

City Council of Peachtree City
Meeting Summary
February 17, 2000
7:00 p.m.

- I. Pledge of Allegiance
- II. Announcements, Awards, Special Recognition
 - Employee of the Month – Donald Speights
 - Citizen Recognition – Andrew Debonis
- III. Minutes – February 3, 2000
- IV. Old Agenda Items
- V. Consent Agenda
- VI. New Agenda Items

02-00-07 Crabapple Lane Residents – GA Power Transmission Power Lines

Motion to send letters to Georgia Power, the Public Service Commission, Jim Hunt of the Governor's Office of Consumer Affairs, and State/Federal Representatives supporting Crabapple Lane residents in their request for additional time to hire a professional consultant and to

- VII. Council/Staff Topics
- VIII. Executive Session

Members present: Mayor Bob Lenox, Annie McMenamin, Carol Fritz and Dan Tennant.
Bob Brooks was absent.

Feb. 2, 2000

To Whom It May Concern:

The residents of Crabapple Lane, Leisure Trail, and Crabapple Woods would like to be placed on the Peachtree City Council Agenda for the Feb. 17, 2000 meeting. They would like to address the council and request that the Peachtree City Government, mayor and council members consider supporting these residents in their suggestion that GA Power Co. relocate its purposed substation along with its high tension transmission power lines to another site. The resident's purposal is that GA Power build its substation in the Shamrock Industrial Park area. This would move the purposed substation out of the Crabapple residential area into an industrial area which is more suited for a substation and 91' high tension transmission wires.

GA Power is in the process of acquiring land so this issue needs to be addressed as quickly as possible.

Sincerely,



Bonnie Beerbower

488 Crabapple Lane PTC

(770) 487-5439

January 27, 2000

Mike Dixon
Georgia Power Company

Re: proposed transmission line and substation on Crabapple Lane

Dear Mr. Dixon:

As you know, Georgia Power has proposed building a substation and transmission line on private property on Crabapple Lane. All residents in this neighborhood are opposed to this plan as presented because of the devastating impact it would have on property values and quality of life.

Recognizing the need for a substation to provide service for future development in the northern part of Peachtree City, we propose an alternate construction site for this substation. The site we recommend is in Shamrock Industrial Park. The purposed high voltage tap line passes directly through this **DESIGNATED INDUSTRIAL PARK**. It is in this area that we strongly recommend that the substation be built. From this point underground **DISTRIBUTION LINES** would follow the initial purposed route down Crabapple Lane into Kedron Village. The enclosed plat depicts the Georgia Power Proposal in red, while our recommended site and route are shown in green.

Georgia Power's current plan would have a life changing effect on everyone in the **Crabapple Lane, Waters Edge, Leisure Trail and Crabapple Woods** neighborhoods. Many of us have lived here for years and would like to do so in retirement. Others are new residents who have bought homes as recently as December 1999. **Property values on Crabapple Lane range from \$200,000 to over \$1,000,000.** Protecting our lifetime investments is of major concern to all of us.

We believe that our proposal would prove to be a positive solution for all parties concerned. It accomplishes Georgia Power's goal and will not have a negative impact on our neighborhood. If Georgia Power accepts this proposal, it will receive complete cooperation with easements and other needs that may arise. However, should Georgia Power proceed with it's initial proposal the homeowners will take legal action through the courts to recover our losses.

Sincerely,

Rita Cole (spokesperson for Crabapple residents)



POLICE DEPARTMENT

153 Willowbend Road • Peachtree City, Georgia 30269 • 770-487-8866 • Fax: 770-631-2512



JAMES V. MURRAY
Chief of Police

TO: JIM BASINGER, CITY MANAGER
FROM: JIM MURRAY, CHIEF OF POLICE
DATE: FEBRUARY 11, 2000
SUBJECT: FOUND MONEY

Please find attached to this memo a memo from Lt. David Hill in reference to Andrew Debonis who found \$50.00 in August 1999 and turned the money in to the police department. I concur with his recommendation that city give the money to him for his honesty.

I further recommend that this presentation is at the next city council meeting, so that the public can share in honoring this young man's integrity.



