

City Council of Peachtree City
Minutes of Meeting
September 21, 2006
7:00 p.m.

The City Council of Peachtree City met Thursday, September 21, 2006, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present were: Steve Boone, Stuart Kourajian, Cyndi Plunkett, and Judi Rutherford.

Announcements, Awards, Special Recognitions

Mayor Logsdon proclaimed September 17-23 as Constitution Week.

Public Comment

Lynda Wojcik addressed Council regarding the burning of yard waste between October and May. She told Council there was an ordinance against smoking in restaurants, which was a choice people could make, and asked them to consider limiting outdoor burning to one week a month. She said she was allergic to smoke and could not breathe when she was outdoors or when she had her windows open. Wojcik had photos of the smoke, which were scanned in and shown to Council. (Copies of the photos are included in the official meeting file.)

Richard Spain addressed Council concerning the TDK Boulevard extension. He said he had only lived in the City for a few months and had been trying to get information. He had also e-mailed Council on the issue. He noted that no answer was passive acceptance. He asked if Council could stop the road and asked for a resolution to either accept or deny the project. Spain told Council they should go on record so the residents would know how the members felt during the next election cycle.

Robert Brown told Council he was extremely disappointed to read that Council had not taken action regarding the TDK Boulevard extension. He said Council needed to make a decision and to be prepared for the political consequences. If Council felt it was not good for the City, then the City Attorney should find a way to get out of it. There were a lot of pluses for Coweta County and the developers, but not for the City. The Council worked for the City, and they should let the people know where they stood.

Minutes

Rutherford moved to approve the September 12, 2006, workshop minutes and the September 12, 2006, special called meeting minutes as written. Plunkett seconded. The motion carried unanimously.

Consent Agenda

- 1. Consider Declaring Surplus Property**
- 2. Consider Assignment Agreement of APAC-Southeast, Inc., Contract**
- 3. Consider Request for Easement from Newnan Utilities**

Logsdon referred to Consent Agenda Item #2 and noted that C.W. Matthews Contracting Company, Inc., bought APAC. He disclosed that his son-in-law was an accountant for C.W. Matthews. Rutherford noted that the agreement was on the agenda so it would cover the road work done by APAC-Southeast, Inc. McMullen said that was correct.

Rutherford moved to approve the Consent Agenda. Kourajian seconded.

Plunkett asked if the surplus property from the Police Department had been confiscated. Police Chief James Murray said it was a combined list.

Rutherford asked if there was anything on the list, such as the bicycles, that could be auctioned online. Assistant Finance Director Janet Camburn said the City had sold one vehicle on-line. Most of the items were inexpensive and would take more time to sell online than to take to the auction. Rutherford said she understood, but thought the bikes might go better online.

The motion carried unanimously.

Old Agenda Items

09-06-01 Consider Approval of PCTA Budget

Peachtree City Tourism Association Chairman David Ring noted there had been a question regarding the Amphitheater monies. It had been re-categorized from Amphitheater personnel to the contingency fund. He deferred any specific questions to the PCTA Finance Committee to answer.

Rutherford moved to approve the PCTA budget. Kourajian seconded. The motion carried unanimously.

09-06-03 Update and Consider Actions for Lake Kedron/Lake Peachtree Buffer Issues

City Engineer Dave Borkowski said that staff would discuss the west side of Lake Peachtree after meeting with the homeowners associations. Staff made the following recommendations for the Lake Kedron reservoir and the east side of Lake Peachtree:

1. All access to the lake should be restricted to the boat docks only, and all boats and trailers should be removed.
2. Violations of any of the buffers and setbacks delineated on the subdivisions recorded Final Plats should be corrected.
3. Violations of the Watershed Protection Buffer (100 feet) and Impervious Surface Setback (150 feet) that are not platted shall be grandfathered. Any new activities shall comply with what is delineated on the recorded plat. Any subdivision that is revised in the future shall delineate the new Watershed Protection Buffer and Setback.
4. Violations of the State Water Buffer (25 feet), the platted Watershed Protection Buffer and Setback, and City Greenbelt should be corrected. This area should be allowed to grow back naturally.
5. City Ordinances should be reviewed for consistency and changes made as appropriate. The City should create a permit process and update educational information to inform citizens of what they could and could not do in the various buffers and setbacks.
6. The homeowners should be notified of what will be required to be in compliance and be given a specific time frame to implement corrective action.

Borkowski recommended the following for the east side of Lake Peachtree:

1. All violations to City property and City greenbelt should be corrected and the area allowed to grown back naturally. All encroachments should be removed.
2. Violations of the Watershed Protection Buffer (100 feet) and Impervious Surface Setback (150 feet) that are not platted shall be grandfathered. Any new activities shall comply with what is delineated on the recorded plat. Any subdivision that is revised in the future shall delineate the new Watershed Protection Buffer and Setback.

