSC. Salvatore said he did not have that information. She asked to have that information before the next meeting. Logsdon asked how the bond millage rate would appear on the tax bill. Salvatore said the bonds were listed together as one amount. Phyllis Aguayo asked where the funds for maintenance would come from for the things built with impact fee funds. Rutherford said they would come from tax dollars.

The public hearing closed. Council was scheduled to vote on the budget at the August 2 meeting.

07-07-02 Public Hearing – Consider Rezoning for Majestic Estates Subdivision, R-43 to GR

Murray Weed, attorney for applicants Victor and Kim Daniel, addressed Council. (A copy of the PowerPoint presentation is included in the official meeting file.) The request was to rezone 4.005 acres located off Peachtree Parkway from R-43 to GR. The Daniels planned to build six $1.2 million custom-built homes. He noted that City Planner David Rast had recommended the property be rezoned to R-22 rather than GR, and they agreed that zoning was the most appropriate. He also pointed out that the plan changed from the original plan presented to the Planning Commission. He continued that they had an agreement with St. Andrew's-in-the-Pines Episcopal for a sewer easement in exchange for improving the lift station. R-43 allowed one home per acre. The immediate neighbors had a higher density. R-22 was three homes per acre. The Daniels intended to live in the subdivision on the worst lot. The project had already been delayed for one and one-half years due to the complicated access situation. There had been a team-oriented solution to resolve the issue, and the result was what was best for the City. The question was whether six homes on four acres was too dense. He noted that the homes would be further apart than the homes in the Peninsula.

Weed continued that the Planning Commission said six homes were too many and also required that the applicant cooperate with the Fouts and Bairs on the access. He said that the original proposal included a gate, which had been removed. They had worked with the fire marshal on the access and had moved the driveway 15 feet to the north, away from the Bair's and Fouts' homes. To accommodate the neighbors, they were abandoning a portion of the easement and the gate, which met three of the four conditions presented to the Planning Commission. It came down to four homes versus six homes. The Planning staff had suggested the GR zoning in an effort to resolve the driveway variance issue. They had been told they would have to have either a public road or private street. Now, the access was legally considered a driveway. Because of that, they did not have to have a GR zoning. They were not told to do anything different, but agree with the R-22 proposal. The density would be less than the existing neighborhood densities there now. All the relevant City staff had accepted and approved the six-home concept.

Weed noted the four considerations for police power ordinances, and that zoning ordinances were police power ordinances. Those considerations were health, safety, welfare, and aesthetics. The development was in the heart of the City. The Council operated under the theory of step-down zoning. Weed continued that Rast felt step-down zoning was applicable. In reality, higher density towards the heart of the City fit in step-down zoning. This situation was not classic high density. There was not a health reason to keep the Daniels from building the homes. There would be a new fire hydrant, and each home would have a fire protection sprinkler system. There would be wide distances between the homes, and they had the contract for the sewer lift station. Any piece of the City's fire equipment would be able to use the driveway, which would be built to the City's street standards. There was no visual access from the public street, so there would be no random or walk-up crime. The trees would remain. The center had been clear-cut in the past, and they planned to maintain the tree line as much as possible. Each home would be custom-built and surrounded by trees. A tree save plan had already been submitted. Each home would be professionally landscaped.

Weed said they had tried to do what the neighbors, the Planning Commission, and the City Planner had asked, and three of the four things requested had been done. It was a resolution of the spot zoning that existed. Victor Daniel handed the Council copies of several documents (a copy is in the official meeting file) pertaining to the request. If Council approved an R-22 zoning, it could be conditioned on the drawings so only six lots could be built.

Richard Bearden spoke on behalf of St. Andrew's-in-the-Pines Episcopal Church. He also lived on Peachtree Parkway. He said there was a cloud on the church's agreement regarding the sewer. There had been a squabble at the church, and there was some misrepresentation as to who could sign the documents. The church's attorney asked Bearden to inform Council, but he noted that the church was not against the plan. They needed to resolve the clouds regarding the easement.

Michelle Hanlon and Rick Crawford both supported the request. Crawford said going from four lots to six lots was insignificant. The quality of the homes was important.

