

City Council of Peachtree City
Minutes of Meeting
October 5, 2000
7:00 p.m.

The City Council of Peachtree City met in a regular session, Thursday, October 5, 2000, at 7:00 p.m. in the City Hall Council Chambers. Mayor Protem Annie McMenamin led those attending in the pledge of allegiance. Other Council members present were: Carol Fritz, Dan Tennant and Bob Brooks. Mayor Robert Lenox was absent due to a trip to Australia.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Cecelia Eifert, Commission on Children and Youth Commissioner and Youth Advisory Board (YAB) Advisor, recognized 20 teens who serve on the YAB.

MINUTES

Brooks made a motion to approve the minutes of the August 17, 2000, as presented. Tennant seconded the motion. Motion carried unanimously.

Fritz asked that the minutes of September 20th be amended to reflect that she was absent so that she could attend the Regional Leadership Institute. Brooks made a motion to approve the minutes of the September 20, 2000, as amended. Tennant seconded the motion. Motion carried with Fritz abstaining.

CONSENT AGENDA

1. Approve Surplus Items for Auction
2. Consider Bid – Riley Track and Field
3. Consider Resolution - Establishment of a Community Greenspace Trust Fund

Brooks made a motion to approve the consent agenda items. Tennant seconded the motion. Motion carried unanimously.

OLD AGENDA ITEMS

09-00-01 Consider Ordinance – Outside Storage Display

At the request of staff, Brooks made a motion to table this item until the meeting on October 19, 2000. Tennant seconded the motion. Motion carried unanimously.

NEW AGENDA ITEMS

10-00-01 Consider Alcohol License – Sushi Yoshi, 285 Hwy 74 N

Brooks made a motion to approve an application for an alcoholic beverage license for Sushi Yoshi, a new Japanese restaurant to be located at 285 Highway 74 North, and to appoint Ms. Atsuko Maeda as the Licensee and License Representative. Tennant seconded the motion. Motion carried unanimously.

10-00-02 Public Discussion of the Lexington Commons Commercial Development at the Walt Banks/SR-54 Intersection

The City Manager, Jim Basinger, explained that at the last meeting Mayor Lenox announced he had been advised by Bob Adams that he had been unable to secure the financing necessary to develop the property located at the corner of Walt Banks Road and Highway 54 in accordance with the limited use conditions the City had imposed. It was felt that too much retail space was included in the LUC zoning when compared to the amount of retail space currently in place or under construction in Peachtree City. Adams wanted to reduce the amount of retail space and increase the number of apartments on the site. Mr. Adams' option to purchase the property would expire in December 2000, and if it did, the property would revert back to its previous zoning. Since the City had been involved in a fourteen-year legal battle concerning the property, Mayor Lenox announced at the last meeting that he had made an executive decision to instruct the Director of Developmental Services, Jim Williams, to gather all the necessary information on Mr. Adams' proposed revisions to the LUC zoning. Basinger explained that if Council agreed to consider the revisions, the first step would be to consider lifting the moratorium on multi-family zoning at the October 19th Council meeting. If Council lifted the moratorium, the rezoning request could be heard by Council at the November 2, 2000, meeting.

Jim Williams gave Council an overview of the revised proposed project.

Brooks felt that the proposed development should not be considered as apartments, but as a mixed-use development. He felt the development of the proposed project was very important to the surrounding neighbors and that it would reduce traffic. He said the adjacent neighborhood association was supportive of the development and they were concerned that the property could revert back to its previous zoning.

Tennant asked if the development would consist of apartments or condominiums. He said he had been told the final decision would be market driven. Brooks felt Tenant's concerns were related to homeowner involvement and the impact on traffic and the school system. Brooks felt it was important to allow the proposed plan back into the process for further study.

McMenamin said a considerable amount of tax dollars had already been spent on the property and she felt it would be a mistake not to try and salvage the progress that had been made before the property and zoning reverted back to Mr. Lassiter.

Brooks made a motion to instruct staff to hold a public hearing on October 19, 2000, to consider lifting the moratorium on multi-family/apartment development in respect to the Lexington Commons project and no other project. Fritz seconded the motion. Motion carried unanimously.