Borkowski explained that a lot of people did not understand what was a violation of the different buffers, which could be very confusing. All violations to buffers that were not platted would be grandfathered. He said staff and City Attorney Ted Meeker had discussed the issue with the Georgia Environmental Protection Division (EPD). Borkowski continued that, if the recommendations were approved, staff would begin a review of all the ordinances and make the changes needed to make the ordinances more concise and clearer. He said staff would also establish a good written enforcement procedure and policies, as well as good educational materials to give to people. He said staff would meet with the affected homeowners associations to discuss the issues. Lastly, there would be lot-by-lot inspections to locate all the violations, then get together with the owners regarding the violations.

Borkowski continued that the City mailed letters to approximately 114 homeowners that abutted City greenbelt property last week regarding possible greenbelt violations. As for the other buffers, the first step was to develop a good written procedure and permit, as well as developing some good educational information so people would understand what was a violation and what they were allowed to do.

Borkowski reiterated that there would be a meeting with the residents of the west side of Lake Peachtree, and staff would present the recommendations for that part of the reservoir at another time.

Plunkett moved to table the discussion on the west side of Lake Peachtree for two weeks (October 5). Kourajian seconded. The motion carried unanimously.

Rutherford noted that the recommendations had a lot of "shoulds" that needed to be made "wills." She said the City had to be very clear about what was grandfathered and whether it was grandfathered just for the current homeowner or for perpetuity. Borkowski said that was a good question. If the 50-foot buffer was platted for one subdivision, then that was what those lots and subdivisions would be held to for the duration. Meeker clarified for the duration, or until the property was replatted. Kourajian asked why something would be replatted. Meeker said someone could buy lots, combine them, and redevelop an area.

Rutherford recalled that there were some lots on Lake Kedron where the buffers were unclear. Meeker said the buffers were depicted on the plats, and they had been able to ascertain what the platted buffers were on the individual lots. Plunkett asked if they had heard from anyone with no plat or no buffer. Meeker said they had not heard from anyone.

Boone said he had walked the shoreline on the south side of Lake Kedron. A lot of the properties were in compliance, but properties on the other side of the lake appeared to be clear

cut to the water line. He added that he did not walk along the north side of the lake. He said he had walked along some paths that were supposed to have been in existence prior to the development, and he had no problem with that.

Plunkett suggested, under the rationale that Lake Kedron was County property, that the City would follow the County's rules and regulations. She said that wording would keep the City in compliance with the County in the event the County changed its rules. Rutherford asked what would happen if the County's rules became less restrictive than what the City imposed. Plunkett said that was possible, but the City needed to either follow the County's regulations or be more restrictive. She added she did not know if that was possible since the lake was County property. Rutherford said that, at the very least, the City had to follow the County's regulations. Logsdon said he agreed with Plunkett. Meeker said it was County property, and the County had to make that decision. Meeker said they could not rule out every possibility, but the water standards got tougher every year. He did not foresee those standards getting less restrictive any time soon.

Logsdon noted that there were three additional documents on the dais – a revised memo to Mayor and Council dated September 14, 2006, with the subject "Lake Kedron Reservoir and lake Peachtree Reservoir Buffer Update;" an e-mail from Karen Avidano dated September 20, 2006; and an e-mail from Barb Phenicie dated September 20, 2006.

Residents who addressed Council on this matter included Dale Phenicie, Karen Avidano, Elliot Stotler, Walt Mashburn, and Dan Skelly. Their concerns included the following:

- The tone of the recent letter from the City was very stern.
- Things done across Lake Kedron were not necessarily done by homeowners, but when the development was done.
- There were many inconsistencies in how different things had been handled during the development of the area.
- Many residents did not know what they were doing wrong.
- No one had approached the homeowners in an organized fashion to discuss the issues.
- There were concerns if the overstory in the buffers destroyed the understory, which would affect the water quality.
- Cart paths were located in the no impervious surface zones.
- There should be reasonable guidelines for everyone to use the area.
- Everyone should work together to keep area around the lake clean and safe.
- There would be more cooperation if there were more workshops or meetings to inform people.
- One resident had a letter from Code Enforcement that addressed what could be done in the buffer.
- Many residents were out-of-town for the summer and were not aware of the workshop.
- The City had had buffers since it started, and the buffers had been enforced.
- Everyone should work together to protect the City.
- People paid for the view of the lake from their lots.
- Many residents have abided by the neighborhood covenants.
- Fayette County Tax Office told one homeowner they owned to the lake.

