

City Council of Peachtree City
Meeting Minutes
June 5, 2014
7:00 p.m.

The Mayor and Council of Peachtree City met on Thursday, June 5, 2014, at City Hall. Mayor Vanessa Fleisch called the meeting to order at 7:00 p.m. Other Council Members attending: Terry Ernst, Eric Imker, Mike King, and Kim Learnard.

Announcements, Awards, Special Recognition

Mayor Fleisch read a proclamation recognizing the achievements of the State AAAAA Champion Boys and Girls Soccer Teams from McIntosh High School.

Agenda Changes

Imker moved to move New Agenda item 06-14-04 Discuss/Consider Letter Related to Lake Peachtree to the first item under New Agenda Items. Learnard seconded. Motion carried unanimously.

Minutes

May 15, 2014, Regular Meeting Minutes

Learnard moved to approve the May 15, 2014, regular meeting minutes as written. King second. Motion carried unanimously.

Consent Agenda

- 1. Consider Acceptance of Donation from Yamaha**
- 2. Consider Surplus of Vehicle**
- 3. Consider Budget Amendment – FY 2014**

Imker acknowledged Yamaha's donation of a new model all-terrain vehicle (Yamaha Grizzly 700) to the Police Department for use on the cart paths. Imker said the donation was valued at \$9,000 – \$10,000.

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

New Agenda Items

06-14-04 Discuss/Consider Letter Related to Lake Peachtree

City Manager Jim Pennington gave a brief overview/update of the events that had taken place since the County had lowered the lake in January, at the request of the Lake Peachtree residents in consultation with the City, so homeowners could perform maintenance, noting the lake was to have been refilled in March. City and County staff inspected the dam and spillway in March prior to refilling the lake and noticed issues with the spillway structure. Further investigation by Piedmont Geotechnical Engineers found significant voids in the spillway.

Community Services/Interim Public Services Director Jon Rorie showed photos taken of the cracks and voids in the spillway, including a photo of a 64-inch long slender pole that was inserted into one of the cracks in four- to six-inch concrete of the spillway, with six to eight inches of the rod showing on the surface. Rorie also show a video taken using a camera inserted into one of the cracks that showed caverns located under the spillway. Rorie noted they were not supposed to be there. He said the video would give Council an idea of the size of the voids under the spillway and what could not be seen from the spillway surface.

Pennington said City and County staff met with the Safe Dams Program of the Georgia Environmental Protection Division (EPD) in April. Safe Dams determined there was a need for further investigation to ensure the integrity of the spillway and dam and their impact on life safety downstream. The County retained the services of CH2M Hill and Golder Associates, both dam engineering experts, to conduct an analysis. The County had provided a project timeline. There could be future legal issues both entities might have to address, so the City retained the law firm of Smith, Welch, Webb & White, LLC. Pennington introduced Andrew J. Welch to Council.

Welch said the problem was how to address the voids under the spillway, as well as the roles and responsibilities of both parties according to the Safe Dams and the regulations that came from the act. In a 1985 agreement between the County and City, the County requested an increase in the withdrawal of water from two million to four million gallons per day. The City agreed to the change, which was related to the bond issuance for Lake Kedron that occurred at the same time. In exchange for these rights, the City was able to secure certain covenants from the County, which included maintenance of the dam and spillway, areas along the shoreline, and structures that were built into the dam, including the outlet and water withdrawal structures. There was a need to move forward with the maintenance and repairs, and the County had responded by conducting the appropriate inspections and having discussions with CH2M Hill and Golder to figure out a formula on what to do.

Welch continued that he did not have the scope of work, but had read an e-mail from County Administrator Steve Rapson that gave him some concerns. The e-mail dealt with the different phases as work moved forward. Phase 2 concerned dam breach modeling, and the e-mail read, "The model will be used to assess the potential impact of a breach of the emergency spillway with the lake level maintained at a defined level below the normal pool level." Welch noted the lake was below the normal pool level now.

