City Council of Peachtree City
Minutes of Meeting
August 21, 2008
7:00 p.m.

The City Council of Peachtree City met Thursday, August 21, 2008, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:02 p.m. Other Council Members present: Steve Boone, Don Haddix, Cyndi Plunkett, and Doug Sturbaum.

Announcements, Awards, Special Recognitions

Mayor Logsdon recognized the graduates of the Community Emergency Response Team. Logsdon recognized the Roller Hockey State Title Teams and State Wars Players. Tony Bernard of the Planning Department was recognized as the Employee of the Month. Logsdon read a proclamation of appreciation to the City to Assistant Finance Director Janet Camburn for her service.

Public Comment

There were none.

Agenda Changes

Plunkett moved to move Agenda Item 08-08-19 up to follow Agenda Item 08-08-14. Sturbaum seconded. The motion carried unanimously.

Minutes

Plunkett moved to approve the August 7, 2008, regular meeting minutes; the August 12, 2008, workshop minutes; and the July 17, 2008, regular meeting minutes with corrections listed. Haddix seconded. The motion carried unanimously.

Consent Agenda

1. **Consider Budget Adjustments – FY 2008**

Plunkett moved to approve the Consent Agenda item. Haddix seconded. The motion carried unanimously.

Old Agenda Items

03-08-01 Consider Comprehensive Revenue Analysis/Fee Changes

- **Recreation Facility Rental Fees and The Gathering Place User Fees**

Leisure Services Director Randy Gaddo reviewed the proposed Recreation and Gathering Place fees (a copy of his PowerPoint presentation is included in the official meeting file). Gaddo noted that Sport Field Rental Fees and the Test Proctoring Fee for the Library had been added to the proposal.

Gaddo continued that the recommended access fees for The Gathering Place were $10/person/year for City and County residents and $20/person/year for out-of-County users. The access fee did not include rentals or people taking instructional classes offered by the Recreation Department at The Gathering Place. The fee would be effective January 2, 2009, and fee collection would begin in the November/December time frame. They were also looking at access cards or other identification devices for users and guest passes. Gaddo indicated that $5,000 in annual revenue was expected and noted that many free benefits would be offered to the users, including coffee.

Gaddo continued that facility room rental fees would be charged to groups that had not been previously charged, such as churches, schools, and civic groups. The 3-No-Fee bookings per year (could be bumped up to one week before event for rental or instructional class) were still recommended. The 3-No-Fee bookings would be based on "organizational" events, not individual classes or groups. Civic groups must be based in the City and show an Internal Revenue Service "Letter of Determination" as proof of the organization's 501c(3) status. Gaddo noted that staff would develop guidelines, including exemption of organizations that did not qualify as charitable, but provided services in exchange for room usage, such as

"Music Alive." Gaddo said that youth sports associations would be exempt as they had separate agreements with the City. After the 3-No-Fee bookings, an organization could book a room for no more than a month ahead at full price, which, for churches, civic organizations and schools, would be half the price of the regular room rental fee. Gaddo stated that organizations that were outside of the City limits, but inside Fayette County, could get the reduced rate, but not the 3-No-Fee. Gaddo estimated an annual revenue of $5,000 to $8,000 could be generated.

Gaddo addressed the Sport Field Rental Fees and noted that staff would like to change from a per game to a per hour fee schedule. Staff had determined the current rate was higher than comparable sports fields. The rate would be per hour, per field, with a daily cap. Gaddo stated the annual revenue was uncertain, but the local hotels and businesses could benefit as well.

Gaddo continued with the Test Proctoring Fee for the Library, noting that the Library was one of the few available locations to offer monitored testing for college students. The fees would be $10 per test for in-County residents and $20 per test for out-of-County residents. Test proctoring required a secure room and qualified staff to administer the test. Gaddo said the administrative costs were in line with other libraries that offered the service. An estimate of $2,000 in annual revenue was projected.

Sturbaum and Plunkett questioned whether the sports field rental fees would be charged for extra practices. Gaddo replied they would be charged if it were outside the normal usage.

Boone commented the Gathering Place fees seemed in line and competitive, with the possibility of generating income to offset costs.

Plunkett questioned Gaddo on how many groups would use the room rentals. Gaddo noted that several rentals were month-to-month. Staff would work with the groups to ensure everyone understood everything. Plunkett expressed concern that a group from outside the City could come in and rent the room at the lower cost and bump a City organization, and said she would like to see the details worked out on that.

