

**City Council of Peachtree City
Minutes of Meeting
December 4, 1997
7:00 p.m.**

The City Council of Peachtree City met in a regular session Thursday, December 4, 1997, at 7:00 p.m. in the City Hall Council Chambers.

Mayor Pro-Tem, Robert S. Brooks, led those attending in the pledge of allegiance. Council members present were: Caroline Price, Jim Pace, and Annie McMenamin.

ADDITION OF AGENDA ITEMS

Brooks, made a motion to add agenda item 12-97-08 "Surplus Bicycles." Price seconded the motion. Motion carried unanimously.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Brooks announced Mayor Lenox was unable to attend the Council meeting due to a delayed flight from a business appointment.

MINUTES

McMenamin made a motion to approve the minutes of the November 20, 1997 meeting as presented. Price seconded the motion. Motion carried unanimously.

OLD AGENDA ITEMS

There were no old agenda items.

NEW AGENDA ITEMS

**12-97-01 Alcohol Beverage License - License Representative Change
Kedron Kroger Store**

City Manager, Jim Basinger, addressed Council and stated that Mr. Russell E. Stewart had requested he be appointed as the License Representative for the Kroger Store #422 located in the Kedron Village Shopping Center, 1101 Peachtree Parkway North. A satisfactory criminal background report has been received and the application appeared to be in order.

In response to McMenamin's inquiry, Mr. Stewart addressed Council and stated he was familiar with the rules of the City and the State regarding the Alcohol Beverage License

Ordinance. McMenamin made a motion to appoint Mr. Russell E. Stewart as the License Representative for the Kroger Store #422. Pace seconded the motion. Motion carried unanimously.

12-97-02 Consider Resolution of the Local Governments of Fayette County to Develop a Watershed Protection Plan for Small Water Supply Watersheds in Fayette County.

City Engineer, Cam McNair, addressed Council and stated that a resolution was being considered by all of the governments plus the school board in Fayette County and that adoption of the resolution would essentially bind the governments and the school board to cooperate on land use and development controls within the four small water supply watersheds in Fayette County.

McNair said small water supply watersheds were defined as those of less than 100 square miles and that Fayette County had water supply intakes at points on four (4) streams (listed below), which drained watersheds of less than 100 square miles.

Line Creek, northwest of Falcon Field;
Flat Creek, at Lake Peachtree;
Whitewater Creek, at Starr's Mill Pond; and
Horton Creek, at Lake Horton.

McNair advised that Fayette County also withdrew water from the Flint River, but the watershed draining to that intake point was more than 100 square miles and, therefore, was not a part of this discussion.

McNair provided a map of the small water supply watersheds in the Atlanta Region (a copy of which is attached and made a part of this official record), which had been prepared by the Atlanta Regional Commission. In addition, McNair provided a fact sheet on Environmental Planning Criteria, prepared by the Environmental Protection Division of the Georgia Department of Natural Resources (a copy of which is attached and made a part of this official record). McNair explained further that the principle element of this information was the requirement for restricting impervious surfaces in the small water supply watersheds of less than 25% of the total area in the watersheds.

McNair said further that to achieve the intent of the Environmental Planning Criteria would obviously require a great deal of cooperation and coordination for land use and development controls across political boundaries, even extending across county lines and that the purpose of the attached resolution was to lay the foundation for inter-governmental cooperation and planning in the creation of a County-wide Watershed Protection Plan.

McNair read the resolution (which is attached and made a part of this official record) and advised that City staff recommended the resolution be adopted.

After a brief discussion, Price made a motion to adopt the Resolution of the Local Governments of Fayette County (Fayette County Commission, Fayette County School Board, and the Municipalities of Brooks, Fayetteville, Peachtree City, Tyrone, and Woolsey) to Develop a Watershed Protection Plan for Small Water Supply Watersheds in Fayette County as read. Pace seconded the motion. Motion carried unanimously.

12-97-03 Consider Tower Moratorium

Director of Developmental Services, Jim Williams, addressed Council and stated that there was every indication that Peachtree City would soon be receiving numerous requests for permits to install telecommunication towers throughout the City due to the current wireless communication revolution that was occurring across the country. Williams said there were two applications, which were currently being reviewed, and that calls were received almost daily requesting information.

