

City Council of Peachtree City
Minutes of Regular Meeting
June 2, 2005
7:00 p.m.

The City Council of Peachtree City met Thursday, June 2, 2005, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:05 p.m. Other Council Members present were: Stuart Kourajian, Steve Rapson, Judi Rutherford, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown recognized Chris Clark for his service on the Library Commission. Jesse Brooks of Public Works was recognized for 10 years of service. Peachtree City Firefighters Jim Kretchman, Jonathon Kempler, and Curt Ousley, and Fayette County Communications dispatchers Devon Darcy, Ashlee Koontz, Laura Johnson, and Tonya Woody were recognized for their efforts to revive a resident who was in full cardiac arrest. Jenni Learnard was recognized for her Earth Day Challenge. Learnard organized a litter pick up with the City's elementary schools. McIntosh High School teacher Dawn Burnette was recognized as the Fayette County Teacher of the Year. The McIntosh Girls Varsity Soccer Team was recognized as the State 4A champion. Brown announced that the July 4th t-shirts were available at City Hall, the amphitheater, the library, and Kedron Fieldhouse.

Minutes

Rutherford moved to approve the May 5, 2005, regular meeting minutes as written. Rapson seconded. The motion carried unanimously.

Rutherford moved to approve the May 19, 2005, regular meeting minutes as written. Rapson seconded. The motion carried unanimously.

Monthly Reports

Brown noted that the City's population was currently 35,720. The Top Five accident sites for April were GA 54/GA 74, GA 54/Planterterra Way, GA 54/Huddleston Road, GA 74/Crosstown Road, and Aberdeen/Commerce Drive. Development permits were down significantly, 192 year-to-date in 2004 compared to 94 this year-to-date. Single-family permits were also down significantly, 177 year-to-date in 2004 compared to 62 this year-to-date.

Consent Agenda

- 1. Consider Budget Amendments**
- 2. Consider PIP Project Location Change**

Rapson moved to approve the Consent Agenda. Rutherford seconded. Weed removed Consent Agenda #2 for discussion. Rapson amended his motion to approve Consent Agenda #1. Rutherford seconded. The motion carried unanimously.

Weed asked Leisure Services Director Randy Gaddo what the schedule was for other bathroom locations as well as the criteria. He noted that the All Children's Playground was not on the schedule until next year and it was very busy. Gaddo said they had looked

at the All Children's Playground first; however, the next location would be at the McIntosh Trail facility, based on the number of people using the park.

Rutherford moved to approve Consent Agenda #2, the PIP project location change. Rapson seconded. The motion carried unanimously

Old Agenda Items

05-05-10 Consider Change in Planning Assistant Position from Part-time to Full-time

Developmental Services Director Clyde Stricklin addressed Council. He requested that the part-time position be retained as originally authorized. Stricklin said they looked at the new schedule for the Comprehensive Plan update and adjusted the way the Planning Commission agenda was done. The changes would allow the position to remain part-time. The Planning Commission would consider planning applications at one meeting (the second Monday of each month) and meet with the Citizens Committee once a month (the fourth Monday of each month) and as required. Stricklin said they were preparing meeting notices to go out, and the Citizens Committee's first meeting would be held June 27

Rutherford expressed concern that the committee's first meeting was so late in June and the schedule for completion had been moved up by five months. The first meeting was supposed to have been three weeks after the appointments were made (May 5 Council meeting). Stricklin said staff was sending an information packet with a schedule to the committee members.

Rutherford moved to approve the request. Rapson seconded. The motion carried unanimously

05-05-12 Consider Rezoning – Ergle Tract, GA 74/Wisdom Road – AR to LUC

Brown noted there were additional documents on the dais – a document entitled "An Ordinance to Amend the Peachtree City Zoning Ordinance to Rezone Two Parcels at the Intersection of GA 74 North and Wisdom Road for a Commercial and Office Complex, and for Other Purposes," and an e-mail from the City Manager to Pam Dufresne dated June 2, 2005, with the subject, "Responses to questions from Bernie and meeting summary" Brown added the rezoning had been tabled at the May 19 meeting. The public hearing was held at the May 19 meeting.

