

City Council of Peachtree City
Minutes of Meeting
January 20, 2000
7:00 p.m.

The City Council of Peachtree City met in a regular session, Thursday, January 20, 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: Bob Brooks, Carol Fritz, Annie McMenamin, and Dan Tennant.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

The following awards were presented:

- Employee of the Month - Chris Campbell
- Supervisor of the Quarter – Carolyn Stanton
- Ten-year pins – John Jenkins and Ira Walker
- 1999 – Builder's Awards

The Kiwanis Club presented funds to the Police and Fire Departments.

Mayor Lenox recognized Brad Williams, Betsy Tyler, Stony Lohr, and David McDaniel for preparation for Y2K.

MINUTES

McMenamin made a motion to approve the minutes of December 16, 1999, as presented. Fritz seconded the motion. Motion carried with Tennant abstaining.

McMenamin made a motion to approve the minutes of January 6, 2000, as presented. Fritz seconded the motion. Motion carried unanimously.

OLD AGENDA ITEMS

There were no old agenda items.

NEW AGENDA ITEMS

01-00-05 Consider Lifting the Annexation Moratorium

Mayor Lenox explained there had been a request to lift the moratorium on annexation as it applied to the West Village. He explained Council would not determine whether the property should be annexed, but would make a determination as to whether the annexation seriously warranted further consideration.

Mr. Dan Davis, Integrated Science and Engineering, addressed Council. He said he represented a group of companies and individuals that owned property located on the Northwest portion of Peachtree City. He said a portion of the property was located within the City limits and the remaining property was located within the boundaries of unincorporated Fayette County. He said his firm was retained to develop a plan for the possible annexation and zoning of the unincorporated property into Peachtree City.

Davis requested Council to lift the moratorium on annexation for the 1,150-acre project and agree to a density for the project that would be similar to that of other villages in Peachtree City. He requested permission to begin the extensive planning process with City staff.

Davis explained that several property owners had formed a partnership called the "Westside Village Owners

Group" (Owners Group). He said the Owners Group was comprised of Pathway Communities, John Wieland Homes and Neighborhoods, Cottonwood Properties, and Adair Dickerson. The Owners Group combined forces to ensure development consistency and to absorb the large up-front investment required to finance the common infrastructure improvements. He said there were a few property owners who owned 79 of the 1,150 acres in the area who were not part of the Owners Group and would not be participating in the cost of infrastructure. Davis said the Owners Group initiated basic planning efforts for the project in the areas of infrastructure, transportation, open spaces, utilities, and density. However, he said, without access to City Staff their planning efforts were preliminary. He said that much more effort was needed to arrive at a complete plan.

Davis explained the transportation issues. He said a collector road was envisioned that would extend north from the existing Line Creek Parkway onto a bridge and over the railroad to tie into the existing Kedron Drive. He said a traffic study would be performed to assess the development's impact on Highways 74 and 54. He said a sound consultant would be retained to present alternatives to reduce the effects of railroad noise in the vicinity. He felt that by eliminating the three existing at-grade railroad crossings, the need for trains to blow whistles may be eliminated. He also felt the use of berms and landscaping could mitigate sound pollution.

For the sake of discussion that evening, Davis combined individual land plans that had been provided by the property owners. He reviewed the plans, but felt discussion with City Staff would lead to a different arrangement of lot sizes and densities. He reviewed the areas set aside to be used as green areas/open spaces, a school site and recreation areas. He said the Owners Group would request a density of 1.3 units per acre, which was comparable to that of other villages in Peachtree City. They proposed 1,549 single-family residential units, including an assisted living facility. He explained that the density proposed was necessary to fund the common infrastructure. He said the residential development would comprise 70.5 percent of the development; the commercial and assisted living development would comprise 3 percent; the school site would comprise 2 percent, and the remaining 24.3 percent would be designated for open space, recreation and community areas.

