

City Council of Peachtree City
Meeting Minutes
Thursday, October 17, 2024
6:30 PM

Call to Order

The Mayor and Council of Peachtree City met in regular session on Thursday, October 17, 2024. Mayor Kim Learnard called the meeting to order at 6:30 p.m. Council members attending: Laura Johnson, Suzanne Brown, Clinton Holland, and Frank Destadio.

Pledge of Allegiance and Moment of Silence

Public Comment

Destadio moved to increase the total time allotted by 12 minutes. Johnson seconded. Motion carried unanimously.

Cary Cook expressed his opposition to the proposal for an active senior apartment community off Aberdeen Parkway because of increased traffic. Cook said the area, if developed, would be better suited for single-family homes or for commercial use.

Joan Brennan told Council she hoped they would keep Crabapple Lane closed to thru traffic, recalling that the previous Council gave Tyrone a year to come up with a plan for a path to connect their town to Peachtree City's path network on World Drive.

Erin Angelo said Crabapple Lane should be re-opened to cart traffic. She mentioned the difficulties this posed to Lily Huelfer, a Tyrone resident with autism who worked at the Kedron Village Kroger and used that access point to get to her job.

Hayley Eyre called for a public explanation of why Crabapple Lane could not be opened to golf carts. She pointed out that many Kedron Hills residents supported opening the gate but feared retribution if they spoke up. She said Council had turned down millions of dollars in funding in order to keep Crabapple closed.

Felicia Spicer also asked Council to re-open Crabapple Lane and collaborate with Tyrone and County leaders to construct a connection.

A Highgrove resident, Christina King, said she and her family regularly crossed into Peachtree City via the paths to go to school, shop, and dine, and she believed residents from Tyrone should have the same privilege. People from all areas made Peachtree City the thriving, interconnected city it was. She said there was no data to support the road being closed, and there was evidence some members of Council had conflicts of interest in this matter.

Robert Clough of Tyrone said he and his neighbors had used Peachtree City's paths for many years. He said it was time to re-open this path.

Teacher Chris Messer told Council it was discriminatory to have multiple access points in other areas, but to close the one on the north side from Tyrone. She said people across the school system were becoming aware of this.

Selfish Council members had placed their personal relationships with some Kedron Hills residents above the needs of a young woman with disabilities, Dennis Jarosz remarked. He also noted Peachtree City was missing out on County funds by doing this and called on Council Members to resign if they could not do the right thing.

A native of Mexico, now a U.S. citizen, Jose Casanova said he expected Peachtree City to live up to America's promise of justice and integrity. He asked Council to stand up for those values and re-open Crabapple Lane.

People from outside Peachtree City paid \$250 a year for access to the paths, Sue Murtaugh noted, and it was wrong to restrict Tyrone residents who paid that fee, while still allowing Fayetteville residents access. She pointed out there was no public transportation in Fayette County, and many people with disabilities used the paths.

Chrissy O'Neal pointed out that closing this road could delay ambulance access for someone in an emergency situation. She said life was hard for people with disabilities and their families and closing this path just made it more difficult.

Evan Huelfer of Tyrone asked Council if they were listening to just a handful of people or to Peachtree City at large? He said he had met and talked with Council, but they did not listen. He commented that Holland was operating under the incorrect idea that 2,000 new homes were being planned along Dogwood Trail, but that was not the case. Johnson had met and worked with them, he said, but cut off communication after receiving feedback from the Kedron Hills HOA, and Brown had not responded at all. He asked Council again to open this gate, collect data, and see if there was a problem.

Halloween was the deadliest day for child death in car accidents, Blake Hayes commented, and asked motorists to be careful when driving on Halloween.

Announcements, Awards, Special Recognition

None

Presentation

A. Fayette Senior Services

Fayette Senior Services CEO Nancy Meaders and Program Development Coordinator Morgan Lanier gave a presentation on the services they provided in the community and at the senior centers in Fayetteville and in Peachtree City.

