

City Council of Peachtree City
Minutes of Meeting
July 1, 1999
7:00 p.m.

The City Council of Peachtree City met in a regular session, Thursday, July 1, 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, Bob Brooks, Carol Fritz and Jim Pace.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox presented 10-year service pins to Richard Bussie and John Dailey.

MINUTES

McMenamin made a motion to adopt the minutes of June 17, 1999, as presented. Pace seconded the motion. Motion carried unanimously.

OLD AGENDA ITEMS

05-99-04 Consider Ordinance – Tree Ordinance

City Manager Jim Basinger said staff had revised the Tree Ordinance and addressed several concerns that Council had expressed at the last meeting. One of the concerns was that the ordinance could have been interpreted to apply to residential streets. Other concerns were with the definitions of the words “public land” and “shrub.” Basinger also presented an amendment to Section 17-1 of the ordinances in order to resolve a conflict with the proposed Tree Ordinance. Basinger said the proposed Tree Ordinance only dealt with the regulating of planting, preserving, and replacing trees and shrubs on public lands. He said private property requirements were included in Article XI of the Land Development Ordinance and were quite extensive.

Basinger explained that the adoption of the ordinance was a requirement to obtain the designation of “Tree City USA.” He said it also accomplished a second requirement to obtain the designation of “Tree City USA” by establishing a Tree Board. Basinger said the Tree Board would be composed of the President of the Peachtree City Beatification Committee, the Director of Public Services, the City Planner, and the Public Information Specialist and up to five citizens appointed biannually by the Mayor.

Basinger also presented a set of administrative guidelines that recommend various tree species, as well as requirements for planting and spacing of trees and the required distances from streets, paths, corners and hydrants, and other minimum requirements for planting.

In order to fund the project, Basinger said staff had included \$10,000 in each year of the Five-Year Public Improvement Program, commencing in fiscal year 2000.

McMenamin asked Pace if he felt the revised ordinance addressed the concerns that he had expressed at the previous meeting. Pace questioned the distance requirement of planting at least 12 feet from streets. Basinger said the requirement only applied to the streets listed in the ordinance and only to future planting. Existing trees and shrubs would not have to be removed.

Lenox asked who would serve on the Board of Appeals. Basinger said the Planning Commission would serve as the Board of Appeals, as provided in the new Housing Code Ordinance. McMenamin felt hesitant in approving the ordinance because she was afraid it might be too aggressive. However, she said she felt more comfortable with it since staff had addressed Pace's concerns. She also understood that the ordinance was written to comply with the Tree City USA requirements.

McMenamin made a motion to adopt both ordinances and the administrative guidelines as presented. Brooks seconded the motion. Motion carried unanimously.

06-99-04 Consider Ordinance – Health Department Review of all Permit/Variance applications for lots with septic tanks

Jim Williams said staff had been asked to draft an ordinance that would provide more regulation with respect to on-site sewerage systems (septic tanks). It was felt there was a need to enhance the involvement of the Fayette County Health Department in the process. He explained that Council had felt that the ordinance presented at the last meeting was too broad and asked staff to have the responsibility of securing approval from the Health Department put on the applicant rather than the City. He said the revised ordinance would require that all on-site sewerage systems comply with Fayette County Health Department and City regulations. It also required that the Health Department approve any new system.

He said the proposed ordinance also permitted the Building Official to require Health Department approval of any building permit if the Building Official felt it might affect an existing on-site sewerage system. McMenamin asked what the current procedure was. Williams said that the Building Official was already in the practice of requesting approval from the Health Department for those occasions that he felt necessary. He said the ordinance would officially state the procedure. Brooks felt more comfortable with the revised ordinance because it was not as general as the previous one.

Fritz made a motion to approve the ordinance as presented. Pace seconded the motion. Motion carried unanimously.

NEW AGENDA ITEMS

07-99-01 Public Hearing – McAllister, 205 Creekbed Court

Lenox read the rules for conducting a public hearing and allowed 40 minutes for each side to present its case.

