City Council of Peachtree City
Minutes of Meeting
July 17, 2008
7:00 p.m.

The City Council of Peachtree City met Thursday, July 17, 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 Recognitions
Mayor Logsdon and Leisure Services Director Randy Gaddo recognized Dennis Moore, the citizen Samaritan who saved the Fourth of July parade, and the parade winners. The winners in the Golf Cart division included Citadel Self Storage, first place; the Starke family, second place; and the Blair family, third place. The float winners included Most Patriotic, Partners Pizza; Most Creative, Community Emergency Response Team (CERT); Mayor's Trophy, Delta Community Credit Union; Grand Marshal's Trophy, Barry Babb; and City Spotlight (new award), Canongate Golf Clubs. Logsdon expressed appreciation to Dan Nelson for the contributions of his photos and the rights that were displayed in the City Hall lobby. Kennisha Collins of the Engineering Department was recognized as the Employee of the Month. Dave Williamson of the Fire Department was recognized as the Supervisor of the Quarter for the second quarter.

Public Comment
Marsha DeRose, Inna Satunovsky, and Nicole Serapian, residents of Clover Reach subdivision, addressed Council regarding the sound walls on Highway 74 South, which excluded their portion of the neighborhood. They asked Council to formally request that the DOT reconsider the request for the inclusion of Clover Reach in the area protected by the sound walls. DeRose said the residents had asked the Georgia Department of Transportation (DOT) to add the walls, since the trees that had buffered the noise and lights had been removed for the road widening. Satunovsky was upset that the walled section stopped before her house. Several houses on Butternut Lane and Charter Oak were very close to the road and were impacted by the traffic, and the problems would worsen when all the lanes opened and the trees lost their leaves. Serapian clarified that the state's sound study was done prior to the construction, and Clover Reach had not warranted a wall. However, her home now sat closer to the road than several behind the walls. Strangers with car problems wanting to use her phone had wandered into her the backyard, which made her hesitant about allowing her two small children to play in the backyard.

Agenda Changes
There were none.

Minutes
Sturbaum moved to approve the June 19, 2008, regular meeting minutes as written. Haddix seconded. The motion carried unanimously.

Monthly Reports
There were no comments regarding the Monthly Reports.

Consent Agenda

1. **Consider Appointment of Recreation Commission Member – Shayne Robinson**

2. Consider Resolution for Adoption of 2008 Annual Update to the Comprehensive Plan
Plunkett moved to approve the Consent Agenda. Boone seconded. The motion carried unanimously.

__Old Agenda Items__
03-08-07 Consider Rezoning, GC to LUC-21, Wisdom Road (Fairfield Inn)
Logsdon noted there were two additional documents on the dais – an e-mail dated July 17, 2008, with the subject, "Fairfield Inn and Suites Rezoning (Wisdom Road) and an e-mail dated July 16, 2008, with the subject, "Fairfield Inn and Suites Rezoning (Wisdom Road) with an attachment containing the changes to the proposed ordinance.

Ishwar Dayabhai represented the Fairfield Inn. He said they were requesting the rezoning to LUC-21 to allow the height of the building to reach 60 feet.

City Planner David Rast said the item was first considered several months ago, with plans for the Fairfield, Hilton Gardens, and Comfort Inn all submitted around the time the City was looking at implementing a maximum building height of 35 feet for GC General Commercial zoning districts, which would require any applicant who wanted to exceed the maximum height to apply for Limited Use Commercial (LUC) zoning and comply with additional design guidelines. Rast said Fairfield Inn met the additional criteria under the design requirements. Hilton Gardens had recently been approved at 60 feet. The Fairfield Inn would be three stories, with a height of no more than 60 feet. Rast said several nearby buildings exceeded the 35-foot limit, and the Fairfield Inn was in line with those buildings. The site was located at the intersection of Wisdom Road and Highway 74 North and was the only undeveloped site remaining in the Wisdom Pointe retail development.

Rast presented a site rendering, noting that the City had requested that the applicant re-orient the building, which had been done. The building facade would be a combination of brick and Exterior Finish Insulation System (EFIS), with a variety of design and materials in accordance with the design guidelines. Rast said the proposed ordinance included requirements consistent with what was approved for Hilton Gardens, and left some flexibility for an additional structure on the site that would require an amended zoning application.

Rast said the Planning Commission unanimously recommended approval with the conditions presented, and staff recommended the same. The City Attorney had reviewed the ordinance. Rast noted that the 55-foot limit in the ordinance in the packet was an error, and a revision was on the dais noting the height limit would be 60 feet.

Logsdon asked Rast to discuss the trees on the site. Rast explained that the Planning Commission felt it was appropriate to increase the caliper of the same percentage of trees as the percentage that the building exceeded 35 feet. Those trees were increased from a 2.5-inch caliper to a 4-inch caliper, which would fit better with the scale of the building. Rast said 50% of the total required trees had to be evergreen, and the applicant had agreed to that condition.

Logsdon asked if the applicant would do a three-story building with a flat roof if the rezoning request was not approved. Rast said that was correct. Logsdon and Boone said that would not be desirable.

Haddix said his objections remained the same, the low occupancy rates in the existing hotels and the height of the building. He did not see the benefit of the rezoning.

Plunkett asked how high the three-story building would be with a flat roof. Dayabhai said it would be 35 feet tall. Plunkett asked Rast what the teeth would be if the applicant installed trees smaller than those required. Rast said it was written into the zoning. If the landscaping did not meet the requirements, the City would not issue the Certificate of Occupancy (CO). Plunkett noted that there was a major difference in height and size between the 2.5-inch and 4-inch caliper trees. She felt the ordinance needed specific language to address that the CO would not be issued until the landscape requirements were met. Rast said the landscape architect for the project was aware of the condition, and Rast would work closely with him in the selection of the planting materials.

Plunkett asked about the additional building. Rast said the portion of the tract next to the hotel would be undeveloped, but the applicant wanted the option to add a small building for office or retail in the future. The applicant would be required to come back before Council, and City Attorney Ted Meeker indicated it would require an additional rezoning because there was no other building reflected in the current plan. Boone said he was not sure what they could put on such a small site. Rast said the property owner wanted the option rather than limiting the site to just the hotel.

Haddix said the City adopted a 35-foot height limit for a reason. He felt the community wanted future buildings to be shorter, even if older buildings exceeded that height.

Sturbaum asked how many units were in the hotel, and Dayabhai said 84. Sturbaum asked about extending the footprint of the hotel and reducing the height. Dayabhai said they had looked at that, but it did not work with the design. The Fairfield Inn franchise also required the three stories. Sturbaum asked if the franchise would allow for a flat roof, and Dayabhai said they would have to. Sturbaum said it was supposition, and in actuality, if the applicant did not get the rezoning, they could not build the project. Dayabhai said he ultimately could not answer whether Fairfield would consider the two-story option with the same roofline, but the design of the façade and the footprint were part of the franchise. A two-story building would look like a cheap motel.

Boone said he could not see a two-story building with the quality of the Fairfield Inn & Suites. The Planning Commission had recommended approval, and the future building was a separate matter. Boone moved to approve the rezoning request for the Fairfield Inn with the three conditions, not to exceed 60 feet, and no certificate of occupancy until the landscaping was approved and the trees were picked out. Sturbaum seconded. The motion failed 2 (Boone, Logsdon)-3 (Haddix, Sturbaum, Plunkett).

05-08-04 Public Hearing – Consider Variance Request – Sign, Kedron Office Park
Steve Luckett of Luckett Architects, LLC, and Pat Heaberg of Pathway Communities addressed Council and asked for a variance to the sign ordinance. Pathway Communities was the owner/developer of the Kedron Office Park. (A copy of the PowerPoint presentation is included in the official meeting file.) The master plan showed four two-story office buildings, with the

first building completed and approximately 80% leased. By ordinance, the development could have four monument signs, one for each building, and one sign on Peachtree Parkway. The sign on Peachtree Parkway was not part of variance request. The applicant only had about 200 linear feet in which to locate the four monument signs, and was requesting two signs, each serving two of the buildings. The southwest corner would have a placard for Buildings 100 and 200. The monument sign north of the entrance would have a monument sign for Buildings 300 and 400 when they were built.

Luckett continued that the proposed sign design was an obelisk of stone with the sign placard mounted to it. The proposal reduced the signage from four monument signs to two signs, and reduced the overall square footage. The applicant asked for a variance to the five-foot height limit to allow for the signage for two buildings on each sign. The area of the signs also exceeded the size limit set in the ordinance. The placards would be stacked vertically, and the measurement to the top of the sign backdrop would be eight feet, nine inches.

Rast said the overall site consisted of 14.6 acres that had been subdivided into two tracts, with two buildings on each tract. The sign ordinance allowed one monument sign per platted lot, so the applicant was limited to two signs on World Drive and one sign on Peachtree Parkway. The height of the proposed signs exceeded the five-foot height limit. Staff recommended denial of the variance because there had never been a variance granted to the sign ordinance, and it would set a terrible precedent.

Heaberg said Rast had guided them toward developing a master signage program, such as was in place for The Avenue and Wal-Mart/Home Depot areas. Rast clarified that those signs were governed by a specific overlay district, which allowed for taller signs only in that area, and apologized if there had been a miscommunication on that fact.

No one spoke in favor of the request.

Phyllis Aguayo said she was surprised at the request because Pathway always seemed to understand that the City had based all its decisions on the Land Use Plan, the ordinances, and that setting a precedent meant the same could not be denied to others. Aguayo said approving the request would set a terrible precedent.

Ric Hunt said he drove by that site daily and would not like to see a nine-foot sign. The Kedron Shopping Center had complied with the existing requirements.

Beth Pullias said she lived in Kedron Hills behind the office park. She complimented the landscaping on World Drive and said the design of the signs was very nice, but needed to be smaller.

Haddix said, with the apparent miscommunication on the number of signs, he would like to give the applicant the opportunity to withdraw the request. Plunkett agreed, saying she felt like the applicant had come to Council thinking they were reducing the overall signage. Heaberg said withdrawing the request would not change the problem. Having four signs in a 200-foot span had driven their thought process. It was an aesthetic question to them.

Boone said the City frequently received requests for variances to the sign ordinance, most recently from Delta Credit Union, and the City could not afford to set a precedent. He complimented the design of the sign. He noted that Delta Credit Union had shrunk the size of the sign. Heaberg said the intent of the request was to have legible directions for people coming to the office park.

Haddix moved to deny the variance for the sign at Kedron Office Park. Plunkett seconded. The motion carried unanimously.

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

Melissa Griffis, Rosenzweig, Jones, Horne & Griffis of Newnan, spoke on behalf of the applicant, noting they had last addressed Council on June 19. Since then, the Mayor, staff, and the applicant met several times. There was a potential resolution. She said they were amending the request to decrease the required number of parking spaces to remove them from the buffer area and to allow drainage swales within the landscape buffer on the Northlake Drive side and on Aberdeen Parkway, understanding that the swales would be minimized. This would address the ongoing dispute over the hydrology requirements for the site. The proposed swales within the landscape buffer on the Northlake Drive side would not require a variance. These steps would allow the applicant to keep the same footprint and plan, while keeping the buffers intact.

City Engineer Dave Borkowski said staff had worked with the applicant's engineer to come up with a viable alternative. It was not finalized because the applicant's engineer was out of town, but they thought they had a plan. He went over the proposed changes. The engineer was also working to keep detention off the site. If that did not work, then the swales could be modified to allow for detention, too.

Plunkett moved to table the request until there was a plan in place, saying she was not willing to vote based on the hope they could make it work. Boone seconded the motion.

Griffis clarified that they wanted to make sure this was in line with what Council wanted to see before expending more money for further design work. Plunkett said parking spaces were not nearly as big an issue as buffers and felt they were headed in the right direction. Haddix asked if the entrance on Aberdeen was essential. Griffis said it was. Griffis asked for inclusion on the August 7 agenda. Meeker asked if Council wanted to hold the public hearing or continue it until August 7.

Plunkett amended her motion to continue the request until the August 7 meeting and include the public hearing. Boone seconded. Logsdon pointed out that the Friday before the meeting was the deadline for Council's meeting packet. The motion carried unanimously.

