City Council of Peachtree City
Meeting Minutes
July 12, 2012
7:00 p.m.

The Mayor and City Council of the City of Peachtree City met in regular session on Thursday, July 21, 2012. Mayor Haddix called the meeting to order at 7:00 p.m. Other Council Members in attendance: George Dienhart, Vanessa Fleisch, Eric Imker, and Kim Learnard.

Announcements, Awards, Special Recognition

Recognize Winners from the July 4th Parade

Mayor Haddix recognized the float and golf cart winners from the July 4th parade. Those recognized included the Peachtree City Tennis Center, Michael Otero, third place golf cart; Chuck Micallef, second place golf cart; New Neighbor League Club, Lynn Meloche, first place golf cart; Mucklow's Fine Jewelry, Robert Mucklow, Most Patriotic trophy; Fayette Outdoor YMCA, Samantha Spradley and Hailey Clark, Most Creative trophy; Jason Thompson, Mayor's trophy; and Girl Scout Service Unit 617, Christy Utt and Girl Scouts, Grand Marshal's trophy.

Public Comment

Ryan Chapman, a member of Boy Scout Troop 175, addressed Council concerning the golf cart path behind his house on Sterling Point, noting he had filed a complaint via the City's website three months ago regarding the unsafe conditions on the path due to tree roots breaking up the path. He asked what the next step should be to get the path repaired. City Engineer Dave Borkowski said he was not familiar with the complaint, but he would look into the matter and see where that portion of the path was listed and prioritized on the cart path repair list. Learnard thanked Chapman for following up, adding the City would follow-up with him to see how things could be done better the next time.

Agenda Changes

There were none.

Minutes

June 18, 2012, Workshop Minutes

June 21, 2012, Regular Meeting Minutes

Fleisch moved to approve the June 18, 2012, workshop minutes and the June 21, 2012, regular meeting minutes as written. Imker seconded. Motion carried unanimously.

Monthly Reports

Haddix noted there were additional documents on the dais – several Monthly Reports. There were no comments on the Monthly Reports.

Consent Agenda

1. **Consider Budget Amendments – FY 2012**
2. **Consider Amendments to Governmental Finance Corporation Bylaws Relative to Meeting Notices for Consistency with State Law**
3. **Consider Georgia Dept. of Transportation Mowing and Maintenance Agreement**

Fleisch moved to approve Consent Agenda items 1, 2, and 3 as presented. Learnard seconded. Motion carried unanimously.

Old Agenda Items

06-12-01 Discuss Request from Resident to Consider Selling a Portion of Platted Greenbelt

Imker noted that City Planner David Rast was unable to attend the meeting to discuss the request, and the property owner agreed to continue the agenda item.

Imker moved to continue the discussion on the resident's request to consider selling a portion of platted greenbelt to the August 2 meeting. Learnard seconded. Motion carried unanimously.

New Agenda Items

07-12-01 Public Hearing – Consider Step One Annexation Request - Southern Pines Tract

David Kirk of Troutman Sanders, LLP, spoke on behalf of the applicant, Southern Pines Plantation Commercial Group, LLC, (SPP). Kirk noted there had been a number of proposals for the property's development since it was acquired by SPP in 2004, but none had come to fruition for a number of reasons. He continued it was time to move forward with a project that made sense, would be an asset to the community, and would be compatible with the surrounding development. Kirk added that this was the beginning of the process and there were many details to be worked out and considered, and SPP would work in good faith with the City if the Step One request was approved.

Kirk continued that the 77-acre tract was located at the intersection of SR 74/Redwine Road, between Meade Field, the City's boundary, Starr's Mill Academy Preschool, and the Brechin Park subdivision. The current Fayette County zoning was a mix of community commercial, office-institutional, and agricultural residential, which allowed approximately 175,000 square feet of retail and office space. The proposal SPP hoped to bring to the City would be less intensive, primarily residential with a small office component located at the intersection.

Kirk said two main office buildings would flank the entrance, one side would be one and one-half acres and the other side would be approximately two acres. SPP envisioned the office uses as medical/dental to complement the surrounding uses. The remainder of the project would be residential, with approximately 90 lots and an amenity area with pocket parks and greenspace scattered throughout the subdivision. There would be sidewalks and multi-purpose paths throughout the development, linking it internally and to adjacent uses. SPP envisioned the project on sewer and understood there was capacity available for the development and that there were preliminary plans for a lift station that had been worked on for this site and the overall area. SPP would work with the City on the details on how to serve the property and others, as well as a fair allocation of the costs of the improvements. Step One was a preliminary stage and he would answer questions and listen to concerns.

