

City Council of Peachtree City
Minutes of Regular Meeting
April 21, 2005
7:00 p.m.

The City Council of Peachtree City met Thursday, April 21, 2005, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:01 p.m. Other Council Members present were: Stuart Kourajian, Steve Rapson, Judi Rutherford, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown recognized Tim Maret of Code Enforcement as Employee of the Month. April 24-30 was proclaimed as Georgia Cities Week. Brown recognized Capt. Stan Pye of the Police Department for 15 years of service. The Citizen Police Academy graduates were recognized. Starr's Mill varsity cheerleaders were recognized as the Region 4 5A champions. Mark Adams was recognized for his efforts to protect scenic views in the City.

Minutes

Rutherford moved to approve the March 17, 2005, regular meeting minutes as amended. Rapson seconded. The motion carried unanimously.

Rutherford moved to approve the 2005 Retreat minutes as written. Rapson seconded. The motion carried 4-0-1 (Weed).

Rutherford moved to approve the March 19, 2005, special called meeting minutes as written. Rapson seconded. The motion carried 4-0-1 (Weed).

Rutherford moved to approve the March 24, 2005, special called meeting minutes as written. Rapson seconded. The motion carried unanimously.

Monthly Reports

Brown announced that the annual Touch-a-Truck event for children was scheduled on Saturday, May 7, and would be held in conjunction with a Wellness Fair for adults. Community Action Day was scheduled on May 14. Spring Cleanup would be held May 14-15 at the City's Recycling Center. City offices would be closed on May 30 for Memorial Day. The Peachtree City Youth Council Three-on-Three Dodgeball Tournament was slated for April 23. City staff would participate in the March of Dimes WalkAmerica on April 30.

Brown noted that single-family residential building permits were down significantly from this time last year, 142 compared to 32 this year. No multi-family residential permits were issued either year. The Top 5 Accident Locations for the month were GA 54/GA74, GA 74/Holly Grove Road, Flat Creek/Peachtree Parkway, GA 54/Market Place Connector, and GA 74/Crosstown Drive.

Consent Agenda

- 1. Consider Proposals for Equipment Lease/Purchase Financing**
- 2. Consider Amendment to Debt Policy**
- 3. Consider Approval of Letter to County Commission Initiating Review of Service Delivery Strategy**
- 4. Consider Budget Amendments**
- 5. Consider Cooper Turn Lane Bid Withdrawal Request**

Rutherford removed Consent Agenda #3 for further discussion. Rutherford moved to approve Consent Agenda #1, #2, #4, and #5. Kourajian seconded. The motion carried unanimously.

Brown noted there was an additional document on the dais concerning Consent Agenda item #3 – the letter to County Commission Chairman Greg Dunn requesting review of the service delivery strategy with changes from City Attorney Ted Meeker and the same letter with additional changes from Mayor Brown. Brown noted that his change to the letter was to include Fayette Senior Services in the discussion. City Attorney Ted Meeker said his change tied the request to statute that allowed Council to call for the review.

Rutherford moved to approve the letter to the County Commissioners initiating review of the Service Delivery Strategy with both the City Attorney and Mayor's amendments. Weed seconded. The motion carried unanimously.

Old Agenda Items

03-05-CA2 Consider Annual HVAC Services for City Facilities

Public Services Director Tom Corbett addressed Council. Six proposals were received and they had looked at the three lowest bids. The recommendation was made according to a number of criteria, with experience at the top of the list. All of the companies were well matched, but Shumate took the lead in terms of experience. Corbett continued there was a five percent differential in terms of cost between the three lowest bidders. The low bidder had an escalator clause that closed the gap a great deal. The City had been working off an extension of the old contract with Shumate. The remaining eight months should cost \$37,783 for the calendar year and the full cost for the additional two extensions.

Rutherford moved to approve the award of HVAC services to Shumate based on the bid and the recommendation of staff. Rapson seconded.

