City Council of Peachtree City
Minutes of Meeting
October 18, 2007
7:00 p.m.

The City Council of Peachtree City met Thursday, October 18, 2007, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present: Steve Boone, Mike Harman, Stuart Kourajian, and Cyndi Plunkett.

Announcements, Awards, Special Recognitions
Mayor Logsdon recognized Jay Hughes for 10 years of service in the Police Department and City Engineer Dave Borkowski as the 3rd quarter Supervisor of the Quarter.

Public Comment
Bill Holland addressed Council and asked them to consider postponing any future development until there was at least six months of water available.

Minutes
Boone moved to approve the October 1, 2007, workshop minutes and the October 4, 2007, regular meeting minutes as written. Kourajian seconded. The motion carried unanimously.

Consent Agenda

1. **Consider Appointments to WASA – Tim Meredith and Phil Mahler**

Harman moved to approve the consent agenda. Boone seconded. The motion carried unanimously.

Old Agenda Items
09-07-01 Consider Rezoning – Stephens Tract, GI to LUC (Dominion-Somerby)
City Manager Bernard McMullen noted that Council had an e-mail on the dais from Bill Holland dated October 18, 2007, with the subject, "Development proposals on the Council agenda for this evening October 18, 2007."

John Gorecki of Dominion Partners addressed Council. He noted that the plan had been revised three times, and they were prepared to modify it again to make it attractive to the community. They were prepared to reduce the size by 66 units, would partner with the City and donate 50 acres of greenbelt land along the property's southern border as a natural buffer, and would contribute $25,000 to the City immediately to improve the greenbelt into a usable area for City recreation. In addition, Gorecki said they would dedicate to the City a 10-foot natural buffer along the six-acre tract by Meade Field to clear up an existing encroachment by the City onto their property and maintain a dedicated 40-foot buffer along the 10-foot strip to assure the City's recreation property was buffered from the age-restricted homes. He continued that they had agreed to assist the City and the supporters of Meade Field to build public restrooms, athletic equipment storage, and a concession area using their capital and in-kind donations of their architect, civil engineer, general contractor, and a small number of subcontractors. They also agreed that when they were ready to develop the six acres, they would offer the property to the City at their actual land basis before proceeding with development. Gorecki said they had also agreed to construct a cart tunnel north of their site that would connect both sides of Rockaway Road at the south property line of Meade Field and had earmarked $200,000 for the construction.

Gorecki continued that there had been a wide array of questions and comments regarding the community. He gave a PowerPoint presentation that he hoped would answer some of them. (A copy of the PowerPoint presentation is included in the official meeting file.) He hoped to clear up any misunderstandings and misinformation. From Somerby of Peachtree City, the City would receive a facility that offered a continuum of care with related services within a residential community. Three basic reasons comprised 75% of the moves into this type of community – one spouse developed a health care need, one spouse died, or the family mandated a move. The other 25% sought an active lifestyle or moved to the community because their friends had. Seniors lived an average of seven years longer when they lived in a retirement community because the community ensured they would eat three well-balanced meals per day, they took their medications as prescribed, they were part of an individually tailored health and wellness program, and they stayed socially active through an activities program. The senior market was large, affluent, stable, and they were willing to spend money. Gorecki also provided statistics on the aging population and where they spent their money.

Gorecki continued that they planned to downsize the six-acre tract by Meade Field from 48 units to 30. The project had gone from 376 units to 310. The greenbelt areas would be donated to the City. They had looked at what else could be done with the six-acre tract, but every tree would have to be decimated in order for the other suggestions to work. The plan to downsize the number of condos on the smaller tract was a win/win. The main facility would have a number of facilities within it, including a beauty and barber shop, a dining room, a café, a library, a small movie theater, billiards and game room, and some public space that would be available to residents and The Gathering Place and civic groups for meetings. They hoped to partner with the City to provide facilities that would take the burden off of other places. There would be 100 employees when fully occupied. The facility would open with 50 employees in nine departments. He hoped Council understood their product better.

City Planner David Rast noted that staff had been directed to prepare a financial impact analysis, which was based on 376 units, not 310 as presented at this meeting. Planning Assistant Tony Bernard presented the analysis. (A copy of the PowerPoint presentation is included in the official meeting file.) The model focused on the budget components funded through the general tax and fee revenues. Phase I had a build-out rate of 286 units in 16 months with a gross density of 15.03 units per acre. Phase II, the six-acre tract next to Meade Field, had a build-out rate of 20 units per year after Phase I was complete and full and would have a gross density of 4.75 units per acre. Phase II included an additional 60-unit wing on the main building for the nursing area. They would not be built until at least five years from the start of the development and had a build-out rate of 60 units per year. After the build-out of the property in five years, the development would be worth approximately $59.6 million. The Braelinn Village impact fee per unit was $1,083. The impact fees for Phases I and II would be $342,228. Phase III would bring in impact fees of $64,980.

