City Council of Peachtree City
Meeting Minutes
September 17, 2015
7:00 p.m.

The Peachtree City Mayor and Council met in regular session on Thursday, September 17, 2015. Mayor Vanessa Fleisch called the meeting to order at 7:00 p.m. Others attending: Terry Ernst, Eric Imker, Mike King, and Kim Learnard.

Announcements, Awards, Special Recognition
Recognize Employee of the Month (July) – Joshua White
Mayor Fleisch recognized Firefighter/EMT Joshua White as Employee of the Month (July).

Minutes
September 3, 2015, Regular Meeting Minutes
King moved to approve the September 3, 2015, regular meeting minutes as written. Learnard seconded. Motion carried 4-0-1(Ernst).

Monthly Reports
There were no comments on the Monthly Reports.

Consent Agenda
1. **Consider Non-Profit Agreement with Promise Place**
2. **Consider Non-Profit Agreement with Fayette Senior Services**
3. **Consider Acceptance of Donation – Decommissioned Bus for Police Department Training/Demolition**
4. **Consider Annual Reimbursement Resolution – Capital Equipment**
5. **Consider Call for Special Election – Restoration of Redevelopment Powers**
6. **Consider Acceptance of Georgia Trauma Care Network Grant**
7. **Consider Alcohol License – NEW – Crossroads Bar and Grill, 2850 SR 54 West**

Imker moved to pull Consent Agenda item 5 off for discussion. Learnard seconded. Motion carried unanimously.

Learnard moved to approve Consent Agenda items 1, 2, 3, 4, 6, and 7. Ernst seconded. Motion carried unanimously.

5. Consider Call for Special Election – Restoration of Redevelopment Powers
Imker said he wanted to explain what this agenda item meant to the City, adding it would have no budget impact, risk, or commitment of any kind. It would be on the November 3 ballot.

Imker continued that the vote on November 3 was simply to allow future consideration of Tax Allocation Districts (TADs). A TAD was a specific defined piece of land (or lands or area) that could be developed with special tax breaks. The purpose would be to encourage development with a phased in tax assessment over a period of years. Everything would be negotiable. It would be up to a future council to recommend a TAD if one was deemed favorable. Imker noted that the word "recommend" was used because the proposed deal would go to the voters on a future ballot. In fact, it would most likely be a business that would "sell" Council and the citizens on the TAD because of their desire to come to the City.

Imker pointed out that at no time would the tax revenue from the TAD land ever be lower than that land's current non-use assessment. In other words, Imker said the property could sit there doing nothing with no revenue generating ability or the City could encourage development with a negotiated tax profile over several years.

The vote this November 3 had no budget impact nor risk nor commitment of any kind, Imker reiterated. The vote was not recommending a TAD, but was only a procedural process because of state law. A municipality must first vote on the concept before a TAD could be brought forward.

Future votes on an actual TAD would be placed on the ballot after a City Council agenda item defined the TAD, Imker said. All the information would be presented at a Council meeting, and the public would be invited to ask questions and provide input. If the Council voted to add a TAD, the information would be repeated on the ballot in a future election where the voters would have the final say.

Fleisch asked City Attorney Ted Meeker to explain what had happened with this, noting that municipalities did have this power at one time. Meeker said the redevelopment power had been taken away from municipalities by the Georgia Legislature. In order to recapture the powers, there had to be a referendum on the ballot in November. There was not a TAD on the ballot in November. The referendum would simply allow the City to use the redevelopment powers in Title 36, Chapter 44, known as the Redevelopment Powers Law. The law provided a number of things a municipality could do in connection with redevelopment, with one of those things was a TAD. There were other powers granted. Creating a TAD in the future would require another referendum.

Imker moved to approve Consent Agenda item 5. Learnard seconded. Motion carried unanimously.

<u>Old Agenda Items</u>
06-15-08 Discuss/Consider SR 54 West Corridor Study Improvements Design
- **Commerce Drive / Marketplace (Discuss right-in/right-out concept for business input)**

Fleisch said staff had asked to continue this agenda item indefinitely. Learnard moved to continue Old Agenda item 06-15-08 indefinitely. Ernst seconded. Motion carried unanimously.

08-15-07 Public Hearing – Consider Text Amendment to Zoning Ordinance, Accessory Uses
Senior Planner David Rast noted that staff had been tasked with looking at the parking of recreational vehicles on residential property several months ago. The ordinance identified what vehicles could be parked in the yard and where they could be parked. As part of the process, they had looked at covenants and restrictions in the City's subdivisions, adding that those were expiring in many of the neighborhoods. It would also allow the City's Code Enforcement to enforce the restrictions as part of their regular duties.

Rast continued that the amendments included an update on the definition of recreational vehicle and removed the requirement to park a vehicle 20 feet from the rear property line.

The ordinance currently read:

> ***Sec. 908.1. Uses accessory to dwellings:***
> *(l) No trailer, recreational vehicle, travel trailer, camper pick-up coach, motorized home, boat trailer or boat shall be permitted to be parked in front of or at the side of the main building or within 20 feet of the rear lot line, unless same is parked or stored completely within an enclosed garage or roofed carport.*

The recommended amendment read:

> ***Sec. 908.1. Uses accessory to dwellings:***

(l) The term "recreational vehicles" as used herein shall refer to trailers, recreational vehicles, travel trailers, camper pick-up coaches, motorized homes, boat trailers, boats and personal watercraft (e.g., jet skis, etc.).

Recreational vehicles may be stored on a residential zoning lot within an enclosed garage or carport attached to the primary structure or constructed as a freestanding structure in accordance with applicable building setbacks. The exterior building and roof materials, roof pitch and color scheme of a freestanding garage or carport shall be similar to the building and roof materials, roof pitch and color scheme used on the primary structure on the zoning lot.

Recreational vehicles stored on a residential zoning lot that are not located within an enclosed garage or carport shall be parked in accordance with city ordinances and shall not be located in front of or at the side of the primary structure on the zoning lot.

Rast continued that the Planning Commission recommended approval of the amendments. They had recommended removing some of the vehicles that had been listed in the first paragraph, including motorcycles, mini bikes, scooters, and golf carts.

Ernst noted that recreational vehicles were listed twice in the first paragraph, and he did not like the duplicated wording. Rast said the wording was duplicated, but the term applied to other items.

Fleisch opened the public hearing.

Eric Snell said he agreed the definition should be changed, and he questioned whether utility trailers (the closed in, boxed trailers) were considered recreation vehicles. He would also like the ordinance to specifically note that golf carts were not a part of this, rather than leave it open to interpretation. It would help for clarity,

No one else spoke. Fleisch closed the public hearing.

Imker agreed with Ernst, saying recreational vehicles did not need to be in the sentence twice. He also agreed with Snell, saying there should be a category of items that were allowed. He did not want to fix the ordinance at the meeting. He asked to send the proposed amendment back to staff. King agreed.

Learnard asked if changing second recreational vehicles in the list to RVs would be fine. Imker said it was still the same word. He did not want to nit-pick over a few words, but felt staff could do better.

Fleisch said the proposed changes would affect many people, particularly those who worked in property management, asking if the City should notify renters of any changes. Rast said no. Fleisch said that, in the future, sending a letter could be useful as renters usually had the same kinds of vehicles.

Learnard said the only thing that really happened was golf carts were taken out of the list, and there was wording that required the materials of a structure to match the house. Rast said he supported taking out recreational vehicles if Council wanted to vote at this meeting.

Imker said he would like to see a paragraph on the types of vehicles that were allowed. Rast said staff had taken out buses and commercial vans since they were covered by another ordinance section. This ordinance only addressed recreational vehicles and where they should be parked. Imker said it was starting to get complicated. He asked what the impact would be.

Code Enforcement Officer Tim Maret said the first paragraph was very close to the original ordinance except for the addition of water craft. Recreation vehicles were listed twice in the current ordinance, with the intent that RVs would be covered. Changing it would not affect anyone since it was the ordinance that the City currently enforced.

Imker asked how many residents could be affected by the amended ordinance. Rast said no one should be impacted currently. The amendments addressed those who wanted to build a freestanding structure for the vehicles. Imker said he did not mind addressing this in two weeks. It could be done better.

Interim City Manager Jon Rorie noted that many of the HOAs in the City no longer existed. There were things in the ordinances that those HOAs had addressed in the past that needed tweaking, and this ordinance was the tip of the iceberg. Rorie said he understood Council wanted to ensure golf carts were excluded and items such as enclosed trailers were included. To ensure clarity, staff could be tasked to look at this and bring it back in two weeks.

Meeker said the public hearing would need to be re-advertised, asking to continue the item until mid-October.

Ernst moved to continue Old Agenda item 08-15-07 until October 15. Imker seconded. Motion carried 4-1 (Learnard).

<u>New Agenda Items</u>

09-15-03 Discuss/Consider Municipal Broadband Initiative

- **Business Plan/Long-term Forecast**

Rorie noted this was a follow-up to the September 8 workshop. The business model had been posted on the website. One of the items out of the workshop was to condense the business model so Council could look at the financing and the business model going forward. It was a very conservative plan/model.

Financial Services Director Paul Salvatore addressed Council, recalling that the City had lost out on Google fiber in 2010, and it had tried to work with AT&T in 2013. The initial feasibility study for the City to have its own municipal broadband began in February. Between February and April, the legislation for the Public Facilities Authority had been changed to allow financing for this type of project, a formal business plan was developed, and due diligence had been done. The due diligence had continued through August, and the plan had been reviewed and adjusted. Council held a workshop on September 8 to discuss and review the business plan.

Salvatore said the project assumptions had been that the types of users/customers would be government (all City facilities), education, medical, utility, and commercial/industrial.

The unfavorable considerations were losing control of the infrastructure, which could become a profit center for private providers that would install fiber at their own pace at locations that best suited their profit motives/business decisions. The City would not receive any fees for leasing the right-of-way for fiber. The City currently collected $500,000 annually in franchise fees for copper, cable, and telephone, and those franchise fees would disappear as customers switched to fiber. The cost of connecting the City's facilities to broadband were going to increase from $50,000 to $70,000 annually next year for partial connectivity (not all City facilities were connected) at sub-gigabit speeds. Further fee increases were pending.

Imker asked what was generating the loss of the franchise fees and why the City would not get fees from the fiber. Salvatore said the law did not provide for franchise fees for data transmitted by fiber. Meeker said the franchise fees did not include internet services, but were strictly for cable television. Those fees had decreased over the years due to satellite dishes. Imker asked what the difference was. Meeker said the City would continue to get franchise fees for cable services that were transmitted over the fiber, but internet using that same fiber was not subject to a franchise fee. In addition, more people were using cell phones and getting rid of their land lines, which led to the decline in the telephone franchise fees.

Salvatore said the favorable considerations included the opportunity to retain and attract businesses, the opportunity to replace lost franchise fees, future financial rewards of infrastructure ownership, mature support industry and public private partnerships, legislative and regulatory environment, the support of property values/wealth, job creation, and the overall improvement of the quality of life for citizens.

Salvatore said the City's fee structure could be developed with pricing that would be beneficial to businesses, adding the City would not have the overhead of a private company. There also might be opportunities to lease the backbone to private carriers that could branch off of it into residential areas, which meant additional lease revenue. Microsite providers could also use the backbone. The problem with most public/private partnerships was the municipality's failure to partner with the right people. Salvatore said the City's current network management firm was very experienced with broadband support (they worked with the City of LaGrange). The City was partnering with the right people. Staff would send out Requests for Proposal to qualified contractors for the construction and planting of the fiber. There had been attacks on municipal broadband networks in the past. Legislation had failed on a state and federal level that would have taken away municipalities' control over their community infrastructure and destiny.

Areas with broadband were more desirable to locate in, Salvatore said. Demand was up, and price was up. Businesses that came to the City because of broadband would bring jobs, and the overall quality of life would improve. Imker clarified that the fiber could be available to residents with the right participation. Salvatore said NuLink was laying fiber in the City, as was Comcast and AT&T. These companies would be competing with each other for residential customers.

