

City of Peachtree City
Minutes of Meeting
June 19, 2003
7:00 p.m.

The City Council of Peachtree City met Thursday, June 19, 2003, 7:05 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Annie McMenamin, Steve Rapson, Dan Tennant, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown presented a 10-year pin to Chris Campbell of the Fire Department. Thomas Holmes was recognized as Employee of the Month. He shared Employee of the Month honors with Jimmy Freeman who was unable to attend the meeting.

Brown read a statement concerning a Court of Appeals ruling in the case of *Coker v. Georgia*. Brown said the current interpretation of the ruling required all golf cart drivers to hold a driver's license and to follow the normal requirements relating to automobiles. Brown continued that the ruling affected all golf cart drivers on the City's streets and paths and was effective immediately. The ruling, dated June 13, 2003, upheld a ruling made last year by State Court Judge Fletcher Sams. Brown assured those attending the meeting that Council and staff would make every effort with the City's state legislators and state agencies to restore the City's golf cart privileges during the next legislative session. Brown reiterated that this was the current interpretation and they were waiting on an official interpretation from the state regarding the ruling.

Approval of Minutes

McMenamin asked Police Chief Jim Murray if he had heard anything from Creekside Chevron regarding the sale of rolling papers. Murray said he had not. McMenamin asked Murray to follow up on the matter. McMenamin moved to approve the May 15, 2003, regular meeting minutes as corrected. Weed seconded. The motion carried unanimously.

Weed moved to approve the June 5, 2003, regular meeting minutes as corrected. Tennant seconded. The motion carried 4-0-1 (Rapson).

New Agenda Items

06-03-06 Alcohol License – NEW – Saffron Market

Gena Chreiteh, applicant for license representative, addressed Council.

McMenamin noted that all the paperwork appeared to be in order and moved to approve Gena Chreiteh as the licensee and Sam Chreiteh as license representative for the alcoholic beverage license for Saffron Market. Weed seconded. The motion carried unanimously.

06-03-07 Public Hearing – Variance – 98 Pinegate Road

Applicant Scott Seymour addressed Council. He said he had purchased one of the last lots left in Pinegate. It was a low-lying lot and he had to bring in fill in order to start building earlier this year. He explained that because of the property on the right side of the parcel, the building had been moved as far as possible to the left side of the property. When he moved the location of the house, Seymour said he did not account for the arc in the road. As a result, the front corner of the garage encroached 3.7 feet into the front building setback. Seymour told Council there was no way to cut off the area that encroached into the setback and maintain the aesthetic appearance of the home. Seymour said his plan was to heavily landscape the area to hide the mistake. If he had to correct the encroachment, his two-car garage would become a one-car garage. Seymour continued that to fix the problem he would have to cut the front off.

McMenamin asked Seymour if he had enough property to extend his garage to the right and have the driveway in the front rather than the side. Seymour said they had considered that option, but they did not have the depth. A front-entry garage would mean they would lose their gable.

Weed clarified that it would be possible to have a two-car garage if the encroachment were corrected, but that the architecture would be aesthetically unpleasing. Seymour said yes. Weed asked Seymour if he had hired a contractor and whose responsibility it was to survey and stake the lot. Seymour said that he was in the site work business and that the encroachment had been a terrible mistake on his part.

City Planner David Rast told Council he had outlined the facts in his position paper on the variance request. He continued that he had looked through the building permit file and had determined that a lot could have been avoided if the City's procedures had been followed correctly. Rast noted that the building permit stated no subsequent construction was to start until the foundation survey had been submitted. Rast said the foundation survey had been prepared in March, but was never submitted, and the applicant continued to work on the house. Rast said the City kept going out and performing inspections when they were called because they thought the foundation survey had been turned in. He added that if the file had been checked, staff would have known no survey had been submitted. Rast said if the survey had been submitted in March the Seymours would not be in this situation. Rast said the error was clearly on the applicant's part initially and building continued after the foundation survey showed the encroachment. Rast said staff could not support the variance request.

Rapson said he compared Attachment C, the original building site plan, to the actual survey and that the footprint of the house looked different. Rapson said if the original plans had been followed there would not have been a problem. Rast said that was correct and the building permit had been issued based on Attachment C. Rapson continued that this was a hard situation. The house was beautiful and his heart went out to the Seymours, but their request did not fit the three criteria required for Council to approve a variance. The foundation survey would have shown the encroachment and something

could have been done before construction began. Rapson asked, if the Seymours had submitted the foundation survey on March 4, could the house have been moved. Rast said something could have been done at that point.

Brown noted the erosion control plan. He said the building looked like it had flip-flopped from the original design. Brown asked what the 24-foot x 24-foot building on the plans was for. Seymour said the building was part of the original plan and was to be an offset garage/poolhouse. With the original design, Seymour would have been able to look into the windows of the neighbor to the right. Seymour said there was plenty of room to move the house back, but surrounding houses were closer to the road and they wanted to keep as much room as possible in the back yard. He noted the flood plain had also changed during the last few years and had moved forward.