Brian McAllister addressed Council and stated his family was in a hardship. He explained that his home was the first built in his cul-de-sac in 1973. He said that at the time it was built, a split-rail fence with hog wire was installed in the back yard.. He said shortly there after, the City put in a carpath near the east side of property to gain access to the Flat Creek golf course. He said a pool and surrounding fence was installed in 1989. He said the building permits were issued and the structures were inspected by the City using the existing split-rail fence as the boundary for the lot. He said that shortly after that, the owner erected a 10x20-ft storage shed on the side of the property, which extended over the split-rail fence line. He said the shed was built on a slope and propped up with cinderblocks. McAllister said his family purchased the house in August of 1997. He explained that his wife used his "power of attorney" to close the mortgage because he was out of town. He said the closing papers included a survey, which showed the existing split-rail fence to be off the back property line; however, neither the realtor nor the attorney pointed this out to his wife.

McAllister said he asked his realtor about the procedure for obtaining a building permit to replace the fence because it was 23-years old and rotting. He said the hog wire was rusted and the fence was over grown with poison ivy. His realtor advised him that he did not need a building permit to replace an existing fence, so he and his wife proceeded to replace the fence with a 6-foot cedar privacy fence along the existing fence line. McAllister said he had since learned, that a building permit had been necessary because the new fence was more than four-feet high. He pointed out that if he had replaced the fence with a four-foot fence, a building permit would not have been required. McAllister explained that it was a great effort for him and his wife to install the fence. He said it was 430 feet in length with 55 eight-foot panels, 58 postholes dug and over 5,000 3-inch screws installed. He said their intentions were to clean up the property and make it safe for their children. He said the clean-up effort took fifteen trips to dump.

McAllister said he felt the storage shed was unsafe because it was propped up with cinder blocks, so he and his wife moved it to a flat area of the back property. Shortly after moving the storage shed, the Code Enforcement Officer came to his house and told him that it had be moved 30-feet from the rear property line. He said they moved the shed again, to a location measuring 30-feet from the rear fence line, as instructed.

McAllister explained that after living in the home 18 months, they decided to move back to Denver, Colorado to be closer to their family. He said a contract was quickly placed on the home and they proceeded to move. He said that one week before the closing was to take place, he received a phone call from his realtor, who told him that there was a "cease and desist" order placed on the house because the boundary fence extended 60 feet into the City's greenbelt. He said he pulled his survey from his original closing papers and discovered that it did indeed show the fence extending into the greenbelt. He said the sale of his home fell through because of the situation and he could not sell the property until the situation was resolved. He said he now had two mortgages and a bridge loan in place.

Mr. McAllister felt there were two choices that Council could make. He said they could force him to tear down the fence and destroy his backyard or they could agree to swap an equal amount of property with him. He explained that the City encroached onto his property with the carpath and he would be willing to deed that property (8,810 SF) to the City and asked that in return, the City deed the property between his fence line and property line (8,806 SF) to him.

He said the City Attorney had prepared a legal opinion that stated that a city government could annex a citizen's property, but that those "squatter's rights" did not apply for a citizen to annex a municipal government's property. McAllister asked Council to work with him and help settle a 26-year land dispute.

Mr. McAllister's next door neighbor spoke in favor of the proposal. He said McAllister had been a good neighbor and had always consulted him to ensure that nothing he did would affect his property. He said that the McAllister's were very attentive to their children and replaced the fence as soon as they moved in, following the existing fence line.

Jim Williams, Director of Developmental Services, spoke in favor of granting a variance to allow the existing pool and its surrounding fence to remain; however, he was not in favor of the land swap to allow the existing privacy fence to remain.

Hearing no one else speak in favor of the variance, Lenox asked to hear from those opposed. Hearing none, Lenox asked if there were any questions. Hearing none, Lenox called the hearing to a close and opened the floor for Council debate.

Jim Pace said he felt one would have to inspect the property to render a fair decision. He said he had inspected the site and felt that there was really only one conclusion. He felt that conclusion was to agree to the land swap as proposed. Pace said the City's carpath was almost entirely on McAllister's property and he would never support a one-sided adverse possession, even if it were legal, because he did not feel it was fair. He described the property as an established 20-year old back yard landscaped with azaleas, trees, sod, etc. He felt it would be criminal to destroy the yard and to go to the expense of ripping up the carpath and relocating it, as well as an existing sewer manhole. He also said large trees would need to be cut down for the relocation. Pace felt that nothing would be accomplished by all of the disruption and that, if Council agreed to the land swap, Mr. McAllister would not gain anything of value because he would be giving the City an equal amount of property. Pace said he was familiar with the previous fence and that the new fence was much more attractive. He said he could not support giving City greenbelt to residents but that in this case, it would not be given away. He said it would be exchanged for an equal amount of property. He said he did not believe the land swap would set a precedent because the situation was so unusual, he did not think it could be duplicated. However, he said, if the same situation did arise, it could be decided at that time on its own merit. He said the only precedent being set, in his opinion, would be that common sense in government was not an "oxy moron." He also said he could not understand why the boundary dispute had not been noticed in the prior home sales.

