

MINUTES OF MEETING
CITY COUNCIL OF PEACHTREE CITY
October 17, 1991

The City Council of Peachtree City met in regular session on Thursday Night, October 17, 1991, at 7 PM in the City Hall Council Chambers.

Mayor Brown called the meeting to order and led those in attendance in the pledge of allegiance. Council members present were: Mayor Frederick Brown, Jr. and members Annie McMenamin, Robert Brooks and Rich Parlontieri. Councilman Edward Bradford was out of town on business.

Addition of Agenda Items

Motion was made by Brooks that item be added to discuss an annexation moratorium. Motion was seconded by McMenamin. Motion carried unanimously. Item No. 10-91-14

Announcements, Awards, Special Recognitions

Mayor Brown read a Proclamation declaring the week of October 19th through the 27th as Red Ribbon Week in Peachtree City. He recognized Mr. Don Lippe VFW Commander, and Mr. Larry Dell, Fayetteville Councilman and VFW member, who were instrumental in introducing the Red Ribbon Program in the Fayette County School System. The Red Ribbon Program is one emphasizing drug awareness and prevention programs.

Mayor Brown presented the Employee of the Month Award for September to Kelly Ricker, school crossing guard and assistant to the Court Clerk.

Mayor Brown presented the Supervisor of the Quarter Award to Captain Mike DuPree of the Peachtree City Police Department.

Ms. Lee Ann Speed of AAA presented a safety award to Peachtree City recognizing fifteen years without a pedestrian fatality.

Department Reports

Mayor Brown reminded everyone that the monthly departmental reports were available for review at City Hall and urged the citizens to avail themselves of the information in them. He reported the population to be 21,275 as of October 1, 1991.

Minutes of Meetings

Motion was made by McMenamin that the minutes of the regular meeting held September 5th and the minutes of the special executive session meeting held September 17th be approved as presented. Motion was seconded by Brooks. Motion carried unanimously.

New Agenda Items

10-91-8 Request by Optimist Club for Banners on Pedestrian Bridge

City Manager Basinger presented a request from the Optimist Club asking for approval to place two banners on the pedestrian bridge to call attention to their Goblins Hollow and Night in the Woods programs for the kids for halloween. Mr. Don Bagnall, President of the Club, reported the banners would be five feet by seven feet in size. He requested the banners be permitted from October 19th through October 27th.

Motion was made by McMenamin that the request be approved. Motion was seconded by Brooks. Motion carried unanimously.

10-91-9 Change in License Representative for Mazzio's Pizza

City Manager Basinger reported that Mazzio's Pizza Restaurant had requested the license representative on their alcoholic beverage license be changed from Virginia Reynolds to Dominic R. Strammiello. Mr. Strammiello was a six year employee of the restaurant and was presently being trained as manager. Basinger reported that the paperwork appeared to be in order and Mr. Strammiello and his area representative, Mike Roberts, were present for any questions the Council might have.

McMenamin asked Mr. Strammiello if training had been increased since their recent citation for selling to a minor during a police compliance check and if he had any employees under the legal age for selling alcohol. Mr. Strammiello explained that they had made their employees more aware of the regulations since the problem and that they did have underage employees but they were not permitted to handle the alcohol. He explained that he was not present when the violation occurred.

Motion was made by Parlontieri that the request to change the license representative be approved as presented. Motion was seconded by McMenamin. Motion carried unanimously.

10-91-10 Traffic Control at Robinson Road and Peachtree Parkway

City Manager Basinger reported that the Police and Fire Chiefs had submitted two recommendations regarding traffic control at the intersection of Robinson Road and Peachtree Parkway. First, they recommended the installation of a four-way stop sign system and second, they recommend an ordinance be adopted restricting the transportation of flammable liquids on Robinson Road by tanker trucks. He called upon the Police Chief, Jim Murray, to present the recommendations.

Chief Murray explained that approximately eighteen months ago he was asked to review the intersection and make a recommendation regarding the overall safety of the area. At that time the Braelinn Elementary School had not opened and the commercial area had not begun developing. He did not see a four way stop warranted at that time. Recently he had taken another look and now thinks the four way stop is warranted due to the following factors:

1. The opening of the daycare center at the intersection.
2. The increase in pedestrian, bike and golf cart traffic to and from the Braelinn Elementary School and to and from Braelinn Golfcourse.
3. Additional safety for the school crossing guard.
4. The lack of a turn lane and deceleration lane for traffic entering the daycare center and the convenience store under construction.

