MINUTES OF MEETING
City Council of Peachtree City
September 20, 1990

The City Council of Peachtree City met in regular session on Thursday Night, September 20, 1990, 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. Members present were: Mayor Frederick Brown, Jr. and Councilmen David Good, Annie McMenamim, Robert Brooks and Rich. Parlontieri.

Addition of Agenda Items

Mayor Brown called for items to be added to the agenda and a citizen asked that item be added to discuss swimming pool fencing.

Motion was made by Mayor Brown and seconded by Parlontieri that item be added. Motion carried unanimously. Item No. 9-90-12

Motion was made by Mayor Brown that item be added to discuss the city pay plan. Motion was seconded by Parlontieri. Motion carried unanimously. Item No. 9-90-13

Announcements, Awards, Special Recognitions

Mayor Brown announced that the cartpath over Lake Peachtree would be closed for several days next week due to it's relocation because of the Highway 54 widening project.

Mayor Brown presented the Employee of the Month Award for August to Lt. Ben Thomas of the Police Department.

Mayor Brown recognized Fire Chief Gerald Reed and EMS Director, Frank Murphy , and presented them with a Proclamation proclaiming the week of September 16th through the 22nd as EMS Week in Peachtree City.

Department Reports

Mayor Brown called attention to the monthly department reports and urged the public to take time to review them . He explained that the preliminary 1990 census figures indicated the population for Peachtree City on April 1, 1990 to be 18,333 which was less than the approximately 21,000 that the City thought the population to be based on occupancy permits issued. The Mayor explained that the census report reported 324 vacant houses in the City that City staff had not taken into consideration when computing the population. The Mayor stated that the City staff felt that the census figures were sufficiently accurate to not warrant contesting and the population effective September 1, 1990 now stands at 18,365.

Old Agenda Items

8-90-6 Watershed Protection Ordinance

Mayor Brown reported that the Watershed Protection Ordinance was tabled at the last meeting to allow the City Staff and PCDC time to get together on certain language in the ordinance. He asked if the City staff was supportive of the ordinance being presented at this time and City Manager, Jim Basinger, stated that they were. The Mayor asked if PCDC and Equitable was now supporting the ordinance being presented and their representatives indicated that they were.

Mayor Brown called for comments from the City Council and hearing none called for public comment.

Several citizens commented on the ordinance . Mr. John Setlock objected to the ordinance permitting cartpaths to be constructed in the buffer area around water reservoirs. Several citizens questioned the method of measuring the 100 foot buffer area with suggestions made that it be measured on a horizontal plane or perhaps from the erosion line.

Ms. Phyllis Aguayo, representing herself and other members of subcommittees of the Environmental Concerns Organization (ECO) commended the City for it's efforts to protect the water supply. She stated that committees involved with protecting the environment had reviewed the proposed ordinance and felt it was a step in the right direction although they felt it met the bare minimums recommended by the State.

Ms. Aguayo presented several recommended amendments to the ordinance from the committee. They were:

Require enhancement of buffers with appropriate vegetation under certain conditions such as when buffers have been cleared.

Define how measurement for buffer will be made. Recommendation was that it be from normal pool elevation or erosion line, whichever was higher.

Stronger protection for intermittent streams.

Require piping to be outside the buffer area.

Not use streams as retention areas.

City Engineer Amos was asked by Mayor Brown to comment on the subjects raised by the public comments. He agreed that the ordinance was not clear how the 100 foot buffer would be measured. He felt the normal pool elevation was a good way to measure it. Amos was not clear on the comment about the erosion line. He did not find any problem with permitting the cartpaths in the buffer and noted that the City would require a permit and, therefore, would have control over their construction.

Amos commented on the proposal to not permit piping in the buffer area . He explained that several different methods are now being used by the major developer to determine which would be best and this recommendation could be taken into consideration. As to the City requiring the buffer to be enhanced is something that he would look to the Planning Commission to consider during the platting stages.

Mayor Brown asked Amos for a recommendation on clarification of how the buffer would be measured and Amos felt that Section 1003 b (23) (a) could be amended to read "an undisturbed natural buffer area shall be maintained for a distance of one hundred (100) feet measured from the normal pool elevation or the stream banks." He felt it would be sufficient to leave it at "normal pool elevation".

