

City Council of Peachtree City
Minutes of Meeting
September 4, 2008
7:00 p.m.

The City Council of Peachtree City met Thursday, September 4, 2008, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:01 p.m. Other Council Members present: Steve Boone, Don Haddix, Cyndi Plunkett, and Doug Sturbaum.

Announcements, Awards, Special Recognition

Frank Rotondo of the Georgia Association of Chiefs of Police presented Police Chief Skip Clark and Captain Rosanna Dove with the state certification award. Mayor Logsdon read a proclamation for American Constitution Week (September 17 – 23, 2008).

Public Comment

Marcia Hendershot addressed Council concerning the proposed franchise for trash service. She suggested that each neighborhood contract with the vendor of their choice, which would consolidate the routes and cut down on truck traffic. Juan Matute also addressed trash service. He asked Council to join Mayor Logsdon in educating citizens on the issue. Matthew Russom, whose company handled the sound and lighting at the Frederick Brown, Jr., Amphitheater, told Council that his company wanted to help bring the Amphitheater back. Lynda Wojcik noted the need for beautification along the railroad tracks on GA 74. She said the area was in the forefront, and it looked ugly.

Agenda Changes

There were none.

Minutes

Sturbaum moved to approve the August 21, 2008, regular meeting minutes as written. Haddix seconded. The motion carried unanimously.

Monthly Reports

Logsdon noted that everything in the budget appeared to be on schedule. Logsdon also noted there was an additional document on the dais – the list of donations made to the City in July. He asked Financial Services Director Paul Salvatore if anything jumped out when comparing the budget actuals to the projected budget. Salvatore said there was nothing yet. He pointed out that the end of September was also the end of the fiscal year, and he would do a full analysis on where the budget was compared to the projections at that time. Plunkett asked for a copy of the City's policy on how donations were solicited. City Manager Bernard McMullen said there was not a policy. Historically, there were organizations that gave donations to the Police Department for programs and the Recreation Department for events. He noted that Leisure Services Director Randy Gaddo had a policy for sponsorships at the Baseball/Soccer Complex. He said he would check into it and get back to Plunkett.

Boone pointed out that the cost of vandalism repairs had almost tripled (\$13,081 year-to-date for 2008 compared to \$4,528 for year-to-date for 2007). Public Services Director Tom Corbett

verified that the dollar amount had tripled. He said the repair costs included replacing stolen signs, painting over graffiti, and replacing burned trash cans. The costs for the year were primarily related to graffiti. He said there had been a lot of graffiti this year, especially in the path tunnel under GA 54 near McDonald's. Boone said vandalism had seemed to be more prevalent this summer. Corbett agreed. His department was working with the Police Department to try to catch the vandals, but it was very expensive. Plunkett said fine money for those that were caught could help with the problem, as well as help parents realize that the vandalism was expensive. Chief Clark said that some of the vandals had been caught, and the Department had suggested to Juvenile Services that their community service should include having to clean-up the graffiti. They were looking into some technology to help in the tunnels. Officers were spending more hours on the paths, but the vandals were usually gone by the time they received the call and could get to the location. Rewards were offered. Residents could help by reporting the vandalism when they witnessed it. Sturbaum and Plunkett agreed that community service might help, especially if it was done when their peers were using the paths. Logsdon said everyone should keep a camera with them, so they could take pictures of those doing the vandalism while it was happening.

Consent Agenda

1. Consider FY 2009 Official Intent Resolution

Plunkett moved to approve the FY 2009 Official Intent Resolution. Sturbaum seconded. The motion carried unanimously.

Old Agenda Items

08-08-11 Public Hearing – Consider Variance Requests (3) – SANY, Wetland Buffer

City Planner David Rast gave an overview of the requests for variances for three sections of the Land Development Ordinance – Section 1004(b)(2) Watershed Protection Ordinance, Section 1005.4(c)(15) Erosion Control and Sedimentation Control Ordinance, and Section 1012.5.1 Metropolitan North Georgia Water Planning District Stream Buffer Ordinance. Rast noted that two of the ordinances had been mandated by the state, and the third had been in place for years. He noted that the 228-acre site on the south end of the City included over 100 acres of floodplain associated with Line Creek, wetlands and other stream areas. The City started working with SANY over a year ago. The conceptual site plan was approved on March 24, and the final site plan approved on July 17. Phase 1 included 360,000 square feet of assembly space, a 100,000 square-foot distribution building, a 163,000 square-foot office building, parking for the employees, service drive, and equipment storage areas.