Motion was made by Brooks that approval be granted for a four way stop sign system at Robinson Road and Peachtree Parkway. Motion was seconded by McMenamin. Question was raised by a citizen about whether or not a traffic light might be placed there should traffic increase substantially. The Mayor replied that this was a possibility and McMenamin stated that these traffic studies are ongoing all the time and if traffic does increase to that degree a recommendation would be made by the staff on dealing with it.

Police Chief Murray continued with his recommendation by explaining that he and the Fire Chief had conducted a study to determine whether or not the transportation of flammable liquids on Robinson Road would present a safety problem for the citizens. It was determined that the movement of large tanker trucks on Robinson Road would present a danger to vehicular and pedestrian traffic. This was based on the numerous ingress and egress locations along Robinson Road, combined with the winding and narrow road that comprises sections of the collector road. In addition Robinson Road contained one elementary school and a pre-school that should be protected from possible danger in the event of an accident, fire and/or chemical spill. Murray stated that the City Engineer was in agreement with their conclusions and they recommend the ordinance prohibiting flammable liquids from being transported on Robinson Road from Georgia Highway 54 to Redwine Road be approved.

Motion was made by Parlontieri that the recommendation be approved and the ordinance be adopted as presented. Motion was seconded by Brooks. After short discussion the motion passed unanimously.

10-91-11 Fitness Trails Grant

Basinger reported that in August, Ms. Marcy Curry, Manager of Leisure Programs, submitted a grant application to the National Fitness Campaign for "Campaign 2000" which included six fitness centers similar to the one at Huddleston Pond, for Peachtree City. The City was notified in September that a grant had been awarded the City for six sites. Basinger explained that the National Fitness Campaign is a coalition of public and private sectors to promote health and fitness in America. He explained that the total program grant is \$91,200 and the City's matching share is \$14,958.

Basinger reported that at the September 17, 1991 Recreation Commission meeting the Commission voted to recommend that City Council authorize the funding for the matching portion of the grant from the Neighborhood Parks Account which currently had funds in excess of \$24,000 on hand.

Basinger reported that staff recommends the fitness centers be located at

the following locations and funding be from the Neighborhood Parks Account:

1. Village Green
2. Wynnmeade Subdivision (new park)
3. Braelinn Ponds
4. Braelinn Recreation Complex (loghouse Road)
5. Peachtree City Boat Dock (Battery Way)
6. Blue Smoke Recreation Area

Parlontieri suggested staff take another look at locating one at Battery Way since there is already a fitness center at Huddleston Pond which is in the same area. McMenamin expressed appreciation to Ms. Curry for taking the time to make this application and congratulated her for it's being awarded to the City.

Motion was made by Parlontieri that the Grant be accepted as presented and the matching funds be taken from the Neighborhood Parks Account. Motion was seconded by McMenamin. Motion carried unanimously.

12-91-12 Renaming of McIntosh Amphitheater

Mayor Brown called upon Councilman Brooks to present this item and stated that he would abstain from discussion on the matter. Brooks asked City Manager Basinger to open the discussion and Basinger reported that several months ago the "Fred Brown Day" committee had requested the City Council members be polled individually to ascertain if the McIntosh Amphitheater could be renamed the "Frederick Brown, Jr. Amphitheater". This informal polling was necessary in order for the renaming to be a surprise to Mayor Brown. The Committee was agreeable to purchasing a plaque with this designation if the Council informally agreed on the renaming. The Committee was advised tht Council action would be necessary at a future public meeting in order for the renaming to be official. The reason the item was placed on the agenda for this meeting was so that Council could take official action renaming the amphitheater.

Brooks called for comments and Ms. Carolyn Cary, a long time resident of the County, addressed the Council. She prefaced her remarks regarding the amphitheater by stating that she felt Mayor Fred Brown was deserving of all the accolades he had received during the past few weeks and that she admired him very much. Upon saying that she then stated her objection to renaming the amphitheater. She stated that name "McIntosh" meant dedication to duty, concern for people being aware of the good that is done for the majority and being willing to sacrifice. She explained that Chief William McIntosh had given the supreme sacrifice 166 years ago and that his descendants had given of their time and money to Fayette County during the past years. She felt it a privilege to know these people. She also called attention to the sacrifices made by Mr. Robert Price of Peachtree City several years ago in having a dream and carrying it forward to obtain funding for the amphitheater in recognition of the McIntosh family during the bicentennial. She was on the staff of the McIntosh Arts Council during that period and knew of the time and efforts put in by Mr. Price in building the amphitheater and working with a writer to have an original outdoor play written just for the amphitheater. Ms. Cary stated that she was ashamed of the fact that the amphitheater no longer carried on the name and history of the McIntosh family and that she could not consider herself

their friend or be a friend to Robert Price if she did not protest the change in the amphitheater name.