Williams indicated that City Planner, David Rast, had been working on a draft of a new ordinance that would enable the City to better regulate towers and had based his draft on the ARC Model Ordinance along with the ordinance which Fayette County had adopted recently.

Williams explained that the Planning Commission had reviewed the draft ordinance as well as one of the tower applications at the November 24 Planning Commission meeting and that the Commission had decided it would table consideration of the site plan for the tower until work on the ordinance could be completed. Williams said the Commission recommended that Council place a moratorium on all other telecommunication towers until a new ordinance was adopted and that the moratorium should not extend beyond 90 days.

In response to Pace's inquiry as to where towers could be potentially placed in the City, Williams answered they could be installed in any zoning district, but that the current draft of the ordinance did limit the towers to three districts.

Pace made a motion to pass a moratorium on all other telecommunication towers for a period of 90 days. Price seconded the motion. Motion carried unanimously.

12-97-04 Proposed City Code Changes

McNair addressed Council and stated there were three proposed changes to the Land Development Ordinance, and that these changes were related to construction standards and were considered housekeeping items.

1) Land Development Ordinance - Street Thickness

McNair explained that the first change was relative to the paving standard for industrial streets only and it was recommended that a revised drawing be substituted which reflected the proper paving thickness for Industrial and Major Collector streets because the existing drawing was incorrect as currently published. Further, approval of this change would correct a misprint in the Code, and would provide for a stronger and more durable pavement on Industrial and Major Collector streets in the City. McNair provided copies of the existing drawing #101 and the proposed new Standard Drawing #101, (copies of which are attached and made a part of this official record).

2) Land Development Ordinance - Underground Utilities

McNair also indicated that the standards for typical underground utilities locations were likewise portrayed in the Design Standards detachment at the rear of the Land Development Ordinance and it was recommended that a new paragraph be added to Article VII, Section 719, of the Land Development Ordinance and that Drawing #303, which was the existing published standard be replaced by two standard drawings, #303 and #304, (copies of which are attached and made a part of this official record), to take into account the differences between public and private streets. McNair explained the new standards would accomplish the following:

- ▶ recognize and account for the fact that power, phone and cable TV could occupy space on either or both sides of the street;
- ▶ make provisions for sidewalks, which were becoming more prevalent in the community;
- ▶ make provisions for utility easement areas along private streets; and encourage the use of joint or shared trenches by the power, phone and cable TV utilities.

3) Building and Construction Ordinance - On-Site Burial of Debris

McNair advised Council that the Georgia Environmental Protection Division had recently issued a new regulation as part of its Rules for Solid Waste Management, effective August 20, 1997, which stated the following:

“A 100-foot buffer zone is required between inert waste landfill disposal areas and property lines or enclosed structures.”

McNair explained that the EPD felt this change was needed to ensure the protection of adjoining landowners from the adverse consequences associated with inert waste landfills, and that burial pits for land-clearing debris on home-building sites were considered to be inert

waste landfills. McNair said this new rule would effectively eliminate the use of burial pits on small building lots and would require those builders to find alternatives for waste disposal and that possible alternatives were:

- ▶ Transport waste to a permit-by-rule off-site inert waste landfill or to a permitted construction and demolition waste landfill.
- ▶ Transport waste to a yard trimmings composting/recycling facility.
- ▶ Develop a centrally located inert landfill on-site that would meet the permit-by-rule requirements for the disposal of waste from an entire subdivision development.

McNair said in order to incorporate this State-wide requirement into the Peachtree City Code, it was recommended that Chapter 5, Section 5-7 of the Code be modified by adding a new sentence at the end of paragraph (b) and by modifying paragraph (d), (copies of which are attached and made a part of this official record).

After a brief discussion regarding the three proposed changes to the Land Development Ordinance, Council voted on each change individually, as follows:

Price made a motion to Amend the Peachtree City Land Development Ordinance to Apply Specifically to Design Standards and for Other Purposes by replacing the existing Standard Drawing #101 with a new Standard Drawing #101 relative to **Street Thickness**. McMenamin seconded the motion. Motion carried unanimously.

Price made a motion to Amend Article VII, Section 719 by adding a new paragraph (5) and by replacing the existing Standard Drawing #303 with new Standard Drawings #303 and 304 relative to **Underground Utilities**. McMenamin seconded the motion. Motion carried unanimously.

