**City Council of Peachtree City**
**Minutes of Meeting**
**September 6, 2007**
**7:00 p.m.**

The City Council of Peachtree City met Thursday, September 6, 2007, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:03 p.m. Other Council Members present: Steve Boone, Mike Harman, Stuart Kourajian, and Cyndi Plunkett.

**Announcements, Awards, Special Recognitions**
Mayor Logsdon read proclamations for Save a Life Month and Constitution Week. Captain Peki Prince accepted the Save a Life Month proclamation, and members of the Daniel Newnan Chapter of the Daughters of the American Revolution accepted the Constitution Week proclamation. Harman was recognized for his service on the Water and Sewerage Authority (WASA). Logsdon presented Library Administrator Jill Prouty with two books for the Peachtree City Library in recognition of former Council Member Judi Rutherford's service.

**Public Comment**
Lynda Wojcik addressed Council about litter in the City and encouraged Council to enact legislation to help curb it.

**Minutes**
Plunkett moved to approve the August 13, 2007, special called meeting minutes and the August 16, 2007, regular meeting minutes as written. Kourajian seconded. Harman asked for an amendment to the August 16, 2007, regular meeting minutes. Plunkett amended her motion. The motion carried unanimously. City Manager Bernard McMullen noted that the amendment to the motion in question was included in the minutes on another page. City Attorney Ted Meeker clarified that the amendment was already reflected in the minutes, so they did not need to vote again.

**Monthly Reports**
Logsdon noted that 75 hours was spent on cart path litter removal and 311 hours on right-of-way litter removal in July. He said if people were interested in affecting the budget, then they should stop throwing out trash and participate in the Adopt-a-Mile program on the paths and City streets. There would also be more emphasis on Community Clean-up Day in the spring of next year. Harman noted that mowing hours had increased by 1,000 over last year. Harman was surprised at the increase due to the dry weather. The Recreation Department's hours had also increased significantly. Plunkett asked why man hours for the recycling program were down by 140 hours. McMullen said there had not been a change in the recycling center hours, but it could have something to do with the mulch operation. Plunkett noted that the participant numbers for recycling and composting were significantly higher. If the operation was running more efficiently, then that should be recognized. McMullen would check with the departments and get back to Council. Kourajian noted that right-of-way mowing hours had increased in the spring months, so the increase was probably due to the season. The hours for the summer months had changed very little. McMullen added that additional time this year was spent getting ready for the Tour de Georgia during the spring.

**Consent Agenda**
1. **Consider Budget Amendments – FY 2007**
2. **Consider Ordinance Amendment – Mixed Drink and Excise Tax Due Dates**
3. **Consider Approval of Partial Update to Comprehensive Plan**
4. **Consider Approval of Panasonic Presentation to the Peachtree City Police Department**

5. **Consider approval of Draw #6, Master Lease Agreement, Financing of 2007 Purchase of Rescue/Pumper**
6. **Consider Appointment to Development Authority of Peachtree City – Gerald Herzog**
7. **Consider Surplus of Aquatic Center Revolving Door**
8. **Consider Change of Custodian – City Defined Benefit Plan**

Logsdon noted there was an additional document on the dais regarding #8 – a memo from Financial Services Director Paul Salvatore and Acting City Clerk Betsy Tyler dated September 4, 2007, with the subject, "Defined Benefit Plan Change of Custodian." Boone moved to approve Consent Agenda #1 through #8 as stated. Kourajian seconded. The motion carried unanimously.

**Old Agenda Items**

**08-07-01 Public Hearing – Consider Rezoning – Stephens Tract (21.120 acres), GI to GC**

Harman moved to remove "Public Hearing – Consider Rezoning – Stephens Tract (21.120 acres), GI to GC" from the table for discussion. Boone seconded. The motion carried unanimously.

Logsdon noted there was an additional document on the dais – an e-mail from Beth Pullias dated September 5, 2007, with the subject, "Stephen's Tract-Sept 6 agenda item 08-07-01."

City Planner David Rast said there had been some disagreement over the permitted uses at the August 16 meeting. Staff met with the developer and the Wilshire Estates Homeowners Association (HOA) to come up with some resolution, and an agreement had been reached just prior to the meeting. Rast continued that the primary issue had been whether certain uses were permitted or not. The issues included items (d) and (e) (shown below) from the list of permitted uses in the proposed ordinance.

> *(d) No more than one freestanding restaurant with a drive-thru window for pick-up of food or drink orders; provided that this restriction shall not prohibit a freestanding restaurant from maintaining designated parking areas for patrons to pick up food orders to go. This provision shall also not preclude individual tenants from maintaining drive-thru windows for pick-up of food or drink orders, so long as such tenants are in a building with at least two other individual tenants. In addition to one freestanding restaurant as described herein, this restriction shall not preclude a freestanding coffee shop with a drive-thru window from being located within the overall development. As used herein, the term "coffee shop" shall mean a small restaurant in which coffee and light snacks and other drinks are served.*
>
> *(e) No more than one business whose primary business is the sale of alcohol; provided that this restriction shall not prohibit individual restaurants from selling beer, wine, distilled spirits or other beverages. Such business whose primary business is the sale of alcohol shall not be located within a freestanding building or tenant space exceeding 3,000 SF in gross floor area.*

Rast noted that "*so long as such tenants are in a building with at least two other individual tenants*" had just been added. He said that Andy Campbell from Columbia Properties and Laurie Farmer, president of the Wilshire Estates HOA, would discuss that in more detail. Rast continued that the sale of alcohol, which was addressed in (e), would not be allowed in a freestanding building but could be in a larger space that included other tenants.

Logsdon said this was another change. McMullen said the requirement came from staff's meeting with the developer and the HOA.

Rast briefly went over (f) under permitted uses and (a) under uses not permitted:

> *(f) Automobile parts sales; provided that the repair of vehicles on the premises of any business by the property owner, the tenant or customers shall be prohibited.*
>
> *(a) Hotel or motel.*

Rast said that the Planning Commission had not seen the uses, but had instructed staff to work with the developer and the HOA to come to a resolution. Rast said hotels and motels had been moved to non-permitted uses. The main discussions were regarding items (d), (e), and (f) under permitted uses. Both parties were agreement with the bulk of the ordinance. Staff was in agreement with the changes made at the meeting and recommended that Council approve the rezoning. Rast continued that the Planning Commission had not seen the changes, but had indicated that staff should work with the developer and the HOA to resolve the issues.

Plunkett asked for an explanation regarding the fast food restaurants. She asked if that meant two restaurants could be in the same building with drive-throughs on each side. Andy Campbell of Columbia Properties said the intent was not to have another fast food restaurant. The language was tough to define. He cited a Bonehead's or a Moe's, which had drive-through windows, but were in line with other tenants. Campbell said there would be at least three tenants in a line. An example would be the Pizza Huts and Kentucky Fried Chickens that were together.

Logsdon noted that staff had recommended approval of the rezoning, and the HOA was fine with the language. Someone in the audience asked if the public hearing was open. Logsdon said it had already been held, but a representative from the HOA could speak once a motion was made and the discussion opened.

Harman moved to approve the rezoning of the Stephens tract for Columbia Properties from GI to GC per the staff's recommendation and including the conditions as modified this evening. Boone seconded.

Laurie Farmer, president of the Wilshire Estates HOA, thanked everyone for the opportunity to work together for a project the surrounding community could live with and to serve as a gateway to the south side of the community. They were working on the final details. Farmer said she wanted to address "the big picture concept" of the property. She said it was important to look at the development as a whole, not in pieces. Lexington Circle was an example of the worst that could happen. She also asked what could be done regarding the cart paths in the area. She did not see the inner operability working efficiently. Farmer had discussed the possibility of moving the tunnel. Council was not addressing a major component of how people in the City lived.

Boone asked if there had been any discussion with DOT regarding the tunnel location. City Engineer Dave Borkowski reported that he had spoken with someone in the consultant design office, who told him the state would not do the project if moving the tunnel cost more money. The state was now acquiring right-of-way and had finished the environmental documents. Borkowski said the cost share for the tunnel was now 80/20, with the state paying 80%. If the tunnel was

moved, then the City would have to pay for everything. Logsdon said he thought there would be another tunnel under Rockaway Road. Rast clarified that the developer for the senior development was looking at that.

