

City Council of Peachtree City
Minutes of Meeting
September 18, 2008
7:00 p.m.

The City Council of Peachtree City met Thursday, September 4, 2008, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:01 p.m. Other Council Members present: Steve Boone, Don Haddix, Cyndi Plunkett, and Doug Sturbaum.

Announcements, Awards, Special Recognition

Della Riemersma, the controller for Nissan/Kia South, announced that the car dealership was donating funds to purchase 30 tasers for the Police Department. Mayor Logsdon recognized Brad Owens of the Police Department as the Employee of the Month.

Public Comment

Marcia Hendershot addressed Council regarding one-provider trash service, noting that it would be a gain if it saved residents money, especially if recycling was included. Personal freedoms should be set aside for the greater good. She added that education on the benefits of one provider would be critical.

Robert Brown expressed concern about safety on the golf cart paths, noting that golf cart drivers were not alerting people that were walking that they were coming up behind them. He said the rules should be enforced, and that the information should be included in more media sources or in the stormwater assessments.

Al Yougel, executive director of Keep Peachtree City Beautiful, reported on the results of the litter attitude survey. There had been 370 responses, almost one percent of the City's population, and 56% of those responses had been to the online survey on the City website. Yougel continued that 79% thought litter was a problem (six percent did not know), 56% thought there was more litter on the paths than on the streets (23% did not know), 84% thought littering was a crime, 88% wanted stronger enforcement of the litter laws, 67% would report littering if they saw it, 35% had seen/heard a litter prevention message in the City, 62% thought more trash cans were needed on the paths (14% did not know), and 32% did not pick up litter on a regular basis.

Agenda Changes

Plunkett moved to remove Item #5 from the Consent Agenda and add it to New Agenda Items. Boone seconded. The motion carried unanimously.

Minutes

Boone moved to approve the September 2, 2008, workshop minutes as written. Haddix seconded. The motion carried unanimously.

Consent Agenda

1. Alcohol License – Change in Ownership, Licensee & License Representative – Brandon's Package Store
2. Consider Police Department Taser Program Donation
3. Consider Donation/Lease Agreement with Bulldog Supply
4. Consider Purchase of Rhino 450 Multi-Purpose Vehicle for Police Department

Plunkett moved to approve Consent Agenda items 1-4. Sturbaum seconded. The motion carried unanimously.

Old Agenda Items

08-08-20 Consider Sewer Easement – New Meade Field Pump Station and Force Main & Sewer Connection for Southern Pines Plantation Property

City Engineer Dave Borkowski noted that Council had asked for additional information at the September 4 meeting, including a copy of the County's GA 54 West overlay, some open space documentation, and to talk to the County about donating a portion of the open space located next to Meade Field. He pointed out that the GA 54 West overlay and zoning documents had been included in the agenda packet for the meeting, and the City Planner would address that. Borkowski showed an updated drawing of the area (A copy of the drawing is included in the official meeting file), and went over the areas on sewer and septic in the vicinity of the Plantation Center. Borkowski said he had spoken to County Planner Pete Frisina about the donation of property to expand Meade Field, but the City would need to make a formal request to the Board of Commissioners at the appropriate time. Borkowski also showed the stream buffers for Plantation Center. The buffers around the creeks were 100 feet, and there was also a 50-foot setback for impervious surfaces. The floodplain for Line Creek did not come up to the commercial property, but was mostly on Meade Field. Borkowski also addressed the relationship of proposed sewer line to Brechin Park and pointed out the location of the pump station and sewer line. Based on his calculation, Brechin Park could not hook up to sewer under the 200-foot rule. Borkowski noted that the Peachtree City Water and Sewerage Authority (WASA), via a letter dated September 9, 2008, had amended its request for the sewer easement and asked that the City approve a sewer extension to the Southern Pines Plantation property.

City Planner David Rast went over the differences and similarities between the City's zoning districts and the County's zoning and GA 54 West overlay, which the County required as condition for the rezoning for the Plantation Center. He said the County had rezoned the commercial center property to Office Institutional (OI) and Community Commercial (CC). The minimum lot size was one acre with a lot width of 125 feet for both zoning districts. Both districts required a 75-foot landscaped buffer adjacent to GA 74 compared to the City's requirement for a tree save and landscaped buffer. The County's building setbacks were 75 feet from the front and 15 feet from the side/rear. The height limit in OI was 40 feet, while the CC limit was 35 feet. Rast said he compared the County's standards to the City's Limited Use Commercial (LUC) designation, which had a minimum lot of 30,000 square feet and lot width of 150 linear feet. The City required a 60-foot tree save/landscaped buffer adjacent to GA 74. The LUC front setback was 35 feet, and the side/rear setback was 10 feet/20 feet. The height limit was 35 feet.