Bernard continued that, based on a total millage rate (County, City, Board of Education, and State) of 33.625, the estimated annual tax would be $801,935.89. Bernard also looked at the population growth per year. The model showed there would be 1.5 people per unit for a total population of 564 of at build-out. The City millage rate for 2007 was 5.533 mills. Bernard estimated the motor vehicle taxes would increase by $16.34 per person per year, franchise taxes (Georgia Power, Atlanta Gas, BellSouth, Coweta-Fayette EMC, Comcast, Newnan Utilities) would increase by $60.46 per person per year, selective sales and use tax revenue (alcoholic beverage tax, mixed drink tax) would increase by $18.01 per person per year, other revenue (recycling revenues, service charges for EMS, recreation program fees, court fines, library fines) would increase by $53.06 per person per year, and the Local Option Sales Tax (LOST) would increase by $194.42 per person per year. Bernard noted that the 2007 taxes were divided by the total 2007 population to find the cost per person. The estimated 2007 population was 36,242. Licenses and permits would increase through build-out, which would take five years.

Bernard noted that the Stormwater Utility cost $3.95 per 4,600 square feet of impervious surface. The development would have an estimated 1.2 million square feet of streets and paths. The total cost per year, at build-out, would be $12,047.33.

Bernard looked at operational costs for the City and used population to calculate the estimated increase in cost. He estimated that, at buildout, the City's operational costs would increase by $279,000. City staff might increase by 4.4 employees to maintain the current level of service, and the population would increase by 564 people. After buildout, the projected annual revenue to the City was $34,125.07. The estimated revenues from the project were $6,982,457, and the estimated costs were $5,540,423, which was a cash positive surplus of $1.4 million. Bernard noted that the model did not include any increases in the millage rate and stayed at current 2007 dollars. Inflation was not reflected in either revenues or costs. Appreciation and depreciation were not calculated into the model. The model did not allocate any of the department costs to the industrial and commercial sectors of the City, which would reduce the operational costs per citizen. The model was based on population and development density.

Plunkett asked Bernard if he could estimate the numbers based on the reduction in the density. Bernard said he would have to change the density figures. McMullen said it was about one-sixth, so the totals would be approximately $250,000 less. Harman clarified that the numbers were based on an average of everyone in the City, it was not age targeted. McMullen said they did not have the ability to do something that was exact. It was a model.

Logsdon said he had looked at the facility in Birmingham recently and had been impressed. The residents he ran into were happy. He felt it would be good product.

Boone noted that the project had come down in density, and the developer was going to contribute land and dollars to the City. The residents would get involved with the schools, and the schools could get involved with the residents. He liked what he saw and felt the project was a win/win for the City.

Plunkett said she still had concerns. In her opinion, the multi-family moratorium had been lifted to look at a nursing home-type environment. Council had not wanted to add any more traffic to the two-lane road. People in a nursing home would not be driving the number of trips as those would live in the six-plexes and duplexes. The number was lower, but it was still too many. The gates also did not fit in the City. Gates made sense for a nursing home because they would keep the people in and safe. She wanted to see an "inclusive" versus "exclusive" project. Plunkett said she also had a problem with the density of the property by Meade Field. She could not support the rezoning.

Kourajian said the idea was great, and it was something the City needed for this age group. When the idea had first been presented, it had been for those 65 and older looking for the next step in life. He had a hard time with the six-plexes and individual homes, which was more of a community open to everybody. Another similar community was going in another part of town. This was not what he envisioned in this part of the City. He could support assisted living, but he did not support the single-family homes and six-plexes in the project. He could support a higher density if it was assisted living. He only liked the one aspect of the project.

Boone said that, from his own experience, his mother had graduated to each level of care in the same type of community. The majority of the people would be older, and people at 60 and 70 could be very active. The City was starting to age. Kourajian asked Boone if the community should be built for those 55 and older, or for the 60 to 65-year old people. Boone said he supported all three phases, which was a graduated progress. They had addressed the landscaping and vegetation issues, and the developer had gone out of his way to make the project amenable to the area.

Harman said that, based on his conversations with seniors, the City did not seem to have housing targeted for seniors. His mother-in-law had moved into his home. As people living in the City aged, they were stuck with larger homes and yards they either did not want or were unable to maintain. The development fit in perfectly with the City. If the City was one of the top 10 places to retire, then it should have places such as this. He agreed the development would be great for the schools since kids enjoyed interacting with senior citizens. The building was large, and the business plan was aggressive. Their other facilities were doing well.

Plunkett asked Rast how many neighborhoods the City had that were designated for residents 65 plus. Rast said there were actually none. The only one that was limited to ages 55 and older was the apartment complex going in at Crosstown Drive. Village Park and Village Green and other developments targeted seniors, but they were not age-restricted. Plunkett said that it was not accurate to say that senior housing was not in the mix. She had no objection to the nursing home part, but all the individual units and the gates set a bad precedent. Other subdivisions had asked for gates, and they had been denied.

Harman noted that this would be a community of seniors with an average age of 75 and asked whether they needed extra security. Kourajian agreed that they needed extra security, but younger people would be interested in the six-plexes. The main unit was a terrific idea, but he had a problem with the single-family homes. The City had places for active seniors. He did not support the three phases, just the last few. Logsdon said the product had always had three phases and 376 units. The developer had always said the project would allow people to establish residence, then progress to the other phases. The gates in Birmingham stayed open until dark. The Birmingham project was in a densely-populated area, and it fit in well. It also had three phases.