Agenda Changes

Minutes

Holland moved to approve the September 19, 2024, Special Called Meeting Minutes, the September 19, 2024, Executive Session Minutes, the October 3, 2024, Work

Session Minutes, the October 10, 2024, 9 a.m. Special Called Meeting Minutes, and the October 10, 2024, 1 p.m. Special Called Meeting Minutes.

- A. September 19, 2024 Special Called Meeting Minutes**
APPROVED 4-0-1(DESTADIO)
- B. September 19, 2024 Executive Session Minutes**
APPROVED 4-0-1(DESTADIO)
- C. October 3, 2024 Work Session Minutes**
APPROVED 5-0
- D. October 10, 2024 9:00 Special Called Meeting Minutes**
APPROVED 5-0
- E. October 10, 2024 1:00 Special Called Meeting Minutes**
APPROVED 5-0

Quarterly Reports

A. 3rd Quarter 2024 Quarterly Reports

Brown asked Police Chief Janet Moon about the increase in underage DUIs, and Moon said that was simply a case of there being zero or one in most months, but then there were five in May, which skewed the percentage.

Johnson noted that golf cart collisions were down 34% versus the same quarter last year and asked the Chief what she thought the reason was. Moon told her they were spending more time on the paths doing enforcement and education. Having that presence made people a little more mindful, she said.

Destadio asked about the ages of people involved in the accidents, and Moon said she had breakdown she would send them. City Manager Justin Strickland said he had planned on sending it out, as well. Brown then noted that roadkill was one of the items on the report and asked Strickland if he could get the numbers on how many of those were deer. He told her he would try.

Holland said the quarterly reports were the one time you could get an overview of everything that was happening in the city. Brown stated that they all read the reports thoroughly.

Consent Agenda

Destadio moved to approve Consent Agenda items A through D. Holland seconded. Motion carried unanimously.

Learnard noted they had just approved appointments to the Airport Authority for Beth Phingsten, Max Braun, and Steve Hanes.

A. Consider appointments to the Peachtree City Airport Authority

APPROVED 5-0

B. Municipal Court Judicial Service Agreement

APPROVED 5-0

C. Ordinance # 1227 Solid Waste Management Amendment

APPROVED 5-0

D. Ordinance # 1228 Lake Peachtree Access and Prohibited Activities

APPROVED 5-0

Old Agenda Items

New Agenda Items

A. 10-24-01 Equipment Purchase through Stryker - Capital Improvement Budget

Deputy Fire Chief Kevin Baggett talked to Council about equipment that was rolled into the Special Purpose Local Option Sales Tax (SPLOST) funding for the ambulance. The ambulance acquisition had been delayed, but he was asking to go ahead and order this equipment in order to get ahead of a price increase from the manufacturer.

Brown moved to approve the purchase from Stryker Pro Care for \$56,586.22.
Destadio seconded. Motion carried unanimously.

B. 10-24-02 SPLOST Equipment Purchase Through Stryker

Once again trying to beat a price increase, Baggett asked Council to approve the purchase of additional equipment from Stryker.

Johnson moved to approve the purchase requested for a total of \$221,106.12.
Brown seconded. Motion carried unanimously.

C. 10-24-03 Actuarial Services

Strickland asked Council to terminate the agreement for actuarial services with current provider Cavanaugh MacDonald and enter into a new contract with Foster & Foster, one of the finalists when the contract was awarded to CavMac in the spring.

Holland moved to terminate the services agreement with CavMac. Destadio seconded. Motion carried unanimously.

Holland moved to approve a contract with Foster & Foster Consulting Actuaries for actuarial services and online member portal in the amount of \$47,000 annually which would be paid from the defined benefit pension fund. Destadio seconded.
Motion carried unanimously.

Public Hearings

A. 10-24-04 Ordinance # 1229 Zoning text amendment to create a Short Term Rental permit

Planning and Development Director Robin Cailloux presented a timeline of all the public meetings and workshops that had been held on short-term rental (STR) permits over a two-year period. Council discussed the Planning Commission's recommendations at its October 3 work session, and Cailloux reviewed some key points.

