City of Peachtree City
Minutes of Regular Meeting
May 6, 2004
7:00 p.m.

The City Council of Peachtree City met Thursday, May 6, 2004, 7:00 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Stuart Kourajian, Steve Rapson, Judi Rutherford, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown read a proclamation commemorating the 50th anniversary of the Brown v. Board of Education decision. May was proclaimed as Older Americans Month. The Library was recognized for receiving the We the People Bookshelf Award 2004. David McDaniel of Public Works was recognized as the Supervisor of the Quarter for the first quarter. Brown recognized the 10 & under Georgia Seminoles and the 13 & under Georgia Tigers baseball teams as the national champions in their age groups.

Minutes

Rutherford moved to approve the April 15, 2004, regular meeting minutes as amended. Kourajian seconded. The motion carried unanimously.

Monthly Reports

Brown noted that Community Action Day had been held on Saturday, May 1. It was a huge success and a lot of people in the community were helped. The City would be closed on Memorial Day, Monday, May 31. The Memorial Day celebration would start with golf cart rally leaving from The Gathering Place at 7:15 a.m. and the ceremony at City Hall Plaza beginning around 7:30 a.m. The top five accident locations were 54/74, 54/Huddleston, 54/MacDuff Parkway, 54/Line Creek, and 74/Crosstown Drive. Cart path paving year-to-date was almost double what it was last year. Hours for litter removal had also almost doubled. Rutherford suggested having a campaign to let people know what it cost the City to pick up litter.

Consent Agenda

1. **Consider Resolution – Stormwater Notice of Intent**
2. **Alcohol License – Change in Licensee and License Representative – Arnie's Fine Wine, Liquor and Beer**
3. **Alcohol License – Change in License Representative – Big Kmart**
4. **Consider Natural Gas Provider**
5. **Consider Budget Amendments**

Rutherford moved to accept the Consent Agenda. Rapson seconded. Rapson pointed out on Agenda Item #4, Consider Natural Gas Provider, that the contract was awarded on the five criteria submitted for the actual bids. The motion carried unanimously.

Old Agenda Items

03-04-03 Consider Addition of Fees to City Schedule (Recreation)

Leisure Services Director Randy Gaddo addressed Council and went over the major changes to the fees. Council had directed his department to take a comprehensive look at fees. There were three broad categories of recommendations, including new fees, additions to existing fees, and housekeeping items. Staff asked that Council approve the fees effective immediately, but to give staff latitude on when to implement the change. The plan was to implement the fees when it made the most sense, such as during the registration period.

The first new fees involved the Fourth of July celebration. Staff felt it would be appropriate to implement the fees next year since it was getting close this year. Gaddo said staff recommended charging a fee to anyone who lived outside of the City and wanted to be in the parade. There would be no fees for residents or commercial entries in the City. City residents would also be able to register a week before anyone else. A $25 fee would be charged for County residents and $50 for Fayette County commercial entries. No entries would be allowed from outside the County unless they were political candidates whose districts included Peachtree City.

Additional July 4th fees included $400 plus a refundable security deposit to allow vendors to sell food, non-alcoholic beverages, and novelty items. Twenty spaces would be identified this year, 10 spaces at Drake Field and 10 at City Hall Plaza. A staff person would be on-site to monitor. If this went well, staff would consider adding more sites in the future. The fees would help offset the costs for the celebration.

Gaddo continued that another new fee was a facility maintenance fee for youth sports. Staff recommended a $5 per person per season fee for Fayette County residents and a $10 per person per season fee for out-of-county residents. The youth organizations had looked over the fee increase and the Recreation Commission held two public hearings. The youth associations liked the maintenance fees. The money would be collected at registration and placed into an account in the City budget, and the money could only be used for facility improvements for the particular sport. Staff and the association officers would coordinate and make decisions on where the money would go each year. The exception would be the BMX Association. There were 26 races held each year and the BMX Association would charge $1 per rider per race category for each race. A racer could enter more than one category. The fees would help offset the maintenance of the facilities, which were heavily used.

There would also be a change in the fees charged for recreation classes. The facility maintenance fee would be $1 per person per class. The fee would come back 100% to the City and would offset the expenses to maintain the Kedron Fieldhouse and Aquatic Center, Glenloch Recreation Center, and The Gathering Place, which were the three main programming spaces. The out-of-county fees for classes would be 50% more than fees for City and Fayette County residents.