10-00-03 Public Hearing – Set Millage Rate

Basinger explained that at the last meeting Council elected to rollback the millage rate at 3.84 mills. He said that action needed to be reaffirmed to meet state advertising requirements. McMenamin asked if there were any comments from the audience concerning the millage rate. There were none. Brooks made a motion to set the LOST rollback rate at 4.296 mills, the gross

— millage rate at 8.132 mills and net millage rate at 3.836 mills. Fritz seconded the motion. Motion carried unanimously.

10-00-04 Discussion - Inspections of Public Pools – no action

Robert Kurbis from the Fayette County Environmental Health Department addressed Council and reviewed a new law that required the inspections of public pools. He said the state law specifically excluded apartment, subdivision and country club pools, which were the largest source of complaints to his office. He explained that unless local governments adopted their own legislation governing the inspection of such pools by December 31, 2000, the new state law must be enforced. Kurbis said the Fayette County Board of Health was considering such local legislation, and if adopted by the County, he would ask Peachtree City to also adopt it so that it could be enforced in the municipal court system. He said he would return to Council with the proposed ordinance after it was adopted by the County.

Brooks asked if the state was providing funding for the enforcement of the new law. Kurbis said it did not. He said by excluding the biggest complaint producers (apartments, subdivision, and country club pools) the law allowed those facilities to utilize the County as courtesy pool inspectors with no enforcement ability. Kurbis said the proposed local ordinance would require those facilities to follow the same fee schedule for permits and inspections as the other pools.

— Fritz asked Jim Williams, Director of Developmental Services, for comments. Williams said the Building Official had reviewed the proposed ordinance and was prepared to submit the necessary ordinance amendments for adoption. Williams said existing pools would be required to follow the operational procedures of the pools, but structural or design changes would not be required. He said a plan review process would be required for new pools.

10-00-05 Discussion – Process for Filling Authority/Commission Vacancies

Tennant addressed Council with his concerns about the process for filling vacancies on authorities and commissions. Tennant admitted he was ignorant of the facts and assumed that because Willis Granger was not selected to serve a second term on the Planning Commission he had not reapplied. Tennant said he voted to accept Mr. Payton's nomination without having all of the facts presented to him. Tennant said he understood that it was his own fault that he did not have all of the facts and he accepted most of the blame for voting the way that he did. He said it seemed that at times, unless he asked all of the right questions at City Hall, he would not get vital information he needed to make informed decisions.

— Tennant felt Mr. Granger was a known commodity who reflected the values and feelings of the citizens of Peachtree City. He said Granger had strong convictions about preserving Peachtree City's lifestyle by opposing annexation, high density, big boxes, etc. and he was known to vote on the side of ordinary homeowners and not the side of the development community. Tennant felt Granger was not recommended for reappointment by the selection committee (comprised of Mayor Bob Lenox, Councilman Annie McMenamin and City Manager Jim Basinger) because of those convictions. He felt Mr. Granger was denied serving due to political retribution for taking a strong stand. He believed that Lenox and McMenamin saw to it that a known commodity was brushed aside in favor of someone who might possibly be a little more sensitive to the needs and the wishes of the development community. Tennant said he did not know the candidate who was

— selected, but he felt it was obvious that the selection committee felt a new presence on the Planning Commission was needed. Tennant felt it was interesting that two members on the Development Authority were serving on their third six-year term and one member was serving his fifth six-year term.

Tennant clarified that he was not upset because Granger was not reappointed, but that he said he was upset that he was not informed of who the candidates were and that the appointment procedure was not properly followed. He suggested the following changes be made to the ordinance or procedures:

1. Names of all applicants for commission/authorities be made public in the legal organ and City UPDATE.
2. The selection committee be comprised of the City Manager and two members of Council to be rotated in an orderly and routine manner so that no Councilmember can pick or choose which committee he or she serves and to preclude the Mayor from unilaterally using his authority to appoint himself to serve on a committee of his choice
3. All members of Council receive a copy of each candidate's application prior to voting on the appointment and that all members are provided a summary page with information about each application
4. A maximum two-term limit be imposed on board, authority and commission appointments.