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- Many residents did not know what they were doing wrong.
- No one had approached the homeowners in an organized fashion to discuss the issues.
- There were concerns if the overstory in the buffers destroyed the understory, which would affect the water quality.
- Cart paths were located in the no impervious surface zones.
- There should be reasonable guidelines for everyone to use the area.
- Everyone should work together to keep area around the lake clean and safe.
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- Many residents were out-of-town for the summer and were not aware of the workshop.
- The City had had buffers since it started, and the buffers had been enforced.
- Everyone should work together to protect the City.
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Meeker said there was no inherent right to use a lake, whether it was publicly or privately owned. There were no specific use rights conveyed to the property owners that abutted Lake Kedron. He continued that just because a public body owned a property did not mean the public could use it. The City of Griffin recently built a reservoir, and there was no access allowed.

Logsdon said homeowners participated in a workshop with Council that was held in August. Plunkett asked how the information was distributed. Rutherford noted there were 60 to 70 people at the workshop. McMullen said the workshop notice was published. Code Enforcement Officer Tami Babb clarified that the first set of letters to go out about the Council workshop went out approximately six weeks ago to 204 homeowners. The letters that addressed the greenbelt issues were mailed approximately two weeks ago. She put copies of the letters in the Council mail boxes.

Meeker said there was a 100-foot undisturbed buffer that was a dedicated City greenbelt on one of the lots specifically discussed at the meeting. McMullen pointed out that there was an easement on the properties in that area for the cart path and utilities. The first 100 feet from the lake to the property line was the undisturbed buffer.

Rutherford said the City needed to go to each homeowner and tell them what they could and could not do on their lot. Kourajian asked what the process was now. He asked if the homeowner would let the City know what they were going to do. McMullen clarified that the discussion was about what was being done in the City greenbelt, which was City property. The City would enforce the rules in the City greenbelt just as in the other parts of the City. Plunkett asked what the ramifications were if it were proven that Code Enforcement had allowed people to limb up trees on City property. Meeker said there were none. He said that a single code enforcement officer could not alter a policy adopted by the Council.

Meeker said there was a misconception about the greenbelt and the buffers. People could walk through the greenbelt and buffer down to the lake; the problem was clearing the vegetation and storing or launching boats in the areas. Rutherford said some people had inadvertently landscaped or built into the greenbelt, and the City had them tear it out or move it, then replant the greenbelt. She said there were two different issues – the City greenbelt and the natural buffers required by the state. Meeker reiterated that an undisturbed buffer was an undisturbed buffer. The City could not do anything in an undisturbed buffer either. Kourajian asked who was responsible for monitoring the 100-foot buffer. Meeker said Code Enforcement, citizens, and neighbors helped with the monitoring.

Meeker clarified that certain work could be done in the undisturbed area once a permit was obtained from the City. Plunkett asked if there was a different rule because it was on the lake. Meeker said it was undisturbed whether it was lake front or along the golf course. City Planner David Rast said it was still recommended, but there was a separate permit, which gave the City the ability to track what was being done. Rast said vines could be trimmed with a permit unless it was within 25 feet of the edge of the lake, which the state had mandated. Rast said that was different from what had been allowed in the past, and was one of the changes recommended for adoption.

Borkowski said the second letter regarding the greenbelt issues was sent because Code Enforcement would start to enforce issues on City property. He said the recommendation for the state buffers was to review ordinances and make them clear and concise. A formal policy needed to be written that stated what things could be done and where so everyone understood. Borkowski said they would not go out right away and issue citations for violations.

Logsdon clarified Borkowski's recommendations. There would be a review of the ordinances, the recommendations would be developed, and then the City would go to the homeowners. Borkowski said that was correct; however, the City greenbelt issues were cut and dried. Logsdon said he would have preferred 30 days rather than 15 days for compliance.

Plunkett said there had been a lot of input, and more was coming in, and the recommendations would be different for different properties. There should be citizen input during the process.

Rutherford moved to move forward with reviewing the definitions and start the process of reviewing the ordinances and policies for consistency with the federal regulations, the state regulations, and the County regulations. Kourajian seconded. The motion carried unanimously.

Rutherford moved to table further discussion until either the Council had another workshop where all the homeowners were invited or the homeowners on the lake got together with the Developmental Services people. The homeowners needed to be involved. The time frame was one month. Kourajian seconded. Meeker said the City could send a notice about a meeting, but could not make people participate. Plunkett said the information would be out there, and the City would do the best it could. The motion carried unanimously.

New Agenda Items

09-06-07 Consider Alcohol License – NEW – D.J. Gezzo's Surf & Grille

Rutherford moved to approve the application for the new alcohol license for D.J. Gezzo's Surf & Grille on GA 54 West. Boone seconded. The motion carried unanimously.

09-06-08 Consider Proposed Uses within Starr's Mill Professional Center

Rast said gave an overview of the proposed annexation. Fayette County had sent an objection after being informed that the annexation application was submitted. The property was currently zoned O-I Office Institutional in the County. Staff was asking for guidance as far as the uses to be considered on the property. Fayette County said it would move forward with a formal objection if the retail component stayed in the plan.

Rutherford asked if this was not putting the cart before the horse since Group VI had not come back with Step Two yet. Rast said the Step Two annexation application had been received and was under review at the staff level. Logsdon said everything was out of sequence. The City sent a courtesy letter to the County about the application, and they had responded to that.

Mike Amos of Group VI said they had applied for annexation and zoning a few weeks earlier. Council had recently approved the Step One application. A master plan had been submitted, and they were currently building a medical office building on the site. The master plan had included three office buildings and 11,000 square feet of retail, which had been presented to the Planning Commission during a workshop. The County objected to the retail component. Amos said his

company was flexible and would compromise. The proposed use had taken into account the City's Limited Use Commercial (LUC) and OI zoning standards, as well as the County's OI standards. They took the retail component out of the master plan.

Rutherford said she had a problem voting on usage for a property that had not been annexed into the City. Amos said he was not expecting a vote; he was here to discuss the issue. The fourth building was just a building at this point. There was not an intended use yet for either the third or fourth building, but under the master plan guidelines of the annexation ordinance the two buildings were in the master plan. All four buildings combined would be in the 90,000 to 100,000 square-foot range.

Meeker said that, under state law, Council should agree to the mitigation measure proffered by the County by the next day. If not, then the mediation process would begin. It was essential Council take action in order to avoid mediation. He recommended Council accept the mitigation effort set forth by Fayette County.

Kourajian moved to accept the mitigation measure set forth by Fayette County. Rutherford seconded. Rutherford reiterated this had nothing to do with the annexation. Amos said he understood that. They were to appear before the Planning Commission on October 9. The motion carried unanimously.

**09-06-09 Consider Stormwater Project – Hydraulic and Hydrologic Modeling –
Cherry Branch Watershed and Tinsley Mill Village**

Borkowski explained this was a task order form for \$55,075 to do a hydraulic and hydrologic master plan for the watershed. The predominant reason was to meet the requirement from the Metro North Georgia Water Planning District to model at least 10% of the City's watersheds per year for the future floodplain conditions. It was also a requirement in the new model floodplain ordinance that would be adopted in the future. An additional benefit would be to determine if any improvements were needed to the City's facilities and detention ponds that might be causing some additional flooding in Tinsley Mill, as well as determine the level of service of some of the road crossings.

Rutherford moved to approve the attached task order form #35 from ISE for the amount not to exceed \$55,075 for the Cherry Branch hydraulic and hydrologic master plan. Boone seconded.

Kourajian asked when the project would start. Borkowski said the project would start quickly. It was also tied into the Tinsley Mill grant and would help determine what improvements were needed. He was not sure how long it would take. Rutherford asked how much longer the grant was in effect. Borkowski said there was about another year. Kourajian asked if the project would disrupt anything. McMullen said it was primarily survey work, mostly in the greenbelt and detention ponds.

The motion carried unanimously.

09-06-10 Consider Intergovernmental Agreement with WASA

Finance Director Paul Salvatore said the agreement was a housekeeping item. He continued that the City had provided support services to WASA for many years to basically to avoid duplication of services. The arrangement had been mutually beneficial, but now staff wanted to firm it up with a contract that would be a controlling document in the event there were ever any discrepancies or conflicts. It also spells out exactly what the City was doing, as well as the fees. Rutherford asked how it was determined what to bill WASA. Salvatore said it was based on the cost of the salary of the people doing the work and the cost of the fuel. The employees kept track on their time sheets, and the time was charged to the project code. Kourajian clarified that WASA had approved and signed the agreement. Salvatore said they had, and the City Attorney had also looked over the agreement.

Kourajian moved to approve the intergovernmental agreement with WASA and to authorize the Mayor to sign it on behalf of the Council. Rutherford seconded. The motion carried unanimously.

Kourajian asked if there were any other agreements that would be coming to Council. Salvatore said Council had recently approved the agreement with the Development Authority. The only other agreement dealt with tourism-type events with the PCTA, which was under review by the PCTA. Rutherford asked if the City still did the bookkeeping for the PCTA. Salvatore said most of that had been turned over to the PCTA staff.

