

**City Council of Peachtree City**  
**Meeting Minutes**  
**May 9, 2013**  
**7:00 p.m.**

The Mayor and City Council of the City of Peachtree City met in regular session on Thursday, May 9, 2013. 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**

Mayor Haddix proclaimed the week of May 13<sup>th</sup> as Paint the Town Purple Week in support of the 2013 Relay For Life. Joan Ernst accepted the proclamation for the American Cancer Society. Fire Capt. Ron Mundy was recognized for 30 years of service to the City.

**10-Minute Talk**

Joan Velsmid, Clothes Less Travelled Thrift Shop, gave an overview of the non-profit thrift shop and its operation. She said there was no business plan in place when the shop started business 15 years ago, just a mission to help people. Over the last 15 years, the thrift shop board had given \$2.4 million, including \$600,000 in 2013. The list of charities continued to grow. Velsmid thanked everyone on City staff that helped the shop do business and keep expenses low. Fleisch thanked Velsmid for the donations the City had received for the Fire Department and for the furnishings for the renovation of the Recreation Administration building into a facility to be used by Fayette Senior Services.

**Public Comment**

Ann Hayes, a supporter of the proposed backyard hens' pilot program, told Council she had not known if any of them had ever had farm fresh eggs before, and she gave them some fresh eggs she had purchased at the Farmers Market.

**Minutes**

**February 5, 2013, Workshop Minutes**

**April 18, 2013, Regular Meeting Minutes**

Fleisch moved to approve the February 5, 2013, workshop minutes and April 18, 2013, regular meeting minutes as written. Learnard seconded. Motion carried unanimously.

**Monthly Reports**

Haddix noted there were additional monthly reports on the dais from Administrative Services, Building, and Finance.

**Consent Agenda**

**1. Consider Award of Contract for Citywide Phone System – Clear Choice Telephone, Inc.**

**2. Consider Request to Surplus Trailers**

Haddix noted there was an additional document on the dais – the staff memo for Consent Agenda 1.

Learnard moved to approve Consent Agenda items 1 and 2. Dienhart seconded. Motion carried unanimously.

**Old Agenda Items**

**03-13-02      Public Hearing – Consider Variance to Floodplain Management/Floodplain Protection Ordinance, Somerby Project, Rockaway Road**

Planning & Zoning Administrator David Rast addressed Council, noting the Somerby project was required to construct a fire access road around the perimeter of the assisted living and memory component of the development on Rockaway Road. Construction of the fire access road would require 165 cubic yards of fill to be placed within a portion of the 100-year floodplain associated with Flat Creek. The fill would be placed in an old roadbed located on the property that traveled along the floodplain. The applicant submitted a flood impact study, which had indicated no rise in levels due to the fill, and it had been reviewed by the City Engineer.

In addition, the sanitary sewer line for Somerby and Meade Field would need to cross the floodplain on the Somerby tract, requiring the disturbance of an additional 0.16 acres of floodplain to install and cover the line in. No additional fill would be needed. Staff supported the variance request with the following understandings and conditions:

1. *The applicant shall continue to coordinate with City staff to ensure disturbance within the floodplain is kept to a minimum prior to, during and following construction activities.*
2. *The variance shall be limited to the disturbance as identified on the final site plan approved by City staff on August 29, 2012, specifically Sheet C4.0 Grading, as prepared by Eberly and Associates, Inc. (last revised August 28, 2012). There shall be no other disturbance within the floodplain without first securing additional variances.*

The public hearing opened and closed, with no one speaking for or against the variance.

Learnard said she had no problem with the request, asking if it was similar to the situation for the recent variance for Braelinn Kroger. Rast said the situations were similar, but he did not recall the acreage for Kroger. Learnard clarified that 0.16 acres would be impacted. Rast said that was area for the sewer line. Approximately 165 cubic yards of fill would be needed within the old roadbed for the fire access road.

Learnard moved to approve the variance to the Floodplain Protection Ordinance for the Somerby project on Rockaway Road. Fleisch seconded. Motion carried unanimously.

**04-13-12      Discuss Traffic Conditions on SR 54 West and Consider Traffic Engineering Study on SR 54 West & MacDuff Parkway**

Haddix said public comments would be taken after Council Members Dienhart and Fleisch completed their comments.