Council was given several additional documents – a copy of the Delta Employees Credit Union (DECU) annual report for 2004 entitled, "Stronger Than Ever;" a letter from Steve McGill, president and CEO of Eastern Financial Florida Credit Union formerly Eastern Airlines Employees Credit Union, a site map of the DECU dated 5/25/05, and some color photos of the Ergle tract.

Jerry Peterson, the applicant's representative, said several issues had been raised at the last meeting, which had been discussed during the last two weeks. He pointed out that

the proposed project was great, a good use for the commercial corner, a good tenant, a good company, good employees, and a good tax base. He went over a schematic buffer landscape plan for the buffer area with Council. He said the plan showed the types of vegetation, but was not specific. Peterson continued that he did not like the idea of a 300-foot long straight berm. He would prefer to have the berm meander rather than sit on the property line. There would be a maintainable slope on both sides without a steep slope. They would plant some evergreen buffer trees on both sides of the wall, with decorative landscaping in between to soften the fence. Trees would also be planted in the parking lot islands to provide coverage. Peterson said they had discussed types of fencing with the neighbors, but nothing had been decided. He said they were planning a two-to-three-foot berm with a four-to-five-foot fence on top of the berm.

Peterson said they had also discussed storm drainage with the neighbors. The storm drainage would not sheet flow into the residents' yards. There would be an underground retention pond. The engineering had not been done, but he anticipated the paving would slope to islands in the parking lot for pre-filtering, then flow underground. Peterson also had a rendering of the proposed building.

Brown asked where the cart path would be located. Peterson said the Fairfield neighbors preferred that the cart path come from across the road. There was a path that led to the Fairfield entrance. Peterson said they were open to any location. Rapson said the path location was up for discussion, but he preferred that the golf carts did not cross Wisdom Road a second time.

Weed asked, for the record, what would happen to the large oak tree located on the property. He noted that due to the location of the drip line that tearing the house down and removing the septic field would damage the tree. He asked Peterson if he agreed with staff that nothing could be done to save the tree. Peterson agreed.

Rapson asked City Planner David Rast to go over the changes made to the zoning ordinance. Rast said staff met with the design team and Fairfield residents to talk through their concerns. Rast said they were able to alleviate the residents' fears, as well as the unknowns about the project. Staff tried to incorporate solutions to Council's and the neighbors' concerns in the zoning ordinance.

Rast continued that creating two zoning districts for the parcel might cause problems in the future, as there would be two zoning lots with different zoning designations. He said staff looked initially at modifying the LUC as originally proposed, but found there was a section in the OI zoning that listed OI properties with special conditions, such as the McWilliams property at the intersection of GA 74/Lexington Pass (Section 1005B.1). Staff still felt both parcels should be combined into one zoning lot, and reformatted their recommendation so the zoning for the entire parcel would be OI. The OI zoning district would still incorporate the restrictions initially suggested under the LUC zoning. Rast said Section 1005B.2 Ergle Tract could be added to the section on OI zoning. Rutherford asked Meeker if he had read the new section. Meeker said he had.

Rast said that Section 1005B.2(a) identified the parcels and had not changed. Section 1005B.2(b) identified the site plan as Attachment A. Section 10005B.2.1 Conformance with master plan specifically referenced the site plan submitted with the initial application. The site plan would be attached to the zoning and incorporated into the zoning ordinance.

Rast continued to Section 1005B.2.2 Permitted uses, which identified business, professional, and government office facilities. Businesses involving the rendering of a personal service on the premises in establishments having a size of 6,000 square feet or less were also a permitted use. Retail businesses involving the sale of merchandise and restaurants had been removed as a permitted use. Copy shops, secretarial services, and support retail for tenants within the buildings would be allowed.

Non-permitted uses (Section 1005B.2.3) were the same, but (j) restaurants or food service establishments, and (k) bars had been added. He continued that when the Dalton West parcel was rezoned, staff met with the Fairfield residents, who did not want a restaurant behind their homes. Their concerns included parking, late night overflow, smell from the dumpsters, and everything else associated with food service. Those concerns were incorporated into the zoning for the Dalton West tract, which was located immediately north of the Ergle tract. Staff's recommendation was that there be no restaurant, food service, or bars on the tract.