Rast continued that the County had required the development to follow its GA 54 West overlay zone to maintain the residential character as much as possible. The City's LUC zoning required design guidelines to be developed specifically for the tract that were adopted along with the zoning so the City would have control in what happened on the property. The City's landscape standards were more intense than the County's. The County allowed developers to install landscaping within the front landscape buffer, while the City's landscape ordinance required the

buffer to remain natural. The County's tree replacement regulation was based on the amount of impervious materials on site. The City's requirements for lights and signage were more stringent than the County's.

Larry Turner, WASA's general manager, said he realized there were many issues to be considered in making the decision. He went over the plans and pointed out the 200-foot distances on an aerial photograph. He said there were two options. Option A would be if Council did not approve the easement or let Southern Pines Plantation (SPP) to connect to sewer. Turner noted several properties would have to build their own pump stations, and the pump station at Meade Field would remain there. Southern Pines would develop the commercial center with a large on-site waste treatment system that would be located adjacent to Meade Field. There would be three or four environmentally unsound pump stations that would cost more to build and more for WASA to operate. Option B was for Council to grant the easement and allow WASA to provide sewer service. WASA would build one pump station, compared to three or more, that was environmentally sound, and the land set aside for the drain field would not be needed for on-site sewage disposal. The land could be deeded to the County for greenspace or the City for Meade Field. He asked Council to consider whether option A or B was better and more cost effective.

Jim Wells of SPP reaffirmed that his company was committed to leaving the 50 acres behind the development as greenspace and deeding the property to the County or whatever entity the parties agreed to. He said they would love to work with the City to expand Meade Field. Expanding Meade Field would be a win/win for the community and for the developer. Logsdon asked if the entire 50 acres would be available if they had to have space for a septic field. Wells said they would need some of the property for a septic field and some for stormwater management. Approximately 30 acres would be left for greenspace. Logsdon asked how much property would be available if the commercial center connected to sewer and the sliver next to Meade Field became part of Meade Field. Wells said about 30 acres would be left for the County as greenspace. Logsdon said there were approximately six to seven acres that could be used as athletic fields. Wells said the sliver was some of the best property on the tract, and it was adjacent to three of the ball fields. Logsdon said that, with the configuration they were discussing, the developer could live up to their agreement with the County, dedicate some land to the City, and sewer could not extend further into the County unless Council approved it. He asked Wells if he was willing to donate land to the City for recreational purposes. Wells said he was perfectly willing to donate the land to expand the field, but it would be appropriate to work the details out with the Board of Commissioners. Sewer would allow the County to recapture the acreage needed for the septic system's drain field. Logsdon said if this could be worked out, then he was also still at the table to negotiate with the Somerby project for its six acres next to Meade Field.

Plunkett said that, if all those details had been finalized, she would have been willing to support the easement, but the City and County did not always get along. Turner noted that they had been discussing the issue with Council for six weeks. If they could not meet everyone's time schedule, the deal would fall apart.

Haddix said he read the law on the 200-foot rule. Without rewriting the law, the state only had to narrow the definition so sewer connection could be mandated, which would override any agreement with the County or the City. He did not want to enable retail in the County. He was sure Wilshire Pavilion would not appreciate Council enabling competition in the County, when it was hard enough to do business today. Logsdon said the area would develop anyway; the City would just be providing sewer. The developer had agreed not to make the development any larger than what the County had approved. Haddix said connecting to sewer made the project cheaper to build and guaranteed the development.

Phyllis Aguayo recalled that there were citizens who had opposed the purchase of the sewer system until they were promised that sewer would not be extended into the County to facilitate development in the County. She had worked on the County's comprehensive plan, and the emphasis was that the County was supposed to be a rural division between the suburban cities. Approving requests to extend sewer into the County would have a domino effect. WASA built more capacity than the City needed. WASA should not be given more customers at the expense of the quality of life. When septic functioned properly, streams were saved from the chemicals used in the treated sewage.

Logsdon said that the sewer line would be extended into a pocket in the County already surrounded by sewer; it would not be extended out where it could proliferate and keep growing. Plunkett agreed that the sewer line would not facilitate growth; the growth had already been approved. The money had been invested; the site plan for 150,000 square feet of retail was approved. She did not know if there would be a benefit to the City if the request were approved. Logsdon said they would not have an answer at this meeting, but they could craft the motion so that the County would have to agree to what had been discussed. He had talked with County Commission Chairman Jack Smith, and Logsdon was optimistic that the City would get the recreation acreage.

Plunkett moved to deny the request until the City had the agreements. If the agreements were approved, she would bring it up again. Haddix seconded.

Haddix said Council could not assume the commercial development would be built. It had been approved for seven years. Things fell through. Boone said the development would be built, and he liked having one pump station. He asked why more pump stations should be built than needed. The area in question was a pocket surrounded by sewer. He had concerns about the environmental impact if the septic system failed in 10-12 years. Haddix pointed out that there were two planned and approved hotels that were now not going to be built in the City.