Dienhart noted this was a continuation of the April 18 discussion. He continued that two years ago Council had promised there would be no cut-through from any retail developments to Planterra Way. This was an opportunity to restore the public trust that had been lost during the last two to three years. They needed to protect the neighborhoods and honor Council's word. Building a grocery store rather than small shops would add even more traffic to the 1.2-mile stretch with six lights. Council needed to show the citizens they deserved to be in office. Another light was not needed, and definitely no cut-through to the neighborhoods was needed. Dienhart said the developer told him the tract was more valuable as zoned. He was presenting the plan as a favor to a few Council Members who wanted to see something different on the tract. This was the wrong stoplight, the wrong development, and the wrong action for Council to take.

Fleisch said she was appalled the situation had gotten to this point. She referred to a proposal to add a traffic light to the development agreement on January 7, 2010, and it had been voted

down, adding they had all campaigned against the additional light. The development agreement for the Special Use Permit excluded gas stations and drive-through fast food restaurants. During the four years after that vote, the land had gone into foreclosure, and the City had even considered buying it at one time, but the bank wanted too much money. Council had looked at every alternative.

Fleisch continued that, on April 18, Dienhart had advocated closing the median at Line Creek Drive. The discussion had been based on Dienhart's opinion, not the facts. Fleisch noted that a 2008 traffic study had said closing the median would make the traffic worse, which was a significant fact that had been omitted from the April 18 discussion. Fleisch said the problems on SR 54 predated this Council, adding the problems really started at Flat Creek and went down to MacDuff Parkway. There had been no studies performed on the entire corridor, which Fleisch found amazing. Fleisch asked the City Engineer Dave Borkowski to look at a traffic study and its possible cost.

Borkowski gave a brief presentation on the history of the corridor, saying the widening had been completed in 2006. Since that time, the functionality of the corridor had steadily decreased. The traffic issues started at Lake Peachtree and went through the MacDuff Parkway intersection. There were seven signals in the corridor. The Georgia Department of Transportation (GDOT) had spent \$35,000 trying to synchronize the lights in the corridor. There had been several studies done, but none were as comprehensive as the study Fleisch proposed. Alternatives to alleviate the traffic problems included the grade separation at SR 54/SR 74, which was too expensive and would greatly impact the businesses in the area; and the extension of MacDuff Parkway to the north Kedron Drive area.

Borkowski explained that a development impact study's only focus was to determine the impact of that development on the existing conditions. He continued that the 2008 study looked at the intersections of SR 54 with Line Creek, Planterra Way, and MacDuff Parkway, and what would happen if a light was installed at Line Creek or whether the median should be blocked. According to the study, the signal would have had the least impact and would not have negatively impacted the other intersections. The DOT had issued a permit for the signal at Line Creek, but the development never moved forward, so the light was never installed.

A development impact study was very specific, according to Borkowski, and every time the square footage changed, all the parameters changed. The 2011 study looked at a signal, closing the median at Line Creek, and adding a frontage road with access to Planterra. Borkowski said that staff had commented on the study, but the plan never made to the approval stage. The study specified that frontage roads to MacDuff Parkway or Planterra Way would not make those intersections worse, unless the median at Line Creek was also closed.

Dienhart asked who paid for the studies. Borkowski said the developer had paid for them. The 2011 study had been reviewed by staff and a third party that was hired by the City. Dienhart said he had not used those studies because they were paid for by the developer.

Borkowski said the current level of service on the highway was bad. It had been bad in 2011. When those traffic counts were done, the levels of service at the intersections were either a D, E, or F, and it was worse now. Borkowski said there were three options:

1. Status quo – notify DOT of issues
2. Formally request DOT to study the corridor and come up with alternatives
  - DOT would request engineering funding in their budget and establish a project

- Could take "years" to complete
- 3. City could commission its own corridor study with alternatives
  - Cost \$39,000 for a comprehensive study of the whole corridor
  - Alternatives
    - o Timing modifications
    - o Intersection lane configurations/storage length
    - o Access roads
    - o Alternate intersection controls (u-turns/superstreet)
    - o Widening
    - o Continuous flow intersection
  - Includes looking at any Line Creek development impacts

The pros for Option 1 included no cost, and the cons were there were no alternatives, and there would be minimal impact on congestion. Option 2 was also no cost to the City, but the cons included the study taking a long time, and there were no short term answers on what would really work. Option 3 would be a relatively quick comprehensive study on what would and would not work, but the con was the cost to the City.

Borkowski reminded everyone a traffic study did not include any relevant construction drawings. If an improvement was selected, the City would have to pay to have it designed and completed. No funding was allocated. The process would start with GDOT and the Atlanta Regional Commission (ARC) for approval, then getting the project on the Transportation Improvement Plan (TIP), then finding funding.

Haddix opened the floor for comments from the public.

