

MINUTES OF MEETING
City Council of Peachtree City
October 21, 1993
7:00 p.m.

The Mayor and City Council of Peachtree City met in regular session on Thursday October 21, 1993 at 7:00 p.m. in the City Hall Council Chambers.

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

A motion was made by Brooks and seconded by McMenamin to add an item to the agenda to discuss North Peachtree Parkway. Motion carried unanimously and was added as item 10-93-16.

Announcements, Awards, Special Recognitions

Mayor Lenox proclaimed the week of October 24th to October 30th as Red Ribbon Week in Peachtree City. Mr. Don Lippe and Mr. Larry Dell, Fayette County American Legion members, were present to accept the proclamation.

Mayor Lenox presented the "Employee of the Month Award" for the month of September, to Rick Phillips, Building Inspector.

Mayor Lenox presented the "Supervisor of the Quarter Award" for the third quarter to Cheryl Rogers, Communications Manager.

Mayor Lenox presented a fifteen year pin to Mr. Tom Hughey, Fire Department Lieutenant.

Department Reports

Mayor Lenox announced that Department Reports would be available after the next City Council meeting.

Minutes

McMenamin made a motion that the minutes of the October 7, 1993 City Council meeting be approved as presented. Price seconded the motion.

Old Agenda Items

10-93-4 Swimming Pool Design

City Manager Jim Basinger stated that the City had received twenty-one letters of interest for the design of the Kedron pool. Basinger stated that eight firms were interviewed and that two were invited to bid on the project. Basinger stated that there was a difference in the bid amount of only \$600 and that members of the pool committee were concerned with going with the low bidder.

Basinger stated that the pool committee had recommended that the bid be awarded to Markey and Associates, the second low bidder and that staff concurred with the recommendation.

McMenamin asked what had prompted the decision to recommend Markey and Associates over the low bidder. City Engineer Barry Amos stated that technically both firms were qualified, but that Markey and Associates had a more creative presentation and proposed more options. Ms. Cathy McMullen, pool committee member, came forward and thanked the Council for allowing the community to have input into the design of the pool. McMenamin made a motion to award the bid for the design of the Kedron pool to Markey and Associates for the amount bid of \$30,600. Brooks seconded the motion. Motion carried unanimously.

New Agenda Items

10-93-9 Public Hearing - Variance Mowell Funeral Home

Mayor Lenox stated that the item to consider a variance for the Mowell Funeral Home property would be conducted as a public hearing, read the rules for a public hearing, and stated that each side would have twenty minutes to present their side. Mayor Lenox asked to hear first from the applicant.

Mr. Edgar Allen Paul, architect representing C.J. Mowell, came forward and stated that the Mowell Funeral property on Robinson Road was zoned OI Office Institutional. Mr. Paul stated that the adjacent property was zoned residential but was now property owned by a church which took it out of the residential zoning. Mr. Paul stated that the Mowell Funeral Home was asking for relief from a fifty foot greenbelt between the property and that of the church. Mr. Paul stated that relief from the greenbelt requirement would release a parking problem for the Funeral Home.

Mayor Lenox asked to hear from anyone else in favor of the variance and Mr. Cam McNair, City Planner, came forward and stated that the greenbelt that had been required for the Mowell Funeral Home property was to buffer a residential zoning district next to the property from Office Institutional. Mr. McNair stated that when the Calvary Temple Church bought the property the greenbelt was no longer needed as the church and the funeral home were compatible uses and could benefit one another with shared parking.

Bradford asked if Mr. Mowell owned the property in question and was told that he did. Lenox asked if a church owned the adjacent property and Cam McNair, City Planner, stated that they did and that the separation between the church and the residential area would still be fifty feet. McNair stated that by eliminating the buffer between the church and the funeral home, which were compatible uses, there could be shared parking. Reverend Don Barron, Calvary Temple Church, stated that the church did not object to the elimination of the buffer, that they felt the joint

parking would be worthwhile and stated that their only concern would be if the church would be required to put another buffer on the property. Price asked when the church would be built and was told by Reverend Barron that they were still trying to build the congregation and were unsure when the church would be constructed.

