City Council of Peachtree City
Minutes of Meeting
January 5, 2006
7:00 p.m.

The City Council of Peachtree City met Thursday, January 5, 2006, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present were: Steve Boone, Stuart Kourajian, Cyndi Plunkett, and Judi Rutherford.

Oath of Office

Reverend George Dillard administered the oath of office to Mayor Harold Logsdon. Fayette County Chief Magistrate Charles Floyd administered the oath of office to Council Member Steve Boone. Reverend Jimmy Ellison administered the oath of office to Council Member Cyndi Plunkett.

Election and Oath of Office of Mayor Pro-tem

Rutherford moved to nominate and elect Kourajian as the Mayor Pro-tem. Boone seconded. The motion carried unanimously. Logsdon administered the oath of office to Kourajian.

Announcements, Awards, Special Recognitions

Mayor Logsdon recognized Carolyn Stanton as the Supervisor of the Year. Art Swahlen was recognized as the Employee of the Year. The McIntosh High School girl's cross-country team was recognized as the State 4A champion.

Minutes

Rutherford pointed out that she was the only member of Council in attendance at the December 15 meeting. City Attorney Ted Meeker advised that the abstentions of the other members (Kourajian was absent and Logsdon, Boone, and Plunkett were not in office) counted as votes in favor of the motion, according to Robert's Rules of Order. Rutherford moved to approve the December 15, 2005, regular meeting minutes as amended. Plunkett seconded. The motion carried 1 (Rutherford)-0-4.

Reports

Logsdon asked if there were any comments regarding the monthly reports. Rutherford asked if the City still had money in Peachtree National Bank. Financial Services Director Paul Salvatore confirmed this and explained that the funds were collateral funds.

Consent Agenda

1. **Annual Indemnification Resolution**
2. **Authorization of Legal Organ – *Today in Peachtree City***
3. **Alcohol License – Change in Licensee and License Representative – China Café 9**
4. **Alcohol License – Change in License Representative – Outback Steakhouse**
5. **Consider Budget Amendments**

Logsdon noted that China Café 9 (Consent Agenda Item #3) had requested to move their alcohol license to the February 2 agenda.

Rutherford moved to approve Consent Agenda items #1, #2, #4, and #5. Boone seconded. The motion carried unanimously.

New Agenda Items

01-06-01 Public Hearing – Consider Time Limit Requirements for Article VII, Section 704.5, Time Limit to Step 2 Annexation

City Planner David Rast addressed Council. He noted that the annexation ordinance had been modified last year to include a Step 1 and Step 2 process, which was similar to the process used by the Department of Community Affairs and Atlanta Regional Commission when they reviewed applications for Developments of Regional Impact. No time limit had been set for applicants to complete Step 2 after receiving Council approval for Step 1. The proposed amendment would give applicants 12 months to complete Step 2. The amendment would not set a 12 month-limit for approval of the proposal, but required applicants to be actively working on applications and submitting documentation to staff. There were also some housekeeping issues in Sections 704.6 and 704.7 that were also included in the proposed amendments. The Planning Commission and staff recommended approval.

No one spoke either for, or against, the proposed amendment.

Rutherford moved to approve the time limit requirement for Article VII, Section 704.5, Time Limit to Step 2 Annexation. Kourajian seconded the motion. The motion carried unanimously.

01-06-02 Public Hearing – Consider Amendment to LUC-19, Article X, Section 1006B.19

Rast explained that there were several Limited Use Commercial (LUC) districts, and each district pertained to specific sites zoned to LUC. There were currently 20 LUC districts; each district was zoned with certain limitations particular to the tract. The tract on the agenda was formerly known as "The Galleries" tract, which had a frame shop, several smaller tenants, and a residence. It had been a truly mixed-use development under one roof. There had been several amendments to the zoning through the years, including prohibiting a wall sign facing GA 74. Rast said he did not know why a wall sign had been prohibited, but speculated there might have been concern about a series of tenant signs on the building's exterior. There was now one owner with a single component. The proposed amendment would allow a wall sign facing GA 74. Rast pointed out that this was the only LUC district where a wall sign was prohibited. Staff recommended that a portion of the ordinance be amended to allow one wall sign facing GA 74 with the name of the main tenant only. The amendment included language that would keep the sign consistent with other signs in the area. The Planning Commission also recommended approval.