Rick Bair said he was opposed to six lots. He said he had worked with Daniel on the driveway access, but there had been no resolution. The access was a private driveway, and 14 cars were authorized to use it on a daily basis. If the rezoning were approved to allow six lots, the number of cars using the driveway would increase from 14 to 18 cars. At a function at the TDK house that night, there were 15 cars. There was no guarantee the driveway would be maintained. His property was zoned R-22 with R-43 standards. The reason they wanted six lots was economics. The Daniels knew there were issues surrounding the property when they purchased it.

Lynda Wojcik said all the issues with the property were there to be seen when the Daniels bought it. It would set a bad precedent to increase the density. The lots would still be nice at R-43.

Phyllis Aguayo said they had looked at the area during the Land Use Plan update. The feeling was that if the orientation of the parcel was to go out to the Parkway, then designation should be R-43. Many of the lots in the area subdivisions were more than one acre, and some were as large as two acres in Stoneybrook. The lots along the Parkway that were zoned R-22 were built to higher standards. The parcel was zoned when it was purchased. They asked for six lots with very little consideration regarding the shared driveway.

The public hearing closed.

City Planner David Rast showed several photos of the area and went over the Land Use Plan for the area. (A copy of the PowerPoint presentation is included in the official meeting file.) He noted that Peachtree Parkway was designated as a scenic road beyond the intersection with Flat Creek. The property had been zoned R-43 for a number of years, which required one-acre lots. Rast continued that the stormwater ordinance required there be stormwater detention on the parcel, and there had not been a firm resolution as to how much land was needed for that, which meant there would be less than four acres left to be subdivided when that land was taken out. He noted the Fouts and the Bairs had tried to purchase more land so their lots would be bigger, but had not been able to do so. Their property, which was 1.97 acres, was rezoned to R-22, with R-43 conditions, to allow both homes. Their homes blended in with the others along the parkway.

Rast continued that staff recommended that the rezoning as requested not be approved. The residential property on Peachtree Parkway north of Flat Creek Road was zoned either R-12 or R-43, and the proposed GR zoning classification constituted "spot-zoning" within an established area of one-half acre or larger lots. Many of the lots within this portion of the Peachtree Parkway corridor were considered estate lots and were larger than one acre in size. The variance for the private drive resolved the access issue. According to the zoning ordinance, private streets were only allowed in GR zoning.

The gross and net density for GR zoning was 1.5 units per acre. In R-22 zoning, which was the recommended zoning, the gross and net density was one unit per acre. Rast said this subdivision was different from the others in the area. No land was needed for roads. Their plan showed that 0.07 acres was needed for detention. He showed a density comparison of the area's subdivisions. He noted the Peninsula was zoned LUR, and the homes were closer together. However, most of the lots were larger than what was proposed for this subdivision. The Fouts and Bair properties had a net and gross density of 1.02 units per acre, which was consistent with staff's recommendation.

Rast said that, if the applicant agreed to the suggested R-22 zoning with the R-43 conditions, Council should approve the rezoning subject to the following understandings and conditions:

- *There shall be no more than four residential lots within the overall subdivision. Development of each lot shall conform to the setback and buffer requirements stipulated within the R-43 zoning ordinance.*
- *The Applicant shall agree to continue working with City Staff and the adjoining property owners to resolve design of the access to this subdivision as well as the adjoining Fouts/ Bair tracts. While City Council granted the variance allowing access via the existing ingress/ egress easement, the ultimate design of this access has yet to be determined.*
- *Once the access issue is resolved, a revised concept plat shall be submitted to City Staff and the Planning Commission for review and approval. This plat must identify the preliminary design of the proposed access, the portions of the site designated for stormwater detention, as well as all other requirements of the city's concept plat review process.*
- *The Applicant shall be responsible for paying the Glenloch Service Area impact fee for each lot in addition to the above-mentioned costs at the time of final plat approval.*

Weed said they agreed with Rast regarding the Land Use Map. He continued that Council should look at what existed today and what was considered a logical change. No one would be able to see the homes. A greenbelt surrounded the homes; a comparison should not be made to homes that could be seen from the street. It was not a safety issue to add 18 cars or excess traffic on the Parkway. Their plan met and exceeded what could go on the parcel.