Boone said he liked the project on the southside of town, and he would rather see this type of high-end product with lots of vegetation than what could go on the property now. Seniors had the resources. There were restrictions on the commercial side of the property. He would rather see this senior residential than industrial or some commercial uses.

Kourajian said he did not disagree, but Council needed to think long and hard about a gated community around single-family homes and condos. If the gates were allowed, others would ask for them.

Logsdon asked Gorecki if he could eliminate the gate on the south side of the road. Gorecki said yes. Harman asked if the entire property would be fenced. Gorecki said that it would. Harman asked Gorecki if it would be feasible to build the project without gates. Gorecki said it was not. The gates and the fences provided a feeling of security at night that was an important to seniors. Kourajian said he supported a gate around a main unit, but not everything else. Plunkett agreed. She asked if the gate could be placed further back into the property. Gorecki said he was not sure how that could be done because of the fence. There was also a gate to the commercial area. Fencing the facility inside the tract would not come off well.

Gorecki noted that the average age of garden home, condo, and villa residents in their other developments was 75-plus. Most 55 year-olds would stay in their homes until one of those three events happened that caused them to consider the move. There was one resident in the Mobile, Alabama, development that was 55; the rest were over 70. Harman asked City Attorney Ted Meeker if allowing gates on the main property could be a problem. Meeker said Council had to judge each plan on its merits. By approving one, they would at least hear an argument for approving another. It might not be binding depending on the plans.

Harman asked Kourajian about his objections. Kourajian said there were places in the City for active adults. An active adult community would be going in on the west side. He did not see the need for condos or single-family homes under the guise of assisted living.

Harman asked Meeker what Council had to do to make sure what was presented was what was built. Meeker said the ordinance would ensure it. The additional conditions proffered during the meeting should be restated in the motion and captured in the final ordinance. Harman asked if anyone had kept track of the changes during the meeting. Rast said staff had the recording, which would be transcribed in the minutes. Logsdon said the concessions were taking the density down to 310 units, 50 acres to be given to the City, $25,000 contribution for improvements in the area, and restrooms & equipment storage at Meade Field. Gorecki (speaking from the audience, not the microphone) added that they would contribute $75,000 to the restrooms and equipment storage either in cash or in-kind and agreed to a 10-foot natural buffer along the six-acre tract by Meade Field and a dedicated 40-foot buffer along the 10-foot strip, the Rockaway Road tunnel, and to eliminate the gate on south side. Gorecki said the developer would put the tunnel where the City said to put it.

Kourajian asked what type of foliage would be planted between Rockaway Road and the six-plexes. David Patterson said it would include evergreen trees and berms. Gorecki noted that they would not receive their certificate of occupancy unit the City was happy with the landscaping. Plunkett asked if there were landscaping criteria the developer had to meet. Rast the ordinance would have language that specifically dealt with the landscaping, height of the berms, and a continuous evergreen screen. It also stated the landscaping had to extend along the entire Rockaway Road frontage.

Plunkett asked about any deed restrictions on the land that would be deeded to the City. Rast said it was primarily floodplain. Plunkett said she would like deed restrictions that stated it was deeded for greenbelt "in perpetuity."

Harman asked if there would be any recourse if any of the protected trees were removed. Rast said there were penalties in the City's landscape ordinance for removing a specimen or protected tree without a permit. Harman said a landscaping performance bond would ensure that. Rast said that was covered in the landscape ordinance. The property owner had to guarantee the landscaping for two years. The City inspected the landscaping, and the owner had to replace any material that died. Harman said that, with a bond, the City could cash it in and do it. McMullen said if the developer did not comply with the landscape plan, then the certificate of occupancy (CO) would not be issued. If they did not comply after the CO was issued, then a citation would be issued to bring the matter to the Municipal Court. Harman asked if that was adequate. McMullen said that was what happened with all the projects.

Boone moved to approve the request by Dominion Partner to rezone the 25.4-acre portion of the Stephens tract from GI General Industrial to LUC Limited Use Commercial for a 310-unit campus-style three phase continued care facility, 50 acres would be donated to the City, $25,000 would be donated to the City for development of cart paths, restrooms at Meade Field, 10-foot buffer donated to the City, also a 40-foot buffer would be maintained making it a setback of 50 feet, $75,000 to build restrooms, the tunnel placed where the City designated, greenbelt for perpetuity purposes on the west side. McMullen added that the elimination of the gate on the six acres. Boone added the elimination of the gate and the other conditions recommended by City staff and included in the ordinance. Harman seconded.

Plunkett noted there were only 30 units on the six-acre tract. She asked if the buildings were restricted as to the location on the tract. She wanted to ensure the number of units were site specific. Harman suggested they add the wording, "per the shown site plan." Gorecki said he would agree to a maximum number of units for the condos. Harman said they needed to modify the units in the motion. Rast said the number of units in each phase was listed in the proposed ordinance. The ordinance would have to be modified based on the discussion during the meeting. Plunkett said they had agreed to maximum numbers in the residential portion. Gorecki agreed to 42 condos and 16 villas. Gorecki said the cart paths would be located outside the fence.

