

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

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

Announcements, Awards, Special Recognitions

Sarah, Hannah, and Rachel Thompson were recognized as the winners in their age groups of the Building Safety Week Coloring Contest. Mayor Logsdon presented Building Official Tom Carty with a plaque recognizing his service as the first vice-president of the Building Officials Association of Georgia. Logsdon recognized Marie Washburn for her service on the Library Commission.

Public Comment

Anthony DiNota of the Peninsula subdivision addressed Council regarding safety conditions on Peachtree Parkway North for his subdivision and Stoneybrook.

Minutes

Rutherford moved to approve the October 5, 2006, executive session minutes, November 2, 2006, executive session minutes, November 16, 2006, executive session minutes, and January 4, 2007, executive session minutes as written. Boone seconded. The motion carried unanimously.

Plunkett moved to approve the May 17, 2007, regular meeting minutes as written. Rutherford seconded. The motion carried 4-0-1 (Kourajian).

Monthly Reports

Rutherford noted that the next budget workshop was scheduled June 14. Logsdon noted that the Town Hall Meeting was scheduled June 19.

Old Agenda Items

05-07-06 Consider Appointment of Members to Task Force on Development of Wieland's 88-acre Tract

Plunkett reported that she had gotten names from most of the Council Members. She had been out of town and asked that the decision be postponed until June 14. She requested that a special called meeting be held in addition to the budget workshop so it could be done.

Rutherford moved to postpone the agenda item until June 14. Boone seconded. The motion carried unanimously.

New Agenda Items

06-07-01 Alcohol License -- NEW -- She's Bistro & Sushi Bar

Becky She, applicant, and Jason She addressed Council. Rutherford moved to approve the alcohol license. Boone seconded. The motion carried unanimously.

06-07-02 Public Hearing -- Consider Variance Request for Majestic Estates Driveway

Murray Weed, attorney for applicants Victor and Kim Daniel, addressed Council. (A copy of the PowerPoint presentation is included in the official meeting file.) Weed noted that the existing

easement for the tract, which was just over four acres, was created in 1980. In 1987, the Council approved an ordinance amendment (Section 201(t) of the Zoning ordinance), which allowed no more than two residential units to be located off any driveway. He continued that this particular driveway already provided access to three residences – the TDK house, the Fouts home (zoned R-22), and the Bair home (zoned R-22). The Daniel property was currently zoned R-43. According to the ordinance, nothing could be done with the property unless a variance was granted. Weed noted that the easement extended from Peachtree Parkway to the end of the Daniel property. The plan was to use approximately two-thirds of the easement.

City Planner David Rast noted that the definition that required the applicant to seek the variance was in the Land Development Ordinance. He continued Nick Fouts had requested a variance for a curb cut for access to Peachtree Parkway. The request was denied, and Council gave Fouts permission to use the existing access for both his lot and the Bairs' lot. The Council had created a non-conforming use, and the Council decided to deal with such situations as they came up. A rezoning for the property would come before Council at a later date for the Majestic Estates subdivision. The variance request was solely to resolve the issue of access. The City ordinance had landlocked the property. Staff recommended the variance be approved. Rast added that the access easement ran along the entire property line separating the Majestic Estates tract from the TDK tract and the Fouts and Bair tracts. The Daniels' tract property line was a few feet off of the gravel drive to the north.

There were no comments specifically for or against the request.

Nick Fouts asked Council to consider a stipulation that the access be for only one home. He said that granting the variance with unlimited use would create an undue hardship for his property and for the Bairs' property. He continued that the Daniels should be allowed access to their property, but the easement was a 25-foot strip owned by Fouts and Bair. They could use the easement as they pleased, but they could not deny ingress, egress, and utilities. The 25-foot strip included a 12-foot gravel driveway, seven feet for utilities, and the rest was greenspace. The access could handle one more home, but not six. Fouts said that his original variance request had been to allow access to his home from Peachtree Parkway and to maintain the access easement for access to the Daniels' property, which had another owner at that time. When that request was denied, Fouts met the prior owner to discuss making the easement work for everyone. The former owner had planned to possibly build two houses on the parcel. TDK said they were going to keep the clubhouse. Fouts said they agreed with his plan to enlarge the driveway at Peachtree Parkway to allow for vehicles to go in both directions. He never intended for the gravel drive to become a public or private road. Fouts suggested an alternative access, which was to have the driveway for the Daniels' planned development come off of the split that went to the TDK house, which he said would lessen the impact to his property. He said part of the variance should be not to make a hardship for his family and the Bairs.

