

City Council of Peachtree City
Meeting Minutes
Thursday, June 15, 2023
6:30 PM

Call to Order

The Mayor and Council of Peachtree City met in regular session on Thursday, June 15, 2023. Mayor Kim Learnard called the meeting to order at 6:30 p.m. Council members attending: Frank Destadio, Clinton Holland, Mike King, and Phil Prebor.

Pledge of Allegiance and Moment of Silence

Announcements, Awards, Special Recognition

None

Public Comment

Suzanne Brown stated the City Council approved pay raises for all workers, even though the most critical need was in Public Safety. She said they in effect raised property taxes by 17% by not rolling back the millage rate, and Council also selected what projects went into the Special Purpose Local Option Sales Tax (SPLOST) wish list.

Now they were saying they needed more than \$10 million for maintenance and repairs that were neglected and did not get put in the SPLOST. Those should have been on the five-year maintenance and improvement plan. Brown said she believed the former City Manager neglected these projects so he could build up the reserve fund. Did Council have knowledge of these needed maintenance items when they were approving the SPLOST list? She said she was trying to figure out who was responsible for this negligence, incompetence, or malfeasance. Were they being set up for an even bigger property tax increase for next year? They needed a system for whistleblowers to come forward; Staff had to be aware when all this was happening, Brown concluded.

Agenda Changes

Minutes

King moved to approve the June 1, 2023, Regular Meeting Minutes and the June 1, 2023, Executive Session Minutes. Holland seconded. Motion carried unanimously.

A. June 1, 2023 Regular Meeting Minutes

APPROVED 5-0

B. June 1, 2023 Executive Session Minutes

APPROVED 5-0

Consent Agenda

Destadio moved to approve Consent Agenda items A-H. Prebor seconded. Motion carried unanimously.

A. FY-23 Budget Amendment- Engineering Professional Services

APPROVED 5-0

B. FY-23 Budget Amendment- Sponsorship Funds for Sunset Sounds Events

APPROVED 5-0

C. FY-23 Budget Amendment- Insurance Reimbursement for Police Vehicle Repair

APPROVED 5-0

D. Purchase Equipment Trailer for Stormwater Department

APPROVED 5-0

E. Purchase Three (3) K9 Kennels

APPROVED 5-0

F. Purchase New RTU for Kedron Aquatic Center

APPROVED 5-0

G. Purchase Sign Cutter for the Public Works Sign Shop

APPROVED 5-0

H. Resolution to Adopt the 2023 Annual CIE Update

APPROVED 5-0

Old Agenda Items

None

New Agenda Items

A. 06-23-05 American Rescue Plan Funds Reallocation

Assistant City Manager Justin Strickland explained they were asking Council to approve moving American Rescue Plan (ARP) funds from West Side Station 86 in the amount of \$3,057,362 and the remaining \$44,470 in Stormwater to a general government allocation to make that total \$6,961,852.96.

The reason was that the cost for Station 86 had gone through the roof. The original estimated cost was \$4 million, with \$3 million coming from ARP. Now, it was more than \$6 million. Staff and the City Manager believed it would be best to finish the design, then sit on the plans until a new funding source could be identified.

The money that was into the general government allocation could be used for some of those "go now" projects that they discussed at the June 8 budget workshop. Most of those projects would exceed the threshold for public bidding, Strickland continued, so they would go to public bid, then to Council for approval.

King asked Strickland for the numbers again, and Strickland said he would read what the motion should be: Staff recommended Council approve the reallocation of the remaining unencumbered ARP funding in the amount for Stormwater of \$44,470 and the amount for Fire Station 86 of \$3,057,362 to the allocation for general government projects.

So moved, said King. Prebor seconded. Motion carried unanimously.

B. 06-23-06 - Flat Creek Boardwalk Repair and Tree Removal

Strickland remarked they may have noticed the boardwalk at the Flat Creek Nature Center was closed. According to former Public Works Superintendent Scott Hicks, who Strickland said he had called, the boardwalk was built in the early 1990s. The north boardwalk, behind the Amphitheater, was 168 feet long, or .03 miles, and the south portion, which was the main section that led to Flat Creek, was 968 feet, or .18 miles. The south portion had two observation decks, one about halfway down, the other at the end.