Rapson added, for the record, that the Request for Proposal (RFP) stated that the proposals would be evaluated on the dollar amount as well as years of service, ability to provide full service maintenance, qualified technicians, and the service availability references. He noted that City staff had researched Brown's April 1 response to Tim Powers' letter.

Kourajian asked if the criteria used to determine the award was implied or explicit. Rapson said the criteria had been listed in the RFP.

The motion carried unanimously.

New Agenda Items

**04-05-01 Public Hearing – Consider Rezoning – Sanders/Cash Tract, 287
Greenwood Lane, ER to R-43**

Brown noted there were additional documents on the dais – a letter from Rosenzweig, Jones & MacNabb to City Clerk Jane Miller dated April 21, 2005, regarding the rezoning request; an e-mail from the City Manager to Mayor and Council dated April 20, 2005, with the subject “Section of 5/20/94 Minutes;” a site map of the Sanders/Cash tract; an e-mail dated April 13, 2005, from Fire Chief Stony Lohr to Harry Sanders with the subject “Traffic Concerns;” a letter dated April 12, 2005, to Richard Simms from Doug Warner related to the rezoning; and a letter dated April 20, 2005, to Mayor and Council from Adrian Brooks.

Melissa Griffis of Rosenzweig, Jones & MacNabb addressed Council on behalf of the property owners. She noted that the letter from her law firm would be made part of the record and was a requirement by Georgia law to put the City on notice that denying the process would deny the property owner of rights. The total acreage of the tract was 11.437 acres. Griffis noted that the request pertained only to the rear portion of the tract, which was 4.034 acres. The front portion was currently zoned R-43. She continued that the future Land Use Plan showed the area as residential with low-density, and the City defined low-density as one-acre to three-acre tracts. The Planning Commission unanimously recommended approval of the rezoning request, and staff recommended approval. Griffis added that the neighbors directly across the street from the property had written letters in support of the rezoning.

Griffis said the proposed rezoning was consistent with the designation identified on the Land Use Plan. The City’s Comprehensive Plan encouraged less dense residential development as development moved out from the village center. She said that was what they were looking for with the proposed rezoning.

Griffis continued that Council had questions about Tyrone’s position on the proposed rezoning. She said Council had a copy of the Tyrone Council minutes and a letter from Tyrone City Manager Barry Amos. There was nothing in the minutes regarding any promises made to Tyrone. In his letter, Amos verified that no promises had been made regarding zoning and the City had the right to address zoning of the property as appropriate. She noted that the property owners had agreed to the five conditions listed in the April 13, 2005, position paper. Griffis said they were aware that some of the Kedron Hills homeowners were opposed to the rezoning, but noted that they lived on lots zoned R-22, ½ acre, which was more dense than the proposed rezoning.

Paul Fink told Council he had addressed this issue during the previous rezoning request last year. He said there was high-density traffic around the playground/pool area. Brown asked Fink to point out the playground/pool area on the map. Rapson asked Griffis to point to where the road from the property would come out.

Russ Walter noted that if this rezoning were approved, then the other property owners would request rezonings. One of the other property owners noted that at the Planning Commission hearing. He added that the property directly across the street from the tract belonged to the homeowners' association and the association was not in favor of the rezoning. He asked Council to deny the rezoning and stop the stepping stone effect.

Brown closed the public hearing.

Griffis addressed the high-density traffic issue. She noted there was a large parking lot on the Greenwood Lane side of the area. She said the entrance to the tract would not go into the pool parking area, but would face the parking lot. She added there were sidewalks and that signage could be put up to indicate it was a pool/playground area. If traffic became a problem, the developer would address it at that time.

Griffis noted the concerns about future rezoning requests, but pointed out that they had no control over any other properties. The land behind the Hughes tract was in the Town of Tyrone.