Haddix opened the public hearing. No one spoke for or against the Step One annexation request. Haddix closed the public hearing.

Dienhart asked Kirk if the development could connect the golf cart path to the Starr's Mill School Complex. Fleisch questioned if that was possible since the path would have to cross into the County. City Attorney Ted Meeker said that could be discussed as the application for annexation moved forward. Kirk said there was an existing tunnel under SR 74 just west of the site, and the developer was open to discussing the possibility.

Learnard asked how many homes would be part of the residential component. Kirk said there would be 90 homes, approximately two lots per acre. The price point they were considering was in the mid-$300,000 range. Learnard verified that the developer wanted the project to be on sewer, which was the reason for the proposed annexation. Kirk said they understood there was sufficient capacity, and the developer would work with the Water and Sewerage Authority (WASA) regarding the lift station and other details if Council approved moving to the next step.

Fleisch said she had spoken with WASA General Manager Stephen Hogan, who had been unable to attend the meeting. She continued that Council's priority was to not allow proliferation of sewer into the county. She said there would need to be a 200-foot border around the project, with the exception of the Meade Field side, to keep the sewer from moving into the County. Fleisch was also concerned about golf cart connectivity into Brechin Park, and who would own and maintain that path. Fleisch said she met with members of the Wilshire Estates Home Owners Association (HOA), noting they seemed enamored of the proposed residential development, as did the Brechin Park residents she spoke with.

City Manager Jim Pennington emphasized that this was only the Step One request. If Council approved the request, it only meant that staff could look at the plan and start the process. Any plan presented must go through the Planning Commission, WASA, and staff before it came to Council. The question was whether Council was interested in moving forward.

Haddix questioned whether there was an agreement for the developer to give some land to Fayette County. Kirk said he understood that had been discussed, but he had not been able to find anything beyond the discussion stage. Given the nature of the development, residential as opposed to commercial or industrial, there should be less of a concern to provide a significant buffer as there had been in 2000. There had been two additional rezonings of the property since 2000, and giving the County some land had not been part of those discussions.

Haddix was concerned whether more residential development would benefit the City, noting there were a number of vacant homes, and homes were a negative as far as infrastructure and service costs. He did not want to do a disservice to the citizens trying to sell their existing homes. Kirk said he did not see the proposed development as competition. His understanding was the City was in pretty good shape, possibly on the upswing. He felt the project would be a good fit and would complement the City.

Fleisch said that, as of that day, there were 217 homes for sale in the City. The absorption rate (the rate at which available homes sell in a specific area) for new homes was one and one-half months. For the rest of the City, there was a 4.9 month supply. There were 37 houses for sale in the $300,000 – $400,000 price range. The average age of a house in the City was 21 years, and the older homes in the City that were selling had been updated, and multiple offers were also made on those homes. The homes that were not selling were those that showed their age. The $300,000 – $400,000 price point was good for buyers, but she was concerned given the current state of the real estate market.

Fleisch continued that the proposed annexation was an opportunity to solidify the natural boundary of the City at SR 74/Redwine Road. It was also the opportunity to have that property as residential rather than a hodgepodge of office and retail in the County. Finally, it was a way to look at improving the southern entrance to the City, which had not been as attractive since the widening of SR 74.

Dienhart asked Fleisch what the absorption rate was for the price point in question. Fleisch said she did not have that data, but could get it. Dienhart said the City was also looking at a new signage program, and it would be nice to be able to use it in a new area. Kirk said it was appropriate to have as a discussion it if the project moved forward.

Learnard pointed out that approval of Step One did not imply that Council would ultimately approve the annexation, but allowed staff the opportunity to work with the applicant to develop a detailed analysis, a schematic master plan, and a more informed recommendation that would ultimately be considered by Council. Learnard said she was ready to move forward.

Imker said he was also prepared to give SPP approval to talk to staff.

