City Council of Peachtree City
Meeting Minutes
April 17, 2014
7:00 p.m.

The Mayor and Council of Peachtree City met on Thursday, April 17, 2014, at City Hall. Mayor Vanessa Fleisch called the meeting to order at 7:00 p.m. Other Council Members attending: Terry Ernst, Mike King, and Kim Learnard. Eric Imker was out of town.

Announcements, Awards, Special Recognition

Mayor Fleisch proclaimed the week of April 27 as Paint the Town Purple Week in recognition of the American Cancer Society's (ACS) Bark for Life on April 27 and the Relay For Life Walk on May 3. Debi and Shannon Heaton accepted the proclamation for the local ACS office. Fleisch presented a proclamation to Bob Grove and Mike Bosma of the Dixie Wing of the Commemorative Air Force recognizing World War II Heritage Days on April 27 – 28.

Will Harbin of the Fire Department was recognized for 15 years of service to the City. Police Capt. Stan Pye was recognized as Supervisor of the Quarter.

Mayor Fleisch read the following statement in support of the Peachtree City Fire Department:

> *I asked for this item to be added to the agenda following some recent discussions about the possible consolidation of area fire departments so that we, the Mayor and Council of Peachtree City, can express our support for the Peachtree City Fire Department and the current levels of service it provides our community. We wanted to take this moment to reaffirm that support and to confirm to both the department and to the citizens of this City that consolidation is not a topic of conversation with this Mayor and Council.*

Minutes

April 3, 2014, Regular Meeting Minutes

Learnard moved to approve the April 3, 2014, regular meeting minutes as written. Ernst seconded. Motion carried unanimously.

Monthly Reports

Fleisch noted there was a revised report from Administrative Services on the dais, along with the Recreation Report. There were no comments on the Monthly Reports.

Consent Agenda

1. **Consider Amendment to Land Development Ordinance – Sign Post Materials**
2. **Consider Employee Holiday & Council Meeting Calendar**
3. **Consider Acceptance of GEMA Grant – Fire Department**
4. **Consider Acceptance of GEMA Grant – Police Department**
5. **Consider Agreement with KPTCB**

Learnard moved to remove Consent Agenda item 1. Ernst seconded. Motion carried unanimously.

Learnard moved to approve Consent Agenda items 2 – 5. King seconded. Motion carried unanimously.

Consent Agenda 1. Consider Amendment to Land Development Ordinance – Sign Post Materials

Learnard reported she had received a communication from a resident who was concerned about the silver backs on the new signs rather than the subdued brown-backed signs, so she drove around the City to look at the signs. Learnard agreed the brown-backed signs were more park-like and lent a certain "something" to the community, asking City Manager Jim Pennington to clarify what was in the proposed amendment to the ordinance.

Pennington said he had read the Council communication and agreed, saying the purpose of the ordinance amendment changed the references to wooden sign posts to aluminum posts, since wood was no longer used. The back of the signs could be painted. The painting had been stopped because it was not cost effective, but he had spoken to Jon Rorie, the interim director of Public Services, and it would only cost a few dollars to paint the backs of the signs. However, Pennington pointed out that the City could not change the signs on the state highways since those did not belong to the City.

Learnard clarified that approving the ordinance amendment did not take away to option to have the brown-backed signs.

Fleisch asked if Council should approve the ordinance as written and whether anything else should be done to ensure the signs were brown-backed. Pennington said that painting the back of the signs brown was simply an administrative decision. He continued that, per the Manual on Uniform Traffic Control Devices (MUTCD), the reflectability of signs had to be measured at certain times. A sticker was placed on the back of each sign that had the expiration date of each sign written on it. The stickers would not go on until the back of the sign was painted.

Ernst moved to approve Consent Agenda item "1. Consider Amendment to Land Development Ordinance – Sign Post Materials." Learnard seconded. Motion carried unanimously.

Old Agenda Items

04-14-03 Public Hearing – Consider Lifting Moratorium on Multi-Family Housing for Proposed Assisted Living Facility, Lexington Circle Tract

Planning & Zoning Administrator David Rast addressed Council, noting the request to lift the moratorium was from the LaSalle Group for a 4.7-acre tract in Lexington Circle at the corner of Walt Banks Road and SR 54. The applicant had proposed an assisted living facility for the site, and a representative of the company had contacted the City approximately six weeks prior to the meeting. Rast said staff had looked at the Limited Use Commercial-16 (LUC-16) zoning for Lexington Circle and the development agreement. Some discrepancies had been found between the ordinance and the development agreement. It appeared the approval of the development agreement had not followed the zoning procedures law. There was nothing in the minutes showing a vote by City Council to approve the development agreement had been taken, had been heard in public meetings, or was properly advertised.

