

City Council of Peachtree City
Meeting Minutes
Thursday, December 2, 2021
6:30 p.m.

The Mayor and Council of Peachtree City met in regular session on Thursday, December 2, 2021. In the absence of Mayor Vanessa Fleisch, Mayor Pro Tem Terry Ernst called the meeting to order at 6:30 p.m. Others attending: Mike King, Kevin Madden, and Phil Prebor.

Announcements, Awards, Special Recognition

None

Public Comment

Suzanne Brown asked why there was no prayer at the beginning of City Council meetings and when was it stopped? She suggested a Council member or a citizen say a one-minute prayer, and if no one volunteered, then there could be a minute of silent prayer.

Agenda Changes

None

Minutes

King moved to approve the November 18, 2021, regular meeting minutes. Madden seconded. Motion carried unanimously.

Consent Agenda

- 1. Pool Contract**
- 2. 522 Golfview Drive Drain Improvement Bid Approval**
- 3. CCCP Pipelining Project Bid Approval**
- 4. Approval of 8 Police Vehicles Bid approval**
- 5. FY2022 Budget Amendment – Police Replacement Vehicle**
- 6. FY2022 Budget Amendment – Safebuilt Donation**
- 7. Resolution for Support of 2021-2022 TIP Project Funding**
- 8. New Alcohol License – Red Rice Bowl – 2808 Highway 54**

Madden moved to approve Consent Agenda items 1-8. Prebor seconded. Motion carried unanimously.

Old Agenda items

11-21-01 Peachtree City Public Facilities Authority Loan

Finance Director Paul Salvatore reminded Council that the City Manager presented a list of capital projects totaling about \$5.5 million at the November 4 meeting. Around \$3.5 million would be financed; the remainder would be paid for with cash. Expansion of the Police Headquarters would account for about half of the \$3.5 million, or around \$1.7 million, with expansions at Fire Stations 81, 82, and 83 making up the rest, along with improvements at several City buildings.

This \$3.5 million financing would be done through the Public Facilities Authority for a 10-year term. Closing costs estimated at \$69,000 would be rolled into that. They budgeted sufficient funds to cover the cost of the loan in Fiscal Year (FY) 2022 at \$305,000, but the cost would be \$282,575 this year.

Placement agent Raymond James & Associates sent bid requests to 15 institutions, with seven submitting bids. Webster Bank submitted the low bid with a fixed interest rate of 1.446%. Annual debt service payments would be \$376,766.

Salvatore asked if Council had any questions? If not, he asked them to approve the authorizing resolution and lender, Webster Bank, for the 2021 Peachtree City Public Facilities Authority Loan in the amount of \$3,500,000.

Approximately seven years ago, King commented, they were forced to take out a loan because they did not have the reserve funds to cover what needed to be done. Since then, they had gotten the City's finances to a point where they could choose to borrow money. If they saved it, it would be at about the same interest rate or maybe a little better, and also allowed them to keep the cash on hand for when it was a better option to use it. Taking out this loan was a "no brainer," he continued, because they knew interest rates would be going up. It was a solid financial choice that they could make because of the situation they were in. He said he would move that they approve this.

Ernst noted the interest rate of 1.446% was the lowest he could recall out of his eight years on Council. Salvatore agreed it was a good rate and noted that a few weeks ago, they were estimating between 1.75% and 1.85%.

King moved to approve the authorizing resolution and lender, Webster Bank, for the 2021 Peachtree City Public Facilities Authority Loan in the amount of \$3,500,000. Madden seconded. Motion carried unanimously.

11-21-04 Variance – Front Setback – 243 Valley View

This was tabled from the last meeting, so there was no need for another public hearing, stated Planning and Development Director Robin Cailloux, adding that the applicant was present this time. City Clerk Yasmin Julio was serving as his interpreter, and Cailloux thanked her for her assistance in communicating with the homeowner on this request.

The lot was on the south side of the city and was zoned General Residential (GR-6). The porch was added without a permit, and the applicant had provided a survey that showed it encroached on the the setback by seven feet. Since the last meeting, they had provided letters of support from four neighbors. Cailloux showed an aerial photo of what the property looked like over a year ago and another photo showing it as it was now with the porch addition.

None of the criteria for granting a variance were met, she continued, except that it was not materially detrimental to the public health, safety, or welfare, and it did not conflict with the Comprehensive Plan, which encouraged redevelopment into property.

