

**MINUTES OF MEETING
CITY COUNCIL OF PEACHTREE CITY
July 20, 1995
7:00 p.m.**

The Mayor and City Council of Peachtree City met in regular session on Thursday July 20, 1995 at 7:00 p.m. in the City Hall Council Chambers.

Mayor Lenox led those in attendance in the pledge of allegiance. Present were: Mayor Robert Lenox, Councilmembers Annie McMenamin, Robert Brooks, Caroline Price, and Ed Bradford.

Announcements, Awards, Special Recognitions

Mayor Lenox presented the "Employee of the Month Award" for the month of May to Detective Jayleen Vinson.

Mayor Lenox presented the "Supervisor of the Quarter Award" to Mary Haas.

Mayor Lenox presented a 10 year service pin to Jerry Williams.

Mayor Lenox recognized Donna Henry for ceramics instruction.

Department Reports

Lenox announced that the departmental reports for the month of June were available for review at City Hall.

Minutes

Price made a motion that the minutes of the July 6, 1995 City Council meeting be approved as presented. McMenamin seconded the motion. Motion carried unanimously.

Old Agenda Items

7-95-4 Consider Ordinance - Skate Board Ramp Regulations

City Manager, Jim Basinger addressed Council and said they had before them an ordinance prepared by staff due to ongoing concerns regarding the skateboard ramp. He said users were failing to wear required safety equipment, failing to obey city rules posted concerning the use of the ramp, and many of the users were not Peachtree City or Fayette County residents. Basinger said enforcement of the rules had been a problem because there had been no ordinance governing the use of the ramp. Basinger said he felt it was time for Council to consider such an ordinance because of the liability associated with the ramp.

Chief Murray addressed Council and said he had reviewed the ordinance and he agreed that it was needed to govern the use of the ramp. He said it was important that safety gear be worn.

Price asked if the Recreation Department had tried to work with the parents on enforcing the rules and asked if the parents agreed with the ordinance. Sherry Reavis, Recreation Administrator, said they held a meeting with concerned residents regarding the use of the skate board ramp and only one parent was willing to get involved with enforcing the rules.

Price made a motion to add section 15-13 "Notice of Skateboard Ramp User Rules" to the ordinance as presented by staff. McMenemy seconded the motion. Lenox asked if a copy of the safety guidelines and rules would be distributed to the users when they receive their passes. Reavis replied that they would be given a copy of the rules. Motion carried unanimously.

New Agenda Items

7-95-7 Consider Variance Request - Powell, Lot 4, The Heritage Subdivision

Lenox said Mr. Jimmy Powell had requested a Public Hearing to consider a variance for Lot 4, The Heritage Subdivision. Lenox read the rules of a Public Hearing and gave each side fifteen minutes to speak in favor or opposition to the variance.

Lenox asked first to hear from the applicant. Mr. Powell addressed Council and stated that he intended to buy the home under construction at Lot 4, The Heritage Subdivision. He said the front porch of the house encroached into the front setback 1.4 feet. Powell said he did not think that an encroachment of 1.4 feet could be noticed from the street and he was requesting a variance so that he could build a roof over the porch to protect the front door from the weather.

Lenox asked to hear from anyone else speaking in favor of the variance. Hearing none, Lenox asked to hear from anyone that wished to speak in opposition to the variance.

Todd Lee, resident of Santolina Park, addressed Council and stated he was surprised that the issue was being considered for a variance because the builder knew he had made a mistake and he should be held accountable to correct his error. Lee said he felt there were certain circumstances in which variances should be granted, but that variances should not be granted to allow builders to disregard the ordinances.

Betty Cabott, resident of Santolina Park, addressed Council and said she opposed the variance because the buffer between Santolina Park and The Heritage Subdivision was inadequate and the developer should be held accountable. Cabott also presented Council with two letters from citizens in Santolina Park expressing concerns about the inadequate buffer. Lenox said the matter at hand was specifically concerning the encroachment of 1.4 feet at 107 Lexington Pass. Cabott asked how she could specifically address Council concerning the buffer. Lenox asked that Ms. Cabott contact Jim Williams, Director of Developmental Services, to discuss the issue and the issue could be placed on the agenda for a future Council meeting if the problem could not be resolved.

Jim Williams, Director of Developmental Services, spoke in opposition to the variance. Williams said the builder of the house, John Wieland Homes, was issued a permit on January 27, 1995 and a foundation survey was required at that time. The approved plans for the house depicted a step/slab at the front entrance and not the raised front porch that was actually built, and the plans also did not show a roof over the step/slab at the front door. Williams explained that a step/slab, because it is built on-grade, would be allowed to be in a setback area. He said a raised porch, because it is a part of the structure of a house, would not be allowed in a setback. Williams said he felt the surveyor discovered this encroachment and tried to hide it by showing it with a dotted line; indicating that it was a slab and not a part of the foundation of the house.

