

City Council of Peachtree City
Minutes of Meeting
March 17, 2011

The City Council of Peachtree City met Thursday, March 17, in the City Hall Council Chambers. Mayor Don Haddix called the meeting to order at 7:00 p.m. Council Members present: Vanessa Fleisch, Erik Imker, Kim Learnard, and Doug Sturbaum.

Announcements, Awards, Special Recognitions

Mayor Haddix proclaimed April as Paint the Town Purple Month for the American Cancer Society's Relay For Life, which would be held April 29 at Atlanta Regional Airport-Falcon Field, and also proclaimed April as Confederate History Month. Pam Dufresne was recognized for completing the certification for Deputy Municipal Clerk. Ashlee Koontz of the Fire Department was recognized as the Employee of the Month.

Minutes

Haddix noted there were additional documents on the dais – amendments to the March 3, 2011, regular meeting minutes from Fleisch and Imker. Sturbaum moved to approve the March 3, 2011, regular meeting minutes as amended by Fleisch and Imker. Fleisch seconded.

Imker referred to page 3 of the agenda packet, the March 3, 2011, minutes, agenda item 06-10-01 Public Hearing – Consider Rezoning, LUR-13 to GR, Newgate Road, that the zoning restriction for the apartments were for ages 62 and over. Imker said he wanted to clarify the age restriction of 62 and over was not a covenant or deed restriction that would expire, but a zoning restriction that was forever in force as long as Council desired. Imker said it had been included in the development agreement that all successive owners of the property had to abide by the age restriction. Imker asked City Attorney Ted Meeker to confirm his understanding. Meeker said that was correct, adding that the age restriction was a condition of the rezoning and was included in the ordinance and the development agreement. Meeker added that zoning conditions did not expire and could only be removed through a zoning ordinance amendment that would have to be approved by Council.

The motion carried unanimously.

Monthly Reports

Haddix noted that there were additional documents on the dais – the Building and Leisure Services reports. Imker had several questions about the Monthly Reports, noting that over \$2 million had been collected in court fines (averaging \$150,000 – \$175,000 per month) over the last year, but only \$1.1 million had been budgeted. Financial Services Director Paul Salvatore said the Monthly Report provided the gross amount of the fines that were assessed. A portion of the fines were pass-throughs for other agencies that went right back out to other agencies. Interim City Manager/Administrative Services Director Nikki Vrana further explained that approximately 33% of a fine was passed on to the state or other agencies. Salvatore added that, when cases were bound over to State Court, the fines were paid to State Court and the City might not see anything from them. Imker said he was looking for budgeted revenue in the reports.

Imker referred to page 27, which was the budgeted income portion of the Financial Services report. He noted that the Local Option Sales Tax (LOST) collected through the first five months of the fiscal year was at 41%, and with the nature of revenue, it should be at 42%, which showed the collections were on track, which was favorable. Imker said 62% of the budgeted amount for licenses and permits had been collected through 40% of the fiscal year, which was good news since most of the permits were pulled in the spring. The permit fee schedule had recently changed, and Imker encouraged residents to get their permits prior to April 1 when the new fees went into effect. Imker was concerned that only \$64,000 was budgeted and earned for investment income from the cash reserves, which he said was astoundingly low at 0.5%. He said he understood the security concerning the investments, but felt it should be invested in something that gave more interest. He asked that any ideas be sent to him or to staff, adding there had to be a better way to get some income from the City's money sitting in the bank.

Imker noted that \$25,000 had been budgeted for Litigation Services, and nearly \$45,000 had been spent to date. He asked what the anticipated year-end balance would be. Meeker said a number of the matters that were pending had been resolved, adding it was hard to predict, but the major things had been addressed at this point. Imker said the good news was that Tinsley Mill was not going to sue the City regarding its drainage problems.

Imker noted the donations received by the City for February included Walmart, \$2,500, for the Public Safety Education Bus; Peachtree City Dog Park Association, \$610, for the Dog Park; LaGrange, \$50, for the Explorer Fund; and Robert and Christine Fauls, \$100, for the K-9 program.

Imker gave kudos to the Information Technology (IT) Department, noting that 100% of end user satisfaction with IT was either extremely satisfied (86%) or very satisfied (14%).