The applicant, through Julio, said he had a company conduct an inspection of the porch addition. Cailloux stated they required that and confirmed that the inspection showed it was built to code.

Prebor remarked that he was glad to see this had the support of neighbors, but wonder how they could prevent these after-the-fact variance requests, which had happened before?

They could always do more public outreach, Cailloux offered, but their website was up to date, with the permit process clearly stated. Maybe they could try postcard mailers or social media notices?

The bottom line, Meeker pointed out, was that this was built without a permit. That violated the ordinance and was subject to citation in Municipal Court for both the property owner and the contractor.

In this case, Cailloux commented, the homeowner was the contractor. She went on to explain that their process typically in this circumstance was to allow the homeowner to remediate it. They issued a notice of violation before issuing a citation. Prebor asked if he would still have to go to court? Cailloux replied that they did not cite him because he immediately began making progress to rectify the situation by seeking a variance.

Ernst said he was pleased to learn at the last Council meeting that Code Enforcement patrolled every subdivision at least once a week.

There was someone several years ago that repeatedly did work without permits, Prebor recalled, and Council felt like he was doing it intentionally. Meeker noted that different Councils had different responses to violations. When he first became City Attorney in 2004, someone built an addition that crossed into a setback area, and Council made them tear down what they had built. Other Councils had adopted a "forgiveness approach," where variances were granted after the fact.

Prebor said he probably would have approved this variance if it had been brought to Council before it was built. King added that he did not believe it was done intentionally, and he, too, believed they would have approved it if it had been presented beforehand. He had no issues with it.

Julio said the applicant wanted to add there should be paperwork in Spanish so he could have known he was required to have a permit. A Spanish-speaking contact in the Building Department would be helpful, too.

Cailloux said she had no problem working on producing documents in Spanish. It could be a replication of something they already had in a different language.

The applicant added that he wished there were more Police Officers who spoke Spanish and had more interaction with the Hispanic community.

Madden said he had no problem with this variance and thought the porch was a nice addition to the neighborhood. It had been inspected and was up to code. Ernst said he did not feel the applicant was trying to slip something past them. However, the new Council might want to look at this issue and make some changes.

Madden moved to approve Old Agenda item 11-21-04, Variance – Front Setback – 243 Valley View. Prebor seconded. Motion carried unanimously.

New Agenda items

12-21-01 Public Hearing – Rezoning Request from LUC to LUR – Smokerise Corners Subdivision

Cailloux reminded Council that this parcel was annexed in 2018 as a mixed-use development. The frontage along SR 54 was designated for commercial and office use, while the back part, along Sumner Road, was designated residential. Since then, the residential portion had been sold to a residential developer. He had begun building homes when he realized there were some issues with the conditions attached to the rezoning of the property.

The developer was asking to rezone the residential portion from Limited Use Commercial (LUC) to Limited Use Residential (LUR). There would be no change in the number of lots, but they would like to

reduce the side setback. Right now, it was 10 feet from each property line, creating a 20-foot separation between homes. The developer would like to reduce it to a five-foot setback, which would create a 10-foot space between buildings. This was identical to the other LUR districts in the city, Cailloux noted.

He also wanted to remove the zoning condition that required homes to comply with the examples submitted and that at least half of the homes have porches for at least half of the front elevation. Cailloux showed the photos of the homes presented during the rezoning, along with a picture of what was being constructed now. The new design had an interior courtyard, or atrium. Those homes were wider than what was originally planned, thus the setback change request. The developer also noted that a front porch would be awkward on this style of home.

Staff had reviewed the six criteria required by ordinance. The first asked if this would conform with the policy and intent of the Comprehensive Land Use Plan. This property was annexed after the Plan was adopted, so there was no Future Land Use designated for the property. However, there was no land use change proposed. It was compatible with the surrounding development, and the surrounding development was compatible with it. The applicant had not provided any evidence that the property could not be used as currently zoned, other than he would like to build a different style home. There would be no change in land use, so there would not be any change in public services/infrastructure demands. The only change in circumstance was a new property owner. Cailloux also noted again that the request was consistent with other LUR zoning districts.

Staff was of the opinion that it met the majority of the criteria and recommended approval.