Kourajian referred to the density comparison regarding the Peninsula. He said that, overall, the Peninsula was not as dense as this proposal. He said the difference was really between three and six houses, since that was what could legitimately go on the parcel now. Weed said that, according to their engineer, the area met the standards to build four houses. There were new technologies to minimize the stormwater detention issues. Kourajian said he had to make a decision based on what he knew. He said the overriding reason for six homes was to recoup the investment. He was not responsible to ensure builders made money. He was responsible to the City and would not support six houses.

Logsdon asked about the change to the gate and the driveway. Weed said it was changed after the Daniels met with the Bairs and Fouts. The eyebrow cul-de-sac had been closer to the Bair and Fouts homes. The eyebrow cul-de-sac was moved 15 feet to the north, and the gate was removed.

Rutherford noted that a conceptual site plan for four homes had already been approved by the Planning Commission. Weed said it had. Daniel added the driveway easement came up after the approval. Rast verified that the conceptual site plan for four lots had been approved by the Planning Commission.

Plunkett asked City Engineer Dave Borkowski if 0.05 acres was enough for a detention pond. Borkowski said it was not likely. It was possible to use a sand filter or other options, but he could not give an answer without seeing the design and knowing how much water was going into it.

Rutherford moved to deny the rezoning request from R-43 to GR. Kourajian seconded. The motion carried unanimously.

Weed noted that Council had the authority to rezone the parcel to R-22 and to condition it on the four-home plat already submitted. Logsdon asked Weed if the applicants were willing to accept the Planning Commission's and staff's recommendations. Weed said his instructions were to do what was best for the City.

Rutherford said the rezoning should go back to the Planning Commission, then to Council. Plunkett asked Daniel if he was willing to accept R-22 zoning, and the condition to build four houses. Daniel said he would like to get at least one more lot. Kourajian said he did not like negotiating during a meeting. He agreed that the request should go back to the Planning Commission. Weed said they would still like a motion for R-22 conditioned on the site plan already approved by the Planning Commission for four homes. Plunkett noted that there were some issues when that was done during the recent annexation. Meeker said there had to be a motion to reconsider. He said the property had been analyzed under R-22 zoning. Rutherford said there were questions. The approved plat was for four homes, but the Planning Commission said it could go to five. Meeker said that if Council flat denied the rezoning, then the applicants had to wait six months to come back.

Plunkett moved to reconsider to look at the staff recommendation for R-22. Boone seconded. The motion carried unanimously.

Meeker said the staff report contained conditions for R-22 zoning with R-43 conditions. Rast said there were four conditions. They wanted to leave the plan at four lots, but not based on a site specific plan due to the retention issues. The R-22 zoning limited the subdivision to four lots just under one acre in size.

Rutherford moved to approve the rezoning at R-22 meeting the R-43 standards with no more than four lots, the plan had to go back to the Planning Commission to figure out the rest of it, and that the four conditions be included. Kourajian seconded. The motion carried unanimously.

07-07-03 Public Hearing – Consider Request to Lift Moratorium on Multi-Family Housing, Stephens Tract

Mark Ackerman of Dominion Partners introduced Bruce Gleisner, Brad Parrott, and Dan Joy. He explained that his company wanted to build a campus-style senior residential community. The principals had been actively involved in senior living projects for over 20 years. The Somerby concept was a blend of independent living, assisted living, memory care, respite care, therapy, and other health-related services in one community. Service to seniors was their business, and housing was a component. The project would have three options – condos and garden homes, independent-living villas, and independent-living apartments. An area would be reserved for a skilled nursing home to provide a complete range of care. Ackerman pointed out that residents lived seven years longer in such communities. The facility would create 100 full-time and 30 part-time jobs. There would not be a negative impact on schools. Seniors loved to attend school plays and sports events. They also enjoyed mentoring and tutoring. There would be little impact on traffic since approximately 75% drove when they moved in, and that number dropped to 50% because of the transportation services offered. He continued that there would be little impact on fire and police. Seniors took part in the community and shopped close to home. He asked Council to consider lifting the moratorium.

