

City Council of Peachtree City
Minutes of Meeting
October 7, 1999
7:00 p.m.

The City Council of Peachtree City met in a regular session, Thursday, October 7, 1999, at 7:00 p.m. in the City Hall Council Chambers. Mayor Robert L. Lenox led those attending in the pledge of allegiance. Other Council members present were: Annie McMenamin, Carol Fritz, and Jim Pace. Bob Brooks was absent.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox read and presented a proclamation for "Domestic Violence Awareness" to representatives of the Fayette Council on Domestic Violence.

Mayor Lenox read and presented a proclamation of recognition to various ministers from several local church congregations.

Mayor Lenox read and presented a proclamation for "National Fire Prevention Week" to members of the Fire Department.

Mayor Lenox read and presented a proclamation for "Philanthropy Day" to Maureen Dwyer, President of the South Side Atlanta Alumnae Chapter of Phi Mu.

Mayor Lenox recognized Julian Campbell and Geraldine Holt for their service on the Planning Commission. Geraldine Holt said her service on the Planning Commission had been a gratifying experience; however, she wished that people of the community would become more involved with the City's development by attending Planning Commission and City Council meetings.

Mayor Lenox commented on the recent school bond election. He said there were 16,000 registered voters in Peachtree City, but only 4,000 people took the time to vote. Lenox said that he would not comment on his personal views regarding the matter; other than to say he was disgusted that only 25 percent of the population took the time to go to the polls and vote. He said he used the word "disgusted" because he found it appalling that the average citizen would not take 15 minutes out of their day to vote. He said there would be an election on November 2 to elect two City Council members. He said after the election, he would obtain a list of all the people who voted. He said the list would not tell him how people voted just whether or not they voted. Lenox said he would keep the list on his desk at City Hall and refer to the list whenever a citizen called him. He said if the citizen did not vote they did not count. He also said he would have the list with him at future City Council meetings, and if a citizen who did not vote addressed Council, he would remind the citizen that he did not vote. He said they would still listen to the

— citizen, but not very carefully.

MINUTES

McMenamin made a motion to approve the minutes of September 16, 1999, as presented. Fritz seconded the motion. Motion carried with Pace abstaining.

Mayor Lenox made a motion to rearrange the order of the agenda to consider an alcoholic beverage license for Pascal's Bistro, followed by the consideration of funding for the Peachtree City Elementary School playground equipment and then to resume the normal order of the agenda. Pace seconded the motion. Motion to carried unanimously.

OLD AGENDA ITEMS

09-99-01 Consider Bid Proposal, Property/Casualty Insurance

— The City's insurance consultant, Joe Bryd, addressed Council. Mayor Lenox asked if the proposed insurance would cover claims made after the insurance coverage was no longer in effect. Bryd said the insurance would provide protection regardless of when claims were made, as long as the occurrence happened while the policy was in force. Lenox asked if the insurance would cover losses and legal fees. Bryd said it would.

Byrd said he was not actually recommending the purchase of insurance coverage, but rather participation in a self-insurance fund, which would be managed and endorsed by the Georgia Municipal Association (GMA). He said the self-insurance fund was strictly for municipalities. He said the City would pay a premium into the fund, which would be operated like an insurance company, except that the fund would actually be owned by the participating municipalities. He explained that if the claims experience of the fund were good, then dividends would be paid back to its owners, but if the claims experience were bad, additional fees could be assessed. He said the fund had been in effect for over 10 years and had accumulated over \$22 million of surplus funds. He said during the fund's history, an assessment had never been made against its owners, but over \$1 million in dividends had been returned. He explained that the fund was exactly the same type of insurance fund that the City participated in for Workman's Compensation Insurance.

— Byrd felt the proposed plan was the most economical way for local governments to purchase insurance coverage. He explained that it was very much like a self-insurance plan with excess insurance coverage being purchased to protect the fund from very large claims. He said the self-insurance fund would be responsible for the first \$100,000 of each property claim and \$200,000 for each liability claim. Byrd gave an example of a

recent flood in 1995. He said losses totaled over \$3 million, but the fund only had to pay \$100,000 because the excess insurance picked up the remainder of the claim. Byrd said that 231 municipalities currently participated in the plan.

Byrd explained that zoning claims were excluded from insurance, but he had been told by representatives of GMA that they could not remember a single zoning claim that was not defended. He explained that the insurance contract required them to provide a defense if there were any allegations in the claim that would be covered by the policy. Generally, he said, lawyers knew how to put some kind allegation into a claim that would trigger coverage under the policy, and that would require the GMA to defend the case. He gave an example of an allegation involving the violation of someone's civil rights, such as "wrongful taking of property." However, he said, if a claim was presented that involved only a zoning issue, it would not be covered.

Byrd said the \$25,000 per occurrence deductible would apply for defense and settlement costs. He said GMA reserved the right to make any settlement that they felt was justified; however, the City would have the authority to reject the settlement and fight the case if it wished. He explained that if the final judgment were more than what the claim could have been settled for, the City would be responsible for the excess amount. Byrd said in order to participate in the plan Council would need to adopt a resolution, as well as an intergovernmental contract.

Lenox said that the City was currently paying \$12,000 a year for insurance coverage for the Fire Department's equipment. Therefore, he felt the net cost for the proposed insurance was actually only \$42,000 a year. Pace said he would not operate his business without that type of insurance coverage, and he could not imagine why the City should expose itself to that kind of liability.

McMenamin made a motion for the City to purchase the insurance coverage as proposed by staff and award the bid to Willis-Corroon in the amount of \$54,152 for the coverage and to sign necessary documents to implement the plan. Fritz seconded the motion. Motion carried unanimously.

Lenox made a motion to adopt a resolution authorizing membership in the Georgia Interlocal Risk Management Agency to implement the arrangement describe by Mr. Byrd. McMenamin seconded the motion. Motion carried unanimously.

Moratorium

Mayor Lenox explained that the public hearing to consider a Traffic Impact Ordinance or possible Building Moratorium was being continued from the last meeting. Lenox explained that the public input portion of the hearing had been completed at the last meeting, but that it would be re-opened following a presentation by Jim Williams, Director of Developmental Services. Lenox acknowledged receipt of the following letters so that the parties who sent the letters would not have to publicly reiterate everything that has been said:

- September 16, 1999 – Powell, Goldstein, Frazer & Murphy – Huddleston Family Limited Partnership
- September 16, 1999 – Dillard & Galloway, LLC - Summit Properties
- September 16, 1999 – Dillard & Galloway, LLC – RAM Development Group, Inc.
- September 16, 1999 – 322 Residents of Planterra – Yellow notices
- October 6, 1999 – Eric Snell, Planterra Ridge Homeowner's Association (2 letters)
- October 6, 1999 – Jerry Peterson, Pathway Communities
- October 6, 1999 – Rosenzweig, Jones & McNabb – Pathway Communities

Lenox asked that anyone who wished to speak on the issue limit his or her comments to five minutes.

Jim Williams explained the proposed ordinance. He said it was prepared at the request of Council to address a very specific issue: the traffic problems along the Highway 54 West Corridor, which was affected by a Federal court order to block funding for highway improvements. He reminded Council they had discussed the issue in detail at previous meetings, and they had instructed staff to come up with an ordinance to address the problem. Williams said a copy of draft ordinance had been posted on the City's web site and provided to everyone who requested it. As a result, staff received a substantial amount of helpful comments concerning the ordinance. Williams said he would explain some of the changes that had been suggested as he reviewed the ordinance that evening.

Williams felt it was logical to place the proposed ordinance into the Land Development

Ordinance because it related to other land development type regulations. He explained the purpose and the scope of the ordinance. He said (for the purpose of the proposed ordinance) the "Highway 54 Corridor" was defined as the portion of the highway located west of Highway 74 and extending south of the highway for a distance of 6,000 feet. He explained that the original draft had recommended a distance of "at least" 6,000 feet, but staff had been asked to be more definite. He said the area would include all of the property that would fall into a development scheme without annexation and would include the Katz Property and the undeveloped northern portion of the Wynnmeade Subdivision.