POLICE DEPARTMENT

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JAMES V. MURRAY
Chief of Police

TO: JAMES V. MURRAY, CHIEF OF POLICE

FROM: LT. D.E. HILL, CID COMMANDER 

DATE: FEBRUARY 11, 2000

SUBJECT: FOUND PROPERTY

In August of 1999, Andrew Debonis found a fifty-dollar bill in the woods located just west of the golf cart path on FountainHead. Mr. Debonis is a 12 year old male who resides at 102 FountainHead phone # (770)631-1196 and turned the money in because he knew that it was not his. Since the money has not been claimed during the 90-day grace period I would like to return the money to Mr. Debonis in appreciation for his honesty.

deh/rmd

City Council of Peachtree City
Minutes of Meeting
February 3, 2000
7:00 p.m.

The City Council of Peachtree City met in a regular session, Thursday, February 3, 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, and Dan Tennant.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox thanked the Departments who worked during the ice storm the previous weekend for their efforts, noting that he had received several citizen compliments.

MINUTES

McMenamin made a motion to approve the minutes of the January 20 meeting as amended. Fritz seconded the motion. Motion carried unanimously.

OLD AGENDA ITEMS

01-00-06 Consider Ordinance Amendment – Organization of Commission on Children and Youth

Director of Leisure Services Randy Gaddo presented the CCY's recommended changes, and noted that Tanya Curry of the CCY and Bernice Wassell, the CCY Coordinator, were present to answer any questions. Gaddo said the primary change was the reduction of the board from nine members to five members, with a few additional housekeeping changes. Other changes included eliminating the requirement for representation from specific professions, and expanding the scope of the Commission from a focus on alcohol and drug abuse to include all aspects of quality of life for children and youth. Gaddo stated that, if Council approved the amendment, the Commission would alter its bylaws and the changes would take effect immediately. Staff recommended approving the amendment. McMenamin pointed out that a more detailed discussion of the CCY goals would occur at the Council Retreat in April. McMenamin made a motion to adopt the amendment to the Commission on Children and Youth as presented. Fritz seconded the motion. Motion carried unanimously.

CONSENT AGENDA

Basinger reviewed the consent agenda items: Purchasing a Ford F-650 dump truck for the Public Works Department from Peach State Truck Sales, Inc. on State Contract and declaring a 1990 Ford F-700 dump truck as surplus to be used as trade-in allowance, for the purchase amount of \$ 38,474.00; Awarding a bid for the purchase of a Track Loader for the Public Works Department to METRAC, Inc. of Atlanta and declaring a 1986 Caterpillar 943 track loader as surplus to be used as trade-in allowance, for the final bid of \$42,000.00; Adopting a resolution of transmittal for the Short Term Work Program Update to the Comprehensive Plan; And, approving an Alcohol License Transfer to Mary Ann Marinelli as License Representative for the Kwickie/Flash Foods #246 at 1001 Crosstown Road.

Basinger said that Council had before them a packet with additional information about the Short Term Work Program Update, which was reviewed annually and would be transmitted to the Atlanta Regional Commission. Any changes requested by Council or recommended by the ARC would be incorporated into the update before it returned to Council for final approval in several months. Staff recommended approval of the consent agenda items.

McMenamin made a motion to approve the consent agenda items as presented. Tennant seconded the motion. Motion carried unanimously.

NEW AGENDA ITEMS

02-00-01 Consider Alcohol License (new) – Cruse Coffee Company & Gallery, Inc., 100 Peachtree Parkway

Mayor Lenox said that Mr. Richard Cruse had submitted an application for a license to serve beer and wine at the Cruse Coffee Company and Gallery, Inc., and had requested to be appointed as the Licensee and the License Representative. McMenamin made a motion to approve the Alcohol License. Tennant seconded the motion. Motion carried unanimously.

02-00-02 Consider Funding – Fayette County Council on Domestic Violence

Basinger said the Fayette County Council on Domestic Violence had requested \$6,000 for office space rental and noted that this was the same amount that Council provided the previous year. Basinger also pointed out that the Peachtree City Police Department responded to 39% of the 575 domestic violence calls in Fayette County in 1999. Staff recommended that, if approved, the funding should be taken from the Council Contingency Fund.