Haddix said he was concerned about the 200-foot rule for sewer connection. Fleisch said that could be worked out through the negotiation process. Haddix said he understood that, but he could not tell the depth of the lots from the drawing shown that night. The lots looked close to Brechin Park. Fleisch said this was preliminary anyway, asking Kirk if it would be possible to add the buffer. Kirk said he did not think a 200-foot border around the property would work with the finances of the project, but in concept, it would be true as far as ensuring there was sufficient distance to keep sewer inside the City limits. Kirk added that was something the developer would work on with staff and WASA. It was Council's decision whether the process could move forward. Haddix said he could support moving forward with the annexation application process, but it would take a lot of persuasion for him to approve an annexation.

Imker moved to approve the Step One annexation request for the Southern Pines tract. Learnard seconded. Motion carried unanimously.

07-12-02 Public Hearing – Variance – Fayette County, Lake McIntosh
Borkowski addressed Council, saying the County had requested the variance from the Watershed Protection Buffer Ordinance. Per the literal translation of the ordinance, Borkowski said only a cart path would be allowed. The proposed plan included a boat ramp, covered pavilion, restroom building, playground picnic shelters, paved parking lot, and paved walking paths, most of which would be located within the buffer (a total of 150 feet as measured from normal pool elevation). Staff recommended approval with the following three conditions:

1. *A plat of the subject tract must be provided which indicates the appropriate watershed protection buffers (100-foot undisturbed vegetation buffer and 50-foot no impervious buffer). The plat must clearly identify the limits of encroachment for the proposed improvements within these buffers, and the variance shall be limited to these encroachments.*
2. *No additional improvements shall be constructed within these buffers without first securing a variance.*
3. *Following completion of construction activities, the Applicant shall provide a revised Foundation Survey to the Building Official identifying the location of the new construction. The purpose of this survey is to ensure the new construction does not encroach any further into the no impervious setback than permitted by this variance.*

Borkowski added that Tony Parrott from the Fayette County Water System was at the meeting and could answer any questions.

Haddix opened the public hearing. No one spoke in favor or against the proposed variance. Haddix closed the public hearing.

Learnard said if there was no variance, there would be no park. She was ready to move forward.

Haddix asked Meeker if there were any possible legal issues. Meeker said there were none.

Imker said the park would provide enjoyment to citizens and increase values in the City, adding campsites would enhance the area even further.

Learnard moved to approve the variance request for construction of the Lake McIntosh Park. Fleisch seconded. Motion carried unanimously.

07-12-03 Consider Temporary Construction Easement for BCS Pond
Haddix noted there was an additional document on the dais – a copy of the proposed easement. Haddix said he would not be taking part in the discussion or the voting on this agenda item.

Borkowski said staff recommended approval of the temporary construction easement that was needed for maintenance work at the Bradford/Creekside/Southside (BCS) Pond. The work had to be done at the outlet of the pond, which was close to the property located at 506 Creekside Way. An easement from the owners of 506 Creekside Way was the best way to get to the outlet structure. Borkowski said the existing easement was inadequate for access as it was currently platted. Staff negotiated a temporary construction easement going from the end of Creekside Way through the existing driveway then veering left to get to the outlet and the existing easement. The proposal at this meeting was to purchase the right for the construction easement. To use the existing easement, the City would need to purchase an additional area to enable the City to get the equipment needed for the work in place. In summary, staff proposed purchasing a temporary construction easement for $28,000, rather than doing a change order with the contractor for the existing easement, which would cost $45,000 just for the change order, in addition to the cost for the legal fees, appraisals, and funds to purchase the additional easement.

Imker asked how long the easement would be needed and how long it was. Borkowski said it was 60 – 75 feet, and the entire easement area was 3,124 square feet. Imker asked how much it would cost to repair the 60 feet of driveway, estimating $3,000. Borkowski said it would cost $6,000. Imker asked why the cost of the temporary easement was $28,000. Borkowski said that was what was negotiated. Imker said he could not accept that. Dienhart agreed, adding the property owner was taking advantage of the situation.

Learnard asked if they all agreed the maintenance work needed to be on the pond. Dienhart said he agreed with that, but it was the cost of replacing the driveway that irritated him and Imker.

Imker continued that the cost was $6,000 to replace the area of the driveway plus another $4,000 to match the concrete to the rest, which was only fair. He estimated the inconvenience to the homeowners at another $5,000 – $7,000. He said the total cost should be half of what was on the table.

Meeker said one of the issues staff had looked at was whether the repairs to the driveway would match the remaining portion. Staff had been told there were different processes that could be used, but over time, the replacement concrete would not match the rest of the driveway. The prices for redoing the entire driveway were $36,000 – $38,000.