Haddix added that City organizations might consider being bumped for outside-City organizations a type of double taxation, because they could not use the City property. Gaddo said staff considered this the first step of a multi-step process. Boone noted there might not be a problem; they would have to see what happened. Logsdon stated it would be a work in progress for about a year.

Haddix moved to approve the comprehensive revenue analysis/fee changes, subject to change and revision as needed over time. Boone seconded. The motion carried unanimously.

<u>**New Agenda Items**</u>

08-08-11 Public Hearing – Consider Variance Request – SANY, Wetland Buffer

Logsdon noted that the public hearing for the SANY wetland buffer might need to be continued until the September 4 meeting. Kevin Woods, the SANY representative, commented that he was available to answer questions, but there were applications that had been submitted to the state and the Army Corps of Engineers that were awaiting approval. Woods said that one was projected to be approved very soon, and the other was expected to be approved September 8-12. Woods stated that it was very important to SANY to obtain the approval of the variance on September 4. City Attorney Ted Meeker confirmed that all the applications were now in, but were not approved in time for this meeting.

City Planner David Rast noted the additional variances could not discussed it at this meeting because they had not been submitted and advertised. Plunkett questioned why the variance was needed. Rast reviewed the meeting with a consultant that had occurred over one year ago, revealing the property contained a stream and wetlands that had to be addressed before a final site plan could be approved. Permits had to be obtained from the Army Corps of Engineers and the state, as their authority was above and beyond the City's concerning the wetlands. Plunkett noted that, even with those approvals in place, the City had additional buffer requirements that necessitate the variances.

Boone stated the item should go to September 4 as they did not have enough detail and to proceed could be confusing. Logsdon noted that Council approval would be contingent on the other approvals. Woods asked, if the state approval was obtained, whether the variance would be approved as well. Meeker stated it would still be up to the Council.

Logsdon said that a public hearing still needed to be held on the request. Haddix commented that they might need information from City Engineer Dave Borkowski. Rast added that the stream on the SANY property was the same one that ran through the Cooper property, and Council had approved the variance for Cooper.

Plunkett moved to continue the variance request and public hearing to September 4. Boone seconded. The motion carried unanimously.

08-08-12 Public Hearing – Consider Variance Request – American Tower, Senoia Road, Setback Encroachment

Barry Gannon of American Tower requested approval of the variance request from the Council. Rast reviewed the information about the variance request for the tower, located at 137 Senoia Road. The tower existed prior to the City's current telecommunication tower ordinance, so it did not meet the current requirements. American Tower proposed extending the base of the tower by an additional six-foot by 20-foot area to add another user. The current ordinance encouraged co-locating users to reduce the overall number of towers in the City. Rast showed photos of the area, with the proposed addition noted. Rast stated that the City had previously required a wooden fence around the base of the structure. The structure was not visible from off site and American Tower would be required to add landscaping. Rast said that staff recommended approval.

The public hearing opened. Robert Brown stated that it appeared no trees would be affected by the addition to the base, and questioned if that was the intent. Brown noted that it would not be too bad, but he would be opposed if it required cutting trees.

Logsdon closed the public hearing.

Plunkett asked Rast if the previous variance request in 2006 had required landscaping. Rast indicated it had not. The motion had carried unanimously as there were only scrub trees impacted by the previous expansion. Rast indicated that the City could require American Tower to replace any removed vegetation.

Haddix questioned the concrete pad. Gannon stated that the concrete pad was already there. Haddix asked if it would be extended, and Gannon indicated it would. Haddix expressed concern for the possibility of root kill to the existing trees. Gannon indicated the concrete pad would only extend approximately three feet into the six-foot requested variance. Rast noted that the concrete pad was only for the base of the tower, the remaining portion would be gravel. Meeker clarified that the new equipment was the reason for the extension. Haddix asked whether American Tower would replace any trees that died within two to five years. Gannon indicated they would be okay with that. Plunkett noted that protecting the buffer was the biggest concern and requested Meeker to draft wording to protect against substantial death of the trees.

Plunkett moved to approve the variance request for American Tower on Senoia Road with the conditions listed and the additional requirement that should construction damage or root kill any the existing trees within five years of this date, American Tower would replace them with trees of the existing caliper. Boone seconded. The motion carried unanimously.

08-08-13 Public Hearing – Consider Variance Request – Lake Forest, Setback Encroachment
Logsdon stated that no one from the variance request address, 101 Lake Forest Drive, was in attendance. Rast reviewed the variance request, noting for the record that the applicant had been notified of the hearing. Rast presented photos that showed an existing cluster home. The applicant requested a variance for a covered screened porch, which encroached into the setback. Rast stated that staff requested denial of the variance, as there was no compelling reason to grant one. If Council approved the variance, staff asked that additional landscaping be required.