Brown continued that the curvature of the road was noted on the erosion control plan. Seymour explained how surveyors worked in the field and said when he laid his line he did not allocate for the curve. He said the structure would not have encroached into the setback if the road followed a straight line. The foundation had five-foot to six-foot footers and the walls were three feet below the surface. Seymour said the situation would not be easy to correct regardless of when it was noticed.

Brown noted that the master permit was pulled January 13 and the permit showed a survey was required subsequent to construction. Seymour reiterated that the encroachment was really just a mistake on his part. Seymour continued that he probably had the survey in his hands around March 14. He said he brought the matter to the City's attention before the stop work order was issued. Seymour added that he had spoken with his neighbors and no one had a problem with his variance request.

Tennant asked Seymour if he had an estimate on the cost of fixing the encroachment. Seymour said the cost was probably around \$10,000, but the result would not be attractive. Seymour continued that he had a lot of additional expenses on the lot. He said the outbuilding was not something he could build right now and he would put more money into landscaping to hide the encroachment. Seymour said he turned a landscape plan into the City on June 18.

Brown told Seymour he appreciated his position, but there had been several changes made to the plans during the process. Brown said he could not come up with justification to approve the request based on the criteria to approve variances. He suggested Seymour talk to an architect to preserve the aesthetics of the home under the ordinance guidelines.

McMenamin agreed with Brown. She said there were alternatives for Seymour to consider and either way would be a great expense. McMenamin said she was not able to support the variance.

Rapson noted that the City's ordinances were the reason people chose to live here. He said he was stretching to see if Seymour's request met any of the criteria. Rapson said granting the variance was not appropriate.

McMenamin moved to deny the variance request. Weed seconded.

Tennant said, in all fairness, there had been no complaint from the neighbors and that Seymour made a compelling argument. He continued that the work would be extensive and the cost was expensive to correct the mistake. Tennant said the fact the Seymours were willing to mitigate the problem with extensive landscaping made a difference.

Brown pointed out that if Council granted a variance without meeting the ordinance requirements for a variance then a precedent was set. Anyone with the same conditions could ask for a variance and the situation could be worse than the Seymours.

The motion carried 4-1 (Tennant).

06-03-08 Consider Policy on Grant Awards Program

Rapson said the policy was self-explanatory. In the CAR 9-7 itself, Rapson said he had a few changes. He explained that the purpose of program was to allocate money so the City could go after grants funds and to reward the employees who went after the grant funds. Regarding his proposed changes, Rapson said he would like to change "Council" to "City Manager" under III. Program Guidelines, C and D. Rapson explained that both items required Council action and he felt Council took action when it approved the actual grant submission. He wanted to delegate the authority to the City Manager to approve grant applications in excess of \$75,000 and to approve grant applications that required recurring expenditures or cash matches. Rapson clarified the City Manager would determine if grant applications were appropriate.

Rapson moved to approve CAR 9-7 with the two changes noted under "C" and "D." Financial Services Director Paul Salvatore asked Rapson if he wanted to amend his motion to include the appropriate changes to the budget for this fiscal year. Rapson said yes and also directed staff to look and see if there were any employees eligible for the award this year. Weed seconded.

Rapson noted there would be no additional expense to the City for the program. The maximum award was \$1,000. Rapson restated his motion for the record and Weed seconded again. The motion carried unanimously.

06-03-09 Consider Budget Policy to Prioritize Projects

Salvatore said the purpose of the policy was to streamline the budget process by having an agreed upon set of guidelines for including capital projects in the PIP. He explained that the projects were broken down into categories – core, essential, and discretionary. He also included recommendations from the National Advisory Council and state and

local budgeting. Salvatore recommended adoption, but noted there were questions and concerns.

McMenamin asked if the policy had been on the website and staff answered the policy was included with the meeting's agenda packet. McMenamin continued there had been a lot of discussion about citizen involvement. She suggested putting the policy on the website so citizens could review it and table the matter until the next meeting for citizen input.

Rapson said he had an issue with some semantics, as well as the same concerns as McMenamin. He believed the policy was more of a guideline for staff when preparing budgetary preparations for the Public Improvement Plan (PIP).

Weed said this was a fundamental policy that required a workshop. He was hesitant to approve the policy in its current form at this meeting and added that it was an excellent first draft. Weed continued that he totally supported the concept, but was not prepared to accept this version.

Brown reminded the Council Members that they were going into budget meetings. Rapson felt it would be fine to make the policy a part of the budget workshop. He directed staff to put the policy on the website and to forward any citizen comments regarding the policy.

Salvatore said he would include the proposed policy for the workshop. He explained that the PIP budget included projects based on the policy. Weed said he was very interested in the categories, their definitions, and the subcategories. Brown said it would be interesting to see if projects fit under the guidelines. Rapson said the policy was geared toward PIP dollars, not operating capital, or Council Contingency funds.

06-03-10 Consider Change to EMS Fee Structure (Mileage)

Fire Chief Stony Lohr told Council that staff recommended the proposed changes to the fee structure. The fee per loaded mile would increase to \$5.53 for all patients. The other fees would remain unchanged. The increase in the fee reflected the current Medicare amount allocated. Chief Lohr said there would be no impact on the budget, but the revenue would increase \$35,000 a year.

Lohr said, under the current policy, the Department did not charge if they did not transport. He continued the Department did not charge if a patient was transported to a medical facility within Fayette County. The Department charged \$3 per loaded mile for transports outside of Fayette County.

Weed noted that the fee structure was last amended in October 2000. He asked if there was a pattern to review all City fees. Salvatore answered that he came to work for the City three years ago and had done a comprehensive revenue survey. At that time, it was agreed to review fees every three years unless something special came up. Lohr added

that the City should get what it was entitled to. Before 2000, the EMS fees were last changed in 1995. Lohr continued that there would be ongoing changes that would be federally mandated over the next few years.

Rapson moved to change the loaded patient mileage charge to \$5.53 to mirror the current Medicare reimbursement rate. Tennant seconded. The motion carried unanimously.

06-03-11 Consider Fire Department Fund Raising Request

Brown noted there were additional documents on the dais regarding this item.

Lohr addressed Council and asked them to sanction volunteer participation of on-duty firefighters in the annual Boot Drive fundraising event. He noted that all funds collected were given to the Georgia Firefighter Burn Foundation. He said that for years the Department only collected funds for the Georgia Firefighter Burn Foundation, but decided to add the Red Cross due to the organization's financial problems. Lohr continued that in the past only volunteers and off-duty firefighters had participated, but the reality was that most of the career firefighters lived outside the City and found it difficult to come into the City during their days off. The only time on-duty personnel participated in the Boot Drive was to collect funds for the victims of the September 11, 2001, World Trade Center attack.

Lohr said, based on the advice of the City Attorney, if Council officially recognized the activity, the participants would not be in violation of the City's ethics ordinance. He pointed out that the Red Cross was the only organization that helped with immediate needs of people after a fire or disaster. Lohr said the Georgia Firefighter Burn Foundation provided direct and indirect support to the Fire Department. He said there was a distinct benefit to supporting them. Lohr gave the dates for the Boot Drive – June 20-22.

Brown said that the Red Cross handled other sheltering items in addition to families burned out of their homes. They also worked with natural disasters and haz-mat incidents. The dates for the Red Cross drive had not been selected. Lohr reiterated that the participation would be voluntary and would not impact the level of service. People would be positioned so they could immediately respond if called out.

Tennant moved that Council officially sanction the voluntary participation of career on-duty firefighters in the fundraising event for the Georgia Firefighters Burn Foundation and the Georgia Red Cross. McMenamin seconded. The motion carried unanimously.

Council/Staff Topics

City Manager Bernard McMullen informed that the City had received the Fayette County 2003 Transportation Plan for review. McMullen said the County had scheduled a public hearing on July 2. He said staff would review the plan and would provide Council their feedback.

Temporary Interim Operations Manager Colin Halterman reported that there had been significant rainfall on June 17. City staff had been called to look at tree that had fallen on the road at Smokerise Trace. The Flat Creek tributary had washed out and undermined the west abutment of the bridge. The road had been closed and a contractor started working on the problem on June 18. He said a water main had broken and was temporarily repaired until the County had repaired it on the afternoon of June 19. Halterman said the road should re-open by Monday, June 23.

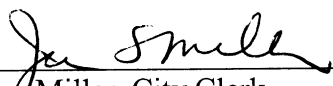
McMenamin noted that she had asked for a legal advisory a month ago regarding using staff to work on non-profit organization projects. McMenamin said she did receive the advisory.

Weed said he had also asked for information regarding the increase in code enforcement violations and that Building Official Tom Carty had e-mailed and telephone him with the explanation. Carty said there had been a 53% increase in citations over the previous year. There had been improvements in the database and how the citations were reported. Carty continued that there had also been a significant number of delinquent occupational taxes and Code Enforcement had visited the businesses to notify them. He explained that had been done routinely in the past, but this year they had accounted for it on notices of violation. The rain had also brought a lot of notices of violation to builders. When the sun came out, the grass grew. Carty said most of the increase was weather-related.

McMullen said confirmation had been received from all Council Members, so the budget workshops would be held July 24 and August 14 at 6 p.m. in Council Chambers.

There were no topics for Executive Session.

There being no further business to discuss, Tennant moved to adjourn the meeting. McMenamin seconded. The motion carried unanimously. The meeting adjourned at 8:10 p.m.


Jane Miller, City Clerk


Stephen D. Brown, Mayor


Pamela Dufresne, Recording Secretary