

**City Council of Peachtree City
Minutes of Meeting
March 29, 2001
7:00 p.m.**

The City Council of Peachtree City met in a regular session, Thursday, March 29, 2001, at 7:00 p.m. in the City Hall Council Chambers. Mayor Robert L. Lenox led those attending in the pledge of allegiance. Other Council members present were: Carol Fritz, Dan Tennant, Annie McMenamin, and Steve Rapson.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox presented a Proclamation for International Building Safety Week
Mayor Lenox presented an Award of Recognition to Bob Brooks

MINUTES

McMenamin made a motion to approve the March 29, 2001, minutes as corrected. Fritz seconded the motion. Motion carried unanimously.

MONTHLY REPORTS

Lenox advised that Monthly Reports through the end of February were available at City Hall for review.

CONSENT AGENDA

1. Resolution – GMA Articles of Incorporation Ballot

Lenox explained that this item pertained to the amended and restated articles of incorporation for the Georgia Municipal Association (GMA), and that the GMA had requested that all their members endorse the amended articles of incorporation via resolution. Peachtree City is a member of the GMA.

Fritz made a motion to approve the resolution as written. Rapson seconded the motion. Motion carried unanimously.

OLD AGENDA ITEMS

01-01-10 - Discuss Charter Revisions

Lenox made a motion to move the Charter Revision item to the end of the agenda for the convenience of those citizens who were here for other matters. McMenamin seconded the motion. Motion carried unanimously.

NEW AGENDA ITEMS

03-01-10 Alcohol License – Chin Chin XII, Inc. – NEW – 2100 Hwy 54 East

Lenox said that Ms. Lilliani Alimuddin had requested to be appointed as the Licensee and the License Representative for Chin Chin XII, Inc.

McMenamin stated that all the paperwork appeared to be in order and that she hoped Ms. Alimuddin would make herself available to the Peachtree City Police Department if she had any questions or concerns. McMenamin made a motion to appoint Ms. Lilliani Alimuddin as the Licensee and the License Representative for Chin Chin XII, Inc. Fritz seconded the motion. Motion carried unanimously.

03-01-11 Public Hearing – Lynch Tract

Attorney Doug Dillard, agent for the applicant Mr. Jimmy Halligan, Hyland Developers, Inc., addressed Council and stated that this was a rezoning request for a 43-acre tract located on Crabapple Lane. Dillard reminded Council that the applicant had asked for a different zoning category over a year ago that had been denied primarily because the Comprehensive Plan required that the density not exceed one unit per acre. Dillard said the new application now complied with Peachtree City's Comprehensive Plan requirements and asked that the tract be rezoned to the R-43 standard. Dillard said staff had made recommendations and conditions that were acceptable to the applicant except for a 15-acre tract that fronted on Highway 74 (indicated on the applicant's site plan), but that the 15-acre tract was not part of this rezoning request. Dillard said further that the 15-acre tract was already zoned R-43, and that Mr. Halligan intended to purchase the 15 acres and develop both the 43-acres being discussed tonight, along with the 15-acres he intended to acquire from Pathways.

Dillard said the ordinance requirement that residential zonings must have a 100' buffer – a deeded buffer – along Highway 74 arose pursuant to staff's recommendations and was discussed at length before the Planning Commission. Dillard raised the question about how the buffer would be calculated in the density. He said they had no problem with the conveyance of the 100' buffer or in reserving by way of conservation easement, undisturbed buffer, or covenants, but that they would like an opportunity to explore the possibility of doing so in order that the applicant would not lose the yield that would otherwise be allowed on this property. Dillard said if the 100 foot by several hundred feet along Highway 74 caused them to lose lots, they would like the opportunity (as a part of the preliminary plat conceptual plan process) to explore options with the City Attorney about how they might make that conveyance and still be allowed to use the conveyed property as a part of the lot calculations. He said he thought they could adequately protect the integrity of the ordinance relative to a greenbelt and would advise prospective property owners that it was undisturbed and was not really a part of their lot. Dillard reiterated that since the 15-acre tract was made a condition of the staff's recommendation, the applicant wanted to reserve his right to explore a compromise so that the City's greenbelt requirements would be satisfied and the applicant would still be allowed to develop the property as the site plan indicated. He said the site plan did show the 100-foot buffer and that the applicant intended to comply with the intent of the ordinance, but that they wanted to protect the yield because each lot they lost represented a good deal of money.

Developmental Services Director Jim Williams addressed Council and stated that staff's recommendation to the Planning Commission was to call attention to the fact that the master plan indicated a 100 foot buffer and the City's Buffer Ordinance required a dedicated greenbelt of 100 feet because the question of ownership affected the amount of area on the lots, but as pointed

out, it was not included in the 43 acres requested for rezoning. He said everyone was well aware of this fact and that that was their objective in bringing the issue up. He said staff's recommendation was to approve the rezoning because the project was in accordance with the City's Land Use Plan and, in fact, the Land Use Plan not only recommended that it be rezoned for one acre lots or larger, but that the two pieces of property be joined together and developed as one piece of property so there would not be a small, triangular shaped piece of property around the water tower by itself. Williams said he thought what was being proposed was very good and would help to get the property developed the way it needed to be. Williams said further that the applicant and staff would still have to work out how the 100-foot buffer would be accomplished, but that it could be done as a part of the conceptual plat process. Williams said he thought Mr. Halligan knew that the Planning Commission had no interest in the property not being a 100-foot greenbelt.

Lenox asked Williams if he had an opinion about whether it should all be greenbelt – could it all be greenbelt and easement buffering? He said obviously the City wanted 100 feet of undisturbed tree cover, which would make it invisible from Highway 74. Williams said he thought they could achieve the desired results, but that they would prefer to have a dedicated greenbelt. However, staff would have to make sure that when new homeowners moved in, they did not cut the trees down.

In answer to Fritz' inquiry regarding setbacks (given the lot lines and the existing farmhouse), Williams said staff had checked the setbacks and they would work. Williams also confirmed that the barn on the other side of the road would be raised in answer to Rapson's inquiry.

Mr. Lee Cole, a resident of Crabapple Lane, addressed Council and stated that he owned the 10-acre tract next to the property proposed for rezoning. He said he and his family thought that one-acre lots were appropriate for the property.

Fritz asked if the applicant would be willing to put something in the covenants because lots 35, 36, 37, and 38 backed up to the Georgia Power sub-station. Dillard said yes, that they would do whatever they had to do to protect the marketability of the lots.

In answer to Tennant's inquiry about the potential number of lost lots, Dillard replied the applicant was not certain, but he thought it was at least two. Dillard said further that he had handled many residential zonings throughout the region where there were undisturbed buffers and that they were accomplished with covenants at the time the occupancy permits were given.

Lenox inquired about the odd-shaped piece of property surrounding the water tower and stated that he would like to see a conservation easement for the protection of that land because it buffered off both the water tower and the sub-station. The applicant, Jimmy Halligan, President of Hyland Developers, Inc., addressed Council and stated that a large portion of that piece of property would be absorbed by the greenbelt, that there would be a small corner of it close to the sub-station that would not be included in the 100-foot buffer, and that this was the area he had previously talked about deeding over to the City for park purposes. He said he had been holding this property back in case he had a problem with the yield, to possibly use it as part of the calculation, but that it was not usable for him.

Lenox clarified that the plan was for 45 units, including the existing home, on 58 acres and that the

— applicant would be willing to discuss that piece of property with staff.

Rapson cautioned the applicant that he was very committed to protecting the buffering along Highway 74 and noted that the plan was actually 78% less density than the plan presented a year ago.

