

City Council of Peachtree City
Meeting Minutes
October 5, 2017
7:00 p.m.

The Mayor and Council of Peachtree City met in regular session on Thursday, October 5, 2017. Mayor Vanessa Fleisch called the meeting to order at 7:00 p.m. Others attending: Terry Ernst, Mike King, and Phil Prebor. Kim Learnard was absent.

Fleisch explained that, in light of the September 30 shootings in Las Vegas, the Rev. John Weber had been invited to open the meeting with prayer.

Announcements, Awards, Special Recognition

The Mayor recognized Cpl. Bryan Boynton as the August 2017 Employee of the Month. She noted he had been employed by the Police Department since 2007. Fleisch thanked the Police Department for winning the Mayor's Cup at the Dragon Boat Race last month. She added this was the second win in a row, which was unprecedented.

Assistant Police Chief Stan Pye presented Council and the City Manager with special pink badges in honor of October being Breast Cancer Awareness Month. He noted that breast cancer was a major health problem for women and men, and this year, each Peachtree City officer was wearing one of the special badges to bring attention to the disease.

MacDuff Parkway Update

City Manager Jon Rorie introduced Donna Black of Scarborough & Rolader Development to update Council on construction of the MacDuff Parkway Bridge. He showed drone video of the construction site and explained that all work must cease when a train passed on the railroad tracks. Rorie pointed out that landscaping would be done at the site and said additional work along the SR 74/Kedron Drive intersection would reduce the queue length in the turning lane.

Black explained that the drone footage showed what was previously the end of Kedron Drive at Old Senoia Road. She said the entire intersection had been rebuilt; a portion of Old Senoia Road was taken out and the elevation raised, then the old dead-end of Kedron Drive was graded and brought through to connect to Old Senoia Road. In the future, she noted, Kedron Drive would cross the bridge. She said the project was almost finished and pledged that, barring unforeseen difficulties, the bridge should be open by the end of November or first of December. She said rails and fencing on the bridge remained to be completed; guardrail was needed in other areas. Black reported that a four-way stop would be in place until a traffic light could be installed. Because CSX had inspected the bridge throughout construction, there should not be any major corrections needed before the bridge was approved for use. She said Scarborough & Rolader would conduct an as-built survey and provide it to the City for its records.

E-SPLOST Presentation

Neil Sullivan, chairman of Fayette Citizens for Children, outlined some facts about the November 7 ESPLOST referendum and why its passage would be beneficial to Peachtree City. Sullivan explained that the ESPLOST was a 1% sales tax added to all purchases in Fayette County, with proceeds dedicated to the school system. It would span five years, continuing the ESPLOST already in place. Sullivan noted that the 'S' for 'Special' in ESPLOST no longer had meaning since the tax was factored into school funding at the state level. The money raised had to be spent on hard assets such as buildings, books, and technology. Sullivan noted that an estimated 30% of the money garnered through the ESPLOST would be from out-of-county visitors. He went over some of the projects funded by previous ESPLOST collections, including renovations and new

construction at McIntosh High, Braelinn Elementary, and Peachtree City Elementary. Sullivan also noted that every classroom in the county had been equipped with computer technology as a "Classroom of Tomorrow" several years ago, but the technology was now dated.

More than 51% of the money raised through the new ESPLOST, Sullivan noted, would go towards facilities improvements, while 26% would be earmarked for technology, both in the classroom and through computer loans to students. Other funds would be divided between security, furniture, instructional materials, transportation equipment, and debt reduction, he noted. Sullivan explained that Fayette's school system consistently ranks among the state's best, and the ESPLOST was necessary to maintain what he called 'the Fayette Advantage' of smaller school sizes and experienced teachers.

Sullivan urged everyone to vote on November 7, but noted that a few precincts would not be structured to allow voting in both the municipal election scheduled for that day and on the Countywide ESPLOST in the same location. City Clerk Betsy Tyler said only one precinct in Peachtree City fell in that category; voters cast municipal ballots at Braelinn Elementary, but had to go to Rising Starr Middle School to vote in county, state, and national elections. Tyler said she would put this information in the weekly **Updates** newsletter. Rorie added that support of the schools was mentioned in the City's comprehensive plan because a top-notch school system was a key part of economic development for the City.

Public Comment

Marianne Dias told Council about a Fire Appreciation event she was coordinating called Peachtree City's All Fired Up, set for October 24 – 26. She said her group intended to meet with every fire/rescue team member and provide them with a meal and treats. She brought banners and asked everyone to sign them with messages of support for firefighters.

Minutes

September 21, 2017, Regular Meeting Minutes

King moved to approve the September 21, 2017, regular meeting minutes as written. Ernst seconded. Motion carried unanimously.

Consent Agenda

1. Consider Official Intent Resolution for FY 2018 Equipment Purchases
2. Consider Alcohol License – NEW – Revolution Coffee Works, 361 Hwy 74 N
3. Consider Appointments to the Planning Commission
4. Consider Acceptance of GMA Safety Grant & Liability Management Grant
5. Consider Approval of CIE Update

Ernst moved to approve Consent Agenda items 1 – 5. Prebor seconded. Motion carried unanimously.

Old Agenda Items

09-17-05 Consider FY 2018 Budget for Keep Peachtree City Beautiful & Amendment to FY 2018 General Fund Resolution

Rorie noted that funding for Keep Peachtree City Beautiful's recycling program was discussed at the Council retreat and at the September 21 meeting. He explained that costs had increased to operate the program. He proposed, based on the feedback from previous discussions, a budget amendment of \$15,770 for the revenue side in support of the recycling program, offset with an expenditure of the same amount. He said this amounted to a 10% increase in revenue, and a 10% increase in expenditures, with 7% of that to pay for recycling bin pulls. The remainder, Rorie related, would go towards increases in insurance and labor costs.

King moved to approve item 09-17-05, the fiscal year (FY) 2018 budget for Keep Peachtree City Beautiful, with the amendment to the FY 2018 General Fund Resolution. Ernst seconded. Motion carried unanimously.

New Agenda Items

10-17-01 Consider Contract for Amphitheater Management

Fleisch noted that staff had requested a continuance. Rorie explained he wanted to ensure the document was thoroughly vetted from a legal standpoint and said it could be brought to Council as early as the October 19 meeting.

Prebor moved to continue New Agenda Item 10-17-01, the contract for Amphitheater management. Ernst seconded. Motion carried unanimously.

10-17-02 Public Hearing – Consider Variances for Old Golf Rider Property at Huddleston Road/SR 54

Fleisch said this item was withdrawn by the applicant.

10-17-03 Public Hearing – Consider Variance for Rear Setback, 120 Kenton Place

Senior Planner Robin Cailloux reported that this property was in the Kenton subdivision, off Holly Grove Road in the southern portion of the City. It was zoned R-12 and backed up and was also on the side of a City greenbelt. She said the setback was 30 feet, and the variance request was to encroach 8.5 feet. Cailloux noted there was a type of variance that would allow for an encroachment of 25% of the required setback area, which in this case would be 7.5 feet, without a public hearing, but the homeowner here was asking for 8.5 feet. Cailloux showed an outline drawing of the house with an existing sunroom, for which the applicant received a two-foot encroachment in 1996. She said the applicants were asking to build a bigger deck, and the majority of the encroachment would be for the stairs to the yard. Cailloux noted that the home was built a little further back from the street than others in the neighborhood to preserve trees in the front yard. Cailloux said that the request met two of the City's six variance review criteria: granting of the variance would not prove detrimental to public health, safety, or the general welfare; and it would not conflict with any objective of the comprehensive plan.

Mike Lorber of Lorber and Associates and homeowner Pat Rosenbach spoke about the request. Rosenbach noted that her husband, Bernie, had Alzheimer's Disease and got great pleasure from sitting on the back deck and talking to passersby on the cart path. She said extending the back of the deck would also improve the value of their property. Lorber noted that the variance request was mainly to accommodate moving the stairs off the existing deck.

Fleisch opened the public hearing. No one spoke in favor of or in opposition to the request. Fleisch closed the public hearing.

King noted that neighbors wrote letters in support of the variance and added that the house was not visible from the adjacent fairway. Prebor raised concerns about the proximity to the greenbelt and the cart path, asking if the steps could be made four feet wide instead of five feet. He also had concerns about the proximity of the deck to the cart path. Lorber said it was possible, but five feet was safer. Lorber also noted that they were installing landscaping that could be used to screen the deck. Ernst said he had visited the property and had no issue with granting the variance. Lorber added that there were two large oak trees in the front yard, so the home was probably moved further back on the lot to save the trees. The other homes in the neighborhood were not as close to the building setback. Prebor asked if a condition could be set to require a buffer between the deck and the cart path. Lorber noted that additional planting was planned

after the deck construction was finished. Fleisch said she was fine with the proposal as described and felt the planting issue was being adequately addressed.

Ernst moved to approve New Agenda item 10-17-03, the variance for the rear setback at 120 Kenton Place. King seconded. The motion carried 3-1 (Prebor).

10-17-04 Consider Amendment to Sec. 1110(e) of Land Development Ordinance, Tree Credit

Cailloux presented the proposed changes to the tree credit section of the Land Development Ordinance. She said the current ordinance offered credit only for trees in the developable area of a property, while the amendment would apply to trees throughout the property, except in landscape buffers along major thoroughfares. The current ordinance only granted credit for canopy trees, she noted, but the amendment included both canopy and understory trees. Kept The 25% cap on the credits was kept the same, she noted. As an example of the changes affected by the amendment, Cailloux presented statistics from the Paschall Business Park, a 9.8-acre site with 6.1 acres deemed developable. She said under the current ordinance, 1.6 acres of trees would be required, while the proposed ordinance would allow for 1.3 acres. This would not be a drastic change, Cailloux noted.

Prebor moved to approve New Agenda item 10-17-04, the amendment to Section 1110(e) of the Land Development Ordinance, Tree Credit. King seconded. The motion carried unanimously.

10-17-05 Consider Acquisition of Path Easement from Camden Apartments

City Attorney Ted Meeker referred Council to his memo detailing the agreement. He said the appraisal was \$99,000, but the parties agreed upon a price of \$85,000 with the stipulation that the City install three lampposts along the path on Camden's property, along with a fence and landscaping. This path was the last link to the tunnel under MacDuff Parkway.

Ernst moved to approve New Agenda item 10-17-05, the acquisition of the path easement from Camden Apartments. King seconded. The motion carried unanimously.

Council/Staff Topics

Rorie told Council that the spillway project was moving forward.

Meeker noted there were a couple of items that had been addressed to him over the past few days, and, rather than call an executive session, he asked to read a statement:

Based on various questions I have received in the last couple of days, I felt it necessary to respond to the issues that have been raised about an incident that occurred at PAC [Peachtree City Athletic Complex] a few weeks ago.

The Police Department responded to two (2) 911 calls. Officers on scene during the incident on 9/2 spent over an hour investigating what happened and interviewed all of the witnesses. Based upon the facts known to the officers at the conclusion of that investigation, there was not a sufficient basis to arrest the person in question. The victim communicated a very clear position that she did not want criminal charges pursued and she did not feel a crime was committed against her. While officers can certainly set aside a victim's wishes to not seek charges in a Family Violence incident, their decision must be supported by other corroborating evidence and probable cause to believe that the offending party was the primary aggressor in a qualifying criminal act. The officers in this case weighed the available evidence in a reasonable manner and determined there was not sufficient

information to proceed in that course of action. A follow up investigation revealed no significant differences from what officers found on scene. The victim reiterated her position on the matter to the investigator in a different environment, well separated from the incident and the other involved parties.

One of the parties involved contacted my office on September 22. I responded to his inquiry. From the start of the conversation, he made it perfectly clear to me that he was seeking an offer. He indicated that he had sued people before and won. He told me that he had videoed the incident on his phone, and that it would be bad publicity for the City for him to release that video. There were a series of texts and emails that day. It was clear to me that the City would either make him an offer, or a lawsuit would follow.

The texts continued on Saturday September 23rd.

Last week, I told him that no offer would be forthcoming based upon my review of the matter and the legal issues involved. I also informed him that the PD was doing its own review of the matter. As I just indicated, that process is now complete. The conclusion remains that no charges are warranted.

Earlier this week, I received more communications from him informing me that his video was done, and it was good. His words, not mine. I asked for a copy. He told me I would receive it when all of Peachtree City received it.

So, he posted his video. Nothing in that video has changed my legal analysis.

All of Mr. Findley's communications with me have been about trying to secure some type of compensation from the City. His offer of a forum to speak about this issue was raised, but only in the context that the City could pay them speaker fees as an alternative method of compensation. I have text messages from him to substantiate this statement.

Peachtree City enjoys an incredibly low crime rate. That is due to both its citizens and the excellent Police Department of the city. The PD takes all crime seriously, including domestic violence. If the on-site investigation yielded any evidence of a crime, an arrest would have occurred.

I felt like the Citizens deserved to hear the facts about this matter.

Meeker said the other matter dealt with High Sierra's lawsuit against the City. His statement read:

This lawsuit involves the rezoning of property in Lexington. It is important to note that the party suing was successful in obtaining a zoning classification that would allow 80 loft apartments, and the creation of the LUC-28 zoning district. The issue is the portion of the property that is still zoned LUC-16.

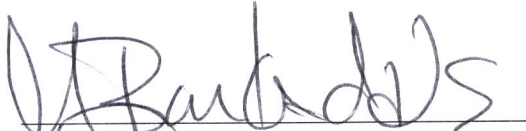
The allegations in the lawsuit are that the City did not follow applicable law in changing the LUC-16 zoning classification.

The City posted a sign on the property, and ran an ad in the paper that complies with the Georgia Zoning Procedures Law. Council acted in accordance with

Georgia law in amending the LUC-16 zoning district.

Judge Ballard ruled in favor of the City. According to the Court docket, a Notice of Appeal was filed on October 2nd. And I received that notice just this afternoon so now the matter will be pending, probably in the Georgia Court of Appeals.

There being no further business, King moved to adjourn. Ernst seconded. Motion carried unanimously. The meeting adjourned at 8:11 p.m.



Martha Barksdale, Recording Secretary



Vanessa Fleisch, Mayor