

City Council of Peachtree City
Meeting Minutes
Thursday, May 2, 2024
6:30 PM

Call to Order

The Mayor and Council of Peachtree City met in regular session on Thursday, May 2, 2024. Mayor Kim Learnard called the meeting to order at 6:30 p.m. Council members attending: Laura Johnson, Suzanne Brown, Clinton Holland, and Frank Destadio.

Pledge of Allegiance and Moment of Silence

Announcements, Awards, Special Recognition

None

Public Comment

Keith Larson introduced himself as a bike/walk community advocate and noted that May was National Bike Month, an opportunity to encourage safe bike use. He listed special events scheduled for Peachtree City, including a Cub Scout Bike Rodeo and Bike to Work Week, and named all the cycling groups that were active in the city.

Larson also remarked that a comment was made at the last Council meeting about what the path safety group that met for three months in 2021 actually accomplished. Of the 39 measures the group recommended to Council, 19 had been implemented, he reported. These included a limited number of speed humps that were compliant with the Americans with Disabilities Act (ADA), path crossing signs and markings, and vegetation maintenance. He said the navigation app and wayfinding markings were a significant boost to the path system, while two proposals, tunnel repairs and transition ramps, began major components in the 2023 Special Purpose Local Option Sales Tax (SPLOST). Larson called for a standing advisory group to monitor all transportation issues.

Sue Reed of the PTC/Fayette Pickleball Club reported that members had attended tournaments in three states over the past two months, bringing home 24 medals; 95% of those medalists got their first pickleball exposure from training offered by the local club. At the last Council meeting, Reed asked Council to consider letting them use the Kedron courts for two hours a week to offer beginner classes, but said she was still waiting on a response.

Taylor Pessin said she had just completed a 16-week class in which she focused on housing policy in Peachtree City and had intended to formally request to present it to the City. However, she continued, she was disturbed by “racist rhetoric” that came out at the last City Council meeting and felt it was damaging to the community. Exclusionary zoning had perpetuated racial and socioeconomic segregation in Peachtree City, Pessin said. She mentioned that the need to stick to the City’s original plan was often cited as a reason for denying housing development but pointed out that the 1972 Master Plan was filled with inclusionary language that advocated for diversity

in housing types. Pessin said she would like to return to present her study's findings to Council.

Agenda Changes

None

Minutes

Holland moved to approve the April 18, 2024, regular meeting minutes and the April 18, 2024, executive session minutes. Destadio seconded. Motion carried unanimously.

A. April 18, 2024 Regular Meeting Minutes

APPROVED 5-0

B. April 18, 2024 Executive Session Minutes

APPROVED 5-0

Quarterly Reports

A. January 2024 - March 2024

Holland said he appreciated how the information was presented through the use of graphics. The Mayor noted that the Communications staff now had more than 27,000 followers on Instagram. Also, golf cart citations were up 13%, while golf cart collisions were down 38% when compared to the first quarter of last year. She also reported that driving under the influence arrests were up 30%. Interim City Manager Justin Strickland commented that these reports were available on the City website.

Consent Agenda

Destadio moved to approve Consent Agenda items A-G. Brown seconded. Motion carried unanimously.

The Mayor noted that they had just accepted a \$5,000 grant from Walmart, a \$7,000 law enforcement grant from TJMaxx, along with \$2,500 from Floor & Décor to sponsor Sunset Sounds, and \$5,000 from Cooper Lighting to be the presenting sponsor at Sunset Sounds. These sponsorships meant Sunset Sounds was now breaking even.

A. FY2024 Budget Amendment - BSA Software Cloud Conversion Agreement

APPROVED 5-0

B. FY2024 Budget Amendment- Engineering Services

APPROVED 5-0

C. FY2024 Budget Amendment - 2024 Walmart Local Community Grant

APPROVED 5-0

D. FY2024 Budget Amendment- TJX Law Enforcement Grant

APPROVED 5-0

E. FY2024 Budget Amendment - Sunset Sounds Sponsorships

APPROVED 5-0

F. FY2024 Budget Amendment - CVB Incentive Fund

APPROVED 5-0

G. Approve the annual renewal contract of a budgeted maintenance agreement for medical equipment.

APPROVED 5-0

General Discussion

A. Administrative Variance Ordinances

Holland explained that he started working on this in July 2023 and hoped they could discuss it now. His concerns were with sections 1203 and 1204 of the zoning ordinance; 1203 simply named the two types of variances, regular and administrative, while 1204 was adopted in 1992 and had been revised several times, most recently in December 2021. It allowed administrative variances for up to 50% encroachment into the rear setback and for a decrease of up to 25% in a side setback if the property adjoined a City-owned property. It also allowed business owners to request a 25% decrease in required parking spaces and allowed for an increase in the maximum fence or wall height of up to 25%. These administrative variances required the approval of a committee made up of a Council member, the City Manager, and the Planning Director.

Holland said the number of variances that came before Council had remained basically unchanged over the past four years, but the number of administrative variances had increased. Only 77 variances were requested in total over those four years. Another graph showed that regular variances had averaged about 10 a year since 1992, and administrative variances had averaged between zero and five per year but had increased in the past few years. Holland said this increase was what prompted him to begin his research.

There were just three administrative variances for the two years preceding passage of 1204, but 21 since then. Holland said he looked at administrative variances as a shortcut to get a variance approved and avoid putting the request before the entire City Council.