Plunkett asked how many homes could go on the parcel with the R-43 zoning. Fouts said the current zoning allowed four houses on the property. Plunkett said Council could not tell the Daniels they could not build the number of homes allowed by the current zoning. Fouts said he understood, but having the access where it was planned was the hardship. Rutherford pointed out that the question before Council was the easement and whether or not there would be more than two houses on it, and there were already more than that using it now.

Rick Bair also asked Council to amend the variance request to limit the access to one house. He agreed the Daniels needed access to their property, but he noted there were safety concerns. The Daniels had an easement, but did not have the right to take property away from him for their benefit. He was comfortable that something could be worked out. Bair said his grandchildren played outside near the driveway. Bair said the use of his property would be restricted for someone else's benefit.

The public hearing closed.

Weed said the Daniels held their neighbors in the highest esteem. The Daniels planned to live in Lot 6 of the proposed subdivision. He noted that the Bairs and Fouts had R-22 zoning on their properties and could have higher density than the proposed subdivision. The full use of the Daniels' property was allowed by some use of the Bairs' and Fouts' properties. The driveway had always been an access easement. Weed continued that this was probably the only situation of its kind in the City – property owners could not use their land because of an ordinance definition, which was a hardship. They would improve the access to private road standards, which would improve safety. They would also put in a fire hydrant, which would serve everyone. The Daniels requested the variance because of something that had happened to them. They were not asking for forgiveness. Reducing the variance or putting in any kind of stipulations would be an unconstitutional taking of the Daniels' rights. The Daniels had the right to build four houses on the land as currently zoning. A stipulation to the variance that only one or two houses could be built was essentially an inverse condemnation.

Bair said some inaccurate statements had been made. He said the nearest fire hydrant was on their property. The ordinance amendment was approved in 1987, and the Daniels bought the parcel in 2005. They should have understood all of the ramifications since they knew the ordinance was in place.

Rutherford said she had no problem with this variance, since there was a hardship with the landlocked property. She asked if Council could define how many houses could go off the driveway in the variance. City Attorney Ted Meeker said that, in his opinion, Council could not.

Plunkett asked if Council could grant the variance based on the current zoning. Meeker said the zoning determined the number of lots on a property. He had reviewed the access easement. Plunkett asked why Council could not grant the variance based on the current zoning only. Meeker said the variance stood on its own. There had been some blending of the issues relating to the variance and the rezoning during the public hearing and the discussion, but Council had to separate the two issues. The variance applied to the access and driveway requirements. The zoning issue would come at a later date. Plunkett asked what the ramifications would be if Council did not grant the variance. Meeker said the owners could not access their property without a variance under the current ordinance. There were potential legal issues if the variance was not granted.

Boone said the variance request met all the requirements. Meeker said Rast's analysis of the variance request and how it met the standards was dead on. Rutherford said the hardship applied to the applicant. Meeker said they had the access rights under the recorded access agreement. This was not the body to determine what the rights were if there was a dispute.

Rutherford asked if the costs of improving the access had been determined. Meeker said that was determined by the access agreement.

Rutherford moved to approve the variance as requested to allow more than two homes off the driveway. Boone seconded. The motion carried unanimously.

06-07-03 Consider Request to Waive Golf Cart Registration for July 4th

City Clerk Jane Miller noted that the City had received a request from Jonathan Hooper of Bulldog Supply to waive the registration fee for the July 4th holiday. She explained that Bulldog had a reserve of carts that were rented for events outside the City. Due to the number of requests they received, the business would like to rent those carts out for the July 4th holiday, but did not want to pay the registration fee since the carts generally were not operated on the cart paths. She noted that Council had previously waived the registration requirement for the Tour de Georgia. Staff recommended Council set a time limit so people would have time to pick up and return the carts.

