

City Council of Peachtree City
Workshop
Minutes of Meeting
February 4, 2009
6:30 p.m.

The City Council of Peachtree City met in workshop session on Friday, January 23, 2009, at 5:01 p.m. Council Members in attendance were: Mayor Harold Logsdon, Don Haddix, Cyndi Plunkett, and Doug Sturbaum. Steve Boone was out of town and unable to attend.

The purpose of the workshop was to discuss the Tinsley Mill and Flat Creek Villas flood mitigation projects.

Staff members attending were: City Manager Bernard McMullen, City Attorney Ted Meeker, City Engineer Dave Borkowski, and Stormwater Manager Mark Caspar. Richard Greuel of Integrated Science & Engineering (ISE) also attended.

A copy of the PowerPoint presentation is included in the official meeting file.

Caspar gave a brief overview of the Tinsley Mill Village (TMV) project, which began on April 18, 2008, when Council accepted the Flood Mitigation Assistance (FMA) grant. The City and TMV had filed jointly for the grant from the Georgia Emergency Management Agency (GEMA), and the agreement between the City and GEMA was signed on April 18, 2008. A municipality had to file and administer the grant. The TMV homeowners association (HOA) gave a letter of credit to the City on April 9, 2008, for the design portion of the project, which expired on April 9, 2009. Their share of the grant was 25%. The City filed for the grant with the understanding that the TMV would cover its cost through the HOA assessment. The City's only cost was to be the administration of the grant. Since that time, the design of the TMV project had been substantially completed. The City had also been working to complete the design of the Flat Creek Villas (FCV) project and determined that the two projects were co-dependent. One could not be done without the other.

Greuel showed the areas of concern on an aerial photo. He noted that both projects started with TMV, with the bulk of the flooding came down the Cherry Creek branch, with another component coming across Flat Creek Road. He showed the path of the drainage through the areas. He continued that they had realized a two-pronged approach was needed. The TMV project included building up a small berm that was in place to keep the water in the channel and installing two 10-foot wide, five-foot high culverts under the interior road in TMV. To deal with the water from Flat Creek Road, they proposed a new channel to move the water and a new culvert. If the TMV project were done, there would still be flooding from Flat Creek Road to FCV because the culvert on Flat Creek Road did not function well. The tennis courts at TMV would have to be removed, and that area would look like a cove of the lake.

Haddix noted that his subdivision was across Flat Creek Road from FCV. There was a detention pond that functioned nicely with a stormwater ditch that went from Aberdeen Shopping Center that was a dead end at a bank at Flat Creek Road. The ditch also needed to be addressed. Caspar

said replacing the culvert under Flat Creek Road with two 48-inch culverts would address that flooding issue. Greuel said the assumption for the design had been that improvements were needed across Flat Creek Road to allow the water to get to the ditch unimpeded. Caspar added that the flooding started because of the back-up at the road, and the larger culverts would help keep the road from flooding. Currently, the road acted as a dam. McMullen added that the FCV project would be funded by Peachtree City Stormwater Utility (PTCSWU) funds.

Caspar continued that, on December 9, 2008, TMV informed staff that they would not be able to cover the 25% match they had agreed to provide. Tinsley Mill had only been able to collect \$40,000 of the \$95,000 that the residents had been assessed for the design and permitting, which was only 18% of the amount needed for the total project match, approximately \$230,000. Caspar added the TMV had asked the City to help with the funding they needed for the 25%, another \$190,000.

Caspar said staff had looked at possible options, including a Special Assessment District (SAD) to help with the funding. The City could finance the project through a revenue bond over a longer term via the PTCSWU. If the PTCSWU backed the bond, a referendum would not be needed. With an SAD, the cost to each TMV resident would be \$30 per month (not including bond closings and interest) for 20 years. Additional funds would be needed for maintenance. Both charges would be put on the PTCSWU bill, but the maintenance charges would continue in perpetuity. Liens could be used if payments were not received. The City would have to take over the easements in the project areas. Changes would be required in the PTCSWU Extent of Service, which prohibited the use of City funds on private property, and the drainage ordinance. The City would also have the burden of collection for unpaid stormwater bills. Caspar added that staff's biggest concern was setting a precedent for the City accepting maintenance in a privately-held development. He had already received phone calls from other areas about the possibility. Industrial and commercial properties could ask for the same thing.

Plunkett asked if any resident could give the City an easement to their property. Caspar said only if the City accepted it. Borkowski clarified that, according to the City ordinance and the Extent of Service, the City could only accept easements for residential detention ponds.

Caspar noted that staff had also considered other options. Tinsley Mill had collected \$40,000 and only needed another \$24,000 for the 25% match of the design and permitting, which had not started yet because staff did not want to use any more of the TMV's funds without a decision on where to go. That would leave \$16,000 to put towards TMV's 25% of the construction costs. It would cost another \$150,000 for TMV to match the 25% of the current construction estimate. Staff could proceed with permitting, since it would give TMV six months to re-evaluate their ability to collect the proper assessments. If TMV was unable to collect the funds, they could pull out at the end of the permitting stage, prior to bidding the project.

Caspar continued that, if the project were funded, there was the potential, not a guarantee, to reduce the floodplain in the area in accordance with the Federal Emergency Management Agency (FEMA), which could result in a reduction in flood insurance. The Conditional Letter of Map Revision (CLOMR) would need FEMA approval, and variances would be needed from the

City and the state for the state water buffers. The City would also need a guarantee of easements from TMV and FCV for both projects. Environmental permitting would be needed. Borkowski added, even if the City got the CLOMR and all the units were taken out of the floodplain on the official maps, the individual mortgage and insurance companies had the final say so on any reduction in costs to the homeowners. The goal had been to reduce the flooding in TMV, not to reduce the flood insurance costs.

Caspar said if the TMV project were abandoned, the 75% match for the FMA grant could have to be reimbursed to the Georgia Emergency Management Agency (GEMA). The FCV project would also have to be cancelled because of the co-dependency issues. This was the second grant for the project. The first grant was cancelled because the concept was not feasible. A third grant would be unlikely should matching funds become available in the future. There would be no flood mitigation.

Caspar said staff recommended against an SAD, because it would set a precedent, change the Extent of Service, require more projects be added for a bond, and the PTCSWU rates would increase City-wide because they could not support another bond. The City needed a full financial commitment for the FEMA grant matching fund from TMV before proceeding with additional work. The City should also get a commitment from TMV and FCV for all required easements for both projects.

A TMV resident asked if the PTCSWU could help pay some of the cost of the TMV project due to the current economic conditions. She said it was difficult enough to come up with the money.

Caspar said that, according to staff's research, the SAD would have to be a bonded project over a 20-year period instead of the original two-year period. The City would have to take over the easements in a private subdivision, which would increase the stormwater bill. Eight of the 50 homes in TMV flooded depending on the intensity of the storm. He added that the PTCSWU Extent of Service prohibited use of City funds on private property.

Plunkett asked if a resident could dedicate a portion of their property to the City. Borkowski said that the City was only supposed to accept easements for detention ponds.

A resident said he never had gotten flood insurance. The residents said it would be very discouraging to go through the process and not be taken out of the flood plain. Borkowski said that, even if the City got the CLOMR, the final decision on reducing the cost of flood insurance was up to the insurance companies. The goal of the projects was to reduce flooding. Greuel noted that the flooding at TMV started a year or two after construction was completed, and that pre-dated the National Flood Insurance Program.

McMullen pointed out that the City would not need an easement for stormwater infrastructure. If there was a stormwater easement, then the City assumed maintenance for the easement. Meeker added that, under the original concept, the City would not have needed easements. The City only needed easements for an SAD.

