City Council of Peachtree City
Minutes of Meeting
November 5, 1998
7:00 p.m.

The City Council of Peachtree City met in regular session, Thursday, November 5, 1998, at 7:00 p.m. in the City Hall Council Chambers.

Mayor Lenox led those attending in the pledge of allegiance. Other council members present were: Carol Fritz, Annie McMenamin, Bob Brooks and Jim Pace.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox presented a 20-year service pin to Fire Captain Tom Hughey.

Mayor Lenox read a proclamation for Peachtree City A-Glow Week

ADDITIONAL AGENDA ITEMS

There were no additional agenda items.

MINUTES

McMenamin made a motion to approve the minutes of October 15, 1998, as presented. Pace seconded the motion. Motion carried unanimously.

OLD AGENDA ITEMS

There were no old agenda items.

NEW AGENDA ITEMS

Mayor Lenox made a motion to rearrange the order of the agenda so that the Edee Rezoning and Moratorium on Multi-Family Rezoning could be considered at the first of the meeting. McMenamin seconded the motion. Motion carried unanimously.

11-98-10 Public Hearing - Rezoning Request - Peachtree City Multi-Family Properties, Inc. Highway 74 North AR to GR-10 (4.331 acres)

Mayor Lenox said this item would be conducted as a public hearing. He read the rules for conducting the hearing and set a time limit of 30 minutes for each side to present its case. Lenox asked first to hear from the applicant and those supporting the rezoning.

Doug Dillard, legal counsel for the applicant, addressed Council. He said the issue had quite a history and in an attempt to settle a lawsuit, his client, Mr. Eric Edee, requested Council to rezone 4 acres from AR Agricultural to GR-10 General Residential. He said the 4 acres were located in the center of 17 acres owned by Edee and already zoned for apartments. He said the entire site would then have 21.7 acres with 217 units. He said there had been much discussion about the project and that those issues and concerns had been addressed in a development agreement. He said as part of the rezoning, the Planning Commission had reviewed the conceptual plan so that there would be no misconception or misunderstanding about the project.

He said they had addressed the Planning Commission's concerns about buffers with Mr. Williams and that access would be limited to Kedron Drive. He said the facility would have an amenity package that would be located closer to the intersection with the apartment units located away from the intersection, toward Senioa Road.

Dillard said due to the concern about the traffic at the intersection of Kedron Drive and Highway 74, they had contracted with Street Smarts to conduct a traffic study. He said while the study was not yet complete, preliminary reports indicated that the existing level of service at the intersection was rated " D", and it appeared that the proposed development would impact the rating to a level "F". He said that the preliminary report also indicated that if the intersection was signalized, the level of service would be rated "B" and that the development would not impact that rating. It was estimated that the development would generate 4 - 6 % of the traffic at the intersection, and Dillard said Edee was willing to participate in the signalization of that intersection relative to those percentages, and subject to the completed report submitted to city staff.

Dillard said the Planning Commission was concerned with the number of units and types of rents, as well as the design. Dillard said it would be a high quality project, which would have a traditional design in keeping with the general architecture found in Peachtree City. He said it would be heavily landscaped and would be pedestrian oriented. He said the rents charged would be as follows:

One Bedroom:	696 sf	$720 - $815
	843 sf	$820 - $915
	952 sf	$875 - $920
Two Bedroom:	1130 sf - 1250 sf	$960 - $1,150
Three Bedroom:	1,384 sf	$1,074- $1,175

Eric Edee addressed the specifics of the plan from a conceptual standpoint.

Dillard reaffirmed the conditions of the development agreement and asked that Council rezone the 4 acres in accordance with the conceptual plan which covers the entire 21 acres.

Jim Williams, Director of Developmental Services, addressed Council in favor of the rezoning. He said the Planning Commission recommended approval of the rezoning based on the materials presented that night. He said it was a good site plan and was not in any way a compromise of Peachtree City's standards. He said it was well designed, but that the Planning Commission did want to impose a series of conditions associated with the rezoning for the record.

Hearing no one else to speak in favor of the rezoning, Lenox asked to hear from those opposing the rezoning. Mildred Harris, Connie Burger, Jerry Williams, Quinn Burger, Marilyn Darby, Ed Hubert, and Phyllis Aguayo spoke in opposition to the rezoning. Concerns were for the safety of the intersection of Highway 74 and Kedron Drive, the possibility of subsidized housing, the need to follow the Land Use Plan, and the need to protect the buffers. Aguayo said she was disappointed about mistakes made in the past, but that it would be important to study the Land Use Plan to avoid those mistakes from happening in the future. She asked that legal advise be obtained before proceeding with any zoning, if the City decided to annex land to develop the fifth village.