Harman asked when the six-plexes next to Meade Field would be built. Gorecki said he did not know; the 42 units in the main area would be sold first. Harman asked Gorecki if the developer would be willing to sell the six acres to the City before building on it. Gorecki said that he had discussed selling the six acres for their cost, the actual land basis, with the Recreation Department. If they could come up with the money before they were ready to build, then they would consider it.

Logsdon asked if there was any amendment to the motion regarding the developer offering the City the opportunity to buy the land before they built on it. Boone asked why the City would want that tract. Plunkett said for recreation since it was right next to the ball park. Plunkett said they had also agreed to limit the number of condos and villas.

Boone amended his motion to state that the number of condos and villas on the northern section would not exceed 42 condos and 16 villas, and Somerby would agree to right of first option on the six acres by Meade Field. Harman seconded the amendment. The amendment was approved 3-2 (Kourajian, Plunkett).

The main motion carried 3-2 (Kourajian, Plunkett).

Logsdon asked that the following agenda items be considered together. There was no objection.

10-07-01 Public Hearing – Consider Request to Lift Multi-Family Moratorium, Outer Marker Properties on Redwine Road

10-07-02 Public Hearing – Consider Step 1 Annexation, Outer Marker Properties on Redwine Road

Jeramy Ragsdale, Outer Marker Properties, addressed Council. He said Outer Marker developed and built assisted living facilities throughout the state. This project on Redwine Road would be a small, neighborhood-style facility with 48 rooms, 12 dedicated for memory care. The facility would be secured. There would be two interior courtyards. He continued that "assisted living" was a legal definition and was a level of care prescribed by a doctor. The facility would provide healthcare up to a certain level, full-time food service, and an activity director. The core of the business was to be tightly woven into the community because of the small size. The property was 13 acres on Redwine Road, which was contiguous to the City. Ragsdale requested that the City annex and zone the property for the appropriate use.

The public hearing opened. Phyllis Aguayo, Phil Boswell, Robert Brown, and Beth Pullias spoke during the public hearing. Their concerns included the following:

- Multi-family moratorium was in place for a reason. If the senior housing projects failed, they could turn into apartments.
- There was a concern that senior housing could be overbuilt.
- Annexation would stretch the City out too far and would create a problem for public safety. It did not make sense to keep stretching the City boundaries out further and further.
- Building permits needed to stop as long as drought continued. There was no need to annex low-density property to build a high-density project with no water.
- Annexation should include all the property in the area.

Rast showed the location of the property on an aerial photo, which showed it was contiguous to the City. The public hearing closed.

Plunkett said she would have no problem with an annexation if it included the whole area, but she did not want to annex it piecemeal. Plunkett moved to deny the lifting of the multi-family moratorium and the Step 1 annexation request from Outer Marker Properties on Redwine Road. Harman seconded.

Boone agreed with Plunkett. He wanted to see a plan for the entire area. Piecemeal annexation bothered him. Plunkett clarified that she might not agree with multi-family zoning, but wanted to see a plan for the entire area. Harman agreed, too. He added that the whole area would be up for consideration at some point, but the tracts needed to be consolidated into one detailed plan. There was too much at stake on the south side to look at just this one tract and plan.

Boone noted that, with the issue of providing services and the drought, it was not a good move to annex any more at this time. Logsdon said that he was also interested in seeing a plan for the entire area, not just one piece.

The motion carried unanimously.

New Agenda Items

10-07-12 Public Hearing – Consider Amendment to Art. X, Sec. 1006(f), GC General Commercial District Regarding Maximum Building Heights

Rast asked that the agenda item be continued to the next meeting. Staff was working with the Fire Department on some concerns and further discussion was scheduled for the October 22 Planning Commission meeting. Staff would have it ready for the next meeting.

Plunkett asked if the senior facility approved that night would meet the proposed changes. Rast said that it would fit in with what was currently allowed, but not with the changes.

Harman moved to postpone agenda item 10-07-12 to the next meeting. Boone seconded. The motion carried unanimously.

Logsdon noted there was a request for five-minute break at 8:40 p.m.

10-07-13 Consider Request for Abandonment of Line Creek Circle and a Portion of Line Creek Drive

Logsdon reported that the developer had requested a postponement during the break. Harman asked if the developer planned to postpone it or withdraw his request. Doug McMurrain said he was withdrawing the request. No Council action was necessary.

10-07-14 Consider Approval of Design Concept for Flat Creek Bridge Approaches

City Engineer Dave Borkowski gave a brief history of the project. (A copy of the PowerPoint is included in the official meeting file.) The bridge location was selected because there had been a bridge and path in the same location previously. The bridge would provide residents with access to the Baseball Soccer Complex (BSC) via the paths planned for the area. A grant provided funding for the bridge only. After the bridge was installed, it was eight feet above the adjacent grade, much higher than anticipated. The fill that would be required for the approaches exceeded permit limits and would not comply with Federal Emergency Management Agency (FEMA) regulations. Staff contracted with Integrated Science and Engineering (ISE) to design the approaches and obtain permits, and ISE designed wrapped face embankments (dirt wrapped in geo-textile fabric similar to a dirt burrito) with culverts tying into the existing grade. The design was in compliance with FEMA and Army Corps of Engineers requirements. During the design and bidding of the approaches, residents of Morallion Hills contacted staff with environmental and flooding concerns.