Weed said that the site map they were referring to would be Exhibit A and was the map shown on the screen. Weed referred to the Comprehensive Plan. He asked if E-R zoning was less dense than R-43. Griffis said yes. Weed noted the zoning around the tract. Weed said Griffis' statement that the rezoning would reflect the "growth, redevelopment, and outreach" the City was looking for was an assumption on Griffis' part. Griffis said she was not quoting that comment, but she had read her prior comment from the Comprehensive Plan. The portion was "residential development that becomes less dense as you move away from the village center."

Griffis continued that R-43 was less dense than R-22. Kedron Hills had both R-43 and R-22 lots. She clarified that R-43 was one-acre lots and tracts zoned ER were one-three acres. R-43 would still be step-down zoning. Griffis reiterated that 7.403 acres of the tract was already zoned R-43. If approved, the rezoning would make the entire tract R-43.

Weed asked Griffis if there was any R-22 zoning contiguous to the Sanders/Cash tract and to indicate it on Exhibit A. Griffis said she did not prepare Exhibit A; it was a City document. Weed said they could get a zoning map to make sure. Griffis said she did not say the R-22 parcels were touching the Sanders/Cash tract, but that R-22 lots were in Kedron Hills. She agreed there were no lots marked R-22 on Exhibit A, but she could not answer the question without a zoning map of the City.

Rapson said the Land Use Plan clearly designated the area as low-density residential. Either the R-43 or ER zoning met those criteria. Rapson said Griffis was trying to allude that R-43 was just as good as ER. He said leaving the tract in its current condition was also in compliance with the Land Use Plan. Griffis reiterated that the City's definition of low-density tracts was one- three acre tracts.

Brown closed the public hearing.

Weed asked City Planner David Rast for an official zoning map to be introduced into the record to show that R-22 zoning was not contiguous to the tract in question. Weed told Griffis she could waive that, or the map would be included in the record. Griffis said she had already agreed that R-22 zoning was not contiguous, but was within the Kedron Hills subdivision.

City Planner David Rast read the two paragraphs in the residential section of the Land Use Plan.

Provide opportunities for an appropriate mix of dwelling types, sizes and prices in order to meet the current and projected needs of city residents of all socio-economic groups in accordance with their financial capabilities, mobility and preferences.

Low-density single-family usage should continue to be developed along the eastern and northern border of Peachtree City; as well as in the extreme northwest corner of the city. That area along the eastern border is probably economically unfeasible to sewer. Low-density development in this area will promote the step-down theory, in that these uses are located physically further away from existing and future village centers. This type development is conducive to independent, potentially self-sufficient homesteads.

Rast noted there were other areas in Kedron Hills, Smokerise and Stoneybrook, along the City's boundaries that were zoned R-43. In those areas, the theory was that R-43 zoning met the definition of a step-down. Rast continued that the zoning often depended on whether the home was on sewer or septic. Sewer was not available in Stoneybrook and Smokerise. The lots were zoned R-43 and were on septic. The rear portion of Kedron Hills was the Kedron Estates subdivision, which abutted Tyrone and the unincorporated County. Those lots were zoned R-43 and were all on septic.

Rast continued that the owners of the properties north of Greenwood Lane had asked that their portion of their parcels, located in Tyrone, be annexed into the City several years ago. The properties were zoned both ER and R-43. The section of the Sanders/Cash property located next to Greenwood Lane was zoned R-43 and the rear portion of the property was zoned ER. The Hughes tract was located immediately adjacent and to the north of the Sanders/Cash tract. The Hughes tract was zoned ER and was not under consideration. Neither were the King, Care, nor Stephan tracts. Rast said he talked to staff in Tyrone and asked for the minutes of the meeting when the Town Council voted to de-annex the parcels. Rast said he could find nothing in the minutes regarding rezoning

of the property. He said staff's position was that the proposal was consistent with the Land Use Plan and was consistent with some of the other rezonings that had occurred along the fringes of Kedron Hills, and other subdivisions. The tract abutted property that was zoned R-43. The Planning Commission's recommendation was unanimous to forward the request to Council for approval. Rapson noted that the recommendation had been the same when the property owners requested a rezoning last year. Rast concurred.

