

City Council of Peachtree City
Minutes of Meeting
March 16, 2006
7:00 p.m.

The City Council of Peachtree City met Thursday, March 16, 2006, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present were: Steve Boone, Stuart Kourajian, Cyndi Plunkett, and Judi Rutherford.

Announcements, Awards, Special Recognitions

Mayor Logsdon recognized Andy Johnson and Ryan MacCallum of the Police Department as the Employees of the Month.

Minutes

Rutherford moved to approve the March 2, 2006, regular meeting minutes as written. Kourajian seconded. The motion carried unanimously.

Rutherford moved to approve the March 8, 2006, special called meeting minutes as written. Boone seconded. The motion carried 4-0-1 (Boone).

Consent Agenda

1. Alcohol License – Change in Licensee – Chili's Grill and Bar
2. Alcohol License – Change in Licensee – Romano's Macaroni Grill
3. Consider Adoption of Transmittal Letter for STWP/CIE
4. Consider Right-of-Way Deeds for SR 74 S (Phase 1) Road Widening Project
5. Consider Bids for Fire Department Vehicles
6. Consider Bids for Public Works Vehicles
7. Consider Alcohol License for Three Dollar Café

Rutherford removed Consent Agenda #7. She moved to approve Consent Agenda items 1-6. Kourajian seconded. The motion carried unanimously.

Kourajian moved to approve the extension of the alcoholic beverage license for Three Dollar Café. Rutherford seconded.

Three Dollar Café General Manager Robin Hunt addressed Council. Kourajian asked when the restaurant would open. Hunt said it would open on April 6.

The motion carried unanimously.

New Agenda Items

**03-06-05 Public Hearing – Consider Post-construction Stormwater Runoff
Management Ordinance**

Logsdon noted that there was an additional document on the dais – memo from the City Engineer dated March 14, 2006, with a change recommended by the Planning Commission. City Engineer Dave Borkowski said the proposed ordinance eliminated conflicts in the site plan submittal process with timeframes and plan review, and clarified when a development site had to meet the

new standards. The ordinance also addressed redevelopment and the addition of new impervious surface. The Planning Commission approved the ordinance with one slight modification to paragraph 3(b) exemptions. The wording "single-family structures" was changed to "single family lots."

No one spoke for or against the proposed ordinance.

Rutherford asked if a parcel being redeveloped would be considered a new lot. Borkowski said that residential lots were exempt from the ordinance. Anyone who demolished a house and started over was exempt. He explained that staff did not want to enforce the ordinance on that type of micro level. He said the ordinance addressed commercial developments if the land disturbing activity was one acre or more. In general, the trigger was the creation or addition of 5,000 square feet of new impervious surface.

Plunkett said that some residential redevelopments could be as large as 6,000 square feet. She asked why the ordinance did not apply to residential. Borkowski said that it would be very difficult to enforce and to get the necessary best management practices (BMPS) built for something that small in a residential environment.

Rutherford moved to approve the post-construction stormwater runoff management ordinance with the change presented under exemptions from family structures to family lots. Boone seconded. The motion carried unanimously.

03-06-06 Public Hearing – Consider Amendment to Article XII, Appeals, Section 1202.2(c) to Update the Application Fee for Variance Requests

City Planner David Rast said the next two items on the agenda were purely housekeeping. The variance application fees had changed several years ago when Council updated the City service fees, but had not been updated in the ordinance. Article XII, Section 1202.2(c) was in the zoning ordinance, and any amendments to the zoning ordinance had to be advertised and a public hearing had to be scheduled.

Rutherford clarified that the fees had been increased, and now staff was trying to catch up the paperwork. Kourajian asked how the City could charge the fees without changing the ordinance. Rast explained that Council set the fees and had approved the fee increase when the schedule of fees had been approved, but there had been an oversight in updating the ordinance. Rutherford asked if the amendment would put the fee amount in the ordinance. Rast continued that a dollar figure was not included in the amendment. Rutherford noted that the wording "see the schedule" would prevent the same problem from happening again.

No one spoke for or against the proposed amendment.

Plunkett moved to amend Article XII, Section 1202.2(c) to update the application fee for variance requests. Rutherford seconded. The motion carried unanimously.

