

**City of Peachtree City
Minutes of Meeting
November 7, 2002
7:00 p.m.**

The City Council of Peachtree City met Thursday, November 7, 2002, 7:00 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Annie McMenamin, Steve Rapson, Dan Tennant, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown proclaimed Thursday, November 21, as Feed America Thursday and encouraged those attending the meeting to send the price of two meals to a charitable organization to help buy food for those in need.

Approval of Minutes

Tennant moved to approve the October 17, 2002, Regular Meeting Minutes as amended. McMenamin seconded. The motion carried unanimously.

McMenamin moved to approve the October 21, 2002, Special Meeting Minutes as written. Tennant seconded. The motion carried 4-0-1 (Rapson).

Consent Agenda

- 1. Alcoholic Beverage License – Change in License Representative – Planterra Ridge Golf Club**
- 2. Appointment to the Fayette County Public Library Board**
- 3. Consider Budget Amendment – Building Repairs at City Hall and Neely Fire Station Renovation**
- 4. Consider Bid – Building Repairs at City Hall – Exterior Wall Surfaces, Sealants, and Coatings**
- 5. Consider Bid – Neely Fire Station Renovation**
- 6. Consider External Marketing Agent for Sale of City Property**

McMenamin asked Fire Chief Lohr if he felt all of the firefighters' needs and the safety of the public were covered by the bids. Lohr said yes.

Brown noted there was a memo on the dais from staff regarding Item #4, the bid for building repairs at City Hall.

Rapson stated for the record that his mother-in-law was Marie Washburn, who had been recommended for the appointment to the Fayette County Public Library Board (Item #2). Rapson moved to pull Item #5 off the Consent Agenda. Tennant seconded. The motion carried unanimously.

Weed said he would abstain on Item #1. He said he knew all of the owners of Planterra Ridge Golf Club because they were all from his hometown, Lakeland, and one owner had contributed to his campaign.

Financial Services Director Paul Salvatore asked Council to also remove Item #3 from the Consent Agenda since it was related to Item #5.

Rapson moved to approve Consent Agenda Items #1, #2, #4, and #6, and that in conjunction with Item #4 that Council approve the bid for the City Hall exterior wall sealants and coating from Southeast Restoration and Fireproofing, Inc. in the amount of \$29,970. Rapson said Council could address how to pay for the work when they addressed #3 and #5. Tennant seconded. The vote on #1 carried 4-0-1 (Weed). The vote for #2, #4, and #6 carried unanimously.

Rapson said his concern with Item #5 was that there was a laundry list of other items and issues that had been identified as underfunded and unfunded. Rapson said he would like to see a list from staff of those items prioritized so he could look at the picture in total. Brown asked Rapson if he wanted to hold off on any action on these agenda items at this time. Rapson said yes.

McMenamin pointed out the Fire Department was unique and that the environment was needed so they could respond quickly. The improvements were not fluff, feel good improvements. She felt Council needed to look at other areas to cut since Chief Lohr had already trimmed his budget as much as possible. Rapson agreed, but said the list was needed so Council could prioritize the items. He said he wanted to prioritize the projects so they could live within the funding they had.

Brown said he saw the Fire Department renovations as something that needed to be done and that should have been done years ago. He said the Neely Station living quarters were in a state not fit for habitation. Rapson said the question was whether the fire station was the top priority. Rapson said he did not want to put off the renovations indefinitely, but pointed out they needed to finalize funding for TDK and were short on funding for Highway 54. He said Council needed to have the capital projects before them so they could prioritize them and make decisions.

McMenamin said Council needed to support Chief Lohr and the need was now considered critical for Neely Station. She moved that Council approved the funds for the renovation of Neely Fire Station as requested by staff and Chief Lohr. Brown seconded.

Tennant questioned what staff meant when they said New South's bid was "responsive" and if only one bid was received for the renovation. Tennant said he would not want to approve the bid based on that alone. He felt there should be more than one bid for the best interests of the taxpayer. McMenamin said seven companies attended the bid hearings and only two submitted bids. The other company did not include a price with the bid.

City Engineer Troy Besseche explained that staff decided to move forward with the bids after looking at how the bid was worded. New South had submitted a bid with everything that had been asked for and had submitted the bid on time. Tennant asked

how long it would take to re-bid the project. Besseche said it would take at least four weeks. Rapson suggested going back to the original seven companies that attended the bid hearing. Besseche and Financial Services Director Paul Salvatore noted the project fell under HB 1079.