Motion was made by Brooks that the Watershed Protection Ordinance, amending the Land Development Ordinance, be adopted as presented with amendment to Section 1003 (b) (23) (a) adding wording "normal pool elevation or the stream banks." Motion was seconded by Parlontieri. Further discussion followed regarding the buffer measurement with ECO representatives encouraging using the erosion line as a measuring point. Mr. Jim Stokes, Attorney for PCDC and Equitable, commented that work had been ongoing for many weeks on this ordinance and this was the first he had heard of this subject. He encouraged the Council to adopt the ordinance using the normal pool elevation and stated that if other changes were made to the ordinance he would reinstate his objections raised in the letter of September 6th.

Mayor Brown commented that letters threatening certain actions did not intimidate him in any manner and that he felt he spoke for all council members. They would vote their conscience.

After further discussion the motion to approve the ordinance as amended was approved unanimously.

New Agenda Items

9-90-7 Public Hearing - Rezoning of Highway 54/Robinson Road Property

Mayor Brown called to order a public hearing for the purpose of considering the rezoning of approximately 36 acres at the southwest corner of Highway 54 and Robinson Road. The Mayor reported that appropriate advertising had been done as required by city regulations. He called upon the City Manager, Jim Basinger to present the rezoning petition.

Mr. Basinger, called upon the applicant to present the request. Mr. Jerry Peterson, Vice President of Planning with Peachtree City Development Corporation,addressed the Council. Mr. Peterson explained that the property was bounded on the North by Highway 54, on the west by the General Commercial area at Petrol Point, on the South by Robinson Woods Estate to the Stevens Forest Subdivision and on the East by Robinson Road and the proposed realignment of Robinson Road.

Mr. Peterson explained that the ownership of the land was in three ownerships with approximately five acres being owned by Mr. Morris Horesh and PCDC was acting as agent for him. A parcel of approximately two acres was owned by Mr. Tony Davis and Equitable owned the remainder of the tract. Mr. Davis was present.

The rezoning request was for Office Institutional (10.8 acres); Open Space greenbelt (9.7 acres), Limited Use Commercial (9.2 acres), and R-43 (6.3 acres). A plat was presented indicating the boundaries of the different zoning districts requested.

Mr. Peterson reviewed the surrounding area zoning and reported that the existing zoning on the property was a combination of Office Institutional, General Commercial and R-43 Residential. Peterson pointed out that the Land Use Plan shows this property as about one half office and one half medium density residential. He also pointed out that the Land Use Plan document showed this area planned for a neighborhood center.

Mr. Peterson reported that the three owners of the property had been working together along with the City staff to plan this area. He explained that an access road would be built between the two Highway 54 properties to eliminate driveway access onto Hwy 54.

Mr. Peterson gave a detailed explanation of how they planned to develop the lots in the LUC along Highway 54 and the office area and stated that the R-43 would fall in near the Robinson Woods Estate property. The greenbelt would generally follow the creek. Mr. Peterson reported that several homeowners in the Robinson Woods Estate subdivision had been concerned about clearing at the rear of their property for cartpaths and that PCDC had agreed to move the path as far to the east as possible and that landscaping would be enhanced to screen the area as best can be done.

Mr. Tony Davis, applicant, stated that he supported the proposal submitted by PCDC .

The City Planner, Jim Williams, presented the City's position in the matter. He called attention to two maps - one depicting the area along Highway 54 from Highway 74 to Peachtree Parkway and the other depicting the area from Peachtree Parkway east to the City limits along Highway 54.

Mr. Williams called particular attention to the area from Peachtree Parkway East to the City Limits pointing out that, including the projected zoning, the use was approximately 51% Commercial/office; 24% Multi family/single family residential; 25% open space/church. He also pointed out that after passing the city limits the uses drastically changed with virtually everthing one quarter of a mile out being either commercial use or zoned commercial. He felt the question for the City was how to handle the fact that commercial is existing just outside the city limits and how this can be handled in a planned way within the City.

Mr. Williams felt that this proposal would do a good job of handling that by squaring off the commercial development that had been established on the north side of Highway 54 at the Prime Point office and medical area by carrying this across the highway to an important and logical dividing line at Robinson Road. At that point there would be a median cut and a traffic signal and the road would go across and tie into the already developed area.

Mr. Williams stated that the staff had looked at this plan for some time and supported it as presented but with certain conditions. Those conditions were:

1. There be no access from Robinson Road to the commercial area other than the frontage road.

2. Commercial service areas be screened from Highway 54.

3. Open Space areas be dedicated to the City for greenbelts.

4. The minimum greenbelt between the new development and the established subdivisions be 100 feet.

5. The greenbelt be enhanced with special landscaping to provide a continuous visual separation between the established residential areas and the new development.

