

**MINUTES OF MEETING
CITY COUNCIL OF PEACHTREE CITY
OCTOBER 6, 1994
7:00 P.M.**

The City Council of Peachtree City met in regular session on Thursday Night October 6, 1994 at 7:00 p.m. in the City Hall Council Chambers.

Mayor Lenox led those in attendance in the pledge of allegiance. Present were Mayor Robert Lenox, Councilmembers Edward Bradford, Robert Brooks and Caroline Price. Councilmember Annie McMenamin was absent due to illness.

No items were added to the agenda.

Department Reports

Mayor Lenox announced that Department Reports for the month of September would be available at the meeting of October 20, 1994.

Minutes

Bradford made a motion that the minutes of the September 15, 1994 City Council meeting be approved as presented. Price seconded the motion. Motion carried unanimously.

New Agenda Items

10-94-1 Consider Change in Alcoholic Beverage License - The Classic Cue II

Mayor Lenox stated that The Classic Cue II had made application for a change in ownership and licensee and license representative. Mayor Lenox stated that Mr. Donald Vaughn, owner, and Ms. Dianne Massengale had made application to be the licensee and license representative and asked them to come forward.

Price asked Mr. Vaughn if he was familiar with the Peachtree City Alcoholic Beverage Ordinance and Mr. Vaughn stated that he was. Price stated that she did not see on the application that Mr. Vaughn had any experience in selling alcohol and Mr. Vaughn stated that he did not. Mayor Lenox asked Mr. Vaughn how long he had been running The Classic Cue II and Mr. Vaughn explained that he had purchased The Classic Cue II for his daughter and that due to unfortunate circumstances he felt the need to come in and take over the operation and that it had been approximately thirty days ago. Mayor Lenox asked Ms. Massengale if she worked at The Classic Cue II full time and Ms. Massengale stated that she worked in the evenings and that either she or Mr. Vaughn were always there during operating hours.

Mayor Lenox stated that he was not opposed to the change in the license, but wanted to mention that there had been many problems at The Classic Cue II requiring Police Department response.

Mayor Lenox stated that it was important that Mr. Vaughn get the situation under control and stated that they would like the Chief to review the calls to the establishment in three to six months. Mr. Vaughn stated that he did have a person on the payroll to assure that there were no problems and that there had not been any instances where the Police Department had been called since he took over.

Price made a motion to approve the change in ownership and licensee and license representative for The Classic Cue II. Bradford seconded the motion. Motion carried unanimously.

10-94-2 Public Hearing - Variance for Brady Residence - 410 Vanderwall

Mayor Lenox stated that the item to consider a variance for the Brady residence at 410 Vanderwall would be conducted as a public hearing and read the rules for a public hearing. Mayor Lenox established a time limit of thirty minutes for each side of the issue and asked to hear first from the applicant.

Mr. and Mrs. Mike Brady, came forward and stated that they had purchased property to build their home in Stoneybrook Plantation three years ago and gave a background of their twelve year history living in Fayette County. Mr. Brady stated that the home was well into construction when it was found that the surveyor had made a mistake in pouring the foundation and that the 12 x 12 spa room would encroach into the front setback on Haddington Lane. Mr. Brady introduced Mr. Bill Harrison, from Harris Design Associates, and stated that he was the architect for the home and could explain the reason for the request for a variance.

Mr. Bill Harrison stated that when the home was designed the 12 x 12 spa room was to be constructed 51 feet from the front setback on Haddington Lane but that the surveyor had made a mistake and when the foundation was poured and it encroached 6 1/2 feet into the setback. Mr. Harrison stated that the foundation was very expensive and it was not economically possible to alter the foundation at that point. Mr. Harrison stated that he and Mr. Brady, along with Jim Williams from City Staff, had looked at several alternatives to correct the problem. Mr. Harrison stated that all agreed that to make the room smaller or take off the breezeway, would be a detriment to the architecture of the home. Mr. Harrison stated that the front of the home that would face Vanderwall was set back from the road 148 feet and the back of the home fronting Thornhill was 320 feet. Mr. Harrison stated that the minimum required setback on all three fronts was 50 feet and all but the front on Haddington would exceed that requirement. Mr. Harrison stated that the home would only encroach into the setback along Haddington 6 1/2 feet which was very minor. Mr. Harrison stated that the room needed to remain as it was to protect the architecture of the home. Mr. Harrison went on to say that he felt the intent of the zoning ordinance was to preserve the beauty and integrity of Peachtree City. Mr. Harrison stated that the Brady residence was a unique home, in that it fronted three lots and stated that the room would be buffered by 18-20 foot magnolia trees and a brick privacy wall.