Mike Lorber asked what the status was on the MacDuff Parkway extension. Borkowski said the project had been part of the failed 2012 Regional Transportation SPLOST, and the extension was still part of the agreement with the developers. Staff did not know how beneficial the extension would be to the issues on SR 54 West. Lorber asked if the extension had been studied. Borkowski said there was a study, which said the extension would improve traffic on SR 54 West. Lorber asked if the extension of TDK Boulevard into Coweta County was still an option. Borkowski said the project had been cancelled. Lorber asked if the extension of TDK had been studied. Borkowski said he was not aware of any studies on that project.

Haddix said the TDK extension had been cancelled because of the plans for a 2,000-home subdivision and one million square-foot commercial area in Coweta County, so there would be no gain for the City.

Lorber questioned whether there had not been an access road on the plans for SR 54 West. Haddix said there was an access road on the 2001 overlay plan for the area, but the developer had not wanted to build the connection. It was doable since there was property dedicated for it, as well as a space to connect it to Fulton Court. Lorber recalled there had been an issue with the road going through the Line Creek Nature Preserve. Haddix said the developer did not want to do the connection then, but now the developer was willing to do the connection to MacDuff Parkway.

Lorber asked where the proposed grocery store would be located. Dienhart said it would be on top of the cliff currently visible behind the RaceTrac site under development. Lorber asked if the area was zoned for a grocery store. Dienhart said that was one of the arguments, plus the cut-

throughs required by the developer, who had already stated there would be no grocery store if there was no cut-through to Planterra Way.

Lorber asked why the developer wanted a cut-through to Planterra Way, when there could be a connection with MacDuff. Haddix said he was told by the developer that Publix would only build there if there was a connection to Planterra and MacDuff, as well as a light at Line Creek. If any item was missing, there would be no development. Haddix said he had no problem with an access road to MacDuff Parkway. Lorber said it was obvious the traffic impact was either people headed to or leaving from Coweta County. Crosstown/TDK could possibly help. He was not sure sewer was available for a large commercial development in that area of Coweta County.

Dienhart said developing the Line Creek property under the current zoning would have a lower impact on the traffic than the current proposal. Lorber said there were solutions, but the City would have to give up something.

Tim Lydell, a resident of Cardiff Park, reported that, as a general rule, the neighborhood residents were opposed to the current plan. The building would not be recessed into the ground, and would be 15 feet about ground level, which would be a beautiful view of the back of the buildings. They opposed the cut-through to Planterra Way and had opposed it before. The current plan was a negative, not a plus for the area. There was no room for a Publix, especially if it degraded the value of the homes. Lydell said a traffic study done by the City would be objective. Closing the median at Line Creek would not be fair to the businesses located there. Facts were needed to make a good decision and before Council took drastic actions.

Patrick Staples, president of the Cardiff Park homeowners association (HOA), said a cut-through to Planterra Way was a non-starter regardless of what was developed on the property. It would create a ridiculous traffic situation. His concern about another traffic study on SR 54 was whether it would be comprehensive enough, asking if the traffic coming from SR 74 South would be considered. Council needed to make sure the whole question was answered if a study was done. There were also concerns about the buffers, including the elevation, which were not the same concerns as the light and the median. He asked Council not to forget the underlying interests of the residents of Planterra and Cardiff Park.

Haddix said the 2008 traffic study was irrelevant because they could not get the cross connection to MacDuff. This was a request for a second traffic light for that property since they would connect to MacDuff now. The corridor stretched a long way, and every study done to find an alternative in the past had destroyed the commercial space. Closing the median was not an issue to Haddix with access to MacDuff, where u-turns could be made. All of the alternatives for SR 54/SR 74 would wipe out three shopping centers, which was the reason those ideas had been rejected. The entire corridor had to be looked at. It would cost \$2.5 million to remove all the granite, and the developer still had to blast it out for the tanks for the gas station.

Dienhart asked if there was any way to dig down to hide the development from Cardiff Park; he believed the 30-foot cliff would stay there. The developer did not need the connection to Planterra Way or the light since they could connect to the light at MacDuff Parkway. Dienhart added a specialty Publix could be built on the site. He asked Council to consider a traffic study, saying he was asking for a commitment not to allow the curb cut on Planterra Way or the light. If Council ignored that, they were not representing the residents of Planterra or Cardiff Park.

Imker said he did not care for another light, adding he had asked the developer about a right-in and right-out only onto Planterra Way. Everyone seemed to support a connection to the MacDuff Parkway light, so they needed to find a way to make that happen. It seemed like a smart thing to do. There were two basic choices, either to have the developer proceed with the plan as zoned or to build a quality store that desired a traffic light. The question was how much traffic each type of development would bring. The basic questions needed to be understood before a final decision could be made.

