

City Council of Peachtree City
Minutes of Meeting
February 1, 2007
7:00 p.m.

The City Council of Peachtree City met Thursday, February 1, 2007, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present: Steve Boone, Stuart Kourajian, Cyndi Plunkett, and Judi Rutherford.

Announcements, Awards, Special Recognitions

Mayor Logsdon presented Council Member Rutherford with the Leadership Award from the Georgia Municipal Association.

Public Comment

Mark Weiss, who represented the travel baseball program (PTB), addressed Council concerning the equitable use of City-owned facilities, specifically practice and game-scheduling at the Baseball Soccer Complex. He asked Council to assist in mediating a solution to their problems.

Minutes

Rutherford moved to approve the January 18, 2007, regular meeting minutes as written. Kourajian seconded. The motion carried unanimously.

Monthly Reports

Rutherford noted that the joint Council/Planning Commission workshop on February 6, 6:30 p.m., was not on the calendar. The topic was the proposed West Village annexations.

Rutherford noted that the Workers Comp claims were up. Last year, year-to-date, there were two claims compared to six year-to-date this year. She asked if there were any specific reasons for the increase. Administrative Services Director/City Clerk Jane Miller said she did not know of any specific reason for the increase.

Plunkett noted that the hotel/motel tax collections were below projections. She asked Finance Director Paul Salvatore to address the issue at the next meeting in an effort to determine if there was anything that could be done about the shortfall. Rutherford added that building fees were also down by \$75,000, and that should also be addressed.

Consent Agenda

- 1. Consider Request for Funding from Fayette Senior Services**
- 2. Consider Atlanta Gas Light Easement on SR 74 and Kelly Drive**

Rutherford moved to approve the Consent Agenda. Boone seconded. Rutherford clarified that the payment was for 2007. Miller said that it was. The motion carried unanimously.

Old Agenda Items

01-07-04 Consider Approval of Cable Franchise Agreement

City Attorney Ted Meeker noted that the identical agreement presented at the January 18 meeting was also in this meeting's packet. Since the last meeting, the telephone franchise fee issue had been resolved to the City's satisfaction, and the money was paid earlier in the day.

Rutherford moved to approve the 10-year cable franchise agreement with Comcast and to authorize the Mayor to sign the agreement upon receipt of the \$9,000 check. Staff confirmed that the check had been received. Kourajian seconded. The motion carried unanimously.

New Agenda Items

02-07-01 Citizen Request to Address Council Regarding Removing Prohibition Against Keeping Live Poultry within City Limits [Zoning Ordinance, Article X, Section 1001.2(g)]

Rutherford asked if there was a recommendation from City staff. Meeker said that this was just a request. No action was needed at the meeting. However, staff felt the use was not appropriate. The issue fell under the zoning ordinance, which would require a text amendment, advertising, and a public hearing.

Oksana McGettigan told Council that she wanted to convince them to change the ordinance on poultry to allow owners of medium and low-density residential lots to keep four to five hens in a cleaned, fenced environment. She noted that several cities were chicken-friendly, including New York, Chicago, and Houston. The ordinances varied, but the number of chickens was usually limited, as was the location of the pen on the property. Some entities required the permission of the neighbors. McGettigan continued that chickens were useful to owners. They were refined eaters, and their fertilizer was useful for vegetable and flower gardens. They ate pesky yard bugs and ate food scraps. Raising chickens was an educational family experience. McGettigan asked that, if a decision could not be made at the meeting, she be allowed to keep them until the matter was addressed. McGettigan welcomed questions.

Logsdon opened the floor for comment. Residents who spoke in support of McGettigan's request included Tim Wright and John Macke. They understood the issues, but said chickens were a great education for children. The chickens should be allowed in a clean environment. They noted that pet stores sold baby ducks and chicks, and that domestic ducks and geese were living around the lakes.

John Dietze and John Connors, neighbors of McGettigan, spoke against allowing live poultry. They came to a community with ordinances that allowed them to live the lives they wanted and knowing chickens were not allowed. They asked who would monitor the chickens to ensure ordinances were followed. Richard Spain said Council had a good track record of keeping the ordinances and asked them to continue to do so.

Rutherford said Council could not take any action during the meeting other than to direct staff to go one way or another with an ordinance amendment.

McGettigan said she had hoped the matter could have been decided in a more neighborly manner before she had to come to Council. She noted her chickens were not kept near her fence.

Rutherford asked McGettigan if she asked the City if hens were allowed before she got them. McGettigan said she had asked when the hens were baby chicks kept in a box in her kitchen. Rutherford clarified that McGettigan knew the chickens were not allowed in the yard prior to keeping them in her yard. McGettigan said she knew that. She felt the problem had been with her rooster, which she no longer had.

Rutherford said the ordinance should stand as it was. Plunkett noted that McGettigan had asked to keep the hens until there was a resolution, and she did not feel they should be allowed. Rutherford said Council should either direct staff to move forward with a change in the ordinance, or decide there would not be a change.

Rutherford moved to accept McGettigan's information and that no action be taken. Boone seconded. The motion carried unanimously.

02-07-02 Citizen Request to Address Council Regarding Registration/Use of Kawasaki Mule on Paths

Ted Taylor addressed Council and said that his Kawasaki Mule basically met all the requirements of a golf cart. He had registered the vehicle with the City, but staff later decided that it did not meet the requirements. He asked Council to look at the information, which showed the vehicle met or exceeded all requirements. He said the vehicle was essential to him.

Meeker said that the consensus of staff was that there was no interest in changing the ordinance to allow the vehicle on the cart paths. Rutherford said that Taylor claimed the vehicle met the requirements. She asked how the vehicle did not meet the requirements.

Public Information Officer/Deputy City Clerk Betsy Tyler said that she had spoken with Taylor prior to the registration, and she told him that the vehicle was not permitted on the paths. Taylor said that had occurred. Tyler said the Mule was inadvertently registered, as were a few Global Electric Motorcars (GEMs). However, state law defined a golf cart the same as the City ordinance as far as the vehicle weight and speed. The Mule exceeded those requirements, so could not be classified as a golf cart. She continued that staff requested that Taylor return the decals and that his money would be refunded.

Plunkett asked if GEMs were allowed on the path. Tyler said they were allowed with the governor set at 15 mph. Plunkett asked if a Mule could be considered as a low speed motor vehicle (LSMV). Tyler said it had to be electric, registered and tagged through the County tag office, and had to have flashing lights attached for safety. Meeker added that there was set of federal regulations that governed LSMVs. The Mule did not fall into that classification, and it did not meet the City's definition for an LSMV.

Taylor noted that there were six and eight-passenger golf carts for sale in the City that could be licensed in the City. The Mule was a governed vehicle, just like a GEM. The low range of speed was 12-15 miles per hour. He did not see a measurable difference between the two vehicles, and he did not understand why the Mules were discriminated against.

Meeker said he understood the vehicle's description. He had one, but he did not live in the City. The Mule did not meet the qualifications for a motorized cart or an LSMV under state law. The biggest single difference was an LSMV had to have an electric engine. Taylor said the diesel engine was cleaner and more efficient. Meeker said he was not going to argue what was better or worse. There was a federal regulation that required LSMVs have an electric engine, which was the same regulation the City had in its ordinance. The Mule did not meet those requirements.

Meeker continued that the question before Council was whether or not Council wanted to entertain an amendment to the ordinance to allow this type of vehicle. He continued that, whenever something was opened up, there were always unintended consequences. If a Mule were allowed on the paths, then some people would ask why ATVs were not allowed. Meeker said he had nothing against Mules, but there was a real safety issue with those vehicles on the cart path. Kourajian asked if the issue was with the occupants of the vehicles or with the other people using the path. Meeker said it was the other people on the path. The vehicle itself was safe. Rutherford said the Mule was not an appropriate vehicle for the paths. It did not meet the requirements.

Boone moved to not change the ordinance and to deny use of the Kawasaki Mule on the cart paths. Rutherford seconded. The motion carried unanimously.

Council/Staff Topics

Signal Upgrades by DOT

City Engineer Dave Borkowski reported that DOT had selected several intersections in Fayette County, including some on GA 54 inside the City limits, for Fast Forward signal upgrades, which were designed to upgrade existing signal equipment and enhance transportation. The City intersections included GA 54 & Flat Creek Road/Willowbend Road, GA 54 & Willowbend Road/Northlake Road, GA 54 & Walt Banks Road/Carriage Lane, GA 54 & Robinson Road/Prime Point, and GA 54 & Peachtree Parkway. The existing poles would be replaced with mast arms that were perpendicular to the street and went across two lanes. Outdated bulbs would be replaced by energy efficient bulbs, and pedestrian features would be added at all the signals with handicapped ramps, push buttons, and painted crosswalks.

Rutherford asked if the upgrade would be at DOT's expense and what the timeframe was. Borkowski said it would be at the state's expense. He did not have a timeframe yet, but DOT was anxious to move forward. He would forward the timeframe to City Manager Bernard McMullen when it arrived.

Logsdon expressed concern regarding the pedestrian crossings. Some of the locations were particularly dangerous, and he said the crossings would encourage people to cross the street where it was not safe. Rutherford noted that golf carts would also try to use the pedestrian crossings, but it was a state regulation that the handicapped access be provided. Kourajian said the only way for a cart to get from one side of GA 54 to the other was to use the bridge by Partners Pizza. Logsdon said the DOT standard was overkill. He noted there was a crosswalk at the GA 54/34 intersection in Coweta County, which was also a very dangerous pedestrian crossing, that linked to nothing. Rutherford said they were state and federal upgrades.

Borkowski added that the signals would be connected by a fiber optic system, which would enhance the traffic flow. The loop would run from the GA 54/GA 74 intersection to GA 54 & Walt Banks Road. The magnetic detectors were to be replaced on some of the intersections by cameras that would talk to the other signals and let the signals know where there were cars. Rutherford said to make sure the information was in the **UPDATE** and that a press release was sent out when the work started.

Update on Parking Along Commerce Drive

Borkowski noted that World Gym had added approximately 23 parking spaces in the parking lot, which appeared to have solved the on street parking issue.

Flat Creek Multi-use Path/Bridge Approaches Update

Borkowski reported that the permit application had gone to the Army Corps of Engineers. He hoped to hear from them in 15 days, and he also hoped that they would not require any mitigation. The project to build approaches to the existing bridge had gone out to bid. The current plan for the approaches was to build ramps to the bridge, with four culverts through the ramps. The ramps would come down in a five percent slope and tie into the existing grade. During a flood, the design allowed for the conveyance of water under the bridge, through the culverts, and through the area on the sides where the fill tied into the existing grade. The ramp was designed so water would not back up onto other properties.

Borkowski continued that they had looked at spanning the area with a bridge on piers or piles, but the engineers found that more money would be spent on this type of bridge for the same effect. There was no benefit to spending the extra money. Borkowski showed a table of the fill and its effects, along with the 100-year water surface elevations. (A copy of the PowerPoint is included in the official meeting file.) He pointed out that, with the ramps in place, the Federal Emergency Management Agency (FEMA) water surface elevations would go down. He explained that the FEMA maps were not as detailed as the work done by the engineers. The more detailed data allowed for the reduction of the FEMA floodplain. It also showed the project did cause some minor increases compared to what was there now, which was just an open floodplain. The increase was approximately one-tenth of a foot. The new data on elevations should replace the information currently used by the insurance companies for flood insurance and reduce the rates. The FEMA maps showed the Morallion Hills subdivision streets in the floodplain. Borkowski said the elevations used by the engineers were surveyed in the field and were much more accurate. The insurance industry and mortgage companies looked at the FEMA maps. Rutherford clarified that the City would be able to provide the more detailed information to FEMA, and FEMA would change their map of the area. Borkowski said that was correct. He added that, even if the maps were changed, the decision to require flood insurance still remained with the mortgage companies.

Borkowski said the environmental and historical investigations for the project had been done. The bridge was paid in part by a federal grant so the investigations were required. The bids were sent out January 24. The first legal advertisement was January 31, and the second one was scheduled on February 14. The pre-bid meeting was slated on February 15. The bid opening was scheduled on March 1.