Hearing no one else to speak in opposition to the rezoning, Lenox called the hearing to a close and opened the floor for Council debate. McMenamin raised concern about the development agreement #8 because she felt that if the topography of the land did not permit the concept plan to take place as presented, then the buffer and landscaping requirements would not be imposed so that the desired density could be met. Dillard felt the issue had been resolved by the on-site inspection made by Williams and Edee relative to the 60 foot undisturbed buffer along Highway 74 and the 50 foot buffer around the property. Dillard's concern was to protect his client from being forced to decrease his density as a result of buffering requirements. He said they wanted to work with Council to keep buffers but they did not want to lose units. Dillard felt the plan was far enough along that they could feel comfortable it could be built as presented.

Dillard expressed concerns about the Planning Commission's conditions #6 & 7 that were not in the development agreement. He agreed to look at the feasibility of extending the road to Senoia Road, but for the records, he did not feel it was a viable alternative for his client to build the road at his expense. He said the project was designed to use Highway 74 and Kedron Drive. He said he understood that there was not an unsignalized intersection along 74 that was operating at a satisfactory level of service. Dillard did agree to have a vibration study conducted even though the closest units to the railroad tracks were 200 feet away.

Jim Pace asked why the project did not have a second egress onto Senoia Road, which seemed very logical. Williams said the applicant did not want it from a management standpoint, because they only wanted one entrance to control who had access to the apartments.

McMenamin said she was concerned about the future of Peachtree City with the development of apartments. She said the law protected the minority against the majority, but she did not feel a land broker was a minority, but rather the individual property owners who make up a majority. She said she would not go against her past statements that she would not rezone land to a higher density. She was very concerned about the buffering in the area. She felt the 4 acres should have been used as a stronger bartering point in the lawsuit and not made part of the development agreement.

Fritz said she felt the entire Council did not want apartments, but the fact was that they were in the Land Use Plan and any law suit the City pursued in the matter would be lost. She said she was not voting for apartments, but for the best development possible. She felt if an agreement had not been reached, then the apartments would be built along Highway 74 with no buffers. She believed the rezoning gave the City the best deal possible, and she believed Edee would work with staff in good faith.

Pace agreed with Fritz and felt the 4 acres were critical to the development of that site. He did not want any more apartments in Peachtree City and wanted to do everything legally possible to stop future apartment developments. He said this project would be the last apartment project developed in Peachtree City. He was concerned about those who live in Sagamore Subdivision, and felt, based on Edee's traffic study, that the City needed to look seriously at installing a traffic light in the near future at the intersection of Highway 74 and Kedron Drive.

Brooks made a motion to approve the development agreement and to rezone the 4.3 acre tract as requested with the following conditions:

1. The project must reasonably conform to the conceptual site plan which was submitted as a part of the rezoning package.

2. There must be a 60-foot wide undisturbed buffer along GA 74 and a 50-foot wide undisturbed buffer along all other portions of the perimeter of the property. Would not include areas of ingress and egress

3. The architectural character of the project in terms of the colors, materials, and design features, including the landscaping, shall be consistent with the photographic presentation which was made to the City Council that evening.

4. The amenity package shall include, but not be limited to, a swimming pool, a tennis court, a large grass play area, a community building, a fitness studio, a common laundry area, a central trash compactor, a recycling area, and a car wash area.

5. Prior to Final Site Plan approval, the developer must have prepared a traffic study for the GA 74/Kedron Drive intersection in order to determine if a traffic signal is warranted as a result of this project and, if so, to what extent this project will share in the cost of the signal. The study should be prepared by Street Smarts or some other comparable firm acceptable to the City.

6. The traffic study should look at the feasibility of extending Kedron Drive to Senoia Road as a part of this project, especially if it is not yet warranted to install the traffic signal at the GA 74 intersection. If it is determined the road should be extended, the work must be done at no cost to the City.

7. Prior to Final Site Plan approval, the developer must have prepared a noise/vibration impact study to determine the potential impact of the railroad on this project and make recommendations as to how that impact should be minimized. The developer must implement the recommendations of the study as a part of the construction and the landscaping of the project.

8. Minimum square footages would be 700 square feet for the one-bedroom units, 1,000 square feet for the two-bedroom units, and 1,200 square feet for the three-bedroom units (+/- 10%).

