

City of Peachtree City
Minutes of Regular Meeting
January 15, 2004
7:00 p.m.

The City Council of Peachtree City met Thursday, January 15, 2004, 7:00 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Stuart Kourajian, Steve Rapson, Judi Rutherford, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown and Building Official Tom Carty presented the annual Builders Awards. Brown read a proclamation for International Kiwanis Week. The Mayor presented 10-year service pins to Mike Claman with the Police Department and Lola Williams with the Library. Cery Fannin with the Fire Department was recognized as Employee of the Month. Brown introduced the newly elected officers of the Peachtree City Youth Council. The members of the Livable Centers Initiative (LCI)/Overlay Design Committee were recognized. Doug McMurrain of RAM Development made the following statement:

First of all I want to thank you (Mayor Brown). This was your idea. It wasn't that long ago you were sitting right over there – my arch nemesis against the Wal-mart project. You approached us afterward, which you well know, and you extended your hand out and said you wanted to cooperate with us and make Peachtree City a better place. It's not often tables are turned 180 degrees and it's a compliment to you and what you've done. I don't say that easily because we fought hard. I think having vision like you have, as a developer, we do that all the time and we face objections and concerns from the citizens. I'm used to that, but I think in the end the product and what will be in Peachtree City, a lot of people will be amazed at and hopefully very proud. We plan on owning the project for hopefully a long, long time. We'll be proud of it and my family will shop there. I'd also like to thank your staff, David Rast, Troy. I can't say enough nice things about them, pros from the get-go. It's been a process. There have been good parts and bad parts, but I think the product at the end of the day, I think Peachtree City will be very proud of. Thank you very much.

Brown moved to move agenda items 01-04-06 and 01-04-07 to the top of the agenda. Weed seconded. The motion carried unanimously.

**01-04-07 Public Hearing – Proposed Amendment to Zoning Ordinance
Creating GA 54 West Corridor Overlay District**

City Planner David Rast addressed Council and noted the presentation was the culmination of many months of work by a lot of people. He said they hoped to establish the 54 West Corridor Overlay District, and also to adopt the 54 West design guidelines. Rast had previously given a PowerPoint presentation on establishing a vision for the GA 54 West Corridor during the workshop held prior to the meeting. He gave a PowerPoint presentation on the GA 54 West Corridor Overlay District and Design Guidelines prior to

the start of the public hearings. (Copies of both presentations are included in the official meeting file.)

Rast said the establishment of the overlay district included all retail and commercial properties within the study area, identified potential redevelopment opportunities, established consistent boundaries, created a specific zoning category and incorporated it into the Zoning Ordinance, and coordinated with property owners.

Rast showed a map of the overlay district. He continued that the creation of the design guidelines developed a master plan for the north side of GA 54, maintained goals and objectives identified in the initial study of the GA 54 West corridor, made sure recommendations were achievable, tested guidelines prior to adoption, and identified unified material and color selections.

Rast showed a map of the master plan for the north side of GA 54 and discussed planning concepts for the area including access, building placement, site amenities, open space, and areas for outside dining and gathering. Rast also discussed design concept issues including architectural guidelines, building elevations, landscaping guidelines, lighting guidelines, and signage guidelines. The implementation and review process included schematic architectural design review, design development review, and construction document review.

Brown opened the public hearing. Phyllis Aguayo told Council the overlay process was important to keep everything in the area developed in a uniform way, but she did have concerns. She continued that 54 West was a very special area of the City and it would be different from the rest of the City. The buffer ordinance made the City what it was today and should be preserved. Aguayo said the danger in the overlay was that it could become a means to keep developers from meeting the buffer standards. She hoped that the overlay was used to enhance the City and not detract from the City.

An unidentified resident asked Rast for a definition of an overlay district. Rast said the property had zoning designations, which were General Commercial and Open Space. The overlay district established specific boundaries to implement design guidelines, but did not limit the uses of the property or change the zoning. He said the overlay district allowed the City to establish specific criteria for the property.

Wayne Roberts said he was not opposed to the overlay district, but cited stormwater and traffic concerns. Roberts noted that greenspace allowed for water absorption and expressed concern about service stations that would back up to residential properties and add contamination to the runoff. Roberts said detention facilities slowed runoff, but did not stop it. Roberts continued that MacDuff Parkway was the only access into Peachtree City for the residential areas located off the parkway. He asked if a traffic study had been done on MacDuff Parkway and expressed concern about access to the parkway. Roberts asked Council to consider that the proposed access road not be allowed to turn left onto MacDuff Parkway until the Parkway was continued through to GA 74. Roberts said he

understood that would be an inconvenience to the businesses, but Council also had to consider the safety and liability of the residents.

