

**City Council of Peachtree City
Meeting Minutes
Thursday, December 15, 2022
6:30 p.m.**

The Mayor and Council of Peachtree City met in regular session on Thursday, December 15, 2022. Mayor Kim Learnard called the meeting to order at 6:30 p.m. Council members attending: Frank Destadio, Clinton Holland, Mike King, and Phil Prebor.

Magistrate Court Judge Kathy Valencia administered the oath of office to new Post 3 Council Member Clinton Holland.

King nominated Prebor, a Council Member of seven years, to serve as Mayor Pro Tempore. Destadio seconded. Motion carried unanimously. Learnard administered the oath of office to Prebor.

Announcements, Awards, Special Recognition

None

Public Comment

Suzanne Brown distributed copies of her remarks to Council members and provided a copy to be read into the record. Copies of her remarks are available for viewing at City Hall.

Consent Agenda

- 1. Renewal of Insurance Brokerage Services**
- 2. Resolution #12152022-CA2 Indemnification of Public Officials**
- 3. Appointment of Public Facilities Authority Board Members**
- 4. FY2023 Budget Amendments – Police Software/Hardware Expansion**
- 5. FY2023 Budget Amendment – Hotel Motel Tax**
- 6. FY2023 Budget Amendment- Hockey Association Donation**
- 7. FY2023 Budget Amendment- BMX LED Light Upgrades**
- 8. Award the 506 Rose Down Trace N Drainage Improvements**
- 9. Award Tree Trimming and Removal Services to Total Outdoors**
- 10. Authorize the Adjustment of Work Hours and Pay Period for Fire Dept. Shift Employees**

Destadio moved to accept Consent Agenda items 1-10. Prebor seconded. Motion carried unanimously.

Old Agenda items

None

New Agenda items

12-22-03 Consider GMP proposal from Kiewit – SR54 and Lake Peachtree Path Bridge Replacement

City Engineer Dave Borkowski said he and representatives from Kiewit Construction and the engineering firm of Moffatt & Nichol would be making this presentation. This was a project of the 2017 Special Purpose Local Option Sales Tax (SPLOST). There was a competitive bid process for the design/build contract, and Borkowski explained Kiewit was selected based on qualifications as well as a fixed fee percentage.

This project had been on hold for a while, Borkowski noted, because they wanted to finish the Gateway Bridge project, which Kiewit also did. There were also challenges involved in detouring car traffic, which required coordinating with the Georgia Department of Transportation (GDOT) to get permission to move the detour to the shoulder of SR 54 with protective concrete barriers.

Borkowski introduced Scott Caples, an engineer with Moffat & Nichol, to go over information about the project and to answer questions. Caples said they were working with Kiewit. The current bridge was built around 1990 and was a concrete beam structure with precast double-stem Ts. There were four spans of 40 feet each for a total length of 160 feet. It was just seven feet wide, which was only enough for one-way travel.

The primary goal was to create a wider bridge of 12 feet that could accommodate two-way traffic. The beams on the existing structure cannot be widened, he explained. They recommended installing a new superstructure with a pre-fabricated steel truss which would give it a similar look to other path structures in the city, especially to the spillway structure. Eliminating the center bent would keep Kiewit from working in the water, he noted, then presented the proposed plan and elevation views.

Coordinating with GDOT would be one of the biggest challenges, Caples remarked, because they wanted to move cart traffic to the eastbound shoulder during construction and that would require issuance of an Encroachment Permit through GDOT. There might be a few short-term path closures, but the intent was to keep it open throughout construction. He acknowledged that cost was always a concern, but the proposal would allow Kiewit to get in and out as quickly as possible and to stay out of the water.

The cost was approximately \$1.9 million, said Borkowski, and that was a guaranteed maximum price that included everything—design, permits, and construction. There was adequate funding in the SPLOST, which totaled \$45 million, plus excess revenues that exceeded projections and could be transferred into this project.

He asked if Council had any questions? King wondered how long the path would be closed, and Kiewit's Jeff Brown said the entire project would take about 20 weeks. Within those 20 weeks, there would be a few times the path would be closed. They were trying to do it at night, and he estimated it would be about 18 nights, but it could be 11 nights and seven times during the day. This was for pile placement.