Lenox said that the Council had provided funding for the Council on Domestic Violence since 1994, and this ongoing item should be added to the budget in coming years. McMenamin agreed, noting that the organization made a valuable contribution to the health and safety of Peachtree City's citizens.

McMenamin made a motion to approve the funding request of \$6,000, to be taken from the Council Contingency Fund, and asked that the contribution be included in the 2001 budget. Fritz seconded the motion. Motion carried unanimously.

02-00-03 Consider Child Care Service for Citizens Attending Council Meetings

Basinger explained that Councilmember Tennant had asked staff to investigate the possibility of this service to enable more citizens to attend the meetings. Staff discussed the service with the First Baptist and Presbyterian churches. The Baptist Church indicated a willingness to provide the service, but would require four workers for a total of fifteen children. The workers would cost \$25 each per night, and would need to be paid for all scheduled Council meetings, whether children were present or not. If more than fifteen children would be present, the Church would require advance notice to schedule additional workers. The service would be available between 7:00 p.m. and 10:00 p.m. and the City would be required to guarantee payment and collect any money paid for the service. Basinger said the possible funding methods were for the City to pay the entire amount, for parents to pay for each child with the City making up any shortage, or a corporate sponsor funding the program.

Tennant said a number of citizens had mentioned to him that they could attend more Council meetings if they had childcare. Tennant said that, although government did not normally become involved in private enterprises such as this, he felt it would provide an opportunity for more citizen involvement. Tennant also commended staff, particularly Director of Administrative Services Jane Miller, for their efforts in investigating this service to date. Tennant recommended implementing the service for the remainder of the calendar year with a corporate or civic sponsor providing the funding, rather than tax dollars.

Lenox agreed that funding the program with tax dollars would set a bad precedent, but felt that the majority of Council meetings would lack sufficient turnout to make the service necessary. Lenox recommended a trial period of 60 to 90 days to see if the service was needed. Tennant felt that six months would be needed to advertise that the service was available. McMenamin asked what would be required of the City to maintain such a service. Tennant said the City would not be providing the space or the workers, and would merely forward the funding. Lenox pointed out that staff time would be required to coordinate the program and make reservations to ensure that enough workers would be present. McMenamin said she had a philosophical problem with government involvement in the service, stating that the City's role was to protect the health, safety and welfare of its citizens. She also expressed concern

about the liability to the City. She concluded by saying that, while she applauded the effort to promote citizen involvement, she could not support the service. Tennant pointed out that, with a corporate sponsor, no tax dollars would be spent on the program, but McMenamin felt that the investment of staff time was also a use of tax dollars. Fritz also expressed concern with governmental involvement in providing the service. McMenamin made a motion that the City not participate in providing childcare services for Council Meetings. Fritz seconded the motion. Motion carried with Tennant voting nay.

02-00-04 Consider Ordinance Amendment – City Council Procedures

Basinger said that Councilmember Fritz had sponsored this amendment, which would require three affirmative votes to pass any motion. He noted that this procedure had been observed as a policy in the past, but the amendment would make the policy a law. Fritz added that, after revising the Ethics Ordinance, she had a problem with the possibility of two Councilmembers making policy for the City. Fritz made a motion to adopt the amendment as presented. McMenamin seconded the motion. Motion carried unanimously.

02-00-05 Consider Ordinance Amendment – Paving Standards

City Engineer Troy Besseche presented the amendment, noting that staff had reviewed paving standards at the request of Council following a variance request for the Line Creek Collector. Besseche said staff had reviewed standards from other areas and had obtained recommendations from United Consulting Group, the City's materials testing consultant, in revising the standards. The recommendation increased the binder for major collectors and residential streets, eliminated an asphalt base requirement for major collectors but added a GAB base requirement for major collectors, and increased the GAB base for minor collectors and residential streets. Besseche noted that the recommended changes more accurately reflected the requirements of other jurisdictions and the Georgia Department of Transportation. Staff recommended adopting the amended paving standards and adding the requirements to the Land Development Ordinance.

