

City Council of Peachtree City
Meeting Minutes
Thursday, March 17, 2022
6:30 p.m.

The Mayor and Council of Peachtree City met in regular session on Thursday, March 17, 2022. Mayor Kim Learnard called the meeting to order at 6:30 p.m. Others attending: Gretchen Caola, Frank Destadio, Mike King, and Phil Prebor.

Announcements, Awards, Special Recognition

None

Public Comment

Chrissy O'Neal said she owned an estate sale business and saw a notice on Facebook that she would no longer be allowed to put signs out to advertise sales. Much of her business was drive-by, and this would hurt her. She said it seemed to randomly come from nowhere and wanted to ask what happened and was it permanent? They paid for the signs and removed them themselves, and it seemed harmless.

Learnard told O'Neal someone from the City would get in touch with her.

Suzanne Brown wanted to dispute comments that she had heard over the past few months about the aging population of Peachtree City. The 2020 Census showed 24% of the population of Peachtree City age 18 and younger, and 18.6% 65 and older. The percentage of children in Peachtree City was higher than in the County and the State as a whole. They had a lower percentage of senior citizens in Peachtree City than in Fayette County. That left 56% between ages 19 and 64, and they needed to encourage young people who grew up here to stay and raise their families. That could be done by encouraging high-paying career jobs to locate here.

Keith Larson said the Georgia Legislature was working on HB 1009, which would authorize the use of personal delivery devices to transport cargo. Those were robotic vehicles that utilized automated driving systems. The bill enabled the operation of these devices on any public highway with a speed limit of 45 mph or less, including bike lanes, sidewalks, and shared use paths. The devices were classified as pedestrians, with pedestrian rights. Operators did not have to be trained or licensed, and there were no requirements for safety inspections. Local authorities would not be allowed to enact ordinances limiting the operation of these devices other than around schools, hospitals, sports arenas, or after sunrise or sunset. This bill had crossed over from the House to the Senate and was in the Transportation Committee, Larson remarked, urging Council to ask the Georgia Municipal Association and local legislators to ask for changes or vote "no."

Agenda Changes

None

Minutes

King moved to approve the March 3, 2022, Council Meeting and Executive Session minutes. Caola seconded. Motion carried unanimously.

Consent Agenda

- 1. FY-22 Budget Amendment- Tree Removal Contractual Service Expense**
- 2. FY-21 Budget Amendment- KPTCB & Hotel/Motel**

Caola moved to accept Consent Agenda items 1 and 2. Destadio seconded. Motion carried unanimously.

Old Agenda items

None

New Agenda items

03-22-05 Consider IMS Street Rating Proposal

Almost five years ago, Civil Engineer Jonathan Miller recalled, they had Infrastructure Management Services (IMS) conduct a pavement analysis, and now they were seeking to do it again to cover the next five years. In 2017 they did pavement analysis, asset collection, and budget development. IMS had provided continuous technical support, he continued, and been very responsive over the five years. IMS was familiar with Peachtree City and had completed a lot of work in surrounding areas.

Benefits of pavement analysis included being able to model pavement conditions for five years. IMS used its own Easy Street Analysis, which made it easy for the City to budget and generate maintenance plans, taking the place of third-party software the City would have to buy. Their pavement data and asset collection easily integrated into the GIS database and utilized by Public Works' work order system. It also provided objective data collection, Miller concluded. Pavement data was collected with laser arrays and provided detailed information that could not be collected through visual inspection.

He recommended Council accept the Street Rating Proposal from IMS at \$113,861. There were sufficient funds in the SPLOST street resurfacing program to cover this.

This was extremely useful in prioritizing the roads they needed to work on, King said. It was a great engineering tool, Destadio said, and he had seen it used in the Air Force. Prebor appreciated that it took away the subjectiveness of the evaluations.

Destadio moved to approve New Agenda item 03-22-05, Consider IMS Street Rating Proposal. Prebor seconded. Motion carried unanimously.

03-22-06 Payoff of GEFA and GTIB Loans

Financial Services Director Paul Salvatore said they were asking to pay off the Georgia Environmental Finance Authority (GEFA) and the two Georgia Transportation Infrastructure Bank (GTIB) loans. The GEFA loan was taken out in 2018 in the principal amount of \$3,155,000 to pay for the spillway/dam. It had a low interest rate of .81%. Two loans were from the State Road and Tollway Authority, which had the GTIB, and both were taken out in 2018 for intersection improvements. There was a loan of \$603,811 for SR 54 and Planterra and another for \$573,436 for SR 54 and MacDuff. The interest rate on both of these was 1.9%. The total was \$4,332,247, and each had a 10-year term.

