

**City Council of Peachtree City
Meeting Minutes
November 6, 2014
7:00 p.m.**

The Mayor and Council of Peachtree City met on Thursday, November 6, 2014, at City Hall. Mayor Vanessa Fleisch called the meeting to order at 7:00 p.m. Other Council Members attending: Terry Ernst, Eric Imker, Mike King, and Kim Learnard.

Announcements, Awards, Special Recognition

Mayor Fleisch proclaimed November 8 as Veterans Day in Peachtree City. Several members of the Dixie Wing of the Commemorative Air Force accepted the proclamation, noting that an open house and celebration honoring the veterans of Afghanistan and Iraq would be held at their hangar on November 8. Shelby Barker and Jeff Izenour of Serenity Hospice accepted the proclamation for National Home Healthcare and Hospice Month. The most recent graduates of the Citizens Police Academy were recognized.

Public Comment

Dennis Odle, who said he had served on City Council in Connecticut and had worked in Human Resources, spoke on the salary survey. The survey had been rushed through and poorly validated. A change in the City's charter could provide a way for citizens to deal with a Council that made bad errors, and there were three ways that could be done. The election cycle could be changed to a two-year cycle so people could vote them out sooner. The second was a recall. The third way was a referendum. None of those options could fix the current problem, but they would prevent future problems. Council could get a private sector group to audit the Pay & Classification Survey and the committee of employees who selected the vendor.

Minutes

August 4, 2011, Executive Session Minutes

Approved, 3-0-2 (Ernst, King)

August 18, 2011, Executive Session Minutes

Approved, 3-0-2 (Ernst, King)

October 7, 2014, Workshop Minutes

Approved, 4-0-1 (Ernst)

October 16, 2014, Regular Meeting Minutes

Learnard moved to approve the August 4, 2011, executive session minutes and the August 18, 2011, executive session minutes as written. Imker seconded. Motion carried 3-0-2 (Ernst, King).

King moved to approve the October 7, 2014, workshop minutes as written. Learnard seconded. Motion carried 4-0-1 (Ernst).

King moved to approve the October 16, 2014, regular meeting minutes as written. Learnard seconded. Motion carried unanimously.

Consent Agenda

1. Consider Changes to CVB Bylaws

2. Alcohol – Consider Qualifying Location Permit, Spotty Merle, LLC, 101 Gardner Park

3. Consider Acquisition of Cart Path Easement, Rite Aid/SR 74 South

Ernst moved to approve Consent Agenda items 1 – 3. King seconded. Motion carried unanimously.

New Agenda Items

11-14-01 Public Hearing – Multi-family Moratorium

Senior Planner David Rast addressed Council, noting that this agenda item was a reaffirmation of the Multi-family Rezoning Moratorium that had been in effect since 1990. The moratorium expired in November of each year, which was why Council reaffirmed it annually.

Fleisch opened the public hearing. No one spoke for or against the moratorium. The public hearing closed.

Imker moved to approve the Multi-family Rezoning Moratorium as presented in the agenda packet. Ernst seconded. Motion carried unanimously.

11-14-02 Discuss Dredging of Lake Peachtree

Fleisch said there had been a lot of work behind the scenes to resolve the issues in order to appeal the Category 1 determination for the dam from Georgia's Environmental Protection Division (EPD). She introduced Andy Welch, the City's attorney for the Lake issues, and Dan Davis of Integrated Science and Engineering (ISE), asking each to provide a summary of events.

Welch said the City was currently in litigation with the state, appealing the decision of whether or not the dam was properly classified as a Category 1 versus Category 2. He explained that there was no probable loss of human life if a Category 2 dam was breached. There would be a probable loss of life if a Category 1 dam breached. Welch continued that the Category 1 determination was based on two properties located below the dam. The state had made the determination based on the 2008 floodplain map only, without an engineered study or any modeling of a breach. The City's breach modeling had been done by ISE, and the study was provided to the state and the County. The state was currently doing its own modeling, and the City was waiting to hear from them. The intention was to resolve the matter as soon as possible so they could move on to the next phase, which would be repairs to the spillway so the lake could be refilled. The timing of the state decision and the dredging coincided nicely.

Davis said he and Richard Gruel of ISE had been working on the categorization of the dam, as well as the dredging, and there were other issues that needed to be addressed in addition to the spillway. Other areas along the shoreline needed dredging in addition to the area that would be dredged by the County. Sunlight penetrated ponds and lakes in Georgia, causing a weedy growth on the bottom in areas where the depth was three feet or less. Davis said the engineers felt there were areas that at least merited a look at removing the additional material outside of the areas where the County would remove silt.

With the water in the lake down, Davis said it was an environmentally-friendly time for the dredging. There were several areas along the shoreline that were shallower than three feet. He showed the aerial photo seen below, noting the cross-hatched areas were the areas the County was obligated to dredge according to the agreement between the City and County. The dredging was supposed to be performed every 10 years.