Borkowski continued that staff met with subdivision representatives several times and agreed to look at alternative designs. Four design variants were developed, ranging from the wrapped face embankments to a steel and concrete bridge that spanned the floodplain. The designs included the 1) wrapped face embankment design that tied into the existing grade ($382,502); 2) wrapped face embankments and aluminum box culverts design ($711,088); 3) a bridge spanning the floodplain ($971,436); and 4) wrapped face embankments and ductile iron pipes design ($412,055).

Borkowski said staff recommended the fourth option, which mitigated the wetlands impact and did not have the large encroachment into the existing path area that the first option had. The ductile iron pipes got the path out of the wetlands just enough to keep it dry during most rain events, but allowed the water to overtop the path when it really flooded. The path would be usable most of the time. The fourth option also mitigated the increases in the 100-year flood elevation to around a maximum of 0.2 feet (2.4 inches) when compared to the existing conditions. Borkowski showed a FEMA map of the existing floodplain, but noted there were inaccuracies in the horizontal component.

Harman asked if the estimates were in today's dollars or an estimate from a few years ago. Borkowski said they were from this year. Harman clarified that staff was asking Council what type of approach they wanted so the design could be finished. Borkowski said yes, it was just to finish design and get the wetlands permit. McMullen noted that $500,000 was included in the Bricks & Mortar loan to cover the costs for the construction. Harman said that was the construction cost, not the design cost. Borkowski said there was $20,000 left in the budget to cover the design costs. Plunkett clarified that the money in the construction budget would cover options one and four. McMullen said that was correct.

Kourajian asked Borkowski which solution would be the best if there were no dollars attached. Borkowski said all of the designs would work and met the criteria. Boone said the issue was affordability. Plunkett said they could not be "penny wise and pound foolish." Logsdon said he recalled that options 2, 3, and 4 all worked. Option 4 accomplished the same thing at half the cost.

Kourajian asked if all the designs did the same thing or if one was a lot better. McMullen said the only one not recommended was the first one (wrapped face embankment design that tied into the existing grade) because of the way it tied into the existing grade. During a normal weather pattern, the path would have water on it quite a number of days, which was why they had looked at the other options. Plunkett asked whether the differences, if not engineering, were aesthetic. McMullen said staff had looked at the economics since all the options worked.

Plunkett said that if option 3 was going to work 150% better, then it might be more economically feasible than the others. McMullen said constructability was also a factor. Heavy equipment would be needed to build the bridge, which would damage the wetlands. There was not a simple answer. The box culverts came in large sections. It would be difficult to construct either option 2 or 3 without disturbing the wetlands. Kourajian said if all the options moved the water the same, then the question was the economics. If one option was a whole lot better, then that had to be weighed as well as the economics. Borkowski added that the designs were all the same hydraulically. The bridge was the more expensive and harder to maintain option.

Morallion Hills resident Kim Cort said that the bridge that had spanned the creek had been destroyed during the 1994 flooding. She offered to show Council some video taken during the 1994 flood. She continued that the Army Corps of Engineers had denied the first option. Borkowski clarified that option 1 had not been denied by the Corps. Because staff had been working with the residents, the City had missed the wetland permitting opportunity. Damming up any part of the area would seriously affect the area, which was one of three major floodplains in the County.

Cort read from the October 11 staff memo from the City Engineer that stated "the new design would only mitigate increases in upstream flood elevations," which indicated there would be increases in flood elevations. She questioned why the City would want to increase the chances of homes being damaged by floodwater. Option 4 did not employ the best management practices seen in other construction projects. It might save money initially, but could cost more money when homes were destroyed. It would end up costing the City and the taxpayers in the end. Plunkett clarified that Cort preferred either no path or options 2 and 3. Cort said yes.

Beau Stephens asked whose liability it would become if their homes flooded. If Council said it would not flood and it did, then it would cost the City a lot more money. Keith Walker said the 12-inch pipes would stop up with branches and mud, and the path would become an earthen dam. The box culverts were 10-feet high and would allow more water to flow. Robert Brown noted that a span over the floodplain sounded great, but he was concerned about the damage to the wetlands due to the construction. Bill Hall had taken photos of 11 12-inch culverts in the City, and nine were totally clogged. There should be some extra money from the stormwater tax to help build the bridge. Phyllis Aguayo said she was concerned for the homes, but also for the wetlands. The City needed to learn from its mistakes from building Crosstown Road on the wetlands and other major flood events. The City needed to do what allowed the most water to flow under the bridge.

Borkowski clarified that they could not guarantee there would be no flooding. The homes could flood during a 500-year event without the bridge. The area was designed so the water would overtop the path during a storm. The amount of flow was the same for all of the options, but with option 4, the flow went over the path instead of under it. The culverts satisfied the wetlands issue so there would be water on all sides and not cut off water. The pipes would serve the purpose for smaller events.

Logsdon said that the cart path would not cause a flood, according to the engineers. It would raise the floodplain 2.4 inches. Borkowski continued that they had compared the option to the FEMA information and had gone above and beyond what FEMA had by ratcheting up the flows to take into account the existing development and everything upstream. The homes still did not flood. Staff did not want the liability of flooding anyone's home either.

