

**MINUTES OF MEETING
City Council of Peachtree City
April 21, 1994
7:00 p.m.**

The Mayor and City Council of Peachtree City met in regular session on Thursday Night April 21, 1994 at 7:00 p.m. in the City Hall Council Chambers.

Mayor Lenox led those in attendance in the pledge of allegiance. Present for the meeting were Mayor Robert L. Lenox, Councilmembers Edward Bradford, Robert Brooks and Caroline Price. Councilmember Annie McMenamin was absent.

Addition of Agenda Items

Mayor Lenox made a motion to add an item to the agenda to consider executing contracts with the Department of Transportation concerning the Highway 74 Bicycle Bridge. Bradford seconded the motion. Motion carried unanimously. Item was added as 4-94-19

Announcements, Awards, Special Recognitions

Mayor Lenox presented a fifteen year service pin to M.T. Allen, Librarian.

Mayor Lenox presented the "Employee of the Month Award" for April to Sergeant John Daily, Fire Department.

Mayor Lenox presented the "Supervisor of the Quarter Award" for the first quarter to Sergeant Mike Loper, Police Department.

Department Reports

Mayor Lenox reported that Department Reports were available for review at City Hall.

Minutes

Price made a motion that the minutes of the April 7, 1994 City Council meeting be approved as presented. Bradford seconded the motion. Motion carried unanimously.

Old Agenda Items

3-94-6 Appeal to administrative decision concerning Land Development Ordinance - Tim Powers

Mayor Lenox stated that at the City Council meeting of April 7, 1994 Mr. Tim Powers had appealed an administrative decision which denied him the ability to develop his property at 211 Huddleston Road. Mayor Lenox stated that a building permit was denied because the property had been improperly sub-divided. Lenox stated that

after discussion during the last meeting, Council had asked that Mr. Powers and the adjacent property owner Mr. Gordon Price, the original owner of the property, meet in an attempt to solve the problems that had caused the need for the matter to come before Council.

Price asked if any of Council's recommendations had been considered. Mr. Jim Bischoff, Attorney for Mr. Tim Powers, came forward and stated that there had been no discussion since the last Council meeting and that he understood there had been a letter written to the Mayor and Council by Mr. Gordon Price that indicated there would not be.

Brooks asked for input from the City Attorney. Lenox asked the City Attorney if the deed had been legally filed in Fayette County. City Attorney, Rick Lindsey stated that the deed had been legally filed in Superior Court, but the land had not been legally sub-divided according to the City Code. Mayor Lenox asked if the fact that the land had been improperly sub-divided offset the filing of the deed and Lindsey stated that it would not.

Price stated that a mistake had been made, and that she was disappointed that no agreement could be reached to resolve the problem. Price asked Mr. Powers if he would consider placing five feet of property, based on current market value, in escrow to be paid for when Mr. Price sold the property.

Mr. Bischoff stated that he would answer for his client, Mr. Powers. Mr. Bischoff stated that the price Mr. Powers paid for his property was relayed to Mr. Gordon Price and the property, based on frontage, would be approximately a \$3,500.00 price tag. Mr. Bischoff stated that his client would not be willing to hold the property in escrow with no guarantee of payment and asked if Mr. Price was willing to sign a contract.

After discussion Council stated that they could not penalize Mr. Powers for an error that he was unaware of. Council felt that when Mr. Powers purchased the land he believed he was obtaining a usable property.

Mr. Don Hartley, a real estate broker representing Mr. Price, came forward and stated that the Prices never intended for the property to be sub-divided. Mr. Hartley stated that a line was drawn to satisfy a mortgage at the bank only and that if anyone sub-divided the property it was Mr. Powers. Mr. Hartley stated that Mr. Price had offered to pay for one-half of the appeal process with the intent to buy back property but that there had been no contact.

