

**MINUTES OF MEETING
CITY COUNCIL OF PEACHTREE CITY
November 19, 1992
7:00 PM**

The Mayor and City Council of Peachtree City met in regular session on Thursday Night November 19, 1992 at 7:00 PM in the City Hall Council Chambers.

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

Addition of Agenda Items

Mayor Lenox made a motion to add an item to the agenda to consider the purchase of a hazardous materials vehicle for the Fire Department. McMenamin seconded the motion. Motion carried unanimously. Item was added as 11-92-18.

Announcements, Awards, Special Recognitions

Mayor Lenox presented the "Employee of the Month" award for the month of October to Sam Smith, Police Officer.

Mayor Lenox presented a Financial Achievement Award to Frances Meaders, Finance Officer, and her staff that was given to the City by the Government Finance Officers Association. This was the fifth consecutive year the City of Peachtree City received the award, which is the highest achievement award given for financial reporting. Present and recognized were Frances Meaders, City Staff Jill Daughtry and Jane Perdue and Blaine Price and Ed Wetherington from the auditing firm of Price and Geeslin.

Mayor Lenox presented a plaque to Karen Hansen-Guerero for her two years of service on the Commission on Children and Youth.

Mr. Jim Bobbitt from the YAA Youth Athletic Association presented a plaque to Mr. Bob Fant, for his six years of service as president of the YAA.

Department Reports

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

Minutes

McMenamin made a motion to approve the minutes of the November 5, 1992 Council meeting as presented. Bradford seconded the motion. Motion carried unanimously.

New Agenda Items

11-92-8 Public Hearing: Rezoning 20.8 acres, Hyde Property

Mayor Lenox announced a public hearing would be conducted and read the rules for a public hearing. Mayor Lenox announced that procedures for the hearing were available for the public on the agenda table. Mayor Lenox stated that each side would have thirty minutes to make a presentation and called the public hearing to order.

Mayor Lenox stated that Council had received a letter from Mr. Robert Ritter, owner of Land Lot 68, and Mr. Bill Tilton, 105 Carriage Lane, had telephoned his opposition to the proposed rezoning requested by Katherine Palmer Hyde for property on Stagecoach Road. Mayor Lenox stated that Mr. Mike Hyde, agent for Katherine Palmer Hyde, the applicant for rezoning, had written a letter to Council requesting withdrawal of the request for rezoning. Mayor Lenox stated that it would be six months before the property could be again considered for rezoning and that the owner was working with City staff to work out solutions for the zoning. Price asked if the applicant was aware of the six month waiting period. Mr. Mike Hyde was present and stated that he was aware that another request for rezoning could not be made for six months. Brooks made a motion to allow Mr. Hyde to withdraw his application. Price seconded the motion. Motion carried unanimously. Mayor Lenox called the public hearing closed.

11-92-9 Public Hearing - Amendment of Office Institutional Zoning

Mayor Lenox stated that the consideration of an amendment to the zoning ordinance in regard to Office Institutional would be conducted as a public hearing and allowed each side twenty minutes. Mayor Lenox stated that the proposal had been initiated by the City and asked City Engineer Barry Amos to come forward to present the proposed amendment to Council. Mr. Amos stated that the City had been approached at various times by funeral home directors looking for a location to construct a funeral home and that under the present zoning ordinance funeral homes were only allowed in general commercial zoning areas. Amos stated that the funeral home directors and their agents that the City have talked with felt that busy commercial areas did not meet their needs and that a more institutional type area would be more suitable. Amos stated that staff had looked at the different zoning categories and propose that the existing office institutional zoning category be amended to allow funeral homes. Amos stated that the proposal had been reviewed by the Planning Commission and they had voted unanimously to approve an amendment to the ordinance allowing for funeral homes in office institutional zoning areas. Amos stated that the amended ordinance that Council had before them did two different things, paragraph C allows for funeral homes as a permitted use in office institutional zoning areas and paragraph A cleaned up the zoning ordinance specifying permitted uses which had not been clear before. The position paper submitted by City Staff stated that

property owners in close proximity to the OI zoning areas had been notified by mail of the proposed change. Mayor Lenox asked for anyone wishing to speak in opposition to the amendment and hearing none called the public hearing closed and called for Council debate.

Price stated that she had no problem with the change and felt it clarified and put an intended use with things that were of a like nature. Mayor Lenox concurred with Price's comments and Price made a motion to approve the proposed zoning changes to the OI zoning district. McMenamin seconded the motion. Motion carried unanimously.