Plunkett said she was concerned about golf cart traffic crossing Holly Grove Road to get from the Eckerd to the rest of the Wilshire center. It would be safer to take the golf cart traffic to the Publix side of the center, and the seniors would not have to cross a major thoroughfare. Logsdon did not see why the tunnel could not be moved if there was not an increase in the cost. Borkowski said staff had planned to look at the path network in the area to see what could be done. Harman said that putting a tunnel under a six-lane road would be expensive, especially if the City had to pay for the whole thing. Logsdon said the City would have to pay the additional cost. McMullen added that changing the location also included another environmental assessment and right-of-way acquisition, which was almost finalized for the current location. Plunkett noted that moving the tunnel from one side of the road to the other side would solve some of the problems. It was one corner versus another corner, and the environmental impact should be about same. Logsdon agreed that it was worth asking the questions. Kourajian pointed out that a path along Rockaway and the southern portion of the Columbia property would be in the greenbelt. Boone noted that there would be a cost to redraw and re-architecture the plans. McMullen added that Dominion Partners would present the plans for the senior development on October 4. Staff would show the proposed cart path lay-out of the area at the same time.

The motion carried unanimously.

**New Agenda Items**

**09-07-01 Public Hearing – Consider Rezoning, Stephens Tract, GI to LUC (Dominion-Somerby)**

McMullen noted that the applicant had asked to continue the rezoning until October 4. The public hearing would be re-advertised for that meeting. Kourajian moved to continue the rezoning until October 4. Boone seconded. The motion carried unanimously.

**09-07-02 Public Hearing – Proposed Acquisition by the City of Real Property Located at 105 Peachtree Parkway North Pursuant to a Multi-Year Lease-Purchase Contract with the Peachtree City Governmental Finance Corporation**

Mayor Logsdon opened the public hearing. No one spoke either for or against the issue. The public hearing closed. No action was required.

Financial Services Director Paul Salvatore explained that the public hearing was a legal requirement associated with the Bricks & Mortar loan and using Neely Fire Station as the bank security for the loan. Logsdon asked if there were any comments. There were none.

**09-07-03 Adopt Resolution Authorizing City to Enter into a Multi-Year Lease-Purchase**

Salvatore explained that adoption of the resolution would authorize the Mayor to sign the required documents for the $2,350,000 Bricks & Mortar loan discussed during the budget process. He noted that a list of capital projects was attached. The low bid was from BB&T. He continued that by adopting the resolution Council would also approve the bid. The rate was 3.96% for 15 years. Salvatore pointed out that the documents for this agenda item had been switched in the packet with the documents for the Peachtree City Governmental Finance Corporation meeting that was held prior to this meeting.

Kourajian moved to adopt the resolution to authorize Peachtree City Governmental Finance Corporation as Lessor to enter into a multi-year lease-purchase contract with Peachtree City as Lessee. Boone seconded. The motion carried unanimously.

**09-07-04 Consider Bids for Huddleston Pond Dam Rehabilitation**

Logsdon noted there was an additional document on the dais – a memo from the Stormwater Manager to City Council dated September 5, 2007, with the subject, "Huddleston Pond Dam Rehabilitation Project." Borkowski said 14 contractors had attended the mandatory pre-bid meeting in July, and four bids had been received. Riner Construction Inc. turned in the low bid, which was $320,750. The highest bid received was $784,790 from Willow Construction. Staff met with the design engineer and the apparent low bidder, Riner, to discuss the scope of the project to see if the company felt comfortable with the undertaking. Borkowski said Riner did feel comfortable with the scope and the price submitted. Because of the large cost difference, staff closely reviewed the engineering construction estimate, which had been $250,000. The demolition and construction costs for the multi-use path had been added after the original estimate was done. After subtracting that cost from the low bid, Riner's bid amount would have been $282,590, which correlated closely to the original engineering estimate. Borkowski said the design engineer, Schnabel Engineering, had a lot experience with dams east of the Mississippi River, and staff was very confident in the estimate.