Permits were required for all STRs, both new and existing. The original ordinance limited STRs to 1% of the homes in the city, but Council decided at the work session to set a flat cap of 135, which was 1% of the number of homes currently. People who could prove they operated an STR prior to the ordinance's adoption would get first priority on the permits.

The rentals could be the whole house or just bedrooms within a home. The house did not have to be owner-occupied. Rentals were not permitted for detached structures of any kind or for recreational vehicles (RVs). Subleasing was not permitted.

A local contact person was required. They must be at least 21 years old, available 24 hours a day and able to be on the property within one hour of notification. They could be a licensed managing agent, but this was not required.

Minimum standards for STRs included no parties or special events, all parking off-street on paved surfaces, and garbage screened from view. Sleeping could be done only in bedrooms as defined by the International Building Code with a maximum of three people per bedroom. The noise ordinance and parking requirements must be posted, along with the contact person's phone number.

The application required a criminal background check, but Council removed the fingerprinting requirement at the work session. The STR must pass both a Fire Marshal and Code Enforcement inspection. Owners must give the City a copy of the guest occupancy agreement as required by Georgia law. Permits were good for 365 days. Fees were reduced as a result of the last work session and would be \$375 for the initial permit, and \$300 for renewals.

Council removed the requirement of keeping an online database of STR permits and replaced it with written notification sent by the City to all property owners within 200 feet. This would include the local contact information.

Although ordinances typically went into effect the day Council approved them, Cailloux said she was asking them to make this ordinance effective January 1, 2025, in order to allow time to notify existing owners. They would have until March 1 to apply.

The Mayor opened the public hearing. No one wished to speak in favor of the

ordinance, and she asked for people who would like to speak in opposition.

Mike Murtaugh asked Council to start anew with this ordinance, stating that he felt fearmongering from a previous Council member had tainted the process and made law-abiding STR owners the scapegoats for one bad situation. He felt there was never any intent to create a fair and open ordinance and hoped for a second chance.

Fayette County Board of Realtor President Iris Owens said this ordinance would impair the right of property owners to rent out their properties on a short-term basis. She said State law prohibited inspections of rental properties by local governments without a sound reason. Owens also said permits should stay with the land, not the owner.

Some of the language in the ordinance was ambiguous, said Lois Bredemeier, citing the section that said a change in the point of contact had to be reported to City Hall. She said the City wanted deeds and room rates and that was against privacy laws. Bredemeier also had questions about multiple violations and how fines would be administered.

Rebecca Thomas, operated an STR attached to her house, thought this ordinance was aimed at whole home rentals. Thomas questioned the amount of the fee and noted that Police had said they were never called to STRs. She said it seemed like a punishment to STR owners and their guests.

Destadio moved to allot an additional two minutes for public comment from both sides. Holland seconded.

Jeff Meyer said he and his wife operated an Airbnb and hoped they would be able to continue. There had been no complaints from their neighbors. He saw not problem with STRs and wanted a reasonable solution.

The Mayor opened the floor to anyone who wished to speak in favor of the ordinance. No one wished to speak, and she closed the hearing.

She said she and Holland, keeping staff and other Council Members in the loop, had gone over some of the recommendations. Some STR owners had shared that they had no options for driveway parking. Also, there was no ordinance prohibiting parking on the street by homeowners or others, so it seemed punitive and unenforceable to prohibit it for STRs, Learnard commented, and recommended they remove that. Holland agreed, saying if it was allowed for others, it should be allowed for all.

Destadio was in favor of eliminating that, as was Brown. As she had done at previous meetings, Johnson recused herself from this discussion.

Learnard said she did not think the name and phone number of the local contact should be distributed to neighbors. Holland, Destadio, and Brown agreed, but Brown asked if a second person should be identified as a backup contact? Cailloux said her office could leave space on the permitting form for multiple contacts. The other Council Members agreed.