Brown said he had attended the meetings in 1999 when the property had been annexed into the City. He said it had been an unusual situation. The Hughes had requested that the City annex their tract, which could not be done unless the Sanders/Cash property was also annexed, because their tract did not share a common border. Brown said he had listened to the tape of the March 18, 1999, meeting and had transcribed portions of the tape. Brown quoted statements from former Developmental Services Director Jim Williams.

Jim Williams: *"That would cause both annexed properties [Hughes (3.705-acre) and Sanders (3.9-acre)] to come into the city at Estate Residential and [in] this particular area that is the preferred zoning district."*

Jim Williams: *"They [Sanders] have no objection to their 3-acre site being zoned Estate Residential. They would prefer that their 7.6-acre site be rezoned to R-43."*

Brown said that, at the time of the discussion, the Sanders were looking at R-43 because they wanted to subdivide the property to allow their children to live on the property.

Jim Williams (re: 7.6-acre Sanders site): *"As you go down Greenwood Lane, to the west, there are several other parcels [Stephan property] that are Agricultural. But our plan is, and has been for some time, for those properties, eventually, to come to be rezoned to R-43 to match the zoning of all of the rest of **all of the property fronting on Greenwood Lane**, the portion that's a part of the Kedron Hills subdivision."*

Brown noted that the Stephan property and the front parcel of the Sanders/Cash tract fronted Greenwood Lane. The Sanders/Cash parcel was zoned R-43.

Jim Williams: *"The other two pieces of property that are involved in this are owned by the Care family and the King family respectively. They own rather large tracts of land that are within the city and then some additional pieces of the same property outside the city. The request here is that those parcels outside the city be annexed in at Estate Residential, the same as the Sanders [3.9-acre tract] and the Hughes, and in addition, that the portion within the city be rezoned to Estate Residential from Agricultural. So that as you come around the cul-de-sac [on Greenwood Lane] with the R-43 lots [heading east], you come to the Sanders property [7.6-acre tract] which is proposed for R-43 and then the property would step down to the Estate Residential on around to the city limits as you wrap around Greenwood Lane and Loring Lane and Crabapple [East]. So we feel that the entire pattern out there makes sense from a land use and*

zoning standpoint. We feel it is consistent with the development patterns that are out there and that it does appear to solve a number of problems."

Brown's conclusion: *The future plan was for (1) R-43 at the road frontage on Greenwood Lane; (2) Estate Residential step down on the 3.9-acre Sanders tract and the Hughes tract; (3) and a lateral step down zoning to Estate Residential on the Care tract and King tract.*

Brown said there was a lateral step down going towards the Care and King tracts, out toward the City of Tyrone. Brown said the deannexation and annexation would not have been done if the City had not made a commitment via resolution to let the actions take place. The resolution was sent to the Town of Tyrone and to the State Legislature.

Mayor Lenox (reading from the resolution agreement for the State Legislature for the de-annex/annex legislation): *"Whereas, it is in the best interest of the City [Peachtree City], the City of Tyrone and the applicants to annex the property into the City for the more efficient provision of municipal and emergency services and; Whereas the applicants have requested the city consider zoning the property Estate Residential if the property is annexed. Be it resolved that the Mayor and Council of Peachtree City hereby inform applicants that should the property be de-annexed from the City of Tyrone, the City will promptly annex the property into the City and the property will be zoned Estate Residential."*

Brown said that essentially the resolution was the City's confirmation to Tyrone and the State Legislature that the property would be zoned ER if the property was deannexed. Brown added that without the resolution, there would have been no deannexation and no annexation. The resolution confirmed what they were trying to do. Brown said that Williams' methodology was consistent with creating the R-43 barrier using the road as a demarcation. Brown said it made sense in 1999 and made sense today.