Rast continued that an unnamed intermittent stream bisected the site, and SANY proposed to fill over 400 linear feet of the stream and just over one-half acre of associated buffer of the stream. SANY had applied for the permits required from the state's Department of Natural Resources (DNR), which regulated state waters, to do that, and they were currently in the 30-day public advisory period. SANY also applied for a Section 404 permit from the United States Army Corps of Engineers (USCOE), which regulated existing wetlands. Approximately 4.8 acres of wetlands on the overall site would be filled. The City had three ordinances that required buffers in addition to what the state required for wetlands areas. The Watershed Protection Ordinance required a 25-foot undisturbed buffer adjacent to all state waters. The Soil Erosion and

Sedimentation Control Ordinance required a 25-foot undisturbed buffer along the stream on the site. The Metropolitan North Georgia Water Planning District Stream Buffer Ordinance required a 50-foot undisturbed buffer and an additional 25-foot impervious surface setback adjacent to all streams.

Rast continued that, the way the City's ordinances were currently written, staff could not grant administrative variances if the applicant was successful in obtaining the required permits from DNR and the USCOE. Staff's position was that, if the DNR and USCOE approved SANY's applications, then the Council should approve the variance requests for the specific areas.

Rick Lindsey addressed Council on behalf of SANY America. (A copy of Lindsey's PowerPoint presentation is included in the official meeting file.) He showed where the stream bisected the property, adding that a variance had been granted so Cooper Lighting could fill in the portion of the stream on their property. SANY needed to fill in the intermittent stream in order to construct one of the assembly buildings. They also knew they would have to work with DNR and the USCOE because of the wetlands. That process began after City approved the final site plan on July 17.

Lindsey continued that the City had granted the land disturbance permit for the non-wetlands areas on August 6. The USCOE had been asked for two Section 404 permits, an individual permit and a nationwide permit. The nationwide permit was easier to obtain and involved moving the sewer line to the lower end of the property, and had been granted. They were in process of getting the individual permit, which had been approved, contingent on getting the required stream buffer variance from the DNR. He noted that the 30-day public comment period on the permit requests to the DNR would end on September 6.

During the last few weeks, Lindsey had been working on the declaration of conservation covenants and restrictions filed with the USCOE. The USCOE and SANY had worked out the dedication of 40 acres of land along Line Creek that would be protected forever and never impacted by anyone else in the chain of title. SANY was impacting approximately four acres of land and giving up 40 acres. SANY was also purchasing some wetlands mitigation credits from the USCOE. The proposed declaration of covenants had been sent to the USCOE, and Lindsey anticipated getting that back in a week. The variances were really conditional. If SANY did not get the permits from DNR and the USCOE, then the City variances would not be needed. He asked the City to grant the conditional variances. He introduced Kevin Woods of SANY America and Jason Walls of Integrated Science & Engineering, who were available to answer any questions.

Logsdon opened the public hearing.

Dennis Chase, president of the Line Creek Association, said he had received the notice regarding the public comment period. He had contacted SANY's consultant and had been impressed by their plan. He also met with the construction supervisor, who had given him free access to the site. Chase said he always expected erosion issues on construction sites, but there had been three days of heavy rains prior to his visit, and no sediment had left the site. They were doing an

outstanding job. He added that he had no concerns with the plan, and filling the stream would not be a major problem. He had reviewed the mitigation plan, which was straightforward. Chase said this was the way projects should work.

Lynda Wojcik said she was against the variance requests. They knew there were 100 acres of wetlands on the property when they bought it. The point of the ordinance was to protect the wetlands. SANY should be dedicating more than 40% of the 100 acres. Lindsey noted that SANY was not building in the 100-acre wetlands. The 40 acres would be placed in a wetlands trust. The 60 acres of wetlands would not be touched. Wojcik said they should put the entire 100 acres in the trust.

The public hearing closed.

Plunkett asked City Attorney Ted Meeker if the approval could be contingent upon setting of the 40-acre conservation trust. Meeker said they could, but the approval should also be contingent upon getting the other approvals.

Haddix asked if the 40-acre wetlands area would be isolated or if the public would be allowed access to it. Lindsey said the area was along Line Creek and could be accessed from Line Creek, but there would not be a path through SANY's property to get back to the area. He stressed there could be a safety issue with the heavy equipment that was being used. The Corps of Engineers would dictate what would happen in the 40 acres. Chase said there were some specialized research projects in the wetlands and on the stream he would like to work on with students, and SANY representatives had said it would be allowed. Logsdon noted that the tract was privately held land, and access would have to be controlled.

