City Council of Peachtree City
Minutes of Meeting
March 6, 1997
7:00 p.m.

The City Council of Peachtree City met in a regular session Thursday, March 6, 1997, at 7:00 p.m. in the City Hall Council Chambers.

Mayor Lenox led those attending in the pledge of allegiance. Council members present were: Annie McMenamin, Robert Brooks, Jim Pace and Caroline Price.

ADDITION OF AGENDA ITEMS

There were no additional agenda items.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox presented the Employee of the Month award for January to Darlene Espinosa.

Mayor Lenox presented a ten-year service pin to Donald Jordan.

APPROVAL OF MINUTES

Price made a motion to approve the minutes of the January 30, 1997 meeting as presented. Pace seconded the motion. Motion carried unanimously.

McMenamin made a motion to approve the minutes of the January 31 and February 1, 1997 Retreat as presented. Price seconded the motion. Motion carried unanimously.

McMenamin made a motion to approve the minutes of the February 6, 1997 meeting as presented. Pace seconded the motion. Motion carried unanimously.

Mayor Lenox said the first three agenda items would be conducted as public hearings and read the rules for conducting the public hearings. Lenox said at each hearing the applicants and those in favor of each item would be heard first, followed by those in opposition to the item. Lenox said after each side had been heard, he would call the hearing to a close and open the floor for a debate among Council so that a decision could be rendered.

OLD AGENDA ITEMS

2-97-05 Public Hearing - Variance Request
North Cove - Buffer Encroachment

Lenox set a time limit of thirty minutes for each side of the hearing. The applicant, Jim Strickland, addressed Council and explained that the subdivision he was developing, North Cove, was going to have a series of five parks connected by sidewalks. The variance was to request that one of the parks be allowed to encroach into the watershed protection buffer.

Scott Colomb, landscape architect for the applicant, addressed Council and explained that the proposed encroachments into the buffer would actually enhance the intent of the buffer ordinance by providing steps across slopes, an elevated communtity pavilion that retained its own storm water for infiltration and vegetative enhancements of more than 1,700 new plants to reduce potential soil erosion that would take place without the encroachments.

He explained that people would be naturally drawn to the lake, and would create paths from their property to the lake. Colomb felt that if steps and paths were provided, it would control the access to the lake. He also felt they could control access to the lake by planting trees and shrubbery. Colomb said that while they could provide a park without encroaching into the buffer at a substantially lower cost, they felt the encroachment and enhancements were necessary to improve the area. Colomb provided a report to Council using a formula provided by the Natural Resource Conservation Services that gave a comparison of the amount of soil loss if the improvements were not made. The report explained that without the improvements one half ton of soil per year would be lost but that if the improvements were made, the soil loss would be reduced five times to 1/10th of a ton.

Bill Lincicome, Tom O'Connell and Pat Broderick also spoke in favor of the variance because they felt the plan would actually improve the area and prevent erosion that would take place without the encroachments. They felt the applicant took the initiative to spend a substantial amount of time and money to make the improvements and that the overall plan was best for the environment.

Hearing no one else to speak in favor of the variance, Lenox asked to hear from those in opposition to the variance. Cam McNair, City Engineer, addressed Council and explained that it was staff's recommendation that Council deny the variance. He recommended the lakefront buffers be tenaciously guarded against encroachments and pressures for development activities. He said by approving the request, it would compromise the City's principles and set a dangerous precedent which would certainly lead to more requests for variances of that type in the future. McNair also said that the Fayette County Water Committee and Board of Commissions reviewed the variance request and unanimously voted that they recommend Council deny the variance. McNair also explained that the City's Code Enforcement Officer, was already having difficulty defending the watershed protection buffers against disturbances throughout the City, even when the buffers were on City-owned greenbelts.

Bill Antone and Phyllis Aguayo also spoke in opposition to the variance and felt the Council should strictly enforce the land development ordinance.

Hearing no one else speak in opposition to the variance, Lenox called the hearing to a close and opened the floor for Council debate.

Price felt the overall plan was good, but she was opposed to the variance because she felt Council should support the Fayette County Commissioner's recommendation to deny the variance.

Pace said he felt the proposed plan was well planned and presented, but felt it was important to protect water quality issues and recommended that because such a small portion of the park would encroach into the buffer, the park should be built without the encroachment.

McMenamin supported the variance because the plan enhanced the environment. She said it was important to remember that Mr. Strickland could still develop his park but without the improvements it would cause a tremendous run-off into the lake which would have a negative impact.

Brooks was opposed to the variance because it would set a precedent and it did not meet the standards for considering a variance. He said the ordinance stated that to make a determination on a variance request, the Council should consider whether or not special circumstances contributed to the request, whether or not the situation for the request being made posed an unnecessary hardship for the applicant and whether or not the request was due to an intentional action of the applicant to violate the city ordinances.