Davis continued that the light green areas along the shoreline were shallower than three feet, and the dark green areas showed where it was advisable to remove the vegetation while the City had an opportunity to have the work done by the dredging company selected by the County. There was

nothing wrong with the growth in the light green areas, but it was unsightly and spoiled the recreational aspects of the lake. He recommended that the areas be dredged to at least three and one-half feet, with three feet as the minimum, since there would be additional siltation in the future. Davis noted the island made with material from an earlier dredging. The island had a great deal of heavy vegetation. If Council decided the island should stay, Davis recommended selective clearing/thinning on the island to create some park areas. Davis was sure staff would have some good ideas.

What could be done would come down to the available budget, Davis said. The cost results were:

<u>Description</u>	<u>Estimated Cost</u>
Three feet minimum depth (13,400 cubic yards)	\$402,000 – \$670,000
Three and one-half feet minimum depth (20,100 cubic yards)	\$603,000 – \$1,005,000
Four feet minimum depth (27,000 cubic yards)	\$810,000 – \$1,350,000
Removal of island (97,500 cubic yards)	\$2,925,000 – \$4,875,000

Imker asked what the darker green areas on the image were. Davis said they were areas currently exposed with vegetation, and removal would probably fit within the estimated budget for the dredging. Those areas were below three feet in depth when the lake was full, so only the existing vegetation needed to be removed before the lake was refilled. Some of those weeds might stick up above the water when the lake was refilled.

Learnard asked what would happen if Council decided not to have the additional dredging done. Davis said the weeds/grass would die, which would be an environmental challenge for the lake and the fish.

City Manager Jim Pennington said that there had been questions about expanding the dredging for a couple of years. To get the discussion going, the City had asked ISE to perform the analysis. The County had offered the City the ability to append their contract, which would save a considerable amount of money. The County's cost estimates might differ from ISE's but Council had something to look at and consider.

Ernst clarified that Davis said the deeper areas where the vegetation needed to be removed could possibly be included in the dredging costs. Davis said that, in the darker green areas, only the weedy growth had to be removed, not the silt, which would cost less.

Learnard asked why the dredging was being done in early 2015, when the grass would grow back before the dam and spillway would be repaired. Davis said he believed the timing would coincide. It should take approximately three months to remove the soil, and the determination on the dam should be made by the state by then.

Imker said it would take a certain amount of time for the design of the dam and spillway, time to build it, then refill the lake. The grass would grow back during the engineering and construction time. Davis said it would depend on the categorization. The County was proceeding with the dredging. They could not control the County's timing. Davis said their work could be staged so it would be done before the lake filled in. Imker said he needed to see a chart of the timeline with generalities and what could/might happen. Imker said the process could take six months to one year after the dredging was completed. He needed confirmation on whether it was smart to dredge at this time.

King asked if a new engineering process needed to be done if the state agreed that the dam should be a Category 2. Davis said the current spillway had served its useful life at 50 years old, but if the State agreed it was a Category 2, then temporary repairs could be made to the spillway to allow the lake to be refilled during the design and permitting of a new spillway. If the determination was made that it was a Category 2, then there would not be any loss of life if the temporary repairs did not hold.

King asked if the lake could be lowered to rebuild the spillway. Davis said the construction would require permitting from the state and the Corps of Engineers, estimating it would take six to nine months to design and permit the new structure. King said that the lake could be full during that time. Davis said that was correct.

Fleisch opened the floor for questions from the public.

Mary Giles asked who decided what the minimum depth level was for the lake and who monitored it. Davis said ISE's surveyors had been out, and they had survey shots of the entire lake bed. Through engineering, they determined what areas were less than three feet to determine which areas to dredge. Giles asked if the normal pool fluctuated during the year. Davis said the lake had a normal pool that fluctuated based on rainfall. The lake would be returned to the normal pool.

Learnard asked if there were any benchmarks to determine how much silt had built up in the areas. Davis said there were, and they knew where the normal pool was at by design of the spillway. The silt survey was done every eight years.

Bob Grove asked which areas the County was responsible for, adding if the same company would be used for the dredging since that should save money. Fleisch verified that the same company would be used, and the County would send out the Request for Proposal (RFP) in December. She continued that was why Council was having this discussion now. Grove asked if it would not be better to just fix the dam no matter what the state said. Welch answered that the reason for the legal and financial discussion was to save money. A Category 1 dam would cost \$5 million to \$7 million, while the cost was \$1.5 million to \$2.5 million for a Category 2 dam. Building a Category 1 when a Category 2 was all that was needed would be a waste of taxpayer dollars.

