

**City Council of Peachtree City
Meeting Minutes
Thursday, October 20, 2022
6:30 p.m.**

The Mayor and Council of Peachtree City met in regular session on Thursday, October 20, 2022. Mayor Kim Learnard called the meeting to order at 6:30 p.m. Council members attending: Frank Destadio, Mike King, and Phil Prebor.

Announcements, Awards, Special Recognition

The Mayor mentioned there were a lot of new videos being posted on the City Facebook page, Instagram, and YouTube and commended staff for their work in getting the word out about what was going on in Peachtree City.

The Peachtree City Classic, held the previous Saturday, was a big success, Learnard noted, asking those who ran to raise their hands. She also commented on the Magnolia Arts Festival, saying it was well done, as always. The Farmers Market and a lot of other events took place over the busy weekend, too, she pointed out.

Public Comment

Ken Brissenden said he had lived in Peachtree City for almost five and a half years and wanted to thank Council for how well the cart paths were maintained, although he noted it was ironic that the worst one he had found was in front of City Hall.

Suzanne Brown said a resident of the Legacy Ridge nursing home was not allowed to vote in the special City Council election because her address was not listed by the County as being in Peachtree City. Research with the City Clerk, Brown continued, showed that Legacy Ridge was in the City. Brown said she found that at least 117 residents were not properly classified to cast their votes in the City election, even though they were residents of Peachtree City. This included the Longboat subdivision. Brown said anyone who fell in this category but was turned away should request a provisional ballot. The Elections Superintendent was aware of the problem, but they could not make changes in the voter rolls within 90 days of an election. She said voters should include their phone number and an email when they applied for the provisional ballot.

Keith Larson thanked Council for asking the appropriate due diligence questions at the last meeting about the need for a track. He said he wanted to ask why they needed Recreation in the first place? There had not been a Recreation Master Plan for the City since the last plan expired in 2012, Larson explained, noting that the former City Manager had mentioned this during budget deliberations in 2018, saying a new Master Plan would give Council and staff a ready reference to make decisions regarding Recreation expenditures. The newly approved Comprehensive Plan asked Council to consider conducting a Recreation Master Plan update, and Larson asked Council to begin the process that would benefit residents of all ages.

Agenda Changes

None

Minutes

October 6, 2022, Regular Meeting Minutes

October 6, 2022, Executive Session Minutes

October 10, 2022, Special Called Meeting Minutes

October 17, 2022, Special Called Meeting Minutes
October 17, 2022, Executive Session Meeting Minutes

King moved to approve the October 6, 2022, Regular Meeting Minutes, the October 6, 2022, Executive Session Minutes, the October 10, 2022, Special Called Meeting Minutes, the October 17, 2022, Special Called Meeting Minutes, and the October 17, 2022, Executive Session Meeting Minutes. Prebor seconded. Motion carried unanimously.

Quarterly Reports

Learnard noted that all departments submitted reports of their activities every quarter, but she wanted to call attention to Human Resources. There were 20 new hires during the quarter, but 40 people left the City's employ. She read the list of vacancies, which totaled 19, and said they were hiring, and job information was available through the City website.

Consent Agenda

- 1. Acceptance of dedication of cart path easement in Longboat Subdivision**
- 2. Addition of one (1) Part-Time Recreation Supervisor at Kedron Fieldhouse and Aquatic Center in the Recreation and Special Events Division**

Prebor moved to accept Consent Agenda items 1 and 2. Destadio seconded. Motion carried unanimously.

Old Agenda items

10-22-01 Riley – Park Enhancements

City Engineer Dave Borkowski recapped what he had explained at the October 6 meeting, showing a photo that illustrated the cracks in the track surface with grass coming up through it. He said there was significant cracking and spalling of the rubberized surface.

The Purchasing Manager Angela Egan had done a thorough job of soliciting bids, he noted, by putting it on the City's website, as well as using plan rooms, which were websites that collected bids and were open to anyone. The number of people who looked at those was practically unlimited, Borkowski continued. She also used a vendor registry service that specifically reached 64 track and field vendors and contacted 25 vendors through a vendor registry list and Internet research. Egan also reached out to 787 vendors through the State purchasing system.

Only two vendors attended the on-site preconstruction meeting, and they received only one bid, from Deluxe Athletics, Borkowski stated. At the previous Council meeting, staff recommended awarding them the bid for about \$548,000, which included new asphalt, surfacing, curbing, and striping.