Lenox asked to hear from anyone opposing the variance. Mr. Jack Hansen, Robinson Bend subdivision, came forward and stated that his neighborhood was already dealing with concerns of water run-off from the church property and stated his concern that when the funeral home and the church were constructed and parking lot was paved, more of a problem would occur in his subdivision. Mr. Hansen stated that the City Engineer had told him that run-off control would be dealt with as the property was constructed but Mr. Hansen felt that eliminating the buffer would cause more of a problem. Mr. Charlie Switzer, 110 Whitfield Run, stated his concern about the water problem, increase of traffic on Robinson Road and stated that both properties should have limited access off Robinson Road. Mr. Switzer stated that the existing buffer would eliminate the funeral home patrons access to Robinson Road.

Mr. Paul stated that a hydraulics study would be done on the property and that a retention pond would likely be put in for water retention. Mr. Paul also stated that the terms of the zoning stated that there could be no access to Robinson Road from the Funeral Home. Mr. Paul stated that all that was being asked for was the removal of a buffer that was originally intended to buffer a residential subdivision from the Funeral Home property. Mr. Paul stated that since there would not be a residential subdivision built on the property now that it had been purchased by the Calvary Temple, the buffer was not necessary.

Mr. Don Thompson stated that the removal of the buffer would allow the funeral home access to Robinson Road which the Planning Commission had already denied. Mayor Lenox stated that Council was only considering the buffer between the two properties, but did say that a large curb could prevent access from the funeral home parking lot to Robinson Road.

Mayor Lenox asked if there was anyone else wishing to speak in opposition to the variance and hearing none called the public hearing closed and called for Council debate.

Brooks asked Mr. Paul why there would be a need to eliminate the buffer if a church was going to be built on the property. Mr. Paul stated that the funeral home could make better use of the site without the buffer. Brooks felt a walkway could be used through the buffer and by not eliminating it would protect the concerns of citizens in the adjoining subdivision.

Price stated that having been on the Planning Commission when the buffer was required, that the purpose of the buffer was to separate commercial use from residential use since the property adjoining the funeral home was residential. Price stated that since a church

had purchased the adjoining property that the two were very compatible uses. Price stated that denying access to Robinson Road was to eliminate the need for additional curb cuts on Robinson Road. Price stated that asking for the removal of the buffer they were asking for the ability to utilize their property within the OI classification. Price stated that they would be held to the standards and that she did not have a problem with the applicants request.

McMenamin stated that she agreed with Price and that she had no problem with the request for removal of the buffer.

Brooks stated that by providing a buffer the residents behind the area would be protected. Price asked for a clarification from Mr. McNair on where the residential property was. McNair stated that the residential property was adjacent to the church property and that a separation was accomplished by a buffer on the other side of the church property. McNair stated that an additional buffer on the Mowell property was not necessary and would take away the ability of the funeral home owner to utilize space on the property. Brooks was concerned that the church might not be built or that at some time the church might wish to sell the property. Reverend Barron assured Council that there was a covenant on the property that nothing but a church could be constructed on the property for twenty years and that the covenant ran with the land. Bradford asked McNair how close the church property could be built to the road for parking. McNair stated that there was no restriction. Bradford stated that he believed it should be twenty feet.

After more Council discussion McMenamin made a motion that the variance requested to eliminate the fifty foot buffer be granted. Bradford seconded the motion. Motion carried with Brooks voting nay and Lenox, McMenamin, Bradford and Price voting aye.

10-93-10 Public Hearing - Variance
Bob Adams Homes - Village Green

Mayor Lenox stated that the variance request by Bob Adams Homes for Village Green would be conducted as a public hearing and stated that each side would be allowed thirty minutes. Mayor Lenox asked to hear first from the applicant.

Mr. Bob Adams, Bob Adams Homes, came forward and stated that Village on the Green would be a seniors community with 34 single family homes with back driveways. Mr. Adams stated that he was requesting a variance from the ordinance which only allows two residences to access one private driveway. Mr. Adams stated that Council had approved the same type of a variance for Honeysuckle Ridge, a similar subdivision. Mr. Adams stated that the driveway would allow all homes rear garage access. Mr. Adams stated that the driveway would be maintained by the Homeowners Association.