03-06-07 Consider Ordinance Amendments to Update Application Fee for Variance Requests (Various Sections)

Rast reiterated that the amendments were purely housekeeping. There were a number of additional sections that referred to variances. The language in those sections included references to the zoning section just approved. The sections in the Code of Ordinances included the section in the Building chapter dealing with fences and the section that dealt with telecommunications towers and antennas. The other section dealt with variances to the land development ordinance.

Rutherford moved to approve the amendments to the ordinances to update the application fees for variance requests for all three sections. Kourajian seconded. The motion carried unanimously.

03-06-08 Consider Banners for Tour de Georgia

City Manager Bernard McMullen told Council that Tour de Georgia was returning to the City in April. The request was to put banners up at the intersection of Peachtree Parkway and GA 74, the same number and size as last year. He added that they were also asking to put the banners up in future years as long as the banners remained the same.

Rutherford moved to approve the banners for the Tour de Georgia, and, as long as they did not change, that the City continue to put the banners up as long as the race came through the City. Kourajian seconded.

Kourajian asked where the banners would be placed. McMullen said they would be in the median on Peachtree Parkway from World Drive up to the intersection at GA 74. There would be 10 banners. The riders would be coming from Fayetteville.

Plunkett asked who owned the banners. McMullen said sponsors paid for the banners last year, and the banners had been given to the sponsors after the event in most cases. Kourajian said any unclaimed banners could be hung in the library. Plunkett said it would be good to get the banners signed, then to auction them off and give the proceeds to charity. McMullen noted that the Tourism Association had been a sponsor last year, but he did not know what happened to the banner and would ask what happened to that banner.

Kourajian asked if it was the banner size, or picture, that was identical to last year's. McMullen said the banner was the same size, but had a different picture. Kourajian clarified that future banners would be the same size, but the design could be different. He was wordsmithing the word "identical." Rutherford said Council was approving the size and the location, which was fine as long as they did not change.

The motion carried unanimously.

03-06-09 Consider Contract for SPLOST Street Resurfacing

Public Services Director Tom Corbett addressed Council. He said the bid was for a portion of the spring resurfacing program. More than 40 vendors were invited to participate, and two bids were received – APAC, \$693,112,95; and E.R. Snell, \$862,270.00. Corbett noted there was a

substantial difference between the bids. A portion of the money was Special Local Option Sales Tax (SPLOST) funds, and a portion was City funds. The paving would follow the agreement made with Fayette County last fall for additional LARP (Local Assistance Road Program) streets and additional General Fund streets.

Corbett continued that he had worked with APAC before and had always had good results. He pointed out that asphalt costs had increased a lot due to the cost of oil.

Rutherford moved to approve the contract with APAC for SPLOST street resurfacing. Kourajian seconded.

Rutherford noted that 40 vendors had been contacted, but only two had responded. She asked if there was a problem with the bid process, or some other problem. Purchasing Agent Angela Egan told Council that she had taken the names of the vendors from previous mailings. Rutherford asked if the mailings were being sent to the appropriate people. Egan said she was still learning which companies responded to bids, and which companies did not, as well as which were appropriate for the types of bids. Corbett said that, from his experience, APAC and E.R. Snell were probably the only companies with the resources to do the job. A lot of companies were small and could only do small jobs. Rutherford said she had no problem with that.

Boone asked if APAC would recycle the material they removed from the City streets. Corbett said this job was not a "pull and recycle on the spot" job. APAC would reuse the material they milled at another location. The City was buying a recycled product from APAC, which represented a savings. Recycling on site was a huge operation, and this job was probably too small to do that. Corbett said there would be more milling on the County work later in the year.

Kourajian noted the difference in cost. He asked if E.R. Snell's bid was unusually high. Corbett said the spread was not unusual for two companies. The difference usually was in labor, overhead, and the desire for profit.

Kourajian asked what paving the County would do. McMullen said there would be three paving operations this summer. The County would be working on the LARP projects. The City would repave the other streets in subdivisions with LARP projects so that they would only have to go into those subdivisions one time. Council had already approved those projects, and they should begin in May or June. The repaving project would use 2005 SPLOST funds.

Kourajian asked if the City had received any SPLOST funds yet. McMullen said the City received a check on a monthly basis, and the amounts had been a little ahead of projections. Finance Director Paul Salvatore said the County starting collecting the tax in April 2005. At first, the taxes collected were under projection, but now the checks were over or right at the projection. Currently, the City had gotten about \$30,000 more than what had been projected. The City had received approximately \$884,000 for 2005.