Learnard asked Haddix what his vision was for the area. Haddix said it would be an ideal school setting or office area, something quiet with minimal impact on the residential areas. Quality could not be defined by a big box; size did not determine quality.

Learnard said she preferred greenspace, but the property had been zoned commercial since around 1977. Council had voted down the developer's plan in January 2010 because it included a light. She continued that the mistake Council had made was they had not said what they were for. They had always said what they were against, and it was time for Council to say what they were for. The plan brought to Council in 2010 had been worked on among the neighbors and the developer for months. A fast food restaurant and a gas station were negative progress, but was what the area had been zoned for. Another proposal had been submitted. A cohesive plan that worked for the City was needed. She asked Dienhart and Fleisch to meet with the developer and the neighbors, to close the door and come up with something everyone could live with.

Dienhart said he had no problem with Learnard's proposal. The developer had choices A and B, and he could make more money off choice B, even though it would have smaller stores. The developer had been very explicit that Publix would not come without the light, saying their legal department would not sign off on it.

Haddix said he was not against anyone talking, but the developer owned the land, and he could build whatever he wanted as long as it was allowed by the zoning ordinance. He was not saying there was no point in having a discussion, but any plan would have to be something the developer wanted to build. Dienhart added the developer also had to be able to sell it. Haddix noted that Kohl's had never committed to the development, but the developer had asked for the relevant square footage, which brought the special use permit into play.

Learnard said the developers had compromised with the neighbors before, and she asked if the neighborhoods were willing to try again. Lydell said a sea of concrete had been proposed in January 2007. It included two big boxes, and people had been opposed. The development also had not looked like Peachtree City. Twenty-five to 30 people had worked on that, not just Planterra or Cardiff Park residents. The developer had worked and argued with them, and the residents realized the property was commercial. The issues were to get something acceptable to the City and to take care of the neighbors. The special use permit process had been used effectively to get a development that had looked pretty good. The ordinance for the special use permit included 24 specific items that were not usually negotiable. Jim Lowe was the common thread in that plan and the current one. Unless they tried to talk, they would not know if the developer was willing to talk. It had been well worth the time it took to get good solid talks going on in the past. It would also be good to have a good traffic study. Good decisions could not be made without all the facts.

Haddix said the plan that had been presented at that time was not something the rest of the City had wanted. Learnard said she believed in Jim Lowe and Tim Lydell, and she believed they

could come up with a solution the City could live with; but nobody was going to like it 100%. Solutions called for compromise.

Learnard presented the following list as the overarching vision for the developer/citizens group:

- Commercial tract will have commercial establishments on it;
- Development that is in the spirit and intent of Peachtree City;
- A cohesive, comprehensive plan for the site;
- Good aesthetics overall;
- High end architecture, lighting, landscaping;
- Include golf cart paths and connectivity;
- Minimize negative impact on already problematic traffic areas;
- Protect the neighbors visually with elevation, berms, screening, landscaping;
- Protect the neighbors regarding truck traffic and noise;
- Protect the neighbors with lighting strategies;
- Keep Peachtree City green;
- Partner with Southern Conservation Trust and optimize the site plan with respect to the Line Creek Nature Center;
- Minimize cost to the City regarding the roads, as Line Creek Drive and Line Creek Circle are in need of paving and upgrades;
- Minimize cost to the City regarding the dam and pond at the Line Creek Nature Area;
- Attract high quality tenants as they evidence low turnover rates; and
- Get the best possible economic development return to Peachtree City.

Imker liked Learnard's list, adding that the City had a great bargaining chip in the Line Creek Nature Area since the developer wanted to use the pond in the preserve for detention rather than constructing a detention pond. The City could use that as an enticement to get the developer to work on a connection to the MacDuff light. Traffic would get worse regardless of what was built; the challenge was to minimize the effect of the development.

Haddix said the pond was discussed in the past, and he could not remember the specific reasons why, but the end result was the developer would have to build their own detention pond. Fleisch said that could be worked out later.

Fleisch reiterated a need for a look at the big picture, saying the City needed to do its own traffic study. All the studies had been paid for by developers. If the City did its own, it would not be tainted in any way. She continued that she had the accident reports on SR 54 West pulled, and the top three and four areas of high traffic incidents were along the corridor. Learnard said if the developer/citizens group decided a traffic study was warranted, she would support it.