Rutherford asked if the vendor fee for the July 4th activities was just for the time of the fireworks display. Gaddo said the fee was just for the fireworks and that they would look at the parade in the future, depending on how things worked at the fireworks.

Rapson suggested that booths should also be placed at Drake Field, since there were a lot of people there. Rapson said he would like to limit the parade to 25% commercial entries. He noted that he had gotten many complaints from residents who felt the parade was losing its small-town feel. Last year, there were 165 entries in the parade and almost 50% of the entries were commercial. Rapson said the 25% parameter would not include civic organizations, non-profit organizations, or Scouts. Rapson also suggested putting all the commercial floats at the end of the parade or putting a fire engine at the beginning and end of the parade so the crowd would know when the parade was over.

Kourajian said he would like to see more school bands and beauty queens in the parade and suggested that the fees be waived for them. He added that he would also like to see a break for non-profit and civic groups. Gaddo pointed out that once the standard was established and exceptions were made, other groups would use the exceptions to make their own case. Gaddo said he needed guidance.

Rapson said the parade should be limited to 25% commercial entries and that people outside of Fayette County should be excluded. Rapson said bands and non-profits would not be a part of the mix. Gaddo said Fayette County residents would pay a $25 or $50 fee, unless an exception was made. Rutherford suggested making the Fayette County non-profit organizations non-paying entries. City Manager Bernard McMullen suggested creating a new category of Fayette County non-profit organizations and allowing those groups in the parade at no charge. Weed said they would also have to define a band. Rutherford suggested just specifying high school bands. The consensus among Council was to use school bands as the definition.

Gaddo noted that the Shakerag Arts and Crafts Festival vendor fees had not increased in many years and many improvements had been made to the area. Even with the increases, the fees would still be well within the festival charges throughout the area. Spaces with no electricity would increase from $50 to $75. Spaces with electricity would increase from $75 to $105.

Open swim fees at Kedron and the summer pools would increase from $2 to $3 for adults and children ages 12 and older, and from $1 to $2 for children ages three to 11 and adults ages 65 and older. Children under three were free. The fees were in line with other pools in the metro area. Individual pool season passes would increase from $50 to $60. Passes for a family of two would increase from $100 to $120, a family of three would increase from $125 to $155, and a family of four or more from $150 to $190. Room rental rates at Kedron would increase by $10 across the board. The increase in fees would help offset the high operating costs at Kedron.

Rutherford recommended an additional increase in the Shakerag fees. She continued that $100 for a booth without electricity was still a deal for multiple days. She also recommended charging $130 for electricity and $200 for double sites. Rutherford said the additional money could be used to advertise the festival.

Rapson asked if the $30 fee for electricity covered the cost and suggested raising the fee to $50. Gaddo said, that even at $150 for a booth with electricity, the fees were well within the standards. The fees were set at $100 for a booth without electricity, $150 for a booth with electricity, and $250 for a double site.

Gaddo continued that staff had reviewed the fee structure and found there was not documented Council approval for all of the fee schedules. He asked Council to approve the method of calculating the fees to allow the Department the latitude to adjust the fees when necessary, rather than approve a specific fee. Camp McIntosh included four two-week sessions with a maximum capacity of 50 campers. The fees were based on the activities and trips. The fees were compared to other camps every year to remain competitive. The fees had only been raised twice in the last five years. Early bird discount registrations were also offered and helped fill up the later sessions. Next year, staff wanted to offer a 10% discount per camper per session across the board to compete with the other camps in the area.

Each instructor for the classes assessed their own class value and set a cost in coordination with staff. The cost was documented in a written agreement each session. The fee was split 80% to the instructor and 20% to the City for expenses. Gaddo asked Council to approve the method. He noted the method had been used for years, helped get excellent instructors, and was in common use throughout the state.

Gaddo also addressed special events and trips at The Gathering Place. The fees were determined by the cost of the event, food, and transportation plus 10% that was added to cover any costs that were not anticipated. The fees for adult sports were determined by equipment, supplies, awards, t-shirts, and an additional 10% to cover anything unexpected. Gaddo included a standard rental fee schedule for the City facilities. The rates for out-of-county residents were raised considerably.

Brown noted that the proposed changes would bring a revenue increase of $136,792, which included $41,000 in association fees.

Rapson noted that the fees were a way to keep the programs in place and make them self-supporting. The intent was not to make a profit, but to recoup the City's cost and overhead. Gaddo agreed.

Rutherford moved to approve the request from the Recreation Department, the fee review, and the housekeeping articles, that the parade be kept to 25% commercial, and that Fayette County school bands and Fayette County non-profits be adjusted for, and to accept the increases in the rates at Shakerag, and to give the latitude needed on the camps. Rapson seconded. The motion carried unanimously.

New Agenda Items

05-04-01 Consider Amendments to Soil Erosion and Sedimentation Ordinance

City Engineer Troy Besseche noted the changes to the ordinance, which kept the City ordinance current with the state. Permit fees were also involved. Land disturbance permits were $100 per acre, and the state had mandated that construction activity be permitted under the state's National Pollutant Elimination Discharge System (NPEDS). There were also changes regarding to sizes of sites and education requirements for inspectors and plan reviewers.

Rutherford asked if the fees stayed with the City or were forwarded to the state. Besseche said a portion went to with the state and a portion went to the NPEDS.

Rutherford moved to accept the changes to the Soil Erosion and Sedimentation Ordinance. Rapson seconded. The motion carried unanimously.

05-04-02 Public Hearing – Consider Rezoning Request – V-R Villa Residential to R-22 Residential

05-04-03 Public Hearing – Consider Variance Request – 310/312 Peachtree Parkway North

Rapson moved to hear agenda items 05-04-02 and 05-04-03 together. Rutherford seconded. The motion carried unanimously.

Nicholas Fouts, the applicant, addressed Council. Fouts said he had worked in the City for five years and his family had decided to make their home here. The plan was to build two homes – one for his family and one for his in-laws. The request to rezone would allow the 1.97-acre tract to be split into two parcels. The request was for R-22 zoning, which allowed the lot sizes, but Fouts said they would build the homes to R-43 standards. The surrounding property was zoned R-43.

Fouts continued that only Council could approve the variance request necessary for the shared driveway off Peachtree Parkway. The access easement was on the north part of the property and wrapped around behind the TDK property. Fouts noted that they preferred not to use that easement as a driveway. One reason was that it could be confusing for emergency services personnel who would have to enter through #314 to access #310 and #312. Fouts said they felt their proposed entrance would work since it was just south of the three-way stop at Peachtree Parkway and Flat Creek Road and traffic would still be moving at a slow rate of speed. He noted that the last strip on the north and east side was a prescriptive easement for Gary Stout's property, which was four acres located behind the Fouts' parcel.

Rapson said his concern was the driveway off Peachtree Parkway. He asked if anyone had talked to TDK about sharing its driveway, which already existed. Fouts said the driveway was part of the prescriptive easement, which was 387 feet to the north of his parcel's northern most property boundary. The existing drive at TDK was also part of the easement.

Gary Stout, owner of the STX Corporation, which owned the adjacent lot behind the Fouts, told Council that the easement was part of his property, which was located behind TDK's property and the Fouts' property. He wanted to make sure access to his property was not affected.

City Planner David Rast addressed Council. The property had been zoned V-R Villa Residential for many years. The parcel and the adjoining TDK property were the only two parcels in the City zoned V-R. Previous development proposals included rezoning the property for a dental office or high-density extended stay projects. Rast said the land use map identified the parcel as LUR Limited Use Residential or a cluster subdivision, which also increased density. By separating the parcel into two lots, the tract would be similar to others on the parkway, but the lots would still be 0.3 acres short of the R-43 zoning requirement. Rast said the property requirement was met by R-22 zoning and the R-43 conditions could also be met with R-22 zoning. Rast said Fouts had agreed to meet the R-43 zoning requirements. Rast said they met with the golf course owners, who were amenable to adjusting the property line and allowing the size of the lots to increase to one acre each. Staff supported the rezoning to R-22, with the condition that the property be developed at R-43 standards to remain consistent with the surrounding area. The Planning Commission had voted to approve the rezoning.

Rast continued that the second issue was the driveway. A variance was required to get the curb cut for the driveway. Staff recommended the variance with the condition that the Fouts locate the driveway as far north as possible from the three-way stop at Peachtree Parkway and Flat Creek. The northern most property line was about 450 feet from the centerline of Flat Creek Road and was located on a curve, which required some engineering to ensure the site distances were fine.

Rapson asked what the density was for V-R Villa Residential zoning as opposed to the two homes. Rast said up to 3.6 units per acre could be developed with V-R zoning. Rapson said he supported the two houses, but he had concerns about the driveway, which would be located right on the curve. Rapson added that drivers coming down the hill to the three-way stop often had to ride their brakes. The TDK driveway was just before the curve and drivers coming down the hill could see the driveway. He also expressed concern about the four acres located behind the parcel.

Kourajian asked where the access would be if there were a plan for six homes on the parcel. Rast said if there were a plan like that, the owner would have to come and ask for a curb cut. Rast said there was a 30-foot prescriptive easement on the property that allowed Stout access to his property. There was another access easement to the right-of-way. Another variance would be required when Stout's property was developed.

Rapson said the right-of-way cut was the entrance to the existing house on the TDK property. He said he understood why they did not want the driveway behind the house, but asked why they could not use the existing driveway. Rapson said there was a parking problem at TDK, and extending the road would help with the parking problem at the TDK house as well. Rast said he did not know if the Planning Commission considered that option, but he also did not foresee the TDK property as being the TDK guesthouse forever. A driveway cutting through that property could bisect the property and keep it from further development.

Rapson asked why the existing driveway could not be used. He noted the TDK always had a parking problem, and the driveway extension could help with that. Rast said there would not be a TDK guesthouse on the adjacent property forever. Rapson said his concern was the line of sight. Brown said he would rather see the driveway in the easement.

Fouts said he understood their concerns, but pointed out that there was a better line of sight along the northern edge of the property. Brown said he was also concerned about future owners sharing a driveway. Fouts noted that one driveway served three homes directly across Peachtree Parkway. The shared driveway and maintenance would be put into the covenants. Fouts said it was also an aesthetic issue and that the driveway would look better. He pointed out that their homes would be located 150 feet further back than the TDK house.

Brown noted that traffic on the Parkway would increase once Target was built and he did not see another curb cut helping the traffic situation. Rast pointed out that there had been a similar circumstance with another recent rezoning and the ordinance allowed two houses to share a private driveway the way it was written. Rast said to allow the homes to be served by the TDK driveway would violate the City's ordinance. Rapson added that if shared driveways were not permitted, then the other four acres could not be developed and Council had to take that into consideration. He said the other four acres had to be considered.

Rapson asked if the driveway could go through the easement without TDK's approval. City Attorney Ted Meeker said not until the easement rights were determined.

Kourajian asked for a more informed opinion regarding the traffic danger. Stout said he bought the property from the Greer family exclusively with the understanding he would always have an easement, and he had written documentation. Stout requested that Council postpone the variance request for 30 days to give everyone time to investigate. Rapson said that was a reasonable request to him. Stout said there were two or three different issues. If, and when, he decided to build a home on his property, he wanted to do so without imposing on others. Bill Degner, another property owner behind the parcel, noted that the Flat Creek/Peachtree Parkway intersection was very busy. Degner understood the traffic concerns and he supported the applicant's request, but he would also like for Council to have more time to look at the facts.

Brown moved to table the variance until the next meeting. Weed said it was fine to table the variance as long as Council knew exactly what data it wanted. Brown said he wanted to know if there was a valid prescriptive easement to the rear of the property. Meeker clarified the easement issue and said that Fouts was requesting a curb cut off the Parkway, whether it was at the end of the property where the access easement was located or further down directly to the property. Council permission was needed either way. The motion died for lack of second.

Rast clarified the request on the map at Rutherford's request and also showed Council the existing TDK driveway location. Rapson reiterated that they should append to the existing driveway. Weed agreed that the proposed driveway might be aesthetically pleasing, but he thought a separate driveway would be unsafe.

Fouts explained that part of the reason he asked for the variance for the curb cut was that the land would never truly be his. His driveway would become a road, because it was Stout's access to his property as well. Fouts agreed there was a perceived traffic hazard, but said the traffic did not have a chance to gain much speed at the point of the driveway.

Brown asked if the rezoning hinged on the variance request. Meeker said they were two separate items.

Weed moved to approve the rezoning request as presented with the conditions as set forth in the materials presented in the agenda packets. Rutherford seconded. Brown clarified the rezoning was from V-R Villa Residential to R-22. The motion carried unanimously.

Rapson moved to table the variance request for the curb cut at this time. Kourajian seconded.