Rast continued staff would like to continue working with the applicant, but staff would also work on clarifying the inconsistencies in the LUC-16 ordinance and in the development agreement. The development agreement had been recorded with Fayette County, and staff had followed the development agreement and the conditions it contained since it was adopted in 2001 under the assumption it had all been done according to the zoning procedures law. Rast continued that staff could not recommend whether Council should lift the moratorium or not. Moving forward, staff would make the ordinance and development agreement consistent, bringing the ordinance back to Council on May 15.

Ilde Robles, the LaSalle Group representative, said his company was a family-owned assisted living facility company out of Texas. The company had been considering Peachtree

City as a location for a long time. He continued that their product focused on memory care only, and the proposed one-story facility would house 54 residents. They had spent a great deal of time looking for a location.

Fleisch opened the public hearing.

Diane Newton, executive director of Ashley Glen Senior Living and Memory Care, told Council their facility had opened its doors 16 years ago. Located on Prime Point behind McIntosh High School, Newton said they were concerned about traffic congestion a new facility would bring with three shifts of staff, volunteers, and families coming and going. The area already had multi-family residences, single family homes, and commercial business. As a result, it was full of cars, buses, and golf carts. Ashley Glen found emergency response to be tremendous when they called 911, and she could not imagine how horrible it would be if emergency personnel could not get to the new facility or to theirs because of the congestion. Walt Banks was a two-lane road that was heavily travelled since it connected SR 54 and Peachtree Parkway, and the traffic on SR 54 was also a concern. Newton continued that 158 new assisted living beds had been added in Fayette County in the last year, and 84 of those beds were for memory care or Alzheimer's care. Only one-third of those new beds were occupied. The existing assisted living facilities were having occupancy challenges, and some were only at 77% occupancy. She believed the business mix in the area was wrong. Newton urged Council and the Planning Commission to reject the proposal to lift the multi-family housing moratorium.

The public hearing closed.

King asked how many assisted living facilities were located in the City. Rast said Arbor Terrace (formerly Towne Club) had changed some of its apartment homes into assisted living. Somerby had 74 assisted living beds, and 22 were memory care beds. Ashley Glen had 69 assisted living beds, and 18 were memory care. There were several independent living choices for seniors, but there were not a tremendous number of memory care options.

King asked Robles why his company was interested in this location. Robles said the City fit their model demographic well. They had facilities in Sugar Loaf and Woodstock, and another would open soon in Stockbridge. They specialized in memory care, and their residents tended to be in the later stages of their particular issue. They had an assisted living license versus the other types of licenses other facilities might have. King asked if the proximity of McIntosh High School and its activities would pose a problem. Robles said the construction of the building would take care of the noise. Everything had been taken into consideration.

Learnard said she had asked staff for some numbers, saying there were 1,908 age-targeted units for seniors in the community, including age-targeted subdivisions, senior apartments, nursing homes, assisted living, and duplexes. There was a plethora of options that totaled approximately 15% of the total number of housing units in the City. She did not have a comparison with other Class B cities. There was zoning for a reason, so there would be pockets of areas that complemented each other, but this location flew in the face of the zoning in the area. She did not understand why a memory care facility would want to locate on a main highway, and she did not think it was a good location for the facility.

Learnard continued that, according to the County-wide visioning effort, the housing trend for seniors was not sustainable. It was imperative for the County to attract younger families to rejuvenate the area and repopulate the schools. She did not think this project was the right thing at this time.

Ernst moved to deny agenda item "04-14-03 Consider Lifting Moratorium on Multi-Family Housing for Proposed Assisted Living Facility, Lexington Circle Tract." King seconded. Motion carried unanimously.