Mr. Williams reported that the Planning Commission had recommended approval to the rezoning and although they discussed the conditions he made, they were not part of the motion for approval.

Question was raised by Council regarding the property that would remain when Robinson Road was moved to the West. Mr. Peterson stated that Equitable would still own it and it was being considered as buffer for the residential area if it remained residential. He agreed to considering it as a permanent greenbelt area.

Mayor Brown called for public comment at this point.

Mr. Tony Davis asked about access to the new road from his property. He explained that he would not have access to his property if there was to be no driveways onto Robinson Road except the new access road.

Mr. Williams stated that his recommendation was uncompromising in that he did not want any driveways onto Robinson Road. His feeling was that some arrangement could be worked out to allow Davis to use the frontage road. If that was not possible he would certainly continue to use Robinson Road but the objective would be to eliminate that driveway if at all possible.

A resident, Mary Ann Garber, expressed great concern about the traffic problems at that location and that this development will increase it. She realized a traffic signal would be there but was still concerned about traffic.

Phyliss Aguayo expressed disapointment that additional commercial was being permitted along a major thoroughfare.

Mr. Ed Osberth of Jumpers Run in Peachtree City asked to go on record as opposing the rezoning. His reasons were a concern for aesthetics, land was already available for these type developments in the City, and he was afraid his property, at the bottom of the area, was going to be flooded by this development. He called on Council to ensure that his property and his neighbors property was not harmed by this development.

Mr. John Setlock asked about ownership of the old Shakerag Courthouse located on the property under discussion. Mayor Brown reported that it had been deeded to Equitable by the Fayette County Commissioners.

Councilman Partlontieri pointed out that this development would call for less commercial than was already planned for the area and signalization was planned as Highway 54 is widened and Robinson Road is realigned. He expressed the opinion that he was pleased with the planning that had gone into the development. He agreed that water retention had to be handled and he felt that could be done during the planning and platting process.

Parlontieri made a motion that the rezoning be approved as presented with the conditions outlined by the City Planner. Motion was seconded by McMenamim. Brooks asked those whose property backed up to this proposed development how they felt abut the plan. Mrs. Pritchard was still concerned about drainage but supported the overall plan with the conditions. Mayor Brown read a letter into the record from Mr. and Mrs. Pritchard and Mr. and Mrs. Baker who live on Forest View Drive in the Robinson Woods Estates Subdivision. The letter stated that instead of fighting the proposed rezoning, they had chosen to work with both the City Planner and PCDC to minimize the impact on their property. They wanted their agreement with the Planner and PCDC to be a matter of record. The agreement was:

1. Jim Williams,City Planner, had agreed to require a forty (40) foot buffer on the eastern edge of the proposed OI zoning that borders the proposed open space next to their property. Existing vegetation within the 40 foot buffer could not be disturbed. No development (buildings, parking lots, sidewalks etc.) could occur within the 40 foot buffer.

2. Jerry Peterson and Mike Lorber, both of PCDC, agreed to locate the cartpath on the extreme western edge of the proposed open space behind the properties. That would use, at the most, the 20 feet of the open space that would be fartherest from the properties. Additionally, they agreed to plant additional low (ground level to 15 feet) evergreen vegetation in the remaining open space between properties and the cartpath that would serve as a visual screen between homes and the proposed OI property. They had agreed to water the vegetation (proposed as wax myrtles) during its early growth stages due to the present inaccessability of the area. Planting was to begin this Fall.

Both the City Planner and Jerry Peterson of PCDC PCDC agreed to the conditions outlined in the letter.

There were no further comments and motion to approve the rezoning with conditions passed unanimously.

9-90-8 <u>Appointments to Planning Commission</u>

City Manager Basinger reported that the selection committee interviewed nine of eighteen applicants for vacancies on the Planning Commission.

It was the unanimous recommendation of the committee that Mr. Gerard Bernier and Mr. Tom Cox be appointed as members for three year terms beginning on October 1, 1990 and ending September 30, 1993.

The selection committee also recommended tht Mr. Charles Joiner be named as Alternate 1 and Mr. Ronald Robinson be named as Alternate 2 to fill any vacancies occurring during the next six month period.

Motion was made by Parlontieri that the recommendation of the selection committee be approved. Motion seconded by Brooks. Brooks commented that the city was fortunate to have eighteen qualified candidates for these positions and thanked them for their interest. Motion carried unanimously.