Lenox said that, in effect, the changes increased the requirements for minor collectors and residential streets and felt it provided a good standard. McMenamin also pointed out that the changes would extend the life of the streets. McMenamin made a motion to adopt the amendment as present. Fritz seconded the motion. Motion carried unanimously.

COUNCIL/STAFF TOPICS

There were no Council/Staff topics for discussion.

EXECUTIVE SESSION

There were no Executive Session topics for discussion.

Lenox made a motion to adjourn the meeting. Tennant seconded the motion. Motion carried unanimously. The meeting adjourned at 7:30 p.m.

City Clerk, Nancy Faulkner

Attest: _____
Mayor

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council
FROM: City Manager 
DATE: February 9, 2000
SUBJECT: Crabapple Lane Georgia Power Transmission Power Lines

At a recent meeting with residents of Crabapple Lane, Mayor Lenox advised them that there was nothing the City could do to stop Georgia Power from installing subject power lines, and that there was no point in placing this item on Council agenda. However, the residents insist on discussing the subject with Council. A copy of the City Attorney's opinion on this subject is attached.

WEBB, STUCKEY & LINDSEY, LLC

Attorneys-At-Law

James H. Webb Jr. *
John M. Stuckey Jr. **
Richard P. Lindsey

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Carlton H. Jones III
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Christy R. Jindra †
Richard M. Golick
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William M. McHugh
Stefanie T. McHugh
Stacey M. Robertson ††

January 25, 2000

Honorable Robert Lenox
Mayor, City of Peachtree City
151 Willowbend Rd.
Peachtree City, GA 30269

Re: Crabapple Power Line Issue

Dear Mayor Lenox:

As you requested, we have conducted legal research to determine what, if any, authority the city has to require Georgia Power to place power lines underground or govern where Georgia Power places the power lines. The results of our research follows.

O.C.G.A. § 36-34-2 allows cities to grant a franchise to electric companies for the use and occupancy of the streets of the city. Peachtree City has entered into a franchise agreement with Georgia Power. The current franchise agreement will expire in 2010. The city's franchise agreement does not address whether or not the power lines should be placed underground or if the city can control where the wires are placed. The franchise agreement does subject Georgia Power Company to the reasonable exercises of the police power by the city. The police power could arguably include the governing of the location of power lines. However, as is discussed below, Georgia law provides limits on the power of municipalities to regulate the placement of power lines. These limits would supercede the franchise agreement.

O.C.G.A. § 36-35-6 prohibits municipalities from regulating companies regulated by the Public Service Commission unless the power is granted through special or general laws. Georgia Power is a company regulated by the Public Service Commission. O.C.G.A. § 46-2-20. There are no special laws giving Peachtree City the ability to regulate Georgia Power. General laws enacted include the ability to franchise with power companies and collect a fee, through the franchise agreement, for the use of the city's streets. Also, O.C.G.A. § 32-4-92 allows municipalities to "establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic

and other signals, and other equipment, facilities, or appliances of any utility in, on, along, over, or under any part of its municipal limits." However, the "regulations shall not be more restrictive with respect to utilities affected thereby than are equivalent regulations promulgated by the [Department of Transportation] with respect to utilities on state highway system" O.C.G.A. § 32-1-3. Presently, from what we have been able to determine, the Department of Transportation is not requiring that power lines be located underground.

While the city does have some authority to regulate Georgia Power, it does not appear that the city has any authority to regulate the placement of power lines nor does the city have the authority to require that power lines be placed underground.

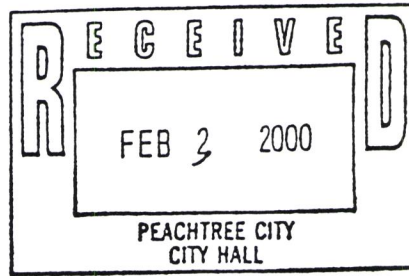
Thank you for this opportunity. If you have any questions, or if we can be of further service, please let us know.