Rutherford clarified with Hooper that he did have a stock of carts that were generally rented for people to use in the City. Hooper said they did. Hooper said they could provide a list of the carts to the Police Department ahead of time. Miller said if the registration requirement were waived, then it would be waived for everyone during that time period. Plunkett suggested that all the golf cart dealers provide a list of the vehicle identification numbers (VIN) to the Police Department during that time period.

Rutherford moved to approve waiving the registration fee for golf carts from July 3-July 5, and any rental companies should have a record of the vehicle identification numbers. Hooper asked if there would be any stipulation regarding people from out of town bringing in their own carts. Rutherford said they would either allow unregistered carts, or they would not. Hooper said he would have a record of who the carts were rented to. Boone seconded. The motion carried unanimously.

07-06-04 Consider TDK Boulevard Extension

Rutherford noted that she had placed this item on the agenda. The court date for the City's lawsuit against the Georgia Regional Transportation Authority (GRTA) was set. She had been asked to take the matter off the agenda, but she had declined because a public decision needed to be made on what to do. She clarified that the court date was July 6 and asked Meeker if he ever had court dates that had not followed through. Meeker said yes. Rutherford asked if any decision made during the meeting would be detrimental to the lawsuit. Meeker said he could not say whether any action would affect the judge's decision. Rutherford clarified that the case would be heard in Fulton County, and the question was whether GRTA had the right to require an entity to provide infrastructure for something in another entity's jurisdiction. Meeker said that was part of the issue. Another issue was whether or not GRTA had the authority to impose road improvements in connection with a Development of Regional Impact (DRI). Rutherford added that part of that was whether or not GRTA could impose those requirements outside of the county of the DRI's location.

Rutherford said that TDK had been discussed for years. She believed that if the City had not been at the table, then there would be no choices. Dinner was over, and the table had been cleared. It was time to decide what was best for the City, not Fayette County or Coweta County.

Plunkett said she did not disagree. Her concern was the ramification of the vote regarding the arrangement with Pathway Communities on the right-of-way. The right-of-way reverted back to them if the road was not started within three years. Meeker verified that was a requirement of the deed. Plunkett asked if the reversion clause would be triggered if Council voted to stop the extension of the road. Meeker said Council would still have three years.

Boone asked if there could be any ramifications from the state for road funds. Meeker said there could be, but did not know specifically. Rutherford noted there had been some discussion about what would happen if the City did not go through with TDK, including withholding the funding to complete the SR 74 widening. Threatening to withhold the funding to complete SR 74 was a form of blackmail. She said they would hold the state accountable. The state promised Cooper Lighting and Cooper Wiring that the road would be widened years ago when Cooper decided to move to Georgia. That piece of the road would be completed. The state could decide to stop the widening at that point since Cooper would have what they had been promised. The state's transportation budget was always questionable. Rutherford noted that widening the road south of Cooper might not be an advantage to the City since it would just add more traffic. The state had agreed to put in the tunnels under SR 74 when they widened that portion of the highway, and Council should consider that. However, she was not sure that was a reason to build TDK, and the City might not get the highway funds anyway.

Boone asked if the City would have any recourse if the state decided to stop the highway widening. Meeker said it was like any other governmental project. The state could, at its discretion, decide to shift the funding elsewhere. Rutherford noted that the current SR 74 widening had been planned earlier, but the state had run out of money and the project had been stopped. Meeker said the contracts had been let and signed for the current widening, but the DOT could clearly stop the second phase for any reason.

Logsdon said he had raised a lot of issues and had wanted to pull the agenda item primarily because he wanted the lawsuit to be heard before a decision was made. His concern was not about building the TDK extension, but what Council's vision was for the east-west transition of traffic through the City. That would be part of the discussion at the June 19 Town Hall meeting. Whether the extension was built or not was not a big deal for him. With all the growth around the City, there needed to be more than one east-west corridor through the City. The traffic on SR 54 would gridlock again. Logsdon said he had not created the TDK extension; it just came to a head on his watch.

Boone pointed out the City had been blindsided by the developer plans in Coweta County. As it stood now, he was not in favor of TDK. The City gained nothing, and the developers would gain millions of dollars.