Would there be only two pylons? Destadio asked. They were showing three piles per bent, Brown replied, but they could possibly get it down to two. When they talked about being "in the water," Destadio commented, he said he assumed they did not mean actually in the water because that would require a permit from the Corps of Engineers since an active stream flowed through the lake. That was correct, Brown replied; they would work from the banks.

Holland saw that the first page of the staff report said the cost would be just under \$2 million, but the funding on the next page said \$1.6 million. Why? Finance Director Paul Salvatore said the \$1.6 million was supplemental to what was already in the SPLOST budget, which was \$539,000.

Prebor said he had asked Interim City Manager Justin Strickland earlier in the week about the two proposed styles and why one cost more than the other? Strickland remarked that Caples believed this would be cheaper than going with a higher truss. Caples affirmed this, saying a low profile would be more cost effective and provide better aesthetics. They did not want the top of the truss sitting above where the timber rail was today. If they wanted a single-span bridge, they would need a truss 10 to 12 feet high; that would require a crane and be much heavier.

Prebor remarked that he liked the idea that this bridge could be cheaper than projected. He asked how deep would the pilings need to go down? and Caples said about 40 feet.

Would the pilings need to be made of any special materials because of the type of water or would they be an encased style? Holland inquired. They would not be encased, Brown said; they were steel H piles like what was on the SR 54 bridge and would have a protective coating from the water line on down. Was that in the proposal? Holland wondered, and Borkowski said it was not expensive.

Learnard wanted to know how long they thought it would take to get the permits from GDOT? Caples explained they would have to let GDOT know what they planned to do, since this was not a GDOT project, then replied that he could not begin to venture a guess. The Mayor wondered how different would the elevation of the handrail be from what was there now? Caples replied it would be a couple of inches higher.

Destadio moved to approve New Agenda item 12-22-03, GMP proposal from Kiewit – SR54 and Lake Peachtree Path Bridge Replacement and the attached budget amendment at a cost not to exceed \$1,996,693. Prebor seconded. Motion carried unanimously.

12-22-04 Consider Findings of Hearing Officer in Ethics Complaint XIII

Learnard recused herself from this discussion and left the meeting room.

King said they would have to vote whether or not they would accept the findings of the hearings officer in an ethics complaint filed against the Mayor. They had three options:

1. Accept the findings and recommendations of the hearing officer;
2. Accept the findings of fact and reject the recommendation, instead substituting their own discipline; or
3. (which required a supermajority vote) Reject the findings and recommendations and either:
 - a) Dismiss the complaint; or
 - b) Conduct a hearing to determine alternate findings and recommendations.

The findings were, King stated:

1. Complaint was not filed in accordance with the requirements of Section 62-73 (d) and (e);
2. Complaint was not justified.

King moved to accept the findings of the investigating officer. Destadio seconded.

Destadio read a prepared statement:

Like all of us on the dais here tonight, I have read the Hearing Officer's summary several times and was initially concerned that the citizens who have not read it would believe things were just being whitewashed. I would like to make it clear that is not the case. While it is true, the Hearing Officer, as a matter of principle, did state and point out some errors in the submittal, such as the complainant did not submit a sworn affidavit form and used the incorrect State law in her justification for the complaint. Nonetheless, he quickly proceeded, in my opinion, to review the complaint and to perform an investigation with the data he collected. I therefore believe he drew a conclusion based on the facts he had and what his investigation determined, and the law as written. Any citizen has the right to challenge any action we take as your elected officials. While you do not have to hire an attorney, obtaining some legal advice would be highly recommended for your own

peace of mind and to make sure your complaints cover all the bases required by law.

Holland, too, had a statement:

Since this is my first meeting and a City Council member, and this ethics complaint is a serious matter, I felt it necessary to write my thoughts down for the official record, and I will be pleased to give a copy of this statement to the City Clerk for inclusions in this meeting's minutes.

The questions and concerns surround the ethics complaint and subsequent legal response before us centers around full disclosure. I live by my principles of honesty and openness, and I campaigned on personal transparency along with the need for transparency in govern.

Today is my first test for transparency, and I want to disclose that the citizen who filed the complaint against Mayor Learnard, Suzanne Brown, did make two financial contributions to my political campaign a month or so after she issued the official ethics complaint against the mayor.

Therefore, I choose to take the high road and stick to my core principles, not only for myself, but for good governance for Peachtree City. I listened to our constituents who have made it clear that they expect open, honest, and transparent government.

So, I could easily recuse myself based on the previous discussion, but I felt it is necessary to be true to my guiding principles and will vote my conscience when asked.

City Clerk Yasmin Julio asked that King re-state his motion. He moved that they accept the recommendations of the investigating officer and that the ethics complaint be dismissed. Destadio seconded the motion.

Prebor asked City Attorney Ted Meeker to explain the difference in the findings between the complaint not being filed in accordance with the law and the complaint not being justified. Meeker said it spoke for itself. It was ultimately Council's decision to make about whether they would accept or reject that.

The motion carried 3-1, with Destadio, King, and Prebor voting in favor, and Holland voting against.

Council/Staff Topics

1. Consider Roadway Sign Design Alternatives – 54/74 DLT Project

Borkowski reminded Council they had previously authorized the design of possible enhancements to the signage for the SR 54/74 displaced left turn (DLT) project. Tonight, he would present several options and get direction from Council on which alternative to design. They would not be considering traffic design alternatives, signal design, or construction costs. He was not going to present a final construction cost either, only their opinion of the final cost, because the final cost could not be calculated since the design was not complete. They did not know what the material of the supports would be; that was what they were now asking Council.

He turned it over to Keith Strickland, no relation to the interim City Manager, an engineer with Stantec Consulting Services, noting that Council had been sent renderings of the proposals, but he had some background information that could perhaps help their decision. They were looking at overhead signs for northbound and southbound SR 74 as it approached the intersection. Strickland showed a sign at a DLT in Dawson County, saying this was what was proposed in the construction document. This was a 100-foot span structure; on 74, one structure would be 133 feet in length and the other would span 160 feet. He then displayed a signal structure for another DLT in Snellville and noted that staff expressed some interest in the type of columns used.

Three proposed design concepts for truss structures were shown on the next slide. Concept one was a typical Pratt truss structure, similar to most of the cart path structures. Destadio asked again about the length of the spans, and Strickland replied that the one on the northbound side was 133 feet and southbound was 160. All the concepts were drawn at the northbound location.

Concept two showed a curved Pratt truss, very similar, except the upper chord had a slight curve. The third concept was called a bowstring truss, which Strickland said was a cleaner type of truss, but it did not mimic the path structures like the other two.

Another photo showed potential variations in the columns that would support the trusses. Of the six examples, all were rectangular except for one that was an oval column on a rectangular base. Another slide illustrated lighting options for the signs that could go on the columns. There was another slide that showed the different types of materials available for the columns. The first was stamped concrete with a colored concrete accent. Two others had stamped concrete, with stone veneer also used on the third column base. The others were brick veneer on stone veneer bases. The rendering showed different toppings, including a dome and others with flat toppings.

They would know more about the cost when Council had chosen the styles and materials, but Strickland said he could share some estimates. The original GDOT overhead structures were \$145,000 and \$170,000. The estimate for concept one at \$300,000 per structure for the steel truss, and \$250,000 each for the structural supports. It would be \$120,000 for architectural treatments, primarily for the brick or stone veneer. Lighting would be \$50,000 per structure. There was a need for utility relocations on the northbound structure because the current support structure was as close as allowed to a Georgia Power easement. If they increased the size of the support structure, it would require moving the Georgia Power line at a cost of \$50,000 to \$70,000. Council had already approved \$144,500 for engineering to Stantec. The total estimated preliminary cost of both structures would be \$1.7 million, Strickland stated, asking Council if they had questions.

Prebor noted that he was against the custom design when they first talked about it, adding that it was \$1.4 million then. He said he would like the stamped concrete if they did this, but noted Council should remember there would have a down payment on a golf cart path bridge due at that point.

Learnard reminded him they were not there to debate whether or not to go through with this; they were just there to choose materials. Prebor agreed and again said he liked the stamped concrete.

It was almost too much to think about, Learnard remarked. They were talking about base, columns, truss, lighting, materials, and the cap. Did they need to start from scratch? They had something established at the Partners Pizza bridge already, she pointed out, adding that they could debate the choices all night long.

