City Council of Peachtree City
Minutes
June 21, 2001

The City Council of Peachtree City met in a regular session on Thursday, June 21, 2001, at 7:00 p.m. in the City Hall Council Chambers. Mayor Robert L. Lenox led those attending in the pledge of allegiance. Other Councilmembers present were: Carol Fritz, Annie McMenamin, Steve Rapson and Dan Tennant.

Announcements, Awards, Special Recognition

Mayor Lenox recognized Linda Gravley of Public Services for 15 years of service to the city, and Terry Blackburn of the Police Department as the May Employee of the Month.

Approval of Minutes

McMenamin made a motion to approve the minutes of the June 7 Council Meeting as written. Fritz seconded the motion. Motion carried unanimously.

Consent Agenda

Kedron Multi-Purpose Rink Contract
PIP Reallocation

Staff recommended awarding the Multi-Purpose Rink contract to Tomco Construction, Inc., in the amount of $581,230. Staff recommended reallocating the $50,000 for the Riley sewer hookup to the Riley track football field project in the amount of $25,566.80 and to the Kedron Multi-Purpose Rink project in the amount of $24,433.20. Rapson noted that the City Manager had the authority to make the PIP Reallocation without Council approval. Basinger said such items normally would roll into the contingency fund at year-end, but he felt, due to the change mid-year, it should come before Council. McMenamin expressed appreciation for this precaution. McMenamin made a motion to approve the consent agenda as presented. Rapson seconded the motion. Motion carried unanimously.

Old Agenda Items

04-01-01 Livable Centers Initiative – Presentation of 54 West Corridor Master Plan

City Planner David Rast addressed Council, saying that a Livable Centers Initiative (LCI) advisory board had been established to define the Highway 54 West Activity Center in conjunction with the LCI Grant from the Atlanta Regional Commission (ARC). Originally, the board had looked at the area between the bridge over the CSX Railroad and Line Creek. That region was later expanded to include Westpark and the residential areas north and south of Highway 54 (Planterra, Cedarcroft, Summit Apartments, etc.). The board concluded that, within the center, the current and future commercial, residential, retail and office defined an emerging activity center. The board had a lengthy debate about whether the area should stand on its own or blend with the rest of Peachtree City, and the debate then turned to defining the "rest of Peachtree City."

Rast said that evening he was presenting a status report on where the advisory board was, noting their plan for the corridor was still a work in progress. He said they had updated the ARC on their status as well, and the plan had been well received. The ARC personnel felt some of the ideas were very advanced. The board would begin working to identify projects that could be funded in the future with LCI grants. Rast said the defined activity center included Market Place, The Avenue, Clover Reach, Huddleston Road, Wynnmeade, Cedarcroft, Summit Apartments, and Planterra Ridge, as well as Westpark. He noted the large amount of green space in the corridor, saying it could help to define the area even after the highway was widened.

The board looked at a secondary road system, identifying a frontage road located on both the north and the south side of the highway. This system would help to facilitate movement within the corridor without putting the traffic directly on the highway. Rast said the cart path connections had also been expanded to tie the area together. The system included several grade crossings of Highway 54 due to the board's feeling that residents would be crossing at the lights anyway, as well as the tunnel/bridge system around the railroad bridge. Additionally, a bridge over the highway was proposed at Wynnmeade to create an entry feature to the city.

The board also looked at building massing – how future buildings would be placed in new developments or in redeveloped areas. He said Doug McMurrain of RAM Development had already agreed to work with the group on architectural design standards for his commercial property. The board would continue to work on this aspect to tie the corridor together.

Rast said that a commuter rail station had also been included in the plan, although the board was unsure if the state was pursuing that project. They looked at potential sites and were proposing a site off Clover Reach that was accessible from both Clover Reach and Huddleston. The board felt this site would keep the station as a community station rather than a regional station. Rast noted several of the uses already positioned around the site that were harmonious with a commuter rail station. He noted that the site was not unanimously agreed upon by the board, and that several members of the board had concerns about it.

Rast concluded by saying the board needed Council's input, either that evening or at a later time after they had an opportunity to think about it. He said the board needed to forward information to the ARC within the next few weeks.