Mr. Joe Gale, Landscaper for the Brady residence, came forward and showed Council drawings of the home with the landscape buffering. Mr. Gale stated that the Brady's wanted privacy off the spa room and that the area would be heavily landscaped to have a garden like effect.

Brooks asked why the Brady's had waited five months after being notified of the violation to apply for a variance. Mr. Harrison stated that they had tried to look at alternatives that would prevent a variance request and when no solution could be found, they spent time speaking with neighbors to make sure they had no objection to the variance. Brooks stated that he was concerned that so much time had passed that the financial commitment was greater than it would have been five months ago. Mr. Harrison replied that once the foundation had been poured \$150,000 to \$200,000 had already been spent and could not be recovered. Mr. Harrison stated that no work had been done on the spa portion of the home since March.

Mr. Tom Forney, President of the Stoneybrook Plantation Homeowners Association, came forward and submitted a letter from the Homeowners Association to Council in support of the variance for the Brady Residence. Mr. Forney stated that the residence would add to the aesthetics of the subdivision and asked that Council approve the variance.

Colonel Mark Keeny, 503 Haddington Lane, came forward and stated that his home was the closest residence to the side of the Brady's home in question. Mr. Keeny stated that he was in support of the variance.

Mr. Brady stated that one of the suggestions staff had made was to omit the spa room and Mr. Brady stated that the spa room was needed off the master suite for two members of the family with medical problems.

Mayor Lenox asked to hear from anyone in opposition to the variance.

Mr. Cam McNair, City Engineer, came forward and stated that when the building plans were reviewed, it was noted that the front setback on Haddington Lane was going to be very close and a foundation survey was required. McNair stated that the Brady's were told on March 28, 1994 that work needed to stop until a solution was reached. McNair stated that Mr. Jim Williams had met with the Brady's to attempt to resolve the 6 1/2 foot encroachment and that Mr. Williams had suggested several alternatives, the first being to take off the breezeway portion of the structure, the second to locate the spa in a different area of the home or third to omit it from the structure. McNair stated that it was staffs position that in five months an alternative solution could have been found and that staff recommended denial of the variance.

Mr. Harrison stated that the error was discovered by a surveyor of lender, Wachovia Bank, not the Building Department and that the builder notified the Building Inspector that there was a problem and asked what should be done about it. Mr. Harrison stated that the builder was instructed by the building department that they could proceed on the rest of the home but not the part of the home encroaching into the setback. Mr. Harrison stated that they did attempt to find a solution to the problem but it was felt if the home was re-designed it would not have been as attractive and therefore substandard. Mr. Harrison went on to say that The Brady's had given a medical reason for needing the spa room located off the master suite and asked that Council grant the variance.

Mayor Lenox asked to hear from anyone else in opposition and hearing none called the public hearing closed and called for Council debate.

Price asked Mr. Harrison what the footage between the breezeway and the spa room was and Mr. Harrison stated that it was only two feet and that without the breezeway the home would still be in violation. Price stated that the presentation was thorough, but that when dealing with a variance request there were six requirements that needed to be met in order for a variance to be granted. Price stated that only two of the requirements could be met. Price stated that she did not see a hardship case and felt that by granting the variance it would be giving special privileges and that she could not support the variance.

Brooks stated that variance requests were difficult, that there were specific requirements in the law but he felt that support of the subdivision was important and that the Homeowners Association reviewed plans unlike most subdivisions. Brooks stated that he could support the variance because the Homeowners were in support of it, that otherwise he would not be able to support it.

Bradford stated that there would be a 12-15% encroachment into the setback and agreed with Price that all conditions to grant a variance could not be met. Bradford stated that he could not support the variance.

