

**City Council of Peachtree City
Meeting Minutes
Thursday, February 4, 2021
6:30 p.m.**

The Mayor and Council of Peachtree City met in regular session on Thursday, February 4, 2021. Mayor Vanessa Fleisch called the meeting to order at 6:30 p.m. Others attending: Terry Ernst, Mike King, Kevin Madden, and Phil Prebor.

Public Comment

There were no public comments.

Agenda Changes

There were no changes to the agenda.

Minutes

King moved to approve the January 21, 2021, regular meeting minutes and the January 21, 2021 executive session minutes. Ernst seconded. Motion carried 4-0, with Madden abstaining due to his absence from the meeting.

New Agenda Items

02-21-01 Public Hearing - Variance to Impervious Buffer Requirements at 704 Four Winds Pointe

Fleisch opened the public hearing.

City Engineer Dave Borkowski said this was a variance request for the 50-foot no impervious surface restriction around certain bodies of water. He showed the property's location next to Lake Kedron, which was a County reservoir. The applicant wanted to build a pool, and Borkowski presented a survey of the property that showed that the no impervious setback came to within less than a foot of the back of the house. There was a 50-foot front setback. These two setbacks rendered 71% of the lot as undevelopable. The applicant wanted to build a 480 square-foot gunite pool directly in back of the home with a retaining wall behind it. This would all be in the no impervious area. They would offset this by building a rain garden of almost the same size as the pool to treat runoff. A rain garden was a depressed area that stormwater runoff flowed into and filtered into the ground before leaving the site.

Staff had reviewed the request against the variance criteria in the ordinance and had outlined each one in the Council meeting packet. If Council approved the variance, staff recommended they attach a condition requiring the rain garden be constructed according to Blue Book standards.

Eric Brooks of Innovative Pools said he would be building the pool. The applicants were the Mortells. He said when they first designed the pool, they had no idea there was a sewer easement, but they designed the pool to fit between the easement and the house. There was a deck there now that would be removed. The elevation of the pool would be the same as the home, requiring the retaining wall in the back.

The homeowner, Dave Mortell, related that he and his wife had been in Peachtree City around 20 years and in this house for eight. They had always planned to build a pool in the back. He said the retaining wall should help solve an erosion problem on the property by funneling the runoff to the rain garden.

Fleisch noted that his driveway was sloped, and Mortell said it was not as bad as some in the area, but yes, it was. The back of the house could not be seen from the cul-de-sac, Fleisch remarked, and Mortell agreed.

His wife said she had grown up in northern Japan, in a town about the size of Peachtree City. She loved living here, and Peachtree City was her home. She was hospitalized as a child with a spine condition, and, five years ago, a doctor suggested she try swimming as a form of therapy. That was one reason they wanted to build a pool.

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

How did the neighbors feel about this? King inquired. Brooks said they had submitted letters of support from them.

Ernst acknowledged that the pool would be in a secluded spot, probably not visible from the neighboring homes.

Prebor said he liked that the plan mitigated the runoff.

Madden asked what was now on the spot where the rain garden would be? Borkowski said "just yard." Madden asked him to explain how a rain garden filtered water. Borkowski replied that it filtered water more than ordinary ground did because it contained a gravel/soil amendment mixture that allowed rainwater to percolate in the ground more than just a normal yard. The mitigation measure went along with the intent of the no impervious setback, he remarked. It was wise to keep impervious surfaces away from the water in order to slow the rainwater down and let it filter through the buffers before reaching the body of water you were trying to protect. Madden confirmed that the rain garden would be about the same size of the pool.

Prebor asked why there were two buffers on the property? The undisturbed buffer, Borkowski stated, was meant to be left natural and serve as a filter to offset the impervious areas further from that by getting the runoff to fan out. Both lines were mandated by the State, he told Prebor.

Madden moved to approve New Agenda item 02-21-01, variance to impervious buffer requirements at 704 Four Winds Pointe with the recommended condition of the rain garden. Prebor seconded. Motion carried unanimously.

02-21-02 Public Hearing - Annexation of 46 Acres on Redwine Road and Rezoning to R-12, Single Family Residential, and AR, Agricultural Reserve

Fleisch opened the public hearing.