McMenamin agreed with Pace and supported everything he said. She said Lindsey's legal opinion was confusing, but that when she visited the site, she also felt it was common sense to grant McAllister's request.

Lenox said if Council approved the land swap, there would be no need for a variance for the pool and its fence. Brooks asked if the corner of the house would violate any setback requirements if McAllister's side property were deeded to the city. Williams said it would not cause any problems.

Pace felt the land swap would officially bring the land into compliance for its existing use for the past 25-years.

Lenox said he could not remember a situation similar to this. He said the City was encroaching on a property owner's land and the property owner was encroaching onto the City's land. Pace felt it would cost more than \$5,000 to relocate the cart path.

Fritz said she understood Pace's comments, but she did not want to see people expanding their rear property lines by encroaching into the greenbelt. Pace felt McAllister's situation was different in that he was offering an equal amount of land to the city in return, and that the City was encroaching onto his land. Fritz asked the City Attorney if the land swap could be done and not set a precedent. Lindsey said it was a unique situation and he could not imagine that the same situation could be duplicated.

Pace made a motion to direct city staff and the city attorney take necessary steps to swap land with Mr. McAllister as proposed. McMenamin seconded. Motion carried with Fritz abstaining.

07-99-02 Consider Funding – Concept Design for SR 54/Walt Banks Road Properties

Williams said the development of the property located at the corner of Walt Banks Road and Highway 54 had been in dispute for over 10 years. He felt that the City, residents, and the developers were close to working out a compromise. He said the property in question comprised 74 total acres, with 34 acres being owned by Mr. Lassiter and the other 40 acres being owned by Mr. Heard and Mr. Adams. He said that both Mr. Heard and Mr. Adams agreed to participate in a master planning process for the entire 74 acres. Williams said he had contacted nationally recognized neo-traditional land planners about coming up with a unique plan. He said two firms were interested in the job and that it would cost no more than \$7,000 for the plan. Williams said the landowners indicated an interest in participating in the cost. Williams felt that a perpetual disagreement about the value of portions of the Mr. Lassiter's property, might be worked out through master planning process.

Lenox said that at the last meeting that was held about the property, it was concluded that the City had spent several hundred thousand dollars defending that corner in lawsuits, although the

— City had never defined on paper what it would like to see developed. He said that the property owners were willing and able to go forward with the development of the property. He felt the development would be just as any other development in any other city unless the City could initiate something different and better. He said that negotiations to get them to agree to develop something special led to the need to define what was expected. The Mayor felt there were two choices. They could risk \$7,000 of the tax payers money to determine what the City wanted to see developed on the property or they could settle for the same type of strip shopping developments that were seen elsewhere. He felt strip shopping centers were not bad, but they were not good either. He felt they were neither unique nor positive.

McMenamin said she had been encouraging the Mayor's efforts all along. She said she appreciated his efforts to negotiate a better development for that property, but after thinking about Mr. Dillard's comments during the last meeting, she did not feel that Mr. Lassiter was willing to participate in any compromise. He had told Mr. Dillard not to attend any more meetings, and that he would not compromise OI zoning for Residential zoning when he could make more money with the zoning he had in place. McMenamin felt the City would be wasting its time and money because, no matter what plan was conceived, because Mr. Lassiter would not be satisfied. She felt he had a certain profit margin in mind that he was determined to achieve. She said that Lassiter had been told from the start there would be compromises for him. She felt she was disappointing the Mayor, but that after thinking about the issue, she felt that further negotiations and planning would be a waste of time and money.

— Pace was concerned about setting a precedent in spending taxpayers' money to develop private property. He did not support it because he felt it should be the responsibility of the developer. He said that Mildred Harris had sent a letter opposing the waste of taxpayer's money on this issue and he agreed with her.

Lenox said the City of Fayetteville had just done exactly the same thing. He said over the years he has heard many people complain about the development in their community, but never offer any creative solutions. He said that he admired the City of Fayetteville for spending a significant amount of money to develop a master plan for an essential piece of property in their community. He said that Lassiter was a 70-year old man who had a history of building shopping centers the same way for 45-years. He said the only way Lassiter would be willing to change the way he developed property would be if he could be convinced that he could make the same amount of money, if not more.