Rast noted that other requirements dealing specifically with the site plan were listed in Section 1005B.2.5. The maximum building size was not to exceed 37,600 square feet. Office Institutional zoning allowed a maximum 35-foot building height. Other districts had the clause "unless approved by the fire marshal." Rast said World Airways had gone through the variance process for its three-floor building. For this tract, staff recommended that the building height be limited to three stories, or 60 feet. The plan called for the building to be 58 feet, including the architectural element.

Rast said the first paragraph in Section 1005B.2.5(c) had not changed, but a second paragraph addressing parking had been added in response to residents' concerns. Parking would be restricted to employees and visitors of the building tenants. The lot would be posted with signage to prevent overflow parking from other businesses in the area. The property manager would be in charge of monitoring the parking area and towing unauthorized vehicles from the site.

Rast said Section 1005B.2.5(d) Landscape buffer had been added. Rast said the recommendation was to increase the minimum buffer to no less than 30 feet in width. He said the wider buffer could be accommodated without eliminating parking. The internal parking island would be deleted and the drive way would shift 10 feet further away from the property line. The stacking area for the drive-through and the ATMs would also be reduced.

Rast said they were not sure if the parking lot would be higher or lower than the existing grade. Wherever the finished grade was, a minimum of 10 feet of visual screening within the 30-foot buffer should be added. Rast said he had discussed this with the neighbors. Once the landscape plan was developed, someone from staff would be on site with the contractor and look at the buffer area from the back of the adjoining residential lots. Rapson said he did not see the requirement. Rast said the language covered the minimum 10-foot screening. Rapson said he liked the proposal of a meandering berm and fence, but he wanted to ensure some flexibility, and there was none the way the ordinance was written. Rast suggested striking the first part about the berm and requiring an overall 10-foot visual screen. Rapson suggested replacing the four-foot berm with two-to-three-foot and the four-to-six-foot fence with four-to-five feet. He noted that the plan was at 10 feet. Rast asked if the conceptual buffer plan should be listed. Rutherford said the buffer plan would be Attachment B. The elevation for the building would be Attachment C.

Rast continued to the section on curb cuts, Section 1005B.25(e), which had not changed. He said the entrance would be shifted 10 feet further away if the 30-foot buffer was approved.

Rast addressed (g) Site lighting. He said the federal government set the lighting guidelines for ATM machines and that Staff was recommending the maximum lighting within the parking lot and service areas be limited to no more than three foot-candles. There was a type of lighting that was direct and would not flow off the property. Staff added a paragraph to address the illumination on the property boundaries, which must not exceed 0.5 foot-candles. The light poles were limited to 14 feet in height within the parking areas adjacent to the subdivision. The lights in that portion of the parking lot would be required to be on a timer that turned the lights off at 11 p.m.

Brown asked if more light poles would be needed due to the height restriction. Rast said that, typically, it meant one or two more poles would be needed. With the foot-candles limited, more poles would be required. The lights would also be on a timer so that the only 24-hour lighting would be at the drive-through and at the ATMs.

Kourajian asked what it would take for the light measurement at the property line to be zero. Rast said he had spoken to some lighting consultants, and the site would have to be dark for the light measurement at the property line to be zero foot-candles. Kourajian asked where the zero foot-candle recommendation had come from. City Manager Bernard McMullen explained that the recommendation had been given to him, but the only way to attain a zero foot-candle measurement would be to have a complete buffer all around the property. Kourajian asked if the 0.5 foot-candles would be at full foliage or zero foliage. Rast said the measurements would be taken twice during the year. Kourajian said he was just ensuring that. Brown said the landscape lighting on the front of the building was a nice accent from the street. He did not want to put the landscape lighting at the front of the building on timers.

Rast said the references to signage and speakers had not changed. Staff recommended the business hours be 7 a.m.-7 p.m. to eliminate cars coming and going all night.

Rast said they had discussed the majority of changes with the applicant, but had not been able to discuss them with the neighbors.

Peterson addressed Section 1005B2.2 Permitted uses. He noted that the development was a credit union with a banking center. He wanted to ensure that could be done since it could be bigger than 6,000 square feet. Peterson said the banking service might be general office rather than personal service, but he wanted to ensure the operation was allowed at more than 6 000 square feet. Brown suggested adding another use to the section that would make the use more specific. Rast pointed out that the development was a full-service branch, which was classified as a business office and was allowed. Rutherford noted that was an allowable use.

