

**City Council of Peachtree City**  
**Meeting Minutes**  
**Thursday, June 16, 2022**  
**6:30 p.m.**

The Mayor and Council of Peachtree City met in regular session on Thursday, June 16, 2022. Mayor Kim Learnard called the meeting to order at 6:30 p.m. Council members attending: Gretchen Caola, Frank Destadio, Mike King, and Phil Prebor.

**Public Comment**

Learnard stated the public comments were limited to two minutes per speaker. Destadio said he felt they should open it to more than that, judging by the number of people who were present, which he imagined was to talk about one or two issues on the agenda. The Mayor told him they would consider the time limits when they reached the public hearing portion of agenda.

Suzanne Brown was concerned about the update to the Comprehensive Plan, saying any changes would affect Peachtree City for years. They might be better off with no changes. She said the online surveys left out people who did not use the internet, and therefore had a built-in bias that was unacceptable. Paper copies should have been mailed to each physical address, Brown remarked. She said they should ask the Fayette County Board of Elections to permit them to do a separate paper ballot in November to get an accurate survey. The City could also mail postcards asking who wanted to take the survey on paper.

Celeste Stoney said there was a major cut-through traffic problem in the Planterra Ridge neighborhood, putting children in danger. She had counted hundreds of cars on her street in just a two-hour window, she reported, with speeds of up to 60 mph. She told Council the City should do something to manage traffic.

Nick Ferrante said he, too, wanted to talk about the Comprehensive Plan. The Master Plan of 1972 called for creating a new community with a diversity of housing opportunities and a wide range of housing types and prices. There was a chart that showed the villages were to include mixed-use development with shops, rental offices, and apartments. A City newsletter from 1974 urged residents to vote for a bond to finance expansion at Peachtree City Elementary and high schools and middle schools in Fayette County.

Vic Painter stated he moved into Planterra four years ago. His daughter was nearly hit by a car three years ago, and he no longer allowed her to play in the front yard. The neighborhood had monitored the traffic, and it showed between 10,000 and 18,000 cars on average coming through Planterra Ridge every week. The speed limit was 25 mph, but the traffic studies showed speeds of 40, 50, even 60 mph. That was unacceptable; Terrane Ridge should not be a cut-through. Council needed to do something, he concluded.

Karriann Houseman also wanted Council to act on the traffic in Planterra, saying the volume and the speeds were ridiculous and predicting that a child would get hit. She recalled that a traffic study was done in 2017 and, other than an additional turn lane, nothing had come of it. There had to be another route to get drivers back to Coweta County.

**Agenda Changes**

None

## Minutes

### **1. June 2, 2022, Regular Meeting Minutes**

### **2. June 2, 2022, Executive Session Minutes**

King moved to approve the June 2, 2022, Regular Meeting Minutes and the June 2, 2022, Executive Session Minutes. Destadio seconded. Motion carried unanimously.

## Consent Agenda

### **1. FY2022 Budget Amendment – Memorial Bench Donation**

### **2. FY2022 Budget Amendment – Georgia Trauma Care Network Commission Trauma Grant**

### **3. FY2022 Budget Amendment – Sponsorship Acceptance**

### **4. Purchase AC Refrigerant Recovery Machine**

### **5. Guthrie's Stormwater Facility Maintenance Agreement**

Destadio moved to accept Consent Agenda items 1-5. Prebor seconded. Motion carried unanimously.

## Public Hearings

### **06-22-04 Variance Request – Fence Height in Front Yard Requirement – 321 Loring Lane**

Destadio again noted the large crowd and asked the Mayor to extend the time for public comment beyond the usual five minutes on each side. He suggested two minutes per person. Prebor said they needed to see how many people wished to speak. Learnard stated they would go through the protocol and see who wished to speak after the staff presentation. Destadio agreed.

Planning and Development Director Robin Cailloux presented a zoning map that showed the property and that it was zoned Estate Residential (ER). It was on the northern boundary of Peachtree City and was not technically part of the Kedron Hills subdivision. The owners were requesting a variance to construct a five-foot high fence with a six-foot gate across the property. The ordinance stated that fences in the front yard could be no more than four feet tall. Other than the height, the proposed gate and fence met all other requirements for a front fence, Cailloux stated.

Cailloux went through the criteria listed in the Zoning Ordinance for a variance request. The first asked if there were special circumstances applicable to the property, and Cailloux said the only difference was that it was larger than other lots in the area. There was no evidence provided that the regulations create a hardship for the property owner. No exceptional circumstances were identified. Because the lot was different, she stated, granting this variance would not constitute a special privilege that nearby properties did not have. There was evidence that it would not be detrimental to the public health, safety, or welfare, and the applicants had provided letters from neighbors in support of the project. The variance did not conflict with the Comprehensive Plan, which called for reinvestment in properties. Cailloux said the applicant was present but did not wish to speak unless Council had specific questions.

Learnard opened the public hearing. She asked for a show of hands from people who wished to speak in favor of this variance and from those who wished to speak in opposition. Cary Cook of Lakeside Drive began to speak about the rezoning for Northlake Drive and was told that was not the item currently under discussion. No one else wished to speak, and Learnard closed the public hearing.

Destadio said he respected Cailloux and her work, but he took exception to some of the statements she had made, particularly that there were special circumstances because the property was a large lot. He said that did not tell him why a six-foot gate would be more suitable than a four-foot gate. Was she saying that a five-foot fence was less safe than a six-foot gate?

Cailloux told him she was just answering the question very literally, not making any judgmental statements.

Next, Destadio read, she said strict application of the ordinance would require the applicant to limit the height to four feet. Was that less safe than five feet? His point, he went on to say, was that they had an ordinance that stated a certain height. He understood the applicant had had people go onto his property and certainly deserved a gate and fence like anybody else. But why did his have to be higher and bigger than anybody's around him? It made no difference in security if the fence was four or five feet high. He did not see a reason to provide a variance to the applicant just because he wanted a higher fence than anyone in the city.