— Pace felt there were creative solutions to the situation without spending taxpayers' money. He suggested contacting Georgia Tech to come up with a plan. He said there were many creative minds at Georgia Tech and he felt they would appreciate the challenge. Pace also felt that the Mews proposal had been a creative, beautiful and upscale project but that it was rejected by Council.

Brooks said the Mews would have been the second largest commercial site in Fayette County.

— Fritz did not feel the Mews had been what people wanted in Peachtree City. Brooks pointed out that Bob Adams did not acquire his property until after the Mews proposal had been rejected. Brooks was also concerned about spending \$7,000 if Lassiter was unwilling to compromise. He said he could understand spending the money to come up with a unique solution, but not unless there was a spirit of cooperation. Lenox said that Mr. Lassiter had been on vacation and the only person who had spoken to him had been his attorney, Mr. Dillard.

McMenamin was also concerned that Mr. Dilliard said Mr. Lassiter would be filing a rezoning application in a few weeks, just as soon as the six-month waiting requirement was over. Fritz said she had felt positive and excited about developing a plan, but after reading her notes and thinking about it, she was uncomfortable with it. She said Dillard's comment that he was told not to come to any more meetings gave her the impression that Lassiter was not interested in compromising. She was also concerned that Lassiter did not find the time to come the meetings himself.

Brooks agreed with the idea of thinking outside the box and he could understand the Mayor's rationale that the City had spent several hundred thousand dollars defending the property, so why not spend \$7,000 to be proactive.

— Walt Mashburn asked Council if developers could develop anything that they wanted without citizens input. McMenamin said, since the property in question involved more than one owner, the City wanted to come up with a cohesive and unique plan for the area. Mashburn said he was opposed to any more commercial development in Peachtree City. He said Council represented the citizens of the City and that developers could not do what ever they wanted to do. He wanted the City to fight the development.

McMenamin felt spending \$7,000 on a conceptual plan was a waste of money because she felt they would end up fighting the issue in court again.

Pace said that if all three property owners were willing to cooperate, and do something creative and pay their fair share, he would support it. Lenox said the property owners had discussed sharing the cost, but that Lassiter was the essential factor. Lenox felt that he needed to make a decision before Lassiter would be back in town because he wanted to keep the momentum going or else he felt the negotiations might fall apart. Pace felt the City would not be reimbursed if the property owners did not pay their fair share up front. Lenox said that if he thought he was dealing with that much bad faith he would not be involved with the project. He felt that if he asked Dilliard and Adams personally to give him \$1,000 to show good faith, each of them would do it. He said he was not speaking about Lassiter or Callaway.

— Pace said the issue was not about personalities and said he had no animosity toward any of them. He was concerned about setting a precedent. He said a precedent might need to be set, but that it should be thought out carefully. He suggested having City staff work more closely with the property owners, but said he was concerned about wasting time if not everyone agreed.

Fritz said she would feel differently if the developers were as interested and willing to participate as the group in Fayetteville had been. She did not get the feeling from Mr. Dillard that Mr. Lassiter was willing to make any compromises. Lenox said Jim Williams had developed the concept of the plan they were discussing. He said there were no more than 12 architectural firms in the United States that had the experience and knowledge to carry the concept further, and he was astounded that Williams found someone willing to do it for that amount of money. He noted that the last time a similar idea had been proposed, Delaney and Company had quoted a price of \$90,000 for full-blown charette.

McMenamin said she went to the last meeting thinking that they were going to decide which planner to use, but the first thing Dillard said was that he was told not to attend any more meetings.

Chuck Lehman spoke to Council and said he had been involved in the issue for a number of years. He suggested that, since Mr. Lassiter was out of town, Council should wait and talk to him and decide if he is interested in participating. He also understood that Lassiter would be filing a rezoning petition for the property in July. He felt that would change things. Lehman suggested Council table the issue and determine if Lassiter was going to work with them in good faith. He felt that Mr. Lassiter had not shown good faith in over 15 years, but that they should consider the fact that Mr. Lassiter was the one who initiated the current negotiations.

Lenox felt there was no sense in discussing the issue further because Council was not going to approve the funding.

Pace asked if Lenox was aware that Georgia Tech had helped in the development of an area in North Atlanta that was developed with the "new cities" concept of having residential areas over retail shops and offices. He suggested Lenox visit the community and continue using City staff to push the idea along. He did not want to stop the whole process; he just wanted to be careful about spending money and setting a precedent. He said he wanted time to think about whether or not the City should be involved in developing the last commercially zoned properties in Peachtree City, but he was not comfortable with it as it related to Lassiter's property. Pace felt his vision was not too far from Lenox's. He said he envisioned something about the size of Braelinn Shopping Center but much more unique in terms of specialty shops, sidewalks and outdoor areas. He said the question for him was how to get a unique plan without the city becoming the developer. Fritz said she did not want to give up on the issue and she was open to suggestions.

Lenox explained that Dillard said the rezoning application would only concern the conditions placed on the property, not the zoning. He said they were concerned about the access road, access to Highway 54 and the front buffer requirement. Brooks said Lassiter agreed to those conditions to settle a lawsuit so that he could have the zoning that was now in place. Brooks suggested that if there were circumstances that dictated the need to change the conditions of the

— zoning, then perhaps the zoning should also be reconsidered. He explained that the zoning was only granted because Lassiter agreed to the conditions placed on the property. Lindsey said the City's best defense to keep the conditions in place was that Lassiter had agreed to them. He assumed Lassiter's best argument would be that the market has changed over the past few years and it would be difficult for him to develop the property as he had agreed. McMenamin noted that the very same conditions Lassiter would ask to have lifted in his rezoning application were the very same conditions that they were talking about as a compromise for the development plan. She said if Lassiter was going to continue with the rezoning application, then there would be no reason to continue negotiations on the development plan. Brooks asked if the Planning Commission should accept a rezoning application since the conditions were placed on the property as a result of a law suit agreement. Lindsey said that he felt the Planning Commission should accept the application and that it might be illegal to refuse the application.

— Pace asked if it was legal for the City to pay for the development plan. Lindsey said it was legal and that the City had spent more than \$250,000 in legal fees defending the property. Pace said he had changed his mind and would support the \$7,000 expenditure since Lenox felt so strongly about the issue. Brooks added that Lenox did not need Council's permission to spend that amount of money anyway. McMenamin said if Lenox did indeed have the authority to spend the money without Council's approval, then she would neither support it nor oppose it. Fritz said she would feel more comfortable if they had some kind of statement from Lassiter. Lenox said he would call and talk to him.

07-99-03 **Discussion of Zoning Definition- Assisted Living Facilities**

— Lenox said Pace had raised a question as to whether or not Development Impact Fees should apply to assisted living facilities. Julian Campbell represented the Development Impact Fee Committee. He said they had a number of discussions on the issue and determined there were three distinct categories: independent living, assisted living, and nursing homes. He said it was clear that an impact fee should be imposed on apartments or independent living and not for nursing homes, which are more like hospital care. He said it was not as clear for assisted living facilities. He said residents of assisted living facilities must be ambulatory and not in need of 24-hour care. He said the residents receive assistance with medicine, bathing and eating, but they have free access to the community and are capable of coming and going as they please. He said some even have their own vehicles. He agreed that the residents probably did not use soccer fields, but that they did use other city services, such as the Library or the Gathering Place. Therefore, the Impact Fee Committee felt that assisted living facilities should be charged the impact fee, which was \$1,500 per unit. Campbell said the decision would become moot if the assisted living definition was taken away from the residential category, because development impact fees were only charged toward residential developments. Campbell said if Council felt the need to change the definition or exempt the assisted living facilities from paying development impact fees, he felt it was only right to refund the fees that were recently paid by the Ashley Glen Assisted Living Facility.

— Pace said he had only recently become aware that the City was charging impact fees to assisted living facilities. He said an assisted living facility was not like an apartment. He said it was a bedroom and he did not feel right charging senior citizens a tax for such. He felt it was clearly an institutional use. He said assisted living facilities were added to the definition of multi-family residential zoning during the heat of the apartment issues. He said he did not realize at the time that it would mean an impact fee would be imposed on the facilities. He felt the action taken by Council was a mistake and that taxing the elderly at those rates was unfair because they have such a low impact on the community. He felt Council should change the definition back to an institutional use. He also felt that Peachtree City should plan for senior citizens housing needs in the future. He said citizens would want to be able to stay in Peachtree City as they get older and there may not be any facilities available.