All of these projects were included in the 2017 SPLOST list, so why take out the loans? Salvatore explained they needed cash immediately to avoid project delays and ensuing cost increases. These were high-priority projects, and the SPLOST money was just starting to come in. The intersection projects with GDOT had to be done right away. Also, they did not want to delay other projects, including the paving program. Salvatore said they used the cheapest money they could find. A delay of just one year would have cost more than \$125,000.

If they paid these loans off this month, they would save \$64,720 in interest on the GEFA loan, \$27,174 on the Planterra GTIB loan, and \$25,807 on the MacDuff GTIB loan, for a total of \$117,703.

The actual payoff amount was about \$3.071 million, with \$1,500 of that being interest due. There was originally a pre-payment penalty on the GTIB loans, but they had waived that. It would have been about \$8,000. These were the payoff amounts if paid by March 31.

After the payoff, more than \$13.1 million would be left in SPLOST cash for projects. They had commitments of about \$5.5 million, Salvatore stated, and were collecting about \$800,000 in SPLOST every month, so that meant another \$14 million between now and the SPLOST expiration in June, 2023. They also had the \$3 million payoff set aside over and above that \$13 million.

Part of the \$3 million was budgeted to pay down the debt, and, in addition, they were asking for \$2,859,818 for the unbudgeted portion of the principal. Council was also asked to authorize Staff to pay off the remainder of these three loans.

It just showed how important SPLOST was in 2017, King remarked; it enabled them to pay this off early and save \$117,000. They could do the same thing with the next SPLOST coming up. Thanks to the citizens voting for SPLOST, a city the size of Peachtree City was able to go into debt for almost \$200 million and now be almost debt-free. When the vote came up again in 2023, he wanted them to take a look at where they were then and where they were now. It was a great program, King stated, and Prebor agreed.

How much would be left in Debt Services cash after this \$2.8 million payment was made? Destadio asked. It was funded annually, Salvatore said. Whenever debt payments were due, they had a budgeted transfer from the General Fund. This was a special case, though. When that SPLOST money came in, he related, and they realized there would be more than enough to keep the projects going, they set \$3 million aside and invested it in the State and Local Government Investment Pool. That offset the low interest rates.

Prebor moved to approve New Agenda item 03-22-06, Payoff of GEFA and GTIB Loans. King seconded. Motion carried unanimously.

03-22-07 Resolution in opposition of HB 1093, SB 494, and in opposition of other limitations on a city's authority to make housing, land use, and zoning decisions within a local government's geographic boundaries

Learnard said this had not crossed over but could be revised. Sometimes verbiage in a bill was tacked on to another bill. This bill would take away a city's ability to regulate residential developments that were built to lease by hedge funds and corporations. It would leave municipalities throughout the state with no control over zoning, issuance of permits, or certificates of occupancy for such properties.

Caola said she was happy to be on board against this bill. Destadio agreed; it was entirely wrong for the city. Learnard said they would appeal to level heads in the local legislative delegation.

Destadio asked if this resolution could be posted on the City website? Learnard said it could.

King moved to approve New Agenda item, Resolution in opposition of HB 1093, SB 494, and in opposition of other limitations on a city's authority to make housing, land use, and zoning decisions

within a local government's geographic boundaries. Destadio seconded. Motion carried unanimously.

Public Hearing

03-22-08 Variance-Side Setback-414 Hampton Green

Planning and Development Director Robin Cailloux pointed out the property on a zoning map, south of Crosstown in the Braelinn Village. The request was to encroach into the side setback to allow for construction of a golf cart garage. The home was currently 13 feet from the side property line. The side setback requirement was 10 feet. The applicants originally submitted a drawing showing an eight-foot garage, with an encroachment of five feet, but had updated the request to a 10-foot garage, which meant an encroachment of seven feet. The legal ad did not specify the encroachment, so Council could decide what, if any, they wanted to allow, Cailloux explained. The applicant had submitted letters of support from the owners of surrounding properties.