Mr. Cam McNair, City Planner, came forward and stated that the project had gone through two Planning Commission meetings, that the

— developer had modified the site plan at the request of members of the Planning Commission and members of the public. McNair stated that the lots had been downsized. McNair stated that the driveways for which the variance was requested was an aberration of the zoning ordinance which did not recognize any street other than standard City streets or private driveways. McNair stated that since the area did not meet City street standards it had to be considered a driveway. McNair stated that according to City ordinance a driveway could not service any more than two residential lots. McNair stated that the request was to relieve the development of the definition of "driveway" and allow the private driveway to access more than two residential lots. McNair stated that a similar variance was approved for the Honeysuckle Ridge Subdivision and that City Staff recommended approval of the variance.

Price ask McNair how the Honeysuckle Ridge subdivision was doing with the back drive access to garages and McNair stated that it appeared to be well received and was an attractive subdivision.

— Lenox asked to hear from anyone wishing to speak in opposition to the variance. Mr. Bill Wheelock came forward and stated that he felt the subdivision would contain too many units and asked that Council reduce the number allowed. Mr. Wheelock stated that larger setbacks were needed and when looking at the layout and the alleyway driveway he felt it would be too congested and asked Council to deny the variance.

Bradford asked Mr. Adams what the distance would be from the garage door to the alley. Mr. Adams stated that the homes would have a two car garage and the distance from the drive to the garage would be twenty feet. Bradford asked who would maintain the alleyway and Mr. Adams stated that the homeowners association would be responsible for the maintenance.

Mayor Lenox stated that Mr. Wheelock's comments were not valid because the variance under consideration was not the number of units in the subdivision, only the rear access driveway. Lenox stated that he had driven through Honeysuckle Ridge and was pleased with the development.

— McMenamin stated that Honeysuckle Ridge was attractive and that a subdivision such as Village Green was needed for senior citizens. Brooks reminded the public that the zoning was R-12 and less dense than it could be. Brooks stated that he lived near Honeysuckle Ridge and had not found any problems associated with the rear driveway. Brooks made a motion to approve the variance for rear driveways for the Village Green. Price seconded the motion. Bradford stated his concern that the distance from the alley into the garage was only twenty feet and stated that he felt many cars would be parked in the alley since the driveways were not large enough to park cars in. Motion carried with Lenox, McMenamin, Brooks and Price voting aye and Bradford voting nay.

10-93-11 Resolution - Unfunded Mandates

City Manger Jim Basinger stated that the Georgia Municipal Association had asked each municipality to adopt a resolution observing National Unfunded Mandates Day on Wednesday October 27, 1993. Basinger stated that unfunded mandates by the State and Federal Governments continue to increase costs to the City of Peachtree City each year. Basinger stated that Council had before them a list of unfunded mandates affecting Peachtree City. Basinger stated that the Georgia Municipal Association was requesting that Council approve the resolution designating October 27, 1993 as National Unfunded Mandates Day. Basinger went over the resolution for the benefit of the public and stated that the resolution supported the passing of House Bill 10, introduced by Representative Dick Lane of East Point, and amendment to allow the voters of Georgia to end the unfair and costly unfunded mandates. Basinger also stated that in the resolution Peachtree City requests that Congress pass meaningful legislation to end the unfair practice of unfunded mandates. Basinger stated that staff recommended approval of the resolution.

McMenamin ask Council to consider an amendment to the resolution endorsing Senator Paul Coverdale's Bill 188 - Federal Mandate Act of 1993 and made a motion to approve the resolution with the amendment. Brooks seconded the motion.

Price stated that she had attended a session for the Georgia Municipal Association on unfunded mandates and that many of the mandates Peachtree City would do even if not mandated, but that there were limits and many items caused undue burdens on, not only Peachtree City but other Cities throughout Georgia and the United States. Price stated that she was in support of the resolution. Lenox stated that he agreed with Price, that most of the mandates required would be done by Peachtree City but that the burden could be cumbersome for cities. Basinger stated that at one time most of the mandates were paid for by the state or federal government. Basinger stated that now they had been passed back to the cities, but that they had kept the dollars that they generated in taxes to pay for the services. Basinger stated that staff's estimates of mandates were \$707,000 in ad valorem property taxes, resulting in 1.29 mills, which without those, the City could reduce the millage rate. Motion carried unanimously.

10-93-12 Amendments to Golf Cart Ordinance Gasoline Carts - Cost of Replacement Decals

City Manager Jim Basinger stated that Council had before them a proposed amendment to the recently enacted golfcart ordinance that was recommended by Police Chief Murray relating to the registration of gasoline carts being required to have an inspection done at a local cart dealer for emissions testing. Basinger stated that gasoline carts would need to be inspected every two years by a certified dealer and meet the standards set forth in the amendment. Basinger stated that it was staffs recommendation that Council

— approve the amendment. Basinger also explained that several citizens who have destroyed or damaged their decal had suggested that special provisions be made in the ordinance for replacing a decal without requiring them to pay the full fee of \$10.00. Basinger stated that Council also had before them a letter from Mr. Bob Konrad, requesting that Council enforce rules for pedestrians on the carpaths.

Lenox stated that he felt comfortable with the amendment to the ordinance concerning gasoline carts. Price stated that currently in Fayette County no emission testing of automobiles was required, but asked Police Chief Murray if that were to change if the golf carts would be covered under that law. Murray stated that since golf carts only applied to Peachtree City, they would not be required under state law to be checked.

McMenamin stated that in reference to Mr. Konrad's letter, she felt that most citizens were courteous on the cart paths and did not feel that Council could enforce common courtesy rules on the paths.

Price made a motion to adopt the ordinance amending to the golf cart ordinance relating to gasoline carts. McMenamin seconded the motion. Motion carried unanimously.

— After Council discussion it was decided that no action would be taken on Mr. Konrad's request and that the golf cart decals should still be replaced for a \$10.00 fee if the original was destroyed due to the administrative costs involved.

10-93-13 Cable T.V. Ordinance

City Attorney Rick Lindsey stated that the City had applied to the FCC to be a regulatory agency to regulate basic cable rates. Lindsey stated that the City was required by the FCC to adopt an ordinance agreeing to abide by the FCC regulations. Lindsey stated that it was recommended that Council adopt the ordinance so that a public hearing on standards could be held on November 18, 1993. Brooks made a motion to adopt the Cable T.V. Ordinance. Price seconded the motion. Motion carried unanimously.

10-93-14 Fayette County Water and Wastewater Plan

— City Manager Jim Basinger stated that Council had before them a Fayette County Water and Wastewater Plan that was presented by Atlanta Regional Commission representative, Michael Thomas, at the last meeting of the Association of Fayette County Governments. Basinger stated that the plan was prepared by the ARC and was the result of many months of work by representatives of all governmental entities in Fayette County. Basinger stated that former Mayor Fred Brown was the appointed representative from Peachtree City. Basinger stated that a special called meeting of the Association of Fayette County Governments was scheduled for November 9, 1993 and that it was staffs recommendation that Council adopt the plan so that Mayor Lenox could vote accordingly at the

meeting. Price made a motion to adopt the Fayette County Water and Wastewater Plan and authorize the Mayor to sign the resolution as

written by the Atlanta Regional Commission. McMenamin seconded the motion. Motion carried unanimously.

10-93-15 Surplus 9300 NCR Computer

City Manager Jim Basinger stated that it was staff's recommendation that Council declare the 9300 NCR Computer surplus and allow the staff to dispose or sell it to the highest bidder. Price made a motion to declare the 9300 NCR computer surplus and allow staff to dispose of it. McMenamin seconded the motion. Motion carried unanimously.

10-93-15 North Parkway Resolution

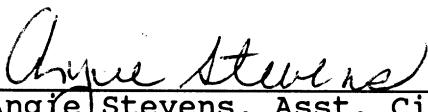
Councilmember Robert Brooks stated that for some time during Council retreats, Council had all agreed that they would not support the four-laning of Peachtree Parkway North. Brooks stated that many citizens, with the expansion of the north part of the City, were concerned that the Parkway would be four-laned. Brooks stated that he had prepared a resolution assuring that Council did not intend to support four-laning of the road and asked that Council sign the resolution to assure citizens of their intent.

