City Council of Peachtree City
Meeting Minutes
Thursday, November 21, 2019
6:30 p.m.

The Mayor and Council of Peachtree City met in regular session on Thursday, November 21, 2019. Mayor Vanessa Fleisch called the meeting to order at 6:30 p.m. Others attending: Terry Ernst, Mike King, Kevin Madden, and Phil Prebor.

Announcements, Awards, Special Recognition
The Mayor presented Police Officer Nick Keyros with a Lifesaving Award for administering cardio-pulmonary resuscitation (CPR) on a call.

Public Comment
Terry Tibbs said she was one of more than 30 homeowners with property on Lake Peachtree, and she wanted to address the City's decision to hire a company to kill geese along the lake. She had seen two persons in a Jon Boat several times. At first, they said they were City residents doing some fishing. She called the City and said the City Clerk told her they had a contract to kill the geese. She called Echo Wildlife and spoke with the owner, who stated they were instructed by City officials and the president of the Lake Peachtree Homeowners Association not to speak with anyone about what they were doing. Tibbs called on the Mayor and City Council for more transparency in their actions, saying they spent $7,000 in City funds for a hidden agenda that did not serve the majority of residents. It was egregious for the City to conduct any project in an atmosphere of lying and deception, Tibbs concluded.

Minutes
King moved to approve the November 7, 2019, regular meeting minutes. Ernst seconded. Motion carried unanimously.

Consent Agenda
1. **Consider Alcohol License – Froyos & Vinos, 2864B HWY 54 West**
2. **Consider Bids for Backhoe – Wade Tractor**
3. **Consider Bids for F-350 Dump Trucks – Wade Ford**
4. **Consider FY 2019 Budget Amendments – Housekeeping**
5. **Consider FY 2020 Budget Amendments – Carryovers**
6. **Consider Resolution of Approval for 2020 Transportation Improvement Plan (TIP)**
7. **Consider Intergovernmental Agreement (IGA) with Peachtree City Water & Sewerage Authority (WASA) for Infrastructure Evaluation**

Prebor moved to approve Consent Agenda items 1-7. Madden seconded. Motion carried unanimously.

New Agenda Items
11-19-03 Public Hearing – Multi-family Rezoning Moratorium
The Mayor opened the public hearing.

City Manager Jon Rorie said they would be talking about an article in the Zoning Ordinance called the multi-family rezoning moratorium. He would read some documents to provide historical perspective. They would review the ordinance thoroughly, exploring the General Residential (GR) zoning and the rezoning moratorium itself. Rorie stated that most people had never read the ordinance and were misinformed about the moratorium. Constitutional impacts would come up, and Rorie remarked that he would rely on City Attorney Ted Meeker. They would examine how

the First, Fifth, and Fourteenth Amendments related to zoning procedures and discuss evidence vs. opinion vs. slander.

At the last Council meeting, Rorie recalled, there was a discussion about zoning procedures and how things played out in meetings and public hearings. Planning and Development Director Robin Cailloux had described the roles Council played as wearing different hats—a legislative hat and a judicial hat. At this meeting, he reported, Council would don their legislative hats as they discussed a general zoning policy known as the multi-family rezoning moratorium.

Meeker affirmed it was a legislative decision because it affected the City as a whole rather than a particular piece of property.

Rorie said this discussion had been coming for a long time, reminding Council they discussed it during their Retreat sessions earlier in the year, as well as at the previous meeting. It was time to have this courageous conversation.

Rorie provided some historical perspective on how they reached this point by reading excerpts from the minutes of previous Council meetings. He referred to them as exhibits and said the first would be from the meeting of March 5, 1998, Agenda Item 03-98-1, Report from City Attorney concerning Edee Lawsuit. Rorie read: *Mayor Lenox explained that on October 5, 1995, the City held a public hearing as part of the update of the Land Use Plan and during the presentation, the Director of Developmental Services, Jim Williams, informed Council that there were approximately 1,300 apartment units in the review process. 1,040 of those units were located in the Line Creek area in GC General Commercial zoning and Mr. Williams informed Council that the Land Use Plan did not reflect apartments in General Commercial zoning areas, but the zoning did allow apartments.*

Lenox said Council was concerned about having over 1,000 units in a relatively small commercial area, and wanted some time and public input to consider the proper course to take, so they declared a 120 day moratorium on accepting new apartment applications, and included applications already in process from being considered by the Planning Commission. He said Council held a public hearing on November 16, 1995 and voted to restrict apartments from GC General Commercial Zoning, but, because several projects had been submitted prior to the moratorium and zoning change, Council decided to accept written requests to consider grandfather status for projects already submitted. The decisions were to be based on whether the property owner had gone so far in the development process that it would be unfair or possibly illegal to stop them from continuing.

He said over the next few months, Council held several public hearings regarding five different apartment projects in Peachtree City, two of which had already received approval from the Planning Commission. A great deal of resident comment was received with concerns expressed over the projects, especially those in the Line Creek area. The concerns included incompatibility with the Land Use Plan, the impact on traffic, the effects of apartments versus a single, large commercial development, the safety of living close to the railroad tracks, the preservation of Line Creek, and the need for more recreation in the City. He said ultimately, Council denied the request for grandfathering two of the multi-family proposals, and negotiated a development agreement for 399 apartments that would be constructed. Through the negotiation, Council reduced the number of apartments from 1040 to 399 in the Line Creek area.

On a zoning map, Rorie showed the area in question, now the site of the Camden Apartments. Originally, he noted, the developers proposed 1,040 apartments along MacDuff Parkway, but

Council negotiated them down to 399. He again stated that it was at MacDuff Parkway and SR 54 West.

The March 5, 1998, minutes continued: *Lenox said another property in question for grandfather status was the AMLI Apartment project in Kedron Village, developed by Mr. Edee, which already had received conceptual approval from the Planning Commission. He said Council granted grandfather status because it was appropriate for the area, it fit with the step-down zoning criteria, and infrastructure was in place, making it consistent with the appropriate ordinances and development policies. He said Council reinstated the moratorium on apartment development for an indefinite time period on March 7, 1996.*

Lenox explained in addition to the AMLI Apartment site, Mr. Edee also owned a 17 acre site between Highway 74 and Senoia Road shaped roughly like a horseshoe and zoned to allow apartments at ten units per acre. He said the property inside the horseshoe, also owned by Mr. Edee, was approximately 4 acres in size and zoned AR Agricultural Reserve. On August 4, 1997, Mr. Edee submitted a concept plan to City staff for an apartment project on the site, and staff was unclear as to whether or not the moratorium applied to the property because it was already zoned for apartments and had been prior to the moratorium. Lenox explained at the August 7 meeting, Council clarified the moratorium on apartments to include condominiums, townhouses and duplexes, and prohibited city staff from any future review of apartment plans until Council lifted the moratorium. On December 5, 1997, Mr. Edee's firm, Peachtree City Multi-Family Partners, filed suit against the City of Peachtree City. Lenox asked the City Attorney, Jim Webb, to give the details of the lawsuit and provide his opinion on the City's position in the matter.