The motion carried unanimously.

03-06-10 Consider Resolution in Opposition to Senate Resolution 1040 Pertaining to Inverse Condemnation

City Attorney Ted Meeker reminded Council that they had recently approved a resolution opposing Senate Bill 30. He said that Senate Bill 30, also regarding inverse condemnation, had died. Senate Resolution 1040 had not made it through crossover day, but the Georgia Municipal Association (GMA) was concerned that the matter could get added to another bill. Staff was following the GMA recommendation, and asked that Council oppose the resolution.

Logsdon noted that the City had many ordinances that made the City special. Inverse condemnation would require cities to pay for any land that property owners could not use as they wanted, such as the required buffers and setbacks. Logsdon said Council was adamant that the law not be changed; it was working. The taxpayers would suffer, and the City would be forced to abandon its zoning with the proposed changes.

Logsdon moved to approve the resolution in opposition to Senate Resolution 1040. Plunkett seconded. The motion carried unanimously.

03-06-11 Consider Contract for Geotechnical Services

Borkowski said the City had solicited Statements of Qualifications from 42 firms that provided geotechnical services to provide the services to the City on a contract basis. Three companies had responded, and two were short listed – United Consulting and Wilmer Engineering. Both companies had excellent testing labs and provided the services the City was looking for. Borkowski continued that staff had requested unit prices to make a comparison, which proved difficult to do. Staff recommended that the City keep United Consulting. The company had provided services to the City for 13 years and had proven to be trustworthy. The company service had been excellent and prompt. United Consulting also offered some services that Wilmer Engineering did not offer.

Rutherford asked how much the services would cost for the remaining nine months in 2006 if \$30,000 a year was budgeted. McMullen said staff did not expect to exceed \$30,000 this year. There was an automatic rollover in the agreement, and the full amount would be there for a full 12-month period. Unless something very unusual came up, McMullen said staff did not expect to spend \$30,000 this year. Kourajian noted that all of the money could be spent in a short time if there was an unusual problem. McMullen said it could, but there was also money budgeted with other projects to cover geotechnical services. He continued that no money could be spent this year, but the authority would be there if they needed to spend the money. The services were limited to \$30,000 per year. The funding would not rollover to another year.

Borkowski said it had been difficult to do an “apples to apples” comparison on the unit prices. Kourajian told Borkowski he trusted his judgment; he just wanted to know what objectives had been considered in making the decision. Borkowski said they had requested a list of all services provided rather than a list of services the City used. Kourajian asked if staff knew what they wanted. Borkowski said they had compared the pricing on the services the City used most often, such as concrete testing and soils testing. United had a better price on tests used most often by the City. Rutherford clarified that United Consulting had the best price for the standard services

used by the City. Borkowski said yes. Kourajian said he appreciated the executive summary. He had been curious about the criteria.

Boone asked what would happen if the company had to subcontract out for a service it did not provide. Borkowski said both companies had specified that those services were priced at cost plus 15%.

Rutherford moved to approve the contract for geotechnical services provided by United Consulting. Kourajian seconded.

Kourajian asked about the rollover clause, and if either party could cancel the agreement. Borkowski said either party could terminate the agreement with 30 days notice. Meeker explained that, under Georgia law, a service contract had to expire on December 31 of each year to automatically rollover provided no notice was given. There were also two different "out" clauses.

The motion carried unanimously.

03-06-12 Consider Fire Department Air Filtration System Bids

Logsdon noted there was an additional document on the dais – a memo from Fire Chief Stony Lohr to Mayor and Council dated March 13, 2006, with the subject "Fire Department Air Filtration System Bids." Chief Lohr recommended that Council award the bid for the air filtration units for the four fire stations to Air Technology Solutions at a cost of \$128,775.00. He said this was the second attempt to obtain the systems. The City had obtained the services of Leo A. Daley Company to help put the specifications together and to help evaluate the bids.

Rutherford moved to award the bid for air filtration systems for the four fire stations to Air Technology Solutions of Willingboro, N.J., for the cost of \$128,775.00, of which the City's portion was \$12,876.00. Lohr said the City's share was 10%. Plunkett seconded.

Plunkett asked Lohr if the company was aware of the deadline for the use of the federal grant money. Lohr said that the Federal Emergency Management Agency (FEMA) had extended the deadline to May 31. The company was aware of the time constraints, and the deadline had been a critical component of the specifications.

