

City Council of Peachtree City
Meeting Minutes
November 7, 2013
7:00 p.m.

The Mayor and Council of Peachtree City met on Thursday, November 07, 2013, at City Hall. Mayor Don Haddix called the meeting to order at 7:00 p.m. Other Council Members attending: Vanessa Fleisch, Eric Imker, and Kim Learnard (Council Post 2 was vacant).

Announcements, Awards, Special Recognition

Haddix read a proclamation for the Peachtree City Veterans Day Observance on Saturday, November 9, 2013, which would honor veterans of the Vietnam War. Haddix recognized the Peachtree City Police Department for first place honors in the National Law Enforcement Challenge, and as a national winner in Best Overall Occupant Protection.

Public Comment

There was none

Agenda Changes

Imker indicated he had a list of several items for discussion

Minutes

October 16, 2013, Special Called Meeting Minutes

October 17, 2013, Regular Meeting Minutes

Imker moved to approve the minutes of the October 16, 2013, special called meeting. Fleisch seconded. Motion carried 3-0-1 (Learnard). Imker moved to approve the minutes of the October 17, 2013, regular meeting. Learnard seconded. Motion carried unanimously.

Consent Agenda

2. Consider Official Intent Resolution – Facilities Authority Bond

3. Consider Official Intent Resolution – Government Finance Corp., Inc., Lease/Purchase

4. Consider Bid for Fire Department Ford Interceptor Contract Award

Item one was removed from the agenda prior to the meeting. Fleisch moved to approve Consent Agenda Items 2 – 4. Imker seconded. Motion carried unanimously.

New Agenda Items

11-13-01 Public Hearing – Consider Renewal of Multi-Family Rezoning Moratorium

Planning and Zoning Administrator David Rast noted the moratorium was originally adopted in 1999 and required annual readoption. The moratorium prohibited any applications for rezonings to allow for multi-family authorization without prior City Council approval. No one spoke at the public hearing.

Learnard moved to reaffirm the Multi-Family Rezoning Moratorium. Imker seconded. Motion carried unanimously.

11-13-02 Public Hearing – Consider Variance Request from Fence Ordinance, 101 Camp Creek Trail.

Rast indicated that the owners at 101 Camp Creek Trail had applied for a variance to the Fence Ordinance that prohibited chain link fencing in the front setback of the home. He continued that the 3.3-acre lot was located at the corner of Camp Creek Trail and Robinson Road in a neighborhood zoned ER-Estate Residential. The Zoning Ordinance classified the site as fronting

both roadways, and the Fence Ordinance prohibited chain link fencing on a majority of the lot due to the double roadway frontage.

The applicant was proposing a security fence, four feet in height, around the perimeter of the property, with aluminum picket fencing across the frontage on Camp Creek Trail, and vinyl coated chain link fencing around the remainder of the lot. Staff was recommending denial because no chain link had been approved for these types of multiple frontage lots in the City – all others had been decorative.

Haddix opened the public hearing.

Bernice Robertson, the applicant, said the vinyl coated fencing would be less noticeable than decorative fencing. She noted that uncoated chain link fencing was visible on some of the other yards in the immediate area. They had felt the vinyl coating was a cleaner look. They would be spending approximately \$30,000 on the proposed fencing, and using the decorative aluminum along Robinson Road would be cost-prohibitive.

No one spoke in opposition to the request. The public hearing closed.

Learnard asked whether staff's concern was the location (front yard) or the type of fence (chain link). Rast clarified that the chain link was the issue. The fence ordinance required coated chain link in residential zoning. However, it prohibited any chain link between the house and the roadway, unless it was attached to the back of a wooden fence.

Learnard said there had been other such fence requests that had been denied in the past. Rast said the ones he found related to the height of the fence, which had been taller than the four-foot limit.

Rast said a nearby lot in Bradford Estates had visible chain link fencing along Robinson Road, but their site was separated from the right-of-way by a City-owned greenbelt, so it did not qualify as the front yard.

Imker noted there were other options for the fence. Rast agreed, and said the aluminum picket fence was not the only option. Imker said, as much as he wanted to encourage owners to improve their property, he did not want to open the City to more requests for chain link fencing.