Logsdon noted that there was an additional document on the dais – a letter from the Wilshire Estates Homeowners Association dated July 17, 2007, which supported the proposal.

Plunkett asked how much staff time the application would take. Rast said he did not know. It was similar to the previous agenda item, but on a grander scale. A rezoning did not require as much time as an annexation. Council agreed it was something they should consider.

Council had questions about lifting the moratorium. Meeker pointed out that, by lifting the moratorium, Council was saying Dominion could file an application. It did not mean the rezoning would be granted. The applicant could not seek a rezoning until the moratorium was lifted. Logsdon clarified that lifting the moratorium would allow Dominion Partners to work with staff so they could apply for a rezoning. Meeker said that, if the moratorium was not lifted, the process stopped.

Residents who spoke included Manny Guerrero, Beth Pullias, Tim Lydell, Fred Brown, Phyllis Aguayo, and Lynda Wojcik. Their questions and concerns included the following:

- The project would enhance life in the City, and the cart paths would offer independence.
- As many trees as possible should be preserved.
- A four-story building was not a good idea.
- There were questions as to whether the community would be able to use meeting areas.
- The project had the potential to become additional multi-family housing if it was not successful as senior housing.
- The need for the number of such facilities was questioned since many seniors wanted to stay in their own homes as long as possible.
- Council needed to make it clear the moratorium was being lifted only for this project.
- Changing industrial land to residential land could set a bad precedent for the City.
- There was a suggestion that the developer wait to see how successful the Levitt & Sons development was first.

The public hearing closed.

Rutherford said the property was currently industrial land. The purpose of the live, work, and play philosophy was to have places to work. She said the City should not be in a hurry to fill up the industrial land. It was also an airport area, and the federal government had specific recommendations about what should be near airports. A request for senior housing in the same area was denied a few years ago. While similar facilities had medical staffs, there would still be a need for ambulances. Another similar facility was planned for Crosstown Drive/Peachtree Parkway. The City had skilled care facilities. Having open industrial land was not bad.

Logsdon said the area was a gateway to the City. He would rather see this than an industrial complex there, and they did not know what an industry would bring. The Wilshire HOA liked the plan. He would have liked to have such a facility here when his parents were alive, and he would like to see the plan.

Boone said the moratorium should be lifted. He would like to see the final plan.

Kourajian said he would also like to see the plan, but had many concerns, including the proximity to the airport. The only way to settle his concerns was to lift the moratorium.

Plunkett asked the developer if they would be willing to contribute up to $10,000 for staff time. Parrott, the company's attorney, said they would be happy to accept those terms. He added they were meeting with the Wilshire neighborhood that Saturday to discuss their plans. Plunkett told the developers that, if Council's concerns were not met, Council had no qualms about denying the rezoning.

Plunkett moved to lift the multi-family moratorium specifically to allow Dominion Partners to discuss their concept of a multi-family senior dwelling and to contribute $10,000 for staff time for the Stephens tract as outlined in the records. Kourajian seconded. The motion carried unanimously.

07-07-04 Consider Fee – Notary and Witness Signature

Acting Administrative Services Director/City Clerk Betsy Tyler said the City did not charge fees for the service currently. There were eight notaries at City Hall and notaries at the Library and in the various other departments. For the most part, the service would still be provided at no charge. With internet closings and wills now available, providing the service occasionally took a measurable amount of staff time to witness, process, and notarize the documents. The recommendation was to charge $2 per signature after the first page of signatures. Staff had checked with others that provided the service, and the fees ranged from $2 to $5 per signature. Fayette County, Fayetteville, and Tyrone provided the service at no charge, but had not had the number of people coming in with closings and wills that the City had.

Plunkett asked if the purpose of the fee was to stop people from coming in for the service. Tyler said it was not. Plunkett asked if the City paid for staff to be notaries. Tyler said it did. Plunkett said the fees would offset that cost.

