City Council of Peachtree City
Minutes of Meeting
March 16, 2000
7:00 p.m.

The City Council of Peachtree City met in a regular session, Thursday, March 16, 2000, at 7:00 p.m. in the City Hall Council Chambers. Mayor Robert L. Lenox led those attending in the pledge of allegiance. Other Council members present were: Carol Fritz, Annie McMenamin, Dan Tennant and Bob Brooks.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox administered the oath to Judge Pro Hac, Eric Maxwell. Judge Mitch Powell was unable to attend the meeting that night; however, Lenox administered the oath to him earlier in the week.

Mayor Lenox presented the employee of the month award to Richard Matthews.

Mayor Lenox read a proclamation for International - Building Safety Week (April 2 - 8) and presented it to Tom Carty, Building Official.

MINUTES

McMenamin made a motion to approve the minutes of March 2, 2000, as presented. Brooks seconded the motion. Motion carried unanimously.

OLD AGENDA ITEMS

03-00-01 Public Hearing – Consider Rezoning – GA 54 and Walt Banks Road

Lenox read the rules for conducting a public hearing and called the hearing to order. He established a time limit of 30 minutes for each side to present its case. Lenox asked to hear from the applicant and those supporting the rezoning.

Bob Adams addressed Council and requested a zoning classification of LUC-15 for his property (a 73.2-acre tract located at the northeast corner of the intersection of GA 54 East and Walt Banks Road). The new zoning classification would allow a mixed use of single-family residential and commercial zoning. The development would be known as Lexington Commons. The property was currently zoned LUC-7, R-43 and LUR-9.

Adams said he hired a commercial developer, G.K. Johnson, to help plan the development. Mr. Johnson reviewed the proposed plan and said the commercial development would not target shoppers from outside the city. He said they planned a truly local development with a village look.

Bob Adams said staff had recommended approval of the rezoning with several conditions. Adams said he agreed to staff's conditions, but there were two issues that needed to be discussed in detail. He requested a clause be included in the zoning ordinance that would require the zoning to revert back to its original zoning if the property was not developed as proposed. He also said there were issues that needed to be addressed regarding the traffic study. Mayor Lenox said Jim Williams would address staff's conditions later during the public hearing.

Lenox asked if anyone else would like to speak in favor of the rezoning. Richard Downing, Chuck Lehman, Eileen Shaw, Todd Strickland, Walt Mashburn and Jim Williams all spoke in favor of the rezoning.

Jim Williams, Director of Developmental Services, said the Planning Commission recommended approval of rezoning with conditions. Williams felt the issues were extremely complicated and at the same time, very simple. Williams reviewed the proposed zoning ordinance. He felt it would ensure the development of the property as planned because any substantive changes to the plan would require Council approval.

He said the plan called for the following:

	Minimum	**Maximum**
General Retail Space	150,000 square feet	225,000 square feet
Restaurants	15,000 square feet	40,000 square feet
Office Space	30,000 square feet	80,000 square feet

He said the plan also called for approximately 60 loft apartments to round out the mixed-use concept, in addition to 135 single-family detached homes.

Williams said the development would have an interesting impact on traffic patterns in Peachtree City. He said it was projected that the development would actually relieve some of the traffic in the Highway 54/74 intersection, but that it would impact the intersection of Peachtree Parkway/Waltbanks Road, which was currently in need of improvement. He did not feel a traffic light at the intersection would be appropriate for the intersection since that area of Peachtree Parkway was designated a scenic parkway. He said the idea of a Roundabout was suggested instead of a traffic light. He said it could be constructed without purchase of additional land because the City currently owned the right-of-way that would be needed. He said the Roundabout would be less expensive to construct than a traffic light and it would function more safely.

Williams said the development impact fees that would be collected from the 135 single-family homes had to be spent as dictated by the development impact fee ordinance. He said it was proposed; however, that since the 60-lot apartments were not anticipated in the development impact ordinance, that fees collected from those units (approximately $102,000) be used to help pay for the roundabout. He estimated the cost of the roundabout to be $114,000 - $131,000. A payment schedule for $102,000 was suggested as follows: 1/3 paid at the time the first development permit is issued to build the first road, 1/3 paid at the time the first building permit is issued for a commercial establishment, and 1/3 paid when a building permit is issued for the 100,000th sq. ft of the project. He said Mr. Adams also asked to increase the number of loft apartments from 60 to 80 if the market dictated them without having to pay additional impact fees.

