

City Council of Peachtree City
Minutes of Meeting
January 7, 2010
7:00 p.m.

The City Council of Peachtree City met Thursday, January 7, 2010, in the City Hall Council Chambers. Mayor Don Haddix called the meeting to order at 7:00 p.m. Council Members present: Vanessa Fleisch, Erik Imker, Kim Learnard, and Doug Sturbaum.

Oath of Office – Mayor, Council Posts 3 and 4

Mayor Haddix and Council Members Fleisch and Learnard each took the oath of office.

Election and Oath of Office for Mayor Pro-tem

Imker moved to nominate Sturbaum for Mayor Pro-tem. Learnard seconded. The motion carried unanimously. Haddix administered the oath of office to Sturbaum.

Announcements, Awards, Special Recognition

Haddix recognized Bryan Kenny, John Paul Niesen, and Erik Schlappi of Boy Scout Troop 181, for obtaining the rank of Eagle Scout. Erika and Cynthia Mims were recognized as the Peachtree City Youth Council Volunteers of the Quarter. Jesse Brooks of Public Works was recognized as the 2009 Employee of the Year. Lieutenant Matt Myers of the Police Department was recognized as the 2009 Supervisor of the Year.

Public Comment

Harold Yelton addressed Council concerning the fees charged at the Dog Park. His daughter had been prevented from using the park unless she paid \$1 per visit or \$35. He had a problem with the collection of fees when the City was not involved in the process. Yelton said he did not have any problem with the Dog Park Association, but he wanted to make sure Council was aware of the issue and asked if there was an audit process to ensure the money was properly spent. He understood there would be a Recreation Commission workshop on the issue, and it would be on the January 21 Council agenda.

Tim Lydell congratulated the new members of Council and wished them luck. He asked them to get more people involved, to get more opinions, and to get the word out. Input was needed from all the residents so Council could make the best decisions.

Al Yougel, the director of Keep Peachtree City Beautiful (KPTCB), presented recycling statistics for August, September, and October of 2009. He noted that no one knew how much was being recycled in November 2008, and that the new ordinance had gone into effect in August 2009. The first quarter results included 2,919 total tonnage of residential waste collected, with curbside recyclables accounting for 96 tons. Recyclables were three percents of the total waste collected by the five waste haulers, and the County's waste management plan goal was 25%. The total tonnage collected at the drop off stations was 105. Yougel noted that one waste hauler had 89% of the business in the City.

Agenda Changes

There were no agenda changes.

Minutes

Sturbaum moved to approve the December 17, 2009, regular meeting minutes and the December 17, 2009, executive session minutes. Imker seconded. The motion carried unanimously.

Consent Agenda

1. Consider Authorization of Legal Organ
2. Consider Annual Indemnification Resolution
3. Consider Ethics Resolution and Amendment to Ethics Ordinance
4. Consider Appointment of Council Representatives to Board of Ethics
5. Consider Budget Amendments for FY 2010
6. Consider Budget Amendment for FY 2009

Sturbaum moved to approve the Consent Agenda as presented. Learnard seconded. The motion carried unanimously.

The *Fayette Daily News/Today in Peachtree City* was authorized as the legal organ. The appointees to the Ethics Board included Tom O'Toole, Mark Hollums (Haddix); Joseph Clancy, John Merrick (Imker); D'Arcy Pitts, Sidney Warren (Sturbaum); Cathy Nelves, Louise Nelson (Learnard); and Dan Haas, Eric Slepian (Fleisch).

Old Agenda Items

12-09-11 Consider Amendment to Line Creek Development Agreement

Haddix said that no public comments would be taken on the agenda item, noting that Council had received over 6,000 e-mails on the subject over the last two years. There had also been workshops and Council meetings, as well as countless one-on-one conversations. The history was very well versed, and no one was being cheated by not having a public hearing. Sturbaum noted there were two additional items on the dais – a copy of the development agreement with the proposed changes and an e-mail from Tim Lydell.

Rick Lindsey, attorney for Capital City Development Partners (CCD), addressed Council, noting that the proposed revision was to subparagraph 9(b). Currently, the agreement was that no more than three buildings with single tenants or occupants could exceed 32,000 square feet with a maximum of 50,000 square feet for any single tenant or occupant. Lindsey said the developer was willing to discuss removing two of the 50,000 square-foot buildings, or to go down to 32,000 square feet for two of the buildings, but requested that one building be increased to 65,000 square feet. The modification was needed due to the change in the economy. When the agreement was approved two years ago, the 50,000 square-foot buildings would have worked fine. Since the economy had fallen off a cliff, the retailers wanted a strong anchor tenant at the site.

Lindsey continued that Kohl's had been one of the original proposed tenants, but they had wanted 98,000 square feet. The previous Council did not grant that, approving three 50,000 square-foot stores instead. Kohl's wanted to locate in the area, if not in the Line Creek

development, then at Fischer's Crossing in Coweta County. Kohl's was willing to move into a smaller store, but could not live within 50,000 square feet. Academy Sports was also interested, but also needed a building in the 65,000 square-foot range. All of the amenities and attributes would remain, including the \$500,000 for the right-of-way, the 50-foot greenbelt along the rear of the property, and the restrictions on uses. Lindsey said the developer did not want to allow the interested stores to slip across the creek into Coweta County. Lindsey recalled working with Doug McMurrain of CCD when he was the City Attorney, adding that McMurrain was proactive and had worked with citizens and the City to develop a site that everyone could be proud of. He asked Council to take the proposed modification to the agreement to one more workshop with Council, Planning Commission representatives, and citizens. Having a committee look at the proposal would not take more than a month. He asked Council to table the agenda item and send it to a committee.

Haddix said he and Sturbaum had an extensive history with the issue. His argument had not changed.

Sturbaum said the Special Use Permit had been approved in June 2008. It had been on the table before, and he saw no reason to table the issue or to approve it. There was a workable plan in place.

Learnard said a lot of work had gone into the agreement, and the citizenry had turned out to help negotiate the deal. What was in place was a compromise, and they needed to deal within that framework.

Fleisch agreed. There was an agreement in place, and the developer needed to proceed.

Sturbaum moved to deny the amendment to the Line Creek development agreement. Imker seconded. The motion carried unanimously.

New Agenda Items

01-10-01 Public Hearing – Consider Annexation Request, Hyde Investments, LLLP

Mike Lorber, the land planning consultant for Hyde Investments, LLLP, addressed Council. The request was to annex 48.151 acres located in unincorporated Fayette County that was located immediately east of and adjacent to the Peachtree City United Methodist Church property. The property was currently zoned A-R Agricultural Residential in Fayette County. He referred to an aerial map and pointed out the area requested for annexation. According to the City's Land Use Plan, the area was for estate lots. The plan was to divide the property into 21 single-family lots of no less than two acres each. Camp Creek bisected the property, so six lots would be located on one side, with 15 across the creek. Lorber continued that Stagecoach Road provided access to the property from Robinson Road, and it was the only unimproved road in the City. Another option was to use Carriage Lane and go through Hyde Park, using a 50-foot right-of-way easement in first phase of Hyde Park to connect to the new area. The applicant also wanted to improve a portion of Stagecoach Road. The homes would be priced at \$800,000 and more, which was consistent with the existing Hyde Park. Lorber said 11 acres of the tract were floodplain, and the applicant proposed putting those areas into conservation easements that

would be owned by the homeowners. The taxes on an \$800,000-plus home were approximately \$10,000 annually, so over \$210,000 in property taxes would be paid each year to the City, County, and Board of Education from the 21 homes. Lorber said the annexation would also ensure diversity of housing in the City during the buildout. It was the only area where estate lots were proposed in the future.

Lorber continued that, if the City disapproved the annexation request, the applicant would go to the County for the development. The property was land-used as A-R and zoned R-80 (two-acre lots). The issue with developing the area in the County was that the only access to the land was through Peachtree City. Lorber claimed the residents would be served by the City's Fire and Police Department. He said a positive approach to the development was that maybe all of Stagecoach Road could be paved with assistance from the City. Lorber added that this was the first project he had worked on that did not have staff or Planning Commission support.

Interim Community Development Director/City Planner David Rast noted that the 48.151-acre parcel was actually two tracts located immediately east of Peachtree City United Methodist Church tract. Camp Creek, which formed the eastern boundary of the City, bisected one of the tracts. Eleven acres of the parcel were floodplain and were undevelopable. The County's land use designation for the property was low-density residential, and all the property located along the City's eastern border was land-used as single-family low-density residential, and it was developed as such for the most part. There was a lack of sanitary sewer in the area, and all of the lots on the eastern side of Robinson Road were served by septic. The zoning of the parcels located in the City was Estate Residential (ER), three-acre lot minimum, except for Hyde Park, which was zoned Limited Use Residential-9 (LUR-9). Several lots in Hyde Park were less than three acres, and there were several one-acre parcels on Stagecoach Road, but they had been in existence prior to area being developed. The applicant's proposal was to include the floodplain in the lots, and floodplain would not be built upon. Rast showed a topographical map of the area, pointing out the floodplain.

