

CITY COUNCIL OF PEACHTREE CITY

Minutes of Meeting

January 4, 1996

7:00 p.m.

The Mayor and City Council of Peachtree City met in regular session on Thursday, January 4, 1996 at 7:00 p.m. in the City Hall Council Chambers.

Mayor Lenox led those in attendance in the pledge of allegiance. Present were: Mayor Robert L. Lenox, Councilmembers Annie McMenamin, Robert Brooks, Jim Pace and Caroline Price.

Oaths of Office

Mayor Lenox administered the oath of office to Councilmembers Annie McMenamin and Jim Pace. McMenamin and Pace were elected to a four year term of office on November 7, 1995.

Mayor Pro Tem

McMenamin made a motion that was seconded by Price that Councilmember Robert Brooks be elected as Mayor Pro Tem. Motion carried unanimously. Mayor Lenox administered the oath of office to Mayor Pro Tem Brooks.

Additional Agenda Items

No items were added to the agenda.

Announcements, Awards, Special Recognitions

There were no announcement or awards.

Department Reports

Mayor Lenox announced that Department Reports for the month of November 1995 were available for review at City Hall.

Minutes

McMenamin made a motion that the minutes of the December 7, 1995 meeting be approved as presented. Price seconded the motion. Motion carried unanimously.

Old Agenda Items

11-95-11 Hwy 54 Apartment Proposal - Public Hearing

Lenox said he had received a telephone call from Michael Rossetti, on behalf of all of the applicants, requesting that the Public Hearing be continued until the January 18 meeting. Lenox said Mr. Cline had also sent a letter requesting the continuance. Lenox said after the last meeting in December, the applicants were to submit a revised plan that would be in conformance with the wishes of the community. Lenox said that while he understood that many people were interested in the issue, he felt the continuance should be granted because the applicants had been dealing in good faith.

Brooks said he disagreed with Lenox. He said he felt the issue was important to a significant number of residents and should be considered that night. Brooks said he had studied the issues significantly and he did not like the direction negotiations were headed. He said it had been over a month since the last meeting and there had been no feedback from Reeser. Brooks said he would not support any apartment development in that area and he felt by allowing the issue to continue, Council would be doing a disservice to the citizens and to Reeser. Brooks said he felt the proposals should be considered separately because they were so different. He said the Rossetti proposal started out as single family homes and the majority of the proposal was still single family homes, the Reeser proposal was for multi family homes and the Huddleston proposal was not defined. Brooks said he would like to turn down the Reeser/Cline request for grandfathering based on the fact that it was not consistent with the Land Use Plan and it created a health, safety, and welfare problem. Brooks said he felt the other requests should be continued for the time being with the purpose of trying to facilitate the transition of the projects into a single family development which is consistent with the Land Use Plan.

McMenamin said she agreed with Brooks.

Brooks clarified the following four proposals that were being considered for grandfathering:

1. Huddleston property - 40 acres with no plan; however, prime location for road development.
2. Reeser/Cline proposal - 600 multi family units including 300 senior citizen units
3. Rossetti proposal - single family development

4. Rossetti proposal - initially part of the above single family development; however Reeser, expressed interest to develop with Rossetti as multi family

Price said she did not agree with the idea of cutting off negotiations. She said the last meeting in December brought together all of the applicants the City representatives asked them to prepare a new presentation. She felt the holidays had possibly delayed progress on their presentation and she felt they should be granted a continuance.

Brooks said that the applicants were suing the City and that while the City may win the law suit, the City may have an obligation to reimburse the applicants for expenses incurred. He said he felt the longer Council waited to make a decision, there would be a greater potential for the applicant to incur more expenses. He said he would not like to see them incur more expenses on a plan that Council probably would not approve. Brooks said while he was not at the last meeting, he understood that the financial company behind the Reeser/Cline project developed a number of low income apartment projects. Brooks said he felt it was Council's responsibility to provide leadership and to address the citizens concerns by denying the development of apartment projects. Brooks felt the worst location to build apartments in Peachtree City would be between railroad tracks and a commercial area. He said the City had taken great strides to improve the west side of Peachtree City and apartments would only cause problems.

Lenox said there was a difference of opinion among Council members about apartment development. Lenox said if he felt there was a place in the West Village for 300 apartment units just as there were 300 apartment units in every other village in Peachtree City. He said he felt that if Council decided there should be 300 apartment units in the West Village to be consistent with the development of the other villages, he felt the proposed location was the best location for them because it would follow step down zoning as in every other area in the City. Lenox said it was his job to consider his own opinion as it was to consider the opinions of the citizens of the community. Lenox felt that a major developer had presented a good plan that achieved many things the City Planning staff had been trying to achieve for years, including creating an integrated plan for the area. Lenox said he had no problem denying apartment development because that was the consensus of the community; however, he did have a problem with denying the project in the absence of the applicant.

McMenamin said as a result of the last meeting in December, she did not feel Mr. Reeser and Mr. Cline had adequate financial backing. She said she had no problem denying a continuance because she felt they had plenty of time to present their plan and failed to do so.

— Lenox said Reeser and Cline were not the only applicants Council were discussing. He said Joel Cowan and Floy Farr, founders of Peachtree City, Mr. Huddleston, executor of the estate of the original owner of Peachtree City, and Michael Rossetti, a respectable builder and citizen were also involved. He said he felt Council should treat them fairly.

Pace said he was not in favor of the proposed project but he felt Council should not end negotiations without advising the applicants. He felt the Reeser/Cline project and the Rossetti project were completely different projects. He said the Reeser/Cline project was not consistent with the Land Use Plan and they had not purchased any land. The Rossetti project was consistent with the Land Use plan, land had already been purchased, and approval had been received from the Planning Commission. Pace said he felt Council should enforce the Land Use Plan.

Price reminded Council that when Council opened negotiations with Mr. Reeser and Mr. Cline it was with the idea that all parties would work together and Mr. Rossetti was supportive of that idea. She said she was a strong supporter of the Land Use Plan but that a better solution may be found if the applicants were given more time.

— Lenox asked Council if any of them would vote for any apartments in that area. He said that he would not vote for any. Price said they were in the midst of a process and she could not make that decision yet. Lenox suggested that if none of the Councilmembers were going to approve apartments in that area, he felt they should grant a continuance and let the applicants know that they should not include any apartments in their proposal or it would be denied.

Brooks said Council had made a commitment to continue the hearing until that night and he did not feel obligated to grant another continuance.

Brooks made a motion to deny the Grandfathering request for the Reeser/Cline project and that the other requests be continued until the next meeting with the purpose of trying to facilitate the transition of the project into a single family development which would be consistent with the Land Use Plan. Brooks said his recommendation for denial was based on the fact there was a problem with health, safety and welfare and the proposal was inconsistent with the Land Use Plan.

— Webb said that because there had been a request for a continuance, the first motion should be whether or not to grant the continuance. Webb said there should be a rational basis if the continuance was granted for one applicant and denied for another. He said if Council declined to grant a continuance for any of the interested parties, then Council would need to reconvene the Public Hearing and conclude the Public Hearing just as any other zoning request.

— Lenox said Rossetti's comments and conversations had been on behalf of himself, Mr. Cline and Mr. Reeser. He said the Development Company that would be financing the project was an eight billion dollar a year developer and that the implication they specialize in low income housing was wrong. He said that portion of their business was so small it was virtually non existent. Lenox also said he personally resented the comments that nothing had happened since the meeting of November 7. Lenox said he personally had spent over 30 hours of his time involved in negotiations with the developers to try to find a way to make the project work to everyone's satisfaction. Lenox said he did not think the City would ever get a quality development in that area unless it was developed in an integrated basis by one developer who would develop a master plan. He said he felt the proposed developer was capable of doing that and he would hate to slap them in the face and send them away without exploring every possibility.

Brooks withdrew the motion on the floor.

— Pace said if any Councilmember had made commitments on behalf of the City to that would not be kept if the continuance was denied, then the rest of the Councilmembers needed to know that.

Price said the last meeting was left with the understanding that Mr. Reeser, Mr. Cline, Mr. Rossetti, and Mr. Huddleston would negotiate and prepare a single integrated proposal. She said they were not given a deadline but they were asked to complete the proposal as quickly as possible.

— Lenox said the last conversation with Mr. Rossetti was on Tuesday and he told him there would be no chance apartments would be approved in that area. He told Rossetti he would personally support tabling the issue, but he did not know if it would be tabled by Council. Lenox said there was no commitment made on behalf of the City but that he was being put in an awkward situation because he was trying to negotiate in good faith. He said he was very careful not to make commitments on behalf of the City, but that he thought any action made that night would be putting the entire City in an awkward situation. He said he realized by continuing the Public Hearing he would be requesting concerned citizens to come back to another meeting but that he was not asking the public to do anything that he and the other Councilmembers were not doing on an on going basis.

— McMenamin said Council was not going to approve their request in two weeks, and asked what was the point in making them wait two weeks. She said she would rather be up front and honest.

Brooks asked Lenox how much time he actually spent negotiating with Reeser or Cline. Lenox responded all negotiations were being made through Rossetti. Brooks said he did not feel there was any efforts made by Reeser and Cline.

Price reminded the Councilmembers that they started a Public Hearing and Council should go through the steps. McMenamin reminded Price that the Public Hearing had been closed and Council was debating the issue.

Brooks made a motion to continue the hearing for Rossetti's single family and multi-family projects, and the Huddleston property. He moved to hear, debate and vote on the Reeser/Cline request. McMenamin seconded the motion. Price said based on the fact that health, safety, and welfare were the primary concerns and that traffic safety was one of the most important of those concerns, she did not feel prepared to exclude a single applicant without seeing a transportation plan. Brooks said the reason he made the motion to continue the other areas was because there had been progress made toward a compromise that would meet with the Land Use Plan.

Pace said he felt the City should negotiate in good faith and that the City would be put in a better light to grant the continuance and give the applicant and opportunity to be present.

Lenox said he felt Council should either continue all of the requests or deny them all. Brooks said he wanted to continue discussions about the Huddleston property because conversations to negotiate a roadway were moving in the right direction. Lenox said all of the projects were tied together because the financial support for an integrated project depended entirely on Regent Development Company. He said they were only financially viable as a group, and if Council were to deny one request, they might as well deny all of them. Brooks disagreed that all of the projects were tied together because the Rossetti project was the only one that was approved by the Planning Commission.

Price explained that an integrated plan was being discussed because Rossetti asked that the plan be changed to integrated plans with the other individuals for a larger development.

Pace said the law suit that was filed was filed by Reeser, Cline and Rossetti. Pace asked Webb how separating the issues would affect the suit. Webb said he did not believe separating the issues would affect the suit. Webb said the original reason for the public hearing was to determine whether or not property should be grandfathered to allow residential units on property zoned for commercial use. He said Council should

consider a separate motion for each applicant with respect to a continuance and then elect to grant or deny the grandfather rights.

Brooks made a motion to decline Mr. Cline's request for a continuance. The motion was seconded by McMenamin. Motion passed with Price voting Nay.

Brooks made a motion to decline Mr. Rossetti's request for a continuance. Motion was seconded by McMenamin. Motion passed with Price and Lenox voting Nay.

Brooks made a motion to decline Grandfathering the Huddleston property. Motion was seconded by McMenamin. Motion passed with Price voting Nay.

Brooks made a motion to decline Grandfathering the Reeser/Cline project involving 600 apartment units. Motion was seconded by McMenamin. Motion passed with Price voting Nay.

Brooks made a motion to approve Grandfathering the Rossetti property. Brooks withdrew his motion.

Brooks made a motion to grant Mr. Rossetti's request for a continuance pertaining to the single family project and the other Rossetti property that was proposed as multi-family. McMenamin seconded the motion based on the fact that the plan had been approved by the Planning Commission and numerous discussions had been forthcoming. Brooks said the reason he made the motion was because Rossetti had made a lot of good faith efforts. Brooks said Council was on record that they would not approve any multi family project, but he did not want to take any action that would make it more difficult to work out a compromise with Rossetti. He said he felt obligated to grant Rossetti's request for a continuance because there had been negotiations of good faith and he felt comfortable with continuing Rossetti's negotiations for another two weeks. Price said the reasons she could not support the motion was because there were no plans or drawings presented, it was not consistent with the previous motions and none of the individuals concerned were present. Motion passed with Price voting Nay.

11-95-10 Traffic Signal - Hwy 54/Wynnmeade

Basinger said staff was trying to complete negotiations with McCoy Grading Company and staff was optimistic that they will give the City a bid for the project but that it may be over the budgeted amount.

McMenamin made a motion to authorize staff to accept a bid within fifteen percent of the \$88,500 budgeted for the project and that any excess funds should come from the Council Contingency fund. Brooks seconded the motion. Motion carried unanimously.