Haddix said he was not ready to grant an exception, but asked if the ordinance needed review in how fencing was viewed. Rast said that ordinances could always be reviewed and updated. Some of the fencing in that area, where the lots were much larger and sometimes contained horses, allowed the provision of wire fencing behind a split rail style fence.

Robertson said the City's Fence Brochure implied that ER zoning lots did not fall under that requirement. She noted that another lot on Camp Creek had uncoated chain link along the road. Rast said he would need to pull the permits and plats for the neighborhood, but some of the fences could predate the current fence ordinance. He indicated that staff could certainly review the ordinance because it currently did not distinguish between an estate lot and a small cluster-community lot.

Imker asked, if Council denied the variance and the applicant decided to come back with another style of fence, would the fees paid cover the new design. Rast said the only fees paid

to date were for the current variance request, which would be closed upon Council denial; however, if Council continued the item, the file would remain open.

Robertson made a final comment expressing frustration at the limitations on ER lots where horses were allowed. She supported a continuation of the variance request to work with staff on other options. Imker felt any other application would have to follow the ordinance, so denying the variance would not cause any loss for the applicant.

Learnard moved to deny the request for a variance to the Fence Ordinance for 101 Camp Creek Trail. Imker seconded. Motion carried unanimously.

11-13-03 Public Hearing – Consider Variance Request, Rear Building Setback, 1504 Falcon Glen Court

Rast said this variance request was for a Wilshire Estates neighborhood, and the lot was on the cul-de-sac. The current deck tapered from five feet wide to 12 feet wide to fit within the existing setback. However, the deck had begun to deteriorate, and the new owners wanted to rebuild the deck as a standard rectangle. This would put one corner of the deck seven feet into the setback.

Rast noted a similar request had been granted earlier in the year in Wilshire. The owners wanted to increase functionality of the deck and had obtained letters of support from the Homeowners Association (HOA) and the adjoining property owners. Because the lot was of an irregular shape due to its cul-de-sac location, the home extended from the front to rear building setback. The proposed rectangular deck would be consistent with many of the existing decks in Wilshire and the R-12 zoning district. Staff recommended approval of the variance with the following conditions:

1. *The variance shall be limited to an encroachment of no more than 7 feet into the rear building setback and shall apply to the proposed deck only. There shall be no additional encroachments permitted without first securing additional variances.*
2. *The Applicant shall provide an updated Foundation Survey identifying the exact location of the home and improvements as part of the Building Permit process.*
3. *Following completion of construction and prior to issuance of the Certificate of Occupancy, the Applicant shall provide a revised Foundation Survey identifying the location of the new structure. The purpose of this survey is to ensure the new construction does not encroach any further into the building setback than permitted by this variance.*

The public hearing opened.

Vincent Sarrecchia, the applicant, said they liked living in Peachtree City and they had been steadily improving the property. Their goal this year was to focus on the yard. The current deck was of an unusual shape and of what he considered to be sub-par construction. They were asking for approval for a more normal and more attractive deck for their home.

No one spoke in opposition to the variance. The public hearing closed.

Imker moved to approve the variance subject to the three conditions set forth. Learnard seconded. Motion carried unanimously.

**11-13-04 Public Hearing – Consider Variance Request, Watershed Protection Buffer,
130 North Cove Dr.**

Rast said the applicant was planning extensive renovations to the exterior of the home, including the addition of a pool. The lot backed up to Lake Kedron, which included a 100-foot undisturbed buffer and a 50-foot non-impervious surface buffer, as well as a drainage easement and a 20-foot sanitary sewer easement.

The applicant was proposing an in-ground pool and deck, with landscaping and a path leading down to the lake. The pool as designed extended into the no-impervious buffer.

Rast said staff was recommending denial of the variance. The developable area behind the home was not of an odd shape, as with some lots. Staff felt the pool and decking could be reduced in size to accommodate the buffer.

Haddix opened the public hearing.

David Burnett, applicant, said he purchased the home seven months previously and had done significant research with the Water Board, HOA, and City Planning Department. He had also spent a significant amount on the plans for the improvements. The original design had extended further into the side setbacks. They were asking for the variance for safety to place the pool an adequate distance from the rear entrance of the home and for the aesthetics of the plan.