Imker pointed out that the Police Department had received 8,672 calls through the end of February 2010 compared to 12,281 calls through the end of February 2011, adding that was a 50% increase for just January and February as the Department's report was based on the calendar year.

Haddix asked Systems Administrator Matt Robinson if he had any recommendations for the proliferation of phishing and spoofing attempts. Robinson recommended residents ensure they do not provide personal information or click on links, especially if the e-mail had no subject. He also encouraged everyone to make sure anti-spyware software was up-to-date. If it looked too good to be true, it probably was. He encouraged a culture of caution and to always be suspicious.

Consent Agenda

- 1. Consider Alcohol License – NEW – The Beirut, 1025 N. Peachtree Parkway**
- 2. Consider FY11 Budget Amendment**

Sturbaum moved to approve the Consent Agenda as listed. Imker seconded. The motion carried unanimously.

New Agenda Items**03-11-19 Public Hearing – Consider Amendments to LUC Zoning, Establish Retail Caps for New Retail Development**

Haddix asked Meeker if the public hearing had to be held, pointing out that Council had denied the same amendments for General Commercial (GC) zoning, so he saw no reason to amend the Limited Use Commercial (LUC) zoning. Meeker said if Council wanted to continue it, there was no need to go through the protocol. Holding the public hearing gave Council the ability to deny the amendments. Council consensus was to go ahead with the public hearing.

Community Development Director/City Planner David Rast said a recommendation had been brought to Council at the March 3 meeting regarding establishing retail caps in GC zoning. Hearings had been scheduled for both GC and LUC zoning that night. There had been an error on the newspaper's part with the publication of the LUC legal notice, which was republished with the March 17 public hearing date. Staff's recommendation remained the same as for GC zoning, that the proposed amendment for retail caps not be enacted.

The public hearing opened and closed with no comment.

Imker said it was better to take the amendments off the books rather than continue it. Haddix said, if denied, the legislation would be preserved, so a continuation or denial added up to the same thing. He had no feelings either way because it was meaningless to change the LUC zoning without changing the GC zoning.

Imker moved to deny the amendments to the LUC zoning and the establishment of retail caps for new retail development. Fleisch seconded.

Haddix said he would vote to deny the amendments on the basis that, without the changes in the GC zoning, the amendments were pointless.

The motion carried unanimously.

03-11-20 Consider Amendment to Alcohol Ordinance – Change in Serving Hours

Public Information Officer/City Clerk Betsy Tyler addressed Council, noting that currently the sale of alcohol was permitted continuously between 12:01 a.m. Monday through 12:00 a.m. (midnight) Saturday. The Saturday hours were extended to 1:00 a.m. on New Year's Eve. The current ordinance permitted the sale of alcohol from 12:30 p.m. through midnight on Sunday. The sale of alcohol was permitted a total of 155.5 hours per week.

Tyler continued that the proposed ordinance would establish a standard 2:00 a.m. closing time every night, would require businesses serving after midnight to install video surveillance, and reduced the hours of sale and delivery of alcohol to 127.5, an 18% reduction. Tyler said the standardized serving times would provide clarity for establishments and patrons and provide consistency for Police enforcement. It also provided safer alternatives as impaired drivers within the City had more alternatives for transportation (taxis, local friends, family) than those returning to the City from other areas. She added that the Police Department enforced "over-serving" restrictions regardless of the time of day.

Tyler said that, according to some local businesses, the Saturday food and beverage sales were nearly 50% lower than Friday sales. The conference centers and hotels were also challenged in attracting Saturday evening wedding receptions and special events due to the midnight cut-off for serving alcohol. Coweta County establishments that stayed open until 2:00 a.m. on Saturday drew sales from Peachtree City.

Per data from the Nielson Claritas, Census of Retail Trade, and U.S. Bureau of Labor Statistics, the retail sales leakage for the food service/drinking industries in a six-mile radius of Peachtree City was \$12 million (\$136 million demand and \$124 million supply). The surplus within a six-mile radius of Newnan was \$13 million (\$119 million demand and \$132 million supply).