Rapson also noted for the record the e-mail from the Kedron Hills Homeowners Association, which opposed the rezoning. The reasons cited included safety issues with traffic in the pool area, a single entrance served the subdivision and the addition of homes could increase safety risks in event of emergency, increased difficulty getting to and from homes due to construction, and granting the rezoning could lead to further rezonings. Rapson said the bigger issue was the City's boundaries and following the City's Land Use Plan. He said the area was consistent with the Land Use Plan.

Rapson moved to deny the rezoning request. Weed seconded.

Brown pointed out that any property owner had the right to request a rezoning. The City would never deny a property owner's right under the law. The Land Use Plan was a living document that could be altered. In this case, it had worked well.

The motion carried unanimously.

04-05-02 Public Hearing – Consider Variance, 205 Rockspray Ridge

Scott Quamme, property owner, addressed Council. He said he wanted to build a six-foot privacy fence on his lot, a corner lot that fronted on Rockspray Ridge and Gray Plum. He continued that his property was unusual, and it would be difficult to build a fence according to the ordinance that would be aesthetic or logical. Quamme presented letters in support of his request from the property owners in the cul-de-sac behind his property to Council. Quamme noted that the letters were from the property owners most affected by his plans.

Brown asked Quamme to state his unusual circumstances. Quamme said his property was located on a cul-de-sac, and the rear yard property pin was actually located in his neighbor's front yard. The side setback requirement was 11 feet. He proposed to move the fence away from the rear property line. Quamme told his neighbor he would give him that portion of his property if the neighbor had it surveyed and recorded, provided Council approved the variance. He continued that his backyard was his neighbor's front yard. He wanted to provide privacy for his family and keep his neighbor from having to look at the activity in his backyard.

No one spoke in favor or in opposition of the variance.

Quamme said he could build a four-foot fence without a variance. The setback requirement for his backyard was 40 feet. He got a different story on the setback requirements every time he asked. The property line along the back yard was 98 feet, six inches. The rear setback requirement cut his yard in half.

Quamme said a four-foot fence would look silly and would not be fair to his neighbors. Quamme said what he proposed fit with the intent of the ordinance. A privacy fence provided his family with more safety and made him feel better about his property and looking in his neighbor's front yard. Quamme said he had looked around the City and there were a lot of fences similar to what he proposed. It seemed most asked for forgiveness. He was asking for permission. He reiterated that his property met the criteria for which the variance ordinance was written. It had an unusual shape and there were unusual circumstances.

Brown said that residents that asked for forgiveness and did not have extenuating circumstances that met the variance criteria were told to rip out their fences. He said Council was very staunch on that.

Rast said there were issues that had been dealt with in the past on similar lots. The lot was a corner lot with multiple frontages. The ordinance stipulated that the front setback was measured from both right-of-ways in those cases. The ordinance also restricted the types of fences that could be installed in residential areas. Rast read from the ordinance that, "no fence in excess of four feet in height shall be installed within the required setback area that abuts the street right-of-way. In addition, no fence in excess of four feet in height shall be installed within a residential front yard." Rast said the height of the

fence installed along Gray Plum would be limited to four feet. He continued that the ordinance stipulated that front yard fences could not restrict the view more than 50%. He explained that front yard fences should be along the lines of a picket fence. Rast continued that there had been a four-foot fence in the backyard in the past that had been removed. A request for a building permit for a four-foot fence had been submitted. The homeowners association approved the plan for the four-foot fence, but the plan changed to a six-foot privacy fence. The City had denied several permits in the past for similar situations, especially for corner lots. The City did not want six-foot tall barriers two feet behind the curb. Other residents had changed the type of fencing or had installed landscaping to provide a buffer. Staff did not recommend approval. Rast said approval of the variance request would set a dangerous precedent. Rast showed photos of the property to give Council an idea of the layout. Quamme also showed Council where he planned to place the fence.

