

City Council of Peachtree City
Minutes of Meeting
January 8, 1998
7:00 p.m.

The City Council of Peachtree City met in a regular session Thursday, January 8, 1998, at 7:00 p.m. in the City Hall Council Chambers.

Mayor Lenox led those attending in the pledge of allegiance. Council members present were: Carol Fritz, Annie McMenamin, Robert Brooks, and Jim Pace.

Judge A. Mitchell Powell administered the oath of office to Mayor Robert L. Lenox.

Mayor Lenox administered the oath of office to Robert Brooks and Carol Fritz.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox recognized Mike Amos for his years of service on the Airport Authority.

Mayor Lenox presented certificates to volunteer Fighter fighters for completing NPQ Certification.

Mayor Lenox recognized the Employee of the Year for 1997, Code Enforcement Officer Tami Babb.

Mayor Lenox recognized the Supervisor of the Year for 1997, Police Captain Stan Pye.

Mayor Lenox read a Proclamation for Kiwanis Week in Peachtree City.

APPROVAL OF MINUTES

McMenamin made a motion to approve the minutes of December 18, 1997 as presented. Brooks seconded the motion. Motion carried unanimously.

NEW AGENDA ITEMS

1-98-01 Election of Mayor Protem and Oath of Office

McMenamin made a motion to appoint Councilman Robert Brooks as Mayor Protem for the year 1998. Pace seconded the motion. Motion carried unanimously. Mayor Lenox administered the oath of office to Brooks.

1-98-02 Authorization and Appointment of City Officials and Positions

The City Manager, Jim Basinger, recommended the authorization and appointment of several City Officials and positions. McMenamin asked that Council consider the appointment for City Attorney separately because her daughter, Susan Browne, was an attorney for the firm and she felt she should abstain from voting on that issue.

Pace made a motion for the following appointments of City Officials and positions:

Municipal Court Judge	A. Mitchell Powell
Judge Pro Hac	Sharon L. Pierce
City Auditor	Geeslin, Cordele, Johnson & Wetherington
City Clerk	Nancy Faulkner
City Depository	Peachtree National Bank
Landscape Architect	William Lincicome
Legal Organ	<u>Today</u> newspaper (formerly <u>This Week</u>)
Consulting Engineer	United Consulting Group

McMenamin seconded the motion. Motion carried unanimously.

Pace made a motion to appoint Webb, Stuckey and Lindsey law firm as the City Attorney. Brooks seconded the motion. Motion carried with McMenamin abstaining.

1-98-03 Designation of Persons Authorized to Sign Checks

McMenamin made a motion to authorize the following positions to sign checks: Mayor, Mayor Protem, City Manager, Director of Developmental Services, Director of Financial Services, and Director of Administrative Services. Pace seconded the motion. Motion carried unanimously.

01-98-04 Indemnification Resolution

McMenamin made a motion to adopt the Indemnification Resolution which is attached and made a part of these minutes herein. Pace seconded the motion. Motion carried unanimously.

01-98-05 Public Hearing - Consider Zoning Ordinance Relative to Church Standards

Mayor Lenox read the general rules for conducting a public hearing and set a time limit of one hour for each side to present its case before Council. Mayor Lenox said there were many people present who were interested in the issue of church standards and he wanted to conduct the meeting in an informal manner in an effort to obtain as many ideas and much comment as possible. He explained that the draft ordinance to be considered that night was a result of many comments and concerns brought to Council's attention through several Planning Commission and public meetings. (A copy of the draft ordinance is attached and made a part of these minutes herein.) Lenox said churches are a permitted use in all zoning districts and felt the ordinance attempted to resolve the community's issues and concerns but that it needed work. He said the three main concerns of the community seemed to be as follows: 1. "non-church" activities in residential neighborhoods, such as day care centers and offices; 2. need for reasonable buffering in residential areas; 3. need for sufficient on-site parking for normal use.

Ed Wyatt addressed Council with concerns that a minimum lot size of six acres restricted to 60% development would prohibit new churches from being built. He felt the community did not want to prohibit churches and asked if the 60% development restriction applied to other non-church developments as well.

Mayor Lenox said he believed the proposed standards would apply only to churches in residential zoning districts and that normal zoning standards would be required for churches in Commercial, Office Institutional, and Industrial zoning districts.

Wyatt suggested the ordinance should target churches that purchase residential dwellings for church use. He also felt the proposed parking requirements were extreme. He reminded Council that citizens give their own money, not tax dollars, to churches to benefit the community.

Keith Moore, pastor of Braelinn Baptist Church, also felt the 6 acre minimum lot size would prohibit new churches from being built because they could not raise adequate funds. He said churches were a positive influence on the community by encouraging people to be active and productive citizens and by teaching them the moral obligation to obey laws, pay taxes, and respect public officials. He said some services provided by churches included the following:

- food and clothing for the needy
- job placement and training
- comfort for the sick and dying
- marriage and adolescent counseling
- recovery programs for drugs and alcohol abuse
- formal celebrations for births and weddings
- a place to formally mourn death of loved ones
- programs in the arts such as music, drama and theater

Moore encouraged Council not to take action that would make it difficult for congregations to provide those services to the community at no cost to taxpayers. Moore also expressed his appreciation for the City's effort in keeping communication open in discussing the issue.

Jim Williams, Director of Developmental Services, said he felt the intent of the the proposed ordinance was not to discourage the formation of churches. He felt the ordinance wanted to address problems that could develop for adjoining neighborhoods from the major activities taking place at the church. He said the many services and programs provided by churches would not limit a church's activity to Sundays.

He said the recommendation for a minimum six acre site was brought up by a number of representatives from local churches because it was more economical for growing churches to expand rather set up satellite churches.

Williams said he felt the existing ordinance would continue to work well if Council wanted to leave it in place. He said the proposed ordinance suggested regulations that would benefit the community and churches as well. He said the increased parking requirement was suggested because having too few parking spaces could hinder activities at a church as well as have a negative impact on the adjoining property. Williams explained that because a church's parking needs may vary for certain events, staff suggested a compromise which would allow some of the required parking spaces to be on all weather surfaces as opposed to asphalt.

Williams said the 60% development restriction was suggested to provide adequate screening for adjoining property. He said this issue had been addressed in the past through the use of buffers, green space and open space. Williams said with the exception of Christ our Shepard Church, all other churches met the proposed regulation. He added that Christ Our Shepard Church was not located in a residential zoning district and therefor would not have been subject to the 60% development restriction.

Williams felt it would be in the church's best interest for the City to be more proactive in helping churches plan for future growth. He also felt comments presented from the community were well stated but not necessarily in conflict with the Planning Commission's recommendations.

Keith Moore agreed that most churches in Peachtree City were large churches on large lots but he also felt there may be a time in the future when people may want to establish smaller churches.

Mayor Lenox said most of the population growth in Peachtree City had taken place over the last fifteen years and that the churches also grew during that time. Lenox anticipated that the population growth would soon reach a plateau. He also felt it was conceivable to anticipate the establishment of smaller churches in the future.

City Attorney, Jim Webb, said it was difficult to draft an ordinance that would fit every situation and that Council should keep in mind they could grant variances for special situations.

Don Barron, pastor of Calvary Temple, addressed Council. He said his church did not have quite have six acres but recently purchased a house adjacent to their church to be used as a parsonage. He said purchasing that property made him realize how difficult it was to purchase property in Peachtree City. He felt strongly that a six acre minimum lot size would make it financially impossible for a new church to be established in Peachtree City. He felt if the proposed ordinance was in effect when his church was built it would not have been built. Barron asked the Council not to put more restrictions on churches and suggested the City enforce the ordinance that was currently in effect.

Mark Lawrence addressed Council with a concern about the proposed ordinance as it restricted schools from being operated in churches unless owned and operated by the church. He felt it was too restrictive because someone may want to rent the church during the week to provide covenant school.

— Lenox said Mr. Lawrence raised an interesting point because most of the churches make their facilities available to the community for many different activities. Lenox felt Council did not want to preclude this valuable resource to the community and thanked Mr. Lawrence for bringing it to Council's attention.

Danny Barron, addressed Council and also voiced concerns about the proposed ordinance.

Mayor Lenox called the hearing to a close and thanked those in attendance for their participation. Lenox suggested the issue be tabled for a month for further study.

Lenox made a motion to table the issue until the second meeting in February. Motion died from lack of a second.

Brooks made a motion to table the issue with out setting a specific date. Motion died from lack of a second.