Brown said there would be residue from gas products from any parking lot, and the cleanup was regulated by the state. He said they had to access MacDuff Parkway because the access road associated with the overlay reduced the curb cuts on GA 54 so the highway would not get clogged up. Brown said that, with access to the access road from MacDuff Parkway, residents would have several options for access to GA 54.

Rast said those concerns were not overlay district matters. He noted that every outparcel met the updated stormwater ordinance and he reiterated that what was there now was not the final product. The City Engineer was working closely with the Wal-Mart developer and the developer was required to meet the former ordinance.

Rast continued that MacDuff Parkway was a road that did not work. The City was requiring the developer of the outparcels to make extensive improvements to try to alleviate the current situation. The turn lane did not have enough room for stacking and would be extended to the access road. He said what was going to happen would fix the current problems. The developer had committed to conforming to the stormwater ordinance and to making more improvements to MacDuff Parkway.

Rapson said he understood Roberts' concerns. One of the things Council had done was to purchase the land at the Wynnmeade entrance, which stopped the development from going all the way down to the Coweta County line. Brown told Roberts he disagreed about MacDuff and said the road enhanced the flow of traffic. Roberts said time would tell.

Rapson asked Rast if the timing on the traffic lights would be re-addressed once GA 54 was widened. Rast said yes. Roberts said he knew the overlay district would be a tremendous enhancement to the area and would increase property values, but he did have concerns. Brown said the City was also looking at making the connection from MacDuff Parkway to GA 74.

Merrilyn Arnold asked if the phrase "bridge to nowhere" could be eliminated. Rapson said the phrase irritated him also. Rapson continued that the bridge would directly connect 12-13%, a conservative estimate, of residents to the other 15% of residents that lived across the highway. The purpose of the LCI plan was to get everything to work together as a transportation model. Arnold said the phrase made everything seem less attractive, whether people had seen the drawings or not. Rapson said the same things were probably said about the bridge over GA 54 at one time.

Rapson moved to establish the GA 54 West Corridor overlay district as outlined. Weed seconded.

Rapson said he also had concerns about the buffer ordinances, but noted the area was a General Commercial district and that the design guidelines gave the City a better way to manage the area. Weed agreed and said this was why some of the Council Members ran for office. He continued that the growth would be there whether it was wanted or not. All that could be done was to find a way to control the growth appropriately and direct it in a manner so that the result was beautiful. Weed said the overlay district would achieve that result.

The motion carried unanimously.

**01-04-06 Public Hearing – Proposed Adoption of GA 54 West
Design Guidelines**

Rast said the work on the design guidelines had been going on for a number of months. Rast said they had worked diligently with McMurrain and RAM Development on some projects for the north side of GA 54 that had already been approved. He said they had waited to bring the guidelines to Council because they wanted to test and fine-tune them first. By doing that, Rast said they helped make McMurrain's projects better and helped fine-tune the design guidelines.

Rast said they started on the north side of GA 54 because they had a single property owner who was a willing participant and had worked on the master plan. Rast said they also wanted to maintain the goals and objectives identified in the 54 West Corridor study. One of the most important things was to make sure the guidelines were achievable. The guidelines would enhance the appearance of the area.

Rast continued that the City had relied on Pathway Communities to look at design in the past. They tried to come up with a palette of building materials that could be used and implemented with a set of guidelines so staff could work with developers and show them what the City wanted to see in the area. Rast showed Council samples of three different bricks and two colors of mortar. He said the guidelines included EIFS colors, metal awnings, canopies, and the whole gamut. Developers could choose something "substantially" equal to the materials so there was some flexibility, but there was not a wide range of options.

The master plan for the area was adopted in August 2003 by the advisory board. There were several versions, but almost everyone agreed with the plan. Instead of a standard strip development by the highway, the buildings meandered back and forth. Public courtyards and outdoor dining areas were included and the parking areas were set back 30 feet from the highway.

Rast explained the design guidelines started with planning concepts and access. He noted that DOT had approved 15-17 curb cuts on the northside of GA 54. The construction plans for the highway included all of the curb cuts. Rast said that meant there would be a series of access points, and neither the City nor DOT wanted to see them because DOT wanted to move traffic. Anytime there was a curb cut there was a potential for accidents

or the slowing down of traffic. By working with McMurrain, the curb cuts were reduced to the four main intersections at MacDuff, Line Creek, Planterra Way, and Huddleston. Between the curb cuts, one right-in, right-out was allowed. The main intersections would be signalized and would probably remain congested even after the improvements, which included signage and pedestrian crossings. There would be interparcel access between the developments. The parking and roads would be shared. The buildings would be as close as possible to the street. Alternate transportation would be encouraged, as the area would be accessible by cart path and sidewalks.

Rast explained that bringing the buildings closer to the road was something different than what was seen in the rest of the City. The lots were narrow in depth, and DOT was taking more of the parcels due to the road widening. Rast said they had to look at how to fit the buildings in and maintain a village feeling. The parking would be located along the back of the parcels. There would be a 30-foot landscaped buffer along the highway; and the buildings would set slightly back from the buffer. The front of the buildings would have awnings and nice entrances so people using the sidewalk in the buffer could enter the businesses. Furnishings in the courtyard areas would be consistent. The lighting plan was innovative, and pedestrian-scale lighting would be on the bridge. The crosswalks for pedestrians and golf carts would be stamped asphalt brick pavers and would be raised. The use of public art would be encouraged and would help make the area great. Rast said the signage in the area would be unique and a change from the current sign ordinance, but would not be drastic. Rast added that the signage guidelines were not complete and would come before Council at a later date. There would be monument signage at each major intersection in the development. They wanted to come up with a workable sign program that would also meet the needs of the businesses.

Rast said the Planning Commission had questions about enforcement, implementation and review. There would be a three-stage process when a developer came in with a conceptual site plan. The developer would have to submit additional items for the schematic architectural design review by staff. Rast said the design guidelines were straightforward enough to be enforced at a staff level. The Planning Commission would review and adopt the schematic architectural design as part of the conceptual site plan. The design development review was the next step and one or two members of the Planning Commission would be assigned to specific projects to ensure everything went as it should. The third phase was the construction document review, where staff made sure the developer had done everything the developer was supposed to do.

Robin Lorber asked Rast to explain the brick color samples. Rast said the samples were the approved colors in the design guidelines and builders had the option of using those colors or something similar. Brown added that if a developer introduced something different and the architectural committee liked it, then that plan would be used.

Jeff Troxell asked if the design guidelines applied only to the northside of GA 54. Brown said no, and Rast explained that the master plan was developed for the northside and the next step was to work with the property owners on the southside and come up with a

similar plan. Troxell asked if the southside owners were bound by the design guidelines. Rast said the next phase was to develop a master plan for the southside, with the design guidelines included. City Attorney Ted Meeker said the master plan was for the northside of GA 54, but the design guidelines applied to the overlay district, which applied to the entire area. Troxell asked if the existing buildings were grandfathered from having to look like the other buildings in the corridor. Meeker confirmed this.

Brown noted that the existing buildings were a concern and said there would be some re-development in the area. He said the property owners could also solicit façade grants so those buildings could adhere to the standards as much as possible. Troxell said he was looking for a continued commitment made by the prior Council to protect the subdivisions. Part of the LCI proposal (Mayor's note: the widening of GA 54 was reason for the demolition of the subdivision entrance) was the demolition of the Planterra subdivision entrance. He pointed out that the homeowners association had spent many years maintaining the entrance and creating something that was unique to the subdivision. He wanted it on the record that the association expected the commitment to stand and that when it was time to widen the road they would move forward as promised.

Richard Simms said he represented the owners on Huddleston Road and asked what the implications were for their businesses, which were not retail oriented. Rast said that area was a transition from General Commercial to Limited Industrial to General Commercial. Some properties on Fulton Court might re-develop. Rast said the property on Huddleston Road served the purpose of Limited Industrial as well. The design guidelines would come into play during re-development.

Jim Graw asked if the signage for the area met the requirements of the City's sign ordinance. Rast said they were still working on the sign guidelines. The signs would not be garish, but would be uniform in appearance. There might be some monument signs. The guidelines would come before Planning Commission and Council when they were ready. Rast said there would be some flexibility in the overlay district.

Weed moved to adopt the GA 54 West Design Guidelines and authorize staff to incorporate the same into GA 54 West Corridor Overlay District. Rapson seconded.

Roza Adamczyk asked if a date had been set to talk to the property owners on the southside. Rast said he would contact the property owners within the next seven to 10 days. Adamczyk asked if the City would help those property owners resolve issues with the state due to the road widening. Rast said staff would do their best to get those issues resolved.

Rapson asked Rast if the Planning Commission members would be assigned during the conceptual site plan approval or would one or two be assigned for a period of time. Rast said Dennis Payton and Wes Saunders had served as the Planning Commission representatives on all of the projects reviewed so far. For continuity, Rast said they would probably continue to serve. Rapson said he also had concerns about the guidelines

applying to the entire area. He noted that the overlay district gave the City a voice and the design guidelines gave the City some teeth. Rapson said he felt it was more critical to have the guidelines in place for re-development issues.

