

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

The Mayor and Council of Peachtree City met in regular session on Thursday, October 6, 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**

City Clerk Yasmin Julio introduced André Walker as the City's new Communications Specialist.

**Public Comment**

One year ago, the citizen advisory committee on multi-use path safety, of which he was a member, began meeting, Keith Larson told Council. The brief produced at the end of the group's review was still not available on the City's website, and there had been no official response from Council on that final report. Larson said Council was taking action on two of the recommendations: Julio was working on a navigation app for the paths, and they were considering requiring identification decals on the rear as well as the sides of the carts.

**Agenda Changes**

None

**Minutes**

**September 15, 2022, Regular Meeting Minutes**

**September 27, 2022, Special Called Meeting Minutes**

**September 28, 2022, Special Called Meeting Minutes**

King moved to approve September 15, 2022, Regular Meeting Minutes, September 27, 2022, Special Called Meeting Minutes, and the September 28, 2022, Special Called Meeting Minutes. Prebor seconded. Motion carried unanimously.

**Consent Agenda**

**1. Resolution & Agreement with GMA for Telecommunications and Right of Way Management**

Destadio moved to accept Consent Agenda item 1. Prebor seconded. Motion carried unanimously.

**Old Agenda items**

**09-22-06      Second Reading- Alcohol Ordinance Amendment**

Julio said this amendment was basically what she had presented in the first reading at the previous Council meeting, except that the definition of outdoor dining had been removed from the amendment. It was unnecessary because outdoor dining already was defined in the ordinance.

Prebor asked City Attorney Ted Meeker if he had reviewed the amendment, and Meeker said he had.

Destadio moved to approve Old Agenda item 09-22-06, Second Reading- Alcohol Ordinance Amendment. King seconded. Motion carried unanimously.

**New Agenda items**

**10-22-01 Riley—Park Enhancements**

City Engineer Dave Borkowski said he was standing in for Recreation and Special Events Director Quinn Bledsoe and recommended Council approve awarding the bid for resurfacing the Riley Field Track to Deluxe Athletics in the amount of \$548,181.34. He noted that they had discovered an error in the spreadsheet, so this was less than the incorrect amount stated in the staff report to Council.

Borkowski pointed out that the surface at Riley was 10 years old; the rubber was flaking, and the asphalt base was cracked. Bid notices were sent out to 25 track vendors and also posted on a website that reached more than 700 contractors, but only two vendors attended the mandatory pre-bid meeting, and only one bid, from Deluxe Athletics, was received. He explained that staff checked references, found them satisfactory, and recommended awarding the bid to this firm. It was always best to have multiple bids, but Borkowski said they were told at the pre-bid meeting that contractors had more than enough work and were not willing to travel for a bid they might not get. Borkowski also pointed out that they should probably move ahead now, because the project would certainly be more expensive next year.

Prebor said he had a lot of questions and comments, noting first that it made him nervous to have only one bid. He asked what the cost of an asphalt surface would be? What would be the maintenance requirements for this surface?

There were State regulations for bidding that had to be followed, Destadio noted. If they had done that, he said he had no issue with there being only one bid.

They had gone above and beyond the requirements, Borkowski noted, by posting the bid notice on the contractor website.

As for the asphalt, Destadio said, you could not change the bid requirements after the bid had been let. Interim City Manager Justin Strickland pointed out that you could negotiate with the low bidder on the scope of the work, but you could not award the bid to a different company. They would have to reject the bid and rebid it. Destadio agreed, saying you could ask about the asphalt and other things to the low bidder.

Meeker said that was not entirely correct because now they would be changing the scope of the project. If that had been advertised for everyone else, then those people would have been able to bid on it. What they had to do, Meeker explained, was bid it one way, and if they did not like the bids, reject it, and start the process over. You could talk a little about pricing, but the more you deviated from what was bid, the more a bidder could object that they were not asked to bid on that, and had they known it, they might have put something in.

Did that mean they would have to do a separate, asphalt-only, bid? Prebor asked, and Meeker said that was exactly what he meant.