11-92-10 Public Hearing - Standard Variance Procedures

Mayor Lenox stated that the standard variance procedures would be conducted as a public hearing and allocated fifteen minutes to each side. Mayor Lenox stated that the City had initiated the proposed changes and called City Engineer Barry Amos forward to present the proposal. Amos stated that several months ago staff had been requested to look at the zoning ordinance, the fence ordinance, sign ordinance, and the land development ordinance to determine if a standard variance procedure could be created that would work for all four ordinances. Amos stated that Council had before them a proposed standard variance procedure. Amos reported that the Planning Commission, during a public hearing, had unanimously recommended the procedure be incorporated into all four ordinances. Amos stated that the variance would still be in four different locations but it would read the same and there would be no confusion about what applicants should do as it would be the same procedure for all four types regardless of what the variance was for. Amos stated that staff recommended approval of all four ordinances. Mayor Lenox asked for those wishing to speak against the standard variance procedure and hearing none called the public hearing closed and called for Council debate.

Price stated that she felt it was good housekeeping and would make it much easier on the applicant. McMenamin stated that there had been confusion in the past and felt that the standard procedure would make it simpler for the public, staff and Council. McMenamin made a motion to accept the standard variance procedure changes. Price seconded the motion. Motion carried unanimously.

11-92-11 Public Hearing - Variance Molis - 43 Park Gate Lane

Mayor Lenox stated that the variance request by John and Sue Molis would be conducted as a public hearing and asked to hear first from the applicant.

Mr. John Molis, 43 Park Gate Lane, came forward and stated that he wished to add a gazebo to the backyard of his home. He stated that his backyard had a severe slope in the back, that he had a pool and the height from the pool deck to the top of the back yard was fourteen feet. Mr. Molis stated that retaining walls had been put

in and that the back yard had a fence and that the height from the pool deck to the top of the fence was fourteen feet. Mr. Molis stated that in an attempt to beautify the backyard and add living area around the pool area they decided to put in a gazebo against the back fence which would extend beyond the eight foot height restriction for outbuildings in rear setbacks. Mr. Molis stated that the top of the gazebo would not extend above the top of the fence but would exceed the eight foot restriction. Mr. Molis showed Council drawings of the backyard area and the proposed gazebo. City Engineer Barry Amos came forward and stated that staff had reviewed the request for the variance and did support the request. Amos stated that the purpose of the height restriction was to make sure that structures did not tower over homes, that Mr. Molis had a unique situation where the architecture would enhance the home and staff recommended approval of the variance. Mayor Lenox asked for those wishing to speak against the variance and hearing none called the public hearing closed and called for Council debate.

McMenamin stated that she had gone by and looked at the property and thought the backyard area would enhance the neighborhood, that the fence was quite high and the gazebo would not be seen and that there was no reason to deny the request. Bradford stated that it was not the intention of the zoning ordinance to limit this type structure and made a motion to approve the variance as requested. Brooks seconded the motion. Lenox stated that the request for a variance met all six requirements needing to be present for a variance to be granted as stipulated in the standard variance procedures. Motion carried unanimously.

11-92-12 Public Hearing - 1992 Millage Rate

Mayor Lenox stated that the proposed 1992 millage rate would be conducted as a public hearing and stated that each side would be allowed thirty minutes.

City Manager Jim Basinger stated that the 1992 digest report from the Tax Commissioners office had been received and reflected a 10.7 percent increase based on growth and development over 1991. Basinger stated that staff had calculated a 1992 4.31 rollback millage rate from the 4.5 millage rate in 1991. Basinger went on to say that the rollback was required by State law and was based on a deduction of any value added to the digest based on reassessment. Basinger explained that state law also required that ad valorem property taxes be reduced or rolled back by the millage equivalent to the amount of Local Option Sales Taxes (LOST) projected to be collected which in Peachtree City would be \$1,883,755.00. Basinger reported that the 4.31 millage rate would generate \$2,131,447 in revenue which is \$71,096 more than the budgeted amount of \$2,060,351. Basinger stated that staff recommended approval of 4.31 net millage with a total gross millage of 8.12. Mayor Lenox asked to hear from those opposing the proposed millage rate and hearing none called the public hearing closed and called for Council debate.

Brooks commented that State law was new in requiring reassessment rollbacks, but that Peachtree City had rollbacks in the past in an effort to keep taxes as low as possible. Brooks made a motion to accept the 1992 gross millage of 8.12 as proposed with 4.31 net millage. Price seconded the motion. Motion carried unanimously.

11-92-13 Election Report

Frances Meaders, Elections Superintendent, stated that the only persons to qualify for Post 1 and Post 2 for the December 1, 1992 election were the incumbents Annie McMenamin, Post 1 and Edward Bradford, Post 2. Meaders stated that State law provided that if only the incumbents qualify no election was needed. Meaders stated that a letter had been sent to the Secretary of States office notifying them of the cancellation. She asked that Council endorse the report. Price made a motion to endorse the election report as presented by the Elections Superintendent. Brooks seconded the motion. Motion carried unanimously.

11-92-14 Change in License Representative - Ranchero

Mayor Lenox stated that Ranchero Mexican Bar and Grill had requested a change in license representative to Salvador Gonzalez husband of the licensee Lydia Gonzalez and asked that they come forward to answer any questions Council might have. McMenamin stated that all paperwork appeared to be in order and made a motion to approve the change in license representative to Mr. Salvador Gonzalez. Brooks seconded the motion. Motion carried unanimously.

11-92-15 Alcoholic Beverage License
Fayette Meat and Seafood

Mayor Lenox stated that Fayette Meat and Seafood had applied for an alcoholic beverage license to sell malt beverage and wine as a retail package dealer and that the owner Mr. Gerald Gerino was applying as the licensee and the license representative. Mayor Lenox asked Mr. Gerino to come forward to answer any questions Council might have. Price asked Mr. Gerino if the license would be for carry out only and Mr. Gerino stated that it would be. Mayor Lenox asked Mr. Gerino if he was familiar with the rules and regulations of the ordinance and Mr. Gerino stated that he was. Lenox asked Mr. Gerino if there were employees working in the store and Mr. Gerino stated that he was the only one working in the store. Price made a motion to approve the alcoholic beverage license for Fayette Meat and Seafood to sell malt beverage and wine as a retail package dealer. McMenamin seconded the motion. Motion carried unanimously.

11-92-16 Alcoholic Beverage License
Corelli's Cafe, Inc.

Mayor Lenox stated that Corelli's Cafe, Inc. had applied for an alcoholic beverage license to sell malt beverage and wine as a

retail consumption dealer with Mr. John Proffitt III as licensee and Mr. Guiseppe (Joe) Affrunti as license representative and asked them to come forward to answer any questions Council might have. Mr. John Proffitt Jr, came forward and stated that he would be acting as agent for his son Mr. John Proffitt III and Mr. Joe Affrunti and stated that the establishment would be a sit down restaurant and would serve beer and wine only. Mr. Proffitt asked Frances Meaders, Director of Administrative Services, if all paperwork was in order. Meaders called attention to a change in the corporations name from Release International Trading LTD to Corelli's Cafe Inc and stated that all paperwork appeared to be in order. McMenamin asked if Mr. John Proffitt, III had been the licensee for the Wings Eatery in the same location and if that establishment was closed. Mr. Proffitt stated that John III had been the licensee and that the business was closed. Price stated that meant he had been operating with a license. Mr. Proffitt, Jr. stated John Proffitt III had been operating as licensee with no infractions.

Mr. Lawrence Brinker, Attorney for Mary Jo Gilmore, former license representative for Wings Eatery, came forward and asked to speak in opposition to the request for an alcoholic beverage license for Corelli's Inc. on the basis of inaccurate information submitted in the application, perhaps even fraudulent information submitted in the application. Mr. Brinker stated his client along with John Proffitt III were the lessors of the property where the Wings Eatery establishment was. Mr. Brinker stated the lease with Peachtree Crossings Associates #3 was executed on the 6th day of June 1992 and was for a term of three years and was still in effect as no assignment of Ms. Gilmore's rights had been made under the lease and that Mr. Proffitt III had been notified that Ms. Gilmore had not agreed to assign the lease. Mr. Brinker went on to say that there was a dispute between Ms. Gilmore and Mr. Proffitt over the dissolution of the Wings Eatery, that Mr. Proffitt had closed a checking account and refused to pay salaries due. Mr. John Proffitt, Jr. asked Council for rebuttal and stated that the lease agreement had been assigned to Mr. Affrunti and that all paperwork was in order.

After further discussion, City Attorney Rick Lindsey stated that the City had a copy of a lease assignment signed by the landlord of the establishment, Mr. William (Bill) Hooper, assigning the lease to Mr. Affrunti and that this was not a matter for the City to be involved in. Frances Meaders stated that she had not accepted the paperwork until a lease assignment, taking the lease out of Ms. Gilmore's name, had been given. Meaders stated that Mr. Affrunti and Mr. Hooper had signed the lease assignment at City Hall and presented it to her.