Tennant said he liked the idea of the additional bike bridge, although it would be expensive, but expressed concern about the proposed grade cart path crossings due to the high volume of traffic on Highway 54. He asked how the board could justify the proposal from a safety standpoint. Rast said that all crossings would be located at signalized intersections, and they felt people would cross there anyway. He said their goal had been to make the entire area pedestrian and alternate transportation friendly. They felt they could work with the Department of Transportation (DOT) to design safe crossings, timing the signals and possibly making use of the proposed 40 ft. median. Rast said it was not an ideal situation, but it was far less expensive than building more tunnels and bridges.

Lenox asked about the grant received, and Rast said the city had been awarded a small grant to conduct a study of the area. The funds had been primarily used for a consultant to work on the commuter rail station. The remainder of the plan was the result of citizen ideas that Jerry Peterson had put onto paper. Rast said the ARC was impressed that the plan was community driven. The next round of ARC funding was approximately $350 million, for which 20 entities were currently vying.

Rapson said he was in agreement with the suggestions up to the commuter rail because all the citizen input he had received had opposed that project. Tennant said he was receiving the same citizen feedback. Rapson continued that he was hesitant about giving a plan to ARC that included a provision for commuter rail. Rast agreed that this was the most controversial issue, but felt it was not a major element from the ARC's perspective in the grand scheme. He said the board had attempted to show how commuter rail could fit into the activity center. Lenox said the key issue was in defining commuter rail, adding that those who parked their cars and went to work at the airport or downtown would appreciate such a facility in 10 years when the I-85 / Highway 74 corridor developed. He said the key was to keep the station for citizens, which would be a benefit to the community. Although Lenox did not personally think the commuter rail line would ever be completed, he felt that, if it were put in on the community's terms and properly planned for, it would be politically correct. Rapson agreed that someday Peachtree City might not have a choice in getting commuter rail, but he was uncomfortable submitting a plan with it included. Fritz said if the city had to have it, a plan was necessary, and this plan changed the station from regional to local in nature in an out-of-the-way location. She added that the land might not be available if the system were ever put in. Rast said that site had the best access.

Lenox said that the city could not afford to make this plan happen on its own, and following the usual course of working with developers could prove difficult. He said that getting some of the grant funding to put in the major elements would be beneficial. He felt implementing the plan over the next 5 to 10 years would be a major accomplishment, making the area look like or better than the rest of the corridor.

Rapson asked what the next step was. Rast said that more work was needed on the plan, a report must be sent to the ARC, and an implementation schedule was needed. He said the primary focus would be the path connections and the secondary road system. The board also needed to solicit input from the Planterra Ridge Homeowners Association. He said they could come back to Council in the next four to six weeks with an update. Tennant asked if it would be possible to include an additional tunnel under Highway 54 in lieu of the grade crossings. Rast said the board could certainly look at that option, but the topography did not really provide a good location, and they knew that bridges were so expensive. Tennant said the highway was really a heavily trafficked area, despite the pedestrian friendly goals. Lenox asked if the median could be used as a stopping point, and McMenamin said she would be surprised if the DOT would approve that type of crossing.

Council thanked Rast and the committee, and felt they had done a great job in this planning effort.

04-01-07 Approve Ordinance to Create a Senior Facility Authority

City Attorney Rick Lindsey said Council had before them an Ordinance to activate the Senior Facility Authority. He said at the previous meeting, Council had a couple of questions on this issue for which he had obtained the answer. The first was how long the Authority would exist, and it would need to remain in existence until all the bonds were retired. The second question was whether Council could enact a requirement that applicants for the funding must come to Council, and there was no restriction on that requirement.

Lindsey said the Ordinance followed the state requirements, creating an Authority of nine members from the seven Development Authority members and Floy Farr and Jim Steinbach. He recommended that the terms coincide with the Development Authority terms. Lindsey also said the ordinance stipulated that two of the members must be age 55 or over. He also noted the new state law requiring annual registration of the authority. Lindsey also recommended that Council go ahead and approve The Parc for consideration.

McMenamin asked if the language of subsections (b) and (c) in the Ordinance should be clarified to reflect that both the appointments and reappointments be made by Council. Lindsey said that would be possible. Rapson asked if he had a conflict of interest in voting due to his wife's employment by the Development Authority, and Lindsey said no. Rapson asked about the authority's meeting frequency, and Lindsey said they would occur on an as needed basis. Rapson asked if they would be scheduled on the annual Council Retreat, and Lenox suggested including them in the Development Authority's scheduled time. Tennant said the city usually accepted applications for appointments, and asked if the city should open up this Authority to the same process. Lindsey said it was possible, but noted that all the other authorities had initial members that were listed in the Ordinance or Charter when they were established, and the application process followed for new members. Rapson noted that Council had asked the committee, and this arrangement was what they had recommended. Lindsey said if Council found the Authority to be active in three years, they might wish to revisit the appointments.

McMenamin made a motion to approve the Ordinance to create a Senior Facility Authority as amended. Fritz seconded the motion. Motion carried unanimously.

Lenox made a motion to remand The Parc to the Senior Facility Authority for action. McMenamin seconded the motion. Motion carried unanimously.

01-01-10 Public Hearing – Approve Changes to City Charter

Lenox called the Public Hearing to order, inviting the public to comment on the proposed Charter changes. Lindsey recommended that Council wait to adopt the changes until he had completed the corresponding Ordinances, which should be available for the July 5 meeting. McMenamin and Fritz agreed that he should not rush to meet a deadline, preferring that the Ordinances were properly written. Hearing no public comment, Mayor Lenox closed the Public Hearing.

IV. New Agenda Items

06-01-10 Public Hearing – Rezoning Request – Halligan - Astoria Lane

Lenox read the rules for Public Hearings, establishing time limits of 20 minutes per side for those for and against the project.

Developer Jimmy Halligan of Hyland Developers addressed Council, saying he had worked with staff to finalize the details of his proposal. His request would allow the addition of two homes to a subdivision of 28 homes, for a total of 30 homes in Kedron Estates. He said the rezoning request, from R-43 to R-22, met the Land Use Plan, and two additional homes would not really impact the adjacent community of Kedron Hills. He also said he had attempted to have his homes as part of the Kedron Homeowners Association two years ago, but had been denied.

City Planner David Rast spoke in favor of the rezoning, saying staff felt the creek served as the definition between the two zoning categories. He also made the correction that 12 to 15 of the R-43 lots in Phase II were on sewer. He said staff supported R-22 zoning up to the creek, in which this fell, and R-43 zoning beyond the creek. Rast said the Planning Commission had voted on a motion to recommend approval for the rezoning, including staff's conditions and a fifth condition that Mr.

Halligan provide a 50 foot access easement. The motion had failed, so the Planning Commission was forwarding the item without a recommendation.

Rapson asked if the property was originally zoned R-43 and Mr. Halligan chose to develop all but four lots so he did not have to include sewerage, and now he wanted the rezoning because sewer was required. He said he did not see a compelling reason to approve the request. Lenox asked that anyone else who wished to speak be allowed to do so before Council debated the issue.

Bill Kessler, Russell Wilson, Tom Sheedy, Brandy Ashe, Fred Dalor and John Leonard of Kedron Hills all spoke in opposition to the rezoning. Their reasons included the fact that Loring Lane, the only entrance to Kedron Hills and Kedron Estates, already had a high volume of traffic, speeding was a problem, a recreation area and golf cart traffic compounded that issue, there was limited access for emergency services, the developer circumvented installing sewerage, and it should be kept consistent with the rest of Kedron Estates to provide a clear difference between the neighborhoods. Kessler said he was unaware of any effort to join the HOA. Ashe said the property should be made a greenbelt.

Resident Steve Brown of Planterra Ridge also mentioned the efforts to avoid installing sewerage, and Lenox corrected his statement, saying this was the first one-acre subdivision in the city required to be on sewer, and that he had just been following the same rules that applied to other subdivisions.

Resident Phyllis Aguayo of Stoneybrook said there was no compelling reason or benefit to the city to change the zoning.

Halligan apologized to Council for bringing this issue back before them and said his offer to join the Kedron Hills HOA was still on the table if the neighborhood was interested. He felt differentiation between the two neighborhoods was unnecessary because Kedron Estates had the same builders as Kedron Hills. He also said that one acre had been set aside for recreation by the builders who had purchased the lots.