Ms. Mary Moore, former City Councilwoman, addressed Council on the matter. She apologized to her friend Carolyn Cary for having to disagree with her objection to renaming the amphitheater after Mayor Brown but she felt it was an appropriate action to take at this time. She went through the history of how the City obtained the amphitheater when the McIntosh Arts Council did not obtain federal funding they expected and had to declare bankruptcy leaving the amphitheater available for purchase in 1978. The city purchased it and established a committee to find a use for it and that was when the McIntosh Opry was started. Ms. Moore was on the City Council at that time and she chaired the committee and appointed Fred Brown as finance chairman. She explained that Fred Brown and his wife Nita were instrumental in making the Opry a success and spent every Saturday Night for years at the amphitheater manning the concession stand and doing anything else that was required to see that the shows were handled properly.

Ms. Moore pointed out that the amphitheater currently in place, having been reconstructed after a fire, is not the amphitheater built for the McIntosh Drama and so named, but is a brand new amphitheater obtained due to the efforts of Mayor Brown and this City Council. She supported the renaming of it to the Frederick Brown Jr. Amphitheater.

Motion was made by McMenamin that the amphitheater be named the Frederick Brown, Jr. Amphitheater. Motion was seconded by Parlontieri. Motion carried with Mayor Brown abstaining from the vote. Mayor Brown commented that he was honored and overwhelmed by the action. He stated that he respected Ms. Cary's comments and opinion and that they were good friends and would remain so. He felt there were many others deserving of this honor but that he was appreciative of the Council's action.

10-91-13 Restriction of Polybutylene Pipe within Residential Structures

City Manager Basinger explained that several months ago, as a result of citizens complaints, Council amended the City Code to require that all water service piping have a minimum working pressure of 250 psi. At that time staff was not aware of problems with the polybutylene pipe within the structure but recently it had come to the attention of the building official that many of the citizens are having major problems in their homes with this pipe. He called upon the Building Official, Charles Sibley, to address this situation.

Mr. Sibley stated that due to the problems with the polybutylene piping within the homes he recommended discontinuing the use of this in the City and called attention to a proposed ordinance which, if adopted, would take that action. He explained that he felt the polybutylene material and fitting system was much too delicate to perform adequately when exposed to the normal construction process. Sibley stated that the plumber is often the first trade to work in a house and this work is then exposed to all the other contractors who could, and often do, damage the pipe while performing their work. Sometimes this damage is not immediately evident but over a period of time leaks start and breaks occur in the pipe which causes considerable damage and often hazards to the homeowner.

McMenamin asked when the builders started using this material and why was it just now showing up in the newer homes. Sibley did not know when the builders started using it but explained that it took, in some cases, several years for the damage to show up and that is what is happening now. Homes built in 1985,86,87 are beginning to have problems and it is because the pipe was damaged during installation and is just now beginning to break or leak. He explained that sometimes a pipe is kinked or twisted when fittings are put on and it takes awhile for this twisted pipe to wear enough to cause a problem.

Parlontieri questioned how many builders were experiencing this problem and was any one having more trouble than another. Sibley rsponded that just about all builders using the product were having this problem, some more than others depending upon the volumn of their business, but it didn't seem to be any one builder having most of the trouble.

Brooks pointed to the fact that once the City realized there were problems with this pipe outside the houses, steps were quickly taken by the Council to strengthen the code and that seems to have corrected that situation. The issue this time is the use of polybutylene inside the structure and what should be done about it.

A number of citizens were present to express their support for banning the product and to state their experience with the pipe in their homes. Ms. Becky Wallace explained that the pipe that they are taking out of their house does not have the flexibility of the pipe that was installed. She pointed out that there is no way to know how many times the pipe is exposed to sunlight and heat between the time it leaves the manufacturer and is installed in a home.

Mr. Mark Degare, representative of Shell Chemical Company, addressed the Council as the producer of the resin that goes into the pipe. He stated that he was present because he was upset to find that the Council was considering restricting the use of the pipe inside the home. He knew that the City had addressed the problem of the water service lines by going to a higher psi pipe which he supported. He stated that Shell had never been aware of any problems with the pipe inside the homes until they received the letter form the City. He stated that if this is a case of abusive installation that there just is no perfect system. Mr. Degare stated that he had polybutylene pipes within his home, including a sprikler system, and that it is sold through the United States and Canada and they were concerned to hear that Peachtree City was having these type experiences. He wanted the opportunity of responding formally to the situation, which might mean testing the materials at a research facility, before the City decided to ban the pipe altogether. He felt another type system could be prone to the same problem if it is an installation problem as suggested. He stated that this is the first instance that Shell is aware of within the home and he would like the opportunity of taking this back to Shell for a response.

Another resident, Mr. Jim Macere, explained that he had experienced the failure of the pipe in different areas of his home causing damage to his property. His problem was that he didn't know when or where it would fail again and because of that he had installed a separate shut off system for

his water system and he turns the water off when he leaves home and back on when he returns. He stated that he would be happy to provide a section of pipe for testing but that he could not continue to live this way. Mr. Macere also had a video tape of his neighbors home which had been extensively flooded due to these breaks and he offered to show that tape to the Shell representative and the Council if they wished to view it.

Mr. Norman Krueger, resident also experienced problems with the pipe. He explained that he purchased the house in 1990 as second owner. He read a letter he wrote to John Wieland Builders outlining the damage to his home due to waterline breaks. He explained that he too felt it necessary to turn the water in his home off when they were away for any length of time. He felt that from what he observed in his home the installation is the problem. He supported banning the polybutylene pipe.

Building Official Sibley asked to respond to the comments from the Shell representative. He explained that Shell was the one that set up the 800 telephone line in March when everyone was experiencing problems with the outside lines and the City scheduled hearings for the builders and manufacturer to discuss the issue. At that time the manufacturer told everyone that this was a good product and that they would stand behind it and set up the telephone line for customers to call in and make claims when there was a problem. The fund established to refund customers expenses in repairs quickly dried up and Shell tried to pick up the system and did so after a time but during that period claims were not paid and customers became frustrated. Sibley reported that it had been almost a year and from 50% to 70% of the claims had been paid but only a portion of the claims was honored in most cases. He felt the the manufacturer had problems that needed to be worked out and he felt they should work out the problems in their product before they test it on the consumer. He recommended the ordinance banning the material inside the homes be adopted. Sibley indicated that he had talked with other jurisdictions who were experiencing problems with this pipe.

Motion was made by Parlontieri that the City Council accept the recommendation of the building official and adopt the ordinance proposed. Motion was seconded by McMenamin. Basinger asked that wording in the the proposed ordinance be changed to read as follows: "In order to protect the health, safety and general welfare of the residents of Peachtree City, the use of Polybutylene pipe, tubing and fittings in water distribution systems and in other water circulation systems within buildings, be prohibited". Brooks suggested the wording regarding protecting the health, safety and general welfare of the residents of Peachtree City be omitted however Council did not support that suggestion. Parlontieri asked that his motion include the wording provided by the City Manager and the seconder, McMenamin, agreed to the amendment. Motion to adopt the ordinance as amended was approved unanimously.

10-91-14 Annexation Moratorium

Councilman Brooks was called upon by Mayor Brown to present his view on this item. Brooks stated that he felt it was generally know that in the past year the Georgia General Assembly had considered legislation requiring "islands" of land to be annexed by near jurisdictions. He explained that there is property bordering the City that would be affected by legislation

of that type and Peachtree City would be required to annex the property. He would like to have the Council establish a moratorium on annexation until such time as the legislature decides what should happen to these "islands". He proposed the following resolution:

Whereas the Georgia General Assembly has under consideration legislation that could significantly affect the corporate limits of Peachtree City by requiring the City to annex certain property and,

Whereas that legislation could, if adopted, significantly affect the city's ability to properly provide services to its citizens.

Now, therefore, in consideration of these premises, it is hereby resolved that the City Council of Peachtree City will not consider any annexation of land into the City until further consideration of the Council.

Brooks felt that this resolution could be easily withdrawn at any time this Council or a future Council felt it would be in the best interest of the City to do so.

Brooks stated that this would not stop growth because there was significant land within the City still to be developed and would be developed within the next five years.

Brooks made a motion that the Resolution be approved. Motion was seconded by McMenamin. Parlontieri wanted it made clear that any annexations that were submitted from this day on would not be acted on by the city staff. Mayor Brown stated that he felt the resolution should have an ending and brought up the John Wieland annexation request that had been withdrawn by the applicant recently with the intention of resubmitting it in a different form. He asked the City Attorney if the moratorium would prevent the request from being considered. City Attorney, Mitch Powell, replied that as a legal matter annexation is entirely up to the discretion of City Council.

Mr. John Wieland asked for clarification on the motion and Mayor Brown explained that the motion was that, beginning this date, no future applications for annexation would be accepted by the City until some future date which would be determined at a later time.

Mr. Wieland stated that he felt the new annexation proposal he planned to present would be in the best interest of the city and of the homeowners. He felt the revised plan would round out the area and would compliment those homeowners fronting on Redwine Road. He asked that his proposed request be considered and not be included in the moratorium.

Mayor Brown asked the City Planner, Jim Williams, to report on what happened in the Planning Commission meeting when Mr. Wieland's annexation plan for 600 acres was on the agenda for a hearing. Williams reported that at that meeting, before hearing any comments from the applicant or the public, representatives of Mr. Wieland asked to be allowed to amend the proposal to make it more acceptable to the residents. There was much concern on the part of the residents who were present and wanted to speak to the issue, however, the Planning Commission took action to stop the discussion and continue the hearing to the next meeting as a courtesy to

the applicant. Williams reported that the next day, on the City Attorney's advice, the staff contacted Mr. Wieland and asked him, as a matter of procedure to accomodate the city's rules and regulations, to formally withdraw the application and submit a new application. Mr. Wieland did withdraw his application. Williams felt that asking Wieland to withdraw his application could appear that the City was aware of the proposed moratorium and wanted the application withdrawn so that it would fall under the moratorium and not be considered. Williams stated that there was, as far as he knew, no plans for the moratorium when the request was made. Mayor Brown stated that he felt it would be unfair to Mr. Wieland to have him withdraw his application and then refuse to hear the new application.

There was discussion again about the reasons for the moratorium and Council explained that they were concerned about the ability to provide services to citizens if the State mandated certain annexations. They felt that before any annexation was approved they should know what is going to be required regarding the "islands" of property adjoining the City boundaries.

Mayor Brown did not feel he could support the moratorium proposal because it placed Mr. Wieland in a bad position.

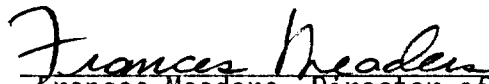
City Attorney Powell explained that the Planning Commission did not have the authority to continue the hearing. They were obligated under the city ordinance to have the hearing and make a recommendation to Council within thirty days of the application and, if they continued the hearing, obviously they could not comply with that requirement. He felt the only way the application could be considered legally was to have Mr. Wieland withdraw his application and reapply which he agreed to do. As a legal matter the application could not be continued. Powell explained that in regard to the legality of this action, unlike zoning which requires good reason for denying, annexation is completely discretionary and can be turned down or refused for any reason. He felt as a legal matter the moratorium could apply even if the application was still in process and the Council could just refuse to listen to annexation proposals. As to whether or not it was in the best interest of fairness would be something that Council would have to decide.

After further discussion, during which Mayor Brown stated he could support the resolution if it were made effective for a later time, the motion to adopt the Resolution establishing an immediate moratorium on annexation was approved with Mayor Brown voting nay.

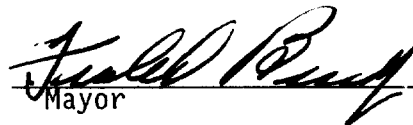
There being no further business a motion was made by Mayor Brown that the meeting be recessed to be reconvened in executive session to discuss lawsuits of Black, Justice, Center Space and Gloer. Motion was seconded by McMenamin. Motion carried unanimously.

Executive Session

No action was taken in executive session and motion was made by Mayor Brown that the meeting be adjourned. Motion was seconded by Parlontieri. Motion carried unanimously. The meeting was adjourned at 9 PM.



Frances Meaders, Director of
Administrative Services



Mayor Attest