Salvatore looked at the 20-year financial model, which he said was based on very conservative assumptions. The model was based on 29 customers, and it included positive gain and a 10-year bond pay-off, with positive cash flow in years 16 – 20. Salvatore reiterated the model was very conservative and could generate more money that could be used to expand the infrastructure and to support administrative overhead in the General Fund. Bond interest would have to be paid right away, but principal payments would be delayed 24 months. There would be some upfront costs that needed to be capitalized, such as the bond issuance expense, reimbursement for out-of-pocket funds, and the first year operating loss, which was common practice in a utility. Salvatore said his financial model come out the same as the model in the business plan.

Allen Davis of Community Broadband noted the City would pay a service provider $70,000 for data connectivity in the new fiscal year. The first year in the plan, the equivalent of eight users comparable to the City were needed to support the revenue stream. He continued that, in 10 years, the City would probably have more customers than projected based on contact with potential customers and their expressed needs. Demand and use would increase.

Imker said the greatest fear he had was the revenue would not meet the projections, either because there were not as many customers as anticipated or one of the private carriers would steal customers away. He asked if there was data that showed that kind of profile.

Davis said the important thing was whether or not Council believed the assumptions were achievable. Davis continued that 76 businesses had been identified as potential enterprise customers (high-end user category), asking if Council believed they could get 12 or more of those businesses as customers. If the potential customers had said they were getting the service they needed, with a reasonable price point, then he would have said they saw no need for municipal broadband. However, 100% of the businesses that responded to their requests said exactly the opposite. The demand had surprised him, and the existing customer base was very positive about becoming a user of the City's broadband. Davis said that made him confident. The plan had to be executed and managed properly, with service at the level the businesses expected. Considering the support people on staff, the high concentration of potential users, and the size of the system (which was relatively small at 22.5 miles), the plan could easily be accomplished.

King asked how long the process would take, and what would keep other vendors from going to those 12 businesses. Davis said they could. King asked how close they were to fiber. Davis said the companies had not shared what network they used. Imker was concerned the competitors could beat the City's fees. Davis said the suggested rate structure came from the market place, and it approached the wholesale cost at this point. The other companies had established rates. Imker said his concern was a competitor would price the usage so low that it would put the City out of business.

Davis said he had taken those competitors to the Justice Department and Federal Communications Commission, and it involved anti-trust issues as well as other things. It was theoretically possible, but the companies providing services to the City did not historically operate that way. The federal government would shut them down in all markets if they did that kind of thing in the City. Davis added the timeline to be ready was roughly one year from now. He continued that the advantage was the City would be the first customer.

Fleisch asked that a clock be set for 15 minutes and asked if there were any comments from those attending the meeting.

Bill Moore said everything in the business plan looked wonderful, but it looked like the citizens would be left out. It would improve the overall quality of life in the City. The City was the taxing power. If the cost of operation was higher than the funds that were coming in from users, then the cost would be left for the taxpayers. It seemed as though the residents would pay 100% of the cost, while others got 100% of the benefits. If the fiber went to everyone in the City, the costs would decrease for everybody.

Robert Segura asked if the feasibility plan was also on the City's website and if the same company that came up with the plan would put it in place.

Eric Snell said many cities were still in the broadband business, but had an established relationship regarding utilities with citizens. Several other cities had gotten out of the business over the last 15 years. Snell said the revenue model in the business plan was too aggressive and pricing was too high. Prices eroded faster than 4% every year, which was in the plan. The City's fees would have to be 15% below market prices. The business plan had no equipment refresh in 10 years. Equipment routers would not last 10 years, but the fiber would. There would be tax filings the City had to do. The pricing did not match up with what the City would sell it for. It took 168 hours of work to run a network operations center (NOC) every day of the year, all the time. There was no price for generators for when the electricity was out. If the fiber was cut, it would need to be back up in two hours. There was an aggressive residential approach by NuLink, Comcast, and AT&T. They would also be aggressive with industry. The Board of Education already had broadband, and 80% of their costs were paid by state and federal funds. The City needed to know the business it was getting into. The City needed an ordinance in place that required any conduit placed in the right-of-way be deeded to the City. Once there was conduit in, then it would be easy to take the fiber to Kedron Fieldhouse.