Tyler said that 50 establishments in the City with alcohol consumption licenses were surveyed, and 17 had video surveillance, six were regularly open past midnight (one until 3:00 a.m., and three of the six had video surveillance), and 41 (82%) supported the change (five were opposed, two had no opinion, and two could not be reached).

Tyler added that some members of Council had suggested a six-month trial period, but that could not be incorporated into the ordinance. However, an evaluation report could be scheduled for September.

Sturbaum said he would prefer the last call time of 1:55 a.m. be moved to 1:45 a.m. to prevent a mad rush to serve beverages and give customers more time to consume their beverage. Learnard said the "clear out" time was 2:30 a.m., which should be plenty of time. Haddix recalled that "binge drinking" before closing had been a concern when Council considered extending the hours in 2009, adding that Sturbaum's suggestion would provide more time so patrons did not have to drink as fast.

Imker said he was concerned about telling an establishment how to run its business. Council should establish the time to stop serving, then let the businesses handle everything else.

Fleisch said the amendments presented for consideration were basically the same ones presented to Council in 2009, which had been amenable to the establishments. Haddix said he did not remember the establishments being amenable to the proposed amendments, adding the discussion was long and there were several things they did not like at that time.

Learnard asked Police Chief H.C. "Skip" Clark his opinion. Clark said no matter what the time, it was up to an establishment not to over-serve, which opened them up to liability. Clark continued that he was used to an established closing time throughout the week, which was more consistent. The highest rate of Driving under the Influence (DUI) citations was Saturday night, even with alcohol sales stopping at midnight. Friday had the second highest rate, with Sunday being third. The Police Department would still enforce the hours and make arrests. Their concern was people driving back into the City. Haddix said those statistics showed Saturday night was still the most dangerous, even with alcohol sales stopping at midnight.

Fleisch said she had suggested the six-month trial period to see how things were working, with an evaluation in September. They would also have sales tax figures to look at to see if there was

a difference. She added that currently an establishment could stay open until 5:00 a.m. if it wanted to.

Tyler pointed out that staff recommended the ordinance go into effect on April 1 to give those businesses that wanted to stay open later the time to meet the other requirements.

Learnard said her concern was the economic development figures for lost business for no other reason than a randomly generated closing time on Saturday nights. She hated seeing that business go elsewhere. Haddix agreed, but added it was also incumbent upon Council to look at other issues, especially safety. Fleisch said that was the beauty of looking at it after six months, so Council could evaluate the impact of the change on the community.

Fleisch moved to approve the alcohol ordinance related to serving hours with direction to staff to provide a status report at the September 15 Council meeting. Imker seconded. The motion carried unanimously.

03-11-21 Consider Agreement with Fayette County for 2011 Municipal Election

Imker moved to approve the agreement with Fayette County for conducting the 2011 municipal election. Learnard seconded. The motion carried unanimously.

03-11-22 Consider Bid and Budget Amendment – Repair & Resurfacing of Tennis Center Courts

Leisure Services Director Randy Gaddo reported that the cold winter had affected the outdoor tennis courts more than he had ever seen. There were cracks in the Tennis Center courts, as well as all over the City. Even the hairline cracks were up to one and one-fourth inches wide. He asked Council to approve the bid of \$29,690 from Southeast Tennis Courts to clean and fill the cracks, then resurface and repaint the lines on the six outdoor courts at the Tennis Center. Gaddo reiterated the expense was unanticipated. Four courts had been resurfaced at the beginning of the year, and these were the remaining courts. The cracks made the courts unplayable, and the repairs fell within the scope of the City's contract with Canongate. There were five bidders. Southeastern was the lowest and they had worked with the Tennis Center before. The project was unfunded, and Gaddo requested the money come from the General Fund. He noted that Canongate paid the City a minimum of \$24,000 each year to cover this type of thing.

Haddix said he had discussed the issue with Tim Dunlap of Canongate, who explained to him that the tape method that would be used would allow tournament play and should extend the life of the courts five years before having to have a major resurfacing done.

Fleisch asked how much was budgeted for repairs on the Tennis Center courts. Gaddo said \$13,000 had been budgeted for four courts to fill the cracks, repaint, and re-line at the beginning of this year. The amount budgeted depended on the number of courts needing work. The courts throughout the City were evaluated every year, and until three to four years ago, the courts were replaced every three years, but the budget had not supported that for the last three years. Fleisch asked how much was budgeted for the other courts. Gaddo said nothing at this time, and that would be discussed at Council Retreat. Sturbaum said he understood Canongate was looking for grants for future projects, too.

Learnard said she understood the consequences with tournaments, asking what was happening with the other courts in the City that desperately needed repair. Gaddo said there were varying needs, adding that the City had never really faced the situation before where all the courts had huge cracks at the same time because the rotating maintenance cycle kept them in good shape. Learnard asked if the companies that submitted bids had looked at other locations, noting there were courts at Blue Smoke and Glenloch that needed repairs, suggesting the possibility of a quantity discount. Gaddo said there was a very short time to get the work done, so they had just put the Tennis Center courts out to bid. The estimate just to fill the cracks in the other courts was approximately \$6,000. Another \$30,000 would be needed to repaint and re-line the courts.

Haddix said it was a balancing act. The City had an agreement with Canongate. Prior to that agreement, the Tennis Center had operated in the red and now operated in the black. There was a drop dead date to get the tournaments lined up. Losing tournaments meant the City lost revenue. Sturbaum asked how long the work would take. Tennis Center Manager Ben Maes said it should take three weeks.

Imker had visited the Tennis Center to see the courts, noting the first four courts had been done in April 2010. He asked when they would need to be redone. Maes said there was a three-year guarantee on the cracks. The estimated cost for the work was \$5,000 per court. Imker said two courts were scheduled next year, and those were tentatively budgeted. He continued that Courts 14-19 were clay courts, but Canongate paid to refurbish those courts twice per year. Six courts were indoor courts, which were done five months ago, and they lasted five years. Maes confirmed Imker's statements.

Imker said he understood that Canongate had offered to fund \$152,000 in improvements at the Tennis Center, which they were not required to do. He was encouraged by the cooperative relationship between Canongate and the City. Imker said he had looked at several options to pay for the work. The first was to just patch them to get through the summer, so the work could be budgeted properly the next fiscal year. He asked Maes if a national tournament could be held at the Tennis Center if the courts were just patched and painted. Maes said that patching was never very even. A representative of the company that scheduled the tournaments had looked at the courts and said they would not come to the Tennis Center.

Imker said another option was to have the City pay for it. The third option was for the Convention & Visitors Bureau (CVB) to pay for it since the tournaments benefitted them. Tournaments were a CVB-type of function. The fourth option was to ask the CVB to put in \$20,000 of its expected surplus, and the City put in the other \$9,000, adding that the fourth option was a good compromise. If everyone felt it was not fair for the CVB to pay for it since it was not budgeted, then another option was for the City to pay for the work with the CVB reimbursing the City with any surplus they had at the end of the year. Imker said he supported option #4.

Haddix said he was struggling with whether the resurfacing was a CVB function, plus there were additional projects coming up that would use part of any surplus. Asking for additional funding for something that was the City's responsibility was something he would have to think through and discuss with the CVB board.

Sturbaum clarified that, per the agreement with Canongate, the City was not locked into the funding mechanism, just the capital expense cost. Meeker said it was the City's responsibility to make a capital repair, but the funding was the City's business.

Learnard asked where the money Sequoia paid the City each year went. Salvatore said the \$24,000 went into the General Fund to help offset the money that was budgeted for the courts and any other contingencies. Only \$13,000 of the \$24,000 had been budgeted, so the difference could soak up some of the cost. Salvatore added that this case was an unusual, unforeseen contingency due to the extreme weather during the winter. One of the authorized uses of the cash reserves was to pay for those expenses. If there was a problem using reserves, they could look closer at the revenues to see where more could be appropriated. There were some revenue line items that had more in them than was budgeted. They could make budget adjustment against one of those, but he would like to see how all the revenues came in first.