Sturbaum asked Wells when they planned to break ground on the commercial center. Wells said the project was still in the preliminary stage. Sturbaum asked if there was a timeline or goal. Wells said, with the current economic downturn, it would 18-24 months. Plunkett asked Wells if they would build less or more square footage. Wells said that the development would be driven by the people in the area and the demand for services. There had been serious looks by tenants and market studies, and they were close to being ready. With just a little more growth, there would be enough people to support their development and Wilshire's.

The motion carried 3 (Haddix, Plunkett, Sturbaum)-2 (Boone, Logsdon).

New Agenda Items

09-08-03 Alcohol License – NEW – Maxwell's on 54

Haddix moved to approve the alcohol license for Maxwell's on 54. Plunkett seconded. Applicant Desirée Strydom addressed Council and noted that restaurant would be in the former San Francisco Bread Company location and would feature international cuisine. The motion carried unanimously.

09-08-04 Consider Clarification of Conditions of Approval for SANY Variances

City Manager Bernard McMullen explained that Council had approved the variances at the September 4 meeting, but clarification was needed since the variances were tied to particular stages of construction. In the staff memo for the agenda item, the variances had been tied to the stages of construction and asked Council to clarify the motion.

Plunkett moved to clarify the variances to Section 1004(b)(2) Watershed Protection Ordinance, Section 1005.4(c)(15) Erosion Control and Sedimentation Control Ordinance, and Section 1012.5.1 Metropolitan North Georgia Water Planning District's Stream Buffer Ordinance related to the relocation of the sewer line are approved with the receipt of permits from the U.S. Army Corps of Engineers; that the variances to Section 1004(b)(2) Watershed Protection Ordinance, Section 1005.4(c)(15) Erosion Control and Sedimentation Control Ordinance, and Section 1012.5.1 Metropolitan North Georgia Water Planning District's Stream Buffer Ordinance related to construction of the assembly building and the remainder of the site be approved with receipt of permits from the U.S. Army Corps of Engineers and variances from the Georgia Department of Natural Resources; and that the conservation trust be established prior to issuance of any Certificate of Occupancy for Phase I of the SANY project. Sturbaum seconded. The motion carried unanimously.

CA #5 Consider Cancellation of the October 2, 2008, City Council Meeting

McMullen noted that, since the item had been placed on the agenda, the applicant for an alcohol license preferred not to wait until the October 16, 2008, meeting. Logsdon suggested that Council hold a special called meeting to consider the alcohol license application. The Council Members concurred.

Boone moved to cancel the October 2, 2008, City Council meeting. Sturbaum seconded. The motion carried unanimously.

Council/Staff Topics

Borkowski gave an update on the traffic signal for the commercial development at GA 54 West and Line Creek Drive. He said he had reviewed the study and plans and met with the engineers. The plans were now being revised. He expected to receive them within the next week, then the information would be sent to the Department of Transportation.

City Attorney Ted Meeker reported that two of the three easements required for the GA 54 cart path bridge were in the process of being completed. The closing for the Ethan Allen easement

was scheduled, and Cousins Properties (The Avenue) was having an independent appraisal performed. There was just a little more work left.

Logsdon asked Meeker to clarify the City's ordinance regarding political signs. Meeker said there was no limit on the number of signs a resident could have, but there was a limit on the size.

Sturbaum asked McMullen if the request for a traffic signal at the Baseball Soccer Complex (BSC) had been denied. McMullen confirmed that it had. Sturbaum asked if there were any options. Logsdon said State Senator Ronnie Chance was arranging a meeting with DOT that was tentatively scheduled on October 8. The City's DOT representative would also attend, and Logsdon planned to take the representative to the BSC and three other areas that were DOT issues. He added that the City would also meet with CSX regarding the traffic signal at GA 74/Wisdom Road on October 3. McMullen added that engineers at CSX had reviewed the plans for the Wisdom Road traffic signal. The meeting on October 3 was with the railway's property management section.

Plunkett addressed the Council concerning the need to work as a team for the benefit of the City. She said every member made the best decision they could, and how they interacted with each other set the tone for the public. The public discourse and accusations that decisions were unfounded needed to stop. Logsdon agreed, adding that attacking their peers in the media without a phone call or discussing it was an issue. Boone and Sturbaum agreed. Sturbaum said they had to agree to disagree, and when they disagreed, it should be done professionally, not personally.

Plunkett moved to convene in executive session to discuss litigation and personnel at 8:11 p.m. Sturbaum seconded. Motion carried unanimously.

Haddix moved to reconvene in regular session at 8:34 p.m. Plunkett seconded. Motion carried unanimously.

Haddix moved to waive the attorney-client privilege for the letter dated October 15, 2002, from Rick Lindsey to Mayor Steve Brown as such letter had been redacted. Sturbaum seconded. The motion carried unanimously.

There being no further business to discuss, Plunkett moved to adjourn the meeting. Sturbaum seconded. Motion carried unanimously. The meeting adjourned at 8:35 p.m.


Pamela Dufresne, Deputy City Clerk


Harold K. Logsdon, Mayor