Borkowski continued that Riner had excellent references for all of its construction projects and had worked on ponds, dams, storm drains, and water lines. The bid specifications had required three examples of Category 2 dams (an impoundment that was 25 feet high or 100-acre feed in volume) the company had worked on within the past five years. Rinehart gave three references – a dam at Stone Mountain (22 feet high that impounded 88-acre feet of water), an impoundment in Henry County (23 feet high and 115-acre feed), and a pond in Williamson (20 feet high and 40-acre feed in volume). One project fully met the requirements, one was very close, and one did not meet the requirements. However, staff believed that Riner met the intent of the bid specifications and had the applicable experience and recommended the bid be awarded to Riner. Borkowski added that $395,000 was budgeted in the stormwater revenue bond, $60,750 had already been spent or allocated, and the total cost of the project was estimated at $387,750. He continued that staff recommended the $320,750 be transferred from the Stormwater Utility revenue bond for the specific project.

Boone asked why there was such a large discrepancy between the prices quoted in the bids. Borkowski said the unit prices were much higher. They had not contacted the companies with the higher bids, but had contacted the lowest bidder to ensure they understood the scope and to verify the unit prices were reasonable. He could not explain the discrepancy. Logsdon clarified that staff had talked to Riner and the company was comfortable with the scope of work. Borkowski said yes, and added that he had called the references for the company's other jobs in addition to the dams.

Plunkett asked when the work would begin. Borkowski said he expected to get the wetlands variance in mid-October, and the work would proceed toward the end of October. The work should take a couple of months, and the pond should be back in the spring. The pond was spring-fed, which kept the pond at the current pool and prevented any fish kills.

Boone moved to approve the Huddleston Pond dam rehabilitation project and construction of a new principal and emergency spillway and upgrades to Riner Construction of Williamson not to exceed

the base bid price of $320,750. Kourajian seconded. McMullen clarified that Boone's motion had a not to exceed amount, which would not allow any change orders. Boone asked what was normally allowed for change orders. McMullen said he had authorization to approve change orders up to $40,000. The motion should be awarded for the amount stated. Boone moved to approve the Huddleston Pond dam rehabilitation project and construction of a new principal and emergency spillway and upgrades to Riner Construction of Williamson for the base bid price of $320,750 and to allow the City Manager to approve change orders up to $40,000. Kourajian seconded. The motion carried unanimously.

**09-07-05 Consider Employment Contract – Planning Assistant**

Acting Administrative Services Director/City Clerk Betsy Tyler noted that the contract would begin October 1 with Tony Bernard, who was currently the part-time planning assistant. She continued that Council had approved changing the position to full-time for a one-year period as part of the FY 2008 budget. The hourly rate had not changed, but would be paid on a full-time basis. He would be considered a full-time employee, but Council would need to vote to continue the position full-time for the next budget cycle. If not approved, then he would have 90 days to find another position. The City Manager and the City Attorney had reviewed the language.

Plunkett moved to approve the employment contract for one year with the planning assistant as stated by Tyler. Harman seconded.

Harman asked if the contract was for the position or the person. McMullen said it was for the position. If Bernard left on October 15, the position was still in the budget for the entire year. Another person would be recruited to fill the position.

Plunkett said her original motion was for the position. Logsdon had restated the motion and included Bernard's name. McMullen said the agreement was for Bernard, and Council would have to approve another agreement if Bernard left and another person was hired. Plunkett said the re-stated motion had been correct.

The motion carried unanimously.

**09-07-06 Consider Ordinance Amendment – Procedure for Appointing Council Members or Mayor**

Logsdon commented that while following the procedure when Harman was appointed it was noted that some portions needed tweaking. Tyler pointed out that the ordinance had been adopted for filling vacancies on Council when there was less than one year left of a term. There were two proposed changes – one was a clarification based on the procedure used at the meeting and what to do in event of a tie. The proposed changes included conducting the question and answer period one candidate at a time with the other candidates remaining outside of the room. In the event of a tie vote, the proposed amendment allowed time for Council discussion and to continue voting until an agreement was reached.