Dillard addressed Council and stated that the applicant was not conceding that the 100-foot buffer requirement was reasonable at this point, but that he and the City Attorney had been creative in the past and felt they could be creative again to allow for satisfaction on both sides. He said if this would be agreeable with the City, they would do this as part of the conceptual site plan process, but that it was really premature to discuss it tonight.

In answer to Tennant's inquiry regarding whether the 15 acres the applicant intended to purchase from Pathways was contingent upon the rezoning request, Halligan replied that contractually it was not contingent, but that a significant amount of money would be lost if that obligation was not fulfilled. He added that he had not purchased the 15 acres yet however.

Mr. Greg Francis, a resident of Crabapple Woods Subdivision, addressed Council and stated that he was in favor of the plan, but asked if any thought had been given about school district lines. McMenamin stated that right now the schools were designated, but that she had recently learned that there would have to be some redistricting in about three years or more as they build new schools.

— Lenox advised that the City had received a detailed letter from the Fayette County Board of Education, and that they had indicated there was existing space at the middle school and high school level for this area; however, they did have an overcrowding condition at the grade school level. He said that was why the thrust of their plan for the new bond money was to build three new elementary schools, one of which would be in the Peachtree City area and should relieve that situation. Lenox quoted from the Fayette County Board of Education letter, stating "The Fayette County Board of Education expended an average of \$6,050 annually to educate each student in the system." Lenox said this was a correct number because he had done some research on the matter, but what they did not point out was that approximately \$4,000 of that money comes from the State. Lenox said he had done some math on this because it was an ongoing concern and that Mr. Halligan had stated in his application that the anticipated market value of these homes would be about \$350,000. He said a \$350,000 home generated (in school operating taxes) \$2,800 a year. Lenox said he thought the school board would get ahead of the curve and other than the overcrowding situation at the elementary level, which would last for another 12 – 18 months, we should be okay and the development should pay its own way.

— In answer to Mr. Francis's inquiry as to whether the development would be in place before the redistricting of the school lines, Lenox said he understood that the school board's plan was to come on line with the first two new elementary schools by 2002. Lenox asked Halligan for confirmation that the development cycle would be 12 to 24 months, so that some of the houses might be completed before that time and some would be completed after that time.

— Tennant and McMenamin confirmed that the children from this development would go to Kedron. A citizen from the audience asked who would make the final decision on the 100-foot buffer and would it go back before the Planning Commission. Lenox said probably not because the 100-foot

— buffer existed by ordinance. Lenox said he felt this would be a safeguard because staff would work on it, the Planning Commission would review it, and then Council would take action dependent upon the results.

Lenox called the Public Hearing to a close so that Council could debate the issue. Lenox said the plan set a tone for the area that bode well for the future and gave the City reasonable control over what happened there.

McMenamin commented that she agreed the area had been troublesome and thought this plan was what was needed to maintain some equity and ownership there.

Tennant said he thought it was a good plan and that he felt a reasonable compromise would be worked out. Tennant said Mr. Francis' comment about the school situation had been his major problem because it would probably be about a 25% overload at Kedron Elementary. Tennant said he had a son that attended Kedron Elementary School and asked the City Attorney if he should abstain from voting. City Attorney Rick Lindsey advised that if Tennant felt uncomfortable, he had the right to abstain, but that he did not have a problem from the Ethics Ordinance point of view.

— Lenox made a motion to approve the rezoning specifically for the 43 acres plus Lynch tract with the conditions imposed by the Planning Commission and with the understanding that the applicant, City staff, the Planning Commission and the City Attorney (in the conceptual review process) would seek to find a compromise that adequately protected the City's 100-foot greenbelt/buffer and gave the applicant the opportunity to do the best he could with this subdivision. Fritz added that the motion should also include language about the fact that lots 35, 36, 37, and 38 back up to the sub-station. McMenamin seconded the motion. Motion carried unanimously.

