City Council of Peachtree City
Minutes of Meeting
February 7, 2008
7:00 p.m.

The City Council of Peachtree City met Thursday, February 7, 2008, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present: Steve Boone, Don Haddix, Cyndi Plunkett, and Doug Sturbaum.

Announcements, Awards, Special Recognitions

Mayor Logsdon recognized Willie Prather of the Recreation Department for 10 years of service. Rick Mendenhall was recognized for his service on the Peachtree City Airport Authority (PCAA), and Joe Frazar was recognized for his service on the Recreation Commission. Logsdon proclaimed February 26 as "Spay Day USA" in the City, and Sheryl Tomberlin of the Georgia Heartland Humane Society gave a short PowerPoint presentation on the importance of spaying and neutering pets.

Public Comment

There were none.

Agenda Changes

There were no changes.

Minutes

Boone moved to approve the January 17, 2008, regular meeting minutes as written. Haddix seconded. The motion carried unanimously.

Monthly Reports

Logsdon asked Finance Director Paul Salvatore how the City was doing financially as far as revenues were concerned. Salvatore said the finances were on track, but sales tax was tracking eight percent below what was expected. He would have a full report at the Council Retreat on February 29-March 1. He did not feel that the sales tax shortfall would be a problem since there was extra in fund balance. Plunkett asked if Council should direct staff to lower expenses in order to compensate for the shortfall. Salvatore said no the projected year-end balance was still on track. There would be a shortfall this year, but there was extra money in the fund balance. An economic downturn was one of the reasons for the cash reserve. Service levels could be maintained without increasing the millage rate. Salvatore added that, fortunately, FY 2007 had been better than projected by about the same amount as the projected sales tax shortfall for FY 2008. Plunkett said the economy was not going to get better any time soon, so she asked to look at cutbacks during Retreat. She preferred that the fund balance not be used if possible. McMullen said he and Salvatore had spoken with the directors and chiefs about the shortfall. Nothing had been suspended, but they had been directed to purchase only essential items.

Consent Agenda

1. **Consider Acceptance of GEMA Grant for CERT Program**
2. **Consider Bid – Update Newsletter Printing & Mailing**
3. **Consider Bid for Medic Unit Remount**

McMullen noted that there was an additional document on the dais – a copy of the Community Emergency Response Team (CERT) grant agreement. Haddix moved to approve the Consent Agenda. Boone seconded. The motion carried unanimously.

Old Agenda Items

10-07-13 Consider Request for Abandonment of Line Creek Circle and a Portion of Line Creek Drive

Rick Lindsey, attorney for Capital City Development and Doug McMurrain, addressed Council. He pointed out that the roads, which were located off SR 54 West, were fairly short, and the majority of the roads were contained on property owned by Capital City Development. There were no buildings or services on the back part of the roads. One of the roads was severed recently due to utility installments, and there had been no complaints. Lindsey asked Council to consider abandoning the roads, since they served no public purpose. The conceptual site plan appeal (Agenda Item 02-08-02) was for a plan based on the right-of-way for the roads as they currently existed. If the developer was allowed to buy the abandoned right-of-way at a fair market price, then McMurrain would come back with a better development. The City would get no benefit from any commercial project that went across Line Creek to the new Coweta County development at SR 34 and Fischer Road.

Logsdon agreed that the City should receive the fair market value for the roads, but told Lindsey he had expected to hear more about the conditions and constraints the developer was willing to agree to. Lindsey said the developer guaranteed the City a minimum of $500,000. The entire tract would be appraised, and the developer would pay a pro rata share for the square footage in the abandoned rights-of-way. There had been several plans, including one with a big box, Kohl's, hidden by smaller stores. They would like to bring back the plan for the Kohl's and have the Planning Commission consider the special use permit application. The developer had talked to several stores, all of whom exceeded the 32,000 square-foot limit set by City ordinance. McMurrain wanted to work with the surrounding properties. More could be done with buffering for Cardiff Park if the developer had the flexibility the road abandonment would provide. If the roads were left as they were, the developer had no choice but to go with small retail. The developer had talked with a gas station, which no one wanted, but was allowed in GC General Commercial zoning. They would rather come to an agreement with the City and guaranteed $500,000 for the roads, whatever the appraisal was. Lindsey continued that the developer had worked with the Cardiff Park homeowners to come up with a list of 24 conditions for Proposal 1 (Kohl's) and 23 conditions for Proposal 2 (five stores ranging in size from 25,000 to 40,000 square feet). The developer had agreed to all conditions for each of the proposals. Logsdon said he had hoped to avoid negotiating from the dais.

Plunkett asked for a copy of the conditions. Lindsey provided a copy of the conditions to Council. Plunkett and Sturbaum read the conditions, which included the following:

Capital City Development (CCD) is committed to its position that the residents of Cardiff Park would not see, hear, or smell the Central Park project along our common property line. In meeting that commitment, attached are the proposed conditions to meet the goal.

1. *City code requires a 50-foot undisturbed buffer along and adjoining residential zoning. CCD will meet the minimum code on the undisturbed buffer. In addition, CCD will extend the buffer to a minimum of 90 feet, 70 feet undisturbed with 20*

feet re-vegetated, up to 140 feet behind Retail A and B, and reforest along with vegetative landscape to enhance the common property line with Cardiff Park.

2. *In the areas of the proposed 70-foot undisturbed buffer that are not currently vegetated or is sparsely vegetated, CCD will provide new landscaping.*
3. *A six-foot high berm will be installed at the 20-foot re-vegetated portion of the buffer. A six-foot visual screen fence will be installed on top of that berm. Evergreen landscaping will be installed on that berm. CCD landscaping will work with the individual adjacent property owners such that landscaping meets the approval of tree locations and type. To meet their satisfaction, individual property owners will be encouraged to be on-site as the actual planting installation takes place.*
4. *The buffer landscaping and fencing will be installed as the first course of construction.*
5. *A security fence shall be installed at the top of the retaining wall along the rear of the driveway of the shopping center and along a portion of the southeastern corner of that project if necessary.*
6. *In an effort to absorb sound, the retaining walls along the rear of the property will be constructed to be green vegetative retaining walls.*
7. *No work by CCD will occur on City property west of the development (the City-owned land that connects to Planterra).*
8. *The east property line of the project will be evaluated once the project is completed to determine if additional screening is necessary.*
9. *CCD will work with the Planterra Homeowners Association, Cardiff Park Homeowners Association, and the City to develop a new landscaping plan for the east and west sides of Planterra Way entrance. CCD will install the agreed upon landscape plan at no cost to the associations (Plunkett added, or the City).*
10. *CCD will restrict any truck movement along the rear drive of the shopping center between the hours of 8 p.m. and 8 a.m.*
11. *A lighting plan will be developed to provide safe levels of security lighting that does not extend over the property lines.*
12. *Sound baffles will be added to any rooftop mechanical systems on the buildings along Cardiff Park.*
13. *There will be no internal road connection to MacDuff Parkway or Planterra Way. CCD will be requesting an approval from the Georgia Department of Transportation for the installation of a traffic signal at the development entrance.*
14. *CCD will provide the minimum number of parking spaces required for the square footage proposed.*
15. *The landscape trees will be the size and type to create a grand entry driveway from Highway 54 to the front of the building.*
16. *Several premium golf cart spaces will be located along the front sidewalk areas of the building.*
17. *Decorative paver areas will be incorporated throughout the parking lot and drive, pedestrian crosswalks, and public areas.*
18. *The architecture will be in accordance with the Highway 54 overlay district and, in most cases, exceed the requirement.*
19. *`The vision for the shopping center is to be first-class development similar to The Avenue just east of the site. The Kohl's and the adjacent shop buildings*

architectural design renderings will be attached to the Planning Board's conditions. Significant attention has been given to landscape and hardscape design for this project. There will be several outdoor restaurant seating areas, as well as public areas with fountains, beautiful landscaping, hardscape, and pedestrian walkway. The landscape and the hardscape plans will be attached to the Planning Board's conditions.

20. *A golf cart path will be extended along the frontage of the development and connect to Planterra Way/Highway 54 intersection and a golf cart will be extended east toward the Tennis Center.*
21. *CCD will provide the same level of security as experienced at The Avenue project.*
22. *Upon approval of the special use permit for the Kohl's by the City Council, these development conditions will be recorded and made part of the approval conditions.*
23. *Outdoor sound system with music to be installed. Outdoor sound system will be similar to The Avenue project.*
24. *CCD will accept suggestions from Peachtree City residents for potential tenants for Retail A, B, and C and CCD will work earnestly to contract and follow up with the suggested retailers.*

Plunkett said it was important to include the conditions on behalf of the Cardiff Park residents who worked hard on the negotiations and to have a project they felt was attractive to the City. Although she felt they missed the mark on a few things, the yeomen's work was excellent.