After further discussion Mr. Price asked if Council could allow the parties thirty minutes to try and reach an agreement. Mr. Bischoff stated that he did not need thirty minutes nor did he wish to have them, that he had made an earlier offer that they would sell five feet to Mr. Price based on the total frontage on Huddleston divided by the total price paid times five feet. Mr. Bischoff stated that

the offer, stated on record, would be open for forty-eight hours if Mr. Price chose to accept it. Bischoff asked that Council make a decision. Price stated that Council had mediated as much as they could, that she did not feel it was necessary to allow thirty minutes for the parties to attempt to resolve a matter they had two weeks to resolve and made a motion to approve the appeal by Mr. Powers and allow him to obtain a building permit. Brooks seconded the motion. Motion carried unanimously.

New Agenda Items

4-94-14 Consider Alcoholic Beverage License Mexico City Gourmet

Mayor Lenox stated that the Mexico City Gourmet Restaurant, to be located in the A & P Shopping Center, had applied for an alcoholic beverage license to sell distilled spirits, malt beverage and wine as a retail consumption dealer. Mayor Lenox stated that Ms. Cindy Rodriguez was applying to be the licensee and the license representative and asked her to come forward to answer any questions Council might have. Price stated that all paperwork appeared to be in order and asked Ms. Rodriguez if she was familiar with the Peachtree City Ordinance concerning alcoholic beverages. Ms. Rodriguez stated that she was. Price told Ms. Rodriguez that the Police Department were always willing to assist establishments to ensure that all personnel were aware of the laws. Price made a motion to approve the alcoholic beverage license for Mexico City Gourmet to sell distilled spirits, malt beverage and wine and approve Ms. Cindy Rodriguez as the licensee and license representative. Bradford seconded the motion. Motion carried unanimously.

4-94-15 Public Hearing - Variance for Reynolds 1316 Yarborough Drive

Mayor Lenox stated that the item to consider a variance request for 1316 Yarborough Drive would be conducted as a public hearing. Mayor Lenox stated that each side of the issue would have fifteen minutes to make their presentation after which time the public hearing would be closed, Council would debate the issue and render a decision based on Roberts Rules of Order. Mayor Lenox asked to hear first from the applicant.

Mr. Wade Reynolds, 1316 Yarborough Drive, came forward and stated that he had recently requested a permit for a fence and found that his home was in a violation to the front setback by seven feet. Mr. Reynolds stated that the home had been constructed into the setback, occupied by two families prior and that the violation had not been found. Mr. Reynolds stated that he was asking for a variance to bring his home into compliance.

Mr. Reynolds stated that he also wished to construct a six foot fence around a portion of his property, which was a corner lot fronting on both Yarborough Drive and Rosslyn Bend, and that the

fence would encroach into the setback by 43 feet. Mr. Reynolds stated that he and his wife wished to build a six foot fence to allow them safety for their children and privacy for entertaining in their backyard. Mr. Reynolds showed Council drawings of what the home would look like with a six foot fence and with a four foot fence and stated that he would be willing to landscape completely around the fencing if necessary. Mr. Reynolds stated that there had recently been an incident across the street where the police were called that he felt warranted his request of a six foot fence for the protection of his small children. Mr. Reynolds stated that most of his neighbors were in support of the variance and asked that Council approve both variance requests.

Mayor Lenox asked if there was anyone else in attendance to speak on behalf of the variance and hearing none asked to hear from anyone wishing to speak in opposition to the variance.

Mr. Wes Andrews, Rosslyn Bend, came forward and stated that he lived across the street from Mr. Reynolds and was opposed to the six foot fence due to the fact that it would cause a visual obstruction for vehicles. Mr. Andrews stated that he would prefer landscaping in lieu of a six or four foot fence and requested that Council deny the variance.

Mr. Jim Williams, Director of Developmental Services, came forward and stated that staff recommended the seven foot variance to the house be approved, that the home was built in error. Williams stated that staff felt that security could be provided with a four foot fence and landscaping and recommended that the variance for the six foot fence encroachment be denied.