Rutherford moved to establish a fee of $2 per signature for notary and witness signatures after the first page of signatures. Boone seconded.

Kourajian asked if all of the facilities had the ability to take money and make change. Tyler said they did.

The motion carried unanimously.

07-07-05 Consider Reclassification of Position – Library Network Specialist

Rutherford asked if this was the same position discussed during the budget workshops. Information Technology Administrator Matt Robinson said it was. Rutherford moved to approve the reclassification of the library network specialist. Kourajian seconded. The motion carried unanimously.

07-07-06 Consider Reimbursement of Resolution for Bricks and Mortar Loan and Related Budget Amendment

Salvatore said this had been discussed during the budget process. Certain measures to be taken during FY 2007 had been taken, one of which was to amend the FY 2007 Bricks and Mortar loan.

The Flat Creek bridge ramps and the Battery Way dock replacement had been added. This was the housekeeping item to declare the intent to finance the projects. The resolution allowed the City to reimburse itself for any hard construction costs that might occur prior to the closing.

Rutherford moved to approve the request for the resolution for the Bricks and Mortar loan and related budget amendment. Boone seconded. The motion carried unanimously.

07-07-07 GRTA/TDK Lawsuit Summary

Meeker said the hearing was held on July 6. After two hours and 15 minutes, the judge's opinion was that GRTA had the authority to issue conditions for the DRI. The order should be final in a week. He said the notice of decision stood. The notice said that the City, in conjunction with Coweta County, must design a bridge over Line Creek that was 60 feet wide. Also, when the warrants for a traffic signal were met at the TDK/Dividend Drive intersection, the City should pay for the signal. Those conditions had to be fulfilled before the DRI project was built out. If the City did not comply, funding could be withheld from a number of transportation projects.

Plunkett asked if the City was required to design and build the bridge. Meeker said it was. Plunkett asked if the City had to give right-of-way access. Meeker said that the bridge was a new condition. Ultimately, the condition was to build the TDK extension.

Rutherford asked if Council was in contempt of court since the decision was made to stop the construction of the road. Meeker said it was not. Rutherford said the DOT was so far under funded that the other road projects might not happen anyway. Meeker said the state always had that option.

Meeker said that the judge ruled that GRTA had the authority to issue the conditions, but GRTA could not make the City build the road. Boone asked if the City could go through the legislative process if future transportation funds were denied. Meeker said he did not know unless the enabling legislation was changed so the legislature could override GRTA's conditions. Under the current statute, the jurisdiction where the DRI was located could vote to override GRTA's decision. The City did not have that override ability since the DRI was not located in the City.

Rutherford said there appeared to be three options – to leave it alone and see what would happen, to seek changes in the enabling legislation for GRTA, or to appeal the judgment. She said there had not been an injury to the City and asked what would be the basis of an appeal. Meeker said the City could appeal because the judge's interpretation was incorrect. Rutherford said the same thing could happen at a higher court, and the City would be in the same position. Meeker said that was correct. Rutherford said she was sorry that the City lost the case, but she believed the City should seek a legislative resolution and not build the TDK extension.

Kourajian agreed. At this point, it was a terrible idea for the City and Fayette County to build the road. Boone also agreed that the City should not build the road.

07-07-08 Consider Moving Forward with Increase in Mayor and Council Salaries

Plunkett went over the process that had to be followed in order to increase the salaries. A public notice must appear in the legal organ for three weeks that stated Council was contemplating an increase in salary, and the range of amounts must be included. There should be public hearings, and the vote on August 16. Meeker said Council should decide whether to move forward with the ad.

The high end of the increase had to be included in the legal notice. The proposed ordinance had to be on file at City Hall and with the Superior Court clerk.

Plunkett noted that the salaries had not been increased since 1985 when there were 31 official meetings, 20,000 residents, and 100 employees. Today, the population was 35,000, there were 258 employees, and 51 official meetings held last year. Council Members were also frequently called on by the Georgia Municipal Association (GMA) to help draft and comment on legislation and other activities that dealt with the entire state. She also looked at the salaries in 12 Class B cities and found the City's pay was the lowest. The Council should be broad based, and the current pay put limits on who could serve. Plunkett suggested that the Mayor's pay be increased to $16,840 and Council's to $11,226, based on the cost of living changes since 1985. She said those were suggestions only. A pay increase would go in effect after the election and would be spread out over several budget cycles. Logsdon said he would like to see language that kept Council from being in this position again.

