

CITY OF PEACHTREE CORNERS
COUNCIL MEETING
January 15, 2013, @ 7:00PM

The Mayor and Council of the City of Peachtree Corners held a Council Meeting on Tuesday, January 22, 2013 at 7:00 PM. The meeting was held at City Hall, 147 Technology Parkway, Suite 200, Peachtree Corners, GA, 30092. The following were in attendance:

Mayor	Mike Mason
Council Member	Phil Sadd – Post 1
Council Member	James Lowe – Post 2
Council Member	Alex Wright – Post 3
Council Member	Jeanne Aulbach – Post 4
Council Member	Lorri Christopher – Post 5
Council Member	Weare Gratwick – Post 6
City Attorney	Bill Riley
City Manager	Julian Jackson
City Clerk	Kym Chereck

PLEDGE OF ALLEGIANCE: Mayor Mason led the Pledge of Allegiance.

MAYOR'S OPENING COMMENTS: Mayor Mason commented on the property located opposite the Forum. These remarks are attached to the minutes.

MINUTES:

MOTION TO APPROVE THE MINUTES FROM THE DECEMBER 18, 2012 COUNCIL MEETING.

By: Council Member Gratwick

Seconded by: Council Member Christopher

Vote: (7-0) (Gratwick, Christopher, Mason, Sadd, Lowe, Wright, Aulbach)

MOTION TO APPROVE THE MINUTES FROM THE DECEMBER 21, 2012 SPECIAL CALLED MEETING.

By: Council Member Christopher

Seconded by: Council Member Wright

Vote: (7-0) (Christopher, Wright, Mason, Sadd, Lowe, Aulbach, Gratwick)

AGENDA CONSIDERATION: Mayor Mason informed the Council and public that he would like to reschedule the January 22, 2013 Council meeting to

January 29, 2013. Mayor Mason stated that the reason for the change in date was due to the fact that on January 22, 2013, the Gwinnett County Commission will be recognizing the Norcross Football Team on their State Championship, and they have invited the Mayor and Council to attend.

MOTION TO MOVE THE MEETING FROM JANUARY 22, 2013 TO JANUARY 29, 2103.

By: Council Member Lowe

Seconded by: Council Member Sadd

Vote: (7-0) (Lowe, Sadd, Mason, Wright, Aulbach, Christopher, Gratwick)

PUBLIC COMMENT: No Public Comments made.

CONSENT AGENDA: No Consent Agenda Items.

REPORTS and PRESENTATIONS: Community Development Director, Diana Wheeler, provided her report on staff activities that occurred during January 4, 2013 thru January 10, 2013. These activities included, among other items, meetings with various vendors, work on the Business License certificate form, a Planning Commission meeting which reviewed two items, and coordination with Pond on the Comprehensive Plan.

City Manager, Julian Jackson, discussed the proposed Resolution concerning the Commercial Sanitation Fees. Mr. Jackson stated that he Resolution would be on the agenda for the January 29, 2013 meeting.

NEW BUSINESS:

O2013-01-01

First Read and Consideration of an Ordinance Adopting by Reference, and Amending Certain Portions of, the Georgia Code of Regulations, Comprising the International Building Codes, 2006 Edition; Chapter 1 Administration.

R2013-01-01

Discussion and Consideration of a Resolution Adopting and Approving the Schedule of Fees for Building Permits and Related Fees in the City of Peachtree Corners, Georgia.

Mrs. Wheeler gave a cost comparison of Peachtree Corners fees as compared to surrounding Cities and informed the Council that this Resolution would ensure that Peachtree Corners would be business friendly, and customer service

friendly.

MOTION TO APPROVE R2013-01-01, A RESOLUTION ADOPTING AND APPROVING THE SCHEDULE OF FEES FOR BUILDING PERMITS AND RELATED FEES IN THE CITY OF PEACHTREE CORNERS, GEORGIA.

By: Council Member Sadd

Seconded by: Council Member Christopher

Vote: (7-0) (Sadd, Christopher, Mason, Lowe, Wright, Aulbach, Gratwick)

R2013-01-02

Consideration of a Resolution to Adopt and Approve the Calling of 2013 Elections and to Fix and Publish the Qualifying Fees.

Mr. Jackson informed the Council that this Resolution establishes the qualifying fees and qualifying dates for the City of Peachtree Corners, and furthermore, that it would need to be adopted by February 1, 2013. The Posts that are up for election are Posts 2, 4 and 6; and the qualifying fee for each seat is \$240.