— He felt it should be a proactive presumption that Councilmembers are kept informed of vital matters rather than a reactive game of twenty questions.

Fritz said Tennant had known for three weeks that she was looking at the process and he never called to ask what she had learned or for her opinion on the issue. She said she had consulted with the City Attorney, GMA, and State Solicitor General in Fayette County, Steve Harris. She said the bottom line was that there was no problem with the process. She said the Open Meetings Law was vague as to whether or not the interviews should be held in an open meeting. She suggested getting clarification on the law and obtaining an opinion from the Attorney General. Until the law could be clarified, she felt the interviews should be held in an open meeting. She also recommended advising the applicants of the dates scheduled for interviews at the time they submit their application because she understood there were problems with scheduling interviews. She also recommended including a timeframe of when the interviews would be taking place on the application because she understood there were problems with scheduling interviews. -Fritz said she was offended by Tennant's allegations that there was a conspiracy to keep Mr. Granger from being reappointed. She said she was interested in the applications and took the initiative to request the information. She said there were very qualified applicants who submitted applications and they should not have been dismissed because Granger reapplied for the position. She was not in favor of changing the process.

— A heated discussion ensued between Fritz and Tennant. Brooks interjected his comments on the issue. He felt it was important to be careful of applicants' feelings because they were volunteering to serve. He also felt that reappointments to commissions/authorities should not be automatic because it would deter future applicants. He also felt that Tennant should have taken the initiative to be more informed and said Tennant was "asleep at the wheel". Brooks pointed out that the nominating committee did not make the final recommendation, but in fact Council made the decision, including Mr. Tennant. Brooks said he wished Tennant had discussed his concerns with

him or another member of Council, so that they would not have had to read about it on the front page of the newspaper. Tennant felt the issue should be discussed in a public forum and not privately.

McMenamin felt Lenox was very generous in allowing Councilmembers to volunteer to serve on the selection committees. She felt they should continue to volunteer because there would be times that someone would not be able to serve. She noted that she had to fill in for Tennant when he was not available to conduct interviews. McMenamin said she was not offended by Tennant's comments because she knew what really happened. She assured the public that there was no prior discussion about any applicant, and she was not aware of how Mr. Granger voted on any particular item. She explained the factors that went into the selection process. She felt it worked well. She said she was sorry that Tennant mistrusted her, Lenox and Basinger. Tenant said he did not distrust Basinger.

Tennant made a motion to reconsider the Planning Commission appointment at the November 2, 2000 meeting. Motion died from a lack of a second.

COUNCIL/STAFF TOPICS

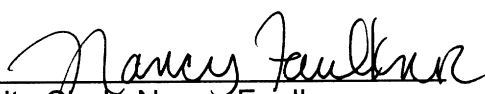
Staff briefed Council on a commercial rezoning issue that was before the County Commission regarding property located on Highway 74 South adjacent to the city limits. Staff felt that the City needed to have a strong representation at the County's public hearing on the issue. McMenamin asked Williams to be prepared to speak for the Council at the hearing and voice their opposition to the rezoning.

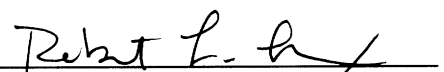
Staff informed Council that the Fayette County Jail had exceeded its capacity. The County asked the City to consider allowing defendants to post bonds without going to jail and waiting 72 hours for a bond hearing. They also asked that other punishments be considered in lieu of jail time for some cases. Lindsey said that 90% of the City's probation cases resulted in a probation violation for which he normally recommended jail time. The new jail facility should be complete in two years.

McMenamin instructed the City Attorney to investigate the legality of limiting term limits for commission and authority members so that Council could discuss the issue at the November 2nd Council meeting.

McMenamin said that while Council may disagree and have heated discussions from time to time, she did not feel they would ever lose the common vision to protect the health, safety and welfare of the citizens, and they would continue to work in that direction.

Brooks made a motion to adjourn the meeting. Fritz seconded the motion. Motion carried unanimously and meeting adjourned at 8:30 p.m.


City Clerk, Nancy Faulkner

Attest: 
Mayor Robert L. Lenox