Derrek Brooks, pool designer, provided a rendering of the proposed design, noting the pool itself did not extend into the sewer easement, but did extend an average of three feet into the non-impervious buffer. They had worked with the HOA to relocate the pumps and to move the design away from the side properties.

Mike Lorber, landscape architect for the project, noted they had gone through many revisions to the plan, with the first extending 14 feet into the buffer, and the second seven feet. Pulling the pool back did not work with the design. They had also worked closely with Jim Strickland, developer and designer of the neighborhood, who approved the design.

The public hearing closed.

Learnard asked Rast if the concrete wall extended into the sewer easement. Rast said that the design he had appeared to show the wall extending into the sewer easement. After comparing designs with the architect, who stated for the record that no part of the pool, wall, or footings extended into the sewer easement, Rast accepted the assertion but expressed ongoing concerns about the extension into the non-impervious buffer.

Fleisch asked about a recent variance in the same neighborhood. Rast noted that lot had an impervious buffer extending up to the edge of the house, creating a special circumstance with no other possible location for any pool. That pool was also significantly smaller than the current proposal at 12 feet by 12 feet. This pool was 20 feet by 40 feet.

Learnard reiterated that she wanted homeowners to improve their properties, but every time they approved a variance, it set a precedent. The setbacks served an important purpose, and a variance was a last resort. The design was stunning, but the pool was large enough to allow for revision. Brooks disagreed and noted the other pool that had recently received a variance

was located almost completely in buffer, and could have been located immediately adjacent to the house.

Haddix noted that, upon granting the previous variance, he expressed concern that more owners would be making the same request. He opposed the variance.

Imker asked if there were any unique or mitigating circumstances that would support Council granting the variance. Learnard said there were not, and Rast agreed. Imker said his concern was effectively reducing the buffer for everyone by granting a variance.

Learnard moved to deny the variance request at 130 North Cove Drive. Fleisch seconded. Motion carried unanimously.

11-13-05 Public Hearing – Consider Variance from Tree Save and Landscape Buffer Requirements, Gerresheimer-Wilden Plastics, 650 SR 74 S

Rast noted that Gerresheimer-Wilden Plastics had been in the Peachtree City Industrial Park for several years, and the company was embarking on an ambitious expansion that included a 68,000 square-foot manufacturing building and a new parking area.

When the site was initially developed, the building and parking lot had been set well back from SR 74. The expansion of the highway decreased their distance from the highway from approximately 130 feet to 80 feet. The City's Buffer Standards for Major Thoroughfares required a minimum 40-foot wide tree save and landscape buffer adjacent to the highway.

Rast said the parking lot expansion was required by the City's Parking Ordinance and to accommodate the needs of the new manufacturing facility. An internal access driveway from the main entrance was needed to access the new parking area. The access drive would encroach approximately eight feet into the tree save and landscape buffer, which had no vegetation at this time.

The Planning Commission supported the variance. As part of the site plan approval, the Planning Commission had asked that the access road be located as close to the building as possible to reduce the encroachment. They also recommended that, if the variance was approved, then additional plant material be added to the remaining buffer.

Rast said there were few, if any, similar situations in the GI-General Industrial zoning district. Staff recommended approval of the variance subject to the following conditions:

1. *The variance shall be granted specifically for the encroachment into the tree save and landscape buffer as identified on the Site Development Plans for Gerrisheimer Peachtree (USA) Production and Clean Room Expansion, prepared by Paragon Consulting Group (last revised September 4, 2013).*
2. *The variance shall apply to the encroachment shown on these plans only. Any further encroachment or disturbance within the tree save and landscape buffer shall require an additional variance.*
3. *The landscape plan for the development shall reflect the additional plant material as required by the Planning Commission in their approval of the conceptual site plan on March 11, 2013.*

No one spoke at the public hearing.

Learnard moved to approve the variance for Gerrisheimer subject to the conditions presented by staff. Imker seconded. Motion carried unanimously.

