

City Council of Peachtree City
Meeting Minutes
Thursday, November 7, 2024
9:30 AM

Call to Order

The Mayor and Council of Peachtree City met on Thursday, November 7, 2024. Mayor Kim Learnard called the work session to order at 9:30 a.m. Council members attending: Laura Johnson, Suzanne Brown, Clinton Holland, and Frank Destadio.

Public Comment

Lois Bredemeier asked Council to delay voting on the short-term rental (STR) ordinance and meet with STR owners before their final decision. She expressed concerns about violations of private property laws.

Kathyn Hynson said she kept chickens on her five acres and expressed her views on the proposed ordinance regarding backyard poultry. She noted that owning chickens provided a constant source of fresh eggs and bug control and urged Council to consider allowing ducks as well as chickens, to remove the permit requirement, and to increase the number of chickens allowed.

Work Session Discussion Items

A. Deer Management Plan

City Manager Justin Strickland said Council, responding to citizen comments and complaints, had expressed an interest in what could be done to control the deer population. He introduced wildlife biologist Emily Rapach of the Georgia Department of Natural Resources (DNR) to discuss its deer management program. Rapach explained that urban areas such as Peachtree City provided excellent habitat that could support large deer populations. Predators and disease were not sufficient to keep the numbers in check.

She said Georgia law did not allow for non-lethal methods such as fertility control or relocation, and neither were effective, in any case. She explained that urban archery required hunters to shoot from an elevated position so stray arrows went into the ground, and there had been no reports of any bystander injuries.

Hunters took about 100 deer per year at Fort Yargo State Park in Winder, Rapach stated, and deer/vehicle collisions had been reduced by 57% since the hunts started. Forsyth County had started an urban archery program, as had many other communities around the country.

Holland asked about liability, and Rapach replied that the Georgia Recreational Property Act shielded property owners. It said no one could come onto a property to hunt or retrieve deer without permission from the owners.

Brown asked about the size of Fort Yargo, and Rapach said it was a large park, and firearms were used in its hunts. Learnard asked if it was reasonable to consider an urban archery program in a city of 25 square miles that was primarily residential? Rapach replied that the DNR would work with the city or with any neighborhood that wanted to participate in finding greenspace, determining how many hunters would be allowed and how many deer they could take.

How would they know when they had a manageable population? Johnson asked, and Rapach responded that they would have to look at the results. Were collisions down? Had conflict calls been reduced? They might be able to manage the number of deer with a hunt every few years rather than annually. So there was an ongoing relationship between an area and the DNR? Johnson inquired, and Rapach said the DNR would help them set goals and work out how to maintain them.

Brown asked how the hunters were enlisted? Rapach said they did not provide hunters or a list of hunters but could put things in place to make sure they were properly trained, such as a proficiency test or a course.

In response to a question from Holland, Rapach said there would be no cost to use the Georgia DNR, but the United States Department of Agriculture (USDA) conducted hunts and did impose a cost for using their services. Learnard mentioned working with adjacent areas such as Fayette County or Tyrone on this. Rapach liked that idea, saying deer management was a growing concern throughout the metro area.

Strickland explained that Peachtree City would set designated days and call for hunters through the DNR plan. This would have to be in deer season, September through January. However, the USDA could come in and do the hunt for them, at a cost, and that could be done at night and at any time of year.

Could the DNR provide guidelines? Holland asked, and Rapach said they would work closely with the city on anything to provide a good, safe hunt. Destadio asked who cleaned up? The hunters, Rapach replied, although DNR could help with disposal after field dressing.

Council agreed to ask Strickland to get more information and bring a proposal. Brown said she would like an estimate of what the USDA would charge because they could do something outside the parameters of the hunting season.

B. Boards, Commissions, and Authorities Alternate Voting Ordinance #1230

Interim Assistant City Manager Yasmin Julio said Council had discussed allowing alternate members of a board, commission, or authority to vote if one of the regular members was absent. Alternates had to attend at least 60% of the meetings and already participated in discussions, so they were familiar with the process, Julio said. As of now, only the Planning Commission had an alternate, the Mayor noted. Council agreed they wanted this on the next meeting agenda.