Mayor Lenox asked to hear from anyone else wishing to speak in opposition to the variance and hearing none called the public hearing closed and called for Council debate.

Price made a motion to approve the seven foot variance to the front setback for the house. Brooks seconded the motion. Motion carried unanimously.

Price stated that in reference to the request for a six foot fence variance, Mr. Reynolds had stated that his neighbors had no objection to the fence. Price stated that a future neighbor could object and felt there were other alternatives that could be taken. Bradford stated that he concurred with Price, that a six foot fence was not necessary. Mayor Lenox stated that he was concerned about the street scape, that a four foot fence would provide security but not privacy. Mayor Lenox stated that with proper landscaping, privacy could be achieved. Brooks stated that the ordinance had fairly strict guidelines about granting variances and that the situation was not unique in nature and that he could not support a variance.

Price made a motion that the request to construct a six foot fence in the setback be denied. Bradford seconded the motion. Motion carried unanimously.

4-94-16 Public Hearing - Variance for Gray
114 Kraftwood Park

Mayor Lenox stated that the item to consider a variance for the Gray property at 114 Kraftwood Park would be conducted as a public hearing and that fifteen minutes would be allowed for each side to present their views. Mayor Lenox asked to hear first from the applicant.

Mr. William Gray, 114 Kraftwood Park, came forward and stated that he wished to construct a storage building that was 240 square feet in area and 14.5 feet in height in the back of his property and was requesting a variance of 115 square feet in area and 6.5 feet in height to the allowed size of a building located in the setback. Mr. Gray explained that the property backed up to a horse pasture on Redwine Road and was the best location for placement of the building on his property. Mr. Gray stated that if he constructed the building within the allowed area it would cause more of a disturbance to his neighbors. Mr. Gray stated that he did have approval from his neighbors for the building. Mayor Lenox asked if there was anyone else present that wished to speak in favor of the proposed variance.

Mr. Jim Williams, Director of Developmental Services, came forward and stated that staff agreed that the logical location for the storage building would be at the rear of the property in the setback as the property was unique in that it backed up to a horse pasture in Fayette County. Williams stated that staff recommended approval of the variance. Mayor Lenox asked to hear from anyone wishing to oppose the variance and hearing none called the public hearing closed and called for Council debate.

Price stated that the building was very large and asked Mr. Gray if he needed a building of that size or if it could be down sized. Mr. Gray stated that he had a great deal to store and that it could not be down sized. Price stated that the property was unique due to the location and that the rear of the property was the logical location for the building. Brooks stated that the unique features of a property were of importance when considering a variance. Brooks stated that he concurred that the best location for the building was at the rear and made a motion to approve a variance for 115 square feet in area and 6.5 feet in height to allow for the 240 foot by 14.5 foot building. Price seconded the motion. Motion carried with Price, Brooks and Lenox voting aye and Bradford voting nay.

4-94-17 Consider Bids - Recreation Department
Computer Equipment and Software

City Manager Jim Basinger stated that the City had solicited bids

from eight computer dealers for the purchase of a computer hardware system for the Recreation Department. Three firms responded to the request as follows:

M & W Systems, Inc. Riverdale, Georgia	\$16,315.00
CADD Concepts Charlotte, North Carolina	\$18,755.00
Execusoft Controls, Inc. Peachtree City, Georgia	\$26,625.00

Basinger stated that it was staff's recommendation that the bid be awarded to the low bidder, M & W Systems, Inc. for the amount bid of \$16,315.00. Basinger stated that an uninterruptable power supply needed to be purchased at an additional \$388.00 bringing the total cost of the hardware to \$16,703.00.

Basinger stated that staff had also solicited bids for the software for the system in the Recreation Department and that no bids were received. Basinger reported that staff had contacted other recreation departments to find a software vendor to meet the City's needs. Basinger stated that staff had determined that INFO 2000, Inc. of Milton, Ontario had the only UNIX based software that would meet the City's requirements and stated that staff recommended that the bid be awarded to INFO 2000 in the amount of \$15,640.