Brown asked if there was a house across from Quamme's that conformed to the fence ordinance. Rast said there was.

Weed asked Rast if Quamme could physically comply with the ordinance as written if he installed a four-foot fence. Rast said he could. Weed clarified that the City was not denying Quamme the ability to put up a fence. Rast agreed. Rapson noted that Quamme could also build a six-foot fence if he pulled it back. Rast said Quamme could.

Meeker said he wanted to include the 31-page agenda packet as part of the minutes for this meeting. Weed said he would make sure all materials would be included in the motion for part of the record.

Quamme said what he was proposing would not affect anyone other than the homes in the cul-de-sac. No one had voiced any opposition to the fence. He could build a four-foot fence on his property without a permit and could build on the property line. Everyone was concerned about future problems. He said those problems were not his concern. The language was clear and the intent of the code was clear. Quamme said he was not asking for anything that fell outside of the intent of the code. He saw no reason to deny his variance request other than fear of future problems. He could build a four-foot fence that would be ridiculous, something Council would not be proud of, and something that he would not want in his front yard.

Rutherford asked Quamme if he purchased or built his home. Quamme said he purchased the home. He continued that the house had a deck, a sunroom, and an outbuilding built by previous owners, none of which complied with the code. When he was ready to sell his house, Quamme said he would be back for more variances on things built before he bought the house. Quamme said Council should set a precedent for people to come and ask before they built things that did not comply with the code.

Kourajian asked if the property had a fence when he bought it. Quamme said there was a four-foot fence that was about 13-14 years old and was in bad shape. Kourajian told

Quamme that his comment about the future disappointed him. He said part of Council's responsibility was to look forward and every decision had a ramification. Once a precedent was set, it became more difficult to turn down requests that did not meet the criteria. Kourajian told Quamme he had every right to request a variance, but part of their responsibility was to look forward. Quamme corrected his previous statement. He did care about future variances, but they were not his concern.

Rapson told Quamme his request did not meet the three conditions for a variance, which were special circumstances, unnecessary hardship, and no intentional act. He said he felt compassion for Quamme, but the situation did not meet the criteria. Rapson said Council was not restricting Quamme from building either a four or six-foot fence. It might not be what Quamme wanted. Quamme asked Rapson if he had visited his property. Rapson said he had.

Brown asked Quamme if he had anything else to say. Quamme asked Rapson if he had read his packet. Rapson said he read everything. Quamme said he had two thefts in the four years he had lived in his home. He said that was unusual and affected the health, safety, and welfare of his family. Quamme said there were plenty of fences that did what he proposed and did not have variances.

Weed assured Quamme that if he called City staff regarding any homes that were not in compliance that the issues would be dealt with. If they were not taken care of, then the building official would answer to Council. Brown closed the public hearing.

Weed moved to deny the variance for the following reason:

There were three standards required – 1) whether or not there were special circumstances that contributed to the request that were peculiar to the piece of property. The applicant admitted there were other double frontage lots in the City and this would set a dangerous precedent for those lots to build the height of fence requested. 2) Whether or not the situation forced an unnecessary hardship on the applicant. Weed said the applicant admitted he could comply with the ordinances already in effect. He could build a six-foot fence and could build a four-foot fence. There was no compelling evidence to present a hardship for the applicant. Weed read his request, which said he might purchase some dogs that could jump a four-foot fence. He did not own the dogs yet. 3) Whether or not the request is due to the intentional action of the applicant to violate the article. The applicant did not want to intentionally violate the article in the sense of bad intent. What he wanted to do was purely for aesthetic purposes when he could comply with the ordinance, which was not enough for Weed to move forward. Based upon these facts and the information provided in the meeting packet, which was 31 pages, and on the additional documents and testimony provided by the applicant and staff, Weed moved to deny the variance request. Rapson seconded.