C. Senior Property Tax Exemption

Strickland referred them to a table showing the past five years of the senior homestead exemption and how many people used it, along with what the value was each year. He pointed out that the total cost to the City was minimal under the current exemption that had been in place since 2005.

He said he and Finance Director Paul Salvatore created a table showing the current exemption, what it would look like if everyone who was eligible applied, and an inflation adjustment to bring the value equal to what it would have been in 2005. However, he understood that Council wanted to do something more substantial that would outpace inflation for another 15 to 20 years. Strickland said a \$60,000 threshold for income would be sustainable for a good while and had decided a \$15,000 reduction on the assessment would be suitable. That increased the value of the senior exemption by about 200%, from \$30 to \$90.

Learnard said she was glad Brown had brought this to Council's attention and felt this recommendation was solid. Destadio agreed.

Brown asked Strickland how many people would qualify if they set the income limit at \$50,000? She said she was interested in a lower income level balanced out by a higher exemption.

At the \$50,000 threshold, there were 1,687 taxpayers who would qualify, according to 2020 census figures. Brown noted there were a lot of people currently who qualified but did not apply, and she thought they might if the benefit was greater. The financial impact on the City was estimated with total participation, and that was not going to happen, she stated.

Strickland said the sample resolution in the packet set the income limit at \$60,000 and the exemption at \$15,000. Brown said she supported \$60,000 and \$30,000 because that might have the greatest impact for the longest time.

The Mayor and Council agreed that \$60,000 and \$30,000 were workable. The number of people eligible was 1,964, and the amount they would save would be about \$180, with the cost to the City approximately \$352,000 if everyone took advantage of it. That was a 500% increase over the current amount.

Brown pointed out that they needed to get this in the hands of local legislators in time for a referendum in November 2025. It could take effect in 2026.

A resolution for \$60,000 income and \$30,000 exemption would be on the agenda for the next meeting, Learnard said.

D. Recreation Advisory Group

Strickland commented that Council had wanted the qualifications for the Recreation Advisory Group to be more generic than what they had for the Transportation

Advisory Group. Therefore, he had removed all the qualifications and said the committee that made the recommendations could look for specific qualifications when doing the interviews, as they did for other groups.

Learnard said that was reasonable, and the other Council members agreed.

Strickland asked if they wanted to include public art in the Recreation group. Learnard said no; she thought a public art committee would fit well under the Convention and Visitors Bureau (CVB). The other Council members agreed. Brown mentioned unique bike racks, and Deputy City Clerk Stacey Collins said they were working on that.

Holland asked how many people would be in the group? Strickland said seven. Holland said he wanted a variety of people represented.

E. Surplus and Disposal of Decommissioned Vehicles

Public Works Director Jonathan Miller said he would be seeking permission to sell two pick-up trucks that they no longer used or that would be replaced. Because the value was more than \$5,000, this was required to come before Council and would probably be on the Consent Agenda at the next meeting.

F. Capital Improvement Vehicle Purchases

In an attempt to keep budgeted purchases moving in spite of ongoing supply chain issues, Miller said he would be asking Council to approve the purchase of 30 vehicles. They would follow all ordinances, and any vehicle that exceeded the budgeted price would be brought back to Council. As the vehicles were purchased, Council would get information on who the vendor was and the purchase price. This, too, would be on the agenda at the next meeting.

G. Purchase Replacement Skid Steer Track Loader for Public Works

Miller said they had a quote of \$89,361 for a new skid steer, which was \$1,300 over the budgeted amount. However, other vehicles and equipment had been priced under budget, so that would supplement the overage here. This would be on the November 21 agenda, too.

H. Extension of Mechanical Services Agreement

On the next agenda there would be an item asking Council to approve a new one-year contract with Shumate Mechanical for HVAC maintenance. City Engineer Dave Borkowski explained that they had used Shumate since 2009 for all facilities. At \$177,500, there would be no price increase.

I. Budget Amendment FY2024 - LMIG

Assistant Finance Director Kelly Bush said the Georgia Department of Transportation (GDOT) was distributing surplus funds from the local maintenance and improvement grant (LMIG) program to municipalities. Peachtree City would get \$566,418.60 that would be allocated to paving. Council would be asked to approve

this at the next meeting.