Plunkett said she understood why the members could be deadlocked and felt there should be language in the ordinance to break a tie. Logsdon agreed, and he would support the will of the Council. Plunkett suggested having the Mayor break a tie. City Attorney Ted Meeker pointed out that would, in essence, give one person two votes. Kourajian said he could not support that option. McMullen said he had suggested "flipping a coin" between the two people that were tied, but no

one liked that way to break a tie, rather than going with the third person (the option listed in the current ordinance). Meeker said adding the vote totals from the first round could be considered. Kourajian said he liked Meeker's suggestion. Plunkett said she wanted to make sure the steps were spelled out.

Plunkett moved to postpone the ordinance amendment to October 4. Logsdon seconded. The motion carried unanimously.

**09-07-07 Consider Easements for the Shoppes at Village Piazza**

Borkowski said that staff recommended Council grant two separate utility encroachment easements to Treetop Associates, LLC, for construction of the Shoppes at the Village Piazza. One easement was for the construction of the storm drain, and the other was for the installation of sanitary sewer, water line, and a storm drain. During the staff review of the site, staff discovered that all of the stormwater would go into the Line Creek pond. The plans were re-designed so that a small flow still went to the pond to keep the water level, but the larger flow would toward into Line Creek. Staff felt more comfortable with that plan since the pond was old and did not have an outlet structure. In order for that to be done, they needed the utility encroachment easement to build the outfall of the storm drain system. He noted that the sewer line originally ran along the pavement of SR 54. Borkowski continued that the plans had been re-drawn based on staff's recommendation. The other easement, for the most part, was for the sewer line. During the review, the Water and Sewer Authority (WASA) noted that they had issues with the location of the sewer line along the state highway. Whenever WASA would have to perform maintenance, they would have to obtain an encroachment permit from the state. A better solution was to put the easement just inside the property line and make it wide enough to fit all three utilities. Borkowski continued that there were deed restrictions on both pieces of property. The City had received a verbal agreement from Pathway Communities that they did not have a problem quit-claiming the restrictions just for the areas, but the City had not received a signed quit claim yet. If Council approved the easements, it would be contingent upon getting the signed quit claim deed from Pathway. Meeker pointed out that there would be a change in the language regarding the utilities. The utilities would be underground, so the language would change to "under" the areas, rather than "across."

Plunkett said she had a problem approving the easements without having the quit claim deed in the City's hands. She also questioned what the City would receive in return and if there would be any concessions from the developer, and whether their stormwater plan would comply with the City's ordinance as written. Borkowski said if the City did not grant the easements, then the developer was fully within his rights to discharge the stormwater into the pond. They had gone with the staff recommendation. Logsdon asked if staff was asking Council to approve the easements in anticipation of getting the quit claim deeds. Meeker clarified staff was asking Council to approve the easements subject to receiving approval from Pathway. Logsdon said he did not understand Plunkett's concern. Plunkett said Pathway could put some stipulations on the quit claim that would have to come back to Council. Meeker said that there had been some issue with the language in the quit claim deed. The revisions had been made and re-submitted to Pathway. Plunkett asked if the changes Pathway asked for limited things any further. Meeker said the clarifications were on two points – one was that the utilities would be underground and that the restrictions on the property would be lifted only for the sanitary sewer and storm drain. Meeker said staff thought that had been covered, but the request made it more explicit.

Rast added that the owner of the Shoppes at Village Piazza planned to deed the portion of the property he owned with the pond on it to the City, which was something the City had been trying to do for years. The developer also planned to enhance the landscaping in front of the nature area. Most important, there was no legal access easement to the nature area from the property. The property owner had agreed to pave the section that entered the nature area and to keep the access open. They also discussed access to the nature area from SR 54 if the Southern Conservation Trust wanted it. Rast said both easements were at the recommendation of staff and WASA. Plunkett asked if Council could make a condition of the easement for the developer to deed the portion of the pond property to the City. Meeker said they could definitely put those conditions in writing. Plunkett asked Rast if that would be a problem. Rast said Will Ray of Treetop was at the meeting, and staff had been working closely with the developer.

