City Council of Peachtree City
Meeting Minutes
November 19, 2015
7:00 p.m.

The Mayor and Council of Peachtree City met in regular session on Thursday, November 19, 2015. Mayor Vanessa Fleisch called the meeting to order at 7:00 p.m. Others attending: Terry Ernst, Eric Imker, Mike King, and Kim Learnard.

Announcements, Awards, Special Recognition

Mayor Fleisch recognized Special Events & Marketing Coordinator Kelly Duncan of the Recreation & Special Events Department as the Employee of the Month for October. Fleisch thanked the Fayette County Board of Commissioners for working with the City on the new water franchise agreement that was approved by Council on November 5 and by the Commissioners on November 12. She recognized Commissioner David Barlow, who was among the meeting attendees. Fleisch also thanked the Peachtree City Convention & Visitors Bureau (CVB) for the Christmas lights at City Hall Plaza.

Minutes

November 5, 2015, Regular Meeting Minutes

King moved to approve the November 5, 2015, regular meeting minutes as written. Ernst seconded. Motion carried unanimously.

Consent Agenda

1. **Consider Elimination/Replacement of One (1) Position in Planning & Zoning Dept.**
2. **Consider Budget Adjustments – FY 2015**
3. **Consider Budget Adjustments – FY 2016**
4. **Consider Acceptance of Donation from Police Appreciation**
5. **Consider Elimination/Replacement of One (1) Position in the Police Department**
6. **Consider Sewer Easements for MOBA Corp.**
7. **Consider Brand Name Contractor for Portion of Irrigation Project at Peachtree City Athletic Complex (PAC) – Fitzgerald & Sons**
8. **Consider Approval of Additional Mower for Buildings & Grounds – Wade Tractor and Equipment Company**

Ernst moved to approve Consent Agenda items 1 – 8. Learnard seconded. Motion carried unanimously.

Old Agenda Items

10-15-03 Consider Adoption of Right-of-Way Occupancy Ordinance

- **Consider Changes to Fee Schedule (new memo)**

Interim City Manager Jon Rorie noted Council had looked at a 16-page draft ordinance on October 2, which was very comprehensive. Staff wanted to ensure there would be enough time for comments from the stakeholders, which included City residents and the utilities. Staff met with representatives from the various utilities on October 12, and revisions had been made based on that those comments.

Rorie said staff needed to ensure an ordinance was not being created that was cumbersome for the City to enforce or for the companies providing the services. He asked Council to continue the agenda item until December 17.

Imker moved to continue agenda item 10-15-03 until December 17. Ernst seconded. Motion carried unanimously.

New Agenda Items

11-15-06 Certify Election Results

Public Information Officer/City Clerk Betsy Tyler noted the election results as certified by the Fayette County Board of Elections were before Council. She said it was required for Council to certify the municipal election results as listed:

City Council Post 1	(2,077 total votes)
Phil Prebor	1,638 (78.86%)
Shayne Robinson	427 (20.56%)
Write-in Votes	12 (0.58%)

City Council Post 2	(1,702 total votes)
Mike King	1,519 (89.25%)
Write-in Votes	183 (10.75%)

Referendum	(2,064 total votes)
YES	715 (34.64%)
NO	1,349 (65.36%)

Ernst moved to approve agenda item 11-15-06, certifying the election results. Learnard seconded. Motion carried unanimously.

11-15-07 Consider Development Agreement – The Overlook

Senior Planner David Rast addressed Council, saying staff had worked with City Attorney Ted Meeker, Southern Conservation Trust (SCT), and Trinity Development on the final draft. It had taken several months. The intent was to finalize and formalize the agreement between all parties at this meeting. There were 37 points in the agreement that were divided into different sections, including conditions of conceptual site plan approval for the Property, W HWY 54/Line Creek Drive intersection enhancements, the access road through Nature Area to connect the Overlook and MacDuff Crossing retail centers, construction of a stormwater detention/wetland area within the Nature Area, and funding for future improvements within the Line Creek Nature Area.

Rast said there were two items that had been modified that he wanted to bring to Council's attention, adding the changes were not in the document included in Council's packet. The first item was a change to item #26, which addressed the gravel drive into the Nature Area. The item originally required paving of the gravel road and widening it to 24 feet. Rast said SCT had concerns about widening and paving the road, which could lead to an increase in speed of the traffic, an increase in runoff from the paved road, and a negative impact on the ambience of the Nature Area. The organization wanted the road to remain gravel ad its width to be limited to 15 – 16 feet. The developer had agreed to grade the road and install drainage swales along both sides of the gravel road.

Condition #21 dealt with the access road connecting the Overlook to MacDuff Crossing, which would provide another outlet for traffic at the MacDuff Crossing/SR 54 W traffic signal. The developer had been required to provide the City with a formal agreement with the MacDuff Crossing retail center owner indicating their approval and support of the proposed access road connection to their property. The formalized agreement between the retail centers had not taken place. Language had been added to the development agreement that would allow the developer to pave to the MacDuff Crossing property line with a payment of no less than $25,000 to the City for future completion of the access road. The City would continue negotiations with the MacDuff Crossing owners.

King asked if the MacDuff Crossing owner wanted the connection. Rorie said the MacDuff Crossing owner was currently asking for several stipulations, including a non-compete contract, which was a stretch. It did not mean things could not move forward.

Learnard asked SCT Executive Director Pam Young how her organization felt about the proposed agreement. Young said the agreement would keep the entrance to the Nature Are as natural as possible and kept conservation in mind. The pervious surface would remain. The risk management concerns had also been addressed.

Imker said he had wanted the connection from The Overlook to MacDuff Crossing from the beginning. He understood the MacDuff Crossing owner did not want competition from the new development, but he hoped that the owner would see minimal competition and allow the connection. He said it was a smart move on the owner's part to not agree with the access road at this time, and on City's part to have everything in place to make it happen when the connection would be allowed. Rast said the property line was approximately 25 feet from the parking lot in MacDuff Crossing, which was a short section.

Imker moved to approve the development agreement as discussed. King seconded. Motion carried unanimously.

11-15-08 Consider Appointment to Facilities Authority Board

Rorie said there were two options for Council to consider. They could appoint a current Council Member or appoint the newly-elected Council Member who would take office in January to fill the open seat on the Public Facilities Authority board. Former Council Member George Dienhart's term ended in June.

Imker pointed out that the City was close to considering the broadband initiative, and the Authority would be responsible for approving the bond for the initiative. He said the Public Facilities Authority had been created several years ago as another board to approve bonds taken out by the City. He noted that, per the bylaws, the five Council Members served on the board. It had also been implied that, when a Council Member left office, a new Council Member would take over the seat on the board. It was a gentleman's agreement that the five Council Members would serve on the authority.

Dienhart resigned from Council to run for Mayor in 2013, subsequently losing the election to Fleisch, Imker said. He did not resign his seat on the Public Facilities Authority, which had broken the spirit of the bylaws. Three seats were open at that time on the authority. Imker said he stepped aside so the two newly elected Council Members could serve and so Dienhart could keep his seat since he wanted to fulfill his public duty. Dienhart's term on the Authority had ended in June, and the appointment should have come to Council at that time. If it had, Imker would be serving on the board.

Imker continued that, even though he only had a month and a half left on Council, he wanted a say in the vote on the bond. He had concerns regarding the broadband initiative, noting the Authority would vote on the bond issuance before the end of December, and he wanted a say as a voting member. Imker pledged to resign from the Public Facilities Authority on December 31, as a matter of procedure. He said would like to be appointed.

Learnard nominated Imker to serve on the Public Facilities Authority board. King seconded. Motion carried unanimously.

11-15-09 Update on the Peachtree City Fire Department 50th Anniversary & Plans by the Volunteer Firefighters Association

Fire Chief Joe O'Conor addressed Council, saying that, in 1966, the City Council had founded the Fire Department as an all-volunteer organization. The department was approaching its 50th anniversary in 2016. The Volunteer Firefighters Association was now a separate organization made up of both volunteer and paid firefighters. It was a 501(c)(3) organization that raised funds, supported the Fire Department, and supported fire prevention in the City.

In recognition of the coming milestone, the Volunteer Association planned to raise funds to restore the 1949 fire truck to operation, the first one in the City, and to enhance the site of the first fire station located at the corner of SR 74 and Paschall Road. An entrance to a multi-use path tunnel under SR 74 was now located on the site. O'Conor noted the fire truck still drove great, but it did not stop.

O'Conor continued that the original station had been demolished in 2001, and the new station was built next to the site. Fire Chief Gerald Reed had died in 2000, and plans were made by Council at that time to make the site of the original station into a park in memory of Reed. No funds had ever been spent on the park. O'Conor said the volunteer association wanted to take what was left of the site after the installation of the adjacent path and tunnel to build Reed Park, which would be a passive park with minimal maintenance needed. The location was on City-owned property, and the plan was to make a donation to Council for the park, which was why O'Conor wanted Council to be aware of the plans. He committed to bringing Council the final draft of the park plans before construction would begin.

O'Conor continued that six of the founding members of the Fire Department would be recognized at a banquet in January. In April, the Fire Department would ask Council to recognize the contributions of the founding members to the community.

Fleisch asked what the costs would be for the fire engine restoration. O'Conor said they were hoping for in-kind donations, and much of the costs were unknown. The Volunteer Association had said they would underwrite the costs.