Webb said Mr. Edee and his attorney had been professional and cooperative, and while they had filed suit, very little money had been spent on attorney fees, hiring of expert witness or other action that traditionally takes place during a lawsuit. Webb suspected Edee was hopeful the moratorium would be lifted at some point and he could then proceed with his development. Webb said this was only the second time he could recall that he analyzed litigation in a public forum because there were good reasons for discussing such matters in Executive Session. He said there were some things pertaining to the litigation he was not willing to discuss in public that night but that Mr. Edee and his attorney had consented that they would not use his comments or materials against the City in their lawsuit, which would allow him to be candid in the discussion.

Webb explained the lawsuit filed by Multi-Family Partners alleged that the moratorium was invalid for the following reasons:

1. *There was procedural defect. Notice of consideration of the moratorium was not properly published.*

2. *The Moratorium was unreasonable. It was not limited in length, or enacted in support of pending efforts to adopt a zoning plan change.*

3. *The Moratorium was confiscatory. It denied Multi Family Partners the right to develop their property and was therefore a taking of property rights without compensation.*

4. *The Moratorium violated Multi-Family Partners' right to develop the property as zoned. They alleged they have a vested right to develop the property in a matter consistent with existing zoning.*

Webb explained that Edee was seeking monetary damages based on his inability to use his property as zoned and interest he had incurred. He also requested an award of expenses of

litigation such as attorneys' fees and costs of court. Webb said Edee indicated he had already paid over $80,000 in interest on the loan for the property and that the interest was increasing daily.

Webb said Multi-Family Partners had petitioned the court for a summary judgment on the issue of whether or not the moratorium was valid. Webb explained that a summary judgment hearing was different than a trial in that Multi-Family Partners alleged they should win based on that law, even with assuming all the facts in the dispute were in favor of Peachtree City.

Webb said it was his opinion that Multi-Family Partners would probably prevail on their motion for summary judgment, and the court would declare the moratorium invalid. They would then have a court order stating the City must consider the conceptual site plan, grant the permit and allow the development of 172 apartments.

Webb said he believed Mr. Edee would then request a rezoning for the additional four acres he purchased to GR-10. Webb said because the property was almost completely surrounded by property zoned GR-10 it would be extremely difficult for the City to legally justify denying a rezoning. If the property was rezoned, a total of 212 apartments would be permitted for the project.

Webb said it was his opinion that Mr. Edee would probably be successful in having the moratorium declared invalid and that he would eventually be successful in having the 4 acres rezoned to allow Multi-Family Development. Webb felt the City could spend between $50,000 and $150,000 in attempting to legally fight the issue. Webb felt the City could negotiate with Mr. Edee at this point to possibly avoid litigation and to create an overall better development with lower density. He recommended Council remove the moratorium as it applied Mr. Mr. Edee's entire 21 acres for the purpose of allowing Mr. Edee to negotiate with City staff in planning a development acceptable to the City. Webb said if staff could reach a compromise, the issue could then come back before Council for a final decision.

Pace asked if the City could condemn the property for some public use or attempt to purchase the property. Webb said it would be best to negotiate to determine the situation and if necessary Council could file formal condemnation action.

Pace asked Jim Williams, Director of Developmental Services, if there was any other property in the city that could developed as apartments. Williams said the only undeveloped parcel that would permit multi-family development was located at corner of Crosstown Road and Peachtree Parkway. He said the City had already approved a concept plan a number of years ago which included multi family units designed for elderly occupants. Pace asked Webb to confirm that the moratorium would not be necessary once this issue was settled. Webb said that if Williams was correct in his statement, that there was no more land zoned for multi family apartments, then there would be no need for a moratorium on apartments.

Pace said on August 7, 1997, Council went to great lengths to state why they did not want apartments to be built and he had not changed his mind about it. He said he wanted have some control over what would be built there and he absolutely did not want apartments in that area. He felt it was an indisputable fact that Office Institutional zoning would provide a higher value for property than what Mr. Edee paid. He understood that the moratorium could not last indefinitely but felt that if the City were to rezone the property, it would resolve the issue. He said he would rather the City purchased the property than allow apartments to be developed.

Webb said Council had a right to condemn the property only if they could justify it with a public purpose. He said City could also come up with creative ways to negotiate the situation but that staff's instructions from Council was to not do anything.

Lenox said if the City were to offer Edee an opportunity to recover what he had spent on the property they would need to consider $250,000 for the 17 acres, $170,000 for the additional 4 acres and approximately $80,000 in interest carrying cost to date which would come to a total of approximately $500,000.

Rorie noted he was skipping a few pages, then went on: *Edee addressed Council and said he had received four offers on the property over the past 12 months, and he valued the property at approximately two million dollars. He said he was very surprised and upset that Council would consider condemnation as an answer to a zoning issue, and he would vigorously fight the issue for as long as it took.*

Rorie said he would close off the reading of minutes from the March 5, 1998 Council meeting, saying it set the stage and framed the discussion they would be having. He noted that a property owner had every right to sue for their property rights. The question should be, he went on, "Would they win?" Council should keep that in mind. One property in question was on the north end of the City, and the other was on the west side.

Next, Rorie read from the minutes of the October 1, 1998, City Council meeting: *Rick Lindsey, City Attorney,* (Rorie noted Lindsey was sitting in the audience), *explained the history of the law suit. The property in question included 17 acres which was originally zoned GR-10 to allow 10 units per acre. The City began updating its Land Use Plan in 1995 and later that year it became apparent that several sites in the City were being considered for development of apartment complexes as a result of a "loop hole" in the zoning ordinance. The "loop hole" allowed multi-family residential developments on property zoned for commercial use. On October 1, 1995, Council passed a 120-day moratorium to prevent any further development of apartment complexes until Council could review the Land Use Plan Update and address the problem with the zoning ordinance. In November of 1995 the Land Use Plan Update was adopted and the land use for the property in question remained multi-family. During that time, certain properties received grandfather status and on March 7, 1996, the moratorium was extended indefinitely. Peachtree City Multi-Family Properties, LLC. (MFP) purchased the 17 acres zoned GR-10 on April 8, 1996 and 4 additional acres adjoining that property on June 12, 1997. On August 4, 1997, MFP submitted a concept plan to develop apartments on their 17 acres. The City Council clarified its moratorium to include condominiums, townhouses and duplexes on August 4, 1997. The next day, the City sent a letter to MFP to inform them that the conceptual plan could not proceed. MFP filed a law suit in November of 1997, and filed a motion for summary judgment The purpose of a summary judgment was to ask the judge to decide certain facts in the case as a matter of law. The judge granted the summary judgment in favor of MFP, and the City filed an appeal which was still pending.*

In the Public Comment section, Rorie read, a resident said they "*were not opposed to new growth, but was upset that developers could force apartments on the City after Council passed a moratorium at the request of its citizens.*"

Lindsey said Jim Webb gave a report in March stating that the prospects of winning the law suit were slim, and if in the end, the City lost the law suit, it could be responsible for substantial monetary damage.

