

City Council of Peachtree City
Meeting Minutes
March 1, 2018
6:30 p.m.

The Mayor and Council of Peachtree City met in regular session on Thursday, March 1, 2018. Mayor Vanessa Fleisch called the meeting to order at 6:30 p.m. Others attending: Terry Ernst, Mike King, Kevin Madden, and Phil Prebor.

Announcements, Awards, Special Recognition

Mayor Fleisch recognized Elvis Berisha, Public Works, as Employee of the Month for January.

Public Comment

There was none.

Agenda Changes

There were none.

Minutes

February 15, 2018, Regular Meeting Minutes

King moved to approve the February 15, 2018, regular meeting minutes as written. Ernst seconded. Motion carried unanimously.

Consent Agenda

1. Consider Alcohol License – NEW – Big Shots, 102 Guthrie Way
2. Consider Alcohol License – NEW – Line Creek Brewing Company, 150 Huddleston Rd]
3. Consider Contract for Painting Multi-Purpose Rink Supports
4. Consider Request to Apply/Accept Community Emergency Response Team (CERT) Grant

Ernst moved to approve Consent Agenda items 1-4. Prebor seconded. Motion carried unanimously.

Old Agenda Items

There were none.

New Agenda Items

03-18-01 Public Hearing – Variance to No-Impervious Surface Buffer– 217 Gates Entry

City Engineer Dave Borkowski addressed Council, saying the applicant, property owner Timothy Lee Mason, was requesting a variance to encroach 15 feet into the 75-foot no-impervious buffer at the rear of his property in order to build a pool. He continued that variances would be needed for two sections of the Land Development Ordinance – Section 1004 (Water Protection Buffers) and Section 1012 (Metro North Georgia Water Planning District Stream Buffer Protection [MNGWPD]).

Borkowski recalled that when The Gates subdivision had been platted, the developer had tried to keep most of the undisturbed 50-foot buffer (required by the ordinances) off the property lines of the homes built along the stream. The undisturbed buffer remained in the City's greenbelt to ensure the buffer stayed undisturbed. The 75-foot no-impervious buffer cut through portions of all the lots, with some going to the building setbacks.

The developer had also maximized the tract when building the home, Borkowski continued. The rear of the home was 30 feet from the back property line, which was also the setback. The front setback was also 30 feet, and the front corner of the home was 31.2 feet from the property line. The no-impervious buffer line was close to the concrete pad of the home. The proposed pool

would be 272 square feet in size and approximately 15 feet wide. The pool would have an above-ground walk wall.

In addition, the applicant had been required to submit an alternate layout showing a reduced impact per Section 1012 of the Land Development Ordinance. Borkowski said the alternate plan had been submitted for the side yard; however, the applicant had requested the variances to allow the pool to be built in the back yard. The alternative layout would encroach approximately 10 square feet into the no-impervious buffer as well as into the side building setback.

Borkowski said the variance criteria for both sections of the Land Development Ordinance had been addressed in the staff memo.

Applicant Lee Mason addressed Council, saying there was really no area in his yard where a pool could go without getting a variance. He and his wife preferred the area to the rear of the house, rather than the alternate location in the side yard, because the 12-foot x 24-foot pool could not be seen from the street in back yard area. The impact to the no-impervious area would be minimal; they planned to plant trees and shrubs to keep erosion at a minimum.

Fleisch opened the public hearing.

Pam Kemp asked what the purpose was of a no-impervious area with respect to the stream and what would be lost by allowing the encroachment. Borkowski said the purpose of the no-impervious buffer was to give stormwater runoff a chance to spread out and infiltrate before it got to the undisturbed buffer, then to the stream. It was an extra chance to filter and fan out the stormwater so the runoff would be cleaner when it entered the stream.

Grover Neese, owner of the swimming pool company, noted that there would be no runoff from the swimming pool itself. It would act as a detention pond and would retain the water collected in it. There would be a one-foot stone coping around the pool, which would be the only creator of runoff.

There were no other comments. Fleisch closed the public hearing.

King asked what the safety fence requirements were for a pool in a backyard. Borkowski said he did not know the specific requirements, but a fence was required around the pool. King asked Mason what type of fence there would be. Mason said there would be a six-foot wrought iron fence along the boundary of the property in the back, adding that the homeowners' association (HOA) only allowed wrought iron fences.

Madden asked where the 75-foot buffer came from. Borkowski said it came from two sources – one was the model ordinance provided by the MNGWPD and the Watershed Protection Ordinance from the Department of Community Affairs (DCA). Borkowski said the City had been required to adopt both ordinances, and he did not know where those entities got the distance for the buffers. Madden noted the 75-foot no-impervious buffer was in place prior to the platting of the subdivision, saying the homeowners should have been aware of the environmentally sensitive area. Borkowski said they should have.

Madden said he loved pools, and he had them at his first two houses. He said there appeared to be around 12 other houses in The Gates that would have similar issues when it came to putting in a pool. Borkowski said he did not count the lots, but Madden was probably right. Madden asked City Attorney Ted Meeker to clarify if a variance was considered a precedent. Meeker said the theory was that one council could not bind another council; but granting the variance would

open the door for their neighbors to come in and ask for the same thing. Madden said, if the 12 property owners built pools, there would be approximately 3,264 square feet of encroachment into the buffer. If the 12 property owners built pools on the side of their homes, the pools would only encroach approximately 140 square feet.