11-13-06 Public Hearing – Consider Rezoning Request, Panasonic North America, Hwy 74 South (GI General Industrial to LI Limited Industrial)

Rast said Panasonic had approached the City about subdividing their property to allow for sale of a portion of the property to another business. After reviewing the platting procedures and the Zoning Ordinance setback requirements for GI, staff realized the only mechanism to allow for the request was to rezone the property to LUI – Limited Use Industrial, which would provide specific zoning criteria for the tract being zoned.

The applicant had a 60-acre site with over 300,000 square feet of buildings. They were proposing two tracts, one including the two buildings closest to the highway and associated parking, and the other encompassing the rear building, warehouse building, parking, and the remainder of the undeveloped property. Rast said they were still working with surveyor to finalize the boundaries, and associated access and utility easements to serve both properties.

Rast noted that the tract immediately to the north of Panasonic, owned by Sany, was zoned LUI. The Planning Commission recommended approval of the rezoning with the conditions that any new development on the second site comply with the setbacks for GI zoning and that the City be granted a multi-use path easement across the rear of the property for the path planned for the area. Staff recommended approval with the following conditions:

1. *The Applicant shall continue to coordinate with City staff to ensure all applicable notes are included on the final subdivision plat prior to recording.*
2. *The Applicant shall provide an easement in favor of the City of Peachtree City of no less than 50 feet in width along the rear property line. The purpose of this easement is to accommodate the future construction of a multi-use path within the existing sanitary sewer easement along the rear of the property line.*
3. *It is understood that approval of the rezoning shall not include approval of any site enhancements or improvements, and that any site enhancements or improvements shall follow the established site plan review process.*

Marty Pinover of Atlanta spoke representing Panasonic. He noted that Panasonic was originally a manufacturing facility, but that component had been eliminated and employment had dropped to about 300. Employment had risen to about 550, but the company had no need for the two rear buildings. A company coming to town establishing 200 jobs wanted to purchase the site. Panasonic had invested about \$5 million in expanding their evaluation labs and intended to remain in the community on the portion of the site they would retain.

No one else spoke at the public hearing.

Haddix asked for clarification on two smaller buildings showing on the site, whether they would be removed. Rast and Penover confirmed this.

Fleisch asked if there would be any additional curb cuts beyond the two existing entrances to Panasonic. Rast said no, and Pinover confirmed that both properties would have use of both entrances.

Learnard moved to approve the rezoning request for Panasonic from GI to LUI subject to the conditions presented by staff. Imker seconded. Motion carried unanimously.

11-13-07 Consider Amendment to Vegetation Protection & Landscape Requirements Ordinance

Rast said staff had been working with the Planning Commission on this item for several months. Several commercial projects through the years came in to the City requesting tree credit for the landscape design. The goal was to create a mechanism to relocate vegetation that could not fit on a project site to City property in lieu of issuing a credit. The proposed new ordinance section, entitled the Alternative Compliance Ordinance, would apply to commercial properties and would accomplish that goal.

The proposed ordinance would reduce the credits an applicant could request, but would allow them plant some of the vegetation off-site on City property, as determined by City staff, including Planning, Public Services, and Recreation. This would also help address areas on City property where vegetation had declined or there was no vegetation at all.

Haddix noted there were some additional components that would be brought to Council for consideration for the future. Rast confirmed those elements were on the Planning Commission agenda for the following week.

Learnard moved to approve the amendment to the Vegetation Protection and Landscape Requirements Ordinance as presented. Imker seconded. Motion carried unanimously.

11-13-08 Consider Sole Source – Police Department Records Management System

Police Chief H.C. "Skip" Clark addressed Council, saying the department's current records management system was 15 years old and was outdated and inadequate. He continued that, in 2007, the Fayette County Sheriff's Department had purchased the Spillman system. Shortly thereafter, the County 911 Communications Department went out for bid, and Spillman had been the low bid. More recently, the Fayetteville Police Department had upgraded to Spillman from the system that the Peachtree City Police Department was currently using. Using Spillman would improve interoperability and seamlessly integrate data sharing with dispatch and other agencies.