9. The developer must coordinate his plans with the City Fire Marshal to provide for proper design standards and materials, to provide for an effective fire suppression system, and to include an acceptable emergency response plan.

10. None of the apartments will be subsidized by any governmental entity. (federal, state or local)

Pace seconded the motion. Motion passed with McMenamin voting Nay. Lindsey asked that the record reflect that the applicant agreed to the conditions.

11-98-11 Public Hearing - Consider Moratorium on Multi-family Zonings/Rezonings

Lenox explained that this issue would also be conducted as a public hearing and set a time limit of 20 minutes for each side to present its case.

Rick Lindsey, City Attorney, addressed Council and reviewed the events that prompted Council member Pace to initiate the proposed moratorium. He explained that the moratorium would prevent staff from accepting any zoning or rezoning applications for any land in the city to multi-family zoning. He said multi-family zoning included apartments, townhouses, duplexes, condominiums and assisted living facilities.

He explained that it would not affect property already zoned for multi-family use. He said he knew of only one other parcel in the city limits zoned for multi-family use, which was located at the corner of Crosstown Road and Peachtree Parkway.

Lindsey said the Council was charged with the responsibility of protecting the health, safety and welfare if its citizens. He said the over-development of multi-family property affected the quality of life for it citizens by creating safety issues with the Police and Fire Departments. He said it also created an additional burden on the school system and exhausted monetary and other resources. He also said additional traffic caused by multi-family Rezonings would be concentrated and dense and would affect the air quality.

Lindsey explained that a moratorium could not stay in effect forever, and said if Council wished to continue the moratorium for more than one year, they would need to reconsider it on an annual basis. He said it should not just be "rubber stamped," but that it should receive serious consideration. He also explained that the proposed moratorium included an appeals process, which would allow Council to consider lifting the moratorium at the specific request of a property owner.

Mildred Harris and Walt Mashburn both said they were in favor of the moratorium. Phyllis Aguayo also spoke in its favor. She felt that there was no need for additional multi-family zoning in Peachtree City regardless of possible annexation in the future.

Hearing no one else to speak in favor of the moratorium, Lenox asked to hear from those opposing the moratorium. Hearing no one to speak in opposition to the moratorium, Lenox called the hearing to a close and opened the floor for Council debate.

Pace asked Lindsey if the issue of the moratorium had been properly advertised. Lindsey said that it had. The issue was posted on the agenda, an advertisement was placed in the newspaper, it was included in the UPDATE newsletter that was mailed to all of the residents, and it was placed on the community cable channel.

McMenamin questioned what issues the court would recognize that would allow Council to enforce the moratorium. She said the Police Chief had told Council multi-family zoning was a safety issue, the Federal Government passed legislation requiring local municipalities to comply with the Clean Air Act and the School Board requested Council not to consider additional apartments. She voiced her concern because of the Edee rezoning situation. Lindsey reminded McMenamin that the majority of Edee's property had already been zoned for multi-family use.

Brooks made a motion to adopt the moratorium which would be in effect until the first meeting in January of the year 2000. (A copy of the moratorium is included as attachment to these minutes and is made a part of the record thereof.) Brooks included the following rational for his motion: air quality standards and the need for the Atlanta Metropolitan area to meet the federal mandates, water scarcity issues and negotiation going on between the states of Georgia, Alabama, and Florida which could affect the Flint River drainage basin and Fayette County's ability to obtain water, traffic flow and intersection safety along Highways 54 and 74, and the evaluation, availability and demand for classroom space in the schools. Pace seconded the motion.

Lindsey recommended the moratorium be reconsidered on an annual basis in November of each year. Brooks amended his motion to reconsider the moratorium in November of each year. Pace seconded the amendment. Motion passed unanimously.

11-98-1 Public Hearing - Variance Request (Rear Set Back)
207 Albemarle Lane, Albemarle Subdivision

Lenox said this issue would also be conducted as a public hearing and gave each side 10 minutes to present its case. Lenox asked first to hear from the applicant. Ray Rogerson from Jerry Ballard Homes, addressed Council and explained that, as a result of a foundation survey, it was discovered their house encroached into the required rear setback. He explained that at the time the home was under construction, it had the proper distance required from the setback. He said PCDC asked that they put in a "kick-out" on the front of the home to give it a different elevation and to meet their street scape requirements. He said the different elevation wasn't taken into consideration and consequently the home was approximately 10 inches into the setback.