What would it cost if the City did it as asphalt-only? King wondered. It would be about \$340,000 if this vendor did the asphalt, Borkowski replied. Meeker asked Borkowski if this was bid with alternatives? He

said they were bid with three different alternatives, but those alternatives dealt with the rubberized surface. The asphalt was part of the base bid that everyone included.

Learnard asked him to explain the three levels of surfacing and the base. The asphalt had to go down no matter what surface was chosen, Borkowski explained, but they offered alternatives for the cushioned surface. One was a single-component polyurethane structural spray on a base mat; there was a two-component, which included a waterproof element, along with a third alternative called a sandwich system, which was a competitive surface used for college and Olympic competitions. They were recommending the middle of the road option, which was the two-component.

In response to Prebor's questions about longevity, Borkowski said the surface they recommended would last about 10 years before resurfacing was needed, but that would not be as expensive as totally tearing it up and starting over. The asphalt would last at least 15 years.

Where was the money coming from? Learnard asked. It was from the Capital Improvement Program (CIP) under Park Enhancements, said Borkowski.

What if the City used the cart path crews to pave the track? King asked, and Borkowski said he did not calculate that, but it would be cheaper. King said he recalled that it cost about \$300,000 to pave one mile of a path, so a quarter-mile of track would be a quarter of that. That was correct, Borkowski stated, with the caveat that, while City crews could do the asphalt, they could not provide the quality of what was there now. The City did cart paths, parking lots, and so on, but those were not to the tolerances the track was built on. A track had to sloped to get the water to drain. Borkowski said he considered that originally but did not think anyone would like it because there would be low spots that held water.

King acknowledged that rentals of the current track had doubled over the past year, but still averaged only a little more than four a month. Were those the only uses of the track? Strickland said they had the data on the rentals, which included some private schools and track associations. He noted that he usually saw two or three people out on the track whenever he visited.

King pointed out that they had 110 miles of paths, and runners used them. Did they want to spend so much money on a track that was so little used? He said he did not know of any track and field events that took place there. Maybe the track had little usage because it was not maintained? Destadio asked King, who agreed it might be more used because it would be a better track to run on. However, for as little as it was used, he did not feel comfortable spending over a half million dollars to do this. Destadio said he could understand that.

Learnard said she saw it as the difference between having professionals do this to the standards of Peachtree City recreational facilities. There were factors that came into play—slope, depth, surface, injury rates. A lot of groups depended on the integrity of this facility, and she thought the citizens would be reasonable to expect a quality facility they could use for the next 10 to 15 years. That is why they went out to bid. If they wanted to cheap out, she continued, they could just leave it like it is, with weeds growing through the cracks. This was the City's only running track. Konos Academy used it, as did The Campus, St. Paul Lutheran School, Peachtree City Flash, which was a children's team, Long Running, Peachtree City Running Club and their Summer Track Series, HNL Running Club. There were hundreds of residents who used this facility.

They had the money, the Mayor continued; it had been earmarked in the CIP for quite some time, and there was even a happy surprise that the cost would be lower than they thought. She asked why they would second guess doing it right and building something nice? You could go see that it was long overdue, and it would be a shame to shortchange this installation. They would get what they paid for, she stated. If they did it in-house with asphalt they put on cart paths, they would be having this same discussion in three years.

How long did asphalt last? Prebor inquired, and Borkowski replied that it was about 15 years on roads, but this would last longer. Back in the day, Prebor, recalled, every school had an asphalt track; the Olympics used asphalt tracks. He, too, wanted nice things, but it was a lot of money for something that got little use. He was sure they could make a better assessment if they had accurate numbers.

It was a public facility, the Mayor stated, and people were there all the time. She ran on it all the time. Did she sprint on it? Prebor asked. The rubberized surface was for sprinting, he noted. How many people were out there sprinting?

What did he want to see instead? Learnard asked Prebor, who replied that he wanted to see some asphalt bids. He wanted to know more about the usage. Learnard suggested they get information on injury rates on asphalt. How many people were sprinting? Prebor asked, noting that sprinters were more likely to get injured than runners or walkers.

Learnard mentioned the Peachtree City Running Club, and Prebor asked Paul Schultz, a Running Club member in the audience, how many people sprinted on the track?