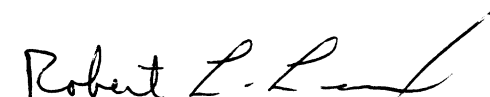
Although all the Council agreed that it was not their intention to support the four-laning of Peachtree Parkway North, it was felt that more work and input was needed on the wording of the resolution and Price made a motion that the item be tabled. McMenamin seconded the motion. Motion carried unanimously.

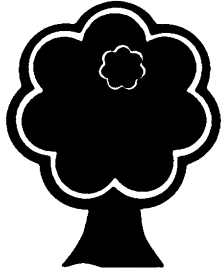
With no further business to come before Council Mayor Lenox made a motion that the meeting be recessed to be reconvened in executive session to discuss a real estate matter. McMenamin seconded the motion. Motion carried unanimously.

Executive Session

No action was taken in executive session and McMenamin made a motion that the meeting be adjourned at 10:15 p.m. Price seconded the motion. Motion carried unanimously.


Angie Stevens, Asst. City Clerk


Mayor Attest



Peachtree City

Georgia

RESOLUTION

UNFUNDED MANDATES

WHEREAS, In recent years, cities, counties and school systems have been burdened by a growing number of costly unfunded mandates imposed on them by the state and federal governments; and,

WHEREAS, these mandates have added to the financial hardships that some local governments are experiencing and have resulted in the need for many local governments to increase revenues or curtail services; and

WHEREAS, studies have shown these mandates consume one-fourth of most city, county and school budgets, costing \$1.2 billion in Georgia in 1991, meaning that these local dollars are used to fund state and federal priorities rather than local priorities; and

WHEREAS, these unfunded mandates are actually backdoor tax increases imposed by the General Assembly, the Congress and their regulatory agencies upon Georgia's local governments, which violate the principles of home rule and political accountability; and

WHEREAS, Senator Paul Coverdell has introduced Bill 11-88, the Federal Mandate Relief Act of 1993 which states passage or implementation of federal regulations without the appropriate funding to cover the cost of local government compliance will require a two-thirds majority vote; and

WHEREAS, Representative Dick Lane of East Point, Georgia, has introduced H.R. 10 in the Georgia General Assembly, which would place a Constitutional Amendment on the ballot in November of 1994 to allow the voters of Georgia the opportunity to decide whether or not they want to limit the unfair practice of unfunded state mandates; and

WHEREAS, these are numerous proposals before Congress to limit unfunded mandates and the burdensome regulations that accompany many federal laws.

WHEREAS, October 27, 1993, has been designated as National Unfunded Mandates Day in order to call attention to the severe problems that these mandates impose on cities, counties and school systems.

NOW, THEREFORE, BE IT RESOLVED, by the City of Peachtree City that the General Assembly is requested to pass H.R. 10, a Constitutional Amendment to allow the voters of Georgia the opportunity to end the unfair and costly practice of mandates without funding.

BE IT FURTHER RESOLVED, that the City of Peachtree City requests that Congress pass meaningful legislation to end this unfair practice of unfunded mandates, including reform of the regulatory process.

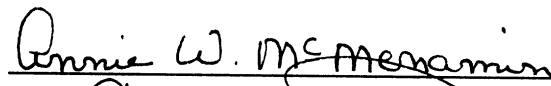
BE IT FURTHER RESOLVED, that the City of Peachtree City has proclaimed October 27, 1993 as "Unfunded Mandates Day in Peachtree City", in observance of National Unfunded Mandates Day.

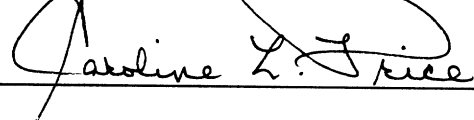


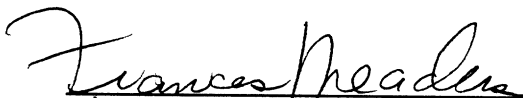
Mayor











City Clerk