Cari Campanile, who represented Campanile's Casual Home Furnishings, told Council the business had been in the location for 10 months. There had been a lot of feedback from customers, sales people, and delivery people, and they felt wall signage would help due to the building's setback from GA 74.

Wayne Roberts asked what would happen if the building were to have several tenants again. He asked if each tenant would get a sign, which would not be fair. Rast said that they had considered that possibility, but the amendment would limit the signage to the main tenant rather than a series of signs or one sign with 15 different names.

Rutherford noted that window signs were not allowed in the original ordinance and asked if that would change. Rast said that verbiage remained. Rutherford asked if they would have to take down the hummingbird and flower located on the wall. Rast said they looked at covering them up with a panel, but the sign panel got bigger and bigger. The graphics were limited to what the sign ordinance allowed. Two members of the Planning Commission were to work with the owners and their sign company to come up with an aesthetically pleasing sign and identify the location. The window sign stipulation was still in line with the ordinance.

Kourajian asked Rast if the change would bring the ordinance in line with the other LUC districts. Rast said it would.

Rutherford moved to approve the amendment to LUC-19, Article X, Section 1006B.19, specifying one wall sign facing GA 74 identifying the name of the main tenant in the building only. Kourajian seconded. The motion carried unanimously.

01-06-03 Alcohol License – NEW – Katie's
Logsdon noted there was an additional document on the dais – a letter from some concerned citizens in the Lexington Park subdivision. He asked that a map of the area be put up for the discussion. Logsdon asked the applicants, John and Katie Thomas, to come forward. Logsdon noted that the proposed building would be located behind the Buckhead Brewery building. He asked if Lexington Park could be accessed from the front of the proposed building. Katie Thomas said the subdivision could be accessed from the back of the property.

Rast pointed out the site and gave an overview of the area. He said there was a 50-foot greenbelt separating the commercial area from the residential area. He said a schematic plan had been submitted for the tract in 2003, but had not been officially routed through staff or the Planning Commission. The property was eventually put on the market. Rast said staff had not seen a site plan for the tract, but had spoken with the applicant's architect. Staff should receive a plan in the next few weeks. A cart path was recently installed through the greenbelt between Buckhead Brewery and the homes. The path would ultimately extend down to Walt Banks Road. There were other developers looking at other properties, but nothing had been submitted.

Logsdon said this was not a public hearing, but he knew there were Lexington Park residents who wanted to speak and asked that one representative address Council. Lisa Stuart told Council that many residents were not able to attend the meeting. Stuart said that Katie's would be a standalone business, since "The Village" development was town homes. There were concerns about this particular business at this particular location. She asked Council to table the vote until they could visit the site. The homes were very close to the proposed business. She reiterated that a package store was not the correct type of business for the property.

Rutherford asked Rast if the property was zoned appropriately for a package store. Rast said it was. Rutherford said that she had driven to the site and was surprised there was not a building.

She asked the Thomases why they were asking for a license without a building. John Thomas indicated the purchase of the site was contingent on obtaining a license. Rutherford asked City Attorney Ted Meeker if Council could approve a license for a space that did not exist. Meeker said yes. There was a time limitation of six months on opening.

Logsdon clarified that there had been a previous plan with a three-story building for this site. Rast said yes. Logsdon said he understood this building would be one-story. John Thomas confirmed that. Logsdon asked if the plan met all the zoning requirements. Meeker said it did to his knowledge. Boone asked the Thomases if there were any building designs ready. John Thomas said their architect was at the meeting and had some preliminary sketches.

Joe Anglin said there was already a package store within 0.2 miles of the subdivision. There was no need for another one.

Kourajian asked Meeker if Council had any say in what type of business went in if it fell within the zoning requirements. Meeker said if the zoning allowed the use and the application met the requirements for an alcohol license, then Council really had no discretion to do anything other than to approve it.