Mayor Lenox asked if the system would be able to tie in with the UNIX system and was told that it could. Bradford stated that he had discussed the new system with staff and felt at ease with the recommendation. Price made a motion to award the bid for the hardware and uninterruptable power supply to M & W Systems in the amount bid of \$16,703.00. Brooks seconded the motion. Motion carried unanimously. Price made a motion to award the bid for software to INFO 2000 in the amount bid of \$15,460.00. Bradford seconded the motion. Motion carried unanimously.

4-94-18 Public Hearing - Five Year Public Improvement Program

City Manager Jim Basinger stated that Council had reviewed the proposed Five Year Public Improvement Program at retreat and that the proposed plan had been advertised in the UPDATE as well as the newspaper prior to the public hearing.

Basinger stated that the Master Recreation Plan had made a major impact on the Five Year Public Improvement Program. Basinger reported that the three major sources of revenue to fund the Public Improvement Program were Ad Valorem Taxes, Development Impact Fees and County Grants. Basinger stated that the major expenditures would be the Bond payback and Impact Fee Credit for the Planterra Ridge Tennis Center.

Basinger stated that in 1995, the major projects would be the street resurfacing program, the Public Works Pole Barn and the renovation and expansion of the Recreation Administration Building. Basinger noted that additional funding had gone into street resurfacing and cartpath resurfacing.

In 1996, the major projects would be street and cartpath resurfacing, underpass and utilities relocation due to the widening of Highway 54 West, the fire training tower (with Fayette County and Fayetteville to share in cost), and the GIS system Phase IV.

Basinger stated that in 1997 the major projects would be street resurfacing, Glenloch Recreation Center refurbishing, Riley Field Complex refurbishing and the rebuilding of Leach Fire Station.

In 1998 the major projects would be street resurfacing, Cartpath underpass connecting the 74 South Sports Complex (will go along with the widening of Highway 74 South which is targeted for 1998), and construction of the Braelinn pool.

Basinger reported that in 1999 major projects would include street resurfacing, asphaltting for sports complexes parking lots, Path connection from Meade to 74 South Sports Complex, and the Braelinn Recreation Activity Center.

Basinger stated that it was staff's recommendation that Council approve the Five Year Public Improvement Program as presented.

There was no public comment and Price made a motion to approve the Five Year Public Improvement Program. Brooks seconded the motion. Motion carried unanimously.

4-94-19 Contracts with DOT - Highway 74 Bicycle Bridge

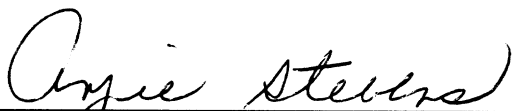
City Manager Jim Basinger stated that Council had before them four documents that the Department Of Transportation required to be executed by the Mayor to allow the construction of the Highway 74 Bicycle Bridge to be bid in June. Basinger stated that staff hoped they would be the final documents necessary and included: Certificate of Ownership, City Maintenance Agreement, Resolution covering the acquisition and clearance of rights of way and contract for acquisition of right of way Federal Aid Project. Basinger stated that staff had reviewed the documents carefully and recommended Council authorization for the Mayor to execute the agreements. One document required the signature of all Councilmembers.

Bradford made a motion to authorize the Mayor to execute the documents with the DOT concerning the Highway 74 Bicycle Bridge. Price seconded the motion. Motion carried unanimously.

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 legal matter. Price seconded the motion. Motion carried unanimously.

Executive Session

No action was taken in executive session and Mayor Lenox made a motion that the meeting be adjourned at 9:15 p.m. Brooks seconded the motion. Motion carried unanimously.



Angie Stevens, Asst. City Clerk



Mayor

Attest: