

**City Council of Peachtree City**  
**Minutes of Meeting**  
**January 7, 1999**  
**7:00 p.m.**

The City Council of Peachtree City met in a regular session, Thursday, January 7, 1999, at 7:00 p.m. in the City Hall Council Chambers. Mayor Lenox led those attending in the pledge of allegiance. Other council members present were: Carol Fritz, Annie McMenamin, Bob Brooks and Jim Pace.

**ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION**

Mayor Lenox recognized the Employee of the Year, Linda Gravley, the Supervisor of the Year, Donald Jordon, and Dan Carr for Service on the Airport Authority. He read a proclamation for Kiwanis Week. The VFW recognized Betsy Tyler, Susan Taylor, and David Rast for their contributions to the VFW Memorial.

The City Manager, Jim Basinger reported staff had completed its investigation of Bell South's telecommunication antennas in the tree tops. He said they had reached the conclusion they were not safety hazards and did not cause significant damage to trees. He said the Building Official, Tom Carty, had reviewed the Bell South Entertainment antenna specifications and inspected an actual installation. While Mr. Carty concluded the installations were relatively safe, he had several concerns associated with tree-mounted equipment. The tree itself might be in an unsafe condition because the equipment could attract lightning to the tree. He also said the connections to the tree might work loose over time.

Basinger recommended Council not take any action on the antennas. He said the Building Department would continue to monitor the situation and respond to complaints. If unsafe conditions were to be found with the installation of the antennas, they would be corrected. He also said the Building Department would work closely with Bell South to make sure they conduct periodic inspections of their treetop antenna locations. He said they needed to ensure that the antennas continue to be as safe as they were when they originally installed them.

**MINUTES**

McMenamin made a motion to approve the minutes of December 17, 1998, as presented. Pace seconded the motion. Motion carried unanimously.

Mayor Lenox explained that several items would be conducted as public hearings that evening and he read the rules for conducting such.

**OLD AGENDA ITEMS**

**12-98-10 Public Hearing - Amendment to Wording of Moratorium on Multi-Family Housing**

Lenox set a time limit of 15 minutes for each side to speak on the issue. Rick Lindsey, City Attorney, said that at the first meeting in November, Council voted to create a moratorium on any

rezonings to multifamily. He recommended a change to the provision that allowed applicants to request the moratorium be lifted. The new provision would allow the applicant to request directly to Council that the moratorium be lifted, and if Council does lift the moratorium, the applicant would then submit a rezoning application to the Planning Commission and go through the full rezoning process.

Jerry Peterson spoke in favor of the change to the moratorium. Hearing no one else speak in favor of the amendment, Lenox asked to hear from those who wished to speak in opposition to the amendment. Hearing none, Lenox called the hearing to a close and opened the floor for Council debate.

McMenamin asked Lindsey the definition of "severally prejudice." Lindsey said the definition would be up to Council on a case by case basis. Lenox said he expected the applicant to demonstrate it to Council during the applicant's presentation.

Brooks made a motion to approve the change as presented by the City Attorney. Pace seconded the motion. Motion carried unanimously.

#### **12-98-11      Consider Franchise Agreement - Newnan Utilities**

Jim Basinger, City Manager, proposed Council adopt a franchise agreement between the City and Newnan Utilities. He said Newnan Utilities had a contract to provide backup telecommunication services to MCI and the new FAA facility currently under construction on Highway 74 South. Newnan Utilities desired to provide fiber optic services to that facility, as well as to other locations in the industrial park. Basinger said the company had been certified by the Public Service Commission (PSC) to provide telecommunication services in Fayette County, and would be required to pay the same 3 percent franchise fee as Bell South. Basinger said the proposed agreement was a 10-year nonexclusive agreement to construct and operate a telecommunications network in Peachtree City. He also said the agreement would require Newnan Utilities to provide fiber optic services to connect City facilities through a wide area network. He said staff would be working with Newnan Utilities in the weeks ahead in an effort to finalize a separate agreement for that service.

McMenamin made a motion to adopt the franchise agreement as presented. Fritz seconded the motion. Motion carried unanimously

#### **NEW AGENDA ITEMS**

##### **1-99-01 Election of Mayor Protem and Oath of Office**

Brooks made a motion to appoint Council member Annie McMenamin as Mayor Protem for the year 1999. Fritz seconded the motion. Motion carried unanimously. Mayor Lenox administered the oath of office to McMenamin.

##### **1-99-02 Authorization and Appointment of City Officials and Positions**

— The City Manager, Jim Basinger, recommended the authorization and appointment of several City Officials and positions.