Rapson said he understood there was only one good bid, but his concern was there were at least three critical projects coming up. He continued the building was workable and he wanted to make sure he had the financial information he needed to make the best decision.

McMenamin said New South put in a bid that followed the guidelines, and now Council was denying it because the other firms had decided not to bid on the project. She continued that New South's proposal was now public and that put the company at a disadvantage. She suggested that Council direct staff not to bring bids to them if only one bid was received.

Salvatore said the Neely renovations were originally budgeted at \$426,000 and was cut to \$200,000 during the budget process. Tennant agreed it was unfortunate for New South, but added there was a lot of money at stake.

Weed said the City had set up a fair system and the companies were unresponsive; however, if it took a week to get the information Rapson wanted then Weed said to get the information. Weed continued the system was fair and if only one bid came in then let the chips fall where they may.

Brown noted the bids went out properly and the results were in the meeting books. He asked if there had been any feedback from the companies that did not submit bids. Salvatore explained the project was a design/build, which added a twist and made the project more of a Request For Proposal (RFP) than a bid.

Brown said he agreed with the concerns on priorities, but felt they would get the same results if the project were bid again. McMenamin pointed out the disadvantage to re-bidding the project was that Council was not following the City's own guidelines for bids.

Salvatore pointed out the New South had spent time and money and put together a bid for both. He said they could bid out just the design work, then bid out the construction.

The motion failed 2-3 (Brown, McMenamin).

Rapson moved to approve the renovations in regard to the roofing, which were the critical needs for this project, and to have staff bring Council the critical projects so Council could make a decision on this project, as well as making a determination on rebidding the project. Salvatore said the roofing cost was \$24,000. Tennant seconded.

Brown said he would rather not bid on it at all until they got something back. Whether it was design/build or just the design, the roof could be altered somehow. Rapson said he understood the roof was critical and needed to be taken care of. Besseche said they had already waited a number of years.

Rapson withdrew his motion. Rapson moved to approve the immediate concerns, which were the renovations for City Hall, and to authorize staff to use the Bricks & Mortar loan proceeds from the facility buildout plan to implement those repairs. Weed seconded. The motion carried unanimously.

Rapson asked if a list of critical projects could be pulled together in a week. Salvatore said yes. Rapson said he would also like the directors' and chiefs' recommendations for the list. He asked that the vendor be contacted and told the matter had been tabled. Salvatore said they would find out if a written extension was required and would get that if necessary.

Old Agenda Items

09-02-08 Public Hearing – Charter Change Relative to City Attorney and City Solicitor Position

Tennant moved that Section 2.15 of the Peachtree City Code of Ordinances be modified to reflect the changes as outlined in the Council meeting book. Rapson seconded. The motion carried unanimously.

01-02-11 Consider Intergovernmental Agreement with the Airport Authority

Brown pointed out there were materials on the dais that were not included in the meeting books – the agreement signed by the Airport Authority and a legal opinion on the agreement from the City Attorney. McMenamin asked City Attorney Rick Lindsey if there were any changes from the agreement on the dais. Lindsey said no.

Rapson moved to approve the intergovernmental agreement for the Airport Authority before Council. Tennant seconded. The motion carried unanimously.

Rapson served on the agreement subcommittee and noted that it had been a pleasure working with Chairman Cathy Nelmes and the members of the Airport Authority.

New Agenda Items

11-02-01 Public Hearing – Variance – Lot 45, Wilshire Estates

11-02-02 Public Hearing – Variance – Lot 46, Wilshire Estates

11-02-03 Public Hearing – Variance – Lot 58, Wilshire Estates

McMenamin asked if the variances could be handled at the same time. Lindsey suggested they be handled at one time. Rapson said he had issues with two of the variances, but all three could be handled at the same time and then voted on with separate motions.

Andy Jones of Integrated Science & Engineering represented Centex Homes. Jones said this was the back phase of Wilshire and had 14 lots that fronted against a preserved area that was part of the creek with a stretch alongside it that was floodplain. Lots 45 and 46 were side-by-side in the northern cul-de-sac and Lot 58 was in the southern cul-de-sac. Jones said the variances for Lots 45 and 46 were for the difference between the floodplain marked on the FEMA map and what was found when the floodplain was field located. He continued the street was originally designed as a through street to Highway 74, but after discussing it with city staff the street became a cul-de-sac. When the street was reconfigured to put the lots around the cul-de-sac, the rear corner of the lot was impacted.