Sincerely,

WEBB, STUCKEY & LINDSEY, LLC



Stephen D. Ott



Feb. 2, 2000

Mayor Bob Lenox,

The residents of Crabapple Lane, Leisure Trail, and Crabapple Woods would like to be placed on the Peachtree City Council Agenda for the Feb. 17, 2000 meeting. They would like to address the council and request that the Peachtree City Government, mayor and council members consider supporting these residents in their suggestion that GA Power Co. relocate its purposed substation along with its high tension transmission power lines to another site. The resident's purposal is that GA Power build its substation in the Shamrock Industrial Park area. This would move the purposed substation out of the Crabapple residential area into an industrial area which is more suited for a substation and 91' high tension transmission wires.

GA Power is in the process of acquiring land so this issue needs to be addressed as quickly as possible.

Sincerely,

Bonnie Beerbower

488 Crabapple Lane PTC

(770) 487-5439

January 27, 2000

Mike Dixon
Georgia Power Company

Re: proposed transmission line and substation on Crabapple Lane

Dear Mr. Dixon:

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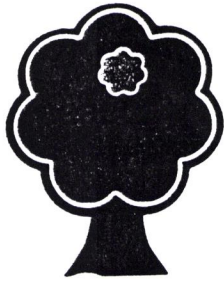
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Georgia Power's current plan would have a life changing effect on everyone in the Crabapple Lane, Waters Edge, Leisure Trail and Crabapple Woods neighborhoods. Many of us have lived here for years and would like to do so in retirement. Others are new residents who have bought homes as recently as December 1999. *Property values on Crabapple Lane range from \$200,000 to over \$1,000,000.* Protecting our lifetime investments is of major concern to all of us.

We believe that our proposal would prove to be a positive solution for all parties concerned. It accomplishes Georgia Power's goal and will not have a negative impact on our neighborhood. If Georgia Power accepts this proposal, it will receive complete cooperation with easements and other needs that may arise. However, should Georgia Power proceed with it's initial proposal the homeowners will take legal action through the courts to recover our losses.

Sincerely,

Rita Cole (spokesperson for Crabapple residents)



Peachtree City

Georgia

February 18, 2000

Ms. Helen O'Leary
Executive Secretary
Georgia Public Service Commission
47 Trinity Avenue
Atlanta, GA 30334

Via Facsimile: (404) 656-2341

Dear Ms. O'Leary:

As you may know, Georgia Power Company is proceeding with plans to construct a sub station and install transmission lines along Crabapple Lane in northern Peachtree City, which is located in Fayette County. The affected property owners are opposed to this project and have expressed their concerns to our City Council. The residents are seeking a delay in the project so they may hire a consultant to verify information they have been provided by Georgia Power on a number of technical issues and to explore a negotiated settlement to this dispute.

We, the Councilmembers, recognize that a project of this nature must be completed in this general area to continue the provision of adequate electrical service to the northern portion of our city as the summer months approach. However, we also understand the concerns of the affected property owners and support a resolution to their dispute with Georgia Power that would not adversely affect other electrical customers in our community. Toward that end, the City Council of Peachtree City respectfully requests that the Public Service Commission:

1. Grant a reasonable delay on this project that would not jeopardize power service this summer to other areas; and
2. Examine all issues related to this construction project and help arrive at a decision that is in the best interests of all citizens of Peachtree City.

I look forward to hearing your decision regarding these requests at your earliest convenience. Please feel free to contact me if you have any questions on this matter.

Thank you for your consideration.

Sincerely,



Robert L. Lenox
Mayor

RLL/bt

cc: Mr. Bob Durden, Chairman, Georgia Public Service Commission
Mr. Robert "Bobby" Baker, Jr., Georgia Public Service Commission
Mr. David L. Burgess, Georgia Public Service Commission
Mr. Lauren "Bubba" McDonald, Jr., Georgia Public Service Commission
Mr. Stan Wise, Georgia Public Service Commission
Ms. Sheree Kernizan, Director, Electric Section, Georgia Public Service Commission
The Honorable Rick Price, Georgia State Senate
The Honorable Kathy Cox, Georgia House of Representatives
Mr. Jim Hurt, Georgia Office of Consumer Affairs
City Councilmembers
Mr. Rod Drake, Georgia Power Company
Ms. Rita Cole,