Plunkett asked who would administer the wetlands trust. Lindsey said the trust would stay with the USCOE's bank. Access to the area would depend on their policy. SANY would have the Chinese gardens, so there would be some public access. SANY wanted to be a good corporate citizen, so access to the wetlands area could probably be requested. Plunkett said it would also be contingent upon what the USCOE said. Lindsey agreed.

Boone asked about the variances the City granted to Cooper Lighting regarding the wetlands. Rast said the variances had been granted in the early 1990s, prior to the City's current ordinance. He had not been able to find any record of a variance, but the stream did go through the Cooper property. At the August 21 meeting, Rast said he thought there had been variances for Cooper, but he had not been able to find anything. The stream appeared to start on the SANY tract. He apologized for the incorrect information. Boone asked if the stream flow circumvented where the construction could go. Jason Walls said there were only 74 acres of wetlands that were located 100% in the floodplain. In addition to the on-site preservation, they were obtaining 20 to 30 wetlands mitigation credits from a private mitigation bank.

Plunkett moved to grant a variance for the following ordinance sections – Section 1004(b)(2) Watershed Protection Ordinance, Section 1005.4(c)(15) Erosion Control and Sedimentation Control Ordinance, and Section 1012.5.1 Metropolitan North Georgia Water Planning District's

Stream Buffer Protection Ordinance. This approval by the Council would be contingent upon the applicant obtaining the variances from the Georgia Department of Natural Resources and a permit from the United States Corps of Engineers, submitting copies of these documents to City staff for the City's records, and that the declaration of conservation covenants and restrictions was set up for the 40 acres. Boone seconded. The motion carried unanimously. (Note: Motion clarified at September 18, 2008, meeting)

08-08-20 Consider Sewer Easement – New Meade Field Pump Station and Force Main
Logsdon noted additional documents on the dais – a letter to Larry Turner from the SPP Commercial Group, owner of the Southern Pines Plantation Center, and a memo from Fayette County. City Engineer Dave Borkowski said the City received a memo from Fayette County earlier that day that outlined the County's issues and concerns with the sewer easement. Since the August 21 Council meeting, staff had also met with Water and Sewerage Authority (WASA) General Manager Larry Turner and Jim Huffstetler, the senior land development manager for SPP Commercial Group. Borkowski said that Huffstetler had reiterated that his company would not develop the commercial center to a greater density than what the County had approved in 2000. If they wanted more density, SPP would have to either request another rezoning from the County or request an annexation from the City.

Turner pointed out that, if the easement were not granted, there would be a potential for a proliferation of pump stations, which was not economical or good for the environment. The property owners got together with WASA to come up with a master plan to serve the area in an economical and environmentally-friendly way. Turner briefly went over the plan, a copy of which is included in the official meeting file. Dominion Partners, owners of the Somerby senior adult project, Southern Pines Plantation, and WASA were the major players, and each would contribute \$200,000 to build the pump station and force main. WASA would increase its connection fees for the properties in the area to recover its investment. From an environmental point of view, the access to sewer did not alleviate the need for an on-site system for the Southern Pines center. Only about 26 acres of the 80-acre tract would be developed. The remaining acreage would be donated to the County as greenspace. Turner said he had given some misinformation on the density, and he had found that the approved density was much lower than what he previously told Council.

Rast reported that he had spoken with Pete Frisina, Fayette County's planner, who clarified that the County had approved the retail/office development totaling 162,000 square feet plus the outparcels on GA 74. The rear portion of the property would remain zoned Agricultural-Residential, the County's designation for AR zoning. A creek separated the property from Meade Field, and a portion of the property was also zoned Office Institutional (OI). At the time of the rezoning, they had dealt with a spray irrigation system. The property, originally zoned AR was rezoned on December 14, 2000, and 21.8 acres was rezoned to Community Commercial, 5.8 acres were rezoned to OI, and the remainder remained AR. The retail component of the plan was just over 111,000 square feet. The office component was almost 42,000 square feet. Rast reiterated that the commercial center's owner planned to stay with the plan adopted by the County. They intended to follow through with those plans, with the exception of hooking up to

the City's sewer to lessen the impact of the center on the environment. For comparison, the square-footage of all three phases of Kedron Village totaled over 500,000 square feet.