05-08-06 Consider Request to Allow Brown Bagging of Alcohol

Ric Hunt addressed Council and proposed that brown bagging (bringing your bottle of alcohol to a restaurant) be allowed in restaurants on a consensual basis. He noted that Council had been opposed, citing liability concerns and handling of the containers. Those issues were fairly easily handled. The wait staff would not be able to handle the containers. The issue of underage people bringing in their own alcohol was simple. The waitperson should be allowed to ask for proper identification. The liability for restaurants should be the same as selling alcohol, as long as the owner complied with all the laws. The owner would still make money if customers brought in their own alcohol by charging $10 to do so. It would save the owners money since they would not have to stock as many different brands. It worked successfully at the City's amphitheater. Proprietors could choose not to allow the practice. It should be an issue between the proprietor and the customer.

Acting Administrative Services Director/City Clerk Betsy Tyler said that, after the May 15 meeting, 47 businesses (those with multiple licenses received only one letter) had been surveyed, and 10 responses had been received. The vast majority were opposed to any change in the ordinance. Council had only been interested in allowing the practice in licensed establishments because they already met the distance requirements and knew the laws. State law allowed license holders to only sell and handle alcohol bought from distributors, so the wait staff at a restaurant would not be able to open or serve any alcohol brought in by a customer. Of the 10 businesses that responded, six were opposed to brown bagging, two did not care, and two were in favor of brown bagging. The majority of the respondents felt they could not control what happened. The survey also asked if proprietors would allow brown bagging in their restaurants if it was allowed by ordinance. Four of the respondents said they would because they felt there would be pressure from their customers. Tyler noted that the amphitheater always had six police officers on the premises during concerts, while none of the restaurants had an officer present.

Boone noted that state law prohibited restaurant employees from touching the alcohol. He was adamantly opposed. Hunt said restaurants typically allowed the customer to open and pour from their own container, which was how it was done in Atlanta and Hilton Head. There was no history of problems. He had turned in a petition at the May 15 meeting with 227 signatures of people who wanted brown bagging allowed, while only 10 of the 47 businesses had responded, which was not a good representative sample. The practice had gone on for years, and he had never heard anything bad. Brown bagging was done in full compliance with state law. It should be a private issue between owners and customers.

Haddix agreed with Boone. He added that everything he had read said Council's concerns were legitimate. Hunt asked why it was a problem. Haddix said the state law had an impact on how the alcohol was handled by businesses. There had been no jumping up by the public to allow it. The problems outweighed the benefits.

Sturbaum said there was a lack of governance on the issue. The state said the wait staff could not touch the alcohol. He had strong concerns about allowing the practice. Hunt asked how it could be explained that there were no problems in Atlanta. Sturbaum said the issue was governed by the people of Atlanta. Hunt said they had the same state laws.

Plunkett said she did not disagree with Hunt. Whenever possible, individual establishments should govern themselves. The businesses she had spoken with were not in favor of brown bagging. The ones who were in favor of it felt it was a good deal for their businesses. Brown bagging should be regulated to keep underage people from drinking. The businesses should be allowed to make the decision. What had been happening prior to the change in the City's ordinance was with businesses that did not have an alcohol license that were allowing brown bagging as a way to get around paying taxes.

Juan Matute said customers could call a restaurant to find out if they could bring their own bottle. If the restaurant did not allow brown bagging, then they did not take it with them. If it was a wine the restaurant did not stock, then the restaurant charged a corkage fee of $10 to $20 to customers who brought their own. The businesses would govern it like they would their own stock.

Haddix asked Meeker for clarity on the City's ordinances. Meeker said that, currently, it was not allowed in the City. Haddix asked if it would be different for restaurants that did not have an alcohol license. Meeker said the businesses would have to govern how their servers handled the alcohol, which was a state issue as opposed to a local issue.

Plunkett said if the owners were willing to take the risk, then it should be the business owner's decision. Hunt said the owners would not jeopardize their licenses.

Logsdon said his issue was regarding people who brought in stronger spirits than what the alcohol license allowed, and that would not be governed or watched. Hunt said that, if a customer wanted to bring in liquor, then the owner must tell the customer that they could only bring in what their license allowed. It was cut and dried. The businesses had too much to lose to not follow the law. The rules would be followed.

Boone moved to deny the request to allow brown bagging of alcohol in the restaurants and to conform to the current ordinance. Sturbaum seconded. The motion carried 4-1 (Plunkett).

06-08-05 Public Hearing – Consider Multi-Use Sports Complex Proposal (Bond Referendum and Election Resolution)

Logsdon noted there were three additional documents on the dais – a letter from the Gwinnett Gladiators to Chad Jaenke of Center Ice, Inc., dated May 27, 2008; a letter from the Atlanta Thrashers general manager to Chad Jaenke of Center Ice, Inc., dated July 15, 2008; and a copy of the proposed referendum resolution.

Dar Thompson addressed Council and said that, when the project had been originally proposed, Council's concern had been the overall cost of the project, since it would add approximately one mill ($8) to each household's monthly tax bill. The project had been reduced to less than a quarter of a mill ($2.15) and would bring in considerable revenue to the City through tournaments, estimated at $1 million to $1.4 million. Thompson continued they had also met with Atlanta Thrashers General Manager Don Waddell, and Council had a letter from Waddell committing to some practices, mini camps, prospect camps, and visiting National Hockey League teams using the facility prior to evening games. Another letter from the Gwinnett Gladiators indicated their willingness to support the project though camps and exhibition games.

Rick Halbert said the original plan had been for an 180,000 square-foot multi-use sports and community center located on 34 acres just north of the Baseball Soccer Complex on Highway 74 South. The proposed complex would include 76,000 square feet for two ice rinks for ice hockey, figure skating and recreational skating. One rink would have 1,200 seats, and one would have 300 seats. The next building would be a 30,000 square-foot fitness center for aerobics, weight lifting, and sports-related classes and activities. There would be four gym floors with a capacity of 150 seats. There would be one multi-purpose indoor field (32,000 square feet) for soccer, lacrosse, sports and agility training, or possibly a third ice rink. The field could also be used for indoor graduations and indoor events. The City also had a need for large banquet rooms. Two large meeting rooms that would hold 300-400 people were planned for City events, churches, or club events. The last component included a 425-seat performing arts auditorium. The facility would be built on the front 19 acres. The rear 14 acres were wetlands that could be dedicated to walking trails or running tracks. Room was allotted for a fire station in the front of the property. The entire project would cost approximately $20 million. They had been asked to come back with a better solution than a one mill increase in the property taxes.