Two options were before them, Holland continued. Council could totally rescind 1204 and slightly revise 1203, but he did not support that. He proposed they make text amendments to 1204 as stated in information he had provided to Council. These would change the makeup of the committee to two Council members and the City Manager and change the numbers in the variance criteria.

He then moved that they initiate the process of text amendments to section 1204 of the zoning ordinance based on changes in the Council packet. Brown seconded.

Learnard asked him to direct her to the page number in the packet where his redlined document could be found. Interim Assistant City Manager Yasmin Julio said they were not in the packet because the only request was that they be ready for the presentation. Brown said they had them in email. City Attorney Ted Meeker said Holland should change his motion from "changes in the Council packet" to "distributed to Council via email."

Holland rescinded his motion, and Brown her second, then Holland moved that they initiate the process of text amendments to section 1204 of the zoning ordinance based on changes in the email sent to Council. Brown seconded.

Learnard asked Holland to enumerate the changes and said Council was not prepared to vote on this because they did not have it in front of them. She was provided with a copy of the changes and read them, mentioning the makeup of the administrative variance committee as being changed to the City Manager and two Council members. Holland said they should change the rear setback required from "not to exceed 50%" to "not to exceed two feet." He wanted to eliminate the requirement that all adjacent property owners be in agreement. Holland recalled a case last year where one neighbor refused to sign off on a request.

Another change from Holland was that instead of "not more than 25% of a building setback adjacent to city property," should be two feet. Also, the HOA should be included in the approval process; however, adjacent property owners should not be involved.

Destadio said that in the past when there was a text amendment, they were all given copies so they could go over them and mark changes they would like. Meeker reminded him that this was just to initiate the process. If they decided to advance this, it would go to the Planning Commission for a public hearing. Staff would review it, as well. Then it would come back to Council for a public hearing and final consideration.

But Destadio's point, Learnard said, was what would go to the Planning Commission? Based on the motion that was made, Meeker replied, the Planning Commission would get what she was holding in her hand. That would be the starting point, Holland agreed. The Planning Commission could make all types of changes. Destadio said all he wanted was a chance to make comments before it was sent forward.

Strickland noted that Holland had emailed this to all Council members a few days prior to this meeting. He said they could move this discussion to the end of the agenda and make copies in the meantime for everyone. Destadio said he never saw that email.

The administrative variance process was created to better serve citizens, Learnard stated, such as those who had a small encroachment into a newly discovered

setback, maybe at an older home. This served citizens by not making them go through the entire variance process, which involved 45 days and a \$300 fee. She said she sat on a variance committee that heard a case of someone building a screened porch on an older home and discovering that the other end of the house was three feet over the setback.

The Planning Department had put together a comparison of administrative variance processes in other nearby jurisdictions, and Peachtree City's was not out of line. In fact, Learnard said, in those other cities, there was no decision to be made. If the variance met the set criteria, it was granted, and the Planning Director was allowed to make that ruling. She said she had not heard of a single problem, concern, or regret with the current administrative variance process and was not prepared to move this forward.

Destadio said he welcomed Holland's suggestions, but thought all Council members should have a chance to look over the proposal and comment before sending it to the Planning Commission.

Johnson commented that she agreed with much of what the Mayor had said. The administrative variance process was good and served citizens well. Peachtree City had a lot of older homes, and a lot of the zoning ordinances came after those homes were built, she observed, adding that the fact they were seeing more administrative variances was the intent in creating the process. She didn't see the requirement of having the neighbors' support as a negative; if they couldn't get that support, the homeowners would come to Council.

Johnson said she supported the changes to an extent because she thought 50% into a rear setback was excessive. She could back sending it on to the Planning Commission, with her only suggestion being to reduce that to 25%. The information from the other jurisdictions was helpful and showed that Peachtree City went above and beyond by having the variance decided by a committee, rather than only the Planning Director.

Holland said he wanted to make sure everyone understood that he didn't want to cancel this process, just make changes.

Brown commented that her initial reaction was to rescind section 1204 but was willing to leave it in place with changes. She thought they should send it to the Planning Commission. Brown clarified that anything done by a prior owner would still be grandfathered in.

Her biggest objection to the current administrative variance rules was allowing a reduction to the rear setback by 50%. It was 25% in 1992, and the committee at that time was one Council member, one Planning Commissioner, and the Planning Director. The City Council created a special exception variance in 2008 that included decreasing the setback next to any City-owned greenbelt by a maximum

of 25%, decreasing parking by up to 25%, and increasing fence height for safety or privacy with no maximum. The 2008 changes kept the administrative variance and changed the committee to one Council member, the City Manager, and the Planning Director.

The current changes were adopted in December 2021 and combined special exception and administrative variances into one administrative variance process, Brown continued. It added rear setback encroachment with a maximum of 50% with letters of support from all surrounding property owners and the HOA and added a maximum height increase for a fence of 25%. The committee structure remained unchanged from 2008.

Brown said she did not like any setback reductions, but the rear one was the most objectionable. In the 1992 version, it appeared that a homeowner was allowed to seek a variance for something done by a prior owner or done before there was a building code. She also objected to the required letters of approval and said she would like to see the administrative variance committee consist of one member of the Planning Commission, one Council member, and the City Manager. She said the Planning Director was too involved in the application process.

The prediction that the last ordinance change would save time was wrong, Brown said, noting that numbers had spiked. She called the changes made in December 2021 a “vast overreach” that was too liberal in granting exceptions to complying with setback, fence height, and parking space requirements. Brown concluded by saying the ordinance needed to be revised or rescinded.