McMullen said that bottom line was that the TMV residents could not raise the money for their portion of the match and had asked the City to assist. The way the City could do it was via an SAD, but staff did not recommend that. There were other groups waiting for the City to set such a precedent. Another \$200,000 was needed to complete the project.

Ben Rodriguez, president of the FCV homeowners association, explained the problem for FCV's if the TMV project was not done. He said FCV was caught in the middle. Tinsley Mill had an obstructed pipe under an internal road, which impeded the flow of water and caused everything to back up. There was run-off from properties located upstream. He said the order of construction of that part of the City was important. Tinsley Mill was built first, followed by FCV, then everything else. Nothing was done during the growth to handle the water. It was extremely difficult to agree with any proposal that penalized FCV. Their homeowners were expected to give up a prime piece of their land for a project that would help everyone else. He noted that the proposed swale would flow through an open area on FCV property to Lake Peachtree all because the subdivisions all around them did not absorb their own run-off, but dumped it out on them. He said that could be remedied by cleaning out or enlarging the existing retention ponds, reducing the water that drained to FCV and TMV, and by replacing the culverts so the water could flow. Logsdon clarified that Rodriguez was suggesting the City work upstream on issues. Rodriguez said he was not suggesting stopping the flow of water, but reducing it by ensuring the infrastructure in place worked properly. Haddix said it could not be done in Dover Square since the detention pond and ditch filled completely. Retaining more water there increased flooding for Dover Square and the Arbors. The City property in that area was surrounded by private property, so there was nowhere to expand. Rodriguez said that, if one place could not be done, then look at the other areas. Haddix said the problem was that everything accumulated at one key point, then flooded across the street. Rodriguez said it would help if the TMV pipe were cleared. Dick Eskew, TMV's HOA representative, said the pipe was actually open, but it drained to the creek at a level that was almost equal to the creek. When the water in the creek rose, it was higher than the pipe. The original design was not adequate.

Eskew told Council TMV would not be able to raise the money. While most of the people were responsible and wanted to do the right thing, there were owners who did not pay their regular fees. They wanted to do the project. They had tried to look at additional financing, but banks could not help right now. Another TMV resident noted that they had started working on the project four years ago. Since then, the cost had quadrupled and the times were bad.

McMullen said the issue was that, if the FCV project were attempted, they could not lower the elevation of the swales. The sanitary sewer lines were not shown on the aerials, and they were a determining factor in how low the swales could go. Building the swales could make the situation worse, and the City could not do that. Staff's position was that both had to be done, not one or the other. As for the option to look upstream for improvements, it would be very difficult to find the land to detain the water and stop the flooding due to the heavy development of the area.

A resident asked why all the neighborhoods could not be taxed if the project would benefit others. It seemed as though a lot of people would benefit, but only TMV was providing funding. Another resident agreed, saying that TMV and FCV were there first, and the City had allowed

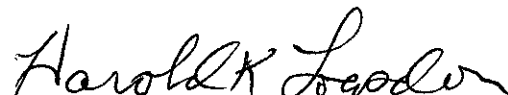
the other neighborhoods, then the City had added the water over the years. Another FCV resident noted how their property values would be affected by having the swale go through the scenic portion of their property.

McMullen said that he had not expected to have an answer at the meeting, but staff wanted everyone to know the status. Staff did not recommend an SAD. There were limited other options for FCV. Staff did not see a high probability of solving the problems upstream, but would look at it. Plunkett suggested that everything be done by April 9. Caspar said the grant expired in September. Greuel said that there could be an extension if there was a show of good faith.

Logsdon said the City would do more work. He directed staff to look upstream and explore all the options, then get back to Council. Another meeting would be held to share what was learned. For now, they were at a loss for a solution.

There being no further business to discuss, the meeting adjourned at 7:54 p.m.


Pamela Dufresne, Deputy City Clerk


Harold K. Logsdon, Mayor