Since then, Interim City Manager Justin Strickland said, he and Egan had followed up with potential bidders from the list and consulted with Deluxe about pricing. Egan asked the potential bidders why they did not submit bids and got reasons including that they had enough business and did not want to travel. Others cited workforce issues, while others said they only worked on indoor tracks. A few stated that they did not check their emails or messages. None mentioned issues with specifications or with the bid packet.

Strickland said Egan reached out to the Fayette County Board of Education (BOE) to find out more about when they resurfaced their high school tracks in 2019. They only bid the rubberized surface, not asphalt, but did choose the sandwich system of surfacing, which was the highest grade. Peachtree

City was recommending the middle quality choice. He said the prices Peachtree City received was in line with what the BOE paid, especially since their resurfacing was three years ago. They did all five high school tracks at an average price of \$319,667 just for the rubber material. Accounting for inflation pushed that price to \$366,019 in today's dollars. What staff recommended for Riley came to \$205,600 just for the rubber surface. The top-grade surface from Deluxe would be \$359,300, which was 12% higher than what the BOE paid three years ago, but lower in today's dollars.

There had been questions about how much the track was used, so Strickland said he looked at the security camera footage, choosing the week of May 3-June 5 at random. The total users that week came to 446, or an average of 64 per day.

They worked with the current bidder to see how they could reduce costs, Borkowski said. If the City did the demolition and disposal of the asphalt, along with eliminating the curbing requirement, they could get the total cost down to \$457,512.30.

Prebor asked if the track was lit at night and was told it was. He said he appreciated staff's work on getting the cost down and also showing how the bid compared to a similar project. He said he was now comfortable with there being only one bid.

Destadio, noting this had been a concern of his at the previous meeting, confirmed that State requirements had been met during the bid process. Was it okay to talk with the bidders? He was told that was fine.

King said his initial concern was that this was not a Special Purpose Local Option Sales Tax (SPLOST) project but understood that the SPLOST Advisory Group had been told it was set up to be done in the General Fund. He said he had rather it be in SPLOST, but that was water under the bridge. He noted it would have to wait until spring because they could not pour asphalt in cold weather.

Prebor moved they approve Old Agenda item_10-22-01, Riley – Park Enhancements, in the amount of \$457,512.30. Destadio seconded. Motion carried unanimously.

10-22-03 Second Reading- Tethering Ordinance

Strickland said he would just outline the changes made because of feedback from the first reading. The ordinance now included the prohibition of using the cable trolley system from 10 p.m. to 6 a.m. and limited usage of the cable trolley system to four hours at a time. There had been discussion of adding a specific fine structure, but Strickland said they decided not to do that. They would use section 1-11, General Penalties, to define the fines for animal violations. He noted that 14-33, which was this exact ordinance, specified a fine of \$243 for the first offense and would increase from there up to \$1,000. Strickland recommended keeping that fine structure because it was adjusted periodically. If it was defined in the ordinance, staff would have to remember to adjust it periodically.

Destadio remarked that he had been the one asking about the fines, and this structure was okay with him.

King moved to approve Old Agenda item 10-22-03, Second Reading- Tethering Ordinance. Prebor seconded. Motion carried unanimously.

New Agenda items

10-22-05 Authorization to purchase custom rescue engine

Fire Chief Clint Murphy asked Council to purchase this engine as a replacement for their 2007 reserve engine. There would be a build time of 24 months, meaning the reserve engine would be 17 years old before it was replaced. They competitively bid this through the Houston-Galveston Area Council cooperative purchasing program. It was budgeted in the Capital Improvement Plan (CIP) and also was on the 2023 SPLOST project list. If SPLOST was approved, the engine would be purchased from there, Murphy noted.

Prebor moved to approve New Agenda item 10-22-05, Authorization to purchase custom rescue engine, in the amount of \$774,866. King seconded. Motion carried unanimously.

10-22-06 Abandonment of portion of Kelly Green

City Attorney Ted Meeker said discussion about this began last year between the former City Manager and the Planterra Ridge Homeowners Association (HOA). Now they were at a point where the formal process needed to start so the adjoining property owners could be notified and to obtain an appraisal. There were a few statutory requirements they had to comply with, and this agenda item was simply to start the process, Meeker continued. Once the statutory requirements had been met, this item would appear on a future agenda for a vote on the abandonment and disposal of the property. Meeker said he had crafted a motion and included it in this cover memo.