Clark continued that, several years ago, the department had gotten a cost estimate from Spillman for \$280,000, with another vendor's estimate coming in for considerably more. Currently, the department had been able to negotiate a lower price than the \$280,000 with more services. The second part of the equation was the annual maintenance, which would not become an annual cost until 2016. The Spillman system would replace both the records management and Georgia Crime Information Center (GCIC) interface, so the department would see an estimated savings of \$10,000 or more from those in the coming year.

Imker said he had exchanged emails with Pennington and Clark expressing concern about designating a sole source. He had asked for someone from Sheriff's Office to talk about success of the software. Clark said Lt. Harper was not able to attend, but sent a memo outlining the interoperability and data sharing that Spillman would allow through their proprietary interface.

Imker asked if any other jurisdictions had similar needs that had been sent out for bid for comparable services. Clark said the Sheriff's Office had looked at other systems, but that had been under another administration. The 911 Center had gone out for bid, and Spillman was the lowest of eight bidders and had been selected for the interoperability.

Haddix noted that the faster the department could communicate across the County, the better off they would be.

Imker moved to approve Spillman Technologies as the sole source provider for Police Department records management for an expense not to exceed \$265,371. Learnard seconded. Motion carried unanimously.

11-13-09 Consider Settlement Agreement of Claims Raised by Lisa Ficalore against the City and Various Officials and Employees

City Attorney Ted Meeker said the parties in the matter had reached a tentative agreement subject to Council approval, for back-pay and the retirement fund as noted in the memo. Imker clarified that the City was being asked to pay \$5,000 and asked why. Meeker confirmed that was back-pay owed to Ficalore. Imker asked if the \$5,000 was all the City would be paying from the General Fund, and Meeker confirmed this.

Imker moved to approve the settlement agreement as outlined in the memo in the amount of \$5,000. Learnard seconded. Motion carried unanimously.

Council/Staff Topics

Pennington introduced new employee Zack Jiang from IT, who was attending the meeting. He had been able to get the online broadcast restored that evening.

Imker said the election had been held Tuesday, and Mike King was elected to Post 2. He noted Mr. King would be sworn in at the November 21 meeting.

Imker noted that the Special Purpose Local Option Sales Tax (SPLOST) had failed in Peachtree City as well as County-wide. He said the City would still have to find a way to fund future path and street repairs, and noted that the City still had \$465,000 from the previous SPLOST for the coming year, which gave the City time to research options and decide on the future funding of street and path maintenance.

Imker then addressed the Affordable (Health) Care Act, saying its impact on employees was a serious issue for citizens. He asked that staff come back on November 21 prepared to discuss the impact of the Affordable Care Act on employees, the potential costs, and what the City's options were.

Imker concluded by noting that several volunteer positions were being advertised (Recreation & Special Events Advisory Board, Airport Authority, Water & Sewerage Authority, and Convention & Visitors Bureau). Applications were due by December 6, which provided time for the selection committees to conduct interviews and make recommendations for appointments at the last Council Meeting in December. Imker said he had heard Haddix was not going to appoint selection committees.

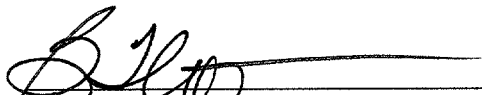
Haddix confirmed this, saying that the next Mayor and Council could set up the selection committees and make appointments by the end of January. Imker asked that staff bring forward at the next meeting an ordinance amendment for the appointment of the board members. He asked that language be changed to allow the Administrative Services Division to forward recommendations for appointment to Council for approval.

Haddix noted that the City had \$20 million in street and path maintenance that needed to be performed. At \$1.5 million per year, it would take 16 years to address the current maintenance issues without planning for future issues. This would be an issue that the incoming Council would have to address.

Learnard moved to enter Executive Session for pending or threatened litigation and personnel at 8:56 p.m. Imker seconded. Motion carried unanimously.

Learnard moved to reconvene in regular session at 9:08 p.m. Imker seconded. Motion carried unanimously.

There being no further business, Imker moved to adjourn the meeting. Learnard seconded. Motion carried unanimously. The meeting adjourned at 9:09 p.m.


Betsy Tyler, City Clerk


Don Haddix, Mayor