Halligan said he took offense to statements that he tried to avoid sewering the subdivision dishonestly. He said he had a letter from the Fayette County Board of Health approving septic systems, and when he was 75% finished developing, was told it should be sewered. Fritz, who also served on the Board of Health, said the letter did not give approval, and Halligan quoted the letter, saying it "appears acceptable." Fritz said the letter was based on information given over the phone, but Halligan said representatives had come to the property before the letter was issued. Halligan added that the Board and Council could have made an allowance on the matter, but neither would do so, so he was just following the rules they had established that anything within 500 feet of sewerage had to be sewered. Halligan reiterated that the Land Use Plan indicated this property should be R-22, and said he was just trying to be consistent with the plan.

Hearing no further public comment, Lenox closed the Public Hearing and opened the subject for Council discussion. Tennant said their job was to hear the facts, weigh the evidence and vote in the best interests of the community, and he felt the residents of Kedron Hills had compelling arguments against the rezoning. Fritz agreed, saying she had looked at the property and heard the arguments at the Planning Commission meetings, and saw no compelling reason to change the zoning. Lenox said he had visited the property as well, and he listed several factors that he weighed in making his decision: 1) the Land Use Plan, which called for R-22 zoning; 2) he put a lot of weight on staff's recommendation; and 3) two houses would not be the end of the world for Kedron Hills. Lenox understood the Kedron

Hills residents' concerns, but would vote in favor of the rezoning. McMenamin said she supported the Land Use Plan and the staff. Rapson said he felt for Halligan, but did not see a compelling reason to rezone.

Rapson made a motion to deny the rezoning request. Tennant seconded the motion. Motion carried three to two, with Lenox and McMenamin opposing.

06-01-11 Financial Policies

Financial Services Director Paul Salvatore said Council had several proposed financial policies before them that were important as Peachtree City transitioned from a growing city to a built-out city with a stable population. That change would cause a shift in the focus for the city and necessitate the implementation of reserve funds. He asked for feedback from Council on the policies.

Tennant asked for clarification on policy #13 Preventing Overspending, asking about the City Manager's authority in situations when total revenues of a fund failed to keep pace with estimated revenues budgeted for that fund. Salvatore said this was a fairly routine practice, and if a project was falling short, spending should be cut accordingly. He added that, in the opposite situation – if revenues exceeded projections – the City Manager would have to come before Council to appropriate the additional revenues. Tennant asked if Council would be informed in the event of a shortfall. Rapson pointed out this was part of the day-to-day operations overseen by the City Manager. Basinger added that he knew Council would expect notification and would do so, but the policy allowed him to assure only essential expenditures in the event of a shortfall. Lenox said it would be a matter of degree, and generally the shortfalls were noticed while the problem was still minor.

Rapson said he had some concerns with the phrasing of policies #5 through #8, saying he did not want to pass them and then fall immediately into non-compliance with the coming year's budget. He felt the stated reserves needed to be goals achieved over the next two to three years. He was comfortable with the levels stated. Lenox agreed, saying if they adopted the policies that evening, the city was already out of compliance. Salvatore said setting a target date would resolve that problem. Rapson suggested two to four years, and Salvatore said the target was September 30, 2003, which would then apply to the budgeting process for FY2004. He also noted that Policy #8 said, "strive" to maintain the following cash reserve levels. Rapson requested that policy #16 include an example of one-time revenues.

Rapson made a motion to adopt the proposed financial policies as amended, with an October 2004 adoption date. Fritz seconded the motion. Motion carried unanimously.

06-01-12 Discussion of City Attorney Costs

Tennant said he requested this item be added to the agenda. He said Rick Lindsey had a tough job, and felt he had put forth a solid effort to represent the city's interest. Tennant said it was also generally in the taxpayers' best interests to contract out a lot of work. However, since May of 2000, the city had paid over $250,000 to Lindsey, and this represented a 50% increase in legal services. Tennant said he was concerned the city might not be spending tax dollars as efficiently as possible, and thought the service might be provided in a more cost effective manner in-house. He felt the options needed to be analyzed using objective criteria because a staff attorney would be representing the sole interests of the city, would eliminate any potential conflicts of interest, and would be subject to the city's Ethics Ordinance.