Staff reviewed the six criteria listed in the ordinance. The only one that appeared to be somewhat satisfied was #3, which asked if there was an exceptional circumstance with the intended development. Cailloux said there were no known hardships for the property; it was flat. No other variances had been granted in the subdivision. The applicant could put a detached garage in the rear of the property, but that would require a second driveway. They would like to utilize the existing driveway and add on to the house. Granting this would be considered a special privilege that other properties in the area did not have. It would not be detrimental to public health, safety, or welfare, and Cailloux again mentioned the letters of support from neighbors. It did not conflict with the policies in the Comprehensive Plan, which encouraged investment into properties.

The applicant, Paul Neuhart, said he had recently married his wife, Tami O'Connor, and was selling his home in Johns Creek to move into her home in Peachtree City. Without the addition of the golf cart garage, they would have to park one car in the driveway because they did not want to leave the golf cart out in the weather. He said they would do this in a way to make the house look better.

The Mayor opened the public hearing. No one wished to speak in favor of the variance. In opposition, Suzanne Brown said Section 12-07 of the Zoning Ordinance stated Council should not grant a variance unless all of the listed findings were met, but that Cailloux had outlined that only part C was met because the homeowners wanted to add on to the home rather than build a separate golf cart garage. The Planning Department, Brown went on, did not address what the Ordinance asked for—exceptional circumstances or hardships. She said addressing what the applicant wanted to do was deceptive on the part of the Planning Department. Brown said she visited the lot and saw no exceptional circumstances that prevented building the garage in compliance with the ordinance. Brown went on to say that having letters of support from neighbors was not sufficient. The other homeowners in the neighborhood who obeyed the ordinance could be angered by this granting of a special privilege. Brown stated that the Comprehensive Plan did not contain any language encouraging investment. On page 15, it referenced enforcing and strengthening existing ordinances.

Brown asserted that the Planning Department overstepped in its attempt to show some sort of compliance and called it deceptive. She said she had outlined the reasons this application should be rejected and pointed out issues with the Planning Department report. The Planning Department, Brown continued, worked for Peachtree City. They should analyze applications and explain to homeowners why their applications did not meet mandatory criteria. Brown said their reports must not be conflated and stated that if they could not act in the best interests of Peachtree City, changes might be needed.

She said she explained the legally binding language of the ordinance during the February 3 public hearing on a variance for a pool cabana. She said Destadio asked City Attorney Ted Meeker if what she said was correct, and Meeker said it was. At that time, she said, Meeker said there was always Council discretion if that is how the ordinance was written. It was unfortunate, she told Meeker, that he had pointed the way for Council to decide which ordinances they would follow. They should not use discretion to justify the continued violation of this ordinance. She reminded Council that they swore to uphold ordinances. If that is what they wanted to do, she said, they should consult Meeker about the legal definition of malfeasance. She told Council they must vote "no" on this.

No one else wished to speak, and the Mayor closed the public hearing.

Caola asked about the potential fire risk if the owners of the house next door to this one also wanted to put an addition onto their home, lessening the distance between the two structures. Cailloux said she checked into that and measured between the houses. Anything 10 feet or less had to be fire rated, but these houses were 25 feet apart. One was 13 feet from the property line and the other was about 18 feet. Caola asked if they would be limited moving forward if that family wanted to extend their home. If they wanted to extend beyond their setback and get a variance, that would need to be considered, Cailloux acknowledged.

King said the homeowner did not seem to have decided on the width of the new garage, and he would not approve anything without knowing exactly what the plan was.

Neuhart said they could go with what was requested; they had been looking at a six-inch difference. They wanted it to look right. He noted there was still quite a bit of distance from the neighboring house. His wife said the garage was next to another garage; it was not next to living space. They would have brick on two sides, and her husband added that they would use fireproof materials. Caola told them there had been fires with golf carts. There would be no windows, Neuhart noted.

King asked if there would be access to the garage? and Neuhart replied the current plan was not to have a door, but they might add one. King noted that he said one neighbor had no objection, and he liked to see support from others in the surrounding homes. O'Connor corrected him, saying they had three letters of support—from the right, left, and across the street.

King noted that Peachtree City was two cars and a golf cart; Prebor echoed that, saying they would not leave their cart outside. Some subdivisions did not allow outside parking. This addition would be aesthetically appealing and possibly drive up the value of nearby homes. He asked again about the width, and Neuhart said he did not see them going up to 10 feet wide. He just wanted it wider than 7.5 feet. A golf cart would fit in six feet, Prebor commented, but Neuhart said it would be a tight fit.