Holland stated he was not against variances, he just wanted them to be correct.

Destadio said there was a process to make changes, and he wanted them to follow the process by giving everyone a chance to add their thoughts. Learnard said that was not the motion on the table, which was whether or not to send Holland's document to the Planning Commission. Destadio said he was against that.

Learnard called for the vote.

Holland asked Meeker if they could add the comments that had been made and send that document to the Planning Commission. Council would be making comments as this evolved, Meeker responded, and it was up to Council to decide when to add the comments. They could still share their opinions with Planning Commission if the proposal was left as it was.

Johnson asked how they could share those opinions, and Meeker said they could send them to Strickland, and he could forward them to the Planning Director for inclusion in the Planning Commission meeting packet.

The motion carried 3-2, with Brown, Holland, and Johnson voting in favor, and

Destadio and Learnard against.

B. Certification of Compliance with O.C.G.A. 36-80-23

Brown said she attempted to get this presentation moved to the next meeting so she could work on it further and added that there were serious issues regarding the new agenda ordinance that needed to be remedied. She was told she could not move this item to the next meeting because she and two other Council members had voted for it to be on the agenda at this meeting.

Brown then moved that this item be moved to the New Agenda items for the May 16 meeting. Holland seconded.

Destadio asked what they were voting on, then asked Brown what she wanted to say. Brown said she was not prepared to do the full presentation, although she would do a presentation if they didn't allow her to move it.

This issue had turned out to be redundant, the Mayor remarked. Peachtree City was not a sanctuary city. Gov. Kemp and the State Legislators had taken care of this issue at the State level. She said nobody she had talked to in Peachtree City had asked for this, and she could not support any further conversation on the topic, nor would she support a resolution. Learnard said she was embarrassed by this.

Johnson commented that she had been thinking about this since it was first suggested by Brown. It had been clear from the feedback she had received that, overwhelmingly, this was not something residents felt was needed and the Assistant Police Chief told her it could do more damage than good.

Destadio agreed with Johnson about valuing the opinion of the police and that this could do harm. He asked if the certificate of compliance was actually signed?

Learnard said it was done every year, and Strickland explained that it was not signed, but the City filled out reports to the State on different things and one was to verify that they were not a sanctuary city.

The Mayor called for the vote, which failed 2-3. Brown and Holland voted in favor of moving the presentation to the next meeting, while Destadio, Johnson, and Learnard voted against.

Since this was on the agenda, and Council voted down the motion to change it, Meeker said Brown should proceed with her presentation.

Brown said she had sent each Council member a copy of House Bill 1105, the Georgia Criminal Alien Track and Report Act 2024 so they could read it prior to the meeting. She said more than 10 million illegal immigrants had entered the United States since January 2021, threatening the safety and security of all citizens. They were obligated to protect citizens and one way was to comply with the laws and

make a clear declaration that they were not a sanctuary city.

Brown asked Strickland to explain what was shown on a slide from the Georgia Department of Community Affairs (DCA) website. Strickland said the City had to do certain things each year to comply with State regulations and, therefore, qualify for State funding. The DCA had listed several jurisdictions that did not comply with certain things and therefore did not receive some or no State funding in certain categories. One requirement was for comprehensive planning, which Peachtree City complied with by updating its comp plan a few years ago. Another required the use of the Federal E-Verify system to verify the citizenship and immigration status of employees. Peachtree City did that. It required a service delivery strategy in which they negotiated with other governments, Fayette County in Peachtree City's case, about the delivery of certain services. Every jurisdiction in the state complied with that.

Finally, there were sanctuary policies. State law said that any local jurisdiction that passed anything to become a sanctuary city would not be qualified to receive any State funding at all. Peachtree City was not on that list. Every year, Strickland affirmed, the City verified with the State that they were not a sanctuary city. It would take an act of Council for Peachtree City to become a sanctuary city.

Brown asked for more information about Peachtree City's use of E-Verify. Peachtree City would have to report any public benefits they did as a service, but they offered none. Strickland said health and retirement benefits for employees were reported.

Another thing they did was report to the State how many occupational tax certificates were issued. Last year it was 2,359. If a business had 10 or more employees, it had to be E-Verified. One extra thing Peachtree City did was the SAVE affidavit. That stood for the Systematic Alien Verification for Entitlements. Business owners had to sign an affidavit saying if they were a citizen, a legal permanent resident, or a qualified alien. If the applicant checked legal permanent resident or qualified alien, Strickland said the City verified their status through a Federal database. Staff had told him no applicant had ever been flagged.

Last year, the City worked with 545 contractors, and anyone with a contract or purchase order greater than \$2,500 had to be reported and pass muster with E-Verify. Any contractor that had one or more employees had to submit those employees to E-Verify.

Strickland said they also had to report to the State that they participated in E-Verify as a City.

Brown said it was a good thing that Peachtree City wasn't on any of the lists, but many cities were. During the 2024 session on the Georgia General Assembly, District 72 Rep. Josh Bonner, who represented much of Peachtree City sponsored

House Bill 1105, the Georgia Criminal Alien Track and Report Act of 2024. She had invited Bonner to attend this Council meeting, but he was unable to. This bill was approved by the House and Senate and was signed into law by the Governor on May 1, Brown reported.

Bonner provided her with a summary of the bill. It required law enforcement officials to work in conjunction with Federal immigration authorities and to send, receive, and maintain information relating to the immigration status of any individual as reasonably needed for public safety purposes. Any local law enforcement agency that acted in violation was subject to the withholding of certain funding. Jailers were required to submit quarterly reports.