Fritz noted that this year had seen higher than usual legal bills due to some ongoing lawsuits and the changes to the Charter. She felt it was not an ongoing event. Tennant was skeptical, noting that once prices went up, they generally did not come back down. Fritz also felt the city would not see much additional growth, and added that any costs projected for a staff attorney would need to include the necessary support staff. Tennant said he would also like to see a list of benefits and drawbacks.

McMenamin said Council had looked at this issue about six years ago, and she had been amazed at the hidden costs. She also noted that the city had not lost a court case in the eleven years she had served. She felt a staff attorney would need to know municipal law, but would not be versed in litigation and the city would still need to go outside to meet that need, and would probably have to pay the additional expenses of an experienced attorney from Atlanta, including the requisite travel time. She added that Peachtree City had been very spoiled at the availability of Rick Lindsey.

Tennant said he could not imagine the down side of taking a closer look at the issue because currently they were all speculating. McMenamin said she was not because she had been on Council previously when the issue was studied.

Rapson said he had worked as a controller for a law firm and also knew some concrete numbers. He said Fulton County had an Assistant District Attorney position that would be equivalent to what the city was looking at, and they paid $130,000 per year in salary, plus $40,000 per year for a paralegal and $50,000 for the law library. This still left no resources and the need to pay for outside legal expertise. He said the city wanted someone knowledgeable with integrity that could pull together a variety of resources, and he felt Lindsey was a bargain for the city. McMenamin reiterated that 2001 had extraordinary expenses.

Tennant said that was why he brought it to the table, and when these types of spikes occurred in costs, it was incumbent upon Council to look at them. Fritz asked why no other cities the size of Peachtree City had staff attorneys if it was such an efficient approach.

Lenox said the only reason to have an in-house attorney was when there was sufficient routine legal work to support one. He had several concerns about the process, saying it limited the city's choice to the bottom 30% of the class. He agreed that some of the increases seen in 2001 would go away, especially pertaining to the Charter and to the O'Keefe lawsuit. Lenox felt the city would have paid $100,000 in the past year for that suit alone. He added that the confrontational attitude on Council also cost the city when Councilmembers called the attorney frequently. He also noted that the Solicitor position reflected the 15% annual increase in court cases, as well as a 100% increase in court appeals, over which the city had no control. Lenox felt the court duties were the most routine and likely to support an in-house attorney position. He said that some of the cases Lindsey had handled, had they been lost, would have cost more than the city would ever pay in legal fees. Lenox said he did not mind looking at the issue more closely, but he did not want a lot of staff time spent on the project. Rapson felt the numbers were not available to do a cost benefit analysis. Fritz said staff had a lot of other projects on their plates. Tennant felt the project would not be overly burdensome. Lenox said this would not be a simple analysis because it would require a lot of assumptions. He was unsure how to assess the value of some of the elements of the issue. Tennant asked at what point an analysis would be in order, and said for him that point was now.

Resident Murray Weed addressed Council, saying he practiced local government law and had served as in-house counsel in Lowndes County. He said Rapson was correct about the hidden costs, and said a staff attorney probably would not pay off for a city the size of Peachtree City. He said the point was that Tennant was merely asking for an analysis, and felt it would not cost the city a great deal to look at the issue due to the number of studies already done in the area. Weed volunteered his time to assist with the project, and said he was not applying if a position were created.

Council asked Salvatore to work with Rapson and Weed on the analysis. McMenamin was concerned about comparing to 2001, which was so different from normal years. Rapson suggested averaging the past three years. Lenox asked them to bring the item back before Council when they were ready.

Council/Staff Topics

Basinger said a selection committee was needed for the Planning Commission vacancies. Lenox and Fritz volunteered to serve.

Lenox made a motion to adjourn the meeting. Fritz seconded the motion. Motion carried unanimously.

Robert L. Lenox

Attest: Robert L. Lenox, Mayor

Betsy Tyler

Betsy Tyler, Deputy City Clerk