**City Council of Peachtree City**
**Minutes**
**May 17, 2001**
**7:00 p.m.**

The City Council of Peachtree City met in a regular session on Thursday, May 17, 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 and Steve Rapson. Councilmember Tennant was unable to attend.

## Announcements, Awards, Special Recognition

Mayor Lenox recognized Pat Webster of Leisure Services for 15 years of service to the city, and Robert Harkins of the Fire Department as the April Employee of the Month.

## Approval of Minutes

McMenamin made a motion to approve the minutes of the April 9 Council Workshop as written. Fritz seconded the motion. Motion carried unanimously.

McMenamin made a motion to approve the minutes of the April 19 Council Meeting as written. Fritz seconded the motion. Motion carried unanimously.

Rapson made a motion to approve the minutes of the May 3 Council Meeting as amended. Fritz seconded the motion. Motion carried 3-0 with McMenamin abstaining.

## Consent Agenda

1. Appointments to the Airport Authority
2. Consider Purchase of a New Speed Monitoring Device
3. Bond Issue – Architectural/Design Services.

Rapson recommended that the Police Speed Monitoring Device be purchased from the PIP Contingency Fund, rather than Council Contingency Fund. Lenox noted that the contracts for the bond issue design work were about half of the price originally estimated. Rapson made a motion to adopt the Consent Agenda as amended regarding the PIP Contingency Funding for the Speed Monitoring Device. McMenamin seconded the motion. Motion carried unanimously.

## Old Agenda Items

### 04-01-07 Seniors Facility Authority

Lenox asked the Council if anyone had any questions or comments about the material provided on the issue. McMenamin said she appreciated the developers' patience, as well as the information and the additional research. However, she had a couple of concerns, namely, adding another level of government and the links Neighborhood Development Collaborative (NDC) had to low income and subsidized projects.

David Cole of NDC, the non-profit partner of Prime Communities in this project, said that the organization was a non-profit, tax exempt housing developer and manager established in 1978. They were a niche housing provider. The first role of the organization, which was formed by housing professionals, was to provide advice and consulting services to the Department of Housing and Urban Development (HUD), the Veterans Administration, the Department of Commerce and other agencies. He said the group really served as a think tank for approximately 15 years before actually becoming directly involved with housing following the Savings & Loan crash. As part of that occurrence, a lot of properties were coming onto the market. That bothered the members of NDC, whose original mission had included the concern that government did not always take the right steps when it developed subsidized housing. NDC felt the need to look at special ways to deal with housing needs.

Cole said that the Savings & Loan properties had tended to be purchased by the lowest, not the highest, bidder. They acquired six apartment properties that had numerous problems, with the goal of making them good communities. Eight years later, they had succeeded in that goal, and had also created new types of housing not offered by either government or the private industry. Cole said NDC had used some tax credit financing in their projects, but their goal was not to create future slums, low income or subsidized housing. NDC's goal was to create affordable housing for the market in the area by making bad properties good and by creating new and good tax credit properties.

Cole then described the new tax exempt, non-profit bond funding, which was a new vehicle to create more niche housing needed by communities. He said that, as a non-profit entity, they did not need to make money, and they took this new concept and began to look for opportunities. Cole said he was formerly the Multi-Family head of the National Association of Home Builders (NAHB). When he came to the NDC, he helped to develop partnerships with his former NAHB contacts that were very beneficial, combining the skills of for-profit experts with the resources of a non-profit organization. They became involved with Prime Communities and their form of senior housing, which was an area the NDC had not formerly been involved in. The NDC felt Prime Communities was building an exceptional product in the for-profit world, and saw an opportunity to bring this into their non-profit fold. He noted that this type of senior housing was very expensive to build, but one of the NDC's missions was to bring housing to those who did not have options. Cole said Peachtree City had a large number of senior residents and an economy that helped to drive quality development. He noted that the goals listed on their web site were an accurate reflection of what NDC had accomplished in the past, but now they were going in an additional direction, and their primary focus was providing quality housing for people who needed quality housing. The NDC had elected to set a high standard for this project, but it would still be classified as affordable in the context of this community because the rental rates would be $500 lower per month than what was charged for the same, for-profit project in North Atlanta. He said that the need for senior housing was so high that many of the other restrictions on the funding, such as provisions for low-income residents, had been removed.

McMenamin said she still questioned what the advantage would be to Peachtree City to create an authority to allow them to get tax credit, when the project would happen anyway.