Brooks said the City's appeal concerned the validity of the moratorium. He also said several different attorneys had given their opinion that the City could not win the case; therefore, he did not feel that it made sense to risk paying $600,000 in monetary damages when this particular piece of property was the last undeveloped parcel zoned for multi-family use.

Bill Wheelock said he had been deeply involved in securing the moratorium on apartments, and he did not understand the reason for Judge English's ruling. He suggested Council hold another public hearing and properly re-establish the moratorium to preclude this from happening in the future. He also felt there was too much rental property in Peachtree City.

Pace asked if Council should consider Wheelock's suggestion to issue another moratorium. Lindsey advised it would be safer to declare a moratorium on any rezoning of property zoned AR, etc. to multi-family, provided that the moratorium contained a method of appeal to City Council for relief from the moratorium. Pace said he liked that idea. He said the City made a mistake when the Land Use Plan was updated. He said they looked into several different options to settle this issue such as rezoning the property to OI, condemning the property, and purchasing the property, but that none of those options were financially feasible. He said as a steward of the taxpayer's money, he could not go forward with an action that could cost a half a million dollars.

Lenox said the United States Constitution protected people's property rights. He said if Council had the power many citizens wanted them to have, to take someone's property just because they did not like what the owner wanted to do with it, then they could take anyone's property for any reason. He said the City had a good record of fighting its court battles. He said the secret to protecting the Land Use Plan was to know when to fight and stand up for principles and know when to gracefully back down.

Rorie remarked that he concurred with that statement. He then read from the minutes of the November 5, 1998, City Council meeting, under Agenda Item 11-98-10 Public Hearing - Rezoning Request - Peachtree City Multi-Family Properties, Inc., Highway 74 North AR to GR-10 (4.331 acres). He said the request was anticipated, for the four acres in the middle of the 17 acres to change from AR to GR-10, which was consistent with the surrounding zoning. That change would allow 10 units per acre across the entire 21 acres.

McMenamin said she was concerned about the future of Peachtree City with the development of apartments. She said the law protected the minority against the majority, but she did not feel a land broker was a minority, but rather the individual property owners who make up a majority. She said she would not go against her past statements that she would not rezone land to a higher density. She was very concerned about the buffering in the area. She felt the 4 acres should have been used as a stronger bartering point in the lawsuit and not made part of the development agreement.

Later in the November 5, 1998, minutes: *Pace agreed with Fritz and felt the 4 acres were critical to the development of that site. He did not want any more apartments in Peachtree City and wanted to do everything legally possible to stop future apartment developments. He said this project would be the last apartment project developed in Peachtree City. He was concerned about those who live in Sagamore Subdivision, and felt, based on Edee's traffic study, that the City needed to look seriously at installing a traffic light in the near future at the intersection of Highway 74 and Kedron Drive.*

There was a light there now, Rorie noted. He went on to read that Brooks made a motion to approve the development agreement and to rezone the 4.3 acre tract as requested with

conditions, Pace seconded the motion, and it passed, Rorie read, with McMenamin voting Nay. Lindsey had asked that the record reflect that the applicant agreed to the conditions.

The next item on that agenda was 11-98-11, Public Hearing - Consider Moratorium on Multi-family Zonings/Rezonings. Rorie pointed out that they just did a rezoning to take property to a GR-10, and the next item was to look at imposing a moratorium on multi-family zonings/rezonings.

The minutes continued: *Rick Lindsey, City Attorney, addressed Council and reviewed the events that prompted Council member Pace to initiate the proposed moratorium. He explained that the moratorium would prevent staff from accepting any zoning or rezoning applications for any land in the city to multi-family zoning. He said multi-family zoning included apartments, townhouses, duplexes, condominiums and assisted living facilities.*

He explained that it would not affect property already zoned for multi-family use.

Lindsey said the Council was charged with the responsibility of protecting the health, safety and welfare if its citizens. He said the over-development of multi-family property affected the quality of life for its citizens by creating safety issues with the Police and Fire Departments. He said it also created an additional burden on the school system and exhausted monetary and other resources. He also said additional traffic caused by multi-family rezonings would be concentrated and dense and would affect the air quality.

Lindsey explained that a moratorium could not stay in effect forever, and said if Council wished to continue the moratorium for more than one year, they would need to reconsider it on an annual basis. He said it should not just be "rubber stamped," but that it should receive serious consideration. He also explained that the proposed moratorium included an appeals process, which would allow Council to consider lifting the moratorium at the specific request of a property owner.

McMenamin questioned what issues the court would recognize that would allow Council to enforce the moratorium. She said the Police Chief had told Council multi-family zoning was a safety issue, the Federal Government passed legislation requiring local municipalities to comply with the Clean Air Act and the School Board requested Council not to consider additional apartments. She voiced her concern because of the Edee rezoning situation. Lindsey reminded McMenamin that the majority of Edee's property had already been zoned for multi-family use.

Lindsey recommended the moratorium be reconsidered on an annual basis in November of each year. Brooks amended his motion to reconsider the moratorium in November of each year. Pace seconded the amendment. Motion passed unanimously.

Rorie read from the Council meeting minutes from November 4, 1999, agenda item 11-99-01, Public Hearing - Consider Revision to Traffic Impact Ordinance: *He suggested the corridor be defined as the area that ran 6,000 feet north and south of the Highway 54 and not from the east or west. Williams also recommended the term "development/building permit" should be changed to "development permit."*

He said the first substantial change defined a "traffic impact study." He suggested that if a traffic impact study was required, it should be performed in accordance with the general guidelines recommended in the Institute of Traffice Engineering (ITE) publication, ***Traffic Access and Impact Studies for Site Development****, unless otherwise specified in the ordinance or as directed by the City. He explained that the ITE publication contained information on exactly what a traffic impact study would be.*

He recommended a traffic study must include the projected traffic from all previously approved projects that were not yet in place at the time of the study. He said the extent of the study area should be clearly defined by the developer and approved by the City before actually initiating the study. He also suggested the study include a thorough analysis of the a.m. and p.m. peak-hour traffic over the entire corridor.