They also all agreed on eliminating language that said garbage containers must be screened from view because that did not apply to other homes.

The Mayor and Holland suggested the permits be up for renewal every two years, not every year as the draft proposed. Destadio and Brown agreed.

There had been privacy concerns about the guest registry, and the Mayor said keeping three years of this personal data was onerous and suggested 30 days.

She also noted she was the owner of an Airbnb in another state and through that platform had access to the guest's name, home city, and dates of stay, not personal data, such as their phone number. All communication was done through the Airbnb app. She would have no way of providing all the personal information this draft ordinance was asking for, such as home address.

However, the Police Department wanted access to that data, but she was not sure how to handle that. Holland said he understood that the Police might need to react quickly, and it might not be so simple to get the information from the platforms. He suggested they require name, home address, and license plate number.

Law enforcement entities could register with the Airbnb law enforcement portal and seek information through that, Learnard stated. City Attorney Ted Meeker said the name and home city would be a decent starting point, noting that most guests at the STRs would be in rental vehicles.

Moon said they could always get a subpoena if they needed information, but that took time. The biggest concern, she continued, was if there was an exigent circumstance, and they needed information quickly. Would they need more than name, home city, and dates of stay? Learnard asked, and Moon said the home address would be nice, but they could get information in other ways, and she would be okay in trying it this way.

Destadio pointed out that every hotel he had been to required his name, home address, and license plate number. Learnard said the STR owners did not have that information; information was shared through the platform, and communication was done only through the app. Destadio asked if guests could provide that information when they arrived.

Holland suggested allowing the STR owners who were present to speak on this. Julio noted that the ordinance said the guest would have to give this information on

the date of their arrival. Destadio said it would be like registering at a hotel. Brown said it was not like it would be in a book that everyone could see, but could be done in other ways, such as filling out a card and sending a photo to the owner. She agreed with Moon that if time was an issue, the Police needed a tag number before those people could leave town.

Learnard was concerned about privacy issues, and Meeker said he did not believe there were any. Hotels maintained registries of the people who stayed there, and these were standalone hotels. This ordinance required less than a hotel did, he said. He noted there was communication between the owner and guest upon arrival, so it should not be a problem to ask the guest to send a photo of the license plate.

He said there had been a lot of misunderstanding about who would get this information. It was only available in two scenarios: if there was a warrant and in exigent circumstances, which was the only exception to the Fourth Amendment.

If they did away with the guest registry, there would still be information on file through the platform. Meeker said the owner keeping the information for 30 days would be fine. He saw no problem with having the name and license plate and noted this was not something the Police could just walk up and demand. It would not be shared or posted anywhere.

Learnard asked if they were changing it to say the operator would keep for 30 days the guest information that came through the platform: name, home city, and dates? Cailloux asked if they were requiring the license plate number, too? Brown and Destadio said they were. Learnard said the operator did not have that, but Meeker said they could ask for it. Brown suggested the guest could take a photo of the tag and send it to the operator.

Learnard remarked that it was against her better judgement, but she would go along with asking for a tag number. Holland said he could go along with it.

Brown had sent an email with some questions. The ordinance said STRs were permitted in all residential zoning districts and in all zoning districts where residential uses were permitted. Brown asked if they were permitted in limited-use commercial (LUC), and Cailloux said they would be allowed if the LUC had residential as one of its permitted uses.

Would each condo unit need a permit or would one permit cover the entire building? Cailloux said each dwelling unit would need its own permit.

Holland mentioned that someone had complained that the ordinance said no food could be prepared in the STR, and he wanted to clarify this. Meeker said it meant that food could not be prepared in a bedroom, not that it could not be consumed there.

Holland also thought minor violations should have a cure provision to give owners a chance to rectify the situation. Cailloux said Code Enforcement had policies based on their experience. She did not want to put anything too specific in this ordinance because that would take away their ability to use discretion.

