

CITY OF PEACHTREE CORNERS
COUNCIL MEETING MINUTES
December 4, 2012 @ 7:30pm

The Mayor and Council of the City of Peachtree Corners held a Council Meeting on Tuesday, December 4, 2012 at 7:30pm and the meeting was held at Peachtree Corners City Hall, 147 Technology Parkway, Peachtree Corners, GA 30092. The following were in attendance:

| | |
|-------------------|--|
| Mayor | Mike Mason |
| Council Member | Phil Sadd - Post 1 - ABSENT |
| 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, S. Hastey, L. Felgin, S. Robichaux |
| City Manager | Julian Jackson |
| City Clerk | Kymberly Chereck |
| Acting City Clerk | Joan Jones |

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

MAYOR'S OPENING COMMENTS: Mayor Mason expressed his appreciation for holding this meeting in City Hall; he thanked the staff for their diligence in making it happen. He recognized Cherie Snyder for the artwork on the walls. Mayor announced the phone number for City Hall as of this coming Friday, will be 678-691-1200. In closing, Mayor Mason commented the council will hear their first zoning requests tonight and explained the public hearing process will be different from the normal public comment period.

MINUTES: Council Member Lowe motioned, seconded by Council Member Wright to approve the minutes of November 27, 2012 as presented. There being no further discussion, the motion carried unanimously.

AGENDA CONSIDERATION: Council Member Aulbach motioned, seconded by Council Member Christopher to approve tonight's agenda as presented. There being no further discussion, the motion carried and the agenda was approved as presented.

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 November 26th through November 30th which included information on recent meetings, review of Comprehensive Plan proposals, work done on renewal for Alcohol Licenses and Business Licenses.

City Manager Julian Jackson reported on the **Intergovernmental Agreement** with Gwinnett County regarding the Hotel/Motel Tax as well as the Car Rental Tax, explaining this IGA is in the draft stage and will be coming before council at their December 18th meeting.

OLD BUSINESS: The Second Read of an Ordinance to provide for participation by the City of Peachtree Corners, Georgia in the **Georgia Municipal Employees Benefit System (GMEBS)** Life and Health Program, in accordance with and subject to the terms of the GMEBS Life and Health Program Trust Agreement, the GMEBS Life and Health Program Participation Agreement, the Participating Employer's Declaration Page(s) and the rules governing the program, all as authorized and provided by the Chapter 5 of Title 47 of the O.C.G. A. to provide for an effective date, to repeal conflicting ordinances and for other purposes was held. City Manager Jackson explained this agreement will allow health insurance benefits for the city employees, GMA requires the agreement be passed by ordinance. Council Member Aulbach motioned, seconded by Council Member Christopher to approve this ordinance authorizing the participation in the Georgia Municipal Employee Benefit System for Peachtree Corners. There being no discussion, the motion carried unanimously. (**ORDINANCE 2012-12-69**)

NEW BUSINESS: ZONING CASE C1C2012-00001 The First Read and Public Hearing was held for the consideration of C1C2012-00001 for applicant Amer Habib for a change in conditions of zoning on property zoned C-2 to remove permit deadline and to reduce required buffer from 25 feet to 15 feet; in District 6, Land Lot 256; Parcel 124; the 5100 block of Buford Highway (1.89 acres).

Mayor Mason reviewed the process for public hearings, the staff will present information, applicants will speak, opposition will speak, there will be time for rebuttal and then the public hearing is closed. Acting Clerk Jones reminded Mayor and Council there is a 10 minute time frame for public hearings. Attorney Riley explained this will be considered the first read and the ordinance will come back to council for second read and consideration.

Community Development Director Wheeler reviewed the application, the history of the property (automobile sales and service) and the ongoing maintenance issues. In addition, she commented this property abuts Madison Ridge Subdivision which currently has new homes under construction; she reviewed the numerous conditions recommended by staff and the Planning Commission.

Mayor Mason opened the Public Hearing on rezoning case C1C2012-00001.

Eric Johansen representing the applicant addressed the council and provided a brief history of the property, describing its location and current use. Mr. Johansen described how the topography of the property makes sewer upgrades cost prohibitive (currently on septic system) and why the owner is seeking this rezoning which would allow additional parking space for vehicles under the Georgia Power Easements and power lines. He gave an overview of the buffer issues and tree plantings, explained the previous partners did not necessarily provide the proper upkeep of the property; however due to the location along Buford Highway and the nearby construction zones, the debris blows in from the highway and nearby construction areas. Mr. Johansen saved any time left for rebuttal. Council Member Aulbach noted the amount of debris on the property and Mr. Johansen explained the current owner has instructed his employees to make sure they pick up the trash on a regular basis and there is a commercial trash service for this property.