King moved to authorize Staff to move forward with the necessary procedures under O.C.G.A. 32-7-2 and O.C.G.A. 32-7-4 to abandon that portion of Kelly Green shown on the attached plat and convey such property. Prebor seconded. Motion carried unanimously.

Public Hearings

10-22-07 Variance Request – Rear Setback Encroachment – 516 Pine Circle

Planning and Development Director Robin Cailloux explained that this property was in the Golfview neighborhood, which was developed in the 1970s, in the northern-central part of the city. The request was for a 20-foot encroachment into the 30-foot rear setback so the homeowners could construct a 20x20 foot covered patio. She presented a photo showing a structure that was similar, but not identical, to the one they wished to build.

Cailloux pointed out the unique properties of this lot, showing that it was at the corner of Pine Circle and Pinemount Drive, which gave them two front yards. However, per the ordinance, they had to choose one to be the front and the other as a side yard. The lot was oddly-shaped because it cut around an existing cemetery, which was protected by State law. There was a 20-foot wide greenbelt in the rear before the next property started, so even with a 20-foot encroachment there would be a 30-foot distance from the adjacent property line.

Next, Cailloux reviewed the variance criteria stated in the ordinance, telling Council it was outlined in-depth in their packet. The first asked if there were special conditions applicable to this property, and she said the adjacent cemetery and the unique shape of the lot were conditions not similar to other lots in the area. However, there was no evidence, she continued, that the ordinance created a

hardship not applicable to others in similar circumstances. There were no exceptional circumstances identified that precluded the applicant from complying that did not apply to similar properties.

Another criterion asked if the variance would constitute a special privilege inconsistent with the limitations of this property. Cailloux said it was a special privilege, but not inconsistent with the property's limitations. Also, the variance was not detrimental to the public's health or safety, which Cailloux said could be demonstrated by the letters of support from adjacent neighbors and those across the street that were submitted with the application. The variance also did not conflict with any policies of the Comprehensive Plan.

Mike Lorber said he was the design consultant for the applicant, Tony Giglio. He explained that the original home on the lot had been torn down and this new house constructed. Giglio and his family moved from California and bought the house, thinking they could use most of the property. Lorber asked Council to look at the drawing to see that this setback was surrounded by existing setbacks, which prohibited their adding anything to the house, even a porch, because it would be in a setback.

The entrance of the house that was torn down had faced Pine Circle, he continued, but the entrance to the new house was Pinemount Drive. That created the side yard where they wanted to build this pavilion. It would be 30 feet from the next-door neighbor to the left and 10 feet from the open space, as Cailloux had described.

Giglio said they were aware of the cemetery when they bought the home and were fine with it. They were not trying to disrupt anything, he remarked, noting that they lived in the house for a year while deciding what to do for an outdoor area. They had ensured that all their neighbors were informed and on-board with their plans.

The Mayor opened the public hearing. No one wished to speak in favor of the variance, and Suzanne Brown was the only speaker in opposition. Brown stated that this house was a complete rebuild in 2019, and the current owner bought it afterwards. Now, she continued, he wanted to add a covered patio almost entirely in the setback, which called for a variance.

The Planning Department memo stated that section 1207 of the Zoning Ordinance said Council should not grant a variance if the six criteria it listed could not be met. Three of the criteria were fulfilled, she said, but three were not. Brown said she disagreed with staff's opinion that the variance would be consistent with the Comprehensive Plan, which encouraged the protection of the character of existing neighborhoods as well as the redevelopment and reinvestment within neighborhoods. The patio infringed on the setback by a lot, Brown remarked. The lot was an odd shape, she acknowledged, but the builder contoured the house to use up almost all the buildable space. They could have reduced the house size to build a patio, but they did not.

Setbacks and greenspaces were there for a reason, she noted, adding that any Council member who had not visited the property to see for themselves should recuse themselves from the vote. She said there was an area behind the house where a smaller patio could be built, and it would not require a variance. Brown concluded by saying no one should be allowed to infringe on a setback to the point where 90% of the structure was in the setback. She asked Council to stop approving variance requests, saying it would only lead to more requests. The ordinance was there for good reason—legal, logical, and environmental reasons, Brown concluded.

No one else wished to speak, and the Mayor closed the public hearing.