Cole said the Authority would not allow them to get tax credit financing, but bond financing. He said tax credits required low-income provisions, while bond financing did not. He said the advantage to Peachtree City would be the lower rental rates of $2100 versus $2600 per month, which were certainly not "low" income. He also said there would be no Section 8 vouchers and no income limitations, adding that the project could accept millionaires, which could not be done in a tax credit project. He said this project was not out of step with Peachtree City and added that the city or the authority would receive a fee for issuing the bond.

Lenox said the same type of mechanism in the form of Industrial Revenue Bonds had been used for many of the buildings in the industrial park, lowering their costs and serving as an incentive for the companies to move here. McMenamin said the difference was that, with Industrial Revenue Bonds, the purpose was to build the community's tax base, adding that apartments could go on this corner even if the bonds weren't issued.

Cole said he thought this type of project was the best of all worlds for multi-family development, describing the resident population as self-sufficient and placing little demand on the infrastructure, but having a good deal of spending power. Fritz said it was difficult for her to reconcile the type of project Cole was describing with the "low income" projects described in the literature provided. She asked where a comparable project was being developed. Cole said the only comparable project, currently in the planning stages, would be located in Rome. That project featured apartments near a mall to help house the mall employees.

Rapson said he felt the financial projections provided had been very realistic, but noted that the project's break-even point did not occur until December 2003, with a projected 83% occupancy. He added that Council had been burned by tax credit developments in the past. Cole reiterated that this was not a tax credit property. Rapson said, from what he was hearing, the laws had been changed regarding the residents, and he said it looked sound financially; however, he continued to wonder if Peachtree City had 120 to 130 residents who could afford the project. Rapson suggested that, if Council was interested in moving forward with the project, it might be best to remand the issue to a committee including representatives from the Development Authority and the local senior community to evaluate the proposal and make a recommendation to Council. McMenamin asked what entity would receive the fee if the project did receive the bonds. Lenox said that, if the Development Authority were appointed as the Senior Facility Authority, they would get the fee. He added that they would have the authority to consider the project. Rapson said the corner would be built as multi-family regardless of Council's decision on the Senior Facility Authority, and asked if Peachtree City wanted the standard apartment complex in that location, or the project proposed.

Council directed staff to set up the evaluation committee, to include Tom Farr and Tate Godfrey of the Development Authority and three representatives from the local senior community to be forwarded by Councilmembers Fritz and McMenamin, with the Director of Developmental Services. The committee's findings, which should be reviewed by the City Attorney, and its recommendation should be returned to Council for the first meeting in June. A citizen asked if the fee paid to the Development Authority would be a matter of public record, and Mayor Lenox confirmed that the amount would be a matter of open record.

Lenox made a motion to table the issue until the June 7 Council Meeting. Fritz seconded the motion. Motion carried unanimously.

**05-01-02 New Alcohol License – Ginza**

For clarification, McMenamin asked why this item had not been included on the Consent Agenda, as license transfers generally were. Lenox said the license would be conditional upon the sale of the restaurant, which was pending in June, and the new owner was from out of state. City Attorney Rick Lindsey said that the attorney for Mr. Lee, the applicant, had also advised his client that it would be better for him to own the restaurant as an individual rather than as the corporation indicated on the application. Lindsey said this change presented no problems with the ordinance because Mr. Lee had been investigated personally, rather than as a corporation. McMenamin made a motion to approve Mr. Silvestel Kun Lee as the Alcohol Licensee and License Representative for Ginza Steak & Sushi, conditional upon the sale of the restaurant. Fritz seconded the motion. Motion carried unanimously.

**New Agenda Items**

Lenox asked if the Wynnmeade Traffic Signal item could be heard first in the order of New Agenda Items and Council agreed

**05-01-12 Discuss Wynnmeade Traffic Signal Relocation**

Lenox said that the underlying crisis on this issue was that Summit Apartments, which had already received Certificates of Occupancy (COs) for approximately 100 apartments, had approximately 5 more buildings nearing completion. He said the city had always conditioned those COs on the completion of the relocation of the traffic signal to MacDuff Parkway. Lenox said he was unsure of where to place the blame, but the signal relocation was behind schedule. He said the city had asked developer Doug McMurrain for a firm schedule on the completion of the project, and staff had checked on same with the Department of Transportation (DOT). City Manager Jim Basinger said staff's understanding from the DOT was that the permit for the light relocation should be approved the following week. Lenox said the latest information indicated that there would be a working signal on July 17. He said he was irritated at having to put up with that kind of delay, but the city had to determine if the lack of a signal for two months was a big enough problem to justify delaying additional COs for Summit Apartments.

Rapson said he sympathized with Summit's position, but his priority was the citizens of the city. He felt that, without the signal, traffic would be worse, and he said he would have a hard time approving any additional COs if the signal would not be operational until July. Rapson said the blame did not rest with the city because the signal relocation was in the development agreement, and that he would deny COs at this time. He asked for the Police Chief's opinion of additional COs without the signal in place.

Police Chief James V. Murray said that there was always a concern with an apartment community and no traffic signals where they were supposed to be. He also said he was leery of the DOT's date projection, feeling that July could easily turn into October before the project was completed. Murray said that there was a serious traffic problem on Highway 54, and adding anything to that equation would add to the problem. Murray said there were a lot of "maybes" in this situation, and was especially concerned about left turns across Highway 54.

Lenox clarified that the MacDuff/54 intersection was currently limited to right in/right out movement onto Highway 54, and Fritz said that the DOT indicated this arrangement could remain in place for 120 days. Lenox asked where things stood in the relocation of the pole in the median of MacDuff. Basinger said that, according to Georgia Transmission, who was performing the work, the relocation would be completed by May 25. Lenox said that, at that time, it was possible to open the entrance to Wynnmeade, and Basinger confirmed this. McMenamin said she imagined a significant number of the apartment residents were already cutting through Wynnmeade, but Murray said it had not really been a problem to date but it could become a problem as the number of residents increased. McMenamin noted that would have to be a consideration in any action Council took. Basinger added that he thought, currently, more residents were turning right from MacDuff onto 54, and then making a U-turn at the Wynnmeade entrance.

Rapson asked how many units at Summit were ready to come on line, and Lenox estimated approximately 150. Rapson said they would all eventually be hitting the 54/74 corridor. Lenox said that, according to Summit, it was critical for them to have about 60 units, or two buildings, available. Rapson said he did not think the signal was a Summit problem, noting that they had delivered on their proposal to develop quality apartments. He said they were restricted by the development, despite the fact that another party was responsible for the signal and had dropped the ball. Rapson sympathized, but felt Council couldn't help.

Robert Trujillo of Summit Apartments addressed Council, saying that the first CO had been issued in January, and since that time Summit had leased about 95 units, or 25 units per month. He noted that, with move-in time requirements, over the next 60 days, they were hoping to have 30 additional leases per month but the reality would be 20 occupied units per month in that time period.

Lenox asked if COs for two additional buildings would meet their immediate needs, and Trujillo said it would, noting that Summit was becoming more proactive in working with Doug McMurrain and committing to do whatever it took to see the signal in place.

Lenox asked the City Attorney for his opinion on this possibility, in light of the development agreement. Lindsey said that there were issues on both sides of the question, and the city did not have the authority to withhold the COs based solely on the signal; however, RAM Development had the responsibility to act and get the process moving. Lindsey said the bottom line was that the signal was not in place. Lindsey first recommended against accepting MacDuff Parkway until the pole in the median had been removed. Once that had been completed, there was no legal reason not to open MacDuff Parkway as far as Wynnmeade. Lindsey said that, at that time, there would be a viable entrance with a signal via Wynnmeade. This would place a burden on Wynnmeade, and Lindsey said that, if the Police Chief believed that scenario to be unsafe, the city would have an excuse to deny additional COs. If not, the city had no legal reason for denial. Lindsey acknowledged that this arrangement did not address the burden placed on the residents of Wynnmeade, and said Summit should address that with them to be a good neighbor. McMenamin agreed, and said her concern was the safety of the children in Wynnmeade, who were accustomed to the lower amount of traffic.

Attorney Doug Dillard said the development agreement had been the result of litigation, and the signal had always been an important issue. However, Highway 54 was controlled by the DOT, and McMurrain had applied for the permits in a reasonable amount of time, well over a year ago. Dillard said the DOT had not expressed objections to additional COs, that no one wanted to see anyone hurt or a neighborhood suffer, but there were millions of dollars on the line. Dillard said that, in the spirit of the agreement, the city should approve the additional COs. He said he was not sure the city was within its legal rights to withhold the COs for all the buildings that were ready. Dillard said that, despite the fact that it was not part of the development agreement, they would meet with the Wynnmeade residents about this temporary inconvenience.

