

**MINUTES OF MEETING
CITY COUNCIL OF PEACHTREE CITY
July 7, 1994
7:00 p.m.**

The Mayor and Council of Peachtree City met in regular session on Thursday July 7, 1994 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, Edward Bradford, Robert Brooks and Caroline Price.

No items were added to the agenda.

Announcements, Awards, Special Recognitions

Mayor Lenox announced that the 4th of July Fireworks Display had been postponed, due to heavy rains, to Labor Day Weekend on Saturday September 3, 1994. The fireworks will start at dark over Lake Peachtree.

Mayor Lenox presented "Corporate Citizen Awards" to Kroger and A&P for their consistent efforts to pick up litter in the Adopt-a-cartpath system. Mr. Paul Yellina, Manager of Kroger and Mr. Billy Butts, Manager of A&P were present to accept the awards.

Mayor Lenox presented a "Citizen Achievement Award" to Mr. Charles Greenlea for his heroic efforts in saving Mr. John McCann and alerting other residents to the fire at Tinsley Mill in the early morning hours of June 14, 1994. Ms. Janet Mack from the Tinsley Mill Homeowners Association presented a cash award to Mr. Greenlea for his outstanding efforts. Mr. Greenlea stated that during the recent storm Tinsley Mill had sustained major damage and gave the award back to the Homeowners Association to assist with the cleanup.

Mayor Lenox presented the "Employee of the Month Award" for May to Pam Collins, Permit Clerk in the Building Department.

City Manager Jim Basinger gave an overview to the Council of the damage sustained during the storm and flood the past week. Basinger stated that the Mayor had waived the bidding process normally used and authorized the repairs of major damaged facilities, which had already begun. City Engineer Cam McNair showed the Council on a map the major areas of damage. McNair stated that two bridges in Smokerise Estates had sustained major damage and had stranded 16 residents. McNair stated that Brandenburg Construction had been working on the bridges and one had been opened up to allow the residents access in and out of their subdivision. McNair went on to say that the bridge on Kelly Drive had sustained major damage and would require design work, therefore would take longer to repair. McNair stated that the

storm had produced historical rainfall and that City facility damage assessed so far totaled over \$230,000. McNair stated that after private costs were reported it was expected that the total would rise in excess of one million dollars. McNair went on to say that representatives from FEMA would be in the City on Friday July 8, 1994 to assess damages and it was hoped that some of the funds spent on repairs could be recovered from State or Federal sources.

Department Reports

Mayor Lenox announced that department reports for the month of May were available for review at City Hall.

Minutes

McMenamin made a motion that the minutes of the meeting of June 2, 1994 be approved as presented. Bradford seconded the motion. Motion carried unanimously.

New Agenda Items

7-94-1 Public Hearing - Variance Procedures

Mayor Lenox stated that the item to consider a change to the ordinance concerning variance procedures would be conducted as a public hearing and allowed each side of the issue fifteen minutes to present their request. Mayor Lenox called upon Mr. Jim Williams to present the City's view.

Mr. Jim Williams, Director of Developmental Services, came forward and stated that staff had been working for some time to revise the variance procedures. Williams stated that there were four major ordinances that would require an amendment and that they were the Zoning Ordinance, Land Development Ordinance, Sign Ordinance, and Fence Ordinance. Williams stated that it had become apparent that improvements in the requirements necessary to request a variance were needed and that the revisions would give Council more discretion in making a variance decision. Williams read the proposed factors to be considered in making a determination on a variance request:

- a. Whether or not the special circumstances contributing to the request are peculiar to the particular property involved;
- b. Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and
- c. Whether or not the request is due to an intentional action of the applicant to violate the requirements of this Ordinance.

Williams stated that the amendment had been reviewed and endorsed by the City Attorney and endorsed by the Planning Commission. Williams stated that staff recommended approval of the change in variance procedures.

Mayor Lenox asked to hear from anyone in opposition to the proposed change in variance procedures and hearing none called the public hearing closed and called for Council debate.

Price stated that the proposed change in variance procedures would allow for a clearer definition, but that the purpose had not changed. Price stated that it would be an easier procedure to work with.

Lenox echoed the comments of Price and stated that while Council did not like variances, the more flexible rules were needed to go by.

Price made a motion to approve the amendment to Article 12 of the Zoning Ordinance, Article 12 of the Land Development Ordinance, Article 9 of the Building and Construction Code for the Sign Ordinance, and Article 11 of the Building and Construction Code for the Fence Ordinance. Brooks seconded the motion. Motion carried unanimously.

7-94-2 Consider Construction Permit Fees

Mayor Lenox called upon Mr. Jim Williams to come forward and address Council on the issue of Construction Permit Fees.

Mr. Jim Williams, Director of Developmental Services, came forward and stated that the Building Department had proposed a comprehensive revision of the building permit fee schedule to better reflect the amount of staff time and effort that went into the inspection process. Williams explained the fee schedule for each trade as well as fees for fences, pools, inspections and plan review. (fee schedule attached to and made part of the minutes) Williams stated that it had been eight years since the fee structure had been revised and that during that time, many changes had occurred in the local construction industry. Williams stated that small lot cluster homes had been introduced into the market and comprised 20 to 25 percent of the residential construction. Williams stated that the small cluster homes took more time to inspect and were based on a very small fee per square footage. Williams stated that with the new structure, a minimum of \$200.00 would be charged for a new home and would better reflect the amount of time spent and the degree of expertise required for inspections.

Williams stated that the proposed schedule was discussed at the last Builder's Meeting and that a letter had been sent to all active builders which notified them of the meeting. Williams stated that staff had put a great deal of thought and effort into the proposed new fee schedule and recommended Council approval so that the fees could be implemented.

Price stated that it was an appropriate time to review the fees and felt that a careful look at the fee structure had been taken. Price stated that the builders had been notified and allowed input and that she felt comfortable supporting the fee schedule changes.

McMenamin agreed with Price and stated that the new fee structure would bring Peachtree City more in line with the charges of other municipalities. Price made a motion that the proposed fee schedule be approved as presented. Bradford seconded the motion. Motion carried unanimously.

7-94-3 Consider Ordinance to Establish Foundation Survey

Mayor Lenox called upon Mr. Jim Williams to present the proposed ordinance to establish Foundation Surveys.

Mr. Jim Williams, Director of Developmental Services, stated that encroachments of foundations into setbacks had caused major problems in the past year. Williams stated that due to problems incurred by the encroachments, staff was directed to propose an ordinance that would require a more prompt response to the foundation survey requirement. Williams stated that the Building Department had prepared an ordinance, requiring that, in those instances where a foundation survey was needed, no work could be done on a project beyond the foundation phase until a foundation survey was submitted and approved. Williams stated that staff had been assured by surveyors that they seldom require more than three days to complete a foundation survey, so that the survey requirement should not delay a builder if a builder orders his survey in anticipation of completing a foundation. Williams went on to say that the proposed foundation survey requirement was discussed at the last builders meeting, and a letter was sent to all active builders notifying them of the meeting. Williams stated that staff recommended approval of the ordinance to establish a foundation survey.

Price stated that she was glad to see the proposed ordinance and felt this would lessen the number of times variances were requested due to a foundation encroachment. Price stated that the proposed ordinance was a direct result of a situation where a corner of a home had to be taken off to comply with setback codes. Price stated that she was in support of the proposed ordinance.

Brooks echoed the comments of Price and stated that the proposed ordinance would also give the consumer protection on their investment. Brooks made a motion to approve the foundation survey ordinance as presented. Price seconded the motion. Motion carried unanimously.

7-94-4 Consider amendment to Alcoholic Beverage Ordinance requiring a Licensee and License Representative to be at least 21 years of age

Mayor Lenox stated that Council had before them an ordinance that would require anyone applying to be a licensee or a license representative in an establishment selling alcoholic beverages to be at least twenty-one years of age. Mayor Lenox stated that the proposed ordinance was a direct result of a recent appointment of an eighteen year old as a license representative. Mayor Lenox stated that Council felt the issue needed to be addressed and while he had no hesitation about an eighteen year old serving alcohol, he felt that a supervisory position should be held by someone at least twenty-one years old as they would have more work experience.

McMenamin stated that she was in support of the amendment to the ordinance requiring licensees and license representatives to be at least twenty-one, that she felt a twenty-one year old would have more work and supervisory experience. McMenamin made a motion that the amendment to the alcoholic beverage license ordinance requiring licensees and license representatives to be at least twenty-one years of age be approved as presented. Bradford seconded the motion. Motion carried unanimously.

7-94-5 Report on Preserve Cul-de-sac

Mayor Lenox stated that the final item on the agenda was a report on the Preserve Cul-de-sac and called on Mr. Jim Williams, Director of Developmental Services to give a report.

Mr. Jim Williams stated that there was a problem in the Preserve Place subdivision with a street that was designed to go through into the unincorporated area of Fayette County. Williams stated that the street would tie a City subdivision into a rather extensive subdivision in the unincorporated area. Williams stated that the families that had moved into the Preserve II subdivision would rather that the road not go through. Williams went on to say that there had been much discussion with the residents and the developer John Wieland Homes. A temporary turn-around was provided at the end of Preserve Place at the City Limit Line. Williams stated that the City had initiated an effort to replace the temporary turn-around with a permanent cul-de-sac which would separate the subdivision from the surrounding development outside the City and reduce the amount of traffic that would be using Preserve Place.

Williams stated that John Wieland had agreed to the cul-de-sac. Williams went on to say that the proposed cul-de-sac had been approved by the Fayette County Planning Commission and the Fayette County Board of Commissioners. Williams stated that Fayette County had requested that the City annex the area. Williams reported that the City had awarded a contract to an engineering firm to prepare construction drawings for the proposed cul-de-sac, as well as a boundary survey of the area necessary for the improvements.

Williams stated that John Wieland Homes had agreed to dedicate the land for the cul-de-sac to the City. Williams reported that the project had been reviewed and approved by the Peachtree City Planning Commission and that a public hearing had been scheduled by the Commission for the July 25, 1994 meeting in order to initiate the annexation and zoning process. Williams explained that it would be necessary to lift the moratorium on annexation and if that was done the expected completion date would be September 1, 1994.

McMenamin stated that the City had met with citizens and that they were in agreement to cul-de-sac the street.

Brooks asked the citizens present from Preserve Place if they were in favor of cul-de-sacing the street and the annexation of the land and they stated that they were. Brooks stated that he did not believe that annexation was a pre-condition to have the street cul-de-saced and that he did not feel the need to lift the moratorium on annexation at present.

City Attorney Jim Webb stated that the annexation process could not be decided at present due to legal requirements of notification, etc.

Brooks re-assured the residents that the annexation process would not delay the cul-de-sacing of the street.

Bradford stated that with a possible consolidation of communications, he would not want to see a road that started and stopped again.

No action was taken on this item.

There being no further business to come before Council, Mayor Lenox made a motion that the meeting be recessed to be reconvened in executive session to discuss a personnel matter. Bradford seconded the motion. Motion carried unanimously.

Executive Session

Brooks made a motion to make a decision on the employee appeal based on the record of evidence. McMenamin seconded the motion. Motion carried unanimously.

Lenox made a motion that, after a review of the transcript and the transcript corrections submitted by the employee, that Council affirm the decision of the appeal panel and deny the employee appeal. McMenamin seconded the motion. Motion carried unanimously.

Brooks made a motion that the meeting be adjourned at 8:40 p.m.
Bradford seconded the motion. Motion carried unanimously.

Angie Stevens
Angie Stevens, Asst. City Clerk

Robert L. Paul Attest:
Mayor