Caola commented that she shared that opinion. The rules should be the same for everyone, whether they lived in a \$200,000 house or a \$2 million house. She added she would like to see the height changed in the ordinance, so they would not be asked to cherry pick people.

Prebor agreed that the ordinance should be changed. He felt the size of the house warranted a six-foot fence. All the neighbors were okay with it. Prebor stated he saw no reason to deny this request, adding again that they needed to consider revising the ordinance.

A golf cart could not get over a six-foot fence any easier than a four-foot fence, Destadio remarked. Most people in other places who were concerned about security had six-foot fences, Prebor responded.

In King's opinion, security did not seem to be the main issue; it seemed to be the aesthetic value. A four-foot fence would be a bit out of place at that home with an expansive front yard. That was probably why the applicant was asking for this variance—to make it look better. However, he added, a four-foot fence did not provide security.

Why did the applicant not put that in the variance request? Destadio asked, and King said he had no idea.

Learnard said it was her opinion that this variance should be denied because it chipped away at the ordinance. The security the applicant was seeking could be met through the ordinance, she concluded.

Destadio moved to deny Public Hearing item 06-22-04, Variance Request – Fence Height in Front Yard Requirement – 321 Loring Lane. Caola seconded, saying she would like to see the ordinance changed soon—maybe in July. Motion carried 3-2, with King and Prebor voting against.

**06-22-05 Rezoning request for 215 Northlake Drive from GC to LUC**

This property was at the intersection of SR 54 and Northlake Drive and was best known as the home of Partners Pizza, Cailloux stated. It was zoned General Commercial (GC), which was the only commercial zoning district in Peachtree City. The applicant was requesting a change to Limited Use Commercial (LUC) for the whole property, but the only thing they proposed to change was the front building, which they wanted to demolish and rebuild as a three-story structure. A site plan showed what it would look like when constructed.

Renderings of the building showed ground-level retail, with the restaurant remaining. The amount of commercial development would remain the same as at present. The restaurant would have a second story covered patio. Twelve condominiums would be upstairs. Cailloux recalled that when the Planning Commission discussed this request, they spent a lot of time talking about the architectural renderings. Since then, the applicant had updated them to show more architectural detailing, depth, and different colored bricks. They would not be removing or changing any of the greenspace in front of their property, Cailloux stated.

A rear-view rendering showed that the building would be four-sided brick. There would be private garages, and the architect had given them a more residential look per the Planning Commission's suggestion. The condos would have private elevators for each unit and private rooftop decks.

An LUC was a site-specific zoning district, Cailloux explained; it guaranteed that the property owner got what they liked and guaranteed the public there would be no changes to the proposal. No increase in the number of residential units or commercial would be permitted; no changes to the rest of the property would be permitted, and there was no guarantee of any future rezonings.

The Zoning Ordinance had six criteria to consider when reviewing a rezoning request. The first asked if it conformed with the policy and intent of the Comprehensive Plan, and Cailloux explained that the Comprehensive Plan had several policies that were applicable to this request. The first discouraged strip-type commercial development, which was mostly what they had in Peachtree City; this was vertical mixed use.

The second policy asked that development utilize the step-down practice where there was a regression from a higher-density village center to lower density on the outskirts. This property was at the Aberdeen Village center, she stated, so it was appropriate for commercial and attached residential development. The proposed development also met the policy of promoting senior living housing by providing elevators in all units.

The next two criteria looked at whether the proposal was compatible with surrounding development. The surrounding residential developments were all attached units, both in Dover Square and Arbor Gate. The commercial was compatible because that was what was there now, Cailloux continued. The fourth asked if the property had economic value as currently zoned, and the answer was "yes;" it could be redeveloped into any commercial use.

Would the proposed development place a burden on existing infrastructure or services? To evaluate the impact on the transportation network, Cailloux said she used the trip generation report from the Institute of Transportation Engineers (ITE), which were numbers generated over decades of actual empirical evidence. An attached multi-family unit generated fewer trips than a typical apartment or

single-family home. During the peak hours of 7-9 a.m. and 4-6 p.m., Cailloux explained, there would be six additional cars added from those units. Whenever there was a redevelopment or a change in zoning, staff looked at what the property could generate if it were developed as currently zoned. Given the size of the property, they felt this could be a day care, grocery store, gas station, fast food with drive-thru, or coffee shop with drive-thru. All had significantly higher trip generation numbers. The stats showed that developing the property as proposed would have a negligible impact on the infrastructure.

That also applied to the impact on schools. Using the student generation formula from the Fayette County Board of Education, this development would add about four students to the school system. However, since the units would have just two bedrooms, the likelihood of them attracting families with school-aged children was low. The applicant had provided letters from the water and sewer department saying the site could handle the development.

The final criterion looked at whether there were existing or changing conditions that affected use or development. Cailloux reflected that they were in the process of completing an update of the Comprehensive Plan. As part of that process, residents were asked what they would like to see if property were redeveloped. They deliberately did not bring up this property but asked about other areas in the city. The results showed that 63% of the respondents supported what was called suburban scale mixed use. This was three- or four-story vertical mixed, use, with commercial on the ground floor and residential above. Braelinn Village won out as the top choice for this type of development, getting three times the votes of other sites, but Aberdeen Village came in second, followed by Kedron Village. That response certainly seemed to indicate a changing condition, Cailloux remarked.

Based on this review, staff was of the opinion that this request met most of the rezoning criteria in the ordinance. If Council approved it, staff recommended the following conditions: the development must be built with the same architectural style and materials as presented and that there be a maximum of 12 owner-occupied units on the property.