Brooks made a motion for the following appointments of City Officials and positions:

|                       |                                          |
|-----------------------|------------------------------------------|
| Municipal Court Judge | A. Mitchell Powell                       |
| Judge Pro Hac         | Sharon L. Pierce                         |
| City Auditor          | Geeslin, Cordele, Johnson & Wetherington |
| City Clerk            | Nancy Faulkner                           |
| City Depository       | Peachtree National Bank                  |
| Landscape Architect   | William Lincicome                        |
| Legal Organ           | <u>Today in Peachtree City</u> newspaper |
| Consulting Engineer   | United Consulting Group                  |

McMenamin seconded the motion. Motion carried unanimously.

Pace made a motion to appoint Webb, Stuckey and Lindsey law firm as the City Attorney. Fritz seconded the motion. Motion carried with McMenamin abstaining due to the fact that her daughter, Susan Browne, was an attorney for the firm.

### — **1-98-03 Designation of Persons Authorized to Sign Checks**

Brooks made a motion to authorize the following positions to sign checks:

Mayor, Mayor Protem, City Manager, Director of Developmental Services, Director of Financial Services, and Director of Administrative Services. Pace seconded the motion. Motion carried unanimously.

### **01-98-04 Indemnification Resolution**

McMenamin made a motion to adopt the Indemnification Resolution which is attached and made a part of these minutes herein. Pace seconded the motion. Motion carried unanimously.

### **01-99-05 Consider Alcohol License Change - Rosemary Cafe**

— Mayor Lenox said The Rosemary Café, located at 273 Commerce Drive, was being sold and the new owner, Ms. Sara Kristin McElmurray, submitted an application to be appointed as the licensee and license representative. Ms. McElmurray was present to answer questions of the Council. McMenamin made a motion to appoint Ms. McElmurray as the Licensee and License Representative. Brooks seconded the motion. Motion carried unanimously.

### **01-99-06 Consider Alcohol License Change - Mexico City Gourmet**

— Because the applicants were not present, Brooks made a motion to table this item until the next meeting. McMenamin seconded the motion. Motion carried unanimously.

**01-99-07**

**Public Hearing - Fence Variances, Fairfield Subdivision**

Mayor Lenox called the public hearing to order and gave each side 15 minutes to present its case. Jim Williams, Director of Developmental Services, addressed Council and presented a plan to allow for the installation of privacy fences along the rear property lines of lots in the Fairfield Subdivision adjacent to Wisdom Road. He felt the plan would meet the privacy needs of the residents as well as provide for an attractive appearance of the area from Wisdom Road. He said if the variances are approved as recommended, no property owner would be required to build a fence, but merely be permitted to do so if desired.

Hearing no one else speak in favor of the variances, Lenox asked to hear from those who wished to speak in opposition to the variances. Hearing none, Lenox called the hearing to a close and opened the floor for Council debate.

McMenamin made a motion to grant variances to allow six-foot high privacy fences to be installed on the rear property lines of the following lots on South Fairfield Drive: 100, 104, 106, 108, 110, 700, 702, 704, 706, 708, and 710; provided any fences constructed shall be in accordance with a standard design based on the fence already existing on the lot at 104 South Fairfield Drive.

**01-99-08**

**Public Hearing - Wynnmeade Traffic Signal**

Lenox called the public hearing to order and gave each side 30 minutes to present its case. Jim Williams, Director of Developmental Services, addressed Council and said the owners and developers of the property, which lies north of Highway 54 between the Wynnmeade Subdivision and the CSX Railroad, have indicated they are finally ready to install the first phase of their project, the Line Creek Parkway. The proposed Parkway would extend from Highway 54 north to the city limits. In addition to serving the proposed new commercial, multi-family, and cluster residential developments in the area, the Parkway was also intended to provide a new major entrance into Wynnmeade. The current concept called for that entrance to be via a road to be built by the city, which would run between Line Creek Parkway and Wynnmeade Parkway in the open space/recreation area owned by the city and located immediately behind the residences on the north side of Castle Court. The purpose of the new entrance road would be to shift the main point of access away from the existing dangerous intersection on Highway 54 and to provide an opportunity for an entrance design which would be comparable to other entrances in the newer areas of the city. The proposed new entrance road was included in the agreement to settle a lawsuit on the property which will be served by the Line Creek Parkway.