Brooks respectfully disagreed with number of Pace's points. He did believe an assisted living facility was a residential use. He also felt that senior citizens used city facilities, such as the Library, Gathering Place, Police, Fire and especially Emergency Medical Services. He felt the use could be compared to apartment complexes. He said that each resident in an apartment complex did not pay the development impact fee, but that it was paid by the developer. Pace felt the cost was passed on to the residents.

— Bill Wheelock addressed Council and said he had originally suggested that assisted living facilities be included in the definition of multi-family zoning. He did not feel the residents of assist living facilities had to pay the Develop Impact Fee and he did not think it would affect their rates.

Stewart Hoff gave a history of his experience in dealing with similar issues in Detroit.

Brooks suggested prorating the impact fee, since the senior citizens might not use recreation facilities but would use other facilities. He said he was not interested in changing the zoning category. Pace reminded him that Council had changed it in 1997. Brooks said the issue had been studied by the Impact Fee Committee and they had made their recommendation. Pace felt strongly that assisted living facilities were institutional uses, not residential uses. He said he just wanted to be fair to the elderly. He said it was not an issue of development but how the City treated people who lived in the City all of their lives and wanted to stay there.

Fritz agreed that the zoning definition needed to stay as it was, but that perhaps they should take a look at the amount of the impact fee. Brooks felt that Council needed more information before making a decision as to the appropriate impact fee for assisted living facilities.

— **07-99-04 Consider Solid Waste Collection Preferred Provider**

City Manager Jim Basinger said that following the discussion and selection by Council of a Preferred Provider for Natural Gas, staff suggested to Council that they be permitted to investigate the possible selection of a Preferred Provider for Solid Waste Collection in Peachtree

— City. Council encouraged staff to do so. Basinger explained that the reason staff recommended Council consider a Preferred Provider for Solid Waste was a result of updating the Solid Waste Plan for the City earlier in the year. He said while updating the plan, which included obtaining prices for solid waste collection in nearby cities and towns, staff learned that Peachtree City residents were paying \$2-4 dollars more per week for collection. Staff felt the key reason for the lower prices was that the other communities had a franchise agreement with one collection company. He said felt that the franchised company had all the business in the town or city, and thus, could provide the collection at a lower price.

Basinger said that a number of years ago, staff did recommend to the City Council at that time to consider a franchise for Solid Waste Collection. That Council, because of the existing collection companies imploring Council to allow the free enterprise system to continue, elected not to consider a franchise.

Basinger felt that the selection of a preferred provider for Solid Waste Collection would reduce customer fees to a level that would be somewhat equivalent to those expected if the City had a franchise with a solid waste collection company.

— Joe Morton, Assistant City Manager, said staff requested proposals for solid waste collection services using the "preferred provider" concept. He said the Requests for Proposals (RFP) were sent to ten (10) refuse collection companies and proposals were submitted by four (4) companies: C & C Disposal, Inc.; Waste Management; Environmental Partners (EPI); and United Waste Services, Inc. He explained that EPI and United Waste Services, Inc. currently provided residential refuse collection services to Peachtree City residents with seventy (70%) percent and thirty (30%) percent of the market share respectively. He said C & C, Inc. and Waste Management currently provided commercial refuse collection services to Peachtree City businesses and industries, but did not provide residential refuse collection services.

He said the companies were evaluated based on their ability to provide residential refuse collection, recycling and bulk waste services, and the cost associated to provide these services. Staff felt that United Waste Services, Inc. offered the most favorable overall residential rate package. He said their rate package represented average savings to residential customers of \$2.00 - \$4.00 per month. Morton said a chart distributed to Council showed the rates submitted by the four (4) companies as compared to current charges. They were also provided with a list of the pros and cons for each company interviewed.

— Morton recommended that the Council authorize the City Manager to sign an agreement with United Waste Service, Inc. as the "Preferred Provider for Solid Waste Collection Service" for Peachtree City residents. The rates would be effective for three (3) years subject to a cost-of-living adjustment factor approved by the City on an annual basis. He said the arrangement would provide Peachtree City residents with opportunity to select United Waste Service, Inc. as their "Preferred Provider" in order to obtain the approved rate package. However, he said, Peachtree City residents would not be required to select United Waste Service as their solid

— waste collection provider. Morton said representatives from EPI and United Waste Service, Inc. were present and wanted to address Council.