9-90-9 Bids for Highway 74 South/Crosstown Road Signalization

City Manager Basinger reported that although five contractors requested plans for bidding on this project, only one submitted a bid. That contractor was W.E. Pruett Company, Inc. who bid a lump sum bid of $246,835.79 for the work. He stated that it was staff's recommendation that the bid be awarded to W.E. Pruett Company. Basinger reported that the City had $283,000 budgeted for this project.

Mr. John Setlock questioned the City spending these funds when he felt according to the Transportation Plan, the State would widen Highway 74 South in the future. Mayor Brown stated that the City had not been informed by the State that they were planning to widen Highway 74 South.

Motion was made by Good that the project be awarded to W.E. Pruett Company, Inc. for lump sum bid of $246,835.79 and the remainder of the funds budgeted for the project be transferred to the reserve fund account. Motion was seconded by Mayor Brown. City Manager Basinger asked that a contingency be left in the project for unexpected expenses during the project development. Council felt the item could be brought back before them if additional funding was required.

Parlontieri announced that he would vote against this item because he did not feel it was an appropriate expenditure of funds . He felt a traffic officer could be there in the morning and afternoon and handle the rush hour traffic. He felt the State should share in the cost. McMenamim stated that she had been against it at first but now supports the project because it is the second most issue she had been contacted about. Brooks pointed out that there have been an increasing number of traffic accidents on Highway 74 and he felt this was a safety issue. Also, it would provide a light for entering the industrial park which is difficult to get in and out of now. Mayor Brown commented that it was unfortunate the City had to pay for this intersection when the State's traffic counts had justified a light, but he supported the project. Motion carried with Parlontieri voting nay.

9-90-10 Bids for Flashing Light/Pole Installation

City Manager Basinger reported tht bids were solicited for supplying and installing a flashing light as well as installing city supplied traffic poles at Highway 74 and Paschall Road.

Basinger reported that Shepherd Construction Company was the only bidder and their bid was $15,180 which exceeded the budget by $3,929. He explained that the City Engineer had investigated the cost increase and, although there had been a slight increase in cost according to the State, that would not account for this large an increase. The engineer felt the fact that there is a limited number of contractors willing to install this type of structure could be the major reason for the cost increase.

Basinger stated that he had discussed this earlier with Councilman Good who suggested that the City staff handle the project. He had talked this over with the City staff and the City Engineer and Public Works Director were willing to undertake this project if Council wished them to do so. If not, staff recommended awarding the bid to Shepherd Construction Company with additional funding to come from the Reserve Fund.

Good gave a brief background into the history of traffic poles in the City. He explained that the City in the past had purchased standard traffic light poles but the price kept going up to the point it was unacceptable. At that time the City designed it's own pole and purchased them in quantity to save thousand of dollars. Now it appears that due to a limited number of contractors available the price for installing poles is now what he considered unacceptable rates. He thought it would be in the city's best interest to have the engineering and public works departments develop the capability of installing these poles, or at least, seriously explore that possibility using this intersection as the initial project. Good stated that it would be his recommendation, subject to input from City Engineer Amos and Public Works Director Halterman, that this project be used as a pilot project and attempt be made to do it with city supplied expertise and stay within the original budget.

City Engineer Amos pointed out that the city staff had not done this before but he felt it could be done by obtaining assistance from those who had the expertise. He stated that there might be a need to use a consultant with experience in this field which would be a cost to the project. Amos felt the project could be done within budget.

Motion was made by Good that the City Engineer and Public Works Department be authorized to proceed with the installation of the poles and flashing signals at Paschall Road and Highway 74 with cost to not exceed $11,197. Motion was seconded by Parlontieri. Brooks stated that he would prefer to not proceed with this project at this time. He pointed out that a traffic light was going to be installed at Crosstown Road and Highway 74 and there was already a light at Higway 74 and 54. He called attention to the fact that the Kelly Drive bridge was going to be opened soon and he felt there was going to be a significant change in traffic patterns once that bridge was opened. He thought there was a chance the flashing light at Paschall Road would not be needed.

Motion carried with Mayor Brown, Good and Parlontieri voting aye; Brooks and McMenamim voting nay.

9-90-11 <u>Senior Citizen Center</u>

Basinger called attention to a position paper regarding the proposed Senior Citizen Center in the Aberdeen Village Center. He explained that the City staff had for some time been working to obtain a facility to accomodate social and recreational activities for the senior citizens. He explained that the senior citizens have outgrown their facilities and need a permanent location for their activities that would accomodate their number.