Linda Flowers agreed with Snell on the infrastructure. She said she would be the first residential customer. Flowers said the City would not be able to attract high-tech companies without the appropriate internet services, and this would help attract more companies with really good jobs to come to the City. She asked Council to look at the finances five years out, not 20 years.

Tony Black said he was worried about the taxes and paying off the bond if the municipal broadband went under.

Imker said, based on quick calculations, that if the broadband failed 100%, the cost for taxpayers would be $30 annually. Imker said he appreciated the comments made by the public, and asked Davis to address them.

Davis noted that some of the comments had been addressed. There was a significant difference in the network architecture that was in the City now, and that helped determine the speed the companies charged for. The City's model was based on an all-fiber system with consistent data that was bidirectional. It would not be shared, and there would be dedicated service to specific locations. The City had a generator at City Hall where the NOC would be located, so one had not been included in the budget. There had been some general statements made, but Davis felt these were the most important points.

Learnard asked why running broadband to residences had not been included in the proposed plan. Davis said the City had five major service providers currently (AT&T, Comcast, NuLink was coming, Direct TV, and Dish), and he did not know where the City would fit into that highly competitive market. Cable television had to be offered to get to the door. For the City to become a cable television operator, it would cost over $100,000 per mile to go down every street, in addition to establishing the rest of what was needed. The margins in cable were shrinking, and customers were using the data side to get video content. The cable part of the industry was not sustainable anymore.

Fleisch said Segura had asked about the feasibility study. Salvatore said that when Davis first came in, staff questioned whether "the juice was worth the squeeze" when looking at the short amount of fiber actually needed in the City. Davis had told staff the investment was small for how much could be done. Salvatore acknowledged the City was one of the smaller ones to have broadband services, but the layout of the City would be the advantage.

Davis said they had discussed the concept with the prospective customers, as well as the proposed rate structure. There were many customer service considerations, and the City would be catering to their customers. Good service for a good price.

Fleisch asked if the City would need an ordinance regarding the conduit. Davis said it had been done in a lot of communities, and it was a good idea. Salvatore said he had spoken with Meeker about such an ordinance.

Phillip Abbott, Cpak's network administrator for the City, said he also worked with LaGrange and its broadband service. LaGrange had been doing it for 20 years, and had gone through many iterations of technology. Their broadband was very successful, and they had positive revenue flows. A municipal network, would be very focused on its own city, while the private companies had a much broader range of concern. The businesses in a municipal broadband city really wanted to do business with the city. It was a different mentality. It would show the City was forward thinking and investing, and the citizens and businesses paid attention to that.

Davis said there were AT&T representatives at the meeting, adding AT&T was a great company. He knew of one customer that paid $1 million annually for AT&T. When the company representative needed to speak with someone, it took hours to get a response. In the City, the customers would be taxpaying members of the community who knew how to get a response from the City.

Rorie said this was a big decision. It was visionary in nature and there was risk exposure. Staff had spent months looking at the feasibility, and it was a calculated risk. From the economic development perspective, the City would be able to recruit high-tech industry. He asked Salvatore to clarify that City's contract with Davis was just for the development of the business plan.

Salvatore said Davis would be available to help with the recruitment of the initial 29 customers. Davis had a vested interest in seeing the business plan succeed. Staff did not think it would fail. The City could sit back and do nothing, then watch the prices go up and the franchise fees disappear, which would cut the City's revenues by $500,000 annually.

Imker said he could not make a decision based on fear of negative comments, but he was willing to wait two weeks before voting on the proposal. However, if a motion was made at this meeting, he would not stand in the way.

Learnard said she did not disagree with Imker, but the City had taken the long-term conservative approach on this, a team was in place, precedents had been set, and she believed in the integrity of the consultant. She was 100% convinced this was the right way to go.

Ernst agreed with Learnard. It had been a long process, and he was ready to move forward.