Rast continued that there was a 50-foot access easement in the existing Hyde Park subdivision between Carriage Lane and Stagecoach Road that was currently used for a multi-use path. The easement would need to be turned into right-of-way to construct a road that would be dedicated to the City. The applicant also proposed improving Stagecoach Road from where the right-of-way intersected Stagecoach Road to the second cul-de-sac. The access to the area would be down Carriage Lane, which had originally been built for nine to 10 lots and now served two additional subdivisions, to the access drive to get to Stagecoach Road, then would turn again to get to the lots. The Planning Commission and staff were concerned about the amount of traffic on Carriage Lane and using it as the primary ingress/egress to the development.

Another concern was that there were several large tracts of land in the County adjacent to the applicant's up to the Longboat subdivision that were not yet developed. The concern was where the City's border would end if annexed a piece at a time. The Planning Commission unanimously recommended the annexation and rezoning request not be approved, and staff's recommendation was that the requests not be approved at this time. Establishing City borders was discussed in both the Comprehensive Plan and the Land Use Plan, and Camp Creek was

considered a natural border. Approving the annexation request would extend the borders beyond Camp Creek. Stagecoach Road was also a gravel road, and the entire length of the road should be improved whether the area was developed in the City or County. There was also no compelling reason to annex the property. Staff had analyzed the lots left to be developed in the City at the same price point, and there were well over 100 lots in Smokerise Crossing and 15 lots in Smokerise Estates yet to be developed, all one acre or larger lots. There were also 20 plus homes currently on the Multiple Listing Service (MLS) in that price range and above.

Rast continued that the Planning Commission talked about looking at the other tracts located in the unincorporated County to see if there was any merit to annexing them. There were emergency medical services, police, and fire issues to be resolved. Rast corrected Lorber's earlier assertion that Peachtree City would be serving the area, noting that the area was served by the County, with the City providing mutual aid only when needed. If the 48 acres were developed in the County, then the County would be the primary responders. A joint collaboration with the County Planning staff and Planning Commission had been suggested to look at how to develop the land in that area and establishing it in the City's and the County's Comprehensive Plan.

The public hearing opened. No one spoke in favor of the annexation.

Robert Brown said the annexation would be an unnecessary expansion of the City's boundaries. Annexation and development of the land was appropriate up to Camp Creek, but not beyond.

Larry Manwaring said he and his wife were strongly opposed to the annexation. The proposed zoning would be spot zoning in that area. He was concerned about providing emergency services to the area, as well as the access issue of going through one subdivision to get to another. Going through Carriage Lane to get to Phase 1 of Hyde Park had been an exception when it was developed. The applicant was asking for an exception to the exception.

Ronnie Raines noted that his Carriage Lane home had been on a dead-end cul-de-sac when he purchased it in 1995. Two months later the rezoning sign for Hyde Park went up. Now they wanted to turn the cart path into a road and bring more traffic through their neighborhood. He and his wife were strongly opposed to the annexation.

Joe Jackson agreed with the others. He asked Council to please keep everything ER, three acres. The two-acre lots were an exception.

Lorber asked to respond to some of the statements, adding that it would not be spot zoning. He pointed out that four one-acre lots already existed in the area, and there were two-acre lots on Spear Road zoned R-80. The lots in the development would be more than two acres in size. He agreed that Camp Creek should be a natural boundary such as Line Creek was on the City's western border. Regarding access to the development, Stagecoach Road needed to be improved. He recalled that Robinson Road had been a gravel road at one time, and several subdivisions were built. The road was improved by the City, County, the developer, and Local Assistance Road Program (LARP) money. The residents of the proposed development would be able to use

Stagecoach Road for access. If the project was developed in the County, Stagecoach Road would be the access road. The landowner had a right to develop the property at a reasonable use as long as it did not damage anyone around the property. Lorber said \$800,000 homes would not damage other home values. By annexing the property into the City, Stagecoach Road would be improved. Lorber presented an alternate option that the City could annex the property up to Camp Creek, and the remainder could be developed in the County. He said he took a positive approach in planning, and planning prevailed over profit. As far as the right-of-way, he could not imagine the church would not want a paved road for access to the back of their property. That was a possible alternative.

The public hearing closed.

Haddix noted this was another spillover issue from the previous Council. His argument had not changed. He voted against the Step 1 request when he was a Council Member.

Sturbaum said he had voted to approve the Step 1 request to allow staff to work with the applicant. He had numerous concerns, and he could not support the request at this time.

Learnard said this highlighted the fact the City had the opportunity to work with the County on the area to figure out how the shared borders should look. The citizen input had been unified and very clear. The City had a qualified staff that had done the homework and research and had recommended the annexation not be approved. There needed to be a compelling reason to overrule the recommendation and she had not heard one.

Fleisch asked if Carriage Lane was a public road and City maintained. Rast said it was. Fleisch agreed that the annexation should not be approved.

Haddix agreed that the City and County needed to work together on a joint plan for the area.

Sturbaum moved to deny the annexation request of Hyde Investments, LLLP. Learnard seconded. The motion carried unanimously.

01-10-02 Public Hearing – Consider Zoning, Hyde Investments, LLLP

City Attorney Ted Meeker said no action was needed on this agenda item.

01-10-03 Consider Appointment of Council Representative to Tourism Association

A Council Member must be appointed annually to serve as a voting member of the Peachtree City Tourism Association (PCTA) in accordance with the PCTA by-laws. Learnard moved to appoint Doug Sturbaum as the Council representative to PCTA. Fleisch seconded. Sturbaum stated that he would abstain from the vote. The motion carried 4-0-1 (Sturbaum).

01-10-04 Consider Appointment to Fayette County Board of Health

The seven-member Fayette County Board of Health included two representatives from the City, one must be a member of the Council and the other a City resident.

Sturbaum moved to appoint Haddix to the Fayette County Board of Health. Learnard seconded. Haddix stated he would abstain from the vote. The motion carried 4-0-1 (Haddix).

Sturbaum moved to approve Dr. Thomas Faulkner as a representative from the City to the Fayette County Board of Health. Fleisch seconded. The motion carried unanimously.

01-10-05 Consider Bid for SR 74 South Frontage Road Segment Project

City Engineer Dave Borkowski addressed Council, noting the staff recommendation was to award the bid to On-Site Paving for an amount not to exceed \$44,721 for the construction of a frontage road by the Police Department. Borkowski said a deed restriction on the property required the City to complete the frontage road along SR 74 to the access road to the Police Department. The frontage road currently terminated just before the Police Department. Staff re-evaluated the project, deciding that it was not necessary to extend the frontage road in front of the Police Department. Everything that was needed could be accomplished with a shorter segment, a few hundred feet long, from the Police Department road to the frontage road. Everyone had agreed to the change, and it met the deed restriction. Adding the access road segment would allow the Police access to a curb cut when heading south without having to go north first. The access road was part of the 2005 Special Local Option Sales Tax (SPLOST) and was originally budgeted for \$335,050. The cost savings was significant.

Learnard clarified that the project would give the Police Department a second way out of their facility. Borkowski said it did, and the access road also satisfied the deed restriction on the property.

Imker asked how much traffic the Police would encounter when trying to cross SR 74 to go south. Borkowski said it was approximately 1,200 feet from the curb cut to the Crosstown Road traffic signal, which should allow adequate times to make the turn.

Haddix noted that the original plan took out a lot of trees. The new plan was not only cheaper, but was also environmentally smarter.

Imker said this had been a huge opportunity for saving money, and the remainder of the budgeted funds could be re-directed to other SPLOST needs. He said he appreciated this kind of thinking from staff.

Sturbaum said the plan met the deed restrictions and would help with response times. He agreed with Imker and complimented staff on the work. Sturbaum moved to approve the Police Station frontage road segment project and to award the bid to On-Site Paving, Inc. for an amount not to exceed \$44,721. Imker seconded. The motion carried unanimously.

01-10-06 Consider Flexible Spending Account (FSA) Addition to Employee Benefits

Sturbaum moved to approve the Flexible Spending Account as provided by staff. Imker seconded. The motion carried unanimously.

Administrative Services Director Nikki Vrana thanked Council, noting that the employee training on the new benefit would begin the end of the next week.

Council Staff Topics

Appointment of Council Liaisons to Authorities and Committees

Haddix read the list of appointments. They included Haddix - Development Authority of Peachtree City (DAPC), Fleisch - Planning Commission, Imker - Airport Authority (PCAA) and Water and Sewerage Authority (WASA), and Learnard - Recreation Commission and Library Commission.

City Manager Bernard McMullen reported that the Flat Creek bridge approach construction was going well. The final inspection on the bridge would be soon, and the handrails needed to be added. The asphalt portion of the multi-use path would be done as soon as the contractor was out of the way. The asphalt portion would be done in-house.

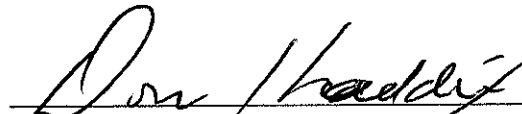
Sturbaum moved to convene in executive session for real estate at 8:27 p.m. Learnard seconded. The motion carried unanimously.

Sturbaum moved to reconvene in regular session at 8:37 p.m. Learnard seconded. The motion carried unanimously.

Sturbaum moved to accept the deed of easement for the cart path and the construction easement from Robert and Rosemarie Schultz. Learnard seconded. The motion carried unanimously.

There being no further business to discuss, Sturbaum moved to adjourn. Learnard seconded the motion. The motion carried unanimously. The meeting adjourned at 8:39 p.m.


Pamela Dufresne, Deputy City Clerk


Don Haddix, Mayor