Someone in the audience asked Cailloux when the survey was taken? She said it was posted online in late March or April and closed at the end of May.

Attorney Rick Lindsey spoke for the applicants, noting they presented this to the Planning Commission a couple of months prior and made a few changes to the architectural style based on their comments and also regarding the number of rental units. The applicant had agreed there would never be more than two of the 12 units used for rentals. There would be no more than 12 condominium units, Lindsey stated, not 100 apartments like he had read online. These were luxury condominiums, owner-occupied, that were currently not a housing option available in Peachtree City. The development would be truly walkable, he remarked; you could walk to church, to the park.

Lindsey asked the Mayor to caution the audience to stay quiet until it was their turn to speak, which she did.

He continued, noting residents would be able to walk downstairs to Partners Pizza or to Y-Knot or Royal Lanes. It would be easy to get to the bank, to the dentist, or the doctors' offices on SR 54. The only other area like this in Peachtree City was in Lexington.

Again, he said, it would be aimed at senior citizens, maybe young couples. Because of the size of the condos, he did not expect families with children to move there. There were several options for traffic to get in and out of the area, including Aberdeen Parkway, Flat Creek, or Peachtree Parkway. You did not have to get on SR 54 to get to SR 74.

The commercial part, Lindsey went on, would be rebuilt as it was today, except more modern. Partners would remain, and there would be another four or five commercial spaces on the first floor. This was the first commercial development in Peachtree City, and it was time for an update, he stated. Also, online shopping had changed retail, and they needed to figure out how to get people excited to come to brick and mortar locations. One of the potential units was an ice cream shop.

This met the criteria of the Comprehensive Plan, Lindsey stated, by providing housing for seniors. People wanted to stay in Peachtree City as they aged, but might not want to take care of a big house and a yard. He asked Council to grant this rezoning request.

Learnard asked Destadio how he wanted the time limits for speakers to be established? Destadio stated they should see how many people wanted to speak either for or against and then decide how many minutes to allow per speaker. He said he was sure a lot of the people in attendance were there for this item, and he wanted them to speak. But if there were large numbers who wished to speak, they might have to limit it to two or three minutes per speaker.

The Mayor asked for a show of hands, first of those who would like to speak in favor and then of those who wanted to speak in opposition. Even though there were many more in opposition than in favor, Learnard stated each side would get the same amount of time. Was 15 minutes per side good? Learnard asked, and Destadio said that was more acceptable than 10 minutes.

Destadio moved that each side be allowed 15 minutes either for or against. Caola seconded. Motion carried unanimously.

Learnard opened the public hearing. She asked that those who wished to speak in favor come to the microphone. No one would be allowed to speak longer than five minutes individually and collectively they would be limited to 15 minutes.

Keith Larson said he did not believe many residents opposed redevelopment of aging commercial property. What was contentious was the proposal for 12 condominiums. Larson pointed out that the inclusion of elevators made them suitable for seniors, but also for people with disabilities. The potential for impact was negligible, and he emphasized that this was no Great Wolf. Some people worried that if Council approved this project, it would establish a precedent for approval of similar developments across the city and for implementation of the Atlanta Regional Commission's (ARC) Livable Centers Initiative (LCI). That was untrue, Larson stated, but added that the original 1972 Peachtree City Master Plan envisioned that shiny suburban city on a hill. What we today called the village center design, with step down density, walkability, and connection to the path system had been consistently incorporated in subsequent Comprehensive Plans and zoning development ordinances. The 1972 plan said Peachtree City should provide opportunities for all types of people. At that time, the City leaders acknowledged the challenges they faced in a changing world, and Larson said that was the

same challenge Council faced now. He asked Council to continue that vision of the founders by supporting the Royals' request for rezoning.

Stacy Kilgore said she had lived in Peachtree City for 22 years. She knew the Royals as active and involved members of the community. Aberdeen Village Center, like many other sites in the city, was aging. She stated that this plan would be more functional for the city they were today. Adding these homes would be good for empty nesters and also for young professionals who did not want a long commute. An additional six cars per day would be trivial, she added. Some people said these condos would lower property values in the city, but Kilgore noted they would be selling at \$500,000 or more. Surveys taken by the Comprehensive Plan Committee showed support for mixed use development here. Kilgore noted that many of the people who took the survey could not be at the Council meeting due to business or family obligations, but their opinions mattered no less than the people who did have time to show up to oppose this. She noted that Peachtree City, since its inception, had been planned for higher density at its village centers, and she hoped Council would look at the data they had been provided and vote to approve this request.

Nick Ferrante also noted that multi-family housing was part of the 1972 Master Plan. The survey results were interesting, but, in the end, the early leaders of Peachtree City envisioned a place with a diversity of housing types. If some people would not use the Internet and could not participate in the survey, he continued, that burden was on them. He quoted the Cato Institute regarding the role of government in protecting private property rights, concluding that the Royals were within their rights, and this should be approved.

A resident since 1972, Tamara Moore, stated that this request was a harbinger of a bigger discussion that this newly elected government would face in the coming years. There had been much discussion recently about luring younger people to the city, including pushing for housing diversity. She noted that Peachtree City had long used zoning as a way to discourage lower income residents who typically skewed younger, but the data now suggested there were consequences to holding on so tightly. Council should understand how vital it was to bring healthy, mixed-use development. She emphasized that this property was already zoned so the Royals could add any number of things without Council approval, including a storage facility, a car wash, an auto parts store, or a tattoo parlor. These economic drivers would not get Peachtree City where it needed to be. Approving this development would not bring crime or worsen traffic. This was the opportunity for Council to show voters they were aggressive about furthering their quality of life and willing to partner with developers as they moved ahead.

Learnard noted that the 15 minutes were up and asked Council how they wished to proceed. Prebor moved to extend the time for the speakers in support by three and a half minutes. Caola seconded. Motion carried 4-1 with Destadio dissenting.