Jones said there were eight lots impacted by the field locations. They were able to work with some of the lots; however, they were unable to reconfigure things for these three lots. Jones noted that because these were cul-de-sac lots they were narrower to the front than the back and the houses could not be pushed forward. They also looked at putting custom houses on the lots, but would have to reduce the size of the homes to 2,000 square feet or less, which did not match the other homes in the community that were around 3,000 square feet.

Jones explained the FEMA maps and said the floodplain in the area was around 1,010 feet. The floodway was 830 feet. The total cross-sectional area of the floodway was 7,280 feet. The average cross-sectional area of the impact was less than 31 square feet. Jones said the impact was not outside of the property lines. The total amount of fill on each lot was a very small amount of dirt and was less than half an inch (.03 feet). He said flood plain analysis was very complicated and believed the impact would be less once the calculations were completed. He continued there would be minimal impact to the client and to the City and there would be no measurable problem downstream and upstream. All of the circumstances combined meant there was virtually no impact on the floodplain.

Tennant asked if there would be any downside, or negative, to the residents. Jones said no and that he could find no downside to any of this.

Besseche said they had worked for some time to get better survey information than what was provided by the original engineer for the project, and the applicant had reduced the impact to three lots. Building in the floodplain was prohibited by the flood control ordinance, so the variances could not be approved at staff level. Based on the information provided and the technical merits of the information, Besseche told Council staff recommended approval of the variances.

Brown asked if the house on Lot 46 could be brought forward toward the street to alleviate the fill. Jones said moving the house forward created other problems with the setbacks. Brown said Council could grant a variance to move the house forward and keep it out of the floodplain. He felt that was a better option.

Rapson said Lot 46 was the only lot that the plan would have minimal effect on. ~~He said looking at the criteria for a variance.~~ He said he looked at this lot, and considered the same three criteria used for a variance. ~~it~~ It looked like someone made a mistake and the houses should not be placed on the lots. He did not feel that generated a financial hardship or a special circumstance.

Weed asked Jones if he had considered Article 13 of the Appeals and Variances section and the standards Council had to use to make a decision. Jones said they had considered all aspects and both sides, but was not sure what was in Article 13. Jones told Weed there were 250 houses in the subdivision and three lots were under consideration for a variance.

Brown noted that the City had created somewhat of a hardship on Lot 58 because the original plan was to bring the road out to Highway 74 and the plan had to be altered for the cul-de-sac. Rapson said he walked all three lots and sank deep into the mud when he walked onto Lot 45. It looked like all of the water flowed down to Lot 58. Jones said the flow was perpendicular with the road. Rapson said it looked like a pond-type settlement with all the rain. Jones said everything was very flat and water flowed in all directions, which created some of the discrepancies.

Brown asked John Zadjura of Centex Homes what would keep the homeowner from disturbing the floodplain even more. Zadjura said the City required them to put concrete monuments on the lots to locate the floodplain and that was when they found the discrepancies. Brown asked if there would be anything in the deed to let homeowners know they could not alter the floodplain. Zadjura said the deeds referred to the City ordinance and the Homeowner Association documents.

Brown asked if there would be problems with settling because of the fill. Zadjura said they would get an engineer's certification and do what the soils engineer recommended.

Carol Fritz told Council that she was against putting houses in the floodplain. She cited problems with her home and said additional development that went in above the stream would impact these homes at some point. She said her home had all the engineers' certifications and they were still coming out to her house and trying to correct problems with the foundation. She said she knew it was not intentional and it was a sad mistake because the area could not be backfilled correctly.

Tennant said that in light of staff's recommendation and because there would be no negative impact, he was in favor of granting the variances. Brown said he would rather grant a variance to move the house on Lot 46. Rapson said he would favor tabling Lot 46 with direction to staff to work with the applicant. He said he was not in favor of approving a variance for Lots 45 and 58 and there were no special circumstances.

Besseche said Centex gained a lot by not putting the road through to Highway 74. Brown said he was trying to decide if the City had an impact on Lot 58 because of the design change. Besseche said the City did share in some of the problems with the lot.