Williams recommended that a variance not be granted for either the existing porch or its proposed roof because the builder was careless in locating his foundation and not only got it too close to the street, but also installed it at an odd angle relative to the street. Williams said he felt the porch could be cut back 1.4 feet and then the roof could be added to meet the needs of the future owner.

Lenox asked to hear from anyone else who wished to speak in opposition to the variance. Hearing none, Lenox closed the public hearing for Council debate.

Price said she agreed with Williams and the survey clearly indicated a slab which would be allowed. Price said she felt it should be the builder's responsibility to correct the problem.

Brooks said that Council always tried to treat everyone fairly. He said they had turned down a variance request for a building he was trying to purchase four years ago so he could be sympathetic to the applicants but that he also felt the builder should be held accountable.

Lenox said he felt the builder had tried to mislead the City with the foundation survey and he felt the builder should correct the problem within the next fifteen days. Lenox said if the builder did not correct the problem, the City would not issue a certificate of occupancy for the home.

McMenamin made a motion to deny the variance. Price seconded the motion. Motion carried unanimously.

7-95-8 Consider Variance Request - Longhorn Steaks

Lenox said Peachtree City Development Corp. had requested a variance to the slope of the driveway they were constructing for Longhorn Steaks. Lenox said they would follow the same rules and time limits for the previous public hearing.

Joe Robinson, PCDC, addressed Council and said that PCDC was preparing to construct a private street to provide access to the Longhorn Steaks site and other commercial properties at the northwest corner of Hwy 74/54. Robinson explained that the first design called for a 16% grade; however, City ordinance only permitted an 8% grade. Robinson said that after re-working the design they could only come up with a 12% grade at the steepest point without blasting. Robinson said that rock excavation would be difficult and costly and only 55 feet of the 700 foot

drive would be at the higher grade. Robinson said the national standard for street grades allowed up to a 12% grade where speed limits were less than 30 mph. Additionally, Robinson said they would agree to put in speed humps wherever the City Engineer would like to have them installed.

Lenox asked to hear from anyone else in favor of granting the variance. Cam McNair, City Engineer, addressed Council and said that the driveway would be a private street and speed humps would be permitted. McNair stressed that the request was a variance to the Land Development Ordinance and was a technical design standard. McNair said he felt this was a unique situation and would probably never come up again. Additionally, McNair said that the Police and Fire Departments were not opposed to the 12% grade. Lenox asked if the grade would cause a sight problem. McNair responded that it would not.

Lenox asked if anyone else who would like to speak in favor of the rezoning. Hearing none, Lenox asked to hear from anyone opposing the rezoning. There was no one to speak in opposition to the rezoning and Lenox called the hearing to a close for Council debate.

Price said that she felt there was a cooperative effort to find a solution to this problem and because the Police and Fire Departments were not opposed to the variance, she was in favor of it. Price made a motion to grant the variance and permit a 12% grade on the access road to Longhorn Steaks. McMenamin seconded the motion. Brooks commented that the 12% grade did meet the national standards and he felt they had less area to work with because of the additional restrictions imposed for land buffers. Brooks also said that all of the Land Development Ordinance requirements would be met. Motion carried unanimously.

7-95-9 Consider Contract - Spear Road/Fayette County

Basinger said an agreement for the County to construct the road was before Council for approval. He said, in discussions with County officials, there were verbal agreements for the County to provide the labor and equipment to clear, grade, install drain pipes and pave the road. Basinger said the written agreement sent from the County did not detail those items and staff recommended Paragraph Two be amended to more clearly define those agreements. Additionally, Basinger said Paragraph Three stated the City would provide "installation of curbing and place the project on grade for base." Since there would be no curbing installed and the county had agreed to grade the road, staff recommended that it be changed to read: "The city will contract for all hauling and furnish employees on the job site to sign and accept all load tickets for vendor billing."

McMenamin made a motion to approve the agreement with the County concerning Spear Road as amended. Bradford seconded the motion. Motion carried unanimously.

7-95-10 Consider Contract - Spear Road/DOT

Basinger said Council had tentatively given approval to upgrade and pave Spear Road and funding for Spear Road was proposed with a total projected cost of \$106,176. Basinger said DOT contracts committing \$23,075 had been received and would require Council approval for the Mayor to sign the contracts.