Rutherford said she had received a call concerning the distance from the churches and asked if the site met the distance requirements. Katie Thomas said the survey showed the site met the requirements. Rutherford said she just wanted to verify the distance since she had been asked. Rast explained that the distance was measured from the buildings for churches (100 yards). He pointed to the locations of Carriage Lane Presbyterian Church and Holy Trinity Catholic Church. The distance for schools (200 yards from McIntosh High School) was measured from the property lines. The site was well outside the minimum distance requirements.

Michael Mahalik said there was a 50-foot greenbelt between the residents and the tract, and their backyards were about 25 feet in length, so the property was about 75 feet from the back of their homes.

Kourajian asked what businesses could go in the area and if they could be all-night types of businesses. Rast said there were a number of prohibited uses for the area, which was zoned LUC-16. None of the development documents prohibited a retail business that sold alcohol. He continued that a master plan had been adopted as part of the rezoning, and a schematic master plan had been approved. The plan had included an office supply store or a pet store, and a small to medium box with a large parking area. The City had encouraged street-level retail and offices with second-story lofts. A one-story building was not precluded on any of the tracts. The design guidelines had been adopted, and the City would work with the applicants and their architect on them. The design guidelines did not allow a building in the back with a huge parking lot in the front. Those details would be worked out during the site plan process.

John Thomas said the business would be a "mom and pop" business. He added the business would be respectable and would probably be better than a lot of other things in that location. Katie Thomas said they also wanted to put the building at the front of the property so it could be seen from GA 54. She added that the sale was contingent upon the license. She said they would do what the Planning Commission said was needed.

Kourajian told the Lexington Park residents their best course of action would be to provide input into the site plan. He continued that there was not anything Council could do but approve the application as long as they met the criteria. Meeker said he understood what the neighbors had said, but Council had no basis for denial from a legal standpoint. The application was valid and met the requirements. Logsdon added that there were also design guidelines for the area. Kourajian recommended that the Lexington Park residents attend the Planning Commission meeting when they considered the plan. He noted that was the best opportunity for them to give input. There was nothing else Council could do, and there was nothing to gain from tabling the application.

Rutherford questioned whether it was right for Council to deny something that was allowed by law. There were comments from the audience about the residents' rights. Rutherford said it was not Council's job to determine if something was economically viable. She agreed with Kourajian that the residents would have an opportunity to control the design at the Planning Commission level.

Rutherford moved to approve the liquor license for Katie's. She noted Council had the document from the Police Chief that the Thomases met the requirements for the background check. Kourajian seconded. The motion carried unanimously.

01-06-04 Alcohol License – NEW – J.R. Crickets
Debra Carthern, applicant for License Representative, addressed Council. The restaurant would be located in Braelinn Village.

Rutherford moved to approve the alcohol license for J.R. Crickets. Kourajian seconded. The motion carried unanimously.

01-06-05 Alcohol License – NEW – Grinds & Wines
Thomas Wukovits, the applicant for Licensee and License Representative, addressed Council.

Rutherford moved to approve the alcohol license for Grinds & Wines. Kourajian seconded. The motion carried unanimously.

01-06-07 Citizen Request to Address Landscaping on MacDuff Parkway
Council agreed to move this agenda item after Agenda Item 01-06-08 Appoint/Reappoint Ethics Board Members.

01-06-08 Appoint/Reappoint Ethics Board Members
Logsdon noted there was an additional document on the dais – the criminal history reports for the proposed board members. Logsdon read the list of proposed appointees – Ronald Hall, Beth Brooks, William Downing, James McCaughey, Karen Horlak, Susan Jones, and Brian Killory.

He also read the list of board members that needed to be reappointed – Charlie VanHecke, Charles Anderson, and Ed Wetherington.

Rutherford moved to appoint and reappoint the Ethics Board members. Kourajian seconded. The motion carried unanimously.