Lynda Wojcik said she did not have a problem with a raise, but she did not want to see a backlash with the employees since most government pay raises did not keep up with the cost of living and they had to pay more for health insurance. She asked what the average for Class B cities was. Plunkett said the Mayor's salary at $16,000 would be in the middle of the other cities. The cities she looked at also had part-time mayor/city manager forms of government. Wojcik said if the increase was effective in 2010, then it would not look like the current Council was lining its own pockets.

Robert Brown said most people could not set their salaries, they should ask their boss. The matter should be on the ballot, but the vote should not be binding. Council would have the final say. He was opposed to an automatic provision to increase the salaries; Council should have enough backbone to say they needed more money. Plunkett said the City could not have a straw poll on the ballot. Meeker said that was correct. He added that he was not sure there could be an automatic increase provision either. He would check the home rule statute.

Marcie Pitts told Council they did an unbelievable amount of work. It was not unreasonable to ask for a raise. She appreciated the fact that Council thought more of a cross-section was needed.

Plunkett said that it was possible no one on the current Council would see a salary increase unless they ran again. There was also a specific time parameter during which Council could ask for the increase. Meeker clarified that Council could not vote on the issue from the time qualifying began until new Council Members took office.

Kourajian said he would be willing to consider an increase if there was a five-year roll-in, and it was not effective until 2010.

Rutherford said that, in some areas, Council Members received other benefits or had access to other benefits. This Council not eligible for that. She would like an option to have her salary put into a 457 account, which was a special savings account for government employees. Plunkett said a majority of the cities also offered some health and retirement benefits to the Council in addition to their salary.

Plunkett moved to consider moving forward with the Mayor and Council salaries, to look at $18,000 at the as the maximum amount for the Mayor and $12,000 for Council. Boone seconded.

Meeker said the legal ad had to run for three consecutive weeks prior to a vote. He would also need to draft an ordinance consistent with the direction he was given.

The motion carried 4-1 (Rutherford).

The public hearing would be held at the August 2 meeting.

Council/Staff Topics

Plunkett moved to allow the meeting to go past 11:00 p.m. Rutherford seconded. The motion carried unanimously.

Rast reported that the public forums to develop the community agenda for the Comprehensive Plan update would begin on July 26. There would be individual stations for each village at the meetings to help get the public involved. The website would also be activated. The meetings would be well-publicized. A short video was also shown.

Rutherford noted that the "Welcome Home" sign on SR 74 had been vandalized. She asked if staff was aware of that and what was being done. McMullen said staff was aware of it. The paint had just come in, and it was being taken care of.

Rutherford said she had served on Council for three and one-half years. She thanked staff for all the hard work, then announced that she was resigning effective July 31. She was moving to Holland for two years. Logsdon asked McMullen what would happen. McMullen said the process was in the charter and ordinances for appointing a replacement. Kourajian thanked Rutherford for her service.

Logsdon asked the status of Peachtree City 101. Tyler said the schedule was ready, but she was waiting to hear from all the directors to finalize the dates and to begin the publicity.

Boone asked for an update on Huddleston Pond. Borkowski said the project was currently out for bid. The Army Corps of Engineers should approve the permit in a few weeks. The review of the state waters buffer variance should start next week. Boone said it was a bureaucratic quagmire. Borkowski said he hoped EPD would approve the buffer variance in time to award the bid in September, so construction could start in October.

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

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

Rutherford moved to appoint Ed Eiswerth as the new Fire Chief. Kourajian seconded. The motion carried unanimously.

There being no further business to discuss, Rutherford moved to adjourn. Kourajian seconded the motion. The motion carried unanimously. The meeting adjourned at 11:17 p.m.

Betsy Tyler, Acting City Clerk

Harold K. Logsdon, Mayor

Pamela Dufresne, Recording Secretary