Prebor said he liked the way it looked and the fact that all the neighbors were in favor of it, adding that if they wanted this town to thrive, people had to be allowed to improve their property. This was a odd lot; there was greenspace behind it; the neighbors were okay with it. Therefore, Prebor commented, he was okay with it.

There would still be 30 feet to separate this from the back neighbor on Golfview, King noted. He visited the property and saw the issue, noting that the driveway was on the side, with about 60 feet to the garage. They would be increasing the quality of life for the resident, as well as increasing the property value. Peachtree City needed to take these odd lots and make them better, he commented.

King and Prebor had always gone along with variances, Destadio remarked, but Prebor said they were talking about just this one, not about history. Prebor asked him not to make false accusations, and Learnard asked Destadio to continue.

This project looked like it was getting larger since he first spoke to the applicant, Destadio said. Now, it looked like they were closing it off and adding a pool, not a hot tub. The structure looked like an open garage. He speculated that they would soon close off the back end, and it would be an entirely different facility than what was presented. He recalled that Council gave a variance to another re-built property on this street. Now the grass on that street was cut by Peachtree City. They had made several variances to the laws in this neighborhood, Destadio commented, and he was not in favor of more.

Learnard asked to see the layout drawing again and asked about access to the cemetery. Cailloux pointed to where there was public road access from Pine Circle and said you could walk around from the other side, as well. Was there signage or a path? Learnard asked, and Cailloux said there was no path, and no markers or signs that she was aware of.

Destadio asked about the area on the corner where the City now cut the grass, saying that road was turned around and revisited. Cailloux said there were a lot of very thin greenspaces in this subdivision. It was odd to have these greenspaces along a public road, and that might be what he was talking about.

Prebor pointed to a lot where a variance had been denied because the people wanted to put in a driveway. Learnard said she remembered that.

She pointed out there was a cemetery back there with no path, gravel, signage, or markers, but presumably was accessible from both sides. The 20-foot setback would leave only 10 feet between that and the City buffer. Learnard said she just could not support this, saying the buffers were there for a reason, and something much smaller or closer to the house should be considered.

Lorber stepped up to say he believed he believed the odd shape of the lot was because the developers were unaware of the cemetery and had to carve out space when the cemetery was discovered. The greenbelt between the properties was supposed to have been a cart path easement from one road to another road. He said he had never seen a situation like this. The original back yard

was a 15-foot setback, but now it was turned around for a side setback. Lorber remarked that it was a hardship that prevented the owner from being able to use his property, noting there would be no impact on neighbors. Lorber said he would like to see re-platting the property and creating a side yard setback versus a rear setback.

Prebor said he agreed that the developers did not realize there was a cemetery. Lorber said he was involved as a consultant for the rebuild on the corner they had mentioned. They, too, mentioned there was supposed to be a cart path, which reinforced his theory that this was a mistake. He noted that this neighborhood was built in the 1970s, and now it was changing. Young families were coming in, which was what the City needed, he stated, adding it was important that the City support this redevelopment.

Giglio, the homeowner, explained that the photo was simply for inspiration. There was no pool, such as what Destadio was concerned about, he said. The patio would be open because they appreciated the trees, and the only solid wall was behind the fireplace. He said he wanted his young daughter to have a place to be outside and where the family could entertain. They had found Peachtree City to be a warm and welcoming place, and they only wanted to make their neighborhood more beautiful. He asked for Council's trust that they would not take advantage of anything if the variance was granted.

It was not that they did not like people, Destadio remarked; they had laws, rules, and requirements for a reason. He had voted for variances in the past, but always after looking at the ordinance and considering why they should make an exception. Destadio said he understood the need for updating these homes built in the '70s, but there were other factors. He expected to see a hot tub; instead, their photo included a swimming pool. He recalled projects where they had approved a variance and when it was completed, the project was totally different from what was approved. It happened all the time.

Prebor commented that he was unaware of a pool, and Lorber said there was no pool. He had submitted a plan for a 20x20 foot pavilion, which was probably the minimum size to accommodate a fireplace, cooking area, and a table. That was all they wanted. There was no plan for a pool, and there might not be a hot tub. Lorber again stated that it was important to let people use their property. This was a rehab area, he continued, adding it was the worst lot he had ever seen for setbacks. He could re-plat this and make it a side setback because the house was turned. Why could they not do that and forget about a variance, since it was now a side setback? Lorber asked.