Pace made a motion to Amend Chapter 5, Section 5, of the Peachtree City Code of Ordinances, to Apply Specifically to **On-Site Burial of Debris** and for Other Purposes by adding a new sentence at the end of paragraph (b) and modifying paragraph (d) as stated. Price seconded the motion. Motion carried unanimously.

12-97-05 Consider Definition of State Waters

Williams addressed Council and stated that the term "State Waters" was defined in Sections 201 and 1004-2 of the Land Development Ordinance and that it was being proposed to amend these definitions to specifically include wetlands as State Waters and also to specifically designate wetlands as Jurisdictional Waters of the United States.

Williams said City staff had always assumed wetlands to be both State Waters and Jurisdictional Waters of the United States when administering the Land Development Ordinance and that the purpose of the proposed amendment was to explicitly state this assumption so there could be no question as to how this matter was interpreted in the future. Williams said the proposed amendment was prepared by the City Attorney and that staff recommended it be adopted as presented.

Price asked if the ordinance addressed perennial or intermittent streams and Williams replied that it was strictly delineated wetlands, but that the perennial and intermittent streams were identified specifically as State Waters.

John Judy, a Peachtree City resident, addressed Council and read a definition of wetlands provided to him by the Department of Natural Resources which stated that ... "State Waters include any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or sub-surface water, natural or artificial lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely on the property of a single individual, partnership or corporation". Judy commented that wetlands would have to be considered State Waters because any wetness still drained onto other property eventually.

Brooks commented that the definition Mr. Judy read was exactly like the definition stated in the ordinance (a copy of which is attached and made a part of this official record) except that the City proposed the following additional sentence: **"Wetlands shall also be considered Jurisdictional Waters of the United States, as that term is defined by 42 United States Code of Federal Regulations and the regulations promulgated thereunder."**

Price made a motion to amend Section 201, paragraph (kkk) and Section 1004.2, paragraph (30) of the Land Development Ordinance Relating to the Definition of State Waters by deleting them in their entirety and inserting new sections as read. McMenamin seconded the motion. Motion carried unanimously.

12-97-06 Consider Appointments to the Airport Authority, Recreation Commission, and the Water and Sewerage Authority

Basinger addressed Council and said that he and the Selection Committee, composed of Councilmembers, Annie McMenamin and Caroline Price and Authority member, Robert Patterson, had interviewed nine applicants for the vacancy on the Airport Authority and that it was the recommendation of the committee that H. E. Buffington be appointed to serve the term of 01/01/98 - 12/31/02.

McMenamin commented that the City had some incredible expertise indicated in the applications received, but felt that Mr. Buffington had attended numerous Authority meetings, had been very active at the airport and was certainly deserving of the appointment. However, it had become apparent that there were possibly some sub-committees that could be formed and that Council had recommended the Airport Authority consider forming sub-committees in order to draw on the expertise of some of the applicants interviewed.

Price made a motion to appoint H. E. Buffington to the Airport Authority to serve the term of 01/01/98 to 12/31/02. Pace seconded the motion. Motion carried unanimously.

Basinger said that he and the Selection Committee, composed of Councilmembers, Jim Pace and Caroline Price, and Commission member, Earl Spell, had interviewed four applicants for the vacancy on the Recreation Commission and it was the recommendation of the committee that Luther Holt be reappointed to serve the term of 01/01/98 - 12/31/00. Basinger said they further recommended that Brian Hamilton be appointed to serve as an alternate to fill any vacancy which may occur prior to July 1, 1998.

Pace said Luther Holt had about 40 years of experience in the field of Recreation and was extremely well qualified. Pace made a motion to reappoint Luther Holt to the Recreation Commission to serve the term of 01/01/98 to 12/31/00 and that Brian Hamilton be appointed to serve as an alternate to fill any vacancy which may occur prior to July 1, 1998. McMenamin seconded the motion. Motion carried unanimously.

Basinger said he and the Selection Committee, composed of Councilmember Bob Brooks, and Mayor Bob Lenox; and Authority member, John Gronner, had interviewed four applicants for the vacancy on the Water and Sewerage Authority and that it was the recommendation of the Selection Committee that Ted Taylor be reappointed to serve the term of 01/01/98 to 12/31/02.