Another citizen said he had lived in several planned communities and had seen this issue before. The owners, he commented, had the right to put anything they wanted that was within this zoning on their property and some of the alternatives were not what they wanted at this location. It was just common-sense decision to allow this, he concluded.

The Mayor asked to see who wished to speak in opposition and said they would be given 18 and a half minutes total with a maximum of five minutes per person.

Cheryl Flynn said she lived in Dover Square, behind this property, and was concerned about noise from construction and then from delivery trucks going in and out. Their bedrooms faced the paths that abutted Aberdeen. She asked that the applicant be required to erect a sound barrier or a dust barrier to lessen the impact on their homes.

Suzanne Brown reflected on the discussion led by City Attorney Ted Meeker at an April 21 called meeting regarding the \$6 million lawsuit the City of Brookhaven had lost. Meeker cautioned Council to remember a public hearing was a quasi-judicial procedure, and they should not have contact with the applicant or with citizens. However, she went on, Council Member King wrote a letter to The Fayette Citizen in response to another letter regarding this rezoning. Brown said he weighed in before this public hearing and made it known he had already made his decision. Brown called for King to recuse himself from this vote. She also said anyone who had an ex parte relationship with the applicants should recuse themselves. That included getting a free pizza or a campaign contribution.

The primary concern of Cary Cook came from comparing the small area of this building to the 7.6 acre tract as a whole. It opened up the possibility of adding a lot more high-density development there. He said approval would contribute more to traffic congestion on SR 54. The traffic light at Northlake Drive was slow, he remarked. He said there were other areas where this could be built. Cook also questioned the statement from the applicant that this could serve as a model for other redevelopment, along with the description of this as a walkable development. There were not enough restaurants nearby for it to warrant that description. He also disputed the statement that there were other roads that provided easy access to SR 54. New development on Fischer Road in Coweta County would also be adding to traffic congestion, he stated.

Patsy Sawyer of Dover Square was concerned that this development would not just bring in the families that would live there, but their relatives and friends as visitors. Traffic was a concern. She wanted to see this somewhere else.

Dorian Kingi said he was a stunt performer who moved here from California. He understood the attraction of this development but feared that growth such as this would destroy the small town feel. He said he had friends with kids who had moved here to get away from the city. He would be happy if Peachtree City never changed and said he would leave if it changed too much.

Another citizen called this an "LCI initiative that was opening up the city to greed." Taxes were high, but she said she gladly paid them to maintain a safe community. She said greed was threatening their way of life. She said it would open a can of worms when the Braelinn Kmart space followed suit. Only the developer would benefit from this, she concluded.

Michael Lee said the survey was not released publicly and, therefore, the stats were "Astroturfed." Every single-family homeowner had a financial stake in what happened here, he commented. Future residents should not be the ones to dictate what they should do in Peachtree City. He stated that adding residential development in every village center would "destroy the magic of Peachtree City." Lee told Council they had to deny this request.

Another resident said he had seen a lot of change to the city and not for the better. He stated that the owner could still make renovations without the need for the residential units. It did not have to be

a choice between redevelopment or a tattoo parlor. Traffic was a problem throughout the city, but new homes would add to it incrementally.

Linda Ellis, a resident of 33 years, said she did not support any kind of change. Mixed-use condos in the village center were not in the Master Plan and should be banned in the Comprehensive Plan. She recalled the LCI presentation when the "do nothing" bucket overflowed. She did not understand how this conformed with the Land Use Plan when the Plan called for commercial in this area. Also, the request said the owner might seek to develop the other building in the future.

Teresa Hampton said this nauseated her. It was not about the Royals, who were lovely people, she commented, but this was the beginning of the end, and if Council did not stop it, they would see the spiral of Peachtree City going down like downtown Atlanta. She thanked Council for using the 2017 Special Purpose Local Option Sales Tax (SPLOST) to pave their streets. She concluded by saying Peachtree City was not broken, so do not change it.

Traffic was Jane Trammell's concern. She said she would rather Council work on roads than rezonings. She mentioned the old Booth Middle School would be turned into colleges, and traffic on Peachtree Parkway would increase. She finished by telling Council again not to do anything until they had fixed the roads.

Time had expired, and Learnard closed the public hearing.

King congratulated both sides for compelling arguments and said they could acknowledge two things as factual. The Partners building was decades old and in need of renovation. No one objected to that, and he did not think anyone objected to the 12 condominiums being there. It was adjacent to Dover Square, which was duplexes. They were looking at just 12 units. If the Royals wanted more, they would have to return to Council. He went back to Ferrante's comments about property rights; you had the right to develop your property to its best use. They had a choice of strip malls or something that was nice; yes, it had 12 residential units. Things were changing, and he said this was a no-brainer to him.

The Mayor called for silence and threatened to remove audience members who applauded.

Destadio thanked everyone for coming, but said he took exception to some of the comments that were so forceful in telling Council what they had to do. They were all trying to do what they believed was best for the city. However, he said he took exception with staff's interpretation of the criterion that asked if this development was compatible with surrounding uses. Staff said surrounding uses were commercial, so it was compatible. Destadio pointed out there was no mixed-use property anywhere in the area. Another asked if there were existing or changing conditions in this area that affected the development of this property and gave grounds to support either approval or denial. Staff said there were no changing conditions, but Destadio said he disagreed. It was Highway 54, he stated.

Most of the people there knew Jim Royal, Destadio continued. He had visited their restaurant many times. This was absolutely not against them. A few years ago, Royal and a developer proposed a 200-home and apartment development on this site, Destadio related, saying he remembered it because he was chairman of the Planning Commission then. That application failed by a vote of 5-0. Royal never took it to City Council for a vote.