Plunkett added that a decision to stop the road did not mean it was dead forever. Another Council could build the road.

Logsdon said he had spoken to the County Commission Chairman, and the funds were available to start building the road right away. If the road were stopped, then the money would be reprioritized, and TDK would go to the bottom of the list of unfunded projects. Rutherford said if the motion was to stop the road, then the City should tell the County to take those funds and use them somewhere

else. Those other projects would benefit the City as well as the County. Another east-west corridor was needed, but TDK was not it. She continued that there would be an opportunity for a better decision after Coweta County built the roads needed to handle its growth.

Kourajian agreed that an east-west connector was needed, but he was steadfast in his belief that the City and the County did not need to be the main thoroughfare for Coweta County to get to I-85. The TDK extension should be reconsidered after Coweta had other primary routes to I-85.

Boone asked if there was any possible recourse from GRTA, Coweta County, or the developers if the Council decided not to build the road. Meeker said that he was not aware of any recourse for the developer and Coweta County. He said he would let GRTA figure out what it wanted to do. He added that this vote would not affect future Councils who wanted to move forward with the project at a later date.

Plunkett said it was also important to recognize that there were Council Members that had spoken with some of the Coweta County Commissioners and told them that they did not see any benefit to the City regarding the road extension until Coweta had other routes to I-85. She did not want people to think the issue would be gone forever.

Logsdon said he would like to delay the vote until after the hearing to get a feel for where it was going. Plunkett said the hearing was about whether or not GRTA had the legal authority to tell a City what to do. It was about home rule for a city. Meeker said that, in essence, was the question. The road was the main condition contested in the DRI. Logsdon added that every city and county in metro Atlanta was watching this case.

Rutherford said a vote that night would not stop the hearing. If GRTA wanted to flex their muscles, they would use this case to prove their point. Kourajian said that GRTA should know that, if an unfavorable judgment for the City came down, then the City would not just roll over. Rutherford said the City had already sent a message that it did not think GRTA should be able to tell it what to do. A vote to not continue the road would clearly back up that message.

Plunkett said the question before the judge was whether or not GRTA could tell the City to build four lanes versus two lanes. Meeker said it was about whether or not GRTA could tell the City what to do, period. He added that, if the Council waited until after July 6 to make a decision, then there would be no question about the decision's impact on the judge's decision.

Boone asked if, when the right-of-way reverted back, a private developer could put in a bridge and road. Meeker said that could always happen, but the private developer might not be able to get the bridge permits. Kourajian said they could build a road on private land, but they would also have to get Fayette County's permission to place the bridge on the Fayette's side of the creek. He continued that they would also have to get permission to connect to the City's roads. Meeker said a private road could be built, but the County could not build a road in the City without the City's permission. The state could always build a state highway.

Kourajian moved that Peachtree City consider not building the TDK connector until such time that Coweta County built a primary route to I-85 that did not go through the City or Fayette County. Once that was accomplished, the City would consider a two-lane TDK bridge. Boone seconded.

Rutherford asked for an amendment to the motion. Rutherford and Plunkett noted that the vote could not bind future Councils. Rutherford said the motion should include that the City relieved the County from holding the money for the construction. Logsdon said that would be a moot question once the motion passed. Rutherford said she wanted to make it clear that the County was free to spend that transportation money elsewhere. Logsdon added that \$200,000 belonged to the City for the design, and he wanted to get that back. City Manager Bernard McMullen said that money had already been spent on the design. Plunkett said the design could be used in the future. The consensus among the other Council Members was that the motion should be simple.

Kourajian restated his motion. Logsdon said the motion should just stop TDK. They did not need to bind Coweta County. McMullen asked if they wanted to define what a primary route was. Logsdon said he would rather not put conditions on Coweta County. The motion should be to stop all Peachtree City efforts on TDK.

Rutherford noted that the City was angry because it had been directed to do something, and now Council was asking Coweta County to do something in the motion. Kourajian said he was not saying that in the motion. In the motion, he was saying he did not want to not move forward with the TDK connector, and that he believed an east-west connector was needed, but not until Coweta County had another route to I-85. Boone restated his second to Kourajian's motion.

Rutherford asked if this Council or another Council could reconsider TDK if there was not an alternate route to I-85 in Coweta County. Meeker said yes. He added that those who voted in favor of the motion could ask for reconsideration. Kourajian clarified that it did not matter who, Coweta County or the state, built the route to I-85 in Coweta County as long as it was built.

The motion carried unanimously.

06-07-05 Consider Amendments to Travel Expenses CAR

Assistant Finance Director Janet Camburn said the amendments affected per diem reimbursements for travel expenses, which she would go over if that was what Council wanted. Staff recommended approval.

Rutherford moved to approve the change to CAR 8-2. Kourajian seconded. The motion carried unanimously.

06-07-06 Consider Request to Change/Add to Fire Department Volunteer Stipend Program

Acting Fire Chief Ed Eiswerth reported that the volunteer stipend program had worked well. The average number of volunteers responding to calls had increased from 0.5 to almost three per call. The additional proposed changes included a stipend for firefighters who stayed at the station for an increment of four hours at a time. The same funding would be used, and there would be no additional budgeting. The program would start July 1.

Rutherford clarified that this stipend was for firefighters who stayed at the station to get in their volunteer time. Eiswerth continued that there were two types of volunteers – those who lived in town and responded when their pagers went off and those that did not live in town and put in station time. Most of those stayed at the station with all the activity because they were paid when they

went out on calls. Eiswerth said the stipend would allow him to spread the volunteers out to other stations, especially those that did not get a lot of calls.

Kourajian asked how much the program would cost. Eiswerth continued that he had no intent to ask for an increase in the stipend program this year or next year. He did not know how much it would cost, but the program was under budget for the current stipend program. They might use the rest of the money if this program were instituted. It was an incentive. Some of the volunteers would not take the money. The budget for FY 2007 was \$69,000, and the same amount was proposed for FY 2008. To date this year, they had spent approximately \$54,000.

Plunkett asked Eiswerth if he felt the stipend program had been successful. Eiswerth said yes. The volunteer numbers per call had increased from 0.5 to 2.85 as of that day.

Kourajian moved that the Fire Department introduce a stipend program that paid volunteers to stand by at the fire stations at the rate of \$10.53 per four-hour increment of station time starting July 1, 2007. Rutherford seconded. The motion carried unanimously.

06-07-07 Consider Amendments to MNGWPD Post-Development Ordinance

City Engineer Dave Borkowski explained that the City currently had an ordinance in place, but the Environmental Protection Division (EPD) had audited the City's stormwater program and commented that the City needed to adopt an ordinance that was the equivalent of their model ordinance. To make things easier, staff decided it would be better to adopt the model ordinance rather than go through the current ordinance point by point. The major change dealt with the exemptions that were not in the model ordinance. The current ordinance had a variance procedure in place, while the proposed ordinance did not.

Rutherford commented that sometimes the state's model ordinances were weaker than the City would like. Meeker said the proposed ordinance was very strong and beefed up the City's current ordinance. The City was required to adopt the ordinance in order to maintain its status with the EPD.

Rutherford moved to approve the amendments to the MNGWPD Post-Development Ordinance. Boone seconded. The motion carried unanimously.

06-07-08 Consider Committee Appointment to Name Peachtree City's "West Village"

Logsdon noted there was an additional document on the dais – guidelines for the proposed committee. Logsdon read the guidelines.

Kourajian suggested that the task force be given a 90-day deadline. Rutherford agreed. Logsdon added the 90-day time limit as a guideline. Rutherford asked Meeker if the committee would be required to follow the open meeting laws. Meeker said they would. She said that should be added as a guideline. Logsdon noted that was a law. Rutherford said it should be on the list to ensure the members knew they were required to comply with the open meeting laws.

Logsdon said his list of proposed members included former Mayor Fred Brown, Jerry Peterson, and the homeowners association (HOA) president or designee from Centennial, Wynnmeade, and Planterra subdivisions. Rutherford said a five-person committee was fine, but said interested

citizens should serve on the committee. She suggested that information be placed on the website so anyone interested in serving could submit their names. Council would then select five citizens at large.