Cort said the models of the floodplain were not correct. In 1994, the water came to back doors of the houses. Borkowski pointed out that the 1994 event was not the 100-year storm for this area. It was more of a 300-year or 500-year storm.

Harman clarified that the recommended option would allow the water to flow over the path by about five feet. The water would still go over the path with the box culvert plan about two feet. There would be no impact on the 100-year flood mark. Richard Gruel of ISE said that when they ran the different scenarios through the models, option 4 had 2.4 inches and option 2 had four to five inches, which was a greater increase. Option 2 would have more risk. Kourajian clarified that option 4 moved the water better than option 2. Gruel said yes, because the water would go over the lower path faster.

Harman moved to approve the design for option 4. Boone seconded.

Walker asked the cost of unstopping the pipes when it was needed. Borkowski said that would be part of the Stormwater Utility, and this would be an area they would look at for clearing prior to storms. During a large storm, it would not matter it the pipes were plugged up. The flow would go over the path. Harman asked how the standing water would move. Borkowski said that was why the pipes would be recessed, so there would be flow equalization on both sides of the path.

Kourajian asked when construction would begin. McMullen said they would direct ISE to complete the design the next day, then the City had to get the wetlands permit from the Corps of Engineers. Kourajian asked when the first action would happen. McMullen said it depended on the guidance from Council, but it would start the next day. Kourajian asked how long it would take to build. Borkowski said they had not yet looked at the time estimate for the construction.

Kourajian said the residents had emotional concerns, and they were legitimate. Kourajian addressed the residents attending the meeting and said Council had to look at the "best bang for the buck." The information they brought to the meeting was legitimate, but it was emotional. The residents were not hearing the facts and the information from the engineers. He would like to give the residents more time to show Council specific information that would help them make the decision. Council needed something concrete and scientific to make a decision.

Cort said that the City had not hired hydrologists to provide the information; they just hired engineers. The area had already been built up when the bridge went in. Logsdon reminded Cort that one of her neighbors, who was an engineer, had commented that the plan would not cause flooding. He understood their fear of flooding, but the bridge and the ramps were not going to increase the chances. He would be willing to postpone the decision for two weeks if the residents wanted to show the plan to a hydrologist. According to the engineers, option 4 functioned just as well as option 3 for half the price.

Boone asked Borkowski if a hydrologist could look over ISE's design before it was completed. Borkowski said that they were all licensed civil engineers. The only thing that could be done would be to have another firm look at the design. Harman noted that the Corps of Engineers had to look at the design, too. An unidentified resident said she had spoken to the Corps of Engineers and been told that the design would be approved and the permit would be granted because the area was less than an acre in size. Borkowski said the City still had to apply for the nationwide permit for the disturbance of the wetlands even though it was less than one-tenth of an acre.

Plunkett asked what would happen if they found problems during the design. Borkowski said they would find any other problems before the design was done. Staff would have to come back to Council to award the bid for construction. McMullen said staff was asking Council to allow them to continue with the design. Harman noted it might be possible the design would not be feasible.

The motion carried unanimously.

10-07-15 Consider Bids for Police Department Renovations

Borkowski said the City had received two bids for the renovation – R.L. Ward, LLC, $593,250; and Beatty Construction Company, $888,000. Staff recommended the bid be awarded to R.L. Ward, LLC, the lowest responsive bidder. The bid included modifications to the HVAC system, floor sealing, floor covering replacement, some replacements of wall/ceiling coverings, and expansion of the evidence room. Boone asked if R.L. Ward had experience in this area. Borkowski said they built the satellite auto shop, and the City had a good relationship with them. Boone asked if this would take care of the problem with the roof. Borkowski said it would not, and they would get an architect's opinion on fixes. Plunkett asked if there was an estimate on those repairs. Borkowski said there was not at that time.

Plunkett asked if the huge difference between the two bids was unusual, and why there were only two. Borkowski said he was not sure why there were only two bidders. The bid was for a general contractor that would coordinate all the subcontractors. He speculated that it might be due to their subcontractors. McMullen noted that the scope of work for the bids was the same. It was not unusual for a bidder to just throw in enough to cover his risks based on McMullen's experience.

Plunkett asked if there were any guarantees that the renovations would work. Borkowski said there would be a warranty on the floor vapor barrier for 10 years, but there was not a guarantee that the work would solve all the problems. Staff was confident that it would work. They had dealt with numerous consultants, and the consensus was that the work would solve the problem. The issue was very complex with multiple causes. Plunkett asked what would happen if the contractor found other issues were going on while doing the work. McMullen said there were contingency funds in the 2007 and 2008 PIPs, which were the sources of the funds to cover unknowns. It was a renovation project, and there was a good chance for change orders. There was only one way to fix the problem, and that was to do the work. Plunkett said she was concerned the City would spend $1 million, and the issues would not be fixed.

Logsdon said the City had wrestled with the problem for years, and they had to do something. This was a priority item and should have been addressed from the beginning. Council needed to make the best decision it could. It was too expensive to bulldoze the building and start over. There probably would be change orders, but they had to try something.