03-01-12 Public Hearing – Rezoning – Jet Limo, Falcon Field & Victor Road

Lenox advised that a letter from Michael Rossetti had been received requesting that his rezoning request be withdrawn. Lenox said he assumed this was done with prejudice, which meant the applicant would not be allowed to submit another rezoning request for six (6) months.

03-01-13 Discussion of City Clerk Position

— Lenox said this was a follow up item that was discussed at Retreat. Lenox reminded Council that City Manager Jim Basinger had been appointed Acting City Clerk through the end of March so that staff could develop a long-term plan; however, due to preparations for Retreat that had not been accomplished yet. Lenox said the discussion at Retreat resulted in extending the appointment for a period of time – possibly June 30th or the end of the fiscal year so that the position could be made a part of the new budget.

— McMenamin said she would like Council to reappoint Basinger as Acting City Clerk for up to ninety (90) days. McMemamin asked if perhaps Council could schedule a casual workshop to discuss the City Clerk position and decide what Council wanted the City Clerk description to be (not a fixed job description), but what the responsibilities would be. She said further that Council had each received packets of information regarding City Clerk responsibilities

from other cities, and that she thought Council had enough information to discuss it together. She said the workshop would have to be advertised of course.

Lenox said that since he had become Mayor, Council had not held workshops on a regular basis and that lately he had been concerned because he felt *not* having workshops inhibited group dialogue among Council. Lenox said no one had a corner on the best ideas and that collectively Council was much stronger than they were on an individual basis. He said it was difficult not to find yourself in a position of advocacy when Council knew they had to make a decision, and that he thought Council should hold periodic workshops – perhaps one every couple of months that were, of course, public meetings. He said the same thing applied to citizens because when citizens attended Council meetings they were there to advocate – not to necessarily discuss and learn. Lenox said that, even though it would take more time because it would add to the meeting schedule, the workshops could be limited to one or two subjects.

McMenamin said that most of the time when Council discussed items at a Council meeting, they were taking the public and the applicant into consideration and the general discussion was missed among themselves as far as ideas and formulating thoughts were concerned. She said the decision regarding the City Clerk's position was very important and that it would serve not only this Council, but future generations of Council, and she thought it was the appropriate time to begin this process.

Lenox commented that from the public's perception, they might think Council talked to each other a lot, but that the fact of the matter was they did not. He said not from any lack of desire, but through the fact that the Mayor and Council were part-time positions and that it was rare if Council discussed issues one on one. He said this left Council in the dark as to what they were thinking.

McMenamin said the workshops would also allow the Press the opportunity to see that Council was working through issues in public, and hopefully, the Press would respect the nature of such a workshop as well.

Tennant commented that logistically speaking it would probably make sense to schedule the workshops about 5:30 or 6:00 p.m. just prior to a Council meeting. McMenamin confirmed that there was a 24-hour notice requirement for public meetings.

Lenox suggested that Council remand the matter of public workshops to City staff. Tennant asked McMenamin for clarification about the language regarding reappointing Basinger as Acting City Clerk for "up to 90 days."

McMenamin made a motion to reappoint City Manager Jim Basinger as Acting City Clerk for "up to 90 days" *subject to change* so that a step process could be developed for advertising public workshops and other tasks related to the City Clerk position and so that Council could work through the matter. Lenox confirmed that Basinger would be reappointed as Acting City Clerk until June 30th. Tennant seconded the motion. Motion carried unanimously.

City Attorney Rick Lindsey asked that the motion be modified to reflect that the period of time Basinger was to serve as Acting City Clerk would be *through* June 30th so there would be a

definite cutoff date. McMenamin amended the motion to reflect this change. Fritz seconded the motion. Motion carried unanimously.

OLD AGENDA ITEMS

01-01-11 - Discuss Charter Revisions

City Attorney Rick Lindsey addressed Council and stated that approximately ten (10) changes had been made to the City Charter as a result of Council's discussion at the March 29th City Council meeting. Lindsey reviewed the latest proposed draft of the Charter as set forth in his March 20, 2001, letter (attached to and made a part of this official record). To simplify the review, the following substantive changes were listed, but minor semantical changes were not listed.

- *New Section 2.5 for the duties of the Mayor Pro Tem. This language was moved from the old section 2.9(a).* Lindsey said this would make it easier to find where the duties of the Mayor Pro Tem might be.
- *New Section 2.6 for the duties of the council members.* Lindsey advised he had taken the language that former Mayor Fred Brown had suggested and that Councilmember Rapson had amended.
- *Sections 2.7 to 2.22 (old sections 2.5 to 2.20) have been renumbered to make room for the two new sections discussed above.*
- *Revised Section 2.12 (old 2.10) entitled "Council Interference with Administration."* Lindsey said this section had been completely revised as a result of the lengthy discussion at the March 15th Council meeting.

Regarding the changes to *Section 2.12*, Rapson asked Lindsey if a Councilmember were asking a staff member for information they could easily provide, would the Councilmember be indirectly *directing* them. Lindsey said yes, but Council had to have the right to obtain information. Lindsey gave some examples of a simple request and a request for something that would involve a great deal of staff time (not knowing what other tasks that staff member's supervisor had scheduled). He said, of course, this information would need to be coordinated, and that it could be considered interference, but very minor interference.

Rapson commented that the other side of the argument regarding City Manager matters, was that just because the employee could quickly and easily assemble the requested information, it did not mean that it was something that should not be routed through the City Manager, and at that point it would become a judgment call for the City Manager to make sure staff had some direction for some of Council's requests.

Lindsey said in his opinion, it should not be a brick wall whereby Council could absolutely not have any conversations with staff, but that it needed to be information that was very simple to obtain. He said further that Council could always advise the City Manager that they needed to speak with a Director or Chief about a certain matter.

Lenox said he felt this section captured the idea that Council was perfectly free to ask for information or ask questions, but that Council needed to be cognizant of when these requests started making demands on time within the purview of the City Manager's control

on an overall basis.

- *Deleted Section 2.18(b)(ii) (old section 2.16(b)(ii)).* Lindsey said this section was in regard to whether a sitting Councilmember could *not* apply to be the City Manager for two years. He said after having spoken with former Peachtree City Assistant City Manager Joe Morton (currently the Fayetteville City Manager), he thought this item should not be included in the City Charter, but that there would be more protection in an ordinance (which could be easily amended). Therefore, perhaps a *waiting period* should be put in ordinance form (e.g., perhaps in an instance where the City Manager retired or left and there was a qualified person on City Council).

Rapson said he agreed that perhaps an ordinance could be written to include exceptions (e.g., normal retirement, etc.), some event that was not brought about by a displacement or resignation.

- *Added the phrase "Unless waived by the Mayor and Council" to the beginning of Section 2.18(e) (old section 2.16(e)).* Lindsey said this pertained to the bond that could be required of the City Manager and was suggested by former Mayor Joel Cowan unless waived by Mayor and Council that the City manager *shall* post a bond. Lindsey added that the bond premiums were paid by the City.
- *Added the words "mayor and" preceding the word "council" to Section 2.18(f)(11) (old section 2.16(f)(11)).* Lindsey said the previous draft said *required of him by Council* and that it would be clearer to say *To perform such other duties as may be required of him by the mayor and council.*
- *Deleted the second sentence of Section 2.18(g) (old section 2.16(g)) and added "and council" following the word "mayor" in the remaining sentence.* Lindsey explained this was the City Manager reporting to Mayor and Council section. Lindsey said the language had previously stated that the City Manager reported to Council no less than once a week and that it seemed restrictive or forced; therefore, he changed it to *shall consult with and report to Mayor and Council as required.*

Fritz commented that she had some concern about having so much detail regarding the City Manager's jobs and duties in the Charter. She said it seemed to her that it should be included in a contract or an ordinance. Lindsey said he did not have a problem leaving the bulk of the language in the ordinance if that was what Council desired.

Rapson asked Lindsey what impact it would have if you had a legally binding contract with a City Manager and you also had language in the City Charter and in the ordinance. Lindsey said the ordinance could not violate the Charter, so if the contract said something contrary to the Charter, the Charter would supersede because Council would have acted without power or exceeding its power.

Lindsey said if you wanted to rank them, the City Charter would supersede the ordinance, which would supersede the contract. Therefore, if a contract was drafted, the City Attorney would have to look at the City Charter and the ordinances to ensure that the contract dovetailed accordingly.

Lindsey said if Council wanted him to take the detail out of the City Charter regarding the City Manager's position and put it back into an ordinance, he would have no problem with it. He said he would, however, highly recommend that the City Manager's position be created in the City Charter and put the detail (which would give more flexibility) in the ordinance. Fritz said that would be her preference.

- *Revised slightly Section 4.1*
- *Revised slightly Section 4.4.*

Lindsey said the changes to Sections 4.1 and 4.4 did not merit any discussion as he had taken Cowan's suggestions, that it was just a question of semantics and that the intent was not changed.

Lindsey suggested that Council schedule a couple of public hearings on the proposed changes to the City Charter, provide copies of the present Charter and a copy of the new Charter for the public to review at City Hall and at the Library to see if the public had any suggestions. Lindsey said following the informal public hearings, if Council wanted to adopt the revised Charter, then two readings would be required, a copy could then be filed with the Clerk of Superior Court and the City Clerk, then the changes could be advertised and adopted. Lindsey suggested holding off on the procedure to adopt the changes to the City Charter until the informal public hearings were completed.

Tennant asked if the 22-page document prepared by staff that outlined the changes and the reasons for the changes could be made public as well. Lindsey confirmed that this document, the old Charter and the revised Charter could all be provided to the public.

Rapson commented that he thought this should be one of the topics at one of the workshops discussed earlier this evening. Tennant said he would prefer scheduling three or four public hearings if need be. Fritz added that she would like to schedule some workshops in between the public hearings so that Council could discuss and digest the information.

Lindsey said if there was a lot of discussion coming from the general public, he would agree with Tennant that the City should schedule additional workshop meetings.

Lenox said that, in order to give Lindsey time to complete the revisions and give staff time to advise the public, that a public workshop would be scheduled from 6:00 to 7:00 p.m., prior to the May 17th City Council meeting and that Council would also discuss the item in a public hearing at the regular City Council meeting on May 17th. Lindsey added that he would make the revision to the City Manager provision of the Charter and provide it to Council prior to that time.

hearing at the regular City Council meeting on May 17th. Lindsey added that he would make the revision to the City Manager provision of the Charter and provide it to Council prior to that time.

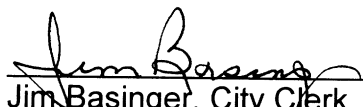
COUNCIL/STAFF TOPICS

McMenamin advised that someone had suggested that Peachtree City dedicate an historical marker designating Sumner Road as the last remaining piece of road that was the original Stagecoach Road (previously called the upper Newnan Road) for future preservation. She said she intended to pursue the matter with the Historical Preservation Society and may come back before Council to request funding or assistance.

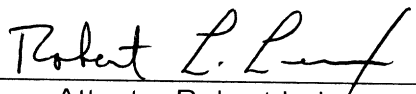
Lenox made a motion to take a five-minute recess before reconvening into Executive Session to discuss a litigation matter. McMenamin seconded the motion. Motion carried unanimously.

EXECUTIVE SESSION

McMenamin made a motion to adjourn the meeting. Rapson seconded the motion. Motion carried unanimously.



Jim Basinger, City Clerk



Attest: Robert L. Lenox, Mayor