Halbert continued that the plans had not been scaled down, but they now proposed it be built in phases. Over the last six weeks, numerous meetings were held. One proposal was to phase the project. Phase 1 would include 76,000 square feet for two ice rinks and 10,000 square feet of the original proposed 30,000 square-foot fitness center, which was almost half of the building size. They would build half the building for a quarter of the price. Phase 2 included the remaining 20,000 square feet of the fitness center, the gymnasium, and the multi-purpose meeting rooms. Phase 2 also included completion of the site work and the nature trails on the back portion of the property. The last phase included the performing arts center. Halbert explained that the ice rinks and the fitness center were planned as public-private ventures, and the income structure would be figured out later. In the future, Halbert said they were looking at charging rent for the use of the facilities to help offset the cost, if it could be done according to City policy. He said additional income could also be derived from ancillary uses such as a coffee shop, restaurant, or retail use.

Bill Foley, who noted that he had served on the City's Planning Commission, said the site was part of the original plan for the Baseball Soccer Complex. The plan for the facility took advantage of the 14 acres in the floodplain. It was a wonderful area that would be preserved. There was a 43-foot drop in the topography from Highway 74 to Line Creek. He went over the plan. From a logical design standpoint, they had planned the entire tract for future needs. The City's long-term plan had always been to study ways to consolidate the children, the traffic, and to consolidate recreation into one area. The phased plan would allow that type of flow. The building plan would benefit the existing areas and would keep the building scale down to something that would work economically and with little impact on Highway 74 and the rest of the City.

Logsdon clarified that this would have an average impact of about $25 per year on the average house ($250,000). Thompson said that was correct.

Plunkett said the amount that the millage rate would need to be raised would be spelled out on the ballot. Meeker said the referendum had to reflect the most accurate presentation of the debt. Plunkett said it would then be up to the proponents to convey that cost to the voters. City Manager Bernard McMullen clarified that the way the resolution was crafted, if the referendum passed, Council would be required to approve the long-term leases prior to issuing the bond, which would ensure that the City's costs would be covered. Meeker added that it would also be in the notice that had to appear in the newspaper. Council would have to comply with that before any bonds were issued.

Logsdon said putting the question on the ballot this year could create a hardship because one precinct was divided. Those residents would have to go to the County polling place to vote in the general election, then go to the polling place used for municipal elections to vote on the referendum. He said an ice rink had never been in the Recreation Master Plan. He acknowledged that Thompson had done a good job of coordinating the project and generating local support. However, moving forward with the bond would, in effect, be a change to the thought process on the City's Recreation Master Plan.

Haddix said he found the idea intriguing, but had concerns about the scale. The appropriate vote for acceptance or denial did not reside with Council, but with the people. Meeker clarified that Council could not take an active role either in favor of or against the referendum. Council could only vote to put the issue up for a vote.

Plunkett said that there were some associated costs with the election, and she would not want the taxpayers to cover that cost. Tyler said she checked with the County Elections Office, and they did not anticipate any additional staffing would be needed, so there would not be an incremental cost for them to staff the election or run the polls. The primary cost would be advertising the election as required by law and registering any committees. Tyler estimated the cost at less than $1,000. Thompson indicated he would cover those costs.

Boone moved to approve the bond resolution for a multi-use sports and community complex subject to Mr. Thompson covering the cost of the referendum up to $1,500. Haddix seconded.

Lynda Wojcik said she thought an ice rink was a wonderful idea, but she had concerns about the City going into the ice rink and gym business. The property was zoned Open Space. She was also concerned about the loss of green space. It would be better to take the project to the County, locate it in the center of the County, and let the whole County pay for it. It would decrease the per-home cost and benefit the whole County.

Juan Matute said he was in favor of the concept, but in the past, the City had been stung in building and operating sports complexes. He said the details on how it would be operated and administered needed to be presented to the voters.

Richard Spain asked Council if they fully understood the financial risks to the City. A private organization could probably do it better. If the margins were not there for a private organization to make a profit, then the City could be left holding the bag.

Matt McMahan of the Youth Council Serving Fayette County asked Council to delay voting because the Youth Council was working on a similar project in the hopes of a 2009 bond, and he felt Council needed that information.

John Barson said he liked the idea, but was unsure about the City getting into it. The only people putting money into it would be the citizens. The life span of these facilities only seemed to be eight to 10 years. If it was that great of a revenue generator, the private sector should be able to do the project on its own.

Phyllis Aguayo said she was concerned about the loss of open space. The City would be stuck with the debt if the project was not successful, and she questioned whether the costs reflected the inflation that would impact operating the facility through the years, not just to start the facility.

Harry McIntyre said he thought it was a good idea, but felt the proposers should look for their capital from some other source than the City. He felt the City should not be putting this out to the voters before the proposers had investigated other sources of capital.

Plunkett asked if the proposed numbers included operating costs. McMullen reviewed the numbers staff had put together, which included the estimated construction costs based on conversations with an architect for similar facilities, estimated utility costs based on the average per square foot for existing City facilities, and estimated annual maintenance costs. The latter two were based on the current costs for operating similar facilities, and McMullen said the lessee would be responsible for the majority of those costs. The estimate also included the increased liability insurance and an annualized amount reflecting future structural repairs. The estimated annual operating cost was $733,000. The estimated total construction cost was $9.7 million in a 20-year bond at five percent, but the City had gotten better interest rates lately. The estimated annual expense was $1,531,000. When the rent and utility costs were subtracted from the annual expense, it left the City with $505,000 (0.267 mills) for which it was responsible. Plunkett said the City would be responsible for the entire $1.5 million amount if the lessees walked away. McMullen said that was the rationale for having acceptable long-term leases prior to the bond issuance. The costs could go down if the City got a better interest rate on the bond and the tax digest grew. Thompson said that, conservatively, there should be a $1.6 million to $2.4 million impact to the community annually based on the tournaments. The tournaments would generate additional hotel/motel taxes that would be paid to the City. Plunkett said additional money would come into the City to offset the $505,000 the City would be responsible for.

Thompson clarified that the money for the Fitness Center would be recouped by fees charged to use it. The citizens would pay a little for the ice arena, which would be returned by the economic impact. Halbert said they met with the Fayette County Recreation Commission, and they would like the facility located in the middle of the County, but did not have the funds to build it. He added that the topography of the property fit the project and was not conducive to large fields.

Logsdon said the vote had to be taken that evening to have it on the November ballot, or it would need to be postponed until 2009. Meeker said the resolution had to be sent to the Department of Justice for pre-clearance and had a 60-day submission requirement. Tyler pointed out that the County Board of Elections had a deadline of August 5.

The motion carried unanimously.

A short break was called at 9:20 p.m. After the break, Council moved Agenda Item 06-08-09 Public Hearing – Consider Request to Re-name Peachtree Crossings East to Dan Lakly Drive.

06-08-09 Public Hearing – Consider Request to Re-name Peachtree Crossings East to Dan Lakly Drive

Russell Hudson addressed Council and asked them to consider the change in the street name. The request was submitted in December, but it took some time to get corporate approval from some of the property owners. The request was to change the name of Crossings East to Dan Lakly Drive in honor of the late Dan Lakly, who had served as a City Council Member, County Commissioner, and several terms as the State Representative for District 72. The required maps and fees had been submitted.

Ben Alston, owner of McDonald's, spoke in favor of the name change. He noted that, based on what he knew, Dan Lakly had been in public service most of his adult life. It was fitting to change the name of the street.

Ed Vaughn asked Council to consider the name change. He continued that Lakly had done a lot for the City as a member of City Council, the County Commission, and the Legislature.

Rast explained that Crossings East was a short access street that went into a private drive at the Peachtree Crossing retail center. Fayette County's E-911 office had been contacted and had no issue with the name change. The property owners of the surrounding right-of-way had also been notified and had no issues. The application met all the criteria in the ordinance.

Penny Stalder said Lakly and her husband had served on the City Council at the same time. Right now, no one knew where Crossings East was located, but they would when the name changed to Dan Lakly Drive.

Dave Lakly thanked everyone who had worked on the request. He said changing the street name would be a great honor to his father, who loved the community very much.

Phyllis Aguayo said Lakly had served the City and the County for a long time. She had enjoyed debating issues with him and had no problem changing the street name.

No one spoke against the request.

Plunkett moved to approve the request to change the name of Peachtree Crossings East to Dan Lakly Drive. Boone seconded. The motion carried unanimously.

06-08-02 Public Hearing – Consider Lifting Multi-family Housing Moratorium – Wieland's 89-acre Tract

Planning Commissioner Marty Mullin spoke on behalf of the City's task force on the use of the 89-acre tract. The current zoning for the tract was GI General Industrial, and the task force had looked at the effect that industrial zoning would have on the residentially-zoned areas adjacent to it. Industrial zoning would not work for the property. Office Institutional (OI) was a good use, but would be isolated from the City's main artery. By default, the task force recommended residential zoning for the tract. He continued that Wieland had presented a plan that would complement the existing village. Two public charettes were held, and input was taken from many citizens that recommended multiple building types, not just single-family homes.

Mullin continued that the task force had also looked at the property located to the north of the 89-acre tract, which was an ideal location for Atlanta Christian College. Wieland had presented a plan that had gone beyond the typical single-family plan. There would be a variety of housing that defined a community. There would be open space and walkability. Two things that came out of the task force were the desire for quality and variety. The consensus of the task force was to recommend residential zoning, but the plan had to be looked at in detail, which could not be done without lifting the multi-family moratorium.

Phyllis Aguayo, a member of the 89-acre task force, said she vehemently disagreed with the conclusion reached by the group. She had missed the last two meetings. The tract was located between Highway 74, the railroad tracks, and a power line. The traffic in the area would increase tremendously with the building in Wilksmoor Village. The West Village already had a full complement of multi-family housing and retail. Wieland's plan would look nice, but the area was over quota on multi-family housing. Offices were allowed in GI zoning and would be the best use with everything already in the area. The majority of City residents were not in favor of more high density and multi-family housing.

Logsdon asked how many served on the task force, and who was in favor of residential zoning for the tract. Plunkett said nine to 10 people served on the task force, and nine were in favor of looking at residential zoning. Only five to six people attended the last meeting when the vote was taken. Logsdon and Plunkett agreed that the members represented a good cross-section.

Dan Fields of John Wieland Homes & Neighborhoods, also a member of the 89-acre task force, read the list of uses that were currently allowed on the tract. The task force solicited input from the public at two events, and the people suggested multi-family zoning. The plan included 58 condominiums because someone had asked for them. The task force spent 12 months working on and looking at the zoning. Everyone on the task force knew when the vote would be taken. Everyone, with the exception of Aguayo, unanimously approved the slides that had been shown. He asked Council to lift the multi-family moratorium. Fields pointed that, by lifting the moratorium, Council was not approving the zoning, but was allowing his company to discuss multi-family zoning with the City to decide whether it was appropriate. As the move of Atlanta Christian College was anticipated and its housing needs were considered, he wanted to work together to make something special that included a multi-generation of citizens.

Aguayo reiterated that she was not in favor of light industrial zoning, but favored OI.

Mark Hollums, a member of the 89-acre task force, the Atlanta Christian College task force, and the Development Authority of Peachtree City (DAPC), said the multi-family component was an important part of the proposal for Atlanta Christian College. There needed to be some discussion with legal counsel on how it could be done. Meeker pointed out that the City currently did not have any zoning for an educational facility, and the wording would have to be crafted from scratch. Student housing on campus went hand-in-hand with the zoning. Hollums stated that the process to add the college zoning would take the City six to eight weeks. Meeker verified that it would take about that length of time. Hollums pointed out that the City had to make its presentation to Atlanta Christian College in five to six weeks. Not having the required zoning or enough multi-family housing in place could kill it. With an enrollment of 400 students, Atlanta Christian College had contributed $16 million to the local economy in 2003, according to the Georgia Foundation of Independent Colleges. Hollums added that Atlanta Christian College planned to expand from 400 to 1,200 students. For comparison, LaGrange College, which had 1,200 students, put $40 million into the economy of the surrounding area.