McMenamin said she was concerned that everyone would be facing the same request in two months. Dillard said there were no guarantees, but the apartment buildings were ready to be leased and DOT did not share the city's concerns. Fritz pointed out that using Wynnmeade and the light at their entrance was also not part of the development agreement, but Dillard said Wynnmeade had been the ones who wanted to tie into MacDuff Parkway.

Rapson said he was hearing conflicting information regarding the time frame of RAM's permit application, and asked about the number of COs originally issued. Developmental Services Director Jim Williams said that, when Summit asked for the first COs, the city asked when the signal would be completed and was told between two and four weeks. The city issued the COs, which was probably a mistake, because his understanding was that the permit requests for the signal went in a week ago, rather than a year ago. Williams also said the DOT had indicated the signal could have been moved a long time ago. Williams also noted that the Building Department had not yet made final inspection of the apartment units pending because they were not yet ready, so no one was being damaged by the lack of COs yet.

Trujillo said they had requested COs for five buildings about eight weeks prior, and had inspections done, but only got the final punch list a week ago and had completed those items. He also pointed out that, at 30 leases per month for between $1,000 and $1,400 per month, it was costing Summit that money. McMurrain said he had applied for a permit in July of 2000, and asked for the city's cooperation in this matter.

Lenox said it was a thorny issue, noting that he had read the development agreement, and he was not sure the city had the right to withhold the COs, but he was also not sure the city needed a court case on the issue. He felt that, with 95 permits issued already, it would be hard to deny 60 more units based on health, safety and welfare. He said the city had independently verified the information on timing with the DOT, and if the pole in the MacDuff median was removed by May 25 and the signal relocation would be completed by July 17, he felt Summit's request was reasonable. However, Lenox felt strongly that if the signal was not operational by July 17, no additional COs would be issued.

Wynnmeade resident John Dillahunt said that he did not see anything overly alarming about Lenox's proposal, noting that he had been very concerned about the pole in the median. He said that he did not see a problem with the situation for two months, but if the signal was not moved on time, it could be a problem due to the children using Wynnmeade Parkway to walk and ride bicycles. He felt strangers driving on Wynnmeade Parkway might be surprised by the pedestrian traffic. McMurrain said he was amenable to installing cautionary signage and speed humps to improve safety. McMenamin said McMurrain would have to determine what was needed with the Police Chief. Rapson asked Chief Murray if this proposal would be unsafe. After noting that The Avenue developers got a signal relocated in three days, Murray said the temporary solution of using the Wynnmeade signal was safer than vehicles trying to turn onto 54 with no signal.

Lenox made a motion, conditional upon the removal of the pole in the MacDuff median and the subsequent opening of the Wynnmeade entrance on MacDuff, and conditional upon the completed building inspections, that Certificates of Occupancy be issued for two additional buildings at the Summit Apartments, with the understanding that the signal will be relocated to MacDuff Parkway by July 17, and that no more COs be issued until that was completed; and that the developers work with the Police Chief and the residents of Wynnmeade on traffic calming to ensure a safe situation. McMenamin seconded the motion. Motion carried 4-1 with Rapson opposed.

**05-01-06 Consider New Alcohol License – Beef O'Bradys – A Family Sports Pub**

Lenox said that Mr. Robert Ishmael, Jr., had purchased the Mexican restaurant at 100 Peachtree Parkway North to open a Beef O'Bradys Family Sports Pub, and had requested a new alcohol license, with himself appointed as the Licensee and License Representative. McMenamin made a motion to appoint Robert Ishmael, Jr., as the Alcohol Licensee and License Representative for Beef O'Bradys. Fritz seconded the motion. Motion carried unanimously.

**05-01-07 Public Hearing – Consider Lifting Annexation Moratorium Relative to the Wieland Property (Centennial Subdivision).**

Lenox read the rules for a public hearing and opened the floor to comment. Dan Fields, Vice President of John Wieland Homes, addressed Council, saying that in 2000 the city had rezoned about 100 acres at the northern end of MacDuff Parkway. The rezoning included conditions that affected the adjacent 80 acres in the unincorporated county, surrounded on three sides by Peachtree City, allowing a total of 350 lots for the combined properties with the understanding Wieland would donate a school site. Fields presented a list of issues on why the unincorporated 80 acres should be annexed, including allowing the design of a better plan and the coordination of public safety services, which would have to be provided by Peachtree City as that avenue offered the only access to the property. Fields noted that this request would not increase the number of homes on the property, but would allow the city to be appropriately reimbursed for the services provided to all the homes and would give the city impact fees for all the homes, while eliminating septic tanks on a portion of the property and providing the city with development control of the entire neighborhood.