Kourajian asked where the City's 10% would come from. Lohr said that a similar project had been scheduled for Station 82 for \$40,000, and the City's share would come from those funds.

The motion carried unanimously.

Council/Staff Topics

Plunkett asked if there was any report on the feasibility of having an officer or crossing guard direct traffic at the Walt Banks Road/Peachtree Parkway intersection. McMullen said it was on the April 20 agenda. He had spoken to Police Chief Jim Murray and had received information on the cost. It would be one of the options discussed on April 20.

Plunkett said parking on the street (Commerce Drive) at the new World Gym location continued to be a problem. McMullen said there had been a number of complaints and the matter would be addressed. He had asked Chief Lohr and Chief Murray to look at the situation and give their recommendations.

Plunkett asked about the new yellow signs on GA 54. McMullen said the signs were Department of Transportation (DOT) signs in the state right-of-way. The DOT had not contacted the City regarding the signs. McMullen said he asked the City Engineer to call DOT. Borkowski said the area engineer was out and he asked for a call back and an explanation on what had happened. McMullen said he planned to write a letter to see if there was something that could be done that was more pleasing to the eye. Rutherford asked if the DOT had to abide by the City's sign ordinance. McMullen said the DOT did not; it was state right-of-way.

Plunkett asked when the businesses in the Target shopping center would receive a certificate of occupancy. McMullen said the developer had indicated center would open in July when they spoke recently. The developer was trying to get a majority of the complex to open at the same time. A number of stores were ahead of Target as far as construction went.

Plunkett announced that the Ford Tour de Georgia would come through the City on April 19. She said a big event was scheduled at the Tennis Center on Saturday, March 18, to kick off the tour.

Plunkett announced that Bob King, chairman of the Peachtree City Tourism Association, had died. Logsdon noted that King's loss was significant to the Tourism Association. Plunkett said King had been very committed to the association.

Boone asked what the process was to get cart path signs put up. He noted there was a dangerous crossing on Blue Smoke Drive at Homestead Six and Seven. He said there was a bad curve and someone in a golf cart could get t-boned. McMullen told Boone he had started the process, and staff would take care of it.

Kourajian asked when the meeting with the alcohol license businesses was scheduled. McMullen said it was on Monday, March 27, 2 p.m., in the Floy Farr Room at the library. Logsdon asked if any of the businesses had called to say they would attend. McMullen said he was not aware of any. Plunkett said several business owners told her that they planned to attend. Rutherford had also heard from a business owner.

Kourajian said he would like to take another look at mailing out *The Update*. McMullen said it would be on the Retreat agenda. Council had decided to stop mailing the City newsletter to residents due to economics. McMullen said staff would go over the numbers at Retreat.

Rutherford asked that mosquito control be placed on the agenda for the April 6 meeting. She said there was concern about possible problems due to the wet winter, and certain populations in the City were very susceptible to diseases carried by mosquitoes.

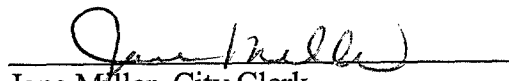
Rutherford said there was a black fence on private property along the cart path behind Balmoral Village that had fallen into disrepair. It needed to be repaired or removed. McMullen said he would have Code Enforcement look at it.

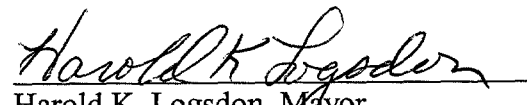
McMullen said he had received notification of a Development of Regional Impact planned on GA 74 in Fairburn. Staff would review the information and respond. The development would be large and would affect traffic on GA 74. Logsdon added that he met with the Atlanta Regional Commission (ARC) about GA 74. The bids for the widening would go out in May or June, and dirt would move in the fall. Rutherford said the City should be proactive about the GA 74 South widening, and keep citizens and industries informed. She suggested the City send businesses maps with alternate routes marked. The human resources departments could be contacted with the information.

Rutherford moved to convene in executive session for threatened or pending litigation. Boone seconded. The motion carried unanimously.

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

There being no further business to discuss, Rutherford moved to adjourn. Kourajian seconded the motion. Motion carried unanimously. The meeting adjourned at 8:29 p.m.


Jane Miller, City Clerk


Harold K. Logsdon, Mayor


Pamela Dufresne, Recording Secretary