City Council of Peachtree City
Meeting Minutes
November 5, 2015
7:00 p.m.

The Mayor and Council of Peachtree City met in regular session on Thursday, November 5, 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 read proclamations for World Pancreatic Cancer Day and National Hospice and Palliative Care Month. The Recreation & Special Events Department was recognized as the Georgia Recreation and Park Association District 4 Agency of the Year. Fleisch recognized Fire Lt. Marty Cofield for 15 years of service.

Public Comment
There was none.

Agenda Changes
Ernst moved to hear items 11-15-04 and 11-15-05 at the beginning of the New Agenda items. Learnard seconded. Motion carried unanimously.

Minutes
Learnard moved to approve the September 8, 2015, workshop minutes as presented. King seconded. Motion carried unanimously.

King moved to approve the October 15, 2015, regular meeting minutes as presented. Learnard seconded. Motion carried 4-0-1 (Fleisch).

Consent Agenda
1. **Consider Alcohol License – NEW – Partners II Pizza at Braelinn, 270 S Peachtree Pkwy**
2. **Consider Sole Source / Brand Name Purchase for Firefighting Protective Gear – Bennet Fire Products Company, Inc., & Globe brand gear.**
3. **Consider purchase of Chevrolet Tahoe for Police Department**
4. **Consider Sole Source / Name Brand Purchase of Bobcat T650**

Ernst moved to approve the Consent Agenda. King seconded. Motion carried unanimously.

Old Agenda Items
10-15-03 Consider Adoption of Right-of-Way Occupancy Ordinance
Staff requested that this item be continued to the November 19 meeting. Learnard moved to continue the item until November 19. Ernst seconded. Motion carried unanimously.

10-15-06 Consider Amendments to W HWY 54 Design Guidelines
Senior Planner David Rast addressed Council, noting the public hearing had been held on October 15. Staff had been asked to look at a couple of the items presented. Rast said, as requested, which, if any, of the existing wall signs in the corridor could increase in size under the new guidelines. Rast said several signs could increase marginally, but would still be limited to the total square footage imposed by the new guidelines. The primary change could be for PetSmart.

Rast said after reviewing the overlay district, staff had modified the recommendations to be slightly more restrictive related to letter height to preserve consistency. Staff was proposing a maximum letter height of 48 inches and total square footage of 150 square feet for anchor tenants, 36 inches and total sign size of 100 square feet for primary tenants, and maximum letter size of 24 inches and total sign size of 50 square feet for the in-line tenants.

This change would still allow the PetSmart sign to increase (current letters were 36 inches and total square footage was 92 square feet). However, the letter height limitation would limit the overall sign size within the overlay district while preserving consistency and giving a more uniform look to the signs.

Staff recommended approval to the changes discussed that evening, as well as those discussed related to the number of panels on monument signs at the October 15 meeting, which increased from four panels per side to six panels, with no change in size of the panels or the overall sign.

Imker asked about the Planning Commission rejection of the previous proposal and how they felt about these changes. Rast noted the Planning Commission did not favor any changes to the design guidelines, which set the maximum letter height to 24 inches for all signs within the district. Imker noted that several of the businesses already in the district exceeded that height. Rast confirmed this, noting that some had been approved before the design guidelines had been adopted, and some had been approved under the overall sign ordinance because the design guidelines did not account for anchor tenants.

Imker said he did not want to punish the Overlook for coming in later than other developments that predated the design guidelines. Rast noted that the guidelines impacted any existing or new business in the overlay district, but was designed to keep a consistent feel in the area. Imker noted all of the businesses in the corridor could change.

City Attorney Ted Meeker noted that the Planning Commission had endorsed the proposed increase in the number of panels for the monument signs.

King moved to approve the amendments to the West Highway 54 Design Guidelines as presented. Imker seconded. Motion carried unanimously.