Fleisch said this had been an unforeseen situation. She felt it was best for the City to foot the bill. The City wanted to present itself as a first class organization. Anything short of that could keep the tournaments away for years to come. The CVB had been in business less than a year. The payment structure for the hotel/motel tax had already been changed. The CVB had to pay for the Fourth of July. Now, Council was considering taking another \$20,000. They were taking away their incentive to do good work. If Council wanted to discuss possible reimbursement, then it should take place after the new tax structure was in place when they could have a comprehensive discussion on the CVB funds and how they should be used. Haddix agreed, saying that the CVB had already landed some things that were good for the City and they did not want to stop the CVB's momentum. The CVB was not a piggy bank for the City.

Sturbaum said that the Tennis Center had done a good job of getting the tournaments back, noting that he and Maes had previously discussed how important it was to have a first class facility to attract the quantity and quality of tournaments that were held in the City. He did not have a problem funding the repairs, but there should be a discussion on alternate funding with all the parties. He was prepared to authorize the bid. Imker concurred that the work would get done, but there was time to discuss the funding mechanism.

Sturbaum moved to approve the bid from Southeast Tennis Courts, Inc., in the amount not to exceed \$29,690 for filling cracks, resurfacing, and repainting the lines on the six outdoor tennis courts at the Tennis Center and the associated budget amendment. Fleisch seconded. The motion carried unanimously.

03-11-23 Discuss & Consider Possible Projects for HB 277 Unconstrained List for Peachtree City

City Engineer Dave Borkowski went over the project criteria for the Transportation Investment Act (HB 277) for the City's project list, noting the City's project list should support the performance goals of the Statewide Strategic Transportation Plan (SSTP), achieve specific outcomes, be guided by specific principles, and evaluated by specific criteria. All projects should be completed or underway in 10 years. He noted that projects that qualified under "roadway capital" must serve as origins or destinations of trips to/from and within major existing and proposed employment and activity centers throughout the region. Qualified roadway capital

projects should improve the most congested regional corridors as determined through the Atlanta Regional Commission's (ARC's) Congestion Management Process, Regional Strategic Transportation System and Regional Thoroughfare Network. The projects could be new roads, roadway widenings, interchanges, interstate improvements, and bridges.

Borkowski continued that the specific criteria for projects included roadway capital, roadway and bridge maintenance (asset management), safety and traffic operations, freight and logistics, aviation, bicycle and pedestrian, transit capital, and transit operation and maintenance.

The eligible City projects under A-Roadway Capital included MacDuff Parkway Extension Phase 2 (extension to Kedron Drive North), MacDuff Parkway Extension Phase 1 (extension to Kedron Drive south), Line Creek Drive/Circle (overlay and construction of curb and gutter of Line Creek Drive and Line Creek Circle to Huddleston Road to the east and MacDuff Crossings to the west), Northwest Collector (new street from the intersection of North Kedron Drive and MacDuff Parkway to Minix Road), SR 74 South interparcel connection (addition of new street from Sierra Drive to Dividend Drive), and Northeast Collector (new street connecting Sumner Road to Dogwood Trail).

The City had six projects under B-Road & Bridge Maintenance (asset management), bridges and culverts. All the projects were rated "fair" by the DOT. The projects included culverts under Peachtree Parkway over Flat Creek tributary, the bridge on Flat Creek Road over Flat Creek, the bridge on Smokerise Trace over Kedron Creek, the bridge on Smokerise Trace over Flat Creek, the culvert on Spear Road over Camp Creek, and the culvert on Crosstown Drive over Flat Creek.

There were also six projects under C-Safety & Traffic Operations, including intersection improvements on Robinson Road at Redwine, Crosstown, and SR 54; SR 54/Commerce Drive; Peachtree Parkway intersection improvements at Crosstown Drive, Braelinn Road, Georgian Park, Tinsley Mill, and Loring Lane; SR 74/Kedron Drive South; TDK Boulevard/Dividend Drive; and SR 54/Walt Banks Road.

Borkowski said there were no eligible projects under D-Freight & Logistics, and the airport had no projects they wanted to submit under E-Aviation. Learnard asked why there were no projects for a regional airport on the list. Borkowski said that, according to the airport manager, there were easier avenues for funding.

Under F-Bicycle & Pedestrian, the projects included adding a paved shoulder to portions of SR 54 between Peachtree City and Fayetteville, which was also in the ARC's bicycle and pedestrian plan, and path connections to the South Industrial Park, the Southeast Industrial Park, Wilshire Shopping Center/Rite-Aid tunnel, and SR 54 West and Gateway bridge.