Williams said the purpose of the public hearing was to provide an opportunity for a full discussion of the issues surrounding the road project so final decisions on the proposed connector road could be made. The issue had been discussed with the Wynnmeade residents on a number of occasions over the past several years. While most residents seem to be in agreement with the basic concept, they were justifiably concerned that the project would take too long to implement. They strongly felt they could not wait for the completion of the connector road to get a signalized access to Highway 54. Therefore a traffic signal was temporarily installed at the Wynnmeade Parkway intersection with the understanding that it would be relocated after the road projects

— were finally completed. The Georgia Department of Transportation approved the signal with the condition that it not be allowed to remain after the completion of Line Creek Parkway.

The City Engineer estimated the new connector road will cost about \$116,000 and the entrance improvements will cost an additional \$35,000. All other costs associated with the Line Creek Parkway, including the relocation of the traffic signal, would be borne by the developers.

Lenox asked to hear from any resident with a comment, pro or con.

Jim Barber, Orvil Barber, Dave Higgs, Ray Tole, Robert Brown, Dan Lincome, Eddie Harris, and Cal Beverly all addressed Council. Comments made included:

- The existing entrance at Highway 54 should be closed off.
- Staff should be aware of a drainage problem at the proposed location of the new entrance.
- Concerns with new location of a park. (Perhaps relocate the park to the current entrance once it is closed off.)
- Concern that traffic using the Line Creek Collector would use the new entrance to cut through to the current entrance at Highway 54.
- Concern with traffic on Highway 54. Anxious to know when the widening project will begin.
- Wynnmeade Subdivision may need a traffic light at the new intersection on Line Creek Collector.
- Concern with plans for a cart path crossing at the Line Creek Collector.
- Staff should address synchronization of traffic lights on Highway 54 in an effort to prevent traffic from backing up.
- Concern about buffering. The new road would run along power line right of way easement which is 150 feet and is clear cut. The distance far exceeds the standard buffer along major collector roads but the quality is lacking.
- Concern with safety while moving the traffic signal to its new location.
- Opposed to Line Creek Collector being located directly across from Planterra Subdivision but suggested that it be located across from Huddleston Road.

Hearing no other comments, Lenox called the hearing to a close and opened the floor for Council debate.

— Brooks complimented staff for their work on this project. McMenamin also complimented staff and made a motion to approve the construction of the new entrance road in the proposed location, to allocate \$151,000 from the Council contingency fund for the project, and to authorize the relocation of the traffic signal from the intersection of Wynnmeade Parkway to the Line Creek Parkway intersection at the developers' expense, and consideration be made for the safety of the citizens during the relocation. Brooks seconded the motion. McMenamin amended her motion to ensure appropriate and proper buffering for the residents of Wynnmeade and careful considerations are to be made regarding the drainage problems that already exist and may exist upon completion of the new road. Brooks seconded the amendment. Motion passed unanimously.

Lenox made a motion to adjourn the meeting for a five minute recess. McMenamin seconded the motion. Motion carried unanimously.

Lenox reconvened the meeting at 8:30 p.m.

**01-99-09 Public Hearing - Rezoning; The Mews at Peachtree City, GA 54/WaltBanks Rd. - LUC-7 and R-43 to LUC-15**

Lenox set a time limit of one hour and fifteen minutes for each side to present its case. He explained the proposed rezoning included 53 acres located at the corner of Highway 54 and Walt Banks Road. He said 32 acres were currently zoned LUC 7 and OI and required a 100 foot buffer to be maintained along Highway 54 and a 50 foot buffer to be maintained along the remaining perimeter. He also said no entry would be permitted onto Highway 54. The current zoning allowed commercial development on 15 ½ acres, as long as no individual shop or store was larger than 32,000 square feet, and Office Institutional development on 18 ½ acres. The remaining 19 acres were zoned R43 Residential.

The applicant, John Callaway, addressed Council and said they must decide between the current zoning and the proposed zoning. He said it would be the last opportunity for Council to vote on how property will be developed because the property was already zoned and if Council denied the rezoning, the owner would move forward with his previous development plans. Callaway said the previous plan and the proposed plan were nearly identical in size. The previous plan included 330,000 square feet of retail and office space constructed on 33 acres, and the proposed plan included no more than 345,000 square feet of leasable space on 53 acres. He said the current zoning would allow a project to be built comparably to half the size of the Fayette Pavilion and the proposed plan would be smaller, approximately the size of Braelinn Village with a Parisian Department Store. He said both plans would generate traffic, but the proposed project would not impact the roadways any more than what they could develop under the current zoning conditions. He said Council should ask themselves if they would like 100% of the traffic routed onto Walt Banks Road or 15% as he estimated his project would.