King objected to the statement that Royal brought that proposal to the Planning Commission, saying Royal had nothing to do with it. Destadio said Royal came to the Planning Commission with his attorney; he was physically there. King said it was not his proposal. Prebor added it was a group called Watkins Development that he was familiar with because they were from his hometown in Florida. Destadio said he thought they were splitting hairs, but King said they were not; he was making a false statement.

In any case, Destadio continued, Royal was in the room when the proposal was denied by the Planning Commission for his property. Not long after that, the LCI was conducted. He was a member of the core team. That study looked at sites along SR 54, including across from Drake Field, at Willowbend Shopping Center, and Commerce Drive, among others. He disagreed with the plans for property along 54. So did citizens and the City Council chose not to accept the LCI, he stated, but, now, we were seeing more proposals for mixed use facilities.

He took exception to the statement that said the proposal was in compliance with a Comprehensive Plan that was not yet approved. It was not in compliance with the current Comprehensive Plan. The proposed plan has not been adopted, and Destadio said he did not know that it would be. In the justification narrative submitted by the applicant, Destadio pointed out that it said the owner might seek to develop other buildings on the site in a similar fashion in the future. It would still have to come back to the Planning Commission, he noted, but it was clear that Royal or a future owner could return to ask for more development. This probably would not be the end of this decision making. Yes, they could say no to a future proposal, but Destadio said, if this was approved, it would be difficult to deny it. Once a precedent was established, it would be impossible to turn it down. The City Attorney had told him they could fight it, but also said there were no guarantees when you went to court.

Additionally, he pointed out that the document said the owners of the Willowbend Shopping Center had twice approached the previous Mayor about a mixed-use proposal. That was in the LCI. They had since approached him and the current Mayor, Destadio reported, but they responded that they did not have any opinion because it had not been presented to the City Council. He felt that if they approved this proposal for 12 high-priced condos, it would open the floodgates for other multi-use housing. He added he was not worried about multi-use housing in other areas, but he was concerned about it on SR 54. Traffic was the number one concern of every citizen. Why would they do something that would increase traffic? The 12 units were not the problem; it was where it went from there. There would be a domino effect going down SR 54. He did not think the Royals would put in a gas station or some of the other businesses used as scare tactics. He liked the design and agreed the property needed renovations.

The Mayor interrupted to say this was a Council discussion among members and asked him to find a conclusion.

Destadio disagreed with the viewpoint that there was not enough housing in Peachtree City. Ravin Homes was building 92 homes just up the street on the east side of the city. Roch deGolian also was going to build on that side of town. There was approval for townhomes on Rockaway Road. The Council members needed to know that if they voted in favor of this proposal, Peachtree City citizens needed to understand some things that were going on, Destadio stated. Council members had been threatened that if they did not vote "yes" there would be consequences. They should not be

threatened by a mob to vote one way or the other, they should vote for all their citizens, he continued. It was time they stood up and said "no" to the mob, he concluded.

Caola said the people who said they did not know about the survey should go to the City's website and sign up under "Notify Me" to receive updates on a variety of topics.

She wondered what would happen to the Farmers Market if this development was allowed? Marilyn Royal said it could stay in the parking lot. How would they enforce a policy of two rentals out of the 12? Would it be through a homeowners association (HOA)?

Cailloux said other developments were required to submit a copy of the covenants at the time of platting, and staff reviewed those.

Could they come to Council seeking permission for more residential units in the future? Caola inquired. Yes, Cailloux told her. Could there be a deed restriction limiting them to 12? Caola asked, and Cailloux said that was not possible. It was a Constitutional right to petition your government. Could they ask the owner to make it deed restricted? Destadio wondered, and the Mayor said they could not. You could not take away Constitutional rights, Cailloux added.

Prebor asked about the price range for these condo units, and Lindsey, while noting that no one knew what prices would be in the future, said they would be north of \$500,000, probably quite a bit north of that.

Prebor reflected that his business let him meet four or five people a week. Most of them moved to Peachtree City in the 80s or 90s. Interim City Manager Bernie McMullen had told him there were 7,300 residents older than 65. In 10 years, there would be more than 7,500. His clients were the people who had built this city, but now they had big houses that they could not maintain by themselves. Were they going to tell them "sorry, we do not have anything for you. It's time to leave Peachtree City"? These 12 units would not fill that need. There were some cluster homes, but they sold immediately when they were put on the market.

The Royals, Prebor continued, could put another strip mall here, but they had designed something that aesthetically would benefit the community. If they did not allow these 12 condos, they would just do something else. Destadio said they could still upgrade it, but Prebor pointed out they could make a lot more money if they made it all retail, and they would not even need Council's approval.

He did have a concern that approving this would open the door for other developments, and asked Cailloux to clarify that. She said everyone had the right to ask to do something with their property, but Council had to review every request on its own merits. This property was not identical to the one across the street at the blue roofs. It was much larger and had different restraints on it. Approving this development on seven acres did not mean Council had to approve something across the street on three acres. That applied to future Councils, Prebor commented, and Cailloux said even to this Council. They were not setting a precedent because no properties were the same.

Michael Sumner, sitting in for the City Attorney, pointed out that each application was considered on its own merits. Council had the right to vote for or against any rezoning request irrespective of how

they had voted on other requests in the past. Destadio said that was exactly what he said about setting a precedent, but Cailloux said Destadio was not correct.

This was a stand-alone decision, Learnard stated, adding that everyone was there because they loved this community. Most of them did not want to see Peachtree City change, but that did not mean they should watch the buildings fall into disrepair or sport 1975 architecture. She said this was a beautiful, much-needed update, but it would serve only a tiny bit of the desperate need for condos for an aging population.

King moved to approve Public Hearing item 06-22-05, rezoning request for 215 Northlake Drive from GC to LUC. Prebor seconded. Motion carried 3-2 with Caola and Destadio dissenting.