King said he was also ready to move forward. The cost involved was serious. Once the business community came online, residential service would fall in behind it. Ernst said he had been adamant about this being a residential opportunity as well, until it was fully explained why that was not an option.

Imker said he wanted to show unanimous support for the service. Learnard clarified she was not making a decision based on the service being available to residents. The business case was about the municipality, public safety, and economic development.

Imker moved to approve the resolution for the City to construct and operate a fiber optic broadband network and provide the associated services. King seconded. Motion carried unanimously.

09-15-04 Discuss/ Consider Addition of Wetlands Amenity at Line Creek Nature Area
Rorie said this agenda item was regarding the Overlook retail development on SR 54 West. He noted that the City's stormwater ordinance required the developer to retain stormwater on the site. There had been several discussions between the developer, City staff serving as a liaison, and the Southern Conservation Trust (SCT) regarding the developer's proposal to create a wetlands amenity on City property at Line Creek Nature Area (managed by the SCT) as part of the developer's plan to control stormwater runoff.

Jim Lowe of Trinity Development addressed Council concerning the proposed amenity, saying the focus was how the company was spending its money. Committed businesses included Versona, Michaels, Ulta, TJ Maxx, and TJ Maxx/Homegoods. There were other businesses that had committed, but were not ready to go public.

The opportunity to build an underground detention pond was there, but the company felt it could be a better steward of its money, Lowe said. They contracted with an environmental consultant, then prepared a 50% design of a wetlands, as well as 75% of an hydrology plan for discussion with the City. There was also a rock study of the area. Trinity was working with Allan Miller, wetlands consultant, on the final design of the wetlands. The final engineering package on the underground detention facility had been submitted to staff. They had received separate bids for both the onsite system and the wetlands system. They were also working with staff on a final development agreement, rather than a Memorandum of Understanding.

Lowe continued the underground detention facility would have seven-foot diameter pipes buried four feet deep, then an additional seven feet deep for the pond itself. There would be an additional half mile of pipe underground that would receive all the storm drainage from the site, held in the underground pond, then would go out as required by state regulations.

Lowe said there had to be a better way to do things. There would be a 75-foot transitional buffer along the back of the development. There was a sloping area down from the parking lot to the SCT and City property area. There would also be 30 to 40 feet of grading, so there would be over 100 feet of green before getting into the proposed wetlands area. A sloping, meandering path would go from the Overlook to a trail that would go around the wetlands. The plan was conceptual in nature. Plans included an elevated walkway over one of the permanent pools, with a duck island in the middle of the pool. A cart path would connect to MacDuff Crossing and extend along the powerline easement, then go to the wetlands area. Grading would be needed since the topography was not very flat. The perimeter around the wetlands would be revegetated, and the entire wetlands would be fenced. He noted the standards for creating wetlands were set by the state. The entire wetlands would be fenced, according to Lowe. The graphic below is similar to what the vision was for the area:

Miller explained how wetlands worked and the services they provided, including nutrient and toxicant removal. Miller said the right kinds of plants would not only clean the water, but would attract certain birds. Songbirds were losing their habitat, and the planting prescription would target some of those species. The trail and signage would be the recreation and education component of the wetlands.

Lowe said they had asked Brent Scarbrough, grading contractor, to price the underground detention pond, which was estimated at $691,000. Lowe said the cost of the wetlands area, amenities, grading, piping, and other items would be $575,000. The developer had also committed to a $100,000 contribution to SCT plus perpetual maintenance of the wetlands for 30 years, which was estimated at $7,000 annually. The wetlands concept would cost over $1 million, but Lowe pointed out that was a better use of the money, better for the community, and better for the development.

Rorie said the development agreement would ensure all the parties were on the same page. The agreement would not be approved at this meeting, but staff wanted Council to know staff was protecting the Line Creek Nature Area, which was owned by the City and managed by SCT.