Borkowski added that one of the concerns in the County's letter dated September 4, 2008, was that the density of the project could be increased if it was annexed into the City.

Plunkett noted that the 54 overlay looked different. Rast explained that the County had its own overlay for the area on GA 54 between the Fayetteville city limits and the City's boundary. The County's 54 overlay district required a 100-foot setback from the highway. There were also specifics about the design on the buildings. The 100-foot buffer was a landscaped buffer rather than the natural buffer required by the City. He added that the County's parking lot design standards were not as stringent as the City's. Plunkett said there were some significant differences between the County's overlay district and the City's requirements.

Plunkett asked for details on the planned septic system. Walls explained the system, which would be very large and would disperse into the soil. It was designed to standard, with a primary system and a 100% back-up.

Haddix said the sewer line would be within 200 feet of a lot of County property, and the City would not be able to stop people from tapping into the line. Turner said there was not much else to serve in the area, and he went over the area on an aerial map. Rast pointed out the parcels on septic and sewer. Haddix said that, in the future, any of the property owners could sell their property and bring in dense retail. Sewer was the City's method of control. Logsdon said that was speculation, and that neither this Council nor the Board of Commissioners would allow retail in the area Haddix referred to. Haddix said this Council could help future Councils by not letting it start.

Plunkett said having the Dominion Partners' project on sewer would be a good thing. Her preference was to have the County's commercial project on sewer, but the line should not go in to the north until there were assurances regarding the development plan. Haddix said the City could not deny access to sewer for anyone within 200 feet of the line. Logsdon said the City could use sewer access to limit density, but it made no sense not to give sewer access to those already in the area. Boone said the possibility of a septic failure at the commercial development was a big concern to him. The City had already denied Senoia access to sewer. Plunkett said that any property in the County within 200 feet of the line that wanted access was a huge problem. The door should not be opened. Haddix said there would be access within 200 feet of the line for some County property and some out-of-County property. Borkowski showed the area where the line would go on the aerial photograph. The line would remain inside the City limits, but it was right next to the County boundary. It was a quarter of a mile from the City's boundary with Coweta County. Logsdon said he would prefer to have the commercial development inside the City, but granting the easement provided the City the opportunity to negotiate to expand Meade Field if the developer were to request annexation.

Beth Pullias asked how, or if, the pump station would impact Meade Field and how extending sewer outside the City would affect the capacity of sewer for the West Village or any other area

of the City. Turner said the impact to Meade Field would be minimal. There was already a pump station at the field, which would be replaced by this one. It would also allow Meade to be on sewer. A septic field currently served the recreation area. Plunkett pointed out that the septic system's drain field could be used for something else. Turner added that capacity was not an issue for the sewer system; approximately half of the available capacity was being used. Servicing additional properties would help WASA's financial situation. Turner said the sewer rates were the same for customers outside the City limits, but the construction and connection fees would be higher.

Turner said he understood that the City needed to talk to the County, but he pointed out that Dominion needed a decision on whether the sewer would be available or not. If it would not be, then Dominion had to put in a septic system to serve their project and the Columbia Properties commercial project. Logsdon said he did not see extending the sewer line in the area as opening Pandora's box.

Meeker reminded Council that the agenda item was not to extend the sewer, but to grant an easement for the pump station. The intergovernmental agreement between the City and WASA required WASA to come back to the Council for approval to run the line outside the City limits. His concern was the impact if the state changed its position on connecting to available sewer. For now, nothing would happen unless Council approved connection. His concern was if a property owner within the 200-foot distance from the sewer line asked for sewer and the state changed its position to require the connection.

Plunkett asked Turner how much it would cost for a home to hook up to the sewer line. Turner said it would cost more than \$10,000.

Turner addressed Meeker's concern about the 200-foot availability of sewer and the state regulations. Meeker verified that, to date, the state had not required connection. Turner said if the easement was granted with the condition that access was not given to the Plantation commercial center, the deal was dead; the development would continue with on-site septic.

Logsdon asked Turner how much it would cost for Dominion to build its own system. Turner said he did not know, but they would have to build their own pump station. Walls, who was also working on the Dominion project, said it would cost more than \$400,000.

Haddix said that, with increasing density, there would be a mandate at some point that all properties be on sewer. Plunkett said sewer would be better. Logsdon said he would rather have the commercial project on sewer than having a giant septic tank close to Line Creek.

Lynda Wojcik asked if the City could ask SPP and the County to put deed restrictions for no building on the 52 acres that were to remain AR zoned. Plunkett agreed.

