

City Council of Peachtree City
Minutes of Meeting
July 15, 1999
7:00 p.m.

The City Council of Peachtree City met in a regular session, Thursday, July 15, 1999, at 7:00 p.m. in the City Hall Council Chambers. Mayor Robert L. Lenox led those attending in the pledge of allegiance. Other Council members present were: Annie McMenamin, Carol Fritz and Jim Pace. Bob Brooks was absent.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox presented the Employee of the Month Award to Rosanna Dove. Mayor Lenox presented the Supervisor of the Quarter Award to David Lamb. Mayor Lenox and Randy Gaddo presented the Independence Day Parade Awards. Mayor Lenox recognized Bernard Lannan for his service on the Library Commission. Mayor Lenox recognized Linda Walton for her service on the Peachtree City Beautification Committee.

MINUTES

McMenamin made a motion to approve the minutes of July 1, 1999, as presented. Pace seconded the motion. Motion carried unanimously.

OLD AGENDA ITEMS

There were no old agenda items.

NEW AGENDA ITEMS

07-99-08 Public Hearing – Consider Rezoning – Palmer/Hyde Property, Stagecoach Road

Mayor Lenox read the rules for conducting a public hearing and gave each side 20 minutes to present its case. He asked to hear from the applicant first. George Rosenswieg, attorney for the applicants, addressed Council. He said the Planning Commission had recommended approval of the rezoning application with conditions. He said his clients agreed to all of the Planning Commission's recommended conditions, but suggested that, instead of limiting the project to 12 lots, it be limited to no more than 12 lots.

Jim Williams, Director of Developmental Services, spoke in favor of the rezoning and explained the conditions recommended by the Planning Commission. In his position paper to Council, he explained that Mr. Mike Hyde and Ms. Katherine Palmer owned a 31.75-acre tract at the end of Carriage Lane, currently zoned ER, Estate Residential. They desired to rezone the tract to LUR, Limited Use Residential for 12 single-family, detached residential lots. Williams said the property had been involved in litigation for several years and the rezoning proposal was an attempt to resolve and settle the litigation.

Facts:

1. The rezoning proposal called for Carriage Lane to be extended to serve 11 additional lots, which would range in size from 2.48 acres to 3.12 acres.

2. The plan had a twelfth lot of one acre, which fronted on Old Stagecoach Road. It was between two other lots of about one acre, which already had houses on them and front on Old Stagecoach Road.
3. The plan had a cart path easement from the extension of Carriage Lane to Old Stagecoach Road. It was proposed that the developer would install the path to Old Stagecoach Road, but someone else would be responsible for extending it down Old Stagecoach Road to the existing path on Robinson Road.
4. The City was currently planning to extend the existing path on Robinson Road to Carriage Lane parallel to the GA 54 right-of-way. The proposed path would provide adequate access to the proposed subdivision.
5. The Planning Commission, at its meeting on June 28, 1999, voted 3 to 1 to recommend approval of the proposed rezoning with the conditions suggested by the staff as outlined below:

Planning Commission Recommendations:

1. Lot 12 should be eliminated and the area added to Lot 11. It did not seem wise to put another lot onto Old Stagecoach Road, especially a one-acre lot. It would constitute an expansion of an already bad situation.
2. The subdivision must be tied into the path system at one or both of the proposed locations prior to the occupancy of the first home in the subdivision.
3. The extension of Carriage Lane must be done to existing City street standards for a low-density public street. The name of the street must be the same from GA 54 to the end of the proposed new cul-de-sac. It should not be changed midway as proposed.
4. The Health Department must review and approve all lots in the subdivision prior to approval of the concept plat by the Planning Commission.

Hearing no one else speak in favor of the rezoning, Lenox asked to hear from those opposing.

Ronnie Raney addressed Council and said he owned the property on Carriage Lane that was located at the end of the current cul-de-sac. He asked Council to allow the applicants to have access to their property from Stagecoach Road instead of Carriage Lane. Raney felt that Hyde was getting special consideration because he had filed a lawsuit. Raney said that if the rezoning were approved, he would also file suit.

Mr. Haynes addressed Council and said that no one had informed him about the Planning Commission meeting that was held on June 28. He was also opposed to the extension of Carriage Lane. He said he had lived there for 32 years and he felt the extension would greatly affect the quality of his life. He was not opposed to the rezoning, or the development. He asked that the development be accessed through Stagecoach Road. He felt Hyde was entitled to profit from his land, but not at the expense of others. He provided Council with a sketch of the development to show his proposal for better access to the property.

Kelly Raney addressed Council. She was also opposed to the extension of Carriage Lane. She said she and her husband had searched long and hard to find an appropriate home for their family of three

— children, which was located at the end of a cul-de-sac. She said she knew there was an easement on the property for a driveway access, but she never had any idea that the cul-de-sac would be eliminated to allow the road to be continued. Raney was also concerned about the drainage problems that were already in existence in the area. She felt that further development would only worsen the problem.