Marino Fuentes said he did not live on the lake, but he enjoyed it. It looked like the opportunity to dredge the lake during the drier summer months had been lost. He was in favor of the additional dredging. However, the timeline was questionable. Pennington pointed out the decision on when to dredge the lake had been made by the County and their engineers.

Miles Long asked if a dry dredging was cheaper. Pennington said he did not know, but the County made the decision to do a dry dredge. Davis said a dry dredge was cheaper and did not require an area, like Drake Field, for the sludge to dry out.

Felix Kelly said he had read the state code regarding Category 1 and 2 dams, and he understood if a dam retained drinking water, then it was automatically a Category 1. Welch said that was not correct. Kelly disagreed, saying he would bring a copy of section of the code to Welch. Kelly said dredging around the edges should be easy to get to, asking if the cost included bric-a-brac and bulkheading once the area was dredged. Davis said it included hauling routes to get the material out, leaving a three to one slope from the shore to the bottom of the lake. He did not anticipate problems requiring seawalls.

Chip Glazer asked if the additional dredging was in the budget. Fleisch said it was not, and any money spent would be unbudgeted. Glazer asked if the City had ever had extra dredging done before. Pennington said it had never been addressed, and there was no basis for cost. Glazer asked if there was any way to have the County pay for the additional dredging. Over the years, the silt would have gone further into the lake. He asked if the volume had been checked over the years. Davis said that, to his knowledge, no areas beyond the crosshatched areas had ever been checked. The lake was at least 50 years old, and it was time for some major rehabilitation.

Fayette County Water System Director Lee Pope said the County was definitely concerned about the loss of volume in the lake, and the County needed to maintain the reservoirs it had. They would

definitely work with the City on the dredging. A dry dredging provided more "bang for the buck," and it would be a cleaner process than a wet dredging.

Imker said he did not want to make any assumptions, asking if the light green areas were a 50-year buildup. Davis said he could not answer that question, which was why it was an important time to look at the overall picture. Imker asked if the shoreline was dredged now whether it was good for another 40 or 50 years. Grove said he had lived on the lake for 33 years, and the shoreline had never been dredged.

Debbie Britt asked what was underneath the island and what had it done to the quality of the lake over the last 20 years. It was an aging lake, and they needed to consider what the City would have in 30 years. Britt said the majority of residents were ready to make the investment. It was a quality of life issue, and the City had to do it right this time. She asked what it would cost to not make the investment.

Jerry Petty asked where the material from the dredging would be taken. Pennington said there would be a temporary cut to connect Drake Field to SR 54, and the silt would be removed to a site of the contractor's choice. Pope added that the soil tests had come back good, so the City and County could look at their projects to see if either one had a need for the topsoil. If not, the contractor could sell the material as topsoil to offset his costs.

Fleisch asked if the lake would always need to be dredged. Davis said they were in the Piedmont region of the state, and there would always be silt transported in the creeks that fed the lake. The bulk of the basin had been developed, and that should cut down on the silt load.

Kathy Pettinget said it was obvious that the County's silt had gone into the City's lake. Davis clarified that the silt could not be called the City's or the County's; the silt had come from upstream. Welch said that, per the agreement, the cross-hatched areas were what the County was responsible for dredging.

Tori Jaekel asked why the entire lake had never been dredged. She asked, if the County was so concerned about the decrease in the size, why the City had to pay to dredge the other areas. Welch said that was a valid point. There was a cooperative agreement between the City and County where the County benefitted by using the lake as a reservoir for drinking water, and the City benefitted from having the lake as an amenity. Certain areas had been designated for silt removal as part of that agreement. The original agreement was negotiated 60 years ago, and it had been amended and renewed. Jaekel asked what value there was in dredging the areas along the shoreline. Davis said it would preclude the aquatic growth on the bottom of the lake. Welch said the decay of the vegetation adversely affected the lake by creating instability in the oxygen level of the lake.

Mike McGowan said he understood the lake had a silt trap that should have been cleaned out, but was never maintained. Welch said they would have to look into that. A silt trap might be able to minimize the rate that siltation made its way down to the lake. There were some safeguards put in place when Lake Kedron was built to help with siltation, and that might be a way to minimize the silt going into Lake Peachtree.

Fuentes recalled that grass-eating carp had been introduced into the lake in 2006 or 2007, and they had helped with the weeds. He did not think the shoreline needed dredging.

Giles said the weeds in the darker green area would naturally die back when the lake was filled. She would also like to hear what the County had to say about the weeds. Since money was an issue for the City, Giles asked Council what harm there was in waiting eight to 10 years to do the additional

dredging and budgeting for it rather than making a decision that could harm the City's finances later.

Imker asked if Council could pay for it with a bond and putting it on the ballot as a referendum in the 2015 election. The average hit on a homeowner would be \$10 annually for the bond cost based on a \$2 million bond with interest, for a ballpark figure.