Meeker noted that Weed needed to include the meeting packet information in the minutes. Weed amended his motion to include that the meeting packet on the agenda

item be included in the minutes (The packet is attached to last page of the minutes). Rapson seconded the amendment.

Brown told Quamme he was sure the fence would look good, but he had only voted to approve two variances since he had become mayor. One variance was because previous Councils had allowed the variance so many times that the code was no longer enforceable. He did not want the same situation with this variance so he would vote against it.

The motion carried unanimously.

04-05-03 Consider Animal Control Agreement

04-05-04 Consider Amendment to Animal Control Ordinance

Deputy City Clerk/Public Information Officer Betsy Tyler addressed Council. She explained that the two items were interrelated. The County had provided animal control services in the City since 1980. The County had requested changes to the agreement. The City Attorney had seen the changes. The change was that the animal control officers could try their cases at State Court. Currently, the agreement was to try the cases in Municipal Court, which put the animal control officers in different courts on different days. The change allowed the officers to try all cases in one court. Tyler said animal control cases involving City officers would still be tried in Municipal Court.

Rutherford moved to approve "04-05-03 Consider Animal Control Agreement" and "04-05-04 Consider Amendment to Animal Control Ordinance," an amendment to the City's animal control ordinance to reflect the changes in the agreement. Kourajian seconded.

Rapson clarified that nothing was changing as far as service hours or services provided. Meeker said nothing was changing to his knowledge. The motion carried unanimously.

04-05-05 Public Hearing – Comprehensive Plan Presentation

Rast told Council that the public hearing started the process of reviewing the City's Comprehensive Plan. Approximately 25 applications had been received for the task force. Rast said the people were not the usual group of residents that volunteered. He added that the task force should represent all the geographical areas of the City.

Rast explained that the Comprehensive Plan was a 20-year plan prepared in accordance with the minimum standards and procedures for preparation of comprehensive plans and for implementation of comprehensive plans, as established and adopted by the Georgia Department of Community Affairs (DCA). He continued that the City was in the advanced level of planning due to its size. Each of the entities in Fayette County, as well as the County, were also working on their plans and all the entities would work together on common areas.

The required minimum planning elements were population, economic development, natural and cultural resources, community facilities and services, transportation, housing,

land use, and intergovernmental coordination. Rast noted that under the housing element the City needed to designate areas for moderate and low-income housing.

Rast went over the proposed schedule. Brown said all meetings were open to the public. He asked Rast how they were providing for external participation. Rast said they would advertise well in advance and hoped to have meetings on a recurring date. Rast said they could also work with civic clubs or other groups to get the word out.

Kourajian asked who made the final decision on the Comprehensive Plan. Rast said Council would make the final decision. The task force was an advisory group. Planning Commission would review the recommendations, then forward to Council. Kourajian asked what happened when the group could not agree on certain points. Rast said both sides would be brought forward to Council.

Rutherford asked Rast if he would consider a survey of residents. Rast said Coweta County had a survey on their website. Rutherford suggested a survey with non-traditional questions, such as why they commuted out of town, or what colleges they went to. Brown said the multi-use path system would also be good for a survey and might provide information on path infrastructure, fees, and other concerns.

Rapson clarified that Council would provide two people each for the task force. Rast said he could also provide the names of the people who had turned in applications to serve on the task force to Council.

No action was required.

04-05-06 Consider Library Change Order #5

Brown noted there was an additional document on the dais – a memo from the Leisure Services Director to Mayor and Council with the subject “Consider Change Order #5, Library Construction Contract Unforeseen Site Condition, Inadequately Secured Walls on 1994/95 Addition, for April 21, 2005, Council Meeting;” a letter dated March 2, 2005, from James Porter of Leo A. Daley to Randy Gaddo re: Peachtree City Library— Revised Potential Change Order #2; and CMU DEMO/REPLACEMENT PROPOSAL from Leslie Contracting.

