

**City Council of Peachtree City
Meeting Minutes
August 16, 2018
6:30 p.m.**

The Mayor and Council of Peachtree City met in regular session on Thursday, August 16, 2018. Mayor Vanessa Fleisch called the meeting to order at 6:30 p.m. Others attending: Terry Ernst, Mike King, Kevin Madden, and Phil Prebor.

Announcements, Awards, Special Recognition

Fleisch recognized Lt. David Winkles for his 20 years of service with the Fire Department. She also presented a proclamation to the American Payroll Association declaring National Payroll Week.

The Mayor reminded everyone that Peachtree City had its first-ever team in the Little League World Series, and there would be a watch party the following night at Flat Creek Club.

Minutes

August 2, 2018, Regular Meeting Minutes

August 7, 2018, Special Called Meeting Minutes – 7:30 a.m.

August 7, 2018, Special Called Meeting Minutes – 6:30 p.m.

King moved to approve the August 7, 2018, Special Called Meeting minutes at 7:30 a.m. and the August 7, 2018, Special Called Meeting Minutes at 6:30 p.m. Prebor seconded. Motion carried 5-0.

Ernst moved to approve the August 2, 2018, Regular Meeting minutes. Madden seconded. Motion carried 4-0-1, with King abstaining.

Consent Agenda

- 1. Consider Acceptance of Complete Annexation Application from Brent Holdings, LLC/Ravin Homes, SR 54 East**
- 2. Consider Agreement for Visiting Judge – Clay Collins**
- 3. Consider Stormwater Maintenance Agreement – Golf Rider**

Ernst moved to approve Consent Agenda items 1, 2, and 3. Madden seconded. Motion carried unanimously.

Old Agenda Items

08-18-02 Public Hearing – 2018 Millage Rates

Fleisch opened the public hearing.

Financial Services Director Paul Salvatore said this was the third, and final, public hearing on the millage rates. He reported the maintenance & operations (M&O) millage rate would remain at 6.232 mills, and the bond millage rate would be reduced from 0.273 mills to 0.176 mills. The total millage rate would be reduced from 6.505 to 6.408 mills.

Despite the reduction in the total millage rate, the proposed millage was considered a tax increase due to the increase in the assessed value of properties. The total increase in all net digest values was 4.17% (real and motor vehicle property), but the average increase in assessed values of only the real property in the City for 2018 was 4.99%.

Salvatore explained the impact of not doing a rollback to account for the increased assessed value. The tax bill for a \$200,000 home would increase by \$8.80 for the 6.232 M&O millage rate, but the bond millage, with a rate decrease to 0.176 mills, would drop by \$7.76 in revenue, with a

net result of a \$ 1.04 increase in the tax bill for that \$200,000 property. He continued that the net increase would be \$1.56 for a \$300,000 property, \$1.82 for a \$350,000 property, and \$2.08 for a \$400,000 property.

Salvatore then reviewed the net digest values over the past several years as they rebounded from the recession, increasing from a little more than \$1.9 billion in 2009 to more than \$2.3 billion in 2018. He said the tax digest values hit bottom about 2011 and climbed back to pre-recession levels in 2016. Salvatore noted there was a 12.5% increase in 2017, and the City did a full rollback that year.

Salvatore said Prebor had asked about different values on the tax bill. He said every tax bill was different, but provided a chart that showed that City taxes on a \$200,000 property would have increased by \$70 from 2009 to 2018. He said it was interesting to note that a home with a fair market value of \$243,000 in 2013 would be valued nearly \$100,000 higher in 2018. Prebor clarified that the average home's value went up \$63,000 over that 10-year time period, and City taxes on that home increased by \$259.

Next Salvatore showed the fiscal impact that rolling back the M&O millage would have on the General Fund for properties valued at \$200,000, \$300,000, and \$400,000. A decrease of 0.25 mills would save the owner of a \$200,000 property about \$20, but would reduce General Fund Revenues by \$578,000. A 0.5 mill decrease would save that property owner \$40 and reduce revenues by more than \$1.1 million, while a decrease of 0.75 mills would cut the tax bill by \$60, but also cut revenues by \$1.7 million. A reduction of a full mill would cut the tax bill by \$80, but reduce revenues by more than \$2.3 million.

There were no comments from the public, and no Council discussion. Fleisch closed the public hearing.

Old Agenda Items

08-18-03 Consider Adoption of 2018 Millage Rates

Salvatore said the recommendation was to adopt the Bond millage rate at 0.176 mills and the M&O millage rate at 6.232 mills.