#### **06-22-06 CIE Update**

Cailloux explained she was asking for approval to transmit the annual update of the Capital Improvements Element (CIE) of the Comprehensive Plan to the ARC as was required by State law. They had to do this every year because they levied impact fees; if they did not, it would be every five years. This report was for fiscal year 2021. All of the information was audited numbers and made up the Capital Improvement Plan (CIP) adopted in last year's budget.

The report included a summary of the money that had been collected from impact fees and what they had spent. It included a list of projects eligible for funding through impact fees.

Learnard opened the public hearing. No one wished to speak on the issue, and she closed the hearing.

Destadio said he had always thought the impact fees had to be used in support of the new homes that were providing them, such as a new fire station. But he noticed a lot of cart paths on this list. His question was where did impact fees come from other than new home construction.

They got impact fees from any type of new construction, Cailloux replied, including residential, commercial, and industrial. Each new home paid \$4,200, and the fee had to be paid before a permit was issued. Destadio asked where that money was kept. It was in a fenced account that could only be used for the listed projects, Cailloux said. A methodology report was adopted in 2017 that laid out how this was calculated and how to determine what projects were eligible. For example, she continued, a new path could not be funded 100% through impact fees; only 66% could come from impact fees.

So, Destadio probed, they could take impact fees from Cresswind or Everton and use some for them and some in other areas? Cailloux told him they had a city-wide service area; they were not like Atlanta, which had wards. Council members were elected from the entire city. However, she pointed out, last year they spent \$1 million of those impact fees on the MacDuff bridge, which directly benefited residents of Cresswind and Everton.

How much money was in the impact fee pot? Destadio asked. They had \$2.8 million for paths, \$317,000 for Police, and \$401,000 for Fire.

#### **Old Agenda items**

None

**New Agenda items**

**06-22-07 Resolution to Transmit CIE Update to Atlanta Regional Commission**

Destadio moved to approve New Agenda item 06-22-07 Resolution to Transmit CIE Update to Atlanta Regional Commission. King seconded. Motion carried unanimously.

Learnard asked why this item could not have been on the Consent Agenda? and McMullen told her it was because it involved an amount of money more than \$40,000.

**06-22-08 Peachtree City Athletic Complex Stormwater Pipe Lining Project**

City Engineer Dave Borkowski, pinch hitting for Stormwater Manager Mike Madison, said they were requesting Council award \$49,680 to Envirotrenchless for 360 feet of pipe relining. This would be the SpinCast concrete type of rehabilitation, he explained, where they sprayed on a one-inch liner. They received three quotes when this was put out to bid, and Envirotrenchless was the low bidder. The funds would come from the infrastructure line item in the Stormwater Department's budget.

Prebor moved to approve New Agenda item 06-22-08, Peachtree City Athletic Complex Stormwater Pipe Lining Project to Enviro Trenchless for \$49,680. Destadio seconded. Motion carried unanimously.

**06-22-09 2022 Stormwater Pipe Lining Project - CIPP Lining Method**

Borkowski said they were recommending awarding this project to IPR for relining pipes at 21 locations. IPR submitted the low bid at \$660,458.50. This would use the cured in place plastic pipe lining method where a plastic liner was pulled through the pipe and inflated, then hardened with an ultraviolet light. Six bids were received, and IPR was the lowest. The total linear footage was about 5,800 feet. Funds were available through the American Rescue Plan Act (ARPA).

Destadio moved to approve New Agenda item 06-22-09, 2022 Stormwater Pipe Lining Project - CIPP Lining Method, to be awarded to IPR in the amount of \$660,458.50. King seconded. Motion carried unanimously.

**06-22-10 Intergovernmental Agreement with Fayette County Board of Education regarding Stagecoach Road**

McMullen said staff was recommending City Council authorize the Mayor to execute an intergovernmental agreement (IGA) with the Fayette County Board of Education (BOE). This IGA provided \$750,000 for construction of Stagecoach Road. The initial payment would be \$375,000 at the start of construction, with the remainder coming at completion. Once the road was finished, the title of the road would be transferred to the City; however, the BOE would provide maintenance for the usual two years.

They discovered today, McMullen stated, that one of the dates on the document had not been updated. The drawing on paragraph one, page three, was dated May 4, 2022, but that was the 90% drawings. Since then, Borkowski had reviewed and stamped the final drawings. Those were dated May 23, 2022. School Superintendent Jonathan Patterson had agreed that the Mayor could make and initial a pen and ink change. Destadio asked where this was located in the document, and McMullen pointed it out, saying it was on page two, not three.

Other than the two payments of \$375,000, were there other costs to the City? King asked. McMullen said there were not. King stated they had fought this thing for the better part of four years, he felt it was time to throw up a white flag and declare it done.

King moved to approve New Agenda item 06-22-10, Intergovernmental Agreement with Fayette County Board of Education regarding Stagecoach Road. Caola seconded. Motion carried unanimously.

### **Announcements, Awards, Special Recognition**

#### **Presentation of Lifesaving Award to Police Officer Jason McKinnon and civilian Imani Harriott**

On April 30, the Mayor said, McKinnon was working the Peachtree City Triathlon, when a runner suffered an apparent heart attack. McKinnon began administering cardiopulmonary resuscitation (CPR), with Harriott monitoring C-spine and airway control until medical assistance revived. The patient was transported to Piedmont Fayette Hospital and had a pulse and was attempting to breathe on his own upon arrival, thanks to the quick actions of McKinnon and Harriott.

Learnard presented Harriott and McKinnon with Lifesaving Award certificates, and also gave McKinnon the Police Department's Lifesaving Medal.

### **Summer Hours**

From now until the start of school, McMullen announced, Public Works crews had changed their hours due to the summer heat. They were now working from 6:30 a.m. to 3 p.m. Grounds crews were also starting earlier.