Residents who spoke regarding the request included Larry Bradley, Gerald Monroe, Walter Gammell, Brian Dingivan, Beth Pullias, Richard Spain, Phyllis Aguayo, Dave Jennings, D'arcy Pitts, Jennifer Summers, and Frances Meaders. Their comments included:

- Cardiff Park residents supported the plan and negotiated hard for the conditions in order to get a better plan.
- Cardiff Park residents appreciated the berms, sound deflection, and restriction on truck traffic.
- The $500,000 could be used to help approximately 21 subdivisions with private streets, which were not built to City standards by the developers.
- The road abandonment should be used to expand Line Creek Nature Area, which would benefit the entire City.
- There was no step-down zoning between the commercial project and the residential zoning.
- The project should be good for the entire City, not just the adjacent homeowners.
- There should be a clear idea of which option would be built before the roads were abandoned so the City would not end up with another Lexington Circle.
- A smaller development was preferred with no building larger than 32,000 square feet.
- A land swap would be better for the City.
- Several empty stores would look worse than a big box that looked nice.
- Everything should be pinned down in the documents, and the correct process must be followed.
- Every exception to the Land Use Plan made it more difficult to uphold it in the future.

City Attorney Ted Meeker was asked to explain his concerns regarding the road abandonment and selling property the City did not have clear title to. Meeker clarified that there was no question that the City owned the roads, but in how the City acquired title to the roads. The City did not acquire the roads through a deed or plat dedication, but by prescriptive title, which meant the City had owned, operated, and maintained the roads for years. The impact was on the back end and whether the roads could be sold or whether the title passed automatically if the City abandoned the roads. Short of a proper condition by the developer, there could be an issue regarding compensation to the City if the roads were abandoned.

Plunkett clarified that the City owned the roads, but if the roads were abandoned the adjoining property owners would have a share in them. McMurrain owned the property on all three sides. There was a level of trust that the developer would pay the agreed upon price. Ultimately once the roads were abandoned, McMurrain owned them. That was the part she was concerned about.

Logsdon said that there would be a signed agreement regarding anything the developer offered for the road abandonment, but the City could not legally sell the roads. Lindsey said they could legally enter into a binding agreement. He said they would be bound to whatever the developer committed to. Meeker said that, if the vote were to abandon the roads, there would be some reliance on Council's part that would be actionable in the event of any future problems. From a legal perspective, this was as good as could be gotten under the circumstances.

Logsdon noted this was an emotional issue. He was neither for nor against a big box, but he was looking for the best plan. He had to hear the developer say he was not coming back with a big box. He would entertain a plan with smaller boxes.

Haddix said the public interest was not defined only by whether there were vehicles on the road. It was also defined by whether the City's residents had a vested interest in the road to accomplish any purpose the residents wanted to accomplish. In this case, the purpose was to control development. The plan was great, but a big box was a big box, and there would be more empty retail space elsewhere in the City. National studies had shown that big boxes ended up with a negative return to cities when all the factors were considered. Haddix pointed out that Suwanee now ranked as the seventh best place to live in the United States, and Suwanee's strategy was the village concept. The City had been number eight, but had fallen to 64th place with all the big boxes. The City's big box ordinance was created in response to requests for the big boxes. The City lost the Lowe's lawsuit due to an exception clause in the ordinance. The City was moving towards making no exceptions. He understood the concerns of the Planterra and Cardiff Park residents, but more would be impacted. State law said the roads could not be abandoned if there was public interest. People all over the City were opposed to abandoning the roads. The residents would prefer nothing be developed. He could not disregard the public interest. He would support a legal plan.

Boone disagreed. Council had a legal opinion from the City Attorney. He believed the road abandonment was in the best interest of the City. He had corresponded with a large majority that favored abandoning the roads. The discussion was about the road abandonment, not the size of the stores. The proposal would go to the Planning Commission and could be debated later. The 24 conditions were prudent and should be included in the proposal. Landscaping was definitely a concern for Cardiff Park. The restrictive title had been clarified. He liked the idea of a trade-off or land swap since there was not much undeveloped land left in the City. There should be a signed agreement with all the conditions. The plan must have enough vegetation to buffer the SR 54 corridor and what was planned for the Gateway Bridge. Nothing said the abandonment was illegal.