Brooks gave some background information regarding Mr. Taylor and made a motion to reappoint Ted Taylor to the Water and Sewerage Authority to serve the term of 01/01/98 to 12/31/01. McMenamin seconded the motion. Motion carried unanimously.

12-97-07 Consider Request to Lower Lake Peachtree for Boat Dock Repairs

Basinger addressed Council and stated that the Fayette County Water Department had received a request from the Lake Peachtree Homeowners Association to lower the lake 2 - 3 feet so that repairs could be made to the boat docks and the shoreline. Basinger said this was done every couple of years by the Water Department and that it was last lowered in 1995. Basinger stated that the Water Committee had recommended approval of this request, pending receipt of a letter from the Peachtree City government endorsing the action.

Basinger commented that the Lake Peachtree Homeowners Association made a concerted effort during this period to clean up around the entire lake and this was an excellent opportunity to clean up the lake and thanked the Association for their efforts. Further, assuming this request was approved, the Fayette County Water System stated the dates for the lower water elevations would be advertised as December 15, 1997 through February 15, 1998. Basinger stated that staff recommended approval of the request to lower Lake Peachtree.

Scott Powell, 108 Cedar Point, addressed Council and stated that he represented the Lake Peachtree Homeowner Association members and read a statement from the Association thanking the Fayette County Water Committee and the Peachtree City Council for allowing Lake Peachtree to be lowered and that this action would provide the members the opportunity to maintain the shorelines, do dock repairs, and general lake clean up by picking up and recycling trash, and identifying and repairing those areas on the shorelines where erosion may be taking place.

Powell said in regard to the erosion, water quality, and silt problems within Lake Peachtree, there was no group of individual homeowners more concerned with the quality of the water than those members of the Lake Peachtree Homeowners Association and applauded the Water Committee and Council members for initiating the silt trap clean out at the Highway 54 bridge. However, in recent years, Lake Peachtree and Kedron had not been as clean as they should have been because of excess silt running into the lakes from building projects and that the Association members were not only concerned with silt problems in Lake Kedron, but also with silt buildup in three areas along the west side of Lake Peachtree. Powell said the Association had informed City staff of their concerns for these areas and encouraged Council to use this window of opportunity while the lake was down to monitor the silt elevations. Powell said additionally, that City staff had been very cooperative and they hoped their concerns would eventually be resolved.

Brooks thanked Powell and commented that few people had worked as hard and shown as much concern for the City as Powell had regarding erosion control, and pollution resulting from some of the construction, and had also been helpful in educating City staff as a citizen volunteer.

Price made a motion to authorize the Mayor to sign a letter to Fayette County Commission Chairman, Robert Sprayberry, requesting the temporary lowering of the water level in Lake Peachtree for maintenance purposes. Brooks seconded the motion. Motion carried unanimously.

12-97-08 Declare Bicycle Surplus

Basinger addressed Council and stated there was a request to conduct a surplus sale for a number of bicycles that the Police Department had on hand and that this was a great opportunity to afford parents the chance to buy these bicycles. Basinger said staff recommended that Council declare the bicycles as surplus and enable the City to hold a sealed-bid sale. Basinger said a date had not been set for the sale as yet, but that this information would be provided to the public as soon as possible via a news release, and would also be posted on Cable Channel 2, as well as the bulletin board outside of City Hall.

Brooks clarified that these bicycles were not found just recently, but that the Police Department had had the bicycles for a significant period of time.

Price made a motion to authorize the Purchasing Department to carry out a sealed bid sale of the surplus bicycles. Pace seconded the motion. Motion carried unanimously.

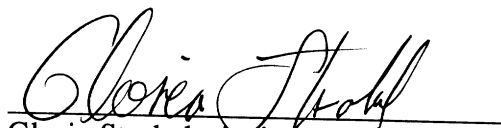
Brooks made a motion to take a brief recess and to reconvene in executive session to discuss a legal matter. Pace seconded the motion. Motion carried unanimously. Meeting adjourned at 7:55 p.m.

EXECUTIVE SESSION

No action was taken in executive session. Price made a motion to adjourn the meeting. McMenemy seconded the motion. Motion carried unanimously and the meeting adjourned at 8:02 p.m.

Attest:


Robert S. Brooks, Mayor Pro-Tem


Gloria Strobel, Acting City Clerk