City Manager Jon Rorie stated he would like to comment on the millage rate. He explained that each year the process started with the manager's proposed budget. What was being shown at the meeting was a large undertaking narrowed down to the lowest common denominator. One chart detailed how property values declined during a 10-year period, and then began to go back up. The millage rate went up in that period, but property values went down, so taxes went down, Rorie noted. Once the recession ended, the millage rate dropped, and the tax bill began to stabilize. Growth in the tax digest was now present due to increased building and higher property values.

Rorie said the millage rate hearings were required because the increased tax digest showed as a tax increase. However, the increase on a \$200,000 home amounted to \$1.04 a year, less than a dime a month.

Rorie went back to the fact that it was called the manager's proposed budget and noted that the City could save a lot of money by doing nothing. He said the City had made decisions in the past not to fund certain things, but those decisions eventually had resulted in increased costs. That was why the proposed millage rate was pragmatic, Rorie said, commenting that no one wanted to raise taxes, but the City had to be maintained, and service levels had to stay at a given level.

One debate involved using Special Purpose Local Option Sales Tax (SPLOST) money to fund certain things. A SPLOST referendum let voters decide on specific projects. Peachtree City voters overwhelmingly voted in favor of the last SPLOST and its projects, Rorie pointed out. Citizen satisfaction surveys showed that citizens wanted the City to fund certain things.

Rorie said there was a viewpoint that wanted to use SPLOST money and cut the millage rate. If the millage rate was reduced by one mill, that would eliminate \$1.8 million in General Fund revenue for paving. For six years, SPLOST dollars would pay for paving on the roads. At the end of six years, the SPLOST would go away, and the City would be missing \$1.8 million needed for paving. He said this would be repeating the mistakes of the past in kicking the can down the road and failing to recognize that maintaining the City was a priority and led to higher property values. It was a circular discussion.

Rorie said he wanted to make it clear that it was poor fiscal policy to not invest or re-invest in the infrastructure and amenities of the community, which could lead to a decline in property values with a net effect of having to reduce service levels or raise the millage rate. The manager's proposed budget was based on estimated revenue and expenses, which was not easy to do in a \$37 million budget. To use SPLOST to supplant the budget funds was poor fiscal policy, and the City was at the point it was at because they did exactly that in previous years and then had to take on debt. He might consider it, Rorie commented, if someone could tell him exactly how much SPLOST the City would net in January and February of 2022. It was not possible to predict that, and too big a risk to count on it. It was bad fiscal policy to spend money before it was generated.

Rorie emphasized that there was a difference between a business model and public administration. The City had to do maintain the service levels and have a high quality of life for its citizens.

Ernst moved to approve New Agenda item 08-18-03, adoption of the 2018 millage rates. Prebor seconded. Motion carried unanimously.

08-18-04 Public Hearing – Consider Variance, Rear Building Setback, 122 Masters Drive N

Prebor said he would recuse himself from this item because he had done business with the applicant.

Fleisch opened the public hearing.

Planning and Development Director Mike Warrix said the applicant, William Dye, was requesting a variance to allow an 11-foot encroachment into the rear setback. The property was zoned General Residential (GR), which required a minimum rear building setback of 20 feet. He showed an aerial shot of the home's location in The Fairways subdivision and pointed out the City greenbelt and existing deck.

Warrix said the applicant was asking for the variance to extend that deck to the end of the house. He showed a drawing that depicted the existing deck and outlined the proposed addition. Since the deck encroached into the buffer, the variance was required to bring the deck into compliance with the GR zoning district. Warrix also showed a letter of approval from the homeowners association (HOA). He also refreshed Council on the criteria for which they should judge a variance request.

Dye said he had lived in Peachtree City since 2003, but just recently moved to this house in The Fairways.

King asked Dye if the existing deck was there when he moved in. Dye said it was, and he believed the decks on all the houses were constructed when the houses in the neighborhood were built. He stated that many homes in the neighborhood had decks that were built into the setback, and it seemed that the City did not inspect them after they were built. He estimated the decks had been there since 1993 or 1994.

King remarked that a variance would be needed simply to do repairs such as replacing rotting timbers. Dye said it would, and added that they planned to repair the deck and bring it up to code if they were granted the variance to extend it. The house next door, Dye noted, had a roof over the deck. That house, he said, had apparently been granted two variances, one to build the deck and another to roof it. He said he was almost certain the roof was built with the house because there was no variation in the stucco and wood.

King asked if he would be bringing the deck out to the side and bringing it up to code. Dye said that was what he planned and would be adding another 12- by 15-foot segment to the existing 12-by-15 deck.

Madden said he had visited the site, and apparently the homes were all built almost to the edge of the setback, and all the decks were apparently put on without the City's approval. Dye said staff seemed to think no inspections were done on the decks after they were built. Dye explained that the setback was 20 feet, and the 12-foot deck encroached into the setback by 11 feet. Madden asked if he believed the 11-foot encroachment had been approved by the City. Dye said staff did not believe the deck was ever inspected by the City, but he could not vouch for what was going on in 1994. The builder, Bob Adams Homes, built many homes in the City, and perhaps had some leeway. King noted that in 1994 Peachtree City was in the midst of a building boom, and perhaps the inspectors could not keep up. Dye pointed out there had been many variances for decks approved in this neighborhood.

Fleisch asked if Dye did a survey when he bought the house. Dye said he did not, and Fleisch confirmed that he did not make obtaining this variance a condition for purchase. He said they had a copy of the original survey. Ernst asked how long he had lived in this house, and Dye said about three or four months.

Rorie reminded Council there was a time when certain things had not been regulated by the building code, and decks fell into that category. At that time, you could build a house, and then add a deck without getting a permit. He said he did not know if that was the case here. It was like when the zoning codes were updated, and certain things became legally non-conforming uses.

Madden clarified that Dye was not simply asking to rebuild the same deck; he was asking to enlarge it to the end of the house. He was trying to determine if the original deck was ever approved by the City. Warrix said a permit to build the deck was issued in 1996, but there was never a follow-up inspection.

Fleisch said her concern was when the variances became normal. If so many were issued, it became a normal process. She noted there had not been similar issues in other Bob Adams neighborhoods, just this one.

Madden asked if the new deck enclosure at the neighbor's house included air conditioning and walls. Dye said it was a screened-in porch. Madden asked if they could make it into a room, and Dye said they would need a permit for that.

Warrix that these were small lots, and the houses were built right up to the setback lines. Madden asked when Council approved the decks. Warrix said they did not know how many decks were approved by the Building Department. Information from that era was sketchy, he said. Madden said his concern was that if Council had granted variances for some of these decks, why should they not be done for all of them, and then what would stop the homeowners from turning them into enclosed rooms. He asked if they knew which decks were approved, and Warrix said they did not. Madden said Council had approved more variances than they had denied, so perhaps they should approve them all. He wondered if the City had looked at these decks to see if they were up to code.

Fleisch asked if Dye would need a variance to rebuild the existing deck, and Warrix said he would. Dye knew that when he bought four months ago, she noted.

Madden said the current deck was a violation and asked if Dye was asking for an additional eight-foot variance. He wanted to know if the current deck had received a variance and was told it had not.

The Mayor confirmed that Dye went into the home purchase knowing this deck did not conform to City requirements, and a variance would be needed before he could make any improvements. She said surveys were no longer required for home purchases, and many people did not want to spend the money to get a survey, then problems arose.

Madden asked Warrix if the neighbors received variances and building permits for their enclosed deck. Warrix explained that the variance was simply for the encroachment into the setback and did not regulate the type of structure. Now, Dye was trying to bring the non-conformity into compliance. In order to get a building permit for anything else, that non-conformity must be settled.

Madden said the deck was already encroaching 11 feet, and now the homeowner wanted to add another eight feet of encroachment into the 20-foot buffer. Fleisch explained this was not correct; it just increased the surface area of the deck. Warrix said the extension was going to the side of the house, not the rear.

King asked why there was a 20-foot setback, and if there was a reason why 20 feet was designated. He said setbacks went into all different types of terrain, some of which could not be built on. He asked if there would be any value in looking into changing the setback requirements.

Fleisch said if too many variances were approved, it invalidated out the process. Combined with the practices of the past, it might be worth considering. Warrix cautioned that changing the setback requirements could have unforeseen consequences. King said it could be looked at subdivision by subdivision.

Dye referred again to the aerial photo that showed nearly every house on his street with a deck that encroached into the setback.

King said since the deck addition did not go any further into the setback than the existing deck, he had no problem with approving the variance.

Fleisch closed the public hearing.

King moved to approve the variance to the rear-building setback at 122 Masters Drive N. Ernst seconded. The motion failed with 2 (King, Ernst)-2 (Fleisch, Madden).

08-18-05 Public Hearing – Consider Variance, Rear Building Setback, 126 Masters Drive N

Warrix explained this was another request for variance from the rear setback requirement [Section 1004.4(h)] of the GR zoning district, which required a minimum rear-building setback of 20 feet. The applicant was Rick Olson. Warrix said this was two homes down from the previous request. In this case, the applicant wanted to rebuild and expand an existing deck, as well as add a spiral staircase. The variance was needed before a building permit could be issued. He showed photos of the house and the site.

Fleisch opened the public hearing.

Chris Marosy of Integrity Construction Services represented the applicant. He said this was a similar situation to 122 Masters Drive, but involved a little more encroachment due to the addition of the staircase. However, Marosy reported, the variance would be no more than at the neighboring home, which was an encroachment of 10.9 feet, and this would be 10.8 feet. He said this was only regarding the stairs, and they might be able to manipulate the staircase in a different way. They were not looking to encroach any more than the original deck did, with the exception of the spiral staircase, which technically was an encroachment of 0.1 feet less than the neighbor's encroachment.

Anthony Filippelli of 128 Masters Drive said he had looked at the plans and had no objections.

John Dufresne noted that Section 902 of the Zoning Ordinance classified a deck as an accessory usage and said 902.6, subparagraph B, stated that if a residential structure was at least 50 feet wide at the rear property line, a single accessory use structure of no more than 100 square feet might be located in the rear setback area. Dufresne commented that, based on previous discussion, as long as the deck was 100 square feet or less, the decks could have been permitted without a variance.

Madden asked Marosy to point out the addition to the deck. He said it looked like additional encroachment to him. Marosy said the overall encroachment past the building line would be the spiral stairs.

Prebor inquired what he was asking for. Marosy said a variance would be needed for the deck and the stairs, but only the stairs went beyond the original encroachment into the rear setback. That could be remedied, he said, if that was a condition for approval. Prebor asked what the other neighbor's opinion was, and whether blocking the view would be a concern.

King asked if the HOA had approved this.

Rorie clarified that on the left side was 124 Masters Drive and on the right was 128. The neighbor on the other side was the one who obtained a variance in 1996. Madden said the deck at 124 Masters was nine feet.

Prebor said this request extended too far into the setback. He remarked that most of the houses built by Bob Adams Homes had small decks. Prebor speculated that maybe Dufresne was correct, and the builders did this because decks of less than 100 square feet were permissible. Prebor added that the City certainly had building inspectors in the 1990s, and perhaps this deck was added when it should not have been.

Marosy said he had been in construction for more than 20 years, and he could assure Prebor that the decks at both the Dye and the Olson homes were original, judging by their appearance. They

may not have had a final inspection, he commented, but there was a door leading to the decks, and the doors were inspected. Marosy pointed out the Zoning Department had several copies of the plats, and some had pencil markings. He said he believed there was some understanding with the builder.

Fleisch closed the public hearing.

Madden moved to deny the variance for New Agenda item 08-18-05. Prebor seconded. Motion carried 3-2(King, Ernst).

08-18-06 Consider Purchase of ALS Patient Simulator and Associated Donation and Budget Amendment

Fire Chief Joe O'Connor explained that \$28,000 was included in the 2018 Emergency Medical Services (EMS) Operating Budget to purchase an Advanced Life Support (ALS) Patient Simulator. However, that was based on a price quote that was several years old and no longer valid. New price quotes showed the simulators to be substantially more expensive. The Peachtree City Volunteer Firefighters Association offered a donation of \$5,000 toward this purchase, but money would have to be moved from the Fire budget to the EMS budget to make up the difference. The total delivered price would be \$41,637.

O'Connor continued that the simulator gave a realistic depiction of a patient and could be programmed for a variety of medical conditions. Paramedics would use the simulator for training purposes. The Mayor requested that he bring it to a Council meeting when it arrived.

Fleisch asked how long these simulators lasted, and O'Connor said 10 years at least, adding they were looking at adding a warranty.

King moved to approve New Agenda item 08-18-06, purchase of an ALS Patient Simulator and associated donation and budget amendment. Ernst seconded. Motion carried unanimously.

08-18-07 Consider Application for Georgia Public Libraries Major Repair & Renovation Grant

Library Administrator Jill Prouty said she was asking Council approve the Library's application for the Georgia Public Libraries Major Repair and Renovation Grant for the state's 2020 fiscal year, beginning July 1, 2019. The money would be used to renovate the upstairs restrooms. By approving this, the City would be committing to funding half the project amount, which would be \$20,784.83, making the City's portion \$10,392.42.

Prouty went on to say that the restrooms were renovated in 2005, and they had learned a lot since that project. In the restrooms, they had discovered that simpler was usually better and had learned to choose fixtures with fewer maintenance requirements and surfaces that were resistant to graffiti.

Rorie said \$250,000 had been budgeted for building upgrades, so the money was there. The renovations would be done whether the grant was approved or not.

Prebor moved to approved New Agenda item 08-18-07, application for Georgia Public Libraries Major Repair and Renovation Grant Program. Madden seconded. Motion carried unanimously.

Council/Staff Topics

Discuss Public Hearing & Public Participation Procedures

Public Information Officer/City Clerk Betsy Tyler said staff had been tasked with updating ordinances, and the public participation ordinance, which defined conditions for public comments at the beginning of Council meetings, contained some confusing language. She said there was a two-minute period for anyone to speak about an item not on that meeting's agenda. In the same section was a statement that said persons wishing to speak on an item on the agenda that was not part of a public hearing would be allowed three minutes.

In addition, the public hearing ordinance allowed each side 10 minutes to make its case to Council, which was required by state law, and the public hearing protocol read at the meetings asked speakers to keep their remarks under five minutes. She said the goals were to allow all persons to have the opportunity to speak in these quasi-judicial zoning, annexation, or variance proceedings. Tyler noted it was important to avoid repetition among the speakers or to allow one speaker to monopolize all the time. She said there needed to be consistency, to ensure fairness to all sides, but also to allow City business to be conducted in a timely manner.

With those goals in mind, Tyler presented a recommendation to standardize speaking times with a 10/5/2 breakdown. Public comment times at the beginning of the meeting would be kept at two minutes per speaker. If Council took comments on agenda items not in a public hearing, the comments would be limited to two minutes for individuals, with a total of 10 minutes of comment time. The public hearing ordinance would include the language of allowing five minutes to each individual, with 10 minutes per side, or 20 minutes total, for zoning related matters and 10 minutes total for non-zoning issues, such as for the budget or for adopting the Capital Improvements elements of the Comprehensive Plan. Council would have the discretion to extend these numbers with a majority vote.

Prebor asked City Attorney Ted Meeker if the time would be extended before the public speakers began or after time ran out if it was obvious there were many people wanting to speak. Meeker said it could be done either way, noting that the Mayor could call for a vote in advance if many people were present. Rorie noted this was staff's opinion, and in most cases, these guidelines would be sufficient. He said there was no intention to limit public input, just to ensure efficiency in operations. He said it allowed the time limits to be known ahead of time, before any controversial issues were raised, but also allowed flexibility to change the time limits if circumstances required.

Tyler asked Council to review the recommendations, noting that the 10 minutes per side for zoning-related issues was state-mandated and could not be changed.

In other business, Rorie said he was pleased to report that the valve for Lake Peachtree had been closed for about two weeks, and they were trying to capture as much rainfall as possible to fill the lake. There still needed to be small releases downstream to fulfill environmental permitting requirements, but the lake was being filled.

There were a number of small projects that still needed to be completed over the next six to eight weeks, Rorie said. The entire project should be 90% to 95% complete by October 15. Cart path repair and maintenance, along with landscaping on both sides of the bridge, were among the needed tasks. The bridge was in place and needed to be connected on both sides. Engineering and Public Works were working to realign the cart path on the other side.

Rorie noted that 784.5 feet was normal pool. That afternoon, the lake was 776.2 feet, meaning an additional eight feet were needed to be at normal pool. Rorie said they had been indicating

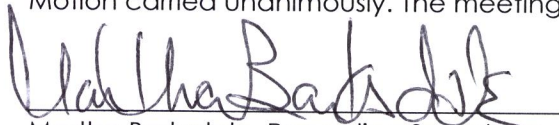
since early March that they were behind due to weather. One inch of rain added about one foot of rise, so when an additional eight inches of rain had been recorded, the lake would be full. He said normal rainfall for September was four to five inches, about half the amount needed to fill the lake. More rain was good for that purpose, but would prevent completing the other projects. Rorie said staff was working on all these projects, and mid-October was a reasonable completion date.

The Mayor noted that Lake Kedron was looking better as well.

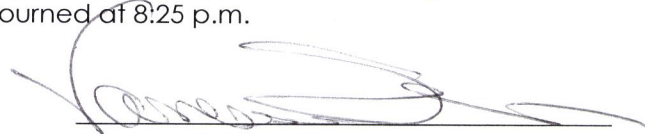
King moved to convene in executive session to discuss pending or threatened litigation and the acquisition or sale of real estate at 7:45 p.m. Madden seconded. Motion carried unanimously.

King moved to reconvene in regular session at 8:24 p.m. Ernst seconded. Motion carried unanimously.

There being no further business to discuss, King moved to adjourn the meeting. Ernst seconded. Motion carried unanimously. The meeting adjourned at 8:25 p.m.



Martha Barksdale, Recording Secretary



Vanessa Fleisch, Mayor