Jim Williams, Director of Developmental Services, addressed Council and recommended approval of the variance. He said the distance involved was less than one foot, and the property had a generous greenbelt to separate it from the nearest neighbor to the rear. He recommended that the applicant be instructed to fully inform the future homeowner of the situation and warn him/her that no additional encroachments will be permitted and that the variance should only apply to the main structure of the house and not to any deck or enclosed porch that may be planned.

Hearing no one else to speak in favor of the variance, Lenox asked to hear from those opposing the variance. Hearing no one to speak in opposition to the variance, Lenox called the hearing to a close and opened the floor for Council debate.

Pace made a motion to grant the variance with the two conditions recommended by Williams. Fritz seconded the motion. Motion carried unanimously.

11-98-2 and 11-98-3 Consider Alcohol License Eckerds - City Circle & Peachtree Crossing Shopping Center

Lenox explained that the Eckerd Corporation had applied for alcohol licenses to sell beer and wine at the Eckerd Drug Stores #3458 and #2026, located at 101 City Circle and 100 Peachtree Parkway North. Mr. Michael Thomas Lops applied to be appointed as the licensee for both of the stores. Mr. Eddie T. Brickle, Jr. applied to be appointed as the license representative for the store located at 101 City Circle and Mr. Michael O'Kelly applied to be appointed as the license representative for the store located at 100 Peachtree Parkway North.

McMenamin said the applications appeared to be complete and in order and made a motion to approve both of the applications as presented. Pace seconded the motion. Motion carried unanimously.

11-98-4 Consider Alcohol License - Kedron C-Store, Inc. 1009 Georgian Park

Lenox explained that the Kedron C-Store, Inc. was a convenience store that would be constructed at 1009 Georgian Park. The owners submitted an application for a license to sell beer and wine, Mr. Jimmy Halligan applied to be appointed as the licensee, and Mr. George Miller applied to be appointed as the license representative.

McMenamin said the application appeared to be complete and in order and made a motion to approve the application as presented. Pace seconded the motion. Motion carried unanimously.

11-98-5 Consider Amendment to Smoking Ordinance Regarding Signs

Jane Miller, Director of Administrative Services, said that at the last Council meeting Council requested that staff review the Smoking Ordinance relative to providing some mechanism for businesses to have the potential to post signs that were not the colors prescribed in the current ordinance. She said staff believed that the current ordinance requirements posed no problems for most businesses and recommended that the Sign Committee handle any requests for different signs. Miller said staff recommended Council adopt the proposed change to the Smoking Ordinance to establish that procedure.

Pace made a motion to adopt the ordinance as presented. McMenamin seconded the motion. Motion carried unanimously.

11-98-6 Consider GMA Vehicle Leasing Program

Joe Morton, Assistant City Manager, explained that funds were included in the FY 1999 Public Improvement Program (PIP) for the lease/purchase of thirty-three (33) fully equipped vehicles to implement the Police Vehicle Take Home Program. He said Allan Vigil's Southlake Ford had the

State Contract on the Pursuit Vehicles for 1999 and had given the City a price quote on the vehicles and all the related equipment. He said the City had also received quotes from all the other equipment dealers on their equipment and installation.

Morton said the Ford vehicles were being purchased off the state contract and it did not require that the City bid the cost again. The radar, surveillance equipment, light bars, and radios were being purchased using brand name purchases in accordance with the City's purchasing policy.

Morton said, after review of the prices of the vehicles and related equipment and of all the financing information, he recommends that the following awards be made:

Allan Vigil's Southlake Ford	**$698,330.25**
Interceptor	**60,292.00**
Kustom Signals, Inc.	**96,000.00**
Motorola, Inc.	**49,716.00**
TOTAL AMOUNT TO BE FINANCED	**$904,338.25**

Morton said the City had received a quote on the financing of the entire purchase from the Georgia Municipal Association (GMA) through their Lease/Purchase Program. He explained that GMA was offering the City a lease/purchase rate of 4.02 (%) percent with three (3) annual installments of **$249,587.20** and a final annual installment of **$238,603.10.** The first installment payment would be due August 1, 1999. Additionally, he said the City would receive Clean Fuel Grant Funds in the amount of **$25,408.00** toward the purchase of the four (4) natural gas vehicles that were included in this program. Morton said staff budgeted **$242,723.00** annually for the next four years in the Public Improvement Program (PIP) to fund the Police Department Take Home Vehicle Program, and that the total lease payments, less the Clean Fuel Grant Funds, would be less than the total PIP funds budgeted.

Morton recommended that the award for the financing be given to the Georgia Municipal Association and that the City Council adopt a resolution authorizing the Mayor to execute the Master Lease Agreement and Supplemental Lease Agreement to participate in the GMA Lease/Purchase Program.

Pace asked why there were only four natural gas vehicles. Chief Murray explained that the Department already had several natural gas vehicles, and they did not want an entire fleet of them because of the limited distance the vehicles could travel. Murray said there were times that officers needed to leave the city for various reasons, such as to pick up prisoners, and that it was difficult to find natural gas to refuel the vehicles.

McMenamin made a motion to award the bids as recommended by staff and to authorize the Mayor to execute the Master Lease Agreement and Supplemental Lease Agreements to participate in GMA's Lease Purchase Program. Brooks seconded the motion. Motion carried unanimously.

11-98-7 Consider Proposed Amendment to Land Development Ordinance Concerning Height Standards for Accessory Structures in Residential Areas

Jim Williams, Director of Developmental Services, proposed an ordinance at Council's request that would allow greater flexibility in the design of roof lines for accessory structures in residential areas. Essentially, it would increase the maximum height from eight (8) feet to twelve (12) feet.

Brooks made a motion to adopt the ordinance as presented by staff. Pace seconded the motion. Motion passed unanimously.

11-98-8 Consider Proposed Amendment to Sign Ordinance Concerning Height Standards for Wall Signs on Commercial, Office/Institutional and Industrial Structures

Jim Williams proposed an ordinance that was intended to allow for greater flexibility in the height of wall signs on multi-story office buildings and large industrial buildings. He said the standards for retail and service commercial buildings were intended to remain the same. He said the amendment was initiated in response to a number of problems that have recently been encountered in properly locating signage on larger office, institutional, and industrial buildings.

McMenamin made a motion to adopt the ordinance as recommended by staff. Fritz seconded the motion. Motion carried unanimously.

11-98-9 Consider Tower Agreement with Grid Towers

Joe Morton said Grid Towers, L.L.C., had proposed that it lease a portion of the Meade Field property from the City in order to construct a 190-foot high telecommunication tower. He said the Planning Commission approved the conceptual site plan for the tower with several conditions.

Morton said staff determined the tower would not unduly limit the expansion of future play fields in the location where it was proposed. He said it had also been determined that the tower would not pose a health and safety threat to future play field users nor would it require any variances in order to be constructed. He said the city received initial assurances that the location would be acceptable to both the Airport Authority and the FAA. Morton said the tower construction would require the relocation of the Public Works mulch pile that currently occupies the site, but that would not be a problem. Finally, Morton said it had been determined that the tower would not adversely impact plans for the eventual relocation of Rockaway Road.

Morton said the initial term of the lease was five (5) years with Grid having the right to extend the lease for five (5) additional five-year terms. Grid agreed to pay an annual base rental of $9,000.00 during the initial term plus twenty-five percent (25%) of the total net collected user fees. The base rental would be increased each renewal term equal to the Consumer Price Index with a minimum increase of five percent (5%) and a maximum increase of ten percent (10%).

The tower was expected to accommodate five to six (5-6) antenna users at capacity. Based on those users, Grid estimated that the tower would generate approximately $29,250.00 (base rent plus

25% of net collected user fees) annually during the initial term of the agreement. However, Morton said it could take one to three years before the tower reached maximum capacity. He said total revenue projections for the initial five-year term were $135,000.00

McMenamin made a motion to approve the lease agreement as recommended. Pace seconded the motion. Motion carried unanimously.

Councilman Brooks noted that the agenda items and the meeting itself proceeded unusually smoothly that evening. There was discussion as to whether the absence of the City Manager may have influenced the smoothness of the night's events.

COUNCIL/STAFF TOPICS

There were no council/staff topics to discuss.

Lenox made a motion to adjourn the meeting for a brief recess to reconvene into executive session to discuss a pending law suit. McMenamin seconded the motion. Motion carried unanimously.

EXECUTIVE SESSION

McMenamin made a motion to authorize the City Attorney to negotiate the settlement of a law suit. Brooks seconded the motion. Motion passed unanimously.

Lenox made a motion to adjourn the meeting at 9:30 p.m. Brooks seconded the motion. Motion carried unanimously.

Nancy Faulkner

Nancy Faulkner, City Clerk

Attest: Robert L. [signature]

Mayor