New Agenda Items

11-15-04 Consider FY 2016 Budget for KPTCB

Al Yougel, Executive Director of Keep Peachtree City Beautiful (KPTCB), provided an overview of the activities of the organization. Yougel noted that they emptied 55 trash cans along the paths each week, managed seven dog stations at Drake Field, and supported trash removal from special events. Over 1.2 million pounds of recyclables had been dropped off at the recycling stations, generating $26,700 in revenue. The agency had also overseen 8,500 hours of community service workers on litter removal and addressed litter removal along 83 miles of Peachtree City streets.

The agency had actually overseen 24,200 hours of community service over the past five years, with 2,300 individual workers (some repeating service). There were 110 recycling bins throughout town, bins at all 11 schools with Peachtree City students, at seven City facilities, and at special events. The Rockaway Road compost site was open 624 hours per year and had 17,600 vehicle visits. The organization also had removed 46 truckloads and 34 trailer loads of illegally dumped yard debris from along the paths.

Yougel noted that the revenue generated by recyclables was declining for most of the recyclables (with cardboard and paper as the exception). Conversely, KPTCB was looking at upcoming costs for vehicle replacements.

The FY 2016 budget anticipated $154,563 in revenue from the waste hauler franchise fees (paid by the City), the litter/compost contract for the City, recyclables, and the cart path litter/trash contract with the City. Anticipated expenditures included bin pulls (recyclables pickup by salvage companies) totaling $51,165, contract labor ($142,052), and supplies ($9,681), totaling $154,563.

Ernst asked Yougel if any other communities had this type of partnership with KPTCB. Yougel said he was not aware of any, and that many were operating in larger, more rural areas. Imker and Ernst noted the organization provided a wonderful community service at very little cost to the taxpayers.

Imker moved to approve the FY2016 Budget for KPTCB. Ernst seconded. Motion carried unanimously.

11-15-05 Consider RFP for Municipal Court Case Management System

Assistant Finance Director Kelly Bush addressed Council, saying staff was recommending that Council authorize a contract with CourtView. The City had issued an RFP and received five responses, which were evaluated by a committee including Municipal Court Judge Stephen Ott, Court and Purchasing staff, and IT Manager Phillip Abbott from Cpak. CourtView received the highest scores. The software also integrated with both the BS&A software in Finance and the Police Department's Spillman software. The FY 2016 budget included $150,000. CourtView's proposal was for $148,600, but there were some peripheral costs to upgrade the server, which had been included in a budget amendment.

Ernst moved to approve the contract. King seconded. Motion carried unanimously.

11-15-01 Public Hearing – Reaffirm Multi-family Housing Moratorium

Planning & Zoning Director Mike Warrix addressed Council, noting that the moratorium on requests to rezone property to a multi-family category expired each year. Staff recommended approval of extending the moratorium. Warrix noted that staff had not been presented with any rezoning requests or with any requests for the moratorium be lifted.

No one spoke in favor or against the moratorium.

King moved to reaffirm the Multi-Family Rezoning Moratorium. Ernst seconded. Motion carried unanimously.

11-15-02 Public Hearing – Consider Conditional Use Permit, TowerComV, LLC (201 S Peachtree PKWY)

Warrix said this was a conditional use permit request for a 150-foot cell tower to be located on the Peachtree City Church of Christ tract on Peachtree Parkway S. The property was zoned OS-P, which allowed for this type of use as a conditional use. The Planning Commission voted unanimously to recommend approval of the project. Staff was also recommending approval, having determined the proposal complied with the City's Wireless Telecommunications Ordinance. There were two conditions related to bonding requirements and landscaping around the foundation.

Ellen Smith addressed Council, representing applicant, requested approval of the application. She said this was the first application since 2010, when the City adopted the new wireless ordinance provisions. The application took more than a year to pull together, and met all the City's requirements and was aesthetically something to be proud of, and would help improve wireless service in the central part of the City where there were noted dead zones.

Smith noted the site was almost entirely surrounded by City-owned property. She also noted that the only person who spoke in opposition was under the misconception that the site was in the flood plain, and Smith noted the property was not a flood plain.

