

City of Peachtree City
Minutes of Regular Meeting
April 1, 2004
7:00 p.m.

The City Council of Peachtree City met Thursday, April 1, 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 for Building Safety Week and presented it to Building Official Tom Carty. Brown read a proclamation for Red Hat Day. Several Fayette County Homeschoolers were recognized for their participation with the Line Creek Association in a mussel relocation project at Line Creek. Barbara Swafford was recognized for her service on the Library Commission.

Minutes

Rutherford moved to approve the March 18, 2004, regular meeting minutes as amended. Rapson seconded. The motion carried unanimously.

Monthly Reports

Brown noted several upcoming events, including the annual Council Retreat on April 16-17, Touch-a-Truck on April 17, Community Action Day on May 1, and Memorial Day on May 31. The City offices would be closed on Memorial Day and the golf cart rally would start at 7:15 a.m.

Rutherford pointed out that there had been 700 more traffic citations issued to date in 2004 than at this time in 2003 and asked if there was a specific reason. Chief Murray was not present at the meeting to answer the question. City Manager Bernard McMullen said part of the reason was that some members of the Police Department were deployed last year and had returned to duty this year.

Brown also noted that participation in adult athletics had increased slightly. The top five accident sites were GA 54/74, GA 54/Commerce Drive, GA 74/Crosstown Road, GA 54/Willowbend, and Peachtree Parkway/Flat Creek Road. Brown said it was the first month since he had been in office that GA 54/Planterra Way had not been on the list. Cart path paving had doubled in 2004, and 8,859 feet had been paved year to date compared to 4,675 feet last year. Brown attributed the increase to better weather. Weed added that the City had also purchased new equipment that turned the existing path into the base for the new pavement, which saved time.

Consent Agenda

1. Award Contract for Kedron Restroom/Concession Area

Rutherford moved to approve the Consent Agenda. Kourajian seconded. The motion carried unanimously.

Kourajian asked when the construction project would start. Leisure Services Director Randy Gaddo explained that construction should begin in about two and one-half months. Kourajian asked if any of the athletic seasons would be disrupted by equipment. Gaddo said they should be able to work around it and not impact the use of the rink. He added the project was a separate, stand-alone building.

Old Agenda Items

03-04-07 Award Contract for Satellite Auto Shop

Brown noted there was an additional document on the dais – an e-mail from the City Manager to Mayor and Council, with an article from the Atlanta Journal-Constitution dated February 17, 2004. There had been a request from City staff to hold this agenda item until there was a ruling from Georgia Supreme Court. Rutherford moved to hold the agenda item until there was a decision from the Georgia Supreme Court. Rapson seconded. The motion carried unanimously.

New Agenda Items

04-04-01 Consider All Children's Playground Select Committee Funding Request

Gaddo told Council staff was requesting guidance on a request from the All Children's Playground Committee. He continued that the Mayor received a letter dated March 17 from Colleen Sugar, the chairwoman of the committee, requesting that \$10,000 from the playground line item in the Recreation budget be allocated to complete phase three of the playground. Gaddo continued that the playground money in the budget had already been expended for new playground equipment at Blue Smoke Park, Big Pine Park, and Planterra Park. Gaddo said if it was Council's desire, then funds could be reprogrammed from the 2003 surplus carryover funds to the playground line item.

Rutherford asked for an explanation about the surplus and where it came from.

Finance Director Paul Salvatore requested Council take the money from the Public Improvement Program (PIP) contingency fund, where there was \$224,000 available. Salvatore said the final results of the audit had not come in yet and they were not sure how much surplus funding was left. He said he had not spoken to Gaddo about the matter yet.

Rapson pointed out that the All Children's Playground had already received \$5,000 under CAR 8-3. He said the committee was not a non-profit group and should not have been funded under the CAR. The committee was, in essence, an approved subcommittee under the Recreation Commission, so the CAR did not restrict them to begin with. He continued that redirecting surplus carryovers pertained to an audit of cash and could end up around \$350,000-400,000, but that money would put the City in compliance with the fund balance reserves needed subsequent to next year. Rapson said his only suggestion was the funding mechanism. Rapson said there was \$36,000 left in Council Contingency and \$220,000 in PIP. He felt PIP funds should be used for capital projects, which this

would fall under. Rapson added that there were no buildings or other projects that would need the PIP contingency funding through the end of September.

McMullen agreed and said the projects that had been identified for the PIP contingency fund this fiscal year were the satellite auto shop and the GA 54 West widening. Because of delays, those projects would be delayed until next year.

Rapson said he had spoken with Geri Holt earlier in the day and she supported the effort to complete the playground. The City was the first to have a playground of this type, and something needed to be done to complete it. He reiterated that the City sponsored the committee and he supported the request.

Weed pointed out that Council had just approved \$148,900 to build restrooms at Kedron, and the All Children's Playground Committee, with the help of volunteers, had raised \$140,000 in private money to build phases one and two. Weed asked what the Council was about if they did not support this request.

Rapson moved to take \$10,000 out of PIP contingency to fund the final phase of the All Children's Playground. Weed seconded.

Kourajian asked if there were any other priorities that would need the money in the PIP contingency fund. Salvatore said the money was for contingency on construction projects budgeted this fiscal year in the PIP fund. Due to a lot of delays, the City would not spend all of the money on construction projects. As a result, staff was not as concerned about having all the money set aside for the contingency on those projects. Staff felt the City could easily give up \$10,000 out of the PIP contingency fund at this time. Rapson added the PIP contingency fund was also used for capital equipment purchases. Rapson further explained that if Gaddo had put a bid out for playground equipment and the lowest bid had come in at \$45,000 rather than \$40,000, then the extra \$5,000 would have come from the PIP contingency fund. Rapson said that was another reason he supported taking the money from that fund as opposed to Council contingency.

Kourajian said that made sense, especially since the committee was not addressed as a non-profit, to do it this way. Rutherford asked why money for the playground had never been put in the budget.

Weed gave a brief history of the project. He said Sugar began the project when they found there was not a place for their handicapped son to participate in recreational activities. She approached Council when Bob Lenox was mayor and Council gave the land, but charged Sugar with making the playground happen. The committee was formed as an official subcommittee of the Recreation Commission. The committee had raised \$140,000 and completed two phases. The \$10,000 they had requested allowed the committee to finish phase three.

Brown said the perception in the beginning might have been that only a select group would use the playground, but all children used the playground.

Gaddo said he had been in his position about a year when Sugar came to him. Gaddo said he knew that playgrounds were something the City needed to pay attention to, and Sugar had opened his eyes to all the playgrounds. He continued that it was expensive to make a playground accessible to all children and there was nothing in the PIP or the playground budget. Sugar had done a fantastic job of raising money.

The motion carried unanimously.

04-04-02 Request from DirectPac to Discuss Wieland Annexation – to consider lifting it or reaffirming it in light of proposals being openly discussed on the Wieland property

Brown noted there was an additional document on the dais, including a memo from the City Manager to the Mayor and Council dated March 30, 2004, with the subject “Request from DirectPac to Discuss Annexation Moratorium,” with supporting documents.

Rex Green of DirectPac addressed Council. He noted there was a moratorium on annexation, but the proposed annexation of the West Village had been in the news because of the Mayor’s efforts with the Wieland project. Green said if discussion was something the Council should decide to have, then the members of the organization would like for Council to discuss the issue. Green said DirectPac was in favor of the annexation, but that was not the issue. He continued that there were ordinances in place that should be followed or changed so the right people could become involved in planning and so what happened was best for the citizens.

Brown said Council had a discussion on annexation on the April 16 Retreat agenda. Weed added that the Retreat was a public meeting.

Kourajian asked when the original annexation plan for the Westside came out. Brown said there had been several plans over time. Kourajian asked who was involved in the process at the time.

City Planner David Rast told Council that former Mayor Bob Lenox had appointed a 15-20 member task force that met for several months to look at the area and annexation. The task force included representatives from the property owners and the community. A consultant was hired to work with the task force and Council had a list of items that had to be included in the plan, including parks, cart paths, access over the rail line, and open space. Council also outlined parameters such as keeping in the village concept, dedication of the school site, and other items. The plan included the undeveloped property from Cedarcroft to Tyrone. Wieland took a portion of that property and developed Centennial. Rast noted that all but a sliver of the Centennial subdivision was located in the City, and that sliver had been annexed into the City.

Rast continued that the Centennial proposal originally included two-acre lots for the County portion of the property, but the plan did not work, so Council lifted the moratorium. At the time, there was also a limit to the number of units allowed in the overall development. A multi-family unit of fee simple townhomes was also included.

Weed asked for a timeline of the events and what the results of the task force were. Rast said the task force was formed about six years ago when the multi-family moratorium was in place. The annexation moratorium was also enacted. Staff spent a tremendous amount of time on that annexation request, and the end result was that Council did not want the annexation. Other annexations were brewing at the time and Council did not want the staff spending a lot of time on looking at annexations. The moratorium was set up so that Council would consider a request to lift the moratorium on that particular parcel of land and bring it through the process. Weed asked if a written report was generated on the task force findings. Public Information Officer Betsy Tyler said there were minutes from the task force meetings and Council meetings. Council asked for the information to be placed in their boxes. Rast said the task force reported their findings to Council, which was an elaborate process.

Rutherford said she had requested that annexation be discussed at Retreat. She said she had concerns that staff could not discuss it, while the Mayor could. Rutherford continued that, if Council wanted to look at annexing the west area, then it needed to look at how to do it, either piece by piece or the entire area, and how to go about it. Rutherford also wanted to know how the County felt about the annexation. She said she did not like the fact that the County wanted two acres per house and Wieland wanted two houses per acre. Rutherford said she looked at Retreat as a workshop for Council. Rapson said he would like to see a list of task force members, the guidelines the task force received from Council, and the drafts and final plan. Rapson said he did not have enough information and did not need to reaffirm the moratorium. He felt the Retreat was the best place for the discussion. Rutherford said she did not want to reinvent the wheel, but the information was out there and she wanted that information. Rapson said he did not want staff to spin its wheels if an annexation was not something Council was willing to approve.

Phyllis Aguayo told Council that she had served on the task force and that the project presented was not in the best interest of the City. Aguayo said an annexation should be advantageous to the City. The developer of that project said there had to be a by-pass road to take the traffic off GA 54 and put it on GA 74. The developer said to make it worthwhile to build a bridge over the railroad, then they would have to have higher density to bring in enough money. Aguayo continued that after examining the environmental impact and the impact of the homes, the task force determined that the density would create traffic. The congestion on GA 54 would not be exacerbated, but moved to GA 74. Aguayo said the members were not against annexation per se, but the density. When the task force saw what would happen if the land were left in the County, then they decided it was best to leave the land in the County.

Brown noted, for the record, that task force opinions were split and there was not a consensus. Aguayo said that was why the vote went the way it did because even the members who supported annexation did not believe the project was good for the City. She said there were very few who wanted the annexation to happen as proposed. Brown added that another primary reason, after looking at the minutes, was the negative impact on the school system. Aguayo said that was part of it, as well as traffic.

Aguayo said the task force did not create the proposal, but it was their job to evaluate the plan. Aguayo said there was nothing suggested to the developer that was to the advantage of the City that the developer agreed with. She said even task force members who were part of the development community voted against it because the plan was not in the best interest of the City. Kourajian said Aguayo's comments were interesting and said there should be people working with the developers on the plan. Brown said he had also been against the plan, and the City should take a serious look at some of the issues.

Rapson moved to table the agenda item and discuss it at Retreat as currently scheduled on Friday, April 16. Weed seconded.

Barbara Swafford asked if the Wieland plan was not altogether different from the previous plan. Rutherford pointed out that plan was not as large and did not include all the landowners. She added the road would come out at the Comcast location on GA 74, not in the Kedron area, and would be an at grade crossing. Kourajian noted that the Wieland plan was all they knew about, and there could be other plans that were out there.

Brown said that with an annexation moratorium in place the City could not initiate the conversation. He said that was the reason he brought the matter forward and tried to initiate the conversation on his own. John Wieland Homes & Neighborhoods had purchased the land in the County. They had planned to build the area as an extension of Centennial and had plans for a loop road at MacDuff Parkway. If that happened, Brown said the City would lose its chance for an at-grade crossing at south Kedron or at north Kedron. Brown said he went to Wieland and asked the developer to look at some other things.

Swafford noted that homes were still being built in the area. The traffic was getting worse and that affected all the citizens. She said she hoped Council would consider what the voters wanted. Swafford said the things Wieland would do for the City seemed to go along with what people wanted.

Rapson said the discussion and debate was great, but it belonged in a workshop. He said just as many residents favored annexation as were adamantly opposed to it. A workshop would give everyone a vehicle to come and express their opinions. Rapson said there needed to be a consensus from Council on whether or not to move forward. If Council did move forward, then the right people needed to be involved.

Brown continued that one DirectPac document said City law forbade annexation, but annexation was not forbidden. Another item said his actions appeared to be in violation of the City's annexation moratorium. Their other document said "arguably the Mayor was not City staff so he could do this without violating the law." Brown noted that at the off-site invitation only meeting he had invited the news media so that what happened in the meeting would get out to the public. Another part talked about his competency and Brown said he did have a limited level of competency and that was why he brought in experts in land planning and other areas to the meeting. Brown continued that there would always be an island in County between the City and Tyrone unless the City annexed the entire parcel.

Brown said, in his view, the annexation moratorium had historically been a Pathway/PCDC protection mechanism. Pathway reaped a lot of benefits from the moratorium in the days the City was a "company town." Brown continued that it was time to ask developers to assist the City with providing vital infrastructure instead of the other way around. Brown wanted to set the bar high and if a developer was not coming with the best design, architecture, landscaping, and top notch amenities, then the City should send them packing. Council needed to look for and take advantage of planning opportunities that added the City in the long term. The population growth around the City would not remain static. The eastern part of Coweta County would continue to grow at a rapid pace. He said GA 54 West would get worse. Brown said the City needed to be proactive and go to developers and land owners with what the City wanted to see in the future, instead of being reactive to poorly designed plans that were devoid of community character with the sole purpose of creating a profit.