Learnard said she liked the stamped concrete column with the brick veneer base and a pointed cap on top, with the truss shown on concept two, but would be okay with concept one. She said she liked the lighting shown on the second column, and Prebor added that it looked like the lighting on the Partners bridge. Learnard stated they had identified preferences for the base, truss, column, lighting, and a cap.

Holland said he would like to see the options a little closer before he stated his preferences, and the Interim City Manager Strickland asked if he received the PowerPoint prior to the meeting? Destadio said he did not like the project, but he liked the stamped concrete better than anything and would accept the Mayor's choices.

Learnard asked Stantec's Strickland and Borkowski if that was the information they needed? Prebor stated he and Holland wanted to look at it some more, but Learnard said they needed to move ahead. If there was anything they wanted to change later, they could do it. She went over the choices again, saying she liked the third column with the fifth column's top, a stone veneer base, and the second truss. Lighting would be the backlit example that was sixth in the photo, which they agreed matched that at Partners.

Holland said the lighting on the second column from the left seemed brighter, but it might be because of the white concrete. That could be a safety issue. Justin Strickland said they were just giving them direction and asked Keith Strickland what the deadline was to get this submitted to GDOT for inclusion into the project? He said it was scheduled for letting in June, and he would need a final answer by the next Wednesday in order to proceed with the design.

At first, Council said that was not possible, but King said he believed they could look at it and come up with a consensus to move forward. Council agreed to work on it.

2. Rezoning of properties at or near the intersection of Hwy 74 S and Crosstown Drive from Industrial to Commercial to align zoning with current uses

Council had discussed this during their weekly meetings with staff, explained Planning and Development Director Robin Cailloux, but they needed to have a public discussion so everyone would understand the meaning of all the rezoning signs on Crosstown Road. Cailloux showed the properties on a zoning map, saying they were being used for things typically in a Commercial zoning because before 2008 accessory uses in an Industrial zoning could include anything that an industrial user might need, such as a fast-food restaurant or a hotel. After 2008, major text amendments to the General Industrial (GI) and Light Industrial (LI) zoning districts made them strictly industrial uses.

Now, they needed to clean up the map, not because it would be nice to get everything on the map the right color, but because it was coming to a head for these property owners. These were aging properties that were considered legally non-conforming, falling under what was often called a "grandfather clause." The ordinance contained limitations for uses that were legally non-conforming. They did not have the right to expand as they would in a Commercial district, and they could not renovate to more than 50% of the depreciated value. If the business were vacant or had stopped the non-conforming use for a year or more, they could not open it up again.

All three of those conditions were happening now in this area, Cailloux noted. The new owners of the hotel would have liked to do more renovation, but the depreciated value was less than \$2 million, so they were limited to spending half of that, about \$900,000, which only allowed for interior renovations. The fast food industry had changed significantly since COVID and relied more on drive-thru service. But the limitations on non-conforming use meant they could not expand the kitchens or the drive-thru lanes. Also, there was a car wash site that had been vacant for many years, Cailloux continued. While a car wash was a permitted use in the LI zoning district, this lot did not have the kind of space needed for a modern car wash. They were looking to change the use, but under the current zoning the only

uses would be Industrial, and the lot was too small for that. Gas stations and convenience stores were not permitted uses.

Getting these to be no longer grandfathered and giving them a by-right status, not only helped the property owners, it helped the community, she continued. Allowing them to invest in their properties would result in higher hotel/motel taxes plus additional taxes from the higher property values.

This proposal was heard by the Planning Commission at their most recent meeting, Cailloux reported, and tonight's meeting was not an official public hearing. That would be at the January 19 Council meeting. She just wanted to get this before Council so they would have time to think on it before then.

Prebor said he watched the Planning Commission meeting online and something that surprised him was the stipulation that the owner could only spend 50% of the depreciated value on renovations, which he said meant it would just go into ruin eventually. When the hotel was built, it was a conforming use, he noted, then the City changed the regulations, leaving it to deteriorate into ruin. He said he was sure the owner would keep it until that happened so, in essence, they were not doing the City any favors by forcing that.

In many ways, Cailloux remarked, a legally non-conforming use was intended to phase out uses that a community did not want there anymore, but she did not believe that was the case in this corridor. That was not the intent when the ordinance was revised. Prebor asked if this made sense to everyone, saying it meant a guy could not improve his property.