Lenox said that he had two requests: 1) that the traffic model requiring Wieland to make improvements be included in any discussions with staff; and 2) that space for a fire station be considered in the revised plan if that worked as part of the city's plan. Fields indicated a willingness to discuss that. Fritz also asked that the school site not have any time limitations for development, and Fields said they were open to discussion, adding that they would like to team up with the school to make the school of mutual benefit and have it constructed while the system had the funds to do so. Rapson said he had spoken to Jerry Whitaker with the school system about the site, and he was in favor of the site, but they requested that the road be moved further east. Rapson also wanted to ensure that the zoning in place was not changed. Lenox said that if they came back with an annexation petition, the zoning would be incorporated. Fields said they were looking at maintaining the GR-4 zoning with the 350-unit limit. Rapson said this site was somewhat unique because it was bordered on three sides by the city, and McMenamin said an annexation would even up the border.

Lenox asked if anyone else would like to speak in favor of the moratorium. Resident Steve Brown of Terrane Ridge gave a handout and addressed Council, saying that, although the original residential zoning for the property was a mistake, it could be made better through annexation. Brown felt developing for seniors would be better for traffic and the schools. He also said a lot of good things could happen with this site, but the city needed to play its cards right.

No residents spoke in opposition to lifting the moratorium, and Mayor Lenox called the public hearing to a close.

Basinger noted that Wieland's current traffic plan required a right turn lane, and asked Fields about the timing of that project. Fields said the plan was prepared and would be submitted to DOT the following week, and if they could emulate The Avenue, perhaps they could start in three days. He said the project was a priority, and McMenamin said Council would be discussing some other projects in the area so the information was helpful.

The Mayor and Councilmembers each said the concept made sense, although Lenox pointed out they weren't supporting a plan they had not seen. McMenamin noted the city would be providing services to the school, and Fritz said she had contacted the school system and they were supportive of annexation. Rapson asked if the moratorium were lifted, would it be specific to this site, and Lenox said it would only be for consideration of this site. McMenamin made a motion to lift the Annexation Moratorium to consider the annexation of the Wieland/Centennial Subdivision property. Rapson seconded the motion. Motion carried unanimously.

**05-01-08 Proposed Financial Policies**

Financial Services Director Paul Salvatore said that City Auditor Ed Wetherington was present and had reviewed the policies, and that Todd Barnes of A.G. Edwards had reviewed the debt policy and had made a couple of suggestions. On policy #7, Barnes had suggested that everything following the comma be removed to eliminate the 15% debt limitation. He had also recommended that on the

Purchasing Policy, in Section 3, that the word "goods" be removed to allow the city to enter into some goods contracts.

Rapson asked if, by eliminating open purchase orders, they were envisioning closing some of the blanket contracts used by Public Works. Salvatore said it would not eliminate those, but would allow them to start a pilot program for repetitive high volume, low cost items such as auto parts, eliminating the need to maintain a high inventory and the associated risks with that process.

Rapson requested that, in Car 11-1, Policy 2, the last sentence on Financial Services, add "working in conjunction with the City Auditor" to reflect the actual process. Rapson asked for a definition of "internal financing" as referenced in Policy 13. Salvatore said it related to bond financing, and that the city would not want to borrow money if sufficient funds were on hand. Rapson asked several questions about Policies 15 and 16 and the Purchasing CAR, which Salvatore answered. Rapson requested that Policy 23 be amended to include the "working in conjunction with the City Auditor" verbiage, and that, under the Purchasing CAR, exempt Information Technology after the telecommunications equipment.

Rapson made a motion to approve the financial policies as amended. McMenamin seconded the motion. Motion carried unanimously.

Rapson and Lenox commended Salvatore and Basinger for the effort that went into formalizing the policies.