No one spoke in favor of the variance. Robert Brown stated that silence should not be considered favoring the variance, that it could be opposition, and that without the owner present, the variance should be denied.

Logsdon closed the public hearing.

Haddix stated that the variance would be out of character for the neighborhood, and moved to deny the variance request at 101 Lake Forest Drive, especially considering the requestor was not in attendance. Boone seconded. The motion to deny carried unanimously.

08-08-14 Consider Approval of Peachtree City Tourism Association Budget
Bill Bexley, Peachtree City Tourism Association (PCTA) chairman, stated they were seeking approval of FY 2009 budget. Bexley reviewed the hotel/motel tax; concert ticket prices; changing concert series to two series with five performers each, but only one performance; fees for per class tennis lessons; rental income from office space; and restaurant rental income, noting that they had $69,465 in Amphitheater reserves. Bexley continued that the budget requested was $477,775. Logsdon noted that it was a big change to go from two-night performances to one night. Boone asked if they would keep Friday night or Saturday night. Bexley indicated Saturday night was the bigger night.

Logsdon asked if there was anyone in the audience who wanted to speak. Kimberly Westwood commented that she was a small sponsor at the Amphitheater. Westwood stated that she had spoken to other sponsors, and they wanted a say in changing the concert series. She expressed concern about the changes and whether sponsorship would become an issue. Plunkett noted that, if approved, a manager would be who the sponsors would approach with any issues.

Corey Nestlehutt, a mixed martial arts promoter, noted that he had held shows at the Amphitheater and felt a promoter was needed more than a manager. Nestlehutt stated that no one had asked him how he was able to make so much money on his show. Nestlehutt said that a promoter in house would work with the vendors, and that bigger acts could be drawn in by grouping with another venue, such as Chastain. Plunkett stated that more discussion would occur on these subjects at the September 2 workshop. Boone noted that they were good comments.

Al Yougel, of Keep Peachtree City Beautiful, stated that it was great for the PCTA and Recreation to bring in events, but a lot of litter could be left behind when the visitors left. Yougel requested that more attention be paid to that.

Plunkett moved to approve the PCTA budget. Boone seconded. The motion carried unanimously.

08-08-19 Consider Approval of Supplemental Agreement for Appropriation of Hotel/Motel Tax

Bexley stated that the PCTA was asking Council to approve a supplemental agreement for appropriation of the hotel/motel tax. He noted that the shortfall was due to a loss of revenue, particularly from ticket sales for the Amphitheater, and they were seeking assistance. Bexley said they were asking for $35,000 toward the cash shortfall. They would continue to monitor expenses and develop ways to increase revenue at both venues. Logsdon questioned if the PCTA was asking for $35,000 from Council's part of the hotel/motel tax. Bexley indicated that would be the amount needed to get them through October. Bexley noted that there were three more concerts, and they would know more after the season was over. Logsdon stated that one good concert could make the year. Bexley added three good ones would be great. Boone stated that he had no problem with the request. Boone moved to approve the supplemental agreement for appropriation of an additional $35,000 from the hotel/motel tax. Plunkett seconded. Haddix stipulated that the discussion would continue at the Council workshop. The motion carried unanimously.

08-08-15 Consider Approval of Amendments to PCTA Bylaws and Articles of Incorporation

Kai Wolter, PCTA vice-chairman, presented Council with the proposed changes to the Bylaws and Articles of Incorporation. Wolter stated that the proposal was to change Article 8, reducing voting members from three to two and adding a non-voting member. Logsdon asked why the change was needed. Plunkett responded that the current set-up was for a member of the hotel/motel industry to be a non-voting member, but Wolter was a voting member (a resident appointed to serve on the PTCA board by Council), as well as a member of the hotel/motel industry. Wolter noted that the PTCA was looking for quality more so than quantity of participants.

Haddix noted that additional language would need to be changed in Section 2.2 Purposes since the wording regarding the economic potential of the City and businesses referred to Development Authority functions. The wording should be changed so it would be a cooperative function between both entities. Logsdon said they should approve the changes that were requested, then make additional changes at a later time. Haddix said that made sense. Plunkett was concerned that changes in board members were needed. Haddix suggested the PCTA meet with the Development Authority to work out the details. Sturbaum questioned why there was no one representing the Fayette County Board of Education (BOE) on the PCTA board. Wolter stated that no one from the BOE had participated in two years. Plunkett added that the BOE had also never expressed an interest in participating as an ex-officio member, but was welcome to do so.