Mary Giles, noting this was a temporary easement for a particular project, asked if the City would ever need to go back in for additional repairs or maintenance. Meeker said that was possible. Giles said that $28,000 possibly was not a final figure.

Imker said that 10 – 20 years down the road the dam would need maintenance, which meant trees would have to be taken off the dam. The existing easement would be used then and possibly widened. In the future, additional money would need to be spent. Now they were just repairing the outlet. Meeker said that was why he had answered Giles' earlier question as possible. They did not want to take all the trees off the dam at this point.

Giles said there should be a possibility for a permanent easement to be put in place for long-term maintenance. Borkowski said staff had tried to get a permanent easement, and what was shown at this meeting was what the homeowners and their attorney had agreed to do. They were not willing to make the easement permanent. It was not ideal, but it was the only way staff could come up with a solution to fix what needed to be fixed immediately.

Imker asked how serious the needed repairs were and whether they could wait until next year. Borkowski said he could not say as things could change and the problem could get worse. Meeker said there was no indication of dam failure, but everyone agreed, including the consulting engineers, the City needed to move on the repairs.

Imker said he did not like being taken advantage of, especially when the price was double what should be paid. He would rather spend more to widen the current easement because it would pay off in the future.

Dienhart asked if there was any existing damage to the driveway that was not part of the easement. Borkowski said it was an old driveway, and it was cracked and aged.

David Chapman, who said he was a retired Army aviator, said the Army and the National Guard had done civil projects in the past to sling load equipment. There was always the option to do a joint military/civilian exercise to sling load the equipment into the pond area and sling load it out. Dienhart asked if that had been considered. Imker said there were now two options – widening the existing easement and sling loading in the equipment.

Meeker asked Council to continue the agenda item so staff could talk to the property owner again and explore the new ideas. Imker said the property owners needed to know the City would not be taken advantage of, adding they were more than happy to work with them, but they had to be reasonable.

Learnard moved to continue the agenda item. Imker seconded. Motion carried 4-0-1 (Haddix).

07-12-04 Consider Amending Oath of Office under City Charter and Initiating Procedure under Georgia Home Rule Act

Fleisch said she and Haddix had recently attended a firefighter swearing-in ceremony. Afterwards, she had looked at the Council oath, which had been changed a few years ago, but had never been changed in the City's Charter. This was an opportunity to rework the Council oath and update it, plus make the necessary changes to the City Charter.

Meeker said the changes had to be prepared, a legal notice had to be run for three weeks, then two readings of the amendment to the charter were required. Haddix asked if the two readings were required prior to a vote. Meeker said that was correct, adding those were the requirements to move the item forward. He said the motion that eventing would be to move forward with the procedure only, not to approve any changes at this time.

Dienhart's concern was the staff time needed for amending the oath and the charter. Fleisch said she would make the necessary changes. Everything would be legal when it was done.

Dienhart moved to authorize staff to move forward with amendment the oath of office under the City Charter. Fleisch seconded. Motion carried 4-1 (Imker).

07-12-05 Consider Elimination/Replacement of One Position in Human Resources

Pennington said he had recommended the replacement of the Human Resources Administrator position with the new position of Director, Human Resources and Risk Management, in May. He found Human Resources was mixed with Risk Management, giving the position responsibilities that were much broader than they had been in the past. The proposed title would more adequately reflect what the position did on a day-to-day basis. It was a very intensive position, dealing frequently with legal counsel and the City's insurance groups. The job description was rewritten and sent to the Mercer Group for review, who signed off on the recommendation.

Imker asked how the salary change would affect the budget. Pennington said the cost for the remainder of the fiscal year would be $2,300. The increase for the FY 2013 year would be $10,000 annually. Pennington added the change would advance the position to the executive staff level. Imker asked if the salary increase was included in the FY 2013 budget. Pennington said the anticipated increase was included.

Imker moved to approve the elimination/replacement of one position in Human Resources. Fleisch seconded. Motion carried unanimously.

<u>Council/Staff Topics</u>

Hot Topics Update

Pennington asked Community Services Director Jon Rorie to give an update on the work at the Kedron Fieldhouse and the alarm systems.