New Agenda Items

04-14-06 Public Hearing – Consider Adoption of Transmittal Resolution Authorizing Staff to Forward 2014 Partial Plan Update to ARC

Rast said this was a procedural item, explaining it pertained to a document that must be submitted to the Atlanta Regional Commission (ARC) and the Department of Community Affairs (DCA) each year to stay in compliance with the Georgia Planning Act. An update to the Short Term Work Program (STWP), Capital Improvements Element (CIE), and annual Impact Fee financial report would be submitted. The transmittal resolution allowed staff to send the information to the state agencies for review. When the updates came back, staff would come back to Council for a formal adoption of the updates, probably in late May or early June. Rast asked Council authorize the Mayor to sign the transmittal resolution so the information could be sent to the ARC and DCA.

Fleisch opened the public hearing. No one spoke. The public hearing closed.

Learnard move to approve the New Agenda Item "01-14-06 Consider Adoption of the Transmittal Resolution Authorizing Staff to Forward the 2014 Partial Plan Update to the ARC." King seconded. Motion carried unanimously.

04-14-07 Consider Revisions and Updates to City's Impact Fee Program

Pennington said staff had looked at examining the Impact Fee Ordinance because there were two major projects on the horizon, The Oaks and the potential Wieland development, and the ordinance had not been updated since 2009. Things had changed since 2009, and where the impact fees needed to go then was not where the fees were needed today. The City had met all the standards it could meet for recreation programming and had exceeded the standards for the Library. Staff believed a new study should be done, and looked at Ross+associates, the company that had done the 2009 study. Two other contractors were recommended by the ARC, who were essentially nonresponsive, and Ross+associates had submitted a proposal.

Community Services/Interim Public Services Director Jon Rorie said the current plan required the City to identify public facilities that needed improvements based on future growth. When the update was done in 2009, it was based on build out populations. As growth occurred, the City assessed and received the impact fees to address the demand placed on public facilities. The current plan included police services, fire services, Library, and parks and recreation. Rorie said, under police services, the need for additional square footage for the building was identified based on a build out population of 38,000 – 40,000 people. The Library was receiving impact fees to increase circulation materials, and the Library already exceeded the benchmark from the 2009 update. Additional fees were being collected to build additional pools, ballfields, and other recreation facilities.

Rorie continued that, moving forward, the City needed to look at the future projects to see where it fit in the standard. The changing demographics in the community needed to be considered. The review and revisions in 2009 were based on a different set of forecasting assumptions than what the reality was now. Rorie noted that Ross+associates provided 95% of the impact fee methodology reports and revisions for CIE in the state. A specialist was needed to do the work. They were familiar with the City's past process and the data collection.

Rorie said staff's recommendation was to take the Library and parks and recreation off the list, replacing them with streets and cart paths. It was time to move forward with the update.

Fleisch asked how long it would take. Rorie said it should be completed by December, and the timeline was laid out to complete it by that time. Fleisch asked if any of the work was done inhouse in 2009. Rorie said it was done by the same firm. There were strict guidelines in place that had to be followed.

Fleisch asked how The Gates project would be affected if the impact fees changed. City Attorney Ted Meeker said the development agreement did not address the impact fee rates, only that they would have to pay the applicable fees. If the fees changed in December, then the developer would pay the reduced rate for any permits pulled after that change took effect.

King asked Rorie if he was comfortable with this company doing the work since it was a sole source contract. Rorie said he was. There were not many companies that could provide the specialized service needed.

King moved to approve agenda item "04-14-07 Consider Revisions and Updates to City's Impact Fee Program" for an amount not to exceed $21,200. Learnard seconded. Motion carried unanimously.

04-14-08 Consider Use of Eminent Domain to Acquire Stormwater Easements at 110 Wynnmeade, 113 Wynnmeade, and 301 Glen View Drive

Meeker said there were three different resolutions for Council's consideration. Two would not be necessary except that the lender would not respond to the City's inquiries to sign off. There was an agreement with the property owners, so the City would have to go through the process to affect title. The third property owner had not responded. Staff would like to acquire the easements in order to proceed with the project in Wynnmeade.

King moved to approve the use of eminent domain to acquire stormwater easements at 110 Wynnmeade, 113 Wynnmeade, and 301 Glen View Drive, agenda item 04-14-08. Ernst seconded. Motion carried unanimously.

Council/Staff Topics

Pennington notified Council that World Airways had closed. An analysis would be done on the effect of the closing on the City.

The contract for the employee pay study had been executed, and Pennington said he hoped to have the results by late summer.