Plunkett said the City was looking at spending $1 million in the best case scenario. Borkowski said the leaking roof was not in the bid, but the HVAC work was a big chunk. The fascia issues on the outside were not part of this bid. There were gaps where air was coming in the building. McMullen said he did not want to put a number on those repairs, but they would not be that high. The cost could be $30,000-$40,000, but would not be $400,000. Plunkett said they should just tear the building down and build a new one. McMullen said the cost for a new building and land would be $3.1 million. Plunkett said she was not sure they needed to buy more land. The building was a sick building. Logsdon said he understood Plunkett's concern, but felt Council should listen to the experts.

Boone moved to award the bid for renovation of the City's Police Department to R.L. Ward, LLC, of Newnan, Georgia, for a lump sum bid amount not to exceed $593,250. Kourajian seconded.

The motion carried 4-1 (Plunkett).

10-07-16 Consider Bids for Traffic Signal at SR 74/Wisdom Road

Borkowski said the project had been put out to bid twice. Only one bid had been received the first time, so the project was re-bid. Two bids were received the second time – R.J. Haynie and Associates, $138,950; and Detection Engineering Technologies, $167,529.

Kourajian asked if the low bid was in line with the costs. Borkowski said it was in line with the Stevens Entry/SR 54 light.

Plunkett moved to approve the bid for the signal at SR 54/Wisdom Road from R.J. Haynie and Associates not to exceed $138,950. Boone seconded. The motion carried unanimously.

Kourajian noted the funds for the signal installation would come from the SPLOST funds.

10-07-17 Consider Ordinance Amendment – Additional Alcohol Licenses for Same Location, Catering, and Event Permits

Acting Administrative Services Director/City Clerk Betsy Tyler addressed Council regarding the proposed changes to the alcohol ordinance. She said Police Chief James Murray and the City Attorney had also worked on the proposed amendments. The changes included added qualifications to reduce fees and to set some fees. It started when the Wyndham's representatives asked the City to review the ordinance. They paid $22,000 for four licenses, while other municipalities had lower fees for additional licenses at the same facilities. The City Attorney confirmed that it was a regulatory fee that should in some way reflect the cost of regulating the activity. The Wyndham and Aberdeen Woods were the only businesses that would be affected. It did not cost four times as much to regulate the licenses at the Wyndham as it did at other establishments in the City. Staff had looked at other cities' ordinances and felt the fees for the additional licenses be adjusted to 20% of the cost of the first license.

Tyler continued that, over the years, there had also been requests for single-day events. The City of Newnan recently updated its alcohol ordinance. Tyler said she remembered Council issuing at least one one-day permit in the past, which was for the Chili Cook-off when it was held on private property. The amendment would allow locations set up for such events to pay $150 per year to be certified as a legal location, but not to provide the alcohol. Anyone who wanted to hold an event at a certified location would apply for one-day permit, which would cost $50 per day.

Tyler noted that brown-bagging had begun at some businesses in town that did not have an alcohol license. One location had had an alcohol license in the past and would probably have one again, but other locations had not had a license, which created a problem for the Police Department. The proposed amendment would prohibit brown-bagging.

Harman asked what would happen with the golf courses. Tyler said the golf courses each had a license, and they served within the facility. Kourajian asked if the entire golf course was considered the facility. He noted that alcoholic beverages were included on the beverage carts at the courses. Tyler explained that the courses intersected with public streets or paths, which put the patrons in the position to violate the open container law. Kourajian asked if it was not the same thing if the customer brought their own coolers. Meeker clarified that it was one thing for a patron to take their own alcohol and another for the golf course to sell it. Plunkett clarified that Flat Creek would not be able to sell alcohol from their beverage cart. Meeker said that was not a change from the current position. Tyler added that it also put the club in the position of setting up members to break the law. Chief Murray said it was a violation of state law for them to sell it and allow members to take it out on the golf course. Kourajian asked what would happen if a golf course put an out building on the course. Tyler said they would have to have an additional license at the reduced price at that point.

Kourajian asked if special event permits applied to fundraisers held in homes. Tyler said they were technically selling alcohol if the people who came purchased a ticket and alcohol was at the event. They would have to apply and prove the home was not within the prohibited distances from churches and schools. Kourajian asked if the amendment would be an enabler. Tyler said there were many events held in the City, such as at hangars at the airport. Currently, a resident could have a fundraiser at their home and serve wine with the dinner. A business could also do that as long as people coming to the event were not paying to get inside or purchasing something at the event or activity. The amendment established a location as a qualifying location. Kourajian said he wanted to be cautious about enabling other things. People could say they were having a fundraiser, give 5% to the charity, then keep the other 95%. Tyler said this would actually establish the process. Kourajian said he would rather people come to the City for a permit. Meeker said it would be fine to take that out. Kourajian said if they did not have the requirement, then it could not be done. Meeker said that, if an organization was charging for a function that included alcohol, then the state considered it the sale of alcohol with goods, and a permit was required.

Tyler noted that she had to send out the alcohol renewal notices. She could delay two of them. She asked if Council could adopt the portions about that and bring the rest back. Kourajian said he would rather consider the amendments as two separate items on November 1. Tyler said that would be simple to do.