He said the most significant changes recommended by staff dealt with the analysis of the traffic study. He said if it were established that a development did not comply with the ordinance, there would be three alternatives. The first alternative would be for the developer come to an agreement with the City on a plan to mitigate the negative impact of the project. If an agreement could not be made, a second alternative for the developer would be to delay implementation of the project until the thoroughfare capacity could be increased by DOT construction. He said the third alternative would be a variation of the second alternative. He said the developer could delay implementation of the project until traffic is reduced by other capital improvements to the point that the proposed project would be able to comply with the established minimum standards. He suggested the extension of TDK Boulevard into Coweta County would greatly reduce the amount of traffic at the intersection of Highway 54 /74.

Rorie pointed out this was in 1999. He went on to say there was further debate about the impact the Traffic Impact Ordinance would have on the development of the Industrial Park as it related to the tax base and the tax digest:

Pace was concerned about how the ordinance would affect the industrial park. He asked if Council wanted to continue attracting industry similar to Cooper Lighting to Peachtree City. Williams felt the whole purpose of the ordinance would be to stimulate a fast-track process to solve some of the industrial park problems rather than allowing the traffic problems to get worse. He felt the adoption of the ordinance would cause the extension of TDK Boulevard to take place sooner, which would meet the needs of the industrial park. He explained that not only would the extension of TDK Boulevard reduce the amount of traffic that was currently at the intersection of Highway 54/74, but it would also handle traffic generated by new industrial developments.

Pace agreed the City needed cooperation from Coweta County. He said many of Coweta County's citizens were being inconvenienced. He also said Coweta County citizens were also causing an inconvenience for citizens who lived in Planterra Ridge. Pace said the traffic consultant had suggested that the traffic situation would be improved if the traffic lights were synchronized. He asked if that action had been taken.

Rorie again stated he was trying to be thorough and provide historical perspective. The next excerpt from the minutes was item 11-99-01, Public Hearing - Review Multi-Family Moratorium.

Rick Lindsey said Council adopted a multi-family rezoning moratorium last year and that it was to be reviewed on an annual basis. He said it did not affect any property currently zoned for multi-family use, but it would prevent the rezoning of property for multi-family use. Lindsey recommended that if Council wanted to continue the moratorium, they adopt an ordinance to do so. Lenox asked if there were any public comments or questions concerning the moratorium. There were none. Brooks felt nothing had changed since the original moratorium was enacted. He felt it was a housekeeping item and made a motion to renew the moratorium as presented. Pace seconded the motion. Motion carried unanimously.

Rorie said this concluded his readings from the minutes. Now they would review the Multi-family Rezoning Moratorium Ordinance. He noted the date, November 4,1999. The purpose section of the ordinance read: *This moratorium is intended to promote the orderly development of property*

in the City, maintain the high quality of police services now provided; maintain the high quality of emergency and fire services now provided, maintain the quality of education now provided, maintain the high quality of life now existing, help reduce traffic congestion, and ameliorate air quality.

It went on to say the Mayor and Council had made four findings of fact in consideration of this moratorium:

(a.) The development of additional multi-family housing would create a burden on the police department and the emergency and fire departments.

(b.) The development of additional multi-family housing would over burden area schools.

(c.) The development of additional multi-family housing would exhaust available resources, thus reducing the quality of life now existing.

(d.) The development of additional multi-family housing would increase traffic congestion, which reduces air quality.

The Mayor and Council of Peachtree City hereby directs its staff to accept no applications seeking to zone or rezone property to any designation that would allow the development of the property as multi-family.

(a.) Multi-family shall include apartments, townhouses, duplexes, condominiums, and assisted living facilities.

(b.) This moratorium shall be in effect for one year and shall automatically expire if not reviewed by the Mayor and Council and if deemed necessary, renewed.

Rorie said he questioned these findings of fact and had been questioning them since December 2011. He questioned the constitutionality of the moratorium, which was also questioned when it was conceived and approved, based on the Land Use Plan from 1995. Each year, he went on, they had been renewing this moratorium without serious consideration. It was on the agenda because the ordinance required it to be or the moratorium would automatically expire. He thought it was worthy of discussion. That is what public hearing were about.

Rorie noted that the ordinance further said: *This moratorium shall not apply to property already zoned for use as multi-family. Any party with an ownership interest in property in the city that believes said property owner is severely prejudiced by this moratorium may file an application with the city planner requesting that the mayor and council remove the moratorium as it applies to the property.*

Rorie noted the section (b.) of the ordinance read: *City staff shall only provide council with current zoning and land use information regarding the property and its surrounding properties and shall not make a recommendation to council on application to lift the moratorium.* Rorie said he was likely to make a recommendation to lift the moratorium every time.

(d.) In the event council declines to lift the moratorium, the property owner shall have the same rights and follow the same procedures as those connected with the denial of a rezoning request. Rorie said that meant going to court.

Rorie displayed section 1004 GR General Residential District of the current Zoning Ordinance. It said: *The intent of the district is to reserve and be developed for medium- to high-density residential purposes.* Permitted uses in the GR residential district included one-family dwellings, excluding mobile or manufactured homes, along with a list of other uses, including two-family attached duplex dwellings, townhouse dwellings, cluster dwellings, and multi-family dwellings. Rorie said all of these types were represented in the City and gave examples of where they were. He emphasized that multi-family was a permitted use in any GR zoning district.

Rorie read again from section 1004, Other Requirements: *Unless specified in this ordinance, uses permitted in GR residential zoning districts shall conform to the following standards:*
(a) Maximum dwelling units per gross acre:
Attached: 25 units.
Detached: Ten units.
Note: Each GR general residential zoning district shall have the gross density (maximum dwelling units per gross acre) specified as an addendum to the GR designation on the official zoning map. A GR-10 designation indicates that a maximum of ten units per gross acre would be permitted within the district.

Rorie noted that Balmoral was GR-12; The Retreat at Kedron was GR-10. The Meridian on SR 54 had 18 units per acre. He emphasized that the basic GR district allowed 25 units per acre.

Rorie said he would play constitutional lawyer, but admitted he might be wrong in his opinions. This was a legislative policy hearing that allowed for candid opinions to be heard. They would be talking about the First, Fifth, and Fourteenth Amendments of the U.S. Constitution and how they related to zoning procedures. He urged anyone present to correct him during the Public Comment section if he got something wrong.

The First Amendment said Congress should make no laws that would impede the free exercise of religion, abridge the freedom of speech, infringe upon the freedom of the press, interfere with the right to peaceably assemble, or prohibit citizens from petitioning for a governmental redress of grievances. It was adopted into the Bill of Rights in 1791. The courts had interpreted the due process clause of the Fourteenth Amendment as protecting the rights granted by the First Amendment from state and local governments. Rorie noted that the audience was present under their right to assemble. The right to seek redress for a perceived wrong allowed people to take action against the government in court, which worked with the right of assembly by allowing people to join together to seek redress from the government.

One key element of the rezoning moratorium was the right to appeal. Rorie could not justify allowing someone the right to appeal and then denying the lifting of the moratorium. That was why he would always recommend lifting the moratorium.

