City Council of Peachtree City
Minutes of Meeting
April 19, 2007
7:00 p.m.

The City Council of Peachtree City met Thursday, April 19, 2007, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present: Steve Boone, Stuart Kourajian, Cyndi Plunkett, and Judi Rutherford.

Announcements, Awards, Special Recognitions

Mayor Logsdon read a proclamation for the Rotary International Group Study Exchange. Logsdon read a proclamation for Older Americans Month. City Planner David Rast was recognized for 10 years of service.

Public Comment

Lynda Wojcik, 412 Taberon Road, addressed Council regarding plantings to hide the railroad tracks along SR 74 South since it was a gateway to the City.

Minutes

Rutherford moved to approve the April 5, 2007, regular meeting minutes. Kourajian seconded. The motion carried 4-0-1 (Plunkett).

Old Agenda Items

01-07-15 Consider Amendments to Home Occupation Ordinance

Rast said that staff had researched the situations there were in the City with home occupations and had also looked at Code Enforcement complaints. None of the suggested changes limited the number of students an instructor could have at any one time. He explained that the majority of home occupations were non-compliant based on the current ordinance. He continued that they were looking at the language to make the ordinance compliant. There were approximately 800 home-based businesses. The proposed changes included language that still allowed day cares, which also had to meet state requirements, tennis lessons, and swim lessons. The current ordinance did not allow anything to take place outside the structure. The City Attorney had looked at the changes. He asked Council to look at the changes and send back to the Planning Commission to go through the required process.

Rutherford moved to refer the matter back to the Planning Commission. She told Rast that a nice job had been done of comprising the needs and preserving the residential quality of the neighborhoods. Boone seconded. The motion carried unanimously.

Plunkett asked Rast to ensure those interested in the process, especially the music teachers, know when the public hearing would be on the Planning Commission agenda.

New Agenda Items

04-07-06 Public Hearing – Consider Rezoning, GA 74/Rockaway Road – GI to LUC

Logsdon noted there were additional documents on the dais – a letter dated April 17, 2007, from Wilshire Estates Homeowners Association (HOA) attorney Peter Olson stating their objections to the rezoning application, an e-mail dated April 18, 2007, from Columbia Properties attorney Rick Lindsey to Rast requesting Council continue the agenda item, and an e-mail from Olson to City

Attorney Ted Meeker dated April 18, 2007, stating that Olson would not attend the meeting due to the applicant's request and to keep the Wilshire Estates HOA in the loop concerning any changes.

Rutherford moved to table the public hearing to the first Council meeting in June (June 7). Kourajian seconded.

Boone said he was not in favor of tabling the rezoning request. He continued that the citizens felt strongly about the rezoning. If it was tabled, he hoped the developer would take stock of the citizen input thus far. He hoped the delay request was not a ploy to put the rezoning off for 45 days.

The motion carried 4-1 (Boone).

04-07-07 Public Hearing – Consider Partial Update of Comprehensive Plan
Rast said this was a partial update of the Comprehensive Plan. The process started in 2005, and a citizen advisory committee had been formed. Staff spent significant time compiling data based on the requirements established by the Department of Community Affairs (DCA). The community assessment and the community participation program were submitted in June 2006, and the comments were returned. Shortly after, the City was notified that the submittal deadlines for the Comprehensive Plan's recertification had changed from February 2007 to June 30, 2014. In the interim, DCA came up with a partial plan update to ensure each jurisdiction was following its plan and working on the updates. Technically, the City had done two portions early during the process. They referred to the current plan on a steady basis, and a lot of decisions were made based on the language in the Comprehensive Plan. He had also included sections on how the current plan complied with the quality community objectives identified by the DCA. A section on areas requiring special attention had also been required, and the Advisory Board had identified those areas and included guidelines. The Planning Commission and the Advisory Board had reviewed the document. Rast said he told those bodies that this was not the final plan, but a plan in progress. Some areas could be modified as the work on the plan continued. The document in the agenda packet met the requirements of the partial update. Staff was asking Council to authorize the Mayor to transmit the document to the DCA and ARC for review. After he received the comments, he said he would come back to Council with a resolution to adopt the update.

Logsdon asked if there was any comment. There was none, and the Mayor closed the public hearing.

Rutherford said she was glad the public and neighborhood meetings would continue. Rast said they would, and the next portion included taking the community agenda to the different neighborhoods. The community agenda would come back to Council for adoption in the fall.

Rutherford asked what other areas would be the focus for the next six months. Rast said there were established guidelines that had to be met through DCA that they were taking a step further. The committee wanted to look at the areas around the City and establish growth boundaries. As annexation requests came in, they could go back to the plan to see if a particular annexation had been considered and why. There were also a lot of internal things within the City that should be looked at. There was concern about the buffers and aesthetics along major thoroughfares. In some cases, the ordinances had worked well. A lot of things were changing. State Road 74 South was a totally different road now, and they needed to find a way to soften the impact of SR 74 and other developments around the City. Residential, commercial, and industrial redevelopment also was discussed often. Topics included better coordination with the Development Authority of Peachtree City and the Fayette County Development Authority so everyone was working off the same page. Rutherford said that one way to garner community support was to bring the community into the process rather than asking for support later. The next key piece was to go out to the neighborhoods.

Kourajian asked Rast if he had gotten the participation from the advisory board that he wanted. Rast said the board had started strong, then it went into the "what are we supposed to do next?" stage. There were five or six members at the last meeting, and they had discussed what could be done to re-energize the group. Rast said there had been a great cross-section of residents in the beginning. They might come back to Council and ask to expand the group. Some people had moved, and some had passed away. Rutherford said they probably should look at the board during the next few meetings to decide if the slots should be re-filled. The Comprehensive Plan was too important to have just a few people working on it. Rast said that was the feeling of the people still actively serving on the committee.

Rutherford moved to authorize the Mayor to sign the transmittal document so the partial update could go to the DCA and ARC (Atlanta Regional Commission). Boone seconded. The motion carried unanimously.

04-07-08 Request from Peachtree City Civic Association to Address Council Regarding TDK Extension

Logsdon noted there was an additional item on the dais – a copy of the Peachtree City Civic Association's (PTCCA) position paper on the TDK extension. Paul Van't Hof, president of the PTCCA, addressed Council and thanked Logsdon and City Manager Bernard McMullen for meeting with the group the prior week. (A copy of the position paper is included in the official meeting file.) The PTCCA felt that the TDK extension was a detriment to the City and the County and asked Council to immediately take whatever action was necessary to terminate the extension of TDK Boulevard.

Van't Hof said that the PTCCA had filed a "Freedom of Information" request regarding the TDK extension, and they had read volumes of paper. There was no evidence of a binding agreement requiring the City to move forward with the road construction. He continued that the City, County, and Coweta County should be good neighbors. He read the following excerpt from an article in the April 13 edition of the ***Newnan Times-Herald***:

Dennis Chase of Fayette County is a biologist and president of the Line Creek Association. The section of Line Creek that flows past the village is "already in a lot of trouble," he said. The stormwater runoff from McIntosh Village will put a lot of pressure on the creek, he said. He feels there is too much impervious surface, and not enough greenspace, in the plan. Commission Paul Poole told Chase, "I think you need to concentrate on Peachtree City and let us concentrate on our own problems." Later in the meeting, though, Poole asked Reese to talk with the concerned residents, and Chase.

Van't Hof continued that most residents recognized that the road would eventually be built, but the road should not be built until after Coweta County put the necessary infrastructure in place.

Richard Spain noted that the PTCCA had asked its members to conduct a survey in their homeowners associations and neighborhoods. "Do you believe that TDK Boulevard is in the best interests of Peachtree City residents?" was one of the questions. The choices for answers included yes, no, or don't know. Ten percent said "yes." Zero said "don't know." Ninety percent said TDK was not in the best interests of City residents. Spain continued that the position paper was a call for action. Council needed to take action rather than letting it happen because they did not act. Spain said they were looking to Council for leadership that was used in the best interests of the City and its residents.

Kourajian asked how many people were surveyed. Spain said the surveys were sent to each homeowners association and neighborhood represented in their organization. The results were received from 356 homes at two voters per home. The survey included other questions. Kourajian asked Spain to send Council the results of the complete survey. Spain said they would provide those results for Council. Spain said the questions included the following:

1. Are you a registered voter of Peachtree City?
2. Do you believe you have enough information to make an informed judgment on the issue of the extension of TDK Boulevard?
3. Do you believe that TDK Boulevard is in the best interests of Peachtree City residents?
4. Would you support the Mayor and City Council if they decided to complete the extension of TDK Boulevard?
5. If no to Number 4, would you actively oppose the Mayor and City Council should they decide to proceed with the extension of TDK Boulevard?

Rutherford thanked the PTCCA for the presentation.

Logsdon noted that he and McMullen had met with Van't Hof and another member of the PTCCA. He asked Van't Hof several questions related to that meeting. Rutherford said this was not appropriate since the PTCCA had come to make a presentation on TDK. Logsdon said he was going to make a point. Logsdon noted that Van't Hof acknowledged that he and McMullen had taken their free time to meet with the PTCCA again prior to this meeting. He felt he and McMullen had been candid and forthright in their opinions and feelings on the issues they had discussed. Logsdon continued that an anonymous person, who said they attended the same meeting, wrote to the newspaper and took a shot at him for his work as a lineman 44 years ago. Logsdon said he did not have to apologize for who he worked for or the career path he took to get where he was today. The statement attested to that person's character or the association. Van't Hof said he read it also. Van't Hof said he had publicly thanked Logsdon, and he had not expected any attack to be personalized. Logsdon said he welcomed Van't Hof's and Spain's input; Council did need help in attacking some of the City's issues.

Plunkett said there had been many hearings, and there was a lot of information on TDK. The issue was not resolved. She asked the PTCCA to provide any information they might have on their point items to assist Council in making an informed decision, especially any information they might have regarding development in Coweta County. Van't Hof agreed.

Rutherford thanked the group for their time and concern.

04-07-09 Presentation of 2006 Financial Statements
Financial Services Director Paul Salvatore noted that Miller Edwards from Mauldin & Jenkins, the City's audit firm, would present the Comprehensive Annual Financial Report (CAFR). (A copy of the CAFR and the annual audit agenda is included in the official meeting file.)

Edwards asked Council if there was anything specific they wanted him to cover. Rutherford asked what the two most important things were regarding the report. Edwards said the City had a clean opinion. The City's finances were very strong and showed a lot of effort in maintaining a strong fund balance. The operating cash flows were good. They had no findings relative to the audit. There was nothing to write up. The City was strong financially and had good management control.

Plunkett asked if there was anything that could be done better. Edwards said the City's staff resources were lean and on the edge of having too few people in the accounting department. The rules and regulations regarding government accounting, and the resources surrounding the accounting got tighter each year. The City should be aware of the potential need for enhanced resources. The City would have to spend 25-30% more time on the auditing process beginning in 2008, including more demand on the City staff during the audit.

Rutherford asked if there was something Council could at the state or federal level regarding the restrictions. Edwards said it would be difficult for any one city to do something. He said the Government Finance Officers Association (GFOA) was the largest trade association. The GFOA went to GASB and said it did not support it. GASB said they did not care. Edwards noted that City staff was involved in the trade organizations, and Salvatore was president of the Georgia GFOA chapter.

Edwards noted that the financial statement represented the City, as well as the Water and Sewerage Authority, the Airport Authority, the Development Authority, and the Tourism Association. Across the board, the City was in a good position. He recommended that the City strongly maintain its current financial position. It was important to have the right kind of working capital in place, especially with the issues facing the City currently.

