City Council of Peachtree City
Minutes of Meeting
May 7, 2009
7:00 p.m.

The City Council of Peachtree City met Thursday, May 7, 2009, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Council Members present: Steve Boone, Don Haddix, Cyndi Plunkett, and Doug Sturbaum.

Announcements, Awards, Special Recognitions
Mayor Logsdon recognized Rebecca Watts from the Library for 10 years of service.

Public Comment
Robert Brown addressed Council regarding building permit fees. He said he had recently paid $50 in permit fees for a project that took 15 pieces of lumber and six hours of work. He asked if staff could look at what projects should actually require permits, adding that staff should have more flexibility to determine if a permit was actually needed.

Agenda Changes
There were no changes to the agenda.

Minutes
Sturbaum moved to approve the April 16, 2009, regular meeting minutes. Boone seconded. The motion carried unanimously.

Monthly Reports
Plunkett referred to the 50th Anniversary Founders Day celebration on July 3 and asked people to send the names of residents prior to 1979 to City Hall so everyone could be included.

Logsdon asked Financial Services Director Paul Salvatore how the budget was doing. Salvatore said there had been no surprises, but the City had not yet received the Homeowner Tax Relief Grant (HTRG) funds from the state, which should be approximately $361,000.

Consent Agenda
1. **Consider Designation of Interim Developmental Services Director as City Planner**
2. **Consider FY 2009 Budget Adjustments**
3. **Consider Request to Surplus Goods**
4. **Consider Alcohol License – NEW – Target Store T-2129**

Plunkett moved to approve the Consent Agenda. Haddix seconded. Sturbaum asked for a friendly amendment, noting that the criminal history for Patricia Johnson, the Target licensee, had been received and was satisfactory. Staff had requested the approval contingent upon receipt of the criminal history. Plunkett restated her motion to include the friendly amendment. Haddix seconded. The motion carried unanimously.

<u>Old Agenda Items</u>

03-09-01 Public Hearing – Consider Rezoning, 37.001 acres, GI to LUR, Southpark International Industrial Park ***(Request from Applicant to Continue until June 18th)***

Boone moved to continue the public hearing to consider the rezoning of 37.001 acres from GI to LUR in Southpark International Industrial Park until June 18. Haddix seconded. The motion carried unanimously.

<u>New Agenda Items</u>

05-09-01 Public Hearing - Consider Transmittal of Draft Capital Improvements Element to ARC/ DCA *(Note: This document, once approved by ARC/DCA, will then be formally adopted by City Council and will be used to establish a new impact fee program for new development within the City)*

Interim Developmental Services Director/City Planner David Rast addressed Council, noting that staff and the Impact Fee Advisory Committee had been working on the draft Capital Improvements Element (CIE) for several months as part of the potential amendments to the City's impact fee ordinance. Council would consider two components at this meeting – the draft Capital Improvement Element (CIE) and the Impact Fee Methodology Report, both of which were required by the Impact Fee Act.

Rast continued that the CIE identified the projects the City would need for future development, and had been an extensive process that included growth projections and determining what services would be needed to maintain the current level of service in those areas. The City's consultant, Bill Ross of Ross+Associates, was also available to answer questions.

Rast continued that the City could not adopt the CIE until it had been reviewed by the Atlanta Regional Commission (ARC) and the state's Department of Community Affairs (DCA). He added that the new impact fee schedule was not up for adoption, only a request to transmit the document for review. After the review, staff would bring the CIE back to Council for adoption, as well as amendments to the impact fee ordinance and fee schedule.

Plunkett noted that there would be a substantial change in how impact fees were collected. Rast said it was different, but pointed out that the CIE was not a change in the impact fees. The CIE was required each year to show how the City was spending impact fees.

Council asked for a better explanation of what the CIE was before opening up the public hearing.

Ross said the CIE was an amendment to the Comprehensive Plan and was a requirement for the impact fee program. Updating the CIE was part of updating the impact fee calculations. The CIE set forth the future projects for the City, with the City determining what to build. The CIE showed what/who would be served, what would be needed, estimated the cost, and identified potential funding sources. It would be a substantial change for several reasons. Currently, the City did not charge impact fees for non–residential development. The recommended changes also dealt with a City-wide service area as opposed to multiple service areas. Another recommendation was to re-calculate the net present value calculation, which needed to be done whether or not Council modified the impact fees. Ross continued that the action Council would take at this meeting would be to send the draft CIE to the ARC/DCA to ensure it was properly done. The review period was 60 days. At that point, Council would decide whether or not to adopt the draft CIE. Doing so would not change the impact fee schedule. There was still much work to be done.