Kourajian moved to postpone the agenda items until November 1. Harman seconded. The motion carried unanimously.

10-07-18 Consider Ordinance – Additional Regulations for Onsite Sewage Disposal
Borkowski said that the ordinance was precipitated by the audit by the Metro North Georgia Water Planning District. The district wanted the regulations in place to prohibit new privately-owned community wastewater treatment systems. Plunkett asked why the ordinance did not just restrict septic systems. Borkowski said it was designed to restrict systems where no maintenance was done. Generally, a single homeowner would fix any problems.

Harman moved to approve the restriction on privately-owned septic systems and authorize the Mayor to sign. Kourajian seconded. The motion carried unanimously.

10-07-19 Consider Right-of-way Purchase Agreements for 74 Widening Phase 2
Kourajian asked if the price was reasonable. McMullen said it was, and that Meeker had reviewed the agreements.

Kourajian moved to accept the offer from the DOT to purchase the rights-of-way and easements on SR 74 and authorize the Mayor to sign the offers and the offer of $217,171. Boone seconded.

McMullen noted that some of the funds from the purchase would be used to replace signs at the BSC and to help with the recycling center reconfiguration.

The motion carried unanimously.

10-07-20 Consider Request to Remove Existing Vegetation, Install Landscaping and Enter into a Maintenance Agreement for City-owned Property at the Corner of SR 74 South and TDK Boulevard

Rast reported that the DOT had shaved off quite a bit of the City-owned property at the corner of SR 74 and TDK Boulevard. (Copies of the photos shown are included in the official meeting file.) The property separated the Omni Fuels development from SR 74. The acreage was deeded to the City many years ago. The developer had asked Council to deed or sell the property to him, and the Council decided not to do that. The developer was not allowed to encroach beyond their property. As part of the road-widening project, the DOT had shaved off quite a bit of the property to accommodate the slopes for the turn lanes. In addition, the power company also shaved off another 20 to 30 feet for the power line easement. The City was left with 15-20 scraggly trees sitting atop the embankment. The applicant proposed to remove the remaining trees and incorporate the area into his landscape plan and to maintain the corner as part of his development. Rast said staff favored the proposal. The trees would start to lean or fall within the next few months, and the applicant would bring his landscape plan to Council for approval. The applicant did not intend to shave down the hill. The trees would be removed and the area would be shaved back into the retaining wall. Mike Lorber was the landscape architect. The City would still own the property.

Kourajian asked Mike Hyde, the owner of the Omni Fuels development, why he wanted to do this since there was a significant cost. Hyde said it was a safety issue. The trees were going to fall somewhere during the next big wind. The area would also be right in front of his corporate offices. It was an eyesore. He wanted to see it well-landscaped. Rast said there would be a six to eight-foot retaining wall on Hyde's property, and the area would be shaved into that. Hyde said they would just roll the area down. Rast said the maintenance agreement would come before Council for approval. He said the amount of disturbance on City property and in the right-of-way provided an opportunity to shape the corner. There were some replacement funds from DOT for the other side of the corner. It was the gateway to the industrial park. Meeker noted that staff wanted to know if it was alright to proceed. They would come back with a landscape plan and maintenance agreement for Council approval.

Kourajian moved to authorize City staff and the Planning Commission to work with Omni Fuels and The Exchange to develop a landscape plan for City-owned property at the corner of SR 74/TDK Boulevard as part of the overall development. Plunkett seconded. The motion carried unanimously.

<u>Council/Staff Topics</u>

Update on City Vehicle Accidents

Tyler reported that the City had 182 vehicles that had logged 1.3 million miles last year. There had been 19 at-fault accidents in FY 2007. The monthly reports did not include the number for the not-at-fault accidents because there was no cost to the City. The majority of the accidents were smaller accidents and were not with another car or someone else. Fire and Police had more vehicles and both chiefs were available to answer questions. Electronic eyes were being installed on all fire station bay doors since that had contributed to several accidents. Logsdon said there should be an emphasis on backing in the defensive driver courses, and the police should be more careful on u-turns. Tyler said Human Resources would continue to schedule classes.

Kourajian said that his report did not answer his question. He had expected some comparison data. Tyler said that the number of accidents had gone up since last year, but most were actually incidents. The dollar amount for damage had come down. The goal was to reduce both.

Update on West Village

Meeker reported that Levitt & Sons had pulled out of the West Village development, according to an e-mail from Kathy Zickert two weeks ago. The zoning and the conditions imposed would stay with the property no matter who developed it. There was a question as to whether some conditions were Levitt-specific, and that would be hashed out in litigation.

Kourajian moved to extend the meeting past the 11 p.m. deadline if needed. Harman seconded. The motion carried unanimously.

Harman moved to convene in executive session for threatened or pending litigation and a personnel issue at 10:41 p.m. Boone seconded. The motion carried unanimously.

Boone moved to reconvene in regular session at 11:10 p.m. Kourajian seconded. The motion carried unanimously.

There being no further business to discuss, Kourajian moved to adjourn. Boone seconded the motion. The motion carried unanimously. The meeting adjourned at 11:20 p.m.

Betsy Tyler, Acting City Clerk

Harold K. Logsdon, Mayor

Pamela Dufresne, Recording Secretary