Prebor summarized his views by saying this would improve the appearance of the neighborhood, the neighbors were in favor, Peachtree City was two cars and a golf cart, so he had no issues.

What was the reason why the neighbors' letters were not included in the meeting packet? Learnard asked, and Cailloux said she typically did not include them just to protect their privacy, but it was Open Records and could be included in the future.

Destadio said he had two cars and a golf cart, and he had a choice to leave one car or the golf cart outside. He could not build another golf cart garage, so his wife's car was parked outside. Some people had to do that, he said to Prebor.

Destadio said he drove by this house and noticed the nice view of the Braelinn Golf Course. Would building a garage in the back ruin that view? Prebor remarked that if they lost the view of the golf course, they de-valued the house. O'Connor said it would block their neighbor's view, not theirs.

Destadio said he, like Brown, looked at what the law said and asked some questions of Meeker. Destadio stated that 12-02, which Cailloux quoted in the meeting packet, concerned the application. It said application for a variance might only be submitted by a property owner or an authorized agent and went on to talk about the application and how it was done. Section 12-07, the review criteria, was the six points that Cailloux laid out and said only one or two were met. It gave them some flexibility, but not the flexibility to go against the law. The criterion that stood out to him was C, which asked if there were exceptional or extraordinary circumstances, and Cailloux had said there were not. He recalled that sometimes when he was on the Planning Commission, they recommended variances to City Council that were close, but this one did not comply at all with the six criteria. He was against this. He mentioned again that Cailloux had cited section 12-02, but that was the application, not the compliance, portion.

King moved to approve New Agenda item 03-22-08, Variance-Side Setback-414 Hampton Green. Prebor seconded. The motion was denied, 2-3, with King and Prebor voting in favor, and Caola, Destadio, and Learnard voting against.

O'Connor asked when they could request another variance? Six months, Learnard replied. Destadio told them he would never approve a request that said "six or eight feet." It had to be specific.

Council/Staff Topics

1. FY 2022-2023 Budget Calendar

Salvatore presented the tentative 2023 budget calendar that he had sent to all Staff. He highlighted three dates for public workshops. They planned to present the City Manager's proposed budget at a June 21 workshop.

This was a different schedule than what was used in the past, Learnard remarked; usually workshops were held on Tuesday evenings, but that would not work, so they were going to hold them in the afternoons prior to the Council meetings. The first would be April 7 at 4 p.m., and they had tentatively scheduled a budget work session for April 21, 3 p.m. Both those workshops would be followed by the regular Council meetings. Destadio noted there was no time listed for the June 21 meeting, and Learnard said they would iron that out and let everyone know.

They would have to advertise when they were going to present and adopt the proposed budget, Salvatore commented. They needed to know if anything came up so that they had to change that June 21 date.

Were these workshops open to the public? Destadio asked, and Learnard said they were. Salvatore said they were not all public hearings, but Council could decide to allow questions and comments from the public.

City Manager Jon Rorie said having the workshops preceding the meetings should create some flow. He hoped to have others participate in the April workshops, so that when he did depart, everyone would be on the same page. They could have additional meetings if they felt they were needed, Rorie remarked.

2. Noise Ordinance Review

Staff had been working hard on a new noise ordinance, Learnard stated. Cailloux explained they had been working on this for several months with the Police Department and any other department that might be involved in enforcement. It recognized that excessive noise could be unhealthy and used decibels (dB) to measure it. She presented a bar graph that depicted the level of sound generated by various activities, with 60 being a normal conversation. Anything over 85 dB could be unhealthy.

The proposed ordinance set a maximum level of sound at various locations at any time, day or night. At a single-family home, a public park, or a noise-sensitive location, such as a hospital, the maximum decibel level was 60 dB in the daytime and 55 dB at night. Daytime was defined as 7 a.m.-8 p.m., Monday-Friday, and 8 a.m.-8 p.m. weekends and national holidays. This was a measurement taken over time at the receiving property line. No more than 10% of the sound measured over a 10-minute period could exceed these limits. It was also a violation to hit about 15 dB over the limit at any point. Multi-family was 55 dB day or night because it had to be measured at the walls of the home. Commercial was set at 65 dB and industrial, 75 dB. She emphasized that this was measured at the receiving property, not the source property.