Haddix asked for clarification from Meeker since his opinion stated it was arguable. Meeker said he had laid out the standard to be applied. It was up to Council to apply the standard to the facts and evidence. They were following the correct process.

Sturbaum referred to Haddix's statement about stopping abandonment of the roads and asked for clarification. Haddix said the clear objection was that state law stated the City could not abandon roads that served the public interest. The public interest was not defined exclusively as vehicular traffic on the road and included public interest for other purposes. There was no clear definition on what the public purpose had to meet. He noted that 75% of those had who spoken on the issue (residents who had e-mailed, called, or discussed the issue during election season were included) were opposed to the abandonment.

Sturbaum said he was also concerned about The Avenue. The City had a limited retail base of citizens, and Kohl's created competition in the market, as would the Flexxon project when it opened. There would also be another one million square feet of retail in Coweta County just outside the City.

Plunkett said she had a lot of concerns and would rather have the shopping money spent here than in Coweta County. The property had been zoned commercial for a long time. The roads could be used as a negotiating tool. She felt it was in the public interest to use public property to get a perfect commercial property. It was hard to fill a 100,000 square-foot store with other retail once it had closed. Plan 2 had smaller stores and was more attractive. There were more retail choices in the 30,000 to 50,000 square-foot range that would be easier to refill. She also had fewer concerns with that market. She did not want a gas station, which was allowed under the current zoning, and would rather abandon the roads for upscale retail.

Logsdon pointed out that the appeal of the Planning Commission's decision was later on the agenda, and it was something he did not think the City could legally deny. Council must maintain control to protect the best interest of the City. The roads served no one. A road was for transportation. He did not believe that using the road for negotiation could be defined in the public interest. The City Attorney had said it was not illegal to abandon the roads. If the roads were not abandoned, the City would get something it really did not want. Logsdon felt McMurrain had to make a commitment to the City. They had named a dollar figure and agreed to the conditions. The developer needed to say he would not come back to Council with a big box.

McMurrain said he understood. A lot of people had spent a lot of time trying to make this project a Peachtree City project. He believed the Kohl's plan had met a lot of the objections the City had to a big box. The City's special use permit ordinance (often referred to as the big box ordinance) was set at 32,000 square feet, which was an arbitrary number. There was a wide selection of anchors available at 50,000 square feet or less. He hated to give up Kohl's because it would go to the new development in Coweta County, and the City would still get the traffic, but not the tax dollars. He could develop with 50,000 square feet. The issue at this meeting was the road. If the roads were abandoned, he could come back to Council with a request for a special use permit. If the roads were abandoned, he would not put in a gas station. He did not want to develop the gas station plan because he would lose money. Plunkett clarified that Council was not granting the special use permit. She added the conditions for Plan 2 were substantially similar to Plan 1. She was also concerned about a fast food restaurant, and it appeared that the conditions for Plan 2 called for only upscale restaurants. McMurrain said he did not remember about the fast food, but the plan did not lend itself to that. There were no drive-throughs. He did not want to develop a lot of small shops.

Boone pointed out that any plan had to go before the Planning Commission before it came to Council. This meeting was not the forum to discuss those points. The issue was the road abandonment. Logsdon said there had to be assurances. His vote to abandon the roads was to avoid Plan 3. McMurrain gave Council his word that Plan 3 would not come back.

Meeker clarified that 32,000 square feet for the special use permit was not an arbitrary number. The City had employed a planning expert, a Georgia Tech professor, who had researched the big box issue, and the number was based on his findings. Logsdon said he preferred that McMurrain come back for a special use permit because that would give the City some control. Plunkett said the roads and the big boxes were tied together. Boone reiterated that this meeting was not the forum to debate what the Planning Commission would or would not approve. Plunkett said the public interest of the roads was to protect the property. The City could spend the money needed to keep them. She would not do anything that was not favorable to the City, so the big box issue should be debated now.

Haddix said the public did not want the roads abandoned for more retail that would create more empty retail space. Logsdon agreed. He preferred that nothing be built on the property, but noted the property was zoned commercial. The property owner was entitled to build.

Plunkett asked Meeker if the conditions would be enforceable if Council voted to abandon the roads. Meeker said they would be enforceable for McMurrain, but might not be for any subsequent purchasers. Lindsey said the wording could be, "assignee and successors." Meeker said it was not a deed restriction or a zoning ordinance, so any agreement would not be recorded. Lindsey said he would not want to argue any violations. Meeker agreed, but added that he would not want to have a judge tell him that the conditions were not binding on a subsequent purchaser. Lindsey said he would advise any clients not to take it to court. Plunkett preferred that Meeker and Lindsey work together to figure out how to protect the City. She was willing to come for a special called meeting. The Council consensus was to recess for the attorneys to confer. The break began at 8:40 p.m. and ended at 8:58 p.m.

Lindsey gave Council another option. He was prepared to read the conditions for Plan 2 into the record and add a 50,000 square-foot condition. He continued that Meeker asked him to put the agreement in writing, which could be read at a special called meeting. The conditions would be part of the development agreement. The road property would be deeded over to Capital City at the same time the development agreement was signed.

Meeker said there was a question as to which plan would be considered if the roads were abandoned. He continued that McMurrain said that basically Plan 2 would be considered. He noted that Plan 2 had not gone to the Planning Commission for review. Plunkett said there were also some concerns that Plan 2 might not meet the overlay requirements, but the Planning Commission was responsible for that. Meeker said the Planning Commission would also need to review the conditions that the residents and the developer had agreed to. From a preliminary standpoint, a development agreement could address the core issues, particularly the ones raised at this meeting, and could be recorded and binding on McMurrain and any successors.

Plunkett moved to continue the matter until a special called meeting on Wednesday, February 13. Lindsey asked that the appeal of the Planning Commission decision (Agenda Item #02-08-02) also be continued until the same night in the event they could not come to agreement on the road abandonment. Plunkett restated her motion to continue the request to abandon Line Circle and a portion of Line Creek Drive until Wednesday, February 13, 7 p.m., and to continue the appeal of the Planning Commission decision regarding denial of the conceptual site plan for Line Creek retail center. Boone seconded. The motion carried 5-0.

11-08-18 Consider Concept Approval of Intersection Improvements for Walt Banks/Peachtree Parkway and Crosstown/Peachtree Parkway

Logsdon asked City Engineer Dave Borkowski if there had been any changes to the recommendation. Borkowski noted that the concept had not changed.

Boone moved to accept the intersection improvements for Walt Banks/Peachtree Parkway and Crosstown/Peachtree Parkway as discussed and presented by the City Engineer. Haddix seconded. The motion carried unanimously.

Borkowski briefly reviewed the improvements, which included the addition of turn lanes at Walt Banks/Peachtree Parkway North. The improvements at Crosstown/Peachtree Parkway included turn lanes and a traffic signal. An unidentified resident recalled that Council had not wanted a signal at Crosstown/Peachtree Parkway South. Logsdon explained that the City had talked to the Department of Transportation (DOT) regarding the signal, and the signal was already warranted. If the signal was not included in the intersection improvements, the City would receive no transportation dollars. Plunkett added that, without a signal, the road improvements would be less safe than what was there now. Logsdon asked Borkowski the timeline for construction. Borkowski said it would be about 24 months. He added that the current configuration at Crosstown/Peachtree Parkway did not meet the required standards, which was another factor in the decision.

Phyllis Aguayo asked Borkowski if the improvements at the Walt Banks/Peachtree Parkway intersection were not overkill. She said the backup usually moved quickly. Borkowski explained that the model also looked at future capacity. The current delays were significantly longer than the standard. The intersection met the warrants for additional turn lanes and a signal, which could be added in the future.

Al Yougel agreed with Aguayo. He added that some public education on four-way stops would be beneficial when traffic backed up and should be included in the City's newsletter. When traffic was sporadic, there were problems.

<u>**New Agenda Items**</u>

02-08-01 Public Hearing – Consider Conservation Subdivision Ordinance

City Planner David Rast addressed Council. The ordinance was required by the Metropolitan North Georgia Water Planning District (MNGWPD), and the template had been modified to suit the City. The Planning Commission recommended its adoption. The proposed ordinance encouraged open space in subdivisions and would allow developers to cluster lots and put deed restrictions on the open space. Rast said that, since most of the City was developed, it would have been great to have such an ordinance earlier, but many of the developers in the City had done it with land that could not be developed anyway, such as floodplain and wetlands. The proposed ordinance required usable property to be left as open space.