Williams said the Traffic Impact Ordinance was intended to establish an acceptable minimum standard of traffic operation within the corridor. He said it was also intended to provide an administrative process to insure that no development would cause the level of traffic operations to fall below an acceptable minimum standard. He said the ordinance was intended to remain in effect until the highway improvements were completed, as planned by the Georgia Department of Transportation. He explained that once the highway improvements were implemented the ordinance could logically be repealed.

Williams said it was suggested that the ordinance apply to all development projects within the City for which a permit had not yet been issued. He said that once the ordinance was adopted any project that had not already been issued a permit would have to abide by the ordinance.

He explained the ordinance called for the implementation of a traffic impact model. He said the City would retain a traffic consultant to prepare the model and establish base conditions so that every proposed development could have something to be measured against. Williams said that at Council's instruction, staff had already retained the firm of Dames and Moore as the City's traffic consultant. He said Mr. Ed Ellis from Dames and Moore was present and would explain some of the technical details of the ordinance.

Williams said the ordinance also dealt with acceptable standards of traffic operations. He said staff depended heavily on the traffic consultant in preparing that particular part of the ordinance. He said the consultant established a formula to determine the average delay, per vehicle, for signalized and unsignalized intersections. He said the delay should not exceed 45 seconds for signalized intersections, and the delay should not exceed 60 seconds for unsignalized intersections. He said the volume-to-capacity ratio for signalized intersections should not exceed 1.10. He said the traffic consultant would explain the volume-to-capacity ratio later during the meeting.

Williams said the ordinance also described a methodology to calculate the various ratios by using the Highway Capacity Manual. He said the Highway Capacity Manual was a

publication that was well used by traffic engineers, and it would be used as a guide for interrupting and enforcing the proposed ordinance.

Williams explained there were two different categories of development projects that would require a traffic impact study: those developments projects which would have access only onto the Highway 54 west corridor and those development projects which would generate more than 100 trips during peak hours, regardless of the location of the project in the City. Williams felt it would not be fair to require only those projects located along the Highway 54 west corridor to prepare a traffic study.

He explained the traffic impact study would have to be preformed by a qualified traffic engineer who was certified and who specialized in traffic engineering. He said the ordinance clarified that the study would only be done at the expense of the developer or owner of the property, and that it should not be a public responsibility.

He said the ordinance also dealt with the evaluation and determination of the situation after the study was complete. He said the City's consultant would come up with some kind of recommendation as to whether or not the development should proceed. He said development projects would fall into one of four categories. He said the first category allowed development to proceed if the development had little or no impact on the corridor. The second category allowed development to proceed if the development had little impact on the corridor and if some type of minor mitigation could be done to keep the development from adversely affecting the area. The third category allowed development to proceed if the development substantially impacted the corridor, but only if substantial mitigation could be done to minimize the development's impact. Williams explained that staff had received several comments and questions concerning the approval process for mitigation. Williams said the developer's traffic engineer and the City's traffic consultant would meet and hopefully come up with creative ideas on how projects would be mitigated, but that the mitigation would ultimately be reviewed by the City Staff, the Planning Commission and ultimately the City Council, if necessary. He said the mitigation would be subject to an agreement between the owner/developer and the City. The fourth category would not allow the development of projects that would severely impact the corridor if the project could not be mitigated. Williams felt developments that fell into the fourth category could generate lawsuits and hard feelings.

Williams said the ordinance also explained how the traffic model would be updated. He said that every time a development project was approved and mitigated, the data would be used to update the traffic model at the owner or developer's expense.

Williams said the ordinance also had a provision regarding the expiration of determination. He explained that a traffic impact determination must be achieved before

the site plan approval or preliminary plat approval of any project for which a traffic impact analysis was required. He said that determination would expire after 90 days if a developer failed to secure the development building permit for the project. Williams explained the expiration of the determination was intended to keep developers from getting a determination and then not building a project to keep other projects from being developed. He said a developer would have 90 days to initiate construction after receiving a permit and could not stop work on a project for more than 60 consecutive days. Williams said if a determination was to expire for any reason, the developer would have to go back through the process and start over.

Williams explained the ordinance also had a provision for appeals and variances and that the City Council would make the final decision regarding such.

Ed Ellis from Dames and Moore addressed Council and presented a PowerPoint presentation. He explained that the traffic model Council had seen previously had been expanded to include the Highway 54-west corridor, as described by Mr. Williams.

Ellis said the traffic model would allow the City to test the development and road improvements that could affect the operation of the roadways. Since the original model was prepared, they added several intersections to include the entire corridor. The model also included The Avenues project and construction of the Staples store, as well as the construction of 218 single-family residential units of the Cedar Croft Subdivision and the development of 399 multi-family apartment units of the Summit Apartment Complex.

Ellis said the traffic model had been used on a number of projects. He said the use of similar traffic models had been accepted nationwide by traffic engineers as a capacity methodology developed by the Federal Highway Administration. He explained the determination of categories for "level of service" was based on the intersection's operating conditions. He said the level of service category "A" would be the best operating condition that could be expected of an intersection, and a level of service category "F" would be the worst conditions that could be expected. He said a level of service category "F" was not uncommon in the Atlanta Metropolitan Area. However, a level of service category "A" was uncommon.

He explained that a level of service category "C" was the level of service desired for rural areas. He recommended that the City strive for a level of service category "E", as it was appropriate for urban areas. He explained that an intersection with the level of service category "E" would have an average delay of 60 seconds or less for all vehicles approaching an intersection. He explained that would mean that some vehicles might experience more than a 60-second delay, but the average delay of all of the vehicles

traveling through an intersection for a period of one hour would not exceed 60 seconds. He said the average delay was the defined as the average time a vehicle must wait to proceed through an intersection. He said there were certain movements, particularly the movements in the southbound lane along Highway 74 and turning left onto Highway 54, that would probably experience more than a 60-second delay.

He explained that the volume of traffic that actually goes through an intersection and the intersection's capacity was a theoretical value of the number of vehicles that could comfortably travel through an intersection. He said there were two standards for analyzing an intersection. One standard was the "average delay" and the other standard was the "volume-to-capacity ratio." He gave an example of having more water trying to get through a pipe than could flow through that pipe. He said if the volume exceeded the capacity; the water would back up. He said traffic was very similar. He said volume-to-capacity ratio was established by determining the number of vehicles that wanted to go through an intersection during a one-hour period, divided by the capacity of the number of vehicles that could comfortably go through an intersection during a one-hour period.

Ellis said the analysis of an intersection was always based on a one-hour period. He said 24-hour volumes were important, but those volumes did not address the congestion of traffic in Peachtree City. He recommended Council set a standard level of service category for peak-hour congestion.

Lenox said that if an intersection had an average delay of 60 seconds, then one vehicle might get through the intersection in 15 seconds, while another vehicle might have wait more than 60 seconds. Ellis said that that was correct.

Lenox asked to if there were time elements involved in determining the volume-to-capacity ratio. He felt that if traffic were backed up far enough it might take longer for a vehicle to get through an intersection. Ellis said Peachtree City did not really have a traffic congestion problem that did not correct itself within a one hour.

Ellis explained signalized intersections were a little different from unsignalized intersections. He said delays would be minimal for the flow of traffic on the main route; however, left-turning vehicles would experience significant delays on heavily traveled side streets. As a result, they established an average delay of 45 seconds for unsignalized intersections.

Ellis gave examples of the kinds of developments that would generate over 100 peak hour trips. He said his firm would review each traffic impact study and meet with the developer's consultant. He said the developer's consultant would estimate the number of

trips, the direction of those trips, and how many trips during the peak hour that would have already been on the road system. For example, he felt it would be less likely that someone would make a special trip purchase a loaf of bread during a peak hour.