Peterson said they agreed with everything listed in Section 1005B.2.3 Uses not permitted, including restaurants and food service.

Peterson said a 20-foot buffer should be adequate. He said he could not do much more with 30 feet when it came to staggering trees. Rapson asked if that was a deal breaker. Brown said a 20-foot buffer would leave more trees in the development and they would lose tree islands in the parking lot. Rapson said he wanted trees in the buffer. Peterson said they would not get into the existing vegetation with a 20-foot buffer. Kourajian asked if there was a buffer along Wisdom Road. Peterson said there was a City-owned buffer along Wisdom Road.

Rapson asked if a 25-foot buffer would still get trees in the parking lot. Rutherford said it should. Rast said the size of the islands would be reduced. Peterson said they needed to be careful since they might have to taper down the buffer due to the curb cuts. Rapson said they needed to add the following wording to the end of the section on buffers, "to include the entrance way to the Fairfield subdivision."

Kourajian asked who would be responsible to ensure the parking provisions were enforced. Peterson said the property owner was responsible for calling regarding any violations. Kourajian asked what would happen during the middle of night. Police Chief Jim Murray said that his officers could not do anything in private parking lots. Kourajian asked what he should do if he were a Fairfield resident. Peterson said the property manager would probably be local and should be called regarding any problems. Weed said they could put a contact number on the signage. Peterson said the parking restrictions were also important to the project owners. They did not want overflow parking and wanted to maintain a first class property.

Peterson said they agreed with the conditions placed on lighting, but asked for a definition of adjacent. He said, to him, adjacent meant within 50 feet of the property line.

Rapson said having timers on the lights within 50 feet of the property line was reasonable.

Peterson addressed the business hours. He pointed out that people might work late at any office, or there might be some shift or flex work. People could go to an office at any time. Rutherford agreed there should be limits on a retail business, but a person should be able to work in their office at any time. Brown clarified that the business hours applied to consumer traffic. He suggested consumer traffic be limited from 6 a.m.-9 p.m. Meeker suggested that the wording be "open to the public." Rutherford read the section with the revisions. Meeker asked if there was an exception for the ATMs. Kourajian said the ATMs were located outside the building.

Peterson said they would also like some flexibility on the maximum square footage. He noted that the atrium would be 3,000 square feet of space that could not be leased. He felt the designer would need $\pm 10\%$ on the square footage for flexibility in the design. Rapson told Peterson he already had two buildings. Peterson asked for a 40,000 square foot maximum just so the designer was not tied right to the number. Kourajian said they could change the maximum square footage to 35,000 so $\pm 10\%$ would be approximately 38,500 square feet. Rutherford said she would rather have an exact square footage not to be exceeded and suggested 39,000 square feet. Rapson said 38,000 was a deal breaker for him. Weed agreed to 39,000 square feet.

Rapson noted there was nothing in the ordinance about participating in the design and installation of a traffic signal at the intersection of GA 74 and Wisdom Road. Stricklin said the intersection met the warrants for a light, according to the study; however, the DOT did not like how the study was done and said the right-hand turns should not be included. DOT said the City should focus on the Kedron issue. Stricklin said when the warrants were met the signal was required to go in. Rapson said the cost of the light should be covered by the SPLOST, but this development would bring more traffic. Rapson said the site would not participate in the cost of the light unless it was a condition. Peterson said they had participated by paying for the warrant study. Stricklin noted that DOT had the same problem with both the Wisdom Road and Georgian Park intersections. If the right-hand turns were included, both intersections met the warrants now. The traffic consultant was working with DOT on what to do if the intersection met the warrants once the development was completed. He said intersection improvements would cost approximately \$112,000.

Rapson asked the applicant if they were willing to pay for additional traffic studies and a portion of the signal light. Peterson said they had already paid \$9,000 for the traffic study, which indicated the intersection met the warrants for a traffic signal without the development in place. They did not feel they should pay for the traffic signal. Rapson said he had never seen a business built at an intersection that did not participate in paying for signalization, whether it was warranted or not. Otherwise, the taxpayers had to pay for it. The City could re-direct the SPLOST to another project. Rutherford noted the businesses already located at the intersection and asked if they would have to pay for the

light. She disagreed, saying it was not always done unless the Shell station and the restaurants had already pledged money towards a signal.