Haddix moved to approve the amendments to the PCTA Bylaws and Articles of Incorporation as written, with the stipulation of joint meetings between the Tourism Association and the Development Authority to work on the language of the Bylaws. Sturbaum seconded. The motion carried unanimously.

08-08-16 Alcohol License – NEW – Center Cut at Peachtree City (Towne Club)

Petrus Ros, representative of Center Cut at Peachtree City, was in attendance for the meeting. Plunkett questioned if Center Cut would be open to the public. Ros responded that it was private, open for the residents of Towne Club and their guests.

Boone moved to approve the alcohol license for Center Cut at Peachtree City. Haddix seconded. The motion carried unanimously.

08-08-17 Alcohol License – NEW – Irish Bred Pub

Jiri Matousek, representative of Irish Bred Pub, was in attendance for the meeting. Logsdon noted that Irish Bred Pub would be located in the old Three Dollar Café building. Boone asked if they would be remodeling the inside. Matousek stated that they were and anticipated a September 15 opening date. Sturbaum moved to approve the alcohol license for Irish Bred Pub. Haddix seconded. The motion carried unanimously.

08-08-18 Consider New Finance Ordinance

Meeker reviewed the new finance ordinance, stating that Fredia Korda had successfully been collecting Stormwater Utility fees, but noted that some people were behind in their payments, and were still able to pull permits from the City. Meeker commented the new finance ordinance addressed the issue and allowed other City departments to become active in collections.

Boone moved to approve the new finance ordinance. Sturbaum seconded. The motion carried unanimously.

08-08-20 Consider Sewer Easement – New Meade Field Pump Station and Force Main

City Engineer Dave Borkowski reviewed the background for the requested sewer easement. Borkowski said that the Water and Sewer Authority (WASA) had been working on their master plan over the last year. Borkowski showed photos depicting what existed in the area currently, with overlays indicating the proposed field pump station and force main. Borkowski stated that staff recommended approval. Borkowski said tMeade Field should not be affected by the construction, as it would be at the edge of the parking lot. At completion, gravel would be replaced as needed. Borkowski stated that Somerby had been approved with an easement, and there would be no building without approval. Borkowski noted that state law required connection within 200 feet of sewer service. Borkowski mentioned that he was meeting with the contractor, but the meeting was not until September 3. The Meade Field concession stand and restrooms could connect to the sewer as well.

Boone questioned if the Fayette County property could connect to the retail development's sewer because it was within the 200 feet. Meeker commented that the state law had more questions than answers. Meeker stated that state law read, "may connect if available," but a connection required Council approval. Meeker continued that the Environmental Protection Department (EPD) could say the sewer was not available because Council had not approved it, but the EPD answer could change that view six months to one year down the road.

Plunkett was concerned that, with the availability of sewer, the County could increase density on an undeveloped parcel located near the City limits. The County knew the density of the Rolader/Scarbrough tract that had requested to hook up to the sewer system, and Council had approved that connection. Plunkett noted there were no final plans for the tract she was concerned about and questioned if the City would be better protected to approve the pump station, but not the line extending beyond it to the City limits.

Larry Turner, the WASA general manager, corrected the information by stating it was a Health Department issue, not EPD. The County's Environmental Health Department required projects within 200 feet of a force main to hook into sewer. Turner noted the concern was the proximity to the County and gave Council a handout with site plan information. He said Jason Walls of Integrated Science and Engineering was available to discuss the County property in question, Southern Pines Plantation. The zoning for the project had been based on a specific site plan. The project included 57 acres of greenspace that could be used for an onsite treatment system, which had been designed and reviewed by EPD. Southern Pines Plantation could begin construction as soon as possible with an onsite sewage treatment plant, but they were interested in hooking up to the sewer system because it would be more economical. Turner stated that it had been informally agreed to that Southern Pines Plantation, Dominion Partners, and WASA would pay $200,000 each for the new pump station and force main, and WASA felt it could recover its share with hookup fees. Turner said that without approval from the Council, this deal would fall through. Dominion would not have sewer service.

Plunkett asked if there was another way to get sewer service to Dominion's project. Turner said there was, but it would be much more expensive. Haddix commented that the proposal could allow the County to have higher density. Turner said the County probably would not go along with that. Walls stated the Southern Pines project was an 80-acre project, with 25 acres zoned commercial, 15 acres zoned office-institutional,and the remainder zoned Agricultural Residential (AR). (The City's AR zoning stands for Agricultural Reserve, and Fayette County's AR zoning is Agricultural Residential. All AR references in this section apply to zoning in Fayette County.) Ten of the AR-zoned acres were set aside for an onsite treatment system, and 30 acres were for open space. The site plan was contingent on the zoning. Plunkett said the 10 acres set aside for septic could be rezoned for commercial. She wanted to know if putting the project on sewer would change anything.

