City of Peachtree City
Minutes of Meeting
February 6, 2003
7:00 p.m.

The City Council of Peachtree City met on Thursday, February 6, 2003, 7:00 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Annie McMenamin, Steve Rapson, and Murray Weed. Dan Tennant was out of town

Announcements, Awards, Special Recognition

Mayor Brown recognized Robert Huefner, a senior at McIntosh High School, as the winner of the Wendy's High School Heisman Trophy. Mary Haas was recognized as the Supervisor of the Quarter. Scott McCord, Brenda Rogers, and Betsy Tyler were recognized as the first employees in the City's history to complete and receive certification from the Management Development Program sponsored by the Atlanta Regional Commission.

Minutes

Weed moved to approve the January 16, 2003, minutes as written. McMenamin seconded. The motion carried unanimously.

Brown noted that the Council Retreat would be held March 7-8 at the Wyndham Peachtree Conference Center.

Consent Agenda

1. **Consider Amendment to Alcohol License**
2. **Alcoholic Beverage License - Addition of Distilled Spirits - Hub's Birds and Brews**
3. **Consider Approval of Amended CAR 3-8**

Brown moved to take Consent Agenda Item #3 off the Consent Agenda. Rapson seconded. The motion carried unanimously.

McMenamin asked Chief Murray if he was satisfied with the proposed amendment to the alcohol license ordinance and if the changes would help him with the process. Chief Murray said yes. Rapson added the changes also allowed the City to recoup some of its expenses when an applicant had an unsatisfactory background search.

Rapson moved to approve Consent Agenda Items #1 and #2. McMenamin seconded. The motion carried unanimously.

3. Consider Approval of Amended CAR 3-8

Brown said there was much discussion on this and staff had suggested the possibility of adding the item to the Retreat agenda to allow for more discussion. Brown moved to continue this item to the Retreat (March 7-8) agenda. Weed seconded. The motion carried unanimously.

Old Agenda Items

04-02-07 Great Georgia Airshow Budget Recommendations

Brown noted this would be one of the items discussed at Retreat in relation to CAR 3-8. He said the memo from Airshow Director Jerry Cobb that was on the dais provided more information that had been requested by Council.

Cobb thanked the public for their support and read some of the information included in his memo for the public. The airshow organizers spent more than $138,000 in the surrounding area to produce the airshow. The inclement weather shut the show down on Saturday and part of Sunday. The weather severely affected the revenue from tickets and drink sales, as well as the money raised by the local civic organizations. He thanked the City for its support and said the Police and Fire Department's help was immeasurable especially given the events. He added there would be no rain next year.

Brown asked, historically, how many tickets were usually sold prior to the event. Cobb said the ticket sales were way down because the public knew the storm was coming. The ticket sales were budgeted at $90,000 on-site and $55,000 off-site. As a result of the weather, $24,000 was sold on-site and $26,000 off-site. Traditionally, more were sold off-site and the biggest sales were the Thursday and Friday before the show. The net loss for the show was $7,80O.

12-02-07 Public Hearing - Rezoning of Numerous Parcels of Property (Land Use Plan Update) for four sites in the Industrial Park

City Planner David Rast addressed Council. He identified the four remaining parcels as the Lake McIntosh dam and spillway, the Lake McIntosh nature area, the Planterra golf course, and the Planterra golf course clubhouse. Rast said the parcels had hundreds of property owners that had to be notified, most by certified mail. He said there was not the time, nor the staff, to do the notification as specified by City ordinance. The cost of the certified mailings alone was enormous. Staff recommended sending the rezonings back to the Planning Commission and that the Planning Commission withdrew the requests to rezone the parcels from Industrial to Open Space.

Brown said he was alarmed that the golf course had been left industrially zoned. Rapson asked if all the parcels were Industrial. Rast said Patten Seed Company owned the Planterra property and the County owned Lake McIntosh. Rast continued, stating that the tax maps showed the contiguous property owners and the owners within 200 feet. It would be an enormous task to do the notifications.

Brown asked if state law mandated that adjoining property owners be notified by certified mail. City Clerk Jane Miller noted that the certified letters were required by City ordinance. Brown asked if, due to the expense, the procedure could be changed for these rezonings because of the circumstances. City Attorney Ted Meeker said if a procedure was in the ordinance then it should be applied across the board. He added that it set a dangerous precedent to pull one rezoning out and change the procedure.

Rast noted that several years ago there was a mass rezoning in Kedron Village, but the property had not been developed. He continued that was how some of the villages were rezoned for land sections based on the old maps. There was just a notification in the paper because there were not any adjoining property owners.

Rast said one of the reasons the Planning Commission looked at the golf course was because the others were zoned Open Space and they wanted Planterra to be consistent. McMenamin suggested the Planterra golf course might have been left industrially zoned as a support for the Industrial Park. She pointed out that restaurants and other commercials entities would be allowed in the area as a support and incentives for the Industrial Park. Rast said the golf course and the Lake McIntosh property had been industrially zoned for years. Rast said the rezonings were really more of a housekeeping issue and staff supported asking the Planning Commission to withdraw the request for rezoning the parcels. The rezonings would not come back to Council if the Planning Commission withdrew the request.

Rapson moved to continue the rezonings until the next meeting. Weed seconded. The motion carried unanimously.

01-03-05 Approve Draft Legislation Creating a Recreation Authority Consider Recreation and Entertainment Authority Resolution

Meeker told Council that when Council changed Section 4 at the January 23 meeting he did not realize it would result to a change in Section 6, regarding vacancies that occur in the original appointments. Council also needed to consider the actual resolution, which would be forwarded to the Fayette County legislative delegation with the legislation.

Weed moved to approve the draft of the bill in the council books with the date 01/20/03 on it that would essentially create a Recreation and Entertainment Authority. Brown seconded.

Kathy Chamberlin addressed Council and explained the process the Fayette County delegation followed for local legislation. During the Chamber of Commerce's December Legislative Action Committee meeting, which was attended by members of the Fayette County delegation, Senator Mitch Seabaugh and Representative Virgil Fludd said such bills would need 100% support from Council. She pointed out that 100% of Council was not present at the meeting. Brown said he was told the number had changed when the delegation convened to go over the delegation rules. Chamberlin said she met with the delegation the day before (February 5) and they wanted to see at least 85% approval, but preferred 100% approval. She continued that with Tennant's absence and one abstention (Rapson) there would not be even an 80% vote. Brown said that was not his understanding and Meeker said he did not know anything about the approval rate required by the delegation. Chamberlin recommended Council table the matter to another meeting or until Council received clarification from the Fayette delegation.

McMenamin said a member of the Fayette delegation told her the legislation would not move forward if there were any concerns or controversy. Chamberlin said that would be good and pointed out a legal notice was run regarding the authority that was not approved the by legislator whose name appeared on the ad. Chamberlin continued that Council had not voted on whether or not to go forward with the legislation at that time. Brown asked how many days were left in the session. Chamberlin said the legislative session ran through mid-March and they had gone through about 13 days so far and were currently in recess. McMenamin continued that Council could hold a special called meeting after speaking to the legislators and after Tennant returned to the City. Chamberlin felt the delegation would look at the legislation with more approval if the full Council were in session when the vote was taken.

Weed said he knew Tennant would not vote against the proposed authority and that Tennant had been instrumental in the legislation. He added that the subcommittee and the Development Authority made Olympic-type efforts to get the legislation to move forward. If there had to be a special called meeting, Weed said to schedule it. He withdrew his motion.

Brown moved to continue the matter to the next regular meeting or special called meeting, whichever occurred first. Weed seconded. The motion carried 3-0-1 (Rapson).

01-03-08 Discuss/Consider Funding for TDK Boulevard Extension
Brown noted that the County Commission approved the intergovernmental agreement with no changes at its meeting on February 5. The vote was 4-0.

Rapson said his only issue was the County and City further agreeing that any funds that might be refunded would be reallocated to the County portion of the contract. Rapson said he did not feel that was the fair way to do it, but supported it in the spirit of compromise.

Weed agreed with Rapson and said that he had pointed it out to the City Attorney after the first draft. Weed continued that the Mayor and Tennant had worked hard on the agreement and he did not want to hold it up.

Brown said, from the City's perspective, they had discussed whether they wanted to limit the total amount of funds or take a chance on possibly having to pay more. They decided it was better to lock in a figure the City would be liable for under these circumstances, especially with the money coming out of the Council Contingency fund. Brown explained to the public that there was still seven months left in the fiscal year and, after taking out the funding for the first payment, there would only be $27,000 left in Council Contingency, which was extremely low at this point in the fiscal year.

Rapson said Senator Seabaugh called him and still wanted a list of Council priorities. Rapson stated that the Council Members needed to get their lists to Interim City Manager Colin Halterman in the next week or two. Seabaugh had also said Highway 74 South was a high priority for him and he was working as hard on that project as he was on TDK. Rapson said he was in favor of that.