Rast said the draft development agreement currently had 18 conditions adopted by the Planning Commission as part of the conceptual site plan approval on May 12, 20 14. Planning Commission and staff would review the final site plan. There were two bullet points relative to the SR 54 West/Line Creek Drive intersection enhancements. There were a dozen or so elements regarding the access road through the nature area. Rast said there was a letter from the owner of MacDuff Crossing Retail Center indicating their approval of the road, which would be meandering. There was also a bullet regarding the stormwater runoff from the access road. There was language regarding improvements to the existing gravel drive. Prior to the issuance of the first Certificate of Occupancy for the commercial buildings, the developer must provide an easement document that would state that state that anyone who owned the property after them would be responsible for maintenance and upkeep for the access road in perpetuity.

The development agreement included items specific to stormwater detention and the wetlands area, Rast said. The 75-foot buffer between the rear of the development and Cardiff Park and any disturbance associated with the detention pond were addressed, and it would extend between the homes and the wetlands as well. It would be up to SCT and the developer to monitor and maintain the area. There were two items related to the stewardship pledge based on feedback from SCT about maintenance of the existing pond and dam within the nature area that would be struck from the agreement.

There were 39 specific items addressed in the agreement, plus five or six legal paragraphs, Rast said.

Lowe said they would accept maintenance responsibilities for the new wetlands area, as well as the boardwalk associated with it. Lowe said more language would be added to the agreement regarding the maintenance responsibilities. He asked if work on the language could be done with staff and SCT, or whether it should be done at this meeting. Rorie said it would be done with staff. Lowe said he was confident they could work through the items in the development agreement. Lowe asked Council if they could move forward with the wetlands plan or with the underground detention. Guidance was needed and was very important at this point.

Pam Young, executive director of SCT, said SCT's official position was they were very confident in the team and were very pleased with all the interaction between the SCT, staff, and the developer. She thanked Lowe for doing things in a different way, adding no one would have benefitted from the underground detention plan. She thanked them for creating a project that benefitted everyone. A position letter from SCT had been included in the Council packet.

Brian Chustz, SCT board member, said the science and technology that would be used was widely accepted. This was an exciting opportunity, and the City should see more of this in future projects. He said SCT would work with the developer and the City on the development agreement step-by-step. They expected a collaborative relationship going forward.

Young added that SCT was a stakeholder with American Rivers, Flint River Keepers, and the Nature Conservancy in developing a strategic plan for the upper Flint River watershed to address low water issues and water quality. This project was one of the green options and strategies included in the plan.

Imker asked Young about the road that would connect the shopping areas and the Nature Area. Young said SCT had asked for a meandering road rather than a straight-through road because of stormwater run-off and elevations. Imker clarified this would be City property, there would be many caveats, and SCT would be an overseer. If this plan was approved, these were the reasons why. The next developer would not be the same situation.

Meeker said the City would grant an easement to the developer to put the detention facility on its property. He did not see a legal issue; it was permissible for a city to do this.

Rorie said it would set a precedent for using City property. Council would actually approve putting the wetlands on City property and conditioned upon meeting all ordinances and requirements, all the stormwater best practices and management. The wetlands would have to meet all the requirements and approvals of the development agreement moving forward. They hoped to have the development agreement on the October 1 agenda.

Eric Snell said he had lived in Planterra Ridge for 20 years. He thanked Lowe and staff for protecting the greenspace on the Planterra side of the development and working with the slopes for the neighbors on the back. The proposed wetlands would go well with the Line Creek Nature Area.

King moved to approve in concept the use of City property for the wetlands project described during the course of this meeting subject to the finalization of the development agreement between the City and the developer and the design meeting all stormwater criteria, both City and state. Ernst seconded. Motion carried unanimously

Council/Staff Topics
There were no topics.

Executive Session
Learnard moved to convene in executive session to discuss threatened or pending litigation and personnel at 9:44 p.m. Ernst seconded. Motion carried unanimously.

Learnard moved to reconvene in regular session at 10:54 p.m. Ernst seconded. Motion carried unanimously.

There being no further business, King moved to adjourn. Learnard seconded. Motion carried unanimously. The meeting adjourned at 10:55 p.m.

Pamela Dufresne

Pamela Dufresne, City Clerk

Vanessa Fleisch, Mayor