The City had no eligible projects under G-Transit Capital or H-Transit Operations & Maintenance.

Borkowski said staff recommended the following projects be included on the project sheet submittal: A-Roadway Capital – MacDuff Parkway Extension Phase 2; C-Safety & Traffic

Operations -- Robinson Road intersection improvements, SR 54/Commerce Drive improvements, and Peachtree Parkway intersection improvements; F-Bicycle & Pedestrian -- add paved shoulder to portions of SR 54 between Peachtree City and Fayetteville, South Industrial Park path connection, Southeast Industrial Park path connection, Wilshire Shopping Center/Rite-Aid tunnel path connections, and SR 54 West and Gateway bridge path connections.

Sturbaum noted that the projects under B-Road & Bridge Maintenance (asset management) were rated as "fair," and asked what the life expectancy was of "fair." Borkowski said the ratings were good, fair, and poor. There were several years of life left for "fair," they needed painting and deck maintenance. However, the City needed to act on the maintenance to keep from spending more money down the road.

Imker asked Borkowski why staff was not recommending MacDuff Parkway Extension Phase 1 and the Northeast Collector, as well as other projects from the list. Borkowski said MacDuff Parkway Phase 1 was ranked lower because of cost and deliverability. The issues with Phase 1 and the at-grade crossing at the railroad were tremendous. A lot of coordination would have to take place between CSX and DOT, and there were also property and safety issues. Rast added that CSX was trying to close the crossing at the old Comcast site. The plan in Phase 2 was for a bridge to go over the railroad. Haddix said there were already issues with the subdivisions and train noise, so he did not believe there would be much public support for Phase 1.

Imker said the Northwest Collector also looked like a good project and would provide traffic relief. Borkowski said the project would be a good regional route to get Coweta County drivers for SR 54 to SR 74. In his mind, it was another TDK extension, and staff did not see a lot of public support for the project. Imker said he did not foresee the same problem on the north side of the City. Haddix said he could see the developers clustering homes along the road increasing the traffic. Haddix said the developers for that area were concerned about how it would change their plans. Salvatore said Minix Road was a rural residential road, and the proposed road would run parallel to Castlewood in Tyrone. Imker pointed out that it would not be the same environment as the TDK extension in that there would be only a few thousand homes at most compared to the 10,000 homes planned for the Coweta County side of TDK, and half of them would take the alternate route to Interstate 85 rather than SR 74.

Learnard asked what the philosophy was for the list. Borkowski said they wanted something that enhanced regional mobility. Vrana said that the Northwest Collector did meet that criteria, but staff made a "Council" decision as they did not see any citizen support for the road. Imker said it was still six years or more down the road, and Coweta County's routes would also improve during that time. Borkowski said the route could be added.

Sturbaum said he would like to talk to Coweta County about the Northwest Collector and connection to Minix Road. Salvatore noted that Minix Road was considered rural residential and was a bike route. Sturbaum said he wanted Coweta's feedback as a courtesy and to see whether they had any concerns. Haddix added that Coweta had recently removed projects from that section of the county from its transportation plan. Vrana said this was the last Council meeting before the March 25 deadline, asking Council if they supported the Northwest Collector if Coweta County supported it. Haddix said the project would disrupt all the plans for the West

Village area. Imker asked if the City could turn down money for the project. Haddix said once the constrained list was approved by the Regional Transportation Roundtable (RTR), it was done and the RTR would disband. Imker said someone would manage the money, and they could move it to another project. Haddix said a panel of citizens would ensure the plans were enforced and oversee the people managing the money, adding it was a strange law. Imker said he was not ready for a legal interpretation, asking whether Council wanted to include the project on the City's list. Borkowski said the project also might not make it to the next round of the constrained list.

Beth Pullias told Council she was not sure the road would benefit the City as much as Coweta County. She would hesitate to recommend a road unless it benefited the City.