Weed asked Peterson if they would agree to pay for another traffic study. Rapson said he would agree to the applicant paying up to \$9,000 for another traffic study to ensure the light was put in place with SPLOST funds. Peterson said they would pay for another traffic study.

Kourajian asked why the DOT would not put the light in now. Stricklin said that taking the right-hand turns out of the study caused the numbers to drop just below the warrants. Stricklin said another study should be done after the development opened. Brown said right-hand turns were viable traffic in the intersection.

Rutherford said the cart path should come up the north side of Wisdom Road. While Rutherford understood why the residents did not want the cart path in that location, she did not want to have golf cart traffic crossing the road. She said they could ensure there was buffering on the Fairfield side of the path. This was a safety issue, and that was her priority. Weed agreed. He said Council had done everything they could to accommodate the neighborhood, but this was a safety issue. Two crossings were more dangerous than one. Peterson said they would work with staff on the cart path issue. Rast noted there was a 25-foot greenbelt on the backside of the homes, as well as a power line easement. The power company routinely removed all of the vegetation within the easement every few years. Brown said the utility would make an exception for low growth plantings. Rast agreed. He added that the path, berms, and landscaping might keep them from doing that. The path should be kept as close as possible to Wisdom Road. Brown suggested to Peterson that the landscaping design have an area for the power company's trucks so they would not tear the plantings up to get into the easement area.

Peterson said they would like to do the second traffic study after the new buildings in Wisdom Pointe were completed. Council agreed that would be a reasonable time for a traffic study.

Rapson moved to approve the ordinance with the following changes – change the property to OI as written, Section 1005B.2.5, the maximum building size would change from 37,600 square feet to 39,000 square feet; (d) the landscape buffer would change from 30 feet to 25 feet, to include existing tree islands, and the four-foot berm would change to a two-to-three-foot berm for height and the four-to-six-foot privacy fence would change to a four-to-five foot fence, and the last sentence would read, “to include landscaping to the existing dense vegetation;” (g) Site lighting, the word “adjoining” would be changed to “within 50 feet of the property line;” (l) Business hours, the wording “business hours” would change to “the hours open to the general public,” and the time would change from 7 a.m.-7 p.m. to 6 a.m.-9 p.m., (m) the southside of Wisdom Road would change to the northside of Wisdom Road, and the applicant had also agreed to fund a traffic study not to exceed \$9,000 that would be performed when staff deemed necessary. Rutherford seconded. The motion carried unanimously.

Weed thanked the developer and the neighborhood for working out a compromise.

New Agenda Items

06-05-01 Public Hearing – Consider Amendments to the Sign Ordinance

Brown noted there was an additional document on the dais – an unapproved excerpt from the Planning Commission minutes dated May 23, 2005

Meeker said staff had been reviewing the sign ordinance for several months, and there was not a more frustrating area of local government law to regulate. He pointed out that an 11th Circuit Court of Appeals decision made just days ago would affect the ordinance further

Meeker continued that the industrial, office-institutional, and commercial sections were the same with the exception that the size and amount of window signs were decreased. The proposed changes affected private property and non-commercial temporary signs. Provisions had been made to allow window signs in apartments. An unlimited number of political signs could be posted at a residence from the time of qualification until after the election. Meeker said a temporary sign was permitted year-round subject to the square footage and height restrictions, but multiple signs were allowed only during political season.

Phyllis Aguayo told Council that the proposed amendments were unpleasant for a planned community. She asked what was the nature of allowing a 16-foot sign in a residential area and why. She questioned if the City was concerned the ordinance would be challenged.

Weed answered that a sign ordinance should never be done retroactively. It was easy to defeat an entire sign ordinance if some part of the ordinance was unconstitutional. It was better to be proactive with First Amendment issues rather than reactive. Aguayo questioned if the proposed amendments brought the ordinance in line with the courts. Weed said yes. Brown said the City had essentially been working on the ordinance since 2003. When the County's ordinance was challenged, the concern became greater.