The relative part of the Fifth Amendment discussed being deprived of life, liberty, or property without due process of law. It said private property could not be taken for public use without just compensation. The clauses in the Fifth Amendment outlined basic constitutional limits on police procedures. Zoning was a police power. The due process clause came from the Magna Carta, which dated back to 1215. While the Fifth Amendment originally applied only to the Federal courts, the U.S. Supreme Court had also partially applied it to the states through the due process clause of the Fourteenth Amendment. The protection against arbitrary taking of a private property without due compensation has been incorporated into the states.

The due process clause required the government to respect all rights, guarantees, and protections afforded by the U.S. Constitution and all applicable statutes before any government could deprive a citizen of life, liberty, or property. It essentially guaranteed that a party would receive a fundamentally fair, orderly, and just judicial proceeding. It aimed to guarantee a party the right to be heard, ensured that the parties received proper notification throughout the litigation, and ensured that the adjudicating court had the appropriate jurisdiction to render a judgment The procedure of due process guaranteed fairness to all individuals, including the opportunity to be heard, given notice, and be given a judicial finding with a stated rationale.

Rorie noted that no public hearing was required prior to the non-renewal of a state teacher's contract. He mentioned this because it offered a look at how due process was applied in terms of federal statutes to state and local statutes. Georgia was an employ at will state. An employee, if fired, could sue because they had a property interest in their job. That was why they had disciplinary action hearings and appeal hearings.

They had previously talked about public hearings and the Fourteenth Amendment. Rorie noted that when he was in North Carolina, he had to take an oath before every public hearing. Georgia did not do that. The oath was to ensure that they were giving evidence that was true and accurate. There were changes they needed to make and think about during these quasi-judicial processes, even though Georgia did not require an oath.

Rorie also mentioned evidence vs. opinion vs. slander. Recently, he related, someone stood up in a public hearing and reported on the alleged actions of an applicant. It had nothing to do with the public hearing itself. Traffic studies were a good example of evidence, even though some people would say they were in favor of the developer since the developer paid for them. No, Rorie said, the studies were based on Institute of Transportation Engineers (ITE) standards.

Did the Constitution's First, Fifth, and Fourteenth Amendments apply to zoning hearings? Could the City condemn and seize property without just compensation? Could they have a rezoning without properly advertising it and holding a public hearing? Those impacts rightfully applied to their public hearings, Rorie concluded. Rorie said Cailloux would delve into the technical side of this issue.

Cailloux defined what moratorium meant in this case: *A temporary halt on permits, plan reviews, or rezoning applications to allow time to address a specific regulatory issue.* The original moratorium was 120 days to address the fact that the Zoning Ordinance allowed apartments in a commercial zoning district. That was a regulatory issue. Other examples in Georgia were when a court threw out a sign ordinance, a city could place a moratorium on issuing sign permits until they could get the ordinance in line. Stopping the issuance of sewer taps if a system was over capacity was another example.

Culturally, many people thought Peachtree City had a moratorium on multi-family, but it was only on multi-family rezonings. Property currently zoned for multi-family still had that right. Cailloux showed a map with all the GR zoned property identified. If property was listed as GR without a number attached, that meant that property could have developed at 25 units per acre. It had not done so, but the property owner still had that right. Cailloux identified SR 54 and Stevens Entry on the map. She showed Renew, formerly The Gables, and said it was GR-14, but down the street was Saddlebrook and Jumpers Run, zoned GR and developed as single-family at 2.3 units per acre.

Fleisch asked when this map was created, and Cailloux told her those zonings probably dated back 40-plus years.

Cailloux noted that GR single-family had been developed as densely as 5.8 units per acre. Duplexes had been built under various GR categories. She noted that if someone wanted to, they could buy homes in a GR district, take them down, and build apartments. No rezoning hearing would be necessary; all they would have to do was apply for the standard building permits. Rorie pointed out if they did the same in a GR-6, they would have to get a rezoning or they would be limited to six units per acre.

Cailloux explained the standards a moratorium must meet in order to be legal:

1. Serve a specific public purpose (goal)
2. Be necessary to accomplish the goal
3. Have a limited duration (sunset)
4. Not unduly oppress individuals (targeted)

Cailloux wanted to see if the policy statement in the ordinance met the test of accomplishing a goal and if the moratorium was necessary to accomplish the goal. She did think it met #3 and #4. It had a limited duration of one year and was applied citywide.

The purpose of the original moratorium was to:

- Maintain high quality public safety services
- Maintain quality education
- Maintain high quality of life
- Help reduce traffic congestion
- Improve air quality

Cailloux noted that these were valid, broad public policy statement; they were not tied to any regulatory issue. Therefore, there was no specific regulatory issue that this policy statement said the moratorium was trying to address. It did not meet the first test for a moratorium.

The ordinance contained four findings of fact to support the position that the moratorium was absolutely necessary. It said additional multi-family would overburden police and emergency services, overburden schools, exhaust resources and lessen the quality of life, and increase traffic congestion and reduce air quality. Those were common perceptions of multi-family, Cailloux remarked, and not unique to Peachtree City, asking if the findings of fact Were still valid 20 years after being adopted. When they were adopted, Peachtree City's population was 32,000, and it had grown 10% over those 20 years. Call volumes to police and emergency services had increased, as would be expected. They wanted to know if multi-family had a higher ratio of calls per unit than a single-family unit.

Staff looked at data from 2018 for emergency medical services/fire calls. Non-age restricted multi-family had a 0.1 call ratio, which was nearly identical to a single-family unit. Age-restricted units had a higher call ratio. As people aged, there were higher call volumes. As an example, Cailloux compared The Retreat at Kedron, which had 212 units, to the nearby neighborhoods of Ardenlee and Belvedere, which combined had 215 houses. The Retreat had .03 calls per apartment, while Ardenlee and Belvedere had .07 per home, which was more than twice the number.

The 2018 police data showed more than 28,000 calls, and 4,906 were to single-family and multi-family residences. Multi-family generated 0.27 calls per unit, while single-family homes generated 0.34 calls.

Cailloux pointed out that, in order to maintain quick emergency response times in a city where development was spread out, additional stations, vehicles, and personnel were required.

Balmoral had 312 units with 111 calls. There were 313 homes in nearby Village Park, Prestwick, Meadow Run, and Fairways, with 168 calls. The apartments had 0.4 calls per unit; single-family homes had 0.5. The data did not support the findings of fact 20 years later, Cailloux concluded.

Data about school enrollment from the Fayette County Board of Education showed that multi-family added 0.38 students per unit, while single-family added 0.48. The Camden Apartments had 399 units, with 115 students, or 0.3 per unit, while the nearby Centennial subdivision had 324 homes, but generated 286 students, or 0.9, more than twice the number of Camden.