Mr. Davis asked Council to allow the Owners Group to work with City Staff to create a community comparable with Peachtree City's current neighborhoods and to provide an alternate collector for the 54/74-intersection traffic. He felt Council had a unique opportunity to work with multiple property owners who were bound together by an agreement. Davis said the Owners Group would need to invest a significant amount of money and time to move forward with the next planning step.

McMenamin asked if the Owners Group had contacted the Board of Education. Davis said they had met with the Board of Education over a year ago and they were interested in a site for a new school.

Tenant clarified that 1,500 new residential units would increase the population by 3,000 to 4,000 people. He questioned what the density would be if the development did not have access to the City's sewer system. Lenox clarified that Fayette County required a minimum of one acre to obtain a septic tank permit. Tenant asked if there was a landfill located on the land proposed for recreation use. Davis was not aware of a landfill in the area. Brooks said there had been a landfill in the general area 20 to 30 years ago. Jerry Peterson, Pathway Communities, said there had been a 3-4 acre site known as the "Peach Pit" located on the 25-acre recreation site that had been covered up and monitored for several years. He felt the site was adequate for recreation uses.

Fritz questioned the fact that the last conversations the Owners Group had with the Board of Education was over a year ago. Davis said that if Council agreed to lift the moratorium on annexation there would still be much work to do. He said they were not looking for any specific approvals that evening, but rather permission to continue with their plans for developing the project at a density comparable to other densities within the city.

Lenox asked if land would be provided for a new fire station. Davis said plenty of property was available.

Lenox estimated the amount of impact fees the City would receive from the development to be approximately \$2 million that he felt would benefit the entire city. He said the sewer system would also receive \$4 million in tap fees that would help fund some of the capacity needed to service the development. Brooks felt it was important that impact fees be assessed so Peachtree City taxpayers would not have to pay for infrastructure needed to service the development.

A member of the audience stated she served on the Board of Education, and had no knowledge of the offer for a school site. She questioned where the funds would come from to build a new school.

Mayor Lenox allowed members of City Council and various citizens to ask questions concerning the proposed development. The citizens asked their questions informally from their seats and did not state their name for the record. After approximately one hour, the Mayor opened the floor for Council debate to reach a decision on the matter.

Dan Tennant was opposed to lifting the moratorium on annexation. He felt the most important issue of his campaign for election was his opposition to annexation. He felt that since he won 12 out of 12 precincts, it was clear to him that the citizens of Peachtree City were not in favor of annexation. He strongly urged Council to continue the moratorium on annexation.

Lenox felt citizens had reservations about annexation, but primarily wanted assurance the development would be positive for Peachtree City. He felt the time had come to develop the property. He said given Fayette County's record for managing land use and development, he would rather have Peachtree City control the development. He said Brooks had made a valid comment earlier that evening concerning the fact that as soon as development started in the area, Peachtree City would have to provide public safety services to the area. He did not know if the property owners and developers could come up with a plan Peachtree City would be happy with, but he did believe the issue warranted further study and serious consideration. He said he allowed citizens to make comments and ask questions on the issue that night although a public hearing was not required. He felt it was important to hear from the citizens. He said several public hearings would be held before any decision would be made regarding formal annexation/zoning.

McMenamin said the citizens had been consistent in turning down the SPLOST. She knew there was a desperate need for new schools, but questioned where the money would come from. She felt the Board of Education would love to have the property donated for a school site, but without the funds to build the school, additional development would only increase problems. She also felt the Police and Fire Departments already had more than they could handle. She said the Police Chief had shared his concerns with Council regarding the impact development had on public safety. She said Council was already discussing salary increases in order to attract new public safety employees. She also pointed out that if development impact fees were paid for the construction of a new fire station, the fees would not cover the additional expenses to hire new personnel. She felt the City staff had enough on its plate. She said she may be receptive to lifting the moratorium in three to five years, but she would not support lifting the moratorium on annexation that evening.

Lenox felt it was time to consider lifting the moratorium because he did not feel there would be another opportunity. McMenamin said she had been on Council for over 10 years and this was the third time she had to consider the issue. Lenox said he had spent much time on the issue, and he was tired of it. He said he knew of one property owner who wanted to clear-cut 200 acres of his land for timber and he expected that property owner to move forward with those plans within the next year. He stressed that this opportunity to proceed with annexation may be Council's last chance to control the development.

McMenamin made a motion to deny lifting the moratorium on annexation. Tennant seconded the motion. Motion carried with Lenox and Brooks voting nay.

01-00-06 The Oaks Subdivision Cart Path Connection to Amenity Center – approved 5-0

David Rast, City Planner, addressed Council and explained that The Timberlake development was nearing completion in Fayette County on the eastern border of Peachtree City. The development included several subdivisions on either side of the new Peachtree Parkway extension. A portion of the subdivision, The Oaks at Timberlake, was located within Peachtree City on the south side of the road while the Timberlake amenity complex was located on the northern side of the road. He said the City had been approached by the Timberlake Homeowner's Association (HOA) about the possibility of extending the existing cart path adjacent to The Oaks subdivision (within Peachtree City) across Peachtree Parkway to the amenity center. The connection would provide Peachtree City residents of The Oaks subdivision the opportunity to reach the amenity center in a safe manner and would connect the overall Timberlake development with the City's cart path system. Rast said all costs associated with the construction of the cart path connection would be the responsibility of the developer (Pathway Communities) and the Timberlake HOA. He said staff met on-site with representatives of the HOA to identify potential areas for an at-grade crosswalk and to discuss requirements for signage, striping and cart path construction details within the City limits. He said the HOA agreed to meet all City standards.

Rast said Council approval would be necessary for the new cart path connection. He said the HOA representative, Mr. Michael Mihalek, indicated that children and residents of The Oaks subdivision were currently using Peachtree Parkway to reach the amenity center, which was very dangerous. Rast also said Fayette County recently completed a similar crosswalk and pedestrian path system at the development entrance on Peachtree Parkway.

Brooks made a motion to approve the cart path connection. McMenamin seconded the motion. Motion carried unanimously.

01-00-07 Consider Resolution and Ordinance Amendment - Ethic's Ordinance

Stephan Ott, City Attorney, said the Georgia Municipal Association (GMA) had established a new Certified City of Ethics Program to give city officials an opportunity to demonstrate publicly their commitment to the highest standards of ethical conduct. He said to achieve the certification, the City must adopt an ethics ordinance and resolution to meet the standards approved by the GMA Board. Ott presented the resolution and an amendment to strengthen the City's current Ethics Ordinance. He said the most significant change to the ordinance called for the creation of a Board of Ethics comprised of five citizens to investigate and decide charges of violations. Tennant clarified that the duties of the Board of Ethics were explained in the ordinance. Tennant made a motion to approve the resolution and the proposed amendment to the Ethics Ordinance. Brooks seconded the motion. Motion carried unanimously.

01-00-08 Consider Ordinance Amendment – City Council Meeting Procedures

Tennant proposed an amendment to the City Council Meeting Procedures Ordinance. He said there had been some gray area in the law as to whether it was permissible for the majority of Council to meet privately to discuss city business. He said the Mayor and three Councilmembers, or four Councilmembers comprised a quorum. The law was quite clear that any meeting at which a quorum was present must be conducted in accordance with the Open Meetings Law. Tennant suggested an ordinance amendment to require any meeting of a majority of Council to also follow the Open Meetings Law. He felt the change would avoid the appearance of impropriety. He clarified that he did not feel there had been a problem with the current Council, but wanted to clarify the issue for the future. Lenox felt the amendment represented a practice that Council had constantly followed for several years. Brooks made a motion to adopt the proposed ordinance as presented. Tennant seconded the motion. Motion carried unanimously.

01-00-09 Consider Appointments of City Attorney/Solicitor and Judge

Lenox said proposals had been received for City Attorney/Solicitor and Judge. He said City Staff made a recommendation to appoint Webb, Stuckey, and Lindsey as the City Attorney/Solicitor, Mitch Powell as the Municipal Court Judge, and Eric Maxwell as Judge Pro Hac. Brooks said he had suggested the appointments be tabled in December, but understood there were individuals on Council who expressed concern that they had not had enough time to make a decision. He said he had asked that the issue be placed on the agenda that night because he would be out of town during the month of February and felt there might be a quorum problem with making a decision since McMenamin would be abstaining from the vote. Rick Lindsey, City Attorney, said Council could vote on the issue because a quorum would be present. Tennant asked if the majority would rule if only three members of Council voted on the issue. Lindsey said the current ordinance permitted the Mayor to decide the procedure. Lenox said at least three votes affirmative votes were necessary to pass a motion.

Tennant made a motion to table the issue. He said the proposals were not provided to Council until the previous evening but he only received the information earlier that day. He did not feel he had time to make an informed decision. Discussion took place as to when the issue should be considered. Tennant amended his motion to table the issue until March. Fritz seconded the motion. Motion carried unanimously.

01-00-10 Resolution – Request for ARC Grant for Cart Path System Study

Rast presented two resolutions of support for Council consideration that would commit the City to share in the cost of two Activity Center/Town Center Investment Policy Studies (ACTCIPS). The resolutions would accompany a grant request to the Atlanta Regional Commission (ARC). He said grant recipients must provide 20% of the funding for the studies.

He said the ARC Board allocated \$350 million over the next five years for funding of projects resulting from ACTCIPS. Eligible projects include bicycle and pedestrian projects that connect mixed-use areas. Rast said the City would like to apply for two grants for projects in Peachtree City. He said once the studies were complete the City could apply for construction funding grants.

The first activity center, identified as Highway 54 East, would incorporate the Peachtree East Shopping Center and Shiloh Mobile Home Park outside the city limits, as well as McIntosh High School, Holy Trinity Catholic Church and the proposed Lexington Park mixed-use development at Walt Banks Road. The estimated cost of the study would be \$12,100, of which the City of Peachtree City would be responsible for \$2,420 as the 20% match.

The second activity center would include the Highway 54 West Corridor, including City Circle, The Avenues, Market Place, Huddleston Road, Home Depot, Planterra Ridge, Wynnmeade, Cedar Croft, and the Line Creek Apartments. The estimated cost of the study, which would cover a larger area and include the railroad line and bridge, would be \$21,700, of which the City of Peachtree City would be responsible for \$4,340 as the 20% match.

Rast said Fayette County adopted resolutions of support for the projects. He recommended Council adopt the resolutions to approve funding for both studies, which would allow staff to pursue project funding for integrating these areas into the path system.

Tennant made a motion to approve the resolutions as requested. Fritz seconded the motion. Motion carried unanimously.

01-00-11 Consider Bids – Design Proposals for Kedron Multi Purpose Rink

Randy Gaddo, Director of Leisure Services, said price proposals were received from five firms for engineering

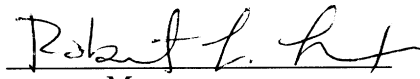
and design work relative to the planned multipurpose rink and pavilion at Kedron. He recommended Council select the low bidder, Roy Ashley and Associations, Inc. in the amount of \$33,350.00. Brooks made a motion to award the bid as recommended. McMenamin seconded the motion. Motion carried unanimously.

COUNCIL/STAFF TOPICS

Jim Basinger, City Manager, said it had been suggested that Council consider the cancellation of the second meeting in December so that Councilmembers and citizens could make advance travel plans if necessary. Lenox made a motion to cancel the meeting of December 21, 2000. Fritz seconded the motion. Motion carried unanimously.

Lenox made a motion to adjourn the meeting. Brooks seconded the motion. Motion carried unanimously. The meeting adjourned at 8:30 p.m.


City Clerk, Nancy Faulkner

Attest: 
Mayor