Brown said they should thank Bonner for this bill that protected the safety of the public. Bonner had told her he thought Council passing a statement saying Peachtree City was not a sanctuary city would send a message to illegal immigrants. She mentioned that Bonner was a member of the National Guard and could be called to the border. Brown said the bill would become law on December 31, 2024, and she thought they should thank the legislators for protecting citizens.

She went on to read the resolution. In summary, it said that Peachtree City supported HB 1105 and would continue to comply with State law relating to the prohibition of immigration sanctuary policies by local governmental entities and certification of compliance with regulations. It also said Peachtree City would ask the District Attorney to prosecute illegal immigrants accused of crimes to the fullest extent of the law.

It went on to say that illegal immigrants posed a serious threat to homeland security, and that cities were in budgetary distress due to the flood of illegal immigrants into their jurisdiction. Brown's resolution said Council did not support Peachtree City taxpayer funding being used to shelter or maintain illegal immigrants, with the exception of those housed during their incarceration.

Finally, it said the Mayor and City Council of the City of Peachtree City were resolved that Peachtree City was not a sanctuary city and would work to maintain that fact.

Brown moved that Council approve this resolution. Holland seconded.

Learnard said they had always followed the law and would continue to follow the law. Peachtree City was not a sanctuary city. This resolution was redundant and unnecessary because the State had laws in place already to take care of this. She said no one she had spoken to was in favor of this, and several citizens had expressed extreme concern about this measure. Learnard said she did not support this resolution or any further conversation on the topic. This would carry a risk to the city, according to their own police department, she commented.

Destadio asked if Police Chief Janet Moon could comment, and Learnard declined, saying it had been made very clear, both at the last Council meeting and in their two-by-two meetings with the Assistant Police Chief and the City Manager that this was a risk to the city. Destadio agreed, saying the Assistant Chief had told him the same thing.

Johnson said she had already made her comments.

The motion was denied 2-3, with Brown and Holland voting in favor and Destadio, Johnson, and Learnard opposed.

Holland asked if the slides and handout from his presentation on administrative variances could be included in the minutes, and Learnard said the slides weren't presented, so they couldn't be included. Interim Assistant City Manager Yasmin Julio said they had the slides on file, but they couldn't be in the actual minutes. Holland asked why, and Learnard said because they weren't presented during the meeting. Holland said he would like citizens to get the opportunity to see them. Julio noted the meeting was recorded and Holland's presentation would be on the video, which was available to the public.

Strickland said he believed Holland was asking if his proposed changes could be in the next minutes. Julio said how the Mayor read them aloud would be in the actual minutes, but the physical document would not. Meeker noted that the document, plus comments Council members submitted, would be part of the packet moving forward to the Planning Commission.

Old Agenda Items

None

New Agenda Items

A. 05-24-01 FY2025 Non-Profit Funding - Fayette County Council on Domestic Violence, Inc. d/b/a Promise Place

Holland moved to approve New Agenda item 05-24-01, FY2025 Non-Profit Funding - Fayette County Council on Domestic Violence, Inc. d/b/a Promise Place in the amount of \$10,000. Johnson seconded. Motion carried unanimously.

B. 05-24-02 FY2025 Non-Profit Funding - Fayette Senior Services, Inc.

Holland moved to approve New Agenda item 05-24-02, FY2025 Non-Profit Funding - Fayette Senior Services, Inc., in the amount of \$15,000. Johnson seconded. Motion carried unanimously.

Public Hearings

A. 05-24-03 New Alcohol License - Flare Bourbon - 21 Eastbrook Bend, Suite 226

Julio explained that the application was submitted by Flare Bourbon, located at 21

Eastbrook Bend. The applicant, Kamilla Hubner, and the location met all requirements to receive an alcohol license, but this application was different from other alcohol license applications because Flare Bourbon was an alcohol broker, which meant they purchased the alcohol from a manufacturer or distillery to sell to another broker or wholesaler. This was defined by Georgia law. The City Attorney and Staff had found a similar, but not exact, description in Peachtree City's alcohol ordinance in order to approve the application. This would be under "wholesaler," which the City defined as any person who sold alcoholic beverages to retail dealers or consumption dealers.

The application was for an alcohol broker's license, but that did not exist in the City ordinance, applicant Hubner pointed out. She believed the term "wholesale dealer" did not apply and was contradictory to State law to grant a wholesale license to a broker. A broker by definition was not able to manufacture, possess, sell, hold title to, or have an inventory of alcohol, and they did none of those things at their Peachtree City office. They contracted with a distillery, and all alcohol shipped directly from the distillery.

Hubner's position was that there was no ordinance to compel them to obtain a license from the City as a broker in the State of Georgia. They were compliant with all regulations at a Federal and State level, but there was nothing in the City ordinance to cover this. Meeker agreed that the City ordinance should be changed, and Hubner said they would comply once something was in place.

As it stood now, State licensing was being held up because an occupational tax certificate from the City was required. It had been issued but was then rescinded because the City required the alcohol license to be issued in conjunction with the occupational tax certificate. That was the only thing holding up their ability to do business.

Learnard told her Council could either approve or disapprove the license because that was what was on the agenda. What did she want them to do?

Hubner said Council would be voting on a broker's license, which did not exist.

Julio noted that the ordinance said anyone who sold alcohol in the City must hold a license. Even though Peachtree City did not have a broker's license by definition, that did not negate the part of the ordinance that said anyone who sold alcohol must hold a license. Hubner countered that they did not actually sell any alcohol in Peachtree City.