Barry Builder addressed Council and said he was not opposed to the rezoning, but wanted to point out that he had heard the comment that this was the “best plan, yet.” He felt that the City and Hyde were “sick-and-tired” of the issue and did not want to continue negotiations. He felt a compromise was when someone won something and someone else lost something. Builder said he felt a developer could put together a plan for 12 lots that could be accessed from Stagecoach Road, rather than affect the residents who live on Carriage Lane.

Linda Manwaring addressed Council. He said she lived on Stagecoach Road and felt that access to the development should be through Stagecoach Road because it would affect fewer people. She asked if she would be responsible for paying any portion of the expense to pave Stagecoach Road, if it were to be paved.

Hearing no one else speak in opposition to the rezoning, Lenox asked if there were any questions. Hearing none, he called the hearing to a close and opened the floor for Council debate.

— Lenox felt that any development on the property would be unacceptable to anyone who lived in the area. He said he had once made the comment “be careful what you wish for, you may get it.” He said the plan that was presented that night was a result of many meetings and discussions to address the concerns of the residents in the area. He said the original plan had 32 lots, and it now had 12 lots. He admitted he was tired of the issue, but he disagreed with the comment that was made about compromises. He felt that a compromise meant that both sides won something and both sides lost something.

Fritz asked if the development could be accessed from Stagecoach Road, and if so, would Mrs. Manwaring be responsible for paying for a portion of paving the road. Lenox said that if the road reached Mrs. Manwaring’s home, she would be responsible for paying half the cost of the length of the road in front of her property. Lenox explained that access to the development had to be from Carriage Lane, because it would be much too expensive to pave Stagecoach Road. He explained that, for the developer to bare the cost of paving Stagecoach Road, he would need to develop 25 homes instead of 12. He said that the City could not use tax payer’s money to develop a road for the benefit of a private developer because the tax money belonged to everyone in the City. He said the City had to operate within tight constraints of what it could and could not pay for. He said while no one was happy with the proposal, he felt it was the best possible compromise.

McMenamin said she was not tired of the issue. She said that was not a reason to give up, but she felt there was no way to win. She said she did not rush into her decision to support the rezoning. She had studied the issue and thought long and hard about it.

— Pace said that the cars would still have to access the development, but he suggested that something could be done to the entrance, so that the existing cul-de-sac would not be as greatly affected. He suggested a round-a-bout or landscaped island.

Fritz was concerned about the drainage problem and said she had not been aware of it. Lenox said he

— did not address the issue with Council previously because he felt it was staff's responsibility to make sure that the proposed development did not create more drainage problems. He felt that if there were an opportunity to improve the problem with the development, staff would do it in the normal course of events. Lenox said the development should not be allowed to make the drainage problem worse. Fritz said she felt that the problem needed to be addressed and improved. Basinger felt the drainage problem came from a power easement and that the City could not spend funds to correct the problem on private property. Basinger also said that the City had addressed the drainage problem on its property by replacing a drainage pipe with a larger pipe. Ms. Ranes and Mr. Haynes said the pipe had never been replaced and it was crushed. Ranes also said that some time ago, concrete culverts had washed up onto her property because of flooding. She said she had contacted the City and had written a letter to the County, but had been told that she did not have a drainage problem. Basinger said that he would have staff inspect the drainage pipe and repair or replace it, if necessary. Pace asked Basinger ensure that the concrete culverts were removed from the Ranes's property as well.

Fritz asked if the development could be accessed from Stagecoach Road if the City did not require the road to be paved. Lenox said the road was in very poor condition and would have to be paved.

— Lenox made a motion to approve the rezoning and development of up to 12 lots, if it substantially conformed to the plan as presented, and with the conditions as recommended by the Planning Commission. He also asked that the applicant try to do something creative with the entrance to the development to help slow traffic and preserve the integrity of the cul-de-sac. McMenemy seconded the motion.

Rosenswieg said his clients agreed to the conditions and felt that it was a good idea to do something to preserve the integrity of the cul-de-sac. He felt it could be landscaped so that it did not look like a cul-de-sac "floating in space". He also said Hyde would look at the drainage situation because it would be an important issue for his development, as well.

Motion carried 3-1 with Fritz opposing.

07-99-09 Revised Recommendation for "Preferred Provider" Solid Waste Collection

— Basinger reminded Council that at the last meeting, on July 1, Council designated United Waste Service as the City's Preferred Provider for solid waste collection service for Peachtree City residents, based on staff's recommendation. He said he believed that during discussion of the item at the meeting some Council members might have been interested in naming United and EPI as Co-Preferred Providers. However, based on his recommendation that Council should follow the City's standard request for proposals, or the RFP process, Council awarded the designation to United, the low bidder. Basinger explained that information had come to light regarding staff's handling of the RFP process prior to the award by Council which could have had an impact on Council's decision. He said the details of the matter were contained in several memos that were presented to Council. In essence, the Purchasing Department accepted the United proposal at 8:00 a.m. on April 28, when in fact the proposal was due by close of business on April 27. He explained the rationale for accepting the late proposal was:

1. The Purchasing Department had addressed and mailed the RFP to All-South Robertson not knowing that this company had been acquired by United. Because Ms. Angel Blalock of United informed the Purchasing staff that they did not receive the RFP package until the day

— before, and because the other proposals received by the Purchasing Department had not been opened, the Purchasing staff decided to accept the proposal.