Ellis said that if predictions held true, he believed that the clean air restrictions would be lifted in the spring. He said that while the Department of Transportation might be slow in getting started on the road improvements, there would things the City or developers could do to the roadway system which would significantly improve the situation.

Ellis said the volume-to-capacity ratio for the intersection of Highway 54 and Huddleston Road would reach 1.09 in the morning. He said the volume-to-capacity ratio for the intersection of Highway 54/74 would reach 1.09 in the afternoon. He felt that by adding a new turn lane on Highway 54 at Huddleston Road, the volume-to-capacity ratio would be dropped from 1.09 to .077. He also felt that providing additional lanes on Highway 54 through the intersection of Highway 74 would also make drastic improvements. He felt there were some very simple, inexpensive and constructive things that could be done in the near future to improve the situation.

Lenox asked Ellis to clarify which developments had been included in the traffic model. Ellis confirmed that the developments included were as follows: Don Pablos, Chili's, On the Boarder, Staples and The Avenues. It also included the Cedar Croft Subdivision and the Summit Apartment Complex. The traffic model did not include the Katz Property, parcels of commercial land surrounding the Staples store and the Summit Apartment Complex, nor did it include the Huddleston tract or any expansion of the Wynnmeade Subdivision. Lenox said the future development of the Wynnmeade Subdivision would probably consist of mostly single-family homes, but that was not 100 percent guaranteed.

Lenox felt the traffic model was flawed. He felt that if a proposed development was the "straw that broke the camel's back" then that developer would have to pay to "fix the camel" when, in fact, all of the "straws" had caused the situation. Lenox did not feel it was fair and suggested that all of the developments be placed into the traffic study so that improvements to the roadway could be determined. He wanted to allow developers to take advantage of their vested rights, yet also meet the needs of the community. He felt they needed to determine a way to divide the costs of the all road improvements among all of the developers so that it would be equitable.

Ellis said his firm had not yet completed the menu of mitigation, but they expected to have the menu prepared soon. Lenox felt widening the two bridges that were located on each side of the corridor would have the largest impact on the traffic problem.

Fritz asked Ellis to define “approaching” an intersection. She said she had noticed traffic backed up from the Highway 54/74 intersection all the way to the Highway 54/34 intersection. She questioned the 60-second delay, when it was obvious those cars were waiting much longer than 60 seconds. Ellis suggested she had witnessed an unusual occurrence and reminded her that the average delay was determined by averaging the delay of all of the vehicles approaching the intersection in all directions. He said it was not likely that the exact situation she described would occur daily for an entire hour. McMenamin said that at certain times of the morning, that certainly was the case. She said that she frequently noticed the traffic backed up from the intersection of Highway 54/74 all the way to Thomas Crossroads. Ellis said he did not want to make light of the situation, but felt if they were to time the wait, they might find the delay was much less than they assumed. Lenox pointed out that someone coming from Thomas Crossroads would actually be going through a number of intersections and that each intersection had its own delay factor.

John Dillihunt and Robert Brown both expressed concern that not all four directions of traffic should be averaged. They felt the delay should be determined separately for each direction of traffic at the intersection. Ellis felt they could do that, but he pointed out that the timing of some of the signals needed to be adjusted. Lenox felt the installation of the traffic signal Huddleston Road made the traffic problems worse.

Robert Brown asked Ellis technical questions. Ellis said he would be glad to explain and discuss the analysis in more detail at a later time. Lenox presupposed that Ellis knew the technical business of the analysis very well.

Steve Brown was concerned that the City was only shooting for a service level of “E”. He was concerned about public safety. Lenox said they would not discuss or consider road design that evening. He said they were trying to adopt a reasonable ordinance that would be defensible in court and serve the entire community. Brown felt any development in the industrial park would impact the corridor and should be required to submit a traffic study. Lenox reminded Brown that any project that generated over 100 peak-hour trips would have to submit a study.