The City took over maintenance responsibility from Southern Conservation Trust (SCT) in late 2021. It had always been City-owned, but SCT did the maintenance for years, although the City had helped with some big projects. A structural evaluation in March 2022 showed the boardwalk to be in good shape, although there was a tree growing into it on the north section.

A tree fell through the boardwalk during a storm in January, Strickland continued, and repairs were done in March for about \$13,800. The boardwalk remained closed, however, because an evaluation showed many damaged trees that could fall on the boardwalk at any time. Trees were growing into the boardwalk, and several more trees had already fallen onto the boardwalk. Strickland presented photos of these conditions.

City policy mandated they maintain infrastructure as it existed, so staff had looked at what it would take to make the needed repairs so the boardwalk could re-open to the public. Approximately 30 trees would need to be trimmed, with approximately 53 dangerous trees removed. There were trees that they believed could fall on the boardwalk in the future. All accessible ground debris needed to be removed, and they needed to stand up the root ball from the large maple tree that fell in April and cut it as low as possible.

Portions of the boardwalk would have to be disassembled to aid in access during this process, Strickland noted, and some sections would need to be cross-braced for stability. It would be a complicated process because this was a wetland area. They could not just drive a big truck back there. Some people had suggested they leave the trees, but that would save only about \$15,000, he stated, pointing out the actual big cost was just getting back to the area.

They would have to rebuild sections of the boardwalk that had been damaged, as well as rebuild the sections that would have to be removed to gain access for tree removal or sections deemed to be unsafe.

The cost estimate for tree removal, Strickland reported, was \$135,000, and the

estimate for the structural repair was \$14,000. A contingency of \$51,000 was included for any areas that could have to be rebuilt. The total came to \$200,000. They knew there would be a cost of \$149,000, with another \$51,000 of "maybe," Strickland reported.

Would insurance cover the storm damage? Learnard asked. They could put in a claim for the trees that had fallen and the \$14,000 for repair, Strickland stated, but the big cost was removing the trees that were going to fall, and the City Engineer would not approve this to be opened to the public unless those trees were gone.

So at least the \$14,000 could be covered by insurance? Learnard asked, and Strickland said it could, with City Attorney Ted Meeker pointing out there would be a deductible.

The Mayor said that to her this was a "no-brainer yes" to do what it took to make it safe and re-open. She had three reasons, with the first being that part of the City's mission statement was to provide consistency in services and that meant they took care of what they had. Also, she remarked that in the three five-year Comprehensive Plan updates that she could remember, citizens had consistently let them know that maintaining the paths and green space were among their top priorities. Also, she noted that the only email Council had received from a citizen on this matter was in favor of the repairs, with the writer calling the Flat Creek Nature Area a "signature City landmark." She concluded that it would be painful, but she was 100% in favor of doing the necessary repairs.

King, on the other hand, said he felt this would be \$200,000 not very well spent because there were two other observation areas on the south end of town, one near Somerby and the other off Crosstown Road, that formed a T, with benches for sitting and observing wildlife. They could do the same thing here; a swamp looked the same from the edge as it did from the middle. He thought they should remove the existing structure and replace it with something that did not extend as far as the current boardwalk. Maybe 50 feet, put some benches on it, and you would have the same thing, he stated.

Prebor agreed, saying \$200,000 was a lot to spend on something that was going to need to be rebuilt at some point. Why not look at something less extensive, like the observation deck off of Crosstown?

The boardwalk could be shortened, Destadio remarked, but he did not know if 50 feet was long enough. He thought they should get input from citizens on what they wanted. He asked what was the total length now? and was told the main portion was 968 feet.