Mayor Lenox stated that he felt the property was unique with 3 front setbacks and felt that care had been taken to avoid error from the beginning. Mayor Lenox stated that upon discovery of a violation, it would have been too expensive to move the foundation. Mayor Lenox stated that he did not feel it was anyone's intent to encroach into the setback, and that he would not have been able to support the variance if the neighbors had been against it. Mayor Lenox stated that he felt a variance was the right approach due to the unique lot and the support of the neighbors and that he would support the variance.

Bradford stated that there were many homes in Peachtree City that fronted three streets and he did not feel the situation to be unique.

Brooks made a motion to continue the item for 2 weeks to the meeting of October 20, 1994 so a full Council could be present. Price seconded the motion. City Attorney Jim Webb asked if the Brady's would state their agreement to the continuance. The Brady's stated that they were in agreement to continue the hearing to October 20, 1994. Motion carried unanimously.

10-94-3 Public Hearing - Variance - Exposaic Industries, 300 Dividend Drive

Mayor Lenox stated that the item to consider a variance for 300 Dividend Drive would be conducted as a public hearing and asked the representative for Exposaic Industries to come forward. Mr. Ed Koons, representative for Exposaic, stated that they wished to request a continuance to explore other alternatives. Price made a motion that the public hearing to consider a variance for Exposaic Industries be continued to the meeting of November 17, 1994. Bradford seconded the motion. Motion carried unanimously.

10-94-4 Consider Bids - Fuel System

City Manager Jim Basinger stated that the automated fuel management system located at Public Works had been damaged by lightening and was scheduled for replacement in 1996. Basinger stated that after obtaining repair costs, staff had determined that it would not be economically feasible to repair the system. Basinger stated that bids were solicited from 4 petroleum equipment dealers to replace the system and the bids were as follows:

1. Watkins Omega, Inc.
 East Point, GA

Petro Vend K800	\$10,813.00
Less Trade in allowance	405.00
 Total	 \$10,428.00

2. Equipment Products Assoc, Inc.
 Atlanta, GA

Petro Vend K800	\$12,375.00
Less Trade in allowance	125.00
 Total	 \$12,250.00

3. American Petroleum Equipment & Const, Inc.
 Atlanta, GA

Petro Vend K800	\$12,848.00
Less Trade in allowance	100.00
 Total	 \$12,748.00

4. Optimum Energy Resources
 Atlanta, GA

Petro Vend K800	\$12,865.00
Less Trade in allowance	100.00
 Total	 \$12,765.00

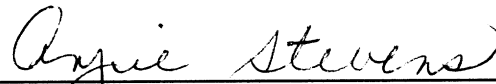
Basinger stated that staff recommended replacing the system and that the bid be awarded to Watkins Omega, Inc., the low bidder, in the amount of \$10,428 and that the Petro Vend Kardgard 3000E Fuel Management System be declared surplus to be used as a trade-in. Basinger stated that staff recommended that \$5,000 come from the City's Self Insurance Fund and that the remaining \$5,428 be taken from the Public Works Three Bay Facility Line Item.

Bradford asked if the new system would be protected from lightening and Colin Halterman, Director of Public Services stated that the new system would be better grounded, but did not have a guarantee if it would take a direct hit. Bradford asked that staff look into putting up lightening rods into the canopy covering the system. Price made a motion to award the bid for supplying an Automated Fuel Management System to the low bidder, Watkins Omega, Inc. in the amount bid of \$10,428.00 and that the system damaged by lightning be declared as surplus to be used as a trade and that the funding sources be \$5,000 from the City's self insurance fund, and \$5,428 from the Public Works Three Bay Facility Line Item. Bradford seconded the motion. Motion carried unanimously.

There being no further business to come before Council, Mayor Lenox made a motion that the meeting be recessed to be reconvened in executive session to discuss a legal mater and a real estate matter. Bradford seconded the motion. Motion carried unanimously.

Executive Session

No action was taken in executive session and Price made a motion that the meeting be adjourned at 9:00 p.m. Bradford seconded the motion. Motion carried unanimously.



Angie Stevens, Asst. City Clerk



Mayor

Attest: