MINUTES OF MEETING

CITY COUNCIL OF PEACHTREE CITY
May 16, 1991

The Mayor and City Council of Peachtree City met in regular session on Thursday Night, May 16, 1991, at 7 PM in the City Hall Council Chambers.

Mayor Brown called the meeting to order and led those in attendance in the pledge of allegiance. Members present were: Mayor Frederick Brown, Jr. and Councilmen Edward Bradford, Annie McMenamin, Robert Brooks and Rich. Parlontieri.

No items were added to the agenda.

Announcements, Awards, Special Recognitions

Resolution

A Resolution was read and endorsed by the Mayor and City Council declaring June 1st, 1991 as "Great American Trash-Out Day in Peachtree City". Mayor Brown explained that the State DOT had selected Peachtree City as the Georgia Kick-Off site for this special day and encouraged everyone to join with the State DOT and the local Adopt-A-Mile organization to help keep Peachtree City and Fayette County clear of litter and trash. The Mayor explained that State officials and other dignataries would be present that day for a a short ceremony at 1 PM . Following the ceremony there would be various festivities including several bands. He urged everyone to participate in this special day.

Award

Mayor Brown presented the Employee of the Month Award for April to Joyce Lucy, library employee.

Department Reports

Mayor Brown stressed the amount of information contained in the various departmental reports and encouraged the public to take time to read them. He reported the population to be 20,907.

Minutes
None were available.

Old Agenda Items

4-91-3 Public Hearing - Zoning Ordinance Amendment

Mayor Brown called to order the public hearing to consider an amendment to Section 908.1 of the Peachtree City Zoning Ordinance limiting the use of accessory buildings.

The Mayor explained the hearing procedures for the benefit of the public.

Jim Williams, Director of Developmental Services, was called upon to present the proposed ordinance inasmuch as the City was the applicant in this case. Mr. Williams explained that several months ago a homeowner built a bath house as an accessory use. The bath house was designed as a separate self-contained dwelling unit and the project created a great deal of controversy in the neighborhood because of its potential of becoming a rental apartment.

Williams explained that the City finally issued the project a building permit because the owner agreed to not install a full kitchen and agreed to connect the accessory building to the primary dwelling by means of an enclosed breezeway. While this meant the project met the legal requirement of the City Ordinance, many people felt that it should not have been permitted and was a bad precedent. The incident created ill-will in the neighborhood and prompted the staff to take a look at the wording of the ordinance to see if this and other potentially undesirable situations could possibly be avoided in the future.

Williams continued that on April 8, 1991 the Planning Commission held a public hearing on an amendment to the ordinance but failed to reach an agreement on a recommendation to Council. On April 18th, the Council continued their public hearing to allow time for the Planning Commission to further study the proposed amendment and on April 27, 1991 the Planning Commission ageed to hold another public hearing on May 13, 1991. At that time they agreed on the proposed ordinance under consideration.

Williams read the proposed ordinance for the benefit of the public and those with special interests in the subject. He stated that the Planning Commission and staff recommend adoption of the amendment which he thought would close the loopholes that were not in the best interest of the community.

Mayor Brown called for comments and Mr. Jack Van Ness,122 Battery Way, resident living next to the property adding the structure, addressed the Council. Mr. Van Ness expressed great concern over the fact that the accessory building had been permitted to remain on Battery Way and suggested that the City had looked for ways to appease the people who had built it and for ways to bring it into conformity. He stated that he was appalled and ashamed that the City Council did not "have the guts" to do this at the time it should have been done. Mr. Van Ness stated that the subject house is now for sale as was his. He questioned the City Attorney as to whether certain documents or agreements executed by the property owner to not have a full kitchen in the addition and to not use it for rental property would be binding on a subsequent owner. Mr. Van Ness also expressed concern over the wording of the proposed amendment regarding the kitchen. He was afraid that the wording was not clear enough and would be open to interpretation.

The City Attorney responded to Mr. Van Ness by stating that he felt the agreements would be binding and at that time Mayor Brown advised that there was to be no further comment on the house on Battery Way. The public hearing was for the purpose of taking steps to prevent that from happening again and the statements should be on the subject at hand regarding the ordinance amendment.

Mr. Richard Anderson of 116 Battery Way spoke in favor of the amendment. He also, however, expressed concern over the wording and felt it would be left up to interpretation. He wanted the ordinance to spell out that there would not be separate living quarters in a second building on a lot.

Mayor Brown called for any comments from the public against the proposed ordinance and hearing none called for questions.

Parlontieri asked why the Planning Commission had a problem with the amendment and Williams replied that they were concerned the first time around that the ordinance would be unreasonably restrictive. The second time this was clarified and the endorsement was unanimous.

Questions were asked by Council and the Mayor about the wording "full kitchen" with concern that this would not prevent someone from using a facility as living quarters and using a hot plate or something similiar that was on the market for cooking.

Jim Williams cautioned Council about getting too specific because there would be occasions when cooking in a second structure would be acceptable such as a bath house.

Mayor Brown then called for comments against the proposed ordinance and hearing none closed the public hearing and called upon Council for their comments and debate.

Brooks offered an amendment to the ordinance under Section 908.1 (n) with wording defining self-contained living quarters at a minimum to include "a kitchen facility, a bath and a bedroom area. Brooks also commented on actions taken this summer regarding the Battery Way house in response to Mr. Van Ness. He stated that during the summer the Council took this situation very seriously. He explained that they not only considered the rights of those in the neighborhood but also those of the person building the structure. Brooks explained that Council consulted with the City Attorney who compared this situation with other similar type cases in the Courts and the action taken was a result of that consultation and after many meetings on the subject. He stated that this did not say that he liked the decision or the results, in fact he did not, but nevertheless that seemed the best step at the time. The reason he was recommending different wording was to prevent an interpretation at some future date that would allow a similar type occurence.

Parlontieri also commented on the statement by Mr. Van Ness about the Council's "lack of guts". He stated that if anyone attended the meetings on a regular basis they would see that the Council based its decisions on facts presented after research and that they came to the table prepared to make decisions based on available data. He stated that he and other council members had never made decisions because of a lack of guts.

Bradford stated that he could support the amendment offered by Brooks.

Mayor Brown offered a substitute motion that Section 908.1 (n) be amended by deleting (n) altogether. He felt that Section (o) was sufficient and McMenamin agreed and seconded the motion. She felt that self-contained living quarters as written would be difficult to interpret and enforce.

After much discussion on the substitute motion it was withdrawn by Mayor Brown.

Brooks restated his motion as an amendment to the last sentence under (n) as follows: Self-contained living quarters are considered as a minimum to include a kitchen facility, a bath, and a bedroom area. Mayor Brown suggested that the amendment read . . . as a minimum to include kitchen facilities, a bath and a bedroom area and Brooks agreed. Motion was seconded by Parlontieri. Brooks urged that the Ordinance be passed and that at some future time more work be done on the definition of self-contained living quarters. Motion carried unanimously.

5-91-2 Meade Field Lighting Bids

City Manager Basinger reminded Council that this item was tabled at the last meeting because a letter from the high bidder questioning several items on the low bid had been received that date. He reported that since that time those items questioned by Hunter-Knepshield regarding the bid by Leisure Lines, Inc. had been answered satisfactorily and that the Leisure Lines, Inc. bid for Musco Lighting for the Meade Field Ballfield met the specifications. Staff recommended the low bidder.

The bids were:

Leisure Lines, Inc. Jonesboro, Georgia	$20,684.00
Hunter Knepshield 1. 275 foot Softball Field	$27,885.00
2. 250 foot Softball Field	$26,000.00

Motion was made by Parlontieri that the bid be awarded as recommended by staff to Leisure Lines, Inc. Motion was seconded by McMenamin. Motion carried unanimously.

New Agenda Items

5-91-4 Amendment to Alcoholic Beverage License for B & B Bottle Shop

City Manager Basinger reported that B & B Bottle Shop Inc. had submitted an application amending the licenses for B & B Bottle Shop, Mike's Liquors and Village Package Store. The request was to change the licensee on all licenses from Melvin Buck to Prakish Amin with Melvin Buck remaining as license representative. Mr. Amin was shown as owning 95% of the stock of B & B Bottle Shop, Inc. with Mr. Buck owning 5%. Mr. Amin and Mr. Buck were present for questions from Council.

McMenamin noted that Mr. Amin had not paid any Georgia Income Tax for 1990 and questioned Mr. Amin about this. Mr. Amin stated he had filed for an extension.

Parlontieri at this time stated that he would abstain from any discussion or action in this matter because of a possible conflict of interest.

There were no other questions of the applicants and motion was made by Brooks that the licenses be amended as requested. Motion was seconded by Bradford. Motion carried with Parlontieri abstaining.

5-91-5 Prime Point Road Extension Bid

Basinger explained that plans were underway to extend Prime Point to Highway 54 from its dead-end location and when Robinson Road is realigned during the Highway 54 widening, an intersection will be formed and traffic will be able to travel from Robinson Road, across Highway 54, to Prime Point.

Bids were solicited for the construction of the Prime Point Extension and two were received. They were:

Asphalt Contractors, Inc.	$59,981.80
W.E. Pruett and Co.	$107,302.28

Basinger stated that staff recommended awarding the bid to Asphalt Contractors, Inc. at $59,981.80. He reported that funds were available in the 1992 budget in the amount of $66,000 but that the work should be done in 1991 so that the extension can tie into Highway 54 as it is built. He reported that funds were available in the amount of $51,773 in the 1991 Highway 74 Landscaping Fund and there was $8,209 available in the 1991 PIP carryover fund. Basinger explained that the planting season was over for the Highway 74 Landscaping project but these monies would be replaced in 1992 to complete that project and carryover funds would be replaced. He recommended approval of the fund transfers for the project.

In answer to question from Parlontieri, Basinger reported that the low bidder references had been checked and he received good reports.

Motion was made by Parlonteiri that the staff's recommendation be approved with funds to be tranferred as recommended and the bid awarded to Asphalt Contractors, Inc. Motion was seconded by Brooks. Motion carried unanimously.

5-91-6 Discussion on amending Section 908.6 of the Zoning Ordinance

Mayor Brown explained that during recent discussions with coucil members concern had been expressed about Section 908..6 of the Zoning Ordinance which addresses accessory use standards and locations. The concern had centered around the fact that more than one accessory building could be located in the rear setback provided each did not exceed 100 square feet.

City Manager Basinger reported that after discussing this with several Council members and hearing their concerns, the staff had prepared an amendment to the ordinance regarding accessory use standards and read the proposed ordinance for the benefit of the public.

After discussing the proposed amendment and making several wording changes a motion was made by Bradford that the proposal be forwarded to the Planning Commission for their input and for them to hold a public hearing. Motion was seconded by McMenamin. Motion carried unanimously.

There being no futher business a motion was made by Mayor Brown that the meeting be recessed to be reconvened in executive session to discuss lawsuits and real estate matters. Motion was seconded by Parlontieri. Motion carried unanimously.

Executive Session

Stagecoach Road Resolution

A Resolution was introduced by Mayor Brown authorizing the Mayor to sign all deeds or other documents necessary to effectuate a property exchange between the City of Peachtree City and The Equitable Corporation relating to the Stagecoach Road right of way and Public Works parking lot property.

Motion was made by Mayor Brown that the Resolution be adopted as presented. Motion was seconded by Bradford. Motion carried unanimously. Copy of the Resolution is attached to the minutes.

Dividend Drive

A Resolution authorizing the Mayor to sign all deeds or other documents necessary to effectuate property exchange between the City of Peachtree City and The Equitable Corporation relating to the realignment of Dividend Drive was presented by Mayor Brown.

Motion was made by Parlontieri that the Resolution be approved as submitted. Motion was seconded by Bradford. Motion carried unanimously. Copy of Resolution is attached to the minutes.

There being no further business for executive session a motion was made by Mayor Brown that the meeting be adjourned. Motion was seconded by McMenamin. Motion carried unanimously.

The meeting was adjourned at 8:45 P.M.

Frances Meaders

Frances Meaders, Director of
Administrative Services

Mayor Attest

Peachtree City

Georgia

RESOLUTION

WHEREAS, Dividend Drive will be realigned to connect to Highway 74 at a ninety degree angle and a segment of the southern most end of the existing roadway will no longer be utilized for vehicular traffic nor be a part of the Peachtree City street and road system, and

WHEREAS, The Equitable Corporation has offered to purchase that segment of Dividend Drive which comprises 2.20 acres, in consideration of the exchange of .75 acre located between Dividend Drive and Highway 74, plus the cash sum of $43,500, and

WHEREAS, Based on appraisals the City Council of Peachtree City is satisfied that the exchange constitutes fair market value, and

WHEREAS, Equitable owns all necessary property rights in all property, and

NOW THEREFORE, IT IS HEREBY RESOLVED that the Mayor of Peachtree City is authorized to sign all deeds or other documents necessary to effectuate the property exchange set out above.

The Mayor in Peachtree City is further authorized to close this existing segment of Dividend Drive at such time as he deems appropriate and proper after notice to the public.

In witness whereof we have hereunto set our hands and caused the Seal of the City of Peachtree City to be affixed, this the 16th day of May, 1991.

Frederick Brown, Jr.
Mayor

Annie W. McMenamin

Edward B. Bradford

[illegible]

Rich Parlontieri

Frances Meaders Attest
City Clerk

Peachtree City
Georgia

RESOLUTION

WHEREAS, Stagecoach Road, after the reconstruction and widening of Georgia Highway 54, will no longer be necessary for the Peachtree City Street and Road System; and

WHEREAS, The Equitable Corporation has offered to purchase Stagecoach Road, a city street comprising six-tenths acre, in consideration of the exchange of 7.56 acres of property located off McIntosh Trail next to the City of Peachtree City Public Works facility; and

WHEREAS, Based on appraisals the City Council of Peachtree City is satisfied that the exchange constitutes fair market value; and

WHEREAS, Equitable either owns or has an option to obtain all necessary property rights in all property abutting Stagecoach Road.

NOW THEREFORE, BE IT RESOLVED that the Mayor of Peachtree City is authorized to sign all deeds or other documents necessary to effectuate the property exchange set out above.

The Mayor in Peachtree City is further authorized to close Stagecoach Road at such time as he deems appropriate and proper after notice to the public.

In witness whereof we have hereunto set our hands and caused the Seal of the City of Peachtree City to be affixed, this 16th day of May, 1991.

Frederick Brown, Jr.
Mayor

Annie W. McMenamin
Edward D. Bradford
Robt J. Brown
Rick Parlontieri

Frances Meaders Attest
City Clerk

151 Willowbend Road • Peachtree City, Georgia 30269 • (404) 487-7657