Rutherford asked Borkowski to e-mail a copy of the PowerPoint presentation to the Council. Boone asked if the construction and culvert work helped with the reduction in the elevations. Rutherford clarified that the work done by the engineers actually provided accurate information. Borkowski said the culverts would keep the water from significantly backing up on anybody. The FEMA elevations were going down because the City had a better cross-section. Kourajian asked if the culverts would mitigate any backup caused by the construction. Borkowski said they would.

Morallion Hills' residents Robert Stephens, Kim Cort, Jim Cummings, Alec Willeson had several concerns about the construction. Their concerns included:

- The specific cost difference between the earthen ramps and culverts and putting the ramps on pilings or piers and the possibility of backups;
- The need for the cart path and the bridge over the creek;
- Questions on whether staff or Council had looked at the area after a heavy rain or several days of rain;
- Concerns that the type of application the City submitted to the Corps of Engineers did not provide the scrutiny needed;
- Concerns regarding future building in the industrial park and how it would affect the area;
- Concerns that the engineering approach needed to be different than that used on Crosstown Drive, which resulted in dead trees; and
- Concerns that repair cost for cart paths that were underwater for long periods of time were not considered.

Rutherford noted that the bridge over the creek connected the path system to the Industrial Park and the Baseball/Soccer Complex. Kourajian added that two tunnels under GA 74 would be built during the road widening. He said that many areas of the path system were under water after heavy rains. Boone asked how big the culverts were. Borkowski answered that they were 60-inch culverts.

Borkowski said the City had applied for a nationwide wetlands permit from the Corps of Engineers. If the Corps of Engineers agreed with the information submitted, then the City would not have to do any mitigation. He added that the City's wetlands consultant had previously worked for the Corps of Engineers and had a great deal of experience. No other approvals were required for the floodplain. As far as FEMA was concerned, the City was not going to impact the 100-year elevation, but would actually be reducing the flood insurance risk. Borkowski advised that residents should speak with their mortgage companies and have an elevation certificate done on their homes. He said everyone on the street should have flood insurance whether the project was completed or not, but a lower rate could be negotiated.

Logsdon noted that the City was taking the word of the engineers, and they had to know that was right. Borkowski agreed that was the best information the City had.

Plunkett said she understood the neighbors' concerns, but asked whether they wanted the project at all or if they wanted the City to spend more money a raised ramp of some type. Logsdon understood that the neighbors wanted raised ramp. One of the residents asked for a comparison of the cost. Logsdon said he would get that information to the neighbors. Rutherford said they also needed to send information to residents on the maps and the insurance. Plunkett said she agreed with the residents that, if the cost was negligible, the better product should be built. Borkowski said he would get the cost information. He said they would also look at the cost of spanning the path area as well.

Logsdon said the offer to have the City meet with the neighbors and go over everything in detail still stood, if the neighbors were interested. Cort said one of the neighbors had offered their home for such a meeting. Cort said she would get back with a date.

Rutherford said that the project had been several years in the making, and it was because the water studies were needed that the project had cost more than budgeted. She added that the engineers that were hired specialized in water. The project had not been taken lightly.

Cort asked how many engineering companies had studied the area since one company could have a flawed study. Logsdon said only one company. Plunkett added that the company had liability insurance, and the City did not hire anyone that was not reputable. Rutherford said there had been multiple bids, and the company with the most experience had been selected. Cort reiterated that another firm should also do a study in the event the study was flawed.

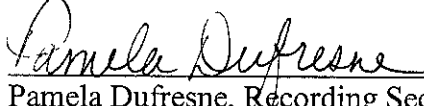
Rutherford moved to convene in executive session for threatened or pending litigation and a personnel issue. Kourajian seconded. The motion carried unanimously.

Rutherford moved to reconvene in regular session. Kourajian seconded. The motion carried unanimously.

There being no further business to discuss, Rutherford moved to adjourn. Plunkett seconded the motion. The motion carried unanimously. The meeting adjourned at 9:05 p.m.


Jane Miller, City Clerk


Harold K. Logsdon, Mayor


Pamela Dufresne, Recording Secretary