Rutherford said they kept talking about “similar to” or “substantially equal to.” She asked how “equal” was defined because, to most people, the word meant “the same.” Meeker explained that if another company made a brick that was the same color, size, etc., but might be cheaper, the brick was substantially the same and could be used. Rutherford said she had no problem with trying to identify specific materials, but she said contact information for a salesperson with the company that made the specific type of brick should not be included in the guidelines. She continued that the clear message to a developer was that was where they were supposed to buy their materials. Rutherford said the City should not do that. Rast pointed out that the Planning Commission had shared Rutherford’s concern. Rast said he had no problem removing the contact information. Rutherford asked to amend the motion to have the sales information removed from the guidelines. Weed accepted the amendment. Rapson seconded. The motion carried unanimously.

Minutes

Rutherford moved to move this item to the end of the agenda. Kourajian seconded. The motion carried unanimously.

Consent Agenda

- 1. Alcohol License – Change in License Representative – Ruby Tuesday**
- 2. Consider Addition of Fees to City Schedule**
- 3. Consider Change to Section 3.1 of Peachtree City Tourism Association, Inc.**

Bylaws

Brown noted that the change to Section 3.1 of the Peachtree City Tourism Association, Inc. Bylaws was an additional item on the dais.

Weed removed Consent Agenda #2 and said he wanted to work on it some more. He noted there were a few finer points of the law that only lawyers and chiefs of police would care about, but he wanted to work those things out.

Weed moved to approve #1 and #3 on the Consent Agenda. Rapson seconded. The motion carried 4-0-1 (Rutherford).

Weed moved to place #2 on the Consent Agenda on the agenda for the next meeting. Rapson seconded. The motion carried unanimously.

Old Agenda Items

09-03-01 Consider Drainage Issue Update – Creekside Way

(Resident at 501 Creekside Way to address Council)

City Engineer Troy Besseche updated Council on the drainage issue at 501 Creekside Way. In early 2003, the Davises called the Public Services staff about their property and

requested action to mitigate the effects of stormwater runoff that flowed from a pipe under Ebenezer Road. Besseche continued that the drainage system was designed in 1985 and constructed in 1986. Water was collected from a small area south of Ebenezer along with a portion of the roadway. The system was designed to collect the water and release it into the City greenbelt along the northern right-of-way of Ebenezer Road, where it was then allowed to flow through natural conveyance to Camp Creek. Pathway (then PCDC) built the low-density residential subdivision of Creekside Crossing in 1989 downstream of the road's drainage system. Besseche said no drainage easements were identified when the property was originally platted. The Davises bought and built on their lot in 1990.

Besseche continued that the characteristics of the stormwater leaving City property had not substantially changed since 1986. Public Services responded to the Davises' complaint in early 2003 by attempting to moderate the concentration of stormwater by placing silt fencing in concentric rows around the pipe opening to create a more even distribution of flow and to trap floatables that occurred in runoff from City streets. Subsequent attempts resulted in the obtrusive solution of re-routing the runoff to Camp Creek and bypassing the Davis property.

Besseche noted the results of the study requested by Council were included in Council's meeting packet. The cost to divert the flow would be approximately \$135,000 to complete. Besseche said one important consideration was that the result of the project would affect little more than 30% of the drainage in the basin and only approximately 25% on the Davis property. The flow would still maintain a high level on the Davis property whether the project was completed or not. Besseche said they could improve the drainage on the Davis property through piping and natural conveyance at a cost of approximately \$115,000, but that option was unacceptable to the Davises.

Besseche continued that staff had not been able to identify funding for the work. Staff recommended that the issue be monitored and tracked as a capital project in the stormwater utility program.

Rapson asked about the estimates of \$50,000 and \$60,000. City Manager Bernard McMullen said the \$50,000 was based on an estimate made by Besseche some time ago. The \$60,000 estimate was from an erroneous statement made by the consultant. McMullen said the documentation was for \$50,000. Rapson asked what the study cost. Besseche said the study cost \$3,800.

Property owner Ms. Jackie Davis addressed Council and said the City needed to eliminate the water running from two culverts on Ebenezer Road onto their property. She also addressed statements in the January 9 memo from Besseche. She said the memo referred to a storm drain system on Ebenezer Road and said there was not a real storm drain system on the road. She continued that there appeared to be a system with two culverts, but it turned out to be a fake system that ran the water directly onto their property, instead of piping the water to Creekside and the existing system. Davis continued that she and

her husband had looked at the files and maps the City kept on Creekside Crossing and found little information on drainage. She said there was no information in the file about stormwater on Ebenezer Road or their property. The final plat showed no culverts on Ebenezer Road. The developer's plans showed one culvert at Creekside Way, but not the two culverts that drained onto their property. Davis said the construction map and the final plat map did not match. She said she was asking Council to follow through on their promise to help and that the problem got worse everyday. She said they did not understand how the City approved the plan.

Rapson noted that a map dated October 1988 showed the drainage on the road, but in May 1989 there was still drainage and culverts. The Davises built on their lot in 1990. The drainage system pre-existed the Davises' home and had been in place since 1986. Rapson said Council had previously discussed the stormwater utility with the Davises. The stormwater utility would fix problems regardless of who was responsible. Council directed staff to have the study of their problem done. Bobby Davis said no one wanted 400 feet of bright, shiny rock running through their property, and that was the only way to fix it without pipe. Rapson said there were several options. Mr. Davis said yes, but that was the option they liked the least. Mr. Davis said he knew the City could not stop all of the water, but they could do something about the water on the road. Rapson said his commitment as a Council Member was to give \$50,000 less the cost of the study. Weed agreed Rapson. Rapson he was not sure that it made sense to spend \$45,000 for a problem that would cost \$135,000 to correct.

Brown said the City had to do something in terms of stormwater and they had to do something to mitigate the flow to the Davis property. He pointed out that the property was still going to get a lot of water because of its topography. Meeker said he understood the problem and the City's willingness to help, but to his knowledge, the current conditions were not a legal problem on the part of the City. Rapson agreed. Brown said if the water was channeled, then the velocity increased and there was more damage.

Weed asked Besseche if \$50,000 would help. Besseche said substantially no. He explained that about three-fourths of the lot was characterized by channel flow. When the water got to a certain point, whether it came from the road or not, the sheet flow eventually concentrated into a channel. That point was located on the Davis property.

Ms. Davis said they had watched the flow after it rained and all of the water came out of the pipe and straight into their yard. Mr. Davis said he did not want to see half a fix, but would accept it if that was all they could get.

Rapson said he wanted staff to come back with a recommendation of what could be done with the remaining money. He said he wanted to make the best decision for the City and it might be possible to find something palatable between them. McMullen said staff could come back after verifying costs with the consultant and add design fees. McMullen continued that what would be done at that point would be to divert about four cubic feet of water in the first section of pipe. He said they could not take all of the water

from the area because it would create a safety problem at the intersection because the pipe at the intersection would overflow. Brown said the City had to have a stormwater utility. Mr. Davis said he understood that, but they had started working on their problem a year ago. Brown said there were many problems throughout the City. Rapson said if the utility started today it would still be 18 months to two years before there was any funding.

Weed said he wanted to know if the remainder of the \$50,000 would help the problem or make it worse and he wanted to hear it from an engineer. Weed said if the fix made the problem worse, then he could not vote for it.

Meeker said they had to look at three things – what could be done with \$46,000, what would the effect be, and how much more money was needed before the problem could really be made better. Meeker said one of the ways to create liability was to construct something, which to date had not been done. If the City constructed something that made the problem worse, then the City would be liable.

Besseche said they would determine if they could construct the first phase for \$50,000 less the cost of the study. Rapson said he wanted staff to tell Council if they could make the situation better for \$46,000. Weed said he also wanted to know if the answer was that nothing could be done. Besseche said improving the flow of water across the property would be a substantial project, which could include putting rock on the Davis property, and diverting the flow would not accomplish much and might create another problem. Besseche recommended monitoring the situation and incorporating it into the stormwater program.

Weed asked Besseche if he could give Council a competent answer at the meeting on whether or not \$50,000 minus what had been spent would aid the Davises problem or do them harm. Besseche said they could do the work and make a difference by removing four cubic square feet from the flow. The work would not harm the property. Besseche said he did not know if the work could be done for \$46,000.

Brown said he still saw two problems – water would still go on the property and the City would have opened itself up to liability. Weed said that was the element of harm. Meeker said if work was done on the problem, then the City opened itself up to liability, period. Meeker said staff did not have the clarification on what \$46,000 would do.

McMullen suggested that Council allow staff time to look at the situation and come back to Council. Besseche said he would need more than two weeks. Rapson said the matter would be back on the agenda for the second meeting in February.

Weed asked the Davises if they were still unwilling to grant an easement, whether temporary or permanent. Mr. Davis said it would depend on what needed to be done. Kourajian said the Davises did not need to answer that question until they looked at what

could be done and if work had to be done on their property. Mr. Davis said they were willing to look at anything that would help solve the problem.

Rapson moved to table the matter until the second meeting in February. Rutherford seconded. The motion carried unanimously.