McMullen also said the parking lot at All Children's Playground would be closed during the next week due to work on the new playground.

### **Council/Staff Topics**

#### **1. Short-Term Rental and Party House Discussion**

Cailloux wanted to review previous discussions and see how Council wanted to proceed.

Several members of the public were exiting, and Destadio asked if he could make a comment before they were all gone? He stated that at the next Council meeting on July 12, individuals from the Purple Heart Association would be presenting the City with a certificate designating it as a Purple Heart City. There would be signs placed at the City limits noting this.

There had been several discussions on regulating short-term rentals and what they were calling a party house ordinance, Cailloux recalled. The purpose was to protect the health and safety of residents and visitors, as well as to preserve the residential character of neighborhoods. Residents of neighborhoods where these homes were operating had come to Council, saying there were issues with parking, noise, and new people coming and going. The safety of visitors on these properties had also been questioned. They were seeing positive results from the new noise ordinance, she noted, adding that in most cases, Code Enforcement only had to remind residents of the noise ordinance when they were called out, and that stopped the problem. They had only needed to issue one or two citations.

Peachtree City already had a disorderly house ordinance on the books. It said it was unlawful for a homeowner to encourage loud or boisterous conduct on the property to the annoyance of other

persons. It was vague, she pointed out, because there was no clear way to define annoying conduct. Only one citation was issued in both 2020 and 2021 and four in 2022, with two of those going to the same house. This ordinance was a tool they used, but it had limitations.

Council had its first read of a short-term rental ordinance in April, but there was a large showing of residents at the next meeting to say it was too restrictive. Staff halted work on that ordinance and proposed a party house ordinance at the second meeting in April. It gave rights to the property owners that they did not currently have and clearly defined "annoying conduct." It was another tool they could employ, but they immediately began to get comments from people who said they did not want these establishments popping up in their neighborhoods.

Looking at the advantages and disadvantages of both ordinances, Cailloux explored how they needed to address the remaining issues they had identified, such as parking, frequent visitors, and the safety of those visitors. Both ordinances addressed parking, but only the party house ordinance addressed frequent visitors, limiting them to four events a year. That did not mean it could not be used as a short-term rental the rest of the year.

Cailloux said the Fire Marshal had recently returned from a conference where they talked a lot about the safety of these homes for visitors. These visitors were in an unfamiliar place and did not know where the fire exits were or how to operate a stove or fireplace, for instance.

The party house ordinance introduced the potential for new conflicts, she remarked, and the short-term rental ordinance was negative in some of the burdens it placed on the homeowners.

This was a proposal, Cailloux continued, and she was not married to it, but her thought was to try and balance these potential conflicts by halting development of the party house ordinance and proceeding with the short-term rental ordinance but removing some of the restrictions. She wanted to go over some of her ideas as a starting point for this discussion.

Learnard agreed. Destadio said he had some comments. Firstly, he stated, there was a second read on the short-term rental ordinance, and he did not remember a read of the party house ordinance. He did remember the Mayor saying they were working on it, and he knew Cailloux brought it to the Planning Commission, but he had never been provided with a copy of the party house ordinance. Council had never had a read, and Destadio said he refused to pull a copy from the Planning Commission agenda, adding he had expected Cailloux would provide a copy like she had for the noise ordinance and the sign ordinance. He agreed they should go through them, but he had never gotten a copy to review, he remarked.

Learnard said she recalled they had learned, before they really got started, that a party house ordinance would be more permissive than what they currently had on the books. The ordinance would allow four events per year; right now, there was a total prohibition.

Destadio said he understood that, but his point was that he had never seen it. In the future, he wanted a chance to review a proposed ordinance before they decided it would be too restrictive.

Cailloux told him she understood.

Cailloux presented a slide where she had highlighted some of the topics for discussion in red. She said she did not believe they wanted to encourage investor-owned properties as full-time short-term rentals. Going by what she heard from the community, most people believed a short-term rental should also be a person's primary residence. The proposed ordinance required the owner be on the site when it was rented. Did they want to reconsider that? There might be a property where the owner was going away for the weekend and wanted to rent it out in their absence.

Destadio said the citizens who had complained to him were people who owned one house on the lake and bought a second house on the lake that they used as a short-term rental. This would stop them, he noted, and Cailloux said that was correct.

Another topic to talk about removing was the proposal that no more than 25% of the home could be rented. There were anecdotal stories of people living in a whole house while their house in Cresswind was being finished. This would not allow that. They had also heard about someone whose house flooded, and they lived in a short-term rental during repairs. That, too, would not be allowed. If they removed that 25% maximum requirement, it would allow a whole house to be rented, but it would still only apply to a home that was someone's primary residence, not to a home bought only for use as a short-term rental.

So, Caola asked, someone could be away for a week in July and rent out their whole house? Cailloux said they could.

Prebor said he did not want to live next to a motel. You could call it a short-term rental, but it was a motel. They should be restricted to commercial areas.

That is where the primary residence requirement was important, Cailloux noted; they would have to establish this was a primary residence. Even so, Prebor said, he did not want Mr. Marriott moving in next door and opening a hotel. He could call it an Air BnB or whatnot, but it was a hotel.

Was the definition of short-term part of this conversation? Learnard asked. Cailloux said the State defined short-term as anything under 30 days.

Did this apply to people who had doctors rent rooms from them while working temporarily at the hospital? Destadio wondered. He said he agreed with Prebor about living next to one of these rentals. He also thought they might lose hotels if they allowed unlimited short-term rentals.

Cailloux said she wanted to be clear: they were not regulating them at all right now. They were already out there. Through regulation, Cailloux noted, they could force these businesses to pay taxes, including an occupational tax as well as the hotel/motel tax. Learnard asked if that collection started in July? and Cailloux said it did. The State would be collecting it from the platforms that hosted these rentals. The City could follow up and require them to show proof of payment.