Phyllis Aguayo said that clustering had been a way to get more houses in the past. She wanted to make sure the ordinance would not allow that. Rast said that, on a 100-acre property, they would determine the number of houses allowed if the subdivision were developed in the traditional way. Approximately 40 acres would be left by the time the streams, wetlands, and rights-of-way were removed. The houses would be clustered in one area of approximately five to 10 acres, with the remainder of the property left as open space. The number of lots would be determined by the base zoning of the property, which would help prevent higher density. Aguayo asked if the open space would be in perpetuity or if it would expire over time. Rast said it would be in perpetuity; a permanent conservation easement would run with the land. Aguayo was in favor of the ordinance.

Richard Spain asked how the greenspace would be used in calculating density. Rast explained that the greenspace had to be developable property, and any portion of the lot that was not developable in a traditional subdivision could not be used for the calculation. Meeker added that the provisions in the ordinance were not standard. Under this ordinance, five things were excluded – slopes over 25% of at last 5,000 square feet contiguous area, 100-year floodplain, bodies of open water over 5,000 square feet contiguous area, wetlands that met the definition of the Army Corps of Engineers pursuant to the Clean Water Act, and anticipated right-of-way needs for roads and utilities. The lot yield would be based on the current zoning on the acreage left after these things were subtracted.

The public hearing closed.

Plunkett noted that this ordinance would provide additional protection. Plunkett moved to approve the conservation subdivision ordinance as defined in the agenda packet. Sturbaum seconded. The motion carried unanimously.

02-8-02 Consider Appeal of Planning Commission Decision Regarding Denial of Conceptual Site Plan for Line Creek Retail Center

This item was continued until February 13 special called meeting per motion for Old Agenda Item #10-07-13.

02-08-03 Consider Actions & Amendment to Health & Sanitation Ordinance Relative to Tattoo/Body Art Studios

Logsdon noted there was an additional document on the dais – a memo to the City Council dated February 4, 2008, with the subject, "Consider Amendment to Health and Sanitation Ordinance

Relative to Tattoo Studios." Acting Administrative Services Director/City Clerk Betsy Tyler addressed Council. She said that one occupational tax application had come in from a business providing tattooing. Staff had looked at the County and state requirements. The state assigned oversight to county boards of health, and Fayette County had not adopted any regulations or a permitting process for them. From what staff understood, if the county had no regulatory oversight, it went back to the state's Department of Human Services. Fayette County also prohibited tattoo studios that were not under the direct supervision of a physician. Staff had incorporated that language since there was no other health-regulating agency or permitting agency at the local level. Some restrictions on advertising were added on how tattoo parlors were advertised. The shops would have to be in LI Limited Industrial zoning, and there were stipulations on the facility layout for health reasons and privacy. The hours of operation would be limited to 8:00 a.m,-8:00 p.m. There was an error on page 2 of the proposed ordinance, Sec, 42-203(c); light industrial should be changed to limited industrial.

Boone asked why the City could not just deny any request to open a tattoo parlor. Meeker pointed out that the uses permitted in the current zoning were very broad, and a tattoo parlor qualified under the current provisions. A more restrictive list of uses for the City's commercial and industrial zoning areas was needed. If a City did not otherwise permit a use, then the use was excluded. This ordinance would help for now. Logsdon asked where the County's regulation regarding supervision would apply. Meeker said it only applied in the unincorporated County. If the Health Department had adopted rules, then they would apply throughout the County.

Sturbaum asked what would happen if tattoo parlors were banned after the City worked on the zoning ordinance. Meeker said this ordinance would have to be repealed. Plunkett asked how quickly the other ordinances would be in place. Meeker said they should be ready in about 60 days. Haddix said there were other concerns with this type of business, such as age restrictions. Meeker said he understood; this ordinance was a quick response. Tyler added that there were many other health stipulations that the City's staff did not have the expertise to enforce. This was an effort to get something on the books. Plunkett asked to have the other ordinances addressing the bigger problem on the agenda for the second meeting in April.

Plunkett moved to amend the Code of Ordinances to provide requirements for tattoo artists and tattoo parlors, to provide definitions, to establish qualifications, and other purposes with the correction noted on page 2. Haddix seconded. The motion carried unanimously.