Meeker noted that a couple of years ago they revised the alcohol ordinance because it did not accommodate a business that was now Line Creek Brewery. They tried to write their ordinances as broadly as possible, and he believed Hubner needed a license. Issuing this license would give her an occupation tax certificate and allow her to start the business. In the process, Meeker continued, they would

update the alcohol ordinance to include a broker's license because this was something new they had not dealt with before. However, Hubner had wanted to pursue this before the new ordinance was ready to go to Council.

Staff's recommendation was to issue the license so she could get an occupational tax certificate and begin to do business, Meeker stated. In the meantime, it would be easier for her to get whatever she needed from the City next year to continue with her State license because they were looking to change something to prevent having this debate again. There weren't a lot of brokers in the state, he commented, but the field was growing.

Hubner agreed on the need for change to accommodate brokers. Her concern was that if a wholesale license was issued, that did not apply to them. They were not a wholesaler. That was a Tier Two license in the three-tiered structure for alcohol regulation. Every tier was separate and distinct, and one was not allowed to cross over tiers, she stated. Giving them a wholesaler's license was breaking the law.

Did she want them to turn the license down? Learnard asked again. Hubner asserted that if there was no ordinance in place for them, they should be allowed to start doing business. As Meeker had said, he could get some language in place to ensure correct governance, then they would get an appropriate license. The City had acknowledged that issuing a wholesaler's license would be a breach of the ordinance.

The excise tax provisions in the City ordinance as they related to a wholesaler did not apply to them because they did not collect excise tax, and the City had acknowledged that, Hubner continued. Peachtree City had no broker's license, and a wholesaler's license was the wrong license. This would mean breaching Federal and State laws. At the moment, she stated, issuing them a license as a wholesale dealer would breach at least two State laws as well as the local City ordinance.

Holland asked Meeker if there was a way to accommodate Hubner and allow her to proceed with her business? That's what they were trying to do, Meeker replied. Hubner was correct in saying they did not have a broker's license right now, but they labeled it as such on the agenda so she wouldn't have problems going forward. The City acknowledged there was no excise tax collected. The ordinance was broad, and Staff did not feel like they had the ability to waive that licensing requirement.

Learnard opened the public hearing. No one wished to speak in favor. Keith Larson spoke in opposition, saying the applicant simply needed her occupational tax certificate so she could work with State and Federal authorities to do her trade. She was not directly selling bourbon to Peachtree City residents, so it seemed to him there might be a general license that could suffice and allow the occupational tax certificate to be issued. He recommended Council deny this license because it was inappropriate and issue a general license.

No one else wished to speak, and the Mayor closed the public hearing.

Brown recalled a saying of her mother's: "don't throw out the baby with the bathwater." She thought that might be what Hubner was doing by rejecting the fix the City had offered so she could proceed with her business with the promise they would correct the situation as soon as possible. She suggested Hubner allow them to approve this as it stood because the only other thing they could do was delay her application. Brown said Hubner was qualified for what they were being asked to give her, and they would be glad to do that.

Hubner said all the State needed was the occupational tax certificate. She had offered to pay a licensing fee to be held in trust as a sign of good faith that they wanted to stay in Peachtree City. They had been told by the City that they could not submit the occupational tax certificate to the State until an alcohol license had been issued, but they were requesting to be allowed to use the occupational tax certificate and submit it to the State for their State broker's license while the ordinance was being changed in Peachtree City to accommodate their business.

Destadio asked Meeker if that was an option Hubner had given him, and he said it was. The problem, Meeker continued, was that there were no variance or waiver provisions in the alcohol ordinance as there were in other sections of the ordinance. Ultimately, it was Council discretion, he remarked.

Could they just authorize the occupational tax certificate? Holland asked. Council typically did not get involved in those, Meeker replied.

Learnard suggested they continue with the process. They might decide to approve, and Hubner could be on her way.

Council could make a motion to deny the license but instruct staff to issue the occupational tax certificate, Meeker stated. Learnard asked Hubner if that's what she wanted, and she said they just required the occupational tax certificate.

Brown asked her once more if she was sure they did not want the alcohol license? Hubner said they needed the alcohol license, but it needed to be the correct license, otherwise her business and the City would be breaching State and Federal laws.

Johnson asked Meeker how long it would take to get the right ordinance on their books? He said on the next agenda or the one after. Did Hubner want to table her application until then? Brown asked. Julio said they suggested she do something similar to what Line Creek did and wait on the ordinance, but she was urgent, and that's why they were trying to assist her with this method.

Learnard told Hubner they could approve the alcohol license and send her off to do

business. Hubner said that was not what they were asking because it would be wrong, and it would also trigger a \$5,000 license fee. They just wanted the occupational tax certificate, and Meeker had indicated he could have the wording for the ordinance ready in around 60 days. That would resolve the problem, and no one would be breaking any laws.

Meeker suggested a motion for Staff to issue an occupational tax certificate conditioned upon a broker's license being issued after Council updated the ordinance. Hubner said she could agree to that. Brown asked about a timeframe, and Meeker said no more than 60 days. He said that should be enough time; he already had the definition of the term "broker," which was what they needed to add, along with identifying a separate license and fee. It would just be an administrative type fee, much less than other alcohol licenses.

Meeker said the motion should be to issue an occupational tax certificate to the applicant conditioned on getting a broker's license once the ordinance was amended, not later than 60 days from that day's date. So moved, said Destadio, seconded by Holland. Motion carried unanimously.