Persistent barking dogs or other animal noises were prohibited at any time, unless on an agricultural property, as were unmuffled exhaust systems on vehicles, which were illegal already, off-road vehicles, and watercraft. Hawkers, peddlers, or criers were not an issue now, but they should get ahead of it, and prohibit their noise, as well, Cailloux remarked. Sounds that were heard as lyrics or rhythms felt at more than 100 feet were prohibited day or night.

Sounds prohibited after 8 p.m. in residential areas included power equipment, power tools, construction, idling of large trucks for more than 10 minutes. This meant vehicles with a gross vehicle weight rating of more than 10,000 pounds and did not include emergency vehicles. Garbage collection was already mentioned in an ordinance, but this noise ordinance confirmed it was prohibited between 11 p.m. and 6 a.m.

Learnard asked if Cailloux said unmuffled vehicles were already prohibited by ordinance? and Cailloux said that was correct.

Exempt at all times: airport and aircraft sounds stemming from operations; railroad and rail operations; emergency response equipment; public safety construction and cleanup; sounds of firearms from the Police Department in training or in the line of duty; sounds from stadiums, amphitheaters, recreation fields, and City events; safety sirens, backup beepers, or alarms; special events permit holders, such as the July 4th parade.

Exempt during the day: sounds from construction; bells, chimes, or carillons; power equipment sounds. Fireworks were permitted any day from 10 a.m.-9 p.m. and at times required by State law: Memorial Day, July 3 and 4, and Labor Day until midnight, until 1 a.m. New Year's Eve.

Cailloux said she would be glad to take comments and questions and reminded Council this was just a draft of an ordinance.

Learnard asked if 8 p.m. was mentioned in the ordinance? She said she didn't see a time, only "nighttime." Nighttime was between 8 p.m. and 7 a.m., Cailloux said, with Prebor saying 8 p.m. sounded a little early to him. It did not get dark until 9 p.m. in July, and now they were telling him he could not build his fence or mow his lawn when he got off work.

But if they did change it to sunrise-sunset, Caola pointed out, there was the consideration that it got dark early in the winter. She thought 9 p.m. would be a good time.

King said he was not going to mow his lawn at night regardless. Sunrise to sunset might be more accurate. But in winter, Prebor noted, sunset was 5:30 p.m.

This was a good step forward, Destadio remarked, saying everyone was looking for different things when they started. It would not solve everyone's problem, and there would be people who did not like it, but he felt it would be a great step in the right direction.

He noted that the document was 11 pages long, but the first four pages were definitions. Would those not be better in the back? Cailloux said this was the standard structure of ordinances. That was where the people who were enforcing this would be looking.

On page 8, he continued, it said that any person who wished to obtain an exception would have to go to the administrator. Was that the City Manager? Cailloux said they could change it to City Manager. It was defined as City Manager in the definitions, although staff had debated who should be responsible for that.

In the section on enforcement, page 10, it said whenever the Police Department or Code Enforcement had reason to believe a violation had occurred, they could issue a citation for an infraction, Destadio stated. He said he had been told by Rorie that, unless the enforcers saw the individual making the noise, they could not issue the citation. Destadio wanted to know what constituted "reason to believe?" Would the Police take someone's word for it, or did they physically have to witness it? In the past they had said they had to physically witness it. If that was the case, this needed to be re-worded. Cailloux said they could clarify that.

Like any other citation, Meeker remarked, it would come down to probable cause to believe whether an offense had been committed. Meeker said they could look at re-wording it, but it came down to the officer's discretion in deciding whether to bring a charge or not. Destadio said he did not want it to evolve into a situation where citations were issued because citizens were saying that someone committed a violation.

Caola said she did not want them chasing kids who were blasting music. Her hope was that they got 80% compliance, like they did with speed limit regulations. She was hoping for an improvement and not people calling 911 all night long.

Destadio said he did not want the Police being called because a citizen read the ordinance and said they only needed a reason to believe. He wanted the Police to be able to say they were not there.

was different, though, and sound traveled,

one should be able to hear the music. Everyone's hearing he noted. He did not want them to over-regulate noise.

Learnard said they would look at that designed to start the conversation and tweak and had something that was enforceable. She

That paragraph made it too vague, Destadio responded. language and reminded Council this was a first reading d what needed tweaking. Everyone wanted to ensure they said she felt like they had to do something about noise.

King moved to adjourn to executive session at 7:35 p.m. to discuss personnel. Prebor seconded. Motion carried unanimously.

Martha Barksdale, Recording Secretary

Kim Learnard, Mayor