Aguayo asked why a 16-foot sign would be allowed in a residential area. Rutherford agreed with Aguayo, but said that size was better than a billboard. Meeker explained that the typical tactic used by sign companies was to turn in six to seven billboard applications that would be turned down because of the ordinances. The company then sued on another element of the sign ordinance to try and get the entire ordinance set aside. The local government would then try to amend the ordinance, but the net result would be five billboards would go up. Waiting for applications to come in and acting after the fact could have bad consequences. He continued that the courts were reluctant to sever an entire ordinance at one time, but now the courts were striking ordinances down in entirety. Weed added that the courts appeared to be swinging back in the other direction, but it was better to be safe than sorry.

Meeker said he did not care for 16-foot signs in residential areas either, but the ordinance could not be significantly more restrictive on non-commercial signs than commercial signs. A case in North Florida concerned an ordinance that allowed billboards up to 500 square feet and restricted political, or non-commercial signs, to 32 square feet. Non-commercial signs could be 1/17th the size of commercial signs. The court said that was discriminatory and struck the ordinance as a whole. In the City, a single tenant in a commercial district could have a 32-foot sign. Multiple tenants could have a 50-foot sign. The signs for residential areas were half the size of commercial signs. Meeker told Council he felt safest with the proposed ordinance on the dais.

Rapson said he would not support 16 square-foot signs in residential areas. He suggested 1/8th of the commercial size, or four square feet. Meeker said he did not know what the courts would say. He pointed out that Fayette County was blindsided by the decision on their case. The Georgia Supreme Court did not say this was the new path they were going down, but that was the conclusion drawn based on the Fayette County opinion. The 11th Circuit appeared to be more liberal than the Georgia Supreme Court based on its recent decision. What was currently on the City's books was susceptible to challenge. The net result of the new case out of the 11th Circuit was the City could not regulate anything other than the size and the size must be uniform. Having non-commercial signs at 50% of commercial signs was defensible and put the City in a better posture. He continued that 24 square-foot subdivision signs were allowed and that was an issue of marketing and identifying the subdivision. The ordinance should approximate that sign much as possible.

Weed pointed out that the City had one blessing. The City was a young, planned city with more homeowners' associations and restrictive covenants than other cities in the state. Most of the signs would not be allowed by the neighborhood covenants. Rapson said that gave him some comfort as well as apartment complexes that might prohibit signs in windows. Brown said that, at the end of the day, the issue was what was defensible in the court. The 11th Circuit was usually more conservative than other courts.

Meeker said he had one more change regarding the use of sign space on page 24, Section 66-20. He gave the Council a copy of the change. The change referenced the fact that anyone with a commercial sign could use the space for a non-commercial sign as well. His change added that the non-commercial sign must meet the requirements.

Rapson asked if they could approve the ordinance with the exception of the size of the residential signs. Meeker said they should consider the entire ordinance and make changes later.

Rutherford moved to approve the new sign ordinance, including the amendment just given to Council for Section 66-20. Weed seconded.

Brown said the discussion started in 2003 after he read an *Atlanta Journal-Constitution* article on an attorney who had found a niche working for billboard companies. He sued

towns over their ordinances. Brown said the court rulings were clear and the City had no choice.

Rapson said that approving the changes to the sign ordinance would be character changing for the City. It was a quality of life issue and one of the things that made the City unique. Kourajian agreed with Rapson. He said he supported residential signs that were 1/4th the size of commercial signs, or eight square feet.

Brown suggested including something in the ordinance about the fact that the City was a master planned community. He pointed out that master planned communities were inherently different from the average city or town, however, they had to go by the rulings, which were pretty much coming out one-to-one.

Weed used an old attorney's saying that a lawsuit gave the opportunity to lose your skin to save your bones. He agreed the changes were not pretty, but they had to do the best they could to save their bones. Rapson said he understood the reasoning, but there were 35,700 residents with the same questions Aguayo had.

Kourajian asked if they were just trying to get to safer harbor. Meeker said they were and that a one to two ratio was safer. Kourajian said the smaller the sign the more defensible to him. Meeker said that from a free speech standpoint, he did not know whether being a planned community mattered. Brown pointed out this was a constitutional argument. Weed said the City's record was established and the City had tried to respond to the most recent legal precedents. There had been a thorough discussion, and Council had tried to accommodate the precedent the best it could. Bigger numbers were a safer harbor and were more accommodating.