Attorney Riley reviewed the process for zoning public hearing is to hear testimony from the public and for council to ask questions or the citizens can address their concerns regarding the property. The time was stopped at this time.

Mayor Mason called for anyone wishing to speak in opposition.

Al St. George, East Jones Bridge Road, addressed the council and voiced his concern regarding the 15 foot setback, and what happens if this property is sold and how this will affect the neighborhood or the next owner. He asked council to consider this when discussing this zoning request.

Mr. Johansen used his rebuttal time, explaining there would be no vertical construction on this site and does not set a precedent for the city.

Mayor called for any further public comment on this zoning case. There being no further public comment the Mayor closed the public hearing.

Mayor Mason asked council for any discussion or questions for the applicant. Attorney Riley explained it is the appropriate time to ask applicant to address any concerns or make inquiry, the determination to make a decision will need to wait when a motion is considered at the second reading. Council Member Wright voiced his concern about the ongoing property maintenance issues; explaining past behavior is a good indicator of future behavior and asked how the owner will keep the property clean. Mr. Johansen explained this is a new procedure and there will be a bond in place to make sure the landscape improvements are completed and maintained. Community Development Director Wheeler provided information that having a three year landscape maintenance bond along with code enforcement will help to ensure the property is brought up to code and will be maintained. When asked by council, Mr. Johansen explained he can provide the requested bond and agrees it would not be a problem.

Attorney Riley confirmed the public hearing was closed.

ZONING CASE SUP2012-00001 and SUP2012-00002 –The First Read and Public Hearing was held for consideration of the applicant Wesleyan School for a Special Use Permit(s) in a R-100 Zoning District for a Private School Expansion to accommodate additional Athletic Fields in District 6, Land Lot 301 Parcels 011-013 in the 3600 Block of Spalding Terrace (5.99 acres) and for SUP2012-00002 the applicant Wesleyan School for a Special Use Permit in a R-100 Zoning District for a Private School Expansion to accommodate additional Tennis Courts in District 6, Land Lot 286, Parcels 033-034 in the 5300 Block of Spalding Terrace (3.46 acres).

Director Wheeler reviewed the two applicants will be considered together as it is one submitted plan for two separate parcels. She reviewed the application and site plans, noting the primary access will be from the main campus, the Spalding Terrace secondary access would only be for used maintenance and emergency access. There will be landscaping around the Tennis Courts and landscaping evergreen screening along Spalding Terrace. She reviewed the Planning Commission and staff recommended conditions. Council Member Lowe asked about sidewalks or is there anything different to be put in place at the entrance of the Spalding Terrace subdivision if these pine trees are taking down.

Mayor Mason opened the Public Hearing for both Special Use Permit(s) SUP2012-00001 and SUP2012-00002 requests and called for those wishing to speak on these issues.

Robert Candler, 1327 Peachtree Street, Construction Manager of Wesleyan School addressed the council and provided brief overlay of the existing campus and expansion for the tennis courts. This SUP is for all 11 courts, as Gwinnett County wants to incorporate the old SUP into the one this council is considering tonight. He reviewed the homes to be removed and the Lakefield property. He reviewed the existing fields, and explained the school has ten teams for Soccer and Lacrosse and the new fields would be to accommodate the schedule. In addition, Mr. Candler reviewed the field expansion, topography and landscaping, explaining as many trees will be saved as possible in order to leave as much natural buffer as possible. Mr. Candler reviewed the elevation of the tennis courts in relation to the street along Spalding Terrace, the courts will have lights, in the past Wesleyan did not have the property or the money to purchase/build tennis courts, that has since changed and stated there will be no more expansion. Mr. Candler asked to save any time left for rebuttal.

Mayor Mason called for anyone else wishing to speak in support of this zoning case. There being no one further to speak in support, he called for anyone speaking in opposition of this case.

Reverend Paul Reynolds of Spalding Terrace commented that people moved to this area because it is a unique area, he reviewed the types of home and acreage. This is a 30 lot subdivision and this project takes into consideration five lots at the front half of the community. This will affect the property home values, destroys the residential feel of this community. Mr. Reynolds explained there has been no impact study on this project, they had tennis courts approved once, now they are requesting additional courts, how will the momentum stop, this will alter the community.

Dean Hayes, Spalding Terrace voiced his concern stating this is a very narrow street, the trash trucks have to get off the street to allow other trucks to past. The sidewalks are not needed and some of the shrubbery has died and not been replaced.