— Pace said he was in favor of all churches and felt they were best thing possible that could happen to Peachtree City. He said he served on the Presbytery for Greater Atlanta for several years and many of the 140 churches were small churches. He said Peachtree City was the exception by having larger churches. He said he had a great deal of concern with the proposed ordinance and would not support a six acre minimum lot size or the 60% development restriction because he felt it was too restrictive and only applied to churches. Pace also said he did not support changing the parking ratios because every church had different parking needs. Pace also felt the proposed ordinance to restrict arterial highway access was too restrictive. He felt the existing regulation had been effective and he was generally opposed to any ordinance that would limit religious freedom or religious activity.

McMenamin felt any restrictions on churches would be counter productive to the community. She agreed with all of Pace's comments and added her concerns that accessory uses of a church should be addressed so that they would not negate the look of the residential neighborhood.

— Brooks agreed and said he felt Council was unsure of the proposed ordinance and that the current ordinance had been working well. He could only recall two situations involving churches that had raised concerns in the community. Those concerns were with the Methodist Church expansion and the development of Braelinn Baptist Church. Brooks also shared McMenamin's concerns that accessory uses of churches in residential areas should be addressed.

Being a newly elected Council member, Fritz said she had not been involved in all of the conversations concerning the issue. She did feel, however, the proposed ordinance was too restrictive and felt that more time was needed to work on a solution.

Pace made a motion to kill the ordinance and send it back to staff for further study. Brooks seconded the motion and recommended in the future Council should probably consider a definition to clarify the current ordinance. McMenamin agreed. Motion carried unanimously.

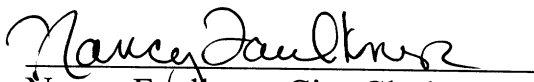
01-07-06 Consider Local Government Project Agreement with DOT for Highway 74 South Widening Project

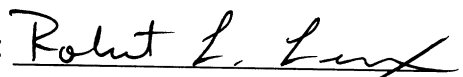
Lenox made a motion to pull this item from the agenda at staff's request. McMenamin seconded the motion. Motion passed unanimously.

Lenox made a motion to adjourn for a brief recess and to return to Executive Session to discuss a legal matter. Brooks seconded the motion. Motion passed unanimously.

Executive Session

No action was taken in Executive Session. Brooks made a motion to adjourn the meeting. Pace seconded the motion. Motion carried unanimously and meeting adjourned at 9:05 p.m.


Nancy Faulkner, City Clerk

Attest: 
Mayor

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PEACHTREE CITY
REGARDING POTENTIAL LIABILITY
OF CITY ELECTED OFFICIALS,
APPOINTED OFFICIALS, AND EMPLOYEES**

WHEREAS, the City of Peachtree City is a municipal corporation duly chartered and incorporated by the State of Georgia; and

WHEREAS, as a result of certain decisions by State and Federal Courts, elected and appointed officials and employees of the City may be subject to suits seeking to hold those persons personally liable for damages; and

WHEREAS, the City Council deems it to be in the best interest of the City to indemnify, defend and protect city elected and appointed officials and employees from all liability,

IT IS THEREFORE, RESOLVED THAT:

The City of Peachtree City shall indemnify, defend and pay any and all judgements rendered against any city elected official or appointed official (with exception of officials of authorities) or employee for any and all suits brought against them for any acts or omissions performed or neglected to be performed by them in the course of their employment, or association with the City. This indemnification shall not apply to those individuals who acted oppressively, maliciously, corruptly, or without authority of law as defined under O.C.G.A. 36-33-4.

This resolution shall remain in full force and effect until such time as it may be amended or repealed by a subsequent resolution of the City Council.

SO RESOLVED, in open session assembled pursuant to law.

This 8th day of January, 1998.

Mayor

Signed
original in vault.

Attest: _____
City Clerk



Peachtree City

Georgia

To: Mayor and Council

Via: City Manager 

From: Director of Developmental Services 

Date: December 31, 1997

Re: Church Standards

Over the past year, the staff has been working with the Planning Commission, local ministers, representatives of the various congregations in the community, and a number of concerned citizens in an effort to draft a new set of standards to guide church development. It was felt that some new standards were necessary to protect the general public from the potential adverse effects of church expansion within and adjacent to established residential areas.