Weed said he had the same conversation with Seabaugh and he also agreed that Highway 74 South was a priority.

Rapson moved to approve the funding and the contract for TDK Boulevard with $120,000 coming from Council Contingency and with the stipulation that $50,000 be allocated in next year's budget for this purpose, including $20,000 of additional engineering services to complete the City's portion of the bid package. Financial Services Director Paul Salvatore said there was also another $50,000 from PIP Contingency. Rapson said yes and the total was $170,000. Weed seconded.

McMenamin said Tennant called her from the airport and said he was totally in support of the TDK Extension and appreciated the opportunity to work with Seabaugh and the County. He looked forward to completion of the road. McMenamin echoed Tennant's comments.

The motion carried unanimously.

New Agenda Items

02-03-01 Alcoholic Beverage License - NEW - Ribs Inc.

The applicant, Edith Hood, addressed Council. McMenamin said the paperwork appeared to be in order and moved to approve Edith Hood as the Licensee and License Representative for Ribs Inc. Weed seconded. The motion carried unanimously.

02-03-02 Alcoholic Beverage License - NEW - Deli Delicious (Amphitheater)

The applicants, Lorraine and Andy Stasko, addressed Council. Rapson asked the City Attorney if he should abstain from the vote since the application was for the Frederick Brown, Jr. Amphitheater. Meeker answered yes.

McMenamin noted the paperwork was in order and moved to approve Lorraine Stasko as the Licensee and Andrew Stasko as the License Representative for the alcoholic beverage license at the Amphitheater only. Weed seconded. The motion carried 3-0-1 (Rapson).

02-03-03 Fayette County Chamber of Commerce - Discuss Business Conditions in Fayette County

Brown noted that the presenter was unable to attend this meeting and the presentation was rescheduled for the February 20 meeting.

02-03-04 Consider Amendment to Chapter 78 of the Code of Ordinances to Provide Vehicle Weight Parking Restrictions

City Engineer Troy Besseche told Council the amendment to the ordinance was to accommodate the larger vehicles driven by residents, such as the larger SUVs. The changes included changing the weight restriction from over 7,000 pounds to over 8,600 pounds, which accommodated the larger SUVs. Another change was to provide for a 20-foot length restriction.

Rapson moved to approve Ordinance 78-17 as presented. Weed seconded.

Matt Geipel addressed Council regarding his vehicle, a 22V2-foot truck that weighed 13,000 pounds. Geipel used the truck for his work and told Council it was his only vehicle and form of transportation. Geipel said he had lived in his home about two and one-half years and a new neighbor moved in about six months ago. The neighbor claimed the truck, which Geipel parked on the street at that time, was a safety hazard and called Code Enforcement. Geipel parked the track in his driveway, which eliminated the safety hazard. He said he used the track for work, as well as transporting his child to school. He felt he was being penalized for being a blue-collar worker.

Brown asked Senior Code Enforcement Officer Tami Babb if there was anything in Geipel's subdivision covenants that would prevent the vehicle from being parked behind his house. Babb said the ordinance allowed the truck to be parked on a pad behind the house, but she did not know if there was enough room behind Geipel's house to accommodate the distance requirements from the setbacks. Babb did not believe there were any specific covenants or deed restrictions regarding parking behind homes in Geipel's subdivision.

Rapson told Geipel he understood his situation, however, the City's ordinances made the City what it was. He was not sure what the solution was, but Geipel would eventually be cited for violating the ordinance. The reason the ordinance was modified was to accommodate the larger vehicles now driven by residents. Rapson asked Babb if the changes to the ordinance accommodated 99.9% of the problem and Babb said yes.

McMenamin told Geipel he needed to consider himself as having been put on caution and that he could be cited for violation of the ordinance.

The motion carried unanimously.

Council/Staff Topics

Halterman informed Council that the County's water system had announced a change in the outdoor watering restrictions. The restriction was now just odd/even with no time limit.

Meeker said he had two ongoing lawsuits and one threatened lawsuit for executive session.

McMenamin moved to adjourn to executive session after a short break to discuss pending and threatened litigation. Weed seconded. The motion carried unanimously.

Rapson moved to reconvene in regular session. Weed seconded. The motion carried unanimously.

Weed moved to deny the ante litem notice claim as forwarded by Brandon Homsby representing a Jamie R. Parkerson and dated January 16, 2003. Rapson seconded. The motion carried unanimously.

There being no further business to discuss, McMenamin moved to adjourn the meeting. Weed seconded. The motion carried unanimously. The meeting adjourned at 9:12 p.m.

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne, Recording Secretary