B. 05-24-04 Variance request from side setback, 838 Carnellian Lane

Planning and Development Director Robin Cailloux described this property as pie-shaped, zoned Residential (R-22), with a 15-foot side setback. The request was to allow an existing outdoor fireplace structure to encroach 15 feet in that side setback. The fireplace was built without a permit, and when staff was notified of it, the owners were sent a notice of violation. They had since applied for a permit but could not receive it because of the setback violation.

There were six criteria that must be met for Council to grant a variance. These included that there were special circumstances applicable to the property; that strict interpretation would create unnecessary hardship; that there were extraordinary circumstances associated with the request; that granting the variance would not constitute granting a special privilege; and that a variance would not have a material effect on the public health, safety, or welfare or create inconsistencies with the Comprehensive Plan.

Cailloux presented a photo taken by Code Enforcement that showed the fireplace was originally built over the property line and another that showed that the property owner had remedied that.

Applicant Jerry Olin said he and his wife, Joanne, decided to build a fireplace in 2021. He now was asking Council to consider how demolishing this fireplace would benefit Peachtree City or its residents. The plat they received at closing when they bought the house did not show any setbacks. They had always envisioned a patio with a fireplace, seat wall, and a water feature.

They interviewed three landscape design companies, and none raised an alarm

about setback issues or said a building permit was required, Olin continued. They selected Aabby Group, and he said they specifically asked the project manager if they needed a permit, and he told them he had built many such fireplaces in Peachtree City and never got permits. He said because the seat wall was only 18 inches high, a permit was not needed. The Olins also scoured the City website for building permit guidance and could not find any references to an outdoor fireplace as a structure. Aabby Group was a reputable contractor, so they were confident in the information they provided, Olin stated. They found out about the mistakes when Code Enforcement visited them last year.

He said Aabby's mistakes should qualify as a special circumstance. The Olins paid Aabby Group \$62,000 to complete the project three years ago; the fireplace and seat wall alone cost more than \$20,000, Oline reported.

Olin said he believed he and his wife had more than adequately met the six criteria for a variance. He also noted that the fireplace sat halfway down his neighbor's 300-foot driveway that was more than 200 feet from the nearest home. They also were screened from the neighbor's home by plantings. The fireplace could be seen by a vehicle for just a matter of seconds, he remarked, and was not visible from any other side of the house.

Many neighbors had voiced their support for allowing the fireplace to remain. They said it added character and beauty to the home and the neighborhood. Demolishing the fireplace would leave a gaping hole in the tiny backyard, Olin stated, and would come at considerable expense.

At its shallowest point, the fireplace was less than three feet into the setback and averaged less than 50% of the side setback. He again asked how demolishing this fireplace would benefit Peachtree City or its residents and asked Council to grant this variance.

The Mayor opened the public hearing. No one wished to speak either in favor or in opposition, and she closed the hearing.

Johnson said Council was there to serve the citizens and, in this case, these were good citizens who built this in good faith. They should have gone to the Building Department and asked questions, but she didn't think anything was done with malicious intent.

This did go 100% into the setback, which was something she didn't like to hear, but the only portion out of compliance was something the size of a chimney. The part that backed up to the neighboring property was on the driveway, and she didn't think it hurt their neighbor because that was not where their house was. It was on the other side of a hedge, and the driveway was 300 feet long. In their narrative, the applicants said that neighbor originally said the fireplace was okay as long as it was on that side of the hedge.

Johnson said she felt it would be a hardship for Council to make them tear down this \$60,000 fireplace because of something the size of a chimney. She would support it staying.

Brown said this was difficult, but the ordinance said a building permit was required for anything regulated by code. Only the fireplace chimney was regulated because it was taller than five feet; the regulations were in place to prevent tipping or other failure. She said she did not believe this particular chimney would tip, but that was how the ordinance was written.

She asked Olin if he had any physical evidence of what Aabby Group told him? He said he did not, but they accepted the information they were given by Aabby and the other two contractors they spoke with. He also said they couldn't find anything on the City website regarding fireplaces. His wife said Aabby Group would probably admit that they said a permit was not needed.

Brown confirmed with Olin that they didn't have a survey done prior to construction. She asked if they personally spoke to anyone in the Building Department prior to beginning construction on the fireplace, and Olin said they did not. Did they ask anyone from Aabby Group to come to this meeting with them? They did not, Olin replied.

She asked if they could reduce the height of the chimney to five feet or under? Cailloux noted if the chimney height was five feet or less, they did not need a building permit at that point and therefore did not need a variance.

Destadio wanted to know about the complaint filed by their neighbor that was mentioned in the applicant's submitted narrative. That neighbor, Ryan Aversman, came to the microphone. Brown called a point of order and asked if they were allowed to ask questions of someone other than the applicant at this point? The Mayor said it would be allowed.

Aversman said the Olins made it seem like he waited two years, then went to check the permit status of the chimney, and that was not the case. Two years after the fireplace was built, he related, he discovered a deer fence had been erected on his property. He texted Olin about it and got no response, so he ordered a new survey. The entire deer fence was on his property, and the surveyor also pointed out that portions of the fireplace, the seating wall, and the water feature were also on his property. His complaint had nothing to do with permits or setbacks.

Holland referred back to the variance criteria that mentioned practical difficulties or unnecessary hardships as well as exceptional or extraordinary circumstances. Nothing special could be granted, and the variance must not be detrimental to the public health, welfare or safety. Holland acknowledged that a mistake was made, but the Olins' request met these criteria for a variance.