Brooks asked when the establishment would be open for business and was told by Mr. Affrunti he hoped to open by the first part of December. Mr. Brinker stated that Council could not grant the alcoholic beverage license without a valid lease, which they did not have, and stated that it was Council's duty to look into the

possible fraudulent papers. Mayor Lenox stated that Council was not obligated to spend time and money researching paperwork and that any dispute should be settled between Ms. Gilmore and Mr. Proffitt. Brinker strongly suggested that Council table the item to look into the legalities.

After further discussion by Mr. Brinker and Mr. Proffitt Council felt that all paperwork was in order. Price stated that it was not appropriate for Council to debate the dispute and made a motion to approve the license as requested. McMenamin seconded the motion. Motion carried unanimously.

11-92-17 Scenic Highway Standards

City Engineer Barry Amos stated that in May of 1992 the Council was approached by Mr. Phil Jones, Environmental Concerns Organization, about the possibility of establishing a scenic road designation in Peachtree City. Amos explained that Council had asked staff to research the matter and report back with recommendations and staff did so and reported back to Council in June with a draft of scenic road standards. Amos reported that during that hearing several questions and issues were raised by Council and residents and staff was asked to fine tune the draft of scenic road standards in conjunction with the Planning Commission. Amos stated that a list of seventeen standards had been approved by the Planning Commission. For the benefit of the public, Amos went over some of the guidelines for designating scenic highways, and stated that a scenic road would need to be designated by the City Council after recommendation by the Planning Commission and only major thoroughfares should be considered for designation. Prior to designating any scenic roads public hearings would be held by both the Planning Commission and City Council. Amos stated that the health and safety of citizens should not be compromised by scenic road designations and the designations were not intended to prohibit development of adjoining property. Amos stated that the scenic road designation should be administered like the limited use classification in that each proposed scenic road has a plan prepared as to how the road should be addressed, what standards should be in place, what special protection was needed and for each road a specific set of standards that apply only to that road. Amos stated that City Council could establish different road standards than are required for a normal City street with the scenic road designation. Amos stated that driveways would be allowed along scenic roads and buffers would be provided between scenic roads and private property. Amos stated that the intent would be to keep the areas as natural as possible and that the scenic highway designations could only apply to major thoroughfares. Amos stated that the public would be encouraged to participate in designating scenic roads through the public hearings. Amos stated that each scenic road presented for designation would come to Council with a set of standards for that road after a public hearing was held by the Planning Commission.

Mayor Lenox asked Amos for a definition of a major thoroughfare

and Amos stated that it could apply to major collectors and some minor collectors but not residential streets. Lenox felt that the standards should be clearer before they were put into ordinance form. McMenamin stated that it should state major and minor collectors, not thoroughfare. Mayor Lenox felt that the standards involve many too many specifics and should be administered like the limited use classification and each road would be individually designed. Amos stated that was the intent of the process.

Price stated that the seventeen standards were more guidelines to go by and that it was similar to the limited use classification and the roads would be looked at on an individual basis.

Lenox stated that the scenic road designations could be applied to roads already existing and wanted to make sure that the present rules were not changed retroactively to property already owned backing up to the roads. Amos stated that none of the ordinances were retroactive. After more discussion it was felt by Council that when the standards go from rough draft to ordinance form the language needs to be clearer and more precise. Lenox stated that the guidelines presented tonight should be worked into a draft ordinance form and take another look at it.

Mayor Lenox asked if there was anyone present that wished to comment on the scenic highway standards and Mr. Phil Jones, representing the McIntosh Chapter of the Georgia Conservancy, formerly ECO, stated that he had initiated the scenic highway designations and apologized to both the Planning Commission and the Council for what had become more of a process than he intended it to be. Mr. Jones stated that he felt the guidelines that staff had come up with were what he had hoped to have. Mr. Jones stated that the idea was to keep the roads as natural as possible, and that the intent was to keep it as simple as possible. Mr. Jones went on to say that he hoped Council would adopt the standards as only a guideline to go by and not as an ordinance and allow the idea to continue to evolve.

Price asked if there was a need to proceed to an ordinance format or if there was another means of adopting the policy as a guideline. Amos stated that an ordinance could be written, but it would not say what was needed. Amos stated that perhaps an ordinance should be written establishing a scenic road designation. Amos explained that the ordinance did not need to include all standards but the process involved.

Brooks asked where the standards presented should be kept. Amos stated that the standards would be a guideline for Council to go by. Brooks stated that an ordinance should be written to set guidelines so that it could not be easily changed.

