City Council of Peachtree City
Minutes of Meeting
November 6, 2003
7:00 p.m.

The City Council of Peachtree City met Thursday, November 6, 2003, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:05 p.m. Other Council Members present were: Annie McMenamin, Steve Rapson, and Dan Tennant. Murray Weed arrived late due to the regular meeting of the Hapeville Development Authority.

Announcements, Awards, Special Recognition

Mayor Brown recognized the organizers of the Light the Night Walk, who made a presentation to the Leukemia and Lymphoma Society. Brown read a proclamation for Feed America Thursday. The week of November 3-9 was proclaimed Key Club Week. Brown presented Fire Captain Tom Hughey with the City's first 25-year service award.

Minutes

Tennant moved to approve the October 2, 2003, Regular Meeting Minutes as amended. Weed seconded. The motion carried 4-0-1 (McMenamin).

McMenamin moved to approve the October 16, 2003, Regular Meeting Minutes as amended. Tennant seconded. The motion carried unanimously.

Monthly Reports

Brown noted that the run-off election was scheduled on Tuesday, November 25. City offices would close for Thanksgiving on Thursday-Friday, November 27-28. The Gathering Place would host an open house on Friday, December 19. City offices would close on Thursday-Friday, December 25-26, for Christmas.

McMenamin asked if it would be possible to have the information for absentee voting placed on the City's website since the election was scheduled just before Thanksgiving. She said it would be important for the citizens to have that information. Brown and Rapson agreed. City Clerk Jane Miller said the County Elections Office had informed her that the ballots would be ready on Friday, November 14.

Brown pointed out that the top five accident locations for September were all along Highway 54 West – 54/Huddleston, 54/Planterra Way, 54/Commerce, 54/74, and 54/Line Creek. He also pointed out that, to date in 2003, the Public Services Department had paved nearly two miles of cart paths.

Consent Agenda

1. **Consider Contract for Rockspray Spillway Bridge Project**
2. **Consider Surveying Services for Perthshire Drainage**
3. **Approve Project Management Agreement for GA 54 West Sidewalk/Multi-use Path**

Rapson suggested that staff notify the neighbors closest to the area regarding the Rockspray Spillway Bridge project so they would not be surprised when they saw crews out working. Rapson moved to approve the consent agenda as proposed. Weed seconded. The motion carried unanimously.

Old Agenda Items

10-03-05 Consider Amendment to Alcohol Ordinance Relative to Definition of Church Building

Brown said that staff had requested this agenda item be tabled. McMenamin asked City Attorney Ted Meeker what would happen if a church came in after a restaurant had obtained an alcohol license, served alcohol, and then went out of business. She asked if the restaurant went out of business, could another restaurant come in and apply for a new alcohol license under the current ordinance or would the restaurant be too close to the church. Meeker said that under the current ordinance the restaurant would be too close to the church. McMenamin expressed concern about how existing uses would be affected. Brown named an example in the City where a school was built near an existing restaurant. McMenamin asked if Council was interested in addressing the matter and suggested possibly grandfathering the affected buildings that preceded the churches or schools so later restaurants could serve alcohol. Meeker said the matter should be continued to see if the grandfathering status would apply. Meeker said the City's ordinance and state law had to be considered since state law also had distance requirements. Weed agreed with McMenamin that if the restaurant was already in business prior to the school or church locating nearby then the restaurant had already met state law. He said something could be done via local ordinance. Weed said he would serve on a committee, if necessary. Tennant moved to continue the agenda item. Weed seconded. The motion carried unanimously.

New Agenda Items

11-03-01 Alcoholic Beverage License – NEW – Rajkripa, LLC, dba Kedron Wines & Liquors

Brown noted there were additional documents on the dais – a request from Rajkripa's attorney to continue the matter until December 4 due to some late paperwork and the criminal history report from Police Chief James Murray. Tennant moved to continue the agenda item until the first meeting in December. Weed seconded. The motion carried unanimously.

11-03-02 Certify Election Results

Brown noted there were additional documents on the dais – a memo with attachments from the Administrative Services Director/City Clerk, which included the official final results of the election from the County Elections Office. Tennant moved to certify the attached election results of the November 4, 2003, general election. McMenamin seconded. The motion carried unanimously.

Tennant moved to adopt the attached resolution declaring the results of the library bond election. McMenamin seconded. The motion carried unanimously.

11-03-03 Public Hearing – Reaffirm Multi-family Moratorium
11-03-04 Public Hearing – Reaffirm Annexation Moratorium

Brown asked if there were any objections to holding the public hearings on the moratoriums together. There were no objections. There were no comments from the public. Weed moved to approve the reaffirmation of the multi-family moratorium designated as 11-03-03 and the annexation moratorium designated as 11-03-04 on the agenda. Tennant asked Weed if he wanted to make the reaffirmation effective through December 31, 2004. Weed accepted the friendly amendment to the motion. Tennant seconded. The motion carried unanimously.

11-03-05 Public Hearing – Rezoning – P.K. Wright property, Highway 74

George Rosenzweig, the applicant's attorney, addressed Council and asked that Council follow the recommendation to adopt the proposed zoning for the property. Rapson noted that one of the conditions said, "should there be a substantial change to the footprint of the building" and he asked Rosenzweig what the definition of substantial was and if less than five percent was acceptable. Rosenzweig said he did not have an opinion and did not know if a change was contemplated.

There were no comments from the public either in favor of, or opposed to, the rezoning.

City Planner David Rast told Council the parcel had been zoned limited use commercial for a number of years and the applicant had asked to expand the commercial use of the property, but in keeping with the businesses already there. Rast continued that the property was one of the few in the City with an on-site residence for the property owner. Staff recommended the residence be removed from the building so the entire 7,000 square-foot building could be used for the limited use commercial zoning.

Rast said the only thing that changed in the zoning involved the apartment and a couple of uses. The site plan and parking layout would remain the same. Rast explained the use of the word "substantial" in one of the conditions. He said the site was "maxed" out now and if an owner wanted to double the size of the building, then the owner would have to go through the planning review process again.

Rapson said he wanted a definition of "substantial" so Council would not have to debate the issue in the future or the Planning Commission would not have to make a decision. He wanted to close the loophole.

Patricia Wright, the property owner, addressed Council and corrected the building's size and the number of parking spaces on the property. She said the building was 7,700 square feet and there were 42 parking spaces. She said the prospective buyer had no intention of enlarging the building and asked Rapson if he was satisfied with that answer. He said he would be if she said the building would be no larger than 7,700 square feet. Wright said the building would not be larger than 7,700 square feet.

McMenamin questioned what would happen to the living quarters. Rast said that was included in the conditions of approval. Meeker said if the living quarters were not listed as a use, then that use would also be excluded. Rapson asked Meeker if there could be an issue with the discrepancy in the building size and the number of parking spaces. Rast noted that the building size and number of parking spaces were correct in the ordinance. Weed asked if Condition 2 should be modified to reflect that, if there were a substantial change, then the owner would have to go through the review process. Meeker suggested changing the wording to read, "if the building footprint is altered, a conceptual site plan would have to be submitted." The Council agreed.

Rapson moved to approve the staff-recommended rezoning for the requested property known as The Galleries tract with the conditions and modifications discussed during the meeting. Tennant asked if there should be something included in Conditions for Approval, Number 2, about the building being altered. Meeker suggested striking the word "substantial" from the condition. Rapson added that the word "substantial" should be struck from the conditions as part of the motion. Weed seconded.

Wright said she had a contract on the building and that she might have misspoken. She said she could not comment on what the new owner wanted to do. McMenamin said if the new owner wanted to change the building, then they had to go through the review process. McMenamin clarified that Council was not saying the new owner could not add on to, or change, the building, just that they would have to go through the review process. Brown assured Wright that Council was not barring the new owner from making any changes.

The motion carried unanimously.

11-03-06 Consider Establishment of Peachtree City Tourism Association, Inc.

Brown moved to establish the 501(c)(6) non-profit organization and to include changes to Article 4.6 of the bylaws so the official quorum consists of four members instead of three, and to change Article 6.5 of the bylaws to read "a vacancy in any office arising from any time and from any cause may be filled for the expired term by the City Council," so that it was consistent with Article 3.5, and to appoint Councilmen Rapson and Weed as the members to be appointed to the Board of Directors. Weed seconded.

Brown explained there was an inconsistency with Articles 3.5 and 6.5. Article 3.5 said the Council made the appointment and 6.5 said the board made the appointment. The change to make the quorum four members instead of three would be so one of the Council Members would always have to be present in order for a decision to be made.

McMenamin told Brown it was highly inappropriate to start this discussion with a motion since they were going to discuss establishing a new board for the City, and Council had not discussed the matter. McMenamin said she had an issue with Council Members serving on the board since

Council made final decisions, and putting Council Members on the Board of Directors might preclude any decision that would come from Council if there were a problem or issues in dealing with the board. She continued that the board was not an autonomous group and Council already had more input on how money would be spent. McMenamin felt the members of the board should be at-large and should be citizens who were interested in the success of both venues. She also expressed concern about Council Members serving on a board that would approve fund raising and other things that might be a problem for Council. She pointed out that the bylaws said the Council should select the two Council Members, not the Mayor, and the Mayor had superceded the City Manager's recommendation without Council discussion. McMenamin continued that it was apparent the Mayor had his three votes to establish the tourism association and recommended that the Council Members be appointed by drawing post numbers, not names, to allow for random selection. She noted that the Mayor had precluded the new Council Members from the opportunity to serve. Brown said staff and the City Attorney had created the proposal.

Tennant clarified that the appointments would go through the end of the year. Tennant said with citizens as members, the corporation would be more like a commission or authority. McMenamin said she felt there needed to be representation of the citizens-at-large and that would be more appropriate since Council would have oversight of the Board of Directors. McMenamin said she felt it was inappropriate for Council Members to serve on a Board of Directors when Council had oversight as the final decision makers. Tennant agreed.

Rapson said McMenamin's point was well taken and pointed out that the set-up of the board had been done to get through the end of the year. He continued that there were 16 employees that had been on an almost two-year roller coaster ride as to whether they still had jobs. He noted that the appointments would only be through December 31 and that the next 60 days were critical to getting the corporation up and running. The Council appointments would need to be done again in January. Rapson said he was not opposed to changing the charter, setting up the corporation, and turning it over to citizens in the future. McMenamin said by selecting the two Council Members by post, they were not starting over again in 2004. If Post 1 or Post 2 were selected, then the incoming Council Members would start attending the meetings, too. Rapson said he understood, but felt the process needed to be done again in January.

Rapson said he had been frustrated by not being able to participate in the discussions for the last two years and pointed out that the terms would be staggered. He said it was critical for staff to transition the facilities to keep them first class and to keep the employees, membership, sponsors, and patrons. He continued that Council had failed miserably and Council needed to move forward steadfastly and quickly. McMenamin said her suggestion allowed Council to move forward better and more quickly and also allowed the new Council Members to get involved quickly. Rapson said they disagreed on that point. Rapson said he was sure the Mayor would like to be on the board and he did not support the Mayor in that endeavor. Rapson said Council needed to send a message to the venues that Council recognized they were outstanding venues and that Council would do whatever was needed and give them the support they were looking for. Rapson said Brown's motion needed a change to include the definition of quorum on Page 12 of the bylaws. Brown accepted the amendment and Weed also accepted it. Rapson disagreed with Brown's reasoning that four members should be the quorum so a Council Member would always be in attendance at meetings. Rapson said four people should be a quorum because four was better than three. Tennant pointed out that four was a quorum for Council and Rapson agreed.

Tennant said he had no problem with Rapson serving on the board, especially with his expertise. Tenant continued that he would rather appoint McMenamin to the other seat for the last two months of her 13 years in office. He said Council owed that to McMenamin for all she had done and that she had the longest sense of perspective. McMenamin said her loyalty to the venues was firm, but she still felt Council Members should not serve on the board.

Weed asked McMenamin if the Mayor's position would be included in the drawing and McMenamin said yes. She said her suggestion would also provide continuity. Weed said it was a terrible idea for Brown to have the option to serve on the board in light of the contentiousness and history of the situation. He continued that the time was here to make peace. Weed said he supported the idea of citizens at large serving on the board and that should be on the table for the long term and would sponsor that idea.

Rapson said his preference was for McMenamin and himself to serve on the board, but he could not get support for the suggestion. Rapson continued that Tennant had said he would support himself and Weed. Rapson said it was time to move on and do the right thing.

Brown said the obvious reason Council Members had to serve on the board was because the corporation was going to use hotel/motel dollars and Council had the fiduciary responsibility for those tax dollars. Council was ultimately responsible for what happened with the money and accountability was absolutely essential.

The motion carried 3-2 (McMenamin, Tennant).

Council/Staff Topics

Financial Services Director Paul Salvatore explained the process for the library bond. Salvatore said, now that the election results had been certified, the architects could move forward with phase two. Phase one included the conceptual drawings and things used in promoting the bond referendum. Salvatore said they would not have to wait for the bond proceeds until they were in the process of buying equipment and construction. The funds from the design costs could come from Cash Reserves. He continued that the underwriter was also analyzing the feasibility of private placement of the bond issue versus a public offering, which moved more quickly and was less complicated. Salvatore said he expected to close in mid- to late February. In the mean time, bond counsel would move forward with the validation process. Salvatore said construction should begin in the summer. The bids would need to run for about a month.

Brown asked when the bond rate would be locked in. Salvatore said Todd Barnes of A.G. Edwards, the underwriter, was to start on the process the next day (Friday, November 7). If private placement were possible, the rate could be locked in within a few weeks. Tennant asked Leisure Services Director Randy Gaddo what annual costs would be associated with the expansion. Gaddo said the annual cost would be approximately $157,000. Rapson thanked Gaddo for his efforts regarding the bond.

Meeker said he had a litigation matter for executive session. Weed moved to reconvene in executive session. Rapson seconded. The motion carried unanimously.

Tennant moved to recess out of executive session and reconvene the regular meeting. Weed seconded. The motion carried unanimously.

Weed moved to adjourn the meeting. Tennant seconded. The motion carried unanimously. The meeting adjourned at 8:14 p.m.

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne
Pamela Dufresne, Recording Secretary