Tom Brant of Spalding Terrace, the unstoppable momentum needs to be considered as Wesleyan currently owns a lot of the property along the street. He asked for the possibility of negotiating a branding/marquee for a neighborhood sign for Spalding Terrace. He stated the streets are very narrow, the properties are maintained; however, the landscape trucks have to park off the side of the street. In closing Mr. Brant asked for consideration on the square curbs which can damage tires when having to pass trucks, to see if round curbs can be installed for safety concerns.

Mayor Mason called for anyone else to speak in opposition of these zoning requests, there being no further comments he asked Mr. Candler for any rebuttal.

During rebuttal, Mr. Candler addressed the entrance of Spalding Terrace to the tennis courts, this entrance would be for maintenance and emergencies. He corrected there are only three homes that are being affected, not five and this master plan shows only residential usage, and there are some faculty and staff that live in this community. Mr. Candler explained that there will be initial construction vehicles but the bulk of the landscape/dirt will be hauled off using the campus access. The entrance will be made as wide as possible, the zoning calls for five foot sidewalks, while Spalding Drive has sidewalks, Spalding Terrace currently does not have sidewalks either side due to high curbs, the neighbors did not want them as they are intrusive.

Mayor Mason closed the public hearing and called for questions. Council Member Wright asked about additional homes availability, Mr. Candler explained if they become available, Wesleyan would be interested in purchasing and clarified the master plan calls for residential homes. Council Member Lowe asked about the current restrictions on construction hours, Ms. Wheeler explained there are codes/guidelines that must be followed. There was discussion of landscaping and curbing, any damaged curbs will be replaced along with the two homes that will be removed. When asked about the school receiving any complaints or issues regarding the tennis court lights, the school official (Vice President) present and Mr. Candler stated they are not aware of any lighting complaints.

ZONING CASE SUP2012-0003: The First Read and Public Hearing was held for the consideration of SUP2012-0003 for applicant Salem Leasing Corporation's request for a Special Use Permit in a M-1 Zoning District for Truck Sales/Leasing and Services at the 4900 Block of Buford Highway.

Director Wheeler reviewed the application for this property, explaining there is a single building on this property, which cannot be seen from Buford Highway and the applicant is requesting to use this building for their truck sales and leasing. This is consistent with the current zoning and the Planning Commission and

Staff recommend approval with certain conditions. Ms. Wheeler reviewed each condition and asked Council for any questions. Council Member Wright asked about the conditions from one case to the next, concerned about the differences in conditions.

Mayor Mason opened the public hearing for this zoning case.

Mr. Michael Tyler, Attorney representing Salem Leasing. He presented Mayor and Council with information regarding this property, explaining this business relocation is due to the size and access of the property. He reviewed an aerial photograph showing the building and accessibility and reiterated business will be limited to Salem Leasing customers. The building will be retrofitted for repair/supply shop while a portion will be renovated for office space. Mr. Tyler addressed the existing 75 foot undisturbed buffer and reviewed the surrounding business and properties in this area which are all M-1. He concluded and saved his time remaining for rebuttal.

Mayor Mason called for anyone else wishing to speak in support of this case. There being no one else to speak, he called for those in opposition to come forward. There being no one wishing to speak in opposition to this case, Mayor Mason closed the public hearing.

Mayor Mason called for any questions or concerns. Council Member Aulbach remarked this is a nice facility/area and there was a brief discussion with Mr. Tyler regarding the upgrades.

ADKC HOLDINGS (City Hall Lease): City Manager Jackson explained to council this second amendment to the city hall leasing contract is due to the fact that during the process to get a certificate of occupancy for this area, the owner would be required to build a firewall for the space not currently used by city hall, which is cost prohibitive. This amendment grants the city usage of the rest of this floor for \$10.00 a year. Council Member Aulbach motioned, seconded by Council Member Christopher to approve this action item regarding the second amendment to the ADKC Holdings Lease Agreement. There being no further discussion, the motion carried unanimously. **(ACTION ITEM)**

OTHER BUSINESS: No other business.

EXECUTIVE SESSION: Council Member Gratwick motioned, seconded by Council Member Wright to go into Executive Session for the discussion of one (1) Litigation Matter. There being no discussion the motion carried unanimously.

Council Member Christopher motioned, seconded by Council Member Gratwick to come out of Executive Session and resume the regular meeting. There being no further discussion, the motion carried unanimously and the meeting was resumed.

ADJOURNMENT: There being no further business, Council Member Christopher motioned, seconded by Council Member Gratwick to adjourn the meeting. There being no further discussion, the motion carried unanimously and the meeting was adjourned.

Approved,


Mike Mason, Mayor

Attest:


Joan C. Jones, Acting City Clerk