McMenamin asked Besseche if it was policy to get local approval on the floodplain or did they have to get approval on all the requirements before it came to Council. Besseche answered that this was not something ordinarily done, but staff was working with FEMA on another project that predated the 1996 map revision. Jones said FEMA was less restrictive and the floodplain could be filled as long as the flow was not changed more than one foot. A permit was not needed from the Corps of Engineers. Weed asked if the reconfiguration of Lot 58 affected the floodplain or if the floodplain was already there. Besseche said the floodplain was already there.

Rapson moved to table Lot 46, 11-02-02, with the direction for developer to get with City staff and bring back a recommendation. Tennant seconded. Brown noted that it was a request for an alternative to backfilling the floodplain. Rapson said the clarification was for staff to bring back something other than what was before Council. The motion carried unanimously.

Tennant moved to grant a variance on Lot 45 subject to recommendations and stipulations as provided by City staff and presented in Council book by the position paper as a condition of approval. Brown seconded.

Brown said he felt Lot 45 was pushing it. He noted Wynn's Pond and other areas where there were problems with flooding. He did not want that situation in another subdivision. He felt there were several occurrences in the City where the floodplain had been maxed out. Besseche said each situation in the City was different and hydraulics were very complicated. The situation in Wynnmeade was substantially different with the spillway controlling the floodplain elevation. The amount of fill on Lot 45 was more than on the other lots. Besseche said the floodplain on Flat Creek was substantially wider than on Line Creek or Camp Creek. He said that made the variances unique since they were dealing with 1,000-foot widths, not situation where the lots were very close to the floodway. He felt that was an important distinction.

Tennant asked Besseche if he was comfortable with the information provided by Integrated. Besseche said it seemed accurate. He did not go over the calculations since most calculations were done by computer. He said he was comfortable with the certification letter that had been written.

Rapson said it was a matter of protecting the floodplain like the City protected its greenbelts.

The motion failed 1-4 (Tennant).

Brown moved to approve the variance for Lot 58, 11-02-03, with the conditions stated in the documents provided by City staff. Tenant seconded.

Brown said the City caused the realignment of the subdivision by not allowing the road to go through to Highway 74. He said he appreciated the road realignment. Weed stated "the floodplain was a floodplain was a floodplain." There was nothing the City did as far as floodplain. The floodplain was there and that was not the City's fault. Rapson said if the road had been there the houses would not, so it was a circular argument.

Lindsey suggested Council might also want to table Lot 58 if it might be possible to also move the house. Brown felt it was not an option for that lot.

The motion failed 2-3 (Brown, Tennant).

Weed asked staff to make sure the Article 13 standards were included in the meeting book every time.

Lindsey suggested Council set a specific date for consideration of Lot 46. Council agreed to the December 5, 2002.

11-02-04 Public Hearing – Reaffirm Multi-family Moratorium

Tennant moved to extend the multi-family moratorium beginning January 1, 2003 for one year. McMenamin seconded. The motion carried unanimously.

11-02-05 Public Hearing – Reaffirm Annexation Moratorium

McMenamin commented that moratoriums were sometimes seen as band-aids to reassure the public of Council's intentions. The moratorium did not shut the door on annexation since people had the right to approach City staff if they felt they had a viable plan. It did not shut the door, but sent a strong message. She moved to reaffirm the annexation moratorium for one year beginning January 1, 2003. Brown seconded.

Lindsey commented that moratorium did prevent staff from working on an annexation application, but gave the applicant the right to come to Council to lift the moratorium so staff could work on the application.

The motion carried unanimously.

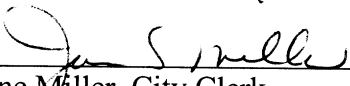
11-02-06 Consider Ordinance Relative to Notifying Homeowners of Site Limitations

Brown moved to continue the agenda item until November 21 due to a major conference involving many local real estate agents. McMenamin seconded. The motion carried unanimously.

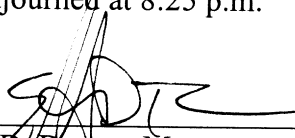
Council/Staff Topics

There were no Council/Staff topics.

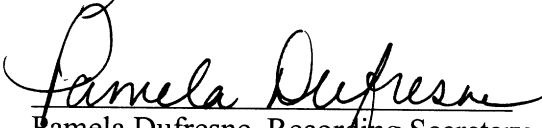
There being no further business to discuss, Tennant moved to adjourn the meeting. Weed seconded. The motion carried unanimously. The meeting adjourned at 8:25 p.m.



Jane Miller, City Clerk



Stephen D. Brown, Mayor



Pamela Dufresne, Recording Secretary