Planning and Development Director Robin Cailloux indicated the location of this property at the southern edge of the City, across the road from the Starr's Mill school complex and near the Wilshire commercial complex. It was 46 total acres, and the applicant had requested annexation under the 100% method. This area was identified for annexation in the 2014 Growth Boundary Study. Cailloux pointed out other nearby areas that were not in the City, including Brechin Park, The Chimneys, and Millpond Manor

The property was currently zoned Agricultural Residential (AR) in the County. The request for zoning, if annexed, was to keep about seven acres as Agricultural Reserve (AR) and zone the remaining 39 acres to single-family residential with 12,000 square foot lots (R-12). The County did not object to this annexation. R-12 was the same zoning category as neighboring Wilshire Estates and Foreston Place. They would be preserving environmentally sensitive areas and watershed areas, as well as providing a 50-foot landscape buffer along Redwine Road, a 25-foot buffer along another perimeter, and a 75-foot buffer transitional buffer along the side. Peachtree City required a transitional buffer between non-residential and residential. The burden of providing that buffer was usually placed on the non-

residential, but, since that non-residential was in the City now, the applicants had voluntarily added the transitional buffer to their property.

Staff looked at a variety of policies when considering an annexation. The Land Use Policy concerned the village concept and the step-down in density policy. For the first, if you considered the Wilshire Village commercial area as a village center, nearest to that center should be offices and higher-density residential. That did not apply in this case. However, the property was located right on the City boundary, so when these two policies were overlaid, it was more appropriate for a lower-density residential subdivision. Wilshire Estates had 2.55 dwelling units per acre, while Foreston Place had 1.81. This proposal called for 1.91 units per acre.

The City had a policy of providing 25% of preserved and open space; this development would provide 28%.

This development would have 74 lots, so it was appropriate to have just one exit. The rule of thumb, Cailloux pointed out, was to have one exit for every 100 lots. The exit would be aligned with Nesmith Court. The Fayette County Board of Education had requested that it not be aligned with Panther Path.

The applicant had proposed creating a path connection from the internal subdivision streets to Foreston Place along the city-owned greenbelt. This would tie into the County's path system that served the school complex. Cailloux said the City was in negotiation with the property owner to the south to add a southern path connection which would create a much broader network completion. It would open up The Gates and Brechin Park to the schools. Right now, none of those subdivisions had a direct path to the schools. It would also help Wilshire Estates residents.

County water was available to this property, and City sewer was available. A lift station had been constructed to serve that entire basin. The Water and Sewerage Authority (WASA) expected there would be a cost-share, to be determined by WASA. Public safety would be provided by City providers if the land was annexed. A 2018 capacity study showed that the Starr's Mill cluster was under capacity.

This annexation would not create any new jobs since it was residential. After development, the County's tax base would increase by about \$61,000; the City's by \$93,000. County fire and EMS costs of \$3,200 would be eliminated because they would no longer be providing services.

Staff had seven recommendations to be included if Council approved the annexation. Cailloux said they just put into writing what the applicant had agreed to, such as the 50-foot buffers and the northern path connection, but also added the southern path connection request.

James Nicholson of Freedom Land Holdings, the applicant, introduced Steve Moore of Moore Bass Consulting, who was present virtually. He showed an aerial view of the property, indicating the portion that was part of the annexation, but not part of the rezoning request. He mentioned that the lot sizes were compatible with surrounding neighborhoods. About 28% of the site would be left as open space. He displayed a layout of the roads and open space.

Jeff Lindsey Communities would be the builder, Moore continued, displaying renderings of the types of homes that would be constructed, which he described as a farmhouse/craftsman style.

Moore said he wanted to talk about the City's recommended conditions for annexation and how they applied to this property. The first called for a 50-foot buffer along Redwine Road, while condition No. 2 was for a 25-foot buffer along the western and northern property line. Condition No. 3 called for the 75-foot transitional buffer adjacent to the Office-Industrial (O-I) zoned properties. Those would all be met.

Moore wanted to talk more about condition No. 5, which required a multi-use path between the internal road network and the southern property line. He said he was glad to hear the City was trying to acquire the easement. They would be happy to build the connection if the City obtained the easement. He was concerned with the wording of the condition, however.

Condition 6 discussed the path to the northern property line, while condition No. 7 cited the creation of a development agreement between the developer and the City to build that trail within the City's property. They had no problem with that, he noted. He went back to say they agreed with the fourth condition, which stated that the buffers required in Nos. 2 and 3 would be maintained by the homeowners association (HOA). All open space in the community would be HOA maintained.

They were fine with all the conditions, Moore stated, adding he would like to see No. 5 reworded to say "if the City was successful in obtaining the easement" or words to that effect. He did not want the applicant responsible for something he had no ability to complete.

No one wished to speak in favor of the annexation, and the Mayor asked if anyone was present to speak against it.

Phillip Adams of the Mountbrook subdivision said he had lived in that area for more than 20 years. Traffic along Redwine Road had increased substantially in that time. It was hazardous to enter or exit their neighborhood, especially during peak school traffic times. They added cart path access to the high school in the last couple of years, and several hundred carts used it daily. The teens driving those carts drove over the speed limit and often did not stop at stop signs. He asked Council to conduct a traffic safety study in the area before adding a development of this size to the area.

Jason Heim of Mountbrook read a letter from the Mountbrook HOA. He stated it was a challenge to turn left out of the subdivision. He said he understood why people would want to move to Peachtree City, but hoped this would get further review because of the traffic.

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

King said he had driven by the property and enjoyed the views of the farm. He acknowledged that the owner of the property had a right to benefit from its sale. He would have to agree with the annexation with that in mind.

Madden wanted to know if there was a path on the southern portion of the property that went past Mountbrook? Cailloux said the County had constructed a path on its side of Redwine Road. Both paths would connect to the tunnel the County was proposing, he continued, and that would eliminate the dangerous crossing of Redwine Road.

Madden added that he agreed with King about property rights, noting they were one of the particular concerns of America's Founding Fathers.

Prebor asked Cailloux about the progress on getting the easement for the second path. She said they had met with the owner and were getting surveys now. It was a matter of agreeing on a price.

City Manager Jon Rorie said he wanted to discuss the buildout of the path system in this area. In June 2019 Peachtree City and Fayette County entered into an agreement for the purpose of constructing a tunnel and path. The resulting construction would yield a path connection from Quarters Road all the way to Panther Path on the south side of Redwine. Another tunnel at Redwine and Robinson roads would go under Redwine, giving access to Peachtree City's 100-mile path network. He said he believed there would be some value to looking at creating other connections on this end of town. Not all the connections would be convenient, but the network was meant to be a meandering system.

Rorie told Moore he did not see a need to change the language in the condition. They would basically be providing a way to access the development. Cailloux pointed out that it said "to the property line," not to extend beyond his property.

Rorie noted that they had been working on the path network expansion for several years, and it just would take time. He told Adams, who had mentioned teens not stopping at the stop signs, that they had installed humps at Battery Way to control speeds. That was something that could be installed on the path before Nesmith. It was a County path, though. Peachtree City had no control.

Ernst wanted to know if there was a way to exit to Wilshire, and Cailloux said if there were homes back there, so no exit could be created without condemning a home to create a road connection. The same situation existed on the north end. No easements were preserved in that area.

By annexing this land into the City, Ernst pointed out, they would have control over how it was developed. If it was not annexed, the land would be developed according to the County's standards. Bringing it into the City would give them a say. He said again that he wished there was another exit.

Fleisch noted that they took a lot of time in 2014 to look at growth boundaries. For a planned city, she remarked, they had been doing a lot of ad hoc annexations. She noted that Peachtree City had to notify the County if they wanted to annex something, but did the County have to notify them of development on their borders? Cailloux said they did not, but recently had been doing so.

On SR 54, for example, Fleisch said they had the assisted living facility as well as the Ankle and Foot Clinic. The assisted living was having to pump their septic tank repeatedly and came to the City with an emergency request for annexation so they could access sewer. The borders were being defined by septic failures. It had happened on the south side, too. The growth boundary study helped them plan for the future. That is how Stein Mart and the Publix property was annexed. They had Peachtree City addresses, but did not pay Peachtree City taxes or have City services before annexation. Sedgewick and Mountbrook were not in the City. The post offices assigned addresses. These annexations were a way to fill in the gaps along the borders as well as adding connectivity in the path system. There was a plan for the path network that sat for years with no work on it.