Jerry Peterson spoke for the applicant, Chadwick Homes. He noted they had built two similar small neighborhoods, Saranac and Maybeck, which had been very successful. One of the reasons for this request was that several residents of the neighboring Smokerise Estates were looking to downsize, but wanted to stay in the same area. Several had already expressed interest in these homes. They needed quality amenities, storage space, and garages. The interior atrium was available from the front door and replaced a porch as a place to relax and socialize, Peterson explained.

He recapped that they were asking for a rezoning from LUC to LUR, along with the side setback reduction and the elimination of the porch requirement.

Ernst opened the public hearing, asking who wished to speak in favor.

Gary Zarlengo said his comment was more neutral in tone. He wondered why this was not zoned LUR originally? Now a new owner wanted Council to give him a waiver. Another solution would be for him to reduce the number of units, but that would have economic impact. He recalled Prebor's comments earlier about people making "after the fact" requests and how to prevent them. This was an opportunity to send a message and let developers know they would have to stick with the zoning. He had no issue with this personally, but the City was kind of a pushover when asking for forgiveness instead of permission.

Keith Larson noted that the developer was not asking to increase density in terms of occupancy. They were providing a response from an economic delivery model to what Peachtree City was—an aging community. These citizens needed a lot size and home type that fit their needs. This was an innovative approach that would support the community.

Suzanne Brown spoke against the request, noting that the developer wanted to change the original plans and eliminate the porches, which he called "clumsy." They wanted two-car garages with a third separate garage for a golf cart or another vehicle. Rather than put a large house on a small lot, with encroachments into the side setbacks, the answer would be to build smaller houses. Brown said she did not think Council should approve this request. The developer knew what was approved when he bought the property. They could make more money by building a bigger house, she went on, but they could not do that without this variance. She referred to the fourth criteria considered for a variance, saying the property clearly had economic value without being rezoned. The developer should have to modify the house to fit the lot.

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

King said they were all in favor of this rezoning in 2018, and it called for 26 or 27 homes. They had looked at the 28-acre tract for awhile, and it finally got annexed and approved for commercial, office, and residential use. The developer knew more about what was selling than he did, King remarked. He had no problems with this request, noting that he often rode by the developer's properties on Senoia Road, and those homes were occupied as soon as they were completed. He imagined these homes would be the same. They had been trying to get someone to develop this area, and he had no problem with this request.

Prebor said this was what was in demand as the community aged. People wanted lower maintenance, smaller yards. He had visited homes in Saranac with the courtyards, and they were very nice. If these homes were what were proposed at the rezoning, Council would have approved them, Prebor stated. This was not "after the fact" because the developer was coming to them before he built.

Madden wanted to know more about the setback change. Cailloux said the rest of the LURs had a 10-foot building separation, which was as close as you could get without installing firewalls. Some homes at Cresswind were even closer with the third garage added on.

She went on to say there were two reasons staff took the approach of changing the zoning to LUR for the residential portion instead of rezoning the whole LUC. One was that they did not want to open up the whole LUC conversation again and have them change anything with the commercial or office. Another reason was that staff found it easier to administer an LUR that was purely residential, rather than an LUC that was residential.

Cailloux clarified that it would be a five-foot setback for each home, creating a 10-foot separation between buildings. Madden said he had no problem with that if it satisfied fire codes. These homes were what people wanted.

Prebor moved to approve New Agenda item 12-21-01, Rezoning Request from LUC to LUR – Smokerise Corners Subdivision. Madden seconded. Motion carried unanimously.

12-21-02 Public Hearing – Variance Request - Encroachment into Zoning Setback – 319 Loring Lane

This was a unique property, Cailloux stated. It was part of Cavalier Manor subdivision, which had lots of more than an acre, zoned R-43. It was off Loring Lane, and some homes had access to Greenwood

Lane. The subdivision plat showed that this was lot #2, and it shared a driveway leading to Loring Lane with lot #3.

The ordinance defined a front yard as the yard adjacent to a public street or the line that the driveway crossed. This lot did not have road frontage, so the front yard was the one the driveway crossed, which here was at the south property line. However, the property was wider than it was long, which was not typical of most lots. They had decided to orient the house towards the side property line. They would be building a pool and had requested to build a 20 by 30 foot pool house that encroached into what was technically the front yard, but was being used as a side yard. If this were actually a side yard, the variance would not be needed. The applicant had provided a letter of support from the neighbor that this most affected, which was lot #3.

The request met most, if not all, of the six criteria, Cailloux reported. The special conditions of no public road frontage and a lot wider than it was deep were not applicable to other properties. The strict application of the front setback regulations would create a practical difficulty that limited the privacy and usability of the "back yard." The lot shape created an exceptional circumstance and granting this would not constitute a special privilege. It was not detrimental to public welfare, health, or safety, and Cailloux again pointed out the neighbor's letter of support. It did not conflict with the Comprehensive Plan, which encouraged investment into property while maintaining the character of the neighborhood.

Cailloux showed photos of the cleared property from various directions. It showed the neighbor's rear yard as viewed from the terrace level.

Steven Jones of the law firm Taylor English Duma represented the applicant. He reiterated that because this was a landlocked lot served by a driveway easement, the setbacks were applied in an atypical way that would prohibit the erection of the pool house if the variance was not granted. They would then be forced to move the structure inward, and it would not be aesthetically pleasing. The neighbor to the south had provided a letter of support. The applicant had also committed to installing a row of 60 Leyland cypresses along the property line to screen any visual impact. He noted that all the factors in the ordinance supported approval and asked Council to do so.

Ernst opened the public hearing. No one wished to speak either in favor or in opposition, and he closed the hearing.

Madden clarified with Cailloux that the distance from the pool house to the front setback would be about 33 feet. He asked where the Leyland cypresses would be? and Jones responded that they would be between the retaining wall and the property line.

Prebor noted that the neighbor approved this, and King said he was okay with it.

Rorie wondered if Leyland cypresses were the best choice? Cailloux said she would like to see a variety of plants. The danger of a monoculture was that it could attract blight, which was prevalent in this area. She said she would like to see a mix of evergreens, some of which could be Leylands but others, too, such as magnolias. Rorie said they should include a condition regarding the landscaping in the motion, and Cailloux said staff could do a landscape inspection. The condition should require an evergreen buffer between their lot and lot #3 that was approved by the Planning Director.

Meeker clarified with Jones that the plantings were not a condition proposed by staff; it was proffered by his client. Jones said he did not have the authority to change the type of plants, but they would comply with the will of Council.

King moved to approve New Agenda item 12-21-02, Variance Request - Encroachment into Zoning Setback – 319 Loring Lane with the condition of an evergreen buffer as approved by the Planning Director. Madden seconded. Motion carried unanimously.

Council/Staff Topics

Multi-Use Path System Advisory Group Council Recommendation Presentation

Several months ago, Julio related, Council showed interest in creating a group that would solicit comments and concerns from residents regarding the impacts and conflicts regarding the multi-use path system. Eight individuals were chosen from a group of 20 nominees to serve on this group, along with staff liaisons from Public Works, Planning, Engineering, Police, and Public Communication. They held a series of meetings where staff provided information, along with feedback from group members and the community. Now they were here to present recommendations.

Paul Schultz explained that the group broke into three teams covering Safety, Education and Outreach, and Registration. There were also some results from their work that they would be reporting.

The top job of government, he stated, was to protect the residents. Path safety was a focus currently, and that was this group's primary interest. This group had suggestions for an escalated approach to safety measures, starting with some things that were easy, up to more difficult ones. For every recommendation, he noted, there was precedent. These suggestions were being used in other areas. They were not suggesting anything truly new, just enhancements. Balancing the burden versus the benefits was important. Finally, he said, this should not be just a "one and done" group; it should be an ongoing effort with citizens interacting with Council.

Keith Larson said when they talked with residents about path safety, they often mentioned things they were afraid of and concerned with. Everyone knew someone who had had a crash or an injury on the path system. At the first group meeting, Larson said Rorie told them that citizen satisfaction surveys showed Public Safety with a 90% satisfaction rating, while the path system got a 75% approval rating. Why were 25% unhappy? Safety, he responded.

Traffic safety was a defined entity to transportation planners, but path safety was not. Larson said he took the definition of traffic safety and substituted path safety. Much of traffic safety was focused on prevention of pedestrian injury. A method called Safe System had embraced a strategy called Vision Zero that sought to reduce pedestrian fatalities. Safe System had been adopted by several government agencies. It involved assessing risk levels. The highest risk was Level One and stepped down to risks that could be addressed through routine maintenance and planning. The methods used were engineering, encouragement, education, and planning.

At the highest level, they should go to the areas of highest conflict, which was along the eastern shore of Lake Peachtree, at McIntosh High School, and around the pocket parks, especially Luther Glass Park. Soon, the new middle school would create an area of high traffic.

Schultz said some members of the group toured the most heavily-traveled paths. On east Lake Peachtree, the right-of-way was the north-south path, but that was not always clear. It needed to be marked with signs, lines, speed humps or realigned. There were other areas there where speed control methods were needed. The paths from the east dropped in elevation towards the main path and signs

or speed humps were needed. Not every intersection needed signs or speed humps; they should be judicious in their use.

Near McIntosh High, the cart path at Gables Court briefly dumped into the street. It needed to be realigned so it was clearly not part of the street. A stop sign was needed at a blind corner at the top of the hill. Some speed humps were needed on the hill climb to McIntosh High that led to a T intersection. There should be a three-way stop at the top of the hill at McIntosh.

Level 2 was about real-time risk reduction by giving users specific warnings and providing controls at crossings and tunnels on arterial and collector roads. Larson said he took a five-hour tour of more than 70 miles in his truck and came up with a list of 102 crossings where there were deficiencies in the controls. There were 28 path crossings without signs warning cars that there was a crossing. Pedestrians also needed to be notified that they had to respect cars. There were probably 11 or 12 one-lane tunnels or underpasses made out of culvert-type materials. Many had a right-angle turn coming into them, so someone coming through the tunnel might meet someone else entering from the other side. There needed to be signs warning drivers to stop, look, and listen. Someone could ring a bike bell or sound a horn to announce their presence.

Bridges were another issue, and Larson said a good example was the one over SR 54 at Partners Pizza. The embankment was so steep rising up to the bridge deck that you could not see what was coming from either side. There needed to be a visual alert on the approach lane and a warning on the deck to stay right. These were all simple fixes and appealing to people's consideration.

Next, there were things that could be done as they were doing maintenance to reduce crash risk, including restriping or painting markings at road intersections. A key one for the aging population was installing curb ramps and truncated mats. Surface repair was important, as was vegetation maintenance to improve the line of sight, especially at tight corners.

Schultz displayed a couple of photos they took while on their tour that illustrated the need to cut back overgrown vegetation. One showed how brush had grown out to the path and made for a very tight turn. If it could be cut back one or two feet, there would be more visibility. Another, taken near Luther Glass Park, showed trees growing very near a path that had several curves. Another benefit of cutting trees would be less root damage to the paths. No special effort was needed; this could all be done as part of the regular maintenance program.

The path culture that had evolved in Peachtree City might be difficult to change, Larson stated. One thing they wanted to emphasize was establishing a right-of-way. There were places where people needed to stay to the right and pass on the left, such as in turns, tunnels, and when going across bridges. They needed signs to remind path users of this. Golf carts, bicycles, and other movers needed to be reminded, through signs and public service announcements, to make an audible sound when passing pedestrians. Pedestrians could usually hear a gas-powered cart, but the electric vehicles were silent.

There used to be a number of GPS marks on the paths, but those had disappeared over time. There needed to be new ones, Larson commented. Updated mapping and route finding information should be available through apps, at path kiosks, and online guides. People needed to be told how to navigate the paths through their online devices.

Branding was another need. Larson said he was asked to help in 2014 when the City applied to be designated as a Bicycle-Friendly Community. He said he noticed that every time he walked on the path system, he saw a sign that said "cart path." It was not exclusively a cart path; it was a multi-use

path system, but that was a mouthful. The City had this great amenity, but it was just called the path system. Many communities had adopted names for their path network, and Peachtree City needed to consider choosing one, as well. It would also help to promote the idea that the paths were not just for carts.

Promoting the use of the paths for commuters and shoppers was another way to reduce traffic on the streets and enhance safety. They needed to require bicycle racks at new developments. Charging stations, especially for e-bikes, were needed. There should be a speed management program. Code Enforcement and Police should be an active presence on the paths, Larson commented, noting that many cities were using alternate means to do outreach in non-criminal environments. An ambassador program was an option.