**05-01-09 Discuss Approval of City Funds Expenditures**

Lindsey said that he had presented a revision for Ordinance 34-118 on the expenditure of city funds in which he had taken the limits already in place and delineated more clearly who had the authority to use at what levels. Lindsey said he had added a change removing the caps on budgeted capital projects, expenditures made from the PIP Contingency fund, and expenditures from capital projects' individual contingency funds. He said this change would enable staff to get the job done on projects already approved by Council if the funds were already in place in the contingency fund. Lindsey also suggested that Council consider raising the cap on budgeted items from $25,000.

Rapson said they were really discussing two types of contingency funds, explaining that he viewed Council Contingency as usually operational in nature while the PIP Contingency was usually tied to capital funds for property, equipment or facilities. He said the Council Contingency Fund enabled Council to react to situations that occur throughout the city, while the PIP Contingency was in place to build the projects Council has already allocated in the 5-year capital plan. The PIP Contingency also gave the City Manager some leeway in addressing projects that run over cost or handling some projects critical to the city.

Rapson had several suggestions to modify the recommended ordinance:

1. Modify sections (A) and (B) by striking the phrase "and expenditures made from any capital project's individual contingency fund."

Rapson felt those individual project contingency funds were actually part of the projects, so those funds were already available for staff to utilize and not in the same category as the overall PIP Contingency Funds.

2. In (A) 3 and 4, increase those dollar amounts from $25,000 to $40,000.

Rapson said this mirrored the City Attorney's recommendation and allowed staff to react to cost overruns for approved equipment without having to return to Council on an agenda for equipment that was in the budget and already approved by Council. Rapson felt that would be a waste of time, and would give staff the time they needed to be working on what they were supposed to be accomplishing.

3. At the end of the sentence in (B), change the verbiage to "the mayor or city manager shall have the authority to expend **up to $25,000 per project** with a monthly summary to Council on all such expenditures which exceed $10,000."

Rapson wanted to mirror the language in (A) 3 for Council, and felt this was important to address problems that arise through the year as they occur, and the $40,000 mirrored the State regulations. Rapson said he was agreeable to making the amount $40,000, and Lindsey suggested doing so to make all the caps match. Rapson agreed.

4. Modify section (C) by striking the phrase "and expenditures made from any capital project's individual contingency fund."

Lindsey suggested the following additional change for consistency, to which Rapson agreed:

5. In section (C), change the verbiage "Public Improvements Contingency Fund", capitalize it and say "Public Improvement Program Projects Contingency Fund."

McMenamin said she didn't know when the policy was written, but felt sure costs had risen since it was adopted, and that she had asked the City Attorney to review the ordinance to make it reflect the actual operations. Rapson made a motion to adopt the proposed changes to Section 34-118 as amended. McMenamin seconded the motion. Motion carried unanimously.

**05-01-10 Proposed Improvements to SR 74/54 Intersection**

Jim Williams provided an overview of a shopping list of possible road improvements for Council, noting that traffic had built up on Highway 54 and would continue to do so with the additional projects on the way. Williams said that staff would have anticipated that Home Depot and Wal-Mart projects would have begun, along with their required improvements, but such was not the case. Because staff was unsure of the status of those projects, staff had been asked to consider what would happen if their projects, and their required road improvements, did not happen for a while longer. Staff had looked at the various improvement projects to see how money might best be spent to address the traffic problems in the corridor. Williams said everyone agreed that the main problem was the corridor itself, especially as it brought traffic into and out of the industrial park at peak times. Staff had concluded that the single most important project would be to free up the right turning movement from Highway 54 onto Huddleston Road, allowing a large amount of traffic to turn there to access the industrial park. Williams also said the dogleg connection between Huddleston and Dividend was not ideal.

Williams said Wieland had agreed to construct 250 feet of right turning lane onto Huddleston Road, but the lane needed to be longer. Williams said that, if city funds were to be used, that lane should be extended by an additional 300 feet. A second project would be to straighten the Huddleston to Dividend transition. Additionally, other opportunities existed to improve the traffic, but those two projects would be a major relief.

Williams also described the extension of the Highway 74 southbound left turn lane onto Highway 54 as very important. He felt this could be done fairly simply and fairly economically, but they were not part of the Highway 54 widening project, instead being included in the Highway 74 widening that was at some unknown point in the future. However, Williams said they were part of the Home Depot & Wal-Mart requirements, so if they were to be constructed in a reasonable amount of time, the city could wait for them to build them, or could choose to move ahead with the projects itself. Williams said there were some additional and more expensive projects, but he felt the Huddleston Road and the Highway 74 lanes would be the most beneficial.