Dennis Chase of the Line Creek Association told Council he had received a call from one of Wieland's designers and he had gotten the impression that they were just starting their plans. He said Wieland was not far along on the plans whether the property was annexed or remained in the County. The designer had not even seen the property yet.

Rutherford said she wanted to discuss annexation and get a clear understanding of what Council would accept in an annexation. Chase said he had worked for, and against, Wieland on other projects and that the developer had a tendency to use cookie cutter plans and push things to the limit. Chase said you could not discuss the concept without looking at what would happen if the property were not annexed.

Wayne Roberts noted the delays in getting traffic in and out of MacDuff Parkway. The proposed extension of MacDuff was important to him as a resident in the area and urgent if he wanted to continue to live in his subdivision. He said Chase brought up a good point and the City had to have an eye open to counterproposals. Roberts said he went to the earlier meeting and had attended a homeowners association meeting afterward. Only one homeowner in Wynnmeade was against the extension of MacDuff Parkway, and that owner's land backed up to MacDuff. Roberts said the City could not give a developer any density they wanted carte blanche. If MacDuff were lengthened, then it needed to be

a winding road with speed humps or stop signs that would be detrimental to cut-through traffic.

Rutherford agreed that the City needed to be aware of what could happen in the area if it was not annexed, but said the City should be willing to work with the County.

Steve Lowther told Council he lived in Centennial, but did not represent the subdivision. The subdivision was growing rapidly and other neighborhoods would too. He felt the density level was good; however, he wanted to get a through road as quickly as possible. A traffic corridor like Peachtree Parkway would be ideal. He explained that people sometimes had to wait through three changes of the traffic light just to block the intersection. Lowther said that in order to control the density, the area had to be in the City.

Mary Chapman, a local realtor, told Council that she had sold houses for every builder in the County and that John Wieland did what he said he would do. He honored warranties and listened to what people wanted

Aguayo urged Council not to annex any property unless a plan was in place. She said to make the plan the zoning and the purpose of the annexation. She continued that a lot of the land in the area was not developable, and acreage that cannot be developed should be taken out of the density calculation before work began. Wieland had promised his customers the road would happen. Potential buyers wanted the road. She felt the County would be happy to work with the City on development in the area.

Brown said he preferred to use the word impact instead of density to broaden horizons. For example, he pointed out a 25-story tower in Buckhead that has hundreds of people living in it, most empty-nesters. The traffic impact was insignificant since they did not drive during the busiest drive times or they used the building's van. Different styles of buildings for different demographics could be segregated to minimize the impact.

Rapson said the irony was not lost on him because Lenox and Brown were saying the same things. The concerns and items being addressed were proper. Rapson said what he heard from the citizens were not the concerns being addressed, but that the right people be involved in the discussions. Council needed to develop the parameters in a workshop meeting. Rapson said this discussion had turned into a mini-workshop and it was time to move on.

Weed said as long as he was on Council there would not be an environment where some people could talk and others could not. Council agreed. Rutherford said everyone who put their hand up had spoken. Brown said they needed to look at the documentation from the 1984 and 1990 task forces for the same area.

The motion carried unanimously.

Council/Staff Topics

Rapson pointed out that the funding for the \$150,000 Kedron Restroom/Concession project came from the County for that purpose. He said it was important to note that.

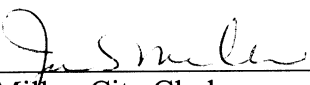
Rapson said he had spoken to City Attorney Ted Meeker earlier about the Target consent order. In Section 2a, Rapson wanted Meeker to look into the 50,000 square-foot outparcel and find out if the outparcel would fall under the Big Box Ordinance. Meeker said the ordinance would apply and they were in the process of clarifying the issue.

Meeker said there was pending and threatened litigation to discuss in executive session. Rutherford moved to reconvene in executive session for pending and threatened litigation. Weed seconded. The motion carried unanimously.

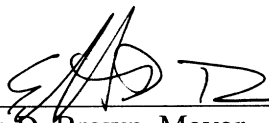
Rutherford moved to reconvene in regular session. Weed seconded. The motion carried unanimously.

Rutherford moved to give the City Attorney the authority to make an offer of compromise as discussed in executive session. Weed seconded. The motion carried 4-0-1 (Rapson).

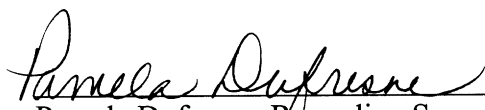
There being no further business to discuss, Rutherford moved to adjourn the meeting. Rapson seconded. The motion carried unanimously. The meeting adjourned at 9:00 p.m.



Jane Miller, City Clerk



Stephen D. Brown, Mayor



Pamela Dufresne, Recording Secretary