Plunkett liked Rutherford's idea, but Council needed to define what they were looking for from applicants. Rutherford agreed that there should be representatives from Centennial, Wynnmeade, and Planterra, since it would have a big effect on them, and two other citizens. She felt those positions should be opened up to any resident interested in serving. Plunkett suggested that Brown be appointed as the chair of the committee since he had volunteered, and that they take volunteers for the other members.

Plunkett moved to put on the website that a committee would be formed to name the West Village, the criteria be that three members be from the following areas – Centennial, Wynnmeade, and Planterra, that former Mayor Fred Brown chair the committee, and that Council would accept applications until July 19. Council would appoint the members at the July 19 meeting. Rutherford seconded. The motion carried unanimously.

06-07-09 Consider Proposed South 74 BSC Multi-Use Tunnel & Rockaway Road Tunnel Lighting Design

Borkowski asked Council to approve the task order from S.L. King & Associates for the lighting design for an amount not to exceed \$19,200. The two tunnels were included in the second phase of the highway widening. They were included in the design of the road, and part of the design involved the electrical work design. The lighting design was needed for the final field plan review in August. Borkowski said staff had not been aware the state wanted this design this early, and it had not been budgeted for this year. Staff recommended the funds come out of the PIP contingency.

Rutherford asked if the City could get everything done by August. Borkowski said it could be done in four weeks following the notice to proceed, according to the proposal.

Rutherford moved to approve the task order from S.L. King & Associations for the lighting design for the two proposed pedestrian tunnels under SR 74, not to exceed \$19,200. Boone seconded.

Kourajian asked if S.L. King was the preferred vendor for this project. Borkowski said the company was the sub-contractor for QK4, who designed for the tunnels. Rutherford said there were at least two people who submitted bids. QK4 had put out the bid.

The motion carried unanimously.

06-07-10 Consider Proposal for Design of Walt Banks/Peachtree Parkway & Crosstown/Peachtree Parkway Intersection Improvements & Multi-Use Path Construction from the BSC to Cooper Lighting

Borkowski said staff recommended the proposal be awarded to Professional Engineering Consultants (PEC) for an amount not to exceed \$209,800. The intersection improvement projects were identified in the City's Transportation Improvement Plan (TIP) and would be partially funded through the state's TIP funds, the Q23 funds. The Walt Banks improvements were also funded

through the SPLOST. The multi-use path from BSC to Cooper Lighting was identified on the City's master cart path plan and was partially funded by the Q23 funds.

Borkowski continued that four companies had responded to the RFP. Staff had evaluated the companies for the criteria put out in the RFP. The weighted criteria included 30% for price, 30% for similar projects and experience, 30% for demonstrating an understanding of the RFP, and 10% for references. The criteria had been placed in a matrix, and PEC and Stantek had been dead even. A selection committee interviewed both companies, asking the same questions of both. The consensus was to award the RFP to PEC. PEC had not sent in the lowest proposal, but had included the cost of the environmental work for the project. Stantek had not included that work in its proposal. Rutherford said that, in that case, Stantek had not met the requirements. Borkowski said that element had not been clear in the price proposal, but it was discovered during the interview. PEC had more experience in cart path construction and better customer service. He added that PEC had also designed the Whitlock Place detention facility.

Borkowski said the costs were within budget except the Crosstown/Peachtree Parkway improvements, which had \$54,000 set aside in the PIP account. Another \$14,150 would be transferred from the PIP contingency fund to cover the costs. Rutherford asked if there were any excess funds from the other projects that could cover the costs. Finance Director Paul Salvatore said there would not be any excess funds. The projects had been budgeted in total, and there was \$207,000 budgeted. Rutherford asked if the numbers were over or under what was budgeted. Salvatore said they were within budget. Assistant Finance Director Janet Camburn said that the Walt Banks/Peachtree Parkway project was a SPLOST project. The Crosstown Road/Peachtree Parkway project was over budget. The Cooper Circle project had \$50,000 allotted, and the cost was \$49,750. Rutherford asked where the additional money would come from. Camburn said the excess would come from the PIP contingency.