Richard Spain said the moratorium had been re-affirmed not too long ago. Now that there was a plan, there was an issue on whether to lift it or not.

Lynda Wojcik was against lifting the moratorium. She said Wieland knew the property was industrially zoned when he bought it, and there had already been a request to lift the moratorium for the property. She did not see any real meat to the proposal to lift the moratorium. Before the moratorium was lifted, the City needed to know exactly what it would be looking at.

Juan Matute said the City was a good community with a supposedly nice master plan. He questioned why everyone wanted to come in and change the zoning and master plan. The City would lose its most attractive qualities.

Beth Pullias said the moratorium and Atlanta Christian College were separate issues. There were enough homes in the original annexation to fill an elementary school, and there was not a school site on the map. The zoning would have to be amended for a college regardless. To even consider lifting the moratorium for more homes, there had better be a school site. Plunkett noted that the school site was already in the City, which was why it was not shown on the map. Pullias asked what would happen with the school site in 2009. Logsdon said it reverted to open space. Meeker said that, under the conditions of the approval, the school site either stayed a school site or reverted to open space. Fields said the property reserved for the school would revert back to John Wieland Homes for open space. Logsdon said that property was an issue between the Board of Education and Wieland.

Rich Granger said there had to be some rationale for Council putting the moratorium into place. There had been no discussion on what had changed since the moratorium was put into effect. Mullin noted that the moratorium had to be lifted to discuss anything. Lifting the moratorium was not an approval for multi-family housing. The task force had helped rudder the request. The City needed to look at the plan, then assess whether to approve it or not. Granger said he did not disagree, but asked again what had changed. Plunkett said the change was 12 months of work by the task force with input from approximately 250 people who indicated that residential was the best use for the property, with multi-family zoning being a component of it.

Boone said that staff could not look at anything and Atlanta Christian College could not even entertain part of the plan without lifting the moratorium. The checks and balances were in place. The Planning Commission could recommend total approval, but Council could turn it down. The safeguards were built in, but before any plan could be looked at, it had to go to staff.

Haddix said the arguments were getting all mixed up. Dormitories would be part of the school. There was not any school property proposed for the 89 acres, so it was a moot issue. He would rather see the school and the housing on the Scarbrough property, so everything would be on the same side of the road. He felt the City had a five-year inventory of empty homes, and the school system lost 248 students to date in enrollment. It would be at least two years before the economy turned around, and longer for the housing industry to turn around. There was no justification for lifting the moratorium other than to let Wieland build homes for profit.

Sturbaum clarified that the zoning to allow the college or an educational facility would have to be created. Meeker said that was correct. He added that there had to be something on the books to allow a dorm facility, but the multi-family moratorium would not have to be lifted to allow that discussion. He compared the use to the SANY project, which was approved a year ago. There had to be some wording crafted into the industrial zoning to allow what SANY proposed. Meeker said he and Rast had e-mailed each other regarding what had to be done to accommodate the educational zoning. The moratorium would not have to be lifted to do it.

Logsdon noted that Council had put the task force together, and the majority of the task force was in favor of changing the zoning to residential. Wieland had taken it a step further by including multi-family in it. Logsdon did not think condominiums would work, but he was willing to look at a plan. The task force was put together to look at the 89 acres and had stretched it to include the college. He was willing to take the recommendation of the task force and allow staff to participate in the discussion. Lifting the moratorium did not mean anything could be built.

Haddix said that, based on some feedback he received from a task force member, the 89 acres had included the college. Mullin said that was true. Haddix said if the college was not put on the 89 acres, then it rendered a change to the task force's recommendation to lift the moratorium. Fields said the task force had two motions, and there were two issues. The task force wanted a complete Wilksmoor Village thought, so a sense of place was created beyond the 89 acres. They also considered the land to the north of the parcel and made a recommendation beyond their scope. Plunkett said the task force considered the 89 acres as a support mechanism for the college. There had been no discussion on dormitories. Not all students would live in dorms, so some student-type of housing was needed that would complement a college. People who spoke to the task force were open to those thoughts.

Haddix said the multi-family component of the residential zoning hinged on getting the college first. Lifting the moratorium would be a moot issue if the City did not get the school. Mullin agreed there were two issues. The task force supported a variety of housing – townhouses, single-family, and live/work. The college did come into the equation, but it was the concept of community that brought about the recommendation. Haddix reiterated that there was no need to lift the moratorium until there was a need for the housing.

Plunkett said that, based on what she heard during the task force, a North Cove-type of environment was needed, including single-family homes as well as town homes. Condos would not fly unless Atlanta Christian College came in and begged for them. She stressed to Fields that less was better. If the moratorium were lifted, the City would continue to work with the college to see what they needed as part of the project. The City should also look at ensuring that at least 20 acres would be set aside and designated to the City, if necessary, as open space with the potential to meet education needs of the families living in Wilksmoor, whether it was an elementary school, a charter school, or a college.

Plunkett moved to lift the moratorium for the Planning Commission to have the opportunity to talk about all the issues she had raised and find out whether those things were possible. Boone seconded. The motion carried 3 (Boone, Logsdon, Plunkett)-2 (Haddix, Sturbaum).

<u>New Agenda Items</u>

07-08-01 Discuss Development Authority of Peachtree City Funding for FY 2009

Logsdon noted that the City funded the Development Authority of Peachtree City (DAPC) with $35,000 a year. The DAPC currently had $48,000 in the bank, projected to be $42,500 by the end of the year. The City was facing a revenue shortfall. He did not want to do away with funding altogether, just for 2009 and maybe 2010, based on the track record. The DAPC funding had to be shown separately in the budget as a millage item, so cutting the funding would be shown as a millage decrease. Finance Director Paul Salvatore clarified that the budget had to show how much funding was identified for the DAPC, approximately 0.02 mills. Logsdon said it was not a slap at the DAPC at all, but Council had to be realistic with the tax dollars of the citizens.

Boone moved to roll back the FY 2009 funding of $35,000 for the DAPC into the General Fund. The motion died for lack of a second.

Todd Strickland, the DAPC chair, addressed Council, acknowledging the economy was in the midst of dire straits. The DAPC would do what needed to be done to serve the City. There was a difference between trimming the fat and making tough financial decisions, and the DAPC was not the fat. The board had been asked to proactively look at areas for re-development and development. The first project had been Lexington Circle, a small-scale project, and the DAPC spent $12,500. Next was the Huddleston Road project, which included working with the Planning Department to define the scope for how the area might re-develop. The cost for phase one of that project was $60,000, which would augment the vision for the area, and it was a medium-sized project. Atlanta Christian College would be a good benefit to the City. They were drafting legal documents with an attorney making close to $500 an hour. Strickland continued that the DAPC was very frugal. The fact that the money had not been spent did not mean it was not needed. They were reserving funds for the opportunity for a big project. They were doing the best they could for the City. They appreciated Council's support.

Logsdon said he had never suggested not funding the DAPC. If the opportunity for a big project came along and funding was needed, Council would support it. Having $78,000 in the bank and not using it was not a good use of the taxpayers' money. He only wanted to suspend the money for this year and maybe next year. If a big project came up, they would put up the money. Strickland asked if they could get the funds without a lot of process. Logsdon said it could come from Council Contingency, as well as other places. The Council also needed to get an annual report from the DAPC, so they could see how the funds were spent.

Sturbaum noted that he had attended some DAPC meetings, and they had a lot of projects now that they had some direction. An organic restaurant had contacted the DAPC. They had also talked about status reports, so Council would know the board's objectives. Strickland said they had discussed a better mechanism for communication, and it was something they could do. Plunkett clarified that Council had heard from the DAPC through workshops and forums, which was a different mechanism. Strickland said it would be easy to rectify, and Council should let them know what they wanted. Plunkett said she wanted to hear from all the boards on a regular basis.

Sturbaum agreed with Strickland that the DAPC should be a good steward of their money, but he did not want to remove any incentive for the board to continue their work. Logsdon said he was not trying to send a message; he just wanted to make the best use of the money. Boone agreed with the Mayor that the DAPC could come to Council if they needed additional funding. Plunkett noted that some people the DAPC worked with on projects might not want the information to become public, which could be an issue if the DAPC had to come to Council for funding. Logsdon disagreed. If the DAPC spent their money and needed more, they could ask Council for the funding without an explanation.

Haddix noted that Council had discussed the message that would be sent when a commercial building moratorium had been suggested earlier in the year so the City could work on tightening its ordinances. He asked what message cutting DAPC funding would send to the businesses the City wanted to come to the City.

Plunkett asked McMullen if all the departments and boards were directed to ask for less. McMullen said the departments were not given a specific amount. Each line item had been looked at to determine its necessity. Plunkett asked if the budget was less. McMullen said the FY 2008 budget had been reduced by $1 million. Salvatore added that the proposed FY 2009 budget was four percent less than what had been projected earlier.

Haddix said the DAPC was starting to move forward and make contacts. Their costs were going up. Strickland added that the members were starting to attend round tables and were more involved with the Fayette County Development Authority. Costs were increasing. Logsdon asked if the funding needed to be bumped up. Haddix said they should nibble down the reserved funds before increasing the funding. Strickland said he did not want to be penny-wise and pound foolish, but the City's message should be that it supported economic development. It was as though they were being penalized for not spending the money. Logsdon said he knew the DAPC would spend more money and that they had been frugal. He asked if the DAPC could do without funding for a year so there would be a small impact on the City's budget. It was a good time to do it. Haddix said the DAPC should have the same opportunity as others. If their house was not in order next year, then the City would not provide funding.

Boone moved to withhold $35,000 for the DAPC for FY 2009, and if they needed more money, the DAPC would come to Council. Logsdon seconded. The motion was defeated 2(Logsdon, Boone) to 3 (Haddix, Plunkett, Sturbaum).

07-08-02 Public Hearing – FY 2009 Budget

A copy of the PowerPoint presentation is included in the official meeting file. Salvatore noted the public hearing was required by law. The budget was scheduled for adoption at the August 7 Council meeting. He briefly went over the proposed FY 2009 budget. The estimated total of General Fund revenues was $27,481,691. The total of General Fund appropriations was $27,481,691. The millage rate would remain the same at 5.533 mills. A 1.5 mill increase was projected for FY 2010, and Salvatore said the challenge would be to get that number down.

The challenges for FY 2009 and the future included the Local Option Sales Tax (LOST). Salvatore said that, at budget preparation time last year, the FY 2009 LOST revenue had been estimated at $8,077,103. The current LOST revenue estimate for FY 2009 was $7,024,351, or

$1,052,752 less. The estimates for future years were also less than expected. Property taxes would also be a challenge, according to Salvatore. Almost all the increase in the digest was from new growth, with hardly any from revaluation of existing property. Revaluations were not expected to increase significantly, if at all, in the near future. Investment income would be a challenge because both interest rates and cash reserve levels had dropped considerably, thus reducing investment income projections ($64,000 this year). Building permit revenues had been coming in more slowly than expected due to the slump in the housing industry. Salvatore was not sure when it would pick up. Salvatore continued that the City had relied heavily upon use of one-time revenues to balance the budget. The projection was that over $1 million in cash reserves would be needed to balance the General Fund operating budget for FY 2008 and approximately $1.8 million would be used in FY 2009. The City needed to decrease reliance upon use of cash reserves in order to maintain adequate fund balance levels in the future.

Salvatore continued with departmental requests, noting the original departmental budget would have required the use of the fund balance in the amount of $5,005,165. The City Manager had reduced the projected use of the fund balance for FY 2009 to under $1.3 million. The proposed FY 2009 departmental operating budget was over $1 million less than projected at this time last year. The requests had included 10 full-time and two part-time new positions that were not included in the proposed budget. The departments developed a prioritized list of items that were cut from their requests, and the priority list totaled over $1.4 million. The top six priorities included firefighter/sergeant (three, one per shift), salary and benefits, $168,228 (0.099 mill); Police Department staff assistant, salary and benefits, $42,314 (0.023 mill); Leisure Services staff assistant, part-time to full-time at The Gathering Place, salary and benefits, $26,678 (0.015 mill); Public Works, replace six F-250 compressed natural gas vehicles, debt service cost-net of savings, $18,047 (0.010 mill); Developmental Services, ASLA convention, $2,000 (0.001 mill), and Administrative Services, part-time staff assistant for Human Resources, salary and benefits, $15,721 (0.009 mill). The top six priority list totaled $272,988 (0.16 mill).

Salvatore continued that the departments had requested Public Improvement Program (PIP) funds totaling over $4.2 million. The City Manager's proposed PIP totaled $1,856,862. The original FY 2009 proposed operating budget for the Stormwater Utility totaled $1,348,291, including adequate cash flow to meet the stormwater bond covenants. Numerous capital projects were already underway or had been completed.

Collections for the current Special Local Option Sales Tax (SPLOST) began in April 2005 and were due to end after March 2010. The current estimated cost of all SPLOST projects exceeded $15.6 million. Approximately $11 million of the funding would come from SPLOST and the rest from grants.

Salvatore noted that the hotel/motel tax was doing better this year than projected. The projection had been for a two percent increase, but the actual increase was four percent. The estimated hotel/motel tax revenue for FY 2009 was $1,012,621 (two percent growth over FY 2008). Two-thirds ($678,081) would go to the Peachtree City Tourism Association (PTCA) to fund tourism-related activities, and one-third ($337,570) would go to the City. The Peachtree City Airport Authority currently received 20% of the PCTA's share.

Plunkett noted that the Library was included as part of the Culture & Recreation portion of the City's budget. She referred to the pie chart in the presentation that showed the breakdown of the budget by percentage, and asked Salvatore if the Library could be broken out of Culture & Recreation, which was 18% of the proposed budget. Salvatore said that could be done. Plunkett said that when people saw 18% for recreation, they thought the soccer fields cost as much as the Police Department, which was not true.

At approximately 10:47 p.m., Plunkett moved to extend the meeting past the 11:00 p.m. deadline. Boone seconded. The motion carried unanimously.

The public hearing opened.

Tim Lydell noted the irony in Council approving a bond referendum and discussing the budget at the same meeting. He encouraged Council to form a budget task force, which he volunteered to be part of. Although the budget was good, Lydell said each building and function should be looked at every time. Council should thoroughly analyze all elements of what made the City function, involve the citizens, and ask hard questions. Lack of action would lead to problems.

Al Yougel said he had been the only person to attend the budget workshops, and he only saw one thing that he questioned. The citizens should attend the workshops and meetings to learn the process. The citizens had to meet Council and the City part way. The process was better than Lydell thought.

Logsdon agreed that the budgeting process was excruciating and questioned whether Council had the political courage to do away with some things. Lydell said part of the methodology was to have citizen input. Budgeting was a process to get a baseline of what money the City had and what it should be spending.

Lynda Wojcik said she had attended one budget workshop, and there had been no public input. She suggested that Council add 20 minutes at the end of budget workshops for citizens to ask questions or address things that came up during the workshop. She had spoken with many of her neighbors, and they had no problem with a tax increase to fund more police officers and to help get good people for the Police Department. She asked Council to seriously look at the possibility the next fiscal year. She suggested putting the question on the ballot.

Plunkett pointed out that the Police Department had not requested an increase in pay for FY 2009. They had looked at where they were and what was needed, which was more people. Those positions were at the top of the priority list.

The public hearing closed. A vote was not required at this meeting.

07-08-03 Consider Revisions to CAR 3-8 Computer Systems Use by City Employees & Elected Officials

Plunkett moved to approve the revisions to CAR 3-8 Computer Systems Use by City Employees & Elected Officials. Haddix seconded. The motion carried unanimously.

07-08-04 Consider Natural Gas Agreement

Logsdon noted there was an additional item on the dais – a memo dated July 15, 2008, with the subject, "Natural Gas and Compressed Natural Gas Provider." Plunkett moved to approve entering into the natural gas agreement with Coweta-Fayette EMC. Boone seconded. The motion carried unanimously.

07-08-05 Consider Official Intent Resolution to Finance City Hall & P.D. Renovations
Salvatore noted this was a housekeeping item. Plunkett moved to adopt the official intent resolution to finance the City Hall and Police Department renovations. Boone seconded. The motion carried unanimously.

Council/Staff Topics

Update on Plans for 50th Anniversary Festivities
Leisure Services Director Randy Gaddo noted that Council had approved the logo. They were looking at ways to use the logo and at requests from different groups to use it. The Friends of the Library had started the history book and hoped to have it available by April 2009. The golf cart record had been put on hold until 2009 due to time and other problems. The Dragon Boat races were scheduled for September 27. They had also contracted with Thomas Burns, who designed the Tour de Georgia posters, was working on a poster for the 50th anniversary. Other activities included a 1959 band concert at The Fred.

Update on Keep Peachtree City Beautiful
Keep Peachtree City Beautiful Director Al Yougel reported that the non-profit corporation had been formed. The application for 501(c)3 status was sent to the Internal Revenue Service in June. The application to Keep America Beautiful was completed. On August 6, the kick-off workshop to become a Keep America Beautiful affiliate was scheduled.

Plunkett asked that an update on the Trane performance agreement be given at the next Council meeting.

Boone moved to convene in executive session for threatened or pending litigation and a personnel matter at 11:18 p.m. Haddix seconded. The motion carried unanimously.

Plunkett moved to reconvene in regular session at 11:30 p.m. Sturbaum seconded. The motion carried unanimously.

Plunkett moved to not oppose the Motions to Intervene filed by Wieland and Scarbrough in the Worley case. Sturbaum seconded. The motion carried unanimously.

Sturbaum moved to authorize the City Attorney to resolve the Cahill matter as per the terms discussed in executive session. Boone seconded. The motion carried unanimously.

There being no further business to discuss, Sturbaum moved to adjourn. Haddix seconded the motion. The motion carried unanimously. The meeting adjourned at 11:34 p.m.

Pamela Dufresne
Pamela Dufresne, Deputy City Clerk

Harold K Logsdon
Harold K. Logsdon, Mayor