Haddix was concerned that the availability of sewer would open the doors, and it could be out of Council's control. Boone stated that the same thing occurred with Senoia. He felt Council could control the density of anyone that wanted to connect to sewer. Haddix said that growth through annexation was not in the best interest of the City.

Logsdon asked Turner if WASA would pull out its $200,000 if the easement was not approved. Turner said the cost was approximately $200,000 for each party. Turner stated that WASA's money was recoverable if the cost were split three ways by increasing the connection fees. Plunkett looked at other options of running the line, including using the Dominion property, but Turner informed Plunkett that other locations would be cost prohibitive. McMullen confirmed that it would be more expensive to build the line in another location, because more pump stations would be required. Turner noted that WASA had to look at cost versus revenue.

Turner indicated that this had been in the works for over a year, with the City's knowledge. Plunkett said she had just learned about it the previous day. Logsdon stated that he remembered some discussions with former Council Members Kourajian and Rutherford. Plunkett asked if the new the Council Members had been informed; Haddix confirmed they had not. Boone said they could stipulate the right to say no to the County before authorization to tap into WASA.

Plunkett asked if approving the easement meant that they were approving the hook up to sewer now. Meeker confirmed that they were only looking at the easement. Plunkett felt more negotiations were necessary. Walls stated that Southern Pines Plantation was approved for septic, but sewer was an advantage, especially environmentally. Plunkett suggested tabling the item for a couple of weeks to allow more time for negotiations. Turner felt it could not be held off for four weeks, but two weeks would be acceptable.

Plunkett moved to continue the sewer easement discussion for the new Meade Field pump station and force main to the September 4 meeting. Haddix seconded. The motion carried unanimously.

08-08-21 Consider Dedication of Right-of-Way to GDOT

Rast presented information regarding the Shoppes of Village Piazza plans that needed easements. Rast noted there was a small portion of land on Highway 54 that Georgia Department of Transportation (GDOT) had earlier said they would accept for a maintenance easement in order to build the right-in, right-out turn lane. Recently, the DOT said they wanted the property dedicated to them as right-of-way. Pathway Communities did not have an issue with the request. Staff recommended Council consider a quit claim deed with restrictions for the 0.07 acre area. Sturbaum asked if there was a verbal agreement with Pathways. Rast commented that he would probably have a written agreement within one week.

Plunkett moved to approve the dedication of right-of-way to GDOT subject to a signed agreement with Pathway. Sturbaum seconded. The motion carried unanimously.

Council/Staff Topics

Financial Services Director Paul Salvatore announced that Standard and Poor's had reviewed the City and WASA bond ratings, and while staff was concerned there could be a downgrading, the City and WASA were upgraded to AAA, the highest bond rating issued. Salvatore noted that the only other two cities in Georgia with AAA ratings were Roswell and Alpharetta. Salvatore reviewed the reasons for the upgrade, including the City's strong financial practices, WASA's new bonds, the City's large, yet diverse tax base, and the City's established fiscal policy. Salvatore said it meant future interest rates would be the best available.

Rast updated Council on the CSX cart path bridge on Highway 54 West, noting that Ethan Allen and Yardtime had signed the easements, and staff was waiting for Cousins Properties to sign, which could be any day. Rast was confident that all would be ready to proceed in four weeks. McMullen commented that the City also needed permission to proceed from DOT.

Haddix commented that Wal-mart had recently moved newspapers inside to be sold. Haddix asked why and was told that the City required them to collect sales tax on newspapers. McMullen stated that he would check on the information and get back to Haddix.

Sturbaum asked staff to look at the costs to add a concession stand to the Braelinn fields restroom building.

Plunkett moved to convene in executive session to discuss pending litigation at 9:42 p.m. Boone seconded. The motion carried unanimously.

Logsdon moved to reconvene in regular session at 9:49 p.m. Haddix seconded. The motion carried unanimously.

There being no further business to discuss, Sturbaum moved to adjourn the meeting. Haddix seconded. The motion carried unanimously. The meeting adjourned at 9:49 p.m.

Linda Morton

Linda Morton, Recording Secretary

Harold K Logsdon

Harold K. Logsdon, Mayor

Betsy Tyler, Acting City Clerk