Weed said he did not see why the request should be tabled. He continued that Fouts deserved a decision. Weed asked what further information was needed to make the decision. Rapson said he wanted to know more about the prescriptive easement or talk to TDK about using the existing driveway in some manner. Kourajian said he wanted a more learned opinion about possible traffic hazards. Besseche said that, of the two locations, the northern most location would be the safest. Kourajian asked if the other location was unsafe. Besseche said he had not looked at the site distances. The concern was not just the posted speed limit, but also the speed at which people actually drove on the Parkway.

Council discussed the date and the consensus was to table the variance until the June 3 meeting. The motion carried 3-2 (Rutherford, Weed).

05-04-04 Public Hearing – Consider Amendment to Zoning Ordinance – LUC-16 Limited Use

Peter Corbett of MetroSouth addressed Council. Corbett said the amendment would change the loft apartments to fee simple townhomes. There would be 80 units. The

Lexington Circle Homeowners Association supported the amendment. The commercial area would remain in the middle of the property and would keep the same feel as the Bob Adams Homes' plan.

Rast gave a brief history of the project. He noted that the Lexington Circle development had been quite contentious. The City hired a consultant and had developed a plan that everyone agreed to. The stringent LUC zoning was also developed. It was the only development in the City with an active commercial Architectural Review Board (ARB). The original vision was a Main Street-type of development along the main boulevard, with the commercial/retail close to the street. People would be able to walk from parcel to parcel, and the neighborhood could access the retail area by walking or golf cart. Eighty lofts would have been located on the second and third floors of the retail buildings. Now, the project's developers felt the lofts would not work. Rast said they had not asked for an increase in density of the multi-family component, but were asking to remove the second-floor lofts from the retail area and make them fee simple townhomes. Corbett had met with the adjoining property owner, Bill Lasseter, and they had agreed to the number of units. Corbett had agreed to delete the 30,000 square-foot single tenant retail space on the MetroGroup property. The overall square footage would remain at 300,000 square feet for the entire commercial portion, but the caveat for the single box would be deleted. The site plan would not be approved at this meeting. Rast said staff recommended that the two changes be adopted as part of the LUC-16 Limited Use Commercial ordinance. The Planning Commission also recommended that the changes be approved. The Planning Commission had some concerns, but Corbett had met with Rast and a member of the Planning Commission to discuss those concerns. Two conditions were included in the recommendation – that approval of the zoning ordinance changes did not mean the plan submitted by the applicant was approved, and that the applicant would continue to work with the Planning Commission and ARB to come up with a revised plan for the overall development.

Brown said the drawing submitted with the ordinance amendment request was drastically different from the original master plan. He shared the Planning Commission's concerns. He said he was in favor of improving anything, but did not want to go in the other direction. Corbett said the layout was simply to show the number of units and the greenspace. Brown noted there were also new requirements on the housing mix in cities and the City needed more housing diversity. The 800 square-foot lofts would have provided the diversity. Brown said he and Corbett had discussed adding a third floor to the commercial area for lofts and backing the same number out of the townhome plan. He also wanted a more concrete idea of what the townhomes would look like.

Rutherford asked if the townhomes were a back door to getting multi-family in the area. She questioned whether taking out the lofts just created another 80 multi-family units and pointed out the ordinance specifically included lofts. Meeker noted that the multi-family moratorium had an exception for parcels already zoned multi-family, and the lofts were considered apartments, which were multi-family. One multi-family component could be replaced with another multi-family component.

Kourajian asked why Council was designing the project. Rapson agreed that Council was not the Planning Commission. He said he was fine with the approach, but not with changing the zoning. He said there would be a 31% increase in square footage for the residential component since the lofts were 800 square feet and the townhomes would be 2,000 square feet. Rapson said they did not show how the commercial component would look on the plan, and he wanted to see how the whole plan would look. Rapson felt the townhomes would probably be a better fit.

Rast noted that the LUC and LUR zonings were very site specific and what had happened at Lexington Circle to this point had somewhat followed the plan. Corbett was looking for the option to build townhomes instead of lofts. The original concept had developed around an entertainment complex, and the development did not have that. Rast suggested the ARB and the Planning Commission should look at the original plan and modify it based on what had taken place. Rast said, if the amendment were denied, then it would be six months before the applicant could reapply.

Corbett said he always wanted a "Main Street" feel to the development, and they were using the same designer as The Avenue. Corbett asked Council to allow the ARB and the Planning Commission to be the "guardian at the gate." He said he could not do anything until his plan got past them.

