

7:00 p.m.

The City Council of Peachtree City met Thursday, November 20, 2008, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:01 p.m. Other Council Members present: Steve Boone, Don Haddix, Cyndi Plunkett, and Doug Sturbaum.

Announcements, Awards, Special Recognition

Mayor Logsdon recognized Jill Prouty of the Library and Janis Hooper of Human Resources for 10 years of service.

Public Comment

There were none.

Agenda Changes

There were none.

Minutes

Sturbaum moved to approve the November 4, 2008, workshop minutes and the November 6, 2008, executive session minutes as written. Boone seconded. The motion carried unanimously.

Consent Agenda

1. Consider Budget Amendments – FY 2008
2. Consider Budget Amendments – FY 2009
3. Consider Appointment of PCTA Member – Veronica Ross

Haddix moved to approve the Consent Agenda. Boone seconded. The motion carried unanimously.

Old Agenda Items

There were no items.

New Agenda Items

**11-08-08 Public Hearing – Consider Step 1 Annexation Application, 403.093-acre
Scarborough Tract in Wilksmoor Village**

Mark Forsling, representing Scarborough Group and Roy and Donna Stillwell, owners, addressed Council, noting that Council had granted annexation and zoning for the property in May 2007 under Levitt & Sons. Subsequently, a lawsuit was filed challenging the annexation process that had not made much progress to date. Currently, there was no judge assigned to the case. The owners believed the lawsuit had no merit, and the annexation and zoning would stand once the case was adjudicated. A quicker resolution would be for Council to repeat the steps for the annexation; it would moot the lawsuit and save lengthy and expensive litigation.

City Attorney Ted Meeker said that, as a Step 1 request, staff would not be able to comment.

No one spoke in favor of the annexation.

Phyllis Aguayo said she opposed the annexation the first time for reasons dealing with the Comprehensive Plan, Land Use Plan, step-down zoning, and the impact on schools and public services. She still felt that, but was confused. If it was legally annexed the first time, she asked why it was being considered again. If the first annexation was not legal, then Council was wasting thousands of taxpayer dollars in court. She felt the Step 1 request had no merit.

Beth Pullias echoed Aguayo's comments, adding that, since a condition of the original annexation was Wieland's plan, why was the City not reaffirming Wieland's portion of the plan. She said she understood part of the reasoning was to put the new property owner onto the zoning and annexation, but felt that could be accomplished with a letter or amendment to the original zoning.

Richard Bacon, general counsel for John Wieland Homes, said he might be able to help clarify some of the questions. He said the question had been raised about Wieland's intent. Wieland also believed the annexations were proper, but the procedural re-annexation would save a lot of time and money rather than continuing with the lawsuit. He said they had not requested the annexation for this meeting because he was personally unable to get the paperwork in order in time. Wieland intended to go through the process with Scarborough.

Hearing no further comment, Logsdon declared the public hearing closed.

Haddix moved to approve the Step 1 Annexation application for the 403.093-acre Scarbrough tract in Wilksmoor Village. Boone seconded. The motion carried unanimously.

**11-08-09 Public Hearing – Consider Adopting Transmittal Resolution forwarding
Draft Capital Improvements Element to ARC/DCA for Review**

City Planner David Rast addressed Council, saying staff had been working on a proposed amendment to the Impact Fee ordinance for several months at Council's direction. The consultant, Ross+associates, developed a methodology report for updating the Impact Fee program. Part of the process was adopting an amendment to the Capital Improvement Element (CIE), a component of the Comprehensive Plan. The resolution was authorization from Council to transmit the document to the Atlanta Regional Commission/Department of Community Affairs (ARC/DCA), then the document would come back to Council for adoption. At that point, staff would come back to Council for an amendment to the Impact Fee ordinance. Logsdon asked if there needed to be a public hearing since it was just approval to send the document forward to ARC/DCA. Rast explained the ARC required the amendment be heard at a public hearing.

No one spoke in favor of the item.

Scott Bradshaw, chairman of the government affairs committee of the Midwest Georgia Home Builders Association, said the item had been advertised as a draft. It was not a public hearing on merely a transmittal resolution; it was a public hearing on impact fees. He felt the wording was deceptive. The resolution did not reference the document as a draft. The cover memo stated that, once the document was approved, the City could adopt the revised impact fee ordinance and

begin collecting impact fees. Bradshaw pointed out that Rast would argue the program was not new, but cover memo stated, "...the Methodology Report represents a new impact fee program." Bradshaw said state law required two public hearings for new impact fee programs. It was also required that the fees be put before an impact fee advisory committee, which had not been done. Bradshaw recognized that the consultant recommended this course to staff, but it was contrary to how the City had operated in the past. The report was very similar to those done for other jurisdictions, and he had concerns about the validity of the report. The growth projections, capital improvement needs, and revenue projections were based on historic data. Growth had been projected for the next 20 years, but the projections did not apply to a planned city with a definite build-out. Bradshaw felt the study needed to reflect the actual remaining land and realistic projections for job growth. He continued that the draft report grossly underestimated future infrastructure needs and overestimated the revenues. The estimated \$8.7 million in future infrastructure needs for the next 20 years was a gross underestimation. He said the projections would cause a shortfall down the road.

Bradshaw felt two major changes needed public discourse – the elimination of the neighborhood service areas that had been used since impact fees were imposed, and the establishment of impact fees for commercial and industrial development. The service areas were connected to a City-wide service area with a portion of the fees going to the City-wide improvements and a portion going to the neighborhood impacted by the growth. The system was appropriate and central to the state law, Bradshaw said. The report recommended collapsing the fees into one City-wide pool, so the money could be spent anywhere. The City did not currently charge commercial and industrial impact fees. The impact fees would have a positive economic impact, but had negative impact on cash flow. He felt these were really sweeping changes that needed public input. He also said the new "maximum allowable impact fees" were not reflective of any state requirements. Bradshaw's last point was the point of impact for the fees. Presently, the residential fees were collected at final plat approval. In many places, the fees were attached later at the time of the building permit. If the fee was based on square footage, the fees had to be collected after a development was platted, but before the building permits were given. There would be significant cash flow implications with that approach. Bradshaw asked Council to slow down the process, appoint an advisory committee to study all the implications, and to hold the two public hearings.

Dan Petrie addressed Council as a member of the Midwest Georgia Home Builders Association, saying they were not opposed to impact fees, but they would like some input as the fees were developed because it would heavily impact the industry.

Hearing no further comment, Logsdon declared the public hearing closed, and asked Meeker to address Bradshaw's concerns. Meeker said he would not be able to get into the methodology, but if the Impact Fee ordinance were before Council, then he would agree with Bradshaw. However, this was merely a revision of the City's CIE, which outlined the projects the City anticipated needing in the future. This was the first step in a very long process. Once ARC reviewed and commented, it would come back to Council for formal adoption. Once that was done, there were still many steps before the actual impact fee could be levied. From a legal standpoint, the City had complied with the requirements for this part of the process. Logsdon

asked how many public hearings remained. Meeker said the CIE would have a public hearing before adoption. Then there would need to be the impact fee advisory committee and public hearings before Council adopted an Impact Fee Ordinance that would be based on the elements reflected in the CIE. Logsdon asked if there was a committee. Meeker said there had been a committee previously.

Plunkett asked if the builders had been included in public input for this element of the Comprehensive Plan. Rast clarified that the element in question was merely a capital improvement element based on the methodology report. Projects were identified based on future population projections. Everything that had been done to this point was at staff level. Historical data had been used for the growth projections that were also based on the land left for development. The consultant had been instructed to use the projected build-out population. Plunkett said it appeared that the City was trying to amend its Comprehensive Plan, and she was concerned that the City was not getting input from all the available resources up front.

Logsdon asked, if the advisory board were formed and significant changes were made, whether the CIE would have to go back to ARC. Consultant Bill Ross said it would depend on the types of changes made whether the document would have to go back to the ARC. Logsdon asked if staff intended to form an advisory committee when the document came back from the ARC. Rast said yes. Ross said that CIEs were separate from the full public participation requirements for Comprehensive Plans and had different requirements; however, there was no reason not to get that input. Ross said Council had held a public meeting in August on the Impact Fee Methodology Report. This was the second step in the process. There was a requirement to hold a public hearing on the amended CIE. The ARC made the determination to send the documentation to the DCA. He said the document was a draft, and was considered as such by the ARC, until Council adopted it. Nothing could be done during the review period, which was normally 60 days. The advertising requirements were confusing. Ross said if Council was interested in taking some time for public input, they could certainly do so.

Boone said that he had some concerns about Bradshaw's comments about the projections and a possible shortfall in the future. Ross said he could double or half the cost forecast, but the impact fee would be the same. The City would either need more or less infrastructure.

Haddix said he would feel more comfortable if there was a public meeting that would let people voice their concerns about the document. Sturbaum said that Bradshaw had been very helpful when the City was looking at the City's fees, and he would like the committee appointed up front. Haddix and Plunkett said that advertising for the meeting should reference the impact fees. Plunkett suggested using the wording required by the state, but putting impact fees in parentheses. Ross said they were not trying to surprise anyone. There had been press coverage at the August workshop. Getting the word out was important.

Ross explained that one of the requirements needed to bring the Impact Fee Ordinance up-to-date was an approved CIE. Impact fees could not be collected prior to the issuance of building permits, and that was one of the things that had to change. Boone said he agreed with Bradshaw that the impact fees needed to go the area of development. Ross said fire stations did not operate

by themselves. Service areas were important when there were geographic boundaries, and the City did not have any services that operated by themselves. He used north and south Fulton County, which were separated by the City of Atlanta, as an example. He said separate service areas were not a good idea in current impact fee assessment.

Plunkett asked what the best way was to handle the issue. Logsdon clarified that Council wanted a committee to look at the document. A committee would be more productive. Plunkett said the committee could hold workshops or charettes to get input to the public. An impact fee advisory committee could work on the current reports, then come back to work on the report after the ARC review was complete.

Haddix moved to table indefinitely the transmittal resolution for the CIE to the ARC/DCA until such time as a committee was formed as required for the impact fee study to function both in the formulation of the transmittal resolution proposal and after its return from ARC/DCA to be the Impact Fee Advisory Committee for the final improvements, alterations, and submission for final approval. Plunkett seconded. The motion carried unanimously.

**11-08-10 Consider Concept for Utilization of Elevated Wooden Boardwalk for
Approach Paths to Multi-use Bridge Spanning Flat Creek**

Stormwater Manager Mark Caspar gave a recap of the project concerns, which included the new design (residents were concerned about the effect of the earthen ramp design on the wetlands), the issue with the Federal Emergency Management Agency (FEMA) floodplain, meeting the requirements of the City's Future Condition Floodplain Ordinance, and the impact to the wetlands. The proposed new bridge would be constructed of marine-grade wood, as was originally asked for by the citizens, and the bridge would meet the structural requirements outlined by the City, American Association of State Highway and Transportation Officials (AASHTO), and the Americans with Disabilities Act (ADA). The span would be 12 feet wide. The pros of the proposed profile included spanning the floodplain as asked by the citizens, no significant impacts to wetlands since it could be installed to match the existing clearing, and the cost of the bridge would be the same or less than the previous option. Regardless of which concept was used, a Conditional Letter of Map Revision (CLOMR) from FEMA would be needed. Caspar continued that most of the construction could be done from the Industrial Park side of the creek, with minimal disturbance to the wetlands. Caspar went over the timeline for the project, which began on October 1, 2008, and should be completed by November 2009.

Sturbaum asked if the bridge would be wide enough for two carts, and Caspar said yes. He added that the cost was the same or slightly less than the original proposal, and the equipment could be staged from the industrial park side.

Morallion Hills resident Keith Walker thanked Council and staff for working out a solution. He said the bridge would be a showcase and would have minimal impact on the wetlands.

Kim Cort thanked staff for accommodating the residents' concerns. She felt the new design took care of the wetlands issue. The flooding issue was ongoing, but she was waiting for an elevation study to see if that had been addressed.

Phyllis Aguayo commended Council for doing the right thing. She was a member of Southern Conservation Trust, and felt this design offered a much better protection of the wetlands.

Plunkett moved to approve the concept for utilization of an elevated wooden boardwalk for approach paths to the multi-use bridge spanning Flat Creek. Boone seconded. The motion carried unanimously.

11-08-11 Certify Election Results

Acting Administrative Services Director Betsy Tyler said the election results had been adopted by the Fayette County Board of Elections and had been transmitted to the state. Staff asked Council to certify the results of the special election for the City's bond question and authorize the Mayor to sign the certification. The votes cast were:

QUESTION 1 (Ice Rink)		
Yes	6,861	37.53%
No	11,418	62.47%

Plunkett moved to certify the special election results for Peachtree City and authorize the Mayor to sign the certification. Haddix seconded. The motion carried unanimously.

11-08-12 Consider December 26 as Employee Holiday

Sturbaum moved to approve December 26 as an employee holiday. Haddix seconded. The motion carried unanimously.

**11-08-13 Consider Authorization to Submit GATEway Grant Application for
SR 74 South Landscaping**

Rast said this was a new program at the Georgia Department of Transportation (GDOT), and the funding came from the advertising industry, specifically the money from the permits required to clear vegetation from the right-of-way for billboards. Rast said he and McMullen met with GDOT a few weeks ago to discuss ideas about the SR 74 South corridor. The GDOT representatives encouraged the City to apply for the grant. The applications were due November 30, and the maximum grant was \$50,000. No City match was required. The funds were to be used for the first phase of the reforestation of SR 74 South. They would ask for funding for plant material to screen the soundwalls and re-establish the buffer in areas that did not have soundwalls to screen the residential neighborhoods from the highway. Rast briefly went over the plan. (A copy of the plan is included in the official meeting file.) The City would be required to enter into a mowing and maintenance agreement with GDOT, which had been done on other state highways. The application should be signed by the City Manager.

Plunkett asked if the City had to come up with any funds. McMullen said no, adding that the grant money came from those who put up billboards. Rast added that the pot of money was quite large. Boone asked about the time frame for approval. Rast said the application was due on November 30, and there would be a short turnaround as far as notification. The district engineer would make a recommendation to the GDOT's main office, and the right-of-way people would also make a recommendation. The GDOT commissioner would ultimately sign off on the

application. Sturbaum asked if there was anything that could be planted to keep from having to mow the 12 inches of grass between the sidewalk and the curb, which seemed labor intensive. Rast said they might be able to mulch or plant groundcover, which would require less maintenance than mowing.

Plunkett moved to authorize the City Manager to sign the application for the GATEway grant for the SR 74 South landscaping project. Sturbaum seconded. The motion carried unanimously.

Council/Staff Topics

Cedarcroft Multi-use Path Connections

Rast said Council had directed staff to resolve the issue about the paths, and a letter was written to the builder notifying him that the paths needed to be relocated to the center of the easements. He continued that some of the residents had asked to speak to Council about the paths.

Roch DeGolian represented the developer, Ravin Homes, and thanked Rast for his accessibility on the issue. He acknowledged that the path was misaligned, and, based on Council's decision, they would act accordingly. The removal of the paths would have a positive impact on the neighborhood, particularly those adjacent to the paths. There had been approximately 500 carts in the neighborhood on one summer afternoon. He had contacted five of the eight residents that lived next to the paths in the subdivision, and they had signed a letter to Council. (A copy of the letter is in the official meeting file.) DeGolian read the letter to Council, which stated that the residents requested the paths be removed immediately, and Ravin Homes agreed to remove the paths at no expense to the City. The letter cited safety reasons for closing the paths, recommending the completion of an alternative route to the commercial area.

Plunkett asked where an alternative path could be located. DeGolian suggested the carts travel on the streets through the neighborhood. Plunkett continued that the City originally asked to have the paths go behind the houses rather than through the middle of the development, but the developer wanted them in the current location because of the cost. While Plunkett did not disagree that the paths were inconvenient, she pointed out that the paths were obviously needed. DeGolian said Cedarcroft was the only residential neighborhood with paths that went directly to a commercial area. Plunkett said there were others. DeGolian pointed out that the golf carts went through the neighborhood all night long. Plunkett said the residents should be screaming at the developer, not the City. The path system was part of the City, and it was used.

DeGolian said they had been working with Rast on an alternate route around the neighborhood. Plunkett asked how people would get to the commercial center. Rast said there was a tunnel underneath MacDuff Parkway, with an entrance from the Discount Tire side of the road. On the east side of the path, there was no connection. The plan had been to extend the path from the tunnel to the walkway behind Tires Plus. Rast noted that the commercial developer had indicated he would build the path, but was not going to do so now. Plunkett suggested the Cedarcroft developer complete the path connection. McMullen added that the City did not have the funds to complete the alternate route at this time. One of the residents asked who was responsible for the property damage in their neighborhood, and McMullen pointed out that the developer had created the situation. Now, the developer was asking the City to fix the problem.

he created. DeGolian said they were asking Council to alleviate the issue. The carts just would not be going directly between the houses, but through the neighborhood on the streets. People had trash thrown over the fence, tires burned, antennas broken, and more.

Haddix said he was sympathetic to the residents, and asked if there was a way to go around the development. City Engineer Dave Borkowski said that, if the internal paths were closed, golf carts could use the streets in the subdivision, but the problem was where the golf carts would go from there. The golf carts still had to use the connection between the neighborhood and Wal-mart. He said they would have to design and build the approaches to the existing tunnel to get people to Wal-mart.

Plunkett asked if the proximity of the homes to the paths had been pointed out to the developer. Borkowski said that happened prior to his employment with the City. Haddix said if the developer paid to move the paths he would support it, but if the City had to pay for it, he would not.

Dan Marsden said he and Gary Lindsey put together a residents' council. He was the public safety chairman. His neighbors had a concern. They were only asking to shut down paths in the middle of the neighborhood. People would still be able to get to Wal-mart. The ultimate goal was to have the paths re-routed. The problems included vandalism, fires, and one woman ran her golf cart through a garage. The kids were out of control. The golf cart traffic was 24 hours a day, seven days a week.

Logsdon asked Rast where the path would be located. Rast showed the route of the path from the SR 74 bridge to the tunnel at MacDuff Parkway. Everyone who came across the bridge had no option but to cut through Cedarcroft. Logsdon asked how many feet of path would be needed. Rast said several hundred, plus there was also a detention pond the path would have to go around or over. It would not be a small task. Marsden said a curb cut on MacDuff Parkway along the existing path would be a simpler solution. The carts could cross the street at the crosswalk. Rast said that would put the carts on MacDuff Parkway to the service road, which created another safety issue.

Plunkett said she did not have a problem with the neighborhood's request, but asked who would write the check. Marsden asked who wrote the check for the tunnel. Plunkett said it was impact fees from the Wieland development. She continued that the Cedarcroft developer had fought the City on everything. The rest of the taxpayers should not have to pay to fix the problem created by the developer. Marsden suggested Council work with the residents. Plunkett said they would, but the developer was still building houses. They had to have something to put on the table. Marsden asked Council if they would be willing to look at a proposal from the developer. Council said they would. Marsden said that was all they were asking. Logsdon said they were all sympathetic about the problems the residents had, but the developer needed to come up with a plan.

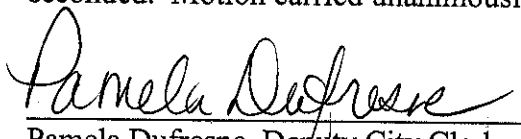
Report on Operating Costs/Recycling Center

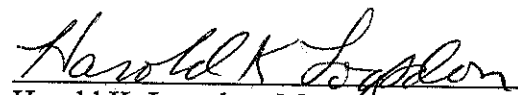
Public Services Director Tom Corbett said two questions had come up at the November 6 meeting – what caused the additional hours for recycling and the cost. The 823 hours in FY 2007 were matched by 890 hours in FY 2008. The excess hours included adding cardboard recycling at the Public Works yard, which required an extraordinary number of hours. There were also an additional 200 hours at the Recycling Center, mainly due to the reconfiguration of the property for the right-of-way needed for the widening of SR 74 South, which had been a one-time occurrence. The additional hours at the Public Works yard would continue. Cardboard had become the most popular recycling item. Plunkett asked if the trash haulers had been asked to pick up recyclables from a single-stream bin. Corbett said he did not know if a recycler would pick it up. Plunkett said the haulers could keep the money from the recyclables they picked up. Corbett said they did not know of a recycler that would pick up cardboard or take it if it was mixed with other materials. Logsdon said all the haulers at the November 6 meeting wanted to do single-stream recycling. Plunkett said the City could put bins at the Baseball Soccer Complex, as well as other areas, to provide more recycling opportunities for residents. Keep Peachtree City Beautiful Director Al Yougel said, if the recyclables were not captured at the curb, it would be easier to have all the recyclables put into one bin at Public Works. Boone said the question should be asked of a single-stream vendor. McMullen said that, even if the City had to pay for pick-up, it would cost less. Yougel said everyone would be happier if it was single-stream. The highest revenue producers were cardboard and aluminum.

Sturbaum moved to convene in executive session to discuss pending and threatened litigation at 8:37 p.m. Haddix seconded. Motion carried unanimously.

Plunkett moved to reconvene in regular session at 9:30 p.m. Boone seconded. Motion carried unanimously.

There being no further business to discuss, Logsdon moved to adjourn the meeting. Sturbaum seconded. Motion carried unanimously. The meeting adjourned at 9:40 p.m.


Pamela Dufresne, Deputy City Clerk


Harold K. Logsdon, Mayor