J. Budget Amendments FY2024 and FY2025

These were routine housekeeping budget amendments that would be on the next agenda, Bush explained.

K. Budget Amendment FY2025 - ARPA

This was a request to move \$7,072,387.71 of the \$10 million in American Rescue Plan Act (ARPA) funds to the Capital Improvement Projects (CIP) fund for accounting purposes. The remainder of the money was earmarked for Water and Sewerage Authority (WASA) projects and would remain in the ARPA fund. The ARPA money had to be encumbered by December 31 or the City would lose it, Bush stated. This also would be on the November 21 agenda.

L. Budget Amendment FY2025 - Keep Peachtree City Beautiful Fund

This was a request to increase the franchise tax for garbage collection franchisees from \$1 quarterly per customer to \$1 per month. It would be on the next agenda.

M. Backyard Chickens

Senior Planner Lora Hooks said staff reviewed and compared ordinances from eight non-rural jurisdictions and presented a draft ordinance based on commonalities to the Planning Commission for discussion. Revisions were made based on that discussion.

The draft ordinance defined chicken as the female *Gallus gallus domesticus*, thereby prohibiting roosters, ducks, geese, turkeys, peafowl, guineas, quails, and pheasants. It required the chickens to be fully enclosed at all times and set the minimum coop area requirement at four square feet per chicken and the minimum run area at 10 square feet per chicken. Chickens could be kept in the rear yards only, and the minimum distance setback for a coop was set at 20 feet from property lines.

The ordinances they reviewed all established a maximum number of chickens permitted based on the lot size. This ordinance proposed chickens not be allowed on lots of less than 10,000 square feet. Hooks explained that lot size was tied closely to the zoning district in Peachtree City. Residentially zoned lots of 10,000 to 11,999 square feet (R-1 and R-10) could have up to three chickens, while lots of 12,000 to 21,999 square feet (R-12 and R-15) could keep a maximum of five. Lots of 22,000 to 41,999 square feet (R-22) would be allotted up to eight chickens, and lots of 43,000 square feet (one acre) or more (R-43 and ER) could have up to 10 chickens per acre for a maximum of 30.

Coming out of the Planning Commission discussion was the requirement for a permit for coops. This permit gave inspectors the right to go onto the property and ensure the terms were being met.

The Planning Commission had several concerns, mostly about nuisance issues such as noise, waste, attraction of predators, and smells. They were also concerned about neighborhoods that did not have homeowners associations (HOA) to provide regulations in addition to the city's. The Planning Commission recommended that Council not adopt an ordinance to allow backyard chickens, but, if they did, chickens should be limited to lots of one acre or larger.

Destadio asked if the areas they looked at were primarily residential? She said yes, and listed Roswell, Suwanee, Oconee County, Marietta, Henry County, Gwinnett County, Chamblee, and John's Creek.

The Mayor clarified that a fenced back yard would be considered a run. She said she was surprised to hear the Planning Commission's recommendation, but they brought up good concerns, and she said she was inclined to go with the recommendation of a one-acre minimum.

Destadio confirmed that HOA rules would supersede this ordinance.

Holland said he did not like the idea of having chickens on a smaller lot, but he would be okay with a half acre or larger.

The Planning Commission was wrong, Brown stated, saying chickens did not take up much space and were not nuisances when properly cared for. She was concerned that they were not considering the square footage, only the zoning categories. Her house was in a neighborhood zoned R-15, but her lot was about 22,000 square feet, which would limit her to five chickens. She proposed allowing two chickens on lots of less than 10,000 square feet and progressively going up with the lot size to a maximum of 12 chickens per acre for lots of an acre or more.

Brown explained that coops did not need to be very big, so she questioned requiring four square feet of coop per chicken. She said she had kept chickens before and spoke from experience. Brown also said she did not see the need for a permit for the coop.

How did you find out the square footage of your lot? Johnson asked. Hooks said some of the older properties would have to be surveyed if there was no plat on file, but most likely they could provide that information. Brown suggested requiring a survey if they wanted more chickens than the zoning allowed.