Fritz asked if there was a conflict of interest for the Council members if they used one of the companies for their garbage pick-up. Lindsey said no.

— Jim Bennett, EPI, addressed Council. He said he had been with EPI for five years and was brought in to improve customer service. He said the company had recently updated all of its equipment and purchased twelve new trucks. He said that he felt his company should be considered as the “preferred provider” because their rates were the same as United’s and because they were so active in the community. He said that he provided all of the dumpsters to the Fire Department at 10% below cost and that he had recently talked with Marcie Blind, the City’s Purchasing Agent, about providing the same service for the rest of the City facilities. He said EPI was a local company and that many of their employees lived and worked in Peachtree City. He said his company provided the dumpsters for the Christmas Tree Recycling each year at no charge. He said they also provided dumpsters for the annual Air Show at no charge. Bennett said that the City called him regularly for one favor or another and he was always ready to offer assistance at no charge. He said that when someone moved out of a house and left boxes and trash on the side of the road, the City called him to clean it up and haul it away. He said he also provided dumpsters to subdivisions who initiated weekend clean-ups in their neighborhood. He said he provided trash bags for the BMX events as well as for the Fourth of July clean-up. Bennett reminded Council that he provided these services at no charge to the residents or to the City. He said EPI’s rates were the same as, if not better than, United Waste and he asked that Council consider naming EPI as the “Preferred Provider.”

The representative from United Waste said that he provided several letters of recommendation for his company. He said his company also provided dumpsters for neighborhood clean-ups. He said his company provided residential service to over 28 cities in the metro area and he was glad staff recommended them.

McMenamin said she had used EPI as her garbage collector for a long time. She recently discovered they had been over-charging her, but that they were correcting the mistake. She felt it was very important to consider using a local company, especially one that provided community service. She felt that the services offered by EPI benefited the community and the taxpayers. She asked if staff had considered all of EPI’s community service.

— Morton said that they had considered it, and that while there was little difference between the prices offered by the two companies, staff’s recommendation was based solely on the lowest price. Morton said he understood that EPI had recently matched United Waste’s prices.

McMenamin said she knew how much of a burden that was put on local companies to contribute to the community, but that she never realized how many services were offered by EPI. She felt they were a valuable asset to the community and felt that the City had achieved its goal by

— getting the companies to lower their prices. She wondered if the City needed to continue with naming a “Preferred Provider” or if perhaps both companies could be named as “Shared Preferred Providers.” She said it was important to her that EPI was a local company.

Fritz stated that she thought the residential portion of United Waste was also a local company. She had negotiated a lower rate for her neighborhood using United Waste and she felt they provided good service.

Basinger was concerned about following proper procedures. He said staff had solicited proposals and he felt there had been a level playing field. He said everyone had the same opportunity to submit proposals and he felt staff had been very fair in the evaluations. He said he was concerned that Council should follow the process. He said that EPI had agreed to match United Waste’s prices, and it would be up to each individual homeowner to decide whether they want to change services. He felt that it was important that Council give serious consideration in following the process.

Lenox said that, when Council named a “Preferred Provider” for natural gas service, they also provided all of the information in the UPDATE so citizens could compare rates. He suggested staff do the same with the solid waste provider.

— Brooks made a motion to authorize staff to sign an agreement with United Waste Services, Inc. of Atlanta as the “Preferred Provider” for solid waste collection service, at the guaranteed rates that were quoted. He also said all information concerning the providers’ rates would be placed in the Update. McMenamin seconded the motion. Motion carried unanimously.

07-99-05 Consider Ordinance – Commission on Children and Youth

Basinger said the Chairman of the Commission on Children and Youth (CCY) recommended that Council suspend filling vacancies on the Commission pending a review of the CCY’s role and mission. Basinger said, that in order for the Commission to continue to function and do business and to actually make a recommendation to Council on its future role and mission, the number of Commission members would have to be temporarily reduced from 9 to 5 in order to have a quorum present. Brooks made a motion to reduce the CCY’s membership to five voting members, and to retain the non-voting student representative member. McMenamin seconded the motion. Motion carried unanimously.

07-99-06 Consider Ordinance – Council Meeting Procedures

— City Attorney Rick Lindsey said that because of the recent changes to State law governing open meetings, a City’s ordinance needed to be amended. He recommended giving the Mayor, City Council, City Manager, and Assistant City Manager the authority to add items to the agenda up to 24 hours prior to a meeting, since items could no longer be routinely added at the meeting. He also recommended a statement be placed on the agenda stating that it was subject to change at

any time up to 24 hours before the meeting.

Lenox asked if citizens could request to be added to the agenda at the meeting. Lindsey felt that the law was written to prohibit government from adding things to an agenda at the last minute to sneak things through. He felt a citizen should be given the opportunity to speak, but that Council should not take action until the item could be posted on an agenda so that the rest of the citizens would be given an opportunity to respond.

McMenamin made a motion to adopt the ordinance as presented. Brooks seconded the motion. Motion carried unanimously.

07-99-07 Consider Request – Commuter Bus Service – Meade Field

Stewart Hoff requested permission from Council to use the parking lot at Meade Fields as the southern pickup area for his proposed commuter bus service. He explained why he felt the service he would provide would be so important to the community. He said he had received numerous calls from Peachtree City residents indicating that they would like to leave their cars in Peachtree City and use the bus if there were a convenient location for them to use. He said that, by using the park and ride locations, traffic and air quality would be improved.

Lenox asked if Hoff had reviewed the conditions suggested by staff. He said he had and that he felt an insurance policy was a good idea. Lenox said he felt Council wanted to work with Hoff to get his program going, but that he would need to think of a more permanent solution.

Brooks said there were seven conditions and asked Hoff if he was aware of them all. Hoff said that he was and did not have a problem with them. McMenamin said the issue that night was not really about the commuter service. She felt the issue was about whether or not a commercial bus service should be allowed onto a City recreational area with a softball field, parked cars, and children in the area. She did not feel that recreational type uses should be mixed with buses and parked cars. She felt it was in an inappropriate site. She suggested Hoff consider other commercial sites as an alternative. Hoff agreed, but he felt it would only be a temporary location. He said he could make it work but that he agreed it was not the best place. Lenox said he did not want it to be a permanent arrangement. He felt cars would be parked there for three or four months maximum and, if it were successful, Hoff would have to find another location.

Hoff said the pick up time would not affect games. He said the times were 4:15, 5:15, 6:15, and 7:15 a.m. Brooks asked what the drop off times would be. Hoff estimated them to be 4:00, 5:00, 6:00, 7:00, and 11:00 p.m.

McMenamin said she felt it was inappropriate to have a public transportation system in a recreational area. Fritz felt fields would be used during the day as well as evening. Council continued to discuss the issue at length with Mr. Hoff. Citizens were also given the opportunity to ask Mr. Hoff questions about his operation. After lengthy discussion, about the

inappropriateness of having a public transportation service in a recreational area, and hearing Mr. Hoff say that he could be servicing up to 500 patrons, Council felt the site would not be suitable. McMenamin made a motion to deny Hoff's request and to ask Mayor Lenox to call Braelinn Shopping Center or any other commercial center and ask if they might consider accommodating a commuter bus service, whoever the provider might be. Brooks seconded the motion. Motion carried unanimously.

COUNCIL STAFF TOPICS

Basinger said the ground breaking for Leach Fire Station was scheduled for Thursday, July 8, 1999, at 5:00 p.m.

He also said that at the request of Councilmember McMenamin, Mayor Lenox had scheduled a joint meeting between the City Council and the Water and Sewerage Authority on July 12 at 6:00 p.m. to discuss the latest sewerage spill and general operation of system.

Basinger said two vacancies were coming up for the Planning Commission and he needed volunteers from Council to serve on selection committee. Lenox and Brooks volunteered.

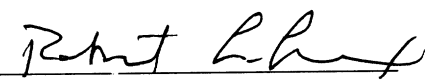
EXECUTIVE SESSION

Council reviewed and discussed a proposed settlement agreement for the Hyde lawsuit. McMenamin made a motion to approve the settlement agreement. Fritz seconded the motion. Motion carried unanimously.

Council reviewed and discussed a proposed sales agreement with Peachtree City Holdings, L.L.C. for the purchase of 5.5 acres of land located on State Route 74 for \$140,000. Pace made a motion to approve and execute the proposed sales agreement with funds to purchase the property to come from the Council Contingency Fund. Fritz seconded the motion. Motion carried unanimously.

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


Nancy Faulkner, City Clerk

Attest: 
Mayor

NOTE: The shaded area above will not be released to the public until after the sale has been complete.