Haddix noted the study at SR 54/SR 74 had been done by the DOT and ARC, working with the County and City. Fleisch said she would like to vote on the study, since it would take at least two months for the study to be done. Dienhart said they needed an actual price before voting. Meeker said the agenda item said "discuss," so staff would come back with a contract and a firm price. Staff had an idea of what needed to be included in the study due to this discussion.

Haddix asked if they proceeded with the study, whether Council could end up having to vote on the traffic light while the study was in progress. Dienhart agreed. He asked what the developer's deadlines were, saying Council needed a big picture of the developer's situation, too.

Fleisch said she had been concerned about that too, and she had asked staff to contact the developer. Rast reported that an e-mail had been sent, but as of the meeting time, there had been no reply.

Imker said he would rather not vote on a traffic study until the group had met. He wanted a traffic study to include the option of the completion of MacDuff Parkway. Consensus for the study was it should include the entire area along SR 54, from MacDuff Parkway to the Wyndham Peachtree Conference Center, and all the side streets.

There was a question on whether to call the developer/citizen group a committee or not. The decision was to not call it a committee. The consensus was to not move forward on anything until Council heard from the group.

#### **New Agenda Items**

##### **05-13-01      Public Hearing – Consider Variance from Watershed Protection Buffer Ordinance, 323 Watermark Drive**

Rast said the applicants, Richard and Caroline Burnett, applied for the variance in order to construct a swimming pool at the rear of their home, which had 466 feet of frontage on Lake Kedron. One of the adjacent properties was owned by the Peninsula subdivision HOA, and the lot on the other side was undeveloped. The tract was 1.49 acres, but after taking out the buffers and setbacks only a small buildable area was left, which was where the home was located. The 100-foot undisturbed buffer around the lake would not be impacted by the pool. They were asking for a six-foot variance into the 50-foot no impervious buffer in one area and eight feet in another. Rast noted there had been an error in the memo, and it only included the six-foot encroachment.

Looking at the variance criteria, Rast noted that 82% of the lot could not be developed. The City Engineer had also looked at the application and agreed the pool would have minimal impact on the no impervious buffer based on the way the retaining wall and pool would be constructed. The water would be able to infiltrate into the ground. Staff recommended approval with the following understandings and conditions:

1. *The applicant shall continue to coordinate with City staff to ensure disturbance within the floodplain is kept to a minimum prior to, during, and following construction activities.*
2. *The variance shall be limited to an encroachment as shown on the "Backyard Pool for the Burnett Residence" landscape plan as prepared by Mike Lorber, ASLA. There shall be no other encroachments permitted without first securing additional variances.*
3. *Evergreen plant material shall be installed at the base of the wall to assist in screening views of the wall from properties across the lake.*
4. *Following completion of construction and prior to issuance of the Certificate of Occupancy, the Applicant shall provide a revised Foundation Survey 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 impervious setback than permitted by this variance.*

Haddix opened the public hearing.

Mike Lorber, the landscape architect for the Burnetts, assured Council that the applicants understood protecting Lake Kedron. The encroachment would provide enough room for people to walk around the pool. Lorber noted that guidelines for pools were to locate the pool

10 – 12 feet from a house. The pool would be enclosed in a pervious system, which eliminated the impact on the lake.

Richard Burnett said the pool could be built abutting the side of the home, but there would be no access to the pool from the home, and they did not want to compromise the safety of anyone using the pool that might need help. He said the HOA had approved the plans pending Council's approval.

No one else spoke. The public hearing closed.

Haddix said not having written approval from an HOA was a concern for him. Burnett said they had recently moved to the City from Washington, D.C., adding the HOA had required approval from his neighbors for the fence. When he explained that he would need to go two lots over on each side, the HOA representative said it would not be necessary since HOA property was on one side and an undeveloped lot on the other. Dienhart asked Council if they were willing to approve the variance pending written notification from the HOA.

Learnard said she was not aware HOA approval was required for a variance. City Attorney Ted Meeker said HOA approval was a matter of course for variance requests. From a legal standpoint, it was two separate sets of requirements, for some reason. Most of the time, the applicants had gone before their HOA before coming to Council.

Imker said he had no problem with the variance, but he was not going to vote on it without HOA approval, which would set the City up for problems with the HOA. Haddix said there had been at least a few times when Council had approved a variance without HOA approval, and the HOAs had been very upset. He wanted to see it in writing. Burnett said they had written approval pending Council approval; however, he had not sent it to Rast. He added he would e-mail it to Rast that night. Imker offered his computer for Burnett to log into his e-mail and look for the letter.

Haddix asked Rast to go over the buffers and what they meant. Rast explained the watershed protection buffer included a 100-foot natural buffer from normal pool elevation, designed to filter out sediment from the drinking water reservoirs, and the 50-foot no impervious buffer was an additional buffer that allowed residents to use the yard. Some things were allowed in the no impervious buffer as long as the water could still percolate. Pavers were pervious if they were on a sand or gravel base.

Imker reported to Council that he had seen the e-mail from the HOA with its approval pending Council approval of the variance request. Burnett was sending him the e-mail, then Imker would forward it to everyone else.

Learnard asked if the pumps could be moved to the side of the home if there was any possibility at all. She felt that was an appropriate measure to take.

Learnard moved to approve the variance request from the Watershed Protection Ordinance for 323 Watermark Drive based on the conditions outlined in the staff report. Dienhart seconded. Motion carried unanimously.

**05-13-02      Consider Amendments to Chapter 66, Signs, Specifically Related to  
Temporary Signs**

Rast noted that, when the ordinance was amended in 2006 – 2007, language was added to allow temporary signs on residential and non-residential property. One temporary sign was allowed for an extended period of time, with basically no limit to the time the sign could be on display. Some businesses were using the temporary signs to their advantage by having more signs than were permitted by ordinance. The proposed amendments would provide a mechanism for enforcement by setting time limits. The size of the signs would not change, but the date the sign was posted must on the sign, and the signs could not be displayed more than 30 consecutive days at any one time, provided no more than six temporary signs were located on the property during a calendar year, and there be no less than 30 days between the displays of the signs. Staff hoped the amendments would help reduce clutter on primarily commercial properties.

Learnard moved to approve the amendments to Chapter 66, Signs, specifically related to temporary signs. Fleisch seconded. Motion carried unanimously.

**05-13-03 Consider Ordinance Amendments Regarding Blankets and Tarps**

City Manager Jim Pennington reported that Public Information Officer/City Clerk Betsy Tyler and Meeker, along with several other staff members, had worked on the proposed amendments, noting they addressed a difficult situation. People were either for or against putting blankets and tarps out early for the Fourth of July events. There was no middle ground.

Tyler recalled the blanket and tarp frenzy that had started five days prior to the Fourth of July last year. The City's streets and parks were lined with blankets, tarps, and other items placed to reserve seating. Council had asked for a recommendation on what to do about the issue. Tyler continued that she and Meeker had worked with Recreation, Planning, Fire, Police, Code Enforcement, and Public Works, finding two sections of the Code of Ordinances needed to be addressed – Parks and Streets and Right-of-Ways.

The proposed amendments would allow staff to remove any blankets or tarps left unattended for 60 minutes or more, which would keep them from going up days prior to an event. Tyler noted there might not be enough employees available to tag the blankets and tarps and then go back and get them on July 4<sup>th</sup>. The Police Department followed state law regarding vehicles that appeared to be abandoned on roads, which included placing a tag on the vehicle for a certain amount of time before removing it. The ordinances had previously not included anything for parks.

Learnard noted that runners often left vehicles and items at the boat launch on Battery Way, then would go on a long run that lasted two hours. Meeker said a separate set of rules applied to abandoned vehicles. A sticker had to be placed on vehicles, and they had to be in place for 24 hours before they could be moved. Police Chief H.C. "Skip" Clark added it usually took some time before the vehicles were noticed and reported.

Imker said he was not comfortable with the 60-minute requirement. Changing the time to midnight the day before an event would give City residents first choice on locations. Tyler reminded Council that there were other events where there were issues. The proposed amendments did not specifically address July 4<sup>th</sup>.

Fleisch said the safety aspects of stakes were still a problem, even with the time change to midnight. Tyler said there would be even fewer staff than normal at that time, adding canopies could block the view of motorists.

Imker said he did not want to see any citizen confrontations because of a one-hour rule. Dienhart said July 4<sup>th</sup> was the City's showcase event, and he had no problem with an hour.

Haddix said, if the time were changed to midnight, he had visions of thousands of flashlights in the dark as people tried to find a space. Imker suggested 6:00 a.m. be considered rather than midnight. Learnard said that would address the issue of putting them out days in advance. Imker said it was not about restricting people from doing it, just how early they went out.

Clark said it was Council's choice. The Police Department would not be able to monitor how long tarps and blankets were out on July 4<sup>th</sup>. They had many obligations that day. He wanted to make sure there were no safety issues.