Rorie said recent additions to the path network had greatly improved connectivity. They had made a lot of progress on the south side.

Fleisch asked who would respond to this area now if there was an emergency requiring an ambulance? Rorie said it would be Fayette County Station 5 on SR 85, about four miles away. Peachtree City's Station 85 was about 1.5 miles away. Those fewer miles could make a difference in saving a life. Setting growth boundaries helped you plan for providing services along the City's fringes.

Fleisch said they cleaned up the boundaries along three sides of the City where it was applicable, and Rorie pointed out where they had done annexations on a map. He noted that they had offered to bring in Shiloh Mobile Home Park, but they declined.

King moved to approve New Agenda item 02-21-02, annexation of 46 acres on Redwine Road and Rezoning to R-12, Single Family Residential, and AR, Agricultural Reserve, with the seven conditions as specified. Prebor seconded. Motion carried unanimously.

02-21-03 Purchase Axon Enterprises Police Video Equipment

Assistant Police Chief Matt Myers said they had used a company called Coban Technologies for vehicle cameras for the last 12 years and for body cameras for the last six years. They were acquired about two years ago by a fleet management company called Safe Fleet. Some issues had arisen since then, leading the City to look to other vendors. There had been problems with video storage. If a vehicle camera required any kind of service, it had to be removed and sent to Texas, resulting in lengthy down times. A lot of this was due to recent technology changes the company had made, such as moving from Windows to Linux.

He explained that all the department's video was stored locally on storage arrays, which were hard drives owned and maintained by the City. There was one at the Police Department and a redundancy site elsewhere. This required a significant investment by the City on an ongoing basis. They had to spend about \$85,000 every two years to meet record retention requirements, in addition to other costs related to maintaining and updating the data.

They were looking at Axon Enterprises Inc. as a solution, Myers stated. He said they were well-known as a taser company; in fact, the company used to be called Taser, but changed the name when they started branching out. Peachtree City currently had a taser contract with them. Tonight he was requesting they use Axon for their video technology as well. By going with Axon, they would no longer be required to maintain videos on-site. After officers had recorded their video, it would upload with on-board technology to the cloud and be managed off-site by Axon. Peachtree City would not have to manage it, maintain a climate-controlled room for storage, or pay someone to maintain it. Video would still have to be retained for 30 months, but it would be stored remotely on the cloud.

There were several other technology improvements, Myers continued. If there was a problem with a camera, they could unscrew it and replace it with another and be back in service in a few minutes. Axon would provide additional cameras for this. Axon also offered outstanding officer safety and liability management tools, he remarked. If an officer drew their pistol or taser, the body camera would automatically activate. Car cameras would also activate, as well as the body cameras of any other officers on the scene. The technology also supported improved battery life so they could buffer video throughout a shift. That meant they could pre-record the 30 seconds prior to the pistol being drawn. Axon's body cameras were more difficult to dislodge. The body cameras have 4G and 5G enabled technology, which let them communicate wirelessly. This meant others, via a web application, could see live video from an officer's body camera. There was built-in redaction technology that would make it easier to redact video. Sharing video would be easier, too.

He said Axon was looking ahead and building on the technology with things such as integrating cameras with the dispatch system or automatically scanning for stolen license plates. They had technology to automatically transcribe audio. Myers commented that it was a company with a very broad offering.

The funding was already allocated with \$82,000 in the Capital Improvement Program (CIP) for fleet camera replacements, \$102,000 from the Special Purpose Local Option Sales Tax (SPLOST), and about \$12,000 from the Police Department 2021 budget. This totaled about \$197,000 to completely swap the agency of every body camera and every fleet camera to Axon during fiscal year 2021. The cost would be almost identical to what Coban would charge.

Madden asked about redundancy. Myers said they had several redundancies and that they were probably the premier provider of video storage. It was far more secure than the City department could ever be.

Madden moved to approve New Agenda item 02-21-03, purchase of Axon Enterprises police video equipment. King seconded. Motion carried unanimously.