Learnard asked if the City would keep room rates on file, and Cailloux said they would not, although State law required the platforms to collect taxes, which were based on the room rates. The City never saw that data, just a check for the taxes.

Learnard said someone had mentioned that one violation multiplied by five days meant five violations, and Cailloux replied that was standard language. It gave them that ability but was seldom applied unless it was a repeat offender. Meeker said there would be a proof problem unless a citation was issued every day.

Brown noted the ordinance mentioned “a fine not to exceed \$500,” which she took to mean there was some play allowed. Meeker explained that meant there was no mandatory minimum fine.

Holland asked if the City had deeds on file. It was a public record on file with Fayette County and was easy to get, Cailloux said. It would be used to ensure the person applying for an STR permit was the rightful property owner.

Because she was worried about an influx of STRs in neighborhoods without HOAs, Brown stated she thought they needed to establish a percentage of the homes in any neighborhood that could have STRs. Too many STRs could negatively impact property values, Brown asserted. She said Strickland had told her they could identify how many houses were in a neighborhood, and she wanted to set the number at 2%.

Destadio said he and the Mayor had talked about this, and he agreed that they did not want to divide the City up arbitrarily. However, if they kept it to established subdivisions, he would be okay with 2%, but Learnard said she would not know where to start drawing lines in some areas. She said they had spent a lot of time and effort establishing the cap at 135 homes and felt that should stand. They could look at it later if needed.

Holland asked Strickland’s opinion. He said they had GIS records on all subdivisions based on platting at the time they were built. The City had put together different sections, as they were called in the City’s early days, to make cohesive neighborhoods where needed in their software.

If they had all that, Brown said, she did not see where this would be a problem. Destadio said he agreed with the Mayor and should stick with the 135.

Learnard said she had hoped they could vote on this, but it seemed that more time

was needed to put this together with the changes they had agreed on. They could vote on it at their November 7 work session.

Holland moved to continue this to November 7. Destadio seconded. Brown asked if they needed to establish that the ordinance would go into effect January 1, 2025? Meeker said they would put it in the ordinance, and Council could consider where they wanted that language to go when they voted. Motion carried 4-0-1, with Brown, Destadio, Holland, and Learnard voting in favor and Johnson abstaining.

B. 10-24-05 2024 Maintenance and Operation Millage Rate

Assistant Finance Director Kelly Bush said this was the last of the three required public hearings on the millage rate. They were proposing a millage rate of 5.983 mills, which was a reduction from 6.043 mills.

The total increase to the digest value was 8.6%, with 6.61% of that coming from reassessments and the remainder from new added growth. The millage rate had been reduced by 1.195 over the past 12 years.

The Mayor opened the public hearing and asked for speakers in favor of adopting this millage rate.

Blake Hayes noted that Peachtree City had the second lowest millage rate in the county when City-provided services were taken into account. Hayes also pointed out that the budget had already been passed, so lowering the millage rate would require reductions in the spending that had been approved.

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

Brown noted she voted against the budget and wanted to remove items from the budget. She would vote against this millage rate because she felt those items should be reviewed.

Destadio and Johnson said they supported this millage rate.

Holland said he wanted a larger rollback, but realized it would impact services. He said he felt they had worked to trim back where they could, but he did not see a way to slim down more this year without cutting essential items.

Destadio moved to approve the proposed millage rate of 5.983 mills. Johnson seconded. Motion carried 4-1 with Destadio, Holland, Johnson, and Learnard voting in favor, Brown in opposition.

Council/Staff Topics

NONE

Executive Session

Johnson moved to adjourn to executive session at 8:41 p.m. to discuss personnel and

the sale, acquisition, or leasing of real estate. Brown seconded. Motion carried unanimously.

Brown moved to reconvene in regular session at 9:18 p.m. Holland seconded. Motion carried unanimously.

Adjourn

There being no further business, Holland moved to adjourn the meeting. Brown seconded. Motion carried unanimously.

The meeting adjourned at 9:18 p.m.

Martha Barksdale, Recording Secretary

Kim Learnard, Mayor