Callaway explained that an \$18,000 study was conducted a year ago for some of the finest retailers in America. They wanted to know the best location on the south side of Atlanta if they were to put their stores together in a major exclusive project. The top four results were as follows: the proposed site at Walt Banks and Highway 54, the Fayette Pavilion, the intersection of Highways 54/74 and the sight of the new mall proposed in Newnan. He said there were three reasons the proposed site was the first choice, its location was in the center of its affluent customer base, it was large enough to allow many stores to “feed” on each other, and it was a pristine sight. Callaway stressed the project could not survive with a customer base the size of Peachtree City, but it must have other affluent shoppers come and buy goods at the stores.

Callaway reminded Council there were no use restrictions on the current zoning. He described the project he intended to build which would require reducing the front buffer from 100 feet to 50 feet. He said he would keep the existing trees and would build a field stone wall weaving between trees, he also envisioned an elegant white fence. He said the only sign visible from Highway 54 would be an entrance sign stating “*The Mews at Peachtree City.*” It was planned

to have two restaurants at the entrance and the entire project would have a small main-street aura. He said it would be a type of retail village, which is actually called a “lifestyle community.” He said each building would have its own character incorporating a unified village theme from the standpoint of architecture.

He said the project would provide a 13-acre buffer between it and the subdivision behind it. He also committed to donate five acres to the city so that at some future date, it could build a cultural art center (architecturally tying into the proposed village). He also committed to donate land for the Catholic church rectory. Callaway was only interested in developing the project he envisioned and said if for some reason he could not submit to build that plan in 16 months, he would like the property to go back to its original zoning.

He explained the four modifications needed to the current zoning for the proposed project:

1. The 100 ft. buffer along Highway 54 would be reduced to 50 ft, but he would increase the 50 ft. buffer in the rear to 250 ft.
2. A “right-in/ right-out” access onto Highway 54 would be required, but he would eliminate the drive directly in front of the high school.
3. The total size of commercial land would be increased from 15 ½ acres to 19 ½ acres and he would eliminate an 11-acre office park.
4. The maximum size tenant space would be increased from 32,000 sf. to 35,000 sf., and he would eliminate Kmart, Walmart, Target, fast food restaurants and automobile service centers from the site.

Callaway explained by rezoning Paul Heard’s property (19 acres) from residential to commercial, it would allow access to the project from the traffic light on Highway 54 at Steinmart and it would allow the project to spread out on a larger parcel so a greater number of trees could be saved.

Callaway presented an aerial photograph of the intersection of Highway 54/74 taken at 5:15 p.m. and compared it with an aerial photograph of the intersection of Highway 54/Walt Banks Road taken at 5:13 p.m. He said traffic conditions at the intersection of Highway 54/74 would only get worse due to the 18 acres of commercial land currently under construction. He said Street Smarts was conducting a traffic study for the project. He noted that Street Smarts was the same firm that prepared a traffic study for the same location on the City’s behalf. Preliminary studies showed the traffic issues at the intersection of 54/74 were not comparable with the intersection of 54/Walt Banks and Callaway pledged to ensure that it would not. He said there were good reasons the intersection of 54/Walt Banks Road would never become like 54/74, which were the two churches and a cemetery on adjacent corners.

Callaway said there would be no law suits, no recriminations, and no threats. He asked Norm Moore if he would pledge the same. Moore did not answer, but later said he could not predict his actions in the future, but he could predict Council would make the right decision.

Upon completion of Callaway’s proposal, the following citizens spoke in favor of the rezoning request: Sally Bender, Michael Velsmid, Sandra Jungers, Ray Helton, Paul Heard and Jerry

Robinson. The following were various comments made:

- an “upscale” transaction would generate less traffic than discount stores
- need for cultural arts center & youth center
- project will enhance community
- project is “driven by need - not greed”
- infrastructure is not adequate at the 54/74 intersection, need better location for commercial property
- want approval, but do not forget to address need for cart path access
- project is a good proposal for Highway 54 corridor
- project is best use for property
- Callaway responded to all reasonable objections, it is a good project
- need to reduce traffic on Walt Banks Road and allow access to Highway 54

Lenox asked to hear from those who wished to speak against the rezoning. Charles Lehman, Bob Gasko, Buddy Roberts, Norm Moore, Richard Cassell, Phyllis Aguayo, John Thacker, Robert Longmeyer, Phil Carson and Jim Williams all spoke in opposition to the rezoning. The following were various comments made:

- neighboring property owners prefer office-institutional uses because activity would cease in evening
- high volume commercial uses would not be developed without access to Highway 54 because it would not be profitable
- project would increase traffic
- need to uphold Land Use Plan
- best proposal for property so far, but opposed because current zoning was a compromise for a lawsuit - there were reasons for the conditions
- object to cultural art center - do not want evening activity
- undeveloped commercial zoned should be developed before approving additional rezoning
- project would be negative impact on McIntosh High school
- there would not be a way to uphold land use plan if Council violates it
- traffic would come from all over, it would be traffic nightmare
- do not want to give up quality of life for convenient shopping
- Planning Commission recommended denial
- the 130,000 sf. shopping center being constructed at 54/74 - nothing to do with this project
- do not believe Callaway’s traffic predictions
- came here for quality of life and to get away from traffic
- can go elsewhere to shop
- it would be the largest shopping center in Peachtree City
- economics would not justify a large project without rezoning
- Land Use Plan was set up to service residents of Peachtree City not nationwide retailers
- should not consider market studies that determine best location for area retailers, but rather should only consider need of City residents
- should not build commercial areas intending to attract people from outside Peachtree City

Lenox asked if anyone had any questions. Cele Eifert asked why people were concerned with

upholding the Land Use Plan when the first page noted it was not intended to be an “unchanging final authority” and was expiring next year in the year 2000.

George Kadel asked if the Land Use Plan was not just a directional document. Lenox said it was, but it was critical that it be consistent. He said it had been upheld in court because it had not been changed often. Kadel asked if the property in question was reviewed during recent Land Use Plan update. Lindsey said it had not been because it was going through litigation. Kadel mentioned the current zoning required a frontage road to be constructed to commercial standards from Walt Banks Road to the north property line and that it should be eventually extended to Sumner Road. Williams said the zoning “allowed” the developer to construct the frontage road, not “required.” Kadel did not agree with Williams.

Mayor Lenox said they were running out of time because the City Ordinance 2-1 (5) prohibited meetings from extending beyond 11:00 p.m. and it required items under discussion to cease and be placed on the next meeting agenda. Lenox called the hearing to a close and opened the floor for Council debate.

Brooks said he was proud of how the citizens behaved during the public hearing. He felt the issue came down to whether or not the citizens viewed the community as a self-contained community or whether they wanted to provide regional shopping resources for a collective area. He felt most did not want that. He felt the shopping center would be extremely successful, but he did not believe the city infrastructure could not handle it. He felt the traffic issues may improve over the next four or five years.

Pace asked what they should do because they did not have time to finish their discussion by 11:00 p.m. since they only had six minutes remaining. Lindsey said discussion would have to stop at 11:00 p.m.

McMenamin enjoyed seeing Paul Heard at the meeting and she wished her heart could dictate her decision, but she could not support the rezoning although she felt it was a great proposal. Based on the retailers’ market study, she felt Peachtree City would have upscale shopping somewhere in the area. She said the question of how the corner of 54/Walt Banks Road should be developed was answered when the settlement agreement was signed which was acceptable to the owner, the residents and the Council. She felt if a piece of land could be placed on a pedestal it would be that one. The Land Use Plan and zoning for that property had served the City well in many law suits that were supported by tax dollars of citizens. She said Robinson Road, Walt Banks Road and Peachtree Parkway were not commercial streets and could not survive an extremely successful commercial center, which is what she would want the project to be because she would not want it to be a blight on the community. She also appreciated the citizens attitudes that night as well as Callaway’s presentation.

Fritz said she had been going back and forth over the issue and wanted to echo Brooks and McMenamin’s comments. She applauded Callaway’s efforts, but said she could not support the rezoning due to traffic issues and the land use plan.

Lenox said his and Paces’ comments were academic. Pace had made several notes of points he

wanted to bring up during the discussion.

Brooks made a motion to reject the rezoning. McMenamin seconded the motion. Motion carried with Pace abstaining.

Brooks felt Callaway was a very good developer and respected his intentions.

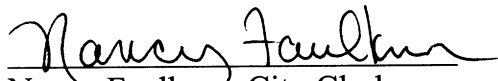
Lenox said he thought the residents of Southern Trace and Hidden Creek, would regret the development was not built with a 250 ft. buffer.

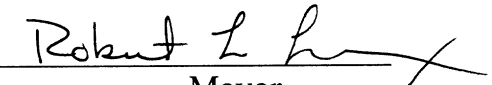
#### **01-99-10 Consider Amendment to Heavy Truck Ordinance**

This item was automatically tabled due to time constraints on the meeting.

#### **COUNCIL/STAFF TOPICS**

There were no Council/Staff Topics to discuss. Lenox made a motion to adjourn the meeting. Pace seconded the meeting. Meeting adjourned at 11:00 p.m.

  
Nancy Faulkner, City Clerk

Attest:   
Mayor