

**MINUTES OF MEETING
CITY COUNCIL OF PEACHTREE CITY
January 21, 1993
7:00 PM**

The City Council of Peachtree City met in regular session on Thursday Night January 21, 1992 at 7:00 PM in the City Hall Council Chambers.

Mayor Robert L. Lenox led those present in the pledge of allegiance. Present were Mayor Robert L. Lenox, Councilmembers Annie McMenamin, Edward Bradford, Robert Brooks and Caroline Price.

No items were added to the agenda.

Announcements, Awards, Special Recognitions

Mayor Lenox presented the "Employee of the Month" award for the month of December to Richard Bussie, Parks and Recreation Crew.

Department Reports

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

Minutes

McMenamin made a motion that the minutes of the January 7, 1993 Council meeting be approved as presented. Price seconded the motion. Motion carried unanimously.

Old Agenda Items

1-93-4 Nature Preserve Lease

Mayor Lenox stated that the 513 acres designated for a nature preserve was owned by the City and would be operated by the Southern Conservation Trust, Inc. Price stated that a lease agreement had been prepared by the City Attorney and had been reviewed by the Nature Preserve Committee. Price stated that the question of insurance needed to be addressed and suggested that further research be done. Price asked that Council go ahead and approve the lease and the matter of insurance be brought into compliance and approved by the Mayor at a later date. Mayor Lenox made a motion to approve the lease agreement between the City and the Southern Conservation Trust, Inc. for the nature preserve as submitted with the proviso that paragraph eight concerning insurance would be revised. Brooks seconded the motion. Motion carried with McMenamin, Brooks and Lenox voting aye and Bradford and Price abstaining due to a possible conflict of interest because they are on the Nature Preserve Committee and officers of the Southern Conservation Trust, Inc.

New Agenda Items

1-93-5 Public Hearing - Chick-Fil-A Variance

Mayor Lenox stated that the next two agenda items would be conducted as public hearings and read the rules of the hearing for the benefit of the public. Mayor Lenox stated that copies of the rules were available on the agenda table for the public.

Mayor Lenox stated that the first public hearing would be a request by Chick-Fil-A to leave a storage area in place that was constructed on their property in violation of the zoning code. Mayor Lenox stated that each side would have fifteen minutes to present their case, called the public hearing to order and asked to hear first from the applicant.

Mr. Perry Ragsdale, Vice President of Design and Construction for Chick-Fil-A came forward and stated that Chick-Fil-A had taken over an existing facility in the Peachtree Crossing Shopping Center and while making numerous improvements had unknowingly constructed a garbage area along with a storage area that was in the setback. Mr. Ragsdale stated that Chick-Fil-A was requesting a variance to allow the building to remain where it was, that it was constructed on the property in the only place that was accessible to the trucks. Mr. Ragsdale stated that the building was attractive and did not detract from the property. No one else spoke in favor of the variance.

Mayor Lenox asked to hear from those opposed to the variance and Mr. Jim Williams, Director of Developmental Services, came forward and stated that when the site plan for Chick-Fil-A was approved the building was shown as being outside the setback and when constructed it was not built within regulation. Williams stated that Staff recommended denying the variance since the building was in violation of code.

After further discussion the Mayor called the public hearing closed and called for Council debate. Brooks asked Mr. Ragsdale the cost to move the building to another site on the property. Mr. Ragsdale stated that it would cost around \$9,000.00. Price asked Mr. Ragsdale what kind of storage was in the building. Mr. Ragsdale stated that along with their dumpster the building was used for dry storage and that the building was five hundred square feet smaller than those in other Chick-Fil-A's. Brooks stated that if Council approved the variance a precedent would be set and asked Mr. Ragsdale what was different about Chick-Fil-A that should cause Council to approve the variance. Ragsdale stated that the location of the building was the only area that would allow truck access and not be visible from Highway 54. Brooks stated that Mr. Hooper, owner of the adjacent shopping center had stated that he had no problem with Council approving the variance and questioned if the setbacks were even needed, and asked Mr. Williams to address the issue. Mr. Williams stated that he disagreed with Mr. Hooper, that setbacks were needed to keep buildings from running together and

that he felt setbacks should be preserved to avoid overcrowding of property. Price stated that the building was located right on the property line and that it created a site barrier when that occurred. Lenox stated that while approving the variance would probably not harm anyone, the Council would be setting a precedent and other businesses coming to Council would expect to be given the same consideration. Lenox stated that the six requirements needed to be present for Council to approve a variance were not there. McMenamin stated that she concurred with the Mayor and could not support the variance. McMenamin made a motion that the variance be denied. Price seconded the motion. Motion carried unanimously.