The tower was designed to look as much as possible like a tree, and would blend with the area. Two wireless carriers, T-Mobile and AT&T, would be on the tower, with others expressing interest. There were no other structures or sites in the area to meet AT&T's needs.

Smith indicated the applicant had conducted a balloon test for four hours on the site, with no citizens coming out to comment. She concluded by noting the tower was 30 feet shorter than the maximum allowed and that the City's consultant concluded the tower was necessary to address known deficiencies in the area.

No one spoke in favor of or in opposition to the tower.

Imker said this was an excellent product and a perfect presentation in line with the much improved telecommunications ordinance. Ernst agreed, saying that Public Safety also encountered dead spots in wireless, and this would be a great benefit.

Imker moved to approve the conditional use permit for TowerComV, LLC, subject to the conditions set forth in the staff report. Ernst seconded. Motion carried unanimously.

11-15-03 Consider Intergovernmental Agreement – Fayette County Water Franchise

Interim City Manager Jon Rorie gave a presentation to Council that began with the historical perspective of the Franchise agreement. The original 1966 agreement gave Fayette County exclusive rights to withdraw water from Lake Peachtree, and modifications included the requirement for the County to maintain the dam, spillway, and lake bottom. A total of seven agreements and amendments were now being replaced by a single agreement being proposed.

Rorie continued that, in early 2014, Lake Peachtree was lowered for seawall and dock maintenance. Cracks were discovered in the 50-year-old spillway that were ultimately identified as significant voids under the spillway in March 2014. Following investigative bores in April, the City's consultant recommended pressure grouting the voids to return water to the lake, but indicated the spillway would ultimately need to be replaced. The temporary repair required approval from the Georgia Environmental Protection Division (EPD) Safe Dams because the lake, as a water reservoir, could potentially be classified as a Category 1.

Safe Dams ultimately denied the request to perform a temporary fix and issued a letter classifying the dam as a Category 1 (later reversed upon appeal).

The agreement before Council was an effort to address several problems with the original agreement and the various modifications. There was no real definition of the requirement to "maintain" the dam, and no real standards in existence in 1966. The dredging map was ambiguous. The City and County had to decide who would pay to replace the spillway, and negotiations began in the summer of 2014 to resolve these questions.

Rorie noted that Council had been kept apprised of the negotiations progress via Executive Session updates over the past year, and the proposed agreement had been available for public review for the past week.

The key points of the new agreement included:

- The County would continue to operate the dam and spillway under best management practices.
- The County would put forth its best efforts to maintain Lake Peachtree water level at minimum pool level of 784.4 feet. "Best efforts" considered dredging/maintenance/ drought conditions.
- The County would conduct a baseline bathymetric survey next year to determine the official topography of the lake bottom.
- In 2030, the City and County would share the cost of another bathymetric survey to determine if and where dredging might be needed.
- If needed, the City would begin dredging within Zone 1 within 12 months of the survey.
- Based on previous dredges, the assumed cost for the 2030 dredging ($3 million) would be split 50/50 between the City and the County, to which the County would provide a $1 million credit to the City, resulting in an expected cost to the City of $500,000.
- The City and County would split the cost of associated road repairs.
- The County would contribute $2 million for the replacement of the spillway once the City entered into a construction contract, with the City to refund $1 million if the spillway was not constructed within four years.

Rorie noted that the City's engineering firms had already been engaged to develop a work plan to begin construction in September 2017, with completion by Spring 2018 to minimize vegetation growth. The design would be to Category 1 dam standards.

Rorie concluded by saying that, after many months of discussion between the City and the County, along with attorneys, engineers, and state agencies, they were ready to move from Executive Session for disclosure and public review of the proposed agreement. The lake had been drained for almost two years, and much of the effort had been going on in the background, but the agreement was ready for ratification. The County Commission would also be considering the agreement the following week.

Learnard asked what visual identifier existed for the proposed lake level, and Dan Davis from ISE indicated that was the height of the spillway. Learnard asked about Zone 1, and Rorie confirmed that area included the Areas 1, 2, and 3 currently being dredged. Any additional dredging would be funded by the City.