Schultz told him the use of a 400-meter all weather track was not just for sprinters. Quite a few people from Peachtree City, including himself, had qualified for the Boston Marathon, and a 400-meter track was essential to their training. Even though there might be two or three people at 8 a.m., Schultz noted, that if you went at 4:30 or 5 a.m., you would see 20 or 30 people training before work. Lots of older people used the track for walking because they did not feel safe on the paths. The track was not just for sprinting; it was for any time you wanted a measured distance run. High school athletes used the track, and people with dogs felt safe running with them because the track was fenced.

Prebor thanked Schultz and pointed out that these uses did not require a rubberized track. The Boston Marathon was not run on a rubberized surface, he remarked. He again said he wanted to know the difference in cost between a rubberized and an asphalt track, as well as how many people that was important to. He said he had no doubt they needed to do something there.

Then they needed to reject this bid, Destadio stated, and rebid the way Prebor wanted. King suggested they table it until they had numbers. Should they reject it or table it? Prebor asked, and Meeker asked Borkowski how long the bid was for? Borkowski said their standard was 60 days, and it was received on September 2. So, they could continue it one meeting, until October 20, to act within the 60 days, Meeker said, or they could vote to reject it and start the process over.

Prebor suggested they reject it and start over, looking for people who had constructed asphalt tracks.

Learnard remarked that she thought that was a shame when they had the money earmarked in the Park Enhancement fund. The bid came in a \$548,000 to get a reasonable—not the Cadillac—surface with a waterproof spray. She predicted they would be back in three years because water would be seeping in and causing bubble-ups. Anything they did to delay this would ultimately cost more, she concluded.

No, not if they went with asphalt, Prebor objected, saying the Mayor was comparing the rubberized surfaces.

Learnard again said she felt it was a shame to delay. It had been bid fairly, and they had a reasonable price. The School System had told them resurfacing other tracks of this size cost between \$500,000 and \$1 million. They had a good price now, but it would cost more later.

Prebor moved to reject New Agenda item 10-22-01, Riley—Park Enhancements. King seconded. The motion failed 2-2, with Prebor and King voting in favor, and Destadio and Learnard voting in opposition.

What now? King asked. Meeker said that motion died, but Council needed some action.

Destadio moved to table New Agenda item 10-22-01, Riley—Park Enhancements until the next Council meeting. Prebor seconded. Motion carried unanimously.

#### **10-22-02 First Reading- Amend Registration/Decal/Transfer Requirements Ordinance**

At Council's request, Strickland related, staff had been looking at the placement of rear registration decals on golf carts. This was also a recommendation of the Multi-Use Path Safety Advisory Group, as Larson had noted earlier. Staff was now ready to recommend an amendment to the ordinance regarding placement of a third decal on the rear of every cart. Currently, two were required—one on each side. The rear decal would need to be always visible, which the current ordinance required of the two side decals, but Strickland pointed out that was not always complied with. This addition to the ordinance did not specify an exact location for the rear decals because there were different types of carts, so the decals could be placed where best, as long as they were visible. Staff recommended this become effective May 1, 2023.

Strickland showed photographs of several types of carts and where the decals could be placed. The ordinance said only that it had to be visible from the rear. Some carts, like the Code Enforcement's, had an actual license plate holder in the rear. The rear deck of Strickland's own cart was big enough that he could just stick the decal onto it. He also had a rail where he could affix it. A photo of another cart, with a thinner deck and no lower rail, showed that the decal could be placed at the top. They could not specify where the decals should be placed because there was no standard cart. Strickland presented a photo of golf carts at a community in Florida that showed rear decal in different places.

If this passed, staff would work with the vendor who did the decals so that registered carts could keep the same number. The third decal would be mailed to registered cart owners in the spring, and the citizens would need to have the rear decals on their carts by May 1. The estimated cost to the City would be about \$10,000 for printing and postage. There would be no additional fees to cart owners.

How many registered carts did they have? Learned asked, with the consensus answers being about 13,000. She confirmed that there would be three on her cart—two on the sides and one in the rear. Strickland said the two on the sides now had renewal information, but they were planning to have the rear decal be just the number.