Plunkett said that a portion of the impact fees had always gone to City-wide projects, but the remainder had gone to the area affected by the growth. The recommendation was to deviate from that. She was concerned that, by sending the draft CIE, Council was saying they wanted to go in that direction, but that might not be the case. Boone agreed.

Scott Bradshaw spoke on behalf of the Home Builders Association of Midwest Georgia (HBA), which was in favor of the amendment to the Comprehensive Plan, but they did recommend a few changes. (A copy of the position paper was given to Council and is included in the official meeting file.) He was concerned about the use of historical data in coming up with the growth projections since there was a planned buildout. He suggested the growth projections be based on the raw land that was left and the current zoning. The HBA was concerned that the service areas in the local impact fee ordinance coincided with the villages, with the only exception in Kedron, which was subdivided into three service areas. The impact fee per lot in a particular service area was based on the capital improvement needs caused by the new growth. The first $1,083 of the impact fee for each residential lot went to the City-wide service area. The remainder of the fee was required to be spent in the service area where the new growth caused the need. He continued that the consultant had recommended abolishing all the service areas, except for the City-wide area. Their concern was that it would destroy the village concept. The amended CIE and methodology report did not include roads as a use for fees.

Bradshaw continued that the HBA members were also concerned about the proposal to expand the impact fee program to non-residential building (industrial, office building, and commercial development). Not charging impact fees for non-residential building provided a tax break and encouraged new businesses. His Association felt that the residential builders had paid a disproportionate share of the infrastructure costs in the past. Since the non-residential fees would generate a substantial amount, he suggested the City either reduce or freeze the residential impact fees.

Robert Brown agreed with Bradshaw that the village concept was important to the character of the City. The draft CIE should not be sent to ARC/DCA until Council agreed on the impact fees.

Logsdon said the impact fees were not what drove the village concept. The village concept was based on a geographic term. In his opinion, it was a stretch to say a City-wide service area destroyed the village concept. Haddix agreed. He said the village concept had never been about service areas. The fire stations were never based exclusively for service where they were built, and police services were not based on the villages. Both were based on response times, not village boundaries. They were not equivalent terms.

Sturbaum's concern was that roads should be included in the fees. Haddix said roads were not excluded, but there would need to be an additional study to bring them into the fees. City Manager Bernard McMullen explained that, in the CIE, staff had presented projects that were needed to support future growth. No other roads were planned except for the roads being built by the developers, such as the extension of MacDuff Parkway. Plunkett asked about the extension of Loring Lane to SR 54 and any east/west corridors that might be considered. City Attorney Ted Meeker explained that the CIE and the impact fees could not be assessed on the possibility that something might be built in the future. Ross added that Georgia's impact fee law was project-based. Roads were compatible with impact fee collections, but without a plan they could not be part of the CIE.

Plunkett said she did not think the recommended plan would destroy the village concept, but the plan that was in place allowed the remainder of the impact fees to go to projects specific to the village, which was fundamental to what the City did. There would be projects in Wilksmoor. Those funds allowed the City to enhance those areas. If builders wanted to come to the City, then they had to pay. The fees needed to go up.

Ross said the proposed City-wide service area was primarily about fire services. The City had central park areas and a central police department. If the impact fees were used to build a fire station and purchase equipment in a service area, then that fire truck would not be able to leave that service area. The City's fire protection was an inter-related service that served the whole City. Each station served several villages, which was one of the reasons the village concept could not be used for service areas. Impacts fees were for a service provided and were an inappropriate way to try to get at the village concept. The City probably should not be dividing the impact fees as it currently did.

Plunkett looked at recreation, noting that the village concept included recreation opportunities in village. As homes were added to a village, community recreation needed to be added to an area, including parks, tennis courts, or cart paths. The impact fees would need to go to that area. Ross said the City did not tell people they could only use the parks in their village. Parks were a good example of services that could be tiered – a City-wide system of neighborhood parks and community parks. The City could have such a system with service areas that might not conform to the villages.