2. The Purchasing Staff also felt that, while the City was using the standard RFP process for soliciting prices for this service, the expenditure of City dollars were really not involved here. The purpose of this process was simply to get the lowest possible fee for the citizens of Peachtree City. The Purchasing staff readily admits its intent was to use the standard RFP process. The Purchasing staff felt it could exercise some discretion in accepting the proposal from United, the second largest collection company in town, because there was no ordinance governing the process for determining Preferred Providers, the purpose of the process was to obtain the lowest possible fee for the citizens, the expenditure of City dollars was not involved, and the United proposal had been mailed to the wrong company.

Basinger said he and the Assistant City Manager had discussed the situation in detail with the City Attorney, who prepared a legal opinion. Based on his opinion and discussions with him, staff felt the fairest thing to do was to recommend to Council that both United and EPI be designated as Co-Preferred Providers. Basinger said both companies had said that it would be acceptable to them and both have agreed to charge fees submitted in the low proposal. Basinger recommended that should either company indicate that they were opposed to being designated co-providers, Council should authorize staff to disregard all proposals and send out the RFP again.

— Lenox felt it was a good solution. He said he liked the idea of a shared-provider.

McMenamin asked if both companies were in agreement. Representatives from both companies were in attendance and said they agreed to the “co-provider” status.

McMenamin said it was commendable for both companies to agree to the arrangement. She said she had read the original letter that was sent to the providers and it indicated that the City would follow a sealed bid process. She said that even at the Council meeting, they were led to believe it was a sealed bid process, but she would not object if both companies were willing to share the status as “preferred provider.” McMenamin felt the entire process had been mishandled right from the beginning and instructed staff to ensure that the UPDATE included information on both companies. She said the information should include prices, as well as benefits provided to taxpayers through each company’s community contributions.

Pace said he was pleased with the arrangement. Fritz agreed. McMenamin made a motion to name EPI and United Waste as Preferred Providers for solid waste management. Fritz seconded the motion. Motion carried unanimously.

07-99-10 Consider Request for Funding - Huddleston Playground Equipment

— Linda Lambeth, Principal of Huddleston Elementary School, addressed Council and requested funding for playground equipment. Pace made a motion to award a \$5,000 matching grant to the Huddleston Elementary School for playground equipment. McMenamin seconded the motion. Motion carried unanimously.

07-99-11 Consider Implementation of Housing Program Inspector Positions

Williams recommended that Council implement the new Housing Code Program by reclassifying the current Code Enforcement Officer to Senior Code Enforcement Officer, and with the addition of three new Code Enforcement Officers. Staff presented new job descriptions for each of the positions and a supplemental budget to fund the program for the balance of the 1999 fiscal year with unexpended money within the current budget. McMenamin made a motion to approve staff's recommendation. Pace seconded the motion. Motion carried unanimously.

07-99-11 Consider Amendment to Alcoholic Beverage Ordinance

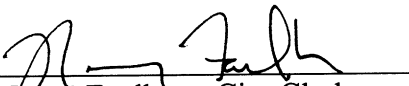
Nancy Faulkner, City Clerk, addressed Council and recommended changes to the Alcoholic Beverage Ordinance. She explained that currently alcoholic beverage license applicants must place two advertisements in the newspaper and have a custom-made sign prepared to be in compliance with the City's notification requirements of the ordinance. In an effort to improve efficiency and promote a higher level of customer service, she proposed to transfer those responsibilities from the applicant to the City Clerk. She also proposed to reduce the advertisement requirement to require only one advertisement at least 15 days prior to the public hearing. She explained this would be more in line with the City's other advertisement requirements and would eliminate confusion. In order to cover the City's cost for the signs and advertising, she proposed that the application fee be raised from \$100 to \$150, which would still result in a net savings to the applicant and ensure that the City's notification requirements are met.

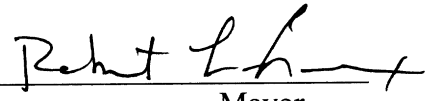
McMenamin made a motion to amend the ordinance as recommended. Pace seconded the motion. Motion carried unanimously.

COUNCIL STAFF TOPICS

Basinger announced that City Council, the Planning Commission, and members of staff had been invited by Cousins Properties to visit their development in east Cobb County. He said the development would be similar to "The Avenues", which would be developed at the corner of Highway 54 / 74. Members of the press were also invited.

Lenox made a motion to adjourn the meeting. Pace seconded the motion. Motion carried unanimously. Meeting adjourned at 10:50 p.m.


Nancy Faulkner, City Clerk

Attest: 
Mayor