All they wanted to see was the number, Prebor commented, not the Peachtree City logo or anything else. Noting that some people might find the task of affixing the decal daunting, he suggested looking into the cost of small plastic plate for citizens. Otherwise, many people would have to get something to mount it. Destadio said his cart was in one of the photos Strickland displayed, and all he needed to mount the plate was two self-tapping screws, although he acknowledged there were some people who could not do that. He said there might be some community groups that could help out, and Strickland said delaying the date until May gave them time to look at options.

Destadio also noted that he liked that the registration part would still be limited to the side decals but was glad they were getting a number on the rear as well. Prebor added that this was being done for safety. If someone committed an infraction on the paths, you could get the number off the rear as they drove away.

This was the first reading, Strickland noted, so they could pass it that night or wait until another meeting. Prebor said he would like to wait, and Learnard said she wanted to get comments from citizens. King and Destadio agreed that it should wait.

#### **10-22-03 First Reading- Tethering Ordinance**

After discussions with Council, staff had put together a proposed tethering ordinance for domesticated animals, Strickland reported. It added a definition of tethering as "using a rope, strap, chain, or cord to fasten, tie, or restrain an animal to a fixed or stationary single point in order to keep the animal within a certain area for a continuous time period."

The proposal also amended the "animal under restraint" section to ban tethering except for trolley systems or if the animal was under immediate supervision or under control of a professional. The trolley system must allow movement of the animal, and the cable must have swivels. It must be at least 10 feet in length to allow movement of the animal, and it must be between four and seven feet high. The animal must be able to move 10 feet outside of the cable line of each side and must not be able to get tangled in other objects. It must have access to food, water, and shelter, and the tether must be attached directly around the animal's neck; it had to be on a collar, and the ordinance defined the inches the collar must be around the animal's neck so it was not choking them. Only one animal was allowed per trolley system. The trolley system must not be the primary form of restraint for the animal, and the owner must be on the property when the animal was attached to the trolley system.

The other exceptions were if the animal was in the owner's immediate attention on the property. The animal could not come within 10 feet of a street, multi-use path, or a sidewalk. For example, Strickland said when he washed his car in the driveway, his dog barked at him from the fenced back yard. So he would bring the dog out and tether him to the fence near the driveway. That was technically the definition of tethering, but, because Strickland was present, it met the exemption. The other exception was animals under the control of a profession, such as a groomer or trainer.

While this ordinance did ban tethering, it provided for some commonsense exemptions, Strickland concluded.

Destadio said he thought this was a well-written ordinance, but it did not provide for a penalty for violators. Strickland said they could specify fines for inclusion at the second reading. Right now, it would just go in the general citation table where a first offense was \$150. They could add fines specific to tethering, though, he said. Destadio said he would like to see it in this ordinance. Learnard said she had no problem with that.

King said he did not either, but asked if animal control was not a County function? Meeker said they could prosecute someone in Municipal Court.

Destadio mentioned the issue of barking dogs and asked if this could be tied to the same timeframes mentioned in the noise ordinance? Was he talking about duration or time of day? Learnard asked, and Destadio told her it was both. Senior Code Enforcement Officer Tim Maret said barking dogs could be reported at any time; there were no time constraints. Destadio said they should look into it, and Strickland said it could be an exemption for the trolley.

Strickland noted that Maret played a big role in developing this ordinance and did a great job. Learned thanked him. There were no other comments, and the Mayor said it would come back for a second reading.

#### **10-22-04 Award Contract for City Aquatic Facilities and FY-23 Budget Amendment**

The City had contracted with United Pools since 1998 and was happy with their service, Strickland stated. There was a slight increase in this new contract, but there had not been an increase in the past, and recreation staff felt this one was justified due the increase in the cost of pool chemicals and other things.

Meeker said the term was year to year with four or five automatic renewals. This was a new agreement with four annual renewals, beginning in fiscal year (FY) 2024, as long as each party agreed, Strickland reported.

Prebor noted this agreement was for nine months, and Strickland said that was to get it in line with the fiscal year. It used to be for a calendar year. Destadio asked about the annual renewals, and Strickland told him it would be renewed this year, plus considered for four more.