Sturbaum noted there was an exemption policy, and asked if wording could be added to allocate money to different villages. Ross said the exemption policy was another word for a waiver that state law allowed for two categories – affordable housing and public roads. Waivers were approved by Council, and the money to provide services would have to be made up from another source.

Logsdon asked Bradshaw to explain his recommendation to freeze residential impact fees. Bradshaw said the Impact Fee Advisory Committee voted to recommend the service areas be left in place. His comment regarding freezing the fees came from another recommendation that had been made earlier, but got lost in everything, to recommend non-residential impact fees in a system-wide service area, and to freeze residential fees for two years to see how the economy grew. Residential builders had paid a disproportionate share over the years, and there would be a significant amount of non-residential impact fees.

Logsdon said he did not see that much in non-residential impact fees in the future. McMullen said it would depend on the timing of the approval of the impact fees. The list would show all the undeveloped land and land with site plans, already submitted, which would determine what would fall under the new fees and what would be grandfathered. There were only about 20 acres of undeveloped commercial land left in the City. Ross added that according to their calculations, the City would collect just under $2 million in non-residential fees and approximately $5 million in residential fees. Ross clarified those fees were based on buildout projections. McMullen added that was only if the City charged the maximum allowable based on the analysis. Ross said that impact fees would not be collected for redevelopment if it was for the same use and the same building footprint. If the building footprint changed, the builder would only be charged impact fees for the difference.

Plunkett asked if there was a deadline for transmittal of the CIE. Rast said it had already been submitted for the current impact fees, but this CIE was for the proposed impact fees.

Haddix asked Ross to clarify how roads could be added to impact fees. Ross said roads and stormwater projects could be added as they came up, but here had to be a firm project. Roads could be added for any project that added capacity. Signalization of an intersection could qualify, as well as brand new roads.

Plunkett said she appreciated all the work that had been done, but she still had a lot of questions. Logsdon said there was time, but the draft needed to get to the ARC so they would know the City was working on it. He pointed out that approval of the transmittal was not a drop-dead vote. Ross reiterated that the CIE was a draft that showed the state the requirements were met. Haddix noted roads could not be added now since there was no project requiring them.

Plunkett asked what would happen if the Council decided to raise the rates, but keep the collection distribution the same. She asked if the CIE would have to be resubmitted. Ross said it would. The bottom line was they did not know how inaccurate the current fee schedule was. The City had never adjusted its impact fee schedule for inflation or for the addition of infrastructure. Everything needed to be updated. Rast said the City adopted its impact fee ordinance in 1994, and it had not been updated since. The current impact fee schedule was not built on the villages, but on service areas. He noted that the fire service was zone-based. The service areas did not coincide with the villages. Bradshaw noted that Senate Bill 522, which was in committee, was expected to be approved during the next legislative session. If approved, a committee would be formed to look at the state's impact fee laws to see if changes were needed.

Haddix moved to approve the transmittal of the draft Capital Improvements Element to ARC/DCA. Logsdon seconded. The motion carried 3 (Boone, Haddix, Logsdon)-2 (Plunkett, Sturbaum).

05-09-02 Consider Adoption of Impact Fee Methodology Report
(Note: Adoption of this document DOES NOT establish a new impact fee structure, but sets the parameter as to what fees can be charged)

Rast said that technically the document did not need to be adopted by the Council; however, because of the extensive effort that went into its preparation, staff felt if should be presented to Council for consideration. To determine the City's future needs, several months were spent

analyzing the undeveloped tracts in the City and what could be developed based on the current zoning. Those numbers were used to develop the ultimate buildout scenario. The information would be used to identify projects for the draft CIE and the upcoming revisions to the impact fee ordinance.
Boone said the report was basically a road map and moved to approve the adoption of the Impact Fee Methodology Report. Haddix seconded. The motion carried unanimously.

05-09-03 Consider Change in Developmental Services Fee Schedule
Plunkett moved to approve the change in the Developmental Services fee schedule as outlined in the memo. Sturbaum seconded. The motion carried unanimously.

05-09-04 Consider Cancelling the June 4 and July 2 Council Meetings
McMullen noted there were no items on either agenda. There would not be a full Council at the June 4 meeting, and the July 2 meeting was very close to the July 4 holiday.