Learnard said granting this variance was what best served the citizens.

Holland moved to approve Public Hearing item 05-24-04, variance request from side setback, 838 Carnellian Lane. Destadio seconded. Motion carried 4-1, with Destadio, Holland, Johnson, and Learnard voting in favor; Brown opposed.

C. 05-24-05 Variance request from maximum fence height, 101 Cockspur Road

This property was at the corner of Cockspur Court and Golfview Drive, Cailloux noted, and the house faced Cockspur. The applicant wanted to build a six-foot tall privacy fence. The ordinance limited the height of any fence located between the plane of a house and a road frontage to four feet, and that would apply to the portion of the fence along Golfview. She showed how the fence would be nine feet out from the corner of the house. The rest of the fence could be six feet by right, she stated.

The applicant, Bryan Bureau, had provided Council with photos. He told them that this was a house his grandparents had lived in for 50 years, and now he and his wife planned on raising their family there.

He had two options: one was to run the fence directly off the corner of the house or go towards the road and build a four-foot, 50% see-through fence. He explained that the only rear exit of the house was at that corner and was the way his kids got into the backyard. He said he worked in property management and had to back his trailer up to that area because of a manhole and a stormwater drain. He needed the nine feet for room between the back door and his truck.

He said he didn't want a four-foot see-through fence along Golfview because that road was used as a cut-through for nearby neighborhoods. He regularly collected a variety of garbage thrown out by drivers from his yard. He also mentioned that a six-foot fence would be safer for his kids and their friends while they were playing.

If this variance was not granted, he said his option would be to plant a row of trees along the fence line, and he didn't want to do that for fear of roots growing into underground water lines. Tree branches also would be a factor for motorists if they grew over the road.

He concluded by saying the rule regarding fence height might not be best for his family or for people driving down Golfview Drive.

The Mayor opened the public hearing. Keith Larson spoke in favor of the variance, saying it was a straightforward request that would benefit Bureau's family. He recalled other discussions of what constituted a back or side yard, but this was Bureau's backyard for practical purposes.

No one else wished to speak in favor or opposition, and the Mayor closed the

public hearing.

Holland said he had to put up a four-foot fence when his daughter was young, and she quickly learned how to get over it. He also recalled that he had voted down a similar variance request and now regretted it, so he wouldn't do that again.

Destadio asked Cailloux to explain about the two front yards. She said the ordinance defined a front yard as the area between the plane of the house and any public road. Technically, that meant this house had two "front yards." The fence ordinance said any fence between the plane of the house and the right-of-way was limited to a maximum height of four feet. The 50% transparency came into play only when the driveway also crossed that yard. The 50% picket fence type design would only be required on the Golfview side if he kept with the plan to put it nine feet out from the house. He could put up a six-foot privacy fence if the fence ran straight from the corner of the house, she said.

Brown confirmed that again with Cailloux. Brown then said that zoning codes were in place for a reason, often to protect the neighbors. They also controlled what contractors could do by forcing them to comply with specific guidelines. Bureau could build a six-foot fence if he moved it in by nine feet, she remarked.

Johnson said she appreciated Cailloux's explanation and noted that her family could not build a privacy fence due to zoning regulations. She said she was fine with this variance.

Learnard asked how this differed from a recent request they heard regarding a fence around a pool on Bluesmoke, near this house. Fences around a pool currently could go through the administrative variance process, Cailloux responded, and applicants could request up to a 25% height increase, which would make it a five-foot tall fence. There was a conflict between pool safety codes and Peachtree City's ordinance, so they created the administrative variance process for those situations. In this case, a pool was not involved, so they couldn't use that process.

Holland moved to approve Public Hearing item 05-24-05, variance request from maximum fence height, 101 Cockspur Road. Johnson seconded. Motion carried 3-2, with Holland, Johnson, and Learnard voting in favor; Brown and Destadio opposed.

Council/Staff Topics

A. Memorial Day Service

Holland said there would a Memorial Day service at 9 a.m., hosted by the City and American Legion Post 50 at the flagpole at City Hall.

B. JROTC Posting of Colors

He also asked Council if they would approve a posting of the colors by the Sandy Creek High Junior Reserve Officers Training Corps (JROTC). The other Council members agreed to this.

C. Upcoming opportunities for citizen involvement

Holland said he wanted to tell the citizens that the City Manager was working to get citizen advisory committees set up.

D. Early voting for May 21, 2024 Primary

Brown noted that the primary election was May 21, and early voting was in progress. She advised voters to pull up a sample ballot before voting because it was lengthy.

E. Replacing Moment of Silence with Invocation

Brown then noted that the U.S. Senate, the Fayette County Commission, the Coweta County Commission, the Tyrone Town Council, and the Fayetteville City Council, among others, all began their meetings with an invocation. Peachtree City Council had discussed this before and settled on having a moment of silence, but she said she did not find that sufficient.

In the Georgia House of Representatives, one member opened with prayer or a moment of reflection, she stated, saying it established a sense of reverence in the chamber and allowed legislators to think on their roles. She had three examples of invocations.

Learnard asked her if she had a proposal, and she said she did. Learnard said she should continue, and Brown said she would if Learnard would not interrupt her.

She read an invocation that was offered by the Georgia's Speaker of the House. She had learned that many groups had a member of the Council or Board give a short invocation, and anyone who chose to observe a moment of silence instead could do so.