1-93-6 Public Hearing - Greenwood Kennel Variance

Mayor Lenox stated that Ms. Kathy Thomas, 307 Crabapple Lane, and the owner of the Greenwood Kennel had requested a variance that would allow her to expand her animal boarding facilities. Mayor Lenox called the public hearing to order allowing each side fifteen minutes and asked to hear first from the applicant.

Ms. Kathy Thomas came forward and stated that she had operated a commercial kennel for twenty years at the property on Crabapple Lane and that she would like to expand her boarding facilities. Ms. Thomas stated that her kennel was licensed by the State and approved by the Fayette County Animal Shelter. Ms. Thomas told Council that the kennel was six hundred feet from the nearest neighbor and that she had not received any complaints about her facility. Mayor Lenox asked to hear from anyone else wishing to speak in behalf of the variance. Ms. Elaine Sherwood, President of the Fayette County Humane Society, came forward and stated that with all the new residents moving into Peachtree City there was a great need for an expanded facility. Ms. Sherwood stated that many veterinarians would not board animals above a certain weight. Mr. Bill Newman, Director of the Fayette County Animal Shelter, came forward and stated that there was a dire need for a good boarding kennel as there were only three in Fayette County. Mr. Newman stated that there had never been a problem with the Greenwood Kennel and that the Shelter recommended them when citizens called the shelter. Mayor Lenox asked to hear from anyone opposed to the variance.

Mr. Jim Williams, Director of Developmental Services, came forward and stated that when the property was constructed it was assumed that a kennel was a permitted use in its agricultural district, however, when the present zoning ordinance was adopted in 1977, a kennel was no longer classified as a permitted use in the Agricultural Reserve zoning. Mr. Williams explained that the property then became a non-conforming use which could continue in operation, but could not be expanded. Mr. Williams stated that the issue was not whether an expanded kennel would be good for Peachtree City, but rather those neighborhoods to be built surrounding the area that would be residential. Mr. Williams stated that the kennel would be better served in a commercial area

where kennels were a permitted use and recommended denial of the variance. Mayor Lenox asked if there was anyone else opposed to the variance that wished to speak. Mr. Harry Sanders, 287 Crabapple Lane came forward and stated that his property was just adjacent to the kennel and that when he purchased his property he was aware of the kennel, but was told that the kennel could not be expanded. Mr. Sanders stated that he was concerned for the value of his property should the kennel be expanded and was also concerned about the extra noise that would occur. Mr. Sanders stated that he understood Ms. Thomas was intending to sell the property to a developer and the home on the property would be used as an office. Mr. Sanders stated that he did not believe the usage was consistent with the Land Use Plan and asked Council to deny the request for a variance. Brooks asked Mr. Sanders where his property was in relation to Ms. Thomas's property and Mr. Sanders stated that he was directly to the east. Mr. Jerry Peterson, Peachtree City Development Corporation, stated that the Equitable owned 205 acres surrounding the Thomas property and that the property would be developed as R-43 and R-22 residential. Peterson stated that they would be upscale neighborhoods and that the variance would make the property more commercial which would detract from the residential neighborhoods. Ms. Thomas questioned the zoning for R-43 and stated that the homes would be close to the feeder creeks and would deplete the water supply. There being no further comments Mayor Lenox called the public hearing closed and called for Council debate.

Price stated that granting a variance would not be consistent with the Land Use Plan of Peachtree City and that a major factor was the neighbors opposition and how it would disturb the residential area. Brooks stated that it was important to protect the rights of both the business owner and the residents of the area and the purpose of zoning was to protect those rights. McMenamin asked Ms. Thomas if she was made aware of the zoning changes in 1977 and Ms. Thomas stated that she was not. McMenamin stated that granting the variance would be setting a precedent for other commercial properties and made a motion to deny the variance. Bradford seconded the motion. Motion carried unanimously.

1-93-7 Consider Resolution supporting the State Health Planning Agency decision on a hospital for Fayette County

McMenamin stated that she would refrain from discussion on considering a resolution supporting the State Health Planning Agency decision on a hospital for Fayette County, due to the fact that she was on the board of Southern Regional. Mayor Lenox stated that he was inclined to be strongly supportive of the agency's decision. Lenox stated that after reviewing all the applications he felt that Southern Regional had submitted the best plan. Lenox stated that Fayette County needed a hospital and Council support of the agencies decision could prevent legal actions which could prevent the hospital being built for several years. Lenox stated that whatever hospital was approved he was sure that all of Fayette County would work to make it a quality hospital and that the

hospital would be able to recruit quality doctors. Price stated her support of a hospital for Fayette County and agreed with Mayor Lenox that the construction could be hampered by the system of appeals and was sure that Fayette County would work to ensure the hospital was a quality hospital.

Ms. Mary Eckert, 107 Amberwood Court, came forward and stated that the residents of Fayette County had spoken loudly that they did not want Southern Regional in Fayette County and that the planning agency had not listened to those who would be using the facility. Ms. Eckert stated her disappointment that the County Commissioners had supported the agency decision and that she felt Peachtree City needed more competent physicians and that Southern Regional would not attract them.

Brooks stated that the County needs a hospital, that most of the employees would be from Fayette County, and that the administrative staff of Southern Regional had undergone changes which he felt were positive. Brooks stated his reluctance to become involved as a government in supporting a resolution agreeing with the decision of the planning agency as he did not feel it was a matter for government to become involved in. Brooks did state that he felt Southern Regional would do a good job and that any hospital would be a reflection of Fayette County. Brooks stated that he would abstain from voting. Bradford stated that he agreed with Brooks position that the City did not belong in the middle and had faith in the courts ability to decide.

Mr. Bob Tyler, Pastor of Peachtree City Christian Church, stated that government was involved whether they wished to be or not. Pastor Tyler stated that he visited hospitals all around the metro area on a regular basis and stated that he saw quality healthcare at all hospitals.

Several other residents, who stated they were healthcare givers, came forward. One resident, who was against the decision, felt the citizens were not listened to and another resident stated that the Fayette County Hospital was not going to be a major hospital but a community hospital and that the planning agency had rendered a decision and an appeal would only delay Fayette County in obtaining any hospital. Lenox stated that over ninety percent of the State Health Planning Agency decisions were upheld and he felt the City owed it to the citizens to vote for or against the decision and that the City taking a stand could possibly eliminate years of appeals. Brooks stated that he felt from talking with citizens about the decision that the citizens had legitimate concerns over the care that would be received, that the opinion of the residents that they would prefer a different hospital was overwhelming. Brooks stated that it was true we would not get world renowned physicians at a community hospital.

Bradford asked City Attorney Jim Webb if a City adopted resolution would be considered by a judge during the appeal. Attorney Webb stated that the practice of appeals of decisions was a very

specialized area and that he did not regard himself as confident to answer the question, but did state that he suspected it would not have any impact on the appellant process.

Peter Pfeifer, 202 Copperplate Lane, came forward and asked that Council adopt the resolution supporting the decision of the State Health Planning Agency. Ms. Eckert asked Mayor Lenox to read the resolution for the benefit of the public which Mayor Lenox did.

Bradford stated that Council had before them another resolution supporting a "hospital", but not naming one particular one and recommended that Council adopt that resolution. Mayor Lenox read the resolution presented by Bradford for the benefit of the public.

After further discussion Price made a motion to approve the resolution submitted by Mr. Bradford. Bradford seconded the motion. Motion carried with Price, Bradford and Lenox voting aye and McMenamin and Brooks abstaining.

1-93-8 Term Limitations for Authorities

Mayor Lenox stated that some time ago limitations on terms of office was passed for the Mayor and City Council limiting them to two four year terms of office. Lenox stated that now there was a question whether limitations should be put on terms for authority members. Mayor Lenox stated that there would be a general discussion on the subject.

McMenamin stated that she supported the time and effort of the volunteers that served on authorities in Peachtree City. McMenamin stated that it had been the practice of the Council to reappoint members to the authorities when they were doing a good job but that she felt when members were up for re-appointment it might deter others citizens from bothering to apply. McMenamin felt that some citizens believed that there was no reason to apply since the Council would reappoint the current member. McMenamin stated that she would like to have a general discussion on the subject, that term limitations would be grandfathered for current members, giving them two four year terms if reappointed. McMenamin stated that it would allow a change in chairman, would allow for new energy on the authorities and bring new leaders into the community.

Mr. Tom Farr, Chairman of the Development Authority, came forward and asked Council to be cautious when considering a change in the rules under which an authority member can be appointed. Farr stated that he understood the question of term limitation was popular and that he did not think that authorities should be exempt, but stated that Council needed to look at the fundamental role authorities played and why they were created outside of the political environment. Farr stated that under the current procedure, Council had sole authority to make appointments of members and that any limitations placed would be a limitation on the action of the Council.

McMenamin responded to Mr. Farr's comments by stating that she was concerned that when members were up for reappointment citizens did not feel there was any reason to apply for the position, but when unexpired terms were available the cream of the crop came out to apply for the position. McMenamin stated that there were also citizens applying for a position on an authority that had no idea what the authority did and after the role of different authorities were explained to them they sometimes found there were other areas in which they would rather serve. McMenamin thanked Mr. Farr for his comments.

Brooks stated that Peachtree City was very fortunate that there were always qualified members of the community willing to donate their time, but that in the future that could change and there might not be so many citizens willing to volunteer. Brooks stated that he would be hesitant to change the present system.

Mr. David Good, Chairman of the Airport Authority, came forward and stated that Council was duly bound to appoint the best candidate to an authority. Good stated that he did not feel that Council should limit the number of terms. Mr. Bob Truitt, Vice Chairman of the Development Authority, agreed with Mr. Good that the current system should not change. Mr. Truitt stated that six year terms for the Development Authority had been designed to establish continuity and that by limiting terms that continuity would be broken.

McMenamin asked if there was a limit on terms that the members of the County Development Authority could serve and was told by Mr. Farr that there was no limit.

Mr. Mike Amos, Airport Authority member, stated that continuity on the Airport Authority was important because of the long term projects they were involved in and by limiting terms it would be detrimental to the projects.

Lenox stated that Council could limit any members term since the Council appointed the members to the authorities and that he supported the selection process currently in place and would be reluctant to limit a future Council's discretion in appointing members to authorities. Lenox stated that Council did have an obligation to appoint the most qualified candidate.

McMenamin stated that as Councils change it takes awhile for new Council members to become familiar with responsibilities of authorities and during that time the Councilmember may be hesitant to make a new appointment to an authority. Price stated that joint meetings with Council and the authorities at the annual retreat and throughout the year would help Council to understand the purpose of the authorities and provide a better working relationship. Bradford stated that he liked to be an inclusive government which was why he had supported term limitations for the City Council and felt that eight years was enough time to serve. Bradford stated that he felt it might be detrimental to limit terms on authorities,

that Council and the authorities should continue to think about the process, that he was satisfied with the current process and felt confident that when changes were needed they would be made.

No action was taken and the item was closed.

1-93-9 Surplus Vehicles

City Manager Jim Basinger stated that five new vehicles had been purchased for the police department and that five police vehicles needed to be disposed of. Basinger stated that Staff recommended that two vehicles be declared surplus, one vehicle be given to the Recreation Department for use by the Recreation Administrator, one vehicle be retained for the DARE officer and that one vehicle be donated to the Fayette Senior Services for transporting senior citizens in the County. Brooks made a motion to approve the recommendations of the City Manager. McMenamin seconded the motion. Motion carried unanimously.

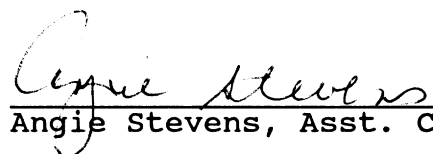
1-93-10 Authorization for Bank Account-Impact Fees

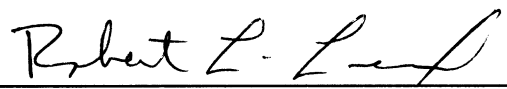
City Manager Jim Basinger stated that a separate bank account needed to be established for Development Impact Fees and that Staff was asking for Council approval to open a checking account at Peachtree National Bank for that purpose. Price questioned if the account would be interest bearing and Basinger assured her that it would be. McMenamin made a motion to authorize Staff to open a checking account at Peachtree National Bank for Development Impact Fees. 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. Bradford seconded the motion. Motion carried unanimously.

Executive Session

There was no action taken in executive session and Lenox made a motion to adjourn the meeting. McMenamin seconded the motion. Motion carried unanimously.


Angie Stevens, Asst. City Clerk


Attest:
Mayor