Lenox felt he could support part of the variance that requested encroachment into the impervious buffer area but he could not support the variance request for encroachment into the undisturbed buffer area.

Brooks made a motion to deny the variance. Pace seconded the motion. Motion carried with McMenamin voting Nay.

NEW AGENDA ITEMS

03-97-01 Public Hearing - Rezoning Request - Matthews Assisted Living Facility - N.E. Corner of Stevens Entry & Prime Point

Lenox set a time limit of thirty minutes for each side to speak concerning the rezoning request.

Bill Lincicome addressed Council for the applicant, Strategic Investments. Lincicome said Mr. Les Matthews started the process of looking for a location for an assisted living facility in Peachtree City over six months ago and decided that the proposed location would be the best site for the facility. Lincicome said the total site would be 2.72 acres with .86 acres impervious surface of building and parking. He explained the impervious surface of the site was 31.6% with 68.4% of the site being open space. He said commercial sites typically had 70 -80 % impervious surface.

Lincicome said their preliminary plans were to save as many trees as possible along the back of the property and Prime Point. He said the plan had been through several revisions which ultimately reduced the density from 74 units to 64 units. He said this was 9 to 12 units below industry standards for a facility of that type. He said they also agreed to the Planning Commission's recommendation to increase the number of parking spaces although people living in that type of facility primarily did not own or drive cars.

Dr. Jim Harris addressed Council and spoke of his credentials and issues related to the management company and services provided in the facility. He said the management company, Grace Management, was a national company that currently managed 13 facilities with over 1,500 units of assisted living.

Brooks asked how many employees would be working at the facility and how many parking spaces they were planning to provide. Lincicome said there were 18 employees, and 64 units with 31 parking spaces. Lincicome said the employees would be working three different shifts.

Hearing no one else speak in favor of the rezoning, Lenox asked to hear from those opposing the variance. Mr. Bill Wheelock addressed Council and felt the location was not appropriate and that the facility was the same as an apartment complex. He said because Council had a moratorium on approving any new apartments they should deny the rezoning.

Mr. Ray Tole, 101 Cloister Drive, said he was in favor of the facility but he was opposed to the rezoning of the property.

Mr. Scott Crowth addressed Council and voiced concerns. He said he was a Peachtree City resident who owned and operated a similar facility in Fayetteville. He said he did not mind competition in his business because there was a great need in the area for that type of service, but he did have concerns about the plan as presented. He felt the site did not meet the needs of citizens who would live there. He said the residents will want to get outside and walk around and that most of the residents would probably use walking aids such as canes, walkers, wheel chairs, etc. He was concerned that there were no side walks and that the lot was much too steep. He said that while there were only 64 units, 10 of the units were for two people. The facility could have a maximum of 74 residents which would result in 37 residents per acre. He was also concerned about the two story building and evacuating residents in the event of an emergency. Another of his concerns was the noise from band practice and football games from the high school on the adjoining property. He also said that the projected number of 18 employees was much too low and that his facility had 48 residents with 31 employees. He did not feel the number of parking spaces was adequate.

Hearing no one else speak in opposition to the rezoning, Lenox called the hearing to a close and opened the floor for Council debate.

Brooks declined to comment because he felt may have a conflict of interest. He said he was considering the purchase of an adjoining lot.

McMenamin had concerns about the building having two stories. Chief Reed said that he had not seen the proposed construction drawings and that once they had the opportunity to review the plan they would ensure that it met State codes and that an adequate evacuation plan was proposed. McMenamin was also concerned that it was not a proper location for the facility.

Pace supported the plan and felt that the facility was not considered the same as apartments.

City Attorney, Rick Lindsey, suggested that Council consider making one of the conditions of rezoning to be written approval of the state regulatory agencies and fire department prior to any construction.

Reed said there was no way he would support the plan without a sprinkler system.

Price made a motion to approve the rezoning from General Commercial to Limited Use Commercial with the following six conditions:

- The property must be used only for assisted living for the elderly.
- If the assisted-living use is ever discontinued for any reason, the property can only be reused for an activity that is specifically permitted in a GC General Commercial zoning district.
- No more than 64 assisted-living units are to be established on the property.
- A minimum 50-foot wide tree-save area is to be provided along both Stevens Entry and Prime Point.
- The project will be subject to the established impact fee for Glenloch Village for each of the proposed 64 units (the fee is currently $1,083 per unit).
- The plan must meet all state and local standards and will have to have written approval from the State and the City Fire Chief prior to construction.

Pace seconded the motion. Motion carried with Brooks abstaining and McMenamin voting Nay.