McMenamin asked what would happen to the loft apartments if there were no market for them. Lenox felt the space would be used for offices rather than retail uses.

Hearing no one else speak in favor of the rezoning, Lenox asked to hear from those who wished to speak in opposition to the rezoning. Hearing no opposition, Lenox called the hearing to a close and opened the floor for council debate.

Brooks supported the rezoning because the commercial development was targeted to Peachtree City citizens and not regional shoppers.

Lindsey suggested that Council make a motion to lift the multifamily zoning moratorium as it applies to this property if they wished to approve the rezoning. Brooks made a motion to lift the moratorium for multifamily zoning only as it applied to the property described that evening. McMenamin seconded the motion. Motion carried unanimously.

Brooks made a motion to approve the zoning ordinance as presented. Fritz seconded the motion. Lenox made a motion to amend the motion to include the traffic improvements as recommended by staff. Brooks seconded the amendment. Adams agreed to the conditions and recommendations by staff. Motion carried unanimously.

CONSENT AGENDA

- Consider Alcohol License Name Change – Wyndham Peachtree Conference Center
- Consider DOT Agreement – Sumner Road Right-of-Way

McMenamin made a motion to approve the consent agenda. Fritz seconded the motion. Motion carried unanimously.

NEW AGENDA ITEMS

03-00-08 **Consider New Alcohol License – Harris Teeter, 100 Peachtree Parkway North**

McMenamin made a motion to grant a license to sell beer and wine to Harris Teeter and to appoint Harris Teeter, Inc. c/o Jeff David Sherman as the License and Dennis Keith Behrens as the License Representative. Fritz seconded the motion. Motion carried unanimously. Councilmember Fritz said she also served on the Fayette County Board of Health and that they had received a Tobacco Education Grant. She said their services were available to help educate Harris Teeter on the sale of tobacco to minors.

03-00-09 Consider Holly Grove Church ROW Disposition

Jim Williams said the City had planned to pave all unpaved roads in the City. He said residents in the Preserve Subdivision objected to having Holly Grove Church Road paved because they feared traffic would be increased in their neighborhood. The residents of the Preserve Subdivision wanted the road closed. The Holly Grove Church objected to closing the road because they wanted their members to have access to the church. Williams said staff was able to get the church and the subdivision to come to an agreement. The proposal would require the City to deed the existing right-of-way for the dirt portion of Holly Grove Church from Robinson Road to the Preserve Subdivision to the church. The right-of-way would become the property of the church. Then, rather than spend money to build a new road, the City would build a driveway that would provide a very nice church entrance off Robinson Road with gated pillars. He said this would serve as a driveway into the church parking lot. He said a portion of right-of-way would be converted into a landscaped area. He estimated the cost of the project to be $94,000 to install the gates, pavement, and landscaping. He said this would cost less that the cost to pave the street and was something everyone in the area wanted. He said the Planning Commission held a Public Hearing on the issue and recommended approval. Williams said staff recommended approval of the project for implementation.

Steve Powell, represented the Preserve Homeowner's Association, and spoke in support of the proposal.

McMenamin clarified the deed would not come back to Council for approval. Lindsey said Council should declare their intent to abandon the road and instruct staff to begin procedures for the abandonment. McMenamin said she wanted strong wording in the deed that the property would never be used for anything other than greenspace and would never be turned back into a street.

McMenamin made a motion to approve the project for implementation and initiate abandonment procedures as outlined by the City Attorney. Implementation would begin after it is determined there are no problems with proposed transfer. The City will spend $94,000 on the improvements with $44,000 to come from Council Contingency Fund once improvements are installed and inspected. The City will transfer title to the land and deed restrictions will be very strongly worded that the greenspace will always be a permanent greenspace or landscaped area. Fritz seconded the motion. Motion carried unanimously.

03-00-10 Consider Appointments to Commission on Children and Youth

Jim Basinger provided Council with the recommendation of the selection committee. Fritz made a motion to accept the selection committee's recommendations to appoint Cecelia Eifert and Janis Craft to serve on the Commission on Children and Youth with terms expiring 8/31/03, to appoint Chuck Lehman to fill a term ending 8/31/02, and to appoint Jean Fort as an alternate to fill any vacancy which may occur. McMenamin seconded the motion. Motion carried unanimously.