Learnard again said she wanted to go with the Planning Commission's idea of 10 per acre, but she could be persuaded to support chickens on half-acre lots as well. Henry County allowed four chickens at half an acre, she noted. Only Suwanee required a permit, so she suggested they do this without permits. She proposed they keep it at 10 per acre, up to a maximum of 30, and four max on a half acre.

Brown said her yard size would not allow her to have any chickens, and she did not

think that was right. Holland said maybe they could make it 20,000 square feet, but Brown said she could not agree with that.

Johnson noted that people were already keeping chickens. She said she did not know about regulating this by lot size and said by zoning district might be easiest for Code Enforcement. She was not opposed to the draft ordinance. It was what staff had researched and felt was a good proposal for the city. She wanted to make sure they were not taking rights away from anyone. Right now, Hooks said the R-43 district had strict requirements for fencing and animal housing, and this would relax those requirements somewhat.

Brown asked about General Residential (GR, GR-4, GR-5). Hooks said she did not know.

Strickland noted that staff originally did not recommend the permit; that was added by the Planning Commission. Johnson said a permit might make enforcement easier. Destadio agreed. However, a permit was not required for Code Enforcement to enforce the ordinance, Strickland pointed out. Could the permit be free? Johnson asked. Learnard again said the ordinance could be enforced without a permit. Johnson said they could easily change the ordinance if there were any problems. Destadio said he would want a permit as the Planning Commission recommended.

Hooks said it would be under an accessory structure permit, which had a fee based on the size of the structure. City Attorney Ted Meeker said they were permitting the structure, rather than granting a license to keep chickens. Destadio said they did not need a permit for the structure, just for the chickens. Hooks suggested removing the clause about the permits, and Council all agreed.

Hooks said she wanted to clarify that the zoning districts were on the chart just to give an idea of how the square footage was aligned with the zoning. The number of chickens allowed was not tied to the zoning district. It was based on square footage. Brown then said she could accept the original proposal.

City Attorney Ted Meeker asked if there was anything that prohibited this in a multi-family setting? Hooks said it would not be allowed because the owners did not own land outside their walls. Meeker asked for an explicit statement that restricted this to single-family residences. Council agreed to that.

All members of Council agreed with the original proposal from staff. No permits would be required, and there would be a clause prohibiting chickens in multi-family districts.

It could be a challenge for Code Enforcement, but Hooks said they did not get many calls about having chickens, so it might not be a problem.

How about allowing ducks? Brown inquired, but the other Council members replied that they should limit this to chickens for now.

N. Wicker Hill Land Lease Agreement

Meeker said Verizon had noted an area where coverage was lacking and had identified an area next to the BMX track for a new cell tower. Discussions ensued between the City, the City's consultant, and Verizon and developed a lease agreement that would be on the next meeting's agenda.

Verizon was willing to provide a co-location for the 911 system, but the County needed to provide some details, and they had not, Meeker stated. Verizon had committed to amending the lease agreement when necessary, so staff's consensus was to move forward. Finance Director Paul Salvatore said he wanted the contract to say Verizon would allocate space on the tower, but Meeker was hesitant to write in an agreement to do something in the future, although he would if the County provided the specs.

Meeker also noted that the proposed tower was at least 500 feet from any residential structure and would look like a pine tree. Learnard wanted to know exactly where it would be, and Meeker said a color drawing of the location would be included in the meeting packet.

Destadio asked if it would have 5G capability, and Verizon's attorney said he believed it would. The Mayor noted that Federal law prohibited them from declining a cell tower based on health concerns.

New Agenda Items

A. 11-24-01 Film Location Agreement

Assistant Recreation and Special Events Director Harold Layton reported the City had recently received several film permit applications that would utilize a City facility, and they needed a document the City Manager could sign and could keep on file. A lot of the applications required quick approval.