3-97-02 Public Hearing - Variance Request - 105 Adams Fall (Peterson)

Lenox set a fifteen minute time limit for the public hearing and asked to hear first from the applicant. Mark Darcy addressed Council on behalf of the applicant. He explained that the Petersons had bought the home located at 105 Adams Fall and upon applying for a permit to install a fence, it was discovered that their home encroached into the side setback area. Darcy requested a variance based on the fact the home had been in violation for many years and that applicants only wanted to build a fence for their children and dog.

Jim Williams addressed Council and recommended Council grant the variance.

Pace made a motion to grant the variance for the existing structure but that no new construction would be allowed to encroach into the set back. McMenamin seconded the motion. Motion carried unanimously.

3-97-03 Public Hearing - Variance Request - Fayette County Bank (Kedron)

Ricky Rodriguez addressed Council on behalf of the applicant, Fayette County Bank. He explained that the property had been rezoned in 1992 with the condition that "all financial services would be within the bank building and by only Fayette County Bank". He said the bank has vacated the bottom floor and would like to lease the space to another party.

Jim Williams recommended Council approve the variance.

Motion was made by Brooks to approve the variance to amend the condition of the rezoning by deleting the words "and conducted only by Fayette County Bank" with the following conditions and understandings:

- The tenant shall be limited to the permitted uses: mortgage banking, financing , insurance sales, real estate brokerage and stock brokerage.

- The tenant shall be permitted a single wall sign at or near the ground floor entrance limited to six square feet in area and in accordance with the sign program for the building.
- A modification to the existing monument sign could be made to include the tenant but the overall size of the sign could not be increased.
- The bank shall not display an outdoor sign which offers the tenant space for lease.

Price seconded he motion. Motion carried unanimously.

3-97-04 Consider Funding - Amphitheater/Tennis Center Improvements

Basinger said that at the City Council Retreat, the Development Authority requested funds for improvements to the Amphitheater and additional courts for the Tennis Center. He said that while the Amphitheater was self supporting, the facility was in need of a number of critical capital improvements that would cost $106,445. He said the Tennis Center also needed to add six clay courts costing $235,000 and that the courts would resolve the physical limitations of a large number of senior players whose play is significantly reduced due to the impact of the asphalt court surface on their lower extremities. He said the Development Authority felt that the six clay courts would enable the Tennis Center to also be self supporting.

Basinger explained that both facilities were owned by the City and provide recreational entertainment and activity for a large number of citizens.

Price made a motion to approve funding of $341,445 for the improvements to the Amphitheater and Tennis Center and that the funds come from the Public Improvement Program and Council Contingency Fund. Pace seconded the motion. Motion carried unanimously.

3-97-05 Tower Lease for Pagenet

Basinger asked Council to consider a lease agreement with Pagenet to occupy Pactel's previous space on the tower. He said the tower was also leasing space to GA Power. He said the monthly rent would be $1,200 with a total revenue of $428,880 expected over the next 25 years.

Price made a motion to approve the agreement. McMenamin seconded the motion. Motion carried unanimously.

3-97-06 Lease Agreement - Southern Conservation Trust

Basinger said staff had been negotiating an agreement with the Southern Conservation Trust for the old Recreation Administration Building and had developed an agreement that had been coordinated with the City attorney. He said key aspects of the agreement were as follows:

Term of lease: Ten consecutive one-year terms which renew automatically each year unless either party provides at least 60 days written notice.

Rental rate:	\$1.00 per year provided SCT remodels building.
City to provide:	Payment of utilities and property insurance.
SCT to provide:	Liability insurance in the amount of \$1,000,000 per occurrence.
SCT to have:	Exclusive use of parts of the building and non-exclusive use of the remainder of the building. Other appropriate users for the building would include groups like the Georgia Conservancy, Beautiful Fayette, a Chamber of Commerce satellite information center, garden clubs, etc. SCT would have reasonable right to approve such users.
SCT responsible for:	Repairs for any damage to building which occurs as the result of SCT use.

Jerry Peterson addressed Council. He said SCT was founded in January 1993 with its main goal to preserve natural areas that were unique and important and to provide environmental education. He felt the organization was growing very fast and had concerns about sharing parts of the building. He felt security could be a problem and felt that since the organization was spending money on repairs, they should be entitled to the entire building.

Jim Pace and Caroline Price both said they felt they should abstain from discussion and voting because they were both members of the board for SCT.

Lenox made a motion that the lease be approved as presented by staff and that he did not feel that there would be a problem with SCT sharing the building in the future. Brooks seconded the motion and added that the record should reflect that Council would prefer SCT be given deference as far as their interests were concerned in using the building.

Basinger was concerned about Brooks' comment and reminded Council that the City did not have any more office space available whatsoever.

Brooks understood Basinger's concerns and explained that was why Council was not changing the lease. The lease was approved as presented and SCT would not have exclusive rights to the entire building.

Motion carried with Price and Pace abstaining.

3-97-07 Consider Senior Staff Reorganization

Basinger explained that as a result of the Retreat discussion, Council advised staff to place this item on an agenda for consideration. He proposed that the Recreation Department be separated from the Public Services Division, and that it be designated a full fledged division. He also recommended that the Public Safety Services Division be deleted from the organizational chart.

He said the tremendous growth in recreation programs and facilities during the past five years was taxing the management capabilities of the senior staff as presently organized. He said there had been an increase in the number of participants due to the continued annual increases in population, and a significant number of new facilities such as the Kedron Fieldhouse and Aquatic Center, the baseball/soccer fields at the 74 South Complex, and The Gathering Place.

He said in addition to Recreation, the Public Services Director was also responsible for the Public Works Department as well as the Library and the responsibilities and workload of Public Works had also been significantly impacted by the perennial increases in population and accompanying subdivision developments. He also explained the Library has doubled in size to service the increase in patrons. Finally, he added that with the imminent acquisition of Georgia Utilities, the Director of Public Services would serve as the staff representative to the Water and Sewerage Authority, and coordinate all day-to-day staff support with the contract manager of the sewerage system.

For these reasons, Basinger urged Council to establish a separate Division of Leisure Services that would comprise all active and passive recreational programs to include all sports programs and facilities, instructional programs, senior services, CCY, special events, parks and the Library. He further recommended that the final organization of the Leisure Services Division be made by the new director within 3-6 months after assuming the duties, and that the new director be designated a grade 31.

Basinger also recommended that Council designate a temporary position authorized by the Mayor at the Field House as a permanent position.

Citizens voiced concerns about deleting the Director of Public Safety position from the organizational chart. Brooks and Basinger explained that the position had never been filled and that it would be extremely difficult to find a person qualified to run both departments. Basinger assured the citizens that the Fire and Police Department each had very qualified Chiefs that were really on a Director level.

Pace made a motion to immediately approve the following:

1) Approve a Division of Leisure Services comprising all recreation programs and facilities plus the Library,
2) Approve a Grade 31 Director position for the new division,
3) Delete the position of Director of Public Safety Services, and
4) Approve a part-time Field Leader position.

Motion was seconded by Price. Motion carried unanimously.

3-97-08 Consider Bid - Rescue Truck

Basinger said staff had received five bids for a new rescue vehicle which were:

Chief's Fire & Rescue Inc.	Jefferson, NC	$176,950

Summit Fire Apparatus	Edgewood, KY	$171,869
Emergency Vehicles, Inc.	Lake Park, FL	$168.535
Rescue Master Aero Products	Sanford, FL	$163,000
Ferrara Fire Apparatus	Holder, LA	$197,972

He said staff recommended the bid be awarded to low bidder, Rescue Master Aero Products Corp for $163,000 and that Council authorize the installation of a winch on the vehicle which was not in the original specifications at a cost of approximately $2,500. He explained with the winch, the vehicle was $15,500 over the budgeted funds and recommended that the overage be funded from the public improvement contingency line item.

Price made a motion to award the bid to Rescue Master Aero Products Corp for $163,000 and to authorize installation of a winch for an additional cost of $2,500. She asked that the $15,000 overage be taken from the public improvement contingency line item. McMenamin seconded the motion. Motion carried unanimously.

03-97-09 Consider Bid - Traffic Signal at Huddleston Road/Highway 54

Basinger said staff had finally received approval from DOT to install a traffic signal at the Huddleston Road and Highway 54 intersection. He said the intersection had been in desperate need of signalization for a number of years and historically had been rated each year in the top 10 most dangerous intersections in the City based on the number of accidents.

Basinger said staff requested bids for the installation of the signal system with associated poles, controller and sensors plus the required construction of the intersection improvements, which would include a passing lane and left-turn lane for westbound traffic on Highway 54, relocating the guardrail, and restriping Huddleston Road to add a left-turn lane. He said the City received only one bid from McCoy Grading Company for a price of $156,919. Basinger said McCoy Grading company recently completed the signalization project at Wynnmeade and 54 at a cost of just over $161,000, and did a good job on the project.

McMenamin made a motion to award the bid to McCoy Grading Company for a price of $156,919 with funds to come from the Council Contingency Fund. Pace seconded the motion. Motion carried unanimously.

Lenox made a motion to adjourn to Executive Session to discuss a law suit. McMenamin seconded the motion. Motion carried unanimously.

EXECUTIVE SESSION

No action was taken in executive session. Price made a motion to adjourn the meeting at 11:00 p.m.

Lenox seconded the motion. Motion carried unanimously.

Nancy Faulkner
Nancy Faulkner, City Clerk

Attest: Robert L. Lenox
Robert L. Lenox, Mayor