Cailloux said there was a common misconception that multi-family property did not pay property taxes, adding that most of the school system's funding came from property taxes. The owners of the apartment complexes and the townhomes did pay property taxes, often higher than single-family homeowners because they did not qualify for the homestead exemption or the reduction in property taxes once they were over the age of 65 or for reductions due to income. Multi-family properties were valued per acre at twice the rate of the average single-family home, she said, pointing out that meant they paid twice as much on average. The average apartment value was $1 million per acre; the average single-family home value was $500,000 per acre.

The Board of Education had a utilization study that looked at whether the schools were overburdened. It showed that there had been a reduction in the number of students over the past five years, but they were planning for growth in the student population by 2028. Nine of the 12 schools that served Peachtree City still would be under capacity, even with the expected growth.

Staff found it difficult to quantify the findings of fact regarding exhaustion of resources and maintaining the quality of life. It was hard to even call this a fact, Cailloux remarked. If 12 people were asked what quality of life meant, there would be 12 different responses. They had talked about the public facility resources—police, fire, schools. There was 3,700 acres of public greenspace. There was excess sewer capacity.

The findings of fact regarding increased traffic was partially true, Cailloux stated, because all development increased traffic. The building of the existing single-family homes and the buildings where people worked had increased traffic congestion. The economic development they were trying to attract would increase traffic congestion. Cailloux pointed out that half of the City's tax base came from retail sales. Retailers wanted to locate where there was traffic. She summarized by saying they could not attribute traffic congestion only to multi-family housing. It was shared by all development.

When they looked at the 1999 findings of fact, Cailloux stated they could say that the data did not support the fact that multi-family housing increased the burden on police and emergency services or the schools. The measuring of quality of life was subjective, so calling it a fact was questionable. All economic development increased traffic.

Cailloux circled back to the #2 test, which looked at if the rezoning moratorium was absolutely necessary in order to meet those goals. She asked if the moratorium accomplished anything the rezoning process did not. Both the lifting of the moratorium and a rezoning required public hearings. The moratorium and the rezoning process addressed the same questions. She reminded Council of the six standards from the ordinance that they used to evaluate zoning requests during public hearings and said they asked the same questions: did the request burden existing streets, public facilities, utilities, or schools.

Twenty years later, Cailloux noted, the City was nearing build out, and they should ask if the multi-family rezoning moratorium was necessary to meet these goals. The goals were valid, broad policy statements, but not regulatory in nature. The findings of fact from 1999 were no longer accurate, she went on, and the rezoning process addressed the goals and policies the moratorium was adopted to accomplish. The moratorium did meet the final two requirements: it had a limited duration, and applied to all properties in the City. Because half of the standards for a legally sound moratorium were not met, Cailloux said staff did not believe the moratorium provided Council and the public the legal standing to hold up in court and recommended that it not be re-adopted this year.

Rorie looked at the City's zoning map and noted that all the properties colored brown were zoned GR. The zoning could be GR-6, meaning six units per acre, GR-10, with 10 units per acre, or the maximum, which allowed for 17. That was Hearthside at Georgian Park. Some was just GR, which allowed for 25 units per acre. Twiggs Corner, zoned GR, was not rental units; they were condos. The Renew at Stevens Entry and Balmoral were GR-12. Arbor Terrace was the senior living development he talked about being pre-approved years ago at Crosstown and Peachtree Parkway. It was GR-14.

Rorie read from the oath of office that all Council members took. It said: *I will support and defend the Constitution of the United States of America, the Constitution of the State of Georgia, and the Charter of the City of Peachtree City.*

Rorie acknowledged that public process was not always clean; there were different debates, opinions, and ideas.

Rorie said he came to Peachtree City in December 2011, and had lived with the rezoning moratorium ever since arriving. As part of his job as Community Services Director, he supervised Planning and Zoning and questioned the moratorium even then. He showed the zoning map at large, then pointed out Hearthside, which was zoned GR-17C. That development was on the March 3, 2011, Council meeting agenda. He read: *Laurel Henderson, defense counsel for the City against two lawsuits filed by Norsouth, addressed Council, recommending Council accept a settlement with the plaintiff that modified the original plan but still fulfilled a City need. Henderson explained there was one lawsuit against the City pending in Federal Court and one in State Court over a rezoning denial on June 17, 2010. Henderson said that during the discovery process, information had been uncovered that was unknown to the governing body at the time of the denial. She noted that there was a housing study done based on 2005 data that was in the City's possession but unknown to Council showing the City had a problem with housing units that were cost burden. Henderson said cost burden was a technical term under Federal regulations that pertained to how much of a person's income had to be spent on housing.*

It applied to people who made less than 80% of the median income, Rorie noted, going on to explain it was a Fair Housing case. The City's original village concept called for concentration of high-density and multi-family housing around the commercial area, which was where this property was located. He continued reading: *The City could continue to defend the suit, but there would be a 100% winner or loser, and it was never know how a case would go in court. The attorney fees were already in the six figure range for Norsouth. If the City lost, the fees would be much higher. The substantial upside was that the project supported a need in the City and the Comprehensive Plan.*

Rorie noted some comments made at the time of the public hearing included those from residents who felt there was already a full complement of multi-family housing. Someone asked how this rezoning got on the agenda without the population knowing it was coming. She had also wondered what would happen if seniors did not fill all the units. The attorney replied that the City had no right to determine who the owner of a property would be. There was a notice requirement in the agreement. The property was not subject to the multi-family moratorium because it was already zoned for multi-family use. It was on the agenda because law required one follow-up hearing for the proposed settlement.

Rorie showed the zoning map with Limited Use Commercial (LUC-16) highlighted, noting that was Lexington Circle. He pointed out a nearby area, zoned Estate Residential (ER), along Carriage Lane. The LUC-16 allowed a residential component, in addition to commercial use. That residential component could not be multi-family dwellings. In 2014, someone came to the City to ask for a

rezoning of the LUC-16 to assisted living. The City denied it. In 2016, they took the LUC-16 and carved out five acres and called it LUC-28 for the purpose of allowing 80 residential units. When it came to the public hearing process, the developers said they were only going to use about three and a half acres. That came to about 25 units per acre. During that same process, they eliminated additional units and found themselves in court. It cost $34,000 in legal fees, but the City prevailed.

Going back to the ER area, Rorie said he currently was in possession of a request that Council lift the multi-family moratorium (which he noted did not exist) so that property could be cobbled together for a mixed-use development. He said he had no idea what that mixed-use development would look like.

Rorie recalled that in 2018 and 2019, Council looked at two different proposals that required lifting the moratorium. One was an application for five acres. Rorie said he recommended lifting the moratorium, which Council did, but the project was ultimately denied. The other was for a large number of multi-family dwellings, which also was denied. Staff was under a tremendous amount of pressure to meet with developers to discuss this, Rorie commented, which they did. He noted that Council members were also asked to meet and discuss, but staff tried to steer them away from that.