Rapson suggested changing everything else, but keeping the residential signs at four square feet. Meeker said the City would be left with nothing until Council took some action on sign regulations. Rapson said they should leave what was currently on the books intact regarding the residential signs.

Brown said if the ratio was two-to-one, Council could always change the ordinance again if the courts shifted positions. Meeker said ordinances were fluid and could always change. There could be more drastic changes depending on the outcome of the Neptune Beach case.

Kourajian presented the question of whether a sign would be grandfathered if a resident put up a 16 square-foot sign when it was allowed and Council later changed the restriction to four square feet. Weed noted that the sign ordinance was a police powers ordinance, and no one could be grandfathered. Meeker said he had one caveat, the signs that had permits were grandfathered. Brown asked that the press receive a copy of the Neptune Beach case information.

The motion carried 3-2 (Kourajian, Rapson).

**06-05-02 Consider Approval of Two Maintenance Technician 1
(Cartpath) Positions**

Public Services Director Tom Corbett addressed Council. There were eight employees in this area, including the supervisor. Eight employees were also assigned to street repair. The City was purchasing a second paver that would be dedicated to cartpaths. He told Council there was a problem at the height of paving season when a lot of people were out on vacation during the time of year when the work was heaviest. Additional people would provide flexibility for a full crew to run high production. It was also difficult when people had to be pulled away due to emergencies.

Kourajian said his concern was funding. He said they should always look at right-sizing the staff. If there was work to do, then more people should be hired. McMullen said the positions would exist as long as the SPLOST funding was available. At the end of the SPLOST, the people filling the positions would be absorbed into the Public Works Department. The department averaged 10 vacancies a year over the last three years, and the people could be easily absorbed into a general funded vacancy.

Kourajian said they were creating two spots for six years that would go away. Rutherford questioned if the positions should be considered full-time temporary employees. Weed agreed. Rapson said neither person made a huge salary and would be kept through attrition. Rapson said they were tying the positions to a revenue stream. He said the bulk of the projects would be done over the next five years. If the voters saw the good that was done with the funds, then they might be willing to extend the SPLOST. Rutherford agreed, but said the money might not be available for cartpaths if the SPLOST were extended and the positions should still be labeled as temporary full-time. Weed said they should treat the positions as they would positions funded by a grant. Grant money covered the positions for a specified period of time. Employees knew from the beginning that the positions would go away if the grant money went away. In fairness, the employees should know upfront the positions were limited in time.

Corbett said six months before the end of the SPLOST funds, they would look at who would be retiring as well as other anticipated vacancies. He noted that there was a lot of work to do with the new cart path standards and the paths to be built. Rapson said people often worked at the lower paying jobs because of the benefits. There was a high turnover in those positions. A few might stay for years, and even retire, but Rapson said that was reason to make the positions full-time. Kourajian said there was no question the employees were needed, but questioned how they should be brought into the system. Rutherford said when the SPLOST was done, the jobs ended. If other slots were open, then the employees would fill those slots. Rutherford said the employees should be informed about this when they were hired. Kourajian said he agreed with Rutherford if they were talking about companies, but the employees would be individuals. Rapson said Fulton County had a classification system for employees paid through grants.

Weed asked what the difference was between full-time and temporary full-time. McMullen said he did not know if they could have temporary positions that lasted five to

six years. Brown said it would have to be a contract position. Weed said the City did not have a classification for temporary employees that defined the benefits. McMullen said benefits were only available for full-time and part-time employees. Rutherford said she did not want to take away benefits, but there had to be an expectation that they would be out of a job when the SPLOST was depleted. Meeker said the employees could be informed that, as the SPLOST funding ran out, the positions would be eliminated. Weed agreed that, in fairness to the employees, they should know the positions were not long-term. Rutherford said those employees would apply for the full-time jobs that came open and they would keep retraining people. McMullen said that, as long as staff planned six months to 10 months out for the position losses, the employees could be moved into the vacancies that occurred.

Rutherford moved to approve the hiring of two Maintenance Technician 1 positions. Rapson seconded.

Kourajian asked if the new Council would know about the positions. Weed said that it would be in the minutes. He added that, for the next six years, the offer letters would reflect that the positions were of limited duration.