New Agenda Items

1-96-1 Authorization and Appointment of City Officials and Positions

Basinger said bids were received from the following:

Municipal Court Judge -A. Mitchell Powell, Sharon I. Pierce and George L. Barron

City Attorney -Webb and Lindsey and Glover and Davis

City Auditor - Geeslin, Johnson and Wetherington

Basinger said staff recommended the following appointments:

City Attorney	Webb and Lindsey
Municipal Court Judge	A. Mitchell Powell
Judge Pro Hac	Sharon Pierce
City Auditor	Geeslin, Johnson and Wetherington
City Clerk	Jane Miller
City Depository	Peachtree National Bank
Landscape Architect	Bill Lincicome
Legal Organ	This Week Newspaper

Price made a motion to approve staff's recommendation of all positions. McMenamin seconded the motion. Motion carried unanimously.

1-96-2 Designation of Persons Authorized to Sign Checks

Basinger said staff recommended that persons authorized to sign checks should be a combination of any two of the following positions:

Mayor
Mayor Pro Tem
City Manager
Director of Financial Services
Director of Administrative Services

McMenamin made a motion to approve staff's recommendation. Pace seconded the motion. Motion carried unanimously.

1-96-3 Indemnification Resolution

Basinger said Council had a copy of the resolution before them regarding the potential liability of elected and appointed officials and employees. He said the Resolution basically said that the City of Peachtree City would indemnify, defend and pay any and all judgments rendered against any City elected official or appointed official (with exception of officials of authorities) or employee for any and all suits brought against them for any acts or omissions performed or neglected to be performed by them in the course of their employment, or association with the City. This indemnification shall not apply to those individuals who acted oppressively, maliciously, corruptly, or without authority of law as defined under O.C.G.A. 36-33-4.

McMenamin made a motion to adopt the indemnification resolution. Price seconded the motion. Motion carried unanimously.

1-96-4 Hazardous Materials Agreement

Basinger said Peachtree City's hazardous material team was formed ten years ago because Peachtree City was the only place in the County that had hazardous materials. He also said the City had the only Hazardous Materials Team on the south side. He said Fire Chief Reed had discussed consolidating the team with other chiefs in the county and they felt it would be beneficial to have a consolidated team. Basinger said Peachtree City already had a truck, tools, radios and a mobile phone. The consolidated team would like to replace the van with a trailer which would cost \$10,000. He said \$6,000 had been raised by selling aluminum cans, which would help pay for the trailer.

He said the remaining cost of the trailer and operating costs would come to \$8,644 for first year. He said each entity would share equally in the annual costs and that Peachtree City normally budgets \$3,000 for the team. Basinger said the City Attorney reviewed the proposed agreement which covered all aspects of operations, responsibility, membership, call out procedures and rules, and rotating leadership. Basinger said Fayetteville and Fayette County had already approved the agreement.

Price ask Reed where the trailer would be kept. Reed said it would rotate between the three jurisdictions. Price made a motion to authorize the Mayor and Fire Chief to sign the agreement. Pace seconded the motion. Motion carried unanimously.

1-96-5 Alcoholic Beverage License - Ruby Tuesday License Representative Change

Lenox said Mr. Andrew V. Parker had submitted an application to be he License Representatives for Ruby Tuesday. McMenamin said the application appeared to be complete and in order and made a motion to appoint Mr. Parker as the License Representative for Ruby Tuesday. Price seconded the motion. Motion carried unanimously.

**1-96-6 Alcoholic Beverage License - BJ's Sandwich Shop
Licensee & License Representative Change**

Lenox said Ms. Brenda Harp had submitted an application for a change in the alcoholic beverage license for BJ's Sandwich Shop. Ms. Harp applied to be the Licensee and her daughter, Robin Spencer, applied to be the License Representative.

Price asked Ms. Harp if this would be the first time she held an alcoholic beverage license. Ms. Harp said that she had been operating the business with her husband being named as licensee. Brooks made a motion to appoint Ms. Harp as the Licensee and Ms. Robin Spencer as the License Representative. McMenamin seconded the motion. Motion carried unanimously.

Lenox made a motion to adjourn the meeting for a brief recess and reconvene in executive session to discuss a legal matter. McMenamin seconded motion. Motion carried unanimously.

Executive Session

No action was taken in Executive Session.

Meeting adjourned at 9:15 p.m.

ATTEST: Robert L. Lenox
Robert L. Lenox, Mayor

Nancy Gaillo
Nancy Gaillo, Deputy City Clerk