There had also been some talk about temporary modifications to the spillway in the event the lake was maintained in its current condition. He asked Council what their expectations were, adding it was important Council expressed what they wanted to see regarding the lake and to communicate it to the County. Welch said there also needed to be something more done than a temporary refilling of the lake. The outline that was given did not seem to have any permanent solution that would either repair or replace the spillway and bring the lake back up to its normal pool level. He recommended Council authorize the Mayor to send an affirmative statement to the County on behalf of the City as to what the City's expectations were. The County should know and understand the expectations in order to move forward.

Welch continued that the Mayor and some members of staff should be included in deliberations with respect to the study, and they should be informed of the study so the other Council Members could be informed. Welch presumed Council wanted the lake raised back to its normal pool level permanently, and that action be taken to fix the spillway on a permanent basis so it functioned as it should. There was an agreement that outlined the responsibilities of the parties and numerous other documents associated with the lake. Welch said he was reviewing those documents and would report back on that information later. Based on the preliminary information he had, Welch recommended Council make an affirmative statement to the County as to their expectations.

Imker said he wanted to see the lake at normal pool level, and he wanted to see the Mayor's message to the County that stated the City wanted a permanent fix. He asked if the phases in timetable provided by the County were concurrent or consecutive since it appeared it would

be four months before a decision might be made. He saw no reason for one event to finish before another one could begin.

Welch said Phase 2 was four weeks, tentatively the week of June 28; six weeks the tentative week for Phase 3, and July 30 was the completion date for Phase 4. Phase 4 was the emergency action plan preparation for those downstream in event of a dam or spillway breach.

Imker said apparently there needed to be a determination on whether the lake was a water resource or a recreational resource, which would determine what repairs would be instituted. He wanted to know when that determination would be made so the necessary design could be completed, asking how long it would take to implement the change. It appeared it would take years.

Welch said it would not be years. The category of dam was what mattered, whether it was a Category I or Category II. A dam was considered a Category I if there could possible loss of human life if the dam breached. It involved residences, schools, businesses, or places of worship that were located below the dam, which was the main difference between a Category I and Category II dam. The Safe Dams Act and regulations defined the requirements on how the modeling was to be done. Welch understood the County was working on the modeling as one of the phases. Welch understood the City had modeled a dam breach several years ago. The dam was currently treated as a Category II dam, but had to be reassessed on a periodic basis by the state. The process had triggered a reassessment of the dam by the EPD. If the dam was now determined to be a Category I dam, then significant improvements would have to be made. He suggested the City work with the County to determine what the repairs and maintenance would be. The EPD determination on the dam category would help determine the course of action needed. The determination was expected this summer.

Imker said the County should proceed with the design with the assumption it was a Category I dam. The design would be ready and work could begin once the determination was made. If a Category II determination was made, then there would be a battle at the state level, which would put any work off even longer. The County needed to get busy with a Category I design. It was easy to reduce the scale of scope back to a Category II, and nothing would be lost but possibly a few hours of effort to reduce the plan to a Category II.

King asked if the lake's use as a reservoir had any bearing on whether it was a Category I or Category II. Welch said it did not, but the use of the lake was relevant to the design of the dam. The Safe Dams Act protected everyone downstream in case of a dam breach. They were hopeful that would not be an issue, but it was part of the analysis the County had undertaken.

Ernst said he agreed with Imker's comments. So far, there had been a lot of talk, but no action. Something needed to be done, and it looked like it would be 90 – 120 days before the dredging before a decision would even be made on when to start it. Something needed to start. The people deserved it.

Welch said whether the lake was still used as a reservoir, the intergovernmental agreement was still binding, and the County still had an ongoing duty for maintenance. As for the siltation, the agreement spelled out the requirements, such as periodic inspections and the removal of siltation, all with the intention of bringing the lake back to its normal pool level of 1966. There were more documents to review. He would have more information once he had finished going through the documents.

Fleisch asked what the appeals process was if Safe Dams determined the dam was a Category I. Welch said a Category I determination could be appealed, and there was a 30-day appeal period. The appeal went to the director, then the City could go through the Administrative Procedures Act for anything further. He hoped they could resolve the issues, and the dam was categorized as a Category II dam. The costs and expenditures going forward should be on the County at this time.

King noted the caverns in the spillway, asking Welch if it was crystal clear in the agreement that the inspection and maintenance of the dam was to be done by the County. Welch said there was not a provision for the inspection of the dam itself or the spillway, but there was for the siltation. In terms of maintenance, the language was very clear. King clarified there was no contractual obligation to inspect the dam. Welch said not expressly, but if any maintenance work was done, there had to be periodic inspections of the dam, otherwise, what was the value of the maintenance. King said, based on the size of the cavern under the spillway, it appeared the spillway had not been inspected. Welch said he could not answer that.

Imker said the bottom line was the citizens wanted to know when the lake would be filled, and it was not up to Council. He wanted a constant dialogue with the County to keep the pressure on.

Laurel Henderson, associate of City Attorney Ted Meeker, suggested that a letter expressing the City's position be sent to the Board of Commissioners. Council could authorize the letter be sent out, and a formal mechanism would be in place. Imker said he wanted a paragraph regarding a status update from the County every two weeks.

Imker moved to authorize Welch to prepare a letter to the Board of Commissioners addressing Council's concerns for the Mayor's signature. Learnard seconded. Motion carried unanimously.

06-14-01 Consider Appointments to Public Facilities Authority

Imker noted that his term and the term of former Mayor Don Haddix were expiring at the end of June. He continued that Public Facilities Authority had been developed with the intent that Council Members would serve on the Authority because they would be the most informed as to what City Council was doing and why they were asking for bonds. Imker said he had spoken with former Council Member George Dienhart that day, and Dienhart wanted to perform his civic duty and remain on the board until his term expired in 2016. Imker suggested he (Imker) step aside to allow new Council Members Ernst and King to serve as the new members.

Learnard moved to approve Mike King and Terry Ernst to replace Don Haddix and Eric Imker on the Public Facilities Authority. Imker seconded. Motion carried unanimously.

Fleisch asked Henderson if the motion should have included the terms. Henderson said the terms should be set by the Authority legislation. If they were not, Council could revisit it.

06-14-02 Presentation – Sidewalks in Future Subdivisions

Pennington addressed Council, saying he and Planning & Zoning Administrator David Rast and City Engineer Dave Borkowski had discussed this topic. Three new developments, The Gates and the two developments in Wilksmoor, had asked to build sidewalks in the subdivisions. There was nothing in the ordinance regarding sidewalks, and some neighborhoods already had them. There were pros and cons, including walkability of the neighborhood. Builders were looking at the increase in the value of homes when sidewalks were present. Sidewalks were normally

placed in the City rights-of-way, and the City would be responsible for maintenance/repairs. Numerous utility lines were usually located under sidewalks.

One possible way to deal with sidewalks would be for the sidewalks to the responsibility of the homeowners associations (HOA), as had been done in North Cove, Pennington said. It was specifically written into the covenants and the plans for the subdivision. Sidewalks were more of a philosophical question for Council. The requests were from the builders. Staff was asking for feedback on whether Council wanted a policy regarding sidewalks.

Fleisch said she was concerned about the City taking ownership of the sidewalks, noting developers turned the paths over to the City, and the City recently found it out it had inherited a lot that no one knew belonged to the City. If the sidewalks helped with marketability for the subdivision, then the subdivision should be responsible for maintenance and repair costs. She said the City needed an ordinance requiring new subdivisions to have HOAs.

King shared Fleisch's concerns about maintenance, adding golf carts would be on the sidewalks as soon as they went in, which was a safety issue.

Pennington said that was one of the conundrums when the request came to the City. Staff did not have a solid answer. He continued that seniors liked the walkability provided by sidewalks. Maintenance was the biggest concern. He said HOAs should be responsible for them, adding sidewalks were not cheap, and utility lines were usually under sidewalks. Utility companies in most communities were required to repair sidewalks when they were damaged. Staff recommended putting the burden on the HOA since the developers and builders wanted the sidewalks. The maintenance should be in the covenants. He clarified that the sidewalks would be in addition to the cart paths.