Between May 1997 and November 1997, the staff and the Commission held numerous meetings, workshops, and public hearings on potential standards. Finally, on November 24, 1997, the Commission approved a draft of amendments to the Zoning Ordinance and recommended that they be forwarded to City Council for adoption. That draft is attached as Exhibit "A." In response to comments made at the last public hearing and during subsequent discussions, the staff has made some minor changes in the text in an attempt to better clarify the intent of the recommendations. The revised text is attached as Exhibit "B."

Because Exhibit "B" does not change the substance of the Commission's recommended text, but merely serves to better explain it, the staff recommends that Council adopt the amendments as presented in Exhibit "B."

JBW/jir

Attachments

EXHIBIT "A"
AN ORDINANCE TO AMEND THE
PEACHTREE CITY ZONING ORDINANCE WITH
RESPECT TO CHURCH STANDARDS, AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE Mayor and Council of Peachtree City, and it is hereby ordained by authority of the same, that the Zoning Ordinance be amended as follows:

1. A new paragraph should be added to Article VI, Definitions. It should read as follows:

Church: *A building or group of buildings located on an individual zoning lot and intended primarily for public worship. All portions of an individual zoning lot for a church must be contiguous, and no portion of a church site may be separated from the rest of the church site by a thoroughfare or any other non-church property.*

2. Section 908.2, Uses Accessory to Churches, should be revised to read as follows:

- a) *A single one-family dwelling for a minister serving the church located on that same lot.*
- b) *Religious education facilities, including an assembly room that may be used for church-related recreation activities.*
- c) *Offices for conducting church business, including counseling and the provision of outreach services.*
- d) *Private school facilities for day care and general academic education, provided the school is owned and operated by the church.*
- e) *Off-street parking facilities for the use of people working on the site or visiting the site for permitted church purposes.*
- f) *Fences, walls, exterior lighting fixtures, and other general site development and landscaping features commonly associated with church uses.*

3. In all zoning districts a church site must have direct access from its zoning lot to a major thoroughfare, but in no instance should a church site have direct access to either an arterial highway or a residential street.
4. In LC Limited Commercial, GC General Commercial, OI Office Institutional, and LUC Limited Use Commercial zoning districts, the minimum zoning lot area and the minimum lot width should be the same as for other permitted uses in the respective zoning districts.
5. In all other zoning districts, the minimum zoning lot area should be six (6) acres, the minimum lot width should be 300 feet, and the impervious area should not exceed 60 percent of the overall area of the zoning lot.
6. The Zoning Ordinance currently requires that churches provide one paved parking space for every five seats in the main sanctuary (a ratio of 1:5). It is recommended that this standard be increased to a 1:3 ratio, but that every space in excess of the 1:5 ratio may be on a specially prepared grass surface suitable for occasional automobile parking instead of an impervious surface like asphalt or concrete.

EXHIBIT "B"
AN ORDINANCE TO AMEND THE
PEACHTREE CITY ZONING ORDINANCE WITH
RESPECT TO CHURCH STANDARDS, AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE Mayor and Council of Peachtree City, and it is hereby ordained by authority of the same, that the Zoning Ordinance be amended as follows:

1. A new paragraph should be added to Article VI, Definitions. It should read as follows:

Church: For purposes of administering the Zoning Ordinance, a church is defined as a building or group of buildings located on an individual zoning lot, and intended primarily for public religious worship.

2. Section 908.2, Uses Accessory to Churches, should be revised to read as follows:

- a) *A single one-family dwelling for a minister serving the church located on that same lot.*
- b) *Religious education facilities, including an assembly room that may be used for church-related recreation activities.*
- c) *Offices for conducting church business, including counseling and the provision of outreach services.*
- d) *Private school facilities for day care and general academic education, provided the school is owned and operated by the church.*
- e) *Off-street parking facilities for the use of people working on the site or visiting the site for permitted church purposes.*
- f) *Fences, walls, exterior lighting fixtures, and other general site development and landscaping features commonly associated with church uses.*

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on a specially prepared grass surface suitable for occasional automobile parking instead of an impervious surface like asphalt or concrete.

- 7. Nothing in this Ordinance is intended to prevent a church from owning and using land anywhere in Peachtree City, in addition to the zoning lot on which the primary church facility is located, provided that land is used in accordance with the requirements of the zoning district in which it is located.