Pennington said the problem was having the blankets and tarps out four to five days beforehand. The City did not have the personnel to monitor it, but putting them out six days beforehand was ridiculous. Clark said there would be a mad rush of people getting their spots with the time restricted. Haddix suggested keeping the amendments inline with the rules for the parks, which used the wording "dusk to dawn." Dienhart felt that was too subjective.

The Council consensus was to allow the blankets and tarps beginning at dawn the morning of an event. Meeker said the amendments would need to be re-written, and they could be ready for the June meeting.

**05-13-04      Consider Budget Amendment for Crosstown Road**

Pennington said there had been many presentations on the roads, and Crosstown was at the top of the list. The road was declining rapidly, and staff believed the full-depth reclamation (FDR) used on Dividend Drive should be used for Crosstown Road. The problem was the \$261,000 grant the City had received had a time limit, and there was only \$134,000 left in the Special Purpose Local Option Sales Tax (SPLOST) fund for roads. Another \$305,000 needed to be transfer from the cash reserves, which would total \$700,000 for the project. Pennington said the City needed to move ahead with the project, but he wanted Council to understand there would be no funds left in the SPLOST fund for roads. The remaining SPLOST money was for cart paths.

Financial Services Director Paul Salvatore said there would be approximately \$331,000 left in the SPLOST fund for cart paths. All the money could come from the SPLOST fund without the requested budget adjustment, but then there would no money for cart paths and staff would be requesting the adjustment for those projects.

Pennington reiterated the \$261,000 grant had to be spent by June.

Learnard moved to approve the budget adjustment in the amount of \$305,000 from General Fund reserves for the completion of an FDR for Crosstown Drive. Imker seconded. Motion carried unanimously.

A short break was called at 9:23 p.m., with the meeting reconvening at 9:28 p.m.

**Council/Staff Topics**

**Hot Topics Update**

Pennington noted the City's Employee Picnic would be held the next day, May 10, at Shakerag Knoll.

Pennington said staff was proceeding with work on the Comprehensive Plan, at least on the SR 54 East area. A great deal of data had been collected. Staff was looking at the near term and long term.

Pennington said there had been some discussion on a name for the Recreation Administration building since it had been renovated for use by Fayette Senior Services. Several names had been discussed, and in looking at the entire area, staff recommended calling it McIntosh Place. It would be nice to put a placard up with the name. Council consensus was that was fine.

Imker discussed the potential SPLOST that would be on ballot in November. Imker talked with County Administrator Steve Rapson, asking him when the County needed the City's list of projects so the wording for the question could be done. Imker said Rapson wanted something from the City by May 28. Imker told Rapson that would not happen. Imker wanted to lay out some possible options that could be discussed, saying the two-year penny tax would generate \$12.8 million for the City.

Imker suggested the funds could be used for a millage rate reduction, street/cart path maintenance, new cart paths/streets, debt payoff, paying cash instead of leasing equipment each year, a new fire station, any other ideas that might come up, or any combination of those ideas. If the SPLOST were approved, the items could be moved around if worded properly. He continued that, in one year, the SPLOST would yield approximately \$6,430,000, which was the equivalent of 3.76 mills of property tax for City residents based on the net digest value that one mill was equivalent to \$1,710,000. The average homeowner would pay \$368 in additional property taxes each of the two years a 3.76 mill tax was in place based on the fair market value of the average \$245,000 home. The equivalent cost for each household paying the 1% extra sales tax for two years was about \$180 per year to achieve the same \$12.8 million in revenue.

Imker continued that, in order for each household to generate \$368 in SPLOST tax for the City, they would have to ring up \$123,000 in sales in Fayette County that were subject to the 1% SPLOST. The five-year 2006 SPLOST yielded only \$10,130,000 for the City or \$2,025,000 each year.

Imker continued that Public Services Director Mark Caspar had presented a list at the May 7 workshop, recommending \$7.5 million be used for roads, \$2.5 million on cart paths, and \$2.6 million on cart path bridges and tunnels. As for the streets, \$5 million could be spent on 185 streets of the streets in the City that rated 77 out of 100 or below (with the worst street, Crosstown Drive from SR 74 to Peachtree Parkway, rated at 49). The \$5 million cost did not include milling, patching, or FDR if that was needed, so Imker said they really did not know how many streets would be covered by \$5 million or \$7.5 million. There were 606 cart paths in the City, and \$2.5 million would address the worst 91 cart paths.