12-03-05 Consideration of Variance Request – 330 North Peachtree Parkway

Brown noted that Council had received a request from the applicant asking that the variance request be tabled indefinitely.

01-04-04 Consider Request for De-annexation/Annexation – Rod Wright, Platinum Ridge

Donald Brandenburg represented the applicant and asked what they needed to do to proceed with de-annexation. Brown noted for the record that Brandenburg had notified the City that they were not interested in annexation.

Meeker said there was a procedure for de-annexation. He said, technically, it did not come under the annexation moratorium and asked Council for a motion to move forward with the request, move forward with the required public hearing, and let Fayette County know what was going on.

Rutherford moved to follow Meeker's recommendation. Rapson seconded. The motion carried unanimously.

New Agenda Items

01-04-08 Consider Rezoning Request – Cole Property, Crabapple Lane – AR to R-43

Lee Cole addressed Council and said they had worked with the Planning Commission to come up with the best idea to use the 9.895-acre tract. The purpose of the rezoning was to develop an eight-lot subdivision with access provided by private driveways. The tract adjoined Whispering Pines Mobile Home Park in Tyrone and Maple Shade subdivision.

Brown asked Cole how the mobile home park outside the City limits would be addressed. Cole said they wanted to berm up the back corner of the tract and add foliage. He said the City would retain a 50-foot buffer off the end of the cul-de-sac. Cole said that opening was a problem for his property and Maple Shade, as it had become a thoroughfare from Tyrone for different vehicles and pedestrians. Rast noted that the buffer was deeded to the City as potential right-of-way for a road or cart path. Brown said that the City could add more plants to the buffer.

Rapson asked Cole if they understood the City would not be responsible for the private driveways. Cole said they did and that they wanted to do something economically feasible. Cole said he had been retired for several years and that, with everything going on around them, it was time to do something with the property.

No one spoke either in favor of the rezoning or against it.

Rast said that staff supported the rezoning. He continued that it would be a unique subdivision and a shared driveway was a workable solution. Rast said other subdivisions used shared driveways and that the private driveways allowed the area to be kept green. If a City street were put in, then the area would have to be cleared for buffers. Rast said after this rezoning there would be one parcel left on Crabapple Lane zoned Estate Residential.

Rutherford moved to approve the rezoning as recommended by staff. Weed seconded.

Rutherford asked Fire Chief Stony Lohr if the shared driveways posed any problems for Fire Department vehicles. Lohr said not as long as there was room to get in the driveways. He added that they were working on putting another fire hydrant in the area.

The motion carried unanimously.

01-04-09 Consider False Alarm Ordinance and Fee Schedule

Chief Lohr told Council the purpose of the ordinance was to recoup the cost of responding to recurring preventable false alarms. Currently, the Fire Department did not charge for any service except EMS transport. The proposed fees were structured so that people were not unduly penalized and would not cause the business to de-activate or disconnect alarms. The Department started keeping track of the false alarms in 2001 and had answered more than 537 since that time. The structure of the penalties allowed three to five alarms before fees were charged. Any alarm beyond human control would not count. Lohr said it was not a widespread issue, but there were industries, retail businesses, hotels, apartments, and single-family homes that were culprits. The ordinance would give them an incentive to put a stop to the preventable false alarms and would also help the Fire Department recoup their losses.

Brown asked if it were three calls per owner, per year, or what. Lohr said there were two types – three calls within 24 hours or three calls in a year from the same fire alarm system on the same property.

Rapson moved to accept the Fire Chief's recommendation for the false alarm ordinance and fees. Rutherford seconded.

Weed asked if Meeker had looked at the ordinance. He asked Lohr, since this was a case of imposing a fine, if there had been any discussion about some form of administrative upfront fees. Lohr said he had discussed the possibility of administrative fees with the City Attorney, and Meeker recommended that they go strictly with citations. Weed asked Meeker if he felt that he or the City Solicitor could defend the ordinance. Meeker said yes.

Rutherford asked when the ordinance would go into effect. Lohr said he had not included a date, but anticipated the ordinance would go into effect once it was approved.

Kourajian asked if the fine structure was similar to what other jurisdictions were doing, and Lohr said yes. Rutherford said the fines appeared to be lower than the comparisons she saw.

Weed asked Meeker if he had a judge look over the fee structure. Meeker said he had not, but the fees were an "up to" schedule, so a judge could adjust the fees as warranted.

The motion carried unanimously.

Rapson suggested that a similar ordinance might be appropriate for the Police Department. Police Chief Jim Murray said his department's situation was different. They received a number of repetitive calls, but they were not rolling out major pieces of equipment. Murray said the Police Department wanted the alarms, and the repetitive calls were most often to schools, churches, and day care centers. He said it would cost more money to collect the fees than to answer the calls.