Lenox did not like how the ordinance was based on a “first-come/first-serve” basis. He felt Council should pass the ordinance that night and continue to work on modifying the ordinance.

Several citizens, who did not come forward to the podium to speak into the microphone, addressed Council with their concerns and asked questions about the ordinance.

— Steve Brown said he had researched the issue of the traffic problems of the Highway 54 west corridor and noticed that the problems have been discussed since the early 1980's, yet no one had come up with a plan of action. He suggested Council sponsor a committee to look at the various land use plans and address the issue. He suggested that the Planning Commission Alternate, Robert Brown, would be a good person to appoint to the committee. Lenox thought Brown had presented a very good idea and said he would consider forming such a task force.

Fritz asked the City Attorney, Rick Lindsey, if the restrictions could be lifted in spring. She thought that road improvements had been halted because of a court order. Lindsey said he had recently attended a seminar and learned that GERTA anticipated having a plan approved by March. If said if the plan was approved, it would resolve the problem. He said the DOT might not be able immediately to start construction in Peachtree City because they would need to obtain funds. But, he said the City or developers could make improvements to the highway once the plan was approved.

— McMenamin felt DOT would start construction on projects for those who had the most political influence. She said just because DOT could proceed with the improvements, would not mean that they would. They would need to allocate funding. Lenox said the City was well organized and they were lobbying as hard as they could to get the projects implemented. He said the City could not solve all of its problems on its own. He said the City could afford to add turn lanes and make minor improvements. He felt that if the railroad bridge were replaced, it would greatly improve the traffic situation.

McMenamin thought the City might have a better chance to get DOT started on the construction project, if they were to lobby with Cowetta County. Lenox said the City was working with Cowetta and staff would be meeting with them soon to discuss the extension of TDK Blvd.

A representative for Doug Dillard, an attorney for Summit Apartments and RAM Development, presented a letter for the file, on behalf of their clients concerning the ordinance.

— Jim Fulton was concerned about the cost of a traffic study for a small development. Ellis estimated the study would cost approximately \$2,000. Lenox felt that small developments could work with staff and the City's consultant. He did not feel the traffic study should be a formal burden, but he felt the City should set up a mechanisms to allow developers to make it as involved they wanted. He did not want to treat someone unfairly. If the developer did not like what staff and the consultant projected, they could hire their own consultant.

— Attorney George Rosenzweig addressed Council on behalf of Pathway Communities. He asked to have his written comments regarding his client's constitutional notice noted for the record. He said Pathway Communities opposed to the ordinance. They felt that it was a good draft document, but it was not ready to be adopted. Lenox said staff had received very good comments over the last few days concerning the ordinance. He said Council was fully aware there were flaws in the ordinance, but he felt Council would adopt the ordinance that night and make amendments to the ordinance at a later date. He requested Rosenzweig submit his suggestions in writing so the issues could be addressed at a later time.

— Rosenzweig felt the City should also be responsible for capital improvements to the roadway. He asked Council to consider the termination of the proposed ordinance once the road improvements were made, regardless of who made the improvements. He did not feel they should wait until improvements were made by the DOT. He also felt that the mere inconvenience of the traveling public was not a public safety issue and would not provide a constitutional reason to adopt the ordinance. He offered to answer questions regarding the letter he had submitted. Fritz said they did not have time to review it thoroughly. Lenox felt the letter did raise some good points that it would be helpful.

Pace asked the City Attorney for a point of clarification. He said he had a financial interest in a family partnership that owned property adjacent to Southwire. He asked if the property was included within the 6,000 feet of the corridor that would require a traffic study. He said it never occurred to him until that night that the property might actually fall into that category. Lindsey felt the situation was very similar to the issue discussed when the Land Use Plan was adopted. He said, as a practical matter, everyone on Council owned property within the City. He did not know if Pace's property was located within the corridor, but that he felt comfortable Pace could continue to participating in the discussion because he did not have any development plans pending. He said if Pace felt uncomfortable, he could abstain from voting, but Lindsey did not feel there was a legal or ethical problem. Pace said Group VI did not own any undeveloped property in Peachtree City other than the property adjacent to Southwire.