Council/Staff Topics

Proposed Amendment to Traffic Ordinance for Commercially Owned/Operated Play Vehicles

Rorie said he had asked the Police Department and the City Clerk's office to examine the traffic ordinance for commercially owned/operated play vehicles but it was, as he termed it, "clunky." He wanted Council to be aware that explaining these regulations was not the easiest thing to do.

Myers explained that Rorie had asked him to look at how they could regulate the use of commercial electric scooters and commercial bicycles. In August, Council adopted an ordinance provision that regulated the use of rental electric scooters on the multi-use paths, but that unintentionally excluded any regulation of them on areas outside of the paths. The current language placed in 78-95, which covered prohibited uses, said commercially-operated electric play vehicles could not be operated on the paths. That was accomplished, but left a gap as to what was happening on public streets and in other areas. Myers said he went to 78-96.1, currently titled "Motorized Play Vehicles—Authorizations, Prohibitions, and Disclosure Requirements." That ordinance already had some restrictions on using motorized play vehicles on public streets. The easiest solution appeared to be to add electric play vehicles to that ordinance as well as commercially owned and operated bicycles and electric bicycles.

To clean up the other issue with the bicycles, Myers went on, they would have to look back to 78-95, which was where the current language existed saying commercially owned and operated electric play vehicles were prohibited. They would simply add "commercially owned and operated bicycles and electric bicycles" to that sentence.

Rorie advised Council that this was just a pre-read for them to think about and provide him with feedback.

Did that mean a bike shop could not rent bikes? Prebor asked, and Myers replied that would be a consequence. Prebor said he did not like that and wondered what was the intent of these changes? What was the problem they were trying to solve?

The issue, Rorie told him, was that these rentals were left all over the place. It had been a problem everywhere these scooters had been rolled out. Rorie said it was fine if you wanted to purchase an electric scooter and ride it yourself along the paths that citizens had paid for. Prior to the amendment in August, electric scooters were banned. However, he did not think they wanted to leave the door open for someone to create a rental kiosk for people to ride scooters around the lake or around town, then leave them wherever. That was the cleanest piece: taxpayers had paid for it and he didn't want to commercialize the park system. He added that he did not want to be in the position of regulating a Peachtree City business that wanted to rent bicycles. It just came down to allowing an asset owned and operated by the public to be converted to private use. Would they react or pre-act to changing circumstances? Rorie said he felt the greater they pre-acted, the less they would have to react. They needed to have this conversation now on behalf of the community because if they waited, they soon would be getting the emails asking about initiating a program of scooter rentals. How could they respond? He wanted them to consider the problem and possible solutions. Doing nothing was an option. They could just deal with the electric scooters to prevent them laying all over the place and exclude bicycles.

Prebor said he believed they all agreed that they did not want scooters laying all around town, but someone might open up a scooter business, and people could rent scooters and get a look at the city and decide they might want to live here. They could do that with a rented bicycle or a golf cart, too.

King said the City could impose conditions on scooter rental businesses such as having the individual who rented a scooter sign a contract saying they were responsible for it.

Madden asked what the timeline was on this? Rorie said there was none; he just wanted them to think about it.

Prebor asked if he was on a bike could he ride it on any street? Myers said he could. What about a scooter? Myers said if you personally owned it, you could ride it anywhere. If it was commercially owned and operated, it was prohibited on the paths.

Proposed Text Amendment to Zoning Ordinance Article XIII, Amendments

Cailloux said this article regulated when the Planning Commission held public hearings. The zoning ordinance was adopted in 1977, and the Planning Commission was created in 1980 and still operated in the same way it did when it was established 40 years ago. One of the biggest changes since then was the introduction of the Internet, which altered how the public received information. There were many Internet sources for information, she continued; some were legitimate, while others were just echo chambers. At the local government level, it was a struggle to get out accurate information and engage citizens in helpful and nuanced discussions. They were experimenting with social media, but the jury was still out on how that was going. Cailloux said social media had definitely altered people's behavior, both online and in person. It also meant that misinformation or incomplete information could spread rapidly. Some people had become so numb to this that they did not think twice about verbally assaulting City staff or citizen volunteers.