01-06-07 Citizen Request to Address Landscaping on MacDuff Parkway
Phil Jones addressed Council. He said he was a homeowner and a member of the Board of Directors for Chadsworth at Ashton Reserve subdivision, which is located off MacDuff Parkway. Jones noted that the center median stretch on MacDuff Parkway had been landscaped by the developer along the back portion of the parkway, but his concern was the section from Gatehouse Drive to GA 54. Jones showed Council photos of that portion of the parkway. He said he had spoken to City representatives a year ago and had been told either that the developer was to take care of the landscaping or that the City was waiting for the completion of the GA 54 widening. Another answer was that it was the wrong time of year to plant. Jones said the highway widening should have no bearing on the landscaping. He asked why their parkway could not look like the rest of the City.

Logsdon said he did not disagree with Jones. Plunkett asked if there was any interest in having the neighborhoods work with the City to keep up the medians.

City Manager Bernard McMullen told Council that redoing the medians was part of the SPLOST (Special Local Option Sales Tax). The design was in the list for this year, with the intention to work on the landscaping when the highway widening was complete. McMullen continued that staff was looking at starting the design process immediately so the work would be done during the planting time window. The actual construction should begin in about a year.

Plunkett asked if there was anything that could be done in the meantime to make the area look better. McMullen said that Assistant City Manager Colin Halterman reported some things had been done two or three times in the past.

Jones pointed out that every building in the City had turf put in. He asked why that could not be done. McMullen said that was normally done when there was either an irrigation system or someone that could water the new sod every day. The City did not have the capability to put sprinklers in the medians. The City planted at the optimum time to ensure the materials grew without having to water them on a continuous basis.

Logsdon asked if more commercial would be built at the intersection and if they could be required to put in some landscaping. McMullen said there were tracts on either side of the intersection. Jones said the median started further down the parkway.

Kourajian asked if the landscaping had always been planned for 2007. McMullen said he did not know. The rationale for the SPLOST timing was the GA 54 construction. Kourajian asked what would have happened if the SPLOST had not been approved. McMullen said that Rast had been working with the Cedarcroft and Summit Apartment developers, as well as John Wieland, to assist with funding and landscaping.

Jones asked if the subdivisions along Peachtree Parkway and other streets the landscaping in those areas. Rutherford said the City maintained them now, but the developers usually put in the original landscaping.

Logsdon said he understood the landscaping was in the plan. McMullen said it would not be done later than next spring, but could be as early as November/December of 2006.

Kourajian asked if the whole area was the City's responsibility to landscape. McMullen said it was City right-of-way. Wieland originally agreed to maintain his area for two years, but continued to maintain the landscaping. Kourajian asked who put in the road. Rast said a consortium of developers built the road. There had been some litigation. Rast continued that, typically, the developers who landscaped the medians and right-of-ways to help market their homes, installed the roads. In the case of MacDuff Parkway, the developers did not choose to landscape the median. There was nothing in the settlement agreement that required anything other than grass. Rast said the litigation made it difficult to approach the developers and ask them to landscape the road. Rast said he was still talking with Summit about the possibility of contributing to the landscaping. The City was continuing to talk to John Wieland. The Ashton Woods subdivision developer had the benefit of using Wieland's landscaping and chose not to contribute to the landscaping. Jones said the subdivision had agreed to landscape the entranceway, which was not their property, from the entrance to the subdivision to MacDuff Parkway, which was about 500 feet. Rast said a number of subdivisions in the City did the same thing.

Rast said staff had the final site plan for one of the tracts at the intersection of MacDuff/GA 54, and there would be landscaping to the access road. He continued that MacDuff Parkway was different from other roads in the City since the median was compacted, had no curbing, and people drove across the median, which was one of the difficulties in getting grass to grow. He said there would be some curbing around the noses of the turn areas to keep people from cutting across. It would take a lot to improve the soil so plants could grow. Kourajian asked if there were other areas with out the curbing. Rast said the road section changed midway through MacDuff Parkway. The City was looking at what was needed to correct that. The curbing and guttering might need to go into the capital plan. Rutherford asked how much the landscaping would cost. Rast said the design would be $15,000 and the cost could be $100,000 or more for implementation.