Strickland said he took the \$135,000 and had calculated the average cost per tree at \$2,800. Could they take out the problem trees and get 100 or 200 feet of boardwalk? Destadio asked. Strickland referred back to photos of two trees that

were about to fall and said they were at the beginning of the boardwalk, but he did not know right now how many would be within 100 feet.

Prebor suggested they task staff with coming up with some options. Learnard asked Holland for his opinion.

Holland agreed that this needed to be looked at more acutely, observing that a creek ran through the area and proposing they take the boardwalk out to that area and build an observation platform with a sitting area. It would still be expensive, he acknowledged, but he would like to see what staff, maybe with input from citizens, could come up with.

King said he agreed with taking it to Flat Creek. Strickland said he could not say how many trees they would need to remove for safety reasons if they did that, but it would reduce the number from the estimated 53. Prebor suggested they consider building the path in a different location.

Curnow told him they would look at that, but reminded him that the prices they got were only for tree mitigation on the existing path, not for building a new path. Now, they were looking at removing trees with a buffer so they did not fall on people and fixing any compromised areas of the boardwalk,.

Holland suggested removing the unused portion of the boardwalk, and Curnow said they would have to look at that. He needed to understand where they wanted this boardwalk to end.

Prebor said he wanted the most cost-effective solution, and Curnow stated he believed it would be to end the boardwalk at the creek and mitigate any existing hazards from trees, rather than build a brand-new boardwalk. He said they could bring back a proposal for doing that at a future Council meeting. That proposal would include an estimate for costs to remove the portion of the boardwalk that went beyond Flat Creek.

Strickland asked about the north side of the boardwalk, saying there were 18 trees that needed to be removed there, including one very large tree. King said he would mitigate that tree and remove that part of the boardwalk. Prebor agreed.

Holland again said he would like input from the citizens, and Learnard said she was sure they would be hearing from citizens. Prebor noted that only a small percentage of the 35,000 citizens ever trekked out to Flat Creek.

She asked Curnow if he had what he needed? He clarified that staff would come up with a proposal to end the boardwalk at Flat Creek, mitigate trees along that path, remove all the additional boardwalk that went further into the swamp, and eliminate the boardwalk on the other side that went up to The Fred. Would they remove all the embedded poles or just the decking? Holland asked, and Curnow

said they would have to look at it.

Prebor moved to table New Agenda item 06-23-06, Flat Creek Boardwalk Repair and Tree Removal, until they got more information. Destadio seconded. Motion carried unanimously.

C. 06-23-07 Request for Cost-Sharing for Shared Driveway (Take 5 Oil Change)

City Clerk Yasmin Julio stated this was a follow up from the June 1 Council meeting when the Chunara Group requested cost-sharing for a combined driveway in the amount of \$192,000 as a budgetary impact to the City.

Prebor commented that he could not support this because what they did for one, they had to do for everybody. Although the City owned the property next door, Prebor continued, they did not use it. Destadio agreed, noting they did not need a deceleration lane for a property they did not use.

Holland moved to deny New Agenda item 06-23-07, Request for Cost-Sharing for Shared Driveway (Take 5 Oil Change). Destadio seconded. Motion carried unanimously.

D. 06-23-08 Purchase Two (2) ambulances with SPLOST funds (David Winkles)

Battalion Chief David Winkles said he was requesting Council approve the purchase of two new ambulances and equipment to go with them out of the 2023 SPLOST. These would replace two of their oldest ambulances and was in line with the cycling and replacement schedule. He said they decided to ask to purchase two because the delivery time had greatly been extended since COVID and would take about two years, Winkles stated.

Holland asked if the existing ambulances would last until the new ones were delivered? and Winkles replied that, while he could not guarantee it, he believed they would with regular maintenance and perhaps some repairs.

Holland moved to approve New Agenda item 06-23-08, Purchase of two ambulances with SPLOST funds. King seconded. Motion carried unanimously.