Brown asked Meeker if Council could approve the amendment pending the applicant's meeting with the ARB and the Planning Commission. Meeker said Council could always put conditions on any approval, but he would rather they took care of the issues from the front end rather than argue enforcement on the back end.

Corbett said they were trying to do something good for the neighbors, the City, and his company. Meeker pointed out that part of the concern was that not all of the property affected by the change in the ordinance was under Corbett's control. The application was from only one property owner. Rutherford said they would have to extend the same rights to all the property owners, and she was not ready to give those rights away. Brown agreed it would better to meet with all the owners.

Rutherford moved to table the agenda item until the discussion with all owners could take place and not later than the first meeting in June. Rapson seconded. The motion carried unanimously.

05-04-05 Consider Authorization to Use BOE Agreement for Copiers

Assistant Finance Director Janet Camburn addressed Council and told them the leases were up on several of the City's copy machines. Some of the machines were leased through the City and some were leased through the Board of Education (BOE). Most of the leases had expired or would expire this year. Due to increased maintenance costs, IKON could not honor the current month-to-month contracts much longer. Camburn said staff recommended the City enter into a similar agreement with IKON Office Solutions, Inc. IKON was willing to let the City piggyback on the BOE agreement. Camburn pointed out that doing so would save a great deal of staff time. She added that the City would get the same rates as the Board of Education, which were less than the state contract rates, and that the individual agreements would fit the City's needs.

Rapson moved to approve the recommendation to lease the copy machines under the master agreement with IKON Solutions. Rutherford seconded. The motion carried unanimously.

05-04-06 Consider Stormwater Data Development Services
Besseche told Council that the City's stormwater consultant, Integrated Science and Engineering, recently completed a stormwater utility feasibility study. The results were presented at the Council Retreat on April 16-17. The work was done in conjunction with the City staff and the Stormwater Advisory Committee. The work demonstrated the need for a stable and secure funding mechanism recommending a user fee system, or utility, as the most equitable way to accomplish that. They also proposed a billing arrangement to achieve the system and gauged the work needed to make that a reality. The next step involved more detail in the way the information was gathered, delineating the impervious surfaces, setting up the billing system, establishing the rates, and refining the data already collected. The cost was $120,000 and the stormwater consultant would complete the work. Some public education was involved to get the information out about the establishment of the utility. There was another step in the process that would be included in the 2005 budget, and the cost estimate was $175,000. Staff recommended Council authorize the work to be completed, and that the funds come from the PIP Contingency.

Weed asked how much was left in PIP contingency. Salvatore said there was a little over $89,000. Kourajian asked what would happen if the work was not done. Besseche said some of the elements were contingent upon the study, but there was a tremendous burden to replace worn-out infrastructure and that would be bulk of the stormwater management program. About $9 million in projects had been identified. Rapson noted that the state mandated compliance with the stormwater program and this was one of the steps in creating a utility to fund the stormwater issues that could only be improved now by raising taxes.

Rutherford asked why the funding was not already in the PIP. Besseche said the utility could not be pursued until the utility feasibility study had been completed. Kourajian asked if the City would get what it needed or just $80,000 worth. Besseche said the cost for setting up a utility was typically four to six months of revenue. A lot of work was involved, which would start on Monday, May 10, and should be completed by September 30. Besseche said they would get their money's worth. Rutherford asked if any of the services would go out for bid. Besseche said the services had already gone out for bid and this was just a continuation.

Rapson noted that this was critical step in the City's validation and justification for a utility. They were walking through the steps systematically to create and validate a stormwater utility. Rapson said some of the expenses would be reimbursable once the utility was in place.

Rutherford moved to take $120,630 from the PIP contingency fund to complete the data development phase for the formation of the stormwater utility according to the outline provided in the attached task order. Rapson seconded. The motion carried unanimously.

05-04-07 Citizen Request – Discuss Kedron Center Settlement/Entrance Location

Brown noted there was an additional document on the dais – an interoffice memorandum to Mayor and Council from the City Manager dated May 6, 2004, with the subject Saint Simons Cove/Residents Request to Address Council Regarding the Proposed Intersection at Georgian Park. Chris Storbeck and John Turner represented the residents of the Saint Simons Cove subdivision. Storbeck noted that the decision to change the entrance to the commercial area had been made in executive session and that the residents were not aware of what the changes were. They had not had the opportunity to discuss the issue with Council. They had discussed their alternative with the Lake Kedron Association, the Department of Transportation (DOT), and City staff. Storbeck said they had an alternative that had not been considered. He understood the consent order was a legal document and would be difficult to modify, but they would like to discuss the proposal and look at its merits.

Turner, who had the idea for the alternative plan, told Council that their neighborhood's entrance was downhill and on a curve. The alternative would keep the settlement as it was and would help the neighborhoods. It was also a better traffic flow plan. The alternative entrance would be off Highway 74 and go between Wendy's and the bank. An entrance-only location gave more leeway through 20 feet of flat land. The entrance/exit to Highway 74 would have to cross a wetlands and a valley.

Turner said it had been difficult to speak to someone at DOT, but he had finally spoken to Ken Crabtree, the Area 6, District 3 representative. Crabtree, who covered Coweta County to the Alabama line, had not seen the actual site. Crabtree said the state was turning to right turn entrance only and an exit on a side street.

Storbeck said he had spoken to Mark Mastronardi at DOT. He was told the plan would have to be formally submitted before it could be approved, but that Mastronardi saw no reason that the alternative would not be feasible.

Turner said they had recommended three alternatives to the plan. The entrances and exits would all be right turns, so there would be no worries about left turns onto Georgian Park. The entrance across from Amli Apartments would also be a right-in, right-out only. The commercial side of Georgian Park would also be the side handling the traffic. The residential side would not be dealing with the shopping center traffic. The residents felt this traffic plan was much safer. They had also considered response time for emergency vehicles and the plan kept the traffic flowing.

Brown said he could tell a lot of consideration had been given to the alternative plan and Council had something to consider, but a decision could not be made at the meeting. Staff and DOT would have to look at the plan.

Meeker said something similar to the plan had been discussed. He said he could show the plan to the other parties in the litigation, but they were limited in terms of getting changes to the consent order. DOT had acquired all of the access rights on Highway 74 and was very reluctant to give up any of those rights.

Storbeck said they had met with John Hedge and Tim Wedemeyer of the Kedron Association and they both said they could live with the alternate proposal. Storbeck continued that they had tried to contact Faison, but had received no response. Storbeck said he had seen the consent order, and the proposal could fit with minor changes. All of the parties agreed that a right-turn only access had not been considered. Turner said they did not want the developer to spend thousands of dollars without hearing the alternate plan.

Rapson said he and Rutherford had met with Faison's attorneys and Meeker prior to the vote on the issue. Rapson told them they needed to scale back on the commercial component. The 50,000 square-foot outparcel and the additional exit were not on the plan Rapson saw, or he would have taken issue with that. Rapson said he thought their alternative was a radical, different approach and a lot of the topographical issues were not involved at that location.

Brown noted that Council had been handed an additional document entitled Proposed New Kedron Development Plan signed by John Turner.

05-04-08 Consider Annual Contract for Traffic Engineering Services

Brown noted an additional document on the dais – Peachtree City, Georgia, Annual Contract for Engineering Services. Besseche addressed Council. He explained that, instead of going through the procurement process on each individual transportation project or a project that Besseche needed support for, letters of qualification were sent out in October. He said 21 responses were received.

Weed noted there was no immediate budget impact and asked when the costs would be incurred. Besseche said the contract was based on a work order situation. The process would be the same, but they would not have to go through the bid process each time.

Rapson made one change to the contract on page 12 and changed the wording "recommended for approval" to "approved."

Brown asked for a summary of the changes. Besseche said the changes included striking "indemnification" and placing a $100,000 limit in the contract. Meeker said the agreement required the company to come back to staff with a task order. Rapson clarified that they were giving blanket approval and the only time a task order would come back would be if the work exceeded $100,000. McMullen clarified that the funds that would be spent had been approved for specific projects, and the cost of the engineering services had been built into the project.

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

Council/Staff Topics

City Attorney Ted Meeker said there was pending and threatened litigation and a real estate matter to discuss in executive session. Weed moved to reconvene in executive session to discuss pending and threatened litigation and a real estate matter. Rutherford seconded. The motion carried unanimously.

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

There being no further business to discuss, Rutherford moved to adjourn the meeting. Weed seconded. The motion carried unanimously. The meeting adjourned at 10:30 p.m.

Jane S. Miller

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne

Pamela Dufresne, Recording Secretary