Ernst said the City had issues with carts using the sidewalks, specifically with carts using the sidewalks on SR 74 South. People did not understand they were sidewalks. He said they would cause more problems than good.

Learnard said she did not support sidewalks at first. She walked regularly with a friend who lived in Cedarcroft on the sidewalks in that subdivision. She did not believe SR 74 South was a place for sidewalks, and there should have been a cart path there. Having sidewalks in cluster subdivisions that always had cars parked on the streets provided a safety factor to keep children on the sidewalks rather than the streets. Sidewalks encouraged walkable communities.

Pennington said there were approximately 43,000 linear feet of sidewalks in the City in several subdivisions, including Bridgestone, Capstone, Cedarcroft, Centennial, Cottage Grove, Dover Square, Governor's Row, the Peninsula, and the Point on Lake Kedron.

King said there could always be a caveat for the HOA to take care of the sidewalks and be done with it, adding there were places where sidewalks were appropriate. Pennington said staff had direction and would work with Meeker and Henderson on a policy.

06-14-03 Consider Approval of Claim Submitted by William & Leslie Degner

The Degners filed a notice of claim with the City on May 27 seeking payment for property damage on their property that occurred during the repair of a sink hole.

Imker moved to authorize the payment of \$5,200 to the Degners in full and complete satisfaction of the claim made May 27, 2014, subject to them signing a release. Ernst seconded. Motion carried.

Council/Staff Topics

Pennington gave a quick update on some projects. The final site plan for the Fairfield Inn on Wisdom Road was expected soon. The Georgia Academy of Dance was proceeding. Fayette County Development Authority's spec building was now occupied by a distributing company. Zaxby's was moving forward with plans on SR 54 West. The final plat for The Gates should be ready soon, and presales had been signed. Some other companies, including Taco Bell, were renovating. He added that staff was working on a program to bring back older properties that were starting to deteriorate. No money other than staff time was involved, and it encouraged enhancing the appearance of properties. Kroger's plans were complete. Westpark Walk was almost completed.

King said he met with the senior vice-president of a company moving its corporate headquarters to the City. The move should be completed in approximately two years, and 90 people would be hired. The company hired a local architect to design the headquarters, which King noted this would speed up the process since they would know local ordinances. King credited Emily Poole with bringing the company to Peachtree City, adding Poole had just been named the interim CEO of the Fayette County Development Authority.

Ernst asked if a new restaurant was opening in Braelinn Village in the former Kane Yama building. Rorie said they were going through the process, and it was associated with Maguire's.

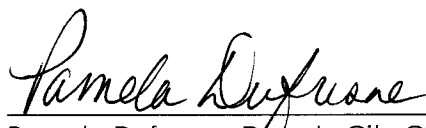
Pennington said that, unlike past years when an official budget was presented, the budget workshops would be held before the final official budget was ready.

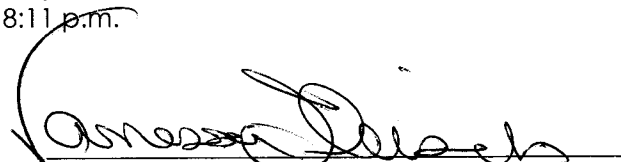
Imker asked for updates at every Council meeting on several topics to see the progress or any reasons for delays, including the timing of MacDuff Parkway (completion expected by December 2015), Lake Peachtree, information on any closed cart path or road, the cart path bridge over Lake Peachtree, the Braelinn Kroger expansion, and the traffic study on SR 54 West.

Imker moved to convene in executive session to discuss personnel at 8:01 p.m. King seconded. Motion carried unanimously.

Imker moved to reconvene in regular session at 8:10 p.m. Ernst seconded. Motion carried unanimously.

There being no further business, Ernst moved to adjourn the meeting. King seconded. Motion carried unanimously. The meeting adjourned at 8:11 p.m.


Pamela Dufresne, Deputy City Clerk


Vanessa Fleisch, Mayor