No one from staff was advocating that they eliminate the rezoning moratorium so they could have more apartments, Rorie clarified. The validity of the moratorium was the issue, along with the findings of fact. He noted that every time there was a request for multi-family they would have to go through the process of deciding whether to lift the moratorium, when, in fact, there was a rezoning procedure in place to deal with it. He said they were flying under a false flag, and they would find themselves spending taxpayer money to defend themselves if they did not lift the moratorium. They should just do, period, any time it was asked, he emphasized. They were not advocating for more apartments. They were simply saying that the findings of fact as it related to the moratorium and their relation to the constitutional issues were, after 20 years, no longer valid.

Staff recommended not renewing the moratorium. Rorie mentioned that they did not have to hold a public hearing; they could have not brought it to the table, and it would have automatically expired. He added that there were other things Council needed to do to shore up the zoning ordinance. A zoning ordinance review had been budgeted for this year, and creation of a unified development ordinance. He said he did not think anyone wanted to see 25 units per acre. The moratorium had not solved that issue. It had to be addressed in the zoning ordinance.

The Mayor asked if any member of the public wanted to speak in favor of not renewing the moratorium. Ralph Hale said he was not for or against the moratorium, but thought Council should look at cost and revenue per acre. They had looked at calls per unit, but the denser units might not have as many people. Because they were denser, taxes might be more per acre. They should look at cost per acre compared to revenue.

Speaking in favor of renewing the moratorium, Steve Brown said he had an issue with a public official declaring he would defy an order as written. When staff provided a legal argument, but said it might not be accurate—that was a legal issue. He thought citizens should have access to the background materials used in these presentations well in advance. He found the statistical analysis very questionable, especially the anecdotal examples. There were multiple zoning classifications, and it should be broken down into each classification. Brown added that anecdotal evidence should never be used to justify major changes to policy, ordinance, or any other matter. He concluded there were a variety of options the City could use to address this issue, but raising the white flag should not be one of them. His suggestion was to halt the acceptance of development applications until they developed an alternative solution. That would be a

moratorium for regulatory purposes. He said he was present at all the meetings Rorie referred to, and there was a lot of background information omitted on the development of that ordinance.

Morgan Hallmon stated that it troubled him that they did not have advance notice as to the purpose of this public hearing. Background information was not provided to the public in advance. He was troubled because no legal memorandum appeared regarding this issue. It would go into the legal precedents and legal history and explain why the ordinance should be changed. He felt more citizens would be present if they had had notice of the hearing's purpose. For those reasons, he felt action should be delayed.

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

Prebor asked what would be a situation where they decided not to lift the rezoning moratorium.

Meeker said he did not know of a scenario where they would not lift it. This had been going on for 20 years, and he acknowledged that a moratorium was a valid exercise of police powers. It had been upheld in several contexts. If someone challenged the City on the current moratorium, though, the judge would note that it had been 20 years. The judge would ask if the City had not had plenty of time to address the regulatory issue in front of it. Meeker remarked this had been a concern of his for some time. Addressing Hallmon's remarks, he said he typically did not provide legal memoranda outside of attorney-client privilege to Council. If the recommendation was to lift the moratorium every time, then the next question should be why they had it in the first place.

Prebor noted that they had talked a lot about the different levels of the GR zoning, noting that someone could go in and build 25 units per acre in some areas. That was not even part of the moratorium issue, he remarked. This moratorium was strictly for someone who came to the City who wanted to rezone something. If allowed, they would have to come to Council with a presentation.

Meeker said that was correct and pointed out that Rorie had referenced a number of instances where the moratorium was lifted, but the rezoning was denied because it was not consistent with the Land Use Plan and for other reasons.

King said he always thought of the moratorium as a necessary step after a developer bought property, so they could work with staff in order to become aware of the City's requirements. They would then come before Council, which would decide if the land would be rezoned or not. He recalled that, at least while he had been on Council, the method had been to lift the moratorium so they could talk about it and decide. He could not recall one instance of it being approved.

What concerned him, King went on, was all the land that was zoned GR-6 or GR-14, for example. A developer come in and buy six or eight homes to give them enough space to build a multi-family development. They could put six or even 25 units per acre in some of these areas. That was what they were trying to avoid. He recalled that about two years ago, someone bought a corner lot off McIntosh Trail in a subdivision of single-family detached homes. The lot was almost two acres, and the property owner subdivided it for two homes. The City lost that fight, King remarked, but they changed something so subdivisions like that could remain single-family detached. He would like to look at doing that in other areas of the City. Sooner or later, these older neighborhoods would be re-developed. The City needed to ensure that re-development was as single-family detached homes.

King, giving an example for Meeker's opinion, noted there was an area along Pacer's Walk that was zoned GR-6. When the developer bought the property, he did not build six units per acre; he

built single-family detached homes, which ended up at about 2.7 homes per acre. He asked whether Council could tell a developer that Pacer's Walk had to be single-family detached at the same density as first developed.

Meeker told him it would be possible to zone it to what it was now, which would be a GR-3. That way it would retain status as a conforming use under the zoning ordinance.

King said they should look at that and leave the moratorium as it was. All the moratorium did was add a step to the process. He told Rorie he appreciated the lesson about the First, Fifth and Fourteenth Amendments.

Madden said this was strictly a zoning issue. It was not a moratorium on multi-family; it was a moratorium on rezoning for multi-family. He noted that if someone bought several homes in Jumper's Run, they could build a huge multi-family, multi-story development. They could do that tomorrow. He said he supported King's idea of rezoning properties according to their current use. He asked if there were any undeveloped GR parcels in the City.

Cailloux said there was one, at the end of Cobblestone Creek. It was a sizable lot, right behind Peachtree City Elementary School. Rather than target this one parcel, Cailloux told Madden she would recommend a text amendment to the zoning ordinance. Madden asked if they could amend the ordinance to make GR-10 the limit, and Cailloux said yes, noting that was what it was for detached homes.

Madden asked if they would have to notify all property owners affected by the zoning change.

Meeker said advertisements in the newspaper would be sufficient for this, a text amendment of general application that applied to both developed and undeveloped properties.

Prebor said they were getting off topic, but Rorie said they needed to discuss the zoning ordinance.

Prebor asked King why he thought they needed to keep the moratorium, and King replied that it added a step that allowed staff to work with a developer. Fleisch said staff could work with a developer without the step of lifting the moratorium.

Rorie told them he brought this up now because they had property zoned ER. He did not know the details of what was proposed, but Cailloux did, even though there was a moratorium where staff was not supposed to talk to a developer. That was process, and the moratorium put staff in a bad position.

Prebor asked if the moratorium cost staff more time, and Cailoux said it absolutely did.