Dienhart said this was the perfect timing since the 2006 SPLOST funds were running out. Imker asked if a generalized statement was all that was needed. Haddix said there had been specific projects in the 2006 SPLOST. Meeker said there were projects listed, as well as a catch-all statement for cart paths. Imker proposed including all the projects so the City could pick and choose, saying the money should clearly be used for street and cart path maintenance in his opinion, but the others on Council might feel differently. He wanted to know how to get started. Meeker said there would also be an intergovernmental agreement that would have a listing of how the funds could be used by each jurisdiction. Meeker noted the County could put forward a SPLOST referendum on its own, but had asked for an agreement to be put in place. They were now working on formulating an agreement, so it could all be done at one time.

Haddix said he supported debt repayment. The money from the last SPLOST was running out. If this SPLOST passed, the City would be in the same position when the funds ran out. He wanted something more permanent, to get rid of the debt and have the ongoing savings that could be used every year for the roads, cart paths, or other issues.

Dienhart asked Salvatore if he had the figures regarding the debt currently held by the City. Salvatore said the City had approximately \$15 million in debt. Every year, some of the debt rolled off. One year's worth of debt payment was approximately \$2.7 million. Dienhart said that money could go back in the budget to pay for streets and cart paths.

Imker said anytime there was an infusion of \$12 million there had to be a success somewhere, whether it was debt reduction or spending it on street and cart path maintenance. Currently, the City had 13 line items of debt, and four were revolving, and those four accumulated anywhere from \$500,000 to \$1 million. The rest of the \$2 million would be paid off in four years, which would free up that \$2 million after four years. There was merit to both approaches. He wanted the discussion to focus on which route the City wanted to take and how it would get there, not to debate the merits of one or the other. Learnard said staff must have a scenario of what they wanted to see.

Fleisch noted that businesses in the City contributed approximately \$8 million annually to sales taxes in the County. Fayetteville contributed approximately \$7 million, and the County contributed \$3 million. With the proposed SPLOST, the County would get \$20 million. Peachtree City would have contributed \$16 million, and would get back \$12 million. Fayetteville would contribute \$14 million, getting back \$5 million. Salvatore said the method of distribution was not based on how much sales taxes each entity's businesses collected. There were other services involved. Fleisch said the residents needed that information. Haddix said that was an argument to vote down the SPLOST and to go with a Municipal Option Sales Tax (MOST).

Pennington said it was logical that the revenue from a sales tax would come from the entities with businesses that sold goods. The commercial centers in the County were in Peachtree City and Fayetteville. There was minimal commercial activity in the County proper, and the cities were also part of the County.

Dienhart said the City would come out in a more favorable position with the proposed SPLOST than it had with past SPLOSTs. Fleisch said City residents were already paying for stormwater. She was not saying it was double taxation, but the residents should be aware of that when they went to the ballot. Dienhart said that was why it was called a core infrastructure SPLOST. Stormwater was the way some entities would use the money. Haddix agreed with Fleisch that the citizens deserved to know what was going on. Dienhart said, in the interests of full disclosure, they needed to know there was not a Plan B to replace the expired SPLOST money. Haddix said the City was contributing more than they would get back.

Imker clarified that only the City of Atlanta could legally have a MOST. Haddix said he thought that had changed. Meeker said that, unless something had changed, the City could not do a MOST, but he would research it. Learnard suggested getting a recommendation from staff. The City was out of money for cart paths and streets, and the proposed SPLOST was the most sensible way to go about it. Imker said he also wanted staff to come back with an approach for debt reduction.

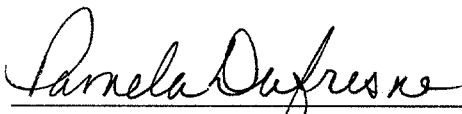
Pennington said Council had asked for reports on the walking sign and food truck ordinances passed the previous year. There had been no problems with either. There had been no complaints at City Hall.

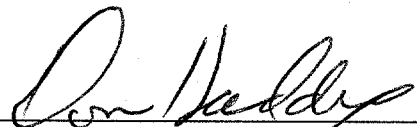
Learnard moved to convene in executive session for pending and threatened litigation at 10:01 p.m. Dienhart seconded. Motion carried unanimously.

Imker moved to reconvene in regular session at 10:14 p.m. Dienhart seconded. Motion carried unanimously.

Dienhart moved to deny the claims of Ed Eiswerth as such claims were presented, and to authorize the City Attorney to file the counterclaims discussed in executive session if a lawsuit is filed. Learnard seconded. Motion carried unanimously.

There being no further business to discuss, Dienhart moved to adjourn the meeting. Imker seconded. Motion carried unanimously. The meeting adjourned at 10:16 p.m.

  
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Pamela Dufresne, Deputy City Clerk

  
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Don Haddix, Mayor