Haddix said, based on past history, he did not want to include the Northwest Collector on the list. Learnard said she would leave it off. Sturbaum said that was also his concern and that as a courtesy, Coweta County and the property owners in the area should be contacted. Meeker reminded Council they were not talking location of the road, just the concept. Fleisch said it would be good to investigate the possibilities, but she agreed it should not go on the list. Imker said enough time had been spent on this, and they should move on.

Vrana noted that Fayette County Public Works Director Phil Mallon had e-mailed that afternoon the most recent draft master list of County projects to be submitted (a copy of the list is included in the meeting file). Council referred to Fayette County's draft master list of road projects, noting that #18 of the 20 projects on the County's list was for Line Creek Drive/Circle. Haddix noted that the secondary road on the north side of SR 54 West had proven beneficial, asking if it would be beneficial on the south side of the highway. Borkowski said he did not know if adding the road would take a lot of traffic off SR 54 West. It would benefit customers and residents, but it was not a very deliverable project. It would require wiping out businesses. There were also issues with drainage and a swale that connected to the Tennis Center detention pond.

Learnard asked how this road could meet the criteria. Borkowski said he could make a case for the level of service on SR 54. A traffic study could be done to see if it would help. It could possibly help with freight; getting the trucks off the road. There were cost benefit and deliverability issues. Borkowski did not know if all the necessary rights-of-way could be procured in six years. Vrana compared the frontage road to Phase 1 of the MacDuff Parkway extension, adding that the issues were very similar.

The consensus from Council was to remove the City projects from B-Road & Bridge Maintenance (asset management) and to eliminate the intersection improvements at SR 74/Kedron Drive South, TDK Boulevard/Dividend Drive, and SR 54/Walt Banks Road from C-Safety and Traffic on the County's project list.

Sturbaum moved to approve the staff's recommended project list based on slide #48 (A-Roadway Capital – MacDuff Parkway Extension Phase 2; C-Safety & Traffic Operations – Robinson Road intersection improvements, SR 54/Commerce Drive improvements, and Peachtree Parkway intersection improvements; F-Bicycle & Pedestrian – add paved shoulder to portions of SR 54 between Peachtree City and Fayetteville, South Industrial Park path

connection, Southeast Industrial Park path connection, Wilshire Shopping Center/Rite-Aid tunnel path connections, and SR 54 West and Gateway bridge path connections). Learnard seconded. The motion carried unanimously.

03-11-24 Consider Resolution for HB 277 Transportation Investment Act

Vrana gave a synopsis of the resolution, adding that the County and its municipalities were submitting the projects as one unified document.

Learnard moved to approve the resolution to support the Transportation Investment Act of 2011 project submittal. Fleisch seconded. The motion carried unanimously.

03-11-25 Consider Covenant Not to Sue Agreement with Southside Ministries

Borkowski explained that the Southside Church was expanding, and the new wing would be built over an existing storm drain line, which was not a standard engineering practice. Staff had asked them to move the storm drain, relocating it around the building expansion, which would have significantly impacted the tree buffer on Robinson Road. The church counter proposed leaving the storm drain where it was. There was no City ordinance against building over the storm drain line. Borkowski said he would not condone it, but as there was nothing in the ordinance or design manual to specifically prevent it, the City Attorney had recommended the City and church enter into an agreement that indemnified the City so the church could not sue the City in the event something happened.

Meeker said their engineer had signed off on the agreement. It was not the first time that someone had not technically violated the City's ordinance, but had done something not everyone would do, then had come back claiming that the City had negligently allowed something to happen. None of those had been successful, but given the past history, Meeker said it would be helpful to have something in the deed record that would shut down the argument at the beginning.

Fleisch asked who would pay if the system failed. Meeker said it would be the church, and their successors and assigns, subsequent people in the chain of title, who would be bound by the agreement as well.

Imker asked for a map of the church site to be shown. Imker said there would be wings constructed on the Robinson Road and Ebenezer Road sides of the building, asking where the drain line was located. Rast said it was located 12 feet from the edge of the building. Imker noted the trees in the buffer, saying it was his understanding there was an agreement or promise made when the church, or the original owner, was built that it would not encroach past the original line it was built on. Imker said it seemed as though they were taking back the original promise, asking if anyone knew about it. Meeker said that when the issue first arose, staff had also heard that promises had been made and certain conditions had been imposed. When looking at what had been approved when the church building was originally approved, there was nothing listed as a condition in the minutes that could be enforced. Meeker said they had gone through every set of minutes, hoping to find something to uphold the buffer. Unfortunately, there might have been discussions, but nothing was carried forward in the minutes or the approval letters.