Other than the hotel, which was the old Days Inn, Destadio stated, had anyone else complained about their capability to expand? The auto repair store would like to add some uses not permitted in the GI district, she said. They had been approached by someone who was interested in purchasing the car wash site for a golf cart sales center, but that was not a permitted use in an Industrial district.

Could they not ask for a rezoning? Destadio asked, and Cailloux said they could, but they would have to go through the whole process and pay the fee. That was the normal process when someone needed a different zoning, Destadio stated, but Cailloux pointed out it was the normal process when someone wanted to change a use. It was not the normal process when a text amendment initiated by Council resulted in a change in their conformity.

Destadio asked what was the text amendment for? That was in 2008 when the City stopped interpreting these to be accessory uses and made the Industrial district strictly industrial with no Commercial uses allowed, Cailloux said, adding that she believed this occurred after the City lost a lawsuit. They changed it in order to protect the Industrial uses from these kinds of encroachments.

Would they be changing these all to GI? Destadio asked, and Cailloux said it would be General Commercial (GC) because they had just one commercial zone. Destadio asked what was in GC? Any kind of retail use or office use; car repair and gas stations were permitted, Cailloux replied, adding that no Residential and no Industrial uses were permitted.

Who owned the hotel and when did they purchase it? Holland asked. Cailloux said it had been publicly disclosed as Francis Ford Coppola, and it would be used for housing the cast of the film "Megalopolis" during filming. Afterwards, it would be turned into a Coppola boutique hotel; there was

one in Milan and one in Paris, she commented, adding she believed there was one in Los Angeles. When did that happen? Holland asked, and Cailloux said within the last year.

They could just give them a variance and let them remodel how they wanted, said Holland, but Cailloux corrected him, saying you could not do a variance on land use. If they kept using it as a hotel, could they give them the ability to remodel as they wanted to? Holland asked.

Meeker said there were some limitations, and Cailloux said within the non-conforming use it would have to follow the 50% depreciation rule, but if it was conforming, there was no limit. But it would have to be rezoned to GC? Holland asked, and Cailloux said that was correct. Was mixed use allowed in GC? Cailloux said it was not. What did she predict would be the types of uses going in there? Cailloux replied that she did not foresee any changes other than the properties continuing to be used the way they were currently used and be able to invest and grow.

What would be a downside for the City if they rezoned all these properties to GC? Holland asked, saying they would be putting Commercial into an Industrial area. But, Cailloux pointed out, Commercial was there now. She could not see any negative consequences.

Prebor pointed out that someone could use the Industrial zoning right now to put in a refinery, and Cailloux added there was no height limit in Industrial. It could go there today, Prebor said. Five stories high, Learnard stated, with Cailloux adding "or more." It could be as high as the Fire Marshal allowed, she said, noting that Certain-Teed was over 100 feet tall.

The size of the lot would limit the use, Cailloux said, so they would not see a refinery, but they could see a salvage yard go in there at what was one of the gateways into the city. Was that the kind of use they wanted there?

Holland thanked Cailloux for her answers, saying he was afraid it would be turned into some type of residential or mixed use with apartments above retail. She had allayed those fears.

Prebor asked how they could make it so this person could remodel their hotel? Cailloux told Meeker she did not think they could give a variance on the 50% rules for a legally non-conforming use. Meeker said it was not really addressing the use, and Cailloux said they might be able to grant a variance that way. But the cleanest way would be through a rezoning, she noted. Meeker said he would have to look at it.

Prebor said he did not want to stand in the way when someone wanted to invest in the community. King said he thought they would eliminate a lot of the negatives that could happen if they just went ahead and rezoned these six properties to GC. He could not see these areas ever being used for Industrial, and this would just be permanentizing the Commercial uses they had now, so he would be in favor of it.

Cailloux again said they would have another opportunity to discuss this at the January 19 public hearing.

King moved to convene in executive session at 7:49 p.m. for threatened or pending litigation and the sale, acquisition or lease of real estate. Prebor seconded. Motion carried unanimously.

Prebor moved to reconvene in regular session at 8:01 p.m. King seconded. Motion carried unanimously.

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

The meeting adjourned at 8:01 p.m.



Martha Barksdale, Recording Secretary



Kim Learnard, Mayor