Prebor moved to approve New Agenda item, 10-22-04, Award Contract for City Aquatic Facilities and FY-23 Budget Amendment. Destadio seconded. Learnard asked if they had stated the amount? and Prebor added to his motion that the contract was for \$295,203. Motion carried unanimously.

#### **Council/Staff Topics**

##### **Ethics Complaint**

King stated that an ethics complaint was filed against the Mayor, and the City followed the process in the Ethics Ordinance to address it. The hearing officer had recommended that the complaint be dismissed, and further found the complaint to be unjustified and frivolous. Council would vote on the officer's recommended action as soon as there was a full five-member Council, King said. They could not vote until the vacancy was filled.

### **Peachtree City Water and Sewer Authority**

Four years ago in July, King related, Council went to the State Legislature and asked that the Water and Sewer Authority (WASA) membership be the members of Council. During those four years, they had made a lot of improvements, he continued, and had actually reduced the number of personnel.

There was a goal to eventually bring it under the City, but King said he wasn't sure this was the right time. Was Council willing to ask staff to take a look at the pros and cons of WASA being brought in as an enterprise fund, like Stormwater? Little would change except there might be economies of scale savings with the employees being City employees. He said there was sure there were cons, too. Did they want to ask staff to look at this and see if they should bring it back under the City?

Prebor said he thought it would be a good idea, mentioning the economies of scale, personnel, maintenance on vehicles, and purchasing. They needed to look at it.

Destadio recalled that he had dealt with enterprise funds before, and they looked good in the beginning, but they had a way of leaking. He had no problem with them taking a look, but, they would find out that, over time, as issues came up, there would be leaks.

King said they were about to find out about that with Stormwater.

Eventually, Destadio continued, someone would suggest that part of the City Manager's salary should be part of the enterprise fund. So there would be X amount of dollars leaking off to that. Vehicles might be another leak. There was always somewhere the fund was leaking, Destadio continued, adding that Dan Davis with Integrated Science and Engineering (ISE) had done a fantastic job, and they were almost to the point of being able to reduce some fees.

Destadio again said he had no issue with them looking at it but thought it would be a good idea to get outside opinions on enterprise funds. The County Water Department had problems, he remarked.

King said he understood and did not want to take ISE out of the oversight role, which they also had with Stormwater. He wanted to look at it as a cost-saving measure, but there were other things to consider. Prebor commented that they owed it to the citizens to look, and Destadio agreed, but thought they should not get just the staff's input, but a professional from the outside looking at it, as well.

Learnard agreed, saying she had talked with a national group of water operators, and the general consensus among them was to keep the distance between City department functions and the authority. They told her there were jurisdictions in Georgia that were fighting to try to set up an authority to keep that distance between the politics of the City and that operation. DeKalb County was an example where they had tried to get a separate entity but had not been successful. There were pros and cons, though, and the Mayor said she was not opposed to taking a look.

King said he believed they were the only city where Council members were also the water and sewer authority members.

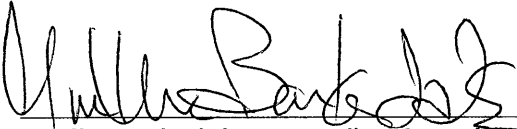
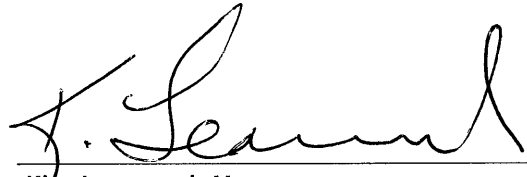
Strickland said he was hearing that staff should move forward with looking at the pros and cons. Not just staff, Destadio interjected; get somebody else involved. Learnard said staff would pull it together.

King moved to adjourn to executive session at 7:30 p.m. to discuss personnel and the sale, acquisition, and leasing of real estate. Prebor seconded. Motion carried unanimously.

Prebor moved to reconvene in regular session at 7:59 p.m. king seconded. Motion carried unanimously.

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

The meeting adjourned at 8:00 p.m.

  
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**Martha Barksdale, Recording Secretary**  
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**Kim Learnard, Mayor**