Public Information Officer/Deputy City Clerk Betsy Tyler told Council that Human Resources kept a constantly updated list of approved positions. She said the positions could be designated as regular positions, but limited to the duration of the SPLOST funding. Rapson added that they could not make a determination for other Councils.

Weed asked if the department was fully staffed and if there were two people who could do the work. McMullen said two other positions were needed in addition to the current staff. Tyler said there was one maintenance technician position open in Public Services, but the cart path crew was currently full.

The motion carried unanimously

06-05-03 Consider Tinsley Mill Agreement for FEMA Grant Match

Stricklin said the request was for an agreement with the Tinsley Mill Homeowners Association to provide a 25% match for a grant they applied for with the City's endorsement. The grant amount was \$167,437.50 in federal disaster funds. The match was \$55,812.50. The funds would provide for work to help with flooding problems.

Rutherford moved to approve the Tinsley Mill agreement so they could get the FEMA grant and they would pay the match. Weed seconded.

Kourajian asked how much time it would take for someone to manage the money. Stricklin said someone in Purchasing would follow up. Stricklin said it was mostly an accounting procedure to make sure the information they submitted was properly documented. Brown asked who was responsible for the engineering review. Stricklin said Integrated Science and Engineering would do that. Kourajian asked how much time

it would take. Financial Services Director Paul Salvatore said the time would be minimal. Stricklin said it should not take more than a few hours a week.

The motion carried unanimously

06-05-04 Consider Ordinance Prohibiting Heavy Trucks on Kelly Green, Terrane Ridge and Planterra Way

Chief Murray told Council that large trucks using Planterra as a cut-through due to the road construction on GA 54 were creating a danger for the residents. He said the brick pavers used on the crosswalks in the subdivision were also getting damaged.

Weed moved to approve the amendment. Rutherford seconded. The motion carried unanimously

Kourajian asked Murray what was considered a heavy truck. Murray said 12,000 pounds or larger. The signage would read "No through trucks."

06-05-05 Discussion of Annexation Policy

Rapson asked for this item to be placed on the agenda. He said he wanted to clarify some things. He read the motion from the March 3, 2005, meeting minutes that allowed John Wieland Homes to move forward with the annexation study. Rapson said he had heard many rumors about mixed use and the number of homes that would be allowed. He said staff was working on the plan specified in the motion, which limited the project to 360 homes.

Rapson continued that he would like a requirement added to Phase One that applicants had to wait six months to submit another application if an annexation application request was denied. Rutherford clarified that Council did not deny the Wieland application the first time. Rapson said he realized that, but wanted to have a process if an application was denied in the future.

Staff was directed to work on a change to the annexation policy ordinance. Meeker said this would be a text change to the zoning ordinance and was required to go to the Planning Commission and to be advertised.

Council/Staff Topics

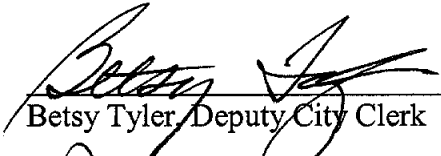
Kourajian asked about the status of the Three Dollar Café. Stricklin there were construction delays.

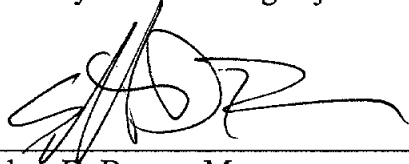
Kourajian asked for a TDK update. Stricklin reported he had a meeting scheduled next week with the FAA on TDK Boulevard. Rapson stressed that the City was doing nothing to slow the progress on the project.

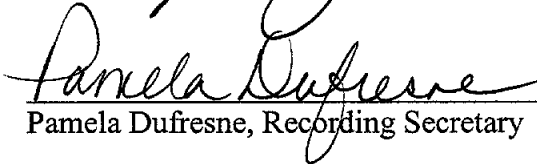
Brown said he had a personnel issue for executive session. Weed moved to convene in executive session to discuss a personnel matter. Rapson seconded. The motion carried unanimously.

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

There being no further business to discuss, Rapson moved to adjourn the meeting. Rutherford seconded. The motion carried unanimously. The meeting adjourned at 10:05 p.m.


Betsy Tyler, Deputy City Clerk


Stephen D. Brown, Mayor


Pamela Dufresne, Recording Secretary