Imker noted that two of the Planning Commissioners were members of the church, which seemed awkward to him. Although they had a legal right to vote on the matter, Imker said he wished they had recused themselves. He noted that, with the expansion, it would be more expensive to fix the stormwater drain should it ever fail. As long as the church took full responsibility to do that, he was fine with the agreement. Meeker said that was the purpose of the agreement.

Fleisch asked how much of the buffer would be affected. Rast clarified that the current buffer was over 60 feet wide, and a condition of the approval of the conceptual site plan and the final site plan stipulated a 50-foot tree save and landscape buffer along Robinson and Ebenezer Roads, which was required by the City's tree save and landscape ordinance. The building would be 62 feet from the property line. There would be smaller vegetation at the edge of the tree line, but they were not going into the tree line. The expansion would have very little impact on the buffer.

Learnard moved to enter into the agreement not to sue with Southside Ministries. Fleisch seconded. The motion carried unanimously.

03-11-16 (Should be 03-11-26) Consider GDOT Title VI Documents

Imker moved to approve the GDOT Title VI documents. Sturbaum seconded. The motion carried unanimously.

Council/Staff Topics

Hot Topics Update

MacDuff tunnel – Vrana reported that the plans had been revised, and staff had met with the regional manager. The plans had been forwarded up to their national manager. A conference call was scheduled the next day with Camden Apartments regarding which option they preferred.

Lake McIntosh – Vrana said the rain had prevented the burning for Lake McIntosh from taking place, but the process was moving along.

Vrana continued that CSX would be replacing ties along the railroad from Monticello to Atlanta, and there would be road closures at Dividend Drive, Kelly Drive, and Paschall Road. The railroad was being very proactive and would run radio spots on the closures. The City would also send out press releases, and notices would be included in the *Updates*.

The City's local legislation requesting a change in the hotel/motel tax distribution as well as an increase in the hotel/motel tax had been approved by the House and had been forwarded to the Senate. The legislation for the Public Facilities Authority was moving along. The local legislation would not be affected by crossover day.

Path connection #803 to K-mart was closed for reconstruction. Path users could access the shopping center via other connections. Path #1184 (Peachtree Parkway, Bridlepath) was completed and open. There would be intermittent closures affecting access to Rite-Aid and Whitlock due to the Walgreen's construction.

Assistant Fire Chief Joe O'Connor said the Department would begin pressure washing, then repainting, all the fire hydrants. The paint scheme would change due to new standards, but would still represent the gallons per minute.

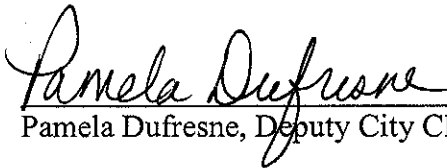
Public Services Director Mark Caspar said they had taken three more beavers out of Lake Peachtree during the last week, and the closure of Drake Field was completed.

Caspar continued there would be a City-wide path clean-up, in conjunction with Keep Peachtree City Beautiful (KPTCB) and the Great American Cleanup, on May 7, 9:00 a.m. – noon, the same day as the City's annual Spring Clean-up at the Recycling Center. Volunteers could sign up by calling Public Works. Fleisch said there would be drop-off areas with KPTCB representatives. Caspar said there would be a drop-off in each of 14 zones where people could take items. If the volunteers found items such as tires or refrigerators in the woods, they could identify the area at the drop-off location so Public Works could pick up the items.

Sturbaum moved to convene in executive session for pending or threatened litigation at 9:45 p.m. Learnard seconded. The motion carried unanimously.

Sturbaum moved to reconvene in regular session at 9:55 p.m. Imker seconded. The motion carried unanimously.

There being no further business to discuss, Sturbaum moved to adjourn. Learnard seconded. The motion carried unanimously. The meeting adjourned at 9:57 p.m.


Pamela Dufresne, Deputy City Clerk


Don Haddix, Mayor