Imker said he was conflicted about voting on the contract that evening or delaying it. He said Rorie's summary was excellent, and asked about the dam upgrade or replacement. Rorie said it would be based on design, and that the $7 million figure floating around in the public was probably too high, but it would be higher than the $2 million from the County. Imker said his perception was that the dam needed to be upgraded to Category 1, but it would only cost another half million to reinforce the dam and bring it up to Category 1. Meeker said that was also his understanding.

Imker also noted that he understood Safe Dams was impressed that the City was moving forward with a design for a Category 1, since Safe Dams would almost certainly be reclassifying the dam to Category 1 within the next few years. Imker said it was the right thing to do.

Imker said the lake would have to be lowered again for the dam and spillway work in 2017 and 2018. He wanted to put that information out there now and did not want to hear citizens complaining then.

Then Imker turned to how the costs for the spillway and dredging could be recouped. The projected cost for the dredging in 2030 for the City was $500,000, plus an estimated $1 million for the City's portion of the Spillway and Dam. Future maintenance would also be a factor. Imker said the City recently saved $1 million in the Stormwater budget by purchasing two homes in lieu of performing a $1.5 million replacement. He felt like the County would be saving funds on maintaining the lake, so the County could reduce the water rates to compensate Peachtree City residents for that savings. An alternative might be raising the millage rate 0.05 mils to cover the cost to ensure there are funds to maintain the lake and dam. This contract would let the City successfully take control of the lake to maintain its responsibilities in the future.

Imker said the County already had some issues to discuss about the development of the agreement at the next meeting. However, this Council had been participating in the discussions and negotiations, so Imker was comfortable with the agreement because he knew the background. However, the County could also make changes in the proposed agreement. He did not know whether to hold off on the approval, knowing the County might change things.

King said they had an agreement before the public, and neither the City nor the County had gotten everything they wanted. They could approve the agreement that evening, and he hoped that would happen, so the County could make concrete recommendations on any changes.

Learnard said she felt the parties at the City and the County operated in good faith at every turn, and she felt this was a very reasonable agreement to carry everyone forward.

Ernst agreed, saying this had been an ongoing issue. The County, City, and the State had worked together cohesively to get the agreement to this point. He agreed they should vote that night, and they could consider any changes the County might propose.

Learnard asked Rorie to post his presentation online, and Rorie said he would.

Fleisch noted that Estate Management Services had made tremendous progress in the vegetation removal. She hoped to see completion within the next three weeks. Rorie noted the key phrase was, "weather permitting." He also said City staff had cut vegetation around Battery Way and by the All Children's Playground to enhance erosion control features and to expand the ramp and dock at Pinecrest. Rorie said it would not be perfect, and the vegetation would still float to the top as the lake filled and be removed later.

Fleisch said, since the Lake issues began the previous year, the City assembled a group of experts, and this was a culmination of a lot of effort. She said she had enjoyed working with the County and said she would entertain a motion.

King moved to approve the Water Franchise Agreement with Fayette County. Learnard seconded.

Imker said there were other public comments pending. Meeker noted only Council debate could occur after the motion and second, and the motion and second would need to be withdrawn. Imker said he wanted to hear the citizens' comments. Learnard said they could vote and then hear all the comments. Fleisch called the question. Motion carried unanimously.

Fayette County Commissioner Steve Brown addressed Council, saying his board had not seen the document until the previous week, and he had been planning to ask Council to delay the vote.

Council/Staff Topics

Meeker announced that Council would consider one finalist, Jon Rorie, for appointment as City Manager at the next Council meeting.

Learnard moved to enter Executive Session to discuss pending or threatened litigation at 8:52 p.m. King seconded. Motion carried unanimously.

Learnard moved to reconvene in regular session at 9:05 p.m. King seconded. Motion carried unanimously.

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

Betsy Tyler, City Clerk

Vanessa Fleisch, Mayor