Basinger stated that space had been found in the Aberdeen Village Center in the lower area which was easily accessable to the users. He stated that staff was proposing and asking for approval for a three year lease subject to review and approval of the City Attorney. The lease would have the option of cancelling each year should the new City Council not approve the lease. He explained that the lease would be for space totaling 4,410 square feet at a cost of $8.71 a square foot or $38,400 per year. This cost also included $13,535 in renovations to be amortized over the three year lease period.

Basinger reported that this space would also be used for other recreational activities when the seniors were not using it.

Basinger stated that staff recommended that Council approve the lease with Equitable as stated. Motion was made by Parlontieri that the lease be approved as recommended. Motion was seconded by Brooks. Mr. Albert Breidegam,President of the Pioneers organization, expressed appreciation to all involved in obtaining this facility and stated that the members were quite excited over this facility.

A resident of the City questioned the square foot cost asking if staff had researched this and found it to be a good rate. Basinger replied that he had found the going rate for shopping center space in the City was twelve to thirteen dollars a square foot. Parlontieri explained that PCDC was also providing the renovations at their cost. Parlontieri also brought out the fact that credit should be given to Councilman Annie McMenamim who had initiated and worked on this project during her short time on the Council.

After further discussion the motion carried unanimously.

9-90-12<u>Swimming Pool Fencing</u>

Mr. Lamar Mathis of 101 Creekstone Bend addressed Council regarding the construction of a swimming pool on his property. Mr. Mathis explained that his property was located on the corner of Peachtree Parkway and McIntosh Trail. He explained that his pool contractor had instructed him to contact PCDC because of the large number of trees that would be removed. He did so and Mike Lorber of PCDC who was concernead about his three sided lot and the tree removal. Mr. Lorber promptly visited the site and after looking at all the plans for the pool and fencing stated that he had no problem with the proposal.

The trees were removed and the contractor applied for a building permit for the pool and at that time found that there was a problem with building a six foot fence because of his three sided lot. He asked for a resolution to his problem from Council.

City Planner, Jim Williams, explained that the problem is in the definition of "front yard" in the fence ordinance. At this time the six foot fence required for a swimming pool could not be in the setback in this area. Williams stated that this is planned to be recommended for a change in the fence ordinance amendments scheduled for the next meeting.

Mayor Brown stated that the only resolution would be for Mr.Mathis to either wait for the next Council meeting where the fence ordinance amendments will be considered, or to apply for a variance.

9-90-13 Employee Merit Program

Mayor Brown explained that in February at the Retreat plans were made for amending the employee classification plan and the employee merit program. All of the plan has been implemented except for the pay plan which is on the agenda at this time. He stated that Council had met in a formal workshop this past week and reached an agreement to present a plan at this time.

Mayor Brown explained that the plan is a change in step increases along with the addition of a standard salary adjustment based on a percentage of the CPI. He called on Personnel Officer Miller to present the staff's recommendation.

Ms. Miller explained that in June the Council approved a new numerical rating scale of 0 - 7 for performance evaluations. No merit increase percentages had been established for this new scale and that was what was discussed at the workshop mentioned by Mayor Brown. The recommendation from staff is that percentage increase based on the evaluations be 1% - 2% -3% - 4 % and that a standard salary adjustment increase of 1 1/2% through fiscal year 1991 be approved.

Motion was made by Mayor Brown that the Pay Classification Plan be approved as recommended by staff. Motion was seconded by McMenamim. Brooks explained that one of the motivating factors in this action was to try to get a little bit more direct relationship between a marketing economy and government salaries. He felt the previous plan was arbitrary. Motion carried unanimously.

Motion was made by Mayor Brown that the meeting be recessed to be reconvened in executive session to discuss lawsuits of Black, Samples, Justice, Simon and Michael. Motion was seconded by Parlontieri. Motion carried unanimously.

Executive Session

Motion was made by Good that item be placed on the October 4, 1990 agenda to consider zoning action ordered by the Courts in the Samples case. Motion was seconded by Parlontieri. Motion carried unanimously.

Motion was made by Mayor Brown that the meeting be adjourned. Motion was seconded by Parlontieri. Motion carried unanimously.

Meeting was adjourned at 9:45 PM.

Frances Meaders

Frances Meaders, City Clerk

Attest

Mayor