Destadio called a point of order and said they had talked about invocations before Brown joined Council. He said he wanted this brought to a vote. Learnard asked Brown what she would like them to do. Brown said she would like her to stop interrupting so she could finish what she was reading.

As a Board Member, Destadio had the right to call point of order, Learnard replied. Brown said she was going to make a motion, and Learnard asked her to make it, please.

Brown moved that they put the subject of having an invocation on the next Council agenda. Julio then pointed out that as a Council/Staff topic, they could seek consensus, but could not vote on the item. Meeker said he would be talking about that in a minute, but that was correct.

This was not something she had discussed with Brown, Learnard stated, and Brown replied that they didn't have to talk about it before bringing it up in Council/Staff topics. That was true, the Mayor replied, but it would be respectful if she knew about a topic ahead of time. It did not have to be discussed with her, Brown answered, and Learnard told her she was out of order and that she had the floor.

Learnard continued by saying that notifying her before this meeting would have been respectful. She was not prepared at all to advance a conversation about this and would have appreciated the courtesy of prior notice. She told Brown she had reached out to her several times about sitting down together and talking, but they hadn't been able to make that work. Learnard said she was not in any way prepared to move this conversation forward.

Destadio said they had talked about his before and, as a Catholic, he had no problem with prayer. His concern was that he had seen this done at County Commission meetings, and it went from a Catholic prayer to a Jewish prayer, to Muslim, and so on. He said they finally stopped the prayers and reverted to a moment of silence. Peachtree City had a moment of silence, and anyone who wished to could pray, as he did.

Emotions were riding high right now, Johnson commented, but she thought both an invocation and a moment of silence were seeking for good. She thought they had no problem with the moment of silence, but it was disturbing to her that a prayer, something that should bring peace into a meeting, might not have that effect if instituted.

Johnson said she also said a prayer during the moment of silence. She also had reached out to friends in the community who were of different religions, and they had told her that a moment of silence was something they felt more comfortable with. She felt that Council was responsible for creating an atmosphere of peace and mutual respect, and that would be best served by continuing with the moment of silence.

Holland, too, was a Catholic and said he prayed every day for Council and staff. He believed an invocation was a way to invoke God to come down and guide them in their decisions. He said he would like to have an in-depth discussion on this topic.

Learnard said the record should show they did not have consensus to move this forward.

F. May 16, 2024 meeting time reminder

Learnard noted that the next meeting would be May 16 at 9:30 a.m. The second meeting in June would be June 20 at 9:30.

G. Special Pops Tennis Program

Learnard said she was wearing her Special Pops t-shirt to honor and highlight the Fayette County Schools' special pops tennis program. Developmentally disabled middle and high schoolers up to age 21 came to the Tennis Center each week in the spring and fall to play. Graduation was last Friday, the Mayor said, and 160 students and adults attended. She commended the Tennis Center staff and the volunteers for their work with this program.

H. PTC101

Peachtree City 101 graduated 22 citizens who had spent eight weeks learning about the city's operations. The City was run by their neighbors, and it took everyone working together, Learnard remarked.

I. May 7, 2024 Workshop

There would be a Council workshop on May 7 to discuss revisions to the fee schedule.

J. Ralph N. Jones Boat Ramp

On May 18, the Ralph N. Jones Memorial Boat Ramp would be dedicated.

Learnard read a note she had received from a citizen who commended the Building and Zoning Department for their professionalism, knowledge, and customer service.

K. Spring Clean-Up

Strickland mentioned the spring cleanup set for the weekend.

L. May 8, 2024 Slice of the City

The Slice of the City program was set for May 8 at the Tennis Center. This was a chance for residents of Wilksmoor Village to come out and talk with staff about what was going on in their village.

M. Southeast Emmy Nomination

Strickland also mentioned that a video the communications staff created honoring local veterans for Veterans Day had been nominated for a Southeast Emmy.

N. Allow motions to be made in Council/Staff Topics

Meeker said they did not vote on Council/Staff topics because Georgia law and City ordinance said that items that were voted on must be on the agenda before Council took action. If they voted on something not on the agenda, the public had not received notice and that was always a matter of concern.

There had been some growing pains after Council changed the method of adding items to the agenda, which Meeker acknowledged was to be expected with any new process. He did not think it would be inappropriate that if they got to that point in Council/Staff topics, for a motion to be made to put something on an agenda. It was not the final action; all they would be doing was voting to put it on a future

agenda for final action. The public would still have a chance to come out and voice their opinions.

Meeker also said he thought if an item was put on an agenda through this process, it should be under New Agenda items, not General Discussion as it had been at that night's meeting. It became a Council agenda topic once it was placed on the agenda. They could make a procedure if they wanted the person who introduced it to lead the discussion, but as it was written now it should just be treated like any other agenda item. Meeker went on to say it would be easier for staff if they knew exactly what would be on the agenda at the next meeting as opposed to trying to decipher it from reading minutes and everybody's comments. A concrete motion would be more efficient for staff and the public.

Executive Session

Destadio moved to adjourn to executive session at 8:51 p.m. to discuss personnel, pending or threatened litigation, and the purchase, lease, or sale of real estate. Holland seconded. Motion carried unanimously.

Brown moved to reconvene in regular session at 9:58 p.m. Holland seconded. Motion carried unanimously.

Adjourn

There being no further business, Destadio moved to adjourn the meeting. Brown seconded. Motion carried unanimously.

The meeting adjourned at 9:59 p.m.

Martha Barksdale, Recording Secretary

Kim Learnard, Mayor