McMullen said money was not an issue. The request for proposal for the design should go out in about two weeks. Logsdon said it could not move much faster.

Kourajian asked when the road widening would be completed. McMullen said the published date was July, and there should be no problem meeting that date based on the progress.

01-06-09 Discuss Makeup of Board of Directors for Peachtree City Tourism Association

Rutherford said there had been a lot of discussion regarding the makeup of the Tourism Association (PCTA) when it was created. The Council decision had not been unanimous, and two council members, the city manager or his designee, the financial services director, the Recreation Commission chairman were placed on the board. There were really no general citizens on the board, although the City's other boards were made up of citizens. At the end of the first year, the council members were supposed to step down so more citizens could be included. At the end of the first year, one council member and the financial services director stepped off the board and were replaced by citizens.

Rutherford said she would like to remove the city manager and the remaining council member from the PCTA to make it like the City's other boards. There would be four citizens and the Recreation Commission chairman. Rutherford said it was important for the Recreation Commission to be involved. The City's finance officer and city manager, or his designee, would continue to serve on the PCTA's finance subcommittee, because the PCTA was the conduit for the hotel/motel tax and the City needed to keep track of that. Rutherford said a citizens' board should be citizens. It was time to remove politics from the board. With a council member on the board, the decisions could be political rather than business decisions. The makeup of the board also drew attention the board should not draw. People should look at what the board was doing, not who was doing it. She requested that the bylaws be amended. Kourajian said he supported Rutherford's request.

Rutherford moved that Council instruct the City Attorney to prepare amendments to the Articles of Incorporation and the bylaws of the Peachtree City Tourism Association so as to replace the City Council member and city manager from the Board of Directors with City residents, with the proviso that the Articles of Incorporation and bylaws be further amended to require monthly meetings between the city manager, City finance director, and Tourism Association so as to review the financial information of the Association. Kourajian seconded.

Plunkett asked for a point of information. She asked Meeker if Council could instruct the PCTA to change its bylaws. Meeker said the motion was to draft the changes. The changes would be presented to Council and the PCTA. Both bodies had to approve the changes. He said that the PCTA could not change the articles without Council's blessing, but did not have to change their articles because Council wanted them to do so. Rutherford said that Council would still make the appointments to the PCTA.

Stanley Phillips, a current member of the PCTA, told Council he had just completed his first year. The inclusion of a council member and the city manager had been invaluable to the PCTA and helped achieve a lot.

Rutherford agreed the board had been working hard, but she said more people like Phillips were needed. She said it was difficult for city staff to serve on a board with a council member. It put a tone in the group that made it difficult to be independent. The finance officer and the city manager would remain connected through the subcommittee.

The motion carried 4-1 (Plunkett).

Rutherford noted that a council member would be selected at the January 19 meeting to serve on the PCTA until the requested changes had been approved.

Council/Staff Topics

McMullen reminded Council that there was a stormwater workshop scheduled on Thursday, January 12, at 6 p.m.

McMullen reported there had been some progress on the Three Dollar Café, and they planned to open in March. The application for the traffic signal at GA 74/Georgian Park was in Atlanta. McMullen met with the TDK extension right-of-way property owners and additional meetings were planned. The City Clerk was polling Council on dates for Retreat.

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

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

Rutherford moved to authorize the City Attorney to enter into settlement negotiations with Angela Rice as discussed in executive session. Plunkett seconded. The motion carried unanimously.

Rutherford moved to deny the claim of Guide One Insurance as such claim was presented. Kourajian seconded. The motion carried unanimously.

Rutherford moved to authorize the payment to Fincher Construction to close out the Satellite Auto Shop project as discussed in executive session. Kourajian seconded. The motion carried unanimously.

There being no further business to discuss, Rutherford moved to adjourn. Kourajian seconded the motion. Motion carried unanimously. The meeting adjourned at 9:30 p.m.

Jane Miller

Jane Miller, City Clerk

Harold Logsdon

Harold K. Logsdon, Mayor

Pamela Dufresne

Pamela Dufresne, Recording Secretary