That made sense, said Prebor, but Cailloux stated it was not possible. The ordinance was not about how the property was actually used, but how it was related to the street. On a corner lot, regardless of what the owner considered to be the back yard, one of the frontages had to be a 30-foot setback. That was the one the builder picked.

Okay, Lorber said, that was why there were variances. They could not write an ordinance for every situation, and this was a situation where a variance made sense: to let someone use his property. The neighbors did not care, he noted. It was important to revitalize this City, Lorber remarked, recalling that when he and others were developing Peachtree City years ago, they worried about the City not growing anymore, and when a City stopped growing and changing, it fell apart. Now, he continued, revitalization was going on in all the old neighborhoods. That is what they wanted. Who was coming in

he asked? Families. He reminded them of the large group, many of them teens and children, that had been present earlier in the meeting to support the Riley track resurfacing. Those were new people, Lorber commented. More houses were being rebuilt, and they could not stop the process.

They had to offer what people were looking for in 2022, not 1970, Prebor remarked, saying they could grow or die on the vine if they did not adapt.

They were not doing that, Destadio remonstrated.

King said the same ordinance that Destadio mentioned as setting restrictions also gave Council the ability to make a variance for the reasons the applicant had stated. The owner wanted to improve his home and his quality of life, and King said Destadio wanted to deny him that because one part of their charter said he could not do it, but another part said they could make exceptions. That was a variance, and that, King concluded, was where he had a problem with Destadio's position.

Addressing Prebor, Destadio said he moved to Peachtree City 22 years ago and was the youngest of about eight or 10 people on his cul-de-sac. Eventually, he became one of the older people because the older people moved out and young people moved in. There were kids who played ball in the street. He disagreed that they were going back in time. Everybody he knew on Golfview had either moved into a renovated house or torn down the existing house and rebuilt it. They did need new families and young houses, and that was what they were getting, he concluded.

The average age of a home in Peachtree City was 33, and that was old, Prebor stated. People did not want houses that were 50 or 60 years old. People wanted to renovate, and they should look at these cases individually. If they were improving the neighborhood, and the neighbors were okay with it, Prebor said he could not understand why they would not approve variances, if needed. They were getting old and grumpy, he concluded.

Prebor moved to approve New Agenda item 10-22-07, Variance Request – Rear Setback Encroachment – 516 Pine Circle. King seconded. The motion failed with a 2-2 vote. King and Prebor voted in favor, and Destadio and Learnard voted against.

Lorber asked if he could say something else, and the Mayor said he could not.

10-22-08 New Alcohol License – La Plaza R & R, Inc. – 1988 Hwy 54 West, Suite F

City Clerk Yasmin Julio said this request was not for a new business; it was an existing convenience store that also had a restaurant, called Rincon Latino. The applicant was serving as the licensee and the license representative, and this was a new service they wanted to provide at the restaurant within the store. The convenience store would not sell alcohol like a package store, she added, because they were not allowed to do both, so they chose to sell only for consumption on premises at the restaurant inside the store. The applicant met all requirements of the City ordinance and State law, she said.

The Mayor opened the public hearing. No one wished to speak either in favor or opposition, and the Mayor closed the hearing.

Prebor moved to approve New Agenda item 10-22-08, New Alcohol License – La Plaza R & R, Inc. – 1988 Hwy 54 West, Suite F. King seconded. Motion carried unanimously.

Council/Staff Topics

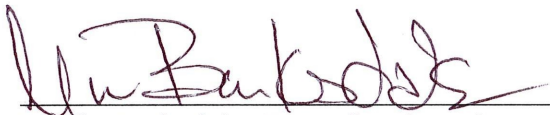
King moved to adjourn to executive session at 7:30 p.m. to discuss personnel. Prebor seconded. Motion carried unanimously.

Prebor moved to reconvene in regular session at 7:58 p.m. Destadio seconded. Motion carried unanimously.

Mayor Learnard made a motion to reclassify the City Clerk/Administrative Coordinator from Salary Grade 113 to City Clerk in Salary Grade 122 effective Monday, October 24, 2022. King seconded. Motion carried unanimously.

There being no further business, Prebor moved to adjourn the meeting. King seconded. Motion carried unanimously.

The meeting adjourned at 7:59 p.m.



Martha Barksdale, Recording Secretary



Kim Learnard, Mayor