Fleisch pointed out that every time they put lifting the moratorium on their agenda, people immediately began saying apartments were coming to Peachtree City, creating unnecessary angst.

Fleisch wanted to know how often cities reviewed their zoning ordinance. Cailloux said Peachtree City's had not been reviewed in more than 21 years. Rorie stated they had re-written the Zoning Ordinance one variance at a time.

Fleisch remarked that was what she found when she joined Council. Every department was behind the times. They had dealt with every department, and now they were finally dealing with

Planning and Zoning. They were a planned community and wanted to maintain the quality of life. It was important to have those discussions.

Fleisch asked Meeker if they had moratoriums in any of the other cities where he represented. He said they did not. Lindsey said they had no similar moratoriums in the cities he represented.

Rorie commented that this was an annual process that was should be given serious consideration. He said he believed it had been rubber stamped in the past because no one wanted to have a courageous conversation. With that in mind, he wanted to highlight the fact that he had a request to lift the rezoning moratorium. He went on to say it was an unnecessary step, and the findings of fact were questionable. They could debate data. That was why there were public hearings. That was what community was about. It was not about hiding from an issue just because it had been in existence for 20 something years. He said he got passionate about it because he knew the impact it had on Cailloux's department. The talk about raising the white flag was nonsense. This was a zoning process, Rorie remarked.

Ernst said Rorie did a great job in showing them what previous councils had done. Now, they were trying to bring it up to date. He agreed with Brown that the statistics could have been stronger, but what they were talking about was an extra step that was not necessary.

Madden added that this was a rezoning moratorium, and there were GR areas already where up to 25 units per acre could be built. The rezoning moratorium was an anachronism, and they should let it expire. He said he would like to see a proposal from staff that looked into rezoning the GR area so the City would not wind up with apartments where they did not want them.

If that was a request for staff to come back with a proposal, Rorie said he wanted an idea of what that should look like. Property currently zoned GR with 25 units per acre was a permitted by right use, he remarked, noting that would duplicate the case of the AMLI property that he mentioned earlier. It had a designation that allowed for the apartments, but the council refused to entertain their proposal. If Council changed the zonings from GR, the question would be if that zoning was a vested right. The City might still face litigation. He reminded them of a zoning situation on SR 74 South that allowed for the construction of a hotel. That was a defined and allowable use, but then it was rezoned so a hotel would not be allowed. He reminded them of a tract off Dividend that was an acceptable, permitted use, then rezoned to not allow that use any longer. There was no perfect answer. He said there was probably no one who wanted to see GR used for 25 units per acre. If they rezoned that property to GR-6, GR-10 or whatever, they could still face a legal challenge.

The choices, Prebor commented, were 25 apartments per acre, or they take a chance and fight it in court. Rorie said that was correct, and, from what he understood, Council was willing to take the chance.

Fleisch inquired as to how long a zoning review would take. Cailloux told her a comprehensive review was lengthy. They could do a text amendment quickly, but a comprehensive look at how every GR property was developed and how the City's ordinances were put together would take a consultant at least nine months.
Prebor asked if they could do something that said "as is, where is". Rorie said that would be the simple text amendment at this point. Meeker said Council could initiate a text amendment, send it to the Planning Commission, then back to Council for final consideration.

Ernst moved that the multi-family rezoning moratorium not be renewed. Prebor seconded. Motion carried unanimously.

11-19-04 Certify Results of the November 5, 2019, General Election

Deputy City Clerk Pam Dufresne presented election results as certified by the Fayette County Board of Elections, saying Council was required to certify the results of the municipal election as listed:

City Council Post 1	(2,879 total votes)
Oobi Childs	388 (13.48%)
Morgan Hallmon	698 (24.24%)
Phil Prebor (I)	1,781 (61.48%)
Write-In Votes	12 (.42%)

City Council Post 2	(2,830 total votes)
Darryl Csicsila	243 (8.59%)
Mike King (I)	1,743 (61.59%)
Steve Newton	830 (29.33%)
Write-In Votes	14 (.49%)

Madden moved to approve item 11-19-04, certifying the general election results. Ernst seconded. Motion carried unanimously.

11-19-05 Consider Request for Brand Name Purchase for Self-Contained Breathing Apparatus and FY 2020 Budget Amendment for Fire Department – Ten 8 Fire Equipment

Rorie clarified that there was not an FY 2020 budget amendment included as stated in the agenda item. It was a Special Purpose Local Option Sales Tax (SPLOST) project.

Fire Chief Joe O'Conor said this was 2017 SPLOST Fund Project #30 to replace the department's air-packs that had been replaced individually over a number of years, meeting a number of different standards. The hope was that by meeting the 2018 standards, everything would be brought up to date. O'Conor reported that they evaluated five packs, but one failed during their in-house test. The four remaining packs were judged during a field test, and one was deemed superior, in part because of the ability to remove and launder the harness straps, which removed carcinogens. Battery life and the ability to swap batteries were also factors in that brand's favor.

The pack they selected, O'Conor went on, had an option for an integrated thermal imaging camera, which they selected for 28 of the packs. Two packs on every apparatus would have a built-in thermal imaging camera. O'Conor said having them on every apparatus was something they had been striving for and was a giant step forward.

Because the packs came from a different vendor, they would have to change bottles and other things, he stated, which brought the total expenditure up to $487,608.74.

Madden asked O'Conor to elaborate about the capacities of the thermal imaging cameras.

The Chief explained that this was an infrared camera built into the apparatus of the harness that could be viewed by the operator in low-visibility environments. The camera saw through the smoke and could detect the outline of a person; even the actual fire itself lit up on it. It gave firefighters eyes in the dark. O'Conor said Peachtree City had used them for more than 20 years, but this was giant step forward. They were not likely to return to Council to request individual units; purchasing an entire system would be the path they would take going forward.

The last thing you wanted to do, Rorie noted, was phase in these cameras over three or four years. They were designed with National Fire Protection standards in mind. They could end up with

multiple versions of the same thing, with small differences among the units, which could create confusion in the field. This massive purchase and replacement all at the same time would ensure consistency.

King moved to approve New Agenda item 11-19-05, the request for brand name purchase for self-contained breathing apparatus for SPLOST purchase from Ten 8 Fire Equipment for $487,608.74. Madden seconded. Motion carried unanimously.

King moved to convene in executive session to discuss pending or threatened litigation, at 8:37 p.m. Ernst seconded. Motion carried unanimously.

Prebor moved to reconvene in regular session at 8:57 p.m. Ernst seconded. Motion carried unanimously.

There being no further business to discuss, King moved to adjourn the meeting. Ernst seconded Motion carried unanimously. The meeting adjourned at 8:58 p.m.

Martha Barksdale, Recording Secretary

Vanessa Fleisch, Mayor