There continued to be misunderstanding by the public of the Planning Commission's role, she stated. Because they held public hearings and voted, many people thought the Planning Commission was the decision maker. It did not matter how often they specified that they were voting to recommend an action to City Council or how many times the chairman explained that they were not the deciding body. She said the misconception was understandable because of the way the system was set up, with a public hearing and a vote. The average person could easily think that a final decision had been made.

Also, over the last four or five years, the Georgia Supreme Court had put zoning public hearings on a quasi-judicial level. Everything said or introduced during a public hearing was now considered evidence and could be used for or against the City, whether it was true or not. This was putting a lot of liability on citizen volunteers to regulate the discussion.

When you considered all these factors, Cailloux said, it might be time to look at this 40-year-old system to see if it was achieving what they wanted it to achieve. She said she revisited the goals and purpose of the Planning Commission's public hearings. The Georgia Zoning Procedures law required only one hearing, why did Peachtree City hold two? Although nothing was specifically stated in the ordinance, she believed it was because they valued public participation. Sometimes people could not attend both meetings. Also, the time between public hearings was valuable to clear up issues that might have arisen during the first public hearing.

But did they both have to be public hearings? Couldn't they have respectful, nuanced discussions outside the rigid formality of a public hearing? Cailloux said she believed they could better serve residents and City volunteers by converting the Planning Commission public hearing to a workshop format. This would leave the one and only public hearing and actual vote to the people who made the decision—the City Council. She was asking for Council's permission to bring forward a text amendment that would address this change.

Rorie recalled rezoning requests to develop property at the end of the airport runway. He received multiple emails, phone calls, and messages asking if people could meet with Council members, but his

answer was "no" because a zoning hearing was a quasi-judicial proceeding. He thought it would be possible in a more informal process. Any citizen should be able to share their thoughts, but the rigidity of a public hearing was a concern.

If they had to make a zoning decision, that was the time for a public hearing. But a discussion on roads and paths and so on might be better discussed at a workshop, where there could be a free exchange of ideas. A Planning Commission workshop would be a great place for that to take place. Some things, like a recent variance request for a sign, did not go before the Planning Commission. But things like colors, architectural standards, landscaping plans, were best suited to a workshop format. Once again, no decision was required immediately, but Rorie said he wanted them to look at it.

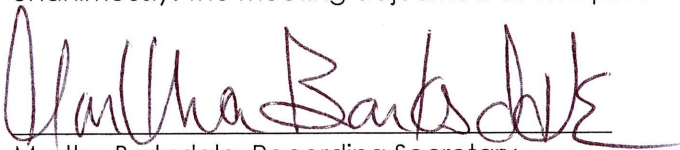
Prebor commented that a workshop format helped everyone by allowing for feedback. Rorie added that they had talked to the Chair and Vice Chair of the Planning Commission and got a favorable reaction.

Proposed Amendment to Section 6-51-Permitted Location for Special Events at which Alcoholic Beverages are Served/Sold

City Clerk Yasmin Julio said this amendment would not affect restaurants, only permitted locations holding special events. The Recreation Department could rent out its facilities for special events that often required permits for alcohol sales. Currently, the code created liability for the City as the owners of the permitted location; Drake Field was an example. The first change they were asking for was that any City-owned property designated as a permitted location be exempt from liability. The liability would instead be on the person who had applied for the alcohol permit.

She went on to say that the City had to apply to itself on an annual basis for a permit for alcohol sales at these events, and they would like to avoid that process. The Recreation Department had several locations that it rented out. They were asking Council to designate seven locations as permanent locations and not require annual applications. Those seven were Drake Field, The Gathering Place, Frederick Brown Jr. Amphitheater, Peachtree City Dog Park, William Davis BMX Track, McIntosh Place, and Shakerag Knoll. Shakerag Knoll could be permitted for beer and wine sales only since it was near a school, and State law prohibited the sale of distilled spirits within a certain distance. Julio encouraged input from Council. There had been a question about including Line Creek, but it was held by a trust and were not interested in being part of this process.

There being no further business, Ernst moved to adjourn. Prebor seconded. Motion carried unanimously. The meeting adjourned at 8:15 p.m.



Martha Barksdale, Recording Secretary



Vanessa Fleisch, Mayor