09-06-11 Consider Reclassification of Fire Lieutenant/EMS Operations Officer

Logsdon noted there was another document on the dais – a memo to Mayor and Council from Assistant Chief Ed Eiswerth dated September 19, 2006, with the subject “Response to ‘Concerned Citizen’ e-mail.”

Fire Chief Stony Lohr addressed Council regarding the reclassification of the fire lieutenant/EMS operations officer to captain effective October 23, 2006. Lohr continued that the position had been established in October 2001, and the incumbent had served with great success. The position provided supervision of all medical personnel and served as the primary link with a multitude of external sources.

Lohr continued that medical calls were over 76% of the Department’s responses and would probably increase. The officer was the Department’s representative on the Region IV EMS Board, which established the rules and guidelines for this area, and was the primary contact for the Department with numerous hospitals and medical facilities. The officer was also responsible for the Assistant Chief of Operations’ duties when he was away.

The shift commanders were being changed to captains effective October 23, so reclassifying the EMS officer position at the same time would better promote effectiveness and credibility both internally and externally. The budget impact for the reclassification was \$3,850, which Lohr said he could cover with his existing budget.

Rutherford moved to approve the reclassification of the Fire Department medical operations officer position from lieutenant to captain effective October 23, 2006. Boone seconded.

Kourajian asked if the reclassification was for the position or the person. Lohr said it was for the position and the person. Kourajian asked if the person was qualified to be a captain. Lohr said the person was very qualified.

The motion carried unanimously.

Council/Staff Topics

Briefing on ARC Market Salary Survey

Administrative Services Director/City Clerk Jane Miller said it would take several months for the ARC to complete the assessment and revision of the City's performance evaluation process. Staff had a preliminary meeting with the directors and chiefs to go over the form. The ARC was asked to do a salary survey of 33 benchmark positions. The City's salaries, for the most part, were in line with other municipalities, with the exception of one position that was significantly lower than the other jurisdictions. Miller said staff asked the Mercer Group, the company that did the initial salary survey, to evaluate the position. Miller continued that she was pleased with the results of the survey since it showed, overall, the City was not out of line. The ARC selected the jurisdictions to survey because they competed for the same body of employees.

Rutherford asked for an update on the Flat Creek cart path bridge since the design had been approved. Borkowski said the final geotechnical information was in, and the plans should be ready in a week. From there, the project would go out to bid.

Plunkett asked if the bridge over GA 54 near Best Buy would stay orange, and when the bridge would be connected. Borkowski said it would look like the one over GA 74. McMullen said the DOT approval process was very complicated, and they were going through almost the same process as putting in a road. They had to certify that the cart path would not have an impact on clean air.

Plunkett asked if there were still plans to landscape MacDuff Parkway in October. Rast said staff was finalizing the landscape plan now. Landscape architect Mike Lorber had donated his time to the project. Rast said they hoped to lump the MacDuff project in with several other smaller landscape projects and put it out to bid. The planting should be done in November or December.

Plunkett asked if it had been determined if the welcome sign at GA 54/GA 74 intersection was the Rotary Club's or the City's. Meeker said the sign belonged to the City. Plunkett asked who organizations should contact if they wanted to be on the sign. Miller added that the Rotary Club had maintained the responsibility for organizations on the signs. McMullen said there was not an agreement, but one was needed. Miller said there was an understanding. Plunkett said there were some issues with groups that wanted to be on the sign, and there should be some guidelines. McMullen said the City had not been aware of the problem. Logsdon asked that the Rotary Club send a letter regarding the issue.

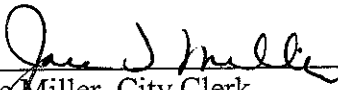
Rutherford moved to convene in executive session for threatened or pending litigation, real estate, and a personnel issue. Kourajian seconded. The motion carried unanimously.

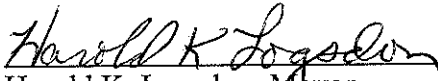
Rutherford moved to reconvene in regular session. Kourajian seconded. The motion carried unanimously.

Rutherford moved to approve the form of the easement agreement between Peachtree City and Sequoia Golf regarding the TDK land acquisition. Boone seconded. The motion carried unanimously.

Rutherford moved to authorize the filing of a counterclaim against Group VI regarding the Tennis Center project. Boone seconded. The motion carried unanimously.

There being no further business to discuss, Kourajian moved to adjourn. Rutherford seconded the motion. The motion carried unanimously. The meeting adjourned at 9:55 p.m.


Jane Miller, City Clerk


Harold K. Logsdon, Mayor


Pamela Dufresne, Recording Secretary