03-00-11 Consider Resolution to join the Georgia Mutual Aid Group (GMAG) – APPROVED

Stony Lohr, Acting Fire Chief, addressed Council to submit a resolution to join the Georgia Mutual Aid Group. He felt it would provide substantial benefit in emergency contingency planning for the community and for the Fire Department. He said the group was a municipal corporation formed in 1994 for the purpose and intent of providing comprehensive mutual aid to GA Fire Departments. McMenamin made a motion to approve the resolution as presented. Fritz seconded the motion. Motion carried unanimously.

03-00-12 Consider Contract –TDK Boulevard Extension - Design & Engineering

Troy Besseche, City Engineer, addressed Council and reviewed the process used by staff to make the recommendation for the design consultant for this project. He said the objective of the process was to obtain a qualified professional transportation design consultant to design the road, coordinate with regulatory agencies for permitting, and to administer construction activities. He also reviewed the qualification base selection process used. He said staff recommended the design contract for the TDK Boulevard Extension be awarded to Dames and Moore for $272,725. He also said the City would need to provide its own geotechnical testing services through United Consulting. He said these testing services, which would include the bridge foundation investigation and soil survey was estimated at $23,000. Brooks made a motion to transfer $295,725 from the Council Contingency fund to award the contract to Dames and Moore for $272,725 and to provide $23,000 for geotechnical testing services through Untied Consulting. Fritz seconded the motion. Motion carried unanimously.

Brooks made a motion to take a five-minute recess. Lenox seconded the motion. Motion carried unanimously.

03-00-13 Consider Ordinance Amendment – City Council Meeting Procedures

Councilman Tennant introduced an amendment to the City Council Meeting Procedures Ordinance. The amendment would grant a citizen who was publicly referenced by name during a meeting by a city employee, elected official, or appointed official shall, upon request, have the right to address council and respond to remarks made. He explained his reasons for introducing the ordinance was based on events that happened at the last Council meeting in which Rick Lindsey, City Attorney, was allowed to speak at length regarding a lawsuit filed against Steve Brown, but Steve Brown was denied the right to speak to Council in response. Tennant made a motion that the ordinance amendment be adopted.

Mayor Lenox said the motion would die for a lack of a second unless a Councilmember cared to second the motion. Brooks asked if the issue would at least be discussed. Lenox said there was obviously not a lot of support on council for the ordinance, but he seconded the motion so that a discussion could take place.

Mayor Lenox went to great lengths to state that he did not support Tennant's proposed ordinance. He explained his reasons for not allowing Mr. Brown to speak at the last meeting. He also explained that the purpose of a Council meeting was to conduct the City's business. He said the parliamentary procedures for most legislative bodies did not allow citizens a right to speak during a meeting. Lenox said that any member of Council could have interrupted Mr. Lindsey at any time during the last meeting and pointed out that Lindsey's speech was not germane to the agenda item, and was, therefore, out of order.

McMenamin complimented the Mayor on the way he has conducted the Council meetings. She felt citizens were allowed ample opportunity to speak. Fritz also complimented the Mayor on the way he has conducted meetings. She did not support Tennant's proposed ordinance because she felt meetings could get out of control. Brooks felt there was a political battle going on, but he felt there may be some merit to Tennant's proposal. He suggested that the ordinance be discussed at the Retreat in a more relaxed environment.

McMenamin said she did not like the way the proposed ordinance was worded. She asked that staff review the entire Council Meeting Procedures Ordinance so that it could be discussed at the Retreat. McMenamin made a motion to table the item for discussion at Retreat. Brooks seconded the motion. Motion carried unanimously.

03-00-14 Appoint Board of Ethics to investigate allegation concerning Jim Webb

Jim Basinger read a request from Mr. Mike Hyde to investigate Jim Webb for a possible violation of the City's Ethics Ordinance. He said Section 62-90 of the Ethics Ordinance required a five-member Board of Ethics be appointed to investigate the complaint. The ordinance also designates the City Attorney as the advisor to the Board. However, since the complaint was filed against the City Attorney, Council needed to select another attorney to serve as advisor the Board. Basinger said staff contacted the Georgia Municipal Association (GMA) for the names of attorneys who could provide this service. GMA recommended several attorneys including Andrew Whalen III, Griffin City Attorney, to serve as advisor to the Board. Staff contacted and met with Mr. Whalen and after a cursory review of the City charter, ordinances and other related documents, Mr. Whalen indicated he was willing to serve as advisor to the Board.

Basinger recommended Council take the following actions:

unanimously. Meeting adjourned at 9:40 p.m.

Nancy Faulkner
City Clerk, Nancy Faulkner

Attest: Robert L. [illegible]
Mayor