Sturbaum read from the staff memo presented at the August 21 meeting – *The only control the County will have is in the Land Disturbance permit process, but they will not be able to deny the sewer access. Staff has contacted the County to ascertain their position on this as well. This*

sewer extension may also enable the adjacent property owner to connect to sewer and not have to be annexed into the City.

He asked if the commercial center would be required to tap into sewer if they were within 200 feet, or if they could not be denied if they requested the connection. Meeker said that currently the question was whether Council would allow sewer connection outside the City limits. Haddix said that all led back to annexation, and there was clear division on Council on that issue.

Plunkett said she had more questions about the County property in the area, a specific delineation on who was getting what property and how it was zoned, and information on any tree-save buffers. Sturbaum said he wanted to see the County's 54 overlay. Plunkett said the City had more negotiation control over new projects, because sewer was a better option than septic. In this case, they would be giving sewer to a project that was already allowed. She wanted it to look like the City. Council needed to get what was best for the City.

Borkowski said he did not recall reading anything that said the 50 acres was a donation to the County. He understood that the land was to remain open space. Logsdon said he understood that the land was to be donated for recreational purposes. Jim Wells of SPP told Council that they would get the best of both worlds with the commercial development – a project developed to the County's 54 overlay standards with its landscape and architecture restrictions, which were more restrictive than the City's. He added that they had committed to donating 50 acres to the County for open space, but some of the property would be used for stormwater detention. The City and County could work together on Meade Field or walking trails. Logsdon asked for clarification on whether the donation was specific to recreation. Wells said it was specific to open space, septic, stormwater, utilities, and preservation of the wells. If the project could connect to sewer, then there would be the 10 acres reserved for the septic fields that would be available for ball fields or parks. The only thing that would go on the 50 acres would be stormwater, and the rest would be available for public use.

Plunkett moved to continue to September 18 to get answers to specific questions. Boone seconded. McMullen clarified the specific information Council wanted – a copy of Fayette County's 54 overlay, open space documentation, a conversation with the County on whether there was any objection to the developer donating a portion of the open space next to Meade Field to the City, which would need to be annexed in if it was done. The motion carried unanimously.

New Agenda Items

09-08-01 Consider Bid – Bridlepath Drainage Improvements

Stormwater Manager Mark Caspar asked Council to approve the lowest bid from Guthrie Construction of Tyrone for \$206,127.15. He noted that six bids were received, and the closest bid to Guthrie's was \$92,000 higher. The path would be realigned due to flooding and water over the spillway.

Sturbaum moved to approve the bid from Guthrie Construction, Inc., for an amount not to exceed \$206,127.15 for the Bridlepath multi-use path realignment project. Haddix seconded. The motion carried unanimously.

09-08-02 Consider GEMA Statewide Mutual Aid and Assistance Agreement

Fire Chief Ed Eiswerth said the agreement was a continuation of being prepared for an emergency. Pete Nelms, the County's emergency management director, had noticed that the City had never signed an agreement with the Georgia Emergency Management Agency.

Boone moved to approve the GEMA statewide mutual aid and assistance agreement and authorize the Mayor to sign. Sturbaum seconded. The motion carried unanimously.

Council/Staff Topics

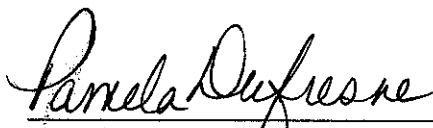
Sturbaum asked if there was an update regarding a concession stand at Braelinn Field. McMullen said that he did not have the information, but he would discuss it with Leisure Services Director Randy Gaddo.

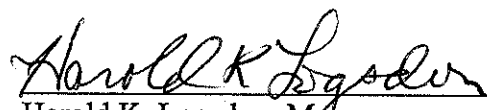
Boone asked about the CSX golf cart bridge. McMullen reported that two of the three easements had been finalized. There was an issue with Cousins Properties regarding the value of the property. The City's consultant was working on it.

Sturbaum moved to convene in executive session to discuss pending litigation at 8:59 p.m. Haddix seconded. Motion carried unanimously.

Sturbaum moved to reconvene in regular session at 9:15 p.m. Haddix seconded. Motion carried unanimously.

There being no further business to discuss, Boone moved to adjourn the meeting. Haddix seconded. Motion carried unanimously. The meeting adjourned at 9:16 p.m.


Pamela Dufresne, Deputy City Clerk


Harold K. Logsdon, Mayor