01-04-10 Consider Fire Department Permit and Review Fees

Lohr told Council the purpose of the permit and review fees was to help recoup the Fire Department's expenses for resources used in providing plan reviews, inspections, and permits. Reviews, inspections, and permits were already authorized or required by existing code, which incorporate the National Fire Code. The fees were consistent with those charged by other jurisdictions. The change also incorporated the International Fire Code to be consistent with state code and the local building codes. Lohr requested that paragraph 38(b) be modified to add "fire alarms and fire sprinkler systems" and not "fire sprinkler systems," as currently stated.

Weed said there was a provision for due process in the portion pertaining to issuance or refusal to issue a permit and there was an appeal to City Council. He asked Lohr when that situation might occur. Lohr said in the existing City Code, if someone asked for a permit and the Fire Department said no, then the person could come to Council. Lohr said they could refuse any permit based on building codes, inspections, or if rules and regulations were misinterpreted or misconstrued. Weed asked if the City had a contractors' board of appeals. Rapson said no and that everything came directly to Council. Lohr said Council was the appellate authority as specified in existing City code.

Rapson asked if Lohr had considered charging a fee for the first inspections and follow-ups would be free. Lohr said they were trying to get people to have annual inspections done willingly, so they did not want to charge a fee and make people resistant. Lohr said safety was paramount to getting an extra \$25 or \$50.

Rutherford moved to accept the Fire Department Permit and Review Fees as recommended by staff, assuming Meeker had read it. Meeker said he had. Weed seconded. The motion carried unanimously.

01-04-11 Authorize Applications for Transportation Enhancement Grants

Rast told Council the grants were administered through the DOT and were for three projects – landscaping for GA 54 East (final phase), GA 54 West landscaping, and the GA 74 North multiuse bridge at Peachtree Parkway that would connect to Crabapple Elementary School. The GA 54 East landscaping would extend from Peachtree Parkway to the City limits at Sumner Road. The GA 54 West landscaping was part of the LCI program and dealt with medians and right-of-ways from the GA 54/74 intersection west to the City limits. The third application was part of the multi-use path program and would be a new bridge that would span GA 74 north of the Peachtree Parkway intersection. The bridge would tie into existing embankments on both sides of the highway and connect all of the development in Kedron to Crabapple Elementary School and the path system in Tyrone.

Rapson moved to submit the three grant applications for funding from the TE grant program as presented. Kourajian seconded.

Rutherford noted that Rast was going to keep track of staff time and use it as part of the match for the project. Rast said the Transportation Enhancement program allowed the use of in-kind services as a match, and they had been discussing the matter with the Financial Services Department. Rutherford noted that the match for the landscaping grants had to be cash. Rast said yes. Rutherford asked how much of the City's match of \$178,000 for the bridge grant would be in-kind services. Rast said the work would probably be bid out to a consultant because of the scope of the project and Public Works would do the approach paths. He said they could keep track of their construction management time and Public Works time and ask for reimbursement.

The motion carried 4-1 (Rutherford).

01-04-12 Authorize Applications for Transportation Improvement Plan Projects

Rast said the applications were due the next day at the ARC and were part of the update to the 2005-2010 Transportation Improvement Plan (TIP). He continued that federal funds were available and LCI projects could be submitted. The City had three projects for submission and all were identified in the initial study of the GA 54 West corridor, which was adopted and forwarded to the ARC. The projects include a multi-use tunnel that would connect the Market Place retail center to Westpark and would be located behind the Harry Norman building. Rast said there was a drainage culvert located there. The GA 74 widening project extended to Westpark Drive, so there would be some improvements to the drainage culvert. The City hoped DOT would allow the tunnel to be incorporated into the widening project.

The next project was included in the GA 54 West widening and DOT had agreed to fund 80% of the construction cost of the GA 54 West/CSX multi-use tunnels, with the City being responsible for 20%. The application was for an 80% grant for the 20% funding.

Rast said the last project was identified a number of years ago and preliminary discussions had been held with DOT. The project was another multi-use tunnel underneath GA 74 South extending from Paschal Road to the Leach Fire Station property.

Rast continued that the ARC would review the LCI projects first and would make a decision by February 6 on which projects to include in the TIP. On February 6, another round of applications would be considered and staff would bring more applications for submittal for ARC. The projects not funded during the first round would go back into the pot for the remainder of the money. Brown said there was no guarantee any of the projects would be selected.