There was opportunity for ordinance review. A survey taken at the first advisory group meeting showed that nuisance behaviors, mainly noise, was a major concern. Police had no means to address nuisance behavior on the paths. There was also discussion about modifications to carts that would allow them to exceed the lawful speed. Georgia Code defined a golf cart as a vehicle that traveled at no more than 15 mph, while a motorized cart could go up to 20 mph. What happened if someone modified a cart to go faster than that? That needed to be explored, Larson remarked. A Police survey showed that about 30% of users were going 18 mph or more at high-traffic areas on the paths.

Josh Abelson presented the group's recommendations on education and outreach, which started from the premise that responsibility applied to all path users, and they needed to meet them at all levels. One area they spent a lot of time on was student drivers and how they could make parents aware of shared liability, including fines and other consequences. They recommended that digital and hard copy regulations be available at several venues.

Most people would say they understood path courtesy and etiquette, Abelson continued, but displaying them was a different matter. The group proposed introducing methods at high-density traffic areas to remind users. They were looking at stencils on trash cans with messages reminding users to slow down, stay right, and leash their pets. Stencils had already been made and were being applied to the cans and on the path itself. They could place permanent posters in places users frequented, such as cart and bike shops, veterinarians, groomers, and dog parks. They were trying to reach all users—walkers and riders of all types of vehicles.

Another key was frequent and consistent messaging. They had a diverse user group, so they had to target the messaging to reach all of them. There were a number of national observances, such as National Bike Month, they could leverage. Many large organizations sponsored relevant material that they could re-purpose. City-sponsored activities provided another opportunity to distribute messaging, and local civic groups would let them reach their membership. Finally, Abelson noted, they should create a multi-generational Path Ambassador Program to promote year-round educational outreach among the various pathway users.

Schultz stated that the group recommended changing the language of the cart registration forms to remind users of path rules and other important aspects of their use. The registration form should ask for the names of all members of the household who would be driving the cart. The registration would also have to affirm that all drivers were aware of the path rules. Registrants would be informed that the City recommended they have liability insurance on the cart. Also, and this would probably require looking at an ordinance, all drivers age 12 to 15 must complete the Police Department's driver training course.

Registration should be changed from once every three years to annually. Owners would have to update their addresses and phone numbers, which would help the Police Department if they needed to contact an owner. The initial registration must be done in person; afterwards, it could be online or through the mail. They recommended adding some "Do You Know" facts to the registration packet. Changing the vehicle tag color each year would help enforce the registration regulations. A sticker aimed at younger drivers with the five top rules for the multi-use paths could be produced. Registration decals should be relocated from the side of the cart to the front and back.

City Staff had already taken some action based on the group's recommendations over the past few weeks. Budget was, of course, a concern, and Schultz said Rorie had mentioned the cost of placing speed humps everywhere they had recommended. Another teen cart safety class had been scheduled, and the path rules brochure was being updated. Staff had created message stencils and were using them to paint reminders on trash cans and on the path surfaces. Some public service announcements had been produced, and registration forms had been enhanced.

They had a lot of good ideas, Prebor commented, although some seemed like they could be expensive. Others seemed feasible. They made a lot of sense.

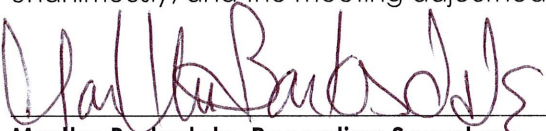
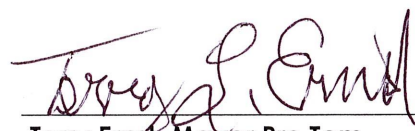
Ernst thanked the committee for their work. King said he hoped the incoming three new Council members would get copies of what had been presented.

This was a comprehensive report, Madden stated. He thanked the group members and said they had presented a lot of good ideas. He expressed hope that the new Council would follow through with the Ambassadors program to monitor the path network.

Rorie said asked Julio to introduce the group members. Present at the meeting were Abelson, Schultz, Larson, Amanda Robinson, George Dillard, and Dennis Dingivan. Jacob DiPietre and Phil Castagna were not present.

Goals and priorities for the path network would be presented to Council in January, Rorie said. They were already taking action on simple things.

There being no further business, Prebor moved to adjourn. Madden seconded. Motion carried unanimously, and the meeting adjourned at 7:55 p.m.


Martha Barksdale, Recording Secretary
Terry Ernst, Mayor Pro Tem