Lenox asked about the straightening of Huddleston/Dividend, noting that it was fairly expensive. He said that, from Williams' description, he understood that the turn lane on Highway 54 was the most important element, and Williams agreed. Williams said Wieland's improvements would provide an immediate benefit with no city funds, and the city could make major improvements on 74, if DOT would allow it, at fairly low expense.

McMenamin asked for clarification on the Huddleston turn lane, and Williams said Wieland's 250 feet would help a great deal, but a longer lane would be more efficient. McMenamin asked about combining the city's portion with Wieland's, but Williams said that rock would make the additional section more expensive, and right-of-way acquisition would take longer there.

Lenox said the city needed to be cognizant of balancing what should or could be spent for immediate relief, knowing the improvements would basically be lost once DOT widened the highway. Williams said that was true, but that the turn lane would probably stay even with the DOT improvements, and he felt the major issue would be if the city paid for the improvements and then Home Depot and Wal-Mart moved forward and did not have to pay their originally agreed-upon share. Lenox said the improvements were important, but very expensive and currently beyond the city's financial capacity. He did not want to waste any money and asked if it would be worthwhile to remand the issue to staff to work with Wieland, traffic engineer Ed Ellis and the DOT to see what the possibilities were. Williams said there were some quick, short-term things that could and probably should be done, and then some more elaborate, long-term projects.

Rapson asked if Williams could prioritize the projects, and Williams said Wieland's turn lane extension to Huddleston was the first priority. The city's extension of that lane would be second. Straightening the Huddleston/Dividend intersection would be third. In terms of overall priority, Williams said building in continuous left and right turn lanes westbound on Highway 54 was important, although the extreme expense and land acquisition needs would make it realistically beyond the city's capability. Williams said the southbound work on Highway 74 would be the next priority, including the southbound left turn lane and the two through lanes on the north and south side of Highway 74 through Clover Reach. Lenox said that project could be looked at in two segments, with the short-term and long-term in mind. Williams said that improving the northbound turning movement on Highway 74 would eventually be needed as part of any commercial development, once 54 west was widened, as well as lengthening the existing dedicated left turn lane for southbound 74 traffic, removing some of the median.

Rapson asked the City Attorney how the traffic ordinance would be affected if the city made the improvements, feeling that the only way to protect the city would be through a development agreement. Lindsey said that Doug Dillard, representing the developers, had mentioned in the lobby that evening that the developers would reimburse the city for any of the projects they had agreed to do if the city moved forward with them first. Lenox said he had learned those developers had done some more accurate costing on their required projects, moving the estimate up from about \$850,000 to about \$1.3 million.

Rapson said he felt sure the Wieland project would proceed, taking care of the top priority. He said he was open to the next four priorities, which totaled about \$355,000, with the understanding that the city would work with Dillard and the developers to formalize an agreement to reimburse the city. Rapson said the only reason he was stopping with those four projects was because the total was about 50% of the Council Contingency Fund. Lenox said that staff needed to come back by June 7 if possible with costs and recommendations. Lenox noted that the information Lindsey had imparted had been beneficial, and Lindsey said he had gotten no information on the time frame. Lenox said his main concern was that he did not want to spend the city's money and then find out it was unnecessary. Lindsey said he told Dillard he wanted to include the reimbursement in the development agreement, but cautioned Dillard that nothing else was going to happen until that agreement had been signed, and his impression had been that the developers would sign the agreement right away. Williams said it was important that Council take no action until the agreement was signed if the action was based on the developers' participation.

Rapson said his concern was adding three more weeks to the problem, and asked if a special called meeting should be held prior to June 7. Lindsey and Lenox said the planning and pricing would probably take three weeks, and that time should be allowed for such a high expenditure. Williams again cautioned not to make any decisions until the agreement was signed. Lenox agreed.

Rapson asked if the Wieland annexation request could be heard at the same time to finalize their project, but Lenox said the legal advertising requirements would not allow that. McMenamin asked about changing the stop signs at Huddleston and Dividend to require the Paschall traffic to stop instead. Lindsey was unsure if the Motor Vehicle Code would allow that type of action, but McMenamin asked that the Police Chief look at that possibility. Lenox also asked staff to look at acquiring the land at Huddleston and Paschal that would be necessary to realign the intersection. Basinger said staff was actively working on that.