Plunkett continued that she did not want to leave anything open because of the citizen concerns about fast food restaurants and all the things that could go in the project. Rast said that an uninformed e-mail had gone out. He showed the plan that had been approved as part of the conceptual site plan and noted some changes. The developer was looking at a site for a free-standing coffeehouse with a drive-through, not a fast food restaurant, if a coffeehouse was interested. Many improvements had been made to the site plan. Plunkett asked Ray if he had a problem making the easement conditioned on not having a fast food restaurant. Ray said he did not.

Plunkett moved to grant the easements as specified by the City engineer dependent on receiving the appropriate quit claim deeds from Pathway and a written agreement wherein the developer would donate the portion of Line Creek Pond to the City with the easements only in effect as long as there was no fast food restaurant on the plan. Kourajian seconded. Plunkett clarified that the language regarding fast food restaurants in the ordinance for Columbia Properties approved earlier would be fine. The motion carried unanimously.

**09-07-08 Consider Cancellation of the September 20, 2007, City Council Meeting**
Boone moved to cancel the September 20, 2007, City Council meeting. Kourajian seconded. The motion carried unanimously.

**Council/Staff Topics**
**Update on Summer Swimming Pool Usage**
Leisure Services Director Randy Gaddo went over the numbers regarding pool usage (a copy of the PowerPoint is included in the official meeting file). He noted that total usage was down at Pebblepocket and up at Clover Reach from 2004 to 2007. Some of the users might have moved from Pebblepocket to Clover Reach. He added that pool fees that increased in 2005, and the numbers had dipped some. Overall, pool usage at Clover Reach was in an upward trend. Clover Reach was also used as an overflow pool, when other pools were closed for any reason. Gaddo noted that the Clover Reach neighborhood was also in transition and had more young families with children now than in the past.

Plunkett said she had a problem with the City funding what was basically a neighborhood pool. It cost the City approximately $20,000 to run the pool for 10 weeks. The usage numbers might be up, but the same 20 people might be using the pool 100 times. Gaddo said that could be true to a certain extent, but there was now more diversity in who was using the pool, which was true of all the pools.

Plunkett continued that the National Association for Recreation recommended one pool per 20,000 residents and a pool should service three to five percent of the population. The City had five pools for 36,000 residents. She added that the Clover Reach pool was not as big as a backyard pool, which could not service three to five percent of the population. Gaddo clarified that it was bigger than a backyard pool and was a subdivision-size pool. The deep end was only five feet, which was why people with younger children used it. Plunkett said the cost of the pool did not justify the use. Pebblepocket was less than a mile away from Clover Reach. The national standard for distance between pools was 10 to 15 miles. It was a very expensive amenity. Gaddo noted that the City had always chosen to be well above the national standard. Plunkett said the City would still have double the national standards without Clover Reach. She said if there was another pool, it should be on the south side of the City. Boone said he could not see another pool on the south side, but understood her point. Logsdon asked if people drove to Clover Reach. Gaddo said most of the users were from the neighborhood. Kourajian asked about the revenue. Gaddo said he averaged the revenue based on visits, which was approximately $4 per visit. Gaddo said the pool was bringing in more revenue because more people were using it; the same was true of all the pools. He noted that the $20,000 cost was all of the operation and maintenance cost, except for any capital expense. Plunkett said that the pool was donated to the City when the subdivision's HOA went under. At the time, the City needed the pool. Its operation should be evaluated. Gaddo said staff would continue to watch it unless Council made another decision. Logsdon said he wanted to hear staff's plan for the property if the pool closed.

McMullen reminded Council that the Central Park at Line Creek retail development would be discussed during a workshop at the Planning Commission's September 10 meeting. The next meeting for the Comprehensive Plan was scheduled on September 13.

Boone moved to convene in executive session for threatened or pending litigation and personnel. Harman seconded. The motion carried unanimously.

Kourajian moved to reconvene in regular session. Harman seconded. The motion carried unanimously.

There being no further business to discuss, Harman moved to adjourn. Kourajian seconded. The motion carried unanimously. The meeting adjourned at 9:17 p.m.

Betsy Tyler, Acting City Clerk

Harold K. Logsdon, Mayor

Pamela Dufresne, Recording Secretary