Madden noted there was a letter from the The Gates Neighborhood Association, Inc., dated January 22, submitted as part of the application addressed to Timothy and Stefanie Mason. The letter of approval from the HOA had been signed by Lee Mason of the Community Management Association, LLC, as agent for the HOA. Madden asked if they were related. Mason said he and Timothy were one and the same. Timothy and Stephanie Mason were the legal names on the deed, and he was also the property manager for The Gates, as well as over 40 other communities in Fayette County. When the HOA board approved modifications, they sent the request to the management company to send the approval letter. There were three HOA board members and three members of the architectural review board. The architectural review board looked at plans and made recommendations to the HOA board. Mason said he was not a member of the architectural review board or the HOA board. The management company acted as agent for the HOA.

Madden asked Mason if it would be difficult for the architectural review committee or the HOA board to say no to the other 12 property owners who wanted to build pools. Mason said no. One of the conditions of the approval from the homeowners association was to get the City's approval. The board left it up to City Council to make the determination. He continued that, as part of the variance application, he had been required to come up with a stormwater management plan to mitigate the imperviousness of the pool. Mason said the only way to mitigate was to ensure there would be plantings that allowed for the absorption of the stormwater. Madden said he understood the staff memo had said the proposed landscaping would not be as protective to the environment as the additional buffer. Mason said he had not seen the memo.

Madden asked Mason if he would be happy with the alternative location. Mason said his wife would be happy. Madden said his concern was that approval of the variance would set a dangerous precedent. Without clean water and easy access to it, there would not be as much wildlife in the City.

Prebor said he agreed with Madden, adding Council needed to be consistent in whatever they did. Pools were a nice addition to a home, and he was willing to approve a variance for the alternate location.

City Manager Jon Rorie asked Meeker to explain the requirements for accessory uses in setbacks. Meeker said a pool was considered an accessory use, which had to meet all setback requirements. He had looked at the drawing for the alternate location, and it appeared to go into the side setback, and it could necessitate another variance request. The pool could be moved toward the street so there would be no encroachment into the impervious buffer. He asked if the alternate location had been advertised. Borkowski said only the no-impervious buffer variances had been advertised.

Mason said one of his arguments had been that it would be preferable for the pool to be in the rear of the house. When they tried to move the pool out of the no-impervious buffer, it started encroaching into the building setbacks and became more visible from the street.

Ernst noted there were letters from many of Mason's neighbors and asked if there were any letters from the property owners on the other side of the stream. Mason said there was a large greenspace area and a detention pond area behind his house. There were no houses behind his.

King noted there were houses to the north and east, and Mason's back yard could be seen from the street from the front of those homes. Mason said that their yard could be seen from the street during the winter. In the spring and summer, it could not be seen from those homes.

Madden moved to reject (deny) the variance as requested. Prebor seconded. Motion carried unanimously.

Council/Staff Topics

Discussion – Amphitheater Improvements

Rorie discussed the planned improvements to the Frederick Brown, Jr., Amphitheater (The Fred), saying they were moving forward with the estimated \$226,470 in projects. After giving a brief history of the facility, Rorie noted the most recent improvements and repairs had been done in 2011 and had included \$41,000 in repairs to the sprinkler system and \$17,000 for the Box Office drainage system.

Rorie continued that the amphitheater was a valuable amenity to the City, and it had gone the last 18 years without much funding for maintenance. A local architect had been hired (Jefferson Browne Gresham Architects), and the plans included opening up the front of the facility and covering the entry area. The City would serve as the general contractor and partner with local vendors to deliver services. The work would be phased so there would be no active construction on show nights. There would be total renovation of the entire facility.

The Capital Improvement Program (CIP) included \$42,630 for the amphitheater, and the remainder of the funds would be taken from the 2014 Facilities Bond. The projects included roofing, bathroom tile, bathroom partitions, concrete upgrades, stage lighting, painting, production replacement awnings, stage replacement awnings, concession ceiling fans, fencing, wood wall facade/scrim, and more.

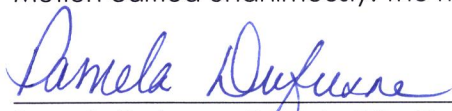
The goal for Facilities Bond projects had been to come in 10% under budget, Rorie said, which helped to focus the scope of the projects. Any money left over was added to the Contingency Fund for use in other projects. Additional funding for the amphitheater came from earlier projects that had come in under budget. An open house was scheduled on April 6 at the amphitheater, and the first show was slated for April 13. The projects were being phased in so there would be no active construction occurring during a show.

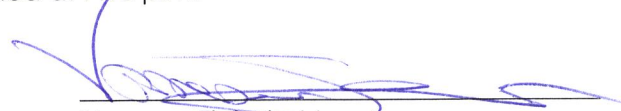
Rorie noted the concert in April was the earliest one scheduled since he had been with the City, adding that another goal was to increase the use of the facility and to use it for a longer time during the year.

Rorie then announced the first Retreat Workshop would be the following Tuesday, March 6, at 6:30 p.m. They would discuss master planning in a government environment, economic development, and annexation and development that was occurring in and around the City.

Fleisch thanked Dan Nelson for coming in prior to the meeting to take photos for City Council, adding that he had left two of his books – one of the eagles and one of the birds in his back yard.

There being no future business to discuss, Prebor moved to adjourn the meeting. Ernst seconded. Motion carried unanimously. The meeting adjourned at 7:18 p.m.


Pamela Dufresne, Deputy City Clerk


Vanessa Fleisch, Mayor