There was an option for the City to limit the number of times a home could be rented. In order to establish primary residency, they owners had to be there at least six months out of the year. That was the Internal Revenue Service's definition, but the City could also limit the number of times it could be rented.

What about the house they just looked at in Kedron Hills for the variance? Prebor asked. How many people rented that out? Cailloux said the previous owner advertised it as 10 bedrooms. They were cited as a disorderly house. She emphasized this was a previous owner.

Learnard said she was confused as to how you could be on-site in your own house and still rent it out. You might have a unit in the basement, Cailloux replied. Or a mother-in-law suite? Learnard suggested.

And you could rent those out for more than 30 days, said Prebor. He objected to the revolving door of one-night, two-night, three-night rentals.

They had a discussion about outright prohibiting them, Cailloux remarked, but had been told that was not in their best legal interests.

Was she saying they could not prohibit anything shorter than 30 days? Learned inquired. Cailloux asked attorney Sumner to help her.

They had been told College Park had prohibited them and had gone to court over it, Destadio pointed out. What happened?

Cailloux said she believed they had an ordinance on the books but were not actually enforcing it.

If they did not want to flat-out prohibit them, this ordinance would give them a tool, Cailloux remarked. They could have the City Attorney look at it. Sumner said it could say you had to be present, and it could only be rented twice a year for no more than two weeks at a time. They just needed a reasonable basis for establishing those restrictions.

How would it be enforced? Destadio said several people who had these types of rentals had been asking him. Could they take the City to court? Sumner said that was their option.

There was a market, Learnard said, noting that some people who worked in the film industry rented these homes, as did traveling nurses. But she assumed they were staying longer than 30 days. Destadio said he had heard some of the houses rented for \$12,000 a month.

Learnard recognized a citizen who introduced herself as Karen Waite, a Realtor who had lived in Peachtree City for 21 years. She lived near Starr's Mill and began renting rooms in her house several years ago. She had rented to interns from Georgia Tech, nurses, pilots in training, and people from the large corporations in the city. She said she did not think they could prohibit a homeowner from renting rooms.

Atlanta regulated Air BnBs by requiring hosts to register properties and pay taxes, she stated. They enforced a noise ordinance and a party ordinance. She said she was there to figure out what Council was trying to do. Room rentals had been permitted for years. She was not saying one or two nights; she rented to people who stayed 30 or 60 days.

Destadio asked what she rented—a home or a few rooms? Waite said she was an empty nester who had a five-bedroom home. She lived in the home. Destadio asked if she rented homes for other people in her role as a Realtor? and she said she did not. She stressed that her renters were

professional people who did not cause any disturbances. Waite added she did not think they could tell her she did not have a right to rent her room. They could regulate it. She would be willing to register her property and pay taxes.

Learnard thanked Waite for her comments.

Prebor said he had an RV storage business. Could he start letting people stay there a night or two? It would turn into a campground. That was not a residential zone, Learnard remonstrated. Destadio told him to go to the Planning Commission and ask for a rezoning. Why should he do that when someone was allowed to rent their house out for a day or two in a residential zoning? Prebor countered. What they were talking about was a commercial venture in a residential zone, so how would his proposal be different?

Caola said the zoning said something about a single-family healthy environment. How did running a hotel when you did not know who was coming in and out next to you promote that? However, Learnard said, what about an empty nester who had some space? Caola said she understood that, but did the neighbors appreciate it?

There were parking issues and other things to consider, Sumner stated. He noted that Meeker had drafted a short-term rental ordinance, but Cailloux said this discussion was in response to the backlash after it was presented. Council could move forward as it was presented, but Cailloux asked if they wanted to remove some of the restrictions?

Under the current draft, Destadio asked, Waite would be okay to continue renting rooms? Yes, Cailloux replied.

Waite said she did not have data but cautioned Council to tread lightly because too many restrictions could impact the real estate market in Peachtree City. A lot of people would not wish to purchase if there were limits on how the property could be used. She reminded them of the growing movie industry that brought people to town for short stays. She agreed that a 30-day limit would be fine.

King observed they waited quite a while for the State to adopt regulations, and they patterned theirs after the State. They quit working on the short-term rental ordinance, though, and went over to the party house ordinance. He said they needed to get the short-term rentals back on track and get something done.

Prebor said they needed to find out, from a legal standpoint, how restrictive could they be? A homeowner could sue them if they had to follow rules that were more restrictive than a hotel did. He said he might buy a lot and build a three-story home out to all the setbacks and have a lot of rooms to rent.

Waite recalled that she called City Hall around 2018 and asked if there were any regulations regarding signing up with Air BnB and was told not at that time, but they were waiting to see what surrounding cities were going to do.

They all could agree to scrap the party house ordinance, Learnard summarized, and focus on the short-term rental ordinance. They needed legal clarification, and Council needed a copy of what Staff recommended.

The draft they went through on the first read had been reviewed by Meeker, Cailloux said, adding it included all those restrictions they had discussed.

Destadio said he wanted an opportunity to go through the draft ordinance again.

This was dealing with land use, so it did have to go through zoning procedures, Cailloux stated, and would have to go before the Planning Commission before coming to Council.

Prebor said he wanted a firm legal opinion on whether they could ban anything less than 30 days. Destadio said that was fair.

King moved to adjourn to executive session at 9:16 p.m. to discuss real estate and personnel. Destadio seconded. Motion carried unanimously.

King moved to reconvene in regular session at 9:41 p.m. Prebor seconded. Motion carried unanimously.

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

The meeting adjourned at 9:43 p.m.

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**Martha Barksdale, Recording Secretary**

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**Kim Learnard, Mayor**