After further discussion it was decided that staff would draft a simple ordinance establishing scenic roads and a modified set of guidelines and bring them back before Council. No formal action was taken.

11-92-18 Hazardous Materials/Dive Team Vehicle

City Manager Jim Basinger stated that in the Public Improvement Program there were funds for a hazardous materials/dive team vehicle. Basinger stated that the vehicle would provide transportation for the specialized equipment used by the hazardous materials/dive teams. Basinger stated that staff felt that a used van type truck in good condition would be cost effective. Basinger stated that the van the fire department wished to purchase had been inspected by the Purchasing Agent and the City Mechanic. Basinger stated that only one vendor could be located that had the type equipment needed and the vendor and cost was as follows:

Super 1 Inc.	\$11,023.00
1774 Iris Drive	
Conyers, GA 30270	

Basinger stated that it was staff's recommendation that the vehicle be purchased for that price which included required options and repairs. Basinger stated that \$14,000.00 had been budgeted and that the remaining funds would be used for interior modifications, radios, additional lighting equipment, tune-up, battery, tires, etc.

Price questioned the mileage of the van and the projected life. Chief Reed stated that he expected to get at least three to five years out of the vehicle. Reed went on to say that it would not be a vehicle that would be first out, but a support vehicle to carry equipment for hazardous teams and dive teams. McMenamin asked how the Chief found the vehicle. Reed stated that they had looked for companies that specialized in Snap on Tool Van type vehicles and the company Super 1 specialized in resale of the vehicles. Lenox asked if the interior of the vehicle was usable for the type equipment the City would carry. Reed stated that it was very heavy duty and would carry the equipment though it would be modified. McMenamin stated that she would rather not buy used vehicles but felt that the vehicle would service the City very well for what it was intended, not being a first out vehicle. Basinger estimated the cost of a new vehicle to be \$25,000.00 for a shell and \$35,000.00 to \$40,000.00 equipped.

Bradford stated that he felt that for another \$15,000.00 the City could have a new vehicle that would last longer and be more reliable. Bradford asked the actual mileage of the vehicle. Reed stated that total mileage was 80,000 and that the engine had been re-built in June. Bradford asked where the vehicle would be kept. Reed stated that the vehicle would be kept at Neely Station. Bradford asked the total cost of the vehicle without repairs. Reed stated that the base price was \$7,500. Bradford asked Basinger if \$15,000.00 could be found in the budget for a new vehicle. Basinger stated that he could not commit to added funds this early in the budget year. Price and McMenamin both stated that they could not justify the cost of a new vehicle, that the City would

be well served with a used vehicle. Bradford was concerned about the reliability of the vehicle for emergencies and stated that he felt the City would be throwing away \$20,000.00.

After more discussion it was felt that due to the fact that type vehicle was in such great demand, when the City was ready to purchase a new van, a good resale could be achieved for the used van and the City could possibly obtain assistance from the County since they would benefit from the service Peachtree City could provide and Bradford stated that he would like to explore the cost of a new vehicle. Lenox suggested purchasing the vehicle, getting it in service and look at prices on new vehicles. McMenamin made a motion to approve the purchase of the 1985 P-30 Chevrolet Van. Price seconded the motion. Brooks asked that the motion include that staff would start discussions with Fayetteville and Fayette County for shared cost of a new van. Lenox directed staff to obtain prices on a new vehicle equipped as needed. Bradford stated his support of the motion. Motion carried unanimously.

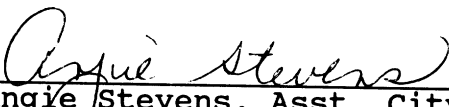
There being no further business to come before Council Mayor Lenox made a motion that the meeting be recessed to be reconvened in executive session to discuss a personnel matter and a legal matter.

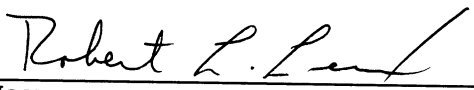
Executive Session

Bradford made a motion that Council would agree to the change in the inter-governmental agreement item #2 as defined provided the Airport Authority would sign the indemnification agreement given to them as prepared by the City Attorney. Price seconded the motion. Motion carried unanimously.

Bradford made a motion that Council amend Section Two of the inter-governmental agreement signed by the Water and Sewer Authority and the Development Authority. Brooks seconded the motion. Motion carried unanimously.

Bradford made a motion that the meeting be adjourned. Lenox seconded the motion. Motion carried unanimously. The meeting adjourned at approximately 9:30 PM.


Angie Stevens, Asst. City Clerk


Attest
Mayor