City Manager Bernard McMullen said the problem was with the exterior wall built during the 1994-95 renovation. The architects brought in consultants and masonry experts to look at the wall, and they determined that the only reliable fix was to replace the wall. He asked for an amount not to exceed \$155,506. The costs were attached. McMullen said that the construction should not extend the project more than 30 days.

Weed noted that left \$106,284 in contingency and asked if that would be enough to finish the project. McMullen said he was comfortable that would be enough. They had paid out about 50% of the project and had about \$1.8 million left. They had about a 5% contingency for the remaining work. The furniture bids were looking good. The only

other item that could come from the contingency was not a high dollar item. There was nothing in the plans to take care of the standing water in the middle of the courtyard. There were storm/sewer lines in the area so it should not be an expensive fix.

Kourajian asked where the construction was on the timeline. McMullen said they were right on schedule. The builders said the work should be complete in August and McMullen said it should be September. McMullen said it should be late September at the latest and the lease for the temporary location could be extended up to three months. The City had agreed to give the landlord 60 days notice.

Brown noted that every engineer that had looked at the wall had rated the construction as substandard and in desperate need of repair, or demolition and rebuilding. It was a hazardous situation. They could not guarantee using the existing wall. They would not give a warranty. McMullen explained that fixing the wall required between 600-800 fasteners drilled through the wall from the outside, which would have been visible. He added that putting 800 holes in a wall that was not structurally sound could bring the wall down.

Rutherford asked if there was any recourse with the old contractor. Meeker said they would be dealing with an act of fraud. The corporation had gone out of business. He added that they were also probably out of statute.

Rutherford moved to approve Change Order #5 for an amount not to exceed \$155,506 for unseen site revision to rebuild the wall. Kourajian seconded. The motion carried unanimously.

Council/Staff Topics

Rutherford noted that City vehicle accidents were already twice as high than they were all of last year. She asked if there was a reason and if staff was being educated on safe driving practices. McMullen said the accidents were discussed at the quarterly safety meetings. He did not have a specific reason for the increase, but could have the answer by the next Council meeting. Weed asked McMullen to also find out where the fault had been assigned for the accidents.

Kourajian noted the letter to editor that recently ran in the paper from the Little League president and the response from Gaddo. He said he would like an update at the next meeting, especially since most of the letter appeared to be inaccurate based on Gaddo's responses. He said the letter was a bad representation of the Recreation Department and the Recreation Commission and he wanted something else to go out.

Meeker said the City should have the traffic analysis from QK4 in a week concerning the light at GA 54/Georgian Park.

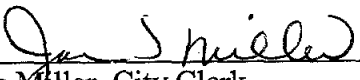
McMullen said the conceptual designs for TDK Boulevard had come back and had been reviewed with the Airport Authority members. There had been a meeting with Pathway

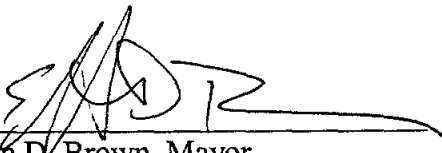
Communities. There were some real estate issues. The next step was to get property appraisals. John Crosby was checking with the FAA to see if they would pay for the appraisals that had to be done. Several Council Members noted that the City was doing nothing to stop progress on the project.

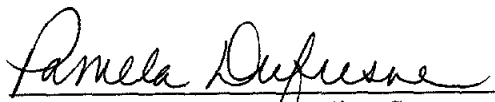
Rutherford moved to convene in executive session to discuss pending litigation and personnel. Rapson seconded. The motion carried unanimously.

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

There being no further business to discuss, Rutherford moved to adjourn the meeting. Kourajian seconded. The motion carried unanimously. The meeting adjourned at 10:22 p.m.


Jane Miller, City Clerk


Stephen D. Brown, Mayor


Pamela Dufresne, Recording Secretary