Basinger said Fayette County's portion of the funding would be \$53,580 which would include in-kind services and labor/equipment. He said Peachtree City's portion of the funding would be \$29,521 with the expense being shared by abutting property owners. Basinger said ten of twelve property owners had agreed to pay their share and had signed agreements to that effect. He said while two property owners had not signed the agreement, staff was continuing to work with them in an effort to convince them to sign the agreement and he felt the City should press on with the project and separately resolve the issues with the two property owners.

Basinger said the property owners would be permitted to pay 1/5th of their share up-front and the remaining amount would be equally spread over the next four years in their annual ad valorem taxes. Basinger said the property owners had agreed to pay up to \$2,000 each as their share; however, the actual amount might be less depending on the need for use of budgeted contingency funds.

Basinger reminded Council that they had decided to use Council Reserve funds for this project since it was not in the 5-year plan. He said staff recommended Council approve spending up to \$29,521 on this project from the Council Reserve fund with any up-front funds received from residents to be returned to the Reserve Fund.

Brooks made a motion to authorize the Mayor to sign the DOT contract for funding of the State's share of the cost of the project and to approve spending up to \$29,521 from the Council Reserve fund with any up-front funds received from residents to be returned to the Reserve Fund. Motion was seconded by Price. Motion carried unanimously.

7-95-11 Report - Commuter Rail

Phil Jones, President of the McIntosh Chapter of GA Conservancy, presented a report on Commuter Rail. Also present to report on the Commuter Rail were Sally Satterthwaite, John MacGregor, Warren Williams, and Carl Rodenhimer. Jones said they supported the Commuter Rail because the cost of transportation would be cheaper, it would cost fewer tax dollars than constructing new highways, it would generate less pollution, and it would be a safer means of transportation.

MacGregor said he had thoroughly researched the commuter rail proposal by GA DOT. He said they proposed to use existing railroad tracks with new passenger trains. MacGregor presented a slide demonstration to show what the trains and stations might look like. MacGregor said Phase One of the commuter rail project would include 21 station stops with stops in Peachtree City, Tyrone, and Senoia. According to surveys, MacGregor said Peachtree City had the second highest ridership projected of any of the stations in the system. He said the line to Peachtree had the strongest projected financial performance of any route in the proposed system. MacGregor said commuter rail systems only disturbed 24 feet of the community which would be much less than new highways.

Satterthwaite addressed Council and said that the carry capacity of the commuter rail would be that of an eight lane freeway. She said they had asked that a survey be done to determine the work schedules of airline employees in Peachtree City. Satterthwaite said that two concerns from

the community were community growth and personal safety. She said that the City would be built out in five years and it was proven that property values increase by 5% when public transportation is accessible. Satterthwaite also said she called around to determine if it had been proven that crime increased because of public transportation and she could not find statistics to prove that point. Satterthwaite said statistics showed that there was one fatality for every 4.1 billion passengers on public transportation and it was a much safer means of transportation than by car.

Jones said they projected 6 - 8% ridership from Peachtree City and the next step for Commuter Rail would be for local governments to endorse the plan. Jones said Peachtree City needed to show leadership in planning its stations and the City should request that the GA DOT fully consider two important market areas for Peachtree City residents - Atlanta Hartsfield Airport and Shannon Southpark. Jones also said the City could use the commuter rail to reinforce the City's comprehensive plan to protect the Highway 74 corridor leading to Atlanta.

Lenox thanked the group for their presentation.

7-95-12 Surplus Ceramics Equipment

Basinger said the Recreation Department's ceramic instructor had decided to open her own business. He said staff recommended closing the ceramics shop and the ceramics equipment be surplused. Those items included: four kilns, assorted greenware, opened and unopened jars of paint, miscellaneous brushes, sponges and cleaning tools.

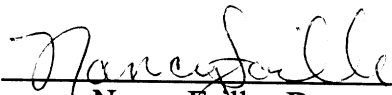
Bradford made a motion to surplus the ceramics equipment. Brooks seconded the motion. Motion carried unanimously.

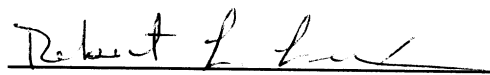
Lenox made a motion to adjourn the meeting to reconvene in Executive Session to discuss a real estate matter. Motion was seconded by Bradford and carried unanimously.

Executive Session

Bradford moved to accept extension on land purchase. Price seconded the motion and it carried unanimously.

Meeting adjourned at 8:45 p.m.


Nancy Fajlo, Deputy City Clerk

Attest: 
Robert L. Lenox, Mayor