MOTION TO APPROVE R2013-01-02, A RESOLUTION TO ADOPT AND APPROVE THE CALLING OF 2013 ELECTIONS AND TO FIX AND PUBLISH THE QUALIFYING FEES.

By: Council Member Christopher

Seconded by: Council Member Wright

Vote: (7-0) (Christopher, Wright, Mason, Sadd, Lowe, Aulbach, Gratwick)

O2013-01-02

First Read and Consideration of an Ordinance of the City of Peachtree Corners, Georgia, Adopting by Reference, and Amending Certain Portions of, the Gwinnett County Development Regulations in Order to Establish a Document Entitled 'The City of Peachtree Corners Development Regulations.'

O2013-01-03

First Read and Consideration of an Ordinance of the City of Peachtree Corners, Georgia, Adopting by Reference, and Amending Certain Portions of, the Gwinnett County Floodplain Management Ordinance in Order to Establish a Document Entitled 'The City of Peachtree Corners Floodplain Regulations.'

O2013-01-04

First Read and Consideration of an Ordinance of the City of Peachtree Corners, Georgia, Adopting by Reference, and Amending Certain Portions

of, the Gwinnett County Buffer, Landscape, and Tree Ordinance in Order to Establish a Document Entitled 'The City of Peachtree Corners Buffer, Landscape and Tree Regulations.'

EXECUTIVE SESSION:

MOTION TO GO INTO EXECUTIVE SESSION FOR THE DISCUSSION OF ONE (1) REAL ESTATE MATTER.

By: Council Member Lowe

Seconded by: Council Member Christopher

Vote: (7-0) (Lowe, Christopher, Mason, Sadd, Wright, Aulbach, Gratwick)

MOTION TO COME OUT OF EXECUTIVE SESSION.

By: Council Member Christopher

Seconded by: Council Member Wright

Vote: (7-0) (Christopher, Wright, Mason, Sadd, Lowe, Aulbach, Gratwick)

ADJOURNMENT:

MOTION TO ADJOURN.

By: Council Member Gratwick

Seconded by: Council Member Christopher

Vote: (7-0) (Gratwick, Christopher, Mason, Sadd, Lowe, Wright, Aulbach)

Approved,

Attest:

Mike Mason, Mayor

Kymberly Chereck, City Clerk

(Seal)

ATTACHMENT – MAYOR’S OPENING COMMENTS

An article recently appeared in the Patch that included some misinformation about the property located across from the Forum. This article has, unfortunately, perpetuated discussion based on that erroneous information. First, let me assure you that we all share a desire to see quality development across from the Forum and we also share a complete lack of interest in seeing another apartment complex developed there. While we have made, and continue to make, concerted efforts to prevent that from happening, we’re dealing with some significant constraints that were handed down to us.

Let me give you the facts:

- This property was zoned for apartments as part of a legal settlement between Roberts Properties and Gwinnett County. The US District Court for the Northern District of Georgia issued a consent order on Oct. 22, 2001 *mandating* that the property be rezoned RM-13, specifically for apartments.
- The County Commission had denied Roberts request for rezoning; but after the court ruling, the County not only had to rezone the property for apartments, but had to pay Mr. Roberts \$390,000 to cover his legal fees.
- As a result of this ruling, the City has no legal basis to change that zoning decision or in any way deny the owner their property rights. As much as we might want to, the City Council cannot overturn a court decision.
- However, the City can try to mitigate some of the impacts of this development.

For example, the original property was one large parcel zoned for approximately 297 apartments. At this time, the property is planned for development as 3 parcels, 2 of which are now designated as commercial. Those commercial developments will reduce the overall number of apartments that may be built on the remaining parcel which is still zoned for apartments. We have held, and will continue to hold, many meetings with the proposed purchaser in an effort to persuade them to develop a project more acceptable to our community. We are also seeking parties who might be interested in partnering with the proposed purchaser to change the nature of the development. These efforts will continue until there is no time left to us. You can be assured that we will do everything that we can, *legally*, concerning this property. But also understand that we are just as disappointed that there are limitations to what we can legally do.

The article in the Patch states that the apartment plans will have to be reviewed by the Planning Commission and will ultimately need the City Council’s approval to proceed. This is just not true. If the plans meet the building and zoning code requirements, the city will be obligated to issue a development permit. We don’t have the ability to reject a permit application if all the codes have been met.