Rorie said the work had been constant at Kedron since the fire. There had been extensive water and smoke damage throughout the facility, requiring repair and replacement of flooring, including the gym floor, as well as tile and carpet. Some HVAC ductwork had to be replaced, the entire facility has been repainted, and new insulation had been installed. Staff had also completed some ancillary projects during that time. There were still issues remaining, and staff would continue to work diligently to get those things done. Rorie said they were not insurance-related issues, but items that were on the repair and maintenance logs.

Rorie continued that, due to the closure of Kedron, staff would like to hold an open house to market some recreation programs, giving the instructors the opportunity to have a meet and greet. He asked Council to authorize a "free swim" for the open house for a few hours. The Recreation & Special Events Advisory Committee would plan the event.

Rorie continued that a key issue remaining throughout all City facilities was the inspection and evaluation of all the alarm systems. Rorie said his staff had been working with Fire Marshall Dave Williamson and the Fire Department on the testing. Staff knew that one of the problems with the alarm system at Kedron was the ability for the alarm panel to communicate with the alarm company and dial out. Kedron, the Library, Gathering Place, and Glenloch had been tested and were working as they should. The panel at Kedron was working properly, but Rorie said it was a short-term fix. There was a need to upgrade the panel and bring it up to the current code requirements with a built-in redundancy so it would dial out when it was needed. This was not an insurance issue, and the initial quotes from three companies were all in the range of $15,000. There was $12,000 available in the current budget as a capital outlay item to replace a utility vault located at the Kedron facility. It had been in the budget for over five years, but the actual replacement cost was approximately $30,000. Rorie proposed using the capital outlay money to upgrade and replace the alarm system now and add the vault replacement, with Council approval, to the Facilities Authority bond list for future consideration. Pennington said staff was not asking for Council approval at this time, but wanted Council to be aware of the situation.

Fleisch asked Rorie what kind of vault needed replacement. Rorie said another term would be a pit box, for pressure-reducing or backflow that came off the main water line. The vault in use was home-made and was beginning to fail, at times filling up with water. Fleisch asked if the other facilities had the same type of panel as Kedron, since they were all built around the same time. Rorie said not all the panels needed to be replaced; they just needed to ensure they were working properly.

Pennington referred to an issue that had come up during the 4th of July festivities when there were tarps placed out several days early, some with stakes in the ground, during the extreme heat. Staff was working on a policy regarding the issue that would be brought to Council.

Learnard addressed the upcoming regional Transportation Special Purpose Local Option Sales Tax (TSPLOST) vote on July 31. She said it was an individual decision, adding she had never heard so much conversation on something was not an election of a person. The County Engineer had put together a concise fact sheet that was available through the City website, and Learnard recommended that voters read it over.

Dienhart said the controversy stemmed from the funding earmarked for mass transit, adding it would have a better chance of voter approval if it had been split into two referendums – one for mass transit and one for roads. He said he would vote against it.

Learnard asked when Council would hear the results of the Comprehensive Plan roundtable discussions held in April. Pennington said City Planner David Rast was working on a report.

Learnard said a lacrosse tournament was held a month ago, noting Pennington was working on an after action report. Pennington said, at this point, everything looked good, but there some things the City would need to do. Learnard said it had been a big southeastern girls lacrosse tournament, and it would be an opportunity to assess how things worked. Pennington said it provided an opportunity find what worked well and what did not at the City's facilities.

Learnard moved to convene in executive session at 8:17 p.m. for pending or threatened litigation. Fleisch seconded. Motion carried unanimously.

Haddix thanked staff for the work done behind the scenes on the many issues they had to deal with, noting there was currently a policy issue being discussed at the County Board of Health, of which Haddix was a member, which was continued because the board needed input from the municipalities. Most residents would never know how much work was done by staff that was never made public.

Imker moved to reconvene in regular session at 8:32 p.m. Learnard seconded. Motion carried unanimously.

Imker moved to deny the claims of Ameer Abdul Karim and Brittney Michelle Pittman as such claims were presented. Fleisch seconded. Motion carried unanimously.

Learnard moved to deny the amended claims of Cruz and Holmes as such claims were presented. Fleisch seconded. Motion carried unanimously.

There being no further business to discuss, Imker moved to adjourn the meeting. Fleisch seconded. Motion carried unanimously. The meeting adjourned at 8:34 p.m.

Pamela Dufresne

Pamela Dufresne, Deputy City Clerk

Don Haddix

Don Haddix, Mayor