Sturbaum moved to approve cancelling the June 4 and July 2 Council meetings. Haddix seconded. The motion carried unanimously.

Council/Staff Topics
Public Services Director Tom Corbett updated Council on the right-of-way mowing and landscaping contract with TruGreen. He said staff had found that it took a company approximately three months to gear up for a project of this size, but asked TruGreen to go ahead and get started. They started April 13, then the rain set in and the grass could not be cut. TruGreen had finished the first two two-week cycles on state roads and primary roads, which included Peachtree Parkway, Crosstown, McIntosh Trail, and all of the larger connectors. The first round was to get the overgrowth out of the way. The second cut had gone much better. The City contract supervisor, Ken Williams, was working with TruGreen to teach them the ins and outs of the areas in the City. If left on its own, TruGreen would do what was in the contract, but the City's judgment needed to be applied for the best results. It would be a slow process. The landscaping work was behind since the winter work had not been finished. Corbett pointed out that SR 74 South was not the City's responsibility yet, but SR 74 North was. However, the grass in the 74 North medians could not be cut until the red clover died, which should happen in the next week.

Plunkett asked about the weeds/grass along the soundwall on SR 74 South. Corbett said that McMullen and Rast had asked the state's contractor if the grass could be cut. McMullen added that the area was still the contractor's responsibility. The rye grass would die, and the contractors were required to replant with regular grass before turning the project over to the City. Staff hoped to apply some pressure. He noted that the growth in some areas was close to becoming a safety concern. Boone explained that rye grass was used as a ground cover for erosion control. Plunkett said the City should just tell the state the City would do it. McMullen said he did not disagree, but there was concern that the mowers could damage something such as exposed cables, which would create additional issues. Boone said the City did not have the right to mow the area since it was still the contractor's responsibility. McMullen added that some of the property owners along the highway had been mowing the areas in front of their properties.

Corbett said staff was in daily contact with the TruGreen, and the company expected to have everyone on board by Memorial Day. The training would take some time. Corbett said they had been more concerned with quality than speed at this point.

Corbett said TruGreen was also handling dead animal removal and there had been a large number of deer, at least a couple every day. Logsdon asked if they were from car accidents. Corbett said no. Logsdon said he was concerned about the death of deer from something other than car accidents. Haddix asked if there was disease in the deer population. Bradshaw noted that bow hunters were out at night on the east side of the City.

Rast reported that the CSX Bridge on SR 54 West was seeing progress. Within the last two weeks, the City had gotten the environmental certification, right-of-way certification, construction plan approved, and bid specifications approved. He had received the project manager certification package by e-mail that day, which was needed for the funding to be released. Tremendous progress had been made. Rast said he would update everyone when he received something back on the project manager certification. The next big hurdle was to put it out to bid.

Rast also reported that CSX just needed to sign off on the donation for SR 74 landscaping. They were waiting for the maintenance agreement from CSX, who was working to include closing the Comcast crossing on SR 74 as part of the agreement. They were still trying to get with the right people at Comcast to finalize that. The landscape plans were approved, and CSX had signed off on them. The bid specifications would be ready to go as soon as Council approved the maintenance agreement.

The traffic signal at SR 74/Wisdom Road was also moving along. Rast said CSX had accepted the easement offer, and staff was waiting for the paperwork. The contractor was on standby.

Rast continued that the design drawings were complete for the ramps to the Post Office from the SR 74/Paschall Road tunnel. Most of the utility comments were back. Staff met with FC&A regarding the required easements. There had not been any easements for the old path. Several were needed for the new one, and negotiations were ongoing. An easement was also needed from Lamar Seales on the northeast corner of the intersection. Rast said staff was also working with NCR on the cart path connection to its facility once the renovations were complete.

Plunkett moved to convene in executive session for real estate, threatened or pending litigation, and personnel at 8:24 p.m. Boone seconded. The motion carried unanimously.

Sturbaum moved to reconvene in regular session at 8:53 p.m. Haddix seconded. The motion carried unanimously.

There being no further business to discuss, Sturbaum moved to adjourn. Boone seconded. The motion carried unanimously. The meeting adjourned at 8:55 p.m.

Pamela Dufresne

Pamela Dufresne, Deputy City Clerk

Harold K Logsdon

Harold K. Logsdon, Mayor