Plunkett asked if the company had been given any guidelines regarding the improvements at Walt Banks/Peachtree Parkway. She noted that QK4 came back with the same proposal Council had not liked the first time. Borkowski said that had been discussed at the pre-proposal meeting. There would not be a roundabout. They had to start over with that intersection.

Rutherford moved to award the proposal to Professional Engineering Consultants for an amount not to exceed \$209,800, which would be taken from the SPLOST fund and PIP contingency (\$14,000). Boone seconded. The motion carried unanimously.

Council/Staff Topics

Review & Status of Landscape Plan for SR 54 West (North Side)

City Planner David Rast provided an update on the landscape plan. Staff had been revising the plan for several weeks. A consultant came up with a schematic plan for the SR 54 West corridor, which was done before the buildings were constructed and parking lots were configured. He said the plan was adjusted based on the locations of the buildings, parking lots, and sidewalks. He continued that Doug McMurray had a price for the landscape plan that he still had to go over with his partners. Rast said he was scheduled to meet with the contractor the next day to walk the site. The plant materials would be similar to those used on the SR 54 West corridor to tie everything together. Rutherford asked how the buildings had been moved from the approved plan. Rast said that was not an accurate statement; the buildings were located according to the schematic master plan. As

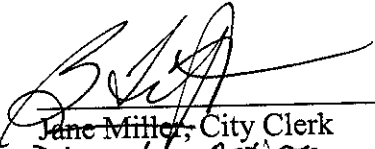
each site was developed, the buildings were more or less in the same location, but there were some variances as far as the width of the parking lots. The schematic master plan was developed as part of the SR 54 West overlay district. Rutherford noted that there had been a lot of trees on the plan at one time, and the cart path was not visible. She asked how the path would be buffered from the highway. Rast said there would be plant material between the sidewalk and the back of the curb. Rutherford said there were areas where the path was not even one foot from the road. Rast said he was not sure what Council wanted him to do. Plunkett said that plants would not provide a buffer for the golf cart lights from the traffic on SR 54. There was a safety concern about the golf cart lights and the traffic. The utility boxes from the buildings were on the highway and were not buffered. Rast said the intent of the overlay plan approved by the Council was to do that. Rutherford said the cart path had not directly abutted SR 54 on the plan. She was concerned that they could not put in enough buffer material to provide the vision for the area. Boone said that had to be worked out between Rast and the developer. Rast said no landscaping had been installed yet. Plunkett asked when it would be installed. Rast said it would start immediately upon approval by the developer's partners. He continued that landscape plans were not accepted until the buildings were under construction so they would know what the area looked like, as well as finding areas that needed additional buffering. There was a 30-foot landscape strip along the north side of SR 54. They did not want to put the plantings in until they knew what the buildings looked like. If the plant materials had gone in building by buildings, half of the plantings would have to have been taken out as the site was developed. They wanted consistent plantings along the front. He apologized and said that he understood there would be a complete landscaping project at the end, which had been the vision of the SR 54 West advisory board. Rutherford and Plunkett were concerned about making what they saw on paper happen on the ground. McMullen asked Rast to scan in the landscape plan and send it to Council.

Rutherford asked Rast to send a memo regarding the Majestic Estates variance and why they were directed to request GR zoning. Plunkett said she also had concerns about the requested zoning. Kourajian asked for any documentation that Rast had. Rutherford said Rast should note whether or not he recommended the requested zoning.

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

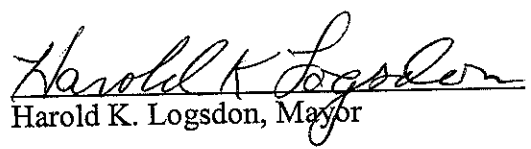
Rutherford moved to reconvene in regular session. Boone seconded. The motion carried unanimously.

There being no further business to discuss, Rutherford moved to adjourn. Boone seconded the motion. The motion carried unanimously. The meeting adjourned at 10:45 p.m.


Jane Miller, City Clerk

Betsy Tyler, Acting


Pamela Dufresne, Recording Secretary


Harold K. Logsdon, Mayor