Holland moved to approve New Agenda item A, film location agreement. Destadio seconded and asked about fees. Layton said they would impose the fees previously approved by Council, and they depended on the amount of impact to the citizens. Motion carried unanimously

Old Agenda Items

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

Strickland said they had held more than two and a half years of public hearings and meetings on an STR ordinance. The proposal reflected changes Council made during the November 7 meeting. He went over a few of these changes, such as making the permits valid for two years, allowing for more than one contact person,

and not including their information in the mailer sent to neighbors. Council also decided to remove language prohibiting on-street parking and requiring garbage cans to be screened. They decided STR owners would have to keep guest registry information for 30 days. Council decided the enactment date would be January 1, 2025, and current STR owners would have until March 1 to submit permit applications.

Destadio moved to approve the STR ordinance as written. Holland seconded.

Brown said she was concerned about the financial damage that could result to homeowners if any single neighborhood was inundated with STRs. She stated that the technology was available to define and monitor the neighborhoods, and she would like to see a clause in the ordinance that limited STRs to 1% of the houses in any one neighborhood. She was concerned that non-HOA neighborhoods would be especially vulnerable without this protection.

The Mayor called the vote on Destadio's motion to approve the ordinance as written. Holland asked if there could be discussion, and Learnard replied that Brown's proposal had been discussed several times previously, with Destadio and herself in opposition to it. Motion carried 3-1, with Destadio, Holland, Learnard voting in favor, and Brown against. Johnson abstained.

Council/Staff Topics

1. Invocation at the dais by the City Chaplain prior to meeting

Learnard said she had talked with her pastor and with the city chaplain and now proposed that the chaplain lead a prayer 10 or 15 minutes before City Council meetings began. It would be optional, and there would be no pressure for anyone to attend.

Brown objected, saying an invocation should be part of the meeting, led by a member of Council. She said all of the County's other governing bodies did this.

Being an elected civic leader did not make them religious leaders, Learnard countered, noting that words spoken on the dais became official speech. Prayer was not part of their official duties, and Learnard said a prayer as part of the meeting might discourage some members of the public who came to discuss city business. The Bible said prayer should be private, she added. If the prayer was public, there was also the question of what religion it should be.

Brown again said other governing bodies had invocations, and there were no problems. Each Council member could choose what to do, whether prayer or a moment of silence.

Destadio said he was in favor of having a prayer and liked the idea of the chaplain leading a non-denominational prayer.

Johnson said she hoped they could have a healthy debate on this and not let personal

feelings get in the way. She noted that some Council members might feel pressured if they were called on to pray, but she liked the idea of an invocation delivered by the chaplain. Johnson said she knew there had been invocations in the past, but they were discontinued, so there must have been a problem. She said she would be okay with either an invocation before the meeting or after it was called to order.

Holland said he agreed that it should be an invocation by the chaplain, not a prayer, and he would like it to be done on the dais before the meeting was called to order. It would only take a minute or two, he noted.

Holland noted there were at least two chaplains, and Learnard said Dr. George Dillard was who she was referring to, and he was the Fire Department's chaplain. The Police Department had two chaplains, but they had special areas of focus, such as the hospital, veterans, and suicides.

Holland asked if they needed to call on a variety of religions to deliver the invocation, and Meeker said he would need to look at court cases.

Holland said he agreed with Johnson about an invocation because it would be shorter and not specific to any one religion. Destadio said it might include a prayer, and Holland said that was fine.

Learnard said that was what they would begin doing, but Brown said it would have to be placed on a future agenda and voted on. However, Learnard said it did not if the invocation took place before the meeting, and Meeker agreed.

Johnson asked if this would be for all Council meetings and the work sessions? Holland said he saw no reason why they could not do it before any type of meeting, and Johnson and Destadio agreed.

2. Reminder of Veterans Day Celebration

Holland reminded everyone of the Veterans Day program at City Hall.

3. Pledge of Allegiance added to agenda for Work Sessions

Brown asked why they did not say the Pledge of Allegiance to the Flag at work sessions? Council agreed there was no reason not to and decided to add it to future agendas.

Executive Session

NONE

Adjourn

There being no further business, Holland moved to adjourn at 11:50 a.m. Destadio seconded. Motion carried unanimously.

Martha Barksdale, Recording Secretary

Kim Learnard, Mayor