King asked if they were going to rebuild the original engine and braking system on the fire truck. O'Conor said he preferred the vehicle look the same, but might include a newer engine and braking system.

Fleisch asked if the volunteers would sell Christmas trees and wreaths this year. O'Conor said they would, and they hoped the tree sale would be a big part of the fundraising. The sale would be held at Fire Station 81.

Learnard clarified that they hoped to have the passive park ready by July. O'Conor said they did. The July 4th parade in 2016 marked the end of the 50th year, O'Conor said.

No action was required. Council consensus was to proceed.

11-15-10 Consider Findings of Hearing Officer in Ethics Complaint

City Attorney Ted Meeker noted Mayor Fleisch's attorney had not arrived, asking to change the order of the agenda.

King moved to consider agenda item 11-15-12 Consider Access Easement for AT&T Switching (106 Petrol Point) at this time. Ernst seconded. Motion carried unanimously.

11-15-12 Consider Access Easement for AT&T Switching (106 Petrol Point)
Rast addressed Council, saying that AT&T had requested a permanent access easement for a gravel driveway on City-owned property for the purpose of providing access to utility manholes and other mechanical equipment located at the rear of their facility on Petrol Point. There were utility manholes, junction boxes, and other equipment at the location. The proposed circular drive located within the City's 50-foot wide greenbelt would allow service vehicles to park while equipment was being serviced. Several similar easements had been granted over the years. Rast said staff would meet with AT&T regarding the removal of some small trees in the greenbelt and to ensure there was adequate sight distance at the driveway location.

Imker asked what the square footage of the easement would be, asking if it was less than 5,000 square feet. Rast said it should be, adding the area would be surveyed once a site was selected.

Imker asked if there would be any new landscaping. Rast said staff had discussed it with AT&T. The intent was to screen the area as much as possible. They had also discussed minimal disturbance in the greenbelt and adding vegetation to hide the gravel road. Imker said he wanted landscaping to be a requirement. Rast said that requirement would be put into the easement document once the exact limits of the easement were determined.

Learnard moved to approve the access easement for AT&T switching. Ernst seconded. Motion carried unanimously.

Fleisch's attorney arrived. She turned the meeting over to Mayor Pro-tem Mike King and left Council Chambers.

11-15-10 Consider Findings of Hearing Officer in Ethics Complaint
Meeker said the ethics complaint was filed on September 24 against Mayor Fleisch by Martine Yancey concerning campaign disclosure reports filed in 2013. Per the complaint, the reports for the mayoral campaign had been filed on time, but the reports required for Fleisch's final year as a Council Member had not been. As required by the Ethics Ordinance, Tommy Greer, an attorney from Carrollton, was randomly selected as the hearing officer from a pool of five eligible attorneys.

Meeker reported that Greer's findings were (1) that the complaint had not been timely filed (the ordinance called for no action on any complaint filed later than one year after a violation); and (2) the complaint was not justified (Greer found no intent to violate state rules as demonstrated by Fleisch previously reporting a zero-balance in the Council campaign account and obtaining a new account as directed by the State for the Mayoral campaign, followed by subsequent timely filings as required). His recommendation was dismissal of the complaint.

Meeker said Council had three options:

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

Learnard moved to accept the findings and recommendation of the hearing officer, that being 1) the complaint was not timely filed, 2) complaint was not justified, and 3) recommendation of dismissal. Ernst seconded. Motion carried 4-0.

Fleisch returned to the meeting.

11-15-11 Consider Employment Agreement & Appointment of City Manager – Jon Rorie

Rorie reported the contractual agreement that had been discussed in executive session had been published on the City website and included in the agenda packet. It spelled out the terms of employment, and Rorie noted the City Manager was employed at the discretion of City Council.

Ernst moved to approve the employment agreement and appointment of Jon Rorie as City Manager. King seconded. Motion carried unanimously.

Rorie commented that he had no expectations when he had been appointed as the interim City Manager. There had been bumps in the road during the last six months, and there would continue to be bumps in the road. In a sense, he was a pitcher, and he did not have to throw strikes all the time. Rorie recognized he did not have all the answers. He had other people behind him, including Council and the City Attorney, for support. There were challenges ahead, including financial sustainability issues, traffic, golf cart registration and path maintenance (how to deal with the City's number one amenity), service level impacts, and more. It was important that the City had a history, but they could not look in the rear view mirror. They had to look forward. There would be debates and controversy, but at the end of the day, they were trying to move the City forward to a future that staff, Council, and the residents could come home to.

Executive Session

There were no topics for executive session.

There being no further business, King moved to adjourn the meeting at 7:46 p.m. Ernst seconded. Motion carried unanimously.

Pamela Dufresne

Pamela Dufresne, Deputy City Clerk

Vanessa Fleisch, Mayor