Lenox thanked Ed Ellis for coming, and asked if he had any comments. Ellis said that it would be a good time to act on the Highway 74 improvements, which had originally been barred by the Clean Air Act. He also said that Home Depot and Wal-Mart's improvements had all been submitted to DOT, so if the city used their plans, the permitting process should be completed. Fritz asked if those permits could expire, and Ellis said they could, but it was fairly simple to extend them.

**05-01-11 Discuss Limiting Number of Package Stores in Peachtree City**

McMenamin said she had been asked by a constituent to bring up this subject, noting that the city received requests from time to time to limit liquor stores. She said that, so far, Peachtree City had been fortunate to have Mom & Pop type establishments, and currently there were five in the city. She also said she did not have a problem with the current number, but had been asked to bring it up, and she certainly supported free enterprise, but she had asked the City Attorney to investigate what other cities were doing.

Lindsey said Riverdale had an ordinance restricting the number of liquor licenses based on population, but that the state code was silent on the matter. He noted that state law provided for Council to restrict the location of such establishments, limiting how close they could be to each other, and he thought Council could limit any additional stores in the Highway 54 corridor and the Crosstown area based on that. Lenox said that, based on some cities' restriction of one license per 2,000 people, Peachtree City could have 16 stores. McMenamin said she understood the state also limited the number of stores under one owner to two. She also asked about restricting local owners to one within the city.

One local establishment owner said he was hearing a lot about free enterprise, but there were a lot of restrictions on a lot of businesses. His concern was that Griffin currently had 29 liquor stores and felt a similar trend in Peachtree City would downgrade the community. He said he supported limiting the number of stores, and confirmed that the state allowed only one store per owner, and that all stores must be Mom & Pop owned because chain ownership was prohibited. He said many cities restricted the number of stores based on population, and felt Peachtree City did not need any more.

Another local liquor store owner addressed Council, saying that Riverdale's restrictions were one store per 10,000 residents. McMenamin and Lenox disagreed, and Lenox read Riverdale's ordinance, which limited it to one per 2,500 residents. The owner felt that information was incorrect. He was also in favor of passing such an ordinance in Peachtree City.

Lenox said the issue was somewhat difficult because a proliferation of such stores could be a problem, but he would also like it if the business forms printing industry was limited to one company, and that one was his. The owner pointed out that supermarkets and drug stores now sold alcohol, and there were enough sales locations in the city. McMenamin said she had received a call from a florist who was upset that a new grocery store was selling plants, thereby intruding on her business, and everyone had competition.

McMenamin said that there could be problems associated with these types of stores, but she felt Peachtree City really was not seeing those problems. She said she would rather wait, and asked Chief Murray for his assessment. He said Peachtree City was very fortunate with the establishments it had, but could address any problems in the future as they arose. Murray also noted that the requirement for Mom & Pop stores was frequently circumvented. He said the state had a great deal of control over alcohol licenses, and that the liquor lobby at the capitol might be a better avenue for such changes. Council agreed to take no action.

**Council/Staff Topics**

Basinger said that there were some vacancies coming up on the Commission on Children and Youth and needed a selection committee. Rapson agreed to serve, and Council agreed Councilmember Tennant could be the other representative.

Basinger said July 4th would be on a Wednesday, and asked if Council wanted to consider canceling the July 5th meeting because the city had received some rezoning requests. Council decided to leave the meeting as scheduled.

Councilmember Fritz requested that a workshop on public safety early retirement be scheduled at some time in the next six weeks, to allow for the appropriate research.

Lenox announced that the city had received a response from Fayette County on the Tax Equity Mediation, and that response was disappointing. Lenox said that, as far as he knew, the cities of Fayette were the first in the state to file for mediation, and the County had made a motion to dismiss based on technical and legal grounds. Lenox viewed it as the County, once again, not wanting to address the issue. He said the cities wanted to address the issue in a professional manner, and they were not getting an opportunity to do so.

Lenox made a motion to take a brief recess and reconvene in executive session to discuss a potential lawsuit. Rapson seconded the motion. Motion carried unanimously.

**Executive Session**

Council convened in Executive Session at 10:25 p.m. to discuss a legal matter. No action was taken.

McMenamin made a motion to adjourn from Executive Session and adjourn the meeting. Fritz seconded. Motion carried unanimously.

Robert L. Lenox
Attest: Robert L. Lenox, Mayor

Betsy Tyler
Betsy Tyler, Deputy City Clerk