Public Hearings

A. 06-23-09 Ordinance 1210- Zoning Text Amendments to Comply with Updated Georgia Zoning Procedures Law

City Attorney Ted Meeker said this was what he liked to refer to as a "process ordinance." He reminded Council that he did a training about a year and a half ago when he told them that a Georgia Supreme Court decision had left some confusion about what was a legislative decision and what was a quasi-judicial decision. The General Assembly had resolved some of those conflicts through House Bill 1405 that was approved last year. It put definitions for quasi-judicial decisions into State law and also put forth some other procedures and processes, Meeker continued. It also mandated that local governments amend their zoning ordinances to reflect

those changes by July 1 of this year.

That was the ordinance in front of them, Meeker said; it now included language about what was a quasi-judicial decision and what was a zoning decision. State law required a special provision that they had added regarding when a property was rezoned from a single-family use to a multi-family use.

The variance language in the statute said that if Council created a special entity, such as a Zoning Board of Appeals or if Council decided to delegate variances to the Planning Commission, the advertising period must be increased from 15 to 30 days. Even though Council did not delegate that authority, Meeker said he thought it was good policy to provide more notice rather than less notice, so he included the language, with staff's concurrence.

In essence, he concluded, that was what was before them, and he reminded them they were under a deadline. All changes had been redlined, and Meeker said he would be glad to answer questions.

Learnard opened the public hearing. No one wished to speak either in favor or opposition, and she closed the hearing.

Destadio stated that he believed going from 15 to 30 days of notice was a good thing.

Prebor asked Meeker to clarify what he said about single-family to multi-family rezonings.

Meeker said there was now a long and convoluted process set forward in State law when a property was being rezoned from a single-family to a multi-family classification. They were simply saying that in the event that happened, this process had to be followed. He said he did not incorporate the entire process, just set forth the Statute by reference and added the language "as that Statute might be amended." Therefore, if the General Assembly changed it in two years, they would not have to re-do this entire process. The bottom line was that they would follow whatever process was set forward under State law. It required a multitude of hearings over the course of six months, Meeker stated.

Planning and Development Director Robin Cailloux commented that was when a City was requesting the zoning change, but Meeker said he checked the law, and it did not seem to limit it, but he acknowledged that Cailloux might be correct. In any event, he continued, the City would follow the process outlined in State law.

Could he summarize it? Destadio asked. Meeker read: Zoning decision shall be adopted at two regular meetings during a period of not less than 21 days apart. Prior to the first meeting, at least two public hearings shall be held on the proposed action. They must be held at least three months and not more than nine months prior to the date of the final action. Furthermore, at least one of the public hearings must be held between the hours of 5 p.m. and 8 p.m. When there were more than 500 parcels affected, he went on, notices must be posted every 500 feet. Publishing in the local paper must take place no less than 15 and no more than 45 days in advance.

How did that compare to what they did now? Prebor inquired. Meeker said they followed State law for all rezonings, which was posting the property and running the ad not more than 45 nor less than 15 days prior to the public hearing. Any zoning could occur within that time period with one public hearing.

Holland said that when he first read this, he thought the zoning variance would not be the final decision by Council because it said the applicant could appeal the decision to the Fayette County Superior Court. He thought that meant the court would decide variances, but Meeker had assured him that had always been part of the law. This was not new; they were just updating to conform with what the State required, so Holland said he was okay with it.

King moved to approve Public Hearing 06-23-09 Ordinance 1210- Zoning Text Amendments to Comply with Updated Georgia Zoning Procedures Law. Holland seconded. Motion carried unanimously.

Council/Staff Topics

NONE

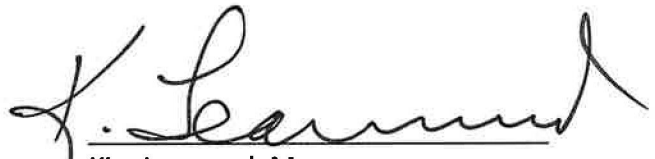
Executive Session

NONE

Adjourn

There being no further business, King moved to adjourn at 7:16 p.m. Destadio seconded. Motion carried unanimously.


Martha Barksdale, Recording Secretary


Kim Learnard, Mayor