Pennington continued there had been a number of comments regarding the Battery Way dock, which had been taken down. The dock would be rebuilt. The contract had been authorized by Council, and it was being manufactured. However, the level of Lake Peachtree would need to rise prior to installing the dock. The pilings had to go down 20 feet to support the dock. At this time, there was no date set for the construction. The Fayette County Water System was doing what was needed to make repairs to the spillway, which had to be taken care of before putting water back into the lake. A series of meetings were scheduled the next week that might give a better idea of a timeline.

Ernst asked if there would be any issues with the upcoming triathlons, since Lake Peachtree was used for the swimming portion. Pennington said there were three triathlons scheduled, and there were three lakes located in the City. The City owned Lake Peachtree, and the County owned Lakes Kedron and McIntosh, which were reservoirs and were not permitted for swimming. A special permit would be needed from the state for the County's lakes. The first triathlon had cleared that hurdle, and it would be moved to Lake McIntosh. Staff hoped Lake Peachtree would be refilled before the other events.

Fleisch reported that Student Government Day had been held that day at City Hall, adding the students were great.

Pennington said Council Member Eric Imker had suggested putting together a calendar with all the events going on in the City listed. There was not a unified calendar with everything on it, and his office was working on one.

Staff would have a list of potential projects for another Facilities bond next month. The list had been narrowed down, and time was closing in on getting things done.

Learnard said she wanted to make some clarifications regarding the recent headlines involving the Fayette County Development Authority (FCDA) to ensure everyone was on the same page. She noted that the bond issuance the FCDA backed for Pinewood Studios was not unusual as suggested by the headlines, adding that was what a development authority did. It was called real estate tax abatements, which were standard and within a development authority's powers. Other bonds issued in 2013 included Calpis, IPN, Universal Environmental Services, and two Pinewood bonds. Bonds had been issued for Sany and Cooper Lighting. One Pinewood bond was for the 288 acres of property for $45 million and one for $7 million for the 30-acre Rivers Elementary School property. The 288 acres had been agricultural and brought in $10,000 per year in property taxes, and the school property did not provide much tax revenue. Matt Forshee, president of the FCDA, noted that Pinewood Studios would pay $89,500 in property taxes and sales taxes and $37,350 in school taxes beginning in 2014. At year five, the property taxes would be $310,000 and school taxes would be $4000. In year 10, property taxes would be $500,000, and the school system would receive more than $935,000. The figures took the tax abatements into account.

Learnard addressed the communications issues the County's Commission chair had alluded to in recent news articles, saying the FCDA had met monthly for decades. The meetings and records were open to the public, and she and Fleisch had attended the meetings. The FCDA was a board of nine people, five chosen by the County who served four-year terms. Four of those terms ended this month, and the County had replaced all four people. The City's seat was still "on the record books" as the representative from the Development Authority of Peachtree City (DAPC), which was disbanded in 2012. It would have been difficult to correct that with the former mayor, but with the current mayor, things were well on their way.

Learnard continued that, per the rumor mill, the fifth County appointee, whose term was not up, the chairman, and the Fayetteville representative were pressured to resign. The County Commission chairman also asked the Peachtree City Airport Authority (PCAA) to give up its seat, which was not something the County Commission had jurisdiction over. Every member of the FDCA with the exception of the PCAA member and the Tyrone member were gone. Decades-long relationships and 50 years of experience were gone. Mayor Fleisch had handled the situation with smarts and grace, explaining at the last County Commission meeting why the City needed a City-appointed representative and why the PCAA needed a representative. The entities that were part of the FCDA were bound by the intergovernmental agreement, and any entity could issue a 90-day letter if they wished to dissolve the agreement. Learnard said she hoped that would not happen, but she also had not imagined that the FCDA would be decimated after so many positive successes. Thanks to the now-past members of the FCDA, the County had a solid history, and she thanked them all.

King moved to convene in executive session to discuss pending or threatened litigation and personnel at 8:02 p.m. Ernst seconded. Motion carried unanimously.

Learnard moved to reconvene in regular session at 8:28 p.m. King seconded. Motion carried unanimously.

There being no further business, Learnard moved to adjourn the meeting. King seconded. Motion carried unanimously. The meeting adjourned at 8:29 p.m.

Pamela Dufresne

Pamela Dufresne, Deputy City Clerk

Vanessa Fleisch, Mayor