Kourajian asked if the City had already approved any of the projects. Brown said the projects were in the City's plan. Rast said the Market Place/Westpark tunnel was on the unfunded list of capital projects. The GA 54 West tunnel was funded with carryover funds, and the GA 74 South/Paschal Road tunnel was also included on the unfunded list. Rast said a five-year Public Improvement Program (PIP) was included in the LCI plan approved a few years ago. The City included the LCI PIP in the City's PIP, and the projects were being phased in as the projects came online.

Rutherford asked if the GA 54 West tunnel was already in the PIP. Rast said the total project cost was \$526,000 and the City would be reimbursed \$421,000 and the local match would be \$105,000. Rutherford said it would be nice to get 80% funding for the projects, but noted that the remaining \$150,000 would be still be unfunded. Salvatore said the only project funded was the \$105,00 match for the for the GA 54 West tunnel.

Rapson noted that all of the projects were in the 10-year PIP. Staff was asking to leverage the money and get the projects funded. The grants still had to come back to Council for final approval. Rapson said all Council was really doing was giving staff the authority to ask for the money, but staff would have to come to Council to get approval for any of the grants that were funded.

Rutherford said if they sought to get the programs funded, then the City was saying it would provide the money. Rutherford said they were still asking for another \$150,000 from a budget that Council already knew would need a tax increase. She said she could not justify the fact she would have to spend money to ask for money. She added that sometimes Council had to make decisions about what the City could afford to buy. Rutherford said she was leery of having staff come back and ask for grant money, then saying no. The next time the City asked for money and had the match set aside, then they might not get it. Rapson said it was a matter of re-prioritizing the projects if the grants were awarded, not finding more money. Rapson said if the City did not ask for the funds then they would not get the funds. Rapson said those were individual decisions.

Rast noted that the Market Place/Westpark tunnel and the GA 74 South tunnel were not included in the TIP. Part of the process was to get the programs included in the TIP

because the City could not accept the funds if the projects were not included. The TIP would be updated in three-four years so they were trying to include those projects in the DOT construction plans. Rapson said that was an integrated approach to fund the transportation needs of the City.

Rast clarified that some information and estimates had been revised for the Market Place/Westpark tunnel and the GA 74 South tunnel. The project costs were \$500,000 each and the City was asking for \$400,000 in grant funds for each project. The estimates were originally for four-lanes and were revised for six-lanes highways.

Weed asked when the awards would be issued. Rast said between mid-March and the first of April. Rutherford asked when construction would begin. Rast said the projects should begin in DOT's fiscal year 2006, which was July 2005.

Rapson moved to submit the applications for funding consideration as part of the update for the 2005-2010 TIP with the modifications as presented. Kourajian seconded. The motion carried unanimously.

Minutes

Brown noted there was an additional document on the dais that included his changes to the December 18, 2003, minutes. Weed said he also had an addition to the minutes. Weed moved to approve the December 18, 2003 regular meeting minutes with Brown's changes and the addition of a sentence on page 3 after the word "anticipation" – *Weed asked Adams if he acquired the property before or after the moratorium was in place. Adams said after.* Rapson seconded. The motion carried 3-0-2 (Kourajian, Rutherford).

Council/Staff Topics

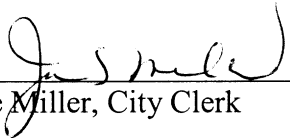
McMullen told Council he still needed availability dates for the Council Retreat. McMullen said Kourajian was available the last week in March, but not the first two weekends in April. McMullen said the second weekend in April was Easter. Brown said he was not available that week. Kourajian added he was also not available the next to last weekend in March. Rapson asked to have the information e-mailed so he could check his calendar. Rutherford said the last week of March was good for her.

Rapson asked McMullen to evaluate the Fire Department permit fees approved during the meeting to see if the fees would fund an assistant fire marshal position. Rapson asked staff to keep the Awards and Announcements part of the agenda to 30 minutes.

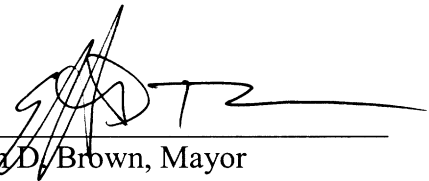
Weed moved to reconvene in executive session for pending and threatened litigation. Rapson seconded. The motion carried unanimously.

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

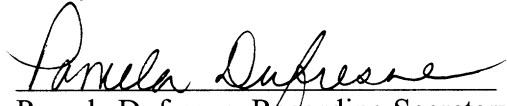
There being no further business to discuss, Rapson moved to adjourn the meeting. Weed seconded. The motion carried unanimously. The meeting adjourned at 11:01 p.m.



Jane Miller, City Clerk



Stephen D. Brown, Mayor



Pamela Dufresne, Recording Secretary