02-08-04 Consider Ordinance Amendment – Unrelated People in House/Occupancy Issues

Rast said having unrelated people in a house was becoming a problem in some subdivisions in the City. Senior Code Enforcement Officer Tami Babb had done a lot of research on the topic and had looked at what other cities had done. Babb and Building Official Tom Carty had developed a list of items to add to the City's Property Maintenance Code, and the City Attorney was comfortable with their changes. There were a number of other amendments that needed to be made to the Property Maintenance Code, which would then be forwarded to the Department of Community Affairs. Article X, Sec. 18-276 needed to be repealed, and a new ordinance should be adopted so there would be clarity regarding the local amendments to the Property Maintenance Code.

Plunkett said that, based on her review, the language was difficult. Logsdon said that, as he understood it, the proposed ordinance gave definition to bedrooms and closet space as tools to use to keep multiple unrelated people from living in a house.

Haddix asked how the amendments would control the number of people. Babb said that Chapter 4 of the International Property Maintenance Code gave specifics on the size of bedrooms required per occupant. The changes were additions to the code that would substantiate and clarify what the code said. It was more stringent in some requirements, such as requiring a whole kitchen. It also included language regarding the minimum number of bathrooms, which was not covered by the code now. Some residents were enclosing garages for use as bedrooms, which could mean they would have to add a half-bath or a complete bath. The changes also required closet space to complete the definition of a bedroom

Boone moved to approve the proposed amendment to Chapter 18, Article X Standard Housing Code, Section 18-276 and repeal the old Article X. Sturbaum seconded. The motion carried unanimously.

02-08-05 Consider Acceptance of Land Donation – Peach State Land Development
Rast said the developer had approached the City a few years ago and requested to deannex some property from the City that would be included in a subdivision he was developing in the unincorporated County. Staff, Planning Commission, and Council had supported the request because a common boundary would be created using the center line of Camp Creek. One of the conditions was for the developer to donate a 20.07-acre tract on the City side of Camp Creek to the City. The tract was all floodplain and was not developable; it also separated the Camp Creek subdivision from Camp Creek. The donation had not been a condition of the deannexation, so Council needed to formally accept the land donation.

Boone moved to accept the 20.07-acre land donation from Peach State Land, Inc. Haddix seconded.

Plunkett asked if staff would ensure there was no toxic waste dump or trash pits on the property. Rast said that Stormwater Manager Mark Caspar had walked the property and had found nothing.

The motion carried unanimously.

02-08-07 Bid-Police Vehicles
Salvatore the bid was for 10 police vehicles. Everything was in order. The bid was on the regular agenda instead of the Consent Agenda due to the dollar amount. Everything was budgeted, and the low bid was recommended.

Plunkett moved to approve the purchase of seven Crown Victoria patrol police vehicles for a price not to exceed $145,859 and the purchase of three unmarked Criminal Investigation replacement vehicles for a price not to exceed $55,503. Sturbaum seconded.

Boone asked what would happen with the old vehicles. Salvatore said they would be used elsewhere in the City. Assistant Finance Director Janet Camburn added that, as soon as they were available, the older vehicles were used as trade-ins, were sent to the Fayette County auction, or were put on eBay or govdeals.com. Boone asked if that had been successful. Camburn said staff had used eBay, but not govdeals.com yet.

The motion carried unanimously.

02-08-08 Appoint/Reappoint Ethics Board Members
Tyler noted that Logsdon's appointee, Beth Brooks, was unable to serve. She continued that Logsdon had nominated Bruce Brooks to serve as his other Ethics Board representative pending a successful background check.

Boone moved to appoint Bruce Brooks to the Ethics Board. Plunkett seconded. The motion carried unanimously.

Council/Staff Topics
McMullen reported that right-of-way acquisition had started on the CSX multi-use bridge. Staff met with DOT recently, and the process for the acquisition was very strict. The cost estimates for the land were expected in a week to 10 days, then they would meet the landowners. There were multiple steps, and the City had to get clearance from DOT before going to the next step.

Boone moved to convene in executive session for threatened or pending litigation and a personnel matter at 9:43 p.m. Haddix seconded. The motion carried unanimously.

Sturbaum moved to reconvene in regular session at 10:15 p.m. Boone seconded. The motion carried unanimously.

There being no further business to discuss, Boone moved to adjourn. Sturbaum seconded the motion. The motion carried unanimously. The meeting adjourned at 10:16 p.m.

Betsy Tyler, Acting City Clerk

Harold K. Logsdon, Mayor

Pamela Dufresne, Recording Secretary