— Pace said he appreciated all the citizens' comments. He said it was a difficult decision and he generally supported the rights of the individual property owner away. He did not feel government should be taking away an individual property owner's right to develop their property. He said he traveled to Atlanta on a regular basis and was familiar with traffic problems. He did not want Peachtree City's traffic problems to get worse. He felt the study needed to be expanded to include the development of land as currently zoned. He suggested ordinance should be tabled so that it could be modified and so that

— Councilmember Brooks could have the opportunity to vote on the issue. He felt the City was headed in a positive direction. He said it was encouraging to hear that improvements might be able to be implemented soon to improve the situation.

McMenamin said she was also concerned with the individual property owner's rights, but she was ready to adopt the ordinance. She said the ordinance provided a lot of flexibility, which allowed the City to work with developers. She also felt it was important to consider the rights of all property owners and that one property owner should not be able to negate the safety of the citizens living in Peachtree City. She said the public safety issue was her major concern.

— McMenamin made a motion to pass the traffic Ordinance with the changes suggested by Mr. Williams. Fritz seconded the motion and said she understood Pace's comments. She felt Council made it very clear that they intended to change the ordinance, but that it was important to go ahead and put something in place. She felt the developers would recognize that the City was willing to work with them. She also felt the City should set up a task force to deal with the issue. McMenamin added that Council had the option of implementing a moratorium on development, but the fact that they did not reinforced Council's intention to work with the developers in the best interest of the citizens. Motion carried with Pace opposing.

Lenox made a motion to take a five-minute recess. McMenamin seconded the motion. Motion carried unanimously.

NEW AGENDA ITEMS

10-99-01 Public Hearing – Set Millage Rate

Basinger said the 1999 Digest had been received from the Tax Commissioner's office. Based on a 9.67 percent increase from the 1998 Digest, staff felt the City would receive \$161,221 more than budgeted based on the current 4.06 millage rate, should Council elect to keep the same millage rate in place. Basinger recommended Council approve a LOST rollback of 4.28 mills and a gross millage rate of 8.34 mills. He provided Council with a list of options to use the funds. He said in recent years, Council had placed such excess funds in the Council Contingency Fund.

— McMenamin proposed placing the money in a reserve fund specifically earmarked for the purchase of critical property. She said it would equate to approximately \$9 from each citizen. She said that as the City approached buildout, they might find property that would be critical to aesthetics to Peachtree City. She said on numerous occasions she had

— heard citizens request the City to purchase such property. She suggested Council consider the investment on a yearly basis as they set the millage each year. She said that if the interest to purchase property was not there, Council could roll back the millage at a later date. She felt it would be nice to have the money in a reserve account and maintain the current millage rate.

Lenox reviewed some of the things Council had done that year. They had contemplated a recreation bond issue, but they were able plan the proposed projects without increasing taxes. They also managed to initiate the construction of a new Police Station without increasing taxes. He said he had often wished the City had money for land acquisition. He felt a little money could go a long way to improve what was already a good thing. He felt that as the City got closer to buildout, there may be a few opportunities to purchase property and Council might regret not having some capital to take advantage of those opportunities. He agreed with McMenamin's idea to leave the millage where it was and the set money aside in special reserve fund. He said if the money was not used as intended, it could also be given back later.

— Fritz thought it was a great idea and would be very advantageous to the City. Pace thought it was clearly in the City's best interest.

Lenox made a motion to set the gross millage rate at 8.34, the LOST roll back to 4.28, the net millage at 4.06 and to set aside the 161,000 +/- of surplus funds into a special fund titled Land Acquisition. Fritz seconded the motion. Motion carried unanimously.

10-99-02 Public Hearing – Alcohol License – Pascal's Bistro - 217 Commerce Drive

Lenox said Pascal's American Café had submitted an application for an alcoholic beverage license for Pascal's Bistro, which would be located at 217 Commerce Drive. He explained that this was the former location of Agnes and Murial's which recently went out of business. McMenamin said the application appeared to be in order and made a motion to appoint Mr. Pascal Lecorre as the Licensee and License Representative, as requested. Fritz seconded the motion. Motion carried unanimously.

10-99-03 Consider Line Creek Parkway Cart Path Tunnel

— Basinger said the City Engineer had provided a letter to Council regarding the installation of a tunnel under the Line Creek Parkway that was currently under construction. Due to the anticipated amount of traffic using the Parkway, staff felt it was prudent to install a tunnel. Staff felt the Wynnmeade residents needed the tunnel to travel safely from the westside of the Parkway to the commercial area, which would be developed adjacent to

the Summit Apartments. He said the tunnel would eventually be tied into the path system over the railroad tracks and would be located south of the Parkway near Highway 54.

He said the City Engineer obtained a price of \$78,000 from the contractor who was building the Parkway, to install the tunnel and connect it to the cart path system. Staff evaluated prices for constructing tunnels and felt it was a fair price. The Parkway was currently under construction in the grading phase and staff needed to respond immediately.

Basinger recommended Council should authorize staff to execute a "sole source" contract with McCoy Grading for the project, and that funding for the project in the amount of \$78,000 come from the Council Contingency Fund. He said staff would be investigating the use of impact fee credits for the tunnel and if feasible, the Council Contingency Fund could be reimbursed for the expense.

McMenamin thought it was great idea, but want to call the project a recreational tunnel instead of a cartpath tunnel in case there was ever an opportunity for federal grants at a later date. Fritz asked if there were opportunities for federal funds. Basinger said a number of grant applications had been submitted and the City had recently received funds for a bridge over Flat Creek.

Lenox had a problem supporting the issue. He was not sure if the traffic warranted spending that amount of money. John Dillihunt addressed Council as a voting taxpayer and strongly urged Council to support tunnel. He said there were unique aspects to consider. He said without a tunnel there would be no way to cross the Line Creek Parkway because the road was 20 feet in air. He said citizens needed a convenient way to get to the new commercial areas. He added that the cartpath in the area was well used.

McMenamin made a motion to authorize staff to execute a "sole source" contract with McCoy Grading for the Line Creek Parkway Recreational Path project, and that funding for the project in the amount of \$78,000 come from the Council Contingency Fund. Pace seconded the motion. Motion carried unanimously.

10-99-04 Consider Funding – Playground Equipment - Peachtree City Elementary School

Ms. Jane Langley from the Peachtree City Elementary School PTO addressed Council and requested \$5,000 to be used for Phase 1 of it plans to build playground equipment. She said the PT0 had already raised \$10,000 for playground equipment. McMenamin made a motion to provide \$5,000 to the Peachtree City Elementary School PT0 for phase

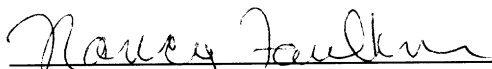
one and phase two of plans to construct playground equipment. Pace seconded the motion. Motion carried unanimously.

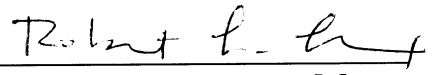
COUNCIL/STAFF TOPICS

Basinger reminded Council of the Employee Picnic to be held on Friday, October 8, 1999.

Basinger said that selection committees needed to be established for upcoming appointments for the Recreation Commission, Airport Authority, and Commission on Children and Youth. McMenamin and Pace volunteered to serve on the Commission on Children and Youth Selection Committee. Fritz and McMenamin volunteered to serve on the Recreation Commission Selection Committee. McMenamin volunteered to serve on the Airport Authority Committee. Mayor Lenox appointed Brooks to serve on the Airport Authority Committee.

Lenox made a motion to adjourn the meeting. McMenamin seconded the motion. The motion carried unanimously and the meeting adjourned at 10:15 p.m.


Nancy Faulkner, City Clerk

Attest: 
Mayor