Mary Ann Grove said the drained lake was a huge eyesore that needed to be addressed immediately. She would support a bond.

Learnard asked Pennington what he was looking for. Pennington said there would be more discussion. They needed to look at the finances. This presentation was to kick off the discussion. Learnard asked that Davis' presentation be placed on the City website. She added that she lived on the lake, and this was the perfect opportunity to take advantage of a one-time opportunity they would never have again.

Imker said a decision needed to be made by the next meeting. Pennington said the County needed the information for their RFP.

Ernst asked if the cost estimates would change if the City did not tag on to the County's RFP. Davis said they would increase significantly.

Pope said, if the City put the items on the RFP as an additive alternate, they would see better numbers. It would give the City time to look at the financing or even decide not to have the dredging done. The City needed to decide what it could do, but going out with a single, large volume contract was the best option. The RFP was to go out in mid-December.

Welch added they would need to know the cost in order to issue bonds. They could discuss how to pay for it at the next meeting. Imker said there were a lot of options to consider, saying a bond was probably the worst option.

No action was required at this meeting.

11-14-03 Consider Request to Authorize Signature on CSX Agreement for MacDuff Bridge Crossing

Pennington noted the bridge over the railroad had been an extremely difficult issue. The developer had been working on the negotiations to get to this point, which was a construction agreement with CSX. It was required to be signed by the developer, the City (at no expense), and the railroad. Staff was asking Council to authorize the Mayor to sign the agreement.

King moved to authorize the Mayor to sign the CSX agreement for the MacDuff Bridge crossing. Learnard seconded. Motion carried unanimously.

Council/Staff Topics

Pennington said the information coming in regarding the MacDuff Parkway bridge was good. He added that John Wieland Homes had submitted the plans for 1,400 linear feet of MacDuff Parkway that the developer was responsible for designing and building. Things were moving forward.

Pennington continued that staff would bring Council plans on where golf carts could be allowed to cross SR 74, SR 54, and other places. After recent state legislation allowed golf carts to cross state highways, the Georgia Department of Transportation (GDOT) had not developed any plans for appropriate crossings. The GDOT regional office staff suggested the City make a plan and submit it. There were certain areas where golf carts should not be allowed to cross due to the amount of traffic. Staff would work on the plan, and they hoped to bring it to Council in early December.

Learnard thanked Pennington for his solid answers to her questions regarding the pay and classification study. She asked that it be put on an agenda as a discussion topic.

Pennington said Imker had made a suggestion regarding changes to the City's annexation ordinance, and City Attorney Ted Meeker had a draft ordinance ready. The Planning Commission would look at it first, and they hoped to have it ready to forward to Council in December.

Ernst expressed his pride in his sister-in-law Joni Ernst, who was the first female combat veteran elected to the U.S. Senate from the state of Iowa.

Imker said he did not consider the pay study a closed issue because they had not yet figured out how to pay for it. He was not happy with what he had seen. The City had paid \$40,000 for the study, and they had not seen the data to back up the charts. Some of the figures were outrageous. There were a dozen salaried employees who had received nothing. Council had no part in making the decision as to who got what increases. One employee was promoted and received a \$35,000 raise. A wage war had been created in the surrounding entities, and it was exactly what the City's employees had wanted. He had heard nothing from the three prevailing Council Members on how to pay for pay increase. He did not expect the salary increase to be removed, but there were solutions to address the issue without raising taxes or using City reserves. He hoped the majority was willing to hear the options.

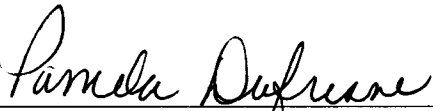
King said that, if Imker was going on the record to say the City gave an employee a \$35,000 raise based solely on the pay increase, he would like to see the back-up. Imker said he would provide the information outside the meeting.

Executive Session

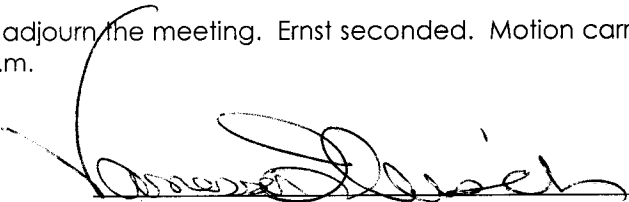
Learnard moved to convene in executive session for real estate and pending or threatened litigation at 8:40 p.m. King seconded. Motion carried unanimously.

King moved to reconvene in regular session at 9:03 p.m. Ernst seconded. Motion carried unanimously.

There being no further business, King moved to adjourn the meeting. Ernst seconded. Motion carried unanimously. The meeting adjourned at 9:04 p.m.



Pamela Dufresne, Deputy City Clerk



Vanessa Fleisch, Mayor