Boone moved to accept the Comprehensive Annual Financial Report for the fiscal year ending September 30, 2006. Rutherford seconded. The motion carried unanimously.

04-07-10 Consider Stormwater Revenue Bond
Salvatore said they were ready to move forward with the issuance of the stormwater revenue bond, which would fund numerous capital projects. He asked Council to adopt the Master Bond Ordinance that would authorize the issuance of $3,745,000 of Series 2007 stormwater revenue bonds through RBC Centura Bank. By adopting the ordinance, Council would authorize Mayor Logsdon to sign the closing documents, which was scheduled May 10. The City Attorney would proceed with the advertising and bond validation process for the bonds. RBC had the lowest interest rate, 4.07%. The bond was for a 20-year term. There was sufficient funding in the stormwater budget to pay the debt service. Rutherford clarified that the debt service would be paid by the Stormwater Utility, not tax dollars. Salvatore said the debt service would be paid by Stormwater Utility revenues. Kourajian noted that the Stormwater Utility was not a City concoction. Salvatore said it was a federal mandate.

Meeker said Kilpatrick Stockton had written the documents. He had reviewed them thoroughly, and the suggested changes had been incorporated. Meeker noted that sometimes revenues could be pulled out of enterprise funds and put into general funds. This was a closed-end system, where every dollar collected for the Stormwater Utility was put toward stormwater projects, including the debt service for this obligation. Under the terms of the bond, nothing else could be done.

Rutherford noted that the sale date on the paperwork was February 28, 2007, and the bids were $3.6 million, but the request for the motion was $3.7 million. Meeker said the additional funds would cover the cost of issuance. Salvatore said it was also for a debt service reserve fund. Salvatore said this was common in utility issues.

Rutherford moved to approve the Master Bond Ordinance authorizing issuance of $3,745,000 of Series 2007 stormwater utility revenue bonds through RBC Centura Bank. Kourajian seconded. The motion carried unanimously.

04-07-11 Consider Amendment to Ordinance Extending Terms of Recreation Commission from Three Years to Five Years

Logsdon noted there was an additional document on the dais – an e-mail from the City Manager to Council dated April 18, with the subject "RE: Recreation Commission" regarding additional changes. Rutherford noted that the changes would extend the terms so three people were not rolling off the Commission at the same time.

Rutherford moved to approve the update to Ordinance 2-471 that would extend the terms of the Recreation Commission from three years to five years. Boone seconded.

Rutherford explained that while researching to find out about shortening terms, it was discovered that the Recreation Commission terms were supposed to be fives years according to state mandate. The changes would bring everything in line with the state mandate that created the commission to begin with.

The motion carried unanimously.

Leisure Services Director Randy Gaddo said the current commissioners had some concern that the longer terms could present a challenge in finding volunteers, but the members could step down from the commission at any time with no penalty.

04-07-12 Consider Amendment to Section 78-92 Registration/Transfer Requirements, Motorized Cart Ordinance

Rutherford moved to approve the amendment. She noted that this was one thing that had worked out well. The Association of Fayette County Governments met every quarter to look at and discuss issues the entities could work on together. Tyrone and the City would honor each other's registrations. Cooperative effort was in the best interests of the citizens. Boone seconded.

Plunkett said she had no problem with the cities having reciprocity. The problem regarding reciprocity with the County was that the County was not putting in paths, plus the amount of revenue the City derived from County residents that registered their carts in the City. Reciprocity with County residents would require further study. McMullen said that unless Council wanted further study, staff was not planning to recommend reciprocity with any other entity.

The motion carried unanimously.

Council/Staff Topics

Update on Huddleston Pond

(A copy of the PowerPoint presentation is included in the official meeting file.) City Engineer Dave Borkowski reported that the geotechnical testing came back good. They would be able to use the on-site soils for the borrow area, which would save a lot of money. They proceeded with a better survey of the borrow site to locate the affected items and use for the wetlands permit and buffer variance applications. The use of the borrow site would increase the size of the pond and would impact the recreation area and the existing cart path. He and Gaddo were working together to relocate the recreation area. The path would also have to be realigned.

Rutherford asked how much the exercise circuit equipment was actually used. Gaddo said the area was heavily used. He continued that about one-third of the equipment was used, and the rest was old and dated. They planned to replace the older equipment with equipment made of new materials and add a playground, which would improve the area considerably. Boone asked where the funding for the equipment and playground would come from. Gaddo said it would cost approximately $15,000 to replace the exercise equipment and $25,000 for a good-sized tot lot. He did not know yet where he would get the funding. Rutherford noted that there was some circuit course equipment specifically designed for seniors. Gaddo said they were looking at that type of equipment.

Borkowski continued that the buffer variance application was still on track. It should be sent to EPD this month. The conditions still had not come out for the wetlands permit issued this year by the Corps of Engineers. They were expected by the end of April, so the goal was to work on submitting the permit in May. There would be a 45-day approval time. Staff would stay on EPD to try to get it pushed through.

Borkowski said he had talked to citizens about incorporating a bass habitat. Gaddo said they were working with a local bass club and they would work with the City and help design the habitat.

Boone asked if anything could be done to speed up the process. Borkowski said the approval time period was required by federal regulation. Boone asked if the City had a prior permit for the pond that might be grandfathered. Borkowski said as far as he could determine this was the first time the City had applied for the permit. The nationwide permit the City could have applied for had expired. The nationwide permits expired every five years. He added that the area would be much better when everything was done.

Kourajian asked if they were introducing new fish to the pond. Gaddo said the pond had so many smaller fish, and that there were not a lot of bigger game fish. They would be balancing out the species.

Update on Other Topics

Borkowski said he had just received the final construction drawings from QK4 for the CSX cart bridge, which looked good. The drawings were sent on to DOT. McMullen said they were still waiting for the categorical exclusion for the air quality. There was no information regarding a time line.

Borkowski said met they again with the HOA representatives regarding the Flat Creek bridge, along with the consultant, and Dennis Chase. They were pricing another option and waiting for the estimate. The consultant should have the estimate ready the next week. They would have to re-apply for the wetlands permit.

Rutherford asked if anyone knew why the state was repaving SR 74. McMullen said no. Borkowski said there would be an area that would be torn up. Boone noted that they had put down new pavement one day, then gone across it with the big tractors and torn it up the next.

Plunkett asked if there was an update on the traffic signal at SR 74/Wisdom Road. Borkowski said the application was in Atlanta.

Logsdon said he shared a lot of the concerns listed in the PTCCA's position paper on the TDK extension. He asked Council to entertain hiring a consultant to take an unbiased look at the TDK extension. The project has been on the books since 1972. The traffic studies that had been done had not included any information on development in Coweta County. He wanted to get someone from Georgia Tech who was not from the area to give an unbiased opinion. He continued that the McIntosh DRI was only the tip of the iceberg, and the City needed to know more definitively what the traffic impact would be. He would like for staff to look into it. Boone said it would be good to have an unbiased opinion from someone who was not from Fayette or Coweta County, or had ties to GRTA. Logsdon also asked Spain if he and Van't Hof would make an appointment to discuss it further.

Rutherford moved to convene in executive session for threatened or pending litigation and personnel. Kourajian asked to add real estate to the executive session. Rutherford modified her motion to include real estate. Boone seconded. The motion carried unanimously.

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

There being no further business to discuss, Kourajian moved to adjourn. Plunkett seconded the motion. The motion carried unanimously. The meeting adjourned at 8:52 p.m.

Jane S. Miller
Jane Miller, City Clerk

Harold K. Logsdon
Harold K. Logsdon, Mayor

Pamela Dufresne
Pamela Dufresne, Recording Secretary